



CITY of CLOVIS

AGENDA • CITY COUNCIL MEETING

Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2060
www.cityofclovis.com

October 19, 2020

6:00 PM

Council Chamber

In compliance with the Americans with Disabilities Act, if you need special assistance to access the City Council Chamber to participate at this meeting, please contact the City Clerk or General Services Director at (559) 324-2060 (TTY – 711). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Council Chamber.

SPECIAL NOTICE REGARDING PUBLIC PARTICIPATION DUE TO COVID-19

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

- The meeting will be webcast and accessed at: <https://cityofclovis.com/government/city-council/city-council-agendas/>

Written Comments

- Members of the public are encouraged to submit written comments at: <https://cityofclovis.com/government/city-council/city-council-agendas/> at least two (2) hours before the meeting (4:00 p.m.). You will be prompted to provide:

- Council Meeting Date
- Item Number
- Name
- Email
- Comment



- Please submit a separate form for each item you are commenting on.
- A copy of your written comment will be provided to the City Council noting the item number. If you wish to make a verbal comment, please see instructions below.
- Please be aware that any written comments received that do not specify a particular agenda item will be marked for the general public comment portion of the agenda.

- If a written comment is received after 4:00 p.m. on the day of the meeting, efforts will be made to provide the comment to the City Council during the meeting. However, staff cannot guarantee that written comments received after 4:00 p.m. will be provided to City Council during the meeting. All written comments received prior to the end of the meeting will be made part of the record of proceedings.

Verbal Comments

- If you wish to speak to the Council on an item by telephone, you should contact the City Clerk at (559) 324-2060 no later than 4:00 p.m. the day of the meeting.
- You will be asked to provide your name, phone number, and your email. You will be emailed instructions to log into Webex to participate in the meeting. Staff recommends participants log into the Webex at 5:30 p.m. the day of the meeting to perform an audio check.
- All callers will be placed on mute, and at the appropriate time for your comment your microphone will be unmuted.
- You will be able to speak to the Council for up to three (3) minutes.

Webex Participation

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

CALL TO ORDER

FLAG SALUTE - Councilmember Flores

ROLL CALL

Public Comments - This is an opportunity for the members of the public to address the City Council on any matter within the City Council's jurisdiction that is not listed on the Agenda. In order for everyone to be heard, please limit your comments to 5 minutes or less, or 10 minutes per topic. Anyone wishing to be placed on the Agenda for a specific topic should contact the City Manager's office and submit correspondence at least 10 days before the desired date of appearance.

ORDINANCES AND RESOLUTIONS - With respect to the approval of resolutions and ordinances, the reading of the title shall be deemed a motion to waive a reading of the complete resolution or ordinance and unless there is a request by a Councilmember that the resolution or ordinance be read in full, further reading of the resolution or ordinance shall be deemed waived by unanimous consent of the Council.

CONSENT CALENDAR - Items considered routine in nature are to be placed upon the Consent Calendar. They will all be considered and voted upon in one vote as one item unless a Councilmember requests individual consideration. A Councilmember's vote in favor of the Consent Calendar is considered and recorded as a separate affirmative vote in favor of each action listed. Motions in favor of adoption of the Consent Calendar are deemed to include a motion to waive the reading of any ordinance or resolution on the Consent Calendar. For adoption of ordinances, only those that have received a unanimous vote upon introduction are considered Consent items.

1. Administration - Approval - Minutes from the October 5, 2020 and October 12, 2020 Council Meetings.
2. Administration - Approval – Request From California Classic Cares For Temporary Street Closure To Hold A 5K Running Event on November 14, 2020.
3. Finance - Approval – Res. 20-____, A Resolution of Intention (ROI) to Annex Territory (Annexation #64) (T6123 and T6182-Northwest Corner of Shaw and Highland), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for December 7, 2020.
4. General Services – Approval – Res. 20-____, Amending the City's FY 2020-2021 Position Allocation Plan by adding one (1) Civil Engineer Position and one (1) Maintenance Worker Position within the Public Utilities Department.
5. Planning and Development Services – Approval – Res. 20-____, A Resolution authorizing the City Engineer to apply for and receive 2021 Regional Competitive Active Transportation Program Funds through the Fresno Council of Governments
6. Public Utilities – Approval – Contract Award for Landscape Maintenance District in LMD Zone 1, LMD Zone 2, LMD Zone 3, LMD Loma Vista, General Fund Right-of-Way, General Fund Miscellaneous, Fire Stations Landscaping, and K-9 Training Facility.

PUBLIC HEARINGS - A public hearing is an open consideration within a regular or special meeting of the City Council, for which special notice has been given and may be required. When a public hearing is continued, noticing of the adjourned item is required as per Government Code 54955.1.

7. Consider items associated with a request to approve a rezone of approximately 30 acres of property located near the northeast corner of Clovis and Dakota Avenues to be consistent with the underlying General Plan designation of MU-V (Mixed Use Village). Clovis-Dakota, LLC, property owner; Don Pickett & Associates, Inc., applicant; Nick Crawford, representative.
 - a. Consider Approval - Res. 20-____, A request to adopt an environmental finding of a Mitigated Negative Declaration for Rezone R2020-003.
 - b. Consider Introduction - Ord. 20-____, R2020-003, A request to rezone approximately 30 acres from the C-2 (Community Commercial), M-1 (Light Industrial), M-2 (Heavy Industrial), and R-2 (Multifamily Medium-High Density Residential) Zone Districts to the C-M (Commercial and Light Manufacturing) Zone District.

Staff: Ricky Caperton, AICP, Senior Planner

Recommendation: Approve

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

a. Consider Approval – Res. 20-____, GPA2020-002, A request to amend the Shaw Avenue Specific Plan to permit drive-thru uses for this specific site.

b. Consider Approval - Res. 20-____, CUP2020-003, A request to amend the adopted use schedule for the P-C-C (Planned Commercial Center) to allow for a drive-thru use and to allow for an approximately 3,300 square foot drive-thru restaurant use.

Staff: Ricky Caperton, AICP, Senior Planner

Recommendation: Approve

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

a. Consider Approval - Res. 20-____, TM6339, A request to approve a vesting tentative tract map to include 50-lots and an outlot, and superseding two previously approved tentative maps TM6134A & TM6264.

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

Staff: Dave Merchen, City Planner

Recommendation: Approve

10. Consider Actions related to Annexation of Territory (Annexation #2, Tract 6284-Southeast Corner of Teague and Sunnyside) to the City of Clovis Community Facilities District No. 2020-1 (Dry Creek Preserve Sewer Facilities and Services). The staff report for the Resolution of Intention had a non-substantive discrepancy in the description of the property which did not affect this annexation process and has been corrected in the Resolution of Annexation report.

a. Consider Approval - Res. 20-____, A Resolution annexing territory (Annexation #2) (Tract 6284-Southeast Corner of Teague and Sunnyside) to the City of Clovis Community Facilities District No. 2020-1 (Dry Creek Preserve Sewer Facilities and Services) and calling a special landowner election to annex territory (Annexation #2) to City of Clovis Community Facilities District No. 2020-1 (Dry Creek Preserve Sewer Facilities and Services).

b. Consider Approval - Res. 20-____, A Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2020-1 (Dry Creek Preserve Sewer Facilities and Services).

Staff: Gina Daniels, Assistant Finance Director

Recommendation: Approve

11. Consider Introduction - Ord. 20-____, OA2020-003, A request to amend the Clovis Municipal Code to clarify and refine Section 9.18.050 – Regional Housing Needs (RHN) Overlay District and to establish a ministerial process to subdivide parcels that qualify for development pursuant to the RHN Overlay District. City of Clovis, applicant. (Continued from the October 12, 2020 meeting.)

Staff: Dave Merchen, City Planner

Recommendation: Approve

COUNCIL ITEMS

12. Consider – Consideration Of Design Of City Of Clovis Challenge Coin. (Continued from the October 12, 2020 meeting.)

Staff: Mayor Bessinger

Recommendation: Consider

WORKSHOP - For the Clovis City Council to conduct a workshop to discuss the impact on ongoing City operations during the COVID-19 State of Emergency as declared by the Federal Government, State of California, County of Fresno, and City of Clovis; and to explore actions the City may take in response to the crisis.

CITY MANAGER COMMENTS

COUNCIL COMMENTS

ADJOURNMENT

MEETINGS AND KEY ISSUES

Regular City Council Meetings are held at 6:00 P.M. in the Council Chamber. The following are future meeting dates:

Nov. 2, 2020 (Mon.)
Nov. 9, 2020 (Mon.)
Nov. 16, 2020 (Mon.)
Dec. 7, 2020 (Mon.)
Dec. 14, 2020 (Mon.)
Dec. 21, 2020 (Mon.)

CLOVIS CITY COUNCIL MEETING

October 5, 2020

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Bessinger
Flag Salute led by Councilmember Whalen

Roll Call: Present: Councilmembers Ashbeck, Flores, Mouanoutoua, Whalen
Mayor Bessinger
Absent: None

PRESENTATIONS

ITEM 1 - 6:03 PRESENTATION OF PROCLAMATION CONDEMNING RACISM, DISCRIMINATION, BIGOTRY, BIAS, AND HATE SPEECH IN OUR COMMUNITY

City Council read a proclamation into the record condemning racism, discrimination, bigotry, bias, and hate speech in our community.

ITEM 2 – 6:23 - PRESENTATION AND UPDATE ON THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED SENIOR MEAL PROGRAM

General Services Manager Amy Hance presented an update on the Community Development Block Grant funded senior meal program.

CONSENT CALENDAR – 6:43

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, that the items on the Consent Calendar be approved. Motion carried by unanimous vote.

- 3. Administration - Approved - Minutes from the September 14, 2020 and September 21, 2020 Council Meetings.
- 4. Fire – Approved – **Res. 20-130**, Amending the 2020-2021 FY Public Utilities and General Services budget to allocate funds for the purchase of four (4) command vehicles for the Fire Department, waive the formal bidding requirements, and authorize the purchase of four (4) Ford F250 3/4 Ton Crew Cab Pickups and associated equipment to outfit the vehicles.
- 5. General Services - Approved – **Res. 20-131**, Renewing Medical Plan Options for Eligible Retirees and Restating the Eligibility Requirements for Participation in the Plan.
- 6. Planning and Development Services - Approved – Bid Award for CIP 19-10, Sidewalk Improvements – W. Rialto and Villa Avenues; and Authorize the City Manager to execute the contract on behalf of the City.
- 7. Planning and Development Services – Approved – Final Acceptance for Final Map for Tract 6080, located at the southwest area of Ashlan and Highland Avenues (Ashlan/Highland No. 1, LP – McCaffrey Homes).

8. Planning and Development Services - Approved - Final Acceptance for CIP 18-10 Armstrong Avenue Reconstruction
9. Planning and Development Services - Approved - Final Acceptance for CIP 18-13, Sunnyside Avenue Street Improvements.
10. Police – Approved – **Res. 20-132**, Amending the 2019-20 Police Department Budget to reflect the award of the Edward Byrne Memorial Justice Assistance Grants (JAG) Program in the amount of \$15,431.
11. Police – Approved – **Res. 20-133**, Amending the Police Department’s Budget for FY 2020-2021 to reflect the award from the Office of Traffic Safety Selective Enforcement Traffic Program Grant in the amount of \$75,000.00 and the Office of Traffic Safety Traffic Records Improvement Project in the amount of \$51,800.00.

PUBLIC HEARINGS

ITEM 12 – 6:45 - APPROVED – **RES. 20-134**, AMENDING THE CITY’S MASTER ADMINISTRATIVE FEE SCHEDULE TO ELIMINATE CLOVIS TRANSIT FARES.

General Services Manager Amy Hance presented a report on a request to approve a resolution revising the City’s Master Administrative Fee Schedule to eliminate Clovis Transit fares. Staff proposes a change to the City’s Master Administrative Fee Schedule with the elimination of Clovis Transit bus fares for Stageline fixed-route service and Round Up paratransit service. Currently, Clovis Transit charges \$1.25 per passenger for Stageline service, and \$1.25 to \$2.75 per passenger for Round Up service depending upon the destination. Children under 6 years of age, adults 65 and over, and passengers with disabilities and their attendants ride for free.

Clovis Transit receives annual Transit Development Act (TDA) Funding allocations through two separate programs: State Transit Assistance (STA) and Local Transit Funding (LTF). STA is funded through a statewide excise tax on diesel fuel and LTF funding comes from a statewide retail sales tax allocation. As an efficiency metric, TDA requires Clovis Transit to maintain a farebox ratio recovery formula which is a set percentage of total operation costs of the service. The Stageline bus service is required to maintain a 20% farebox recovery ratio, and Round Up bus service has a 10% farebox recovery ratio requirement. Historically, Clovis Transit has never met the required TDA farebox recovery ratio and has used local Measure C funds to supplement farebox revenue to meet the State requirement. Currently, the revenue collected from fares represents between 2% - 4% of the operational costs associated with providing public transit services. The process to collect, count, and secure the cash requires multiple employees over several days, and over 1,100 work hours each year. This is equivalent to at least one part-time employee. In addition, bus pass sales, contract maintenance for student fares with local educational institutions and regional service centers, and required external revenue tracking increases the time spent managing the revenue.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Whalen, seconded by Councilmember Mouanoutoua, for the Council to approve a resolution revising the City’s Master

Administrative Fee Schedule to eliminate Clovis Transit fares. Motion carried by unanimous vote.

ITEM 13 – 7:12 - APPROVED – **RES. 20-135**, ACCEPTING THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT AWARD IN THE AMOUNT OF \$3,989,655 TO STAFF NINE (9) FIREFIGHTERS FOR A PERIOD OF THREE (3) YEARS AND AMENDING THE 2020 – 2021 FY CITY BUDGET AND POSITION ALLOCATION FOR THE REQUIRED ADDITIONAL FIRE PERSONNEL.

Fire Chief John Binaski presented a report on a request to approve a resolution for Council to accept the Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of \$3,989,655 to staff nine (9) firefighters for a period of three (3) years and amend the 2020-2021 FY Fire Department Budget and Position Allocation to reflect the additional firefighter positions funded by the grant. The Clovis Fire Department applied for the Staffing for Adequate Fire and Emergency Response (SAFER) grant to fully fund nine (9) firefighter positions across three (3) shifts in preparation for opening Fire Station 6 to serve the southeast growth area of Loma Vista. The grant fully funds the positions for a total of three (3) years. During the grant performance period we will be prohibited from laying off any firefighters and funds cannot be used to fund overtime. Commitment of the policy group, City Council, is required in order to accept the award. There are costs associated with staffing our 6th fire company that are not covered by this grant award. The SAFER Grant will fund nine (9) firefighters for three (3) years, but this will not meet the proper apparatus staffing requirements as outlined in the current MOU with the Clovis Firefighters Association (CFFA). Meeting industry best practices and the CFFA MOU will require the Department to add three (3) fire captains and three (3) fire engineer positions to our current Position Allocation Plan.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a resolution for Council to accept the Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of \$3,989,655 to staff nine (9) firefighters for a period of three (3) years and amend the 2020-2021 FY Fire Department Budget and Position Allocation to reflect the additional firefighter positions funded by the grant. Motion carried by unanimous vote.

ITEM 14 – 7:25 - APPROVED – **RES. 20-136**, ACCEPTING THE ASSISTANCE TO FIREFIGHTER GRANT (AFG) AND AMENDING THE 2020-2021 FY CITY BUDGET TO REFLECT \$144,147.27 IN GRANT FUNDING AWARDED TO FUNDING THE PURCHASE OF SOURCE CAPTURE EXTRACTION SYSTEMS (SCES) FOR CITY FIRE STATIONS.

Fire Chief John Binaski presented a report on a request to approve a resolution accepting the AFG grant and amending the 2020-2021 City Budget to reflect the AFG grant funding for the purchase of a specialty exhaust system for the City fire stations. The Clovis Fire Department applied for the Assistance to Firefighter Grant (AFG) to fund Source Capture Exhaust Extraction Systems (SCEES) that remove the harmful vehicle exhaust particulate matter from the apparatus bay areas. Parts are no longer available for the 15 year old systems currently installed in the fire stations and attempts to fabricate have been

unsuccessful to keep them operational and up to Cal OSHA standards. In order to prevent Fire Department staff from exposure to carcinogens, the City needs to update the equipment. In order to maintain firefighter health and safety and meet Cal OSHA standards, AFG funding was sought to replace the extraction systems at the fire stations. There is a cost share commitment of \$14,414.73 which is currently budgeted in the 2020-2021 FY Budget for General Government Facilities. Commitment of the policy group, City Council, is required in order to accept the award.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a resolution accepting the AFG grant and amending the 2020-2021 City Budget to reflect the AFG grant funding for the purchase of a specialty exhaust system for the City fire stations. Motion carried by unanimous vote.

ITEM 15A – 7:29 - APPROVED – WAIVE THE CITY’S FORMAL BIDDING REQUIREMENTS AND AUTHORIZE THE SOLE-SOURCE PURCHASE OF ONE PIERCE TRIPLE COMBINATION PUMPER FIRE APPARATUS FROM GOLDEN STATE FIRE APPARATUS IN SACRAMENTO, CA FOR A TOTAL PURCHASE PRICE OF \$748,277.25; AND ITEM 15B - APPROVED – RES. 20-137, AMEND THE PUBLIC UTILITIES DEPARTMENT AND GENERAL SERVICES BUDGET TO PROVIDE FUNDING FOR THE PURCHASE OF ONE PIERCE TRIPLE COMBINATION PUMPER FIRE APPARATUS.

Fire Chief John Binaski presented a report on various actions associated with the acquisition of fire apparatus. John Binaski indicated that staff was recommending Council waive the City’s formal bidding requirements and authorize the sole-source purchase of one Pierce Triple Combination Pumper Fire Apparatus from Golden State Fire Apparatus in Sacramento, CA for a total purchase price of \$748,277.25; and approve a resolution amending the Public Utilities Department and General Services budget to provide funding for the purchase of one Pierce Triple Combination Pumper Fire Apparatus. Clovis Fire Department currently staffs a fleet four (4) frontline fire engines and one (1) fire truck. This purchase will add a 5th frontline fire engine into our daily staffing. Each apparatus has a reserve apparatus to serve when the primary apparatus is out-of-service for maintenance or repair. This is compliant with national standards for fire service fleets.

Our standard for fleet replacement, which was adopted by the City of Clovis in the mid-1990’s and incorporated into the Fire Department’s accreditation plan approved by the Center for Public Safety Excellence, is to use apparatus for twelve to fourteen years as frontline service apparatus and then place them in reserve for approximately six to eight years, in order to receive a twenty year service life.

The manufacturer of this apparatus, Pierce, remains consistent with the standard the Department established in 1996. Since that time we have continued our efforts to standardize all of the new fire apparatus chassis, engines, transmissions, and main fire pumps. This approach has served to increase firefighter safety, reduce training time, and reduce fleet maintenance costs and required parts inventory.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a request to waive the City's formal bidding requirements and authorize the sole-source purchase of one Pierce Triple Combination Pumper Fire Apparatus from Golden State Fire Apparatus in Sacramento, CA for a total purchase price of \$748,277.25; and approve a resolution amending the Public Utilities Department and General Services budget to provide funding for the purchase of one Pierce Triple Combination Pumper Fire Apparatus. Motion carried by unanimous vote.

ADMINISTRATIVE ITEMS

ITEM 16 – 7:33 - RECEIVED AND FILED – UPDATE ON FIRE STATION 2 LOCATED AT 2300 MINNEWAWA AVENUE.

Fire Chief John Binaski presented a report for the City Council to receive and file the Field Observation Report and findings by Associated Design and Engineering, Inc. outlining the current deficiencies of Fire Station 2 and the plan moving forward. In late May of 2020, personnel from the City's Facilities Maintenance division attempted to install required new electrical for an overhead garage door replacement project and access to the attic area of Fire Station 2. Upon entering the attic, it was recognized that several of the structural trusses were separating or broken. It was determined by City staff that the best course of action would be to hire an outside structural engineering firm to evaluate the current condition of the station.

On September 18, 2020, the City received the engineer's report and the findings are attached. Based on these findings, it is now apparent that immediate work needs to be done to repair the station or a plan developed for replacing the station. The station was built in 1977 and occupied in 1978. Minimal renovations have been completed over this time leaving the fire station unable to meet the current needs of the Fire Department.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. It was the consensus of council to receive and file the report.

WORKSHOP – 8:02

City Manager Luke Serpa provided council and update on the numbers related to the COVID-19 pandemic.

COUNCIL MANAGER COMMENTS – 8:26

COUNCIL COMMENTS – 8:26

Councilmember Whalen commented on the recent incident that occurred at the downtown business of Just My Essentials and being out of town and starting a go fund me account to support.

Councilmember Ashbeck commented on the neighborhood that was being negatively impacted by a single resident who the city had recently placed a lien on the property and

she requested staff work with the police department to see how more can be done with this situation and future ones.

Councilmember Mouanoutoua reported out on a League of California Cities meeting recently attended virtually, and noted that he would not be present at the meeting of October 12, 2020.

Mayor Bessinger commented on a design of a challenge coin he created.

CLOSED SESSION – 8:37

12. Government Code Section 54956.9(d)(2)
CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
SIGNIFICANT EXPOSURE TO LITIGATION – One Case

Mayor Bessinger adjourned the meeting of the Council to October 12, 2020

Meeting adjourned: 9:02 p.m.

Mayor

City Clerk

CLOVIS CITY COUNCIL MEETING

October 12, 2020

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Bessinger
Flag Salute led by Councilmember Ashbeck

Roll Call: Present: Councilmembers Ashbeck, Flores, Whalen
Mayor Bessinger
Absent: Councilmember Mouanoutoua

PUBLIC COMMENTS

CONSENT CALENDAR – 6:02

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, that the items on the Consent Calendar be approved. Motion carried 4-0-1 with Councilmember Mouanoutoua absent.

1. Administration - Approved – **Res 20 -138**, Authorizing submission of an application to the California State Department of Housing and Community Development for funding under the CalHome Program; and Authorizing the City Manager to execute the Standard Agreement if selected for such funding and any Amendments thereto; and any related documents necessary to participate in the CalHome Program.
2. Administration – Approved – Updated Program Guidelines for Clovis’ Home Rehabilitation Grant Program.
3. Planning and Development Services - Approved – Final Acceptance for Final Map for Tract 6145, located at the southwest corner of DeWolf and Richmond Avenues (Wilson Premier Homes, Inc.).

PUBLIC HEARINGS

4. 6:05 - APPROVED - A REQUEST TO INITIATE AN ORDINANCE AMENDMENT TO AMEND CHAPTER 1.8 OF TITLE 1 OF THE CLOVIS MUNICIPAL CODE REGARDING CAMPAIGN CONTRIBUTION LIMITS DUE TO NEW STATE LAW (AB 571).

Deputy City Clerk Karey Cha presented a report on a requests to initiate an Ordinance Amendment to amend Chapter 1.8 of Title 1 of the Clovis Municipal Code Regarding Campaign Contribution Limits due to new State Law (AB 571). On May 29, 2019, the State of California adopted Assembly Bill (AB) 571, which creates identical campaign contribution limits for candidates for county and city offices as the limits imposed on certain elective state office candidates. AB 571 takes effect Jan. 1, 2021. As a result, effective January 1, 2021, the state campaign contribution limits will apply to local jurisdictions that have not established their own contribution limits. The current state limit for individual campaign contributions to a candidate is \$4,700, which will be adjusted on January 1 of each odd-numbered year. However, this bill continues to authorize a county or city to establish its own contribution limits, and to administer and enforce those limits. Such local limitation could be higher or lower than the current default limit. The City does not currently have any

campaign contribution limits with the exception of a voluntary expenditure limit set at \$1.00 per resident of the City of Clovis. Because of this, the candidates in the March 2021 and future General Municipal Elections will be subject to the state default contribution limits beginning on January 1, 2021, should the City not take any action to establish its own limits. The City Council will have the option to accept the state's default contribution limits, formally set no limit to local campaign contributions, or set new local campaign contribution limits. In summary, absent a local ordinance or resolution, the City's campaign contribution limits will default to the current State Senate and Assembly limit of \$4,700, as adjusted every two years.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council to initiate an Ordinance Amendment to amend Chapter 1.8 of Title 1 of the Clovis Municipal Code Regarding Campaign Contribution Limits and take formal action to set no limit on local campaign contributions with the exception of a voluntary expenditure limit. Motion carried 4-0-1 with Councilmember Mouanoutoua absent.

5. 6:22 - APPROVED - FINAL ACCEPTANCE FOR CIP 15-16, WILLOW AVENUE WIDENING PROJECT

City Engineer Mike Harrison and Project Manager Kevin Gross presented a report on the Willow Avenue widening project. Kevin Gross provided an overview of the key staff, contractors, and subcontractors, as well as other governmental agencies. Mike Leonardo, representing the Fresno County Transportation Authority commented on the project and funding. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to receive an update on the project and approve the final acceptance for CIP 15-16, Willow Avenue Widening. Motion carried 4-0-1 with Councilmember Mouanoutoua absent.

6. 6:40 - APPROVED - **RES. 20-139**, A RESOLUTION OF NECESSITY TO DETERMINE THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF PORTIONS OF THREE PROPERTIES FOR PUBLIC PURPOSES, AND AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR SAID PROPERTIES LOCATED ON THE NORTH SIDE OF SHAW AVENUE, EAST OF DE WOLF AVENUE. ADDRESSES: 3585 SHAW AVENUE (PREVIOUSLY 8196 E. SHAW AVENUE), APN: 554-053-30; 3643 SHAW AVENUE (PREVIOUSLY 8248 E. SHAW AVENUE), APN: 554-053-28; AND 3693 SHAW AVENUE (PREVIOUSLY 8350 E. SHAW AVENUE), APN: 554-053-25.

Engineering Supervisor Ryan Burnett presented a report on a request to hold a public hearing and approve the attached Resolution of Necessity approving the eminent domain process to acquire portions of three properties for public street and utility improvement purposes. The three properties are located at 3585 Shaw Avenue, 3643 Shaw Avenue, and 3693 Shaw Avenue, located on the north side of Shaw Avenue, east of De Wolf Avenue. This is a request to approve a Resolution of Necessity authorizing the eminent domain process to acquire right-of-way for the widening of Shaw Avenue, from De Wolf to McCall Avenues. Staff has not been able to come to an agreement with the property owners to purchase the needed right-of-way. This action is needed to avoid further delays in the construction of improvements to Shaw Avenue. California Code of Civil Procedure Section

1245.240 requires the Resolution of Necessity be approved by a vote of two-thirds of all the members of the City Council.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve a Resolution of Necessity to determine that the public interest and necessity require acquisition of portions of three properties for public purposes, and authorizing proceedings in eminent domain for said properties located on the north side of Shaw Avenue, east of De Wolf Avenue. Addresses: 3585 Shaw Avenue (previously 8196 E. Shaw Avenue), APN: 554-053-30; 3643 Shaw Avenue (previously 8248 E. Shaw Avenue), APN: 554-053-28; and 3693 Shaw Avenue (previously 8350 E. Shaw Avenue), APN: 554-053-25. Motion carried 4-0-1 with Councilmember Mouanoutoua absent.

- 7. 6:58 - APPROVED – **RES. 20-140**, ADOPTION OF A RESOLUTION AMENDING THE 2019-2020 ANNUAL ACTION PLAN; AND AMENDING THE FY 2020-2021 HOUSING AND COMMUNITY DEVELOPMENT BUDGET TO INCREASE THE FUNDS BY \$602,534.

Housing Program Coordinator Heidi Crabtree presented a report on a request to approve a resolution amending the 2019-2020 Annual Action Plan to add a recently received allocation of \$602,534 in Community Development Block Grant (CDBG)-CV3 funds to the plan, and to direct the use of those funds for the Emergency Housing Payment Program, and amending the FY 2020-2021 Housing and Community Development Budget to increase the funds by \$602,534. The City of Clovis received notification from the U.S. Department of Housing and Urban Development (HUD) that the City has received an allocation of CDBG-CV3 funds in the amount of \$602,534. In order to utilize those funds, City Council must adopt an amendment to its CDBG Annual Action Plan to establish use of the funds. There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Mayor Bessinger, seconded by Councilmember Ashbeck, for the Council to approve a resolution amending the 2019-2020 Annual Action Plan to add a recently received allocation of \$602,534 in Community Development Block Grant (CDBG)-CV3 funds to the plan, and to direct the use of those funds for \$500,000 being dedicated for Emergency Housing Payment Program and \$102,534 being reserved for a future COVID-related program, and amending the FY 2020-2021 Housing and Community Development Budget to increase the funds by \$602,534, with the added provision to report back to Council the first meeting in 2021. Motion carried 4-0-1 with Councilmember Mouanoutoua absent.

- 8. 7:23 - CONTINUED - ORD. 20-XX, OA2020-003, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING SECTION 9.18.050 AND ADDING SECTION 9.104.120 OF THE CLOVIS MUNICIPAL CODE RELATING TO THE REGIONAL HOUSING NEEDS ALLOCATION (TO BE CONTINUED TO THE OCTOBER 19, 2020 MEETING)

Mayor Bessinger indicated that this item was being continued to the meeting of October 19, 2020.

ADMINISTRATIVE ITEMS

9. 7:24 – APPROVED – AUTHORIZE THE CITY MANAGER TO EXECUTE A DISPOSITION AND DEVELOPMENT AGREEMENT WITH HABITAT FOR HUMANITY GREATER FRESNO AREA FOR CONSTRUCTION OF AFFORDABLE HOUSING AT 1403 FOURTH STREET AND 1421 FOURTH STREET IN CLOVIS’ STANFORD ADDITION.

Councilmember Flores indicated that his family previously owned the property being considered here and would recuse himself from consideration and left the dais at 7:24. Housing Program Coordinator Heidi Crabtree presented a report on a request to authorize the City Manager to execute the Disposition and Development Agreement with Habitat for Humanity Greater Fresno Area for the construction of affordable housing at 1403 Fourth Street and 1421 Fourth Street in Clovis’ Stanford Addition. Clovis recently purchased the lots located at the subject addresses using Redevelopment Bond Housing Set-Aside funds for the purpose of developing affordable housing. Habitat for Humanity Greater Fresno Area approached the City with interest to build two (2) affordable homes on the parcels. The property ownership must be transferred to Habitat for Humanity Greater Fresno Area before construction can begin.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to authorize the City Manager to execute the Disposition and Development Agreement with Habitat for Humanity Greater Fresno Area for the construction of affordable housing at 1403 Fourth Street and 1421 Fourth Street in Clovis’ Stanford Addition. Motion carried 3-0-1-1 with Councilmember Mouanoutoua absent and Councilmember Flores abstaining.

Councilmember Flores returned to the dais at 7:30.

COUNCIL ITEMS

10. 7:30 - APPROVED – **RES. 20-141**, A RESOLUTION IN SUPPORT OF PROPOSITION 20 REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT.

City Manager Luke Serpa presented a report on a request to approve a resolution supporting Proposition 20 to reduce crime and keeping California Safe Act. Under current law, violent crimes that impact our communities such as domestic violence, date rape, sex trafficking of children, and assault with a deadly weapon, are considered “non-violent” offenses. Proposition 20 would change this and better protect our communities from violent offenders. Thousands of offenders convicted of violent crimes, currently classified as “non-violent” are eligible for early prison release, without serving their full sentences and with no prior notice to their victims. Proposition 20 would reclassify these crimes, preventing early release and requiring notification to victims.

Proposition 20 would create two additional categories of punishable crimes with increased penalties to address “serial” theft and “organized retail” theft, crimes that deeply affect our already struggling small businesses and residents.

There being no public comment, Mayor Bessinger closed the public portion. Discussion by the Council. Motion by Councilmember Whalen, seconded by Councilmember Flores, for the Council to approve a resolution supporting Proposition 20 to reduce crime and keeping California Safe Act. Motion carried 4-0-1 with Councilmember Mouanoutoua absent.

11. 7:38 - CONSIDERED – CONSIDERATION OF DESIGN OF CITY OF CLOVIS CHALLENGE COIN.

Mayor Bessinger presented an update to City Council on the design of a Clovis Challenge coin he would like to order for council give away at events and sell at city hall. Mike Cunningham, resident, recommended Council keep the selection of design and colors simple. Discussion by the Council. It was the consensus of Council, with Councilmember Mouanoutoua absent, to have this item brought back to the October 19, 2020, meeting for further consideration.

WORKSHOP – 7:57

City Manager Luke Serpa presented Council an update on the newest Fresno County numbers regarding the COVID-19 pandemic.

COUNCIL COMMENTS 8:07

Councilmember Whalen showed a photograph of the new Dutch Bro’s at Herndon and Fowler, and raised concerns on how traffic from this business could negatively impact adjacent businesses. He also requested an update from staff on how he believed the traffic queuing would work.

Mayor Bessinger reported out on the League conference he virtually attended last week.

Mayor Bessinger adjourned the meeting of the Council to October 19, 2020

Meeting adjourned: 8:12 p.m.

Mayor

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: October 19, 2020

SUBJECT: Administration - Approval – Request From California Classic Cares For Temporary Street Closure To Hold A 5K Running Event on November 14, 2020.

ATTACHMENTS: 1. Request from California Classic Cares
2. Letter to Residents, Merchants, and Property Owners

CONFLICT OF INTEREST

None.

RECOMMENDATION

For City Council to approve a request from California Classic Cares for temporary street closure to hold a 5K running event on November 14, 2020.

EXECUTIVE SUMMARY

Race promotion organization California Classic Cares has requested temporary closure of portions of Fourth Street, Veterans, and Third Street as well as temporary modifications to traffic control at the intersection of Sierra and Clovis Avenues to hold a 5K running event.

The proposed course for this event is the same that is used for the annual Clovis Senior Activity Center's Memorial Run.

BACKGROUND

Staff received a request from California Classic Cares for the temporary closure of portions of Fourth Street, Veterans, and Third Street as well as temporary modifications to traffic control at the intersection of Sierra and Clovis Avenues to hold a 5K running event on November 14, 2020. (Attachment 1)

City of Clovis staff is working closely with the applicant to manage the various closures, modified traffic control, and social distancing issues associated with this proposed event.

The applicant is also continuing to work with Fresno County Department of Health to follow all guidelines as prescribed by their office on September 15, 2020.

On October 6, staff notified all residents, merchants, and property owners of this request and solicited comments and concerns related to the street closures. To date, staff has received no comments. (Attachment 2)

FISCAL IMPACT

None.

The promoter will bear all costs associated with this event. These may include additional Police and Fire services and additional trash pick-up.

REASON FOR RECOMMENDATION

The City of Clovis has positioned itself as a city that values healthy, outdoor activities and has made successful efforts to build infrastructure that supports this position. Our trail system, electronic loop sensors, and physical fitness education components are all part of these efforts. It is because of this that California Classic Cares, City of Clovis staff, and the local running community feel that the City of Clovis is a perfect fit for this event.

ACTIONS FOLLOWING APPROVAL

1. Staff will notify California Classic Cares informing the organization of Council's decision.
2. Staff will continue working with event promoter, residents, businesses, and property owners to help eliminate possible problems that may arise due to the closure of streets for this event.

Prepared by: Shawn Miller, Business Development Manager

Reviewed by: City Manager 

**City of Clovis
Application for Event PERMIT
Pumpkin Pie Run
November 14th 2020**

Enclosed Documents:

- **City of Clovis Special Event Worksheet**
- **Traffic Control Plan – Course Map**
- **Approval email from Fresno County Health Department**
- **Approved Covid-19 Protocols - Fresno County Health**

Submitted by:

Mike Herman

Director

California Classic Cares, Inc

A 501c(3) Organization

559 289-8444

Email: ccw.info@yahoo.com

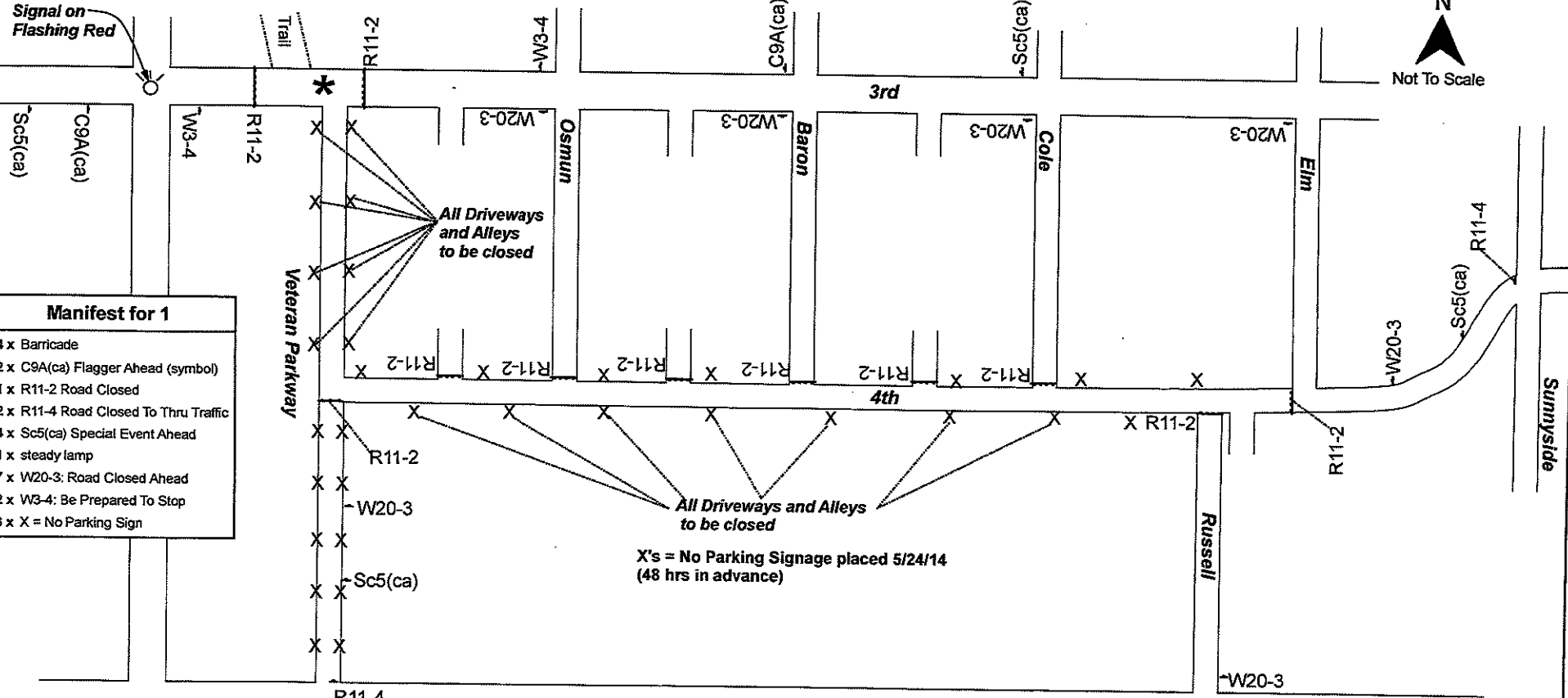


City of Clovis SPECIAL EVENT Worksheet

1. Name of Event: **Pumpkin Pie Run**
2. Date/Time of Event: **November 14th 2020**
3. Will your event require street closure (s) : **Yes**
 - a. If yes, what time will the streets close and reopen? **6:30am to 10:30am**
4. Name of Promoter: **California Classic Cares, Inc**
5. Contact Person: **Mike Herman**
6. Address: **6053 N McCaffrey Fresno, Ca 93722**
7. Phone: **559-289-8444**
8. Fax: **None**
9. Email: **ccw.info@yahoo.com**
10. Cell: **559-289-8444**
11. Location of Event: **Start/Finish at Osmun & 4th Street**
12. Estimated crowd size: **600**
13. Will you be serving alcohol? **No**
 - a. Have you secured the necessary ABC Permit?
 - b. Are you serving alcohol in a separate/secured area?
 - c. Who or what organization will be serving?
14. Will you or your vendors be serving food/other refreshments? **No**
 - a. What are the dimensions of the food tents?
15. Besides food and beverage, will there be other vendor tents? **No**
 - a. What are the dimensions of the tents?
16. How will waste/trash services be provided? **Private**
17. This event is **New Annual Semi Annual Other**

Note: *
Clovis Police Dept. to provide Rolling Closure

Sheet 1 of 2



Manifest for 1	
64 x	Barricade
2 x	C9A(ca) Flagger Ahead (symbol)
11 x	R11-2 Road Closed
2 x	R11-4 Road Closed To Thru Traffic
4 x	Sc5(ca) Special Event Ahead
1 x	steady lamp
7 x	W20-3: Road Closed Ahead
2 x	W3-4: Be Prepared To Stop
33 x	X = No Parking Sign

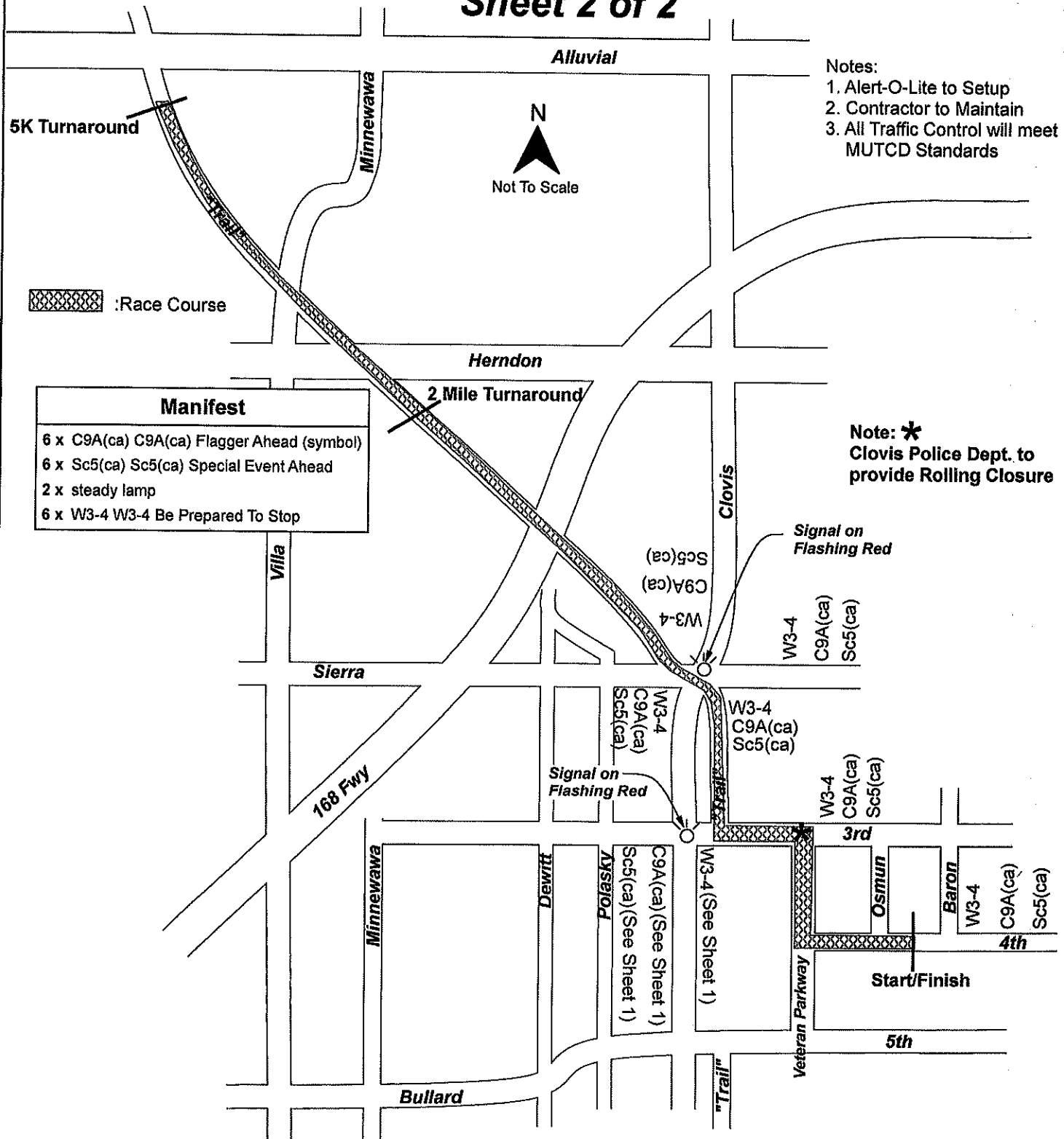
X's = No Parking Signage placed 5/24/14
(48 hrs in advance)

- Notes:
1. Alert-O-Lite to Setup
 2. Contractor to Maintain
 3. All Traffic Control will meet MUTCD Standards

CITY OF CLOVIS
ENGINEERING DIVISION
APPROVED
BY: *Timothy Wayne Becker*
Project Engineer
Stamped by TimB at 09:00, 04/16/2019

Permit: Special Event
Date: 4/10/2019 Drawn By: Christine Yu AOL Job#: 013513
Drawn For: Clovis Memorial Run Project: Memorial Run
Comments:
TCP Checked By: Brad Hunsaker
Drawn @ Alert-O-Lite, Inc.
Ph: (559) 265-4500 Fax (559) 265-4549

Sheet 2 of 2



- Notes:
1. Alert-O-Lite to Setup
 2. Contractor to Maintain
 3. All Traffic Control will meet MUTCD Standards



:Race Course

Manifest	
6 x	C9A(ca) C9A(ca) Flagger Ahead (symbol)
6 x	Sc5(ca) Sc5(ca) Special Event Ahead
2 x	steady lamp
6 x	W3-4 W3-4 Be Prepared To Stop

Note: * Clovis Police Dept. to provide Rolling Closure

CITY OF CLOVIS
ENGINEERING DIVISION
APPROVED
BY: *Timothy J. Baker*
Project Engineer
Stamped by: tjb at 03 to 08102013



California Classic Events - 6053 N McCaffrey Fresno, Ca 93722

From: Villegas, Alejandro (alvillegas@fresnocountyca.gov)

To: ccw.info@yahoo.com

Date: Tuesday, September 15, 2020, 03:23 PM PDT

Good afternoon Mike Herman,

Our Public Health Officer has approved your plan to hold a 5k run on both October 17th and 31st of 2020. Please adhere to all Public Health guidelines issued by the Fresno County Department of Public Health and the California Department of Public Health.

Please instruct all participants, runners, staff, and/or volunteers to adhere to your protocols detailed in the documents attached and to those from our Health Department and CDPH. Please also keep in mind that protocols and guidelines are constantly changing and the department may have to modify procedures if necessary.

Thank you and please let me know if you have additional questions.

Alejandro Villegas

Department of Public Health

Office of Health Policy & Wellness



2020 COVID-19 Outdoor Recreation Reopening Notification letter.pdf
1.1MB



2020 Covid Protocols - Fresno County Health.pdf
1.4MB

Covid-19 Protocols for Organized Running Events

1. Registration:

- Only on-line registration will be accepted, no registration will occur in-person or at event.
- Event is not open to the public, all participants must be pre-registered. No guests or spectators will be permitted.
- Participant COVID CONTRACT must be signed which includes all participant safety requirements. (See Covid Contract verbiage in **Addendum 'A'**)

2. Packet Pickup:

- There will be no in-store packet pickup available; this would include no day of event packet pickups.
- Participants will have the option of a drive-through pickup (See **Addendum 'B'**) or they can have their packets mailed to them.

3. Start-Line:

- No in-person registration permitted.
- No participant packet pickup will be available.
- No shirt exchanges permitted at event.
- Arrival Times will be issued to participants to maintain participant limits and promote Social Distancing. (See Start Times in **Addendum 'C'**)
- Contact-free temperature checks will be conducted for everyone entering the event space. A person with a body temperature reading of 100.4 or more degrees Fahrenheit will not be permitted to enter.
- Face Masks will be required until participant passes Start Line.
 - Trash Cans will be provided for proper disposal of masks.
- No spectators will be permitted, unless a participating minor is being accompanied by a parent or guardian.
- Portable Restrooms:
 - Will be provided with 10' spacing.
 - Hand sanitizer station will be provided for each pair of restrooms.
 - Volunteers will assure 6' min spacing between waiting participants.
 - Sanitation Guidelines – See Section 7
- Corral methodology to promote Social Distancing (See Start Line Corral setup in **Addendum 'D'**)

4. Course:

- Participants are let out on the course with a minimal 35' distance between participants.
- Water Stations:
 - Volunteers, while wearing gloves and masks, will place single serving cups from behind tables for participant pickup.
 - Volunteers will disinfect tables every 10 minutes.

5. Finish-Line:

Covid-19 Protocols for Organized Running Events

- Finish-line will be at a separate location away from Start-line.
- Finish-line will be configured to maximize separation of incoming participants. (See Addendum 'F')
- Finishing participant will receive sealed bag containing:
 - Bottle-water
 - Finisher's Medallion
 - 2oz hand-sanitizer bottle
 - Face Mask
 - Pre-packaged food products
- Participants will be required to use masks when not running.

6. Finish Area Festival:

- There will be **no** festival of any kind before or after event. No tables, tents or chairs will be available.
- There will be **no** Awards ceremony or handing out of any awards. All awards will be mailed.
- There will be **no** Results posted or available at event site. All results will be available on-line and texted to participant.
- Participants have agreed through our Covid Contract to leave event area immediately after completing event.
- Participants will continually be reminded to adhere to these protocols through signage posted throughout event site. (See Signage in Addendum 'G') As well as a Public Announcing system with a continual looped message that will be broadcasting:
 - ***“Due to State and Local protocols. Please depart the event area as soon as you complete your event. You may not wait for a participant to complete their event. Please use masks when not running.”***

7. Event Cleaning, Sanitization and Screening:

- Touch-free hand sanitizers will be available for use throughout event, including at portable restrooms. These will be monitored by event staff throughout the day.
- Each participant & volunteer will be provided a 2oz bottle of hand-sanitizer to encourage its continual usage.
- Increased safety and hygiene procedures for staff and volunteers including mask, gloves and individual hand-sanitizers, which will be provided to each volunteer and staff member. See Section 8
- Contact-free temperature checks will be conducted for everyone entering the event space. A person with a body temperature reading of 100.4 degrees or more will not be permitted to enter event area.
- All Portable Restrooms will be supplied with Toilet Coverings for participant usage. Door handles will be



Covid-19 Protocols for Organized Running Events

disinfected by a volunteer after each use.

- All cleaning disinfectants will meet CAL/OSHA requirements.

8. Volunteer & Staff Training

- Volunteers & staff will be given instructions and handouts for the proper usage and handling of PPE equipment as outlined in **Addendum 'H'**.

Covid-19 Protocols for Organized Running Events

Addendum 'A'

Participant COVID CONTRACT

As a participant of this event you are declaring that you will adhere to the following:

- At the time of the event if you are infected by COVID-19 or knowingly been in contact with someone experiencing any of the following COVID-19 symptoms in the past 14 days you will immediately withdraw from the event:
 - Cough
 - Shortness of breath or difficulty breathing
 - Fever
 - Chills
 - Muscle pain
 - Sore throat
 - Loss of taste or smell
- Anyone who falls under or lives with someone within these categories is discouraged from participating in this event:
 - Persons over the age of 65
 - Persons with chronic lung disease, moderate to severe asthma, severe heart disease.
 - Persons diagnosed with diabetes, liver disease, and chronic kidney disease.
- **Must agreed to and obey:**
 - All event protocols that are attached.
 - You agree not to wait for any participant after you complete your event.
 - You must exit event premises immediately after receiving your goodie bag, this will allow room for the next incoming participants to participate.

I understand that the event cannot prevent me from becoming exposed to, contracting, or spreading COVID-19. Therefore, I choose to participate in this event that may expose me to increased risk of contracting or spreading COVID-19.

Participant Signature

Covid-19 Protocols for Organized Running Events

Addendum 'B'

Sample of a Drive-through Packet Pickup



Covid-19 Protocols for Organized Running Events

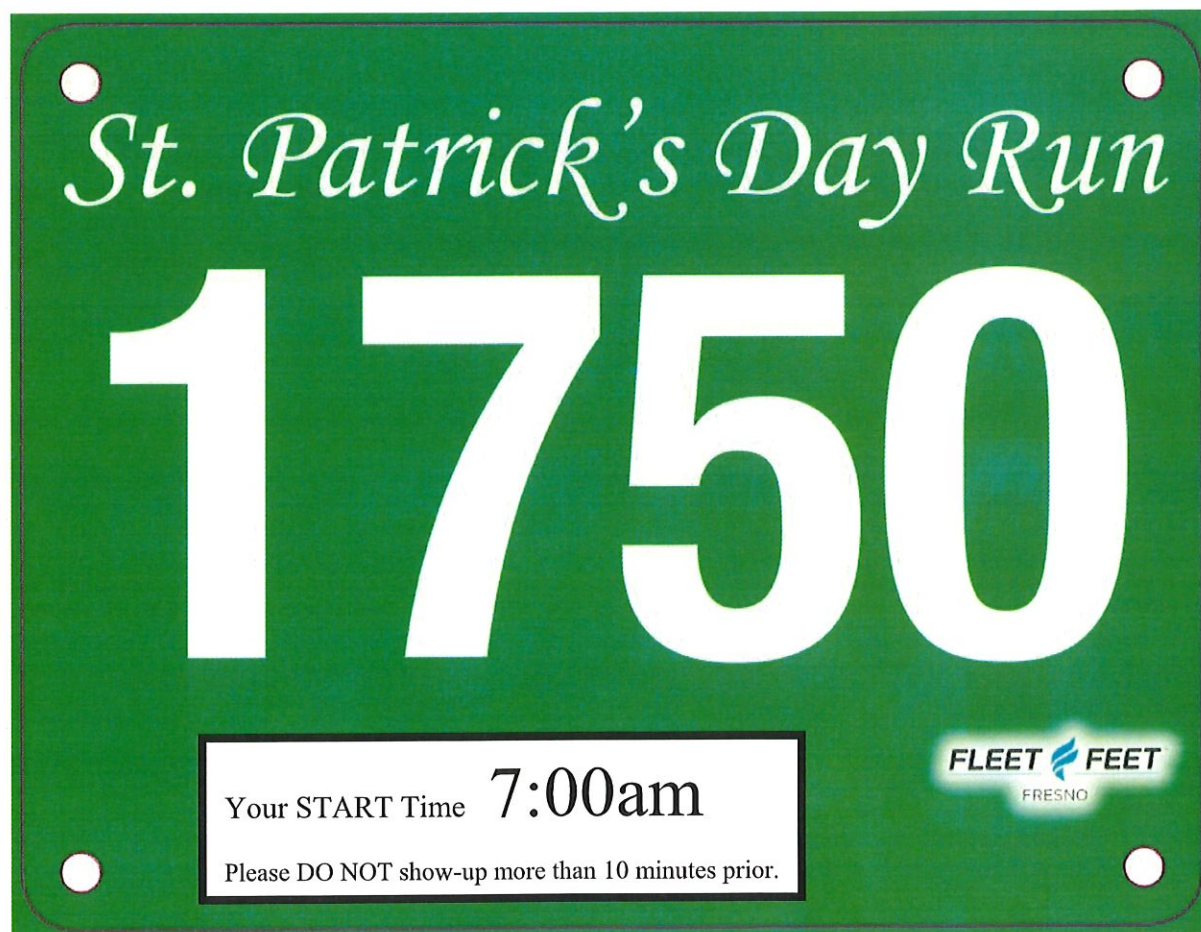
Addendum 'C'

Start Times

Participants receive their running number/Bib prior to the event. Each bib has the participant's unique number, name, starting time and electronic tracking chip attached.

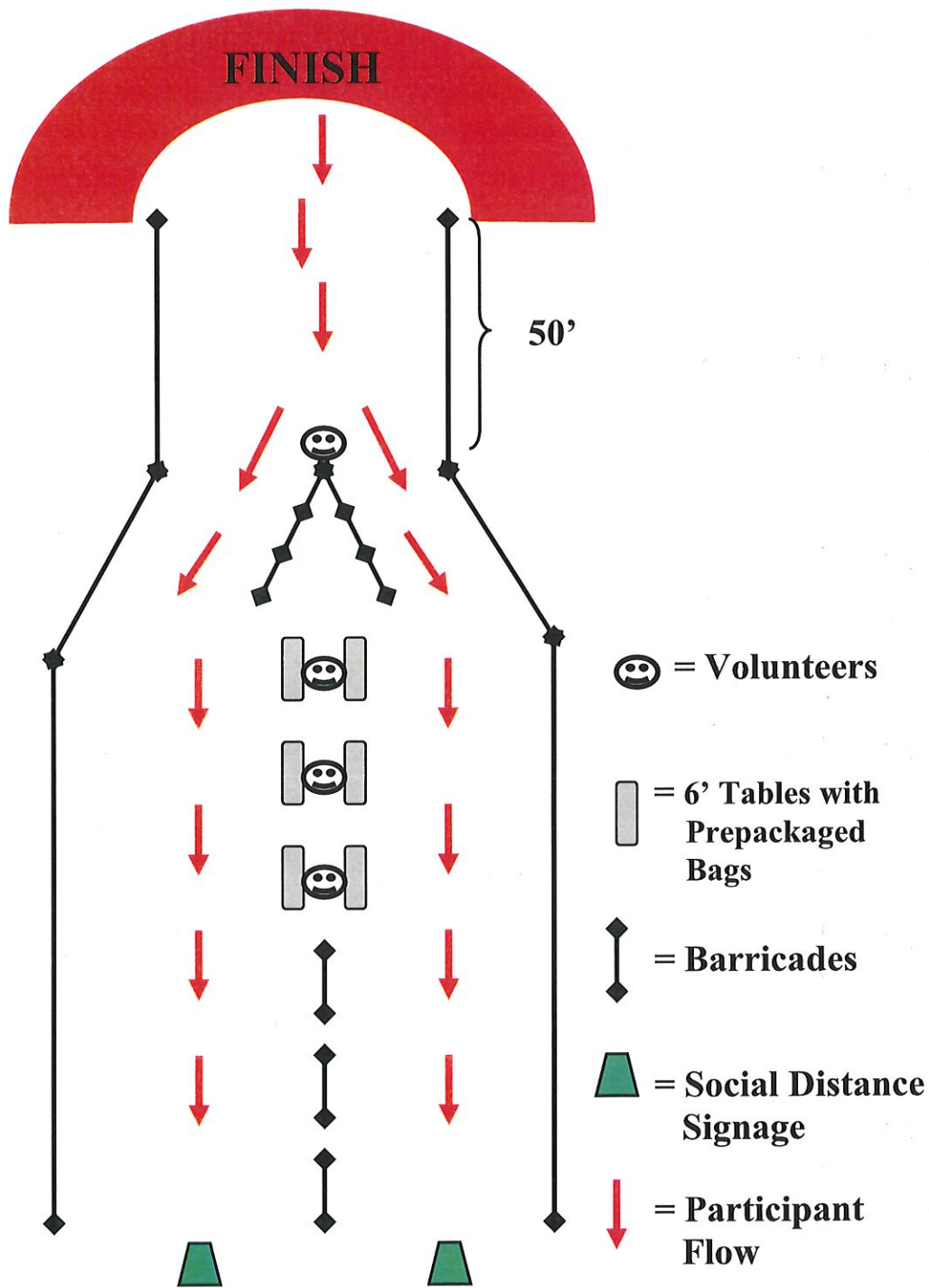
50 Participants per corral – See Addendum 'C' for corral spacing.
Starting time and space between each participant = 5 seconds or 35'

12 corrals 10 minutes apart
2 minutes to empty each corral
2 hours to process 600 participants



Covid-19 Protocols for Organized Running Events

Addendum 'F' – Finish-Line



Covid-19 Protocols for Organized Running Events

Addendum 'H' Volunteer Assignments, PPE & Training Protocols

Volunteer Assignment	Protective Gear Issued	# of Volunteers
Packet Pickup	Face Mask – Gloves - Disinfectant	4
Portable Restroom	Face Mask – Gloves – Disinfectant	2
Start Line	Face Mask – Gloves	4
Water Station	Face Mask – Gloves - Disinfectant	4
Finish Line	Face Mask – Gloves	4
Finish Area	Face Mask – Gloves	4
Timing	Face Mask – Gloves	1

Volunteer Instructions

- **If a participant shows signs of any covid symptoms please:**
 - Ask participant to leave event immediately.
 - Report participant to the Director.
 - Write down participant bib number for contact tracing.
- **Volunteers will be instructed and given documentation on the following:**
 - Read and sign participant Covid Contract. See **Addendum 'A'**
 - Removal and disposal of gloves. See **Addendum 'I'**
 - Proper type and usage of Face coverings. See **Addendum 'J'**
 - Proper cleaning methods for all surfaces. See **Addendum 'K'**
 - Proper technique of hand washing. See **Addendum 'L'**
 - Physical Distancing guidelines, See **Addendum 'M'**
 - No hand shaking, bumping fists or elbows or other physical contact.

Covid-19 Protocols for Organized Running Events

Addendum 'G' - Event Signage



Help Us Keep Races Allowed!

- **Keep 6 ft of Social Distancing!**
- **Use Hand-Sanitation Stations!**
- **Leave as Soon as You Finish!**
- **No WAITING for Participants!**
- **Masks Recommended.**

Thank you for abiding by the rules until we can get back to regular races!

ATTENTION

**PLEASE
MAINTAIN
SOCIAL
DISTANCING**



DISTANCE FROM OTHERS

Covid-19 Protocols for Organized Running Events

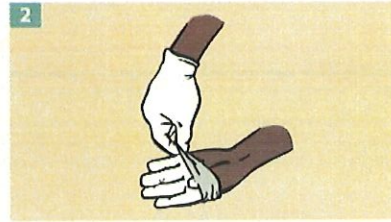
Addendum 'I'

How to Remove Gloves

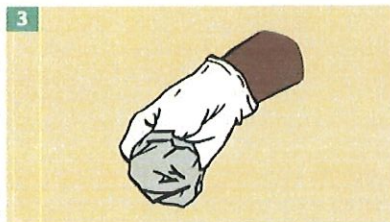
To protect yourself, use the following steps to take off gloves



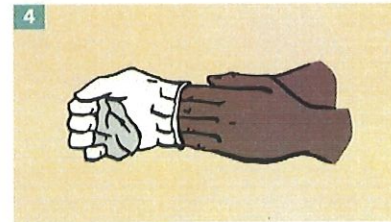
1 Grasp the outside of one glove at the wrist. Do not touch your bare skin.



2 Peel the glove away from your body, pulling it inside out.



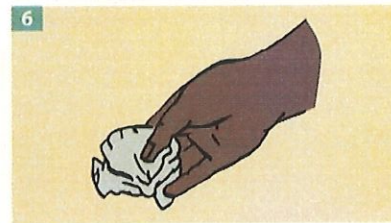
3 Hold the glove you just removed in your gloved hand.



4 Peel off the second glove by putting your fingers inside the glove at the top of your wrist.



5 Turn the second glove inside out while pulling it away from your body, leaving the first glove inside the second.



6 Dispose of the gloves safely. Do not reuse the gloves.



7 Clean your hands immediately after removing gloves.

Covid-19 Protocols for Organized Running Events

Addendum 'J'

How to Safely Wear and Take Off a Mask

Accessible: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>

WEAR YOUR MASK CORRECTLY

- Wash your hands before putting on your mask
- Put it over your nose and mouth and secure it under your chin
- Try to fit it snugly against the sides of your face
- Make sure you can breathe easily
- Do not place a mask on a child younger than 2



USE A MASK TO HELP PROTECT OTHERS

- Wear a mask to help protect others in case you're infected but don't have symptoms
- Keep the mask on your face the entire time you're in public
- Don't put the mask around your neck or up on your forehead
- Don't touch the mask, and, if you do, clean your hands

FOLLOW EVERYDAY HEALTH HABITS

- Stay at least 6 feet away from others
- Avoid contact with people who are sick
- Wash your hands often, with soap and water, for at least 20 seconds each time
- Use hand sanitizer if soap and water are not available



TAKE OFF YOUR MASK CAREFULLY, WHEN YOU'RE HOME

- Untie the strings behind your head or stretch the ear loops
- Handle only by the ear loops or ties
- Fold outside corners together
- Place mask in the washing machine
- Wash your hands with soap and water



CS 116459 06/19/2020

Personal masks are not surgical masks or N-95 respirators, both of which should be saved for health care workers and other medical first responders.

For instructions on making a mask, see:

[cdc.gov/coronavirus](https://www.cdc.gov/coronavirus)

Covid-19 Protocols for Organized Running Events

Addendum 'K'

6 Steps for Safe & Effective Disinfectant Use



Step 1: Check that your product is EPA-approved

Find the EPA registration number on the product. Then, check to see if it is on EPA's list of approved disinfectants at epa.gov/listn



Step 2: Read the directions

Follow the product's directions. Check "use sites" and "surface types" to see where you can use the product. Read the "precautionary statements."

Step 3: Pre-clean the surface

Make sure to wash the surface with soap and water if the directions mention pre-cleaning or if the surface is visibly dirty.



Step 4: Follow the contact time

You can find the contact time in the directions. The surface should remain wet the whole time to ensure the product is effective.

Step 5: Wear gloves and wash your hands

For disposable gloves, discard them after each cleaning. For reusable gloves, dedicate a pair to disinfecting COVID-19. Wash your hands after removing the gloves.



Step 6: Lock it up

Keep lids tightly closed and store out of reach of children.

coronavirus.gov

Covid-19 Protocols for Organized Running Events

Addendum 'L'

Wash Your Hands

During an emergency, keeping hands clean can help keep you and others healthy.



Washing hands with soap and clean water is the best way to remove germs that can make you and others sick. If you don't have soap and clean water, use an alcohol-based hand sanitizer that contains at least 60% alcohol.



Stay healthy by washing your hands many times each day:

BEFORE

- preparing food
- eating
- caring for someone who is sick
- treating a cut or a wound

AFTER

- Using the bathroom
- Changing diapers or cleaning a child who has used the toilet
- Blowing your nose, coughing, or sneezing
- Touching an animal, animal feed, or animal waste
- Handling pet food or pet treats
- Touching garbage



What is the right way to wash your hands?

1. Wet your hands with clean running water (warm or cold) and apply soap.
2. Lather your hands by rubbing them together with the soap.
3. Scrub all surfaces of your hands, including the palms, backs, fingers, between your fingers, and under your nails.
4. Keep scrubbing for at least 20 seconds. Need a timer? Hum the "Happy Birthday" song twice.
5. Rinse your hands well under running water.
6. Dry your hands using a clean towel or air-dry them.



U.S. Department of
Health and Human Services
Centers for Disease
Control and Prevention

www.cdc.gov/handwashing

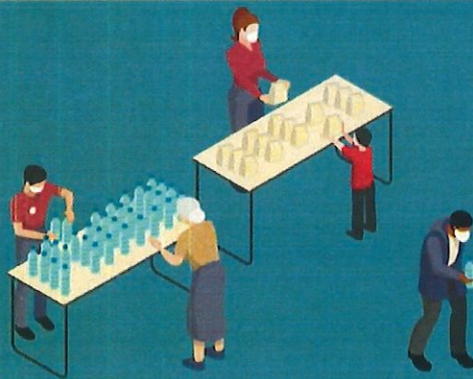
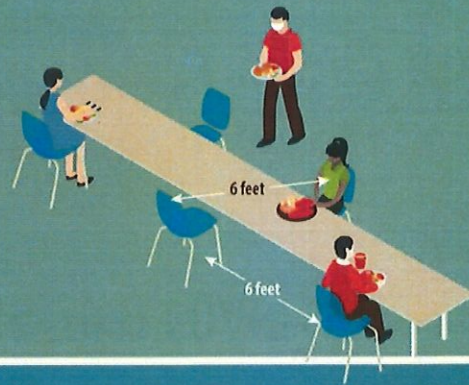
Covid-19 Protocols for Organized Running Events

Addendum 'M'

How You can Protect Others from COVID-19 in Shelters: During Meals

Wear a mask* as much as possible when not eating

*Masks should not be placed on children under age 2, anyone who has trouble breathing or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.



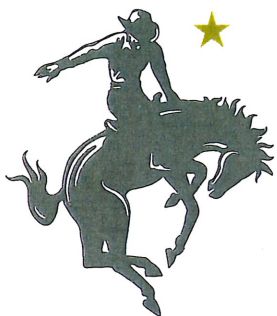
Stay at least **6 feet** away from others in meal service areas

Use **take-away** options for food when possible



[cdc.gov/coronavirus](https://www.cdc.gov/coronavirus)

CS316284B 08/07/2020



CITY *of* CLOVIS

1033 FIFTH STREET • CLOVIS, CA 93612

September 6, 2020

Dear Clovis Residents, Merchants and Property Owners:

The California Classic Events Organizing Committee is planning the "Pumpkin Pie Run," a 5K event proposed for Saturday, November 14. The course and temporary road closures will be the same as the annual Memorial Day Run.

The plan calls for sporadic and intermittent closures between the hours of 6:30 a.m. and 10:30 a.m. as needed to let the participants pass.

The areas that will be directly affected are listed on the reverse side of this letter.

City Council will consider approval of this request during their regular meeting on October 19, 2020.

Please forward any questions or concerns to me by Friday, October 16, 2020. I can be reached by phone at (559) 324-2083 or by email at shawnm@cityofclovis.com.

Sincerely,

Shawn Miller
City of Clovis

Attachment 2



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: October 19, 2020

SUBJECT: Finance - Approval – Res. 20-____, A Resolution of Intention (ROI) to Annex Territory (Annexation #64) (T6123 and T6182-Northwest Corner of Shaw and Highland), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for December 7, 2020.

ATTACHMENTS: Res. 20-____, Intention to Annex Territory to CFD

CONFLICT OF INTEREST

None.

RECOMMENDATION

That the Council approve Res. 20-____, A Resolution of Intention to Annex Territory (Annexation #64) to Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes therein and setting the Public Hearing for December 7, 2020.

EXECUTIVE SUMMARY

Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004, must petition to be annexed to the existing CFD. This action is required to begin the process of annexation provided by the conditions of approval of the development entitlements.

BACKGROUND

Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004, must petition to be annexed to the existing CFD. Recently, a developer has submitted a petition to annex territory to the Community Facilities District 2004-1 and to include his subdivision within the District as provided by the conditions of approval of the development entitlements. To initiate the process for annexation of territory to a CFD, the Council must approve a Resolution of Intention (ROI) to annex territory to the CFD. The ROI included with this report includes various actions necessary for the annexation to the CFD. The Rate and Method of

Apportionment (RMA) referred to in the ROI is as adopted by the Council with the Resolution of Formation adopted March 8, 2004.

The area to be annexed, T6123 and T6182 - northwest corner of Shaw and Highland, is shown in the attached map.

FISCAL IMPACT

No fiscal impact by this action.

REASON FOR RECOMMENDATION

All requirements to begin the process for annexation of territory to the CFD have been completed and the Council may take action on the ROI.

ACTIONS FOLLOWING APPROVAL

The staff will take appropriate steps to schedule the Public Hearing on the Annexation of Territory to the CFD for December 7, 2020 and will provide the notices in accordance with the law.

Prepared by: Steve Nourian, Senior Accounting Systems Technician

Reviewed by: City Manager SN

RESOLUTION 20-____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING THE INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES
DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN**

**CITY OF CLOVIS
Community Facilities District No. 2004-1
(Police and Fire Services)
Annexation No. 64**

WHEREAS, this Council has conducted proceedings to establish Community Facilities District No. 2004-1 (Police and Fire Services) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code; and

WHEREAS, under the Act, this Council, as the legislative body for the CFD, is empowered with the authority to annex territory to the CFD, and now desires to undertake proceedings to annex territory to the CFD.

NOW, THEREFORE, BE IT RESOLVED, that the City of Clovis:

1. **Findings.** This Council hereby finds and determines that public convenience and necessity require that territory be added to the CFD.
2. **Territory Described.** The name of the existing CFD is "Community Facilities District No. 2004-1 (Police and Fire Services)". The territory included in the existing CFD is as shown on the map thereof filed in Book 40 of Maps of Assessment and Community Facilities Districts at Page 57, in the office of the County Recorder, County of Fresno, State of California, to which map reference is hereby made. The territory now proposed to be annexed to the CFD is as shown on the attached Annexation Map No. 64 to the CFD, on file with the Clerk, the boundaries of which territory are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to cause to be recorded said Annexation Map No. 64 to the CFD, showing the territory to be annexed, in the office of the County Recorder of the County of Fresno within fifteen days of the date of adoption of this resolution.
3. **The Services.** The types of public services financed by the CFD and pursuant to the Act consist of those of the police and fire services (the "Services") as described in Exhibit A to Resolution No. 04-33, adopted by the Council on March 8, 2004 (the "Resolution of Formation"). It is presently intended that the Facilities (and the Services) will be shared, without preference or priority, by the existing territory in the CFD and the territory proposed to be annexed to the CFD.

4. Special Tax. Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax sufficient to pay the costs thereof is intended to be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes. The proposed rate and method of apportionment of the special tax among the parcels of real property within the CFD, as now in existence and following the annexation proposed herein, in sufficient detail to allow each landowner within the territory proposed to be annexed to the CFD to estimate the maximum amount such owner will have to pay, are described in Exhibit B attached to the Resolution of Formation, by which this reference is incorporated herein.

5. Hearing. Monday, December 7, 2020 at 6:00 p.m. or as soon as possible thereafter, in the City Hall, Council Chambers, 1033 Fifth Street, Clovis, California, be, and the same are hereby appointed and fixed as the time and place when and where this Council, as legislative body for the CFD, will conduct a public hearing on the annexation of territory to the CFD and consider and finally determine whether the public interest, convenience and necessity require said annexation of territory to the CFD and the levy of such special tax therein.

6. Notice. The City Clerk is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper of general circulation in the area of the CFD. The publication of said notice shall be completed at least seven (7) days before the date herein set for said hearing. The City Clerk shall also cause a copy of such notice and a copy of the Resolution of Formation to be mailed to each landowner (and to each registered voter, if any) within the territory proposed to be annexed, which notice and resolution shall be mailed at least fifteen (15) days before the date of said hearing. Such notice shall be substantially in the form specified in Section 53339.4 of the Act, with a summary form specifically authorized.

7. Annexation Contingency. Section 53316 of the Act shall apply to the proceedings of the Council for the CFD to the extent that the proceedings, if appropriate, include territory which on the date of adoption of this Resolution of Intention are not annexed to the City and which territory is proposed to be annexed to the City. This Council determines that the City has filed appropriate documents, including a “resolution of application”, with the Fresno County Local Agency Formation Commission (“LAFCO”) for the annexation of territory as therein described, which territory includes all or a portion of the lands proposed for inclusion in the boundaries of the CFD as herein described. A certificate of filing of such application has been issued by the official who is the executive officer of LAFCO, a copy of which certificate of filing is on file with the City Clerk. It is hereby specifically provided that these proceedings for the CFD, to the extent applicable to such territory subject to such LAFCO annexation to the City, shall be contingent upon and shall be completed only if the annexation of such territory to the City by LAFCO is completed. It is further provided that this Council shall not authorize the levy of the Special Tax nor cause any amended notice of special tax lien to be recorded for the territory to be annexed to the CFD unless and until such annexation proceedings through LAFCO are completed to the satisfaction of this Council.

8. Effective Date. This resolution shall take effect upon its adoption.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 19, 2020 by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: October 19, 2020

Mayor

City Clerk

ANNEXATION MAP No. 2
CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT No. 2020-1
(DRY CREEK PRESERVE SEWER FACILITIES AND SERVICES)

Government Code Section 27388.1(A)(2)(D)

CITY OF CLOVIS
FRESNO COUNTY, STATE OF CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLOVIS THIS _____
DAY OF _____, 2020.

JOHN HOLT, CITY CLERK
CITY OF CLOVIS
COUNTY OF FRESNO
STATE OF CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES
OF ANNEXATION NO. 2 FOR CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT
No. 2020-1 (DRY CREEK PRESERVE FACILITIES AND SERVICES), CITY OF CLOVIS,
FRESNO COUNTY, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL
OF THE CITY OF CLOVIS AT A REGULAR MEETING THEREOF, HELD ON THE _____
DAY OF _____, 2020, BY ITS RESOLUTION No. _____.

JOHN HOLT, CITY CLERK
CITY OF CLOVIS
COUNTY OF FRESNO
STATE OF CALIFORNIA

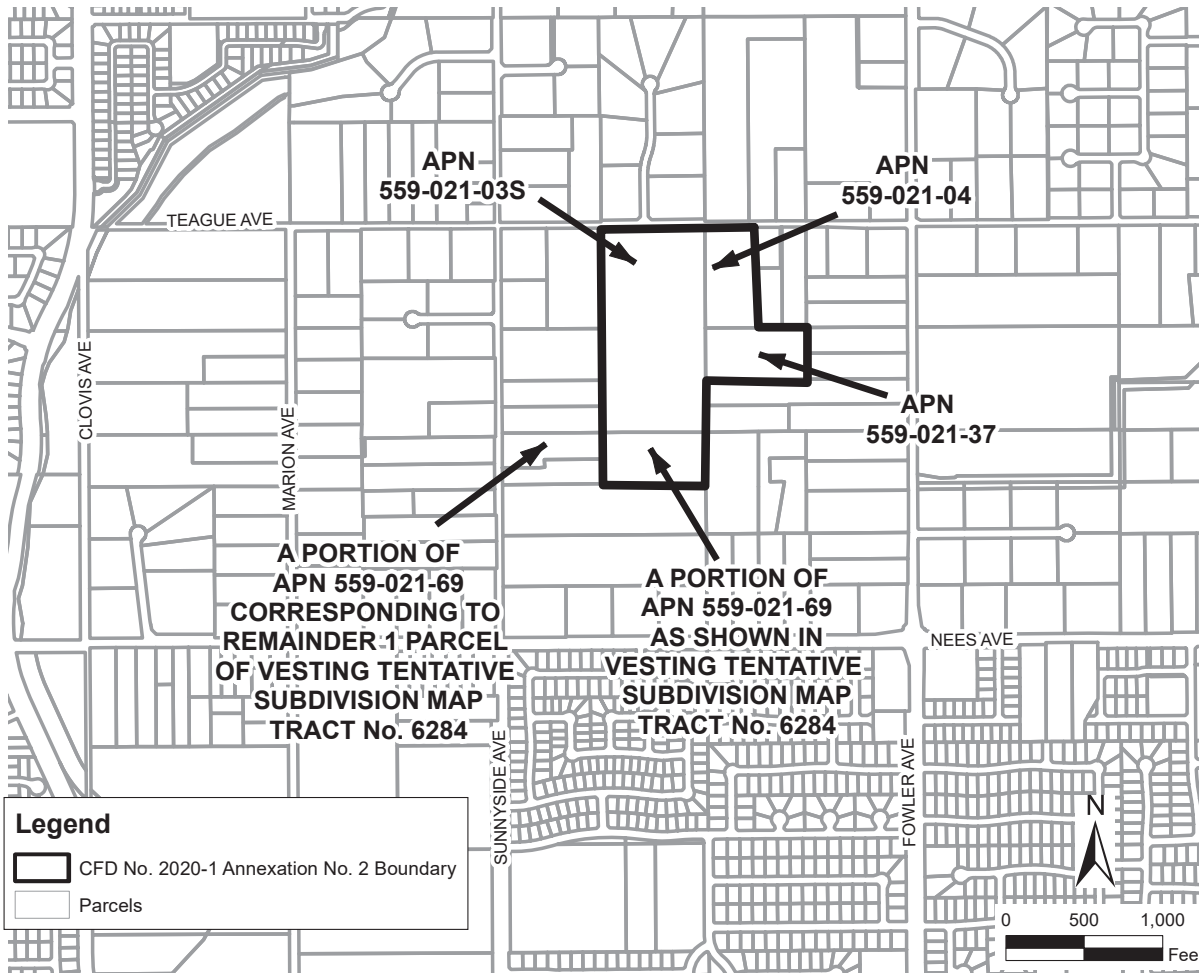
FILED THIS _____ DAY OF _____, 2020, AT THE HOUR OF _____ OF
O'CLOCK _____ M. IN THE BOOK _____ PAGE _____ OF MAPS
OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS INSTRUMENT
NO. _____ IN THE OFFICE OF THE COUNTY RECORDER IN THE
COUNTY OF FRESNO, STATE OF CALIFORNIA.

PAUL A. DICTOS, C.P.A. BY: DEPUTY COUNTY RECORDER
COUNTY ASSESSOR-RECORDER
COUNTY OF FRESNO
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF COMMUNITY
FACILITIES DISTRICT NO. 2020-1 (DRY CREEK PRESERVE SEWER
FACILITIES AND SERVICES) OF THE CITY OF CLOVIS RECORDED
WITH THE FRESNO COUNTY RECORDER'S OFFICE ON MARCH 19,
2020, IN BOOK 45 OF MAPS OF ASSESSMENT AND COMMUNITY
FACILITIES DISTRICTS, PAGE 99.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN
ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS
SHOWN ON THE FRESNO COUNTY ASSESSORS MAPS FOR THOSE
PARCELS LISTED.

THE FRESNO COUNTY ASSESSORS MAPS SHALL GOVERN FOR ALL
DETAILS CONCERNING THE LINES AND DIMENSIONS
OF SUCH LOTS OF PARCELS.



Prepared by Francisco & Associates, Inc.

ATTACHMENT A OF ATTACHMENT 1



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: October 19, 2020

SUBJECT: General Services – Approval – Res. 20-____, Amending the City's FY 2020-2021 Position Allocation Plan by adding one (1) Civil Engineer Position and one (1) Maintenance Worker Position within the Public Utilities Department.

ATTACHMENTS: Res. 20-____

CONFLICT OF INTEREST

None

RECOMMENDATION

For City Council to approve Resolution 20- ____, amending the City's FY 2020-2021 position allocation plan by adding one (1) Civil Engineer position and one (1) Maintenance Worker position within the Public Utilities Department.

EXECUTIVE SUMMARY

Currently the Public Utilities Department is authorized for two (2) Civil Engineer positions and thirty-eight (38) Maintenance/Sr. Maintenance worker positions. It is recommended that the City's Position Allocation Plan be amended by adding one (1) Civil Engineer and one (1) Maintenance Worker position. These additional positions will assist with the added work that is required with additional state regulatory requirements and the growth in Loma Vista.

BACKGROUND

The Public Utilities Department has evaluated the work assignments in the department and has determined the need to add one (1) Civil Engineer position for administration of technical services; and one (1) Maintenance Worker position in parks. This will more efficiently support the current demands of the department. The Public Utilities Department is facing significant staffing challenges in the administration of technical services related to the Sustainable Groundwater Management Act (SGMA), new regulatory requirements, utility system master planning, and delivery of utility maintenance projects. The parks maintenance section is in need of additional support to address operational challenges in the upkeep of parks and landscape in Loma Vista. The position allocation changes would more effectively support the

current requirements of the department. The desired change would result in the need to modify the current City's Position Allocation Plan which requires Council approval.

FISCAL IMPACT

The fiscal impact of salary and benefits for the remainder of FY 2020-2021 is approximately \$135,654 for the two positions. The Civil Engineer cost of \$85,725 will be funded by a combination of Water, Sewer and Refuse Enterprise funds. The Maintenance Worker cost of \$49,929 in the Parks section is fully funded by the Loma Vista Landscape Maintenance District. There are adequate funds in the Public Utilities Department budget to cover the costs of the positions.

REASON FOR RECOMMENDATION

The addition of one (1) Civil Engineer position and one (1) Maintenance Worker position better suits the staffing needs of the Public Utilities Department. The change must be reflected in the authorized FY 2020-2021 Public Utilities Department position allocation plan. Modification of the Position Allocation Plan requires Council Approval.

ACTIONS FOLLOWING APPROVAL

The position allocation for the Public Utilities Department will be modified as noted in Attachment A of Attachment 1. The position vacancy will be filled through current or new eligibility lists.

Prepared by: Lori Shively, Personnel/Risk Manager

Reviewed by: City Manager *JS*

RESOLUTION 20-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING AMENDMENTS TO THE CITY'S FY 2020-2021 POSITION ALLOCATION PLAN

The City Council of the City of Clovis resolves as follows:

WHEREAS, the FY 2020-2021 Position Allocation Plan in the Public Utilities Department was approved as part of the FY 2020-2021 City budget adoption process; and

WHEREAS, a review of the staffing needs of the City indicates that the addition of one (1) Civil Engineer position and one (1) Maintenance Worker position are necessary in order to provide the technical services and maintenance staffing necessary for the Public Utilities Department; and

WHEREAS, amending the City's adopted FY 2020-2021 Position Allocation Plan requires City Council authorization.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis that the City's FY 2020-2021 Position Allocation Plan shall be amended as noted in Attachment A of Attachment 1 attached.

* * * * *

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 19, 2020 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: October 19, 2020

Mayor

City Clerk

POSITION ALLOCATION ADJUSTMENT BY DEPARTMENT FY 2020-2021

DEPARTMENT	NUMBER OF POSITIONS
Public Utilities Department	
Add: Civil Engineer	1.0
Add: Maintenance Worker	1.0

ATTACHMENT A OF ATTACHMENT 1

ATTACHMENT 1



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: October 19, 2020

SUBJECT: Planning and Development Services – Approval – Res. 20-____, A Resolution authorizing the City Engineer to apply for and receive 2021 Regional Competitive Active Transportation Program Funds through the Fresno Council of Governments

ATTACHMENTS: 1. Resolution 20-____
2. Project Location Map

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve a resolution (Attachment 1) authorizing the City Engineer to apply for, and receive 2021 Regional Competitive Active Transportation Program Funds through the Fresno Council of Governments.

EXECUTIVE SUMMARY

The Active Transportation Program (ATP) was created by Senate Bill 99 and Assembly Bill 101 to encourage increased use of active modes of transportation, such as biking and walking. Senate Bill 1 directed additional funding from the Road Maintenance and Rehabilitation Account to the ATP. To be eligible to apply for the funds, the attached resolution needs to be approved by the City Council and submitted to the Fresno Council of Governments (FCOG), along with the grant application by November 20, 2020.

BACKGROUND

The Active Transportation Program provides grant funds to encourage increased use of active modes of transportation, such as biking and walking; increase safety and mobility for non-motorized users; advance the efforts of regional agencies to achieve greenhouse gas reduction goals; enhance public health and reduce childhood obesity by funding Safe Routes to School projects; ensure disadvantaged communities benefit from program funding; and provide a broad spectrum of project to benefit many types of active transportation users.

City staff proposes to submit the Sierra Vista Elementary Area Sidewalk Improvements Project as a Safe Routes to School project (Attachment 2 – Project Location Map). The project will install new sidewalk sections at locations where none currently exist along key roadways leading to the school grounds, and along high-use corridors that provide access routes to the school and the neighborhood. Additional work will include installing ADA compliant curb ramps, curb and gutter and related improvements that will provide for further connectivity, and lessening of tripping hazards. Funding will also be used to complete the design, prepare plans, complete the necessary environmental reviews and for construction of the proposed project. The project is expected to improve safety and convenience for public school students to walk and bike to their neighborhood school, while increasing resident mobility throughout the area.

As part of the grant funding process, the City also submitted the grant application (on September 15, 2020) to the State of California for funding consideration. FCOG encourages local agencies to also submit the same application for Regional funding in case state funding is not awarded to the project. Funding recommendations for the state program are expected in February 2021, and in March 2021 for the regional program.

FISCAL IMPACT

If grant funds are awarded, staff will ensure that funds are appropriately addressed in the CIP Program Budget.

REASON FOR RECOMMENDATION

City staff actively researches and applies for potential grant funding available to help the City meet its Active Transportation Program goals. Staff therefore recommends that the City Council approve the attached resolution authorizing staff to apply for and submit the Sierra Vista Elementary Area Sidewalk Improvements Project to the 2021 Regional Competitive Active Transportation Program Funds through the Fresno Council of Governments.

ACTIONS FOLLOWING APPROVAL

Staff will submit an application for the grant funding.

Prepared by: Claudia Cazares, Management Analyst

Reviewed by: City Manager *[Signature]*

RESOLUTION 20-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING THE 2021 CITY OF CLOVIS ACTIVE TRANSPORTATION PROGRAM APPLICATION AS REQUIRED BY THE FRESNO COUNCIL OF GOVERNMENTS

WHEREAS, the Active Transportation Program (ATP) provides grant funds to encourage increased use of active modes of transportation, such as biking and walking; increase safety and mobility for non-motorized users; advance the efforts of regional agencies to achieve greenhouse gas reduction goals; enhance public health and reduce childhood obesity by funding Safe Routes to School projects; ensure disadvantaged communities benefit from program funding; and provide a broad spectrum of project to benefit many types of active transportation users; and

WHEREAS, the City of Clovis has applied to the 2021 ATP Cycle 5 Program for funding of the Sierra Vista Elementary Area Sidewalk Improvements Project, as a Safe Routes to School Project; and

WHEREAS, the City wishes to express: (1) its commitment to and support of the ATP and specifically the project submitted in the 2021 ATP Cycle 5 call for projects; and (2) its dedication to delivering the project as programmed, and by the deadlines that will be agreed upon at a future time between the City and FCOG, and/or other governmental agencies, if and when the project receives funding.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The City of Clovis expresses its commitment to, and support of, the ATP and the project submitted in the 2021 ATP Cycle 5, call for projects and confirms its dedication to delivering the project as programmed and by the deadlines that will be agreed upon at a future time between the City and FCOG, and/or other governmental agencies, if and when the project receives funding.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 19, 2020, by the following vote, to wit.

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

DATED: October 19, 2020

Mayor

City Clerk

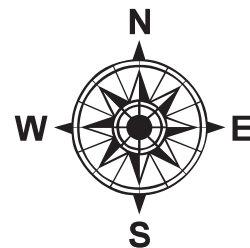
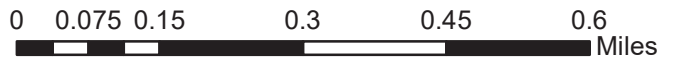
Sierra Vista Elementary School Location and Project Limits

AGENDA ITEM NO. 5.



Legend

- Proposed Ramp Upgrade to Meet ADA
- Proposed New ADA Ramps
- Sidewalk Improvement Locations
- School Site
- Proposed Project Limits
- Student Enrollment Area
- City of Clovis Boundary



ATTACHMENT 2



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: October 19, 2020

SUBJECT: Public Utilities – Approval – Contract Award for Landscape Maintenance District in LMD Zone 1, LMD Zone 2, LMD Zone 3, LMD Loma Vista, General Fund Right-of-Way, General Fund Miscellaneous, Fire Stations Landscaping, and K-9 Training Facility.

ATTACHMENTS: Vicinity Map

CONFLICT OF INTEREST

None

RECOMMENDATION

Authorize the City Manager to execute eight (8) landscape maintenance service agreements. Five (5) service agreements are with Elite Maintenance and Tree Service (EMTS), Inc. to maintain landscaping in LMD Zone 1, LMD Zone 2, LMD Zone 3, Fire Stations, and the K-9 Training Facility; one (1) service agreement is with All Commercial Landscaping to maintain landscaping in LMD Zone Loma Vista; one (1) service agreement is with California Turf & Landscaping to maintain landscaping in the General Fund Right-of-Way; and one (1) service agreement is with Lincoln Training Facility to maintain landscaping for General Fund Miscellaneous areas. The agreements are for a one-year term, with authorization of two additional one-year extensions subject to the contractor providing service that is satisfactory to the City.

EXECUTIVE SUMMARY

The Public Utilities Department advertised and solicited proposals for eight (8) service agreements for landscape maintenance. Four (4) agreements are funded through the Landscape Maintenance District (LMD), one (1) is funded by the City's General Fund, one (1) is funded by City gas tax revenue, and two (2) are funded by the Fire and Police Departments. The area within the service agreements include all street-side, street median, trail, and Paseo landscaping currently within the City of Clovis. Landscaping that is excluded from the service agreements are the landscaped areas of Old Town, the Civic Center, and City parks.

Six responsive proposals were received for the potential service agreements. Proposals were ranked based on a 3-criteria scoring system. The scoring system weighted a 33% value each to experience, past performance/references, and cost. An overall ranking was established. The proposer rankings from highest to lowest were: Elite Maintenance and Tree Service (EMTS), Inc.; All Commercial Landscaping Service (ACLS); California Turf & Landscaping; Lincoln Training Center; Evergreen Lawn Care & Maintenance (Evergreen); and Briner & Son Landscape Management (Briner & Son). The top two proposers, EMTS and ACLS, ranked very close, with EMTS just slightly higher than ACLS. It is recommended that EMTS be awarded LMD Zone 1, LMD Zone 2, LMD Zone 3, Fire Stations Landscaping, and K-9 Training Facility due to their higher ranking and their proposal meeting the financial needs of those zones. It is recommended that ACLS be awarded to LMD Zone Loma Vista due to their ranking and the expectation of a high level of service. Moreover, staff feels that it is important to retain at least two high-rated landscape service contractors. It is recommend that California Turf & Landscaping be awarded to General Fund Right-of-Way and Lincoln Training Center be awarded to General Fund Miscellaneous. The two lowest-ranking proposers, Evergreen and Briner & Son, are not recommended to be awarded a contract.

BACKGROUND

The Parks section currently maintains approximately 523 acres of developed landscaping. Of these 523 acres, 349 acres (General Fund plus LMD landscaping) are being maintained through contract services. Contracting services for some of this area is a cost-effective way of maintaining the level of service that the residents of Clovis have come to expect. Moreover, staff has met and agreed with the Clovis Public Works Employees Affiliation (CPWEA) that street-side, center median, paseo, and trail landscaping will be maintained through contract services. City Parks, the Civic Center, and Old Town will be maintained through in-house staff.

The LMD Zone 1, LMD Zone 2, LMD Zone 3, LMD Loma Vista, General Fund Right-of-Way, and General Fund Miscellaneous comprise approximately 349 acres of street medians, neighborhood entryways, street-side landscaping, trails, and paseos. Specifically, LMD Zone 1 includes all LMD-funded public landscaping north of approximately Magill Avenue. LMD Zone 2 includes all LMD-funded public landscaping south of Herndon/Tollhouse Avenues and between Sunnyside and Locan Avenues. LMD Zone 3 includes all LMD-funded public landscaping south of approximately Magill Avenue and west of Sunnyside Avenue. LMD Loma Vista includes all LMD-funded public landscaping south of Bullard Avenue and east of Locan Avenue. General Fund Right-of-Way includes all General Fund-funded public street-side and street median landscaping. General Fund Miscellaneous includes all General Fund-funded public landscaping not adjacent to any street or avenue.

Staff advertised and solicited proposals for landscape maintenance services for LMD Zone 1, LMD Zone 2, LMD Zone 3, LMD Loma Vista, General Fund Right-of-Way, General Fund Miscellaneous, Fire Stations Landscaping, and the K-9 Training Facility. Six landscape maintenance companies submitted proposals. The proposals were scored based on three categories. The categories are experience, past performance/references, and cost. Each category carried a weight of 33% toward the final ranking. The proposers ranked as follows:

<u>Landscape Company</u>	<u>Ranking</u>
Elite Maintenance and Tree Service	1
All Commercial Landscape Service	2
California Turf & Landscaping	3
Lincoln Training Facility	4
Evergreen Lawn Care & Maintenance	5
Briner & Son Landscape Management	6

Maximum contractor costs per awarded area are as follows:

Agreement	Landscape Company	Contract Cost (3-Year Total)
LMD Zone 1	EMTS	\$1,483,125.60
LMD Zone 2	EMTS	\$828,246.30
LMD Zone 3	EMTS	\$97,268.82
LMD Loma Vista	ACLS	\$1,516,147.93
General Fund Right-of-Way	California Turf & Landscaping	\$341,090.10
General Fund Miscellaneous	Lincoln Training Center	\$147,385.53
Fire Stations Landscaping	EMTS	\$34,475.36
K-9 Training Facility	EMTS	\$4,393.87

FISCAL IMPACT

The cost of these service agreements will be met through the annual LMD assessments collected (LMD Zones 1, 2, 3, and Loma Vista), revenue from the California gas tax (General Fund Right-of-Way), the City's General Fund (General Fund Miscellaneous), the Fire Department (Fire Stations Landscaping), and the Police Department (K-9 Training Facility). Adequate funds for these services were budgeted for the current fiscal year. Execution of these contracts will require the budgeting of these funds in future years as well.

REASON FOR RECOMMENDATION

Staff recommends contracting out the landscape maintenance services because it is the most cost-effective method of accomplishing this work at this time. EMTS, ACLS, California Turf & Landscaping, and Lincoln Training Center are qualified to do the work and their proposals were responsive to the needs of the City.

ACTIONS FOLLOWING APPROVAL

The City Manager will execute eight (8) contracts: five (5) with EMTS, one (1) with ACLS, one (1) with California Turf & Landscaping, and one (1) with the Lincoln Training Center. The Contracts will be for a period beginning November 1, 2020 and ending August 31,

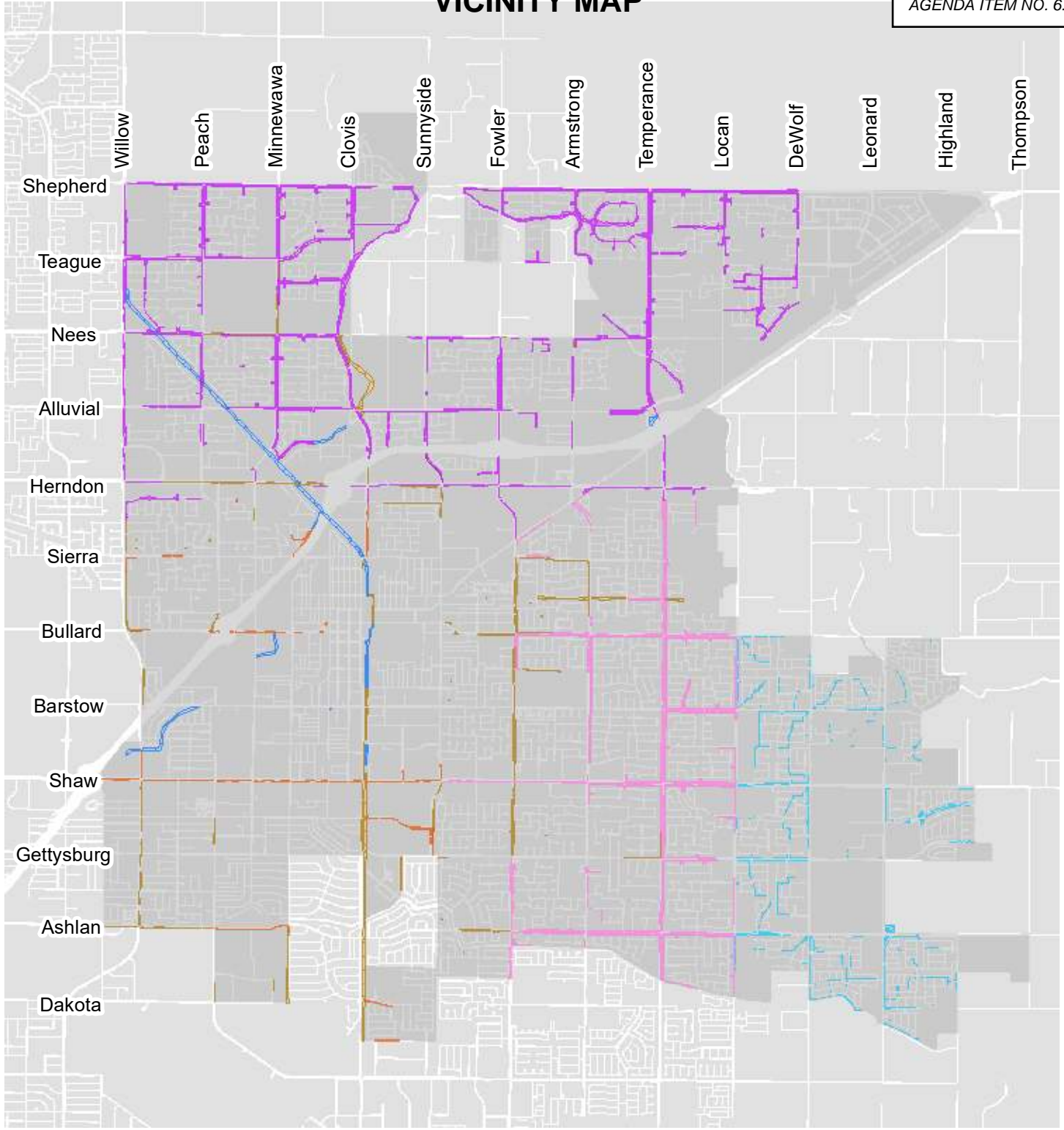
2021, renewing annually through August 31, 2023 based on contractor performance. In addition, purchase orders will be prepared for the respective contract costs.

Prepared by: Sarai Yanovsky, Civil Engineer

Reviewed by: City Manager Q7

VICINITY MAP

AGENDA ITEM NO. 6.



Landscape Areas



Updated On:
8/12/2020

- LMD Zone 1
- LMD Zone SE
- LMD Zone 2
- GF Misc
- LMD Zone 3
- GF ROW
- City Limits





CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: October 19, 2020

SUBJECT: Consider items associated with a request to approve a rezone of approximately 30 acres of property located near the northeast corner of Clovis and Dakota Avenues to be consistent with the underlying General Plan designation of MU-V (Mixed Use Village). Clovis-Dakota, LLC, property owner; Don Pickett & Associates, Inc., applicant; Nick Crawford, representative.

a. Consider Approval - Res. 20-____, A request to adopt an environmental finding of a Mitigated Negative Declaration for Rezone R2020-003.

b. Consider Introduction - Ord. 20-____, R2020-003, A request to rezone approximately 30 acres from the C-2 (Community Commercial), M-1 (Light Industrial), M-2 (Heavy Industrial), and R-2 (Multifamily Medium-High Density Residential) Zone Districts to the C-M (Commercial and Light Manufacturing) Zone District.

Staff: Ricky Caperton, AICP, Senior Planner

Recommendation: Approve

ATTACHMENTS:

1. Conceptual Site Plan
2. Conceptual Elevations
3. Correspondence from the Public
4. Correspondence from Other Departments and Outside Agencies
5. Draft Planning Commission Minutes (09-24-20)
6. Initial Study / Mitigated Negative Declaration
7. Draft Resolution CEQA
8. Draft Ordinance R2020-003

CONFLICT OF INTEREST

None.

RECOMMENDATION

Planning Commission and staff recommend that the City Council approve the following:

- Approve an environmental finding of a mitigated negative declaration for Rezone R2020-003; and
- Approve Rezone R2020-003.

EXECUTIVE SUMMARY

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

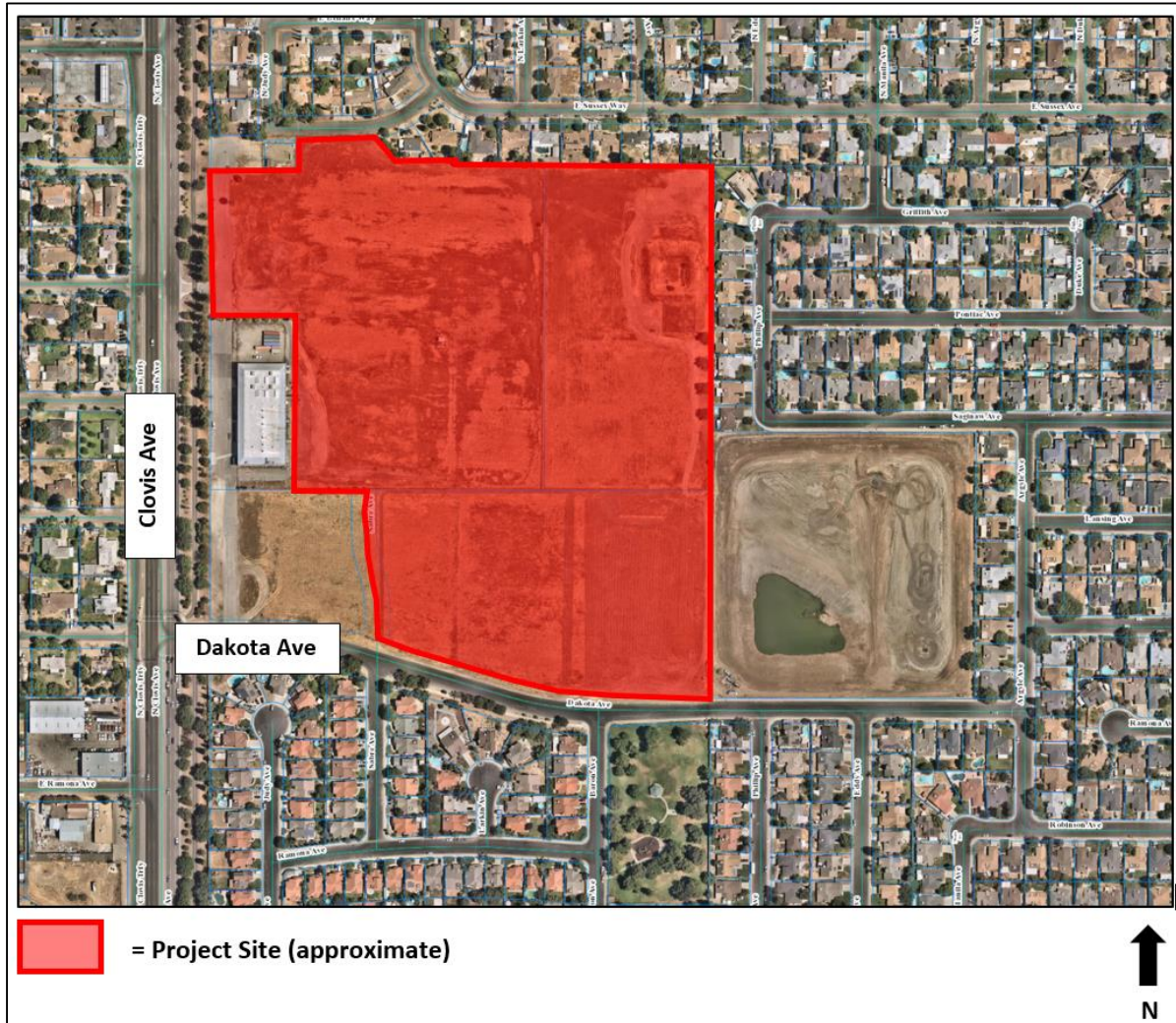
Although the applicant’s request only includes a rezone at this time, future improvement plans include the construction of approximately 49 buildings totaling approximately 390,000 square feet over the course of 5 to 10 years, depending on market conditions. A conceptual site plan is included as **Attachment 1**. This development requires the rezone of the subject property for conformity with the underlying general plan designation of MU-V (Mixed Use Village). Approval of this rezone will allow the applicant to move forward with submittal for site plan review and processing of a parcel map.

The Planning Commission considered the Project at its September 24, 2020 meeting and adopted resolutions in support in a 5-0 vote. Additional details summarizing the Planning Commission meeting are provided below under the “Planning Commission Comments” section.

BACKGROUND

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

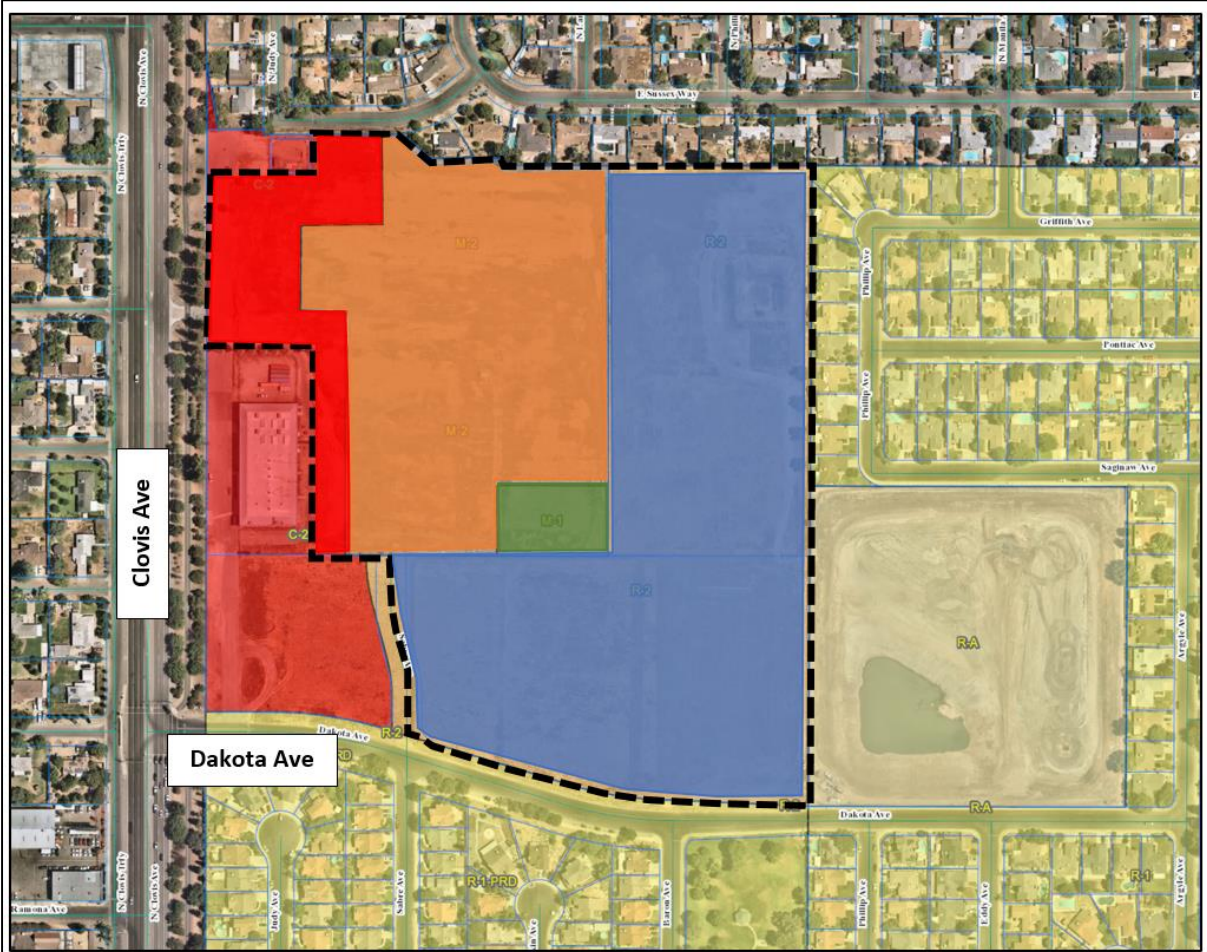
FIGURE 1
Project Location



The Project area consists of approximately 30 acres spanning all or portions of three (3) different parcels near the northeast area of Clovis and Dakota Avenues. The site is currently vacant and undeveloped with the exception of a small uninhabitable structure near the center of the site. A portion of the Project contained a former winery, which was ultimately demolished in 2016. Most recently, a rezone (R2014-06), conditional use permit (CUP2014-07), tract map (TM6076), and site plan review (SPR2014-06) were approved for the construction of 144 multi-family condominium units on approximately 17 acres of the 30 total acres in 2014. The condominium project never moved forward, and the entitlements for the site have since expired. The site has since been acquired by the applicant.

As shown below in **Figure 2**, the project site consists of multiple zone districts in which the applicant requests to rezone to the C-M Zone District for consistency with the 2014 Clovis General Plan land use designation of MU-V.



FIGURE 2
Existing Zone Districts



 = Project Site (approximate)



Existing Zone Districts

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

According to the Clovis Municipal Code, the C-M Zone District is intended to support retail and wholesale sales, light manufacturing, warehousing, distributing, and storage operations.

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

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

PROPOSAL AND ANALYSIS

As shown below in **Figure 3**, the Project site is designated as Mixed Use Village by the 2014 General Plan, and is within Focus Area 4 of the General Plan. The MU-V designation is intended to support a vertical or horizontal mix of commercial, office, and/or residential uses on the same parcel.

Focus areas are specific areas throughout the City that complement a property's General Plan land use designation and more particularly identify permissible uses, policy requirements, and/or development standards.

According to the General Plan, Focus Area 4 identifies primary uses as business-park, commercial, specialty retail, and office. Each of these uses may occupy 100% of the focus area acreage. Additionally, a portion of Focus Area 4 may be used for complementary residential uses (up to a maximum of 60% of the focus area acreage), although not required.

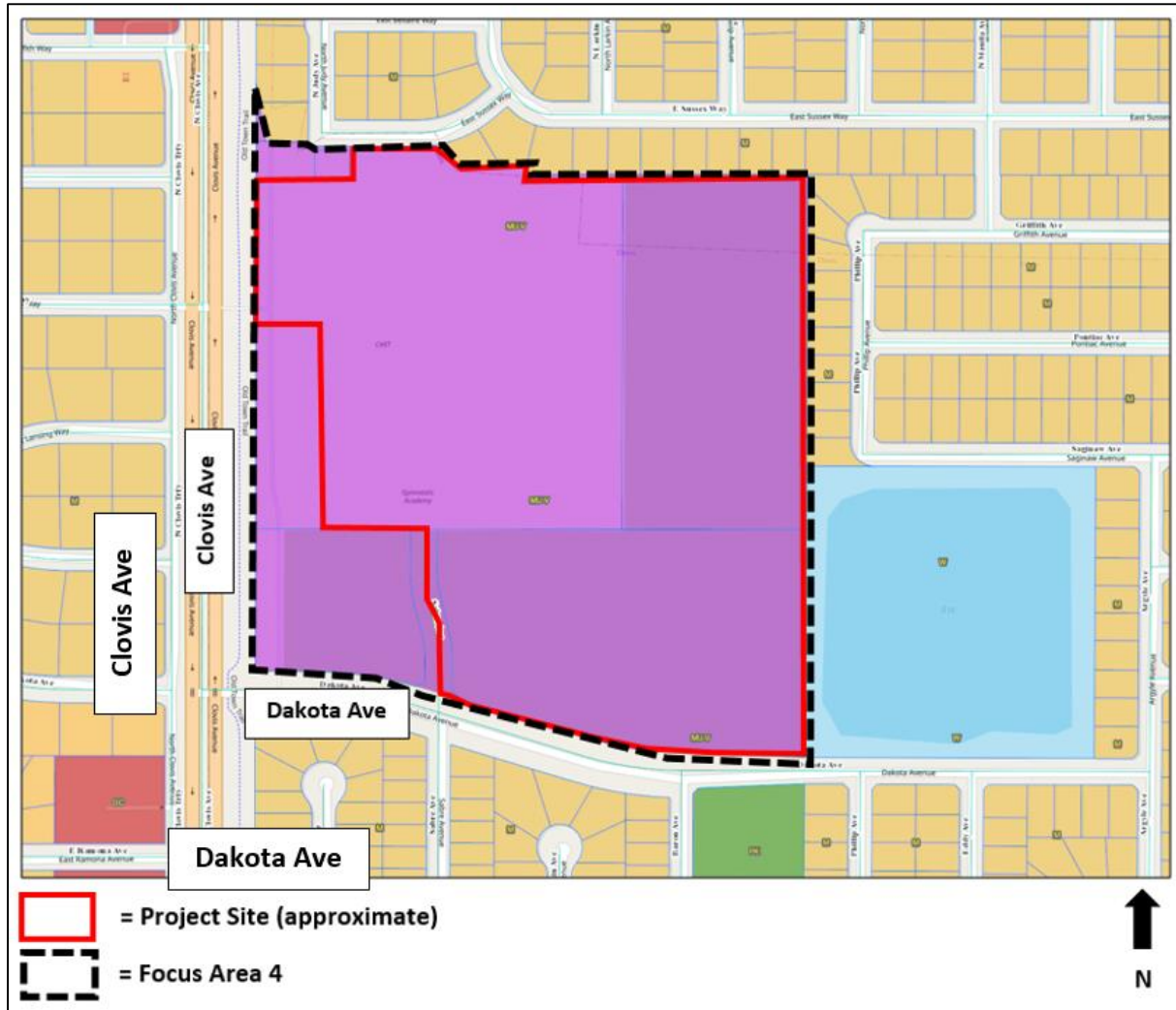
As mentioned earlier, the MU-V land use designation supports a variety of zone districts for consistency, including residential districts that permit a minimum of 15 DU/ac, all commercial districts, all special purpose districts, and all industrial districts except for M-2.

The prior rezone in 2014 that zoned portions of the site as M-2 and R-2 and led to the approval of the 144 unit condominium project at approximately 7 du/ac were actually in conflict with the General Plan zoning designation. The proposed rezone to C-M will correct the zoning inconsistencies and bring the entire site into compliance with the General Plan. Therefore, the applicant's request to rezone the subject site to the C-M Zone District is compatible with the General Plan land use designation.

Surrounding Land Uses

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

**FIGURE 3
Land Use Designation**



Conceptual Site Layout

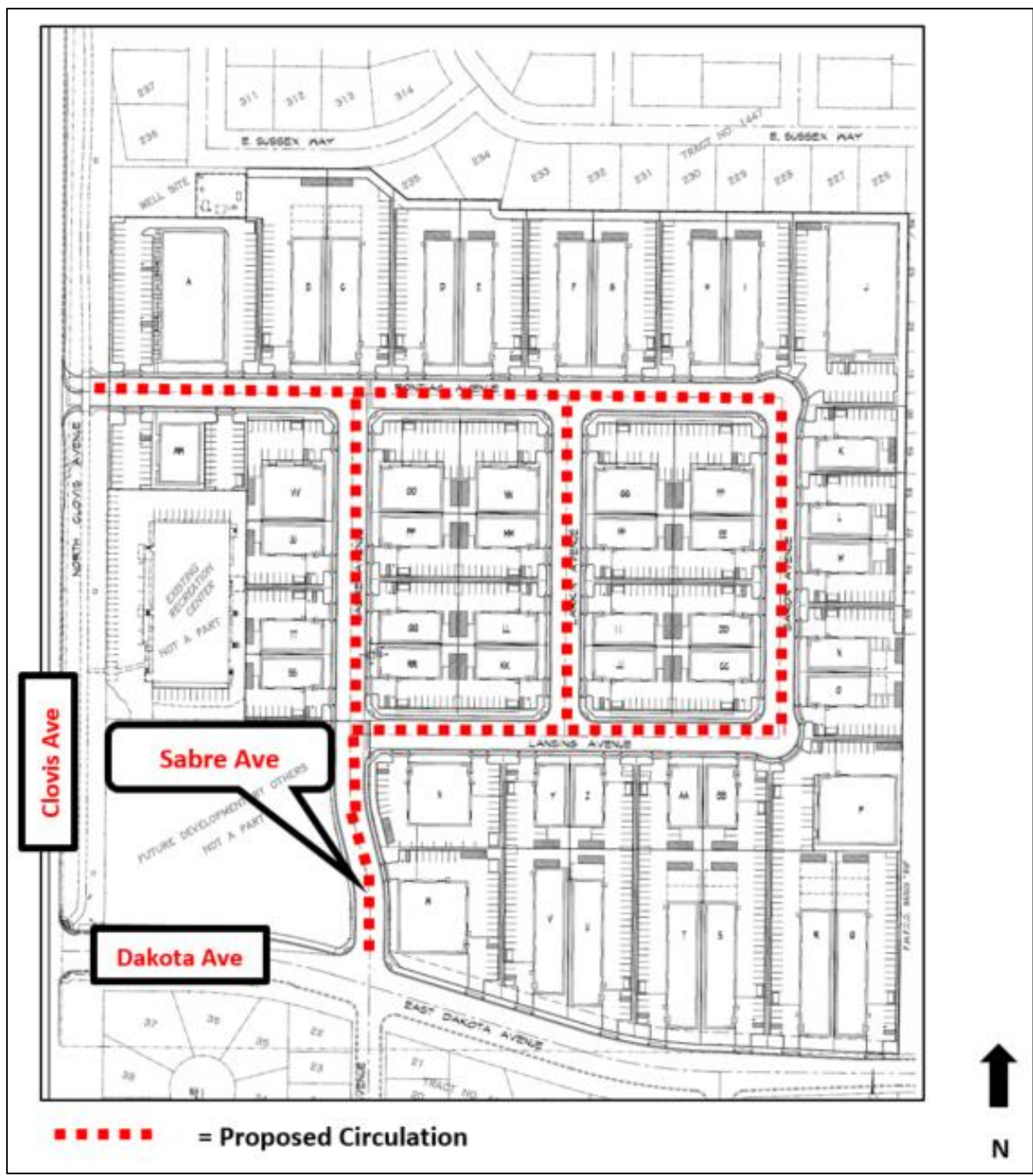
Approval of this rezone request would allow the applicant to move forward with the site plan review (SPR) process. The process provides staff the opportunity to review the location and memorialize the design, site plan and configuration of the project per the City’s established development standards,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

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

Circulation

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

FIGURE 4
Proposed Site Circulation



Development Standards

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

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

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

Noise

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

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

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

The 2014 General Plan, Environmental Safety Element, Goal 3 addresses noise issues. Specifically, Policy 3.3 requires an acoustical study for proposed projects that have the potential to exceed acceptable noise thresholds.

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

Public Comments

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

Review and Comments from Agencies

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

Comments received are attached (**Attachment 4**) only if the agency has provided concerns, conditions, or mitigation measures. Routine responses and comment letters are placed in the administrative record and provided to the applicant for their records.

Planning Commission Comments

The Planning Commission considered this Project on Thursday, September 24, 2020. The Commission recommended approval of the Project by a vote of 5-0. There were no issues or concerns raised by the Planning Commission. In addition, no members of the public spoke on the consideration, either in support of or against the Project. The draft Planning Commission minutes for the Project are provided in **Attachment 5**.

California Environmental Quality Act (CEQA)

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

The Initial Study/Mitigated Negative Declaration (ISMND) was circulated for public review in compliance with CEQA requirements from June 30, 2020 to July 21, 2020. During the public review period, no public comments were received. The Initial Study/Mitigated Negative Declaration is provided as **Attachment 6** and the associated technical appendices can be found on the City's website (<https://cityofclovis.com/planning-and-development/planning/ceqa/>).

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

Consistency with 2014 Clovis 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.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

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

As indicated by the conceptual site layout, the applicant is looking to develop the property per the C-M Zone District development standards. At full build-out, this project would provide development that is appropriate with the City's General Plan and the proposed Zone District. Therefore, staff recommends that the City Council approve R2020-003.

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

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

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

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

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

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

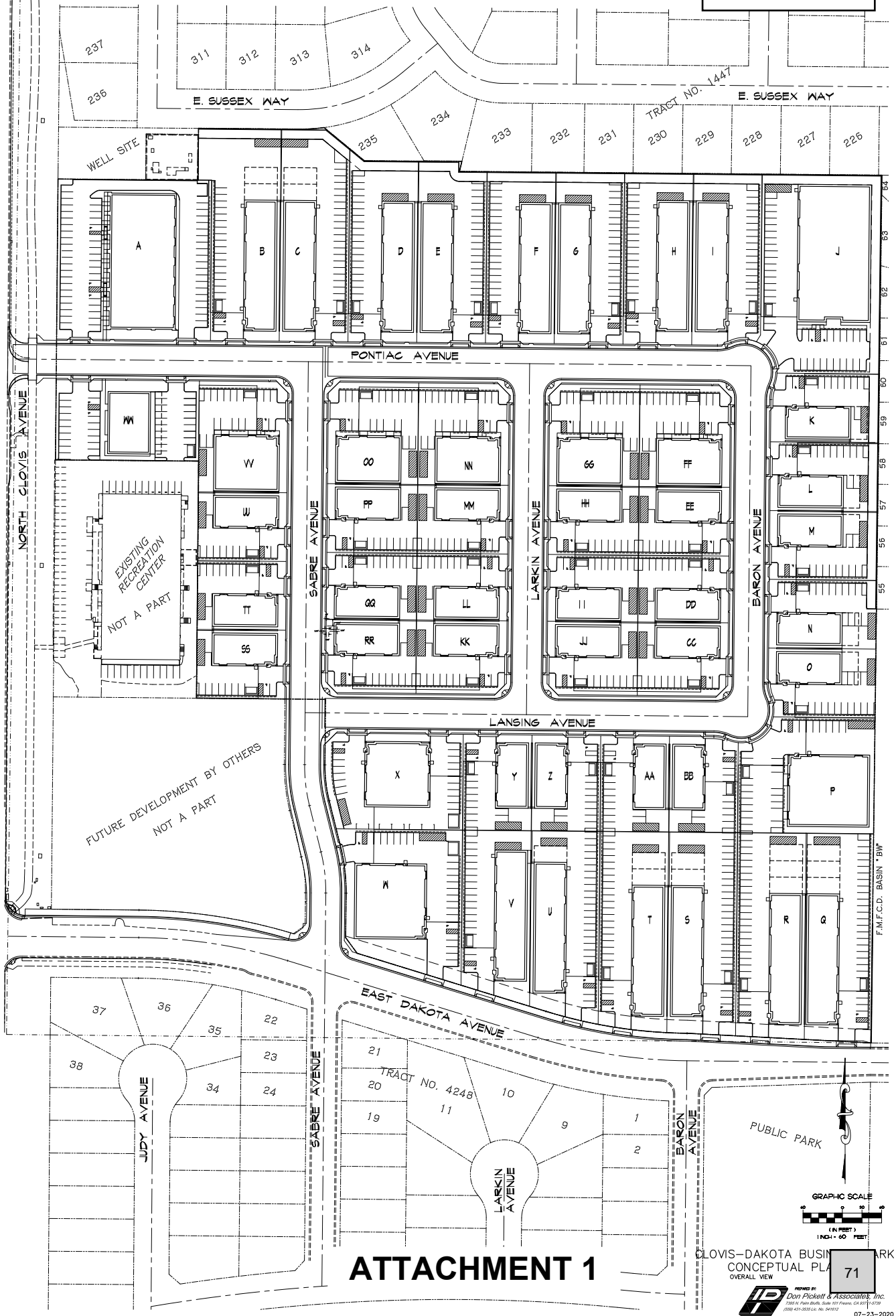
The Project is suitable for the requested zoning designation. Compliance with standards, such as height, setbacks, sidewalks, etc., will be reviewed during the site plan review process if the rezone request is approved. In terms of access and utilities, the site would be served by Sabre Avenue via Dakota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

ACTIONS FOLLOWING APPROVAL

The second reading of the rezone Ordinance will be heard by the City Council at its next regular meeting and if approved, will go into effect 30 days from its passage and adoption.

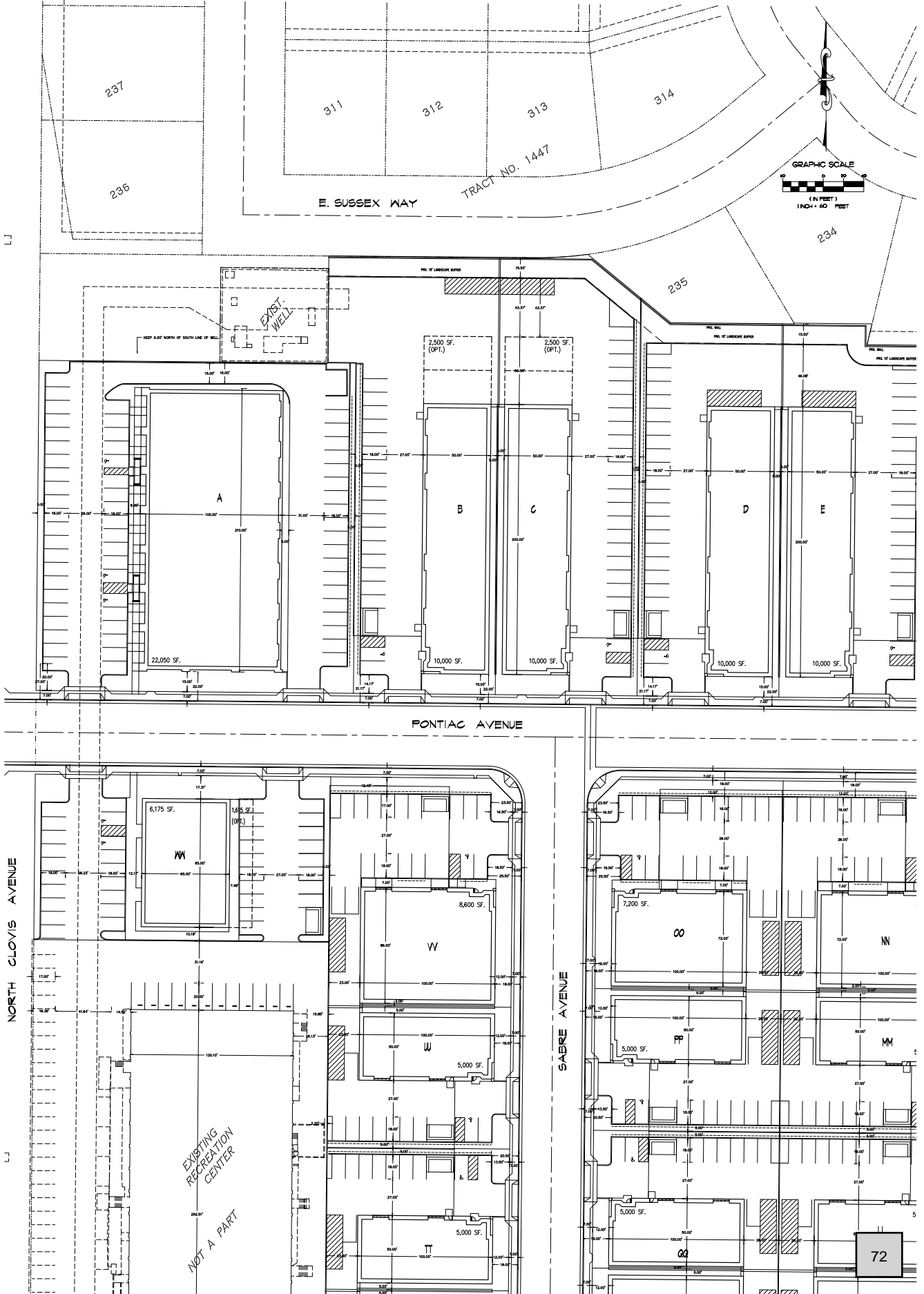
Prepared by: Ricky Caperton, AICP, Senior Planner

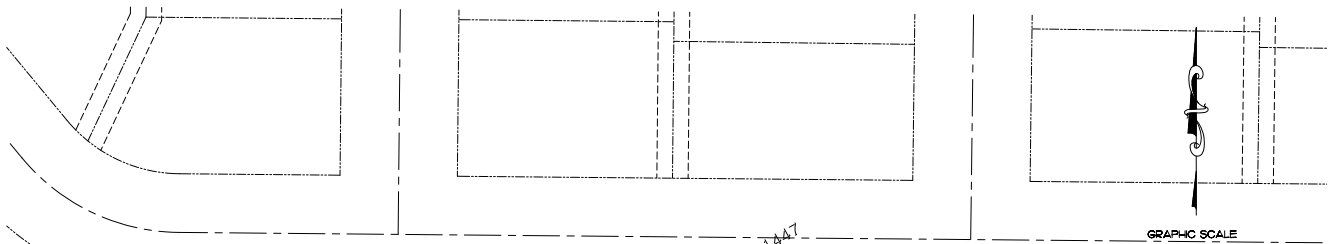
Reviewed by: City Manager *RC*



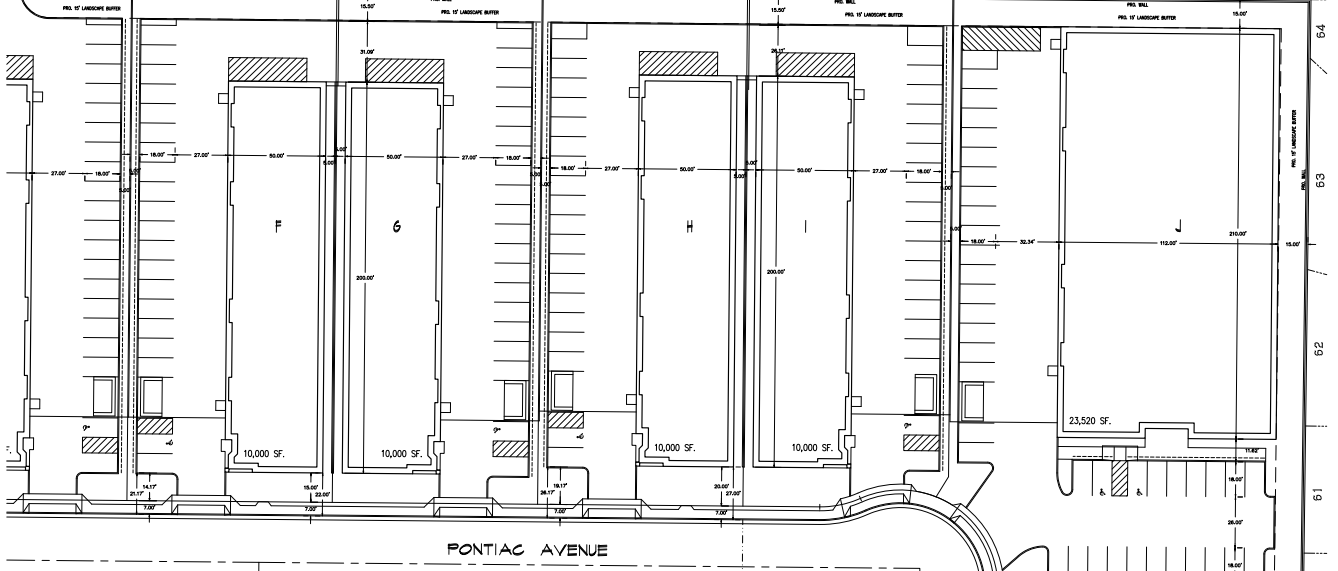
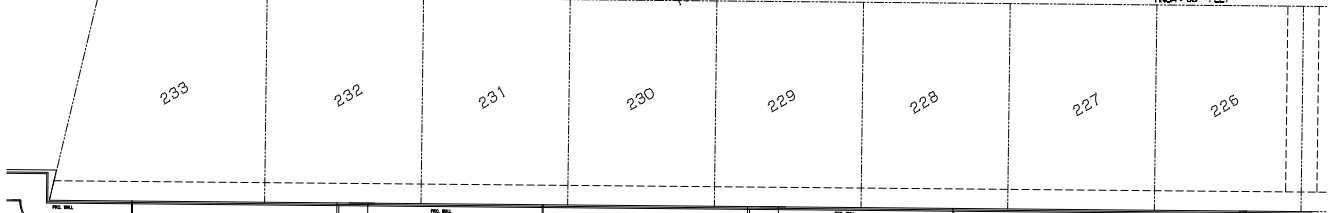
ATTACHMENT 1

CLOVIS-DAKOTA BUSINESS PARK
CONCEPTUAL PLAN
OVERALL VIEW

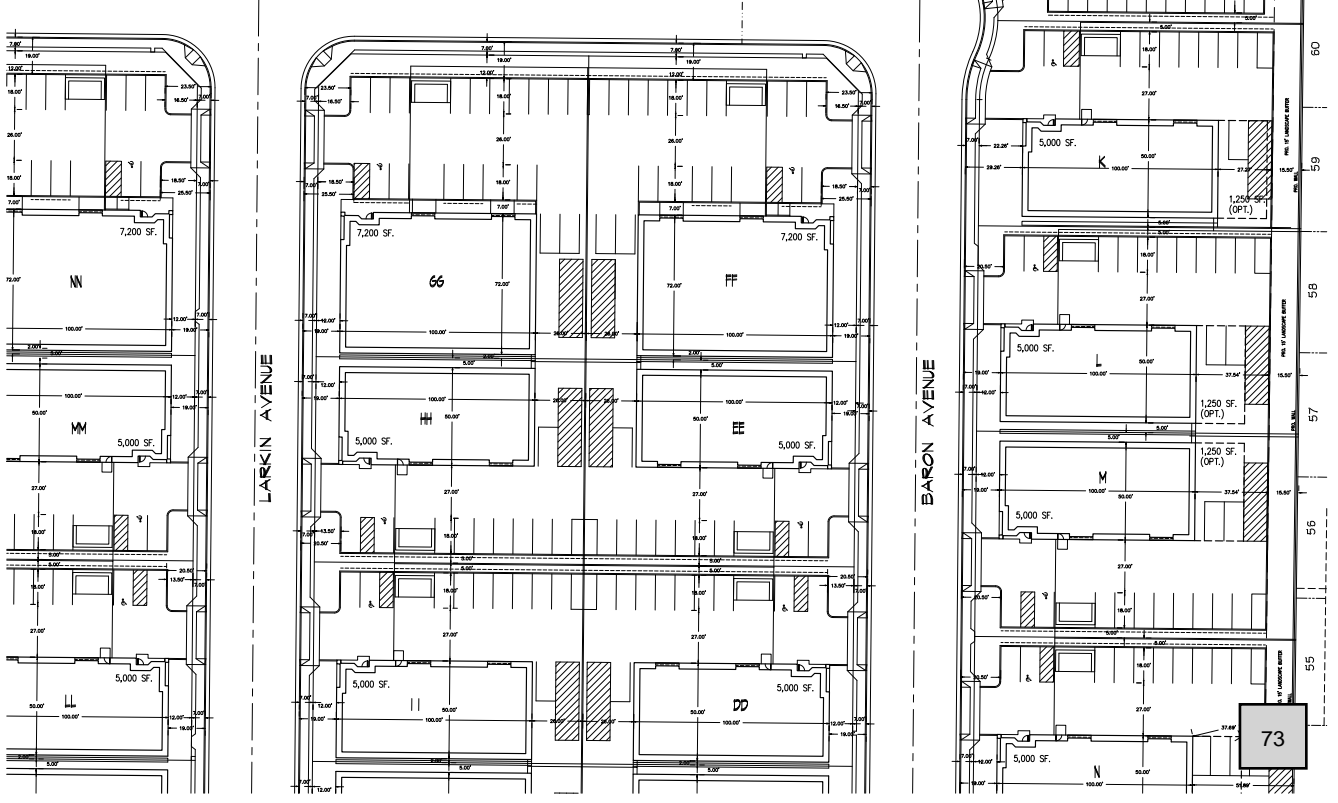




TRACT No. 1447



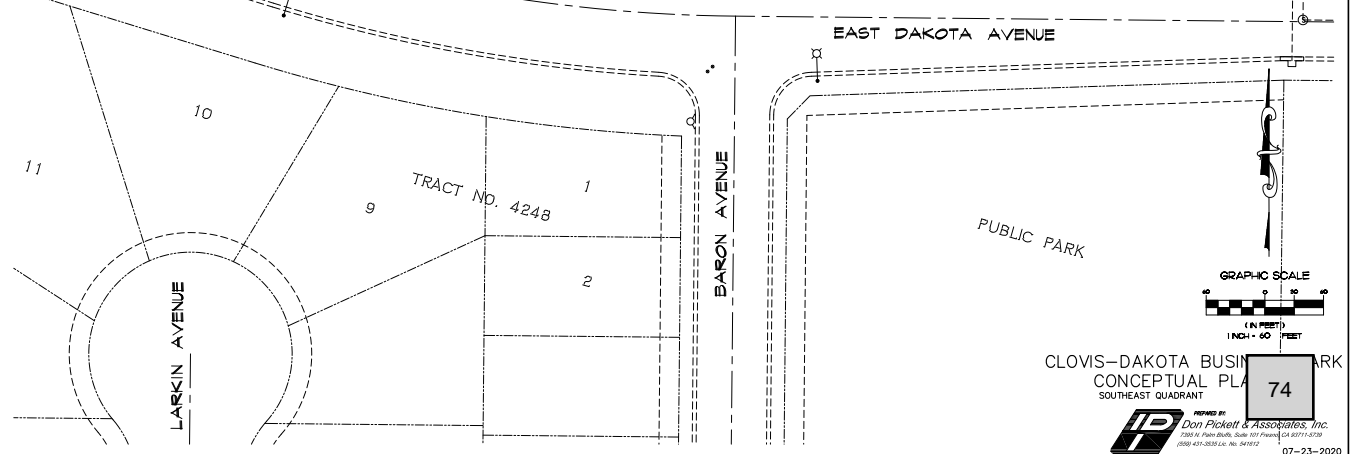
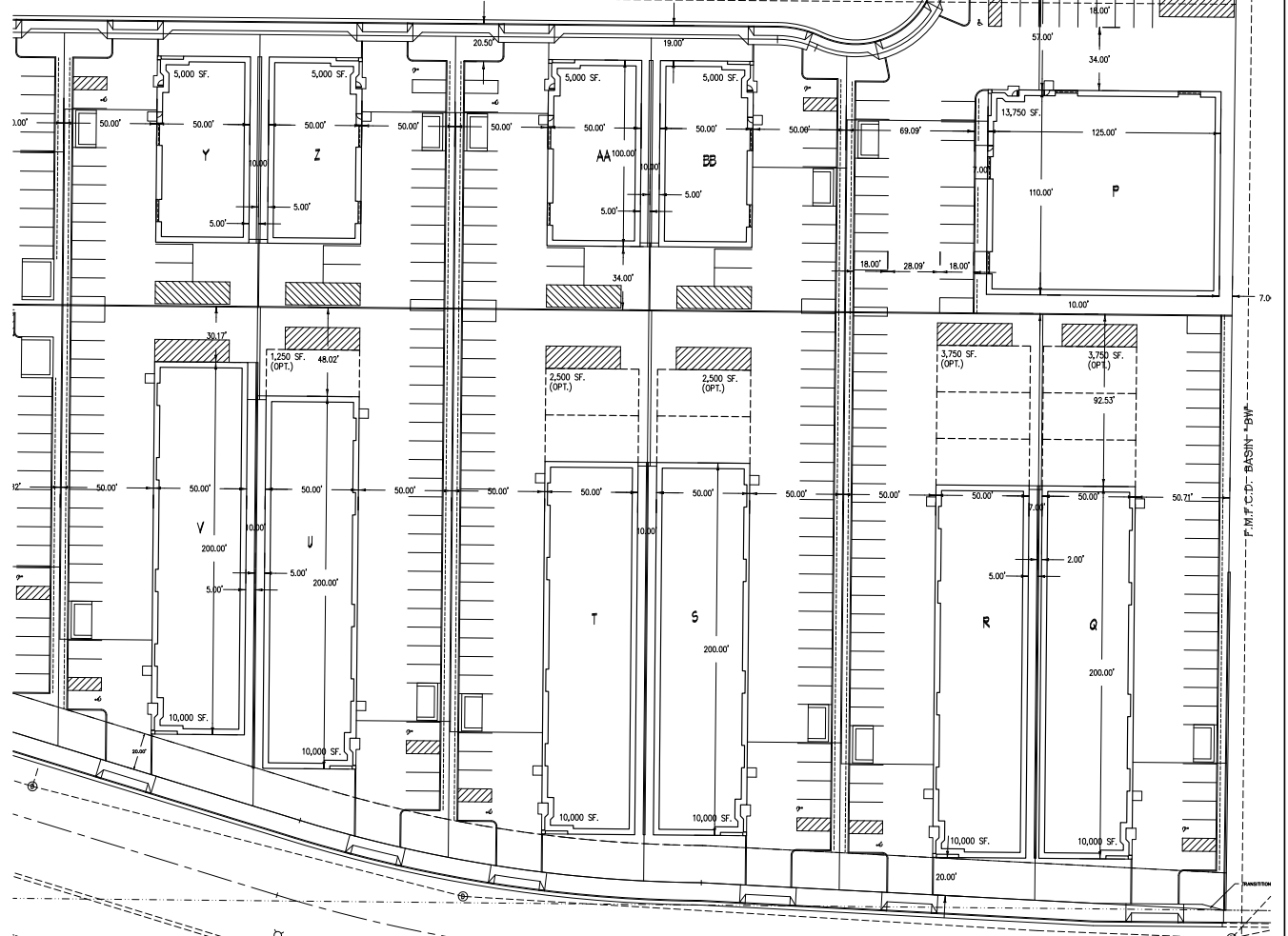
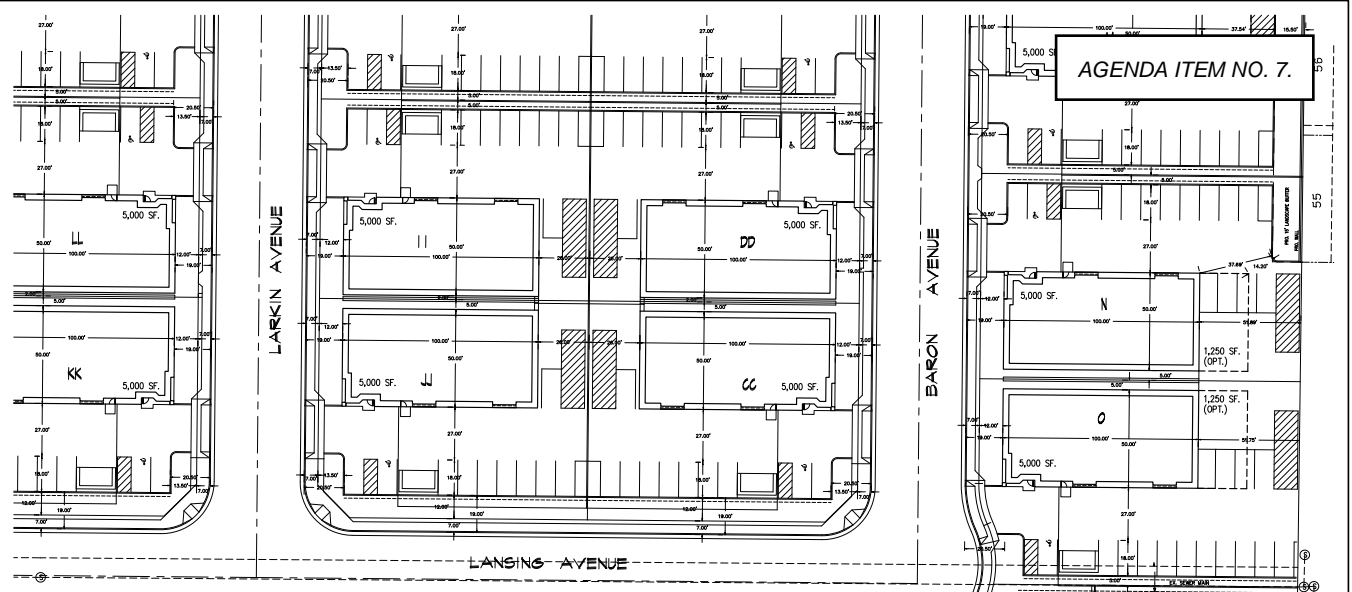
PONTIAC AVENUE



LARKIN AVENUE

BARON AVENUE

73



CLOVIS-DAKOTA BUSINESS PARK
 CONCEPTUAL PLAN
 SOUTHEAST QUADRANT

PREPARED BY:
Don Pickett & Associates, Inc.
 7500 N. DAKOTA BLVD. SUITE 307 FARGO, ND 58103-1009
 (701) 451-3555 FAX: (701) 451-3512

GRAPHIC SCALE
 1" = 60' FEET

74

07-23-2020

EXISTING RECREATION CENTER
NOT A PART

FUTURE DEVELOPMENT BY OTHERS
NOT A PART

AGENDA ITEM NO. 7.

NORTH CLOVIS AVENUE

SABRE AVENUE

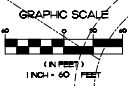
EAST DAKOTA AVENUE

JUDY AVENUE

SABRE AVENUE

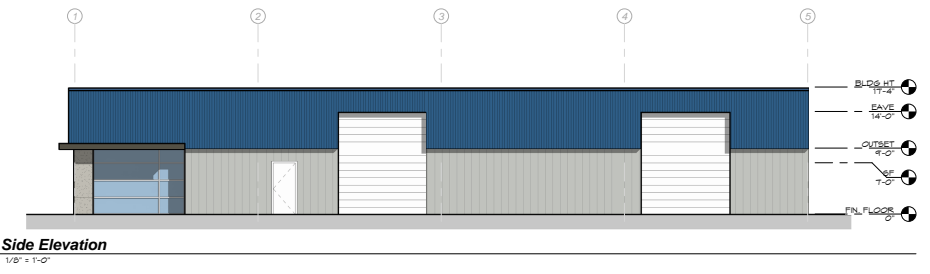
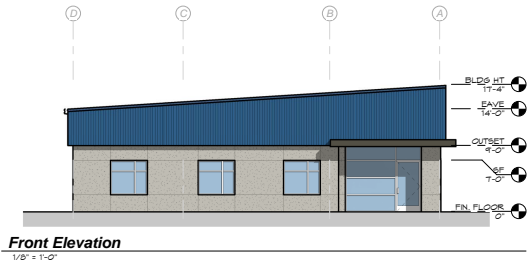
CLOVIS-DAKOTA BUSINESS PARK
CONCEPTUAL PLAN
SOUTHWEST QUADRANT

PREPARED BY
Don Pickett & Associates, Inc.
1700 N. MAIN AVENUE, SUITE 107 FARMINGTON, NM 87401
(505) 451-3333 FAX (505) 451-3112

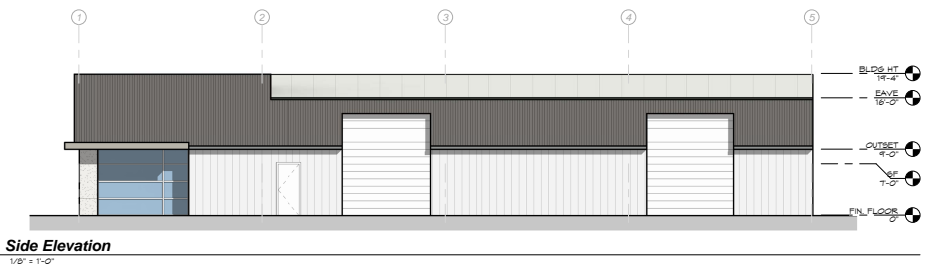
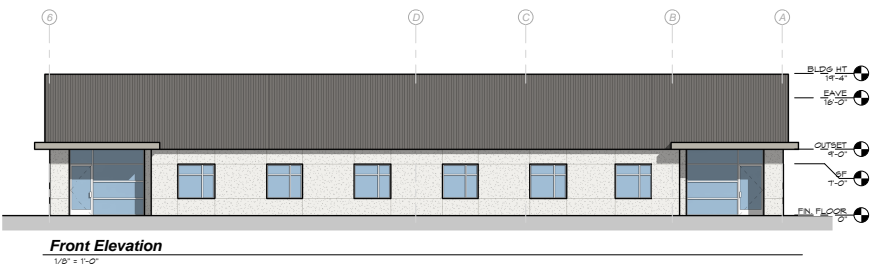


75

Vertical text on the left margin: 10/20/2010 10:00:00 AM



ATTACHMENT 2





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



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



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

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

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

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

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

Follow Up Flag: Follow up
Flag Status: Completed

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

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

Thank you for your anticipated response.

Sent from my Verizon, Samsung Galaxy smartphone

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

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

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

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

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

Thank you again for your time.

Sent from my Verizon, Samsung Galaxy smartphone

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

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

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

Thank you,

Ricky



Ricky Caperton, AICP | Senior Planner

City of Clovis | Planning Division

p. 559.324.2347 | m. 559.593.5176

rcaperton@cityofclovis.com

From: rweyant52 [<mailto:rweyant52@comcast.net>]

Sent: Wednesday, August 19, 2020 2:41 PM

To: Ricky Caperton <rcaperton@ci.clovis.ca.us>

Subject: Dakota/Clovis Pickett industrial complex.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you for your anticipated response.

Sent from my Verizon, Samsung Galaxy smartphone

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

Untitled

About Thursday Sept 27, 2020 6:00PM meeting

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

09/14/2020

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

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

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

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

SINCERELY,
Patricia E. Locatelli
PATRICIA E LOCATELLI

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

PS AS FOR PAT PHONE 831-429-8848

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



DON PICKETT & ASSOCIATES, INC.

DEVELOP • DESIGN • BUILD

Call

August 4, 2020

Dear Neighboring Property Owner,

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

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

Sincerely,

Mike Pickett

Don Pickett & Associates, Inc.

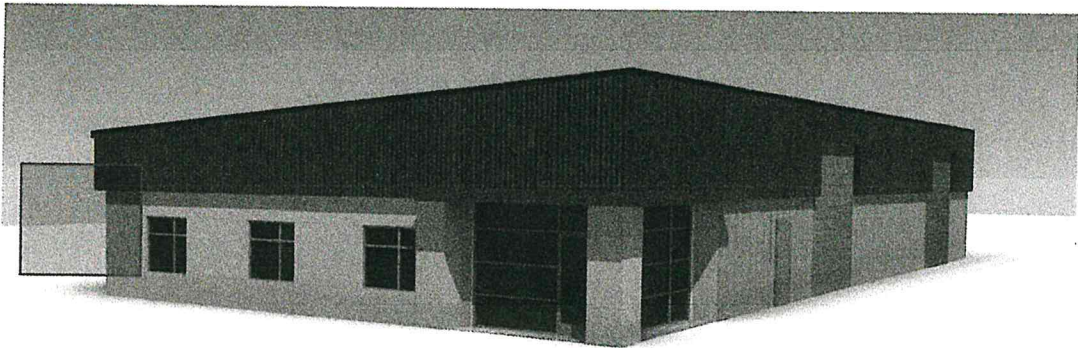
*1151 Pontiac Ave
Clovis, CA*

495-194-21

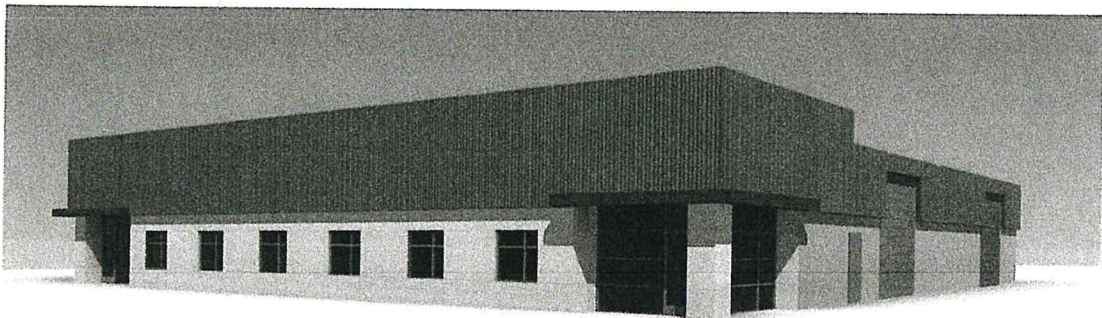
7395 N. Palm Bluffs #101 Fresno, CA 93711
(559) 431-3535 ▪ www.donpickett.com
Contractor License No. 541612



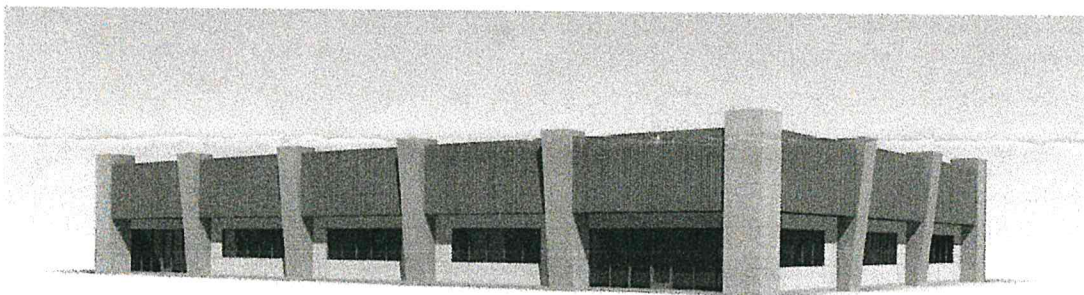
7395 N. Palm Bluffs #101 Fresno, CA 93711
(559) 431-3535 • www.donpickett.com
Contractor License No. 541612



5,000 SF Concept



10,000 sf Concept



Frontage Building Concept

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

DEPARTMENT OF TRANSPORTATION**DISTRICT 6 OFFICE**

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



Making Conservation
a California Way of Life

August 21, 2020

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

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

Dear Mr. Caperton:

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

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

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

ATTACHMENT 4

Mr. Ricky Caperton
August 21, 2020
Page 2

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

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

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

Sincerely,



DAVID PADILLA, Branch Chief
Transportation Planning - North



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

March 3, 2020

LU0020571
2604

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

Dear Mr. Caperton:

PROJECT NUMBER: R2020-003, PM2020-002

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

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

Comments/Concerns:

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

Recommended Conditions of Approval:

- If the applicant(s) propose to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<http://cers.calepa.ca.gov/>). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
- The applicant(s) may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.
- For retail food establishments, prior to issuance of building permits. The applicant(s) shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Prior to operation, the applicant(s) shall apply for and obtain a permit to operate a food facility from the Fresno County Department of

Promotion, preservation and protection of the community's health

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

(559) 600-3271 • FAX (559) 600-7629

The County of Fresno is an Equal Employment Opportunity Employer

www.co.fresno.ca.us • www.fcdph.org

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

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

REVIEWED BY:

Kevin Tsuda

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

(559) 600-33271

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

AGENDA ITEM NO. 7.

kt

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



County of Fresno

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

March 16, 2020

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

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

Dear Mr. Caperton:

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

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

Sincerely,

Chrissy Monfette, Planner
Development Services and Capital Projects Division

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

Enclosures

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



Fresno Metropolitan Flood Control District
Capturing Stormwater Since 1956

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

March 27, 2020

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

Dear Mr. Caperton,

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

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

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

Very truly yours,

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

Robert Villalobos
Engineering Technician III

RV/lrl

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



MAR 18 2020

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

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

District CEQA Reference No: 20200181

Dear Mr. Caperton:

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

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

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

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

Samir Sheikh

Executive Director/Air Pollution Control Officer

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Arnaud Marjollet
Director of Permit Services



Robert Gilles
Program Manager

AM: cf

CLOVIS PLANNING COMMISSION MINUTES
September 24, 2020

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

Flag salute led by Chair Hatcher

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

Absent: None

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

MINUTES

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

COMMISSION SECRETARY

None.

PLANNING COMMISSION MEMBERS COMMENTS

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

COMMUNICATIONS AND REFERRALS

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

BUSINESS FROM THE FLOOR

None.

CONSENT CALENDAR

None.

PUBLIC HEARINGS

4. Consider Approval - **Res. 20-37, R2020-003**, A request to approve a rezone of approximately 30 acres of property located near the northeast corner of Clovis and Dakota Avenues to be consistent with the underlying General Plan designation of MU-V (Mixed Use Village). This request is to rezone the subject property from the C-2

(Community Commercial), M-1 (Light Industrial), M-2 (Heavy Industrial), and R-2 (Multifamily Medium-High Density Residential) Zone Districts to the C-M (Commercial and Light Manufacturing) Zone District. Clovis-Dakota, LLC, property owner; Don Pickett & Associates, Inc., applicant; Nick Crawford, representative.

Senior Planner Ricky Caperton presented the staff report.

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

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

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

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

There being none, the Chair closed the public portion.

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

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

OLD BUSINESS

None.

NEW BUSINESS

None.

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

Amy Hatcher, Chair

Clovis Dakota Business Park

R2020-003 / PM2020-002

Initial Study and Mitigated Negative Declaration

June 2020

PREPARED BY:

Ricky Caperton, AICP
Senior Planner
Planning & Development Services
(559) 324-2347
rcaperton@cityofclovis.com



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

ATTACHMENT 6

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: Clovis Dakota Business Park

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

CONTACT PERSON AND PHONE NUMBER: Ricky Caperton, AICP, Senior Planer
(559) 324-2347
rcaperton@cityofclovis.com

PROJECT LOCATION: NE Corner of Clovis and Dakota Avenues.
Clovis, CA 93612
APN(s): Multiple APNs

PROJECT SPONSOR'S NAME AND ADDRESS: Nicholas Crawford
Don Pickett & Associates, Inc.
7395 N Palm Bluffs Ave, Ste. 101
Fresno, CA 93711

LAND USE DESIGNATION: Mixed Use Village

ZONING DESIGNATION: See page 7 of this Initial Study

PROJECT DESCRIPTION See page 8 of this Initial Study.

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

REQUIRED APPROVALS: See page 9 of this Initial Study.

HAVE CALIFORNIA NATIVE AMERICAN TRIBES REQUESTED CONSULTATION? IF SO, HAS CONSULTATION BEGUN? Yes

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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.

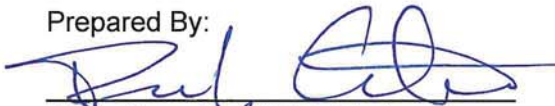
- Aesthetics
- Biological Resources
- Geology & Soils
- Hydrology & Water Quality
- Noise
- Recreation
- Utilities & Service Systems
- Agriculture & Forestry Resources
- Cultural Resources
- Greenhouse Gas Emissions
- Land Use/Planning
- Population/Housing
- Transportation
- Wildfire
- Air Quality
- Energy
- Hazards & Hazardous Materials
- Mineral Resources
- Public Services
- Tribal Cultural Resources
- 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.

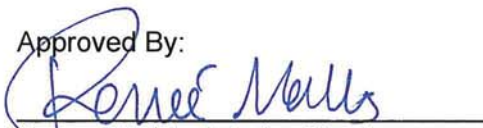
Prepared By:



Ricky Caperton, AICP, Senior Planner
City of Clovis Planning & Development Services

6-30-20
Date

Approved By:



Renee Mathis, Interim Director
City of Clovis Planning & Development Services

6/30/2020
Date

B. PROJECT OVERVIEW

Don Pickett & Associates, Inc. (applicant) proposes the construction of approximately 390,000 square-foot business park and associated site improvements (i.e. landscape, parking, sidewalks, and utilities infrastructure) on approximately 32 acres of vacant and undeveloped land near the northeast corner of Clovis and Dakota Avenues in the City of Clovis, California, herein referred to throughout the document as “proposed Project” and/or “Project.”

C. PROJECT LOCATION

As shown in Figure 1 below, the Project is located on the north side of Dakota Avenue east of Clovis Avenue and consists of three (3) parcels totaling approximately 32 acres. The Project would occupy either in full or portions of Assessor’s Parcel Numbers (APNs) 495-220-13, 495-220-20, and 495-220-12 (portion of).

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 site is vacant and undeveloped, consisting primarily of low-lying vegetation, grasses, shrubs, and weeds. A portion of APN 495-220-12 is developed with the Clovis Recreation Center. The Clovis Recreation Center is not part of the Project. The site is generally flat, although some grading would be required for adequate drainage. The Project site also includes a row of sparsely planted trees along the eastern boundary of the site near the northern portion of the property. There is no existing sidewalk or other pedestrian improvements along Dakota Avenue fronting the Project site.

2. SURROUNDING CONDITIONS

As shown reference in Table 1 below, and shown on Figure 2, the Project site is surrounded by existing development consisting of commercial and residential uses. In general, there are existing single-family homes to the north, east, and south, as well as a community recreational center to the west. There’s also a water basin east of the site along Dakota Avenue, as well as a community park south of the site.

Table 1: Surrounding Land Uses

	Land Use Designation	Existing Zoning*	Existing Land Use
North	Medium Density Residential	County of Fresno	Single Family Residential
East	Medium Density Residential and Water	R-1 and R-A	Single Family Residential and Water Basin
South	Medium Density Residential	R-1 and R-1-PRD	Single Family Residential
West	Mixed Use Village	C-2	Vacant and Community Recreational Center
*R-1-6500 (Single-Family Residential – 6,500 square feet) R-A (Single-Family Residential – 24,000 square feet) R-1-PRD (Single-Family Residential – Planned Residential Development) C-2 (Community Commercial)			

3. LAND USE DESIGNATION

As shown on Figure 3, the Project site has an existing General Plan Land Use designation Mixed Use Village. According to the 2014 Clovis General Plan, all industrial zone districts (except for Heavy Manufacturing (M-2)) are compatible with this land use designation.¹ The site is also within Focus Area 4 of the General Plan. The Mixed Use Village (Focus Area 4) designation allows for a mix of commercial, office, and/or residential uses; however, does not require a specific mix of each use. It is also important to note that while residential uses are allowed up to occupy a maximum of up sixty percent (60%) of the area within Focus Area 4, there is no minimum for residential. Thus, the site's designation allows for up to 100% of non-residential uses.

4. ZONING DESIGNATION

As shown on Figure 4, the Project site is currently comprised of several zone districts, including C-2 (Community Commercial), M-2 (Heavy Industrial), M-1 (Light Industrial), and R-2 (Multifamily Medium-High Density). Each of these zoning districts are described in more detail below.

- The C-2 zone district is applied to areas appropriate to serve the daily shopping needs of the community, including larger, community scale shopping centers, and regional malls, which may be anchored by several department stores or other large scale retail outlets, restaurants, hotels, and entertainment uses.
- The M-2 zone district is applied to areas appropriate for heavy industrial uses engaged in the mechanical or chemical processing of materials or substances into new products, the assembling of component parts, or the blending of materials, including food processing, automobile assembly or recycling, machine shops, and a variety of heavy manufacturing uses, which may require appropriate buffering from adjacent commercial and residential uses.
- The M-1 zone district is applied to areas appropriate for business parks and industrial uses within enclosed structures with limited screened outdoor storage, including warehousing and distribution facilities, mini-warehouse storage, and a variety of light manufacturing uses.
- The R-2 zone district is appropriate for moderately dense residential uses, including multifamily apartments, duplexes, townhouses, and small parcel, attached and detached single-family uses.

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. The Project itself would include a parcel map, rezone, and site plan review.

1. PROJECT ENTITLEMENTS

The Project would include several planning entitlements, such as a parcel map, rezone, and site plan review. The parcel map is required in order to create the individual lots, a rezone would be required to rezone the property from its existing zone districts (C-2, R-2, M-1, and M-2) to the C-M (Commercial and Light Manufacturing) zone district. The site plan review is required to memorialize the design and layout of the buildings.

The C-M zone district is applied to areas appropriate for retail and wholesale sales, light manufacturing, warehousing, distributing, and storage operations, in addition to providing for a close relationship between warehousing, distribution, and retail sales. A complete list of allowed uses in the C-M zone district are located in Table 2-6 in Section 9.14.020 of the Clovis Municipal Code.

¹ 2014 City of Clovis General Plan, Land Use Element, Table LU-2 and LU-3, Land Use Designations, page LU-11 and LU-13. August 2014.

For informational purposes, the site currently has existing entitlements from a previous approval in 2014 which included a rezone and Conditional Use Permit for construction of 144 multi-family units. As part of the proposed Project, these existing entitlements would be rescinded.

2. PROJECT CONSTRUCTION

The Project is anticipated to begin construction summer of 2021 with full buildout by winter of 2027.

3. SITE PREPARATION

Site preparation would include typical grading activities to ensure an adequately graded site for drainage purposes. Part of the preparation would include the removal of any vegetation, such as grasses, 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. There is a small structure on the Project site which would be demolished.

4. PROJECT COMPONENTS

This section describes the overall components of the Project, such as the proposed buildings, landscape, vehicle and pedestrian circulation, and utilities.

DEMOLITION

As mentioned above under the “Site Preparation” section, there is a small uninhabited structure (i.e. shed) at the northeastern portion of the site which would need to be demolished.

CONCEPTUAL SITE LAYOUT AND ELEVATIONS

While this section discusses the general site layout and elevations, it is important to note that the actual site will be reviewed more fully during the City’s Site Plan Review process. As shown in Figure 5, the Project proposes multiple free-standing structures, each on an individual lot. The structures would range in size from approximately 5,000 square feet to 22,000 square feet, with a total square footage at full buildout of approximately 390,000 square feet.

Conceptual elevations are shown in Figure 6. As shown, there would generally be a design for the smaller structures, and one for the larger structures. Under both of the concept elevations, the structures would not exceed 20 feet in maximum height, and would be subject to the C-M zone district development standards shown below in Table 2.

Table 2: C-M Zone District Development Standards

	C-M Zone District Standards
Min. Parcel Size	9,000 sq. ft.
Min. Parcel Width	75 ft.
Min. Corner Parcel Width	75 ft.
Min. Reverse Corner Parcel Width	75 ft.
Min. Parcel Depth	120 ft.
Front Setback	10 ft. (1)
Side Setback	None (1)
Street Side Setback	10 ft.
Rear	None (2)(3)
Maximum Parcel Coverage	None
Min. Distance Between Structures on the Same Parcel	3 ft. (without fire wall) (4)
Maximum Height (Main Structure)	75 ft.

Source: City of Clovis Municipal Code, Section 9.14.130, Table 2-7, April 2, 2020.
 Notes:

- (1) On any street or highway which is a boundary between an industrial district and any residential district, the minimum setback shall be that of the adjacent residential district.
- (2) On any street or highway which is a boundary between an industrial district and any residential district, the minimum rear yard shall be fifteen feet (15')
- (3) When the rear lot line of a parcel in an industrial district abuts any residential district, the minimum rear yard shall be fifteen feet (15')
- (4) Building separations must comply with building and fire codes

SITE CIRCULATION AND PARKING

The Project would be accessed via one (1) point of ingress/egress along Clovis Avenue, and two (2) points along Dakota Avenue, along with individual driveways for each lot. On-site parking would be provided for each parcel. Installation of sidewalks and other pedestrian paths of travel would be required as part of the Project. Although the details have not yet been provided, these features would be per City of Clovis Development Code standards and/or in compliance with Americans with Disabilities Act (ADA) requirements. Further, each parcel would be required to provide sufficient on-site parking consistent with the City's Municipal Code. The final parking calculation is typically reviewed during the City's Site Plan Review process.

LANDSCAPE

The Project would include landscape throughout the business park. Landscaped areas would generally be located along the frontage of each structure where a variety of ornamental shrubs, plants, and trees would be planted, as well as landscape in areas throughout the parking lots. Landscape plans are typically provided during the City's Site Plan Review process at which time the proposed landscape would be reviewed for compliance with the City's water efficient landscape regulations and guidelines.

UTILITIES

Utilities for the site would consist of water, sewer, electric, cable, gas, and stormwater infrastructure. Minor trenching and digging activities would be required for the installation of necessary pipelines typical of commercial development. 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 which is then supplied to customers by the City of Clovis, 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:

- Parcel Map
- Rezone
- Site Plan Review
- Conditional Use Permit (depending on future uses)
- Grading Permit
- Building Permit
- Sign Permit
- San Joaquin Unified Air Pollution Control District
- Fresno Metropolitan Flood Control District

G. TECHNICAL STUDIES

The analysis of the Project throughout this Initial Study relied in part on the technical studies listed below prepared for the Project, as well as other sources, including, but not limited to, the 2014 Clovis General Plan Environmental Impact Report (EIR), departmental staff, California Department of Conservation, and the California Department of Toxic Control Substances.

- **Appendix A:** Air Quality and Greenhouse Gas Analysis Report, October 25, 2019
- **Appendix B:** Biological Habitat Assessment, October 28, 2019
- **Appendix C:** Cultural Resources Assessment, January 2020
- **Appendix D:** Noise Impact Analysis Report, March 13, 2020
- **Appendix E:** Traffic Impact Analysis, January 30, 2020

Figure 1: Project Location



 = Proposed Project Site (approximate limits)



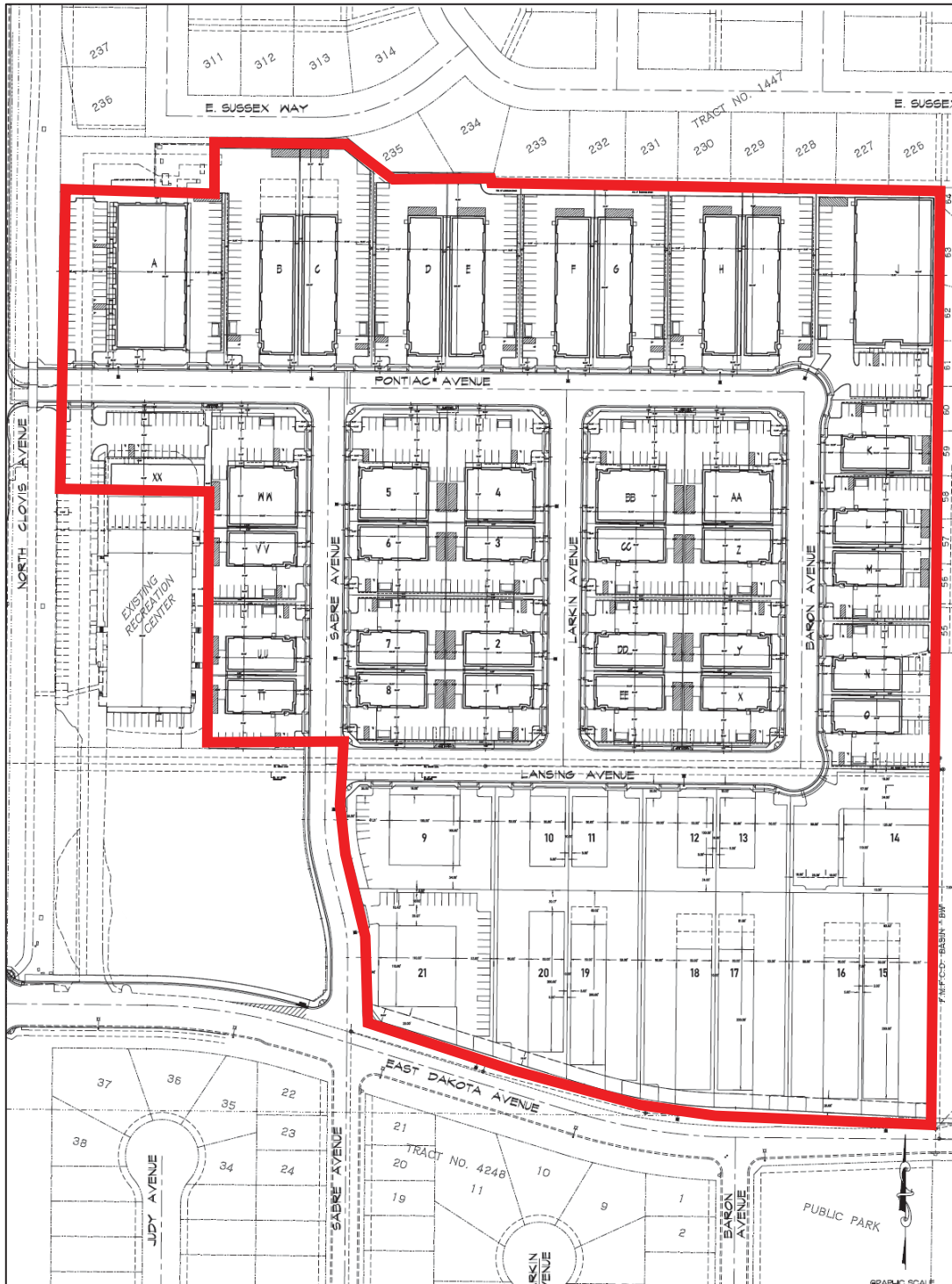
Figure 2: Aerial of Project Site



 = Proposed Project Site (approximate limits)



Figure 5: Proposed Site Plan



□ = Proposed Project Site (approximate limits)

Figure 6: Conceptual Elevations



H. 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 mentioned above in the Project Description, the site is located near the northeast corner of Clovis and Dakota Avenues. In general, the Project site is within an urbanized area of the City surrounded by existing residential to the north, east, south, and west. There is an existing water basin east of the Project site, as well as the Clovis Recreational Center west of the site. As a result, the area is characterized by a mix of development type and uses, as well as typical infrastructure, such as roadways, street lights, parking lot lights, and ambient light sources typical of residential development.

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. While the Sierra Nevada Mountains can be viewed on clear days, the Project would be consistent with the C-M zone district standards which allows structures to be constructed at a maximum height of 75 feet. Although the maximum height limit is 75 feet for C-M zone district, the Project proposes a maximum height of approximately 20 feet, which is substantially below what is allowed under the development standards. Further, the height proposed by the Project is, in some cases, below the height of existing residential development surrounding the site. Lastly, General Plan Policy 2.3 requires that public views of open spaces, parks, and natural features be maintained; however, the Project site is not within the immediate vicinity of these features. Therefore, because the Project would be constructed at a maximum height consistent and/or below with the area, as well as with the C-M Zone District development standards, 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.² Further, there are no existing historical structures or rock outcroppings located on or within the immediate vicinity of the site. 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. As mentioned previously, the existing site is within an urbanized area surrounded by a primarily residential uses. However, immediately west of the Project site is a recreational center, as well as a flood basin to the east. Thus, the area is generally characterized by different types of structures at varying heights, design, and character. Further, the existing site does include portions which were previously planned and zoned for commercial/industrial type uses. Although the Project does include a proposed rezone of existing residentially zoned land to the C-M zone district, these uses would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Further, as mentioned above, there are no officially designated scenic areas in the City, and none specifically at or surrounding the site itself.

² 2014 Clovis General Plan EIR, June 2014, Page 5.1-1.

In addition, the Project proposes that the structures would be at a height significantly below the maximum height limit permitted under the C-M zone district. At a proposed maximum height of approximately 20 feet, the Project would be below the height of some of the surrounding residential homes in the area. Thus, the Project is within the scale and character of the area and would not substantially degrade the existing visual character. Lastly, the Project would undergo Site Plan Review (SPR) which would ensure that the overall design and character is consistent and/or complements the surrounding areas. The SPR process will ensure the Project complies with relevant design policies, such as General Plan, and the Clovis Development Code. During the review, the height, 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.

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

Less-Than-Significant Impact With Mitigation. The Project consists of a business park with multiple lots and buildings. As a result of the existing site being vacant and undeveloped, the Project would introduce new sources of light and glare. Light and glare from the Project would be typical of a business park type development, which may include sources such as exterior lighting for safety, and light and glare from vehicles reflecting off of surfaces such as windshields. Other sources of light would be the interior lighting of the buildings at night. These sources of light and glare are not typically associated with causing significant effects on the environment. Further, the site is already surrounded by existing uses, such as residential, which as a result has established existing sources of light and glare. These sources of existing light and glare are comprised of streetlights, exterior and interior light and glare from existing homes, and from vehicles going to and from the neighborhood. Other sources of existing light and glare derive from vehicles travelling along Clovis Avenue.

Although the Project would introduce new sources of light and glare, the SPR process would ensure that the design and placement of lighting is appropriate to minimize potential light and glare impacts to surrounding properties. In addition, compliance with Mitigation Measure AES-1 would ensure that light and glare impacts be **less than significant with mitigation**.

Mitigation Measure AES-1: The Project shall comply with Section 9.22.050, Exterior Light and Glare, of the Clovis Municipal Code (CMC or Development Code), which requires light sources to be shielded and that lighting does not spillover to adjacent properties.

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 along Dakota Avenue, with portions along Clovis Avenue, and is considered an in-fill property. The site is within an urbanized area of the City, and is surrounded a mix of existing developments types.

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,³ the Project site is considered Farmland of Local Importance, which is defined by the Department of Conservation as farmable lands within Fresno County that do not meet the definitions of Prime, Statewide, or Unique farmlands. Generally, Farmland of Local Importance is or has been used for irrigated pasture, dryland farming, livestock, dairy, and grazing land.

The Project site is an in-fill site within an urbanized area of Clovis and has not been used for farming activities for decades, 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.

³ Farmland Mapping and Monitoring Program, California Department of Conservation, 2016 Fresno County Map.

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 site is not under a Williamson Act Contract. Further, the site is not currently zoned or designated for agricultural use. As a result, the Project would have **no impact** with regards 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 site is mostly vacant and undeveloped, thus, does not contain forest land. Further, the site 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?*

Less-Than-Significant Impact. Although the Project site is considered Farmland of Local Importance according to the Department of Conservation, the site is not zoned for or designated for agricultural uses. Further, the existing site hasn't been used for agricultural related uses in decades. The site is considered an in-fill site and the 2014 Clovis General Plan designates the site for uses other than farming. Additionally, see discussion under Section 2.C related to forest land. Overall, the project would have a **less-than-significant** impact with regards to this topic and no mitigation measure are required.

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			X	

affecting a substantial number of people?				
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ENVIRONMENTAL SETTING

An Air Quality and Greenhouse Gas Analysis Report (AQ/GHG Report) was prepared by Mitchell Air Quality Consulting on October 25, 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 Straits. 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).

Topography⁴

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).

⁴ Air Quality and Greenhouse Gas Analysis Report, Mitchell Air Quality Consulting, page 9, October 25, 2019.

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 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 3, 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 3: 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 24-Hour	-- 150 ug/m ³	20 ug/m ³ 50 ug/m ³
PM _{2.5}	Annual 24-Hour	12 ug/m ³ 35 ug/m ³	12 ug/m ³ --
Lead	30-Day Avg. 3-Month Avg.	-- 1.5 ug/m ³	1.5 ug/m ³ --
<small>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.</small>			

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 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 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 Report, the Project would not exceed these thresholds from construction and operation of the Project.⁵ Further, any impacts related to the construction activities of the Project, such as dust control, would be regulated through the SJVAPCD, which require measures such as frequent watering of the site during construction to minimize dust.

Lastly, the SJVAPCD provided a comment letter, dated March 18, 2020, indicating that the Project would be subject to compliance with the SJVAPCD Rule 9510 (Indirect Source Review) which is intended to mitigate a project’s impact on air quality through project design elements or by payment of in-lieu fees.

⁵ Air Quality and Greenhouse Gas Analysis Report, Mitchell Air Quality Consulting, starting on page 76, October 25, 2019.

Further, the Project would be required to comply with SJVAPCD Rule 9410 (Employer Based Trip Reduction) that encourages employees to reduce single-occupancy vehicle trips. Consequently, compliance with SJVAPCD regulations would ensure that the Project result in a **less-than-significant** impact 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 site would be the existing residences adjacent to the site to the north, south, and east. Based the AQ/GHG Report, the Project would not exceed emission thresholds that would result in a significant impact⁶ 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 would include a mix of commercial and light industrial type uses, thus, unlikely to produce odors that would be considered to adversely affect a substantial number of people. Although the Project proposes trash enclosures throughout the site, these enclosures would be located as far away from the existing residences as possible, thus, would minimize or eliminate the possibility of odor emitting from the enclosures. Although some odors would be emitted through the construction of the Project, such as diesel fuel and exhaust from construction equipment, these odors would be temporary in nature and last only during construction activities. Further, the types of uses allowed in the C-M zone district are not generally considered to be odor-causing uses that would adversely affect a substantial number of people. Overall, a **less-than-significant** impact would occur.

⁶ Air Quality and Greenhouse Gas Analysis Report, Mitchell Air Quality Consulting, starting on page 89, October 25, 2019.

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	
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
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ENVIRONMENTAL SETTING

A biological resources memorandum (Biological Memo) was prepared by H.T. Harvey & Associates dated October 28, 2019 (see Appendix B). This Biological Memo included a site survey for the presence and potential for special-status biological resources of the site. The existing Project site has been disced and comprises of ruderal grassland, dominated by non-native grasses and shrubs.

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 Memo, the site has been previously disturbed is surrounded by substantial development.⁷ Further, the site comprises primarily of non-native grasses and shrubs, therefore, unlikely to serve as suitable habitat for any special-status species.⁸ During field observations, the Biological Memo concluded that there was no evidence of special-status species at the site and that it was not anticipated that impacts would occur on any special-status species. Overall, due to the lack of presence of special-status species, as well as the site being surrounded by existing urban development, it is not likely that the Project would have a substantial adverse effect to habitat supporting these special status species. Nevertheless, in efforts to ensure protection of nesting birds, implementation of mitigation measures BIO-1 would ensure that a **less-than-significant impact with mitigation** occurs.

Mitigation Measure BIO-1: Pre-Activity Surveys for Birds During Nesting Season. For construction activities during February 15 through August 31, the applicant shall hire a qualified ornithologist to conduct pre-construction surveys for the presence of nesting birds at the Project site. The survey shall be conducted no more than seven (7) days prior to construction activities. The survey shall inspect all potential nesting areas for the presence of nests in or immediately adjacent to the impact areas. If an active nest is found, the applicant shall implement measures recommended by the ornithologist, which could include establishing a construction-free buffer zone around the nest (typically 250 feet for raptors and 50 – 100 feet for other species).

- 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?*

Less-Than-Significant Impact. As mentioned previously, the Project site is characterized by non-native grassland, and shrubs. There were no riparian habitat or sensitive natural community identified at the site, nor are any identified in local or regional plans.

⁷ Biological Memorandum prepared by H.T. Harvey & Associates, October 28, 2019, page 1.
⁸ Biological Memorandum prepared by H.T. Harvey & Associates, October 28, 2019, page 1.

Therefore, the Project would not result in a substantial adverse effect with respect to this threshold, and a **less-than-significant** 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. There are no state or federally protected wetlands located on the site, nor were any identified in the Biological Memo prepared for the Project. Although there is a flood basin east of the Project site, it is not considered state or federal jurisdictional waters. Therefore, **no impact** would occur.

- 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. The Biological Memo did not identify the site as a regional or local wildlife movement corridors.⁹ Further, wildlife corridors typically serve as areas that wildlife traverse in order to migrate from one habitat to another and because the site is infill and surrounded by urban development, the site is unlikely to serve as any sort of wildlife corridor. Thus, **no impact** would occur and no mitigation measures are required.

- 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. Although the Project would include development of an existing undeveloped and vacant site, the site does not indicate the presence of any sensitive habitat or wildlife features that would be significantly impacted. Although Policy 2.6 of the Open Space and Conservation Element of the 2014 General Plan calls for the protection of biological resources, the Biological Memo did not identify any such resources at the site due to its location and being surrounded by urban development. Further, the Clovis Development Code does include tree protection standards for any trees that may need to be removed during construction. Compliance with the tree protection standards of the Clovis Municipal Code would require the replacement of trees and/or payment of in-lieu fees. Consequently, due to the lack of any identified sensitive species, and because the Project would be required to comply with the tree protection ordinance, the impact would be **less-than-significant** and no mitigation measures would be required.

- 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. However, the site is within the PG&E San Joaquin Valley Operation and Maintenance HCP, although the PG&E HCP applies only to PG&E construction and maintenance activities and does not apply to the site. Overall, **no impact** would occur and no mitigation measures are required.

⁹ Biological Memorandum prepared by H.T. Harvey & Associates, October 28, 2019.

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 site is located on an undeveloped and vacant infill site. The site contains one small structure (i.e. pump house/shed), and is surrounded by existing residential development. A Cultural Resources Survey (Cultural Survey) was prepared by Table Mountain Rancheria dated January 2020 (see Appendix C). This Cultural Survey was based on information obtained at the Southern San Joaquin Valley Information Center, CSU Bakersfield, as well as review of other surveys conducted in the area. Based on the Cultural Survey, two resources were identified within a ½ mile of the Project site, though not at the site itself. The Cultural Survey also included a site visit by Table Mountain Rancheria cultural resources staff to identify the presence and determine the likelihood of any cultural resources.

DISCUSSION

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

No Impact. As previously mentioned, there is only one small structures on the site which is not identified as a historical resource in the Cultural Survey. 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 vacant and undeveloped, although is surrounded by existing urban development. However, the site’s ground has been previously disturbed as a result of previous discing and other ground disturbing activities throughout the years. The Cultural Survey also concluded that there were no historic or tribal cultural resources present at the site.

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

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

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

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 vacant and undeveloped, although is surrounded by existing urban development. However, the site's ground has been previously disturbed as a result of some light grading and the mowing of weeds and shrubs throughout the years. The Cultural Survey prepared for the Project concluded that the lack of historical or archaeological resources detected during the site visit would make it unlikely that the Project would encounter such resources during construction. Nevertheless, 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.

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 County coroner and/or tribes. Therefore, the Project would result in a **less-than-significant impact with mitigation**.

Mitigation Measure CULT-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.

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 is located on an infill site surrounded by existing urban uses, primarily residential.

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 a commercial business park, along with associated landscape, hardscape, and infrastructure (i.e. drive aisles, utilities, etc.). The Project would include construction activities typical of a business park, thus, is not generally considered the type of use or intensity that would result in the unnecessary consumption of energy. Although the end users of each building have not yet been identified, the types of uses would be subject to compliance with the latest energy efficiency standards in effect at the time of development and operation. This would include compliance with Title 24 Green Building Standards for energy efficiency, as well as be required to comply with the latest water efficient landscape policy regulations. 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. Conformance to these standards would be reviewed during the City’s site plan review process and during review of building plans.

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 alternative waste disposal systems where sewers are not available for the disposal of wastewater?				X
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 on the Project site. Although Figure 5.6-2 of the Geology and Soils Chapter of the General Plan EIR does show a fault, the fault is located several miles east 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 east 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.¹⁰ 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. Although the site is relatively flat, 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.

- 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.

¹⁰ 2014 Clovis General Plan EIR, Chapter 5: Geology and Soils, page 5.6-3.

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 Project 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 resources memorandum concluded that the potential for uncovering of archaeological or subsurface historical deposits (i.e. paleontological resources) is unlikely. 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			X	

reducing the emissions of greenhouse gases?				
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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 an approximately 390,000 square foot business park at full buildout. 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 sufficiently reduce emissions versus business as usual scenarios and would not exceed the minimum percentage reduction of emissions required by the State, SJVAPCD, and the Clovis General Plan EIR.¹¹ 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 Report,¹² 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. Further, although the SJVAPCD has adopted a Climate Action Plan, it does not contain measures that are applicable to development projects. Since there are no other local or regional climate action plans, the Project was assessed for consistency with the Air Resources Board (ARBs) adopted scoping plans. 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 Report found this potential impact to be **less than significant**.

¹¹ Air Quality and Greenhouse Gas Analysis Report, Mitchell Air Quality Consulting, page 107, October 25, 2019.

¹² Air Quality and Greenhouse Gas Analysis Report, Mitchell Air Quality Consulting, page 9, October 25, 2019.

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 safety hazard or excessive noise for people residing or working in the project area?				X
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 Miramonte Elementary School, located approximately one (1) mile northeast of the site.

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 an approximately 390,000 square-foot business complex under the C-M zone district which supports commercial and light manufacturing businesses, such as warehousing, distributing, storage, and wholesale sales. The type of hazardous materials that would be associated with the Project are those typical of light manufacturing and commercial businesses, such as the use of cleaners, landscape maintenance products, soaps, and potential pesticides (for pest control). Although the specific uses are undetermined at this time, it is not expected that the Project would routinely transport, use, or dispose of hazardous materials other than those typical of those associated with light manufacturing. However, if transported, handled, and disposed of in accordance with regulations, these materials 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 one (1) mile from the nearest school, which is Miramonte Elementary. 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.¹³ The nearest occurrence was a Leaking Underground Storage Tank (LUST) located slightly north of the Project at Clovis and Ashlan Avenues; however, this LUST cleanup site case was closed after proper remediation on August 2013. 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 located approximately 2 miles northeast of the Fresno Yosemite International Airport and is within Traffic Pattern Zone (TPZ) 6 of the Fresno Council of Governments Airport Land Use Compatibility Plan. According to the Airport Land Use Compatibility, TPZ 6 is considered to be low risk for aircraft accidents. Nevertheless, the Project would be required approval by the Airport Land Use Commission to confirm the Project is compatible with the provisions of the Airport Land Use Compatibility Plan. In general, within the TPZ 6, as long as heights of structures are below 100 feet, it is presumed that no interference with aircraft would occur. Because the Project would be constructed at a height well below that, it is anticipated that no major impacts would occur. Therefore, subject to a determination by the Airport Land Use Commission, **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 development. Further, the road network is already in place from previous development. 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.

¹³ California Department of Toxic Substance Control, EnviroStor Database, https://www.envirostor.dtsc.ca.gov/public/map/?global_id=71003467, accessed on June 15, 2020.

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 an infill site surrounded by urban 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 stormwater 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 Stormwater 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 stormwater 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

In 2014, the Sustainable Groundwater Management Act (SGMA) was signed into law which created the framework for groundwater management within California. As a result, SGMA requires governments and water agencies of high and medium priority basins to halt groundwater overdraft and bring the groundwater basins back to a balance.

The City of Clovis is within the greater Kings Groundwater Subbasin, which is managed by the North Kings Groundwater Sustainability Agency for the area which the City is located, and is considered critically overdrafted. The Kings Basin is a subbasin to the southern part of the San Joaquin Valley Basin and covers 1,530 square miles. Groundwater within the basin is monitored by the City, Fresno Irrigation District (FID), and the Kings River Conservation District.

The City of Clovis provides water through a combination of surface and groundwater sources, including averaging over 20,000 acre-feet per year from the Kings River, as well as several City-managed wells. In 2015, the City delivered approximately 20,030 acre-feet of water to its residents.

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 the type and intensity of development that the Project proposes. 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 an infill site that is generally flat and surrounded by existing urban uses. There are no streams or rivers on the site that would be altered as a result of the Project. Further, some of the infrastructure surrounding the site, such as stormdrains are already in place from existing development. The site is mostly pervious since it is currently undeveloped, 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 an infill site substantially surrounded by existing urban uses. Due to the Central Valley's location away from the ocean, an impact from a tsunami is unlikely. However, the Project site is designated as a Federal Emergency Management Agency (FEMA) Flood Zone "X" which is considered by FEMA as a non-special flood hazard area and that the risk of a flood is low-risk. A Flood Zone X has a 0.2 percent-annual-chance of flood (or a 500-year flood). 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. The North Kings County GSA adopted a groundwater management plan in 2019. Although the groundwater subbasin which Clovis lies within is considered overdrafted, 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 considered an in-fill site in that the surrounding areas are urbanized. There are existing single-family residential uses to the north, east, and south, as well as commercial and a recreational center to the west. There are currently no residential uses or homes on the Project site itself.

DISCUSSION

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

Less-Than-Significant Impact. Although the site is currently vacant and undeveloped, the general area is urbanized with a mix of existing uses and land use types. 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 as Mixed Use Village which is intended for a mix of commercial, and office related uses, as well as residential. Further, as part of the Project, new sidewalks would be installed throughout the site, including along Dakota Avenue to facilitate improved and safer connections between the site and adjacent uses.

Consequently, the Project seeks to complement and enhance the connectivity of the area with installation of a new public sidewalks, and by adding roadways to other vacant land that would improve circulation throughout this area. 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 includes a request to rezone the property to the C-M zone district. As a proposed business park Project, this would be consistent the General Plan Land Use Designation.

The Mixed Use Village land use designation supports all industrial districts (i.e. C-M), except for M-2. Since the Project seeks a rezone to the C-M zone district, this would be compatible with the land use designation. Further, through the review and entitlement process, the Project is reviewed for compliance with applicable regulations, including those intended for avoiding or mitigation an environmental effect. For example, 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 with neighboring properties.

Further, the Project includes a rezone which will bring the site's zone district into consistency with the 2014 Clovis General Plan. Overall, with 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.¹⁴ 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. Further, the Project site is an infill site within the City 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.

¹⁴ 2014 Clovis General Plan EIR, Chapter 5: Mineral Resources, page 5.11-1.

- 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

ENVIRONMENTAL SETTING

The Project site is located on a vacant and undeveloped site surrounded by existing residential and commercial development. Further, the site is bound by Clovis Avenue to the west, Dakota Avenue to the south. As such, existing ambient noise levels are typical of noises from these types of developments (i.e. commercial shopping centers, roadway networks, and residential).

Included as Appendix D is a Noise Impact Analysis Report (Noise Report) prepared by FirstCarbon Solutions, dated March 13, 2020. The following analysis is based in part on the information provided in this Noise Report. The purpose of the Noise Report was to determine the off-site and on-site noise impacts associated with the Project. As part of the Noise Report, existing ambient noise levels were measured at three (3) different locations around the site to determine the existing levels of noise. Depending on the location of the noise monitoring (see Exhibit 4 on page 25 of the Noise Report for noise monitoring locations), ambient levels ranged from approximately 56.7 decibels to 60.7 decibels. At each location, the dominant source of noise was determined to be traffic from either Clovis Avenue or Dakota Avenue.¹⁵

¹⁵ Noise Impact Analysis Report, Clovis and Dakota Business Park Project, March 13, 2020, page 21.

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. The Project would include development of an existing vacant and undeveloped site within Clovis. Thus, the Project would result in a temporary and permanent increase in ambient noise levels as a result. However, as mentioned above, the Project site is infill and is already surrounded by existing commercial and residential development. Therefore, while the Project would introduce new ambient noise from the construction of and operation of the business park, the Noise Report concluded that operation of the Project would still meet City noise standards.¹⁶ According to Table 9 of the Noise Report, although noise would increase slightly primarily attributed to additional traffic at Dakota and Clovis Avenue, the overall decibel level would remain within City standards.

Further, 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. In terms of noise following the buildout of the Project, the Project includes construction of a masonry or other type of solid wall along the property lines where the Project is adjacent to residential uses to serve as a buffer. Further, landscaping would occur along the northern property line, as well as throughout the site, which would also serve to buffer noise from the Project. Further, vehicles would enter and exit along Clovis and/or Dakota Avenue (via Sabre Avenue) which is away from existing residential. As mentioned above, existing ambient noise already exists from vehicles, and while the Project would add to the ambient noise, it would not significantly increase the ambient noise levels beyond City standards.

During operation of the Project, typical noises would include those of vehicles driving at slow speeds to and from their destination, as well as noises such as car doors shutting, and other noises typical of business parks. Most of these activities are anticipated to occur during daytime hours and would be screened by a solid wall between the Project and adjacent residential. Although the end uses are not identified, some uses could result in elevated noise levels depending on the business type and hours of operation; however, Section 9.22.080 establishes noise standards that would need to be adhered to in order to ensure that significant noise disturbance does not occur to neighboring properties. Further, the Project does include an adequate buffer between the structures and neighboring properties, as well as will include some landscaping which will further help to screen noise.

Consequently, because the Project site is considered infill, already surrounded by similar uses, and because construction noise would be temporary in nature, the potential for a substantial increase in ambient or temporary noise increases is considered **less-than-significant** and no mitigation measures are required.

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

Less-Than Significant Impact. The Project includes development of a business park on an existing vacant and undeveloped parcel. Therefore, construction equipment typical of the development of commercial buildings 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 groundborne vibration given the distance of residential homes to the site. 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.

¹⁶ Noise Impact Analysis Report, Clovis and Dakota Business Park Project, March 13, 2020, page 28.

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 groundborne 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. Although the Project is located within the vicinity of Fresno Yosemite International Airport, which is approximately 1 mile southwest of the site, it is located outside of the noise contour map of the airport.¹⁷ Therefore, people working at the business park would not be exposed to excessive noise levels and **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 an in-fill site that has previously planned for commercial and residential use in the 2014 Clovis General Plan. However, the site is currently vacant and undeveloped. Although the Project includes proposing to rezone approximately 16 acres of the site from R-2 (Multifamily Medium-High Density) to the C-M (Commercial and Light Manufacturing) Zone District, prior to approval of the Project, the equivalent residential capacity from that rezone would be replaced elsewhere in the City consistent with the provisions of Senate Bill 330 (SB 330).

¹⁷ Fresno Council of Governments, Airport Land Use Compatibility Plan, December 2018, Fresno Yosemite International Airport, Exhibit D2, Noise Contours.

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 include construction of a business park in an area previously planned for commercial and residential uses. Therefore, the site was previously planned for population growth within this area. While the Project includes increasing the amount of land use for commercial and decreasing the amount of land for residential, the overall area was previously planned for development and is considered an infill site. Further, 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 Project site itself is an in-fill site, thus, the primary infrastructure (i.e. road network, utilities, sidewalks, etc.) is already in place and would be able to serve the site, as planned for in the 2014 General 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 site is currently vacant and undeveloped. There are no existing habitable structures, homes, or people currently living on the site, therefore, the Project would not result in the substantial displacement of existing people or housing. Therefore, displacement of existing people or housing would not occur and a **less-than-significant** impact would occur.

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 is located on an in-fill site within the City, surrounded by existing residential and commercial uses. As mentioned above in the Population and Housing and Land Use and Planning sections, the Project is generally consistent with the use already planned for in terms of type, and intensity of development.

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 #1, located approximately 2.8 miles northwest of the site. The Clovis Police department is located approximately 3.5 miles north 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 new commercial uses to the area, the site is located in an urbanized area of the City already able to be served by the Clovis Fire Department. Also, the site itself is in close proximity to Fire Station's #1, 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, 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 new commercial uses to the area, the site is located in an urbanized area of the City already able to be served by the Clovis Police Department. The Clovis Police Department headquarters are located at 1233 Fifth Street, which is approximately 3.5 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. Lastly, the site is located in an already urbanized areas serviced by the Clovis Police Department, and thus access to and from the site would be similar to existing 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. The Project includes construction of a business park which would not generate students for schools. As part of the review process, CUSD is provided the opportunity to comment and work closely with the City as development is proposed. 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 new commercial uses. As such, the Project's consistency with the planned land use designation for this site would mean that the potential impacts on public facilities have been adequately accounted for. The Project would not generate population given that there is no residential component to the Project, thus, would not necessarily result in the increased usage of other public facilities. Further, 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. 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 Project is located on an in-fill site surrounded by existing residential and commercial development. The nearest park to the site is Westcal II Park, located across the street (Dakota Avenue) to the south of the 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 proposes the construction of a business park which would not generate new residents to the site. Although the Project would not include the construction of homes, it's possible that workers or patrons of the site could utilize the nearby park, although not likely to substantially increase the usage of the park. Further, the Project itself would include landscaped areas along the Project frontages which could be utilized by the business park employees. Overall, the type and use of Project would not likely 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 site itself would construct on site landscaping in compliance with City standards for commercial development. However, it is not likely that the Project itself would require the construction or expansion of new recreational facilities that would have an adverse physical effect on the environment. The Project would also be required to contribute a proportionate share towards the acquisition and development of future parks in order for the City to maintain its adopted ratio of providing four (4) acres of parkland per 1,000 residents, as stated in Policy 1.1 in the Open Space and Conservation Element of the 2014 General Plan, and Section 3.4.03 of the Clovis Municipal Code. 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 is located in an area within a previously urbanized area in the City, as previously mentioned. The site is bounded by Clovis Avenue to the west, and Dakota Avenue to the south. According to the 2014 Clovis General Plan Circulation Diagram in the Circulation Element (Figure C-1 of the Circulation Element), Clovis Avenue is designated as an arterial street, and Dakota Avenue is classified as a local street. Arterial streets are intended to move large volumes of traffic and are intended to provide a high level of mobility between freeways, expressways, other arterials, and collector roadways. 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 JLB Traffic Engineering on January 30, 2020 (included as Appendix E 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 site is within an urbanized area of the City by the 2014 Clovis General Plan. The site was designated as Mixed Use Village by the 2014 Clovis General Plan and its EIR previously contemplated the potential traffic impacts associated with development with that designation. Although the site would include a rezone from to the C-M Zone District, this district is consistent with the Mixed Use Village Land Use Designation. According to the TIS, the Project would result in 244 trips in the a.m. peak hours of between 7 a.m. and 9 a.m. and 238 trips in the p.m. peak hours between 4 p.m. and 6 p.m., as well as a total of 1,936 daily vehicle trips.

Existing Traffic Conditions

Based on the TIS (page 7), 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 while the school year was in session. According to the TIS, all of the study intersections operated at an acceptable level of service per City standard.¹⁸

Existing-Plus-Project Conditions

Existing-Plus-Project conditions represent existing conditions plus buildout of the Project. According to the TIS, the intersection of Clovis and Saginaw Avenues would exceed the acceptable LOS standard by the City. However, implementation of Mitigation Measure TRAF-1 was found to adequately mitigate this potential impact.

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. The TIS included consideration of several projects within the vicinity as shown in Table IV of the TIS. However, implementation of Mitigation Measure TRAF-1 was found to adequately mitigate this potential impact.

Cumulative 2040 Traffic Conditions

These conditions represent anticipated traffic volumes for the year 2039. As described in the TIS, the two study intersections would operate at unacceptable levels of service for the year 2040. However, implementation of Mitigation Measure TRAF-1 was found to adequately mitigate this potential impact.

¹⁸ Traffic Impact Study, Clovis-Dakota Business Park, JLB Traffic Engineering, January 30, 2010, page 7.

Consequently, the Project itself would help to facilitate improved circulation by adding a pedestrian sidewalk along Dakota Avenue, as well as improvements along Clovis Avenue fronting the site which would enhance the overall pedestrian circulation. The TIS also determined that implementation of Mitigation Measure TRAF-1 would reduce the potential for significant traffic impacts by ensuring that payment of fair share costs be assessed for future traffic control at Saginaw and Clovis Avenues. While the level of service at this intersection would be slightly exacerbated with the Project, Policy 2.1 in the Circulation Element of the General Plan allows exceptions to LOS on a case-by-case basis where a project would result in other public benefits. In the case of the Project, development of an infill property at a medium-high density would provide a public benefit by creating a pedestrian-friendly environment on a site that is otherwise vacant and undeveloped. Overall, with implementation of Mitigation Measure TRAF-1, a **less-than-significant with mitigation** impact would occur.

Mitigation Measure TRAF-1: Saginaw and Clovis Avenues. The Project proponent and/or applicant shall pay a fair share of costs for the installation of the traffic control device prior to issuance of building permits with the option to prorate and/or defer fair share costs to occupancy of each unit and/or building, if approved by the City Engineer. This mitigation measure assumes that installation of a raised median island "worm" be extended across the intersection along the center of Clovis Avenue. With the installation of the traffic "worm," eastbound left-turns would be redirected to Griffith Way and westbound left-turns would be redirected to Dakota Avenue.

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. Nevertheless, the Project is located on an infill site within the City that is surrounded by existing commercial and residential uses. Thus, the Project would serve to reduce VMT as an infill site. Further, the Project is located along the Clovis trail along Clovis Avenue which would encourage alternate modes of transportation. The close proximity of the Project to residential may also provide opportunities for goods and services for the surrounding residential to utilize depending on the ultimate uses within the business park. The Project is consistent with General Plan Policy 1.4 of the Circulation Element, which encourages infill development for the purpose of reducing VMT. Overall, the Project, due to its close proximity to an existing commercial shopping center, and as an infill site, would result in a **less-than-significant** impact.

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 (i.e. Clovis Avenue and Dakota Avenue) was previously constructed to City 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 two ingress/egress access point, including one along Clovis Avenue and the other along Sabre Avenue (to be constructed as part of the Project). 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 radii, as well as adequate access to units 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 of the resource to a California Native American Tribe?		X		

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.

On February 27, 2020, consistent with AB52, invitations to consult on the Project were mailed to thirteen (13) tribes within the area. According to AB52, tribes have up to thirty (30) days to request consultation, at which time the City would set up a consultation. No requests for consultation were requested during that time.

A Cultural Resources Survey (Cultural Survey) was prepared by Table Mountain Rancheria dated January 2020 (see Appendix C). This memorandum was based on information obtained at the Southern San Joaquin Valley Information Center, CSU Bakersfield, as well as a previously adopted Initial Study Mitigated Negative Declaration.

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. As mentioned in the Project Description, the Project site is currently vacant and undeveloped. There are no existing structures or features on the site that are listed or eligible in the California Register of Historical Resources, or in a local register. As such, the Project would have **no impact** and no mitigation measures are required.

- 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. As mentioned above, the City invited 13 Native American tribes to consult on the Project under AB52, and no tribes requested consultation within the 30-days afforded to respond under AB52. The Project site is currently vacant and undeveloped, and would require trenching and ground-disturbing activities during construction for the installation of utility infrastructure needed to serve the Project. Although no cultural resources were identified at the site, the potential remains that cultural resources could be inadvertently discovered during ground-disturbing activities. However, implementation of Mitigation Measures TCR-1 and TCR-2 below would reduce potential significant impacts and ensure protection in the event of accidental discovery of any cultural resources. With Mitigation Measure TCR-1 and TCR-2, impacts would be **less-than-significant with mitigation**.

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

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 project's projected demand in addition to the provider's existing commitments?			X	
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 (MID). 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. Stormwater 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 a business park on an infill site. As mentioned above, the site is consistent with the General Plan land use designation previously accounted for in the 2014 Clovis General Plan. 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. Further, while the Project would introduce commercial uses at this site, the type of development is consistent with the land use designation previously planned for. 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 is on an infill site surrounded with existing urban uses which are served adequately with City water. Therefore, 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. Further, 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. Lastly, the City Engineer reviewed the Project and determined that a water study was not required given the consistency with the 2014 General Plan land use designation. 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, it is not likely that the Project would result in a demand that would exceed the capacity of the wastewater treatment facility. Further, during Project review, the City Engineer and outside agencies review and ensure the wastewater conveyance system is adequate for the type of use proposed. For that reason, 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 Impact. 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 employee disposal rate of 15.5 pounds per day per employee, meaning that Clovis residents are actually producing less solid waste than the target set by the State.¹⁹ 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.

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	

¹⁹ Calrecycle, City of Clovis, <https://www2.calrecycle.ca.gov/LGCentral/DiversionProgram/JurisdictionDiversionPost2006>, accessed June 22, 2020.

<p>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?</p>			<p>X</p>	
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ENVIRONMENTAL SETTING

The Project site is located on an infill site surrounded by existing urban uses. The site’s topography is generally flat and characterized primarily by low lying shrubs and grasses.

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 development. Further, the road network is already in place from previous development. 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 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 is flat and undeveloped and located on an infill site surrounded by existing urban uses. The general vicinity of the site is flat, therefore, 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 structures and require installation of several hydrants throughout the 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 urban uses. As a new development, installation of a private 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 is generally flat topography, and the 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 an infill site within the City of Clovis, substantially surrounded by existing development consisting of commercial and 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 new commercial uses to an existing vacant site, the type of use was previously accounted for in the 2014 Clovis General Plan buildout. Therefore, cumulative impacts were already accounted for since the Project is generally consistent with the Zone District. 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 a significant impact that could not be mitigated to a less-than-significant level. Therefore, a **less-than-significant** impact would occur.

I. Report Preparation

LEAD AGENCY

Ricky Caperton, AICP

Senior Planner
City of Clovis
Planning & Development Services

TECHNICAL STUDIES

Air Quality and Greenhouse Gas Analysis Report

Clovis-Dakota Business Park
Dave Mitchell, Senior Air Quality Scientist
Mitchell Air Quality Consulting

Biological Analysis Report

Clovis and Dakota Business Park
Ethan Barnes, Project Manager, Senior Plant Ecologist
H.T. Harvey & Associates, Inc.

Cultural Resources Technical Memorandum

Clovis-Dakota Business Park
Robert Pennell, Tribal Cultural Resources Director
Cristina Gonzales, Assistant Director
Sara Lane Barnett, Cultural Resources Assistant
Vanessa Jimenez, Cultural Resources Assistant
Ngoc Thuy Kirby, GIS Specialist
Table Mountain Rancheria

Noise Impact Analysis Report

Clovis and Dakota Business Park
Mary Bean, Project Director
Philip Ault, Project Manager, Noise and Air Quality Scientist
FirstCarbon Solutions

Traffic Impact Study

Clovis-Dakota Business Park
Jose Luis Benavides, PE, TE
JLB Traffic Engineering, Inc.

RESOLUTION 20-____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING AN ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE DECLARATION FOR REZONE R2020-003 PURSUANT TO CEQA GUIDELINES**

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

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

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

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

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

1. The foregoing recitals as true and correct.
2. The initial study and mitigated negative declaration for the Project are adequate, reflect the City’s independent judgement and analysis, and have been completed in compliance with CEQA and the CEQA Guidelines.
3. The initial study and mitigated negative declaration were presented to the Planning Commission and that the Planning Commission has independently reviewed, evaluated, and considered the initial study, mitigated negative declaration and all comments, written and oral, received from persons who reviewed the initial study and mitigated negative declaration, or otherwise commented on the Project (“in the Administrative Record”) prior to approving the Project.
4. On the basis of the whole record, that there is no substantial evidence that the Project will have a significant effect on the environment.

5. The mitigated negative declaration is approved and the mitigation monitoring program set forth in **Attachment A**, including the mitigation measures identified therein and as described in the mitigated negative declaration is adopted.
6. Directs that the record of these proceedings shall be contained in the Department of Planning and Development Services located at 1033 Fifth Street, Clovis, California 93612, and the custodian of the record shall be the City Planner or other person designated by the Planning and Development Services Director.
7. The Planning and Development Services Director, or his/her designee, is authorized to file a notice of determination for the Project in accordance with CEQA and to pay any fees required for such filing.
8. The basis for the findings is detailed in the October 19, 2020 City Council staff report and the September 24, 2020 Planning Commission staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as evidence and comments presented in connection with the mitigated negative declaration.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 19, 2020, by the following vote, to wit.

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED:

Mayor

City Clerk

**Mitigation Monitoring Program
R2020-003**

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

ATTACHMENT A

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

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	<p>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>			
Geological Resources				
GEO-1	<p>If prehistoric or historic-era cultural materials are encountered during construction activities, all work in the immediate vicinity of the find shall halt until a qualified professional archaeologist and/or paleontologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, can evaluate the significance of the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants.</p> <p>If the qualified professional determines that the discovery represents a potentially significant</p>	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	

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

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

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

ORDINANCE 20-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING AND CHANGING THE OFFICIAL ZONE MAP OF THE CITY OF CLOVIS IN ACCORDANCE WITH SECTION 9.08.020 AND 9.86.010 OF THE CLOVIS MUNICIPAL CODE TO RECLASSIFY APPROXIMATELY 32.00 ACRES FROM THE C-2 (COMMUNITY COMMERCIAL), M-1 (LIGHT INDUSTRIAL), M-2 (HEAVY INDUSTRIAL), AND R-2 (MULTIFAMILY MEDIUM-HIGH DENSITY RESIDENTIAL) ZONE DISTRICTS TO THE C-M (COMMERCIAL AND LIGHT MANUFACTURING) ZONE DISTRICT FOR PROPERTY LOCATED NEAR THE NORTHEAST CORNER OF CLOVIS AND DAKOTA AVENUES

LEGAL DESCRIPTION:

See Attachment A

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

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

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

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

WHEREAS, the Planning Commission voted and recommended that the City Council approve Rezone R2020-003; and

WHEREAS, the Planning Commission's recommendations were forwarded to the City Council for Consideration; and

WHEREAS, the City published a Notice of the City Council Public Hearing for October 19, 2020, to consider Rezone R2020-003, in the Fresno Business Journal, mailed notices to area residents within 600 feet of said property boundaries ten days prior to said hearing, and posted notice of the Public Hearing according to applicable law; and

WHEREAS, the City Council held a noticed public hearing on October 19, 2020, to consider the approval of Rezone R2020-003, at which time interested persons were given opportunity to comment on the project; and

WHEREAS, on October 19, 2020, the City Council considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings (“Administrative Record”) relating to rezone R2020-003, which are maintained at the offices of the City of Clovis Department of Planning and Development Services; and

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

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

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

Section 1

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects.
4. The City Council considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record and approved a mitigated negative declaration for the project pursuant to CEQA guidelines.
5. The City Council does approve Rezone R2020-003.

Section 2 The Official Map of the City is amended in accordance with Sections 9.8.020 and 9.86.010 of the Clovis Municipal Code by reclassification of certain land in the County of Fresno, State of California, to wit:

From the C-2 (Community Commercial), M-1 (Light Industrial), M-2 (Heavy Industrial), and R-2 (Multifamily Medium-High Density Residential) Zone Districts to the C-M (Commercial and Light Manufacturing) Zone District, as described in **Attachment A**.

Section 3 This Ordinance shall go into effect and be in full force from and after thirty (30) days after its final passage and adoption.

APPROVED:

Mayor

City Clerk

* * * * *

The foregoing Ordinance was introduced and read at a regular meeting of the City Council held on October 19, 2020, and was adopted at a regular meeting of said Council held on _____, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

City Clerk

LEGAL DESCRIPTION
(Legal description to be provided)

ATTACHMENT A



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: October 19, 2020

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

a. Consider Approval – Res. 20-____, GPA2020-002, A request to amend the Shaw Avenue Specific Plan to permit drive-thru uses for this specific site.

b. Consider Approval - Res. 20-____, CUP2020-003, A request to amend the adopted use schedule for the P-C-C (Planned Commercial Center) to allow for a drive-thru use and to allow for an approximately 3,300 square foot drive-thru restaurant use.

Staff: Ricky Caperton, AICP, Senior Planner

Recommendation: Approve

ATTACHMENTS:

1. Conditions of Approval
2. GPA2020-002 Justification
3. Proposed P-C-C Use Schedule
4. Conceptual Site Plan and Elevations
5. Correspondence from Commenting Agencies
6. Draft Planning Commission Minutes (09-24-20)
7. Draft Resolution, GPA2020-002
8. Draft Resolution, CUP2020-003

CONFLICT OF INTEREST

None.

RECOMMENDATION

Planning Commission and staff recommend that the City Council approve the following subject to the conditions of approval in **Attachment 1**:

- Approve General Plan Amendment GPA2020-002, subject to the conditions of approval included in **Attachment 1**; and
- Approve Conditional Use Permit CUP2020-003, subject to the conditions of approval included in **Attachment 1**.

EXECUTIVE SUMMARY

The applicant is requesting a text amendment to the Shaw Avenue Specific Plan and a conditional use permit to allow for an approximately 3,300 square-foot drive-thru use (Raising Cane's Chicken Fingers) on the subject property. The site is comprised of an approximately 1.07-acre lease area within a greater approximately 6.5-acre parcel, located on the northwest corner of Shaw and Cole Avenues (**Figure 1**), as part of the Sierra Pavilions Shopping Center.

Approval of this request will allow the applicant to move forward with site plan review for the development of the Project.

The Planning Commission considered the Project at its September 24, 2020 meeting and adopted resolutions in support in a 5-0 vote. Additional details summarizing the Planning Commission meeting are provided below under the "Planning Commission Comments" section.

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

BACKGROUND

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

FIGURE 1
Project Location



Shaw Avenue Specific Plan

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

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

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

PROPOSAL AND ANALYSIS

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

General Plan Amendment (GPA2020-002)

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

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

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

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

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

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

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

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

Conditional Use Permit (CUP2020-003)

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

The intent of the P-C-C Zone District is to encourage the effective and timely development of land for commercial purposes in accordance with the objectives of the General Plan. The initial P-C-C use schedule adopted for the Sierra Pavilions Shopping Center (adopted in 1988) provided for a general array of retail and service-related uses.

However, Section 9.76.010(E) of the Clovis Municipal Code provides a mechanism whereby uses may be changed with an approved conditional use permit. The conditional use permit request would modify the use schedule to add "Drive-In, Drive-thru Uses" as permitted subject to conditional use permit and serve as the conditional use permit for the proposed drive-thru use. The amended use schedule is included as **Attachment 3**.

Site Circulation and Layout

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

Drive-Thru

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

Development Standards

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

Operation

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

Review and Comments from Agencies

The Project was distributed to all City Divisions as well as outside agencies, including Caltrans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan Flood Control District, AT&T, PG&E, and the San Joaquin Valley Air Pollution Control District. Comments received are attached only if the agency has provided concerns, conditions, or mitigation measures (**Attachment 5**). Routine responses and comment letters are placed in the administrative record and provided to the applicant for their records.

Neighborhood Outreach

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

Planning Commission Comments

The Planning Commission considered this Project on Thursday, September 24, 2020. The Commission recommended approval of the Project by a vote of 5-0. In general, The Commissioners welcomed the applicant to the City, should the request be approved. Commissioner Bedsted asked staff if there was a broader drive-thru policy discussion under consideration it relates to the prohibition within the Shaw Avenue Specific Plan boundary. The Council initiated an application to consider removing the drive-thru prohibition at its July 20th meeting. Staff is working on that application and anticipates a recommendation will be brought before the Planning Commission in October 2020, and before Council in sometime in November. The draft Planning Commission minutes for the Project are provided in **Attachment 6**.

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 Project has been determined to be exempt from CEQA pursuant to a Class 32 categorical exemption. Class 32 exemptions consist of in-fill development less than 5 acres in size meeting the conditions described in California Government Code Section 15332(a), (b), (c), (d) and (e).

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

Consistency with 2014 Clovis General Plan Goals and Policies

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

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

Land Use Element:

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

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

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

Economic Development Element:

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

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

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

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

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

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

For these reasons, the Planning Commission and staff recommend that the City Council approve GPA2020-002 and CUP2020-003, subject to the conditions of approval in **Attachment 1**.

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

General Plan Amendment GPA2020-002

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

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

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

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

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

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

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

4. There is a compelling reason for the amendment.

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

Conditional Use Permit CUP2020-003

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTIONS FOLLOWING APPROVAL

None.

Prepared by: Ricky Caperton, AICP, Senior Planner

Reviewed by: City Manager *[Signature]*

**ATTACHMENT 1-A
Conditions of Approval**

General Plan Amendment GPA2020-002

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

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

COUNTY OF FRESNO HEALTH DEPARTMENT

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

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

FRESNO IRRIGATION DISTRICT

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

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

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

(Robert Villalobos, FMFCD Department Representative – (559) 456-3292)

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

**ATTACHMENT 1-B
Conditions of Approval**

Conditional Use Permit CUP2020-003

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

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

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

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

Roads / Access

12. Fire Apparatus Access Roads (26'): Fire apparatus access roads shall have an unobstructed width of not less than twenty-six feet (26') to all buildings and an unobstructed vertical clearance of not less than fourteen feet (14').
13. Turning Radius: All access way roads constructed shall be designed with a minimum outside turning radius of forty-five feet (45')
14. All Weather Access & Water Supply: The applicant shall provide all weather access to the site during all phases of construction to the satisfaction of the approved Clovis Fire Department Standard #1.2 or #1.3.
15. Fire Lane: The fire lanes shall be posted with signs and/or the curbs shall be painted red as per Clovis Fire Department Standard #1.1 and identified on site plan.

Systems Fire Protection

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

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

Building Information

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

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

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

General Provisions

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

Dedications and Street Improvements

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

Water

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

Irrigation and Landscaping Facilities

38. All existing agricultural irrigation systems either on-site or in public right of way, whether FID or privately owned, shall be identified prior to any construction activity on the site.

Miscellaneous

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

COUNTY OF FRESNO HEALTH DEPARTMENT

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

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

FRESNO IRRIGATION DISTRICT

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

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

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

(Robert Villalobos, FMFCD Department Representative – (559) 456-3292)

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

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

July 15, 2020

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

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

Dear Mr. Caperton,

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

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

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

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

ATTACHMENT 2

Mr. Ricky Caperton
July 15, 2020
Page 2

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

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

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

Sincerely,



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

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

(Modifications in red and underlined)

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

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

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

ATTACHMENT 3

Miscellaneous

Special Outdoor Retail Events

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



Raising Cane's
 6000 Shiloh Road, P.O. Box 11, Clovis, CA 93240
 Tel: 972-799-3300 Fax: 972-799-3101

Prototype Issue Date:

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

Professional of Record:



PM DESIGN
 Architectural
 Solutions Group

3825 SHERWOOD PARK
 SUITE 200
 IRVINE, CA 92614
 Contact: Jeff Brinkman
 949.465.8500
 jeff@pmdesigngroup.com
 jeff@pmdesign.net

Prototype Update Phase: **ERD 4.2**
 Initial Setup Date: 09/17/19
 Project Manager: C.A.

PRELIMINARY

Sheet Revisions:

#	Date	Description

Sheet Title:

EXTERIOR ELEVATIONS

Project Number: **RAC20011.0**

Drawn By: **JBW**

Sheet Number:

A4.10



1 | EST. ELEVATION – FRONT
 1/4" = 1'-0"



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

MATERIAL FINISHES

EM-1 	EM-2 	EM-3 	EM-4 	P-10 	EFW-1 	EFW-2 	EFW-3 	EFW-4 	EFW-5 	EFW-6 	EFW-7 	EWS-1 	EWS-2
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Regional Support Office
 6800 Bishop Road, Fresno, CA 93264
 Tel: 572-799-3300 Fax: 572-798-3101

Prototype Issue Date: _____
 Date: **Raising Cane's
 Shaw Ave & Cole Ave
 Clovis, CA Store
 #C0608
 Prototype 4E-HV
 ERD 4.2**
 Professional of Record: _____



Prototype Update Phase: **ERD 4.2**
 Initial Setup Date: **08/17/19**
 Project Manager: **C.R.**

PRELIMINARY

Sheet Revisions:

#	Date	Description

Sheet Title: **EXTERIOR ELEVATIONS**
 Project Number: **RAC20011.0**
 Drawn By: **RVN**
 Sheet Number: _____



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

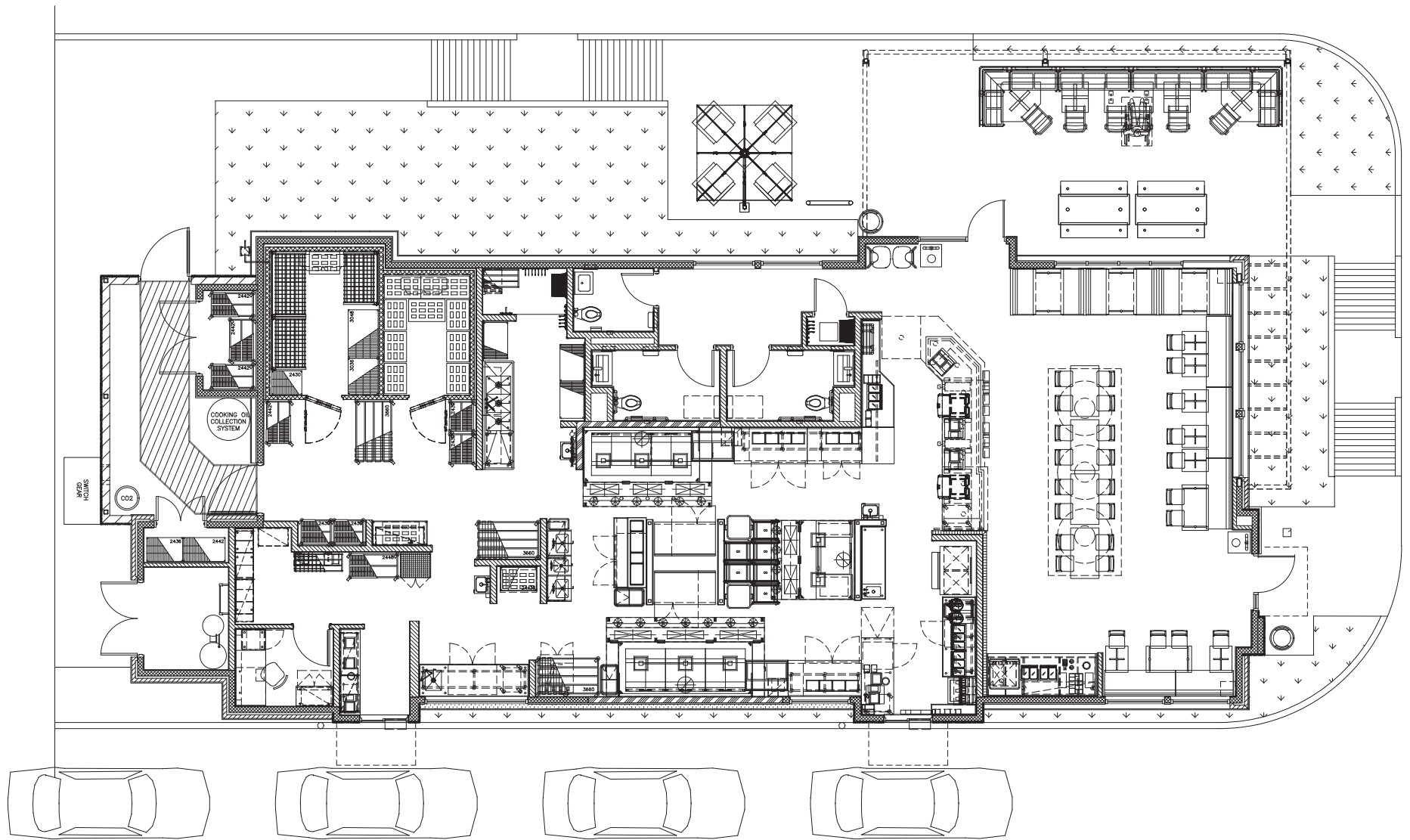


2 NORTH ELEVATION - SIDE ENTRY
 1/4" = 1'-0"

MATERIAL FINISHES

EM-1	EM-2	EM-3	EM-4	P-10	EW-1	EW-2	EW-3	EW-4	EW-5	EW-6	EW-7	EWS-1	EWS-2
<p>Galvanized steel sheet w/typical finish (2x GA) Color: Black METAL GALVANIZED STEEL SHEET w/ KYNAR FINISH (2x GA) BLACK CARBON GRADE FINISH HOT ROLLED STEEL w/CARBON GRADE FINISH RECLAIMED METAL PANEL VINYLAGE CARWOOD OCCURS A FACE OF 11" ELEMENT PAINT STEEL BENEATH WOODS BLACK LOW LUSTRE BELDEN 'NORMAN' BRICK RANDOMLY MIXED RANGE, SANDHILL IRON SPOT, MORTAR TO MATCH SOLOMON PRODUCTS 18 L, LIGHT BUFF SACK RUB FINISH *PMPLUMMET GRAY* PORTLAND CEMENT STUCCO MARCSTONE 6483 - ARCHITECT'S GRAY BIRAL 'ALAMO' WOODLARK BRICK, MORTAR TO MATCH SOLOMON PRODUCTS 18 L, LIGHT BUFF SACK RUB FINISH *132 MOUNTAIN FOOT* PORTLAND CEMENT STUCCO *156 OYSTER SHELL* PORTLAND CEMENT STUCCO ROOF TILE TO MATCH COOL HAND LUXE'S STEAK HOUSE MODEL 275 (M O) R8 R1 DARK BRUSHED ANODIZED ALUMINUM STOREFRONT ALUMINUM STOREFRONT SYSTEM FINISH: ANODIZED BLACK</p>													

A4.20





County of Fresno

DEPARTMENT OF PUBLIC HEALTH

May 13, 2020

LU0020735
2604

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

Dear Ms. Spera:

PROJECT NUMBER: **DRC1096-2020**

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

APN: 498-130-25S

ZONING: P-C-C

ADDRESS: NWC of Shaw & Cole Avenues

Recommended Conditions of Approval:

- Prior to issuance of building permits, the applicants will be required to submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to operation, the applicants shall apply for and obtain permits to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Should the applicant propose alcohol sales, the applicant shall first obtain their license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- If the applicant proposes to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<http://cers.calepa.ca.gov/>). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
- The proposed construction/demolition project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.

ATTACHMENT 5

Promotion, preservation and protection of the community's health

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

(559) 600-3271 • FAX (559) 600-7629

The County of Fresno is an Equal Employment Opportunity Employer

www.co.fresno.ca.us • www.fcdph.org

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

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

REVIEWED BY:

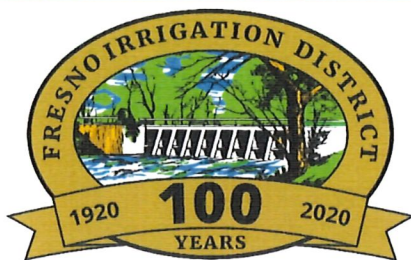
Kevin Tsuda

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

(559) 600-33271

KT

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



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

A Century of Commitment, Conveyance & Customer Service

August 6, 2020

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

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

Dear Mr. Caperton:

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

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

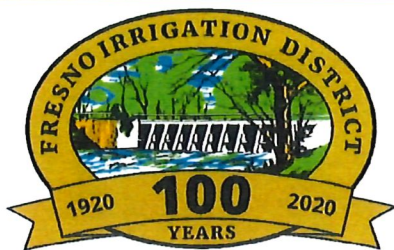
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Chris Lundeen at (559) 233-7161 extension 7410 or clundeen@fresnoirrigation.com.

Sincerely,

Laurence Kimura, P.E.
 Chief Engineer

Attachments

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



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

A Century of Commitment, Conveyance & Customer Service

May 20, 2020

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

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

Dear Ms. Spera:

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

Summary of Requirements:

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

Area of Concern

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

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

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

3. FID requests the applicant replace the existing pipeline across the subject parcel as a part of this project with new 24-inch diameter ASTM C-361 Rubber Gasketed Reinforced Concrete Pipe (RGRCP) in accordance with FID standards for developed parcels and that the applicant enter into an agreement with FID for that purpose. If the pipeline is not replaced, FID requires the pipeline be inspected for adequate structural integrity.
4. FID requests the applicant grant an additional 5 feet wide exclusive easement, whereby FID only has an existing 15 feet wide exclusive easement, such that FID has a total of 20 feet wide exclusive easement to meet current FID standards.
5. This pipeline was installed without a product known as MacWrap, which is a root barrier. In recent years, the most significant issue with pipelines has been caused by tree root intrusion into pipe joints. The roots enter through the rubber gasketed joint, thus creating a non-water tight joint causing leaks. If the roots continue to grow, the roots will eventually clog the pipe and reduce the flow capacity of the pipeline. This problem causes disruption to FID's customers and increases the risk of flooding in upstream open channel sections. Subsequent pipeline repairs can be very disruptive to public infrastructure, as well as to FID's operations. The leaking pipelines and pipeline repairs also increase the liability of all parties involved. All trees will need to be located a minimum of 15 feet from the outside edge of the pipeline to limit possible disruptions.
6. FID requires the applicant and/or the applicant's engineer meet with FID at their earliest convenience to discuss specific requirements, e.g. easement width and alignment, right-of-way width and alignment, pipeline alignment, depth and size, fees, etc.
7. FID requires its review and approval of all Private and Public facilities that encroach into FID's property/easement. If FID allows the encroachment, the Public or Private party will be required to enter into the appropriate agreement which will be determined by FID.
8. FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities.
9. FID requires the Applicant/Developer to submit for FID's approval a grading and drainage plan which shows that the proposed redevelopment will not endanger the structural integrity of the existing pipeline, or result in drainage patterns that could adversely affect FID.
10. No large earthmoving equipment (paddle wheel scrapers, graders, excavators, etc.) will be allowed within FID's easement and the grading contractor will be responsible for the repair of all damage to the pipeline caused by contractors grading activities.

General Comments

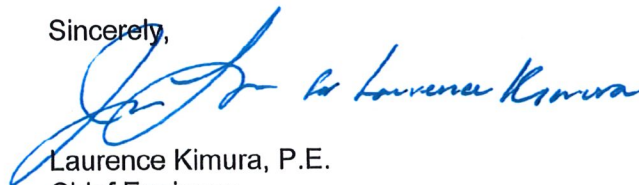
1. FID requires its easements be shown on all maps/plans with proper recording information, and that FID be made a party to signing all final maps/plans.

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

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

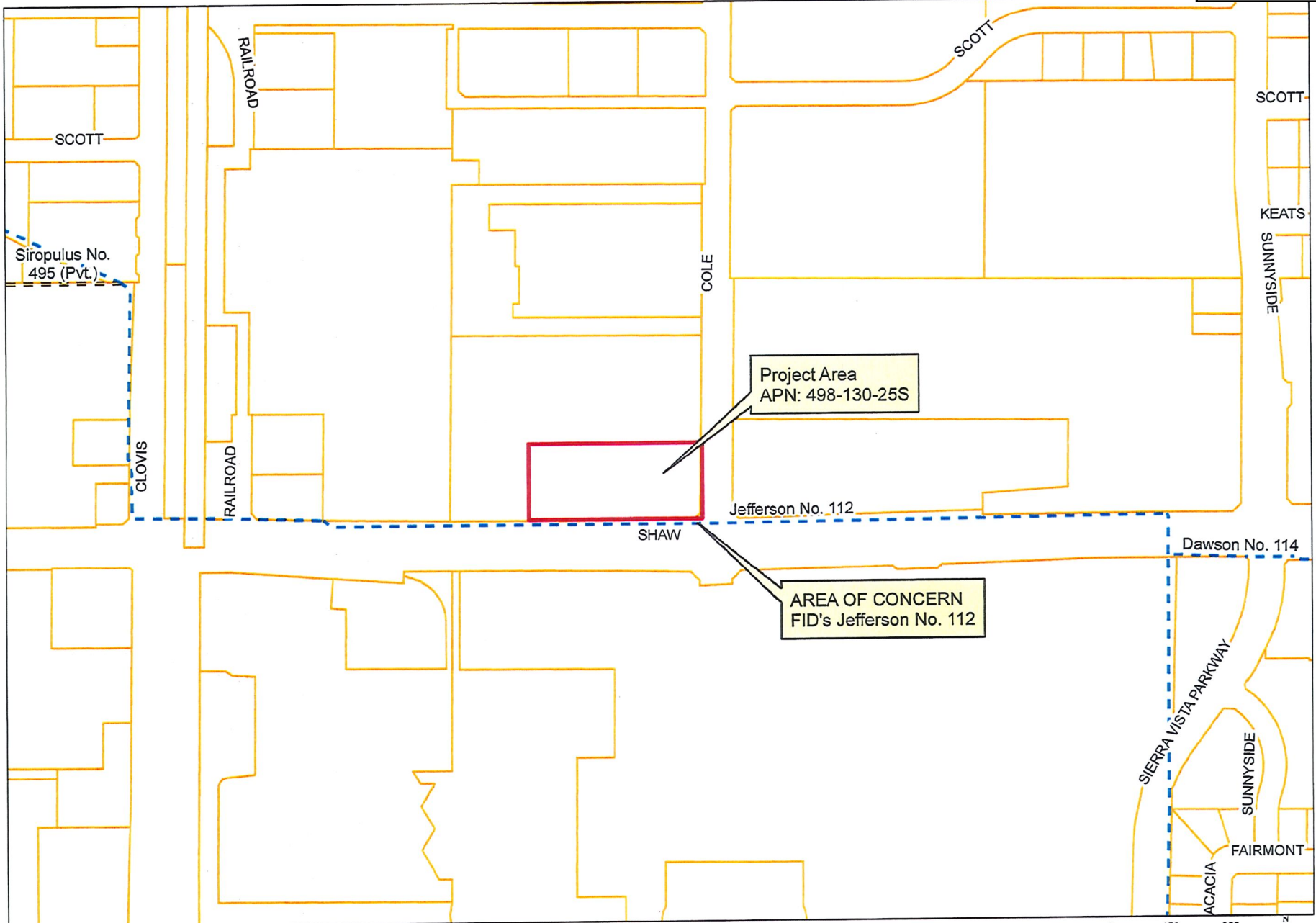
Thank you for submitting the proposed project for our review. We appreciate the opportunity to review and comment on the subject documents for this project. If you have any questions, please feel free to contact Chris Lundeen at (559) 233-7161 extension 7410 or clundeen@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

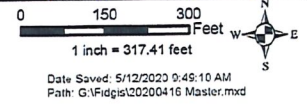
Attachment



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

FRESNO IRRIGATION DISTRICT

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



Recorded August 5 1976
Book 6638 Page 215
Document No 67938

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A G R E E M E N T

F O R

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

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

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

W I T N E S S E T H:

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

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

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

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

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

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

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

1 owners served by DISTRICT, and

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

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

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

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

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

18 I

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

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

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

30 (1) S 29°44'03" W., parallel with the south boundary of
31 said Section 9, 180 feet, more or less; thence

32 (2) Southwesterly along the arc of a curve concave to the
southeast (having a 17,215.04 foot radius, a radius
point which bears S 00°13'57" East and a central angle
of 01°42'08") a distance of 511.45 feet; thence

(3) S 88°01'55" West, 500 feet; thence

- 1 (4) Westerly along the arc of a curve concave to the Northwest
- 2 (having a 17,115.04 foot radius, a radius point which bears
- 3 N 01°58'05" W. and a central angle of 01°42'08") a distance of
- 4 508.46 feet; to a point which is 30 feet North of the So. boundary
- 5 of said Section 9; thence
- 6
- 7 (5) S 89°44'02" W, parallel with said S. boundary, to the W. boundary
- 8 of Lot 24 of Columbia Park according to the map thereof recorded
- 9 in Book 6, Page 38 of Record of Surveys, Fresno County Records.

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

10 II

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

22 III

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

27 IV

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

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

7
8 V

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

16 VI

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

26 VII

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

32 VIII

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

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

8 IX

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

19 X

20 It is agreed that as the Agency administering the project, the COUNTY
21 will make the actual payment to the DISTRICT for CLOVIS' obligation and that
22 the COUNTY will be reimbursed from Federal Aid Urban funds (83 $\frac{1}{2}$ %) plus City of
23 Clovis Matching Funds (17 $\frac{1}{2}$ %).

24 XI

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

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XII

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

XIII

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

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

CITY OF FRESNO
BY *Stanley E. King*

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

ATTEST *Arden J. Gordon*
Secretary

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

BY *Robert M. Wash*

YMC

NOTICE OF CANCELLATION

LOSS PAYEE

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

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

RECEIVED
JAN 9-1978
FIN

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

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

AGENT OR BROKER

[] Lewis Insurance
 Fresno, CA

[] 04 108 240

M.D. Tatum
1-9-78

NAME OF INSURED

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

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

Dean M. Massey
 AUTHORIZED SIGNATURE

jb

485049-2-76

CRC ©M

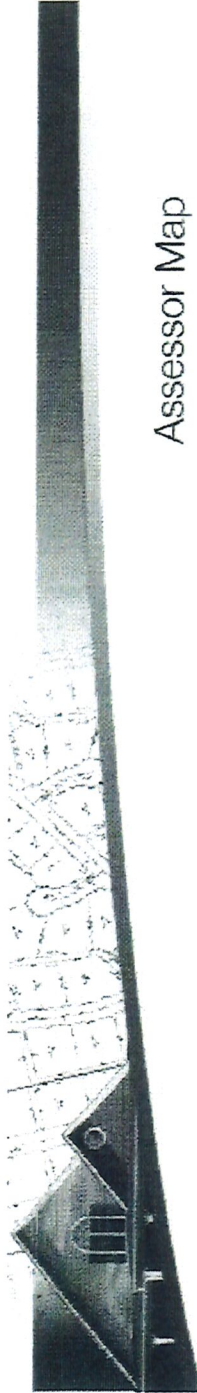


Robin Gourmet
Brews and Breads



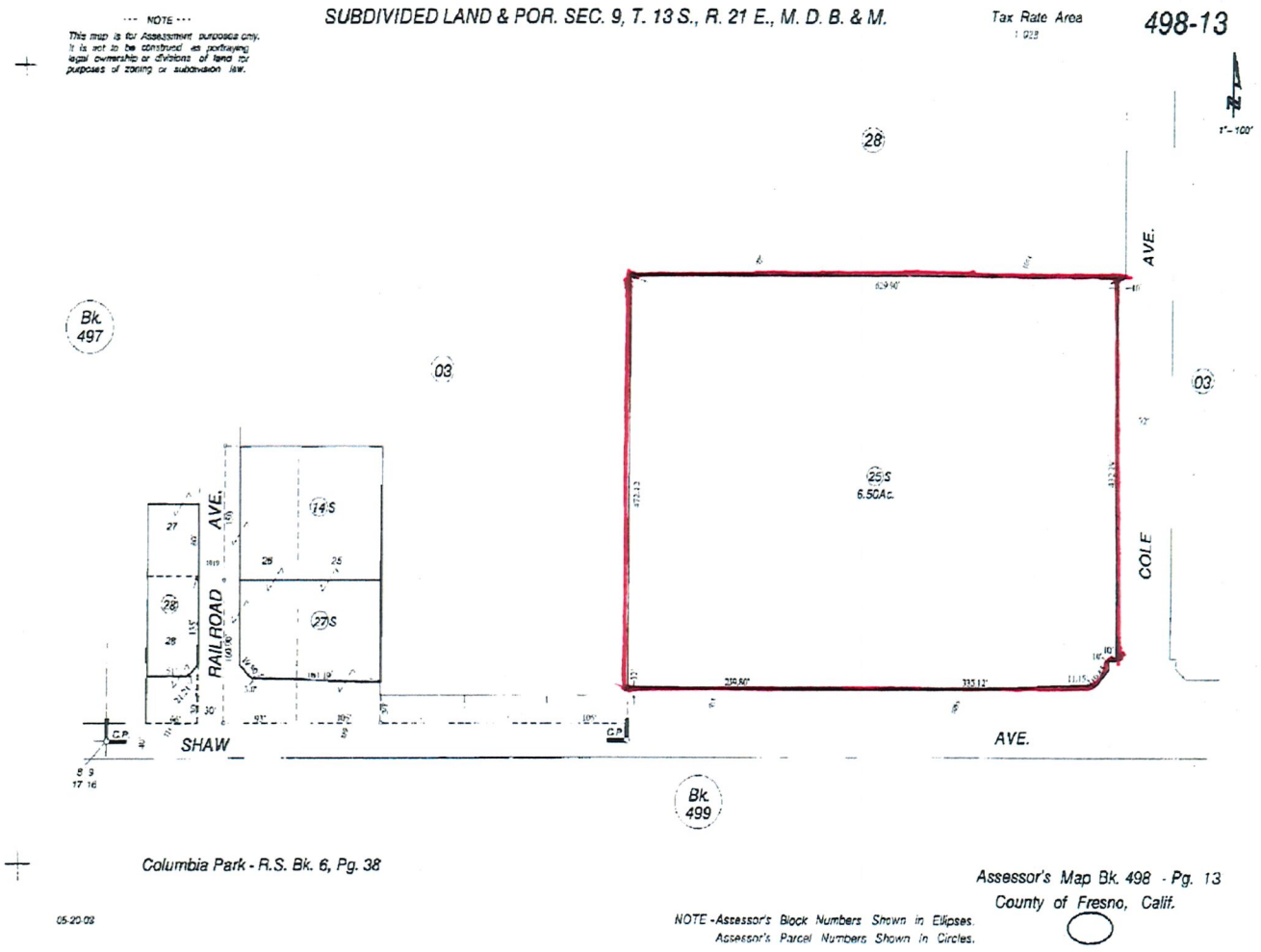
TOTAL SITE AREA	35,727sf	0.82ac
PARKING STALLS	27	33 REQ.
SHARED PARKING	AVAILABLE	
D/T CAR COUNT	18	

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

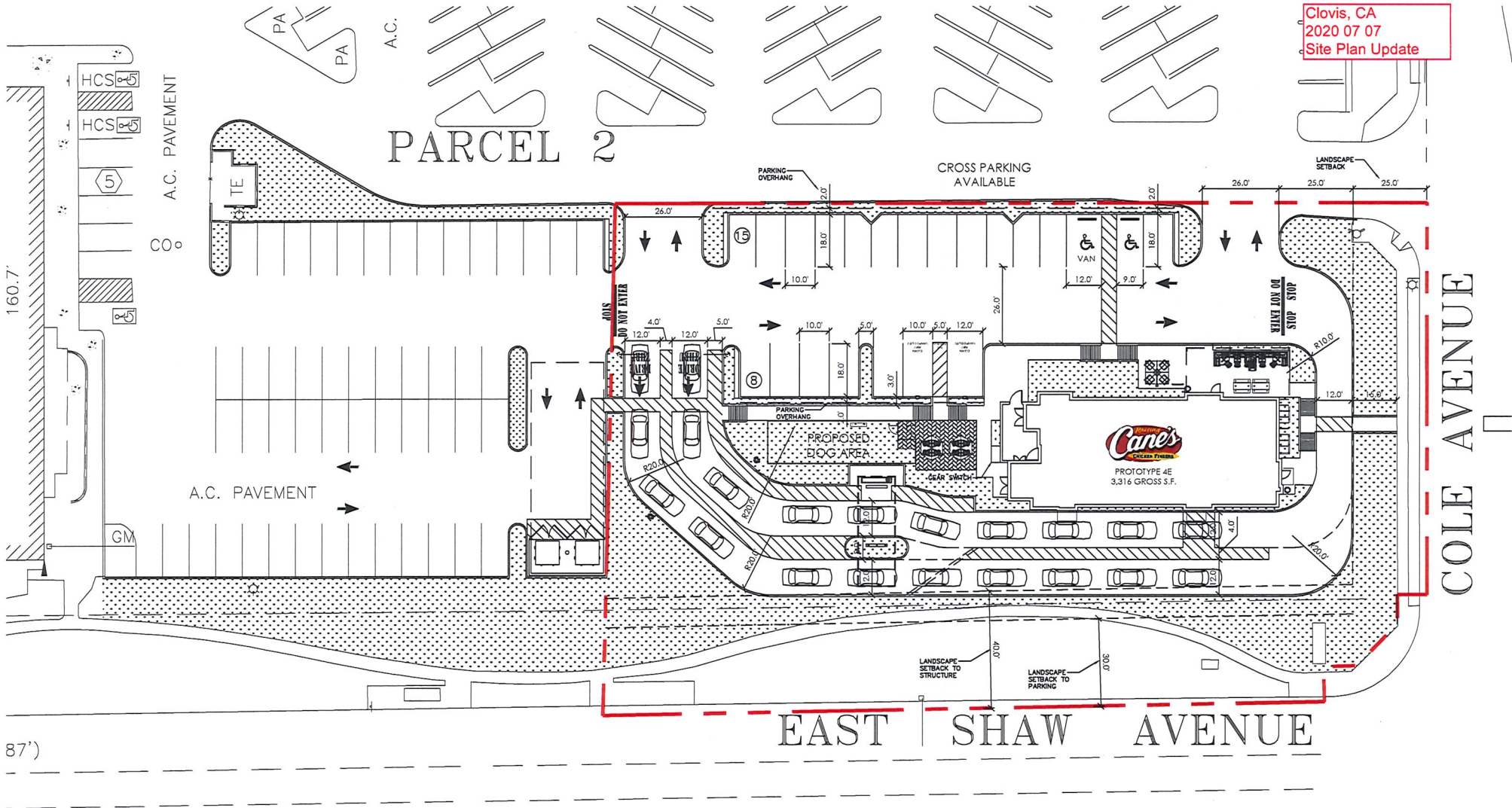


Assessor Map

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



Clovis, CA
2020 07 07
Site Plan Update



87')



Fresno Metropolitan Flood Control District

Capturing Stormwater since 1956

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

August 27, 2020

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

Dear Mr. Caperton,

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

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

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

Very truly yours,

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

Robert Villalobos
Engineering Technician III

RV/lrl

CLOVIS PLANNING COMMISSION MINUTES
September 24, 2020

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

Flag salute led by Chair Hatcher

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

Absent: None

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

MINUTES

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

COMMISSION SECRETARY

None.

PLANNING COMMISSION MEMBERS COMMENTS

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

COMMUNICATIONS AND REFERRALS

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

BUSINESS FROM THE FLOOR

None.

CONSENT CALENDAR

None.

PUBLIC HEARINGS

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

- a. Consider Approval, **Res. 20-38, GPA2020-002**, A request to amend the text of the Shaw Avenue Specific Plan to permit drive-thru uses for this specific site.
- b. Consider Approval, **Res. 20-39, CUP2020-003**, A request to amend the adopted use schedule for the P-C-C (Planned Commercial Center) to allow for a drive-thru use and to allow for an approximately 3, 300 square foot drive-thru restaurant use.

Senior Planner Ricky Caperton presented the staff report.

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

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

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

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

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

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

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

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

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

There being none, the Chair closed the public portion.

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

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

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

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

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

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

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

OLD BUSINESS

None.

NEW BUSINESS

None.

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

Amy Hatcher, Chair

RESOLUTION 20-____

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

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

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

WHEREAS, the proposed General Plan Amendment GPA2020-002, was assessed under the provisions of the California Environmental Quality Act (CEQA) and the potential effects on the environment were considered by the City Council, together with comments received and public comments, and the entire public record was reviewed; and

WHEREAS, on September 24, 2020, the Planning Commission considered General Plan Amendment GPA2020-002; and

WHEREAS, the Planning Commission voted to recommend approval of GPA2020-002, to the City Council, and the Planning Commission's recommendations were forwarded to the City Council for consideration; and

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

WHEREAS, a duly noticed hearing was held on October 19, 2020; and

WHEREAS, on October 19, 2020, the City Council considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to General Plan Amendment GPA2020-002 which are maintained at the offices of the City of Clovis Department of Planning and Development Services; and

WHEREAS, the City Council considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which determined the approval of a Class 32 Categorical Exemption pursuant to CEQA guidelines; an

ATTACHMENT 7

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

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

1. The proposed amendment is internally consistent with the goals, policies, and actions of the General Plan.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. If applicable, the parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated project.
4. There is a compelling reason for the amendment.
5. The City Council does find the project exempt from CEQA pursuant to Public Resources Code Section 15332 (Class 32 – Existing Facilities).
6. The basis for the findings is detailed in the October 19, 2020 staff report, which is hereby incorporated by reference the entire Administrative Record, as well as the evidence and comments presented during the Public Hearing.

NOW, THEREFORE, BE IT RESOLVED, that the City of Clovis Council approves General Plan Amendment GPA2020-002, subject to the conditions of approval provided as **Attachment A**.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 19, 2020 by the following vote, to wit.

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

DATED:

Mayor

City Clerk

[Conditions of Approval to be inserted following Council action]

RESOLUTION 20-_____

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

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

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

WHEREAS, on September 24, 2020, the Planning Commission considered Conditional Use Permit CUP2020-003; and

WHEREAS, the Planning Commission voted to recommend approval of Conditional Use Permit CUP2020-003, to the City Council, and the Planning Commission's recommendations were forwarded to the City Council for consideration; and

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

WHEREAS, a duly noticed hearing was held on October 19, 2020; and

WHEREAS, the City Council considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which determined the approval of a Class 32 Categorical Exemption pursuant to CEQA guidelines; and

WHEREAS, on October 19, 2020, the City Council considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to Conditional Use Permit CUP2020-003 which are maintained at the offices of the City of Clovis Department of Planning and Development Services; and

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

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

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

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 19, 2020 by the following vote, to wit.

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED:

Mayor

City Clerk

[Conditions of Approval to be inserted following Council action]



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: October 19, 2020

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

a. Consider Approval - Res. 20-____, TM6339, A request to approve a vesting tentative tract map to include 50-lots and an outlot, and superseding two previously approved tentative maps TM6134A & TM6264.

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

Staff: Dave Merchen, City Planner

Recommendation: Approve

ATTACHMENTS:

1. Location Map
2. Conditions of Approval TM6339
3. Conditions of Approval PDP2020-001
4. Draft Resolution TM6339
5. Draft Resolution PDP2020-001
6. Correspondence from Commenting Agencies
7. Applicant's Development Standards
8. Vesting Tentative Tract Map TM6339
9. Conceptual Lotting and Circulation Plan
10. Planning Commission Minutes

CONFLICT OF INTEREST

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

RECOMMENDATION

Planning Commission and staff recommend that the City Council:

- Approve Vesting Tentative Tract Map 6339, subject to the conditions of approval listed as **Attachment 2**;
- Approve Planned Development Permit 2020-001, subject to the conditions of approval listed as **Attachment 3**; and
- Make a finding of consistency that the dedication toward public right-of-way is proportionate to the development being requested.

EXECUTIVE SUMMARY

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

BACKGROUND

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

R2019-005 (R-1-AH to R-1-PRD)
TM6264 (36-lot Gated Single-Family Planned Residential Development)
RSPR2019-004 (Residential Site Plan Review for TM6264)

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

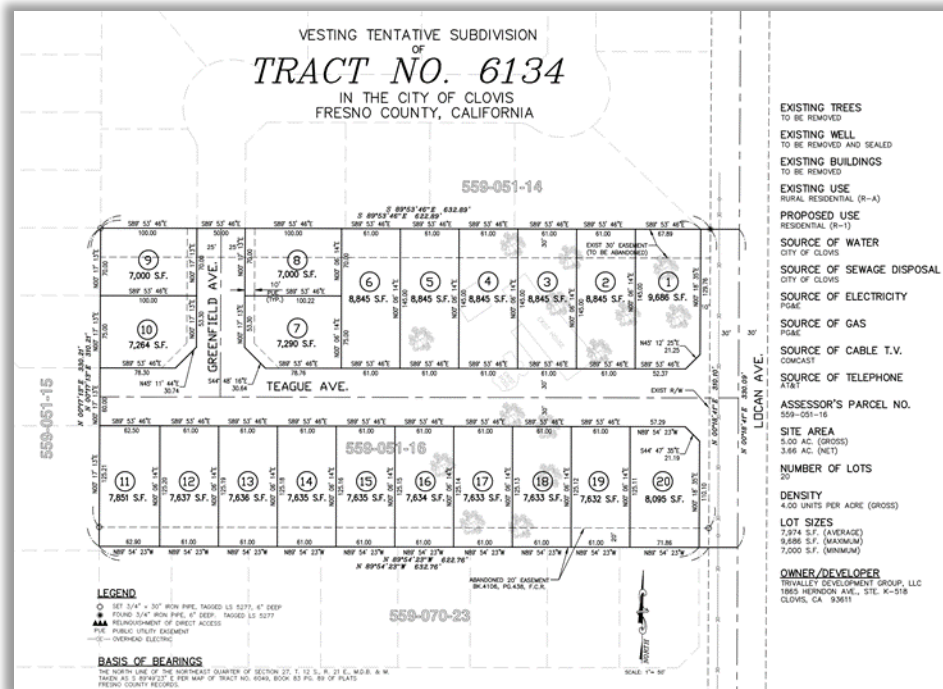


Figure 1

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

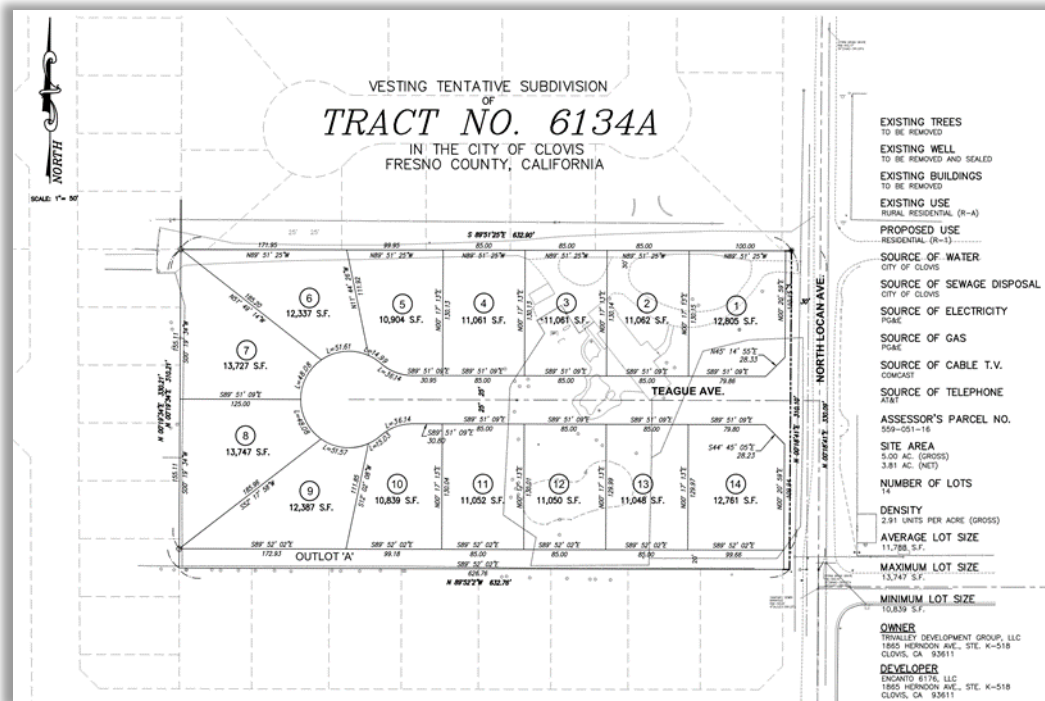


Figure 2

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

TM6264 was approved with the following development standards:

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

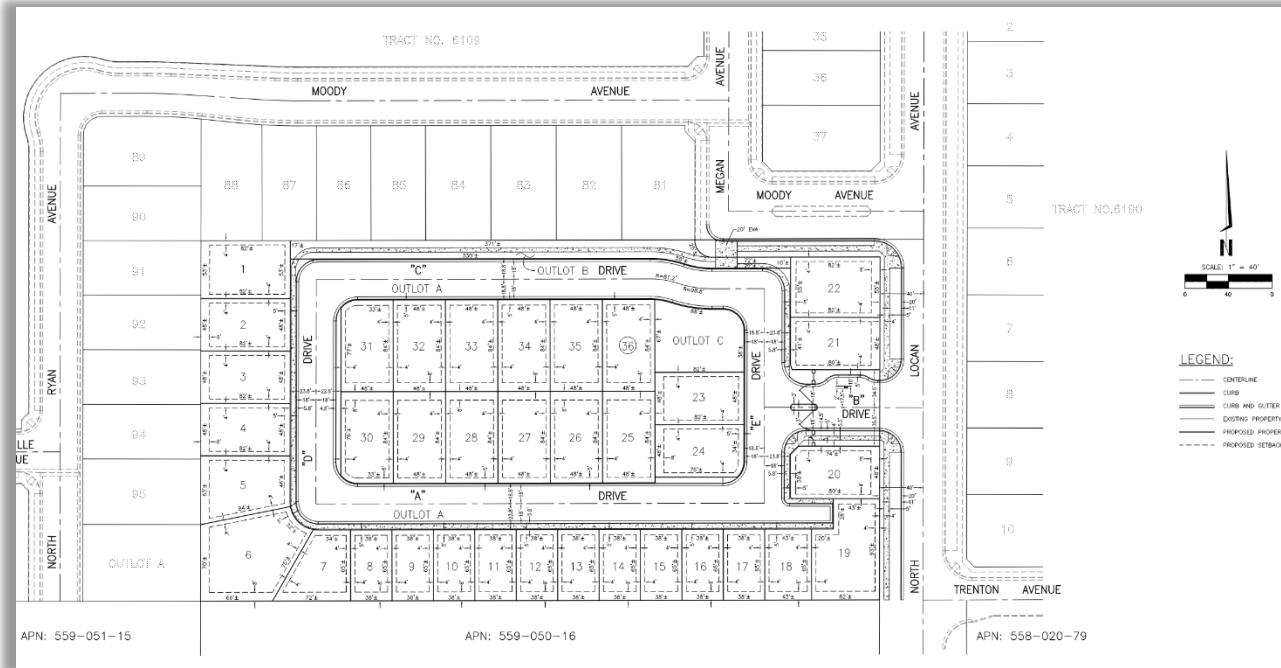


Figure 3

PROPOSAL AND ANALYSIS

Planned Development Permit

The applicant would like to combine both projects described above into one comprehensive development project that will maintain the existing land uses and zoning districts. To accomplish the unification of both previously approved projects, the applicant is requesting to amend the planned development permit (PDP) previously approved for vesting tentative tract map 6264. The amended PDP will be applied to the proposed subdivision property (TM6339) and will allow the development of the 50 lots as requested by the applicant.

Development Standards

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

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

Lots 1 through 31 (North of Trenton Avenue)

- Lot Coverage: 60% Max
- Maximum Height: 2-stories not to exceed 35 feet
- Minimum Lot Size: 3,600 square feet

Minimum Parcel Width:	45 feet
Minimum Front Yard Setback to Garage:	20 feet
Minimum Front Yard Setback to Living:	10 feet
Minimum Parcel Depth:	82 feet
Minimum Side Yard Setback on Garage Side:	5 feet
Minimum Side Yard Setback (opposite from garage):	4 feet
Minimum Rear Yard Setback:	8 feet
Garages:	20'x20' interior dimension (2-car)

Lots 32 through 50 (South of Trenton Avenue)

Lot Coverage:	60% Max
Maximum Height:	2-stories not to exceed 35 feet
Minimum Lot Size:	5,300 square feet
Minimum Parcel Width:	50 feet
Minimum Front Yard Setback to Garage:	20 feet
Minimum Front Yard Setback to Living:	10 feet
Minimum Parcel Depth:	100 feet
Minimum Side Yard Setback on Garage Side:	5 feet
Minimum Side Yard Setback (opposite from garage):	4 feet
Minimum Rear Yard Setback:	8 feet
Garages:	20'x20' interior dimension (2-car)

Vesting Tentative Tract Map

The project includes a Vesting Tentative Tract Map 6339. The map includes 50 lots and is consistent with the requirements of the Subdivision Map Act. The applicant is seeking to supersede the previously approved tentative tract maps with the approval of TM6339 by the Planning Commission and City Council.

Circulation

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

Landscape Setbacks

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

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

Amenities

Planned residential developments are required to provide a program of amenities in proportion to the request. Through the approval of Vesting Tentative Tract Map 6264, the applicant was required to provide a neighborhood pocket park as an amenity for this project. If approved, TM6339 will provide a neighborhood park, shade structure, picnic tables, benches, and park-style BBQ grills.

Residential Site Plan Review

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

Conceptual Plan

Staff requires applicants to provide a conceptual lotting and circulation plan for adjacent properties. The conceptual lotting and circulation plan provided by the applicant is for representation purposes only (see **Attachment 9**). The attached conceptual plan is provided to represent development potential and verify that the development configuration proposed by the current subdivision map (TM6339) does not unduly limit future development on surrounding properties. This does not imply that these properties must develop in the manner shown.

Review and Comments from Agencies

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

Comments received are attached only if the agency has provided concerns, conditions, or mitigation measures (see **Attachment 6**). Routine responses and comment letters are placed in the administrative record and provided to the applicant for their records.

Planning Commission Comments

The Planning Commission considered this Project on Thursday, September 24, 2020. The Commission recommended approval of the Project by a vote of 5-0. The Commission clarified specific elements of the development standards for the proposed project, including garage setbacks and garage interior dimensions. A property owner adjacent to the proposed project provided correspondence to staff and received answers associated with surface water flow concerns. Additionally, the Commission discussed and considered two versions of the proposed subdivision configuration, one for 47 lots and a second for 50 lots. The Commission approved TM6339, for a 50-lot single-family development with modifications to the conditions of approval (see **Attachments 2 & 3**). Please see **Attachment 10** to review the Planning Commission minutes for a summary of Commission's discussion regarding the Project.

Consistency with General Plan Goals and Policies

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

General Plan

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

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

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

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

Community Facilities District

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

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

California Environmental Quality Act (CEQA)

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

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

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The Project does not substantially impact sewer, water and other public services and will contribute a proportionate share of infrastructure and open space. The proposed vesting tentative tract map is consistent with the goals and policies of the General Plan, Herndon-Shepherd Specific Plan, and Development Code. Planning Commission and staff therefore recommend that the City Council approve TM6339 and PDP2020-001, subject to the conditions of approval attached as **Attachment 2** and **Attachment 3**.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 4. Proper on-site traffic circulation and control is designed into the development to ensure protection for fire suppression and police surveillance equal to or better

than what would normally be created by compliance with the minimum setback and parcel width standards identified in Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

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

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

The proposed tentative tract map affects approximately ten acres of land with a density of 4.98 unit per acre. The average lot size within TM6339 will be 5,666 square feet. Therefore, the site is physically suitable to accommodate the proposed development.

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

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

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

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

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

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

The proposed tentative tract map affects approximately ten acres of land with a density of 4.98 unit per acre. The average lot size within TM6339 will be 5,666

square feet. Therefore, the site is physically suitable for the proposed density of TM6339.

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

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

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

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

5. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. This finding may also be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision.

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

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

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

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

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

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

The proposed subdivision is proposing a density of 4.98 units per acre, which is consistent with the Clovis General Plan and Herndon-Shepherd Specific Plan. The proposed subdivision is single-family product type as required by the Clovis General Plan for residential developments.

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

The Project in substantial conformance with the environmental analysis performed for GPA2016-09, R2016-15, TM6134, GPA2019-004, R2019-005, and TM6264. No major revisions will be required with the adopted Mitigated Negative Declarations to accommodate the proposed project. Therefore, subject to CEQA Section 15162 and 15182, no further environmental review is required for this project.

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

ACTIONS FOLLOWING APPROVAL

None.

Prepared by: George González, MPA, Associate Planner

Reviewed by: City Manager 



9/10/2020

Location Map

TM6339 & PDP2020-001



ATTACHMENT 1

1" = 28' 245

Conditions of Approval - TM6339
(As approved and modified by the Planning Commission – September 24, 2020)

(Text modifications are in **Bold & Underline**)

(Text deletions are in ~~Strikethrough~~)

Planning Division Comments

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

1. The developer shall comply with all mitigation measures identified in the initial study and mitigated negative declaration prepared for GPA2016-09, R2016-15, TM6134, GPA2019-004, R2019-005, and TM6264.
2. All conditions of approval under GPA2016-09, R2016-15, TM6134, TM6134A, GPA2019-004, R2019-005, and TM6264 shall be made part of this entitlement approval.
3. This Project is subject to the development standards of the Herndon-Shepherd Specific Plan.
4. The applicant shall obtain City approval in advance of temporary and permanent subdivision signs through separate sign review, consistent with the development criteria of the Clovis Municipal Code Sign Ordinance.
5. The developer shall repair and or replace any broken or damaged irrigation lines, valves, and other equipment on their properties which are intended to serve adjacent or downstream properties.
6. No more than two of the same unit type (floor layout and exterior materials package) shall be repeated side by side. When two of the same units are repeated side by side, they shall be different colors. These identical provisions may be waived by the City Planner on a specific lot basis within the project when the size or configuration of a lot would otherwise prevent compliance with the above requirements of any other siting or setback/yard requirements established under this application. If such a waiver is requested, the developer and City Planner shall work together to ensure that any sitings of units not in compliance with the above requirements shall be of different materials and elevations in order to minimize any adverse visual impacts that may result.
7. TM6339 is subject to the development standards of the R-1-PRD Zone District, Planned Development Permit 2020-001, Planned Development Standards, and Guidelines.
8. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in §9.24.100, of the Clovis Municipal Code.
9. Maximum lot coverage for all lots within TM6339 is 60% unless specifically approved through a residential site plan review or variance.

ATTACHMENT 2

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

Lot Coverage:	60% Max
Maximum Height:	2-stories not to exceed 35 feet
Minimum Lot Size:	3,600 square feet
Minimum Parcel Width:	45 feet
Minimum Front Yard Setback to Garage:	20 feet
Minimum Front Yard Setback to Living:	10 feet
Minimum Parcel Depth:	82 feet
Minimum Side Yard Setback on Garage Side:	<u>4</u> 5 feet
Minimum Side Yard Setback (opposite from garage):	<u>3</u> 4 feet
Minimum Rear Yard Setback:	8 feet
Garages:	20'x <u>22</u> <u>20</u> ' interior dimension (2-car)

18. Setbacks for lots 32 through 4750 of TM6339 shall be as follows:

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

Minimum Rear Yard Setback: 8 feet
 Garages: 20'x2220' interior dimension (2-car)

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

Police Department Conditions

(Scott Borsch, Department Representative - 324-3464)

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

Fire Department Conditions

(Gary Sawhill, Department Representative - 324-2224)

33. **Street Width:** Fire apparatus access width shall be determined by measuring from “base of curb” to “base of curb” for roadways that have curbs. When roadways do not have curbs, the measurements shall be from the edge of the roadway surface (approved all weather surface).
34. **Street Width for Single Family Residences:** Shall comply with Clovis Fire Standard #1.1.
35. **Temporary Street Signs:** The applicant shall install temporary street signs that meet City Temporary Street Sign Standard #1.9 prior to issuance of building permits within a subdivision.
36. **Two Points of Access:** Any development to this parcel will require a minimum of two (2) points of access to be reviewed and approved by the Clovis Fire Department. All required access drives shall remain accessible during all phases of construction which includes paving, concrete work, underground work, landscaping, perimeter walls. Gate design at EVA shall be approved by Clovis Fire Department.
37. **All Weather Access & Water Supply:** The applicant shall provide all weather access to the site during all phases of construction to the satisfaction of the approved Clovis Fire Department Standard #1.2 or #1.3.
38. **Residential Fire Hydrant:** The applicant shall install 6 4 ½” x 2 ½” approved Residential Type fire hydrant(s) and “Blue Dot” hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #1.4. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be charged and in operation prior to any framing or combustible material being brought

onto the site. Hydrants curb markings and blue dots to be completed prior to occupancy of any homes.

39. **Looped Water Main:** The applicant shall install approved looped water main capable of the necessary flow of water for adequate fire protection and approved by the Clovis Fire Department.

ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS

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

(Paul Armendariz, Department Representative – 324-2649)

Maps and Plans

40. The applicant shall have a final tract map prepared, in the form prescribed by the Subdivision Map Act and City of Clovis Municipal Code. The final tract map shall be submitted to the City of Clovis Engineering Division, and should include, but not be limited to, final tract map, the current filing fee, closure calculations, current preliminary title report, legal descriptions and drawings of required dedications.
41. The applicant shall submit separately to the City of Clovis Engineering Division, a set of construction plans on 24" x 36" sheets with City standard title block for all required improvements and a current preliminary title report. These plans shall be prepared by a registered civil engineer, and shall include a grading plan, landscape plan, an overall site utility plan showing locations and sizes of sewer, water, storm drain, and irrigation mains, laterals, manholes, meters, valves, hydrants, fire sprinkler services, other facilities, etc. Plan check and inspection fees per City of Clovis Resolution No. 18-61 shall be paid with the first submittal of said plans. All plans shall be submitted at or before the time the building plans are submitted to the Building Division and shall be approved by the City and all other involved agencies prior to the release of any development permits.
42. Prior to the initial submittal of the improvement plans, the applicant shall contact Sean Smith at (559) 324-2363 to setup a coordination meeting (Pre-submittal Meeting).
43. Upon approval of improvement plans, the applicant shall provide the City with the appropriate number of copies. After all improvements have been constructed and accepted by the City, the applicant shall submit to the City of Clovis Engineering Division (1) digital copy to the City in PDF format of the approved set of construction plans revised to accurately reflect all field conditions and revisions and marked "AS-BUILT" for review and approval. Upon approval of the AS-BUILTs by the City, and prior to granting of final occupancy or final acceptance, the applicant shall provide (1) digital copy to the City in PDF format.

General Provisions

44. The applicant shall pay all applicable development fees at the rate in effect at the time of payment and prior to final map approval by Council or have the fees payable directly to the City through a separate escrow account at the time of recordation of the map.
45. The applicant is advised that, pursuant to California Government Code, Section 66020, any party may protest the imposition of fees, dedications, reservations, or other exactions imposed on a development project by a local agency. Protests shall be filed in accordance with the provisions of the California Government Code and shall be filed within 90 days after conditional approval of this application is granted. The 90 day protest period for this project shall begin on the "date of approval" as indicated on the "Acknowledgment of Acceptance of Conditions" form.
46. All reimbursement requests shall be prepared and submitted in accordance with the requirements of the current version of the "Developer Reimbursement Procedures" a copy of which may be obtained at the City Engineer's Office.
47. The applicant shall install all improvements within public right-of-way and easements in accordance with the City of Clovis standards, specifications, master plans, and record drawings in effect at the time of improvement plan approval.
48. The applicant shall address all conditions, and be responsible for obtaining encroachment permits from the City of Clovis for all work performed within the City's right-of-way and easements.
49. The applicant shall submit a soils report or a waiver of soils report to the City of Clovis Engineering Division for approval by the City Engineer.
50. The applicant shall provide and pay for all geotechnical services per City policy.
51. The applicant shall comply with the requirements of the local utility, telephone, and cable companies. It shall be the responsibility of the applicant to notify the local utility, telephone, and cable companies for the removal of utility poles where necessary. The City shall not accept first submittals without proof that the applicant has provided the improvement plans and documents showing all proposed work to the utility, telephone, and cable companies. All utility vaults in which lids cannot be sloped to match proposed finished grading, local utilities have 5% max slope, shall be located in sidewalk areas with pedestrian lids so the lid slope matches sidewalk cross slope.
52. All existing overhead and new utility facilities located on-site or within the street right-of-way along the streets adjacent to this tract shall be undergrounded unless otherwise approved by the City Engineer.
53. The applicant shall contact and address all requirements of the United States Postal Service Clovis Office for the location and type of mailboxes to be installed. The

location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction.

54. The applicant shall contact and address Caltrans requirements. The applicant shall be required to mitigate impacts to State Highway facilities as determined by the City Engineer.

Dedications and Street Improvements

55. The applicant shall provide right-of-way acquisition or dedicate free and clear of all encumbrances and/or improve the following streets to City standards. The street improvements shall be in accordance with the City's specific plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the type, location, and grades of existing improvements.
- a. Locan Avenue – Dedicate to provide right-of-way acquisition for 40' (exist 20') west of centerline, and improve with curb, gutter, sidewalk, drive approaches, curb return ramps, street lights, landscaping and irrigation, permanent paving and overlay as necessary to match the existing permanent pavement, and transitional paving as needed.
 - b. Moody Avenue – Dedicate to provide right-of-way acquisition for 37' (exist 26') south centerline, and improve with curb, gutter, sidewalk, curb return ramps, street lights, landscaping and irrigation, permanent paving and overlay as necessary to match the existing permanent pavement, and transitional paving as needed.
 - c. Interior Streets – Dedicate to provide for 50' or 54' of right-of-way in conformance with the City policy on street widths, and improve with curb, gutter, 5' sidewalk adjacent to the curb, drive approaches, curb return ramps, streetlights, permanent paving, and all transitional paving as needed.
 - d. Entry feature streets with median islands shall have a minimum of 22' wide travel lanes in each direction with parking or without parking.
 - e. The applicant shall relinquish all access to Locan Avenue for all the lots that back onto or have sideyards onto this street.
56. All private road easements within the project site that are appurtenant to the adjacent properties shall be abandoned, with prior approval from all corresponding owners, unless the applicant dedicates to provide for right-of-way acquisition and improves per City standard the same area as the private road easement, as approved by the City Engineer. The applicant shall maintain access to the adjacent parcels that the private road easements are appurtenant to.

57. The applicant shall provide a dedication for a 10' public utility easement, where applicable, along all frontages or alternate widths approved by the utilities companies.
58. For new onsite ADA paths of travel that connect to the City sidewalk, the applicant shall replace enough sidewalk to provide a compliant landing with appropriate transitions to existing sidewalk grades.
59. The applicant shall not install any fences, temporary or permanent in public right-of-way.
60. The sideyard side of all corner lots shall have full width sidewalk except where planter strips or meandering sidewalk is proposed.
61. The applicant shall obtain "R Value" tests in quantity sufficient to represent all street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests.
62. The applicant shall, at the ends of any permanent pavement abutting undeveloped property, install 2" x 6" redwood header boards that shall be placed prior to the street surfacing.
63. Standard barricades with reflectors shall be installed at ends of streets abutting undeveloped property and any other locations to be specified by the City Engineer.

Sewer

64. The applicant shall identify and abandon all septic systems to City standards.
65. The applicant shall install sanitary sewer mains of the size and in the locations indicated below, prior to occupancy. The sewer improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains shall require approval of the City Engineer and shall be supported by appropriate calculations.
 - a. Interior Streets – install 8" mains.
66. The applicant shall install one (1) 4" sewer service house branch to each lot within the tentative tract.
67. The applicant shall notify all property owners annexed to the City and along streets where a new sewer main will be constructed to determine if they wish to be connected to City sewer. Property owners shall work directly with the applicant regarding costs and location. The applicant shall notify property owners that sewer connection fees are required if they choose to connect.

Water

68. The applicant shall identify and abandon all water wells to City standards.
69. The applicant shall install water mains of the sizes and in the locations indicated below, and provide an adequately looped water system prior to occupancy. The water improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains shall require approval of the City Engineer and shall be supported by appropriate calculations.
- a. Interior Streets – install 8" mains.
70. The applicant shall provide dedication of 15-foot wide utility easements for all on-site water mains, hydrants, blow-offs, and water meters not located in otherwise dedicated rights-of-way.
71. The applicant shall install a City standard water service to each lot of the proposed subdivision. Water services shall be grouped at property lines to accommodate automatic meter reading system, including installation of connecting conduit. The water meter shall be placed in the sidewalk and not in planters or driveways.
72. The applicant shall notify all property owners' annexed to the City and along streets where a new water main will be constructed to determine if they wish to be connected to City water. Property owners shall work directly with the applicant regarding costs and location. The applicant shall notify property owners that water connection fees are required if they choose to connect.
73. Prior to recording a final map of any phase, the applicant shall demonstrate to the satisfaction of the City Fire Chief and City Engineer that there is adequate water pressure to serve the units to be constructed. The applicant shall work with the City Engineer to determine the adequacy of water supply/pressure for the proposed development.

Recycled Water

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

Grading and Drainage

75. The applicant shall contact the Fresno Metropolitan Flood Control District (FMFCD) and address all requirements, pay all applicable fees required, obtain any required NPDES permit, and implement Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to reduce or eliminate storm water pollution. Plans for these requirements shall be included in the previously required set of construction plans, and shall be submitted to and approved by FMFCD prior to the release of any development permits.
76. In the event permanent storm drainage facilities are not available, the applicant shall provide temporary on-site retention basins for storm water disposal and provide a cash deposit for each basin to offset the City's cost of maintaining the basins. The size and design shall be in accordance with the requirements of the City Engineer and may change based on design calculations and access requirements for maintenance. The temporary pond maintenance deposit shall be based on size, depth, expected maintenance schedule, etc. However, the property owner shall be responsible for periodic cleaning of toxic material. The temporary basin is solely for the convenience of the subdivision.
77. The owner of the property on which the temporary basin(s) are located shall backfill said basin(s) within ninety (90) days after notice is given by the City that the basin(s) are no longer needed. In the event the owner fails to backfill said basin(s) within said 90 days, the City may cause the basin to be backfilled. A lien to cover the cost of the work will be placed on the property, including the costs to prepare and enforce the lien. A covenant shall be prepared and recorded on the lot on which the basin(s) is/are located.
78. Grade differentials between lots and adjacent properties shall be adequately shown on the grading plan and shall be treated in a manner in conformance with City of Clovis Standard Drawing No. M-4 as modified by the City Council. Any retaining walls required on-site or in public right of way shall be masonry construction. All retaining walls shall be designed by a registered civil engineer.

Irrigation and Landscaping Facilities

79. The applicant, as a portion of the required tract improvements, shall provide landscaping and irrigation as required herein. The landscaping and irrigation shall be installed in public right-of-way and the area reserved for landscaping. The irrigation and landscape improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Plans for the required landscaping and irrigation systems shall be prepared by an appropriately registered professional at the applicant's expense and shall be approved by the City of Clovis Planning and Development Services Department and Public Utilities Department prior to the beginning of construction or the recording of the final tract

map, whichever occurs first. Landscape and irrigation facilities that the City Landscape Maintenance District shall maintain: the landscape strip along Locan Avenue.

80. All park and landscape improvements shall be installed, accepted for maintenance by the City prior to issuance of 40% of the Tract's building permits. If the park improvements are not constructed on the Outlot for any reason within two (2) years of the recordation of the final map of Tract, City shall have the right to request from surety and receive upon City's demand, sufficient funding to complete the construction of improvements for the park. The two year period may be extended at City's sole option and discretion and upon such conditions as City shall determine.
81. The owner shall request annexation to and provide a covenant for the Landscape Maintenance District. The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election shall be required for the establishment of the initial assessment. The assessment for each lot shall be obtained from the City for the tax year following the recordation of the final map. The estimated annual assessment per average sized lot is \$244.88, which is subject to change prior to issuance of building permit or final tract map approval and is subject to an annual change in the range of the assessment in the amount of the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI Index), plus two percent (2%). The additional landscaping enhancements that exceed the City norms and are specific benefit to the property, such as the entry feature, columns, monuments, interior median islands, round-a-bouts, special street lights, etc, if determined to be maintained by the Landscape Maintenance District, shall be maintained by an additional landscape maintenance assessment. The applicant shall provide construction costs and deposit with the City an amount equal to 50% of the value of the enhanced landscaping hardscape features, or an alternate amount approved by the City Engineer, such as columns, monuments, and special street lights, that exceeds the City norms. The applicant shall provide the City with an estimate of the annual maintenance for the special lighting and landscaping enhancements that exceeds the City norms. The owner/developer shall notify all potential lot buyers before they actually purchase a lot that this tract is a part of a Landscape Maintenance District and shall inform potential buyers of the assessment amount. Said notification shall be in a manner approved by the City. The owner/developer shall supply all pertinent materials for the Landscape Maintenance District.
82. The applicant shall comply with the City of Clovis Water Efficient Landscape Requirements Ordinance.
83. All existing agricultural irrigation systems either on-site or in public right of way shall be identified prior to any construction activity on the site. Service to all downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not

bear any burden as a result of development of the site. Therefore, the applicant shall pay all costs related to modification, relocation, or repair of any existing irrigation facilities resulting from or necessitated by the development of the site. The applicant shall identify on site plans and construction plans, all existing irrigation systems and their disposition (abandonment, repair, relocation, and/or piping). The applicant shall consult with the owners of the system for any additional requirements for lines to be abandoned, relocated, or piped. The applicant shall provide waivers from all users in order to abandon or modify any irrigation pipelines or for any service interruptions resulting from development activities.

84. The applicant shall provide a perimeter wall perpetual maintenance covenant on all properties that have a perimeter wall that is installed on private property. A recordable covenant shall be submitted to and approved by the City of Clovis City Engineer prior to final map approval.

Miscellaneous

85. The applicant shall install three (3) cobra head street lights and eleven (11) decorative street lights per the attached street light exhibit. All street lights shall be installed on metal poles to local utility provider's standards at the locations designated by the City Engineer. Street light locations shall be shown on the utility plans submitted with the final map for approval. All street lights shall be owned and maintained by local utility providers. Proof of local utility provider's approval shall be provided. The applicant shall provide a conceptual lighting plan identifying adjacent properties that incorporated with thematic lights to create a neighborhood effect.
86. Any existing section corner or property corner monuments damaged by this development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Brass caps required for replacement of existing monuments shall be provided by the contractor/the applicant and approved by City prior to installation. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present to the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.
87. A deferment, modification, or waiver of any engineering conditions shall require the express written approval of the City Engineer.
88. The conditions given herein are for the entire development. Additional requirements for individual phases may be necessary pending review by the City Engineer.

County of Fresno Health Department Conditions

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

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

Administration Department Conditions

(John Holt, Department Representative – 324-2072)

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

Conditions of Approval – PDP2020-001
(As approved and modified by the Planning Commission – September 24, 2020)

(Text modifications are in **Bold & Underline**)

(Text deletions are in ~~Strikethrough~~)

Planning Division Comments

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

1. The developer shall comply with all mitigation measures identified in the initial study and mitigated negative declaration prepared for GPA2016-09, R2016-15, TM6134, GPA2019-004, R2019-005, and TM6264.
2. All conditions of approval under GPA2016-09, R2016-15, TM6134, TM6134A, GPA2019-004, R2019-005, TM6264, and TM6339 shall be made part of this entitlement approval.
3. As an amenity for the Project, the developer shall contribute a neighborhood pocket park and associated outdoor furniture amenities per the conditions of approval under TM6264.
4. This Project is subject to the development standards of the Herndon-Shepherd Specific Plan.
5. No more than two of the same unit type (floor layout and exterior materials package) shall be repeated side by side. When two of the same units are repeated side by side, they shall be different colors. These identical provisions may be waived by the City Planner on a specific lot basis within the project when the size or configuration of a lot would otherwise prevent compliance with the above requirements of any other siting or setback/yard requirements established under this application. If such a waiver is requested, the developer and City Planner shall work together to ensure that any sitings of units not in compliance with the above requirements shall be of different materials and elevations in order to minimize any adverse visual impacts that may result.
6. Planned Development Permit 2020-001 is subject to the development standards of the R-1-PRD Zone District and Planned Development Standards and Guidelines.
7. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in §9.24.100, of the Clovis Municipal Code.
8. Maximum lot coverage for all lots within TM6339 is 60% unless specifically approved through a residential site plan review or variance.
9. All transformers for this subdivision shall be located underground. Pad mounted transformers may be considered through approval of an administrative use permit.
10. Maximum building (main structure) height shall not exceed thirty-five (35) feet.

ATTACHMENT 3

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

Lot Coverage:	60% Max
Maximum Height:	2-stories not to exceed 35 feet
Minimum Lot Size:	3,600 square feet
Minimum Parcel Width:	45 feet
Minimum Front Yard Setback to Garage:	20 feet
Minimum Front Yard Setback to Living:	10 feet
Minimum Parcel Depth:	82 feet
Minimum Side Yard Setback on Garage Side:	<u>4</u> 5 feet
Minimum Side Yard Setback (opposite from garage):	3 4 feet
Minimum Rear Yard Setback:	8 feet
Garages:	20'x <u>22</u> 20' interior dimension (2-car)

12. Setbacks for lots 32 through ~~47~~50 of TM6339 shall be as follows:

Lot Coverage:	60% Max
Maximum Height:	2-stories not to exceed 35 feet
Minimum Lot Size:	5,300 square feet
Minimum Parcel Width:	50 feet
Minimum Front Yard Setback to Garage:	20 feet
Minimum Front Yard Setback to Living:	10 feet
Minimum Parcel Depth:	100 feet
Minimum Side Yard Setback on Garage Side:	5 feet
Minimum Side Yard Setback (opposite from garage):	4 feet
Minimum Rear Yard Setback:	8 feet
Garages:	20'x <u>22</u> 20' interior dimension (2-car)

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

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

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

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

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

18. This planned development permit is approved per **Attachment 7** of this report.
19. This Project requires the submittal and approval of a residential site plan review entitlement. Specific color and materials of the models, walls, amenities, landscaping, and fencing will be evaluated.
20. The developer shall construct a minimum six-foot high solid split face masonry wall along the Locan Avenue frontage.

Police Department Conditions

(Scott Borsch, Department Representative - 324-3464)

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

Fire Department Conditions

(Gary Sawhill, Department Representative - 324-2224)

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

29. **All Weather Access & Water Supply:** The applicant shall provide all weather access to the site during all phases of construction to the satisfaction of the approved Clovis Fire Department Standard #1.2 or #1.3.
30. **Residential Fire Hydrant:** The applicant shall install 6 4 ½" x 2 ½" approved Residential Type fire hydrant(s) and "Blue Dot" hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #1.4. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be charged and in operation prior to any framing or combustible material being brought onto the site. Hydrants curb markings and blue dots to be completed prior to occupancy of any homes.
31. **Looped Water Main:** The applicant shall install approved looped water main capable of the necessary flow of water for adequate fire protection and approved by the Clovis Fire Department.

RESOLUTION 20-__

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

WHEREAS, Granville Homes, 1396 W. Herndon Avenue, #101, Fresno, CA 93711, has applied for a vesting tentative tract map (6339) for a 50-lot single-family planned residential development on approximately ten acres of property located at the northwest corner of Teague and Locan Avenues, in the City of Clovis (“Project”); and

WHEREAS, vesting tentative tract map 6339 (**Attachment 8**), was filed on September 11, 2020, and was presented to the Clovis Planning Commission for approval in accordance with the Subdivision Map Act of the Government of the State of California and Title 9, Chapter 2, of the Municipal Code and the City of Clovis; and

WHEREAS, the Planning Commission has considered said map on September 24, 2020, approving said map; and

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

WHEREAS, the City scheduled a noticed Public Hearing on the Project for October 19, 2020; and

WHEREAS, the City published notice of the Public Hearing in the Fresno Business Journal, mailed public notices to area residents within 600 feet of said property boundaries ten days prior to the Public Hearing, and otherwise posted notice of the Public Hearing according to applicable law; and

WHEREAS, a duly noticed hearing was held on October 19, 2020; and

WHEREAS, the City Council has given careful consideration to this map on October 19, 2020, and considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which supports the finding that this project is in substantial conformance with the environmental analysis performed for GPA2016-09, R2016-15, TM65134, GPA2019-004, R2019-005, and TM6264. This project will be subject to the mitigation measures adopted in conjunction with the aforesaid environmental documents; and

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

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

ATTACHMENT 4

**NOW, THEREFORE, BASED UPON THE ENTIRE RECORD OF THE PROCEEDINGS,
THE CITY COUNCIL RESOLVES AND FINDS 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.
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 proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA). The City has determined that the project is in substantial conformance with the environmental analysis performed for GPA2016-09, R2016-15, TM6134, GPA2019-004, R2019-005, and TM6264. No major revisions will be required with the adopted Mitigated Negative Declarations to accommodate the proposed project. Therefore, subject to CEQA Section 15162 and 15182, no further environmental review is required for this project.

10. Without the conditions of approval (**Attachment 2** of this resolution), the City Council could not make the findings necessary for approval of vesting tentative tract map 6339 (attached and labeled **Attachment 8**).
11. The basis for the findings is detailed in the October 19, 2020, staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the Public Hearing.
12. TM6339 shall be effective upon its recording, and at that time TM 6134A and TM 6264 shall terminate and be of no further force or effect.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 19, 2020, by the following vote, to wit.

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED: October 19, 2020

Mayor

City Clerk

RESOLUTION 20-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING A PLANNED DEVELOPMENT PERMIT FOR VESTING TENTATIVE TRACT MAP 6339 LOCATED AT THE NORTHWEST CORNER OF TEAGUE AND LOCAN AVENUES

WHEREAS, Granville Homes, 1396 W. Herndon Avenue, #101, Fresno, CA 93711, has applied for a planned development permit (2020-001) for a 50-lot single-family planned residential development on approximately ten acres of property located at the northwest corner of Teague and Locan Avenues, in the City of Clovis (“Project”); and

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

WHEREAS, the Planning Commission has considered said planned development permit on September 24, 2020, approving said permit; and

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

WHEREAS, the City scheduled a noticed Public Hearing on the Project for October 19, 2020; and

WHEREAS, the City published notice of the Public Hearing in the Fresno Business Journal, mailed public notices to area residents within 600 feet of said property boundaries ten days prior to the Public Hearing, and otherwise posted notice of the Public Hearing according to applicable law; and

WHEREAS, a duly noticed hearing was held on October 19, 2020; and

WHEREAS, the City Council has given careful consideration to this permit on October 19, 2020, and considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which supports the finding that this project is in substantial conformance with the environmental analysis performed for GPA2016-09, R2016-15, TM65134, GPA2019-004, R2019-005, and TM6264. This project will be subject to the mitigation measures adopted in conjunction with the aforesaid environmental documents; and

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

WHEREAS, this Council finds and determines that approval of said permit should be conditioned on all conditions recommended by the City staff, as set forth in **Attachment 3** which is on file with the City Clerk’s office.

ATTACHMENT 5

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

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

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

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

6. The design, location, operating characteristics, and size of the proposed development would be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection. (§ 2, Ord. 14-13, eff. October 8, 2014)
7. The City Council does hereby approve Planned Development Permit 2020-001.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 19, 2020, by the following vote, to wit.

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED: October 19, 2020

Mayor

City Clerk



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

September 3, 2020

LU0021013
2604

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

Dear Ms. Cha:

PROJECT NUMBER: **DRC2421-2020**

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

APN: 559-051-14, -16

ZONING: R-1-G

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

Recommended Conditions of Approval:

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

Promotion, preservation and protection of the community's health

1221 Fulton Street /P. O. Box 11867, Fresno, CA 93775
(559) 600-3271 • FAX (559) 600-7629

ATTACHMENT 6

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

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

REVIEWED BY:

Kevin Tsuda

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

(559) 600-33271

KT

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

PRD
Property Development Standards Modification
 October 4, 2020

	<u>Lots 1 through 31</u>	
	Proposed	Existing
	Tract No. 6339	Tract No. 6264
Minimum Lot Area:	3,600 Sq. Ft.	2,470 Sq. Ft.
Minimum Lot Width:	45 Ft.*	32 Ft.
Minimum Lot Depth:	82 Ft.	65 Ft.
Maximum Lot Coverage	60%	60%
Maximum Building Height:	35 Ft.	35 Ft.
Minimum Front Living Area Setback:	10 Ft.	6 Ft.
Minimum Front Garage Setback	20 Ft.	20 Ft.
Minimum Side Setback:	4 Ft./5 Ft.**	3 Ft./4 Ft.**
Minimum Rear Yard Setback	8 Ft.	8 Ft.
Minimum Garage Size	20 Ft. X 20 Ft.	20 Ft. X 22 Ft.

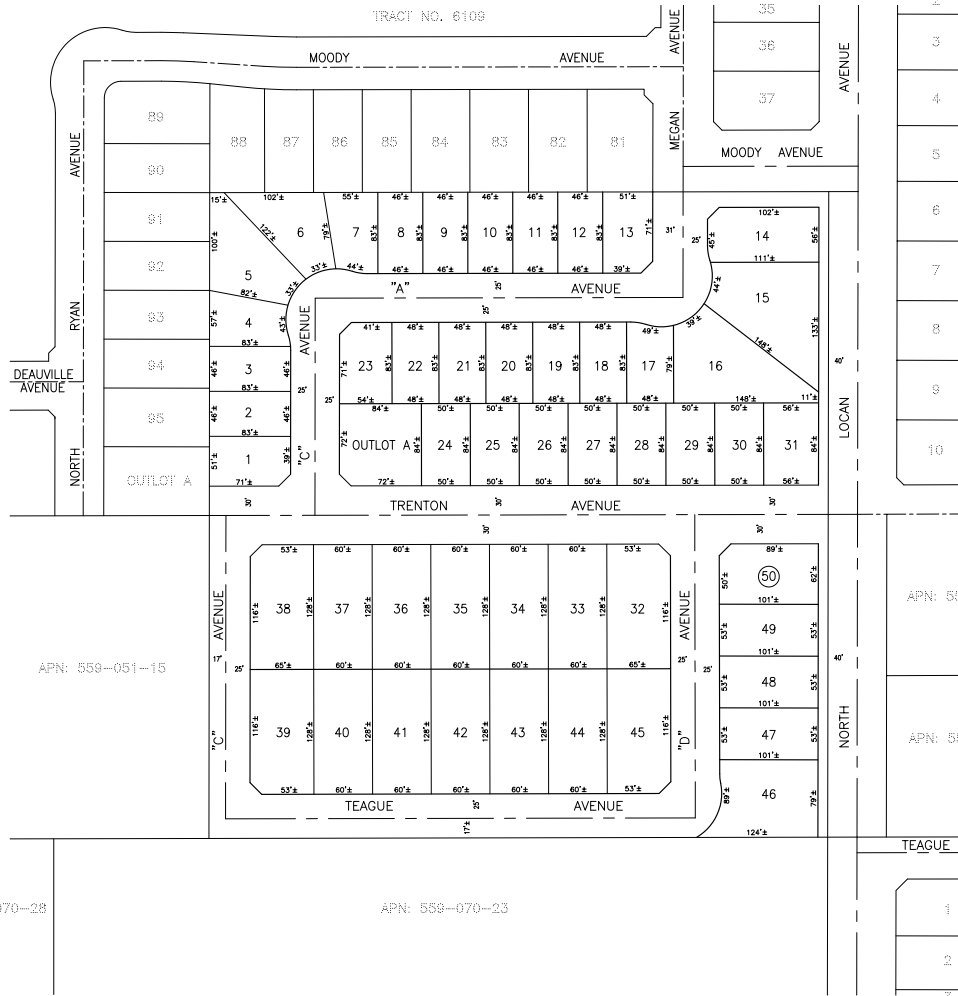
	<u>Lots 32 through 50</u>
	Proposed
	Tract No. 6339
Minimum Lot Area:	5,300 Sq. Ft.
Minimum Lot Width:	50 Ft.
Minimum Lot Depth:	100 Ft.
Maximum Lot Coverage	60%
Maximum Building Height:	35 Ft.
Minimum Front Living Area Setback:	10 Ft.
Minimum Front Garage Setback	20 Ft.
Minimum Side Setback:	4 Ft./5 Ft.**
Minimum Rear Yard Setback	8 Ft.
Minimum Garage Size	20 Ft. X 20 Ft.

*32 Ft. Knuckle Property Line Frontage

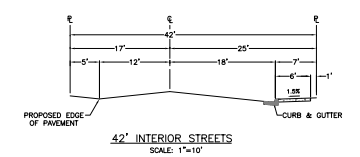
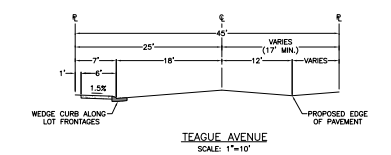
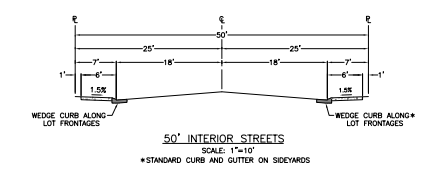
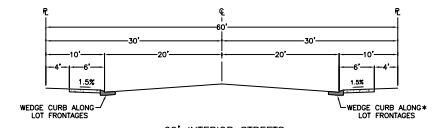
**4 Ft. Living Side/5 Ft. Garage Side

TENTATIVE SUBDIVISION MAP TRACT No. 6339

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



TRACT NO. 6180



LOT	AREA (Sq. Ft.)
1	4,150
2	3,818
3	3,818
4	3,977
5	6,722
6	5,720
7	3,977
8	3,823
9	3,823
10	3,823
11	3,822
12	3,822
13	4,174
14	6,314
15	10,011
16	9,324
17	3,850
18	3,984
19	3,984
20	3,984
21	3,984
22	3,984
23	4,376
24	4,205
25	4,205
26	4,205
27	4,205
28	4,205
29	4,205
30	4,205
31	4,723
32	8,220
33	7,654
34	7,654
35	7,654
36	7,654
37	7,654
38	8,194
39	8,253
40	7,660
41	7,659
42	7,659
43	7,658
44	7,657
45	8,223
46	8,197
47	5,336
48	5,346
49	5,356
50	5,188
OUTLOT A	6,981

- NOTES:
1. PROPERTY AREA = 10.05 ACRES
 2. DENSITY = 4.98 UNITS/ACRE
 3. MINIMUM LOT SIZE = 3,818 Sq. Ft.
 4. AVERAGE LOT SIZE = 5,666 Sq. Ft.

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

GARY G. GIANNI
CIVIL ENGINEERING &
1119 N STREET
FRESNO, CA 93721

272

TRACT No. 6339 CONCEPTUAL LOTTING PATTERN



ATTACHMENT 9

CLOVIS PLANNING COMMISSION MINUTES
September 24, 2020

1. Consider items associated with approximately ten acres of land located at the northwest corner of Teague and Locan Avenues. Granville Homes, applicant; Valley Coastal Development, LLC & TriValley Development Group, LLC, owners; Gary G. Giannetta Civil Engineering & Land Surveying, representative.
 - a. Consider Approval, **Res. 20-35, TM6339**, A request to approve a vesting tentative tract map to include 47-lots and an outlot, and superseding two previously approved tentative maps TM6134A & TM6264.
 - b. Consider Approval, **Res. 20-36, PDP2020-001**, A request to approve a planned development permit to amend the conditions of approval and development standards for the planned residential development associated with TM6264.

Associate Planner George Gonzalez presented the staff report.

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

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

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

Commissioner Cunningham remarked that this is the first time during his service as a commissioner that the Commission is asked to make a decision as to density and inquired as to why the Commission is being placed into this position. He expressed that he is not comfortable with this, as it is up to the developer to present a density that the Commission either approved or denies. He feels that such a decision is not within the purview of the Commission and foresees possible litigation in the future from such decisions. Associate Planner Gonzalez and City Attorney Carlson provided explanations for the situation, indicating that the site already had approval of a 50-lot development, and that the revised request still fell in consistency with the overall previously approved project proposals.

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

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

ATTACHMENT 10

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

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

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

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

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

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

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

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

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

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

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

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

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

There being none, the Chair closed the public portion.

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

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

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

Commissioner Bedsted expressed his appreciation for the applicant's earlier thoughtful analysis and plan for housing diversity and that he would like to see more developers provide more space at times. He understands that the City has to provide affordable housing, not only how the state government sees it but also as what can be supported by the local economy. Therefore, he is willing to support the fifty-lot version of the tract map.

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

the next two-to-three years. He believes that the fifty-lot version of the project should be approved.

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

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



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: October 19, 2020

SUBJECT: Consider Actions related to Annexation of Territory (Annexation #2, Tract 6284-Southeast Corner of Teague and Sunnyside) to the City of Clovis Community Facilities District No. 2020-1 (Dry Creek Preserve Sewer Facilities and Services). The staff report for the Resolution of Intention had a non-substantive discrepancy in the description of the property which did not affect this annexation process and has been corrected in the Resolution of Annexation report.

- a. Consider Approval - Res. 20-____, A Resolution annexing territory (Annexation #2) (Tract 6284-Southeast Corner of Teague and Sunnyside) to the City of Clovis Community Facilities District No. 2020-1 (Dry Creek Preserve Sewer Facilities and Services) and calling a special landowner election to annex territory (Annexation #2) to City of Clovis Community Facilities District No. 2020-1 (Dry Creek Preserve Sewer Facilities and Services).
- b. Consider Approval - Res. 20-____, A Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2020-1 (Dry Creek Preserve Sewer Facilities and Services).

Staff: Gina Daniels, Assistant Finance Director

Recommendation: Approve

ATTACHMENTS:

1. Resolution of Annexation
2. Resolution Declaring Results

CONFLICT OF INTEREST

None.

RECOMMENDATION

- That the Council hold a public hearing and approve actions related to the Annexation of Territory (Annexation #2) to Community Facilities District No. 2020-1.
- Consider Approval – Res. 20-____, A Resolution of annexation of territory (Annexation #2) to the Community Facilities District (City of Clovis Community Facilities District No. 2020-1) and to authorize the levy of Special Taxes therein and submitting Levy of Special Taxes to Qualified Electors.
- Call for Special Election and have Clerk announce the vote.
- Consider Approval – Res. 20-____, A Resolution of the City Council of the City of Clovis Declaring the Results of the Special Annexation Election; Determining Validity of Prior Proceedings and Directing Recording of the Notice of Special Tax Lien (City of Clovis Community Facilities District No. 2020-1 (Dry Creek Preserve Sewer Facilities and Services)).

EXECUTIVE SUMMARY

In collaboration with Woodside Homes (“Woodside”), on April 13, 2020, the City created CFD 2020-1 for the purpose of funding the costs of the operation and maintenance of certain temporary sewer facilities, and their eventual replacement with permanent sewer facilities, within the territory of the City known as Dry Creek Preserve. As anticipated by the City’s Dry Creek Preserve Master Plan, several petitions have been submitted by certain landowners for the annexation of specified territory within the Dry Creek Preserve to CFD 2020-1.

To initiate the process for annexation of territory to a CFD, the Council approved a Resolution of Intention-Annexation #2 (ROI) to annex territory to the CFD on September 8, 2020. The ROI set a public hearing for October 19, 2020. The action today finalizes the annexation to the CFD.

Following Council approval of the ROI, a non-substantive discrepancy in the description of the property for annexation was discovered in the staff report for the ROI which did not affect this annexation process and has been corrected herein. This error was not included in the ROI or any other document related to this annexation process.

BACKGROUND

On April 13, 2020, the City, in collaboration with Woodside, created CFD 2020-1 within the territory of the City known as Dry Creek Preserve pursuant to the Mello-Roos Community Facilities Act of 1982, Sections 53311 et. seq., California Government Code (the “Act”). The City’s Dry Creek Preserve Master Plan anticipates that three additional tracts of land will be annexed to the City and the CFD as part of a specified project. In accordance with the Master Plan, several petitions have been submitted by certain landowners for the annexation of specified territory within the Dry Creek Preserve to CFD 2020-1 in relation to this project.

To initiate the process of annexing the territory to the CFD, on September 08, 2020, the Council approved a Resolution of Intention-Annexation #2 (ROI) to annex territory to the CFD. The ROI set a public hearing for October 19, 2020. The Rate and Method of Apportionment (RMA) referred to in the ROI is the same as adopted by the Council with the Resolution of Formation adopted April 13, 2020. RMA provides, among other things, definitions, identifies what properties will be taxed, and the maximum special tax.

The conditions as provided in the Rate and Method of Apportionment will apply to territory annexed to the CFD to provide the funding necessary for the ongoing maintenance and operation of a temporary lift station, which will provide sewage services to the project within the Dry Creek Preserve, as well as contributing a fair share toward the cost of the future decommissioning of the lift station and the construction of permanent sewer facilities. The major conditions include:

1. The maximum annual tax will be \$1085.19 per parcel for Developed Property and \$1085.19 per parcel for Undeveloped Property.
2. Each fiscal year, the special tax will be determined for the ensuing fiscal year based on the amount of revenue needed to fund authorized facilities and services.
3. The special tax will be levied through Fiscal Year 2019-2020 for authorized facilities or until all authorized facilities have been constructed or acquired, whichever occurs first.
4. The special tax will be levied in perpetuity for authorized services.
5. The annual tax will not apply to commercially zoned property.

The purpose of the hearing is to take public comment on the annexation of territory to the CFD and to accept protests from any interested person within the proposed boundaries. If 50 percent or more of the registered voters, or six registered voters, whichever is more, residing within the existing CFD, or if 50 percent or more of the registered voters or six registered voters, whichever is more, residing within the territory proposed for annexation, or the owners of one-half or more of the area of the land in the existing CFD and not exempt from the special tax, or if the owners of one-half or more of the area of land in the territory proposed to be annexed file written protests against the proposed annexation to the CFD, and the protests are not withdrawn so as to reduce the protests to less than a majority, no further proceedings to annex the same territory may be taken for a period of one year from the date the Council determines a majority protest has been received. If no property owner or voter protests are received, or the Council receives protests from less than a majority of property owners or voters, the Council may take the initial actions to annex the territory to the CFD by approving a resolution on the annexation to the CFD and calling a special property owner election. Once the election is called, the City Clerk tabulates the ballots. If the property owners of two-thirds (2/3) of the property within the proposed boundaries vote in favor of the CFD, then the Council can take action to direct the recording of Notice of Special Tax Lien. The recording of the Tax Lien is contingent upon the property being annexed to the City. The property included within the CFD is being processed for annexation to the City and the Local Agency Formation Commission has approved the annexations.

FISCAL IMPACT

If approved, Developed Property and Undeveloped Property within the boundaries of the CFD will be assessed annually according to the conditions of the CFD formation, and those assessments will be utilized to fund the ongoing maintenance and operation of the temporary lift station as well as contributing a fair share toward the cost of the future decommissioning of the lift station and the construction of permanent sewer facilities.

REASON FOR RECOMMENDATION

All requirements for the annexation of territory to the CFD have been completed and the Council may take action to annex territory to the CFD.

ACTIONS FOLLOWING APPROVAL

After approval of the resolution directing the recordation of the Notice of Tax Lien, the lien will be recorded.

Prepared by: Steve Nourian, Senior Accounting Systems Technician

Reviewed by: City Manager *SN*

RESOLUTION NO. 20-**A RESOLUTION OF ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN AND SUBMITTING LEVY OF SPECIAL TAXES TO QUALIFIED ELECTORS****CITY OF CLOVIS
Community Facilities District No. 2020-1
(Dry Creek Preserve Sewer Facilities and Services)
Annexation No. 2**

RESOLVED by the City Council (the "Council") of the City of Clovis (the "City"), County of Fresno, State of California, that:

WHEREAS, this Council, on September 08, 2020, adopted A Resolution of Intention to Annex Territory to the Community Services District and to Authorize the Levy of Special Taxes Therein (the "Resolution of Intention") stating its intention to annex the territory to the "City of Clovis Community Facilities District No. 2020-1 (Dry Creek Preserve Sewer Facilities and Services)" (the "CFD"), pursuant to Mello Roos Community Facilities Act of 1982, Sections 53311 and following of the California Government Code (the "Act"); and

WHEREAS, a copy of the Resolution of Intention, incorporating a description and map of the proposed boundaries of the territory to be annexed to the CFD and stating the facilities and services to be provided and the rate and method of apportionment of the special tax to be levied within the CFD to pay for the facilities services for the CFD, is on file with the Clerk of the Council and the provisions thereof are fully incorporated herein by this reference as if fully set forth herein; and

WHEREAS, on the date hereof, this Council held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed annexation of territory to the CFD; and

WHEREAS, at such hearing all interested persons desiring to be heard on all matters pertaining to the annexation of territory to the CFD and the levy of said special taxes within the area proposed to be annexed were heard and a full and fair hearing was held; and

WHEREAS, prior to the time fixed for said hearing, written protests had not been filed against the proposed annexation of territory to the CFD by (i) 50% or more of the registered voters, or six registered voters, whichever is more, residing in the existing CFD, or (ii) 50% or more of the registered voters, or six registered voters, whichever is more, residing in the territory proposed to be annexed to the CFD, or (iii) owners of one-half or more of the area of land in the territory proposed to be annexed to the CFD; and

WHEREAS, Annexation Map No. 2 to the CFD, has been filed with the City Clerk, which map shows the territory to be annexed in these proceedings, and a copy thereof is on file with the City Clerk.

NOW, THEREFORE, IT IS HEREBY ORDERED,

1. All prior proceedings taken by this Council with respect to the CFD and the proposed annexation of territory thereto have been duly considered and are hereby determined to be valid and in conformity with the Act, and the CFD has been validly established pursuant to the Act.
2. The description and map of the boundaries of the territory to be annexed to CFD, as described in said Annexation Map No. 2 to the CFD on file with the Clerk are hereby finally approved, are incorporated herein by reference, and shall be included within the boundaries of the CFD, and said territory is hereby ordered annexed to the CFD, subject to voter approval of the levy of the special taxes therein as hereinafter provided.
3. The provisions of the Resolution No. 20-105, Resolution of Intention, heretofore adopted by this Council for the CFD on September 08, 2020, are by this reference incorporated herein, as if fully set forth herein.
4. Pursuant to the provisions of the Act, the proposition of the levy of the special tax within the territory to be annexed to the CFD shall be submitted to the voters of the area to be annexed to the CFD at an election called therefore as hereinafter provided.
5. This Council hereby finds that no persons have resided or been registered to vote within the territory proposed to be annexed to the CFD for each of the 90 days preceding the close of the hearing heretofore conducted and concluded by this Council for the purposes of these annexation proceedings. Accordingly, and pursuant to Section 53326 of the Act, this Council finds that for purposes of these proceedings the qualified electors are the landowners within the territory proposed to be annexed to the CFD and that the vote shall be by said landowners, each having one vote for each acre or portion thereof such landowner owns in the territory proposed to be annexed to the CFD.
6. Pursuant the Act, the election shall be conducted by mail ballot under Section 4000 of the California Elections Code. This Council hereby determines that paragraphs (a), (b), (c)(1), and (c)(3) of said Section 4000 are applicable to this election.
7. The Council hereby calls a special election to consider the measure described in the ballot referred to below, which election shall be held on October 19, 2020, in the regular meeting place of this Council, City Council Chambers, City Hall, 1033 5th Street, Clovis, California. This Council hereby further finds that the provision of the Act requiring a minimum of 90 days to elapse before said election is for the protection of voters and that the voters have waived such requirement and the date for the election herein specified is established accordingly.
8. The City Clerk is hereby appointed as the election official to conduct the election and shall cause to be provided to each landowner in the territory to be annexed to the CFD. The City Clerk shall accept the ballots of the qualified electors received prior to 4:30 o'clock p.m. on October 19, 2020, whether received by mail or by personal delivery.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 19, 2020, by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: October 19, 2020

Mayor

City Clerk

ANNEXATION MAP No. 2
CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT No. 2020-1
(DRY CREEK PRESERVE SEWER FACILITIES AND SERVICES)

Government Code Section 27388.1(A)(2)(D)

CITY OF CLOVIS
FRESNO COUNTY, STATE OF CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLOVIS THIS _____
DAY OF _____, 2020.

JOHN HOLT, CITY CLERK
CITY OF CLOVIS
COUNTY OF FRESNO
STATE OF CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES
OF ANNEXATION NO. 2 FOR CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT
No. 2020-1 (DRY CREEK PRESERVE FACILITIES AND SERVICES), CITY OF CLOVIS,
FRESNO COUNTY, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL
OF THE CITY OF CLOVIS AT A REGULAR MEETING THEREOF, HELD ON THE _____
DAY OF _____, 2020, BY ITS RESOLUTION No. _____.

JOHN HOLT, CITY CLERK
CITY OF CLOVIS
COUNTY OF FRESNO
STATE OF CALIFORNIA

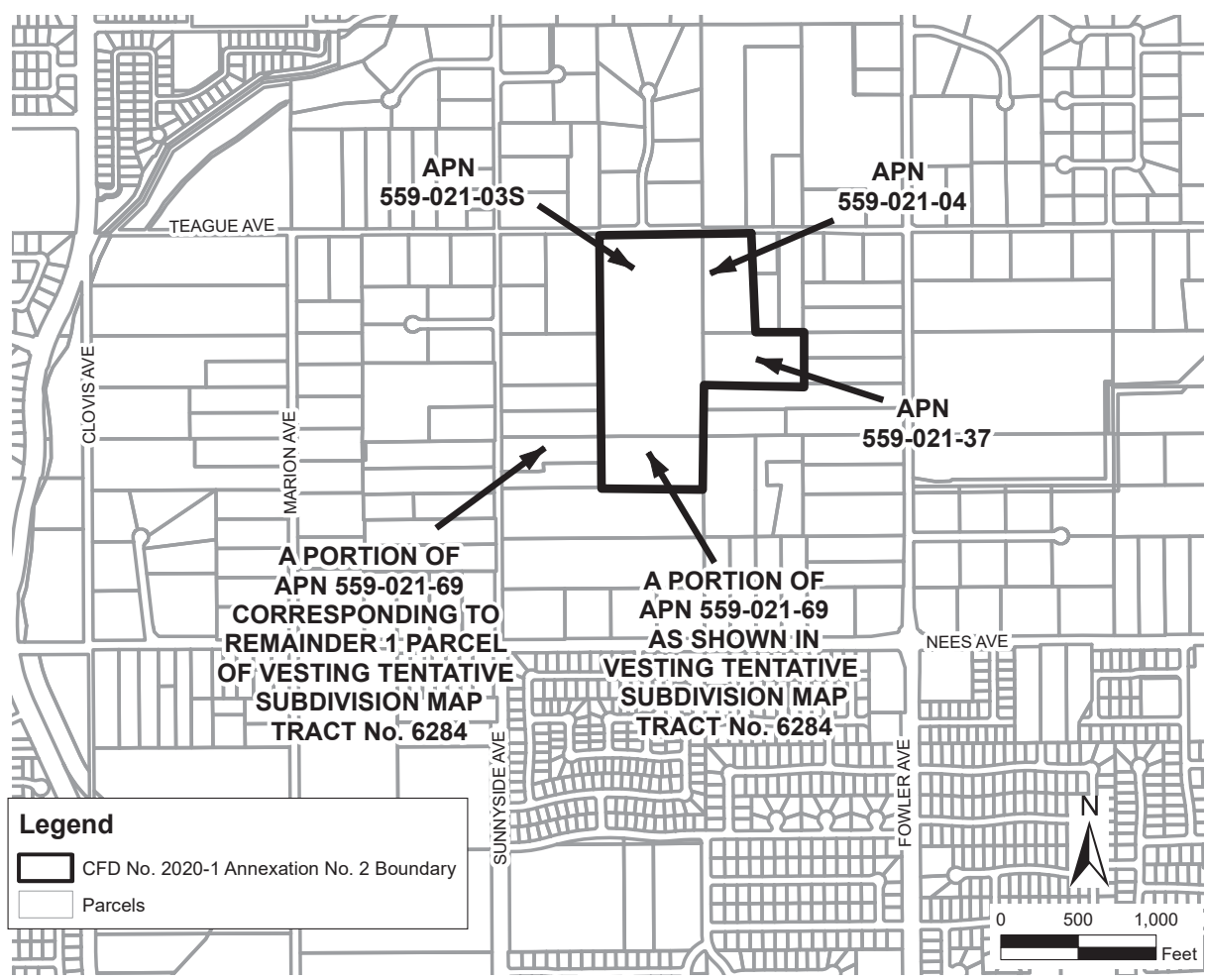
FILED THIS _____ DAY OF _____, 2020, AT THE HOUR OF _____
O'CLOCK _____ M. IN THE BOOK _____ PAGE _____
OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS INSTRUMENT
NO. _____ IN THE OFFICE OF THE COUNTY RECORDER IN THE
COUNTY OF FRESNO, STATE OF CALIFORNIA.

PAUL A. DICTOS, C.P.A. BY: DEPUTY COUNTY RECORDER
COUNTY ASSESSOR-RECORDER
COUNTY OF FRESNO
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF COMMUNITY
FACILITIES DISTRICT NO. 2020-1 (DRY CREEK PRESERVE SEWER
FACILITIES AND SERVICES) OF THE CITY OF CLOVIS RECORDED
WITH THE FRESNO COUNTY RECORDER'S OFFICE ON MARCH 19,
2020, IN BOOK 45 OF MAPS OF ASSESSMENT AND COMMUNITY
FACILITIES DISTRICTS, PAGE 99.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN
ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS
SHOWN ON THE FRESNO COUNTY ASSESSORS MAPS FOR THOSE
PARCELS LISTED.

THE FRESNO COUNTY ASSESSORS MAPS SHALL GOVERN FOR ALL
DETAILS CONCERNING THE LINES AND DIMENSIONS
OF SUCH LOTS OF PARCELS.



Prepared by Francisco & Associates, Inc.

RESOLUTION NO. 20-**A RESOLUTION DECLARING RESULTS OF SPECIAL ANNEXATION ELECTION,
DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING
RECORDING OF AMENDED NOTICE OF SPECIAL TAX LIEN****CITY OF CLOVIS
Community Facilities District No. 2020-1
(Dry Creek Preserve Sewer Facilities and Services)
Annexation No. 2**

RESOLVED by the City Council (the "Council") of the City of Clovis (the "City"), County of Fresno, State of California, that:

WHEREAS, in proceedings heretofore conducted by the Council pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), this Council has heretofore adopted a resolution calling a special election of the qualified landowner electors in the territory of land proposed to be annexed to Community Facilities District No. 2020-1 (Dry Creek Preserve Sewer Facilities and Services) (the "CFD"); and

WHEREAS, pursuant to the terms of the resolution which is hereby incorporated herein by this reference, the special election has been held and the City Clerk has filed a Canvass of Votes Cast in Special Election, a copy of which is attached hereto as **Exhibit A**; and

WHEREAS, this Council has reviewed the Canvass and hereby approves it.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The issue presented at the special election was the levy of a special tax within the territory annexed to the CFD, to be levied in accordance with the formula heretofore approved by this Council as described in Resolution No. 20- a Resolution of Annexation of Territory to Community Facilities District, authorizing the Levy of a Special Tax and Submitting Levy of Tax to Qualified Electors, adopted October 19, 2020.
2. Pursuant to the Canvass on file with the City Clerk, the issue presented at the special election was approved by the landowners of the territory annexed to the CFD by more than two-thirds (2/3) of the landowners voting at the special election.
3. Pursuant to the voter approval, said annexed territory to the CFD is hereby declared to be fully annexed to and part of the CFD and this Council may levy special taxes therein as heretofore provided in these proceedings.

ATTACHMENT 2

4. It is hereby found that all prior proceedings and actions taken by this Council pursuant to the CFD and the territory annexed thereto were valid and in conformity with the Act.

Within 15 days of the date hereof, the City Clerk shall execute and cause to be recorded in the office of the County Recorder of the County of Fresno, an amendment to the Notice of Special Tax Lien as required by Section 3117.5 of the California Streets and Highways Code.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 19, 2020 by the following vote, to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: October 19, 2020

Mayor

City Clerk

**CITY OF CLOVIS
Community Facilities District No. 2020-1
(Dry Creek Preserve Sewer Facilities and Services)
Annexation No. 2**

CANVASS AND STATEMENT OF RESULT OF ELECTION

I hereby certify that on this date, I canvassed the returns of the election held on this date, in the territory annexed to Community Facilities District No. 2020-1 (Dry Creek Preserve Sewer Facilities and Services) of the City of Clovis which election is designated as the Special Tax Annexation Election, and the total number of ballots cast in the territory to be annexed and the total number of votes cast for and against the measure are as follows and the totals as shown for and against the measure are full, true and correct:

Qualified Landowner Votes	Votes Cast	YES	NO
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**City of Clovis
Community Facilities District No. 2020-1
Annexation No. 2
Special Tax Annexation Election,
October 19, 2020.**

BALLOT MEASURE: Shall the City of Clovis, by and for its Community Facilities District No. 2020-1 (Dry Creek Preserve Sewer Facilities and Services), Annexation No. 2 (the "District"), be authorized to levy special taxes within the territory annexed to the District pursuant to and as described in Resolution No. 20-___ of the City of Clovis, adopted by its Council on October 19, 2020?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this ____ day of _____ 2020.

CITY OF CLOVIS

By: _____
City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: October 19, 2020

SUBJECT: Consider Introduction - Ord. 20-____, OA2020-003, A request to amend the Clovis Municipal Code to clarify and refine Section 9.18.050 – Regional Housing Needs (RHN) Overlay District and to establish a ministerial process to subdivide parcels that qualify for development pursuant to the RHN Overlay District. City of Clovis, applicant. (Continued from the October 12, 2020 meeting.)

Staff: Dave Merchen, City Planner
Recommendation: Approve

ATTACHMENTS: Draft Ordinance

CONFLICT OF INTEREST

None

RECOMMENDATION

Staff and the Planning Commission recommend the introduction of the ordinance amendment as presented.

EXECUTIVE SUMMARY

In November of 2018, the City Council adopted Ordinance Amendment 2018-03 establishing the RHN (Regional Housing Needs) Overlay District to the Clovis Municipal Code to address the State Department of Housing and Community Development (“HCD”) Regional Housing Needs Allocation (“RHNA”) obligation. The current proposal makes refinements to the RHN Overlay District to clarify the City’s intent in establishing the District. A ministerial process to subdivide parcels that qualify for development pursuant to the RHN Overlay District is also proposed as a means to further address and comply with the City’s RHNA obligation. The Planning Commission considered the proposal at its September 24, 2020 meeting and adopted a resolution recommending approval of the ordinance amendment.

BACKGROUND

In 2018, the City implemented two new programs to address a shortfall of land to accommodate 4,425 affordable housing units identified in the Fourth Cycle (2007-2012) of the City's Regional Housing Needs Allocation (RHNA). These programs were designed to facilitate the development of high density housing as required by HCD. One of these programs is the RHN Overlay Zone District, which allows multi-family housing to be developed as a permitted use at a density between 35 and 43 dwelling units per acre on eligible properties. The current proposal will refine the ordinance adopted in 2018 to clarify its intent, and add provisions to streamline the parcel map process for parcels that otherwise qualify for development under the RHN Overlay.

RHN Overlay District

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

Proposed Refinements

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

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

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

Ministerial Subdivision Map Process

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

California Environmental Quality Act (CEQA)

The City has determined that the Ordinance Amendment is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), the "common sense exemption," which provides that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The Ordinance proposes Municipal Code amendments that are textual and procedural in nature and its adoption will not result in the approval of any activities that are not already permitted under the Municipal Code, or otherwise exempt under CEQA Guidelines. In addition to the "common sense exemption," the amendment of Section 9.18.050 and the addition of Section 9.104.120 made by this Ordinance are exempt from CEQA pursuant to Government Code section 65584(g) and CEQA Guidelines Section 15283 as RHN determinations.

Planning Commission's Consideration

The Planning Commission conducted a public hearing regarding the proposed ordinance amendment on September 24, 2020. There were no public comments and no questions from the Commission with regard to the recommended amendments to the Municipal Code. The Commission adopted a resolution recommending approval of the ordinance amendment as presented.

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

FISCAL IMPACT

No fiscal impacts have been identified with respect to the proposed ordinance amendment.

REASON FOR RECOMMENDATION

In November of 2018, the City Council adopted Ordinance Amendment 2018-26 ("OA 2018-26") to add Section 9.18.050, the RHN (Regional Housing Needs) Overlay District, to the Clovis Municipal Code to address the State Department of Housing and Community Development ("HCD") Regional Housing Needs Allocation ("RHNA") obligation. It necessary

to clarify the Council's intent in adopting OA 2018-26 with respect to enacting Section 9.18.050 and establishing the RHN Overlay District. Substantive changes are not proposed, and the Ordinance Amendment is consistent with the goals, policies, and actions of General Plan. The addition of ministerial process to subdivide parcels that qualify for development pursuant to the RHN Overlay District will help to further address and comply with the City's RHNA obligation.

ACTIONS FOLLOWING APPROVAL

If the proposed ordinance is introduced, a second reading will be scheduled for consideration on the City Council's November 2, 2020 agenda.

Prepared by: Dave Merchen, City Planner

Reviewed by: City Manager *JH*

ORDINANCE 20-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS
AMENDING SECTION 9.18.050 AND ADDING SECTION 9.104.120 OF THE
CLOVIS MUNICIPAL CODE RELATING TO THE REGIONAL HOUSING
NEEDS ALLOCATION**

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

WHEREAS, the City Council finds it necessary to clarify the Council’s intent in adopting OA 2018-26 with respect to enacting Section 9.18.050 and establishing the RHN Overlay District, specifically:

(1) The RHN Overlay District is a City-wide zoning district that applies to all residentially zoned parcels located within the City; and

(2) All parcels that meet the qualifications for the RHN Overlay District are eligible to be developed according to the RHN Overlay District development standards established by Section 9.18.050; and

(3) The map of parcels and associated list are intended to identify qualifying parcels and should be updated annually to reflect the parcels that may be developed as RHN Overlay projects; and

(4) The inventory of qualifying RHN Overlay parcels is intended to be part of the City’s RHNA inventory in order to comply with the City’s RHNA obligation; and

WHEREAS, the proposed amendments memorialize the City’s current practice in administering the RHN Overlay District; and

WHEREAS, the City Council finds it beneficial to the City as a means to further address and comply with the City’s RHNA obligation to establish a ministerial process to subdivide parcels that qualify for development pursuant to the RHN Overlay District; and

WHEREAS, on September 24, 2020, the Planning Commission held a noticed public hearing to consider OA 2020-003, and recommended approval of OA 2020-003; and

WHEREAS, the City published notice of the City Council hearing in the Business Journal on October 9, 2020; and

WHEREAS, the City Council held a duly noticed public hearing on October 19, 2020 at which time the Council considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to the Ordinance Amendment (“Administrative Record”), which are maintained at the offices of the City of Clovis Department of Planning and Development Services; and

WHEREAS, the City Council finds that the Ordinance Amendment is beneficial and furthers compliance with the City’s RHNA obligation, as reflected in the Administrative Record; and

WHEREAS, the City Council finds that the Ordinance Amendment is consistent with the General Plan, including the goals, policies, and actions of the General Plan, and any applicable specific plans; and

WHEREAS, the City Council has considered the Administrative Record and finds that the Ordinance Amendment is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3), Government Code section 65584(g), and CEQA Guidelines Section 15283, as further reflected in Section 4 of this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLOVIS DOES ORDAIN AS FOLLOWS:

SECTION 1. CLARIFICATION OF EXISTING LAW.

The amendment of Section 9.18.050, of Chapter 9.18, of Title 9 of the Clovis Municipal Code made by this Ordinance does not constitute a substantive change in, but is declaratory of, existing law, and is intended to clarify the requirements of Section 9.18.050.

SECTION 2. AMENDMENT TO SECTION 9.18.050.

Section 9.18.050, of Chapter 9.18, of Title 9 of the Clovis Municipal Code is hereby amended in its entirety to read as follows:

Chapter 9.18
OVERLAY/COMBINING ZONING DISTRICTS

9.18.050 RHN (Regional Housing Needs) Overlay District.

A. Purpose and Application of Overlay District.

1. The Regional Housing Needs (RHN) Overlay District is intended to provide affordable housing at a density of thirty-five (35) to forty-three (43) units per acre on properties throughout the City that meet the parcel qualifications established by this section.
2. The RHN Overlay District is a City-wide zone that shall apply to all residentially zoned parcels located within the City limits.

B. Parcel Qualifications. The Director shall determine whether a parcel meets the parcel qualifications required for development as a RHN Overlay project.

1. Parcel Size.

a. To qualify for development as a RHN Overlay project, a parcel must be not less than one (1.0) acre but not more than ten (10.0) acres in size.

b. In the case of a parcel that is not fully developed (i.e., undeveloped or underdeveloped), if the parcel can be divided, including dividing the parcel pursuant to Section 9.104.120 of this Code, the undeveloped or underdeveloped portion may be evaluated separate from the rest of the parcel to determine whether the undeveloped or underdeveloped portion meets the parcel qualifications required for development as a RHN Overlay project.

c. A parcel larger than ten (10) acres will be deemed to qualify for development as a RHN Overlay project if the parcel may be divided pursuant to Section 9.104.120 of this Code, after which those parcels of not less than one (1.0) acre but not more than ten (10) acres in size may be developed as RHN Overlay projects.

2. **Developability.** The parcel must be capable of being developed consistent with the development standards required by Subsection E at a density of thirty-five (35) to forty-three (43) units per acre. The Director shall consider the following criteria:

a. Physical characteristics of the parcel, such as size, shape, dimensions, topography, and environmentally sensitive features.

b. Rules, regulations, policies, or other relevant guidance from the California Department of Housing and Community Development.

- c. History of the parcel, which may include:
 - i. Current use or development, entitlement or permit approvals, and applications for entitlements or permits.
 - ii. Past use or development, entitlement or permit approvals, and applications for entitlements or permits.
 - iii. Encumbrances or other commitments appurtenant to or enforceable against the parcel or recorded against the property.
- d. Any legal mandates, restrictions, prohibitions, or commitments applicable to the parcel that requires a finding, determination, action, process, proceeding, or otherwise by the City, notwithstanding the purpose of the RHN Overlay District.

C. RHN Overlay Map of Parcels; List. The Director shall develop for City Council approval a map of parcels and associated list reflecting those parcels that qualify for development as a RHN Overlay project. The map and associated list shall be maintained by the Director and reviewed, updated, and approved annually in conjunction with the City's Annual Housing Element Progress Report. The Director is authorized to remove parcels from the map and list as may be required. The initial map and list, and any additions to the map and list, shall be approved by the City Council at regular or special meeting with city wide notice to the public. The Director shall also hold not less than one City-wide noticed public meeting before Council consideration.

D. RHN Inventory; Housing Element. The RHN Overlay District and the development of parcels as RHN Overlay projects is intended to meet the housing needs within the City and to help the City comply with its RHNA obligation. It is the intent of the City Council that parcels that qualify for development as RHN Overlay projects as outlined in this section be included in the City's Housing Element Sites Inventory of land suitable for residential development. The Director is instructed to monitor the City's compliance with its RHNA obligations and to advise the City Council if it becomes necessary to revise the Housing Element Sites Inventory to include those parcels that qualify to be developed as RHN Overlay projects. Revisions to the Housing Element Sites Inventory shall not be considered an amendment to the Housing Element.

E. Property Development Standards.

- 1. Density. Development pursuant to the RHN Overlay District shall be at a density of not less than thirty-five (35) units per gross acre, but not to exceed forty-three (43) units per gross acre.
- 2. Lot Coverage. Lot coverage shall not exceed sixty percent (60%).

3. Height. Maximum height shall not exceed four (4) stories and fifty feet (50'). Additional height/stories may be allowed, in compliance with Chapter 64 of this title (Conditional Use Permits).

4. Setbacks shall be as follows:

- a. Street frontage – Fifteen feet (15').
- b. Street side – Fifteen feet (15'). For a structure exceeding thirty-five feet (35') or two and one-half (2-1/2) stories, the required setback shall be increased at the rate of three inches (3") for each foot of height increase.
- c. Interior side – Five feet (5') for each story.
- d. Rear – Fifteen feet (15'). For a structure exceeding thirty-five feet (35') or two and one-half (2-1/2) stories, the required setback shall be increased at the rate of three inches (3") for each foot of height increase for single story plus five feet (5') for each additional story.

5. Gates and fencing.

- a. All vehicle and pedestrian gates and fencing shall conform with Fire Department standards.
- b. Fencing along adjacent properties shall be a minimum six foot (6') high masonry material. Height to be measured from the highest finished grade and/or a minimum of six feet (6') above a parking area within eight feet (8') of the wall (whichever is highest).
- c. Interior fencing adjacent to a high-density or higher land use may be substituted with a decorative tubular steel fence.
- d. Main vehicle entry gate shall be constructed per City of Clovis standards, requiring a turnaround for vehicles that cannot gain entry.

6. Parking.

- a. Parking shall be provided at a ratio of:
 - i. Two (2) stalls per unit for one to two (2) bedroom units.
 - ii. Three (3) stalls per unit for three (3) or more bedroom units.
- b. A minimum of one stall per unit shall be covered.

c. Parking shall be marked and striped per multiple-family parking standards.

d. Two (2) way drives shall be a minimum of twenty-six feet (26') in width or as otherwise required by the Fire Department.

7. Architectural design.

a. Units shall utilize durable exterior materials such as stucco, cement board, concrete, or similar. Wood siding should be avoided with exception of trim.

b. Buildings containing three (3) or more attached units in a row shall incorporate at least one architectural projection per unit. Such projection must project no less than two feet (2') from the major wall plane, and be at least five feet (5') wide, and extend the height of the unit.

c. Buildings containing three (3) or more attached units in a row shall incorporate articulated roof design to avoid continuous single planes. Articulation may be achieved by changes in plane of no less than two feet (2') and the use of traditional roof forms such as gables, hips and dormers.

d. On larger projects with four (4) or more attached units in a row on a single building, subtle changes in exterior color is encouraged to increase visual interest and reduce monotony. Building groups can also be painted with different colors or shades. Subtle changes in colors and shade are encouraged.

8. Security.

a. All parking structures, walkways and trash receptacles shall be lighted during the hours of darkness.

b. All roadways within the complex shall be private streets and monitored by the apartment manager or an HOA.

c. Emergency pedestrian gates shall be installed along street side perimeter fencing for Fire and Police Department access. Gates shall be accessible per Fire Department lock standards.

9. Open space.

a. Private and/or common open space shall be provided at a ratio of two hundred sixty (260) square feet per unit.

b. Open space shall include recreation equipment for all ages. Open areas shall be usable and landscaped only to enhance the area or provide shade.

10. Transit. Projects of fifty (50) units or more, located on a designated transit route, should provide a bus pullout and furniture in coordination with Clovis and Fresno Transit.

11. Utilities.

a. All on-site utilities shall be underground.

b. Developer shall contact the City of Clovis Engineering Division to verify adequate sewer and water infrastructure and capacity.

12. Multiple-family design guidelines. Development shall be consistent with the multiple-family design guidelines.

13. Site plan review and building permit. Site plan review is not required for RHN Overlay projects meeting the requirements of this section. A building permit is required prior to any construction activities. No building permit will be issued until the Building Official has verified consistency with all applicable codes and standards.

SECTION 3. ADDITION OF SECTION 9.104.120.

Section 9.104.120, of Chapter 9.104, of Title 5 of the Clovis Municipal Code is hereby added to read as follows:

Chapter 9.104 PARCEL MAPS AND FINAL MAPS

9.104.120 Parcel Map Approval for RHN (Regional Housing Needs) Overlay Projects.

A. Purpose. It is the purpose of this section to provide a ministerial review and approval process for dividing parcels, including parcels in excess of ten (10) acres in size, into qualifying RHN (Regional Housing Needs) Overlay project sites pursuant to Section 9.18.050 of this Code.

B. Review and Approval of RHN Parcel Maps. Notwithstanding anything to the contrary in this chapter, when a project proposes to divide land into two (2) or more parcels, but fewer than five (5) parcels, for the purpose of developing one (1) or more of the newly created parcels as a RHN (Regional Housing Needs) Overlay project pursuant to section 9.18.050, the following shall apply:

1. No tentative parcel map shall be required.
2. The City Engineer shall make a finding in support of approval of a parcel map that the proposed map is consistent with the Municipal Code, the Map Act, and other applicable law with respect to parcel size, zoning, and density.
3. The parcel map shall be approved in accordance with Section 9.104.060, except that final action shall rest with the City Engineer.

SECTION 4. EXEMPTION FROM CEQA.

The adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), the "common sense exemption," which provides that CEQA applies only to projects that have the potential for causing a significant effect on the environment. This Ordinance proposes Municipal Code amendments that are textual and procedural in nature and its adoption will not result in the approval of any activities that are not already permitted under the Municipal Code, or otherwise exempt under CEQA Guidelines. In addition to the "common sense exemption," the amendment of Section 9.18.050 and the addition of Section 9.104.120 made by this Ordinance are exempt from CEQA pursuant to Government Code section 65584(g) and CEQA Guidelines Section 15283 as RHN determinations.

SECTION 5. SEVERABILITY.

If any article, section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and adopted each article, section, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall go into effect and be in full force from and after thirty (30) days after its final passage and adoption.

APPROVED: _____, 2020

Mayor

City Clerk

* * * * *

The foregoing Ordinance was introduced and read at a regular meeting of the City Council held on October 19, 2020, and was adopted at a regular meeting of said Council held on _____, 2020, by the following vote, to wit:

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

DATED: _____, 2020

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: October 19, 2020

SUBJECT: Consider – Consideration Of Design Of City Of Clovis Challenge Coin.
(Continued from the October 12, 2020 meeting.)

Staff: Mayor Bessinger
Recommendation: Consider

ATTACHMENTS: None

Mayor Bessinger will give a verbal presentation on this item.

Please direct questions to the City Manager's office at 559-324-2060.