



# CITY of CLOVIS

## AGENDA • PLANNING COMMISSION

**Thursday, November 15, 2018**

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

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

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

The Planning Commission welcomes you to this meeting.

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

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the City of Clovis Planning Division, located in the Planning and Development Services building, between 8:00 a.m. and 3:00 p.m. Monday through Friday. In addition, such writings and documents may be posted on the City's website at [www.cityofclovis.com](http://www.cityofclovis.com).

### ABOUT THE MEETING

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

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

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

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

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

\* \* \* \* \*

CALL TO ORDER

FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

- 1. Minutes from the October 25, 2018, Meeting.

COMMISSION SECRETARY COMMENTS

PLANNING COMMISSION MEMBER COMMENTS

COMMUNICATIONS AND REFERRALS

BUSINESS FROM THE FLOOR

This is an opportunity for the members of the public to address the Planning Commission on any matter that is not listed on the Agenda.

ADJOURNMENT

PUBLIC HEARINGS

- 2. Consider items associated with approximately 1.2 acres of land located at the northeast corner of Shaw and Fowler Avenues. Ahira Bbb Clovis Shaw LP, owner; Bowie Enterprises, Michael Bowie, applicant; Dirk Poeschel Land Development Services, representative.
a. Consider Approval, Res. 18-\_\_\_, A request to approve an environmental finding of a Mitigated Negative Declaration for General Plan Amendment GPA2018-04, Rezone R2018-10 and Conditional Use Permit CUP2018-06.
b. Consider Approval, Res. 18-\_\_\_, GPA2018-04, A request to amend the General Plan designation from Office to General Commercial and a text amendment to the Shaw Avenue Specific Plan permitting C-2

(Community Commercial) zoning and drive-thru uses for this specific site.

- c. Consider Approval, Res. 18-\_\_\_\_, **R2018-10**, A request to approve a rezone from the C-P (Professional Office) Zone District to the C-2 (Community Commercial) Zone District.
- d. Consider Approval, Res. 18-\_\_\_\_, **CUP2018-06**, A request to approve a conditional use permit to allow for a drive-thru car wash facility.

- 3. Consider Approval, Res. 18-\_\_\_\_, V2018-03, A request to approve a variance to reduce the setback requirements of the R-1-B (Single-Family Residential – 12,000 sq.ft.) Zone District for the property located at 1827 N. Locan Avenue. Laura Ossenber, owner; Penncal Properties, LLC, applicant/representative.
- 4. Consider Approval, Res. 18-\_\_\_\_, **R2018-12**, A request to approve a comprehensive rezone to the P-F (Public Facilities) Zone District to bring properties designated Public, Water, and School, into conformance with the General Plan. City of Clovis, applicant.

<b>Meetings and Key Issues</b>			
October 25, 2018	6:00 P.M.	Regular Meeting	Council Chamber
November 5, 2018	6:00 P.M.	Joint Meeting with Council	Council Chamber
November 15, 2018	6:00 P.M.	Regular Meeting	Council Chamber
December 20, 2018	6:00 P.M.	Regular Meeting	Council Chamber
January 24, 2019	6:00 P.M.	Regular Meeting	Council Chamber

CLOVIS PLANNING COMMISSION MINUTES  
October 25, 2018

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

Flag salute led by Commissioner Cunningham

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

Absent: None

Staff: Bryan Araki, City Planner  
Orlando Ramirez, Deputy City Planner  
Lily Cha, Assistant Planner  
Sean Smith, Associate Civil Engineer

MINUTES

- 1. The Commission approved the September 27, 2018, minutes by a vote of 5-0.

COMMISSION SECRETARY

None

PLANNING COMMISSION MEMBERS COMMENTS

Chair Hinkle noted that realty signs on the northwest corner of Villa and Sierra Avenues remain in place in violation of the City’s sign ordinance in terms of size, despite other realtors being made to remove their signs. Deputy City Planner Orlando Ramirez responded that a letter can be sent reminding the property owner of the size limitations of the signs. Chair Hinkle followed up with a notation regarding a large, realtor banner sign in place at the northeast corner of Sierra and Pollasky Avenues that may also require contact.

COMMUNICATIONS AND REFERRALS

Items related to Agenda Item X-4.

BUSINESS FROM THE FLOOR

None

CONSENT CALENDAR

- 2. Consider Approval, **TM6076**, A request to approve the second one-year extension to an approved tentative map for property located at the northeast corner of Dakota and Clovis Avenues. Clovis Colony Investors, LLC, owner/applicant.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve TM6076. The motion was approved by a vote of 5-0.

PUBLIC HEARINGS

3. Consider approval Res. 18-55, **CUP2017-10A**, A request to approve an amendment to the side yard setback requirements of Conditional Use Permit CUP2017-10 within Tentative Map TM6186. WCP Developers, LLC, owner/applicant.

Deputy City Planner Orlando Ramirez presented the staff report.

Commissioner Cunningham inquired as to the reasoning for changing the side setbacks. Deputy City Planner Ramirez responded with a detailed explanation regarding fire safety codes.

Commissioner Cunningham followed up with an inquiry as to whether this issue is unique to this development or will apply to all future developments. Deputy City Planner Ramirez responded that this will be affective of all future developments.

Commissioner Cunningham expressed concern regarding the accessibility for first responder gurneys with the proposed four-foot setback and the presence of trash totes. Deputy City Planner Ramirez responded that they will have to use the opposite side, fences can be removed, or the trash tote can be moved. Commissioner Cunningham noted that each of these potential actions will take time, which is valuable in emergencies.

Commissioner Bedsted echoed Commissioner Cunningham’s concern, and remarked that the Planning Commission learns as it moves forward and that something being done in the past does not necessarily mean it should be done in the future. He then inquired as to whether there were any reports regarding first responders being impeded by these setbacks. Deputy City Planner Ramirez remarked that after project distribution to the Police and Fire Departments, no comments were received. He added that this had been a subject of internal discussion and that staff had not received any concerns.

City Planner Bryan Araki noted that at the last City Council meeting, this issue came up under public comment, in which a resident stated that an ambulance service experienced trouble entering and exiting the backyard with a gurney. He qualified this with the fact that the setback situation of the subject property is unknown.

Chair Hinkle stated that there is no way for first responders to reach the backyard, and that seconds count in emergencies when lives are at stake. He also stated that the displayed drawings are inaccurate, explaining in detail the problems he foresees.

Chair Hinkle then sought and received confirmation that the Homeowner’s Association will be responsible for monitoring the totes, with no calls coming to the City of Clovis.

Chair Hinkle remarked that he has spoken to police regarding this issue numerous times and that they have a problem with first responders accessing backyards in such developments.

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

Adrienne Burns, Director of Land Development and Forward Planning for Wathen Castanos Homes, 1446 Tollhouse Road, expressed gratitude towards staff for the staff report and provided background on the application request.

Commissioner Antuna requested a viewing of pictures of which Ms. Burns had spoken, demonstrating a trash tote traversing a four-foot setback.

Commissioner Hatcher expressed concern regarding the applicant not realizing the existence of egress issues earlier in the process. Ms. Burns responded that the lot pads had been graded but that foundation pads had not yet been poured.

Commissioner Cunningham inquired as to the exact nature of the egress issues being addressed. Ms. Burns provided a detailed explanation. Commissioner Cunningham followed up by seeking and receiving confirmation, including details, that the additional foot on one side would address these issues.

Commissioner Cunningham inquired as to whether this is the first subdivision Wathen Castanos has built with three-foot/five-foot setbacks. Ms. Burns explained about another tract with those approved setbacks that is in reality more flexible, providing greater than the minimum setbacks. Commissioner Cunningham then followed up by seeking and receiving confirmation that the subject tract does not have that flexibility.

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 Antuna inquired as to whether drainage would be affected by the proposed change. Associate Civil Engineer Sean Smith responded with a detailed explanation, confirming the efficacy of the most common measure.

Commissioner Cunningham requested clarification on the issue of building codes clashing with the three-foot side setbacks. None of the staff present was able to provide this explanation.

Commissioner Bedsted inquired as to whether the condition placing responsibility for the toters in the hands of the HOA could possibly be rescinded at a later date. Deputy City Planner Ramirez responded that, if the Planning Commission so desires, that requirement could be memorialized as a condition of approval for the tract, remaining with the property, and could therefore not be changed by the HOA at a later date.

City Planner Araki confirmed that the condition was already included within staff's report.

Chair Hinkle sought and received confirmation that drainage from the front to the back of a property is required by the Planning Department. Associate Civil Engineer Smith confirmed such is part of the building code.

At this point a motion was made by Commissioner Antuna and seconded by Commissioner Bedsted to approve CUP2017-10A. The motion was approved by a vote of 3-2.

4. Consider approval Res. 18-56, **CUP2018-04**, A request to approve a conditional use permit for a 10-unit multiple-family condominium complex for the property located at 1855 Austin Avenue. Mohamed Annan, applicant/owner; Elias Saliba, Architect, representative.

Deputy City Planner Orlando Ramirez presented the staff report.

Commissioner Antuna requested that the definition of 'permit to build by right' be entered into the record. Deputy City Planner Ramirez provided a detailed explanation.

Commissioner Cunningham sought and received confirmation that the zoning of this property has always been R-2, since at least the 1980's, just with restrictions. He also sought and received confirmation that the proposed structure on the northwest corner of the parcel, facing the R-1 residences, shows only one small bathroom window on the second story.

Commissioner Cunningham inquired as to whether Deputy City Planner Ramirez had been present at any of the meetings between the applicant and the neighbors in opposition. Deputy City Planner Ramirez responded that he was not involved in those meetings but had received informative phone calls from a neighbor to the north, Mr. Carlson.

Commissioner Bedsted inquired as to whether reports had been received regarding existing traffic creating concerns or problems. Deputy City Planner Ramirez responded that the police department has not indicated any concerns, and that though there is traffic being generated by nearby uses, the project is required to provide off-street parking.

Commissioner Bedsted followed up with an inquiry into the number of parking spots per unit. Deputy City Planner Ramirez provided that information.

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

Mohamed Annan provided some background information and requested approval of the project.

Commissioner Bedsted inquired as to whether there had been any discussion or proposals to reorient the structure on the east side of the parcel to expose only the small bathroom window to those properties to the northeast. Mr. Annan responded that he and his architect had looked into it, but that such reorienting of the building would eliminate some of the necessary parking.

Commissioner Bedsted followed up with an inquiry as to whether there is a requirement that parking be immediately adjacent to the structure or if it could be moved elsewhere. Mr. Annan responded that, to the best of his knowledge, there is no space to move that parking to, deferring to his architect's expertise.

Commissioner Cunningham inquired as to the number of meetings held Mr. Annan had held with the neighbors, and how many had attended. Mr. Annan responded that they had a total of three meetings, with four attendees beside himself.

Commissioner Cunningham followed up with an inquiry as to what concerns, besides the two-story issue, had been discussed. Mr. Annan responded that that issue, the privacy concern, had been the main issue, which he attempted to address with the setbacks.

Commissioner Cunningham sought and received confirmation that the site plan was modified in response to the first meeting. Mr. Annan stated that he and his architect had made significant concessions to address the privacy concern.

Commissioner Cunningham inquired as to whether there were objections or concerns from the neighbors in regards to on-street parking on record. Mr. Annan responded that the parking is self-contained within his property, and that no one had raised it.

Chair Hinkle inquired as to possibility of making the master bathroom window an opaque, non-opening window. Eli Saliba, project architect, responded that the light is also necessary, and that this is not a child's bedroom window to be concerned about them doing something to neighbors.

Chair Hinkle expressed his understanding of this point, but that his concern is privacy, preventing the inhabitants of the northwest building from simply looking into the neighbors' backyard. Mr. Saliba responded that he put the window high enough that no one can see out of it without a ladder.

Chair Hinkle followed up with an inquiry as to whether there would be a problem with frosting the window, despite its height. Mr. Saliba was resistant but conceded to the applicant, and Mr. Annan offered to provide it.

Chair Hinkle stated that such would satisfy some of the concerns. Mr. Annan stated that he will provide such mitigation for privacy concerns and more as he wishes to be a good neighbor and be known as such.

Chair Hinkle clarified that his concern was with this one particular building, not the others as they don't face the rear of the property. Mr. Annan responded that he had been a little confused on the technical necessity of the window, and that though the frosting would be an added cost, he will do it.

Commissioner Bedsted stated that he believed that the setbacks and small bathroom window are adequate concessions for dealing with the northwest structure, and that it is the northeast structure that remains a concern for him, specifically the matter of having the master bedroom windows facing the adjacent property. He inquired as to whether the neighbor, who is in possession of a two-story house with a balcony, is satisfied with the arrangement. Mr. Annan responded that they are not, that they want the structure's orientation changed, which as mentioned earlier would not as it would eliminate necessary parking that cannot be placed elsewhere on the property. He also stated that having two-story houses side-by-side is typical in Clovis.

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

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

Kevin Carlson of 1848 Richert Avenue, owner of a single story home to the northwest of the subject property, explained his experience with the neighborhood meetings and his opposition to the current site plan, which involved the proposed building being two-story, parking spaces being within one hundred feet of his bedroom window, and his belief that the master bedroom windows can view his and potentially also his neighbor's properties.



Jeanna Basch of 1844 Richert Avenue spoke in opposition of the buildings being two-story, explaining why the two-story single family homes in the neighborhood do not count. She also spoke about the history of the development in the area, all of it single story, the traffic on Austin Avenue, and the noise already being generated by the nearby daycare being joined by noise from the potential new residents. Ms. Basch complained that the second story bedroom windows would be able to see into her backyard and that she has only met with the applicant twice.

Commissioner Cunningham inquired as to whether Ms. Basch's residence is single or two-story, also seeking confirmation of its location. He had presumed that she was closer to the subject property. Ms. Basch replied that her home is single-story, as are all of the adjacent homes, confirming that her home is not the one with a second-story/loft balcony, which is at 1852 Richert Avenue, and that though her property is farther away, she will still be able to see the buildings.

Chair Hinkle inquired as to whether Ms. Basch would be concerned if there were three-story living facilities going in at this location. His reasoning behind the inquiry was that with the changes coming from the state government, there is the possibility of a developer in the future putting a three or four-story building on this property, with very little backyard clearance, and encouraged her to carefully consider this project versus what may come in the future. Ms. Basch sought and received confirmation that such a project could possibly be entertained for this lot and the adjacent lot to the east, by right, in the near future, then expressed gratitude to Chair Hinkle for the information.

Huy To of 1910 Swift Avenue wished to address Commissioner Bedsted's concern, regarding the northeast building's bedroom window facing his property. He expressed concern regarding issues arising from the presence of a condominium project and the potential effect on his family. He understands the difficulty with reorienting the building and suggested making it single-story.

At this point, the Chair closed the public portion.

Commissioner Cunningham inquired as to whether or not this was the first attempt at development for this property. Deputy City Planner Ramirez responded that it was not, that the previous attempts had been unsuccessful for different reasons, and clarified that the original zoning for the property allowed for two-story development with the limitation being on square footage on the second floor.

Commissioner Cunningham then sought and received confirmation that R-2 zoning allows two-story buildings by right.

Commissioner Hatcher sought and received confirmation that a developer could have built multiple two-story single-family homes on this property.

Commissioner Hatcher inquired as to whether there were any plans for development of the adjacent vacant lot. Deputy City Planner Ramirez responded that there had been several inquiries regarding that property for the same type of project, and explained that any such projects would have to go through the same process as this one.

Commissioner Cunningham inquired as to whether these two parcels would fall under the new affordable housing overlay. Deputy City Planner Ramirez responded that it is possible that, with the state government is issuing mandates on what can be built on single and multiple-family properties, one of these properties could potentially be developed with three or four-story buildings, without a public hearing process and therefore bypassing the Planning Commission and the City Council.

Commissioner Bedsted inquired as to how the property, in particular a potential tree screen for privacy on the northern end of the property, would be maintained and if a condition could be added to require such a screen and its maintenance. Deputy City Planner Ramirez responded that such a requirement would be examined in the site plan review process, which this project must still go through if approved, and that the applicant is open to additional trees for screening in that area. He also provided some details regarding landscape requirements.

Commissioner Antuna expressed her gratitude to the members of the public for attending and sharing their opinions with the Planning Commission. She also stated that she could see the effort put in by Mr. Annan in working with his architect to modify the plans, expressing her appreciation for him meeting and working with his neighbors. She echoed Chair Hinkle's earlier statements regarding mandates coming from the state government that will take away the decision power of the cities. She recommended that the public carefully consider this project in terms of a later project possibly being taller and run by a less-amicable developer.

Commissioner Hatcher expressed her concurrence with Commissioner Antuna's comments. She remarked that, while she understands the neighbors expected development to remain single-story, this is often not the case. She expressed understanding of the neighbors' concerns, then pointed out it could be a lot worse. In light of the rear yard setback being the same as what would be required for a two-story single-family home and the requirements the Planning Commission examine, she cannot vote against this project and requests that the neighbors give it a chance.

Commissioner Cunningham echoed his fellow commissioners, and that though he understands the neighbors' concern with two-story development here, the applicant has worked with them a great deal and significantly modified his site plan from its initial submittal. He expressed appreciation for that as well as for the risks taken by the developer, investing quite a bit of money to get to this point with no guarantee of approval. He stated that he will approve this project and encouraged his fellow commissioners to do the same.

Chair Hinkle remarked that rotating the northeast building would lead to only thirty-five feet of clearance between Buildings 4 and 5, not enough space to make up for the parking spaces lost to such a reorientation, and that the current setup is a good one. He also encouraged the members of the public to keep in mind the loss of control due to state government mandates based on cities such as Los Angeles and San Francisco.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Bedsted to approve CUP2018-04. The motion was approved by a vote of 5-0.

5. Consider approval Res. 18-57, **CUP2018-09**, A request to approve a conditional use permit for a new tire sales and service facility located on a portion of a 12.9 acre property located at the northeast corner of Herndon and Helm Avenues. Peter Klein

Trustee, owner; America's Tire, Halle Properties, applicant; Sol Development, representative.

Deputy City Planner Orlando Ramirez presented the staff report.

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

Bill Robinson of 907 N Street, Suite #100, Fresno, provided background on the project and offered to answer any questions.

Commissioner Hatcher inquired as to how much development was needed, due to the site location. Mr. Robinson responded with a detailed explanation.

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

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

At this point, the Chair closed the public portion.

At this point a motion was made by Commissioner Hatcher and seconded by Commissioner Antuna to approve CUP2018-09. The motion was approved by a vote of 5-0.

6. Consider approval Res. 18-58, **CUP2018-10**, A request to approve a conditional use permit for a bar with ancillary micro brewing at 2700 Clovis Avenue, Suites 103 and 104. Rodney and Dana Heinrich, owners; Ish Brewing Company, LLC, applicant.

Commissioner Cunningham disclosed that he and the applicant, Kevin Draughon, worked together in the Sherriff's Department thirty-five years ago, had had very little contact since, and that it would not affect his decision tonight.

Assistant Planner Lily Cha presented the staff report.

Commissioner Cunningham remarked that the alleyway appears remarkably cleaner in the pictures taken earlier that day as compared to when he drove by the site a month ago. He then sought and received confirmation that it is not conducive to vehicular traffic, and that therefore any activity in that area would be minimal.

Commissioner Cunningham then remarked that this project is no different than other uses providing access to liquor, such as liquor stores, within a quarter mile to the C.A.R.T. facility, and inquired as to whether there had been objections from the Police Department based on calls-for-service to those locations. Assistant Planner Cha responded in the negative.

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

Kevin Draughon of 6741 E. Princeton Avenue provided some background on the project and offered to answer any questions.

Chair Hinkle sought and received confirmation that the other businesses in the complex open at 9:00 am. Mr. Draughon stated that the barbeque store is open the latest, closing at 8:00 pm.

Chair Hinkle inquired as to whether a change in operational hours would require the project to return to Planning Commission. His concern was that if the applicant wished to expand their operational hours at a later date, they would have to apply to go before Planning Commission again. Assistant Planner Cha responded in the negative, as the hours are not memorialized or restricted.

Chair Hinkle remarked that he interpreted the correspondence from Clovis Unified School District as a type of form letter. Mr. Draughon agreed, pointing out a portion of the letter that was not related or relevant to his project, with Chair Hinkle echoing that opinion.

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

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

Camellia Brown of 2663 Dewitt Avenue remarked that she appreciated the additional information presented at this meeting and that the applicant would not have anyone behind the building, but expressed her concern at the lack of restriction on the operational hours as well as the noise and smell from the use.

At this point, the Chair closed the public portion.

Commissioner Antuna expressed her gratitude to Ms. Brown for attending, then addressed her concerns with a short explanation of the differences between a taproom and a bar. She then expressed her excitement for this project and its benefits for the City.

A member of the public expressed concern regarding the distance between the building and his bedroom window. Commissioner Antuna discussed noise buffering aspects of the floor and site plan in response.

Commissioner Hatcher inquired as to whether this project will be returning to Planning Commission for review in a year in case of issues. City Planner Araki responded that there is a condition of approval that the project may return, but that it can be scheduled for review anytime if there are complaints received of problems arising.

At this point a motion was made by Commissioner Hatcher and seconded by Commissioner Antuna to approve CUP2018-10. The motion was approved by a vote of 5-0.

Chair Hinkle reminded the Commission members that the November 5<sup>th</sup> meeting is the joint meeting with the City Council.

OLD BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT AT 7:43 P.M. UNTIL the Planning Commission meeting on November 15, 2018.



# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: November 15, 2018

SUBJECT: Consider items associated with approximately 1.2 acres of land located at the northeast corner of Shaw and Fowler Avenues. Ahira Bbb Clovis Shaw LP, owner; Bowie Enterprises, Michael Bowie, applicant; Dirk Poeschel Land Development Services, representative.

- a. Consider Approval, Res. 18-\_\_\_, A request to approve an environmental finding of a Mitigated Negative Declaration for General Plan Amendment GPA2018-04, Rezone R2018-10 and Conditional Use Permit CUP2018-06.
- b. Consider Approval, Res. 18-\_\_\_, **GPA2018-04**, A request to amend the General Plan designation from Office to General Commercial and a text amendment to the Shaw Avenue Specific Plan permitting C-2 (Community Commercial) zoning and drive-thru uses for this specific site.
- c. Consider Approval, Res. 18-\_\_\_, **R2018-10**, A request to approve a rezone from the C-P (Professional Office) Zone District to the C-2 (Community Commercial) Zone District.
- d. Consider Approval, Res. 18-\_\_\_, **CUP2018-06**, A request to approve a conditional use permit to allow for a drive-thru car wash facility.

ATTACHMENTS: Figure 1: Location Map  
 Exhibit "A:" GPA2018-04 & R2018-10 Conditions of Approval  
 Exhibit A-1: CUP2018-06 Conditions of Approval  
 Attachment 1: Mitigated Negative Declaration  
 Attachment 2: Draft Resolutions  
 Attachment 3: Applicant's Justification for GPA2018-04

Attachment 4:	Correspondence from Commenting Agencies
Attachment 5:	Correspondence from Public
Exhibit "B:":	Proposed Site Plan
Exhibit "C:":	Elevations

**CONFLICT OF INTEREST**

None

**RECOMMENDATION**

Staff recommends that the Planning Commission:

- Approve an environmental finding of a Mitigated Negative Declaration for General Plan Amendment GPA2018-04, Rezone R2018-10 and Conditional Use Permit CUP2018-06; and
- Approve GPA2018-04, subject to the conditions of approval listed as Exhibit "A;" and
- Approve Rezone R2018-10, subject to the conditions of approval listed as Exhibit "A;" and
- Approve Conditional Use Permit CUP2018-06, subject to the conditions of approval listed as Exhibit "A-1."

**EXECUTIVE SUMMARY**

The applicant is requesting to amend the General Plan Land Use Diagram and a text amendment to the Shaw Avenue Specific Plan for approximately 1.2 acres of property located at the northeast corner of Shaw and Fowler Avenues. The applicant is also requesting conditional use permit approval for a drive-thru car wash facility (Ride and Shine). Approval of this request will allow the applicant to move forward with site plan review for the development of the facility.

**BACKGROUND**

- General Plan Designation: Office
- Specific Plan Designation: Shaw Avenue Corridor
- Existing Zoning: C-P (Professional Office)
- Lot Size: 1.2 acres
- Current Land Use: Vacant
- Adjacent Land Uses:
 

North:	Office
South:	Planned Commercial Center
East:	Office
West:	Jefferson Elementary School
- Previous Entitlements: GPA94-04, PM79-04, SPR79-48

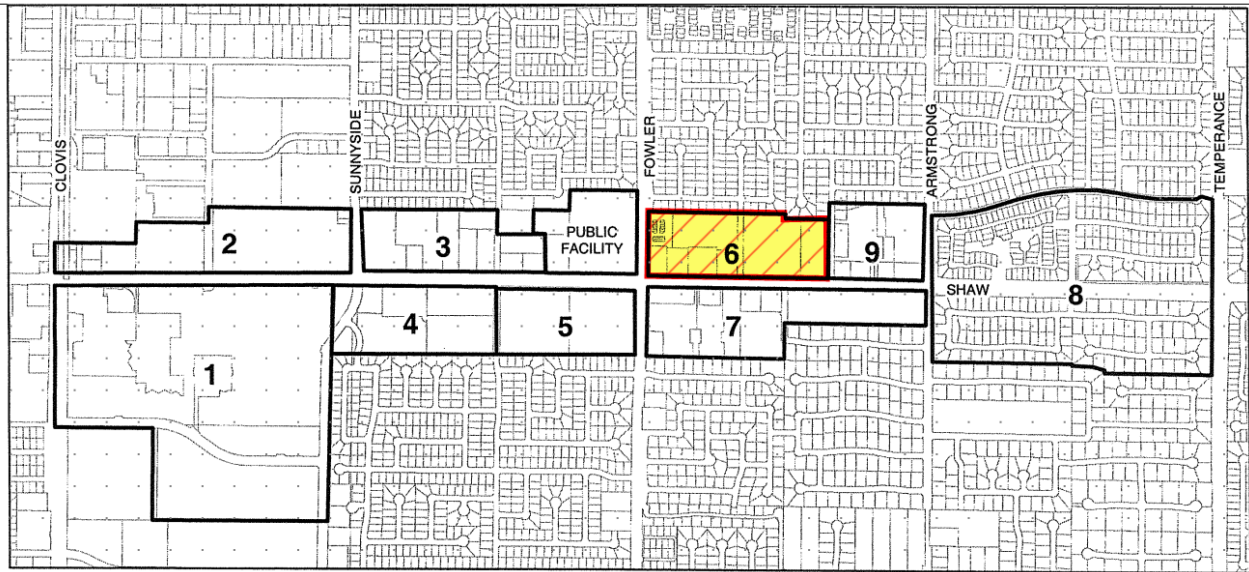
**PROPOSAL AND ANALYSIS**

**General Plan Amendment & Specific Plan Amendment**

Proposal

The subject property is currently designated Office under the City’s General Plan Land Use Diagram. The applicant is requesting an amendment to the General Plan Land Use Diagram to re-designate the subject property from Office to General Commercial. The General Commercial designation typically allows for community or regional scale centers that may be anchored by large format stores as well as a variety of retail stores. In this case, the applicant is requesting the development of a drive-thru car wash facility. Requests to change the General Plan requires compelling reason. Attachment 3 of this report is the applicant’s justification statement for the amendment request.

The Shaw Avenue Corridor Specific Plan is a guiding document for the comprehensive development that occurs within its boundaries which includes Shaw Avenue from Clovis to Temperance Avenues. Its specific purpose is to provide for a well-designed boulevard that considers potential opportunities and conflicts of mixed land uses interfacing with the residential areas of the eastern part of the City. The plan is divided into several land use areas. The subject property is located within Area 6 of the Specific Plan. Mixed Use Area 6 is designated with the primary use as Office and secondary uses have an allotment of 25% Residential. Special uses may also be considered and include banks and restaurants. The applicant’s request will amend the land use designated in the specific plan to allow for the proposed commercial development.



**FIGURE A: Area 6**

In addition to the General Plan Amendment request, the applicant is also requesting a text amendment to the Shaw Avenue Corridor Specific Plan to remove the requirements listed under Number 11 and 12 of the Objectives and Policies in addition to Number 12 of the Non-Residential Development Standards of the Specific Plan. Number 11 of the Specific Plan's Objectives and Policies prohibits drive-up uses other than drive-up facilities that are associated with financial institutions. Number 12 of this same section prohibits drive-up facilities directly along the Shaw Avenue frontage.

The Specific Plan's Non-Residential Development Standards (Number 12) states that commercial uses shall be developed under the Planned Commercial Center (P-C-C) Zone District. The applicant is proposing text modifications to allow for the development of the drive-up car wash facility on the subject property under the development standards of the proposed C-2 Zone District. The amendment will be specific to this Project.

### Analysis

The request to amend the General Plan and the Shaw Avenue Specific plan for the subject property can be supported by staff for the following reasons:

The proposed Project is consistent with existing surrounding commercial properties. Across Shaw Avenue, south of the subject property is the Mountain View commercial center. Some of the major stores include Walmart Neighborhood Market, Chase Bank, Chevron gas station and American Tire Depot. Southwest of the Project, directly across Shaw Avenue is commercial property that includes Walgreens. The Project fits in character with the existing commercial developments within its vicinity.

Commercially zoned properties are typical at major street intersections along Clovis and Shaw Avenues. The subject property is directly located on the northeast corner of Shaw and Fowler Avenues, making it a prime area for commercial land uses. Two of the four corners at this intersection are commercially developed, making this proposed use consistent with the larger area.

As stated earlier, the objective of the Shaw Avenue Specific Plan is to address potential concerns with the mixed land uses interfacing with the residential areas. The Cougar Estates single-family residential subdivision is located north of the subject property. However, the subject property is located over 330 feet away from the nearest residential property and is separated by an existing office development. The office development creates a buffer between the residential subdivision and the proposed Project, therefore would not have a significant effect to area residents to the north.

The Shaw Avenue Specific Plan was developed over 20 years ago and was adopted on December 5, 1994. Since then, the subject property as well as other parcels within this area remain undeveloped. As the surrounding commercial properties developed, the



majority of properties within this area remained vacant. As the market demands change, it may be appropriate to consider amending the land uses to evolve with such demands.

Consistency with 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 of new neighborhoods with an equal quality of life. The goals and policies seek to foster more compact development patterns that can reduce the number, length, and duration of auto trips.

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

Policy 6.1: Amendment criteria. The City Council may approve amendments to the General Plan when the City Council is satisfied that the following conditions are met:

- The proposed change is and will be fiscally neutral or positive.
- The proposed change can be adequately served by public facilities and would not negatively impact service on existing development or the ability to service future development.

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

- Create a range of housing opportunities and choices.
- Create walkable neighborhoods.
- Foster distinctive, attractive communities with a strong sense of place.
- Mix land uses.
- Strengthen and direct development toward existing communities.
- Take advantage of compact building design.

**Rezone**

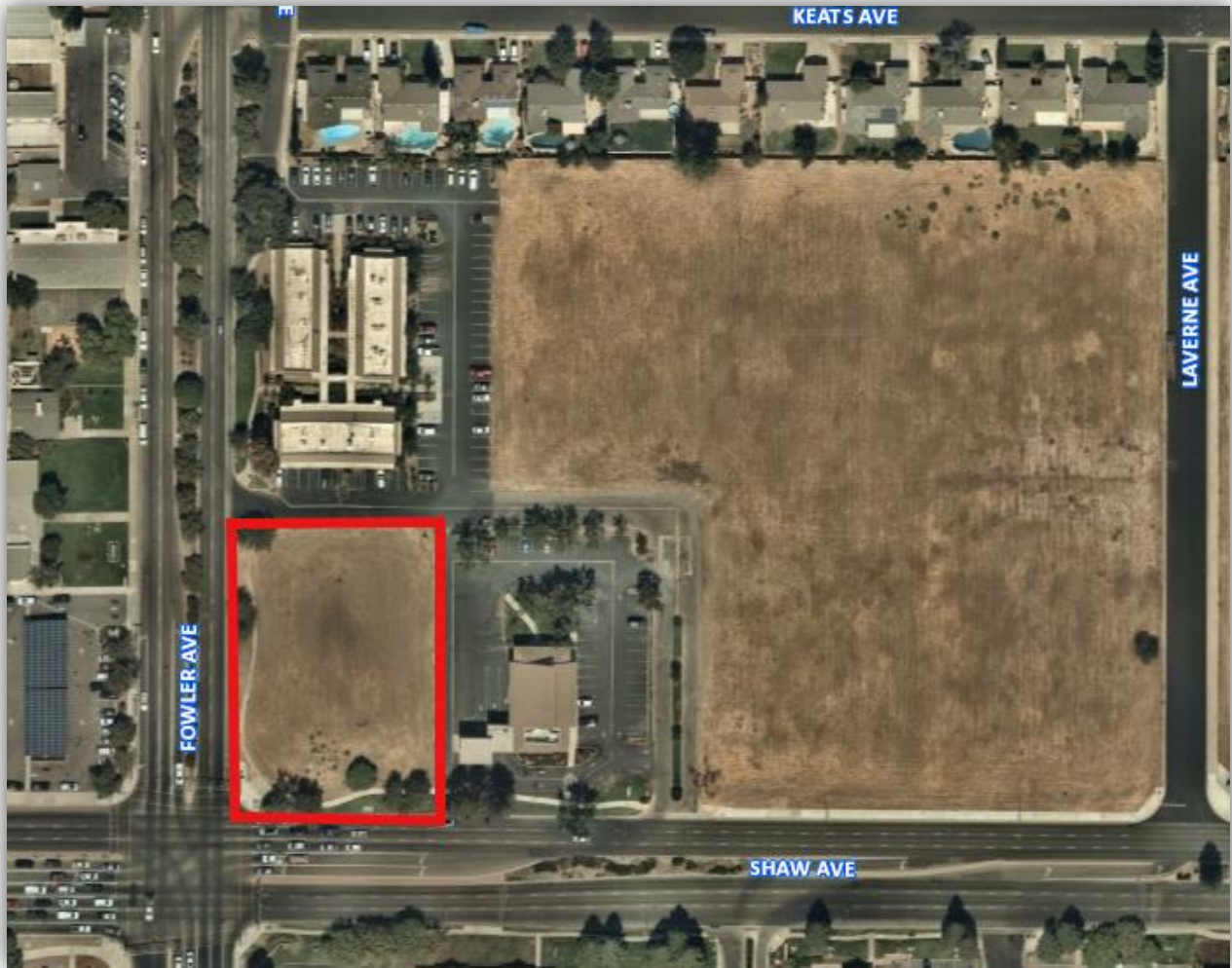
The applicant is requesting to rezone the Project site from the C-P (Professional Office) Zone District to the C-2 (Community Commercial) Zone District. The applicant is proposing re-designation of the parcel to General Commercial in the General Plan Land Use Diagram and the Shaw Avenue Corridor Specific Plan consistent with the proposed rezone.

**Conditional Use Permit**

Site Layout

The drive-thru car wash is proposed on the vacant property located at the northeast corner of Shaw and Fowler Avenues (see figure B). Directly adjacent to the east of the

Project site is the Bank of the Sierra and to the north of the Project site is an office complex. Area 6 of the Shaw Avenue Specific Plan is intended to be developed as a center with reciprocal access and shared drives. The site would have several access points with two access points from existing drives from Fowler Avenue with one being a frontage road from Keats Avenue. The site may also be accessible from the existing Shaw Avenue drive located east of the bank facility.



**FIGURE B: Subject Property**

The Project site is about 1.2 acres. The car wash includes an approximate 4,900 square foot main building with vacuum parking stalls and a three-lane vehicle stacking area.

Drive-Thru

The drive-thru lane is accessible from the main shared drive from Fowler Avenue. The drive-thru lane traverses southward along the outer edge of the Project site adjacent to Fowler Avenue and then eastward along Shaw Avenue to the entry of the car wash tunnel. The portion of the drive-thru lane adjacent to Fowler Avenue is a single vehicle

stacking lane that is approximately 210 feet in length. As the lane transitions eastward along Shaw Avenue, it widens into three lanes for vehicle stacking. The configuration of the drive-thru lane is consistent with the City’s development standards for drive-thru facilities.

To mitigate potential headlight glaring from vehicles in the drive-thru lane, the development will be required to appropriately screen areas along the lane (see figure C). Screening material shall be a combination of landscaping, low walls, and/or berms maintained at a height of 3 feet in height. Examples are shown in figures C-1 & C-2 below. This requirement is provided as a condition of approval listed in Exhibit A-1.

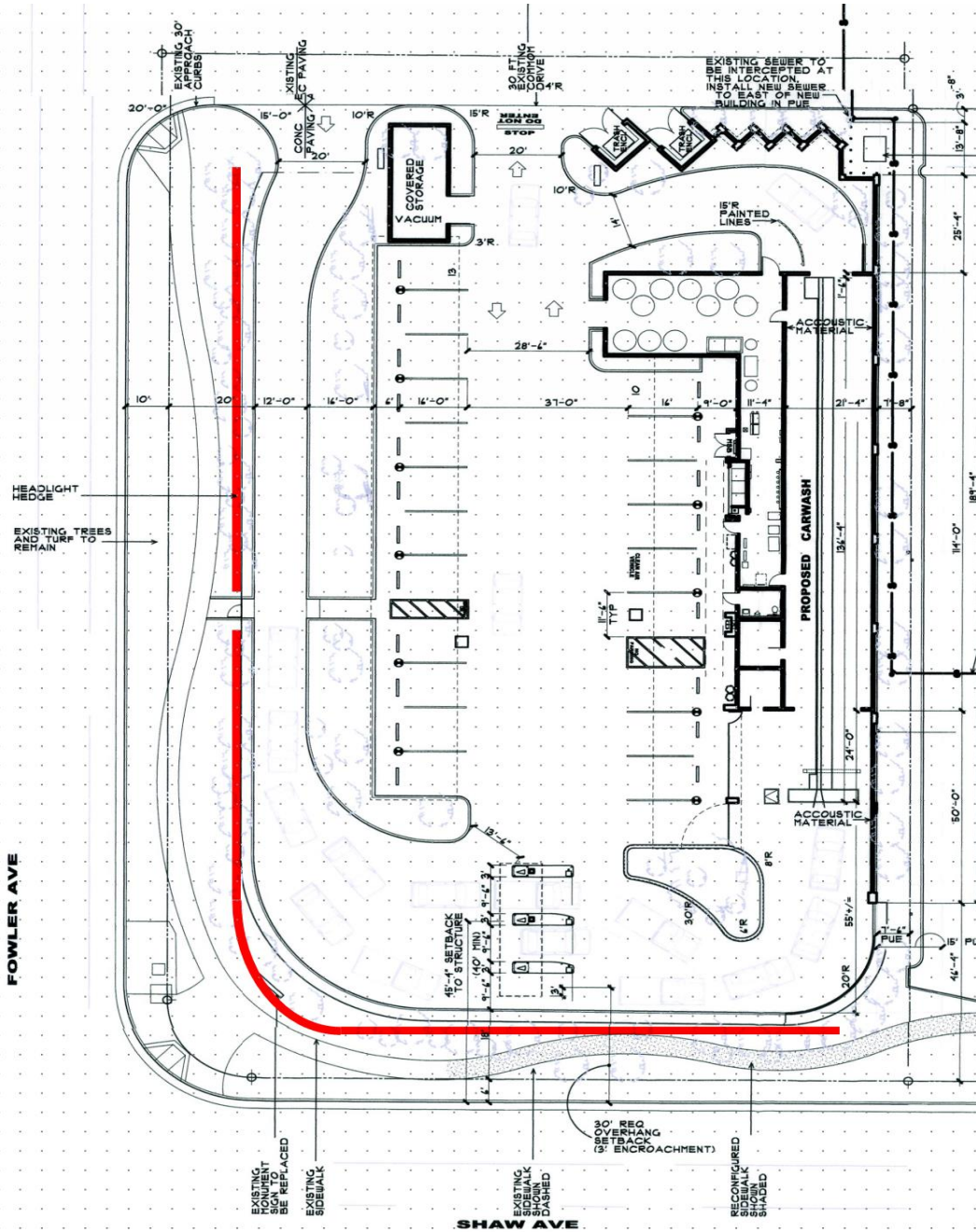


FIGURE C: Wall & Berm Location



**FIGURE C-1**



**FIGURE C-2**

Hours of Operation

The applicant is requesting to operate the car wash during the hours of 7:00 a.m. to 8:00 p.m. daily. The City does not have an Ordinance limiting hours of operation within commercial zone districts. However, as a practice to reduce potential conflicts with adjacent land uses, the City has limited the hours of operation for site-specific uses through the conditional use permit process.

Noise Impact to Surroundings

The main concern regarding the car wash use is the potential impact of noise to adjacent businesses and Jefferson Elementary School located across Fowler Avenue. The car wash tunnel will provide significant acoustic shielding to the east and west. The applicant

will also install a decorative sound wall varying from 18 feet to 22 feet high along the eastern portion of the car wash tunnel that extends from the tunnel entrance to the north and then to the west, connecting with the trash enclosures. The sound wall will shield noise to the neighboring businesses directly east and north of the subject property. The applicant has provided a noise impact study conducted by WJV Acoustics. The study provided that the Project has the potential to increase ambient noise levels, but are not expected to exceed the General Plan standards. As part of the mitigation monitoring program, the applicant is required to provide a detailed sound analysis to determine if additional measures are necessary to assure that noise from the car wash is reduced to a less than significant impact as identified in the General Plan. This analysis will be conducted as a condition of final occupancy.

### Traffic and Circulation

The requested development would facilitate commercial development with existing shared access directly from Fowler, Shaw, and Keats Avenues. Traffic impacts from the requested change in land use designation were considered for the area and surrounding intersections. A traffic study was conducted by JLB Traffic Engineering that analyzed traffic-related effects of the proposed Project. Engineering staff determine that the anticipated level of service, delays, and queuing conditions of the proposed Project are acceptable.

### Water and Sewer Services

The City Engineering Division studied the water and sewer impacts of the Project and concluded that the proposed amendment did not change the range of the existing General Plan, therefore; the existing and planned sewer lines can accommodate the land use change.

### Review and Comments from Agencies

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

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

### Neighborhood Meeting

Per City policy, the applicant held a neighborhood meeting on Wednesday, September 18, 2018, at the Fairfield Inn, Clovis CA. The meeting was attended by one property owner who resides in the single-family residential neighborhood north of the subject site.

Concerns raised included noise generated from the Project and increase in traffic to the area.

### Public Comments

A public notice was sent to area residents within 800 feet of the property boundaries. Staff received two letters of concern (see attachment 5).

The first letter dated August 10, 2018 from both Dr. S. Gabriel and Dr. R. Iberdemaj, was received prior to public noticing. Both property owners occupy units in the existing office complex north of the Project site. The letter was a result from a meeting with the applicant. The letter expressed concerns in regards to the increase in traffic to the center potentially affecting parking and drive aisles, suggesting the applicant create another lane and access for the Project that does not affect existing office uses.

Staff received the second letter dated October 23, 2018 from Dr. R. Iberdemaj in which he expressed his concerns with the Project drawing increasing traffic to the area affecting the parking and drive aisles. He also stated that other tenants as well as the Bank of the Sierra share the same concern.

With the finalization of this report, staff has not received other correspondence or concerns.

### California Environmental Quality Act (CEQA)

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

The City published notice of this public hearing in *The Business Journal* on Friday, October 31, 2018.

### **FISCAL IMPACT**

None.

### **REASON FOR RECOMMENDATION**

Approval of this Project will help facilitate the infill development of the drive-thru car wash facility. The Project is compatible with surrounding commercial uses within its immediate vicinity and is a suitable use for the Project site. Staff therefore recommends that the

Planning Commission approve GPA2018-04, R2018-10, and CUP2018-06, subject to the conditions of approval attached as Exhibit "A" and Exhibit "A-1."

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

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

1. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City; and
2. 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.
3. There is a compelling reason for the amendment.

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; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/Projects. (§ 2, Ord. 14-13, eff. October 8, 2014)

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

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 Division and the subject base zoning district, including prescribed development standards and applicable design guidelines; and
  - 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 that provides an 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 Article 2 (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; and
- 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.

**ACTIONS FOLLOWING APPROVAL**

These items will continue on to the City Council for final consideration.

**NOTICE OF HEARING**

Property owners within 800 feet notified:	84
Interested individuals notified:	11

Prepared by: Lily Cha, Assistant Planner

Reviewed by: Bryan Araki  
City Planner

**FIGURE 1  
PROJECT LOCATION MAP**



**EXHIBIT "A"**  
**Conditions of Approval – GPA2018-04 & R2018-10**

**PLANNING DIVISION CONDITIONS**  
**(Lily Cha, Division Representative – (559) 324-2335)**

- 1. Development of this site shall be consistent with the General Plan, Commercial Designation.
- 2. Rezone R2018-10 approves a C-2 (Community Commercial) Zone District for the subject site located at the northeast corner of Shaw and Fowler Avenues.
- 3. This rezone shall become effective only upon approval of General Plan Amendment GPA2018-04 by the City Council.
- 4. This rezone request is subject to the associated development standards of the General Plan and the Community Commercial Zone District.

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT CONDITIONS**  
**(Neda Shakeri, FMFCD Representative - 456-3292)**

- 5. The Applicant shall refer to the attached FMFCD requirements. If the list is not attached, please contact the District for the list of requirements.

**FRESNO IRRIGATION DISTRICT CONDITIONS**  
**(Laurence Kimura, FID Representative - 233-7161)**

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

**COUNTY OF FRESNO HEALTH DEPARTMENT**  
**(Kevin Tsuda, County of Fresno Health Department Representative – 600-3271)**

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

**EXHIBIT "A-1"**  
**Conditions of Approval – CUP2018-06**

**PLANNING DIVISION CONDITIONS**  
**(Lily Cha, Division Representative – (559) 324-2335)**

1. The applicant shall comply with Section 9-3.215.6 of the City of Clovis Zone Ordinance requiring Site Plan Review.
2. The conditional use permit is granted to allow for a drive-thru car wash facility for the subject property located at the northeast corner of Shaw and Fowler.
3. This conditional use permit is approved as per the site plan attached as Exhibit B of this report. Any major modifications will require an amendment to this conditional use permit.
4. The elevations are approved as per staff's Exhibit C. Specific details will be evaluated with the site plan review.
5. All parking of employees and patrons shall occur on site.
6. Cars shall not be parked or stacked in drive aisles. Drive aisles are to remain clear
7. Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m. Monday through Sunday. Modification to the hours of operation will require an amendment to the conditional use permit.
8. Cessation or abandonment of this use for a period exceeding 90 days shall be cause for scheduling of a revocation hearing for this conditional use permit.
9. Conditional Use Permit CUP2018-06 may be reviewed in one year (following occupancy) for compliance with the conditions of approval. Planning staff shall conduct a review of the use and present these findings to the Planning Commission. Should the use be found to be in noncompliance, the Commission may schedule the use permit for revocation.
10. Outdoor speaker systems are not permitted as part of this use.
11. Outdoor sales, storage, vending machines, or merchandising are subject to the approval from the City Planner through a noticed Administrative Use Permit process
12. A 3-foot tall screening shall be provided and maintained along street frontages of the site. This treatment shall be approved by the Director's discretion, the screen shall be one or a combination of the following: decorative masonry, earth berm, or landscaping.
13. The management of this use shall post signs within conspicuous locations on the site stating these words or similar; "Per Section 5.8.15 of the Clovis Municipal Code,

customers shall not play radios or other devices at high volumes. Violators will be asked to leave.” The management is responsible for monitoring radios that are a nuisance to surrounding neighbors.

14. All signage for this use shall conform to the City of Clovis Sign Ordinance and shall require a separate sign review and permit.
15. Operation of the site shall conform with the Clovis General Plan noise standards and not generate any noise in excess of 65 CNEL to the outside of any structure nor 45 decibels to the interior of any structure.
16. The Mitigation measures as adopted with the Mitigated Negative Declaration shall be incorporated into the project and are listed as follows:
  - **3.1-d:** The developer shall direct all lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties.
  - **3.4-a1:** If the project is implemented during the breeding season (February 1 to September 15), a biologist should conduct a pre-construction survey and search for nests of passerines within 100 feet of project work areas and raptor nests within 500 feet of project work areas.
  - **3.4-a2:** If a nest is identified, species and activity-specific no-work buffers will be implemented around the nest site until the nest has safely fledged. With implementation of nesting bird surveys, the project would not affect Swainson’s hawks or other nesting birds protected under the MBTA.
  - **3.4-a3:** Disturbance of active nests shall be avoided until it is determined by a qualified biologist that nesting is complete and the young from have fledged or that the nest has failed. If work is allowed to proceed, at a minimum, a qualified biologist shall be on-site during the start of construction activities during the nesting season to monitor nesting activity. The monitor shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities.
  - **3.4-d:** All equipment shall be thoroughly cleaned before leaving the site.
  - **3.12-a,c:** The applicant proposes to incorporate a 20-foot sound wall at the tunnel entrance, along the project site’s eastern property line (near the existing bank) and a 22-foot sound wall extending from the tunnel exit and continuing to the west along the project site’s northern property line. With these proposed sound walls, the proposed Ride and Shine Car Wash will comply with all applicable City of Clovis exterior and interior noise level requirements without the need for additional mitigation measures.

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT CONDITIONS**

(Neda Shakeri, FMFCD Representative - 456-3292)

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

**FRESNO IRRIGATION DISTRICT CONDITIONS**

(Laurence Kimura, FID Representative - 233-7161)

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

**COUNTY OF FRESNO HEALTH DEPARTMENT**

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

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

**GENERAL PLAN AMENDMENT GPA2018-04  
REZONE R2018-10  
CONDITIONAL USE PERMIT CUP2018-06  
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

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PREPARED BY:



**CITY *of* CLOVIS**

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PLANNING & DEVELOPMENT

1033 FIFTH STREET • CLOVIS, CA 93612

Planning Division  
1033 Fifth Street  
Clovis, CA 93612

Project Manager:  
Lily Cha, Assistant Planner  
559-324-2335  
lilyc@cityofclovis.com

**October 2018**

**ATTACHMENT 1**



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



For County Clerk Stamp

**NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION  
NOTICE OF PUBLIC HEARING  
NOTICE OF PUBLIC REVIEW OF A PROPOSED MITIGATED NEGATIVE DECLARATION**

**NOTICE IS HEREBY GIVEN** that on **Thursday, November 15, 2018, at 6:00 p.m.**, a public hearing will be conducted in the Council Chamber of the Clovis Civic Center, 1033 Fifth Street, Clovis, CA 93612. The Clovis Planning Commission will consider the following item:

1. Consider items associated with approximately 1.2 acres of land located at the northeast corner of Shaw and Fowler Avenues. Ahira Bbb Clovis Shaw LP, owner; Bowie Enterprises, Michael Bowie, applicant; Dirk Poeschel Land Development Services, representative.
  - b. Consider Approval, Res. 18-\_\_\_, **GPA2018-04**, A request to amend the General Plan designation from Office to General Commercial and a text amendment to the Shaw Avenue Specific Plan permitting C-2 (Community Commercial) zoning and drive-thru uses for this specific site.
  - c. Consider Approval, Res. 18-\_\_\_, **R2018-10**, A request to approve a from the C-P (Professional Office) Zone District to the C-2 (Community Commercial) Zone District.
  - d. Consider Approval, Res. 18-\_\_\_, **CUP2018-06**, A request to approve a conditional use permit to allow for a drive-thru car wash facility.

A Mitigated Negative Declaration has been completed for Project Item No. 1, pursuant to Section 15070 of CEQA. Recommendation of a proposed Mitigated Negative Declaration does not necessarily mean this project will be approved. Hard copies and electronic copies of the proposed Mitigated Negative Declaration for this project may be reviewed and/or obtained at the City of Clovis Planning Division, 1033 Fifth Street, Clovis, California, Monday through Friday, between 8:00 a.m. and 3:00 p.m.

All interested parties are invited to comment in writing to the Planning Division by no later than 3:00 p.m. on November 15, 2018, and/or to appear at the hearing described above to present testimony in regard to the above listed requests. Questions regarding this item should be directed to Lily Cha, Assistant Planner at (559) 324-2383 or email at [lilyc@cityofclovis.com](mailto:lilyc@cityofclovis.com).

If you would like to view the Planning Commission Agenda and Staff Reports, please visit the City of Clovis Website at [www.cityofclovis.com](http://www.cityofclovis.com). Select "Planning Commission Agendas" from right side of the main page under "Frequently Visited." Reports will be available approximately 72 hours prior to the meeting time.



you challenge a project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing.

Dwight D. Kroll, AICP, Planning and Development Services Director  
PUBLISH: Wednesday, October 24, 2018, *The Business Journal*



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



For County Clerk Stamp

**DRAFT MITIGATED NEGATIVE DECLARATION**

**Proposed:** October 24, 2018

**Agency File No:** GPA2018-04, R2018-10 & CUP2018-06

**Finding:** The City of Clovis has determined that the project described below will not have a significant effect on the environment and therefore the preparation of an Environmental Impact Report is not required.

**Lead Agency:** City of Clovis is the Lead Agency for this project.

**Project Title:** General Plan Amendment GPA2018-04, Rezone R2018-10 & CUP2018-06.

**Project Location:** Northeast corner of Shaw and Folwer Avenues in the City of Clovis, CA.

**Project Description:** Consider items associated with approximately 1.2 acres of land located at the northeast corner of Shaw and Fowler Avenues. Ahira Bbb Clovis Shaw LP, owner; Bowie Enterprises, Michael Bowie, applicant; Dirk Poeschel Land Development Services, representative.

- a. Consider Approval, Res. 18-\_\_\_, **GPA2018-04**, A request to amend the General Plan designation from Office to General Commercial and a text amendment to the Shaw Avenue Specific Plan permitting C-2 (Community Commercial) zoning and drive-thru uses for this specific site.
- b. Consider Approval, Res. 18-\_\_\_, **R2018-10**, A request to approve a rezone from the C-P (Professional Office) Zone District to the C-2 (Community Commercial) Zone District.
- c. Consider Approval, Res. 18-\_\_\_, **CUP2018-06**, A request to approve a conditional use permit to allow for a drive-thru car wash facility.

**Environmental Assessment:** The Initial Study for this project is available for review at the City of Clovis, Planning and Development Services Department, 1033 Fifth Street, Clovis, CA.

**Justification for Mitigated Negative Declaration:** The City of Clovis has completed the preparation of an Initial Study for the project described above. The Initial Study did not identify any potentially significant environmental effects that would result from the proposed activity. Accordingly, approval of a Mitigated Negative Declaration for the project is recommended. The City finds that the proposed activity can be adequately served by City public services. It will not have a negative aesthetic effect, will not affect any rare or endangered species of plant or animal or the habitat of such species, nor interfere with the movement of any resident or migratory fish or wildlife species. It will not adversely affect water quality, contaminate public water supplies, or cause substantial flooding, erosion, or siltation. It will not have a

significant effect on air quality, climate change, transportation or circulation systems, noise, light and glare, and land use. No significant cumulative impacts will occur from this project.

Contact Person: Lily Cha, Assistant Planner

Phone: (559) 324-2335

Signature:  \_\_\_\_\_

Date: October 24, 2018

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## 1.0 Introduction

This document is an Initial Study and Mitigated Negative Declaration (MND) prepared pursuant to the California Environmental Quality Act (CEQA), for the project. This MND has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 *et seq.*, and the CEQA Guidelines Sections 15070(b), 15071(e).

### 1.1 Documents Incorporated By Reference

This mitigated negative declaration utilizes information and incorporates information and analyses provided in the following documents pursuant to CEQA Guidelines Section 15150.

- **City of Clovis General Plan.** The 2014 Clovis General Plan provides a description of the project area setting, and sets forth a plan for the development of the general plan planning area, of which the current project area is part.
- **Program Environmental Impact Report prepared for the 2014 Clovis General Plan Update.** The General Plan Program EIR describes potential impacts of development of the project area consistent with the general plan land use map. Some of these impacts (e.g. runoff, aesthetics, etc.) are to be expected with any urban development, and are therefore applicable to the current project.
- **Findings and Statement of Overriding Considerations prepared for the adoption of the Clovis General Plan.** Adoption of the development plan contained in the General Plan is expected to result in certain unavoidable environmental impacts (Agriculture, Air Quality, Cultural Resources, Greenhouse Gas, Hydrology and Water, Noise and Vibration, Population and Housing, Transportation and Traffic, and Utility and Service Systems) that the City has determined are outweighed by the potential benefits of plan implementation. These impacts are applicable to the project at hand due to the fact that the proposal is consistent with the planned urbanization of the general plan planning area.
- **Shaw Avenue Specific Plan.** The Shaw Avenue Specific Plan provides a description of the project area setting, and sets forth a plan for the development of the specific plan planning area, of which the current project area is part.
- **Environmental Impact Report prepared for the Clovis Landfill Expansion and Permitting Project (Certified July 11, 2005, SCH No. 2002091105).** The EIR examined the potential impacts of a revision to the city's Solid Waste Facility Permit to expand filling operations and expand the land fill property boundaries.
- **Environmental Impact Report prepared for the Clovis Sewage Treatment /Water Reuse Facility Program (Certified July 18, 2005, SCH No. 2004061065).** The EIR examined the potential impacts from the construction and operation of the City's new sewage treatment/water reuse facility (ST/WRF) that would provide an alternative solution to its current sewage (wastewater) treatment services capabilities.
- **Clovis Municipal Code Title 5 (Public Welfare, Morals And Conduct) and Title 9 (Development Code).** This Code consists of all the regulatory, penal, and administrative laws of general application of the City of Clovis and specifically to development standards, property maintenance and nuisances, necessary for the protection of health and welfare, codified pursuant to the authority contained in Article 2 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code of the State of California.
- **California Health and Safety Code Section 7050.5.** This section states that in the event that human remains are discovered, there shall be no further disturbance of the site of any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has been notified. If the remains are determined to be Native

American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

- **Section 15064.5 of the CEQA Guidelines.** This section addresses the discovery of human remains, and the disturbance of potential archaeological, cultural, and historical resources. The requirements of Section 15064.5 with regard to the discovery of human remains are identical to the requirements of Health and Safety Code Section 7050.5.
- **City of Clovis 2018-2019 Budget.** The budget provides information about city services, and objectives, annual spending plan for the 2018-2019 fiscal year, debt obligations, and the five-year Community Investment Program.
- **City of Clovis Economic Development Strategy (Adopted July 14, 2014).** The City of Clovis Economic Development Strategy outlines the City's strategies for the retention, expansion, and attraction of industrial development, commercial development, and tourism.
- **City of Clovis 2015 Urban Water Management Plan.** The Clovis Urban Water Management Plan outlines the City's strategy to manage its water resources through both conservation and source development. The Plan was prepared in compliance with California Water Code Section 10620.
- **Fresno Metropolitan Flood Control District Storm Drainage and Flood Control Master Plan (Adopted December 13, 2017).** The Fresno Metropolitan Flood Control District (FMFCD) is located in the north-central portion of Fresno County between the San Joaquin and Kings rivers. The FMFCD service area includes most of the Fresno-Clovis metropolitan area (excluding the community of Easton), and unincorporated lands to the east and northeast. The Storm Drainage and Flood Control Master Plan includes program planning, structure, service delivery, and financing, for both flood control and local drainage services. The flood control program relates to the control, containment, and safe disposal of storm waters that flow onto the valley floor from the eastern streams. The local drainage program relates to the collection and safe disposal of storm water runoff generated within the urban and rural watersheds.
- **San Joaquin Valley Air Pollution Control District, Regulation VIII - Fugitive PM10 Prohibitions.** The purpose of Regulation VIII (Fugitive PM10 Prohibitions) is to reduce ambient concentrations of fine particulate matter (PM10) by requiring actions to prevent, reduce or mitigate anthropogenic fugitive dust emissions. Regulation VIII is available for download at <http://www.valleyair.org/rules/1ruleslist.htm#req8>. A printed copy may be obtained at the District's Central Region offices at 1990 E. Gettysburg Ave., Fresno, CA 93726.
- **Biological Resources Technical Memo from Stantec Consulting Services Inc.,** June 13, 2018, An evaluation of biological impacts.
- **Cultural Resources Literature Review from Stantec Consulting Services Inc.,** dated June 15, 2018, An evaluation of cultural resources.
- **Air Quality/Greenhouse Gas Impact Analysis Report from Stantec Consulting Services Inc.,** June 15, 2018, An evaluation of the impacts related to Air Quality & Green House Gas.
- **City of Clovis Wastewater Collection System Master Plan Modification Review,** July 16, 2018, An evaluation of impacts to the Master Sewer Collection System.
- **Saturday Service Rate Demand and Queuing Analysis** by JLB Traffic Engineering, Inc., Dated July 12, 2018, An evaluation of potential difference in traffic generation between the existing general plan land use and the proposed land use.
- **Acoustical Analysis** by WJV Acoustics, July 9, 2018, An evaluation of noise related impacts.
- **County of Fresno Department of Public Health,** March 21, 2018, recommended conditions of approval.

Unless otherwise noted, documents incorporated by reference in this Initial Study are available for review at the Clovis Planning and Development Services Department located at 1033 Fifth Street, Clovis, CA 93612 during regular business hours.

**1.2 Lead Agency**

The lead agency is the public agency with primary responsibility over a proposed project. Where two or more public agencies will be involved with a project, CEQA Guidelines Section 15051 provides criteria for identifying the lead agency. In accordance with CEQA Guidelines Section 15051(b)(1), “the lead agency will normally be the agency with general government powers, such as a city or county, rather than an agency with a single or limited purpose.” Based on these criteria, the City of Clovis will serve as lead agency for the proposed project.

**1.3 Agencies That May Use This Document**

This Initial Study and Mitigated Negative Declaration may be used by any responsible or trustee agencies that also have review authority over the project. As stated in the CEQA Guidelines Section 15231:

*A Final EIR prepared by a lead agency or a Negative Declaration adopted by the lead agency shall be conclusively presumed to comply with CEQA for the purposes of use by responsible agencies which were consulted pursuant to Sections 15072 or 15082 unless one of the following conditions occurs:*

- a. The EIR or Negative Declaration is finally adjudged in a legal proceeding not to comply with the requirements of CEQA, or*
- b. A subsequent EIR is made necessary by Section 15162 of these Guidelines.*

The various local, state, and federal agencies that may use this document are listed in Section 2.0, “Project Description.”

## 0 Project Information

### 2.1 Project Description

The project consists of a request to approve a general plan amendment, rezone and conditional use permit on approximately 1.2 acres of land located at the northeast corner of Shaw and Fowler Avenues in the City of Clovis. Furthermore, the project includes the Fresno Metropolitan Flood Control District and San Joaquin Valley Air Pollution Control District as responsible agencies.

General Plan Amendment GPA2018-04 is requesting to amend the General Plan designation from Office to General Commercial and a text amendment to the Shaw Avenue Specific Plan permitting C-2 (Community Commercial) zoning and drive-thru uses for this specific site.

Rezone R2018-10 is rezoning the subject property from the C-P (Professional Office) Zone District to the C-2 (Community Commercial) Zone District.

Conditional Use Permit CUP2018-06 is a request to approve the construction of a drive-thru car wash facility.

The project will be completed in accordance with the California Building Code; City of Clovis Municipal Code; and 2017 City of Clovis Standards.

### 2.2 Project Location

The proposed project is located within the City of Clovis in the County of Fresno (see Figure 1). The proposed project site is located at the northeast corner of Shaw and Fowler Avenues (see Figure 2).



Figure 1 - Regional Location





Figure 2 - Project Location

### Proposed Design of the Site

Figure 3 shows proposed site plan.

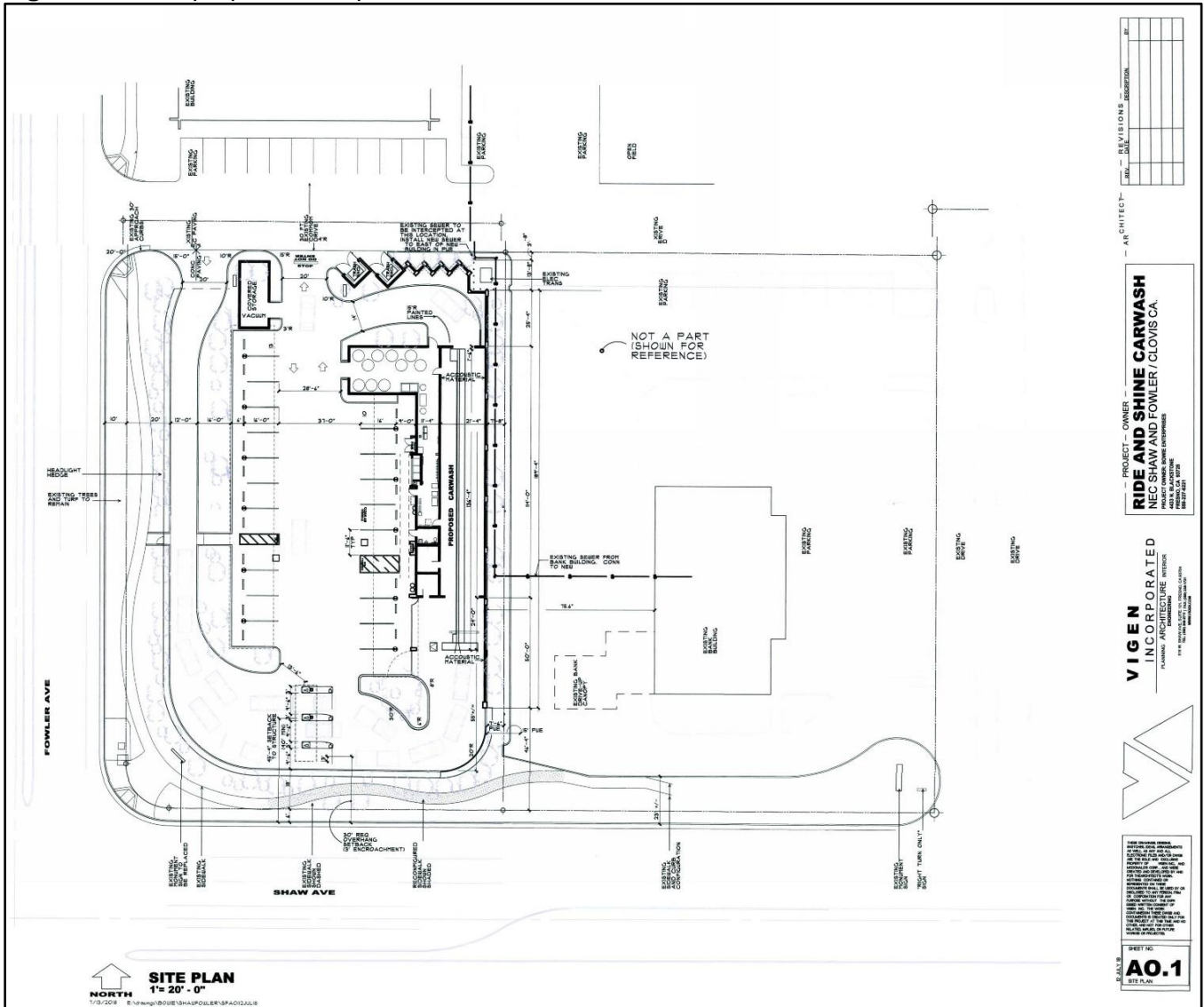


Figure 3 - Project Site Plan

### 2.3 Standard Environmental Measures

Standard environmental measures are methods, measures, standard regulations, or practices that avoid, reduce, or minimize a project’s adverse physical impacts on the environment. Based on the underlying authority, they may be applied before, during, or after construction of the project.

The following standard environmental measures, which are drawn from City ordinances and other applicable regulations and agency practices, will be implemented as part of the project and incorporated into the City’s approval processes for specific individual projects. The City will ensure that these measures are included in any project construction specifications (for example, as conditions of approval of a conditional use permit), as appropriate. This has proven to be effective in reducing potential impacts by establishing policies and standard requirements that are applied ministerially to all applicable projects.

### Standard Environmental Measure 1: Measures to Minimize Effects of Construction-Related Noise

The following construction noise control standards per the Clovis Municipal Code (Clovis Municipal Code Section 5.27.604 et seq.) will be required, which are proven effective in reducing and controlling noise generated from construction-related activities.

- Noise-generating construction activities. Unless otherwise expressly provided by permit, construction activities are only permitted between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturday and Sunday. From June 1st through September 15th, permitted construction activity may commence after 6:00 a.m. Monday through Friday. Extended construction work hours must at all times be in strict compliance with the permit.
- Stationary equipment (e.g., generators) will not be located adjacent to any existing residences unless enclosed in a noise attenuating structure, subject to the approval of the Director.

### Standard Environmental Measure 2: Erosion Control Measures to Protect Water Quality

To minimize the mobilization of sediment to adjacent water bodies, the following erosion and sediment control measures will be included in the storm water pollution prevention plan (SWPPP), to be included in the construction specifications and project performance specifications, based on standard City measures and standard dust-reduction measures for each development.

- Cover or apply nontoxic soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more) that could contribute sediment to waterways.
- Enclose and cover exposed stockpiles of dirt or other loose, granular construction materials that could contribute sediment to waterways.
- Contain soil and filter runoff from disturbed areas by berms, vegetated filters, silt fencing, straw wattle, plastic sheeting, catch basins, or other means necessary to prevent the escape of sediment from the disturbed area.
- No earth or organic material shall be deposited or placed where it may be directly carried into a stream, marsh, slough, lagoon, or body of standing water.
- Prohibit the following types of materials from being rinsed or washed into the streets, shoulder areas, or gutters: concrete; solvents and adhesives; thinners; paints; fuels; sawdust; dirt; gasoline; asphalt and concrete saw slurry; heavily chlorinated water.
- Dewatering activities shall be conducted according to the provisions of the SWPPP. No dewatered materials shall be placed in local water bodies or in storm drains leading to such bodies without implementation of proper construction water quality control measures.

### Standard Environmental Measure 3: Dust Control Measures to Protect Air Quality

To control dust emissions generated during construction of future parcels, the following San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) Regulation VIII Control Measures for construction emissions of PM<sub>10</sub> are required to be implemented (SJVUAPCD Rule 8021). They include the following:

- Watering—for the purpose of dust control, carry-out, and tracking control—shall be conducted during construction in accordance with the City of Clovis' Storm Water Management Plan (SWMP) and the Project Storm Water Pollution Prevention Plan (SWPPP), if applicable.
- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
- When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 2 feet of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

#### Standard Environmental Measure 4: Measures to Control Construction-Related Emissions

To comply with guidance from the SJVAPCD, the City will incorporate the following measures into the construction specifications and project performance specifications:

- The construction contractor will ensure that all diesel engines are shut off when not in use on the premises to reduce emissions from idling.
- The construction contractor will review and comply with SJVAPCD Rules 8011 to 8081 (Fugitive Dust), 4102 (Nuisance), 4601 (Architectural Coatings), and 4641 (Paving and Maintenance Activities). Current SJVAPCD rules can be found at <http://www.valleyair.org/rules/1ruleslist.htm>.
- The construction contractor will use off-road trucks that are equipped with on-road engines, when possible.
- The construction contractor will use light duty cars and trucks that use alternative fuel or are hybrids, if feasible.

#### Standard Environmental Measure 5: Measures to Minimize Exposure of People and the Environment to Potentially Hazardous Materials

Construction of the project could create a significant hazard to workers, the public, or the environment through the transport, use or disposal of hazardous materials. Small quantities of potentially toxic substances (such as diesel fuel and hydraulic fluids) would be used and disposed of at the site and transported to and from the site during construction. Accidental releases of small quantities of these substances could contaminate soils and degrade the quality of surface water and groundwater, resulting in a public safety hazard.

To minimize the exposure of people and the environment to potentially hazardous materials, the following measures will be included in the construction specifications and project performance specifications for each parcel that includes the use of hazardous materials, based on the City's standard requirements that construction specifications include descriptions of the SWPPP, dust control measures, and traffic mobilization.

- *Develop and Implement Plans to Reduce Exposure of People and the Environment to Hazardous Conditions Caused by Construction Equipment.* The City/contractor shall demonstrate compliance with Cal OSHA as well as federal standards for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention. Cal OSHA requirements can be found in the California Labor Code,

Division 5, and Chapter 2.5. Federal standards can be found in Occupational Safety and Health Administration Regulations, Standards—29 CFR. These standards are considered to be adequately protective such that significant impacts would not occur. Successful development and implementation of the proper storage and handling of hazardous materials will be measured against the state and federal requirements as verified by the City of Clovis.

- *Develop and Implement a Hazardous Materials Business Plan in Accordance with the Requirements of the County of Fresno Environmental Health System Hazardous Materials Business Plan Program.* The City shall require contractors to develop and implement a Hazardous Materials Business Plan, if required, in accordance with the requirements of the County of Fresno Environmental Health System (EHS) Hazardous Materials Business Plan Program. The Hazardous Materials Business Plan shall be submitted to the County EHS and the City of Clovis Fire Department prior to construction activities and shall address public health and safety issues by providing safety measures, including release prevention measures; employee training, notification, and evacuation procedures; and adequate emergency response protocols and cleanup procedures. A copy of the Hazardous Materials Business Plan shall be maintained on-site, during site construction activities and as determined by the County EHS.
- *Immediately Contain Spills, Excavate Spill-Contaminated Soil, and Dispose at an Approved Facility.* In the event of a spill of hazardous materials in an amount reportable to the Clovis Fire Department (as established by fire department guidelines), the contractor shall immediately control the source of the leak, contain the spill and contact the Clovis Fire Department through the 9-1-1 emergency response number. If required by the fire department or other regulatory agencies, contaminated soils shall be excavated, treated and/or disposed of off-site at a facility approved to accept such soils.
- As applicable, each project applicant shall demonstrate compliance with Cal-OSHA for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention. Cal-OSHA requirements can be found in the California Labor Code, Division 5, Chapter 2.5. Federal standards can be found in Occupational Safety and Health Administration Regulations, Standards—29 CFR.

Standard Environmental Measure 6: Measures to Protect Undiscovered Cultural Resources

If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground-disturbing activities, the City shall require that work stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City of Clovis and other appropriate agencies.

If human remains of Native American origin are discovered during project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Pub. Res. Code Sec. 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- The Fresno County coroner has been informed and has determined that no investigation of the cause of death is required; and if the remains are of Native American origin,
  - The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

- The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100) and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission.

#### Standard Environmental Measure 7: Develop and Implement a Construction Traffic Control Plan

If applicable, the construction contractor, in coordination with the City, will prepare a traffic control plan during the final stage of project design. The purpose of the plan is to insure public safety, provide noise control and dust control. The plan shall be approved by the City of Clovis City Engineer and comply with City of Clovis local ordinances and standard policies.

- The construction traffic control plan will be provided to the City of Clovis for review and approval prior to the start of construction and implemented by construction contractor during all construction phases, and monitored by the City.

#### **Required Project Approvals**

In addition to the approval of the proposed project by the City of Clovis, the following agency approvals may be required:

- San Joaquin Unified Air Pollution Control District
- Fresno Metropolitan Flood Control District

## Introduction

This chapter provides an evaluation of the potential environmental impacts of the proposed project, including the CEQA Mandatory Findings of Significance. There are 18 specific environmental topics evaluated in this chapter including:

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

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.

### 3.1 Aesthetics

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Aesthetics</b> <i>Would the Project:</i>				
a. Have a substantial effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Environmental Setting

The City of Clovis is located within the San Joaquin Valley. As a result, the project site and surrounding areas are predominantly flat. The flat topography of the valley floor provides a horizontal panorama providing vistas of the valley. On clear days, the Sierra Nevada Mountains are visible to the east. Aside from the Sierra Nevada and nearby foothills, there are no outstanding focal points or views from the City.

#### Impacts

The project may result in significant aesthetic impacts if it substantially affects the view of a scenic corridor, vista, or view open to the public; causes substantial degradation of views from adjacent residences, or results in night lighting that shines into adjacent residences.

- a. The proposed project will not obstruct federal, state or locally classified scenic areas, historic properties, community landmarks, or formally classified scenic resources such as a scenic highway, national scenic area, or state scenic area. The City of Clovis is located in a predominantly agricultural area at the base of the Sierra Nevada Mountain Range, which provides for aesthetically pleasing views and open spaces. The project site is currently vacant land. The project proposes a General Commercial zoning which permits commercial development, consistent with that allowed in urban development zoning. As such, the implementation of the project using current zoning standards, would result in a less than significant impact to scenic vistas.
- b. The project is located in a predominately urban area. The development of this parcel with commercial development would have a less than significant impact on scenic resources.
- c. The project site is currently vacant land. The implementation of the project, consistent with the existing and proposed zoning would not substantially degrade the visual character or quality of the site and its surroundings.
- d. The project will include on-site project and off-site street lighting, which would introduce a new source of light to the area. The lighting is necessary to provide enough illumination at night for



security and traffic purposes. All lighting will be installed per City and PG&E standards. With the inclusion of the following Mitigation Measure, impacts in this category will be reduced to a less than significant impact.

**Mitigation Measure 3.1-d**

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

**3.2 Agriculture and forest resources**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Agriculture and forest resources</b>				
<i>Would the Project:</i>				
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

**Clovis and Vicinity**

The early agricultural history of Clovis was partly tied to the logging industry in the Sierra Nevada. A 42-mile log flume was built from Shaver Lake to Clovis, and a mill and finishing plant were developed in Clovis. Other agricultural products from the Clovis area included grains and livestock (Clovis 2012).

Currently, there is little active agricultural use in the Plan Area because of water supply constraints and soil suitability issues.

**General Plan Designation for Agricultural Use**

No land within the City is designated for agriculture. The General Plan EIR analyzed the impacts of the City’s urban growth on agricultural land and includes mitigation measures to reduce those impacts; however, impacts to agricultural land remain significant and unavoidable. A Statement of Overriding Considerations was adopted for the impacts to agriculture lands. The proposed Project does not significantly impact agricultural resources as identified in the General Plan’s PEIR.

**3.3 Air Quality**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Air Quality</b>				
<i>Will the proposal:</i>				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standards or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Environmental Setting**

**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).

## Climate

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

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

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

## Ambient Air Quality Standards

The Clean Air Act (CAA) was passed in 1963 by the US Congress and has been amended several times. The 1970 Clean Air Act amendments strengthened previous legislation and laid the foundation for the regulatory scheme of the 1970s and 1980s. In 1977, Congress again added several provisions, including nonattainment requirements for areas not meeting National AAQS and the Prevention of Significant Deterioration program. The 1990 amendments represent the latest in a series of federal efforts to regulate the protection of air quality in the United States. The CAA allows states to adopt more stringent standards or to include other pollution species. The California Clean Air Act (CCAA), signed into law in 1988, requires all areas of the state to achieve 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 5.3-1, *Ambient Air Quality Standards for Criteria Pollutants*, these pollutants are ozone (O<sub>3</sub>), nitrogen dioxide (NO<sub>2</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), coarse inhalable particulate matter (PM<sub>10</sub>), fine inhalable particulate matter (PM<sub>2.5</sub>), 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.

**TABLE 3.4-1  
FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS**

<b>Pollutant</b>	<b>Averaging Time</b>	<b>Federal Primary Standard</b>	<b>State Standard</b>
Ozone	1-Hour	--	0.09 ppm
	8-Hour	0.075 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
	1-Hour	0.075 ppm	0.25 ppm
PM <sub>10</sub>	Annual	--	20 ug/m <sup>3</sup>
	24-Hour	150 ug/m <sup>3</sup>	50 ug/m <sup>3</sup>
PM <sub>2.5</sub>	Annual	15 ug/m <sup>3</sup>	12 ug/m <sup>3</sup>
	24-Hour	35 ug/m <sup>3</sup>	--
Lead	30-Day Avg.	--	1.5 ug/m <sup>3</sup>
	3-Month Avg.	1.5 ug/m <sup>3</sup>	--

Notes: ppm = parts per million; ug/m<sup>3</sup> = 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>.

In addition to the criteria pollutants discussed above, 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.

**Attainment Status**

The air quality management plans prepared by SJVAPCD provide the framework for San Joaquin Valley Air Basin (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 PM<sub>10</sub> and CO, and nonattainment for PM<sub>2.5</sub>. At the state level, the SJVAB is designated nonattainment for the 8-hour ozone, PM<sub>10</sub>, and PM<sub>2.5</sub> standards. The SJVAB has not attained the federal 1-hour ozone, although this standard was revoked in 2005.

**Impacts**

The SJVAPCD has established the following standards of significance (SJVAPCD, 1998). A project is considered to have significant impacts on air quality if:

- A project results in new direct or indirect emissions of ozone precursors (ROG or NO<sub>x</sub>) in excess of 10 tons per year.

- Any project with the potential to frequently expose members of the public to objectionable odors will be deemed to have a significant impact.
- Any project with the potential to expose sensitive receptors (including residential areas) or the general public to substantial levels of toxic air contaminants would be deemed to have a potentially significant impact.
- A project produces a PM<sub>10</sub> emission of 15 tons per year (82 pounds per day).

While the SJVAPCD CEQA guidance recognizes that PM<sub>10</sub> is a major air quality issue in the basin, it has to date not established numerical thresholds for significance for PM<sub>10</sub>. However, for the purposes of this analysis, a PM<sub>10</sub> emission of 15 tons per year (82 pounds per day) was used as a significance threshold. This emission is the SJVAPCD threshold level at which new stationary sources requiring permits for the SJVAPCD must provide emissions "offsets". This threshold of significance for PM<sub>10</sub> is consistent with the SJVAPCD's ROG and NO<sub>x</sub> thresholds of ten tons per year, which are also the offset thresholds established in SJVAPCD Rule 2201 New and Modified Stationary Source Review Rule.

The SJVAPCD significance threshold for construction dust impacts is based on the appropriateness of construction dust controls, including compliance with its Regulation VIII fugitive PM<sub>10</sub> Prohibitions. The SJVAPCD guidelines provide feasible control measures for construction emission of PM<sub>10</sub> beyond that required by SJVAPCD regulations. If the appropriate construction controls are to be implemented, then air pollutant emissions for construction activities would be considered less than significant.

The Air Quality and Greenhouse Gas Impacts were analyzed by Stantec Consulting Services Inc. consultants. In an Air Quality/Greenhouse Gas Impact Analysis Report prepared on June 15, 2018, it is stated that the project will not have a significant impact to air quality or greenhouse gas, with the incorporation of existing mitigation measures from the 2014 General Plan EIR, as well as existing policies and measures per the San Joaquin Valley Air Pollution Control District.

- The project site is located within the San Joaquin Valley Air Basin (SJVUAPCD), which is a "nonattainment" area for the federal and state ambient air quality standards for ozone and PM<sub>10</sub>. The Federal Clean Air Act and the California Clean Air Act require areas designated as nonattainment to reduce emissions until standards are met. The proposed project would not obstruct implementation of an air quality plan; however, temporary air quality impacts could result from construction activities. The proposed project would not create a significant impact over the current levels of ozone and PM<sub>10</sub> or result in a violation of any applicable air quality standard. The project is not expected to conflict with the SJVUAPCD's attainment plans. The project will be subject to the SJVUAPCD's Regulation VIII to reduce PM<sub>10</sub> emissions and subject to Environmental Measure 3: Dust Control Measures to Protect Air Quality. With the incorporation of these existing measures, the project will have a less than significant impact.
- The proposed project would result in short-term construction related emissions (dust, exhaust, etc.). The SJVAB currently exceeds existing air quality standards for ozone and the State Standard for PM<sub>10</sub>. However, as with all construction projects, the project will be subject to the rules and regulations adopted by the SJVUAPCD to reduce emissions throughout the San Joaquin Valley and will be subject to Environmental Measure 4: Measures to Control Construction-Related Emissions. Therefore, the project would create a less than significant impact with existing measures incorporated.
- See responses to 3.3a and b above.
- The existing sensitive receptors near the proposed project include residences, an elementary school, and senior assisted living and housing. The proposed project may subject sensitive receptors to pollutant concentrations due to construction activities. The use of construction equipment would be temporary and all equipment is subject to permitting requirements of the SJVUAPCD. This impact is considered less than significant.
- Objectionable odors are possible during site preparation and construction. However, the odors are not expected to be persistent or have an adverse effect on residents or other sensitive

receptors in the project's vicinity. No objectionable odors are anticipated after constructions activities are complete; therefore, the project is expected to have a less than significant impact.

### 3.4 Biological Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Biological Resources</b>				
<i>Will the proposal result in impacts to:</i>				
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Setting

The project site is currently vacant land. The site is bounded by urban development to the west, north, east, and south.

## Impacts

The project would have a significant effect on the biological resources if it would:

- 1) Interfere substantially with the movement of any resident or migratory fish or wildlife species;
- 2) Substantially diminish habitat for fish, wildlife or plants; or
- 3) Substantially affect a rare, threatened, or endangered species of animal or plant or the habitat of the species.

*CEQA Guidelines Section 15380 further provides that a plant or animal species may be treated as "rare or endangered" even if not on one of the official lists if, for example, it is likely to become endangered in the foreseeable future. This includes listed species, rare species (both Federal and California), and species that could reasonably be construed as rare.*

- a. According to an assessment of the site performed by Stantec Consulting Services Inc., the study area does not support aquatic habitat, wetlands, or waters of the U.S. The assessment also concluded that the proposed project has the potential for impact, either directly or through habitat modifications, on 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 Wildlife. During the site evaluation, the assessment concluded that Swainson's hawks had moderate potential to occur in the project area and several other protected species were determined to have low or no potential to occur, due to the presence of generally suitable nesting habitat in the existing vegetation of the project area. With inclusion of mitigation measures to address the breeding season, impacts in this category are less than significant.
- b. There is no riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife within the project area. Therefore, the proposed project would not have a substantial adverse effect on riparian or other sensitive natural habitat.
- c. The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means.
- d. The project would not interfere 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.
- e. The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- f. The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

**Mitigation Measure**

- **Mitigation Measure 3.4-a:** If the project is implemented during the breeding season (February 1 to September 15), a biologist should conduct a pre-construction survey and search for nests of passerines within 100 feet of project work areas and raptor nests within 500 feet of project work areas.
- **Mitigation Measure 3.4-a2:** If an active nest is discovered within the BSA, a 100-ft no disturbance buffer shall be established around the nest (within the BSA) using orange construction fencing. A qualified biologist shall evaluate the potential for construction activities to disturb normal nesting behavior and adjust the buffer distance, as appropriate. The buffer fencing shall be maintained in good condition until the nest is inactive
- **Mitigation Measure 3.4-a3:** Disturbance of active nests shall be avoided until it is determined by a qualified biologist that nesting is complete and the young from have fledged or that the nest has failed. If work is allowed to proceed, at a minimum, a qualified biologist shall be on-site during the start of construction activities during the nesting season to monitor nesting activity. The monitor shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities.
- **Mitigation Measure 3.4-d:** All equipment shall be thoroughly cleaned before leaving the site.

**3.5 Cultural Resources**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Cultural Resources</b>				
<i>Will the proposal:</i>				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Environmental Setting**

Mitigation Measures in the Clovis General Plan Program Environmental Impact Report require evaluation of the site for archaeological, paleontological, and historical structure sensitivity. These mitigation



Measures, which identify archaeological and paleontological levels of sensitivity, list historically important sites identified by the Fresno County Library. The project is not anticipated to impact any cultural resources; however, the project could lead to the disturbance of undiscovered archaeological and paleontological resources. General Plan Conservation Element Goal 2 acts to preserve historical resources, and mitigation measures adopted in association with the General Plan PEIR help to reduce potential impacts to a less than significant level. The project was evaluated by Stantec Consulting Services Inc. who concluded that there are no previously recorded prehistoric or historic sites identified within the project area.

Pursuant to requirements of SB18 and AB52, a notification was sent to the Native American Heritage Commission for review with local tribes for cultural significance.

## Impacts

The project may have a significant impact on cultural resources if it causes substantial adverse changes in the significance of a historical or archaeological resource as set forth by the California Register of Historic Places and Section 106 of the National Historic Preservation Act; directly or indirectly destroys a unique paleontological resource or site or unique geologic feature; or disturbs any human remains, including those interred in formal cemeteries. A cultural study was performed by Stantec Consulting Services Inc. and concluded that there were no previously recorded prehistoric or historic sites identified within the project site.

- a. A Cultural Resource Assessment was conducted by Stantec Consulting Services Inc., and found no historical resources on the project site. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines. Therefore impacts in this category are less than significant.
- b&c. The proposed project is not anticipated to cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines or directly or indirectly destroy a unique paleontological resource or site or unique geological features. There are no known archaeological or paleontological resources located in the areas of construction. These areas have been previously disturbed; however, with ground disturbance there is chance that previously undiscovered archaeological and/or paleontological resources could be uncovered. The project is subject to Standard Environmental Measure 6: Measures to Protect Undiscovered Cultural Resources. Therefore, impacts will be less than significant. Implementation of this Standard Environmental Measure would ensure that potential impacts due to uncovering of previously undiscovered archaeological and/or paleontological resources would be less than significant.
- d. The site has not been identified as containing areas where human remains may be located. However, California Public Resources Code Section 5097.98, provides procedures in case of accidental finds. Should any human remains be discovered at any time, all work is to stop and the County Coroner must also be immediately notified pursuant to California Health and Safety Code, Section 7050.5 and California Public Resources Code, Section 5097.98. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains. Compliance with this regulatory compliance measure would ensure that potential impacts due to discovery of human remains would be less than significant.

**3.6 Geology and Soils**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Geology and Soils</b>				
<i>Will the Project:</i>				
a. Expose people or structures to 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

The General Plan EIR identified no geologic hazards or unstable soil conditions known to exist on the project site. There are several known faults that exist close enough to the project to cause potential damage to structures or individuals. The City of Clovis has adopted the California Building Code to govern all construction within the City, further reducing potential impacts in this category by ensuring that development is designed to withstand seismic or other geologic hazards.

The Project may result in significant earth impacts if it causes substantial erosion or siltation; exposes people and structures to geologic hazards or risk from faults, landslides, unstable soil conditions, etc.; or substantially alters the natural topography or a unique geological or physical feature. Grading that disturbs large amounts of land or sensitive grading areas (e.g. slopes in excess of 20 percent, intermittent drainages) may cause substantial erosion or siltation.

- a. No known faults with evidence of historic activity cut through the valley soils in the Project vicinity. The major active faults and fault zones occur at some distance to the east, west, and south of the Project site, the closest fault being approximately 62 miles to the southwest. Due to the geology of the Project area and its distance from active faults, the potential for loss of life, property damage, ground settlement, or liquefaction to occur in the Project vicinity is considered minimal. There are no Impacts in this category.

Ground shaking generally decreases with distance and increases with the depth of unconsolidated alluvial deposits. The most likely source of potential ground shaking is attributed to the San Andreas, Owens Valley, and the White Wolf faults. Taking into account the distance to the causative faults and compliance with the California Building Code, the potential for ground motion in the vicinity of the Project site is such that a minimal risk can be assigned. There are no Impacts in this category.

Liquefaction describes a phenomenon in which a saturated soil loses strength during an earthquake as a result of induced shearing strains. Lateral and vertical movement of the soil mass, combined with loss of bearing usually results. Loose sand, high groundwater conditions (where the water table is less than 30 feet below the surface), higher intensity earthquakes, and particularly long duration of ground shaking are the requisite conditions for liquefaction. Studies indicate that the soil types are not conducive to liquefaction (General Plan, Page 7-6 and General Plan EIR, Page 4-5). There are no Impacts in this category.

Landslides and mudflows are more likely in foothill and mountain areas where fractured and steep slopes are present (as in the Sierra Nevada Mountains). The Project is located on relatively flat topography with no slopes in vicinity; therefore, the Project will not result in or expose people to potential impacts from landslides or mudflows. There are no Impacts.

- b. The sandy loam soil on the project site has a moderate potential for erosion. Project construction activities would loosen the soil, leaving it exposed to potential water and wind erosion. The eroded soils, in turn, could be transported off the project site. Compliance with the provisions of the Clovis-Fresno Storm Water Quality Management Program (CFSWQMP), which incorporates the Construction General Permit, issued by the State Water Resources Control Board (SWRCB). The Construction General Permit is required for all projects that disturb one acre of land or more. The permit requirements include preparation of a Storm Water Pollution Prevention Plan (SWPPP) by a Qualified SWPPP Developer to address potential water quality issues. The SWPPP includes implementation of Best Management Practices to avoid or minimize adverse water quality impacts. Best Management Practices fall within the categories of Temporary Soil Stabilization, Temporary Sediment Control, Wind Erosion Control, Tracking Control, Non-Storm Water Management, and Waste Management and Materials Pollution Control. Only Best Management Practices applicable to the project would become part of the SWPPP. In short, the project has potentially significant impacts related to erosion, but compliance with SJVAPCD Regulation VIII and SWPPP, would result in a less than significant impact.
- c. The soils underlying the sites where the facilities would be constructed have not been identified as inherently unstable or prone to failure. The soils are not conducive to liquefaction and landslides are unlikely on this topographically flat project site. The project would not change

existing stability conditions. Appropriate engineering design would avoid potential adverse effects. The project would have no impact on the stability of soils.

- d. Potential hazards from liquefaction, lateral spreading, seismically induced settlement, and subsidence are considered unlikely given the stiff soil conditions of the project site. Because the topography of the project site is flat, it is not at risk for landslides or geologic hazards resulting from steep slopes. Additionally, all new structures will be required to conform to current seismic protection standards in the California Building Code (California Code of Regulations Title 24).

It is possible that grading and construction activities related to development of the Project could contribute to soil erosion. However, with implementation of erosion control measures as required by state and local regulation, erosion will be less than significant.

Based on these factors, impacts pertaining to geology and soil factors resulting from the Project, are less than significant.

- e. The City of Clovis provides necessary sewer and water systems for development within the City. The Project will not utilize septic tanks or alternate waste disposal. There are no Impacts in this category.

**3.7 Greenhouse Gas Emissions**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Greenhouse Gas Emissions</b>				
<i>Will the proposal:</i>				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**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 is naturally occurring, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth’s atmosphere. Carbon

oxide 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.<sup>1</sup> 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.

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<sup>1</sup> California Air Resources Board (ARB), 2006, Climate Change website. (<http://www.arb.ca.gov/cc/120106workshop/intropres12106.pdf>).

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 SJVAPCD’s *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.

An Air Quality/Greenhouse Gas Impact Analysis Report was performed by Stantec Consulting Services Inc., dated June 15, 2018. The evaluation concluded that the project is consistent with the goals of the ARB and impact is less than significant.

### **Impacts**

- a. A significance threshold of 29% below “business as usual” levels is considered to demonstrate that a project would be consistent with the goals of AB 32. An Air Quality/Greenhouse Gas Impact Analysis Report was performed by Stantec Consulting Services Inc. The report concludes that impacts related to conflicts with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases is less than significant.

- b. An Air Quality/Greenhouse Gas Impact Analysis Report was prepared for the project by Stantec Consulting Services Inc. The evaluation addresses the potential for greenhouse gas emissions during construction and after full build out of the proposed project.

GHG emissions were calculated for BAU conditions and for conditions with implementation of GHG emission reduction project design features proposed by the project applicants. The report concludes that the proposed project would not result in any direct impacts to the global climate, and cumulative impacts would be less than significant.

### 3.8 Hazards and Hazardous Materials

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Hazards and Hazardous Materials</b>				
<i>Will the Project:</i>				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

response plan or emergency evacuation plan?				
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

**Definitions**

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 “a 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.

**Schools**

Jefferson Elementary School is located approximately 150 ft. west of the Project site. No other existing schools or future school sites are located within one-quarter of the project site.

**Impacts**

- a.-b. The types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used during construction of commercial developments, including vehicle fuels, paints, oils, and transmission fluids. Similarly, the types and amounts of hazardous materials used during operation of the Project would be typical of such developments and would include cleaning solvents, pesticides for landscaping, painting supplies, and petroleum products. However, all potentially hazardous materials to be used during construction and operation of the Project would be contained, stored, and used in accordance with manufacturers’ instructions and handled in compliance with applicable federal, State, and local regulations. The project includes construction of a drive-thru car wash facility and does not involve the use, transport or disposal of hazardous materials and would not result in such an impact. Therefore, these impacts are considered less than significant.
- c. Jefferson Elementary School is located approximately 150 feet west of the project site. Based on field review, there are no signs of potential contamination or hazardous materials on the project site. All materials used during both the construction and operation of the Project would be used



in accordance with manufacturers' instructions and handled in compliance with applicable federal, State, and local regulations. In addition, the Project would not involve the use or handling of acutely hazardous materials, substances, or waste. As such, the use of such materials would not create a significant hazard to nearby schools. Therefore, impacts in this category are considered less than significant.

- d. The land within the Project site is not included on a list of hazardous materials sites. The Department of Toxic Substances Control's Hazardous Waste and Substances Site List (Cortese List) does not list any hazardous waste and substances sites within the City of Clovis ([www.dtsc.ca.gov/database/Calsites/Cortese\\_List.cfm](http://www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm)). Therefore, in the category are less than significant.
- e. The Project site is not located within the Fresno-Yosemite International Airport land use plan area. There are no impacts in this category.
- f. The Project site is not located within the vicinity of a private airstrip, and would not result in a safety hazard for people residing or working in the Project vicinity related to an airstrip or aviation activities. There are no impacts in this category.
- g. Temporary detouring of traffic during construction periods is anticipated. Emergency response departments will be notified per City Standards and Policies. The periods of closure or detouring will be monitored by traffic personnel. The proposed Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.
- h. The Project site is located in an area surrounded by urban uses. As such, the site is not adjacent to or in close proximity to wildland areas. No impacts are anticipated.

### 3.9 Hydrology and Water Quality

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Hydrology and Water Quality</b>				
<i>Will the proposal result in:</i>				
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

result in substantial erosion or siltation on- or off-site?				
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

The General 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

14). 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

Clovis is underlain by the Kings Groundwater Basin that spans 1,530 square miles of central Fresno County and small areas of northern Kings and Tulare counties. Figure 5.9-4, *Kings Groundwater Basin*, shows that the basin is bounded on the north by the San Joaquin River, on the west by the Delta-Mendota and Westside Subbasins, the south by the Kings River South Fork and the Empire West Side Irrigation District, and on the east by the Sierra Nevada foothills. Depth to groundwater in 2016 ranged from 196.5 feet at the northwest City boundary to 69.5 feet at the southeast City boundary (Clovis 2016), 25 feet at the southeast SOI boundary, and about 20 feet at the eastern Plan Area boundary (FID 2013). The Kings Subbasin has been identified as critically overdrafted (Provost & Pritchard 2017).

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

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

The FMFCD urban stormwater drainage system would provide groundwater infiltration for runoff from developed land uses in detention basins in the drainage system service area. The process of expansion of the FMFCD urban storm drainage system is explained above under the analysis of the 2035 Scenario under Impact 5.9-1.

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

#### Executive Order to Reduce Water Use

The new Clovis General Plan PEIR indicates that the City would have adequate water supply to meet the demand of planned development through the 2035 planning horizon. The current drought situation through mid-2014 was considered and addressed in the General Plan PEIR.

During the 2015 drought, the Governor's April 1, 2015, executive order and the resulting State Water Resources Board regulations require that urban water users reduce water use by at least 25 percent (36 percent for the City of Clovis), and was implemented by the City of Clovis through a number of measures. These measures included:

- Establishment of mandatory reductions for all users and implementation of penalties for failure to comply
- Restriction of outdoor water use to two days per week
- Increased enforcement of water conservation rules
- Reducing water use on City landscaping by at least 36 percent below 2013 levels
- Relaxing enforcement of all neighborhood preservation ordinances that could require ongoing landscape irrigation
- Increased public outreach

During 2016 due to improved water conditions, the restrictions were relaxed by the State if the water supplier could self-certify adequate water supplies for the next three dry years. Clovis was able to meet this requirement and subsequently relaxed water conservation requirements for 2016.

It is noted that all landscaping associated with the project will comply with applicable drought tolerant regulations including the City's adopted Water Efficient Landscape Ordinance. Since the residents within the project are subject to and will comply with water use reduction requirements, the project would not result in any significant adverse impacts related to water supply and quality or a substantial increase in the severity of the impacts identified in the Program EIR.

The proposed project may result in significant impacts if it would violate any water quality standards or waste discharge requirements; substantially deplete groundwater supplies or interfere substantially with ground water recharge; substantially alter the existing drainage pattern if the site; substantially increase the rate or amount of surface runoff; exceed the existing or planned storm water drainage system; provide substantial additional sources of polluted runoff; degrade water quality; place housing or structures within a 100-year flood hazard area; expose people or structures to risks of flooding; and inundation from seiche, tsunami, or mudflow.

The General Plan Program Environmental Impact Report identified significant and unavoidable impacts for both the 2035 scenario and full build-out of the General Plan Area and statement of overriding considerations was adopted.

- a. Development of the project site would be required to comply with all City of Clovis ordinances and standard practices which assure proper grading and storm water drainage into the approved storm water systems. The project would also be required to comply with Fresno County Health Department requirements, FMFCD regulations, and all local, state, and federal regulations to prevent any violation of water quality standards or waste discharge requirements.

Construction activities of the project are subject to several regulations that address erosion and sediment control, and minimize the resulting effects of erosion on water quality. These requirements include adherence to the existing General Construction Permit requirements (pursuant to the NPDES General Permit for Discharges of Stormwater Runoff Associated with Construction Activity), which are specifically aimed at reducing impacts on surface waters that may occur due to construction activities. Specifically, the Permit requires preparation of a stormwater pollution prevention plan (SWPPP) that would incorporate best management practices (BMPs) to improve water retention and vegetation on project sites. Given the extent of existing regulations and mandated compliance that the project would be required to comply with that address reducing or avoiding the erosion of disturbed soils during construction activities, the impact would be less than significant.

- b. The project is served by the City of Clovis' public water system and will not directly utilize groundwater in its construction or operation. As the City of Clovis relies in part on groundwater for its municipal water supply, the project may have an indirect impact on groundwater supplies. However, based on the 2015 Urban Water Management Plan, the City is forecast to have adequate water supplies to meet estimated water demands generated by build out of the General Plan Update under the 2035 Scenario, which included development of the project area with new hospital facilities and other business and commercial uses consistent with the subject proposal. Further, the City has diversified its water supply over time to utilize surface water and recycled water while proportionally decreasing groundwater usage (additional information regarding the City's water supply is included in Chapter 20, Utilities and Service Systems). The project also uses reclamations tanks for the recycling and reuse of water.

Regarding groundwater recharge, the project will increase impervious surfaces in the project area. However, the increase in the amount of impervious surfaces in the area was previously addressed in the Clovis General Plan EIR. As discussed in the Clovis General Plan EIR, most of the areas where development is anticipated are already served by the FMFCD urban drainage system, and new development would be required to pay Local Drainage Fees to fund drainage improvements pursuant to the FMFCD Master Plan serving the affected drainage areas before the beginning of any work on such developments. Additionally, onsite infrastructure needed such as additional curbs and gutters, storm drain inlets, and underground storm water pipelines will be constructed as part of the project. Given that the project would be adequately served by water supplies already designated for use by the City of Clovis and would not require additional groundwater

supply entitlements, and given that the design and operational characteristics of the project would not substantially deplete groundwater resources or interfere with groundwater recharge, impacts to groundwater supplies and recharge would be less than significant.

- c. The project would not alter the existing drainage pattern of the site or area through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site. Therefore, impacts are less than significant.
- d-f. The Project would not alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off-site. Therefore, impacts are less than significant.

The Project site is presently vacant which typically does not result in notable stormwater runoff except when soils are saturated during periods of extended above-normal rainfall. The generation of stormwater runoff from the project site will increase when developed.

Stormwater collection and drainage service needs are provided by the Fresno Metropolitan Flood Control District. The existing off-site stormwater infrastructure from the project site to Basin S was installed with previous development. According to comments received from FMFCD, much of the Master Plan storm drainage system for the area is complete. These facilities are adequate to serve Project's stormwater drainage needs. The project will also be subject to the required drainage fees. Onsite infrastructure such as additional curbs and gutters, storm drain inlets, and underground stormwater pipelines will be constructed as part of the proposed project. The stormwater management needs of the project area and other areas within the City of Clovis were considered in the adoption of the Clovis General Plan and the Fresno Metropolitan Flood Control District's Storm Drainage and Flood Control Master Plan. Compliance with existing plans and regulations will assure that any impacts associated with the project related to drainage and runoff will be less than significant.

- g. The project would not place housing within a 100-year flood hazard area as mapped on the latest federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. The Fresno Metropolitan Flood Control District has policies in place to address projects within a 100-year flood hazard area. The FMFCD has noted that this project is not located in a 100-year flood area.
- h. The project would not place within a 100-year flood hazard area structures that would impede or redirect flood flows. The Fresno Metropolitan Flood Control District has policies in place to address projects within a 100-year flood hazard area. The FMFCD has noted that this project is not located in a 100-year flood area.
- i. The project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- j. The Project is not located near any ocean, coast, or seiche hazard areas and would not involve the development of residential or other sensitive land uses. Therefore, the Project would not expose people to potential impacts involving seiche or tsunamis. No potential for mudflows is anticipated. There is no impact associated with the proposed Project.

### 3.10 Land Use and Planning

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Land Use and Planning</b>				
<i>Will the proposal:</i>				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but no limited to the General Plan, Shaw Avenue Specific Plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Environmental Setting

The project is consistent with the land use policies of the City, including the Clovis General Plan and Zoning Ordinance; therefore impacts in this category are avoided.

### Impacts

- b. The proposed project is requesting to amend the General Plan to re-designate the project area from Office to General Commercial. Although this is a change which is not consistent with the General Plan’s Land Use Diagram, the project is consistent with the continued urbanization of the Shaw Avenue Specific Plan area. Therefore impacts in this category are less than significant.

### 3.11 Mineral Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Mineral Resources</b>				
<i>Will the proposal:</i>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

delineated on a local general plan, specific plan or other land use plan?

**Environmental Setting**

The Clovis General Plan states, “The Clovis Project area does not contain those mineral resources that require managed production, according to the State Mining and Geology Board.”

**Impacts**

The Project would create significant impacts if it results in the loss of availability of a known mineral resource with future value.

- a-b. The proposed Project would not use or extract any mineral or energy resources and would not restrict access to known mineral resource areas. Therefore, there would be no impact.

**3.12 Noise**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Noise</b>				
<i>Will the proposal result in:</i>				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



people residing or working in the project area to excessive noise levels?

## Environmental Setting

The ambient noise environment in the immediate Project vicinity is defined primarily by local traffic, animals, residents and natural noise associated with an urban residential and commercial environment. The Clovis Development Code (Section 9.22.080) sets forth land use compatibility criteria for various community noise levels.

## Impacts

- a. The construction of the proposed Project would result in temporary construction-related noise impacts. These impacts would be short-term in nature and only occur for a limited duration. Existing Measure 1: Measures to Minimize Effects of Construction-Related Noise will help reduce any potential noise impacts to surrounding uses. Construction noise would be short-term in nature and only occur for a limited duration and are therefore considered less than significant.

The City of Clovis Municipal Code noise level standards during the proposed operational hours of the car wash facility from 7:00 am to 8:00 pm are 65 decibel for exterior noise level and 50 decibel for interior noise level standard. The project will provide acoustical (noise-absorptive) wall treatment within the car wash tunnel as well as noise walls beginning at the tunnel entrance extending north and another at the tunnel exit continuing west along the site's northern property line. With this, the project will comply with applicable City of Clovis noise level requirements and impacts will be considered less than

- b. Potential groundborne vibration or groundborne noise levels would most likely occur as part of construction activities associated with the project. The construction activities would be temporary in nature and no persons would be exposed for extended periods of time. Therefore, impacts associated with exposure to, or generation of, groundborne vibration or noises are considered to be less than significant.
- c. The proposed Project includes a mechanical car wash with outdoor vacuum stations. This project could result in a permanent increase in the ambient noise levels; however, the increases are not expected to exceed the General Plan standards. A noise impact assessment was prepared for the Project in July 2018, by WJV Acoustics, Inc. The assessment addresses the potential noise impacts during construction and after full build out of the proposed Project.
- d. A temporary increase in ambient noise levels would occur in association with construction activities. However, construction noise would be short-term in nature and only occur for a limited duration. Therefore, impacts are considered less than significant.
- e. The proposed project site is not located within an airport land use plan area. Therefore, the project would not expose people to excessive airport or airstrip noise. There is no impact.
- f. The Project is not located within the vicinity of a private airstrip. There is no impact.

## Mitigation Measure

- **3.12-a,c:** The applicant proposes to incorporate a 20-foot sound wall at the tunnel entrance, along the project site's eastern property line (near the existing bank) and a 22-foot sound wall extending from the tunnel exit and continuing to the west along the project site's northern property line. With these proposed sound walls, the proposed Ride and

Shine Car Wash will comply with all applicable City of Clovis exterior and interior noise level requirements without the need for additional mitigation measures

**3.13 Population and Housing**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Population and Housing</b> <i>Would the Project:</i>				
a. Induce substantial 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

The proposed Project will not generate or result in increased population or an increased demand for housing. The Project includes a new drive-thru car wash facility. It is anticipated that some of the employees may locate in close proximity to their work place.

**Impacts**

- a. The Project would bring additional employees into the area. It is anticipated that this project could introduce a number of new citizens to the City of Clovis as employees move close to their workplace, however, the impact is less than significant.
- b. The Project would not result in displacement of housing.
- c. The Project would not result in displacement of people.

**3.14 Public Services**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>Public Services</b>  <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></p>				
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Environmental Setting**

The project would not result in a significant increased demand for public services. The project is consistent with the utility planning documents; therefore impacts in this category are not anticipated to be significant.

**Impacts**

- a. The Project may result in significant public service impacts if it substantially and adversely alters the delivery or provision of fire protection, police protection, schools, facilities maintenance, and other governmental services.

Development of the proposed project would involve a minor addition to the responsibilities to the CFD. It would not degrade the existing service ratio, response time, or other performance objectives. The proposed project would comply with standard mitigation measures, and would not require the construction of new facilities or physically alter existing governmental facilities. The proposed project would have less than significant environmental impact associated with its demand on fire services.

- b. The proposed project would be served by existing police protection resources and would not require the construction of new facilities or physically alter existing facilities. Therefore, the Proposed Project would have a less than significant impact associated with
- c. The Project site is located within the Clovis Unified School District. The Clovis Unified School District levies a per square foot school facilities fee to help defray the impact of commercial development. The project is subject to the fees in place at the time fee certificates are obtained.

The school facility fee paid by the developer to the school district are conclusively deemed to reduce any potential impact to a less than significant level.

- d. Development of this site may introduce new residents to the community. The Parks and Recreation Element of the General Plan requires a specific ratio of park area to residents. A park impact fee is required for commercial projects and is then used to construct community parks to meet these goals. With payment of these fees, the impacts in this category are less than significant since this Project will contribute to the park funds.
- e. The Project could introduce new residents and employees to Clovis. However, the limited numbers would have a less than significant impact on other public facilities such as recreation, trails, Civic Center services, Senior Services, and County Library.

**3.15 Recreation**

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Recreation</b>					
<i>Will the proposal:</i>					
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

Regional Setting The City of Clovis maintains approximately 285 acres of parks and open space (including a series of recreational trails), as well as a variety of public recreational facilities such as the City of Clovis Batting Cages, the Clovis Rotary Skatepark, and the Clovis Recreation Center. These parks, trails, and recreational facilities are dispersed throughout the City.

There are no existing or planned public parks or recreation facilities located on the project site or in its vicinity.

**Impacts**

- a. The proposed project would not create new demand for any type of recreational facilities that were no already identified in the parks and recreation Element of the General Plan. The General Plan requires that all development contribute a proportionate share toward the development of parks throughout the community. The project would have a less than significant impact to recreation.

**3.16 Transportation/Circulation**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Transportation/Circulation</b>				
<i>Will the proposal result in:</i>				
a. Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designed in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

Roadways are the primary existing transportation facilities in the vicinity of the project area. Although non-automobile travel does occur in the area, separate facilities for transit, bicycles, or pedestrians are limited. The General Plan classifies major streets in the area as well as designates where bike lanes and pedestrian paths will occur. Implementation of improvements generally occur with development or in the case of streets within County areas, through government funded projects in cooperation with the County.

- a. The project site is currently vacant and is planned for Office use. The project is proposing to re-designate the property to allow for commercial use for the vehicle washing facility. Additional traffic will be introduced to this area with the development of this project. The City Engineer has analyzed the Project and concluded that the current and proposed improvements can accommodate the additional traffic, and that impacts are considered less than significant.
- b. The City Engineer analyzed the project and concluded that the current and proposed improvements with the project can accommodate the additional traffic, and that impacts are considered less than significant.
- c. The proposed project may result in a temporary change in traffic patterns due to construction; however, the project will be required to comply with Section 7.15 Traffic Control, Public Convenience, and Safety of the Clovis Standard Specification and Standard Drawings will reduce impacts to a less than significant level.
- d. The project will not increase hazards due to a design feature.
- e. The project will not result in inadequate emergency access. The project will be required to comply with Section 7.15 Traffic Control, Public Convenience, and Safety of the Clovis Standard Specification and Standard Drawings, which requires contractors to keep emergency services informed of the location and progress of work.
- f. The project will not conflict with adopted policies, plans, or programs supporting alternative transportation.

**3.17 Tribal Cultural Resources**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>Tribal Culture Resources</b>  <i>Would the project cause a substantial adverse change in the significance of a Tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape sacred place, or object with cultural value to a California Native American tribe, and that is:</i></p>				
<p>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)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>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</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(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?				
--	--	--	--	--

**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 for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015. Furthermore, the consultation process is required to be complete prior to filing a Notice of Intent.

The project was mailed to each interested Tribe listed on the latest Tribal Consultation list provided by the Native American Heritage Commission using registered US Mail. The Tribes were provided a 30-day period (from receiving the City letter) in which to request consultation. Once the consultation period ran its course, the CEQA Initial Study was prepared and a Notice of Intent filed with the County Clerk and/or Office of Planning and Research.

**Impacts**

- a. A cultural resource study was prepared by Stantec Consulting Services Inc. June 15, 2018 for the project area. The analysis concluded that the project is not listed 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).
- b. Per AB52, the project was mailed to all Tribes listed on the Native American Heritage contact list, dated August 8, 2018. Tribes were provided an opportunity to request consultation. The General Plan EIR includes existing measures which provide procedures in the case where resources are discovered. Therefore, impacts in this category are considered less than significant.

**3.18 Utilities and Service Systems**

<b>Utilities and Service Systems</b> <i>Will the proposal:</i>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**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.

**Impacts**

- a. The wastewater impacts were evaluated in accordance with the Waste Water master Plan. The City Engineer concludes that the project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. Impacts are considered less than significant.



- b. The project will not directly result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- c. The project may result in the construction of new storm water drainage facilities. The Fresno Metropolitan Flood Control District has policies for this type of project.
- d. The project will not require new or expanded entitlements and resources. The site is also within the Fresno Irrigation District and will turn over the water rights to the City of Clovis upon development.
- e. The project will not require a determination by a wastewater treatment provider (see item b above).
- f. According to the Solid Waste Division, the project will contribute to the landfill, however, the impacts are less than significant.
- g. The project will comply with federal, state, and local statutes as well as regulations related to solid waste by the City of Clovis.

**3.19 Mandatory Findings of Significance**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Mandatory Findings of Significance</b>				
a. Does the project have the potential to 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, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## **Environmental Setting**

The CEQA Guidelines define “significant effect” as “... a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant” (CEQA Guidelines, 15382).

“An ironclad definition of significant effect is not possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area” (CEQA Guidelines 15064).

## **Impacts**

As stated in the initial study for each category, the Project does not have the potential for a significant impact on the environment nor a cumulative impact causing substantial adverse effects on human beings, either directly nor indirectly.

## **o Cumulative Impacts**

This section addresses the project's potential to contribute to cumulative impacts in the region. CEQA Guidelines Section 15355 defines cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." The individual effects may be changes resulting from a single project or separate projects. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable future projects. Cumulative impacts can result from individually minor yet collectively significant projects taking place over a period of time.

The cumulative setting for the proposed project is the build-out of the City of Clovis General Plan which was adopted in 2014. The City has processed several General Plan Amendments since 2014, all of which were included in the project's analysis related to water, sewer, traffic, air quality, and greenhouse gas impacts.

### **Aesthetics**

The environmental impact report for the City of 2014 Clovis General Plan concluded that the cumulative adverse impacts upon the community's aesthetic conditions anticipated to occur due to the projected urban growth and development would not be considerable. This determination was based upon the provisions of numerous General Plan goals and policies and implementing requirements of the City's Development Code which promote the visual quality and compatibility of new development. The project would have no impacts that would be inconsistent with the analysis and findings of the EIR for the general plan.

### **Agriculture and Forest Resources**

The proposed project would not substantially contribute to the conversion of agricultural land or forest land to urban or other uses. There are no forest lands in adjacent to or in the immediate vicinity. The project area is not classified as Prime Farmland or Farmland of Statewide Importance, therefore, the project would result in a less than significant cumulative agricultural or forest resources impact.

### **Air Quality**

Implementation of the project could result in cumulative short-term construction air quality impacts associated with increased emissions. The project would not result in cumulative air quality impacts to the region. Existing measures are incorporated to address Air Quality Standards during construction. The project would result in less than significant cumulative air quality impacts.

### **Biological Resources**

The project could result in significant impacts to nesting migratory and nongame birds without mitigation. The project would have a less than significant impact to cumulative biological resources with a mitigation measure incorporated.

### **Cultural Resources**

The proposed project is not anticipated to contribute to any potential impacts related to cultural and/or paleontological impacts. Any impacts would be site specific and would not contribute to cumulative impacts. Therefore, the project would have a less than significant impact to cumulative cultural resources.

## Geology and Soils

Project impacts associated with geology and soils would be site-specific and implementation of the project would not contribute to cumulative seismic hazards. Therefore, the project would create no impact to cumulative geophysical conditions.

### Greenhouse Gas Emissions

As discussed under Section 3. Greenhouse Gas Emissions, implementation of the proposed project would contribute to GHG emissions, which is inherently a cumulative issue. The emissions from construction would be short-term (during construction) as a result of various fossil fuel-based construction equipment. Since these impacts are short-term and the contributions to GHG emissions would be minor when compared to the State's GHG emissions target of 427 MMTCO<sub>2</sub>-eq by 2020, the construction-related greenhouse gas emissions of this project would be considered a less than significant cumulative impact.

Based on discussion above and the Greenhouse Gas analysis by Stantec Consulting Services Inc. the proposed Project would also not result in objectionable odors affecting a substantial number of people. GHG emissions released during construction and operation of the Project are estimated to be lower than significance thresholds, and would not be cumulatively considerable. The proposed Project would be consistent with the goals of AB 32 and the City's General Plan.

### Hazards & Hazardous Materials

The proposed project is not expected to have significant impacts as the result of hazards or hazardous materials; therefore, the project is expected to have a less than significant impact to cumulative hazards and hazardous materials impacts.

### Hydrology/Water Quality

The proposed project would not contribute to cumulative surface water quality impacts associated with construction and operational activities. As described in Section 3.9 Hydrology/Water Quality, the proposed project would not substantially alter the direction of groundwater flows, or result in a substantial change in the quantity of groundwater. The project would have a less than significant impact to cumulative water conditions.

### Land Use Planning & Population/Housing

With the implementation of the mitigation measure identified in Sections 3.1 (Aesthetics), land use impacts would be less than significant. The project will not have significant impacts to housing or population. The proposed project is not expected to result in substantial cumulative impacts to land use planning, population or housing.

### Mineral Resources

The proposed project is expected to have no impact to any site-specific mineral resources: therefore, the project is expected to have a less than significant impact to cumulative mineral resource impacts.

### Noise

As described in Section 3.12 Noise, the project could result in site-specific noise impacts. These impacts are less than significant with a mitigation measure incorporated.

## Public Services

The proposed project creates additional homes and residents but as identified in the initial study, would not result in significant impacts to public services. The project would have less than significant to cumulative public services conditions.

### Recreation

The proposed Project could create the need for additional homes for new employees of the Project. The new residents would utilize public services. The number of new residents as a result of the Projects is less than significant and would not result in significant impacts to public services. The Project would have less than significant to cumulative public services conditions

### Transportation/Circulation

The proposed project would not contribute to short-term or long-term traffic congestion impacts. The project is not expected to impact cumulative transportation/circulation conditions. However, queuing issues may occur due to underutilization of pay aisles. Therefore, the project would have a less than significant impact on cumulative transportation and circulation conditions with a mitigation measure incorporated.

### Tribal Cultural

Tribal Cultural resources are site specific. The proposed project would not cause a substantial adverse change in the significance on a cumulative Tribal cultural resource.

### Utilities and Service Systems

The Clovis General Plan and other plans and reports have designated the project area for urban development which is planned to be served by municipal public utility systems. Development of the site as well as urban development of other vacant properties in the immediate vicinity, will increase demand for public services and necessitate construction of public utility infrastructure improvements.

The Clovis General Plan and other related long-range planning documents – such as the UMWP, the Water Master Plan Phase III, and Sewer System Management Plan – include analysis showing that adequate services for water, sewer, and solid waste disposal can be provided to accommodate the build out of the general plan. Since the project is consistent with general plan policies and its demand on public utilities is within the growth parameters considered in the City's long-range planning documents, the project would not have a cumulatively considerable impact with respect to utilities and service systems.

### 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.

The environmental factors checked below would be potentially affected by this project. None of these factors represents a "Potentially Significant Impact" as indicated by this Initial Study.

- Aesthetics
- Agriculture and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards & Haz Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation/Traffic
- Tribal Cultural
- Utilities / Service Systems
- Mandatory Findings of Significance

### 5.0 Determination Findings


The potential impacts identified in this Initial Study are considered to be less than significant since they will cease upon completion of construction, or do not exceed a threshold of significance. Therefore, a Mitigated Negative Declaration is the appropriate level of documentation for this project.

According to the analysis in this Initial Study, based on substantial evidence in the public record, the City of Clovis finds:

- This Initial Study, prepared pursuant to CEQA Section 15063, has identified potentially significant environmental effects that would result from the project.
- The City has reviewed the proposed project impacts and has determined the following mitigation measures will address the identified impacts and reduce impacts to the level required by applicable standards:
  - **3.1-d:** The developer shall direct all lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties.
  - **3.4-a1:** If the project is implemented during the breeding season (February 1 to September 15), a biologist should conduct a pre-construction survey and search for nests of passerines within 100 feet of project work areas and raptor nests within 500 feet of project work areas.
  - **3.4-a2:** If a nest is identified, species and activity-specific no-work buffers will be implemented around the nest site until the nest has safely fledged. With implementation of nesting bird surveys, the project would not affect Swainson’s hawks or other nesting birds protected under the MBTA.
  - **3.4-a3:** Disturbance of active nests shall be avoided until it is determined by a qualified biologist that nesting is complete and the young from have fledged or that the nest has failed. If work is allowed to proceed, at a minimum, a qualified biologist shall be on-site during the start of construction activities during the nesting season to monitor nesting activity. The monitor shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities.

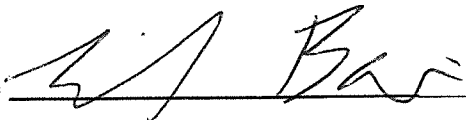
- o 3.4-d: All equipment shall be thoroughly cleaned before leaving the site.
- o 3.12-a,c: The applicant proposes to incorporate a 20-foot sound wall at the tunnel entrance, along the project site's eastern property line (near the existing bank) and a 22-foot sound wall extending from the tunnel exit and continuing to the west along the project site's northern property line. With these proposed sound walls, the proposed Ride and Shine Car Wash will comply with all applicable City of Clovis exterior and interior noise level requirements without the need for additional mitigation measures.

- The City finds that the cumulative impacts of this project are less than significant as described in Section 4.0 (Cumulative Impacts). As such, this project would not generate significant cumulative impacts.
- Feasible mitigation measures have been incorporated to revise the project before the Mitigated Negative Declaration and Initial Study is released for public review pursuant to CEQA Section 15070 in order to avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.
- The City finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described above have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- As required by CEQA Section 21081.6 et seq., a mitigation monitoring program (Section 6.0) will be adopted by incorporating mitigation measures into the project plan (CEQA Section 21081.6(b)).
- There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment (CEQA Section 21064.5(2)).
- Based on the above-referenced Initial Study and feasible mitigation measures incorporated to revise the proposed project in order to avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment will occur, staff finds that a Mitigated Negative Declaration should be adopted pursuant to CEQA Section 15070 for the proposed project.

Signature  Date: October 23, 2018  
 Lily Cha, Assistant Planner

*Applicant's Concurrence*

In accordance with Section 15070 (b) (1) of the CEQA Guidelines, we hereby consent to the incorporation of the identified mitigation measures which are also contained in Section 6.0 of this document.

Signature  Date: 10-24-18

**6.0 Mitigation Monitoring  
EXHIBIT B**

**City of Clovis Mitigation Monitoring and Reporting Program  
General Plan Amendment GPA2018-04, Rezone R2018-10 & Conditional Use Permit  
CUP2018-06  
Dated: October 23, 2018**

**6.1 Introduction**

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A MMRP is required for the proposed project because the Mitigated Negative Declaration has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The MMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Mitigated Negative Declaration.

The City of Clovis will be the primary agency, but not the only agency responsible for implementing the mitigation measures. The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the Mitigated Negative Declaration, in the same order that they appear in the Mitigated Negative Declaration.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the department within the City responsible for mitigation monitoring.
- **Compliance Verification Responsibility:** Identifies the department of the City or other State agency responsible for verifying compliance with the mitigation. In some cases, verification will include contact with responsible state and federal agencies.

**6.2 Mitigation Monitoring Program**

<b>Proposed Mitigation</b>	<b>Summary of Measure</b>	<b>Monitoring Responsibility</b>	<b>Timing</b>	<b>Verification (Date and Initials)</b>
<b>3.1 Aesthetics</b>				
3.1-d	The developer shall direct all lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties.	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
<b>3.4 Biological</b>				



Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
3.4-a1	If the project is implemented during breeding season (February 1 to September 15), a biologist should conduct a pre-construction survey and search for nests of passerines within 100 feet of project work areas and raptor nests within 500 feet of project work areas.	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
3.4.a2	If an active nest is discovered within the BSA, a 100-ft no disturbance buffer shall be established around the nest (within the BSA) using orange construction fencing. A qualified biologist shall evaluate the potential for construction activities to disturb normal nesting behavior and adjust the buffer distance, as appropriate. The buffer fencing shall be maintained in good condition until the nest is inactive	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
3.4-a3	Disturbance of active nests shall be avoided until it is determined by a qualified biologist that nesting is complete and the young from have fledged or that the nest has failed. If work is allowed to proceed, at a minimum, a qualified biologist shall be on-site during the start of construction activities during the nesting season to monitor nesting activity. The monitor shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities.	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
3.4-d	All equipment shall be thoroughly cleaned before leaving the site.	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
<b>3.12 Noise</b>				
3.12-a, c	The applicant proposes to incorporate a 20-foot sound wall at the tunnel entrance, along the project site's eastern property line (near the existing bank) and a 22-foot sound wall extending from the tunnel exit and continuing to the west along the project site's norther property line. With these proposed sound walls, the proposed Ride and Shine Car Wash will comply with all applicable City of Clovis exterior and interior noise level requirements without the need for additional mitigation measures.	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	

**7.0 Report Preparation**

CITY OF CLOVIS- LEAD AGENCY  
 PLANNING DIVISION  
 Lily Cha, Assistant Planner  
 1033 Fifth Street  
 Clovis, CA 93612  
 (559) 324-2335  
 lilyc@cityofclovis

# **Appendix A**

## **Environmental Studies**

# **DRAFT RESOLUTION**

**DRAFT  
RESOLUTION 18-xx**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING A  
MITIGATED NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT GPA2018-04,  
REZONE R2018-10, CONDITONAL USE PERMITS CUP2018-06 PURSUANT TO CEQA  
GUIDELINES**

**WHEREAS**, the project proponent, Bowie Enterprises, 4433 N. Blackstone Avenue, Fresno, CA 93726, has applied for various files including General Plan Amendment GPA2018-04, Rezone R2018-10, Conditional Use Permit CUP201 CUP2018-06for property located at the northeast corner of Shaw and Fowler Avenues, in the County of Fresno

**WHEREAS**, the City of Clovis (“City”) caused to be prepared an Initial Study (hereinafter incorporated by reference) on October 2018 for the Project to evaluate potentially significant adverse environmental impacts and on the basis of that study it was determined that no significant environmental impacts would result from this Project, and that mitigation measures would be required for the Project; and

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

**WHEREAS**, the Planning Commission has independently reviewed, evaluated, and considered the Initial Study, Mitigated Negative Declaration and all comments, written and oral, received from persons who reviewed the Mitigated Negative Declaration, or otherwise commented on the Project.

**NOW, THEREFORE, the Planning Commission of the City of Clovis resolves as follows:**

1. Adopts the foregoing recitals as true and correct.
2. Finds that the Initial Study and Mitigated Negative Declaration for the Project are adequate and have been completed in compliance with CEQA and the CEQA Guidelines.
3. Finds and declares that the Initial Study and Mitigated Negative Declaration were presented to the Planning Commission and that the Planning Commission has independently reviewed, evaluated, and considered the Initial Study, Mitigated Negative Declaration and all comments, written and oral, received from persons who reviewed the Initial Study and Mitigated Negative Declaration, or otherwise commented on the Project prior to approving the Project and recommends the adoption of a Mitigated Negative Declaration for this project.
4. Approves and adopts the Mitigation Monitoring Program set forth in Exhibit B, including the mitigation measures identified therein and as described in the Mitigated Negative Declaration.
5. Directs that the record of these proceedings be contained in the Department of Planning and Development Services located at 1033 Fifth Street, Clovis, California 93612, and

that the custodian of the record be the Deputy City Planner or other person designated by the Planning and Development Services Director.

- 6. The Planning and Development Services Director, or his/her designee, is authorized to file a Notice of Determination for the Project in accordance with CEQA and to pay any fees required for such filing.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission of the City of Clovis held on November 15, 2018 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

CLOVIS PLANNING COMMISSION RESOLUTION NO. 18-xx

Date: November 15, 2018

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

\_\_\_\_\_  
Dwight Kroll, AICP, Secretary

**EXHIBIT B:  
Mitigation Monitoring Program**

<b>Proposed Mitigation</b>	<b>Summary of Measure</b>	<b>Monitoring Responsibility</b>	<b>Timing</b>	<b>Verification (Date and Initials)</b>
<b>3.1 Aesthetics</b>				
3.1-d	The developer shall direct all lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties.	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
<b>3.4 Biological</b>				
3.4-a1	If the project is implemented during breeding season (February 1 to September 15), a biologist should conduct a pre-construction survey and search for nests of passerines within 100 feet of project work areas and raptor nests within 500 feet of project work areas.	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
3.4.a2	If an active nest is discovered within the BSA, a 100-ft no disturbance buffer shall be established around the nest (within the BSA) using orange construction fencing. A qualified biologist shall evaluate the potential for construction activities to disturb normal nesting behavior and adjust the buffer distance, as appropriate. The buffer fencing shall be maintained in good condition until the nest is inactive	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
3.4-a3	Disturbance of active nests shall be avoided until it is determined by a qualified biologist that nesting is complete and the young from	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>have fledged or that the nest has failed. If work is allowed to proceed, at a minimum, a qualified biologist shall be on-site during the start of construction activities during the nesting season to monitor nesting activity. The monitor shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities.</p>			
3.4-d	<p>All equipment shall be thoroughly cleaned before leaving the site.</p>	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
<b>3.12 Noise</b>				
3.12-a, c	<p>The applicant proposes to incorporate a 20-foot sound wall at the tunnel entrance, along the project site's eastern property line (near the existing bank) and a 22-foot sound wall extending from the tunnel exit and continuing to the west along the project site's norther property line. With these proposed sound walls, the proposed Ride and Shine Car Wash will comply with all applicable City of Clovis exterior and interior noise level requirements without the need for additional mitigation measures.</p>	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	



**DRAFT  
RESOLUTION 18-\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS RECOMMENDING APPROVAL OF A GENERAL PLAN AMENDMENT AS PART OF THE FOURTH GENERAL PLAN AMENDMENT CYCLE OF 2018, INCLUDING GENERAL PLAN AMENDMENT GPA2018-04 AMENDING THE LAND USE ELEMENT FOR APPROXIMATELY 1.2 ACRES LOCATED AT THE NORTHEAST CORNER OF SHAW AND FOWLER AVENUES.**

**WHEREAS** Bowie Enterprises, 4433 N. Blackstone Avenue, Fresno, CA 93726, has applied for a General Plan Amendment GPA2018-04; and

**WHEREAS**, The Applicant submitted an application for a General Plan Amendment to amend the General Plan and Shaw Avenue Specific Plan to allow for commercial development for approximately 1.2 acres of property located on the northeast corner of Shaw and Fowler Avenues, in the City of Clovis, County of Fresno, California; and

**WHEREAS**, the proposed General Plan Amendment GPA2018-04, was assessed under the provisions of the California Environmental Quality Act (CEQA) and the potential effects on the environment were considered by the Planning Commission, together with comments received and public comments, and the entire public record was reviewed; and

**WHEREAS**, staff does recommend adoption of a Mitigated Negative Declaration for GPA2018-04 and

**WHEREAS**, a public notice was sent out to area residents within 800 feet of said property boundaries twenty-one days prior to said hearing; and

**WHEREAS**, a duly noticed hearing was held on November 15, 2018 and

**WHEREAS**, on November 15, 2018, the Planning Commission considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to General Plan Amendment GPA2017-04 which are maintained at the offices of the City of Clovis Department of Planning and Development Services; and

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

- a. The amendment is consistent with the Clovis General Plan land use diagram; and
- b. The amendment is in keeping with the intent and purpose of the Zoning Ordinance.
- c. The amendment is granted subject to performance of the conditions of approval set forth in the attached Exhibit "A". Said conditions of approval are deemed necessary to protect the public health, safety, and general welfare.
- d. That the Clovis Planning Commission does approve a Mitigated Negative Declaration for the project.

**NOW, THEREFORE, BE IT RESOLVED** that the Clovis Planning Commission does recommend approval of General Plan Amendment GPA2018-04.

\* \* \* \* \*

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on November 15, 2018, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

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

PLANNING COMMISSION RESOLUTION NO. 18-\_\_\_\_\_

DATED: November 15, 2018

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

ATTEST: \_\_\_\_\_  
 Dwight Kroll, AICP, Secretary

**DRAFT  
RESOLUTION 18-\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS RECOMMENDING APPROVAL TO REZONE APPROXIMATELY 1.2 ACRES FROM THE C-P (PROFESSIONAL OFFICE) ZONE DISTRICT TO THE C-2 (COMMUNITY COMMERCIAL) ZONE DISTRICT FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF SHAW AND FOWLER AVENUES.**

LEGAL DESCRIPTION:

See the attached Exhibit "One."

**WHEREAS**, Bowie Enterprises, 4433 N. Blackstone Avenue, Fresno, CA 93726, has applied for a Resone R2018-10; and

**WHEREAS**, this is a request to rezone approximately 1.2 acres from the C-P (Professional Office) Zone District to C-2 (Community Commercial) Zone District for property located at the northeast corner of Shaw and Fowler Avenues, in the County of Fresno, California; and

**WHEREAS**, the Commission does approve a Mitigated Negative Declaration pursuant to CEQA guidelines.

**WHEREAS**, a public notice was sent out to area residents within 800 feet of said property boundaries twenty-one days prior to said hearing; and

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

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

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
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)

**NOW, THEREFORE, BE IT RESOLVED** that the Clovis Planning Commission does recommend approval of Rezone R2018-10.

\* \* \* \* \*

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on November 15, 2018, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

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

PLANNING COMMISSION RESOLUTION NO. 18-\_\_\_\_\_  
DATED: November 15, 2018

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

ATTEST: \_\_\_\_\_  
Dwight Kroll, AICP, Secretary

DRAFT  
RESOLUTION 18-\_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING A  
CONDITIONAL USE PERMIT FOR A DRIVE-THRU CAR WASH FACILITY LOCATED AT THE  
NORTHEAST CORNER OF SHAW AND FOWLER AVENUES**

**WHEREAS**, Bowie Enterprises, 4433 N. Blackstone Avenue, Fresno, CA 93726, has applied for a conditional use permit CUP2018-06; and

**WHEREAS**, this is a request to approve a conditional use permit for a drive-thru car wash facility for property located at the northeast corner of Shaw and Fowler Avenues in the City of Clovis, County of Fresno; and

**WHEREAS**, a public notice was sent out to area residents within 800 feet of said property boundaries ten days prior to said hearing; and

**WHEREAS**, a duly noticed hearing was held on November 15, 2018 and

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

- 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; and
- 6. That, based upon the Initial Study and comments received, there is no substantial evidence that the project will have a significant effect on the environment.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Clovis Planning Commission does approve CUP2018-06, subject to the attached conditions labeled Exhibit "A-1."

\* \* \* \* \*

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on November 15, 2018, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 18-\_\_\_\_\_  
DATED: November 15, 2018

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

ATTEST: \_\_\_\_\_  
Dwight Kroll, AICP, Secretary

## **APPLICANT'S JUSTIFICATION**

**Red Carpet Car Wash  
Amendment to Text Justification/Operational Statement  
July 17, 2018**

**Owner**

Mr. Ahira Bbb Clovis Shaw LP  
7985 Rosedale Highway  
Bakersfield, CA 93308

**Applicant:**

Mr. Michael Bowie  
Red Carpet Car Wash  
4433 N. Blackstone Ave.  
Fresno, CA. 93726-1904

**Representative:**

Dirk Poeschel Land Development Services, Inc.  
923 Van Ness Ave., Suite No. 200  
Fresno, CA 93721

**REQUEST**

Approve an Amendment to Text to conditionally allow automated automobile car washing in Land Use Area 26 Mixed Areas Design Guidelines of the Shaw Avenue Specific Plan subject to the following conditions:

1. Located proximate to a major public roadway.
2. Be a primary use and not associated with a convenience store or other secondary uses.
3. Site shall utilize existing off-site street circulation so that no new driveways are constructed onto Fowler or Shaw Avenues.
4. Be approved by a Conditional Use Permit and conditional zoning limiting the singular additional use to an automated car wash
5. To the extent practical, integrate architecture, signage and building materials in a manner compatible with adjacent structures.

**BACKGROUND**

Red Carpet Car Wash has provided excellent automobile car washing and detailing services in Clovis since 1986. The company recently opened its second Clovis location generally at the southeast corner of Willow and Nees Ave. under the Ride and Shine brand.



Ride and Shine was developed to meet market demand of changing consumer preferences while still providing the excellent service and high-quality results provided by the company during three generations of family ownership. The proposed Amendment to Text would allow a Ride and Shine facility at the northeast corner of Fowler and Shaw Avenues. Please see the attached site plan prepared by Vigen, Inc.

Ride and Shine desires to be at the subject site for business reasons and looked extensively at alternative locations which did not meet their criteria or those of industry experts for such facilities. Those criteria are location on a *hard corner*, high traffic counts, good visibility and being in a market with demographics that will support the proposed car wash.

**JUSTIFICATION**

**A. Proposal is Consistent with the Objectives and Policies of the Shaw Avenue Specific Plan**

**Reference is made to the objectives and policies of the Shaw Avenue Specific Plan as found on Page 4 of that document. The following is a summary of the project consistency with applicable plan criteria.**

1. ***Criteria 2***-The proposal is consistent with the policy limiting commercial uses to specific commercial centers. The development of these commercial centers shall be in response to *demonstrated demands*.
2. ***Criteria 3***-Neighborhood commercial facilities shall *be oriented to the areas residential population* and not community or regional property patterns.
3. ***Criteria 4***-Nonresidential land-use clusters may occur at the intersection of major streets *in response to service demands generated by residential uses to the east*.
4. ***Criteria 9***-The existence of the Jefferson Elementary school will necessitate special considerations for traffic safety and project orientation. Also, see related criteria on Page 11 *requiring that adjacent development will be required to provide appropriate uses and a compatibility built environment*.

**Page 14, Circulation, General Street System Characteristics**

***Criteria 3***-*The design of the streetscape should integrate in a consistent and creative manner but materials, as on the landforms sound walls lighting fixture furniture and signage to produce an attractive and functional environment.*

***Criteria 4***-*All landscaping should be designed and installed and maintained to encourage a low maintenance water conserving... functional and attractive landscape.*

***Criteria 5***-*All landscaping should employ a mix of trees shrubs cover anchor as appropriate...*

The applicant intends to comply with the circulation standards. As noted, the applicant intends to utilize the exiting driveways on Shaw and Fowler Avenues.

**Page 20 Development Standards, On Shaw Avenue, NonResidntail Developments**

The following is a summary of the required plan development standards;

*Criteria 1-a 40 foot “from edge of curb” building setback shall be maintained along Shaw Avenue. At least a 30 foot from edge of curb landscape setback shall be provided along Shaw Avenue.*

*Criteria 2-a 40-foot from edge of curb building setback in a minimum 20 foot from edge of curb landscape area shall be maintained along the adjacent collector and/or arterial streets.*

*Criteria 4-An appropriate architectural theme should be developed for the entire site of commercial office development. Satellite building should follow this theme.*

*Criteria 11-Special attention should be paid to pedestrian movement through the parking lot.*

The applicant intends to comply with the development standards.

**B. The Project will Reduce Vehicle Miles**

Substantial empirical information exists indicating that a variety or *creative mix of retail professional office and residential uses* as (plan page 6) creates a mixture of services that provides substantial reduction in vehicle miles. Such mix of uses also shortens the distance to a *cluster of uses* also improving the *linkage* of those trips rather than longer, individual, vehicular trips. While the plan does not define uses *oriented to the areas residential population and not community or regional property patterns*, traffic engineers and city planners typically refer to neighborhood-oriented services that are provided in neighborhoods and are of a scale as to serve that limited neighborhood such as laundry/dry cleaning or other personal care services. The neighborhood drug store is another example which has morphed to the modern corner market.

Planners and transportation engineers have coined the term *neighborhood accessibility* to describe neighborhoods that have a creative mix of services that have a correlation to one another that promote a *linkage* of trips reducing vehicular trip miles and trip lengths. According to an article entitled *Neighborhood Services, Trip Purpose and Tour-based Travel* by Kevin J. Krizek households with highly *neighborhood accessibility* “complete 20% of their simple maintenance tours within 3.2 km (1.988 miles) of their home. This is compared to a mere 1.7% of simple maintenance tours for their low *neighborhood accessibility* counterparts.”

**C. Environmentally Superior**

Substantial empirical information exists indicating that the modern automated car wash as proposed uses approximately three times less water than used when washing an automobile by hand. Specifically, industry reports, indicate the average household carwash uses 140 gallons of water, compared to 45 gallons or less used at professional carwashes.

Based upon actual usage, the proposed Ride and Shine wash estimates water usage of between 18-25 gallons per car which is a significant savings of fresh water. Unlike driveway car washing which deposits solids, greases and other material into the storm drain system and potentially harmful to ground water, the Ride and Shine wash integrates a recycling and filtering system removing and settling those wastes in an underground reclamation tanks for recycling and reuse.

Many customers are also aware that the modern car wash incorporates water reclamation systems which further minimize environmental impacts. For these reasons the proposed automated car wash is environmentally superior to washing automobiles by hand.

**D. Complementary Use**

Various plan objectives and policies support the proposed text amendment. Due to spacing of competition, the proposed site will be address demonstrated demand for such services and will be oriented to the area’s residential population. The proposed facility will also address service demands generated by residential uses to the east as recommended in the plan. According to a May 21, 2017 article entitled *21 Car Wash Industry Statistics and Trends* by Brandon Gaille, “In the last 15 years, a 69% increase in car owners using car wash facilities rather than washing their car themselves have occurred.”

This industry wide assessment of future growth is consistent with the applicant’s own research of market demand for such automated car wash facilities in general and in the specific location.

**E. In fill**

The Shaw Avenue Specific Plan was adopted in 1994 or 24 years ago. At the time of plan adoption, the north east corner of Shaw and Fowler Avenues was undeveloped. Twenty-four years later the site remains undeveloped and essentially surrounded by urbanization.

Substantial benefits of infill development have been demonstrated to the host neighborhood and municipality. Allowing the subject property to develop as proposed creates an enhanced mix of services oriented to the areas residential population for which there is a demonstrated demand.

**EXHIBIT “A”**

***CARWASH INDUSTRY GROWTH AND EMERGING COMPETITION SIGNALS  
PROFITS FOR EXISTING OWNERS***

**November 2016 Professional Carwashing and Detailing**

... more importantly, the public is more educated today about our country’s vital natural resources and how certain activities, such as driveway carwashing, can negatively impact our world.

The International Carwash Association’s (ICA) research confirms this trend of customers migrating away from driveway carwashing. In 1996, notes ICA data, 47.6 percent of consumers washed their cars at home; in 2014, only 28.4 percent of consumers noted the same. As this number continues to shrivel, there will be more opportunities for professional carwashes that implement modern, proven processes and systems that are recommended by our industry’s top minds and innovators.

***THE RELATIONSHIP BETWEEN LAND USE, URBAN FORM AND VEHICLE MILES OF TRAVEL: THE STATE OF KNOWLEDGE AND IMPLICATIONS FOR TRANSPORTATION PLANNING-*** Summary of Final Report, BC353-46 March 2004

A mix of land uses can enable more activities to be served by shorter trips. The nature of the activity and the nature of the mixing of uses may influence the travel response. The scale of geography and socio-demographic match between the residential population and the activities provided in the mix of uses is relevant to the magnitude of the travel benefit of mixing uses. Mixing of uses can facilitate trip chaining—and further impact travel demand. Job-housing balance is most beneficial if there is balance in income distribution and in the temporal development of the housing and employment opportunities.

**CORRESPONDENCE FROM COMMENTING  
AGENCIES**



# County of Fresno

## DEPARTMENT OF PUBLIC HEALTH

David Pomaville, Director  
Dr. Ken Bird, Health Officer

March 21, 2018

LU0019376  
2604

Joyce Roach, Planning Intern  
City of Clovis  
Planning and Development Services Department  
1033 Fifth Street  
Clovis, CA 93612

Dear Ms. Roach:

PROJECT NUMBER: **DRC2018-16**

Proposed Ride & Shine Car Wash.

APN: 551-280-01

ADDRESS: NEC Shaw & Fowler Avenues

Recommended Conditions of Approval:

- Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (<https://www.fresnocupa.com/> or <http://cers.calepa.ca.gov/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- The project has the potential to expose residents to noise levels in excess of standards established in the Noise Element of the City of Clovis General Plan and the Noise Ordinance. It is recommended that a noise study is performed to identify actual noise levels from the dryer blowers/vacuums and offer appropriate mitigation measures to be incorporated into the project.

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REVIEWED BY:

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

(559) 600-3271

---

cc: Damean Jackson- Environmental Health Division (CT. 57.03)  
Michael Bowie- Applicant ([mb@redcarpetcarwash.com](mailto:mb@redcarpetcarwash.com))

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

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

(559) 600-3271 • FAX (559) 600-7629

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FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

111

**PUBLIC AGENCY**

JOYCE ROACH  
DEPARTMENT OF PLANNING AND  
DEVELOPMENT SERVICES  
CITY OF CLOVIS  
1033 FIFTH ST.  
CLOVIS, CA 93612

**DEVELOPER**

MICHAEL BOWIE, RED CARPET CAR WASH  
4433 N. BLACKSTONE AVE.  
FRESNO, CA 93726

PROJECT NO: **2018-016**  
ADDRESS: **NEC SHAW & FOWLER AVE.**  
APN: **551-280-01**

SENT: 5/7/18

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
3F	\$14,245.00	NOR Review	\$0.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$0.00	Amount to be submitted with first grading plan submittal.
<b>Total Drainage Fee: \$14,245.00</b>		<b>Total Service Charge: \$0.00</b>		

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/19 based on the site plan submitted to the District on 3/13/18 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

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

CL DRC No. 2018-016

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

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

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

CL DRC No. 2018-016



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

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CL DRG No. 2018-016

7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
- a. State General Permit for Storm Water Discharges Associated with Construction Activities, effective July 1, 2010, as amended. A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre) if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent and Permit Registration Documents to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
  - b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 2014 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
  - c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.
10. X See Exhibit No. 2 for additional comments, recommendations and requirements.

  
\_\_\_\_\_  
Debbie Campbell  
Design Engineer

  
\_\_\_\_\_  
Robert Villalobos  
Project Engineer

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

The District's existing Master Plan drainage system is designed to serve office commercial land uses and the existing Master Plan storm drainage facilities do not have capacity to serve the proposed commercial land use. The developer shall be required to mitigate the impacts of the increased runoff from the proposed commercial land use to a rate that would be expected if developed to office commercial. The developer may either make improvements to the existing pipeline system to provide additional capacity or may use some type of permanent peak reducing facility in order to eliminate adverse impacts on the existing system. Should the developer choose to construct a permanent peak-reducing facility, such a system would be required to reduce runoff from a ten-year storm produced by a commercial density development, to a two-year discharge, which would be produced by the property if developed office commercial. Implementation of the mitigation measures may be deferred until the time of development.

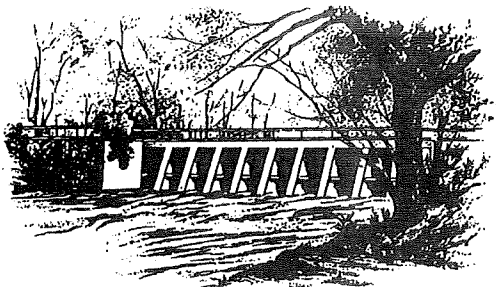
Our records indicate there is an existing private storm drain pipeline along the southerly property line of Clovis DRC 2018-016. The private line serves the adjacent property to the east (APN 551-280-02) and should be protected. The District does not own or maintain the private storm drain pipeline.

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

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

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

Development No. Clovis DRC 2018-016



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF  
**FRESNO**  
**IRRIGATION DISTRICT**

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

March 28, 2018

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

RE: Development Review Committee Application No. 2018-16  
 N/E Shaw and Fowler avenues

Dear Ms. Roach:

The Fresno Irrigation District (FID) has reviewed the Development Review Committee Application No. 2018-16 for which the applicant is proposes a Ride and Shine Carwash, APN: 551-280-01. FID has the following comments:

1. FID does not own, operate, or maintain any facilities located on the subject property, as shown on the attached FID exhibit map.
2. For informational purposes, FID's Dawson No. 114 runs westerly along the south side of Shaw Avenue approximately 100 feet south of the subject property and crosses Fowler Avenue approximately 100 feet south of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Shaw Avenue, Fowler Avenue, or in the vicinity of this pipeline, FID requires it review and approve all plans.
3. FID is concerned that the proposed development may negatively impact local groundwater supplies including those areas adjacent to or neighboring the proposed development area. The area was historically open ground with minimal to no water use. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a significant increase in dependence on groundwater, this deficit will increase. FID recommends the City of Clovis require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem.
4. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Clovis are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater

G:\Agencies\Clovis\DRC Meetings\2018-16.doc

**BOARD OF DIRECTORS** President RYAN JACOBSEN, Vice-President JERRY PRIETO, JR.  
 CHRISTOPHER WOOLF, GEORGE PORTER, GREGORY BEBERIAN, General Manager GARY R. SERRATO

basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City of Clovis should consider the impacts of the development on the City's ability to comply with requirements of SGMA.

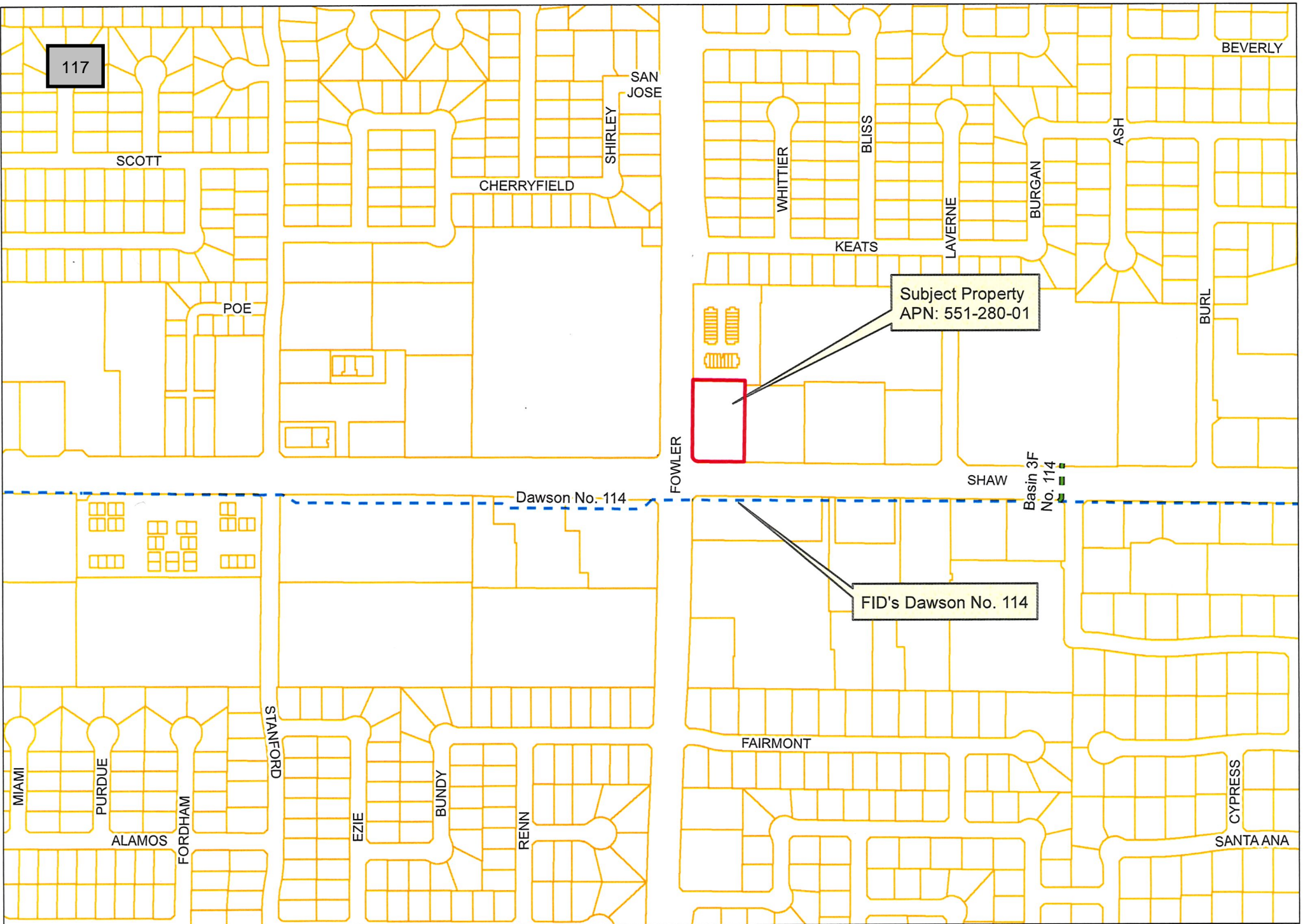
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or [jlandrith@fresnoirrigation.com](mailto:jlandrith@fresnoirrigation.com).

Sincerely,



Laurence Kimura, P.E.  
Chief Engineer

Attachment



117

Subject Property  
APN: 551-280-01

FID's Dawson No. 114

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

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

0 200 400 Feet  
1 inch = 400.18 feet

Date Saved: 03/21/2018 8:59:45 AM  
Path: C:\Users\jlandrith\Desktop\Master\_AG10\_14

# **CORRESPONDENCE FROM PUBLIC**

City of Clovis  
Planning and Development  
City Hall Fifth Street  
Clovis, CA 93612

9.10.2018

We're writing this letter on behalf to businesses at Shaw 1817-1829 for the future planning of Red Carpet Car Wash at the corner of Fowler and Shaw Avenues with file number 21064.038.

In our internal meeting held on August 29, 2018 and at the corner of Fowler and Shaw Avenues with Michael Bowie and Gary D. Brunsvik.

Dr. Son Gabriel and Dr. Iberdemaj expressed concern about nearby traffic due to the narrow space at the future Car Wash/ business. Running a big business at a small location could cause some problems such as dangerous amounts of traffic in parking lots of 1817 building which could interfere nearby neighborhoods and our businesses. We suggested to open an extra lane on their side that could help avoid this issue.

Sincerely,

Dr. S. Gabriel



559 708 0837 Sgabrielmd@yahoo

Dr. R. Iberdemaj



343 323 0347

Ibar dh@yahoo.com

CC: G. Brunsvik

City of Clovis  
Planning and Development  
City Hall Fifth Street  
Clovis, CA 93612

10/23/2018

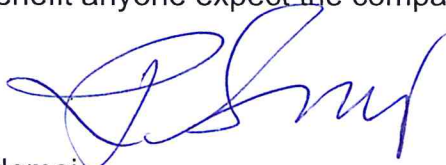
We're writing this letter on behalf to businesses at Shaw 1800 for the future planning of Red Carpet Car Wash at the corner of Fowler and Shaw Avenues with file number 21064.038.

I expressed concern about nearby traffic due to the narrow space at the future Car Wash / business interfering with business's 1817, 1823, and 1829. Dr. Fogg and Gabriel, tenants of 1817 also expressed the same concern. Running a big business at a small location could cause some problems such as dangerous amounts of traffic in parking lots of 1817, 1823, and 1829 which could interfere nearby neighborhoods and our businesses. We suggested to open an extra lane on their side, from Shaw or Fowler Avenues that could help avoid those issues.

I did contact the tenants of Shaw 1823 and 1829 who are made up of six business and all of them have concerns pertaining to the inference their business might experience due to Red Carpet Car Wash. All of the tenants and I have our concerns clear concerning about the inference all local business nearby the new car wash. And thus will bring soon to be, expected issues of pushing away business due to the interference they will experience. The Bank of the Sierra has the same issues as I discussed with the Operations Manager, Mrs. Muller-Carrillo.

The community as a whole, all agree that running a big business in a small place does not benefit anyone except the company that owns the car wash and only them.

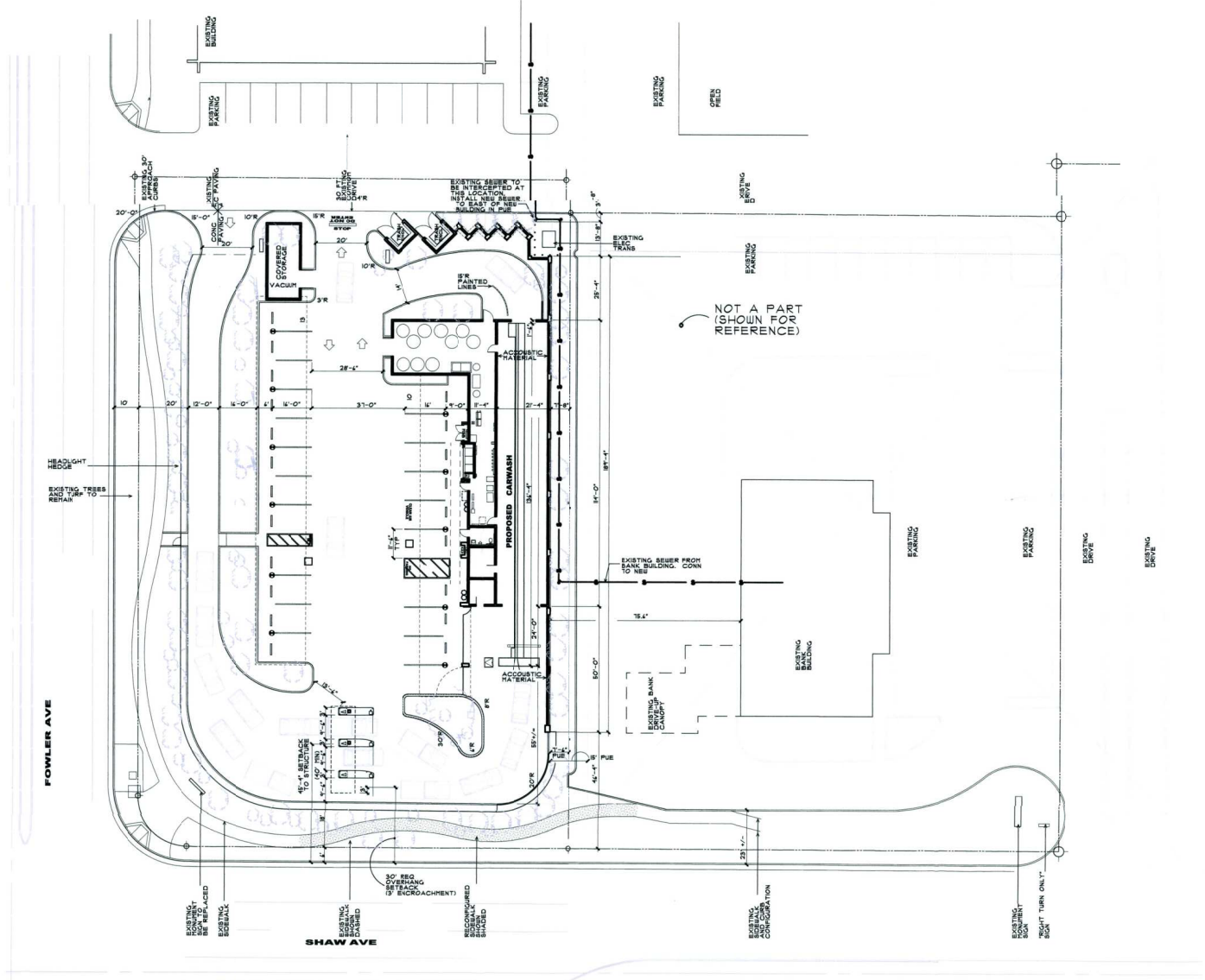
Sincerely,



Dr. R. Iberdemaj  
Manager of 1800 Owner Association (1817, 1823, 1829)  
Landlord of 1823 and 1829

You can contact me by my phone number, (347) 323-0387, (559) 673-5657 or by my email, [ibardh@yahoo.com](mailto:ibardh@yahoo.com)





**SITE PLAN**  
1" = 20' - 0"

7/13/2018 E:\shawn\808\SHAWFOWLER\SPA012\JL8

**EXHIBIT B**

REV.	DATE	REVISIONS	BY

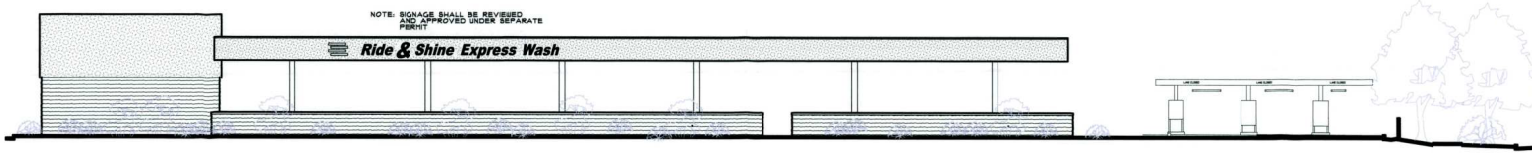
PROJECT - OWNER  
**RIE AND SHINE CARWASH**  
 NEC SHAW AND FOWLER / CLOVIS CA.  
 PROJECT OWNER: BOWNE ENTERPRISES  
 11111 BOWNE AVE. SUITE 100  
 FRESNO, CA 93728  
 (559) 433-1111

**VIGEN**  
 INCORPORATED  
 PLANNING ARCHITECTURE INTERIOR  
 11111 BOWNE AVE. SUITE 100  
 FRESNO, CA 93728  
 (559) 433-1111

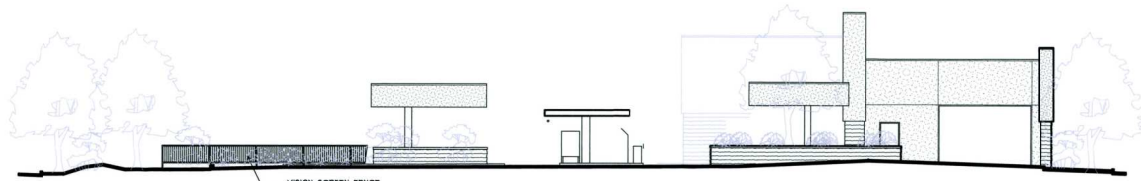


THESE DRAWINGS ORIGINALLY WERE PREPARED BY VIGEN INCORPORATED AND ALL RIGHTS ARE RESERVED. NO PART OF THESE DRAWINGS OR ANY INFORMATION CONTAINED HEREIN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF VIGEN INCORPORATED. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

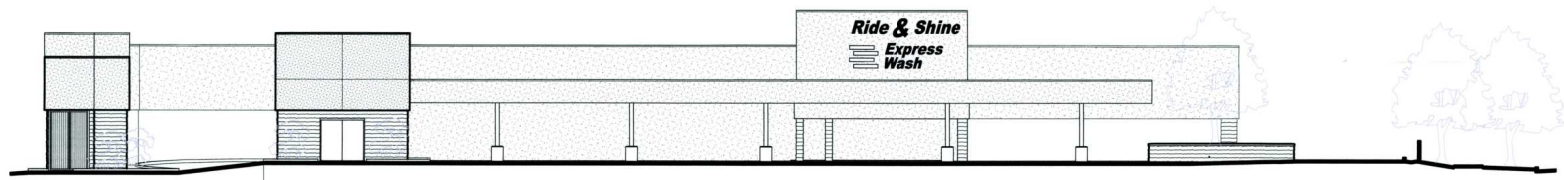
DATE: 7/13/2018  
 SHEET NO. **A0.1**  
 SITE PLAN



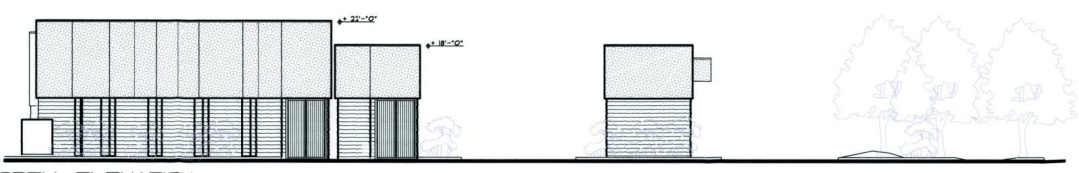
WEST (STREET) ELEVATION  
1/8" = 1'-0"



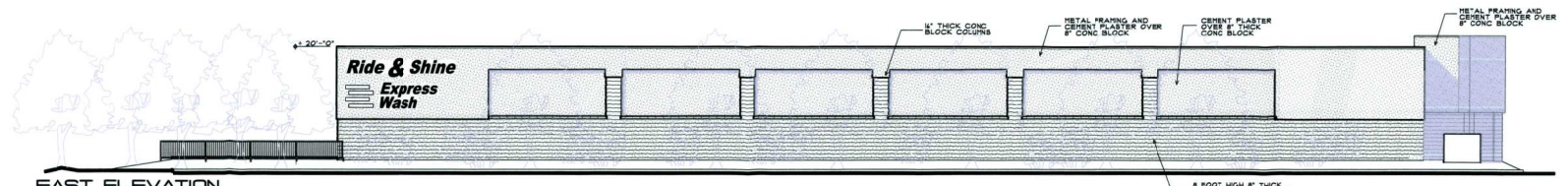
SOUTH ELEVATION  
1/8" = 1'-0"



WEST ELEVATION  
1/8" = 1'-0"



NORTH ELEVATION  
1/8" = 1'-0"



EAST ELEVATION  
1/8" = 1'-0"

**EXHIBIT C**

NO.	REVISIONS

ARCHITECT

PROJECT - OWNER -  
**RIDE AND SHINE CARWASH**  
NEC SHAW AND FOWLER / CLOVIS CA.  
ARCHITECT -  
**VIGEN INCORPORATED**  
PLANNING ARCHITECTURE INTERIOR  
1000 UNIVERSITY AVENUE  
SANTA ANA, CA 92705  
TEL: 714.241.1111  
WWW.VIGEN.COM

**VIGEN**  
INCORPORATED  
PLANNING ARCHITECTURE INTERIOR  
1000 UNIVERSITY AVENUE  
SANTA ANA, CA 92705  
TEL: 714.241.1111  
WWW.VIGEN.COM



NO.	REVISIONS

DATE

**A0.2**  
EXHIBIT C



# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: November 15, 2018

SUBJECT: Consider Approval, Res. 18-\_\_\_\_, V2018-03, A request to approve a variance to reduce the setback requirements of the R-1-B (Single-Family Residential – 12,000 sq.ft.) Zone District for the property located at 1827 N. Locan Avenue. Laura Ossenberg, owner; Pennical Properties, LLC, applicant/representative.

ATTACHMENTS: Figure 1: Location Map  
 Exhibit "A": Conditions of Approval  
 Attachment 1: Draft Resolution  
 Attachment 2: Correspondence  
 Exhibit "B": Site Plan

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

Staff recommends that the Planning Commission approve variance V2018-03, subject to the attached conditions of approval listed in Exhibit "A".

### EXECUTIVE SUMMARY

The applicant is requesting the approval of a variance to reduce the setback requirements of the R-1-B (Single-Family Residential Low Density) Zone District for a parcel map located at 1827 N. Locan Avenue. Approval of this variance would allow the developer to continue development drawings.

### BACKGROUND

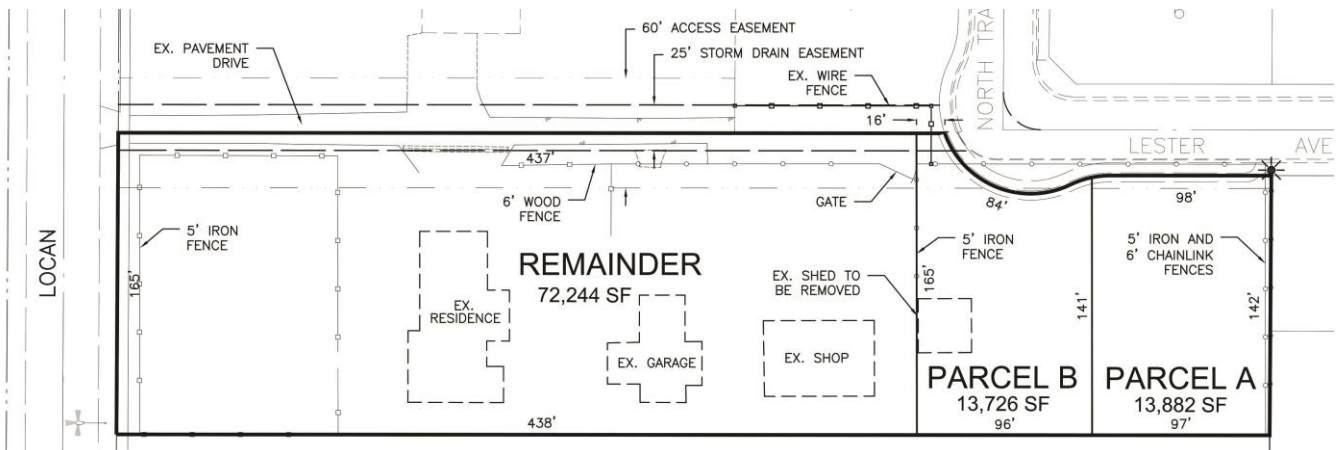
- General Plan Designation: Very Low Density Residential (.6 to 2.0 DU/AC)
- Specific Plan Designation: Herndon-Shepard Specific Plan
- Existing Zoning: R-1-B (Single-Family Residential - 2.1 to 4.0 DU/AC)
- Lot Size: Total area is approximately 2.39 acres
- Current Land Use: Very Low Density Residential
- Adjacent Land Uses:
  - North: Low Density Residential
  - South: Very Low Density Residential
  - East: Low Density Residential
  - West: Low Density Residential
- Previous Entitlements:
  - R2018-02
  - PM2018-01
  - PM2018-11

### PROPOSAL AND ANALYSIS

#### History

Rezone R2018-02 was approved by the Planning Commission on April 26, 2018, for the 2.39 acre parcel located at 1827 N. Locan Avenue. The rezone designated the project site from the R-A (Single-Family Residential – 24,000 sq. ft.) Zone District to the R-1-B (Single-Family Residential – 12,000 sq. ft.) Zone District.

Parcel Map PM2018-01 was approved by staff on March 2, 2018 allowing for the creation of the two (2) eastern lots and a remainder lot (See Figure 1a).



**Figure 1a: PM2018-01**

On September 24, 2018, the applicant submitted a parcel map addressing the remainder parcel from PM2018-01. Parcel Map PM2018-11 was filed concurrently with Variance

V2018-03. On October 31, 2018, staff approved Parcel Map PM2018-11, allowing for the development of a parcel map consisting of four (4) lots and a remainder lot (See Figure 1b).

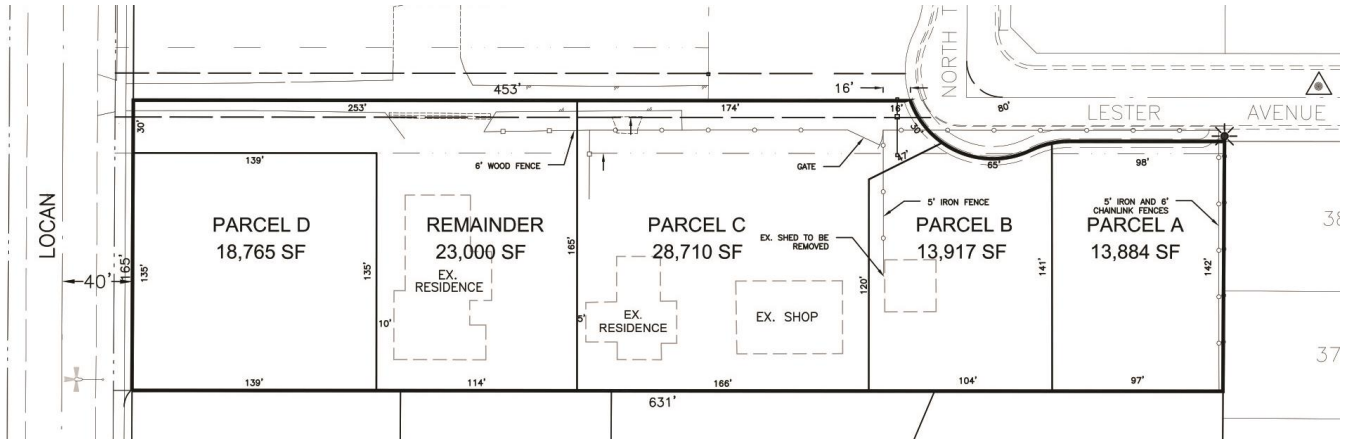


Figure 1b: PM2018-11

Variance Request

The applicant is requesting a setback variance to reduce the setback requirements of the R-1-B Zone District. Below is a summary of the approved and proposed setbacks.

**Required Setbacks from property line of the R-1-B Zone District:**

- Front: 35-feet
- Side(s): 5-feet (with an aggregate side setback of 20-feet minimum)
- Rear: 20-feet
- Street Side: 20-feet
- Reverse
- Corner Side: 25-feet

**Proposed Setbacks from property line, Variance V2018-03:**

- Front: 22-feet (with a minimum of 20-feet to living area; 22-feet to garage).
- Parcel "D": 22-feet (with a minimum of 20-feet to living area; 22-feet to garage) if fronting Locan Avenue; if the development of a home is oriented north, the front setback will be 10-feet from the north property line.
- Side(s): 5-feet

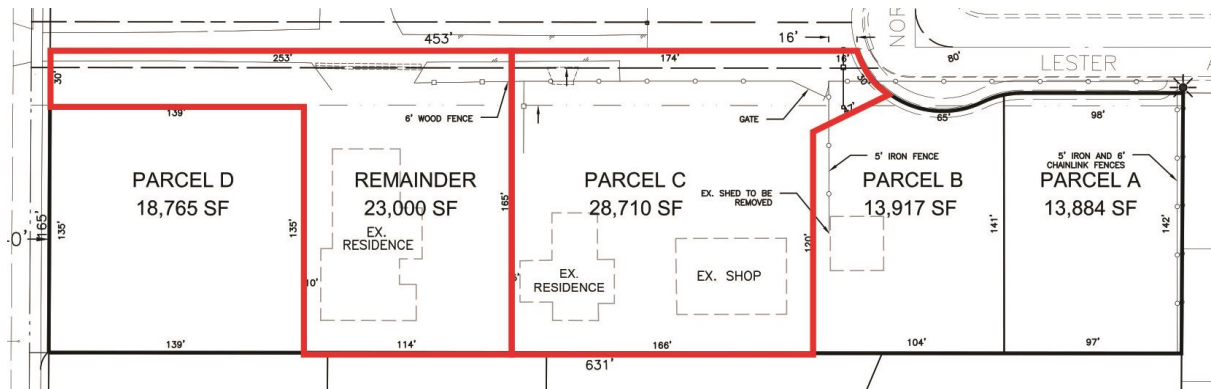
Rear: 20-feet  
Street Side: 10-feet

Reverse  
Corner Side: 15-feet

Parcel "C" and the Remainder currently have existing homes. The proposed setbacks would provide the developer sufficient options of home placement or home additions to the existing developed parcels. The reduced front yard setbacks will not affect any line of sight issues and provide additional private open space in the rear yards.

The setback is measured from property line (in this case, whichever provides a minimum 22-foot driveway as proposed by the applicant). This is important because in some cases, the sidewalk is up to two feet inside of the property line. Additionally, the applicant is requesting that Parcel "D" (which fronts Locan Avenue), is conditioned with a setback of 10-feet if the future development of a home is oriented to the north.

Parcel "C" and the Remainder lot have existing structures that encroach into the rear yard setback (See Figure 2). The existing structures are approximately 17 feet away from the rear property lines. Typically, structures that encroach into minimum setback requirements are subject to a Rear Yard Encroachment but since the structures are existing, the residences and shop will be considered conforming to the R-1 Zone District setback requirements.



**Figure 2: Parcel "C" and Remainder lot**

Variance Findings

Under State law, four findings of fact must be considered in order to grant a variance to the development standards of any zone district.

Finding 1: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification.

Applicant's Statement: "This project of four lots and a remainder on 2.39 acres of land located on the NW corner of Locan and Powers Ave. lies between to **two separate easements** which creates many challenges under development standards of the R-1-B zone district. We are hereby requesting a reduction setback to R1 development standards as follows: 22' from back of sidewalk with a minimum of 20' to living area and 22' to Garage (22-foot driveway minimum from the back of the sidewalk). We are also requesting a reduction of the front yard of Parcel "D" to 10' if the house faces North."

Staff Response: A similar project was approved on Powers Avenue south of the Project where a variance was approved for lot frontages and setbacks. The reduction in setbacks provides diversity in yard space depending upon the ultimate shape and size of each custom floor plan.

Finding 2: Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, a right that is possessed by other property owners under like conditions in the vicinity having identical zoning classification.

Applicant's Statement: "The variance is necessary to facilitate the maximum density while maintaining the average lot size requires by the Herndon-Shepherd Specific plan and providing for the remainder lots."

Staff Response: Staff agrees with the applicant's statement. The applicant is providing a product with minimum lot areas that maximize the density requirements of the District but require a variance for the purpose of siting single-family homes on the proposed parcels.

Finding 3: The granting of the variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity of which the property is located.

Applicant's Statement: "The granting of this variance will allow for the development that will meet the planned land use and will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity as this development is within the R-1-B Zone District. With the development of this project, there will be less for ground water, landscaping which will be a benefit to the surrounding parcels. This project will add to the visual appeal of Locan Ave by installing landscaping from Power Ave. connecting to Wilson Project to the North."

Staff Response: Staff agrees with the applicant's statement. The granting of this variance will not increase the density allowed for structures in the Development Code. The proposed Project will be compatible with single-family development located adjacent to the Project area. Additionally, the

development to the north and east are zoned R-1 allowing similar setbacks to those proposed. Approval of this variance would provide continuity by placing homes closer to the street, similar to adjacent homes.

Finding 4: The granting of such variance will not be contrary to the objectives of the General Plan.

Applicant's Statement: "The General Plan designations for these parcels are Very Low Density Residential (VL). This Project is consistent with the Very Low Residential designation. Therefore, this Project will not be contrary to the objectives of the General Plan."

Staff Response: The subject property is approved for a very low density single-family residential development. The objectives of the General Plan Land Use Diagram and the Herndon-Shepherd Specific Plan will not be compromised by the granting of this variance request.

### Variance Conclusion

The Project is located on an approximate 2.39 acre site surrounded by developed single-family residential and rural residential. The applicant has an opportunity to utilize the property as an infill development in accordance with the General Plan policies noted above.

### Public Comments

A public notice was sent to area residents within 300 feet of the property boundaries. Staff has not received any inquires prior to finalization of the staff report.

### Review and Comments from Agencies

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

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

### California Environmental Quality Act (CEQA)

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



The City published notice of this public hearing in *The Business Journal* on Friday, November 2, 2018.

### **FISCAL IMPACT**

None.

### **REASON FOR RECOMMENDATION**

After evaluating this variance request subject to the “Findings of Fact”, staff is able to support the request to reduce the setback requirements of the R-1-B (Single-Family) Zone District for the property at 1827 N. Locan Avenue. This request will allow future development and provide diversity in private yard space.

This staff report and attachments provide the evidentiary support for the necessary findings for approval of a variance request. The findings to consider when making a decision on a variance application include:

1. The request does not constitute a use variance and is, therefore, within the scope of State Planning Law;
2. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.
3. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.
4. The granting of this variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located; and
5. The granting of such a variance will not be contrary to the objectives of the General Plan.
6. That, based upon the Initial Study and comments received; there is no substantial evidence that the Project will have a significant effect on the environment.

### **ACTIONS FOLLOWING APPROVAL**

None.

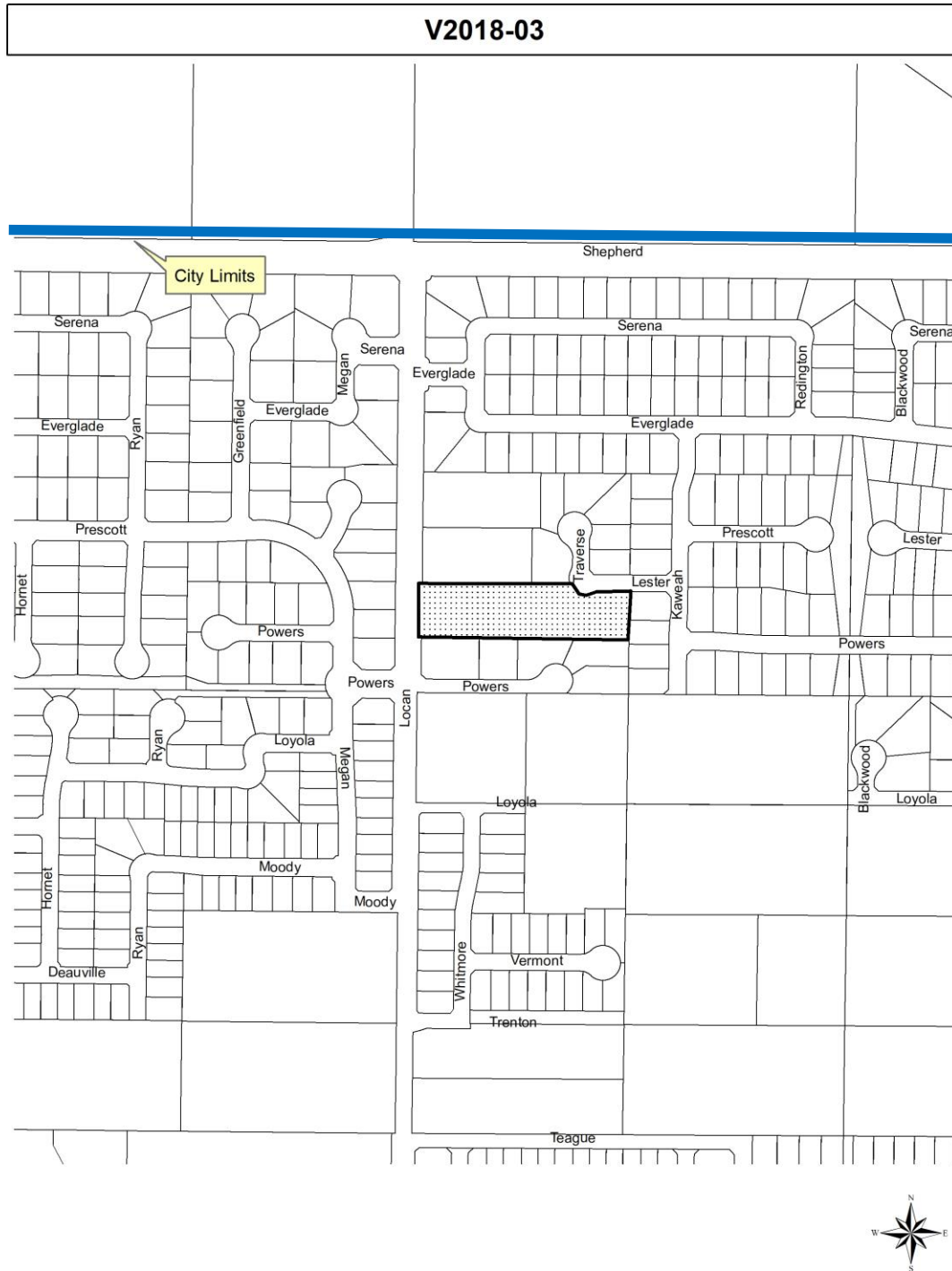
**NOTICE OF HEARING**

Property owners within 300 feet notified: 39  
Interested individuals notified: 10

Prepared by: Maria Spera, Planning Technician II

Reviewed by:   
Bryan Araki  
City Planner

**FIGURE 1  
PROJECT LOCATION MAP**



**EXHIBIT "A"**  
**Conditions of Approval – V2018-03**

**Planning Division Conditions**

(Maria Spera, Planning Technician II – (559) 324-2355)

1. Development of this site shall be consistent with the General Plan Land Use Diagram and Herndon-Shepherd Specific Plan.
2. All conditions of approval for Rezone R2018-02 and Parcel Map PM2018-11 shall be incorporated into this project approval.
3. Existing trees located at the back of Parcel "C" and the Remainder lot shall remain and shall be incorporated into the development.
4. The granting of this variance will allow the following setbacks from the property line:
  - Front: 22-feet (20-feet to living area; 22-feet to garage)
  - Side(s): 5-feet
  - Rear: 20-feet
  - Street Side: 10-feet
  - Reverse Corner Side: 15-feet
5. If the development of a home on Parcel "D" is facing the north side of the lot, then the north setback shall be 10-feet from the property line.

**DRAFT RESOLUTION**

**DRAFT  
RESOLUTION 18-\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING  
A VARIANCE TO REDUCE THE SETBACK REQUIREMENTS OF THE R-1-B (SINGLE  
FAMILY RESIDENTIAL - 12,000 SQ. FT.) ZONE DISTRICT FOR A PARCEL MAP LOCATED  
1827 N. LOCAN AVENUE**

**WHEREAS**, Penncal Properties, LLC, 1865 Herndon Avenue, Suite K518, Clovis, CA 93611, has applied for a Variance V2018-03; and

**WHEREAS**, this is a request to approve a variance to reduce the setback requirements within the property located at 1827 N. Locan Avenue, in the City of Clovis; County of Fresno, California; and

**WHEREAS**, a public notice was sent out to area residents within 300 feet of said property boundaries ten days prior to said hearing; and

**WHEREAS**, a duly noticed hearing was held on November 15, 2018; and

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

- 1. That the request does not constitute a use variance and is, therefore, within the scope of State Planning law;
- 2. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.
- 3. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.
- 4. The granting of this variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located; and
- 5. The granting of such a variance will not be contrary to the objectives of the General Plan.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Clovis Planning Commission does approve V2018-03, subject to the attached conditions labeled Exhibit "A".

\* \* \* \* \*

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on November 15, 2018, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

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

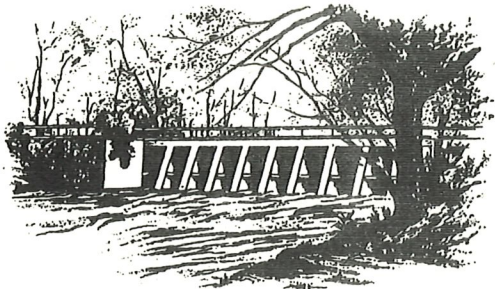
PLANNING COMMISSION RESOLUTION NO. 18-\_\_\_\_\_  
DATED: November 15, 2018

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

ATTEST: \_\_\_\_\_  
Dwight Kroll, AICP, Secretary

**CORRESPONDENCE**





YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF  
**FRESNO**  
**IRRIGATION DISTRICT**

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

October 22, 2018

Ms. Maria Spera  
City of Clovis  
Planning and Development Services  
1033 Fifth St.  
Clovis, CA 93612

RE: Variance Application V2018-03  
S/E Shepherd and Locan avenues

Dear Ms. Spera:

The Fresno Irrigation District (FID) has reviewed the variance application requesting to approve a variance to the residential district general development standards of the R-1-B Zone District to have a reduced front setback, APN: 558-020-22. FID has the following conditions and comments:

1. FID does not object or have any comments regarding the Variance Application.
2. This site was previously reviewed and commented on by FID on March 22, 2018 as Rezone 2018-02 and on January 31, 2018 as Tentative Parcel Map 2018-01. 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](mailto:clundeen@fresnoirrigation.com).

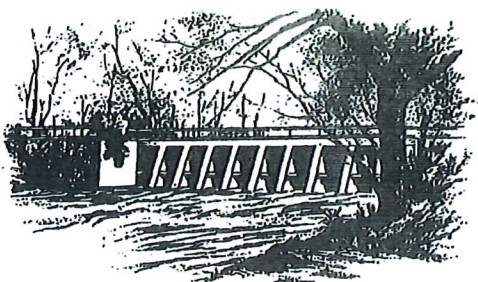
Sincerely,

Laurence Kimura, P.E.  
Chief Engineer

**Attachments**

G:\Agencies\Clovis\Variance Application\2018-03.doc

**BOARD OF DIRECTORS** President RYAN JACOBSEN, Vice-President JERRY PRIETO, JR.  
CHRISTOPHER WOOLF, GEORGE PORTER, GREGORY BEBERIAN, General Manager GARY R. SERRATO



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF  
**FRESNO**  
 IRRIGATION DISTRICT

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

March 22, 2018

Orlando Ramirez  
 Planning Division  
 City of Clovis  
 1033 Fifth Street  
 Clovis, CA 93612

RE: Rezone 2018-02  
 S/E Shepherd and Locan avenues

Dear Mr. Ramirez

The Fresno Irrigation District (FID) has reviewed the Rezone 2018-02 for which the applicant request approval to rezone approximately 2.39 acres of land from R-A to R-1-B, APN: 558-020-22. FID has the following comments:

1. This site was previously reviewed and commented on by FID on January 31<sup>st</sup>, 2018 as Tentative Parcel Map PM2018-01. 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](mailto:clundeen@fresnoirrigation.com).

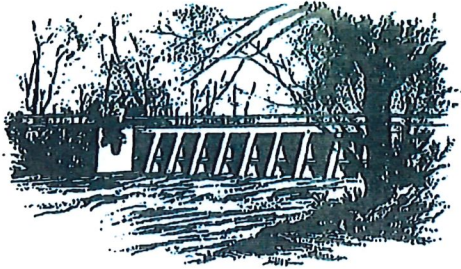
Sincerely,

Laurence Kimura, P.E.  
 Chief Engineer

Attachment

G:\Agencies\Clovis\Rezone\2018-02.doc

BOARD OF DIRECTORS President RYAN JACOBSEN, Vice-President JERRY PRIETO, JR.  
 CHRISTOPHER WOLF, GEORGE PORTER, GREGORY BEBERIAN, General Manager GARY R. SERRATO



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF  
**FRESNO**  
**IRRIGATION DISTRICT**

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

January 31, 2018

Orlando Ramirez  
Department of Planning and Development Services  
City of Clovis  
1033 Fifth Street  
Clovis, CA 93612

RE: Tentative Parcel Map PM2018-01  
S/E Shepherd and Locan avenues

Dear Mr. Ramirez:

The Fresno Irrigation District (FID) has reviewed Tentative Parcel Map PM2018-01 for which the applicant request to divide an approximate 2.39-acre parcel into two plus one remainder, APN: 558-020-22. FID has the following comment:

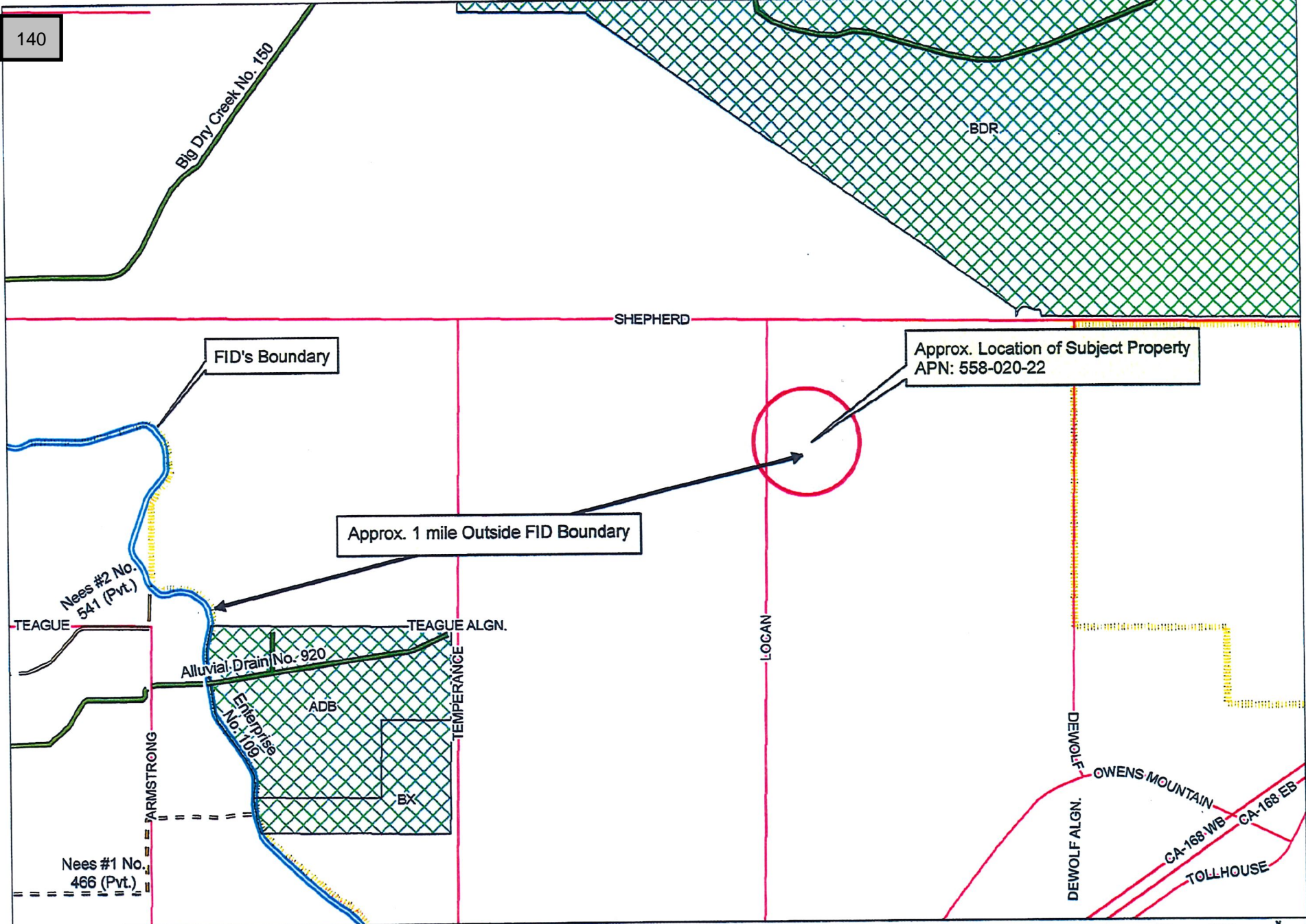
1. The subject property is not located within the boundaries of the Fresno Irrigation District as indicated on the attached FID exhibit map.
2. The subject property appears to be within the City of Clovis Sphere of Influence but lies outside FID's boundary line. Any future development is not entitled to water from the Kings River.

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

Sincerely,

Laurence Kimura, P.E.  
Chief Engineer

Attachments



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

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

0 500 1,000 Feet

1 inch = 1,052.65 feet

Date Saved: 12/12/2017 10:57:58 AM

Path: G:\figis\master\_AG10.mxd

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

**PUBLIC AGENCY**

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

**DEVELOPER**

MANNY PENN, ENCANTO 6176, LLC  
1865 HERNDON AVE., SUITE K518  
CLOVIS, CA 93611

PROJECT NO: 2018-003

ADDRESS: 1827 N. LOCAN AVE.

APN: 558-020-2201, 558-020-2202

SENT: 10/29/18

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
BX	\$18,707.00	NOR Review	\$88.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$0.00	Amount to be submitted with first grading plan submittal.
<b>Total Drainage Fee: \$18,707.00</b>		<b>Total Service Charge: \$88.00</b>		

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/19 based on the site plan submitted to the District on 10/15/18 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

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

CL VAR No. 2018-003

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

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

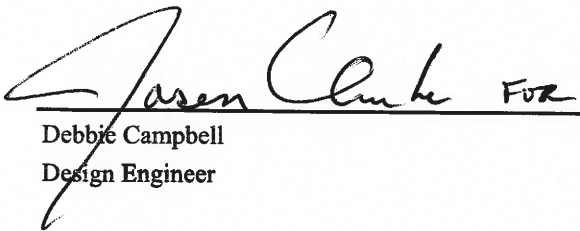
- 1.     \_\_\_ a. Drainage from the site shall
- X b. Grading and drainage patterns shall be as identified on Exhibit No. 1
- \_\_\_ c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
  
- 2.     The proposed development shall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


CL VAR No. 2018-003

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

CL  
VAR  
No. 2018-003

- 7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
  - a. State General Permit for Storm Water Discharges Associated with Construction Activities, effective July 1, 2010, as amended. A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre) if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent and Permit Registration Documents to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
  - b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 2014 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
  - c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
- 8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
- 9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.
- 10.   X   See Exhibit No. 2 for additional comments, recommendations and requirements.

  
 \_\_\_\_\_  
 Debbie Campbell  
 Design Engineer

  
 \_\_\_\_\_  
 Mikel Meneses  
 Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 4 of 4

CC:

HARBOUR & ASSOCIATES

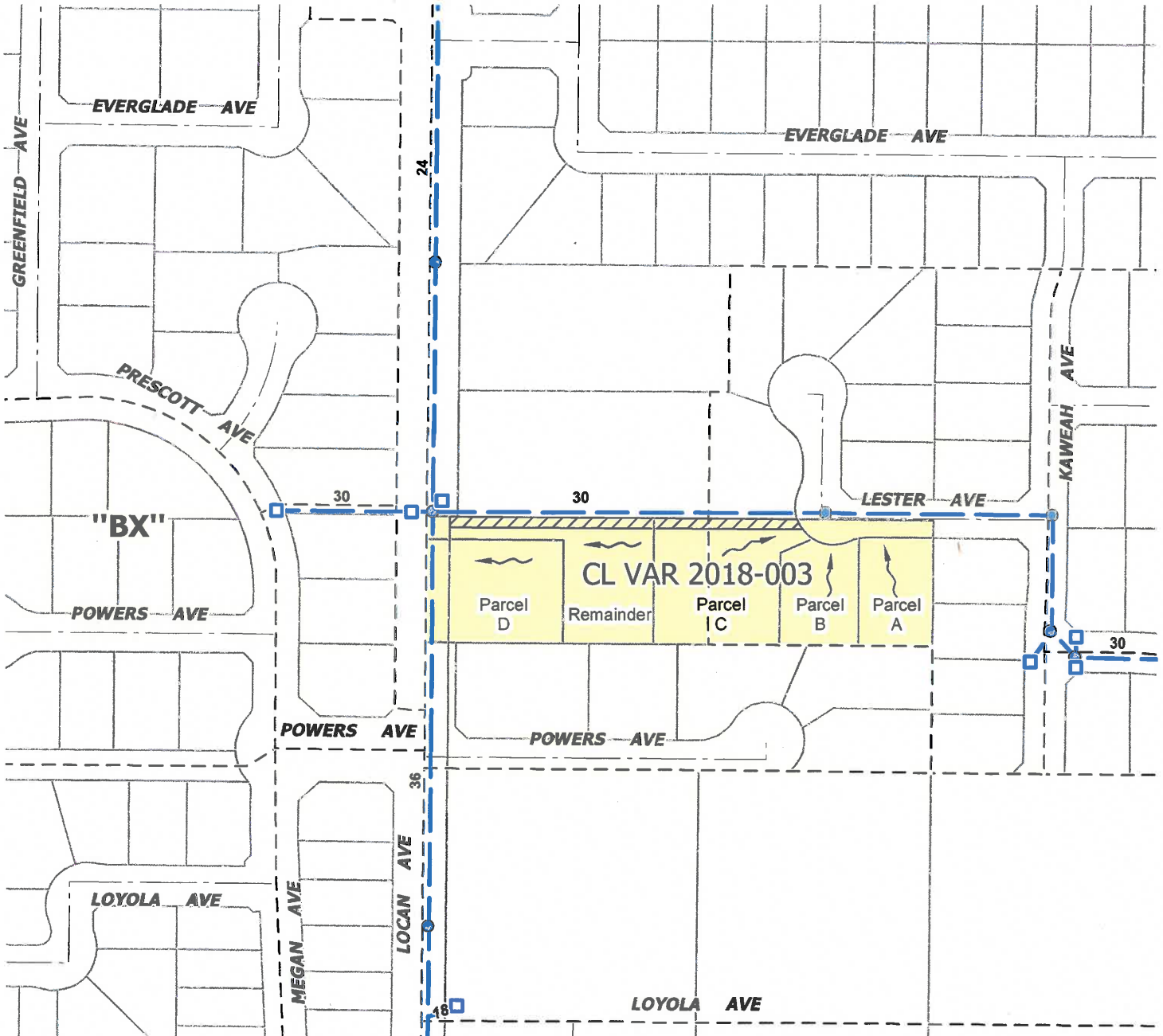
389 CLOVIS AVE., SUITE 300

CLOVIS, CA 93612

**CL VAR No. 2018-003**



NOTE: THIS MAP IS SCHEMATIC. DISTANCES, AMOUNT OF CREDITABLE FACILITIES, AND LOCATION OF INLET BOUNDARIES ARE APPROXIMATE.



### LEGEND

- Existing Master Plan Facilities
- Inlet Boundary
- Direction Of Drainage
- 10' Wide Storm Drain Easement To Be Dedicated By Developer To District



1" = 200'

## **CL VAR 2018-003**

### **DRAINAGE AREA "BX"**

### EXHIBIT NO. 1

## FRESNO METROPOLITAN FLOOD CONTROL DISTRICT



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

The developer shall dedicate a ten-foot (10') wide storm drain easement as shown on Exhibit No. 1 as a condition of the development. No encroachments into the easement will be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

The Remainder Parcel is required to grant a drainage covenant for Parcel C to allow surface runoff to reach existing Master Planned facilities located on Locan Avenue.

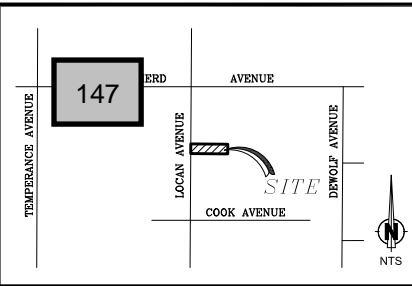
The Master Plan system has been designed such that during a two-year event flow will not exceed the height of the 6-inch curb. Should wedge curb (4.5 inches height) be used the same criteria shall apply whereby flow remains below the top of curb. Any extensions or pipe size increases due to meeting the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

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

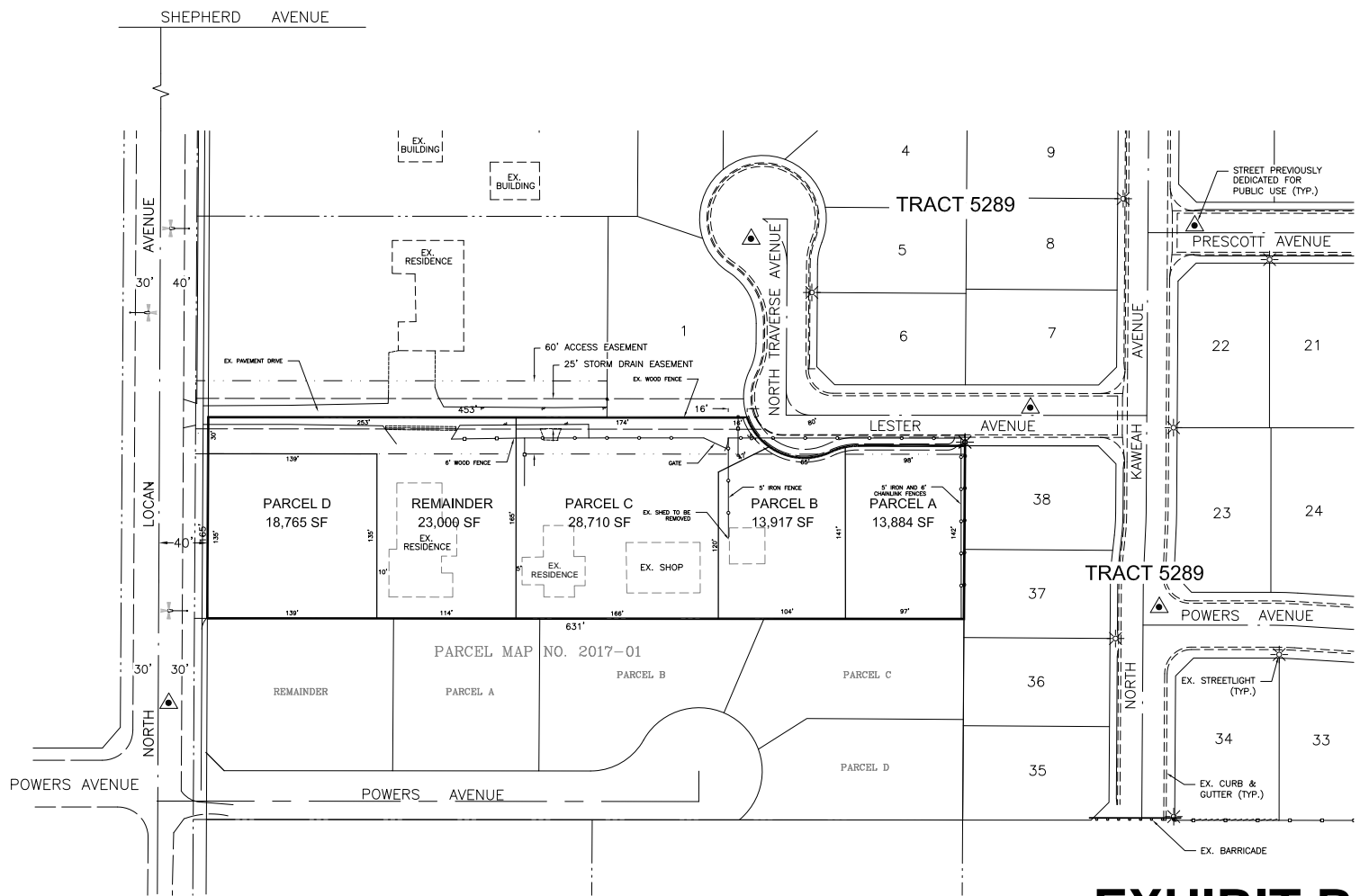
Basin "BX" was designed with capacity for runoff from low to very low density residential. Because of the higher density proposed by developers for urbanization of the drainage area, the basin must have additional capacity to control the excess runoff. To achieve the additional capacity without a direct charge to developers, the expanded excavation cost was not included in the drainage fee structure. Instead, each developer is required to excavate and export 1,000 c.y. of material for each residential acre of development by the developer. The District has an on-going program to issue permits to remove material from the basin. This may result in an opportunity to reduce the obligation for Basin "BX" excavation. It may also be feasible to defer this obligation if the developer can provide guarantees for future removal, subject to adequate assurances to the District. If and when the District can reduce the excavation obligation, the District will notify the developer of the lesser excavation obligation.

Development No. Clovis VAR 2018-003

TENTATIVE  
**PARCEL MAP**  
**NO. 2018-\_\_\_**  
 IN THE CITY OF CLOVIS,  
 FRESNO COUNTY, CALIFORNIA.



VICINITY MAP  
 N.T.S.



**LEGAL DESCRIPTION**

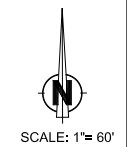
THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF FRESNO, CITY OF CLOVIS, DESCRIBED AS FOLLOWS:

**PARCEL 1:**  
 THE NORTH 1/4 OF LOT 61 IN BLOCK 2 OF CARSON CALIMYRNA - FIG ORCHARDS, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 7, PAGE 50 OF RECORD OF SURVEYS, RECORDS OF SAID COUNTY.

**PARCEL 2:**  
 A NON-EXCLUSIVE RIGHT OF WAY FOR ROAD PURPOSES AND UTILITY PURPOSES OVER THE SOUTH 30 FEET OF LOT 62 IN BLOCK 2 OF CARSON CALIMYRNA - FIG ORCHARDS, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 7, PAGE 50 OF RECORD OF SURVEYS.

- PROPOSED ZONING  
R-1-B
- EXISTING ZONING  
RA
- SOURCE OF WATER  
CITY OF CLOVIS
- SOURCE OF SEWAGE DISPOSAL  
CITY OF CLOVIS
- SOURCE OF ELECTRICITY  
PG&E
- SOURCE OF GAS  
PG&E
- SOURCE OF CABLE T.V.  
COMCAST
- SOURCE OF TELEPHONE  
AT&T
- ASSESSOR'S PARCEL NUMBER  
558-020-22
- SOURCE OF DATA  
RECORD AND TITLE REPORT

**OWNER**  
 LAURA OSSENBERG  
 1827 NORTH LOCAN AVENUE  
 CLOVIS, CALIFORNIA 93619



<b>TENTANCANTO PARCEL MAP</b>		
APPLICANT <b>ENCANTO 6176, LLC</b> <small>1865 HERNDON AVENUE SUITE K510          CLOVIS, CA 93611          559-325-4858</small>		
<b>Harbour &amp; Associates</b> <small>Civil Engineers          389 Clovis Avenue, Suite 300 • Clovis, California 93612          (559) 325-7676 • Fax (559) 325-7099 • e-mail:korena@harbour-engineering.com</small>	<b>REVISIONS</b> _____ _____ _____ _____	<b>SHEET NO.</b> 1 OF 1
<small>DATE: 1-3-18      SCALE: 1"=60'      DRAWN BY: KPA</small>		

**EXHIBIT B**



# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: November 15, 2018

SUBJECT: Consider Approval, Res. 18-\_\_\_, **R2018-12**, A request to approve a comprehensive rezone to the P-F (Public Facilities) Zone District to bring properties designated Public, Water, and School, into conformance with the General Plan. City of Clovis, applicant.

ATTACHMENTS: A. Draft Resolution  
B. Map of Rezone Sites

### CONFLICT OF INTEREST

None

### RECOMMENDATION

Staff recommends that the Planning Commission approve Rezone R2018-12.

### EXECUTIVE SUMMARY

The City is requesting to rezone several properties that are currently inconsistent with the General Plan. With adoption of the 2014 General Plan Update, a rezone plan was necessary to address inconsistent zoning. As a first step, all parcels designated for Public Facility use have been identified and are being requested for a rezone to the P-F Zone District. The parcels listed in Attachment B are owned by the City of Clovis, Clovis Unified School District (CUSD), Fresno Metropolitan Flood Control District (FMFCD), and the State of California.

### BACKGROUND

The City Council approved Resolution 18-151, initiating the rezone to bring sites into conformance with the General Plan. During the 2014 City of Clovis General Plan Update, it was identified that a number of properties were in conflict with the City's zone map, requiring a follow-up rezone action, particularly properties designated Quasi-Public/Public

Facility, School, and Water. Several of the properties that remain inconsistent are owned and/or operated by government agencies.

**PROPOSAL AND ANALYSIS**

Staff prepared a map (Attachment B) identifying the parcels that are inconsistent with the General Plan and are being requested to be rezoned to the P-F Zone District. There are approximately 887 acres of public facility properties currently inconsistent with the General Plan.

Government Code §65860, requires a City to maintain a zone ordinance consistent with its General Plan. Properties zoned inconsistent with the General Plan could limit the ability to entitle and/or develop the properties, and potentially subject the City to legal challenge. Zoning these properties consistent with the General Plan will not impact their existing operations nor ability to expand and/or develop per the General Plan.

California Environmental Quality Act (CEQA)

R2018-12 is in substantial compliance with the Program Environmental Impact Report prepared for the 2014 General Plan Update. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project, therefore, subject to CEQA Sections 15162 and 15182 no further environmental review is required for this project.

**FISCAL IMPACT**

The City is covering the cost of the comprehensive rezone as a follow-up action to the 2014 General Plan Update.

**REASON FOR RECOMMENDATION**

Approval of this comprehensive rezone is required by Government Code §65860, for cities to maintain a zone map consistent with their General Plan. Staff therefore recommends that the Planning Commission approve R2018-12.

**ACTIONS FOLLOWING APPROVAL**

This item will be forwarded to the City Council for consideration.

Prepared by: Bryan Araki, City Planner



Reviewed by: Bryan Araki  
City Planner

DRAFT  
RESOLUTION 18-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS RECOMMENDING APPROVAL TO REZONE APPROXIMATELY 887 ACRES TO THE P-F ZONE DISTRICT TO BRING SITES INTO CONFORMANCE WITH THE GENERAL PLAN**

**WHEREAS**, The City of Clovis, 1033 Fifth Street, Clovis, CA 93612, has applied for a Rezone R2018-12; and

**WHEREAS**, this is a request to approve a comprehensive rezone to the P-F (Public Facilities) Zone District to bring approximately 887 acres designated Public, Water, and School, into conformance with the General Plan; and

**WHEREAS**, a public notice was published in the Business Journal on October 31, 2018; and

**WHEREAS**, the Rezoning is required to conform to Government Code §65860, which requires a cities to maintain a zone map consistent with the General Plan; and

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

- 1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan; and
- 2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
- 3. The parcel is physically suitable (including absence of physical constraints, access, and compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects. (§ 2, Ord. 14-13, eff. October 8, 2014)
- 4. The Project is consistent with the Program Environmental Impact Report preformed with the 2014 General Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Clovis Planning Commission does recommend approval of Rezone R2018-12, for those properties identified in Exhibit "A."

\* \* \* \* \*

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on November 15, 2018, upon a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 18-\_\_  
DATED: November 15, 2018

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

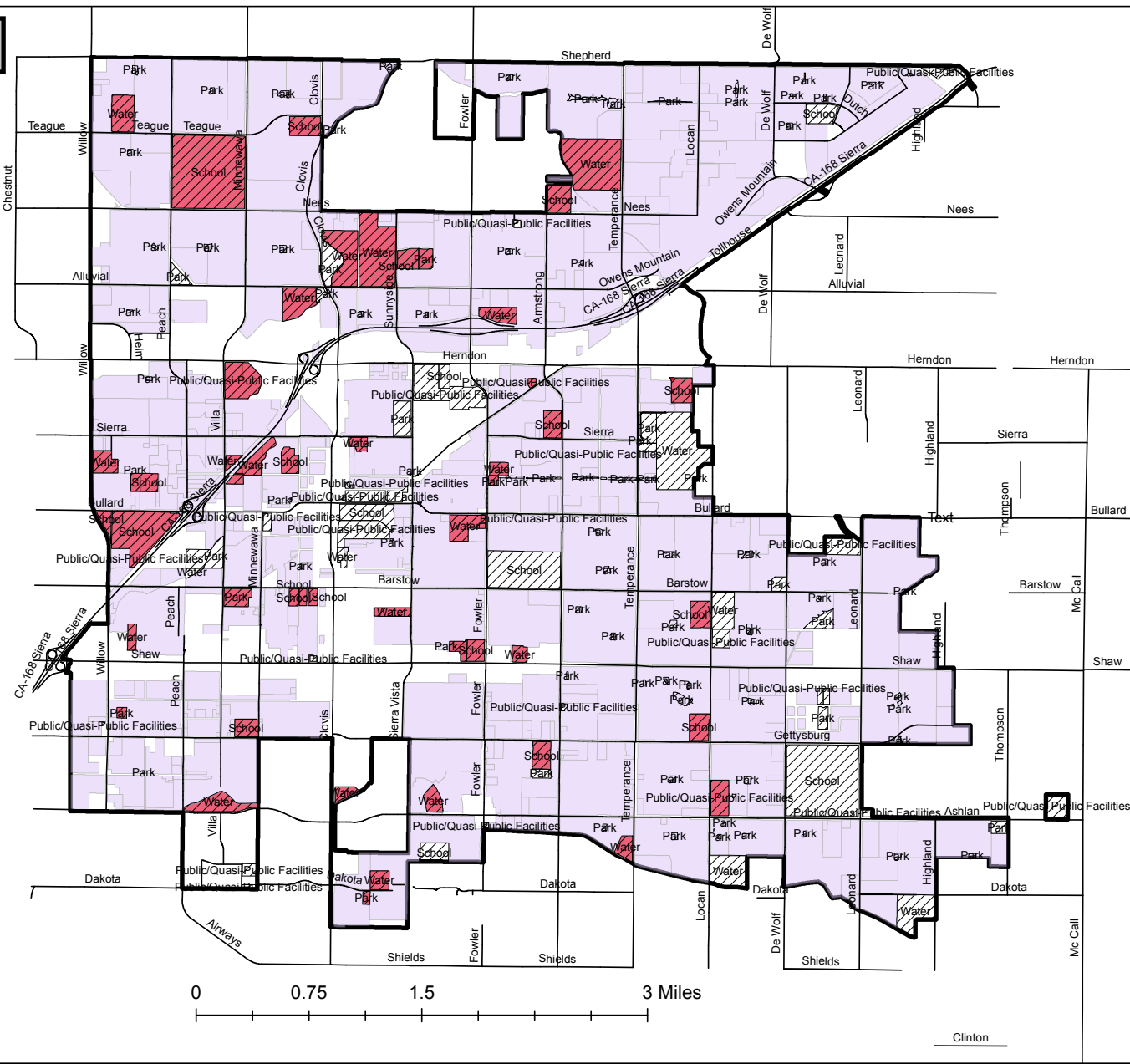
ATTEST: \_\_\_\_\_  
Dwight Kroll, AICP, Secretary

**EXHIBIT A  
Properties to be Rezoned to P-F**

APN	APN	APN	APN
31020140T	49208026T	49911101T	56001042T
41005008T	49208040T	49925227T	56002015T
41005009T	49208042T	49928417T	56002017T
41005030T	49208043T	49942104T	56002018T
41005031T	49208045T	49948317ST	56035009T
41005056T	49208073T	49951310ST	56201007ST
41006201T	49211101T	55002019T	56201008ST
41006202T	49211401T	55015206T	56201011ST
42002012T	49522004T	55023102U	56201016T
42003011T	49523401T	55037017T	56201017ST
42004036T	49702026T	55128006T	56201018ST
42004046T	49703004T	55215038U	56201023ST
42004050T	49715001T	55215039T	56201024ST
42004055T	49715006T	55302034T	56201025ST
42004056T	49715042T	55302036T	56201028T
43036316T	49715043T	55302040T	56201029T
49102026T	49803237T	55302042ST	56201037ST
49102041T	49806123T	55302044ST	56201038ST
49202011ST	49808102T	55302053ST	56209002T
49202013T	49808108T	55302054ST	56303110T
49202033T	49808109T	55404005ST	56303111T
49202040T	49808110T	55502027T	56303112T
49202043T	49808111T	55502029T	56303113T
49202048T	49815417T	55504236	56303114T
49202049T	49815418T	55504237	56303115T
49202053T	49826136T	55504238	56313206T
49202054T	49831007T	55906109ST	56313207T
49202055T	49831008T	55906112ST	56313231T
49203301T	49831009T	55906113T	56313232T
49206013T	49832001T	55906115ST	56313516T
49206034T	49832002T	55906131ST	56313517T
49206038ST	49832003T	55906137ST	56313518T
49208008T	49832004T	55906138ST	
49208025T	49832005T	56001041T	

# City of Clovis: Candidate Sites for Rezoning

152



**Legend**

- Major Streets
- Parks, Schools, Water, Public Utilities
- Zoned Residential
- Candidate Sites for Rezone
- Clovis City Boundary

## ATTACHMENT B

