



CITY of CLOVIS

AGENDA • PLANNING COMMISSION

Thursday, January 24, 2019

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

www.cityofclovis.com

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

The Planning Commission welcomes you to this meeting.

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

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the City of Clovis Planning Division, located in the Planning and Development Services building, between 8:00 a.m. and 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.

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 December 20, 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.

PUBLIC HEARINGS

2. Consider Approval, Res. 19-____, R2018-13, A request to approve a rezone of approximately 2.75 acres of land located at the northeast corner of N. Clovis and Dakota Avenues from the C-M (Commercial – Light Manufacturing) and R-2 (Low Density Multiple Family Residential - 1 Unit/3,000 Sq. Ft.) Zone Districts to the C-2 (Community Commercial) Zone District. City of Clovis, Clovis Colony Investors, LLC, owners; Jeay Dakota, LLC, applicant.

Staff: George Gonzalez, Associate Planner

Recommendation: Approve

3. Consider Approval, Res. 19-____, CUP2018-05, A request to approve a conditional use permit to allow for a Starbucks Coffee drive-through use with outdoor seating area for property located at the northwest corner of Santa Ana and Clovis Avenues. Hinds Investments L.P., owner/ applicant. IT Architecture, Ian Robertson; representative.

Staff: Lily Cha, Assistant Planner

Recommendation: Approve

4. Consider Approval, Res. 19-____, CUP2018-11, A request to approve review findings and amended conditions of approval associated with an approved conditional use permit to allow for seasonal outdoor recreation and entertainment events for the property located at 841 Clovis Avenue.

Staff: Joyce Roach, Planning Assistant

Recommendation: Approve

5. Consider Approval, Res. 19-____, CUP2018-15, A request to approve a conditional use permit for a proposed Government Facility with associated customer service for the property located at 3500 Pelco Way. Cook Land Company, owner/applicant; Arc Tec, representative.

Staff: Orlando Ramirez, Deputy City Planner

Recommendation: Approve

6. Consider Approval, Res. 18-____, R2018-14, A request to apply development standards to an existing M-U (Mixed Use) Zone District for 28.6 acres of property generally located between Sierra Avenue and Fifth Street along the Veterans Parkway alignment (Planning Area #9) of the Central Specific Plan. City of Clovis, applicant.

Staff: Dwight Kroll, Director of PDS

Recommendation: Approve

7. Consider Approval, Res. 18-____, SPR2018-02, A request to approve a site plan review for a proposed public facility, including a senior activity center, transit facility, health care clinic, and future pad for Fresno County Library on property located on the north side of Third Street at Veteran's Parkway. City of Clovis, owner/applicant.

Staff: Bryan Araki, City Planner

Recommendation: Approve

8. Receive and File, A presentation of the Planned Residential Development (PRD) Ordinance discussing its history, implementation, evolution, and project standards. There is no staff report for this presentation. This is a verbal presentation.

Staff: Dwight Kroll, Director of PDS

Recommendation: Receive and File

ADJOURNMENT

Meetings and Key Issues			
February 28, 2019	6:00 P.M.	Regular Meeting	Council Chamber
March 28, 2019	6:00 P.M.	Regular Meeting	Council Chamber
April 25, 2019	6:00 P.M.	Regular Meeting	Council Chamber

CLOVIS PLANNING COMMISSION MINUTES
December 20, 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 Hatcher

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

Absent: None

Staff: Orlando Ramirez, Deputy City Planner
George Gonzalez, Associate Planner
Sean Smith, Associate Civil Engineer
Claudia Cazares, Management Analyst

MINUTES

1. The Commission approved the November 15, 2018, minutes by a vote of 5-0.

COMMISSION SECRETARY

Deputy City Planner Orlando Ramirez requested that the Planning Commission keep City Planner Bryan Araki in their prayers.

PLANNING COMMISSION MEMBERS COMMENTS

Chair Hinkle informed the Commission that, out of 3,500 real estate agents in the Fresno area, 34 were approved as green real estate agents, including the Chair, allowing him to now speak about green homes.

COMMUNICATIONS AND REFERRALS

None.

BUSINESS FROM THE FLOOR

None

CONSENT CALENDAR

None

PUBLIC HEARINGS

2. Consider approval Res. 18-___, **TM6023**, A request to approve a one-year extension to an approved vesting tentative tract map property located on the south side of Ashlan Avenue, between Highland and Thompson Avenues. Wilson Homes, owner/applicant; Harbour & Associates, representative.

At this point, the item was received and filed.

3. Consider approval Res. 18-65, **V2018-04**, A request to approve a variance to reduce the front yard setback requirement of the R-1 (Single-Family Residential – 6,000 sq. ft.) Zone District for the construction of a 6-foot fence along Leonard Avenue for the property located at 811 Leonard Avenue. Barbara L. Brown, owner; City of Clovis, applicant/representative.

Deputy City Planner Orlando Ramirez presented the staff report.

Chair Hinkle inquired as to the fate of a large tree when the sidewalk is built, as it is an asset to not only the property owner but also to the neighborhood, especially in the summer, and wishes staff to attempt to save it, and others, as much as possible. Associate Civil Engineer Sean Smith responded that a large tree north of the house will remain, while several smaller ones will be removed.

Management Analyst Claudia Cazares provided details on the ongoing discussion with the property owner regarding the trees on the property, assuring Chair Hinkle that efforts are being made to save as many trees as possible.

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

Barbara Brown of 811 Leonard Avenue provided information on what she is willing to do to save the tree and stated that, if possible, she would like to be granted an extra driveway to make a circular driveway for her property.

Deputy City Planner Ramirez responded that staff would be fine with the number of driveways with the only issue being proximity of any new drives to the existing residence. Deputy City Planner indicated that Planning and Engineering staff will work with the applicant to try to make the Ms. Brown's request work.

Ms. Brown stated that her understanding is that there will a bicycle lane placed on her side of the street but no parking, causing her a problem on the frontage.

Chair Hinkle sought and received confirmation that a parking space or drive approach could be provided on the north side of the house, and stated that it does not necessarily have to be paved.

Ms. Brown asked him to repeat himself with more volume, then responded that she had only been informed of the lack of parking on the street a month previous, and that she had been too busy to contact Management Analyst Cazares regarding her parking and driveway concerns.

Chair Hinkle assured Ms. Brown that staff will work with her. Ms. Brown responded that staff has done a good job of working with her so far.

At this point, the Chair closed the public portion.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Antuna to approve V2018-04. The motion was approved by a vote of 5-0.

4. Consider approval Res. 18-66, **CUP2018-12**, A request to approve a conditional use permit to allow a Dutch Bros Coffee drive-up/drive-thru window use for property located on the west side of N. Fowler Avenue, south of Herndon Avenue. Buchanan Crossroads, LLC, owner/applicant; Brady McGuiness, representative.

Associate Planner George Gonzalez presented the staff report.

Commissioner Bedsted requested clarification regarding the setup of the queuing lane, in particular how vehicles will enter. Associate Civil Engineer Sean Smith provided an explanation.

Commissioner Bedsted followed up with a remark that though there is a clear visual indication of a No-Stopping area, many people tend to not follow directions at times, causing him to be concerned that customers will still spill out onto Fowler Avenue.

Commissioner Bedsted then sought and received confirmation that those seeking to exit to the north would no longer be able to cross and head northbound on Fowler Avenue. Other potential methods of heading north on Fowler Avenue from the site were discussed with Associate Civil Engineer Smith.

Commissioner Bedsted inquired as to whether there are any other concerns regarding traffic overflow queuing. Such is a concern for him based on personal experience, especially in light of potential future development on the vacant lot across the street. Associate Civil Engineer Smith responded that such had been a main concern in talks with the applicant, who had worked well with staff on mitigating the issue, and that over time people will learn the queuing and exit routes.

Commissioner Bedsted expressed his appreciation for the time staff had devoted to working on the issue. Associate Civil Engineer Smith offered to answer more detailed questions himself or with the aid of the applicant.

Commissioner Cunningham inquired as to how far north the worm is recommended/planned to extend in order to prevent northbound turns, seeking and receiving confirmation that a driver will be physically prevented from executing any such turns. Associate Civil Engineer Smith provided detailed information.

Commissioner Cunningham then inquired as whether there are plans to shorten the island extending into the shopping center in order to allow an easier turn from the northernmost entry on Fowler Avenue, providing two entrances and one exit at that point. Associate Civil Engineer Smith confirmed that such is planned, clarifying that there will actually be one entrance lane and one exit lane instead, further explaining that the applicant's exhibit incorrectly indicated a dual entry lane from Fowler Avenue.

Commissioner Cunningham stated that, prior to the meeting, he had discussion with the Fire Department representative regarding the overage lane, and was informed that though it is currently marked as a fire lane, it in fact is not. Associate Civil Engineer Smith confirmed this.

Commissioner Antuna expressed concern regarding stacking at the existing worm at the south side of the entrance, having driven by this location at different times of the day to experience different traffic conditions and finding this to be a high-traffic shopping center. Her concern is regarding traffic stopping on Fowler Avenue when adding a popular coffee establishment,

having twice seen traffic stop in that lane on Fowler Avenue due to the number of cars seeking to turn onto existing establishments.

Associate Civil Engineer Smith expressed that staff had shared this concern. This location had been previously approved for a pad, leading to the deceleration lane on Fowler Avenue being sized to traffic expectations with that plan. The traffic will continue to be watched, the conditional use permit will give staff a chance to see how Dutch Bros will perform, and if there are any future additional impacts then this can be brought back for discussion.

Deputy City Planner Ramirez added that these concerns are what led to further discussions on the approaches from Fowler Avenue, providing details.

Commissioner Cunningham sought and received confirmation that a representative of the shopping center was present.

Chair Hinkle inquired as to the reasoning behind the apparent removal of the parking stalls at the south end of the Credit Union, based on his understanding of the presentation slides. Deputy City Planner Ramirez responded with a detailed explanation. Chair Hinkle sought clarification on the effect of this action, which was provided by Associate Civil Engineer Smith. Associate Planner Gonzalez confirmed that two parking stalls will be removed.

Chair Hinkle then sought clarification on how the No-Stop Area will be designated for the public to be aware of its nature. Associate Civil Engineer Smith responded that he expects that there will be pavement markings maintained by the shopping center.

Chair Hinkle inquired as to whether there would be a stop sign for the southbound lane, concerned after seeing how quickly people drive through the area and considering future queuing taking place there. Associate Civil Engineer Smith responded that he did not condition one, though the shopping center may consider it. Deputy City Planner Ramirez reminded that the Planning Commission has the ability to modify the conditions to include such, and that there still remains the site plan review process, which will memorialize the building, parking, stop signs, and landscaping, and therefore provide further enforcement.

Chair Hinkle sought and received confirmation that several trees planned for removal will either be replanted or replaced with more drought-tolerant landscaping.

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

Brady McGuiness of 499 W. Shaw Avenue, Suite #116, Fresno, expressed gratitude for the time of the Commission and staff, and provided background information on the project.

Commissioner Cunningham sought and received confirmation that Mr. McGuiness represents the shopping center, then inquired as to whether the other tenants, particularly those that would face the new business, had been polled as to their feelings on this project. Mr. McGuiness responded that they had, then deferred to shopping center representative as having been directly involved in that action.

Michael Thomason of Thomason Development Company, the owner of the shopping center, 7090 N. Marks Avenue, Fresno, provided information on the discussions with, concerns of, and reactions of the other tenants regarding this proposal.

Commissioner Cunningham inquired from the owner, which access the owner considers the primary entrance/exit to the shopping center, the Fowler entrance/exit or the Herndon entrance/exit. Mr. Thomason responded with detailed information regarding the entrances/exits, with the main entrance being on Herndon Avenue, expressing his belief that it is time to end the deferral agreement and install the proposed traffic worm on Fowler Avenue.

Commissioner Cunningham followed up by inquiring as to whether Mr. Thomason believes this action will negatively impact the traffic into the shopping center. Mr. Thomason responded that he does not believe entry into the center will be a problem, and that the only issue he can foresee is possible retraining of tenants and customers in exiting the center and wishing to proceed northbound on Fowler Avenue, explaining that he believes that there will be retraining and that it is necessary.

Commissioner Cunningham sought and received confirmation that a franchise representative was present.

Brent Wilson of 2833 E. Willow Ridge Avenue expressed his and his wife's (Genesis Wilson), excitement about bringing their business to Clovis, providing some background on the project and offered to answer questions.

Commissioner Bedsted inquired as to the typical vehicle throughput during peak periods. Mr. Wilson responded that their busiest shop has forty-five vehicles per hour at peak, resulting in approximately four and a half minutes per vehicle from entrance to exit; the average at their other shops is at approximately thirty-two cars per hour at peak.

Commissioner Bedsted then inquired as to whether they intend to have employees outside during peak times, directing traffic and queuing to prevent use of the No-Stop-Area and backing out onto Fowler Avenue. Mr. Wilson responded that they have such at all of their locations, providing details.

Commissioner Bedsted followed up by inquiring of staff if a condition of approval is possible that requires the presence of employees operationally available for traffic control. Associate Planner Gonzalez confirmed that the Commission can add a condition of approval.

Commissioner Hatcher inquired as to what the peak hours are for this establishment. Mr. Wilson provided a detailed response.

Commissioner Hatcher sought and received confirmation that the 'runner' role mentioned earlier by Mr. Wilson is similar to the similar-seeming employee role at In 'N' Out Burger.

Commissioner Hatcher followed up by inquiring as to whether these employees take on such a role only during peak hours or are available at all hours. Mr. Wilson provided a detailed explanation on the 'runner' and 'traffic' role determinations and actions.

Commissioner Hatcher sought and received confirmation that the majority of transactions are anticipated to be drive-through rather than walk-up, as the drive-through lane of the one she has seen at Ashlan and Willow Avenues is always very busy. Mr. Wilson provided this confirmation as well as information regarding that particular site.

Commissioner Cunningham requested forbearance, as this is the first foray into Clovis for a Dutch Bros project, then expressed deep concern regarding the traffic generated by such an

establishment. In that regard, he had visited several Fresno establishments, providing details of his observations regarding the traffic at these locations, the Ashlan and Willow location in particular, including adjacent businesses being blocked by queues. He inquired as to what Mr. Wilson, as a franchise owner, will do to mitigate those queues. Mr. Wilson provided detailed information regarding that site and its circumstances.

Commissioner Cunningham expressed admiration for the operation and aesthetics of the other stores, particularly the newer ones, but that he does have a major concern about the traffic, especially the possibility of rear-end collisions in the Number 3 lane on southbound Fowler Avenue. He stressed the critical nature of doing everything possible to get traffic off Fowler Avenue. Mr. Wilson assured that that is their intention, providing details.

Commissioner Cunningham inquired as to whether Mr. Wilson would be agreeable to approval of the conditional use permit requiring the return of the project before the Planning Commission in one year to review and comment, improve, or even deny based on operation, clarifying that he is referring to condition #4 in Exhibit "A," the Conditions of Approval. He proposed that, when a motion is made, that the 'may' in the condition be changed to 'shall,' making the review mandatory.

Mr. Thomason expressed concern regarding the timeframe and the ability to get more stores out, pointing out that, as Dutch Bros expands, queuing will reduce and reach equilibrium as happened with Starbucks. He objected not the mandatory nature of the requirement but rather to the timeframe, one year not being much in terms of new development.

Commissioner Cunningham explained that one year is sufficient to identify critical issues. He followed up with an inquiry as to whether there is a Starbucks in that shopping center. Mr. Thomason responded that there is one inside Vons, and requested leeway to understand operationally that if there is a problem, it will be released as equilibrium is reached through further expansion, providing details.

Commissioner Cunningham stated that the year will allow start-up issues to be ironed out, hence his recommendation. Mr. Thomason responded with a request for two years and assured that they will work with staff, and that they will do their best to work with one year if that is what is granted.

Chair Hinkle inquired as to whether Mr. McGuiness would be opposed to painting 'No Parking' in the back of Vons to keep Dutch Bros traffic from interfering with delivery trucks. Mr. McGuiness deferred to Mr. Thomason, who responded with details regarding the type of deliveries that typically happen in that back area, with very little happening in the target area due to lack of access to the building at that point. Regardless, the situation would be monitored and striping done as needed.

Mr. McGuiness remarked on the condition to bring the project back for review in a year and requested that due process is used to make revocation a part of a notice-and-cure process, something more to do with modification rather than something extreme, due to the consequences of removing a business after a structure has been built.

Commissioner Cunningham responded that the spirit of the condition includes working with Planning staff, and that having worked with them, Mr. McGuiness knows that they are reasonable people. He assured that he is not trying to set the project up for failure but would

rather see them succeed and see more Dutch Bros establishments in Clovis. However, this is the first such in Clovis and Commissioner Cunningham wishes to see it done right.

Mr. McGuiness remarked positively on the process and his work with staff to this point.

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 Hatcher expressed that she has concerns regarding traffic, being that she goes into the shopping center every day to get coffee from the Starbucks in Vons. However, there have been good efforts to mitigate the issue, and it will be up to the public to follow signs and markings in the road. She also expressed her favor in regards to adding a stop sign near the queuing entrance, and that other than that, she has no problem voting in favor of this project.

Commissioner Antuna expressed excitement for the project to come here as she likes Dutch Bros coffee, but that she is concerned about traffic backing up onto Fowler Avenue. It is her hope that when the project comes back in a year for review, the mitigation measures including the traffic-directing employees will lead to a positive outcome.

Commissioner Bedsted echoed the traffic concern of his fellow commissioners, and expressed his excitement regarding bringing new things to Clovis, as that is a desire of the Commission. He also stated that he will be requesting a condition requiring a mandatory traffic coordinator available at all times as a mitigating factor.

Commissioner Cunningham expressed full agreement with the rest of the commissioners, and having expressed his opinions, he is ready to make a motion after the Chair's comments. He reiterated that this motion will include making the review mandatory, requiring the stop sign, and requiring the mandatory traffic coordinator. He offered credit for a job well done on the existing stores and how on top of queuing issues they are.

Mr. Wilson interjected an objection to making the traffic coordinator presence mandatory at all times, as there are times when such is not required, in regards to Commissioner Bedsted's wording, as Commissioner Cunningham expressed difficulty with phrasing that condition, and whether or not to make it more a direction rather than a condition.

Chair Hinkle brought up Exhibit "A" and requested a modification to the drive-thru lane design to prevent issues with cars attempting to enter the drive-thru from the southernmost entry to the shopping center, as a way to create fewer problems.

Mr. Thomason responded by pointing out some details that may not be easy to see to make the entry difficult, and that based on experience it is generally the runners and traffic coordinators who accomplish this. He pointed out that such modifications can be addressed in the site plan review phase of the project.

Chair Hinkle remarked that no matter what measures are taken, there will still be people who will try to take that corner, but that some measure can be taken to alleviate the majority of that.

Mr. Wilson stated that the curb lines will likely be changed in the site plan review when fire turnouts and other concerns are addressed.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve CUP2018-12 with additions and modifications to conditions. The motion was approved by a vote of 5-0.

OLD BUSINESS

None.

NEW BUSINESS

5. Accept nominations and vote for Chair and Pro Tem to serve for the next two years.

Deputy City Planner Orlando Ramirez stated the two methods of reorganization for the Planning Commission and inquired how the Commission wished to proceed.

Commissioner Antuna nominated Commissioner Hatcher as the Planning Commission Chair and also suggested the rotation method going forward in this process.

Commissioner Hatcher inquired as to whether the rotation would be for every two years or for every year. Deputy City Planner Ramirez expressed uncertainty along with his belief that it would be for every two years.

Commissioner Antuna expressed her belief that it is every two years and her desire to do something similar to what City Council does.

At this point a vote was taken to seat Commissioner Hatcher as Commission Chair. The appointment was approved by a vote of 5-0.

Deputy City Planner Ramirez then accepted nominations for the position of Chair Pro Tem.

Commissioner Antuna inquired as to whether the Commission could implement a rotation similar to that done by City Council, with the Pro Tem position being taken by the next most senior member. Deputy City Planner Ramirez responded that they can follow that method.

Commissioner Hatcher sought and received confirmation that this method would be implemented and that Chair Hinkle would then be Chair Pro Tem.

At this point a motion was made by Commissioner Antuna and seconded by Commissioner Cunningham to rotate Chair Hinkle to the position of Chair Pro Tem. The rotation was approved by a vote of 5-0.

At this point, the Planning Commission was reseated and the new Chair and Chair Pro Tem were announced.

ADJOURNMENT AT 7:20 P.M. UNTIL the Planning Commission meeting on January 24, 2019.

AGENDA ITEM NO: 2

CITY *of* CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

SUBJECT: Consider Approval, Res. 19-____, R2018-13, A request to approve a rezone of approximately 2.75 acres of land located at the northeast corner of N. Clovis and Dakota Avenues from the C-M (Commercial – Light Manufacturing) and R-2 (Low Density Multiple Family Residential - 1 Unit/3,000 Sq. Ft.) Zone Districts to the C-2 (Community Commercial) Zone District. City of Clovis, Clovis Colony Investors, LLC, owners; Jeay Dakota, LLC, applicant.

ATTACHMENTS: Figure 1: Location Map
Attachment 1: Draft Resolution
Attachment 2: Correspondence
Exhibit “B”: Proposed Site Plan
Exhibit “C”: Master Site Plan

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission approve Rezone R2018-13.

EXECUTIVE SUMMARY

The applicant is requesting to rezone approximately 2.75 acres of land located at the northeast corner of Dakota and N. Clovis Avenues from the C-M (Commercial – Light Manufacturing) and R-2 (Low Density Multiple Family Residential - 1 Unit/3,000 Sq. Ft.) Zone Districts to the C-2 (Community Commercial) Zone District. Approval of the request will bring the property in conformance with the Primary Land Use of Focus Area #4 of the General Plan.

BACKGROUND

- General Plan Designation: MU-V – Mixed Use Village
- Existing Zoning: C-M and R-2 Zone Districts
- Lot Size: 2.75 acres
- Current Land Use: Vacant
- Adjacent Land Uses
 - North: Recreational Facility
 - South: Single-Family Residential
 - East: Vacant
 - West: Single-Family Residential
- Previous Entitlements:
 - Rezone R86-1 (M-2 to C-2 & C-M)
 - Rezone R2014-06 (M-1, M-2 & C-M to R2)
 - CUP2014-07 (144-Unit Multiple-Family Development)
 - TM6076 (Residential Condominium)

On October 20, 2014, the City Council approved Rezone R2014-06, Conditional Use Permit CUP2014-07 and Tentative Tract Map TM6076 for a 144-unit multiple-family development on approximately 20 acres.

Since the approval of the project, the applicant has attempted to secure funding for the construction of the project, but has been unsuccessful. The project has become financially unfeasible for the applicant and the applicant hopes that with the sale of the subject 2.75 acres, may increase the viability of development of the remaining vacant parcel.

PROPOSAL AND ANALYSIS

Rezone

The applicant is requesting to rezone the Project site from the C-M (Commercial – Light Manufacturing) and R-2 (Low Density Multiple Family Residential - 1 Unit/3,000 Sq. Ft.) Zone Districts to the C-2 (Community Commercial) Zone District. The Project area's designation of MU-V – Mixed Use Village #4 in the General Plan Land Use Diagram is consistent with the proposed rezone.

The primary land use for Focus Area #4 is Business Park, Commercial, Specialty Retail, and Office. The proposed rezone to the C-2 (Community Commercial) Zone District maintains consistency with the underlying land use designation.

Traffic

The traffic impacts associated with the proposed commercial uses (see attached Exhibit “B”) have been analyzed and addressed under the Transportation and Traffic Section of the Environmental Impact Report for the General Plan.

Groundwater & Surface Water Impacts

The project lies inside of the Fresno Irrigation District boundary and therefore is eligible to utilize entitled surface water from the Kings River. The Fresno Irrigation District provided comments for the proposed rezone request, which included concerns of negative impacts to local groundwater supplies. However, the proposed rezone is consistent with the General Plan Land Use Diagram and the potential impacts to groundwater and surface water have been analyzed by the Environmental Impact Report (EIR) prepared for the General Plan Update.

Furthermore, the City Council approved the updated Water Master Plan on July 2, 2018. The Master Plan outlines proactive measures and long-term goals necessary to decrease the City's dependency on groundwater. City staff is implementing the adopted measures to reduce groundwater consumption and reliability.

Development Standards

Proposed developments within this site will follow the standards of the C-2 Zone District and the adopted Commercial Design Standards. The aforesaid design standards will address construction related issues, such as setbacks, parking, landscaping, architectural elevations, and lighting.

Associated Applications

The applicant has provided a site plan (Exhibit "B") that conceptually illustrates the Project at full completion. Per the Development Code, with any future development proposal, the applicant will be required to process a Conditional Use Permit application for each of the uses identified under Exhibit "B." The proposed commercial uses include a Motel/Hotel, Convenience Store with Fuel Sales, and a Drive-Thru Use. Additionally, a Site Plan Review application will be required for the construction of the commercial center memorializing site specifics such as parking, setbacks, building elevations, circulation, and landscaping.

Public Comments

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

Review and Comments from Agencies

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

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

Consistency with General Plan Goals and Policies

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

Policy 5.4 **Transit oriented development.** Encourage the provision of retail and employment opportunities in areas served by transit, recognizing the needs of the transit-dependent population.

California Environmental Quality Act (CEQA)

The 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, no further environmental review is required for this project.

The City published notice of this public hearing in *The Business Journal* on Wednesday, January 9, 2019.

REASON FOR RECOMMENDATION

The proposed rezone is consistent with the goals and policies of the General Plan Land Use Diagram and Development Code. Staff therefore recommends that the Planning Commission approve Rezone R2018-13.

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, 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 Planning Commission finds the project in substantial conformance with the environmental analysis performed for the General Plan.

ACTIONS FOLLOWING APPROVAL

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

NOTICE OF HEARING

Property owners within 600 feet notified: 264
Interested individuals notified: 10

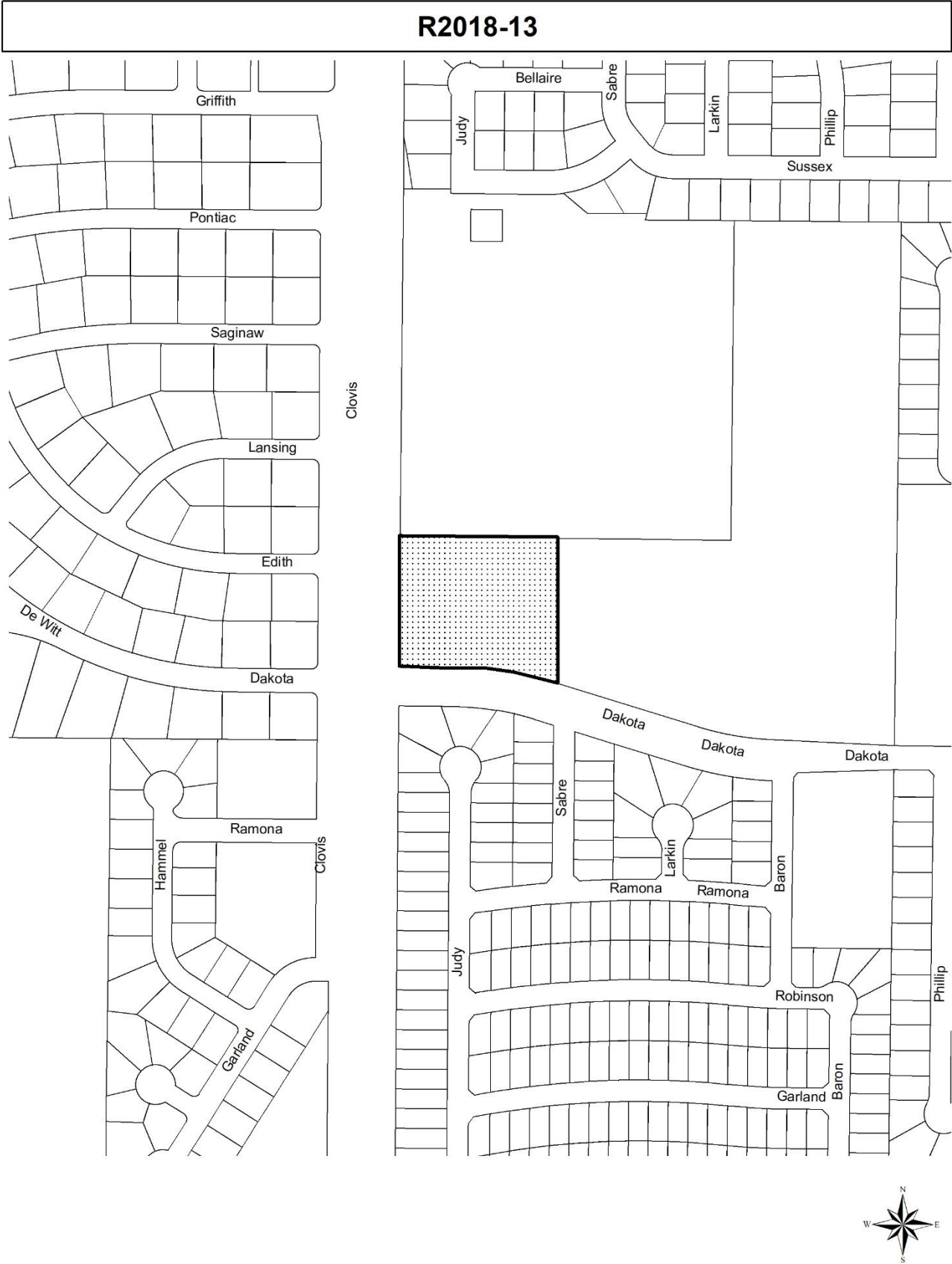
Prepared by: George Gonzalez, MPA, Associate Planner

Reviewed by:



Bryan Araki
City Planner

**FIGURE 1
PROJECT LOCATION MAP**



**DRAFT
RESOLUTION 19-____**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS RECOMMENDING APPROVAL TO REZONE APPROXIMATELY 2.75 ACRES FROM THE C-M (COMMERCIAL – LIGHT MANUFACTURING) AND R-2 (LOW DENSITY MULTIPLE FAMILY RESIDENTIAL - 1 UNIT/3,000 SQ. FT.) ZONE DISTRICTS TO THE C-2 (COMMUNITY COMMERCIAL) ZONE DISTRICT FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF N. CLOVIS AND DAKOTA AVENUES AND FINDING THE PROJECT IN SUBSTANTIAL CONFORMANCE WITH THE ENVIRONMENTAL ANALYSIS PERFORMED FOR THE GENERAL PLAN

LEGAL DESCRIPTION:

See the attached Exhibit “One.”

WHEREAS, Jeay Dakota, LLC., 2503 W. Lake Van Ness Cir, Fresno, CA 93711, has applied for a Rezone R2018-13; and

WHEREAS, this is a request to rezone approximately 2.75 acres from the C-M (Commercial – Light Manufacturing) and R-2 (Low Density Multiple Family Residential - 1 Unit/3,000 Sq. Ft.) Zone Districts to the C-2 (Community Commercial) Zone District for property located at the northeast corner of N. Clovis and Dakota Avenues, in the City of Clovis, California; and

WHEREAS, the Commission does find the project in substantial conformance with the environmental impact report performed for the General Plan.

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Clovis Planning Commission does recommend approval of Rezone R2018-13.

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on January 24, 2019, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 19-_____

DATED: January 24, 2019

Amy Hatcher, Chair

ATTEST:

Dwight Kroll, AICP, Secretary

CORRESPONDENCE

ATTACHMENT 2



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

David Pomaville, Director
Dr. Sara Goldgraben, Health Officer

September 25, 2018

LU0019670
2604

Courtney Thongsavath, Planning Volunteer
City of Clovis
Planning and Development Services Department
1033 Fifth Street
Clovis, CA 93612

Dear Ms. Thongsavath:

PROJECT NUMBER: **DRC2018-55**

DRC2018-55; Proposed use includes a hotel, retail stores and gas station with convenience store.

APN: 495-220-13

ADDRESS: NEC Clovis & Dakota Avenues

Recommended Conditions of Approval for Proposed Hotel:

- Construction permits for development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Construction permits for the development should be subject to assurance that the City of Clovis community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.
- The applicant shall be advised that any proposal for food service, including self-serve continental breakfast type foods or the sale of commercially prepackaged food products will require that the applicant submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval, prior to issuance of building permits. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to operation, the applicant shall apply for and obtain permits to operate food facilities from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Should the applicant propose to sell alcohol, they will be required to apply for and obtain a license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.

Promotion, preservation and protection of the community's health

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

(559) 600-3271 • FAX (559) 600-7629

The County of Fresno is an Equal Employment Opportunity Employer

www.co.fresno.ca.us • www.fcdph.org

- Should a public swimming pool and/or spa be proposed in the future, the applicant shall submit complete pool facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. The applicant shall also apply for and obtain a permit to operate a public swimming pool and/or spa from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Recreational Health Program at (559) 600-3357 for more information.
- The proposed construction and retail project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.
- If the tenant proposes to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<http://cers.calepa.ca.gov/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.

Prior to destruction of agricultural wells, a sample of the upper most fluid in the water well column should be sampled for lubricating oil. The presence of oil staining around the water well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

Comments/Concerns:

Since specific tenants for the proposed plan application have not been identified, the full range of "C-2" zoning uses must be considered. The potential adverse impacts could include (but are not limited to) storage of hazardous materials and/or wastes, medical waste, solid waste, water quality degradation, excessive noise, and odors.

Recommended Conditions of Approval for Future Retail, Gas and Convenience Stores:

- Prior to issuance of building permits, the applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.

- Prior to operation, the applicant shall apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Should alcohol sales be proposed, then prior to sales, the applicant shall obtain their license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- Prior to the issuance of building permits, the applicant shall submit three (3) sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency (CUPA), at (559) 600-3271 for more information.
- Prior to occupancy, the applicant shall apply for and secure a Permit to Operate an Underground Storage Tank System from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- If the tenant proposes to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<http://cers.calepa.ca.gov/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

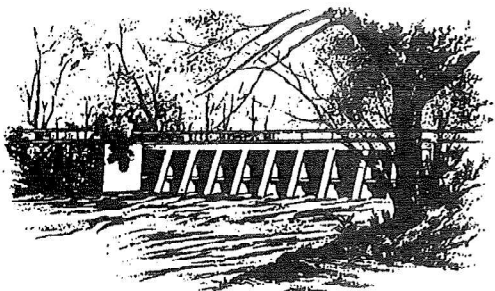
REVIEWED BY:

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

(559) 600-33271

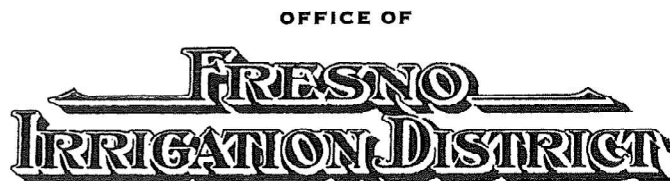
KT

cc: Rogers, Moreno, Baruti, Salazar & Oung- Environmental Health Division (CT. 58.04)
Eric Tienken- Applicant (etienken@cdi-ca.com)



YOUR MOST VALUABLE RESOURCE - WATER

December 19, 2018



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

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

RE: Rezone Application No. R2018-13
N/E Clovis and Dakota avenues

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed Rezone Application No. R2018-13 for which the applicant requests to approve a rezone of approximately 2.75 acres of land at the northeast corner of Clovis and Dakota avenues, APN: 495-220-13. FID has the following comments:

1. The subject property was previously reviewed and commented on by FID on October 2, 2018 as DRC2018-55. Those comments and conditions still apply and a copy is attached for your reference.

FID has the following additional comments:

1. FID is concerned that the proposed development may negatively impact local groundwater supplies. The area was historically native or rural residential 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 conversion from imported surface water to 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.
2. 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

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

George Gonzalez
RE: R2018-13
December 19, 2018
Page 2 of 2

local water basins and adopt locally-based management plans. FID and the City of Clovis are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City should consider the impacts of the development on the County ability to comply with requirements of SGMA.

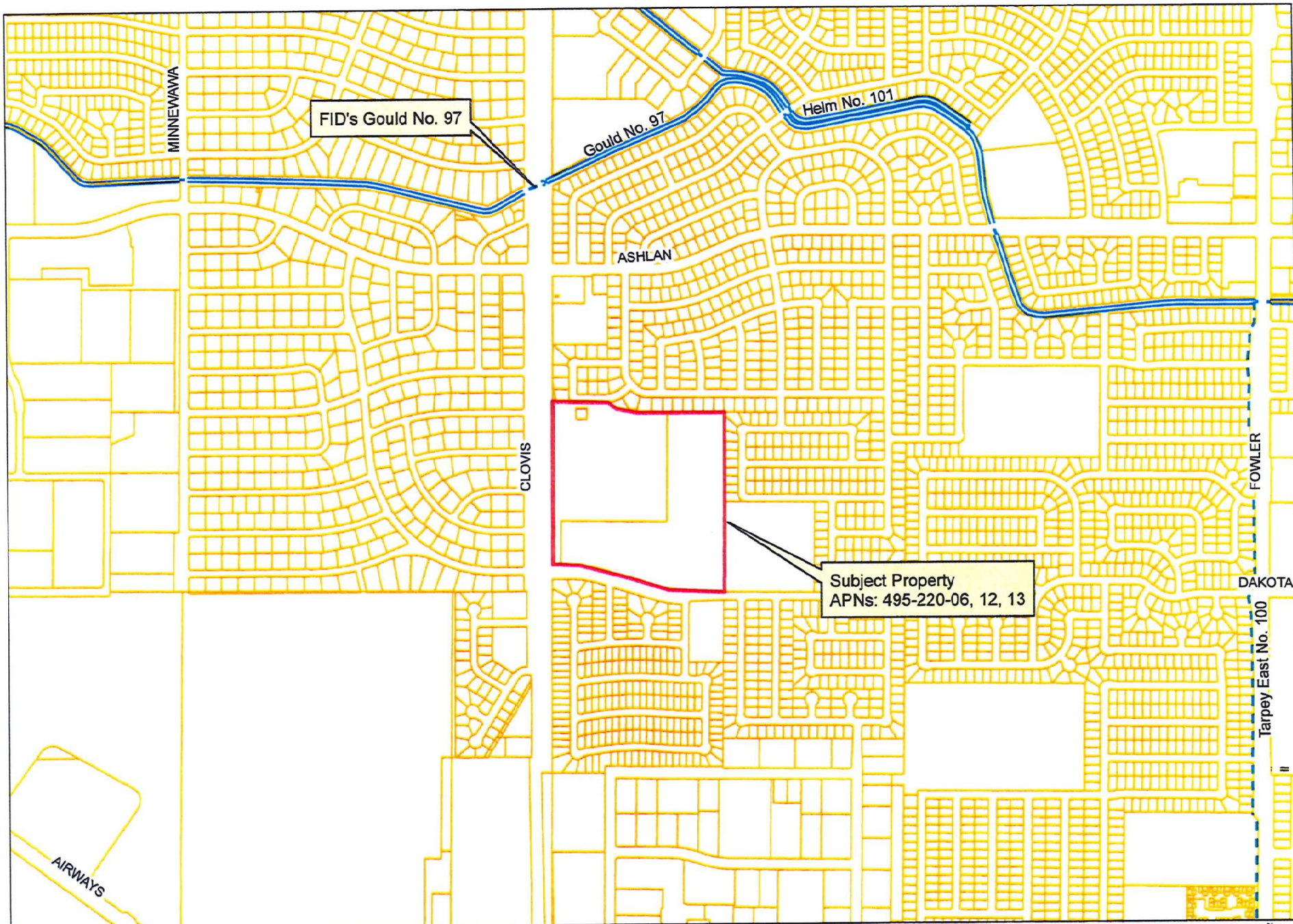
Thank you for submitting the proposed project for our review. We appreciate the opportunity to review and comment on the subject documents for this project. If you have any questions please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or jlandrith@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

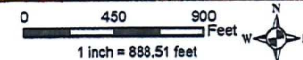
Attachment



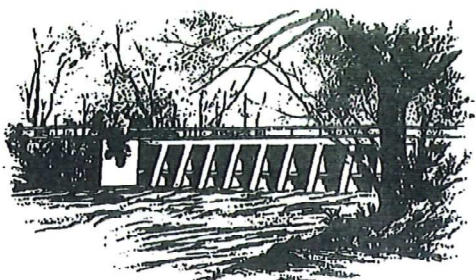
This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown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

Legend

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



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YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO
 IRRIGATION DISTRICT

TELEPHONE (559) 233-7161
 FAX (559) 233-8227
 2007 S. MAPLE AVENUE
 FRESNO, CALIFORNIA 93725-2208

October 2, 2018

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

RE: Development Review Committee Application No. 2018-55
 N/E Clovis and Dakota avenues

Dear Ms. Thongsavath:

The Fresno Irrigation District (FID) has reviewed the Development Review Committee Application No. 2018-55 for which the applicant proposes the construction of a Hotel, Retail space, and a gas and convenience store, APNs: 495-220-06, 12, 13. FID has the following comments:

1. FID does not own, operate or maintain any facility located on the subject property as shown on the attached FID exhibit map.
2. For informational purposes, FID's Gould No. 97 Canal runs westerly and crosses Clovis Avenue approximately 1,700 feet north of the subject property, as show on the attached FID exhibit map. Should this project include any street and/or utility improvements along Clovis Avenue or in the vicinity of this canal, FID requires it review and approve all plans.

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

Sincerely,

Laurence Kimura, P.E.
 Chief Engineer

Attachment

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



Fresno Metropolitan Flood Control District
Capturing Stormwater since 1956

File 210.434
210.435 "2018-055"

December 20, 2018

Mr. George Gonzalez, Associate Planner
City of Clovis
Department of Planning & Development Services
1033 Fifth Street
Clovis, CA 93612

Dear Mr. Gonzalez,

Rezone Application No. R2018-13
Drainage Area "BW"

The proposed rezone lies within the District's Drainage Area "BW". Based on information submitted at this time, the District's system can accommodate the proposed rezone. The existing Master Plan system has been designed for runoff from an Office Commercial land use at this location. Should the density of the project be commensurate with a density higher than the system design, mitigation may be required.

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

Very truly yours,

Robert Villalobos
Engineering Technician III

RV/lrl

NORTH CLOVIS AVE

30

NORTH DAKOTA AVE

SABRE AVE

SITE DESIGN #7
1/20/07

**PROPOSED 3 STORY
MOTEL-78 ROOMS
1ST FLR ONLY (8,284 S.F.) X3= 27,852 S.F.**

**PROPOSED
SEVEN ELEVEN 8,000 S.F.**

**PROPOSED
BUILDING
2,250 S.F.**

MOTEL PARKING LOT

MOTEL PARKING LOT

REVISIONS DESCRIPTION 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 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1417 1418 1419 1420 1421 1422 1423 1424 1425 1426 1427 1428 1429 1430 1431 1432 1433 1434 1435 1436 	
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**HOTEL, RESTAURANT
AND C-STORE DESIGN
FOR: CONSTRUCTION DEVELOPERS INC.**
CLOWS AVE AND DAKOTA
CLOWS, CA

PROJECT NUMBER: 18_015	
DRAWING TITLE	
MASTER AREA SITE PLAN	
DRC SUBMITTAL	
SCALE: As noted	SHEET NO.
PLOT DATE: 8/8/18	A1.0
DRAWN BY CRR	

EXHIBIT "C"



AGENDA ITEM NO: 3

CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

SUBJECT: Consider Approval, Res. 19-____, CUP2018-05, A request to approve a conditional use permit to allow for a Starbucks Coffee drive-through use with outdoor seating area for property located at the northwest corner of Santa Ana and Clovis Avenues. Hinds Investments L.P., owner/applicant. IT Architecture, Ian Robertson; representative.

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

CONFLICT OF INTEREST

None

RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit CUP2018-05, subject to the attached conditions of approval listed in Exhibit "A."

EXECUTIVE SUMMARY

The applicant is requesting approval of a conditional use permit for the development of a drive-through use including outdoor seating in association with a Starbucks coffee service proposed on property located at the northwest corner of Santa Ana and Clovis Avenues. Approval of this conditional use permit will allow the applicant to move forward with the site plan review process. Conditions of approval are attached under Exhibit "A," establishing standards for construction and operation.

BACKGROUND

- General Plan Designation: General Commercial
- Existing Zoning: C-2 (Community Commercial)
- Lot Size: 1.12 acres
- Current Land Use: Vacant
- Adjacent Land Uses:
 - North: Commercial
 - South: Residential
 - East: Commercial
 - West: Residential
- Previous Entitlements: CUP2017-16, PM2017-06, and SPR2017-24

The subject property is located at the northwest corner of Santa Ana and Clovis Avenues, adjacent to the recently approved Costco wholesale development. The Project is located in the Shaw Avenue Corridor Plan area. The Plan area is intended for redevelopment and reinvestment of the commercial corridor from State Route 168 to Clovis Avenue.

Costco Center

The overall center has recently approved entitlements; Conditional Use Permit CUP2017-16 and Site Plan Review SPR2017-24 are applications specific to the Costco development. The City Council approved CUP2017-16 on August 6, 2018, for the Costco auto tire service center, fuel station and wholesale facility. SPR2017-24 memorialized the Costco site layout, design, and parking fields. Figure "A" below is the approved site layout for the overall Costco center. The subject parcel is identified as the remainder parcel highlighted in yellow.

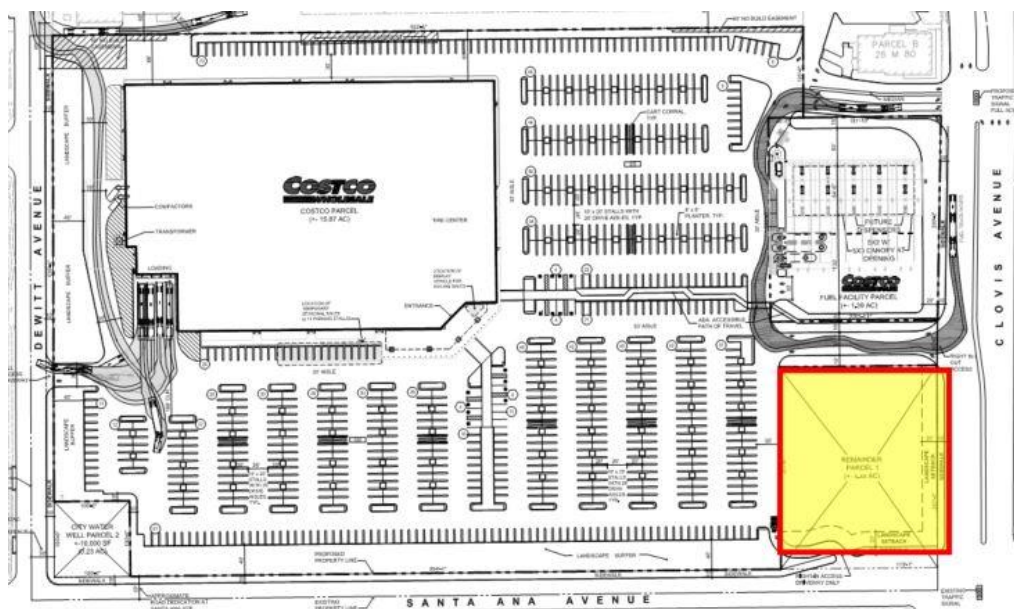


Figure A – Costco Site Plan

PROPOSAL AND ANALYSIS

Costco History

The Planning Commission approved CUP2017-16 on June 28, 2018, allowing for the auto tire service center and fuel station use associated with the proposed Costco wholesale facility. Subsequent to Planning Commission approval, staff received an appeal document from the Laborer's International Union of North America stating that the Mitigated Negative Declaration's (MND) findings were inconsistent with State CEQA law. On August 6, 2018, the City Council considered the use permit and associated MND, overturning the appeal request, approving CUP2017-16 and the associated MND. Staff approved Costco's site plan on July 9, 2018 contingent on the use permit approval.

Parcel Map PM2017-06, approved four separate lots including the Costco parcel, the Costco fuel facility parcel, a City owned parcel, and the Project site.

Santa Ana Avenue

Santa Ana Avenue is a local street that runs east-west and serves the existing residential and commercial traffic in the area. The segment of Santa Ana Avenue that is adjacent to the subject property stretches from Minnewawa Avenue to Sierra Vista Parkway. In response to previous traffic concerns in the area, speed undulations and stop signs along this segment of Santa Ana Avenue were installed to reduce traffic. In consideration of the history of traffic concerns, the Costco development was approved with limited access to the commercial site from Santa Ana Avenue. A limited ingress driveway into the commercial site was approved along the Santa Ana frontage of the subject property. The driveway was designed to divert traffic from the center to Clovis or Dewitt Avenues and provide the Fire Department emergency access. Additionally, the configuration of the driveway would provide for a greater landscape screening along the street frontage.

Project Site and Proposal

The applicant is requesting approval of the conditional use permit to allow for a drive-through window service and outdoor patio use associated with the proposed Starbucks Coffee establishment. The site is approximately 1.2 acres in size and the Starbucks establishment will assume approximately 1,850 square feet of the proposed 7,505 square foot building. The remaining portion of the building is anticipated lease space for future C-2 (Community Commercial) uses. The project is subject to development standards of the C-2 Zone District and the City's drive-through requirements.

Site Layout and Access

The project site is zoned for commercial use and is required to adhere to the development standards of the C-2 Zone District including setbacks, parking, and building height. The project site is bounded by the future Costco commercial center to the north and west, and will be accessible from the Costco commercial center to the west. Reciprocal access between the

sites is a requirement and is included as a condition of approval in Exhibit A.

The proposed building is situated near the southeast corner of the Project site with parking along the north and west end of the parcel. The 7,505 square foot building entails two lease spaces. The Starbucks drive-through lane begins at the southwest end of the building and wraps around the outer edge of the building. The service window is located on the north-facing frontage of the building. The site configuration is shown in Exhibit B.

Development standards for commercially zoned properties require specific landscaping setbacks for building and parking placement. Landscape setbacks along Clovis Avenue are 30-feet from face-of-curb to the parking area and 40-feet from face-of-curb to structures. Santa Ana Avenue require a landscape setback of 30-feet from the property line to structures and 20-feet from the property line to any parking. Interior setbacks are not required for properties with reciprocal access. The setbacks proposed for the project meet and/or exceed the requirements of the commercial zone district.

Drive-through Requirements

The City's drive-up/drive-thru standards require a minimum twelve-foot wide queuing lane with the capacity to accommodate a minimum of five vehicles before the menu board and eight vehicles between the menu board and the drive-up window. To mitigate potential headlight glaring from vehicles in the drive-through lane, the development will be required to appropriately screen areas along the lanes outer edge (see figure B). 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 B-1 and B-2 below. This requirement is provided as a condition of approval listed in Exhibit A.

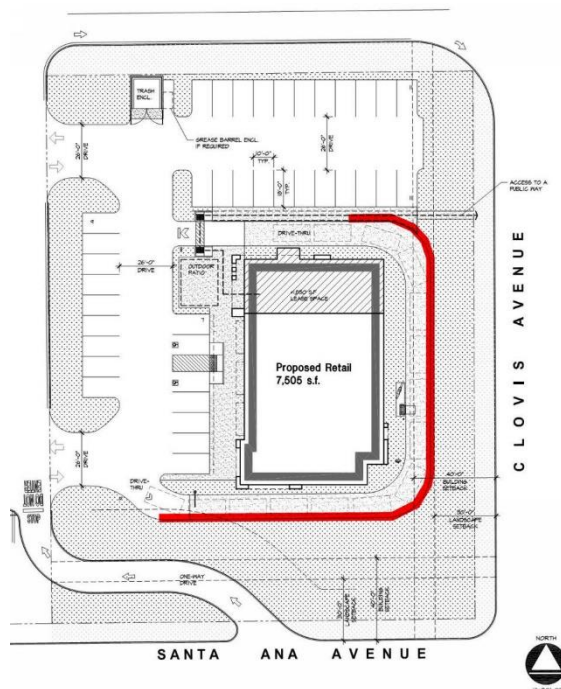


FIGURE B: Wall & Berm Location

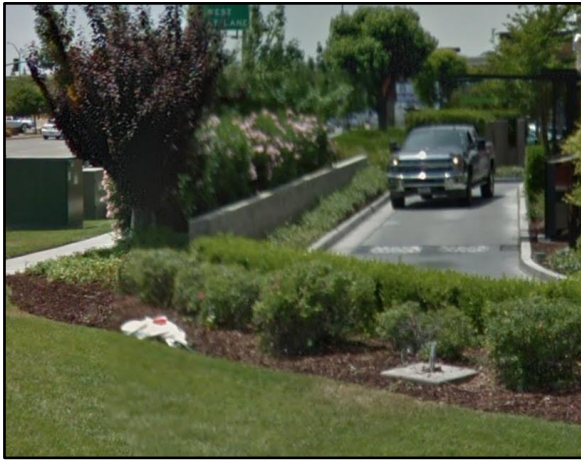


FIGURE B-1



FIGURE B-2

Public Comments

A public notice was sent to area residents within 400 feet of the property boundaries. Staff has not received comments or concerns from the public upon finalization of this report.

Review and Comments from Agencies

The Project was distributed to all City Divisions as well as outside agencies, including Cal Trans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan Flood Control District, AT&T, PG&E, San Joaquin Valley Air Pollution Control District, State Department of Fish and Wildlife, and the County of Fresno. Comments received are attached only if the agency has provided concerns, conditions, or mitigation measures.

Routine responses and comment letters are placed in the administrative record and provided to the applicant for their records.

California Environmental Quality Act (CEQA)

An environmental review assessing the project's impact on the natural and manmade environments was conducted by City Staff. It has been determined that this project is exempt from CEQA pursuant to Class 32 categorical exemption. Class 32 exemptions consist of in-fill development less than five acres in size meeting the conditions described in California Government Code Section 15332(a), (b), (c), (d), and (e). A Notice of Exemption has been completed during the processing of the project kept for public review with the project file during the processing of the project application.

The City published notice of this public hearing in *The Business Journal* on Wednesday, January 9, 2019.

REASON FOR RECOMMENDATION

The Project is consistent with the goals and policies of the General Plan and Zoning and provides a diversity of land use within a vacant commercial property; Therefore, staff recommends that the Planning Commission approve CUP2018-05, subject to the conditions of approval listed as Exhibit "A".

Findings for approval of a conditional use permit application are as follows:

1. The proposed use is conditionally allowed within, and would not impair the integrity and character of the subject zoning district and is in compliance with all of the applicable provisions of this Development Code;
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. The project is in substantial conformance with the environmental analysis performed for the 2014 General Plan updated and the 2014 Development Code updated.

FISCAL IMPACT

None.

ACTIONS FOLLOWING APPROVAL

None.

NOTICE OF HEARING

Property owners within 400 feet notified: 27
Interested individuals notified: 11

Prepared by: Lily Cha, Assistant Planner

Reviewed by: 
Bryan Araki
City Planner

**FIGURE 1
PROJECT LOCATION MAP**

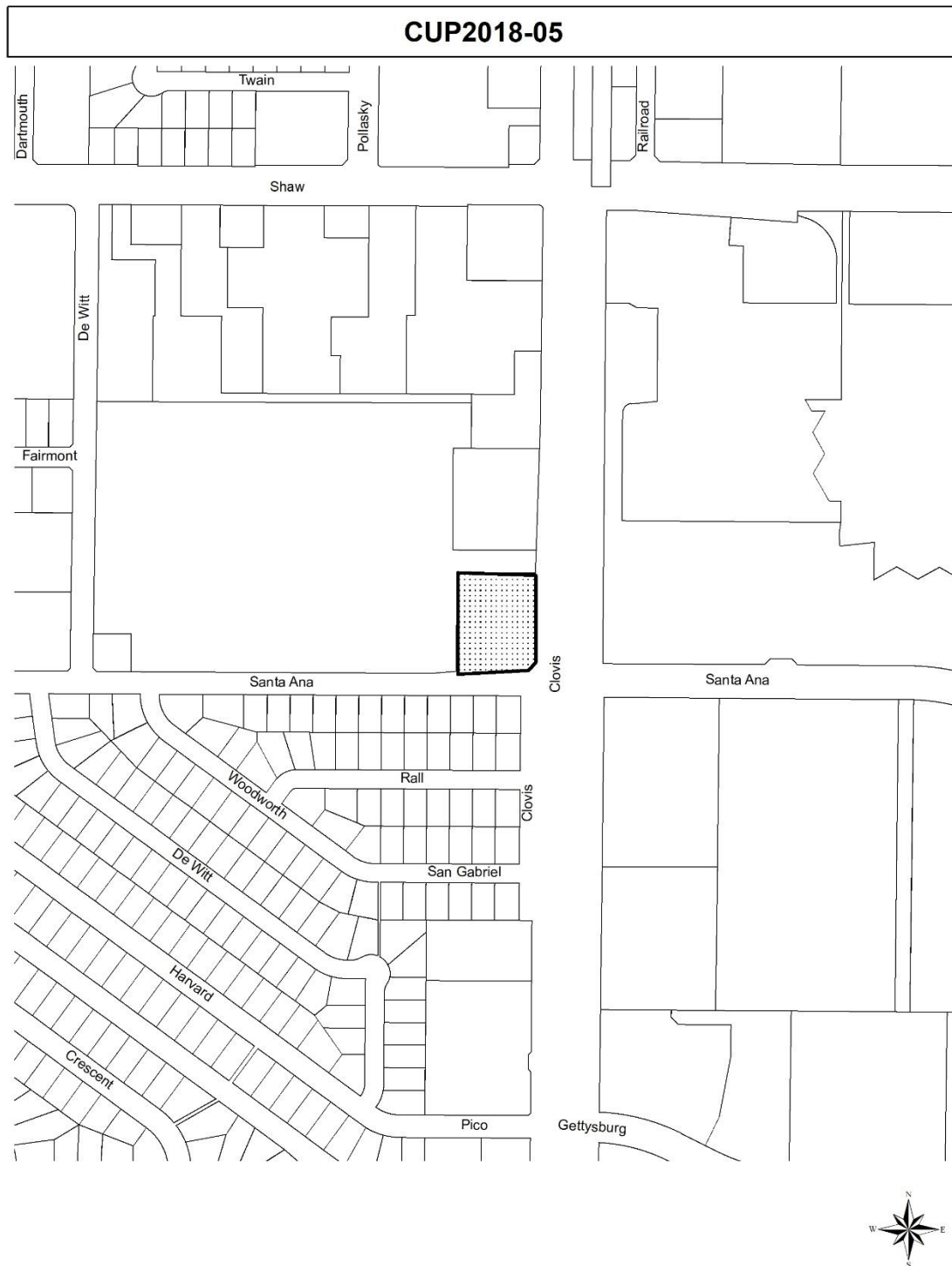


EXHIBIT "A"
Conditions of Approval – CUP2018-05

Planning Division Conditions

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

1. The applicant shall comply with Section 9.56.030 of the City of Clovis Development Code requiring Site Plan Review.
2. This conditional use permit is granted for a drive-up/drive thru window use, including outdoor seating, in association with a Starbucks establishment, for property located at the northwest corner of Santa Ana and Clovis Avenues.
3. This conditional use permit is approved per the attached Exhibit "B," of this report. Specific details will be evaluated with the site plan review. Any major modification will require an amendment to this conditional use permit.
4. The drive-up lane shall be screened through the use of a combination of a 3-foot high masonry wall and landscaping along adjacent parking lots and street frontages of this site. The top of the wall and landscaping shall measure 3' high from the top of curb of the drive-thru lane. Adequacy of this treatment shall be reviewed during the Building Permit Review phase. Any removal of the landscaping in areas approved to be used in place of a screen wall will be required to be replaced within 60 days with mature plants or a masonry wall matching the existing.
5. Vehicles shall not be parked or stacked in drive aisles. Drive aisles are to remain clear.
6. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in §9.24.100, of the Clovis Development Code.
7. The property shall maintain open reciprocal access with adjacent properties.
8. All landscaping shall conform to the City of Clovis Water Efficient Landscape Ordinance.
9. Trees shall be planted along the landscaped setbacks with a minimum spacing of one each 40 lineal feet.
10. The applicant shall submit a detailed landscape plan indicating size and type of materials for all landscaped areas, which shall be reviewed during the site plan review phase.
11. Parking for this project shall be provided at a ratio of 5.4 parking stalls for each 1,000 square feet of building area.
12. The parking lot, landscaping and open areas shall be kept free of litter and debris through routine maintenance.

13. All exterior lighting shall not interfere with the driving safety of vehicular traffic and residential development per Planning Division Standards.
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. Signage with direct view from residential properties to the south shall be non-illuminated.
16. All conditions of PM2017-06 and any other applicable conditions are hereby referred to and made a part of this conditional use permit.

San Joaquin Valley Air Pollution Control District Conditions

(Cherie Clark, District Representative – (559)230-5940)

17. The applicant shall refer to the SJVAPCD suggested rules and mitigation measures. If the list is not attached, please contact the District for the list of requirements.

**DRAFT
RESOLUTION 19-_____**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING A CONDITIONAL USE PERMIT FOR THE DRIVE-THROUGH USE WITH OUTDOOR SEATING AREA ASSOCIATED WITH A STARBUCKS COFFEE DEVELOPMENT FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF SANTA ANA AND CLOVIS AVENUE AND DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO A CLASS 32 CATEGORICAL EXEMPTION

WHEREAS, Hinds Investments L.P., 505 Lomas Santa Fe Drive Suite 170, Solana Beach, CA, has applied for a conditional use permit CUP2018-05; and

WHEREAS, this is a request to approve a conditional use permit for the drive-through use with outdoor seating area associated with a Starbucks Coffee facility for property located at the northwest corner of Santa Ana and Clovis Avenues in the City of Clovis, County of Fresno; and

WHEREAS, a public notice was sent out to area residents within 400 feet of said property boundaries ten days prior to said hearing; and

WHEREAS, a duly noticed hearing was held on January 24, 2019 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. 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. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and there would be no potential significant negative effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless findings are made in compliance with CEQA. (§ 2, Ord. 14-13, eff. October 8, 2014);
7. The Planning Commission finds the project to be exempt from CEQA pursuant to Class 32 categorical exemption.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Clovis Planning Commission does approve CUP2018-05, subject to the attached conditions labeled Exhibit "A."

ATTACHMENT 1

* * * * *

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on January 24, 2019, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 19-_____

DATED: January 24, 2019

Amy Hatcher, Chair

ATTEST:

Dwight Kroll, AICP, Secretary

CORRESPONDENCE FROM COMMENTING AGENCIES



AUG 13 2018

Bryan Araki
City of Clovis
Planning and Development Services Department
1033 Fifth Street
Clovis, CA, 93612

Project: Conditional Use Permit CUP2018-05

District CEQA Reference No: 20180765

Dear Mr. Araki:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of construction of a 7,505 sq. ft. drive thru food or beverage facility (Project), located at Santa Ana and Clovis Ave, in Clovis, CA. The District offers the following comments:

1. Based on information provided to the District, Project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the Project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.
2. Based on information provided to the District, the proposed Project would equal or exceed 2,000 square feet of commercial space. Therefore, the District concludes that the proposed Project is subject to District Rule 9510 (Indirect Source Review).

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule

Samir Sheikh
Executive Director/Air Pollution Control Officer

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

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

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

9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

3. The proposed Project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.
4. The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please call Eric McLaughlin, at (559) 230- 5808.

Sincerely,

Arnaud Marjollet
Director of Permit Services



for, Brian Clements
Program Manager

AM: em

[illegible]

1. OCCUPANCIES EXCEEDING 5000 SQUARE FEET IN GROSS FLOOR AREA, SHALL HAVE AN AUTOMATIC FIRE SPRINKLER SYSTEM INSTALLED AS PER NFPA 13. WHEN THE SPRINKLER SYSTEM IS NOT INSTALLED, THE BUILDING SHALL BE LIMITED TO 40' FROM THE WALL OR SUPPORT. THE GROSS ROOF AREA SHALL BE SEEN TO BE PROTECTED BY SPRINKLER SYSTEM. THE SPRINKLER SYSTEM SHALL BE LIMITED TO COVERED AREAS, PATIOS, PORCHES, OR ANY ARCHITECTURAL ELEMENTS. THE SPRINKLER SHALL BE INSTALLED AS PER NFPA 13.
2. FIRE PROTECTION CONNECTION TO THE AUTOMATIC SPRINKLER SYSTEM SHALL BE LOCATED TO LESS THAN FIVE FEET (0-7') NOR FURTHER THAN FIFTEEN FEET (15-0').
3. INSTALL APPROVED FIRE EXTINGUISHERS AS PER NFPA FIRE CODE STANDARD AND NFPA 10. PROVIDE FIRE EXTINGUISHERS AS PER NFPA 10.
4. PAINT A THREE (3) INCH HIGH RED LINE OR PAINTED CURB ALONG THE ENTIRE LENGTH OF THE DESIGNATED FIRE LANE. FIRE LANES SHALL BE MAINTAINED BY THE CITY OF LOS ANGELES.
5. INSTALL AN APPROVED RAMP ENTRY LOG BOOK AS PER FIRE PROTECTION CODE STANDARD 10. PROVIDE FIRE PREVENTION DIVISION FOR REQUIRED APPLICATION FOR LOG BOOK.
6. ADDRESS NUMBERS SHALL BE INSTALLED ON EVERY BUILDING AS PER ADOPTED CITY OF LOS ANGELES FIRE DEPARTMENT STANDARD.
7. INSTALL EMERGENCY LIGHTING WITH BATTERY BACKUP OR APPROVED ALTERNATE.
8. ADDITIONAL FIRE PROTECTION MAY BE REQUIRED DEPENDING UPON THE ULTIMATE USE OF THE BUILDING.

Parcel Description:	
ZONING:	G-2
ASSESSORS PARCEL NUMBER:	--
GROSS LAND AREA:	1.52272 ACRES (1/2 ACRES)
TYPE OF CONSTRUCTION:	VS - SPERIALIZED
OCCUPANCY:	TYPE 1B PROFESSIONAL OFFICE
Building Data	
GROSS SQUARE FOOTAGE:	1509 S.F.
Allowable Building Area:	
GROUP B (TABLE 508)	4,000 S.F.
AUTOMATIC SPREADLER INCREASE (308.5)	300%
ALLOWABLE AREA CALCULATION:	9,000 X 9 = 21,000 S.F.

[illegible]

PROPERTY LINE / RIGHT OF WAY

SECTION LINE

4'-0" MINIMUM ACCESSIBLE PATH OF TRAVEL FROM A PUBLIC WAY. ADIRTY CHANGES IN SLOPE, ALONG ANY ACCESSIBLE ROUTE SHALL NOT EXCEED 1:20. WHEN CHANGES IN SLOPE DO OCCUR, THEY SHALL BE DEVELOPED UP A SLOPE NO GREATER THAN 1:48 (VERTICAL IN 48 UNITS HORIZONTAL, 10% SLOPE). CHANGES IN SLOPE NOT EXCEEDING 1:48 MAY BE VERTICAL.

FIRE LANE. CURBS ADJACENT TO OPEN DRIVES FOR 20'-0" LONG SHALL BE PAINTED RED WITH NO PARKING.

FIRE LANE TEXT. TEXT TO BE PAINTED PAST (4" HIGH) OCCUPANCY APPROXIMATELY EVERY 50'-0".

OFF-SITE STREET LIGHT

OFF-SITE FIRE HYDRANT.

ON-SITE POLE LIGHT.

PAINTED DIRECTIONAL ARROW PER DETAIL.

DETECTABLE PAVING, TRUNCATED DOME PATTERN. SEE 102B.5.1.

ACCESSIBLE ROUTE FOR CITY PARKING VEHICLES.
(OUTSIDE TURNING RADIUS OF 54'-0" USED ON TEMPLATE)

TRANSFORMER.

1. TREES SHALL BE MAINTAINED IN GOOD HEALTH. HOWEVER, TREES MAY NOT BE TRIMMED OR PRUNED TO REDUCE THE NATURAL HEIGHT OR OVERALL GROWN OF THE TREE. EXCEPT AS NECESSARY FOR THE HEALTH OF THE TREE AND PUBLIC SAFETY, OR AS MAY OTHERWISE BE APPROVED BY THE DEVELOPMENT DEPARTMENT.
2. LANDSCAPING MUST BE IN PLACE BEFORE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
3. PRIOR TO FINAL INSPECTION, A WRITTEN CERTIFICATION, SIGNED BY A LANDSCAPE PROFESSIONAL, APPROVED BY THE DIRECTOR, SHALL BE SUBMITTED STATING THAT THE REQUIRED LANDSCAPING AND IRRIGATION SYSTEM HAS BEEN INSTALLED IN ACCORDANCE WITH THE LANDSCAPING AND IRRIGATION PLANS APPROVED BY THE PLANNING DIVISION, DEVELOPMENT DEPARTMENT.
4. A LANDSCAPING DESIGN PLAN IS REQUIRED TO MEET SHADING ORDINANCE REQUIREMENTS. SEE CITY TREE LISTINGS FOR ACCEPTABLE TREE TYPES AND RELATED SHADING ALLOWANCES.

A map showing the location of the Project Site. A dashed circle marks the Project Site, with a line pointing to it from the North arrow. The North arrow is a circle with a triangle inside, labeled "NORTH".

iT

2465 North Van Ness Avenue
Palo Alto, CA 94303 • 93128
559-644-2642 • 7064
559-485-9882 fax

Architect

Project

Proposed Shops Building
NW corner Clovis Ave. at Santa Ana
Clovis, California

Owner

Hinds Investments LP
505 Lomas Santa Fe Drive, Suite #470
Solana Beach, California 92075

Planning Status

Schematic	
Design Development	
Site Plan Review	
Bidding	
Final Check	

Reviews

Scale

Project Manager

Project Number

Sheet

A-0.0

FLOOR PLANS AND ELEVATIONS

[illegible]

it
ARCHITECTURE

2165 North Van Ness Avenue
Fresno, California 93728
559-442-1642 voice
559-485-9881 fax

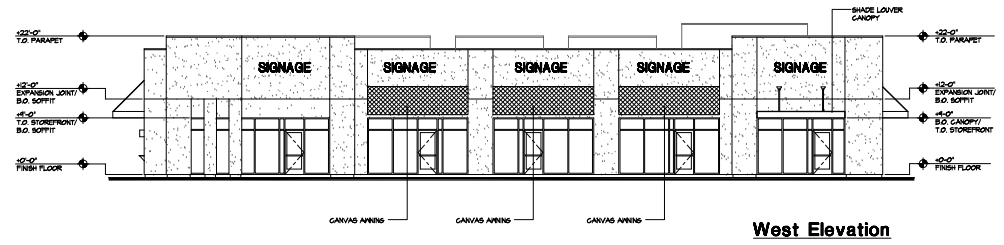
Project
Proposed Shops Building
NW corner Clovis Ave. at Santa Ana
Clovis, California

Owner
Hinds Investments LP.
505 Lomas Sante Fe Drive, Suite #170
Solana Beach, California 92075

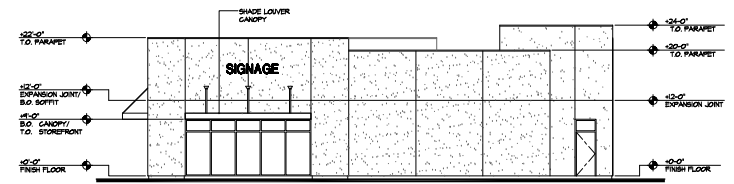
Publicing Status	
Schematic	
Design Development	
Site Plan Review	
Permitting	
Plan Check	
Reviews	
Scale	1"=10'
Project Manager	
Project Number	16-112
Sheet	

A-1.0

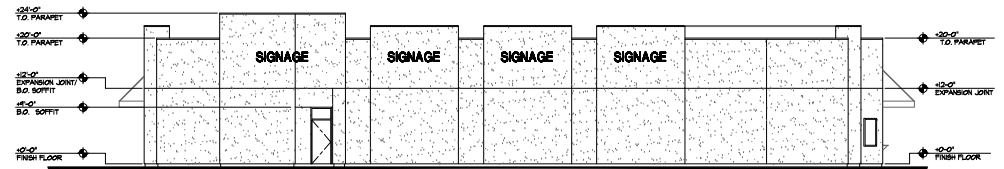
THIS DOCUMENT IS THE PROPERTY OF ITS ARCHITECTURE. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, REPRODUCED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ITS ARCHITECTURE. THE USER OF THIS DOCUMENT AGREES TO HOLD ITS ARCHITECTURE HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST ITS ARCHITECTURE BY ANY THIRD PARTY AS A RESULT OF THE USER'S USE OF THIS DOCUMENT. THE USER OF THIS DOCUMENT AGREES TO HOLD ITS ARCHITECTURE HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST ITS ARCHITECTURE BY ANY THIRD PARTY AS A RESULT OF THE USER'S USE OF THIS DOCUMENT.



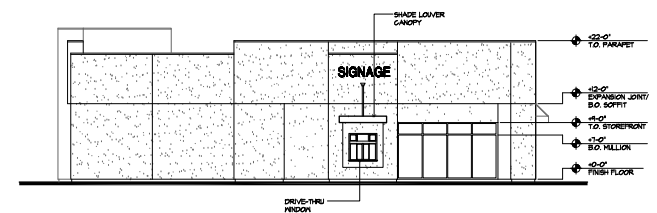
West Elevation



South Elevation



East Elevation



North Elevation

Proposed Exterior Elevations



AGENDA ITEM NO: 4

CITY *of* CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

SUBJECT: Consider Approval, Res. 19-____, CUP2018-11, A request to approve review findings and amended conditions of approval associated with an approved conditional use permit to allow for seasonal outdoor recreation and entertainment events for the property located at 841 Clovis Avenue.

ATTACHMENTS: Figure 1: Location Map
 Exhibit "A:" Conditions of Approval
 Exhibit "B1:" Pumpkin Patch Site Plan
 Exhibit "B2:" Christmas Tree Lot Site Plan
 Attachment 1: Draft Resolution
 Attachment 2: Correspondence from Agencies
 Attachment 3: September 27, 2018 Planning Commission Minutes

CONFLICT OF INTEREST

None

RECOMMENDATION

Staff recommends that the Planning Commission continue approval of Conditional Use Permit CUP2018-11, subject to the conditions listed in Exhibit "A."

EXECUTIVE SUMMARY

The applicant is requesting approval of a review of a conditional use permit to allow for seasonal outdoor recreation and entertainment events for the property located at 841 Clovis Avenue. The proposed project is located within Planning Area 6 of the Central Clovis Specific Plan. Approval of this conditional use permit would allow the applicant to continue with the operation of their seasonal events.

BACKGROUND

- General Plan Designation: Mixed Use Village
- Specific Plan Designation: Central Clovis Specific Plan
- Existing Zoning: C-2 (Community Commercial)
- Lot Size: 0.46 acres
- Current Land Use: Commercial
- Adjacent Land Uses:
 - North: C-2 (Community Commercial)
 - South: C-2 (Community Commercial)
 - East: Open Space
 - West: C-2 (Community Commercial)
- Previous Entitlements: GPA96-08 and SPR97-14

PROPOSAL AND ANALYSIS

Post Planning Commission Approval

Conditional Use Permit CUP2018-11 was presented to the Planning Commission on Thursday, September 27th, 2018, and was granted conditional approval with modifications that included a mandatory review of the use permit at the Commission's scheduled January 2019, public hearing. Several concerns regarding traffic, pedestrian safety, and applicant compliance with conditions of approval were raised during the September meeting, leading to this subsequent review. This specific review date was set in order to allow the two biggest events (Halloween and Christmas) to operate. This would allow staff and the Commission opportunity to fully evaluate the effects of the use and associated events as they relate to previous concern and discussion by the Commission.

Upon the applicant's use permit receiving approval, the applicant moved forward with the first of the two proposed events. A pumpkin patch was held between October 1st and October 31st, 2018. Following this event, staff received information that the required post-event cleanup of the site within 72 hours had not been completed, which was confirmed by a staff site visit. Staff sent a warning letter to the applicants on the morning of November 8th, 2018. The applicant contacted staff subsequent to the notice and several discussions between staff and the applicants resulted, with the following conclusions being reached: a temporary sign permit would be submitted for event signage; specific event-related equipment such as signs, pumpkins, and hay bales (removal of which was in progress), were to be removed as soon as possible; and the tent canopy, slide, and rides would remain in place due to the proximity of the next scheduled event as well as the costs associated with removing and replacing such equipment within such a short period of time.

During staff's discussion with the applicant, the applicants were also reminded that per the Conditions of Approval (Exhibit "A"), a site plan for each event was required to be submitted to Planning and Development Services for review by Planning, Police, and Fire staff no less than thirty days prior to each event. The notification period had already passed for the next

proposed event, a Christmas tree lot. Subsequently, planning staff then received a site plan and temporary sign permit application for this event the next day on November 9th, 2018, fourteen days prior to the start of the proposed Christmas tree lot.

Signs

Receipt, review, and approval of the temporary sign permit application led to additional discussion among City staff. Two of the four proposed events are approved to operate for a duration exceeding fourteen days. According to the Clovis Sign Ordinance regarding temporary signs and banners, a business is allowed only one grand opening temporary sign display period of thirty days, with subsequent special events granted no more than fourteen days of display time. Additionally, a business is permitted no more than three display periods per year in addition to exempted holiday display times. This conflict would result in one of the four allowed events either falling into violation of the Clovis Sign Ordinance or being completely denied the ability to advertise the event with temporary signage. Staff recommends and has included a change to the conditions of approval to include temporary signage as a part of the conditional use permit that addresses all the associated events, rather than requiring separate temporary sign permit applications for each event.

A request for review comments for this entitlement was distributed on December 27th, 2018, to City of Clovis staff. Fire Department personnel responded that the applicants had met and abided by all of the department's requirements throughout the operation of the events.

Proposed Events

Conditional Use Permit CUP2018-11 included a request for a multi-use permit to allow for the operation of several seasonal outdoor events at the proposed location. These events are comprised of a pumpkin patch, Christmas tree lot, future Valentine's Day flower sales, and a Rodeo Week special event with varying hours, products, and several seasonal employees. The proposed events will take place in the parking lot of the existing business housed at 841 Clovis Avenue. The existing building will not be used for any of the proposed seasonal events. Instead, temporary tents or canopies will be utilized. The applicant intends to use no more than three service vehicles in the course of each event operation: 24-foot weekly delivery trucks, and a 53-foot delivery truck for the Christmas trees.

Pumpkin patch events will sell pumpkins as well as food and drinks, and includes both rides and recorded/live music entertainment. This seasonal event proposes to operate daily from October 1st through October 31st, from 8:00 am to 10:00 pm. A temporary staff of up to thirty-five seasonal employees is expected for this event. Future Christmas tree lot events will operate similarly to the pumpkin patch, with the main product being Christmas trees. This event is proposed to operate from the day after Thanksgiving through December 26th. The proposed Rodeo Week event will provide food and drink vendors as well as live entertainment between the hours of 8:00 am and 10:00 pm, from Monday through Sunday of Rodeo Week, with a temporary staff of up to fifteen seasonal employees.

In the future, any proposed Valentine's Day flower sales business will include the sale of flowers, balloons, and other related items. This business is proposed to operate from

February 7th through the 14th, from 8:00 am to 7:00 pm. No rides, food or drink sales, or entertainment are proposed for the duration of this event. A temporary staff of up to fifteen seasonal employees is expected for this event. The applicant will not be conducting a Valentine's Day flower sale this year so no further review of this specific event is required this year.

Thirty days prior to each event, the applicant shall submit an operational statement and detailed site plan for each proposed event to Planning and Development Services. Staff provided a condition of approval memorializing the proposed uses.

Central Clovis Specific Plan

The proposed project site is located within Planning Area 6 of the Central Clovis Specific Plan. The purpose of this District is to provide an area where automobile service and community level commercial uses may be located. The intent is to provide for uses that require customers to stay for a moderate period of time and allow them an opportunity to take advantage of the amenities of the pedestrian oriented Old Town area. All uses allowed in the C-2 Community Commercial Zone District are permitted in this District.

Though outdoor activities and permanent outdoor retail sales are permitted with an Administrative Use Permit in this District, commercial outdoor recreation uses require a conditional use permit. Outdoor retail sales and activities are defined as "permanent outdoor sales...where the business is not conducted entirely within an enclosed structure." Commercial outdoor recreation is defined as "facilities for various...types of recreation where a fee is charged for use, including: amusement and theme parks..." This project was considered a 'temporary outdoor retail sales' use, which is defined as temporary outdoor retail operations "including:...seasonal sales of Christmas trees, pumpkins or other seasonal items; semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows; sidewalk or parking lot sales." Therefore, this project was subject to a conditional use permit.

Setbacks

Consideration of the initial use permit was subject to the development standards of Planning Area 6 of the Central Clovis Specific Plan. The front setback shall be ten feet from the property line. Side setbacks shall be five feet, and there is no minimum rear setback. All temporary structures and rides shall not encroach into these setback areas.

Parking

Parking for outdoor commercial recreational uses are to be determined by conditional use permit. The proposed types of events tend to draw a lot of public traffic, and therefore parking was a potential concern. The subject property is not located within the Parking and Business Improvement Area (PBIA). The PBIA is a program that was established to assist with automobile parking needs within its boundaries. Properties within the PBIA are not required to provide on-site parking. Due to the subject property's location, the applicant was therefore required to provide parking on site. Event parking will be shown and reviewed on the detailed

site plans submitted thirty days prior to each proposed event. Additionally, the applicant may choose to attempt to enter into parking agreements with adjacent property owners to utilize their parking areas for these events. Any such agreements would need to be submitted with the site plans for staff review prior to operation.

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

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

Fire Department Requirements

The Fire Department had provided a number of conditions pertaining to outdoor special events and tents/canopies with the initial conditional use permit. An outdoor special event will require an operational permit from the Fire Department, which will include the requirement for a site plan for plan review and inspection to be completed prior to the event. A permit for a tent or canopy will also be required at least three weeks prior to the event. The application for this permit will also require an inspection which must be passed prior to the event. The application and code requirements for this permit are listed in the conditions of approval. These processes are to be repeated for each separate event. The full list of requirements is included in Exhibit "A" Conditions of Approval.

California Environmental Quality Act (CEQA)

The Project is in substantial conformance with the environmental impact report performed for the 2014 General Plan. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project, therefore subject to CEQA sections 15162 and 15182, no further environmental review is required for this project.

The City published notice of this public hearing in *The Business Journal* on Wednesday, January 9, 2019.

REASON FOR RECOMMENDATION

The proposed conditional use permit is consistent with the goals and policies of the General Plan, Central Clovis Specific Plan, and Development Code. Staff therefore recommends that the Planning Commission confirm approval of CUP2018-11, subject to the conditions of approval attached as Exhibit "A."

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

1. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of this Development Code;
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. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and there would be no potential significant negative effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless findings are made in compliance with CEQA. (§ 2, Ord. 14-13, eff. October 8, 2014)

FISCAL IMPACT

None.

ACTIONS FOLLOWING APPROVAL

None.

NOTICE OF HEARING

Property owners within 500 feet notified: 37
Interested individuals notified: 10

Prepared by: Joyce Roach, Planning Assistant

Reviewed by:



Bryan Araki
City Planner

**FIGURE 1
PROJECT LOCATION MAP**

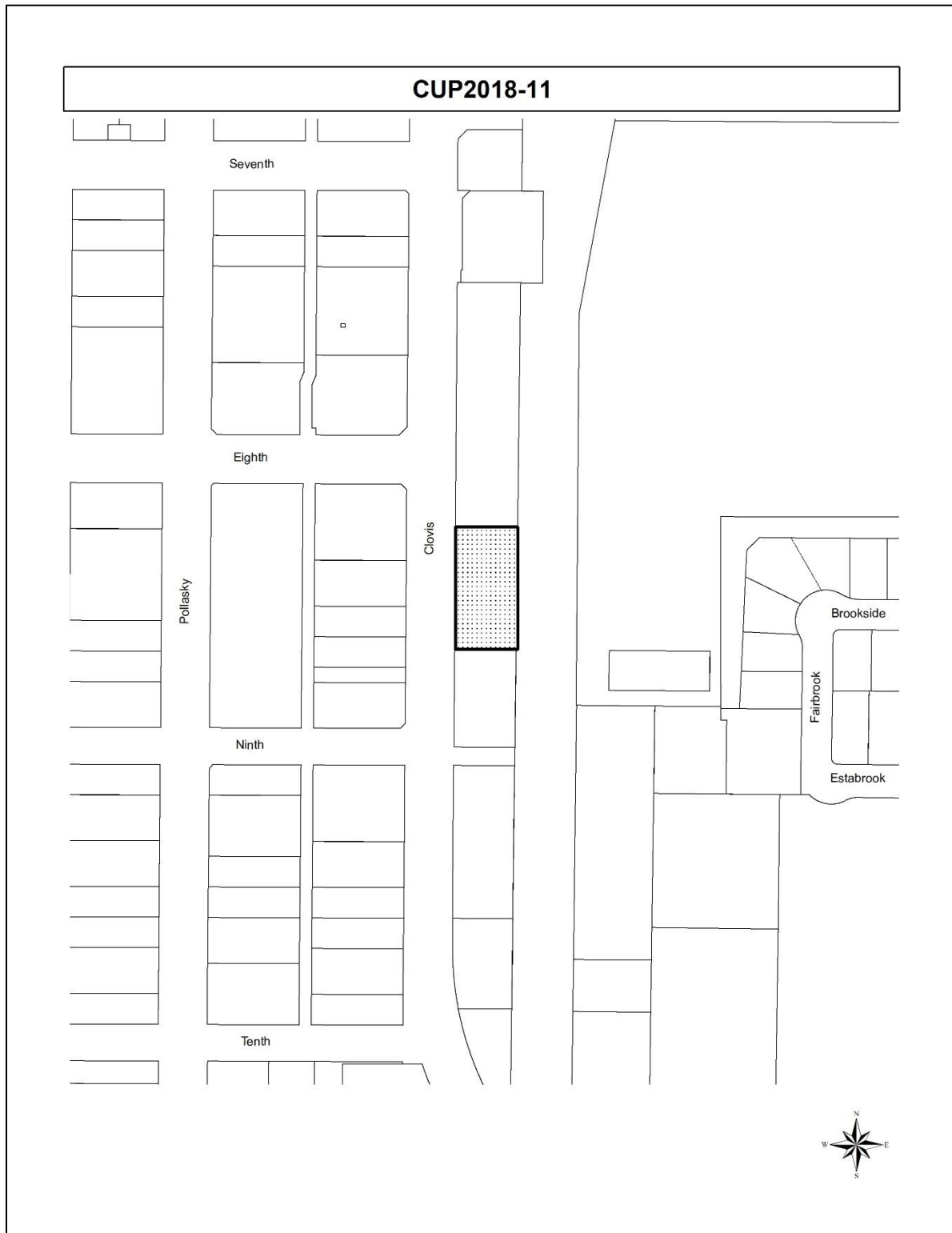


EXHIBIT "A"
Conditions of Approval – CUP2018-11
(As approved and modified by the Planning Commission – September 27, 2018)
(As approved and modified in *Italic* and ~~striketrough~~ by the Planning Commission –
January 24, 2019)

PLANNING DIVISION CONDITIONS
(Joyce Roach, Division Representative – (559) 324-2341)

1. This Project is subject to the development standards of the Central Clovis Specific Plan.
2. This use permit is granted to allow for seasonal outdoor recreation and entertainment events for the property located 841 Clovis Avenue, annually.
3. All conditions of this use permit shall be addressed prior to operation of the events.
4. This conditional use permit shall be reviewed ~~at the scheduled January 24, 2019, Planning Commission meeting after a period of one year.~~ Clovis Planning staff shall conduct a review of this use in regards to the conditions of approval and shall present findings of review to the Planning Commission.
5. There shall be no placement of merchandise outside of the approved display areas as presented in the submittal.
6. There shall be no use of balloons or other wind-aided devices designed to attract attention to the site.
7. The applicant shall keep access between the subject site and any adjacent businesses free and clear of obstructions. Any delivery vehicles shall not stop, park, load, or unload merchandise in a manner that could obstruct ingress and egress to adjacent businesses.
8. Display areas shall not encroach onto required ADA parking stalls or paths of travel on the site.
9. At no time shall any outdoor display of merchandise be placed in such a way as to provide less than a four (4) foot path of travel in the immediate vicinity of the outdoor display area.
10. Applicant must have on file a current City of Clovis Business License prior to conducting sales. All vendors related to special events shall have a Clovis Business License on file.
11. An operational statement and detailed site plan shall be submitted to the Planning and Development Services Department no less than thirty days prior to each event.
12. ~~All signs for this use shall comply with the Clovis Sign Ordinance and require separate sign permits. Temporary signs shall be per Code and the use of mascots and sign~~

~~waivers shall be prohibited.~~ All signage for this use and each specific event shall be reviewed by staff and comply with Clovis Sign Ordinance. Signage shall only be placed on the fence surrounding the approved area and each event shall be considered a separate event and granted a Grand Opening opportunity specific to signage.

13. All employee parking shall occur on site.
14. Prior to each special event, the applicant shall provide with their site plan, a parking plan that demonstrates adequate parking.
15. Event operational hours shall be from 8:00 am to 10:00 pm.
16. All music and lighting on the site shall be turned off by 10:00 pm (excepting grounds lighting used to facilitate clean-up of the site).
17. All games, rides, vendors, and booths shall cease operation and be completely shut down by 10:00 pm each night.
18. The applicant shall provide adequate restroom facilities to accommodate the use.
19. The subject property shall be kept free of litter and debris through routine maintenance.
20. The applicant shall make provisions for refuse service in an approved refuse container(s) on the subject property.
21. Alcohol sales and consumption shall not be permitted at these events.
22. All exterior lighting shall not interfere with the driving safety of vehicular traffic per Planning Division Standards.
23. Operation of this site shall conform to the Clovis noise and vibration standards (CMC §9.22.080 and §9.22.100).
24. All conditions of GPA96-08 and SPR97-14, and any other applicable conditions are hereby referred to and made a part of this conditional use permit.
25. Any expansion of the approved use shall require an amendment to this conditional use permit.
26. There shall be no overnight camping on this site. A designated overnight security guard may occupy the site during special events.
27. Loading and unloading of vehicles shall not occur in the public right of way and/or the Old Town Trail.
28. The applicant shall place fencing during each event so as to prevent pedestrian access to Clovis Avenue from the subject property.

FIRE DEPARTMENT CONDITIONS**(Gary Sawhill, Department Representative – (559) 324-2224)****EVENTS**

29. Each and every event shall have site plans submitted to Fire Department for approval and permitting per Clovis Fire Standard #4.2 and #4.1.

Emergency Access

30. Maintain a minimum 20 foot drive width by 13' 6" height for emergency access.

31. City alleys shall not be blocked.

32. Fire hydrants shall have a three foot (3') clearance around all sides with the side(s) facing the street totally unobstructed.

Cooking

33. All tents and canopies shall be fire treated, meeting California State Fire Marshal standards.

34. A fire extinguisher (2A-10BC minimum) shall be placed in the booth or area being used. All extinguishers must have a State Fire Marshal tag dated within the last 12 months.

35. A class "K" fire extinguisher is required when cooking with oils greater than 1" in depth. This is in addition to the extinguisher listed in #2. All extinguishers must have a State Fire Marshal tag dated within the last 12 months.

36. Cooking appliances shall not be accessible to the general public. The area shall be roped off, or the cooking appliances placed behind tables or in booths.

37. No cooking or open-flame allowed within ten feet (10') to any building or structure.

38. All propane tanks shall be secured and all hoses supplying the cooking equipment shall be checked for leaks prior to any cooking taking place. Any leaks found in hoses by the Fire Department will result in the immediate closure of the cooking area.

39. All fuels used for generators and cooking appliance shall be stored in the original containers or approved safety containers. All fuels shall be stored away from heat sources.

Outdoor Beer Gardens

40. A site plan for the beer garden shall be included with the event site plan and also include the following: exits, stages, tables, chairs, and the fence line.
41. The Clovis Fire Department will calculate the maximum occupant load. A maximum occupancy sign shall be posted at the entrance.
42. If a generator is present, a 2A10BC fire extinguisher shall be located in the vicinity.

Miscellaneous Safety Requirements

43. Fireworks of any kind are not allowed to be used, stored, handled, or sold at any parade/street fair event. This includes all brands of snap caps, safe and sane fireworks.
44. All compressed gas cylinders shall be secured against being knocked over in the upright position.
45. Maintain all combustibles such as paper, cloth, or wood, away from open-flame devices.
46. Approved electrical cords shall be utilized. The electrical cord rating shall meet or exceed the amp or wattage current of the appliance being served. Electrical cords shall not be placed in areas where damage can occur, or where they become a tripping hazard.
47. For tents having a floor area greater than 400 square feet or canopies in excess of 700 square feet, Clovis Fire Department Standard # 4.1 shall be followed.

TENTS AND CANOPIES:

48. At least three weeks prior to the event, the following original documents (no faxes) are required to obtain a permit for a tent or canopy:
- Submit a completed application form.
 - Submit a site plan that accurately indicates the distances from the tent or canopy to buildings, access drives, other tents or canopies, cooking and heating appliances, property lines and roadways.
 - Submit a copy of the flame retardant certificate(s) for the tent / canopy material.
 - Submit manufactures specifications for anchoring or provide calculations and details per The Industrial Fabrics Association International Procedural Handbook.

- Submit a floor plan showing the locations of all tables, chairs, interior obstacles, exits and their dimensions, exit pathways, no smoking signs, fire extinguishers, exit signs and their type, generators, and the type of floor surface.

Code Requirements

Exits

49. Exits shall be placed at approximately equal intervals around the perimeter of the tent or canopy and shall be located such that all points are one hundred feet (100') or less from an exit. (2016 CFC, Section 3103.12.1)
50. Exits shall be provided in accordance with Table (2016 CFC, Section 3103.12.2)
51. Tents or canopies that are closer than ten feet (12') to each other shall be considered as one structure. (2016 CFC, Section 3103.2)
52. Exit openings from tents shall remain open unless covered by a flame retardant curtain, provided that: curtains shall contrast with tent in color. Curtains shall be free sliding on a metal support. The support shall be a minimum of eight feet above the floor level at the exit. (2016 CFC, Section 3103.12.3)
53. Aisles having a minimum width of not less than forty-four inches shall be provided from all seating areas. (2016 CFC, Section 3103.12.5)
54. Exits shall be maintained with a clear width. Guy wires, ropes, fences, and other support members shall not cross a means of egress at a height of less than eight feet (8'). (2016 CFC, Section 3103.12.8)
55. Exits shall be illuminated at all times with light having an intensity of not less than one foot - candle at floor level. (2016 CFC, Section 3103.12.7)

Exit Signs

56. At every exit, an exit sign with letters at least six inches (6") in height shall be provided. (2016 CFC, Section 3103.12.6)

Bonding of Chairs

57. Loose seats or chairs that are not fixed to the floor shall be bonded together in groups of three or more, when the total number of chairs is over 300. (CCR, Title 19 Section 306(a))

Fire Extinguishers

58. Provide one 2A:10BC portable fire extinguisher for every tent having a floor area between 500 square feet and 1,000 square feet. One additional fire extinguisher shall

be provided for each additional 2,000 square feet. Maximum travel distance to a portable fire extinguisher shall not exceed 75' feet. Exits are the preferred locations. The top portion of portable fire extinguishers shall be mounted between three and five feet (3'-5') above floor. (2016 CFC, Section 3104.12)

Heating and Cooking Equipment

59. Gas, solid, and liquid fuel burning cooking equipment shall not be located within twenty feet (20') from a tent or canopy. (2016 CFC, Section 3104.7)
60. Heaters shall not be permitted to be present under a tent or canopy unless approved by the Clovis Fire Department. (2016 CFC, Section 3104.7)
61. Cooking and heating equipment shall be kept ten feet (10') from any exit. (2016 CFC, Section 3104.15.3)
62. Operations such as warming foods with solid fuels (Sterno) that do not pose an ignition hazard shall be approved. (2016 CFC, Section 3104.15.4)

Flammable and Combustible Liquids / Gases

63. Flammable liquid-fueled equipment shall not be used in tents or canopies. (2016 CFC, Section 3104.17.1)
64. Flammable or combustible liquids and LP-gas shall not be stored in a tent or canopy, or less than fifty feet (50') from such structures. (2016 CFC, Section 3104.17.2)

Housekeeping

65. Weeds, flammable vegetation, hay, trash and other flammable materials shall be removed from the interior floor and surrounding area occupied by a tent for a minimum of not less than fifty feet. (CCR, Title 19 Section 326(b))

Stand-By Personnel

66. When, in the opinion of the Chief, it is essential for public safety in tents and canopies, standby personnel shall be required in accordance with (2016 CFC, Section 3104.20)
67. The regulations of the State Fire Marshal for standby personnel in tents with an occupant load of 500 or more also apply. (CCR T-19, Chapter 2, Article 320)

Clearances

68. Separation between tents relative to the property line or buildings: (2016 CFC, Section 3103.8.2 and 3103.8.3)
- 20-foot clearance for up to 15,000 square feet of floor area

- 50-foot clearance for over 15,000 square feet of floor area

69. Automobiles shall not be parked within 20 feet of the tent. Exception - Display of Motor Vehicles is allowed provided that the batteries are disconnected and no more than five (5) gallons of fuel remain in the tank.

70. Generators shall be maintained at least twenty feet (20') away and be isolated from the public by fencing, or other approved means.

Miscellaneous

71. Smoking shall NOT be permitted in any tent. "NO SMOKING" signs shall be conspicuously posted. (2016 CFC, Section 3104.6)

72. No fireworks, open flame or other device emitting flame or fire shall be used within 100 feet to any tent. (2016 CFC, Section 3104.8)

73. An unobstructed passageway or fire lane not less than twelve feet (12') in width shall be maintained on all sides of the tents. (2016 CFC, Section 3103.8.6)

74. Fire lanes and fire hydrants shall remain unobstructed at all times.

FRESNO COUNTY HEALTH

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

75. The applicant shall refer to the attached Health Department requirements. If the list is not attached, please contact the Department for the list of requirements.

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

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

HOUSING AND ECONOMIC DEVELOPMENT DEPARTMENT CONDITIONS **(Shawn Miller, Department Representative – (559) 324-2083)**

77. The subject property is not located within the Parking and Business Improvement Area (PBIA), therefore, applicant must provide parking on site.

78. Limit on number of days any and all displays, attractions, goods, products, structures - including, but not limited to temporary booths, tents, awnings, and shelters may be visible from adjacent sidewalk, trail, and neighboring properties.

79. No trailers, campers, recreational vehicles, motorhomes, or boats of any kind should be visible from adjacent sidewalk, trail, and neighboring properties at any time.

- 80. During events, applicant must provide security to assure customers do not park in neighboring properties' private parking areas. Failure to do so should result in fines equal to or greater than damages.
- 81. With the exception of pumpkins, no produce should be displayed or sold at any time.
- 82. No swap meets, flea markets, second-hand sales, or similar events should take place at any time.
- 83. Following any event or attraction, property should be cleared and cleaned within 72 hours.
- 84. Live entertainment should only be ancillary to another event; no stand-alone concerts.
- 85. No dances.
- 86. No alcohol sales at any time.
- 87. All food-related events should be subject to inspection by Fresno County Department of Environmental Health.

ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS

(Sean Smith, Engineering Representative - 324-2363)

(Paul Armendariz, Public Utilities Representative – 324-2394)

- 88. Clovis Avenue – improve with drive approaches to provide an ADA path of travel behind both of the approaches per city standard.
- 89. For new onsite ADA paths of travel that connect to the City sidewalk, the Applicant shall replace enough sidewalk to provide a compliant landing with appropriate transitions to existing sidewalk grades.
- 90. Dedicate 10' PUE along all frontages.
- 91. The applicant shall provide a request by the property owner for annexation to and a covenant for the Landscape Maintenance District. The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election will be required for the establishment of the initial assessment. The assessment for each lot must be obtained from the City. The current estimated annual assessment is \$44.88 and is subject to an annual change in the range of the assessment in the amount of the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI Index), plus two percent (2%). The owner/applicant shall notify all potential buyers before they actually purchase this property that this property is a part of a Landscape Maintenance District and shall inform potential buyers of the assessment amount. Said notification shall be in a manner approved by the City.
- 92. The applicant shall construct one (1) City of Clovis standard Type III trash enclosure (M-2 and M-3) including solid metal gates at the location approved by the City of Clovis

Solid Waste Supervisor. Grease barrel enclosures shall be required for all grease producing businesses. The applicant shall provide paved access to and from the trash enclosure that must be accessible between 6 a.m. to 2:30 p.m. on the day(s) of service. The solid waste collection vehicles shall not be required to backup to service the trash enclosure. The trash enclosure shall be positioned to have front loading solid waste vehicle access. The concrete pad shall be inspected by the City prior to pouring of concrete. All access driveways to and from the trash enclosure shall be a minimum of 26' in width with large turn radius. Trash enclosures shall be setback a minimum of 5' from all driveways to minimize impact of gates left open and mitigate any visibility issues.

**DRAFT
RESOLUTION 19-_____**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING
REVIEW FINDINGS AND AMENDED CONDITIONS OF APPROVAL ASSOCIATED WITH AN
APPROVED CONDITIONAL USE PERMIT TO ALLOW FOR SEASONAL OUTDOOR RECREATION
AND ENTERTAINMENT EVENTS FOR THE PROPERTY LOCATED AT 841 CLOVIS AVENUE AND
FINDING THE PROJECT IN SUBSTANTIAL CONFORMANCE WITH THE ENVIRONMENTAL
ANALYSIS PERFORMED FOR THE GENERAL PLAN**

WHEREAS, Shanna Collotzi and Jeff Spraetz, 841 Clovis Avenue, Clovis, CA 93612, has applied for a Conditional Use Permit CUP2018-11; and

WHEREAS, this is a request to approve a conditional use permit to allow for seasonal outdoor recreation and entertainment events for the property located at 841 Clovis Avenue, in the City of Clovis; and

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

WHEREAS, a duly noticed hearing was held on January 24, 2019; 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. 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. The project is in substantial conformance with the environmental analysis performed for the 2014 General Plan updated, 2014 Development Code updated.
7. The Planning Commission finds the project in substantial conformance with the environmental analysis performed for the General Plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Clovis Planning Commission does approve review findings and amended conditions of approval associated with CUP2018-11, subject to the attached conditions labeled Exhibit "A."

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on January 24, 2019, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 19-____

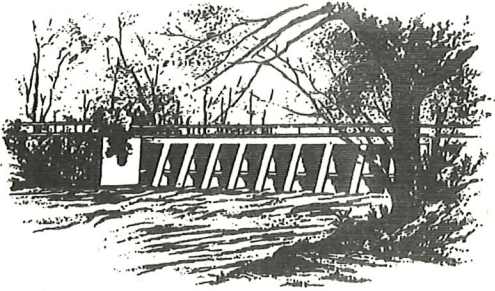
DATED: January 24, 2019

Amy Hatcher, Chair

ATTEST:

Dwight Kroll, AICP, Secretary

CORRESPONDENCE FROM AGENCIES



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

September 10, 2018

Ms. Joyce Roach
 City of Clovis
 Planning and Development Services Department
 1033 Fifth St.
 Clovis, CA 93612

RE: Conditional Use Permit No. 2018-11
 N/E Barstow and Clovis avenues

Dear Ms. Roach:

The Fresno Irrigation District (FID) has reviewed the Conditional Use Permit No. 2018-11 for which the applicant request approval for outdoor recreation and entertainment events, APN: 497-094-02. FID has the following comment:

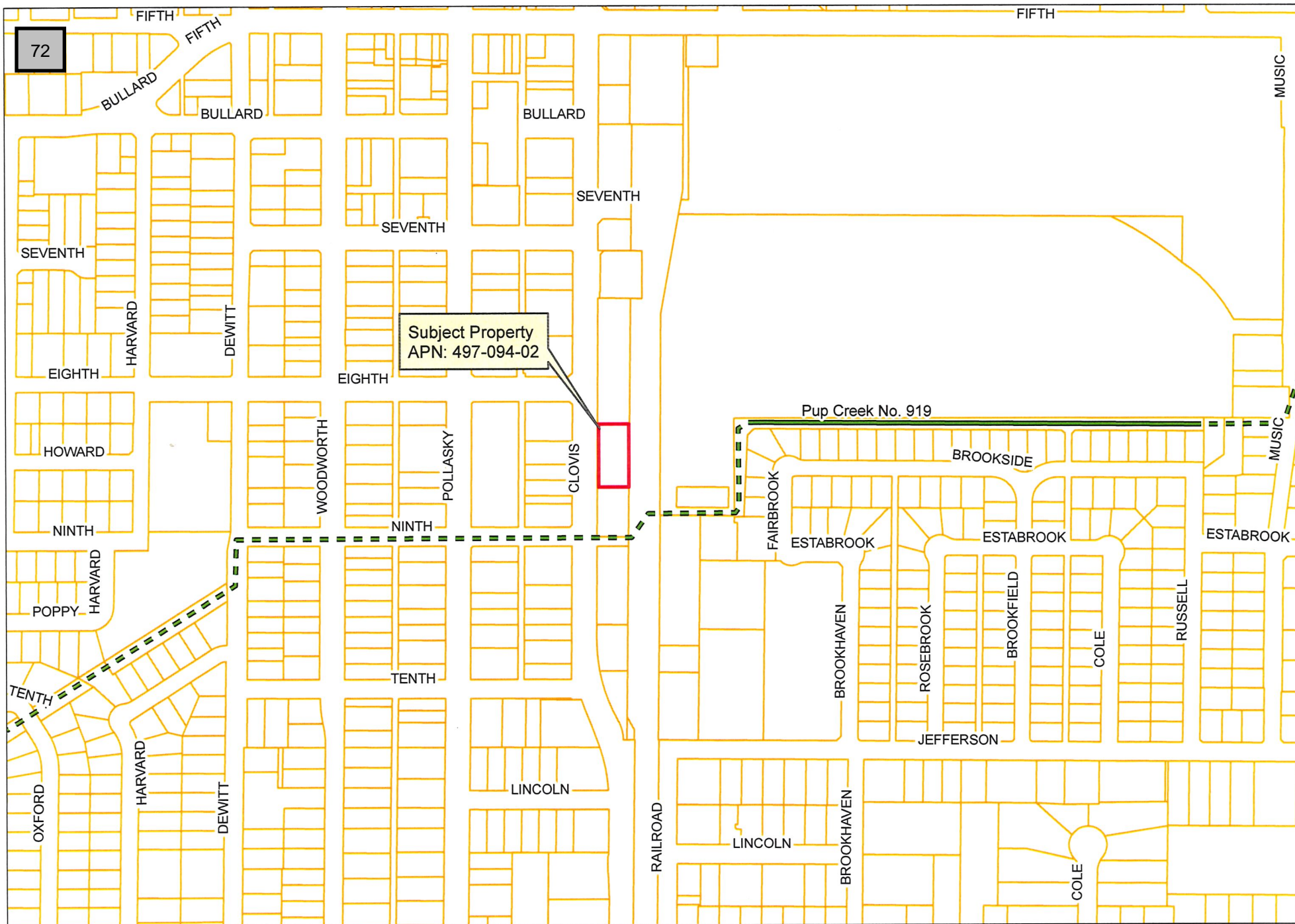
1. FID does not operate or maintain any facility located on the subject property as shown on the attached FID exhibit map.

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

Sincerely,

Laurence Kimura, P.E.
 Chief Engineer

Attachment



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

Legend

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

0 195 390 Feet
1 inch = 388.29 feet



Date Saved: 5/30/2018 9:00:02 AM
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County of Fresno

DEPARTMENT OF PUBLIC HEALTH

David Pomaville, Director
Dr. Sara Goldgraben, Health Officer

August 10, 2018

LU0019577
2604

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

Dear Ms. Roach:

PROJECT NUMBER: **DRC2018-43**

DRC2018-43, Proposal for a multi-use permit to operate seasonal businesses at the location: pumpkin patch, Christmas tree lot, Valentine's Day flowers, rodeo day, farmers market or weekend family fun events.

APN: 497-094-02

ADDRESS: 841 Clovis Avenue

Recommended Conditions of Approval:

- As the Conditional Use Permit holder, Hodges Investment Group LLC, shall be responsible for ensuring that all food vendors operating at the facility remain in compliance with Fresno County Department of Public Health, Environmental Health Division permit requirements. All mobile food preparation units operating at the facility shall have a valid Fresno County Department of Public Health Permit to Operate, and operate within the scope of their permit.
- Community events which provide retail food sales to the attending public, will be subject to permit requirements and inspections from this Department. Community events shall be operated by a non-profit organization. Contact the Consumer Food Protection Program at (559) 600-4058 for more information.
- The proposed projects including the use of amplified speakers, have the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.
- AB 1616, the California Homemade Food Act allows certain low risk foods to be made in private homes and sold to the public. This type of home-based business is known as a Cottage Food Operation or CFO. A CFO is allowed to prepare only non-potentially hazardous foods in a private home. The foods prepared must be listed on the State's approved list of food products. CFO's must be either registered or permitted by this office prior to producing and selling or giving away food. For more information and how to obtain a CFO permit, please contact the Consumer Food Protection Program at (559) 600-3357.
- In accordance with California Food Code Section 114259.5 Prohibiting animals: (except under specific situations) live animals shall be kept at least 20 feet (6 meters) away from any mobile food prep unit, mobile food facility, temporary food facility, or certified farmers' market.

Promotion, preservation and protection of the community's health

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

(559) 600-3271 • FAX (559) 600-7629

The County of Fresno is an Equal Employment Opportunity Employer

www.co.fresno.ca.us • www.fcdph.org

- Permanent restroom facilities are required. All permitted mobile food facilities and/or mobile food preparation units that may be operating inside the facility boundary shall be located within 200 feet of an approved permanent restroom facility (California Retail Food Code Section 114315).
- Should alcohol sales be proposed, the applicant shall contact the California Alcoholic Beverage Control Department at (559) 225-6334 for information related to applying for and obtaining a license to sell alcoholic beverages at special events.

REVIEWED BY:

**Kevin
Tsuda**

Digitally signed by Kevin Tsuda
DN: cn=Kevin Tsuda, o=Environmental
Health Division, ou=Fresno County
Department of Public Health,
email=ktsuda@co.fresno.ca.us, c=US
Date: 2018.08.10 14:09:00 -0700

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

(559) 600-3271

KT

cc: Rogers, Moreno, Gore & Bal-Environmental Health Division (CT. 56.02)
Shanna Collotzi- Applicant (sspraetz17@gmail.com)

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 1 of 3

PUBLIC AGENCY

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

DEVELOPER

SHANNA COLLOTZI & JEFF SPRAETZ
841 CLOVIS AVE.
CLOVIS, CA 93612

PROJECT NO: **2018-011**
ADDRESS: **841 CLOVIS AVE.**
APN: **497-094-02**

SENT: 9/13/18

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
4C	\$0.00	NOR Review	\$50.00	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.
Total Drainage Fee: \$0.00		Total Service Charge: \$50.00		

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/19 based on the site plan submitted to the District on 8/30/18 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
CUP No. 2018-011

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

Page 2 of 3

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


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

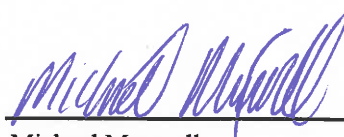
CL CUP No. 2018-011

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

Page 3 of 3

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


Debbie Campbell
Design Engineer


Michael Maxwell
Project Engineer

**CL
CUP No. 2018-011**

OTHER REQUIREMENTS
EXHIBIT NO. 2

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

Development No. Clovis CUP 2018-011

1. Consider approval Res. 18-52, **CUP2018-11**, A request to approve a conditional use permit to allow for seasonal outdoor recreation and entertainment events for the property located at 841 Clovis Avenue. Hodges Investment Group, LLC, owner; Shanna Collotzi and Jeff Spraetz, applicants.

Planning Assistant Joyce Roach presented the staff report.

Commissioner Antuna sought and received confirmation that the submitted parking agreement meant that the applicant would be able to use Flooring Liquidator's parking lot after the business closes.

Commissioner Antuna followed up with an inquiry into the operational hours for Flooring Liquidators. Planning Assistant Roach responded that staff did not have that information was not available at this time.

Commissioner Antuna inquired as to the proposed hours of operation for the event. Planning Assistant Roach responded with the proposed hours.

Commissioner Antuna sought and received confirmation that the applicants intend to hold an event during Rodeo Week that would include live entertainment and food vendors.

Commissioner Antuna expressed concern regarding the limited parking and the traffic intensity of Clovis Avenue.

Commissioner Cunningham sought and received confirmation that the photos in the memo provided for this item were sent anonymously. He noted for the record that, if the photos are considered, there are no dates to indicate that the photographed flyer and activity are for this year rather than a different one, especially as he had driven by the site three days previous and noted no such facility present. Assistant Planner Cha responded that staff had driven by the site the previous day and noted that the site had been enclosed, and that the tent in the pictures was up this morning. Commissioner Cunningham expressed his objection to anonymous correspondence based on lack of ability to verify and lack of dates.

Commissioner Bedsted inquired as to whether there is a condition requiring each event be fenced in or enclosed. His concern was for the safety of children there for the attractions, with the level of traffic intensity on Clovis Avenue. Assistant Planner Cha responded that there is no such condition of approval currently, as the submitted site plan indicated gating around the property, but that such a condition could be added if the Commission wished. In addition, the subject site is currently fenced off by chain link fence, which may be visible in the memo photos.

Commissioner Hatcher inquired as to how many parking stalls would be available if the project is approved. City Planner Araki deferred this question to the applicants.

Chair Hinkle inquired as to when this project was brought to staff for consideration and addition to the Planning Commission agenda. Assistant Planner Cha responded that the proposal had been put forward for Development Review Committee in mid-August. Chair Hinkle sought and received confirmation that it was not in time for the previous Planning Commission meeting, with the September meeting being the earliest able to accommodate the project with proper noticing.

Chair Hinkle inquired as to whether approval of this conditional use permit would invalidate the previously-approved conditional use permit for vehicle sales. City Planner Araki responded that it would not, explaining that that approval was grandfathered in with the zoning of the property.

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

Shanna Collotzi of 841 Clovis Avenue provided background on the project.

Chair Hinkle sought and received confirmation that the applicant understands the process for acquiring a conditional use permit, then inquired if the applicants felt that they had the right to circumvent this process, putting up the tent before going through the necessary steps for approval. Ms. Collotzi apologized, having believed that it would be acceptable to secure the area and put up the tent in order to meet the October event dates, with the understanding that they would have to take down the tent if the project did not receive approval.

Chair Hinkle expressed dissatisfaction with the applicants circumventing the process, stating that such actions raise doubt for him that they will respect rules or adhere to conditions that are set for the project. Ms. Collotzi again apologized, stating that they were working with Associate Civil Engineer Smith regarding ADA improvements and that she didn't realize they would be circumventing the conditional use permit process.

Chair Hinkle inquired as to whether the applicants intend to run any events in conflict with Big Hat Days or other functions put on by other organizations. Ms. Collotzi responded in the negative, providing an explanation.

Commissioner Cunningham echoed the concerns of the Chair, citing a case of a different conditional use permit wherein the applicant performed the work before their request to do so was heard by the Commission.

Commissioner Cunningham sought and received confirmation that objects visible in the memo pictures are boxes of pumpkins. He expressed dissatisfaction with everything being set up for the first event before the project has been heard by the Commission, as that is not how the process works. Ms. Collotzi responded that they had been hoping to have their project heard during the August Planning Commission meeting and had not understood in the Development Review Committee meeting that they were too late for that.

Commissioner Hatcher inquired as to whether the applicants own the subject property, thereby granting them the right to put up a tent. Ms. Collotzi explained that the property is owned by Hodges Investment Group, from whom they lease it for their day-to-day business. City Planner Araki confirmed that there is a process for businesses to put up tents, seasonal decorations are encouraged, and that staff would want to review fencing through a permitting process. He also confirmed that the applicants are aware that they were taking an expensive risk, and that there were timing issues with scheduling this project for Planning Commission. Deputy City Planner explained that the Fire Department had done a preliminary inspection that found no issues, but that it would be formalized on Monday, October 1st.

Commissioner Antuna expressed concern regarding small children being attracted to events on a street busy enough that she herself sometimes has difficulty getting out of her car when parked on Clovis Avenue due to the frequency and speed of traffic. She expressed approval of this type of project but is concerned about the location, due to that safety issue as well as

concern over how the project events would affect traffic flow on Clovis Avenue. Ms. Collotzi echoed the concern for the safety of small children, providing some statements regarding traffic and parking for the site.

Associate Civil Engineer Smith stated that the traffic issue was not one covered previously, as he was not aware of the applicants' parking plan and had instead been discussing improvements in the property's drive approach, trash enclosures, and fencing. He explained that the improvements were being deferred until a large enough period between events to implement them without creating safety issues for customers.

Jeff Spraetz of 841 Clovis Avenue also provided background on the project.

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 assured all of her attention to and appreciation of all of the applicants' statements as well as the Commission's desire for business and special events to come to Clovis, but expressed her doubt regarding the suitability of this particular location.

Commissioner Bedsted expressed that he shares Commissioner Antuna's concern, hence his attention to the fencing issue. He approved of the possibility of full enclosure of the Clovis Avenue frontage as a procedural safeguard.

Commissioner Hatcher expressed her approval of this idea, suggesting the addition of a condition requiring the enclosure of the Clovis Avenue frontage. While she understands the concern about somewhat circumventing procedure, she also understands that there were timing issues and applauded the applicants' courage in taking that risk, and believes that this is a good idea.

Commissioner Cunningham recognized the time constraints under which the applicants were operating, but stated that the commissioners put in a lot of time and effort, nearly as volunteers, and will not react well when it seems that the Commission is being ignored. He expressed his appreciation of Commissioner Antuna's concern regarding location and suggested adding conditions to mitigate that concern.

Chair Hinkle expressed his disapproval of applicants going around the Commission, as it exists to serve the people of Clovis and ensure that things are done properly. He also expressed doubt about this location being appropriate for this project and concern regarding the applicants adhering to conditions, wondering as to the possible actions to be taken in such an event and the possible costs of correction. He views this project as having a bad start that will set the trend for its future.

Commissioner Hatcher expressed understanding of the Chair's point while also expressing her belief in the unfairness of penalizing an applicant and something potentially beneficial to the City due to timing issues.

Chair Hinkle responded that he also sees safety issues.

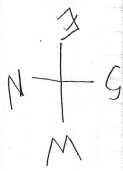
City Planner Araki explained that one of the conditions of approval was amended to state that the conditional use permit will be reviewed in one year's time and recommended potentially bringing the project, if approved, back for review after the holiday season, near the time the applicants would need to begin the improvements. This would give City staff a chance to evaluate how the project worked, if it was truly a benefit to the community, and work with the applicant on the parking issue.

Ms. Collotzi and Mr. Spraeetz interjected with clarification on parking and site access.

Commissioner Antuna sought and received confirmation, with a detailed explanation, that the fence currently up on the property completely closes off site access to Clovis Avenue.

Chair Hinkle suggested making conditions of use that there will be no access from the Clovis Avenue side, having it be completely fenced off during these events, and reviewing the project in January after the holiday season.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve CUP2018-11 with added conditions to use fencing to preclude access from Clovis Avenue and to review the conditional use permit for compliance at the January 24th, 2019, Planning Commission meeting. The motion was approved by a vote of 5-0.



EAST PROPERTY LINE

X = CHRISTMAS TREES

Hot chocolate / Cinnamon
Food TRUCK

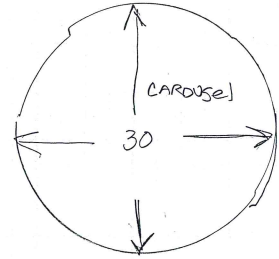
Flushing
Booth
20
20

Storage Area
38'9"
Shop
28'2"
Awning
20
44'4"

Office building

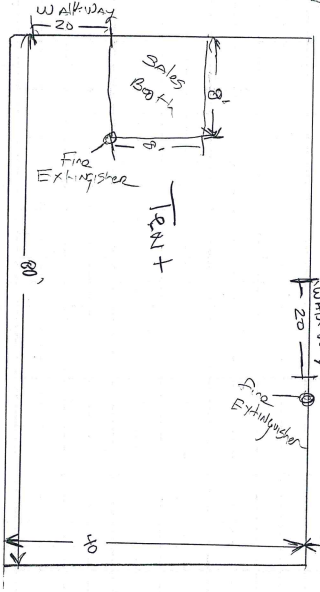
Awning
10'7"
1'5"

Entrance



PARKING
Lot light

EMERGENCY
open all
Access
times



Super slide

10 foot set back

84

ENTRANCE gate
32'
North east
corner

10 foot set back

BANNER

411 CLOVIS AVE

REMOVING
FENCE

BANNER

EXHIBIT B2



AGENDA ITEM NO: 5

CITY *of* CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

SUBJECT: Consider Approval, Res. 19-____, CUP2018-15, A request to approve a conditional use permit for a proposed Government Facility with associated customer service for the property located at 3500 Pelco Way. Cook Land Company, owner/applicant; Arc Tec, representative.

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

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit CUP2018-15, subject to the attached conditions of approval listed in Exhibit "A."

EXECUTIVE SUMMARY

The applicant is requesting approval of a conditional use permit for a customer service government facility to be located within an existing 171,945 square foot, two-story building located at the northeast corner of Dakota and Peach Avenues (3500 Pelco Way). The space was formerly occupied by Schneider Electric, primarily a manufacturing facility with ancillary office space. Government Facilities in the M-1 Zone District (Industrial) are subject to review and approval through the Conditional Use Permit process. Approval of this conditional use permit will allow the applicant to move forward with interior tenant improvements. Conditions of approval are attached under Exhibit "A," establishing standards for operation.

BACKGROUND

- General Plan Designation: Industrial
- Existing Zoning: M-1 (Light Industrial)
- Lot Size: Approximately 8.30 Acres
- Current Land Use: Industrial/Office
- Adjacent Land Uses: North: Industrial/Office
South: Vacant
East: Industrial/Office
West: Multiple-Family Residential
- Previous Entitlements: R85-13, SPR91-03, SPR93-16, SPR93-16A, SPR93-16A2,
SPR93-16A3, SPR93-16A4, SPR93-16A5, SPR93-16A6,
SPR93-22

PROPOSAL AND ANALYSIS

Description of the Use

The applicant is requesting a conditional use permit for an adaptive reuse of the former Schneider Electric facility. Schneider Electric formerly operated this building subsequent to the purchase from Pelco Security. With the closure of the operation within this building, Cook Land Company purchased all of the buildings to provide a new home for the Fresno County Department of Social Services (DSS). Fresno County DSS is seeking to relocate approximately 750 government employees to this phase of the Project site. The Clovis Development Code allows for government facilities within the M-1 (Industrial) Zone District subject to discretionary review by the Planning Commission through the public hearing process and more specifically, requiring review through a conditional use permit.

The applicant will relocate existing staff from their current 15 metro-Fresno locations into the proposed larger Clovis facility to accommodate more than 1500 clients per day from one single location. Subsequently, the applicant expects further growth in staffing which will further require expansion of the overall center, and require future review of parking and maintenance of the operation.

Site and the Surrounding Uses

The project site is approximately 8.30 acres located at the northeast corner of Dakota and Peach Avenues, specifically, 3500 Pelco Way. The existing facility is bounded by industrial/office type uses to the north and east, a vacant parcel to the south, and multiple-family residential to the west.

Hours of Operation

The applicant has stated the hours of operation for the social services facility will be from 7:30 a.m. to 5:00 p.m. Monday through Friday. There will be no further activity to the site on weekends and holidays.

Parking

The site has an existing parking field of approximately 354 parking stalls. Parking for an industrial office use is calculated on a basis of one parking space for each 250 square feet of gross building area. The overall gross building area encompasses approximately 171,945 square foot of building area. Based on the applicant's exhibit, the applicant would be required to provide 688 parking stalls for the use. As previously stated, the Project is located within the greater Pelco Industrial Park which provides opportunity for shared parking with other tenants in the center. Additionally, the proposed Project is the first phase of eventual expansion into other adjacent buildings which will memorialize additional parking fields for the Department of Social Services.

With the anticipated growth as the Fresno County DSS expands its services, the use will necessitate a more comprehensive review of the parking fields for the Project. Staff will work with the applicant on a two-fold solution to accommodate any expansion; first, a comprehensive parking calculation of the overall center and the potential for memorializing reciprocal parking agreements with the surrounding properties; second, a parking Variance to the parking requirements of the M-1 Zone District. Staff has included both these options as conditions of approval in order to provide staff the ability to work with the applicant in the future.

Review and Comments from Agencies

The Project was distributed to all City Divisions as well as outside agencies, including Cal Trans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan Flood Control District, AT&T, PG&E, San Joaquin Valley Air Pollution Control District, State Department of Fish and Wildlife, and the County of Fresno. Comments received are attached only if the agency has provided concerns, conditions, or mitigation measures.

Routine responses and comment letters are placed in the administrative record and provided to the applicant for their records.

Public Comments

A public notice was sent to area residents within 1500 feet of the property boundaries. Staff has not received comments or concerns from the public upon finalization of this report.

California Environmental Quality Act (CEQA)

The City of Clovis has completed an environmental review (an assessment of the project's

impact on natural and manmade environments) of the proposed project, as required by the State of California. The Project 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 projects; therefore, subject to CEQA Sections 15162 and 15182, no further environmental review is required for this project.

The City published notice of this public hearing in *The Business Journal* on Wednesday, January 9, 2019.

REASON FOR RECOMMENDATION

The proposed use permit provides the applicant an adaptive reuse of an existing vacant building with the square footage to consolidate its services into one facility while allowing for future expansion. The proposed use would not cause a detrimental impact on adjacent uses and can be accommodated on the site. Staff therefore recommends that the Planning Commission approved CUP2018-15, subject to the conditions of approval listed as Exhibit "A."

Findings for approval of a conditional use permit application are as follows:

1. The proposed use is conditionally allowed within, and would not impair the integrity and character of the subject zoning district and is in compliance with all of the applicable provisions of this Development Code;
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. The project is in substantial conformance with the environmental analysis performed for the 2014 General Plan update, and 2014 Development Code update.

FISCAL IMPACT

None.

ACTIONS FOLLOWING APPROVAL

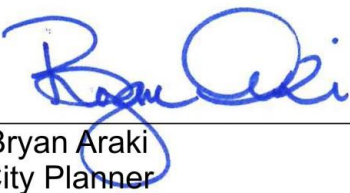
None

NOTICE OF HEARING

Property owners within 1,500 feet notified:	27
Interested individuals notified:	10

Prepared by: Orlando Ramirez, Deputy City Planner

Reviewed by:



Bryan Araki
City Planner

FIGURE 1
PROJECTION LOCATION MAP

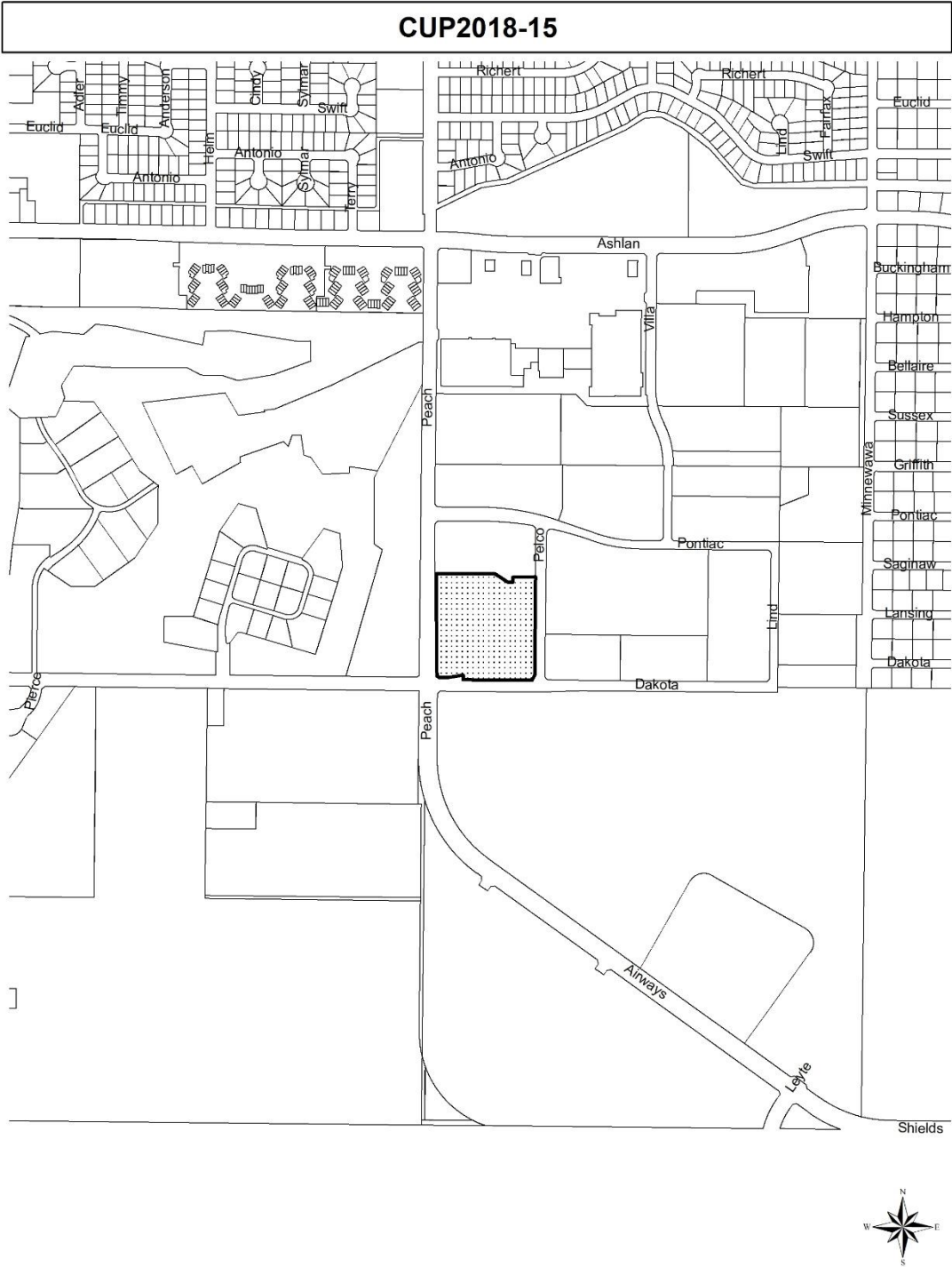


EXHIBIT "A"
Conditions of Approval – CUP2018-15

Planning Division Conditions

(Orlando Ramirez, Deputy City Planner – (559) 324-2345)

1. All conditions of this use permit shall be addressed prior to operation of the facility.
2. Conditional Use Permit CUP2018-15 may be reviewed in one year after operation for compliance with the conditions of approval. Planning staff may conduct a review of the use and may present these findings to the Planning Commission. Should the use be found to be in non-compliance, the Commission may schedule the use permit for revocation.
3. CUP2018-15 permits the operation of a government facility with associated customer service per the terms of the conditions of approval listed below. Any major modifications including additional square footage, change in hours of operation, and/or use of the building to a more intense use, shall require an amendment to this conditional use permit.
4. With any proposed exterior modifications, the applicant shall obtain site plan review amendment approval prior to renovation of the exterior of the building or site modifications.
5. The applicant shall operate the use in a manner that does not generate noise, odor, or vibration that adversely affects any adjacent properties and tenants.
6. Cessation or abandonment of this use for a period exceeding 60 days shall result in the scheduling of a revocation hearing for this site.
7. All signage for this use shall comply with the City of Clovis Sign Ordinance and require separate sign permits. Temporary signs shall be per Code and the use of mascots and sign waivers shall be prohibited.
8. All landscaping (open space and private yards) shall conform with the City of Clovis Water Efficient Landscape Ordinance.
9. All employee parking shall occur on site.
10. The applicant shall work with staff on developing a comprehensive parking calculation of the overall center and the potential for memorializing reciprocal parking agreements with the surrounding properties
11. Should the use create a significant impact to parking, the applicant shall seek a parking Variance to the parking requirements of the M-1 Zone District.
12. The hours of operation shall be from 7:30am to 5:00pm daily.

13. Delivery vehicles shall not stop, park, load, or unload merchandise in a manner that could obstruct ingress and egress to adjacent businesses.
14. Parking for this project shall be provided at a ratio of 4.0 parking stalls for each 1,000 square feet of building area.
15. The parking lot, landscaping and open areas shall be kept free of litter and debris through routine maintenance.
16. All exterior lighting shall not interfere with the driving safety of vehicular traffic per Planning Division Standards.
17. All conditions of R85-13, SPR91-03, SPR93-16, SPR93-22, and any other applicable conditions are hereby referred to and made a part of this conditional use permit.

County of Fresno Health Department Conditions

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

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

Fresno Metropolitan Flood Control District Conditions

(Denise Wade, FMFCD Representative - 456-3292)

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

Police Department Conditions

(Curtis Shurtliff, Department Representative – 324-2400)

20. The Department of Social Services shall require compliance with all criminal and administrative state, county, and city laws by the applicant and its employees within the use and within 100 feet of the use. The applicant shall make reasonable efforts to report to law enforcement known violations of criminal laws by its patrons within the use and within 100 feet of the use. The applicant shall not allow persons to congregate or loiter on the premises that do not have lawful business at the DSS. The applicant shall make reasonable efforts to prevent loitering by patrons within 100 feet of the premises and report any disturbances to law enforcement.
21. Before a crime is to be reported, The Department of Social Services shall determine the jurisdiction of the law enforcement agency responsible for reporting. The Department of Social Services shall maintain a minimum of two security guards 24 hours per day on the exterior of the building to include all parking areas.

22. CMC 5.27.101 Neighborhood preservation. It shall be unlawful for any person owning, renting, leasing, occupying or having charge or possession of any real property in the City to maintain such property in a manner that any of the following conditions are found to exist thereon, except as may be allowed by the Municipal Code. These conditions meet one or more of the following criteria and are considered nuisances subject to abatement and cost recovery pursuant to Chapters 28 and 29 of Title 5.
23. CMC 5.27.101(j) it shall be the responsibility of the site owner to maintain the structures and adjoining fences to the project free of graffiti. All forms of graffiti shall be removed within 48 hours.
24. Emergency phone numbers for responsible parties shall be kept current at all times, including during the building phase of the project, and provided to the Clovis Police Department Dispatch Center.
25. The Department of Social Services shall install interior and exterior high resolution digital surveillance cameras that cover all parking lots, and all entry/exit locations to the building in accordance with Clovis Police Department requirements, and in compliance with federal and State law. These cameras will be monitored by a dedicated technician during the hours the Department of Social Services is open to the public. This recording will be kept on the system for 30 days and made available to police immediately upon request. The requirements shall address types of cameras, recording and capabilities, location, lighting, Department access, and installation. All requirements shall be satisfied prior to opening.

**DRAFT
RESOLUTION 19-_____**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR A GOVERNMENT FACILITY WITH ASSOCIATED CUSTOMER SERVICE IN THE M-1 ZONE DISTRICT FOR THE PROPERTY LOCATED AT 3500 PELCO AVENUE AND FINDING THE PROJECT IN SUBSTANTIAL CONFORMANCE WITH THE ENVIRONMENTAL ANALYSIS PERFORMED FOR THE GENERAL PLAN

WHEREAS, Cook Land Company, 2780 N. Miami Avenue, Suite #101, Fresno, CA 93727, has applied for a Conditional Use Permit CUP2018-15; and

WHEREAS, this is a request to approve a conditional use permit to allow a government facility with customer service in the M-1 Zone District for the property located at 3500 Pelco Avenue, in the City of Clovis; and

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

WHEREAS, a duly noticed hearing was held on January 24, 2019; 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. 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. The project is in substantial conformance with the environmental analysis performed for the 2014 General Plan update and 2014 Development Code Update.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Clovis Planning Commission does approve CUP2018-15, subject to the attached conditions labeled Exhibit "A."

* * * * *

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on January 24, 2019, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 19-____

DATED: January 24, 2019

Amy Hatcher, Chair

ATTEST:

Dwight Kroll, AICP, Secretary



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

David Pomaville, Director
Dr. Sara Goldgraben, Health Officer

December 18, 2018

LU0019787
2604

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

Dear Mr. Gonzalez:

PROJECT NUMBER: **CUP2018-15**

DRC2018-15; A request to allow a government facility with customer service in the M-1 Zone District.

APN: 493-070-070s

ZONING: M-1

ADDRESS: 3500 Pelco Avenue

Recommended Conditions of Approval:

- Construction permits for the development should be subject to assurance that the City of Clovis community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.
- Construction permits for development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- If the tenant(s) propose to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<http://cers.calepa.ca.gov/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- The remodel/construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.

Promotion, preservation and protection of the community's health

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

(559) 600-3271 • FAX (559) 600-7629

The County of Fresno is an Equal Employment Opportunity Employer

www.co.fresno.ca.us • www.fcdph.org

ATTACHMENT 2

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

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

REVIEWED BY:

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

(559) 600-3271

KT

cc: Cindy Sauls- Environmental Health Division (CT. 31.04)
Cook Land Development- Applicant (reno@cooklanddevelopment.com)

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

File No. 210.433

Page 1 of 4

PUBLIC AGENCY

ORLANDO RAMIREZ
DEPARTMENT OF PLANNING AND
DEVELOPMENT SERVICES
CITY OF CLOVIS
1033 FIFTH STREET
CLOVIS, CA 93612

DEVELOPER

COOK LAND COMPANY
2780 N. MIAMI AVE., SUITE 101
FRESNO, CA 93727

PROJECT NO: **2018-015**ADDRESS: **3500 PELCO AVE.**APN: **493-070-70S**

SENT: 12/27/18

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
T	\$0.00	NOR Review	\$291.00	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.
Total Drainage Fee: \$0.00		Total Service Charge: \$291.00		

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/19 based on the site plan submitted to the District on 12/12/18 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
CUP No. 2018-015**

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

Page 2 of 4

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

1. ☒ a. Drainage from the site shall REMAIN AS EXISTING.
☐ b. Grading and drainage patterns shall be as identified on Exhibit No.
☐ c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.

2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:
☐ Developer shall construct facilities as shown on Exhibit No. 1 as
☒ None required.

3. The following final improvement plans and information shall be submitted to the District for review prior to final development approval:
☐ Grading Plan
☐ Street Plan
☐ Storm Drain Plan
☐ Water & Sewer Plan
☐ Final Map
☐ Drainage Report (to be submitted with tentative map)
☐ Other
☒ None Required

4. Availability of drainage facilities:
☒ a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).
☐ b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
☐ c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.
☐ d. See Exhibit No. 2.

5. The proposed development:
☐ Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)
☒ Does not appear to be located within a flood prone area.

6. ☐ The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

CL CUP No. 2018-015

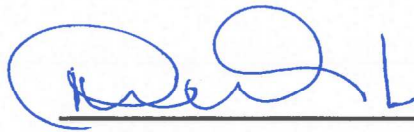
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS**

Page 3 of 4

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



Debbie Campbell
Design Engineer



Denise Wade
Project Engineer

**CL
CUP
No. 2018-015**

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

Page 4 of 4

CC:

ARC TEC

131 TECHNOLOGY DR., SUITE 750

SAN JOSE, CA 95110

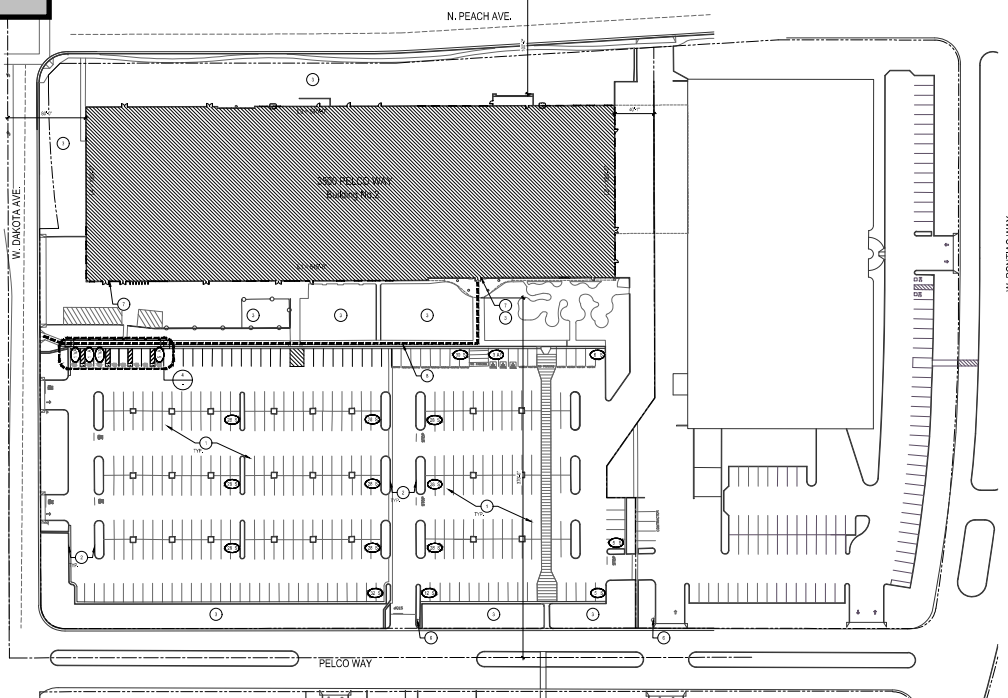
CL CUP No. 2018-015

OTHER REQUIREMENTS
EXHIBIT NO. 2

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

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

Development No. Clovis CUP 2018-015



SITE PLAN



PROJECT DATA

- A. ALL ROADS, MAINTENANCE AND CONSTRUCTION, STREET LIGHTS, REPORT ANY DISCREPANCIES TO THE AGENCY.
B. REFER TO DRAWINGS AND THOUGH-OUT THE PROJECT TO THE SHEET FOR THE ACCESSIBILITY PATH OF TRAVEL, PEDESTRIAN AND ACCESSIBLE PARKING INFORMATION.
C. AT LEAST ONE ACCESSIBLE ROUTE SHALL BE PROVIDED THROUGH THE SITE FROM ACCESSIBLE PARKING SPACES AND ACCESSIBLE PEDESTRIAN (CROSSING) ZONES, PUBLIC STAIRS AND RAMPWAYS AND PUBLIC TRANSPORTATION STOPS TO THE ACCESSIBLE BUILDING OR ACCESSIBLE ENTRANCE. THEY SHALL, HOWEVER, BE NEARBY AND PROVIDE AN ACCESSIBLE ROUTE. ALL ROUTES MUST BE ACCESSIBLE, EXCEPT AN ACCESSIBLE ROUTE SHALL NOT BE REQUIRED BETWEEN THE MAIN PUBLIC AND THE BUILDING OR FACILITY ENTRANCE. THE ONLY BARRIER OF ACCESS BETWEEN THEM IS A VERTICAL CURB NOT PROVIDING PEDESTRIAN ACCESS.
D. THERE IS NO CHANGE OF USE TO THE EXISTING BUILDING, ALL PARKING IS EXISTING, AND NO CHANGE TO THE NUMBER OF EXISTING PARKING SPACES ARE PROPOSED.

PROJECT DATA

ASSESSOR'S PARCEL NO.	APN - 430-070-705
ZONING	SA1
ITE AREA	361.540 SQ. FT./3 ACROSS
GRAND AREA	171.845 SQ. FT.

BUILDING AREA:	
FIRST LEVEL	98.100 SQ. FT.
SECOND LEVEL	73.845 SQ. FT.
TOTAL	171.945 SQ. FT.

FRONTAGE DISTANCE CALCULATION

Example 5-4: Weighted average $W = 0.1 \times e_1 + 0.2 \times e_2 + 0.3 \times e_3 = 10$

500.3.2 Friezeage increase with N (feet). Exception: Where the building exceeds the requirements of Section 507, as applied to N , except for compliance with the 65-foot public way or yard requirement, and the value of N is greater than 30 feet, the value of N divided by 30 shall be limited to a maximum of 2.

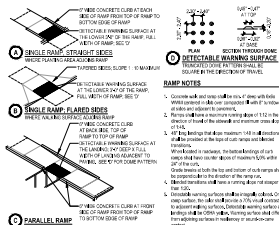
L_{11}	USC4	One size of building
L_{12}	USC7	Width of open space/public way for T1
L_{13}	USC7	One size of building
L_{14}	USC7	Width of open space/public way for T2
L_{15}	USC7	One size of building
L_{16}	USC7	Width of open space/public way for T3
L_{17}	USC4	One size of building
L_{18}	USC7	Width of open space/public way for T4
P_1	ACSC2	Length of building footprint with a minimum public way or open space of 20%
P_2	MSNC2	Footprint of lot in building
P_{10}	ESAC7	Collocated with
P_{11}	L243	Area between Drive to Frontage + ACTUAL (Control street) < 200

ALLOWABLE AREA, HEIGHT AND NUMBER OF STORIES

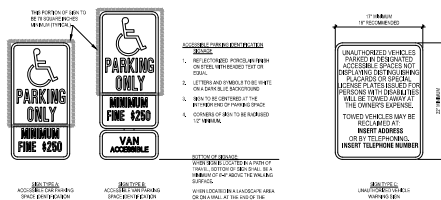
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KEYNOTES

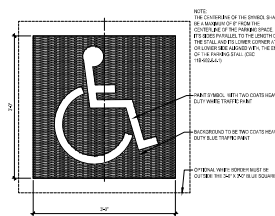
- 1 EXISTING PAVED PARKING AND DRIVE.
- 2 EXISTING CURB.
- 3 EXISTING LANDSCAPE AREA.
- 4 EXISTING ACCESSIBLE RAMP (MINIMUM SLOPE 1:12).
- 5 EXISTING WALKWAY.
- 6 EXISTING ACCESSIBLE PARKING (MINIMUM 8'0" SEE DETAIL 202A).
- 7 PROVIDE STAIRS SERVING "SHOWINGS PROHIBITED" ENTRANCE FIRST OF BUILDING INTERIOR, OUTDOOR PATIO AND TERRACE VIEWS AT AND BETWEEN DOOR.
- 8 ACCESSIBLE PATH OF TRAVEL.



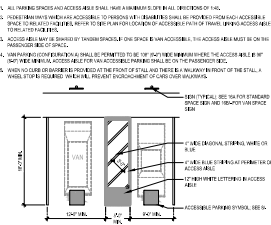
20 CURB RAMP CONFIGURATION



16 ACCESSIBLE PARKING SIGNAGE & UNAUTHORIZED VEHICLE SIGNAGE
SCALE: 1/32"=1'-0"



8 ACCESSIBILITY PARKING SYMBOL
SCALE: N.T.S.



4 ACCESSIBLE PARKING SPACES



DATE	DESCRIPTION
10/26/2016	Condition 1 (Blue Panel) Submittal



AGENDA ITEM NO: 6

CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

SUBJECT: Consider Approval, Res. 19-____, R2018-14, A request to apply development standards to an existing M-U (Mixed Use) Zone District for 28.6 acres of property generally located between Sierra Avenue and Fifth Street along the Veterans Parkway alignment (Planning Area #9) of the Central Specific Plan. City of Clovis, applicant.

ATTACHMENTS: Figure 1: Location Map
 Exhibit A: Mixed Use Standards
 Exhibit B: Master Development Plan
 Exhibit C: Form, Image, Opportunities and Constraints Diagram
 Exhibit D: Central Landmark Commons Node Concept
 Attachment 1: Draft Resolution
 Attachment 2: Public Comments

CONFLICT OF INTEREST

None

RECOMMENDATION

Staff recommends that the Planning Commission approve the M-U (Mixed Use) zone amendment for the Central Clovis Specific Plan Planning Area #9, "Landmark District" through the adoption of Mixed Use Standards and a Master Development Plan (Exhibits "A" and "B")

EXECUTIVE SUMMARY

This request would modify the M-U (Mixed Use) Zone District for the Landmark Commons site to accommodate the City's Transit Center and Senior Center. Future development proposals which may include a library, residential and modified Clovis Veterans Memorial District uses would be considered at a future time. This application runs concurrent with a

Site Plan Review (SPR2018-02), for the transit and senior activities center facilities.

BACKGROUND

- General Plan Designation: Mixed Use
- Specific Plan Designation: Central Clovis Specific Plan, Planning Area #9
“Landmark District”
- Existing Zoning: M-U (Mixed Use)
- Current Land Use: Vacant
- Adjacent Land Uses:
 - North: Construction Yard
 - South: Parking and Clovis Veterans Memorial District Facilities
 - East: Single and Multiple Family Residential
 - West: Clovis Veterans Memorial District Facilities
- Previous Entitlements: None

PROPOSAL AND ANALYSIS

For several years, the City of Clovis has identified a need for an expanded Senior Activities Center facility as well as a facility to service public transit services. In early 2015 the City purchased the property located along the north side of Third Street, east of Clovis Avenue for the purposes of developing these facilities. In August of 2016, the City adopted an update to the Central Clovis Specific Plan which designated a 28.6 acre site to accommodate these facilities as well as the Clovis Veterans Memorial District facilities, a new County Library and new uses on an existing construction yard site. The senior activity center and transit center project is within an area identified as Planning Area #9 “Landmark Commons”. Much of this plan area south of Third Street is developed, however land north of Third Street requires the adoption of a master plan, use schedule and development standards.

While the land usage of large portions of this northern area has yet to be determined, this rezoning amendment is necessary to establish guidance for the development of the transit and senior activity centers.

Two exhibits would memorialize this development guidance:

- Development standards (Exhibit “A”)
- A Development Master Plan illustrating the location, orientation and vehicle and pedestrian circulation for this phase of development. (Exhibit “B”)

Planning Area #9 envisions a district that is of historic significance representing the railroad and lumber industry that catalyzed the Clovis community and contains active community serving uses with an opportunity for transit oriented residential development. It includes such uses as a senior center, transit center, library and supportive commercial.

This site is a major community attractor to “Old Town” and requires a defining and comprehensive architectural style built upon the railroad, lumber and agricultural warehousing industries as well as contemporary architecture. Development of the site requires incorporation of the Old Town Trail.

The Development Master Plan (Exhibit “B”) illustrates the improvements proposed with the next phase of development. This includes a 29,275 sq. ft. Senior Activity Center and a 7,280 sq. ft. Transit Center positioned adjacent to Third Street, a round-a-bout and street modifications to Third Street at the Veterans Parkway intersection and a parking field located north of the two centers. A central drive would run north from the Third Street round-a-bout to the parking field and would provide access to future development to the north.

This site would utilize the existing alley along the eastern boundary for vehicular circulation as well as a connection to Osmun Circle.

Development of areas north of this phase will require further Mixed Use zoning approvals as plans for these projects are developed.

The architecture for the senior activity and transit centers are being considered under the associated site plan review application.

In developing the layout of this Master Development Plan, staff felt it was important to take into consideration various site attributes which include pedestrian accessibility, identification of visual gateways, location of activity nodes, a central defining node for the “Landmark District” and view corridors. Exhibit “C” illustrates these attributes. Of particular importance are the view corridors as these become important for the public in identifying uses within this “embedded” property from major streets.

This phase of development will construct the central Landmark Commons node (the round-a-bout) that will include district identification. This node is illustrated in Exhibit “D”.

The view corridor to the north of the round-a-bout is “picture-framed” between the Senior Activities Center and Transit Center. It will be important that as future phases develop, this view corridor be maintained to draw visitors to their desired destinations.

Community Outreach Meeting

Staff held a public outreach meeting on Thursday, January 10, 2019, to allow the surrounding property owners as well as interested community members to view and comment on the Project. Approximately 30 people attended as well as City and County staff. Comments during the meeting revolved around traffic and noise impacts, parking, sidewalks on Third Street, and pedestrian access.

During the meeting, the County of Fresno presented their building design to the public for the first time. The County will be conducting additional public outreach to refine their design prior to submitting a site plan review.

California Environmental Quality Act (CEQA)

This Project was evaluated under a Focused Environmental Impact Report (EIR) adopted and certified by the City Council on July 9, 2018, (State Clearinghouse Certification No. 2017041010). No major revisions will be required with the adopted Focused EIR to accommodate the proposed project, therefore, subject to CEQA Sections 15162 and 15182 no further environmental review is required for this project. The Focused EIR can be viewed at the following link: <https://cityofclovis.com/planning-and-development/planning/ceqa/>.

The City published notice of this public hearing in *The Business Journal* on Wednesday, January 9, 2019.

REASON FOR RECOMMENDATION

The Mixed Use Standards and Master Development plan being considered under this rezoning amendment are consistent with the vision established under Planning Area #9 of the Central Clovis Specific Plan and encourage and integrate with future development within this plan area, thus staff recommends approval of this application.

ACTIONS FOLLOWING APPROVAL

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

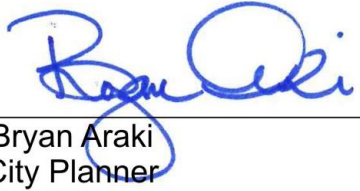
FISCAL IMPACT

None

NOTICE OF HEARING

Property owners within 600 feet notified:	212
Interested individuals notified:	10

Prepared by: Dwight Kroll, PDS Director

Reviewed by: 
Bryan Araki
City Planner

**FIGURE 1
PROJECT LOCATION MAP**



MIXED USE ZONE DISTRICT MATRIX

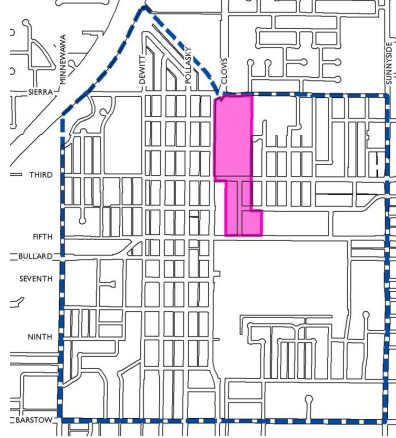



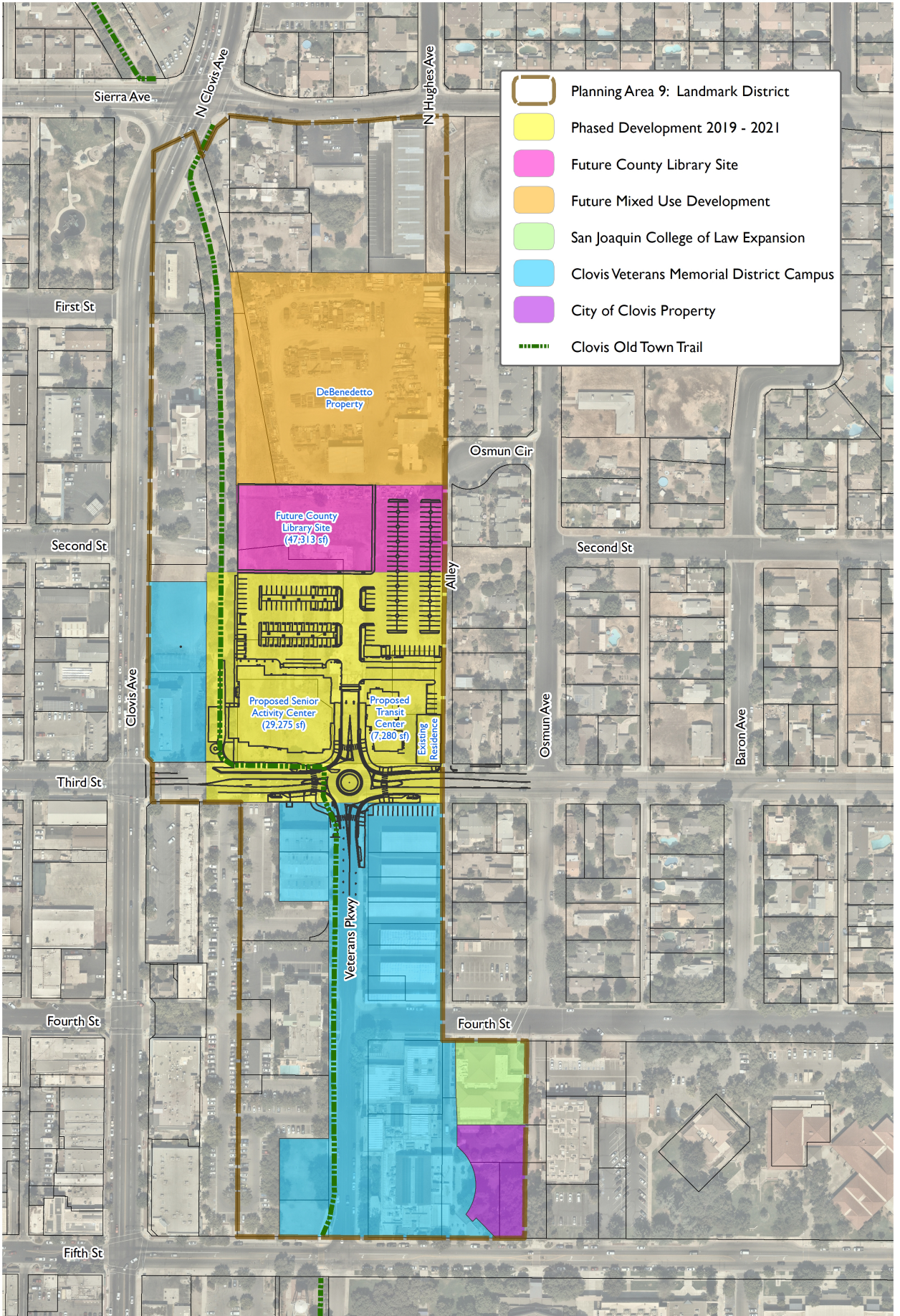
109		IAL LAND USE	LAND USE / PRODUCT	DEVELOPMENT STANDARDS	IMAGERY / PRODUCT SITE PLAN PROTOTYPE		
		P	L-D (Landmark District)	STANDARD	NOTES	ARCHITECTURE	
		DESIGNATION					
		Planning Area	9				
		Zone District	M-U				
		GP Density Range	15.0+25 du/ac	Residential not to exceed 50% of Planning Area			
		Dwelling Units		Second floor and above with conditional use permit			
		Land Use	See permitted uses.				
		BUILDING INTENSITY					
		Minimum Lot Area	None				
		Minimum Lot Width	None				
		Minimum Lot Depth	None				
Maximum Coverage	None						
Maximum Height	50 ft./4 stories	Additional Floors are allowable with a Conditional Use Permit.					
Curved/Cul-de-sac/Corner Lot	None						
LAND USE TOTAL AREA 28.60 acres		BUILDING SETBACKS					
		Front Yard	None	Established through Mixed Use Zone District master plan.			
		Side Yard (Interior)	None	Established through Mixed Use Zone District master plan.			
		Corner Lot/Reversed Corner Lot	None	Established through Mixed Use Zone District master plan.			
		Rear Yard	None				
DESCRIPTION The Landmark District is an area of historic significance representing the railroad and lumber industry that catalyzed Clovis and contains active community serving uses with an opportunity for transit oriented residential development. Predominant uses include public facilities such as a library, senior center, transit center and a community museum. Secondary uses include residential and ancillary supportive commercial. This site is a major community attractor to "Old Town" and requires a defining and comprehensive architectural style built upon the railroad, lumber and agricultural warehousing industries as well as contemporary architecture. Development design shall incorporate the "Old Town" trail and transit center as pivotal transportation opportunities. Parcels without street frontage may be created prior to the adoption of an M-U (Mixed Use) Zone District by the City of Clovis. The Third Street/Veterans Parkway round-a-bout shall serve as the central focal point for this mixed use area. All land uses shall be "viewable" from this intersection.		GARAGES/STREETS/PARKING					
		Sidewalks		Established through Mixed Use Zone District master plan.			
		Parking	Off Street Parking	Established through Mixed Use Zone District master plan.			
			Within PBIA (Parking Business Improvement Area)	None required when participating with PBIA requirements. (see page I.8)			
		Streets		Established through Mixed Use Zone District master plan.			
PERMITTED USES General Land Uses include; ❖ Public Facilities ❖ Supportive commercial ❖ Residential not to exceed 50% of the site	On-Street Parking Established through Mixed Use Zone District master plan.						
	SECONDARY USES						
	Outdoor Activities						
	Sidewalk Dining and Merchandising						
	Building Mounted Signs (including fascia, window and canopy mounted signs)	Established through Site Plan Review					
		Pedestrian Oriented Signs					
  							
The Imagery conveys samples of the architectural character intended for these neighborhoods.							

EXHIBIT "A" LANDMARK DISTRICT DEVELOPMENT STANDARDS

EXHIBIT A



Form, Image, Opportunities and Constraints Diagram



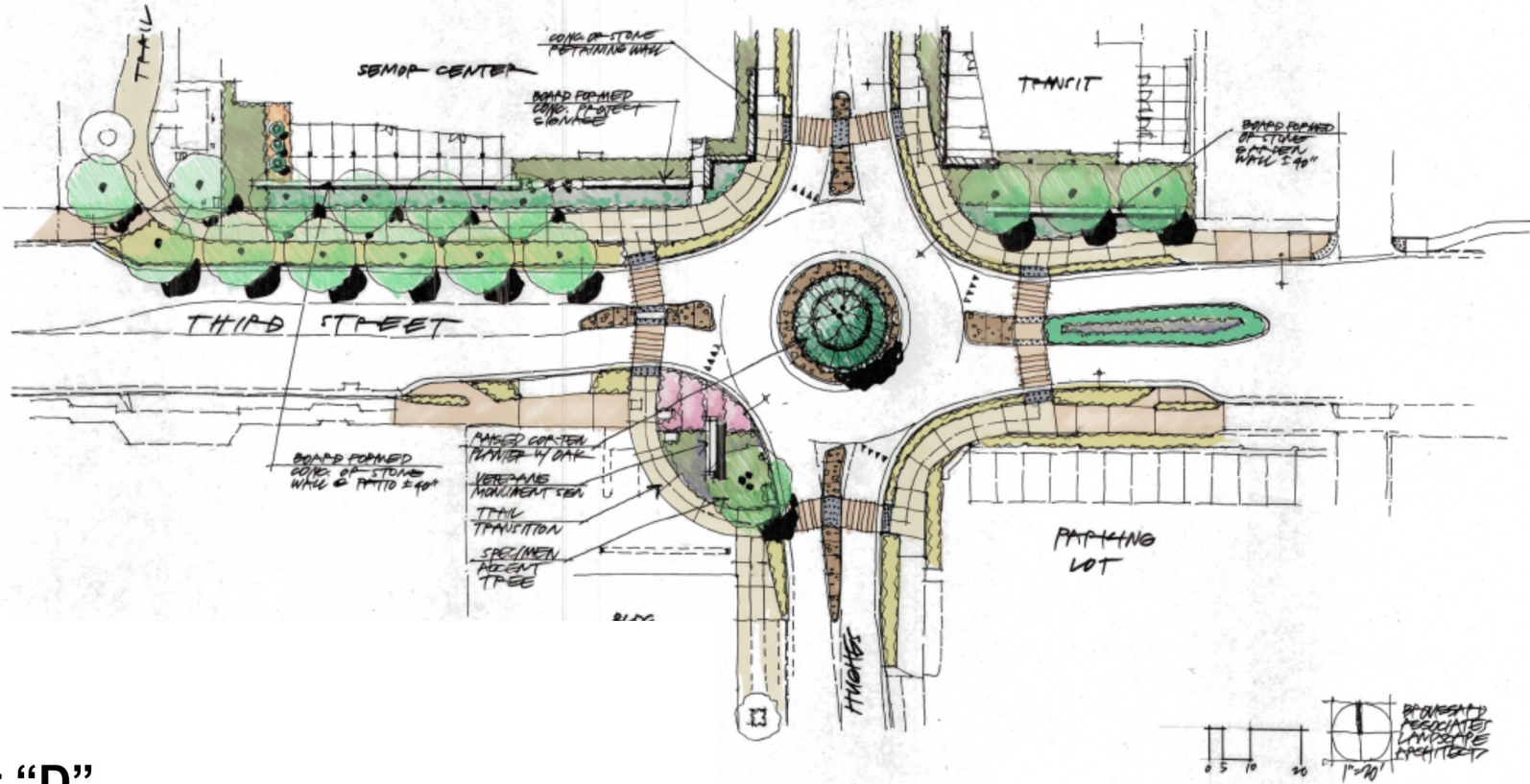


Exhibit “D”
Central Landmark Commons Node Concept.

DRAFT RESOLUTION

**DRAFT
RESOLUTION 19-__**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS RECOMMENDING APPROVAL OF A REQUEST TO APPLY DEVELOPMENT STANDARDS TO AN EXISTING M-U (MIXED USE) ZONE DISTRICT FOR 28.6 ACRES OF PROPERTY GENERALLY LOCATED BETWEEN SIERRA AVENUE AND FIFTH STREET ALONG THE VETERANS PARKWAY ALIGNMENT (PLANNING AREA #9) OF THE CENTRAL CLOVIS SPECIFIC PLAN. CITY OF CLOVIS, APPLICANT

LEGAL DESCRIPTION:

See the attached Exhibit "One."

WHEREAS, The City of Clovis has applied for an amendment to an existing M-U (Mixed Use) Zone District; and

WHEREAS, this is a request to apply development standards to an existing M-U (Mixed Use) Zone District for 28.6 acres of property generally located between Sierra Avenue and Fifth Street along the Veterans Parkway alignment (Planning Area #9) of the Central Specific Plan, in the City of Clovis, County of Fresno, California; and

WHEREAS, the Commission does find the project in substantial conformance with the Focused Environmental Impact Report adopted and certified by the City Council on July 9, 2018, (State Clearinghouse Certification No. 2017041010), the 2014 General Plan Update, 2014 Development Code Update, Site Plan Review SPR2008-10, and the 2016 Central Clovis Specific Plan update; and

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

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

WHEREAS, a motion was made by Commissioner _____ to approve Rezone R2018-14,; and seconded by Commissioner _____; 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 Central Clovis Specific 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 R2018-14.

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on January 24, 2019, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 19-__

DATED: January 24, 2019

Amy Hatcher, Chair

ATTEST:

Dwight Kroll, AICP, Secretary

**EXHIBIT ONE
LEGAL DESCRIPTION
R2018-14**

ALL PORTIONS OF LAND WITHIN THE FOLLOWING DESCRIBED BOUNDARY:

PORTIONS OF LAND GENERALLY BOUND ON THE NORTH BY THIRD STREET, TO THE EAST BY THE HUGHES-OSMUN ALLEY, TO THE SOUTH BY FIFTH STREET, AND TO THE WEST BY A LINE PARALLEL WITH AND APPROXIMATELY 114 FEET EAST OF CLOVIS AVENUE.

TOGETHER WITH PORTIONS OF LAND GENERALLY BOUND ON THE NORTH BY FOURTH STREET, TO THE EAST BY THE OSMUN AVENUE ALIGNMENT, TO THE SOUTH BY FIFTH STREET, AND THE WEST BY THE HUGHES-OSMUN ALLEY.

TOGETHER WITH PORTIONS OF LAND GENERALLY BOUND ON THE NORTH BY SIERRA AVENUE, TO THE EAST BY THE HUGHES-OSMUN ALLEY, TO THE SOUTH BY THIRD STREET, AND THE WEST BY CLOVIS AVENUE.

PUBLIC COMMENTS

WANGER JONES HELSLEY PC

ATTORNEYS

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MICHAEL S. HELSLEY
PATRICK D. TOOLE
SCOTT D. LAIRD
JOHN P. KINSEY
KURT F. VOTE
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JAY A. CHRISTOFFERSON
MARISA L. BALCH
PETER M. JONES**
STEVEN M. CRASS**
AMANDA G. HEBESHA***
JENA M. HARLOS****
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NICOLAS R. CARDELLA
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January 8, 2019

Via E-Mail & U.S. Mail

Renee Mathis
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Re: DeBenedetto Properties / Landmark Commons

Dear Ms. Mathis:

We are litigation counsel for DeBenedetto Properties, LP, a California limited partnership ("DB") in connection with this matter. In lieu of attending the Public Information Meeting on the Landmark Commons Project, which is scheduled for January 10, 2019 at 6 p.m., please accept these written remarks on behalf of my client. Please see that these remarks are incorporated into the official file for this matter and that said file reflects my client's ongoing and strenuous objection to the City of Clovis' proposed site plan for the Landmark Commons Project (the "Project"). The bases for said opposition follows.

Background

In December of 2014, the City of Clovis (the "City") acquired approximately 5.7 acres of property at 755 Third Street from the Tweeds for \$2,850,000. The purpose of the acquisition was to pave the way for the development of the Project, which would include a Transit Center and a Senior Center for the City along with a Fresno County library branch. Planners for the City trumpeted the project as part of a larger plan to create a "district" that would tie together the Government Center, the Veteran's Memorial, and the new project.

DB owns a parcel which is approximately 5 acres in size located at 849 Osmun Circle, which is immediately to the North of the Project. While the property is currently being used for industrial purposes, DB has for a number of years been engaged in extended discussions with City personnel, including Messrs. Haussler and Kroll, about DB's plans to develop its property into a mixed-use project including multi-family units. City personnel have enthusiastically received DB's proposals, especially since the project would constitute valuable infill development and help meet the City's goal of adding multi-family housing in the City's core.

At the time the City Council approved acquisition of the Tweed property, the Council was shown a video depicting what would become the Landmark Commons property. The video was consistent with depictions that City personnel had shared with DB. Screen shots of pertinent portions of the video are enclosed herewith as Exhibit "A" for reference. You will note that the City's plan for the project included, among other things, an extension of Veteran's Parkway North into the Project, access to the Project via a Second Street extension from Clovis Avenue (under the Fresno-Clovis Rail Trail [the "Trail"]), and an unimpeded visual corridor from Third Street past the Senior Center, Transit Center, and library branch to the DB property. The depiction of the Project in the video to the City Council was also consistent with plans shared by City personnel with DB.

As part of the discussions between the City and DB, the City noted that boundary of the Tweed property at the Northwest corner featured a triangular-shaped peninsula which abutted both the DB Property and the Trail. The City convinced DB to enter into a Property Exchange Agreement by which the City exchanged the triangular peninsula of land at the Northwest corner of the Tweed property with a generally rectangular-shaped parcel along the South edge of the DB property. The net effect of this exchange was for the Northern border of the Tweed property to move some 40' North, adding additional property for the Landmark Commons project, while also allowing DB to "square off" the Western edge of its property and to connect the entire Western edge of the DB parcel to the Trail. The Property Exchange Agreement also included reciprocal access for DB to the Project, which was designed to allow future users of the DB property to access it from the West from Clovis Avenue via a Second Street extension to the Project and from the South via the extension of Veteran's Parkway to Landmark Commons rather than via the current access through the residential area on Osmun Circle.

In determining to enter into the Property Exchange Agreement, DB relied heavily on the City's numerous depictions of the Project and the access that the Project (and, by virtue of the reciprocal access agreement, DB) would have to Clovis Avenue to the West and Third Street to the South. This physical access was critical to DB because its property has no access from the North, would otherwise have no access from the South or West, and because access to the East might draw objections from the City or the neighbors should the use of DB's property transition, as planned, from industrial with a moderate daily trip count to a more intensive use for a mixed-use, multi-family project.

Also critical to DB's decision to enter into the Property Exchange Agreement were the City's continued depictions of the Project having an unimpeded visual corridor between Third Street and the DB property. Enclosed herewith as Exhibit "B" are copies of the depictions of the Project shown by the City to DB both before and after the Property Exchange Agreement was executed.

The Property Exchange Agreement itself includes a depiction of the Landmark Commons project as it relates to the DB property. See Attachment 6, a copy of which is enclosed herewith as Exhibit "C". Attachment 6 is the proposed Site Plan for the Project and it shows both the Senior Center and the library branch on the West side of the City's property. It also shows what would be an otherwise unobstructed view North from Third Street to the DB property and access to the City's property across the Trail via an extension of Second Street from Clovis Avenue.

Section 2.G of the Property Exchange Agreement states:

Exhibit 6 [sic – means Attachment 6] represents tentative locations for the Utility Stubs and Conduits. Exhibit 6 is not a final site or design plan of City improvements and the exact location of the Utility Stubs and Conduits may change if the project goes through a public review and design process.

The City, which drafted the agreement, specifically qualified the potential changes to the Site Plan as being related to the location of the Utility Stubs and Conduits only. In other words, had the City intended to say that the locations of the buildings might change, or that access would be subject to change, such language would have been included. DB relied on Attachment 6, along with the prior and contemporaneous representations of the City and depictions shown to the City Council and DB, in entering into the Property Exchange Agreement.

The Problem

The City has since substantially revised the Site Plan as shown in Attachment 6 and is now proposing a Project which would not only have no access from Clovis Avenue but would also visually obstruct the view of DB's property from Third Street.

In discussions with City personnel, DB has learned that the current design of the Project, which includes access only at Veteran's Parkway and which depicts the library branch completely obscuring DB's property from Third Street, has been driven largely by the wishes of the representatives from the County. However, the City, as the property owner and the lead agency approving the Project, has the responsibility to ensure that the Project meets all applicable rules and guidelines and complies with the City's representations to DB. The present design, if constructed, would substantially damage DB by limiting both the physical and visual access to its property and by rendering its reciprocal access meaningless. Moreover, the site plan as proposed has poor circulation, parking, and would create a Project with a piecemeal look and feel, rather than the cohesive design advocated by the City.

The Possible Solution

We understand that the City's personnel believe that a site plan which more closely conforms to Attachment 6 would not only be more aesthetically pleasing but also offer significant advantages in terms of project organization and use of the Senior Center and Transit Center. We also believe that a site plan which places the library branch on the West side of the City parcel and which directs traffic North from Veteran's Parkway generally through the middle of the City's parcel, as show on Attachment 6, will maximize traffic flow within the project, mitigate parking issues, alleviate congestion on Third Street and Clovis Avenue, and result in a Project which is much more in line with creating a cohesive "district" in the area of the Project, Veteran's Hall, and the DB property.

DB seeks only what it was promised by the City in numerous meetings and in the Property Exchange Agreement: access to the Project via the extension of Second Street to Clovis Avenue on the West and an unimpeded visual corridor from Third Street going North from Veteran's Parkway through the Project to the DB property.

DB very much appreciates the dialog which it has had with City staff and wishes that what it views as a cooperative relationship with the City will continue. DB looks forward to the successful development of the Project and the DB property. The symbiotic relationship of these two properties offers numerous value-add propositions for the City and its residents and visitors. But DB cannot stand idly by while the basic premises of its entry into the Property Exchange Agreement are discarded. **Rescission of the Property Exchange Agreement, if that is what is necessary, will result in the Northern 40' of the City's property reverting to DB. This will further necessitate redesign of the Project, downsizing the land available to the City, and cause otherwise unnecessary further delay and costs to all parties.**

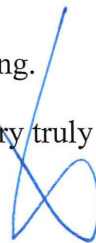
We are glad to meet with you and/or you and the County representatives to address DB's concerns regarding the Project and to explore how a mutually-beneficial solution to this very serious problem may be achieved.

In the meantime, this letter will document my client's ongoing objection to the site plan for the Project which is being proposed and which will be discussed during the upcoming public information meeting.

Renee Mathis
City of Clovis
January 8, 2019
Page 5

Thank you for your consideration of the foregoing.

Very truly yours,



Kurt F. Vote
WANGER JONES HELSLEY PC

KFV/kad

Enclosures

EXHIBIT “A”



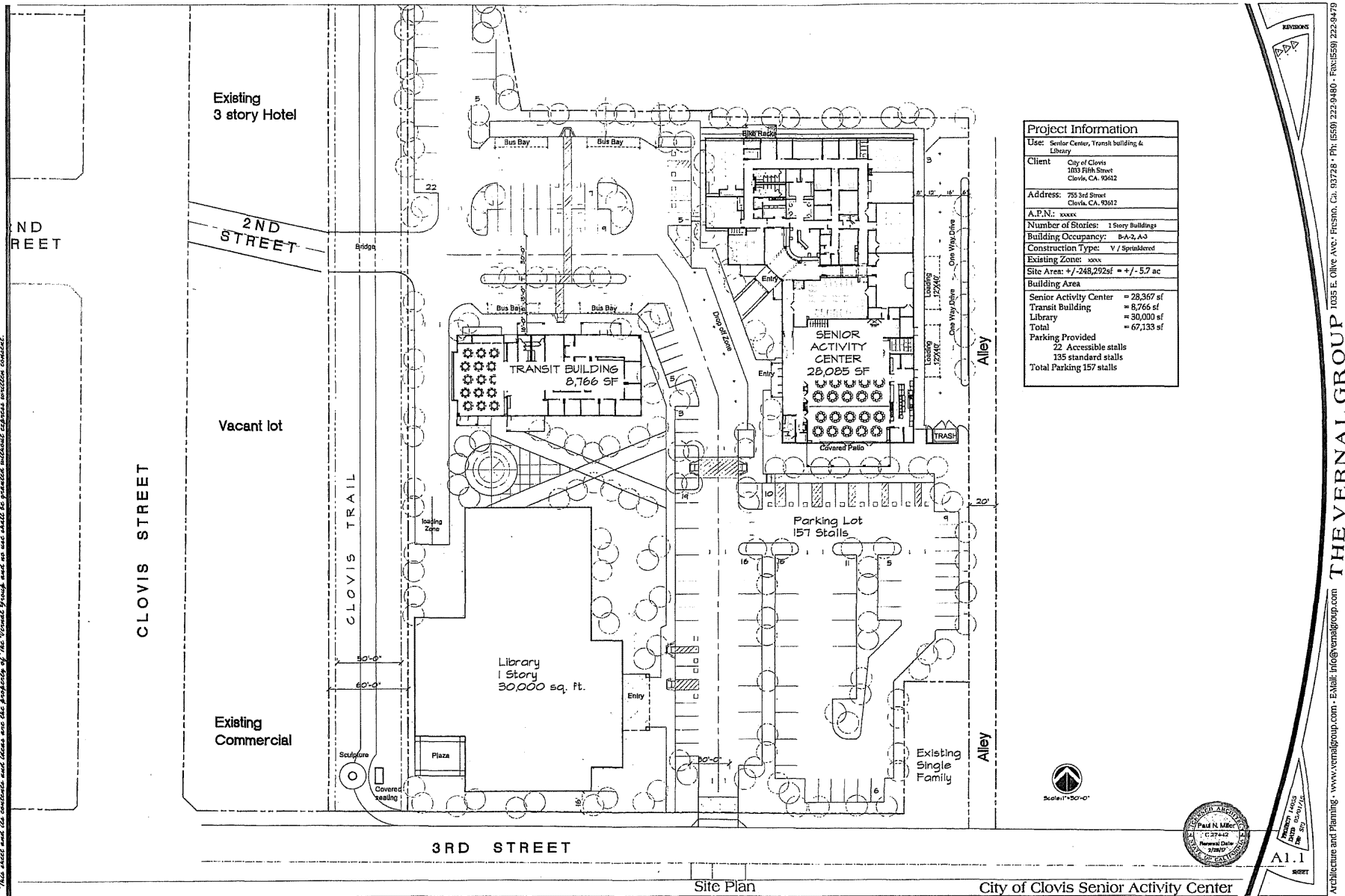


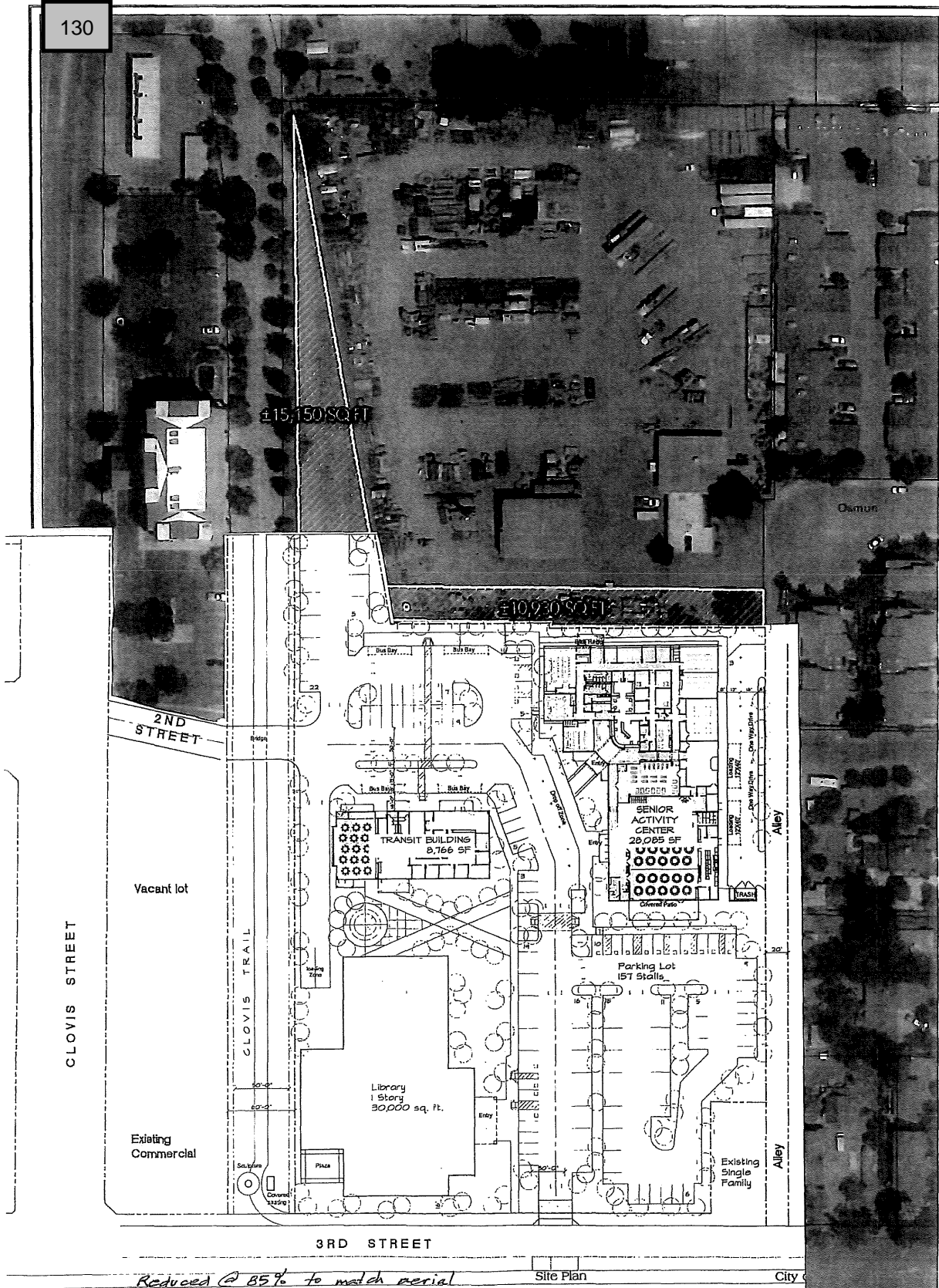




EXHIBIT “B”

This sheet and its contents and those on the property of The Vernal Group and no use shall be granted without express written consent.





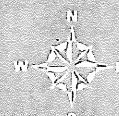
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Images courtesy of Bing, Nevada State Mapping Advisory Committee © 2015



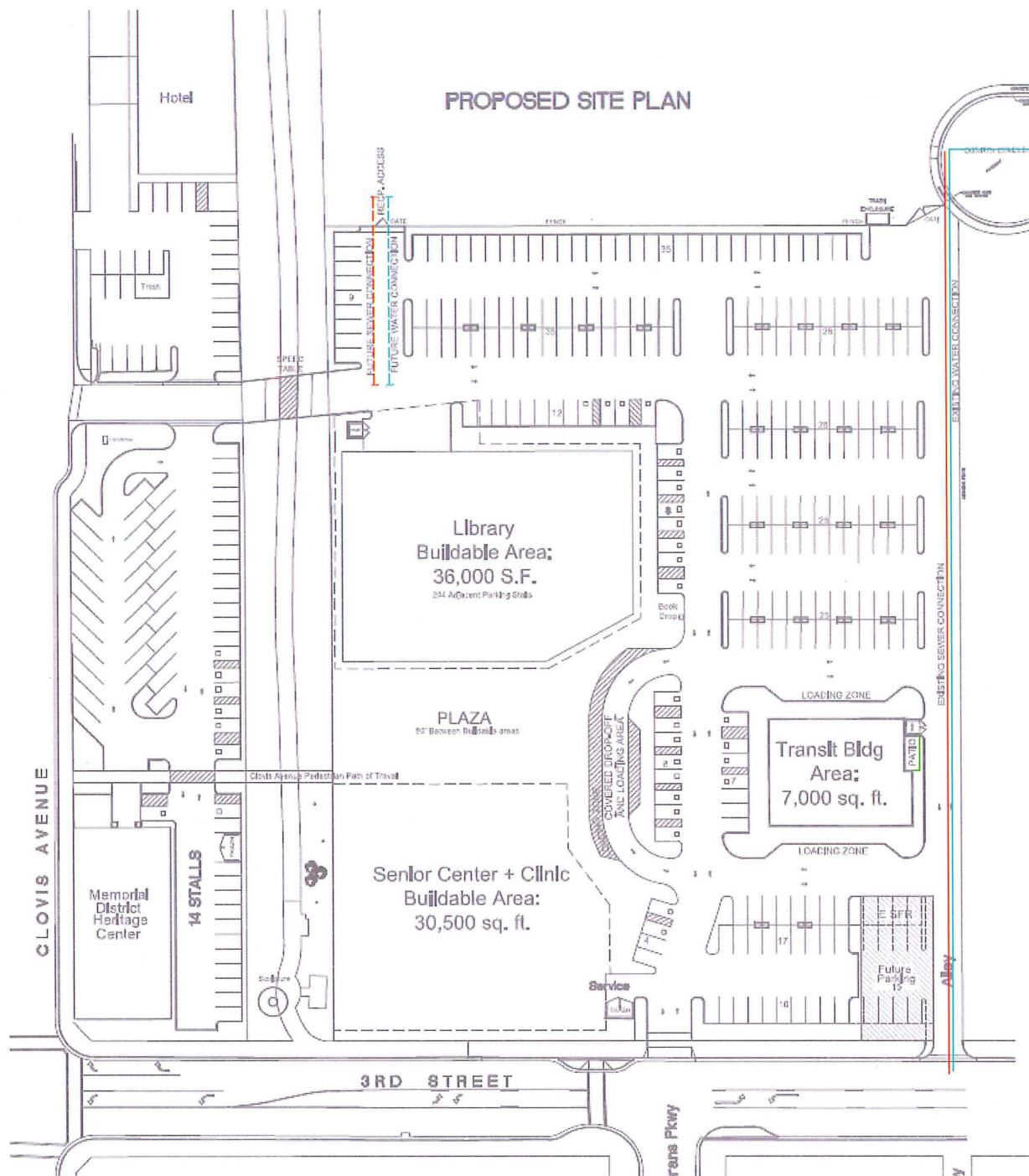
5/11/2015

Civic Center North Property Swap



1" = 80'

EXHIBIT “C”





AGENDA ITEM NO: 7

CITY *of* CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

SUBJECT: Consider Approval, Res. 18-____, SPR2018-02, A request to approve a site plan review for a proposed public facility, including a senior activity center, transit facility, health care clinic, and future pad for Fresno County Library on property located on the north side of Third Street at Veteran's Parkway. City of Clovis, owner/applicant.

ATTACHMENTS:

Figure 1:	Location Map
Attachment A:	Conditions of Approval
Attachment B:	Draft Resolution
Attachment C:	Site Plan
Attachment D:	Floor Plans
Attachment E:	Exterior Elevations

CONFLICT OF INTEREST

None

RECOMMENDATION

Staff recommends that the Planning Commission approve SPR2018-02, subject to the conditions of approval (Attachment A).

EXECUTIVE SUMMARY

The City of Clovis is proposing an expansion of the Clovis Civic Center to the property on the north side of Third Street at the Veteran's Parkway alignment. The Project includes the development of the Senior Activities Center, Transit Center, Health Clinic, and future County Library. Off-site improvements include reconstruction of Third Street with a round-about at Veteran's Parkway, trail improvements, and infrastructure extending to the properties to the

north. This Project follows Rezone R2018-14, which establishes the development standards of Planning Area 9 (PA9) of the Central Clovis Specific Plan.

BACKGROUND

- General Plan Designation: Mixed Use
- Specific Plan Designation: Central Clovis Specific Plan (Mixed Use PA9)
- Existing Zoning: Mixed Use
- Lot Size: Approximately 5.7 acres
- Current Land Use: Vacant
- Adjacent Land Uses:
 - North: Construction Yard
 - South: Parking and Clovis Veteran's Memorial District
 - East: Single and Multiple-Family Residential
 - West: Clovis Veteran's Memorial District Facilities
- Previous Entitlements: R2018-14 (Mixed Use)

PROPOSAL AND ANALYSIS

Site and Circulation

The project site is located on the north side of Third Street at the Veteran's Parkway alignment within Planning Area 9 (PA9) of the Central Clovis Specific Plan. The site is approximately 5.7 acres and will include the Senior Activity Center, Transit Center, St. Agnes Health Care Clinic, and future pad for the County library.

An entrance on Third Street provides the predominant vehicle access for the Project. The main drive enters the site at the Veteran's Parkway alignment and divides the senior center to the west and transit center to the east. The existing alley on the east side of the site will provide a secondary vehicle access with Osmun Avenue at the northeast corner of the site proving a third. The library will be located on the northwest corner with the Debenedetto property just to its north. Pedestrians have access around the site from Third Street, Osmun Avenue and the Old Town Trail.

The Senior Services Activity Center is proposed within a 29,275 square foot building at the southwest corner of the site. St. Agnes would locate a health clinic within the Senior Services Activity Center building with a separate entrance. The Old Town Trail runs directly along the west side and Third Street on the south.

The Transit Center is approximately 7,290 square feet and sits on the southeast corner of the site. This facility would provide administrative offices for staff as well as a transit stop, break area, and conference services for the transit operations.

The County library pad is located on the northwest corner of the site adjacent to the Old Town

Trail. The County pad is approximately 47,000 square feet. The specific floor plan, and elevations are not complete at this time and would be processed as a site plan review amendment, with approval from both the Planning Commission and City Council prior to permitting.

Parking

Parking for the three buildings will be located within the interior of the site. Approximately 189 stalls are proposed including 37 accessible stalls. Additional shared off-site parking is accommodated through agreements with the Veteran's Memorial Districts as they expand their parking facilities.

Architectural Design

The Project is located on the site of Clovis Lumber adjacent to the former railway. The elevations were developed by Paul Halajian Architects to emphasize the history of the site, utilizing delicate wood structural members, with wood and metal siding (see Figure A below). The barn shaped core of the Senior Services Activity Center pays respect to the former Clovis Lumber building. The metal roof material from Clovis Lumber is being repurposed as the exterior siding for both the senior and transit buildings.

The Senior Services Activity Center includes a covered open patio area that can be utilized as common space with the trail along Third Street or as a private patio for special events. The patio is integrated into the architectural design.



FIGURE A – SENIOR SERVICES SOUTH ELEVATION

Offsite Improvements

Modifications are required as part of the Project to mitigate traffic impacts on both Clovis Avenue and Third Street. A round-about is proposed as a mitigation measure at the Third Street and Veteran's Parkway intersection. This round-about has been designed to accommodate transit and truck traffic. Specific attention has been placed on the design to accommodate a safe pedestrian crossing by reducing the width of the street and adding curves

to slow traffic and provide a view corridor. Additional modifications are proposed to enhance the trail and landscaping both adjacent to the Project and along Third Street.

Phasing

The Project will be phased with the off-site work commencing first as soon as summer of 2019. Off-site work includes the round-a-bout, trail improvements, sewer, water, storm drains, street lighting, curbs, gutters, and sidewalks. Work is scheduled during summer when most students are on break. Staff will coordinate with the School District, Veteran's Memorial District, College of Law, Old town Merchants and others impacted by the street work. Additionally an alternate route will be provided for the Old Town Trail during construction within the trail area.

The second phase will include on-site work for the Senior Services Activity Center and Transit buildings, parking areas, and alley improvements. The County Library site plan review approval will follow however, could likely be on the same construction schedule.

Community Outreach Meeting

Staff held a public outreach meeting on Thursday, January 10, 2019, to allow the surrounding property owners as well as interested community members to view and comment on the Project. Approximately 30 people attended as well as City and County staff. Comments during the meeting revolved around traffic and noise impacts, parking, sidewalks on Third Street, and pedestrian access.

During the meeting, the County of Fresno presented their building design to the public for the first time. The County will be conducting additional public outreach to refine their design prior to submitting a site plan review.

California Environmental Quality Act (CEQA)

This Project was evaluated under a Focused Environmental Impact Report (EIR) adopted and certified by the City Council on July 9, 2018, (State Clearinghouse Certification No. 2017041010). No major revisions will be required with the adopted Focused EIR to accommodate the proposed project, therefore, subject to CEQA Sections 15162 and 15182 no further environmental review is required for this project. The Focused EIR can be viewed at the following link: <https://cityofclovis.com/planning-and-development/planning/ceqa/>.

The City published a notice of this public hearing in *The Business Journal* on Wednesday, January 9, 2019.

REASON FOR RECOMMENDATION

The Project is consistent with the Clovis General Plan, Development Code and Central Clovis Specific Plan, and provides the community with expanded services for the Senior Activity Center, Transit Center, St. Agnes, and the County Library. Development of the site also moves toward completion of underutilized property within the Old Town area. Staff therefore

recommends that the Planning Commission approve Site Plan Review SPR2018-02, subject to the conditions of approval listed as Exhibit A.

ACTIONS FOLLOWING APPROVAL

This site plan review will be forwarded to City Council for consideration.

NOTICE OF HEARING

Property owners within 600 feet notified:	212
Interested individuals notified:	10

Prepared by: Bryan Araki, City Planner


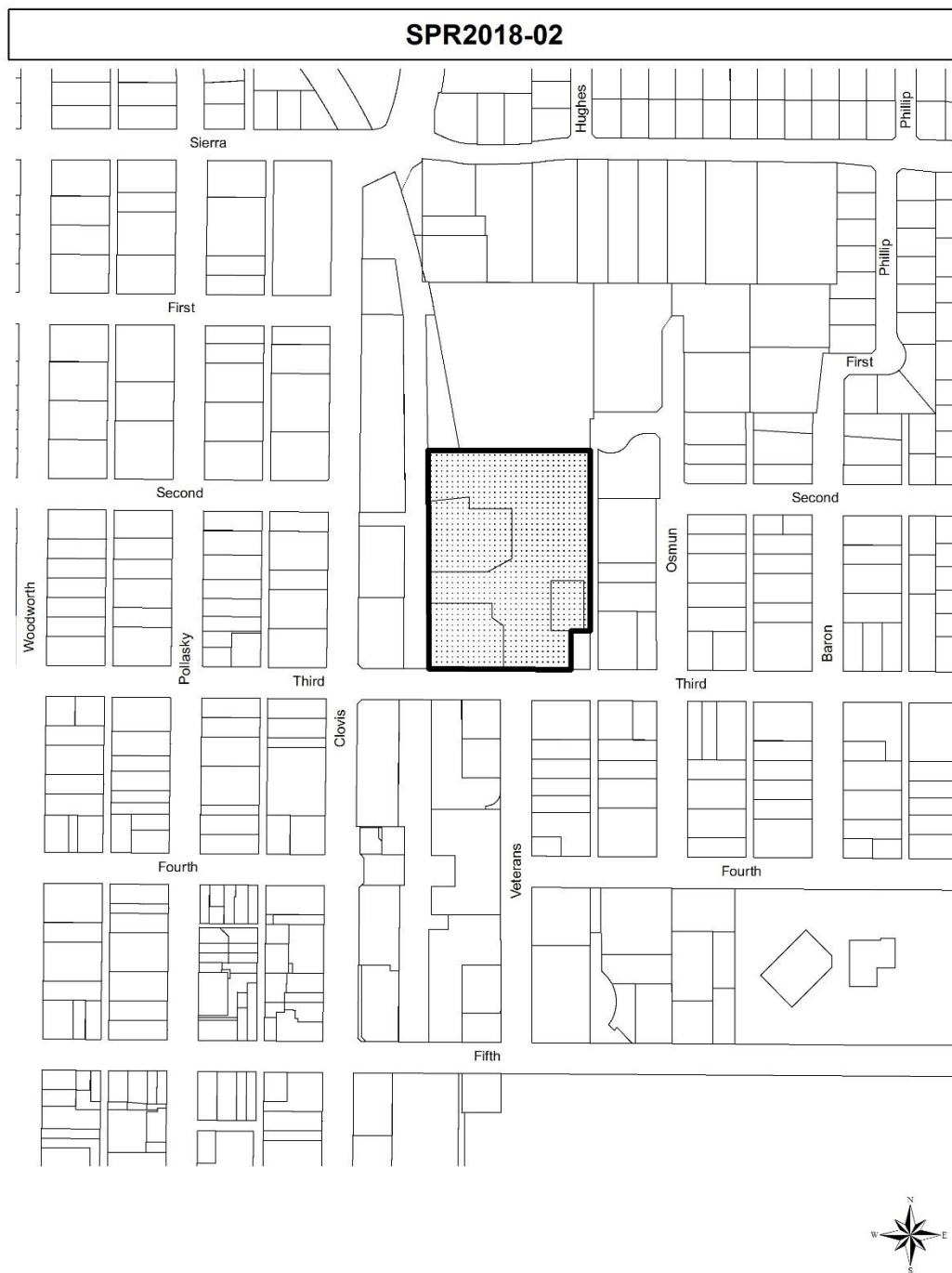
Reviewed by: 
Bryan Araki
City Planner

FIGURE 1
PROJECT LOCATION MAP



ATTACHMENT A
SPR2018-02 Landmark Commons

PLANNING DIVISION CONDITIONS
(Bryan Araki, Division Representative - 324-2346)

Items required prior to issuance of building permits shall be delivered to the appropriate department at least two weeks prior to the anticipated date the permit is needed. This will allow staff sufficient time to review and approve the materials.

1. The Applicant shall include these conditions and enclosed "Acceptance of Site Plan" in the stamped permits sets.
2. The Applicant shall sign and return the "Acceptance of Site Plan" within thirty (30) days of the date of approval of site plan review. **THE APPLICANT OR ANY OTHER AGGRIEVED PERSON MAY FILE AN APPEAL OF THE SITE PLAN WITHIN FIFTEEN (15) DAYS OF THE APPROVAL DATE.** Unless a written appeal is requested, or the Planning Director grants an extension in writing of the time to sign the Acceptance of Site Plan, failure to comply with this condition will result in immediate termination of this Site Plan Review at the end of the 30-day period. (Clovis Municipal Code (CMC) § 9.56.070).
3. This Site Plan Review is granted as per the conditions of Exhibit "A", site layout, and exterior elevation plan design and finish materials stamped as "approved". Any corrections indicated in red shall indicate approved changes under this application. (per CMC §9.56.050).
4. All plans submitted for building permits shall be consistent with this Site Plan Review. (per CMC §9.56.010).
5. The pad space identified for the future library will be processed through a separate site plan review amendment.

Signage

6. All proposed construction announcement sign uses to conform to the Municipal Sign Ordinance.
7. All exterior signs and/or signs on the inside of the building which are intended to be viewed from the outside shall require separate sign permits prior to installation.
8. Temporary signs shall be limited to building mounted banners and posters not to exceed in size the total allowable permanent sign area for the lease space. Such signs may be used in conjunction with an event or sale, and may be displayed for a maximum of fourteen days, and shall be limited to one such display three separate times a year. A minimum of five days shall separate temporary display periods. Temporary displays shall not list individual products and/or prices and will require written notification to the Planning Department prior to display.

9. A new business may display "Grand Opening" signs per the Clovis Zone Ordinance, one time for a maximum period of thirty days. Grand opening displays require written notification to the Planning Department prior to display.

HVAC and PG&E Utility Placement Considerations/Screening Requirements

10. All electrical and HVAC equipment shall be screened to the specifications of the Planning Department. If ground-mounted, applicant shall show methods proposed to architecturally integrate equipment locations, or show methods proposed to screen equipment using landscaping. Any roof-mounted equipment placements shall be completely screened from view (with exception from State Route 168) and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. Any wall-mounted equipment shall be painted to match the exterior wall.
11. Roof access ladders shall be located within the interior of the buildings per Planning Division Standards.
12. Fire sprinkler risers shall be located within the interior of the building or located out of public view per Planning Division Standards.

Building Colors, Materials Considerations

13. Building Elevations are approved as per Exhibit "C", stamped as approved. Modifications to the elevations shall require Director Review through an amended site plan review process.

Lighting Considerations

14. All exterior lighting shall be directed away from residential properties and not interfere with the driving safety of vehicular traffic.
15. The developer shall contact the Planning Department when all site lighting is operational. At this time, additional light screening may be required.

Parking

16. All parking and loading areas shall be marked and striped to City standards.
17. Parking spaces shall be marked and striped per City standards.
18. Parking spaces for the disabled shall be provided in compliance with the Clovis adopted standards.
19. Trees, shrubs, light poles, fire hydrants and similar objects placed in the two-foot bumper overhang area shall be placed as not to cause interference with the vehicles per Planning Division Standards.
20. The developer shall provide an accessible pedestrian path from the City sidewalk to the front door of the buildings per adopted Accessible Path Requirements.

21. Provide bicycle parking/ storage facilities in compliance with the California Green Code and Clovis Active Transportation Plan.

Landscape Setbacks

22. Setbacks shall be provided per the Central Clovis Specific Plan.

Landscape/Non-Landscape Lot Coverage and Treatments

23. Landscaping shall comply with CMC section 6.5.501 et seq., Water Efficient Landscape Requirements, as amended in March 2010.
24. Required setbacks shall be completely landscaped and shall not be used for parking bumper overhang area. If the developer wishes to utilize a 2 foot bumper overhang, an additional 2 feet of landscaping is required per Planning Division Standards.

Fencing

25. Any fencing viewable from the public right-of-way shall be decorative and shall require review and approval from the City Planner.

FIRE DEPARTMENT CONDITIONS

(Gary Sawhill Department Representative - 324-2224)

26. Any development to this parcel will require a minimum of two (2) points of access to be reviewed and approved by the Clovis Fire Department. All required access drives shall remain accessible during all phases of construction which includes paving, concrete work, underground work, landscaping, perimeter walls.
27. All access way roads constructed shall be designed with a minimum outside turning radius of forty-five feet (45')
28. Alley shall be marked NO PARKING FIRE LANE per Std. #1.1.
29. The fire lanes shall be posted with signs and/or the curbs shall be painted red as per Clovis Fire Department Standard #1.1 and identified on site plan.
30. Walking access is required to reach building openings within two-hundred feet (200') of a paved surface designed to fire apparatus use. Required walking access shall be designed to prevent sharp turns or obstacles that would hinder the carrying of ground ladders and other hand-held equipment. Gates shall be a minimum of four feet (4') in width if they are used in the walking access path. Gates that are locked and are required for building access shall have a fire/police padlock or approved lock box with gate keys installed for access.

31. Landscaping trees or shrubs located adjacent to the fire access drives shall be of the type that will not impede fire access due to their growth process.
32. The applicant shall install one (1) 4 ½" x 4 ½" x 2 ½" approved Commercial Type hydrant(s) and "Blue Dot" hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #7. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be charged and in operation prior to any framing or combustible material being brought onto the site.
33. The applicant shall install approved looped water main capable of the necessary flow of water for adequate fire protection and approved by the Clovis Fire Department.
34. The applicant shall install an automatic fire sprinkler system in buildings exceeding 2,500 square feet in gross floor area, as per NFPA 13. When buildings have eaves or overhangs exceeding a distance of four feet (4') from the wall or support, the gross roof area shall be used to determine the need for automatic fire sprinklers, including covered walkways, patios, porches. A Fire Department permit is required for an automatic fire sprinkler installation.
35. The Fire Department Connection to the automatic fire sprinkler system shall be reviewed and approved by the Clovis Fire Department before installation.
36. Prior to installation, the applicant shall submit fire sprinkler underground water supply plans for review and approval and issuance of a permit by the Clovis Fire Department. Installation shall be done by a California Licensed contractor. Prior to final acceptance, the underground fire service line shall be inspected, pressure tested and flushed in the presence of a Clovis Fire Department inspector. A permit is required to be on-site for all inspections requests. NOTE – When a fire pump is required by the overhead system demand, the FDC shall be connected on the discharge side of the fire pump.

CLOVIS UNIFIED SCHOOL DISTRICT CONDITIONS
(Michael Johnston, Representative – 559-327-9000)

37. The developer shall refer to the attached CUSD requirements. If the list is not attached, please contact the District office for the list.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT CONDITIONS
(Robert Villalobos, FMFCD Representative - 456-3292)

38. 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
(Chris Lundeen, FID Representative – 233-7161 ext. 7410)

39. The developer shall refer to the attached FID requirements. If the list is not attached,

please contact the District for the list of requirements.

FRESNO COUNTY HEALTH CONDITIONS

(Kevin Tsuda, County Representative –600-3271)

40. The developer shall refer to the attached Fresno County Health requirements. If the list is not attached, please contact the District for the list of requirements.

ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS

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

(Paul Armendariz, Public Utilities Representative – 324-2394)

*** (see attached estimated fees) ***

Maps and Plans

41. The applicant shall submit separately to the City of Clovis Engineering Division, a set of construction plans on 24" x 36" sheets with City standard title block for all required improvements and a current preliminary title report. These plans shall be prepared by a registered civil engineer, and shall include a grading plan, landscape plan, a site plan showing trash enclosure locations and an overall site utility plan showing locations and sizes of sewer, water, storm drain, and irrigation mains, laterals, manholes, meters, valves, hydrants, fire sprinkler services, other facilities, etc. All plans shall be submitted at or before the time the building plans are submitted to the Building Division and shall be approved by the City and all other involved agencies prior to the release of any development permits.
42. Prior to the initial submittal of the improvement plans, the applicant shall contact Sean Smith at (559) 324-2363 to setup a coordination meeting (Pre-submittal Meeting).
43. Prior to granting of final occupancy or final acceptance, the applicant shall submit to the City of Clovis Engineering Division one (1) digital copy in PDF format of construction plans revised to reflect all field revisions and marked "AS-BUILT."

General Provisions

44. The applicant shall pay all applicable development fees prior to the issuing of a building permit. A preliminary estimate of fees for the County Library is \$67,182.04 and the estimate of fees for the Senior Center and Transit Center is \$89,889.58. A breakdown of this estimate is attached to these conditions for your information. Additional fees may be assessed and must be paid prior to issuance of subsequent development permits. **NOTE:** The fees given at this time are an estimate calculated using rates currently in effect. These rates are subject to change without notice and the actual amount due shall be calculated using fee rates in effect at the time of payment. Additional fees payable to the City or other agencies (FMFCD) may become due as supplemental information regarding the project is received by the City.

45. Applicant is advised that, pursuant to California Government Code, Section 66020, any party may protest the imposition of fees, dedications, reservations, or other exactions imposed on a development project by a local agency. Protests must be filed in accordance with the provisions of the California Government Code and must be filed within 90 days after conditional approval of this application is granted. The 90 day protest period for this project shall begin on the "date of approval" as indicated on the "Acknowledgment of Acceptance of Conditions" form.
46. All reimbursement requests shall be prepared and submitted in accordance with the requirements of the current version of the "Developer Reimbursement Procedures"; a copy of which may be obtained at the City Engineer's Office.
47. The applicant shall obtain encroachment permits from the City of Clovis for work performed within the City's right-of-way and easements.
48. The applicant shall install all off-site improvements within the public right-of-way and easements in accordance with the City of Clovis standards, specifications, master plans, and record drawings in effect at the time of improvement approval. Applicant shall provide and pay for any compaction tests required by the City of Clovis in the course of construction.
49. The applicant shall comply with the requirements of the local utility, telephone, and cable companies. It shall be the responsibility of the applicant to notify the local utility, telephone, and cable companies for the removal or relocation of utility poles where necessary. The City shall not accept first submittals without proof that the applicant has provided the improvement plans and documents showing all proposed work to the utility, telephone, and cable companies. All utility vaults in which lids cannot be sloped to match proposed finished grading, local utilities have 5% max slope, shall be located in sidewalk areas with pedestrian lids so the lid slope matches sidewalk cross slope.
50. The applicant shall contact and address all requirements of the United States Postal Service - Clovis Office for the location and type of mailboxes to be installed. The location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction.
51. Any new utility facilities located within the street right-of-way along the streets adjacent to this development or on-site shall be underground.
52. The applicant shall contact and address Caltrans' requirements.
53. The applicant shall contact the Fresno County Department of Public Works (FCDPW) and pay all applicable fees required. Fresno County has adopted a 2 year waiver of public facilities impact fees for permits pulled prior to November 10, 2018.

Dedications and Street Improvements

54. The applicant shall provide right-of-way acquisition, free and clear of all encumbrances and/or improve to City standards the following streets. The street improvements shall be in accordance with the City's specific plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the type, location, and grades of existing improvements.

- Third Street - between the west side property line and the most western east property line of the project, improve with a round-a-bout, -landscaping and irrigation. The existing drive approach that will not be used shall be removed and replaced with curb, gutter and sidewalk.
- Third Street - between the most western east property line of the project and the west property line of Hughes-Osmun Alley, improve with, sidewalk.
- Hughes-Osmun Alley - between Third Street and just south of Osmun Circle, the applicant shall improve the alley including drive approach and valley gutter to City standards.
- Round-a-bouts – dedicate and improve to Federal Highway Administration guidelines.

55. The applicant shall provide a dedication for a 10' public utility easement along all frontages.

56. For new onsite ADA paths of travel that connect to the City sidewalk, the applicant shall replace enough sidewalk to provide a compliant landing with appropriate transitions to existing sidewalk grades.

57. The applicant shall remove and repair all damaged or broken concrete improvements as necessary.

58. Applicant shall provide preliminary title report for the subject property(ies).

59. The applicant shall provide preliminary title report, legal description and drawings for all dedications required which are not on the site. All contact with owners, appraisers, etc. of the adjacent properties where dedication is needed shall be made only by the City. The City will prepare an estimate of acquisition costs including but not limited to appraised value, appraisal costs, negotiation costs, and administrative costs. The applicant shall pay such estimated costs as soon as they are determined by the City.

60. The applicant shall provide to the City for recording a reciprocal access agreement to maintain and provide vehicular, pedestrian and public access, prior to obtaining building permits.

Sewer

- 61. The applicant shall identify and abandon all septic systems to City standards.
- 62. The applicant shall install sewer lateral or laterals for the development site and connect to City mains.

Water

- 63. The applicant shall identify and abandon all water wells to City standards.
- 64. The applicant shall install water mains of the sizes and in the locations indicated below, and provide an adequately looped water system prior to occupancy. The water improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.
- 65. Onsite looped water mains - install 8" mains.
- 66. The applicant shall provide dedication of a 15' wide utility easement for all on-site water mains, including fire hydrants, blow-offs, and meter boxes.
- 67. The applicant shall install a City standard water service of the necessary size for the development site and connect to City mains. Water services shall be grouped at property lines to accommodate automatic meter reading system, including installation of connecting conduit. The water meter shall be placed in the sidewalk and not in planters or driveways.

Grading and Drainage

- 68. The applicant shall contact the Fresno Metropolitan Flood Control District (FMFCD) and address all requirements, pay all applicable fees required, obtain any required NPDES permit, and implement Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to reduce or eliminate storm water pollution. Plans for these requirements shall be included in the previously required set of construction plans, and shall be submitted to and approved by the FMFCD prior to the release of any development permits.
- 69. Grade differentials between lots and adjacent properties shall be adequately shown on the grading plan and shall be treated in a manner in conformance with City of Clovis Standard Drawing No. M-4 as modified by the City Council. Any retaining walls required on-site or in public right of way shall be masonry construction. All retaining walls shall be designed by a registered Civil Engineer.

Irrigation and Landscaping Facilities

70. The applicant shall contact and address all requirements of the Fresno Irrigation District (FID). This may include dedicating easements, piping or relocating any existing FID canals and ditches, replacing any existing irrigation piping, concrete lining or improving any existing canals, construction or reconstruction of any canals, culverts, and bridge crossings. Plans for these requirements and improvements shall be included as in the previously required set of construction plans, and shall be submitted to and approved by FID prior to the release of any development permits. If a FID or private irrigation line is to be abandoned, the applicant shall provide waivers from all downstream users.
71. All existing agricultural irrigation systems either on-site or in public right of way, whether FID or privately owned, shall be identified prior to any construction activity on the site. Service to all downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not bear any burden as a result of development of the site. Therefore, the applicant shall pay all costs related to modification, relocation, or repair of any existing irrigation facilities resulting from or necessitated by the development of the site. The applicant shall identify on site plans and construction plans, all existing irrigation systems and their disposition (abandonment, repair, relocation, and/or piping). The applicant shall consult with the Fresno Irrigation District for any additional requirements for lines to be abandoned, relocated, or piped. The applicant shall provide waivers from all users in order to abandon or modify any irrigation pipelines or for any service interruptions resulting from development activities.
72. The applicant shall provide for recording a landscape and irrigation perpetual maintenance covenant for landscaping installed in the public right-of-way behind the curb including easements, that will not be maintained by the Clovis Landscape Maintenance District. The recordable covenant must be submitted to, checked and approved prior to approval of the improvement plans or the release of any development permits.
73. The applicant shall comply with the City of Clovis Water Efficient Landscape Requirements Ordinance.

Miscellaneous

74. The applicant shall construct one (1) City of Clovis standard Type V trash enclosure (M-2 and M-3) for the Library, one (1) City of Clovis standard Type V trash enclosure (M-2 and M-3) for the Senior Center and one (1) City of Clovis standard Type IV trash enclosure (M-2 and M-3) for the transit office including solid metal gates. Grease barrel enclosures shall be required for all grease producing businesses. The applicant shall provide paved access to and from the trash enclosure that must be accessible between 6 a.m. to 2:30 p.m. on the day(s) of service. The solid waste collection vehicles shall not be required to backup to service the trash enclosure. The trash enclosure shall be positioned to have front loading solid waste vehicle access. The concrete pad shall be

inspected by the City prior to pouring of concrete. All access driveways to and from the trash enclosure shall be a minimum of 26' in width with large turn radius. Trash enclosures shall be setback a minimum of 5' from all driveways to minimize impact of gates left open and mitigate any visibility issues.

75. The trash enclosure shall be used only for trash and recycling bins. The applicant is prohibited from storing other items in the enclosure and storing trash or recycling bins outside the enclosure.
76. The applicant shall provide location and dimension of above ground utility boxes and risers with the location approved by the City.
77. The applicant shall install all major street monumentation and section corner monumentation within the limits of the project work in accordance with City Standard ST-32 prior to final acceptance of the project. Monumentation shall include all section corners, all street centerline intersection points, angle points and beginning and end of curves (E.C.'s & B.C.'s). The applicant/contractor shall furnish brass caps. The applicant shall require the surveyor/civil engineer for the development to notify, in writing, the City Engineer of any existing section corner, property corner or reference monuments damaged by the construction of improvements performed as part of the development. The applicant shall have all such monuments reset. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Brass caps required for installation of new monuments or replacement of existing monuments shall be provided by the contractor/applicant and approved by City prior to installation. Within five days after the final setting or replacement of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer certifying that the final monuments have been set and that he has filed with the County Recorder all appropriate records of survey or corner records.
78. A deferment, modification, or waiver of any engineering conditions will require the express written approval of the City Engineer.
79. All conditions of approval shall be fully complied with prior to issuance of a Certificate of Occupancy.

**DRAFT
RESOLUTION 19-_____**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING A SITE PLAN REVIEW FOR A NEW PUBLIC FACILITY LOCATED NEAR ON THE NORTH SIDE OF THIRD STREET AT VETERAN'S PARKWAY AND CONFIRMING ENVIRONMENTAL FINDINGS

WHEREAS, City of Clovis, 1033 Fifth Street, Clovis, CA 93612, has applied for a Site Plan Review SPR2018-02; and

WHEREAS, this is a request to approve a site plan review for a new public facility including the Senior Services Activity Center, Transit Center, St. Agnes Medical Clinic, and future pad for the County Library, for property on the north side of Third Street at Veteran's Parkway in the City of Clovis, County of Fresno; and

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

WHEREAS, a duly noticed hearing was held on January 24, 2019; 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. The proposed use is allowed within the subject zoning district;
2. The proposed use in compliance with all of the applicable provisions of this Development Code that are necessary to carry out the purpose and requirements of the subject zoning district, including prescribed development standards and applicable design standards, policies and guidelines established by resolution of the Council;
3. The proposed use in compliance with all other applicable provisions of the Clovis Municipal Code;
4. The proposed use consistent with the General Plan and any applicable specific plan;
5. The proposed project was evaluated under a Focused Environmental Impact Report adopted and certified by the City Council on July 9, 2018, (State Clearinghouse Certification No. 2017041010). 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Clovis Planning Commission does approve SPR2018-02, subject to the attached conditions labeled Exhibit "A."

* * * * *

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on January 24, 2019, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:
NOES:
ABSENT:

ATTACHMENT B

STAIN:

PLANNING COMMISSION RESOLUTION NO. 19-____
DATED: January 24, 2019

Amy Hatcher, Chair

ATTEST:

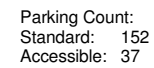
Dwight Kroll, AICP, Secretary



DRAWING SET INFORMATION:	
6/26/2018	Entitlement Submission

PROJECT NUMBER:
2016-39

SHEET NUMBER:
A100



SENIOR CENTER

Floor Plan

- Multi-Purpose
- Activity Space
- Lobby Area
- Collaboration
- Office
- Kitchen
- Restroom
- Circulation
- Service
- Tenant Space



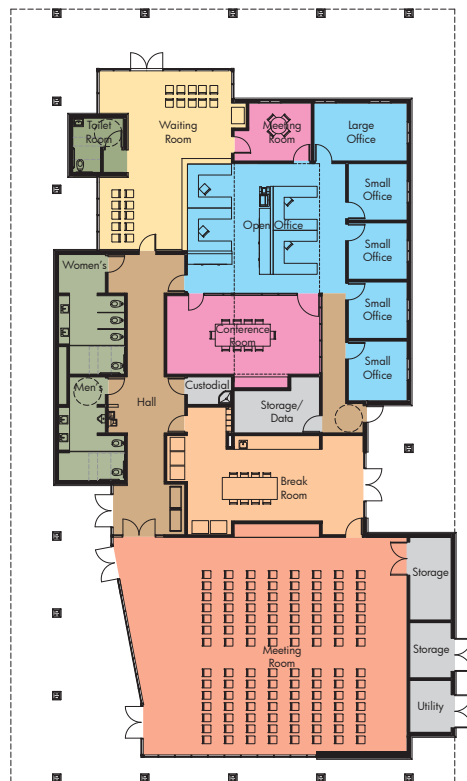
ATTACHMENT D



LANDMARK
COMMONS



PAUL HALAJIAN
ARCHITECTS



TRANSIT CENTER

Floor Plan

- Meeting Room
- Waiting Area
- Collaboration
- Office
- Break Room
- Restroom
- Circulation
- Service



LANDMARK
COMMONS



PAUL HALAJIAN
ARCHITECTS



SPR2018-02
EXHIBIT D



LANDMARK
COMMONS

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PAUL HALAJIAN
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