



CITY *of* CLOVIS

AGENDA • PLANNING COMMISSION

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

April 15, 2021

6:00 PM

Council Chamber

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

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

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

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

Written Comments

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

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



- Please submit a separate form for each item you are commenting on.
- A copy of your written comment will be provided to the Planning Commission noting the item number. Your written comment will be made part of the record.

- Please be aware that any written comments received that do not specify a particular agenda item will be marked for the general public comment portion of the agenda.
- If a written comment is received after 4:00 p.m. on the day of the meeting, efforts will be made to provide the comment to the Planning Commission during the meeting. However, staff cannot guarantee that written comments received after 4:00 p.m. will be provided to the Planning Commission during the meeting. All written comments received prior to the end of the meeting will be made part of the record of proceedings.

Verbal Comments

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

Webex Participation

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

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

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The Planning Commission welcomes you to this meeting.

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

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

ABOUT THE MEETING

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

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

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

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

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

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CALL TO ORDER

FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

1. Planning Commission Minutes for the Meeting of March 25, 2021.

COMMISSION SECRETARY COMMENTS

PLANNING COMMISSION MEMBER COMMENTS

COMMUNICATIONS AND REFERRALS

BUSINESS FROM THE FLOOR

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

PUBLIC HEARINGS

2. Consider Approval - Res. 21-____, CUP1998-011A, A request for an amendment to a conditional use permit allowing a change in operation to upgrade an existing Alcohol Beverage Control license from a Type 41 (beer and wine) to a Type 47 (beer, wine, and distilled spirits) within an existing restaurant located near the southeast corner of 4th Street and Clovis Avenue. L.D. Cobb Family Cal.2, LLC, property owner; The Local, Jesse Mendoza, applicant.

Staff: Emily Lane, Assistant Planner

Recommendation: Approve

3. Consider Approval - Res. 21-____, SR2021-013, A request for a sign review permit to modify the height standards allowing for the installation of three (3) flagpoles with ± 40 feet of height at a proposed government office building on property located near the southwest corner of Ashlan and Villa Avenues. Kashian Group, Ltd., property owners; Yohanes Makmur, Cook Land Company, applicant/representative.

Staff: Kelsey George, Assistant Planner

Recommendation: Approve

4. Consider Approval - Res. 21-____, CUP2021-002, A request to approve a conditional use permit to allow for a tattoo parlor (Body Art Establishment) in a C-2 (Community Commercial) Zone District within an existing shopping center located at 130 W. Shaw Avenue. Clovis Shaw Partners LLC, owner; Reno Seckinger, applicant/representative.

Staff: Kelsey George, Assistant Planner

Recommendation: Approve

OLD BUSINESS

NEW BUSINESS

Transition from Summary Minutes to Action Minutes.

ADJOURNMENT

MEETINGS & KEY ISSUES

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

May 27, 2021

June 24, 2021

July 22, 2021

CLOVIS PLANNING COMMISSION MINUTES

March 25, 2021

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

Flag salute led by Commissioner Cunningham.

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

Absent: None

Staff: Renee Mathis, Planning and Development Services Director
 Dave Merchen, City Planner
 Ricky Caperton, Senior Planner
 George Gonzalez, Senior Planner
 Kelsey George, Assistant Planner
 Emily Lane, Assistant Planner
 Maria Spera, Planning Technician II
 Gene Abella, Civil Engineer
 Colleen Vidinoff, Engineer II
 Wesley Carlson, City Attorney

MINUTES

1. The Commission approved the February 25, 2021, minutes by a vote of 5-0.

COMMISSION SECRETARY

City Planner Dave Merchen introduced Assistant Planner Emily Lane.

PLANNING COMMISSION MEMBERS COMMENTS

None.

COMMUNICATIONS AND REFERRALS

Item of correspondence relating to Agenda Item X-2.

BUSINESS FROM THE FLOOR

None.

CONSENT CALENDAR

None.

PUBLIC HEARINGS

2. Consider Approval - **Res. 21-04, TM6348**, A request to approve a tentative tract map for a 10-lot single-family residential development no property located on the northeast corner of North Timmy and West Nees Avenues. Gary McDonald Homes, applicant; Buchanan Estates IV, LLC and O-Brien Development, LLC, owners; Harbour & Associates, representative.

Assistant Planner Kelsey George presented the staff report.

Commissioner Antuna inquired as to Condition #3 of the conditions of approval. Assistant Planner George provided an explanation.

Chair Hinkle sought and received confirmation that there would be sidewalk on the west side of Cindy Avenue.

Chair Hinkle inquired as to the fate of the existing trees at the site. Assistant Planner George provided information.

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

Gary McDonald provided information on the project.

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

City Planner Merchen entered a call in support from Rod Lakovich into the record.

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

There being none, the Chair closed the public portion.

Commissioner Bedsted remarked that this is an appropriate use for this property that will fit in nicely with the neighborhood and he is in favor.

Chair Hinkle remarked that the pandemic has led to more demand for larger lots across the country and this fits that demand. He is also glad that this project is moving forward as there are several governmental bills under consideration that would be disastrous for this neighborhood. Therefore, he is in favor of this project.

Commissioner Cunningham echoed his fellow commissioners' statements and expressed gratitude to Mr. McDonald for his involvement. He believes this project will be good for all.

At this point, a motion was made by Commissioner Cunningham and seconded by Commissioner Bedsted to approve TM6348. The motion was approved by a vote of 5-0.

3. Consider items associated with ±23 acres of land located at the northeast corner of Nees and Minnewawa Avenues. Jeremy Vanderlinden and Brad Bell, The Well Church, applicants/representatives; The Well Community Church, a California nonprofit religious corporation, owner.
 - a. Consider Approval, **Res. 21-05**, A request to approve an environmental finding of a Mitigated Negative Declaration for R2020-005, and CUP2020-006.
 - b. Consider Approval, **Res. 21-06, R2020-005**, A request to rezone ±23 acres from the R-A (Single-Family Residential Very Low Density) Zone District to the Clovis R-1-7500 (Single-Family Residential Low Density) Zone District.
 - c. Consider Approval, **Res. 21-07, CUP2020-006**, A request to approve a conditional use permit for a church use.

Senior Planner Ricky Caperton presented the staff report.

Commissioner Cunningham requested more information regarding a complaint or concern expressed by a neighbor about traffic turning left onto Minnewawa Avenue. Senior Planner Caperton provided information.

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

Brad Bell of 8887 N. Matus Avenue, Fresno, provided information on the project.

Commissioner Cunningham inquired as to service attendance numbers. Mr. Bell provided an estimate.

Commissioner Cunningham sought and received confirmation that a traffic study had not been performed for their Maple and Nees Avenues site, expressing his concern regarding traffic on Minnewawa Avenues. John Roland of Peters Engineering Group, 682 Pollasky Avenue provided information based on the traffic study for the site and the behavior of drivers.

Chair Hinkle inquired as to the accesses for trucks related to the use of the northern portion of the site. Mr. Roland provided information.

Chair Hinkle inquired as to any plans for property east of Clovis Avenue. Mr. Bell responded that there is neither planning nor funding for that property.

Chair Hinkle inquired as to the purpose of dirt being piled up in the northeast corner of the property. Mr. Bell provided information.

Chair Hinkle inquired as to whether there would be vehicle charging stations in the parking lot. The project architect responded to the question off mike, indicating that the site would be wired for charging stations, but charging stations were not planned to be installed.

Chair Hinkle then addressed the hours of operation with the applicant team and staff.

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

Bill Smittcamp of 1564 N. Middleburg Lane spoke in favor of the project.

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

There being none, the Chair closed the public portion.

At this point, a motion was made by Commissioner Hatcher and seconded by Commissioner Bedsted to approve an environmental finding of a Mitigated Negative Declaration for R2020-005 and CUP2020-006. The motion was approved by a vote of 5-0.

At this point, a motion was made by Commissioner Hatcher and seconded by Commissioner Bedsted to approve R2020-005. The motion was approved by a vote of 5-0.

At this point, a motion was made by Commissioner Hatcher and seconded by Commissioner Bedsted to approve CUP2020-006 with modification to the hours of operation for outdoor activities. The motion was approved by a vote of 5-0.

OLD BUSINESS

None.

NEW BUSINESS

Senior Planner Caperton withdrew a request to cancel the April Planning Commission meeting, as new projects came in recently that were able to be scheduled for that meeting.

ADJOURNMENT AT 6:46 P.M. UNTIL the Planning Commission meeting on April 15, 2021.

Paul Hinkle, Chair



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: April 15, 2021

SUBJECT: Consider Approval - Res. 21-____, CUP1998-011A, A request for an amendment to a conditional use permit allowing a change in operation to upgrade an existing Alcohol Beverage Control license from a Type 41 (beer and wine) to a Type 47 (beer, wine, and distilled spirits) within an existing restaurant located near the southeast corner of 4th Street and Clovis Avenue. L.D. Cobb Family Cal.2, LLC, property owner; The Local, Jesse Mendoza, applicant.

Staff: Emily Lane, Assistant Planner

Recommendation: Approve

ATTACHMENTS:

1. Conditions of Approval
2. Floor Plan
3. Applicant's Operational Statement
4. Correspondence (Agencies and Departments)
5. Draft Resolution

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit CUP1998-011A, subject to the conditions of approval included in **Attachment 1**.

EXECUTIVE SUMMARY

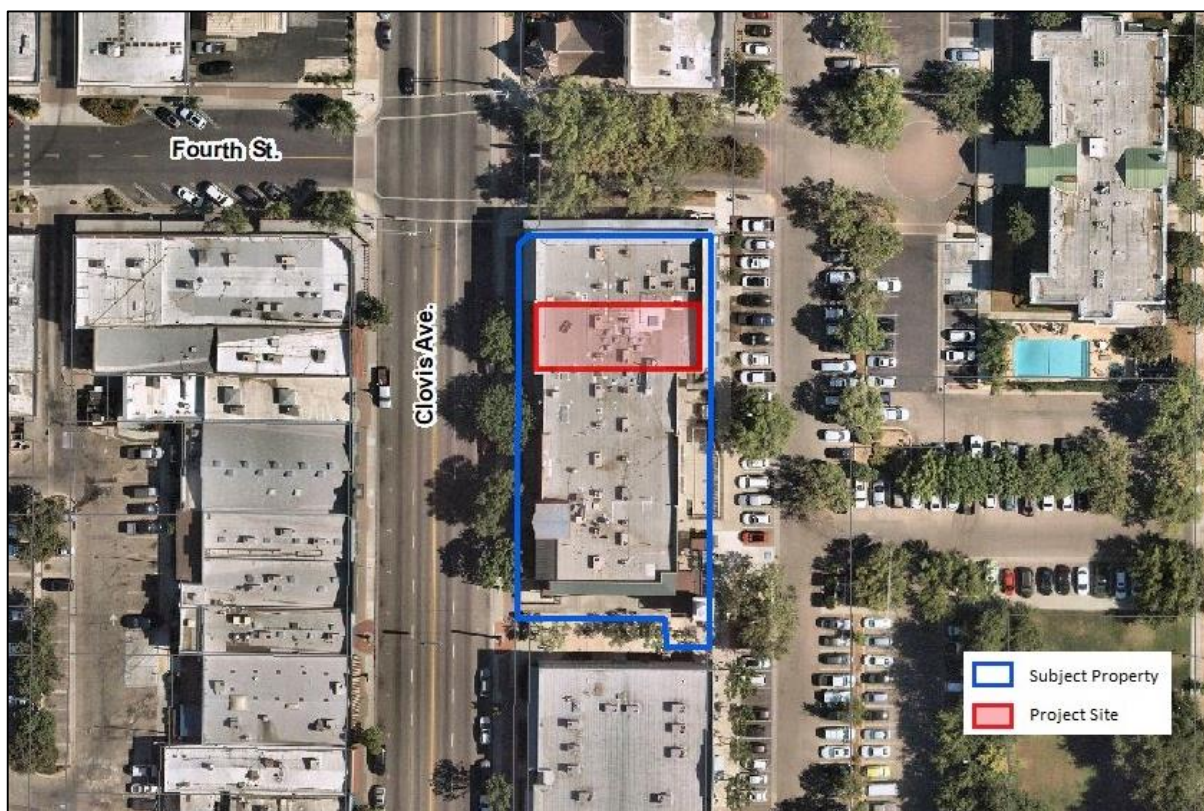
The applicant is requesting approval of an amendment to Conditional Use Permit CUP1998-011 for a change of operation, such as change in hours of operation, for an existing restaurant located near the southeast corner of 4th Street and Clovis Avenue in Old Town Clovis shown below in **Figure 1**. The request is for an upgrade to their Alcohol Beverage Control (ABC) license from a Type 41 (beer and wine) to a Type 47 (beer, wine, and distilled spirits) within an existing ±3,000 square-foot restaurant (The Local). Approval of the request would allow the applicant to continue processing an application with the California ABC to obtain a Type 47 license.

BACKGROUND

- General Plan Designation: Mixed Use Village
- Specific Plan: Central Clovis Specific Plan
- Existing Zoning: C-3 (Downtown Commercial)
- Lot Size/Suite Size: ± 0.5 acres, ± 0.07 acres
- Current Land Use: Commercial
- Adjacent Land Uses:
 - North: Commercial
 - South: Commercial
 - East: Commercial
 - West: Commercial
- Previous Entitlements: CUP1998-011

On November 12, 1998, the Planning Commission approved CUP1998-011 for Cattle Rustlers Steakhouse and allowed the operation of a bar facility in conjunction with a restaurant. The business was issued a Type 47 ABC license in May of 1999. The ABC license associated with the business was transferred in 2005 to Old Town Banquets and Catering, and again in 2006 to Goodfella's Catering. The subsequent license holders operated in the same facility until October 2010, when the license was transferred to Eagle Spring Golf and Country Club located in Friant where the license remains active today. The Local currently operates on a Type 41 ABC license which limits alcohol consumption to beer and wine.

FIGURE 1
Project Location



PROPOSAL AND ANALYSIS

The applicant is requesting approval of CUP1998-011A, allowing a change in hours of operation and to upgrade their ABC license from a Type 41 (beer and wine) to a Type 47 (beer, wine, and distilled spirits).

Conditional Use Permit

According to Section 9.12.020, Table 2-4, of the Clovis Municipal Code, restaurants serving liquor are allowed within the C-3 Zone District with an approved conditional use permit. The review and approval of a conditional use permit application provides the opportunity to ensure that the operational characteristics of the proposed use are consistent with applicable policies and standards and to verify that the use is compatible with existing and planned uses in the surrounding vicinity. This process allows evaluation of a business model that incorporates a restaurant and bar.

The project is located within the Central Clovis Specific Plan area and is designated as Old Town Storefront Commercial (OTC). The OTC land use allows for an array of businesses permitted within the C-3 Zone District and supports pedestrian oriented commercial uses. The applicant's request to allow a restaurant serving beer, wine and distilled spirits with full bar is consistent with the General Plan and Central Clovis Specific Plan.

Although the request for on-site alcohol consumption is included as part of CUP1998-011A as a matter of land use operation, the Clovis Police Department (CPD) retains full authority for decisions related to obtaining an ABC license. This authority was established via Resolution No. 00-131, adopted by City Council on October 9, 2000, and reaffirmed through Resolution No. 11-135, adopted by City Council on December 12, 2011. Thus, while CUP1998-011A includes a request for an expansion of business hours and an upgrade to the ABC license type for alcohol sales as it relates to the restaurant use, the decision for the alcohol component in and of itself ultimately rests with the Police Department. The Police Department has concluded that it would support the request for a Type 47 ABC License as part of CUP1998-011A subject to the conditions of approval, included as **Attachment 1**. Police Department conditions are summarized below.

Patio Expansion

The applicant has provided a floor plan (**Attachment 2**). In general, the applicant will utilize the entire footprint of the existing restaurant. As noted in the floor plan, the applicant has expanded the existing business' footprint to include a front patio along Clovis Avenue. The patio will need to be gated as per Alcohol Beverage Control standards for outdoor consumption of alcohol. The applicant will be required to obtain any necessary building permits to enclose the existing patio space.

Hours of Operation

As part of the request, the applicant proposes the following hours of operation:

- Monday to Wednesday: 11:00 am – 10:00 pm
- Thursday to Saturday: 11:00 am – 12:00 am
- Sunday: 10:00 am – 8:00 pm

Hours of operation approved under the original CUP1998-011 were from 5:00 pm to 10:00 pm on weeknights and 5:00 pm to 11:00 p.m. on weekends, with occasional hours between 11:00 am and 2:00 am. The applicant has provided an operational statement, included as **Attachment 3**.

Review and Comments from Agencies

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

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

Police Department Conditions

During review of the Project, the Clovis Police Department assessed the request and has provided a comment letter with proposed conditions of approval, which are included as **Attachment 1**. The conditions of approval would restrict hours of operation for consumption of alcoholic beverages to the hours of 7:00 am and 12:00 midnight for the restaurant, and further restrict consumption of alcohol on the outdoor patio space to 7:00 am and 10:00 pm. Other conditions include prohibiting the use of any amplified sound system or device on the patio, as well as requiring food service during all hours alcohol is available.

California Environmental Quality Act (CEQA)

The Project satisfies the Class 1 categorical exemption for Existing Facilities, which includes projects that involve licensing, and/or minor expansion of existing facilities. The proposed use will include the on-site consumption of beer, wine and distilled spirits and expanded hours of operation, as well as an outdoor patio. The proposed use will be located in an existing building and will not require any additional improvements such that a significant impact would occur. The proposed use is in a commercial area and will result in a negligible expansion of use for an existing restaurant, which currently operates with a Type 41 (beer and wine) ABC license. No further environmental review is required for this project.

Required Findings for Conditional Use Permit

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

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

The proposed use is a permitted use for the property zoning (C-3: Downtown Commercial Zone District), subject to a conditional use permit. The Project is located in a Commercial Zone District area that is intended to be developed for commercial uses. The conditions of approval preserve the integrity and character of the zoning district and ensure compliance with the Development Code.

2. The proposed use is consistent with the General Plan and any applicable specific plan. This finding is based on the following:

As outlined in the General Plan and the Central Clovis Specific Plan, the property is designated as a Commercial Zone District.

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

*The Operational Statement (**Attachment 3**) details the operating characteristics of the proposed use and demonstrates compatibility with existing and future land uses. The conditions for approval mitigate significant noise and other conditions or situations that may be objectionable or detrimental to other allowed uses.*

4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed. This finding is based on the following:

The property consists of an existing building that is large enough to accommodate the sale and on-site consumption of beer, wine and distilled spirits, while maintaining the existing restaurant establishment.

5. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety. This finding is based on the following:

The proposed use will be located in an existing building in a commercial area serviced by public utilities and services.

6. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and there would be no potential significant negative effects upon environmental quality and natural resources. This finding is based on the following:

The Project is categorically exempt as a Class 1 Existing Facilities Exemption. The proposed use will be located in an existing building in a commercial area. The proposed use will involve a negligible expansion of existing use by upgrading their existing Type 41 ABC License (beer and wine) to a Type 47 ABC License (beer, wine, and distilled spirits) which is permitted in the existing zone district by a conditional use permit.

REASON FOR RECOMMENDATION

Conditional Use Permit Amendment CUP1998-011A is consistent with the goals of the General Plan Land Use Diagram, the Central Clovis Specific Plan, Clovis Municipal Code, and the C-3 (Downtown Commercial) Zone District. Therefore, staff recommends that the Planning Commission approve CUP1998-011A, subject to the conditions of approval attached as **Attachment 1**.

ACTIONS FOLLOWING APPROVAL

None.

FISCAL IMPACT

None.

NOTICE OF HEARING

Property owners within 350 feet notified: 32

Prepared by: Emily Lane, Assistant Planner



Reviewed by:

Dave Merchen
City Planner

Conditions of Approval – CUP1998-011A

PLANNING DIVISION CONDITIONS

(Emily Lane, Division Representative – (559) 324-2316)

1. All conditions of CUP1998-011, Central Clovis Specific Plan, and any other applicable conditions are hereby referred to and made a part of this conditional use permit.
2. This conditional use permit approves a restaurant use, allowing for the on-site consumption of beer, wine and distilled spirits, subject to Police Department approval, for the property located at 401 Clovis Avenue, Suite 102 subject to all applicable Alcoholic Beverage Control (“ABC”) license requirements.
3. This conditional use permit is not transferable to another location.
4. The applicant shall keep free and clear the access between the subject site and adjacent businesses.
5. The applicant shall operate in a manner that does not generate noise, odor, or vibration that adversely affects any adjacent properties.
6. Should the applicant seek to conduct a special or promotional event expected to draw above average numbers of people, the applicant shall submit for approval to the Director and Police Chief, or their designees, not less than fourteen (14) days prior to the event, arrangements that address security, parking, and traffic. Valet parking and parking agreement(s) with additional neighboring businesses can be considered for event parking.
7. The conditional use permit also provides for outdoor seating/patio at the front of the business along Clovis Avenue subject to the applicant meeting ABC and Building Code requirements.
8. Any proposed outdoor seating shall be surrounded by a fence, minimum 42” in height, if alcoholic beverages are to be served in the patio area.
9. All signs for this use shall comply with the Clovis Sign Ordinance and require separate sign permits. Temporary signs shall be per Code and the use of mascots and sign waivers shall be prohibited. No signage shall be allowed in the outdoor patio/porch tasting area, including on the main building or using the patio/porch fence for signage advertisement.
10. The applicant shall consult with the City of Clovis Building Division on any building code requirements. All conditions of this conditional use permit shall be addressed prior to operation of the facility.
11. Any future request to expand the use shall be subject to an amendment to the CUP.
12. An abandonment or cessation of this use for a period exceeding 90 days shall cause this approval to be scheduled for revocation.

13. This conditional use permit may be reviewed at any time. Clovis Planning staff may conduct a review of this use in regards to the conditions of approval and present findings of this review to the Planning Commission.

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

14. Sales, Service and consumption of alcoholic beverages shall be permitted only between the hours of 7:00am and 12:00 midnight each day of the week.
15. The hours of operation of the patio shall occur only between the hours of 7:00am and 10:00pm each day of the week.
16. The patio shall be surrounded by a fence if alcoholic beverages are to be served in the patio area. Patrons shall not be allowed to enter into the patio area through any exterior gates. Patrons shall exit the patio from within the licensed premises only, except in cases of emergency.
17. The use of any amplifying system other than ambient music on the patio is prohibited.
18. During special events in the area drawing above average numbers of people who congregate on the sidewalks and gathering areas near the patio, the Police Department may request that the business post an employee in the patio area. That employee's primary responsibility is to ensure that alcoholic beverages are not passed from the patio area to the public areas outside the patio. In the event the business is unable to effectively staff this position, the Police Department may request the patio area be closed for the duration of the special event.
19. Kitchen food service must stay active during all hours that alcoholic beverages are served. The foods served must be prepared in this kitchen by the business' staff/ Prepared snacks on tray and precooked food that is simply reheated in the kitchen does not suffice as kitchen prepared food. The purpose of this condition is that during all hours of operation the business remains, first and foremost, an eating establishment.

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

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



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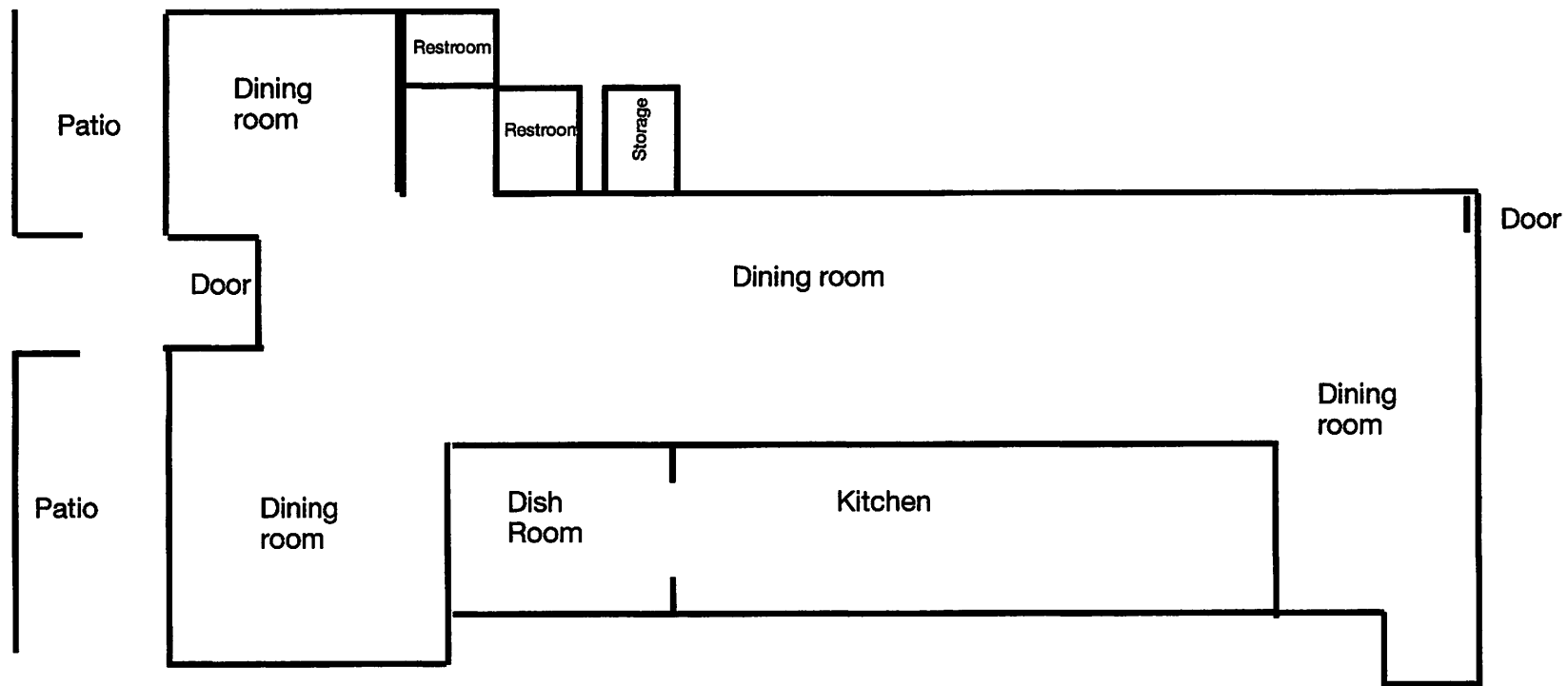
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Written Statement of operations

The proposed use of our CUP would be to allow us to use a license 47 obtained through the alcohol beverage control that we are applying for. Our intention is to offer our current customers the choice of craft cocktails, beer or wine. We will continue to operate as we always have just with the ability to serve our guests spirits. We will operate Sunday 10am - 8 pm, Monday- Wednesday 11a,-10 pm, and Thursday - Saturday 11am - 12am

ATTACHMENT 3



CITY *of* CLOVIS

POLICE DEPARTMENT

1233 FIFTH STREET • CLOVIS, CA 93612

CUP1998-011A
The Local
401 Clovis Ave, Suite #102

The business is located in California Alcohol Beverage Control census Tract 57.01. This census tract is over saturation for ABC licenses. The Clovis Police Department recognizes Clovis Old Town as an entertainment center. The Clovis Police Department supports restaurant ABC licensees if the business model meets the needs of the public in the area, without adding to the public safety issues already experienced in the area due to the large number of licensed establishments.

The purpose of these conditions is to ensure that the business remain, first and foremost, a restaurant and not significantly shift its clientele towards a bar/nightclub crowd in later hours. With this in mind, the Clovis Police Department is requesting the following conditions be placed upon the issuance of this Conditional Use Permit.

1. Sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 7:00am and 12:00 midnight each day of the week.
2. The hours of operation of the patio shall occur only between the hours of 7:00am and 10:00pm each day of the week.
3. The patio shall be surrounded by a fence if alcoholic beverages are to be served in the patio area. Patrons shall not be allowed to enter into the patio area through any exterior gates. Patrons shall exit the patio from within the licensed premises only, except in cases of emergency.
4. The use of any amplifying system or device on the patio is prohibited.
5. Kitchen food service must stay active during all hours that alcoholic beverages are served. The food served must be prepared in this kitchen by the business' staff. Prepared snacks on trays and precooked food that is simply reheated in the kitchen does not suffice as kitchen prepared food. The purpose of this condition is that during all hours of operation the business remain, first and foremost, an eating establishment.

Ken Wells
Police Corporal
Clovis Police Department

ATTACHMENT 4

City Manager 559.324.2060 • Community Services 559.324.2095 • Engineering 559.324.2350
Finance 559.324.2130 • Fire 559.324.2200 • General Services 559.324.2060 • Personnel/Risk Management 559.324.2725
Planning & Development Services 559.324.2340 • Police 559.324.2400 • Public Utilities 559.324.2600 • TTY-711



County of Fresno DEPARTMENT OF PUBLIC HEALTH

April 1, 2021

FA0274100
LU0021251
2604

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

Dear Ms. Lane:

PROJECT NUMBER: **CUP1998-011A**

CUP1998-011A; A request to amend an existing approved conditional use permit allowing a bar in association with a restaurant to include the sale of distilled spirits. L D Cobb Family Cal 2 LLC, owner; The Local, applicant.

APN: 492-250-08S

ZONING: C-3

ADDRESS: 401 Clovis Avenue, Suite #102

Recommended Conditions of Approval:

- Should the facility undergo remodel to accommodate the sales of distilled spirits, then 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 distilled spirits sales, the applicant shall first obtain their Type 47 ABC license to sell distilled spirits. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- The project has the potential to expose nearby residents to noise levels in excess of standards established in the Noise Element of the City of Clovis General Plan and the Noise Ordinance.

REVIEWED BY:

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

(559) 600-33271

KT

Promotion, preservation and protection of the community's health

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

(559) 600-3271 • FAX (559) 600-7629

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Emily Lane
April 1, 2021
CUP1988-011A
Page 2 of 2

AGENDA ITEM NO. 2.

cc: Rogers, Moreno & Bal- Environmental Health Division (CT. 56.02)
Jesse Mendoza- Applicant (jesse@thelocalotc.com)

**DRAFT
RESOLUTION 21-_____**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING
CONDITIONAL USE PERMIT CUP1998-011A FOR AN AMENDMENT TO A CONDITIONAL USE
PERMIT ALLOWING A CHANGE IN OPERATION TO UPGRADE AN EXISTING ALCOHOL
BEVERAGE CONTROL LICENSE FROM A TYPE 41 (BEER AND WINE) TO A TYPE 47 (BEER,
WINE, AND DISTILLED SPIRITS) WITHIN A RESTAURANT LOCATED AT 401 CLOVIS AVENUE,
SUITE 102, AND FINDING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, The Local, 401 Clovis Avenue, Suite 102 Clovis, CA, 93612, has applied for a Conditional Use Permit (CUP1998-011A) to allow the sale of beer, wine, and distilled spirits for on-site consumption (ABC License 47) at an existing restaurant located at 401 Clovis Avenue, Suite 102, in the City of Clovis, County of Fresno ("Project"); and

WHEREAS, the City published notice of the Public Hearing in the Fresno Business Journal, mailed notice to area residents within 350 feet of the property boundaries ten days prior to the Public Hearing, and otherwise posted notice of the Public Hearing according to applicable law; and

WHEREAS, a duly noticed Public Hearing was held on April 15, 2021; and

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

WHEREAS, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which supports a finding that the Project is categorically exempt from CEQA review as a Class 1 Existing Facilities Exemption (CEQA Guidelines section 15301).

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

1. CUP1998-011A is hereby approved with incorporation of the conditions of approval set forth in **Attachment A** to this Resolution.
2. The Project is categorically exempt from CEQA review as a Class 1 Existing Facilities Exemption (CEQA Guidelines section 15301).
3. The Project satisfies the required findings for approval of a conditional use permit, 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 the Development Code.
 - (2) The proposed use is consistent with the General Plan and any applicable specific plan.
 - (3) The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City.

- (4) The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed.
- (5) There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
- (6) The 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.

4. The Commission could not make the findings necessary for approval of CUP1998-011A without the conditions of approval set forth in **Attachment A** to this Resolution.

5. The basis for the findings is detailed in the April 15, 2021 staff report, which is hereby incorporated by reference, as well as the evidence and comments presented during the Public Hearing.

* * * * *

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on April 15, 2021, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 21-_____
DATED: April 15, 2021

Paul Hinkle, Chair

ATTEST: _____
Renee Mathis Secretary



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: April 15, 2021

SUBJECT: Consider Approval - Res. 21-____, SR2021-013, A request for a sign review permit to modify the height standards allowing for the installation of three (3) flagpoles with ± 40 feet of height at a proposed government office building on property located near the southwest corner of Ashlan and Villa Avenues. Kashian Group, Ltd., property owners; Yohanes Makmur, Cook Land Company, applicant/representative.

Staff: Kelsey George, Assistant Planner

Recommendation: Approve

ATTACHMENTS:

1. Conditions of Approval
2. Site Plan
3. Draft Resolution

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission approve Sign Review SR2021-013, subject to the conditions of approval included as **Attachment 1**.

EXECUTIVE SUMMARY

The applicant is requesting approval to install three (3) ± 40 -foot tall flagpoles on the subject property shown below in **Figure 1**. Pursuant to Section 9.34.060(H) of the Clovis Municipal Code, flagpoles greater than 24 feet in height must be reviewed and approved by the Planning Commission.

If approved, the applicant may continue with a site plan review amendment for the installation of the flagpoles.

FIGURE 1
Project Location



 = Subject Property

 = Approximate location of proposed flagpoles

BACKGROUND

- General Plan Designation: General Commercial
- Existing Zoning: C-2
- Lot Size: ±3.46 acres
- Current Land Use: Fresno County Department of Social Services (DSS)
- Adjacent Land Uses:
 - North: Water – *Ponding Basin*
 - South: Industrial - *DSS Campus*
 - East: Industrial – *FedEx Shipping Center*
 - West: City of Fresno – *Multifamily Residential*
- Previous Entitlements: GPA85-02A, R85-10, CUP2019-014, SPR1990-015A17

PROPOSAL AND ANALYSIS

Pursuant to Section 9.34.060(H) of the Clovis Municipal Code, flagpoles that exceed the 24 feet height restriction are subject to the City's sign ordinance and must be approved by the Planning Commission. The Planning Commission may approve flagpoles that exceed the twenty-four (24') foot height limitation where the applicant can show that the proposed flag(s) and/or pole(s) are consistent with the overall intent and purpose of the sign development standards.

As shown in **Attachment 2**, the applicant requests approval to install three (3) illuminated flagpoles at a height of ±40 feet located at the entryway of the building. As part of the request, the applicant has submitted Site Plan Review SPR1990-15A18, which is being reviewed at the staff level concurrently with SR2021-013. The proposed flagpoles are anticipated to include a United States of America flag, a State of California flag, and a County of Fresno flag.

Existing Site and Surrounding Area

The subject property was formerly the site of a Costco Wholesale and was recently acquired from the property owner for lease by the County of Fresno Department of Social Services (DSS) and permitted to operate a government facility in a business campus setting under CUP2019-14 and SPR1990-15A7.

The subject property is zoned C-2 (Community Commercial) which allows up to 35 feet in height. The existing building which the flagpoles are proposing to be placed in front of is 30 feet 6 inches. The properties to the east and the south are zoned C-M (Commercial and Light Manufacturing) and allow up to 75 feet in height. Other development in the surrounding area include non-residential uses with no residential directly adjacent to the subject property.

Flagpole Location

As shown in **Attachment 2**, the proposed locations of the flagpoles would be on the north side of the building near the entryway. The maximum height of the C-2 zone district is 35 feet. If approved, the flagpoles would exceed this by approximately 5 feet. Further, the site layout and flagpole location serve to minimize potential height impacts or sight concerns to the area. The proposed flagpoles are situated on the north side of the existing building and setback from the primary facade. Additionally, the proposed location is setback approximately 330 feet from Ashlan Avenue and away from the nearest residential use by over 1,000 feet further minimizing any kind of visual or scenic impact, or height concern.

Because the proposed height of the flagpoles is not much greater than the maximum height permitted in the C-2 zone district (35 feet), and significantly less than the permitted height in the adjacent C-M zone district (75 feet), the additional height is not expected to create any sight issues and would be consistent with the existing built out environment of the surrounding area. Approval of the height in flagpoles does not permit additional height to any of the existing or proposed structures on that site.

The flagpoles are anticipated to be illuminated which would be subject to lighting standards of the Clovis Municipal Code requiring that lighting not impact or spill over to adjacent properties.

Review and Comments from Agencies

The Project was distributed to applicable City Departments including Building, Engineering, Utilities, Fire, and Police.

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 property owners within 300 feet of the property boundaries. Staff has not received any inquiries prior to the finalization of the staff report.

California Environmental Quality Act (CEQA)

The City has determined that this Project is exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Class 1 – Existing Facilities) and that applicable exceptions to the exemption under CEQA Guidelines Section 15300.2 (cumulative impacts and unusual circumstances) would not be triggered as a result of the project.

A Class 1 categorical exemption is appropriate for projects that consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alterations of existing public or private structures, facilitates, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed installation of a sign is negligible and involves no expansion of the existing use.

Based on staff review, the Class 1 criteria are met and there are no significant cumulative effects or unusual circumstances with the Project rendering the exemption unavailable. Therefore, a Notice of Exemption has been completed. Staff will file the notice with the County Clerk if the project is approved.

The City published notice of this public hearing in The Business Journal on Wednesday, March 31, 2021.

REASON FOR RECOMMENDATION

The proposed sign review is consistent with intent and purpose of the Development Code. Staff, therefore, recommends that the Planning Commission approve SR2021-013, subject to the conditions of approval attached as **Attachment 1**.

ACTIONS FOLLOWING APPROVAL

None.

FISCAL IMPACT

None.

NOTICE OF HEARING

Property owners within 300 feet notified: 39

Prepared by: Kelsey George, Assistant Planner

Reviewed by:



Dave Merchen
City Planner

Conditions of Approval – SR2021-013

PLANNING DIVISION CONDITIONS

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

1. All conditions of CUP2019-014, SPR1990-015A17, and any other applicable conditions are hereby referred to and made a part of this sign review permit.
2. This Sign Review Permit is not transferable to another location.
3. This Sign Review approval is for the installation of three flagpoles 40-feet in height at property located at 380 W Ashlan Avenue.
4. This Sign Review Permit does not permit or otherwise allow for the operation of the site and/or uses other than explicitly described in the accompanying staff report.
5. A separate Site Plan Review (SPR) and approval shall be required prior to the construction of any structures and/or prior to any site modifications and shall comply with development standards prescribed for the General Commercial land use designation, C-2 (Community Commercial) zone district, and other applicable standards as determined by the Planning Division during the SPR review process.
6. The applicant shall operate in a manner that complies with the Clovis Municipal Code so that it does not generate noise, odor, or vibration that adversely affects any adjacent properties.
7. The applicant shall consult with the City of Clovis Building Division on any building code requirements. All conditions of this Sign Review Permit shall be addressed prior to operation of the facility.
8. All lighting and illumination for this use shall comply with Clovis Development Code Section 9.22.050.

**DRAFT
RESOLUTION 21-____**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS
APPROVING A SIGN REVIEW FOR THE INSTALLATION OF THREE FLAGPOLES ON
PROPERTY LOCATED NEAR THE SOUTHWEST CORNER OF ASHLAN AND VILLA
AVENUES AND FINDING THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO
PUBLIC RESOURCES CODE SECTION 15301 (CLASS 1 – EXISTING FACILITIES).**

WHEREAS, Yohanes Makmur of Cook Land Company, 2780 N. Miami Ave, Suite 101, Fresno, CA, has applied for Sign Review (SR2021-013); and

WHEREAS, SR2021-013 requests authorization to install three illuminated flagpoles 40-feet in height at a previously approved government facility for property located at 380 W. Ashlan Avenue, in the City of Clovis, County of Fresno, California; and

WHEREAS, the City published notice of the Public Hearing in the Fresno Business Journal, mailed public notices to property owners within 300 feet of said property boundaries ten days prior to said Planning Commission hearing, and otherwise posted notice of the Public Hearing according to applicable law; and

WHEREAS, a duly noticed hearing was held on April 15, 2021; and

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

WHEREAS, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which supports a finding that the Project is exempt from CEQA pursuant to a Class 1 categorical exemption for existing facilities (CEQA Guidelines Section 15301).

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

1. SR2021-013 is hereby approved with incorporation of the conditions of approval set forth in **Attachment A** to this Resolution.
2. The Project is exempt from CEQA pursuant to a Class 1 categorical exemption (CEQA Guidelines Section 15301).
3. The Commission could not make the findings necessary for approval of SR2021-013 without the Conditions of Approval set forth in **Attachment A** to this Resolution.
4. The basis for the findings is detailed in the April 15, 2021, staff report, which is hereby incorporated by reference, as well as the evidence and comments presented during the Public Hearing.

ATTACHMENT 3

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The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on April 15, 2021, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 21-__

DATED: April 15, 2021

Paul Hinkle, Chair

ATTEST:

Renee Mathis, Secretary



CITY *of* CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: April 15, 2021

SUBJECT: Consider Approval - Res. 21-____, CUP2021-002, A request to approve a conditional use permit to allow for a tattoo parlor (Body Art Establishment) in a C-2 (Community Commercial) Zone District within an existing shopping center located at 130 W. Shaw Avenue. Clovis Shaw Partners LLC, owner; Reno Seckinger, applicant/representative.

Staff: Kelsey George, Assistant Planner

Recommendation: Approve

ATTACHMENTS:

1. Conditions of Approval
2. Conceptual Floor Plan
3. Operational Statement
4. Comments from Agencies
5. Draft Resolution

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit CUP2021-002, subject to the conditions of approval included as **Attachment 1**.

EXECUTIVE SUMMARY

The applicant is requesting approval of a conditional use permit to allow for a Body Art Establishment (Tattoo Parlor) in a C-2 (Community Commercial) Zone District within an existing shopping center located at 130 W. Shaw Avenue, Suite 101. Approval of the request would allow the applicant to proceed with obtaining a business license and proceed with building permits, as needed, for improvements to the interior of the building.

FIGURE 1
Project Location



BACKGROUND

- General Plan Designation: GC (General Commercial)
- Existing Zoning: C-2 (Community Commercial)
- Lot Size: 4.2 acres (site)/2,400 square feet (tenant space)
- Current Land Use: Multi-tenant commercial center
- Adjacent Land Uses:
 - North: General Commercial
 - South: Multi-Family Residential
 - East: General Commercial
 - West: Multi-Family Residential

On October 6, 2006, the City Council approved Ordinance Amendment OA2006-11, establishing the definition of a Body Art Establishment and providing for this use within the C-2 (Community Commercial) and C-M (Commercial and Light Manufacturing) Zone Districts with an approved conditional use permit. The Clovis Municipal Code defines Body Art Establishments as any permanent premises, business, location, facility, room, or any portion thereof, used or operated as a body piercing parlor, as a permanent cosmetics parlor, or as a tattoo parlor.

PROPOSAL AND ANALYSIS

The applicant is proposing to operate a body art establishment in a vacant suite of a multi-tenant commercial center on ± 4.2 acre property located at 130 W Shaw Avenue, Suite 101. As shown in **Attachment 2**, the tenant space is $\pm 2,400$ square feet. The business operations would include permanent body art (i.e. tattoos), body piercing, permanent cosmetics, and eyelash extensions. All artists would be appropriately licensed with the Fresno County Department of Health. The hours of operation are proposed to be 7 am to 10 pm, seven (7) days per week, as approved by the Clovis Police Department. The applicant has included an operational statement included as **Attachment 3**.

The proposed location is situated approximately 650 feet south of Shaw Avenue within the Village Square shopping center, amongst a block of retail tenant spaces generally anchored by the Ross Dress for Less and Burlington clothing stores. The space would be partitioned to provide privacy for customers and screening from the public.

The tenant space is currently vacant and approval of the Project would help to occupy this space. Based on the location set back from Shaw Avenue, and being within in an existing shopping center with sufficient parking, the proposed use would be appropriate for the site. During consultation with the Police Department regarding the proposal to establish a tattoo business in the shopping center, no objections or unique concerns were identified.

Review and Comments from Agencies

The Project was distributed to all City Departments as well as applicable outside agencies, including Fresno County Department of Public Health.

The proposed body art establishment will be required to comply with all of the licensing requirements of the Fresno County Department of Public Health which include any insurance requirements and blood borne pathogen and cross contamination certification.

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

Public Comments

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

California Environmental Quality Act (CEQA)

The Project is being proposed in an existing building and does not include any kind of expansion of said building.

Further, the Project is consistent with the zone district and does not expand the use already defined and previously analyzed in the 2014 General Plan EIR. As such, the City has determined that this Project is exempt from CEQA pursuant to Public Resources Code Section 21084 and CEQA Guidelines Section 15301 (Class 01 – Existing Facilities) and that the exceptions identified under CEQA Guidelines Section 15300.2 would not be triggered as a result of the Project.

CEQA Guidelines Section 15300.2 precludes use of a categorical exemption if a project will result in cumulative impacts, significant effects due to unusual circumstances, damage to scenic resources, is located on or within the vicinity of a hazardous waste site, and/or the potential to negatively impact a historical resources. Based on staff's review, the Project will not result in these conditions and would not be triggered and the Section 15300.2 exception will not preclude use of Class 1 categorical exemption.

A Notice of Exemption has been completed. Staff will file the notice with the County Clerk if the Project is approved.

Consistency with 2014 Clovis General Plan Goals and Policies

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

Economic Development Element

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

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

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

REASON FOR RECOMMENDATION

The proposed Conditional Use Permit is consistent with the goals and policies of the General Plan and Development Code. Staff, therefore, recommends that the Planning Commission approve CUP2021-002, subject to the conditions of approval attached as **Attachment 1**.

The findings to consider when making a decision on conditional use permit applications 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. This finding is based on the following:

The project is permitted with an approved conditional use permit within the zone district for which the property is located and would be in compliance with applicable provisions, subject to the conditions of approval. The conditions of approval preserve the integrity and character of the zoning district and ensure compliance with the Development Code.

2. The proposed use is consistent with the General Plan and any applicable specific plan. This finding is based on the following:

If approved, the project would be in compliance with the 2014 Clovis General Plan, as described above in the staff report. The underlying General Plan land use designation of General Commercial would remain unchanged and the proposed use is acceptable within that designation, according to the 2014 Clovis General Plan. Per the General Plan, the General Commercial land use designation is intended for community- or regional-scale uses. The project proposes a body art establishment and is intended to be a small scale amenity with a unique offering to the City.

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

The project is compatible with the existing uses and would complement the other commercial establishments in the vicinity. The site is located along a busy corridor that hosts a variety of commercial, retail, service, and restaurant uses. The project complements these uses and would not be out of the ordinary as it relates to the character of the surrounding area. Further, the project would maintain the general circulation pattern existing at the site by retaining primary ingress/egress from Shaw Avenue.

4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed. This finding is based on the following:

The project will occupy and operate within an existing commercial center that is physically suitable in size and shape for the use being proposed. The existing building had previously been reviewed and approved and shown in compliance with all applicable conditions of approval and California building and safety codes. Therefore, the site is physically suitable to accommodate the project and its proposed use.

5. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety. This finding is based on the following:

The project would comply with all applicable public health standards. Further, as an occupant of a site that was previously developed with commercial and service related uses, the adequate provisions (i.e. water, sanitation, utilities, etc.) are readily available and accessible to the proposed use. Existing infrastructure is in place to adequately serve the proposed use at the proposed site.

6. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and there would be no potential significant negative effects upon environmental quality and natural resources. This finding is based on the following:

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

ACTIONS FOLLOWING APPROVAL

None.

FISCAL IMPACT

None.

NOTICE OF HEARING

Property owners within 300 feet notified: 26

Prepared by: Kelsey George, Assistant Planner

Reviewed by:



Dave Merchen
City Planner

Conditions of Approval – CUP2021-002

Planning Division Conditions

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

1. This Project is subject to the development standards of the 2014 Clovis General Plan and the Clovis Development Code.
2. CUP2021-002 is for approval of a body art establishment at 130 W Shaw Avenue, Suite 101. Any expansion or modifications to the use would require a CUP Amendment.
3. All parking for this use shall be accommodated on site.
4. All exterior lighting shall be directed away from residential properties and not interfere with the driving safety of vehicular traffic and comply with all lighting standards in the Clovis Development Code.
5. The applicant shall provide security lighting in all parking and pedestrian areas.
6. There shall be no outdoor sales, displays or events associated with this use unless specifically approved through the appropriate process and obtain necessary approvals.
7. The applicant shall obtain City approval in advance of temporary and permanent subdivision signs through separate sign review, consistent with the development criteria of the Clovis Municipal Code Sign Ordinance.

Police Department Conditions

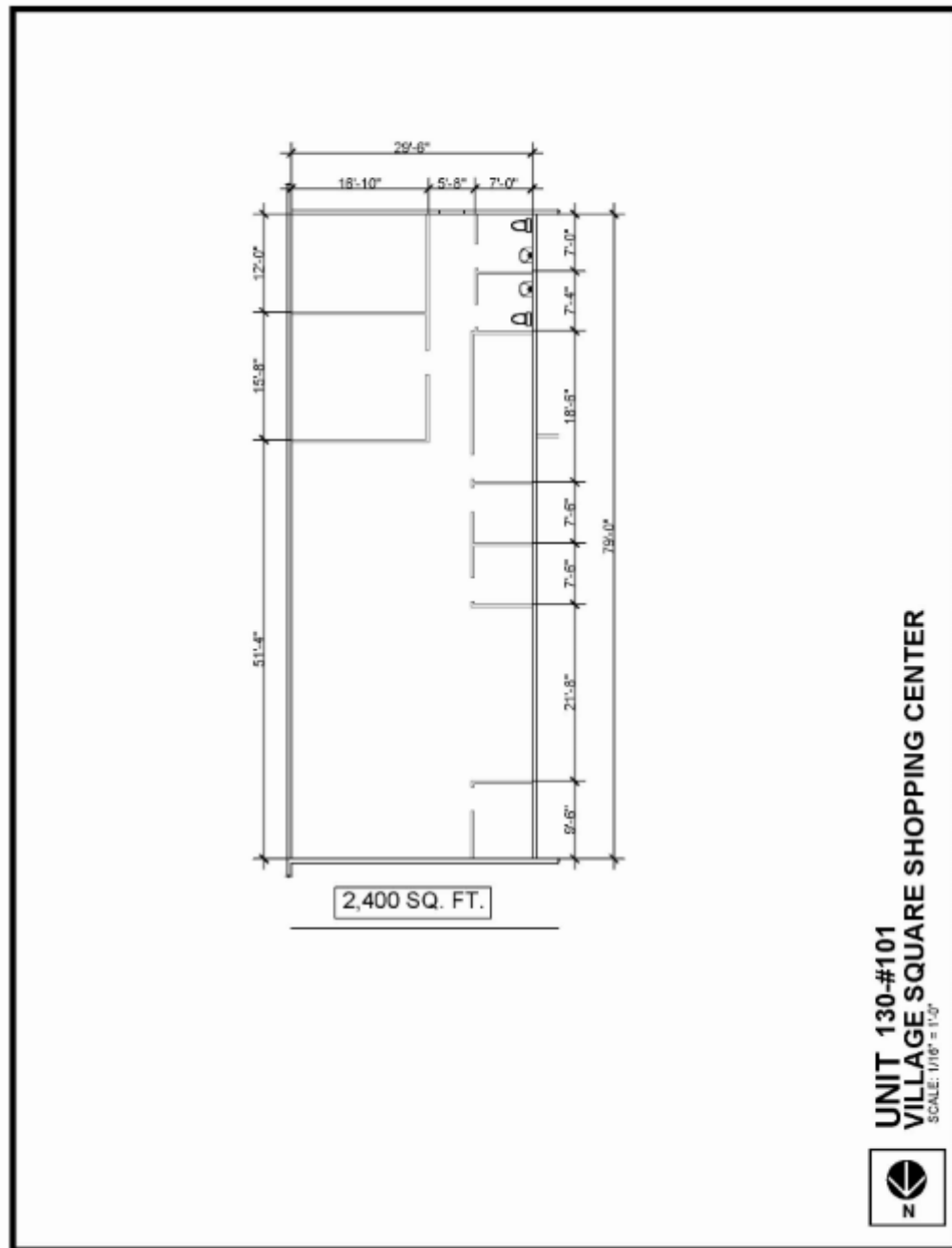
(Ken Wells, Clovis Police Department Representative – 559-324-2468)

8. The hours of operation shall be from 7 a.m. to 10:00 p.m. seven (7) days per week.

County Health Department Conditions

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

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



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EXLS-1.00, Revised 10-22-2020

INITIALS

Last Edited: 3/21/2021 8:13 PM

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ATTACHMENT 2

Operational Statement

Anchors and Arrows Tattoo and Piercing

130 W. Shaw #101

Clovis CA 93612

This statement is to describe the intent of purpose for the usage of the space located at 130 W. Shaw Ave. #101 Clovis, CA 93612. The location will be used to perform permanent body art, body piercing, permanent cosmetics, and eyelash extensions. All artists will be licensed with the Fresno county health department, insured, and certified in bloodborne pathogens and cross contamination education and training.

Hours of operation will be 7 AM – 10 PM, 7 days a week.

The floor plan consists of the current existing structures. Upon entry there will be a large waiting area. The floor space for tattooing will be in the front of the store location just after the lobby area. The north east room will consist of an employee break room. The southeast room will consist of storage and office area. The southernmost bathroom will be open to patrons. The north bathroom will be used as a sterile room. The south west room will be used for piercing procedures. The north west rooms will be used for permanent cosmetics and/or tattooing procedures.

ATTACHMENT 3



County of Fresno DEPARTMENT OF PUBLIC HEALTH

March 18, 2021

LU0021235
2604

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

Dear Ms. Spera:

PROJECT NUMBER: **DRC-21-00012**

DRC-21-00012; Body art studio: tattoos and piercings.

APN: 499-230-61

ZONING: C-2

ADDRESS: 130 W. Shaw Avenue #101

Recommended Conditions of Approval:

- Prior to issuance of building permits, the body art facility (i.e. tattoo, piercing, branding or permanent cosmetics facility) tenant/applicant shall submit complete body art facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Body Art Program at (559) 600-3357 for more information.
- The proposed remodel and project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.

REVIEWED BY:

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

(559) 600-33271

KT

cc: Erica Armstrong- Environmental Health Division (CT. 31.02)
Reno Seckinger- Applicant (renotattoos@gmail.com)

ATTACHMENT 4

Promotion, preservation and protection of the community's health

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

(559) 600-3271 • FAX (559) 600-7629

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**DRAFT
RESOLUTION 21-____**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS
APPROVING A CONDITIONAL USE PERMIT FOR A BODY ART ESTABLISHMENT ON
PROPERTY LOCATED NEAR THE SOUTHEAST CORNER OF SHAW AND VILLA
AVENUES AND FINDING THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO
PUBLIC RESOURCES CODE SECTION 15301 (CLASS 1 – EXISTING FACILITIES)**

WHEREAS, Reno Speckinger, 3650 Buckingham Avenue, Clovis, CA, has applied for Conditional Use Permit (CUP2021-002); and

WHEREAS, CUP2021-002 requests authorization to operate a body art establishment in an existing multi-tenant commercial center for property located at 130 W. Shaw Avenue, Suite 101, in the City of Clovis, County of Fresno, California; and

WHEREAS, the City published notice of the Public Hearing in the Fresno Business Journal, mailed public notices to area residents within 300 feet of said property boundaries ten days prior to said Planning Commission hearing, and otherwise posted notice of the Public Hearing according to applicable law; and

WHEREAS, a duly noticed hearing was held on April 15, 2021; and

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

WHEREAS, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which supports a finding that the Project is categorically exempt from CEQA review as a Class 1 Existing Facilities Exemption (CEQA Guidelines section 15301).

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

1. CUP2021-002 is hereby approved with incorporation of the conditions of approval set forth in **Attachment A** to this Resolution.
2. The Project is exempt from CEQA pursuant to a Class 1 categorical exemption (CEQA Guidelines Section 15301).
3. The Project satisfies the required findings for approval of a conditional use permit, as follows:
 - a. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of this Development Code.
 - b. The proposed use is consistent with the General Plan and any applicable specific plan.

ATTACHMENT 5

- c. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City.
 - d. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed.
 - e. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
 - f. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and there would be no potential significant negative effects upon environmental quality and natural resources because, as set forth above, the Project is determined to be exempt from CEQA pursuant to a Class 1 categorical exemption (CEQA Guidelines Section 15301).
- 4. The Commission could not make the findings necessary for approval of CUP2021-002 without the conditions of approval set forth in **Attachment A** to this Resolution.
 - 5. The basis for the findings is detailed in the April 15, 2021, staff report, which is hereby incorporated by reference, as well as the evidence and comments presented during the Public Hearing.

* * * * *

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on April 15, 2021, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 21-____
 DATED: April 15, 2021

 Paul Hinkle, Chair

ATTEST: _____
 Renee Mathis, Secretary