



CITY *of* CLOVIS

AGENDA • PLANNING COMMISSION

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

www.cityofclovis.com

August 24, 2023

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.

The Clovis Planning Commission meetings are open to the public at the physical address listed above. There are numerous ways to participate in the Planning Commission meetings: you are able to attend in person; you may submit written comments as described below; you may participate by calling in by phone (see “Verbal Comments” below); and you may view the meeting which is webcast and accessed at www.cityofclovis.com/planning-commission-agendas.

Written Comments

- Members of the public are encouraged to submit written comments at: www.cityofclovis.com/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. If you wish to make a verbal comment, please see instructions below.
- Please be aware that any written comments received that do not specify a particular agenda item will be marked for the general public comment portion of the agenda.
- If a written comment is received after 4:00 p.m. on the day of the meeting, efforts will be made to provide the comment to the 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.

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.

Verbal Comments Made by Telephone or Webex

- 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 five (5) minutes.

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CALL TO ORDER

FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

- [1.](#) Planning Commission Minutes for the Meeting of July 27, 2023.

COMMISSION SECRETARY COMMENTS

PLANNING COMMISSION MEMBER COMMENTS

PUBLIC COMMENTS

This is an opportunity for the members of the public to address the Planning Commission on any matter within the Planning Commission's jurisdiction that is not listed on the Agenda. In order for everyone to be heard, please limit your comments to 5 minutes or less, or 10 minutes per topic. Anyone wishing to

be placed on the Agenda for a specific topic should contact the Planning Division and submit correspondence at least 10 days before the desired date of appearance.

PUBLIC HEARINGS

1. Consider Approval - Res. 23-____, CUP2023-006, A request to approve a conditional use permit for a dine-in restaurant with alcohol sales in the Mountain View Planned Commercial Center located at 1820 Shaw Avenue, suite 104. Ratra Enterprises, Inc., owner; Manpreet Singh, applicant and representative.

Staff: Marissa Jensen, Assistant Planner

Recommendation: Approve

2. Consider items proposing to amend the existing density ranges for multi-family residential development in the General Plan and Development Code to correspond to the applicable density requirements specified for the City's Regional Housing Needs Allocation (RHNA) sites inventory. City of Clovis, applicant.

- a. Consider Approval - Res. 23-____, GPA 2023-003, A request to amend the density range of the H (High Density Residential) land use designation to increase the maximum density from 25 to 30 units per acre.

- b. Consider Approval – Res. 23 - _____. OA 2023-02, A request to amend the density range of the R-3 (Multifamily High Density) Zone District to increase the maximum density from 25 to 30 units per acre and to modify the corresponding development standards for the R-3 District to accommodate the higher density.

Staff: Dave Merchen, City Planner

Recommendation: Approve

3. Update on the General Plan Strategy
Presentation Only

ADJOURNMENT

MEETINGS & KEY ISSUES

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

September 28

October 26

November 16

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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.

CLOVIS PLANNING COMMISSION MINUTES

July 27, 2023

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

Flag salute led by Commissioner Bedsted

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

Absent: None

Staff: Renee Mathis, Planning and Development Services Director
George Gonzalez, Senior Planner
Lily Cha-Haydostian, Senior Planner
Liz Salazar, Assistant Planner
Joyce Roach, Planning Technician I
Sean Smith, Supervising Civil Engineer
Mike Linden, City Attorney
Chad McCollum, Economic Development, Housing and Communications Director

MINUTES – 6:02

ITEM 1 – APPROVED.

Motion by Commissioner Hatcher, seconded by Commissioner Bedsted, to approve the May 25, 2023, minutes. Motion carried 4-0-1 with Commissioner Hebert absent.

COMMISSION SECRETARY – 6:03

Planning and Development Services Director Renee Mathis informed regarding the completion of the General Plan audit and sought feedback regarding the Planning Commission's preferred method of receiving the resulting report.

PLANNING COMMISSION MEMBERS COMMENTS – 6:06

None.

PUBLIC COMMENTS – 6:06

None.

PUBLIC HEARINGS

ITEM 1 - 6:07 – APPROVED – **RES. 23-14, CUP2023-003**, A REQUEST TO APPROVE A CONDITIONAL USE PERMIT TO ALLOW A DRIVE-THROUGH RESTAURANT, INCLUDING AN OUTDOOR PATIO IN ASSOCIATION WITH A PROPOSED STARBUCKS LOCATED AT 250 W. ASHLAN AVENUE. CLOVIS DEVELOPMENT PARTNERS, LLC, OWNER; CENTERLINE DESIGN, LLC, APPLICANT.

Commissioner Hebert arrival – 6:08

Motion by Commissioner Bedsted, seconded by Commissioner Hatcher, for the Planning Commission to approve **Resolution 23-14**, a resolution recommending approval of a request for a conditional use permit allowing a drive-through restaurant, including an outdoor patio in association with a proposed Starbucks located at 250 W. Ashlan Avenue. Motion carried by unanimous consent.

ADJOURNMENT AT 6:25 P.M. UNTIL the Planning Commission meeting on August 24, 2023.

Alma Antuna, Chairperson



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: August 24, 2023

SUBJECT: Consider Approval - Res. 23-____, CUP2023-006, A request to approve a conditional use permit for a dine-in restaurant with alcohol sales in the Mountain View Planned Commercial Center located at 1820 Shaw Avenue, suite 104. Ratra Enterprises, Inc., owner; Manpreet Singh, applicant and representative.

Staff: Marissa Jensen, Assistant Planner

Recommendation: Approve

ATTACHMENTS:

1. Res. 23-____, CUP2023-006
2. Site Plan, Floor Plan, Elevations
3. Applicant's Operational Statement
4. Correspondence from Commenting Agencies

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit (CUP) 2023-006, subject to the conditions of approval listed as **Attachment 1A**.

EXECUTIVE SUMMARY

As shown in **Figure 1** below, the applicant is requesting approval of a conditional use permit for the operation of a full-service restaurant with alcohol sales (beer and wine), within the existing Mountain View Planned Commercial Center (P-C-C) located at the southeast corner of Shaw and Fowler Avenues. Approval of the request would allow the applicant to operate a restaurant with alcohol (beer and wine) sales at the subject site under the terms and conditions of this conditional use permit. Approval of this conditional use permit will allow the applicant to move forward with interior tenant improvement and application submittals for the required Type 41 Alcohol and Beverage Control license.

FIGURE 1 Project Location**BACKGROUND**

- General Plan Designation: G-C (General Commercial)
- Existing Zoning: P-C-C (Planned Commercial Center)
- Lot Size: ±0.78 acres
- Current Land Use: Mountain View Planned Commercial Center
- Adjacent Land Uses:
 - North: Commercial
 - South: Residential
 - East: Commercial
 - West: Commercial
- Previous Entitlements: GPA94-04
Rezone 89-19, A - A5;
SPR94-14, A

The subject site was originally developed in the early 1990s as part of a larger planned commercial center development project. The planned commercial center (P-C-C) allows the developer to restrict uses and modify development standards, if approved by the City Council. Contrary to the standard commercial zone districts that permit restaurant uses as a “by-right”

use, the Mountain View P-C-C established a use schedule that requires conditional use permit (CUP) approval for dine-in restaurant uses in specific locations.

PROPOSAL AND ANALYSIS

The applicant is requesting approval of this conditional use permit for the operation of a restaurant use with alcohol sales as shown in **Attachment 3**. The Gulab Indian Bistro is proposing to replace the recently vacated Dai-Ichi restaurant location at Shaw and Fowler Avenues. The restaurant will provide dine-in seating for customers along with a bar counter serving beer and wine only.

Existing Site and Surrounding Area

The subject site is located within the existing Mountain View shopping center at the southeast corner of Shaw and Fowler Avenues. The center is developed with nearly 120,000 square feet of commercial area. Some uses within the center include Walmart Neighborhood Market, Little Caesar's, and Judy's Donuts. Parking is shared between the uses in the shopping center. A reciprocal access agreement between all parcels within the shopping center was previously prepared and recorded.

Compatibility With Surrounding Uses

Traffic congestion was a concern during the preliminary stages of consideration for the center. For that reason, the use schedule was designed to be more restrictive than the standard commercial center today. Uses such as dine-in restaurants typically attract less vehicle traffic than fast-casual establishments. Fast-casual restaurants have a higher likelihood of impacting parking and traffic. It is important to note that in the 1990's when this development was being considered, the level of development in the general area was very low. Thus, causing issues such as traffic concerns from the public to be amplified. Clovis has grown outward significantly since then, and the center is now surrounded by development including both residential and commercial types.

Throughout the years, the center has seen many different retail and commercial uses. The project is proposed for suite 104 on the westernmost side of the center in an area requiring CUP approval for dine-in restaurant uses. This suite was most recently occupied by Dai-Ichi, a Japanese restaurant. Dai-Ichi restaurant was considered an "eating establishment", and therefore did not require approval of a CUP. An eating establishment is differentiated from a dine-in restaurant by offering prepared foods for consumption with no table service, whereas a restaurant provides full service to customers. No substantive problems relative to the prior operation of the Dai-Ichi restaurant have been noted and staff has not identified any concerns with the transition of the space to a dine-in restaurant.

Restaurant Operations

The applicant has provided an operational statement (**Attachment 3**) describing the characteristics of the proposed restaurant. The applicant has stated that the planned hours of operation would be seven (7) days per week between the hours of 11:00 a.m. and 11:00 p.m. The applicant anticipates having approximately ten (10) to eleven (11) employees in total, working in shifts. The restaurant is expected to receive deliveries via small trucks and vehicles and will not have materials, equipment, or supplies beyond that which is normally used with typical restaurant operations.

Circulation & Parking

The center has adequate existing circulation and parking. The site is accessible via multiple driveways with the nearest point of access from Fowler Avenue to the restaurant. Two additional access driveways into the center are located on Shaw Avenue.

Parking is calculated cumulatively within the Mountain View shopping center with a required parking ratio of 4.7 vehicle stalls per 1,000 square feet. In total, the center currently requires 480 vehicle stalls, and 552 parking stalls are provided. This is a ratio of 5.1 vehicle stalls per 1,000 square feet of gross floor area, exceeding the requirement. The proposed addition of the Gulab Bistro would not change the total building area in the center; therefore, no modifications will need to be made to the parking lot. It is important to note that the center is not completely built out. Parking needs will be further analyzed when the remaining area of the center is proposed for development.

Review and Comments by Agencies

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

Comments received are attached (**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 350 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 the exceptions identified under Section 15300.2 of the CEQA Guidelines would not be triggered as a result of the Project.

The Class 1 categorical exemption exempts projects that consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The exceptions identified in Section 15300.2 identify further review of an exemption by the project's potential to result in a cumulative impact, significant effect, proximity to a scenic highway, location on or within the vicinity of a hazardous waste site, and/or the potential to negatively impact a historical resource. Based on staff's review, these exceptions would not be triggered by the proposed Project. Therefore, a Notice of Exemption has been completed.

The City published notice of this public hearing in *The Business Journal* on Monday, August 7, 2023.

REASON FOR RECOMMENDATION

CUP2023-006 is consistent with the goals and policies of the General Plan, Clovis Municipal Code, and the Mountain View P-C-C Zone District. Based on the findings, staff is recommending that the Planning Commission approve CUP2023-006, subject to the conditions of approval listed as **Attachment 1A**.

Conditional Use Permit 2023-006

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.

The subject Project is allowed within the P-C-C Zone District with an approved conditional use permit. The Project will be in compliance with applicable provisions, development standards and subject to the conditions of approval.

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

This Project is consistent with the 2014 Clovis General Plan. The underlying General Plan land use designation of General Commercial would remain unchanged, and the proposed use is acceptable within the underlying General Plan land use designation of General Commercial, according to the 2014 Clovis General 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.

The proposed use is compatible with the existing uses and will complement the area which it is situated. The restaurant complements the commercial uses and will not be out of the ordinary as it relates to the character of the surrounding area. Further, the Project will maintain the general circulation pattern by retaining primary ingress/egress from Shaw and Fowler Avenues.

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

The Project will occupy and operate within the existing site that is physically suitable in size and shape and has the infrastructure in place to support it. The Project will be required to comply with all conditions from Public Utilities and Engineering, which will further ensure the sites are suitable for the proposed uses.

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

The restaurant is proposed to occupy an existing building served by existing infrastructure. No modifications are required because of the proposed use.

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

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

ACTIONS FOLLOWING APPROVAL

If approved, the project will continue with interior tenant improvement and application submittals for the required Alcohol and Beverage Control licensing.

NOTICE OF HEARING

Property owners within 350 feet notified: 32

Prepared by: Marissa Jensen, Assistant Planner

Reviewed by:



Dave Merchen
City Planner

RESOLUTION 23-_____

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING
CONDITIONAL USE PERMIT 2023-006 FOR A DINE-IN RESTAURANT WITH ALCOHOL
(BEER AND WINE) SALES AND FINDING THE PROJECT IS EXEMPT FROM CEQA
PURSUANT TO A CLASS 1 CATEGORICAL EXEMPTION**

WHEREAS, Manpreet Singh (Applicant), 1820 Shaw Avenue, Suite 104, Clovis, CA 93611, applied for Conditional Use Permit 2023-006 for a dine-in restaurant with alcohol (beer and wine) sales within the Mountain View Planned Commercial Center (PCC) located at 1820 Shaw Avenue, suite 104, in the City of Clovis ("Property"); and

WHEREAS, the City published notice of the public hearing in the Fresno Business Journal on Monday, August 7, 2023, mailed public notices to property owners within 350 feet of the Property ten (10) days prior to the Planning Commission hearing, and otherwise posted notice of the public hearing according to applicable law; and

WHEREAS, a duly noticed public hearing was held on August 24, 2023; and

WHEREAS, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which determined the Project meets the requirements of a Class 1 (Existing Facilities) Categorical Exemption pursuant to CEQA Guidelines section 15302; and

WHEREAS, the Planning Commission has had an opportunity to review and consider the entire Administrative Record relating to the Project, which is on file with the Department, and reviewed and considered those portions of the Administrative Record determined to be necessary to make an informed decision, including, but not necessarily limited to, the staff report, the written materials submitted with the request, and the verbal and written testimony and other evidence presented during the public hearing, and the conditions of approval attached as **Attachment A** to this Resolution, which are incorporated herein by this reference.

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

1. CUP2023-006 is hereby approved with incorporation of the conditions of approval (**Attachment A** to this Resolution).
2. 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.
 - 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. 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.
 - e. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed.
 - f. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA).
3. The Planning Commission could not make the findings necessary for approval of CUP2023-006 without the conditions of approval set forth in **Attachment A** to this Resolution.
 4. The Planning Commission finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301 (Class 1 – Existing Facilities).
 5. The basis for the findings is detailed in the August 24, 2023 staff report, which is hereby incorporated by reference, the entire Administrative Record, 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 August 24, 2023, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 23-_____

DATED: August 24, 2023

Alma Antuna, Chair

ATTEST:

Renee Mathis, Secretary

CONDITIONS OF APPROVAL **CUP2023-006**

PLANNING DIVISION CONDITIONS **(Marissa Jensen, Division Representative – (559) 324-2338)**

1. This conditional use permit approval is for a dine-in restaurant with alcohol (beer and wine) sales at 1820 Shaw Avenue, suite 104.
2. This conditional use permit is not transferable to another location.
3. This conditional use 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 from the August 24, 2023, Planning Commission Meeting.
4. Any exterior modifications to the building or site shall require an amendment to the existing site plan review for the commercial center.
5. Outdoor dining is not permitted under this conditional use permit. An amendment to the CUP is required to allow outdoor dining.
6. Any future request to expand the use shall be subject to an amendment to the CUP.
7. The site and its exterior shall remain maintained and free from debris and trash. This includes no outdoor stacking of empty crates, boxes, and/or pallets along the exterior of the structures.
8. All conditions of GPA94-04, Rezone 89-19, SPR94-14, and any other applicable conditions are hereby referred to and made a part of this conditional use permit.
9. There shall be no outside storage of materials, supplies or equipment in any area of the site except inside a closed building or behind a six (6'-0") foot visual barrier intended to screen such area from view of adjoining properties and from the street.
10. The applicant shall keep access between the subject sites and 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 or egress to adjacent business(es).
11. The applicant shall make provisions for refuse service in an approved refuse container(s) on the subject property.
12. 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.
13. 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.

14. 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.
15. An abandonment or cessation of this use for a period exceeding 90 days shall cause this approval to be scheduled for revocation.
16. All parking of employees shall occur on-site.
17. Applicant must have on file a current City of Clovis Business License prior to conducting business.
18. CUP2023-006 may be reviewed one year after the facility use begins for compliance with the conditions of approval. Clovis Planning staff may conduct a review of the use in regard to conditions of approval and present findings of this review to the City Planner.

POLICE DEPARTMENT COMMENTS

(Michael Sweeten, Police Department Representative – (559) 324-3494)
(Sean Obrien, Police Department Representative – (559) 324-3468)

19. Staff serving alcoholic beverages will make reasonable efforts to ensure that a patron is over the age of 21 prior to service of alcoholic beverages.
20. Service of alcoholic beverages shall only be from 11:00 am until 11:00 pm, and while full-service menu and meals are also available.
21. Signage in general should comply with City of Clovis sign ordinance in CMC 9.34. This specifically does not allow for A-frame, I-frame, temporary banners, roof signs, neon or flashing signs etc.
22. Employees shall monitor the exits to prevent patrons from leaving the area with open containers and ensure compliance with all ABC regulations.
23. No sales or service of alcohol to individuals who purchase alcohol elsewhere and bring it onsite. These patrons should be denied goods and services.
24. Music shall be restricted to an ambient, background volume not audible outside of the business. No form of entertainment would be allowed without a valid entertainment permit.
25. Closed circuit surveillance cameras shall be installed to cover at a minimum the entry and exit, and interior of the business. The footage must be available to view and provided to on duty officers during the course of an investigation and retained for 30 days.

26. The business will establish and maintain crime prevention measures to enhance public safety. This is also intended to eventually reduce calls for police service to the site. The permit holder(s) and their agents, employees or representatives shall notify the Police Department of all violations of local, state, or federal law that occur at the site, related to the site, or near the site. This notification shall take place immediately upon an employee, manager, or owner learning of such violation. The police department realizes that if a business representative is notifying the police of incidents that calls for service to their business may increase slightly. This condition is intended to enhance the safety of the public, both at the site and in the surrounding area. This condition is also intended to mitigate the cost of the city police services as a result of law enforcement problems generated by the site.
27. The building shall be equipped with fully functional perimeter lighting to illuminate all walkways, doors, windows, the patio, and parking lot. This lighting shall be utilized during hours of darkness.

COUNTY OF FRESNO HEALTH DEPARTMENT

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

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

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

(Antony Zaragoza, FMFCD Department Representative – (559) 456-3292)

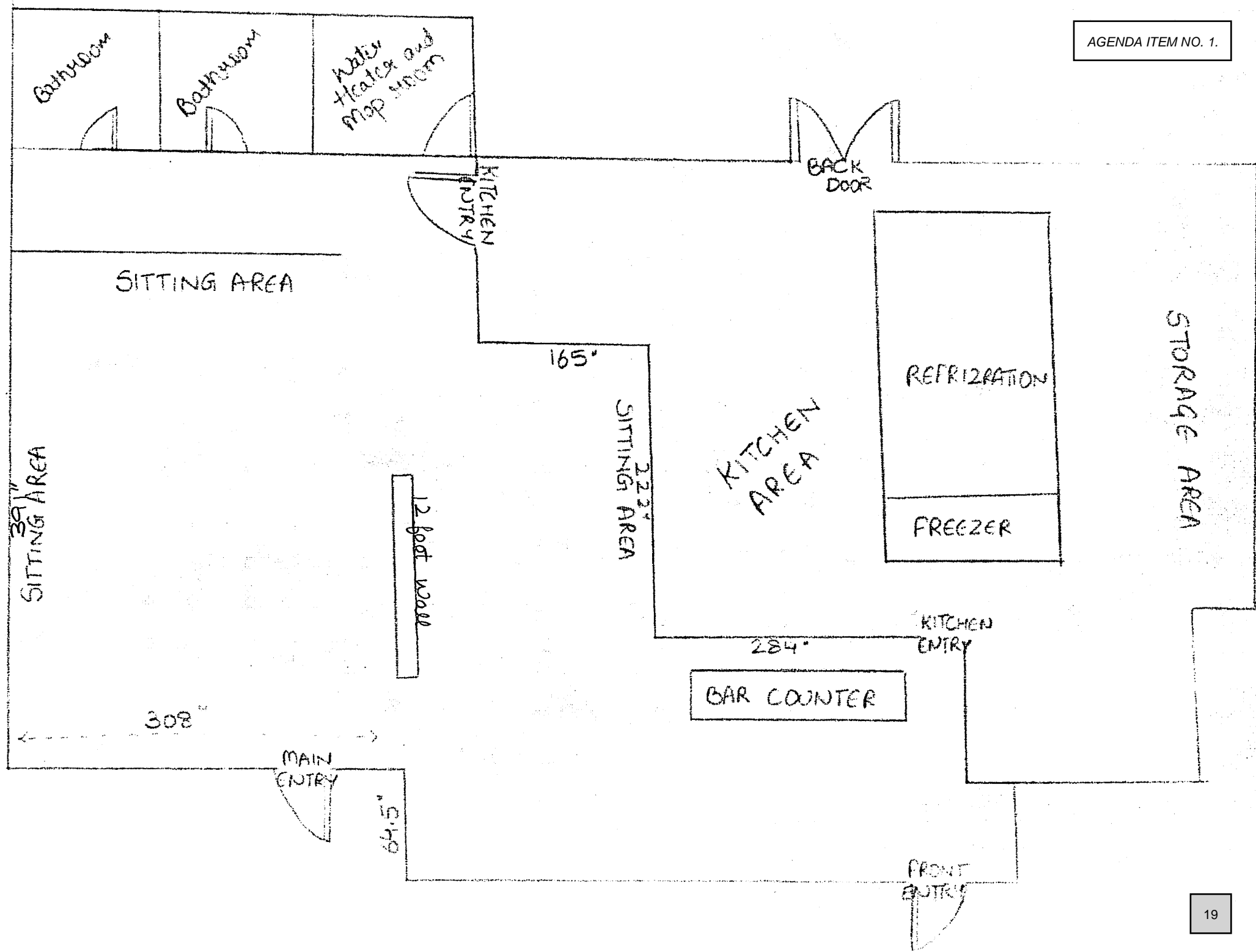
29. The applicant shall refer to the attached Fresno Metropolitan Flood Control District correspondence. If the list is not attached, please contact the District for the list of requirements.

FRESNO IRRIGATION DISTRICT

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

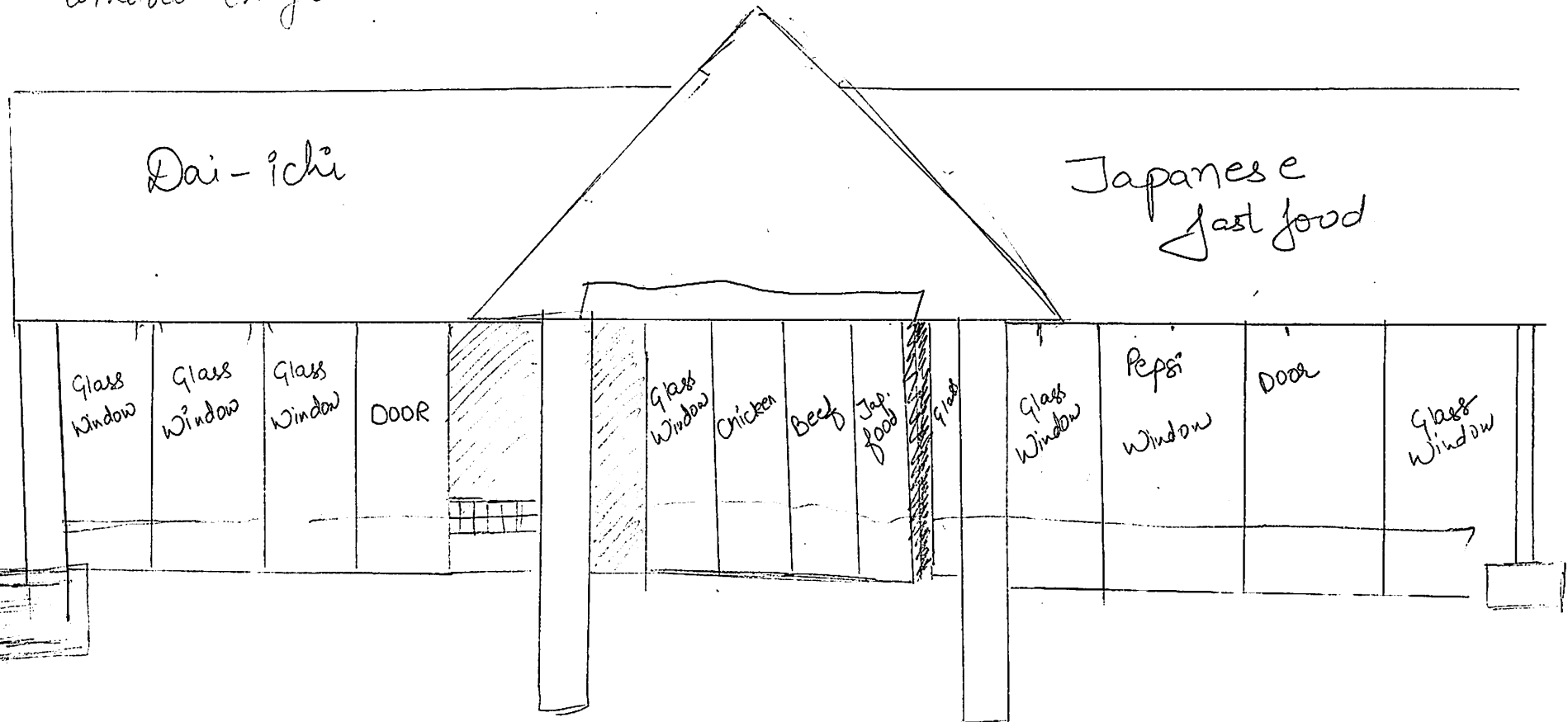
30. The applicant shall refer to the attached Fresno Irrigation District correspondence. If the list is not attached, please contact the District for the list of requirements.





FRONT FACING

Signage
Entry Door Charges
window Charges



GULAB OPERATIONS

GULAB is an INDIAN BISTRO, bringing authentic North Indian food to the city of Clovis on the corner of Shaw and Fowler avenues. We are focused on quality food and great service. Our aim is to bring something for everyone of any age from young adults to senior citizens. Vegans, Vegetarians, and Non-Vegetarians do not need to look for three different restaurants anymore. Our hour's operation is 11 AM to 11 PM 7 days a week however the hours of operation may or might ~~change~~ ^{decrease} depending on six months to one year of customer traffic study. We are also bringing in beer & wine license type 41 to serve our customers American & Indian beverages.

**County of Fresno**DEPARTMENT OF PUBLIC HEALTH
Environmental Health Division

July 7, 2023

LU0022278
2604

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

Dear Ms. Jensen:

PROJECT NUMBER: **CUP2023-006**

CUP2023-006; a conditional use permit request for a sit-down restaurant including alcohol sales in the Mountain View planned commercial center at the southeast corner of Shaw and Fowler Avenues.

APN: 552-020-01S**ZONING: P-C-C****ADDRESS: 1820 Shaw Avenue, Suite 104**

Recommended Conditions of Approval:

- 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. 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.
- Prior to alcohol sales, the applicant shall apply for and obtain a license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- Applicants proposing to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<http://cers.calepa.ca.gov/>). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
- The proposed 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) 600-3357 □ FAX (559) 455-4646

The County of Fresno is an Equal Employment Opportunity Employer

www.co.fresno.ca.us □ www.fcdph.org**Attachment 4**

REVIEWED BY:

Kevin Tsuda

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

(559) 600-33271

cc: Rogers, Moreno & Salazar- Environmental Health Division (CT. 55.24)
Manpreet Singh- Applicant (foujitu@bluebulab.com)



2907 S. Maple Avenue
Fresno, California 93725-2208
Telephone: (559) 233-7161
Fax: (559) 233-8227

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

July 3, 2023

Marissa Jensen
Planning Division
City of Clovis
1033 Fifth Street
Clovis, CA 93612

RE: Conditional Use Permit Application No. CUP2023-006
S/E Shaw and Fowler avenues

Dear Ms. Jensen:

The Fresno Irrigation District (FID) has reviewed the Conditional Use Permit Application No. CUP2023-006 for which the applicant requests a conditional use permit for a sit-down restaurant including alcohol sales in the Mountain View planned commercial center, APN: 552-020-10S. FID has the following comments:

1. FID does not own, operate, or maintain any facilities located on the subject property, as shown on the attached FID exhibit map.
2. For informational purposes, FID's active Dawson No. 114 runs westerly along the south side of Shaw Avenue and crosses Fowler Avenue approximately 375 feet north of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Shaw Avenue, Fowler Avenue, or in the vicinity of this facility, FID requires it review and approve all plans.
3. For informational purposes, FID's active Jefferson No. 112 runs westerly and crosses Fowler Avenue approximately 1,550 feet south of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Fowler Avenue, or in the vicinity of this facility, FID requires it review and approve all plans.

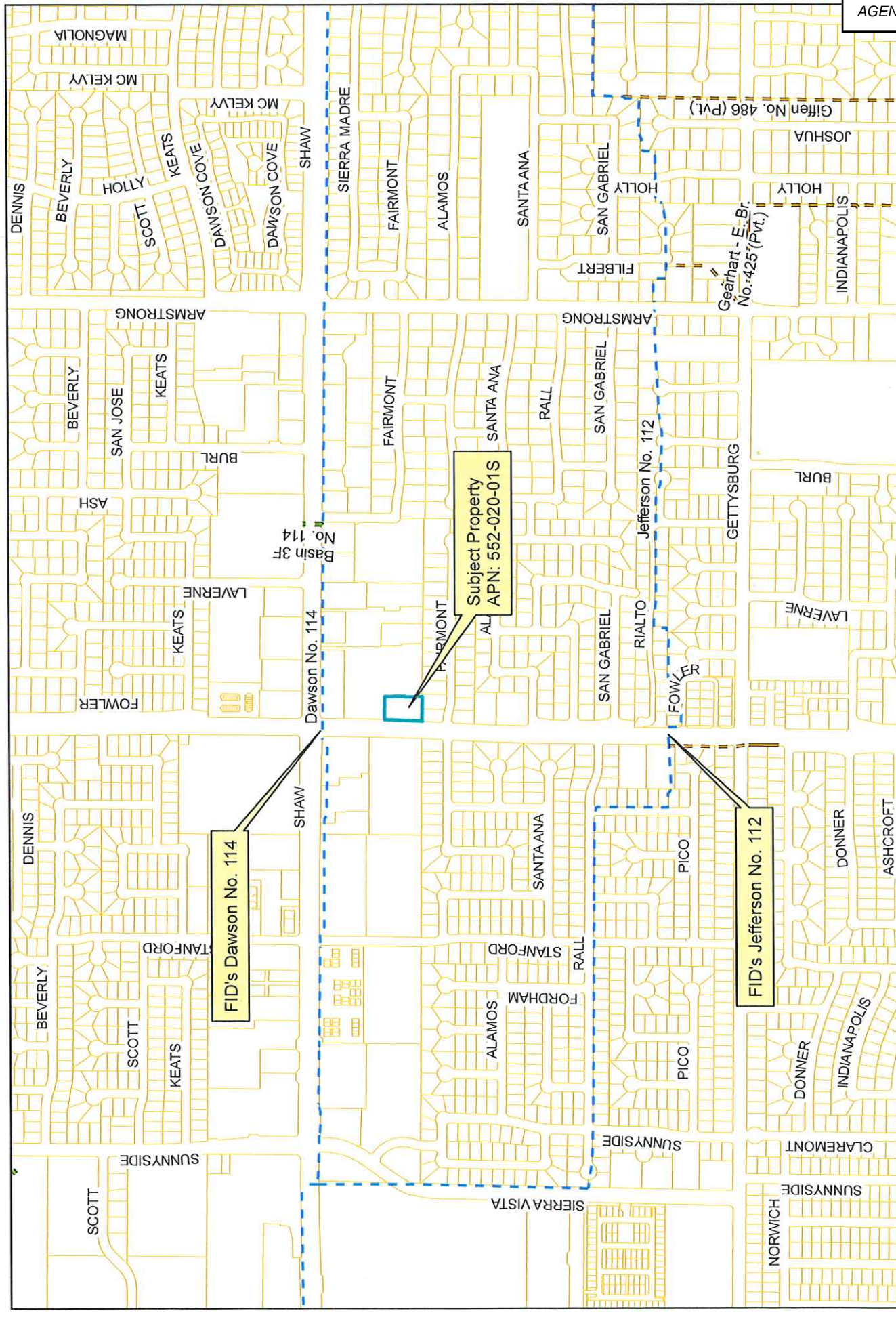
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Chris Lundeen at (559) 233-7161 extension 7410 or clundeen@fresnoirrigation.com.

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.

Path: G:\Fidgis\02020210 FID Compact.mxd
Spatial Reference
Name: NAD 1983 StatePlane California IV FIPS 5404

0 390 Feet
1 inch = 779.22 feet

Legend

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

FRESNO IRRIGATION DISTRICT
EST. 1915

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

AGENDA ITEM NO. 1.

Page 1 of 3

PUBLIC AGENCY

MARISSA JENSEN
PLANNING AND DEVELOPMENT SERVICES
CITY OF CLOVIS
1033 FIFTH ST.
CLOVIS, CA 93612

DEVELOPER

GULAB - MANPREET SINGH
1820 SHAW AVENUE, SUITE #104
CLOVIS, CA 93611

PROJECT NO: **2023-006**

ADDRESS: **1820 SHAW AVENUE, SUITE #104**

APN: **552-020-01S**

SENT: **July 12, 2023**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
3F	\$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 3/07/24 based on the site plan submitted to the District on 6/21/23 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.) Creditable storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d.) The actual cost incurred in constructing Creditable drainage system facilities is credited against the drainage fee obligation.
- e.) When the actual costs incurred in constructing Creditable 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. 2023-006**

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

AGENDA ITEM NO. 1.

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. 2023-006**

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

AGENDA ITEM NO. 1.

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, RCE

Digitally signed by Debbie Campbell Date: 7/12/2023 2:13:46 PM



Robert Villalobos
Engineering Tech III

Digitally signed by Robert Villalobos Date: 7/3/2023 2:57:04 PM

**CL
CUP No. 2023-006**

OTHER REQUIREMENTS

AGENDA ITEM NO. 1.

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.



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: August 24, 2023

SUBJECT: Consider items proposing to amend the existing density ranges for multi-family residential development in the General Plan and Development Code to correspond to the applicable density requirements specified for the City's Regional Housing Needs Allocation (RHNA) sites inventory. City of Clovis, applicant.

a. Consider Approval - Res. 23-____, GPA 2023-003, A request to amend the density range of the H (High Density Residential) land use designation to increase the maximum density from 25 to 30 units per acre.

b. Consider Approval – Res. 23 - _____. OA 2023-02, A request to amend the density range of the R-3 (Multifamily High Density) Zone District to increase the maximum density from 25 to 30 units per acre and to modify the corresponding development standards for the R-3 District to accommodate the higher density.

Staff: Dave Merchen, City Planner

Recommendation: Approve

ATTACHMENTS: 1. Res. 23-____, GPA 2023-003
2. Res. 23-____, OA2023-002
3. Addendum to General Plan EIR

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission adopt two resolutions recommending that the City Council approve an amendment to the General Plan and an amendment to the Development Code to increase the maximum density of the H (High Density Residential) General Plan Designation and R-3 (Multifamily High Density) Zone District.

EXECUTIVE SUMMARY

The City of Clovis is proposing a general plan text change and an ordinance amendment to adjust the density range for the H (High Density Residential) General Plan designation and R-3 (Multifamily High Density) Zone District to correspond to the applicable density requirements specified for the City's Regional Housing Needs Allocation (RHNA) sites inventory. The current density range for these classifications is 15.1 to 25.0 dwelling units per acre. The proposed density range is 15.1 to 30.0 units per acre. The height limit for the R-3 (Multifamily High Density) Zone District is also being adjusted from 2 stories (35') to 3 stories (45') to accommodate the design of projects at the modified density range.

BACKGROUND

The Clovis General Plan and the Clovis Development Code were adopted together as part of a comprehensive update in August 2014. The General Plan and Development Code establish land use designations and zone districts that accommodate residential development at varying densities, as follows:

Table 1: Current Residential Density Ranges

General Plan Designation Zone District	Current Density Range
Low Density R-1	2.1 – 4.0 du/ac
Medium Density R-1-MD	4.1 – 7.0 du/ac
Medium-High Density R-2:	7.1 – 15.0 du/ac
High Density R-3:	15.1 – 25.0
Very High Density R-4:	25.1 – 43

PROPOSAL AND ANALYSIS

The Project under consideration proposes to increase the maximum density for the H (High Density) General Plan designation and R-3 (Multifamily High Density) Zone District to correspond to the applicable density requirements specified for the City's RHNA sites inventory. The discussion below provides background regarding the RHNA sites inventory and how the proposed amendments will help the City to meet its requirements.

General Plan Housing Element

Housing Elements are required for every city and county, and they are overseen by the State Department of Housing and Community Development (HCD). Housing Elements must be updated every 8 years, with each update and its reporting period referred to as a "cycle". Clovis adopted its Fifth Cycle Housing Element in 2016 and its Sixth Cycle Housing Element is due at the end of 2023. Each cycle must show that the City has sufficient land available to accommodate its housing needs ("sites inventory") as determined by HCD and the Fresno County Council of Governments. These housing needs are referred to as the Regional Housing Needs Allocation (RHNA).

RHNA Sites Inventory for Low and Very Low Income Housing Opportunities

The RHNA sites inventory must demonstrate that adequate land is available to accommodate low income, moderate income, and above moderate income housing opportunities. For inventory planning purposes, low income sites must allow high density multifamily residential development. When the 2014 General Plan and Development Code were being prepared, the Fourth Cycle Housing Element was in place and work on the Fifth Cycle Housing element was just starting. The applicable requirements at that time specified that sites identified for low income housing opportunities had to accommodate at least 20 units per acre. Based on that requirement, properties that were designated with the H (High) and VH (Very High Density Residential) designations (and corresponding zone districts) were eligible to be included.

Table 2: Current Density Ranges Allowing At Least 20 Units Per Acre

General Plan Designation Zone District	Current Density Range
High Density R-3:	15.1 – 25.0
Very High Density R-4:	25.1 – 43

For the Sixth Cycle Housing Element, which is currently being prepared by the City, the requirements for low income RHNA sites changed to specify that land use classifications must allow at least 30 units per acre. Based on this new requirement, only those parcels classified as Very High Density Residential with R-4 zoning would be eligible for inclusion. To increase the number of potential sites, the maximum density allowed in the H (High Density) General Plan Designation and corresponding R-3 (Multifamily High Density) Zone District is proposed to increase to 30 units per acre. This change will make properties with these designations eligible for inclusion in the sites inventory, while also creating additional flexibility for multi-family projects that are proposing to develop at a density above 25 units per acre.

Specific Changes Proposed to the General Plan and the Development

The specific changes proposed to the General Plan and Development Code are outlined in **Attachments 1A** and **1B**, respectively. The changes are summarized as follows:

1. General Plan Land Use Element - Figure LU-1. Amend the legend for the Land Use Diagram to reflect 30 units per acre as the maximum density for the H (High Density) land use designation.
2. General Plan Land Use Element - Table LU-2. Amend the description of the H (High Density) land use designation to reflect 30 units per acre as the maximum density.
3. Development Code Section 9.10.010. Amend the description of the R-3 (Multifamily High Density) Zone District to reflect 30 units per acre as the maximum density.
4. Development Code Section 9.10.030. Amend the development standards for the R-3 (Multifamily High Density) Zone District in Table 2-3 to increase the maximum density to 30 units per acre (or 1 unit per 1,450 square feet of lot area) and to increase the maximum height in the R-3 District from 2 stories and 35 to 3 stories and 45 feet.

5. Development Code Section 9.08.010. Amend Table 2-1 to reflect the 30 unit maximum density that applies to the R-3 (Multifamily High Density) Zone District and H (High Density) General Plan land use designation.
6. Development Code 7.7.02. Amend the definitions relating to Major Street Development fees to reflect the 30 unit maximum density for Multi-family – High Density Development.

California Environmental Quality Act (CEQA)

The H (High Density Residential) General Plan Designation and R-3 (Multifamily High Density) Zone District currently accommodate high density multi-family projects up to 25 units per acre. The Project proposes a minor increase in the maximum density from 25 to 30 units per acre in response to new RHNA density requirements that are applicable to the Sixth Cycle Housing Element. No changes to the land use designations of individual properties are proposed; the increase in maximum density will be applied to properties that are already zoned and designated for high density multifamily development.

Buildout of the Clovis General Plan Planning Area was evaluated through the Environmental Impact Report certified by the City in 2014 in conjunction with adoption of the 2014 Clovis General Plan and Development Code Update (SCH No. 2012061069). An addendum to the General Plan EIR has been prepared for the proposed Project in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines. According to Section 15164(b) of the State CEQA Guidelines, an addendum to an environmental impact report (EIR) is the appropriate environmental document in instances when “some changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred.” The findings in support of the addendum are outlined in **Attachment 3**.

Section 15164(d) of the State CEQA Guidelines states that the decision-making body for a project where an addendum has been prepared shall consider the addendum prior to making a decision on the project. Formal adoption of the addendum is not required. The resolutions recommended for adoption by the Planning Commission confirm the Commission’s consideration of the addendum.

Publication of Public Notice

The City published notice of this public hearing in *The Business Journal* on Wednesday, August 9, 2023.

REASON FOR RECOMMENDATION

The recommended modifications to the General Plan and Development Code will allow the residential density ranges to correspond to the applicable RHNA requirements of the Sixth Cycle Housing element. The proposed changes will help the City meet its RHNA Inventory requirements and will create additional flexibility for the development of high density multi-family projects on properties that are currently designated for these uses.

Findings for Approval

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

1. The proposed amendments are internally consistent with goals, policies, and actions of the General Plan;

The proposed amendments are consistent with existing general plan policies which include an emphasis on providing a mix of housing types and sizes, providing a variety of housing product types, and encouraging a mixture of ownership and rental options.

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

The Project is not detrimental to the public interest, health, safety, and convenience, or general welfare of the City. The proposal would make a minor increase to the existing density ranges that currently allow high density multifamily development, from 25 to 30 units per acre. The adjustment will bring the City's residential density ranges into alignment with the applicable requirements of the RHNA Inventory.

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

Because this finding applies to physical suitability of a parcel, this finding is not applicable to the proposed Project.

4. There is compelling reason for the amendment.

The proposal will bring the City's residential density ranges into alignment with the applicable requirements of the RHNA Inventory, helping the City to meet its RHNA sites inventory requirement for the Sixth Cycle Housing Element.

The findings to consider when making a decision on an ordinance amendment include:

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

The proposed modifications to the Development Code are consistent with the goals, policies, and actions of the General Plan. Refer to general plan amendment Finding #1.

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

Refer to general plan amendment Finding #2.

3. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The proposed amendments expand the density range of the City's existing high density zone district (R-3). A change to the maximum height in the R-3 District, from 35 to 45 feet, is included to ensure that development at the higher density can be accommodated. No conflicts with any other provision of the Development Code has been identified.

ACTIONS FOLLOWING APPROVAL

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

FISCAL IMPACT

None.

Prepared by:



Dave Merchen
City Planner

RESOLUTION 23-__

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS
RECOMMENDING APPROVAL TO THE CLOVIS CITY COUNCIL OF GENERAL
PLAN AMENDMENT GPA2023-003 TO AMEND THE 2014 CLOVIS GENERAL PLAN
TO MODIFY THE DENSITY RANGE OF THE H (HIGH DENSITY RESIDENTIAL)
LAND USE DESIGNATION**

WHEREAS, the City of Clovis, 1033 Fifth Street, Clovis CA, 93619, initiated an application for General Plan Amendment (GPA) 2023-003 to amend the 2014 General Plan to modify the density range of the H (High Density Residential) land use designation; and

WHEREAS, the initiation of the Project was the result of a change to the Regional Housing Needs Allocation (RHNA) density requirements for the Sixth Cycle Housing Element, which specified that general plan and zoning classifications must allow at least 30 units per acre to be eligible for inclusion in the RHNA sites inventory for low income housing opportunities, in comparison to the 20 unit per acre density requirement which had been applicable for the Fifth Cycle Housing Element; and

WHEREAS, based on the applicable density requirements for the Sixth Cycle RHNA sites inventory, the only General Plan land use designation that can accommodate the 30 unit per acre minimum density is VH (Very High Density Residential), which has a density range of 25-43 units per acre; and

WHEREAS, the City determined that increasing the maximum density for the H (High Density Residential) land use designation from 25 to 30 units per acre would realign the City's residential density ranges with its new RHNA requirements, help the City to meet those RHNA requirements, and create additional flexibility for multifamily projects that are proposing to develop at a density above 25 units per acre; and

WHEREAS, buildout of the Clovis General Plan Planning Area was evaluated through the Environmental Impact Report (EIR) certified by the City in 2014 in conjunction with adoption of the Clovis General Plan and Development Code Update (SCH No. 2012061069); and

WHEREAS, an addendum to the General Plan EIR has been prepared for the proposed Project in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, which specifies that an addendum is appropriate in instances when "some changes or additions are necessary but none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR have occurred; and

WHEREAS, the Planning Commission considered the addendum in conjunction with the Project and found that none of the conditions described in Section 15162 of the CEQA Guidelines have occurred; and

WHEREAS, the City published notice of the public hearing for GPA 2023-003 in the Fresno Business Journal on August 9, 2022, more than ten (10) days prior to the Planning Commission hearing, and otherwise posted notice of the public hearing in accordance with applicable law; and

WHEREAS, a duly noticed public hearing was held on August 24, 2023; and

WHEREAS, the Planning Commission has had an opportunity to review and consider the entire Administrative Record relating to the Project, which is on file with the City's Department of Planning and Development Services, and reviewed and considered those portions of the Administrative Record determined to be necessary to make an informed decision, including, but not necessarily limited to, the staff report, the written materials submitted with the request, and the verbal and written testimony and other evidence presented during the public hearing.

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

1. In accordance with Section 15164 (d) of the CEQA Guidelines, the addendum to the General Plan EIR prepared for the Project and the final General Plan EIR have been considered by the Planning Commission prior to making a decision on the Project. In considering the addendum, the following determinations were made:
 - a. There are no substantial changes proposed in the Project which would require major revisions to the General Plan EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
 - b. No substantial changes would occur with respect to the circumstances under which the Project is undertaken which will require major revisions of the General Plan EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
 - c. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted, that shows any of the following: (i) The Project will have one or more significant effects not discussed in the General Plan EIR; (ii) Significant effects previously examined will be substantially more severe than shown in the General Plan EIR; (iii) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and

would substantially reduce one or more significant effects of the Project; and, (iv) Mitigation measures or alternatives which are considerably different from those analyzed in the General Plan EIR, would substantially reduce one or more significant effects on the environment.

2. The Project satisfies the required findings for approval of a general plan amendment, as follows:
 - a. GPA2023-003 is internally consistent with the goals, policies, and actions of the General Plan.
 - b. GPA2023-003 would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
 - c. There is a compelling reason for the amendment, namely, to align the City's residential density ranges with applicable RHNA requirements, thereby assisting the City with meeting its RHNA sites inventory requirements.
3. The Planning Commission hereby recommends approval of General Plan Amendment GPA2023-003 as outlined in Attachment A.
4. The basis for the findings is detailed in the August 24, 2023 staff report, which is hereby incorporated by reference, the entire Administrative Record, 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 August 24, 2023, upon a motion by _____, seconded by _____ and passed by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 23-____
DATE: August 24, 2023


Alma Antuna, Chair

ATTEST: _____
Renee Mathis, Secretary

Attachment A General Plan Text Changes

1. GPText Change #1: Land Use Element Figure LU-1

Amend the Land Use Diagram legend to reflect a modified density range for the High Density Residential land use designation.

 High Density Residential (15.1-~~25.0~~ 30.0 DU/Ac)

2. GP Text Change #2: Land Use Element - Table LU-2.

Amend the description of the H (High Density) land use designation in Table LU-2 to reflect the modified density range.

Land Use Designation and Density / Intensity Range	Description of Typical Uses
High Density (H) 15.1– 25.0 <u>30.0</u> du/ac	Small lot single family detached homes, townhouses, apartments, stacked flats, and other building types with 4 or more units.

RESOLUTION 23-__

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS
RECOMMENDING APPROVAL TO THE CLOVIS CITY COUNCIL OF ORDINANCE
AMENDMENT 2023-002 TO AMEND THE CLOVIS DEVELOPMENT CODE TO
MODIFY THE DENSITY RANGE OF THE R-3 (MULTIFAMILY HIGH DENSITY) LAND
USE DESIGNATION**

WHEREAS, the City of Clovis, 1033 Fifth Street, Clovis CA, 93619, initiated an application for Ordinance Amendment (OA) 2023-002 to amend the Clovis Development Code to modify the density range for the R-3 (Multifamily High Density) zone district; and

WHEREAS, the initiation of the Project was the result of a change to the Regional Housing Needs Allocation (RHNA) density requirements for the Sixth Cycle Housing Element, which specified that general plan and zoning classifications must allow at least 30 units per acre to be eligible for inclusion in the RHNA sites inventory for low income housing opportunities, in comparison to the 20 unit per acre density requirement which had been applicable for the Fifth Cycle Housing Element; and

WHEREAS, based on the applicable density requirements for the Sixth Cycle RHNA sites inventory, the only zone district that can accommodate the 30 unit per acre minimum density is R-4 (Multifamily Very High Density), which has a density range of 25-43 units per acre; and

WHEREAS, the City determined that increasing the maximum density for the R-3 (Multifamily High Density) zone district from 25 to 30 units per acre would realign the City's residential density ranges with its new RHNA requirements, help the City to meet those RHNA requirements, and create additional flexibility for multifamily projects that are proposing to develop at a density above 25 units per acre; and

WHEREAS, buildout of the Clovis General Plan Planning Area was evaluated through the Environmental Impact Report (EIR) certified by the City in 2014 in conjunction with adoption of the Clovis General Plan and Development Code Update (SCH No. 2012061069); and

WHEREAS, an addendum to the General Plan EIR has been prepared for the proposed Project in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, which specifies that an addendum is appropriate in instances when some changes or additions are necessary but none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR have occurred; and

WHEREAS, the Planning Commission considered the addendum in conjunction with the Project and found that none of the conditions described in Section 15162 of the CEQA Guidelines have occurred; and

WHEREAS, the City published notice of the public hearing for OA 2023-002 in the Fresno Business Journal on August 9, 2022, more than ten (10) days prior to the Planning Commission hearing, and otherwise posted notice of the public hearing in accordance with applicable law; and

WHEREAS, a duly noticed public hearing was held on August 24, 2023; and

WHEREAS, the Planning Commission has had an opportunity to review and consider the entire Administrative Record relating to the Project, which is on file with the City's Department of Planning and Development Services, and reviewed and considered those portions of the Administrative Record determined to be necessary to make an informed decision, including, but not necessarily limited to, the staff report, the written materials submitted with the request, and the verbal and written testimony and other evidence presented during the public hearing.

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

1. In accordance with Section 15164(d) of the CEQA Guidelines, the addendum to the General Plan EIR prepared for the Project and the final General Plan EIR have been considered by the Planning Commission prior to making a decision on the Project. In considering the addendum, the following determinations were made:
 - a. There are no substantial changes proposed in the Project which would require major revisions to the General Plan EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
 - b. No substantial changes would occur with respect to the circumstances under which the Project is undertaken which will require major revisions of the General Plan EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
 - c. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted, that shows any of the following: (i) The Project will have one or more significant effects not discussed in the General Plan EIR; (ii) Significant effects previously examined will be substantially more severe than shown in the General Plan EIR; (iii) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project; and, (iv) Mitigation measures or alternatives which are considerably different from those analyzed in the General Plan EIR, would substantially reduce one or more significant effects on the environment.

2. The Project satisfies the required findings for approval of a ordinance amendment, as follows:
 - a. OA 2023-002 is internally consistent with the goals, policies, and actions of the General Plan.
 - b. OA 2023-002 would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
 - c. There is a compelling reason for the ordinance amendment, namely, to align the City's residential density ranges with applicable RHNA requirements, thereby assisting the City with meeting its RHNA sites inventory requirements.
3. The Planning Commission hereby recommends approval of Ordinance Amendment 2023-002 as outlined in Attachment A.
4. The basis for the findings is detailed in the August 24, 2023 staff report, which is hereby incorporated by reference, the entire Administrative Record, 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 August 24, 2023, upon a motion by _____, seconded by _____ and passed by the following vote, to wit:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 23-____
 DATE: August 24, 2023

 Alma Altuna, Chair

ATTEST: _____
 Renee Mathis, Secretary

Attachment A Development Code Text Changes

1. Text Change #1: 9.10.010 Purpose of chapter, applicability

Amend the description of the R-3 zone district in Section 9.10.010. B. 9. of the Clovis Development Code.

The R-3 and R-3-A Districts identify areas appropriate for high density residential uses, including attached and detached single-family residential, multifamily apartments and condominiums. The allowable density range is from 15.1 to ~~25.0~~ 30.0 units per acre. The R-3 and R-3-A Districts are consistent with the High Density Residential land use designation of the General Plan;

2. Text Change #2: 9.10.030 Residential district general development standards

Amend Table 2-3 in Section 9.10.030 A of the Clovis Development Code to reflect the modified density range and to increase the maximum height accordingly.

Development Feature	R-3
Maximum (Gross) Density	21.78 <u>30</u> DU/acre (1 DU/ 2,000 <u>1,450</u> sq. ft.)
Main Structure – Maximum Height (Whichever Is Less)	35 <u>45</u> ft./ 2 <u>3</u> stories (20)

(20) In the R-2 and R-3 Districts, greater main structure height may be granted under a conditional use permit, not to exceed three (3) stories or fifty feet (50') in the R-2 District or sixty feet (60') in the R-3 District.

3. Text Change #3: 9.08.010 - Zoning Districts Established

Amend TABLE 2-1 in Section 9.08.010 of the Development Code to reflect the modified density range that applies to the R-3 zone district and H (High Density) General Plan land use designation.

Zone Map Symbol	Zoning District Name	General Plan Land Use Designation Implemented by Zoning District
R-3, R-3-A, R-4	Multifamily High Density	High Density Residential (15.1 – 25 <u>30</u> DU/acre) Urban Center

4. Text Change #4 - 7.7.01 & 7.7.02 Major Street Development

Amend the definitions section 7.7.02 of the development code relating to Major Street Development fees to reflect the modified density range for Multi-family – High Density Development.

dd) “VMT factor” shall represent the relative vehicle miles traveled per acre by land use as determined by the Fresno County Council of Governments traffic model and justification reports on file with the City. All factors are relative to Single-Family Residential – Medium Density, which is set at a value of 1.0. The factors shall be as follows:

2.2 Multiple-Family Residential – High Density (15.1 – ~~25.0~~ 30.0 units/gross acre)

City of Clovis

California Environmental Quality Act for General Plan Amendment GPA2023-003 and Ordinance Amendment OA2023-002

Applicant:
City of Clovis

Staff Contact:
Dave Merchen, City Planner
davem@cityofclovis.com
(559)324-2346

INTRODUCTION

The City of Clovis (City) is proposing General Plan Amendment GPA2023-003 to adjust the density range for the H (High Density Residential) General Plan designation from 15.1-25.0 dwelling units per acre to 15.1-30.0 dwelling units per acre. The City also proposes Ordinance Amendment OA2023-002 to modify the R-3 (Multifamily High Density) zone district to increase the maximum density from 25 to 30 units per acre. Both changes are proposed to correspond to the applicable density requirements specified for the City's Regional Housing Needs Allocation (RHNA) sites inventory. The height limit for the R-3 zone district is also being adjusted from two stories (35') to three stories (45') to accommodate the design of projects at the modified density range.

This addendum is to the 2014 Clovis General Plan and Development Code Update (SCH No. 2012061069) adopted on September 8, 2014. This addendum is prepared in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines and assesses the environmental impact(s) of the proposed project.

PROJECT DESCRIPTION

The Project under consideration proposes to increase the maximum density for the H (High Density) General Plan designation and R-3 (Multifamily High Density) Zone District to correspond to the applicable density requirements specified for the City's RHNA sites inventory. The discussion below provides background regarding the RHNA sites inventory and how the proposed amendments will help the City to meet its requirements.

General Plan Housing Element

Housing Elements are required for every city and county, and they are overseen by the State Department of Housing and Community Development (HCD). Housing Elements must be updated every 8 years, with each update and its reporting period referred to as a "cycle". Clovis adopted its Fifth Cycle Housing Element in 2016 and its Sixth Cycle Housing Element is due at the end of 2023. Each cycle must show that the City has sufficient land available to accommodate its housing needs ("sites inventory") as

determined by HCD and the Fresno County Council of Governments. These housing needs are referred to as the Regional Housing Needs Allocation (RHNA).

RHNA Sites Inventory for Low and Very Low Income Housing Opportunities

The RHNA sites inventory must demonstrate that adequate land is available to accommodate low income, moderate income, and above moderate income housing opportunities. For inventory planning purposes, low income sites must allow high density multifamily residential development. When the 2014 General Plan and Development Code were being prepared, the Fourth Cycle Housing Element was in place and work on the Fifth Cycle Housing element was just starting. The applicable requirements at that time specified that sites identified for low income housing opportunities had to accommodate at least 20 units per acre. Based on that requirement, properties that were designated with the High and Very High Density Residential designations (and corresponding zone districts) were eligible to be included.

General Plan Designation Zone District	Current Density Range
High Density R-3:	15.1 – 25.0
Very High Density R-4:	25.1 – 43

For the Sixth Cycle Housing Element, which is currently being prepared by the City, the requirements for low income RHNA sites changed to specify that land use classifications must allow at least 30 units acre. Based on this new requirement, only those parcels classified as Very High Density Residential with R-4 zoning would be eligible for inclusion. To increase the number of potential sites, the maximum density allowed in the H (High Density) General Plan Designation and corresponding R-3 (Multifamily High Density) Zone District is proposed to increase to 30 units per acre. This change will make properties with these designations eligible for inclusion in the sites inventory, while also creating additional flexibility for multi-family projects that are proposing to develop at a density above 25 units per acre.

ADDENDUM TO THE GENERAL PLAN EIR

The H (High Density Residential) General Plan Designation and R-3 (Multifamily High Density) Zone District currently accommodate high density multi-family projects up to 25 units per acre. The Project proposes a minor increase in the maximum density from 25 to 30 units per acre in response to new RHNA density requirements that are applicable to the Sixth Cycle Housing Element. No changes to the land use designations of individual properties are proposed; the increase in maximum density will be applied to properties that are already zoned and designated for high density multifamily development.

Buildout of the Clovis General Plan Planning Area was evaluated through the Environmental Impact Report certified by the City in 2014 in conjunction with adoption of the 2014 Clovis General Plan and Development Code Update (SCH No. 2012061069). An addendum to the General Plan EIR has been prepared for the proposed Project in

accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines. According to Section 15164(b) of the State CEQA Guidelines, an addendum to an environmental impact report (EIR) is the appropriate environmental document in instances when “some changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred.”

CEQA FINDINGS

Section 15162(a) of the State CEQA Guidelines states that no subsequent EIR shall be prepared for a project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following findings has occurred:

FINDINGS PURSUANT TO SECTION 15162 OF THE CEQA GUIDELINES.	
(1) <i>Substantial changes are proposed in the project which would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;</i>	
<i>Response (1):</i>	The project does not propose substantial changes that would require the preparation of a subsequent EIR. The mitigation measures currently in place by the 2014 Clovis General Plan EIR remain and will apply to Development if the Project is approved in the same manner as if the Project is not approved. No new environmental effects or increases in the severity of previously identified effects have been identified as the result of the Project.
(2) <i>Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or</i>	
<i>Response (2):</i>	There have been no substantial changes which would require revisions to the previously prepared EIR. The environmental effects outlined in the General Plan EIR remain the same. Future development projects will apply adopted mitigation measures. No new environmental effects or increases in the severity of previously identified effects have been identified as the result of the Project.

(3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted, shows any of the following: (A) The project will have one or more significant effects not discussed in the previous EIR; (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project; and, (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR, would substantially reduce one or more significant effects on the environment.*

*Finding
(3):*

The analysis conducted in conjunction with this addendum did not identify new information regarding significant effects not previously discussed in the EIR's, and potential effects previously examined are not substantially more severe than originally discussed. No mitigation measures which were previously identified have been found infeasible, nor has it been determined that identified mitigations measures would not substantially reduce significant effects of the project. No mitigation measures have been added, modified, or are considerably different from those analyzed in the EIR. This project does not change or affect the previous findings of the EIR. Therefore, no new information identifies significant or substantially more severe effects than originally discussed.