



CITY of CLOVIS

AGENDA • CLOVIS CITY COUNCIL

Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2060

www.cityofclovis.com

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

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall, in the City Clerk's office, during normal business hours. In addition, such writings and documents may be posted on the City's website at www.cityofclovis.com.

September 10, 2018

6:00 PM

Council Chamber

The City Council welcomes participation at Council Meetings. Members of the public may address the Council on any item of interest to the public that is scheduled on the Agenda. In order for everyone to be heard, please limit your comments to 5 minutes or less, or 10 minutes per topic.

Meeting called to order by Mayor Whalen
Flag salute led by Councilmember Flores

ROLL CALL

PRESENTATIONS/PROCLAMATIONS

1. Presentation of Certificates of Recognition to Students Receiving American Legion Boys and Girls State Awards.
2. Proclamation Recognizing the week of September 9, 2018 as National Suicide Prevention Week.

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

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

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

3. Community and Economic Development - Receive and File – Community and Economic Development Department July 2017 – June 2018 Report and Department Overview.
4. Community and Economic Development - Approval – Authorize the Sale of a Portion of the Property Located at 3495 Clovis Avenue at the Northeast Corner of Clovis and Dakota Avenues to Don Pickett and Associates.
5. Finance - Approval – Res. 18-____, A Resolution of Intention (ROI) to Annex Territory (Annexation #54) (T6186-South East Corner of Bullard and Leonard.), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and Setting the Public Hearing for October 15, 2018.
6. Public Safety – Approval – Res. 18____, Amending the Police Department's Budget for FY 2018-2019 to reflect the Award from the Office of Traffic Safety Selective Enforcement Traffic Program Grant in the amount of \$70,000.00.

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

7. Consider Introduction – Ord. 18-____, R2016-17A, A request to approve an amendment to the conditions of approval of Rezone R2016-17 and the Loma Vista Community Centers North and South Master Plan to modify setback requirements and off-street parking requirements. The project site is located on the west side of Leonard Avenue, between Shaw and Gettysburg Avenues. Wilson Premier Homes, Inc., owner/ applicant; Harbour & Associates, representative.

Staff: George Gonzalez, Associate Planner

Recommendation: Approve

8. Consider Introduction – Ord. 18-____, R88-09A, A request to approve an amendment to the conditions of approval to allow for the development of a multiple-family development consistent with the R-2 Zone District for property located at 1855 Austin Avenue. Mohamad Annan, owner/applicant; Aesthetics Designs, representative.

Staff: Orlando Ramirez, Deputy City Planner

Recommendation: Approve

9. Consider Approval - Res. 18-____, CUP2005-24A2, A request to approve a conditional use permit amending the master site plan for Portal Sierra II within the Research and Technology Park, located on the west side of Temperance Avenue, north of Alluvial Avenue, Greyhawk, LLC., owner and applicant; Centerline Design LLC., representative.

Staff: Lily Cha, Assistant Planner

Recommendation: Approve

CORRESPONDENCE – Correspondence is communication addressed to City Council that requests action.

10. Consider – Policy Direction Regarding a Request from Wilson Homes, Inc. for Council to consider an amendment to the Sphere of Influence to allow urbanization of approximately +/- 52.4 acres near the northeast corner of Shepherd and Sunnyside Avenues. L. Spensley, owner; Wilson Homes, applicant/representative.

Staff: Dwight Kroll, Director of Planning and Development Services

Recommendation: Consider and Provide Policy Direction

ADMINISTRATIVE ITEMS – Administrative Items are matters on the regular City Council Agenda other than Public Hearings.

11. Consider Approval – Res. 18____, Releasing City of Clovis' interest in property located at 325 Pollasky Avenue.

Staff: Andrew Haussler, Community and Economic Development Director

Recommendation: Approve

12. Consider Approval - A request to initiate text amendments to the General Plan and Development Code to address the City's Fourth Cycle Regional Housing Needs Assessment.

Staff: Bryan Araki, City Planner

Recommendation: Approve

CITY MANAGER COMMENTS

COUNCIL ITEMS

13. Council Comments

CLOSED SESSION - A “closed door” (not public) City Council meeting, allowed by State law, for consideration of pending legal matters and certain matters related to personnel and real estate transactions.

None.

ADJOURNMENT

Future Meetings and Key Issues			
Sep. 17, 2018 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Oct. 1, 2018 (Mon.)	6:00 P.M.	Joint Meeting with CUSD	Council Chamber
Oct. 8, 2018 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Oct. 15, 2018 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Nov. 5, 2018 (Mon.)	6:00 P.M.	Joint Meeting with Planning Commission	Council Chamber
Nov. 13, 2018 (Tue.)	6:00 P.M.	Regular Meeting	Council Chamber
Nov. 19, 2018 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Dec. 3, 2018 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Dec. 10, 2018 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Dec. 17, 2018 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber

CITY *of* CLOVIS

Certificate of Recognition

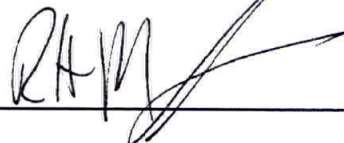
Honoring

Abraham Baez-Benitez

American Legion

Boys State Award

September 10, 2018



Mayor Bob Whalen



CITY *of* CLOVIS
PROCLAMATION

Suicide Prevention Week: September 9th – 16th

WHEREAS, suicide is a public health issue that requires vigilant attention and preventative action with over 109 deaths by suicide recorded in Fresno County during 2017; and

WHEREAS, each death by suicide directly impacts numerous family members, friends, loved ones, and by extension, the entire community; and

WHEREAS, any one of us in the City of Clovis might be the one to find the words to reach out and help someone in need who is contemplating suicide; and

WHEREAS, the Fresno County Suicide Prevention Collaborative is committed to raising awareness, providing education and training on suicide prevention, and reducing stigma; and

WHEREAS, in the most recent year available, there were over 17,000 calls made to the National Suicide Prevention Lifeline from Fresno County seeking assistance; and

WHEREAS, no single suicide prevention effort will be sufficient or appropriate for all populations or communities; all are asked to join together and take a stand to prevent suicide; and

WHEREAS, September 9th through 15th is recognized across the United States as Suicide Prevention Week and provides the opportunity to educate our community about warning signs and how best to help those most in need,

NOW, THEREFORE, BE IT RESOLVED, that the Clovis City Council hereby proclaims and recognizes on this 11th Day of September, 2018, that the week of September 9th through 15th, 2018, be declared

“SUICIDE PREVENTION WEEK”

IN WITNESS THEREFORE, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed the 10th day of September, 2018.





Mayor

Agenda Item 2



AGENDA ITEM NO:	3
City Manager:	LS

CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Community and Economic Development Department

DATE: September 10, 2018

SUBJECT: Receive and File – Community and Economic Development Department July 2017 – June 2018 Report and Department Overview

ATTACHMENTS: Attachment 1 – Economic Indicators Summary
Attachment 2 – Economic Development Metrics

The Community and Economic Development Department had a busy year as the economy in Clovis saw continued growth and affordable housing programs moved forward. Staff from all City Departments worked to take advantage of the economic upswing and to make Clovis a great place to do business and live. An economic indicator snapshot is included as Attachment 1.

Economic Development Division

The full Economic Development Metrics showing the results of the Department's economic development efforts are attached as Attachment 2. These metrics are used by staff to manage and allocate resources to ensure the City is engaging in a robust economic development effort. Below are highlights during the reporting period.

Business Retention and Expansion Efforts

Staff continued efforts to reach out and visit our local businesses. During the time period 364 unique businesses were visited, some multiple times, as new relationships were built or continued. These visits were valuable as problems were addressed and local businesses gained a direct connection with the City. The City also conducted key programs that served our existing businesses. Some examples are below:

Big Wins Day

The highly popular program is well known for its prizes offered to Clovis shoppers and additional tax revenue generated but its true value is in the 70+ site visits and partnerships created with the local retail community.

This year it was entirely done on social media. Participants were asked to post a photo of themselves shopping or dining in Clovis to be entered in a random drawing for 31 gift cards and other prizes. The campaign built awareness of the benefit of buying local and of businesses here in Clovis. The digital ads were focused on the Fresno-Clovis area and were seen nearly 100,000 times. This resulted in nearly 2,000 interactions, over 650 comments, and 260 entries into the contest. Based on Facebook standards this was a very effective and efficient ad campaign. Furthermore many small businesses were highlighted by their customers and expressed gratitude for the promotion.

The retailers were very happy with the results and stated it drove traffic to them they wouldn't have otherwise received. A very common comment received was thanks from the store owners and how unique the program was. Staff was also able to address concerns and develop relationships as each store was visited multiple times leading up to the event.

Anlin Expansion

Staff was made aware a key company was being pursued by a neighboring county. The company had reached its capacity in its current location and was considering the move as ample land was available. Through numerous site visits staff worked with Anlin to identify options for growth in Clovis. Staff presented many options to achieve the company's goals in Clovis and supported them with research and leg work on options they wanted to pursue. Since then the company has constructed a new building at their current location and is considering another. In addition, staff facilitated an opportunity to gain access to adjacent land to help with space issues. Staff reaches out consistently to keep the relationship active and has provided further assistance to address their growth needs.

In order to support this effort staff developed a tax sharing agreement that was approved by Council. Anlin entered into escrow on an adjacent parcel and is conducting due diligence. In addition, staff assisted Anlin in applying to Pacific Gas and Electric to receive a reduction in PG & E rates of 30% for five years. Staff connected Anlin to this program as part of the retention package staff supplied to Anlin. Anlin received word that the rate reduction has been approved. This was a critical piece to Anlin staying and expanding in Clovis. Anlin is moving forward with the purchase of the adjacent Builder's concrete site and is now conducting due diligence. Staff will continue working with Anlin to make sure they have all the support they need to thrive in Clovis.

Clovis Chrysler Dodge Jeep Expanded

The Clovis Chrysler Dodge Jeep dealership purchased a vacant lot near their existing dealership at Herndon and Peach Avenues. The lot has been improved as a parking lot and vehicle display area. The owners of the dealership, the Finnegan's, reached out to staff for assistance in dealing with an irrigation pipeline that runs through the property that was causing a major hurdle to developing the site. Staff also worked with the designer to reduce costs and increase feasibility. The additional space will allow the dealership to increase inventory and sales.

Focusing on existing businesses' needs and ensuring strong relationships will continue to be a top priority for the City's economic development efforts. Going forward staff will continue to conduct site visits and programs that support our local businesses. They are our best spokespersons to attract businesses and the most likely source of job and revenue growth.

Business Attraction Efforts

Staff met with 256 industrial and commercial brokers during the year. These relationships are critical to better understanding the market and getting brokers the information needed to sell Clovis. Discussions also included how to better leverage trade shows and ideas to make Clovis a destination of choice. These conversations will lead to fruitful trade shows with active leads being developed.

Staff has also been strategizing with existing businesses on how to support their efforts at trade shows while giving the City of Clovis leads to their customers and suppliers. This is a retention and attraction effort as it shows the businesses that the City values them and the City gets high quality leads.

Retail

At ICSC in Los Angeles in 2017 and Las Vegas in 2018, staff met with retail property managers and built relationships with them. Strategies were discussed on how to fill vacancies and how the City can assist in the effort. Staff also received many positive reports from property managers on the positive performance of their properties. Staff also targeted hotel developers at ICSC and met with five, in addition to the eight met with at previous years' shows. This has resulted in numerous site visits for new hotel locations throughout Clovis. Three hotels received entitlements and others are in the pre-development stages. These developers were connected at ICSC to property owners and local developers to encourage construction of new hotels. Staff also marketed the Loma Vista commercial area and due to the discussion with a broker, a developer is in the process of developing 7 acres of commercial land.

At the ICSC conference in 2015, staff developed a relationship with a significant retailer, Costco Wholesale. The retailer reached out and was looking for opportunities for growth in the Fresno/Clovis market. Staff provided several locations, coordinated meetings, and continues to offer resources as the retailer is finalizing its options. The retailer at the beginning of the conversation was being pursued to locate outside of

Clovis but has since determined that Clovis is its best option. The developer has entered escrow to purchase a 16 acre site near Shaw and Clovis Avenues and received approval from the Planning Commission for the project.

Centennial Plaza launched in December of 2017 with both House of Juju and Blast & Brew opening. Both restaurants have been successful and causing significant activity in the SOFI district. Realty Concepts also opened professional offices and engineering firms will be opened in 2018. Staff spent considerable effort supporting the opening of these buildings and the transition of the area becoming active in order to minimize negative impacts.

Professional/Industrial

Staff has been working with the California Health Sciences University on its decision to permanently locate in Clovis. The School purchased 80+/- acres in the Clovis Research and Technology Park and announced its decision to construct a school to serve 2,000 students with approximately 400 staff in the spring of 2016. The first structure is expected to begin construction in the summer of 2018. The School also announced the establishment of a full medical school and broke ground on the first 90,000 square foot building in June of 2018.

The Clovis Culinary Center is open in a retail center at Ashlan and Willow Avenues. The Center offered its first classes assisting food entrepreneurs. The Clovis Culinary Center will allow for food entrepreneurs to bring their ideas to market. Users of the facility will be supported with technical assistance such as marketing techniques, how to access capital, and other business issues.

The Dry Creek Industrial Park, Phase II continues to enjoy significant demand. About 70% of the lots have sold and the first professional offices have open, an architect and several others are under construction.

At the Clovis Industrial Park it was announced the County of Fresno will be taking over some of the Schneider Electric buildings and increasing the number of employees in the park. Cook Land Company pulled permits in a very expeditious manner to improve building 7 and the first County employees began moving into the park. In addition, Diversified Development Group received entitlements to construct nearly 400,000 square feet of industrial space in the park and should be under construction in the fall/winter of 2018. The old Winery property at Clovis and Dakota Avenues has been marketed and is receiving interest from job producing uses. This will most likely come to fruition in the Fall of 2018.

Tourism

The City has been working with the Clovis Chamber of Commerce to bolster the major events it manages. Staff helped to coordinate the cultural village which was wildly popular and attracted large crowds to view the dances, food, and cultural booths. Staff will continue to leverage Clovis Unified School District's success in hosting major

athletic events. These events bring a significant number of additional tourists to showcase Clovis and take advantage of local businesses while bolstering tax revenues as shown in the increase in transit occupancy tax and plans for new hotels.

Housing and Grants Division

The City's affordable housing programs are active, and are providing a critical resource for our community. A total of 86 families were served during this reporting period with home rehabilitation grants and first-time homebuyer assistance - details are in Attachment 2. The City continues to expend existing awarded grants to support affordable housing and community development efforts. Below are some highlights from the division.

First-Time Homebuyer Program:

Staff approved a first-time homebuyer application for a family of 6 (2 adults – 4 children) who had been renting an apartment for approximately 5 years. The apartment only had two bedrooms to accommodate the family. By subsidizing the cost of their primary mortgage loan with FTHB funds, the family was able to purchase a 4-bedroom home. With the help of the FTHB program, the family's monthly cost for the principal, interest, taxes, and homeowner insurance was only \$46 more per month than their previous rent cost. Now the whole family is happy in their new home, and can feel confident that they are investing in their future at a monthly cost that is affordable to them.

Home Rehabilitation Grant Program:

Staff received an application from an elderly woman who had shut her own water off due to multiple plumbing leaks throughout her mobile home. In talking to her when she submitted her application, staff learned that she had been without running water for approximately a week. Because of the urgent nature of the repair request, staff was able to get a program-approved contractor to replace all of the plumbing lines the day after the application was submitted. The client was extremely grateful for the service provided to her by the City of Clovis.

Single-Family Rehabilitation Programs

- Staff completed 77 home repair projects for low-income owner-occupied households.

First-Time Homebuyer Programs

- The expenditure of \$1,000,000 of First-Time Homebuyer Program funding is underway, with 9 households having been assisted. The funding comes from the California Department of Housing and Community Development.

Affordable Housing Development – Habitat for Humanity

- All 10 homes have been completed.
- Construction is completed on Magnolia Crossing, a 48-unit, senior, assisted-living facility. In exchange for Clovis' land donation, 24 of the units are dedicated to low-income seniors. Lease-up is currently underway.

Grants

- Staff completed the expenditure of \$689,077 of FY 2017-18 Community Development Block Grant (CDBG) funds. Clovis has received \$744,970 for the FY 2018-19.
- The Clovis Culinary Kitchen has opened, and CDBG funds are being used to assist low-income entrepreneurs wishing to start or expand their business by using the Kitchen.

Prepared by: Andy Haussler, Community and Economic Development Director

Submitted by: Andy Haussler, Community and Economic Development Director



ATTACHMENT 1

Overall Economic Indicators:

Job Market

The City continued to enjoy higher per capita income than Fresno County as a whole with \$29,876 compared to \$21,057 in Fresno County. This was an increase over 2016-17 of \$1,190. This results in a median household income of \$64,640. The City also maintained higher education levels with nearly 90% of the City's adult residents having a high school diploma or higher, this is 15% higher than Fresno County and 8% higher the State of California.

Total payroll for the City of Clovis reached \$1.17 billion with 33,344 total employees on payroll in the City in 2017-18. The number of jobs decreased by 410 from 2016-17 but further inquiry into the data confirmed reporting errors by a major employer in the City as well as several new businesses not being included in the Employment Development Department data the City relies on. It is likely the City saw an increase of at least 500 jobs but will not be confirmed until a new jobs dataset is released and checked for accuracy. With this, the jobs-housing balance is .84 jobs per a residence but may be adjusted upward as better jobs data is provided to the City. Staff is confident the City is gaining ground on job growth despite the City adding 1,443 households during the same time frame. More jobs need to be added to the community to reach the 1:1 goal for the jobs-housing balance but the trajectory is favorable. New jobs and payroll data is being sought on a quarterly basis rather than the current annual basis. As new jobs numbers are confirmed, the jobs-housing balance ratio will be updated.

The City has issued 755 new business licenses.

The unemployment rate dropped to 4.5% from 6.5% a year ago, much of this drop appears to be from a change back to a traditional methodology of calculating the unemployment rate. During the reporting period the unemployment dropped to as low as 3.2%.

Development

Commercial construction maintained a healthy pace. The total permits pulled for construction or improvement of commercial and industrial space was over \$43 million in valuation. The square footage constructed or improved equaled 474,306. For single-family and multi-family residential units, a total of 1,443 permits were pulled during the time period. These are both well above average for the City and indicate a robust and growing economy.

Tax Revenue

Sales tax revenues are trending higher (5%), a key indicator of the retail sector's health. While this is positive, the retail landscape is changing rapidly with growth in on-line shopping options. General merchandise purchases, despite the City's population growth and improved economic conditions, have gained some ground (3% increase). The county pool allocation, in which some of the purchases our residents make from on-line retailers is up 13% compared to 2016-17. The majority of the revenue increase is from construction and business sales (7% increase) and fuel sales (9%) which continue to perform well while automotive sales are flattening mirroring national trends.

Summary

The indicators represent a City that is growing and offers opportunities to residents to improve their economic situation. It is encouraging the unemployment rate is lower, and commercial/industrial development is strong indicating more jobs are coming. This data will be assessed in future reports to determine trends and the progress the City's economy has made.

ATTACHMENT 2

ED Strategy Metrics RESULTS JULY 1, 2017 – June 30, 2018

Strategy 1: Business Retention and Expansion

Action	Measurement	Results (July 2017 – June 2018)
<i>Create and maintain relationships</i>		
Business Visitations – Goal is 25 businesses per month (300 per year)	<ul style="list-style-type: none"> • Number of businesses visited • Content of contact <ul style="list-style-type: none"> ○ Number for problem solving ○ Number for site visit ○ Number for information sharing 	<div>364</div> <div>0</div> <div>364</div> <div>364</div>
<i>Provide information & education</i>		
<ul style="list-style-type: none"> • Quarterly e-newsletter 	<ul style="list-style-type: none"> • Number of businesses on mailing list • Number of opened newsletters 	<div>1,064</div> <div>391</div>
<ul style="list-style-type: none"> • Workshops/Trainings 	<ul style="list-style-type: none"> • Number of trainings made available 	2
<ul style="list-style-type: none"> • Clovis4business.com 	<ul style="list-style-type: none"> • Use metrics 	11,451 Visits
<i>Recognize and appreciate businesses</i>		
<ul style="list-style-type: none"> • Annual event 	<ul style="list-style-type: none"> • Event held <ul style="list-style-type: none"> ○ Number of businesses in attendance ○ Report media coverage ○ Number of businesses in attendance ○ Report media coverage 	<div>Big Wins Day (Retail)</div> <div>150</div> <div>58,500 people reached on Social Media +TV+Articles</div> <div>Broker Meetings/Open House</div> <div>223</div> <div>42 Articles+TV+Social</div>

Strategies 2, 3, 4, and 5: Business Attraction (Industrial, Commercial Retail, Commercial Office)

Strategies 2, 3, 4, and 5: Business Attraction (Industrial, Commercial Retail, Commercial Office)																													
Action	Measurement	Results (July 2017 – June 2018)																											
Market Clovis to attract new businesses – Goal is to contact 20 businesses per cluster per year (100 prospective businesses total per year)	<ul style="list-style-type: none">Number of marketing pieces distribute per cluster/Number of Conversations	<table><tr><th>Cluster</th><th>Contact</th><th>Conversation</th></tr><tr><td>Health</td><td>74</td><td>64</td></tr><tr><td>Manufacturing</td><td>70</td><td>67</td></tr><tr><td>Information</td><td>2</td><td>2</td></tr><tr><td>Tourism</td><td>29</td><td>29</td></tr><tr><td>Water Tech</td><td>1</td><td>1</td></tr><tr><td>Education</td><td>6</td><td>6</td></tr><tr><td>Retail</td><td>48</td><td>48</td></tr><tr><td>Total</td><td>230</td><td>217=447</td></tr></table>	Cluster	Contact	Conversation	Health	74	64	Manufacturing	70	67	Information	2	2	Tourism	29	29	Water Tech	1	1	Education	6	6	Retail	48	48	Total	230	217=447
	Cluster	Contact	Conversation																										
Health	74	64																											
Manufacturing	70	67																											
Information	2	2																											
Tourism	29	29																											
Water Tech	1	1																											
Education	6	6																											
Retail	48	48																											
Total	230	217=447																											
	<ul style="list-style-type: none">Number of new businesses in Clovis	755																											
Develop relationships with commercial/industrial brokers	<ul style="list-style-type: none">Host annual broker meeting<ul style="list-style-type: none">Number of brokers in attendanceNumber of conversations with brokersStaff attendance at brokerage company meetings	(meetings and roundtable conducted) 256 256 34																											
Maintain an adequate supply of commercial and industrial available property	<ul style="list-style-type: none">Benchmark and measure commercial and industrial site acreage/square footage<ul style="list-style-type: none">AvailableUtilized<ul style="list-style-type: none">Business type and number of jobsCommercial building permitsValuation	<table><tr><td>Commercial SQ Ft</td><td>222,792</td></tr><tr><td>Commercial Acreage</td><td>7</td></tr><tr><td>Industrial SQ Ft</td><td>103,272</td></tr><tr><td>Industrial Acreage</td><td>52</td></tr></table> Com/Ind Permit Value: \$43,582,163 Com/Ind Permit SQ FT: 741,838	Commercial SQ Ft	222,792	Commercial Acreage	7	Industrial SQ Ft	103,272	Industrial Acreage	52																			
Commercial SQ Ft	222,792																												
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Industrial Acreage	52																												
Achieve and maintain a Jobs/Housing Balance ratio of 1:1	Calculate the Jobs Housing/Balance annually	.84 jobs per a residence																											

Strategy 2: Business Start-ups

Action	Measurement	Results (July 2017 – June 2018)
Assist in the development of new businesses	<ul style="list-style-type: none"> Website metrics Number of business licenses for new businesses 	11,451 visits 755
Host events for entrepreneurs	<ul style="list-style-type: none"> Events held <ul style="list-style-type: none"> Number of attendees 	Shaw Ave/Old Town PBI (80) Commercial Kitchen (25)

Strategy 6: Tourism

Action	Measurement	Results (July 2017 – June 2018)
Host events that bring people to Clovis	Track attendance for all major events	257,000
Work with hotels to increase the number of travelers who stay overnight in Clovis	Track TOT and occupancy rates for all hotels	70% Occupancy 2% TOT Increase
Provide information to visitors to Clovis and those thinking about visiting	Benchmark and report statistics from Tarpey Depot <ul style="list-style-type: none"> Number of visitors Number of fulfillment packets Number of groups 	1,294 758 7
Use visitclovis.com as the information portal for visiting Clovis	Metrics from VisitClovis.com	55,000 visitors (estimate)

Strategy 7: Workforce

Action	Measurement	Results (July 2017 – June 2018)
Identify workforce needs of Clovis businesses	<ul style="list-style-type: none"> • Use EDD Data to benchmark and monitor number of jobs in Clovis by industry 	Jobs data analyzed by employer and sector. Significant growth in professional services, medical, and construction.
Conduct employer survey of training needs	<ul style="list-style-type: none"> • Number of businesses surveyed <ul style="list-style-type: none"> ○ Number of businesses connected to employee training opportunity 	Staff has met with major employers and is working to make connections with programs to assist in training
Seek higher education programs to meet employer need	<ul style="list-style-type: none"> • Number of meetings with educational facilities 	6

Affordable Housing Programs

Program	Goal	Results (July 2017 – June 2018)
Home Rehabilitation Grant Program	Assist 60 low-income, owner-occupied homes	77 assisted
Mobile Home Replacement Program	Assist 16 low-income owner-occupied mobile homes	19 assisted
First-Time Homebuyer Program	Assist 10 low-income homebuyers.	9 assisted (1 pending)
Affordable Housing Development	<p>Complete 10 unit subdivision at Rialto Rancho</p> <p>3 additional lots for sale to Habitat for Humanity in the Stanford Addition.</p> <p>Complete Magnolia Crossing – a 48-unit senior assisted-living facility (with 24 units for low-income seniors).</p>	<p>All 10 homes are completed.</p> <p>1 Home is complete, the other two are under construction.</p> <p>Construction is complete and the first residents have moved in.</p>

Grants Status

Program	Amount	Status
CDBG 2016-17	\$672,819	Completed
CDBG 2017-18	\$689,077	Completed
CDBG 2018-19	\$744,970	Applied/Underway
CalHome Mobile Home Replacement Program	\$1,000,000	Completed
HOME First-Time Homebuyer Program	\$1,000,000	Underway
HOME First-Time Homebuyer Program	\$700,000	Completed
Kitchen Incubator - USDA	\$40,000	Completed
Kitchen Incubator - Freshworks	\$50,000	Completed
Kitchen Incubator – NCCLF Grant	\$15,000	Completed
Kitchen Incubator – NCCLF Forgivable Loan	\$60,000	Completed
Total	\$5,441,252	



AGENDA ITEM NO: 4
City Manager: LS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Community and Economic Development

DATE: September 10, 2018

SUBJECT: Approval – Authorize the Sale of a Portion of the Property Located at 3495 Clovis Avenue at the Northeast Corner of Clovis and Dakota Avenues to Don Pickett & Associates

ATTACHMENTS: 1) Property Map
2) Site Concept
3) Agreement for Purchase and Sale

CONFLICT OF INTEREST

None

RECOMMENDATION

That the Council authorizes the sale of 14.5 +/- acres to Don Pickett and Associates and authorizes the City Manager to execute all documents as necessary to close escrow.

EXECUTIVE SUMMARY

In early May of 2017, the City of Clovis and Regal Development group issued a Request for Proposals to purchase the properties at the former Swiss Colony Winery. The City owns one parcel that is approximately 16 acres which includes the City's Recreation Center. The City proposed 14.5 +/- acres to be sold which would allow the Recreation Center and an existing City of Clovis well site to remain. Regal Development owns an adjacent 20 acre parcel and agreed to market it in partnership with the City in hope of seeing the entire area be redeveloped. The City received one offer from Don Pickett and Associates for the City's land only. No offers were received by Regal Development Group that were feasible. The City's parcel was appraised at \$98,000 an acre. Don Pickett and Associates offered \$72,000 an acre which includes \$100,000 to make improvements to the Recreation Center's parking lot and improve

the façade of the Recreation Center. The project would allow for the construction of industrial, office, and recreational space. The final amount paid would be based on the final acreage of property that is transferred to Don Pickett and Associates as indicated on the tentative tract map processed as the site plan needs to be finalized. If Staff recommendation is approved, approximately 14.5 +/- acres will be sold to Don Pickett and Associates for industrial and commercial development for approximately \$1,048,290.

BACKGROUND

The City purchased a portion of the Swiss Colony Winery site (approximately 16 acres) in March of 2006. Staff has pursued redevelopment of the site since that time and in 2016, the existing structures on the site with the exception of the City's Recreation Center and a City well were demolished as they were a hindrance to redevelopment. The demolition was completed in early 2017 and staff met with the Regal Development Group that owns an adjacent 20 acre parcel to consider options for marketing the site. A joint Request for Proposals was issued in May of 2017 seeking proposals to purchase the entire site or each individual parcel. The City of Clovis received one offer from Don Pickett and Associates while Regal Development Group did not receive any feasible offers.

The City's property was appraised by Palmer Appraisals in October 2016. The value was determined to be, with the structures cleared, \$98,000 an acre. Staff has contacted Palmer Appraisals for an update and Palmer Appraisals determined this value is still appropriate today.

Don Pickett and Associates made the following offer:

- To purchase 14.5 +/- acres with the remainder for the Recreation Center and City Well.
- Purchase Price: \$72,000/acre for approximately \$1,048,290.
- Deposit: \$20,000 deposit.
- Escrow Period: 180 due diligence period.

The potential uses to be developed by Don Pickett and Associates include a recreational ice rink, light industrial buildings and small retail space for a total of 162,000 square feet. This is proposed at this time and is not a condition of the sale. If approved, Don Pickett and Associates will be pursuing due diligence and entitlements which may impact what is developed at the site.

FISCAL IMPACT

Upon the sale, the City will receive approximately \$1,048,290 less escrow costs. In addition, the City will receive funding for improvements to its existing Recreation Center.

REASON FOR RECOMMENDATION

Don Pickett and Associates has made an offer to purchase the property for a fair value. They intend to purchase Parcel 1 within 180 days of signing the sales agreement and to construct approximately 162,000 square feet of industrial, commercial and recreational space valued at approximately \$15,000,000. In addition, depending on how the space is used, this development will create approximately 470 jobs.

The property will be developed to attract recreational and light industrial based businesses. This is complementary to the City's Recreation Center on the site. Don Pickett and Associates has significant experience in constructing light industrial buildings. Don Pickett and Associates is locally owned and operated, and has a reputation for developing high-quality, well managed projects

ACTIONS FOLLOWING APPROVAL

- 1) Execute the Agreement of Sale.
- 2) Staff will proceed with Don Pickett and Associates through Due Diligence and Entitlement process.
- 3) Staff will work with Don Pickett and Associates to close escrow.

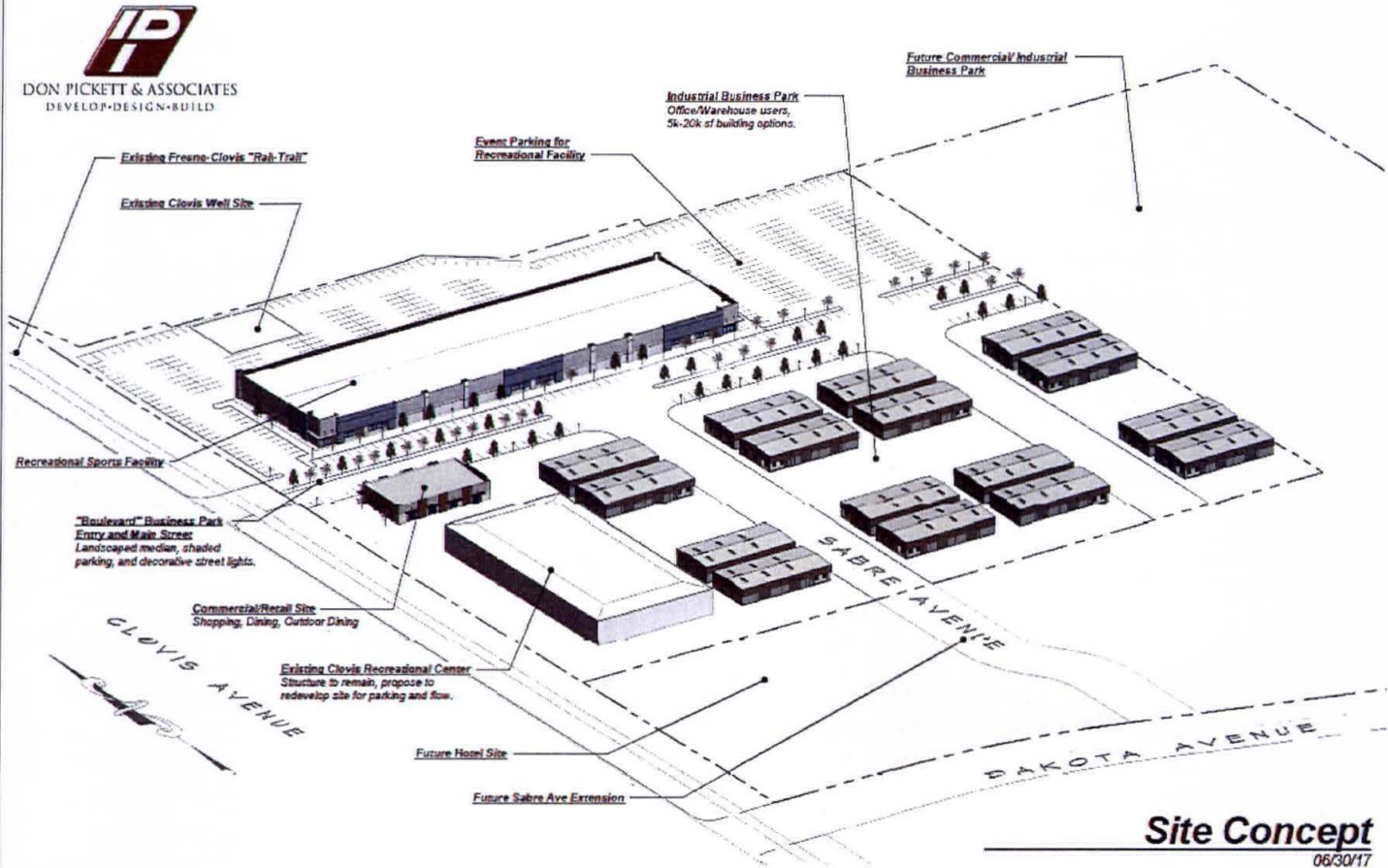
Submitted by: Andrew Haussler, Director, Community and Economic Dev.



ATTACHMENT 1: PROPERTY AERIAL



ATTACHMENT 2: SITE CONCEPT



ATTACHMENT 3: SALE AGREEMENT

**CONTRACT FOR THE PURCHASE AND SALE OF REAL ESTATE
AND ESCROW INSTRUCTIONS**

This is a contract for the purchase and sale of real estate and escrow instructions herein called the "Purchase Contract". This is intended to be a legally binding contract and escrow instructions. Read this Contract carefully and consult with your legal and/or tax counsel regarding all legal and tax implications of this transaction.

Clovis, California, September 11, 2018

Don Pickett & Associates, Inc. and/or assignee herein called Buyer hereby offers to purchase the herein described property on the terms and conditions contained herein and will deposit the sum of \$20,000.00, as specified in Paragraph 3, as deposit on purchase price stated herein, for the purchase of Property situated in the City of Clovis, County of Fresno, California more fully described herein.

1) THE PROPERTY: The property to be conveyed to Buyer consists of a parcel of land being a total of approximately +/-14.5 acres, in the city of Clovis, California, (the "Property") known as APN 495-220-12 in Fresno County. The legal description upon the close of escrow shall be consistent with Exhibit "A".

2) PURCHASE PRICE: It is understood and agreed by the parties that Seller shall sell the Property and Buyer shall purchase all of Seller's right, title and interest in the Property on the terms and conditions as provided for herein for the total purchase price of One million fifty six thousand six hundred and no/100 Dollars (\$1,056,600.00).

2A) ADDITIONAL CONSIDERATION: In addition to the Purchase Price, and prior to the close of escrow, Buyer and Seller shall draft and record a mutually agreed upon easement to allow for public-right-of-way, drainage and utilities to the Clovis Recreation Center. Buyer shall maintain access from Dakota Avenue to the Clovis Recreation Center until the proposed development of Sabre Avenue is complete. Upon completion of Sabre Ave Buyer shall promptly release the easement. Any direct cost (Fees paid to the City of Clovis) incurred by Buyer to re-zone the Property to conform with the intended development (as mentioned in Paragraph 6 herein) shall be deducted from the Purchase Price.

3) DEPOSITS: Upon opening of escrow and Escrow Holder's receipt and acknowledgment herein of these escrow instructions signed by Seller, Buyer shall deposit into escrow TWENTY THOUSAND and no/100 Dollars, (\$20,000.00) referenced above. Buyer reserves the right to replace the deposit at the close of escrow with funds from the proceeds of an IRC 1031 exchange, and in that event the deposit referenced herein shall be returned to Buyer without cost or offset. This deposit shall be credited towards the purchase or returned to the Buyer if escrow is not closed per the terms the escrow instructions.

4) ESCROW/ESCROW HOLDER: This Contract and any addenda attached hereto shall constitute joint escrow instructions of Buyer and Seller to Escrow Holder. The parties shall execute such additional escrow instructions, not inconsistent herewith, as Escrow Holder reasonably requests. Escrow Holder shall be First American Title, Susan Rommel as escrow officer, 7010 North Palm Avenue Fresno, CA 93650, (559) 261-8919, or other escrow officer as agreeable to both Seller and Buyer.

5) CLOSE OF ESCROW AND POSSESSION: The "Closing Date" shall be 30 days after completion of the following items: the satisfaction or waiver of all Buyers' conditions as noted in Item 11. At Buyer's option, the Closing Date may occur earlier than the date stated herein above upon twenty (20) days advance written notice given to Seller and to Escrow Holder. In the event Buyer has not closed escrow on the date specified herein, or any agreed upon continuance, Seller shall have no further obligation to perform under the terms of this Contract and the escrow created shall become null and void and of no further effect. As long as the failure to close escrow is not the fault of

Buyer, all Deposits shall be returned to Buyer. Unless Buyer is already in possession of the property, possession of the Property shall be given to Buyer at the Closing Date.

6) ESCROW EXTENSION: Buyer intends to construct on the Property improvements that may consist of one or more of the following: recreational facilities, light industrial buildings, and retail space. In that regard, Buyer may need certain entitlements from the City of Clovis, which may include a rezoning of the Property, parcel map and discretionary permits ("Entitlements"). Buyer will apply for all entitlements during the 180 due diligence period set forth in item 11 ("Initial Due Diligence Period"). In the event the entitlements are not obtained within the Initial Due Diligence period, Seller agrees to grant to Buyer two (2), ninety (90) day extensions for the due diligence period and escrow closing provided Buyer deposits into escrow, prior to expiration of the Initial Due Diligence Period or any extension thereof, the additional sum of \$10,000.00 for each extension. In this event, the initial deposit plus any additional deposits shall be immediately released to Seller and shall become non-refundable under any circumstance, but applicable to and credited against the purchase price. Buyer and Seller shall notify escrow holder in writing of the actual date to which the escrow closing has been extended.

Seller agrees to consider additional ninety (90) day escrow closing extensions for the purposes of obtaining Entitlements, at no cost to Buyer, provided Buyer has demonstrated good faith efforts at obtaining the Entitlements and demonstrates to the satisfaction of Seller that any delay in obtaining the Entitlements is through no fault of Seller.

Buyer acknowledges that the Entitlements may be within the discretionary decision making of the City of Clovis and that in entering into this Contract Seller is in no way precommitting the City's discretion to approve the Entitlements.

Buyer and Seller shall notify escrow holder in writing of the actual date to which the escrow closing has been extended.

7) ESCROW FEES, COSTS, AND PRORATIONS: Buyer and Seller shall each pay one-half of the Escrow Holder's charges and Seller shall pay the customary and usual recording fees and any required real property transfer taxes, which amount shall not be shown on the transfer instrument, unless required by law. Seller shall pay the premium for a CLTA policy of title insurance. Property taxes (not including personal property), and bond payments included therewith, if any, and rents, shall be prorated as of the date of recordation of deed. The amount of any bond or assessment which is a lien shall be paid by Seller, unless the bond or assessment payment is included with and paid with the real property taxes or is a potential lien which may become a lien upon development or recording of any development entitlements, in which case such bond or assessment shall be assumed by Buyer. In the event Buyer desires an ALTA policy of title insurance, Buyer shall pay the costs related thereto and the additional premium in excess of the premium for a CLTA policy.

8) CONVEYANCE DOCUMENTS: Not less than ten (10) days prior to the Closing Date, Seller shall deposit with Escrow Holder a duly executed and acknowledged Grant Deed(s) and any other documents required of Sellers to complete the conveyance of the Property. The Grant Deed(s) shall be held by Escrow Holder in escrow pending the close of escrow.

9) CONDITION OF TITLE: Seller shall cause Escrow Holder to prepare or cause to be prepared a Preliminary Title Report ("Report") covering the Property and to deliver copies thereof, together with complete and legible copies of all documents relating to the title exceptions referred to in the Report (the "underlying documents"), to both Buyer and Seller. Buyer shall have TWENTY-ONE (21) days from the date of receipt of the Report in which to designate those conditions, covenants, reservations, exclusions, restrictions, exceptions, easements, rights-of-way, liens, and encumbrances of record, if any, which Buyer shall disapprove. If no notice of approval or disapproval is received by Escrow Holder within TWENTY-TWO (22) days from receipt of the Report by Buyer, then Buyer shall be deemed to have approved all of said items set forth in the Report. If Buyer disapproves of any item reflected in the Report, Seller shall have FOURTEEN (14) days to eliminate the disapproved item. In the event Seller is unable or

unwilling to eliminate any disapproved item, then Buyer shall have the right either to accept title to the Property subject to such item or to terminate this Contract, in which event both parties shall be relieved of all further obligations hereunder.

At the Closing Date, the Property shall also be subject to the lien of current real property taxes and assessments, all matters ascertainable by a reasonable inspection of the Property, and such other matters as may be created by Buyer or with Buyer's written consent.

Buyer shall notify Escrow Holder in writing, prior to Closing Date, of the name of the entity in which Buyer wishes to acquire title. The Buyer of this escrow may assign its rights to this escrow to any entity either directly, indirectly or through a family trust. Any assignee shall be bound to the terms of this Contract.

10) NO FURTHER ENCUMBRANCES: Seller shall not by voluntary act between the date of execution of the Purchase Contract and Closing Date cause any new lien or easement to encumber the Property without the prior written consent of Buyer.

11) BUYER'S CONDITIONS PRECEDENT TO PURCHASE: The obligation of Buyer to complete the purchase of the Property shall be subject to the following conditions, all of which shall be satisfied and approved in writing by Buyer or waived in writing by Buyer on or before thirty (30) days prior to the close of escrow. Buyer is allowed a "due diligence period" of up to 180 days from the signing of the escrow agreement by both the Buyer and Seller to decide that all investigations are complete to Buyer's satisfaction and the Buyer is ready to close escrow. Escrow shall close 30 days after Buyer's written approval of these conditions. Should any of the following conditions not be met to the Buyer's satisfaction within the specified time period, Buyer shall have the right to cancel the escrow with no further obligation and to have all deposits, if any, refunded without cost or offset.

a) Escrow Holder's willingness to furnish Buyer, at Seller's expense, a standard CLTA owner's policy of title insurance, showing fee simple title vested in Buyer in the condition set forth in Paragraph 9 above. If Seller fails to deliver title as therein provided, Buyer at his option may either accept title to the Property, subject to such item or terminate this Contract, in which event both parties shall be relieved of all further obligations hereunder, and any deposit shall be returned to Buyer without cost or offset.

b) Buyer may obtain in Buyer's sole discretion and at Buyer's sole cost and expense such additional investigations of the condition of the Property as Buyer deems appropriate, including without limitation, soil sampling, survey, topography elevations, review of Seller's environmental reports, a natural hazard disclosure report, a Phase 1, Environmental Site Assessment prepared in accordance with ASTM Practice E1527 and an asbestos assessment report and estimated cost to remove, if any, in which event Buyer's written approval of same shall be a condition to Buyer's obligations. In the event underground and/or above ground storage tanks or barrels, containing any type of fluid are located on the Property, Seller shall remove same at Seller's sole cost and expense prior to close of escrow.

c) Buyer's receipt from Seller of all soil tests, soil reports, or geological studies performed on the Property within the past ten (10) years prior to the signing date of this agreement.

d) Seller agrees, at its sole cost and expense, to complete the following actions during the escrow period: Confirm or perfect this is a legally created parcel(s) per Exhibit A and execute any cross access and utility easements Buyer needs for development of the Property. If any items of this paragraph 11.d are not completed by the agreed upon close of escrow date, buyer may choose to close this escrow, however, this will not relieve Seller of the obligation to expeditiously complete these items at the soonest date possible, or Buyer may choose to extend the escrow until the above items are completed. In this event, Buyer shall not be obligated to deposit further funds as outlined in Paragraph 6 and the initial Deposit(s) as outlined in Paragraph 3 shall remain refundable.

e) During the escrow period, Buyer shall be allowed to submit, at its sole cost and expense, applications for Entitlements and improvement plans to the City of Clovis or other Agencies to determine the conditions and requirements of development, but will not be allowed to start any construction or record any map until after the close of escrow.

f) Seller shall assign to Buyer, in a form acceptable to Buyer, at Closing Date, all rights, title, and interest in any fees, deposits and/or reimbursements to which Seller and/or any previous owner is entitled from any governmental agency or public utility for (and any and all available credits or rights connected with a Vesting Tentative Map and associated land use entitlement documents relating thereto) the construction and installation of improvements and the payment of fees in connection with the development of the Property, all of which shall accrue to the benefit of Buyer at the Closing.

12) SELLER'S WARRANTIES AND/OR REPRESENTATIONS: Any representations or warranties made by Seller shall be true and correct as of the Closing Date as though made at that time. Seller hereby warrants and represents as hereinafter set forth:

a) Seller is the owner of and has full right, power and authority to sell, convey and transfer the Property to Buyer as provided herein and to carry out Seller's obligations hereunder.

b) Seller herein shall continue to operate and manage the Property in a reasonable, diligent and prudent manner, provided however, Seller shall not enter into any contracts pertaining to the Property prior to the Closing Date without Buyer's consent in writing thereto.

c) Seller has no actual knowledge, that the Property and Seller's operation concerning the Property are in violation of any applicable federal, state, or local law, code, statute, regulation, ordinance, judicial order, or judicial holding and has not received notice from any governmental body claiming any such violation of any law, code, statute, regulation, ordinance, judicial order, or judicial holding nor has Seller any actual knowledge of any order or directive from any governmental body that any work or repair, maintenance or improvement be performed on the Property.

d) Seller has no actual knowledge of any leases, oral or written, which affect the Property, except those specified in writing by Seller and having given buyer a copy of said Lease within 10 days of the acceptance of this offer.

e) Seller has disclosed all material defects in the land/or improvements, whether latent or patent, of which it has actual knowledge.

f) Seller has no actual knowledge of any unrecorded or undisclosed legal or equitable interest in the Property owned or claimed by any person, firm or corporation.

g) Seller has no actual knowledge, of any claim, litigation, proceeding or governmental investigation, including but not limited to condemnation, pending or threatened against or relating to the Property or the transaction contemplated hereby.

h) During the term of this Contract, Sellers shall not make or enter into any oral agreement(s), or make, enter into or sign any writing(s) of any kind whatsoever, including, but not limited to any contracts, agreements, memoranda or letters, including letters of intent or letters of understanding, regarding the listing, marketing or sale of the Property, or any part thereof or interest therein, except as may be consented to by Buyer, in advance, and in writing, or, as requested by a governmental entity. Sellers shall immediately give written notice to Buyer of any request, including a copy thereof, by any third party and/or governmental

agency to negotiate, make, sign or enter into any such writing(s). Further, Sellers shall disclose the existence of this Contract during any discussions that Sellers may have with any third parties regarding the Property, or any part thereof, or interest therein.

i) Upon the Closing Date, all customer accounts supplying services, materials, or any other work for or to the subject Property are to be current and paid to date, and if Buyer is required to pay any additional sums to clear these accounts, which are the expense of Seller, Seller hereby guarantees to reimburse Buyer for payment of these expenses within thirty (30) days from Buyer presenting to Seller verification of those amounts paid.

If Seller obtains actual knowledge of any fact or circumstance which would change a representation or warranty, Seller shall immediately give written notice of such changed fact or circumstance to Buyer, but this shall not relieve Seller of its liabilities or obligations with respect thereto.

All warranties, covenants, and representations and other obligations described herein, and otherwise provided in this Contract, to be performed or made by Seller, shall survive the close of escrow and delivery of the deed to the Property to Buyer.

13) BUYER'S WARRANTIES AND/OR REPRESENTATIONS: Any representations or warranties made by Buyer shall be true and correct as of the closing date as though made at that time. Buyer hereby warrants and represents as hereinafter set forth:

- a) Buyer is an experienced commercial/industrial/office developer or otherwise has contracted with experienced commercial/industrial/office developers, contractors, architects, and other professionals for the purposes of developing the Property.
- b) Buyer has the full right, power and lawful authority to purchase and accept conveyance of the Property and undertake all obligations as provided in this Contract and the execution, performance and delivery of this Contract by Buyer has been fully authorized by all requisite actions on the part of Buyer.
- c) To the best of Buyer's knowledge, Buyer's execution, delivery and performance of its obligations under this Contract will not constitute a default or a breach under any contract, agreement or order to which Buyer is a party or by which it is bound.
- d) Buyer is not the subject of a bankruptcy or other insolvency proceeding.
- e) All documents, instruments and other information delivered by Buyer to Seller pursuant to this Contract are, to the best of Buyer's knowledge, true, correct and complete.
- f) To the best of the Buyer's knowledge, there are no broker's commissions or finder's fees payable in connection with sale of the Property.
- g) Until closing, Buyer shall, upon learning of any fact or condition which would cause any of the warranties and representations in this section not to be true as of the closing, immediately give written notice of such fact or condition to Seller. Such exception(s) to a representation shall not be deemed a breach by Buyer hereunder, but shall constitute an exception which Seller shall have a right to approve or disapprove if such exception would have an effect on the value and/or operation of the Property. If Seller elects to close escrow following disclosure of such information, Buyer's representations and warranties contained herein shall be deemed to have been made as of closing, subject to such exception(s). If, following the disclosure of such information, Seller elects to not close escrow, then this Contract and escrow shall automatically terminate,

and neither party shall have any further rights, obligations or liabilities hereunder and any deposits shall be returned to Buyer.

h) All of the representations and warranties set forth in this section are made with the acknowledgment that they are material, and with the intention that Seller shall rely upon them as inducements to enter into this Contract and to perform its obligations hereunder and to close the transactions contemplated herein. The representations and warranties contained in this section shall each survive the execution of this Contract and closing.

14) SELLER'S ENVIRONMENTAL/HAZARDOUS WASTE REPRESENTATIONS: Seller has no actual knowledge:

- a) Of any underground storage tanks located on the Property.
- b) Of any Hazardous Substance currently or in the past being used on, under or in, the Property except in compliance with all applicable Environmental Requirements, and in amounts consistent with the current use of the property.
- c) Of the receipt by Seller of any summons, citation, notice, or other communication from any federal, state or local governmental agency concerning the use or disposition of Hazardous Substances or concerning any actual or alleged violation of any Environmental Requirements.

After the close of escrow each Party, the Buyer and the Seller, shall be responsible for the remediation cost of environmental contamination found to have occurred on the property during their period of ownership, which will be defined as to the Buyer as "the period after the close of escrow", and as to the Seller as "the period prior to the close of escrow".

For purposes of the foregoing, the terms "environmental requirements and hazardous substances" shall have the meanings set forth in an ADDENDUM to this Contract entitled "Environmental Definitions" attached hereto.

14A) SELLER'S INDEMNIFICATION: **For incidents occurring during the time period Seller owned the Property and solely in accordance with State and federal law,** Seller will indemnify, protect, defend, and hold harmless Buyer and Buyer's employees, agents, customers, visitors, invitees, licensees, contractors, designees, tenants, partners, directors, officers, shareholders, lenders, and each of their respective successors and assigns (individually and collectively "Buyer Indemnifications") from and against all claims, judgments, causes of action, damages, penalties, fines, taxes, costs, liabilities, losses, and expenses arising (directly or indirectly) as a result of the presence of any Hazardous Materials on the Property existing as of the Close of Escrow.

15) RIGHT OF ENTRY: In reference to Paragraph 11, contained herein, Buyer and its designated agents, at all reasonable times after the execution of escrow instructions (provided Buyer and its designated agents do not disturb any occupants of the herein described property), shall have access and the right to enter the Property for purposes of conducting inspections, surveys, studies and tests of the Property, relating but not limited to soil, water, wells, and other improvements. Buyer has the right to authorize others to enter the Property for purposes of conducting inspections, surveys, studies and tests. Buyer shall have the right to take samples of soil and water from the surface and subsurface of the Property.

Buyer shall indemnify and hold Seller harmless from and against any and all costs, damages, expenses, claims or liabilities, and reasonable attorney fees in respect thereof, including but not limited to claims arising from personal

injury, loss of life and/or property damage which results from the acts or omissions of Buyer or its agents and employees in performing or preparing for any such inspection and/or testing activity on or about the Property. Buyer shall promptly pay all costs, fees and expenses incurred as a result of or associated with such inspection work done or caused to be done by it on the Property as permitted hereby. Buyer shall keep the Property free from any and all mechanics, material suppliers, design professional or similar liens or charges resulting from work done or caused to be done by it on the Property. Buyer shall have the right to contest the correctness or validity of any such lien, if not later than ten (10) business days after demand by Seller, their agents or attorneys, Buyer procures and records a Lien Release Bond issued by a corporation authorized to issue surety bonds in California in an amount equal to one and one-half (1½) times the amount of the claim of lien. The bond shall meet the requirements of California Civil Code § 3143 and shall provide for the payment of any sum that the claimant may recover on the claim (together with the costs of suit, if the claimant recovers in such action).

16) DEFAULTS AND REMEDIES: Either party's failure to perform any material action or material covenant as required by this Agreement, following notice and failure to cure, is a "Default" under this Agreement. A party claiming a Default shall give written notice of Default to the other party specifying the Default complained of, and the cure demanded. Except as otherwise expressly provided in this Agreement, the noticing party shall not begin any proceeding against the other party until the other party is given an opportunity to cure the Default. The other party will have thirty (30) calendar days after receiving the notice to cure the Default, or, if the party cannot reasonably cure the Default within such thirty (30) days, the other party must begin to cure within the thirty (30) days and diligently pursue the cure to completion, whereupon there shall be no event of Default.

Subject to first giving the notice and opportunity to cure, a party may begin an action at law to enforce, or in equity to seek specific performance of, the terms of this Agreement, or to cure, correct, or remedy any Default, to recover damages for any Default, or to obtain any other remedy consistent with the purpose of this Agreement. A party must bring any legal action in the Superior Court of the County of Fresno, State of California.

The rights and remedies of the parties are cumulative, and a party's exercise of one or more rights or remedies will not preclude the party's exercise, at the same or different times, of any other rights or remedies for the same or any other Default of the other party.

17) BUYER'S ASSIGNMENT RIGHTS: Buyer may elect, prior to closing, to assign the rights under this Contract provided the assignee agrees in writing to be bound to the terms of this Contract and provided the assignee is able to make the representations and warranties set forth in section 13. This right includes actions to affect an exchange pursuant to the provisions of Section 1031 of the Internal Revenue Code. Seller agrees to execute such other and further documents that may be necessary in order to establish and close such exchange escrow.

18) DISCLOSURE I.R.C. 1031 TAX DEFERRED EXCHANGE: IT MAY BE THE INTENTION OF THE BUYER TO EFFECT A TAX DEFERRED EXCHANGE WITHIN THE MEANING OF SECTION 1031 OF THE INTERNAL REVENUE CODE, AND SECTIONS 18031 AND 18043 OF THE STATE OF CALIFORNIA REVENUE AND TAXATION CODE, and Buyer is relying solely on their own inquiry and information, and acknowledge that they have been advised to seek the counsel of their tax attorney and/or certified public accountant with respect to the determination of any income tax consequences of such a transaction. Therefore, Buyer hereby agrees to indemnify, defend, and hold Escrow Holder, its owners and employees, and real estate brokers, harmless, including attorney's fees, from any structuring or any loss which Buyer may sustain in the event such a transaction is audited and disallowed as a Section 1031 of the Internal Revenue Code, or Sections 18031 or 18043 of the State of California Revenue and Taxation Code, as the disallowance would be subsequent to the close of an exchange and the termination of the escrow.

19) REASSESSMENT DISCLOSURE: Buyer is hereby made aware that the subject Property may be reassessed by the County Tax Collector upon transfer of title.

20) NON-DISCRIMINATION: Buyer, in the operations to be conducted pursuant to the terms of this sale, and otherwise upon the Property, shall not, on the grounds of race, color, sex or national origin, discriminate or permit the discrimination against any person or persons in any manner prohibited by the Civil Rights Act of 1964 or amendments thereto.

21) CONDEMNATION: If, before the closing date either Buyer or Seller receives notice of any condemnation or eminent domain proceeding, or any proceeding in lieu of condemnation being initiated against the Property, the Party receiving the notice shall promptly notify the other party of the fact. Buyer may elect within thirty (30) days after the date the notice is received to either: (a) proceed with the purchase of the affected portion of the Property as contemplated by this Contract, and if so, all condemnation proceedings shall be paid to Buyer (or assigned if not yet collected); (b) reduce the Purchase Price by the amount of the condemnation proceeds, and if so, all condemnation proceeds shall be paid to Seller; or (c) terminate the Contract with respect to such portion.

22) SEVERABILITY: In the event any provision of this Contract or the application thereof, to any party or circumstance, shall be held invalid or unenforceable to any extent, the remainder of this Contract and the application of such provision to the other party, or circumstances shall not be affected thereby.

23) BINDING EFFECT: This Contract shall be binding upon and inure to the benefit of the parties to the Contract and their heirs, personal representatives, successors, and assigns, except as otherwise provided in this Contract.

24) GOVERNING LAW/CAPTIONS: This Contract and the legal relations between the parties shall be governed by and construed in accordance with the laws of the State of California. The captions heading the various sections of this Contract are for convenience and shall not be considered to limit, expand, or define the contents of the respective sections.

25) WAIVER: The waiver by any party to this Contract to the timely performance of any term, condition or covenant hereof shall not be construed to be a waiver of the timely performance of the same or any other term, condition or covenant when due.

26) DEPOSIT NECESSARY DOCUMENTS: Each party hereto shall deposit in escrow any and all documents required to be deposited by that party pursuant to this Contract or the escrow instructions.

27) CONFLICTING INSTRUCTIONS: In the event there is a conflict between the terms of this Contract and any supplemental escrow instructions, the terms and conditions of this Contract shall supersede and control the escrow instructions.

28) ENTIRE AGREEMENT: This Contract constitutes the entire agreement between the parties relating to the sale of the Property. Any prior agreements, promises, negotiations or representations not expressly set forth in this Contract are of no force and effect. Any amendment to this Contract shall be of no force and effect unless it is in writing and signed by the Buyer and Seller.

29) TIME: Time is of the essence of this Contract. All modifications or extensions shall be in writing signed by the parties.

ACCEPTANCE

The undersigned Buyer offers to buy the above described Property on the terms and conditions above stated and acknowledges receipt of a copy hereof. Buyer's signature hereon constitutes an offer to Seller to purchase the Property.

Buyer: Don Pickett & Associates, Inc.

Signature: _____ Date _____
Michael P. Pickett, President

The undersigned Seller(s) accepts the foregoing Purchase Contract and hereby agrees to sell the Property to Buyer(s) on the terms and conditions set forth above. Seller(s) acknowledges receipt of a copy hereof and shall deliver a signed copy to Buyer(s) and to the Escrow Holder.

Seller: City of Clovis

Signature: _____ Date _____

Print name: _____ Title _____

ADDENDUM

ENVIRONMENTAL DEFINITIONS

1. "Environmental Requirements" means and includes, with limitation, all federal, state, local, or municipal laws, rules, orders, regulations, statutes, ordinances, codes, decrees, or requirements of any government authority regulation, relating to, or imposing liability or standards of conduct concerning any Hazardous Substance (as later defined), pertaining to occupational health or industrial hygiene (and only to the extent that the occupational health or industrial hygiene laws, ordinances, or regulations relate to Hazardous Substances on, under, or about the Property), occupational or environmental conditions on, under, or about the Property, as now or may at any later time be in effect, including without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) [42 USCS §§ 9601 et seq.]; the Resource Conservation and Recovery Act of 1976 (RCRA) [42 USCS §§ 6901 et seq.]; the Clean Water Act, also known as the Federal Water Pollution Control Act (FWPCA) [33 USCS §§ 1251 et seq.]; the Toxic Substance Control Act (TSCA) [15 USCS §§ 2601 et seq.]; the Hazardous Materials Transportation Act (HTMA) [49 USCS §§ 1801 et seq.]; the Insecticide, Fungicide, Rodenticide Act [7 USCS §§ 136 et seq.]; the Superfund Amendments and Reauthorization Act [42 USCS §§ 6901 et seq.]; the Clean Air Act [42 USCS § 7401 et seq.]; the Safe Drinking Water Act [42 USCS §§ 300f et seq.]; the Solid Waste Disposal Act [42 USCS §§ 6901 et seq.]; the Surface Mining Control Act [30 USCS §§ 1201 et seq.]; the Emergency Planning and Community Right to Know Act [42 USCS §§ 11001 et seq.]; the Occupational Safety and Health Act [29 USCS §§ 655 and 657]; the California Underground Storage of Hazardous Substances Act [H&SC § 25300 et seq.]; the California Hazardous Waste Control Act [H&SC §§ 25100 et seq.]; the California Safe Drinking Water and Toxic Enforcement Act [H&SC §§ 24249.5 et seq.]; the Porter-Cologne Water Quality Act [Wat C §§ 13000 et seq.]; together with any amendments of or regulations promulgated under the statutes cited above and any other federal, state, or local law, statute ordinance or regulation now in effect or later enacted that pertains to occupational health or industrial hygiene, and only to the extent that the occupational health or industrial hygiene laws, ordinances, or regulations relate to Hazardous Substances on, under, or about the Property, or the regulation or protection of the environment, including ambient air, soil, soil vapor, groundwater, surface water, or land use.

2. "Hazardous Substances" means and includes, with limitation, the following:

- A. Those substances included within the definitions of hazardous substance, hazardous waste, hazardous material, toxic substance, solid waste, or pollutant or contaminant in CERCLA, RCRA, TSCA, HMTA, *or* under any other Environmental Law;
- B. Those substances listed as hazardous substances in the United States Department of Transportation (DOT) Table [49 CFR 172.101], or by the Environmental Protection Agency (EPA), or any successor agency [40 CFR Part 302];
- C. Other substances, materials, and wastes that are or become regulated or classified as hazardous or toxic under federal, state, or local laws or regulations; and
- D. Any material, waste, or substance that is (a) a petroleum or refined petroleum product, (b) asbestos, (c) polychlorinated biphenyl, (d) designated as a hazardous substance pursuant to 33 USCS § 1321 or listed pursuant to 33 USCS § 1317, (e) a flammable explosive, or (f) a radioactive material.

EXHIBIT 'A'

E. SUSSEX WAY

WELL

RECIPROCAL
EASEMENT

REC. CTR.

NORTH CLOVIS AVENUE

LOT AREAS:

BUYER TO PURCHASE: 633,135 SF.

SELLER TO RETAIN: 94,724 SF.

EAST DAKOTA

AVENUE



AGENDA ITEM NO: **5**
City Manager: *[Signature]*

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: September 10, 2018

SUBJECT: Approval - Res. 18- A Resolution of Intention (ROI) to Annex Territory (Annexation #54) (T6186-South East Corner of Bullard and Leonard), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and setting the Public Hearing for October 15, 2018.

ATTACHMENTS: Resolution
Map

CONFLICT OF INTEREST

None

RECOMMENDATION

That the Council approve Res. 18-____, A Resolution of Intention to Annex Territory(Annexation #54) to Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes therein and setting the Public Hearing for October 15, 2018.

EXECUTIVE SUMMARY

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

BACKGROUND

Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004 must petition to be annexed to the existing CFD. Recently a developer has submitted a petition to annex territory to the Community Facilities District

2004-1 and to include his subdivision within the District as provided by the conditions of approval of the development entitlements.

To initiate the process for annexation of territory to a CFD, the Council must approve a Resolution of Intention (ROI) to annex territory to the CFD. The ROI included with this report includes various actions necessary for the annexation to the CFD. The Rate and Method of Apportionment (RMA) referred to in the ROI is as adopted by the Council with the Resolution of Formation adopted March 8, 2004.

The area to be annexed T6186-South East Corner of Bullard and Leonard is shown in the attached map.

FISCAL IMPACT

No fiscal impact by this action.

REASON FOR RECOMMENDATION

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

ACTIONS FOLLOWING APPROVAL

The Staff will take appropriate steps to schedule the Public Hearing on the Annexation of Territory to the CFD for October 15, 2018 and will provide the notices in accordance with law.

Prepared by: Steve Nourian

Submitted by: Jay Schengel, Finance Director 

RESOLUTION NO. 18-____

**A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES
DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN**

**CITY OF CLOVIS
Community Facilities District No. 2004-1
(Police and Fire Services)
Annexation No. 54**

RESOLVED by the City Council (the "Council") of the City of Clovis (the "City"), County of Fresno, State of California, that:

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

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

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- 1. Findings.** This Council hereby finds and determines that public convenience and necessity require that territory be added to the CFD.
- 2. Territory Described.** The name of the existing CFD is "Community Facilities District No. 2004-1 (Police and Fire Services)". The territory included in the existing CFD is as shown on the map thereof filed in Book 40 of Maps of Assessment and Community Facilities Districts at Page 57, in the office of the County Recorder, County of Fresno, State of California, to which map reference is hereby made. The territory now proposed to be annexed to the CFD is as shown on the Annexation Map No. 54 to the CFD, on file with the Clerk, the boundaries of which territory are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to cause to be recorded said Annexation Map No. 54 to the CFD, showing the territory to be annexed, in the office of the County Recorder of the County of Fresno within fifteen days of the date of adoption of this resolution.
- 3. The Services.** The types of public services financed by the CFD and pursuant to the Act consist of those of the police and fire services (the "Services") as described in Exhibit A to Resolution No. 04-33, adopted by the Council on March 8, 2004 (the "Resolution of Formation"). It is presently intended that the Facilities (and the Services) will be shared, without preference or priority, by the existing territory in the CFD and the territory proposed to be annexed to the CFD.

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

5. Hearing. Monday, October 15, 2018, at 6:00 p.m. or as soon as possible thereafter, in the City Hall, Council Chambers, 1033 Fifth Street, Clovis, California, be, and the same are hereby appointed and fixed as the time and place when and where this Council, as legislative body for the CFD, will conduct a public hearing on the annexation of territory to the CFD and consider and finally determine whether the public interest, convenience and necessity require said annexation of territory to the CFD and the levy of such special tax therein.

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

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

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

I hereby certify that the foregoing Resolution was regularly introduced and adopted by the City Council of the City of Clovis at a meeting held September 10, 2018, by the following vote:

AYES:

NOES:

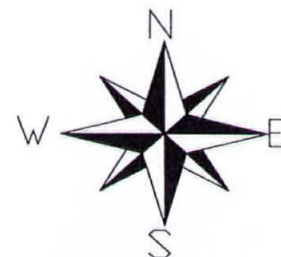
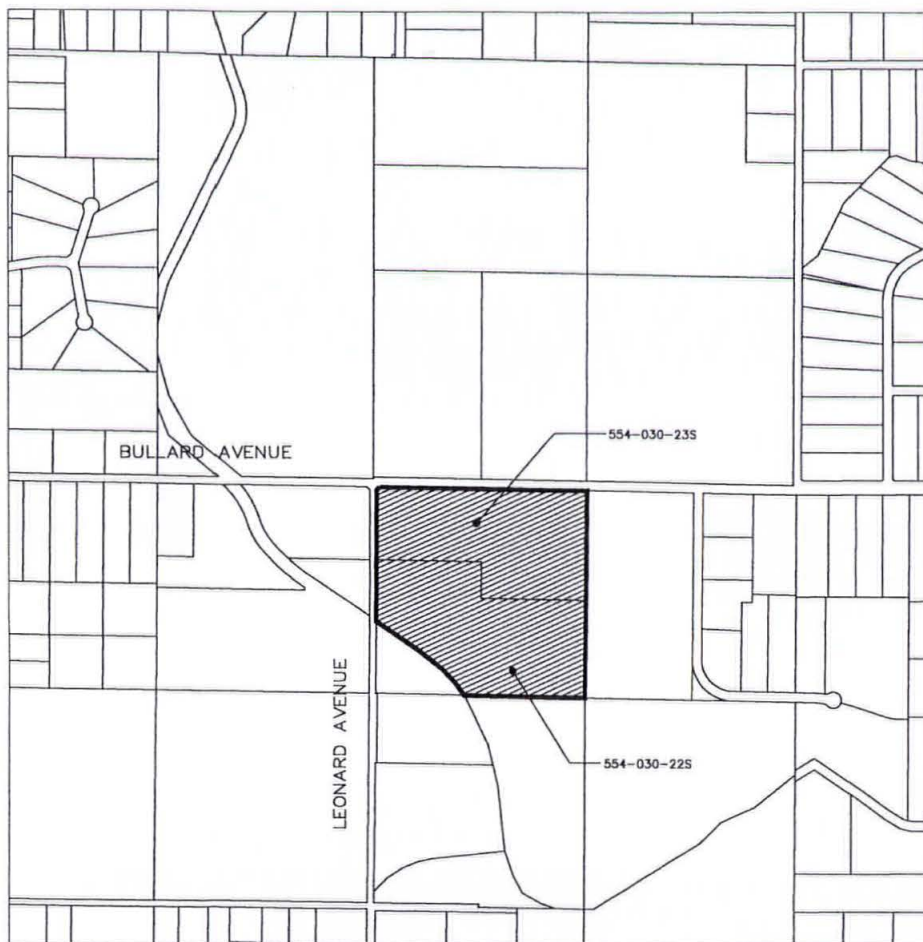
ABSENT:

ABSTAIN:

DATED:

Mayor

City Clerk



LEGEND

PARCEL
 ANNEXATION BOUNDARY
 APN 554-030-23S
 APN 554-030-22S

FILED IN THE OFFICE OF THE CITY CLERK THIS ____ DAY
 OF OCTOBER, 2018. I HEREBY CERTIFY THAT THE
 WITHIN MAP SHOWING PROPOSED BOUNDARIES OF
 ANNEXATION NO. 54 TO COMMUNITY FACILITIES DISTRICT NO.
 2004-1 (POLICE AND FIRE SERVICES), CITY OF CLOVIS,
 COUNTY OF FRESNO, STATE OF CALIFORNIA, WAS APPROVED
 BY THE CITY COUNCIL OF THE CITY OF CLOVIS AT A
 REGULAR MEETING THEREOF, HELD ON THE 15TH DAY OF
 OCTOBER, 2018, BY ITS RESOLUTION NO. 18-__.

JOHN HOLT
 CITY CLERK
 CITY OF CLOVIS

FILED THIS ____ DAY OF ____, 2018,
 AT THE HOUR OF ____ O'CLOCK ____, M. IN THE
 BOOK ____ PAGE ____ OF MAPS OF
 ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS
 INSTRUMENT NO. ____ IN THE
 OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF
 FRESNO, STATE OF CALIFORNIA.

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

REFERENCE IS MADE TO THAT BOUNDARY MAP OF
 COMMUNITY FACILITIES DISTRICT NO 2004-1 (POLICE AND
 FIRE SERVICES) OF THE CITY OF CLOVIS RECORDED WITH THE
 FRESNO COUNTY RECORDER'S OFFICE ON FEBRUARY 19,
 2004, IN BOOK 40 OF MAPS OF ASSESSMENT AND
 COMMUNITY FACILITIES DISTRICTS, PAGE 57.

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

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

ANNEXATION MAP NO. 54

COMMUNITY FACILITIES DISTRICT NO. 2004-1
 (POLICE AND FIRE SERVICES)

0 250' 500'
 SCALE : 1" = 500'

CITY OF CLOVIS
 COUNTY OF FRESNO
 STATE OF CALIFORNIA



AGENDA ITEM NO: 6
City Manager: *[Signature]*

CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Police Department

DATE: September 10, 2018

SUBJECT: Approval – Res. 18__, Amending the Police Department's Budget for FY 2018-2019 to reflect the award from the Office of Traffic Safety Selective Enforcement Traffic Program Grant in the amount of \$70,000.00

ATTACHMENTS: (A) Summary of Expenditures
(B) Resolution

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve a Resolution amending the 2018-2019 Budget for the Police Department to reflect the grant award from the Office of Traffic Safety Selective Enforcement Program.

EXECUTIVE SUMMARY

The Clovis Police Department has been awarded the amount of \$70,000.00 from the Office of Traffic Safety. These funds are for overtime operations related to traffic safety, pedestrian education, and traffic enforcement. The Grant period starts October 1, 2018, and ends September 30, 2019.

BACKGROUND

These grant funds are provided through the State of California, Office of Traffic Safety (OTS), Selective Traffic Enforcement Program (STEP). This grant will fund officers' overtime and training to conduct, DUI saturation details, warrant details, seat belt enforcement details, bicycle/pedestrian classroom workshops, child-passenger car seat details, and distracted driving enforcement operations. The grant award is for \$70,000.00 for one year.

FISCAL IMPACT

The Clovis Police Department has been awarded \$70,000.00 from Office of Traffic Safety and will use these funds for overtime traffic related details.

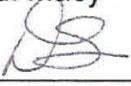
REASON FOR RECOMMENDATION

In compliance with the requirements of the Office of Traffic Safety Grant, it is necessary for the City Council to approve the acceptance of the grant, and amend the Police Department budget.

ACTIONS FOLLOWING APPROVAL

After the Council approval, the 2018-2019 Police Department Annual Budget Resolution will be amended as described.

Prepared by: Sandi Macy

Submitted by:  Dan Sullivan, Acting Chief of Police

SUMMARY OF EXPENDITURES

SUMMARY OF EXPENDITURES BY DEPARTMENT

DEPARTMENT

POLICE	\$70,000
TOTAL DEPARTMENT	\$70,000

SUMMARY OF EXPENDITURES BY FUND

GENERAL FUND	\$70,000
TOTAL FUND	\$70,000

All expenditures will be from 56300 (Police Department Grants)

RESOLUTION NO. 18-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING AN AMENDMENT TO THE ANNUAL BUDGET FOR THE FISCAL YEAR 2018-2019

WHEREAS, the City Council of the City of Clovis approved the 2018-2019 Budget on **May 14, 2018**; and

WHEREAS, the Police Department is to be awarded \$70,000 from the California Office of Traffic Safety to fund traffic enforcement operations; and

WHEREAS, the Police Department has need for enforcement, traffic safety, and education; and

WHEREAS, the City Council determines that the expenditures are necessary.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis that the 2018-2019 Budget is amended as provided in the Exhibit A "Summary of Expenditures, By Department," "Summary of Expenditures by Fund."

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on September 10, 2018, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: September 10, 2018

Mayor

City Clerk

ATTACHMENT B



AGENDA ITEM NO: 7

City Manager: [Signature]

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 10, 2018

SUBJECT: Consider Introduction – Ord. 18-____, R2016-17A, A request to approve an amendment to the conditions of approval of Rezone R2016-17 and the Loma Vista Community Centers North and South Master Plan to modify setback requirements and off-street parking requirements. The project site is located on the west side of Leonard Avenue, between Shaw and Gettysburg Avenues. Wilson Premier Homes, Inc., owner/ applicant; Harbour & Associates, representative.

ATTACHMENTS:

Figure 1:	Location Map
Exhibit "A:"	R2016-17A Conditions of Approval
Attachment 1:	Draft Ordinance
Attachment 2:	Planning Commission Minutes
Attachment 3:	Correspondence from Commenting Agencies
Attachment 4:	Applicant's Proposed Zoning Modifications
Exhibit "B:"	Site Plan
Exhibit "C:"	Loma Vista Community Centers PA8 & PA9

CONFLICT OF INTEREST

None.

RECOMMENDATION

Planning Commission and staff recommend that the City Council approve Rezone Amendment R2016-17A, subject to the conditions of approval listed as Exhibit "A."

EXECUTIVE SUMMARY

The applicant is requesting to amend Condition #5 of Rezone R2016-17 and the Loma Vista Community Centers North and South Master Plan for modification of the building setback and off-street parking requirements. Approval of this request would only change the development

standards of Planning Area #8A of the Master Plan and allow the applicant to continue processing the Site Plan Review drawings.

BACKGROUND

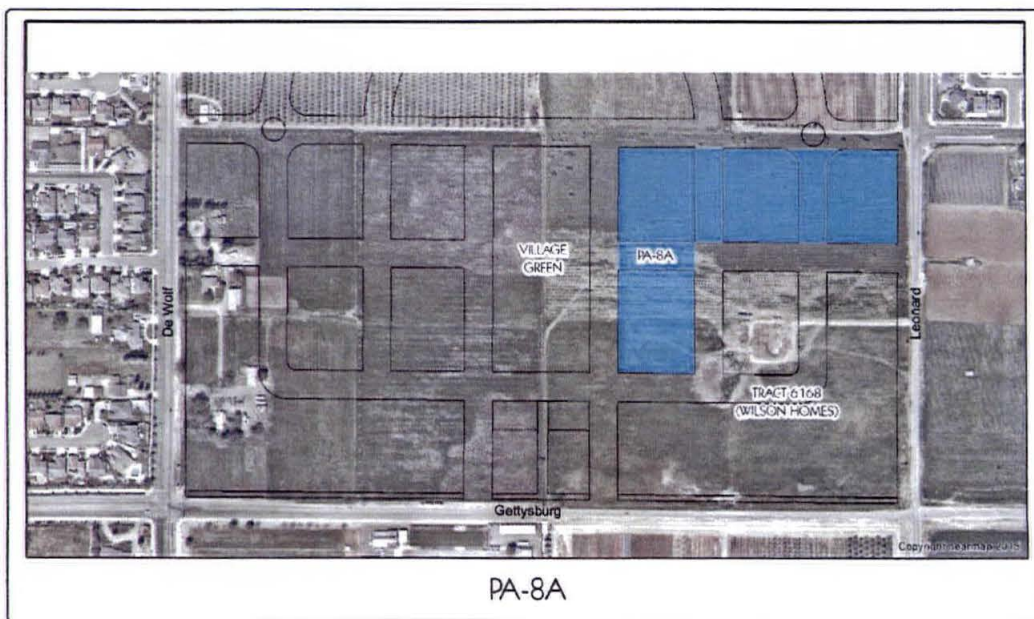
- General Plan Designation: High Density Res., Very High Density Res., and Mixed Use Village.
- Specific Plan Designation: High Density Res., Very High Density Res., and Mixed Use Village.
- Existing Zoning: R-4 (High Density Multiple Family Residential - 1 Unit/1,000 Sq. Ft.)
- Lot Size: 11.81 acres
- Current Land Use: Vacant
- Adjacent Land Uses:

North:	Agriculture
South:	School
East:	Agriculture
West:	Agriculture

PROPOSAL AND ANALYSIS

Rezone Amendment

The applicant is requesting to amend the Master Plan Community (M-P-C) Zone District to modify the development standards of Planning #8A within Loma Vista Community Center South. This Planning Area is required to provide a very high density residential use ranging between 25.1 to 43.0 dwelling units per acre. The allowed uses for Planning Area #8A included multi-family, duplexes, townhomes, triplex mansion homes, and additional uses allowed under Planning Area #9. The figure below shows the approved boundaries of Planning Area #8A.



Site Plan Review Submittal

Subsequent to approval of Planning Area #8A by the Commission and Council, the applicant completed Site Plan Review SPR2018-11, for the approval of the Project design of the multi-family project. The proposed site design and architectural elevations are consistent with the pedestrian connectivity as envisioned in the Master Plan. The exhibits below show the proposed elevations of one building facing the planned village green (open space) area.



Rear



Front

The applicant is requesting to modify the building setback and off-street parking requirements of Planning Area #8A in order to implement the development of the project at 25 units per acre. In staff's opinion, the proposed modifications retain the envisioned character of the urban village. In addition to assisting the City in complying with the 2016 Housing Element requirements, the project is adjacent to an approved gated single-family development and open space. Furthermore, bringing the buildings closer to the street will foster an intimate connectivity and interaction between pedestrians and residents in this area.

Development Standards

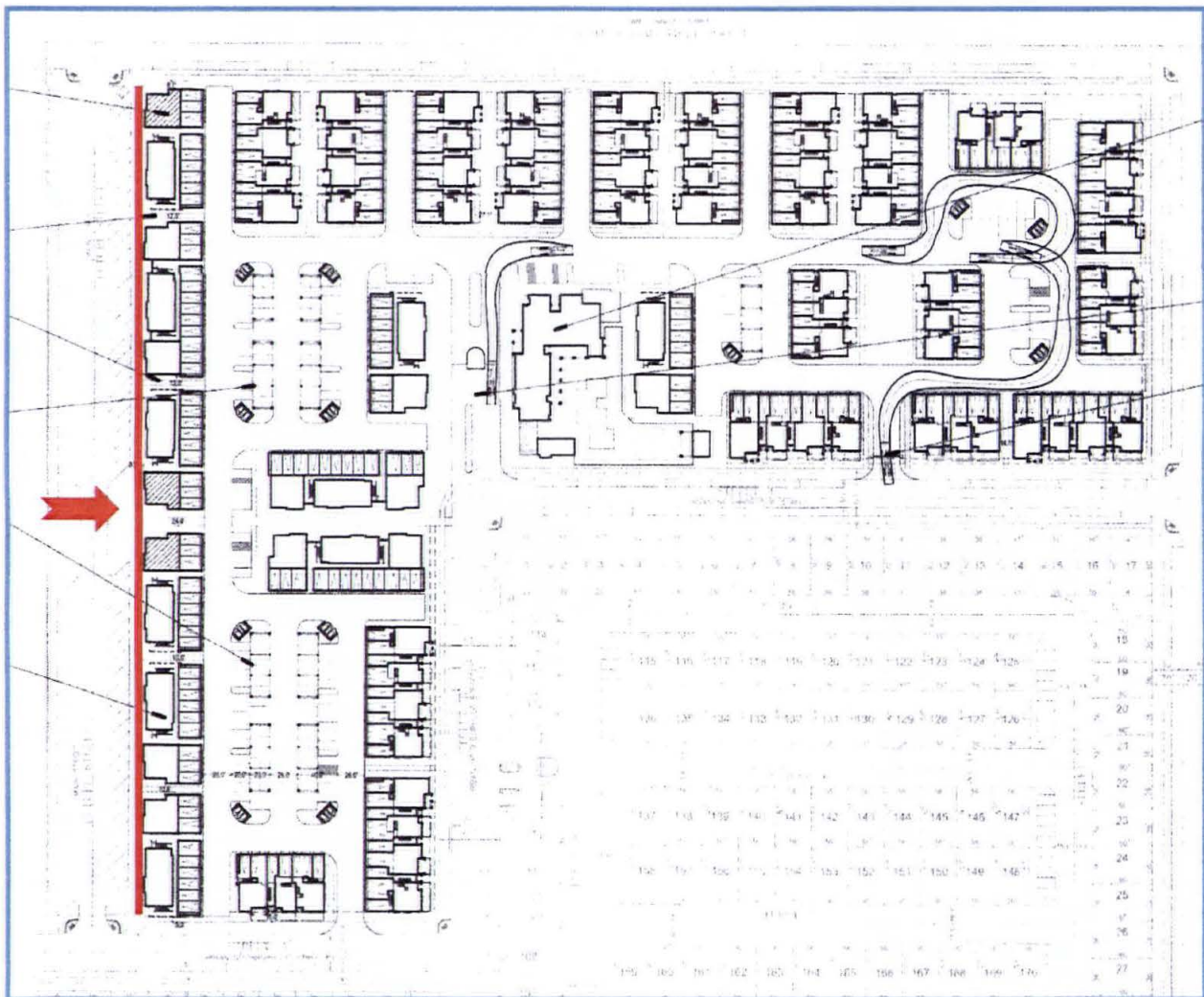
The applicant has provided a list of modifications in **bold**, *italic* and **highlighted** (current requirements in strikethrough) as follows (see Attachment 3):

Main Street (in **Red** below)

Setbacks	Front (Local Road)	Front (porch)	Side Yard	Corner Street Side	Rear
From Property Line	40' 3'	5'	5'	10'	10'

Setback to Courtyard: **0' feet**

Parking for Studio, 1 & 2 Bedroom Units:	1 Covered/ 40.5 Open
Parking for 3+ Bedroom Units:	1 Covered/ 20.5 Open
Additional Parking for Live-Work Units:	0 Covered/ 0.5 Open



Town Commons & Urban Neighborhood Streets (in **Red** below)

Setbacks	Front (Local Road)	Front (porch)	Side Yard	Corner Street Side	Rear
From Property Line	10'	5'	5'	40' 8.5'	10'

Setback to Courtyard: 0' feet

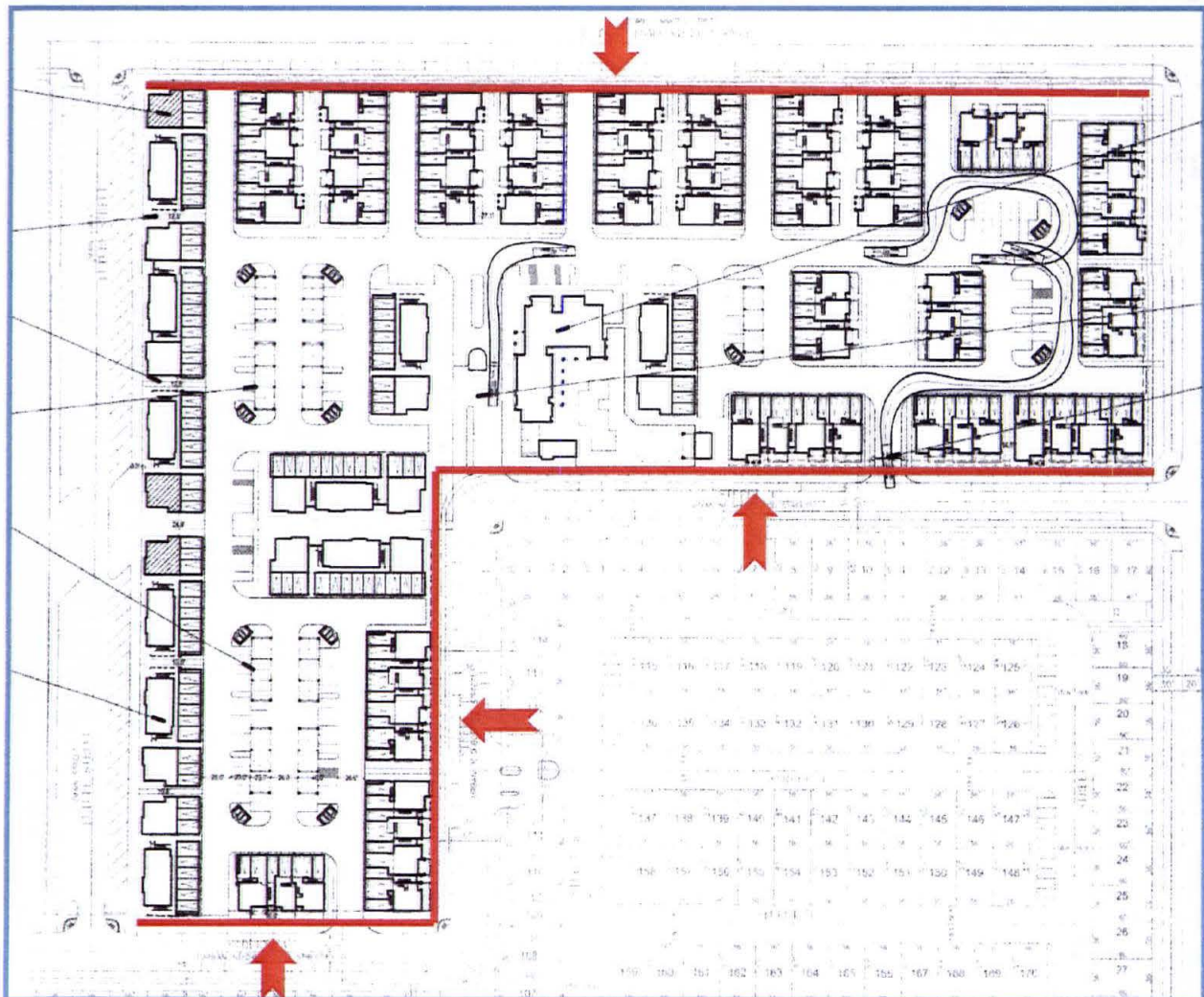
Setback to Architectural Projections: 5' feet

Setback to Garages: 5' feet

Corner/ Street Side Setback to Courtyard: 5' feet

Parking for Studio, 1 & 2 Bedroom Units: 1 Covered/ **40.5** Open

Parking for 3+ Bedroom Units: 1 Covered/ **20.5** Open



Leonard Avenue (in **Red** below)

Setbacks Front (Local Road) Front (porch) Side Yard Corner Street Side Rear

From Property Line 10' 5' 5' 40'* 10'

Setback to Courtyard: 0' feet

Setback to Architectural Projections: 5' feet

Setback to Porches: 5' feet

***Corner/ Street Side Setback to Living:** 8' feet

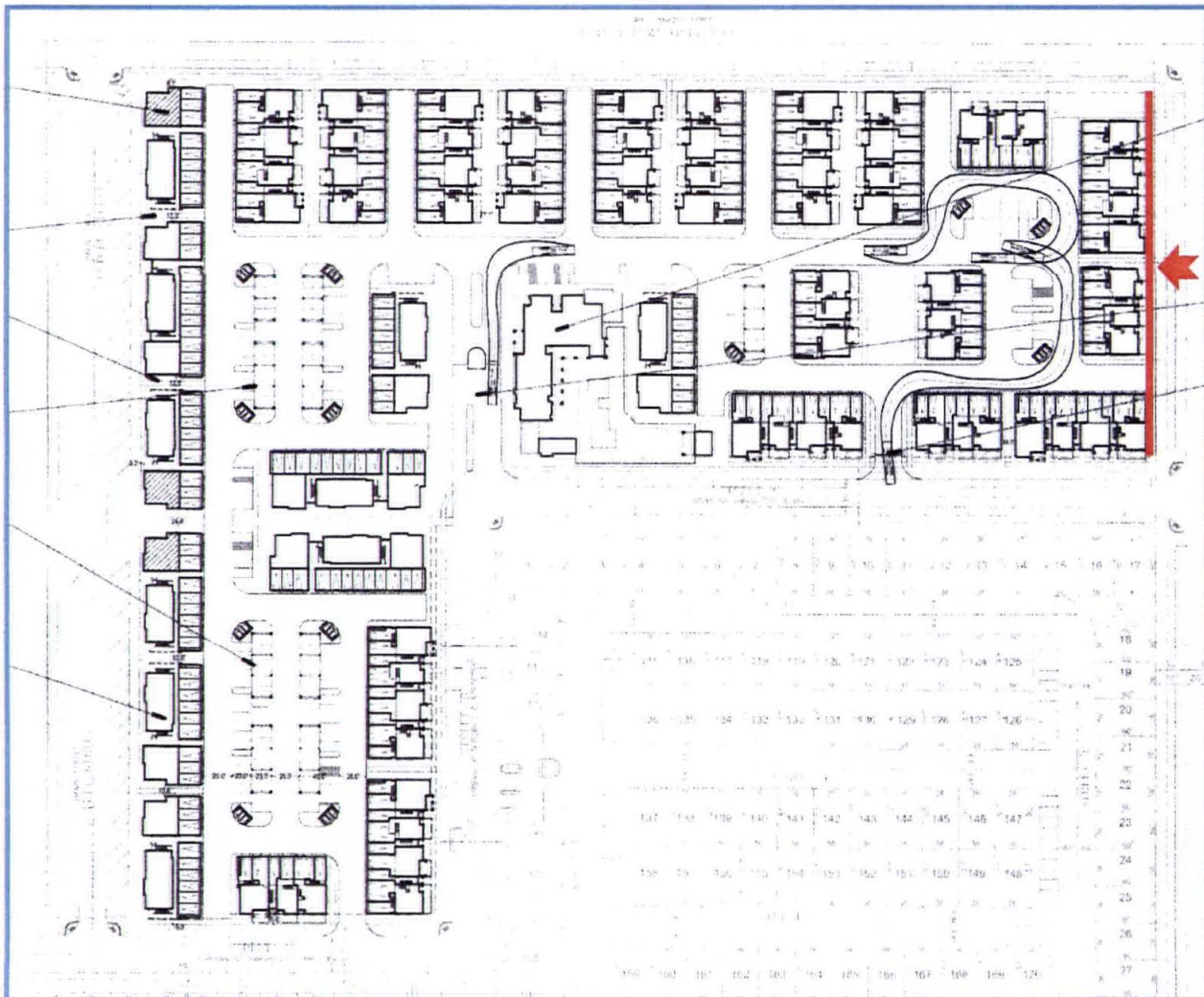
***Corner/ Street Side Setback to Architectural Projects:** 7' feet

***Corner/ Street Side Setback to Porches:** 7' feet

***Corner/ Street Side Setback to courtyard:** 7' feet

Parking for Studio, 1 & 2 Bedroom Units: 1 Covered/ 40.5 Open

Parking for 3+ Bedroom Units: 1 Covered/ 20.5 Open



Police Department Concerns

Planning staff has met with the Police Department to discuss the subject Rezone Amendment request. Police staff's primary concern with the Rezone Amendment is the reduction of parking stalls. The proposed project will be a gated development and will have an on-site manager to enforce regulations, including parking violations. Planning and Police staff visited sites in Fresno where the ratio of 1.5 parking spaces per unit was implemented. At the two developments, parking was evaluated around 6:30 in the evening on a weekday. In both cases, parking was available within the parking areas. Both projects had adjacent streets that allowed off-site parking; however, there were no cars parked on the street at that time.

After review of the two projects in Fresno, staff feels that the reduction of parking to 1.5 units per acre has merit with this project where one-third of the units are single bedroom and only thirteen percent are three bedroom. Additionally, the intent of the Loma Vista Community Centers North and South Master Plan is to provide a community plan that shares its parking throughout for both the businesses and residents as well as special events.

Public Comments

A public notice was mailed to area residents within 600 feet of the property boundaries, using the latest equalized tax roll information from the County Assessor office. Staff has not received comments or concerns from the public upon finalization of this report.

Review and Comments from Agencies

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

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

Planning Commission Comments

The Planning Commission considered this Project on Thursday, July 26, 2018. The Commission approved Rezone Amendment R2016-17A by a vote of 4-0.

The Commission had concerns with the reduction of the parking spaces and building setback proposals. However, after staff's discussion of both requests, the Commission felt more comfortable with the applicant's modifications and recommended a unanimous approval. Please see Attachment 2 to review the Planning Commission minutes for detailed discussion on parking and setbacks. Furthermore, the Police Department removed Condition #10 under

Consistency with General Plan Goals and Policies

Staff has evaluated the Project in light of the General Plan Land Use goals and policies. The following goals and policies reflect Clovis' desire to maintain Clovis' tradition of responsible planning and well managed growth to preserve the quality of life in existing neighborhoods and ensure the development of new neighborhoods with an equal quality of life. The goals and policies seek to foster more compact development patterns that can reduce the number, length, and duration of auto trips.

Goal 3: Orderly and sustainable outward growth into three Urban Centers with neighborhoods that provide a balanced mix of land uses and development types to support a community lifestyle and small town character.

Policy 3.3 Completion of Loma Vista. The City prioritizes the completion of Loma Vista while allowing growth to proceed elsewhere in the Clovis Planning Area in accordance with agreements with the County of Fresno and LAFCo policies.

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

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

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

California Environmental Quality Act (CEQA)

This project is in substantial conformance with the environmental analysis performed for the 2014 General Plan Update, 2014 Development Code Update, Site Plan Review SPR2008-10, and the Loma Vista Specific Plan EIR. No major revisions will be required with the adopted Environmental Impact Report or Mitigated Negative Declaration to accommodate the proposed project, therefore, subject to CEQA Sections 65457, no further environmental review is required for this project.

The City published notice of this public hearing in *The Business Journal* on Wednesday, August 29, 2018.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The proposed amendment to the Master Plan Community (M-P-C) Zone District remains consistent with the goals and policies of the General Plan, Loma Vista Specific Plan, Loma Vista Community Centers North and South, and Development Code. Staff's review of similar projects in Fresno found that a reduced parking ratio still satisfies the needs of the developments. Planning Commission and staff therefore recommend approval of Rezone Amendment R2016-17A, subject to the conditions of approval attached as Exhibit "A."

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

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


ACTIONS FOLLOWING APPROVAL

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

NOTICE OF HEARING

Property Owners within 600 feet notified:	33
Interested individuals notified:	10

Prepared by: George González, MPA, Associate Planner

Submitted by: 
Dwight Kroll, AICP
Director of Planning and Development

O:\Planning Projects\Rezone\R 2016\R2016-17A (Wilson LVCC North & South)\CC September 10, 2018\PDS - CC Staff Report R2016-17A.doc

**FIGURE 1
PROJECT LOCATION MAP**



EXHIBIT "A"
Conditions of Approval – R2016-17A
(As approved by the City Council – September 10, 2018)

PLANNING DIVISION CONDITIONS
(George González, Division Representative – (559) 324-2383)

1. Rezone Amendment R2016-17A approves an amendment to the Master Plan Community (M-P-C) Zone District to modify the building setbacks and parking requirements of Planning Area #8A within the Loma Vista Community Center South.
2. The developer shall provide (at their cost), updated sheets of the Loma Vista Community Centers North and South Master Plan with the approved modifications/ changes.
3. Planning Area #8A will provide for very high density residential uses with a density range not exceed 25.1 to 43.0 dwelling units per acre. Any development shall be constructed at a density of 25.1 units per developable acre as defined in the Loma Vista Specific Plan.
4. All setbacks shall be as follows:

Main Street

Setbacks	Front (Local Road)	Front (porch)	Side Yard	Corner Street Side	Rear
From Property Line	40' 3'	5'	5'	10'	10'

Setback to Courtyard: 0' feet

Parking for Studio, 1 & 2 Bedroom Units:	1 Covered/ 40' 0.5' Open
Parking for 3+ Bedroom Units:	1 Covered/ 20' 0.5' Open
Additional Parking for Live-Work Units:	0 Covered/ 0' 0.5' Open

Town Commons & Urban Neighborhood Streets

Setbacks	Front (Local Road)	Front (porch)	Side Yard	Corner Street Side	Rear
From Property Line	10'	5'	5'	40' 8.5'	10'

Setback to Courtyard: 0' feet

Setback to Architectural Projections: 5' feet

Setback to Garages: 5' feet

Corner/ Street Side Setback to Courtyard: 5' feet

Parking for Studio, 1 & 2 Bedroom Units:	1 Covered/ 40' 0.5' Open
Parking for 3+ Bedroom Units:	1 Covered/ 20' 0.5' Open

Leonard Avenue

Setbacks	Front (Local Road)	Front (porch)	Side Yard	Corner Street Side	Rear
From Property Line	10'	5'	5'	10'*	10'

Setback to Courtyard: 0' feet

Setback to Architectural Projections: 5' feet

Setback to Porches: 5' feet

***Corner/ Street Side Setback to Living:** 8' feet

***Corner/ Street Side Setback to Architectural Projects:** 7' feet

***Corner/ Street Side Setback to Porches:** 7' feet

***Corner/ Street Side Setback to courtyard:** 7' feet

Parking for Studio, 1 & 2 Bedroom Units: 1 Covered/ 40.5 Open

Parking for 3+ Bedroom Units: 1 Covered/ 20.5 Open

5. All conditions of R2016-17, TM6168, and any other applicable conditions are hereby referred to and made a part of this conditional use permit.

POLICE DEPARTMENT CONDITIONS

(Curt Shurtliff, Department Representative - 324-2400)

6. Construction work shall be limited to the hours set forth in the Clovis Municipal Code. (CMC § 5.18.15.)
7. It shall be the responsibility of the property owner to maintain the structures and adjoining fences to the project free of graffiti. All forms of graffiti shall be removed within 72 hours. (CMC §§ 5.18.02(r), 5.18.06 (b).)
8. Emergency phone numbers for responsible parties shall be kept current during the building phase of the project.
9. All construction materials shall be located within a secured area or monitored by security staff during non-construction hours.
10. ~~The Clovis Police Department request all vehicle and pedestrian entrance's and exit's be fitted with video recording that displays the vehicle license plate and facial features and shall be maintained for 30 days by the onsite manager.~~

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT CONDITIONS
(Michael Maxwell, FMFCD Representative - 456-3292)

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

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

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

DRAFT ORDINANCE

ATTACHMENT 1

**DRAFT
ORDINANCE 18-__**

AN ORDINANCE AMENDING AND CHANGING THE OFFICIAL ZONE MAP OF THE CITY OF CLOVIS IN ACCORDANCE WITH SECTIONS 9.08.020 AND 9.86.010 OF THE CLOVIS MUNICIPAL CODE TO AMEND THE CONDITIONS OF APPROVAL OF REZONE R2016-17 AND THE LOMA VISTA COMMUNITY CENTERS NORTH AND SOUTH MASTER PLAN FOR LAND LOCATED ON THE WEST SIDE OF LEONARD AVENUE, BETWEEN SHAW AND GETTYSBURG AVENUES AND FINDING THAT THE PROJECT IS IN SUBSTANTIAL CONFORMANCE WITH THE ENVIRONMENTAL ANALYSIS PERFORMED FOR THE 2014 GENERAL PLAN UPDATE, 2014 DEVELOPMENT CODE UPDATE, SITE PLAN REVIEW SPR2008-10, AND THE LOMA VISTA SPECIFIC PLAN EIR

LEGAL DESCRIPTION:

See the attached Exhibit "One."

WHEREAS, Wilson Premier Homes, Inc., 7550 North Palm Avenue, Suite 102, Fresno, CA 93711, has applied for a Rezone Amendment R2016-17A; and

WHEREAS, this is a request to approve an amendment to the conditions of approval of Rezone R2016-17 and the Loma Vista Community Centers North and South Master Plan to modify setback requirements and off-street parking requirements. The project site is located on the west side of Leonard Avenue, between Shaw and Gettysburg Avenues, in the City of Clovis, California; and

WHEREAS, the Planning Commission held a noticed Public Hearing on July 26, 2018, to consider the Project Approval, at which time interested persons were given opportunity to comment on the Project; and

WHEREAS, the Planning Commission recommended that the Council approve Rezone Amendment R2016-17A; and

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

WHEREAS, the City published Notice of a City Council Public Hearing for September 10, 2018, to consider Rezone Amendment R2016-17A. A copy of the Notice was delivered to interested parties within 600 feet of the project boundaries and published in The Business Journal; and

WHEREAS, the City Council does find the project in substantial conformance with the environmental analysis performed for the 2014 General Plan Update, 2014 Development Code Update, Site Plan Review SPR2008-10, and the Loma Vista Specific Plan EIR.

WHEREAS, the City Council held a noticed public hearing on September 10, 2018, to consider the approval of Rezone Amendment R2016-17A; and

WHEREAS, on September 10, 2018, the City Council considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to Rezone Amendment R2016-17A, which are maintained at the offices of the City of Clovis Planning and Development Services Department; and

WHEREAS, the City Council has evaluated and considered all comments, written and oral, received from persons who reviewed Rezone Amendment R2016-17A, or otherwise commented on the Project; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLOVIS DOES ORDAIN AS FOLLOWS:

SECTION 1: FINDINGS. The Council finds as follows:

1. That the proposed amendment is consistent with the goals, policies, and actions of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects. (§ 2, Ord. 14-13, eff. October 8, 2014)
4. The project is in substantial conformance with the environmental analysis performed for the 2014 General Plan Update, 2014 Development Code Update, Site Plan Review SPR2008-10, and the Loma Vista Specific Plan EIR.

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

Amendment to the conditions of approval of Rezone Amendment R2016-17A and the Loma Vista Community Centers North and South Master Plan to modify setback requirements and off-street parking requirements.

The property so reclassified is located on the west side of Leonard Avenue, between Shaw and Gettysburg Avenues in the City of Clovis, County of Fresno, California, and is more particularly described as shown in "Exhibit One."

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

SECTION 4: The record of proceedings is contained in the Planning and Development Services Department, located at 1033 Fifth Street, Clovis, California 93612, and the custodian of record is the City Planner.

APPROVED: September 10, 2018

Mayor

City Clerk

* * * * *

The foregoing Ordinance was introduced at a regular meeting of the City Council held on September 10, 2018, and was adopted at a regular meeting of said Council held on _____, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

City Clerk

PLANNING COMMISSION MINUTES

ATTACHMENT 2

CLOVIS PLANNING COMMISSION MINUTES

July 26, 2018

PUBLIC HEARINGS

- A. Consider approval Res. 18-40, **R2016-17A**, A request to approve an amendment to the conditions of approval of Rezone R2016-17 and the Loma Vista Community Centers North and South Master Plan to modify setback requirements and off-street parking requirements. The project site is located on the west side of Leonard Avenue, between Shaw and Gettysburg Avenues. Wilson Premier Homes, Inc., owner/applicant; Harbour & Associates, representative.

Associate Planner George Gonzalez presented the staff report. City Planner Bryan Araki also presented information regarding visits to similar projects to evaluate police department concerns.

Commissioner Cunningham inquired as to whether this apartment complex would have any effect on the affordable housing requirement. City Planner Araki replied that it does and explained.

Commissioner Cunningham followed up with an inquiry as to whether this project counts as infill development. City Planner Araki responded that it does not count as infill.

Commissioner Antuna expressed concern at the idea of reducing parking in the residential area near the Village Green area intended not only as a central area for the residents but also for a venue, which would further reduce available parking for the residents during events. She also expressed concern at a reduction in available parking due to the mixed use nature of the area, and the burden the overall parking reduction would place on the other area development. City Planner Araki responded that staff felt there would be no such burdening and explained.

Commissioner Antuna followed up with an inquiry as to whether the park was considered in the survey and the letter. City Planner Araki responded that they could compare what was happening within the gates, providing an explanation.

Chair Hinkle remarked that there is an increasing amount of multifamily and multi-generation development today, and inquired as to how much of that was considered with this project. City Planner Araki explained the extent of such consideration for staff and deferred to the applicant for more specifics.

Chair Hinkle sought and received confirmation that the master plan was approved with multi-use on the main street.

Chair Hinkle inquired as to the reasoning behind reducing the ten-foot setback to three feet. City Planner Araki explained the reasoning.

Chair Hinkle inquired as to the number of cars projected to burden the neighborhood if an event in the park area attracts 1,500 participants. City Planner Araki responded that a parking lot would be going in with the fire station across the street and that there would be a commercial center to the north of it which some would use as parking, hopefully also taking advantage of restaurants in the center at the same time. He also explained that parking cannot be designed

for the peak and that it will overflow into the neighborhoods at points, similar to downtown Clovis. Chair Hinkle explained that his concern is based on knowledge of the history of events in Clovis and their popularity, and that he wished to see how the increase in activity would be handled.

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

Dirk Poeschel of 923 Van Ness Avenue, Fresno, and Leo Wilson of 7550 N. Palm Avenue, Fresno, provided background on the project and offered to answer questions.

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

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

Chair Hinkle inquired as to whether there had been any consideration to the placement of electric vehicle charging stations outside the buildings in the project plans. Mr. Poeschel responded all buildings will have garages, allowing residents to connect through them. Chair Hinkle explained that he wants the applicant to consider the addition and placement of charging stations as the use of electric vehicles is a growing issue. Mr. Poeschel assured that they would give consideration to the topic.

Mr. Poeschel brought up a condition regarding cameras at the entry ways, stating that they are not objecting to the condition per se, but that they felt it should be something industry-wide, and therefore the condition should not be imposed on this project without first being a discussion through the industry, Commission and City Council. The applicant requested the elimination of this condition.

There being none, the Chair closed the public portion.

Commissioner Cunningham inquired as to the location of the aforementioned condition. City Planner Araki elaborated on the status of that issue in general and for this project in particular.

Commissioner Antuna inquired as to whether this project would be a good test site for this condition. City Planner Araki responded that the intent of the Police condition was to possibly provide cameras with clearer resolution, but that there were problems with the language of the condition as is, elaborating.

Commissioner Antuna followed up with an inquiry as to the course of action for this condition at this point. City Planner Araki provided potential wording, as staff would prefer this issue is resolved before the project goes before City Council.

Chair Hinkle remarked that this is good time to test out this issue, as it will come up in Heritage Grove, as well as how it will be handled if cars wind up out in the streets.

Commissioner Antuna inquired as to the calculation for the parking requirement per unit. City Planner Araki explained, and elaborated on the service of the spine street.

Chair Hinkle inquired as to whether the proposed recreation area would include any green space. Mr. Poeschel confirmed that it does, and City Planner Araki informed that this would also include a dog park.

Chair Hinkle expressed concern with extent of the reduced, three-foot setback and subsequent privacy issues arising from it, preferring a five-foot setback as a compromise.

Commissioner Cunningham expressed that he is comfortable with Condition #10, regarding the camera issue, as it is currently worded due to its nature as a request and that this would be a good test case. However, though he also felt concern regarding the reduced setback, he expressed belief that those who wish to live there will accept the proposed setback, as it is a desirable product for younger generations.

Commissioner Hatcher expressed that, though she shared her fellow commissioners' feelings regarding the reduced setback, the project does not involve so many units that they would not be rented. She also expressed comfort with this project being a test case.

Commissioner Antuna expressed admiration for the development and anticipation for events in the area. She also expressed agreement with Chair Hinkle's preference for a five-foot setback to increase privacy and with leaving in Condition #10.

Chair Hinkle expressed a desire to add a condition regarding having the developer consider the addition of charging stations, providing some details regarding acquaintances who own electric vehicles and the difficulties they have with charging.

City Planner Araki provided details on how much of each building frontage along the main street would be subject to three-foot, five-foot, and ten-foot or more setbacks.

Commissioner Antuna expressed gratitude for the clarification the details provided.

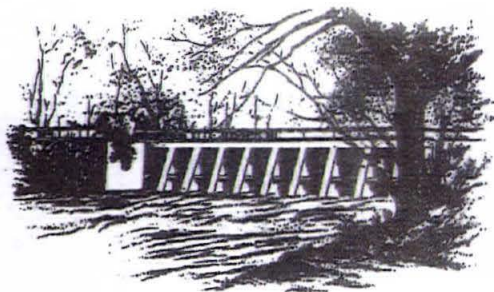
Chair Hinkle expressed that he is more comfortable with the setbacks after receiving that information, as he had been envisioning San Francisco setbacks.

Commissioner Cunningham, after making the motion, expressed discomfort with the idea of adding a condition regarding the charging stations, stating that the developer could sell them as an amenity for the development.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Antuna to approve R2016-17A. The motion was approved by a vote of 4-0.

CORRESPONDENCE

ATTACHMENT 3



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO
IRRIGATION DISTRICT

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

June 25, 2018

George Gonzalez
Planning Division
City of Clovis
1033 Fifth Street
Clovis, CA 93612

RE: Rezone Application No. 2016-17
NW Gettysburg and Leonard avenues

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed the Rezone Application No. 2016-17 for which the applicant requests approval for an amendment to conditions of approval of Rezone R2016-17 and the Loma Vista Master Plan to modify setback requirements and off-street parking requirements, APN: 555-031-29. 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, a privately owned canal known as McFarlane W. Br. No. 468 runs southerly and approximately 15 feet north of the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain this private facility. FID's records indicate this line is active and will need to be treated as such. FID can supply a list of known users upon request.
3. For informational purposes, a privately owned canal known as McFarlane E. Br. No. 468 runs southerly and approximately 400 feet east of the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain this private facility. FID's records indicate this line is active and will need to be treated as such. FID can supply a list of known users upon request.
4. For informational purposes, FID's Jefferson No. 112 runs southwesterly and crosses the intersection of Shaw and DeWolf avenues approximately 1,800 feet northwest 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, DeWolf Avenue, or in the vicinity of this canal/pipeline, FID requires it review and approve all plans.
5. For informational purposes, FID's Brown No. 113 runs southerly along the east side of DeWolf Avenue, crosses Shaw Avenue approximately 1,800 feet northwest 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, DeWolf Avenue, or in the vicinity of this pipeline, FID requires it review and approve all plans.

6. For informational purposes, Fresno Metropolitan Flood Control District's Dog Creek No. 154 runs southerly and crosses Shaw Avenue approximately 1,600 feet northeast of the subject property, as shown on the attached FID exhibit map. Should any improvements be necessary in the vicinity of the crossing, the applicant will be required to contact FMFCD to discuss any necessary improvements to their facility.
7. FID is concerned that the proposed development may negatively impact local groundwater supplies including those areas adjacent to or neighboring the proposed development area. The area was historically agricultural land and a significant portion of its water supply was imported surface water, supplemented by groundwater pumping or was fallowed with little to no water use. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a significant increase in dependence on groundwater, this deficit will increase. FID recommends the City of Clovis require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem.
8. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Clovis are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City of Clovis should consider the impacts of the development on the City's ability to comply with requirements of SGMA.

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

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachment



Fresno Metropolitan Flood Control District
Capturing Stormwater since 1956

File 210.434

June 26, 2018

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

Dear Mr. Gonzalez,

Rezone Application No. R2016-17A
Drainage Area "DO"

The comments previously provided in the letter dated December 27, 2016 are still applicable to this subsequent request for comment for Rezone 2016-17A. A copy of the letter is attached for your reference.

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

Very truly yours,

Michael Maxwell
Engineering Technician III

MM/lrl

k:\letters\rezone letters\clovis\2016\2016-017a(do)(mm).docx

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

1352 WEST OLIVE AVENUE

P.O. BOX 12616

FRESNO, CA 93778-2616

PHONE (559) 488-7307

FAX (559) 488-4088

TTY 711

www.dot.ca.gov

*Serious drought.
Help save water!*

June 22, 2018

FRE-168-9.352

R2016-17A

WILSON HOMES – MATHARU APARTMENTS

Mr. George Gonzalez
Associate Planner
City of Clovis
1033 Fifth Street
Clovis, California 93612

Dear Mr. Gonzalez:

Caltrans has completed its review of a request for an amendment to a rezone application for a mixed-use development of retail units and apartments. The project is related to Tentative Parcel Map 6168. The project is located at the southwest corner of Leonard Avenue and what will be Loma Vista Parkway. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. Caltrans provides the following comments consistent with the State's goals of supporting vibrant economy and sustainable communities:

This project is being amended to modify setback requirements and off-street parking requirements. Caltrans recommends the City work with the developer to ensure adequate parking for residents as well as for employees of both the apartment complex and the retail shops. The provision of ample space for loading zones and delivery truck circulation is also worthy of consideration.

It is projected that trips generated from the proposed high density residential development would impact both State Route (SR) 180 and SR 168 due to its central location. However, Caltrans recognizes that the City of Clovis is developing in a manner consistent with the City's General Plan. Caltrans is supportive of mixed-use projects, especially when centrally located within a city, such as the proposed project. Therefore, Caltrans recommends this project simply make a fair-share contribution to Fresno County's Regional Traffic Mitigation Fee (RTMF) program for future improvements. If you have questions, please call me at (559) 488-7307.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Gentry", with a stylized flourish at the end.

JAMAICA GENTRY
Transportation Planner
Transportation Planning-North

APPLICANT'S PROPOSED ZONING MODIFICATIONS

ATTACHMENT 4

MATHARU APARTMENTS

ZONING MODIFICATIONS

Proposed Off-Street Parking Requirements: 1.5 stalls per unit, one of which shall be covered

Proposed Minimum Building Setbacks:

Main Street:

Front – 3' to living space, 0' to courtyard

Town Commons & Urban Neighborhood Streets:

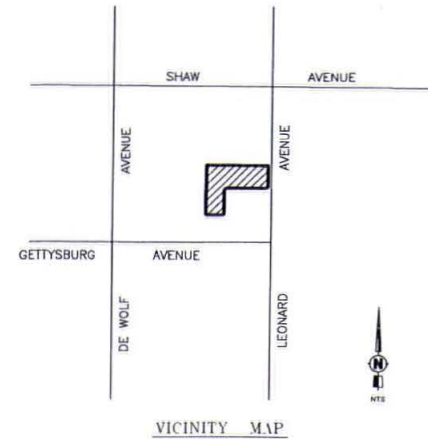
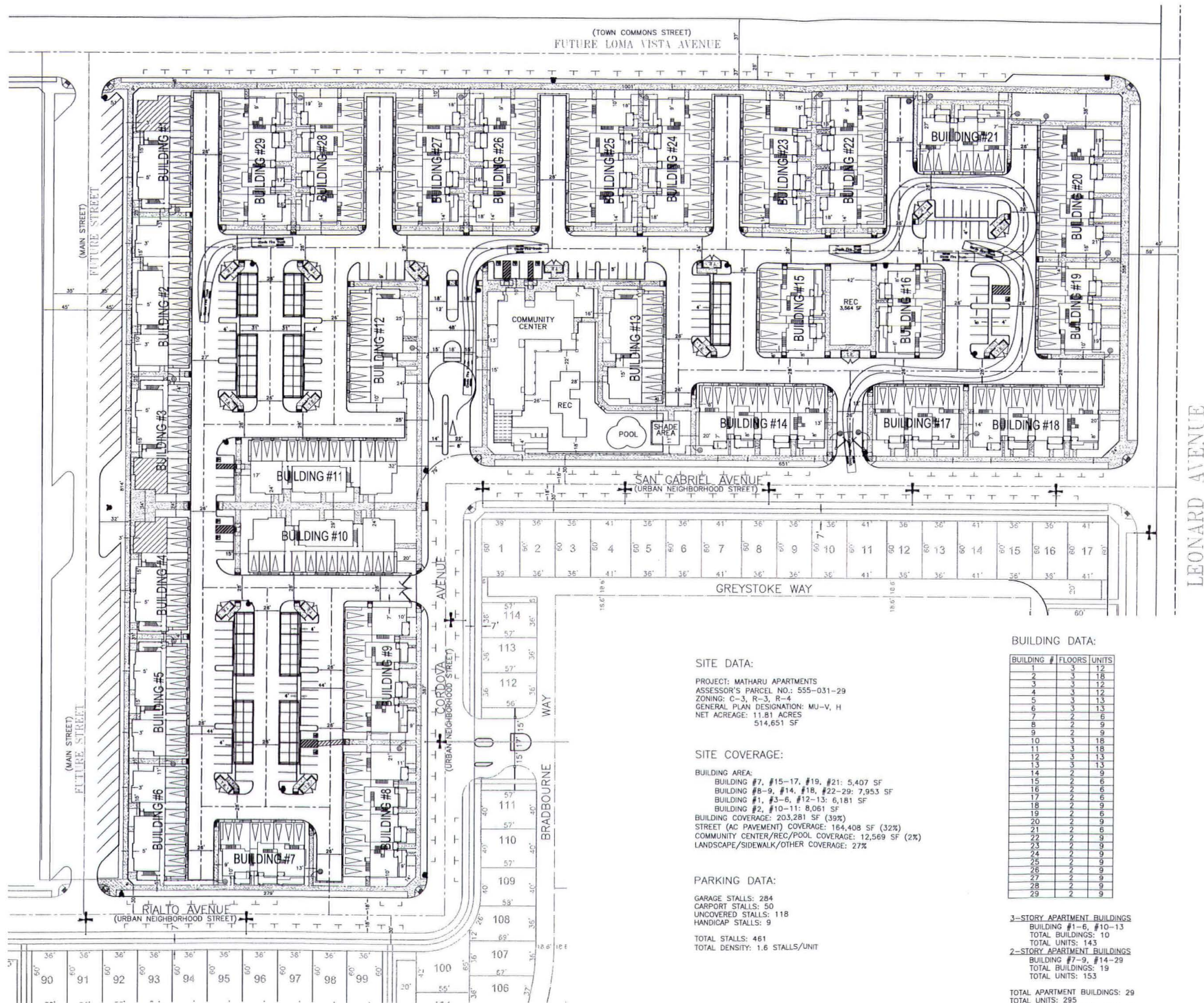
Front – 10' to living space, 5' to architectural projections and 0' to courtyard

Corner/Street Side – 8.5' to living space, 5' to garage/architectural projections/courtyards

Leonard Avenue:

Front – 10' to living space, 5' to architectural projections/porches/courtyards

Corner/Street Side – 8' to living space, 7' to architectural projections/porches/courtyards



NOTES:

1. REPAIR ALL DAMAGED AND/OR OFF-GRADE CONCRETE STREET IMPROVEMENTS AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEERING PRIOR TO OCCUPANCY.
1. ANY SURVEY MONUMENT WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR RESET BY A REGISTERED CIVIL ENGINEER OF LICENSED SURVEYOR.
2. TWO (2) WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATION WITHIN THE STREET RIGHT-OF-WAY AND/OR UTILITY EASEMENTS. ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICE ALERT (USA). CALL 1-800-642-2444.
3. TWO MEANS OF INGRESS/EGRESS MUST BE MAINTAINED DURING ALL PHASES OF DEVELOPMENT.
4. INDIVIDUAL TRASH BINS WILL BE PROVIDED FOR EACH UNIT AND OFFICE/REC. BUILDING.

LEGEND:

- T.E. PROPOSED TRASH ENCLOSURE PER CITY STD. DWG. M-3 & M-4
- PROPOSED FIRE HYDRANT PER CITY STD. DWG. W-3
- PROPOSED STREETLIGHT PER P.G.&E. PLANS
- PEDESTRIAN GATE WITH FIRE ACCESS PER CLOVIS FIRE DEPARTMENT GATES STANDARD #1.5

BUILDING DATA:

BUILDING #	FLOORS	UNITS
1	3	12
2	3	18
3	3	12
4	3	12
5	3	13
6	3	13
7	2	6
8	2	9
9	2	9
10	3	18
11	3	18
12	3	13
13	3	13
14	2	9
15	2	6
16	2	6
17	2	6
18	2	9
19	2	6
20	2	9
21	2	6
22	2	9
23	2	9
24	2	9
25	2	9
26	2	9
27	2	9
28	2	9
29	2	9

SITE DATA:

PROJECT: MATHARU APARTMENTS
 ASSESSOR'S PARCEL NO.: 555-031-29
 ZONING: C-3, R-3, R-4
 GENERAL PLAN DESIGNATION: MU-V, H
 NET ACREAGE: 11.81 ACRES
 514,651 SF

SITE COVERAGE:

BUILDING AREA:
 BUILDING #7, #15-17, #19, #21: 5,407 SF
 BUILDING #8-9, #14, #18, #22-29: 7,953 SF
 BUILDING #1, #3-6, #12-13: 6,181 SF
 BUILDING #2, #10-11: 8,061 SF
 BUILDING COVERAGE: 203,281 SF (39%)
 STREET (AC PAVEMENT) COVERAGE: 164,408 SF (32%)
 COMMUNITY CENTER/REC/POOL COVERAGE: 12,569 SF (2%)
 LANDSCAPE/SIDEWALK/OTHER COVERAGE: 27%

PARKING DATA:

GARAGE STALLS: 284
 CARPORT STALLS: 50
 UNCOVERED STALLS: 118
 HANDICAP STALLS: 9
 TOTAL STALLS: 461
 TOTAL DENSITY: 1.6 STALLS/UNIT

3-STORY APARTMENT BUILDINGS
 BUILDING #1-6, #10-13
 TOTAL BUILDINGS: 10
 TOTAL UNITS: 143
 2-STORY APARTMENT BUILDINGS
 BUILDING #7-9, #14-29
 TOTAL BUILDINGS: 19
 TOTAL UNITS: 153

TOTAL APARTMENT BUILDINGS: 29
 TOTAL UNITS: 295
 DENSITY: 25.0 UNITS/ACRE (NET)

EXHIBIT "B"

SITE PLAN REVIEW

Wilson Premier Homes, Inc.

7550 N. Palm Avenue
 Fresno, CA 93711
 559-224-7550



Harbour & Associates
 Civil Engineers
 389 Clovis Avenue, Suite 300 • Clovis, California 93612
 (559) 325-7676 • Fax (559) 325-7699 • e-mail: hars@harbour-engineering.com

REVISIONS

SHEET NO.

1
 OF
 1

DATE: 7-2-18

SCALE: 1" = 50'

DRAWN BY: SDH

Planning Area 8-Very High Density Residential

Planning Area 8 is a very high density residential district consisting of 9.6 acres in Community Center South. PA 8 will be characterized by compact, efficient apartments, townhomes, seniors apartments and live-work units. These micro-neighborhoods are a short walk from the vibrant mixed-use on the Village Green in PA 7 and the retail and entertainment center in PA 5 (or even a quick bike ride away from the Neighborhood Commercial Center in PA 4).

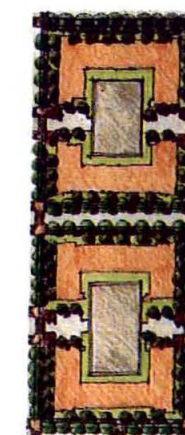
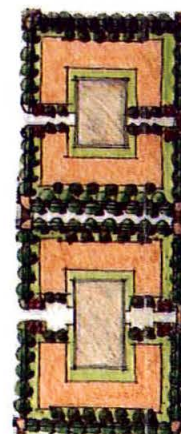
Development Standards

DESIGNATION	
General Plan	Very High Density Residential
Base Zoning District	R-4
Density Range	25.1 to 43 dwelling units per acre

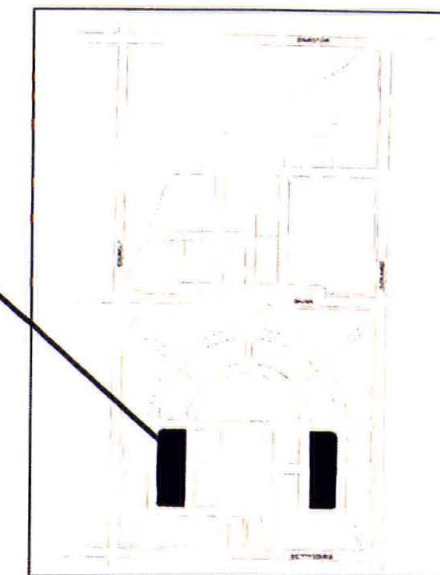
BUILDING INTENSITY		
Minimum Lot Area	N/A	
Minimum Lot Width	N/A	
Minimum Lot Depth	N/A	
Maximum building height	60'	4-stories
Maximum lot coverage	60%	

BUILDING SETBACKS (From Property Line)		
Front Yard to local road	10'	5' to porch
Side yard	5'	
Corner side yard	10'	
Rear yard*	10'	
* Setback to alley is 5'.		

MINIMUM BUILDING SEPARATION		
Front to Front,	2-stories 15'	Please review latest applicable building code for construction and fire wall requirements.
Front to Side,	3-stories 20'	
Front to Rear	4-stories 25'	
OR		
Rear to Rear		
Side to side	0'	



Key Map



Planning Area 8-Conceptual Illustrative



Townhomes



Stacked Flats

Planning Area 8-Very High Density Residential (cont.)

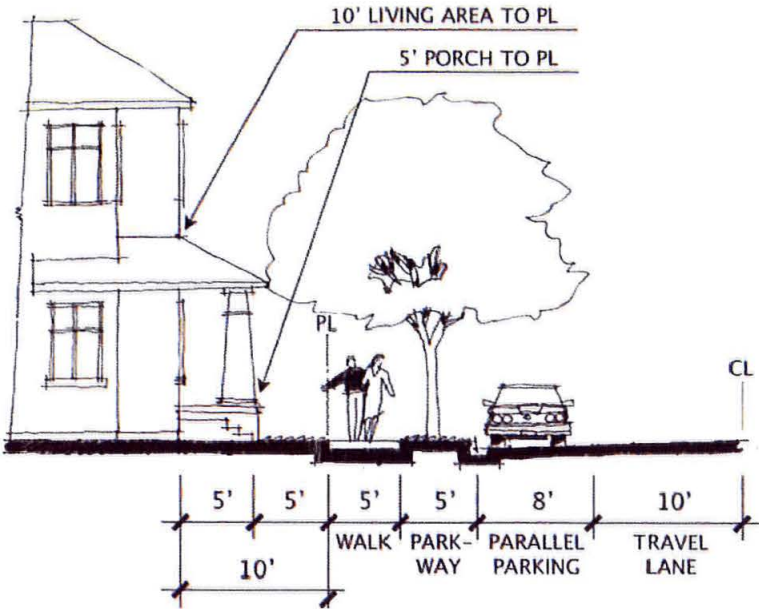
Development Standards

PEDESTRIAN and VEHICULAR CIRCULATION	
Local Roads	36'-40' ROW <i>see street sections</i>
Alleys	25' ROW, <i>see street sections</i>

PARKING			
USE	COVERED	OPEN	
Attached Residential *			
Studio, 1 & 2 BR	1	1	Add .5 for live-work units
3+ BR	1	2	1 car garage 10' x 20'
			2 car garage: standard 20' x 20'; tandem 12' x 40'
Senior Residential			
Active Adult	1	.25 per unit	
Semi Independent		.5 per unit	
Child Care		1 per 6 children	
*May be modified through CUP process.			

PERMITTED USES	
Stacked flats	
Townhomes	
Live-work (subject to a CUP)	
Apartments	
Senior apartments, active adult and semi-independent (subject to a CUP)	
Child care facility (subject to a CUP)	
Neighborhood pocket parks, tot-lots and open space amenities	
Internal pedestrian trails and bike paths	
Parking structure (subject to CUP)	

ACCESSORY USES		
Walls and Fences	3'-6'	No block walls adjacent to collector roads. No wall over 3' in required front yard.
Carports		Architecture to match neighborhood theme. Lattice also acceptable
Trash Enclosures		Architecture to match neighborhood theme
Parking and pedestrian lot lights to utilize Loma Vista street and paseo standards		



Front Setback to Local Road



Live-work



Senior housing

Planning Area 9- Mixed use on Village Green

Planning Area 9 provides for a mix of uses on a Village Green in Loma Vista's Community Center South. Retail, service, live-work units and/or mixed-use buildings should be sited to interact with the Village Green, which will contain a variety of public uses serving both community centers. This area is envisioned to have a similar look and feel of a Main Street, with the exception of the addition of a 9.2 acre park.

Development Standards

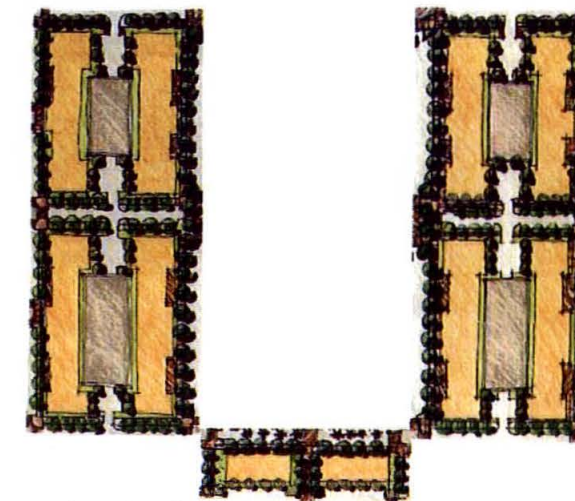
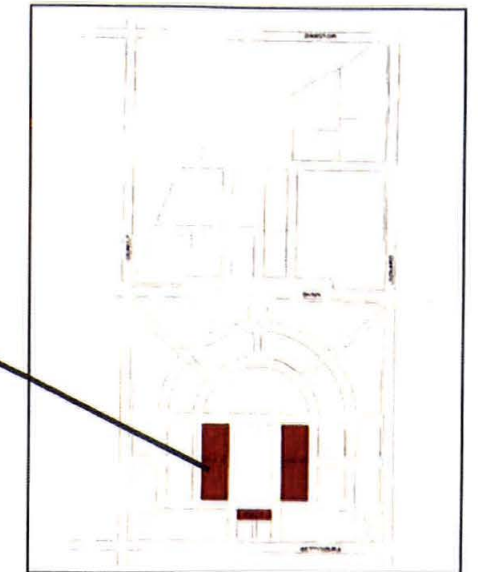
DESIGNATION	
General Plan	Community Center
Base Zoning District	P-C-C
Density Range	7-25 dwelling units per acre

BUILDING INTENSITY		
Minimum Lot Area	N/A	
Minimum Lot Width	N/A	
Minimum Lot Depth	N/A	
Maximum building height	60'	4-stories
Maximum F.A.R.	1	

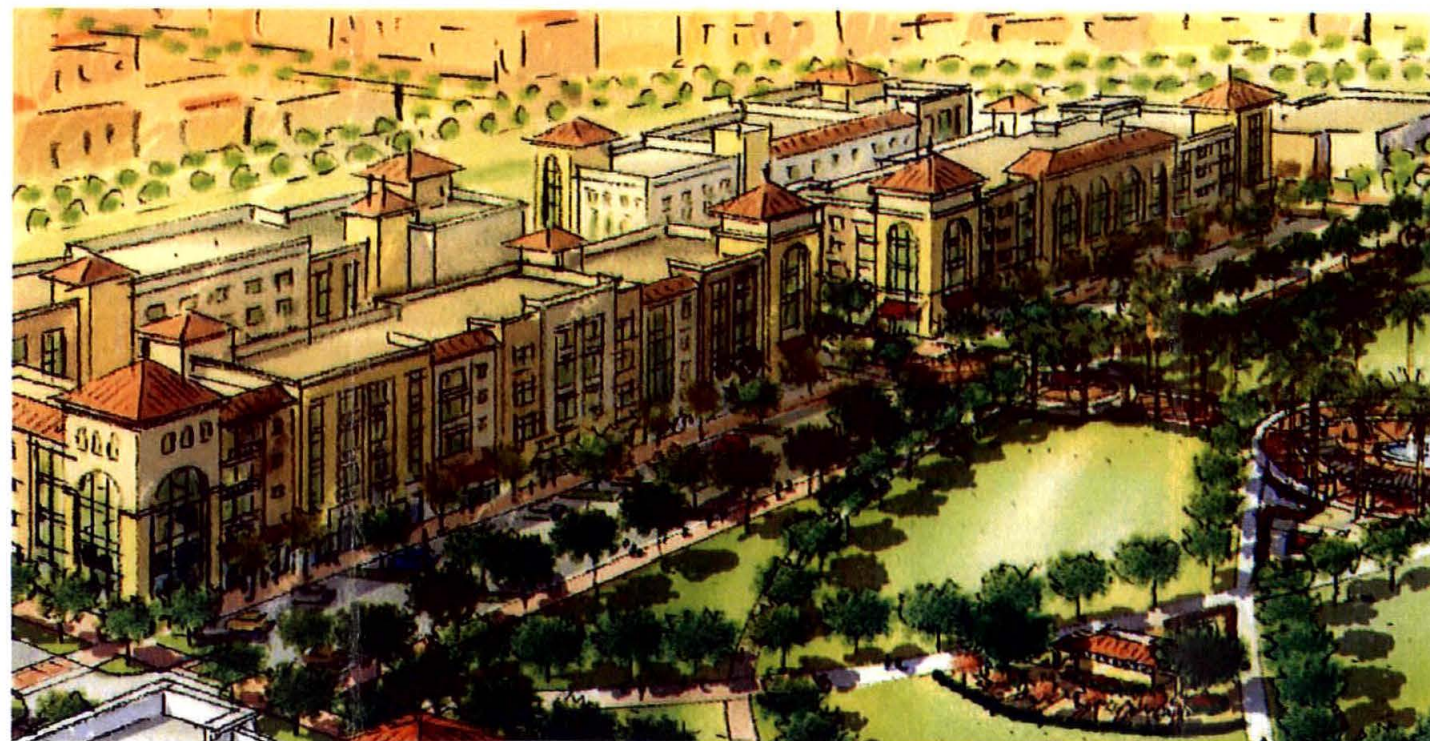
BUILDING SETBACKS (From Property Line)		
Front to San Jose	10'	5' to porch
Front Yard to local road	10'	5' to porch
Front to Main street	5'-20'	Build- to line is 5'-20' from ultimate ROW
Side yard	N/A	
Corner side yard	10'	
Rear yard*	N/A	

MINIMUM BUILDING SEPARATION		
Front to Front,	2-stories 15'	Please review latest applicable building code for construction and fire wall requirements.
Front to Side,	3-stories 20'	
Front to Rear	4-stories 25'	
OR		
Rear to Rear		
Side to side	0'	

Key Map



Planning Area 9-Conceptual Illustrative



Village Green Illustrative Concept

Planning Area 9- Mixed use on Village Green (cont.)

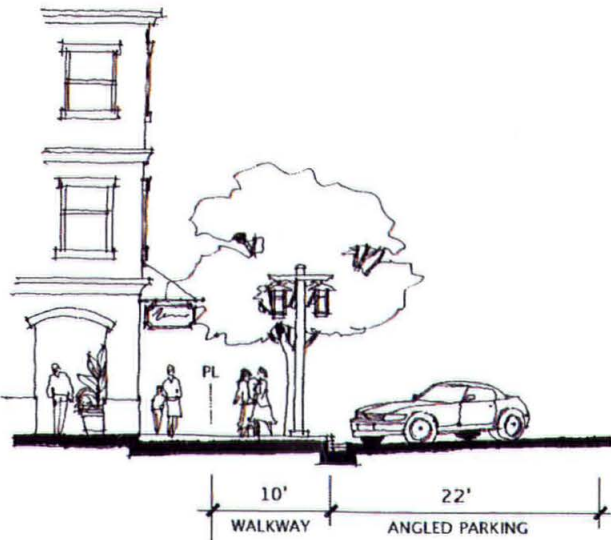
Development Standards

PERMITTED USES		
Retail, including bicycle shops, book stores, carpet sales, clothing and shoe stores, small drug stores, florists, gift shops, hobby and craft stores, music and video stores, boutique retail, etc.		
Business, professional and medical/dental offices, included veterinary clinics		
Places of worship (subject to CUP)		
2 & 3 floor residential (vertically mixed uses)		
Live-work units		
Restaurants, bakeries, delis and ice cream parlors		
Neighborhood pocket parks & open space amenities		
Trails and bike paths		
Bars and cocktail lounges in conjunction with restaurant (subject to CUP)		
Health clubs, gyms (over 5,000 SF subject to CUP)		
Financial institutions and banks		
Barber and beauty salons		
Service, including laundry and photography		
Parking garage (subject to CUP)		
Places of worship (subject to CUP)		

ACCESSORY USES		
Walls and fences	3'-6'	No wall over 3' in required front yard.
Carports		Architecture to match neighborhood theme. Lattice also acceptable
Trash enclosures		Architecture to match neighborhood theme
Parking and pedestrian lot lights to utilize Loma Vista street and paseo standards		

PEDESTRIAN and VEHICULAR CIRCULATION	
Sidewalks	All front doors must be accessed by a minimum 6' sidewalk
Local roads	36'-40' ROW (See Street Sections)
Alleys and Service roads	25' ROW (See Street Sections)

PARKING			
USE	COVERED	OPEN	
Attached Residential *			Add 0.5 for Live-work units
Studio, 1, 2 BR	1	1	1 car garage 10' x 20'
3+ BR	1	2	2 car garage: standard 20' x 20'; tandem 12' x 40'
Business professional offices medical, dental offices/clinics	1 per 250 square feet 8 for first doctor plus 5 for each additional doctor		
General retail	0-20,000 square feet - 5.4 per 1,000 gross building area 20,000-70,000 square feet - 5.0 per 1,000 gross building area 70,000 square feet and over - 4.7 per 1,000 gross building area		
Restaurants, delis, bars/cocktail lounges	0-1,000 SF- 1 per 200 SF 1,000-4,000 SF- 1 per 100 SF 4,000 SF- 40 spaces plus 1 per 50 SF over 4,000 SF		
Financial institutions/banks	5.4 per 1,000 gross building area		
Health club/gym	1 per 100 SF		
Barber/beauty salon	2 per station		
*May be modified through CUP process.			



Setback to Main Street



Mixed Use



Village green



Village green



AGENDA ITEM NO: 8
City Manager: *[Signature]*

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 10, 2018

SUBJECT: Consider Introduction, Ord. 18-____, R88-09A, A request to approve an amendment to the conditions of approval to allow for the development of a multiple-family development consistent with the R-2 Zone District for property located at 1855 Austin Avenue. Mohamad Annan, owner/applicant; Aesthetics Designs, representative.

ATTACHMENTS:

Figure 1:	Location Map
Exhibit "A.":	Conditions of Approval
Attachment 1:	Draft Ordinance
Attachment 2:	Public Correspondence
Attachment 3:	Planning Commission Minutes

CONFLICT OF INTEREST

None

RECOMMENDATION

The Planning Commission and staff recommend the City Council approve R88-09A, subject to the conditions listed in Exhibit "A."

EXECUTIVE SUMMARY

The applicant is requesting an amendment to the conditions of approval of Rezone R88-09A related to approximately .7 acres of land located at 1855 Austin Avenue. The amendment would allow for future development subject to the Property Development Standards of the R-2 (Medium Density Multiple Family Development) Zone District including development of typical two-story units by right. Approval of the request will allow the developer to move forward with the development of the site.

BACKGROUND

- General Plan Designation: Medium High (7.1 to 15.0 units per acre)
- Existing Zoning: R-2 (Medium Density Multiple-Family Residential)
- Lot Size: .7 Acres
- Current Land Use: Vacant
- Adjacent Land Uses: North: Single Family Residential
South: Multiple Family Residential, Commercial
East: Vacant and Single Family Residential
West: Day Care and Commercial
- Previous Entitlements: Rezone R88-09

PROPOSAL AND ANALYSIS

The subject property was originally part of a larger zoning action that included approximately eight acres of land associated with Rezone R88-09. In April of 1998, the Southeast Area Specific Plan was adopted, limiting the area to various uses including professional office, duplexes, and triplexes in addition to low density single family residential. In 1998, the Project site was designated Low Density Multiple-Family Residential, which correlates to Medium-High Density Residential in the 2014 General Plan. Residential development standards were set forth under the Specific Plan.

Because much of the Southeast Area Specific Plan area has been developed, the Specific Plan was retired with the adoption of the 2014 General Plan Update. The Specific Plan restricted the Project site to single-story and/or limited (450 sq. ft.) two-story duplex or triplex development with enclosed garages. This limitation was intended to promote a less intense atmosphere consistent with adjacent single family development and to promote quality rental housing opportunities. Rezone R88-09 also required specific architectural materials, front yard setbacks that were more restrictive than the typical R-2 Zone District, and the requirement for Planning Commission review of any proposed site plan submittal.

On June 15, 1992, the City Council adopted the Multiple Family Residential Design Guidelines. The guidelines provided a specific set of standards to give Clovis residents a level of comfort and assurance that new units proposed within the City, would be an enhancement to the community and their neighborhoods. Any future development would be subject to the adopted guidelines and architectural review would be handled through the Site Plan Review process.

Applicant's Request

The applicant is requesting to amend Rezone R88-09, to provide for development requirements typical of the R-2 Zone District, which provides the ability to construct

two-story development by right, utilizing the setbacks and off-street parking allowed in all R-2 Zone District properties throughout the City. The applicant feels that the R-2 Zone District, along with measures incorporated within the Multiple Family Design Guidelines provides adequate standards of development that allow for projects that would complement area properties.

The Project area is bounded by commercial development and a large-scale day care to the west, retail commercial and several multiple-family developments to the south as well as vacant multiple-family designated property adjacent to the Project on the east. North of the project site is developed with two-story single family residences.

Infill Development

The property is located on an approximate .7 acre site surrounded on three sides by generally developed commercial and multiple-family developments. The applicant has the ability to utilize the property as one of the remaining infill developments in accordance with the General Plan policies.

Walls and Fence

The Project is adjacent to existing single family development on the north. Typical multiple-family development adjacent to residential uses requires construction of a solid masonry wall, a minimum of six feet (6') in height, which shall be constructed on the north boundary line, subject to site plan review.

Public Comments

A public notice was sent to area residents within 600 feet of the property boundary. Staff received comments from an area resident. Mr. Kevin Carlson submitted a document of concern (Attachment 2), expressing issue with the applicant's intent on constructing two-story units in close proximity to his existing residence. Mr. Carlson's concern stems from a separate application for a Conditional Use Permit that the applicant has submitted and is tentatively scheduled for review and consideration by the Planning Commission at its September public hearing.

Planning Commission Comments

The Planning Commission discussed the two-story height allowances and was comfortable knowing that a subsequent use permit would be scheduled for consideration. The Commission encouraged the applicant to meet and discuss the proposed Project with the property owner prior to Planning Commission review. The Commission approved the Project by a vote of 5-0.

Review and Comments from Agencies

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

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

Analysis

The rezone would provide for a Multiple Family Development at the Medium High Density designation.

- Because the project would not amend the General Plan's land use diagrams intensity, if approved there would be no conflict between the proposed use and the existing land use designation.
- The proposal is consistent with the goals and policies of the housing element and the General Plan. At a zoning level, the development standards of the General Plan address residential development.

California Environmental Quality Act (CEQA)

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

The City published notice of this public hearing in *The Business Journal* on Wednesday, August 29, 2018.

FISCAL IMPACT

None

REASONS FOR RECOMMENDATION

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

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

ACTIONS FOLLOWING APPROVAL


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

NOTICE OF HEARING

Property Owners within 800 feet notified:	89
Interested individuals notified:	10

Prepared by: Orlando Ramirez, Senior Planner

Submitted by:



Dwight Kroll, AICP
Director of Planning and
Development Services

**FIGURE 1
PROJECT LOCATION MAP**

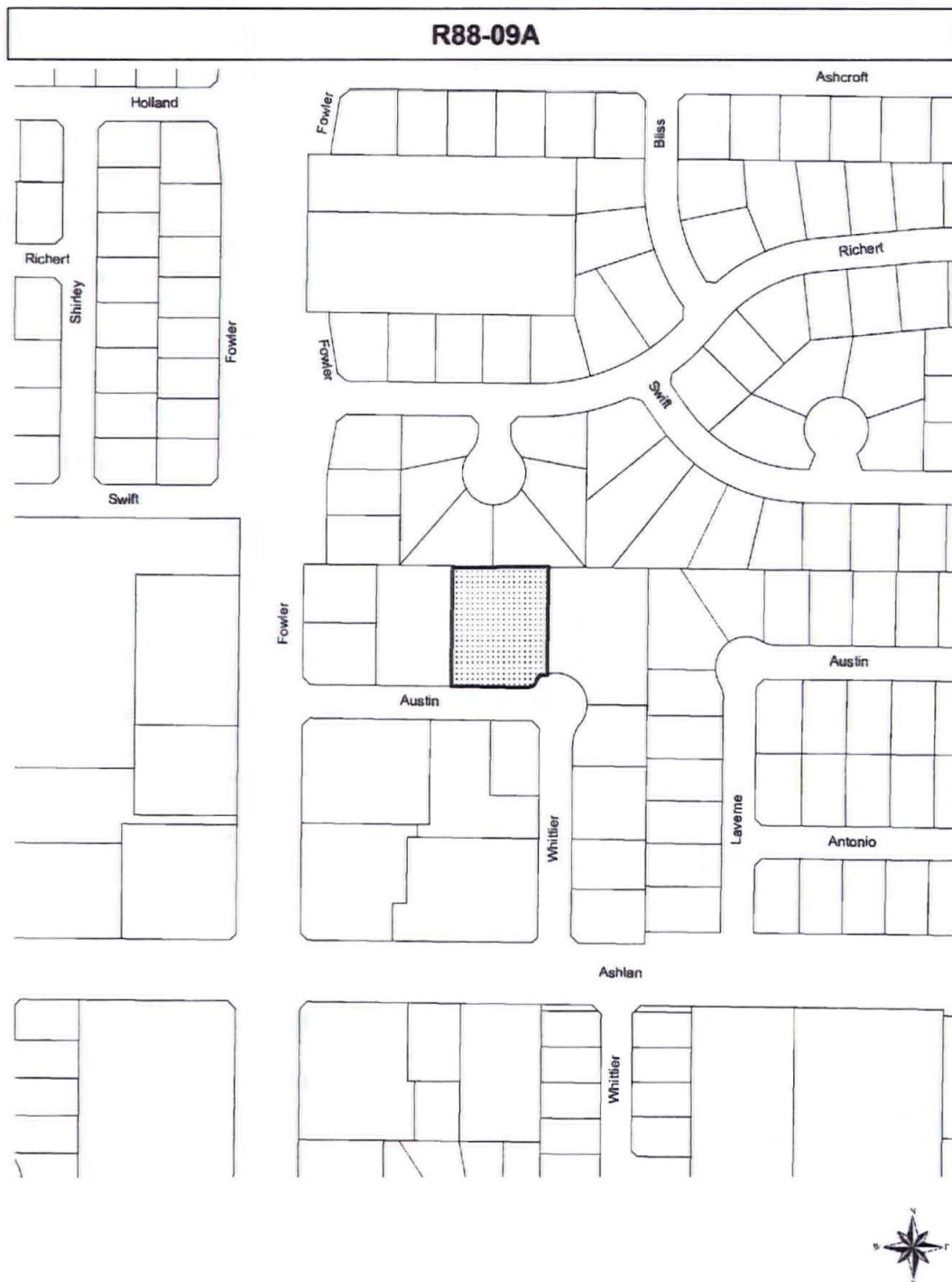


EXHIBIT "A"
Conditions of Approval – R88-09A

PLANNING DIVISION CONDITIONS
(Orlando Ramirez, Division Representative – (559) 324-2345)

1. Development of this site shall be consistent with the General Plan, Medium High Density Residential Designation.
2. Rezone R88-09A approves an R-2 Zoning permitting the development of a multiple-family product. Density shall be consistent with the General Plan and not exceed 15.0 dwelling units per acre.
3. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in §9.24.100, of the Clovis Development Code.
4. Rezone R88-09A shall follow the standards of the R-2 Zone District:
 - Front Yard Setback: 20 Feet
 - Side Yard Setback: 5 Feet
 - Rear Yard Setback: 20 Feet
5. Maximum building height shall not exceed thirty-five (35) feet.
6. Prior to final of any development, the developer shall construct a six-foot high masonry wall along the north property line.

**DRAFT
ORDINANCE 18-___**

AN ORDINANCE AMENDING AND CHANGING THE OFFICIAL ZONE MAP OF THE CITY OF CLOVIS IN ACCORDANCE WITH SECTIONS 9.08.020 AND 9.86.010 OF THE CLOVIS MUNICIPAL CODE TO AMEND THE CONDITIONS OF APPROVAL OF REZONE R88-09 FOR LAND LOCATED AT 1855 AUSTIN AVENUE, AND FINDING THAT THE PROJECT IS IN SUBSTANTIAL CONFORMANCE WITH THE ENVIRONMENTAL ANALYSIS PERFORMED FOR THE 2014 GENERAL PLAN UPDATE AND 2014 DEVELOPMENT CODE UPDATE

LEGAL DESCRIPTION:

See the attached Exhibit "One."

WHEREAS, Mohamed Annan, 783 N. Marion Avenue, Clovis, CA 93611, has applied for a Rezone R88-09A; and

WHEREAS, this is a request to approve an amendment to the conditions of approval to allow for the development of a multiple-family Project consistent with the R-2 Zone District for property located at 1855 Austin Avenue, in the City of Clovis, California, County of Fresno; and

WHEREAS, the Planning Commission held a noticed Public Hearing on August 23, 2018, to consider the Project Approval, at which time interested persons were given opportunity to comment on the Project; and

WHEREAS, the Planning Commission recommended that the Council approve Rezone R88-09A; and

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

WHEREAS, the City published Notice of a City Council Public Hearing for September 10, 2018, to consider Rezone R88-09A. A copy of the Notice was mailed to interested parties within 600 feet of the project boundaries and published in The Business Journal; and

WHEREAS, the City Council does find the project in substantial conformance with the environmental analysis performed for the 2014 General Plan Update and 2014 Development Code Update.

WHEREAS, the City Council held a noticed public hearing on September 10, 2018, to consider the approval of Rezone R88-09A; and

WHEREAS, on September 10, 2018, the City Council considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to Rezone R88-09A, which are maintained at the offices of the City of Clovis Planning and Development Services Department; and

WHEREAS, the City Council has evaluated and considered all comments, written and oral, received from persons who reviewed Rezone R88-09A, or otherwise commented on the Project; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLOVIS DOES ORDAIN AS FOLLOWS:

SECTION 1: FINDINGS. The Council finds as follows:

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

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

Amendment to the conditions of approval of Rezone Amendment R88-09A to modify height requirements and off-street parking requirements subject to the R-2 Zone District Property Development Standards.

The property so reclassified is located at 1855 Austin Avenue in the City of Clovis, County of Fresno, California, and is more particularly described as shown in "Exhibit One."

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

SECTION 4: The record of proceedings is contained in the Planning and Development Services Department, located at 1033 Fifth Street, Clovis, California 93612, and the custodian of record is the City Planner.

APPROVED: September 10, 2018

_____	_____
Mayor	City Clerk
* * * * *	* * * * *

The foregoing Ordinance was introduced at a regular meeting of the City Council held on September 10, 2018, and was adopted at a regular meeting of said Council held on _____, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED:

City Clerk

Mr. Orlando Ramirez, Senior Planner, City of Clovis
Ph #: (559) 324-2345
Email: orlandor@cityofclovis.com

Public Hearing: R88-09A (Aug. 23, 2018)

Regarding: A request to approve an amendment to the conditions of approval to allow for the development of a multiple-family development consistent with the R-2 Zone District for property located at 1855 Austin Avenue. Mohamad Annan, owner/applicant: Aesthetics Designs, representative.

Summary of Letter:

Please DO NOT approve the removal of the height restriction for the property zoned as R-2 on Austin 1844 Ave. (A summary of my reasons are given on pages 2 and 3)

Introduction:

Hello, my name is Kevin Carlson. I live at 1848 Richert Ave. Clovis, Ca. which shares 65 ft. of fence line with 1844 Austin Ave. Clovis, Ca. Last year (8-30-17) my wife and I purchased our home on 1848 Richert Ave from Betty Dado. At that time we did ask our realtors about the undeveloped lots (1844 and 1855 Austin Ave.) behind our home. The answer we received was that if something was built on those lots it would likely be something similar to what is seen at the following address, which are single story multi-family housing units:

- 3135 Whittier Ave. (single story multi-family)
- 3146 Whittier Ave. (single story multi-family)
- 3155 Whittier Ave. (single story multi-family)
- 3175 Whittier Ave. (single story multi-family)
- 3195 Whittier Ave. (single story multi-family)



I would like to request that the City of Clovis **not** remove the height limitation for the R-2 zoning on 1844 Austin for the following summarized reasons. A more in-depth explanation of each reason will be more fully explained in the main body of this letter.

Reasons why the City of Clovis should **not** remove the height restriction for 1844 Austin:

1. I purchased my property at 1848 Richert Ave. last year believing that 2-story buildings would not be built directly behind my home. (This was explained on page 1)
2. The **privacy of my backyard will be severely impacted** by building (3) 2-story duplexes along the northern fence line of 1844 Austin Ave.
3. **Lower property values will result for my property** because not as many people may be willing to buy my home without backyard privacy. (I would have a negative financial impact while Mr. Annan profits from changing the R-2 zoning height restriction.)
4. I believe that the City of Clovis **has a responsibility to preserve the existing Zoning requirements** and restrictions that were established at the time the current residents who live near 1844 Austin Ave. purchased their property. The existing height restrictions were put in place to maintain privacy of residents around the R-2 zoning.
 - a. I believe that the city would have to have a good reason to change a zoning restriction, such as public safety or a new development on the edge of the city limits that was once farm land. However the development of a lot that is adjacent to a neighborhood which has been established for 30+ years should have more concrete and established zoning rules. **The City of Clovis previously allowed the R-2 property of 1844 Austin to have the height restriction on its property and this restriction should not be changed without "good cause".**
 - b. Changing zoning restriction for the financial gain of one man/family would not be ethical in my opinion. **The surrounding property owners who live in the affected area have to live with the negative impact of Mr. Annan's financial gain without compensation.**
 - c. **Mr. Annan purchased the property on 1844 Austin Ave. with the height restriction on it. If he wanted to build 2-story homes on an R-2 property he should have bought a different piece of property.**
5. I believe that building 2-story housing units along the north fence of 1844 Austin could **negatively impact the ability of my property to access direct sunlight during the months from October to February**. Although the system is not currently installed on my property, I have been actively researching different solar technology since earlier this year.
 - a. State codes that help ensure proper sunlight is available to those who operate solar energy systems
 - i. California's Government Code (65850.5)
 - ii. California's Civil Code (801.5)
 - iii. Public Resources Code (25980)
 - b. I have a letter from the California energy commission dated June 5th, 2018 showing that I have been enquiring about a "plug and play Photovoltaic system" and the requirements associated with legally installing a system. I also have an email from a

manufacture of “plug and play” solar equipment asking about the requirements for installing their system dated May 8th 2018.

6. If Mr. Annan only builds 2-story residences on the property of 1844 Austin Ave. with only 400 sq. ft. of living space on the ground floor, this **could defer people with mobility disabilities and other elderly people from living on this property**, especially if a ground floor bedroom is not provided in the residence and/or a stairway lift is not installed so the occupant can access the second story. The grounds for concern over potential discrimination of disabled people can be found in California Civil Code 54.1, Part 2.5 blind and other physically disabled persons.
7. The **view of the sky line from my backyard will be reduced by about 10 degrees of elevation** if two-story vs single-story buildings are built along the northern fence line of 1844 Austin Ave, with only a 10 ft rear setback to the building.
8. I have question about the legality of the building rear setback of only 10 ft which is proposed on the unapproved site plan of 1844 Austin Ave. Shouldn't the rear setback of the building be 20 ft for an R2 residence per Residential Zoning Districts Chapter 9.10 table 2-3.
(<https://www.codepublishing.com/CA/Clovis/html/Clovis09/Clovis0910.html>)

Please note that the above reasons to reject this proposal are based on the current proposal for (5) 2-story duplexes. **I have included a potential alternate proposal in Appendix D. I believe this proposal could be a “win”/ “win” for both Mr. Annan and all other parties involved.**

Main body of letter is on the next page.....

Main Body of Letter:

Before discussing why I do not want the height restriction on 1844 Austin Ave removed from the R-2 zoning requirements for this property, I would like to identify the stakeholders in this case and identify what I believe each has to gain or loss.

Stakeholders:

Mohamad Annan

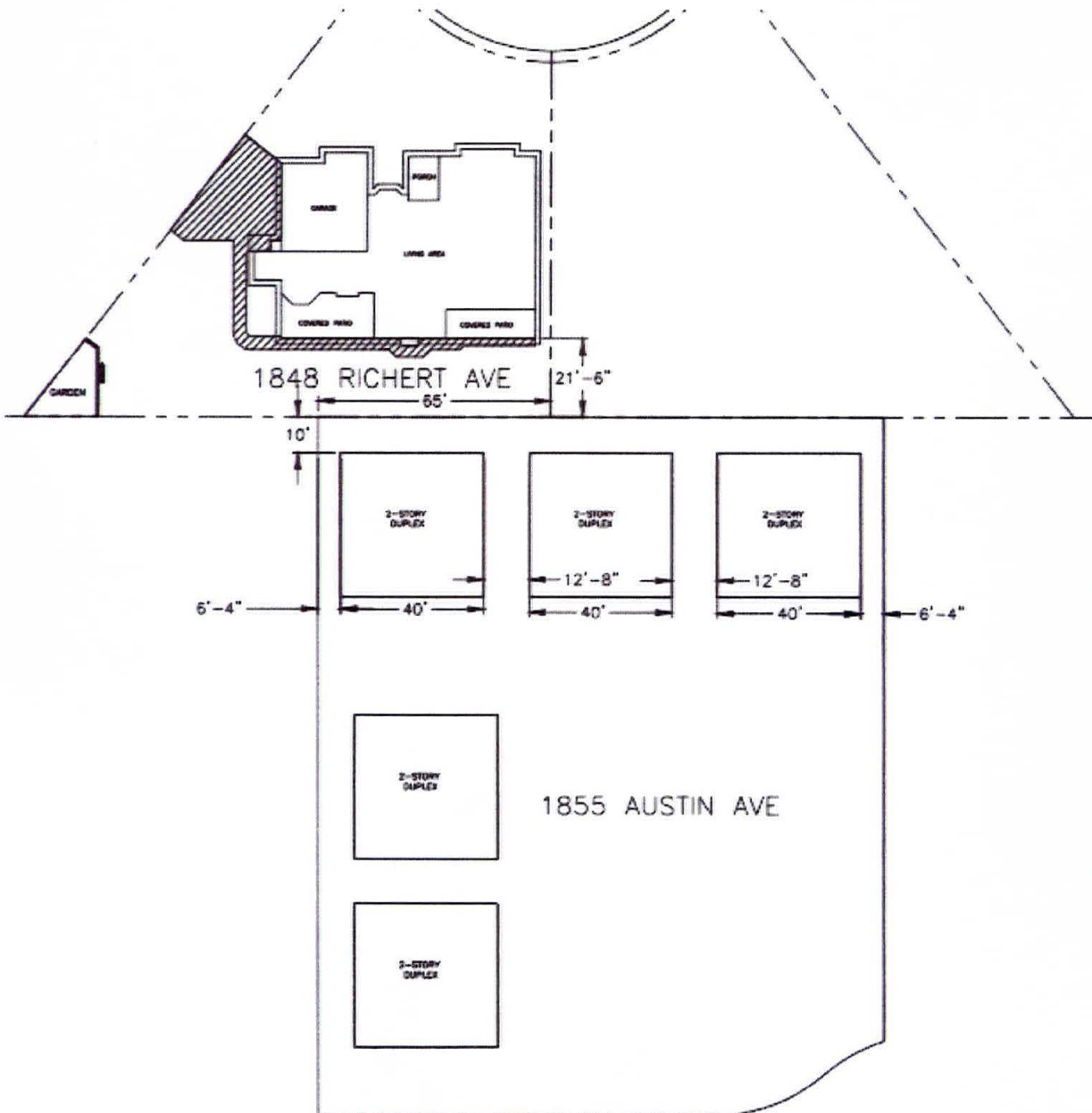
- The property owner of 1844 Austin Ave. Clovis, Ca. 93611
- He purchased the property on May 22nd, 2018 (according to Zillow)
- Aesthetic Designs is a representative for Mr. Annan.
- He would like to build (5) 2-story duplexes on this property. Three of which will be on the northern fence line of his property.
- He currently cannot build a 2-story structure on the property because of a height limitation requirement that is attached to the R-2 zoning of his property.
 - If the zoning restriction is not lifted Mr. Annan's potential revenue from this property would be reduced by \$72,000 to \$90,000 per year.
- High level financial assessment: (see Appendix A, for assumptions)
 - (5) 2-story duplexes will produce \$144,000 to \$180,000 in revenue per year.
 - Cost to build: \$2,100,000
 - Yearly property tax: \$21,000
 - If Mr. Annan was limited to single story buildings his revenue would drop to around \$72,000 to \$90,000 per year
 - Cost to build: \$1,300,000
 - Yearly property tax: \$13,000
 - Note the payback for either investment would be relatively similar.

City of Clovis

- Orlando Ramirez is the Senior Planner for the public hearing of R88-09A
- Potential financial gains for the City of Clovis, Fresno County, state government if (5) 2-story duplexes are constructed.
 - An increase in property tax revenue of ~\$8,000 to 21,000/year (depending on if Mr. Annan continues his building project if the removal of the height restriction is not allowed.)
 - Mr. Annan will pay more state income tax, because he would double his revenue on his investment once it is paid off.
 - Construction fees that might not happen if Mr. Annan is not allowed to build (5) 2-story duplexes on the property.
- If the City of Clovis does not remove the height restriction on the property of 1844 Austin, there are no financial gains to speak of, however there would be appreciation from at least one resident (and his wife) for not changing the zoning restriction. To me that would be "priceless."

Kevin Carlson (Myself) (and potentially other home owners around this area)

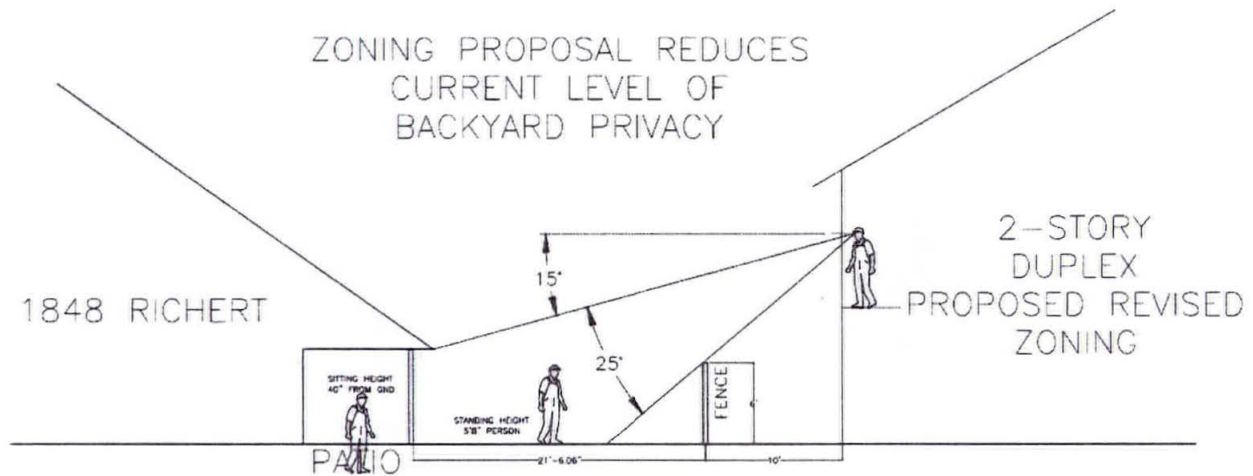
- The property owner of 1848 Richert Ave. Clovis, Ca. 93611
- I purchased my property on Aug. 30th 2017.
- I would prefer that 2-story duplexes **not** be built directly behind my property. My main reasons to oppose the construction are listed in this letter.



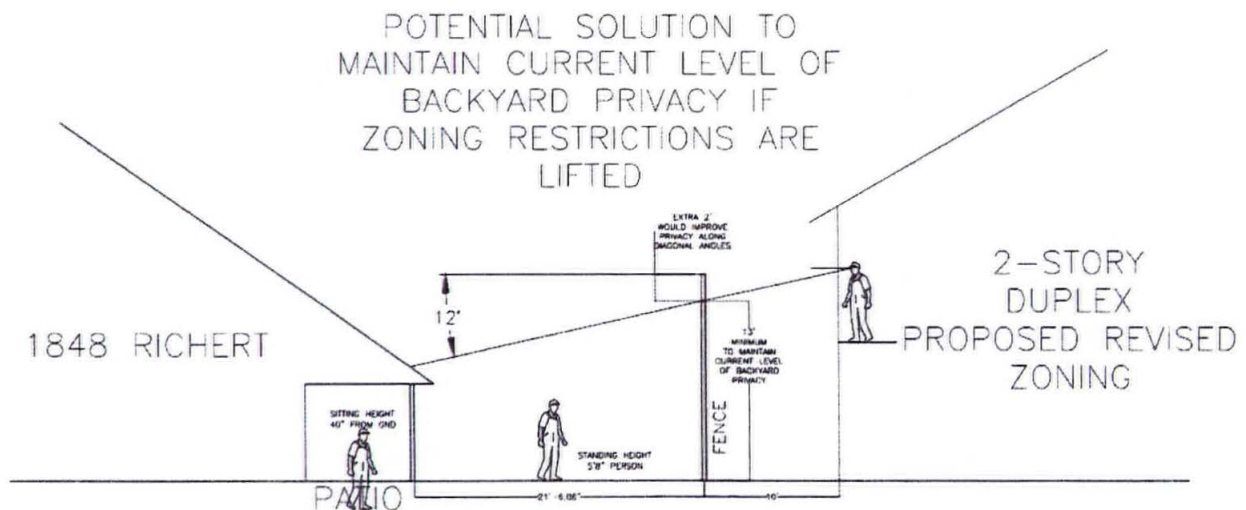
The following is a detailed explanation as to why Mr. Annan's proposed (5) 2-story Duplex development on 1844 Austin Ave. negatively affects my property, privacy, and finances:

Privacy:

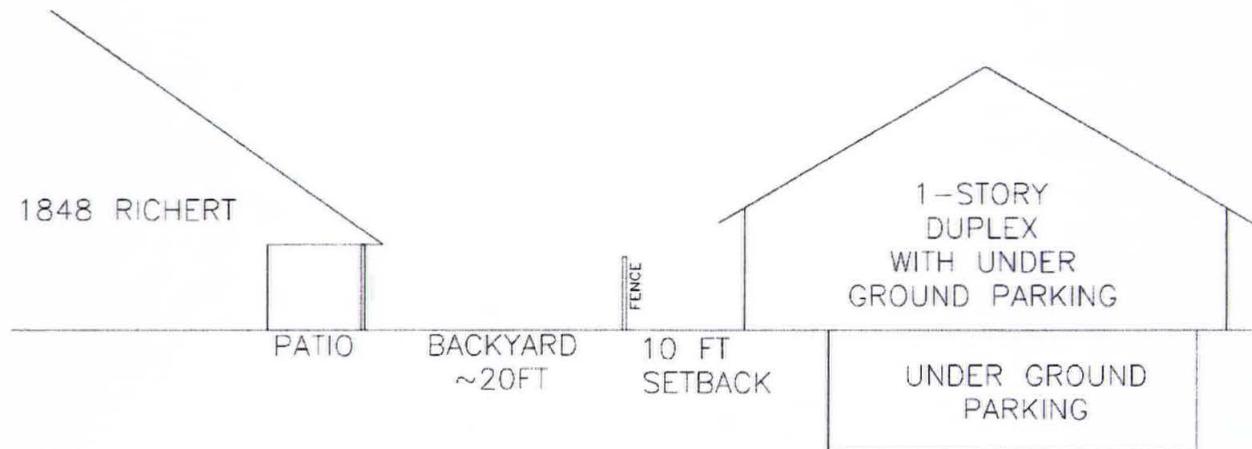
If 2-story duplexes are built along the north fence of 1844 Austin Ave, it will give 3-4 of the residences who live in those units unobstructed visual access to my backyard, while the remaining units will have a particle view of my yard, but full view of my neighbor's yard. This would substantially reduce my privacy on my property, not only in the open backyard, but also if I left window blinds open they would have an unobstructed view into my residence. As most people know windows from a 2-story building have a height advantage over standard 6 ft tall fences.



Mr. Annan would have to build a fence with a height of 13-15ft to maintain the current level of backyard privacy that the currently zoned height restrictions would provide.



There is a second building option that Mr. Annan could do with his property to meet the current height restrictions and maintain parking areas by supplying underground parking. The underground parking would supply more above ground area to build housing units. Of course the underground parking would cost more to install than what is currently being proposed, however this is one solution for Mr. Annan to have a higher density of single story units on his property while complying with existing height restrictions.



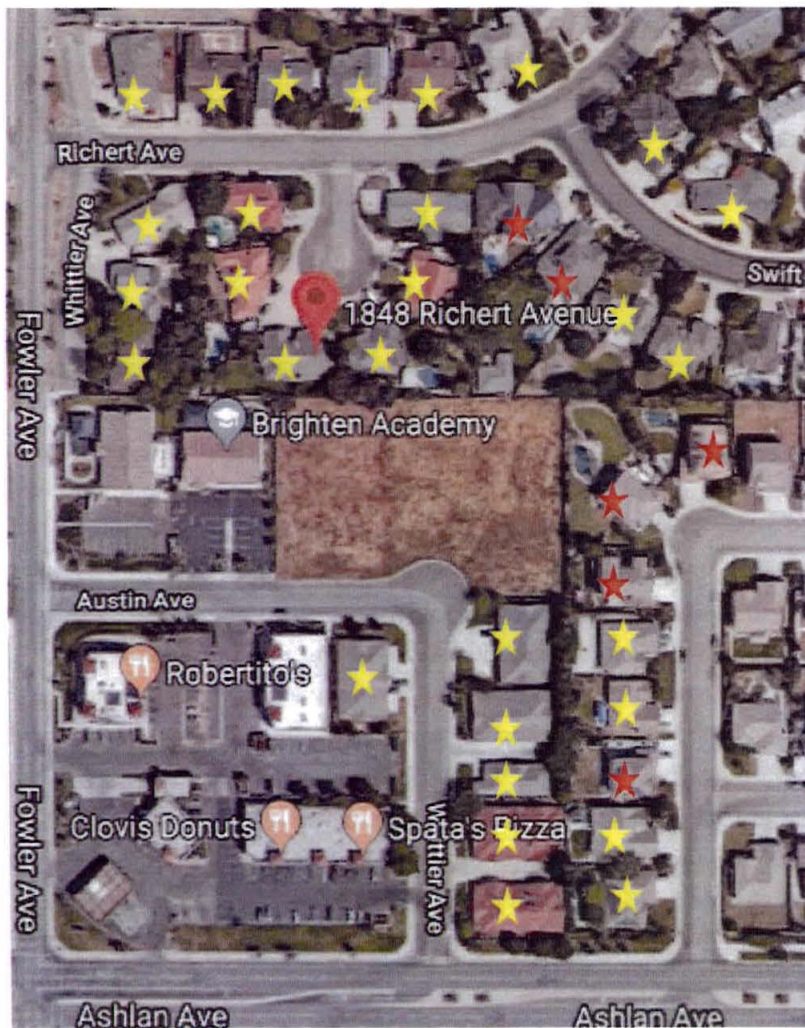
Lower Property Value of my Residence:

My wife and I moved into our home on 1848 Richert Ave about 1 year ago and we do plan to stay here a very long time. However this story could have been completely different if when we first walked through this home we had walked into a backyard and saw several 2-story duplexes 10 ft off the back fence of the property. It is very likely that if 2-story buildings are constructed directly behind my home that when we go to sell our home on Richert Ave., in the future, there could be fewer potential buyers who are willing to accept reduced backyard privacy and more potential noisy neighbors. Fewer buyers mean that it is likely we will have to accept a lower offer than we would have gotten if our backyard had the privacy of a single story building behind us. I know this because it was a discussion my wife and I had regarding the Brighton Academy that also shares our back fence. The concern was that the children and teachers at the Brighton Academy would be an added noise factor to the neighborhood. We came to the final decision regarding the Brighton Academy that the teachers and children would be loudest during the times we would be at work, and they would not be there in the evening or on weekends, so the effect of the Brighton Academy would be minor for my wife and me. This decision would have been different if we had walked into the backyard of 1848 Richert Ave. and saw (3) 2-story duplexes lined up along the fence. These residents would be home when we would be home from work and on weekends. The potential for these buildings to have a nuisance neighbor would be greatly increased compared to the Brighton Academy. I do not believe it is ethical for Mr. Annan to financially prosper by having the height restriction of his property removed, (A restriction that was on his property at the time he purchased it) while I potentially have a financial loss due to fewer interested buyers when I eventually sell my home.

City of Clovis responsibilities to maintain established zoning restrictions:

My thoughts on this topic are stated in item 4 in the summary on page 2. I've also included a map showing that most of the homes in the surrounding area are single story. There are some 2-story homes currently built in the area however I would like to point out one difference between a single family 2-story home vs (3) 2-story duplexes (6 units) that share a fence line. If a single residence has on average 4 people living in the residence that would mean:

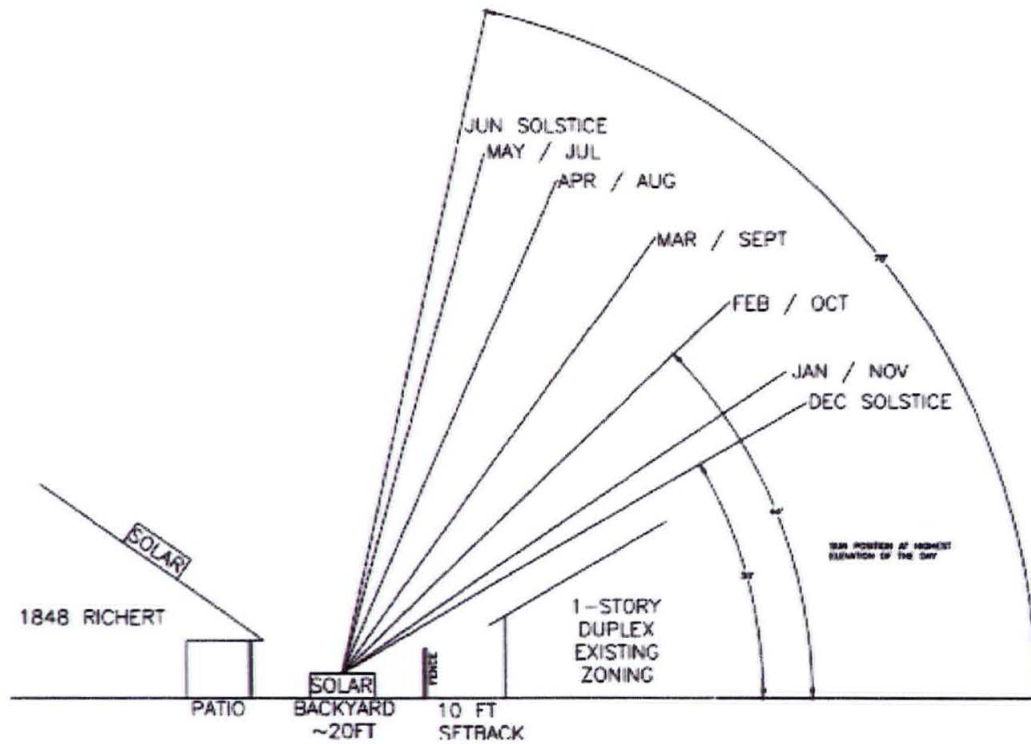
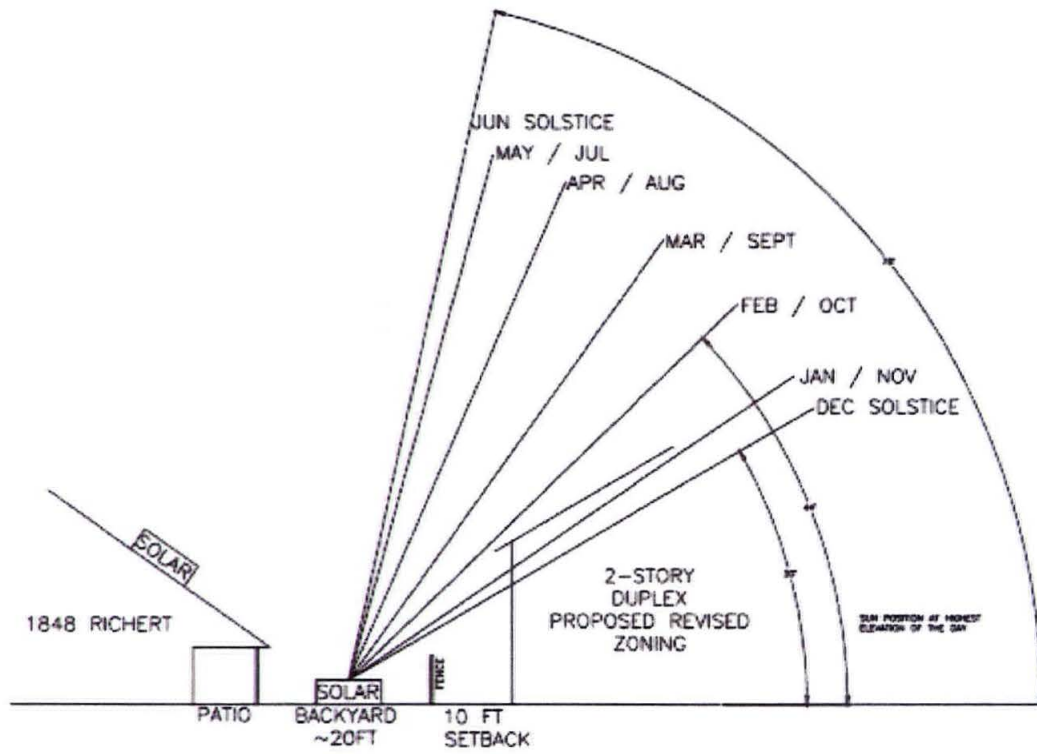
- A 2-story single family residence would have on average 8 potential eyes that could see over their neighbor's fence. (Typical rear setbacks are 20')
- (3) 2-story duplexes would have on average 32 potential eyes that could see over their neighbor's fences. Plus Mr. Annan is planning on having a 10' rear setback instead of the standard 20' rear setback.



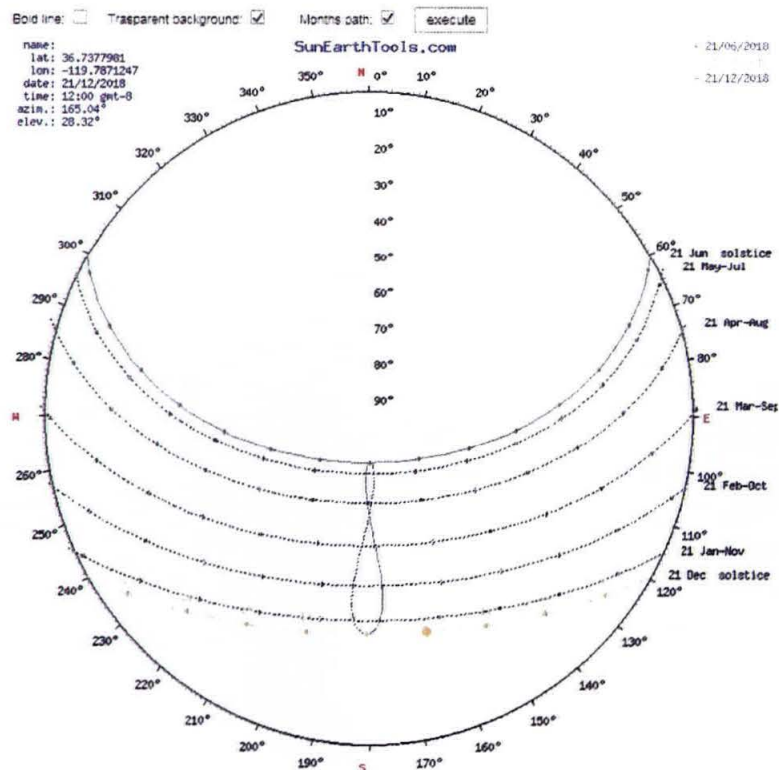
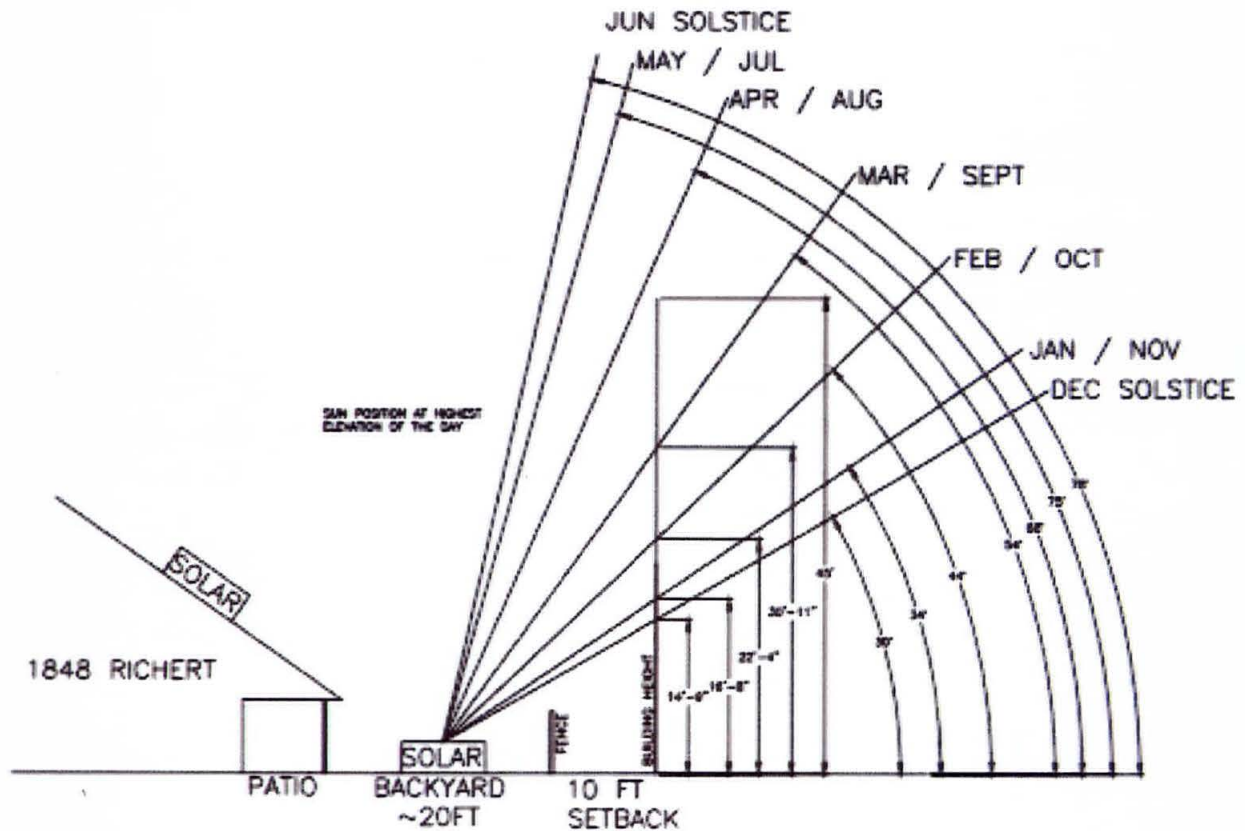
★ single story ★ 2-story

Solar Impact:

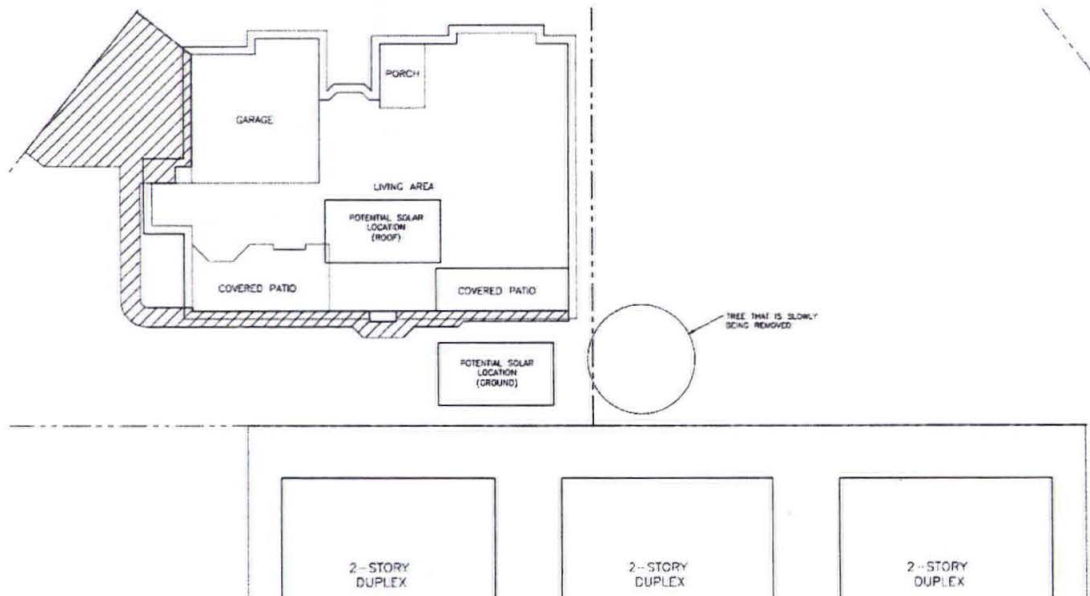
After the purchase of our home last year, the list of home improvement projects began. This year the projects have mostly been focused on the front yard. Removing sprinklers that were watering flower beds and replacing them with drip irrigation. So far my estimate is that we'll use about ½ as much water as the previous owners with the changes made to the watering system. Next year 2019 I'm planning on starting the renovation of the back yard with things that include sidewalks, curbing for grass area, updated sprinkler/watering system, utility shed, and plans for a future Photovoltaic system, which I started to look into earlier this year, when my dad brought up the idea of "plug and play" solar equipment. He said there was a sales guy in a Hanford Lowes Store that was promoting it. So I looked up similar systems on-line and found a company named "Plug and Play Solar" (can be found here: <https://plugandplaysolarkits.com/collections/plug-and-play-solar-panels>) They sell solar panels you can plug directly into any 110V electrical outlet and supply up to about 1kW of through their equipment. The idea of plug and play solar is that it will not turn your smart meter backwards, but it will supplement your base line energy usage during day time hours. Any extra power would be freely given to PG&Es grid. It almost seemed too good to be true, could I tap solar energy without going through all the permitting process of a traditional solar installation by using this technology and having a ground installation. The answer I got back from the company on May 8th of this year was that it depends on where you live and what your utility company policies are regarding plug and play solar. So I reached out to PG&E and the California Energy Commission for further answers. I never got to talk to anyone at PG&E that could help me but I did get a response from the California energy commission on June 5, 2018. The response was tailored more toward a common solar panel system installation and not specifically plug and play solar. (see appendix B for a copy of the letter) I know at some point in time I will be getting a solar panel system on my property so that I can reduce my energy bills in the summer and winter. It will probably be a tradition 3-4Kw system, as the current legality of a plug and play system is questionable in this area. If I mount the future solar panel system on the ground I can clean them easier, but if a 2-story building is built along my south fence, the building will block all of my direct sunlight from about October to February. The next page has a diagram of how a 2 story building would affect a ground mounted installation verses a single story building.



Here is another diagram that shows how different height building or pitches of the roof would affect a ground mounted system to collect solar energy.



I also have the option of placing the solar panels on my southern roof face. However, at the moment there is a question about the structural integrity of my roof. The house was built in 1987, and the roof hasn't been evaluated if it can properly support the weight of solar panels, so at this time I'm unsure if a roof installation is possible. (There have been law suits in recent years over sagging roofs due to solar panel installation on roofs that cannot support the extra weight) If I find that it is okay to install the solar panels on the roof, the panels will be much harder to clean regularly and dirty panels can reduce the efficiency of the system. Solar Energy Power Association notes that dirty solar panels can lose 20% of their energy output. My roof is actually pretty steep so it is not the safest thing to walk on. Mr. Annan's 2-story building would not directly block my solar panels from collecting the sun's energy; however my neighbor to the east of my property has a tree that we started to cut down for the Clovis fall clean-up in 2017. We didn't remove the whole tree yet. My concern is that my neighbor may not continue to cut down the tree if 2-story buildings are built behind his house, so that the tree will provide privacy to his backyard and home. If the tree is left standing it would potentially block the ability of my solar panels to produce as much electricity as they could if the tree was removed. This tree would block sunlight in both the roof and ground mounted systems.



I am not a lawyer but I'm hoping that even though I currently do not have solar panel system installed on my property, I have shown that I have started to pursue solar power prior to Mr. Annan purchasing the property of 1844 Austin Ave., and that some of the following California state codes could help preserve my right to access solar energy in the future:

- a. State codes that help ensure proper sunlight is available to those who operate solar energy systems (see appendix C)
 - i. California's Government Code (65850.5)
 - ii. California's Civil Code (801.5)
 - iii. Public Resources Code (25980)

Ensuring that the physically disabled and elderly are not intentionally/un-intentionally discouraged from living in this complex if all units are 2-story:

As I've already mentioned in the stakeholder section Mr. Annan will likely increase his potential revenue by about double if he is able to build all 2-story duplexes on his property because he'll be able to fit more housing units on the property by building higher (instead of wider, which would require more property). I can't blame Mr. Annan for trying to maximize his profits while minimizing expenses. Any good business person would try to do the same. However during the course of business sometimes it is possible to forget how our decisions can affect the other people around us. For example:

If all of the duplexes on Mr. Annan's property are 2-story buildings it has a greater possibility of reducing the appeal of living in this complex for elderly people who have a difficult time getting around, and persons who have mobility disabilities. Especially if all of the sleeping quarters are up stairs and there is not a chair lift to access the second story. Now it is possible that Mr. Annan will say, "There are other complexes that have single story residences for the elderly and disabled". That is correct, however if every business person only focused on maximizing their profit, it would make sense that all multi-family housing would be multi-story building, and it would become more difficult for people with special needs to find a place to live and enjoy life.

Once again I'll state that I'm not a lawyer, but as I read it, California Civil Code 54.1, Part 2.5 blind and other physically disabled persons, helps to protect people with disabilities when they seek housing. I would assume that would also include the building of residences. (If no one built accessible residences for the disabled, they wouldn't be able to seek housing.)



California Department of
Fair Employment and Housing

About DFEH Complaint Process

Equal services, housing for people with disabilities

All California retail establishments, restaurants, hospitals, hotels and other public places and transportation must offer people with disabilities the same service and facilities as the general public. This includes acceptance of service animals.

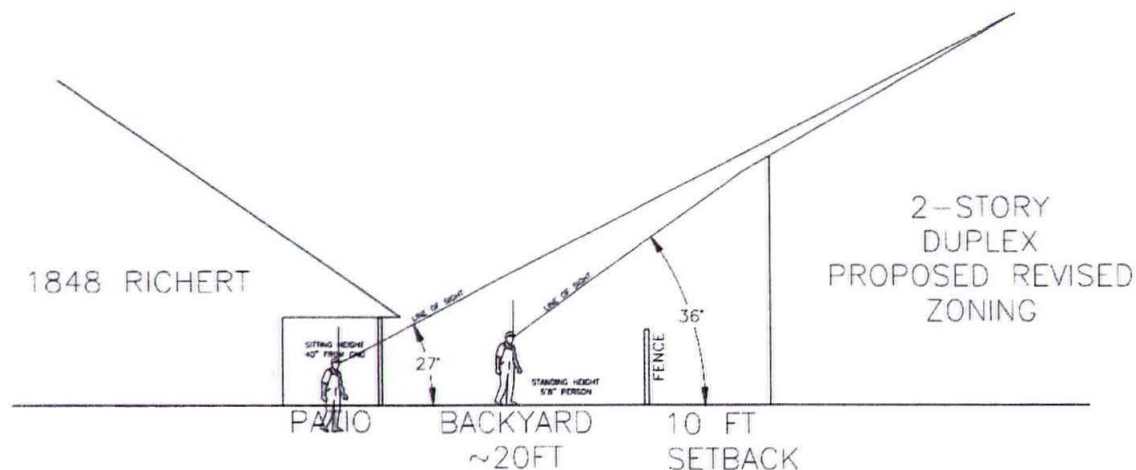
People with disabilities are also protected when they seek housing. State law prohibits discrimination by sellers, landlords and those who provide housing-related services.

- Housing policies, practices, terms and conditions must allow people with disabilities equal access to apartments, houses, condos and other dwellings.
- Where necessary, reasonable accommodations in housing rules, policies, practices, or services are required to allow people with disabilities equal opportunity to use and enjoy dwellings.
- People with disabilities must be allowed, at their own expense, to make reasonable modifications to their dwelling to allow them equal access and enjoyment.

I see that there is one handicap parking spot in the main parking lot so either a tenant or visitor could park there. At some point in time it is plausible to assume someone with mobility issues will be on this premises. All of Mr. Annan's duplexes have about 400 sq.ft. of living space on the ground floor and about 800 sq.ft. (Twice as much) on the second story. How will the handicap person get access to the upper 2/3rds of the home? Will there be a stair lift? Will there be a storage location at the top and bottom of the stairway to store a wheel chair that is out of the normal walkway? Will there be a ground floor bedroom? Is there at least one unit that will help accommodate a handicapped person? If the answer to these questions are no, then it is unlikely that a handicap person would seek to live in this complex. I bring this topic up because quite a few years ago, when I was still living at home with my parents, my mother had an accident that shattered bones in her knee. She was unable to put weight on that knee for about 1 year. Her time was either spent in bed or in a wheelchair. It affected how she had to get around, where she could go and what she could do. Thankfully her leg did heal and today she can walk without a limp. Based on the experience my mother had, living in a single story home would have been preferred over a 2-story home, even if the 2-story home had a chair lift.

Skyline view is decreased:

If 2-story duplexes are built my sky line will change restricting the view of the sky by about 10 degree. I bring this up because I'm an amateur astronomer and I own a telescope. It's an 8" Celestron NexStar 8SE telescope. Viewing the stars from inside the city limits is not the best place because of "light pollution" and air quality, but some days I just don't have the time to travel to a good viewing location, so I pull out the telescope and view what stars and planets I can see from my backyard. The restriction of my skyline means I will have to wait longer for stars or planets to travel an extra 10 degrees across the sky before I can see them if they are low on the horizon. Just realized the funny part about this is that Mr. Annan's tenants will be able to see me from their second story window in my backyard with a telescope that is possibly pointed in their direction. Just want to clarify that I'm not watching them.....I'm looking at the sky ☺



I have a question about how the proposed setback of 10' meets the minimum requirement of the standard R-2 zoning in Clovis per Residential Zoning Districts Chapter 9.10 table 2-3 (see table below) which requires a 20' rear setback between the building and the property line. **Are rear setback variances of 10' commonly given to an R-2 property that shares a property line with R-1 zoning? If so can you give an example where this has been done?**

(<https://www.codepublishing.com/CA/Clovis/html/Clovis09/Clovis0910.html>)

TABLE 2-3
RESIDENTIAL ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONING DISTRICT (Continued)

Development Feature	R-2, R-2-A	R-3, R-3-A
Minimum Parcel Size	7,200 sq. ft.	8,500 sq. ft.
Minimum Parcel Width	50 ft. (16)	50 ft. (17)
Minimum Corner Parcel Width	55 ft.	55 ft.
Minimum Reverse Corner Width	70 ft.	70 ft.
Minimum Parcel Depth	120 ft. (3)	120 ft. (3)
Maximum (Gross) Density	14.82 DU/acre (1 DU/3,000 sq. ft.)	21.78 DU/acre (1 DU/2,000 sq. ft.)
Setbacks Required		
Front	20 ft.	15 ft.
Side (Each)	5 ft.	5 ft.
Street Side	15 ft. (16) (15 ft. (reverse corner parcel))	10 ft. (18) 15 ft. (reverse corner parcel)
Rear	20 ft.	15 ft.
Accessory Structures	See Section 9.24.030 (Accessory uses and structures)	
Maximum Parcel Coverage	45%	
Main Structure – Maximum Height (Whichever Is Less)	35 ft./2 stories (19)(20)	
Accessory Structure – Maximum Height (Whichever Is Less)	12 ft./1 story	
Antennas, Vertical	See Chapter 42 of this title (Wireless Telecommunication Facilities)	
Fences/Walls/Hedges	See Section 9.24.030 (Fences, walls, and hedges)	
Off-Street Parking	See Chapter 32 of this title (Parking and Loading Standards)	
Satellite Antennas	See Chapter 42 of this title (Wireless Telecommunication Facilities)	

Final Thoughts:

First, thank you for reading all the way through this letter. In closing I would like to make a request. Please ask yourself if the general public in large benefits from removing the height restriction on the property of 1844 Austin Ave. If the only one who benefits is Mr. Annan so he improves his financial status in this community, please reject his request?

As for me and my family we see removing the height restriction (as it is currently proposed) for his property as a negative that will impact our privacy and reduce our financial status from its current level.

Thank you for your time,

Regards,
Kevin Carlson

Appendix A:

High level financial assessment of what Mr. Annan potentially stands to gain with (5) 2-story duplexes.

Cost to build:

- Land: \$300,000
- Structures: \$1,800,000 (for (5) 2-story duplexes)
 - \$360,000 per duplex (2,400 sq.ft. building x building cost of \$150 per sq.ft.)
- **Total investment ~\$2,100,000**

Revenue that the property could generate with (5) 2-story duplexes

- Rent of (10) residences per month: \$12,000-\$15,000/month
 - Rent of (1) 1200 sq.ft. unit: \$1,200-\$1,500/month
- **Total yearly revenue ~\$144,000 - \$180,000/year**

Yearly to payback investment (negating operational expenses)

- **11.6 to 14.5 years to payback investment**

If Mr. Annan was restricted to 1 story duplexes it is likely that he would only have 5 residences on the property cutting the amount of potential revenue in half.

Cost to build:

- Land: \$300,000
- Structures: \$900,000 (for 5 residences on the property)
 - \$180,000 per residence (1,200 sq.ft. building x building cost of \$150 per sq.ft.)
- **Total investment ~\$1,200,000**

Revenue that the property could generate with (5) residences

- Rent of (5) residences per month: \$6,000-\$7,500/month
 - Rent of (1) 1200 sq.ft. unit: \$1,200-\$1,500/month
- **Total yearly revenue ~\$72,000 - \$90,000/year**

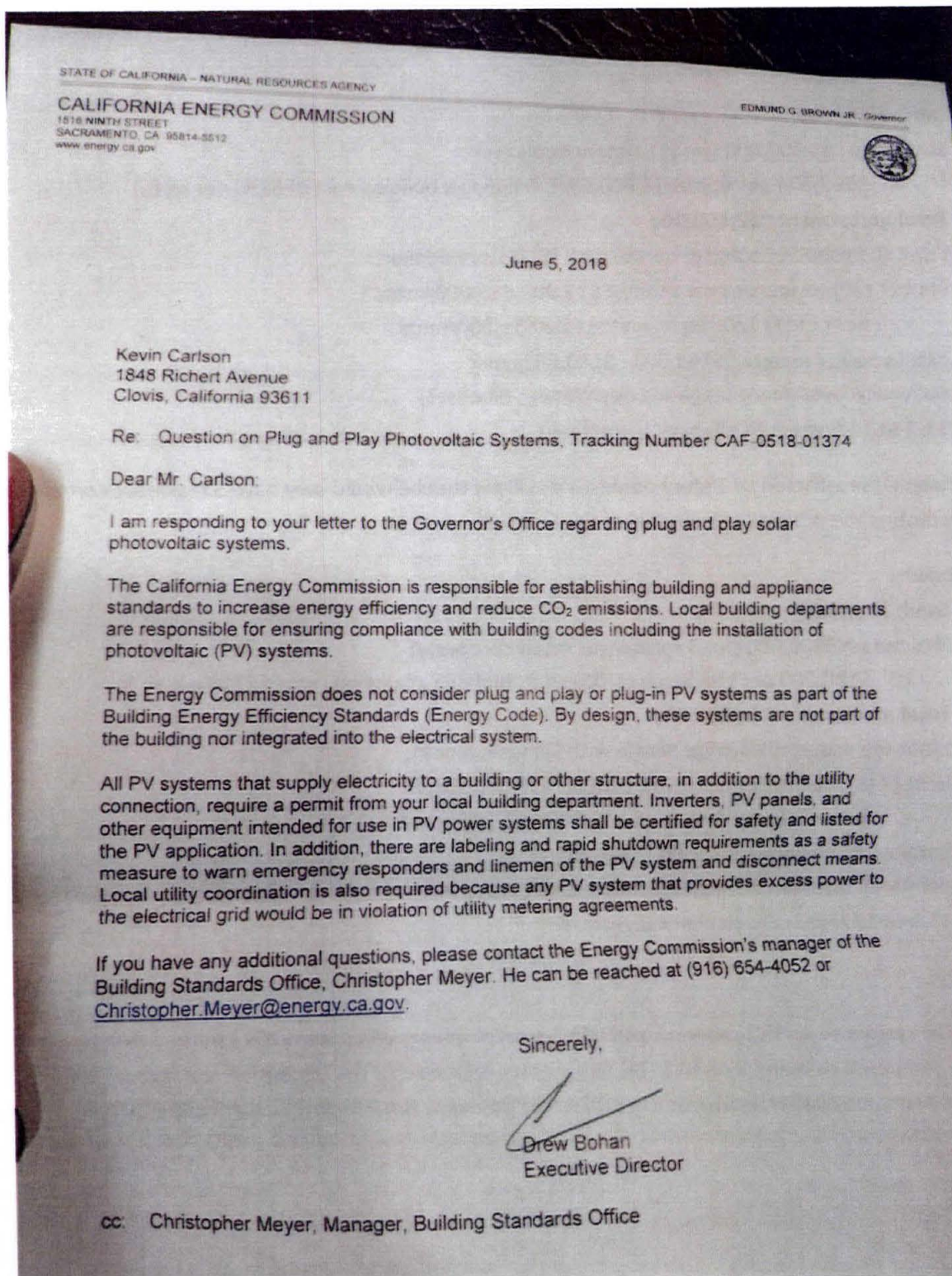
Yearly to payback investment (negating operational expenses)

- **13.3 to 16.6 years to payback investment**

Summary:

Building 10 residence on the property with (5) 2-story duplexes will potentially produce twice as much revenue compared to being limited to (5) single story residences. The amount of years to pay back the investment are similar, however the (5) 2-story duplexes scenario pays back slightly faster.

Appendix B:



Appendix C:

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (Heading of Title 7 amended by Stats. 1974, Ch. 1536.)

DIVISION 1. PLANNING AND ZONING [65000 - 66210] (Heading of Division 1 added by Stats. 1974, Ch. 1536.)

CHAPTER 4. Zoning Regulations [65800 - 65912] (Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)

ARTICLE 2. Adoption of Regulations [65850 - 65863.13] (Article 2 added by Stats. 1965, Ch. 1880.)

65850.5. (a) The implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern. It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes, and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install solar energy systems. It is the policy of the state to promote and encourage the use of solar energy systems and to limit obstacles to their use. It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the legislative intent to encourage the installation of solar energy systems by removing obstacles to, and minimizing costs of, permitting for such systems.

(b) A city or county shall administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install a solar energy system shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health or safety. However, if the building official of the city or county makes a finding, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety, the city or county may require the applicant to apply for a use permit.

(c) A city, county, or city and county may not deny an application for a use permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

(d) The decision of the building official pursuant to subdivisions (b) and (c) may be appealed to the planning commission of the city, county, or city and county.

CIVIL CODE - CIV

DIVISION 2. PROPERTY [654 - 1422] (Heading of Division 2 amended by Stats. 1986, Ch. 160, Sec. 13.)

PART 2. REAL OR IMMOVABLE PROPERTY [755.] - 949.5] (Part 2 enacted 1872.)

TITLE 2. ESTATES IN REAL PROPERTY [761 - 817.4] (Title 2 enacted 1872.)

CHAPTER 3. Servitudes [801 - 813] (Chapter 3 enacted 1872.)

801.5. (a) The right of receiving sunlight as specified in subdivision 18 of Section 801 shall be referred to as a solar easement. "Solar easement" means the right of receiving sunlight across real property of another for any solar energy system.

As used in this section, "solar energy system" means either of the following:

(1) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

(2) A structural design feature of a building, including either of the following:

(A) Any design feature whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

(B) Any photovoltaic device or technology that is integrated into a building, including, but not limited to, photovoltaic windows, siding, and roofing shingles or tiles.

(b) Any instrument creating a solar easement shall include, at a minimum, all of the following:

(1) A description of the dimensions of the easement expressed in measurable terms, such as vertical or horizontal angles measured in degrees, or the hours of the day on specified dates during which direct sunlight to a specified surface of a solar collector, device, or structural design feature may not be obstructed, or a combination of these descriptions.

(2) The restrictions placed upon vegetation, structures, and other objects that would impair or obstruct the passage of sunlight through the easement.

(3) The terms or conditions, if any, under which the easement may be revised or terminated.

(Amended by Stats. 2017, Ch. 849, Sec. 1. (AB 1414) Effective January 1, 2018.)

PUBLIC RESOURCES CODE - PRC

DIVISION 15. ENERGY CONSERVATION AND DEVELOPMENT [26000 - 26990] (Division 15 added by Stats. 1974, Ch. 276.)

CHAPTER 12. Solar Shade Control [25980 - 25986] (Chapter 12 added by Stats. 1978, Ch. 1366.)

25980. This chapter shall be known and may be cited as the Solar Shade Control Act. It is the policy of the state to promote all feasible means of energy conservation and all feasible uses of alternative energy supply sources. In particular, the state encourages the planting and maintenance of trees and shrubs to create shading, moderate outdoor temperatures, and provide various economic and aesthetic benefits. However, there are certain situations in which the need for widespread use of alternative energy devices, such as solar collectors, requires specific and limited controls on trees and shrubs.

(Added by Stats. 1978, Ch. 1366.)

Appendix D:

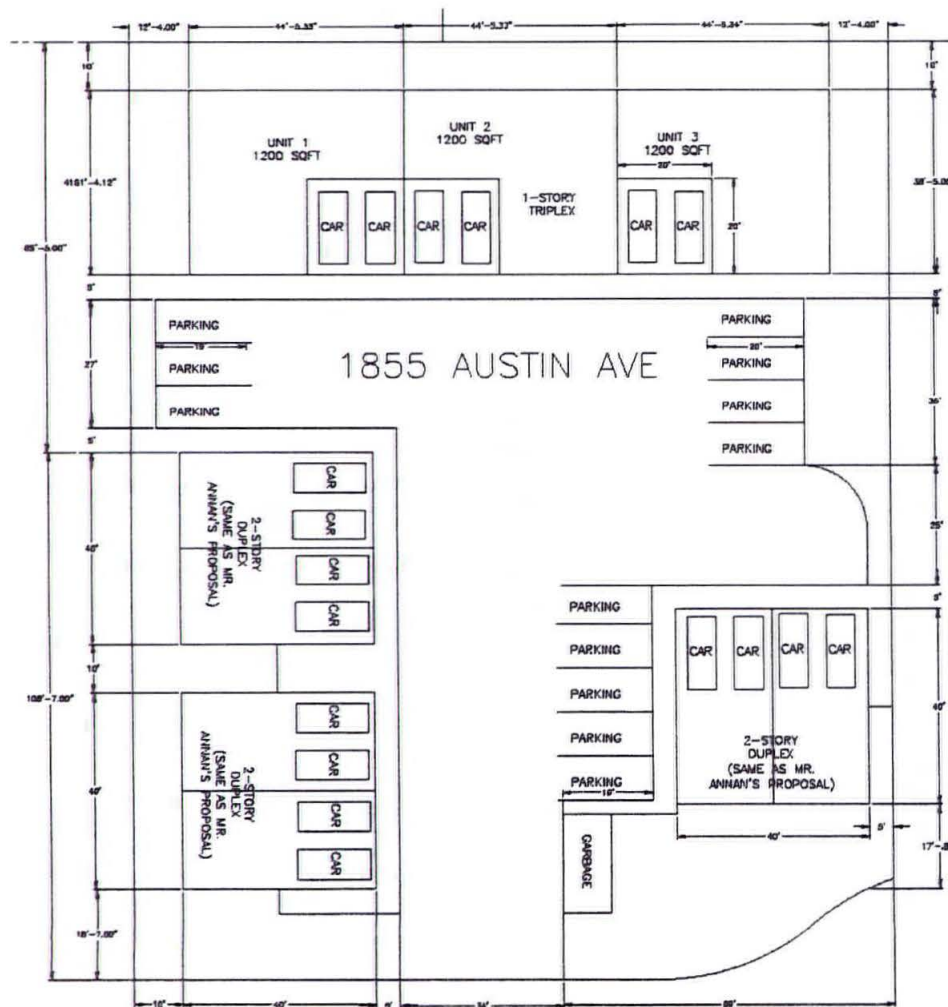
I would like to propose an alternative to Mr. Annan's (5) 2-story duplexes. I believe the alternative proposal will be able to do the following:

1. Create a good amount of revenue for Mr. Annan (including the city, county, and state)
2. Improve my backyard privacy greatly
3. Preserve my solar placement options for the future
4. Allow Mr. Annan's building complex to appeal to a greater range of people

My proposal would be as follows:

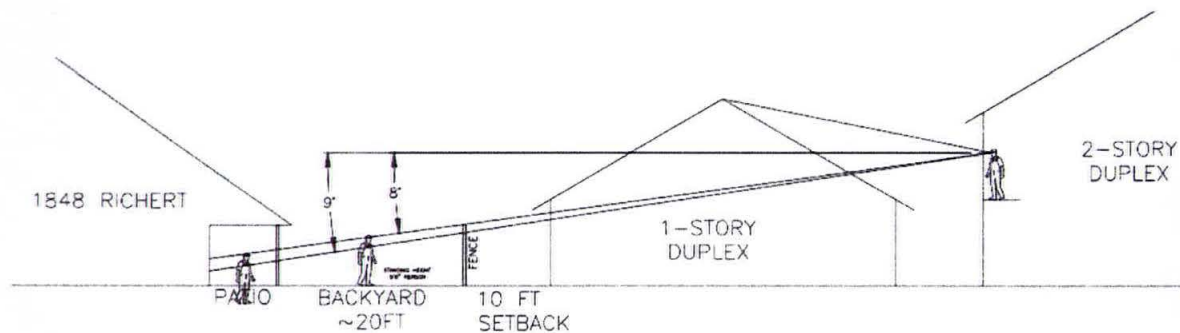
Mr. Annan would be allowed to have the height restriction removed for the southern ~108 ft of the property, but the Northern ~85 ft would continue to have the height restriction.

This would allow Mr. Annan to build (3) of his currently proposed 2-story duplexes on the southern half of the property, and (1) single-story triplex on the northern portion of his property. The site map would look something like the following:



	Original Proposal	Optional Proposal
Units on property	10	9
Size of units (not including the garage)	~1200 sqft	~1200 sq ft
2-story buildings	5	3
Single story buildings	0	1
Parking spaces	16	12
Privacy impact to northern Neighbors	Severe	Minimal
Will it impact northern Neighbor solar potential	Yes	No

Below is a drawing of how the single story building improves my back yard privacy. The single story building will block any 2 story view looking direction north. If the 2-story occupant looks north-west the angle of view reduces greatly from the original proposals 40° to less than 9°. This is acceptable to me.



The single story units would have more appeal for people with mobility issues and the elderly.

I do have a question about what type of trees Mr. Annan's if proposing to plant between the property line and most of his buildings. Many of the trees I know of have a larger crown that 10', which would mean the trees are not going to have much room to grow before the branches touch the wall or roof line of the building. Trees that are planted too close to a building or fence will quickly become a nuisance. The only full grown tree that I can think of which might actually fit in the setback areas are a crepe myrtles.

I tried to keep many of the unit dimensions similar to what was on the original proposal. If the City of Clovis is going to remove the height restriction from 1844 Austin Ave., please give this alternative proposal a try. It allows for the southern buildings on the property to be 2-story and the northern most building(s) will still be a single story unit. I think this proposal would be a win for all parties involved.

I do have one disclaimer about this alternative propose. I drew it with the same rear setback of 10' as the original proposal had so the two proposals could be compared evenly. Personally I would prefer a 20' rear setback for the buildings on his property. However, I know that is not necessarily part of this public hearing, and the City of Clovis has complete discretion on whether to grant Mr. Annan a 10' rear setback variance. **If Mr. Annan is able to get a variance on his property's rear setback and change it from 20' to 10', I would kindly request that the fence height be raised from a minimum of 6' to a minimum of 7' to 8' tall, since his building will be much closer to my property.** Thank you in advance for considering my request.

High level financial assessment of what Mr. Annan potentially stands to gain with (3) 2-story duplexes and (1) single story triplex.

Cost to build:

- Land: \$300,000
- Structures: \$1,620,000 (for (3) 2-story duplexes and (1) single story triplex)
 - \$360,000 per duplex (2,400 sq.ft. building x building cost of \$150 per sq.ft.)
 - \$540,000 per Triplex (3,600 sq.ft. building x building cost of \$150 per sq.ft.)
- **Total investment ~\$1,920,000**

Revenue that the property could generate with (5) 2-story duplexes

- Rent of (9) residences per month: \$10,800-\$13,500/month
 - Rent of (1) 1200 sq.ft. unit: \$1,200-\$1,500/month
- **Total yearly revenue ~\$130,000 - \$162,000/year**

Yearly to payback investment (negating operational expenses)

- **11.8 to 14.8 years to payback investment**

	Potential yearly revenue (not including expenses)
All single story units (5 units)	~\$72,000 - \$90,000
(3) 2-story duplexes, (1) single story triplex	~\$130,000 - 162,000
(5) 2-story duplexes	~\$144,000 - \$180,000

Thank you once again.

PLANNING COMMISSION MINUTES

ATTACHMENT 3

CLOVIS PLANNING COMMISSION MINUTES
August 23, 2018

1. Consider Approval Res. 18-43, **R88-09A**, A request to approve an amendment to the conditions of approval to allow for the development of a multiple-family development consistent of the R-2 Zone District for property located at 1855 Austin Avenue. Mohamad Annan, owner/applicant; Aesthetics Designs, representative.

Deputy City Planner Orlando Ramirez presented the staff report.

Commissioner Cunningham sought and received confirmation that the codified height limitation in residential zoning areas is thirty-five feet.

Chair Hinkle sought and received confirmation that the item before the Commission tonight relates only to amending the zoning. Deputy City Planner Ramirez explained that the applicant has submitted an application for a conditional use permit which will be presented before the Commission in September, hence the reason some of the information presented tonight does not pertain to the zoning amendment application.

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

Eli Saliba, architect for Aesthetics Designs, provided background on the project and offered to answer questions.

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

Mohamad Annan of 1855 Austin Avenue, Clovis, owner of the property in question spoke in favor of the project in economic and environmental terms.

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

Kevin Carlson of 1848 Richert Avenue, author of the received correspondence, spoke in opposition of the project citing privacy concerns, offered an alternative proposal involving a mixture of single- and two-story buildings to resolve this concern, and inquired into the possibility of a condition restricting building height on the northern side of the property.

At this point, the Chair closed the public portion.

Chair Hinkle sought and received confirmation that the concerns raised by Mr. Carlson would be addressed by the conditional use permit application, which would be site specific and include floor plans and elevations while also providing another opportunity for the property owners to express their concerns and work with the applicant.

Chair Hinkle sought clarification as to whether or not there would be a neighborhood meeting before the next Planning Commission meeting. Deputy City Planner Ramirez clarified that there is no official neighborhood meeting planned but that there has been discussion with the applicant regarding outreach to neighboring properties, particularly those to the north.

Commissioner Hatcher inquired as to whether this proposed development may be two-story by right. Deputy City Planner Ramirez confirmed this with a brief explanation as to the imposed building size limitation. Commissioner Hatcher followed up by seeking and receiving confirmation that the Commission may not limit what is developed on this property at this point in time.

Chair Hinkle recommended that the applicant reach out to and attempt to work with adjacent property owners.

Commissioner Antuna sought and received confirmation that the property of the public member is directly adjacent to the project site, and that his concern is an invasion of privacy from the construction of a two-story building near the shared property line.

Chair Hinkle stated that the matter will involve configuration of the site and reiterated his hope that the applicant will work with neighboring property owners on the issue, as such cooperation has worked well in the past on other projects.

Commissioner Antuna sought and received confirmation that, given that other adjacent property owners were not present, approval of the rezone amendment would only remove the height limitation and make the property subject to R-2 zoning standards.

At this point a motion was made by Commissioner Antuna and seconded by Commissioner Cunningham to approve R88-09A. The motion was approved by a vote of 5-0.



AGENDA ITEM NO: **9**

City Manager: *[Signature]*

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 10, 2018

SUBJECT: Consider Approval, Res. 18-___, **CUP2005-24A2**, A request to approve a conditional use permit amending the master site plan for Portal Sierra II within the Research and Technology Park, located on the west side of Temperance Avenue, north of Alluvial Avenue, Greyhawk, LLC., owner and applicant; Centerline Design LLC., representative

ATTACHMENTS:

Figure 1:	Location Map
Exhibit "A:"	Conditions of Approval
Attachment 1:	Draft Resolution
Attachment 2:	Planning Commission Minutes
Attachment 3:	Correspondence from Agencies
Attachment 4:	Correspondence from Eric Doswold
Exhibit "B:"	Existing Site Plan
Exhibit "C:"	Proposed Site Plan
Exhibit "D:"	Floor Plans & Elevations

CONFLICT OF INTEREST

None

RECOMMENDATION

Planning Commission and staff recommend that the City Council approve CUP2005-24A2, subject to the conditions listed in Exhibit "A."

EXECUTIVE SUMMARY

The applicant is requesting approval of a conditional use permit to amend the master site plan for the business campus Planned Unit Development (PUD) known as Portal Sierra II within the R-T (Research and Technology) Park Zone District located west of Temperance

Avenue and north of Alluvial Avenue. Approval of this conditional use permit will memorialize a revised layout of the proposed master site plan.

BACKGROUND

- General Plan Designation: Mixed Use Business Campus
- Specific Plan Designation: Herndon-Shepherd
- Existing Zoning: R-T (Research and Technology)
- Lot Size: 10.08 acres
- Current Land Use: R-T/ Vacant
- Adjacent Land Uses: North: Mixed Use Business Campus/ Vacant
South: Mixed Use Business Campus
East: Mixed use Business Campus
West: Single-family residential / Park
- Previous Entitlements: GPA99-05, R2001-04, CUP2005-24 & SPR2007-02

Portal Sierra II Business Campus consists of approximately 15.36 acres overall. On November 2015, Conditional Use Permit CUP2005-24, was approved permitting the development of a Business Campus Planned Unit Development (PUD), memorializing the site layout, building sizes, and architectural criteria.

Precision Plastics and Agriculture & Priority Pollutants are existing developments within the business campus and located adjacent to N. Temperance Avenue. The remaining properties within the business campus have remained undeveloped.

PROPOSAL AND ANALYSIS

Project Description

The applicant is proposing to amend an undeveloped portion of the existing site (Exhibit "B") approved with CUP2005-24 for the Portal Sierra II. The undeveloped portion of the business campus encompasses approximately 10.08 acres. This amendment request will modify the circulation, number of buildings, and size of buildings. There are no modifications proposed for the existing developed portion of the business campus. Exhibit "C" shows the proposed layout of the development.

Circulation/Parking

CUP2005-24 approved a 32-foot curb to curb width private street throughout the Project site, designed to accommodate access to all of the parcels which were being marketed to individual users. Parking was restricted along this private street. The Project proposes to eliminate the private street throughout the business campus for future development. Amendment to the master site plan will include drive aisles with 90 degree parking stalls throughout this portion of the development. Drive aisle widths will range from the minimum 26 feet to 36 feet.

Any proposed development is required to meet the parking requirements called out in the R-T Zone District. Parking requirements are based upon each proposed use and future development could be limited if this and any other development proposals exceed the required parking ratios. Below is a breakdown of the types of uses for each building and the ratio of parking stalls required for that use:

Medical Office- Requires 1 parking stall for every 250 sq. ft. of gross floor area

- Proposed Medical Office building area – 28,080 sq. ft.
- Required parking- 113 parking stalls

Business Office- Requires 1 parking stall for every 250 sq. ft. of gross floor area

- Proposed Business Office building area – 59,804 sq. ft.
- Required parking- 240 stalls

Total required parking stalls =353

Total parking stalls provided= 466

Reciprocal Access

The master site plan approved for the Business Campus PUD provided reciprocal access to the development on the south (Portal Sierra I) and to future development on the north. The original intent for the reciprocal access was to provide complete accessibility between the properties within this portion of the R-T Park. The developer is proposing to eliminate the shared access to future development on the north with this amendment. Staff has conditioned that the developer provide correspondence from the property owner to the north, agreeing to the elimination of the reciprocal access between the properties. This information shall be provided at the time of submittal for site plan review.

The Project is a PUD which includes an Association Agreement to maintain the access roads within its development. The maintenance area extends into Portal Sierra I to the south which collectively maintains the roads, landscaping and utilities. If the property to the north connects to a future reciprocal access, shared cost agreements would be required to be implemented for long-term maintenance. Because the City cannot require developers to join an existing PUD association, staff agrees that reciprocal access may not be feasible in this location and would be supportive of its removal upon ownership concurrence.

Minimum Building Area

The Research and Technology District requires a minimum building size of 20,000 square feet. Ordinance Amendment, OA2005-5, was approved by the City Council (November 2005), allowing for buildings less than 20,000 square feet in area when the structures are linked through a common architectural feature such as a trellis or breezeway. The total combined area of those structures required a minimum of 20,000 square feet. In July 2014,

the City Council approved OA2014-02 that amended the R-T Park minimum building size to 10,000 square feet.

The applicant is proposing nine buildings ranging from 7,020 square feet to 17,424 square feet. The proposed four office buildings along the northern boundary are proposed at 10,595 square feet. The proposed office/Technology building at the west end of the Project, also the largest, is proposed at 17,424 square feet. The applicant is also proposing four medical office buildings at 7,020 square feet each. These buildings are proposed in pairs with each sharing a breezeway. In order to meet the minimum building size requirement of the R-T Zone district, these proposed buildings must share a common architectural feature and have an aggregate building size of 10,000 square feet minimum. In this case, each building pair shares a common breezeway and has a total of 14,040 square feet of building space. Specific details of the architectural connection will be evaluated by the Director during site plan review.

Architecture and Design

Architecture and building design shall be consistent throughout the business campus. In keeping with the vision of the R-T park design standards, buildings within the business campus shall appear high tech and contemporary. Materials used for construction shall include glass, steel, and cementitious exteriors. These standards are incorporated in the attached conditions of approval (Exhibit "A."), and specific details will be reviewed during the site plan review process.

City Trail Improvement

On the west side of the property is a 100-foot future trail system. This trail was approved as part of the Research and Technology Park and acts as a buffer to the existing single family residential development to the west. The trail will connect to the Enterprise Canal Trail system and the Alluvial Avenue landscape boulevard. The applicant will be required to contribute toward the development of this open space element as part of the amenities for this planned unit development via landscape requirements. The Business Campus PUD will also be required to improve the trail adjacent to their frontage with irrigation, a 10' wide concrete path, trees and turf.

Pedestrian Connectivity

Office and Business Campus PUD's are required under the Ordinance, to provide for efficient use of open space and a program of amenities not available within the constraints of a conventional zone district. In the original master site plan, the applicant provided for a strong pedestrian connection through this Business Campus PUD, linking the Temperance Avenue landscape boulevard to the Business Park Trail System. In keeping with this intent, staff has conditioned that the applicant provide and maintain a pedestrian path from Temperance Avenue to the trail system. The pedestrian path should be delineated with enhanced material or stamped concrete to provide clear passage.

Neighborhood Comments

Per the Clovis Development Code and City Policy, a public notice was sent to area residents within 350 feet of the project boundaries. Staff received inquiries from a few residents in the neighborhood located west of the project site. The residents were made aware of the applicant's request to modify the layout of the master site plan which has no effect on the land use and the intent of the approved business campus. The Planning Commission was provided a memo of correspondence from Eric Doswold (Attachment 4), a resident within the neighborhood. In his correspondence, Mr. Doswold requested that a barrier be provided between the future trail and the development to deter non-campus foot and vehicular traffic from utilizing the business campus parking areas. Lighting concerns were also expressed in the correspondence. Staff did respond to Mr. Doswold. Since there currently is no plan or design concept for the trail, information provided was limited. Mr. Doswold was also made aware of the City's lighting standards that is required of the development.

Review and Comments from Agencies

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

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

Planning Commission Comments and Discussion

The Planning Commission considered the project on Thursday, July, 26, 2018. Discussion included changes in the circulation and the elimination of the private road within the proposed development. The Planning Commission approved CUP2005-24A2 subject to conditions of approval listed as Exhibit "A."

California Environmental Quality Act (CEQA)

The applicant's project is in substantial conformance with the environmental analysis performed for the 2014 General Plan Update, 2014 Development Code Update. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project, therefore, subject to California Government Code Section 65457, no further environmental review is required for this project.

The City published notice of this public hearing in *The Business Journal* on Wednesday, August 29, 2018.

FISCAL IMPACT

None

REASON FOR RECOMMENDATION

Overall, the Project represents the quality, design and intent of the Portal Sierra II Business Campus and the overall R-T Park. The project is also consistent with the goals and policies of the General Plan and Zoning. In light of this, Planning Commission and staff recommend that the City Council approve CUP2005-24A2, subject to the conditions of approval listed as Exhibit "A."

ACTIONS FOLLOWING APPROVAL


None

NOTICE OF HEARING

Property owners within 350 feet notified: 27

Interested individuals notified: 10

Prepared by: Lily Cha, Assistant Planner

Submitted by: 
Dwight Kroll, AICP
Director of Planning and Development

F:\Planning Projects\CUP\CUP 2005\CUP2005-24A2 (Portal Sierra II)\Documents

**FIGURE 1
PROJECT LOCATION MAP**

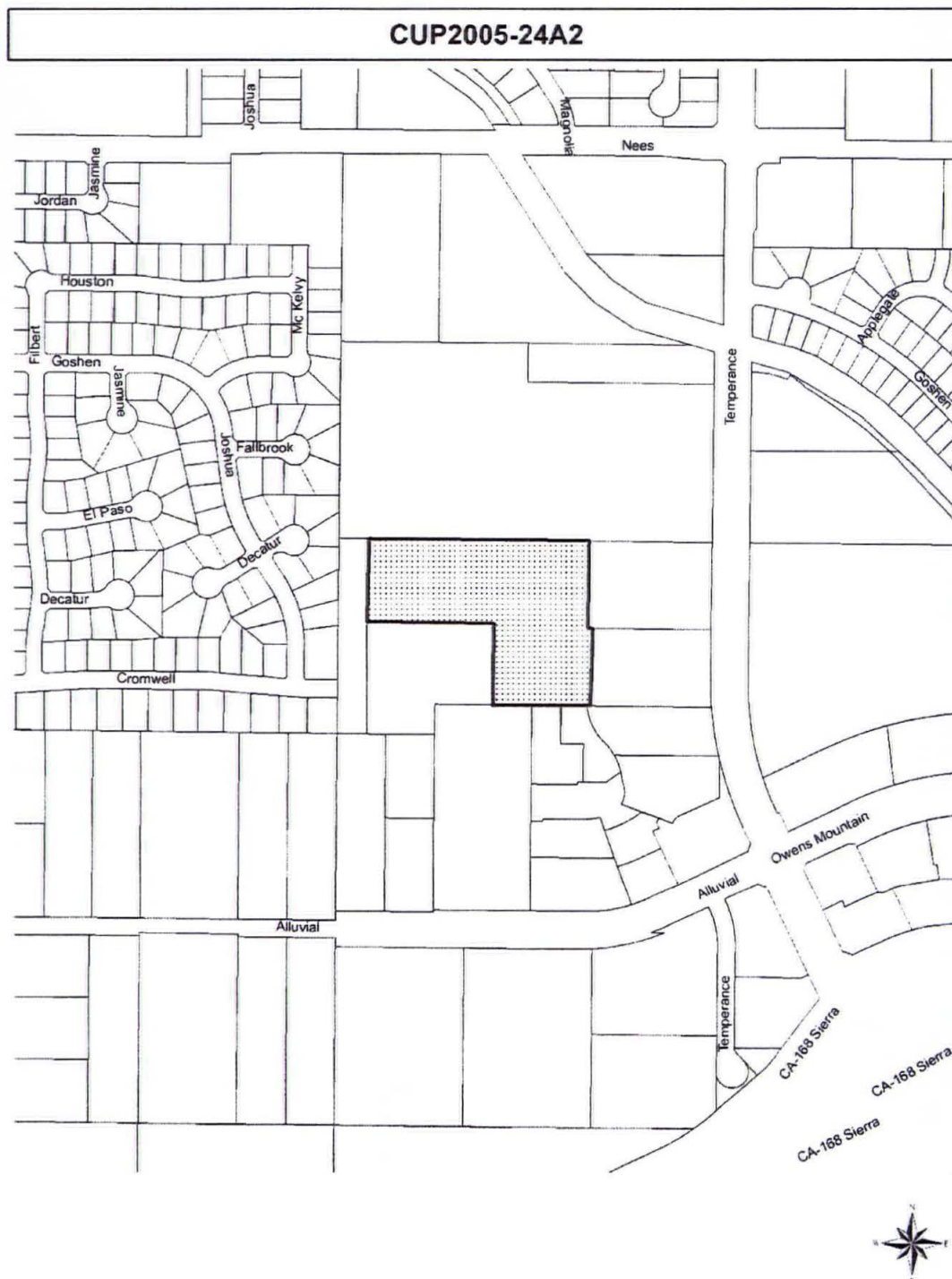


EXHIBIT "A"
Conditions of Approval – CUP2005-24A2

Planning Division Conditions

(Division Representative – Lily Cha, 324-2335)

1. The applicant shall relay all Conditions of Approval for this Conditional Use Permit to all subsequent purchasers of individual lots, if applicable, and/or to subsequent purchasers of this entire planned unit development.
2. The applicant shall obtain City approval in advance for temporary and permanent signs through separate sign review, consistent with the development criteria of the Clovis Municipal Code Sign Ordinance.
3. The conditions of approval of this use permit and master site plan review shall be recorded on the title of each of the parcels created with the record of survey to ensure compliance with the conditions of approval.
4. Developer shall provide confirmation from the property owner to the north in agreement of the elimination of the reciprocal access between the subject site and future development to the north.
5. All walls and/or fences proposed with this project are subject to the approval of the City Planner. Details regarding the fences should be submitted with site plan review for each project.
6. This map is approved per the Exhibit "B" on file in the Planning Division, and as conditioned.
7. Setbacks for this development shall be as follows:
 - 6 foot landscape setback around the perimeter of the project.
 - A minimum 200 foot setback from any loading zone or loading dock constructed in association with a structure in this planned unit development project to any residential area.
8. Prior to development on any parcel within this planned unit development, the applicant shall submit for and have approved an application for site plan review. All building elevations, colors, and materials shall be reviewed and approved through the site plan review process. The applicant shall also submit plans for all landscaping, wall improvements, and other design elements to be considered under the site plan review process.

9. The applicant shall utilize the following common architectural elements and materials for this planned unit development:
- Architecture should be harmonious and compatible
 - Architecture should appear high tech and contemporary
 - Materials of construction should include glass, steel, and cementitious exteriors.
10. The project shall improve the trail open space element along the project frontage on the western boundary of the site. The trail improvements and enhancements shall be reviewed under the master site plan review and shall include, at a minimum, the irrigation, 10' wide concrete path, trees, and turf.
11. The applicant shall contribute toward the development of the open space element as part of the amenities for this planned unit development via landscaping to buffer the adjacent residential development located on the west.
12. All structures less than 10,000 square feet in area shall be linked through a common architectural feature and combined shall total a minimum of 10,000 square feet in area consistent with Ordinance Amendment OA2014-02 or any other applicable ordinance amendment.

Fresno Metropolitan Flood Control District Conditions

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

13. The applicant shall comply with the requirements of the FMFCD. If the list is not attached, please contact the District for the list of requirements.

Fresno Irrigation Department Conditions

(Jeremy Landrith, FID Representative - 233-7161 ext. 7407)

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

Department of Transportation

(Jamaica Gentry, Caltrans Representative – 488-7307)

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

**DRAFT
RESOLUTION 18-_____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING A CONDITIONAL
USE PERMIT FOR THE AMENDMENT OF THE MASTER SITE PLAN FOR THE PORTAL SIERRA II
BUSINESS CAMPUS LOCATED WEST OF N. TEMPERANCE AND NORTH OF ALLUVIAL AVENUE
AND FINDING THAT THE PROJECT IS IN SUBSTANTIAL CONFORMANCE WITH THE
ENVIRONMENTAL ANALYSIS PERFORMED FOR THE 2014 GENERAL PLAN UPDATE, 2014
DEVELOPMENT CODE UPDATE**

WHEREAS, Greyhawk, LLC, 998 N. Temperance Avenue, Clovis, CA, 93611, has applied for a Conditional Use Permit CUP2005-24A2; and

WHEREAS, this is a request to approve a conditional use permit to amend the master site plan for the Portal Sierra II Business Campus located west of N. Temperance and north of Alluvial Avenue, in the City of Clovis, County of Fresno; and

WHEREAS, a public notice was sent out to area residents within 350 feet of said property boundaries ten days prior to said hearing; and

WHEREAS, a duly noticed hearing was held on September 10, 2018; and

WHEREAS, on October 8, 2018, the City Council has reviewed and considered the staff report and all written materials submitted in connection with the request including the conditions attached as Exhibit "A" to this resolution and incorporated herein by this reference, and hearing and considering the testimony presented during the public hearing; and:

1. The proposed use is conditionally allowed within, and would not impair the integrity and character of the subject zoning district and is in compliance with all of the applicable provisions of this Development Code;
2. The proposed use is consistent with the General Plan and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City;
4. The subject parcels are 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 project is in substantial conformance with the environmental analysis performed for the 2014 General Plan update, 2014 Development Code updated.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Clovis City Council does approve CUP2005-24A2, subject to the attached conditions labeled Exhibit "A"

* * * * *

The foregoing resolution was adopted at a regular meeting of the City Council held on October 8, 2018, by the following vote, to wit:

ATTACHMENT 1

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED: October 8, 2018

Mayor

City Clerk

**PLANNING COMMISSION MINUTES
JULY 26, 2018**

CLOVIS PLANNING COMMISSION MINUTES
July 26, 2018

- A. Consider approval Res. 18-41, **CUP2005-24A2**, A request to approve a conditional use permit to amend the master site plan for Portal Sierra II, located on the west side of Temperance Avenue, north of Alluvial Avenue. Greyhawk, LLC., owners and applicant; Centerline Design LLC., representative.

Assistant Planner Lily Cha presented the staff report.

Commissioner Cunningham sought clarification on the reduction of the private street, seeking to ensure that a fire engine would still be accommodated. Assistant Planner Cha explained that the amendment would eliminate the private street and instead have standard drive aisles.

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

Hal Lore of Lore Engineering, 620 Dewitt Avenue, made some brief statements and offered to answer questions.

Commissioner Cunningham inquired as to the developer's reasoning behind reducing the street to drive aisles. Mr. Lore provided an explanation.

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

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

There being none, the Chair closed the public portion.

At this point a motion was made by Commissioner Hatcher and seconded by Commissioner Cunningham to approve CUP2005-24A2. The motion was approved by a vote of 4-0.

CORRESPONDENCE FROM AGENCIES

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

File No. 210.433

Page 1 of 5

PUBLIC AGENCY

LILY CHA
DEPARTMENT OF PLANNING AND
DEVELOPMENT SERVICES
CITY OF CLOVIS
1033 FIFTH STREET
CLOVIS, CA 93612

DEVELOPER

HENRY MATA, GREYHAWK, LLC
998 N. TEMPERANCE AVE.
CLOVIS, CA 93611

PROJECT NO: **2005-024A2**

ADDRESS: **W/S TEMPERANCE N/O ALLUVIAL AVE.**

APN: **564-090-14T, 564-090-12**

SENT: *6/28/18*

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
7D	\$174,179.00	NOR Review *	\$355.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review *	\$1,803.00	Amount to be submitted with first grading plan submittal.
Total Drainage Fee: \$174,179.00		Total Service Charge: \$2,158.00		

* The Development Review Service Charge shown above is associated with CL SPR 2007-002A2 and is currently proposed to develop in conjunction with this permit. Payment for this entitlement shall satisfy the amount due on the associated permits.

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/19 based on the site plan submitted to the District on 5/17/18. Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

- a.) Fees related to undeveloped or phased portions of the project may be deferrable.
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.
- b.) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- c.) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.
- d.) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.
- e.) 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.
- f.)

CL CUP No. 2005-024A2

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

Page 2 of 5

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

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

2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:
 - ☒ Developer shall construct facilities as shown on Exhibit No. 1 as MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER.
 - ☐ 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.

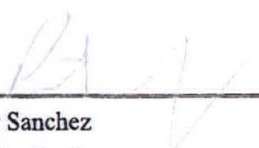
6. ☐ The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or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

CL CUP No. 2005-024A2


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

Page 3 of 5

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.



Peter Sanchez
District Engineer



Robert Villalobos
Project Engineer

CL CUP No. 2005-024A2

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

Page 4 of 5

CC:

CENTERLINE DESIGN, LLC

1508 TOLLHOUSE RD., SUITE C

CLOVIS, CA 93611

CL CUP No. 2005-024A2

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT NOTICE OF REQUIREMENTS

Page 5 of 5

Pursuant to the District's Development Review Fee Policy, the subject project shall pay review fees in the amount identified below for Storm Drain Review. The fee shall be paid to the District by Developer with first plan submittal. Checks shall be made out to Fresno Metropolitan Flood Control District.

Application No. CL CUP 2005-024A2

Name / Business HENRY MATA, GREYHAWK, LLC

Project Address W/S TEMPERANCE N/O ALLUVIAL AVE.

Project APN(s) 564-090-14T, 564-090-12

Project Acres (gross) 10.13

Please fill in the table below of proposed storm drain facilities to be constructed with this development and return completed form with first plan submittal. If you have any questions or concerns regarding the construction of facilities list, you can contact the Fresno Metropolitan Flood Control District at 559-456-3292.

Description	Qty	Unit	Price	Amount
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Estimated Construction Cost

Fee equals lesser of

\$375.00 plus 3% of the estimated construction costs

Total (\$300.00 gross per acre) \$3,039.00

Amount Due

Storm Drain Facilities Cost Sheet

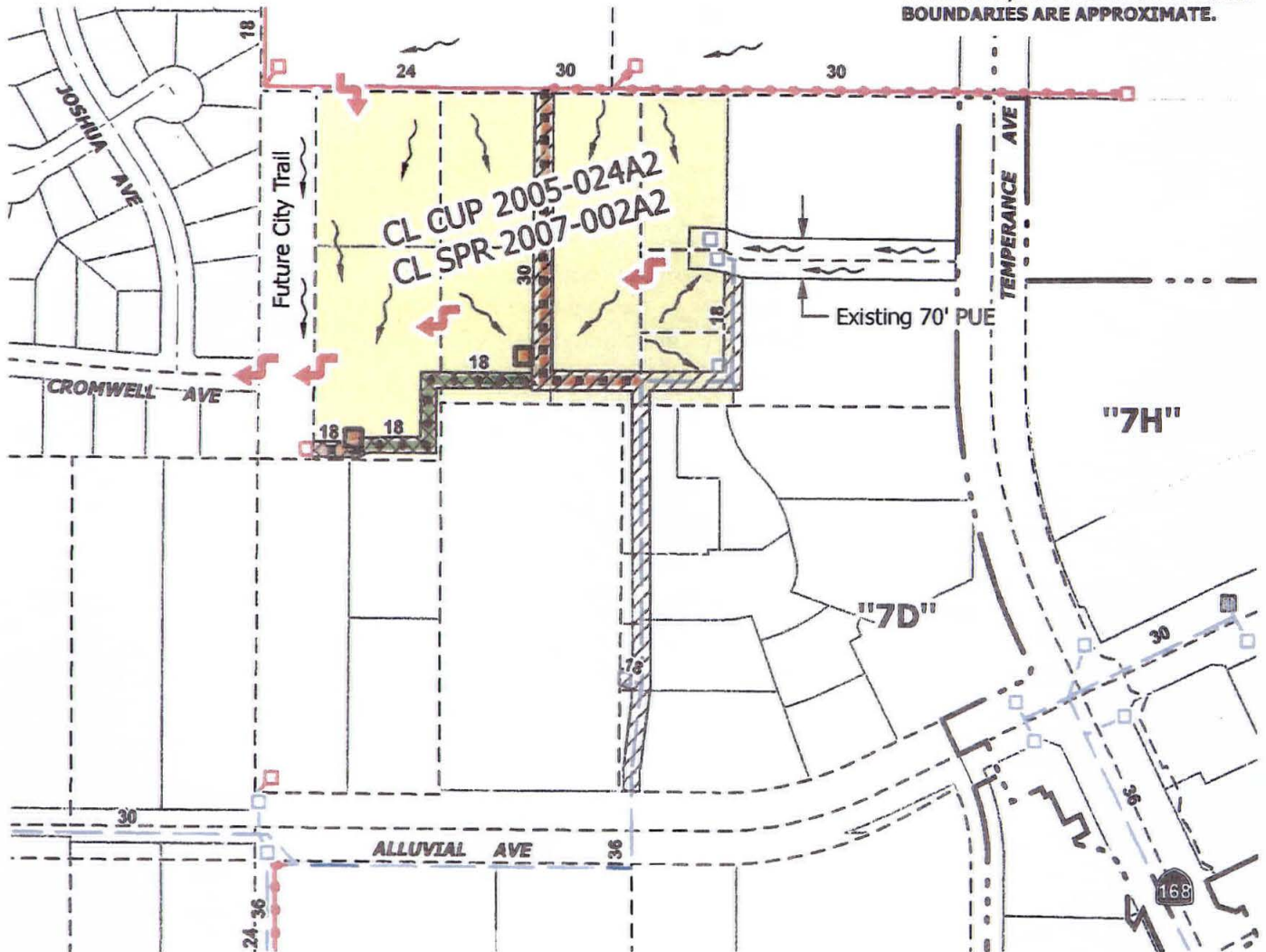
15" Concrete Pipes \$72.00 LF
18" Concrete Pipes \$76.00 LF
24" Concrete Pipes \$85.00 LF
30" Concrete Pipes \$101.00 LF
36" Concrete Pipes \$120.00 LF
42" Concrete Pipes \$139.00 LF
48" Concrete Pipes \$163.00 LF
54" Concrete Pipes \$198.00 LF
60" Concrete Pipes \$233.00 LF
66" Concrete Pipes \$275.00 LF
72" Concrete Pipes \$317.00 LF
84" Concrete Pipes \$354.00 LF
96" Concrete Pipes \$384.00 LF
15" Jacked Pipes \$555.00 LF
18" Jacked Pipes \$608.00 LF
24" Jacked Pipes \$687.00 LF
30" Jacked Pipes \$766.00 LF
36" Jacked Pipes \$846.00 LF
42" Jacked Pipes \$898.00 LF
48" Jacked Pipes \$951.00 LF
54" Jacked Pipes \$1,031.00 LF
60" Jacked Pipes \$1,110.00 LF
66" Jacked Pipes \$1,216.00 LF
72" Jacked Pipes \$1,374.00 LF
84" Jacked Pipes \$1,533.00 LF
Manholes \$4,000.00 EA
Inlets & Laterals \$4,450.00 EA
Outfalls \$11,000.00 EA
Canal Outfalls \$15,000.00 EA
Basin Excavation \$0.75 CY

IMPROVEMENTS ADJACENT TO BASIN

Fence, Pad, and Gate \$20.00 LF
Mowstrip \$18.00 LF
Arterial Paving \$74.00 LF
Local Paving \$48.00 LF
Curb and Gutter \$25.00 LF
Sidewalk \$50.00 LF
Sewer Line \$21.00 LF
Water Line \$24.00 LF
Street Lights \$65.00 LF
Pump Station/Intake \$400,000.00 EA

CL CUP No. 2005-024A2

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



LEGEND

- | | | | |
|--|---|--|------------------------|
| | Creditable Surcharge Facilities (Master Plan Facilities To Be Constructed By Developer) - Pipeline (Size Shown) & Inlet | | Inlet Boundary |
| | Creditable Facilities (Master Plan Facilities To Be Constructed By Developer) - Pipeline (Size Shown) | | Drainage Area Boundary |
| | Existing Master Plan Facilities | | Direction Of Drainage |
| | Future Master Plan Facilities | | Major Storm Breakover |
| | Future Surcharge Facilities | | |
| | Minimum 15' Wide Storm Drainage Easement To Be Dedicated To District By Developer | | |
| | Existing 20' Wide Storm Drainage Easement | | |
| | Limits Of CL CUP 2005-024A2 And CL SPR 2007-002A2 | | |



1" = 300'

CL CUP 2005-024A2
CL SPR 2007-002A2
DRAINAGE AREA "7D"

EXHIBIT NO. 1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

Prepared by: keithr

Date: 6/7/2018

Path: K:\Autocad\DWGS\0EXHIBIT\CLCUP\2005-024A2.mxd



OTHER REQUIREMENTS
EXHIBIT NO. 2

The cost of construction of Master Plan facilities, excluding dedication of storm drainage easements, is eligible for credit against the drainage fee of the drainage area served by the facilities. A Development Agreement shall be executed with the District to effect such credit. Reimbursement provisions, in accordance with the Drainage Fee Ordinance, will be included to the extent that developer's Master Plan costs for an individual drainage area exceed the fee of said area. Should the facilities cost for such individual area total less than the fee of said area, the difference shall be paid upon demand to the City or District.

Pursuant to Developer Agreement No. 1474(D)-7D-27 dated February 1, 2007, between the District and Precision Plastics (Henry Mata), drainage fee credits are available and may be applied towards Clovis CUP 2005-024A2 at the request of the developer.

The proposed development of Clovis CUP 2005-024A2 is located in an area that has historically provided a passage for major storm water flows from the areas to the east and to the north across the proposed site to Cromwell Avenue. The grading of the proposed site shall be designed such that there are not adverse impacts to the passage of said major storm flows. The City of Clovis has agreed to grade their future trail to allow the flows to reach Cromwell Avenue. The developer shall dedicate a channel easement to the District for major storm passage area.

There is an existing twenty-foot (20') wide storm drain easement within Clovis CUP 2005-024A2 as shown on Exhibit No. 1. The easement was dedicated to the District with a prior entitlement and may be slightly realigned to accommodate future development, provided the property owner accepts the responsibility to grade the property such that the drainage from the property will reach inlets on the alternate pipeline alignment, and accepts any additional costs for the construction of additional storm drain facilities that may be required. Any proposed storm drain alignments must be reviewed and approved by the District.

A minimum fifteen-foot (15') wide storm drain easement will be required whenever storm drain facilities are located on private property. No encroachments into the easement will be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

Development No. Clovis CUP 2005-024A2

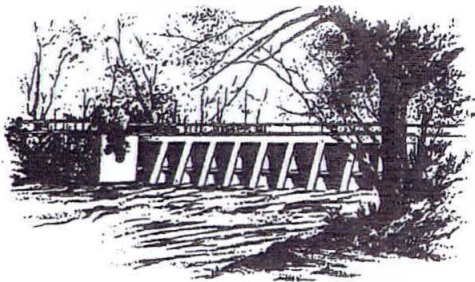
OTHER REQUIREMENTS
EXHIBIT NO. 2

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

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

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

Development No. Clovis CUP 2005-024A2



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO
IRRIGATION DISTRICT

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

June 1, 2018

Lily Cha
City of Clovis
Department of Planning and Development Services
1033 Fifth Street
Clovis, CA 93612

RE: Condition Use Permit Application No. CUP2005-24A2
NW Alluvial and Temperance avenues

Dear Ms. Cha:

The Fresno Irrigation District (FID) has reviewed the Condition Use Permit Application No. CUP2005-24A2 pertaining to the request to amend the master plan for Portal Sierra II located northwest of Alluvial and Temperance avenues, APN: 564-090-14T. This request is being processed concurrently with SPR2007-02A2 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 Enterprise Canal No. 109 runs northwesterly crosses Temperance Avenue approximately 800 feet northeast of the subject property and crosses Nees Avenue approximately 1,400 north of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Temperance Avenue, Nees Avenue, or in the vicinity of this canal, FID requires it review and approval of all plans.
3. For informational purposes, a privately owned canal known as the Foster Canal No. 474 runs southwesterly traverses the northern portion of the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain this private canal. FID's records indicate that the canal is active and will need to be treated as such. FID can supply the City with a list of known users for this private line upon request.

G:\Agencies\Clovis\Conditional Use Permit\CUP2005-24A2.doc

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

Lily Cha
Re: CUP2005-24A2
June 1, 2018
Page 2 of 2

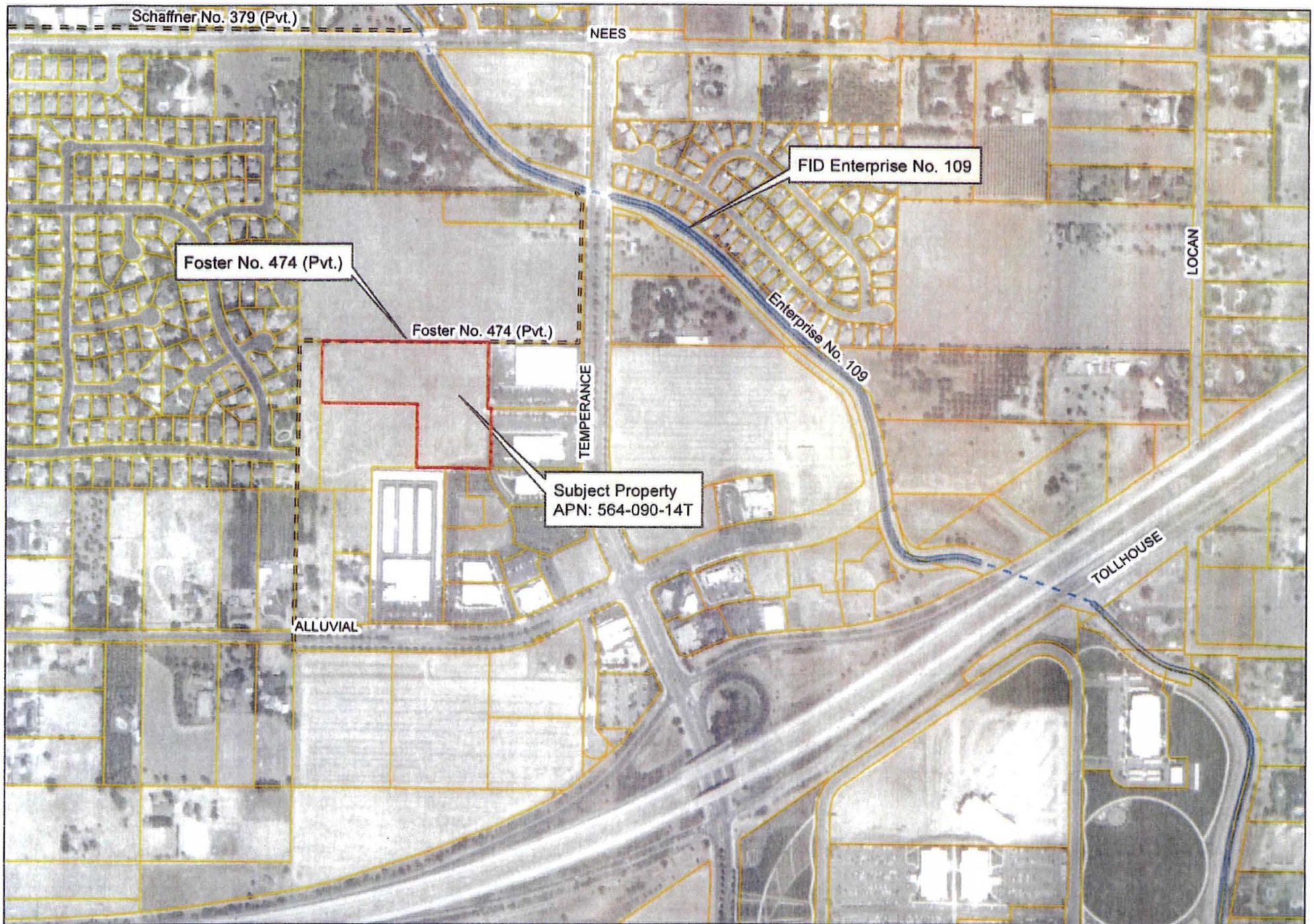
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact Jeremy Landrith at 233-7161 extension 7407 or jlandrith@fresnoirrigation.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Laurence Kimura', with a stylized flourish at the end.

Laurence Kimura, P.E.
Chief Engineer

Attachment



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

Legend

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



DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-7307
FAX (559) 488-4088
TTY 711
www.dot.ca.gov



*Making Conservation a
California way of life.*

May 31, 2018

FRE-168-9.163
CUP2005-24A2; SPR2007-02A2
Portal Sierra II/Greyhawk Business Park

Ms. Lily Cha
Assistant Planner
City of Clovis
1033 Fifth Street
Clovis, California 93612

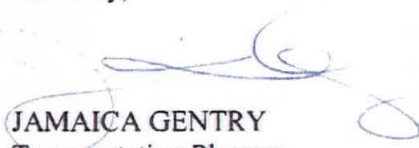
Dear Ms. Cha:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the project referenced above. The project proposes to amend a previous application to construct a business park (Portal Sierra II) on the west side of Temperance Avenue north of Alluvial Avenue, in Clovis. The amendment consists of eliminating one office building and replacing it with a parking lot extension. Caltrans provides the following comments:

All Caltrans' comments in the letter dated March 7, 2018 still apply. Additionally, Caltrans recommends the utilization of urban greening and the use of green infrastructure in projects likely to contribute to the urban heat island effect. Some strategies to offset the increase in impervious surface proposed by this project include: shading open spaces with trees, installing parking canopies equipped with solar panels, or using solar-reflective paving materials. Green roofs, energy efficient windows, and heat-tolerant HVAC systems are also recommended, whenever feasible, due to the persistent drought and anticipated increase in temperature affecting the Central Valley.

If you have any further questions, please contact me at (559) 488-7307.

Sincerely,


JAMAICA GENTRY
Transportation Planner
Transportation Planning—North

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 445-5868
FAX (559) 445-5875
TTY 711
www.dot.ca.gov



*Making Conservation a
California way of life.*

March 7, 2018

FRE-168-9.163
DRC 2018-11 & DRC 2018-12
Greyhawk Business Park

Mr. Bryan Araki
City Planner
City of Clovis
1033 Fifth Street
Clovis, California 93612

Dear Mr. Araki:

Thank you for the opportunity to comment on the development review of 6-acres within the Research and Technology Park in the City of Clovis. The project is located at 928 North Temperance Avenue, near the interchange of State Route (SR) 168 at Temperance Avenue. Caltrans has the following comments:

General Comments:

It is projected that trips generated from this proposed development would impact SR 168 at the Temperance Avenue interchange due to its proximity.

In the City of Clovis General Plan Update comment letter dated August 6, 2014, new developments within the City of Clovis impacting SR 168 were recommended to contribute a pro-rate fair share towards improving the State facilities to mitigate their impacts due to the absence of an all-inclusive fee program.

SR 168 eastbound off-ramp to Temperance Avenue:

It is anticipated project trips will have an impact on SR 168 at Temperance Avenue where there is an identified future improvement (Add 2 turn lanes to the eastbound off-ramp; estimated cost \$1,442,000). In May 2009, Caltrans completed its review of the Draft Environmental Impact Report (EIR) for proposed expansion of the Clovis Research and Technology Park. Utilizing the traffic volumes from the 2009 traffic impact study conducted for the EIR and data provided in the Institute of Transportation Engineers (ITE) *Trip Generation, 9th Edition*, it is anticipated the proposed project will generate 150 A.M. weekday peak hour trips. Project traffic was distributed based on expected driver behavior and employing engineering judgment.

The proportional share for the future addition of lanes to the SR 168 eastbound off-ramp to Temperance Avenue is approximately \$2,420 per trip. It is projected that 28 percent or 42 project trips (28% x 150 A.M. inbound peak hour trips only) would impact the SR 168 eastbound off-ramp to Temperance Avenue. The Project's fair share contribution would be \$101,640.00 (42 x \$2,420). Should a second opinion on the impacts be sought, please submit the related traffic impact study to Caltrans for concurrence. It is recommended the City establish a traffic impact fee program inclusive of the future SR 168/Temperance Avenue improvements.

Mr. Bryan Araki
March 7, 2018
Page 2

Conclusion:

In keeping with the City of Clovis' vision for a high-standard of living as well as Caltrans' vision of a well-managed transportation network to enhance livability, we emphasize the need to ensure equitable mobility access for all residents. Recognizing that the project site is within an area that is planned to include both foot and bike paths, Caltrans is confident this project can contribute toward the goals of Senate Bill 375 to reduce greenhouse gas (GHG) emissions by adhering to pedestrian friendly design. Considering the proposed increase in traffic density at the project site and adjacent areas, the City is encouraged to adjust bus transit routes in response to land use plans as outlined in the Specific Plan. The City is referred to the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications to better manage their transportation network, transit service and non-motorized travel.

If you have any further questions, please contact Jamaica Gentry, Transportation Planner, at (559) 488-7307.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Navarro', with a stylized flourish at the end.

MICHAEL NAVARRO, Chief
Transportation Planning-North

Lily Cha

From: The Doswalds <doswalds@gmail.com>
Sent: Friday, July 20, 2018 4:25 PM
To: Lily Cha
Cc: Dwight Kroll; Mike Roy
Subject: Re: CUP2005-24A

Follow Up Flag: Follow up
Flag Status: Completed

Lily,

I appreciate your response to Mike. I am neighbor's to Mike and own the property (957 N Joshua Ave) adjacent to this development as well.

I had two questions or concerns I wanted to elevate to you regarding this proposed development...

1) **Fencing** - Understanding that the future plans for the 100' path will be a trail system, I am curious what the ultimate plan for this will look like, and how this "proposed" development will contribute to, or erode from the ultimate trail development. More specifically, I see in the Site Plan that there are no plans for a perimeter fence along the west PL. Is there a requirement for a fence between the west PL and the east edge of the ultimate trail? If so, what type of fence would this be, and who would be responsible for this? I can understand if a condition of the trail being completed would be a fence along this edge to keep this parking lot from becoming a "natural" parking lot for the trail's ingress/egress. I would support the ultimate fence, either in this development, or concurrent with a trail buildout, to reduce the parking lot from being used by trail users in evening and weekends. I can only imagine, the owners of this development would encourage something (like a fence) that reduces the public's use on their property that are not patrons to their buildings.

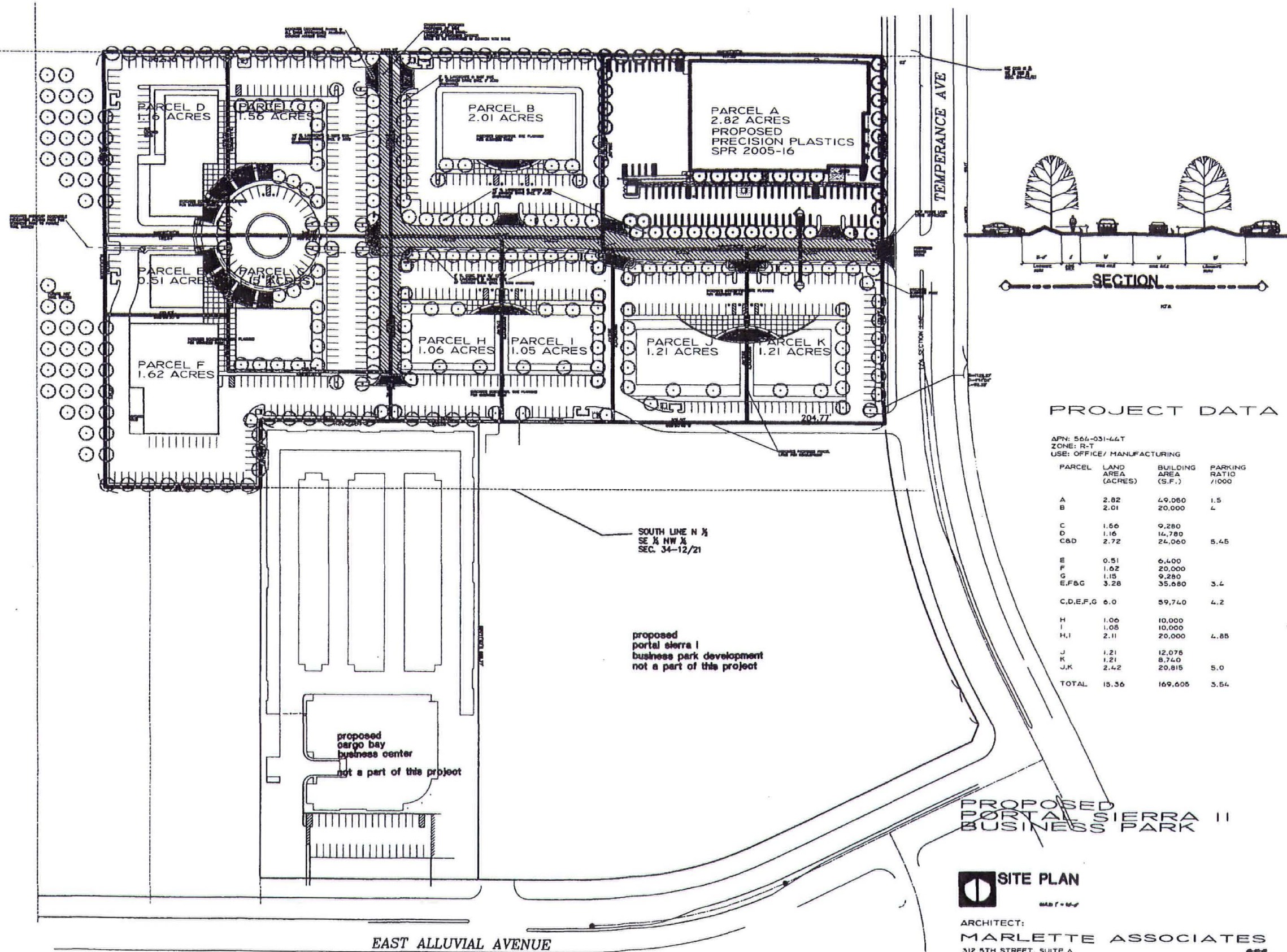
2) **Lighting** - I have had great experience with lighting project in the past and clearly understand that the lighting design (pole heights, fixture angles, lumen deflectors, etc) can be required by an agency to greatly reduce or eliminate the "light trespass" from parking lot lights into the adjacent neighbors. I completely understand the lighting requirements for parking lots, but would greatly encourage a part of their requirements and the City's review criteria, to ensure that pro-active and effective measures (as mentioned) are implemented to keep parking lot lights from leaving the development's property. Our neighbors have enjoyed having night be dark, and are concerned that the lot lights will reduce this benefit to us, that could otherwise be eliminated with a smart lighting plan, and thorough City review.

We really appreciate your work on this and inviting concerns. One great part we all enjoy about Clovis, is your attention to detail and sensitivity to keeping it's residents "Way of Life" with the competing interests of businesses that plan to move into the City.

Thanks for all you do.

Feel free to call if you could like to chat as well.

Eric
559-352-1796



CUP-1

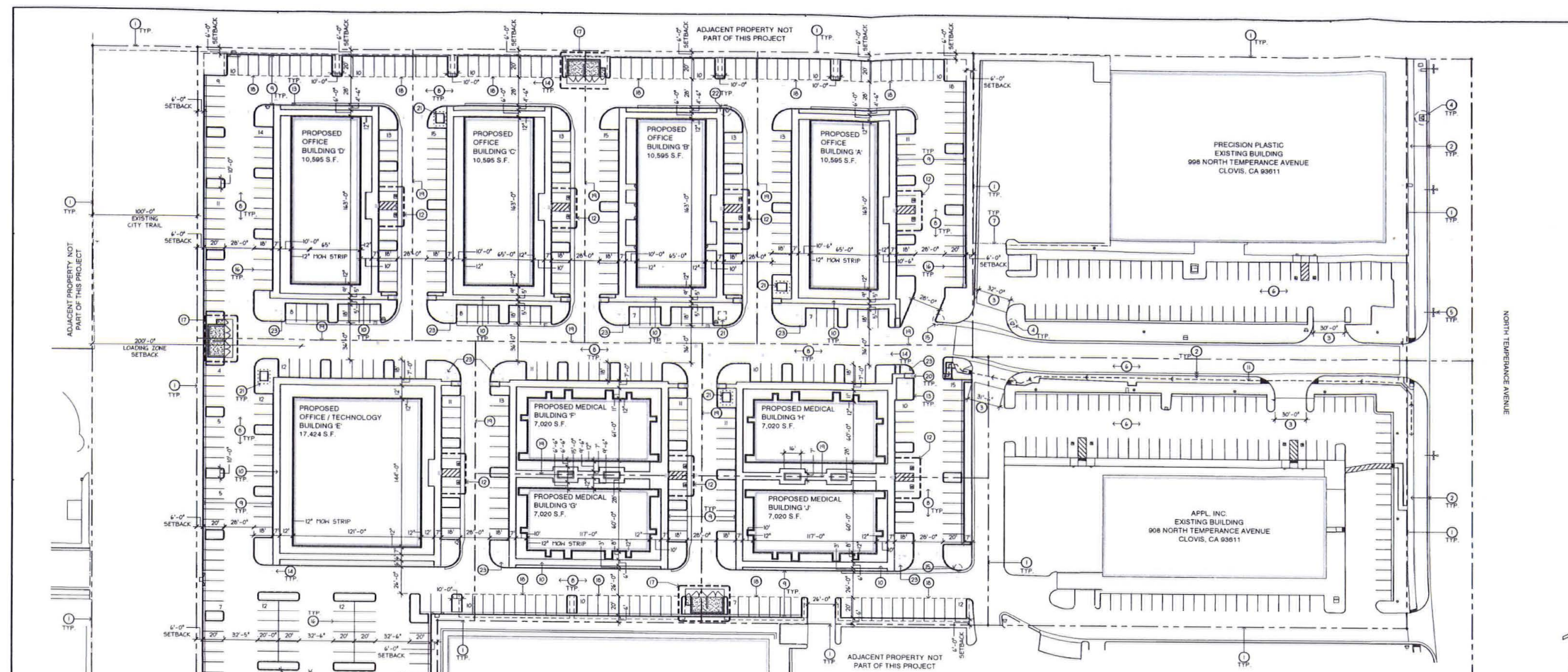
EXHIBIT B

PROJECT
PROPOSED OFFICE BUILDING COMPLEX SITE DEVELOPMENT FOR:
GREYHAWK AT PORTAL SIERRA II
928 NORTH TEMPERANCE AVENUE
CLOVIS, CALIFORNIA 93611

STATUS
Current Release Date
05-16-16
Planning Submittal
05-16-16
Plan Check Submittal

REVISIONS
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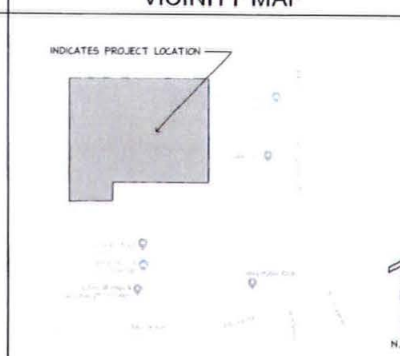
IDENTIFICATION
Scale
1" = 40'-0"
Project Coordinator
CHRIS HARD
Project No.
17-104A
Sheet
A-0.0



KEYED NOTES

- EXISTING PROPERTY LINE
- EXISTING CONCRETE PUBLIC CURB AND GUTTER TO REMAIN
- EXISTING DRIVE APPROACH TO REMAIN
- EXISTING FIRE HYDRANT TO REMAIN
- EXISTING STREET LIGHT TO REMAIN
- EXISTING AC PAVING TO REMAIN
- EXISTING CHAIN LINK FENCE TO REMAIN
- NEW AC PAVING - SEE CIVIL PLANS
- NEW 6" HIGH CONCRETE CURB - SEE CIVIL PLANS
- NEW CONCRETE FLATWORK AND LANDSCAPING AS REQUIRED AROUND BUILDINGS - CONCRETE FLATWORK TO NOT EXCEED MAXIMUM SLOPE IN ANY DIRECTION
- DASHED LINES INDICATE NEW ACCESSIBLE PATH OF TRAVEL FROM EXISTING PUBLIC WAY AND NEW ACCESSIBLE PARKING PATH OF TRAVEL TO NEW BUILDING AS SHOWN - THE ACCESSIBLE PATH OF TRAVEL AS DELINEATED IS A BARRIER-FREE ROUTE 48" MINIMUM IN WIDTH WITH NO ABRUPT LEVEL CHANGES EXCEEDING 1/2" UNLESS BEVELED AT A 1:2 MAXIMUM SLOPE, AND NO VERTICAL LEVEL CHANGES EXCEEDING 1/4" - THE CROSS SLOPE DOES NOT EXCEED 2.0% AND SLOPE IN THE DIRECTION OF TRAVEL DOES NOT EXCEED 5.0% (EXCEPT AT DOOR LANDINGS WHICH THE SLOPE IN THE DIRECTION OF TRAVEL SHALL NOT EXCEED 2.0%) - THE SURFACE IS FIRM, STABLE, AND SLIP RESISTANT CONCRETE - THE ACCESSIBLE PATH OF TRAVEL IS FREE OF OVERHANGING OBSTRUCTIONS BELOW 80" AND OBJECTS PROTRUDING GREATER THAN 4" FROM A WALL ABOVE 27" AND BELOW 80"
- NEW ACCESSIBLE PARKING STALL(S), CONCRETE CURB CUT RAMP, SIGNAGE, LOADING/UNLOADING ZONE, TRUNCATED DORIES, AND STRIPING/ISA SYMBOL(S) - SEE ENLARGED PROPOSED SITE PLAN
- DASHED LINES INDICATE NEW FIRE LANE STRIPING - CURBS ADJACENT TO OPEN DRIVES OVER 20'-0" LONG SHALL BE PAINTED RED WITH 4" HIGH PAINTED WHITE LETTERING STATING "NO PARKING - FIRE LANE" OCCURRING APPROXIMATELY EVERY 50'-0"
- NEW DIRECTIONAL ARROW STRIPING PAINTED WHITE
- NEW POLE MOUNTED TOW-AWAY SIGNAGE
- NEW 4" WIDE STRIPING PAINTED TRAFFIC WHITE
- NEW TWO (2) TYPE IV TRASH ENCLOSURE(S) PER CITY OF CLOVIS STANDARDS 11-2 AND 11-3
- LOCATION OF FUTURE AIRPORTS
- PROPOSED NEW PROPERTY LINE LOCATIONS - LOT LINE ADJUSTMENT BE UNDER SEPARATE SUBMITTAL
- NEW ACCESSIBLE CONCRETE CURB CUT RAMP(S) - SEE CIVIL PLANS
- NEW ELECTRICAL TRANSFORMER AND/OR ELECTRIC EQUIPMENT - SEE ELECTRICAL PLANS
- NEW FIRE HYDRANT
- NEW NET UTILITIES - SEE CIVIL PLANS

VICINITY MAP



GENERAL NOTES

- THE BUILDING OWNER SHALL SUBMIT A LETTER OF BUILDING USAGE INTENT THAT CLEARLY STATES THE SPECIFIC USAGE AND TYPE OF OCCUPANCY THAT WILL BE IN THIS BUILDING - THIS LETTER WILL ASSIST IN ASSURING THAT THE PROPER FUTURE CODE COMPLIANCY IS UPHOLD
- THE APPLICANT SHALL INSTALL AN AUTOMATIC FIRE SPRINKLER SYSTEM IN BUILDINGS EXCEEDING 2,500 SQUARE FEET IN GROSS FLOOR AREA, AS PER NFPA 13. WHEN BUILDINGS HAVE EAVES OR OVERHANGS EXCEEDING A DISTANCE OF FOUR FEET (4') FROM THE WALL OR SUPPORT, THE GROSS ROOF AREA SHALL BE USED TO DETERMINE THE NEED FOR AUTOMATIC FIRE SPRINKLERS, INCLUDING COVERED WALKWAYS, PATIOS, PORCHES, OR ANY ARCHITECTURAL FEATURE ATTACHED TO OR WITHIN TEN FEET (10') OF THE STRUCTURE - A BUILDING PERMIT IS REQUIRED FOR AN AUTOMATIC FIRE SPRINKLER INSTALLATION
- IN ADDITION TO A SINGLE EXTERIOR WATER-FLOW BELL, A SINGLE APPROVED VISUAL/AUDIBLE FLOW ALARM SHALL BE PROVIDED IN THE INTERIOR OF THE BUILDING IN A NORMALLY OCCUPIED LOCATION AS APPROVED BY THE FIRE DEPARTMENT - EXCEPTION: THE SEPARATE INTERIOR ALARM IS NOT REQUIRED WHEN THE SPRINKLER FLOW SWITCH ACTIVATES THE BUILDING FIRE ALARM SYSTEM NOTIFICATION APPLIANCES
- ALL VALVES CONTROLLING THE WATER SUPPLY FOR AUTOMATIC SPRINKLER SYSTEMS AND WATER FLOW SWITCHES ON ALL SPRINKLER SYSTEMS SHALL BE ELECTRONICALLY MONITORED FOR INTEGRITY
- PRIOR TO INSTALLATION, THE APPLICANT SHALL SUBMIT FIRE SPRINKLER UNDERGROUND WATER SUPPLY PLANS FOR REVIEW AND APPROVAL AND ISSUANCE OF A BUILDING PERMIT BY THE CLOVIS FIRE DEPARTMENT - PRIOR TO FINAL ACCEPTANCE, THE UNDERGROUND FIRE SERVICE LINE SHALL BE INSPECTED, PRESSURE TESTED AND FLUSHED IN THE PRESENCE OF A CLOVIS FIRE DEPARTMENT INSPECTOR - A BUILDING PERMIT IS REQUIRED TO BE ON-SITE FOR ALL INSPECTIONS REQUESTS
- THE APPLICANT SHALL INSTALL APPROVED LOOPED WATER MAIN CAPABLE OF THE NECESSARY FLOW OF WATER FOR ADEQUATE FIRE PROTECTION AND APPROVED BY THE CLOVIS FIRE DEPARTMENT
- THE APPLICANT SHALL INSTALL ONE (1) 4 1/2" x 4 1/2" x 2 1/2" APPROVED COMMERCIAL TYPE HYDRANT(S) AND "BLUE DOT" HYDRANT LOCATORS, PAINT FIRE HYDRANT(S) YELLOW WITH BLUE TOP AND CAPS, AND PAINT THE CURB RED AS SPECIFIED BY THE ADOPTED CLOVIS FIRE DEPARTMENT STANDARD #7 - PLANS SHALL BE SUBMITTED TO THE CLOVIS FIRE DEPARTMENT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION - THE HYDRANT(S) SHALL BE CHARGED AND IN OPERATION PRIOR TO ANY FRAMING OR COMBUSTIBLE MATERIAL BEING BROUGHT ONTO THE SITE
- THE APPLICANT SHALL PROVIDE CONCEPTUAL PLANS FOR THE DEVELOPMENT OF ADJOINING PROPERTY AND ROAD SYSTEM
- ANY DEVELOPMENT TO THIS PARCEL WILL REQUIRE A MINIMUM OF TWO (2) POINTS OF ACCESS TO BE REVIEWED AND APPROVED BY THE CLOVIS FIRE DEPARTMENT - ALL REQUIRED ACCESS DRIVES SHALL REMAIN ACCESSIBLE DURING ALL PHASES OF CONSTRUCTION WHICH INCLUDES PAVING, CONCRETE WORK, UNDERGROUND WORK, LANDSCAPING, PERMITTER WALLS
- THE FIRE LANES SHALL BE POSTED WITH SIGNS AND/OR THE CURBS SHALL BE PAINTED RED AS PER CLOVIS FIRE DEPARTMENT STANDARD #2
- FIRE APPARATUS ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED WIDTH OF NOT LESS THAN TWENTY-FIVE FEET (25') TO ALL BUILDINGS AND AN UNOBSTRUCTED VERTICAL CLEARANCE OF NOT LESS THAN THIRTEEN FEET-SIX INCHES (13'-6")
- ALL ENTRANCES TO BUSINESSES ARE REQUIRED TO BE SERVED BY AN ACCESSIBLE PEDESTRIAN ROUTE OF BETWEEN PUBLIC WAY AND BUSINESS ENTRANCE - WHERE NO SUCH ROUTE IS PROVIDED, ONE MUST BE INSTALLED AS A CONDITION OF THE BUILDING PERMIT - IF AN EXISTING PEDESTRIAN ROUTE FROM THE PUBLIC WAY IS NOT FULLY-COMPLIANT, IT MUST BE MADE COMPLIANT WITH CURRENT ADA/ACCESSIBILITY REQUIREMENTS PRIOR TO FINAL OCCUPANCY - ALL WORK OCCURRING IN THE PUBLIC WAY REQUIRES A SEPARATE ENCROACHMENT PERMIT TO BE OBTAINED THROUGH THE CITY OF CLOVIS, ENGINEERING DIVISION PRIOR TO COMMENCING WORK - CONTACT ENGINEERING MAINLINE AT (559) 324-2350 REGARDING ENCROACHMENT PERMIT INFORMATION
- PRIOR TO INSTALLATION, THE APPLICANT SHALL SUBMIT FIRE SPRINKLER UNDERGROUND WATER SUPPLY PLANS FOR REVIEW AND APPROVAL AND ISSUANCE OF A PERMIT BY THE CLOVIS FIRE DEPARTMENT - INSTALLATION SHALL BE DONE BY A CALIFORNIA LICENSED CONTRACTOR - PRIOR TO FINAL ACCEPTANCE, THE UNDERGROUND FIRE SERVICE LINE SHALL BE INSPECTED, PRESSURE TESTED, AND FLUSHED IN THE PRESENCE OF A CLOVIS FIRE DEPARTMENT INSPECTOR - A PERMIT IS REQUIRED TO BE ON-SITE FOR ALL INSPECTIONS REQUESTS - THE PERMIT IS REQUIRED TO BE ON-SITE FOR ALL ADDITION TO ANY OTHER PERMITS AND ASSOCIATED FEES ARE IN ADDITION TO THE FIRE SPRINKLER PLANS
- ALL BUSINESS PROVIDING ON-SITE PARKING ARE REQUIRED TO PROVIDE ACCESSIBLE PARKING - WHERE NO SUCH PARKING IS PROVIDED, ALTERATIONS MUST OCCUR AS A CONDITION OF THE BUILDING PERMIT IN ORDER TO PROVIDE VEHICULAR ACCESS TO THE "AREA OF WORK" - WHERE ACCESSIBLE PARKING, NEAREST THE BUSINESS ENTRANCE, IS PROVIDED BUT DOES NOT FULLY-COMPLY, IT MUST BE ALTERED TO COMPLY WITH CURRENT ACCESSIBILITY REQUIREMENTS PRIOR TO FINAL OCCUPANCY

SITE DATA:

SITE ADDRESS: 928 NORTH TEMPERANCE AVENUE, CLOVIS, CA 93611
ZONING: 54-090-14T
GENERAL PLAN DESIGNATION: R-T (RESEARCH & TECHNOLOGY BUSINESS PARK)
LOT AREA: 10.01 ACRES
BUILDING DATA:
OCCUPANCY TYPE: TYPE "B" (BUSINESS)
TYPE "T" (MEDICAL)
FIRE SPRINKLERED: YES
BUSINESS BUILDING AREAS: 154,804 SQ. FT.
MEDICAL BUILDING AREAS: 128,080 SQ. FT.
TOTAL GROSS BUILDING AREAS: 282,884 SQ. FT.
NUMBER OF STORIES: SINGLE STORY
PARKING DATA:
MEDICAL OFFICES TOTAL STALLS REQUIRED: 141 STALLS
(1 SPACE FOR EACH 200 S.F. OF GROSS FLOOR AREA.)
BUSINESS OFFICES TOTAL STALLS REQUIRED: 240 STALLS
(1 SPACE FOR EACH 250 S.F. OF GROSS FLOOR AREA.)
TOTAL REQUIRED STALLS: 381 STALLS
ACCESSIBLE VEHICLE PARKING STALLS REQUIRED: 8 STALLS
(2 VAN STALLS)

PROJECT DATA

PARKING DATA CONTINUE:
CAL GREEN PARKING REQUIREMENTS:
REQUIRED CLEAN AIR DESIGNATED PARKING SPACES: 31
(PER CAL GREEN SECTION AND TABLE 5.106.5.2)
REQUIRED EV CHARGING SPACES: 23
(PER CAL GREEN SECTION AND TABLE 5.106.5.3.3)
(1 VAN & STANDARD ACCESSIBLE STALLS)
STANDARD VEHICLE PARKING STALLS PROVIDED: 452
ACCESSIBLE VEHICLE PARKING STALLS PROVIDED: 14 STALLS
(7 VAN STALLS)
TOTAL PROVIDED VEHICLE PARKING STALLS: 466 STALLS
PARKING RATIO: 5.3 STALLS / 1,000 S.F.
BICYCLE DATA:
TOTAL REQUIRED BICYCLE STORAGE SPACES AT 2% OF THE NUMBER OF REQUIRED PARKING STALLS: 7.62 SPACES
TOTAL BICYCLE STORAGE SPACES PROVIDED: 8 SPACES
REQUIRED LONG-TERM BICYCLE PARKING: 20
(PER CAL GREEN SECTION AND TABLE 5.106.4.1.2)

PROPOSED PARCEL SIZES:

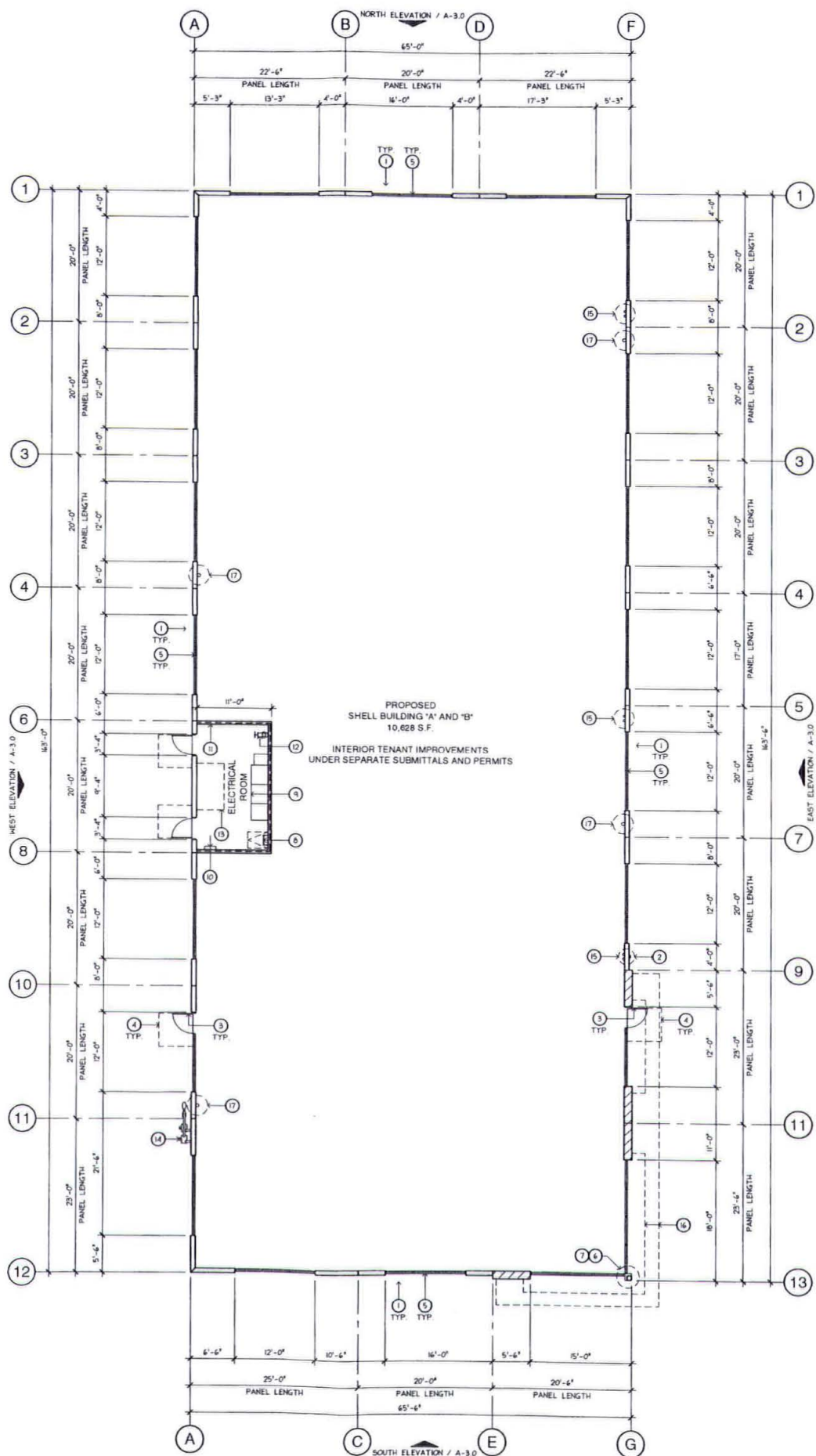
PARCEL 'A'	50,634 S.F. / 1.35 ACRES
PARCEL 'B'	46,860 S.F. / 1.06 ACRES
PARCEL 'C'	46,789 S.F. / 1.07 ACRES
PARCEL 'D'	58,440 S.F. / 1.34 ACRES
PARCEL 'E'	94,419 S.F. / 2.17 ACRES
PARCEL 'F'	27,993 S.F. / 0.64 ACRES
PARCEL 'G'	31,356 S.F. / 0.72 ACRES
PARCEL 'H'	35,156 S.F. / 0.80 ACRES
PARCEL 'I'	39,566 S.F. / 0.91 ACRES
TOTAL PARCEL AREAS:	1,499,28 S.F. / 34.08 ACRES

EXHIBIT C

PROPOSED SITE PLAN

FLOOR PLANS AND ELEVATIONS

EXHIBIT D



KEYED NOTES

1. MON STRIP - SEE CIVIL PLANS.
2. FIRE DEPARTMENT APPROVED KNOX-BOX - SEE PROPOSED EXTERIOR ELEVATIONS.
3. DOOR - SEE PROPOSED EXTERIOR ELEVATIONS AND DOOR SCHEDULE.
4. DASHED LINES INDICATE A REQUIRED FINISH LEVEL LANDING AT DOOR LOCATION - SEE DETAILS.
5. GLAZING SYSTEM ASSEMBLY - SEE PROPOSED EXTERIOR ELEVATIONS AND WINDOW SCHEDULE.
6. BREAK METAL TRIP AT STRUCTURAL POST - SEE PROPOSED EXTERIOR ELEVATIONS, COLOR/MATERIAL LEGEND, SECTIONS, WINDOW SCHEDULE, AND DETAILS.
7. STRUCTURAL COLUMN - SEE STRUCTURAL PLANS.
8. CONTINUOUS AND/OR DASHED LINES INDICATE ROOF ACCESS HATCH AND LADDER - SEE PROPOSED ROOF PLAN.
9. ELECTRICAL SWITCH GEAR - SEE ELECTRICAL PLANS.
10. ELECTRICAL HOUSE PANEL - SEE ELECTRICAL PLANS.
11. TELECOMMUNICATION PLYWOOD BACKBOARD - SEE ELECTRICAL PLANS.
12. FIRE SPRINKLER RISER - SEE PLUMBING AND FIRE SPRINKLER PLANS.
13. DASHED LINES INDICATE FUTURE MECHANICAL UNIT.
14. TWO-TIER GAS METER MANIFOLD - DASHED DIAGONAL HATCHING INDICATES REQUIRED PG&E CLEARANCES AROUND GAS METER MANIFOLD - SEE PROPOSED EXTERIOR ELEVATIONS AND PLUMBING PLANS.
15. DASHED LINES INDICATE ROOF DRAIN AND OVERFLOW DRAIN C.I. LEADERS FROM ROOF DECK ABOVE - SEE PROPOSED SITE PLAN, REFLECTED SOFFIT PLAN, EXTERIOR ELEVATIONS, ROOF PLAN, PLUMBING PLANS, AND CIVIL PLANS.
16. DASHED LINES INDICATE METAL CANOPY - SEE PROPOSED EXTERIOR ELEVATIONS.
17. SURFACE MOUNTED 2A-10BC FIRE EXTINGUISHER - GENERAL CONTRACTOR SHALL PROVIDE FIRE EXTINGUISHERS AT 75'-0" MAXIMUM TRAVEL DISTANCE PER CODE (TYPICAL OF 4) - SEE DETAILS.

WALL LEGEND

- GYPSON BOARD GENERAL NOTES:**
1. GYPSON SHEATHING WITH EQUAL FIRE RATING DURATION VALUE SHALL BE USED AT ALL EXTERIOR, ATTIC, AND/OR NON-CONDITIONED AREAS.
 2. AREAS EXPOSED TO MOISTURE, AREAS WHERE APPLIANCES CREATE MOISTURE AND WITHIN 24" OF EACH PLUMBING FIXTURES SHALL HAVE MOISTURE AND MOLD RESISTANT GYPSON WALLBOARD WITH EQUAL FIRE RATING DURATION VALUE IF APPLICABLE.
 3. INSTALLATION OF WALL ASSEMBLIES SHALL COMPLY WITH THE LATEST EDITION OF THE CALIFORNIA BUILDING CODE, GYPSON ASSOCIATION FIRE RESISTANCE DESIGN MANUAL (GA-400) LATEST EDITION AND GYPSON ASSOCIATION APPLICATION AND FINISHING OF GYPSON PANEL PRODUCTS MANUALS (GA-290) LATEST EDITION.
 4. INSULATION SHALL COMPLY WITH EACH INDIVIDUAL FIRE ASSEMBLY REPORT AND C.B.C. SECTION 720.
- INDICATES 8" THICK CONCRETE TILT-UP WALL PANEL ASSEMBLY - SEE PROPOSED EXTERIOR ELEVATIONS FOR HEIGHTS OF CONCRETE TILT-UP WALL PANEL ASSEMBLIES - SEE STRUCTURAL PLANS.
- INDICATES 14" THICK CONCRETE TILT-UP WALL PANEL ASSEMBLY - SEE PROPOSED EXTERIOR ELEVATIONS FOR HEIGHTS OF CONCRETE TILT-UP WALL PANEL ASSEMBLIES - SEE STRUCTURAL PLANS.
- INDICATES 600525-33 6" METAL STUD FRAMING AT 16" ON CENTER FROM SLAB TO THE UNDERSIDE OF ROOF STRUCTURE - PROVIDE FULL HEIGHT 5/8" THICK TYPE "X" GYPSON BOARD ON BOTH SIDES OF FRAMING - PROVIDE FULL HEIGHT AND FULL DEPTH GLASS FIBER R-19 BATT INSULATION WITHIN WALL FRAMING.

GENERAL NOTES

1. PLANS ARE NOT TO BE SCALED - INDICATED DIMENSIONS SHALL GOVERN.
2. GENERAL CONTRACTOR SHALL NOTIFY THE DESIGNER IMMEDIATELY IF ANY AMBIGUOUS OR UNCLEAR CONDITIONS ARE ENCOUNTERED.
3. GENERAL CONTRACTOR SHALL INTERFACE WITH PLUMBING, MECHANICAL, AND ELECTRICAL PLANS TO CONFIRM ANY SPECIFIC REQUIREMENTS OF ALL FIXTURES/FURNISHINGS SHOWN ON PLANS(S).
4. GENERAL CONTRACTOR IS RESPONSIBLE TO COORDINATE ALL BLOCKING AND BACKING LOCATIONS AS REQUIRED BY EQUIPMENT, FURNISHINGS, AND FIXTURE SUPPLIERS.
5. ALL DIMENSIONS ARE TAKEN FROM FACE OF CONCRETE AND/OR STUD, UNLESS OTHERWISE NOTED.
6. GENERAL CONTRACTOR SHALL PROVIDE FIRE BLOCKING AND DRAFTSTOPPING IN ALL COMBUSTIBLE CONCEALED LOCATIONS PER CODE (FIRE BLOCKING PER C.B.C. SECTION 702.2 AND DRAFTSTOPPING PER C.B.C. SECTIONS 704.4 AND 704.5) - PROVIDE FIRE BLOCKING IN WALLS AND FURRED SPACES AT INTERVALS OF 10'-0" MAXIMUM PER C.B.C. SECTIONS 702.2 THRU 702.7.

BUILDING ENVELOPE NOTES

1. INSTALLED INSULATING MATERIAL SHALL HAVE BEEN CERTIFIED BY THE MANUFACTURER TO COMPLY WITH THE CALIFORNIA QUALITY STANDARDS FOR INSULATING MATERIAL, TITLE 20 CHAPTER 4, ARTICLE 3.
2. ALL INSULATING MATERIALS SHALL BE INSTALLED IN COMPLIANCE WITH THE FLAME SPREAD RATING AND SMOKE DENSITY REQUIREMENTS OF SECTIONS 2602 AND 2603 OF TITLE 24, PART 2.
3. THE OPAQUE PORTIONS OF FRAMED OPENINGS IN NON-RESIDENTIAL BUILDINGS SHALL HAVE INSULATION WITH AN INSTALLED R-VALUE OF NO LESS THAN R-13 BETWEEN FRAMING MEMBERS.
4. ALL EXTERIOR JOINTS AND OPENINGS IN THE BUILDING THAT ARE OBSERVABLE SOURCES OF AIR LEAKAGES SHALL BE CAULKED, GASKETED, WEATHERSTRIPPED, OR OTHERWISE SEALED.
5. MANUFACTURED FENESTRATION PRODUCTS AND EXTERIOR DOORS SHALL HAVE AIR INFILTRATION RATES NOT EXCEEDING 0.3 C.F.M. PER SQUARE FOOT OF WINDOW AREA, 0.3 C.F.M. PER SQUARE FOOT OF DOOR AREA FOR RESIDENTIAL DOORS, 0.3 C.F.M. PER SQUARE FOOT OF DOOR AREA FOR NON-RESIDENTIAL SINGLE DOORS (SWINGING AND SLIDING), AND 1.0 C.F.M. PER SQUARE FOOT FOR NON-RESIDENTIAL DOUBLE DOORS (SWINGING).
6. FENESTRATION U-FACTOR SHALL BE RATED IN ACCORDANCE WITH N.F.R.C. 100, OR THE APPLICABLE DEFAULT U-FACTOR.
7. FENESTRATION S.H.G.C. SHALL BE RATED IN ACCORDANCE WITH N.F.R.C. 200, OR N.F.R.C. 100 FOR SITE-BUILT FENESTRATION, OR THE APPLICABLE DEFAULT S.H.G.C.
8. SITE CONSTRUCTED DOORS AND WINDOWS SHALL BE CAULKED BETWEEN THE UNIT AND THE BUILDING, AND SHALL BE WEATHERSTRIPPED (EXCEPT FOR UN-FRAMED GLASS DOORS AND FIRE DOORS.)



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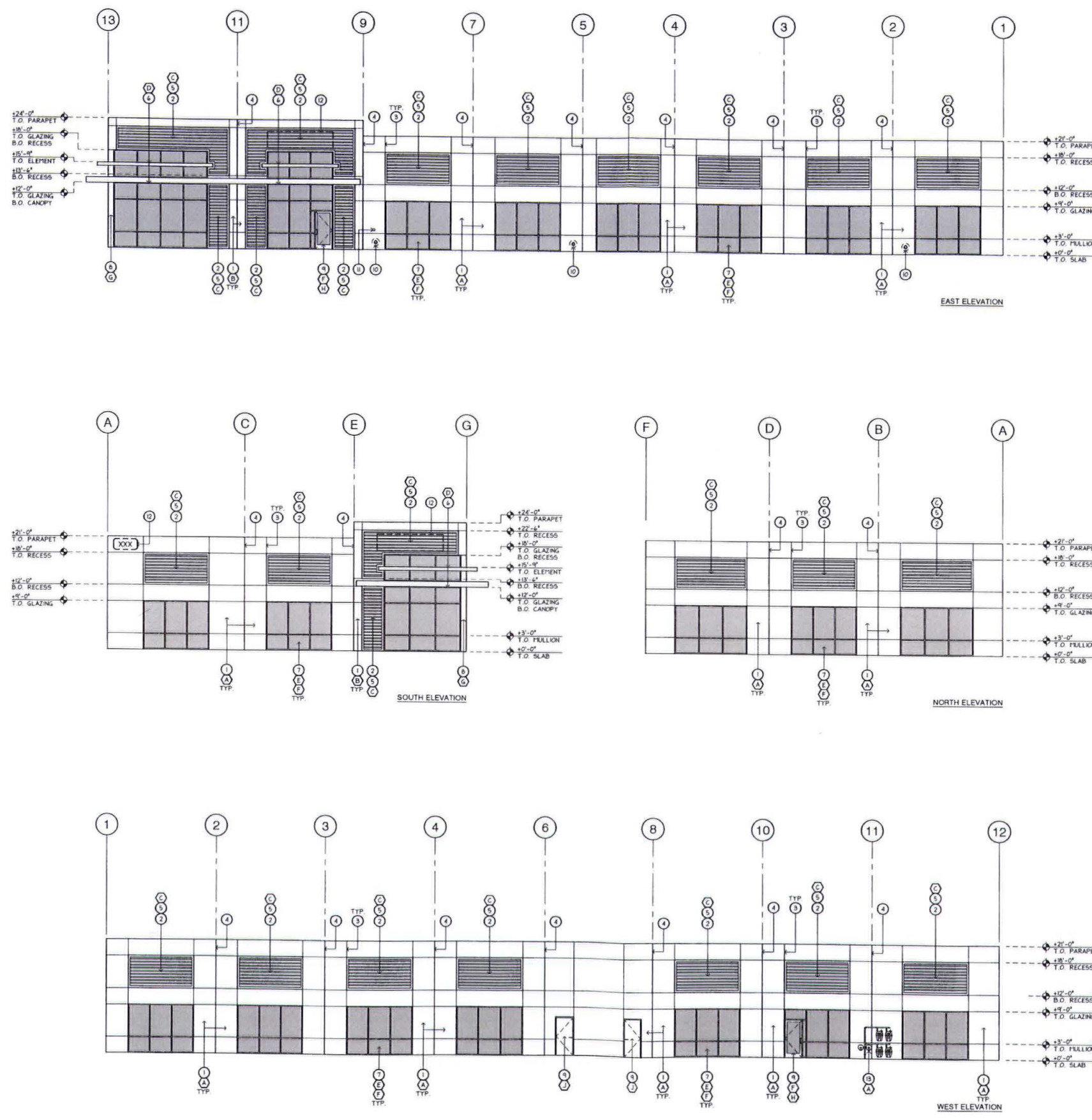
STATUS	
Current Release Date	05-16-18
Planning Submittal	05-16-18
Plan Check Submittal	--

REVISIONS	
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IDENTIFICATION	
Scale	1/8" = 1'-0"
Project Coordinator	CHPIS HARD
Project No.	17-104C
Sheet	A-1.0

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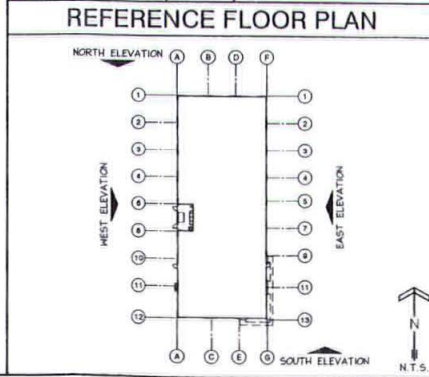
PROPOSED FLOOR PLAN



- ### KEYED NOTES
1. CONCRETE TILT-UP WALL PANEL ASSEMBLY - SEE PROPOSED FLOOR PLAN, COLOR/MATERIAL LEGEND, SECTIONS, DETAILS, AND STRUCTURAL PLANS.
 2. RECESS WITHIN CONCRETE TILT-UP WALL PANEL ASSEMBLY - SEE SECTIONS, DETAILS, AND STRUCTURAL PLANS.
 3. V-REVEAL WITHIN CONCRETE TILT-UP WALL PANEL ASSEMBLY - SEE DETAILS.
 4. CONCRETE TILT-UP WALL PANEL JOINT - SEE PROPOSED FLOOR PLAN, DETAILS, AND STRUCTURAL PLANS.
 5. CORRUGATED METAL PANEL SYSTEM AND PERIMETER BREAK METAL TRIM ASSEMBLY - SEE PROPOSED COLOR/MATERIAL LEGEND, SECTIONS, DETAILS, AND STRUCTURAL PLANS.
 6. METAL CANOPY - SEE PROPOSED COLOR/MATERIAL LEGEND, ROOF PLAN, SECTIONS, DETAILS, AND STRUCTURAL PLANS.
 7. GLAZING SYSTEM ASSEMBLY - SEE PROPOSED FLOOR PLAN, COLOR/MATERIAL LEGEND, SECTIONS, WINDOW SCHEDULE, AND DETAILS.
 8. BREAK METAL TRIM AT GLAZING SYSTEM ASSEMBLY - SEE PROPOSED FLOOR PLAN, REFLECTED CEILING PLAN, COLOR/MATERIAL LEGEND, WINDOW SCHEDULE, AND DETAILS.
 9. DOOR - SEE PROPOSED COLOR/MATERIAL LEGEND AND DOOR SCHEDULE.
 10. JAY R. SMITH WITH OVERFLOW DRAIN DOWNSPOUT NOZZLE OUTLET WITH NICKEL BRONZE FINISH - SEE PROPOSED FLOOR, REFLECTED SOFFIT, AND ROOF PLANS, AND DETAILS.
 11. FIRE DEPARTMENT APPROVED KNIX-BOX - KNIX-BOX SHALL BE INSTALLED IN CONJUNCTION WITH THE FIRE ALARM ANNUNCIATOR PANEL WITH A KEY TO ALLOW FIRE DEPARTMENT ACCESS TO THE BUILDING. FIRE ALARM ANNUNCIATOR PANEL, AND SHALL ALSO HOUSE SIX SPARE SPRINKLER HEADS, A SPRINKLER HEAD WRENCH, AND A MAP OF ALL ALARM ZONES - A KEY SHALL BE GIVEN TO THE FIRE MARSHAL PER NFPA SECTIONS 13, 4-14.4.1.1 AND 2-2.8, AND C.F.C. SECTION 506.1.
 12. STREET ADDRESS NUMERALS - LOCATE SO AS TO BE PLAINLY VISIBLE FROM THE STREET OR ROAD - LETTERS, NUMBERS, AND SYMBOLS SHALL BE A MINIMUM OF 4" HIGH AND NOT EXCEED 12" HIGH, HAVE A 5/8" STROKE, BE REFLECTIVE, AND BE CONTRASTING WITH THE BACKGROUND COLOR OF THE BUILDING.
 13. TWO-TIER GAS METER MANIFOLD - DASHED DIAGONAL HATCHING INDICATES REQUIRED PG&E CLEARANCES AROUND GAS METER MANIFOLD - SEE PROPOSED FLOOR AND PLUMBING PLANS.

COLOR / MATERIAL LEGEND

MATERIAL	FINISH	COLOR / SPECIFICATION
(A) CONCRETE TILT-UP WALL PANEL (FIELD)	PAINTED	T.B.D.
(B) CONCRETE TILT-UP WALL PANEL (ACCENT)	PAINTED	T.B.D.
(C) CORRUGATED METAL PANEL SYSTEM	FACTORY FINISH	T.B.D.
(D) METAL CANOPY	PAINTED	T.B.D.
(E) GLAZING SYSTEM ASSEMBLY	FACTORY FINISH	SEE WINDOW SCHEDULE
(F) GLAZING	FACTORY FINISH	SEE WINDOW SCHEDULE
(G) BREAK METAL TRIM	FACTORY FINISH	ALUMINUM MATCH ADJACENT GLAZING SYSTEM ASSEMBLY
(H) STOREFRONT DOORS	FACTORY FINISH	SEE DOOR AND WINDOW SCHEDULES
(I) HOLLOW METAL DOOR AND FRAME	PAINTED	SEE DOOR SCHEDULE



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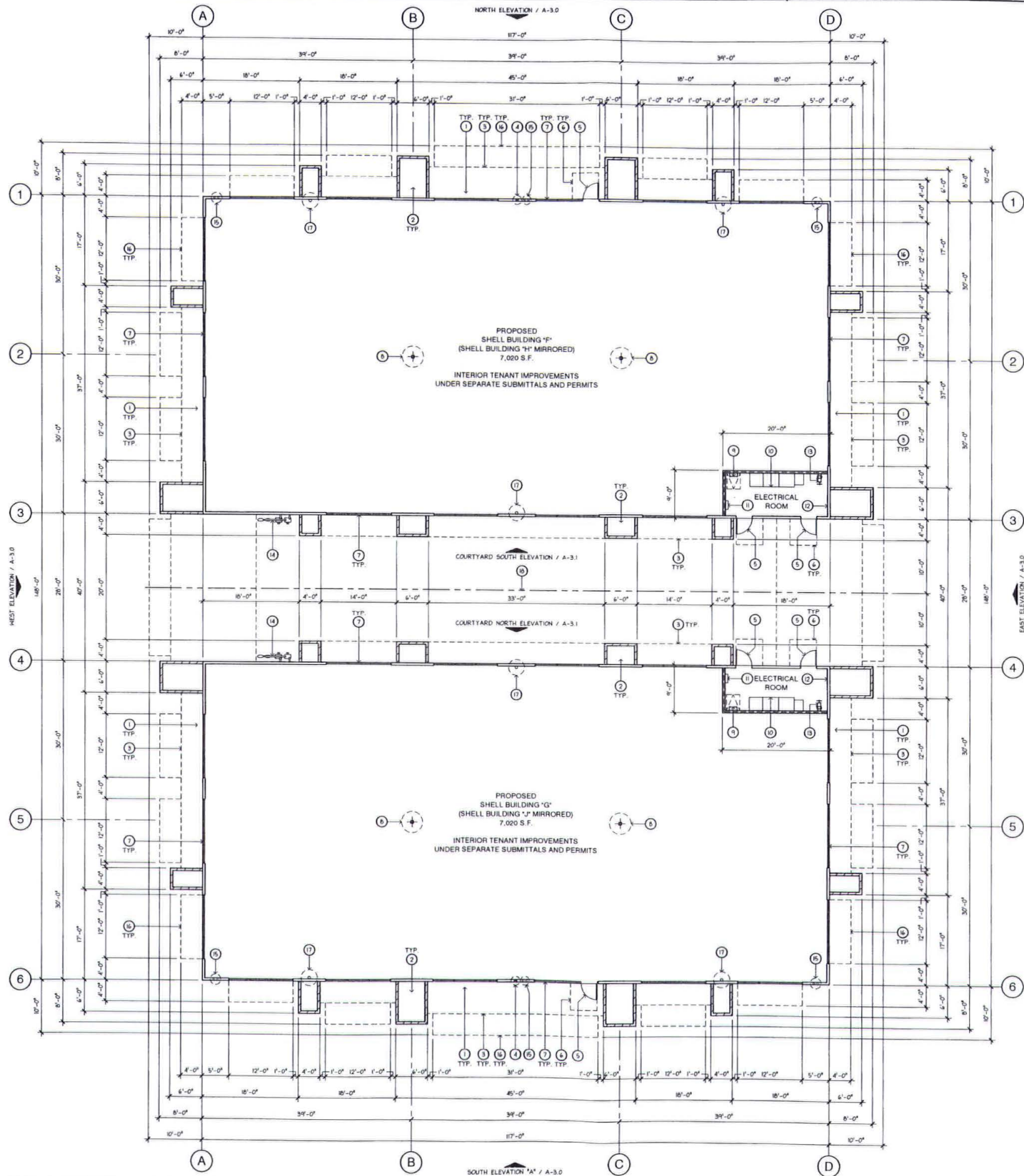
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PROPOSED EXTERIOR ELEVATIONS



- ### KEYED NOTES
1. MOU STRIP - SEE CIVIL PLANS.
 2. DASHED LINES INDICATE VOID SPACE WITHIN WALL FRAMING.
 3. DASHED LINES INDICATE WALL FRAMING, SOFFIT FRAMING, AND PARAPET FRAMING ABOVE - SEE PROPOSED SOFFIT PLAN, EXTERIOR ELEVATIONS, ROOF PLAN, AND SECTIONS.
 4. FIRE DEPARTMENT APPROVED KNOX-BOX - SEE PROPOSED EXTERIOR ELEVATIONS.
 5. DOOR - SEE PROPOSED EXTERIOR ELEVATIONS AND DOOR SCHEDULE.
 6. DASHED LINES INDICATE A REQUIRED MINIMUM LEVEL LANDING AT DOOR LOCATION - SEE DETAILS.
 7. GLAZING SYSTEM ASSEMBLY - SEE PROPOSED EXTERIOR ELEVATIONS AND WINDOW SCHEDULE.
 8. STRUCTURAL COLUMN - SEE STRUCTURAL PLANS.
 9. CONTINUOUS AND/OR DASHED LINES INDICATE ROOF ACCESS HATCH AND LADDER - SEE PROPOSED ROOF PLAN.
 10. ELECTRICAL SWITCH GEAR - SEE ELECTRICAL PLANS.
 11. ELECTRICAL HOUSE PANEL - SEE ELECTRICAL PLANS.
 12. TELECOMMUNICATION PLYWOOD BACKBOARD - SEE ELECTRICAL PLANS.
 13. FIRE SPRINKLER RISER - SEE PLUMBING AND FIRE SPRINKLER PLANS.
 14. TWO-TIER GAS METER MANIFOLD - DASHED DIAGONAL HATCHING INDICATES REQUIRED PG&E CLEARANCES AROUND GAS METER MANIFOLD - SEE PROPOSED EXTERIOR ELEVATIONS AND PLUMBING PLANS.
 15. DASHED LINES INDICATE ROOF DRAIN AND OVERFLOW DRAIN C/I LEADERS FROM ROOF DECK ABOVE - SEE PROPOSED SITE PLAN, REFLECTED SOFFIT PLAN, EXTERIOR ELEVATIONS, ROOF PLAN, PLUMBING PLANS, AND CIVIL PLANS.
 16. DASHED LINES INDICATE METAL CANOPY - SEE PROPOSED EXTERIOR ELEVATIONS.
 17. SURFACE MOUNTED 2A-10BC FIRE EXTINGUISHER - GENERAL CONTRACTOR SHALL PROVIDE FIRE EXTINGUISHERS AT 75'-0" MAXIMUM TRAVEL DISTANCE PER CODE (TYPICAL OF 4) - SEE DETAILS.
 18. ASSUMED PROPERTY LINE.

- ### WALL LEGEND
- GYPSUM BOARD GENERAL NOTES:
1. GYPSUM SHEATHING WITH EQUAL FIRE RATING DURATION VALUE SHALL BE USED AT ALL EXTERIOR, ATTIC, AND/OR NON-CONDITIONED AREAS.
 2. AREAS EXPOSED TO MOISTURE, AREAS WHERE APPLIANCES CREATE MOISTURE AND WITHIN 24" OF EACH PLUMBING FIXTURES SHALL HAVE MOISTURE AND MOLD RESISTANT GYPSUM WALLBOARD WITH EQUAL FIRE RATING DURATION VALUE IF APPLICABLE.
 3. INSTALLATION OF WALL ASSEMBLIES SHALL COMPLY WITH THE LATEST EDITION OF THE CALIFORNIA BUILDING CODE, GYPSUM ASSOCIATION FIRE RESISTANCE DESIGN MANUAL (GA-600) LATEST EDITION AND GYPSUM ASSOCIATION APPLICATION AND FINISHING OF GYPSUM PANEL PRODUCTS MANUALS (GA-26) LATEST EDITION.
 4. INSULATION SHALL COMPLY WITH EACH INDIVIDUAL FIRE ASSEMBLY REPORT AND C.B.C. SECTION 720.

- INDICATES 2 x 6 WOOD STUD FRAMING (AT 16" ON CENTER MAXIMUM) AS SHOWN ON STRUCTURAL FRAMING PLAN - EXTERIOR WALL FACE. PROVIDE 7/8" THICK 3-COAT CEMENT PLASTER STUCCO WALL ASSEMBLY OVER SELF-FURRING LATH OVER 2-LAYERS WATER RESISTANT BARRIER OVER SHEATHING - SEE PROPOSED EXTERIOR ELEVATIONS FOR LOCATIONS AND HEIGHTS OF CEMENT PLASTER STUCCO ASSEMBLIES - PROVIDE FULL HEIGHT AND FULL DEPTH GLASS FIBER R-19 BATT INSULATION WITHIN WALL FRAMING AS SCHEDULED ON THE OPAQUE SURFACE ASSEMBLY SUPPORT WITHIN THE TITLE 24 ENERGY COMPLIANCE REPORT.
- INDICATES 2 x 6 WOOD STUD FRAMING (AT 16" ON CENTER MAXIMUM) AS SHOWN ON STRUCTURAL FRAMING PLAN - EXTERIOR WALL FACE. PROVIDE CORRUGATED METAL PANEL SYSTEM AND PERIMETER BREAK METAL TRIM ASSEMBLY OVER 2-LAYERS WATER RESISTANT BARRIER OVER SHEATHING - SEE PROPOSED EXTERIOR ELEVATIONS FOR LOCATIONS AND HEIGHTS OF CORRUGATED METAL PANEL SYSTEM.
- INDICATES 605025-33 6" METAL STUD FRAMING AT 16" ON CENTER FROM SLAB TO THE UNDERSIDE OF ROOF STRUCTURE - PROVIDE FULL HEIGHT 5/8" THICK TYP. 1/4" GYPSUM BOARD ON BOTH SIDES OF FRAMING - PROVIDE FULL HEIGHT AND FULL DEPTH GLASS FIBER R-19 BATT INSULATION WITHIN WALL FRAMING.

- ### GENERAL NOTES
1. PLANS ARE NOT TO BE SCALED - INDICATED DIMENSIONS SHALL GOVERN.
 2. GENERAL CONTRACTOR SHALL NOTIFY THE DESIGNER IMMEDIATELY IF ANY AMBIGUOUS OR UNCLEAR CONDITIONS ARE ENCOUNTERED.
 3. GENERAL CONTRACTOR SHALL INTERFERE WITH PLUMBING, MECHANICAL, AND ELECTRICAL PLANS TO CONFORM ANY SPECIFIC REQUIREMENTS OF ALL FIXTURES/FURNISHINGS SHOWN ON PLANS(S).
 4. GENERAL CONTRACTOR IS RESPONSIBLE TO COORDINATE ALL BLOCKING AND BACKING LOCATIONS AS REQUIRED BY EQUIPMENT, FURNISHINGS, AND FIXTURE SUPPLIERS.
 5. ALL DIMENSIONS ARE TAKEN FROM FACE OF STUD, UNLESS OTHERWISE NOTED.
 6. GENERAL CONTRACTOR SHALL PROVIDE FIRE BLOCKING AND DRAFTSTOPPING IN ALL COMBUSTIBLE CONCEALED LOCATIONS PER CODE (FIRE BLOCKING PER C.B.C. SECTION 710.2 AND DRAFTSTOPPING PER C.B.C. SECTIONS 710.4 AND 710.4.3) - PROVIDE FIRE BLOCKING IN HALLS AND FURRED SPACES AT INTERVALS OF 10'-0" MAXIMUM PER C.B.C. SECTIONS 710.2.2 THRU 710.2.7.

- ### BUILDING ENVELOPE NOTES
1. INSTALLED INSULATING MATERIAL SHALL HAVE BEEN CERTIFIED BY THE MANUFACTURE TO COMPLY WITH THE CALIFORNIA QUALITY STANDARDS FOR INSULATING MATERIAL, TITLE 20 CHAPTER 4, ARTICLE 3.
 2. ALL INSULATING MATERIALS SHALL BE INSTALLED IN COMPLIANCE WITH THE FLAME SPREAD RATING AND SMOKE DENSITY REQUIREMENTS OF SECTIONS 2602 AND 707 OF TITLE 24, PART 2.
 3. THE OPAQUE PORTIONS OF FRAMED DETACHING HALLS IN NON-RESIDENTIAL BUILDINGS SHALL HAVE INSULATION WITH AN INSTALLED R-VALUE OF NO LESS THAN R-10 BETWEEN FRAMING MEMBERS.
 4. ALL EXTERIOR JOINTS AND OPENINGS IN THE BUILDING THAT ARE OBSERVABLE SOURCES OF AIR LEAKAGES SHALL BE CAULKED, GASKETED, HEATHERSTRIPPED, OR OTHERWISE SEALED.
 5. MANUFACTURED FENESTRATION PRODUCTS AND EXTERIOR DOORS SHALL HAVE AIR INFILTRATION RATES NOT EXCEEDING 0.3 C.F.M. PER SQUARE FOOT OR WINDOW AREA, 0.3 C.F.M. PER SQUARE FOOT OF DOOR AREA FOR NON-RESIDENTIAL SINGLE DOORS (SWINGING AND SLIDING), AND 1.0 C.F.M. PER SQUARE FOOT FOR NON-RESIDENTIAL DOUBLE DOORS (SWINGING).
 6. FENESTRATION U-FACTOR SHALL BE RATED IN ACCORDANCE WITH N.F.R.C. 100, OR THE APPLICABLE DEFAULT U-FACTOR.
 7. FENESTRATION S.H.G.C. SHALL BE RATED IN ACCORDANCE WITH N.F.R.C. 200, OR N.F.R.C. 100 FOR SITE-BUILT FENESTRATION, OR THE APPLICABLE DEFAULT S.H.G.C.
 8. SITE CONSTRUCTED DOORS AND WINDOWS SHALL BE CAULKED BETWEEN THE UNIT AND THE BUILDING, AND SHALL BE WEATHERSTRIPPED (EXCEPT FOR UN-FRAMED GLASS DOORS AND FIRE DOORS.)

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PROJECT

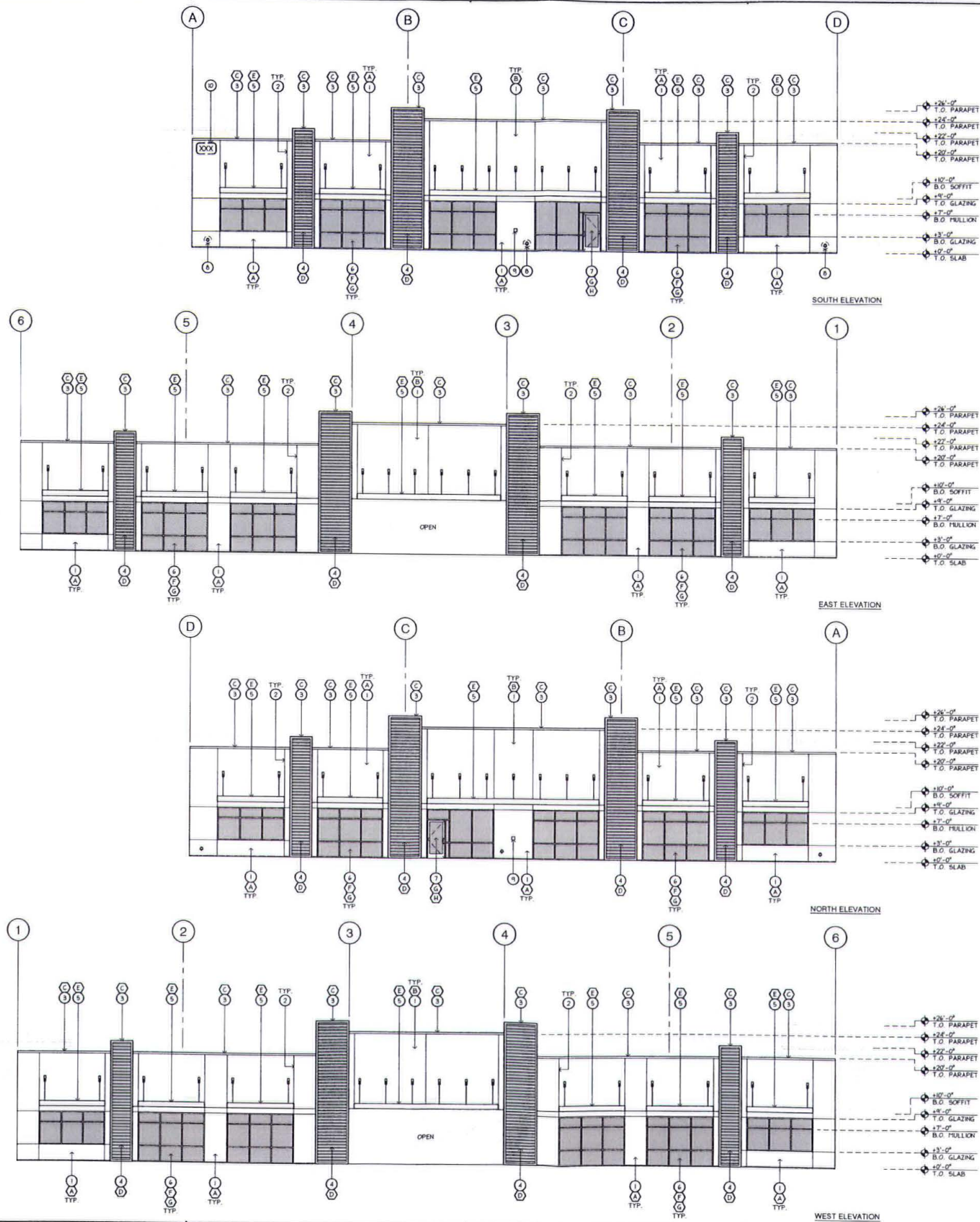
PROPOSED SHELL BUILDINGS "F" AND "G" FOR:
GREYHAWK AT PORTAL SIERRA II
928 NORTH TEMPERANCE AVENUE
CLOVIS, CALIFORNIA 93611

STATUS	
Current Release Date	05-16-18
Planning Submittal	05-16-18
Plan Check Submittal	05-16-18

REVISIONS	
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IDENTIFICATION	
Scale	1/8" = 1'-0"
Project Coordinator	CHRIS HARD
Project No.	17-104D
Sheet	A-1.0

PROPOSED FLOOR PLAN



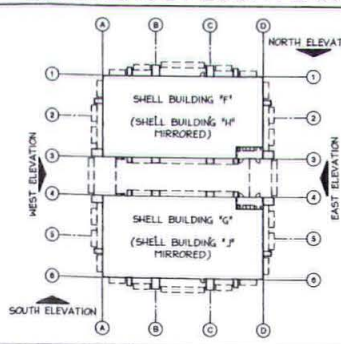
KEYED NOTES

- CEMENT PLASTER STUCCO WALL ASSEMBLY - PROVIDE REVEAL SCREEDS WHERE SHOWN AND J-BEADS WITH HEEP HOLES AT BASE, TYPICAL - SEE PROPOSED FLOOR PLAN, COLOR/MATERIAL LEGEND, SECTIONS, DETAILS, AND STRUCTURAL PLANS.
- STOCKTON PRODUCTS 1/2" WIDE x 1/8" DEEP "WVS" V-SCREED (OR APPROVED EQUAL) - PAINT TO MATCH ADJACENT WALL FINISH - SEE DETAILS.
- G.S.F. PARAPET COPING FLASHING - PAINT TO MATCH COLOR OF FINISH MATERIAL, DIRECTLY BELOW - SEE PROPOSED COLOR/MATERIAL LEGEND, ROOF PLAN, SECTIONS, AND DETAILS.
- CORRUGATED METAL PANEL SYSTEM AND PERIMETER BREAK METAL TRIM ASSEMBLY - SEE PROPOSED COLOR/MATERIAL LEGEND, SECTIONS, DETAILS, AND STRUCTURAL PLANS.
- METAL CANOPY - SEE PROPOSED COLOR/MATERIAL LEGEND, ROOF PLAN, SECTIONS, DETAILS, AND STRUCTURAL PLANS.
- GLAZING SYSTEM ASSEMBLY - SEE PROPOSED FLOOR PLAN, COLOR/MATERIAL LEGEND, SECTIONS, WINDOW SCHEDULE, AND DETAILS.
- DOOR - SEE PROPOSED COLOR/MATERIAL LEGEND AND DOOR SCHEDULE.
- JAY R. SMITH WITH OVERFLOW DRAIN DOWNSPOUT NOZZLE OUTLET WITH NICKEL BRONZE FINISH - SEE PROPOSED FLOOR, REFLECTED SOFFIT, AND ROOF PLANS, AND DETAILS.
- FIRE DEPARTMENT APPROVED KNOW-BOX - KNOW-BOX SHALL BE INSTALLED IN CONJUNCTION WITH THE FIRE ALARM ANNUNCIATOR PANEL WITH A KEY TO ALLOW FIRE DEPARTMENT ACCESS TO THE BUILDING, FIRE ALARM ANNUNCIATOR PANEL, AND SHALL ALSO HOUSE SIX SPARE SPRINKLER HEADS, A SPRINKLER HEAD WRENCH, AND A TAP OF ALL ALARM ZONES - A KEY SHALL BE GIVEN TO THE FIRE MARSHAL PER NFPA SECTIONS 15, 4-14.4.1 AND 2-2.5, AND C.F.C. SECTION 506.1.
- STREET ADDRESS NUMERALS - PLACE IN A POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY - NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND AND BE POSTED A MINIMUM OF 10'-0" ABOVE THE GROUND - ADDRESS NUMBERS SHALL BE ARABIC NUMERALS OR ALPHABET LETTERS - NUMBERS SHALL BE A MINIMUM OF 8" HIGH WITH A MINIMUM STROKE OF 3/4" THICK.
- THIRD-TIER GAS METER MANIFOLD - DASHED DIAGONAL HATCHING INDICATES REQUIRED FCE CLEARANCES AROUND GAS METER MANIFOLD - SEE PROPOSED FLOOR AND PUMPING PLANS.

COLOR / MATERIAL LEGEND

MATERIAL	FINISH	COLOR / SPECIFICATION
(A) CEMENT PLASTER STUCCO (FIELD)	PAINTED	T.B.D.
(B) CEMENT PLASTER STUCCO (ACCENT)	PAINTED	T.B.D.
(C) G.S.F. COPING FLASHING	PAINTED	PAINTED TO MATCH ADJACENT WALL FINISH
(D) CORRUGATED METAL PANEL SYSTEM	FACTORY FINISH	T.B.D.
(E) METAL CANOPY	PAINTED	T.B.D.
(F) GLAZING SYSTEM ASSEMBLY	FACTORY FINISH	SEE WINDOW SCHEDULE
(G) GLAZING	FACTORY FINISH	SEE WINDOW SCHEDULE
(H) STOREFRONT DOORS	FACTORY FINISH	SEE DOOR AND WINDOW SCHEDULES
(I) NONHOLLOW METAL DOOR AND FRAME	PAINTED	SEE DOOR SCHEDULE

REFERENCE FLOOR PLAN



PROJECT
PROPOSED SHELL BUILDINGS "FG" AND "HJ" FOR:
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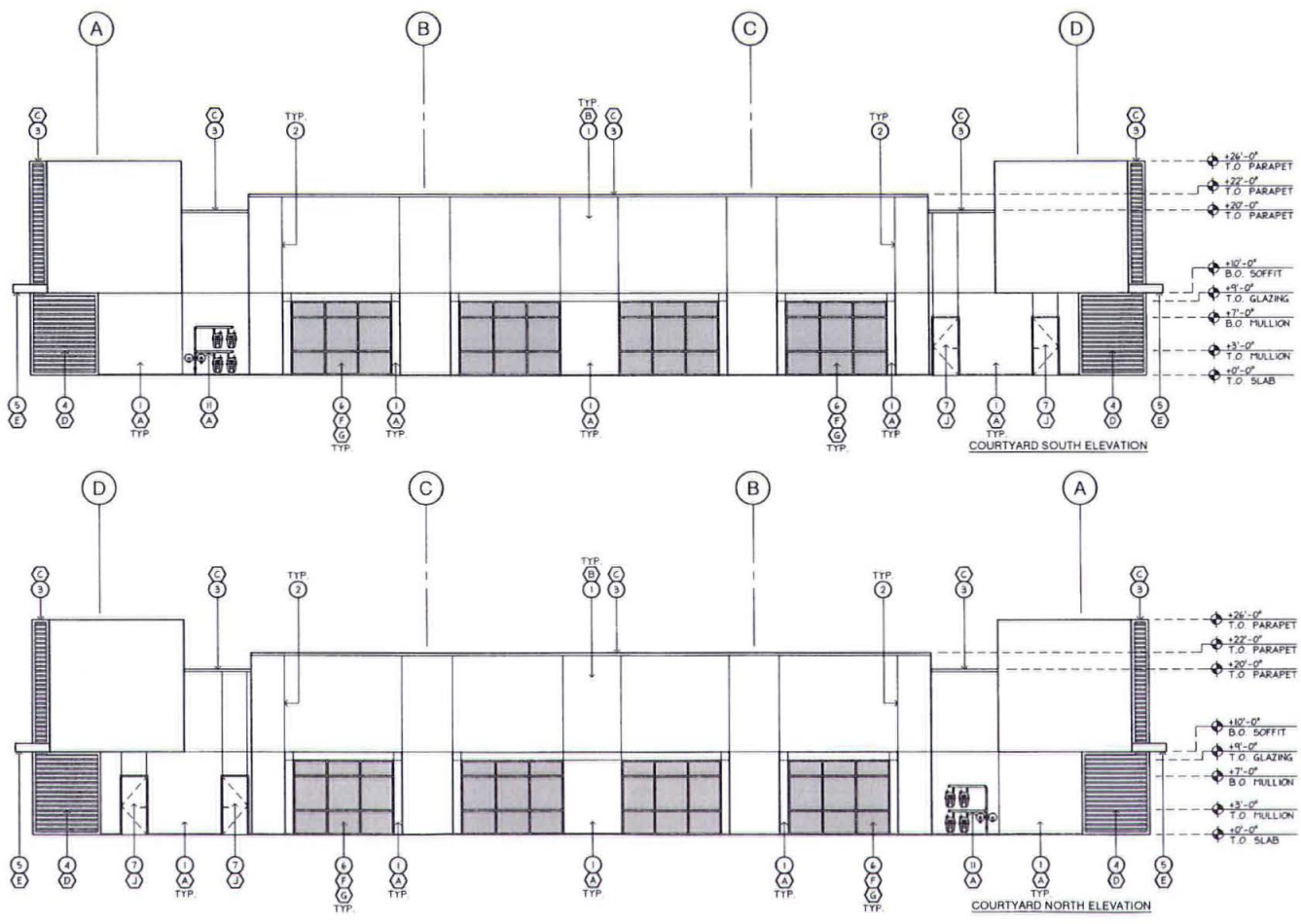
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Project No.	17-104D
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PROPOSED EXTERIOR ELEVATIONS

KEYED NOTES

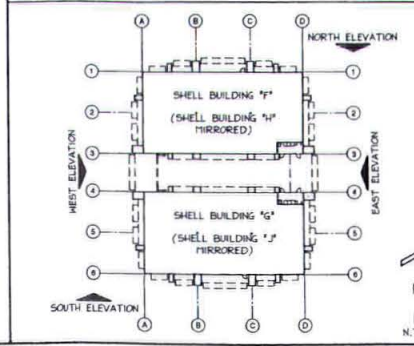
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- DOOR - SEE PROPOSED COLOR/MATERIAL LEGEND AND DOOR SCHEDULE.
- JAY-B GREEN ROOF OVERLAY DRAIN DOWNSPOUT NOZZLE OUTLET WITH HIGH-CHROME FINISH - SEE PROPOSED FLOOR, REFLECTED SOFFIT, AND ROOF PLANS, AND DETAILS.
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- STREET ADDRESS NUMBERS - PLACE IN A POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY - NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND AND BE POSTED A MINIMUM OF 4'-0" ABOVE THE GROUND - ADDRESS NUMBERS SHALL BE ARABIC NUMERALS OR ALPHABET LETTERS - NUMBERS SHALL BE A MINIMUM OF 4" HIGH WITH A MINIMUM STROKE OF 3/4" THICK.
- TWO-TIER GAS METER MANIFOLD - DASHED DIAGONAL HATCHING INDICATES REQUIRED PG&E CLEARANCES AROUND GAS METER MANIFOLD - SEE PROPOSED FLOOR AND PLUMBING PLANS.



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REFERENCE FLOOR PLAN



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Project Coordinator
CHRIS HARD
Project No.
17-104D
Sheet



AGENDA ITEM NO: **10**
City Manager: *[Signature]*

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 10, 2018

SUBJECT: Consider – Policy direction regarding a request from Wilson Homes, Inc. for Council to consider an amendment to the Sphere of Influence to allow urbanization of approximately +/- 52.4 acres near the northeast corner of Shepherd and Sunnyside Avenues. L. Spensley, owner; Wilson Homes, applicant/representative.

ATTACHMENT: Exhibit "A" - Poeschel Letter of June 2018

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to provide policy direction regarding pursuing a change to Clovis' current Sphere of Influence for urbanization of +/- 52.4 acres near the northeast corner of Shepherd and Sunnyside Avenues and if warranted, to approve staff to negotiate a Sphere of Influence change with the County of Fresno and Local Agency Formation Commission (LAFCo).

EXECUTIVE SUMMARY

The City Council is being requested to direct staff to begin negotiations with the County of Fresno to amend the Clovis Sphere of Influence to allow urbanization of the +/-52.4 acre Spensley property located at the northeast corner of Shepherd and Sunnyside Avenues (see Figure 1 Below). This item had been under discussion during the preparation of the 2014 General Plan but for various reasons was not identified for future development in the General Plan. Subsequent discussion has occurred between the applicant, the City, the County of Fresno and LAFCo. There are a variety of issues requiring evaluation under this proposal.



FIGURE 1 – Spensley Properties

BACKGROUND

In 2014, the City of Clovis completed a comprehensive update to its 1993 General Plan, along with an associated environmental impact report. The 2014 General Plan identified specific land uses for the Northwest area (Heritage Grove). Subsequently, in December 2014, an 860 acre Sphere of Influence expansion was sought and approved to align with the boundaries of Heritage Grove: Shepherd, Willow, Copper Avenues and the Sunnyside Avenue alignment.

In June of 2016, staff received a letter from Dirk Poeschel, Land Development Services, Inc., representing Wilson Homes, requesting to allow for the urbanization of the 75 acre Spensley property generally located along the north side of Shepherd Avenue between Sunnyside and Fowler Avenues. This site was not identified for development in either the 1993 or 2014 General Plan, or under the 2014 Sphere of Influence boundary change.

City staff began a cursory evaluation of the proposal with internal staff including the development of an inventory of issues requiring evaluation. Additionally, staff contacted Fresno County and LAFCo staff to discuss a tentative process for consideration of this request if it were to move forward.

Staff received the attached letter dated June 14, 2018 (Exhibit "A") from Dirk Poeschel of Land Development Services, Inc. representing Wilson Homes requesting City Council consideration and direction on beginning a process to amend the City of Clovis Sphere of Influence to allow for the urbanization of a modified 52.4+/- net acre portion of the Spensely property.

PROPOSAL AND ANALYSIS

The subject site lies outside of the current Sphere of Influence and was not considered as part of the General Plan update of 2014. As such, no land use direction was assigned to this site and no public facilities were analyzed for serving development of this property.

Unlike the Northeast Urban Village where the General Plan provided direction for subsequent land use consideration by way of a Master Planned Community Zone District action or Specific Plan process, the General Plan does not address this site. Consequently the prevailing land use authority falls under the County of Fresno with a land use designation of Rural Residential (one dwelling unit per two acres). This site has not been included in any level of urban facility master planning; however with the recent adoption of Clovis' water, sewer and recycled water masterplans, a more accurate analysis of available services can be conducted.

For this discussion, staff has included some key issues and topics:

- Can the site be serviced with proposed and existing infrastructure?
- Is there a need for additional developable lands?
- Would the plan amendment compromise or require re-analysis of the updated water, recycled water and sewer masterplans and the associated environmental report?
- What are the benefits to the City in including this site within Clovis' Sphere of Influence?
- Would the Sphere of Influence expansion request generate peripheral issues with existing neighborhoods or stakeholders?

The following are preliminary responses to these questions.

Can the site be serviced with proposed and existing infrastructure?

This is an unknown at this time and would require further analysis. With Clovis' cooperation in developing water banking facilities with the Fresno Irrigation District (FID), some water resources are available for use outside of the FID boundary. Use of these resources at this site will subtract from the resource pool available for the overall community. Further analysis would be based upon the density of development being sought. Physical sewer, water and recycled water infrastructure will be developed in proximity to this site with development in the Heritage Grove area. It is likely that the physical location of these facilities may be reached relatively easily.

Additional analysis would be required with the Fresno Metropolitan Flood Control District (FMFCD) to determine how flood waters would be handled from this site.

Is there a need for additional developable lands?

Staff has reviewed and calculated the current number of undeveloped residential lots within Clovis outside of Heritage Grove. It appears that there are 2,854 existing or having been approved and not yet developed lots. Based upon the 30 year average of 750 residential units being developed annually, there would be a little under four year supply of lots available for development. Understandably there are many issues related to availability of developable lots including issues with acquisition and thus the lot count could be much less.

Additionally, with the opening of Heritage Grove to development, another 2,560 acres will become available for development as well as additional lands with the phased opening of the Northeast area. It would appear that an inventory of land is available for future development.

Would the plan amendment compromise or require re-analysis of the water, recycled water and sewer master plans and the associated environmental report?

Clovis has completed and adopted the facilities master planning for water, recycled water and sewer services in conjunction with an environmental impact report in July 2018.

As this site has not been included in this master planning effort it is unclear what the ramifications would be of including this site into the Clovis Sphere of Influence. Further analysis and environmental review is required for consideration of servicing this site.

What are the benefits to the City in including this site within Clovis' Sphere of Influence?

A significant benefit to the City would be the completion of Shepherd Avenue improvements between Fowler and Sunnyside Avenues. Development of this site would provide for a significant portion of these street improvements and could realign the future Expressway in a manner that preserved existing homes located along the south side of present day Shepherd Avenue. Without development on this site, City and County staffs would need to rely on grants or other funding opportunities in consideration of a cooperative project to improve Shepherd Avenue.

Would the Sphere of Influence expansion request generate peripheral issues with existing neighborhoods or stakeholders?

Recent development activity including the master planning for the Dry Creek Preserve area and the Lennar subdivision at the northwest corner of Sunnyside and Shepherd Avenues have both solicited for and attracted comments from property owners and stakeholders in the vicinity. The City has heard concerns raised regarding increased traffic and availability

of services such as water. Although a Sphere of Influence expansion would not carry a specific project design or identify a development density, it is likely to generate public comment as to the need for expansion and/or impacts to adjacent areas.

Staff has notified individuals who have requested to be updated on any development activity of this item.

FISCAL IMPACT

The full fiscal impact is unknown at this time. Should the City Council direct staff to proceed, staff would provide a formal investigation and analysis of costs associated with a Sphere of influence expansion.

REASON FOR RECOMMENDATION

Staff is seeking City Council direction on this request to include this site in Clovis' Sphere of Influence. Past discussions with associated agencies have established a general method in proceeding with such a Sphere of Influence expansion.

If directed to proceed, Clovis would become the lead agency in preparing environmental documents with technical material to be supplied by the applicant. Clovis would also negotiate an amendment to the Memorandum of Understanding and tax sharing agreement with the County of Fresno and address requirements of LAFCo.

The larger issue before the Council at this time is will the benefits received by including this site into Clovis' Sphere of Influence such as improving Shepherd Avenue and providing additional developable land be outweighed by peripheral issues that may cost Clovis additional resources.


ACTIONS FOLLOWING APPROVAL

If directed by City Council to proceed, staff will meet with affected agencies and interested individuals and prepare a schedule and steps to move forward. This would include:

- A written justification from the applicant on why this site should be brought into Clovis' Sphere of Influence;
- Conduct environmental studies for the preparation of a Master Service Plan and LAFCo application;
- Update the Master Service Plan for the subject property;
- Consider a plan amendment to identify land use and intensity of land use for the property;
- Negotiate an amendment to the Memorandum of Understanding and Tax Sharing agreement with the County of Fresno; and,
- Prepare a Sphere of Influence expansion application to be considered by LAFCo.

Prepared by: Dwight Kroll, AICP, PDS Director

Submitted by: _____


Dwight Kroll, AICP
Director of Planning and
Development Services

DIRK POESCHEL

Land Development Services, Inc.

923 Van Ness Avenue, Suite 200 • Fresno, California 93721

559/445-0374 • Fax: 559/445-0551 • email: dirk@dplds.com

June 14, 2018

Luke
Mr. Luke Serpa, City Manager
City of Clovis
1033 5th St.
Clovis, CA 93612

SUBJECT: Request for Council Direction to Allow a Sphere of Influence Change for Urbanization of the Spensley Property

Dear Mr. Serpa,

Reference is made to our recent cooperative efforts to obtain direction from your council to allow an amendment to the City of Clovis Sphere of Influence for the urbanization of the subject Spensley property as illustrated on the attached map. Please see the attached map of the project area. Over the past few months substantial progress has been made to resolve various challenges facing the proposed sphere change.

Representatives of Wilson Homes Inc. met jointly with senior LAFCo, Fresno County and City of Clovis staff to accurately determine the appropriate steps to allow the aforementioned sphere change. Based on the merits of the project, Fresno County Senior Public Works and Planning staff will not object to the sphere change and recognizes substantial benefits associated with request. LAFCo generally believes that the sphere change is de minimis in nature and suggested an annexation strategy that was acceptable to Wilson Homes Inc. City portable water appears to be available through the joint Fresno Irrigation District/City of Clovis water delivery agreement.

For these reasons, I respectfully request the Clovis City Council direct your staff to begin the amendment of the City of Clovis Sphere of Influence to allow the urbanization of the 52.4 +/- net acre Spensley property. Thank you for all of your efforts in this regard. If you have any questions please feel free to contact me.

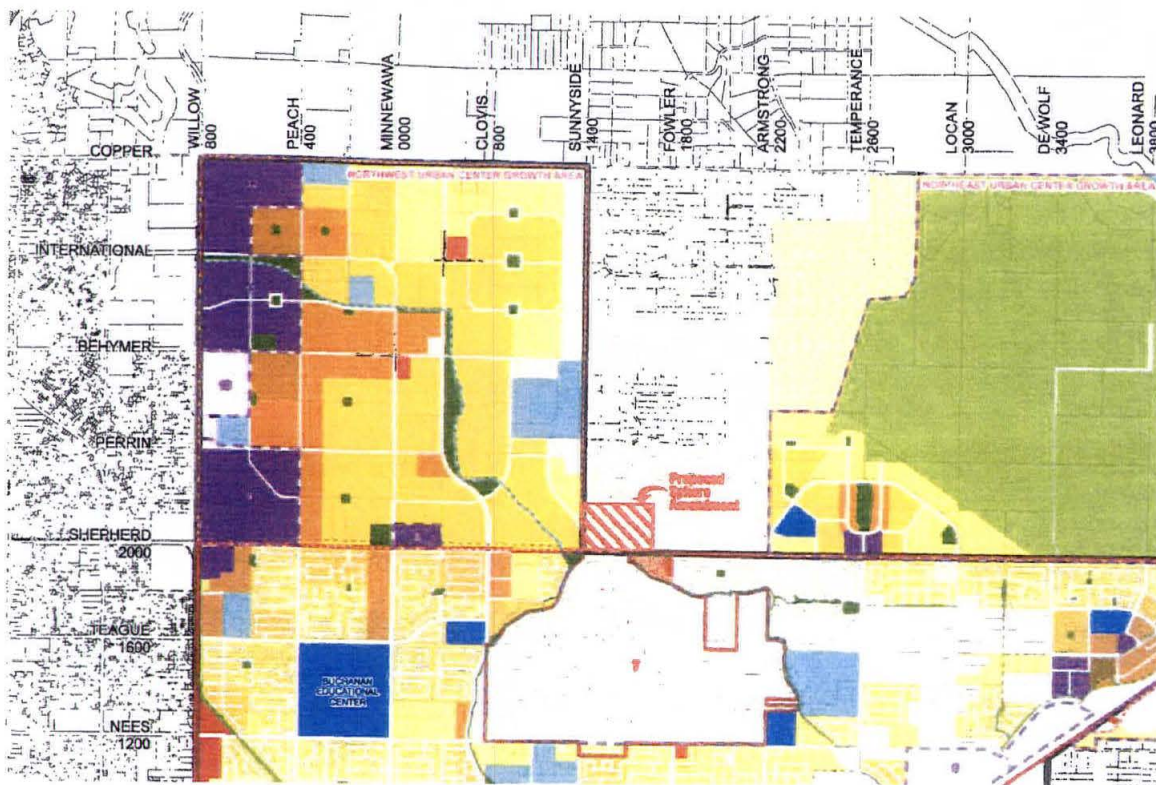
Sincerely,



Dirk Poeschel, AICP

Attachment

cc: Mr. Leo Wilson
Mr. Todd Wilson
Mr. Jeff Harris
Mr. John Holt



GENERAL PLAN Land Use Designations

City Limits

- City Limits
- City of Influence
- Planned Traffic Pattern
- Existing Traffic Pattern
- Public Area
- Public Area
- Public Area

City of Clovis General Plan Land Use

- AG - Agriculture (1 DU/50 AC)
- RR - Rural Residential (1 DU/5 AC)
- VL - Very Low Density Residential (0.5-1.0 DU/AC)
- L - Low Density Residential (2.1-4.0 DU/AC)
- M - Medium Density Residential (4.1-7.0 DU/AC)
- HH - Medium High Density Residential (7.1-15.0 DU/AC)
- PH - High Density Residential (15.1-25.0 DU/AC)
- VH - Very High Density Residential (25.1-40.0 DU/AC)
- MLV - Mixed Use Village
- MUC - Mixed Use/Urban Center
- O - Office
- I - Industrial
- HC - Neighborhood Commercial
- CC - General Commercial
- OS - Open Space
- P - Public/Quasi-Public Facilities
- PK - Park
- S - School
- W - Water

Fresno County General Plan Land Use

- PHC/FC - Planned Residential Community
- C-SP - Commercial Specified

1 0.5 0 1
Miles
Revised July 7, 2015



AGENDA ITEM NO: 11
City Manager: LS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Community & Economic Development

DATE: September 10, 2018

SUBJECT: Consider Approval – Resolution 18____, Releasing City of Clovis' interest in property located at 325 Pollasky Avenue.

ATTACHMENTS:

- (A) Letter from Clovis Chamber of Commerce Requesting Release
- (B) 1986 Agreement for Conveyance of and Use of Land and Building
- (C) Resolution 18-____ Releasing City of Clovis of Interest in Site

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve a resolution releasing all interest in the property located at 325 Pollasky Avenue.

EXECUTIVE SUMMARY

The building located at 325 Pollasky Avenue was owned by the County of Fresno and served as the Clovis Library until 1976 when a new library was built at 1155 Fifth Street. In exchange for the new library site, the County of Fresno deeded ownership of 325 Pollasky to the City of Clovis. In 1986, the City of Clovis entered into an Agreement for Conveyance of and Use of Land and Building to the Clovis Chamber of Commerce. The City received a letter detailing the building is now in need of major repairs and upgrades and requesting the release of the City of Clovis' interest in this property. Staff is recommending approval of the release of the City of Clovis' interest in this property.

BACKGROUND

The building owned by the Clovis Chamber of Commerce is located at 325 Pollasky Avenue. It was built in 1914 and originally served as the Clovis Library. The construction was financed through a grant from the Carnegie Foundation, which funded 2,509 such libraries between 1883 and 1929. The building remained in continuous use as a public library until 1976, when the new Clovis Library opened at 1133 Fifth Street. In exchange for the new library site, the County of Fresno deeded ownership of the building and land at 325 Pollasky to the City of Clovis.

Upon taking possession of the property, the City of Clovis was committed to renovating and converting the building into a use which could serve as a public meeting space. However, the costs for renovation ranged from \$150,000 to \$160,000.

In 1979, the City of Clovis replaced the foundation at a cost of \$70,000. By 1983, a group of citizens managed to raise \$13,000. Those funds, along with donations of labor and supplies, enabled the group to complete additional restoration work.

In 1986, the City of Clovis entered into an agreement with the Clovis Chamber of Commerce to transfer ownership of the building and property to the Chamber. This agreement included the following considerations:

- Chamber must complete remodeling of the building.
- Chamber may not convey any interest in the property without consent of the City.
- Chamber must remain as a non-profit corporation organized as a chamber of commerce.
- Chamber must maintain the upper floor of the building for public use or short term rental for public and community groups.
- Chamber must maintain the building in good condition and repair.

As part of the agreement, the City retained the ability to take back title to the property in the event of a default by the Chamber.

Since 1986, the Chamber has maintained the building and property as their primary offices meeting the terms of the agreement. Within the past two years, the building has experienced issues which include the total failure of HVAC equipment, severe roof leak, and water main leak. The building is also non-ADA compliant.

The Clovis Chamber of Commerce has been exploring options to address the issues the building has and meet the needs for office space. The Clovis Chamber of Commerce has submitted a letter detailing the issues stated previously, its fulfillment of the 1986 agreement, and a request for the City to release its interest in the property so the Clovis Chamber of Commerce can determine next steps.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The Clovis Chamber of Commerce has continuously occupied the property and building located 325 Pollasky since 1986. During this time, the Clovis Chamber has bore the costs for all repairs and maintenance of this property. Some of these repairs and upgrades include total replacement of roof, total overhaul of landscaping and irrigation, and overhaul of front entry. At this time, the building requires significant repairs on the HVAC system and plumbing as well as upgrade to bring the building into compliance with ADA standards. The release of the City's interest will allow for the Chamber to move forward with improvements and/or rebuilding of the site.

ACTIONS FOLLOWING APPROVAL

Staff will notify the Chamber of Commerce of Council's decision.

Submitted by: Andrew Haussler, Director,
Community & Economic Development



ATTACHMENT A
Clovis Chamber of Commerce Request Letter



Received

AUG 06 2018

ADMN/CITYMGR

July 31, 2018

Luke Serpa, City Manager
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Dear Luke:

As you know, the Clovis Chamber of Commerce owns the property and building located at 325 Pollasky Avenue. The Clovis Chamber has continuously occupied this property since 1986. Ownership of the property resulted from an Agreement for Conveyance of and Use of Land and Building dated January 21, 1986.

As part of the agreement, the Clovis Chamber, at its own expense, completed extensive remodeling in 1986 and 1987 to make the building useable and available for community use. During the following 32 years the Clovis Chamber has made many more improvements and repairs which include replacement of the roof, resurfacing and painting of the exterior of the building, replacement of landscaping and installation of irrigation system, replacement of water main, window replacement, total rebuild of front entry way, and two new fences.

We are now at a crossroads and are preparing to make an important decision for the future of this property. The building, which was originally constructed in 1914, is in need of a complete HVAC replacement, the installation of ADA accessibility improvements and Title 24 upgrades, all of which are extremely costly. The Clovis Chamber is currently exploring many options for the property and the building and its future functionality for the Clovis Chamber in light of the current code requirements.

Through a title search, it has been determined that the January 21, 1986 agreement between the City of Clovis and the Clovis Chamber was never recorded. Also, the address listed on that agreement is erroneously listed as 821 Pollasky Avenue.

Should the agreement stay in place and the Clovis Chamber decides to remodel the building there are several issues that may arise which could negatively affect the City of Clovis. Any construction projects for the building may trigger the requirement of using prevailing wage, which would make the project unaffordable. Secondly, should an ADA lawsuit be filed against the property then the City of Clovis could be named in the lawsuit and carry financial responsibility.



Due to these issues the Clovis Chamber feels that in order to move forward with the future planning for the property and building we are hereby requesting that the subject agreement between the Clovis Chamber and City of Clovis be terminated.

The Clovis Chamber has met every obligation as set forth in the Agreement for Conveyance of and Use of Land and Building dated January 21, 1986, and respectfully requests the release of the Clovis Chamber from this agreement.

Please feel free to contact me at any time regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Newman".

Greg Newman
Executive Director
Clovis Chamber of Commerce
559-299-7363

ATTACHMENT B
1986 Agreement for Conveyance of and Use of Land and Building

Exhibit 1

Final Sign

AGREEMENT FOR CONVEYANCE OF
AND USE OF LAND AND BUILDING

This is an Agreement between the CITY OF CLOVIS, State of California, (City) and the CLOVIS CHAMBER OF COMMERCE, a California non-profit corporation (Chamber).

WHEREAS, City is the owner of certain real property and improvements commonly known as the "Carnegie Library," a site and building of historical interest, situated at 821 Polk Avenue, Clovis, California, and more particularly described as follows:

That certain real property situated in the City of Clovis, County of Fresno, State of California, described as follows:

Lots 26, 27 and 28 of Block 21 of the Town (now City) of Clovis, according to the map and plat of the Town (now City) of Clovis, on file and of record in the office of the County Recorder of said County; and

WHEREAS, Chamber is a California non-profit corporation organized under the laws of the State of California for various purposes which include the promotion of City's historical heritage and preservation of property of historical interest; and

WHEREAS, Chamber desires to acquire said real property and improvements and to complete remodeling and rehabilitation of same to preserve its historical heritage and interest and to make the property useable and available for community use by the public.

NOW, THEREFORE, City and Chamber agree:

1. City shall convey to Chamber the real property and improvements described above on the conditions and subject to the reversions set forth below.

2. City is currently in progress with certain rehabilitation and remodeling activities which will permit occupancy of the building. City will, at its cost and expense, complete the following:

- (a) All heating systems including start up.
- (b) All plumbing systems including testing.
- (c) All air conditioning systems including start up.
- (d) Bathroom fixtures and counters.
- (e) Outside underground irrigation systems.
- (f) Hardware for all doors.
- (g) Handicapped access (to be completed within one year of occupancy by Chamber).

Upon completion of these improvements, Chamber shall assume full responsibility for further maintenance and repair of the property conveyed.

3. Chamber shall acquire the necessary funds and complete the remaining rehabilitation and remodeling of the real property and improvements. Remodeling and rehabilitation to be completed by the Chamber shall include:

- (a) Floor coverings.
- (b) Interior design, painting and/or wall coverings.
- (c) Furnishings such as tables, chairs and dishes.
- (d) Kitchen facilities and dumbwaiter.
- (e) Exterior stucco repairs and painting.
- (f) Landscaping.
- (g) Rear lot parking area.

4. Upon request, City agrees that the reversionary interest of City set forth below shall be subordinated to one (1) loan Chamber may obtain prior to close of escrow from an established financial institution doing business in the City of Clovis, the terms and conditions thereof to be acceptable to City.

This subordination shall be conditioned upon the lender/trustee agreeing in writing to give City simultaneous notice of any default by Chamber with City to have the option to cure the default and receive good title, subject to such encumbrance, at any time prior to consummation of any sale under power of foreclosure.

5. Chamber agrees to each of the following conditions of reversion to be contained in the deed from City as specified in this paragraph. The deed shall provide:

"This conveyance is made on each and all of the following conditions in accordance therewith, to wit:

- (a) Grantee shall restore, use and maintain the real property and improvements thereon to preserve its historical heritage and interest and only for such purposes as are consistent with its nonprofit status and these instant restrictions, Grantee to use the lower floor for offices, kitchen and related uses. Pursuant to California Government Code Section 37361.1 the historical nature of this property shall be restored and preserved by Grantee for the benefit of the citizens of the City of Clovis and title shall revert to the Grantor in the event Grantee conveys any interest in the property, or any portion thereof, by any means (except for rentals as described below) to any person or entity which is not a nonprofit corporation involved with preserving and researching the history of the City of Clovis, any lawful transfer to be subject to all terms and conditions hereof which shall continue and be binding upon all successors in interest save and except Grantor.
- (b) Grantee shall continue to be a nonprofit corporation organized as a "Chamber of Commerce" under the laws of the State of California.
- (c) The entire upper floor of the building on the property shall be used, maintained and operated solely for public use or for short term rental to the public or community groups for use as a community, social or recreational meeting area.
- (d) The building shall be maintained in good condition and repair and Grantee shall at all times have in force fire, liability and extended coverage insurance issued by an insurance company doing business in the State of California in sufficient amount to replace the improvements thereon including but not limited to an amount sufficient to pay in full any loan, lien or encumbrance placed on the property by Chamber, all in a form, type and amount acceptable to Grantor as holder of the reversionary interest.

- (e) Grantee shall, at its own cost and expense, repair, rehabilitate and remodel said building in accordance with Section 3 above. This condition will be null and void and of no effect from and after April 15, 1987 unless the Grantor has prior to that date recorded with the Fresno County Recorder a notice describing the real property, referring to this deed and setting forth a failure to repair, rehabilitate or remodel.
- (f) Grantee will not default in any way on any lien to which this reversionary clause has been subordinated. Failure of Grantee to cure any default within thirty (30) days of demand for same shall be deemed conclusive proof of violation of this condition.
- (g) No lawful transfer of this property may be made by Grantee without sixty (60) days prior written notice of intention to convey being given to Grantor, Grantor having the sole and irrevocable option and right of first refusal to repurchase the property from Grantee upon a payment of one dollar (\$1.00).
- (h) Failure of Grantee to comply with any of said conditions or on Grantee's failure to use and to continue to use the real property and improvements thereon in compliance with any such condition, the real property shall revert to the Grantor immediately on Grantor recording, with the Fresno County Recorder, a notice of election to declare such reversion. Upon recordation of such notice the Grantor may immediately re-enter and occupy the premises.

6. Chamber agrees that any revenue from rental of the building for ~~public purposes as described above~~ shall be used as required for maintenance, ~~upkeep and debt service (for any loan subordinated under paragraph 4 above)~~ of the building. Any annual revenue in excess of these expenses shall be retained ~~one-half~~ by the Chamber for its purposes and one-half to such public purpose as the City Council of City may direct. Accounting of net receipts from revenues shall be made by the Chamber on its annual budget, a copy of which shall be furnished City, subject to further detail and/or audit upon City's request.

7. City and Chamber each agree to execute any and all documents reasonably convenient or necessary to carry out the terms of this Agreement. Transfer of title shall be for \$1.00 and other consideration as expressed herein, Chamber to minimize costs of transfer of title herein, City and

Chamber to share equally in such costs, not to exceed \$500 total. On any reversion, Chamber will forthwith deliver to City a quitclaim and such other documents as City may request to establish title in City free and clear of any claims or cloud on title by Chamber, save and except any loan to which City's reversionary interest has been subordinated.

8. In consideration of full and complete performance of the conditions hereof by Chamber, Chamber shall be entitled to receive one-half (1/2) the net proceeds of any sale of the property which occurs after completion of the full time period of any loan to which this Agreement has been subordinated.

IN WITNESS WHEREOF, City and Chamber have executed this Agreement this _____ day of _____, 1986.

CITY OF CLOVIS, a municipal
corporation

CLOVIS CHAMBER OF COMMERCE,
a non-profit corporation

BY

Am L. [Signature]

BY

M. [Signature]

Attest:

M. [Signature]

Attest:

APPROVED AS TO FORM



Leland D. Stephenson
Leland D. Stephenson, City Attorney

CM10(use)

ATTACHMENT C

RESOLUTION 18____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS RELEASING ANY INTEREST THE CITY MAY HAVE IN THE OLD CARNEGIE LIBRARY SITE, AS REFLECTED IN THE 1986 CONVEYANCE AGREEMENT FROM THE CITY OF CLOVIS TO THE CLOVIS CHAMBER OF COMMERCE

WHEREAS, on December 12, 1985, the City Council approved an Agreement for Conveyance of and Use of Land and Building ("Agreement"), authorizing the conveyance of Old Carnegie Library, located at 325 Pollasky Avenue ("Property"), to the Clovis Chamber of Commerce ("Chamber"); and

WHEREAS, a Grant Deed conveying the Property was recorded on January 24, 1986; and

WHEREAS, under the terms of the Agreement, that Chamber was required to and did remodel and rehabilitate the property to preserve its historic heritage and to make the property usable and available for community use by the public; and

WHEREAS, under the terms of the Agreement certain conditions were imposed upon Chamber and the City retained a reversionary interest in the Property if those conditions were not complied with; and

WHEREAS, some of those conditions ("Reversionary Interest Conditions") included the following:

- a) Chamber must complete remodeling of the building.
- b) Chamber may not convey any interest in the property.
- c) Chamber must remain as a nonprofit corporation organized as a chamber of commerce.
- d) Chamber must maintain the Upper Floor of the building for public use or short term rental or public for public and community groups.
- e) Chamber must maintain the building in good condition and repair.

WHEREAS, the Reversionary Interest Conditions were not made a part of the Grant Deed as required by the agreement and were not otherwise separately recorded on the Property; and

WHEREAS, the Property is again in need of substantial repair to the extent of being uninhabitable; and

WHEREAS, Chamber has asked City to release Chamber from the Reversionary Interest Conditions so that the Chamber may move forward with future planning for the property and building consistent with the City's Central Clovis specific plan and applicable zoning; and

WHEREAS, City desires to release Chamber from the Reversionary Interest Conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Clovis hereby releases any interest the City may have in the Old Carnegie Library Conveyance Agreement to the Clovis Chamber of Commerce including the Reversionary Interest Conditions.

* * * * *

The foregoing resolution was introduced in adopted at a regular meeting of the City Council of the City of Clovis held on September 10, 2018, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: September 10, 2018

Mayor

City Clerk



AGENDA ITEM NO: **12**
City Manager: *AA*

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 10, 2018

SUBJECT: Consider Approval - A request to initiate text amendments to the General Plan and Development Code to address the City's Fourth Cycle Regional Housing Needs Assessment.

ATTACHMENTS: (1) City Council Staff Report and Resolution Adopted on March 12, 2018

CONFLICT OF INTEREST

None

RECOMMENDATION

Staff recommends that the City Council initiate text amendments to the General Plan and Development Code to address the City's unaccommodated need of housing identified in the 2015-2023 Housing Element for the Fourth Cycle Regional Housing Needs Assessment (RHNA). Such amendments will address Multiple-Family development within the School, Open Space, and Public Facility designations, and to permit Multiple-Family Developments within the P-F (Public Facilities) Zone District.

EXECUTIVE SUMMARY

Staff is requesting the City Council to initiate a General Plan Amendment and Ordinance Amendment to address the City's Housing Element and the RHNA. On March 12, 2018, staff presented a staff report outlining the steps taken to address the City's unaccommodated need and outlined a number of rezone scenarios to meet those needs (Attachment 1). The Council subsequently adopted a resolution confirming the steps taken to address the City's RHNA.

BACKGROUND

The City Council adopted the 2015-2023 Housing Element in 2016, which included RHNA numbers for the current (fifth) cycle and the past (fourth) cycle. The Fourth Cycle included a shortfall of 4,425 units that are required to be accommodated by rezoning properties at a density of 20 units per acre or more. On March 12, 2018, staff provided the Council with a report summarizing the status of the City's Housing Element and Fourth Cycle RHNA, and provided a number of rezone scenarios that could address the housing shortfall. Staff is prepared to draft and recommend a rezone action that would address and accommodate all of the required 4,425 units.

PROPOSAL AND ANALYSIS

The March 12, 2018, Resolution adopted by Council identified a number of scenarios that could help meet the City's RHNA, however, most require participation by property owners. Property owners have been wary of the program and rezoning their properties, with concerns of future development opportunities. Consequently, staff recommends two programs that can be handled through text amendments to the General Plan and Development Code.

The first would permit multiple-family housing in the P-F Zone District, which could provide over 100 acres of land to accommodate housing. The second is a city-wide zoning overlay that would permit multiple-housing on properties that meet specific standards (zoning, size, underutilized, vacant).

Between the two programs, staff believes that the City will meet its requirement to accommodate housing to meet the 2015-2023 Housing Element RHNA. Specific details of each program will be analyzed and brought forth to Planning Commission and Council upon initiation of this request.

FISCAL IMPACT

The fee related to a General Plan Amendment and Ordinance Amendment is \$8,575, and \$3,975, respectively. The fee covers costs related to notification and staff processing. The City will cover the cost utilizing the Planning Program Fee which is intended to cover costs related to General Plan Updates and Code Updates for compliance with State and Federal Laws.


REASON FOR RECOMMENDATION

Approval of this initiation will allow staff to draft and recommend a rezone program to address the City's Housing Element and RHNA.

ACTIONS FOLLOWING APPROVAL

Upon initiation by the City Council, staff will schedule the amendments for Planning Commission and City Council consideration.

Prepared by:  Bryan Araki, City Planner

Submitted by:  Dwight Kroll, Director of Planning and Development



AGENDA ITEM NO: **1-B-1**
City Manager: LS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Community and Economic Development

DATE: March 12, 2018

SUBJECT: Consider Approval – Res. 18-___ A Resolution of the City Council of the City of Clovis Summarizing Steps the City Has Taken to Address Housing Needs in the City of Clovis and Affirming the City's Regional Housing Needs Commitment.

ATTACHMENTS: (A) Resolution

CONFLICT OF INTEREST

None.

RECOMMENDATION

Recommend approval of a Resolution of the Clovis City Council which would summarize the steps the City has taken to address housing needs in the City of Clovis, and would affirm the City's regional housing needs commitment.

EXECUTIVE SUMMARY

For the Regional Housing Needs Assessment (RHNA) period covering 2007-2012, Clovis was required to plan for 15,383 units of housing at various affordability ranges. (NOTE: For the purposes of the RHNA, affordability equals density, and is not related to actual household income levels or affordability (cost) of the homes being developed at such densities.) At the end of this RHNA period, Clovis had a shortfall of land zoned to accommodate 4,425 units at a minimum density of 20 units per acre. This equates to approximately 177 acres of land that must be re-designated to Very-High Density (25-43 units per acre), and rezoned to the R-4 Zone District or an overlay zone to comply with state law. Additionally, the entire 177 acres must be within the City limits.

ATTACHMENT 1

BACKGROUND

The RHNA is a State required number of housing units that cities and counties must plan for in the housing element section of their General Plan. The California Department of Housing and Community Development (HCD) assigns an RHNA allocation to the Fresno Council of Governments (COG) covering Fresno County as a whole. The COG is then tasked with developing a methodology to divide and assign those units to the member agencies.

For the previous RHNA period covering 2007-2012, Clovis was required to plan for 15,383 units of housing at various affordability ranges. At the end of this RHNA period, Clovis had a shortfall of land zoned to accommodate 4,425 units at a minimum density of 20 units per acre. This equates to approximately 177 acres of land that must be re-designated to Very-High Density (25-43 units per acre), and rezoned to the R-4 Zone District or an overlay zone. An overlay zone allows the underlying zone district to remain while adding opportunity for additional uses. It is important to clarify that the zoning must allow multiple-family development as a permitted use. Finally, the 177 acres of zoned property must be within the City limits.

The current Housing Element was adopted by City Council in April of 2016. In this housing element, Clovis committed to a rezone program for the unaccommodated 4,425 units to be completed no later than December 31, 2016. That deadline was not met.

New State Legislation went into effect on January 1, 2018, that tightens the local government accountability to current housing law. Further, it allows HCD to refer to the State Attorney General's Office any local government that does not comply with State housing law, including submission of the Annual Progress Report (APR). Because of this, Clovis must submit APRs for 2016 and 2017 by the April 1, 2018 deadline. Currently, they are being prepared and will be submitted by the deadline. The rezone program will not be completed by the time the APR is submitted. This in itself could also trigger an HCD referral to the Attorney General's Office. The immediate consequence could be decertification of our Housing Element by HCD (which is a required element of the General Plan). Decertification of the Housing Element then results in the General Plan being out of compliance; consequently, any project approved could be subject to legal challenge. Additionally, the City can be litigated, similar to other cities, including Fresno. Another consequence could be the loss of State grant funding for affordable housing and potentially other items.

Staff has been working diligently trying to identify possible solutions for meeting the rezone program, none of which are going to be completely comfortable for all departments. One of the current projects that will help the City of Clovis is the Multiple-family project south of the Sierra Vista Mall. This site was rezoned in 2016 at a minimum density of 20 units per acre, which provided capacity for 216 units. Staff is considering all options at this point and will soon start bringing solutions to the Planning Commission and City Council for review and approval. Some of those options are listed below:

- **Shaw Avenue Overlay** – This is to implement the Shaw Avenue Corridor Plan which maintains the commercial zoning but will provide the opportunity for multiple-family/mixed use. This option is a rezone and will be forwarded to the City Council around May of 2018.
- **Fresno State Property** – The property located at the southeast corner of Bullard and Willow Avenues is owned and farmed by Fresno State. It is our intent to reach out to see if there is a desire to apply a zoning overlay to this property to allow for student housing or multiple-family. This option requires a General Plan Amendment.
- **Sierra Vista Mall Property** – Sierra Vista Mall owners have expressed interest in an opportunity for multiple-family or mixed use development through redevelopment of the site. This option would require a General Plan Amendment.
- **K-Mart Property on Shaw Avenue** – Property owners have expressed interest in an opportunity for multiple-family or mixed use development through redevelopment of the site. This option would require a General Plan Amendment.
- **Property around the Hospital** – Potential discussion with the Hospital to apply a zoning overlay on the campus and surrounding properties for housing. This option requires a General Plan Amendment. The hospital is currently going through an environmental impact report (EIR) at this time and is anticipated to be completed by this Spring. Changes such as including residential density at this point would delay their EIR.
- **Annexation of Property in Loma Vista Growth Area and/or Heritage Grove.** With an amendment to the tax sharing agreement, the City would be able to prezone and annex properties within our Sphere without the requirement for half the boundary to be entitled (tentative map or site plan review). The Loma Vista and Heritage Grove include higher densities that would help meet the City's need.
- **Property Owner Applications** – There is interest from property owners to re-designate their land from a lower density and/or commercial designation to a very-high-density multiple-family. This option would be processed through a property owner application.

FISCAL IMPACT

Failure to comply with California Housing Law resulting in decertification of Clovis' Housing Element would make Clovis ineligible to apply for state housing dollars. In the last five years, Clovis has received \$2,700,000 in state housing dollars to operate low-income housing programs.

Proposed legislation (AB 1759) would withhold a jurisdiction's share of local street and road maintenance funds (funded under SB 1) if that jurisdiction fails to meet its minimum

housing production goals as certified by HCD. It is estimated that Clovis would receive approximately \$1,800,000 in FY 2018-19.

The cost of litigation is a potential fiscal impact. Decertification of Clovis' Housing Element would put the General Plan out of compliance; consequently, any project approved could be subject to legal challenge. Additionally, the City could be litigated, similar to other cities including Fresno.


The State can limit or stop the issuance of building permits for continued failure to meet the RHNA. This could cause a significant financial loss because without the issuance of building permits there would be no collection of fees.

REASON FOR RECOMMENDATION

To affirm Clovis' commitment to be in compliance with California Housing Law and Clovis' adopted Housing Element.

ACTIONS FOLLOWING APPROVAL

Staff will prepare and submit the Annual Performance Report for the Housing Element, and will include the subject resolution to document Clovis' efforts to comply with meeting the 4th Cycle RHNA allocation. Staff will move forward with a rezone program.

Prepared by: Heidi Crabtree, Housing Program Coordinator 
Bryan Araki, City Planner

Submitted by: Andrew Haussler, Community and Economic Development Director 
Bryan Araki, City Planner 

RESOLUTION NO. 18-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS SUMMARIZING STEPS THE CITY HAS TAKEN TO ADDRESS HOUSING NEEDS IN THE CITY OF CLOVIS AND AFFIRMING THE CITY'S REGIONAL HOUSE NEEDS COMMITMENT

WHEREAS, State law recognizes the vital role local governments play in encouraging housing supply and affordability; and

WHEREAS, the City of Clovis recognizes its role as one of a number of Federal, State, local and private stakeholders in encouraging housing supply and affordability; and

WHEREAS, the State adopted the Regional Housing Needs Assessment ("RHNA") requirement as a component of the General Plan Housing Element in Government Code sections 65580, et seq.; and

WHEREAS, for the period covering 2007-2012, the Fresno County RHNA required Clovis to plan for 15,383 units of housing at different density rates, which the State equates with affordability. Of that RHNA, the City currently has an unaccommodated need of land for 4,425 units at a minimum density of 20 units per acre. To complete, the City must redesignate 177 acres to Very-High Density (25-43 units per acre). While the City believes the share was inequitable in relationship to the City's size and the shares allocated to other Fresno County jurisdictions, the City has been, and continues to be, actively engaged in good faith efforts to meet the Fresno County RHNA; and

WHEREAS, Clovis has engaged in multiple efforts to advance best planning practices, including encouraging smart housing growth such as the recently adopted 2014 General Plan consistent with San Joaquin Valley Blueprint principles; and

WHEREAS, Clovis is engaged in affordable housing planning, including developing a residential housing site inventory, rezoning sites to meet the RHNA, developing a master plan to ensure capital facilities to provide for housing development, ministerially permitting second units in residential zones, encouraging smaller cottage style housing, and engaging in regional collaboration to advance housing opportunities; and

WHEREAS, the City Council has regularly approved increased housing densities and smaller lots to further housing affordability; and

WHEREAS, Clovis has engaged in various efforts to provide quality affordable housing opportunities with funding assistance, including a First-Time Homebuyer Program, Mobile Home Replacement Program, Home Rehabilitation Grant Program, and use of federal and state housing grants such as HOME Funds and Community Development Block Grants (CDBG); and

WHEREAS, Clovis has partnered with non-profit agencies to advance affordable housing, including Habitat for Humanity and Fresno County Housing Authority; and

WHEREAS, Clovis has experienced rapid growth and for a number of years has been one of the top producers in the State of housing construction at varying income levels. In fact, the City was one of the top housing producer in the State during the 2006-2013 RHNA cycle, as reflected in a June 29, 2017 LA Times Article (*California lawmakers have tried for 50 years to fix the state's housing crisis. Here's why they've failed*, by Liam Dillon); and

WHEREAS, using these statistics, or other factors, as a basis to continue to compel Clovis to remain one of the top housing producers in the State is unfair and unreasonable, especially given the water, air pollution, agricultural preservation, high regional unemployment, market conditions, and other land use constraints in the Central Valley and Fresno County, on top of the fact that Clovis is not even in the top 50 cities population wise in the State; and

WHEREAS, Clovis remains substantially more affordable than many other jurisdictions statewide, especially as compared to coastal areas that continue to outpace any modicum of affordability for the majority of their residents.

NOW, THEREFORE, THE CITY COUNCIL RESOLVES AS FOLLOWS:

1. Despite the extensive efforts undertaken to date, and the basis for the City's current RHNA, the Council affirms its commitment to take all reasonable efforts to achieve its RHNA and housing affordability for Clovis residents.

2. Affirms its plan to continue an aggressive rezone effort to increase opportunities for higher-density housing, to include the multi-family project opportunities set forth in the March 12, 2018 staff report accompanying this Resolution, which is on file with the City and incorporated herein by reference, and as otherwise reflected in the record of proceedings on March 12, 2018.

3. The City will continue to work collaboratively as a region and seek regional solutions as the regional affordable housing needs cannot, and should not, be borne solely by the residents of Clovis.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on the 12th day of March, 2018, by the following vote, to wit:

AYES: Councilmembers Ashbeck, Bessinger, Flores, Mouanoutoua, Mayor Whalen
NOES: None
ABSENT: None
ABSTAIN: None

DATED: March 12, 2018



Mayor



City Clerk

