



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.

November 13, 2017

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 Ashbeck

ROLL CALL

PRESENTATIONS/PROCLAMATIONS

- A. Presentation by the Central Valley Robotics Chapter of the First Lego League Team 5406 regarding their 2017 project on Hydrodynamics.

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 Consent Calendar items are considered routine in nature and voted upon as one item unless a request is made to give individual consideration to a specific item. (See Attached Consent Agenda.)

1. PUBLIC HEARINGS

- A. Consider items associated with approximately 16.36 acres of land located on the north side of Shaw Avenue, between De Wolf and Leonard Avenues. Richard S. Jevardian, Pietro DeSantis, John G. Thornburg & Rosemary S. Ting, and Pensco Trust Company Custodian, owners; Westgate Construction and Development, applicant; Burrell Consulting Group, representative. (Staff: G. Gonzalez)
 - 1. Consider Approval - Res. 17-____, A request to approve an environmental finding of a Mitigated Negative Declaration for Rezone R2008-07A2, Conditional Use Permit CUP2017-11 and Site Plan Review SPR2017-14.
 - 2. Consider Introduction - Ord. 17-____, R2008-07A2, A request to approve an amendment to the development standards of Planning Area 4 of the Loma Vista Community Centers North and South Master Plan to allow drive-up/ drive-through restaurants.
 - 3. Consider Approval - Res. 17-____, CUP2017-11, A request to approve a conditional use permit for a 24-hour convenience store and gas station with beer and wine sales.
 - 4. Consider Approval - Res. 17-____, SPR2017-14, A request to approve a site plan review to construct three retail commercial buildings (5,000 Sq. Ft., 5,800 Sq. Ft. and 40,000 Sq. Ft.), inclusive of parking and landscaping.
- B. Consider Introduction - Ord. 17-____, R2017-16, A request to approve an amendment to the Master Plan Community (M-P-C) Zone District to modify the Circulation Plan and Planning Areas PA#5, PA#6 and PU#2 within the Loma Vista Community Center South. Baltara Enterprises, LP., Philip Glenn Neufeld Trustee, Mennonite Foundation, Inc. Trustee, Frank & Georgia W. Sorrenti, and Larry Crawford, property owners; City of Clovis, applicant. (Staff: D. Kroll)
- C. Consider Approval - Res. 17-____, CUP2017-12, A request to approve a conditional use permit for a proposed 4-story, 111-room hotel to be located on property southeast of Clovis and Santa Ana Avenues. Clovis Centerpointe LP, owner; SAT Broadway, LLC, applicant; KFW Engineers & Surveying, representative. (Staff: L. Cha)
- D. Consider Approval - Res. 17-____, A request to initiate rezoning to the R-1 (Single Family Residential – 6,000 Sq. Ft.) Zone District for sixteen properties located on the east side of Leonard Avenue, between Shaw and Barstow Avenues. Multiple property owners; Century Communities, applicant; Precision Civil Engineering, Inc., representative. Continued from the November 6, 2017 meeting. (Staff: G. Gonzalez)

2. ADMINISTRATIVE ITEMS

A. ADMINISTRATION (City Manager, City Clerk, Finance)

1. Consider Adoption – Ord. 17-25, Amending Sections 5.22.02, 5.22.04, and 5.22.05, and adding Section 5.22.09, of Chapter 5.22, of Title 5, of the Clovis Municipal Code pertaining to Marijuana and Cannabis to ensure consistency with recent state statutory amendments and to allow licensed commercial cannabis testing facilities to operate in the city. (Vote: 4-0-1 with Councilmember Flores absent)

B. PLANNING AND DEVELOPMENT SERVICES

1. Consider Approval – A Request to Authorize the City Manager to Enter Into a Master Agreement with the County of Fresno for Cooperative Road Improvement Projects; and, Authorize the City Engineer to Enter into Future Associated Specific Project Agreements Performed Pursuant to the Master Agreement. (Staff: M. Harrison)
2. Consider Direction on the Preferred Scenario Selection for the 2018 Regional Transportation Plan and Sustainable Communities Strategy. (Staff: D. Kroll)

3. CITY MANAGER COMMENTS

4. COUNCIL ITEMS

- A. Council Comments

5. CLOSED SESSION

- A. Government Code Section 54596.9 (d)(1)
CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Lionel Hawkins v. City of Clovis

ADJOURNMENT

Meetings and Key Issues			
Nov. 20, 2017 (Mon.)	6:00 P.M.	Regular Meeting (Cancelled)	Council Chamber
Dec. 4, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Dec. 11, 2017 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Dec. 18, 2017 (Mon.)	6:00 P.M.	Regular Meeting (Cancelled)	Council Chamber
Jan. 2, 2018 (Tue.)	6:00 P.M.	Regular Meeting (Cancelled)	Council Chamber
Jan. 8, 2018 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Jan. 16, 2018 (Tue.)	6:00 P.M.	Regular Meeting	Council Chamber
Feb. 5, 2018 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Feb. 12, 2018 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Feb. 20, 2018 (Tue.)	6:00 P.M.	Regular Meeting	Council Chamber

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.

A. CITY CLERK

- 1) Approval - Minutes for the November 6, 2017 Council meeting.

B. ADMINISTRATION

- 1) No items.

C. COMMUNITY AND ECONOMIC DEVELOPMENT

- 1) No items.

D. FINANCE

- 1) Receive and File – Investment Report for the month of September 2017.
- 2) Receive and File – Treasurer's Report for the month of September 2017.

E. GENERAL SERVICES

- 1) Approval – Res. 17-____, Authorizing Amendments to the Construction Manager Classification; and Approval – Res. 17-____, Amending the City's FY17-18 Position Allocation Plan to Delete One (1) Senior Engineering Inspector and Add One (1) Construction Manager in the Planning and Development Services Department.
- 2) Approval – Res. 17-____, Amending the City's FY17-18 Position Allocation Plan to delete two (2) Junior Engineers and add two (2) Assistant Engineers in the Planning and Development Services Department.

F. PLANNING AND DEVELOPMENT SERVICES

- 1) No items.

G. PUBLIC SAFETY

- 1) No items.

H. PUBLIC UTILITIES

- 1) Approval – Res. 17-____, Amending the 2017-2018 Fiscal Year Fleet Maintenance Budget for the Purchase of a Replacement Refuse Truck and Waive the City's Formal Bidding Requirements and Authorize the Purchase of the Refuse Truck from Ruckstell California Sales Co.

I. REDEVELOPMENT SUCCESSOR AGENCY

- 1) No items.

CLOVIS CITY COUNCIL MEETING

November 6, 2017

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Whalen
Flag Salute led by Councilmember Mouanoutoua

Roll Call: Present: Councilmembers Ashbeck, Bessinger, Mouanoutoua, Mayor Whalen
Absent: Councilmember Flores

6:04 P.M. - PRESENTATION OF PROCLAMATION RECOGNIZING NOVEMBER 2017, AS NATIONAL RUNAWAY PREVENTION MONTH AND DESIGNATING CLOVIS TRANSIT AS A SAFE PLACE SITE FOR THE FRESNO EOC SANCTUARY YOUTH CENTER.

City Council presented Joe Martinez, Outreach Coordinator, Fresno EOC and General Services Supervisor Amy Hance a proclamation recognizing November 2017, as National Runaway Prevention Month and designating Clovis Transit as a Safe Place Site for the Fresno EOC Sanctuary Youth Center.

6:11 - PUBLIC COMMENTS

Clovis Veterans Memorial District Executive Director Lorenzo Rios commented on the events planned for Veterans Day this weekend at the Memorial District.

6:17 - CONSENT CALENDAR

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, that the items on the Consent Calendar be approved, including the waiver of the reading of the ordinance. Motion carried 4-0-1 with Councilmember Flores absent.

- A1) Approved - Minutes for the October 16, 2017 Council meeting.
- A2) Adopted - **Ord. 17-22**, R2016-17, A request to approve an amendment to the Master Plan Community (M-P-C) Zone District to modify the Circulation Plan and Planning Areas #7, #8 and #9 within the Loma Vista Community Center South. Additionally, create two new Planning Areas within the Loma Vista Community Center South, titled Planning Area #7A and Planning Area #8A. Planning Area #7A and Planning Area #8A are proposed to be classified to the R-3 (Medium Density Multiple Family Residential) and R-4 (High Density Multiple Family Residential) Zone Districts, respectively. (Vote: 5-0)
- A3) Adopted - **Ord. 17-23**, R2017-13, A request to approve a prezone of approximately 10.61 acres of land located near the southwest corner of Ashlan and Thompson Avenues from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential) Zone District. Roman Catholic Bishop of Fresno, owner; Divine Mercy Catholic Church, applicant; Harbour & Associates, representative. (Vote: 5-0)
- A4) Adopted - **Ord. 17-24**, R2017-09, A request to approve a rezone from the R-A (Single Family Residential - 24,000 Sq. Ft.) Zone District to the R-1-7500 (Single Family Residential - 7,500 Sq. Ft.) Zone District for approximately one acre of property located at 3072 De Wolf Avenue. Ekam Construction, Inc, owner/applicant; Dale G. Mell & Associates, representative. (Vote: 5-0)

*****PRELIMINARY - SUBJECT TO APPROVAL***CC-A-1**

- B1) Approved – Tolling Agreement with Bush Construction for the Pet Adoption Center.
- C1) Received and Filed – Economic Development Corporation Serving Fresno County Quarterly Report, July – September 2017.
- C2) Approved – Request from Coventry Cove Place, L.P., to pay off \$700,000 loan obligation to the former Clovis Community Development Agency.
- D1) Received and Filed – Investment Report for the month of August 2017.
- D2) Received and Filed – Treasurer's Report for the month of August 2017.
- D3) Approved - **Res. 17-120**, A Resolution of Intention (ROI) to Annex Territory (Annexation #51) (T6109- East side of Temperance between Nees and Shepherd), to the Community Facilities District (CFD) 2004-1 and to Authorize the Levy of Special Taxes Therein and setting the Public Hearing for December 11, 2017.
- E1) Approved – **Res. 17-121**, Amending the City's FY17-18 Position Allocation Plan to Delete One (1) Office Assistant and Add One (1) Community Service Officer in the Police Department.
- E2) Approved – **Res. 17-122**, Authorizing Amendments to the Engineering Program Supervisor Classification.
- E3) Received and Filed - 1st Quarter FY 17-18 General Services Department Report.
- E4) Approved - Waive the City's Usual Purchasing Procedures and Authorize the Purchase of Eight (8) Champion Buses and Two (2) Braun Wheelchair Accessible Vans utilizing the CalACT Competitive Bid.
- F1) Approved - Final Acceptance for CIP 14-29, Sierra Meadows Park Restroom.
- F2) Approved - Final Acceptance for CIP 15-12, Santa Ana Alley Reconstruction.
- F3) Approved – Final Acceptance for CIP 15-14, Hughes-Osmun Alley Water Main Replacement, South of Fourth.
- F4) Approved – For the City Council to approve an updated Consultant List from which Professional Consultants shall be selected.
- F5) Approved – **Res. 17-123**, Submittal of a List of Projects Funded by SB 1: The Road Repair and Accountability Act and modifying the source of funding for the projects called out in the Five-Year Community Investment Program of the 2017-2018 City of Clovis Budget.
- F6) Approved – Final Acceptance for Tract 5998, located southeast area of Ashlan and Leonard Avenues (Wilson Homes).
- H1) Approved - Waive Formal Bidding Requirements and Authorize the Purchase of Various Equipment off the HGACBuy and NJPA Contracts from CRAFCO Inc., Bobcat Company, and Haaker Equipment Company.
- H2) Received and Filed – Public Utilities Report for the month of August 2017.

6:18 ITEM 1A - CONTINUED - **RES. 17-XX**, A REQUEST TO INITIATE PREZONING TO THE R-1 (SINGLE FAMILY RESIDENTIAL – 6,000 SQ. FT.) ZONE DISTRICT FOR SIXTEEN PROPERTIES LOCATED ON THE EAST SIDE OF LEONARD AVENUE, BETWEEN SHAW AND BARSTOW AVENUES. MULTIPLE PROPERTY OWNERS; CENTURY COMMUNITIES, APPLICANT; PRECISION CIVIL ENGINEERING, INC., REPRESENTATIVE

Associate Planner George Gonzalez indicated that the applicant has requested this item be continued to November 13, 2017. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded Councilmember Mouanoutoua, to continue the item to November 13, 2017. Motion carried 4-0-1 with Councilmember Flores absent.

6:20 ITEM 1B - APPROVED - RES. 17-124, RESOLUTION APPROVING A PROPOSED MITIGATED NEGATIVE DECLARATION AND ADOPTING A MITIGATION MONITORING PROGRAM FOR COMMUNITY INVESTMENT PROJECT, CIP16-11, PEACH AVENUE IMPROVEMENTS FROM VARTIKIAN AVENUE TO PALO ALTO AVENUE

Management Analyst Ryan Burnett presented a report on a request to approve a Proposed Mitigated Negative Declaration and adopting a Mitigation Monitoring Program for Community Investment Project, CIP16-11, Peach Avenue Improvements from Vartikian Avenue to Palo Alto Avenue. Consistent with the California Environmental Quality Act (CEQA), the attached Initial Study was prepared to analyze the environmental impacts of CIP16-11, Peach Avenue Improvements from Vartikian Avenue to Palo Alto Avenue. The Project includes the completion of street improvements including curb, gutter, sidewalk, and street lights. Staff recommends the adoption of a Mitigated Negative Declaration for this project. Red Estes, area resident, presented a letter of opposition from eleven property owners most affected by the project. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve a Proposed Mitigated Negative Declaration and adopting a Mitigation Monitoring Program for Community Investment Project, CIP16-11, Peach Avenue Improvements from Vartikian Avenue to Palo Alto Avenue. Motion carried 4-0-1 with Councilmember Flores absent.

6:37 ITEM 1C - APPROVED INTRODUCTION – ORD. 17-25, AMENDING SECTIONS 5.22.02, 5.22.04, AND 5.22.05, AND ADDING SECTION 5.22.09, OF CHAPTER 5.22, OF TITLE 5, OF THE CLOVIS MUNICIPAL CODE PERTAINING TO MARIJUANA AND CANNABIS TO ENSURE CONSISTENCY WITH RECENT STATE STATUTORY AMENDMENTS AND TO ALLOW LICENSED COMMERCIAL CANNABIS TESTING FACILITIES TO OPERATE IN THE CITY

Community and Economic Development Director Andy Haussler presented a report on a request to approve the introduction of an ordinance amending Sections 5.22.02, 5.22.04, and 5.22.05, and adding Section 5.22.09, of Chapter 5.22, of Title 5, of the Clovis Municipal Code pertaining to Marijuana and Cannabis to ensure consistency with recent state statutory amendments and to allow licensed commercial cannabis testing facilities to operate in the city. Clovis Municipal Code, Chapter 5.22, currently governs the use of medical, recreational, and commercial marijuana within the City of Clovis. Personal use cultivation is allowed under limited circumstances and commercial related uses are not allowed. As the regulations and State law have changed rapidly since the passage of the Adult Use of Marijuana Act (AUMA), it is appropriate to make non-substantive amendments to the City's ordinance to be consistent with State law.

Additionally, staff has received input from certified laboratories in Clovis that they are being asked by the State of California to test marijuana for the presence of a variety of chemicals. The proposed Ordinance would allow a certified laboratory to conduct testing on marijuana, making it the only approved commercial operation related to marijuana allowed in the City of Clovis.

The State will begin issuing commercial cannabis licenses on January 1, 2018. The State has indicated that licenses will initially only be available to businesses that have permission from their local jurisdiction to operate before January 1, 2018. In order to meet that deadline, the Council must introduce the Ordinance at the November 6, 2017 Council meeting and adopt the Ordinance at the regular meeting of November 13, 2017, with the Ordinance becoming effective December 13, 2017.

Marshall DernHartog, resident, requested the Council consider restricting the volume of cannabis that could be tested. Diane Anderson, resident, commented on actual testing process and volumes created and responded to questions of Council. Lianne Driskill, resident, asked if they lost their accreditation, could they no longer be allowed to test cannabis. Staff let her know that yes they would not be allowed to test if they lost their accreditation. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the Council to approve the introduction of an ordinance amending Sections 5.22.02, 5.22.04, and 5.22.05, and adding Section 5.22.09, of Chapter 5.22, of Title 5, of the Clovis Municipal Code pertaining to Marijuana and Cannabis to ensure consistency with recent state statutory amendments and to allow licensed commercial cannabis testing facilities to operate in the city with the added provision to come back to Council with an update in twelve months. Motion carried 4-0-1 with Councilmember Flores absent.

7:06 ITEM 2A1 –CONSIDERED - POLICY DIRECTION ON PROPOSED DEVELOPMENT OF THE DRY CREEK PRESERVE

City Manager Luke Serpa provided opening comments on the overall presentation. City Planner Bryan Araki presented a report on a request for Council to provide policy direction on proposed development in the Dry Creek Preserve. Over the past several months, staff has been working diligently with Woodside Homes and Dale Mitchell, a county resident ("Master Plan Team"), on a Master Plan for the area referred to as the Dry Creek Preserve. Staff has also been working diligently with Marcus DiBuduo and Tom Bell ("Annexation Agreement Team") on an Annexation Agreement that could be approved with the Master Plan and available for execution after approval of the Master Plan. Recognizing the importance of establishing some level of certainty for the residents, land owners, and the development community, staff spent considerable time working with the two teams in hopes of reaching an agreement on both the Master Plan and Annexation Agreement which could be recommended for approval to the City Council. The result is a Master Plan and Annexation Agreement that includes almost every point requested by the Master Plan Team and Annexation Agreement team. There is principally one issue that remains of concern to staff with the Master Plan which is related to the allowable development that can occur into the future.

Staff is seeking policy direction from the Council on the following issue:

- **Master Plan Team Proposal** – (1) Development in the Dry Creek Preserve shall be limited to no higher than 2.3 units per acre; (2) development shall not occur on any project less than 10 net acres; (3) parcels contiguous to a developed City project can

develop if greater than 9.0 net acres; (4) the 9.0 acre threshold for contiguous parcels would sunset in 20 years.

- **Staff Proposal** – (1) Development in the Dry Creek Preserve shall be limited to no higher than 2.3 units per acre; (2) development shall not occur on any project less than 10 net acres; (3) parcels contiguous to a developed City project can develop if greater than 9.0 net acres; (4) the 9.0 acre threshold for contiguous parcels would sunset in 10 years.¹

In both proposals, the restrictions prohibit haphazard small piecemeal development of less than 10 acres and no development may exceed a maximum density of 2.3 units per acre. Staff believes that development contiguous to a previously approved 10 acre project should be allowed as haphazard small development is still avoided. At the request of the Master Plan Team, staff is willing to allow deferral of contiguous development for a period of 10 years. The Master Plan Team wants deferral for 20 years and then also have the Council take further action to remove the limitation.

Dale Mitchell, representing the Dry Creek Neighborhood Committee, made a presentation on proposed development in the Dry Creek Preserve and the justification for allowing a sunset of twenty years. Matt Smith, representing Woodside Homes, commented on proposed development and in support of the twenty year provision being considered. Marshall DernHartog, Tom Bell, Norman Morrison, Valarie Urig, Joe Izore, Josh Leman, Dusten Hammel, Erin Fanning, Chris Obertie, Julie Mitchell, Dan Delgado, Paul Pierce, Marcus DiBudio, Joe Cuelho, Annalisa Gangbin, Kimberly Shirkey, Troy McKinney, and Jeff Evans, area residents, commented on proposed development in the Dry Creek Preserve. Most commented in support of the twenty year provision as recommended by the Dry Creek Neighborhood Committee. Two members spoke in support of no development and be allowed to remain rural residential indefinitely. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, to provide policy direction to remove clause number 4 as follows:

(1) Development in the Dry Creek Preserve shall be limited to no higher than 2.3 units per acre; (2) development shall not occur on any project less than 10 net acres; (3) parcels contiguous to a developed City project can develop if greater than 9.0 net acres. ~~(4) the 9.0 acre threshold for contiguous parcels would sunset in 20 years.~~

Motion carried 3-1-1 with Mayor Whalen voting no, and Councilmember Flores absent.

Recess: 9:45

Reconvene: 9:54

9:54 ITEM 3 - CITY MANAGER COMMENTS

A. APPROVED – CHANGE OF COUNCIL MEETING SCHEDULE.

City Manager Luke Serpa presented a report recommending cancelling the City Council meetings of November 20, 2017, December 18, 2017, and January 2, 2018. Staff is able to consolidate the agenda items to the first and second meetings in November and

December 2017, and the second and third meetings in January 2018. Staff is recommending that City Council consider canceling the meetings of November 20, 2017, December 18, 2017, and January 2, 2018. Given adequate notice, staff will be able to amend the timing of actions coming forward so that operations will not be affected by the cancellation. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the Council to approve a request to cancel the City Council meetings of November 20, 2017, December 18, 2017, and January 2, 2018. Motion carried 4-0-1 with Councilmember Flores absent.

9:56 ITEM 4 - COUNCIL COMMENTS

Councilmember Bessinger commented on Councilmember Ashbeck's method of dealing with the Dry Creek Preserve issue previously heard.

Councilmember Ashbeck requested staff schedule a council workshop or update on Heritage Grove Northwest Area in the near term.

Councilmember Mouanoutoua commented on: attending ClovisFest, home dedication for Habitat for Humanity, requested staff consider getting better welcome mats for the homes, attending the Fresno Chamber Agricultural awards, and requested status of request inspection ordinance.

Mayor Whalen commented on a recent Council of Government meeting attended.

10:02 ITEM 5 - CLOSED SESSION

A. Government Code Section 54956.9(d)(1)
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Brianne Glick v. City of Clovis (Claim for Damages)

ADJOURNMENT

Mayor Whalen adjourned the meeting of the Council to November 13, 2017

Meeting adjourned: 10:18 p.m.

Mayor

City Clerk



AGENDA ITEM NO: **CC-D-1**
City Manager: LS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
FROM: Finance Department
DATE: November 13, 2017
SUBJECT: Receive and File - Investment Report for the Month September 2017

Exhibits: (A) Distribution of Investments
(B) Monthly Investment Transactions
(C) Certificates of Deposit
(D) Graph of September 30, 2017 Treasury Rates

Attached is the Investment Report for the month of September 2017. Shown in Exhibit A is the distribution of investments which lists all the individual securities owned by the City with the book and market values. Book value is the actual price paid for the investment. Market value is the amount that the investment is worth if sold in the open market. The market value (which fluctuates daily) that is used in the report is as of the last working day of the month. Exhibit B reflects the monthly investment transactions for the month of September 2017. Exhibit C lists the certificates of deposit. Exhibit D is a graph of Treasury rates on September 30, 2017.

The investment of the City's funds is performed in accordance with the adopted Investment Policy. Funds are invested with the following objectives in mind:

1. Assets are invested in adherence with the safeguards and diversity of a prudent investor.
2. The portfolio is invested in a manner consistent with the primary emphasis on preservation of the principal, while attaining a high rate of return consistent with this guideline. Trading of securities for the sole purpose of realizing trading profits is prohibited.
3. Sufficient liquidity is maintained to provide a source for anticipated financial obligations as they become due.
4. Investments may be made, consistent with the Investment Policy Guidelines, in fixed income securities maturing in three years or less and can be extended to five years with the City Manager's approval.

The Finance Department invests the City's assets with an expectation of achieving a total rate of return at a level that exceeds the annualized rate of return on short-term government guaranteed or insured obligations (90 day Treasury bills) and to assure that the principal is preserved with minimal risk of depreciation or loss. In periods of rising interest rates the City of Clovis portfolio return may be less than that of the annualized 90 day Treasury bill. In periods of decreasing interest rates, the City of Clovis portfolio return may be greater than the annualized 90 day Treasury bill. The current 90 day Treasury bill rate (annualized) is 0.76%. The rate of return for the City of Clovis portfolio is 1.19%. The goal for the City of Clovis investment return is 120% of the 90 day Treasury bill rate. The current rate of return is 157% of the Treasury bill rate.

In accordance with the Investment Policy the investment period on each investment does not exceed three years and can be extended to five years with the City Manager's approval. As of September 2017 the average investment life of the City's investment portfolio is 0.93 years.

Current Investment Environment and Philosophy

During the month of September 2017 the Federal Reserve did not adjust the federal funds rate and it remained at 0.75 - 1.00%.

On September 30, 2017 the Treasury yield curve shows a steady increase that is only slightly more pronounced at the interval between three and ten years.

Certificates of Deposit (CD's)

The City purchases both negotiable and non-negotiable Certificates of Deposit (CD's). Although negotiable CD's can be traded, it is the City's policy to buy and hold all CD's. Negotiable CD's are held by U.S. Bank, a third party custodian. Non-negotiable CD's are held in the City's safe.

Purchases and Maturities

- 1 government security totaling \$2,500,000.00 was purchased.
- No government securities were called or matured.
- 2 certificates of deposit totaling \$500,000.00 were purchased.
- 2 certificates of deposit totaling \$490,000.00 were called or matured.

Market Environment

- During September, the federal funds rate was maintained at .75% - 1.00%.
- On September 30, the yield curve increased steadily for shorter term treasuries (through six months) and shows larger increases beyond six month treasuries. See Exhibit D, Graph of Treasury Rates on September 30, 2017.

Prepared by: Calvin Campbell, Accountant

Submitted by: Jay Schengel, Finance Director



Exhibit A

City of Clovis
Distribution of Investments
As of September 30, 2017

	<u>COST</u>	<u>NET BOOK VALUE</u>	<u>MARKET VALUE *</u>	<u>YIELD TO MATURITY</u>	<u>STATED INTEREST RATE</u>	<u>INVEST DATE</u>	<u>MATURITY DATE</u>	<u>DAYS TO MATURITY FROM 7/31/2017</u>
GOV'T SECURITIES								
FHLB	3,015,870	3,015,870	3,000,300	1.125%	1.125%	07/02/15	12/08/17	130
FNMA	2,998,479	2,998,479	2,992,320	0.875%	0.875%	09/29/15	05/21/18	294
FNMA	3,018,480	3,018,480	2,989,590	1.125%	1.125%	06/09/16	12/14/18	501
FHLB	3,000,000	3,000,000	2,979,000	1.250%	1.250%	04/29/16	04/29/19	637
FFCB	3,007,560	3,007,560	2,985,120	1.300%	1.300%	06/09/16	06/06/19	675
FNMA	3,006,150	3,006,150	2,981,370	1.250%	1.250%	07/13/16	06/28/19	697
FNMA	3,002,400	3,002,400	2,975,370	1.125%	1.125%	07/26/16	07/26/19	725
FNMA	3,000,000	3,000,000	2,975,580	1.250%	1.250%	11/16/16	11/15/19	837
FHLMC	3,000,000	3,000,000	2,977,260	1.300%	1.300%	11/28/16	11/27/19	849
FFCB	994,500	994,500	993,400	1.400%	1.400%	03/30/17	02/24/20	938
FHLB	1,008,597	1,008,597	1,005,930	1.875%	1.875%	03/22/17	03/13/20	956
FNMA	3,006,210	3,006,210	2,996,940	1.700%	1.700%	05/02/17	04/27/20	1,001
FNMA	3,007,770	3,007,770	3,000,600	1.800%	1.800%	05/02/17	04/27/20	1,001
FFCB	1,990,555	1,990,555	1,975,300	1.320%	1.320%	08/31/17	05/07/20	1,011
FHLMC	2,498,750	2,498,750	2,493,325	1.550%	1.550%	05/25/17	05/22/20	1,026
FFCB	2,500,000	2,500,000	2,489,925	1.670%	1.670%	06/01/17	06/01/20	1,036
FHLB	5,000,000	5,000,000	4,981,750	1.625%	1.625%	06/26/17	06/26/20	1,061
FAMCMTN	2,500,000	2,500,000	2,490,425	1.650%	1.650%	07/27/17	06/29/20	1,064
FHLB	2,500,000	2,500,000	2,492,900	1.640%	1.640%	07/27/17	06/29/20	1,064
FFCB	5,000,000	5,000,000	4,975,600	1.625%	1.625%	07/06/17	07/06/20	1,071
FHLB	2,500,000	2,500,000	2,485,350	1.600%	1.600%	09/18/17	09/18/20	1,145
SECURITIES TOTAL	<u>\$ 59,555,321</u>	<u>\$ 59,555,321</u>	<u>\$59,237,355</u>					
LAIF		<u>\$ 64,558,000</u>	<u>\$ 64,558,000</u>					
MONEY MARKET		<u>\$ 9,691,963</u>	<u>\$ 9,691,963</u>					
TOTAL CD'S		<u>\$ 13,349,000</u>	<u>\$ 13,318,328</u>					
TOTAL INVESTMENTS		<u>\$ 147,154,284</u>	<u>\$ 146,805,646</u>					

* Market values for securities obtained from US Bank.

City of Clovis
Monthly Investment Transactions
As of September 30, 2017

Exhibit B

Institution	Description	Activity	Amount	Market Value	Rate	Activity Date	Maturity Date
FHLB	GOV SEC	Purchase	2,500,000	2,485,350	1.600%	09/18/17	09/18/20
East Boston	CD	Purchase	250,000	249,225	1.800%	09/28/17	09/28/20
Medallion Bank	CD	Purchase	250,000	249,585	1.850%	09/29/17	09/29/20
Customers Bank	CD	Maturity	(245,000)	(245,000)	1.350%	09/11/17	09/11/17
Cambridge	CD	Maturity	(245,000)	(245,000)	1.050%	09/22/17	09/22/17

PORTFOLIO DATA

Current Month (9/17)

	Book	Market
CD'S	\$ 13,349,000	\$13,318,328
Gov't Securities*	59,555,321	59,237,355
LAIF	64,558,000	64,558,000
Money Market	9,691,963	9,691,963
Premium IOC	0	0
TOTAL	\$ 147,154,284	\$146,805,646

One Month Previous (8/17)

	Book	Market
CD'S	\$ 13,339,000	\$13,308,220
Gov't Securities*	57,055,321	56,893,005
LAIF	64,558,000	64,558,000
Money Market	9,691,963	9,691,963
Premium IOC	0	0
TOTAL	\$ 144,644,284	\$ 144,451,188

Three Months Previous (6/17)

	Book	Market
CD'S	\$ 13,554,000	\$13,531,877
Gov't Securities*	45,572,710	45,331,380
LAIF	64,409,669	64,409,669
Money Market	9,691,963	9,691,963
Premium IOC	0	0
TOTAL	\$ 133,228,342	\$ 132,964,889

Six Months Previous (03/17)

	Book	Market
CD'S	\$ 14,524,000	\$ 14,512,502
Gov't Securities*	35,059,980	34,860,570
LAIF	64,299,746	64,299,746
Money Market	9,691,963	9,691,963
Premium IOC	0	0
TOTAL	\$ 123,575,689	\$ 123,364,781

One Year Previous (9/16)

	Book	Market
CD'S	\$ 16,233,939	\$ 16,308,839
Gov't Securities*	32,068,056	32,053,550
LAIF	50,138,032	50,138,032
Money Market	9,691,963	9,691,963
Premium IOC	0	0
TOTAL	\$ 108,131,990	\$ 108,192,384

*Adjusted Quarterly for Premium/Discount Amortization

Exhibit C

City of Clovis
Certificates of Deposit
As of September 30, 2017

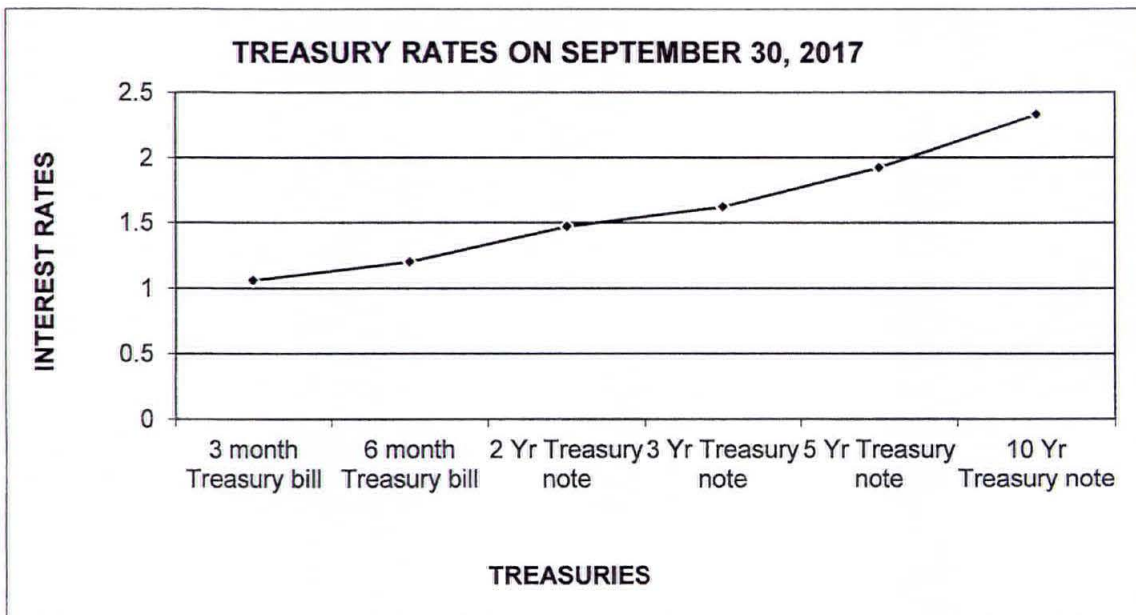
Negotiable CDs	COST	MARKET PRICE	INTEREST RATE	INVEST DATE	MATURITY DATE	MATURITY FROM 07/31/17	INTEREST FREQUENCY
CAPITAL ONE BANK	245,000	245,002	1.350%	10/01/14	10/02/17	63	SEMI-ANNUALLY
PINNACLE BANK SCOTTSDALE	245,000	245,044	1.100%	10/30/14	10/30/17	91	MONTHLY
DOLLAR BANK FED	245,000	245,066	1.200%	11/17/14	11/17/17	109	SEMI-ANNUALLY
BANKUNITED	245,000	245,066	1.200%	11/21/14	11/21/17	113	SEMI-ANNUALLY
FLUSHING BANK	245,000	245,096	1.300%	12/12/14	12/12/17	134	MONTHLY
CATHAY BANK	245,000	245,096	1.150%	07/07/15	12/29/17	151	MONTHLY
GUARANTY BANK	245,000	244,819	0.900%	05/15/15	01/16/18	169	MONTHLY
MERCANTILE BANK	245,000	244,904	1.050%	01/30/15	01/30/18	183	MONTHLY
JP MORGAN CHASE	245,000	245,257	1.200%	02/27/15	02/27/18	211	QUARTERLY
CONNECTONE BANK	245,000	245,196	1.150%	03/13/15	03/13/18	225	MONTHLY
WEBBANK CORP	245,000	244,951	1.200%	03/27/15	03/27/18	239	MONTHLY
PEOPLES UNITED	245,000	244,711	1.050%	04/15/15	04/16/18	259	SEMI-ANNUALLY
INVESTORS BANK	245,000	245,149	1.100%	04/30/15	04/30/18	273	SEMI-ANNUALLY
YADKIN BANK	245,000	244,993	1.050%	05/08/15	05/08/18	281	MONTHLY
WORLDS FOREMOST	200,000	199,922	1.300%	05/13/15	05/14/18	287	MONTHLY
B-BAY LLC PROMI	245,000	244,885	1.300%	05/22/15	05/22/18	295	SEMI-ANNUALLY
COMMERCE BANK	245,000	244,836	1.250%	06/18/15	06/18/18	322	MONTHLY
FIRST COMMERCIAL	245,000	244,789	1.250%	06/26/15	06/26/18	330	MONTHLY
ENERBANK	245,000	245,029	1.400%	07/14/15	07/13/18	347	MONTHLY
WELCH STATE BANK	245,000	245,194	1.350%	07/17/15	07/17/18	351	MONTHLY
CAPITAL ONE N.A.	245,000	245,363	1.650%	07/29/15	07/30/18	364	SEMI-ANNUALLY
FIRST BUSINESS	245,000	244,912	1.400%	08/18/15	08/17/18	382	SEMI-ANNUALLY
BUCKS COUNTY BANK	245,000	245,512	1.300%	08/31/15	08/31/18	396	MONTHLY
WASHINGTON COUNTY	129,000	129,252	1.250%	09/23/15	09/24/18	420	MONTHLY
KEY BANK	245,000	245,429	1.300%	11/12/15	11/13/18	470	SEMI-ANNUALLY
WELLS FARGO BANK	245,000	245,294	1.400%	11/12/15	11/13/18	470	MONTHLY
GOLDMAN SACHS BK	245,000	246,019	1.750%	01/13/16	01/14/19	532	SEMI-ANNUALLY
FIRST SAVINGS BANK	245,000	243,878	1.250%	02/19/16	02/19/19	568	MONTHLY
FIRST WESTERN	245,000	245,179	1.150%	02/26/16	02/26/19	575	MONTHLY
KATAHDIN TRUST	245,000	244,838	1.200%	02/26/16	02/26/19	575	MONTHLY
BRYN MAWR TR	245,000	244,407	1.200%	03/30/16	03/29/19	606	MONTHLY
PRIVATE BANK	245,000	243,804	1.100%	05/20/16	05/20/19	658	SEMI-ANNUALLY
HORIZON BANK	245,000	243,189	1.100%	05/25/16	05/24/19	662	MONTHLY
QUANTUM NATIONAL BANK	245,000	243,084	1.150%	06/22/16	06/21/19	690	QUARTERLY
DISCOVER BANK	245,000	243,079	1.200%	07/01/16	07/01/19	700	SEMI-ANNUALLY
NORTHERN BANK TRUST	245,000	242,984	1.100%	07/12/16	07/12/19	711	QUARTERLY
Morgan Stanley Bank	250,000	250,115	1.700%	08/10/17	08/12/19	742	SEMI-ANNUALLY
WEX BANK	245,000	242,320	1.200%	08/12/16	08/12/19	742	SEMI-ANNUALLY
FNB OF MCGREGOR	245,000	242,366	1.100%	08/18/16	08/19/19	749	MONTHLY
ALLY BANK	245,000	242,114	1.300%	09/15/16	09/16/19	777	SEMI-ANNUALLY
ATLANTIC	245,000	242,011	1.200%	09/30/16	09/30/19	791	MONTHLY
MORTON COMMUNITY BANK	245,000	243,702	1.500%	12/15/16	12/16/19	868	MONTHLY
SALLIE MAE	245,000	244,941	1.750%	01/11/17	01/13/20	896	SEMI-ANNUALLY
STEARNS BANK	245,000	244,000	1.600%	02/10/17	02/10/20	924	SEMI-ANNUALLY
CRESCENT BANK	245,000	243,699	1.550%	02/15/17	02/14/20	928	MONTHLY
PYRAMAX BANK	245,000	243,969	1.600%	02/17/17	02/18/20	932	MONTHLY
AMERICAN EXPRESS	245,000	244,655	1.900%	04/17/17	04/06/20	980	MONTHLY
FIRST BANK	245,000	243,687	1.600%	04/17/17	04/20/20	994	MONTHLY
ION BANK	245,000	243,682	1.600%	04/17/17	04/20/20	994	MONTHLY
NTHWT DIST CH8	250,000	249,025	1.700%	06/16/17	06/16/20	1,051	MONTHLY
TBK BANK SSB	250,000	249,658	1.800%	06/23/17	06/23/20	1,058	MONTHLY
AMER NATL BK FOX	250,000	248,895	1.700%	07/12/17	07/13/20	1,078	MONTHLY
Mb Financial Bank	250,000	249,453	1.800%	08/10/17	08/10/20	1,106	MONTHLY
East Boston	250,000	249,225	1.800%	09/28/17	09/28/20	1,155	MONTHLY
Medallion Bank	250,000	249,585	1.850%	09/29/17	09/29/20	1,156	MONTHLY
Negotiable CD TOTAL	\$ 13,349,000	\$ 13,318,328					
CD TOTAL	\$ 13,349,000	\$ 13,318,328					

**CITY OF CLOVIS
FINANCE DEPARTMENT
SEPTEMBER 30, 2017 TREASURY RATES**

Exhibit D

Treasury Rates as of September 30, 2017

3 month Treasury bill	1.06
6 month Treasury bill	1.20
2 Yr Treasury note	1.47
3 Yr Treasury note	1.62
5 Yr Treasury note	1.92
10 Yr Treasury note	2.33



As indicated in the above graph, treasuries climb at a steady pace with an increase that is only slightly more pronounced at the interval between 3 years and 10 years.



AGENDA ITEM NO: **CC-D-2**
City Manager: JS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: November 13, 2017

SUBJECT: Receive and File - Treasurer's Report for the Month of September 2017

ATTACHMENTS: (A) Statement of Cash Balances
(B) Summary of Investment Activity
(C) Investments with Original Maturities Exceeding One Year

Attached for the Council's information is the Treasurer's Report for the month ended **September 30, 2017.**

Pursuant to Section 41004 of the Government Code of the State of California, the City Treasurer is required to submit a monthly report of all receipts, disbursements and fund balances. The first page of the report provides a summary of the beginning balance, total receipts, total disbursements, ending balance for all funds, and a listing, by fund, of all month end fund balances. The second page of the report summarizes the investment activity for the month and distribution, by type of investment, held by the City. The third page lists all investments with original maturities exceeding one year as of the month ended **September 30, 2017.**

Prepared by: Calvin Campbell, Accountant

Submitted by: Jay Schengel, Finance Director JS

City of Clovis
Statement of Cash Balances
As of September 30, 2017

Previous Balance	\$ 22,817,521.11
Deposits	12,680,329.19
Disbursements	<u>(15,307,595.75)</u>
Current Balance	<u>\$ 20,190,254.55</u>

FUNDS	BALANCE
100 General Fund	\$ 1,792,266.42
201 Local Transportation	10,890,949.98
202 Parking and Business Improvements	96,653.71
203 Off Highway Use	66,609.55
205 Senior Citizen Memorial Trust	49,209.59
207 Landscape Assessment District	2,253,162.15
208 Blackhorse III (95-1) Assessment District	106,646.32
275 HCD Block Grant Fund	(852,783.49)
301 Park & Recreation Acquisition	5,278,771.44
305 Refuse Equipment Reserve	1,402,667.85
310 Special Street Deposit Fund	17,115,495.41
313 Successor Agency	823,422.70
314 Housing Successor Agency	1,323,927.15
402 1976 Fire Bond Redemption	25,591.17
404 1976 Sewer Bond Redemption Fund	383,823.47
501 Community Sanitation Fund	13,834,979.68
502 Sewer Service Fund	29,116,256.16
504 Sewer Capital Projects-Users	1,462,811.69
506 Sewer Capital Projects-Developer	(2,825,298.03)
507 Water Service Fund	44,047,458.23
508 Water Capital Projects-Users	2,858,768.17
509 Water Capital Projects-Developer	2,284,989.38
515 Transit Fund	1,832,351.39
540 Planning & Development Services	9,284,503.51
601 Property & Liability Insurance	696,183.07
602 Fleet Maintenance	9,989,887.53
603 Employee Benefit Fund	1,417,774.01
604 General Government Services	12,143,623.95
701 Curb & Gutter Fund	150,854.29
702 Sewer Revolving Fund	133,848.11
703 Payroll Tax & Withholding Fund	694,360.52
712 Temperance/Barstow Assmt Dist (98-1)	71,177.92
713 Shepherd/Temperance Assmt Dist (2000-1)	4,520.44
715 Supp Law Enforcement Serv	9,061.66
716 Asset Forfeiture	10,674.99
720 Measure A-Public Safety Facility Tax	330,408.76
736 SA Admin Trust Fund	1,421.40
741 SA Debt Service Trust Fund	(963,630.42)
747 Housing Successor Trust Fund	1,137.98
SUBTOTALS	<u>\$ 167,344,537.81</u>
999 Invested Funds	<u>(147,154,283.26)</u>
TOTAL	<u>\$ 20,190,254.55</u>

City of Clovis
Summary of Investment Activity
For the month of September 30, 2017

Balance of Investments Previous Month End		\$ 144,644,283.26
Time Certificates of Deposit Transactions		
Investments	500,000.00	
Withdrawals	(490,000.00)	
Total CD Changes		10,000.00
Other Changes		
Government Securities	2,500,000.00	
US Treasury Notes	0.00	
Local Agency Investment Fund	0.00	
Money Market	0.00	
Total Other Changes		2,500,000.00
Balance of Investments Current Month End		\$ 147,154,283.26

City of Clovis
Distribution of Investments
As of September 30, 2017

Insured CD's	13,349,000.00
Government Securities	59,555,320.72
US Treasury Notes	0.00
Local Agency Investment Fund	64,557,999.71
Money Market	9,691,962.83
Investment Total	\$ 147,154,283.26

City of Clovis
Original Maturities Exceeding One Year
As of September 30, 2017

Institution	Face Value	Investment Balance At Amortized Cost	Maturity	Stated Rate
FHLB-GOV SEC	\$3,000,000	\$3,015,870	12/08/17	1.125%
FNMA-GOVT SEC	\$3,000,000	\$2,998,479	05/21/18	0.875%
FNMA-GOVT SEC	\$3,000,000	\$3,018,480	12/14/18	1.125%
FHLB-GOV SEC	\$3,000,000	\$3,000,000	04/29/19	1.250%
FFCB-GOVT SEC	\$3,000,000	\$3,007,560	06/06/19	1.300%
FNMA-GOVT SEC	\$3,000,000	\$3,006,150	06/28/19	1.250%
FNMA-GOVT SEC	\$3,000,000	\$3,002,400	07/29/19	1.250%
FNMA-GOVT SEC	\$3,000,000	\$3,000,000	11/15/19	1.250%
FHLMCMTN-GOVT SEC	\$3,000,000	\$3,000,000	11/27/19	1.300%
FFCB-GOVT SEC	\$1,000,000	\$994,500	02/24/20	1.400%
FHLB-GOV SEC	\$1,000,000	\$1,008,597	03/12/20	1.875%
FNAMAMTN-GOVT SEC	\$3,000,000	\$3,007,770	04/27/20	1.800%
FNAMAMTN-GOV SEC	\$3,000,000	\$3,006,210	04/27/20	1.700%
FFCB-GOVT SEC	\$2,000,000	\$1,990,555	05/07/20	1.320%
FHLMCMTN-GOVT SEC	\$2,500,000	\$2,498,750	05/22/20	1.550%
FFCB-GOVT SEC	\$2,500,000	\$2,500,000	06/01/20	1.670%
FHLB-GOVT SEC	\$2,500,000	\$2,500,000	06/26/20	1.625%
FFCB-GOVT SEC	\$2,500,000	\$2,500,000	07/06/20	1.625%
FAMCMTN-GOVT SEC	\$2,500,000	\$2,500,000	06/09/20	1.650%
FFCB-GOVT SEC	\$2,500,000	\$2,500,000	07/06/20	1.625%
FHLB-GOVT SEC	\$2,500,000	\$2,500,000	06/29/20	1.640%
FHCB-GOVT SEC	\$2,500,000	\$2,500,000	06/26/20	1.625%
FHLB-GOVT SEC	\$2,500,000	\$2,500,000	09/18/20	1.600%



AGENDA ITEM NO: **CC-E-1**

City Manager: CS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: November 13, 2017

SUBJECT: Approval – Res. 17-____; Authorizing Amendments to the Construction Manager Classification; and Approval – Res. 17- ____; Amending the City's FY17-18 Position Allocation Plan to Delete One (1) Senior Engineering Inspector and Add One (1) Construction Manager in the Planning and Development Services Department

ATTACHMENTS:

- (A) Res. 17-____, Amendments to the Construction Manager Classification
- (B) Exhibit A - Construction Manager Classification
- (C) Res. 17-____, Amending the City's FY17-18 Position Allocation Plan
- (D) Exhibit B - Position Allocation Adjustment

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve Resolution 17-____; authorizing amendments to the Construction Manager classification specification; and approve Resolution 17-____; amending the Position Allocation Plan in the FY17-18 Budget by deleting one (1) Senior Engineering Inspector position and adding one (1) Construction Manager position.

EXECUTIVE SUMMARY

Currently, the Planning and Development Services Department is authorized one (1) Senior Engineering Inspector position. Following an assessment of work assignment needs in the department, it is recommended that the City's Position Allocation Plan be amended by deleting one (1) vacant Senior Engineering Inspector position and replacing it with one (1) Construction Manager position. In addition, it is recommended to update the Construction Manager classification to reflect additional job functions the incumbent is responsible to accomplish.

Modification of the City's Classification Plan and Position Allocation Plan requires the City Council's approval.

BACKGROUND

An analysis of the Construction Manager classification was recently conducted in advance of an upcoming recruitment. The analysis indicates that the classification is in need of revision in order to accurately depict the current scope of duties required of the Construction Manager. The recommended changes include the addition of clarifying verbiage regarding current duties assigned to the Construction Manager classification.

The Planning and Development Services Department has also recently evaluated the work assignments in the department and has determined that the addition of one (1) Construction Manager position and the elimination of a vacant Senior Engineering Inspector position will more efficiently support the current needs of the department, resulting in the need to modify the City's Position Allocation Plan.

FISCAL IMPACT

The Construction Manager position is a management level position which includes additional management compensations. Therefore, the recommended change in the City's Position Allocation Plan would be an additional approximate cost of \$12,981.00 in FY17-18 which will be absorbed in the Planning and Development Services Department's current budget allocation. The estimated annual costs of the Position Allocation Plan amendment will impact the Planning and Development Services Department's budget \$23,086.00 to \$27,574.00 for FY18-19 and will increase with merit increases and cost of living adjustments.

REASON FOR RECOMMENDATION

The amended Construction Manager classification is necessary to accomplish the goals of the department and accurately depict the job function responsibilities. The Construction Manager position is a management level position and is not represented by a bargaining unit. The Position Allocation adjustment with the addition of (1) Construction Manager and the elimination of one (1) Senior Engineering Inspector needs to be reflected in the authorized FY17-18 position allocation in the Planning and Development Services Department. Modification of the City's Classification Plan and Position Allocation Plan requires the City Council's approval.

ACTIONS FOLLOWING APPROVAL

The City's Classification Plan will be updated to include the revised Construction Manager classification Exhibit A attached. In addition, the FY17-18 Position Allocation Plan in the Planning and Development Services Department will be modified as noted in Exhibit B.

Prepared by: Melissa Paminto, Management Analyst

Submitted by: Shonna Halterman, General Services Director



RESOLUTION 17-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING
AMENDMENTS TO THE CITY'S CLASSIFICATION PLAN FOR THE
CONSTRUCTION MANAGER CLASSIFICATION**

The City Council of the City of Clovis resolves as follows:

WHEREAS, a review of the Construction Manager classification has identified a need to update the classification specification; and,

WHEREAS, it has been determined that the classification specification should be amended in order to accurately define the classification's scope of duties; and,

WHEREAS, modification of the City's Classification Plan requires authorization by the City Council.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis that the City's Classification Plan shall be modified to include the revised Construction Manager classification specification Exhibit A attached.

* * * * *

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on November 13, 2017, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: November 13, 2017:

Mayor

City Clerk

Exhibit A

**City of Clovis
Construction Manager**

SALARY RANGE

\$7,818.00 - \$9,503.00 Monthly
\$93,816.00 - \$114,036.00 Annually

DESCRIPTION:
DEFINITION

Under direction, plans, assigns, and supervises the work of field personnel engaged in the technical inspection and contract administration of public works construction and improvement projects; administers and monitors private construction development contracts; ensures enforcement of City improvement standards in construction projects; assists in overall project administration; and performs related work as required.

CLASS CHARACTERISTICS

Under direction of the City Engineer or an Assistant Public Works Director, positions in this classification are responsible for the supervision of engineering inspection of public works construction projects in the City. The incumbent exercises supervision over making assignments, setting priorities, training, and reviewing the work of subordinates. The incumbent is responsible for preparing evaluations, processing grievances at the appropriate level, recommending employment and disciplinary action. The incumbent has considerable independence in selecting work methods from a variety of standard methods or procedures. Instructions given by the supervisor generally do not provide all of the information needed to complete the assignment. The incumbent is expected to resolve most problems confronted through the application of judgment and precedent, referring to the supervisor only those which involve the establishment of new procedures or which involve solutions that are inconsistent with departmental procedures and policies.

EXAMPLES OF DUTIES

Supervises the operations of the Construction Management Section within the Engineering Division of the Planning and Development Services Department or the Public Utilities Department; plans, coordinates, and supervises the activities of subordinate engineering inspectors; performs inspection and contract administration on complex municipal capital improvement projects; oversees and insures compliance with Federal, State, and other grant requirements associated with construction projects; assists the project team in ensuring that labor and contract compliance requirements are explained and met during the pre-bid and pre-contract award phase of construction; monitors contractors and subcontractors activity during the course of construction to ensure compliance with State and Federal labor laws,

the Davis-Bacon (DBRA) and related acts, and Federal Labor Standards Provisions; California State labor codes and laws; conducts on-site employee interviews and labor compliance investigations; resolves labor compliance problems and coordinates labor compliance activities with various team members and consultants; prepares written reports on inspection activities and reviews monthly pay estimates; reviews plans and specifications for engineering soundness and conformance to established standards; makes difficult mathematical estimates concerning inspections of municipal facilities, such as project estimates, earth work computations, progress estimates and construction reports; responds to requests from the public, private engineers, and contractors regarding proper construction and maintenance techniques utilized in municipal construction projects; reviews subordinates daily reports, cost estimates, field changes, contract bid items in preparation of payment, and as-built drawings; assists the City Engineer or an Assistant Public Utilities Director in general project administration; prepares staff reports for City Council; prepares the section budget; develops and administers safety and training programs; establishes standards of work performance for subordinates; attends and participates in conferences and meetings; and performs related tasks as required.

TYPICAL QUALIFICATIONS

License Required:

- Possession of a valid and appropriate California Driver's License and a good driving record.

EDUCATION AND EXPERIENCE

Education:

- Graduation from an accredited college or university with a Bachelor's Degree in Civil Engineering, Industrial Technology, or a closely related field.

Experience:

- Five (5) years in construction inspection/project management with a minimum of two (2) years of experience in public works construction, and a minimum of one (1) year in a supervisory capacity.

QUALIFICATIONS

Knowledge of:

- City Standard Specifications, State Standard Specifications, and applicable State and Local laws;
- Construction and testing materials in the field and laboratory;
- Methods and practices involved in engineering, building construction, and inspection procedures;
- Surveying techniques;
- Construction project related mathematics, i.e., algebra and trigonometry;
- Principles and practices of supervision, training, and appropriate safety precautions and procedures;
- English usage, spelling, grammar and punctuation;

- Applicable Federal, State, and local laws, regulations, ordinances and policies;
- Appropriate safety precautions and procedures.

Ability to:

- Interpret construction plans and specifications and determine conformance with established policies, regulations, and applicable laws;
- Enforce the provisions of specifications;
- Perform difficult technical computations and make estimates of materials and cost;
- Detect substandard design, materials and workmanship in construction projects;
- Prepare comprehensive technical reports;
- Establish and maintain an effective working relationship with officials, co-workers, organizations, contractors, engineers, and the general public;
- Plan, assign, and supervise the work of subordinates.

SUPPLEMENTAL INFORMATION

PHYSICAL DEMANDS AND WORKING CONDITIONS

- Strength: medium work - lifting, carrying and/or pushing 25 pounds with frequent lifting and/or carrying objects weighing up to 50 pounds;
- Incumbent may be required to attend periodic evening meetings;
- Incumbent is required to travel within and out of City to attend meetings.

RESOLUTION 17-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING
AN AMENDMENT TO THE FY17-18 POSITION ALLOCATION PLAN**

WHEREAS, the FY17-18 Position Allocation Plan was approved as part of the FY17-18 City budget adoption process; and,

WHEREAS, the results of a recent evaluation of work assignments in the Planning and Development Services Department have determined that it is appropriate to amend the department's FY17-18 position allocation by deleting one (1) Senior Engineering Inspector position and adding one (1) Construction Manager position; and,

WHEREAS, amending the City's adopted FY17-18 Position Allocation Plan requires City Council authorization.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Clovis, that the City's FY17-18 Planning and Development Services Department Position Allocation shall be adjusted as noted in Exhibit B attached.

* * * * *

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on November 13, 2017, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: November 13, 2017

Mayor

City Clerk

Exhibit B

POSITION ALLOCATION ADJUSTMENT BY DEPARTMENT FY17-18

<u>DEPARTMENT</u>	<u>NUMBER OF POSITIONS</u>
-------------------	----------------------------

Planning and Development Services Department

Add:	Construction Manager	1.0
Delete:	Senior Engineering Inspector	1.0



AGENDA ITEM NO: **CC-E-2**
City Manager: LS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: November 13, 2017

SUBJECT: Approval – Res. 17-____, Amending the City's FY17-18 Position Allocation Plan to Delete Two (2) Junior Engineers and Add Two (2) Assistant Engineers in the Planning and Development Services Department.

ATTACHMENTS: (A) Res. 17-____, Amending the City's FY17-18 Position Allocation Plan
(B) Exhibit A - Position Allocation Adjustment

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve Res. 17- ____; amending the Position Allocation Plan in the FY17-18 Budget by deleting two (2) Junior Engineer positions and adding two (2) Assistant Engineer positions.

EXECUTIVE SUMMARY

Currently, the Planning and Development Services Department is authorized two (2) Junior Engineer positions. Following an assessment of work assignment needs in the department, it is recommended that the City's Position Allocation Plan be amended by deleting two (2) Junior Engineer positions and replacing the positions with two (2) Assistant Engineer positions. Council approval is required for changes to the Position Allocation Plan.

BACKGROUND

The Planning and Development Services Department has recently evaluated the work assignments in the department and has determined that the addition of two (2) Assistant Engineer positions and the elimination of two (2) Junior Engineer positions will more efficiently support the current needs of the department resulting in the need to modify the City's Position Allocation Plan. Council approval is required for changes to the Position Allocation Plan.

FISCAL IMPACT

The recommended change in the City's Position Allocation Plan would be an additional approximate cost of \$8,200 in FY17-18 which will be absorbed in the Planning and Development Services Department's current budget allocation. The estimated annual costs of the Position Allocation Plan amendment will impact the Planning and Development Services Department's budget with a cost of \$16,400 for FY18-19 and will increase with merit increases and cost of living adjustments.

REASON FOR RECOMMENDATION

The addition of two (2) Assistant Engineers and the elimination of two (2) Junior Engineers needs to be reflected in the authorized FY17-18 position allocation in the Planning and Development Services Department. Modification of the Position Allocation Plan requires Council Approval.

ACTIONS FOLLOWING APPROVAL

The FY17-18 Position Allocation Plan in the Planning and Development Services Department will be modified as noted in Exhibit A. Following an Assistant Engineer promotional recruitment opportunity two (2) existing Junior Engineers will be promoted to the Assistant Engineer classification.

Prepared by: Melissa Paminto, Management Analyst

Submitted by: Shonna Halterman, General Services Director



RESOLUTION 17-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING
AN AMENDMENT TO THE FY17-18 POSITION ALLOCATION PLAN**

WHEREAS, the FY17-18 Position Allocation Plan was approved as part of the FY17-18 City budget adoption process; and,

WHEREAS, the results of a recent evaluation of work assignments in the Planning and Development Services Department have determined that it is appropriate to amend the department's FY17-18 position allocation by deleting two (2) Junior Engineer positions and adding two (2) Assistant Engineer positions; and,

WHEREAS, amending the City's adopted FY17-18 Position Allocation Plan requires City Council authorization.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Clovis, that the City's FY17-18 Planning and Development Services Department Position Allocation shall be adjusted as noted in Exhibit A attached.

* * * * *

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on November 13, 2017, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: November 13, 2017

Mayor

City Clerk

Exhibit A

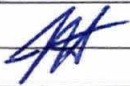
POSITION ALLOCATION ADJUSTMENT BY DEPARTMENT FY17-18

<u>DEPARTMENT</u>	<u>NUMBER OF POSITIONS</u>
-------------------	----------------------------

Planning and Development Services Department

Add:	Assistant Engineer	2.0
Delete:	Junior Engineer	2.0



AGENDA ITEM NO: CC-H-1
City Manager: 

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: November 13, 2017

SUBJECT: Approval – Resolution 17-____, Amending the 2017-2018 Fiscal Year Fleet Maintenance Budget for the Purchase of a Replacement Refuse Truck and Waive the City's Formal Bidding Requirements and Authorize the Purchase of the Refuse Truck from Ruckstell California Sales Co.

ATTACHMENTS: A. Resolution No. 17-____

CONFLICT OF INTEREST

None.

RECOMMENDATION

Approve a resolution amending the 2017-2018 fiscal year Fleet Maintenance budget for the purchase of a replacement refuse truck and approve waiving the City's formal bidding requirements and authorize the purchase of one refuse truck from Ruckstell California Sales Co. off of an NJPA Contract.

EXECUTIVE SUMMARY

Last winter one of the City's front line commercial refuse trucks was involved in a major accident. Due to the severity of the accident and the age of the truck, the vehicle needed to be replaced rather than repaired. The vehicle was a 2009 rear loading refuse truck that was scheduled for replacement along with two other trucks during the 2017-2018 fiscal year. Those trucks were ordered and have been received. However the truck that originally was destroyed would have normally been replaced this year and the old truck would have been handed down to the Community Cleanup function. Since there is no truck to hand down, another truck is needed for an expansion of the planned Community Cleanup program. Funds were received from the Risk Management Authority in the amount of \$275,729.78 and will be put towards the purchase price of a

rear loading truck on the National Joint Powers Alliance (NJPA) contract through Ruckstell California Sales Co for \$301,576.33.

BACKGROUND

The City is a member of the National Joint Powers Alliance which is a public agency that serves as a municipal contracting agency for over 47,000 member agencies throughout the nation. They competitively bid contracts for their members to utilize. The City has utilized these contracts previously resulting in competitive costs with low investments in staff time and expense.

FISCAL IMPACT

The cost of the truck is \$301,576.33 including tax. The user, Solid Waste Community Cleanup has adequate funds in their fleet replacement account to make up the difference between the insurance payment and the total purchase price.

REASON FOR RECOMMENDATION

The purchase off of the NJPA contract allows the City to save both time and expense in the purchase.

ACTIONS FOLLOWING APPROVAL

Staff will prepare a purchase order for the vehicle and the vehicle will be ordered. Delivery time is expected to be approximately 6 months.

Prepared by: Lisa Koehn, Assistant Public Utilities Director

Submitted by: Scott Redelfs, Public Utilities Director



Attachment A

RESOLUTION 17 – _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING AN AMENDMENT TO THE ANNUAL BUDGET FOR FISCAL YEAR
2017-2018**

WHEREAS, the City Council of the City of Clovis approved the 2017-2018 Annual Budget on **June 12, 2017**; and

WHEREAS, the City Council deems the expenditure of funds for replacing a refuse truck is necessary; and

WHEREAS, the revenues and expenditures were not included in the 2017-2018 Annual Budget.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Clovis approves the budget amendment as shown in the "Summary of Expenditures by Department", "Summary of Expenditures by Fund", "Summary of Revenues by Department", and "Summary of Revenues by Fund" as attached as Exhibit A:

* * * * *

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on November 13, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

Mayor

City Clerk

EXHIBIT A

SUMMARY OF EXPENDITURES BY DEPARTMENT

Department	
Public Utilities Department	\$302,000
Total	\$302,000

SUMMARY OF EXPENDITURES BY FUND

Fund	
Fleet Replacement Fund	\$302,000
Total	\$302,000

SUMMARY OF REVENUES BY DEPARTMENT

Department	
Public Utilities Department	\$302,000
Total	\$302,000

SUMMARY OF REVENUES BY FUND

Fund	
Fleet Replacement Fund	\$302,000
Total	\$302,000

NET GENERAL FUND SUPPORT

Total	\$0
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CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: November 13, 2017

SUBJECT: Consider items associated with approximately 16.36 acres of land located on the north side of Shaw Avenue, between De Wolf and Leonard Avenues. Richard S. Jevardian, Pietro DeSantis, John G. Thornburg & Rosemary S. Ting, and Pensco Trust Company Custodian, owners; Westgate Construction and Development, applicant; Burrell Consulting Group, representative.

1. Consider Approval - Res. 17-____, A request to approve an environmental finding of a Mitigated Negative Declaration for Rezone R2008-07A2, Conditional Use Permit CUP2017-11 and Site Plan Review SPR2017-14.
2. Consider Introduction - Ord. 17-____, **R2008-07A2**, A request to approve an amendment to the development standards of Planning Area 4 of the Loma Vista Community Centers North and South Master Plan to allow drive-up/ drive-through restaurants.
3. Consider Approval - Res. 17-____, **CUP2017-11**, A request to approve a conditional use permit for a 24-hour convenience store and gas station with beer and wine sales.
4. Consider Approval - Res. 17-____, **SPR2017-14**, A request to approve a site plan review to construct three retail commercial buildings (5,000 Sq. Ft., 5,800 Sq. Ft. and 40,000 Sq. Ft.), inclusive of parking and landscaping.

ATTACHMENTS:

Figure 1:	Location Map
Exhibit A:	R2008-07A Conditions of Approval
Exhibit A-1:	CUP2017-11 & SPR2017-14 Conditions of Approval
Attachment 1:	Mitigated Negative Declaration
Attachment 2:	Draft Ordinance & Resolutions
Attachment 3:	Planning Commission Minutes
Attachment 4:	Correspondence from Commenting Agencies
Exhibit B:	Gas Station & Restaurant Elevations

Exhibit "B2:"	Gas Station & Restaurant (Color) Elevations
Exhibit "C:"	Canopy Elevations
Exhibit "C2:"	Canopy (Color) Elevations
Exhibit "D:"	Retail & Food Building Elevations
Exhibit "E:"	Gas Station & Restaurant Site Plan
Exhibit "F:"	Phase I & II Site Plan
Exhibit "G:"	Master Conceptual Site Plan
Exhibit "H:"	Planning Area 4 – Neighborhood Commercial Center

CONFLICT OF INTEREST

None.

RECOMMENDATION

Planning Commission and staff recommend that the City Council:

- Adopt a Mitigated Negative Declaration for Rezone R2008-07A2, Conditional Use Permit CUP2017-11 and Site Plan Review SPR2017-14, pursuant to CEQA Guidelines; and
- Approve Rezone R2008-07A2, subject to the conditions of approval listed as Exhibit "A;" and
- Approve Conditional Use Permit CUP2017-11, subject to the conditions of approval listed as Exhibit "A-1;" and
- Approve Site Plan Review SPR2017-14, subject to the conditions of approval listed as Exhibit "A-1;" and
- Make a finding of consistency that the dedication toward public right-of-way is proportionate to the development being requested.

EXECUTIVE SUMMARY

The applicant is requesting to amend the development standards of Planning Area 4 of the Loma Vista Community Centers North and South Master Plan to allow drive-up/ drive-through restaurants for approximately 16 acres of property on the north side of Shaw Avenue, between De Wolf and Leonard Avenues. Additionally, the applicant is requesting a conditional use permit approval for a 24-hour convenience store and gas station with beer and wine sales and a site plan review for the construction of three commercial buildings. Approval of this Project would allow the developer to continue processing development drawings.

BACKGROUND

- General Plan Designation: General Commercial
- Specific Plan Designation: Loma Vista Specific Plan (General Commercial)
- Existing Zoning: P-C-C (Planned Commercial Center)

- Lot Size: Total Area 16.36 acres
- Current Land Use: Rural Residential
- Adjacent Land Uses: North: Rural Residential & Single-Family Residential
South: Rural Residential/ Agricultural
East: Rural Residential
West: Rural Residential

PROPOSAL AND ANALYSIS

Rezone Amendment

The applicant is requesting to amend the development standards of Planning Area 4 of the Loma Vista Community Centers North and South Master Plan to allow drive-up/ drive-through restaurants for approximately 16 acres of property on the north side of Shaw Avenue, between De Wolf and Leonard Avenues.

The intent of the commercial designation within Planning Area 4, was to provide for a drive-to destination commercial center where one might shop for groceries, clothes, and pharmacy items. This is somewhat different than the main street within the Villages which invites more walking and biking to services such as salons, eateries, and other services which do not require a large trunk to transport purchased goods.

The request to allow for drive-thru uses, including food, coffee, and car washes fits the intent and vision of the commercial designation. During the outreach of the General Plan, Active Transportation Plan and the Urban Greening Plan, staff met with the residents of Loma Vista several times. In all of those meetings, two things became very clear. The residents loved being a property owner in Loma Vista, and most could not wait for the commercial services to be constructed.

Development Standards

The development will be subject to the development standards of Planning Area 4 of the Loma Vista Community Center North and South Master Plan, including building density, setbacks, circulation, and parking.

Conditional Use Permit

The applicant is requesting a conditional use permit approval for a 24-hour convenience store and gas station with beer and wine sales. Gas stations are allowed in Planning Area 4 with an approved Conditional Use Permit. Granting of this Conditional Use Permit will allow the applicant to move forward with this development.

The project site is located at the northwest corner of Shaw and Leonard Avenues. The gas station and convenience store will include 3,800 sq. ft. of floor area and an island canopy to accommodate the service of 16 vehicles at one time.

Site Plan Review

The applicant is requesting approval of a site plan review for the construction of the gas station/ convenience store including a 2,000 sq. ft. restaurant and a 5,000 sq. ft. building pad along the Shaw Avenue frontage with a drive-up/drive-through. Additionally, the second phase will include a 40,000 sq. ft. commercial building for a possible grocery store user.

The development of both phases will include parking and landscaping and shall comply with the established development standards and landscaping ordinance (see Figure 1 Below).

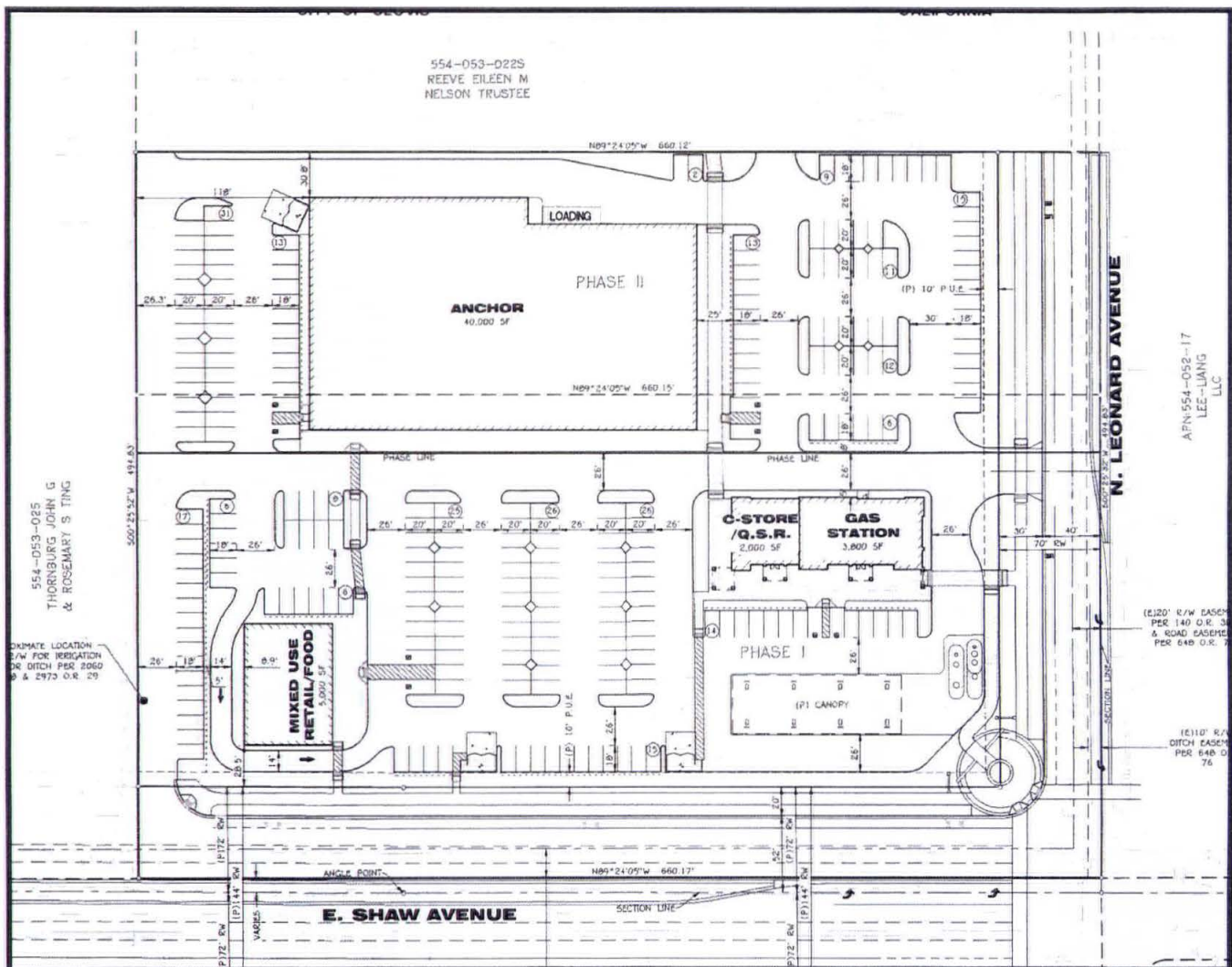


Figure 1
View of Phase I and II of Proposed Commercial Development

Architecture

The developer is proposing to utilize the mission revival architectural style for the development of the three buildings. The mission revival theme is characterized by arch

openings, stucco walls, decorative walls, and mission shaped roof parapets (see Figure 2 below). This architectural style is reminiscent of the craftsman era and is included in the Loma Vista Plan as a viable option.



Figure 2
Gas Stations/ Convenience store and Restaurant Space

Circulation

The project is accessible from two main entries along the Shaw and Leonard Avenue frontages. The project will construct both entries with the development of Phase I, which includes the gas station and the 5,000 sq. ft. commercial building pad with drive-through.

The City is in the process of designing and obtaining right of way for widening project funded through Measure C funds. The timing of the Shaw Avenue project would likely coincide with the development of the commercial project. Specific details regarding transition of the two projects will be coordinated during plan review.

Open Space and Trails

The applicant will be required to contribute a proportionate share towards the development of a "paseo" system within this project area as required by the General Plan, Loma Vista Specific Plan and the Loma Vista Community Centers North and South Master Plan.

The Specific Plan and Community Centers Master Plan identify an open space/parkway/paseo system in this portion of the quarter-section where Conditional Use Permit CUP2017-11 and Site Plan Review SPR2017-14 are being proposed. The applicant will install a portion of the paseo system through their development as part of their contribution. The proposed paseo is proposed to begin at a Community Gateway at the northwest corner of Shaw and Leonard Avenues and will continue onto the site where a portion is located in front of the gas station and restaurant (see Figure 3 below). The path will lead into the future center to the north through an architectural arch at the west end of the building.

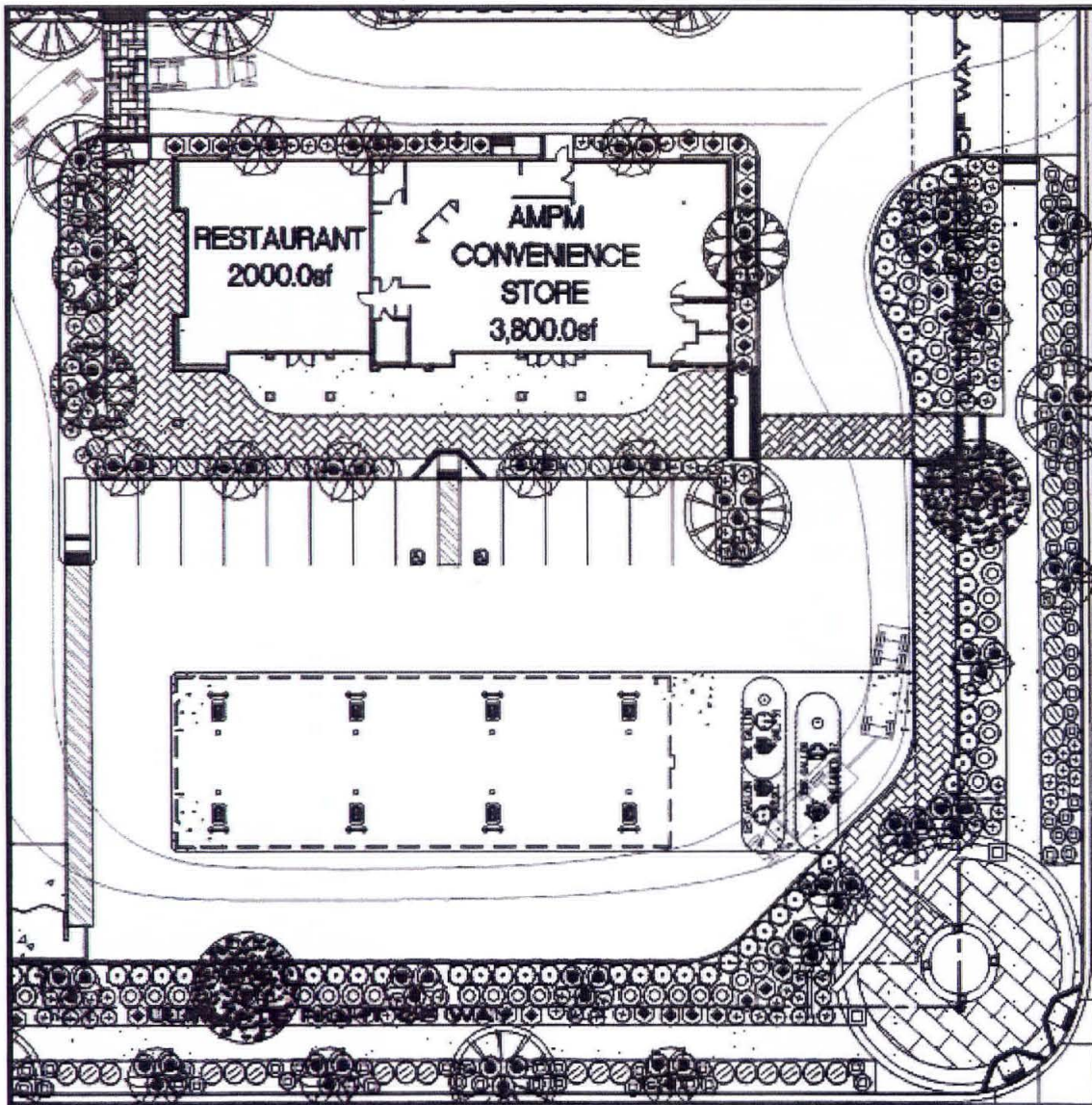


Figure 3
View of Paseo Path

Landscape Setbacks

The Loma Vista Specific Plan adopted specific street section designs for Arterial Streets. Shaw Avenue is proposed to have a 20-foot landscape/pedestrian setback, with an 8-foot parkway, 8-foot sidewalk and 4-foot landscape setback. Leonard Avenue is proposed to have a 30-foot landscape/pedestrian setback, with an 11-foot parkway, 8-foot sidewalk and 11-foot landscape setback.

Specific locations and type of tree to be utilized along Shaw and Leonard Avenues shall be reviewed during the site plan review process.

Conceptual Plan

Staff requires applicants to provide a conceptual lotting and circulation plan for adjacent properties. The conceptual lotting and circulation plans shown on the map (Exhibit "G") are for representation purposes only. The concepts are provided to represent development potential. This does not imply that these properties must develop in the manner shown.

Public Comments

Staff has been working with nearby property owners for several months in regards to annexation from the County. Additionally, a public notice was sent to area residents within 600 feet of the property boundaries. Staff has not received comments or concerns from the public upon finalization of this report.

Review and Comments from Agencies

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

Planning Commission Comments

The Planning Commission considered this Project on Thursday, October 26, 2017. The Commission approved Rezone Amendment R2008-07A2 with a vote of 4-1. The Commission also approved Conditional Use Permit CUP2017-01 and Site Plan Review SPR2017-14 with a vote of 5-0.

Community Facilities District

The fiscal analysis of the Southeast Urban Center Specific Plan identified possible long-term funding shortfalls in the City's operating and maintenance costs. To address this issue the City of Clovis is implementing a Community Facilities District. Community Facilities Districts (CFD's) are a means of providing additional funding for the provision of public facilities and services for public safety, parks and recreation services, and other important municipal services in newly developing areas of the community where the city would not otherwise be able to afford to continue to provide an adequate level of service as the City continues to grow. The use of CFD's is fairly common among cities in California experiencing high rates of growth during this past decade, such as Clovis, due to significant losses of local revenue from tax shifts authorized by the State of California and the need to continue to provide an adequate level of service as growth occurs.

A condition of approval has been added to this tentative map requiring participation of this tentative map in the CFD.

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 3.2 Individual development project. When projects are proposed in an Urban Center, they require a conceptual master plan to show how a proposed project could relate to possible future development of adjacent and nearby properties. The conceptual master plan should generally cover about 160 acres or the adjacent area bounded by major arterials, canals, or other major geographical features. The conceptual master plan should address:

- A. Compliance with the comprehensive design document
- B. A consistent design theme
- C. A mix of housing types
- D. Adequate supply and distribution of neighborhood parks
- E. Safe and direct pedestrian and bicycle linkages between residential areas and school sites, parks, and community activity centers

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.

Policy 3.5 Fiscal sustainability. The City shall require establishment of community facility districts, lighting and landscaping maintenance districts, special districts, and other special funding or financing tools in conjunction with or as a condition of development, building or permit approval, or annexation or sphere of influence amendments when necessary to ensure that new development is fiscally neutral or beneficial.

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)

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

The City published notice of this public hearing in *The Business Journal* on Wednesday, November 1, 2017.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The proposed rezone amendment is consistent with the vision and intent of the Loma Vista Specific Plan and Community Centers North and South Master Plan. The proposed conditional use permit and site plan review are consistent with the goals and policies of the General Plan, Loma Vista Specific Plan, Planning Area 4 of the Community Center Master

Plan, and Development Code. Planning Commission and staff therefore recommend approval of R2008-07A2, CUP2017-11 and SPR2017-14, subject to the conditions of approval attached as Exhibit "A" and Exhibit "A-1."

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

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

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

1. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of this Development Code;
2. The proposed use is consistent with the General Plan and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City;
4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed;
5. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety; and
6. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and there would be no potential significant negative effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless findings are made in compliance with CEQA. (§ 2, Ord. 14-13, eff. October 8, 2014)

The findings to consider when making a decision on a site plan review application are as follows:

1. Be allowed within the subject zoning district;
2. Be in compliance with all of the applicable provisions of this Development Code that are necessary to carry out the purpose and requirements of the subject zoning

- district, including prescribed development standards and applicable design standards, policies and guidelines established by resolution of the Council;
3. Be in compliance with all other applicable provisions of the Clovis Municipal Code; and
 4. Be consistent with the General Plan and any applicable specific plan. (§ 2, Ord. 14-13, eff. October 8, 2014)

In light of court decisions, it is appropriate for the City to make findings of consistency between the required dedications and the proposed development. Every dedication condition needs to be evaluated to confirm that there is a rough proportionality, or that a required degree of connection exists between the dedication imposed and the proposed development. The City of Clovis has made a finding that the dedication of property for this project satisfies the development's proportionate contribution to the City's circulation system. The circulation system directly benefits the subject property by providing access and transportation routes that service the site. Further, the circulation system also enhances the property's value.


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 600 feet notified:	30
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 2008\R2008-07A2 (Loma Vista CCMP Westgate)\CC Nov. 13, 2017\PDS - Staff Report R2008-07A2, CUP2017-11 & SPR2017-14.doc

**FIGURE 1
PROJECT LOCATION MAP**

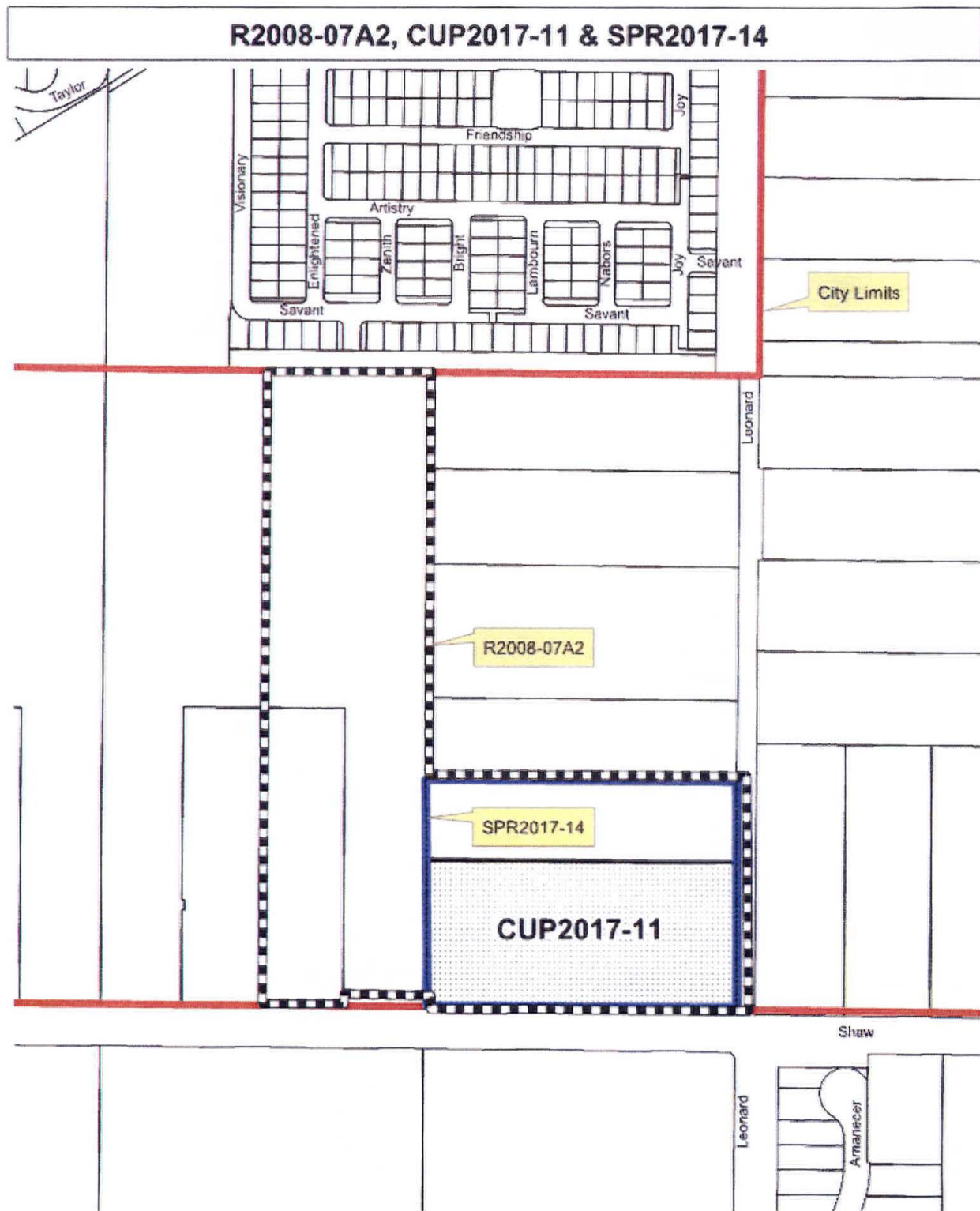


EXHIBIT A
Conditions of Approval – R2008-07A2
(As approved by the City Council – November 13, 2017)

Planning Division Conditions
(George González, MPA, Associate Planner – (559) 324-2383)

1. R2008-07A2 approves an amendment to the Master Plan Community (M-P-C) Zone District to allow drive-up/drive-through restaurants within Planning Area #4 of the Loma Vista Community Center North.
2. The developer shall provide (at their cost) updated sheets of the Loma Vista Community Centers North and South Master Plan with the approved modification/ change.
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. The applicant shall notify all property owners along streets where new water and sewer utilities will be constructed to determine if they wish to purchase a lateral connection per City policy.
5. This rezone amendment is subject to the development standards of the Loma Vista Specific Plan.

EXHIBIT "A-1"
Conditions of Approval – CUP2017-11 & SPR2017-14
(As approved by the City Council – November 13, 2017)

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

1. This Project is subject to the development standards of the Loma Vista Specific Plan and Loma Vista Community Centers North and South Master Plan.
2. Phase II, which includes the grocery store commercial building, shall require a separate site plan review approval.
3. All transformers shall be located underground. Pad mounted transformers may be considered through an Administrative Use Permit.
4. The conditional use permit is approved per the attached Exhibits "B" and "E" of this report.
5. All landscaping (open space and private yards) shall conform with the City of Clovis Water Efficient Landscape Ordinance.
6. Maximum building (main structure) height shall not exceed thirty-five (35) feet.
7. The applicant shall notify all property owners along streets where new water and sewer utilities will be constructed to determine if they wish to purchase a lateral connection per City policy.
8. The developer shall provide enhanced pedestrian crossings at all points where a paseo crosses a road. A minimum standard includes a change in surface treatment. Modified curbs with bump-out is required.
9. The developer shall provide fixtures such as the thematic Loma Vista Light at each paseo crossing.
10. Directional pedestrian/bike ramps shall be utilized at paseo crossings wherever possible.
11. The applicant shall contribute a proportionate share towards the development of a "paseo" system in this quarter section as required by the General Plan land use diagram.
12. The applicant shall provide and construct a community gateway at the immediate corner of the parcel per Loma Vista Standards.

13. 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.
14. Shaw Avenue is proposed to have a 20-foot landscape/pedestrian setback, with an 8-foot parkway, 8-foot sidewalk and 4-foot landscape setback.
15. Leonard Avenue is proposed to have a 30-foot landscape/pedestrian setback, with an 11-foot parkway, 8-foot sidewalk and 11-foot landscape setback.
16. The applicant shall obtain City approval in advance of temporary and permanent signs through separate sign review, consistent with the development criteria of the Clovis Municipal Code Sign Ordinance.
17. Maximum lot coverage is 33% for Conditional Use Permit CUP2017-11 and SPR2017-14.
18. Paseo Development Standards:
 - Paseos shall have a minimum paved width of 10’;
 - Intersections between paseos and streets should be limited to minimize potential for collisions;
 - Paseos shall be designed to maximize “defensible space”;
 - Paseos will be designed and constructed to permit emergency police vehicle traffic;
 - Street side paseos (parallel to and accessible from local residential streets) shall have a minimum width of 30’;
 - Connecting paseos (between the side or rear of residential lots between streets) shall;
 - Have a minimum width of 30’;
 - Utilize portions of private property side yard setbacks to increase visual width to 40’;
 - Side yard property line walls shall be held to no more than 3 feet in height for at least ½ the depth of the home. The Director of Planning and Development Services may make specific modifications to this requirement at the site plan review phase;
 - Paseo walkway shall meander allowing for shade trees on both sides of the paseo;

- Standard paseo post lighting may be substituted by approved bollard lights;
- Be entirely viewable from a public street;
- Not extend more than 300' from any public street unless directly viewable from adjacent residential lots;
- No utilities shall be permitted in the paseo or open space areas unless approved by the Director of Planning and Development Services.

19. The developer shall comply with all mitigation measures as identified in the adopted mitigation monitoring program for this conditional use permit.

- **3.1-d** The developer shall direct all lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties.
- **3.4-a** Conduct a pre-construction nesting bird survey of all suitable habitats within the Project site within 14 days prior to the commencement of construction during the nesting season (1 February – 31 August). Pre-construction nesting surveys are not required for construction activity that begins outside of the nesting season.

The pre-construction nesting bird survey will consist of a Swainson's hawk nesting survey within the Project site and all publically accessible areas within 0.25 miles of the Project site, a nesting raptor and burrowing owl survey within 500 feet of the Project site, and a survey for passerines and other birds protected by the MBTA within 100 feet of the Project site.

If active nests are found, a no-disturbance buffer around the nest shall be established. The buffer distance shall be established by a qualified biologist in consultation with CDFM. The buffer shall be maintained until the fledglings are capable of flight and become independent of the nest tree, to be determined by a qualified biologist. Once the young are independent of the nest, no further measures are necessary.

Prior to disturbance/removal of buildings and tree removal, a preconstruction survey shall be conducted by a qualified biologist. During this survey buildings and trees will be inspected for presence of roosting bats and also areas below potential roosts will be examined for bat guano. If evidence of bat use is found, an evening emergency survey will occur at those locations to determine the presence/absence of roosting bats.

If roosting bats or maternity colonies are identified, CDFW will be contacted to determine the appropriate course of action. Maternity colonies would remain undisturbed until the young are volant (able to fly) and the colony has dispersed.

POLICE DEPARTMENT CONDITIONS
(John Willow, Department Representative - 324-2400)

20. Construction work shall be limited to the hours set forth in the Clovis Municipal Code. (CMC § 5.18.15.)
21. 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).)
22. Emergency phone numbers for responsible parties shall be kept current during the building phase of the project.
23. All construction materials shall be located within a secured area or monitored by security staff during non-construction hours.

FIRE DEPARTMENT CONDITIONS
(Gary Sawhill, Department Representative - 324-2224)

24. **Two Points of Access:** Any development to this parcel will require a minimum of two (2) points of access to be reviewed and approved by the Clovis Fire Department. All required access drives shall remain accessible during all phases of construction which includes paving, concrete work, underground work, landscaping, perimeter walls.
25. **Fire Apparatus Access Roads (26'):** Fire apparatus access roads shall have an unobstructed width of not less than twenty-six feet (26') to all buildings and an unobstructed vertical clearance of not less than fourteen feet (14').
26. **Commercial/Industrial Access Roads (30'):** Fire apparatus access roads shall have an unobstructed width of not less than thirty feet (30') to all buildings and an unobstructed vertical clearance of not less than fourteen feet (14' 0").
27. **Driveway Access:** A driveway approach to a designated fire access road shall have a minimum width of thirty-two feet (32') or equal to the width of the fire access road it services, plus six feet (6'), whichever is greater. Roads having a high potential for impairment of the department access shall have a wider driveway approach, as determined by the Fire Chief.
28. **Turning Radius:** All access way roads constructed shall be designed with a minimum outside turning radius of forty-five feet (45').

29. **Reciprocal Access Agreement:** The applicant shall provide a signed reciprocal access agreement with the adjoining property for the use of the common drives and road system prior to the issuance of building permits.
30. **Conceptual Plans Submitted:** The applicant shall provide conceptual plans for the development of adjoining property and road system.
31. **All Weather Access & Water Supply:** The applicant shall provide all weather access to the site during all phases of construction to the satisfaction of the approved Clovis Fire Department Standard #1.2 or #1.3.
32. **Fire Lane:** The fire lanes curbs shall be painted red as per Clovis Fire Department Standard #1.1 and identified on site plan.
33. **Commercial Fire Hydrant:** The applicant shall install 4 4 ½" x 4 ½" x 2 ½" approved Commercial Type hydrant(s) and "Blue Dot" hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #1.4. 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.
34. **Looped Water Main:** 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
35. **Fire Sprinkler – 2,500 Square Feet:** The applicant shall install an automatic fire sprinkler system in buildings exceeding 2,500 square feet in gross floor area, as per NFPA 13.
36. **Underground Fire Service Line Installation:** Installation shall be per Clovis Fire Standard #2.1. 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. 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.
37. **FDC Location:** The Fire Department Connection to the automatic fire sprinkler system shall be shown on the site utility plan. This will be reviewed and approved by the Clovis Fire Department before installation.
38. **Monitored Sprinklers:** All valves controlling the water supply for automatic sprinkler systems and water flow switches on all sprinkler systems shall be electronically monitored for integrity.
39. **Fire Department Comments on Plans:** All Fire Department comments shall be on

approved plans. Provide a copy of the approved stamped site plan from the Planning Division. Site Plan shall include all fire department notes to verify compliance with requirements. Site plans included with this plan submittal are subject to the conditions on the Planning Division approved set.

CLOVIS UNIFIED SCHOOL DISTRICT CONDITIONS
(Steve Ward, CUSD Representative – 559-327-9000)

40. The development of this project is subject to the Clovis Unified School District impact fee. See the attached letter.

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

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

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

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

COUNTY OF FRESNO COMMENTS
(Steve Farmer, County of Fresno Representative - 488-2892)

43. The Applicant shall pay the County of Fresno's facilities impact fees set forth in the applicable Schedule of Fees adopted by the County Board of Supervisors, in County Ordinance, Chapter 17.90.

ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS
(Sean Smith, Engineering Division Representative – 324-2363)
(Lisa Koehn, Department Representative – 324-2607)
(Luke Serpa, Solid Waste Division Representative – 324-2614)

Maps and Plans

44. The applicant shall submit separately to the City of Clovis Engineering Division, a set of construction plans on 24" x 36" sheets with City standard title block for all required improvements and a current preliminary title report. These plans shall be prepared by a registered civil engineer, and shall include a grading plan, landscape plan, a site plan showing trash enclosure locations and an overall site utility plan showing locations and sizes of sewer, water, storm drain, and irrigation mains, laterals, manholes, meters, valves, hydrants, fire sprinkler services, other facilities, etc. All plans shall be submitted at or before the time the building plans are submitted to the Building Division and shall be

approved by the City and all other involved agencies prior to the release of any development permits.

45. Prior to the initial submittal of the improvement plans, the applicant shall contact Sean Smith at (559) 324-2363 to setup a coordination meeting (Pre-submittal Meeting).
46. Prior to granting of final occupancy or final acceptance, the applicant shall submit to the City of Clovis Engineering Division one (1) reproducible and (3) blueline copies of the approved set of construction plans revised to reflect all field revisions and marked "AS-BUILT."

General

47. The applicant shall pay all applicable development fees prior to the issuing of a building permit. A preliminary estimate of fees is \$1,097,303.13. A breakdown of this estimate is attached to these conditions for your information. Additional fees may be assessed and must be paid prior to issuance of subsequent development permits. NOTE: The fees given at this time are an estimate calculated using rates currently in effect. These rates are subject to change without notice and the actual amount due shall be calculated using fee rates in effect at the time of payment. Additional fees payable to the City or other agencies (FMFCD) may become due as supplemental information regarding the project is received by the City.
48. Applicant is advised that, pursuant to California Government Code, Section 66020, any party may protest the imposition of fees, dedications, reservations, or other exactions imposed on a development project by a local agency. Protests must be filed in accordance with the provisions of the California Government Code and must be filed within 90 days after conditional approval of this application is granted. The 90 day protest period for this project shall begin on the "date of approval" as indicated on the "Acknowledgment of Acceptance of Conditions" form.
49. All reimbursement requests shall be prepared and submitted in accordance with the requirements of the current version of the "Developer Reimbursement Procedures"; a copy of which may be obtained at the City Engineer's Office.
50. The applicant shall obtain encroachment permits from the City of Clovis for work performed within the City's right-of-way and easements.
51. The applicant shall install all off-site improvements within the public right-of-way and easements in accordance with the City of Clovis standards, specifications, master plans, and record drawings in effect at the time of improvement approval. Applicant shall provide and pay for any compaction tests required by the City of Clovis in the course of construction.

52. The applicant shall comply with the requirements of the local utility, telephone, and cable companies. It shall be the responsibility of the applicant to notify the local utility, telephone, and cable companies for the removal or relocation of utility poles where necessary. The City shall not accept first submittals without proof that the applicant has provided the improvement plans and documents showing all proposed work to the utility, telephone, and cable companies. All utility vaults in which lids cannot be sloped to match proposed finished grading, local utilities have 5% max slope, shall be located in sidewalk areas with pedestrian lids so the lid slope matches sidewalk cross slope.
53. Any existing overhead and new utility facilities located within the street right-of-way along the streets adjacent to this development or on-site shall be underground.
54. The applicant shall contact and address Caltrans' requirements.
55. The applicant shall contact the Fresno County Department of Public Works (FCDPW) and pay all applicable fees required. Fresno County has adopted a 2 year waiver of public facilities impact fees for permits pulled prior to November 9, 2017.

Dedications and Street Improvements

56. The applicant shall provide right-of-way acquisition, free and clear of all encumbrances and/or improve to City standards the following streets. The street improvements shall be in accordance with the City's specific plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the type, location, and grades of existing improvements.
 - Shaw Avenue - along frontage, provide right-of-way acquisition for 72' (exist 20') north of centerline, sectionline is 10' north of centerline, and improve with curb, gutter, sidewalk, drive approach, curb return ramps, street lights, median island, median island landscaping and irrigation, landscape strip, 58' (42'+16') permanent paving, 3' paved swale, and transitional paving as needed.
 - Shaw Avenue - along development frontage, median island openings shall not be allowed without the approval of the City Engineer.
 - Leonard Avenue - along frontage, provide right-of-way acquisition for 70' (exist varies) west and 28' (exist 20') east of centerline, and improve with curb, gutter, sidewalk, drive approach, curb return ramps, street lights, median island, median island landscaping and irrigation, landscape strip, permanent paving and overlay as necessary to match the existing permanent pavement, 3' paved swale, and transitional paving as needed.
 - The applicant install and provide right-of-way as necessary for a traffic signal at Shaw and Leonard Avenues on its ultimate location.

- The applicant shall provide and dedicate for a community gateway on the north-west corner of Shaw and Leonard Avenue.
 - The applicant shall provide for free movement of traffic onto the site with no cross traffic or parking stalls within 100' of the Shaw Avenue face of curb and within 50' of the Leonard Avenue face of curb.
57. The applicant shall provide a dedication for a 10' public utility easement along all frontages.
58. Applicant shall provide preliminary title report for the subject property(ies).
59. The applicant shall provide preliminary title report, legal description and drawings for all dedications required which are not on the site. All contact with owners, appraisers, etc. of the adjacent properties where dedication is needed shall be made only by the City. The City will prepare an estimate of acquisition costs including but not limited to appraised value, appraisal costs, negotiation costs, and administrative costs. The applicant shall pay such estimated costs as soon as they are determined by the City.
60. The applicant shall, at the ends of any permanent pavement abutting undeveloped property, install 2" x 6" redwood header boards that shall be placed prior to the street surfacing.
61. Standard barricades with reflectors shall be installed at ends of streets abutting undeveloped property and any other locations to be specified by the City Engineer.
62. The applicant shall provide to the City for recording a reciprocal access agreement to maintain and provide vehicular, pedestrian and public access, prior to obtaining building permits.

Sewer

63. The applicant shall identify and abandon all septic systems to City standards.
64. The applicant shall install sanitary sewer mains of the size and in the locations indicated below, prior to occupancy. The sewer improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.
- Interior streets - install 8" main between the west property line and Leonard Avenue.
65. The applicant shall install sewer lateral or laterals for the development site and connect to City mains.
66. The applicant shall notify all property owners annexed to the City and along streets where a new sewer main will be constructed to determine if they wish to be connected to City

sewer. Property owners shall work directly with the applicant regarding costs and location. The applicant shall notify property owners that sewer connection fees are required if they choose to connect.

Water

67. The applicant shall identify and abandon all water wells to City standards.
68. The applicant shall install water mains of the sizes and in the locations indicated below, and provide an adequately looped water system prior to occupancy. The water improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.
 - Leonard Avenue - install 12" main along property frontage.
 - Leonard Avenue - install 12" main between the north property line and San Jose Avenue.
 - Shaw Avenue - install 12" main along property frontage.
 - Onsite looped water mains - install 8" mains.
69. The applicant shall provide dedication of a 15' wide utility easement for all on-site water mains, including fire hydrants, blow-offs, and meter boxes.
70. The applicant shall install a City standard water service of the necessary size for the development site and connect to City mains. Water services shall be grouped at property lines to accommodate automatic meter reading system, including installation of connecting conduit. The water meter shall be placed in the sidewalk and not in planters or driveways.
71. The applicant shall install an approved backflow prevention assembly adjacent to the water meter and shall be tested by an approved AWWA certified tester within 5 days of installation with the results sent to the City Utilities Division.
72. The applicant shall install a blow-off assembly for all fire protection lines adjacent to the fire sprinkler detection check valve in public right-of-way or easement. The size of the blow-off assembly shall be determined by the City Utilities Division.
73. The applicant shall notify all property owners' annexed to the City and along streets where a new water main will be constructed to determine if they wish to be connected to City water. Property owners shall work directly with the applicant regarding costs and location. The applicant shall notify property owners that water connection fees are required if they choose to connect.

Non Potable Water

74. The applicant shall install non-potable water mains of the sizes and in the locations indicated below. The non-potable water improvements shall be in accordance with the

City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.

- Shaw Avenue – install 8" main along the property frontage.
- Leonard Avenue – install 8" main between Shaw Avenue and San Jose Avenue.

Grading and Drainage

75. The applicant shall contact the Fresno Metropolitan Flood Control District (FMFCD) and address all requirements, pay all applicable fees required, obtain any required NPDES permit, and implement Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to reduce or eliminate storm water pollution. Plans for these requirements shall be included in the previously required set of construction plans, and shall be submitted to and approved by the FMFCD prior to the release of any development permits.
76. In the event permanent storm drainage facilities are not available, the applicant shall provide temporary on-site retention basins for storm water disposal and provide a cash deposit for each basin to offset the City's cost of maintaining the basins. The size and design shall be in accordance with the requirements of the City Engineer and may change based on design calculations and access requirements for maintenance. The temporary pond maintenance deposit shall be based on size, depth, expected maintenance schedule, etc. However, the property owner shall be responsible for periodic cleaning of toxic material. The temporary basin is solely for the convenience of the development.
77. The owner of the property on which the temporary basin(s) are located shall backfill said basin(s) within ninety (90) days after notice is given by the City that the basin(s) are no longer needed. In the event the owner fails to backfill said basin(s) within said 90 days, the City may cause the basin to be backfilled and finance such work with the funds deposited with the City for maintenance of the basin. Where such funds are insufficient to cover the cost of the work, a lien will be placed on the property for the additional cost, including the costs to enforce the lien. A covenant shall be prepared and recorded on the lot on which the basin(s) is/are located.
78. Grade differentials between lots and adjacent properties shall be adequately shown on the grading plan and shall be treated in a manner in conformance with City of Clovis Standard Drawing No. M-4 as modified by the City Council. Any retaining walls required on-site or in public right of way shall be masonry construction. All retaining walls shall be designed by a registered Civil Engineer.

Irrigation and Landscaping Facilities

79. The applicant shall contact and address all requirements of the Fresno Irrigation District (FID). This may include dedicating easements, piping or relocating any existing FID canals and ditches, replacing any existing irrigation piping, concrete lining or improving any existing canals, construction or reconstruction of any canals, culverts, and bridge

crossings. Plans for these requirements and improvements shall be included as in the previously required set of construction plans, and shall be submitted to and approved by FID prior to the release of any development permits. If a FID or private irrigation line is to be abandoned, the applicant shall provide waivers from all downstream users.

80. All existing agricultural irrigation systems either on-site or in public right of way, whether FID or privately owned, shall be identified prior to any construction activity on the site. Service to all downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not bear any burden as a result of development of the site. Therefore, the applicant shall pay all costs related to modification, relocation, or repair of any existing irrigation facilities resulting from or necessitated by the development of the site. The applicant shall identify on site plans and construction plans, all existing irrigation systems and their disposition (abandonment, repair, relocation, and/or piping). The applicant shall consult with the Fresno Irrigation District for any additional requirements for lines to be abandoned, relocated, or piped. The applicant shall provide waivers from all users in order to abandon or modify any irrigation pipelines or for any service interruptions resulting from development activities.
81. The applicant shall provide for recording a landscape and irrigation perpetual maintenance covenant for landscaping installed in the public right-of-way behind the curb including easements, that will not be maintained by the Clovis Landscape Maintenance District. The recordable covenant must be submitted to, checked and approved prior to approval of the improvement plans or the release of any development permits.
82. The applicant shall provide a request by the property owner for annexation to and a covenant for the Landscape Maintenance District. The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election will be required for the establishment of the initial assessment. The assessment for each lot must be obtained from the City for the tax. The current estimated annual assessment is \$11,637.00, which is subject to change prior to issuance of building permit or final tract map approval, and is subject to an annual change in the range of the assessment in the amount of the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI Index), plus two percent (2%). The property owner/applicant shall notify all potential lot buyers before they actually purchase a lot that this lot is a part of a Landscape Maintenance District and shall inform potential buyers of the assessment amount. The applicant shall supply all necessary assessment diagrams and other pertinent materials for the Landscape Maintenance District as requested by the City prior to issuance of building permit.
83. The applicant shall comply with the City of Clovis Water Efficient Landscape Requirements Ordinance.

Miscellaneous

84. The applicant shall construct two (2) City of Clovis standard Type IV trash enclosures (M-2 and M-3) for the 5,000 sf and 5,800 sf buildings in phase 1 and one (1) City of Clovis standard Type V for the 40,000 sf building on Phase 2 including solid metal gates. Grease barrel enclosures shall be required for all grease producing businesses. The applicant shall provide paved access to and from the trash enclosure that must be accessible between 6 a.m. to 2:30 p.m. on the day(s) of service. The solid waste collection vehicles shall not be required to backup to service the trash enclosure. The concrete pad shall be inspected by the City prior to pouring of concrete. All access driveways to and from the trash enclosure shall be a minimum of 26' in width with large turn radius. Trash enclosures shall be setback a minimum of 5' from all driveways to minimize impact of gates left open and mitigate any visibility issues.
85. The trash enclosure shall be used only for trash and recycling bins. The applicant is prohibited from storing other items in the enclosure and storing trash or recycling bins outside the enclosure.
86. The applicant shall install street lights on metal poles to local utility provider standards. Street light locations shall be shown on the utility plans submitted for approval. Street lights at future traffic signal locations shall be installed on approved traffic signal poles, including all conduits and pull boxes. Street lights shall be owned and maintained by local utility provider, except street lights on signal poles. Proof of local utility provider approval shall be provided.
87. The applicant shall provide location and dimension of above ground utility boxes and risers with the location approved by the City.
88. The applicant shall install all major street monumentation and section corner monumentation within the limits of the project work in accordance with City Standard ST-32 prior to final acceptance of the project. Monumentation shall include all section corners, all street centerline intersection points, angle points and beginning and end of curves (E.C.'s & B.C.'s). The applicant/contractor shall furnish brass caps. The applicant shall require the surveyor/civil engineer for the development to notify, in writing, the City Engineer of any existing section corner, property corner or reference monuments damaged by the construction of improvements performed as part of the development. The applicant shall have all such monuments reset. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Brass caps required for installation of new monuments or replacement of existing monuments shall be provided by the contractor/applicant and approved by City prior to installation. Within five days after the final setting or replacement of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer certifying that the final monuments have been set and that he has filed with the County Recorder all appropriate records of survey or corner records.

89. A deferment, modification, or waiver of any engineering conditions will require the express written approval of the City Engineer.
90. All conditions of approval shall be fully complied with prior to issuance of a Certificate of Occupancy.

Administration Department Conditions

(John Holt, Department Representative – (559) 324-2111)

91. Prior to approval, recordation or filing of an annexation, final map, or site plan, the property covered by the project shall be included within or annexed to a Community Facilities District (CFD), established by the City for the provision of public facilities and services, for which proceedings have been consummated, and shall be subject to the special tax approved with the formation or annexation to the CFD. The CFD applies only to residential projects.
92. The applicant and the property owner acknowledge and agree that if the project were not part of a CFD, the City might lack the financial resources to operate facilities and provide public services, such as police protection, fire protection, emergency medical services, park and recreation services, street maintenance and public transit. Absent the requirement for inclusion of the project within a CFD, the City might not be able to make the finding that the project is consistent with the General Plan and relevant specific plans and might not be able to make the findings supporting approval of the project as required by the Subdivision Map Act and the California Environmental Quality Act, and the City might be required to deny the application for the project.
93. The owner/developer shall notify all potential lot buyers prior to sale that this project is a part of a Community Facilities District and shall inform potential buyers of the special tax amount. Said notification shall be in a manner approved by the City. This requirement may be waived at the discretion of the City Council if, at the time of the approval, recordation or filing of the project, the City Council has determined that it is not necessary that the project be included in the CFD.
94. The applicants shall reimburse the City for any expense associated with the transition agreement for fire services with the Fresno County Fire Protection District that would apply to this proposal.

REZONE R2008-07A2
CONDITIONAL USE PERMIT CUP2017-11
SITE PLAN REVIEW SPR2017-14
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

PREPARED BY:



CITY *of* CLOVIS

PLANNING & DEVELOPMENT

1033 FIFTH STREET • CLOVIS, CA 93612

Planning Division
1033 Fifth Street
Clovis, CA 93612

Project Manager:
George González, Associate Planner
559-324-2383
georgeg@cityofclovis.com

September 2017

ATTACHMENT 1



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

For County Clerk Stamp

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

NOTICE IS HEREBY GIVEN that on **Thursday, October 26, 2017, at 6:00 p.m.**, a public hearing will be conducted in the Council Chamber of the Clovis Civic Center, 1033 Fifth Street, Clovis, CA 93612. The Clovis Planning Commission will consider the following item:

Consider items associated with approximately 16.36 acres of land located on the north side of Shaw Avenue, between De Wolf and Leonard Avenues. Richard S. Jevardian, Pietro DeSantis, John G. Thornburg & Rosemary S. Ting, and Pensco Trust Company Custodian, owners; Westgate Construction and Development, applicant; Burrell Consulting Group, representative.

- a. A request to approve an environmental finding of a Mitigated Negative Declaration for Rezone R2008-07A2, Conditional Use Permit CUP2017-11 and Site Plan Review SPR2017-11.
- b. R2008-07A2, A request to approve an amendment to the development standards of Planning Area 4 of the Loma Vista Community Centers North and South Master Plan to allow drive-up/ drive-through restaurants.
- c. CUP2017-11, A request to approve a conditional use permit for a 24-hour convenience store and gas station with beer and wine sales.
- d. SPR2017-14, A request to approve a site plan review to construct three retail commercial buildings (5,000 Sq. Ft., 5,800 Sq. Ft. and 40,000 Sq. Ft.), inclusive of parking and landscaping.

A Mitigated Negative Declaration has been completed for this project, pursuant to Section 15070 of CEQA. Recommendation of a proposed Mitigated Negative Declaration does not necessarily mean these projects will be approved. Hard copies and electronic copies of the proposed Mitigated Negative Declaration for this project may be reviewed and/or obtained at the City of Clovis Planning Division, 1033 Fifth Street, Clovis, California, Monday through Friday, between 8:00 a.m. and 3:00 p.m.

All interested parties are invited to comment in writing to the Planning Division by no later than 3:00 p.m. on October 26, 2017, and/or to appear at the hearing described above to present testimony in regard to the above listed requests. Questions regarding these items should be directed to Bryan Araki, City Planner at (559) 324-2346 or email at bryana@cityofclovis.com.

If you would like to view the Planning Commission Agenda and Staff Reports, please visit the City of Clovis Website at www.cityofclovis.com. Select "Planning Commission Agendas" from right side of the

main page under "Frequently Visited." Reports will be available approximately 72 hours prior to the meeting time.

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

Dwight D. Kroll, AICP, Planning and Development Services Director

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

For County Clerk Stamp

DRAFT MITIGATED NEGATIVE DECLARATION

Proposed: September 29, 2017

Agency File No: R2008-07A2, CUP2017-11 & SPR2017-14

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

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

Project Title: Rezone R2008-07A2, Conditional Use Permit CUP2017-11 and Site Plan Review SPR2017-14.

Project Location: North side of Shaw Avenue, between De Wolf and Leonard Avenues in the County of Fresno.

Project Description: Consider items associated with approximately 16.36 acres of land located on the north side of Shaw Avenue, between De Wolf and Leonard Avenues. Richard S. Jevardian, Pietro DeSantis, John G. Thornburg & Rosemary S. Ting, and Pensco Trust Company Custodian, owners; Westgate Construction and Development, applicant; Burrell Consulting Group, representative.

- a. A request to approve an environmental finding of a Mitigated Negative Declaration for Rezone R2008-07A2, Conditional Use Permit CUP2017-11 and Site Plan Review SPR2017-11.
- b. R2008-07A2, A request to approve an amendment to the development standards of Planning Area 4 of the Loma Vista Community Centers North and South Master Plan to allow drive-up/ drive-through restaurants.
- c. CUP2017-11, A request to approve a conditional use permit for a 24-hour convenience store and gas station with beer and wine sales.
- d. SPR2017-14, A request to approve a site plan review to construct three retail commercial buildings (5,000 Sq. Ft., 5,800 Sq. Ft. and 40,000 Sq. Ft.), inclusive of parking and landscaping.

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

Justification for Mitigated Negative Declaration: The City of Clovis has completed the preparation of an Initial Study for the project described above. The Initial Study did not identify any potentially significant environmental effects that would result from the proposed activity. Accordingly, approval of a Mitigated Negative Declaration for the project is recommended. The City finds that the proposed activity can be adequately served by City public services. It will not have a negative aesthetic effect, will not affect any rare or endangered species of plant or animal or the habitat of such species, nor interfere with the movement of any resident or migratory fish or wildlife species. It will not adversely affect water quality, contaminate public water supplies, or cause substantial flooding, erosion, or siltation. It will not have a significant effect on air quality, climate change, transportation or circulation systems, noise, light and glare, and land use. No significant cumulative impacts will occur from this project.

Contact Person: George González, MPA, Associate Planner

Phone: (559) 324-2383

Signature: _____

Date: September 29, 2017

INITIAL STUDY

Introduction

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

Documents Incorporated By Reference

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

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

- **California Health and Safety Code Section 7050.5.** This section states that in the event that human remains are discovered, there shall be no further disturbance of the site of any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has been notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.
- **Section 15064.5 of the CEQA Guidelines.** This section addresses the discovery of human remains, and the disturbance of potential archaeological, cultural, and historical resources. The requirements of Section 15064.5 with regard to the discovery of human remains are identical to the requirements of Health and Safety Code Section 7050.5.
- **City of Clovis 2017-2018 Budget.** The budget provides information about city services, and objectives, annual spending plan for the 2017-2018 fiscal year, debt obligations, and the five-year Community Investment Program.
- **City of Clovis Economic Development Strategy (Adopted July 14, 2014).** The City of Clovis Economic Development Strategy outlines the City's strategies for the retention, expansion, and attraction of industrial development, commercial development, and tourism.
- **City of Clovis 2010 Urban Water Management Plan.** The Clovis Urban Water Management Plan outlines the City's strategy to manage its water resources through both conservation and source development. The Plan was prepared in compliance with California Water Code Section 10620.
- **Fresno Metropolitan Flood Control District Storm Drainage and Flood Control Master Plan (Adopted January 2006).** The Fresno Metropolitan Flood Control District (FMFCD) is located in the north-central portion of Fresno County between the San Joaquin and Kings rivers. The FMFCD service area includes most of the Fresno-Clovis metropolitan area (excluding the community of Easton), and unincorporated lands to the east and northeast. The Storm Drainage and Flood Control Master Plan includes program planning, structure, service delivery, and financing, for both flood control and local drainage services. The flood control program relates to the control, containment, and safe disposal of storm waters that flow onto the valley floor from the eastern streams. The local drainage program relates to the collection and safe disposal of storm water runoff generated within the urban and rural watersheds.
- **Fresno Metropolitan Flood Control District Letter,** September 14, 2017, A letter from the District stating that their facilities can accommodate the Project.
- **Staff Report on Burrowing Owl Mitigation (CDFG 1995).** This report provides CEQA Lead Agencies and Project proponents the context in which the Department of Fish and Game will review Project specific mitigation measures. The report also includes pre-approved mitigation measures which have been judged to be consistent with policies, standards and legal mandates of the State Legislature, the Fish and Game Commission, and the Department's public trust responsibilities.
- **San Joaquin Valley Air Pollution Control District, Regulation VIII - Fugitive PM10 Prohibitions.** The purpose of Regulation VIII (Fugitive PM10 Prohibitions) is to reduce ambient concentrations of fine particulate matter (PM10) by requiring actions to prevent, reduce or mitigate anthropogenic fugitive dust emissions. Regulation VIII is available for download at <http://www.valleyair.org/rules/1ruleslist.htm#reg8>. A printed copy may be obtained at the District's Central Region offices at 1990 E. Gettysburg Ave., Fresno, CA 93726.
- **Fresno Irrigation District Letter,** September 1, 2017, An evaluation of project impacts on Fresno Irrigation District facilities.
- **Biological Resources Assessment from ECORP Consulting, Inc.,** May 8, 2017, An evaluation of biological impacts.
- **Cultural Survey from Salem Engineering Group, Inc.,** dated June 16, 2017, An evaluation of cultural resources.
- **Air Quality & Greenhouse Gas Assessment from Salem Engineering Group, Inc.,** March 21, 2017, An evaluation of the impacts related to Air Quality & Green House Gas.

- **Fresno County Department of Public Health**, letter dated January 4, 2017, providing standards for health related impacts.
- **San Joaquin Valley Air Pollution Control District Letter**, September 8, 2017, An evaluation of project impact to air quality.

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

Project Description

The project consists of a request to approve a rezone amendment, conditional use permit and site plan review on approximately 16.36 acres of property located on the north side of Shaw Avenue, between De Wolf and Leonard Avenues in the City of Clovis Sphere of Influence, County of Fresno. The request includes acquisition of right-of-way along the corridors of Shaw and Leonard Avenues and providing connectivity to City services when available.

Rezone R2008-07A2 is amending the development standards of Planning Area 4 of the Loma Vista Community Centers North and South Master Plan to allow drive-up/ drive-through restaurants.

Conditional Use Permit CUP2017-11 is requesting approval of a conditional use permit for a 24-hour convenience store and gas station with beer and wine sales.

Site Plan Review SPR2017-14 is requesting approval of a site plan review to construct three retail commercial buildings (5,000 Sq. Ft., 5,800 Sq. Ft. and 40,000 Sq. Ft.), inclusive of parking and landscaping.

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

Project Location

The proposed Project is located within the City of Clovis Sphere of Influence in the County of Fresno (see Figure 1). The proposed Project site is located on the north side of Shaw Avenue, between De Wolf and Leonard Avenues (see Figure 2).



Figure 1 - Regional Location

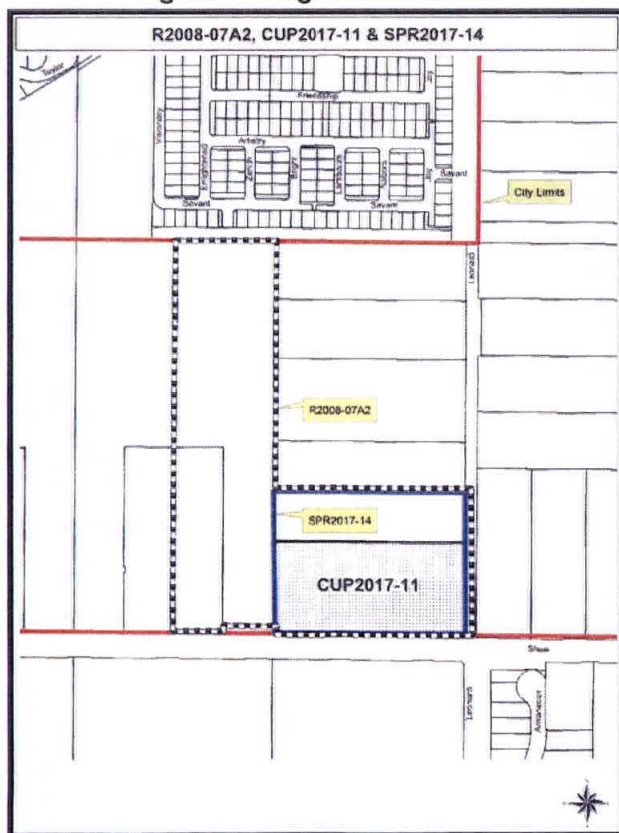


Figure 2 - Project Location

Proposed Design of the Site

Figure 3 shows proposed site plan.

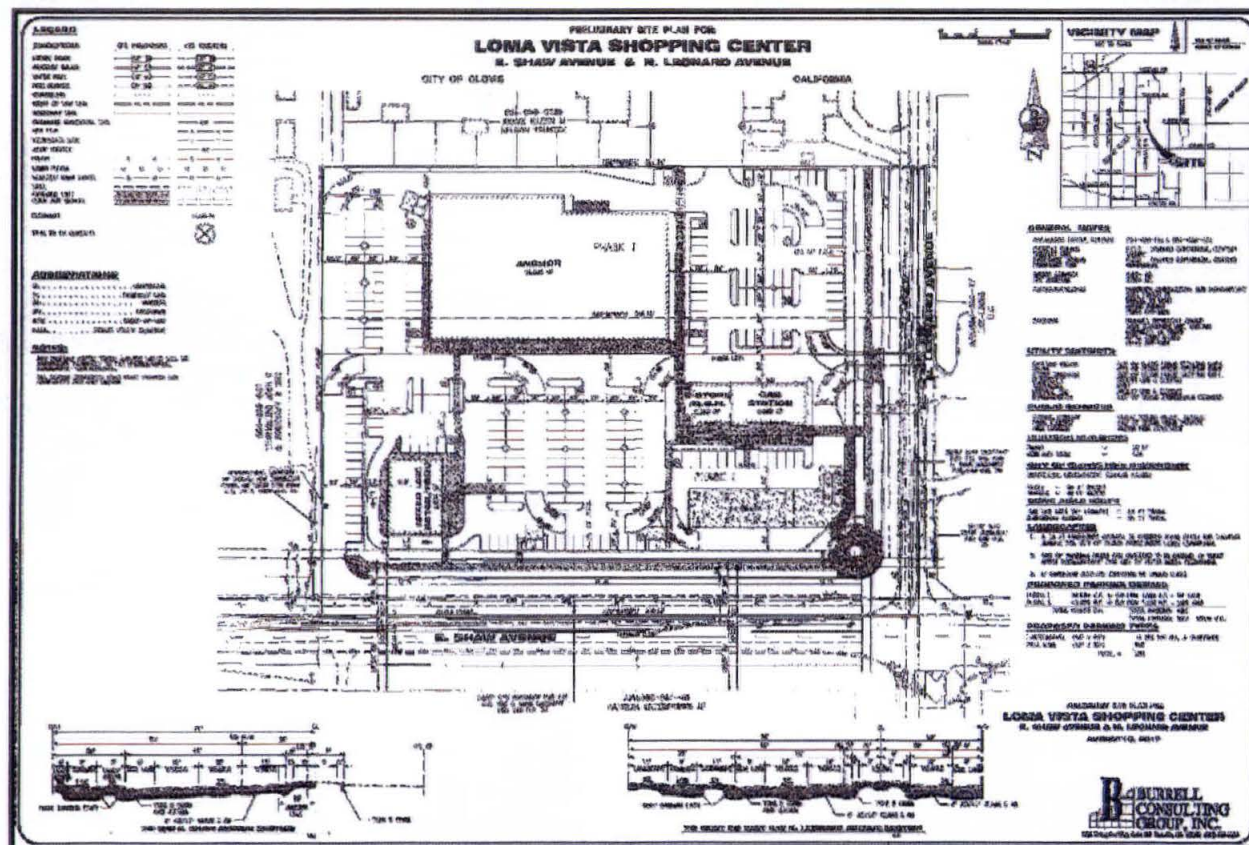
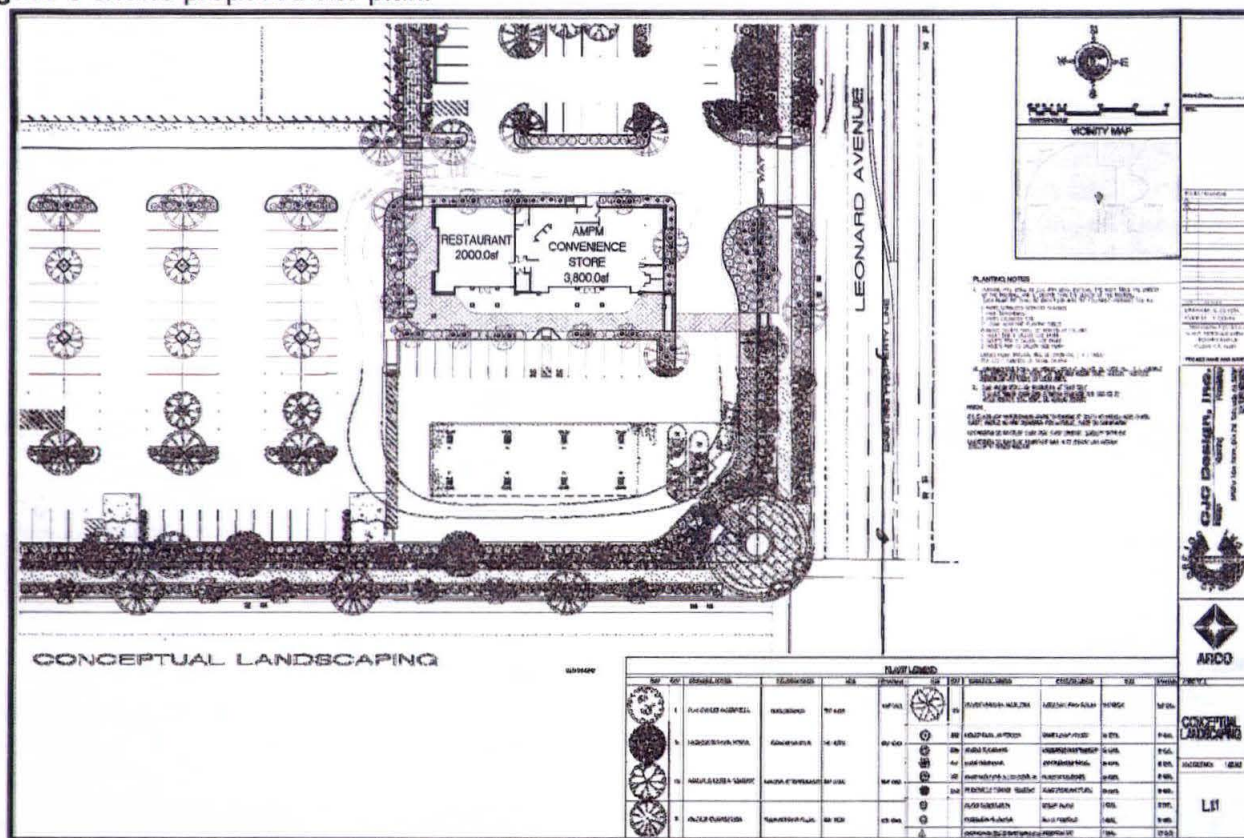


Figure 3 - Project Site Plan

Environmental Measures

Environmental measures are methods, measures, standard regulations, or practices that avoid, reduce, or minimize a project's adverse effects on various environmental resources. Based on the underlying authority, they may be applied before, during, or after construction of the Project.

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

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

The following construction noise control standards per the Clovis Municipal Code (Clovis Municipal Code Section 9.3.228.10 et seq.) will be required, which are proven effective in reducing and controlling noise generated from construction-related activities.

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

Environmental Measure 2: Erosion Control Measures to Protect Water Quality

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

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

Environmental Measure 3: Dust Control Measures to Protect Air Quality

To control dust emissions generated during construction of future parcels, the following San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) Regulation VIII Control Measures for construction emissions of PM10 are required to be implemented (SJVUAPCD Rule 8021). They include the following:

- Watering—for the purpose of dust control, carry-out, and tracking control—shall be conducted during construction in accordance with the City of Clovis's Storm Water Management Plan (SWMP) and the Project Storm Water Pollution Prevention Plan (SWPPP), if applicable.
- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
- When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 2 feet of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

Environmental Measure 4: Measures to Control Construction-Related Emissions

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

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

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

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

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

- *Develop and Implement Plans to Reduce Exposure of People and the Environment to Hazardous Conditions Caused by Construction Equipment.* The City/contractor shall demonstrate compliance with Cal OSHA as well as federal standards for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention. Cal OSHA requirements can be found in the California Labor Code, Division 5, and Chapter 2.5. Federal standards can be found in Occupational Safety and Health Administration Regulations, Standards—29 CFR. These standards are considered to be adequately protective such that significant impacts would not occur. Successful development and implementation of the proper storage and handling of hazardous materials will be measured against the state and federal requirements as verified by the City of Clovis.
- *Develop and Implement a Hazardous Materials Business Plan in Accordance with the Requirements of the County of Fresno Environmental Health System Hazardous Materials Business Plan Program.* The City shall require contractors to develop and implement a Hazardous Materials Business Plan, if required, in accordance with the requirements of the County of Fresno Environmental Health System (EHS) Hazardous Materials Business Plan Program. The Hazardous Materials Business Plan shall be submitted to the County EHS and the City of Clovis Fire Department prior to construction activities and shall address public health and safety issues by providing safety measures, including release prevention measures; employee training, notification, and evacuation procedures; and adequate emergency response protocols and cleanup procedures. A copy of the Hazardous Materials Business Plan shall be maintained on-site, during site construction activities and as determined by the County EHS.
- *Immediately Contain Spills, Excavate Spill-Contaminated Soil, and Dispose at an Approved Facility.* In the event of a spill of hazardous materials in an amount reportable to the Clovis Fire Department (as established by fire department guidelines), the contractor shall immediately control the source of the leak, contain the spill and contact the Clovis Fire Department through the 9-1-1 emergency response number. If required by the fire department or other regulatory agencies, contaminated soils shall be excavated, treated and/or disposed of off-site at a facility approved to accept such soils.
- As applicable, each Project applicant shall demonstrate compliance with Cal-OSHA for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention. Cal-OSHA requirements can be found in the California Labor Code, Division 5, Chapter 2.5. Federal standards can be found in Occupational Safety and Health Administration Regulations, Standards—29 CFR.

Environmental Measure 6: Measures to Protect Undiscovered Cultural Resources

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

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

- The Fresno County coroner has been informed and has determined that no investigation of the cause of death is required; and if the remains are of Native American origin,
 - The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
 - The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

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

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

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

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

Required Project Approvals

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

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

ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

Introduction

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

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

For each issue area, one of four conclusions is made:

- **No Impact:** No project-related impact to the environment would occur with project development.
- **Less Than Significant Impact:** The proposed project would not result in a substantial and adverse change in the environment. This impact level does not require mitigation measures.
- **Less Than Significant with Mitigation Incorporated:** The proposed project would result in an environmental impact or effect that is potentially significant, but the incorporation of mitigation measure(s) would reduce the project-related impact to a less than significant level.
- **Potentially Significant Impact:** The proposed project would result in an environmental impact or effect that is potentially significant, and no mitigation can be identified that would reduce the impact to a less than significant level.

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

Environmental Setting

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

Impacts

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

- The proposed Project will not obstruct federal, state or locally classified scenic areas, historic properties, community landmarks, or formally classified scenic resources such as a scenic highway, national scenic area, or state scenic area. The City of Clovis is located in a predominantly agricultural area at the base of the Sierra Nevada Mountain Range, which provides for aesthetically pleasing views and open spaces. The project site is currently vacant and has no existing structures. The Project site proposes an R-1 zoning which permits two-story development, consistent with that allowed in urban development zoning. The project proposes to include single-story development that will have a less than significant impact on the scenic vista since the proposed improvements that will be located above ground will not have a greater effect than permitted in surrounding existing developments. As such, the implementation of the Project using current zoning standards, would result in a less than significant impact to scenic vistas.
- The Project is located in a predominately urban area. The development of these parcels with a retail commercial development would have a less than significant impact on scenic resources.
- The project site has rural residential homes and various accessory structures. The implementation of the Project, consistent with the existing zoning would not substantially degrade the visual character or quality of the site and its surroundings.
- The Project will include on-site project and off-site street lighting, which would introduce a new source of light to the area. The lighting is necessary to provide enough illumination at

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

Mitigation Measure 3.1

The developer shall direct all on-site lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.2 Agriculture and forest resources <i>Would the Project:</i>				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220 (g)) or timberland (as defined in Public Resources Code section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.3 Air Quality <i>Will the proposal:</i>				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standards or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

SAN JOAQUIN VALLEY AIR BASIN

The City of Clovis (City) is in the central portion of the San Joaquin Valley Air Basin (SJVAB). SJVAB consists of eight counties: Fresno, Kern (western and central), Kings, Tulare, Madera, Merced, San Joaquin, and Stanislaus. Air pollution from significant activities in the SJVAB includes a variety of industrial-based sources as well as on- and off-road mobile sources. These sources, coupled with geographical and meteorological conditions unique to the area, stimulate the formation of unhealthy air.

The SJVAB is approximately 250 miles long and an average of 35 miles wide. It is bordered by the Sierra Nevada in the east, the Coast Ranges in the west, and the Tehachapi mountains in the south. There is a slight downward elevation gradient from Bakersfield in the southeast end (elevation 408 feet) to sea level at the northwest end where the valley opens to the San Francisco Bay at the Carquinez Straits. At its northern end is the Sacramento Valley, which comprises the northern half of California's Central Valley. The bowl-shaped topography inhibits movement of pollutants out of the valley (SJVAPCD 2012a).

Climate

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

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

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

Ambient Air Quality Standards

The Clean Air Act (CAA) was passed in 1963 by the US Congress and has been amended several times. The 1970 Clean Air Act amendments strengthened previous legislation and laid the foundation for the regulatory scheme of the 1970s and 1980s. In 1977, Congress again added several provisions, including nonattainment requirements for areas not meeting National AAQS and the Prevention of Significant Deterioration program. The 1990 amendments represent the latest in a series of federal efforts to regulate the protection of air quality in the United States. The CAA allows states to adopt more stringent standards or to include other pollution species. The California Clean Air Act (CCAA),

signed into law in 1988, requires all areas of the state to achieve and maintain the California AAQS by the earliest practical date. The California AAQS tend to be more restrictive than the National AAQS, based on even greater health and welfare concerns.

These National and California AAQS are the levels of air quality considered to provide a margin of safety in the protection of the public health and welfare. They are designed to protect “sensitive receptors,” those most susceptible to further respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed.

Both California and the federal government have established health-based AAQS for seven air pollutants. As shown in Table 5.3-1, *Ambient Air Quality Standards for Criteria Pollutants*, these pollutants are ozone (O₃), nitrogen dioxide (NO₂), carbon monoxide (CO), sulfur dioxide (SO₂), coarse inhalable particulate matter (PM₁₀), fine inhalable particulate matter (PM_{2.5}), and lead (Pb). In addition, the state has set standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles. These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety.

TABLE 3.4-1
FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS

Pollutant	Averaging Time	Federal Primary Standard	State Standard
Ozone	1-Hour	--	0.09 ppm
	8-Hour	0.075 ppm	0.07 ppm
Carbon Monoxide	8-Hour	9.0 ppm	9.0 ppm
	1-Hour	35.0 ppm	20.0 ppm
Nitrogen Dioxide	Annual	0.053 ppm	0.03 ppm
	1-Hour	0.100 ppm	0.18 ppm
Sulfur Dioxide	Annual	0.03 ppm	--
	24-Hour	0.14 ppm	0.04 ppm
	1-Hour	0.075 ppm	0.25 ppm
PM ₁₀	Annual	--	20 ug/m ³
	24-Hour	150 ug/m ³	50 ug/m ³
PM _{2.5}	Annual	15 ug/m ³	12 ug/m ³
	24-Hour	35 ug/m ³	--
Lead	30-Day Avg.	--	1.5 ug/m ³
	3-Month Avg.	1.5 ug/m ³	--

Notes: ppm = parts per million; ug/m³ = micrograms per cubic meter.

Source: California Air Resources Board, 2008. *Ambient Air Quality Standards* (4/01/08), <http://www.arb.ca.gov/aqs/aaqs2.pdf>.

In addition to the criteria pollutants discussed above, toxic air contaminants (TACs) are another group of pollutants of concern. TACs are injurious in small quantities and are regulated despite the absence of criteria documents. The identification, regulation and monitoring of TACs is relatively recent compared to that for criteria pollutants. Unlike criteria pollutants, TACs are regulated on the basis of risk rather than specification of safe levels of contamination.

Attainment Status

The air quality management plans prepared by SJVAPCD provide the framework for SJVAB to achieve attainment of the state and federal AAQS through the SIP. Areas are classified as attainment or nonattainment areas for particular pollutants, depending on whether they meet the ambient air quality standards. Severity classifications for ozone nonattainment range in magnitude from marginal, moderate, and serious to severe and extreme.

At the federal level, the SJVAPCD is designated as extreme nonattainment for the 8-hour ozone standard, attainment for PM₁₀ and CO, and nonattainment for PM_{2.5}. At the state level, the SJVAB is designated nonattainment for the 8-hour ozone, PM₁₀, and PM_{2.5} standards. The SJVAB has not attained the federal 1-hour ozone, although this standard was revoked in 2005.

Impacts

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

- 1) A project results in new direct or indirect emissions of ozone precursors (ROG or NO_x) in excess of 10 tons per year.
- 2) Any project with the potential to frequently expose members of the public to objectionable odors will be deemed to have a significant impact.
- 3) Any project with the potential to expose sensitive receptors (including residential areas) or the general public to substantial levels of toxic air contaminants would be deemed to have a potentially significant impact.
- 4) A project produces a PM₁₀ emission of 15 tons per year (82 pounds per day).

While the SJVUAPCD CEQA guidance recognizes that PM₁₀ is a major air quality issue in the basin, it has to date not established numerical thresholds for significance for PM₁₀. However, for the purposes of this analysis, a PM₁₀ emission of 15 tons per year (82 pounds per day) was used as a significance threshold. This emission is the SJVUAPCD threshold level at which new stationary sources requiring permits for the SJVUAPCD must provide emissions "offsets". This threshold of significance for PM₁₀ is consistent with the SJVUAPCD's ROG and NO_x thresholds of ten tons per year which are also the offset thresholds established in SJVUAPCD Rule 2201 New and Modified Stationary Source Review Rule.

The SJVUAPCD significance threshold for construction dust impacts is based on the appropriateness of construction dust controls, including compliance with its Regulation VIII fugitive PM₁₀ Prohibitions. The SJVUAPCD guidelines provide feasible control measures for construction emission of PM₁₀ beyond that required by SJVUAPCD regulations. If the appropriate construction controls are to be implemented, then air pollutant emissions for construction activities would be considered less than significant.

- a. The Project site is located within the San Joaquin Valley Air Basin (SJVUAPCD), which is a "nonattainment" area for the federal and state ambient air quality standards for ozone and PM₁₀. The Federal Clean Air Act and the California Clean Air Act require areas designated as nonattainment to reduce emissions until standards are met. The proposed Project would not obstruct implementation of an air quality plan; however, temporary air quality impacts could result from construction activities. The proposed Project would not create a significant impact over the current levels of ozone and PM₁₀ or result in a violation of any applicable air quality standard. The Project is not expected to conflict with the SJVUAPCD's attainment plans. The Project will be subject to the SJVUAPCD's Regulation VIII to reduce PM₁₀ emissions and subject to Environmental Measure 3: Dust Control Measures to Protect Air Quality. With the incorporation of these existing measures, the Project will have a less than significant impact.

- b. The proposed Project would result in short-term construction related emissions (dust, exhaust, etc.). The SJVAB currently exceeds existing air quality standards for ozone and the State Standard for PM₁₀. However, as with all construction projects, the Project will be subject to the rules and regulations adopted by the SJVUAPCD to reduce emissions throughout the San Joaquin Valley and will be subject to Environmental Measure 4: Measures to Control Construction-Related Emissions. Therefore, the Project would create a less than significant impact with existing measures incorporated.
- c. See responses to 3.3a and b above.
- d. The existing sensitive receptors near the proposed Project include residences. The proposed Project may subject sensitive receptors to pollutant concentrations due to construction activities. The use of construction equipment would be temporary and all equipment is subject to permitting requirements of the SJVUAPCD. This impact is considered less than significant.
- e. Objectionable odors are possible during site preparation and construction. However, the odors are not expected to be persistent or have an adverse effect on residents or other sensitive receptors in the Project's vicinity. No objectionable odors are anticipated after constructions activities are complete; therefore, the Project is expected to have a less than significant impact.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.4 Biological Resources				
<i>Will the proposal result in impacts to:</i>				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural community Conservation Plan, or other approved local, regional, or state habitat conservation plan?



Environmental Setting

The Project site is currently used as rural residential. The site is bounded by urban development to the north, agricultural and rural residential to the east, rural residential and urban development to the south, and urban development and rural residential to the west.

Impacts

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

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

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

- a. According to an assessment of the site performed by ECORP Consulting, Inc., "suitable nesting and/or wintering and foraging habitat for several special-status birds is present on the Project site." Impacts in this category may be mitigated to a less than significant level with the mitigation measures listed below.
- b. There is no riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service within the project area. Therefore, the proposed project would not have a substantial adverse effect on riparian or other sensitive natural habitat.
- c. The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means.
- d. The project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- e. The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- f. The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

Mitigation Measures

- **Mitigation Measure 3.4a:** Conduct a pre-construction nesting bird survey of all suitable habitats within the Project site within 14 days prior to the commencement of construction during the nesting season (1 February – 31 August). Pre-construction nesting surveys are not required for construction activity that begins outside of the nesting season.
- **Mitigation Measure 3.4b:** The pre-construction nesting bird survey will consist of a Swainson's hawk nesting survey within the Project site and all publically accessible

areas within 0.25 miles of the Project site, a nesting raptor and burrowing owl survey within 500 feet of the Project site, and a survey for passerines and other birds protected by the MBTA within 100 feet of the Project site.

- **Mitigation Measure 3.4c:** If active nests are found, a no-disturbance buffer around the nest shall be established. The buffer distance shall be established by a qualified biologist in consultation with CDFM. The buffer shall be maintained until the fledglings are capable of flight and become independent of the nest tree, to be determined by a qualified biologist. Once the young are independent of the nest, no further measures are necessary.
- **Mitigation Measure 3.4d:** Prior to disturbance/removal of buildings and tree removal, a preconstruction survey shall be conducted by a qualified biologist. During this survey buildings and trees will be inspected for presence of roosting bats and also areas below potential roosts will be examined for bat guano. If evidence of bat use is found, an evening emergency survey will occur at those locations to determine the presence/absence of roosting bats.
- **Mitigation Measure 3.4e:** If roosting bats or maternity colonies are identified, CDFW will be contacted to determine the appropriate course of action. Maternity colonies would remain undisturbed until the young are volant (able to fly) and the colony has dispersed.

The project is not expected to create any significant impacts to biological resources with the inclusion of mitigation measures.

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

Environmental Setting

Mitigation Measures in the Clovis General Plan Program Environmental Impact Report, requires evaluation of the site for archaeological, paleontological, and historical structure sensitivity. These mitigation measures, which identify archaeological and paleontological levels of sensitivity, list historically important sites identified by the Fresno County Library. The Project is not anticipated to impact any cultural resources; however, the Project could lead to the disturbance of undiscovered archaeological and paleontological resources. General Plan Conservation Element Goal 2, acts to preserve historical resources, and mitigation measures adopted in association with the General Plan

PEIR help to reduce potential impacts to a less than significant level. The project was evaluated by Salem Engineering Group, Inc. who concluded that no archaeological or other cultural resources were found. However, if artifacts, bone, stone, or shell are discovered, an archeologist should be consulted for in field evaluation of the discovery.

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

Impacts

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

- b. The proposed Project is not anticipated to cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines or directly or indirectly destroy a unique paleontological resource or site or unique geological features. There are no known archaeological or paleontological resources located in the areas of construction. These areas have been previously disturbed; however with ground disturbance there is chance that previously undiscovered archaeological and/or paleontological resources could be uncovered. The Project is subject to Environmental Measure 6: Measures to Protect Undiscovered Cultural Resources. Therefore, impacts will be less than significant.
- c&d. The site has not been identified as containing areas where human remains may be located. However, Public Resources Code PRC Section 5097.98, provides procedures in case of accidental finds. Should any human remains be discovered at any time, all work is to stop and the County Coroner must also be immediately notified pursuant to the State Health and Safety Code, Section 7050.5 and the State Public Resources Code, Section 5097.98. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.6 Geology and Soils <i>Will the Project:</i>				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i). Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The General Plan EIR identified no geologic hazards or unstable soil conditions known to exist on the Project site. There are several known faults that exist close enough to the Project to cause potential damage to structures or individuals. The City of Clovis has adopted the California Building Code to govern all construction within the City, further reducing potential impacts in this category by ensuring that development is designed to withstand seismic or other geologic hazards. Furthermore, the structure will be designed, approved and built to Office of Statewide Health Planning and Development (OSHDP) codes and standards.

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

Environmental Setting

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHG's has been implicated as a driving force for global climate change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the earth's climate caused by natural fluctuations and anthropogenic activities which alter the composition of the global atmosphere.

Individual Projects contribute to the cumulative effects of climate change by emitting GHGs during construction and operational phases. The principal GHGs are carbon dioxide, methane, nitrous oxide,

ozone, and water vapor. While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Carbon dioxide is the "reference gas" for climate change, meaning that emissions of GHGs are typically reported in "carbon dioxide-equivalent" measures. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs, with much greater heat-absorption potential than carbon dioxide, include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes.

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming, although there is uncertainty concerning the magnitude and rate of the warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years.¹ Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.

In 2005, in recognition of California's vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emission of greenhouse gases (GHG) would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels. In 2006, California passed the California Global Warming Solutions Act of 2006 (AB 32), which requires the California Air Resources Board (CARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions).

In April 2009, the California Office of Planning and Research published proposed revisions to the California Environmental Quality Act to address GHG emissions. The amendments to CEQA indicate the following:

- Climate action plans and other greenhouse gas reduction plans can be used to determine whether a project has significant impacts, based upon its compliance with the plan.
- Local governments are encouraged to quantify the greenhouse gas emissions of proposed projects, noting that they have the freedom to select the models and methodologies that best meet their needs and circumstances. The section also recommends consideration of several qualitative factors that may be used in the determination of significance, such as the extent to which the given project complies with state, regional, or local GHG reduction plans and policies. OPR does not set or dictate specific thresholds of significance. Consistent with existing CEQA Guidelines, OPR encourages local governments to develop and publish their own thresholds of significance for GHG impacts assessment.
- When creating their own thresholds of significance, local governments may consider the thresholds of significance adopted or recommended by other public agencies, or recommended by experts.
- New amendments include guidelines for determining methods to mitigate the effects of greenhouse gas emissions in Appendix F of the CEQA Guidelines.
- OPR is clear to state that "to qualify as mitigation, specific measures from an existing plan must be identified and incorporated into the project; general compliance with a plan, by itself, is not mitigation."

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

- OPR's emphasizes the advantages of analyzing GHG impacts on an institutional, programmatic level. OPR therefore approves tiering of environmental analyses and highlights some benefits of such an approach.
- Environmental impact reports (EIRs) must specifically consider a project's energy use and energy efficiency potential.

On December 30, 2009, the Natural Resources Agency adopted the proposed amendments to the CEQA Guidelines in the California Code of Regulations.

In December 2009, the San Joaquin Valley Air Pollution Control District (SJVAPCD) adopted guidance for addressing GHG impacts in its *Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects Under CEQA*. The guidance relies on performance-based standards, otherwise known as Best Performance Standards (BPS), to assess significance of project-specific GHG emissions on global climate change during the environmental review process. Projects can reduce their GHG emission impacts to a less than significant level by implementing BPS. Projects can also demonstrate compliance with the requirements of AB 32 by demonstrating that their emissions achieve a 29% reduction below "business as usual" (BAU) levels. BAU is a projected GHG emissions inventory assuming no change in existing business practices and without considering implementation of any GHG emission reduction measures.

Significance Criteria

The SJVAPCD's *Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects Under CEQA* provides initial screening criteria for climate change analyses, as well as draft guidance for the determination of significance.

The effects of project-specific GHG emissions are cumulative, and therefore climate change impacts are addressed as a cumulative, rather than a direct, impact. The guidance for determining significance of impacts has been developed from the requirements of AB 32. The guideline addresses the potential cumulative impacts that a project's GHG emissions could have on climate change. Since climate change is a global phenomenon, no direct impact would be identified for an individual land development project. The following criteria are used to evaluate whether a project would result in a significant impact for climate change impacts:

- Does the project comply with an adopted statewide, regional, or local plan for reduction or mitigation of GHG emissions? If no, then
- Does the project achieve 29% GHG reductions by using approved Best Performance Standards? If no, then
- Does the project achieve AB 32 targeted 29% GHG emission reductions compared with BAU?

Projects that meet one of these guidelines would have less than significant impact on the global climate.

Because BPS have not yet been adopted and identified for specific development projects, and because neither the ARB nor the City of Clovis has not yet adopted a plan for reduction of GHG with which the Project can demonstrate compliance, the goal of 29% below BAU for emissions of GHG has been used as a threshold of significance for this analysis.

A Greenhouse Gas Assessment was performed by Salem Engineering Group, Inc., dated March 21, 2017. The evaluation concluded that the project is consistent with the goals of the ARB and impact is less than significant.

Impacts

- a. A significance threshold of 29% below "business as usual" levels is considered to demonstrate that a project would be consistent with the goals of AB 32. A Greenhouse Gas Assessment was performed by Salem Engineering Group, Inc. The study concludes that impacts related to conflicts with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases is less than significant.
- b. A Greenhouse Gas Assessment was prepared for the Project by Salem Engineering Group, Inc. The evaluation addresses the potential for greenhouse gas emissions during construction and after full build out of the proposed Project.

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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.8 Hazards and Hazardous Materials <i>Will the Project:</i>				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Environmental Setting

The General Plan Environmental Safety Element Policies were adopted to reduce the potential safety risks associated with hazardous materials and urban development. The proposed Project does not involve activities related to the handling or transport of hazardous materials other than substances to be used during construction. The Project does not involve the construction or operation of hazardous material facilities.

Further, the Project site is not listed as part of the State of California's Hazardous Waste and Substances Site List. Field review by City staff did not identify any obvious signs of contamination.

Impacts

- b. Construction activities that could involve the release of hazardous materials associated with the Project would include maintenance of on-site construction equipment, which could lead to minor fuel and oil spills. The use and handling of hazardous materials during construction activities would occur in accordance with applicable federal, state, and local laws. Therefore, these impacts are considered less than significant.

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

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

Environmental Setting

The Plan Area is within the drainages of three streams: Dry Creek, Dog Creek, and Redbank Slough. On the north, Dry Creek discharges into the Herndon Canal in the City of Fresno west of Clovis. South of Dry Creek, Dog Creek is a tributary of Redbank Slough, which discharges into Mill Ditch south of Clovis (USGS 2012). A network of storm drains in the City and the Plan Area discharges into 31 retention basins, most of which provide drainage for a one- to two-square-mile area. Most of the Plan Area east and northeast of the City is not in drainage areas served by retention basins. Those areas drain to streams that discharge into reservoirs, including Big Dry Creek Reservoir in the north-central part of the Plan Area and Redbank Creek Dam and Reservoir in the southeast part of the Plan Area. Fancher Creek Dam and Reservoir are near the east Plan Area boundary.

The Project is located within the Fresno Metropolitan Flood Control District (FMFCD) boundary, and subject to its standards and regulations. Detention and retention basins in the FMFCD's flood control system are sized to accommodate stormwater from each basin's drainage area in builtout condition. The current capacity standard for FMFCD basins is to contain runoff from six inches of rainfall during a ten-day period and to infiltrate about 75 to 80 percent of annual rainfall into the groundwater basin (Rourke 2014). Basins are highly effective at reducing average concentrations of a broad range of contaminants, including several polyaromatic hydrocarbons, total suspended solids, and most metals (FMFCD 2013). Pollutants are removed by filtration through soil, and thus don't reach the groundwater aquifer (FMFCD 2014). Basins are built to design criteria exceeding statewide Standard Urban Stormwater Mitigation Plan (SUSMP) standards (FMFCD 2013). The urban flood control system provides treatment for all types of development—not just the specific categories of development defined in a SUSMP—thus providing greater water quality protection for surface water and groundwater than does a SUSMP.

In addition to their flood control and water quality functions, many FMFCD basins are used for groundwater recharge with imported surface water during the dry season through contracts with the Fresno Irrigation District (FID) and the cities of Fresno and Clovis; such recharge totaled 29,575 acre feet during calendar year 2012 (FMFCD 2013).

The pipeline collection system in the urban flood control system is designed to convey the peak flow rate from a two-year storm.

Most drainage areas in the urban flood control system do not discharge to other water bodies, and drain mostly through infiltration into groundwater. When necessary, FMFCD can move water from a basin in one such drainage area to a second such basin by pumping water into a street and letting water flow in curb and gutter to a storm drain inlet in an adjoining drainage area (Rourke 2014). Two FMFCD drainage areas discharge directly to the San Joaquin River, and three to an irrigation canal, without storage in a basin. Six drainage areas containing basins discharge to the San Joaquin River, and another 39 basins discharge to canals (FMFCD 2013).

A proposed development that would construct more impervious area on its project site than the affected detention/retention basin is sized to accommodate is required to infiltrate some stormwater onsite, such as through an onsite detention basin or drainage swales (Rourke 2014).

The Big Dry Creek Reservoir has a total storage capacity of about 30 thousand acre-feet (taf) and controls up to 230-year flood flows. Fancher Creek Dam and Reservoir hold up to 9.7 taf and controls up to 200-year flood flows. Redbank Creek Dam and Reservoir hold up to 1 taf and controls up to 200-year flood flows.

Groundwater

Clovis is underlain by the Kings Groundwater Basin that spans 1,530 square miles of central Fresno County and small areas of northern Kings and Tulare counties. Figure 5.9-4, Kings Groundwater Basin, shows that the basin is bounded on the north by the San Joaquin River, on the west by the Delta-Mendota and Westside Subbasins, the south by the Kings River South Fork and the Empire West Side Irrigation District, and on the east by the Sierra Nevada foothills. Depth to groundwater in 2016 ranged from 196.5 feet at the northwest City boundary to 69.5 feet at the southeast City boundary (Clovis 2016), 25 feet at the southeast SOI boundary, and about 20 feet at the eastern Plan Area boundary (FID 2013). The Kings Subbasin has been identified as critically overdrafted (Provost & Pritchard 2011).

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

Groundwater Recharge

New development in accordance with the General Plan Update would increase the amount of impervious surface in the Plan Area, potentially affecting the amount of surface water that filters into the groundwater supply. Groundwater levels are monitored in the Plan Area by the FID and the City of Clovis. As described in the 2015 City of Clovis Urban Water Management Plan (UWMP), groundwater recharge occurs both naturally and artificially throughout the City. The Kings Groundwater Basin area is

recharged through a joint effort between the Cities of Clovis and Fresno and the FID (CDWR 2006). Approximately 8,400 acre-feet per year (afy) of water are intentionally recharged into the Kings Groundwater Basin by the City of Clovis, and approximately 7,700 afy of water naturally flow into groundwater in the City's boundaries (Clovis 2011).

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

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

Executive Order to Reduce Water Use

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

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

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

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

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

Impacts

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

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

- a. Development of the Project site would be required to comply with all City of Clovis ordinances and standard practices which assure proper grading and storm water drainage into the approved storm water systems. The Project would also be required to comply with Fresno County Health Department requirements, FMFCD regulations, and all local, state, and federal regulations to prevent any violation of water quality standards or waste discharge requirements. This project would not violate any water quality standards or waste discharge requirements.
- b. The Project would not deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level due to the Project. The General Plan Program EIR identified a net decrease in ground water aquifer throughout the region, however, because the City's domestic water system is primarily served through surface water via existing water entitlements, the loss of aquifer is less than significant. The City has developed a surface water treatment plant (opened in June, 2004) that reduces the need for pumped groundwater, and has also expanded the municipal groundwater recharge facility. The Projects impacts to groundwater are less than significant.
- c. The Project would not alter the existing drainage pattern of the site or area through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site. Therefore, impacts are less than significant.
- d. The Project would not alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off-site. Therefore, impacts are less than significant.
- e, f. The proposed Project would add insignificant amounts of new impervious surfaces. These new surfaces would not significantly change absorption rates or drainage patterns that would result in a significant impact. Construction-related activities could result in degradation to water quality. Construction activities typically involve machines that have the potential to leak hazardous materials that may include oil and gasoline.
- g. The Project would not place housing within a 100-year flood hazard area as mapped on the latest federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. The Fresno Metropolitan Flood Control District has policies in place to address projects within a 100-year flood hazard area.
- h. The Project would not place within a 100-year flood hazard area structures that would impede or redirect flood flows. The Fresno Metropolitan Flood Control District has policies in place to address projects within a 100-year flood hazard area.
- i. The Project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

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

Environmental Setting

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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.11 Mineral Resources <i>Will the proposal:</i>				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.12 Noise <i>Will the proposal result in:</i>				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The ambient noise environment in the immediate Project vicinity is defined primarily by local traffic, animals, residents and natural noise associated with a rural residential environment. The Clovis Development Code (Section 9.22.080) sets forth land use compatibility criteria for various community noise levels. An acoustical analysis was prepared by Precision Civil Engineering, Inc., dated February 17, 2017.

Impacts

- The construction of the proposed Project may result in temporary construction-related noise impacts. Construction noise would be short-term in nature and only occur for a limited duration. These impacts have been addressed in the General Plan and with the Clovis Municipal Code restrictions on hours of construction, temporary noise would be less than significant.
- Potential groundborne vibration or groundborne noise levels would most likely occur as part of construction activities associated with the Project. The construction activities would be temporary in nature and no persons would be exposed for extended periods of time. Therefore, impacts associated with exposure to, or generation of, groundborne vibration or noises are considered to be less than significant.
- The proposed Project could result in a permanent increase in the ambient noise levels due to increased traffic, population and equipment related to commercial development, but the impacts are less than significant.
- A temporary increase in ambient noise levels would occur in association with construction activities. However, construction noise would be short-term in nature and only occur for a limited duration. Therefore, impacts are considered less than significant.
- The proposed Project site is not located within an airport land use plan area. The proposed Project site is approximately 4.32 miles east of the Fresno Yosemite International Airport. The project site sits outside of the 60-65 CNEL noise contour of the airport. Therefore, the Project would not expose people to excessive airport or airstrip noise.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.13 Population and Housing <i>Would the Project:</i>				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The proposed Project could increase the population in the area. The project includes a retail commercial development.

Impacts

- a. This development could introduce new citizens to the City of Clovis, however, this category is considered to be less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.14 Public Services <i>Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

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

Impacts

- a. The Project would have a less than significant increase in demand for fire protection services. In the event that a fire occurs during construction, the Clovis Fire Department would respond. However, no additional personnel or equipment would be needed as a result of the Project. Therefore, impacts to fire services are considered less than significant.
- b. The proposed project would not result in substantial adverse physical impacts associated with the provision of police protection. This Project will be located within the City of Clovis and police protection services will be provided by the City of Clovis Police Department. No significant impacts to police services are anticipated as a result of this project.
- c. The Project site is located within the Clovis Unified School District. The Clovis Unified School District levies a per square foot school facilities fee to help defray the impact of commercial development. The project is subject to the fees in place at the time fee certificates are obtained. The school facility fee paid by the developer to the school district reduces any potential impact to a less than significant level.
- d. Development of this commercial site could introduce new residents to the community. The Parks and Recreation Element of the General Plan requires a specific ratio of park area to residents. A park impact fee is required for commercial developments and is then used to construct community parks to meet these goals. The impacts in this category are less than significant since this Project will contribute to the park funds.
- e. The Project would have a less than significant impacts on other public facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.15 Recreation <i>Will the proposal:</i>				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The project includes a retail commercial development and may introduce new residents to the community.

Impacts

- a. The proposed Project would not create new demand for any type of recreational facilities that were not already identified in the parks and recreation Element of the General Plan. The General Plan requires that all development contribute a proportionate share toward the development of parks throughout the community. The Project would have a less than significant impact to recreation.

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

Environmental Setting

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

Impacts

- a. The Project area has rural residential homes. The Project proposal includes a retail commercial development development. New traffic will be introduced to the area as a result of the Project. The City Engineer has analyzed the Project and concluded that the current and proposed improvements with the project can accommodate the additional traffic, and that impacts are considered less than significant.
- b. The City Engineer analyzed the Project and concluded that the current and proposed improvements with the project can accommodate the additional traffic, and that impacts are considered less than significant.
- c. The proposed Project may result in a temporary change in traffic patterns due to construction; however, the Project will be required to comply with Section 7.15 Traffic Control, Public Convenience, and Safety of the Clovis Standard Specification and Standard Drawings will reduce impacts to a less than significant level.
- d. The City Engineer states that the location of drive access points are adequate in addressing the City Standards and has determined that impacts in this category are less than significant.
- e. The Project will not result in inadequate emergency access. The Project will be required to comply with Section 7.15 Traffic Control, Public Convenience, and Safety of the Clovis Standard Specification and Standard Drawings, which requires contractors to keep emergency services informed of the location and progress of work.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.17 Tribal Cultural Resources <i>Would the project cause a substantial adverse change in the significance of a Tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape sacred place, or object with cultural value to a California Native American tribe, and that is:</i>				
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

On September 25, 2014, Governor Jerry Brown signed Assembly Bill AB52, which intends to protect a new class of recourse under CEQA. This new class is Tribal Cultural Resources and provides an avenue to identify Tribal Cultural resources through a consultation process, similar to SB18. However, unlike SB18, where consultation is required for all General Plan and Specific Plan Amendments, AB52, applies to all projects where a Notice of Determination is filed. Furthermore, the consultation process is required to be complete prior to filing a Notice of Intent.

Impacts

- a. A cultural survey was prepared by Salem Engineering Group, Inc. (submitted June 16, 2017), for the project area. The analysis concluded that the Project is not listed in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).
- b. The General Plan EIR includes existing measures which provide procedures in the case where resources are discovered. Therefore, impacts in this category are considered less than significant.

3.18 Utilities and Service Systems <i>Will the proposal:</i>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Pacific Gas & Electric (PG&E) provides electricity and natural gas services in the City of Clovis. AT&T/SBC provides telephone service to the City.

The City's water supply sources include groundwater drawn from the Kings Sub-basin of the San Joaquin Valley Groundwater Basin and treated surface water from the Fresno Irrigation District (MID). Surface water is treated at the City of Clovis Surface Water Treatment Facility.

The City of Clovis provides sewer collection service to its residents and businesses. Treatment of wastewater occurs at the Fresno-Clovis Regional Wastewater Treatment Plant (RWTP). The Fresno-Clovis RWTP is operated and maintained by the City of Fresno and operates under a waste discharge requirement issued by the Central Valley Regional Water Quality Control Board. Additionally, the City of Clovis has completed a 2.8 mgd wastewater treatment/water reuse facility, which will service the City's new growth areas.

The Fresno Metropolitan Flood Control District (FMFCD) has the responsibility for storm water management within the Fresno-Clovis metropolitan area of the Project site. Stormwater runoff that is generated by land development is controlled through a system of pipelines and storm drainage detention basins.

Impacts

- a. The wastewater impacts were evaluated in accordance with the Waste Water master Plan. The City Engineer concludes that the Project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. Impacts are considered less than significant.
- b. The Project will not directly result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- c. The Project may result in the construction of new storm water drainage facilities. The Fresno Metropolitan Flood Control District has policies for this type of project. According to a letter from the FMFCD dated September 14, 2017, the district can accommodate the proposed project.
- d. The Project will not require new or expanded entitlements and resources. The site is also within the Fresno Irrigation District and will turn over the water rights to the City of Clovis upon development.
- e. The Project will not require a determination by a wastewater treatment provider (see item b above).
- f. According to the Solid Waste Division, the Project will contribute to the landfill, however, the impacts are less than significant.
- g. The Project will comply with federal, state, and local statutes as well as regulations related to solid waste by the City of Clovis.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.19 Mandatory Findings of Significance				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The project includes a retail commercial development located at the northwest corner of Shaw and Leonard Avenues, in the County of Fresno.

Impacts

- Based on the analysis provided in Initial Study the Project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal.
- Based on the analysis provided in this Initial Study, the project would not result in any significant cumulative impacts relative to other current projects, or the effects of probable future projects.
- Based on the analysis provided in Initial Study, the project will not have environmental effects that will cause substantial adverse effects on human beings.

CUMULATIVE IMPACTS

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

foreseeable future projects. Cumulative impacts can result from individually minor yet collectively significant projects taking place over a period of time.

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

Aesthetics

The proposed Project is not expected to result in significant cumulative visual resource impacts with mitigation. Street lighting for the area could add additional light pollution to the area. A mitigation measure to shield lighting and/or utilize additional spacing to reduce the potential is included in the conditions of approval and mitigation measures.

Agriculture and Forest Resources

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

Air Quality

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

Biological Resources

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

Cultural Resources

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

Geology and Soils

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

Greenhouse Gas Emissions

As discussed under Section 3. Greenhouse Gas Emissions, implementation of the proposed Project would contribute to GHG emissions, which is inherently a cumulative issue. The emissions from construction would be short-term (during construction) as a result of various fossil fuel-based construction equipment. Since these impacts are short-term and the contributions to GHG emissions

would be minor when compared to the State's GHG emissions target of 427 MMTCO₂-eq by 2020, the construction related greenhouse gas emissions of this Project would be considered a less than significant cumulative impact.

The operational emissions from the Project would be as the result of indirect emissions from electricity usage of the well pump, emissions resulting from the occasional operation of the emergency back-up diesel generator when the power fails, and emissions from maintenance vehicles. These emissions would not be substantial and are considered less than significant. The Project's related GHG emissions would not contribute significantly to global climate change and would not impede the State's ability to meet its greenhouse gas reduction targets under AB 32.

Hazards & Hazardous Materials

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

Hydrology/Water Quality

The proposed Project would not contribute to cumulative surface water quality impacts associated with construction and operational activities. As described in Section 3.3 Hydrology/Water Quality, The proposed Project would not substantially alter the direction of groundwater flows, or result in a substantial change in the quantity of groundwater. The Project would have a less than significant impact to cumulative water conditions.

Land Use Planning & Population/Housing

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

Mineral Resources

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

Noise

As described in Section 3.9 Noise, the Project could result in increased construction noise as well as long-term traffic noise impacts. These impacts are less than significant and would not contribute to any cumulative impacts creating a level of significance.

Public Services

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

Recreation

The proposed Project creates additional homes and residents but as identified in the initial study, would not result in significant impacts to recreation. The proposed Project would not result in significant

impacts to recreation uses and/or resources. Thus, a less than significant impact to recreation is anticipated.

Transportation/Circulation

The proposed Project would not contribute to short-term or long-term traffic congestion impacts. The Project is not expected to impact cumulative transportation/circulation conditions. Therefore, the Project would have a less than significant impact on cumulative transportation and circulation conditions.

Tribal Cultural

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

Utilities and Service Systems

The proposed Project would have a less than significant cumulative impact on utility and service system demands.

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this Project, as indicated by the checklist and corresponding discussion in this Initial Study.

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

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

Determination Findings

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

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

- This Initial Study, prepared pursuant to CEQA Section 15063, has identified potentially significant environmental effects that would result from the project.
- The City has reviewed the proposed project impacts and has determined the following mitigation measures will address the identified impacts and reduce impacts to the level required by applicable standards:
 - **3.1-d** The developer shall direct all lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties.
 - **3.4a:** Conduct a pre-construction nesting bird survey of all suitable habitats within the Project site within 14 days prior to the commencement of construction during the nesting season (1 February – 31 August). Pre-construction nesting surveys are not required for construction activity that begins outside of the nesting season.
 - **3.4b:** The pre-construction nesting bird survey will consist of a Swainson's hawk nesting survey within the Project site and all publically accessible areas within 0.25 miles of the Project site, a nesting raptor and burrowing owl survey within 500 feet of the Project site, and a survey for passerines and other birds protected by the MBTA within 100 feet of the Project site.
 - **3.4c:** If active nests are found, a no-disturbance buffer around the nest shall be established. The buffer distance shall be established by a qualified biologist in consultation with CDFM. The buffer shall be maintained until the fledglings are capable of flight and become independent of the nest tree, to be determined by a qualified biologist. Once the young are independent of the nest, no further measures are necessary.

- **3.4d:** Prior to disturbance/removal of buildings and tree removal, a preconstruction survey shall be conducted by a qualified biologist. During this survey buildings and trees will be inspected for presence of roosting bats and also areas below potential roosts will be examined for bat guano. If evidence of bat use is found, an evening emergency survey will occur at those locations to determine the presence/absence of roosting bats.
 - **3.4e:** If roosting bats or maternity colonies are identified, CDFW will be contacted to determine the appropriate course of action. Maternity colonies would remain undisturbed until the young are volant (able to fly) and the colony has dispersed.
- The City finds that the cumulative impacts of this project are less than significant as described in Section 4.0 (Cumulative Impacts). As such, this project would not generate significant cumulative impacts.
 - Feasible mitigation measures have been incorporated to revise the project before the Mitigated Negative Declaration and Initial Study is released for public review pursuant to CEQA Section 15070 in order to avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.
 - The City finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described above have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
 - As required by CEQA Section 21081.6 et seq., a mitigation monitoring program (Section 6.0) will be adopted by incorporating mitigation measures into the project plan (CEQA Section 21081.6(b)).
 - There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment (CEQA Section 21064.5(2)).
 - Based on the above-referenced Initial Study and feasible mitigation measures incorporated to revise the proposed project in order to avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment will occur, staff finds that a Mitigated Negative Declaration should be adopted pursuant to CEQA Section 15070 for the proposed project.

Signature _____ Date: September 29, 2017
 George González, Associate Planner

Applicant's Concurrence

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

Signature _____ Date: _____

EXHIBIT B

City of Clovis Mitigation Monitoring and Reporting Program Rezone R2008-07A2, Conditional Use Permit CUP2017-11 & Site Plan Review SPR2017-14 Dated September 29, 2017

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

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

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

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

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
3.1 Aesthetics				
3.1-d	The developer shall direct all lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties.	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
3.4 Biological				
3.4a	Conduct a pre-construction nesting bird survey of all suitable habitats within the Project site within 14 days prior to the commencement of construction during the nesting season (1 February – 31 August). Pre-construction nesting surveys are not required for construction activity that begins outside of the nesting season.	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
3.4b	The pre-construction nesting bird survey will consist of a Swainson's hawk nesting survey within the Project site and all publically accessible areas within 0.25 miles of the Project site, a nesting raptor and burrowing owl survey within 500 feet of the Project site, and a survey for passerines and other birds protected by the MBTA within 100 feet of the Project site.			
3.4c	If active nests are found, a no-disturbance buffer around the nest shall be established. The buffer distance shall be established by a qualified biologist in consultation with CDFM. The buffer shall be maintained until the fledglings are capable of flight and become independent of the nest tree, to be determined by a qualified biologist. Once the young are independent of the nest, no further measures are necessary.			

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
3.4d	Prior to disturbance/removal of buildings and tree removal, a preconstruction survey shall be conducted by a qualified biologist. During this survey buildings and trees will be inspected for presence of roosting bats and also areas below potential roosts will be examined for bat guano. If evidence of bat use is found, an evening emergency survey will occur at those locations to determine the presence/absence of roosting bats.			
3.4e	If roosting bats or maternity colonies are identified, CDFW will be contacted to determine the appropriate course of action. Maternity colonies would remain undisturbed until the young are volant (able to fly) and the colony has dispersed.			

DRAFT ORDINANCE & RESOLUTIONS

ATTACHMENT 2

**DRAFT
ORDINANCE 17-___**

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 RECLASSIFY LAND LOCATED ON THE NORTH SIDE OF SHAW AVENUE, BETWEEN DE WOLF AND LEONARD AVENUES AND CONFIRMING ENVIRONMENTAL FINDINGS

LEGAL DESCRIPTION:

See the attached Exhibit "One."

WHEREAS, Westgate Construction and Development, 5101 Merlot Court, Visalia, CA 93291, has applied for a Rezone Amendment R2008-07A2; and

WHEREAS, this is a request to amend the development standards of Planning Area 4 of the Loma Vista Community Centers North and South Master Plan to allow drive-up/ drive-through restaurants for property located on the north side of Shaw Avenue, between De Wolf and Leonard Avenues, in the County of Fresno, California; and

WHEREAS, the Planning Commission held a noticed Public Hearing on October 26, 2017, 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 R2008-07A2; 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 November 13, 2017, to consider Rezone Amendment R2008-07A2. 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 approve a Mitigated Negative Declaration pursuant to CEQA guidelines; and

WHEREAS, the City Council held a noticed public hearing on November 13, 2017, to consider the approval of Rezone Amendment R2008-07A2; and

WHEREAS, on November 13, 2017, 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 R2008-07A2, 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 R2008-07A2, 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)

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 County of Fresno, State of California, to wit:

Approve an amendment to the development standards of Planning Area 4 of the Loma Vista Community Centers North and South Master Plan to allow drive-up/ drive-through restaurants.

The property so reclassified is located on the north side of Shaw Avenue, between De Wolf and Leonard Avenues in the 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: November 13, 2017

Mayor

City Clerk

* * * * *

The foregoing Ordinance was introduced at a regular meeting of the City Council held on November 13, 2017, 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

**DRAFT
RESOLUTION 17-_____**

**A RESOLUTION OF THE CITY COUNCIL FOR APPROVAL OF A CONDITIONAL USE PERMIT FOR
A 24-HOUR CONVENIENCE STORE AND GAS STATION WITH BEER AND WINE SALES FOR
PROPERTY LOCATED AT THE NORTHWEST CORNER OF SHAW AND LEONARD AVENUES**

The City Council of the City of Clovis resolves as follows:

LEGAL DESCRIPTION:

See Exhibit "One," which is on file with the City Clerk's office.

WHEREAS, Westgate Construction and Development, 5101 Merlot Court, Visalia, CA 93291, has applied for a Conditional Use Permit CUP2017-11; and

WHEREAS, this is a request to approve a conditional use permit for a 24-hour convenience store and gas station with beer and wine sales for property located at the northwest corner of Shaw and Leonard Avenues, in the County of Fresno; and

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

WHEREAS, the proposed Conditional Use Permit CUP2017-11, was assessed under the provisions of the California Environmental Quality Act (CEQA) and the potential effects on the environment were considered by the City Council, together with comments received and public comments, and the entire public record was reviewed; and

WHEREAS, the City Council does approval of a Mitigated Negative Declaration pursuant to CEQA guidelines; and

WHEREAS, on November 13, 2017, after hearing evidence gathered by itself and on its behalf and after making the following findings, namely:

1. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of this Development Code;
2. The proposed use is consistent with the General Plan and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City;
4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed;
5. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety; and

6. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and there would be no potential significant negative effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless findings are made in compliance with CEQA. (§ 2, Ord. 14-13, eff. October 8, 2014)

WHEREAS, on November 13, 2017, Council considered said application and after hearing and receipt of testimony relative thereto and consideration thereof finds and determines that said conditional use permit should be approved on the conditions hereafter provided.

NOW, THEREFORE, BE IT RESOLVED:

1. Conditional Use Permit application CUP2017-11 is hereby approved.
2. Said approval and conditional use permit are conditioned on the compliance by the applicant with each and all of the conditions set forth in Exhibit "A-1," which is on file with the City Clerk's office.
3. City Council makes a finding of consistency that the dedication toward public right-of-way is proportionate to the development being requested.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on November 13, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: November 13, 2017

Mayor

City Clerk

**DRAFT
RESOLUTION 17-_____**

**A RESOLUTION OF THE CITY COUNCIL FOR APPROVAL OF A SITE PLAN REVIEW TO
CONSTRUCT THREE RETAIL COMMERCIAL BUILDINGS (5,000 SQ. FT., 5,800 SQ. FT. AND
40,000 SQ. FT.), INCLUSIVE OF PARKING AND LANDSCAPING FOR PROPERTIES LOCATED
NEAR THE NORTHWEST CORNER OF SHAW AND LEONARD AVENUES**

The City Council of the City of Clovis resolves as follows:

WHEREAS, Westgate Construction and Development, 5101 Merlot Court, Visalia, CA 93291, has applied for a site plan review SPR2017-14; and

WHEREAS, this is a request to approve a site plan review to construct three retail commercial buildings (5,000 Sq. Ft., 5,800 Sq. Ft. and 40,000 Sq. Ft.), inclusive of parking and landscaping for properties located near the northwest corner of Shaw and Leonard Avenues, in the County of Fresno; and

WHEREAS, the Planning Commission held a noticed Public Hearing on October 26, 2017, 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 Site Plan Review SPR2017-14; 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 November 13, 2017, to consider Site Plan Review SPR2017-14. A copy of the Notice was sent to property owners within 600 feet of the project boundaries and published in The Business Journal; and

WHEREAS, the City Council held a noticed public hearing on November 13, 2017, to consider the approval of Site Plan Review SPR2017-14; and

WHEREAS, after reviewing Site Plan Review SPR2017-14, the City Council makes the following findings:

1. Be allowed within the subject zoning district;
2. Be in compliance with all of the applicable provisions of this Development Code that are necessary to carry out the purpose and requirements of the subject zoning district, including prescribed development standards and applicable design standards, policies and guidelines established by resolution of the Council;
3. Be in compliance with all other applicable provisions of the Clovis Municipal Code; and
4. Be consistent with the General Plan and any applicable specific plan. (§ 2, Ord. 14-13, eff. October 8, 2014)

NOW, THEREFORE, BE IT RESOLVED:

1. Site Plan Review SPR2017-14 is hereby approved.

2. Said approval and site plan review are conditioned on the compliance by the applicant with each and all of the conditions set forth in Exhibit "A-1," which is on file with the City Clerk's office.

* * * * *

The foregoing resolution was adopted by the Clovis City Council at its regular meeting on November 13, 2017, upon a motion by Councilmember _____, seconded by Councilmember _____, and passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: November 13, 2017

Mayor

City Clerk

**DRAFT
RESOLUTION 17-__**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING A
MITIGATED NEGATIVE DECLARATION FOR REZONE AMENDMENT R2008-07A2,
CONDITIONAL USE PERMIT CUP2017-11 AND SITE PLAN REVIEW SPR2017-14,
PURSUANT TO CEQA GUIDELINES**

WHEREAS, the project proponent, Westgate Construction and Development, 5101 Merlot Court, Visalia, CA 93291, has submitted various files including a Rezone Amendment R2008-07A2, Conditional Use Permit CUP2017-11 and Site Plan Review SPR2017-14 for property located on the north side of Shaw Avenue, between De Wolf and Leonard Avenues, in the County of Fresno; and

WHEREAS, the City of Clovis ("City") caused to be prepared an Initial Study (hereinafter incorporated by reference) in September 2017, for the Project to evaluate potentially significant adverse environmental impacts and on the basis of that study it was determined that no significant environmental impacts would result from this Project with mitigation measures included; and

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

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

NOW, THEREFORE, the City Council of the City of Clovis resolves as follows:

1. Adopts the foregoing recitals as true and correct.
2. Finds that the Initial Study and Mitigated Negative Declaration for the Project are adequate and have been completed in compliance with CEQA and the CEQA Guidelines.
3. Finds and declares that the Initial Study and Mitigated Negative Declaration were presented to the City Council and that the City Council has independently reviewed, evaluated, and considered the Initial Study, Mitigated Negative Declaration and all comments, written and oral, received from persons who reviewed the Initial Study and Mitigated Negative Declaration, or otherwise commented on the Project prior to approving the Project and adopts the Mitigated Negative Declaration for this project.
4. Approves and adopts the Mitigation Monitoring Program set forth in Exhibit "B," including the mitigation measures identified therein and as described in the Mitigated Negative Declaration.

5. Directs that the record of these proceedings be contained in the Department of Planning and Development Services located at 1033 Fifth Street, Clovis, California 93612, and that the custodian of the record be the City Planner or other person designated by the Planning and Development Services Director.
6. The Planning and Development Services Director, or his/her designee, is authorized to file a Notice of Determination for the Project in accordance with CEQA and to pay any fees required for such filing.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on November 13, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date: November 13, 2017

Mayor

Attest:

City Clerk

TABLE 6.0-1 (EXHIBIT "B")
MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
3.3 Air Quality				
3.1-d	The developer shall direct all lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties.	City of Clovis Planning Division	<i>Prior to Permit and During construction</i>	
3.4 Biological				
3.4-a	<p>Conduct a pre-construction nesting bird survey of all suitable habitats within the Project site within 14 days prior to the commencement of construction during the nesting season (1 February – 31 August). Pre-construction nesting surveys are not required for construction activity that begins outside of the nesting season.</p> <p>The pre-construction nesting bird survey will consist of a Swainson's hawk nesting survey within the Project site and all publically accessible areas within 0.25 miles of the Project site, a nesting raptor and burrowing owl survey within 500 feet of the Project site, and a survey for passerines and other birds protected by the MBTA within 100 feet of the Project site.</p> <p>If active nests are found, a no-disturbance buffer around the nest shall be established. The buffer distance shall be established by a qualified biologist in consultation with CDFM. The buffer shall be</p>	City of Clovis Planning Division	<i>Prior to Permit and During construction</i>	

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	<p>maintained until the fledglings are capable of flight and become independent of the nest tree, to be determined by a qualified biologist. Once the young are independent of the nest, no further measures are necessary.</p> <p>Prior to disturbance/removal of buildings and tree removal, a preconstruction survey shall be conducted by a qualified biologist. During this survey buildings and trees will be inspected for presence of roosting bats and also areas below potential roosts will be examined for bat guano. If evidence of bat use is found, an evening emergency survey will occur at those locations to determine the presence/absence of roosting bats.</p> <p>If roosting bats or maternity colonies are identified, CDFW will be contacted to determine the appropriate course of action. Maternity colonies would remain undisturbed until the young are volant (able to fly) and the colony has dispersed.</p>			

PLANNING COMMISSION MINUTES

ATTACHMENT 3

A. Consider items associated with approximately 16.36 acres of land located on the north side of Shaw Avenue, between De Wolf and Leonard Avenues. Richard S. Jevardian, Pietro DeSantis, John G. Thornburg & Rosemary S. Ting, and Pensco Trust Company Custodian, owners; Westgate Construction and Development, applicant; Burrell Consulting Group, representative.

1. Consider Approval Res. 17-____, Approval of an environmental finding of a Mitigated Negative Declaration for R2008-07A2, CUP2017-11, and SPR2017-14.
2. Consider Approval Res. 17-____, **R2008-07A2**, A request to approve an amendment to the development standards of Planning Area 4 of the Loma Vista Community Centers North and South Master Plan to allow drive-up/ drive-through restaurants.
3. Consider Approval Res. 17-____, **CUP2017-11**, A request to approve a conditional use permit for a 24-hour convenience store and gas station with beer and wine sales.'
4. Consider Approval Res. 17-____, **SPR2017-14**, A request to approve a site plan review to construct three retail commercial buildings (5,000 Sq. Ft., 5,800 Sq. Ft. and 40,000 Sq. Ft.), inclusive of parking and landscaping

Associate Planner George Gonzalez presented the staff report.

Chair Hinkle inquired as to how much of the map area was being addressed tonight or just the first phase. Associate Planner Gonzalez affirmed this and explained the reasoning.

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

Kenny Wildman thanked Associate Planner Gonzalez, gave some details and background as assurance of experience.

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

Jeff Davis, one of the applicants, spoke in support of the project.

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

There were no comments in opposition.

Commissioner Antuna inquired as to the change to allow a previously prohibited use under the specific plan for this area. City Planner Araki responded that this corner has pedestrian requirements but is actually a drive-through location and detailed steps taken to change the project plan to more closely adhere to the original requirements of the specific plan.

Commissioner Antuna followed up with an inquiry as to whether the intent was to influence the atmosphere of the area. City Planner Araki replied that he didn't know if that had been the intention, but the commercial market is very different now than what it was 10 years ago, which is the source of the requests for drive-throughs.

Commissioner Antuna then requested clarification on the issue of alcohol sales, as it was an issue of importance to her. City Planner Araki assured her that the sales would fall under state guidelines and not be 24-hour.

Chair Hinkle inquired as to whether or not an alcohol license had been approved, of which City Planner Araki had no knowledge.

Commissioner Cunningham inquired as to how many locations in the census tract already sell alcohol. City Planner Araki replied that he had no knowledge of how far the census tract goes.

At this point the Chair closed the public portion.

At this point a motion was made by Commissioner Hatcher and seconded by Commissioner Terrence to approve a mitigated negative declaration for R2008-07A2, CUP2017-11, and SPR2017-14. The motion was approved by a vote of 5-0.

At this point a motion was made by Commissioner Hatcher and seconded by Commissioner Terrence to approve R2008-07A2. The motion was approved by a vote of 4-1.

At this point a motion was made by Commissioner Hatcher and seconded by Commissioner Terrence to approve CUP2017-11. The motion was approved by a vote of 5-0.

At this point a motion was made by Commissioner Hatcher and seconded by Commissioner Terrence to approve SPR2017-14. The motion was approved by a vote of 5-0.

CORRESPONDENCE

ATTACHMENT 4



County of Fresno

DEPARTMENT OF PUBLIC HEALTH
DAVID POMAVILLE, DIRECTOR
DR. KEN BIRD, HEALTH OFFICER

January 4, 2017

Lily Cha, Associate Planner
City of Clovis
Planning and Development Services Dept.
1033 Fifth St., Clovis, CA 93612

LU0018811
2604

Dear Ms. Cha:

PROJECT NUMBER: **DRC2016-43**

A request for a convenience store with fuel sales.

APN: 554-053-24S

ZONING: C-2

ADDRESS: NWC Shaw & Leonard Avenues

Recommended Conditions of Approval for Retail Convenience Food Facility:

- Prior to issuance of building permits, the owner/applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Prior to operation, the owner/applicant shall apply for and obtain permits to operate food facilities from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Should the applicant propose to sell alcoholic beverages, the applicants shall first obtain their license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.

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

Promotion, preservation and protection of the community's health

1221 Fulton Mall / P.O. Box 11867 / Fresno, California 93775 / Phone (559) 600-3271 / FAX (559) 455-4646

Email: EnvironmentalHealth@co.fresno.ca.us ♦ www.co.fresno.ca.us ♦ www.fcdph.org

Equal Employment Opportunity ♦ Affirmative Action ♦ Disabled Employer

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

Recommended Conditions of Approval for Proposed Fuel Sales:

- Prior to the issuance of building permits, the applicant shall submit three (3) sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency (CUPA), at (559) 600-3271 for more information.
- Prior to occupancy, the applicant shall apply for and secure a Permit to Operate an Underground Storage Tank System from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (<http://cers.calepa.ca.gov/> or <https://www.fresnocupa.com/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

REVIEWED BY:

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

(559) 600-3271

cc: Tolzmann, Rogers, Kalugin, Sidhu & Sauls- Environmental Health Division (CT 59.12)
Samer Sabbah, Applicant (westgatedevelopmentinc@gmail.com)



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 210.434

September 14, 2017

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

Dear Mr. Gonzalez,

Rezone Application No. R2008-07A2
Drainage Area "DO"

The proposed rezone lies within the District's Drainage Area "DO". Based on information submitted at this time, the District's system can accommodate the proposed rezone.

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

Very truly yours,

A handwritten signature in blue ink, appearing to read "Michael Maxwell".

Michael Maxwell
Engineering Technician III

MM/lrl



September 8, 2017

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

Project: Conditional Use Permit CUP2017-11, Rezone R2008-07A2, Parcel Map
PM2017-05, and Site Plan Review SPR 2017-14

District CEQA Reference No: 20170974

Dear Mr. González:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of a use permit for a convenience store and gas station, a rezone to allow the construction of fast food drive-throughs, and site plan review for the construction of a commercial center on approximately 6.7 acres, located at the Northwest corner of Shaw Avenue and Leonard Avenue, in Clovis, CA (Project). The District offers the following comments:

District Comments

- 1) The CEQA referral submitted to the District does not provide sufficient information to allow the District to assess the Project's potential impact on air quality. The District recommends that a more detailed preliminary review of the Project be provided. Preliminary review documents should include a Project summary detailing, at a minimum, the land use designation, Project size, estimates of potential mobile and stationary emission sources, and proximity to sensitive receptors and existing emission sources.
- 2) If preliminary review indicates that a Mitigated Negative Declaration should be prepared, in addition to the effects identified above, the document should include:

Sayed Sadredin
Executive Director/Air Pollution Control Officer

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

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

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

- 2a) Mitigation Measures – If preliminary review indicates that with mitigation, the Project would have a less than significant adverse impact on air quality, the effectiveness of each mitigation measure incorporated into the Project should be discussed.
- 2b) District's attainment status – The document should include a discussion of whether the Project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment. Information on the District's attainment status can be found online by visiting the District's website at <http://valleyair.org/aqinfo/attainment.htm>.
- 3) If preliminary review indicates that an Environmental Impact Report (EIR) should be prepared, in addition to the effects identified above, the document should also include the following:
 - 3a) A discussion of the methodology, model assumptions, inputs and results used in characterizing the Project's impact on air quality.
 - 3b) A discussion of the components and phases of the Project and the associated emission projections, (including ongoing emissions from each previous phase).
- 4) Based on information provided to the District, the Project may equal or exceed 2,000 square feet of commercial space. Therefore, the District concludes that the Project may be subject to District Rule 9510 (Indirect Source Review).

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the Project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of Project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

- 5) Particulate Matter 2.5 microns or less in size (PM_{2.5}) from under-fired charbroilers (UFCs) pose immediate health risk. Since the cooking of meat can release carcinogenic PM_{2.5} species like polycyclic aromatic hydrocarbons (PAH), controlling emissions from under-fired charbroilers will have a substantial positive impact on public health.

Charbroiling emissions occur in populated areas, near schools and residential neighborhoods, resulting in high exposure levels for sensitive Valley residents. The air quality impacts on neighborhoods near restaurants with UFCs can be significant on days when meteorological conditions are stable, when dispersion is limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises environmental concerns.

In addition, the cooking emissions source category is one of the largest single contributors of directly emitted PM_{2.5} in the Valley. Photochemical modeling conducted for the 2012 PM_{2.5} Plan showed that reducing commercial charbroiling emissions is critical to achieving PM_{2.5} attainment in the Valley.

The District committed to amend Rule 4692 (Commercial Charbroiling) in 2016, with a 2017 compliance date, to add emission control requirements for UFCs, as committed to in the District's 2012 PM_{2.5} Plan. Installing charbroiler emissions control systems during construction of new facilities is likely to result in substantial economic benefit compared to costly retrofitting.

Therefore, the District strongly recommends that your agency require new restaurants that will operate UFCs to install emission control systems during the construction phase. To ease the financial burden for Valley businesses that wish to install control equipment before it is required, the District is offering incentive funding during the time leading up to the amendment to the rule. Restaurants with UFCs may be eligible to apply for funding to add emission control systems. Please contact the District at (559) 230-5858 for more information.

- 6) The Project may require District permits. Prior to the start of construction the Project proponent should contact the District's Small Business Assistance Office at (559) 230-5888 to determine if an Authority to Construct (ATC) is required.
- 7) The Project may be subject to the following District rules: Regulation VIII (Fugitive PM₁₀ Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
- 8) The District recommends that a copy of the District's comments be provided to the Project proponent.

The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this Project. If you have any questions or require further information, please call Stephanie Pellegrini at (559) 230-5820.

Sincerely,

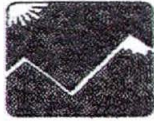
Arnaud Marjollet
Director of Permit Services



for Brian Clements
Program Manager

AM: sp

Enclosure: FAQ ISR General



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

Frequently Asked Questions Regarding Indirect Source Review

Q: What is the purpose of Indirect Source Review (ISR)?

A: As land development and population in the San Joaquin Valley continues to increase, so will indirect air emissions that negatively effect air quality. The emissions are called indirect because they don't come directly from a smokestack, like traditional industry emissions, but rather the emissions are indirectly caused by this growth in population. As a consequence, the San Joaquin Valley Air Pollution Control District (District) adopted Indirect Source Review (Rule 9510) to reduce the impacts of growth in emissions from all new land development in the San Joaquin Valley.

Q: When is a project subject to ISR?

A: A project is subject to ISR if all of the following are applicable:

- The project received its **final discretionary approval** from the land use agency on or after **March 1, 2006**.
- The project meets or exceeds the following District applicability thresholds:

2,000 square feet commercial	25,000 square feet light industrial	100,000 square feet heavy industrial
20,000 square feet medical office	39,000 square feet general office	9,000 square feet educational
10,000 square feet governmental	20,000 square feet recreation space	50 residential units
9,000 square feet of space not included in the list		

- The project's primary functions are not subject to District Rule 2201 (New and Modified Stationary Source Review Rule), or District Rule 2010 (Permits Required). For more information on the applicability of ISR regarding a specific project, please contact the District at (559) 230-6000 or visit the District's website at <http://www.valleyair.org/ISR/ISRHome.htm>.

Q: For the purposes of Rule 9510, what is final discretionary approval?

A: A decision by a public agency that requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular development project, as distinguished from situations where the public agency merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations. For example, a building permit would be an example of a ministerial approval.

Q: What pollutants does ISR target?

A: The ISR rule looks to reduce the growth in NO_x and PM_{10} emissions associated with the construction and operation of new development projects in the San Joaquin Valley. The rule requirement is to reduce construction NO_x and PM_{10} emissions by 20% and 45%, respectively, as well as reducing operational NO_x and PM_{10} emissions by 33.3% and 50%, respectively, when compared to unmitigated projects.

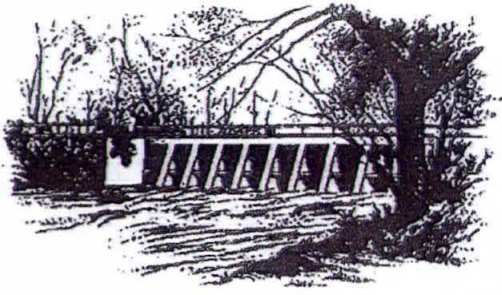
Q: What are NO_x and PM_{10} ?

A: Nitrogen oxide (NO_x) is an ozone precursor, or principal component of ozone. Ozone is a colorless, odorless reactive gas comprised of three oxygen atoms. It is found naturally in the earth's stratosphere, where it absorbs the ultraviolet component of incoming solar radiation that can be harmful to life. Ozone is also found near the earth's surface, where pollutants emitted from society's activities react in the presence of sunlight to form ozone. Hot sunny weather with stagnant wind conditions favors ozone formation, so the period from May through September is when high ozone levels tend to occur in the San Joaquin Valley Air Basin.

Particulate matter (PM) is a generic term used to describe a complex group of air pollutants that vary in composition. PM_{10} particles have a diameter of 10 microns (micrometers) or less. The sources of PM can vary from wind blown dust particles to fine particles directly emitted from combustion processes, or may be formed from chemical reactions occurring in the atmosphere.

Q: What is CalEEMod?

A: CalEEMod (California Emission Estimator Model) is a computer modeling program that estimates construction, area source and operational emissions of NO_x and PM_{10} from potential land uses. This program uses the most recent approved version of relevant Air Resources Board (ARB) emissions models and emission factors.



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO
IRRIGATION DISTRICT

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

September 1, 2017

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

RE: Condition Use Permit Application No. CUP2017-11
NW Shaw and Leonard avenues

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed the Condition Use Permit Application No. CUP2017-11 for which the applicant requests approval for a convenience store and gas station. This request is being processed concurrently with Rezone R2008-07A2, Parcel Map PM2017-05, and Site Plan Review SPR2017-14, APN's: 554-053-23S and 47S. 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 Private ditch/pipeline known as the McFarlane W. Br. No. 468 runs southerly along the west side of the subject property and crosses Shaw Avenue approximately 60 feet south of the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain this private ditch/pipeline. FID's records indicate this line is active and should be treated as such. FID can supply the City with a list of known users upon request.
3. For informational purposes, a Private ditch/pipeline known as the McFarlane E. Br. No. 468 runs southerly and crosses Shaw Avenue approximately 500 feet east of the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain this private ditch/pipeline. FID's records indicate this line is active and should be treated as such. FID can supply the City with a list of known users upon request.

4. For informational purposes, an FMFCD owned channel known as the Dog Creek No. 154 runs southerly and crosses Shaw Avenue approximately 1,000 feet east of the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain this channel. Should this project include any street and/or utility improvements along Shaw or in the vicinity of this channel, FID recommends the applicant contact FMFCD to discuss any right-of-way issues that may affect FMFCD's Dog Creek No. 154.

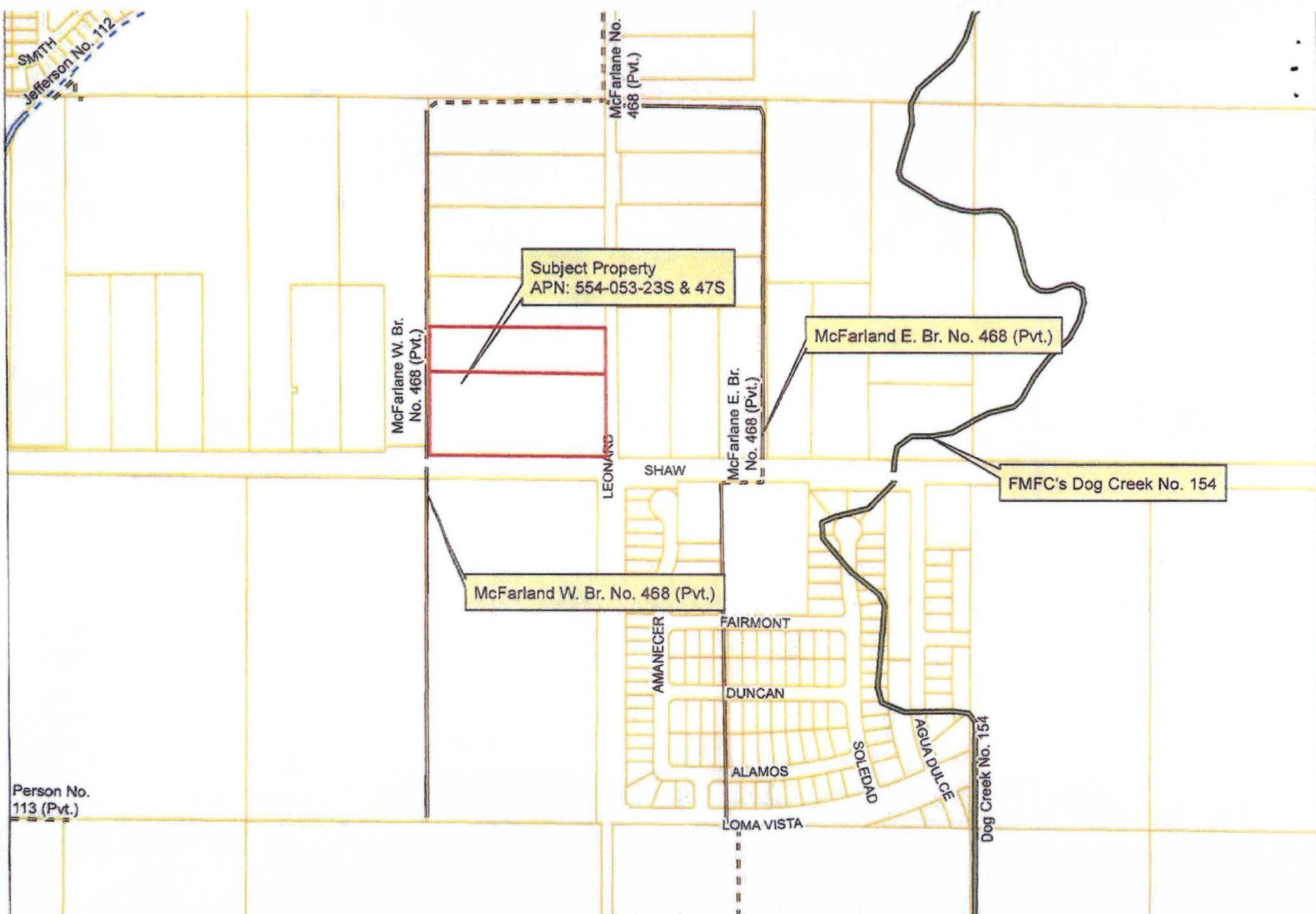
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or JLandrith@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachment





- COLOR**
- A. DUNN EDWARDS, DEE130 "WOODEN ACRE"
 - B. DUNN EDWARDS, DEE138 "SAND DUNE"
 - C. DUNN EDWARDS, DEE254 "WEATHERED BROWN" HIGH GLOSS
- MATERIAL**
1. 7/8" MEDIUM GRAY TEXTURE STUCCO
 2. STUCCO OVER 2"x3" FOAM TRIM ON EDGE
 3. STUCCO OVER 2"x12" OVER 2"x4" FOAM TRIM
 4. STUCCO OVER 1" DIA. FOAM TRIM
 5. 12"x20" STUCCO RECESS 6" w/ WROUGHT IRON ACCENT PAINTED FLAT BLACK
 6. 2"x10" FASCIA
 7. 2" SHAPED BOARD TRIM
 8. 4"x4" SHAPED EXPOSED RAFTER TAILS
 9. 2"x4" WOOD ON EDGE w/ 2"x4" WOOD TRIM FLAT
 10. 2"x4" WOOD JAMB TRIM w/ 2"x4" HEAD TRIM w/ IMPREGED END DETAIL WHERE OCCURS
 11. BAYAMA SHUTTER DETAIL
 12. 20" SQUARE FALSE LOUVER RECESSED 12"
 13. 16"x30" FALSE LOUVER
 14. BRUSH ROOFING, ROMAN PAV. EL. CHAND BLEND SHU TURKISH/OLY
 15. METAL ROOF FLASHING
 16. METAL ROOF FINISH
 17. WOODEN STYLE LIGHT FUTURIC-WALL MOUNTED
 18. STUCCO FRONT GLAZING WITH 2"x4" BRONZE ALUMINUM MULLIONS
 19. PRECAST CONCRETE MONER STAINED
 20. 6" ROUND PINK CLAY PIPE ACCENT - CONTACT CITY PLANNING DEPT. FOR MORE INFO.
 21. LUNA MESA 454 CERAMIC TILE ACCENT - CONTACT CITY PLANNING DEPT. FOR MORE INFO.
- MATERIAL**
- COLOR**

DATE: 10/12/10
10/12/10

REVISIONS / COMMENTS

NO.	DATE	REVISIONS / COMMENTS
1		
2		
3		
4		

DESIGNER: CJC Design, Inc.
DRAWN BY: C. DE VERA
CHECKED BY: J. COHEN

3800 ALAMITOS (1) G.S.R.
N.W.C. EAST SHAW AVENUE
12 CHAND AVENUE
CLIFTON, CA 94019

PROJECT NAME AND ADDRESS

2400 S. La Palma Avenue, Suite 202, Yorba Linda, CA 92887
Tel: 714.937.0000
Fax: 714.937.0000

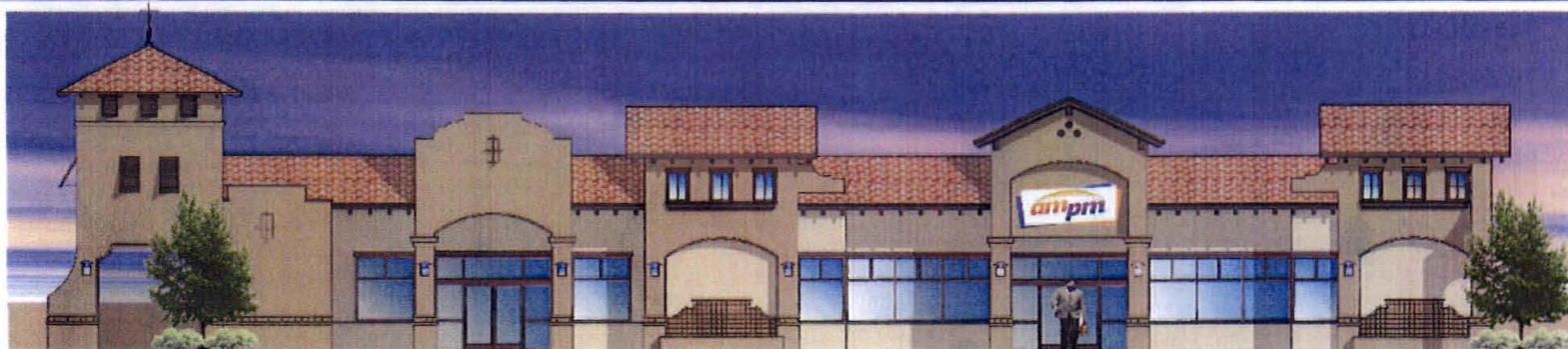
ARCO

SHEET TITLE

BUILDING EXTERIOR ELEVATIONS

PROJECT NO: 16093

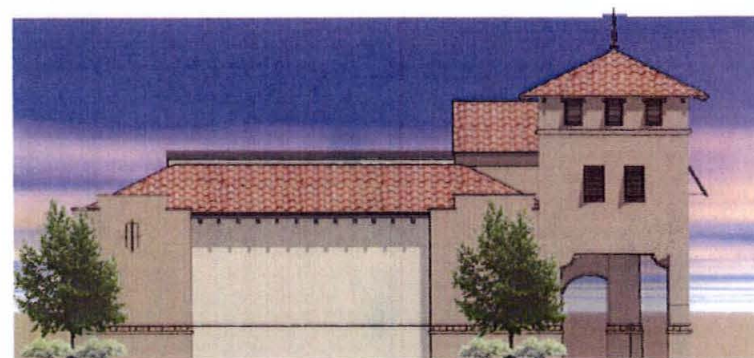
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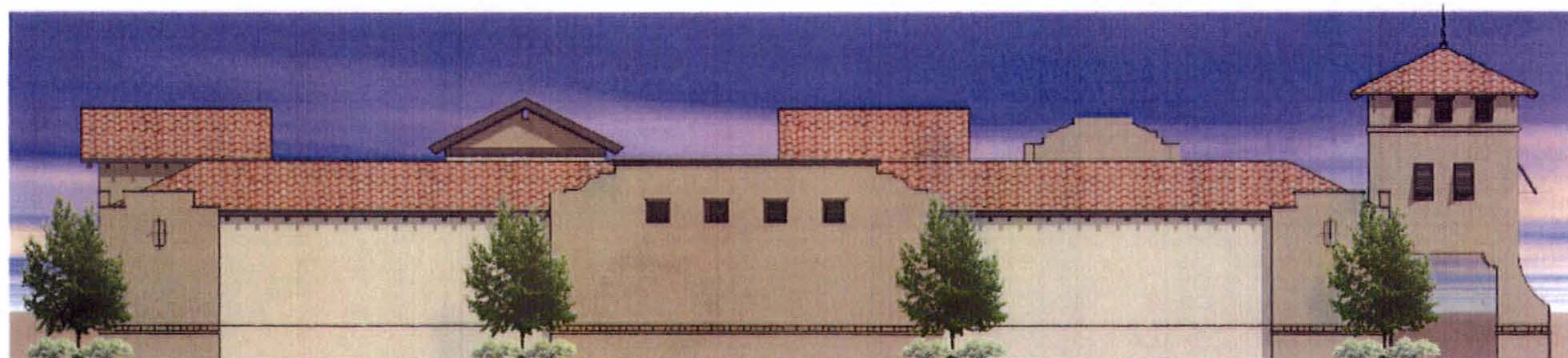
FRONT ELEVATION
SCALE 1/4" = 1'-0"



RIGHT ELEVATION
SCALE 1/4" = 1'-0"



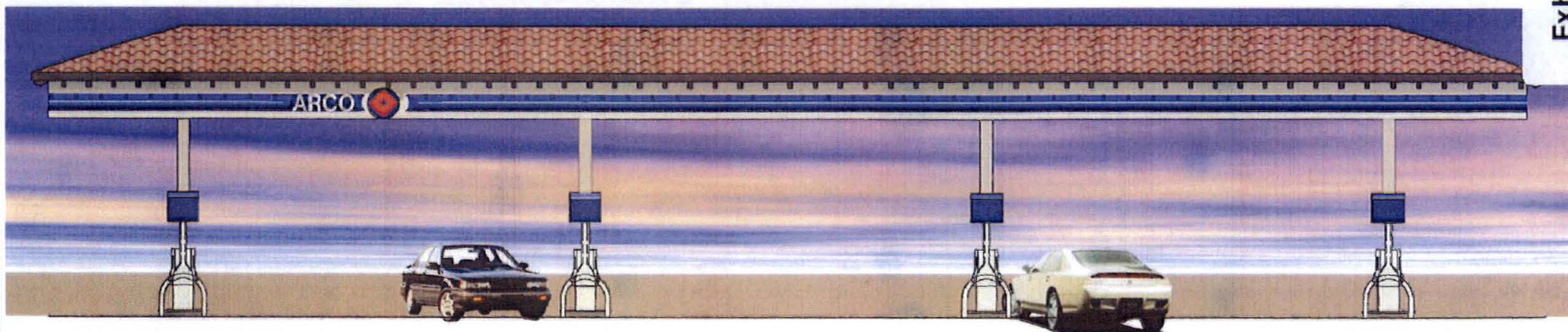
LEFT ELEVATION
SCALE 1/4" = 1'-0"



REAR ELEVATION
SCALE 1/4" = 1'-0"

ARCO - N.W. Corner of Shaw & Leonard, Clovis, CA 96319





NORTH ELEVATION

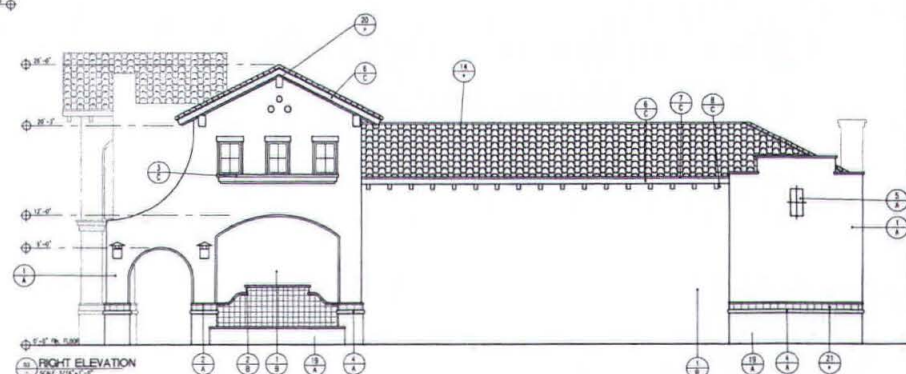
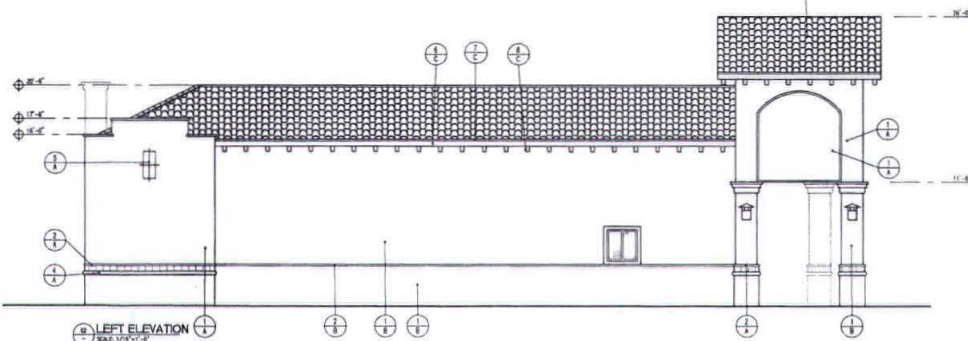
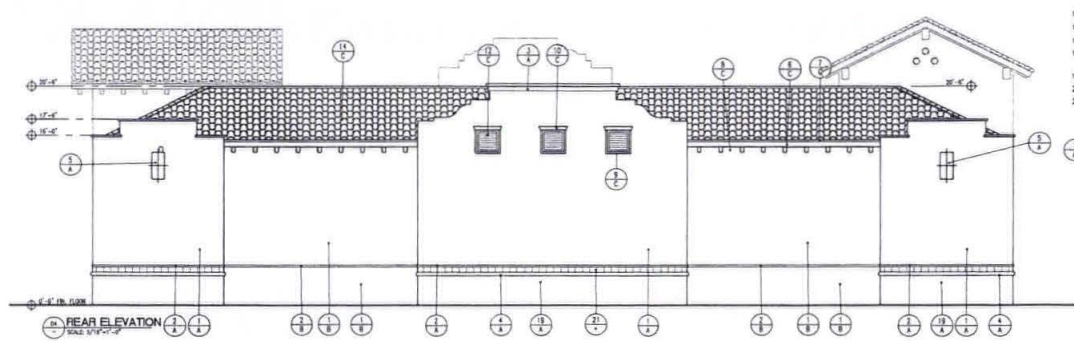
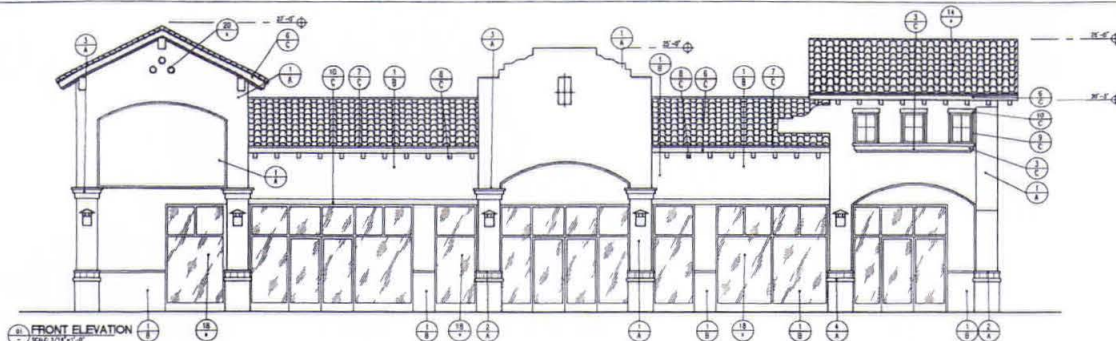


EAST ELEVATION



ARCO - N.W. Corner of Shaw & Leonard, Clovis, CA 96319

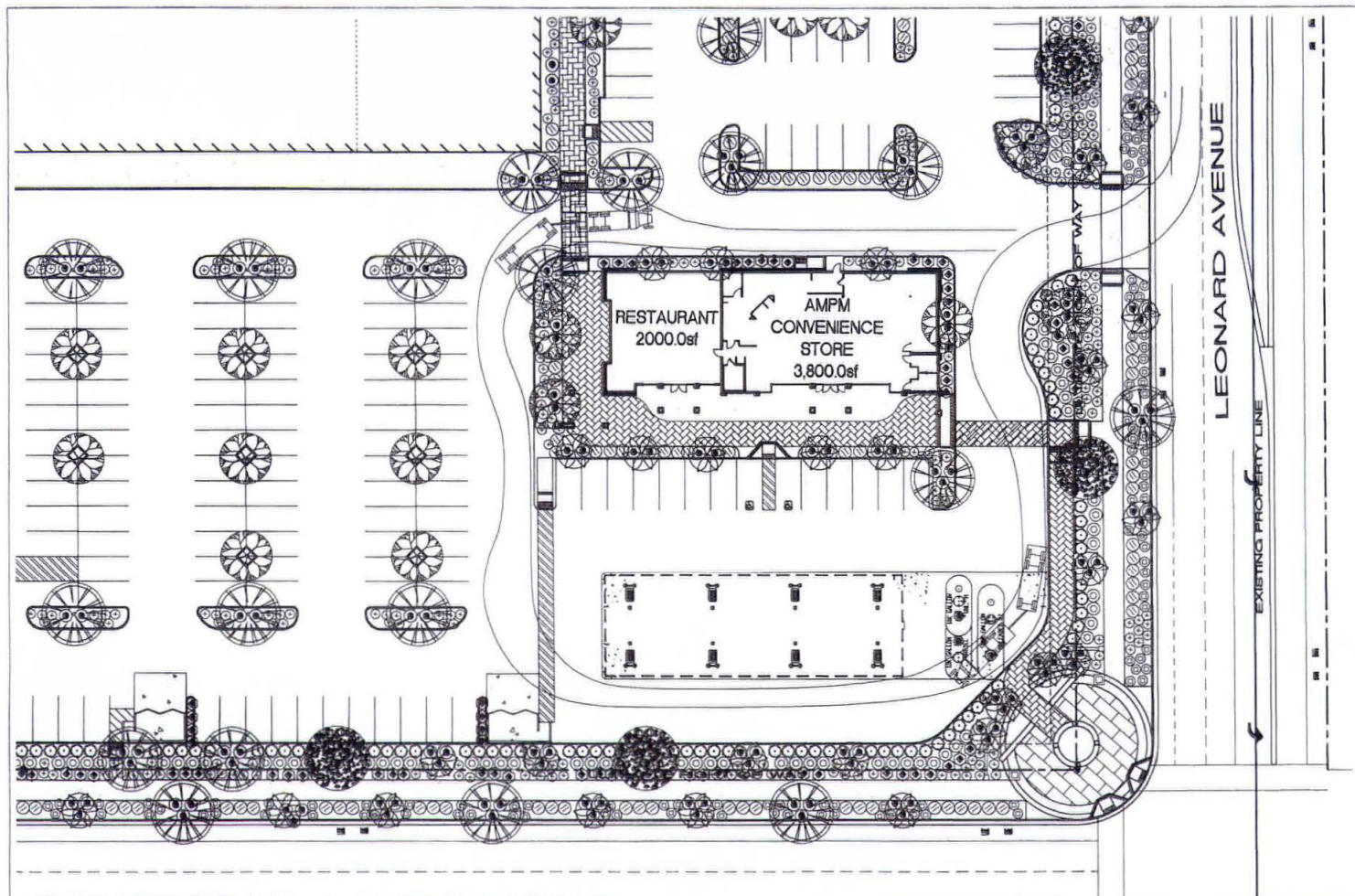




- COLOR**
- A. DOWN EDWARDS, DESI-30 "WOODS ACRES"
 - B. DOWN EDWARDS, DESI-30 "SAND BLAST"
 - C. DOWN EDWARDS, DESI-30 "MOUNTAIN BROWN" HIGH GLOSS
- MATERIAL**
- 1. 1/2" MEDIUM GRAIN TEXTURE STUCCO
 - 2. STUCCO OVER 2"x2" FOW TRIM ON EDGE
 - 3. STUCCO OVER 2"x12" OVER 2"x8" FOW TRIM
 - 4. STUCCO OVER 8" ON FOW TRIM
 - 5. 12"x20" STUCCO RECESS 8" x 4" MOUNTAIN BROWN ACCENT PAINTED FLAT BLACK
 - 6. 2"x12" FOW TRIM
 - 7. 2"x8" STUCCO BOARD TRIM
 - 8. 4"x8" SHAPED EXPOSED BATTEN TAIL
 - 9. 2"x4" WOOD ON EDGE w/ 2"x4" WOOD TRIM FLAT
 - 10. 2"x4" WOOD JAMB TRIM w/ 2"x4" HEAD TRIM w/ TAPERED END JOINT, WHERE OCCURS
 - 11. BAYAMA SHUTTER DETAIL
 - 12. 20" SQUARE FALSE LAMBER RECESSED 12"
 - 13. 16"x30" FALSE LAMBER
 - 14. BOND ROOFING, ROOFING PAUL EL CHINO BLEND SHU (FURNISHED)
 - 15. METAL ROOF FLASHING
 - 16. METAL ROOF FLASH
 - 17. MESSON STEEL LIGHT FIXTURE-HALL MOUNTED
 - 18. STONE FRONT GLAZING WITH 2"x12" BRONZE ALUMINUM MULLING
 - 19. PRECAST CONCRETE VENER STAINED
 - 20. 8" ROUND FAUX CLAY PIPE ACCENT
 - 21. LOW VIBR AND CEILING TILE ACCENT - CONTACT CITY PLANNING DEPT. FOR MORE INFO.
- MATERIAL**
- COLOR**

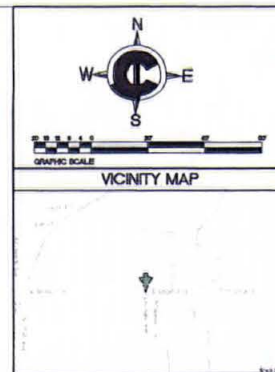
DATE: 10/1/10
 DRAWN BY: T. COHEN
 CHECKED BY: C. DE VERA
 PROJECT NAME AND ADDRESS:
 CJC Design, Inc.
 Planning
 Design
 25405 La Plata Avenue, Suite 201
 Clovis, CA 93240
 559.284.1111
 www.cjcdesign.com

Clovis Center
 SHEET TITLE
 BUILDING EXTERIOR ELEVATIONS
 PROJECT NO: 16094
 A21



CONCEPTUAL LANDSCAPING

SCALE: 1"=20'



PLANTING NOTES

- PLANTING PITS SHALL BE DUG WITH LEVEL BOTTOMS, THE WIDTH TWICE THE DIAMETER OF THE ROOTBALL AND 4" DEEPER THAN THE LENGTH OF THE ROOTBALL. EACH PLANT PIT SHALL BE BACKFILLED WITH THE FOLLOWING PREPARED SOIL MIX:
 2 PARTS WINGRODDED REDWOOD SHAVINGS
 1 PART WINGRODDED SOIL
 1 PART ORGANIC PLANTING TABLET
 PLANTING TABLETS SHALL BE APPLIED AS FOLLOWS:
 1 TABLET PER 1 GALLON SOIL PLANT
 1 TABLET PER 3 GALLON VEE PLANT
 1 TABLET PER 15 GALLON VEE PLANT
 LARGER PLANT MATERIALS WILL BE GIVEN ONE (1) TABLET PER 1/2" DIAMETER OF TRUNK CALIPER.
- PREPARED SOIL SHALL BE TAMPED DOWN AT BOTTOM OF PLANT PIT. PREPARED SOIL AROUND SOLE OF PLANT 1/2" MIN AND INSERT PLANT TABLETS COMPLETE. BACKFILL AND WATER IN THOROUGHLY.
- SOIL AREAS SHALL BE ROTOTILLED 3" DEEP WITH
 2 CUBIC YARDS ROTOTILLED REDWOOD SHAVINGS PER 100 SQ FT
 AFTER ROTOTILL SOIL SHALL BE GRADED SMOOTH.

NOTE:

ALL DRIVE AND DRIVEWAY AREAS TO RECEIVE 3" DEPTH SHREDED BROWN MULCH. SUBMIT SAMPLE TO CITY INSPECTOR FOR APPROVAL PRIOR TO INSTALLATION. CONTRACTOR TO CONDUCT THEIR OWN PLANT MATERIAL QUANTITY TAKEOFFS. CONTRACTOR TO CONDUCT AGRONOMIC SOIL TEST REPORT AND COMEY RESULTS TO OWNER RESULTS.

DATE REVISION

SCALE

ISSUE / REVISIONS

NO.	DATE	REVISIONS
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

DESIGNED BY: G. DE VERA
 DRAWN BY: F. COHEN
 CHECKED BY: J. COHEN

2000 AMPM CONVENIENCE STORE
 1100 EAST SHAW AVENUE
 LEONARD AVENUE
 CHICO, CA 94520

PROJECT NAME AND ADDRESS

CJC Design, Inc.
 Planting
 Design
 23445 Leona Avenue, Suite 101
 San Jose, CA 95131
 Tel: 408.433.8888
 Fax: 408.433.8889
 www.cjcdesign.com














3-SHEET SET

CONCEPTUAL LANDSCAPING

PROJECT NO: 16093

L11

PLANT LEGEND											
KEY	QTY	BOTANICAL NAMES	COMMON NAMES	SIZE	SPACING	KEY	QTY	BOTANICAL NAMES	COMMON NAMES	SIZE	SPACING
	1	PLANTANUS ACERIFOLIA	BLOODGOOD	24" BOX	40' O.C.		30	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	24" BOX	30' O.C.
	3	LAGERSTROEMIA FOKIA	ORANGE MYRTLE	24" BOX	30' O.C.		60	LIQUISTRIUM JAPONICA	WAX LEAF PRIVET	5 GAL	3' O.C.
	6	ADONIS LUNATA 'MAGNA'	MAGNA STRAWBERRY	24" BOX	20' O.C.		40	AMISO ZANTHACE	KANGAROO PAIN 160 DEE	5 GAL	3' O.C.
	9	POUNUS CERASIFERA	PURPLE LEAF PLUM	30" BOX	20' O.C.		45	SHAMOLIBRE X DELACOUR	MOON PRINCESS	5 GAL	3' O.C.
							60	PHODIUM TENAX 'TOLERIA'	NEW ZEALAND FLAX	5 GAL	3' O.C.
								ALOE MACULATA	SOAP ALOE	1 GAL	2' O.C.
								PESTUCA GLAUCA	BLUE PESQUE	1 GAL	2' O.C.
								PARFENOCOSBUS TRESPIDATA	BOSTON NY	1 GAL	40' O.C.

LEGEND

DESCRIPTIONS	(P) PROPOSED	(E) EXISTING
STORM DRAIN	12" Ø	12" Ø
SANITARY SEWER	6" 5	6" 5
WATER MAIN	8" W	8" W
FIRE SERVICE	8" FS	8" FS
CENTERLINE		
RIGHT OF WAY LINE		
BOUNDARY LINE		
OVERHEAD ELECTRICAL LINE		
GAS LINE		
TELEPHONE LINE		
JOINT TRENCH		
FENCE	x x	x x
WOOD FENCE	o o	o o
WROUGHT IRON FENCE	o o	o o
WALL		
SIDEWALK WITH CURB AND GUTTER		
ELEVATION		
TREE TO BE REMOVED		

ABBREVIATIONS

CL	CENTERLINE
PL	PROPERTY LINE
(E)	EXISTING
(P)	PROPOSED
R/W	RIGHT-OF-WAY
P.U.E.	PUBLIC UTILITY EASEMENT

NOTES:

ANY EXISTING SEPTIC TANKS AND/OR WELLS WILL BE ABANDONED PURSUANT TO THE ENVIRONMENTAL MANAGEMENT REQUIREMENTS.

ALL KNOWN EASEMENTS HAVE BEEN PLOTTED AND ACCOUNTED FOR AND SIGNED.

PRELIMINARY SITE PLAN FOR: LOMA VISTA SHOPPING CENTER E. SHAW AVENUE & N. LEONARD AVENUE

CITY OF CLOVIS

CALIFORNIA

554-053-022S
REEVE EILEEN M
NELSON TRUSTEE

SCALE: 1"=40'

VICINITY MAP

NOT TO SCALE



GENERAL NOTES

ASSESSORS PARCEL NUMBER	554-053-235 & 554-053-475
EXISTING ZONING	P.C.C. (PLANNED COMMERCIAL CENTER)
EXISTING USE	VACANT
PROPOSED ZONING	P.C.C. (PLANNED COMMERCIAL CENTER)
PROPOSED USE	COMMERCIAL
GROSS ACREAGE	6.67+ AC.
NET ACREAGE	5.86+ AC.
OWNER/DEVELOPER	WESTGATE CONSTRUCTION AND DEVELOPMENT 5101 MERLOT CT. VISALIA, CA 93291 SAHAR SABBAGH (559) 805-5936
ENGINEER	BURRELL CONSULTING GROUP 1001 ENTERPRISE WAY, STE.100 ROSEVILLE, CA 95678 ATTN: JERRY APLASS (916) 783-8098

UTILITY DISTRICTS

SANITARY SEWER	CITY OF CLOVIS PUBLIC UTILITIES DEPT.
WATER	CITY OF CLOVIS PUBLIC UTILITIES DEPT.
STORM DRAINAGE	CITY OF CLOVIS PUBLIC UTILITIES DEPT.
ELECTRICITY	PACIFIC GAS & ELECTRIC
TELEPHONE	AT&T
NATURAL GAS	PACIFIC GAS & ELECTRIC
IMPROVEMENTS	CITY OF CLOVIS ENGINEERING SERVICES

PUBLIC SERVICES

SCHOOL DISTRICT	CLOVIS UNIFIED SCHOOL DISTRICT
PARK DISTRICT	CITY OF CLOVIS PARKS DIVISION
FIRE DISTRICT	CLOVIS FIRE DEPARTMENT

BUILDING SETBACKS

FRONT	= 10 FT
SIDE AND REAR	= N/A

CITY OF CLOVIS FIRE DEPARTMENT

COMMERCIAL DEVELOPMENT TURNING RADIUS:

INSIDE	= 25 FT RADIUS
OUTSIDE	= 45 FT RADIUS

DRIVE AISLE WIDTH

TWO WAY WITH 90° PARKING	= 26 FT TYPICAL
EMERGENCY ACCESS	= 26 FT TYPICAL

LANDSCAPING

- A 10 FT LANDSCAPE SETBACK IS REQUIRED ALONG SHAW AND LEONARD AVENUE PER CITY OF CLOVIS STREETSCAPE DESIGN GUIDELINES.
- 40% OF PARKING AREAS ARE REQUIRED TO BE SHADED 15 YEARS AFTER ESTABLISHMENT PER CITY OF CLOVIS DESIGN GUIDELINES.
- 2' OVERHANG ALLOWED (DEPICTED BY DASHED LINES)

PROPOSED PARKING DEMAND

PHASE I	10,800 S.F. @ 5.0 PER 1,000 S.F. = 24 REQ.
PHASE II	40,000 S.F. @ 5.0 PER 1,000 S.F. = 200 REQ.
TOTAL 50,800 S.F.	TOTAL REQUIRED: 254
	TOTAL PROVIDED: 255 REQ'D O.K.

PROPOSED PARKING TYPES

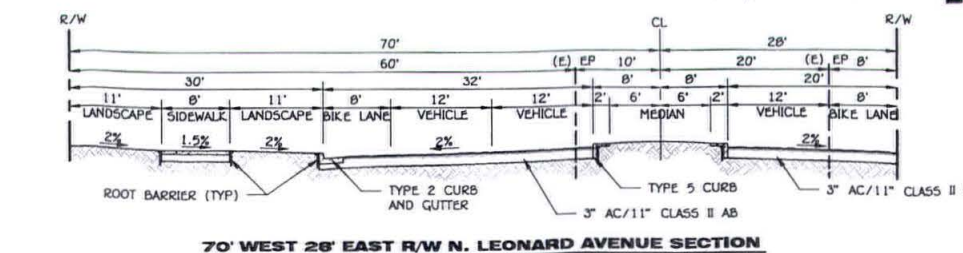
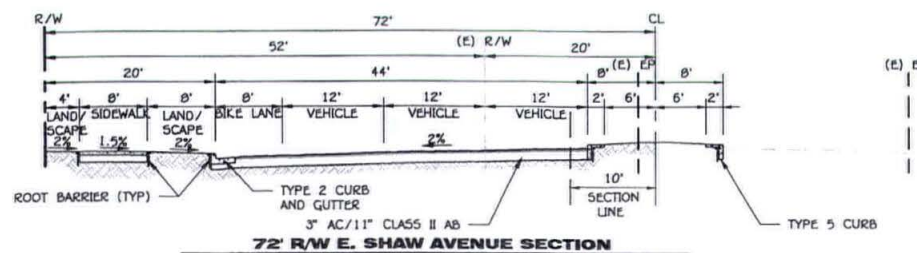
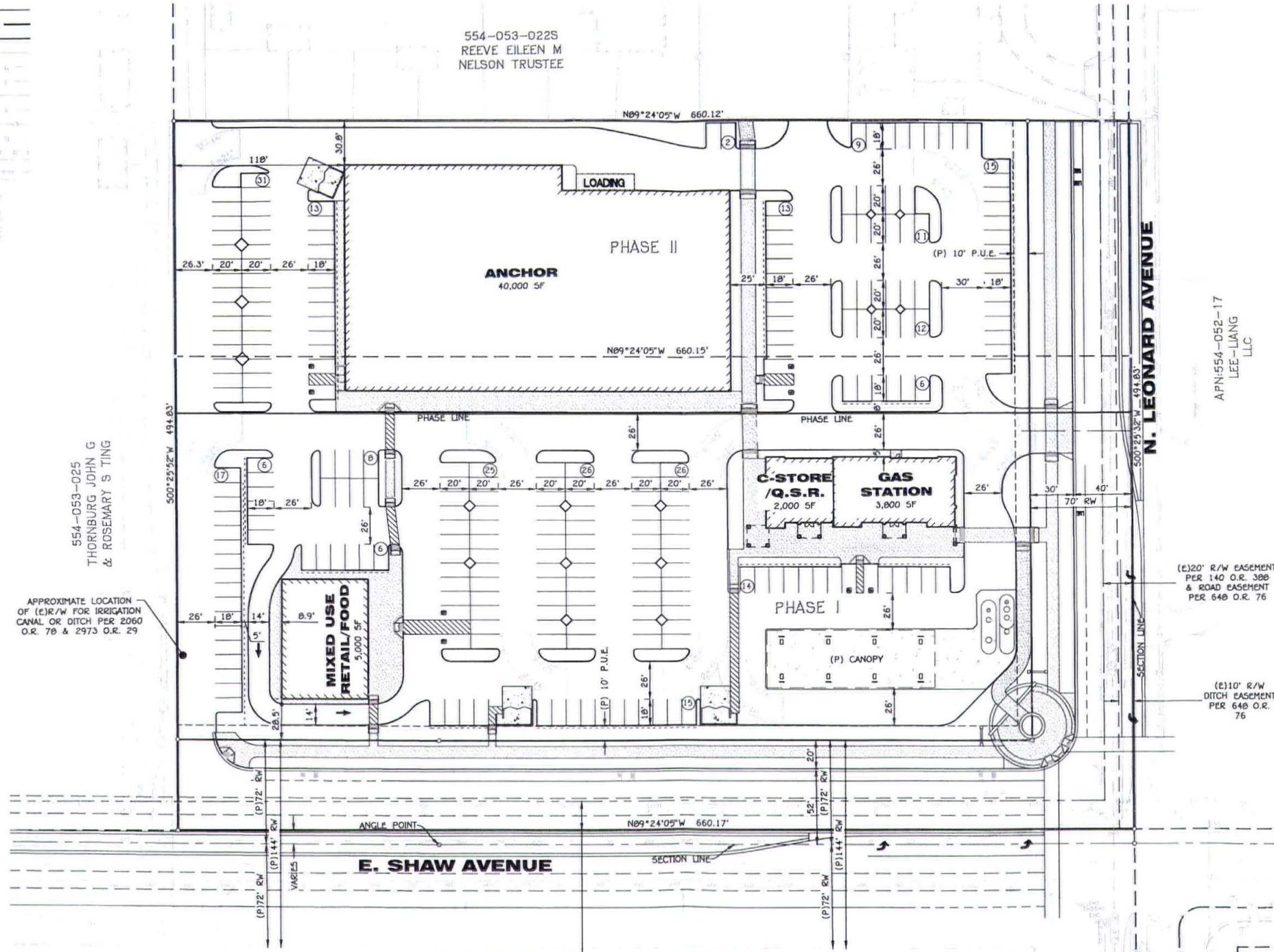
HANDICAPPED: (10' x 20')	8 (OK PER ADA, 8 REQUIRED)
FULL SIZE: (10' x 20')	247
TOTAL =	255

PRELIMINARY SITE PLAN FOR:
LOMA VISTA SHOPPING CENTER
E. SHAW AVENUE & N. LEONARD AVENUE
AUGUST 16, 2017



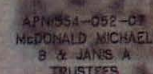
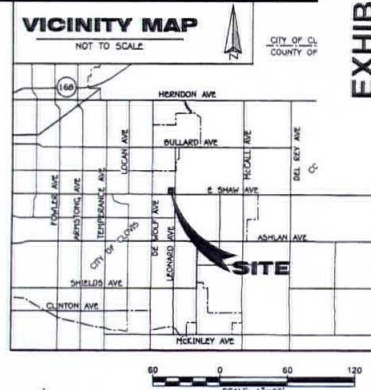
1001 Enterprise Way

EXHIBIT "F"



CITY OF CLOVIS

CALIFORNIA



APN 554-052-21
GOODWIN
DONALD L &
ANN V
TRUSTEES

APN:554-052-
WILKINS
CHARLES L.
KAREN
TRUSTEES

APN 554-052-1
RODDERS
CULLEN F &
KATHERINE
DEE
TRUSTEES

APN 564-052-
MONTGOMERY
- ROXANNE

ARN 554-D52-
LEE-LIANG
U.S.

(E) 20' R/W EASEMENT
PER 140 O.R. 388
& ROAD EASEMENT
PER 648 O.R. 76

(C)10 2/2 DITON
700 540 0.0

APN:555-031-03
NEUFELD PHILIP GLENN TRUSTEE
MENNONITE FOUNDATION INC

APN:555-031-28
BALTARA ENTERPRISES
LP

LEGEND

	(P) PROPOSED	(E) EXISTING
STORM DRAIN		
SANITARY SEWER		
WATER MAIN		
FIRE SERVICE		
CENTERLINE		
RIGHT OF WAY LINE		
BOUNDARY LINE		
ELECTRICAL LINE		
GAS LINE		
TELEPHONE LINE		
JOINT TRENCH		
FENCE		
WOOD FENCE		
WROUGHT IRON FENCE		
WALL		
SIDWALK WITH CURB AND GUTTER		

ELEVATION

12.345

ABBREVIATIONS

```

CL . . . . . CENTERLINE
PL . . . . . PROPERTY LINE
(E) . . . . . EXISTING
(P) . . . . . PROPOSED
R/W . . . . . RIGHT-OF-WAY
P.U.E. . . . . PUBLIC UTILITY EASEMENT

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GENERAL NOTES

ASSESSORS PARCEL NUMBER	954-053-19s THRU 954-053-23s 954-053-47s, 954-053-02s & 02s
OWNER/DEVELOPER	WESTGATE CONSTRUCTION AND DEVELOPMENT 5101 HEBLOTT CT. IRVINE, CA 92614 SAMAR SABBAH (959) 805-5936
ENGINEER	BURRELL CONSULTING GROUP 1001 ENTERPRISE WAY STE.100 ROSEVILLE, CA 95678 ATTN: JERRY APLASS (916) 783-0900

LAND USE DESIGNATION

ZONING = PCC (PLANNED COMMERCIAL CENTER)
GENERAL PLAN = GC (GENERAL COMMERCIAL)
PLANNED DEVELOPMENT = LOMA VISTA

UTILITY DISTRICTS

SANITARY SEWER	CITY OF CLOVIS	PUBLIC UTILITIES DEPT
WATER	CITY OF CLOVIS	PUBLIC UTILITIES DEPT
STORM DRAINAGE	CITY OF CLOVIS	PUBLIC UTILITIES DEPT
ELECTRICITY	PACIFIC GAS & ELECTRIC	
TELEPHONE	AT&T	
NATURAL GAS	PACIFIC GAS & ELECTRIC	
IMPROVEMENTS	CITY OF CLOVIS	ENGINEERING SERVICES

PUBLIC SERVICES

SCHOOL DISTRICT	CLOVIS UNIFIED SCHOOL DISTRICT
PARK DISTRICT	CITY OF CLOVIS PARKS DIVISION
FIRE DISTRICT	CLOVIS FIRE DEPARTMENT

BUILDING SETBACKS

FRONT	=	10 FT
SIDE AND REAR	=	N/A

CITY OF CLOVIS FIRE DEPARTMENT

COMMERCIAL DEVELOPMENT TURNING RADIUS
INSIDE = 25 FT RADIUS
OUTSIDE = 15 FT RADIUS

DRIVE AISLE WIDTH

DRIVE AISLE WIDTH

TWO WAY WITH 90° PARKING	= 26 FT TYPICAL
EMERGENCY ACCESS	= 26 FT TYPICAL

LANDSCAPING

1. A 10 FT LANDSCAPE SETBACK IS REQUIRED ALONG SHAW AND LEONARD AVENUE PER CITY OF CLOVIS STREETSCAPE DESIGN GUIDELINES.
2. 40% OF PARKING AREAS ARE REQUIRED TO BE SHADED 15 YEARS AFTER ESTABLISHMENT PER CITY OF CLOVIS DESIGN GUIDELINES.

PROPOSED PARKING DEMAND

PHASE I	10,800 S.F. @ 5.0 PER 1,000 S.F. =	54 REQ (143 PROVIDED)
PHASE II	40,000 S.F. @ 5.0 PER 1,000 S.F. =	200 REQ (112 PROVIDED)
FUTURE	166,400 S.F. @ 5.0 PER 1,000 S.F. =	832 REQ (993 PROVIDED)
TOTAL REQUIRED:		1086
TOTAL PROVIDED:		1248 > REQ'D OK

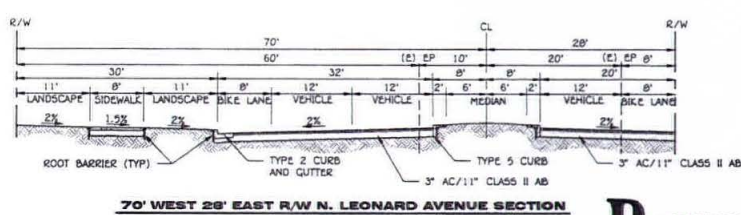
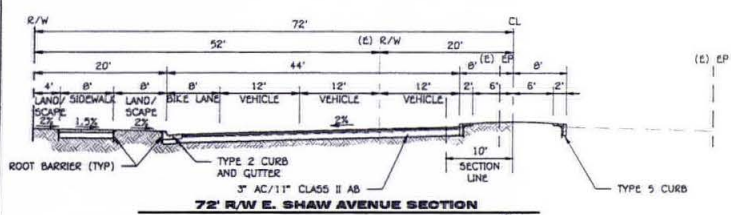
PROPOSED PARKING TYPES

HANDICAPPED:	(10' x 20')	33 (OK PER ADA, 32 REQUIRED)
FULL SIZE:	(10' x 20')	1215
	TOTAL =	1248

NOTES:

ANY EXISTING SEPTIC TANKS AND/OR WELLS WILL BE ABANDONED PURSUANT TO THE ENVIRONMENTAL MANAGEMENT REQUIREMENTS.

ALL KNOWN EASEMENTS HAVE BEEN PLOTTED AND ACCOUNTED FOR AND SIGNED.



PRELIMINARY MASTER SITE PLAN EXHIBIT
LOMA VISTA SHOPPING CENTER

AUGUST 16, 2017

BURRELL
CONSULTING
GROUP, INC.

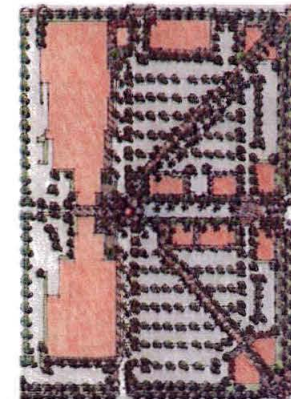
1001 Enterprise Way, Suite 100 Roseville, CA 95678 (916) 783-8898

Planning Area 4- Neighborhood Commercial Center

Planning area 4, the Neighborhood Commercial center, provides conveniently accessible basic amenities and services to residents in the Loma Vista Specific Plan Area. The center should be pedestrian oriented, with linkages to parks, trails and Main Street. A grocery store and drug store will anchor the center, accompanied by a series of mid and small-sized shops and restaurants. Outdoor dining and covered seating areas should be available. The center is intended to serve community-oriented needs and will not have components intended to serve a much broader regional market. Commercial development should be intimate and small scale thereby allowing integration with residential uses. The center should provide functional outdoor spaces, trellis elements, screening of service and loading areas from residences and unified architectural and landscape themes consistent with the overall community theme.

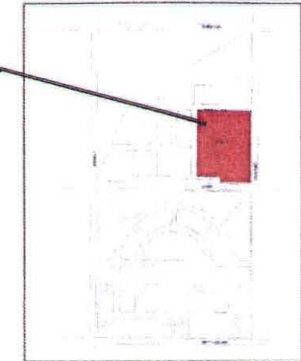


Outdoor seating



Planning Area 4-Conceptual Illustrative

Key Map



Development Standards

DESIGNATION	
General Plan	Neighborhood Commercial Center
Base Zoning District	P-C-C
Density Range	N/A

BUILDING INTENSITY		
Minimum Lot Area	15,000 SF	
Minimum Lot Width	100'	
Minimum Lot Depth	150'	
Maximum building height	35'	2-stories
Maximum lot coverage	33%	See Clovis code- subsection E of section 9.3.214.5
Maximum F.A.R.	1.0	

BUILDING SETBACKS (From Property Line)		
Front yard to San Jose, Leonard and Shaw ROW	10'	
Side yard	N/A	
Corner side yard	N/A	
Rear yard	N/A	

PERMITTED USES	
General retail, including, bicycle shops, book stores, carpet sales, clothing and shoe stores, 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	
Restaurants, bakeries, delis and ice cream parlors	
External trails and bike paths	
Bars, cocktail lounges (subject to CUP)	
Health clubs, gyms (over 5,000 SF subject to CUP)	
Financial institutions and banks (drive-through subject to CUP)	
Service, including barbers and beauty salons, laundry and photography studios	
Drive-through pharmacy (subject to CUP)	
Gas stations (subject to CUP)	

PROHIBITED USES	
Drive up/through restaurants, auto service stations, residential units	

ACCESSORY USES		
Walls and Fences	5'-6'	No block walls adjacent to Leonard, Shaw or San Jose
Trash Enclosures	Architecture to match neighborhood theme	
Parking and pedestrian lot lights to utilize Loma Vista street and paseo standard		



Retail



Outdoor seating



LOMA VISTA
COMMUNITY CENTERS
North & South

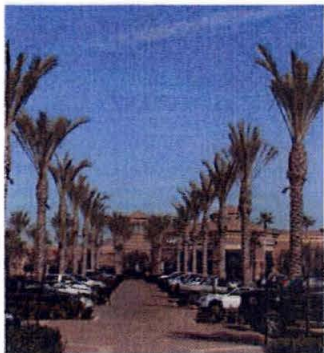
Planning Area 4- Neighborhood Commercial Center (cont.)

Development Standards

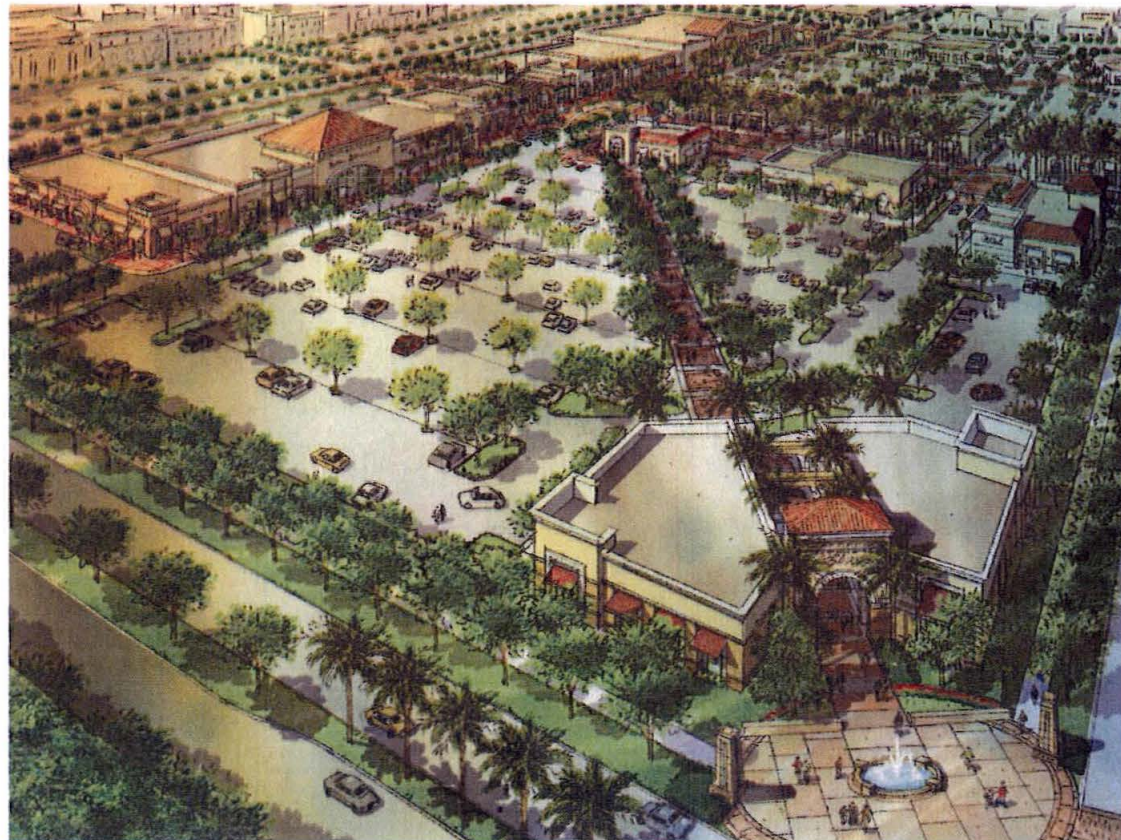
PEDESTRIAN and VEHICULAR CIRCULATION	
Sidewalks	Minimum 10' sidewalk along storefronts
Alleys and service roads	25' ROW, see street sections

PARKING	
USE	PARKING REQUIREMENT
All uses (Parking requirements for some uses may be subject to parking review)	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

MINIMUM BUILDING SEPARATION		
Front to Front,	1-story 10'	Please review latest applicable building code for construction and fire wall requirements.
Front to Side,	2-stories 15'	
Front to Rear OR		
Rear to Rear		
Side to side	0'	



Pedestrian access from parking areas



Neighborhood Commercial Center Concept



LOMA VISTA
COMMUNITY CENTERS
North & South



AGENDA ITEM NO: 1-B

City Manager: *AA*

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: November 13, 2017

SUBJECT: Consider Introduction - Ord. ___, R2017-16, A request to approve an amendment to the Master Plan Community (M-P-C) Zone District to modify the Circulation Plan and Planning Areas PA#5, PA#6 and PU#2 within the Loma Vista Community Center South. Baltara Enterprises, LP., Philip Glenn Neufeld Trustee, Mennonite Foundation, Inc. Trustee, Frank & Georgia W. Sorrenti, and Larry Crawford, property owners, City of Clovis, applicant.

ATTACHMENTS:

Figure 1:	Location Map
Exhibit "A.":	R2017-16 Conditions of Approval
Attachment 1:	Draft Ordinance
Exhibit "B.":	Proposed Planning Area Boundaries
Exhibit "C.":	Current and Proposed Planning Area Boundaries
Exhibit "D.":	Visioning for Loma Vista Village Green
Exhibit "E.":	Entertainment District Perspective
Exhibit "F.":	Entertainment District Plan
Exhibit "G.":	Multi-Family Design Options
Exhibit "H.":	Concept Plan Illustrative
Exhibit "I.":	Current Projects under Development
Exhibit "J.":	Planning Commission Minutes

CONFLICT OF INTEREST

None.

RECOMMENDATION

The Planning Commission and staff recommend that the City Council approve Rezone R2017-16, subject to the conditions of approval listed as Exhibit "A".

EXECUTIVE SUMMARY

In preparation for various land entitlements and the land acquisition and development of Fire Station #6, staff requested that the City Council initiate a rezone amendment to the Loma Vista Community Centers North and South Masterplan on February 13, 2017. The Community Centers North and South (CCNS) Master Plan, adopted May 2009, implements the land uses described by the Loma Vista Specific Plan (adopted March 2003) by establishing a zoning overlay and development standards. The CCNS is the heart of Loma Vista and is designed as a pedestrian oriented community with a mix of land uses including a central park (Village Green). With substantial development occurring around the CCNS, development interest in this area is increasing, prompting discussion of the feasibility of the basic street component described in the Master Plan. Additionally the Fire Department is pursuing the construction of Fire Station #6 within the Public Facility portion of the village which favors a more conventional street design.

This staff report considers current development projects and proposals in recommending modification to the CCNS.

BACKGROUND

- General Plan Designation: High Density Res., Very High Density Res., Mixed Use Village, and Park.
- Specific Plan Designation: High Density Res., Very High Density Res., Mixed Use Village, and Park.
- Existing Zoning: R-3, R-4, C-3, and P-F.
- Lot Size: 38.68 acres
- Current Land Use: Rural Residential & Agriculture
- Adjacent Land Uses:
 - North: Rural Residential & Agriculture
 - South: Rural Residential & Agriculture
 - East: Rural Residential & Agriculture
 - West: Rural Residential & Agriculture

PROPOSAL AND ANALYSIS

Staff is requesting to amend the Master Plan Community (M-P-C) Zone District to modify the Circulation Plan and Planning Areas #5 & #6 and Public Area PU#2 within the Loma Vista Community Center South. This action is being sought for several reasons;

- This City is currently negotiating with private property owners for the acquisition of the site for future Fire Station #6 to serve the Loma Vista area. The fire station site, located just north of the "Village Green" requires defining access and egress to and from the site in an efficient manner as well as a site area of adequate size to accommodate the facility.

- Developing plans for the Measure "C" Shaw Avenue widening project are beginning to define the geometrics of the Shaw Avenue grade separated crossing that will connect the northern and southern portions of the Loma Vista Community Centers. This has assisted in locating circulation intersections in the southern Community Center site.
- Staff is beginning the design program for the six acre "Village Green" as park funding is becoming adequate for the acquisition of the park site and development of plans. Initial surveys of the underlying properties are beginning in order to establish fair market values for the purchase of this area.
- The adopted curving street pattern of this area makes incremental development very difficult between the various current properties resulting in potential incomplete street and circulation patterns and unusual residual and difficult to develop portions of the site.

In addressing these issues, staff has utilized Danielian Associates, who assisted in the development of the original plan, to consider these issues and develop modifications to the plan to meet needs.

Circulation Modification

It was determined that the Fire Station should be situated north of the Village Green in the area designated for public facilities. This would accomplish two goals;

- Fire Station # 6 would be located central to the Loma Vista area providing more efficient response times throughout the village.
- Fire Station # 6 would serve as a "civic" building and architectural backdrop to the performing arts stage of the "Village Green". This is similar to the goal of Fire Station #1 located in the Old Town area in providing value in integrating public services to the village core.

In consideration of this site, the fire station would require two public street access points for entering and exiting the facility. With the arching street pattern, a fire station located north of the park would have access to only one street on the south side of the facility. Additionally, points of easy access to the major arterials and collectors of DeWolf, Shaw and Leonard Avenues are needed. The arching street pattern make efficiently accessing these streets difficult for fire equipment.

By revising the circulation pattern to extend the alignment of the streets along the east and west sides of the park, two points of access could be provided to the fire station while providing more efficient links to major outlying streets. (Please see Exhibit "C") This pattern would also allow for a more efficient development pattern

allowing the opportunity for a property to develop without requiring necessary street and circulation improvements on adjacent properties.

Urban Form

As envisioned by the 2009 CCNS plan, the area from Shaw Avenue to ¼ mile south is envisioned as a retail, office, entertainment and mixed use area. This includes medium-scale retail, entrainment and residential uses. Having substantial frontage onto Shaw Avenue, this site can be easily identified from this major collector as including window shopping, entertainment, employment, dining and services on a pedestrian scale. Pedestrian/bicycle paths, which link all points in the community, traverse through the east and west halves of the district. A very unique and eye-catching grade separated crossing will lie beneath Shaw Avenue to connect the northern and southern halves of the Community Centers with pedestrian/bicycle paths and limited vehicular travel.

This area is intended to provide a transition between the automobile oriented shopping center at the northwest corner of Shaw and Leonard Avenues to the more boutique commercial, service and residential area surrounding the "Village Green".

The 2009 plan brings paseos in from major signalized intersections creating storefront urban trails that eventually lead to the public facilities site and the "Village Green".

Areas of very high density residential are mixed with commercial and public uses.

With the current visioning efforts for the "Village Green", attributes are being included for an amphitheater/performing arts space, areas for public events like farmer's markets, art shows, etc. and break-out areas that can be available for public and private events including outdoor wedding receptions, family or organization gatherings and seasonal celebrations. (Please see Exhibit "D", Visioning for Loma Vista Village Green). It is thought that the use of the "Village Green" in this manner could add greater attractiveness to the entertainment and dining uses identified within PA#5.

Staff is proposing a modification to the urban form for this area by creating plazas connected by paseos that would be embraced by pedestrian oriented development including entertainment, theaters, restaurants, and shopping. In this light, staff is proposing that hotel uses be added to the use schedule for this area subject to a conditional use permit in assisting to create a "destination" for both Loma Vista and Clovis. Exhibit "E" portrays how this might look.

One of the initial ideas about including curving streets was to allow the viewer to see storefronts and public spaces rather than a continuing street framed by buildings. This aspect however can be sought with the provision of public spaces and street

focal points at the end of streets. Centennial Plaza in Old Town is a good example of this as viewed easterly on Bullard Avenue. Exhibit "F" illustrates how this might be accomplished for this area.

Residential uses for this area (PA #6) are very high density residential districts. Their proximity to the retail/entertainment district to the north and the civic center/"Village Green" to the south makes this area ideal for high density stacked flats, townhomes, live work units and senior housing.

The current proposal would retain the high density land use in two "pods" with examples for both "tuck-under" apartments and senior apartments. The creation of "pods" accomplishes two goals;

- It provides a residential face to adjoining streets that can include a direct residential connection to the streetscape.
- It provides for protected parking within the project that would not be available to the public during Community Center events.

Examples are illustrated in Exhibit "G", "Multi-family Design Options.

The public use area (PU#2) is to provide for the development of quasi-public institutional uses either publically owned or operated by non-profit organizations. These uses include libraries, post offices, a City Hall annex and parking. In this case Fire Station #6 would be developed on one portion of this site. The proposed modification would envelope a central paseo connecting the retail entertainment district to the "Village Green".

Reallocation of Planning Areas

Exhibit "B" below shows the overall final boundaries of the proposed Planning Areas #5, #6, and Public Area PU#2 within the Loma Vista Community Center South. The areas for these three districts generally remain the same as the approved plan but are re-allocated to accommodate a more rectangular street pattern.

Consistency with the General Plan

The modifications proposed are consistent with the underlying General Plan and Loma Vista Specific Plan and do not require a General Plan or Specific Plan amendment.

Development Standards

The development standards for Planning Areas #5, #6, and Public Area PU#2 will remain the same as the original plan except with the inclusion of hotels subject to conditional use permit in Planning Area #5 and day care centers in PU#2.

Thematic Elements

Branding of the Loma Vista Specific Plan with specific elements is essential to create a community and sense of place. Staff is looking to establish a "Craftsman era" theme throughout this plan area, utilizing natural materials such as cobblestones, rocks, brick, and wood-like elements in subdivision entries, monuments, surface treatments for pedestrian crossings, median surface treatments, walls, fences, and architectural elements. Thematic lighting, benches, trash receptacles, walkway treatment, and drinking fountains have also been established for the Loma Vista Specific Plan Area. Exact number and locations of these items shall be reviewed during the residential site plan review process.

Additional architectural styles have been adopted for this project area per the Loma Vista Community Centers North and South master plan. The approved themes include Monterey, Tudor Cottage and Mission Revival.

Open Space and Trails

Development of this area will contribute a proportionate share either in construction and/or development fee toward the development of a "paseo" system within this project area as required by the General Plan, Loma Vista Specific Plan and the Loma Vista Community Centers North and South Master Plan.

Landscape Setbacks

The Loma Vista Specific Plan adopted specific street section designs for Arterial, Collector and local streets. These standards would continue to be used with the proposed modifications.

Site Plan Review

Subsequent development will be required to submit a Site Plan Review in order to allow staff to review landscaping, open space, architecture, elevations, amenities, and specific plot plans.

Public Comments

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

Planning Commission Discussion

The Planning Commission considered the Project on October 26, 2017 (Exhibit "J"). The Commission accepted testimony from the public both in support and opposition of the Project. The Commission had specific questions regarding the use of land purchased for future City services. Staff indicated that in fact, the City would be acquiring additional property for use by other City service agencies and that in the interim, the additional properties purchased would also serve as overflow parking for any future events in this area. The Commission approved the Rezone request.

California Environmental Quality Act (CEQA)

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. No major revisions will be required with the adopted Environmental Impact Report or Mitigated Negative Declaration 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, November 1, 2017.

FISCAL IMPACT

None.

REASONS FOR RECOMMENDATION

In the opinion of staff and the Planning Commission, 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. Modifications being requested represent the contemporary nature of development while retaining the envisioned character of the urban village. With the conditions of approval and an understanding that future development of Planning Areas #5, #6 and PU#2 requires further design evaluation, Planning Commission and staff, recommend that the Planning Commission approve R2017-16 subject to the conditions of approval attached as Exhibit "A".

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

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

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 600 feet notified:	161
Interested individuals notified:	10

Prepared by: Dwight Kroll, Director of Planning and Development Services

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

J:\Planning Projects\Rezone\R 2017\R2017-16\PC Staff Report 10.26.2017 Revised.doc

EXHIBIT "A"
Conditions of Approval – R2017-16

PLANNING DIVISION CONDITIONS
(Dwight Kroll, Division Representative – (559) 324-2340)

1. Rezone R2017-16 approves an amendment to the Master Plan Community (M-P-C) Zone District to modify the Circulation Plan and Planning Areas #5, #6 and PU#2 within the Loma Vista Community Center South as illustrated in Exhibit "B".
2. Hotels shall be included as a use subject to conditional use permit within Planning Area #5. Day Care Centers shall be included as a use subject to conditional use permit in PU#2.

**DRAFT
ORDINANCE 17-__**

**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 RECLASSIFY LAND LOCATED ON THE SOUTH SIDE OF SHAW
AVENUE, BETWEEN DE WOLF AND LEONARD AVENUES AND CONFIRMING
ENVIRONMENTAL FINDINGS**

LEGAL DESCRIPTION:

See the attached Exhibit "One."

WHEREAS, City of Clovis, 1033 Fifth Street, Clovis, CA 93612, has applied for a Rezone R2017-16;
and

WHEREAS, this is a request to approve an amendment to modify the Circulation Plan and Planning Areas PA#5, PA#6 and PU#2 within the Loma Vista Community Center South. Baltara Enterprises, LP., Philip Glenn Neufeld Trustee, Mennonite Foundation, Inc. Trustee, Frank & Georgia W. Sorrenti, and Larry Crawford, property owners, City of Clovis, applicant; and

WHEREAS, the Planning Commission held a noticed Public Hearing on October 26, 2017, 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 R2017-16;
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 November 13, 2017, to consider Rezone R2017-16. 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, pursuant to CEQA guidelines; and

WHEREAS, the City Council held a noticed public hearing on November 13, 2017, to consider the approval of Rezone R2017-16; and

WHEREAS, on November 13, 2017, 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 R2017-16, 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 R2017-16, or otherwise commented on the Project; and

ATTACHMENT 1

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)

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:

Approve an amendment to modify the Circulation Plan and Planning Areas PA#5, PA#6 and PU#2 within the Loma Vista Community Center South.

The property so reclassified is located on the south side of Shaw Avenue, between De Wolf and Leonard Avenues in the 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: November 13, 2017

Mayor

City Clerk

* * * * *

The foregoing Ordinance was introduced at a regular meeting of the City Council held on November 13, 2017, 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

EXHIBIT "B"

Proposed Planning Area Boundaries

Planning Areas

The Loma Vista Community Centers North and South are composed of nine Planning Areas and three Public Areas. The Planning Areas provide for a mix of uses including residential, commercial, office and entertainment. The three Public Areas will contain a variety of civic uses serving both Community Centers.

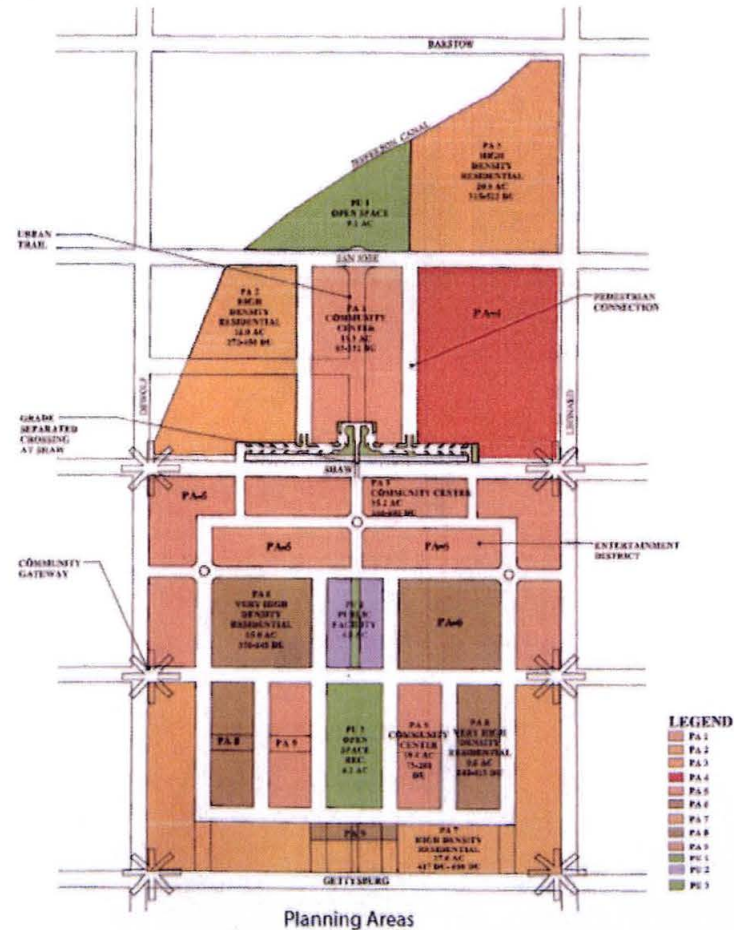


EXHIBIT "C"

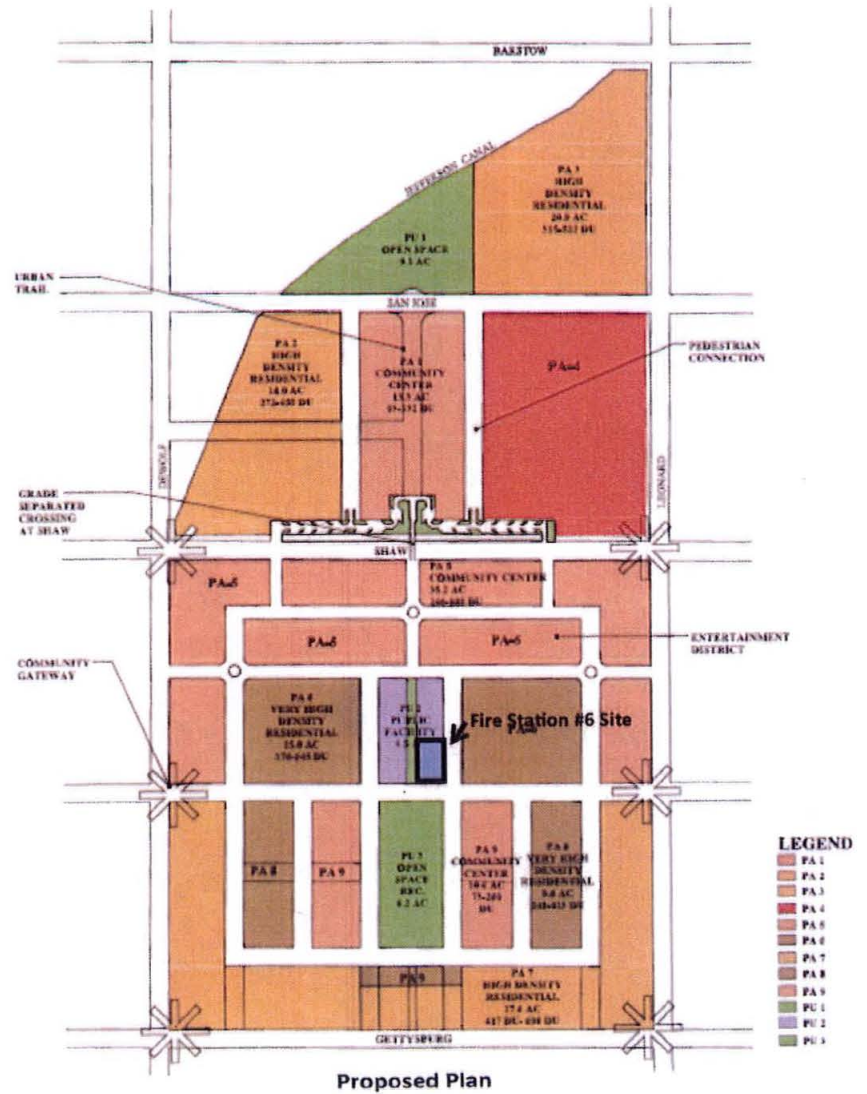
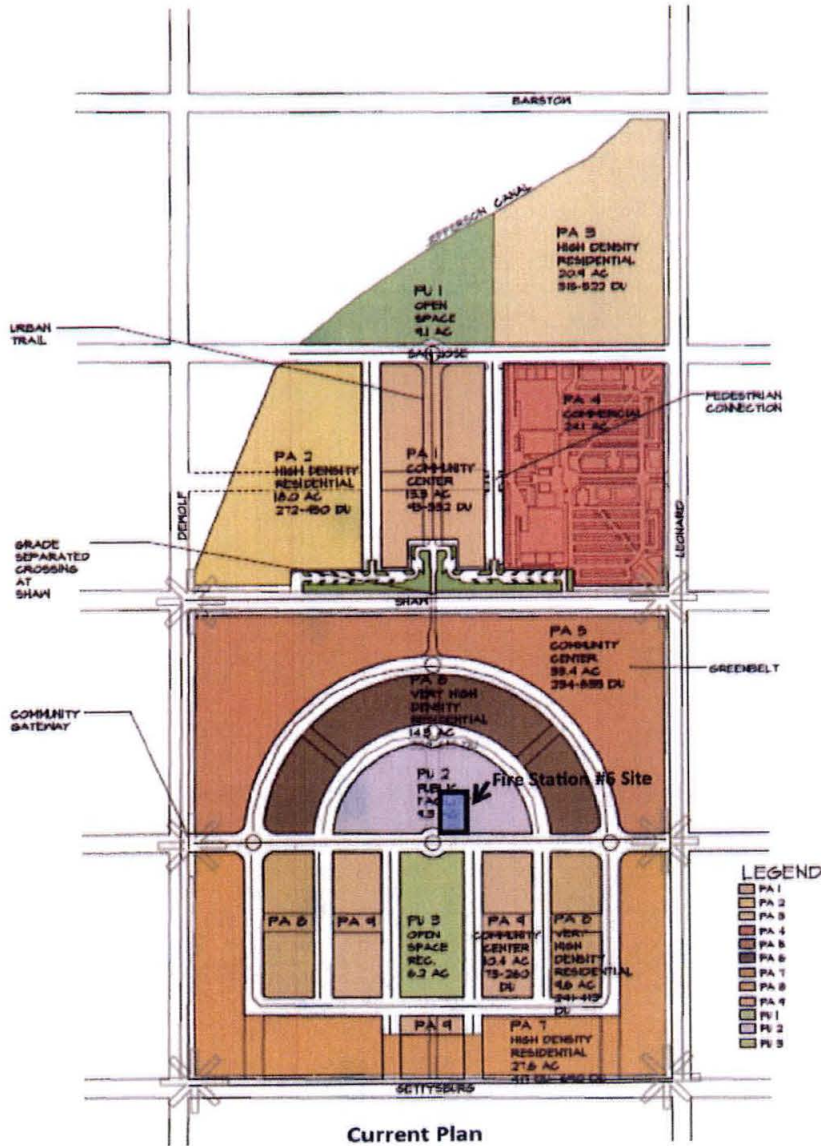
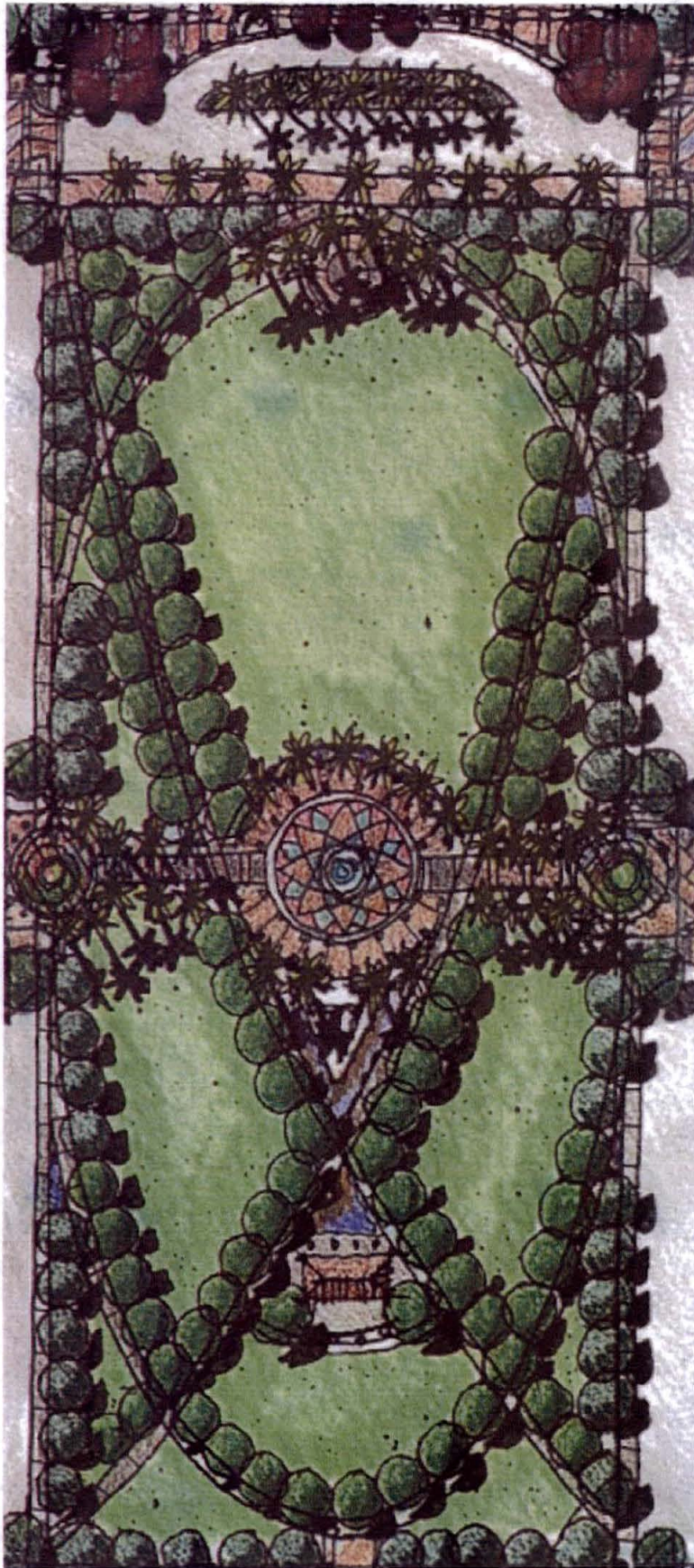


EXHIBIT "D"

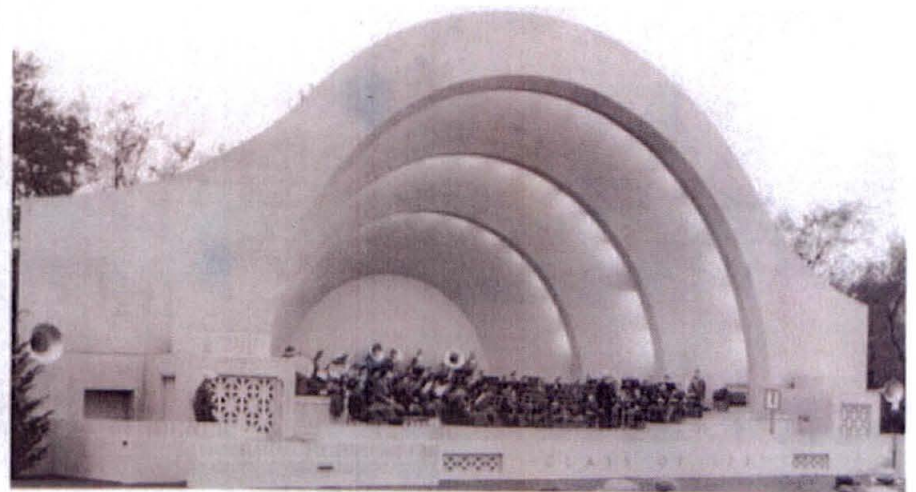
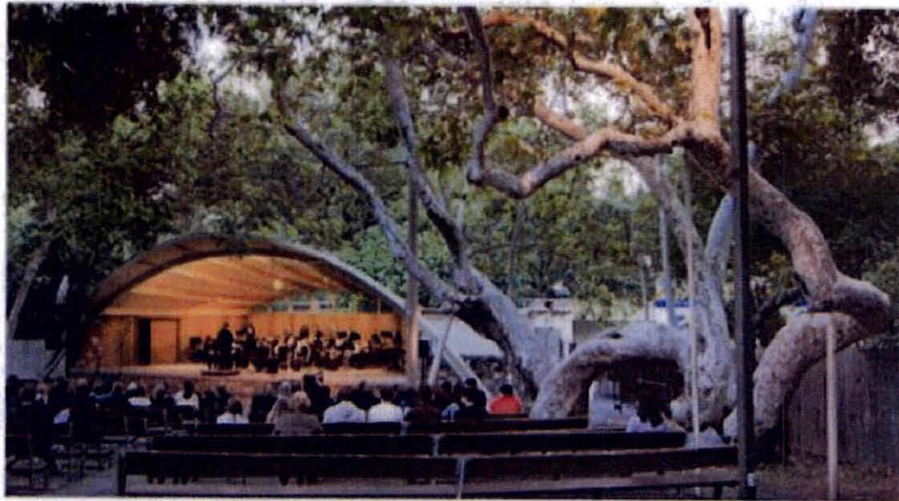
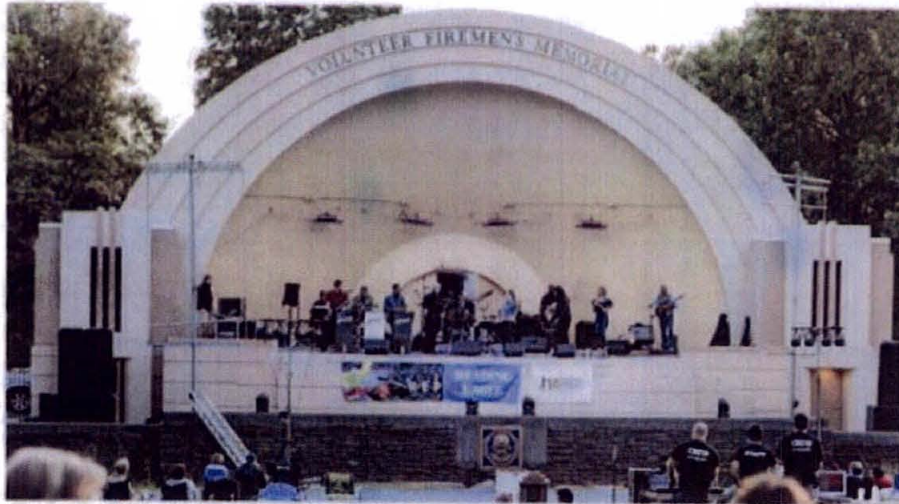
Visioning for Loma Vista Village Green





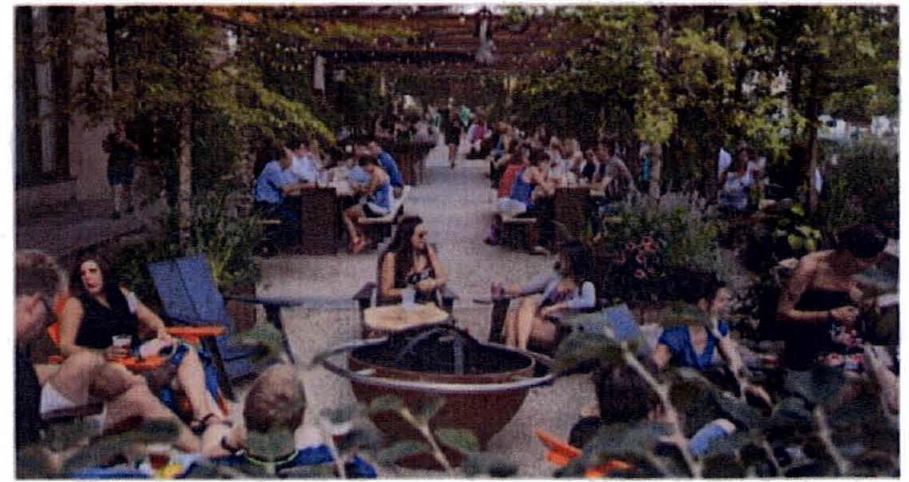
Loma Vista Urban Park
Visioning Board

Street Edges and Trailway



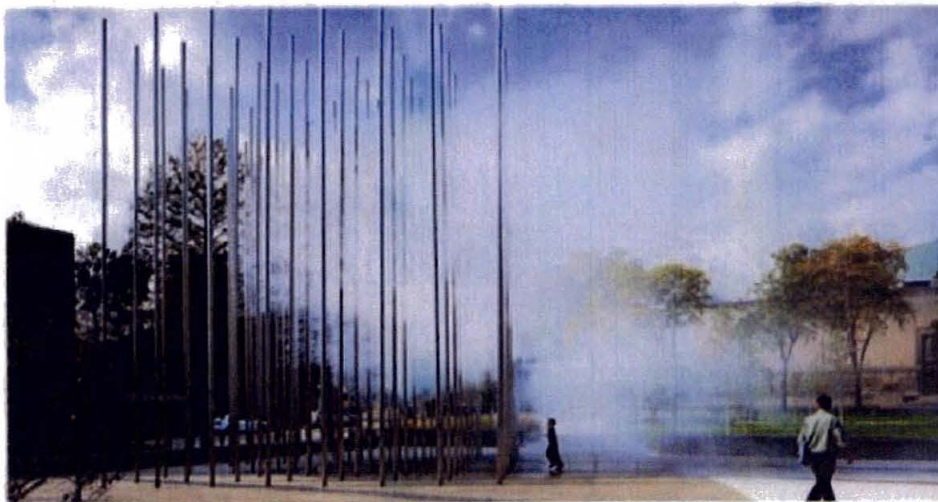
Loma Vista Urban Park
Visioning Board

Stages and Band Shells



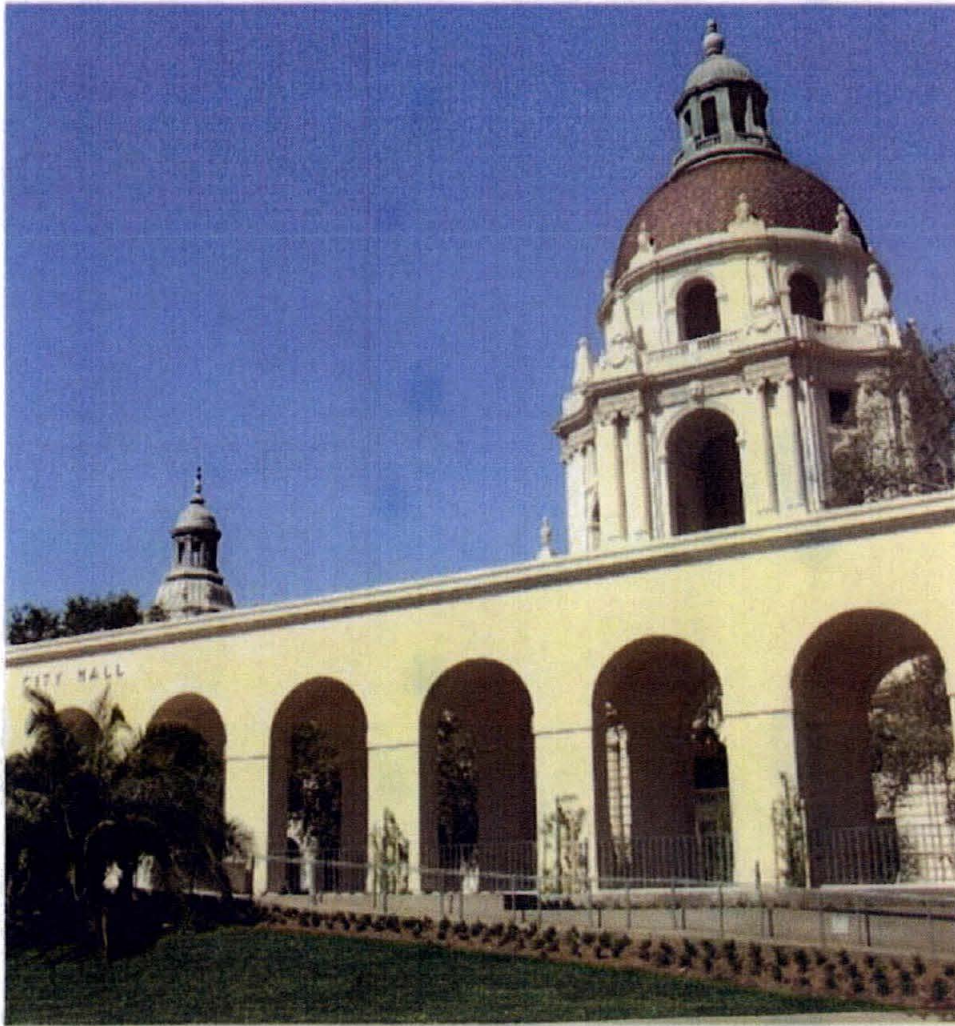
Loma Vista Urban Park
Visioning Board

Dining Areas and Beer Gardens



Loma Vista Urban Park
Visioning Board

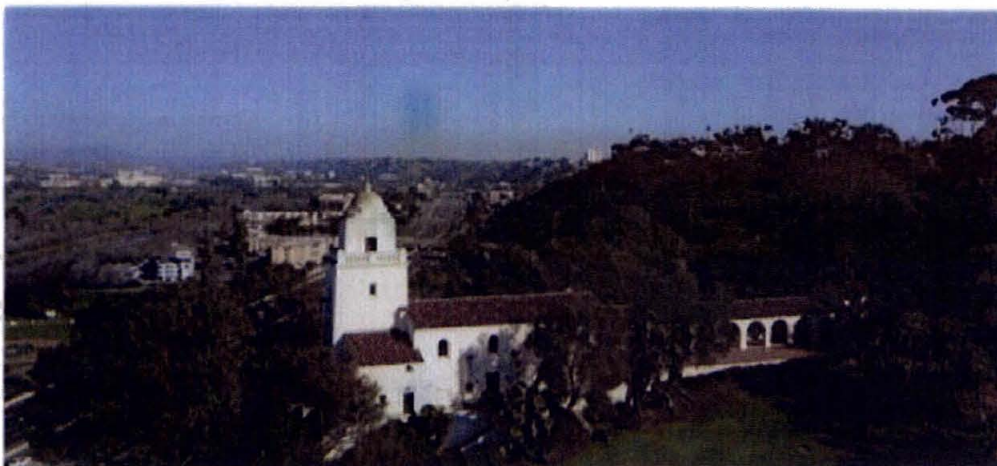
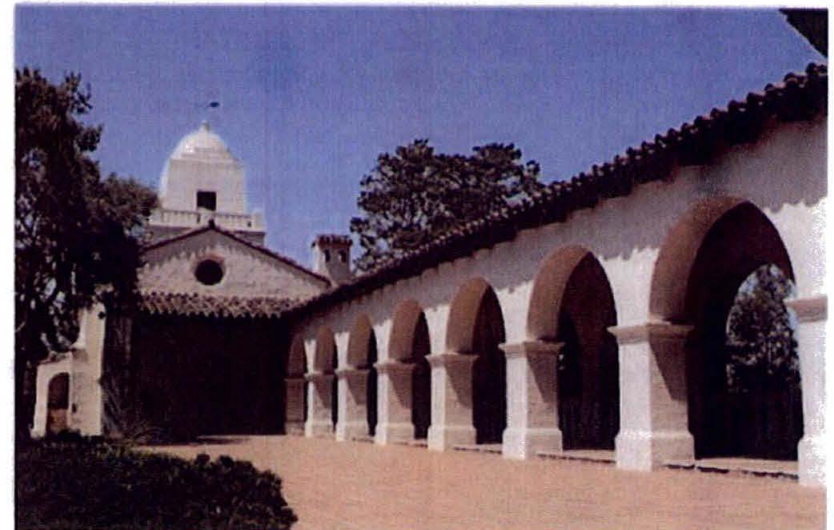
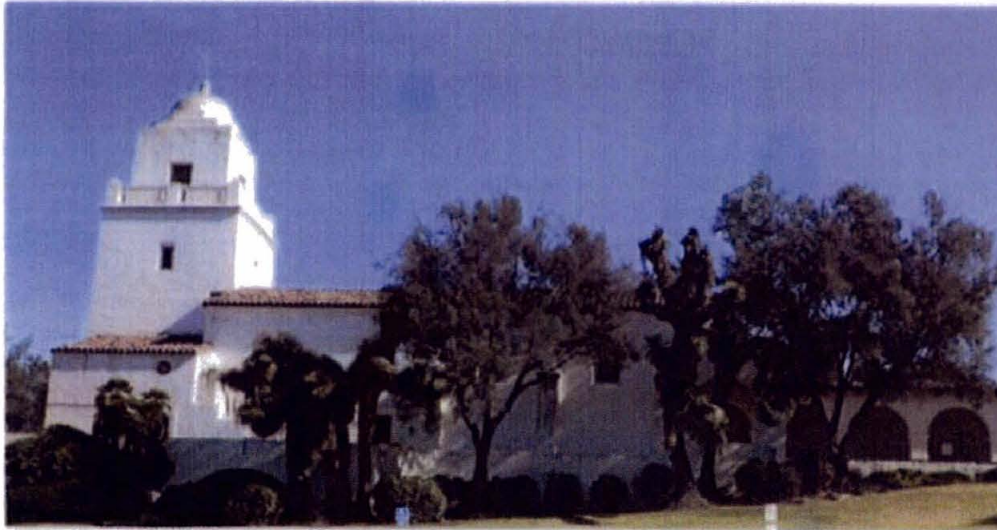
Fountain and Water Features



Loma Vista Urban Park
Visioning Board

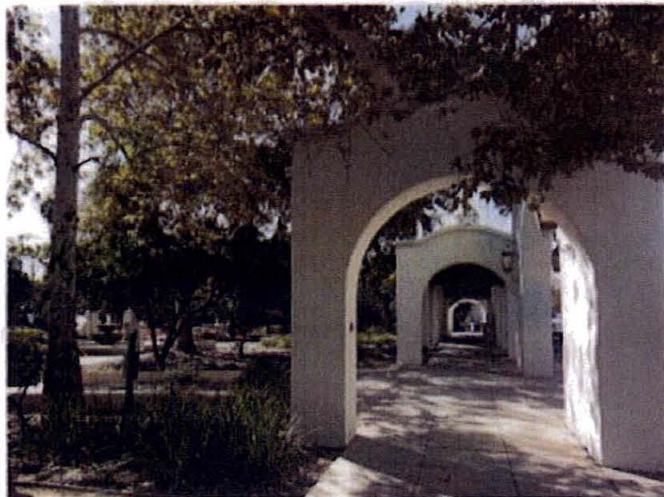


Pasadena City Hall

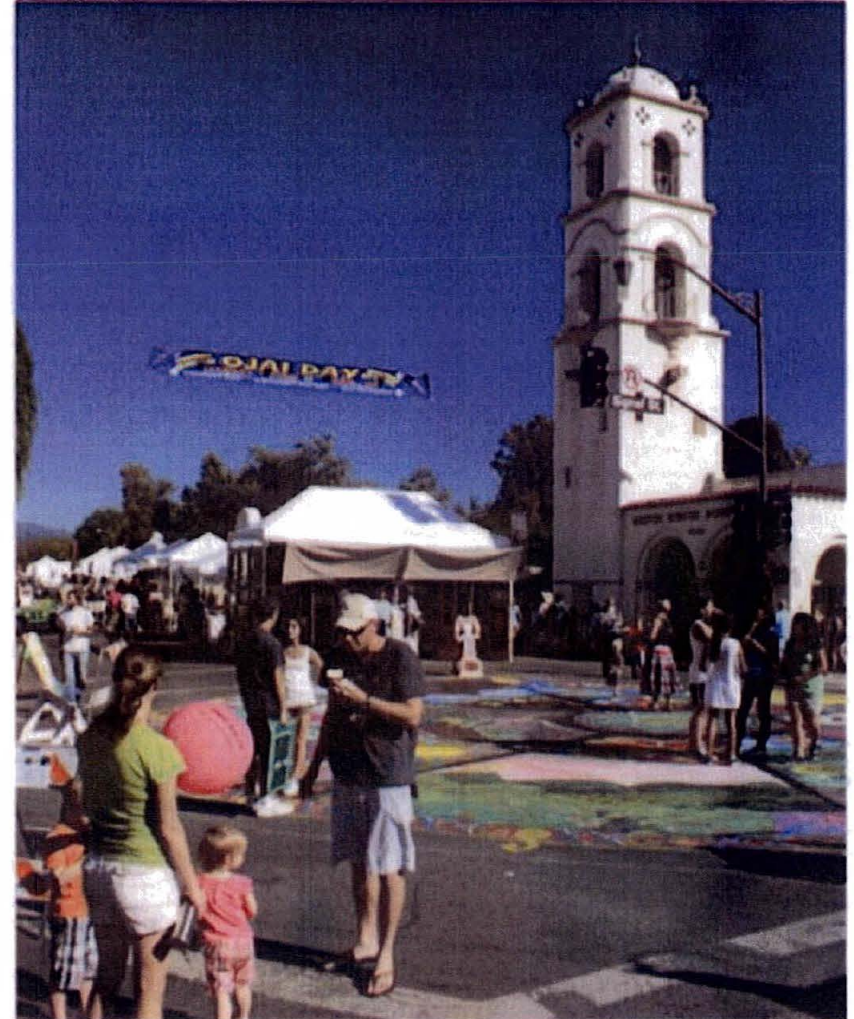


Loma Vista Urban Park
Visioning Board

Junipero Serra Museum



Loma Vista Urban Park
Visioning Board



Libbey Park - Ojai





EXHIBIT "E"
Entertainment District Perspective



EXHIBIT "F"

Entertainment District Plan



COMMUNITY CENTER SOUTH ENTERTAINMENT DISTRICT
UPDATED SITE PLAN CONCEPT

AUGUST 15, 2017 07/07/22
DANIELIAN ASSOCIATES
ARCHITECTURE + PLANNING



EXHIBIT "G"

Multi-Family Design Options

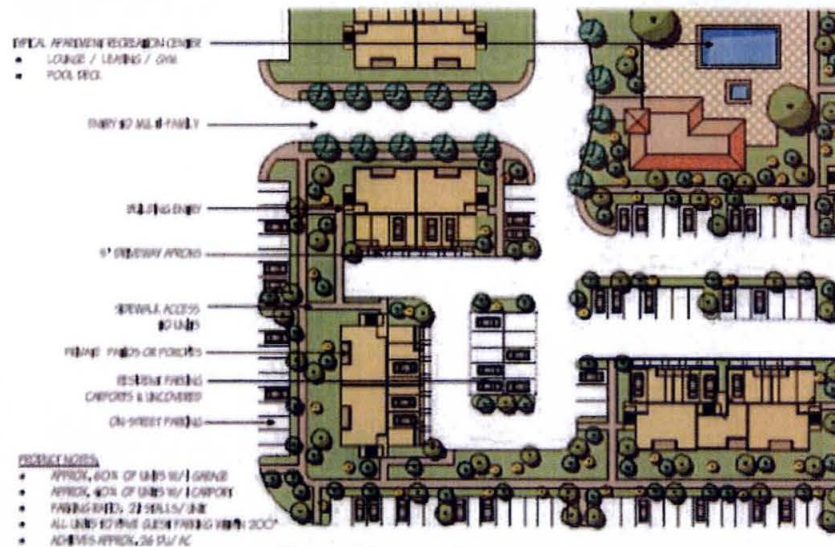
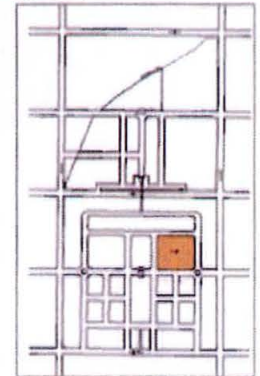
Multi-Family - Tuck-Under Apartments

Stacked flat units, with Tuck-Under garages are appropriate uses in planning areas designated for high density. Units designed as apartments or condominiums. Building heights are predominately 3 stories, with some 2-story massing. Units should contain a minimum of 100 square feet of private open space per unit. Private open spaces may be located in private decks, porches, balconies or patios. A central recreation center is provided for each apartment program.



Tuck-Under Apartment Elevation

Key Map



Tuck-Under Apartment Layout



Tuck-Under Apartment Massing Model



LOMA VISTA
COMMUNITY CENTERS
North & South

IN CLOSE PROXIMITY

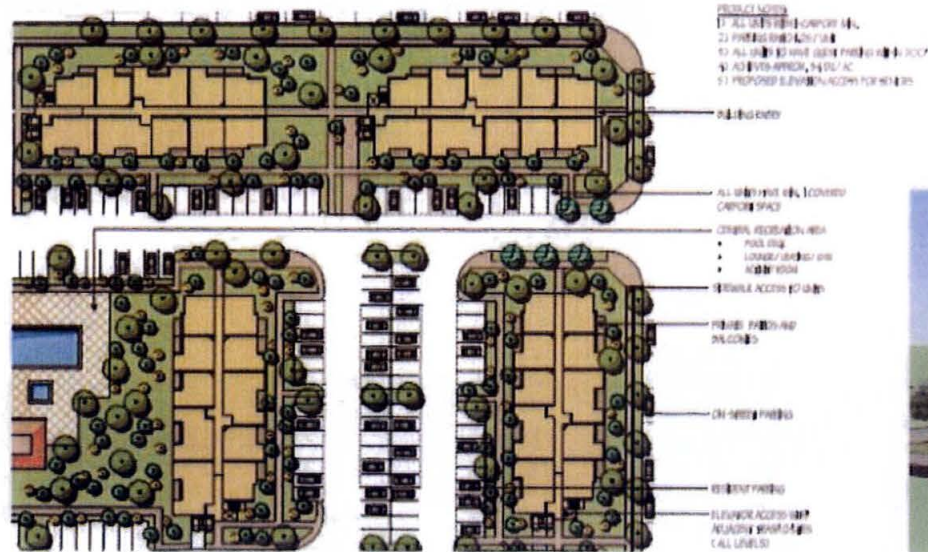
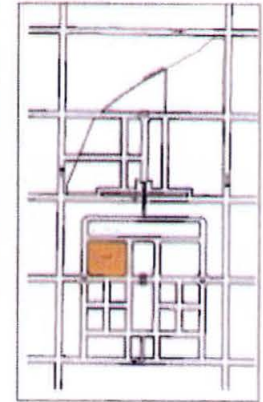
Multi-Family - Seniors Apartments

Stacked flat units are appropriate uses in planning areas designated for high and very high density. Units are designed as Senior Apartments and will address all needs of the senior residents. Building heights are three stories, with convenient elevators and trash chutes. Floor plan layouts designed to be ADA accessible. Units should contain a minimum of 100 square feet of private open space per unit. Private open spaces may be located in private decks, porches, balconies or patios.



Seniors/Stacked Flat Apartment Elevation

Key Map



Seniors/Stacked Flat Apartment Layout



Seniors/Stacked Flat Apartment Massing Model

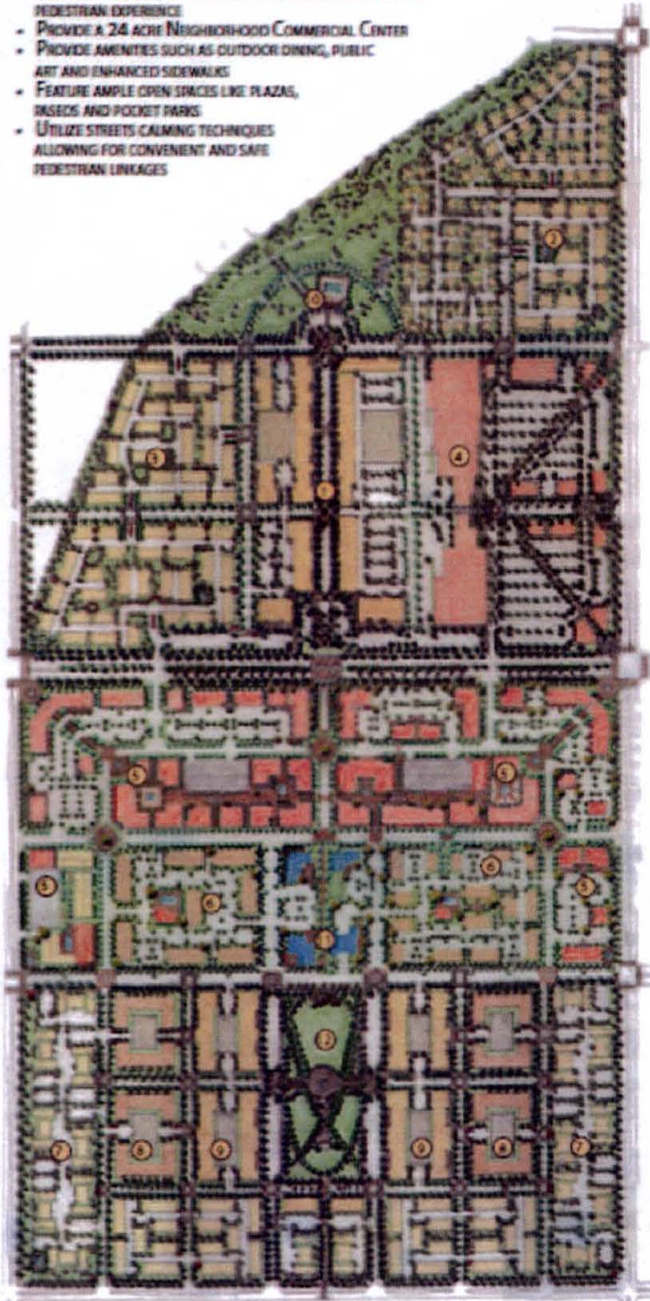


LOMA VISTA
COMMUNITY CENTERS
North & South

EXHIBIT "H" Concept Plan Illustrative

LOMA VISTA URBAN CENTERS DESIGN OBJECTIVES

- CREATE A PLAN WITH TWO DISTINCT URBAN VILLAGES, URBAN VILLAGE NORTH AND URBAN VILLAGE SOUTH
- PROVIDE A MIX OF COMMERCIAL, OFFICE, SERVICE, ENTERTAINMENT, CIVIC AND RESIDENTIAL USES
- CREATE A PLAN WITH DYNAMIC PEDESTRIAN-ORIENTED DISTRICTS CONTAINING AN INTIMATELY SCALED MIX OF USES
- CREATE A MIXED USE MAIN STREET IN THE NORTH AND MAIN STREET LINED VILLAGE GREEN IN THE SOUTH
- FOCUS THE DESIGN AND ORIENTATION OF DEVELOPMENT ON THE PEDESTRIAN EXPERIENCE
- PROVIDE A 24 ACRE NEIGHBORHOOD COMMERCIAL CENTER
- PROVIDE AMENITIES SUCH AS OUTDOOR DINING, PUBLIC ART AND ENHANCED SIDEWALKS
- FEATURE AMPLE OPEN SPACES LIKE PLAZAS, SITES AND POCKET PARKS
- UTILIZE STREETS CALMING TECHNIQUES ALLOWING FOR CONVENIENT AND SAFE PEDESTRIAN LINKAGES



LEGEND

- | | |
|--|---|
| ① PA 1: MAIN STREET | ⑦ PA 7: HIGH DENSITY RESIDENTIAL |
| ② PA 2: HIGH DENSITY RESIDENTIAL | ⑧ PA 8: VERY HIGH DENSITY RESIDENTIAL |
| ③ PA 3: HIGH DENSITY RESIDENTIAL | ⑨ PA 9: MIXED USE ON VILLAGE GREEN |
| ④ PA 4: NEIGHBORHOOD COMMERCIAL CENTER | ⑩ PUBLIC AREA 1: NORTH PARK |
| ⑤ PA 5: MIXED USE DISTRICT | ⑪ PUBLIC AREA 2: QUASI PUBLIC AREA |
| ⑥ PA 6: VERY HIGH DENSITY RESIDENTIAL | ⑫ PUBLIC AREA 3: LOMA VISTA VILLAGE GREEN |

LOMA VISTA URBAN CENTERS
NORTH AND SOUTH
CLOVIS, CA

CONCEPT PLAN ILLUSTRATIVE



MAIN STREET



VILLAGE GREEN



NEIGHBORHOOD COMMERCIAL CENTER



MIXED USE DISTRICT - ENTERTAINMENT CENTER

PROJECT SUMMARY

TOTAL AREA: 272.5 ACRES
MAXIMUM TOTAL DWELLING UNITS: 4,117 DU
MAXIMUM TOTAL NON-RESIDENTIAL SF: 1,814,818 SF

URBAN VILLAGE NORTH TARGET:

806 DWELLING UNITS
675,942 SQUARE FEET NON-RESIDENTIAL FLOOR AREA

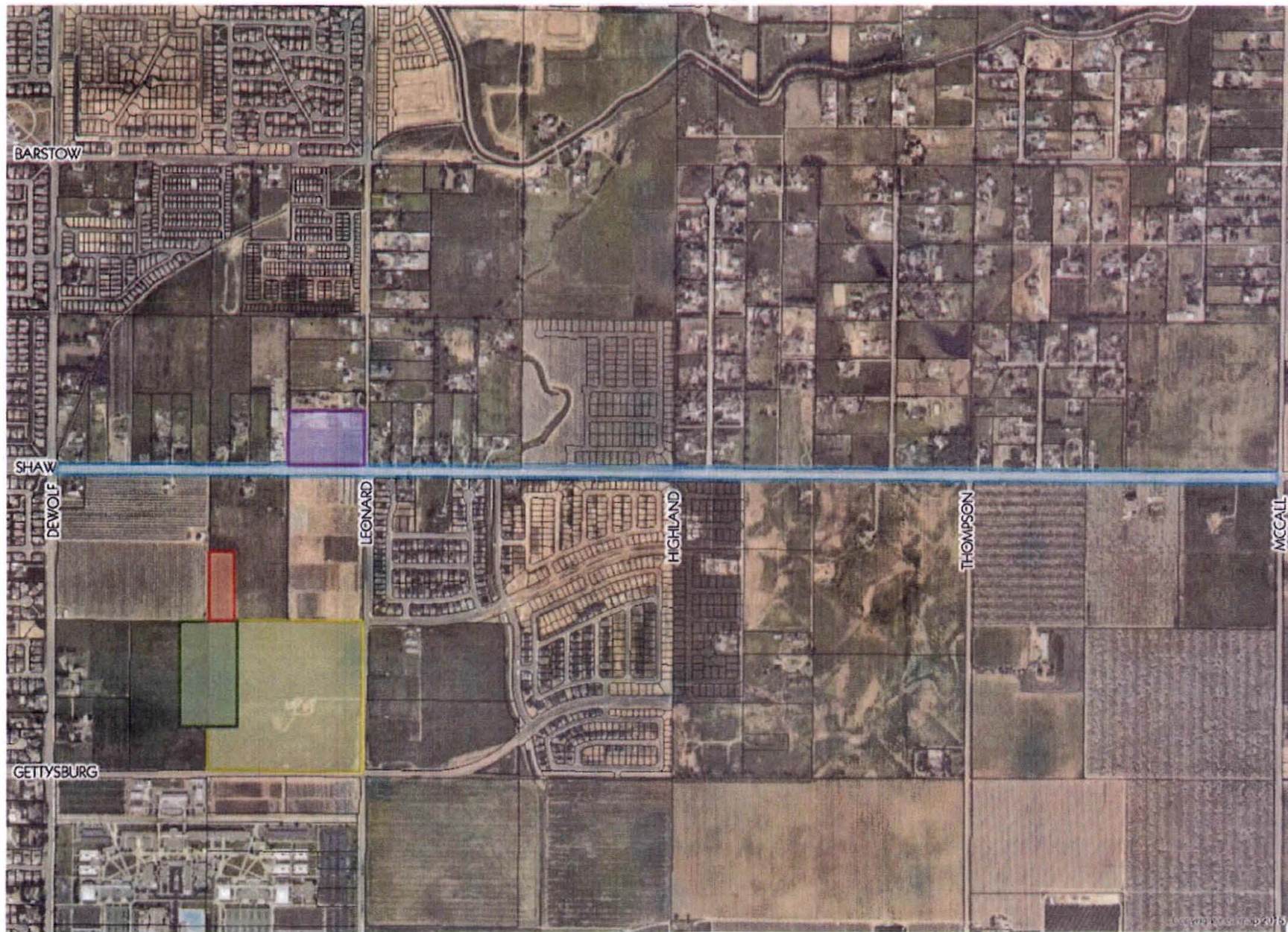
URBAN VILLAGE SOUTH TARGET:

1,840 DWELLING UNITS
1,138,876 SQUARE FEET NON-RESIDENTIAL FLOOR AREA




DANIELIAN ASSOCIATES
ARCHITECTURE • PLANNING

10/03/17



Community Center Projects

-  Loma Vista Village Green
-  R2008-07A2, CUP2017-11, SPR2017-14
-  Fire Station #6
-  Tract 6168 (Wilson Homes)
-  Shaw Avenue Widening

1" = 800'



9/18/2017

EXHIBIT "I"

CLOVIS PLANNING COMMISSION MINUTES
October 26, 2017

A. Consider Approval, Res. 17-____, R2017-16, A request to approve an amendment to the Master Plan Community (M-P-C) Zone District to modify the Circulation Plan and Planning Areas PA#5, PA#6 and PU#2 within the Loma Vista Community Center South. Baltara Enterprises, LP., Philip Glenn Neufeld Trustee, Mennonite Foundation, Inc. Trustee, Frank & Georgia W. Sorrenti, and Larry Crawford, property owners, City of Clovis, applicant.

PDS Director Dwight Kroll presented the staff report.

Chair Hinkle inquired as to whether there had been any discussion with the Police Department on building a substation in this area, citing a similar situation in San Jose that was addressed by adding fire and police in areas of high density. Director Kroll responded that the City intends to purchase more property than needed for Fire Station #6 and has highlighted this fact to other departments, including police, senior services, and transit to inform them of this opportunity to bring other public uses into the area. In the near term, this extra property may be used to alleviate parking issues with events. A library facility/annex is also a possibility. Chair Hinkle expressed that this is consistent with planning 50 years ahead rather than just 20 years, which is an aim of the Commission. He also expressed gratitude for the parking issue being addressed already, as that is a definite concern of his.

Commissioner Terrence inquired as to the difference between what the Commission heard last month on a Wilson project versus what the City Council heard on it. Director Kroll responded that the area of discussion the Planning Commission hadn't been exposed to was that of uses adjacent to the project, including a concern that the mixed use nature of the area not be lost, and elaborated. There was also discussion of a traffic study, and that Wilson chose to gate the community. Commissioner Terrence expressed relief that these issues were addressed after the project moved on from Planning Commission last month.

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

Phillip Neufeld, the Executive Director of IT for Fresno Unified School District, representing the Neufeld family owning the parcel on which the fire station would be built, expressed support for the project and the way the area is being developed.

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

There were no comments in opposition.

At this point the Chair closed the public portion.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Antuna to approve R2017-16. The motion was approved by a vote of 5-0.



AGENDA ITEM NO: 1-C
City Manager: [Signature]

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: November 13, 2017

SUBJECT: Consider Approval, Res. 17-____, CUP2017-12, A request to approve a conditional use permit for a proposed 4-story, 111-room hotel to be located on property southeast of Clovis and Santa Ana Avenues. Clovis Centerpointe LP, owner; SAT Broadway, LLC, applicant, KFW Engineers and Surveying.

ATTACHMENTS:

Figure 1:	Location Map
Exhibit "A:"	Conditions of Approval
Attachment 1:	Addendum of Negative Declaration
Attachment 2:	Draft Resolution
Attachment 3:	Correspondence from Agencies
Exhibit "B:"	Site Plan
Exhibit "C:"	Elevations & Floor Plans

CONFLICT OF INTEREST

None

RECOMMENDATION

The Planning Commission and staff recommend the City Council approve Conditional Use Permit CUP2017-12, subject to the conditions listed in Exhibit "A."

EXECUTIVE SUMMARY

This conditional use permit is a request to amend the existing Planned Commercial Center use schedule and conceptual site plan to allow for hotels in phase 2 of the development. The Development Code allows an applicant to amend a Planned Commercial Center Use Schedule through a conditional use permit process. The use permit also includes a specific project for a 4-story, 111-unit hotel on approximately 5.8 acres located at the furthest south

portion of phase 2 of the Planned Commercial Center. Approval of this conditional use permit would allow the developer to continue with site plan review and building permits.

BACKGROUND

- General Plan Designation: General Commercial
- Specific Plan Designation: None
- Existing Zoning: P-C-C (Planned Commercial Center)
- Current Land Use: Vacant
- Adjacent Land Uses:
 - North: P-C-C (Sierra Vista Mall)
 - South: P-C-C (Hotels)
 - East: M-2 (General Industrial) (Center for Advanced Research and Technology)
 - West: R-1 (Single-Family Residential)
- Previous Entitlements: Rezone R2006-06, Conditional Use Permit CUP78-02, PM2008-01 & SPR93-19A

The 111-room hotel is proposed within phase 2 of the Planned Commercial Center Zone District that encompasses roughly 9.8 acres of property on the east side of Clovis Avenue between Santa Ana and Gettysburg Avenues. The Planned Commercial Center (P-C-C) was approved by the City Council in July 2006, and includes two phases of development. The most southern parcel of the center (Phase 1 of the P-C-C), is developed with two 4-story hotels. Phase 2 of the center (the Project site), was approved for commercial retail and office uses. The applicant's request is to develop a 4-story hotel within this second phase of the P-C-C District.

PROPOSAL AND ANALYSIS

Project Description

The original master plan approval for the center includes an office/commercial development. The applicant is seeking conditional use permit approval to amend the use schedule and the overall site plan of the Planned Commercial Center with the intent of developing a 111-room, 4-story hotel. The hotel is proposed adjacent to the existing hotels within phase 1 of the commercial center. The total floor area of the hotel is 66,234 square feet. The hotel will consist of fifty-seven studios with "King" size beds, forty-seven studios with "Queen" size beds, and seven 1-bedroom units. The Project meets all parking, setback, lot coverage and other development requirements.

Parking and Circulation

The parking layout and configuration for the development meets the property development standards of the Development Code. The Development Code requires 1.2 spaces for each guest room. With 111 units, a total of 134 parking spaces are required. The development is proposing 134 parking spaces.

Although the applicant's project will modify the existing circulation of the previously approved conceptual site plan for phase 2 of the Planned Commercial Center (Exhibit "B"), staff has no concerns in regards to the proposed modifications to the circulation.

Commercial Building Height

The Code permits a maximum 35-foot building height in commercially zoned districts. The Project includes an overall height of 60.67 feet to the architectural tower and 52-feet to the roof parapet. There have been several examples of a conditional use permit used to allow over-height hotels such as the Homewood Suites and the Hampton Inn Suites to the south. The Commission has the ability to approve additional stories and height through the use permit process. Staff has included a condition of approval for Planning Commission consideration to allow the over-height for this building.

Signage

All signs for this use shall comply with the Clovis Sign Ordinance and will require separate sign permits. Hotels are permitted signs with an overall area consistent to commercial districts. Commercial freestanding signs are allowed on the respective street frontage of the business with maximum height and face area determined by the linear street frontage. Commercial on-building signs for buildings less than 150 feet away from the street are permitted 1 square foot of sign area per each linear foot of lease space not to exceed a maximum of 100 square feet for major tenants (7,000 square feet). In addition to signs allowed in the commercial zone districts, hotel uses are allowed one "vacancy-no-vacancy" sign not to exceed 5 square feet. It should be noted that due to the trail along Clovis Avenue, this site does not have a Clovis Avenue frontage. The freestanding sign allowance applies only to Santa Ana Avenue.

Exterior Elevations

The applicant has submitted elevations for the proposed hotel. Staff has reviewed the elevations and will review specific colors, materials and additional architectural components during the site plan review approval process.

Land Use Development

The project area is inclusive of an approximate 5.8 acre site and is one of the few remaining vacant properties in the area. The applicant has an opportunity to utilize the vacant property for the establishment of a hotel lodging in accordance with the General Plan policies and Development Code requirements.

Development Code and Zoning

The property is zoned Planned Commercial Center (P-C-C). The P-C-C Zone District is intended to encourage the effective and timely development of land for commercial purposes in accordance with the objectives of the General Plan. The P-C-C Zone District allows for any and all uses customarily associated with commercial zoning centers and zone districts. Hotels are a category of uses that are included in commercial developments and are permitted subject to an approved conditional use permit within most commercial zone districts.

The proposed hotel meets all parking, setbacks, lot coverage and other development requirements of the Development Code.

Public Comments

A public notice was sent to area residents within 450 feet of the property boundaries. Staff has not received comments or concerns from the public upon finalization of this report.

Review and Comments from Agencies

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

Conditional Use Permit

The following are the findings the Commission must make to approve the CUP, along with an analysis of those findings based upon the record.

1. The Project is consistent with the General Plan and any applicable specific plan.

The applicant is proposing to develop a 4-story, 111-unit hotel facility utilizing the development standards of the General Plan and the City's Development Code. The proposed use is consistent with the General Plan commercial land use diagrams and land

use goals and policies which, together with the Development Code, provide for hotel facilities in commercial zones of the City subject to a conditional use permit.

2. The Project is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of the Development Code.

The proposed use is located within the Planned Commercial Center land use designation of the General Plan. The Property is zoned P-C-C (Planned Commercial Center). Uses customarily associated with commercial centers, including hotels, are typical uses allowed within Planned Commercial Centers. The applicant is proposing a Project that introduces 111-units with the intent of integrating additional lodging facilities into the Clovis corridor community. Hotel facilities are allowed in most Commercial Zone Districts with a conditional use permit. The proposal is consistent with the conditional use permit requirements for parking, setbacks, building layout and development.

3. The design, location, size, and operating characteristics of the Project 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 health, safety, or general welfare of the City.

There are two existing hotels immediately south of the proposed project. The hotel use has been analyzed specific to noise, traffic, pedestrian safety, aesthetics, parking, neighborhood character, and other issues. The use is compatible with the commercial components of Clovis Avenue and adjacent Sierra Vista Mall.

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

The Project is proposed on a vacant 5.8 acre site located along the Clovis Avenue frontage south of the Sierra Vista Mall. The site is a vacant parcel that is part of phase 2 of the Planned Commercial Center and the development to the south. The proposed 111-unit hotel facility fits well on this parcel with adequate setbacks, parking, landscaping, on site circulation, and ingress and egress, as shown on the Site Plan (Exhibit "B"). The site's location is in close proximity to neighboring services with available access directly to those services without vehicular constraints.

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.

Staff has analyzed and determined that there are adequate provision for access, water, sanitation, utilities and services and that the project would not be detrimental to public health and safety. The Conditions of Approval set forth in Exhibit "A" are necessary to make the foregoing findings, and are otherwise necessary to protect the public health, safety, and general welfare of the citizens of Clovis.

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

Staff has determined that the proposed project would not have any negative effect or significant impacts on the environment. The project is an infill development surrounded by existing development. An addendum to the existing Negative Declaration initially prepared for the Planned Commercial Center was accepted as a result of the sewer study conducted which found that the hotel use can be accommodated.

California Environmental Quality Act (CEQA)

Staff has prepared an addendum to the Negative Declaration initially prepared for the Planned Commercial Center under Rezone R2006-06. It was determined that the use will not have a significant effect on the environment.

The City published notice of this public hearing in *The Business Journal* on Wednesday, October 30, 2017.

FISCAL IMPACT

None

REASON FOR RECOMMENDATION

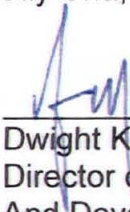
The Project is consistent with the goals and policies of the General Plan and Zoning and provides a diversity of land use within a vacant commercial property; Therefore, staff recommends that the City Council approve CUP2017-12, subject to the conditions of approval listed as Exhibit "A".

ACTIONS FOLLOWING APPROVAL

None

Prepared by: Lily Cha, Assistant Planner

Submitted by:



Dwight Kroll, AICP
Director of Planning
And Development Services

**FIGURE 1
PROJECT LOCATION MAP**

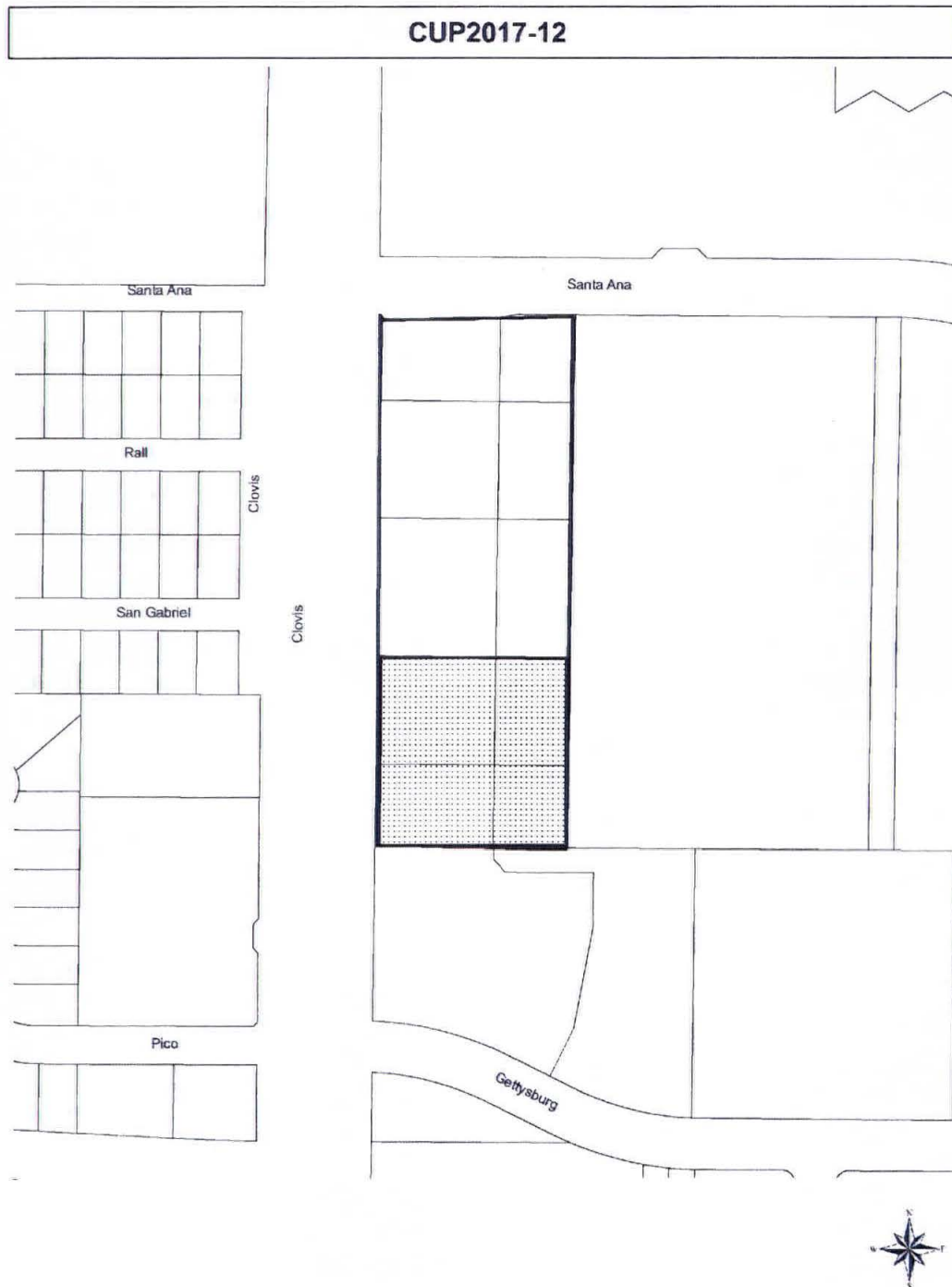


EXHIBIT "A"
Conditions of Approval – CUP2017-12

Planning Division Conditions

(Lily Cha, Division Representative – (559) 324-2335)

1. All conditions of this use permit shall be addressed prior to operation of the facility.
2. Conditional Use Permit CUP2017-12 may be reviewed in one year for compliance with the conditions of approval. Planning staff may conduct a review of the use and may present these findings to the Planning Commission. Should the use be found to be in non-compliance, the Commission may schedule the use permit for revocation.
3. This conditional use permit approves hotel facility to be located within phase 2 of the Planned Commercial Center located at the southeast corner of Clovis and Santa Ana Avenues. Any changes in use may require an amendment to the Conditional Use Permit.
4. This conditional use permit approves a building height of 60.67 feet to the top of the architectural tower and 52 feet to the top of the roof parapet.
5. Any outdoor modifications to the site shall require an amendment to the site plan review.
6. All signs for this use shall comply with the Clovis Sign Ordinance and require separate sign permits. Temporary signs shall be per Code and the use of mascots and sign waivers shall be prohibited.
7. All employee parking shall occur on site.
8. Succession or abandonment of this use for a period of exceeding 90 days shall be cause for scheduling of a revocation hearing for this conditional use permit.
9. The landscaping along the street frontages shall be maintained and not needlessly removed.
10. Landscaping within the Clovis Trail shall not be removed, pruned or altered as part of the development or as part of the hotel maintenance routine. The trail landscaping shall be maintained under City contract.
11. Landscaping shall comply with CMC section 6.5.501 et seq., Water Efficient Landscape Requirements, as amended in March 2010

12. Delivery trucks shall not be left to idle on the east west side of the building.
13. All lights on the site shall be directed away from residential properties and shall not interfere with the safety of vehicular traffic. Prior to final occupancy, the lights shall be inspected by Planning. At that time, a determination will be made if additional screening of lights is required.
14. Operation of the site shall conform to the Clovis noise and vibration standards (CMC §9.22.080 and §9.22.100).
15. The applicant shall obtain a recorded Reciprocal Parking Agreement with the property to the south and a copy to be kept on file with the city.
16. The reciprocal drive lanes shall remain clear of barriers, fencing and other similar devices.

San Joaquin Valley Unified Air Pollution Control District Conditions

(Brian Clements, District Representative – (559) 230-5940)

17. Applicant shall refer to the SJVAPCD suggested rules and mitigation measures.

Fresno Metropolitan Flood Control District Conditions

(Denise Wade, FMFCD Representative – (559) 456-3292)

18. Applicant shall comply with the requirements of the FMFCD.

**Addendum to the Project Description
CUP2017-12
Negative Declaration**

Project Title: Addendum to the Mitigated Negative Declaration prepared for R2006-06 to reflect the proposed CUP2017-12 project.

Lead Agency: City of Clovis, 1033 Fifth Street, Clovis, CA 93612

Contact Person: Lily Cha, Planning Division, (559) 324-2335

Project Location: Southeast area of Clovis and Santa Ana Avenues, Clovis, CA, Fresno County, California

Previously Adopted MND: An Initial Study and Negative Declaration (R2006-06), was prepared and evaluated any potentially significant environmental effects that would result from the proposed activity with the incorporation of mitigation measures.

CEQA Guidelines Provisions for an Addendum to a Negative Declaration: The State CEQA Guidelines provide that an "addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred."

Project Overview: CUP2017-12 requests consideration to modify the site design and use schedule of the Planned Commercial Center on property located southeast of Clovis and Santa Ana Avenues.

After evaluation of the proposed project and the adopted Negative Declaration, staff concludes that none of the conditions described in the California Environmental Quality Act (CEQA) Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred and that an addendum to the Negative Declaration for CUP2017-12 will be prepared.

No new significant environmental effects or a substantial increase in the severity of previously identified significant effects are anticipated. The proposed project does not result in new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Negative Declaration was adopted. No additional documentation pertaining to the overall property specific to the proposed conditional use permit that would indicate a need for revised environmental analysis has been added to the public record.

Based on an analysis of the proposed project within CUP2017-12, to include an Initial Study and Negative Declaration, and substantial conformance with the

General Plan, staff prepares this addendum to R2006-06 pursuant to the CEQA Section 15164. This addendum will not be circulated for public review but will be included in the environmental assessment.

F:\Planning Projects\CUP\CUP 2017\CUP2017-12 (SAT Broadway)\Environmental Docs\Addendum CUP2017-12.doc

**DRAFT
RESOLUTION 17-_____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING A CONDITIONAL
USE PERMIT FOR A 4-STORY, 111-ROOM HOTEL TO BE LOCATED ON PROPERTY SOUTHEAST
OF CLOVIS AND SANTA ANA AVENUES.**

WHEREAS, SAT Broadway, LLC, 7300 Blanco Road, Suite 701A., San Antonio, Texas, 78216, has applied for a Conditional Use Permit CUP2017-12; and

WHEREAS, this is a request to approve a conditional use permit for a 4-story, 111-room hotel to be located on property southeast of Clovis and Santa Ana Avenues, in the City of Clovis, County of Fresno; and

WHEREAS, on October 26, 2017, the Planning Commission considered Conditional Use Permit CUP2017-12; and

WHEREAS, a public notice was sent out to area residents within 450 feet of said property boundaries ten days prior to said hearing; and

WHEREAS, on November 13, 2017, 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 parcel is physically suitable in size and shape for the type and density/intensity of use being proposed;
5. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety; and
6. That, based upon the Initial Study and comments received, there is no substantial evidence that the project will have a significant effect on the environment.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Clovis City Council does approve CUP2017-12, subject to the attached conditions labeled Exhibit "A"

* * * * *

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council held on November 13, 2016, by the following vote, to wit:

ATTACHMENT 2

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED: November 13, 2017

Mayor

City Clerk

CORRESPONDENCE

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

File No. 210.433

Page 1 of 3

PUBLIC AGENCY

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

DEVELOPER

JOSHUA VESTAL, KFW ENGINEERS
3421 PAESANOS PKWY, SUITE 200
SAN ANTONIO, TX 78231

PROJECT NO: **2017-012**

ADDRESS: **SEC CLOVIS AND SANTA ANA**

APN: **499-540-03, 04, 05, 06, 07**

SENT: **9/7/17**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
2D	\$8,259.00	NOR Review *	\$58.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review *	\$295.00	Amount to be submitted with first grading plan submittal.
Total Drainage Fee: \$8,259.00		Total Service Charge: \$353.00		

* The Development Review Service Charge shown above is associated with CL SPR 2017-015 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 2/28/18 based on the site plan submitted to the District on 8/24/17 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

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

**CL
CUP No. 2017-012**

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

Page 2 of 3

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

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


CL CUP No. 2017-012


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

Page 3 of 3

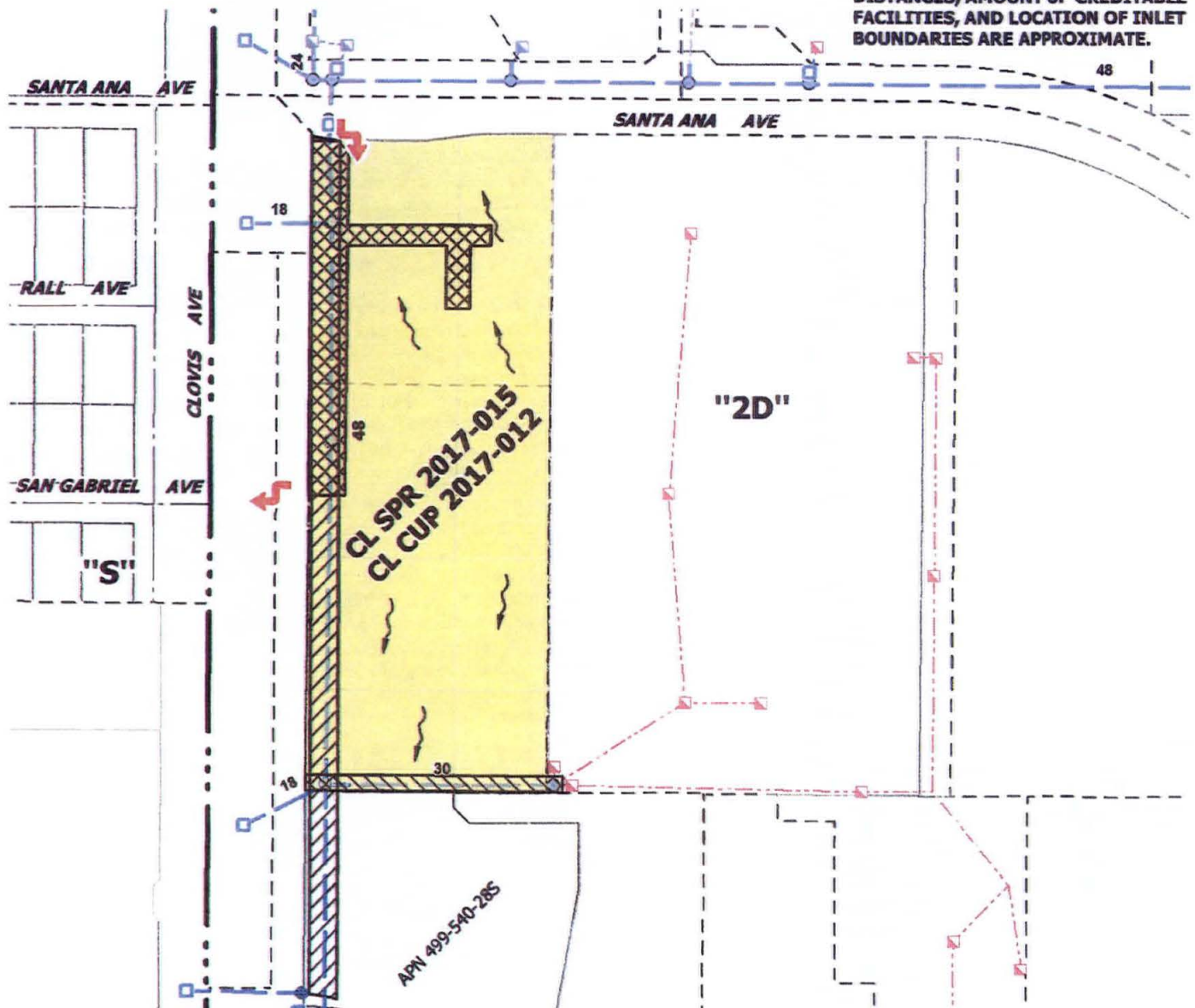
CL CUP No. 2017-012

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


Debbie Campbell
Design Engineer


Denise Wade
Project Engineer

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



LEGEND

-  Existing 30' Wide Public Utility Easement
-  Existing 20' Wide Storm Drain Easement
-  Existing Major Storm Easement
-  Existing Master Plan Facilities
-  Private Facilities
-  Drainage Area Boundary
-  Inlet Boundary
-  Direction Of Drainage
-  Major Storm Breakover



1" = 200'

CL SPR 2017-015
CL CUP 2017-012
DRAINAGE AREA "2D"

EXHIBIT NO. 1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT



Prepared by: keithr

Date: 9/6/2017

Path: K:\Autocad\DWGS\0EXHIBIT\CLSPR\2017-015.mxd

OTHER REQUIREMENTS
EXHIBIT NO. 2

There are three existing easements located on this site as shown on Exhibit No. 1. No encroachments into the easement shall be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

The proposed development of Clovis CUP 2017-012 is located in an area that has historically provided a passage for major storm water flows from the areas north of Santa Ana Avenue across the proposed site to Gettysburg Avenue. The grading of the proposed site shall be designed such that there are not adverse impacts to the passage of said major storm water from Santa Ana Avenue to Gettysburg Avenue. The existing major storm easement was dedicated with a prior entitlement and may be revised to conform with the current entitlement. Any revisions to the existing major storm easement will need to be approved by the District.

A cross drainage covenant has been acquired from APN 499-540-28S to allow storm drainage to reach the existing Master Plan facility located on Gettysburg Avenue.

In an effort to improve storm water runoff quality, outdoor storage areas shall be constructed and maintained such that material which generates contaminants will not be conveyed by 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. CL CUP 2017-012



City of Clovis

Department of Planning and Development Services

CITY HALL - 1033 Fifth Street - Clovis, CA 93612

Distribution Date: 8/23/2017

PLANNING APPLICATION REQUEST FOR COMMENTS

Project Manager - Orlando Ramirez, Senior Planner

PLEASE ROUTE TO:

(In House)

- ☒ Planning Division
- ☒ Building Division
- ☒ Engineering Division
- ☒ Utilities Division
- ☒ Solid Waste Division
- ☒ Fire Department
- ☒ Police Department
- ☐ City Landscape Committee
- ☒ Legal Description Review
- ☐ Other (Specify)
- ☐

(Out-of-House)

- ☒ Fresno Irrigation District
- ☒ Fresno Metropolitan Flood Control Dist.
- ☒ Pacific Gas & Electric
- ☒ AT&T
- ☒ Fresno Unified School District
- ☒ Cal Trans
- ☒ SJV Unified Air Pollution Control Dist.
- ☒ State of California Department of Fish and Game
- ☐ LAFCO (when annexation is involved)
- ☒ County of Fresno Development
- ☒ Fresno County Environmental Health

Item(s): CUP2017-12 Location: SEC Clovis and Santa Ana

APN: 499-540-01 thru 499-540-10 Zoning: P-C-C General Plan: Planned Commercial

Name of Applicant: SAT Broadway, LLC/ KFW Engineers/ Joshua Vest Phone/Email: 210-979-8444/vestal@kfwengineers.com

Applicant Address: 3421 Paesanos Parkway, Suite 200 City: San Antonio State: TX Zip: 78231

Previously Reviewed Under DRC: DRC2017-19 Or Other Entitlement: _____

Project Description: A request to construct a single hotel (south building) to be completed as part of Phase 1 development. The second hotel (north building) will come in under a separate CUP. This request is to approve a 4-story, 111 room hotel with associated parking.

This item is tentatively scheduled for a public hearing to be considered by the Planning Commission

The attached information is circulated for your comments. Please attach your comments and recommendations in condition form and return to the project manager by 9/6/2017

Please check one below:

☐ No Comments

☒ Comments Attached

☐ Comments e-mailed or saved on: _____

RECOMMENDED CONDITIONS: Please draft conditions in final form that are acceptable to your department. They must be legible. Please phrase positively and clearly:

GOOD EXAMPLE: "1. Prior to occupancy, the developer shall install all landscaping as per the approved plans."

POOR EXAMPLE: "1. Install landscaping." ~

REVIEWED BY (please sign):

PLEASE RETURN TO:

Orlando Ramirez, Senior Planner
Planning and Development Services Dept.
1033 Fifth St., Clovis, CA 93612
Phone: 324-2345 Fax: 324-2844

August 30, 2017

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

Project: CUP2017-12

District CEQA Reference No: 20170968

Dear Mr. Ramirez:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Conditional Use Permit and Site Plan Review project referenced above consisting of the construction of a hotel, with an additional hotel planned on a separate conditional use permit application, located at the southeast corner of Clovis Avenue and Santa Ana Avenue, in Clovis, CA. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.
 - Based on information provided to the District, the proposed project would equal or exceed 2,000 square feet of commercial space; therefore, the District concludes that the proposed project is subject to District Rule 9510 (Indirect Source Review).
 - District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees.
 - The District recommends that demonstration of compliance with District Rule 9510 before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

Sayed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95358-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

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

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

2. Particulate Matter 2.5 microns or less in size (PM2.5) from under-fired charbroilers (UFCs) pose immediate health risk. Since the cooking of meat can release carcinogenic PM2.5 species like polycyclic aromatic hydrocarbons (PAH), controlling emissions from under-fired charbroilers will have a substantial positive impact on public health.

Charbroiling emissions occur in populated areas, near schools and residential neighborhoods, resulting in high exposure levels for sensitive Valley residents. The air quality impacts on neighborhoods near restaurants with UFCs can be significant on days when meteorological conditions are stable, when dispersion is limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises environmental concerns.

In addition, the cooking emissions source category is one of the largest single contributors of directly emitted PM2.5 in the Valley. Photochemical modeling conducted for the 2012 PM2.5 Plan showed that reducing commercial charbroiling emissions is critical to achieving PM2.5 attainment in the Valley.

The District committed to amend Rule 4692 (Commercial Charbroiling) in 2016, with a 2017 compliance date, to add emission control requirements for UFCs, as committed to in the District's 2012 PM2.5 Plan. Installing charbroiler emissions control systems during construction of new facilities is likely to result in substantial economic benefit compared to costly retrofitting.

Therefore, the District strongly recommends that your agency require new restaurants that will operate UFCs to install emission control systems during the construction phase. To ease the financial burden for Valley businesses that wish to install control equipment before it is required, the District is offering incentive funding during the time leading up to the amendment to the rule. Restaurants with UFCs may be eligible to apply for funding to add emission control systems. Please contact the District at (559) 230-5858 for more information.

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

4. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call Cherie Clark at (559) 230- 5940.

Sincerely,

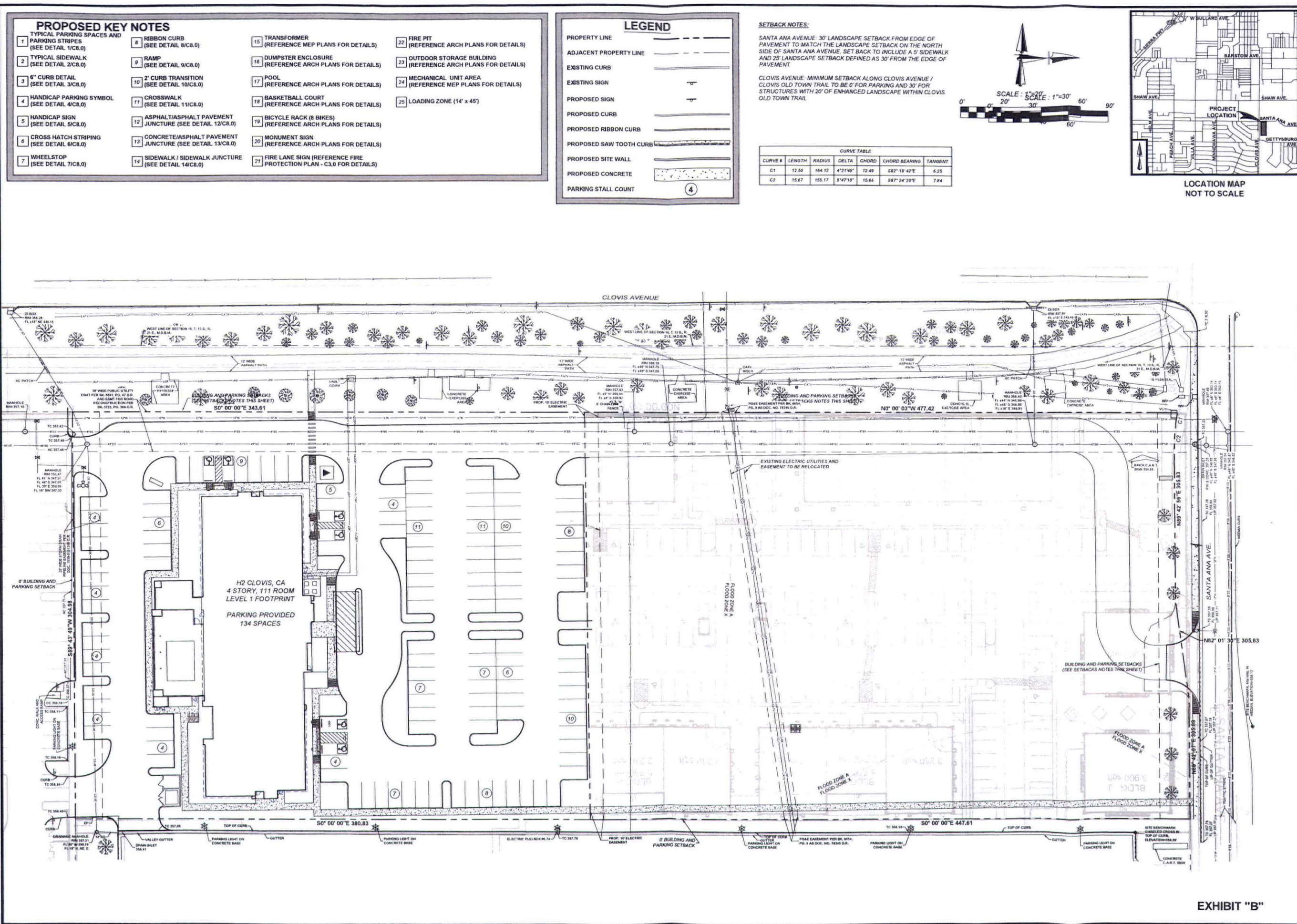
Arnaud Marjollet
Director of Permit Services

A handwritten signature in blue ink that reads "Cherie Clark". The signature is written in a cursive, flowing style.

For:
Brian Clements
Program Manager

AM: cc

Date: Oct 13, 2017, 11:00am User: J. Barrett
File: P:\223\2599\2599 Home 2 Suites\2599 Home 2 Suites - 171013.dwg



HOME 2 SUITES
2509-2599 CLOVIS AVENUE, CLOVIS, CALIFORNIA
OVERALL SITE PLAN COMPARISON EXHIBIT

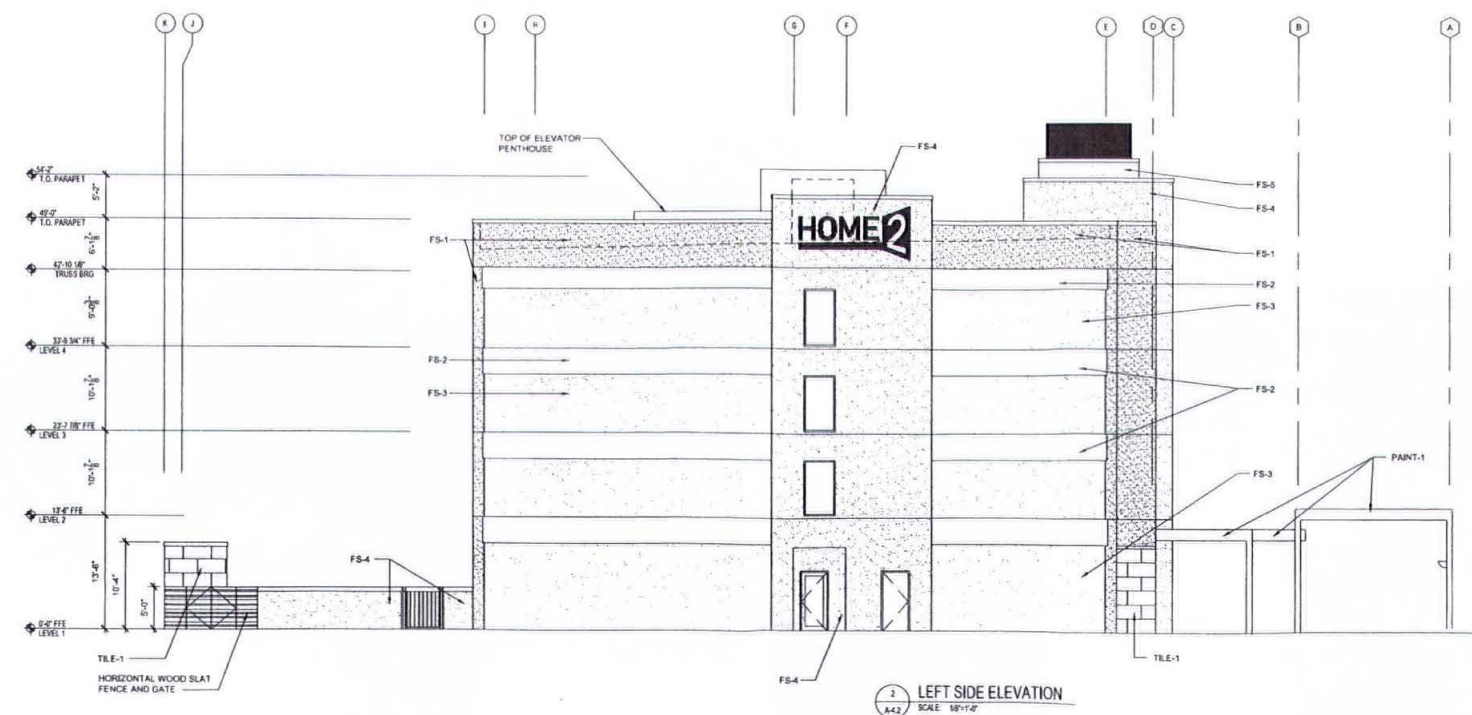
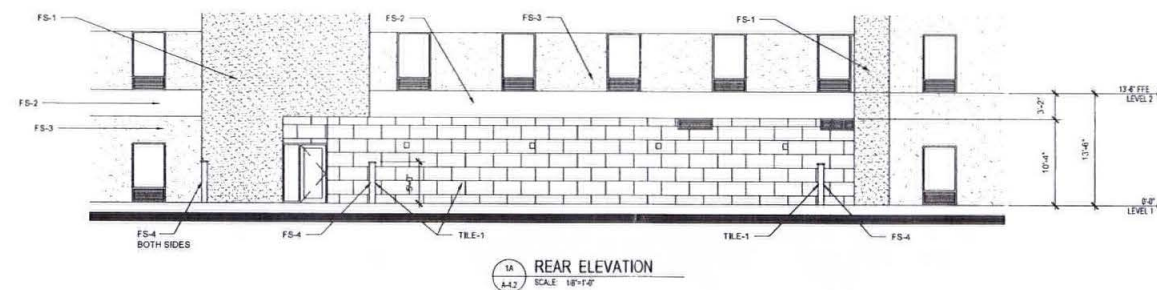
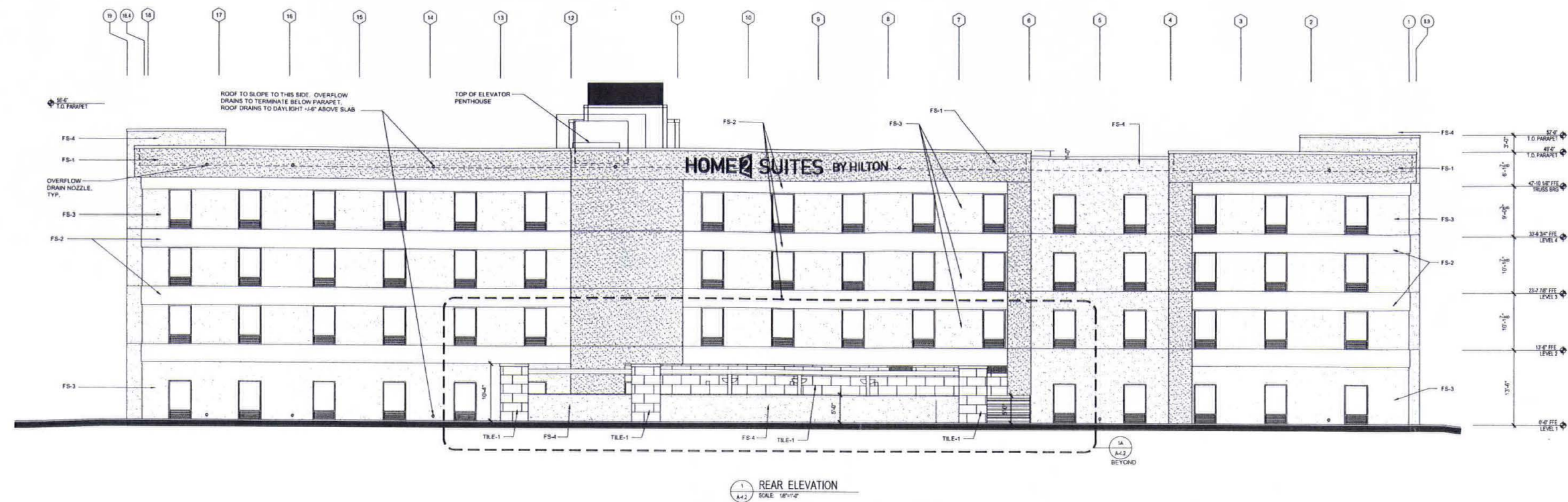
JOB NO: 223-33-01
DATE: JUNE 2017
DRAWN: JVA CHECKED: JV
SHEET NUMBER:
EX1 OF 1

K&W
ENGINEERS & SURVEYING
3021 Peachtree Road, Suite 200, Atlanta, GA 30310
Phone: (404) 525-4444 • Fax: (404) 525-4441
TYPE Form # 813 - 10/15/15

NO.	REVISION / ISSUE	DATE

EXHIBIT "B"

EXHIBIT "C:"
ELEVATIONS AND FLOOR PLANS



EXTERIOR FINISH SCHEDULE:		
GRAPHIC	KEY	FINISH
	TILE-1	MANF: DALTILE STYLE: SLIMLINE PORCELAIN COLOR: CORE TRUS COLOR: CORE TRUS
	FS-1	EIFS OR STUCCO SYSTEM COLOR: BENJAMIN MOORE TAPESTRY BEIGE #975 TEXTURE: SANDBLAST
	FS-2	EIFS OR STUCCO SYSTEM w/ EPS BAND COLOR: BENJAMIN MOORE GULL WING GRAY #2134-S0 TEXTURE: SANDBLAST
	FS-3	EIFS OR STUCCO SYSTEM COLOR: BENJAMIN MOORE MARSH BROWN #2164-20 TEXTURE: SANDPEBBLE FINE
	FS-4	EIFS OR STUCCO SYSTEM COLOR: BENJAMIN MOORE MIDSUMMER NIGHT #2134-20 TEXTURE: SANDPEBBLE
	FS-5	EIFS OR STUCCO SYSTEM COLOR: DRYVIT ARTICHOKE #487A TEXTURE: SANDBLAST
	FS-6	EIFS OR STUCCO SYSTEM COLOR: BENJAMIN MOORE GULL WING GRAY #2134-S0 TEXTURE: SANDBLAST
	PAINT-1	COLOR: BENJAMIN MOORE WHITE DOVE # OC-17 COLLECTION: COLOR PREVIEW TEXTURE: SAND SMOOTH
	PT	PAINT EXTERIOR FACE OF DOOR & FRAME TO MATCH COLOR OF ADJACENT EXTERIOR WALL FINISH
	ALUMINUM WINDOW FRAMES & PTAC GRILLS	PRE-FINISHED CLEAR ANODIZED
	ALUMINUM STOREFRONT	CLEAR ANODIZED ALUMINUM
	ALUMINUM MECHANICAL LOUVERS	CLEAR ANODIZED



KEYPLAN

CONSULTANT

SEAL

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DATE DESCRIPTION
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06/23/17 PRELIMINARY PLAN

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VERSION 2.2 (MAY 2016)
CLOVIS, CALIFORNIA

4 STORY, 111 UNITS
CENTER LOADED,
w/ EXTERIOR POOL
2016 CALIFORNIA BUILDING CODE
TYPE VA CONSTRUCTION

SANTA ANA AVE &
CLOVIS AVE
CLOVIS, CA 93612

CLIENT

DD&B CONSTRUCTION
7300 BLANCO RD., STE 301
SAN ANTONIO, TX 78216

PHILLIPS JOB NUMBER 1703401
ISSUE DATE 07/06/2017

DRAWN BY/CHECKED BY CLAU
DRAWING TITLE

EXTERIOR ELEVATIONS II

SHEET NUMBER
A-4.2



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VERSION 2.2 (MAY 2016)
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4 STORY, 111 UNITS
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TYPE VA CONSTRUCTION

SANTA ANA AVE &
CLOVIS AVE
CLOVIS, CA 93612

CLIENT

DD&B CONSTRUCTION
7300 BLANCO RD., STE 301
SAN ANTONIO, TX 78216

PHILLIPS JOB NUMBER

ISSUE DATE

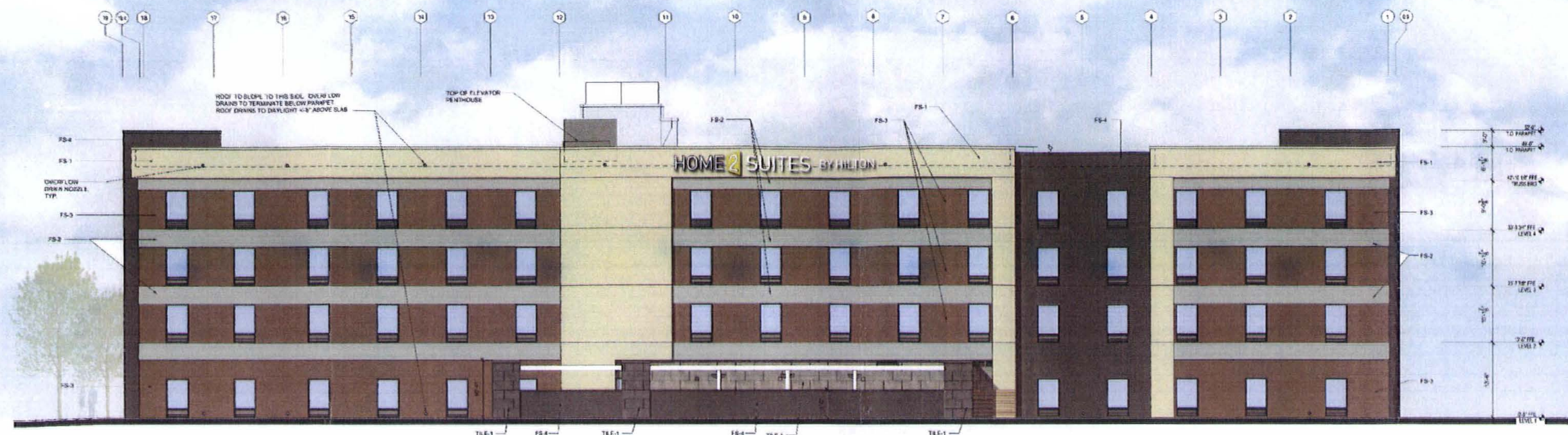
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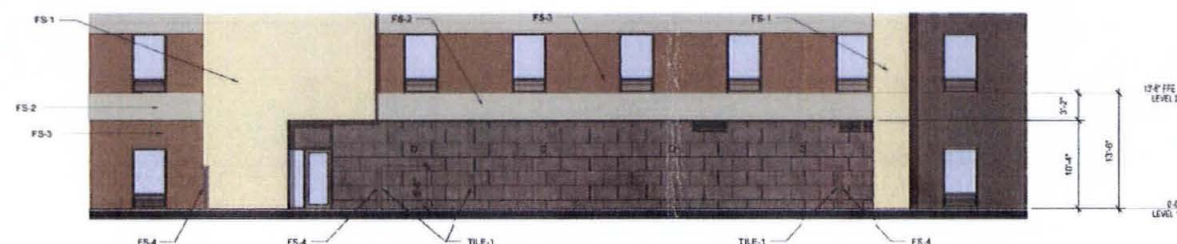
EXTERIOR
ELEVATIONS II

SHEET NUMBER

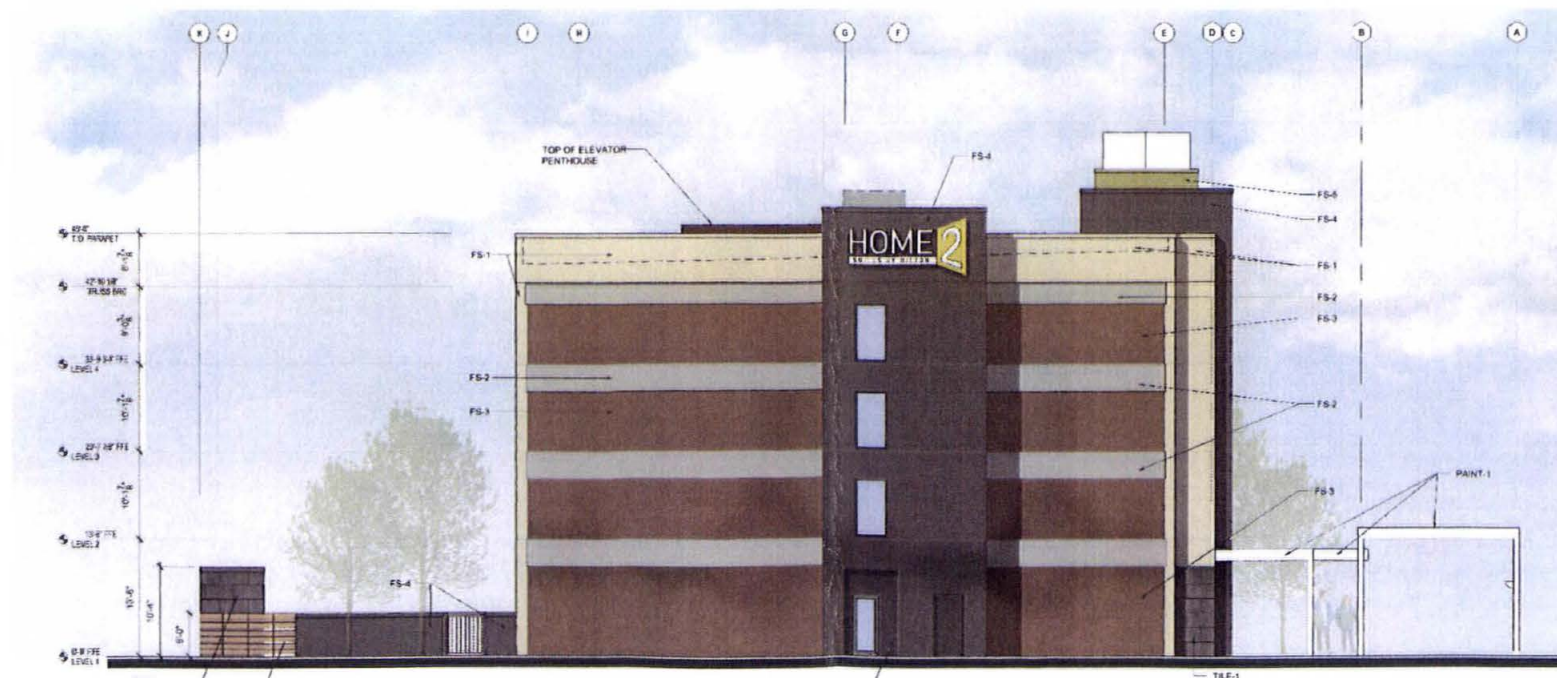
A-4.2



REAR ELEVATION
SCALE: 1/8"=1'-0"



REAR ELEVATION
SCALE: 1/8"=1'-0"



LEFT SIDE ELEVATION
SCALE: 1/8"=1'-0"

EXTERIOR FINISH SCHEDULE:			
GRAPHIC	KEY	FINISH	
	TLE-1	DAI/TILE STYLE: DAI/TILE PORCELAIN PANELS - TERRA CORE TP48 COLOR: CORE TP48	
	FS-1	EIFS OR STUCCO SYSTEM COLOR: BENJAMIN MOORE TAPESTRY BEIGE #975 TEXTURE: SANDBLAST	
	FS-2	EIFS OR STUCCO SYSTEM W/ EPS BAND COLOR: BENJAMIN MOORE DULL WING GRAY #7134-50 TEXTURE: SANDBLAST	
	FS-3	EIFS OR STUCCO SYSTEM COLOR: BENJAMIN MOORE MARSH BROWN #2164-20 TEXTURE: SANDPAPER FINE	
	FS-4	EIFS OR STUCCO SYSTEM COLOR: BENJAMIN MOORE MIDSUMMER NIGHT #2134-20 TEXTURE: SANDPAPER	
	FS-5	EIFS OR STUCCO SYSTEM COLOR: ARTICOHOME #487A TEXTURE: SANDBLAST	
	FS-6	EIFS OR STUCCO SYSTEM COLOR: BENJAMIN MOORE DULL WING GRAY #7134-50 TEXTURE: SANDBLAST	
	PAINT-1	COLOR: BENJAMIN MOORE WHITE DOVE & OC-17 COLLECTION: COLOR PREVIEW TEXTURE: SAND SMOOTH	
	PT	PANT EXTERIOR FACE OF DOOR & FRAME TO MATCH COLOR OF ADJACENT EXTERIOR WALL FINISH	
		PRE-FINISHED CLEAR ANODIZED	
		CLEAR ANODIZED ALUMINUM	
		CLEAR ANODIZED	



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CLOVIS, CALIFORNIA

4 STORY, 111 UNITS
CENTER LOADED
w/ EXTERIOR POOL
2016 CALIFORNIA BUILDING CODE
TYPE VA CONSTRUCTION

SANTA ANA AVE &
CLOVIS AVE
CLOVIS, CA 93612

CLIENT

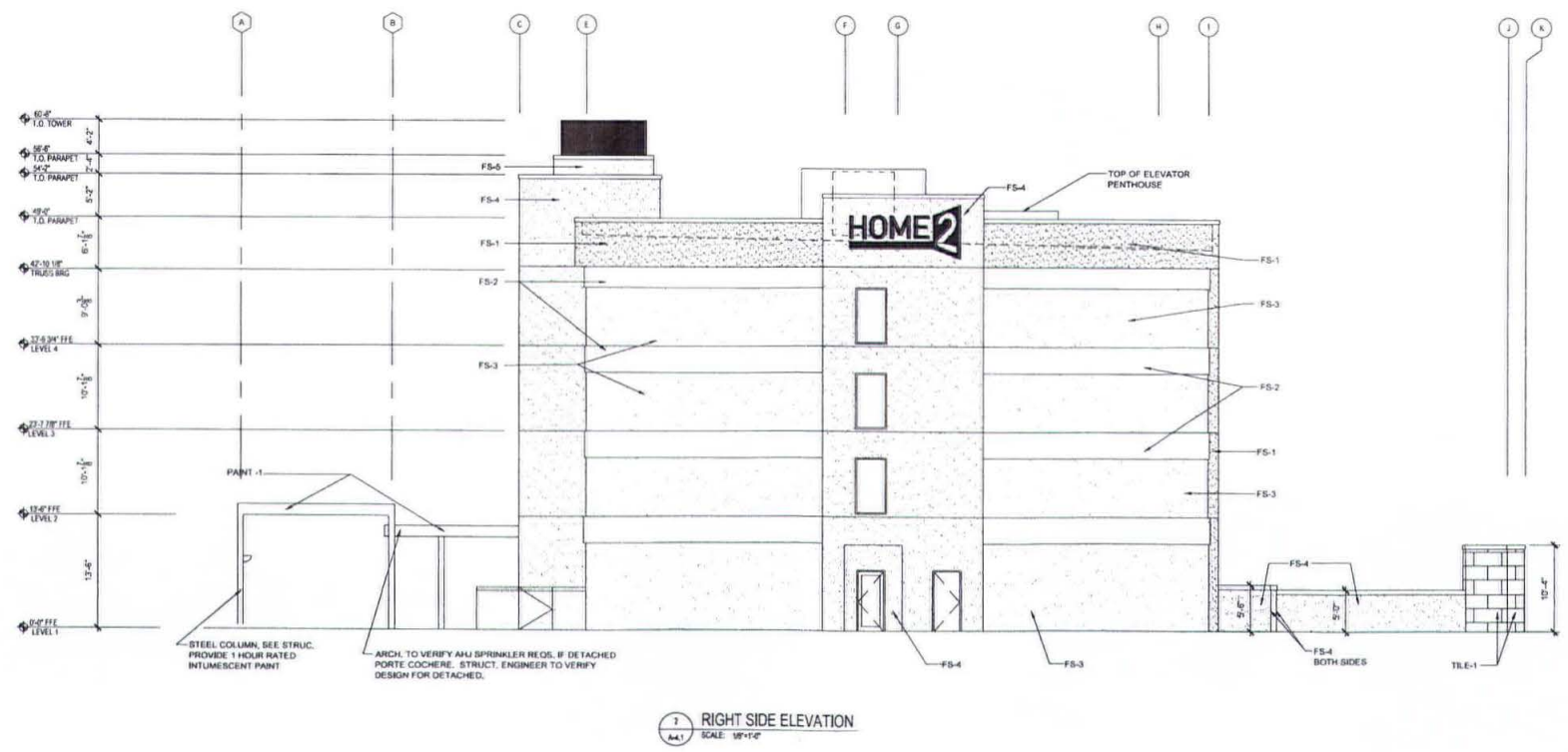
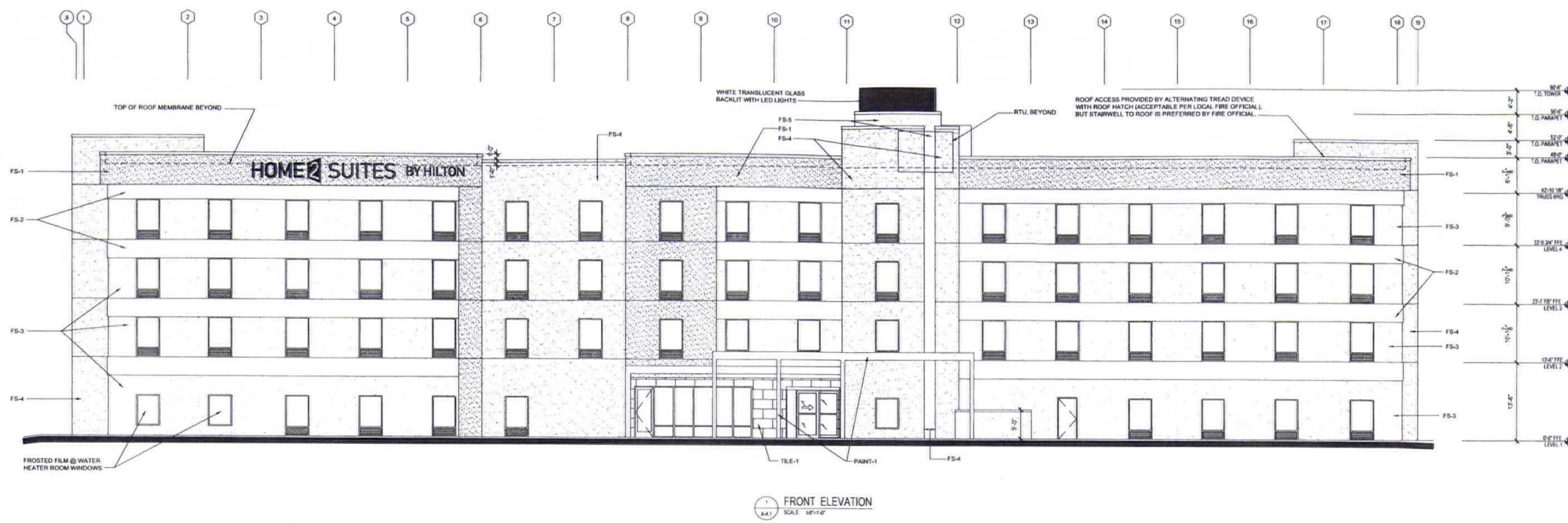
DD&B CONSTRUCTION
7300 BLANCO RD., STE. 301
SAN ANTONIO, TX 78216

PHILLIPS JOB NUMBER 1703401
ISSUE DATE 07/06/2017

DRAWN BY/CHECKED BY CLAUJ
DRAWING TITLE

EXTERIOR ELEVATIONS I

SHEET NUMBER
A-4.1



EXTERIOR FINISH SCHEDULE:		
GRAPHIC	KEY	FINISH
	TILE-1	MANFR: DALTILE STYLE: SUBMITE PORCELAIN PANELS - TERRA CORE TP45 COLOR: EPF'S OR STUCCO SYSTEM COLOR: BENJAMIN MOORE TAPESTRY BEGE #975 TEXTURE: SANDBLAST
	FS-1	EPF'S OR STUCCO SYSTEM w/ EPF'S BAND COLOR: BENJAMIN MOORE DULL WING GRAY #2134-50 TEXTURE: SANDBLAST
	FS-2	EPF'S OR STUCCO SYSTEM COLOR: BENJAMIN MOORE MARSH BROWN #2164-20 TEXTURE: SANDPEBBLE FINE
	FS-3	EPF'S OR STUCCO SYSTEM COLOR: BENJAMIN MOORE MIDSUMMER NIGHT #2134-20 TEXTURE: SANDPEBBLE
	FS-4	EPF'S OR STUCCO SYSTEM COLOR: BENJAMIN MOORE DULL WING GRAY #2134-50 TEXTURE: SANDBLAST
	FS-5	EPF'S OR STUCCO SYSTEM COLOR: DRYVIT ARTICHOKE #487A TEXTURE: SANDBLAST
	FS-6	EPF'S OR STUCCO SYSTEM COLOR: BENJAMIN MOORE DULL WING GRAY #2134-50 TEXTURE: SANDBLAST
	PAINT-1	COLOR: BENJAMIN MOORE WHITE DOVE # OC-17 COLLECTION: COLOR PREVIEW TEXTURE: SAND SMOOTH
	PT	PAINT EXTERIOR FACE OF DOOR & FRAME TO MATCH COLOR OF ADJACENT EXTERIOR WALL FINISH
		ALUMINUM WINDOW FRAMES & PTAC GRILLS PRE-FINISHED CLEAR ANODIZED.
		ALUMINUM STOREFRONT CLEAR ANODIZED ALUMINUM
		ALUMINUM MECHANICAL LOUVERS CLEAR ANODIZED



PHILLIPS

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HOME 2
SUITES BY HILTON
VERSION 2.2 (MAY 2016)
CLOVIS, CALIFORNIA

4 STORY, 111 UNITS
CENTER LOADED
W/ EXTERIOR POOL
2016 CALIFORNIA BUILDING CODE
TYPE VA CONSTRUCTION
SANTA ANA AVE &
CLOVIS AVE
CLOVIS, CA 93612

CLIENT

DD&B CONSTRUCTION
7300 BLANCO RD., STE 301
SAN ANTONIO, TX 78216

PHILLIPS JOB NUMBER 1703401
ISSUE DATE 07/06/2017

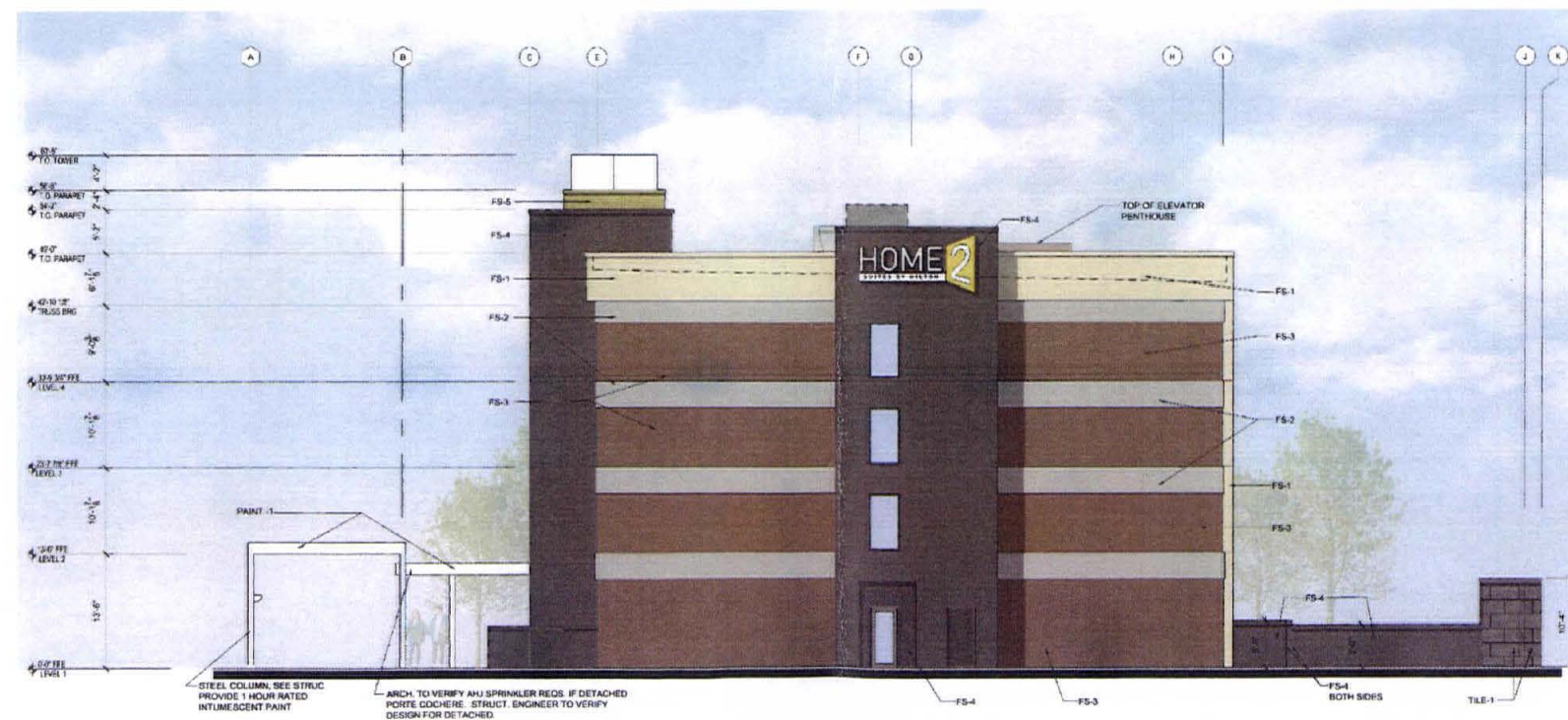
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DRAWING TITLE

EXTERIOR ELEVATIONS I

SHEET NUMBER
A-4.1



1 FRONT ELEVATION
SCALE 1/8"=1'-0"



2 RIGHT SIDE ELEVATION
SCALE 1/8"=1'-0"

EXTERIOR FINISH SCHEDULE:

GRAPHIC	KEY	FINISH
	TILE-1	MPFR: DALTILE STYLE: SUMMIT PORCELAIN COLOR: CORE TANS CORE TANS EPS OR STUCCO SYSTEM COLOR: BENJAMIN MOORE TAPESTRY BEIGE 8075 TEXTURE: SANDBLAST
	FS-1	EIFS OR STUCCO SYSTEM w/ EPS BAND COLOR: BENJAMIN MOORE CHALK WING GRAY 82134-30 TEXTURE: SANDBLAST
	FS-2	EIFS OR STUCCO SYSTEM COLOR: BENJAMIN MOORE MARSH BROWN 82164-20 TEXTURE: SANDPEBBLE FINE
	FS-3	EIFS OR STUCCO SYSTEM COLOR: BENJAMIN MOORE MIDSUMMER NIGHT 82134-20 TEXTURE: SANDPEBBLE
	FS-4	EIFS OR STUCCO SYSTEM COLOR: DRYPIT ANTICRACK 9457A TEXTURE: SANDBLAST
	FS-5	EIFS OR STUCCO SYSTEM COLOR: BENJAMIN MOORE CHALK WING GRAY 82134-30 TEXTURE: SANDBLAST
	PAINT-1	EXPOSED STEEL COLUMNS & BEAMS @ CANOPIES COLOR: WHITE DOVE # GC-17 COLLECTION: COLOR PREVIEW TEXTURE: SAND SMOOTH
	PT	NON-GLAZED SOLID METAL DOORS PAINT EXTERIOR FACE OF DOOR & FRAME TO MATCH COLOR OF ADJACENT EXTERIOR WALL FINISH
	ALUMINUM WINDOW FRAMES & PTAC GRILLS	PRE-FINISHED CLEAR ANODIZED
	ALUMINUM STOREFRONT	CLEAR ANODIZED ALUMINUM
	ALUMINUM MECHANICAL LOUVERS	CLEAR ANODIZED



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CLOVIS, CALIFORNIA

4 STORY, 111 UNITS
CENTER LOADED
W/ EXTERIOR POOL

2016 CALIFORNIA BUILDING CODE
TYPE VA CONSTRUCTION

SANTA ANA AVE &
CLOVIS AVE
CLOVIS, CA 93612

CLIENT

DD&B CONSTRUCTION
7300 BLANCO RD., STE 301
SAN ANTONIO, TX 78216

PHILLIPS JOB NUMBER 1703461

ISSUE DATE 07/06/2017

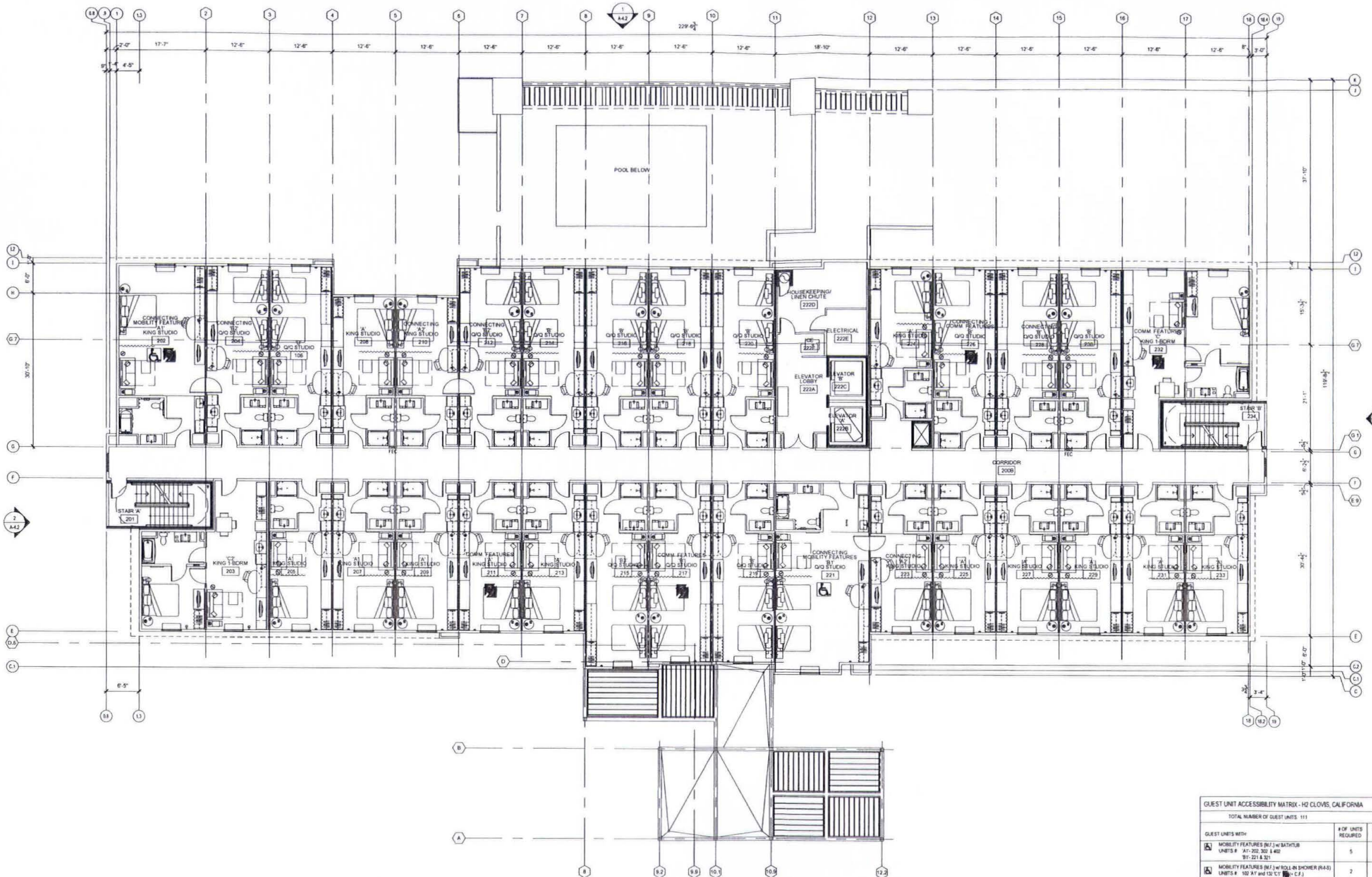
DRAWN BY/CHECKED BY CLM/J

DRAWING TITLE

FLOOR PLAN
LEVEL 2
(LEVEL 3 & 4 SIM.)

SHEET NUMBER

A-1.2



LEVEL 2 - FLOOR PLAN

SCALE: 1/8" = 1'-0"

SYMBOLS LEGEND:



INTERNATIONAL SYMBOL OF ACCESSIBILITY - DENOTES GUEST UNITS WITH MOBILITY FEATURES (M.F.). ONE GUEST UNIT WITH MOBILITY FEATURES TO BE EQUIPPED WITH COMMUNICATION FEATURES (C.F.) ALSO, PER 2010 ADA.



INTERNATIONAL SYMBOL OF ACCESS FOR HEARING IMPAIRED - DENOTES GUEST UNITS WITH COMMUNICATION FEATURES (C.F.) PER 2010 ADA.



GUEST OPERABLE CARD READER AND INTERCOM LOCATIONS. CARD READER AT STAIRFRONT DOORS SHALL BE LOCATED ON DOOR STYLE. 30" W/4" DIA. SPACE PROVIDED FOR ADA ACCESS. ALL CARD READER ARE BATTERY POWERED EXCEPT FOR THE FRONT ENTRY DOOR. THIS DOOR WILL BE HARD WIRED. REF. ELEC. DWG.

WALL TYPE - SEE SHEET A-1.7 FOR WALL ASSEMBLY.

DOOR NUMBER

WINDOW LETTER

2 HOUR FIRE BARRIER ASSEMBLY

CONC. MASONRY WALL

DEPRESSED SLAB OR UNIT FLOOR TOPPING

MIXTURE

FULLY RECESSED OR SEMI-RECESSED FIRE EXTINGUISHING CABINET (FEC)

F.A.I. CABINET AND WALL PENETRATION ASSEMBLY REQ. AT RATED WALLS.

REF. A-1.6.12. ALL PORTS OF BUILDING SHALL BE WITHIN 75' OF AN EXTERIOR VENTILATION PER B.C. & B.C. VENTILATION LOCATIONS WITHIN.

MAGNETIC DOOR HOLD OPEN DEVICE TO BE RELEASED UPON FIRE ALARM ACTIVATION.

GUEST UNIT ACCESSIBILITY MATRIX - H2 CLOVIS, CALIFORNIA				
TOTAL NUMBER OF GUEST UNITS: 111				
GUEST UNITS WITH:	# OF UNITS REQUIRED	# OF UNITS PROVIDED	CODE REFERENCE	
MOBILITY FEATURES (M.F.) w/ BATHING UNITS # 1-10, 201, 202 & 402 11-21 & 321	5	5	TBL 118-214.3 (IRC 2016)	
MOBILITY FEATURES (M.F.) w/ BATHING SHOWER (H-4-S) UNITS # 102 A/F and 132 C/F (C.F.)	2	2	TBL 118-214.3 (IRC 2016)	
TOTAL	7	7		
COMMUNICATION FEATURES (C.F.) UNITS # 1-10 8-11 C-132	12	12	TBL 118-214.4 (IRC 2016)	
CONNECTING ROOMS A1/M-402 A-802 B1/M-402 B-810 M/F		18	H/TON HOME 2 BRAND STANDARDS 5.25101	



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4 STORY, 111 UNITS
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TYPE VA CONSTRUCTION

SANTA ANA AVE &
CLOVIS AVE
CLOVIS, CA 93612

CLIENT

DD&B CONSTRUCTION
7300 BLANCO RD., STE 301
SAN ANTONIO, TX 78216

PHILLIPS JOB NUMBER 1703401

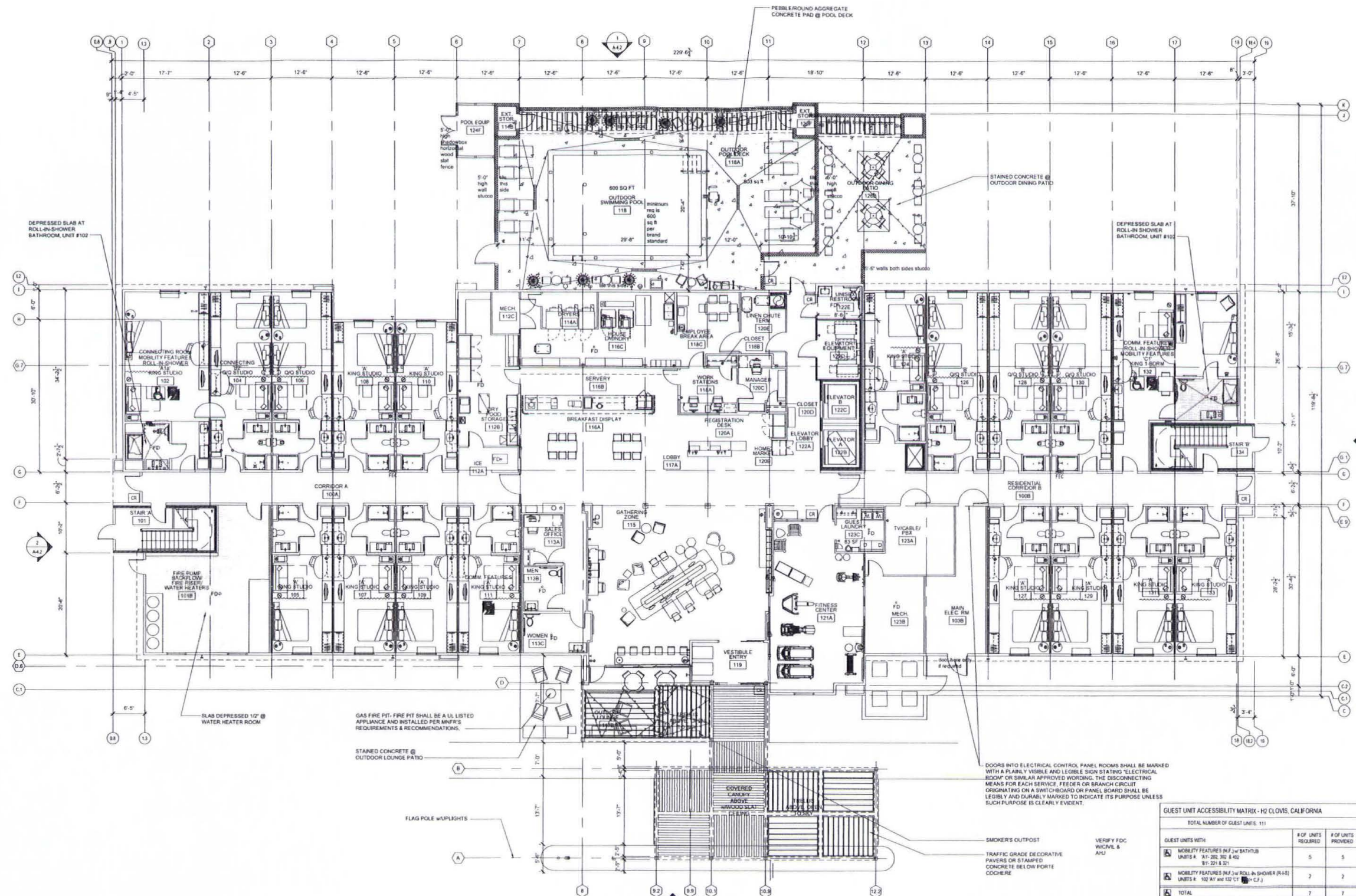
ISSUE DATE 07/06/2017

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DRAWING TITLE
**FLOOR PLAN
LEVEL 1**

SHEET NUMBER

A-1.1



SYMBOLS LEGEND	
	INTERNATIONAL SYMBOL OF ACCESSIBILITY - DENOTES GUEST UNITS WITH MOBILITY FEATURES (M.F.). ONE GUEST UNIT WITH MOBILITY FEATURES TO BE EQUIPPED WITH COMMUNICATION FEATURES (C.F.) ALSO, PER 2010 ADA.
	INTERNATIONAL SYMBOL OF ACCESS FOR HEARING IMPAIRED - DENOTES GUEST UNITS WITH COMMUNICATION FEATURES (C.F.) PER 2010 ADA.
	GUEST-OPERABLE CARD READER AND INTERCOM LOCATIONS, CARD READERS AT STAIRS/FRONT DOORS SHALL BE LOCATED ON DOOR STEEL. STAMP CLIP SPACE PROVIDED FOR ADA ACCESS. ALL CARD READERS ARE BATTERY POWERED EXCEPT FOR THE FRONT ENTRY DOOR. THIS DOOR WILL BE HARD WIRED. REF. ELEC. DWG.
	WALL TYPE - SEE SHEET A-0.7 FOR WALL ASSEMBLY.
	DOOR NUMBER
	WINDOW LETTER
	2 HOUR FIRE BARRIER ASSEMBLY
	CONC. MASONRY WALL
	DEPRESSED SLAB OR DMT FLOOR TOPPING
	FULLY RECESSED OR 1/4\"/>
	MAGNETIC DOOR HOLD OPEN DEVICE TO BE RELEASED UPON FIRE ALARM ACTIVATION.

GUEST UNIT MATRIX-H2 CLOVIS, CALIFORNIA													
FLOOR AREA (SF)	KING STUDIO				DOUBLE QUEEN STUDIO				ONE BEDROOM				TOTAL
	X1 KING STUDIO	X2 KING STUDIO	X3 KING STUDIO	X4 KING STUDIO	Y1 DO STUDIO	Y2 DO STUDIO	Y3 DO STUDIO	Y4 DO STUDIO	Z1 ONE BEDRM KING	Z2 ONE BEDRM KING	Z3 ONE BEDRM KING	Z4 ONE BEDRM KING	
LEVEL 1	18,079 SF	51	0	1	0	4	0	1	0	0	0	1	18
LEVEL 2	16,234 SF	12	1	0	2	10	1	2	1	0	1	0	31
LEVEL 3	16,234 SF	12	1	0	2	10	1	2	1	0	1	0	31
LEVEL 4	16,234 SF	13	1	0	1	10	0	2	1	1	0	1	31
SUBTOTAL		48	3	1	5	34	2	7	3	1	3	1	111
TOTAL	60,781 SF												
PERCENTAGES		5%				4%			7%				100%



AGENDA ITEM NO: 1-D

City Manager: 

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: November 13, 2017

SUBJECT: Consider Approval Res. 17-___, A request to initiate prezoning to the R-1 (Single Family Residential – 6,000 Sq. Ft.) Zone District for sixteen properties located on the east side of Leonard Avenue, between Shaw and Barstow Avenues. Multiple property owners; Century Communities, applicant; Precision Civil Engineering, Inc., representative.

ATTACHMENTS:

Figure 1:	Location Map
Attachment 1:	Draft Resolution
Attachment 2:	Applicant's Request to Initiate Prezoning
Exhibit "B:"	Prezone R2017-17 Boundary Area
Exhibit "C:"	Shaw-Leonard Northeast Reorganization Boundary Area
Exhibit "D:"	Active Reorganization Projects

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the City Council initiate a prezone for sixteen properties located on the east side of Leonard Avenue, between Shaw and Barstow Avenues to the R-1 (Single Family Residential – 6,000 Sq. Ft.) Zone District.

EXECUTIVE SUMMARY

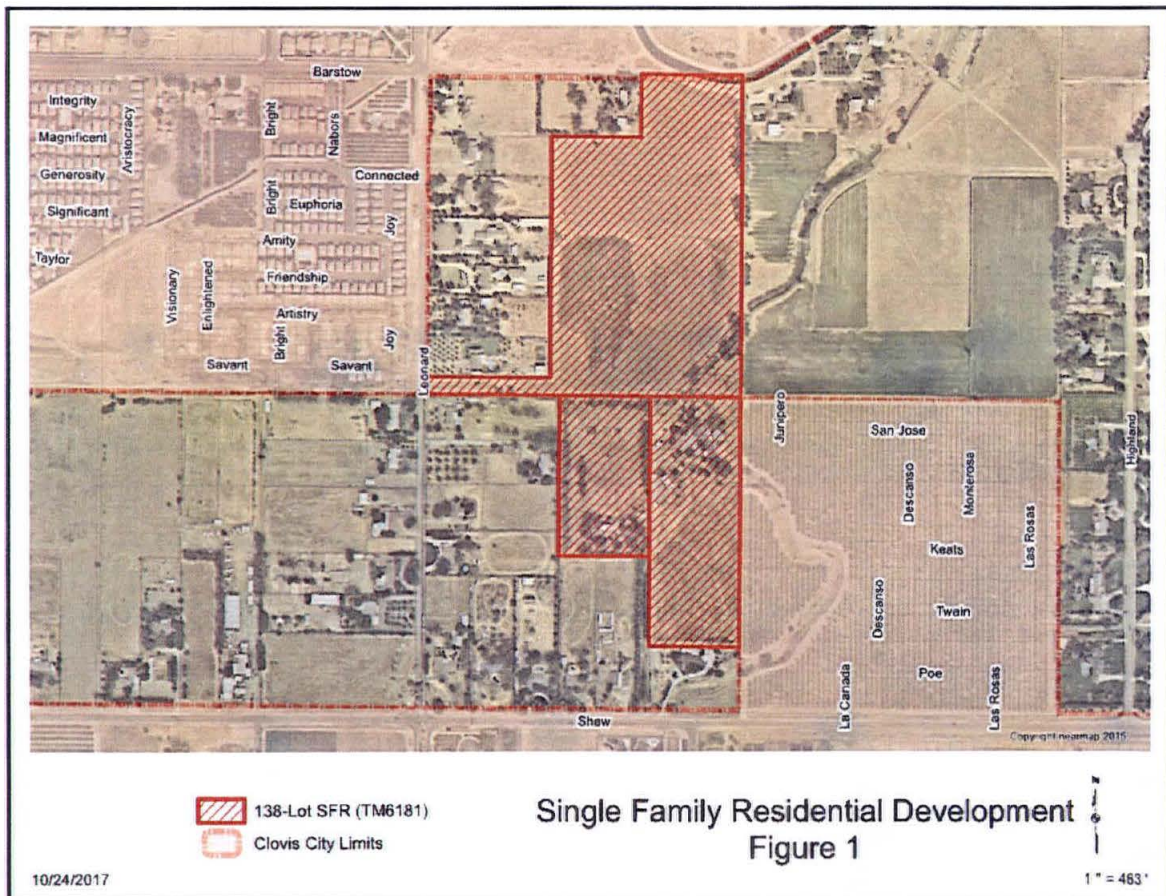
The City recently received a request to initiate a prezone to accommodate a 138-lot single family residential development on the east side of Leonard Avenue, between Shaw and Barstow Avenues and annexation of approximately 78 acres. The annexation boundary (Exhibit "C") has been established in cooperation with the Fresno Local Agency Formation

Commission (LAFCo) and County of Fresno. All properties within an annexation are required to be prezoned consistent with the General Plan Land Use Diagram and for this specific project, the Loma Vista Specific Plan. The boundary consists of twenty one properties, three of which are related to the proposed 138-lot single family residential development (TM6181) and eighteen others which are required to create a logical boundary.

The applicant has requested authorization from the eighteen property owners to prezone and annex their properties, however the applicant was successful in obtaining only two authorizations. Therefore, the applicant is requesting the Council to initiate the prezone request in accordance with Section 9.86.020 of the Clovis Development Code. Approval of this request will allow the applicant to move forward with their development proposal.

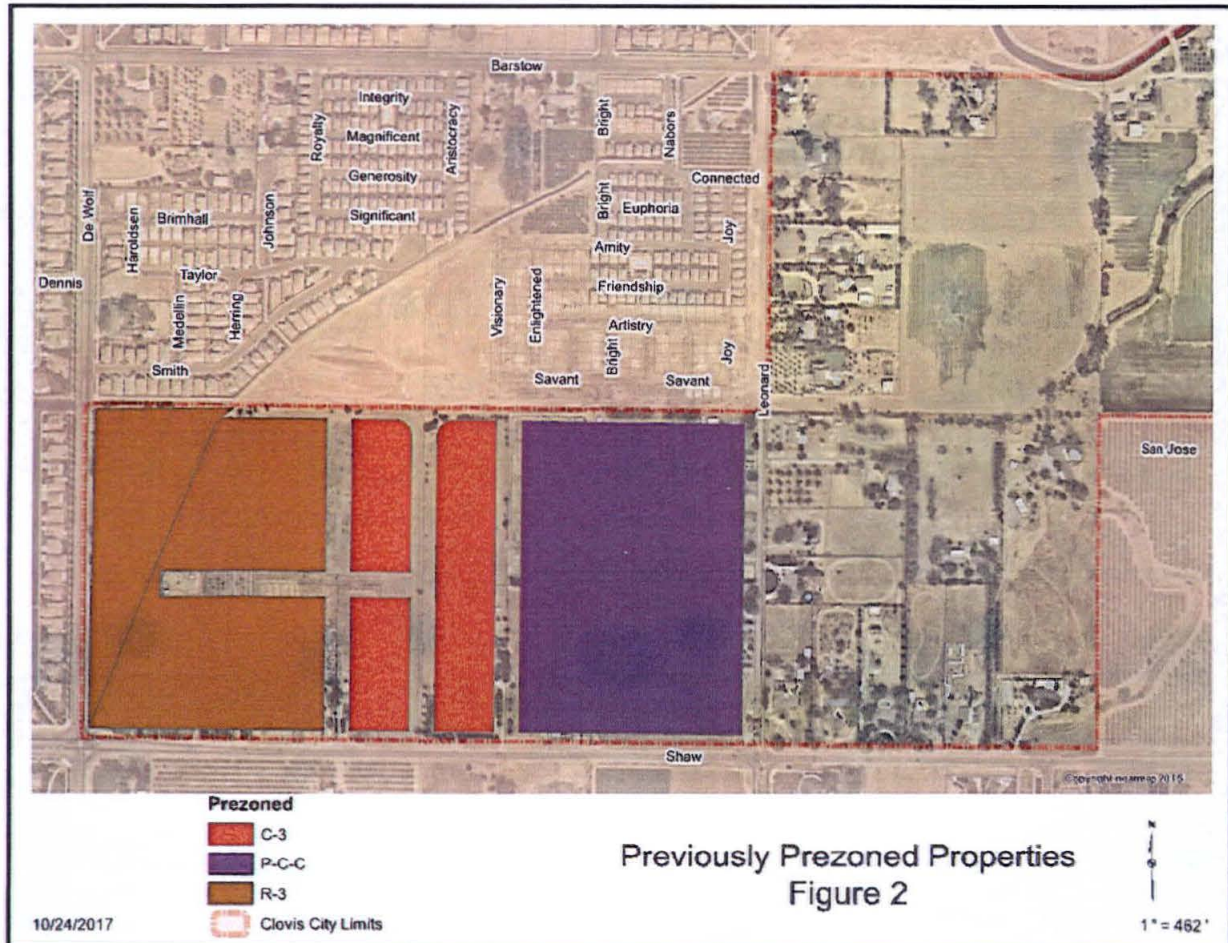
BACKGROUND

The applicant's 138-lot single family residential development proposal is located on the east side of Leonard Avenue, between Shaw and Barstow Avenues (see Figure 1 below).



LAFCo and City of Clovis policy requires creation of logical annexation boundaries leaving no parcel behind as a County island. There are eighteen properties along the east side of Leonard Avenue that if left out, would create an island (see attached “Exhibit B”).

The twenty one properties located on the north side of Shaw Avenue, between De Wolf and Leonard Avenues have been previously prezoned in 2009 and 2017 consistent with the General Plan Land Use Diagram and Loma Vista Community Center North and South Master Plan (see Figure 2 below).



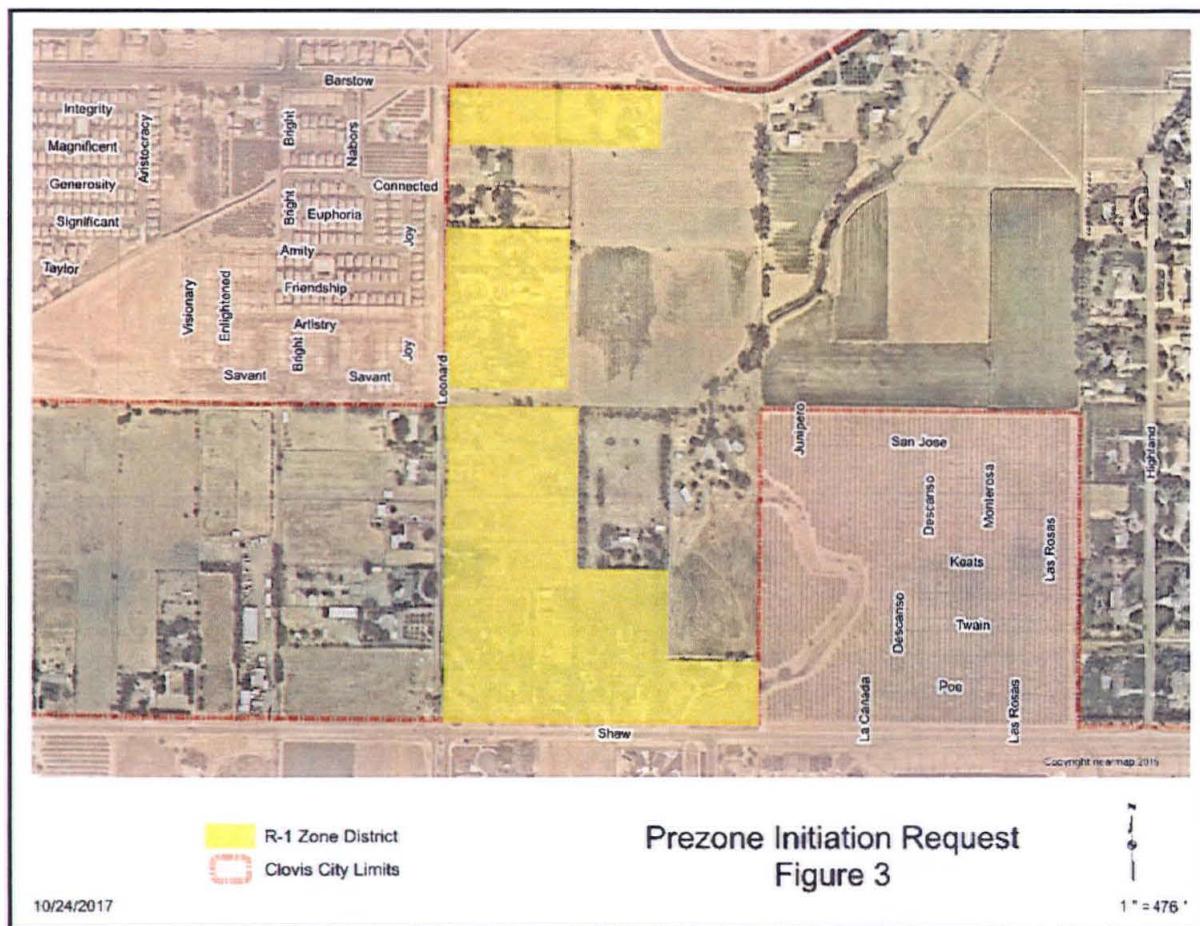
PROPOSAL AND ANALYSIS

The sixteen subject parcels are part of a larger reorganization request seeking annexation (Exhibit “C”), into the City of Clovis (Shaw-Leonard Northeast Reorganization). This annexation also includes the proposed 138-lot single family residential development by Century Communities.

Annexation will be initiated by the City through submittal of an application for annexation which will be considered by LAFCo. All properties within the annexation boundaries will be required to be prezoned, consistent with the Loma Vista Specific Plan.

In the event authorization cannot be obtained, staff is requesting that the City Council initiate prezoning of these specific properties consistent with the Loma Vista Specific Plan land use designation. However, the applicant will continue to work with the sixteen property owners to receive authorization. The prezone initiation request would be to the R-1 (Single Family Residential – 6,000 Sq. Ft.) Zone District, consistent with the Loma Vista Specific Plan (see Figure 3 below).

The prezoning of these properties would allow the homeowners to maintain their properties as they have prior to annexation. Annexation of these properties could also provide an opportunity for residents to connect to City water and sewer services.



Neighborhood Outreach

The applicant held a neighborhood meeting on Wednesday, July 5, 2017 in the Clovis Council Chambers where the subject property owners were invited to discuss the annexation and prezoning of their properties. Approximately 13 property owners signed-in at the meeting. Additionally, the applicant held a second neighborhood meeting on Tuesday, September 26, 2017 at Riley's Brew Pub where approximately 8 property owners attended to continue the discuss on the annexation and prezoning efforts in the area.

The applicant's representative attempted to reach out to the Anderson Family along the Shaw Avenue frontage last week and left a message on their phone offering an opportunity to answer questions regarding annexation and rezoning.

Planning staff met with the Cline Family on Thursday, October 26, 2017, to discuss the cost associated with connecting to City services and annexation of their property to the City of Clovis.

FISCAL IMPACT

The rezoning application fee has been paid by Century Communities, the applicant for the residential development project.


REASON FOR RECOMMENDATION

It is the policy of the City of Clovis to prezone all properties within an annexation area to provide consistency with the specific plan and comply with LAFCo regulations. Initiation of a prezone for the sixteen properties will facilitate the applicant's proposal and provide for future development of all parcels as envisioned in the Loma Vista Specific Plan. Staff therefore recommends that the City Council initiate the prezone for the sixteen subject properties.

ACTIONS FOLLOWING APPROVAL

1. The applicant will continue to work with the sixteen property owners to receive authorization to prezone and annex their property.
2. Staff will schedule the subject properties for rezoning consistent with the Loma Vista Specific Plan land use designation, which will include public hearings before the Planning Commission and City Council.

Prepared by: George González, MPA, Associate Planner

Recommended by: 
Dwight Kroll, AICP
Director of Planning
and Development Services

O:\Planning Projects\Rezone\Rezone Initiations\Century Communities (TM6181)\CC November 6, 2017\PDS Staff Report Initiation of Rezoning.doc

**FIGURE 1
PROJECT LOCATION MAP**



DRAFT RESOLUTION

ATTACHMENT 1

**DRAFT
RESOLUTION 17-__**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS INITIATING THE
PREZONE OF SIXTEEN PROPERTIES LOCATED ON THE EAST SIDE OF LEONARD
AVENUE, BETWEEN SHAW AND BARSTOW AVENUES**

WHEREAS, Century Communities, 7815 N. Palm, Suite 101, Fresno, CA 93711, has applied for a Prezone R2017-17; and

WHEREAS, this is a request to initiate the rezoning of sixteen properties located on the east side of Leonard Avenue, between Shaw and Barstow Avenues in the County of Fresno, California; and

WHEREAS, the sixteen properties are described as current Assessor Parcel Numbers, 554-052-01, 554-052-04, 554-052-05, 554-052-06, 554-052-07, 554-052-08, 554-052-12S, 554-052-13S, 554-052-14S, 554-052-15S, 554-052-16S, 554-052-17S, 554-052-18S, 554-052-19S, 554-052-20S, and 554-052-21S as shown on the County Assessor's record dated March 4, 2015; and

WHEREAS, the sixteen subject property owners were individually sent notices and invited to attend the council hearing; and

WHEREAS, the City Council held a noticed public hearing on November 13, 2017; and

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

1. That the initiation of rezoning is consistent with the Clovis Development Code.
2. That the initiation of rezoning is necessary for the continued development of the Loma Vista Specific Plan.

WHEREAS, if Council approves the initiation of the rezoning, the prezone request will be forwarded to both the Planning Commission and City Council through the public hearing process.

NOW, THEREFORE, BE IT RESOLVED that the Clovis City Council does initiate the rezoning of sixteen parcels described above, as part of Prezone R2017-17.

* * * * *

The foregoing Resolution was introduced at a regular meeting of the City Council held on November 13, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: November 13, 2017

Mayor

City Clerk

APPLICANT'S REQUEST TO INITIATE PREZONING

ATTACHMENT 2



October 2, 2017

Delivered Via Email: georgeg@ci.clovis.ca.us

City of Clovis
Planning Division
Department of Planning and Development Services
Attention: George González, MPA, Associate Planner
Long Range Planning
1033 Fifth Street
Clovis, California 93612

Gentlemen:

Subject: Request for Clovis City Council Initiation of Prezone
17 Parcels Located Northeast of the Intersection of Shaw and Leonard Avenues

Attached is an aerial photograph describing the limits of four parcels of land encompassed by Prezone Application R2017-03 (depicted in blue), and the 17 parcels of land (depicted in red) to which this request for Clovis City Council initiation of prezone applies.

Prezone Application R2017-03 and the prezone we are requesting that the City Council initiate are both consistent with the 2017 Amended and Restated Memorandum of Understanding ("MOU") that the City of Clovis and the County of Fresno entered into June 6, 2017. Additionally, the City has accepted and deemed complete Century Communities' application for Vesting Tentative Tract Map No. 6181, which is consistent with the Clovis General Plan and which is located within the area described by Prezone Application R2017-03. In order to develop Tract No. 6181, the areas depicted in blue and red on the attached aerial photograph must be prezoned and annexed into the City of Clovis to create logical City boundaries.

In recent months, we invited the owners of the parcels depicted in blue and red on the attached aerial photograph to meet to discuss the proposed prezone of their parcels and the proposed annexation of their parcels to the City of Clovis. We and City staff members met on two occasions—July 5, 2017 and September 26, 2017—with landowners who responded to the invitations to learn about the benefits associated with prezone and annexation of their parcels to the City.

We have obtained Notarized Letters of Agency from the owners of a number of the parcels depicted in blue and red on the attached aerial photograph, and we are continuing that effort. Concurrent with that effort, we are seeking City Council initiation of the prezone with the goal of

City of Clovis
Planning Division
Department of Planning and Development Services
Attention: George González, MPA, Associate Planner
Long Range Planning

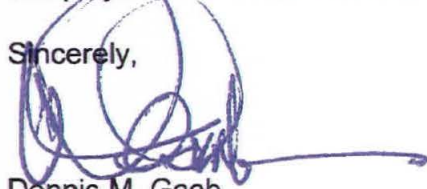
October 2, 2017

Page 2

expediting the entitlement process associate with Vesting Tentative Tract Map No. 6181 so that development of the subdivision may be undertaken as soon as possible.

We appreciate your assistance in scheduling our request for Clovis City Council initiation of prezone as soon as practicable. Thank you in advance for your continuing help in facilitating this project, which will contribute much-needed high-quality housing to residents of the City.

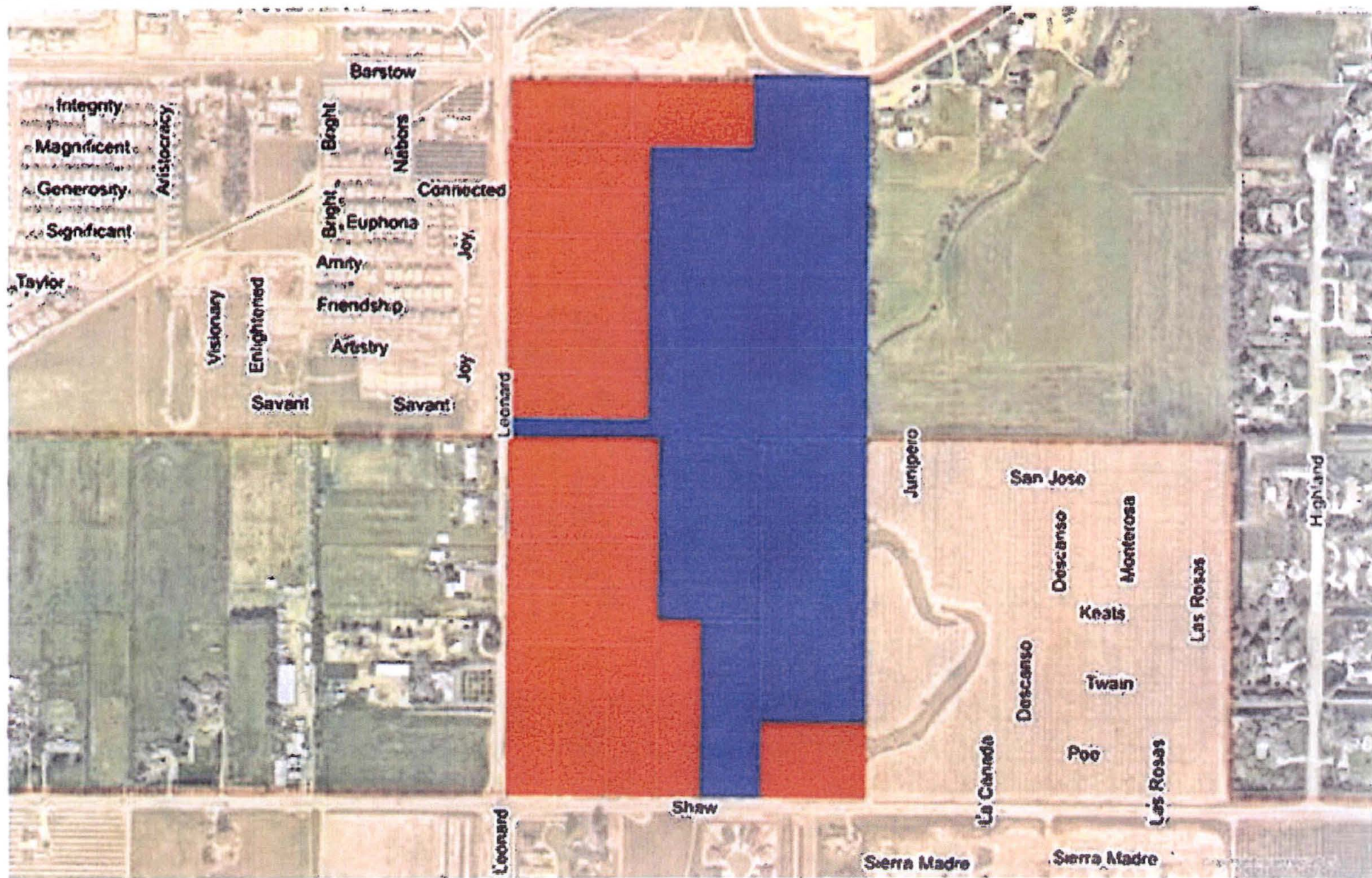
Sincerely,



Dennis M. Gaab
Vice President, Forward Planning

Attachment

c: Dwight D. Kroll, AICP
Bryan Araki
Dirk Poeschel, AICP
Urpi Arriola, P.E.
Edward Dunkel, Jr.

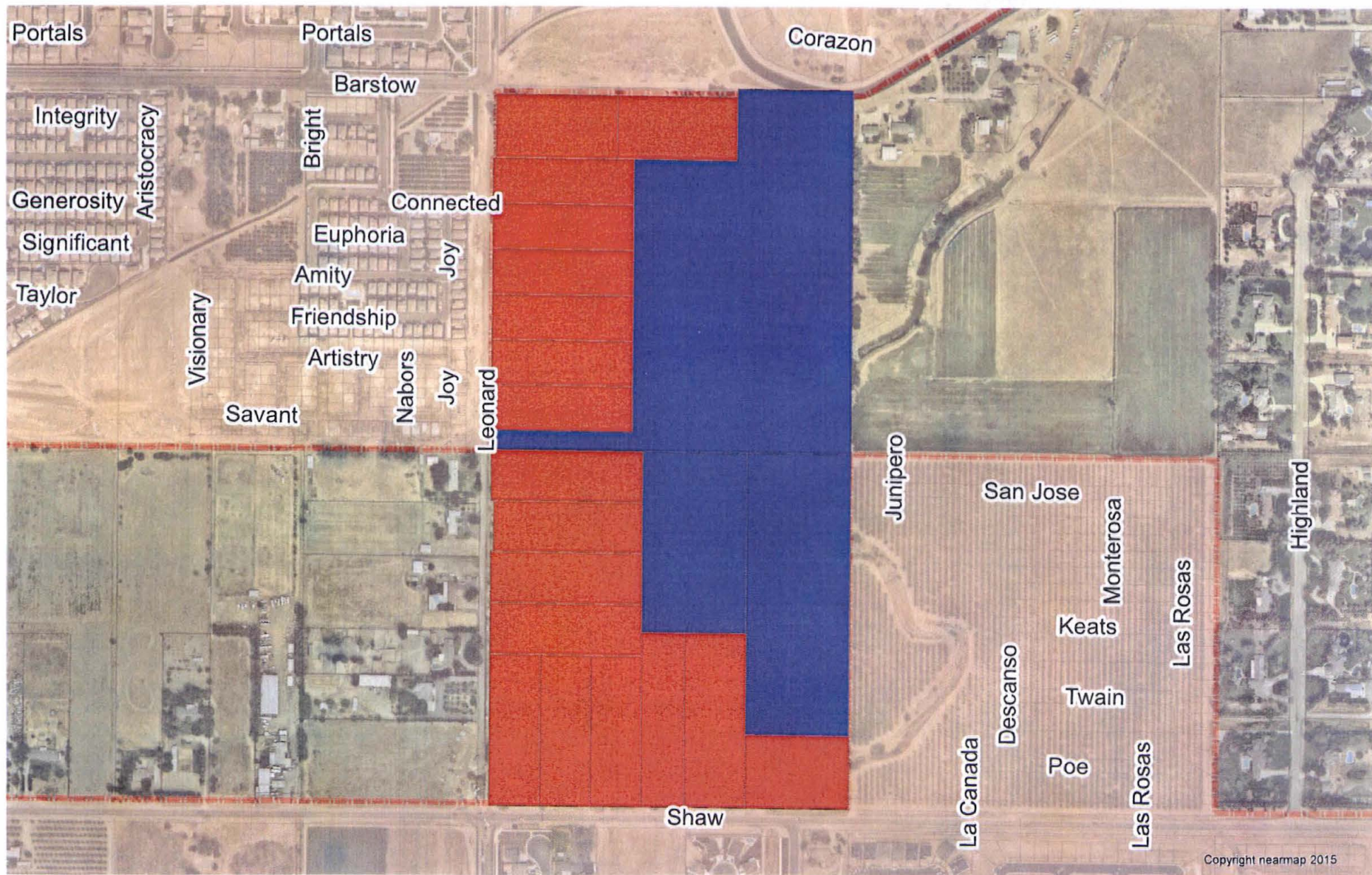


- 2nd Rezoning Application
- R2017-03
- Clovis City Limits

**Prezone R2017-03
Vicinity Map
Exhibit B**

9/12/2017

1" = 493'

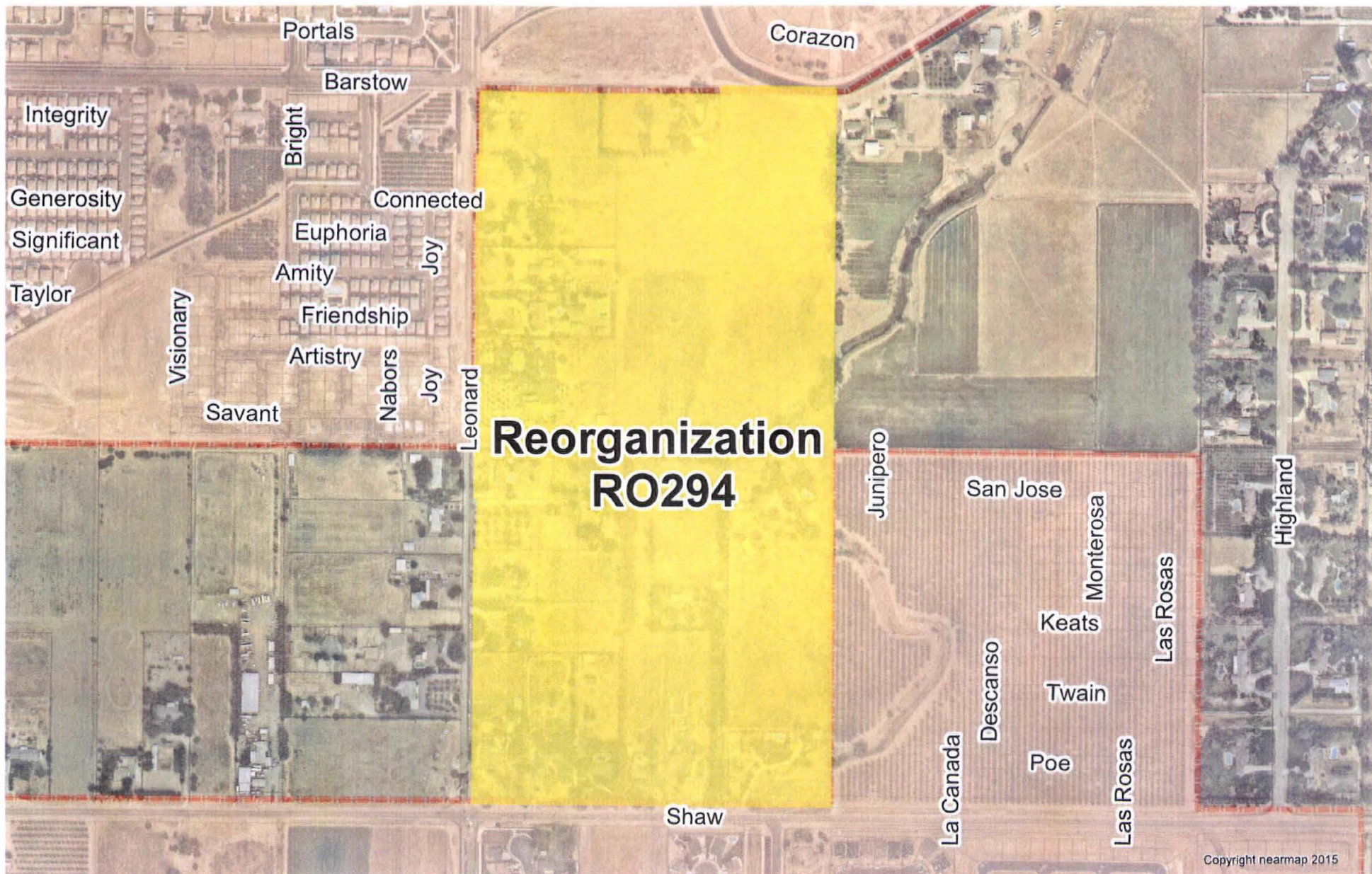


- R2017-03 & TM6181
- Prezone R2017-17
- Clovis City Limits

Prezone R2017-17 Vicinity Map Exhibit B

10/24/2017


 1" = 493'

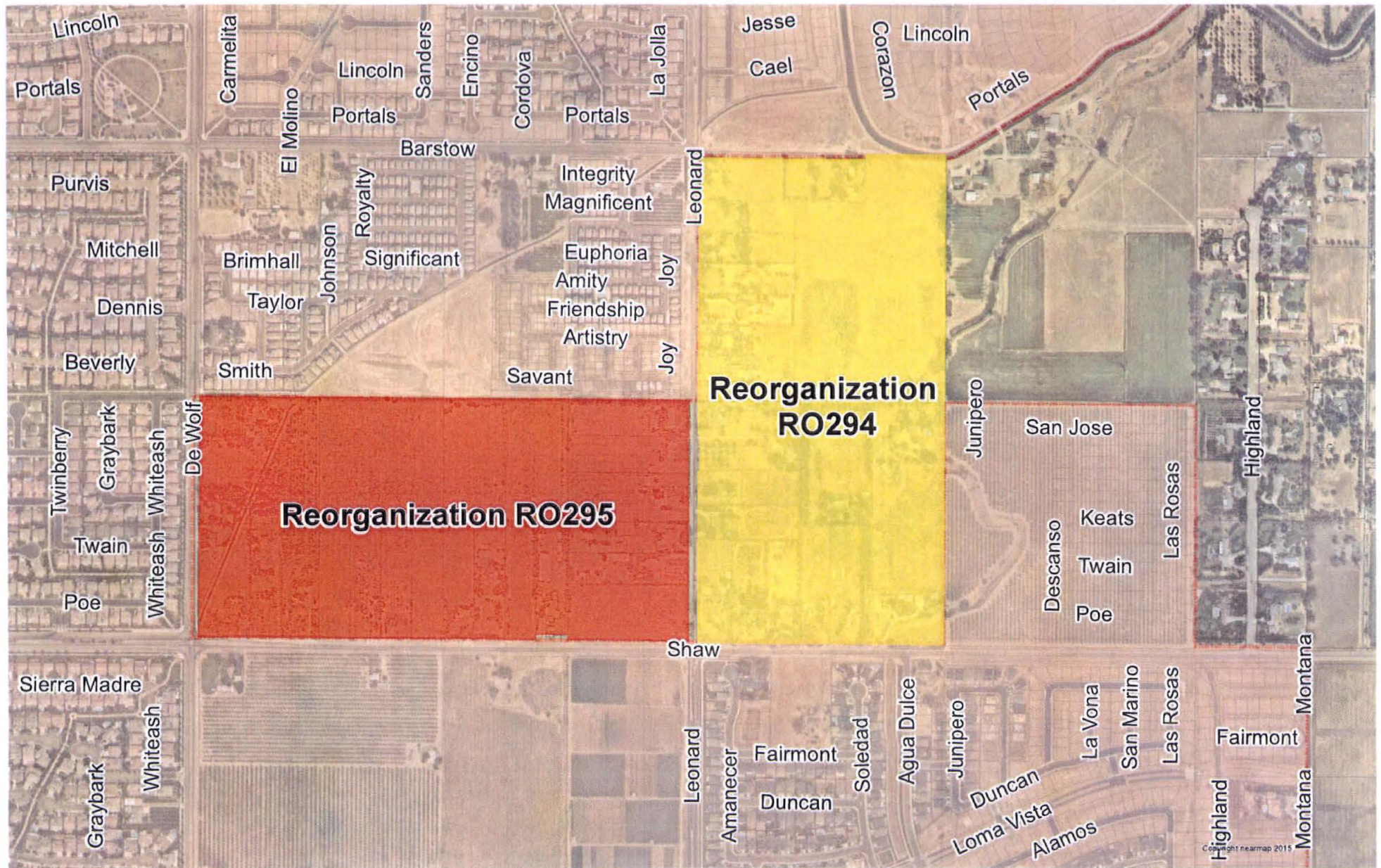


Copyright nearmap 2015

- Shaw-Leonard NE Reorganization
- Clovis City Limits

Shaw-Leonard NE Reorganization Vicinity Map Exhibit C

N
1" = 493'



- Shaw-Leonard NW Reorganization
- Shaw-Leonard NE Reorganization
- Clovis City Limits

Active Reorganizations Vicinity Map Exhibit D

10/24/2017



1" = 718'



CITY *of* **CLOVIS**

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: November 13, 2017

SUBJECT: Consider Adoption – Ord. 17-____, Amending Sections 5.22.02, 5.22.04, and 5.22.05, and adding Section 5.22.09, of Chapter 5.22, of Title 5, of the Clovis Municipal Code pertaining to Marijuana and Cannabis to ensure consistency with recent state statutory amendments and to allow licensed commercial cannabis testing facilities to operate in the city. (Vote: 4-0-1 with Councilmember Flores absent)

Please direct questions to the City Manager's office at 559-324-2060.



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning & Development Services Department

DATE: November 13, 2017

SUBJECT: Consider Approval – A Request to Authorize the City Manager to Enter Into a Master Agreement with the County of Fresno for Cooperative Road Improvement Projects; and, Authorize the City Engineer to Enter into Future Associated Specific Project Agreements Performed Pursuant to the Master Agreement

ATTACHMENT: (A) Master Agreement for Multijurisdictional Projects

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to authorize the City Manager to enter into a Master Agreement with the County of Fresno that establishes general terms associated with potential cooperative road improvement projects that will be performed by the City of Clovis in cooperation with the County of Fresno.

The second recommendation is for the City Council to authorize the City Engineer to enter into future Specific Project Agreements that would supplement the provisions of the Master Agreement by providing details regarding scope, schedule, cost sharing, maintenance, and other specifics for individual cooperative projects.

EXECUTIVE SUMMARY

In an effort to streamline County Board approval on joint jurisdictional projects, staff is recommending the City Manager execute a Master Agreement for Cooperative Road Improvement projects with the County of Fresno. The Master Agreement specifies generally accepted terms, conditions, and responsibilities, both during design and construction, as well as after construction of the road improvements with respect to the City of Clovis and the County of Fresno. See Attachment A for the general terms of the Master Agreement.

Detailed terms for each project would be established in a future supplemental Specific Project Agreement. It is not the intent to limit the applicability of the Master Agreement to specific projects, therefore, the Master Agreement would apply to all cooperative transportation projects performed by the County and the City of Clovis for which a Specific Project Agreement was executed.

Specific Project Agreements serve to augment and/or modify the terms of the Master Agreement as applicable to the project. Specific project Agreements would be generated and executed at the discretion of the City Engineer, contingent upon approval by the City Manager, and in conjunction with the Director of the Department of Public Works and Planning at the County of Fresno.

Specific Project Agreements are intended to thoroughly define the scope of the project, the lead agency for the project, its schedule, and equitable cost sharing responsibilities. Specific Project Agreements would also establish maintenance responsibilities for completed improvements to the extent that such responsibilities were either not defined in the Master Agreement or were different from those general responsibilities established by the Master Agreement.

Given that the County of Fresno shares several roads with the City of Clovis, and it is anticipated that some of these roads will be improved in the next several years, the Master Agreement and future supplemental Project Specific Agreements serve as beneficial tools for our agencies to systematically coordinate, deliver, and maintain joint jurisdictional projects.

The Master Agreement included as Attachment A has been reviewed and approved by our legal counsel, Public Utilities Director, and City Manager.

BACKGROUND

The Master Agreement establishes the concept of a "Lead Agency" and a "Participating Agency" for any particular road improvement project. The Lead Agency is required to develop project rationale, scope, cost schedule, funding sources, and impacts to the Participating Agency's facilities.

Specific projects may require the Participating Agency to pay a share of the project costs proportional to the cost of the work within its jurisdiction. The Master Agreement states that such cost sharing be delineated in a Specific Project Agreement.

Ownership and maintenance of any completed road improvement project would be shared between the City and County in accordance with the percentage of the improvement located within each jurisdiction, unless otherwise specified in a Specific Project Agreement. The exception is street improvements along a City-County boundary that are installed by the City, or by a development within the City, to ultimate alignment and grade in accordance with the City General Plan which will be owned and maintained by the City regardless of the jurisdictional boundary location.

The Master Agreement provides that, except as otherwise specified elsewhere in the Master Agreement, or as otherwise specified in a Specific Project Agreement, the County shall be solely responsible for repairing and maintaining all Project road improvements consisting of asphalt concrete pavement and traffic signals lying within the County's jurisdiction. It also requires that, unless otherwise specified in a Specific Project Agreement, such road improvements in the County's jurisdiction be maintained by the County at a pavement condition index of at least 60 until such time as the improvements are annexed by the City.

The Master Agreement further provides that the City shall be solely responsible for maintaining improvements within the County that are installed at the City's sole election and which are not normally constructed in connection with County road improvements, including street lights, sidewalks, curb and gutter, median curbs, and landscaping improvements constructed as part of the Project. It further provides that the City be responsible for repairing road improvements within the County as a result of any damage caused by underground pipelines and facilities installed as part of any project, including those projects to which the Master Agreement is not otherwise applicable.

The Master Agreement also requires that each Agency indemnify, hold harmless and defend the other Agency and each of its officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages incurred arising from or related to the negligent or intentional acts or omissions of an Agency or any of its officers, officials, employees, agents or volunteers in the performance of the Master Agreement. The Master Agreement further requires each Agency maintain insurance policies or self-insurance programs to fund their respective liabilities in amounts sufficient to cover any responsibilities or potential liabilities thereunder.

The term of the Master Agreement is five years; however, with respect to any projects for which a Specific Project Agreement incorporating the Master Agreement is entered into prior to its expiration, the terms of the Master Agreement would remain in effect and apply in conjunction with the terms of the Specific Project Agreement until the date of expiration or termination of the Specific Project Agreement.

Three major projects currently planned by the City could benefit under the proposed Master Agreement as further defined under individual supplemental Specific Project Agreements. These three projects are primarily Regional Measure C funded, and are generally described as follows:

Shaw Avenue: DeWolf to McCall Avenues: The County jurisdiction along this alignment runs from DeWolf Avenue to Highland Avenue, along the north side of Shaw Avenue, as well as the entire roadway from Leonard Avenue to McCall Avenue. This project involves reconstruction and widening of Shaw Avenue. A portion of the roadway will be reconstructed to six lanes with a 16-foot wide median, bike lanes, and curb and gutter. Starting at Highland Avenue and proceeding eastward, only two lanes without curb and gutter will be constructed on the north side of Shaw Avenue. Construction is tentatively scheduled to begin in April 2019.

Willow Avenue: Shepherd to Copper Avenues: County jurisdiction along this alignment is from Shepherd Avenue to Copper Avenue, along the east side of Willow Avenue. This project involves reconstruction and expansion of northbound Willow Avenue from Shepherd Avenue to Copper Avenues. This project will generally improve Willow Avenue to three northbound lanes with an eight-foot wide parking/bicycle lane. Construction is tentatively scheduled to begin in April, 2019.

Herndon Avenue: Temperance to DeWolf Avenues: County jurisdiction along this alignment is from Locan Avenue to DeWolf Avenue, including a short segment west of Locan Avenue along the north side of Herndon Avenue. This project will improve Herndon Avenue to a four-lane facility with a median island, curb and gutter, and sidewalk. Construction is tentatively scheduled to begin in November 2019.

Following City Council approval of the requested actions, County of Fresno staff will present the City executed Master Agreement for Cooperative Road Improvement Projects to their Board of Supervisors for review, approval, and execution by their Chairman. Should the County Board of Supervisors deny approval of the Master Agreement the executed Master Agreement by Clovis' City Manager would be null and void. In the event this occurs, it would then be necessary for the City of Clovis to either obtain encroachment permits with the County of Fresno, or develop cooperative project agreements for Board of Supervisor consideration on an individual project basis.

FISCAL IMPACT

There is no fiscal impact associated with the recommend actions. In the event that a specific project requires matching funds from the County of Fresno, such funds would reduce the overall costs of the proposed improvements by the City of Clovis.

REASON FOR RECOMMENDATION


Staff recommends Council's approval of the agreements because they are mutually beneficial and they promote efficiency when working with the County of Fresno on cooperative road improvement projects. The Master Agreement and future Supplemental Project Specific Agreements serve as tools to streamline project coordination, delivery, and maintenance in an efficient and logical manner.

ACTIONS FOLLOWING APPROVAL

The City Manager will execute the Master Agreement for Multijurisdictional Projects and will then submit the executed Master Agreement to the County Board of Supervisors for their review, approval and execution.

Prepared by: Mike Harrison, City Engineer

Submitted by:


Dwight Kroll, AICP
Director of Planning
and Development Services

MASTER AGREEMENT FOR MULTIJURISDICTIONAL PROJECTS

This Master Agreement for Multijurisdictional Projects ("Agreement") is effective _____, 2017 ("Effective Date") between the CITY OF CLOVIS, a municipal corporation in the State of California, ("City"), and the COUNTY OF FRESNO, a political subdivision of the State of California, ("County").

Recitals

WHEREAS, City or County may desire to construct certain improvements on or about a roadway located either partially or entirely within the other agency's area of jurisdiction, with such improvements hereinafter referred to as "Projects"; and

WHEREAS, in areas under the jurisdiction of County, City may desire to include certain amenities in its Projects, in accordance with the City's general plan, improvement standards, or other City development standards, which typically would not be constructed if the Projects were administered by County; and

WHEREAS, such amenities may include, but are not limited to, additional travel lanes to accommodate future development, increased shoulder width, street lights, curbs, gutters, sidewalks, median curbs, and landscaping; and

WHEREAS, City and County, while maintaining their respective jurisdictions, recognize it is of mutual benefit and promotes efficiency, where practicable, to perform work and construct improvements either as a discrete Project or as a series of Projects administered by a single agency, even if the work will be performed in both jurisdictions; and

WHEREAS, City and County also recognize that under certain circumstances it may be of mutual benefit and promote efficiency to administer the performance of work and construction of certain Projects within the County, when located near the edge of the City's sphere of influence and under some circumstances even when located in an area within the County's jurisdiction that is somewhat less proximate to the sphere boundary, in anticipation of potential or likely future annexation by the City, and that such an approach at times may be

1 preferable even when such work is to be performed some years prior to anticipated
2 annexation; and

3 WHEREAS, City and County desire to set forth in this Agreement the terms, conditions,
4 and responsibilities of the parties, both during design and construction of the improvement,
5 and with respect to maintenance obligations after construction of the improvement has been
6 completed, with respect to such Projects.

7 NOW, THEREFORE, in consideration of the above recitals, the mutual covenants
8 contained herein, and such other and further consideration as is hereby acknowledged, it is
9 mutually agreed as follows:

10 Agreement

11 1. Master Project Agreement. This Agreement shall serve as the Master
12 Agreement governing the terms, conditions, and responsibilities of the County and City, for any
13 Project for which a Specific Project Agreement is executed between the County and City,
14 pursuant to the provisions of this Agreement.

15 2. Lead Agency and Participating Agency Defined. The agency with primary
16 responsibility for administering, designing and constructing a Project is hereinafter referred to
17 as the "Lead Agency" for that Project, and the other agency shall be referred to as the
18 "Participating Agency" for that Project.

19 3. Specific Project Agreements. The County Director of Public Works and Planning,
20 hereinafter "Director," and the City Engineer may enter into a Specific Project Agreement for
21 any Project. Such Specific Project Agreement shall identify a Lead Agency for the Project and
22 shall establish terms and conditions necessary to supplement or modify the terms of this
23 Master Agreement as applicable to the Project. In the absence of a Specific Project
24 Agreement for a particular Project, City shall be the Lead Agency.

25 4. Project Development: The Lead Agency shall inform the Participating Agency in
26 writing of a proposed Project as early as practicable in the process of Project development.
27 The Lead Agency shall provide a detailed description of the Project which identifies the
28 rationale for the Project, anticipated scope, cost, schedule, funding sources and impacts to

1 Participating Agency facilities. In the event that a Specific Project Agreement is required for
2 the Project, the Lead Agency shall prepare a draft of such Specific Project Agreement for
3 review by the Participating Agency.

4 5. Design Standards. Projects shall be designed such that improvements within the
5 Participating Agency's jurisdiction meet the design standards for the Participating Agency. In
6 the event that any deviation from the Participating Agency's design standards is proposed, the
7 Lead Agency shall prepare and execute a design exception in accordance with California
8 Department of Transportation procedures. Such design exceptions shall only be authorized if
9 approved in writing and by both parties and upon signature thereof by the Director and the City
10 Engineer.

11 6. Preliminary Engineering. The Lead Agency shall provide Preliminary
12 Engineering which includes, but is not limited to:

13 (a) Environmental oversight to ensure Project complies with the California
14 Environmental Quality Act and, if applicable, the National Environmental Policy Act; and,

15 (b) Contract administration to advertise and award the construction contract,
16 in accordance with all governing Federal, State and local laws, and all requirements of funding
17 agencies, including without limitation any applicable prevailing wage and competitive bidding
18 requirements; and,

19 (c) Design engineering, which includes but is not limited to the preparation of
20 plans, specifications, engineer's estimate and other contract documents necessary for the
21 award of the construction contract.

22 7. Project Review and Approval. Throughout the design process, at approximately
23 the 30%, 60%, 90% and 100% stages of development of plans and specifications for the
24 Project, the Lead Agency shall provide five (5) copies of appropriate plan information,
25 specifications, and an estimate to the Participating Agency. The Participating Agency shall
26 promptly review such submittals and provide comments within twenty (20) working days of the
27 receipt thereof. The Lead Agency shall address all comments, either by making the requested
28 modifications or providing a written response. Final approval shall be indicated by signature of

1 the Director or City Engineer, as appropriate, on the title sheet of the plans for the Project or, in
2 the event that there are no plans, on the title sheet of the specifications for the Project.

3 8. Construction Engineering. The Lead Agency shall provide Construction
4 Engineering which includes, but is not limited to:

5 (a) All necessary field engineering, inspection and testing for performance of
6 the contract construction work; and,

7 (b) Administration of the construction contract.

8 9. Changes During Construction. Any changes to the portion of the Project within
9 the Participating Agency's jurisdiction must be approved in writing by the Director or City
10 Engineer, as appropriate. The Participating Agency may, at its option, provide inspection of
11 work being performed within the Participating Agency's jurisdiction.

12 10. Encroachment Permit. If allowed by the provisions of the Participating Agency's
13 applicable ordinance and the Specific Project Agreement, the Participating Agency shall issue
14 a "no fee" encroachment permit for the Project work done within the Participating Agency's
15 jurisdiction. The Lead Agency's contractor shall apply for and obtain the encroachment permit
16 from the Participating Agency. The provisions of this Article 10 apply only to Projects as
17 hereinabove defined which involve modifications to both City and County facilities. The
18 provisions of this Article 10 do not apply to projects that are performed solely by either agency.

19 11. Cost Sharing. In the event that the Participating Agency desires to contribute to
20 funding the cost of a Project, the provisions associated with such funding shall be delineated in
21 a Specific Project Agreement.

22 12. Ownership and Maintenance of Completed Project Improvements. Except as
23 provided otherwise in this Agreement or in a Specific Project Agreement between the County
24 and City, upon completion of each Project, ownership and maintenance of the completed
25 improvements shall be the responsibility of the party within whose jurisdiction the improvement
26 is located, and ownership and maintenance of any completed improvement shall, unless
27 otherwise specified in a Specific Project Agreement, be shared between the parties in
28 accordance with the percentage of the improvement located within each jurisdiction. Provided,

1 however, that street improvements along a City-County boundary that are installed by the City,
2 or by a development within the City, to ultimate alignment and grade in accordance with the
3 City general plan shall be owned and maintained by the City regardless of the jurisdictional
4 boundary location.

5 13. Maintenance and Repairs of Improvements in County after Project Completion.

6 The parties anticipate that Project road improvements and other Project improvements within
7 the County's jurisdiction may remain in the County's jurisdiction for many years before
8 annexation by the City. Unless otherwise expressly provided in a Specific Project Agreement
9 between the County and City, the following maintenance and repair responsibilities shall apply
10 to completed Project improvements in the County.

11 (a) County's responsibilities. Except as otherwise specified in Article 12,
12 hereinabove, or as otherwise specified in a Specific Project Agreement, the County shall be
13 solely responsible for repairing and maintaining all Project road improvements consisting of AC
14 pavement and traffic signals lying within the County's jurisdiction. Unless some other level of
15 maintenance is provided in a Specific Project Agreement, such road improvements in the
16 County's jurisdiction shall be maintained by the County at a pavement maintenance level of at
17 least 60 PCI until such time as the improvements are annexed by the City.

18 (b) City's responsibilities. The City shall be solely responsible for maintaining
19 the Project improvements within the County that are installed at City's sole election and are not
20 normally constructed in connection with County road improvements, including street lights,
21 sidewalks, curb and gutter, median curbs, and landscaping improvements constructed as part
22 of the Project. The City also shall be responsible for repairing road improvements within the
23 County as a result of any damage caused by underground pipelines and facilities installed as
24 part of any project, including those projects which do not meet the definition of "Project"
25 hereinabove. Such repairs shall include reapplication of any traffic striping or pavement
26 markings affected by any repair to the pavement by the City.

27 (c) Pavement Repairs by City. As to all road repairs for which the City is
28 responsible under this Agreement, the repairs shall be attended to by the City within 72 hours

1 or less after receiving notice from County staff via telephone or other electronic messaging or
2 communication. The City shall pay all reasonable costs incurred by the County in performing
3 any pavement repairs after City's failure to perform within 72 hours. All permanent pavement
4 placed shall be HMA (hot mix asphalt). Cold mix asphalt is allowed only as a temporary
5 measure to make the road passable during the reasonable time that it takes to make a
6 permanent repair.

7 (d) Cooperation for Repairs. The Director and the City Engineer or designee
8 may, from time-to-time modify, the road repairs covered by this Agreement in a Specific
9 Project Agreement signed by the Director and the City Engineer. The County Director and City
10 Engineer shall attempt to informally resolve or mediate any disputes or disagreements in
11 connection with this Master Agreement or in connection with any Specific Project Agreement
12 before any party to this Agreement institutes any legal action.

13 14. Amendment.

14 A. This Agreement may not be modified except by means of a writing signed by the
15 duly authorized representatives of both parties.

16 B. Excepting only those types of modifications to this Agreement that are
17 specifically authorized to be made by means of a Specific Project Agreement, as provided in
18 Articles 3 and 18 hereof, any other modification or amendment to the provisions of this
19 Agreement shall be made only by formal written amendment approved by the Board of
20 Supervisors on behalf of County and by the City Council on behalf of City.

21 15. Mutual Indemnification. The County shall indemnify, hold harmless and defend
22 the City and each of its officers, officials, employees, agents and volunteers from any and all
23 loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict
24 liability, including but not limited to personal injury, death at any time and property damage)
25 incurred by the City, the County or any other person, and from any and all claims, demands
26 and actions in law or equity (including attorney's fees and litigation expenses), arising from or
27 related to the negligent or intentional acts or omissions of the County or any of its officers,
28 officials, employees, agents or volunteers in the performance of this agreement. Nothing

1 herein shall constitute a waiver by County of applicable governmental immunities including
2 California Government Code Section 810 et seq.

3 The City shall indemnify, hold harmless and defend the County and each of its officers,
4 officials, employees, agents and volunteers from any and all loss, liability, fines, penalties,
5 forfeitures, costs and damages (whether in contract, tort or strict liability, including by not
6 limited to personal injury, death at any time and property damage) incurred by the City, the
7 County or any other person, and from any and all claims, demands and actions in law or equity
8 (including attorney's fees and litigation expenses), arising from or related to the negligent or
9 intentional acts or omissions of the City or any of its officers, officials, employees, agents or
10 volunteers in the performance of this agreement. Nothing herein shall constitute a waiver by
11 City of applicable governmental immunities including California Government Code Section 810
12 et seq.

13 If there is concurrent negligence by the County or any of its officers, officials,
14 employees, agents or volunteers, and the City or any of its officers, officials, employees,
15 agents or volunteers, the liability for any and all such claims, demands and actions in law or
16 equity for such losses, fines, penalties, forfeitures, costs and damages shall be apportioned
17 under the State of California's theory of comparative negligence.

18 This Article 15 shall survive the termination or expiration of this Agreement.

19 16. Insurance. Both the County and the City represent that they maintain insurance
20 policies or self-insurance programs to fund their respective liabilities in amount sufficient to
21 cover any responsibilities or potential liabilities under this Agreement. Those respective
22 programs or policy coverage for Workers' Compensation shall contain a waiver of subrogation
23 as to the other party and each of its officers, officials, agent, employees and volunteers.
24 Certificate of insurance or other documentation shall not be required of any party to this
25 Agreement.

26 17. Third Party Beneficiary. Nothing in this Agreement, express or implied, is
27 intended to confer any rights or remedies under or by reason of this Agreement on any third
28 party, nor is anything in this Agreement intended to create on behalf of any person or entity

1 any third party beneficiary status or third party beneficiary rights, and the parties hereby
2 expressly disavow any such intent and expressly disclaim any such status or rights.

3 18. Term. This Agreement shall become effective on the date first written
4 hereinabove and, except as otherwise provided hereinafter in this Article 18, shall expire upon
5 the fifth anniversary of such effective date. Provided, however, that with respect to any
6 Projects for which a Specific Project Agreement incorporating this Agreement is entered into
7 prior to the expiration date of this Agreement, the terms of this Agreement shall remain in
8 effect and apply in conjunction with the terms of such Specific Project Agreement until the date
9 of expiration or termination of such Specific Project Agreement.

10 19. No Strict Construction. Notwithstanding any statute or rule of contract
11 construction to the contrary, the language of this Agreement shall be construed as a whole,
12 according to its fair meaning and intentment, and not strictly for or against either party,
13 regardless of who drafted or was principally responsible for drafting the Agreement or any
14 specific term or condition thereof. This Agreement shall be deemed to have been drafted by
15 both parties and no party or person claiming any interest in rights under this Agreement shall
16 contend otherwise.

17 20. Severability. The provisions of this Agreement are severable. The invalidity or
18 unenforceability of any one provision in this Agreement does not affect the other provisions.

19 21. Entire Agreement. Each party acknowledges that it has read and fully
20 understands the content of this Agreement. This Agreement represents the entire and
21 integrated agreement between the parties with respect to the subject matter covered by this
22 agreement and this agreement supersedes all prior negotiations, representations, agreements
23 (including, without limitation, any prior annexation and right-of-way maintenance agreements to
24 the extent they address responsibility for the normal maintenance of any dual jurisdictional
25 City-County roads), and communications, either written or oral.

26 //

27 //

1 IN WITNESS WHEREOF, the parties have executed this Agreement on the date set
2 forth above.

3 CITY OF CLOVIS,
4 A Municipal Corporation

COUNTY OF FRESNO

5 By: _____
6 Luke Serpa,
City Manager

By: _____
Brian Pacheco, Chairman
Board of Supervisors

7 ATTEST: John Holt
8 City Clerk

ATTEST: Bernice Seidel
Clerk to the Board of Supervisors

9 By: _____

By: _____
Deputy

10
11 REVIEWED & RECOMMENDED
12 FOR APPROVAL:

13 By: _____
14 Mike Harrison,
City Engineer

15
16 APPROVED AS TO LEGAL FORM:

17
18 By: _____
19 David J. Wolfe, City Attorney



AGENDA ITEM NO: 2-B-2

City Manager: 

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning & Development Services Department

DATE: November 13, 2017

SUBJECT: Consider Direction on the Preferred Scenario Selection for the 2018 Regional Transportation Plan and Sustainable Communities Strategy

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to consider direction on the preferred scenario selection for the 2018 Regional Transportation Plan and Sustainable Communities Strategy. As a voting member on the Council of Governments Policy Board, the City of Clovis will be asked to select and vote on a preferred scenario at their November 16, 2017 meeting. Staff is recommending Clovis select Scenario D.

EXECUTIVE SUMMARY

As part of the Regional Transportation Plan Sustainable Communities Strategies process, four scenarios were created to compare the impacts of different growth and investment assumptions in our region. Scenario planning is one approach that tries to help decision bodies make informed choices by providing impact/indicator analysis of different growth/investment assumptions.

Indicators were selected and used to measure the performance of each scenario in areas that reflect their individual priorities. Indicators included such items as greenhouse gas reduction, vehicle miles traveled, acres of important farmland consumed, residential density for new growth, housing mix of new growth, AM & PM travel time for environmental justice populations, transit-oriented development, and the prevention of premature deaths. Results of the indicator analysis were then used as tools to help decide whether the growth assumptions would achieve the priorities of a given scenario.

All four scenarios meet the Air Resource Board's greenhouse gas (GHG) reduction target of 13% per capita for the Fresno County region by 2035 compared to 2005. Each scenario

also represents a very ambitious and aggressive land use strategy, compared to the status quo or business as usual. The four scenarios also contain the same values and strategies as the others; the only difference being the priority given to identified values and strategies over the others.

Scenario A focuses on maintaining existing roadways, improving air quality, and making life easier for our most vulnerable communities. Scenario A serves as the starting point for all the other scenarios by providing a balanced vision that seeks to maximize our transportation investment. Scenario B envisions a region where you work, live, and shop all in close proximity such that you can walk, bus or bike often. Scenario C invests in our region's most disadvantaged communities by providing improved transit services and encouraging more growth in small cities and rural locations. Scenario D increases investment in our local streets and roads by focusing on good repair, rehabilitation, and maintenance of a clean and smoothly operated transportation system.

Staff recommends Council support Scenario D because it provides the highest investment in road maintenance and active transportation, a moderate investment in expanded roadway capacity, and it invests in all identified transit funded projects. Scenario D also assumes balanced growth. Countywide, it employs moderately aggressive land-use strategies, and it has a significant improvement in farmland conservation.

BACKGROUND

Fresno COG staff has undergone three rounds of public outreach for the 2018 Regional Transportation Plan and Sustainable Communities Strategy, with a focus on educating the public about the four scenarios produced, along with the analysis and modeling results for each. Public participants have been encouraged to share which of the four scenarios best aligns with their priorities and vision for Fresno County, as well as to provide feedback concerning any negative impacts, if any, they foresee for their community resulting from those scenarios not selected.

The Regional Transportation Plan Sustainable Communities Strategy modeling process included four steps. The first step was a land use model that used demographic and economic factors to predict future general development patterns (allocated future growth at the parcel level); the second step was a traffic model that used the transportation network and the land-use modeling results to simulate an average travel day in Fresno County; the third step was an emission model that used a California Air Resources Board tool that took the results of the traffic model to determine emission rates due to vehicular travel; and, the fourth step was a health model that looked at the travel pattern from the traffic model (along with the health burden data and collision rates) to determine Countywide health benefits due to active transportation.

Below is a summary of the four scenarios.

SCENARIO A:

- Meets the recommended GHG reduction target (13 percent)
- Highest investment in road maintenance and active transportation; lower investment in expanded roadway capacity; all transit projects funded
- Assumes balanced Countywide growth
- Moderately aggressive land-use strategies (lowest residential density and multi-family development) - identical to Scenario D
- Significant improvement in farmland conservation (58 percent less farmland consumed than 2014 Regional Transportation Plan)

SCENARIO B:

- Exceeds the recommended GHG reduction target (14 percent)
- Highest investment in road maintenance and active transportation; lower investment in expanded roadway capacity; all transit projects funded
- Assumes more growth in Fresno-Clovis Metro Area (5 percent increase by 2035)
- Most aggressive land-use strategies (highest projections for residential density, multi-family, and mixed-use development)
- Vast improvement in farmland conservation (88 percent less farmland consumed than 2014 RTP)

SCENARIO C:

- Meets the recommended GHG reduction target (13 percent)
- Highest investment in road maintenance and active transportation; lower investment in expanded roadway capacity; all transit projects funded
- Assumes more growth in small incorporated cities and unincorporated rural communities (21 percent increase by 2035)
- More aggressive mixed-use and multi-family strategies
- Improvement in farmland conservation (24 percent less farmland consumed than 2014 RTP)

SCENARIO D:

- Meets the recommended GHG reduction target (13 percent)
- High investment in road maintenance; moderate investment in expanded roadway capacity and active transportation; all transit projects funded
- Assumes balanced Countywide growth
- Moderately aggressive land-use strategies (lowest residential density and multi-family development) - identical to Scenario A
- Significant improvement in farmland conservation (58 percent less farmland consumed than 2014 RTP)

Public survey and input tallied to date (less than 1% of the total County population) show Scenario B as the preferred public alternative, followed by Scenario A, then Scenario D, and last by Scenario C.

The RTP Roundtable, Technical Transportation Committee, and Policy Board Committee have all recommended Scenario D as the 2018 SCS's preferred scenario. All Fresno Council of Governments' member agencies, in attendance at the above meetings, voted in favor of Scenario D with the exception of the City of Fresno.

FISCAL IMPACT

There is no fiscal impact associated with the recommend actions.

REASON FOR RECOMMENDATION


Staff recommends Council support Scenario D because it provides the highest investment in road maintenance and active transportation, a moderate investment in expanded roadway capacity, and it invests in all identified transit funded projects. Scenario D also assumes balanced growth Countywide, it employs moderately aggressive land-use strategies, and it has a significant improvement in farmland conservation. Scenario D is consistent with the City's current General Plan and does not require new land use policy be developed and adopted.

ACTIONS FOLLOWING APPROVAL

Council direction will be implemented at the Council of Governments' Policy Board Meeting scheduled for November 16, 2017.

Prepared by: Renee Mathis, Planning & Development Services Administrative Manager

Submitted by:



Dwight Kroll, AICP
Director of Planning and
Development Services