



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.

January 8, 2018

6:00 PM

Council Chamber

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

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

ROLL CALL

PRESENTATIONS/PROCLAMATIONS

- A. Presentation of Proclamation declaring January 2018 as National Slavery and Human Trafficking Prevention Month.

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 Various Actions associated with the Clovis 500 Club card room located at 771 W. Shaw Avenue. (Staff: H. Holt)
 - 1. Consider Approval – Res. 18-____, A Request to approve the transfer of the 500 Club Card Room License from Louis Sarantos to K & M Casinos, Inc., and
 - 2. Consider Approval – Res. 18-____, Setting License Fees for Gaming Clubs and Card Rooms in the City.
- B. Consider Introduction - Ord. 18-____, R2017-03, A request to approve a prezone of approximately 37.67 acres of land located on the east side of Leonard Avenue, between Shaw and Barstow Avenues from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential - 6,000 Sq. Ft.) Zone District. Sharon L. Moore Trustee, Bradford H. & Tamara L. Mack Trustees, Pam K. Janda, Trustee, owner; Benchmark Communities, LLC., applicant; Precision Civil Engineering, Inc., representative. (Staff: G. Gonzalez) (Continued from the December 11, 2017 meeting)
- C. Consider Introduction - Ord. 18-____, R2017-17, A request to approve a prezone of approximately 40.96 acres of land located on the east side of Leonard Avenue, between Shaw and Barstow Avenues from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential – 6,000 Sq. Ft.) Zone District. Multiple property owners; Century Communities, applicant; Precision Civil Engineering, Inc., representative. (Staff: G. Gonzalez)
- D. Consider Approval - Res. 18-____, RO294, A resolution of Application for the Annexation of the Territory known as the Shaw-Leonard Northeast Reorganization located on the east side of Leonard Avenue, between Shaw and Barstow Avenues. Multiple property owners; Benchmark Communities, LLC., applicant; Precision Civil Engineering, Inc., representative. (Staff: G. Gonzalez)

2. ADMINISTRATIVE ITEMS

A. COMMUNITY AND ECONOMIC DEVELOPMENT

- 1. Consider Approval – Authorize the Lease and Potential Sale of the Clovis Senior Activity Center at 850 4th Street to the San Joaquin College of Law. (Staff: A. Haussler)

3. CITY MANAGER COMMENTS

4. COUNCIL ITEMS

- A. Consider Approval – Res. 18-____, Appointing Drew Bessinger to the Governing Board of the San Joaquin Valley Air Pollution Control District – Fresno County Seat. (Mayor Whalen)
- B. Council Comments

5. CLOSED SESSION

- A. Government Code Section 54956.9(d)(1)
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Serna Construction, Inc. v. City of Clovis
- B. Government Code Section 54956.9(d)(1)
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Carrie Branson v. City of Clovis

ADJOURNMENT

Meetings and Key Issues			
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.	Joint Meeting with CVMD	Council Chamber
Feb. 20, 2018 (Tue.)	6:00 P.M.	Regular Meeting	Council Chamber
Mar. 5, 2018 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Mar. 12, 2018 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Mar. 19, 2018 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Apr. 2, 2018 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Apr. 9, 2018 (Mon.)	6:00 P.M.	Regular Meeting	Council Chamber
Apr. 16, 2018 (Mon.)	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 December 11, 2017 Council meeting.
- 2) Adopt - Ord. 17-30, OA2017-02, A request to amend the Clovis Development Code requiring a home occupation permit for operation of short term vacation rentals and implementing operating regulations and standards for short term vacation rentals. City of Clovis, applicant. (Vote: 5-0)

B. ADMINISTRATION

- 1) No items.

C. COMMUNITY AND ECONOMIC DEVELOPMENT

- 1) No items.

D. FINANCE

- 1) Receive and File - Status Report of Community Facilities District Revenues and Expenditures.

E. GENERAL SERVICES

- 1) Approval – Res. 18-____, Authorizing the Execution of the Certifications and Assurances for the SB1 California State of Good Repair Program.

F. PLANNING AND DEVELOPMENT SERVICES

- 1) Approval – Final Acceptance for Tract 5657A located at the southwest area of Bullard and DeWolf Avenues (De Young Properties 5418, L.P.)
- 2) Approval – Final Acceptance for Tract 5701A, located at the southeast corner of Ashlan and Leonard Avenues (Wilson Homes).
- 3) Approval – Res.18-____, Final Map for Tract 6137A2, located on the south side of Shaw Avenue east of Locan Avenue (Wilson Premier Homes, Inc., A California Corporation).
- 4) Approval – Res. 18-____, Annexation of Proposed Tract 6137A2, located on the south side of Shaw Avenue east of Locan Avenue, to the Landscape Maintenance District No. 1 of the City of Clovis (Wilson Premier Homes, Inc., A California Corporation).
- 5) Approval – Res. 18-____, Final Map for Tract 6174, located at the southeast area of Ashlan Avenue and Leonard Avenue (Wilson Premier Homes, Inc., A California Corporation).
- 6) Approval – Res. 18-____, Annexation of Proposed Tract 6174, located at the southeast area of Ashlan Avenue and Leonard Avenue, to the Landscape Maintenance District No. 1 of the City of Clovis (Wilson Premier Homes, Inc., A California Corporation).

G. PUBLIC SAFETY

- 1) No items.

H. PUBLIC UTILITIES

- 1) Approval – First Amendment to Effluent Discharge Pipeline Operations Agreement with Fresno Metropolitan Flood Control District.

I. REDEVELOPMENT SUCCESSOR AGENCY

- 1) No items.

CITY of CLOVIS

PROCLAMATION

DECLARING JANUARY 2018 AS NATIONAL SLAVERY AND HUMAN TRAFFICKING PREVENTION MONTH

Whereas, Fresno EOC Sanctuary and Youth Services Central Valley Against Human Trafficking project assisted and identified over 550 victims of human trafficking from our local communities; and

Whereas, the Central Valley Against Human Trafficking project provides resources to empower self-sufficiency, restore dignity, and support recovery from trauma for survivors; and the International Labor Organization recognizes there are an estimated 40.3 million people in modern slavery globally where 1 in 4 victims are children; and

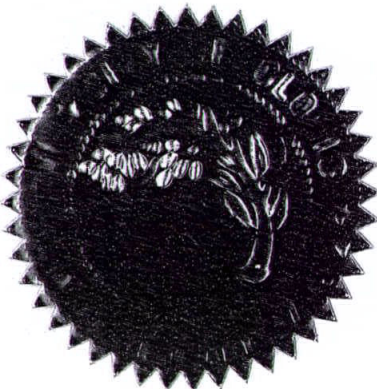
Whereas, the National Center for Missing and Exploited Children estimates one out of six endangered runaways were likely child sex trafficking victims; and the U.S. Department of Labor identified 139 goods from 75 countries made by forced and child labor; and


Whereas, the City of Clovis recognizes the need for greater awareness and accountability in regard to modern-day slavery.

NOW, THEREFORE BE IT RESOLVED that the City of Clovis does hereby proclaim January 2018 to be

NATIONAL SLAVERY AND HUMAN TRAFFICKING PREVENTION MONTH

IN WITNESS THEREFORE, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed this eighth day of January, 2018.





Mayor Bob Whalen

CLOVIS CITY COUNCIL MEETING

December 11, 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, Flores, Mouanoutoua,
Mayor Whalen
Absent: None

6:04 - PUBLIC COMMENTS

Robert Evans, resident of Harlan Ranch, requested to have the city install crosswalks on Leonard and Darra Avenues on Harlan Ranch Boulevard for the safety of the elementary school students crossing.

Kathy Ferraschi, resident, requested push button crosswalk at those intersections mentioned in Harlan Ranch by Mr. Evans.

Mike DeWitt, resident, expressed concern with Railroad Park not having play equipment covered by shaded structures.

6:16 - CONSENT CALENDAR

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, that the items on the Consent Calendar, except item C1, be approved, including the waiver of the reading of the ordinance. Motion carried by unanimous vote.

- A1) Approved - Minutes for the December 4, 2017 Council meeting.
- A2) Adopted - **Ord. 17-27**, 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.
- D1) Received and Filed – Investment Report for the month of October 2017.
- D2) Received and Filed – Treasurer's Report for the month of October 2017.
- H1) Received and Filed – Public Utilities Report for the month of September 2017.

6:17 CONSENT CALENDAR ITEM C1 - APPROVED – 2018 STREET CLOSURE REQUESTS; AND APPROVAL - RES. 17-140, DECLARING CERTAIN EVENTS AS OLD TOWN SPECIAL EVENTS AND SETTING PRECISE BOUNDARIES FOR THOSE OLD TOWN SPECIAL EVENTS

Business Development Manager Shawn Miller presented a report on the proposed 2018 street closure requests declaring certain events as Old Town special events and setting precise boundaries for those old town special events. Staff requests street closure simultaneously, and in advance, to allow for proper event planning. A resolution is required by Ordinance 00-02, adopted January 10, 2000, declaring certain events as Old Town Special Events and the setting of precise boundaries. Requests for street closure

are attached to the staff report. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council.

Motion by Councilmember Flores, seconded by Councilmember Mouanoutoua, for the Council to approve the 2018 street closure requests; and approve Resolution 17-140, declaring certain events as Old Town special events and setting precise boundaries for those old town special events and bring back the items on Attachment E of the staff report. Motion carried by unanimous vote.

6:37 **ITEM 1A1 - APPROVED - RES. 17-141**, A RESOLUTION ANNEXING TERRITORY (ANNEXATION #51-T6109-EAST SIDE OF TEMPERANCE BETWEEN NEES AND SHEPHERD) TO THE CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES) AND CALLING A SPECIAL LANDOWNER ELECTION TO ANNEX TERRITORY (ANNEXATION #51) TO CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES); AND **ITEM 1A2 - APPROVED - RES. 17-142**, A RESOLUTION OF THE CITY OF CLOVIS DECLARING THE RESULTS OF A SPECIAL LANDOWNER ELECTION AND DIRECTING RECORDING OF THE NOTICE OF SPECIAL TAX LIEN FOR CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES)

Deputy Finance Director Haley Lynch presented a report on various actions related to Annexation of Territory (Annexation #51-T6109-east side of Temperance between Nees and Shepherd) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Since the condition to establish a CFD was imposed on the developments being processed by the City, developments proceeding after March 8, 2004 must petition to be annexed to the existing CFD. This action is required to begin the process of annexation provided by the conditions of approval of the development entitlements. Haley Lynch provided an overview of Annexation #51. Jeff Harris, representing the applicant, spoke in support. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve **Resolution 17-141**, for the Council to approve a Resolution annexing territory (Annexation #51-T6109-east side of Temperance between Nees and Shepherd) to the City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services) and calling a special landowner election to annex territory (Annexation #51) to City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Motion carried by unanimous vote.

City Clerk John Holt reported out that he was in receipt of 2 ballots representing 63 votes all in favor and noted unanimous passage of the ballot measure. There being no comment, Mayor Whalen closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve **Resolution 17-142**, a Resolution of the City of Clovis declaring the results of a special landowner election and directing recording of the Notice of Special Tax Lien for City of Clovis Community Facilities District No. 2004-1 (Police and Fire Services). Motion carried by unanimous.

6:40 **ITEM 1B1** - CONTINUED - **RES. 17-XX**, APPROVING AN ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE DECLARATION FOR GPA2017-05, CUP2017-10, AND TM6186; AND **ITEM 1B2** - CONTINUED - **RES. 17-XX**, GPA2017-05, AMENDING THE GENERAL PLAN AND LOMA VISTA SPECIFIC PLAN TO RE-DESIGNATE FROM LOW DENSITY RESIDENTIAL (2.1 TO 4.0 DU/AC) TO MEDIUM DENSITY RESIDENTIAL (4.1 TO 7.0 DU/AC); AND **ITEM 1B3** - CONTINUED - **RES. 17-XX**, CUP2017-10, APPROVING A CONDITIONAL USE PERMIT FOR A 249-LOT SINGLE-FAMILY PLANNED RESIDENTIAL DEVELOPMENT WITH PUBLIC AND PRIVATE STREETS, GATED ENTRY, REDUCED SETBACKS, REDUCED LOT WIDTHS, AND INCREASED LOT COVERAGE; AND **ITEM 1B4** - CONTINUED - **RES. 17-XX**, TM6186, APPROVING A VESTING TENTATIVE TRACT MAP FOR A 249-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION.

Senior Planner Orlando Ramirez presented a report on various items associated with approximately 35.43 acres of property located at the southeast corner of Bullard and Leonard Avenues. The applicant is requesting to amend the General Plan Land Use Designation for approximately 36.75 acres located at the southeast corner of Bullard and Leonard Avenues, from "Low Residential" (2.1 to 4 units per acre) to Medium Residential (4.1 to 7 units per acre), approve Conditional Use Permit CUP2017-10, for a 249-lot single-family planned residential development with public and private streets, sidewalks on one side of the streets, reduced setbacks and a minimum lot size of 2,421 square feet with an average of 3,698 square feet, and a vesting tentative tract map approval for 249-lot single-family residential development. Approval of this Project would allow the developer to continue processing a site plan review and development drawings.

Jeff Roberts, representing the applicant, spoke in favor of the requests. Gary Gianetta, project engineer, commented on and spoke in favor of the requests. William Rotert, area resident, spoke in opposition due to concerns with additional traffic, cars parked on street, water drainage, trash on the streets, lack of a usable park, change in density from 150 to 250 units, the concern that this development resembles the City of Santa Clarita, and requested the council address Bullard and De Wolf Avenue. Paul Harding, area resident, spoke in opposition to the project due to concerns with proposed density, and lack of proper noticing to the development to the east. Jason Andrews, area resident, spoke in opposition due to concerns that the project will have on his lifestyle. Kathy Ferraschi, area resident, spoke in opposition and requested this item be continued. Ethel Mullikin, area resident, spoke in opposition due to possible loss of property, and increased traffic. Jeff Roberts, representing the applicant, provided responses to some of the concerns raised. Ted Mullikan, area resident, requested to know how long the driveways were on homes that did not have sidewalks. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the Council to continue this item to January 16, 2018. Approved 4-1 with Councilmember Flores voting no.

8:49 **ITEM 1C** – CONTINUED - INTRODUCTION - **ORD. 17-XX**, R2017-03, PREZONING OF APPROXIMATELY 37.67 ACRES OF LAND LOCATED ON THE EAST SIDE OF LEONARD AVENUE, BETWEEN SHAW AND BARSTOW AVENUES FROM THE

COUNTY AE-20 ZONE DISTRICT TO THE CLOVIS R-1 (SINGLE FAMILY RESIDENTIAL - 6,000 SQ. FT.) ZONE DISTRICT. SHARON L. MOORE TRUSTEE, BRADFORD H. & TAMARA L. MACK TRUSTEES, PAM K. JANDA, TRUSTEE, OWNER; BENCHMARK COMMUNITIES, LLC., APPLICANT; PRECISION CIVIL ENGINEERING, INC., REPRESENTATIVE.

Associate Planner George Gonzalez presented a report on a request to prezone approximately 37.67 acres of land located on the east side of Leonard Avenue, between Shaw and Barstow Avenues from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential - 6,000 Sq. Ft.) Zone District. George Gonzalez indicated that the applicant may not have been properly noticed for the meeting tonight and staff was recommending that this item be continued. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council.

Motion by Councilmember Flores, seconded by Councilmember Ashbeck, for the Council to continue this item to the meeting of January 8, 2018. Motion carried by unanimous vote.

8:53 ITEM 1D - APPROVED INTRODUCTION - **ORD. 17-30**, OA2017-02, AMENDING THE CLOVIS DEVELOPMENT CODE REQUIRING A HOME OCCUPATION PERMIT FOR OPERATION OF SHORT TERM VACATION RENTALS AND IMPLEMENTING OPERATING REGULATIONS AND STANDARDS FOR SHORT TERM VACATION RENTALS. CITY OF CLOVIS, APPLICANT.

Senior Planner Orlando Ramirez presented a report on a request to amend the Clovis Development Code requiring a home occupation permit for operation of short term vacation rentals and implementing operating regulations and standards for short term vacation rentals. The proposed Ordinance Amendment would amend Chapter 9.58 of Title 9 of the Development Code to require residential property owners to obtain a home occupation permit in order to operate a short term vacation rental from their residence, including multi-family dwellings. The amendment further sets forth operating standards and limitations applicable to such short term rentals of residential property, including but not limited to, payment of the City's Transient Occupancy Tax. 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 the introduction of Ordinance 17-30, OA2017-02, amending the Clovis Development Code requiring a home occupation permit for operation of short term vacation rentals and implementing operating regulations and standards for short term vacation rentals. Motion carried by unanimous vote.

9:03 ITEM 2A1 - APPROVED – **RES. 17-143**, FINAL MAP FOR TRACT 6109, LOCATED IN THE SOUTHWEST AREA OF SHEPHERD AVENUE AND LOCAN AVENUE (VALLEY COASTAL DEVELOPMENT, LLC, A LIMITED LIABILITY COMPANY – GRANVILLE HOMES)

City Engineer Mike Harrison presented a report on a request to approve a Final Map for Tract 6109, located in the southwest area of Shepherd Avenue and Locan Avenue (Valley Coastal Development, LLC, a Limited Liability Company – Granville Homes). The

owner, Valley Coastal Development, LLC, California Limited Liability Company, acting as the subdivider, has submitted a final map. The improvement plans are being processed by City staff. The improvements to be installed include curb, gutter, sidewalk, street paving, sanitary sewers, water mains, recycled water mains, landscaping and a trail. The subject tract is located on the southwest area of Shepherd Avenue and Locan Avenue. It contains approximately 22.0 acres and consists of 101 units and 1 outlot for future development, zoned R-1. Jeff Roberts, representing the applicant, spoke in support. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve a Final Map for Tract 6109, located in the southwest area of Shepherd Avenue and Locan Avenue. Motion carried by unanimous vote.

9:05 ITEM 2A2 - APPROVED – **RES. 17-144**, ANNEXATION OF PROPOSED TRACT 6109, LOCATED IN THE SOUTHWEST AREA OF SHEPHERD AVENUE AND LOCAN AVENUE, TO THE LANDSCAPE MAINTENANCE DISTRICT NO. 1 OF THE CITY OF CLOVIS (VALLEY COASTAL DEVELOPMENT, LLC, A LIMITED LIABILITY COMPANY – GRANVILLE HOMES).

City Engineer Mike Harrison presented a report on a request to approve the annexation of Proposed Tract 6109, located in the southwest area of Shepherd Avenue and Locan Avenue, to the Landscape Maintenance District No. 1 of the City of Clovis. The owner, Valley Coastal Development, LLC, California Limited Liability Company, acting as the subdivider, has requested to be annexed to the Landscape Maintenance District No. 1 of the City of Clovis as set forth by the Conditions of Approval for Tentative Tract Map 6109. Jeff Roberts, representing the applicant, spoke in support. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve the annexation of proposed Tract 6109, located in the southwest area of Shepherd Avenue and Locan Avenue, to the Landscape Maintenance District No. 1 of the City of Clovis. Motion carried by unanimous vote.

9:07 ITEM 2A3 - RECEIVED AND FILED – UPDATE ON STATUS OF HERITAGE GROVE

Planning and Development Services Director Dwight Kroll presented an update on the status of the Heritage Grove. Efforts to plan for community growth in Clovis have been ongoing since the first general plan adoption in 1974. Various Specific Plans were subsequently prepared and adopted to focus on specific community needs with a refresh the General Plan update of 1993. This update envisioned the creation of villages to allow for growth yet maintain the smaller community “feel” of Clovis.

The first of three villages (Loma Vista) was designed following the adoption of the amended Memorandum of Understanding (MOU) with the County of Fresno in 2002. This MOU required that 60% of the Southeast Urban Center (Loma Vista) be committed to development before the Northwest Urban Village (Heritage Grove) could begin development. The Loma Vista Specific Plan was adopted in 2003 with development subsequently occurring in that area over the past fourteen years. Following the adoption of the 2014 General Plan Update, staff has been preparing the Heritage Grove for

development as Clovis' second Urban Village. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council. It was the consensus of Council to receive and file the report.

9:15 **ITEM 2B1a** - APPROVED AND AUTHORIZATION FOR THE FIRE DEPARTMENT TO APPLY FOR THE 2017 ASSISTANCE TO FIREFIGHTERS GRANT (AFG) FOR PARAMEDIC EQUIPMENT NOT TO EXCEED \$165,000; AND **ITEM 2B1b** - APPROVED **RES. 17-145**, AMENDING THE CITY'S FY17-18 CLASSIFICATION AND COMPENSATION PLANS TO ADOPT A FIREFIGHTER/PARAMEDIC CLASSIFICATION AND SALARY RANGE; AND **ITEM 2B1c** - APPROVAL OF A MOU SIDE-LETTER AGREEMENT BETWEEN THE CITY AND THE CLOVIS FIREFIGHTERS ASSOCIATION FOR RELATED ITEMS ASSOCIATED WITH IMPLEMENTING A PARAMEDIC PROGRAM, INCLUDING REPRESENTATION FOR THE FIREFIGHTER/PARAMEDIC POSITION.

Fire Chief John Binaski presented a report on various actions associated with the implementation of the Fire Department to provide Advanced Life Support Emergency Medical Services via Firefighter/Paramedics. The Clovis Fire Department is committed to providing the best possible service to the citizens we protect. The goal of the Department is to always do this in the most cost- effective manner. As the Department works towards the building and eventually staffing of Station 6, we feel this is a good time to re-evaluate the services we provide and how this is accomplished. For the past fifteen years, Emergency Medical Aid calls for service are the leading requests for the Fire Department to respond to. These calls account for approximately 65% of all calls the Department responded to in 2016.

In the field of emergency medical services (EMS), there are different levels of certifications for providing care to the sick and injured in the pre-hospital environment. Emergency Medical Technicians (EMTs) have two levels with the entry-level being an EMT-1 and the second level being EMT-P which is a certified paramedic. The City of Clovis is currently staffed at all positions with qualified EMT-1 personnel. Both EMT's and paramedics have the knowledge and skills to treat patients and provide them with emergency care. The biggest difference between the two levels is the amount of education they receive and what they are allowed to do for patient care (scope of practice). EMT-1s are required to complete 120 hours of training and are trained in many skills such as CPR, providing oxygen, administering glucose for diabetics and trauma assessment and treatment to only name a few. With very few exceptions (such as in the case of auto-injectors for allergic reactions) EMT-1s are not allowed to provide treatments that require breaking the skin. This would include such tasks as initiating an IV, administering cardiac drugs and pain medications or any other actions that would utilize needles.

Paramedics receive approximately 1,200 to 1,800 hours of training. EMT and paramedic courses both consist of lectures, hands-on skills training and clinical and/or field internships. Paramedics, however, are advanced providers of emergency medical care and complete additional training on topics such as anatomy and physiology, cardiology, medications and medical procedures. Paramedics build on their EMT education and learn more skills such as administering medications, starting intravenous lines, providing advanced airway management for patients and learning to resuscitate and support

patients with significant problems such as heart attacks and trauma. Paramedic educational programs typically last twelve or eighteen months depending upon the class schedule.

The Clovis Fire Department currently responds to these types of calls with a fire engine and Firefighters that are trained at the Emergency Medical Technician-1 level. These individuals are trained in basic life support techniques and bridge the gap until advanced life support units arrive on scene. The Fire Department has a benchmark goal of arriving on scene 90% of the time in under six minutes and thirty seconds. The ambulance benchmark goal as established in the Exclusive Operating Area agreement with Fresno County EMS is to arrive on scene under nine minutes 90% of the time. What this means is for the approximately 5,000 high priority calls within the City of Clovis, the ambulance will arrive to 4,500 of them in the required time. The remaining 500 calls will not meet the response time goal; however, the ambulance company will still be in compliance with their contract. In 2016, 568 high priority emergency medical aid calls took greater than eight minutes for Advanced Life Support (ALS) to arrive and for 195 calls it took over ten minutes for advanced life support to arrive.

Transitioning to Paramedic level service capable of providing advanced life support would be instrumental in saving additional lives within the City of Clovis. The Department feels very confident we can apply and be awarded AFG grant funds to cover the initial startup equipment costs and have worked on an agreement with the Clovis Firefighters Association for implementation plans. Study after study shows improved patient outcomes from rapid ALS response and the benefits associated with this level of care. The Clovis Fire Department has always strived to provide the absolute best emergency services to the community and this is just one more example of us trying to reach our maximum potential in a cost-effective way for our taxpayers. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve and authorize the Fire Department to apply for the 2017 Assistance to Firefighters Grant (AFG) for paramedic equipment not to exceed \$165,000. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve **Resolution 17-145** amending the City's FY17-18 Classification and Compensation Plans to Adopt a Firefighter/Paramedic Classification and Salary Range. Motion carried by unanimous vote.

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve a MOU Side-Letter Agreement between the City and the Clovis Firefighters Association for related items associated with implementing a paramedic program, including representation for the Firefighter/Paramedic position. Motion carried by unanimous vote.

9:36 ITEM 2C1 - APPROVED ADOPTION - **ORD. 17-26**, R2008-07A2, 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. (VOTE: 4-0-0-1 WITH COUNCILMEMBER BESSINGER ABSTAINING)

City Clerk John Holt indicated that this item was on the regular agenda because at introduction it was approved with a less than unanimous vote. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council. Motion by Councilmember Mouanoutoua, seconded by Councilmember Flores, for the Council to approve the adoption of an Ordinance, 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. Motion carried 4-0-0-1 with Councilmember Bessinger abstaining.

9:37 ITEM 2C2 - APPROVED ADOPTION - **ORD. 17-28**, R2017-15, APPROVING A PREZONE OF APPROXIMATELY 4.85 ACRES OF LAND LOCATED ON THE WEST SIDE OF THOMPSON AVENUE, BETWEEN ASHLAN AND DAKOTA AVENUES FROM THE COUNTY AE-20 ZONE DISTRICT TO THE CLOVIS R-1 (SINGLE FAMILY RESIDENTIAL - 6,000 SQ. FT.) ZONE DISTRICT. THOMAS P. & AMANDA M. ALBIN, OWNERS; YAMABE AND HORN ENGINEERING, APPLICANT; STONE VALLEY COMMUNITIES, LLC., REPRESENTATIVE. (VOTE: 4-0-1 WITH COUNCILMEMBER ASHBECK ABSENT)

City Clerk John Holt indicated that this item was on the regular agenda because at introduction it was approved with a less than unanimous vote. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council. Motion by Councilmember Mouanoutoua, seconded by Councilmember Flores, for the Council to approve the adoption of an Ordinance, R2017-15, a request to approve a prezone of approximately 4.85 acres of land located on the west side of Thompson Avenue, between Ashlan and Dakota Avenues from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential - 6,000 Sq. Ft.) Zone District. Motion carried 4-0-0-1 with Councilmember Ashbeck abstaining.

9:38 ITEM 2C3 - APPROVED ADOPTION - **ORD. 17-29**, R2017-11, REZONING FROM THE R-1-AH (SINGLE FAMILY RESIDENTIAL - 18,000 SQ. FT.) ZONE DISTRICT TO THE R-1 (SINGLE FAMILY RESIDENTIAL) ZONE DISTRICT. (VOTE: 4-0-1 WITH COUNCILMEMBER ASHBECK ABSENT)

City Clerk John Holt indicated that this item was on the regular agenda because at introduction it was approved with a less than unanimous vote. There being no public comment, Mayor Whalen closed the public portion. Discussion by the Council. Motion by Councilmember Bessinger, seconded by Councilmember Mouanoutoua, for the Council to approve the adoption of an Ordinance, R2017-11, rezoning from the R-1-AH (Single Family Residential - 18,000 Sq. Ft.) Zone District to the R-1 (Single Family Residential) Zone District. Motion carried 4-0-0-1 with Councilmember Ashbeck abstaining.

9:39 ITEM 2C4 - RECEIVED AND FILED – RESULTS OF CUSTOMER SERVICE SURVEY.

Economic Development Director Andy Haussler presented an update on the results of the 2017 Customer Service Survey. A customer service survey was completed in the fall

of 2017. This survey sought to obtain unbiased and scientifically accurate opinions on the quality of services the City of Clovis provides. The results will be a resource for the City in assessing the effectiveness of services provided and determining resource allocation in the future. The service areas that were indicated as high priority were public safety and the economy. All services and/or issues with the exception of air quality beat, performed at, or above national benchmarks.

The residents rated most services the City provides as good or excellent. This resulted in the City performing above average nationally for services provided (ranked #29 nationally out of 424) and ranked #1 in comparison to like cities. This was a move up nationally of over 45 spots from the 2013 survey. This is indicated by a result of 98% of the residents saying they would recommend Clovis as a place to live, an increase of 4% over 2013. Public safety services were also highly rated and the City scored high in the level of public trust the residents afforded to the City. The only category that scored below average was air quality, ranked 231st. This regional issue was very evident during the survey time period as the forest fires were underway sending ash into the City. The City also performed below average on access to library services and recreational facilities, both of which staff is actively pursuing. The City also performed very well in the level of trust its residents have in its governance. Residents gave Clovis #1 rankings for faith in its government in honesty, confidence, treating all residents fairly, and acting in the best interest of the community when compared to similar cities and in the top 40 nationally. Discussion by the Council. It was the consensus of City Council to receive and file the results of the 2017 Customer Service Survey.

9:54 ITEM 3 - CITY MANAGER COMMENTS

None

9:55 ITEM 4A - COUNCIL COMMENTS

Councilmember Bessinger commented on a letter he received from the San Joaquin Valley Air Pollution Control District regarding a Clovis appointment and indicated he was available to fill the role if necessary.

Councilmember Flores commented on being part of Congressman Nunes military selection committee for 17 years, and how proud he is of Clovis' youth who have historically performed well.

Councilmember Mouanoutoua commented on attending a Fresno Business Bureau function; Christmas Tree Lane; and requested staff look into how to make the proclamations look better.

Mayor Whalen showed a picture and commented on the Clovis / Herndon water main repair and praised Public Utilities staff for their work. He also commented on the San Joaquin Valley Air Pollution Control District letter received and recommended the Mayor Pro Tem apply for the position.

10:04 ITEM – 5 - CLOSED SESSION

Closed Session was held at 1033 Fifth Street, Clovis, CA, 93612

Administration Building, Yosemite Conference Room

- A. Government Code Section 54956.8
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: Property at the northeast corner of Clovis and Dakota Avenues
(APN: 495-220-12T)
Agency Negotiators: L. Serpa, A. Haussler, D. Wolfe
Negotiating Parties: Don Picket & Associates
Under Negotiation: Price & Terms

- B. Government Code Section 54956.9(a)
CONFERENCE WITH LEGAL COUNCIL- EXISTING LITIGATION
Workers Compensation Case in Regards to: Jordan Jett

- C. Government Code Section 54957
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

ADJOURNMENT

Mayor Whalen adjourned the meeting of the Council to January 8, 2017

Meeting adjourned: 11:15 p.m.

Mayor

City Clerk



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: January 8, 2018

SUBJECT: Adopt - Ord. 17-30, OA2017-02, A request to amend the Clovis Development Code requiring a home occupation permit for operation of short term vacation rentals and implementing operating regulations and standards for short term vacation rentals. City of Clovis, applicant. (Vote: 5-0)

Please direct questions to the City Manager's office at 559-324-2060.



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

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
FROM: Finance Department
DATE: January 8, 2018
SUBJECT: Receive and File - Status Report of Community Facilities District Revenues and Expenditures.

CONFLICT OF INTEREST

None

RECOMMENDATION

That the Council receive and file the report on the status of the Community Facilities District (CFD) Revenues and Expenditures.

EXECUTIVE SUMMARY

In March 2004, the Council approved the formation of Community Services District 2004-1, which provides funding for public safety operations in new growth areas generally located north of Herndon and east of Locan Avenues. The Council directed staff to prepare an annual report indicating the amounts received from CFD assessments and expenditures applicable to the CFD. The Council also requested that a citizen's committee be established to review the revenues and expenditures of the CFD.

BACKGROUND

Fiscal year 2005-2006 was the first year the City received revenues from the assessment of community facilities district fees. Any parcel located in the CFD with a building permit issued prior to May 1 would be subject to the CFD fee the following fiscal year, payable with their property tax bill.

There were 4,292 parcels assessed in 2016-17, generating \$1,036,000 in assessments. The per-unit assessment for 2016-2017 was \$235.76 for single family units and \$203.57 for multifamily units.

Expenditures for public safety services associated growth in the CFD area for 2016-2017 were \$4,097,000. In 2016-2017, Community Service District fee revenue covered 25% of Community Service District expenditures.

	<u>2016-2017</u>	<u>2015-2016</u>	<u>2014-2015 and prior</u>
Expenditures	\$4,097,000	\$2,771,000	\$23,899,000
Revenue	\$1,036,000	\$ 948,000	\$ 5,190,000

The Council established an independent citizen's oversight committee for the purpose of reviewing revenue and expenditures associated with the Community Facilities District. The committee consists of five members for a term of four (4) years without compensation and shall be appointed by the Mayor, subject to approval by the City Council. The committee includes one member of the real estate community, one member of the Building Industry Association, and three members who are landowners of residential properties within the Community Facilities District. Once appointed, the committee reviews expenditures of the tax proceeds and determines that such expenditures are in accordance with the purpose and intent of the Community Facilities District Resolution of Intention approved by the City Council and to report those findings to the City Council.

The following members were appointed at the January 21, 2014 Council meeting:

Ed Flores - Real Estate Community Representative
Mike Prandini - Building Industry Association Representative
Jim Henderson - Property Owner
Justin Witte - Property Owner
Shelly Circo - Property Owner

FISCAL IMPACT

This report provides a status of the CFD revenue and expenditures attributable to Community Facilities District. The report currently reflects that the CFD is contributing a small percentage toward the total expenditures attributable to the CFD.

REASON FOR RECOMMENDATION

The fiscal report is for information only and no action is required. The recommended members of the Citizens Oversight Committee need Council confirmation. The committee will review the status report and provide comment to Council only if deemed necessary by the committee.

ACTIONS FOLLOWING APPROVAL

Copies of the report will be made available to any member of the public who requests a copy. The Committee will be meeting within the next two months and should they deem it necessary, will present their report to Council no later than May 1.

Prepared by: Elena Mendrin, Accountant

Submitted by: Jay Schengel, Finance Director 



AGENDA ITEM NO: CC-E-1

City Manager: LD

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: January 8, 2018

SUBJECT: Approval – Res. 18-____, Authorizing the Execution of the Certifications and Assurances for the SB1 California State of Good Repair Program.

ATTACHMENT: Res. 18-____

ATTACHMENT: State Transit Assistance State of Good Repair Program Recipient Certifications and Assurances

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve Res. 18-____, Authorizing the Execution of the Certifications and Assurances for the California State of Good Repair Program.

EXECUTIVE SUMMARY

The City of Clovis is eligible for \$169,385 in FY 2017-18 Senate Bill 1 State of Good Repair (SGR) grant funding for capital assistance to rehabilitate and modernize local transit systems. Council approval and a resolution are required by the California Department of Transportation in order to secure the grant funding. The grant also requires eligible recipients to submit a list of projects to secure quarterly allocations of funds. A list of projects has been created which includes replacement of two (2) outdated boilers and two (2) heavy-duty vehicle lifts in the fleet shop. Future allocations of these funds will be processed through the Fresno Council of Governments utilizing the regular transit project planning process.

BACKGROUND

In 2017, Governor Brown signed Senate Bill 1 (SB1), known as the Road Repair and Accountability Act of 2017. A portion of SB1 will provide funds to approved transit operators in California for eligible transit maintenance, rehabilitation and capital projects. This portion is referred to as the State of Good Repair (SGR) Program. SGR funds will be made available for capital projects that maintain the public transit system in a state of good repair.

The SGR Program is funded from a portion of a new Transportation Improvement Fee on vehicle registrations. These funds will be allocated under the State Transit Assistance

(STA) program formula to eligible agencies. As an STA eligible agency, Clovis Transit has been deemed eligible for SGR funding and has been listed on the State Controller's Office SGR Allocation Letter.

The grant is for eligible projects that fall under the following categories:

1. Transit capital projects or services to maintain or repair a transit operator's existing transit vehicle fleet or transit facilities, including the rehabilitation or modernization of the existing vehicles or facilities.
2. The design, acquisition and construction of new vehicles or facilities that improve existing transit services.
3. Transit services that complement local efforts for repair and improvement of local transportation infrastructure.

Examples of qualifying projects include:

1. Replacement or rehabilitation of:
 - a. Rolling stock
 - b. Passenger stations and terminals
 - c. Security equipment and systems
 - d. Maintenance facilities and equipment
 - e. Ferry vessels
 - f. Rail
2. Preventative Maintenance
3. New maintenance facilities or maintenance equipment if needed to maintain the existing transit service.

The projects that Clovis Transit will be submitting are eligible because they replace outdated maintenance equipment. The California Department of Transportation requires a resolution from the Clovis City Council for the FY 2017-2018 funding year approving the application. The City of Clovis resolution will be forwarded upon approval.

Future allocations of SB1 funding will be processed through the Fresno Council of Governments in accordance with grant requirements and regular transit planning processes.

FISCAL IMPACT

Funding in the amount of \$169,385 for FY2017-18 will be allocated to the City of Clovis in quarterly disbursements beginning in May, 2018. SB1 SGR funds can be rolled over for a maximum for four (4) years in order to accumulate the dollar amount needed to complete approved projects. The funds will be used to replace two (2) outdated boilers and two (2) heavy-duty vehicle lifts in the fleet shop. The projects will not commence until the quarterly allocation balance equals the cost of each project.

REASON FOR RECOMMENDATION

The funds are available for transit agencies only and for the purpose of providing capital assistance to rehabilitate and modernize local systems. Clovis Transit is an eligible recipient for the funding and expects a benefit to the transit fleet, transit staff, and other city staff.

ACTIONS FOLLOWING APPROVAL

- A copy of the resolution will be sent to California Department of Transportation, Division of Rail and Mass Transportation.
- Once funds are received and have accumulated to the necessary level, vendors will be selected using the City's regular procurement process.

Prepared by: Amy Hance, General Services Manager

Submitted by: Shonna Halterman, General Services Director



RESOLUTION 18-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS AUTHORIZING
THE EXECUTION OF THE CERTIFICATIONS AND ASSURANCES FOR THE
CALIFORNIA STATE OF GOOD REPAIR PROGRAM**

WHEREAS, the City of Clovis is an eligible sponsor and may receive State Transit Assistance funding from the State of Good Repair Account (SGR) now or sometime in the future for transit projects; and,

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and,

WHEREAS, Senate Bill 1 (2017) named the California Department of Transportation (Department) as the administrative agency for the SGR; and,

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing SGR funds to eligible project sponsors (local agencies); and,

WHEREAS, the City of Clovis wishes to delegate authorization to execute these documents and any amendments thereto to the General Services Manager; and,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Clovis authorizes the General Services Manager be authorized to execute all required documents of the SGR program and any Amendments thereto with the California Department of Transportation.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Clovis agrees to comply with all conditions and requirements set forth in the Certification and Assurances document and applicable statutes, regulations and guidelines for all SGR funded transit projects.

The foregoing resolution was approved at the regularly scheduled meeting of the Clovis City Council on the 8th day of January, 2018, by the following vote to wit:

AYES:
NOES:
ABSENT:

Dated:

Mayor

City Clerk

State Transit Assistance State of Good Repair Program

Recipient Certifications and Assurances

Recipient: City of Clovis Transit.

Effective Date: January 31, 2018.

In order to receive State of Good Repair Program (SGR) funds from the California Department of Transportation (Department), recipients must agree to following terms and conditions:

A. General

- (1) The recipient agrees to abide by the State of Good Repair Guidelines as may be updated from time to time.
- (2) The potential recipient must submit to the Department a State of Good Repair Program Project List annually, listing all projects proposed to be funded by the SGR program. The project list should include the estimated SGR share assigned to each project along with the total estimated cost of each project.
- (3) The recipient must submit a signed Authorized Agent form designating the representative who can submit documents on behalf of the recipient and a copy of the board resolution authorizing the agent.

B. Project Administration

- (1) The recipient certifies that required environmental documentation will be completed prior to expending SGR funds. The recipient assures that each project approved for SGR funding comply with Public Resources Code § 21100 and § 21150.
- (2) The recipient certifies that SGR funds will be used for transit purposes and SGR funded projects will be completed and remain in operation for the estimated useful lives of the assets or improvements.
- (3) The recipient certifies that it has the legal, financial, and technical capacity to deliver the projects, including the safety and security aspects of each project.
- (4) The recipient certifies that there is no pending litigation, dispute, or negative audit findings related to any SGR project at the time an SGR project is submitted in the annual list.

- (5) Recipient agrees to notify the Department immediately if litigation is filed or disputes arise after submission of the annual project list and to notify the Department of any negative audit findings related to any project using SGR funds.
- (6) The recipient must maintain satisfactory continuing control over the use of project equipment and/or facilities and will adequately maintain project equipment and/or facilities for the estimated useful life of each project.
- (7) Any and all interest the recipient earns on SGR funds must be reported to the Department and may only be used on approved SGR projects or returned to the Department.
- (8) The recipient must notify the Department of any proposed changes to an approved project list by submitting an amended project list.
- (9) Funds will be expended in a timely manner.

C. Reporting

- (1) Per Public Utilities Code § 99312.1 (e) and (f), the recipient must submit the following SGR reports:
 - a. Annual Expenditure Reports within six months of the close of the fiscal year (by December 31st) of each year.
 - b. The annual audit required under the Transportation Development Act (TDA), to verify receipt and appropriate expenditure of SGR funds. A copy of the audit report must be submitted to the Department within six months of the close of each fiscal year in which SGR funds have been received or expended.

D. Cost Principles

- (1) The recipient agrees to comply with Title 2 of the Code of Federal Regulations Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- (2) The recipient agrees, and will assure that its contractors and subcontractors will be obligated to agree, that (a) Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual project cost items and (b) those parties shall comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- (3) Any project cost for which the recipient has received payment that are determined by subsequent audit to be unallowable under 2 CFR, Part 200, are subject to repayment by the recipient to the State of California (State). Should the recipient fail to reimburse moneys due to the State within thirty (30) days of demand, or within such other period as may be agreed

in writing between the Parties hereto, the State is authorized to intercept and withhold future payments due the recipient from the State or any third-party source, including but not limited to, the State Treasurer and the State Controller.

E. Record Retention

- (1) The recipient agrees, and will assure that its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred project costs and matching funds by line item for the project. The accounting system of the recipient, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices. All accounting records and other supporting papers of the recipient, its contractors and subcontractors connected with SGR funding shall be maintained for a minimum of three (3) years from the date of final payment and shall be held open to inspection, copying, and audit by representatives of the State and the California State Auditor. Copies thereof will be furnished by the recipient, its contractors, and subcontractors upon receipt of any request made by the State or its agents. In conducting an audit of the costs claimed, the State will rely to the maximum extent possible on any prior audit of the recipient pursuant to the provisions of federal and State law. In the absence of such an audit, any acceptable audit work performed by the recipient's external and internal auditors may be relied upon and used by the State when planning and conducting additional audits.
- (2) For the purpose of determining compliance with Title 21, California Code of Regulations, Section 2500 et seq., when applicable, and other matters connected with the performance of the recipient's contracts with third parties pursuant to Government Code § 8546.7, the recipient, its contractors and subcontractors and the Department shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such materials available at their respective offices at all reasonable times during the entire project period and for three (3) years from the date of final payment. The State, the California State Auditor, or any duly authorized representative of the State, shall each have access to any books, records, and documents that are pertinent to a project for audits, examinations, excerpts, and transactions, and the recipient shall furnish copies thereof if requested.
- (3) The recipient, its contractors and subcontractors will permit access to all records of employment, employment advertisements, employment application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other agency of the State of California designated by the State, for the purpose of any investigation to ascertain compliance with this document.

F. Special Situations

- (1) Recipient acknowledges that if a project list is not submitted timely, the recipient forfeits its apportionment for that fiscal year.

- (2) Recipients with delinquent expenditure reports may risk future eligibility for future SGR funding.
- (3) Recipient acknowledges that the Department shall have the right to perform an audit and/or request detailed project information of the recipient's SGR funded projects at the Department's discretion from SGR award through 3 years after the completion and final billing of any SGR funded project. Recipient agrees to provide any requested project information.

I certify all of these conditions will be met.

AGENCY NAME: City of Clovis Transit

BY: Amy Hance, General Services Manager



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: January 8, 2018

SUBJECT: Approval – Final Acceptance for Tract 5657A located at the southwest area of Bullard and DeWolf Avenues (De Young Properties 5418, L.P.).

ATTACHMENT: (A) Vicinity Map

CONFLICT OF INTEREST

None

RECOMMENDATION

1. Accept the public improvements for Tract 5657A; and authorize recording of the Notice of Completion; and
2. Authorize release of the Performance Surety immediately and then release of the Labor and Materials Surety ninety (90) days after the recordation of the Notice of Completion, provided no liens have been filed; and release of Public Improvements Maintenance Surety upon the expiration of the one-year warranty period, and provided any defective work has been repaired to the City's satisfaction.

EXECUTIVE SUMMARY

The owner, De Young Properties 5418, L.P., has requested final acceptance of the public improvements constructed or installed in conjunction with this tract. The public improvements include all those shown on the subdivision improvement plans approved by the City Engineer. The construction or installation of the public improvements is complete.

The owner has requested final acceptance. Staff is recommending approval of their request.

FISCAL IMPACT

The costs for periodic routine maintenance, as well as repairs needed as the improvements deteriorate with age and usage, will be incorporated into the annual maintenance budget of the Public Utilities Department as these costs are identified.

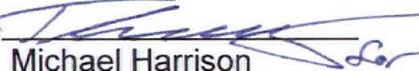
REASON FOR RECOMMENDATION

The Subdivision Map Act requires that once construction of the required improvements has been completed in compliance with all codes, plans and specifications, and all other required documents have been completed and submitted, final acceptance is required and the appropriate sureties are released.

ACTIONS FOLLOWING APPROVAL

Record the Notice of Completion and release the Performance, Labor and Materials, and Maintenance Sureties as appropriate.

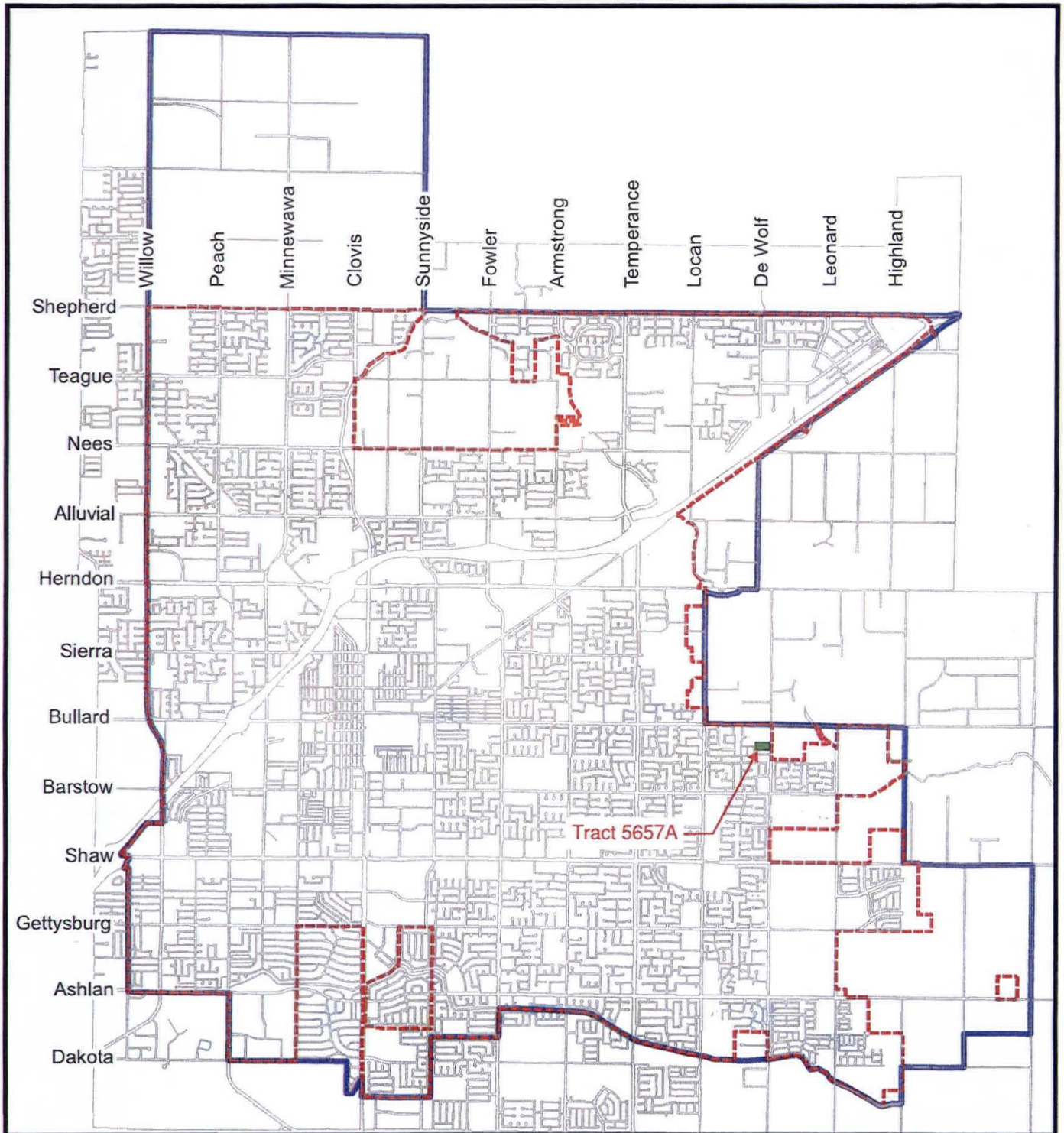
Prepared by: Gene G. Abella, Assistant Engineer

Submitted by: 
Michael Harrison
City Engineer

Recommended by: 
Dwight Kroll, AICP
Director of Planning
And Development
Services

VICINITY MAP

Tract 5657A (De Young Properties 5418, L.P.)



ATTACHMENT A



January 2, 2018

 CITY LIMITS  SPHERE OF INFLUENCE

Prepared By: Gene Abella



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: January 8, 2018

SUBJECT: Approval – Final Acceptance for Tract 5701A located at the southeast corner of Ashlan and Leonard Avenues (Wilson Homes).

ATTACHMENT: (A) Vicinity Map

CONFLICT OF INTEREST

None

RECOMMENDATION

1. Accept the public improvements for Tract 5701A; and authorize recording of the Notice of Completion; and
2. Authorize release of the Performance Surety immediately and then release of the Labor and Materials Surety ninety (90) days after the recordation of the Notice of Completion, provided no liens have been filed; and release of Public Improvements Maintenance Surety upon the expiration of the one-year warranty period, and provided any defective work has been repaired to the City's satisfaction.

EXECUTIVE SUMMARY

The owner, Wilson Homes, has requested final acceptance of the public improvements constructed or installed in conjunction with this tract. The public improvements include all those shown on the subdivision improvement plans approved by the City Engineer. The construction or installation of the public improvements is complete. The owner has requested final acceptance. Staff is recommending approval of their request.

FISCAL IMPACT

The costs for periodic routine maintenance, as well as repairs needed as the improvements deteriorate with age and usage, will be incorporated into the annual maintenance budget of the Public Utilities Department as these costs are identified.


REASON FOR RECOMMENDATION

The Subdivision Map Act requires that once construction of the required improvements has been completed in compliance with all codes, plans and specifications, and all other required documents have been completed and submitted, final acceptance is required and the appropriate sureties are released.

ACTIONS FOLLOWING APPROVAL

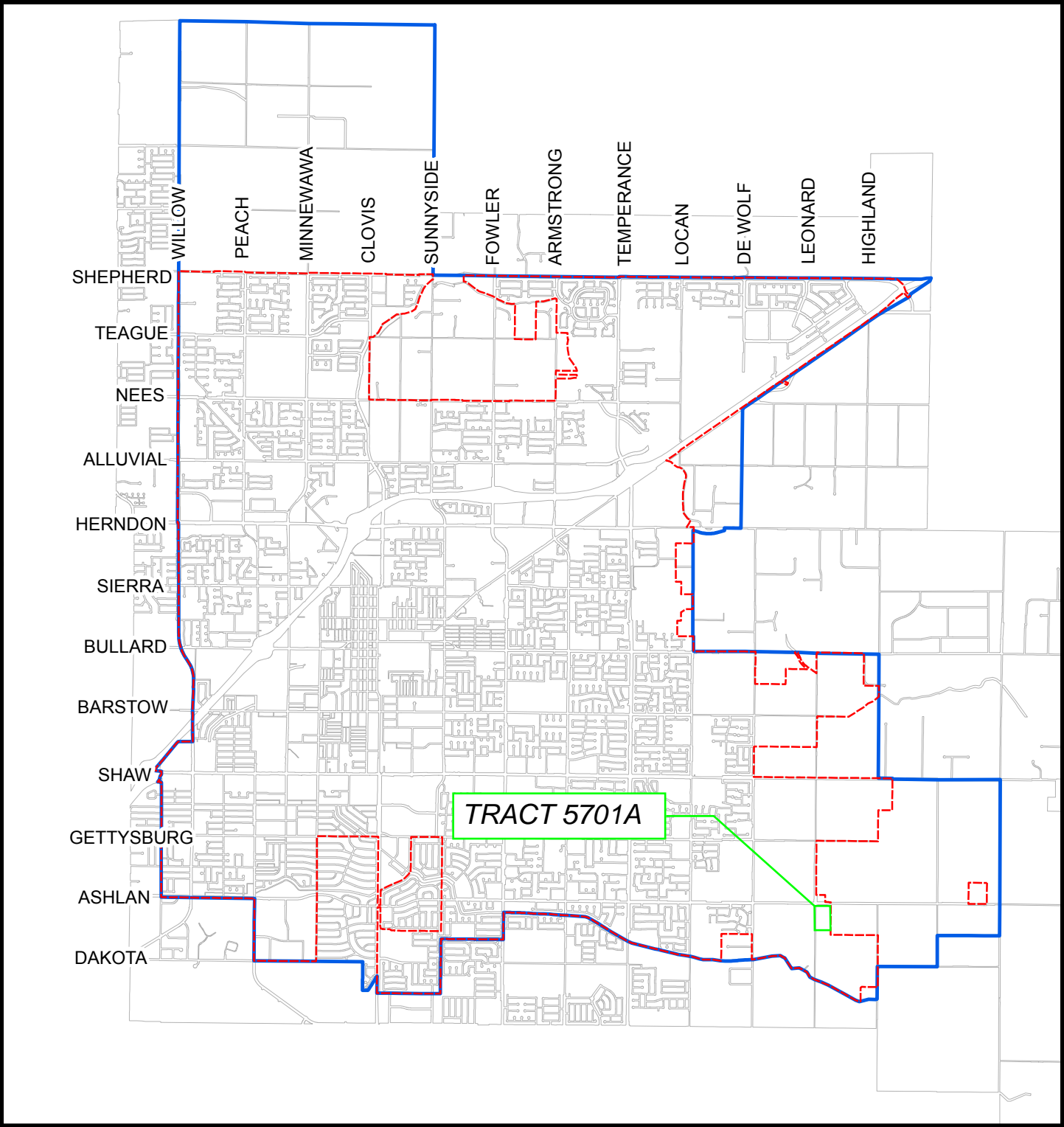
Record the Notice of Completion and release the Performance, Labor and Materials, and Maintenance Sureties as appropriate.

Prepared by: David Gonzalez, Junior Engineer

Submitted by: 
Michael Harrison
City Engineer

Recommended by: 
Dwight Kroll, AICP
Director of Planning
And Development
Services

VICINITY MAP



ATTACHMENT A

 CITY LIMITS  SPHERE OF INFLUENCE



1" = 6000'



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: January 8, 2018

SUBJECT: Approval – Res. 18-___, Final Map for Tract 6137A2, located on the south side of Shaw Avenue east of Locan Avenue. (Wilson Premier Homes, Inc., a California Corporation).

ATTACHMENTS: (A) Res. 18-___
(B) Vicinity Map
(C) Copy of Final Map

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve Res. 18-___, which will:

1. Accept the offer of dedication of street and public utility easements within Tract 6137A2, and;
2. Authorize recording of the final map.

EXECUTIVE SUMMARY

The owner, Wilson Premier Homes, Inc., acting as the subdivider, has submitted a final map. The improvement plans have been processed by City staff. The improvements to be installed include curb, gutter, sidewalk, street paving, sanitary sewers, and water mains. The subject tract is located on the south side of Shaw Avenue east of Locan Avenue. It contains approximately 8.91 acres and consists of 65 units, zoned R-1-PRD.

FISCAL IMPACT

The subdivider will be installing curb, gutter, sidewalk, street paving, sanitary sewers, and water mains, which will be perpetually maintained by the City of Clovis.


REASON FOR RECOMMENDATION


The subdivision agreement will be executed prior to the council meeting by the subdivider and all development fees paid or deferred in accordance with the Municipal Code. The agreement provides for the developer to complete a technically correct map and improvement plans and to complete all required improvements in compliance with the conditions of approval. The improvements are adequately secured.

ACTIONS FOLLOWING APPROVAL

The final map will be filed with the Fresno County Recorder's office for recording.

Prepared by: David Gonzalez, Junior Engineer

Submitted by: 
Michael Harrison
City Engineer

Recommended by: 
Dwight Kroll, AICP
Director of Planning
And Development
Services

RESOLUTION 18-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING FINAL SUBDIVISION MAP FOR TRACT NO. 6137A2

WHEREAS, a final map has been presented to the City Council of the City of Clovis for Tract 6137A2, by The City of Clovis, a Municipal Corporation, and

WHEREAS, said final tract conforms to the requirements of Chapter 2, Part 2, of Division 4 of the Business and Professions Code and to local ordinances;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis as follows:

1. The final map of Tract 6137A2, consisting of three (3) sheets, a copy of which is on file with the City Clerk, be and the same is hereby approved.

2. Approval of the Subdivision improvement plans for said tract are being completed by City Staff.

3. The preliminary Engineer's Cost Estimate of development cost of said tract, a copy of which is on file with the City Clerk, be and the same is hereby approved and adopted as the estimated cost of improvements for said subdivision in the sum of \$2,649,000.00.

4. The offer and dedication for public use of the parcels, streets and easements specified on said map are accepted by the City of Clovis and the City Clerk is authorized and directed to execute said subdivision map.

5. This Council finds that the proposed subdivision, together with the provisions for its design and improvement, are consistent with applicable general and specific plans of the City of Clovis.

6. Improvement Security, as provided hereunder and in said Subdivision Agreement, is fixed at one hundred percent (100%) or the sum of \$2,649,000.00 for

guaranteeing specific performance of said agreement and fifty percent (50%) or the sum of \$1,324,000.00 for payment of labor and materials furnished by contractors, subcontractors, labormen and materialmen in connection with the improvements required to be made or constructed by said subdivider in conformity with said subdivision map or said agreement.

7. Subdivider shall furnish a bond in the sum of \$264,900.00 being the amount determined by the City Council of the City as necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance of the tract against any defective work or labor done, or defective materials furnished. Said bond is required to be furnished prior to acceptance of the tract by the City Council.

* * * * *

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

AYES:

NOES:

ABSENT:

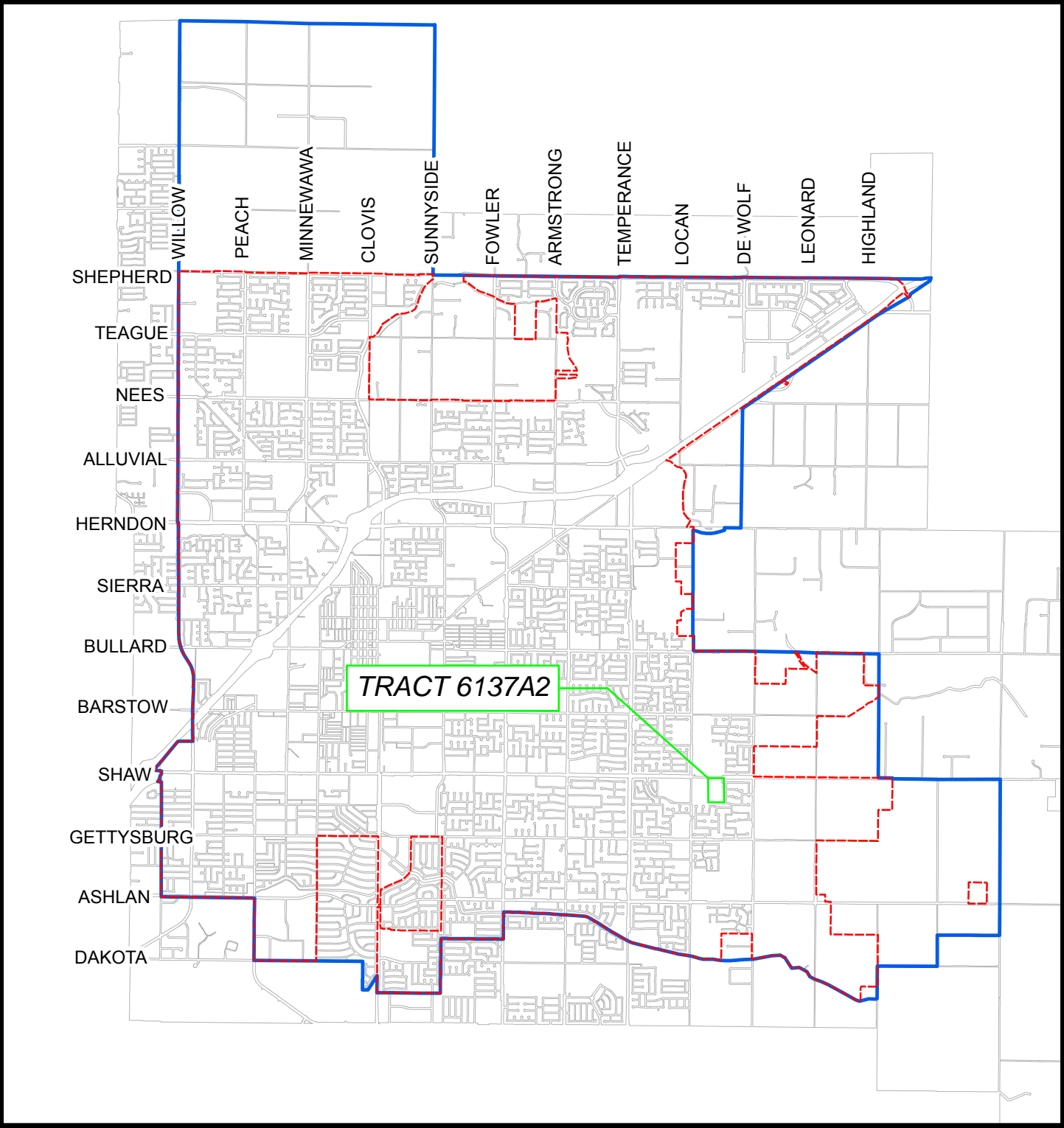
ABSTAIN:

DATED:

Mayor

City Clerk

VICINITY MAP



ATTACHMENT B

 CITY LIMITS SPHERE OF INFLUENCE



1" = 6000'

OWNER'S STATEMENT

THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND WITHIN THIS SUBDIVISION, HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND OFFER FOR DEDICATION FOR PUBLIC USE THE PARCELS AND EASEMENTS SPECIFIED ON SAID MAP AS INTENDED FOR PUBLIC USE FOR THE PURPOSES SPECIFIED THEREIN.

WILSON PREMIER HOMES, INC., A CALIFORNIA CORPORATION

BY: LEO A. WILSON
PRESIDENT

U.S. BANK NATIONAL ASSOCIATION
d/b/a/ HOUSING CAPITAL COMPANY
AS BENEFICIARY

BY: CARL F. SWANSON
VICE-PRESIDENT

FRESNO IRRIGATION DISTRICT, AS EASEMENT HOLDER

BY: RYAN JACOBSEN, PRESIDENT BY: GARY R. SERRATO, SECRETARY

NOTARY ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF)

ON , 2017, BEFORE ME , NOTARY PUBLIC, PERSONALLY APPEARED LEO A. WILSON , WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT, WITNESS MY HAND.

NAME SIGNATURE
MY COMMISSION EXPIRES COUNTY OF
COMMISSION NUMBER

NOTARY ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF)

ON , 2017, BEFORE ME , NOTARY PUBLIC, PERSONALLY APPEARED CARL F. SWANSON , WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT, WITNESS MY HAND.

NAME SIGNATURE
MY COMMISSION EXPIRES COUNTY OF
COMMISSION NUMBER

SUBDIVISION MAP OF
TRACT NO. 6137A2
IN THE CITY OF CLOVIS, FRESNO COUNTY, CALIFORNIA
SURVEYED AND PLATTED IN MAY, 2017 BY HARBOUR & ASSOCIATES
CONSISTING OF 2 SHEETS
SHEET 1 OF 2

LEGAL DESCRIPTION

THE LAND REFERRED TO IS SITUATED IN THE COUNTY OF FRESNO, CITY OF CLOVIS, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:
PARCEL 3, AS SHOWN ON 'PARCEL MAP NO. 2524', FILED FOR RECORD APRIL 30, 1975 IN BOOK 16 OF PARCEL MAPS, AT PAGE 72, FRESNO COUNTY RECORDS.

THIS LAND IS SUBJECT TO THE FOLLOWING:

1. SAID LAND LIES WITHIN THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT AND IS SUBJECT TO DRAINAGE FEES AND/OR REQUIREMENTS TO CONSTRUCT PLANNED LOCAL DRAINAGE FACILITIES, AS DISCLOSED BY INSTRUMENT ENTITLED "RESOLUTION NO. 1816 - THE BOARD OF DIRECTORS OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT, RECORDED JULY 31, 1995 AS SERIES NUMBER 95092128, O.R.F.C.
2. AN EASEMENT GRANTED TO THE FRESNO CANAL AND IRRIGATION COMPANY, FOR THE RIGHT-OF-WAY OF PROPER WIDTH NOT TO EXCEED 200 FEET FOR CANALS, EMBANKMENTS AND BRANCHES, RECORDED AUGUST 13, 1873 IN BOOK J OF DEEDS, PAGE 36, O.R.F.C.
3. AN EASEMENT GRANT DEED RESERVED BY J.P. VINCENT, ET UX FOR THE RIGHT-OF-WAY FOR CANALS AND DITCHES, RECORDED NOVEMBER 12, 1896 IN BOOK 200 OF DEEDS, PAGE 237, O.R.F.C.
4. AN EASEMENT GRANT DEED RESERVED BY FLORA A. VINCENT FOR THE RIGHT-OF-WAY FOR CANALS AND DITCHES, RECORDED DECEMBER 16, 1898 IN BOOK 223 OF DEEDS, PAGE 437, O.R.F.C.
5. AN INSTRUMENT ENTITLED "AMENDED NOTICE OF SPECIAL TAX LIEN CITY OF CLOVIS COMMUNITY FACILITIES DISTRICT NO. 2004-1 (POLICE AND FIRE SERVICES), RECORDED OCTOBER 24, 2016 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2016-0145945.

NOTARY ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF)

ON , 2017, BEFORE ME , NOTARY PUBLIC, PERSONALLY APPEARED RYAN JACOBSEN & GARY R. SERRATO , WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT, WITNESS MY HAND.

NAME SIGNATURE
MY COMMISSION EXPIRES COUNTY OF
COMMISSION NUMBER



SURVEYOR'S STATEMENT

THE SURVEY FOR THIS MAP WAS MADE BY ME OR UNDER MY DIRECTION AND IS TRUE AND COMPLETE AS SHOWN.

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF WILSON PREMIER HOMES, INC., ON MAY 1, 2017. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE ONE YEAR AFTER THE DATE THIS MAP IS RECORDED, OR ANY TIME EXTENSION APPROVED BY THE CITY ENGINEER. THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

GARY J. DIXON L.S. 5277 DATE

CITY ENGINEER'S STATEMENT

I, MICHAEL J. HARRISON, CITY ENGINEER OF THE CITY OF CLOVIS, HEREBY STATE THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH, AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

MICHAEL J. HARRISON, P.L.S. 8088 DATE
CITY ENGINEER



CITY CLERK'S STATEMENT

I, JOHN HOLT, HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF CLOVIS, BY RESOLUTION ADOPTED , APPROVED THE WITHIN MAP AND ACCEPTED, SUBJECT TO IMPROVEMENT, ON BEHALF OF THE PUBLIC, ANY REAL PROPERTY AND EASEMENTS OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION.

DATED JOHN HOLT, CITY CLERK

RECORDER'S CERTIFICATE

DOCUMENT NO. FEE PAID \$
FILED THIS DAY OF , 2017, AT M. IN
VOLUME OF PLATS, AT PAGE(S), FRESNO COUNTY
RECORDS, AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY.

PAUL A. DICTOS, CPA
FRESNO COUNTY ASSESSOR-RECORDER

BY: DEPUTY



Harbour & Associates
Civil Engineers
389 Clovis Avenue, Suite 300 • Clovis, California 93612
(559) 325-7676 • Fax (559) 325-7699

NOTES:

1. 3/4" X 30" IRON PIPE, DOWN 0.5', TAGGED LS 5277 SET AT ALL LOT CORNERS, BLOCK CORNERS AND BEGINNING AND ENDING OF ALL CURVES, OR WILL BE SET WITHIN ONE YEAR OR ANY APPROVED EXTENSION THEREOF.
2. DISTANCES NOT MONUMENTED ARE CALCULATED.



SCALE: 1" = 60'



DEWOLF

AVENUE

NORTHEAST CORNER OF SECTION 14, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, FOUND 2" BRASS CAP STAMPED LS 6919, VERIFIED PER COUNTY CORNER RECORD #7815.

OUTLOT SCHEDULE:

OUTLOT	PURPOSE
A-G & I	PRIVATE LANDSCAPE AND PUBLIC UTILITY EASEMENT PURPOSES.
H	PRIVATE STREET AND PUBLIC UTILITY EASEMENT PURPOSES.
J	PRIVATE LANDSCAPING, PEDESTRIAN AND PUBLIC UTILITY EASEMENT PURPOSES.
K	PUBLIC NEIGHBORHOOD PARK AND PUBLIC PASEO PURPOSES.

BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, WAS TAKEN TO BE NORTH N 89°51'27" EAST, AS SHOWN ON PARCEL MAP NO. 2524 RECORDED IN BOOK 16 OF PARCEL MAPS AT PAGE 72, F.C.R.

20' GRANTED TO THE COUNTY OF FRESNO PER DEED RECORDED APRIL 28, 1904 IN VOLUME 219 OF DEEDS AT PAGE 374, O.R.F.C.

LEGEND:

- FOUND SECTION CORNER AS NOTED.
- FOUND 3/4" IRON PIPE, DOWN 6", TAGGED LS 5277, UNLESS OTHERWISE NOTED.
- FOUND 3/4" IRON PIPE, DOWN 6", TAGGED LS 5277, 5' FROM CORNER ON PROPERTY LINE, UNLESS OTHERWISE NOTED.
- INDICATES STORM DRAIN EASEMENT RECORDED _____, 2017 AS DOCUMENT No. 2017-_____, O.R.F.C.
- RECORD DATA PER PARCEL MAP NO. 2524 RECORDED IN BOOK 16 OF PARCEL MAPS AT PAGE 72, F.C.R.
- RECORD DATA PER TRACT NO. 5193, RECORDED IN VOLUME 71 OF PLATS AT PAGES 4 THROUGH 7, F.C.R.
- RECORD DATA PER TRACT NO. 5437, RECORDED IN VOLUME 79 OF PLATS AT PAGES 18 THROUGH 19, F.C.R.
- RECORD DATA PER TRACT NO. 5484, RECORDED IN VOLUME 77 OF PLATS AT PAGES 4 THROUGH 6, F.C.R.

F.C.R. FRESNO COUNTY RECORDS

O.R.F.C. OFFICIAL RECORDS OF FRESNO COUNTY

THE BLUE BORDER INDICATES THE LIMITS OF THIS SUBDIVISION.

RADIAL DATA:

RADIAL NUMBER	RADIAL BEARING	RADIUS
R 1	S 00°13'38" W	32082.00'
R 2	S 00°08'45" W	32082.00'
R 3	S 00°04'02" W	32082.00'
R 4	S 00°00'04" E	32082.00'
R 5	S 00°04'09" E	32082.00'
R 6	N 71°51'40" E	40.60'
R 7	S 69°15'38" E	40.60'
R 8	N 69°47'36" W	40.60'
R 9	S 69°01'52" W	40.60'
R 10	N 69°06'04" W	40.60'
R 11	S 69°38'06" W	40.60'
R 12	N 69°11'45" E	40.60'
R 13	S 69°06'04" E	40.60'
R 14	N 69°01'52" E	40.60'
R 15	S 69°15'38" E	40.60'
R 16	N 68°50'20" W	40.60'
R 17	S 69°01'52" W	40.60'
R 18	N 69°06'04" W	40.60'
R 19	S 69°44'02" W	40.60'
R 20	N 69°11'45" E	40.60'
R 21	S 69°06'04" E	40.60'
R 22	N 69°01'52" E	40.60'
R 23	S 69°39'01" E	40.60'
R 24	N 52°10'49" W	56.40'
R 25	S 62°04'12" E	45.60'
R 26	S 05°30'08" W	45.60'
R 27	S 10°26'27" W	45.60'
R 28	S 66°24'31" W	45.60'
R 29	N 70°46'12" W	45.60'
R 30	N 16°32'12" W	263.00'
R 31	S 25°04'32" E	317.00'
R 32	S 07°04'08" E	263.00'
R 33	S 18°14'39" E	263.00'
R 34	S 28°04'32" E	263.00'
R 35	N 20°59'06" W	317.00'
R 36	N 16°32'12" W	317.00'
R 37	S 18°29'05" E	473.00'
R 38	S 17°27'20" E	500.00'
R 39	N 16°32'12" W	290.00'
R 40	N 25°04'32" W	290.00'
R 41	S 21°20'22" E	317.00'
R 42	N 00°36'52" W	45.60'
R 43	S 15°59'09" W	40.50'
R 44	S 07°02'53" E	302.50'
R 45	S 17°59'53" E	210.50'
R 46	S 14°05'54" E	40.50'

LINE DATA:

LINE NUMBER	BEARING	DISTANCE
L 1	S 00°02'06" E	12.50'
L 2	N 89°51'27" E	2.97'
L 3	N 89°51'27" E	12.00'
L 4	N 89°51'27" E	8.00'
L 5	S 00°02'06" E	54.84'
L 6	S 69°47'38" E	8.00'
L 7	N 00°02'06" W	12.00'
L 8	N 00°02'06" W	20.22'
L 9	S 44°55'28" W	4.25'
L 10	S 45°04'32" E	15.11'
L 11	N 89°53'02" E	18.16'
L 12	N 89°51'27" E	0.19'
L 13	N 89°51'27" E	10.48'
L 14	N 89°51'27" E	5.62'
L 15	N 89°51'27" E	4.18'
L 16	N 89°51'27" E	4.62'
L 17	N 69°38'06" E	8.03'
L 18	N 89°51'27" E	5.53'
L 19	N 89°51'27" E	0.36'
L 20	S 00°02'06" E	18.44'
L 21	S 00°08'33" E	64.29'
L 22	S 00°08'33" E	76.22'
L 23	S 00°08'33" E	77.00'
L 24	S 00°08'33" E	85.24'
L 25	S 00°08'33" E	60.00'
L 26	S 00°08'33" E	89.23'
L 27	N 89°51'27" E	43.00'
L 28	N 89°51'27" E	45.77'
L 29	N 89°51'27" E	50.00'
L 30	N 89°51'27" E	50.05'
L 31	S 69°15'38" E	8.17'
L 32	N 69°11'45" E	8.17'
L 33	S 69°39'01" E	8.05'
L 34	S 70°46'12" E	8.00'
L 35	N 89°44'02" E	8.00'
L 36	S 68°50'20" E	8.31'
L 37	S 89°53'02" W	9.73'
L 38	S 89°53'02" W	19.42'

TRACT NO. 6137A2

IN THE CITY OF CLOVIS, FRESNO COUNTY, CALIFORNIA, SURVEYED AND PLATTED IN MAY, 2017 BY HARBOUR AND ASSOCIATES
CONSISTING OF 2 SHEETS, SHEET 2 OF 2

S 00°04'35" E 2650.49' (N 00°04'23" W 2650.53') <N 00°04'52" W 2650.66'>
1325.24' (1325.27') <1325.29'>

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES:

PUE PUBLIC UTILITY EASEMENT NOW OFFERED FOR DEDICATION.
OUTLOT H PRIVATE STREET AND PUBLIC UTILITY EASEMENT PURPOSES.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE, TO THE CITY OF CLOVIS, FOR PUBLIC PURPOSES:

PUBLIC NEIGHBORHOOD PARK AND PUBLIC PASEO PURPOSES.
OUTLOT K

S 00°02'06" E 2649.11' (N 00°01'59" W 2649.16') [N 00°02'20" W 2649.22'] <N 00°02'27" W 2649.22'>
1158.98' (1159.01') [1159.03'] <1159.03'>

EAST QUARTER CORNER OF SECTION 14, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, FOUND 2" BRASS CAP IN WELL, VERIFIED PER COUNTY CORNER RECORD #7622.

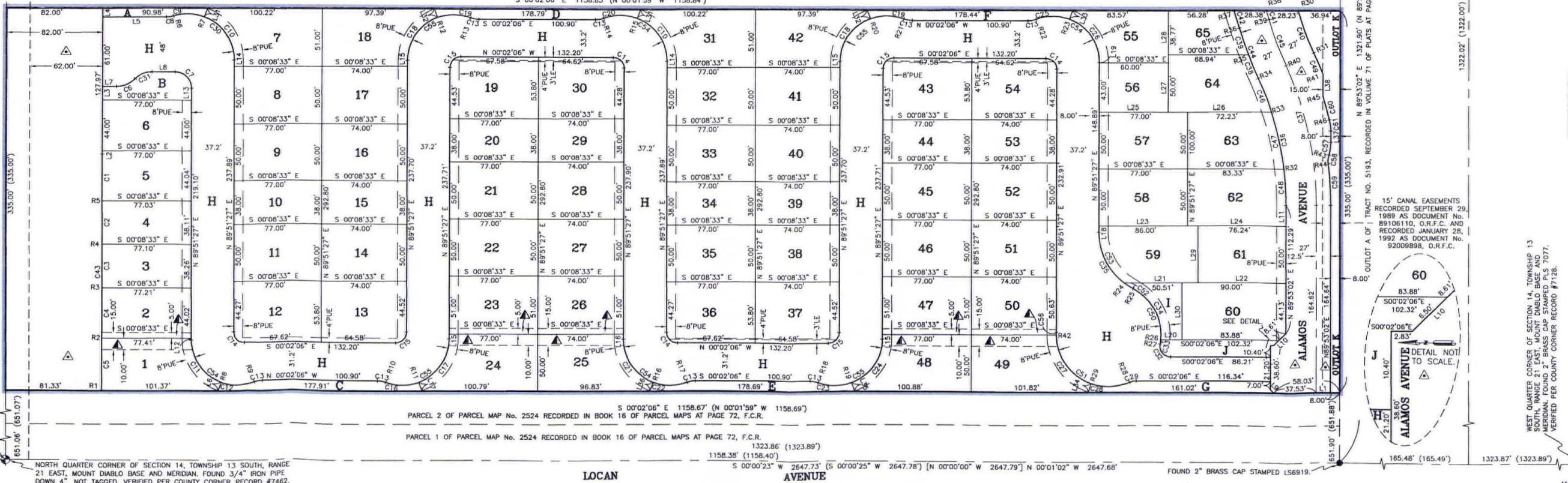
FOUND 3/4" IRON PIPE, DOWN 6", TAGGED RCE 29996.

CURVE DATA:

CURVE NUMBER	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH
C 1	0°04'24"	32082.00'	41.06'	41.06'
C 2	0°04'08"	32082.00'	38.11'	38.11'
C 3	0°04'06"	32082.00'	36.26'	36.26'
C 4	0°04'43"	32082.00'	44.02'	44.02'
C 5	0°04'53"	32082.00'	45.57'	45.57'
C 6	46°19'56"	22.00'	17.79'	17.31'
C 7	89°53'33"	14.40'	22.59'	20.35'
C 8	18°06'14"	20.00'	6.32'	6.29'
C 9	38°52'42"	40.60'	27.55'	27.02'
C 10	69°07'05"	40.60'	48.98'	46.06'
C 11	69°39'03"	40.60'	49.35'	46.37'
C 12	41°10'33"	40.60'	29.18'	28.55'
C 13	20°56'02"	20.00'	7.31'	7.27'
C 14	89°53'33"	9.40'	14.75'	13.28'
C 15	90°06'27"	9.40'	14.78'	13.31'
C 16	41°15'50"	40.60'	29.24'	28.61'
C 17	69°46'39"	40.60'	49.44'	46.45'
C 18	69°20'18"	40.60'	49.13'	46.19'
C 19	41°42'11"	40.60'	29.55'	28.90'
C 20	41°42'30"	40.60'	29.55'	28.91'
C 21	68°41'47"	40.60'	48.68'	45.81'
C 22	42°07'48"	40.60'	29.85'	29.19'
C 23	41°09'54"	40.60'	29.17'	28.55'
C 24	69°52'35"	40.60'	49.51'	46.50'
C 25	41°19'07"	40.60'	29.28'	28.65'
C 26	69°30'28"	40.60'	49.25'	46.29'
C 27	70°09'20"	45.60'	55.83'	52.41'
C 28	42°49'17"	45.60'	34.08'	33.29'
C 29	23°33'23"	14.40'	5.92'	5.88'

CURVE DATA:

CURVE NUMBER	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH
C 30	107°59'47"	40.60'	76.53'	65.69'
C 31	46°19'56"	20.00'	16.17'	15.74'
C 32	100°28'33"	9.40'	16.48'	14.45'
C 33	4°56'19"	45.60'	3.93'	3.93'
C 34	67°34'20"	45.60'	53.78'	50.72'
C 35	61°55'39"	58.40'	60.96'	58.04'
C 36	24°57'34"	263.00'	114.57'	113.67'
C 37	24°57'34"	290.00'	126.33'	125.33'
C 38	4°05'26"	317.00'	22.63'	22.63'
C 39	4°26'54"	317.00'	24.61'	24.61'
C 40	8°32'20"	263.00'	39.20'	39.16'
C 41	0°55'08"	500.00'	8.02'	8.02'
C 42	1°56'53"	473.00'	16.08'	16.08'
C 43	0°22'11"	32082.00'	207.02'	207.02'
C 44	8°32'20"	317.00'	47.24'	47.20'
C 45	8°32'20"	290.00'	43.22'	43.18'
C 46	6°49'53"	263.00'	31.36'	31.34'
C 47	11°10'31"	263.00'	51.30'	51.22'
C 48	6°57'10"	263.00'	31.91'	31.90'
C 49	3°44'10"	317.00'	20.67'	20.67'
C 50	72°30'39"	45.60'	57.71'	53.93'
C 51	113°26'56"	45.60'	90.29'	76.25'
C 52	9°53'23"	56.40'	9.74'	9.72'
C 53	52°02'16"	56.40'	51.22'	49.48'
C 54	110°49'35"	40.60'	78.53'	66.85'
C 55	111°02'29"	40.60'	78.68'	66.94'
C 56	0°28'19"	45.60'	0.38'	0.38'
C 57	16°06'07"	40.50'	11.38'	11.34'
C 58	23°02'02"	19.50'	7.84'	7.79'
C 59	6°55'55"	302.50'	36.60'	36.58'
C 60	3°53'59"	310.50'	21.13'	21.13'
C 61	13°58'56"	40.50'	9.88'	9.86'



PARCEL 2 OF PARCEL MAP No. 2524 RECORDED IN BOOK 16 OF PARCEL MAPS AT PAGE 72, F.C.R.

PARCEL 1 OF PARCEL MAP No. 2524 RECORDED IN BOOK 16 OF PARCEL MAPS AT PAGE 72, F.C.R.

NORTH QUARTER CORNER OF SECTION 14, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, FOUND 3/4" IRON PIPE DOWN 4", NOT TAGGED, VERIFIED PER COUNTY CORNER RECORD #7462.

15' CANAL EASEMENTS RECORDED SEPTEMBER 29, 1989 AS DOCUMENT No. 89106110, O.R.F.C. AND RECORDED JANUARY 28, 1992 AS DOCUMENT No. 92008988, O.R.F.C.

WEST QUARTER CORNER OF SECTION 14, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, FOUND 2" BRASS CAP STAMPED PLS 7071, VERIFIED PER COUNTY CORNER RECORD #7128.



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: January 8, 2018

SUBJECT: Approval – Res. No. 18-____, Annexation of Proposed Tract 6137A2, located on the south side of Shaw Avenue east of Locan Avenue, to the Landscape Maintenance District No. 1 of the City of Clovis. (Wilson Premier Homes, Inc., a California Corporation).

ATTACHMENT: (A) Res. 18-__

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve Res. 18-____, that will annex proposed Tract 6137A2, located on the south side of Shaw Avenue east of Locan Avenue to the Landscape Maintenance District No. 1 of the City of Clovis.

EXECUTIVE SUMMARY

The owner, Wilson Premier Homes, Inc., acting as the subdivider, has requested to be annexed to the Landscape Maintenance District No. 1 of the City of Clovis as set forth by the Conditions of Approval for Tentative Tract Map 6137A2.

BACKGROUND

Wilson Premier Homes, Inc., the developer of Tract 6137A2, has executed a covenant that this development be annexed to the City of Clovis LMD No. 1. An executed copy can be provided on request. Council formed the original District on July 15, 1985, for the purpose of funding the maintenance of landscaped areas and parks.

Under the provisions of the Landscaping and Lighting Act of 1972 and in accordance with Article XIII C and Article XIII D of Proposition 218, all the owners of property proposed for annexation have provided a written request and consent to annexation and have executed a covenant (petition) indicating acceptance of the annual assessment.

FISCAL IMPACT

This project will add landscaping to the Landscape Maintenance District No. 1 of the City of Clovis shown as follows:

	<u>Tract 6137A2</u>	<u>Year to Date</u>
LMD Landscaping added:	0.17 acres	5.989 acres
Resource needs added:	0.017 person	.599 person

The resource needs estimate is based on 1 person per 10 acres of landscaped area.

REASON FOR RECOMMENDATION


The property owners for the subject tract and parcel map have requested annexation into the City of Clovis LMD No. 1.

ACTIONS FOLLOWING APPROVAL

Tract 6102 shall become a part of City of Clovis LMD No. 1 and will be assessed next year for maintenance costs.

Prepared by: David Gonzalez, Junior Engineer

Submitted by:


Michael Harrison
City Engineer

Recommended by:


Dwight Kroll, AICP
Director of Planning
And Development
Services

RESOLUTION 18-__

**A RESOLUTION OF THE COUNCIL OF THE CITY OF CLOVIS, CALIFORNIA, APPROVING
ANNEXATION TO LANDSCAPING MAINTENANCE DISTRICT NO. 1 OF THE CITY OF
CLOVIS**

WHEREAS, City of Clovis Landscape Maintenance District No. 1 ("District") was formed by Resolution No. 85-78, adopted July 15, 1985, pursuant to Part 2 of Division 15 of the Streets and Highways Code (Landscape and Lighting Act of 1972), herein the "Act"; and

WHEREAS, all of the owners of property proposed to be annexed to the District consisting of proposed Tract No. 6137A2, as described in Exhibit "A" attached hereto and incorporated herein by reference, have consented to said annexation and such annexation may be ordered without notice and hearing or filing of engineer's report, or both.

NOW, THEREFORE, IT IS RESOLVED AND ORDERED, as follows:

1. That the public interest and convenience require that certain property described in Exhibit "A" attached hereto and by reference incorporated herein be annexed into Landscape Maintenance District No. 1 of the City of Clovis for the maintenance and servicing of landscaping facilities.

2. The City Clerk shall receive and file the maps showing the boundaries of the areas annexed as set forth in Exhibit "A" which boundaries shall be used for assessment proceedings until and unless a change of organization is approved pursuant to the Act.

* * * * *

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

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

Mayor

City Clerk

Exhibit "A"

LOTS 1 THROUGH 65, INCLUSIVE, OF TRACT MAP 6137A2, RECORDED IN VOLUME _____, PAGES _____
THROUGH _____ OF TRACT MAPS, FRESNO COUNTY RECORDS.



AGENDA ITEM NO: **CC-F-5**

City Manager: JA

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: January 8, 2018

SUBJECT: Approval – Res. 18-___, Final Map for Tract 6174, located at the southeast area of Ashlan Avenue and Leonard Avenue (Wilson Premier Homes, Inc., A California Corporation).

ATTACHMENTS: (A) Res. 18-___
(B) Vicinity Map
(C) Copy of Final Map

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve Res. 18-___, which will:

1. Accept the offer of dedication of parcels and public utility easements within Tract 6174, and;
2. Authorize recording of the final map.

EXECUTIVE SUMMARY

The owner, Wilson Premier Homes, Inc., A California Corporation, acting as the subdivider, has submitted a final map. The improvement plans are being processed by City staff. The improvements to be installed include curb, gutter, sidewalk, street paving, sanitary sewers, water mains, landscaping, neighborhood park and paseos. The subject tract is located on the South East area of Ashlan and Leonard Avenue. It contains approximately 19.39 acres and consists of 73 units, zoned R-1.

FISCAL IMPACT

The subdivider will be installing curb, gutter, sidewalk, street paving, sanitary sewers, water mains, landscaping, neighborhood park and paseos, which will be perpetually maintained by the City of Clovis.

REASON FOR RECOMMENDATION

The subdivision agreement has been executed by the subdivider and all development fees paid or deferred in accordance with Municipal Code. The agreement provides for the developer to complete a technically correct map and improvement plans and to complete all required improvements in compliance with the conditions of approval. The improvements are adequately secured.

ACTIONS FOLLOWING APPROVAL

The final map will be filed with the Fresno County Recorder's office for recording.

Prepared by: David Gonzalez, Junior Engineer

Submitted by: 
Michael Harrison
City Engineer

Recommended by: 
Dwight Kroll, AICP
Director of Planning
And Development
Services

RESOLUTION 18-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING FINAL SUBDIVISION MAP FOR TRACT NO. 6174

WHEREAS, a final map has been presented to the City Council of the City of Clovis for Tract 6174, by The City of Clovis, a Municipal Corporation, and

WHEREAS, said final tract conforms to the requirements of Chapter 2, Part 2, of Division 4 of the Business and Professions Code and to local ordinances;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clovis as follows:

1. The final map of Tract 6174, consisting of two (2) sheets, a copy of which is on file with the City Clerk, be and the same is hereby approved.

2. Approval of the Subdivision improvement plans for said tract are being completed by City Staff.

3. The preliminary Engineer's Cost Estimate of development cost of said tract, a copy of which is on file with the City Clerk, be and the same is hereby approved and adopted as the estimated cost of improvements for said subdivision in the sum of \$4,632,783.60.

4. The offer and dedication for public use of the parcels and easements specified on said map are accepted by the City of Clovis and the City Clerk is authorized and directed to execute said subdivision map.

5. This Council finds that the proposed subdivision, together with the provisions for its design and improvement, are consistent with applicable general and specific plans of the City of Clovis.

6. Improvement Security, as provided hereunder and in said Subdivision Agreement, is fixed at one hundred percent (100%) of the remaining improvements to

be constructed or the sum of \$3,600,000.00 for guaranteeing specific performance of said agreement and fifty percent (50%) of the remaining improvements or the sum of \$1,800,000.00 for payment of labor and materials furnished by contractors, subcontractors, labormen and materialmen in connection with the improvements required to be made or constructed by said subdivider in conformity with said subdivision map or said agreement.

7. Subdivider shall furnish a bond in the sum of \$463,300.00 being the amount determined by the City Council of the City as necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance of the tract against any defective work or labor done, or defective materials furnished. Said bond is required to be furnished prior to acceptance of the tract by the City Council.

* * * * *

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

AYES:

NOES:

ABSENT:

ABSTAIN:

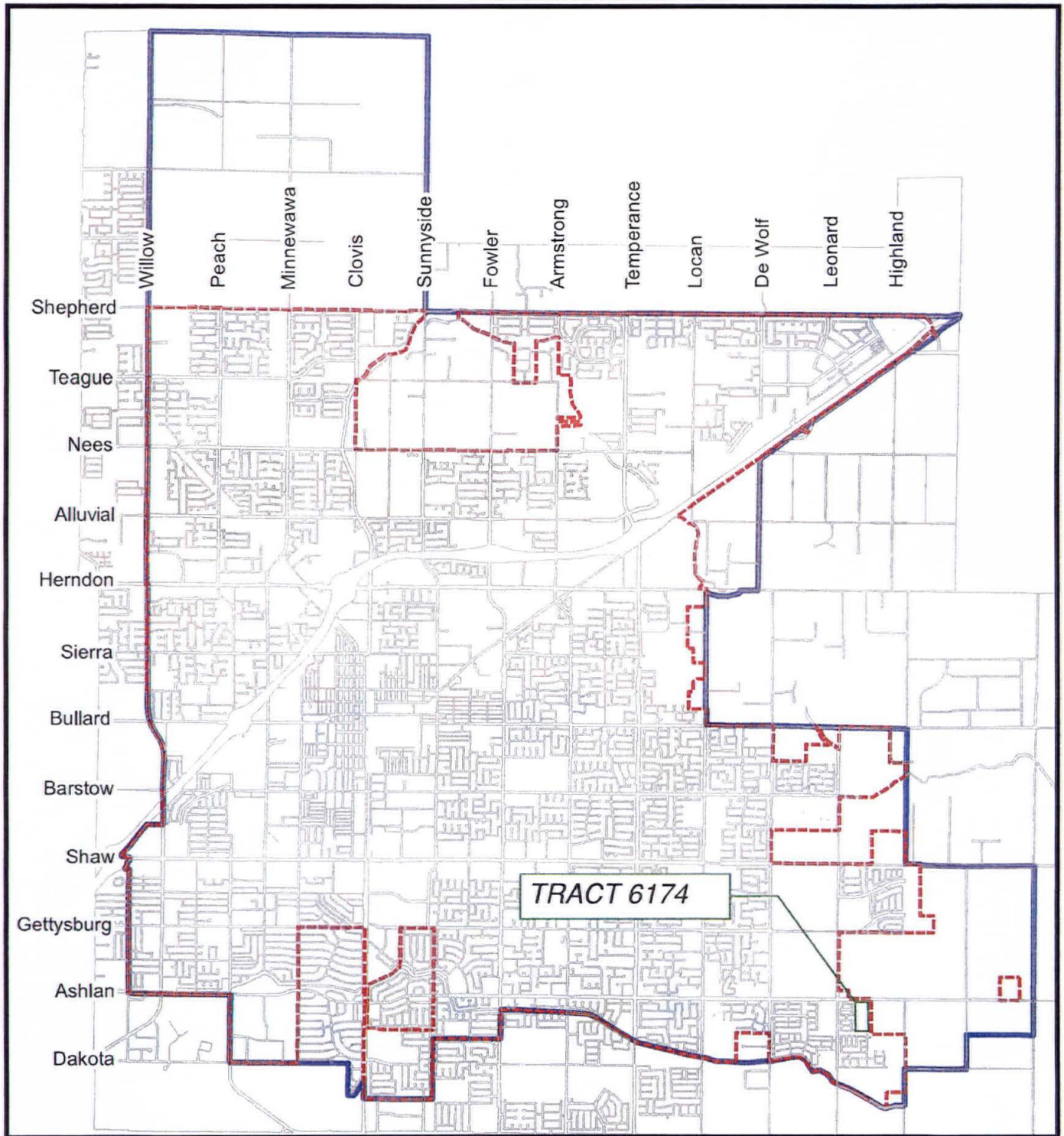
DATED:

Mayor

City Clerk

VICINITY MAP

TRACT 6174



ATTACHMENT B



 CITY LIMITS  SPHERE OF INFLUENCE

January 2, 2018

Prepared By: David Gonzalez

SUBDIVISION MAP OF
TRACT NO. 6174
IN THE CITY OF CLOVIS, FRESNO COUNTY, CALIFORNIA
SURVEYED AND PLATTED IN MARCH, 2017 BY HARBOUR & ASSOCIATES
CONSISTING OF 2 SHEETS
SHEET 1 OF 2

OWNER'S STATEMENT

THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND WITHIN THIS SUBDIVISION, HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND OFFER FOR DEDICATION FOR PUBLIC USE THE PARCELS AND EASEMENTS SPECIFIED ON SAID MAP AS INTENDED FOR PUBLIC USE FOR THE PURPOSES SPECIFIED THEREIN.

WILSON PREMIER HOMES, INC., A CALIFORNIA CORPORATION

BY: [Signature]
LEO A. WILSON
PRESIDENT

U.S. BANK NATIONAL ASSOCIATION
d/b/a/ HOUSING CAPITAL COMPANY
AS BENEFICIARY

BY: [Signature]
CARL F. SWANSON
VICE-PRESIDENT

FRESNO IRRIGATION DISTRICT, AS EASEMENT HOLDER

A SEPARATE CONSENT TO FINAL MAP PURSUANT TO GOVERNMENT CODE SECTION 66435.1 FOR PARCEL/TRACT MAP NO. 6174 HAS BEEN EXECUTED BY THE FRESNO IRRIGATION DISTRICT, AS RECORDED _____, 201____, DOCUMENT NO. _____, FRESNO COUNTY RECORDS.

NOTARY ACKNOWLEDGEMENTS

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF Fresno)

ON December 5, 2017, BEFORE ME Denise Melkonian, NOTARY PUBLIC, PERSONALLY APPEARED LEO A. WILSON, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT, WITNESS MY HAND.

NAME Denise Melkonian SIGNATURE [Signature]

MY COMMISSION EXPIRES 2.12.21 COUNTY OF Fresno

COMMISSION NUMBER 2180034

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF Fresno)

ON December 5th, 2017, BEFORE ME Lois Beckman, NOTARY PUBLIC, PERSONALLY APPEARED CARL F. SWANSON, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT, WITNESS MY HAND.

NAME Lois Beckman SIGNATURE [Signature]

MY COMMISSION EXPIRES 2187943 COUNTY OF Fresno

COMMISSION NUMBER 312412021

LEGAL DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE WEST 661.4 FEET; THENCE SOUTH 1319.3 FEET; THENCE 661.4 FEET; THENCE NORTH 1319.3 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM:

THAT PORTION LYING WITHIN THE BOUNDARIES OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO THE CITY OF CLOVIS, A CALIFORNIA MUNICIPAL CORPORATION, RECORDED OCTOBER 26, 2007, SERIES NO. 2007-0197143, FRESNO COUNTY RECORDS.

THIS LAND IS SUBJECT TO THE FOLLOWING:

1. SAID LAND LIES WITHIN THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT AND IS SUBJECT TO DRAINAGE FEES AND/OR REQUIREMENTS TO CONSTRUCT PLANNED LOCAL DRAINAGE FACILITIES, AS DISCLOSED BY INSTRUMENT ENTITLED "RESOLUTION NO. 1816 - THE BOARD OF DIRECTORS OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT", RECORDED JULY 31, 1995 AS SERIES NUMBER 95092128, O.R.F.C.
2. AN EASEMENT GRANTED TO FRESNO CANAL AND IRRIGATION COMPANY, RECORDED AUGUST 13, 1873 IN BOOK J OF DEEDS, PAGE 36, O.R.F.C. THE EXACT LOCATION IS NOT DISCLOSED OF RECORD.
3. ANY SPECIAL TAX WHICH IS NOW A LIEN AND THAT MAY BE LEVIED WITHIN THE COMMUNITY FACILITIES DISTRICT NO. 2004-01, A NOTICE OF WHICH WAS RECORDED AS FOLLOWS: ANNEXATION MAP NO. 50 COMMUNITY FACILITIES DISTRICT NO. 2004-1, RECORDED OCTOBER 13, 2017 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2017-0133636.
4. MATERS AS CONTAINED OR REFERRED TO IN AN INSTRUMENT ENTITLED "ENCROACHMENT AND MAINTENANCE AGREEMENT, RECORDED OCTOBER 26, 2007 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2007-0197144.
5. ASHLAN-LEONARD SOUTHEAST NO. 2 REORGANIZATION, RECORDED JULY 17, 2017 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2017-0087895.



SURVEYOR'S STATEMENT

THE SURVEY FOR THIS MAP WAS MADE BY ME OR UNDER MY DIRECTION AND IS TRUE AND COMPLETE AS SHOWN.

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF WILSON PREMIER HOMES, INC., ON MARCH 1, 2017. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE ONE YEAR AFTER THE DATE THIS MAP IS RECORDED, OR ANY TIME EXTENSION APPROVED BY THE CITY ENGINEER. THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

GARY J. DIXON L.S. 5277

12-04-17
DATE



CITY ENGINEER'S STATEMENT

I, MICHAEL J. HARRISON, CITY ENGINEER OF THE CITY OF CLOVIS, HEREBY STATE THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH, AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

MICHAEL J. HARRISON, P.L.S. 8088
CITY ENGINEER

DATE

CITY CLERK'S STATEMENT

I, JOHN HOLT, HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF CLOVIS, BY RESOLUTION ADOPTED _____, APPROVED THE WITHIN MAP AND ACCEPTED, SUBJECT TO IMPROVEMENT, ON BEHALF OF THE PUBLIC, ANY REAL PROPERTY AND EASEMENTS OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION.

DATED _____
JOHN HOLT, CITY CLERK

RECORDER'S CERTIFICATE

DOCUMENT NO. _____ FEE PAID \$ _____

FILED THIS _____ DAY OF _____, 20____, AT _____ M. IN VOLUME _____
OF PLATS, AT PAGE(S) _____, FRESNO COUNTY RECORDS, AT THE REQUEST
OF OLD REPUBLIC TITLE COMPANY.

PAUL A. DICTOS, CPA
FRESNO COUNTY ASSESSOR-RECORDER

BY: _____
DEPUTY



Harbour & Associates
Civil Engineers
389 Clovis Avenue, Suite 300 • Clovis, California 93612
(559) 325-7676 • Fax (559) 325-7699

W.O. #14-027

ATTACHMENT "C"

THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 24,
TOWNSHIP 13 SOUTH, RANGE 21 EAST, M.D.B.&M., WAS TAKEN TO BE
NORTH 00°00'36" WEST, AS SHOWN ON THE MAP OF TRACT No. 5701
RECORDED IN VOLUME 85 OF PLATS AT PAGES 6 THROUGH 8, F.C.R.

CURVE NUMBER	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH
C1	13°37'46"	50.00'	11.89'	11.87'
C2	15°49'06"	13.00'	3.59'	3.58'
C3	14°29'56"	275.00'	69.59'	69.40'
C4	53°52'34"	52.00'	48.90'	47.11'
C5	44°12'46"	75.00'	57.87'	56.45'
C6	8°27'59"	75.00'	11.08'	11.07'
C7	6°14'33"	225.00'	24.51'	24.50'
C8	10°49'02"	225.00'	42.48'	42.42'
C9	4°11'51"	275.00'	20.15'	20.14'
C10	12°51'11"	275.00'	61.69'	61.56'
C11	17°04'15"	225.00'	67.04'	66.79'
C12	5°00'39"	275.00'	24.05'	24.04'

CURVE NUMBER	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH
C13	12°48'57"	275.00'	61.51'	61.38'
C14	3°01'48"	275.00'	14.54'	14.54'
C15	12°08'39"	225.00'	47.69'	47.60'
C16	3°42'06"	225.00'	14.54'	14.53'
C17	34°05'13"	50.00'	29.75'	29.31'
C18	49°23'23"	50.00'	43.10'	41.78'
C19	22°49'47"	50.00'	19.92'	19.79'
C20	16°15'36"	50.00'	14.19'	14.14'
C21	15°50'45"	250.00'	69.14'	68.92'
C22	15°50'45"	225.00'	62.23'	62.03'
C23	15°50'45"	275.00'	76.05'	75.81'
C24	17°03'35"	250.00'	74.44'	74.16'

CURVE NUMBER	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH
C25	17°03'35"	225.00'	66.99'	66.75'
C26	17°03'02"	275.00'	81.84'	81.54'
C27	17°24'34"	52.00'	159.20'	103.92'
C28	74°38'20"	75.00'	97.70'	90.94'
C29	9°45'37"	250.00'	42.59'	42.54'
C30	6°05'08"	250.00'	26.55'	26.54'
C31	41°17'40"	250.00'	18.74'	18.73'
C32	12°45'55"	250.00'	55.70'	55.58'
C33	10°04'03"	52.00'	9.14'	9.13'
C34	106°18'23"	50.00'	92.77'	80.02'
C35	9°33'23"	250.00'	41.70'	41.65'
C36	127°19'05"	75.00'	166.66'	134.43'

IN THE CITY OF CLOVIS FRESNO COUNTY,
CALIFORNIA SURVEYED AND PLATTED IN
MARCH, 2017

LEGEND: CONTINUED

FOUND SECTION CORNER AS NOTED.

- FOUND 3/4" IRON PIPE, DOWN 6", TAGGED LS 5277.
- FOUND 3/4" IRON PIPE, DOWN 6", TAGGED LS 5277, 5' FROM PROPERTY CORNER ON PROPERTY LINE, UNLESS OTHERWISE NOTED.
- () RECORD DATA PER TRACT No. 5701 RECORDED IN VOLUME 85 OF PLATS AT PAGES 6 THROUGH 8, F.C.R., ALSO INDICATES MEASURED DATA.
- [] RECORD DATA PER RECORD OF SURVEY RECORDED IN BOOK 47 OF RECORD OF SURVEYS AT PAGE 52, F.C.R..
- { } RECORD DATA PER TRACT No. 6143 RECORDED IN VOLUME 86 OF PLATS AT PAGES 64 THROUGH 66, F.C.R., ALSO INDICATES MEASURED DATA.
- < > RECORD DATA PER PARCEL MAP No. 8101, RECORDED IN BOOK 71 OF PARCEL MAPS AT PAGES 94 & 95, F.C.R.
- [] RECORD DATA PER GRANT DEED RECORDED MARCH 6, 2015 AS DOCUMENT No. 2015-0026838, O.R.F.C.
- (()) RECORD DATA PER RECORD OF SURVEY RECORDED IN BOOK 30 OF RECORD OF SURVEYS AT PAGE 65, F.C.R.
- { } RECORD DATA PER PARCEL MAP No. 4192 RECORDED IN BOOK 27 OF PARCEL MAPS AT PAGE 21, F.C.R.
- △ PREVIOUSLY DEDICATED FOR PUBLIC STREET PURPOSES.

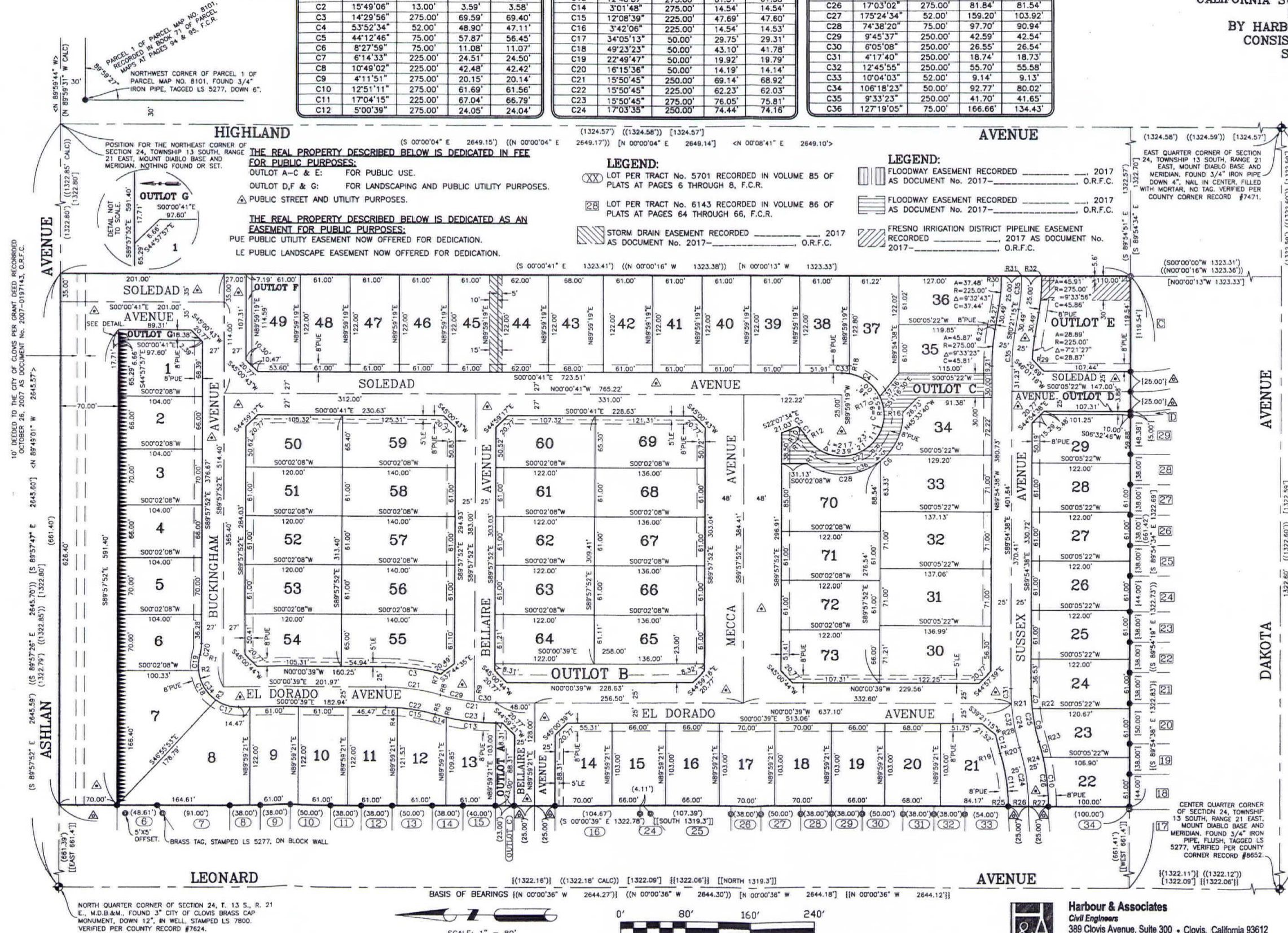
45.1 F.C.R. FRESNO COUNTY RECORDS

O.R.F.C. OFFICIAL RECORDS OF FRESNO COUNTY

INDICATES WAIVER OF DIRECT VEHICULAR ACCESS RIGHTS.

THE BLUE BORDER INDICATES THE LIMITS OF THIS SUBDIVISION.

RADIAL DATA:		
RADIAL NUMBER	RADIAL BEARING	RADIUS
R1	N16°17'44"E	50.00'
R2	N06°32'03"W	50.00'
R3	N55°55'26"W	50.00'
R4	S86°18'33"E	225.00'
R5	S74°09'54"E	225.00'
R6	N77°11'42"W	275.00'
R7	S75°30'43"E	275.00'
R8	N74°09'54"W	250.00'
R9	N83°55'31"W	250.00'
R10	S60°06'22"E	13.00'
R11	S44°17'16"E	13.00'
R12	N30°39'30"W	75.00'
R13	N54°52'44"W	75.00'
R14	S50°28'56"W	75.00'
R15	S42°00'57"W	75.00'
R16	S02°11'49"E	75.00'
R17	S26°04'04"E	52.00'
R18	S79°56'38"E	52.00'
R19	S16°58'13"E	225.00'
R20	S16°58'13"E	250.00'
R21	N04°12'18"W	250.00'
R22	N06°09'11"W	225.00'
R23	N16°58'13"W	225.00'
R24	S12°46'22"E	275.00'
R25	S00°06'02"W	225.00'
R26	S00°05'22"W	250.00'
R27	S00°04'49"W	275.00'
R28	S11°57'34"W	275.00'
R29	N02°17'18"E	225.00'
R30	S00°06'02"W	225.00'
R31	S00°05'22"W	250.00'
R32	S00°04'49"W	275.00'



Harbour & Associates
Civil Engineers
389 Clovis Avenue, Suite 300 • Clovis, California 93612
(559) 325-7676 • Fax (559) 325-7699



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
FROM: Planning and Development Services
DATE: January 8, 2018

SUBJECT: Approval – Res. 18-____, Annexation of Proposed Tract 6174, located at the southeast area of Ashlan Avenue and Leonard Avenue to the Landscape Maintenance District No. 1 of the City of Clovis (Wilson Premier Homes, Inc., A California Corporation).

ATTACHMENT: (A) Res. 18-__

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve Res. 18-____, that will annex proposed Tract 6174, located at the southeast area of Ashlan Avenue and Leonard Avenue, to the Landscape Maintenance District No. 1 of the City of Clovis.

EXECUTIVE SUMMARY

The owner, Wilson Premier Homes, Inc., a California Corporation, acting as the subdivider, has requested to be annexed to the Landscape Maintenance District No. 1 of the City of Clovis as set forth by the Conditions of Approval for Vesting Tentative Tract Map 6174.

BACKGROUND

Wilson Premier Homes, Inc., a California Corporation, the developer of Tract 6174, has executed a covenant that this development be annexed to the City of Clovis LMD No. 1. An executed copy can be provided on request. Council formed the original District on July 15, 1985, for the purpose of funding the maintenance of landscaped areas and parks.

Under the provisions of the Landscaping and Lighting Act of 1972 and in accordance with Article XIII C and Article XIII D of Proposition 218, all the owners of property proposed for annexation have provided a written request and consent to annexation and have executed a covenant (petition) indicating acceptance of the annual assessment.

FISCAL IMPACT

This project will add landscaping to the Landscape Maintenance District No. 1 of the City of Clovis shown as follows:

	<u>Tract 6174</u>	<u>Year to Date</u>
LMD Landscaping added:	0.981 acres	6.159 acres
Resource needs added:	0.098 person	0.616 person

The resource needs estimate is based on 1 person per 10 acres of landscaped area.


REASON FOR RECOMMENDATION

The property owners for the subject tract have requested annexation into the City of Clovis LMD No. 1.

ACTIONS FOLLOWING APPROVAL

Tract 6174 shall become a part of City of Clovis LMD No. 1 and will be assessed next year for maintenance costs.

Prepared by: David Gonzalez, Junior Engineer

Submitted by: 
Michael Harrison
City Engineer

Recommended by: 
Dwight Kroll, AICP
Director of Planning
And Development
Services

RESOLUTION 18-__

**A RESOLUTION OF THE COUNCIL OF THE CITY OF CLOVIS, CALIFORNIA, APPROVING
ANNEXATION TO LANDSCAPING MAINTENANCE DISTRICT NO. 1 OF THE CITY OF
CLOVIS**

WHEREAS, City of Clovis Landscape Maintenance District No. 1 ("District") was formed by Resolution No. 85-78, adopted July 15, 1985, pursuant to Part 2 of Division 15 of the Streets and Highways Code (Landscape and Lighting Act of 1972), herein the "Act"; and

WHEREAS, all of the owners of property proposed to be annexed to the District consisting of proposed Tract No. 6174, as described in Exhibit "A" attached hereto and incorporated herein by reference, have consented to said annexation and such annexation may be ordered without notice and hearing or filing of engineer's report, or both.

NOW, THEREFORE, IT IS RESOLVED AND ORDERED, as follows:

1. That the public interest and convenience require that certain property described in Exhibit "A" attached hereto and by reference incorporated herein be annexed into Landscape Maintenance District No. 1 of the City of Clovis for the maintenance and servicing of landscaping facilities.

2. The City Clerk shall receive and file the maps showing the boundaries of the areas annexed as set forth in Exhibit "A" which boundaries shall be used for assessment proceedings until and unless a change of organization is approved pursuant to the Act.

* * * * *

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

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

Mayor

City Clerk

Exhibit "A"

LOTS 1 THROUGH 73, INCLUSIVE, OF TRACT MAP 6174, RECORDED IN VOLUME
_____, OF PLATS, PAGES _____ THROUGH _____, FRESNO COUNTY RECORDS.



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

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: January 8, 2018

SUBJECT: Approval – First Amendment to Effluent Discharge Pipeline Operations Agreement with Fresno Metropolitan Flood Control District

ATTACHMENT: A. Proposed Agreement
B. Original Agreement
C. Fresno County Letter

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to: (1) Approve the First Amendment to Effluent Discharge Pipeline Operations Agreement with FMFCD; and (2) Authorize the City Manager to execute the agreement.

EXECUTIVE SUMMARY

The City entered into an agreement with Fresno Metropolitan Flood Control District on March 30, 2009, that sets the terms for the City to discharge recycled water from the City's Sewage Treatment and Water Reuse Facility into the FMFCD's Dry Creek Diversion Channel easement area. One of the original terms was that the City obtain license agreements with the property owners affected by the discharge. The City has decided to obtain easements in lieu of license agreements in cases where voluntary license agreements could not be obtained. Therefore the agreement with FMFCD is being modified to change that terminology to allow for either a license agreement or an easement.

Another requirement for the City to meet prior to discharge to the Diversion Channel was to construct a box culvert at the crossing with Copper Avenue. Since that time, Fresno County, which has jurisdiction over Copper Avenue, has evaluated the road characteristics and has determined that it is best if the existing culvert remains and is not upgraded at this time. FMFCD has reviewed the County correspondence and has agreed that the upgrade is not required at this time. The City would continue to be responsible in the future for the culvert upgrade if the County determines that the City's discharge is making it necessary for the culvert capacity to be increased.

FISCAL IMPACT

Approval of this amendment to the FMFCD Effluent Discharge Pipeline Operations Agreement will defer the cost of installing the box culvert at Copper Avenue indefinitely.

REASON FOR RECOMMENDATION

The proposed changes to the agreement will allow recycled water discharges to the Diversion Channel to proceed if necessary once all of the easements have been obtained from the land owners.

ACTIONS FOLLOWING APPROVAL

The City Manager will execute the agreement for the City of Clovis.

Submitted by: Scott Redelfs, Public Utilities Director 

ATTACHMENT A

FIRST AMENDMENT TO EFFLUENT DISCHARGE PIPELINE OPERATIONS AGREEMENT

This First Amendment to Effluent Discharge Pipeline Operations Agreement ("First Amendment") is made and entered into effective on _____, 2017 ("Effective Date of First Amendment"), by and between the Fresno Metropolitan Flood Control District, a public corporation ("District") and the City of Clovis, a municipal corporation ("City").

RECITALS

WHEREAS, District and City entered into that certain Effluent Discharge Pipeline Operations Agreement dated March 30, 2009 ("Agreement"), the terms of which are incorporated herein by this reference; and

WHEREAS, at the time of the Agreement the parties anticipated that the City would obtain a License from each owner of land affected by the Channel Easements that would allow the City to convey Water in the Channel Easements; and

WHEREAS, City was unable to obtain all voluntary Licenses from each of the affected property owners, and as a result, the City is attempting to acquire easements to provide the same right to convey Water, in accordance with the Agreement, in the same area the License Area was to cover; and

WHEREAS, City obtained some voluntary licenses and easements from the majority of the affected property owners, but commenced an eminent domain action in the Superior Court of California, County of Fresno, *City of Clovis v. Borden, et al.*, Case No. 16CECG02857 ("Action") in order to condemn the remaining easements needed for the City to flow Water in the Channel Easements; and

WHEREAS, District and City mutually desire to amend the Agreement as set forth in this First Amendment.

NOW, THEREFORE, in consideration of the above recitals and their mutual promises, and other valuable consideration, the sufficiency of which is hereby acknowledged, District and City agree as follows.

AGREEMENT

1. Recitals. The recitals stated above are true and correct and are a substantive part of this First Amendment.

2. Replacing License(s) with Easement(s). All references to License and License Area in the Agreement shall also refer to "Easements" acquired by the City as well as Licenses, but the right of the City to discharge and convey Water therein shall be the same. City acknowledges that its authority pursuant to either an Easement or License is subject to the terms and conditions of the Agreement.

3. Amendment to Section 2 of Agreement. The District agrees to waive the requirement for the Culvert improvements under Copper Avenue as set forth in Section 2.a.(iii) as a condition precedent to the City's discharge of Water pursuant to the Agreement; provided however, that the City shall remain responsible for constructing and paying for the Culvert improvements at such time as the County determines (as evidenced by a letter to the City from the County's Director of Public Works) that the capacity of the Culvert must be increased as a result of the City's discharge of Water.

4. District's Disclaimer in the Action. District may file a disclaimer in the Action in accordance with Code of Civil Procedure Section 1250.325, and such disclaimer shall not diminish District's rights in and to the Channel Easements or modify any rights or obligations of the parties under the Agreement.

5. All Other Terms Remain in Effect. Except as expressly set forth herein, all other terms of the Agreement shall remain unchanged and in full force and effect, including all capitalized terms defined in the Agreement unless otherwise defined in this First Amendment, and the Agreement shall be interpreted so as to give full force and effect to this First Amendment.

IN WITNESS WHEREOF, authorized representatives of the District and City have executed this First Amendment effective on the date set forth above.

**FRESNO METROPOLITAN FLOOD
CONTROL DISTRICT**

CITY OF CLOVIS

By: _____
Alan Hofmann, General Manager

By: _____
Luke Serpa, City Manager

ATTEST:

By: _____
John Holt, Asst. City Manager/City Clerk

Approved as to legal form:

Approved as to legal form:

BAKER, MANOCK & JENSEN

LOZANO SMITH

By: _____
Lauren D. Layne, Counsel for Fresno
Metropolitan Flood Control District

By: _____
David J. Wolfe, City Attorney

ATTACHMENT B

AGREEMENT No.
210(R)-BDD/FCB

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
AND
CITY OF CLOVIS
EFFLUENT DISCHARGE PIPELINE OPERATIONS AGREEMENT

THIS EFFLUENT DISCHARGE PIPELINE OPERATIONS AGREEMENT ("Agreement") is made and entered into this 30th day of March, 2009 ("Effective Date"), by and between FRESNO METROPOLITAN FLOOD CONTROL DISTRICT, a public corporation, hereinafter referred to as the "District," and the CITY OF CLOVIS, a municipal corporation, hereinafter referred to as the "City."

WITNESSETH

WHEREAS, the City bears responsibility for providing treatment and disposal of sewage and wastewater produced as a consequence of residential, commercial and industrial development within its service area; and

WHEREAS, City intends to construct, operate and maintain a wastewater treatment and water reuse facility (the "Facility"), which will produce disinfected tertiary treated wastewater (hereinafter "Water"); and

WHEREAS, Fresno Irrigation District, a California irrigation district, ("FID") operates a canal in the bed of Fancher Creek ("Creek"); and

WHEREAS, City has entered into an agreement with FID that allows the City, under certain conditions, to discharge Water into the Creek downstream and south of the Mill Ditch as the primary discharge location for Water exceeding the irrigation demands of City and others who will use such Water for irrigation purposes ("Creek Discharge Agreement"); and

WHEREAS, District owns and operates the Fancher Creek Detention Basin ("Basin"), which is connected to the Creek upstream of the City's discharge location to the Creek and is dependant upon the Creek for conveyance of stormwater; and

WHEREAS, the City of Fresno, a municipal corporation, ("Fresno"), FID and District operate a groundwater recharge program by conveying surface water from Creek to recharge facilities downstream thereof; and

WHEREAS, the District, City, Fresno, FID, and the County of Fresno, a political subdivision of the State of California, ("County") have entered into an Agreement for the Use of Fresno Irrigation District Canals For the Disposal of Storm Waters (hereinafter "Master Discharge Agreement") regarding the disposal of stormwater occurring in and around Fresno to FID's facilities, including but not limited to the Creek; and

WHEREAS, District operates an outlet channel with various easements to pass water from the Big Dry Creek Reservoir ("Reservoir") to Little Dry Creek, a natural watercourse that flows to the San Joaquin River ("Channel Easements") as depicted in red in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the City is in the process of obtaining a license from owners of land affected by the Channel Easements to convey Water within a portion of the Channel Easements as depicted in blue in Exhibit "A" attached hereto and incorporated herein by reference ("License Area"); and

WHEREAS, the City is in the process of obtaining that license from those owners in substantially the form attached hereto as Exhibit "B" to flow Water to, across and through the License Area ("License"); and

WHEREAS, the City acknowledges that its authority under the License is specifically conditioned on its execution, and subject to the terms and conditions, of this Agreement; and

WHEREAS, City desires to discharge Water from the Facility into the License Area as an alternate discharge location for Water exceeding the irrigation demands of City and others who will use such Water for irrigation purposes; and

WHEREAS, the primary and priority use of the Channel Easements is to pass stormwater from the Reservoir to the San Joaquin River ("River") in a controlled fashion to preserve the capacity of the Reservoir to receive and store flood water, and

WHEREAS, the discharge of Water by the City into the License Area must not interfere with (i) the discharge by District of the maximum authorized flow of water from the Reservoir into the Channel Easements or (ii) the maintenance thereof; and

WHEREAS, the District operates and maintains the Channel Easements in accordance with protocols established by and agreements with the United States Army Corps of Engineers (hereinafter the "Corps") including, without limitation its Water Control Plan, with which the District is obligated to comply; and

WHEREAS, City's use of the License Area portion of the Channel Easements constitutes an encroachment that is subject to review and approval by the Corps; and

WHEREAS, the County owns, operates and maintains the public road designated as Copper Avenue together with a culvert that conveys water under Copper Avenue (hereinafter the "Culvert"); and

WHEREAS, the City intends to convey Water through the Culvert via the License Area portion of the Channel Easements; and

WHEREAS, the City acknowledges that the capacity of the Culvert must be increased to convey the Water and other water under Copper Avenue.

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Recitals. The recitals stated above are true and correct and are a substantive part of this Agreement.

2. Conditions to Binding Effect of Agreement.

a. This Agreement shall not have any effect nor be binding upon District unless and until City shall have:

(i) Obtained FID's approval of City's use of the Creek to convey Water; and

(ii) Obtained approval and/or permits from regulatory agencies having appropriate jurisdiction, including, without limitation, the California Department of Public Health, the California Regional Water Quality Control Board for the Central Valley and the Corps (hereinafter, collectively, the "Regulators") for the discharge of Water into the Creek and License Area; and

(iii) Constructed a four feet (4') by two feet (2') reinforced concrete box culvert to increase the capacity of the Culvert; and

(iv) Obtained, complied with and kept in effect any and all approvals and/or permits required by local, state and federal regulatory agencies having jurisdiction with respect to the Water, the License Area, or any property or water affected by the City's discharge of Water, including, without limitation, the Regulators; and

(v) Completed, approved and adopted addenda to City's final Environmental Impact Report, pursuant to CEQA Guideline 15164, addressing and analyzing the proposed location of discharge of Water into the License Area; and

(vi) Completed and adopted any and all analyses, assessments, acts and documents required by all applicable environmental laws and statutes, including without limitation, the California Environmental Quality Act, and sufficient to comply with those requirements.

3. Discharge of Water into the License Area and Creek; Limitations; Temporary Storage.

a. District hereby agrees that City may discharge Water into the License Area and use it to convey Water through the Channel Easements, subject to all of the terms and conditions set forth in this Agreement. City agrees that the District has a senior right and obligation to maintain and use the Channel Easements and the License Area. Notwithstanding any other provision of this Agreement, City shall not discharge Water into the Channel Easements and the License Area in the event District determines that receiving Water will (i) violate the regulation or ordinance of any federal, state or local agency (an "Agency"), (ii) threaten the physical integrity or condition of the Channel Easements and the License Area, (iii) damage property of the District or a third party, or (iv) otherwise unreasonably interfere with the operation, alteration, repair or maintenance of facilities of the District. City shall stop the Water discharge when District requires the temporary stoppage of Water discharge into the License Area to perform required maintenance of the Channel Easements or when the discharge of Water threatens the safe conveyance of stormwater. In accordance with section 5 herein, the District shall not unreasonably schedule maintenance.

b. City agrees that District's right to flow stormwater into the Creek, including, without limitation, its rights, both present and future, to discharge stormwater pursuant to the Master Discharge Agreement, is senior to the discharge of Water into the Creek. In any event, immediately upon receipt of notice from the District or FID, City will reduce or cease the discharge of Water to the extent required by District or FID when discharge of Water into the Creek would threaten the safe conveyance of stormwater through the Creek or its distributaries; provided, however, that the District may give such notice only if the discharge of Water causes FID to require the District to reduce or cease discharge of stormwater into or through the Creek. Additionally, immediately upon receipt of notice from District, City shall reduce or cease the discharge of Water to the Creek to the extent required by District when District is performing required maintenance of the Creek or when discharge of Water into the Creek would have an adverse impact on the delivery of water to the District for its recharge activities.

c. City shall provide or arrange for temporary storage capacity at a location other than the License Area or Creek to store the volume of Water produced by the Facility during six (6) days of then current operation (hereinafter "Temporary Storage Capacity") between November 1 and April 30 of each year (hereinafter the "Winter Operation Period") during the term of this Agreement, or otherwise provide alternate means of disposing or discharging the volume of Water equivalent to the Temporary Storage Capacity to a location other than the License Area during the Winter Operation Period, in order to prevent interference with District operations of the Channel Easements during the Winter Operation Period. Anything to the contrary herein notwithstanding, during the months of November and April of any year during the term of this Agreement,

District may, in its sole discretion, with the approval of the United States Army Corps of Engineers or other Agency having jurisdiction with respect to the Channel Easements, and on terms and conditions established by District, waive the provisions of this subparagraph 3.c.

4. Notice of Discharges; Conditions. City shall discharge no Water into the License Area unless and until:

a. City has endeavored to give District five (5) days prior written notice of discharge and has, in fact, given District at least two (2) days' prior written notice of discharge;

b. City has acquired or has available to it during each Winter Operation Period during the term of this Agreement, the Temporary Storage Capacity or alternate means of disposing or discharging that volume of Water to a location other than the License Area as specified in Paragraph 3.c. above; and

c. City has satisfied each of the conditions precedent set forth in Paragraph 2 above.

5. Channel Easements Maintenance. City hereby agrees to:

a. Cease the discharge of Water into the License Area during periods when District is conducting construction, repair or maintenance activities in the Channel Easements in accordance with the maintenance schedule established by District and delivered by it to City at least ten (10) days prior to such cessation, except in the case of an emergency, in which case City will cease such discharge immediately upon the District's request; and

b. Reimburse District annually, upon written demand, for the portion of the annual maintenance costs for the Channel Easements allocated to the City due to its

use of the License Area for discharging Water. District shall be solely responsible for the annual maintenance costs for the Channel Easements in the amount of Seven Thousand Eight Hundred and no/100 Dollars (\$7,800.00) adjusted annually by the Consumer Price Index, West Urban Consumers -- All Items ("Base Amount"). During any calendar year in which the City has discharged Water into the License Area, City's portion of the annual maintenance costs for the Channel Easements shall be only such costs in excess of the applicable Base Amount. During any calendar year in which the City has not discharged Water into the License Area, City shall not be obligated to pay any maintenance costs for that year, and District shall be solely responsible for all maintenance costs that year, even if said costs exceed the applicable Base Amount.

6. Measurement and Reporting of Discharge.

- a. City shall install and maintain in good working order accurate devices to measure the flow and volume of Water discharged into the License Area;
- b. City and District shall promptly report to the other on a daily basis the total volume of Water and storm water discharged to the License Area and Channel Easements, respectively; and
- c. During periods of critical storm water flow as designated in writing to City, City shall report to the District on a real time continual basis the instantaneous volume of flow of Water being produced by the Facility.

7. Water Quality Testing, Reporting, and Responding to Complaints. City hereby agrees to, at its sole cost and expense and in accordance with the standards and instructions of the Regulators, or as may be reasonably requested by District;

- a. Test the quality of the Water being discharged from the Facility for any and all contaminants designated (i) in the City's then current National Pollutant Discharge

Elimination System permit or its equivalent or (ii) by the Regulators or any other agency having jurisdiction with respect to the quality or volume of any discharged Water;

b. Promptly report the results of those tests to the District; and

c. Promptly respond to any complaints or inquiries of property owners or the general public concerning the discharge of Water from the Facility and into the License Area.

8. Term; Termination. This Agreement may be terminated only upon mutual written consent of the City and the District, or upon a default hereof and a failure to cure such default within thirty (30) days written notice thereof from the non-defaulting party.

9. Indemnification. City shall indemnify, defend and hold harmless the District, its officers, agents, employees, volunteers, vendors or contractors from and against any claim, liability, loss, or damage caused by any willful misconduct or negligent act or omission of the City or its officers, agents, employees, volunteers, vendors or contractors arising out of the City's discharge of Water pursuant hereto or out of the exercise by City of its rights and obligations pursuant to this Agreement, except to the extent such claim, liability, loss, or damage is caused in whole or in part by the willful misconduct or negligence of others, including the District.

10. Amendment of Agreement. No modification of, deletion from, or addition to this Agreement shall be effective unless made in writing and executed by both the City and the District.

11. Severability. In the event any clause, sentence, term or provision of this Agreement shall be held by any court of competent jurisdiction to be illegal, invalid, or unenforceable for any reason, the remaining portions of this Agreement shall nonetheless remain in full force and effect.

12. Notices. All notices required or permitted by this Agreement or applicable law shall be in writing and may be delivered in person (by hand or by courier) or may be sent by regular, certified or registered mail or U.S. Postal Service Express Mail, with postage prepaid, by facsimile transmission, or by electronic transmission (email) and shall be deemed sufficiently given if served in a manner specified in this Paragraph 12. The addresses and addressees noted below shall be that party's designated address and addressee for delivery or mailing of notices. Any party may by written notice to the other specify a different address for notice. Any notice sent by registered or certified mail, return receipt requested, shall be deemed given on the date of delivery shown on the receipt card, or if no delivery date is shown, three (3) days after the postmark thereon. If sent by regular mail the notice shall be deemed given forty-eight (48) hours after the same is addressed as required herein and mailed with postage prepaid. Notices delivered by United States Express Mail or overnight courier that guarantee next day delivery shall be deemed given twenty-four (24) hours after delivery of the same to the Postal Service or courier. Notices transmitted by facsimile transmission or similar means (including email) shall be deemed delivered upon telephone or similar confirmation of delivery (confirmation report from fax machine is sufficient), provided a copy is also delivered via personal delivery or mail. If notice is received after 4:30 p.m. or on a Saturday, Sunday or legal holiday it shall be deemed received on the next business day.

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Notice to City:

Mike Leonardo, Public Utilities Director
155 N. Sunnyside Avenue
Clovis, CA 93611
Tel. (559) 324-2613
Fax (559) 324-2862
e-mail: mikel@cityofclovis.com

and

Lisa Koehn, Assistant Public Utilities
Director
155 N. Sunnyside Avenue
Clovis, CA 93611
Tel. (559) 324-2607
Fax (559) 324-2862
e-mail: lisak@cityofclovis.com

Notice to District:

Jerry Lakeman, District Engineer
5469 E. Olive Avenue
Fresno, CA 93727
Tel. (559) 456-3292
Fax (559) 456-2452
e-mail: jerry@fresnofloodcontrol.org

and

Peter Sanchez, Operations Engineer
5469 E. Olive Avenue
Fresno, CA 93727
Tel. (559) 456-3292
Fax (559) 456-2452
e-mail: peters@fresnofloodcontrol.org

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of
the day and year first above written.

CITY OF CLOVIS

By: 

Kathy Millison, City Manager

FRESNO METROPOLITAN FLOOD CONTROL
DISTRICT

By: 

Bob Van Wyk, General Manager-Secretary

ATTEST

By: 

Chad Fitzgerald, Interim City Clerk

APPROVED AS TO FORM:

LOZANO SMITH

By: 

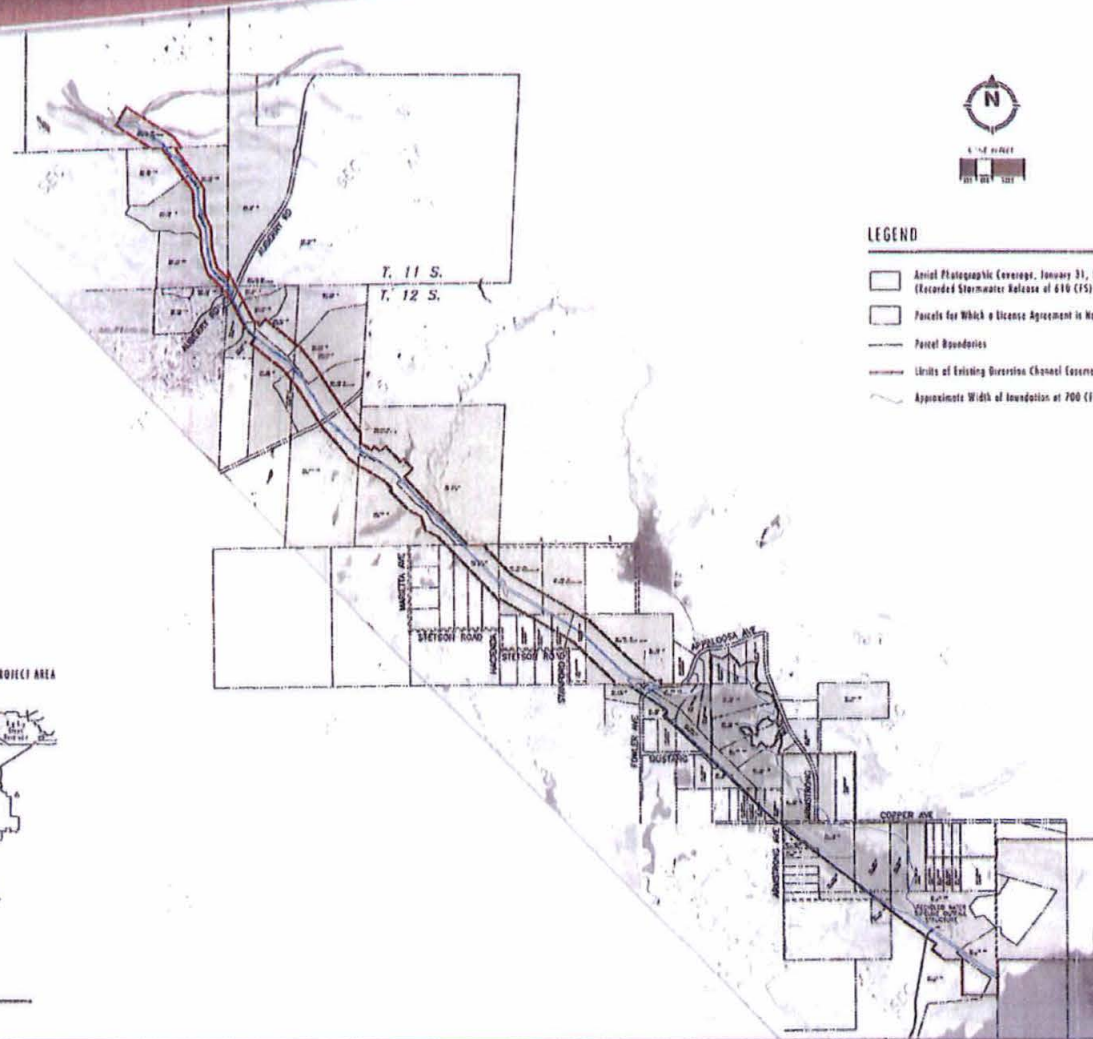
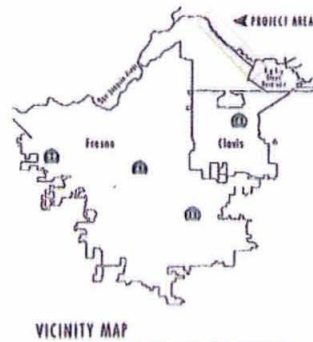
David J. Wolfe, City Attorney

APPROVED AS TO FORM:

BAKER, MANOCK & JENSEN

By: 

Douglas B. Jensen, Attorney for
FRESNO METROPOLITAN FLOOD
CONTROL DISTRICT



WHEN RECORDED RETURN TO)
AND RECORDING REQUESTED BY:)

[For Recorder's Use Only]

City of Clovis)
Attn: Page Holcomb)
1033 Fifth Street)
Clovis, CA 93612)

Exempt from recording fees per Gov. Code §27383

LICENSE AGREEMENT

This License Agreement ("Agreement") is made and entered into and effective on _____, 2009, by and between _____ ("Licensor"), and the City of Clovis, a California municipal corporation ("Licensee").

Recitals

A. Licensor is the owner of real property located in the County of Fresno, California, identified as Fresno County Assessor's Parcel No. _____ ("Property"); and

B. An easement in favor of the Fresno Metropolitan Flood Control District ("FMFCD") encumbers the Property, and gives FMFCD the right to pass water across and through the Property from the Big Dry Creek Reservoir to the San Joaquin River ("Channel Easement"); and

C. FMFCD maintains the Channel Easement on, over, and through the Property, which Channel Easement is more particularly described in Exhibit "A" and depicted on Exhibit "B" attached hereto and incorporated herein.

D. Licensee desires to discharge a limited volume of disinfected treated wastewater from its Sewage Treatment and Water Reuse Facility ("Water") into the portion of the Channel Easement as depicted on Exhibit "C" attached hereto ("License Area") in a manner that will not interfere with the discharge by FMFCD of the maximum authorized flow of water into and through the Channel Easement; and

E. Licensee's discharge of Water into the License Area shall be conditioned on and subject to (i) Licensee obtaining all applicable prior approvals and permits from regulatory agencies having appropriate jurisdiction, including, without limitation, the California Department of Public Health, the California Regional Water Quality Control Board for the Central Valley, and the United States Army Corps of Engineers, and (ii) Licensee entering into an operations agreement with FMFCD that will govern the manner, circumstances, and conditions of Licensee's discharge of Water into the License Area and the volume and timing of such discharge.

NOW, THEREFORE, LICENSOR AND LICENSEE HEREBY MUTUALLY AGREE AS FOLLOWS:

Agreement

1. Recitals. The recitals stated above are true and correct and are a substantive part of this Agreement.

2. Grant of License. In consideration of receipt of the sum of \$ _____.00 ("License Fee") from Licensee, receipt of said sum is hereby acknowledged, Licensors hereby grants to Licensee a perpetual and irrevocable license ("License") to discharge, release, and convey Water, including the passage and ponding of Water, into the License Area. The License includes the right of Licensee to enter upon the Property, at reasonable times and in a reasonable manner, to monitor the Water in the License Area and conduct testing, inspections, observations, or any other activities reasonably necessary to ensure compliance with applicable regulatory requirements. The rights granted to and the obligations imposed on Licensee shall extend to Licensee's officers, agents, employees, volunteers, vendors, and contractors.

3. Limitations on Discharge of Water. Licensee shall not discharge any Water into the License Area pursuant to this Agreement or otherwise in any manner, volume or condition that is not fully consistent with the applicable regulatory requirements, permits, and the operations agreement between Licensee and FMFCD concerning such discharge.

4. Prior Approvals and Permits. Licensee shall not discharge any Water into the License Area unless and until Licensee has first obtained any and all approvals and permits required by local, state and federal regulatory agencies having jurisdiction with respect to such Water, the License Area, the Channel Easement or any property or waters affected by that discharge, including, without limitation, the California Department of Public Health, the California Regional Water Quality Control Board for the Central Valley, and the United States Army Corps of Engineers.

5. Irrevocable Nature of License. Notwithstanding any provision of the law to the contrary, but subject to the provisions of this Agreement, the License granted by this Agreement is irrevocable.

6. Termination of License. This Agreement and the License granted herein may be terminated only upon mutual written agreement of the Licensors and Licensee.

7. Improvements and Costs. Should any improvements to the Channel Easement or the License Area be necessary to accommodate Licensee's Water, Licensee shall be solely responsible (as between Licensors and Licensee) for any costs for such improvements and for any costs incurred by Licensee associated with the exercise of its rights pursuant to this Agreement.

8. Indemnification. Licensee shall indemnify, defend, and hold harmless the Licensors and Licensors' officers, agents, employees, volunteers, vendors and contractors from and against any claim, liability, loss, or damage caused by any willful misconduct or negligent act or omission of the Licensee or Licensee's officers, agents, employees, volunteers, vendors, or contractors arising out of Licensee's exercise of its rights and obligations pursuant to this Agreement, except to the extent such claim, liability, loss, or damage is caused in whole or in part by the negligence or willful misconduct of others including Licensors.

9. Amendment of Agreement. No modification of, deletion from, or addition to this Agreement shall be effective unless made in writing and executed by both the Licensee and Licensors.

10. Severability. In the event any clause, sentence, term or provision of this Agreement shall be held by any court of competent jurisdiction to be illegal, invalid, or unenforceable for any reason, the remaining portions of this Agreement shall nonetheless remain in full force and effect.

This Agreement shall be construed as a whole according to its fair meaning, and not strictly for or against either of the parties.

11. Binding on Heirs. This Agreement is to be recorded and is for the direct benefit of the Licensee. The rights and obligations in this Agreement are intended to and shall run with the land, and shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, representatives, grantees, transferees, successors, and assigns.

12. Governing Law. This Agreement is made under and shall be construed in accordance with the laws of the State of California.

13. Partnership/Joint Venture. This Agreement does not evidence a partnership or joint venture between the Licensee and Licensor.

14. Third Party Beneficiaries. Except as provided with respect to FMFCD, nothing in this Agreement shall be construed to confer any rights upon any party not a signatory to this Agreement.

15. Captions and Headings. The captions and headings in this Agreement are inserted only as a matter of convenience and for reference, and in no way define the scope or the extent of this Agreement or the construction of any provision.

16. Voluntary Agreement; Authority to Execute. Licensee and Licensor each represent that they have read this Agreement in full and understand and voluntarily agree to all provisions herein. The parties further declare that prior to signing this Agreement they each had the opportunity to apprise themselves of relevant data, through sources of their own selection, including consultation with counsel of their choosing if desired, in deciding whether to execute this Agreement. The signatories to this Agreement represent that they have the proper authority to execute this Agreement on behalf of the respective party.

IN WITNESS WHEREOF, the parties have executed this Agreement effective on the date and year first above written.

CITY OF CLOVIS

OWNER

By: _____
Kathy Millison, City Manager

By: _____
Print Name:

EXHIBIT "A"

(Legal Description of Channel Easement – to be attached)

EXHIBIT "B"

(Map depicting Channel Easement – to be attached)

EXHIBIT "C"

(Map depicting License Area – to be attached)



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
Steven E White, DIRECTOR

April 12, 2017

Mr. Alan Hoffman
Fresno Metropolitan Flood Control District
5469 E Olive Avenue
Fresno, Ca. 93727

Re: Copper Avenue Diversion Channel Road Crossing

Dear Alan,

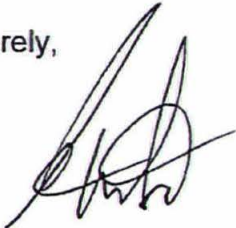
In a recent meeting between District staff, City of Clovis, Fresno Irrigation District and the County the need to construct a modification to the existing culvert at Copper Avenue and the Big Dry Creek Diversion Channel was discussed. Based on this discussion I requested the history of the crossing from the Road Maintenance and Operations team here at the County. The crossing was constructed with the original Big Dry Creek Impoundment project in the mid 1940's. This crossing is part of the flood management program for the metropolitan area and is a release point to ensure the impoundment operates safely. The sizing of the existing facilities, at Copper Avenue, is not documented in the County records. It is assumed that the original design was constructed to meet the County standards in place at the time of construction in the mid 1940's. It is important to note that the facilities have served their functional purpose during the many years of service allowing the safe passage of storm water both beneath and over Copper Avenue.

The current proposal submitted for review by the City of Clovis is a simple up-sizing of the existing culvert to allow approximately 105 cfs to flow down the channel beneath Copper Avenue thus allowing the road to remain open more often during storm water release events. It is the County's understanding that the design of this new facility meets the requirements established in the agreement between the City and the District. However it does not meet established design standards the County must follow when designing roads within the County. This is not an issue of either the City of Clovis design nor an issue with the District but simply the existing roadway geometrics. Any modifications at this location will require significant additional roadway modifications to meet current design standards in place today most likely not in place when the original project was constructed in the mid 1940's. Though this is considered a maintenance project it still is required to be evaluated with current roadway design standards or design exceptions. The proposed roadway modifications are only allowing additional storm water flows and do not address existing

roadway design geometric conditions. It is therefore recommended that the existing conditions remain unmodified at the Copper Avenue and Diversion channel crossing. This recommendation is also supported by the fact that an alternate route is available, for traffic circulation into and out of this area during a storm water release event requiring the closure of Copper Avenue. The closing of Copper Avenue has been part of this areas traffic circulation since the facilities were originally constructed in the 1940's and only occurs on a very infrequent basis.

In recap the County believes the interest of the County, District and the public are best served by maintaining the existing roadway and crossing geometrics. The County looks forward to working with the District towards the development of a formal written SOP for this location and road closure requirements. If I can answer any questions or be of any additional assistance please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve White', with a stylized, cursive script.

Steven E White, Director
Department of Public Works and Planning



AGENDA ITEM NO: 1-A 1&2
City Manager: LS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: January 8, 2018

SUBJECT: Consider Various Actions associated with the Clovis 500 Club card room located at 771 W. Shaw Avenue:

- a. Consider Approval – Res. 18-___, A Request to approve the transfer of the 500 Club Card Room License from Louis Sarantos to K & M Casinos, Inc.
- b. Consider Approval – Res. 18-___, Setting License Fees for Gaming Clubs and Card Rooms in the City.

ATTACHMENTS: A. Res. 18-___ - To approve the transfer of the 500 Club Card Room License from Louis Sarantos to K & M Casinos, Inc.

B. Res. 18-___ - Setting License Fees from Gaming Clubs and Card Rooms in the City.

C. September 13, 2010 Council Report (less Attachments).

D. September 6, 2011 Council Report (less Attachments).

E. May 21, 2012 Council Report (less Attachments).

F. Letter from Seller dated December 22, 2017.

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve:

- a. The transfer of the 500 Club Card Room License from Louis Sarantos to K & M Casinos, Inc. and;

- b. Approve a resolution setting License Fees from Gaming Clubs and Card Rooms in the City.

EXECUTIVE SUMMARY

Staff is in receipt of a request from letter from James Betts, representing Louis Sarantos, owner of the 500 Club at 771 W. Shaw Avenue requesting "...the City of Clovis take all necessary action to approve the sale of the 500 Club Casino, 771 W. Shaw Avenue, Clovis, California, to buyers Michael LeBlanc and Kevin Barclay."

The Sarantos family began renting the 500 Club building, at 500 Clovis Ave., in 1953. In 1974, Louis and George Sarantos bought the club from their parents and formed a partnership. In May 2009, Louis Sarantos approached the City about the possibility of expanding and relocating to the current location of 771 W. Shaw Avenue. 500 Clovis Avenue remains open as a bar and grill but there is no gaming at that location. In mid-2012, the 500 Club opened up on Shaw Avenue expanding from six tables at the old location to 18 tables at the new location. The 500 Club pays the City a license fee based upon a percentage of the gross gaming revenue. At the old location the City received approximately \$20,000 per year in license fees. At the new location, the City has averaged approximately \$420,000 per fiscal year in license fees paid to the City over the past five years. In November 2017, Louis Sarantos approached the City requesting the City approve the sale of the Clovis 500 Club License to K & M Casinos, Inc. Staff is also recommending an update to the license fees.

BACKGROUND

In May 2009, Louis Sarantos ("Sarantos") made two requests of the City: (1) to purchase the entire 50% general partnership interest of George Sarantos in the Clovis 500 Club partnership; and (2) to relocate, expand, incorporate, and allow for the sale of the card room business to qualified third parties with prior State and City approval.

The proposal was before City Council in various capacities on five separate occasions between 2010 and 2012. On September 6, 2011, the Council approved necessary ordinance amendments and land use approvals for the expansion, including: Ordinance Amendment OA2011-03, which amended the City's Card Room Ordinance to authorize 18 tables, as permitted by the California Gambling Control Act, and made other technical changes; OA2011-02, which amended Section 9.3.215.1 of the Clovis Municipal Code to add card rooms as a permitted use in the C-2 (Community Commercial) Zone District; and Site Plan Review SPR2011-06, which allowed for modifications to the structure and property site to accommodate the card room operation.

The City of Clovis currently has a single card room governed by Chapter 5.6 of the Clovis Municipal Code regarding Gaming Club and Card Room Regulations in the City of Clovis ("Card Room Ordinance"). Local licensing and regulation of gaming is in addition to, and in compliance with, regulations set forth by the California Gambling Control Act. Sarantos submitted an application to the California Gambling Control Commission (CGCC) for

purposes of obtaining a license to operate 18 tables that was approved by the CGCC in May 2012, and the new location became operational in June 2012.

In order for Sarantos to transfer the License, the application must be approved by the CGCC and a License must be issued by the City of Clovis. Approval of this action will provide Sarantos the ability to transfer the license in accordance with Chapter 5.6 of the Clovis Municipal Code. Approval of the transfer of the License is contingent on approval from the CGCC, and subject to the conditions set forth in the Exhibit A of Attachment "A" ("K & M Casinos License").

Between 2009 and 2011, staff developed the current ordinance to ensure that it had measures in place that could be implemented should the operation of the gaming establishment cause an increase in calls for service. The Police Department reports that the calls for service over the past five years have been minimal and that the business has been managed in a professional manner. The Clovis Police Department has performed background checks on the principals of buyers, and performed other due diligence in evaluating whether the Council should approve transfer of the License; and the Police Chief and City Administration recommend approval of the proposed transfer.

FISCAL IMPACT

When setting license fees in 2010, the overall goal was to ensure that a sufficient revenue stream was generated for the City to more than cover the cost of additional services being required to support the operation of the expanded card room at the new location.

The current fee schedule charges the card room both a fixed amount of \$2,000 per table per year and a graduated scale of the percentage of gross revenue beginning with 3% and climbing to 9% in year 7 for gross revenues over \$2M. This fee schedule allowed the business to become established in the early years and when established allowed the City to benefit in a commensurate fashion. The analysis completed in 2010 showed three scenarios to give the Council an idea of what could happen. Scenario 3 was quite aggressive and began sales in year 1 at \$5.0M with license fees estimated at \$460K per year. Year 1 (2012/13) actual performance paid the City of Clovis over \$500K and has averaged approximately \$415K over the last five years.

Staff is recommending changing the License fee to a straight 10% of Gross Revenue as defined in Exhibit "A" of Attachment "B". The effective average rate was 6.25%. Staff estimates that the difference between the effective average rate of 6.25% and the recommended straight 10% of Gross Revenue will generate an additional \$250K per year for the City. It was always the intent to revisit the license fee in the future and when and if the 500 Club were sold.

The table below is from the City of Fresno Master Fee Schedule dated November 2016. Fresno City Staff indicate that the Club One Casino is the only card room in the City of Fresno and paid the City approximately \$1.0M. The \$1.0M annual License fee equates to

approximately \$835K per month in Monthly Gross Revenue which equates to an average rate of 10% Club One Casino paying the City of Fresno.

Card Room Gross Revenue Permit Fee (FMC 9-2132)

<u>Monthly Gross Revenue</u>	<u>Monthly</u>
\$0 - 800,000	9%
\$800,001 - 1,000,000	10%
\$1,000,001 - 1,200,000	11%
\$1,200,001 - 1,400,000	12%
\$1,400,001+	13%

REASON FOR RECOMMENDATION

Staff is recommending approval of the request to transfer the License to K & M Casinos, Inc. based on the background results of the buyers and is conditioned upon approval by the CGCC. Staff spent three years (2009 – 2011) developing an ordinance to ensure that the sole card room in the City of Clovis will be managed in a fashion beneficial to both the operator and the City of Clovis. A well-crafted Ordinance is in effect, the seller has run a successful operation at the current location, and the gaming industry is heavily regulated by the CGCC.

ACTIONS FOLLOWING APPROVAL

If approved, staff will issue the License, monitor operations, and report back to Council on an as needed basis.

Submitted by: John Holt, Assistant City Manager



RESOLUTION 18-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING TRANSFER OF THE CLOVIS 500 CLUB CARD ROOM LICENSE
FROM LOUIS SARANTOS TO K & M CASINOS, INC.**

WHEREAS, on May 21, 2012, the City Council approved a Card Room License to Louis Sarantos for the Clovis 500 Club, pursuant to the provisions of Chapter 5.6 of the Clovis Municipal Code ("Sarantos License"); and

WHEREAS, the License accommodated the relocation and expansion of an existing State licensed gaming establishment in the City, as reflected in the record of proceedings; and

WHEREAS, the owner of the Clovis 500 Club, Louis G. Sarantos, a sole proprietorship ("Seller") desires to sell and transfer the License, and associated assets, to K & M Casinos, Inc., a California Corporation ("Buyer"); and

WHEREAS, Section 5.6.25 of the Clovis Municipal Code permits transfer of the License with approval of the City Council; and

WHEREAS, the Clovis Police Department has performed background checks on the principals of Buyer, and performed other due diligence in evaluating whether the Council should approve transfer of the License; and

WHEREAS, the Police Chief and City Administration recommend approval of the proposed transfer, contingent on approval from the California Gambling Control Commission, and subject to the conditions set forth in the **Exhibit A** ("K & M Casinos License").

NOW, THEREFORE, the Council resolves as follows:

1. Approves transfer of the Sarantos License to K & M Casinos, Inc., subject to the terms and conditions set forth in **Exhibit A**.
2. The transfer shall be contingent upon obtaining all necessary approvals from the California Gambling Control Commission.
3. K & M Casinos, Inc. shall acknowledge, accept, and agree to the License conditions set forth in **Exhibit A**.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: January 8, 2018

Mayor

City Clerk

**EXHIBIT A
CARD ROOM LICENSE**

LICENSEE: **K & M CASINOS, INC.,
MICHAEL LeBLANC, PRESIDENT**

LOCATION: **CLOVIS 500 CLUB
771 WEST SHAW AVENUE
CLOVIS, CALIFORNIA 93612**

ISSUANCE DATE: JANUARY 8, 2018

In compliance with Clovis Municipal Code Chapter 5.6 - Gaming Club and Card Room Regulations and License Requirements, sections 5.6.13 and 5.6.24, the City of Clovis hereby issues a Card Room License to K & M Casinos to operate the Clovis 500 Club gaming establishment, 771 W. Shaw Avenue, subject to the following conditions:

1. Compliance with Chapter 5.6 and all Laws. Licensee shall comply with all of the terms, conditions and provisions of Chapter 5.6 of the Clovis Municipal Code pertaining to Gaming Club and Card Room Regulations and License Requirements as now enacted or as may be subsequently amended, as well as all applicable laws of the City, State and federal governments.
2. License Fees. Licensee shall pay the License fees and security deposit established by Council Resolution dated January 8, 2018. Licensee shall comply with the requirements of Section 5.6.17 of the Clovis Municipal Code pertaining to Licenses: Fees and Deposits.
3. Security Measures. All security measures for the Clovis 500 Club, including but not limited to security plans, security cameras, and the requirements pertaining to security guards, are subject to approval and modification upon request of, and as directed by, the Chief of Police. Security measures shall address not only patron, employee and vendor security in the card room facility, but ancillary facilities associated with the Clovis 500 Club such as loading and unloading areas, parking areas, patron waiting areas, and paths of travel to the Clovis 500 Club.
4. Trash and Debris. The premises of the Clovis 500 Club and any parking lot or similar facility used by the Clovis 500 Club shall be kept free of litter and debris. The manager shall cause the front and the rear exterior of the establishment to be thoroughly cleaned at least once per day.
5. Violations. A violation of any condition of this License is shall be deemed to be a violation of the provisions of Chapter 5.6 of the Clovis Municipal Code and is deemed sufficient grounds for License revocation or suspension, imposition of fines or other action determined appropriate by the City Council. All terms and conditions specified in this license shall be enforceable as if set forth in Chapter 5.6.

6. Indemnification. Licensee shall indemnify, defend and hold harmless the City, its officers and employees, from any and all claims and actions brought against the City, its officers or employees, concerning the validity of this License.

Licensee acknowledges, accepts, and agrees to the conditions of this License:

Licensee: _____

Date: _____

RESOLUTION 18-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS SETTING
LICENSE FEES FOR GAMING CLUBS AND CARD ROOMS IN THE CITY**

WHEREAS, on September 13, 2010, in accordance with Chapter 5.6 and Section 5.6.17, of the Clovis Municipal Code, the City Council set License Fees for Gaming Clubs and Card Rooms in the City ("License Fees"); and

WHEREAS, there currently exists one card room in the City, the Clovis 500 Club located at 771 West Shaw Avenue, to which the License Fees are applicable; and

WHEREAS, the current owner of the Clovis 500 Club, Louis Sarantos, is proposing to sell and transfer the Card Room License, and associated assets, to K & M Casinos, Inc., and

WHEREAS, Section 5.6.17, of the Clovis Municipal Code specifically contemplates reevaluation of the License Fees and Security Deposit provisions prior to any proposed sale of the Card Room License; and

WHEREAS, the Council desires to revise and update the existing License Fees, to be made applicable upon transfer of the existing Card Room License held by Louis Sarantos.

NOW, THEREFORE, the Council resolves as follows:

1. The License Fees for Gaming Clubs and Card Rooms in the City shall be as shown in **Exhibit A** attached, effective upon transfer of the existing Card Room License held by Louis Sarantos.

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on January 8, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: January 8, 2018

Mayor

City Clerk

EXHIBIT A

LICENSE FEES FOR GAMING CLUBS AND CARDROOMS IN THE CITY

License Fees

Each licensee shall pay to the City a License Fee based upon the applicable percentage of gross gaming revenue derived by the licensee during each calendar year. The annual License Fee shall be paid monthly in arrears on the 15th day following each calendar month and shall be accompanied by a statement setting forth the monthly and annual gross gaming revenues and calculating the License Fee payable to the City in a form reasonably acceptable to the City. The applicable percentage shall be as follows during the indicated years:

Beginning _____, 2018 - Ten Percent (10%)

Gross Revenue shall mean: Seat rental fees, tournament fees, membership fees, table revenues, and any and all other gaming charges directly derived from gaming activities conducted on or within the gaming club premises; provided, however, gross gaming revenue shall not include, but shall be reduced by, the amount of promotional chips collected from patrons. Gross gaming revenues also does not include any revenue derived from the sale of food, beverages, sundries, or from any other non-gaming activities.

Security Deposit

A Security Deposit shall be maintained with the City in accordance with the provisions of Section 5.6.17(c).



AGENDA ITEM NO:

1-B

City Manager:

[Signature]

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: September 13, 2010

SUBJECT: Consider Approval – Res. 10-___, Setting License Fees for Gaming Clubs and Card Rooms in the City

- ATTACHMENTS:
- (A) September 3, 2010 letter from John Cardot, Attorney, representing the owners of the 500 Club
 - (B) July 19, 2010 staff report to City Council regarding the proposed expansion and relocation of existing card room (less attachments)
 - (C) Draft Resolution

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve a resolution establishing license fees for a card room in the City of Clovis as referenced in Clovis Municipal Code Chapter 5.6 – Gaming Club and Card Room Regulations and License Requirements.

EXECUTIVE SUMMARY

Louis Sarantos ("Applicant") has submitted a letter (Attachment "A") through his legal counsel, Mr. John Cardot, regarding the City of Clovis license fees that would apply if the current ordinance, as amended, (CMC Chapter 5.6 – Gaming Club and Card Room Regulations and License Requirements), became effective due to the proposed expansion and relocation of the existing card room. Application of the fees contained in the resolution are conditioned upon Council approval of proposed changes to CMC Chapter 5.6 that will be coming before Council in the next few months.

On July 6, 2010, Council approved the purchase and sale of the entire 50% general partnership interest of George Sarantos in the partnership by Louis Sarantos. The purchase and sale will close upon the approval of the transaction by the State of

California. On July 19, 2010, Council approved, in concept, the expansion, relocation, incorporation, and allowance for sale to third party, and directed staff to initiate ordinance amendments to Chapter 5.6 of CMC regarding Gaming Club and Card Room Regulations and Chapter 9.3 regarding Zoning. A copy of the July 19, 2010, report (Attachment "B") is included for additional background information should you desire more detail on the history of the proposal.

Staff has met with the Applicant on several occasions since the July 19, 2010, meeting regarding proposed amendments to Chapter 5.6 of the CMC. Both staff and the Applicant feel they are very close to coming to terms on the overall proposed changes. It is likely to take several months to process the ordinance, environmental work, and land use considerations. The rate of the license fee included in the ordinance will have an impact on the Applicant's business plan. The Applicant has requested that the license fee be set by resolution so that he can factor that amount into his business plan. The ordinance itself will include a reference to the license fee as set by resolution.

BACKGROUND

The City of Clovis currently has a single card room governed by Uncodified Ordinance 86-6 and subsequent amendments. Should the card room expand beyond its current six tables, it will be subject to Codified Ordinance 95-27 and found as Chapter 5.6 of CMC regarding Gaming Club and Card Room Regulations in the City of Clovis. Local licensing and regulation of gaming is in addition to and in compliance with regulations set forth by the California Gaming Registration Act.

Specific Proposal

The April 30, 2010, letter from Mr. Cardot details the proposal for the Clovis 500 Club to relocate, expand, incorporate and allow the sale to a qualified third party. The proposal is to relocate the gaming portion of the existing location (500 N. Clovis Avenue) where they operate six (6) card tables to the northeast corner of Willow and Shaw Avenues and expand to eighteen (18) tables at the new location. The existing location would become the Clovis 500 Club Bar and Grill and maintain similar operations less the gaming aspect.

Procedurally, two ordinance amendments would need approval from City Council to allow for the relocation, expansion, incorporation, and allowed sale to a third party. To comply with the California Environmental Quality Act (CEQA), an environmental analysis will be conducted to evaluate the impact of the proposal. Additionally, a new card room permit will be required as well as a new license. Amending Chapter 5.6 of the CMC regarding Gaming Club and Card Room Regulations in the City of Clovis could allow for the expansion, incorporation, and allowed sale to a third party. Relocation of the existing card room to another area within the city could be facilitated by an ordinance amendment adding card rooms subject to the licensing regulation to the C-2, Community Commercial, Zone District. Staff anticipates bringing both

ordinance amendments, with the environmental analysis and card room permit back to City Council in one package.

Chronology of Proposal

1. May 12, 2009, Staff met with Mr. Cardot regarding initial discussions regarding the proposal.
2. May 22, 2009, staff responded with a recommended course of action.
3. July 13, 2009, staff goes to Council with the following - "For the City Council to consider preliminary proposal to amend Clovis Municipal Code Chapter 5.6, Gaming Club and Card Room Regulations, in connection with the expansion and relocation of the existing card room, and provide general policy direction to staff regarding the processing of the proposal." Council Action - on a 4-1 vote, to approve option 3 of the staff report - which read "Consider the merits of a proposal to incorporate, expand / relocate to another site within the city. If the answer is affirmative, then the applicant has indicated that their proposal will officially be filed as a comprehensive application and city staff would return with a detailed analysis and measures that would be required; the applicant would be required to pay the necessary deposit and fees for the application processing."
4. May 3, 2010, staff receives comprehensive response to the city's May 22, 2009 letter. On this date, the Applicant also deposited a check with the City in the amount of \$10,000 to cover the cost of the required staff to evaluate the proposal.
5. July 6, 2010, City Council approved a request to approve an agreement for the purchase and sale of partnership interest in the Clovis 500 Club (from George Sarantos to Louis Sarantos).
6. On July 19, 2010, City Council approved, in concept, the Expansion, Relocation, Incorporation, and Allowance for Sale to Third Party, and directed staff to initiate Ordinance Amendments to Chapter 5.6 of Clovis Municipal Code (CMC) regarding Gaming Club and Card Room Regulations and Chapter 9.3 regarding Zoning.

License Fees

Staff has performed an analysis of numerous card rooms across the state and what they are paying their respective jurisdictions. Unfortunately, they run the full spectrum from a nominal charge per table (\$200 - \$300) to a percentage of gross revenues ranging from 1% to 10%. Over the past four weeks, staff has met with the Applicant on

numerous occasions to negotiate the license fees. While both parties began the discussions far apart, staff believes what is being recommended below is an equitable compromise that meets the needs of the Applicant's business plan and at the same time provides the City with a revenue source.

The specific proposal is to charge the card room both a fixed amount of \$2,000 per table per year and a graduated scale of the percentage of gross revenue beginning with 3% and climbing to 9% in year 7 for gross revenues over \$2M. This proposal allows the business to become established in the early years and when established allows the city to benefit in a commensurate fashion. The analysis below shows three scenarios to give Council an idea of what could happen. Scenario 1 is a conservative estimate of gross revenue beginning at \$2.5M in year one and growing 5% each year for 7 years to \$3.35M and total license fees ranging from \$51K to \$158K each year. Scenario 2 is more aggressive and starts gross revenue at \$3.75M with license fees ranging from \$89K to \$308K per year. Scenario 3 is quite aggressive and begins sales in year 1 at \$5.0M with license fees ranging from \$126K to \$459K per year.

Scenario 1 = Year 1 at \$2.5M Gross with a 5% escalation per year

Year	Rate	Gross Revenue	Gross Reduction	License Fee	Table Fee	Total Fee
1	3%	\$ 2,500,000	\$ 2,000,000	\$ 15,000	\$ 36,000	\$ 51,000
2	4%	\$ 2,625,000	\$ 2,000,000	\$ 25,000	\$ 36,000	\$ 61,000
3	5%	\$ 2,756,250	\$ 2,000,000	\$ 37,813	\$ 36,000	\$ 73,813
4	6%	\$ 2,894,063	\$ 2,000,000	\$ 53,644	\$ 36,000	\$ 89,644
5	7%	\$ 3,038,766	\$ 2,000,000	\$ 72,714	\$ 36,000	\$ 108,714
6	8%	\$ 3,190,704	\$ 2,000,000	\$ 95,256	\$ 36,000	\$ 131,256
7	9%	\$ 3,350,239	\$ 2,000,000	\$ 121,522	\$ 36,000	\$ 157,522
Total						\$ 672,948

Scenario 2 = Year 1 at \$3.75M Gross with a 5% escalation per year

Year	Rate	Gross Revenue	Gross Reduction	License Fee	Table Fee	Total Fee
1	3%	\$ 3,750,000	\$ 2,000,000	\$ 52,500	\$ 36,000	\$ 88,500
2	4%	\$ 3,937,500	\$ 2,000,000	\$ 77,500	\$ 36,000	\$ 113,500
3	5%	\$ 4,134,375	\$ 2,000,000	\$ 106,719	\$ 36,000	\$ 142,719
4	6%	\$ 4,341,094	\$ 2,000,000	\$ 140,466	\$ 36,000	\$ 176,466
5	7%	\$ 4,558,148	\$ 2,000,000	\$ 179,070	\$ 36,000	\$ 215,070
6	8%	\$ 4,786,056	\$ 2,000,000	\$ 222,884	\$ 36,000	\$ 258,884
7	9%	\$ 5,025,359	\$ 2,000,000	\$ 272,282	\$ 36,000	\$ 308,282
Total						\$ 1,303,422

Scenario 3 = Year 1 at \$5.0M Gross with a 5% escalation per year

Year	Rate	Gross Revenue	Gross Reduction	License Fee	Table Fee	Total Fee
1	3%	\$ 5,000,000	\$ 2,000,000	\$ 90,000	\$ 36,000	\$ 126,000
2	4%	\$ 5,250,000	\$ 2,000,000	\$ 130,000	\$ 36,000	\$ 166,000
3	5%	\$ 5,512,500	\$ 2,000,000	\$ 175,625	\$ 36,000	\$ 211,625
4	6%	\$ 5,788,125	\$ 2,000,000	\$ 227,288	\$ 36,000	\$ 263,288
5	7%	\$ 6,077,531	\$ 2,000,000	\$ 285,427	\$ 36,000	\$ 321,427
6	8%	\$ 6,381,408	\$ 2,000,000	\$ 350,513	\$ 36,000	\$ 386,513
7	9%	\$ 6,700,478	\$ 2,000,000	\$ 423,043	\$ 36,000	\$ 459,043
Total						\$ 1,933,895

While exact performance is unknown at this time, staff estimates that the operation would begin at or near the conservative estimate in the first two years, and if successful, move to the optimistic forecast shortly thereafter.

The ordinance regulating card rooms in the city will be developed to minimize the impact on city operations. The overall goal is to have enough regulatory authority so that in the event, the operation does become a drain on city resources, action can be taken to remedy, while at the same time not being overly regulatory that would impact the ability of the business to operate a successful enterprise.

FISCAL IMPACT

See analysis above.

REASON FOR RECOMMENDATION

License fees will have an impact on the Applicant's business plan. It will take several months to move forward with the required ordinances for approval. The Applicant has requested we come to terms on the license fee now so that he could determine if he should move forward with the proposal.

ACTIONS FOLLOWING APPROVAL

Staff will notify the Applicant of City Council's ruling.

Submitted by:



(John Holt, Assistant City Manager / City Clerk)



AGENDA ITEM NO: 1-B 1-4

City Manager: AA

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 6, 2011

SUBJECT: Consider various actions in connection with the relocation and expansion of the Clovis 500 Club card room from 500 Clovis Avenue to 771 W. Shaw Avenue, Suite #101-108. The expansion would increase the number of permissible tables for gaming from 6 to 18.

Consider Approval – Res. 11-___, A request to approve an Environmental Finding of a Mitigated Negative Declaration for OA2011-02, OA2011-03, SPR2011-06 and issuance of a card room license.

Consider Introduction – Ord. 11-___, A request to approve OA2011-02 an ordinance amendment to Section 9.3.215.1 of the Clovis Municipal Code to add card rooms as a permitted use in the C-2 (Community Commercial) Zone District, subject to the provisions of Chapter 5.6 which require the issuance of a gaming club license from the City and amendment to Section 9.3.215.4 of the Clovis Municipal Code to remove card rooms as a use expressly prohibited in the C-2 (Community Commercial) Zone District. Clovis 500 Club, applicant.

Consider Introduction – Ord. 11-___, A request to approve OA2011-03 an ordinance amendment to various sections of Chapter 5.6 of Title 5 of the Clovis Municipal Code pertaining to gaming club and card room regulations and license requirements. Clovis 500 Club, applicant.

Consider Approval – Res. 11-___, SPR2011-06, A request to approve a site plan review for a change in use at 771 W. Shaw Avenue, Suite #101-108 for a card room, restaurant, bar, and outdoor patios. Western Village, Inc., a California Corporation, owner; Clovis 500 Club, applicant; John Cardot, representative.

ATTACHMENTS:

Exhibit A: Conditions of Approval
Exhibit B: Site Plan
Exhibit C: Floor Plan
Exhibit D: Elevations
Attachment 1: Mitigated Negative Declaration
Attachment 2: Planning Commission Minutes
Attachment 3: Draft CEQA Resolution
Attachment 4: Draft Ordinance, OA2011-02
Attachment 5: Draft Ordinance, OA2011-03 (showing changes)
Draft Ordinance, OA2011-03 (clean version)
Attachment 6: Draft Resolution, SPR2011-06
Attachment 7: May 4, 2011, Operational Statement from Louis Sarantos
Attachment 8: Chronology of Proposal
Attachment 9: Correspondence
Attachment 10: July 19, 2011 letter from the Bureau of Gambling Control

CONFLICT OF INTEREST

None

RECOMMENDATION

The Planning Commission and Staff recommend that the City Council:

1. Approve Res. 11-___, adopting a Mitigated Negative Declaration for OA2011-02, OA2011-03, and SPR2011-06, pursuant to CEQA Guidelines; and
2. Approve Ordinance Amendment OA2011-02 amending Section 9.3.215.1 of the Clovis Municipal Code to add card rooms as a permitted use in the C-2 (Community Commercial) Zone District, subject to the provisions of Chapter 5.6 which require the issuance of a gaming club license from the City and amending Section 9.3.215.4 to remove card rooms as a use expressly prohibited in the C-2 Zone District; and
3. Approve Site Plan Review SPR2011-06, to allow for a card room, restaurant, bar, and outdoor patios at 771 W. Shaw Avenue Suites 101-108 subject to the attached conditions of approval listed in Exhibit "A".

Staff recommends that the City Council:

4. Approve Ordinance Amendment OA2011-03 amending various sections of Chapter 5.6 of Title 5 of the Clovis Municipal Code pertaining to gaming club and card room regulations and license requirements. (This item did not require Planning Commission action and was provided to the Commission for informational purposes.)

EXECUTIVE SUMMARY

In May 2009, the applicant Louis Sarantos ("Applicant") made two requests of the City: (1) to purchase the entire 50% general partnership interest of George Sarantos in the Clovis 500 Club partnership; and (2) to relocate, expand, incorporate, and allow for the sale of the card room business to qualified third parties with prior State and City approval. Over the past two years, staff has worked extensively with the Applicant to process his requests.

On July 6, 2010, the City Council approved the purchase and sale of the entire 50% general partnership interest of George Sarantos. Actions being considered in this report relate to item 2 above (relocate, expand, incorporate, and allow for the sale of the card room business).

This proposal has been before City Council in various capacities on four separate occasions over the past two years. The Applicant is requesting the following:

1. Expansion (increasing the number of gaming tables). The 500 Club is restricted by law (Uncodified Ordinance 86-6 and subsequent amendments) and by space limitations at its present Old Town location to operating six (6) gaming tables. Expansion beyond the current six (6) tables would trigger Chapter 5.6 of Title 5 of the Clovis Municipal Code, the City's codified Card Room Ordinance. Chapter 5.6 was approved by City Council in 1995 and limited the number of tables to fifteen (15). The Applicant is proposing amendments to the Card Room Ordinance to allow for the relocation, expansion, and incorporation. The Applicant proposes to expand to 18 tables as permitted by the California Gambling Control Act. Approval of Ordinance Amendment OA2011-03 amending various sections of the Card Room Ordinance will allow for the requested expansion.
2. Relocation of Card Room. The Applicant is proposing to move card room operations from 500 N. Clovis Ave. to the Western Village Shopping Center located on the northeast corner of Willow and Shaw Avenues at 771 W. Shaw Avenue, #101 - 108. The proposed location would nearly quadruple the existing card room space and parking is located adjacent to major transportation corridors. (The Clovis 500 Club Bar and Grill would remain in Old Town Clovis less the card room.) Approval of Ordinance Amendment OA2011-02 amending Section 9.3.215.1 of the Clovis Municipal Code to add card rooms as a permitted use in the C-2 (Community Commercial) Zone District, subject to the provisions of the Card Room Ordinance, which require the issuance of a gaming club license from the City will allow for the relocation. Site Plan Review SPR2011-06 will allow for modifications to the structure and property site to accommodate the proposed card room operation. Site Plan Reviews are normally ministerial and approved by the Director of Planning and Development Services. SPR2011-06

has been forwarded to the Planning Commission and City Council for consideration because of the related discretionary entitlements.

3. Incorporation. Applicant is requesting amendments to the Card Room Ordinance to allow for incorporation as permitted by the California Gambling Control Act. Approval of Ordinance Amendment OA2011-03 amending various sections of the Card Room Ordinance will allow for incorporation.
4. Allowance for sale to a qualified third party with prior State and City approval. The existing Card Room Ordinance prohibits the Applicant from selling or transferring any interest in the card room to anyone other than any existing licensee, their spouse, or their children. The Applicant desires that the Card Room Ordinance be amended to allow for the sale to any qualified third party with prior State and City approval in a manner consistent with the California Gambling Control Act. Approval of Ordinance Amendment OA2011-03 amending various sections of the Card Room Ordinance will allow for the sale to a qualified third party.

Ordinance Amendment OA2011-03 amending various sections of the Card Room Ordinance was provided to the Planning Commission for informational purposes only. The Planning Commission does not have jurisdiction over the Card Room Ordinance (Chapter 5.6) and associated Card Room License. On July 28, 2011, the Planning Commission did review the land use issues: whether the City should allow card rooms in the C-2 zone district and consideration of the Site Plan and recommended that the City Council approve these items.

Staff is presenting the materials as a single package because the environmental review is designed to also cover amendments to the Card Room Ordinance as well as the subsequently issued Card Room License.

BACKGROUND

The City of Clovis currently has a single card room governed by Uncodified Ordinance 86-6 and subsequent amendments. The applicant is requesting to expand the card room beyond its current six tables to 18 tables. The request to expand is subject to Codified Ordinance 95-27 and found as Chapter 5.6 of Clovis Municipal Code regarding Gaming Club and Card Room Regulations in the City of Clovis ("Card Room Ordinance"). Local licensing and regulation of gaming is in addition to and in compliance with regulations set forth by the California Gambling Control Act.

The May 4, 2011 Operational Statement from Mr. Louis Sarantos (Attachment 7) details the proposed relocation and expansion of the 500 Club from the existing location at 500 N. Clovis Avenue where they operate six (6) card tables to the 771 W. Shaw Avenue, Suite #101-108 (northeast corner of Willow and Shaw Avenues) where they propose to expand to eighteen (18) tables. The existing location would become the Clovis 500 Club Bar and Grill and maintain similar operations less the gaming aspect.

Procedurally, two ordinance amendments are required to allow for relocation, expansion, incorporation, and allowed sale to a third party. To comply with the California Environmental Quality Act (CEQA), an environmental analysis has been conducted to evaluate the impact of the proposal. Additionally, a new Card Room License will be required.

Amending the Card Room Ordinance (Chapter 5.6 of the Clovis Municipal Code) will allow for the expansion, incorporation, and sale to a third party. Relocation of the existing card room to another area within the City can be facilitated by an ordinance amendment adding card rooms as a permissible use in the C-2, Community Commercial, Zone District, subject to the Card Room Ordinance and licensing requirements. A conditional use permit is not necessary because of the strict regulations set forth in the Card Room Ordinance as well as the ability of the City to impose additional conditions through the licensing process.

Historically, the site at 771 W. Shaw Avenue has operated as a bar and restaurant with live entertainment. As minor modifications are required to the site plan to accommodate the use a site plan review application is required. This application will allow for evaluation of the parking, patio additions, and the reuse of the building as a card room and restaurant.

The entitlements to accommodate this request are being processed concurrently to permit consideration by the City Council of the entire package.

- General Plan Designation: Commercial
- Existing Zoning: C-2 (Community Commercial)
- Current Land Use: Retail/Vacant
- Adjacent Land Uses: North: Commercial
South: Commercial
East: Commercial
West: Commercial

PROPOSAL AND ANALYSIS

OA2011-02

Currently, card rooms are only permitted subject to special permit in the C-3 (Central Trading District) Zone District. To accommodate a card room at the subject site requires amendment to the Section 9.3.215.1 of the Clovis Municipal Code to add card rooms as a permitted use in the C-2 (Community Commercial) Zone District, subject to the provisions of Chapter 5.6 which impose strict regulations on card rooms and require the issuance of a card room license from the City and amendment to Section 9.3.215.4

to remove card rooms as a use expressly prohibited in the C-2 (Community Commercial) Zone District.

OA2011-03

Over the past eighteen (18) months staff, in conjunction with the City Attorney's office has met with the applicant on numerous occasions to discuss proposed amendments to the existing Card Room Ordinance to allow for what is being proposed. Amending the Card Room Ordinance (Chapter 5.6) will allow for the expansion, incorporation, and allowed sale to a third party. Attachment 5 is a copy of the Ordinance amendments. Two copies of the ordinance are provided in Attachment 5 – the first is the version that shows all of the changes compared to the original 1995 ordinance; the second is a clean version incorporating all of the changes for easier reading. In June staff sent a copy of the proposed amendments to the Bureau of Gambling Control for review. Attachment 10 is a July 19, 2011, letter from that agency indicating that the proposed changes comply with applicable provisions of the Gambling Control Act.

The recommended amendments reflect considerable work between staff and the Applicant. It is important to note that the gaming industry in the State of California is heavily regulated by the Gambling Control Act, last amended in 2008 (<http://ag.ca.gov/gambling/pdfs/gca2008.pdf>). The Card Room Ordinance and the proposed amendments are intended to regulate gaming clubs in the City concurrently with the State of California, and to impose local controls and conditions upon gaming clubs as permitted in the Gambling Control Act.

The Card Room Ordinance was developed to minimize the impact on City operations. The overall goal is to have enough regulatory authority so that in the event the operation does become a drain on City resources action can be taken to remedy, while at the same time not being overly regulatory that would impact the ability of the business to operate a successful enterprise.

SPR2011-06

Project Description

The eighteen (18) card room, restaurant and bar would occupy approximately 12,667 square feet of a stand-alone building located in the existing shopping center at the northeast corner of Willow and Shaw Avenues. The applicant is proposing to add two outdoor patios. The east patio near the entry is proposed to be 170 square feet and will be used for smoking and food service. The west patio is proposed to be 495 square feet and will be used for smoking only.

The card room will operate 24 hours a day, seven (7) days a week, and 365 days a year. There will be food service during all hours of operation; however, the restaurant and bar portions of the card room will only operate from 6:00 a.m. to 2:00 a.m.

The anticipated number of occupants at the card room during peak operating hours is approximately 350 persons, including staff.

A site plan review application is being processed to memorialize the change in use, changes to the site to accommodate handicap accessibility, and repairs and improvements to the exterior of the structure along with the construction of two outdoor patios. Site plan reviews are usually ministerial and approved by the Director of Planning and Development Services. This site plan review has been forwarded for consideration by the Planning Commission and City Council only because of the related discretionary entitlements.

Parking

Parking for commercial centers over 70,000 square feet is calculated at 4.7 parking spaces for each 1,000 square feet of building area. This shopping center has 147,607 square feet of leasable space. The outdoor patios will add another 665 square feet of leasable space for a total of 148,272 square feet of leasable space. The shopping center is required to have 697 parking stalls. Currently the shopping center has 833 regular parking spaces and 16 handicap parking spaces for a total of 849 parking spaces which exceeds the required parking by 152 parking spaces.

The center is currently occupied by several popular restaurants, a gym, a trade school, and other retail lease space. A number of these uses generate substantial parking. The applicant plans to use valet parking, with these cars being parked on site, in the parking lot north of the buildings behind the gym. This is a parking field that is not as convenient for patrons of the center to use and will insure that adequate parking continues to exist for customers patronizing this shopping center.

Issuance of Card Room License

After completion of the new building, and prior to opening, the Applicant will be required to obtain a Card Room License from the City. In connection with issuance of the License, the City may impose additional conditions relating to operation of the business. Those conditions, if any, cannot be determined until completion of the building and the submittal of detailed security and other operational plans, at which time the precise operations can be assessed.

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.

Several studies were conducted to substantiate the CEQA findings for Air Quality, Greenhouse Gas, and Traffic (Appendix B and C of Attachment 1). The Air Quality Study showed that the Project would not create any significant air quality impacts with the incorporation of the identified mitigation measures. The Greenhouse Gas Analysis concluded that the Project would not contribute significantly to global climate change and would not impede the State's ability to meet its greenhouse gas reduction under AB32. Conclusions of the traffic study indicated that the Project would not significantly alter the peak-hour trip generation characteristics at the existing shopping center or substantially deviate from traffic created by previously existing/historical uses.

Additionally, Staff requested that the applicant provide information to address concerns raised by a Council Member regarding the potential for an increase in crime and higher personal bankruptcies from expanded gaming in the City, with a corresponding increase in demand for police and social services, which if unaddressed could lead to physical changes in the environment. The applicant submitted a report (Appendix D of Attachment 1) that analyzes the findings of a 1998 California Attorney General Report and provides an excellent discussion of this issue leading to the conclusion that there is no evidence that expansion of the 500 Club from 6 to 18 tables will lead to a substantial increase in crime or personal bankruptcies with associated social and economic changes that could physically impact the environment.

The applicant will be required to implement mitigation measures as part of a mitigation monitoring program to be adopted as part of this proposal. Mitigations are required in the categories of Aesthetics and Air Quality and are further explained in the attached Mitigated Negative Declaration (Attachment 1).

The City published notice of this public hearing in the Fresno Bee on Thursday, August 11, 2011.

FISCAL IMPACT

In September 2010, City Council approved a resolution setting card room fees in the City of Clovis. The overall goal was to ensure that a sufficient revenue stream is generated for the City to more than cover the cost of additional services being required to support the operation of the expanded card room at the new location.

The specific proposal is to charge the card room both a fixed amount of \$2,000 per table per year and a graduated scale of the percentage of gross revenue beginning with 3% and climbing to 9% in year 7 for gross revenues over \$2M. This proposal allows the business to become established in the early years and when established allows the city to benefit in a commensurate fashion. The analysis completed last year showed three scenarios to give Council an idea of what could happen. Scenario 1 was a conservative estimate of gross revenue beginning at \$2.5M in year one and growing 5% each year for 7 years to \$3.35M and total license fees ranging from \$51K to \$158K each year. Scenario 2 was more aggressive and started gross revenues at \$3.75M with license

fees ranging from \$89K to \$308K per year. Scenario 3 was quite aggressive and began sales in year 1 at \$5.0M with license fees ranging from \$126K to \$459K per year.

While exact performance is unknown at this time, staff estimates that the operation would begin at or near the conservative estimate in the first two years, and if successful, move to the optimistic forecast shortly thereafter.

REASONS FOR RECOMMENDATION

Prior City Council actions considered on July 19, 2010, directed staff to continue with the processing of entitlements to accommodate the proposed card room relocation and expansion. These entitlements included ordinance amendments, a site plan review and future issuance of a card room license. Staff and the Planning Commission therefore recommend that the City Council approve the environmental finding of a Mitigated Negative Declaration for the Project along with recommending that the City Council approve OA2011-02 and SPR2011-06. Additionally, staff recommends that the City Council approve OA2011-03 amending the card room ordinance.

ACTIONS FOLLOWING APPROVAL


If approved at introduction, the second reading of the Ordinances will be heard by the City Council at its September 12, 2011, meeting and if approved, will go into effect 30 days after adoption.

NOTICE OF HEARING

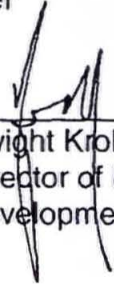
Property owners within 300 feet notified:	48
Interested individuals notified:	10

Prepared by: Connie Combs, AICP, Senior Planner

Submitted by:



David E. Fey, AICP
Deputy City Planner



Dwight Kroll, AICP
Director of Planning and
Development Services



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

City Manager: 

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: May 21, 2012

SUBJECT: Approval – Issuance of Card Room License in connection with the relocation and expansion of the Clovis 500 Club card room from 500 Clovis Avenue to 771 W. Shaw Avenue, Suites #101-108.

ATTACHMENT (A) Project Location Map
(B) Draft License
(C) September 6, 2011 Council Report (less Attachments)
(D) May 4, 2011, Operational Statement from Louis Sarantos
(E) Chronology of events

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to approve the issuance of Card Room License in connection with the relocation and expansion of the Clovis 500 Club card room from 500 Clovis Avenue to 771 W. Shaw Avenue, Suites #101-108.

EXECUTIVE SUMMARY

In May 2009, the applicant Louis Sarantos ("Applicant") made two requests of the City: (1) to purchase the entire 50% general partnership interest of George Sarantos in the Clovis 500 Club partnership; and (2) to relocate, expand, incorporate, and allow for the sale of the card room business to qualified third parties with prior State and City approval.

This proposal has been before City Council in various capacities on five separate occasions over the past three years. Most recently, on September 6, 2011, the City Council approved the necessary ordinance amendments and land use approvals for the

expansion, including: Ordinance Amendment OA2011-03, which amended the City's Card Room Ordinance to authorize 18 tables, as permitted by the California Gambling Control Act, and made other technical changes; OA2011-02, which amended Section 9.3.215.1 of the Clovis Municipal Code to add card rooms as a permitted use in the C-2 (Community Commercial) Zone District, and Site Plan Review SPR2011-06, which allowed for modifications to the structure and property site to accommodate the proposed card room operation.

As part of the September 6, 2011 approvals, the applicant is required to obtain a Card Room License from the City after completion of the building and prior to opening. The Applicant is currently completing tenant improvements at the new site and anticipates opening the new location on or near June 1, 2012. The City Council previously approved all of the requirements for the expansion and relocation and this item is the last approval required by the City before opening.

The Applicant has worked closely with the Building, Fire, and Police Departments to ensure compliance with all applicable City requirements. Section 5.6.11 of the Clovis Municipal Code provides great detail with regard to what is required to issue a Card Room License. The Applicant is in compliance with all known requirements from Building, Fire, and Police. In connection with the issuance of the License, the City may impose additional conditions relating to operation of the business. Staff has recommended several conditions to address issues that may not be known until after the card room opens for business. Should there be any issues that arise when the new location becomes operational, there is sufficient language in the ordinance and the license conditions to address them.

BACKGROUND

The City of Clovis currently has a single card room governed by Uncodified Ordinance 86-6 and subsequent amendments. The City Council previously approved expansion of the card room beyond its current six tables to 18 tables. The expansion is subject to Chapter 5.6 of Clovis Municipal Code regarding Gaming Club and Card Room Regulations in the City of Clovis ("Card Room Ordinance"). Local licensing and regulation of gaming is in addition to, and in compliance with, regulations set forth by the California Gambling Control Act. The Applicant has submitted an application to the California Gambling Control Commission (CGCC) for purposes of obtaining a license to operate 18 tables at the new location. The Applicant anticipates that the CGCC will approve the application to increase the number of tables to 18 and to move to the new location in May or June of 2012.

In order for the Applicant to open at the new location with 18 tables, the application must be approved by the CGCC and a License must be issued by the City of Clovis. Approval of this action will provide the Applicant with a License in accordance with Chapter 5.6 of Clovis Municipal Code. Once the new location is operational, the former

location, 500 Clovis Avenue (dba 500 Clovis Bar & Grill), will no longer be a gaming establishment. It will remain at that location as a bar and grill.

The Applicant has worked very closely with all departments over the last three years that it has taken to process the project through the City and the State. The Card Room Ordinance that the Council approved in 1995, and amended last year, will become operational when the new location opens up. The Card Room Ordinance has a number of provisions that allow the City to amend the License at any time should the operation of the new location lead to an increased demand on City services.

A copy of the September 6, 2011 staff report is included as Attachment (C) that provides detail of the prior Council actions and associated documents.

FISCAL IMPACT

In September 2010, City Council approved a resolution setting card room fees in the City of Clovis. The overall goal was to ensure that a sufficient revenue stream is generated for the City to more than cover the cost of additional services being required to support the operation of the expanded card room at the new location.

The current fee schedule charges the card room both a fixed amount of \$2,000 per table per year and a graduated scale of the percentage of gross revenue beginning with 3% and climbing to 9% in year 7 for gross revenues over \$2M. This fee schedule allows the business to become established in the early years and when established allows the City to benefit in a commensurate fashion. The analysis completed last year showed three scenarios to give the Council an idea of what could happen. Scenario 1 was a conservative estimate of gross revenue beginning at \$2.5M in year one and growing 5% each year for 7 years to \$3.35M and total license fees ranging from \$51K to \$158K each year. Scenario 2 was more aggressive and started gross revenues at \$3.75M with license fees ranging from \$89K to \$308K per year. Scenario 3 was quite aggressive and began sales in year 1 at \$5.0M with license fees ranging from \$126K to \$459K per year.

While exact performance is unknown at this time, staff estimates that the operation would begin at or near the conservative estimate in the first two years, and if successful, move to the optimistic forecast shortly thereafter.

REASONS FOR RECOMMENDATION

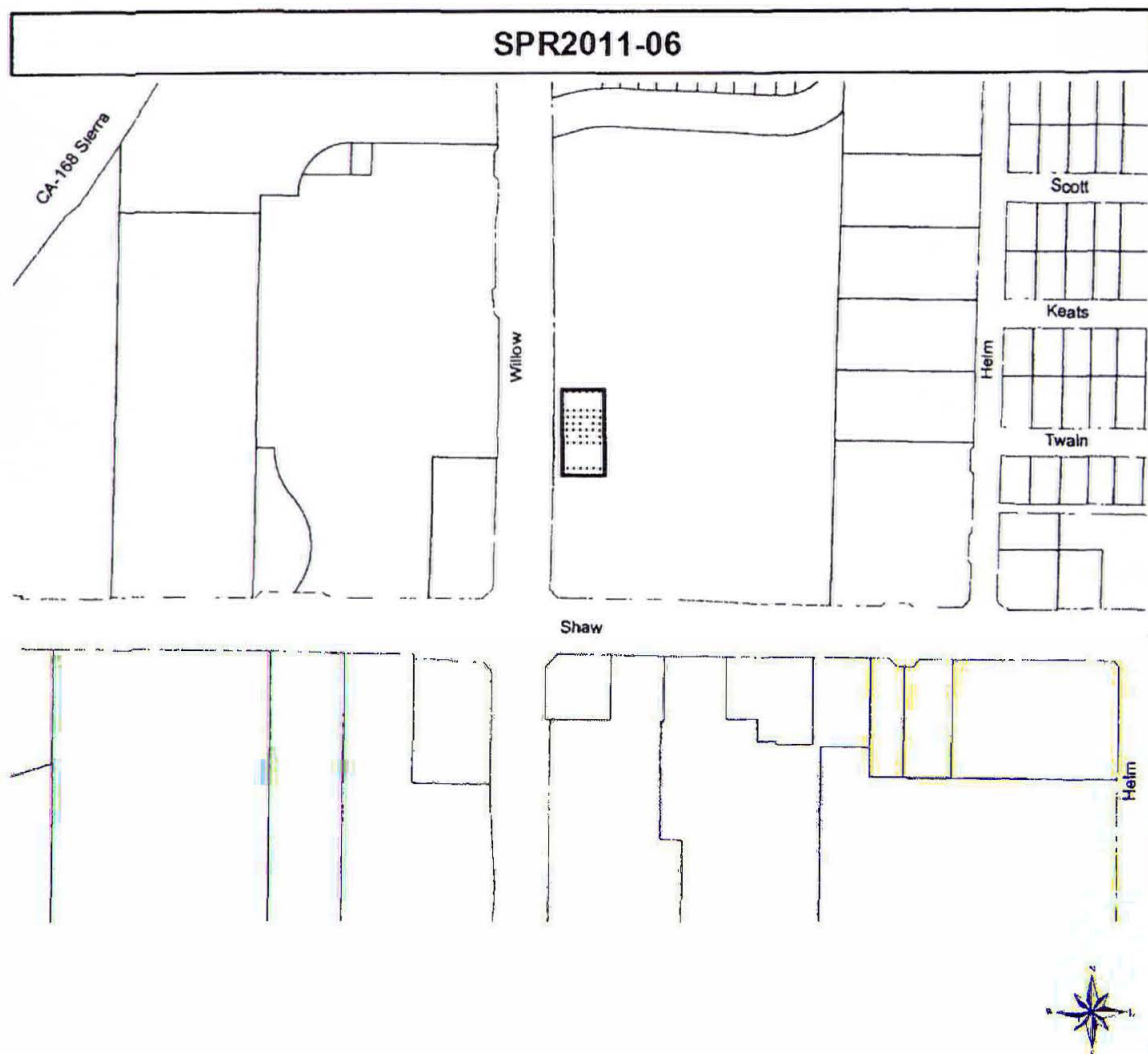
Staff is recommending issuance of a License to the Applicant due to the amount of work that both the Applicant and the City have put forth over the past three years to ensure that the sole card room in the City of Clovis will be managed in a fashion beneficial to both the Applicant and the City of Clovis. A well crafted Ordinance is in effect, the Applicant has run a successful operation at the current location, and the gaming industry is heavily regulated by the CGCC.

ACTIONS FOLLOWING APPROVAL

If approved, staff will issue the License, monitor operations, and report back on an annual basis.

Prepared by: John Holt, Assistant City Manager

ATTACHMENT (A)
PROJECT LOCATION MAP



BETTS & RUBIN

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

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SUITE 201
FRESNO, CALIFORNIA 93721

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(559) 438-8500
TELEFAX
(559) 438-6959

JAMES B. BETTS
JOSEPH D. RUBIN

December 22, 2017

VIA E-MAIL

John Holt
Assistant City Manager
City of Clovis
1033 Fifth Street
Clovis, CA. 93612


Re: Clovis 500 Club, Louis G. Sarantos Jr.

Dear Mr. Holt:

On behalf of my client, Louis G. Sarantos Jr., we would like to formally request that the City of Clovis take all necessary action to approve the sale of the 500 Club Casino, 771 W. Shaw Avenue, Clovis, California, to buyers Michael LeBlanc and Kevin Barclay.

Should you have any questions with respect to this matter, I would be happy to make myself available.

Very truly yours,



James B. Betts
BETTS & RUBIN

JBB:dm

Attachment F



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: January 8, 2018

SUBJECT: Consider Introduction, Ord. 18-___, **R2017-03**, A request to approve a prezone of approximately 37.67 acres of land located on the east side of Leonard Avenue, between Shaw and Barstow Avenues from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential - 6,000 Sq. Ft.) Zone District. Sharon L. Moore Trustee, Bradford H. & Tamara L. Mack Trustees, Pam K. Janda, Trustee, owner; Benchmark Communities, LLC., applicant; Precision Civil Engineering, Inc., representative. (Continued from the December 11, 2017 meeting)

ATTACHMENTS:

Figure 1:	Location Map
Attachment 1:	Mitigated Negative Declaration
Attachment 2:	Draft Ordinance
Attachment 3:	Planning Commission Minutes
Attachment 4:	Correspondence from Commenting Agencies

CONFLICT OF INTEREST

None.

RECOMMENDATION

Planning Commission and staff recommend that the City Council approve Prezone R2017-03.

EXECUTIVE SUMMARY

The applicant is requesting to prezone approximately 37.67 acres of property located on the east side of Leonard Avenue, between Shaw and Barstow Avenues, from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential – 6,000 Sq. Ft.) Zone District. The

requested prezone would bring the subject properties into consistency with the General Plan Land Use Diagram and Loma Vista Specific Plan. The applicant has received approval from the Clovis Planning Commission for a 138-lot single-family residential development and will seek annexation to the City of Clovis. This item was continued from the City Council Meeting on December 11, 2017.

BACKGROUND

- General Plan Designation: Low Density Residential (2.1 to 4.0 units per acre) & Medium Density Residential (4.1 – 7.0 units per acre)
- Specific Plan Designation: Low Density Residential (Low Density Residential) & Medium Density Residential (4.1 – 7.0 units per acre)
- Existing Zoning: County AE-20
- Lot Size: Total Area 37.67 acres
- Current Land Use: Rural Residential & Agriculture
- Adjacent Land Uses:
 - North: Rural Residential & Urban Development
 - South: Rural Residential
 - East: Rural Residential, Agriculture & Urban Development
 - West: Rural Residential

PROPOSAL AND ANALYSIS

Prezone

The applicant is requesting to prezone approximately 37.67 acres from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential – 6,000 Sq. Ft.) Zone District (see Figure A Below). The project area's land use designations of Low Density Residential and Medium Density Residential in the Loma Vista Specific Plan are consistent with the proposed prezone.

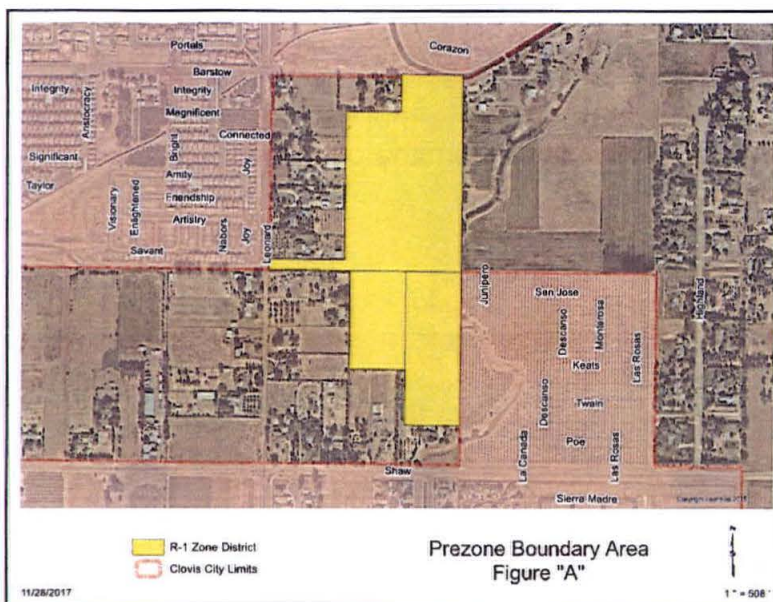


FIGURE A – Prezone Boundary

R2017-17- Adjacent Properties

On November 13, 2017, the City Council approved the prezone initiation of sixteen properties adjacent to the subject project boundaries. On December 21, 2017, the Planning Commission approved Prezone R2017-17 with a vote of 5-0. On January 8, 2018, the City Council will consider Prezone R2017-17 inclusive of those sixteen parcels. The requested rezoning for properties under Prezone R2017-17 will be from the County AE-20 Zone District to the Clovis the R-1 (Single Family Residential – 6,000 Sq. Ft.) Zone District (see Figure B below).

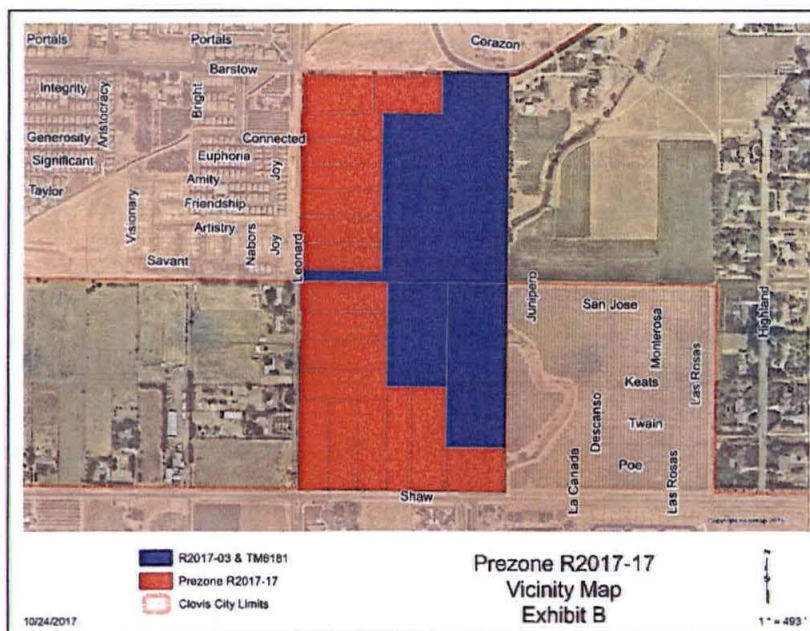


FIGURE B – Prezone R2017-17 Boundary

Public Comments

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

Review and Comments from Agencies

The Project was distributed to all City Divisions as well as outside agencies, including Cal Trans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan Flood Control District, AT&T, PG&E, San Joaquin Valley Air Pollution Control District, 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, November 16, 2017. The Commission approved Prezone R2017-03 with a vote of 5-0. Additionally, the Commission approved associated Vesting Tentative Tract Map TM6181 with a vote of 5-0.

Consistency with General Plan Goals and Policies

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

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

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

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

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

- Create a range of housing opportunities and choices.

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

California Environmental Quality Act (CEQA)

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, December 27, 2017.

Annexation

An application for Annexation has been submitted and identified as the Shaw-Leonard Northeast Reorganization (RO294). The prezone area and eighteen adjacent properties are proposed to be annexed under the Reorganization RO294 (see Figure C below).

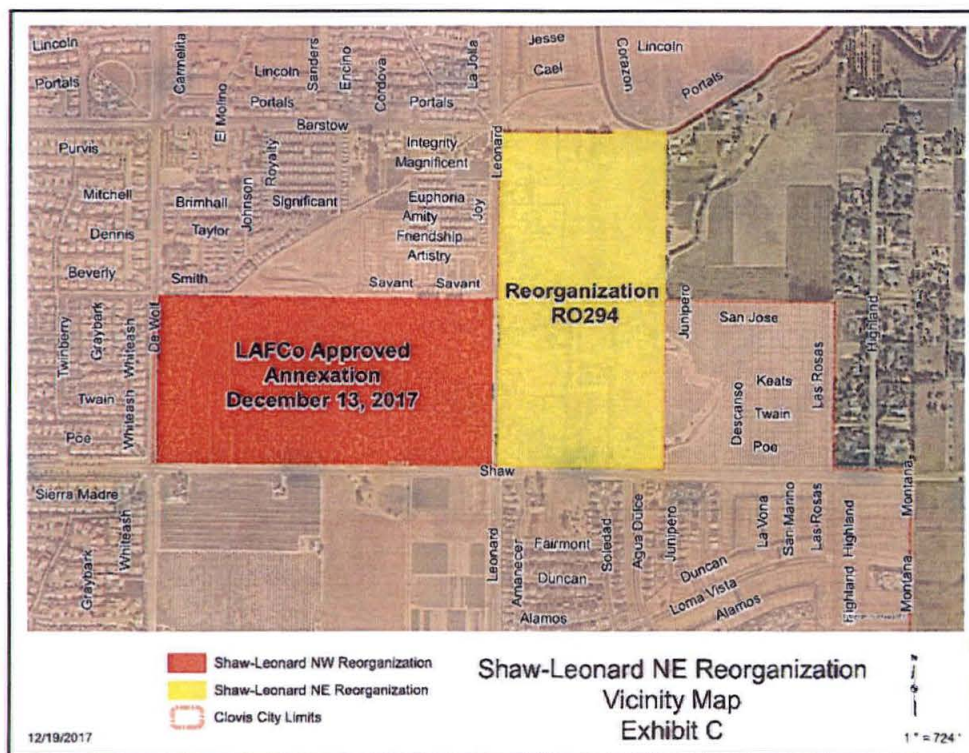


FIGURE C – Annexation Boundary

Properties West of Leonard Avenue

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). The Fresno Local Agency Formation Commission (LAFCo) approved the annexation of these properties to the City of Clovis on Wednesday, December 13, 2017. Therefore, these twenty-one properties should be within the City limits on or around January 16, 2018.

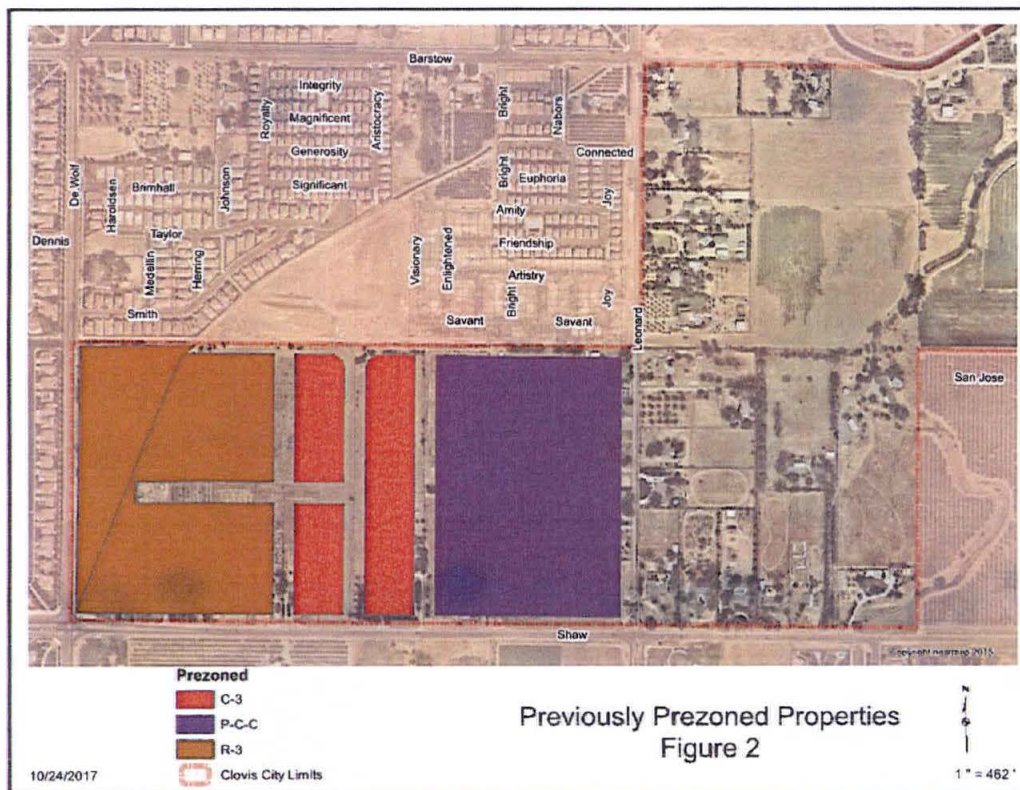


FIGURE 2 – Previously Prezoned Properties

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The proposed prezoning is consistent with the General Plan Land Use Diagram and Loma Vista Specific Plan. Planning Commission and staff therefore recommend approval of Prezone R2017-03.

The findings to consider when making a decision on a prezone 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 Prezone 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:	51
Interested individuals notified:	10

Prepared by: George González, MPA, Associate Planner

Submitted by: 
Dwight Kroll
Director of Planning
and Development Services

**FIGURE 1
PROJECT LOCATION MAP**



PREZONE R2017-03
VESTING TENTATIVE TRACT MAP TM6181
REORGANIZATION RO294
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

October 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, November 16, 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 37.67 acres of land located on the east side of Leonard Avenue, between Barstow and Shaw Avenues. Sharon L. Moore Trustee, Bradford H. & Tamara L. Mack Trustees, Pam K. Janda, Trustee, owner; Benchmark Communities, LLC., applicant; Precision Civil Engineering, Inc., representative.

- a. A request to approve an environmental finding of a Mitigated Negative Declaration for Prezone R2017-03, Vesting Tentative Tract Map TM6181 and Reorganization R0294.
- b. R2017-03, A request to approve a prezone from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential - 6,000 Sq. Ft. Min.) Zone District.
- c. TM6181, A request to approve a vesting tentative tract map for a 138-lot single-family residential development.

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 November 16, 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

PUBLISH: Wednesday, October 25, 2017, *The Business Journal*



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

For County Clerk Stamp

DRAFT MITIGATED NEGATIVE DECLARATION

Proposed: October 23, 2017

Agency File No: R2017-03, TM6181 & RO294

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: Prezone R2017-03, Vesting Tentative Tract Map TM6181 and Reorganization RO294.

Project Location: East side of Leonard Avenue, between Barstow and Shaw Avenues in the County of Fresno.

Project Description: Consider items associated with approximately 37.67 acres of land located on the east side of Leonard Avenue, between Barstow and Shaw Avenues. Sharon L. Moore Trustee, Bradford H. & Tamara L. Mack Trustees, Pam K. Janda, Trustee, owner; Benchmark Communities, LLC., applicant; Precision Civil Engineering, Inc., representative.

- a. A request to approve an environmental finding of a Mitigated Negative Declaration for Prezone R2017-03, Vesting Tentative Tract Map TM6181 and Reorganization RO294.
- b. R2017-03, A request to approve a prezone from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential - 6,000 Sq. Ft. Min.) Zone District.
- c. TM6181, A request to approve a vesting tentative tract map for a 138-lot single-family residential development.
- d. RO294, A resolution of Application for the Annexation of the Territory known as the Shaw-Leonard NE Reorganization.

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: October 23, 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 planning 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 2016-2017 Budget.** The budget provides information about city services, and objectives, annual spending plan for the 2016-2017 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 Notice of Requirements, April 5, 2017,** An evaluation of project impacts on FMFCD facilities.
- **Fresno Metropolitan Flood Control District Notice of Requirements Updated Letter, April 12, 2017,** An evaluation of project impacts on FMFCD facilities
- **Fresno Metropolitan Flood Control District Letter, April 5, 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, March 30, 2017,** An evaluation of project impacts on Fresno Irrigation District facilities.
- **City of Clovis Wastewater Collection System Master Plan Modification Review, September 25, 2014,** An evaluation of impacts to the Master Sewer Collection System.
- **Initial Biological Survey from Precision Civil Engineering, Inc., February 10, 2017,** An evaluation of biological impacts.
- **Cultural Resource Assessment from Argonaut Ecological Consulting, Inc., dated February 16, 2017,** An evaluation of cultural resources.

- **Air Quality & Greenhouse Gas Analysis Report from Precision Civil Engineering, Inc.,** February 17, 2017, An evaluation of the impacts related to Air Quality & Green House Gas.
- **Acoustical Analysis from Precision Civil Engineering, Inc.,** February 17, 2017, An evaluation of the impacts related to Noise.
- **Clovis Unified School District Letter,** March 21, 2017, An evaluation of project impact to school facilities.

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 prezone, vesting tentative tract map and reorganization on approximately 78.63 acres of property located on the east side of Leonard Avenue, between Barstow and Shaw Avenues in the City of Clovis Sphere of Influence, County of Fresno. The request includes acquisition of right-of-way along the corridors of Leonard and Shaw Avenues and providing connectivity to City services when available. The request also includes detaching the entire 78.63 acres from the Fresno County Fire Protection District and the Kings River Conservation District. Furthermore, the Project includes the Fresno Local Agency Formation Commission (LAFCo) as a responsible agency.

Prezone R2017-03 is rezoning approximately 37.67 acres from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential – 6,000 Sq. Ft.) Zone District.

Vesting Tentative Tract Map TM6181 includes a 138-lot single-family residential development.

Reorganization RO294 is requesting the detachment of the entire 78.63 acres from the Fresno County Fire Protection District and the Kings River Conservation District. The reorganization will annex the Project site to the City of Clovis.

The Project will be completed in accordance with the California Building Code; City of Clovis Municipal Code; and 2016 City of Clovis Standards.

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 east side of Leonard Avenue, between Barstow and Shaw Avenues (see Figure 2).



Figure 3 shows proposed site plan.

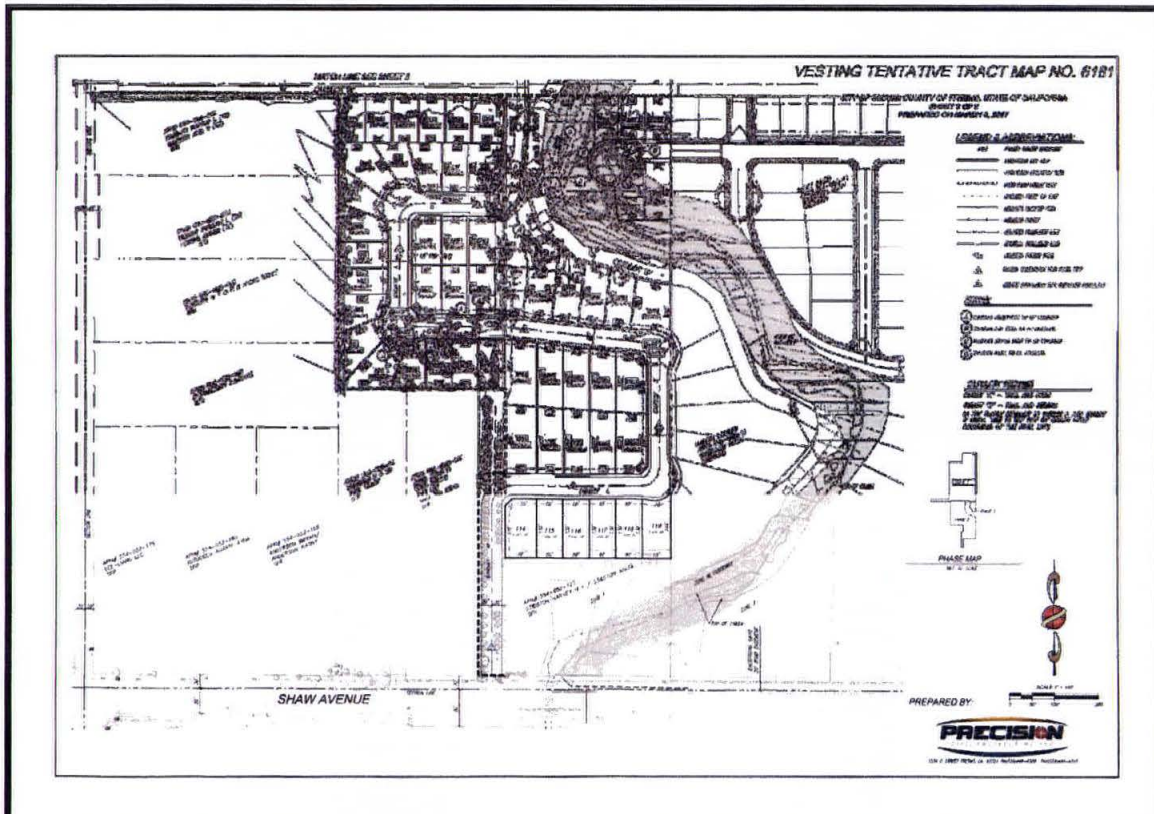


Figure 3 - Project Site Plan

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
- Fresno Local Agency Formation Commission (Fresno LAFCo) for consideration and approval of the proposed reorganization.

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 single-story and two-story 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 and proposed 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 and agricultural. 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 Precision Civil Engineering, Inc., states that there is a low potential to significantly impact any Federally-listed threatened or endangered species or their critical habitat onsite. Impacts in this category may be mitigated to a less than significant level with the mitigation measure 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 Measure

- **Mitigation Measure 3.4a:** If any trees or shrubs are to be removed during the nesting season then a preconstruction survey should be conducted within 15-30 days of commencement of construction.

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

	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 Peak & Associates, Inc. who concluded that no prehistoric period sites 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 Peak & Associates, 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."
- 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%

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

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 Analysis Report was performed by Precision Civil Engineering, Inc., dated February 17, 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 Analysis Report was performed by Precision Civil Engineering, 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 Analysis Report was prepared for the Project by Precision Civil Engineering, 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

flood flows?				
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 polycyclic aromatic 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 could 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. The FMFCD has noted that this project may be located in a 100-year flood area, and would be subject to the District policies to reduce impacts to a less than significant level.
- h. The Project could 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. The FMFCD has noted that this project may be located in a 100-year flood area, and would be subject to the District policies to reduce impacts to a less than significant level.
- 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.

Mitigation Measure

- **Mitigation Measure 3.9g&h:** All proposed development activity shall reference the Flood Insurance Rate Map to determine if it is located in a 100-year flood plain (special flood hazard areas inundated by a 100-year flood) "Primary Flood Plain." Any project not located within a FIRM or located in any area where the FIRM is determined to be inaccurate shall be the subject of a detailed hydrological flood hazard investigation to determine the relationship of the proposed development to the primary flood plain; and, further, to identify the calculated water surface elevation of the 100-year flood event.

The development must be properly flood proofed below the calculated water surface elevation of the 100-year flood event.

All development and/or permanent improvement activity which, if located within the primary floodway, may unduly impede, retard or change the direction of flow of water either, by itself, or by the catching or collecting of other debris or is placed where the flow of water would carry such obstruction downstream to the damage or detriment of either life or property, should not be permitted.

The development shall not cause displacement of any and all floodwaters from that portion of the flood plain to be developed.

	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 not 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 single-family and multi-family residential, 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 4.75 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 will generate or result in increased population in the area. The project includes a 138-lot single-family residential development. The number of new residents in the area would equal approximately 373 residents.

Impacts

- a. The Project could add 138 units to the area equating to approximately 373 new residents. It is anticipated that this development would introduce a number of new citizens to the City of Clovis, however it 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 residential 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 site with 138 single-family homes will 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 each new unit and is then used to construct community parks to meet these goals. The impacts in this category are less than significant since all units built in 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 138-lot single-family residential development.

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 138-unit single-family residential 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 resource assessment was prepared by Peak & Associates, Inc. (submitted February 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 April 5, 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 138-lot single-family residential development located on the east side of Leonard Avenue, between Barstow and Shaw 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:** If any trees or shrubs are to be removed during the nesting season then a preconstruction survey should be conducted within 15-30 days of commencement of construction.
 - **3.9g&h:** All proposed development activity shall reference the Flood Insurance Rate Map to determine if it is located in a 100-year flood plain (special flood hazard areas inundated by a 100-year flood) "Primary Flood Plain". Any project not located within a FIRM or located in any area where the FIRM is determined to be inaccurate shall be the subject of a detailed hydrological flood hazard investigation to determine the relationship of the proposed development to the primary flood plain; and, further, to identify the calculated water surface elevation of the 100-year flood event.

The development must be properly flood proofed below the calculated water surface elevation of the 100-year flood event.

All development and/or permanent improvement activity which, if located within the primary floodway, may unduly impede, retard or change the direction of flow of water either, by itself, or by the catching or collecting of other debris or is placed where the flow of water would carry such obstruction downstream to the damage or detriment of either life or property, should not be permitted.

The development shall not cause displacement of any and all floodwaters from that portion of the flood plain to be developed.

- 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: April 26, 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

Zone R2017-03, Vesting Tentative Tract Map TM6181 & Reorganization RO294

Dated April 26, 2017

ing 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 approval, adopted in order to mitigate or avoid significant effects on the environment." A MMRP is required for the project if the Mitigated Negative Declaration has identified significant adverse impacts, and measures have been identified to avoid or mitigate those impacts.

Table B-1 in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification measures identified in this Mitigated Negative Declaration.

The City is the primary agency, but not the only agency responsible for implementing the mitigation measures. The MMRP is located on the following pages. The components of the MMRP are described briefly below:

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

Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
Developer shall direct all lighting downward and physical shields to prevent direct view of the street from adjacent residential properties.	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
Trees or shrubs are to be removed during the winter season then a preconstruction survey should be conducted within 15-30 days of commencement of construction.	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
Water Quality			
Proposed development activity shall reference the Flood Insurance Rate Map to determine if it is located in a 100-year flood plain (special flood hazard areas designated by a 100-year flood) "Primary Flood Plain." Projects not located within a FIRM or located in areas where the FIRM is determined to be inadequate shall be the subject of a detailed hydrological flood hazard investigation to determine the relationship of the proposed development to the flood plain; and, further, to identify the existing water surface elevation of the 100-year flood event.	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
Development must be properly flood proofed to the calculated water surface elevation of the 100-year flood event.			
Development and/or permanent improvement			

Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
<p>which, if located within the primary floodway, duly impede, retard or change the direction of water either, by itself, or by the catching or g of other debris or is placed where the flow of could carry such obstruction downstream to the or detriment of either life or property, should permitted.</p> <p>velopment shall not cause displacement of any floodwaters from that portion of the flood plain developed.</p>			

DRAFT ORDINANCE

ATTACHMENT 2

**DRAFT
ORDINANCE 18-__**

**AN ORDINANCE AMENDING AND CHANGING THE OFFICIAL ZONE MAP OF THE CITY
OF CLOVIS IN ACCORDANCE WITH SECTIONS 9.08.020 AND 9.86.010 OF THE CLOVIS
MUNICIPAL CODE TO RECLASSIFY LAND LOCATED ON THE EAST SIDE OF
LEONARD AVENUE, BETWEEN SHAW AND BARSTOW AVENUES AND CONFIRMING
ENVIRONMENTAL FINDINGS**

LEGAL DESCRIPTION:

See the attached Exhibit "One."

WHEREAS, Benchmark Communities, LLC., 7815 N. Palm Avenue, Suite 101, Fresno, CA 93711, has applied for a Prezone R2017-03; and

WHEREAS, this is a request to prezone approximately 37.67 acres from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential – 6,000 Sq. Ft.) Zone District for property located on the east side of Leonard Avenue, between Shaw and Barstow Avenues, in the County of Fresno, California; and

WHEREAS, the Planning Commission held a noticed Public Hearing on November 16, 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 Prezone R2017-03; 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 January 8, 2018, to consider Prezone R2017-03. 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 approval of a Mitigated Negative Declaration, pursuant to CEQA guidelines; and

WHEREAS, the City Council held a noticed public hearing on January 8, 2018, to consider the approval of Prezone R2017-03; and

WHEREAS, on January 8, 2018, the City Council considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to Prezone R2017-03, 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 Prezone R2017-03, 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:

From Classifications County AE-20 to Classifications Clovis R-1 (Single Family Residential)

The property so reclassified is located on the east side of Leonard Avenue, between Shaw and Barstow 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: January 8, 2018

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

The foregoing Ordinance was introduced at a regular meeting of the City Council held on January 8, 2018, and was adopted at a regular meeting of said Council held on _____, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED:

City Clerk

PLANNING COMMISSION MINUTES

ATTACHMENT 3

CLOVIS PLANNING COMMISSION MINUTES
November 16, 2017

- A. Consider items associated with approximately 37.67 acres of land located on the east side of Leonard Avenue, between Barstow and Shaw Avenues. Sharon L. Moore Trustee, Bradford H. & Tamara L. Mack Trustees, Pam K. Janda, Trustee, owners; Benchmark Communities, LLC., applicant; Precision Civil Engineering, Inc., representative.
1. Consider Approval Res. 17-___, Approval of a finding of a Mitigated Negative Declaration for R2017-13 and TM6181.
 2. Consider Approval Res. 17-___, **R2017-03**, A request to approve a prezone from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential -6,000 sq. Ft. Min.) Zone District.
 3. Consider Approval Res. 17-___, **TM6181**, A request to approve a vesting tentative tract map for a 138-lot single-family residential development.

Associate Planner George Gonzalez presented the staff report.

Commissioner Cunningham noted that several lots lie within a flood zone and inquired as to whether this is a final map, concerned that this has not been addressed yet. Associate Planner Gonzalez responded that this is a tentative map. Associate Civil Engineer Smith provided further clarification, including that there is more work to do before anything is built there.

Chair Hinkle inquired as to the annexation status of adjacent areas, concerned about creating county islands. Associate Planner Gonzalez provided information on future and in-progress annexations.

Chair Hinkle then inquired as to which trees are being removed from the site. Associate Planner Gonzalez had no information on this. City Planner Araki provided some information.

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

Dennis Gabe of Century Communities provided background on the project, including on the flood zone issue.

Commissioner Cunningham expressed gratitude for the information, explaining that his concern came from knowledge of flooding issues leading to current litigation against the city. Mr. Gabe assured the Commission that the applicant also feels that it's important.

Chair Hinkle noted an issue about a wall that needed to be addressed. Mr. Gabe agreed.

Chair Hinkle also remarked that a right-of-way looked small. Mr. Gabe explained.

Chair Hinkle inquired as to the proposed fate of trees along that right-of-way, noting the existence of the tree protection ordinance. Mr. Gabe couldn't commit one way or the other as the project has not evolved to that level yet, but assured Chair Hinkle that the Commission's concerns would be taken into account.

Chair Hinkle then inquired as to the side yard setbacks proposed. Associate Planner Gonzalez provided the information.

Mr. Gabe informed the Commission of a recently-submitted tract map with several lots being used as a temporary flood control basin. He also requested the modification of Condition #118 to allow for an agreement between the City and the applicant on the maintenance and improvement of the Shaw Avenue Dog Creek culvert.

The Commission members and staff discussed an acceptable change to the condition with the applicant.

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

There were no comments in support.

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.

Commissioner Terrence advised the drafting of the new Condition #118 before any motions are made, and did so with input from other commissioners and the agreement of Mr. Gabe.

At this point a motion was made by Commissioner Hatcher and seconded by Commissioner Cunningham to approve a Mitigated Negative Declaration for R2017-03 and TM6181. The motion was approved by a vote of 5-0.

At this point a motion was made by Commissioner Hatcher and seconded by Commissioner Cunningham to approve R2017-03. The motion was approved by a vote of 5-0.

At this point a motion was made by Commissioner Hatcher and seconded by Commissioner Cunningham to approve TM6181 with specified revision to Condition #118. The motion was approved by a vote of 5-0.

CORRESPONDENCE

ATTACHMENT 4

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

File No. 210.45

Page 1 of 6

PUBLIC AGENCY

GEORGE GONZALEZ
PLANNING AND DEVELOPMENT SERVICES
CITY OF CLOVIS
1033 FIFTH STREET
CLOVIS, CA 936112

DEVELOPER

DENNIS M. GAAB, BENCHMARK COMMUNITIES,
LLC
7815 N. PALM AVE., SUITE 104
FRESNO, CA 93711

PROJECT NO: **6181**

ADDRESS: **E/S LEONARD BTWN BARSTOW AND SHAW AVE.**

APN: **554-052-22S, 23**

SENT: **4/5/17**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
DO	\$392,298.00	NOR Review	\$1,656.00	To be paid prior to release of District comments to Public Agency and Developer.
DP	\$72,250.00	Grading Plan Review	\$4,620.00	Amount to be submitted with first grading plan submittal.
		Storm Drain Plan Review		For amount of fee, refer to www.fresnofloodcontrol.org for form to fill out and submit with first storm drain plan submittal (blank copy attached).
Total Drainage Fee: \$464,548.00		Total Service Charge: \$6,276.00		

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/18 based on the site plan submitted to the District on 3/15/17. 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 TRACT No. 6181

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

Page 2 of 6

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

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

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

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

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

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

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

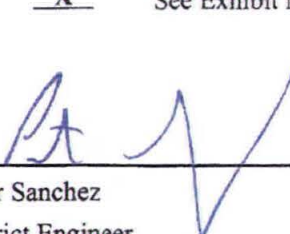
CL TRACT No. 6181

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

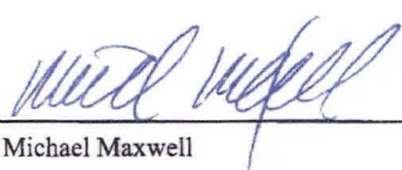
Page 3 of 6

CL TRACT No. 6181

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



Peter Sanchez
District Engineer



Michael Maxwell
Project Engineer

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

Page 4 of 6

CC:

UROI ARRIOLA, PRECISION CIVIL ENGINEERING, INC.

1234 O STREET

FRESNO, CA 93721

CL TRACT No. 6181

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT NOTICE OF REQUIREMENTS

Page 5 of 6

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

Application No. CL TRACT 6181

Name / Business DENNIS M. GAAB, BENCHMARK COMMUNITIES, LLC

Project Address E/S LEONARD BTWN BARSTOW AND SHAW AVE.

Project APN(s) 554-052-22S, 23

Project Acres (gross) 38.50

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

Description	Qty	Unit	Price	Amount
-------------	-----	------	-------	--------

Estimated Construction Cost _____

Fee equals lesser of

\$375.00 plus 3% of the estimated construction costs Total (\$300.00 gross per acre) **\$11,550.00**

Amount Due

Storm Drain Facilities Cost Sheet

15" Concrete Pipes \$64.00 LF
18" Concrete Pipes \$68.00 LF
24" Concrete Pipes \$76.00 LF
30" Concrete Pipes \$90.00 LF
36" Concrete Pipes \$106.00 LF
42" Concrete Pipes \$123.00 LF
48" Concrete Pipes \$144.00 LF
54" Concrete Pipes \$175.00 LF
60" Concrete Pipes \$205.00 LF
66" Concrete Pipes \$243.00 LF
72" Concrete Pipes \$280.00 LF
84" Concrete Pipes \$313.00 LF
96" Concrete Pipes \$338.00 LF
15" Jacked Pipes \$555.00 LF
18" Jacked Pipes \$608.00 LF
24" Jacked Pipes \$687.00 LF
30" Jacked Pipes \$766.00 LF
36" Jacked Pipes \$846.00 LF
42" Jacked Pipes \$898.00 LF
48" Jacked Pipes \$951.00 LF
54" Jacked Pipes \$1,031.00 LF
60" Jacked Pipes \$1,110.00 LF
66" Jacked Pipes \$1,216.00 LF
72" Jacked Pipes \$1,374.00 LF
84" Jacked Pipes \$1,533.00 LF
Manholes \$4,000.00 EA
Inlets & Laterals \$4,450.00 EA
Outfalls \$8,500.00 EA
Canal Outfalls \$15,000.00 EA
Basin Excavation \$0.75 CY

IMPROVEMENTS ADJACENT TO BASIN

Fence, Pad, and Gate \$20.00 LF
Mowstrip \$17.50 LF
Arterial Paving \$70.00 LF
Local Paving \$45.00 LF
Curb and Gutter \$18.25 LF
Sidewalk \$36.00 LF
Sewer Line \$21.00 LF
Water Line \$24.00 LF
Street Lights \$61.00 LF
Pump Station/Intake \$375,000.00 EA

CL TRACT No. 6181

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

Page 6 of 6

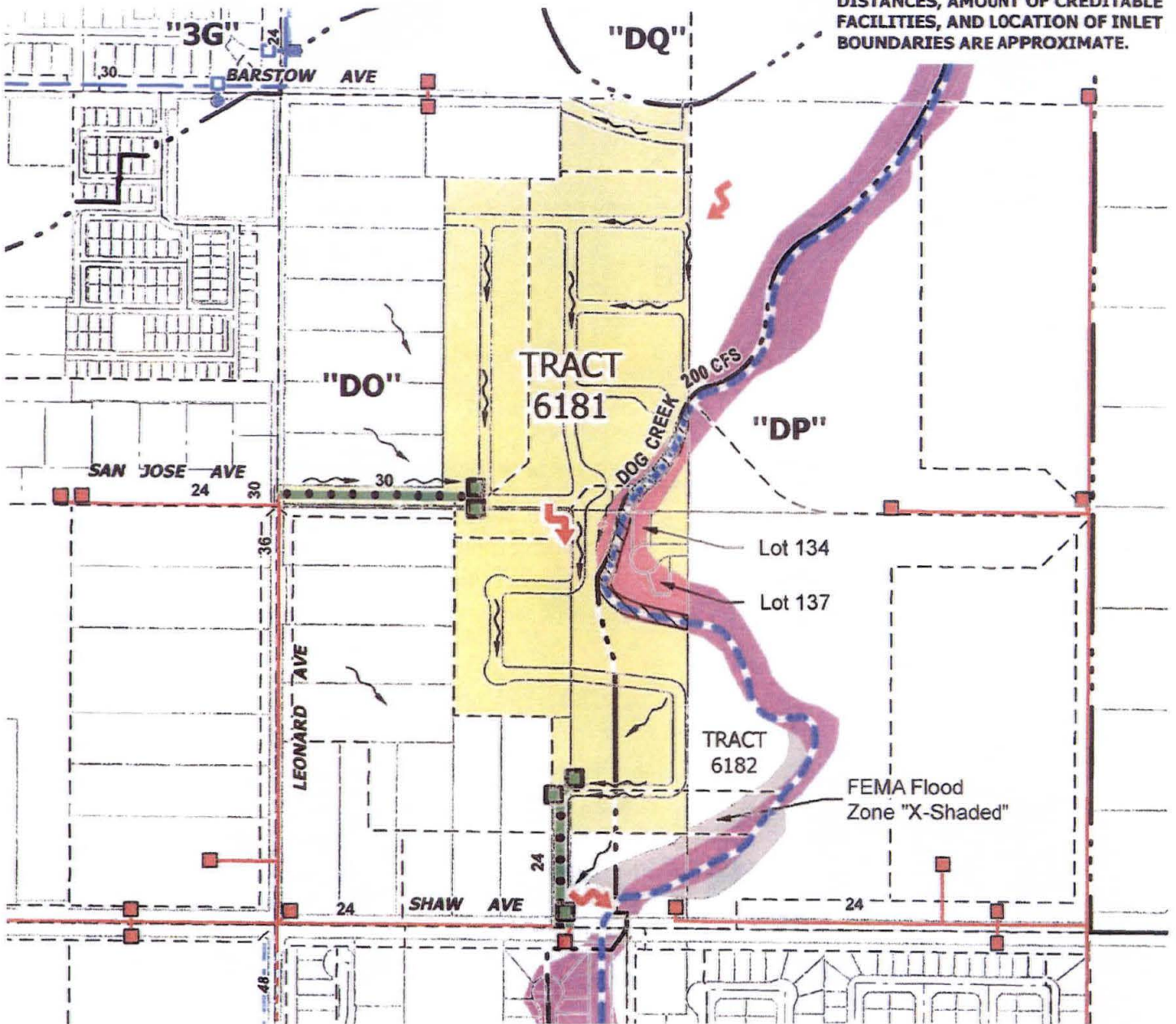
<h1>POLICY MANUAL</h1>	Date Adopted: September 11, 1981
Classification: FLOOD PLAIN MANAGEMENT	Date Last Amended: August 10, 2005
	Subject: Flood Plain Policy
	Approved By: 

Because of the relatively high velocities and volumes of flood flow associated with primary flood plains, and because the primary flood plain is responsible for passing the greatest percentage of the flood event, development located in such flood plains is subject to substantial risk, both to itself and to others as a result of the potential for blockage and diversion of flood waters. In view of these factors:

Policy:

- (1) All proposed development activity shall reference the Flood Insurance Rate Map to determine if it is located in a 100-year flood plain (special flood hazard areas inundated by a 100-year flood) "Primary Flood Plain". Any project not located within a FIRM or located in any area where the FIRM is determined to be inaccurate shall be the subject of a detailed hydrological flood hazard investigation to determine the relationship of the proposed development to the primary flood plain; and, further, to identify the calculated water surface elevation of the 100-year flood event.
- (2) The development must be properly flood proofed below the calculated water surface elevation of the 100-year flood event.
- (3) All development and/or permanent improvement activity which, if located within the primary floodway, may unduly impede, retard or change the direction of flow of water either, by itself, or by the catching or collecting of other debris or is placed where the flow of water would carry such obstruction downstream to the damage or detriment of either life or property, should not be permitted.
- (4) The development shall not cause displacement of any and all floodwaters from that portion of the flood plain to be developed.

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



LEGEND

- | | | | |
|--|---|--|-----------------------|
| | Creditable Facilities (Master Plan Facilities To Be Constructed By Developer) - Pipeline (Size Shown) & Inlet | | Inlet Boundary |
| | Existing Master Plan Facilities | | Direction Of Drainage |
| | Future Master Plan Facilities | | Major Storm Breakover |
| | Flood Zone "AE" | | |
| | Existing Stream Course (Master Plan Channel) | | |
| | Channel Easement To Be Dedicated | | |
| | Drainage Area Boundary | | |



1" = 500'

TRACT 6181 DRAINAGE AREAS "DO" & "DP"

EXHIBIT NO. 1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT



Prepared by: keithr
Date: 4/3/2017

Path: K:\Autocad\DWGS\EXHIBIT\TRACTS\6181.mxd

OTHER REQUIREMENTS
EXHIBIT NO. 2

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

The proposed development historically receives runoff from an area east of the project during a major storm event. The developer must identify what streets will pass the major storm draining from the area east of the tract and provide calculations that show structures will have adequate flood protection. The developer should be aware that based on historical drainage patterns some of the streets located within the tract may need to be resized to pass larger event storms. District approval is not extended to street configuration. The developer shall include information in the drainage report indicating the path of the major storm flow and calculations confirming there is adequate protection of finished floors.

Drainage from the southeast portion of the development was Master Planned to drain north into the Drainage Area "DP" system. However, since Dog Creek is not being realigned, the southeast area of the development will be allowed to drain into the Drainage Area "DO" system. The District will revise the boundary and complete all studies related to the change. A revised Notice of Requirements will be issued when the studies are completed.

The Master Plan system has been designed such that during a two-year event flow will not exceed the height of the 6-inch curb. Should wedge curb (4.5 inches height) be used the same criteria shall apply whereby flow remains below the top of curb. Any extensions or pipe size increases due to meeting the requirement listed above shall be at the developer's expense.

Lot coverage must be provided to the District prior to submittal of improvement plans. The final drainage fee will be calculated commensurate with the lot coverage provided by the developer. If the lot coverage indicates a density higher than Master Planned, mitigation may be required. The lot coverage calculated by the District includes the front yard walkway, sidewalk walkway and the rear yard patio equaling an additional 6% of impervious area in addition to the City's typical lot coverage calculation.

Development No. Tract 6181

OTHER REQUIREMENTS

EXHIBIT NO. 2

Dog Creek is a natural stream course traversing the proposed development. This stream course is shown on the Storm Drainage and Flood Control Master Plan (see Exhibit No. 1). Should the developer choose to modify or relocate this channel, the developer must contact all agencies' having an interest in this channel, and comply with their regulations regarding the channel. These agencies may include State of California Fish and Wildlife, State of California Regional Water Quality Control Board (Section 401 of Clean Water Act), and the U.S. Army Corps of Engineers (USACE) (Section 404 of Clean Water Act). Furthermore, if a USACE Clean Water Act Section 404 permit application package is prepared, the District requests an opportunity to review the application prior to submittal.

This channel must be protected and preserved in its current location or an accepted relocation plan must be provided. The protection and preservation of this channel is necessary to convey upland surface runoff through the proposed development without adversely affecting other property owners and also to provide safe conveyance through the proposed development. The plans to retain or relocate this channel must be addressed in a drainage report prepared by the developer's engineer and submitted to the District for the project and include a study of any affect to the hydraulic performance of the channel.

The proposed development, as currently submitted, does not fully address the protection or relocation of Dog Creek. As proposed, an adequate buffer is not provided between lot numbers 134 and 137 and the top of the bank of Dog Creek. The proposed development must be revised to provide an adequate buffer between the lots and the channel. The developer's engineer shall work with the District to revise the proposed plan and to determine the extents of the buffer.

Wherever the developer proposes Dog Creek, adequate easement widths shall be dedicated to the District prior to approval of the Final Map. The easement shall be of sufficient width to accommodate the Master Plan flow rate and also provide adequate maintenance access. Development within the easement is prohibited. The District does not contemplate general public access within the easement.

As the channel design and hydraulic study of Dog Creek could affect the lot pattern and configuration, the District will review the work of the developer's engineer to determine easement limits at the time of dedication. The channel design must be completed prior to tentative map approval to ensure the easement area is known and adequate space is allotted for the channel. It is in the developer's interest to identify the channel design as early as possible so that appropriate lot configurations are selected. The hydraulic study must reflect culverts where roads and driveways cross the channel.

Development No. Tract 6181

OTHER REQUIREMENTS
EXHIBIT NO. 2

Should the developer choose to improve the channel, the developer shall comply with the following design requirements. The standard geometry parameters for Dog Creek are a minimum 16-foot wide bottom and maximum 2:1 side slopes. The channel must be designed and constructed to accommodate the flow rate of 200 cubic feet per second as identified in the Master Plan. The channel design must include hydraulic modeling using the HEC-RAS computer program. Channel design and hydraulic study must also consider the attenuation currently provided by the developer's property and not reduce the attenuation or otherwise increase conveyance to downstream properties.

The District will accept the easement dedications for the channel following completion of construction, including any mitigation obligations, and acceptance under required permits. Any proposed landscaping within the channel easement shall require (i) review and approval by the District, and (ii) maintenance by the property owner.

Dog Creek lies within the regulatory Federal Emergency Management Agency (FEMA) Floodway requiring additional processing and consideration if channel improvements are proposed. FEMA standards require that *"Any project in a floodway must be reviewed to determine if the project will increase flood heights. An engineering analysis must be conducted before a permit can be issued. The community's permit file must have a record of the results of this analysis, which can be in the form of a No-rise Certification. This No-rise Certification must be supported by technical data and signed by a registered professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM)."* The developer shall contact FEMA to obtain their requirements.

Any mapping process performed as part of the proposal shall include an additional map sheet identifying the limits of inundation from a 100-year storm event. The area of inundation shall be based upon existing topography. Approval of the proposed modification which alters the flood inundation area should be conditioned upon processing of a Letter of Map Revision with the Federal Emergency Management Agency.

Development No. Tract 6181



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

Capturing stormwater since 1956.

File 210.434
210.45 "6181"

April 5, 2017

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

Dear Mr. Gonzalez,

**Rezone Application No. R2017-03
Drainage Areas "DO" and "DP"**

The proposed rezone lies within the District's Drainage Areas "DO" and "DP". Based on information submitted at this time, the District's system can accommodate the proposed rezone. The existing Master Plan system has been designed for runoff from a Medium Density Residential land use at this location. Lot coverage must be provided to the District prior to submittal of improvement plans for this project and should the density of the project be commensurate with a density higher than Medium Density Residential mitigation may be required.

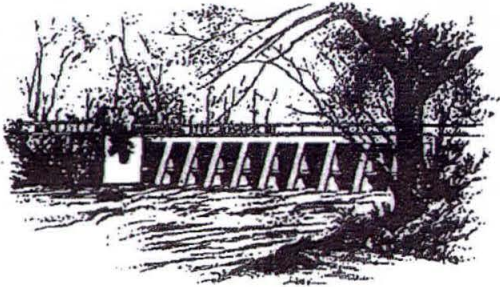
Please contact us if you need further information at (559) 456-3292.

Very truly yours,

Michael Maxwell
Engineering Technician III

MM/lrl

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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

March 30, 2017

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

RE: Tentative Tract Map No. 6181, R2017-03, RO294
S/E Barstow and Leonard avenues

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed the Tentative Tract Map No. 6181 for which the applicant requests approval for a 138 lot single family planned residential development, APN: 554-052-09, 22S, 23. This request is being processed concurrently with R2017-03 and RO294 FID has the following comments:

1. This site was previously reviewed and commented on by FID on November 28, 2016 as document DRC 2016-38. Those comments and conditions still apply and a copy is attached for your reference.

FID has the following additional comments:

1. Area of Concern 1, Comment No. 3 in November 28, 2016 correspondence in regards to DRC 2016-38 should be clarified to mean minimum 20 feet wide right-of-way along the top of bank to be clear of obstructions, structures, vegetation, etc. to provide clear passage and full width.
2. Enterprise Canal No. 109, Comment No. 10 (b) in November 28, 2016 correspondence in regards to DRC 2016-38 should be clarified to mean any drainage systems or swales proposed must be located outside FID's property/easement.
3. FID requires the Developer and or the Developer's engineer contact FID at their earliest convenience to discuss specific requirements.
4. FID is experiencing an increase in non-permitted heavy vehicle traffic on FID owned property/right-of-way canals due to developer construction activities. FID

requires Owner/Contractor install a temporary access gate or signage on one or both drive banks to stop/limit access to developments for construction activities.

5. The above comment is not to be construed as the only requests FID will have regarding this project. FID will make additional comments and requests as necessary as the project progresses and more details become available.

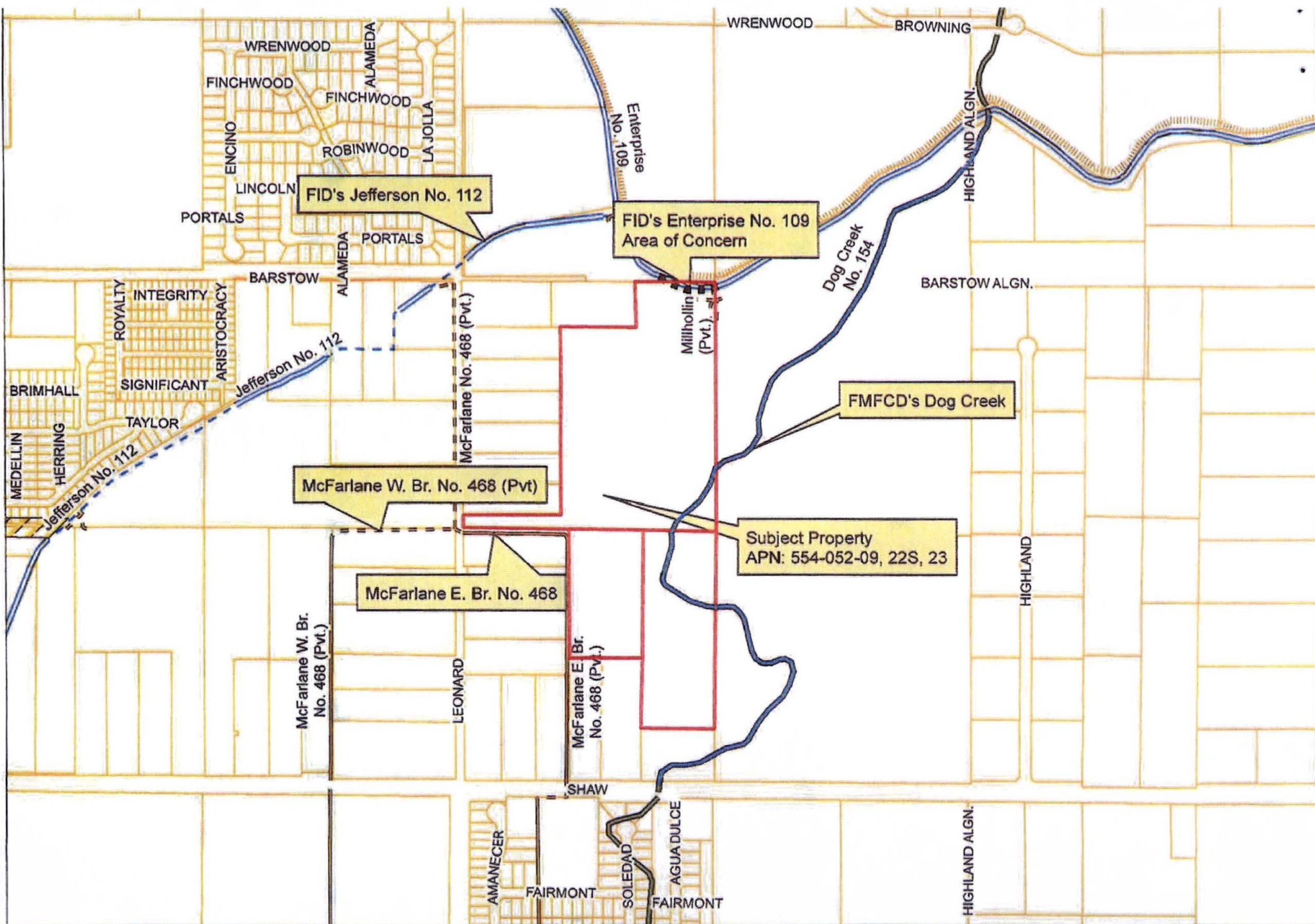
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or JLandrith@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachment



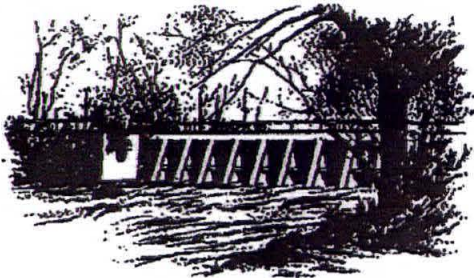
This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown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

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

0 325 650 Feet

1 inch = 641.91 feet

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YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO
IRRIGATION DISTRICT

TELEPHONE (559) 233-7161
FAX (559) 233-8227
2807 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93726-2208

November 28, 2016

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

RE: Development Review Committee Application No. 2016-38
S/E Barstow and Leonard avenues

Dear Mr. Cha:

The Fresno Irrigation District (FID) has reviewed the Development Review Committee Application No. 2016-38 for which the applicant request approval for the development of single family home sub-division, APN: 554-052-09. FID has the following comments:

Area of Concern 1

1. FID's active Enterprise No. 109 runs northwesterly and traverses through the north side of the subject parcel, as shown on the attached FID exhibit map, and may be impacted by the future development. Records do not show a recorded easement, however, FID does own an easement and the width is as shown on FID's attached Standard Detail Page No. 10. Should this project include any street and or utility improvements in the vicinity of the canal, FID requires it review and approve all plans.
2. FID requires that, within the limits of the proposed project [and its remainder], the landowner grant an exclusive easement for the land underlying the canal and associated area along the canal required for maintenance pursuant to Water Code Section 22425 and FID policy. FID's District Canal Right-of-Way Requirements sheet is enclosed for your reference. The proposed easement (width) will depend on several factors including: 1) Width of canal, 2) height of canal banks, 3) final alignment of canal, 4) additional space needed where roads/avenues intersect canal, etc.
- 3 FID requires that the Engineer/Land Surveyor use the inside top hinge of the canal to define the edge of FID's right-of-way such that FID has a minimum of 20-feet at all points along the canal bank. There are no minimum or suggested numbers of survey shots to take but, there must be enough survey points such that the top inside hinge of the canal bank is properly identified. Before finalizing the Final Maps, the Engineer/Land Surveyor will need to stake both the inside top hinge and the right-of-way/property for FID Staff to field evaluate an adequate width. FID staff must field verify the right-of-way/property

boundary and the hinge line edge before signing plans to ensure that there are enough survey points to properly define the canal.

- 4 Typically, for any type of development that impacts a large open canal or is adjacent to one such as the Enterprise Canal, FID requires the developer to improve the canal with either concrete lining, encasing the canal in a box culvert, or other approved means to protect the canal's integrity for an urban setting. FID does not have sufficient information to determine what kind of improvements will ultimately be required as part of the development. The engineers working on the project and FID's engineering staff must meet to discuss specific requirements as discussed below. In order to meet the "urban" standards for the canal, FID will require the following minimum conditions:

- a. **Channel Stabilization:** The proposed plan does not indicate any improvements to the Canal. If the Developer is not willing to concrete line the Canal or place it underground within a box culvert, they must come up with another means acceptable to and approved by FID to protect the Canal's integrity. On similar projects, Developers typically propose the following:

- i. **Surrounding Development** – All proposed building pad elevations must be a minimum of 12-inches above the canal's high water.
- ii. **Freeboard** – FID typically requires between 1.0 to 1.5 feet of freeboard across its full Right-of-Way. Because the Canal is used to route stormwaters, and is one of the larger canals used to convey the stormwater, FID will require a minimum of 1.5 feet of freeboard and a maximum of 2.0 feet. The Developer will be required to either import or export material to match FID's standards throughout the full width of the canal right of way.
- iii. **Maintenance** – this reach of Canal does have a history of high loads of sediment deposits which requires yearly dredging. FID will typically dredge the Canal and deposit the spoils on top of the banks to dry out. Once the spoil has dried, FID will remove or flatten the spoil as time permits. This reach of Canal also has large volumes of trash, debris, shopping carts that are deposited into the Canal. FID's crews will typically remove the trash at the Leonard Avenue bridge and another crew will come by to remove the trash. The hauling off of this material may occur several weeks after the trash has been placed on the side of the canal, and the trash may be considered a nuisance (sight and smell). If the Developer and/or City require a different level of maintenance effort, they will need to enter into an agreement for that purpose. The City and/or Developer will be responsible to fund the "higher level" of maintenance.

- b. **Drive banks/maintenance roads and encroachments (both banks):**

- i. One or both of the drive banks must be sloped a minimum of 2% away from the canal with provisions made for rainfall. Drainage will not be accepted into the Canal and must be routed away from FID property/drive banks. Runoff must be conveyed to nearby public streets or drainage system by drainage swales or other FID acceptable alternatives.
 - ii. One or both of the drive banks shall be overlaid with 3 inches of Class II aggregate base for all-weather access and for dust suppression.
 - iii. Encroachments - All existing trees, bushes, debris, fencing, and other structures must be removed within FID's property/easement.
- 5 Trail - It is FID's understanding that a trail is master-planned along the Enterprise canal bank. As with other developments with trails proposed along the canals, FID will not allow the trail to encroach/overlap FID's canal easement. The following requirements are intended for trail projects adjacent to FID-owned properties and right-of-ways for open canals:
 - a. FID will not allow the trail easement to be in common use with FID-owned property or easements.
 - b. FID requires all trail improvements be placed outside of FID-owned properties and easements.
 - c. FID will not allow any portion of a tree canopy to encroach within its properties or easements.
 - d. FID's canals will not accept any drainage from the trail or the canal bank.
 - e. FID may require some improvements be made to the canal depending on the existing canal condition, the proposed trail, and the adjacent development.
- 6 If a fence will be installed between the development and open canal, a block/masonry wall shall be required. Chain-link and wood fencing will no longer be accepted for urban developments.

Area of Concern 2

1. FID's Enterprise Canal is located within the scope of work as shown on the attached FID exhibit map and will be impacted by the proposed project. This facility is used to deliver water to agricultural users, to the City of Clovis' and the City of Fresno surface water treatment facilities.
2. FID's design guidelines for bridges/box culvert structures are attached for your reference. In addition, FID has several comments and clarifications which are listed below.

3. FID will require its standard notes be placed on the plans. Please see the attached general notes for FID open canal plans.
4. FID will require its water routing notes specific to the Enterprise Canal be placed on the plans or specifications. Notes will be provided during plan review.
5. FID requires it review, approve and be made a party to signing all Improvement Plans related to the proposed bridge project.
6. Construction within the Enterprise Canal will only be allowed/permitted on or near (above or below) FID's facilities during the month of November. The Enterprise Canal typically conveys water 11 months out of the year. If the City desires to shut down the Enterprise Canal beyond the month of November, the City will need to coordinate with the non-irrigation water users such as the City of Fresno and Clovis. FID recommends the proposed bridge free-span the canal to minimize shutdown time required.
7. FID requires it review, approve and be made a party to signing all other improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer and Water, FMFCD, Street, Landscaping, Dry Utilities, and all other utilities.
8. As with most bridge projects, there will be considerable time and effort required of FID's staff to plan, coordinate, engineer, review plans, prepare agreements, and inspect the project. FID's cost for associated plan review will vary and will be determined at the time of the plan review.

FACILITY SPECIFIC INFORMATION, COMMENTS & CONDITIONS

Enterprise Canal No. 109

Existing Facilities: Large open channel with maintenance drive banks on both sides.

Location of crossing: Along Street "H" north of Barstow Avenue at FID's Enterprise Canal No. 109

Easement: Approximately 80-feet wide (40-feet canal with 20-feet drive banks on both sides).

Flows: Max. 300 CFS

Comments & Conditions

1. This canal is fairly large and therefore the proposed canal crossing must be designed to convey the water in a safe and efficient manner without altering the existing conditions in a negative manner in regards to FID's operations and maintenance.
2. Water Routing Requirements During Non-Irrigation Season – As mentioned earlier, FID will require its water routing notes be placed on the plans or specifications. Refer to the

attached provisional notes. The maximum flow in this reach is 300 CFS, with the normal irrigation flow being 225 CFS for a typical season. Outside the typical irrigation season, this canal carries Storm Water, Nuisance Water, and water to the Surface Water Treatment Facilities for the City of Fresno and the City of Clovis. The City will need to plan for this, and those flows are explained in detail below:

- a. **Storm Routing – (0-100 CFS)** The flow can increase up to 100 CFS after several large storm events. The canal serves as a major artery of the Fresno Metropolitan Flood Control District (FMFCD) flood routing system. The storm water consists of urban runoff, runoff from parcels that adjoin the canal and from foothill stream flood control projects within and under the jurisdiction of FMFCD. Once the floodwater enters FID's canal system, FID routes the water through various canals to various basins located on the west side of FID.
 - b. **Surface Water Treatment Facilities – (0- 50 CFS)** These flows will fluctuate daily depending on the needs of the City of Clovis and the City of Fresno. The cities typically receive waters from the Enterprise Canal 11 months out of the year except for the month of November.
 - c. **Nuisance – (5 CFS)** The canal catches inflows from various areas. This water will vary depending on several factors including the amount of rainfall. The canal will most likely have standing water year-round.
3. **Bypass –** Because the Enterprise Canal is used to route storm waters which typically peak between November and February and deliveries to City of Clovis and City of Fresno Surface Water Treatment Facilities, there is no ideal construction window. The only opportunity to do any construction is during the month of November assuming weather permits.
- a. Based on flows and criteria mentioned in Note #2, FID will require a bypass to route a minimum of 150 CFS (assuming normal conditions) from November 1st to November 30th. The bypass shall be removed and the canal shall be restored to its original conditions by November 30th.
 - b. Bypass shall be completed and inspected by FID's Inspector before any bridge work starts. If the bypass will be an open channel, a drive bank on both sides of the bypass channel shall be incorporated for maintenance and operation purposes. The Contractor shall prepare and submit, for approval from the City and FID, the detailed plans and calculations detailing that the system is capable of handling the projected flows.
 - c. FID will require a copy of an access agreement from the City and adjacent landowner(s) where the bypass will be constructed. This agreement shall include a waiver releasing FID of any liability as it relates to the bypass channel situated on adjacent properties.
 - d. The bypass capacity requirements are subject to change based on the hydrological conditions.
4. Fresno Irrigation District's Engineering Department, (559) 233-7161, shall be notified 48 hours prior to construction. No work shall begin within FID's easement, including work on the bridge, without a "Permit To Work Within An Easement & Right-of-Way" issued by FID (\$40 permit fee, \$125 per week or \$50 per day inspection fee). Inspection fees are

based on \$50 per hour. All work shall be completed by the date specified on the Permit and the area restored to its original condition. Any work required after the completion date shall be approved by FID's Engineer. A **\$50,000** cash deposit is required to secure any work within FID's easements for canals and pipelines used for the diversion of Surface Water Treatment Facilities and disposal of floodwaters. FID will charge a Late Completion fee of **\$500** per day for each day that Contractor's work extends past **5:00PM on November 30** of the construction year. However, ten (10) days before the Irrigation Season, FID will charge a Late Completion fee of **\$2,500** per day for work not completed. FID will deduct costs from the deposit if the Contractor fails to pay any late fees.

5. Hydraulic Modeling – FID requires a hydraulic analysis be submitted for review to demonstrate the new bridge will not impact the existing hydraulic gradeline of the Enterprise Canal. The developer or its consultant will provide hydraulic calculations to determine water surface profile impacts and the amount of head loss across the new bridge/culvert. New or retrofitted bridge/box culvert cannot raise upstream water levels, and the bridge placement according to comment #6 below shall not impact water surface elevations.
6. FID typically requires a 2.0-foot minimum freeboard through canal crossings such as the Enterprise Canal crossing. The freeboard is needed to pass debris and trash through the structure.
7. FID requires the canal banks be regraded at the abutments to allow for placement of new rock slope protection. The developer shall install concrete lining 6-inch thick with a 2-foot minimum cutoff wall on the upstream and downstream sides/ends of the liner, shall install rip-rap a minimum of 8-feet in width on the upstream and downstream sides to limits of disturbed soil or as required by FID's Engineer, and shall install access ladders on the upstream and downstream sides of concrete lining per the attached FID's standard details 17, 18, & 19.
8. FID requires new bridges to be free-span without any piers in the waterway. If concrete piers are allowed, FID may require a catwalk and pier/trash riders.
9. Drive Approach – FID requires 50-foot wide drive approaches narrowing to 20 feet wide drive banks (See attached "Drive Approach in Urban Areas" Detail No. 62).
 - a. The 50-foot drive width is defined as starting from the end portion of the bridge/railing outward (away from the bridge). Every road and canal intersection is different and therefore each access may be different. FID requires the turning radius to be a minimum of 75-feet.
 - b. If guard railings extend beyond attachment points at each wing-wall, they will obstruct FID's access to the canal. FID will require the developer demonstrate FID's longest vehicle will be able to make the turns onto the drive banks. FID's right-of-way is a minimum 20-feet from the canal hinge on either side of the canal, and FID will require the developer acquire and dedicate FID an exclusive easement.

10. Canal Banks – If there will be any work on the canal banks, the following are a few guidelines and requirements:
 - a. All disturbed soil shall be concrete lined (both side slopes and bottom). FID will require structurally reinforced concrete to limit the on-going maintenance that typically occurs with gunite or shotcrete slope protection.
 - b. Drive banks must be sloped a minimum of 2% away from the canal with provisions made for rainfall. Drainage will not be accepted into the Canal and must be routed away from FID property/drive banks. Runoff must be conveyed to nearby public streets or drainage system by drainage swales or other FID acceptable alternatives.
 - c. All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or in-active FID and private structures must be removed within FID's property/easement and the City's project limits.
11. FID will need to be able to cross the median to the opposing canal bank so as to not be adversely impacted.

General Comments

1. FID is concerned that the proposed development may negatively impact local groundwater supplies. The area was historically agricultural land and a significant portion of its water supply was imported surface water, supplemented by groundwater pumping. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a conversion from imported surface water to groundwater, this deficit will increase. FID recommends the City of Clovis require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem.
2. FID requires the Developer to submit for FID's approval a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the Canal, or result in drainage patterns that could adversely affect FID.
3. FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities.
4. FID requires the Developer and or the Developer's engineer contact FID at their earliest convenience to discuss specific requirements.
5. FID requires its easements be shown on all maps with proper recording information, and that FID be made a party to signing the final map.
6. Footings of retaining walls shall not encroach onto FID property/easement areas.

7. It should be noted that without the use of surface water, continued dependence on solely a groundwater supply will do nothing to reverse or correct the existing overdraft of the groundwater supply beneath the City of Clovis and FID service area. As this project will "harden" or make firmer the need for water, the long-term correction of the groundwater overdraft should be considered as a requirement of the project.
8. The above comments are not to be construed as the only requests FID will have regarding this project. FID will make additional comments and requests as necessary as the project progresses and more detail becomes available.
9. For informational purposes, FID's active Jefferson No. 112 runs southwesterly and crosses Barstow Avenue and Leonard Avenue approximately 900 feet west of the subject property as shown on the attached FID exhibit map. Should this project include any street and or utility improvements along Barstow Avenue, Leonard Avenue, or in the vicinity of this pipeline or canal, FID requires it review and approve all plans.
10. For informational purposes, a privately owned canal known as McFarlane E. Br. No. 468 runs southerly and crosses Shaw Avenue approximately 1,300 feet south of the subject property as shown on the attached FID exhibit map. FID does not own, operate or maintain this private canal. FID's records indicate that this pipeline is active and should remain as such.
11. For informational purposes, a privately owned canal known as McFarlane W. Br. No. 468 runs southerly and crosses Shaw Avenue approximately 1,400 feet southwest of the subject property as shown on the attached FID exhibit map. FID does not own, operate or maintain this private canal. FID's records indicate that the canal is active and will need to be treated as such.
12. For informational purposes, Fresno Metropolitan Flood Control District's Dog Creek traverses the subject property as shown on the attached FID exhibit map. Should any improvements be necessary in the vicinity of the crossing, the applicant will be required to contact FMFCD to discuss any necessary improvements to their facility.

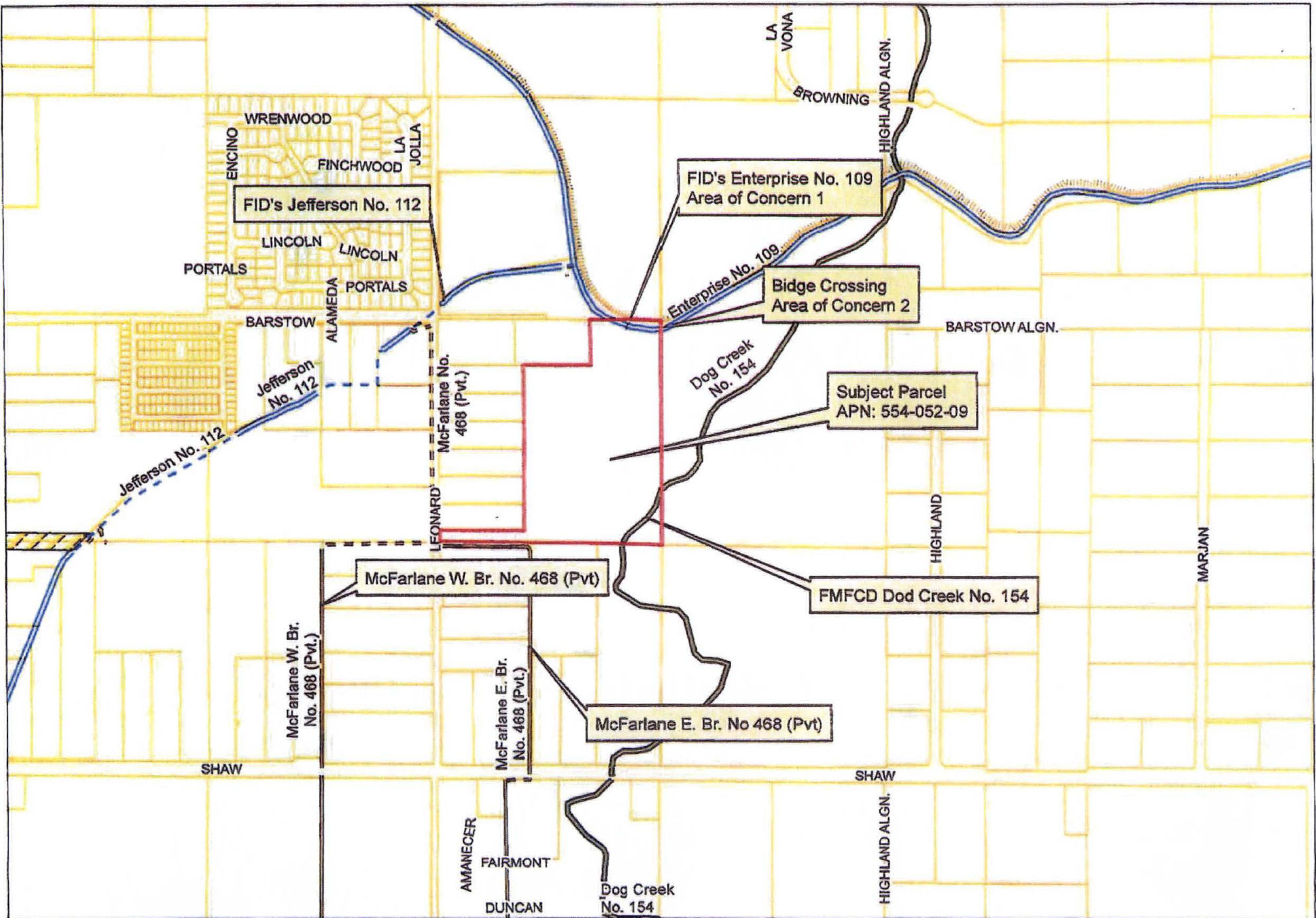
Thank you for submitting the proposed project for our review. We appreciate the opportunity to review and comment on the subject documents for this project. If you have any questions please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or JLandrith@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachment



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

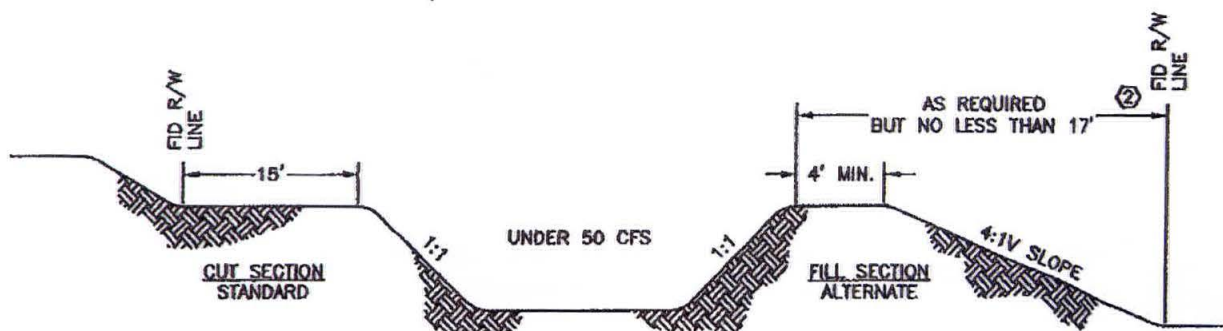
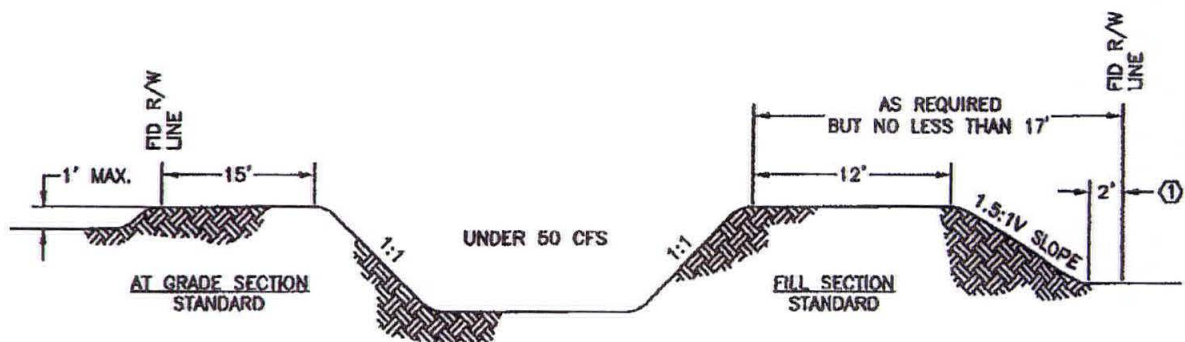
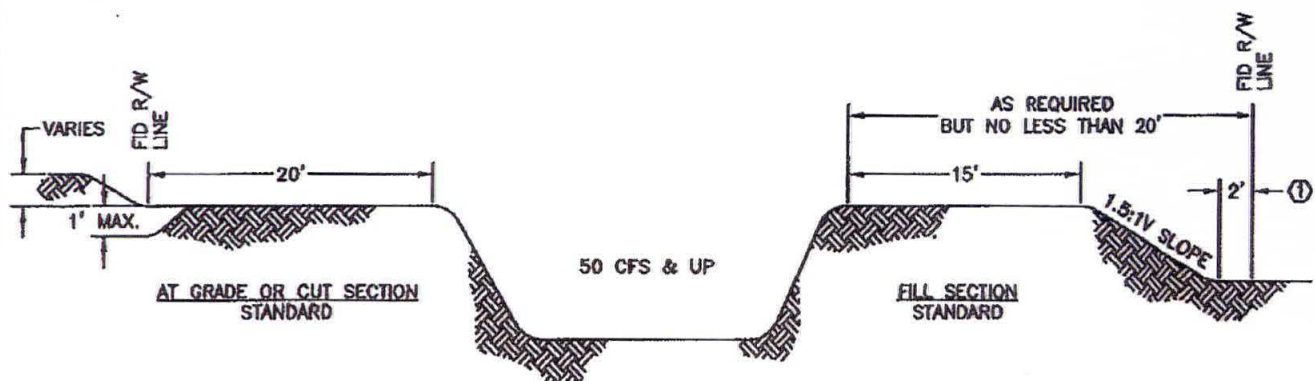
Legend

- | | | |
|-----------------|--------------------|-------------------|
| FID Canal | FID Pipeline | Stream Group |
| Private Canal | Private Pipeline | Other-Creek/River |
| Abandoned Canal | Abandoned Pipeline | Other-Pipeline |

- | |
|----------------|
| FID Boundary |
| Railroad |
| Streets & Hwys |

- | |
|-----------------------|
| Parcel |
| FMFCD Acquired Basins |
| FMFCD Proposed Basins |

0 365 730 Feet
1 Inch = 721.28 feet
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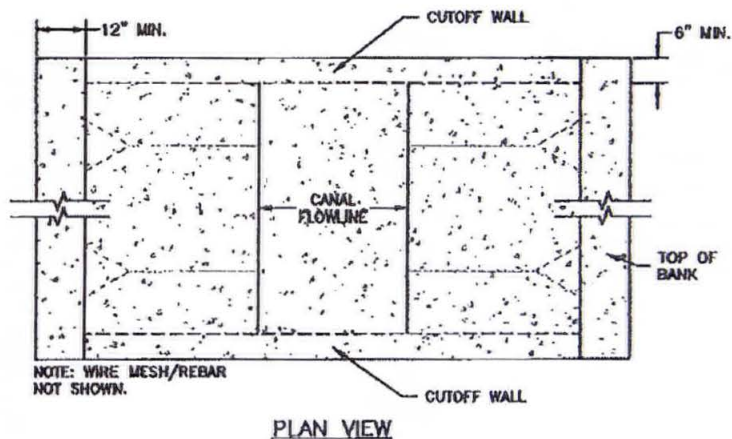
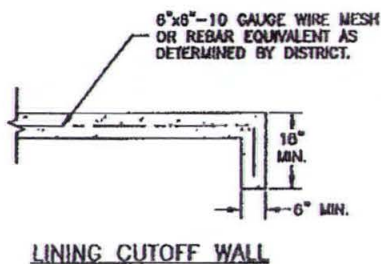
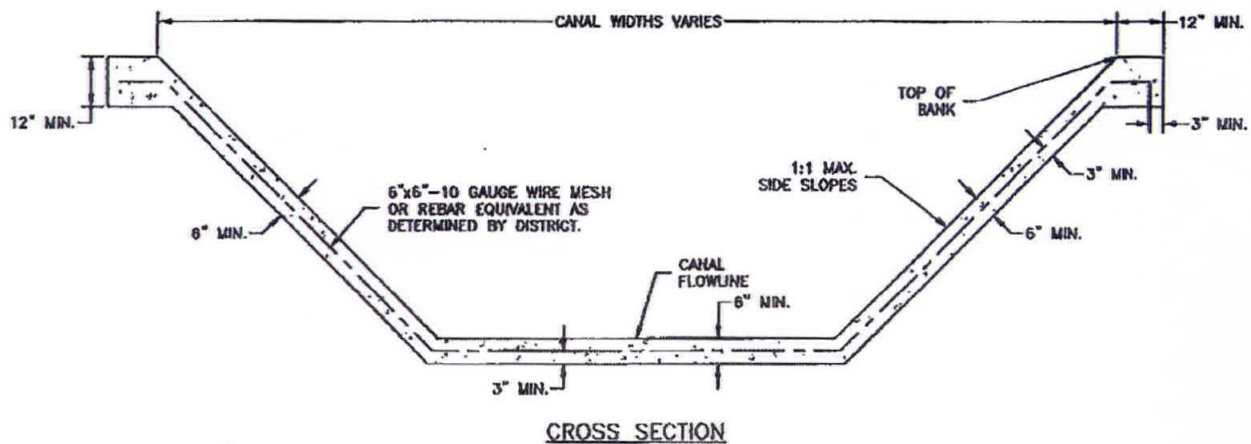
NOTES:

ALL PRIVATE FACILITIES TO BE LOCATED OUTSIDE FID RIGHT-OF-WAY.

- ① ADD 2 FEET TO EMBANKMENT WIDTH TO ESTABLISH OVERALL RIGHT-OF-WAY WIDTH TO ACCOMMODATE GRADER BLADE CLEARANCE.

- ② THE ALTERNATE SECTION CAN NOT BE USED IF THE OVERALL WIDTH EXCEEDS THE STANDARD WIDTH AND IS PERMITTED ONLY WHEN DISTRICT OPERATIONS AND MAINTENANCE FUNCTIONS DO NOT REQUIRE A STANDARD ROADWAY.

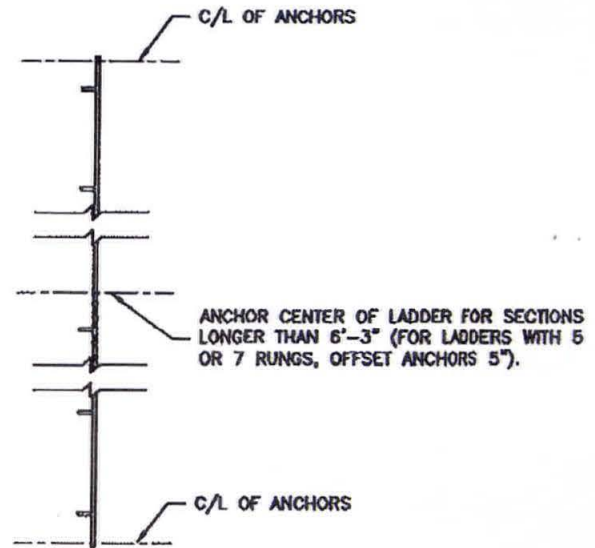
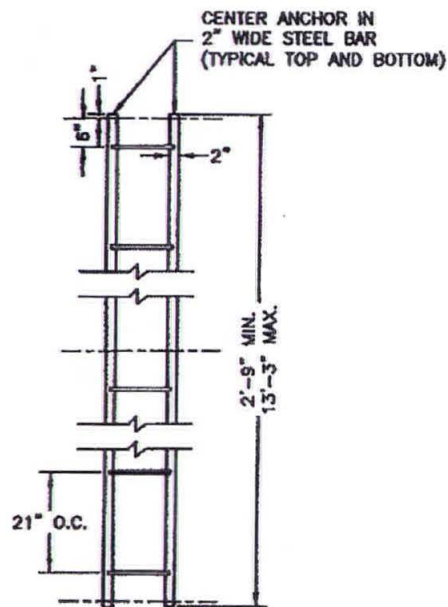
DISTRICT CANAL RIGHT-OF-WAY REQUIREMENTS



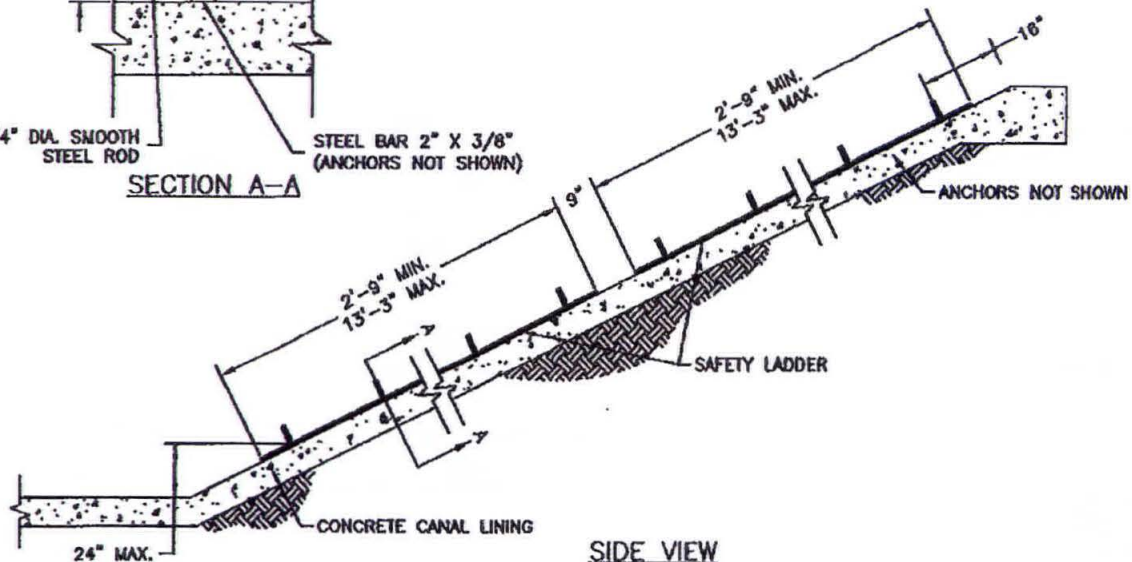
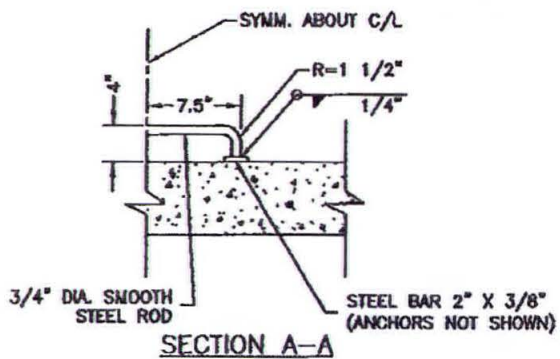
CONCRETE LINING NOTES:

1. SOILS TO HAVE MINIMUM OF 93% COMPACTION IN FILL AREAS FOR A DISTANCE 5' MINIMUM AROUND CONCRETE LINER.
2. CONCRETE LINING SHALL BE A MINIMUM OF 6-SACK WITH A MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 3,000 PSI.
3. 6"x6" - 10x10 GAUGE WIRE MESH MAY BE UNCOATED OR GALVANIZED.
4. FIBERCAST 500 OR EQUIVALENT CONCRETE FIBER REINFORCEMENT WITH FIBER LENGTHS BETWEEN 1.5" TO 2". APPLICATION RATE AT A MINIMUM OF 1.5 LBS. PER CUBIC YARD.
5. INSTALL ACCESS/SAFETY LADDERS ON ALTERNATE SIDES OF CANAL AT 100' INTERVALS OR AS DETERMINED BY DISTRICT. REFER TO FID HANDBOOK PAGE NO. 18.
6. CONTRACTOR SHALL SUBMIT CONCRETE MIX DESIGN TO FID FOR APPROVAL PRIOR TO CONSTRUCTION.
7. LINING CUTOFF WALLS TO BE CONSTRUCTED UPSTREAM AND DOWNSTREAM OF CONCRETE LINING.
8. AS DIRECTED BY FID'S INSPECTOR OR ENGINEER, CONTRACTOR SHALL MAKE AVAILABLE 7 DAY AND 28 DAY COMPRESSIVE STRENGTH TEST RESULTS.
9. REFER TO PAGE NO. 13 OF FID'S HANDBOOK FOR FURTHER SPECIFICATIONS.

CONCRETE CANAL LINING



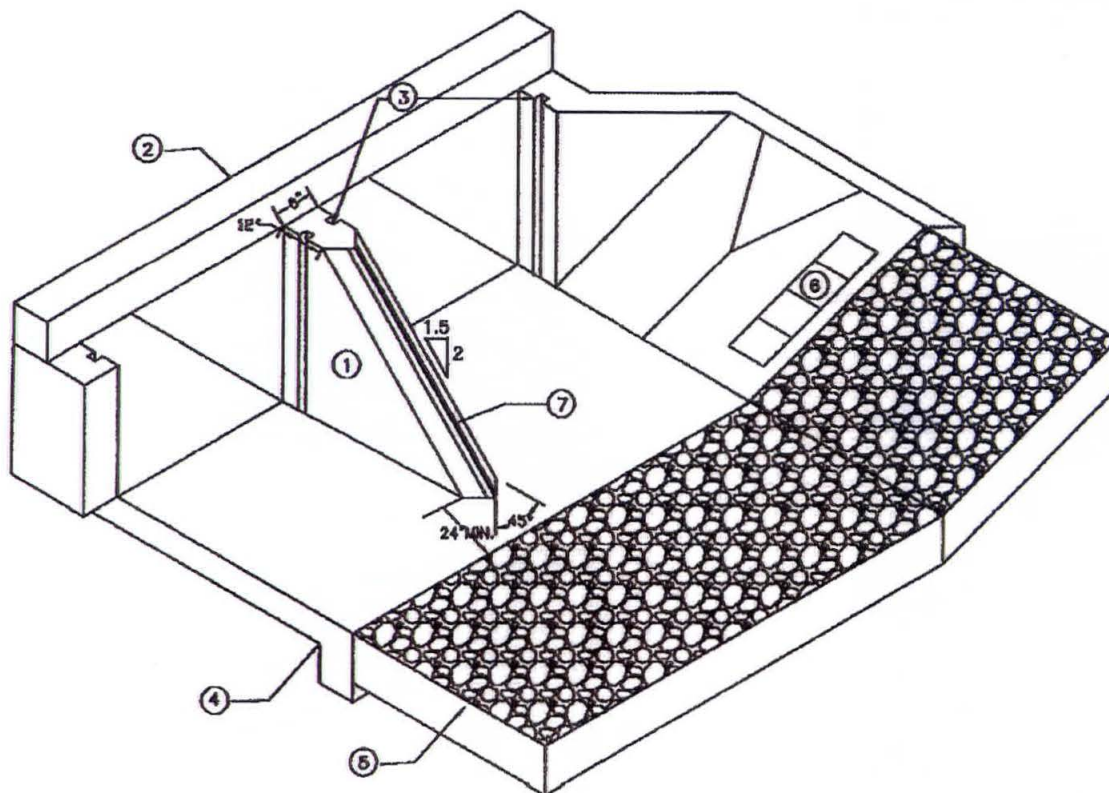
LADDER SECTION



NOTES:

1. STEEL COMPONENTS SHALL BE HOT-DIPPED GALVANIZED OR EPOXY COATED.
2. DRILL 5/8" DIA. X 2" DEEP HOLE IN "SET" CONCRETE (MIN 3-7 DAYS) AND INSTALL DROP-IN ANCHOR WITH 1/2" DIA. ALL THREAD BOLT (STAINLESS STEEL).
3. INSTALL ON ALTERNATE SIDES OF CANAL AT 100 FT. INTERVALS OR AS DIRECTED BY FID'S INSPECTOR.
4. FOR CONCRETE LINING DETAIL SEE FID HANDBOOK DETAIL NO. 17.

ACCESS/SAFETY LADDER



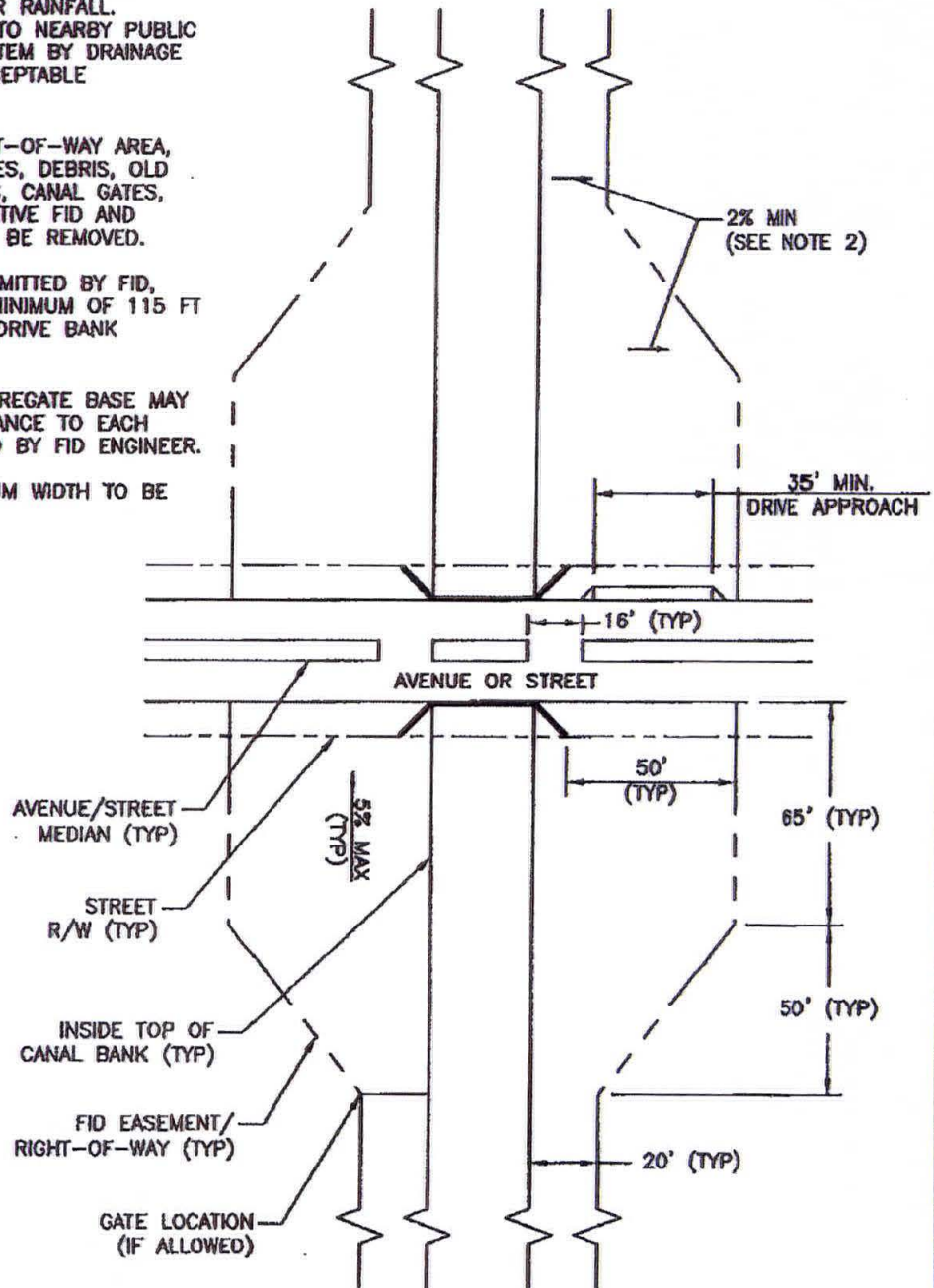
- NOTE: 1) PIER/TRASH RIDERS ARE REQUIRED ON UPSTREAM SIDES FOR BRIDGES AND BOX CULVERTS. MINIMUM WALL THICKNESS SHALL BE 6" X 12" AS SHOWN ABOVE WITH 1.5 : 2 SLOPE.
- 2) DIMENSIONS ASSUME EASY ACCESS FROM CULVERT HEADWALL. CONTRACTOR SHOULD VERIFY DIMENSIONS WITH DISTRICT PRIOR TO CONSTRUCTION.
- 3) INSTALL BOARD GUIDES ON THE UPSTREAM AND DOWNSTREAM SIDES OF ALL BRIDGES AND BOX CULVERTS. TYPICAL 1/4" THICK MATERIAL CAST INTO WALL WITH INSIDE DIMENSIONS OF 3-1/2" X 3-1/2". MATERIAL SHALL BE GALVANIZED OR APPROVED EQUAL.
- 4) INSTALL CONCRETE LINING ON UPSTREAM & DOWNSTREAM SIDES 6" THICK WITH A 2' MIN. CUTOFF WALL. REFER TO FID'S DETAIL NO. 17.
- 5) INSTALL RIP-RAP UPSTREAM & DOWNSTREAM SIDES A MINIMUM WIDTH OF 8', TO LIMITS OF DISTURBED SOIL OR AS REQUIRED BY FID ENGINEER. INSTALL 12" THICK RIP-RAP PER SECTION 72, CALTRANS SPECIFICATIONS, 1/4 TON ROCK WITH METHOD B FOR ROCK PLACEMENT.
- 6) INSTALL ACCESS LADDERS ON UPSTREAM & DOWNSTREAM SIDES OF CONCRETE LINING PER FID'S DETAIL NO. 18.
- 7) STEEL ANGLE IRON TO BE PLACED ON PIER/TRASH RIDER SHALL BE 1/4" THICK 2-1/2" X 2-1/2" ANGLE.

NOTE: ALL DIMENSIONS SHALL BE DETERMINED BY THE AGENCY OR OUTSIDE ENGINEERING FIRM AND NOT FID'S ENGINEERING STAFF.

PIER/TRASH RIDER DETAIL

NOTES:

1. DIMENSIONS AND NOTES ARE FOR LAYOUT PURPOSES ONLY. A SCALED DRAWING SHALL BE PREPARED AND SUBMITTED WITH ALL PLAN SETS PRIOR TO CONSTRUCTION.
2. DRAINAGE WILL NOT BE ACCEPTED IN THE CANAL AND SHALL BE ROUTED AWAY FROM FID PROPERTY/DRIVE BANKS. SLOPE DRIVE BANKS A MINIMUM OF 2% AWAY FROM THE CANAL WITH PROVISIONS MADE FOR RAINFALL. RUNOFF TO BE CONVEYED TO NEARBY PUBLIC STREETS OR DRAINAGE SYSTEM BY DRAINAGE SWALES OR OTHER FID ACCEPTABLE ALTERNATIVES.
3. WITHIN FID EASEMENT/RIGHT-OF-WAY AREA, ALL EXISTING TREES, BUSHES, DEBRIS, OLD CANAL STRUCTURES, PUMPS, CANAL GATES, AND OTHER NON OR IN-ACTIVE FID AND PRIVATE STRUCTURES MUST BE REMOVED.
4. IF AN ACCESS GATE IS PERMITTED BY FID, GATE MUST BE PLACED A MINIMUM OF 115 FT AWAY FROM ROAD, WHERE DRIVE BANK NARROWS TO 20 FT.
5. THREE (3) INCH THICK AGGREGATE BASE MAY BE REQUIRED AT THE ENTRANCE TO EACH DRIVE BANK AS DETERMINED BY FID ENGINEER.
6. DRIVEWAY APPROACH MINIMUM WIDTH TO BE 35 FT.



DRIVE APPROACH IN URBAN AREAS

I. GENERAL NOTES FID OPEN CANAL PLANS

1. ALL WORK SHALL CONFORM TO THE STANDARDS AND REQUIREMENTS AS SHOWN IN FRESNO IRRIGATION DISTRICT'S ENGINEERING HANDBOOK OF SPECIFICATIONS.
2. ALL MATERIAL SHALL BE NEW AND NO SALVAGED MATERIAL OR PREVIOUSLY USED MATERIAL MAY BE USED UNLESS APPROVED BY FRESNO IRRIGATION DISTRICT'S ENGINEER.
3. ALL DISTURBED SOIL SHALL BE COMPACTED TO A MINIMUM 93% COMPACTION (95% WITHIN CITY RW FOR TOP 24") OR AS SPECIFIED ON THE PLANS. COMPACTION TESTS SHALL BE MADE AVAILABLE TO FRESNO IRRIGATION DISTRICT'S ENGINEER.
4. ALL EXCESS MATERIAL AND/OR DEBRIS SHALL BE REMOVED FROM FRESNO IRRIGATION DISTRICT EASEMENT UPON COMPLETION OF CONSTRUCTION.
5. CONSTRUCTION SHALL NOT INTERFERE WITH THE FLOW OR DISTRIBUTION OF WATER AS REQUIRED BY FRESNO IRRIGATION DISTRICT. ANY WORK NEAR OR WITHIN A FACILITY DESIGNATED FOR ROUTING STORM FLOWS SHALL BE PERFORMED IN A MANNER TO ALLOW FLOOD FLOWS TO PASS AT ALL TIMES.
6. FRESNO IRRIGATION DISTRICT WILL NOT BE RESPONSIBLE FOR ANY WATER THAT MAY FLOW IN THE IRRIGATION FACILITY OR AREA OF CONSTRUCTION DURING THE TIME OF CONSTRUCTION.
7. FRESNO IRRIGATION DISTRICT'S WATER DEPARTMENT, (559) 233-7161, SHALL BE NOTIFIED TO DETERMINE A PERIOD THAT WORK MAY BE PERFORMED.
8. ALL CONSTRUCTION STAKING SHALL INCLUDE A STATION IDENTIFICATION (THAT CORRESPONDS WITH THE CONSTRUCTION PLANS), A HUB, HUB ELEVATION, AND HUB OFFSET DISTANCE. STAKING SHALL BE PROVIDED FOR ALL CRITICAL INSTALLATION LOCATIONS (CANAL CURVES, CHECK/WEIRS ...ETC.).
9. ALL WORK WITHIN FRESNO IRRIGATION DISTRICT (FID) EASEMENTS THAT WILL NOT IMPACT WATER DELIVERIES (I.E.: IRRIGATION FLOWS, STORM FLOWS, FLOODWATER FLOWS...ETC.) MUST BE PRE-APPROVED BY FID AND SECURED BY A \$500 CASH DEPOSIT. FID WILL CHARGE A LATE COMPLETION FEE OF \$200 PER WEEK (OR FRACTION THEREOF) THAT FID FACILITIES ARE OUT OF SERVICE AFTER THE COMPLETION DATE SPECIFIED ON FID'S PERMIT. FID WILL RETURN DEPOSIT AFTER COMPLETION OF CONSTRUCTION, OR DEDUCT COSTS FROM THE DEPOSIT FOR UNPAID FEES.
10. FRESNO IRRIGATION DISTRICT'S (FID) ENGINEERING DEPARTMENT, (559) 233-7161, SHALL BE NOTIFIED 48 HOURS PRIOR TO CONSTRUCTION. NO WORK SHALL BEGIN WITHOUT A 'PERMIT TO WORK WITHIN EASEMENT AND RIGHT-OF-WAY' ISSUED BY FID (\$40 PERMIT FEE, \$125 PER WEEK OR \$50 PER DAY INSPECTION FEE, \$500 OR \$4000 SECURITY DEPOSIT) (INSPECTION FEES ARE ASSESSED AS FOLLOWS: MINIMUM OF \$125.00 PER WEEK (2 ½ HOURS) OR \$50 PER DAY (1 HOUR). IF ADDITIONAL INSPECTION HOURS ARE NECESSARY, THE COST INCURRED WILL BE WITHHELD FROM THE DEPOSIT OR INVOICED TO THE PERMITTEE AT \$50.00 PER HOUR). ALL WORK SHALL BE COMPLETED BY THE DATE SPECIFIED ON THE FID PERMIT, AND THE AREA RESTORED TO ITS ORIGINAL CONDITION. ANY WORK REQUIRED AFTER THE COMPLETION DATE, SHALL BE APPROVED BY FID'S ENGINEER AND ASSESSED A LATE COMPLETION FEE AS SPECIFIED ON THE PERMIT.
11. FRESNO IRRIGATION DISTRICT (FID) FACILITIES ON THE ATTACHED PLANS REPRESENT IRRIGATION STRUCTURES, WHICH MAY BE ENCOUNTERED DURING CONSTRUCTION. CONTRACTOR IS RESPONSIBLE TO CONFIRM LOCATION, SIZE AND DEPTH OF ALL FID FACILITIES. FID ENGINEER IS TO BE NOTIFIED OF ANY CONFLICTS OR DISCREPANCIES.
12. ALL PORTIONS OF CANAL BANK DISTURBED DURING CONSTRUCTION MUST BE REPLACED AND PROTECTED WITH CONCRETE LINING PER FRESNO IRRIGATION DISTRICT STANDARDS.
13. FRESNO IRRIGATION DISTRICT REQUIRES ITS RIGHT-OF-WAY BE GRADED TO PROVIDE A SMOOTH UNIFORM DRIVE SURFACE AND CLEARED OF ALL ENCROACHMENTS INCLUDING BUT NOT LIMITED TO: TREES, BUSHES, BRUSH, PIPES, STANDPIPES, WELLS, MISCELLANEOUS DEBRIS, ETC.
14. INSTALL 6-FOOT HIGH CHAIN LINK FENCING AND ACCESS GATES PER PLANS AND DETAILS APPROVED BY FRESNO IRRIGATION DISTRICT.
15. ALL ON-SITE DRAINAGE SHALL OCCUR AWAY FROM ANY FID CANAL OR PIPELINE. ON-SITE DRAINAGE INTO ANY FID CANAL IS NOT ALLOWED. ALL DRIVEBANKS SHALL BE CLEAR OF ANY DEBRIS OR ENCROACHMENTS, AND SHALL BE GRADED TO A SMOOTH UNIFORM FINISH, AND HAVE A MINIMUM SLOPE OF 2% AWAY FROM THE CHANNEL.



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

David Pomaville, Director
Dr. Ken Bird, Health Officer

February 17, 2017

LU0018853
2604

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

Dear Ms. Cha:

PROJECT NUMBER: DRC2017-10

120-lot SFR subdivision proposal on 37.67 acres.

APN: 554-052-09, -22, -23

ADDRESS: South of E Barstow & E of Leonard Avenues

Recommended Conditions of Approval:

- Construction permits for development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Construction permits for the development should be subject to assurance that the City of Clovis community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.
- Due to the proximity of the proposed residential uses to an existing thoroughfare, consideration should be given to conformance with the Noise Element of the City of Clovis General Plan. A noise study should be conducted in order to identify the potential noise impacts and offer mitigation alternatives.
- 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

Promotion, preservation and protection of the community's health

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

(559) 600-3271 • FAX (559) 600-7629

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lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

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

The following comments pertain to the demolition of any existing structures:

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

REVIEWED BY:

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

(559) 600-3271

kt

cc: Glenn Allen- Environmental Health Division (CT. 59.12)
Precision Engineering- Applicant (uarriola@precisioneng.net)



March 21, 2017

SUBJECT: Tract Map No. 6181
South East Leonard & Barstow

Dear Mr. Gonzalez:

The purpose of this letter is to provide school district information relative to the above-referenced subdivision and to comply with Business and Professions Code section 11010, subdivision (b)(11)(A) regarding the provision of school-related information to the subdivider/owner and the State Department of Real Estate.

1. Elementary School Information:

- (a) The subject land is presently within the attendance area of the elementary school (grades K-6) listed below:

School Name: *Cedarwood Elementary*
Address: *2851 Palo Alto Ave*
Telephone: *(559) 327-6000*
Capacity: *792*
Enrollment: *733*

- (b) Because of projected growth in the District and the District's plans for construction of new school facilities, it is possible that (1) adjustment of school attendance areas could occur in the future such that students residing in the project area may be required to attend an elementary school other than the school listed above, and (2) students residing in the project area may attend more than one elementary school within the District during their elementary school years.

2. Intermediate School Information:

School Name: *Clark Intermediate*
Address: *902 5th St Clovis, CA 93612*
Telephone: *(559) 327-1500*
Capacity: *1500*
Enrollment: *1540*

Governing Board

Sandra A. Budd
Christopher Casado
Steven G. Fogg, M.D.
Brian D. Heryford
Ginny L. Hovsepian
Elizabeth J. Sandoval
Jim Van Volkinburg, D.D.S.

Administration

Janet L. Young, Ed.D.
Superintendent
Norm Anderson
Associate Superintendent
Barry S. Jager, Jr.
Associate Superintendent
Michael Johnston
Associate Superintendent

3. High School Information:

School Name: *Clovis High School*
Address: *1055 Fowler Ave Clovis, CA 93611*
Telephone: *(559) 327-1000*
Capacity: *3000*
Enrollment: *2903*

4. Bus transportation is currently provided for grades K-6 students residing further than one mile from school and for grades 7-12 students residing further than two and one-half miles from school. Transportation will be available for students attending the above-identified elementary, intermediate and high schools in accordance with District standards in effect at the time of enrollment.
5. The District currently levies a school facilities fee of \$4.22 per square foot for residential development. The fee is adjusted periodically in accordance with law. New development on the subject property will be subject to the fee in place at the time fee certificates are obtained.

The District hereby requests that the information in this letter be provided by the owner/subdivider to all prospective purchasers of property within the project.

Thank you for the opportunity to comment on the project. Please contact me if you have any questions regarding this letter.

Sincerely,



Michael Johnston
Associate Superintendent
Administrative Services

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

File No. 210.45

Page 1 of 6

PUBLIC AGENCY

GEORGE GONZALEZ
PLANNING AND DEVELOPMENT SERVICES
CITY OF CLOVIS
1033 FIFTH STREET
CLOVIS, CA 936112

DEVELOPER

DENNIS M. GAAB, BENCHMARK COMMUNITIES,
LLC
7815 N. PALM AVE., SUITE 104
FRESNO, CA 93711

PROJECT NO: **6181**

ADDRESS: **E/S LEONARD BTWN BARSTOW AND SHAW AVE.**

APN: **554-052-09, 13S, 22S, 23**

SENT: **4/12/17**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
DO	\$392,298.00	NOR Review	\$1,656.00	To be paid prior to release of District comments to Public Agency and Developer.
DP	\$72,250.00	Grading Plan Review	\$4,620.00	Amount to be submitted with first grading plan submittal.
		Storm Drain Plan Review		For amount of fee, refer to www.fresnofloodcontrol.org for form to fill out and submit with first storm drain plan submittal (blank copy attached).
Total Drainage Fee: \$464,548.00		Total Service Charge: \$6,276.00		

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/18 based on the site plan submitted to the District on 4/11/17. 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 TRACT No. 6181 v.1

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

Page 2 of 6

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:
 X Developer shall construct facilities as shown on Exhibit No. 1 as MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER.
 ___ None required.
3. The following final improvement plans and information shall be submitted to the District for review prior to final development approval:
 X Grading Plan
 X Street Plan
 X Storm Drain Plan
 X Water & Sewer Plan
 X Final Map
 X Drainage Report (to be submitted with tentative map)
 ___ Other
 ___ None Required
4. Availability of drainage facilities:
 ___ a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).
 ___ b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
 X 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:
 X Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)
 ___ Does not appear to be located within a flood prone area.
6. X 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.

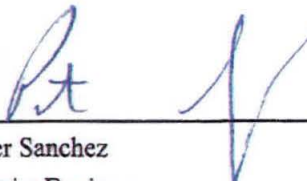
CL TRACT No. 6181 v.1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

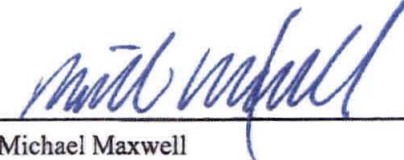
Page 3 of 6

CL TRACT No. 6181 v.1

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



Peter Sanchez
District Engineer



Michael Maxwell
Project Engineer

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

Page 4 of 6

CC:

UROI ARRIOLA, PRECISION CIVIL ENGINEERING, INC.

1234 O STREET

FRESNO, CA 93721

CL TRACT No. 6181 v.1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT NOTICE OF REQUIREMENTS

Page 5 of 6

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

Application No. CL TRACT 6181 v.1

Name / Business DENNIS M. GAAB, BENCHMARK COMMUNITIES, LLC

Project Address E/S LEONARD BTWN BARSTOW AND SHAW AVE.

Project APN(s) 554-052-09, 13S, 22S, 23

Project Acres (gross) 38.50

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

Description	Qty	Unit	Price	Amount
-------------	-----	------	-------	--------

Estimated Construction Cost _____

Fee equals lesser of

\$375.00 plus 3% of the estimated construction costs _____ Total (\$300.00 gross per acre) **\$11,550.00**

Amount Due _____

Storm Drain Facilities Cost Sheet

15" Concrete Pipes \$64.00 LF
18" Concrete Pipes \$68.00 LF
24" Concrete Pipes \$76.00 LF
30" Concrete Pipes \$90.00 LF
36" Concrete Pipes \$106.00 LF
42" Concrete Pipes \$123.00 LF
48" Concrete Pipes \$144.00 LF
54" Concrete Pipes \$175.00 LF
60" Concrete Pipes \$205.00 LF
66" Concrete Pipes \$243.00 LF
72" Concrete Pipes \$280.00 LF
84" Concrete Pipes \$313.00 LF
96" Concrete Pipes \$338.00 LF
15" Jacked Pipes \$555.00 LF
18" Jacked Pipes \$608.00 LF
24" Jacked Pipes \$687.00 LF
30" Jacked Pipes \$766.00 LF
36" Jacked Pipes \$846.00 LF
42" Jacked Pipes \$898.00 LF
48" Jacked Pipes \$951.00 LF
54" Jacked Pipes \$1,031.00 LF
60" Jacked Pipes \$1,110.00 LF
66" Jacked Pipes \$1,216.00 LF
72" Jacked Pipes \$1,374.00 LF
84" Jacked Pipes \$1,533.00 LF
Manholes \$4,000.00 EA
Inlets & Laterals \$4,450.00 EA
Outfalls \$8,500.00 EA
Canal Outfalls \$15,000.00 EA
Basin Excavation \$0.75 CY

IMPROVEMENTS ADJACENT TO BASIN

Fence, Pad, and Gate \$20.00 LF
Mowstrip \$17.50 LF
Arterial Paving \$70.00 LF
Local Paving \$45.00 LF
Curb and Gutter \$18.25 LF
Sidewalk \$36.00 LF
Sewer Line \$21.00 LF
Water Line \$24.00 LF
Street Lights \$65.00 LF
Pump Station/Intake \$375,000.00 EA

CL TRACT No. 6181 v.1

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

Page 6 of 6

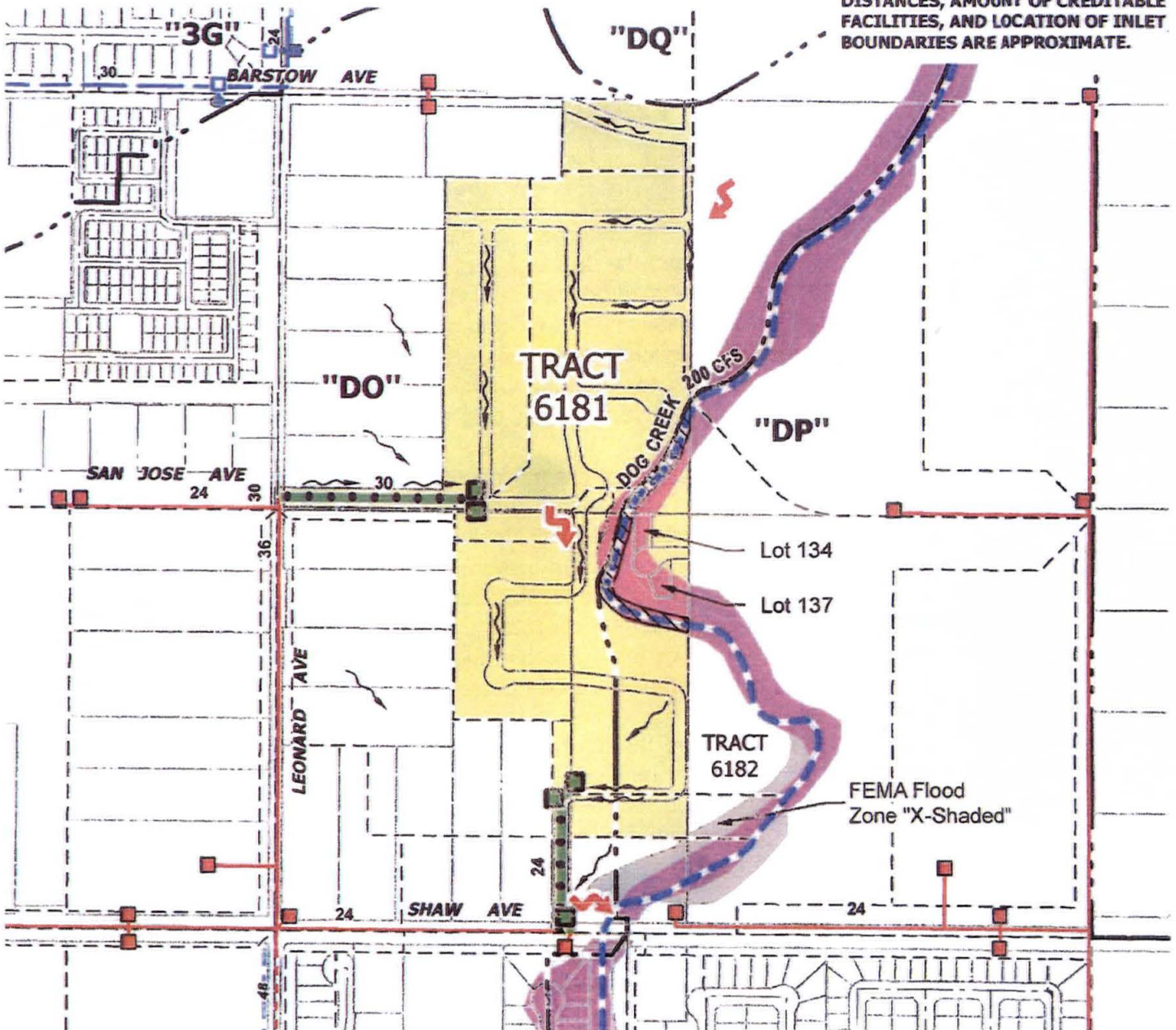
POLICY MANUAL	Date Adopted: September 11, 1981
Classification: FLOOD PLAIN MANAGEMENT	Date Last Amended: August 10, 2005
Subject: Flood Plain Policy	Approved By: 

Because of the relatively high velocities and volumes of flood flow associated with primary flood plains, and because the primary flood plain is responsible for passing the greatest percentage of the flood event, development located in such flood plains is subject to substantial risk, both to itself and to others as a result of the potential for blockage and diversion of flood waters. In view of these factors:

Policy:

- (1) All proposed development activity shall reference the Flood Insurance Rate Map to determine if it is located in a 100-year flood plain (special flood hazard areas inundated by a 100-year flood) "Primary Flood Plain". Any project not located within a FIRM or located in any area where the FIRM is determined to be inaccurate shall be the subject of a detailed hydrological flood hazard investigation to determine the relationship of the proposed development to the primary flood plain; and, further, to identify the calculated water surface elevation of the 100-year flood event.
- (2) The development must be properly flood proofed below the calculated water surface elevation of the 100-year flood event.
- (3) All development and/or permanent improvement activity which, if located within the primary floodway, may unduly impede, retard or change the direction of flow of water either, by itself, or by the catching or collecting of other debris or is placed where the flow of water would carry such obstruction downstream to the damage or detriment of either life or property, should not be permitted.
- (4) The development shall not cause displacement of any and all floodwaters from that portion of the flood plain to be developed.

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



LEGEND

- | | | | |
|--|---|--|-----------------------|
| | Creditable Facilities (Master Plan Facilities To Be Constructed By Developer) - Pipeline (Size Shown) & Inlet | | Inlet Boundary |
| | Existing Master Plan Facilities | | Direction Of Drainage |
| | Future Master Plan Facilities | | Major Storm Breakover |
| | Flood Zone "AE" | | |
| | Existing Stream Course (Master Plan Channel) | | |
| | Channel Easement To Be Dedicated | | |
| | Drainage Area Boundary | | |



1" = 500'

TRACT 6181 DRAINAGE AREAS "DO" & "DP"

EXHIBIT NO. 1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT



Prepared by: keithr

Date: 4/3/2017

Path: K:\Autocad\DWGS\0EXHIBIT\TRACTS\6181.mxd

OTHER REQUIREMENTS
EXHIBIT NO. 2

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

The proposed development historically receives runoff from an area east of the project during a major storm event. The developer must identify what streets will pass the major storm draining from the area east of the tract and provide calculations that show structures will have adequate flood protection. The developer should be aware that based on historical drainage patterns some of the streets located within the tract may need to be resized to pass larger event storms. District approval is not extended to street configuration. The developer shall include information in the drainage report indicating the path of the major storm flow and calculations confirming there is adequate protection of finished floors.

Drainage from the southeast portion of the development was Master Planned to drain north into the Drainage Area "DP" system. However, since Dog Creek is not being realigned, the southeast area of the development will be allowed to drain into the Drainage Area "DO" system. The District will revise the boundary and complete all studies related to the change. A revised Notice of Requirements will be issued when the studies are completed.

The Master Plan system has been designed such that during a two-year event flow will not exceed the height of the 6-inch curb. Should wedge curb (4.5 inches height) be used the same criteria shall apply whereby flow remains below the top of curb. Any extensions or pipe size increases due to meeting the requirement listed above shall be at the developer's expense.

Lot coverage must be provided to the District prior to submittal of improvement plans. The final drainage fee will be calculated commensurate with the lot coverage provided by the developer. If the lot coverage indicates a density higher than Master Planned, mitigation may be required. The lot coverage calculated by the District includes the front yard walkway, sidewalk walkway and the rear yard patio equaling an additional 6% of impervious area in addition to the City's typical lot coverage calculation.

Development No. Tract 6181v1

OTHER REQUIREMENTS

EXHIBIT NO. 2

Dog Creek is a natural stream course traversing the proposed development. This stream course is shown on the Storm Drainage and Flood Control Master Plan (see Exhibit No. 1). Should the developer choose to modify or relocate this channel, the developer must contact all agencies' having an interest in this channel, and comply with their regulations regarding the channel. These agencies may include State of California Fish and Wildlife, State of California Regional Water Quality Control Board (Section 401 of Clean Water Act), and the U.S. Army Corps of Engineers (USACE) (Section 404 of Clean Water Act). Furthermore, if a USACE Clean Water Act Section 404 permit application package is prepared, the District requests an opportunity to review the application prior to submittal.

This channel must be protected and preserved in its current location or an accepted relocation plan must be provided. The protection and preservation of this channel is necessary to convey upland surface runoff through the proposed development without adversely affecting other property owners and also to provide safe conveyance through the proposed development. The plans to retain or relocate this channel must be addressed in a drainage report prepared by the developer's engineer and submitted to the District for the project and include a study of any affect to the hydraulic performance of the channel.

The proposed development, as currently submitted, does not fully address the protection or relocation of Dog Creek. As proposed, an adequate buffer is not provided between lot numbers 134 and 137 and the top of the bank of Dog Creek. The proposed development must be revised to provide an adequate buffer between the lots and the channel. The developer's engineer shall work with the District to revise the proposed plan and to determine the extents of the buffer.

Wherever the developer proposes Dog Creek, adequate easement widths shall be dedicated to the District prior to approval of the Final Map. The easement shall be of sufficient width to accommodate the Master Plan flow rate and also provide adequate maintenance access. Development within the easement is prohibited. The District does not contemplate general public access within the easement.

As the channel design and hydraulic study of Dog Creek could affect the lot pattern and configuration, the District will review the work of the developer's engineer to determine easement limits at the time of dedication. The channel design must be completed prior to tentative map approval to ensure the easement area is known and adequate space is allotted for the channel. It is in the developer's interest to identify the channel design as early as possible so that appropriate lot configurations are selected. The hydraulic study must reflect culverts where roads and driveways cross the channel.

Development No. Tract 6181v1

OTHER REQUIREMENTS

EXHIBIT NO. 2

Should the developer choose to improve the channel, the developer shall comply with the following design requirements. The standard geometry parameters for Dog Creek are a minimum 16-foot wide bottom and maximum 2:1 side slopes. The channel must be designed and constructed to accommodate the flow rate of 200 cubic feet per second as identified in the Master Plan. The channel design must include hydraulic modeling using the HEC-RAS computer program. Channel design and hydraulic study must also consider the attenuation currently provided by the developer's property and not reduce the attenuation or otherwise increase conveyance to downstream properties.

The District will accept the easement dedications for the channel following completion of construction, including any mitigation obligations, and acceptance under required permits. Any proposed landscaping within the channel easement shall require (i) review and approval by the District, and (ii) maintenance by the property owner.

Dog Creek lies within the regulatory Federal Emergency Management Agency (FEMA) Floodway requiring additional processing and consideration if channel improvements are proposed. FEMA standards require that *"Any project in a floodway must be reviewed to determine if the project will increase flood heights. An engineering analysis must be conducted before a permit can be issued. The community's permit file must have a record of the results of this analysis, which can be in the form of a No-rise Certification. This No-rise Certification must be supported by technical data and signed by a registered professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM)."* The developer shall contact FEMA to obtain their requirements.

Any mapping process performed as part of the proposal shall include an additional map sheet identifying the limits of inundation from a 100-year storm event. The area of inundation shall be based upon existing topography. Approval of the proposed modification which alters the flood inundation area should be conditioned upon processing of a Letter of Map Revision with the Federal Emergency Management Agency.

Development No. Tract 6181v1



AGENDA ITEM NO: 1-C
City Manager: AK

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: January 8, 2018

SUBJECT: Consider Introduction, Ord. 18-____, **R2017-17**, A request to approve a prezone of approximately 40.96 acres of land located on the east side of Leonard Avenue, between Shaw and Barstow Avenues from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential – 6,000 Sq. Ft.) Zone District. Multiple property owners; Century Communities, applicant; Precision Civil Engineering, Inc., representative.

ATTACHMENTS:

Figure 1:	Location Map
Attachment 1:	Draft Ordinance
Attachment 2:	Planning Commission Minutes
Attachment 3:	Correspondence from Commenting Agencies

CONFLICT OF INTEREST

None.

RECOMMENDATION

Planning Commission and staff recommend that the City Council approve Prezone R2017-17.

EXECUTIVE SUMMARY

The applicant is requesting to prezone approximately 40.96 acres of property from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential – 6,000 Sq. Ft.) Zone District. The requested rezoning would bring the eighteen properties into consistency with the General Plan Land Use Diagram and Loma Vista Specific Plan. The requested rezoning is necessary to accommodate a 138-lot single-family residential development and

annexation of approximately 78 acres. The applicant requested the City Council to initiate the prezone on behalf of the property owners. On November 13, 2017, the City Council unanimously voted to initiate the prezone.

BACKGROUND

- General Plan Designation: Low Density Residential (2.1 to 4.0 units per acre), Medium Density Residential (4.1 – 7.0 units per acre) & Open Space
- Specific Plan Designation: Low Density Residential (Low Density Residential), Medium Density Residential (4.1 – 7.0 units per acre) & Open Space
- Existing Zoning: County AE-20
- Lot Size: Total Area 40.96 acres
- Current Land Use: Rural Residential
- Adjacent Land Uses:
 - North: Urban Development
 - South: Urban Development
 - East: Rural Residential & Agriculture
 - West: Rural Residential & Urban Development

PROPOSAL AND ANALYSIS

Prezone

The applicant is requesting to prezone approximately 40.96 acres from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential – 6,000 Sq. Ft.) Zone District (see Figure A below). The project area's land use designations of Low Density Residential, Medium Density Residential and Open Space in the Loma Vista Specific Plan are consistent with the proposed prezone.

Approval of this prezone would bring the subject parcels into consistency with the General Plan upon annexation, therefore, in compliance with State Planning and Zoning Law.

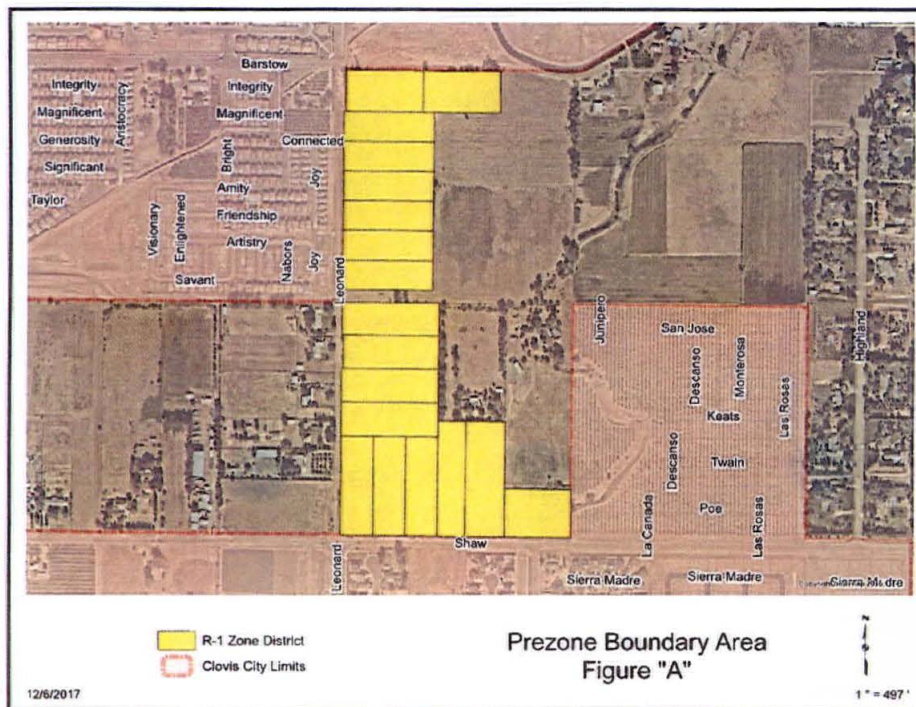


FIGURE A – Prezone Boundary

On November 16, 2017, the Planning Commission approved the associated vesting tentative tract map TM6181, for a 138-lot single-family residential development for land located to the east of Prezone R2017-17 (see Figure 1 below).

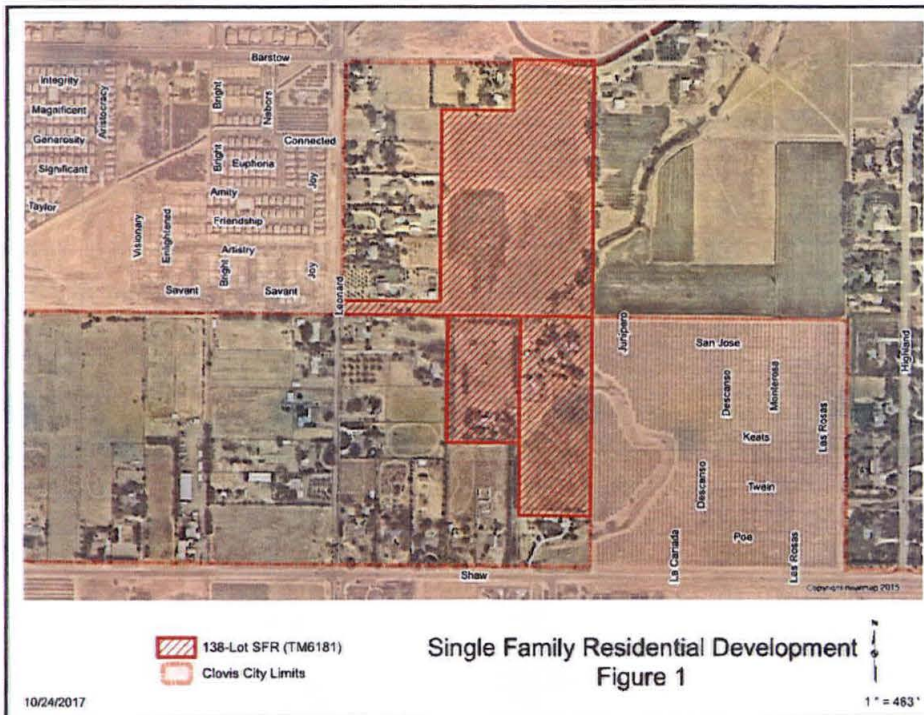


FIGURE 1 – TM6181 Boundary

Public Comments

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

Review and Comments from Agencies

The Project was distributed to all City Divisions as well as outside agencies, including Cal Trans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan Flood Control District, AT&T, PG&E, San Joaquin Valley Air Pollution Control District, 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, December 21, 2017. The Commission approved Prezone R2017-17 with a vote of 5-0.

The Planning Commission received a letter from Mr. Harvey Stidston, property owner of 8652 E. Shaw Avenue located on the north side of Shaw Avenue, just west of Dog Creek. Mr. Stidston opposed the rezoning of his property to the R-1 Zone District for reasons that the change would lower the value of his property which is currently for sale. Additionally, Mr. Stidston requested to prezone his property to the C-1 Zone District. However, during the public comment period, Mr. Stidston requested to rescind his opposition letter.

Consistency with General Plan Goals and Policies

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

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

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

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

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

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

California Environmental Quality Act (CEQA)

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

The City published notice of this public hearing in *The Business Journal* on Wednesday, December 27, 2017.

Annexation

An application for Annexation has been submitted and identified as the Shaw-Leonard Northeast Reorganization (RO294). The prezone area and three adjacent properties are proposed to be annexed under the Reorganization RO294 (see Figure C below).

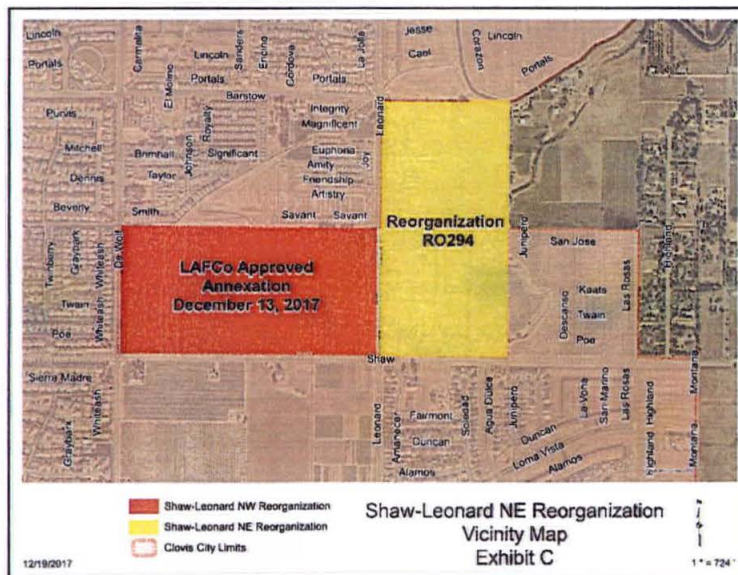


FIGURE C – Annexation Boundary

Properties West of Leonard Avenue

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). The Fresno Local Agency Formation Commission (LAFCo) approved the annexation of these properties to the City of Clovis on Wednesday, December 13, 2017. Therefore, these twenty-one properties should be within the City limits on or around January 16, 2018.

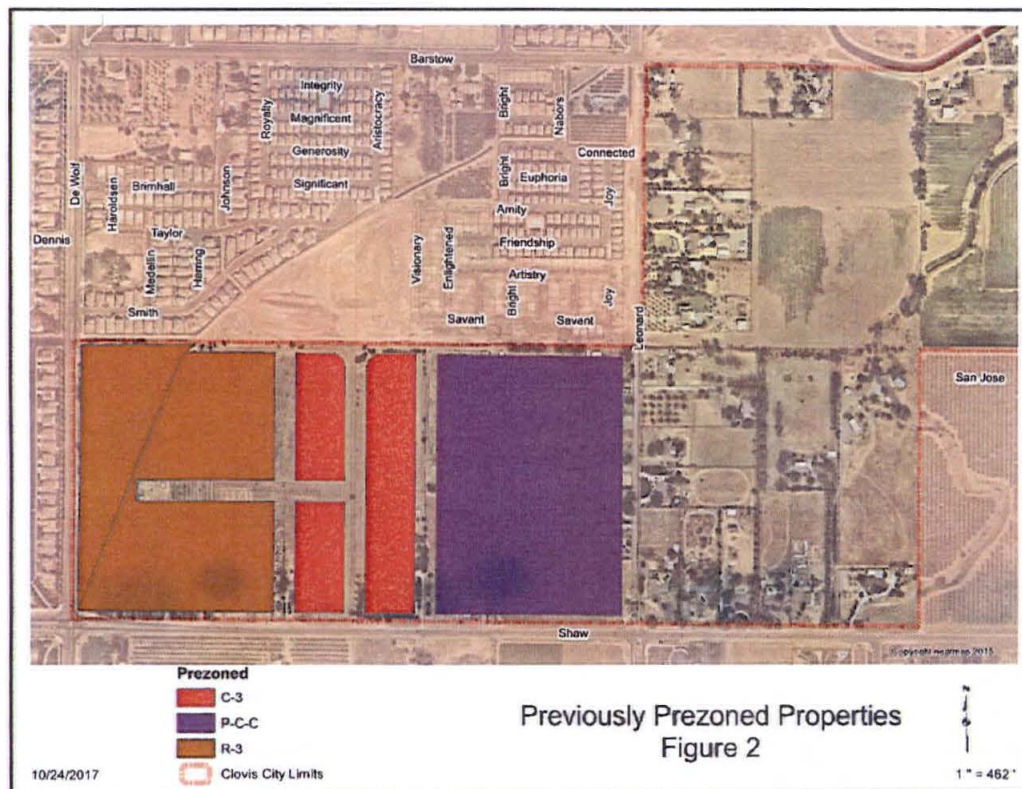


FIGURE 2 – Previously Prezoned Properties

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The proposed prezoning is consistent with the General Plan Land Use Diagram and Loma Vista Specific Plan. The prezoning of the eighteen properties will facilitate the applicant's proposal and provide for future development of all parcels as envisioned in the Loma Vista Specific Plan. Planning Commission and staff therefore recommend approval of Prezone R2017-17.

The findings to consider when making a decision on a prezone 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 Prezone 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:	88
Interested individuals notified:	10

Prepared by: George González, MPA, Associate Planner

Submitted by: 
Dwight Kroll
Director of Planning
and Development Services

**FIGURE 1
PROJECT LOCATION MAP**



DRAFT ORDINANCE

ATTACHMENT 1

**DRAFT
ORDINANCE 18-__**

AN ORDINANCE AMENDING AND CHANGING THE OFFICIAL ZONE MAP OF THE CITY OF CLOVIS IN ACCORDANCE WITH SECTIONS 9.08.020 AND 9.86.010 OF THE CLOVIS MUNICIPAL CODE TO RECLASSIFY LAND LOCATED ON THE EAST SIDE OF LEONARD AVENUE, BETWEEN SHAW AND BARSTOW AVENUES AND CONFIRMING ENVIRONMENTAL FINDINGS

LEGAL DESCRIPTION:

See the attached Exhibit "One."

WHEREAS, Century Communities, 7815 N. Palm Avenue, Suite 101, Fresno, CA 93711, has applied for a Prezone R2017-17; and

WHEREAS, this is a request to prezone approximately 40.96 acres from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential – 6,000 Sq. Ft.) Zone District for properties located on the east side of Leonard Avenue, between Shaw and Barstow Avenues, in the County of Fresno, California; and

WHEREAS, the Planning Commission held a noticed Public Hearing on December 21, 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 Prezone R2017-17; 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 January 8, 2018, to consider Prezone R2017-17. 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 and Loma Vista Specific Plan EIR, pursuant to CEQA guidelines; and

WHEREAS, the City Council held a noticed public hearing on January 8, 2018, to consider the approval of Prezone R2017-17; and

WHEREAS, on January 8, 2018, the City Council considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to Prezone R2017-17, 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 Prezone R2017-17, 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:

From Classifications County AE-20 to Classifications Clovis R-1 (Single Family Residential – 6,000 Sq. Ft.)

The property so reclassified is located on the east side of Leonard Avenue, between Shaw and Barstow 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: January 8, 2018

Mayor

City Clerk

* * * * *

The foregoing Ordinance was introduced at a regular meeting of the City Council held on January 8, 2018, and was adopted at a regular meeting of said Council held on _____, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

City Clerk

PLANNING COMMISSION MINUTES

ATTACHMENT 2

CLOVIS PLANNING COMMISSION MINUTES
December 21, 2017

- A. Consider Approval Res. 17-___, **R2017-17**, A request to approve a prezone of approximately 40.96 acres of land located on the east side of Leonard Avenue, between Shaw and Barstow Avenues from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential – 6,000 Sq. Ft.) Zone District. Multiple property owners; Century Communities, applicant; Precision Civil Engineering, Inc., representative.

Associate Planner George Gonzalez presented the staff report, noting at the beginning for the record that the letter received was in opposition to this particular.

Commissioner Cunningham requested clarification on the correspondence from the Fresno Irrigation District, specifically as to a concern about the presence or lack of a full right-of-way on one side of the canal. Associate Planner Gonzalez directed the inquiry to Associate Civil Engineer Sean Smith. Associate Civil Engineer Smith responded that this issue usually comes up during the plan check process. Commissioner Cunningham quoted a specific part of the letter. Associate Civil Engineer Smith responded that other projects are in the works in that area and that if a full right-of-way is not present now then there will be one.

Chair Hinkle sought clarification on the status of the McFarland water line in terms of possible redirection. Associate Civil Engineer Smith responded that staff would work with the McFarland family on the issue, which is not an unusual one, and that there are several options available.

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

Dennis Gabe, Vice-President of Century Communities, provided information on the project.

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

There were no comments in support.

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.

Commissioner Cunningham inquired as to the correspondence received by the Commission and whether the property owner, Mr. Stidston, had been contacted by staff to receive an explanation for the denial of his request. City Planner Araki confirmed that there had been discussion with him earlier in the day and that he was present. Mr. Stidston retracted his opposition on the basis that he hadn't understood the issue before.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve R2017-17. The motion was approved by a vote of 5-0.

CORRESPONDENCE

ATTACHMENT 3



Fresno Local Agency Formation Commission

December 11, 2017

George Gonzalez, MPA
Associate Planner
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Dear Mr. Gonzalez:

Subject: Comments regarding concurrent applications RO294 for the territory known as the Shaw-Leonard NE reorganization also within the same project R2017-07 for properties located on the east side of Leonard Avenue between Barstow and Shaw Avenues.

Thank you for the opportunity to comment on this project. From the material provided to this office, my understanding of the project description is as follows:

R2017-07, a request to approve a prezone of approximately 40.96 acres of land located on the east side of Leonard Avenue between Barstow and Shaw Avenues from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential) Zone District.

RO294, a resolution of application for the annexation of the territory known as the Shaw-Leonard NE Reorganization.

The Fresno Local Agency Formation Commission (LAFCo) regulates, through approval or denial, the boundary changes proposed by local agencies or individuals. LAFCo's objectives are to:

- Encourage orderly formation and development of agencies;
- Encourage consistency with spheres of influence and recommended reorganization of agencies;
- Encourage orderly urban development and preservation of open space patterns;
- Encourage conservation of prime agricultural lands and open space areas; and
- Identify and address disadvantaged unincorporated communities.

LAFCo should be identified in the city's environmental document as a Responsible Agency under CEQA whose role is to consider changes of organizations and spheres of influence. Commission action on the annexation request should be noted in the environmental document. As a Responsible Agency, the Commission is required to review and consider the City's Initial Study and Mitigated Negative Declaration prior to taking its action. A Responsible Agency complies with CEQA by considering the environmental analysis prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project. The Commission may then make a finding that it independently reviewed and considered the information in the environmental document and that the environmental document is sufficient to support a determination on the proposed reorganization.

Be advised that extraneous conditions of rezoning ordinance bills can impair the Commission's ability to approve projects. LAFCo staff is available to review and comment on the city's draft rezoning ordinance to ensure that it meets Commission standards.

It is important to note that LAFCo standards for annexation state a proposal for annexation is acceptable if one of the following can be providing by the City:

- There is existing substantial development provide the City confines its area requested to that area needed to include the substantial development and create logical boundaries.
- Development exists that requires urban services which can be provided by the City
- If no development exists, at least 50% of the area proposed for annexation has:
 - a. Approved tentative subdivision map(s)(S.F. residential)
 - b. Approved site plan(for other uses)

The proposal description should evaluate potential impacts to prime agricultural lands. It is understood that in order for the City to develop in a logical and orderly manner, annexation of agricultural lands is inevitable. The efficient use of this land is, therefore, of great importance to LAFCo. For example, LAFCo Policy Section 103 states, "The Commission encourages well-planned, orderly, and compact urban development patterns for all developing areas." Policy Section 104 further states, "Proposals which would conflict with the goals of maintaining the physical and economic integrity of open space lands, agricultural lands, as indicated in the City or County General Plan shall be discouraged."

With respect to how prime agricultural land is defined, the CEQA document should consider the definition of "Prime Agricultural Land" as listed within Government Code Section 56064 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. This definition differs from the California Department of Conservation's definition of Prime Farmland and may be considered more inclusive.

Growth within the Clovis plan area will require the City to provide a number of different services to the area, including, fire, police, water, sewer, solid waste, parks, and other services. When an application for annexation is submitted a plan for providing services within the affected territory with need to be submitted as part of a complete application.

As we have discussed, staff and the Commission will evaluate this project in light of the Commission's adopted policies and procedures, which include minimizing "creation of peninsulas and corridors, or other distortion of boundaries." It is therefore important that Clovis' application provides sufficient context as to how this proposal contributes to "planned, well ordered, efficient development patterns and service areas, and does not encourage urban sprawl."

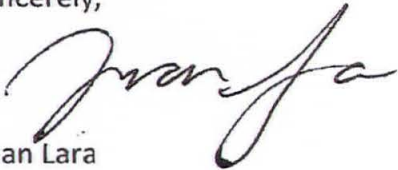
Staff recommends that the city and or applicant reach out to land owners' for consent, before submitting an application to LAFCo, which would make for a more time efficient application. If the application is not 100% consent is it subject to a 21-day notice of hearing.

Please be aware that prior to the completion and recordation of RO294 (Shaw-Leonard NE

Reorganization) the RO295 (Shaw-Leonard NW Reorganization) must be recorded and complete in order to prevent the creation of a county island.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (559) 600-0604.

Sincerely,

A handwritten signature in black ink, appearing to read "Juan Lara", with a stylized, cursive script.

Juan Lara
LAFCo Analyst II



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 210.434
310. "DO"

December 11, 2017

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

Dear Mr. Gonzalez,

Prezone Application No. R2017-17
Drainage Area "DO"

The proposed prezone lies within the District's Drainage Area "DO". Based on information submitted at this time, the District's system can accommodate the proposed prezone. The proposed Master Plan system has been designed for runoff from a Medium Density Residential land use at this location. Lot coverage must be provided to the District prior to submittal of improvement plans for this project and should the density of the project be commensurate with a density higher than Medium Density Residential mitigation may be required.

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

k:\letters\rezone letters\clovis\2017\2017-017(do)(mm).docx



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

David Pomaville, Director
Dr. Ken Bird, Health Officer

December 8, 2017

LU0019277
2604

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

Dear Mr. Gonzalez:

PROJECT NUMBER: R2017-17

R2017-17. A request to approve a prezone of approximately 40.96 acres of land located on the east side of Leonard Avenue, between Barstow and Shaw Avenues from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential - 6,000 Sq. Ft.) Zone District..

APN: 554-052-01 through -08 & -12 through -21

ZONING: AE-20 to R-1

ADDRESS: E side of Leonard, btw Barstow & Shaw Avenues

Recommended Conditions of Approval for Future Residential Project:

- Construction permits for development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Construction permits for the development should be subject to assurance that the City of Clovis community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.
- The 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 abandoned water wells and 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

Promotion, preservation and protection of the community's health

1221 Fulton Mall / P. O. Box 11867, Fresno, CA 93775
(559) 600-3271 • FAX (559) 600-7629

The County of Fresno is an Equal Opportunity Employer
www.co.fresno.ca.us • www.fcdph.org

placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

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

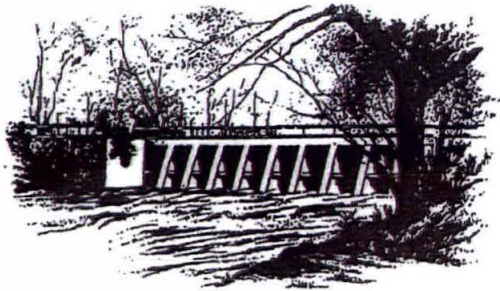
REVIEWED BY:

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

(559) 600-3271

kt

cc: Steven Rhodes- Environmental Health Division (CT. 59.12)
Dennis Gaab- Applicant (dennis.gaab@centurycommunities.com)



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
**FRESNO
IRRIGATION DISTRICT**

TELEPHONE (559) 233-7181
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2208

December 12, 2017

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

RE: Rezone R2017-17
N/E Shaw and Leonard avenues
FID's Enterprise No. 109

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed Rezone 2017-17 requesting to approve a pre-zone of approximately 40.96 acres located on the east side of Leonard Avenue, between Barstow and Shaw avenues from the County AE-20 Zone District to the Clovis R-1 Zone District. FID has the following comments:

Summary of Requirements

- Enterprise Land Right-of-Way (Easement)
- Future Plan Review
- Future Project Fees and Permits

Impacted Facilities

FID's Enterprise No. 109

1. FID's Enterprise No. 109 Canal runs westerly and traverses the northeast corner of the subject property, as shown on the attached FID exhibit map and may be impacted by future developments. Should there be any future projects, developments, street and/or utility improvements along Barstow Avenue or in the vicinity of this canal, FID requires it review and approve all plans.
2. It is not clear whether the required amount of right-of-way has been reserved for the Enterprise Canal to have a full width bank (20 feet) along its south bank. The developments in the area must consider the impacts to the Enterprise Canal from urban development and allocate adequate right-of-way for the conversation of the area from a rural and agricultural setting to an urban development.

G:\Agencies\Clovis\Rezone\R2017-17.doc

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

General Comments

1. For informational purposes, FID's Jefferson No. 112 runs southwesterly and traverses the intersection of Barstow Avenue and Leonard Avenue, as shown on the attached FID exhibit map. Should there be any future projects, developments, street and/or utility improvements along Barstow Avenue, Leonard Avenue, or in the vicinity of this facility, FID requires it review and approve all plans.
2. For informational purposes, a Fresno Metropolitan Flood Control District (FMFCD) facility known as Dog Creek No. 154 runs southerly and traverses the subject property, as shown on the attached FID exhibit map. FMFCD should be contacted for more information about this facility.
3. For informational purposes, A Private Pipeline known as the McFarlane W. Br. No. 468 traverses the subject property, as shown on the attached FID exhibit map. FID's records indicate this pipeline is currently active and should be treated as such. FID can supply the City of Clovis with a list of known users upon request.
4. FID is not part of Underground Service Alert (USA) and typically does not have plans for culverts under City/County road right-of-ways. FID requires that the contractor pot-hole and verify the depth and location of existing/known underground irrigation pipe/culvert (FID owned and privately owned) to determine adequate clearance for the traffic signal improvements.
5. FID requires it review, approve and be made a party to signing all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer and Water, FMFCD, Street, Landscaping, Dry Utilities, and all other utilities.
6. Should this project expand to include any street and/or utility improvements outside of its current project limits or in the vicinity of any canal or its crossing, FID requires its review and approval of all plans.
7. These comments are not to be construed as the only comment FID may have regarding this project. FID make have additional comments and requirements as the project continues.

George Gonzalez
RE: Rezone R2017-17
December 12, 2017
Page 3 of 3

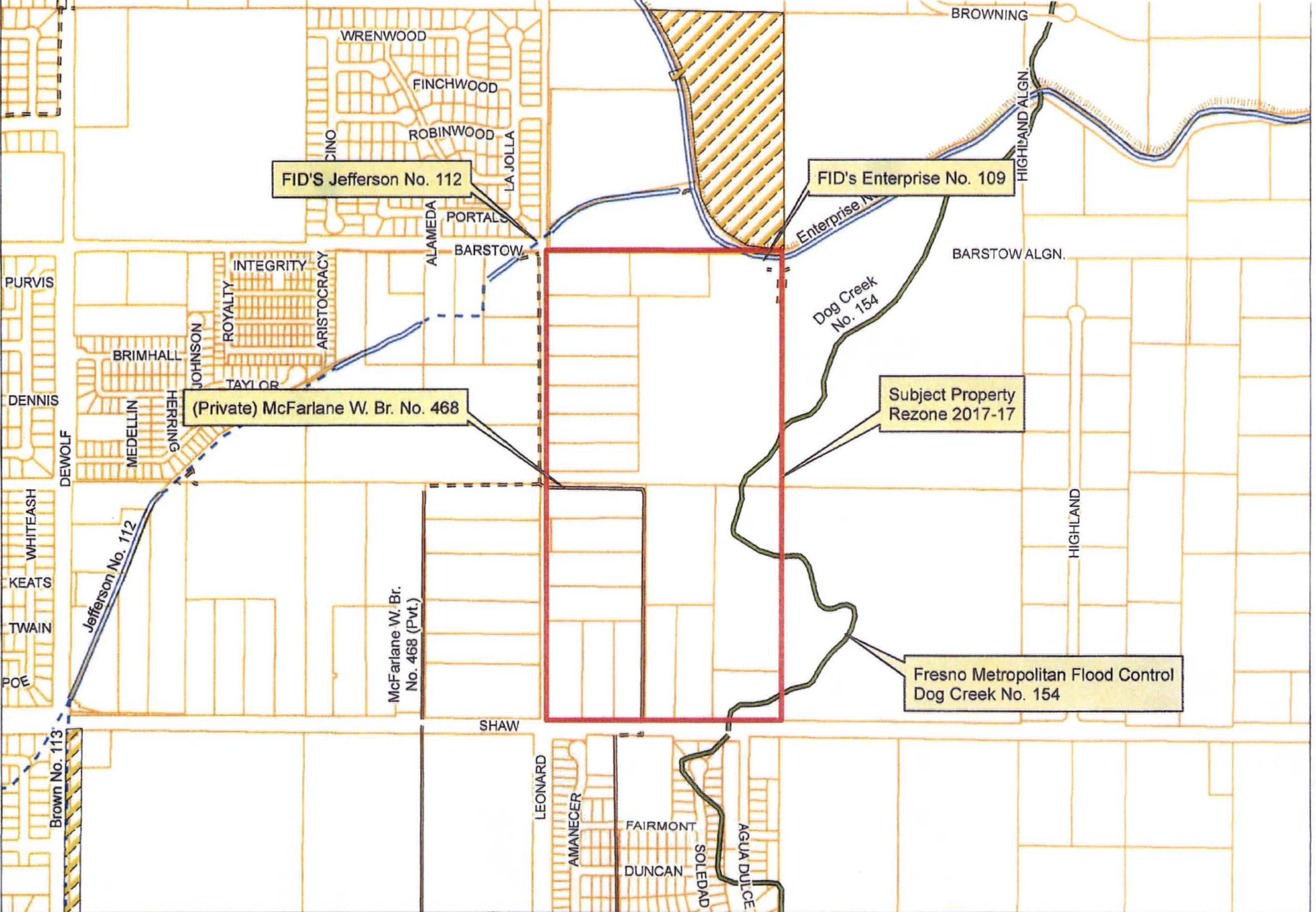
Thank you for submitting the proposed project for our review. We appreciate the opportunity to review and comment on the subject documents for this project. If you have any questions please feel free to contact Chris Lundeen at (559) 233-7161 extension 7410 or clundeen@fresnoirrigation.com.

Sincerely,

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

Laurence Kimura, P.E.
Chief Engineer

Attachment



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

Legend

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

0 345 690 Feet
1 inch = 682.79 feet

Date Saved: 12/7/2017 9:00:40 AM
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AGENDA ITEM NO: 1-D
City Manager: AA

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: January 8, 2018

SUBJECT: Consider Approval, Res. 18-____, **RO294**, A resolution of Application for the Annexation of the Territory known as the Shaw-Leonard Northeast Reorganization located on the east side of Leonard Avenue, between Shaw and Barstow Avenues. Multiple property owners; Benchmark Communities, LLC., applicant; Precision Civil Engineering, Inc., representative.

ATTACHMENTS:

Attachment 1:	Mitigated Negative Declaration
Attachment 2:	Draft Resolution of Application
Exhibit B:	Legal and Map Description
Exhibit C:	Project Area Map

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends the City Council approve a Resolution of Application for the Annexation of the Territory known as the Shaw-Leonard Northeast Reorganization, accepting applications and requesting the Local Agency Formation Commission to proceed with reorganization.

EXECUTIVE SUMMARY

The total area of the annexation is approximately 78 acres located on the east side of Leonard Avenue, between Shaw and Barstow Avenues. The Project site includes an approved Vesting Tentative Tract Map TM6181, for a 138-lot single-family residential development. The project area has been rezoned to the R-1 Zone District under Prezones R2017-03 and R2017-17, consistent with the General Plan Land Use Diagram and Loma

Vista Specific Plan. Eighteen parcels totaling approximately 41 acres have been made part of this annexation with no development plans currently proposed.

BACKGROUND

Property Owners:

21

Donald D. & Margaret P. Hart Trs., Robert Francis Di Falco, John M. & Martha Cervantes, Bob T. & Maureen Furgerson, Douglas B. Jr. Welton, Michael & Helen Cline, Roy W. White Trustee, Michael B. & Janis A. Mc Donald Trustees, Donald L. & Ann V. Goodwin Trustees, Charles L. & Karen Wilkins Trustees, Cullen F. & Katherine Dee Rodgers Trs., Roxanne Montgomery, Lee-Liang LLC., Agavni Ayda Tutuoglu, Bryan W. & Kathy L. Anderson, Richard Gary Sr. Sassano Trustee, Neng M. & Zyang Vang Moua, Kue & Nhia Yia Moua Etal Lee, Harvey N. II & Anita Stidston, Sharon L. Moore Trustee, Bradford H. & Tamara L. Mack Trustees, and Pam K. Janda, Trustee.

Owners Consenting to Annexation: 5 (24%)

Registered Voters: 37

Acreage: 77.84 acres

Standard Conditions of Annexation:

In response to the standard conditions which the City requires of properties to be annexed, there are several conditions recommended for this annexation which respond to the requirements agreed to by the tax sharing agreement and to the timing of public services to the site.

The conditions recommended for this application are as follows:

1. The regular assessment roll shall be utilized.
2. Each new development will be required to demonstrate adequate water availability and, if necessary, will be required to drill and test a well, and to connect it to the city water system.
3. Each new development will be required to obtain sewage capacity from the trunk sewer specified by the City Engineer.

4. The provisions of Article II, Annexation by City, as agreed between the City of Clovis and the County of Fresno pursuant to the August 21, 1990 Memorandum of Understanding, as amended from time to time, regarding tax sharing shall apply.
5. 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.
6. A "Right-to-Farm" covenant shall be recorded for each tract map or made a condition of each tract map.
7. Pursuant to Government Code Section 56663, the City shall consent to the annexation and waive its rights to a hearing.
8. Prior to approval, recordation or filing of an annexation, tentative map, final map, parcel map, or site plan (Project), 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 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, parks 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.

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.

FISCAL IMPACT

Assessed Value:

Land only:	\$ 2,099,476
Improvements:	\$ 3,838,287
Ratio of Improvements to Land	1.83:1 (Developed)

Estimated Tax Share:

	<u>Before</u>	<u>After</u>
County:	\$ 19,654	\$ 16,778
City:	\$ 0	\$ 9,854
FCFPD:	\$ 6,687	\$ 0
(Fresno County Fire Protection District)		
KRCD:	\$ 291	\$ 0
(Kings River Conservation District)		

Note: the County will also receive the cash equivalent of 8% of the City's sales/use tax for this area.

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, December 27, 2017.

REASON FOR RECOMMENDATION

The annexation proposed is within the City's adopted sphere of influence, and is consistent with the City of Clovis' general plan land use diagram and Loma Vista Specific Plan. Also, the proposed annexation is intended for urban development, as is evidenced by the approved Vesting Tentative Tract Map TM6181 covering 48 percent of the developable area.

ACTIONS FOLLOWING APPROVAL


The annexation application will be prepared and submitted to LAFCo after all materials have been submitted by the applicant, sufficient to meet the conditions for the application.

NOTICE OF HEARING

Property Owners within 600 feet notified:	88
Interested individuals notified:	10

Prepared by: George González, MPA, Associate Planner

Submitted by:



Dwight Kroll, AICP
Director of Planning and Development

O:\Planning Projects\Annexation\RO200-299\RO251-299\RO294, Shaw-Leonard NE Reorganization\CC Jan. 8, 2018\PDS - Staff Report
RO294.doc

PREZONE R2017-03
VESTING TENTATIVE TRACT MAP TM6181
REORGANIZATION RO294
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:
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October 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, November 16, 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 37.67 acres of land located on the east side of Leonard Avenue, between Barstow and Shaw Avenues. Sharon L. Moore Trustee, Bradford H. & Tamara L. Mack Trustees, Pam K. Janda, Trustee, owner; Benchmark Communities, LLC., applicant; Precision Civil Engineering, Inc., representative.

- a. A request to approve an environmental finding of a Mitigated Negative Declaration for Prezone R2017-03, Vesting Tentative Tract Map TM6181 and Reorganization R0294.
- b. R2017-03, A request to approve a prezone from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential - 6,000 Sq. Ft. Min.) Zone District.
- c. TM6181, A request to approve a vesting tentative tract map for a 138-lot single-family residential development.

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 November 16, 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

PUBLISH: Wednesday, October 25, 2017, *The Business Journal*



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

For County Clerk Stamp

DRAFT MITIGATED NEGATIVE DECLARATION

Proposed: October 23, 2017

Agency File No: R2017-03, TM6181 & RO294

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: Prezone R2017-03, Vesting Tentative Tract Map TM6181 and Reorganization RO294.

Project Location: East side of Leonard Avenue, between Barstow and Shaw Avenues in the County of Fresno.

Project Description: Consider items associated with approximately 37.67 acres of land located on the east side of Leonard Avenue, between Barstow and Shaw Avenues. Sharon L. Moore Trustee, Bradford H. & Tamara L. Mack Trustees, Pam K. Janda, Trustee, owner; Benchmark Communities, LLC., applicant; Precision Civil Engineering, Inc., representative.

- a. A request to approve an environmental finding of a Mitigated Negative Declaration for Prezone R2017-03, Vesting Tentative Tract Map TM6181 and Reorganization RO294.
- b. R2017-03, A request to approve a prezone from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential - 6,000 Sq. Ft. Min.) Zone District.
- c. TM6181, A request to approve a vesting tentative tract map for a 138-lot single-family residential development.
- d. RO294, A resolution of Application for the Annexation of the Territory known as the Shaw-Leonard NE Reorganization.

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: October 23, 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 planning 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 2016-2017 Budget.** The budget provides information about city services, and objectives, annual spending plan for the 2016-2017 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 Notice of Requirements,** April 5, 2017, An evaluation of project impacts on FMFCD facilities.
- **Fresno Metropolitan Flood Control District Notice of Requirements Updated Letter,** April 12, 2017, An evaluation of project impacts on FMFCD facilities
- **Fresno Metropolitan Flood Control District Letter,** April 5, 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,** March 30, 2017, An evaluation of project impacts on Fresno Irrigation District facilities.
- **City of Clovis Wastewater Collection System Master Plan Modification Review,** September 25, 2014, An evaluation of impacts to the Master Sewer Collection System.
- **Initial Biological Survey from Precision Civil Engineering, Inc.,** February 10, 2017, An evaluation of biological impacts.
- **Cultural Resource Assessment from Argonaut Ecological Consulting, Inc.,** dated February 16, 2017, An evaluation of cultural resources.

- **Air Quality & Greenhouse Gas Analysis Report from Precision Civil Engineering, Inc.,** February 17, 2017, An evaluation of the impacts related to Air Quality & Green House Gas.
- **Acoustical Analysis from Precision Civil Engineering, Inc.,** February 17, 2017, An evaluation of the impacts related to Noise.
- **Clovis Unified School District Letter,** March 21, 2017, An evaluation of project impact to school facilities.

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 prezone, vesting tentative tract map and reorganization on approximately 78.63 acres of property located on the east side of Leonard Avenue, between Barstow and Shaw Avenues in the City of Clovis Sphere of Influence, County of Fresno. The request includes acquisition of right-of-way along the corridors of Leonard and Shaw Avenues and providing connectivity to City services when available. The request also includes detaching the entire 78.63 acres from the Fresno County Fire Protection District and the Kings River Conservation District. Furthermore, the Project includes the Fresno Local Agency Formation Commission (LAFCo) as a responsible agency.

Prezone R2017-03 is rezoning approximately 37.67 acres from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential – 6,000 Sq. Ft.) Zone District.

Vesting Tentative Tract Map TM6181 includes a 138-lot single-family residential development.

Reorganization RO294 is requesting the detachment of the entire 78.63 acres from the Fresno County Fire Protection District and the Kings River Conservation District. The reorganization will annex the Project site to the City of Clovis.

The Project will be completed in accordance with the California Building Code; City of Clovis Municipal Code; and 2016 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 east side of Leonard Avenue, between Barstow and Shaw Avenues (see Figure 2).



Figure 1 - Regional Location

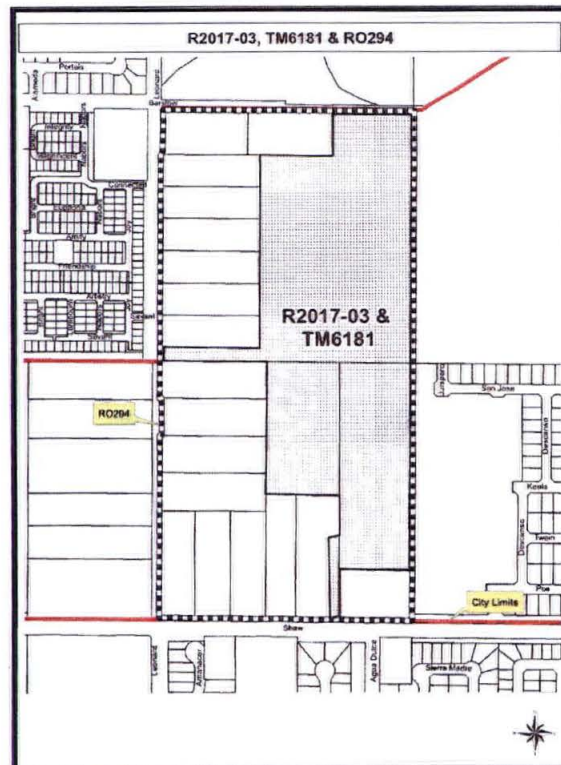


Figure 3 shows proposed site plan.

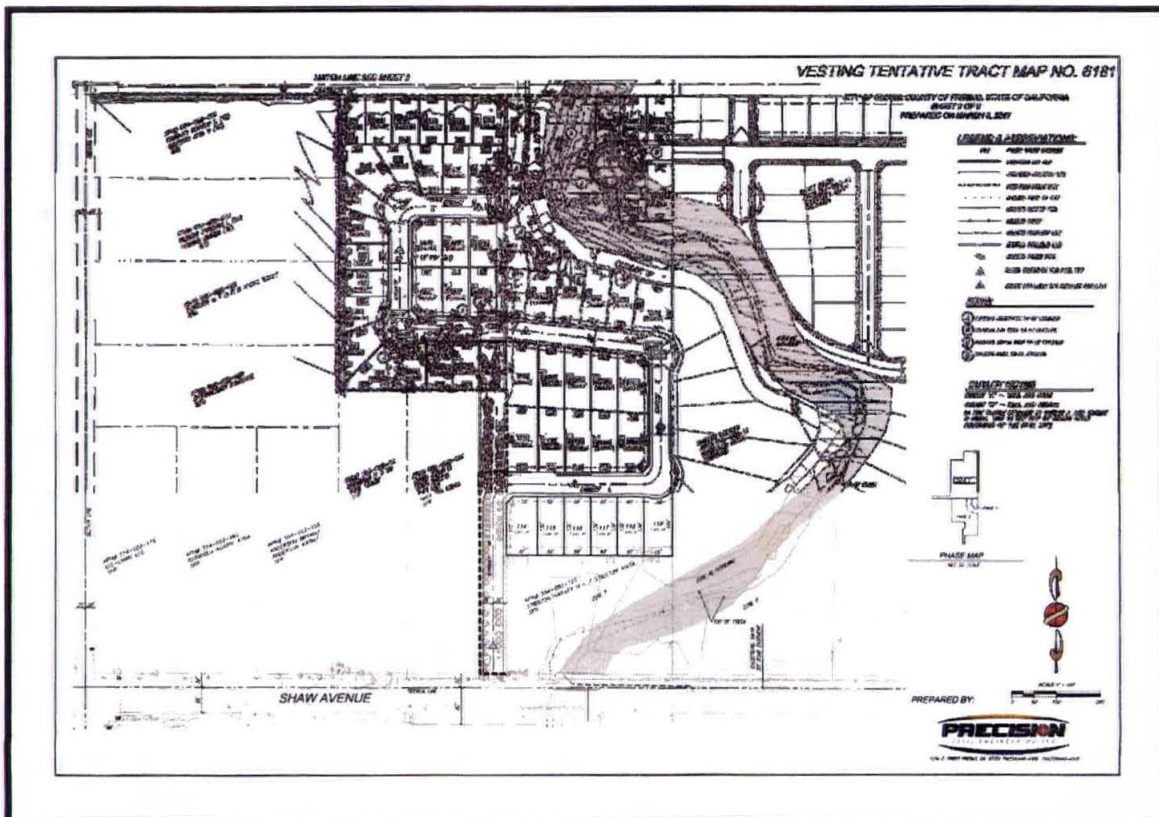


Figure 3 - Project Site Plan

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
- Fresno Local Agency Formation Commission (Fresno LAFCo) for consideration and approval of the proposed reorganization.

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 single-story and two-story 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 and proposed 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 and agricultural. 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 Precision Civil Engineering, Inc., states that there is a low potential to significantly impact any Federally-listed threatened or endangered species or their critical habitat onsite. Impacts in this category may be mitigated to a less than significant level with the mitigation measure 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 Measure

- **Mitigation Measure 3.4a:** If any trees or shrubs are to be removed during the nesting season then a preconstruction survey should be conducted within 15-30 days of commencement of construction.

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

	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 Peak & Associates, Inc. who concluded that no prehistoric period sites 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 Peak & Associates, 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."
- 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%

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

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 Analysis Report was performed by Precision Civil Engineering, Inc., dated February 17, 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 Analysis Report was performed by Precision Civil Engineering, 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 Analysis Report was prepared for the Project by Precision Civil Engineering, 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

flood flows?				
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"/>
j.	Inundation by seiche, tsunami, or mudflow?	<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 could 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. The FMFCD has noted that this project may be located in a 100-year flood area, and would be subject to the District policies to reduce impacts to a less than significant level.
- h. The Project could 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. The FMFCD has noted that this project may be located in a 100-year flood area, and would be subject to the District policies to reduce impacts to a less than significant level.
- 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.

Mitigation Measure

- **Mitigation Measure 3.9g&h:** All proposed development activity shall reference the Flood Insurance Rate Map to determine if it is located in a 100-year flood plain (special flood hazard areas inundated by a 100-year flood) "Primary Flood Plain." Any project not located within a FIRM or located in any area where the FIRM is determined to be inaccurate shall be the subject of a detailed hydrological flood hazard investigation to determine the relationship of the proposed development to the primary flood plain; and, further, to identify the calculated water surface elevation of the 100-year flood event.

The development must be properly flood proofed below the calculated water surface elevation of the 100-year flood event.

All development and/or permanent improvement activity which, if located within the primary floodway, may unduly impede, retard or change the direction of flow of water either, by itself, or by the catching or collecting of other debris or is placed where the flow of water would carry such obstruction downstream to the damage or detriment of either life or property, should not be permitted.

The development shall not cause displacement of any and all floodwaters from that portion of the flood plain to be developed.

	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 single-family and multi-family residential, 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 4.75 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 will generate or result in increased population in the area. The project includes a 138-lot single-family residential development. The number of new residents in the area would equal approximately 373 residents.

Impacts

- a. The Project could add 138 units to the area equating to approximately 373 new residents. It is anticipated that this development would introduce a number of new citizens to the City of Clovis, however it 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 residential 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 site with 138 single-family homes will 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 each new unit and is then used to construct community parks to meet these goals. The impacts in this category are less than significant since all units built in 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 138-lot single-family residential development.

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 138-unit single-family residential 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 resource assessment was prepared by Peak & Associates, Inc. (submitted February 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 April 5, 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 138-lot single-family residential development located on the east side of Leonard Avenue, between Barstow and Shaw 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:** If any trees or shrubs are to be removed during the nesting season then a preconstruction survey should be conducted within 15-30 days of commencement of construction.
 - **3.9g&h:** All proposed development activity shall reference the Flood Insurance Rate Map to determine if it is located in a 100-year flood plain (special flood hazard areas inundated by a 100-year flood) "Primary Flood Plain". Any project not located within a FIRM or located in any area where the FIRM is determined to be inaccurate shall be the subject of a detailed hydrological flood hazard investigation to determine the relationship of the proposed development to the primary flood plain; and, further, to identify the calculated water surface elevation of the 100-year flood event.

The development must be properly flood proofed below the calculated water surface elevation of the 100-year flood event.

All development and/or permanent improvement activity which, if located within the primary floodway, may unduly impede, retard or change the direction of flow of water either, by itself, or by the catching or collecting of other debris or is placed where the flow of water would carry such obstruction downstream to the damage or detriment of either life or property, should not be permitted.

The development shall not cause displacement of any and all floodwaters from that portion of the flood plain to be developed.

- 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: April 26, 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

Zone R2017-03, Vesting Tentative Tract Map TM6181 & Reorganization RO294

Dated April 26, 2017

ing 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 approval, adopted in order to mitigate or avoid significant effects on the environment." A MMRP is required for the project if the Mitigated Negative Declaration has identified significant adverse impacts, and measures have been identified to avoid or mitigate the impacts.

As shown in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification measures identified in this Mitigated Negative Declaration.

The City is the primary agency, but not the only agency responsible for implementing the mitigation measures. The MMRP is located on the following pages. The components of the MMRP are described briefly below:

Measures: The mitigation measures are taken from the Mitigated Negative Declaration, in the same order that they are listed in the Mitigated Negative Declaration.

Timing: Identifies at which stage of the project mitigation must be completed.

Responsibility: Identifies the department within the City responsible for mitigation monitoring.

Verification Responsibility: Identifies the department of the City or other State agency responsible for verifying the mitigation. In some cases, verification will include contact with responsible state and federal agencies.

Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
Developer shall direct all lighting downward and physical shields to prevent direct view of the street from adjacent residential properties.	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
Trees or shrubs are to be removed during the winter season then a preconstruction survey should be conducted within 15-30 days of commencement of construction.	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
Water Quality			
Proposed development activity shall reference the Flood Insurance Rate Map to determine if it is located in a 100-year flood plain (special flood hazard areas designated by a 100-year flood) "Primary Flood Plain." If the project is not located within a FIRM or located in an area where the FIRM is determined to be inadequate, the project shall be the subject of a detailed hydrological flood hazard investigation to determine the relationship of the proposed development to the flood plain; and, further, to identify the existing water surface elevation of the 100-year flood event.	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
Development must be properly flood proofed to the calculated water surface elevation of the 100-year flood event.			
Development and/or permanent improvement			

Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
<p>which, if located within the primary floodway, duly impede, retard or change the direction of water either, by itself, or by the catching or g of other debris or is placed where the flow of could carry such obstruction downstream to the or detriment of either life or property, should permitted.</p> <p>velopment shall not cause displacement of any floodwaters from that portion of the flood plain veloped.</p>			

DRAFT RESOLUTION

ATTACHMENT 2

**DRAFT
RESOLUTION 18-_____**

**A RESOLUTION OF APPLICATION BY THE CITY OF CLOVIS REQUESTING THE LOCAL AGENCY
FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE SHAW-LEONARD NORTHEAST
REORGANIZATION**

WHEREAS, the City of Clovis desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, for the reorganization; and

WHEREAS, the specific changes of organization requested are annexation to the City of Clovis and detachment from the Fresno County Fire Protection District and the Kings River Conservation District; and

WHEREAS, the territory proposed to be reorganized is inhabited, and on this day contains 37 voters, according to information received from the County Election Officer; and

WHEREAS, a description of the boundaries of the territory is set forth in Exhibit "B" attached hereto and by this reference incorporated herein; and

WHEREAS, this proposal is consistent with the sphere of influence of the affected city; and

WHEREAS, this proposal complies with the terms and standards of the tax sharing agreement between the City of Clovis and the County of Fresno; and

WHEREAS, it is desired to provide that the proposed Shaw-Leonard Northeast Reorganization be subject to the following terms and conditions:

1. The regular assessment roll shall be utilized.
2. Each new development will be required to demonstrate adequate water availability and, if necessary, will be required to drill and test a well, and to connect it to the city water system.
3. Each new development will be required to obtain sewage capacity from the trunk sewer specified by the City Engineer.
4. The provisions of Article II, Annexation by City, as agreed between the City of Clovis and the County of Fresno pursuant to the August 21, 1990, Memorandum of Understanding, as amended from time to time, regarding tax sharing shall apply.
5. 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.
6. A "Right-to-Farm" covenant shall be recorded for each tract map or made a condition of each tract map.
7. Pursuant to Government Code Section 56663, the City shall consent to the annexation and waive its rights to a hearing.
8. Prior to approval, recordation or filing of an annexation, tentative map, final map, parcel map, or site plan (Project), 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 applicant and the property owner acknowledge and agree that if the Project was 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, parks 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.

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 in 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.

WHEREAS, the terms and conditions above are the sole responsibility of the City of Clovis to monitor and enforce. The Fresno Local Agency Formation Commission will not be required to enforce the aforesaid terms and conditions as a responsible agency; and

WHEREAS, the reason for this proposed reorganization is to provide municipal services, local controls, and logical growth to the unincorporated area of the County that is remote from County services and undergoing urban development; and

WHEREAS, the City Council does approve a Mitigated Negative Declaration pursuant to CEQA guidelines.

WHEREAS, the City Council has reviewed and approved the master service plan for the subject change of organization; and

NOW, THEREFORE, BE IT RESOLVED: that this Resolution of Application is hereby adopted and approved by the City Council of the City of Clovis, and the Fresno Local Agency Formation Commission is hereby requested to take proceedings for the reorganization of the territory as described in Exhibit "B," according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: January 8, 2018

Mayor

City Clerk

LEGAL & MAP DESCRIPTION

EXHIBIT B

SHAW – DEWOLF NORTHEAST REORGANIZATION
TO BE ANNEXED TO THE CITY OF CLOVIS AND DETACHMENT
FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE
KINGS RIVER CONSERVATION DISTRICT

That portion of the Southeast quarter of Section 12, Township 13 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

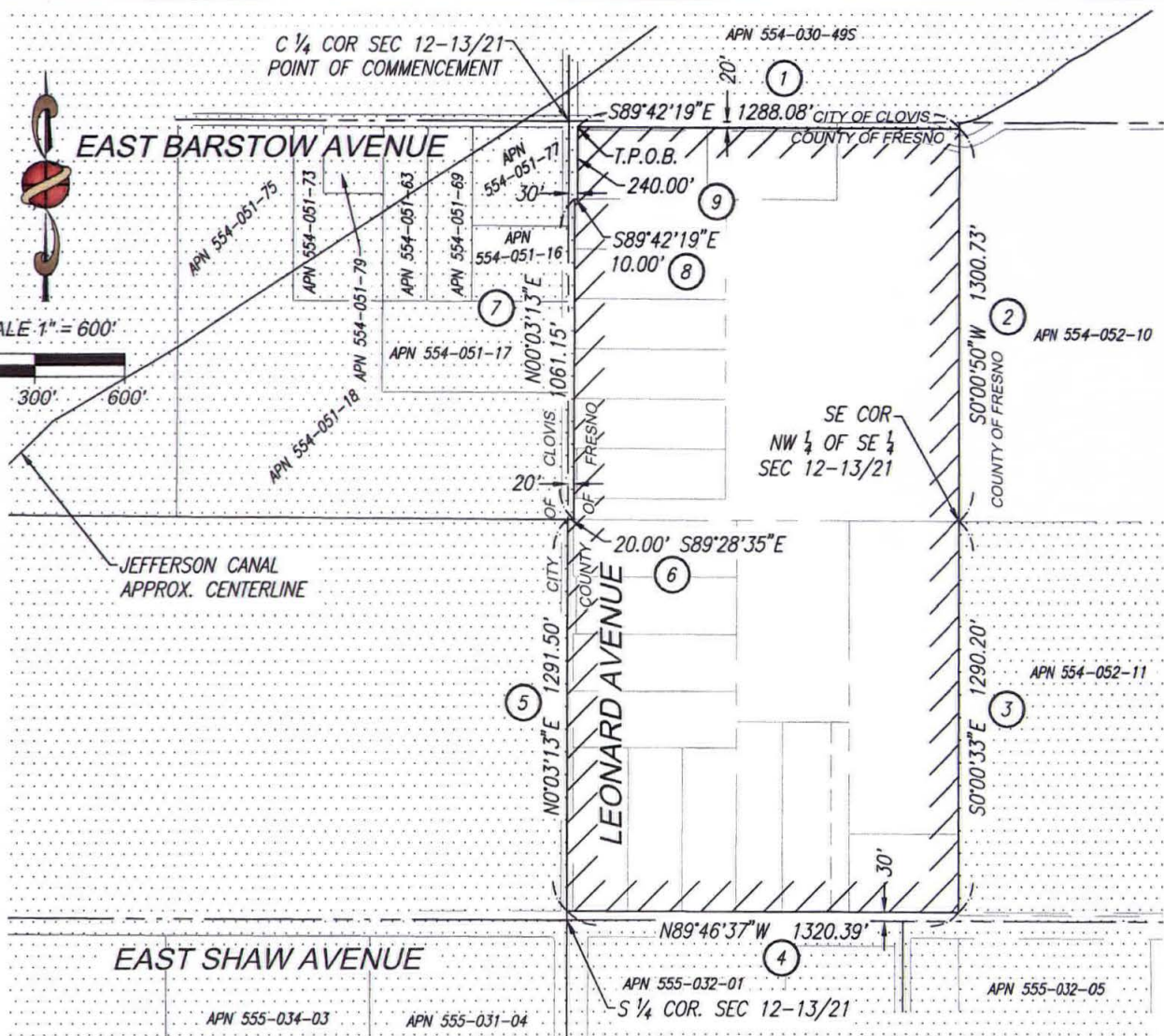
COMMENCING at the Center quarter corner of said Section 12; thence South $00^{\circ}03'13''$ East, along the West line of said Southeast quarter, a distance of 20.00 feet to a point on a line that is parallel with and 20.00 feet South of the North line of said Southeast quarter; thence South $89^{\circ}42'19''$ East, along said parallel line, a distance of 30.00 feet to the TRUE POINT OF BEGINNING, said point being on the existing limits line of the City of Clovis;

- 1) THENCE, South $89^{\circ}42'19''$, continuing along the existing limits line and along said parallel line, 20.00 feet South of the North line of said Southeast quarter, a distance of 1288.08 feet to a point on the East line of the Northwest quarter of said Southeast quarter;
- 2) THENCE, leaving the existing limits line of the City of Clovis, South $00^{\circ}00'50''$ West, along said East line, a distance of 1300.73 feet to the Southeast corner of the Northwest quarter of said Southeast quarter, being on the existing limits line of the City of Clovis;
- 3) THENCE, South $00^{\circ}00'33''$ East, along the existing limits line of the City of Clovis and along the East line of the Southwest quarter of said Southeast quarter, a distance of 1290.20 feet to a point on a line that is parallel with and 30.00 feet North of the South line of said Southeast quarter;
- 4) THENCE, North $89^{\circ}46'37''$ West, along the existing limits line of the City of Clovis and along last said parallel line, a distance of 1320.39 feet to a point on the West line of said Southeast quarter;
- 5) THENCE, North $00^{\circ}03'13''$ East, along said West line and along the existing limits line of the City of Clovis, a distance of 1291.50 feet to the Northeast corner of the South half of the Southwest quarter of said Section 12;
- 6) THENCE, South $89^{\circ}28'35''$ East, along the easterly prolongation of the North line of said South half and along the existing limits line of the City of Clovis, a distance of 20.00 feet;
- 7) THENCE, North $00^{\circ}03'13''$ East, along a line that is parallel with and 20.00 East of the West line of said Southeast quarter, and along the exiting limits line of the City of Clovis,

a distance of 1061.15 feet to a point on the north line of Parcel 3 of Parcel Map No. 3012 recorded in Book 22 of Parcel Maps at Page 43, Fresno County Records, said point being 260.00 feet South of the North line of said Southeast quarter;

- 8) THENCE, South $89^{\circ}42'19''$ East, along last said North line and along the existing limits line of the City of Clovis, a distance of 10.00 feet to a point on a line that is parallel with and 30.00 feet East of said West line;
- 9) THENCE, North $00^{\circ}03'13''$ East, along last said parallel line and along the existing limits line of the City of Clovis, a distance of 240.00 feet to the TRUE POINT OF BEGINNING.

Contains an area of: 77.84 Acres, more or less



LEGEND

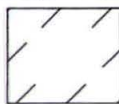
T.P.O.B. TRUE POINT OF BEGINNING

①

COURSE CALL OF LEGAL DESCRIPTION



EXISTING CITY LIMITS



AREA TO BE DETACHED FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXED TO THE CITY OF CLOVIS

PREPARED FOR

BENCHMARK COMMUNITIES
7815 N. PALM AVE., SUITE 101
FRESNO, CA 93711

PREPARED BY

PRECISION CIVIL ENGINEERING, INC.
1234 "O" STREET
FRESNO, CA 93721
PH: (559) 449-4500
FAX: (559) 449-4515

RES. NO. _____ ADOPTED _____

SHAW - DEWOLF REORGANIZATION

PORTIONS OF SW 1/4 AND SE 1/4 OF SECTION 12, T. 13 S., R. 21 E., M.D.B.M.

TO BE ANNEXED TO THE CITY OF CLOVIS AND DETACHED FROM THE FRESNO COUNTY
FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT

FILE NO. _____

ANNEX NO. _____

ACRES _____

COUNCIL DISTRICT NO. _____

ALLOCATED TO COUNCIL DISTRICT NO. _____ AS PER
COUNCIL DISTRICT MAP _____

DATE/STAMP



AGENDA ITEM NO: 2-A-1
City Manager: LS

CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Community and Economic Development

DATE: January 8, 2018

SUBJECT: Consider Approval – Authorize the Lease and Potential Sale of the Clovis Senior Activity Center at 850 4th Street to the San Joaquin College of Law

ATTACHMENTS: 1) Property Map
2) Lease/Purchase Agreement

CONFLICT OF INTEREST

None

RECOMMENDATION

That the Council authorizes the lease and potential sale of the Clovis Senior Activity Center at 850 4th Street to the San Joaquin College of Law and authorizes the City Manager to execute all documents as necessary to lease and/or sell the property.

EXECUTIVE SUMMARY

The City is in the process of designing a new Senior Activity Center to be located at Veterans Parkway and Third Street in the City of Clovis. The San Joaquin College of Law operates a regional law school adjacent to the Clovis Senior Activity Center. The San Joaquin College of Law desires to expand the Law School. The City and the Law School have determined that the current Senior Activity Center is an ideal location for the expansion and allows the San Joaquin College of Law to remain in its current location.

The current Senior Activity Center was appraised by Palmer appraisals for \$1,530,000. It is proposed that the San Joaquin College of Law would lease the

building for \$90,000 per a year for 20 years for a total of \$1,800,000. The San Joaquin College of Law would then have the ability to purchase the building for \$1. The lease payment would assist the City in the financing for the new Senior Activity Center being planned at Landmark Commons. The lease will not commence until the new Senior Activity Center has received a certification of occupancy, with a goal of December 31, 2019.

BACKGROUND

The City owns property at 850 4th Street in the City of Clovis. The Property consists of 17,860 square feet on which City operates the City's Senior Activity Center in an 11,578 square foot building. The City is in the process of designing a new 25,000 +/- square foot Senior Activity Center to be located at Veterans Parkway and Third Street in the City of Clovis. The San Joaquin College of Law operates a regional law school adjacent to the Property at 901 5th Street, Clovis, California under a long term lease arrangement with City of Clovis in the Old Clovis High School building.

The San Joaquin College of Law desires to expand the Law School to offer an expanded library and additional academic space. This is necessary for the school to attain its desired accreditation. The City and the Law School have determined that the current Senior Activity Center is an ideal location for the expansion and allows the San Joaquin College of Law to remain in its current location.

A purchase/lease agreement was developed jointly by the City and San Joaquin College of Law and has been approved by the board of the San Joaquin College of Law (attached). The current Senior Activity Center was appraised by Palmer appraisals for \$1,530,000. It is proposed that the San Joaquin College of Law would lease the space for \$90,000 per a year for 20 years for a total of \$1,800,000. The San Joaquin College of Law would then have the ability to purchase the building for \$1. The San Joaquin College of Law would accept the building in an as-is condition with agreed upon repairs being made before the Law School takes occupancy. In addition, the City would make any necessary repairs to the roof and exterior wood beams for the first 10 years of the lease.

The lease payment would assist the City in the financing for the new Senior Activity Center being planned at Landmark Commons. The lease will not commence until the new Senior Activity Center has received a certification of occupancy, with a goal of December 31, 2019.

FISCAL IMPACT

Approval of the lease/purchase agreement would provide \$90,000 per a year for 20 years, or \$1,800,000 in revenue to the City. This revenue would assist in financing the construction and/or operations of the proposed Senior Activity Center at Landmark Commons.

REASON FOR RECOMMENDATION

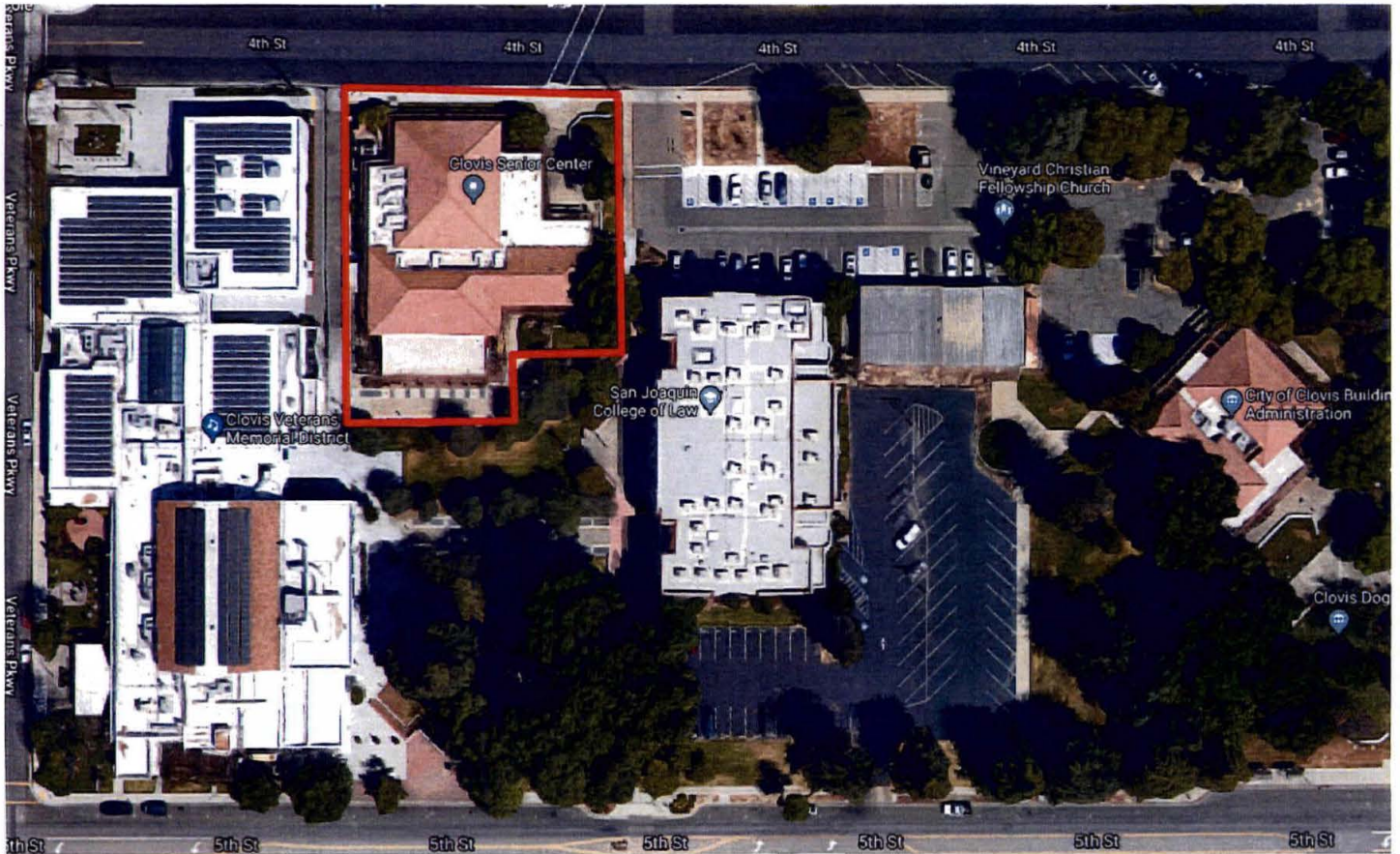
The lease/purchase of the current Senior Activity Center will provide revenue for the proposed Senior Activity Center at Landmark Commons. In addition, it would provide critical expansion space to the San Joaquin College of Law and allow the school to stay in its current location. The San Joaquin College of Law has been leasing the Old Clovis High School from the City as its main campus and has invested to maintain the facility and keep its historic integrity. Allowing the school to expand to an adjacent building will allow this beneficial relationship to continue. Both of these projects will bolster the vitality of Old Town Clovis and improve services to residents.

ACTIONS FOLLOWING APPROVAL

- 1) Execute the Lease/Purchase Agreement.
- 2) Staff will continue the development process of the Senior Activity Center at Landmark Commons.
- 3) Staff will make repairs agreed to in the Lease/Purchase Agreement.

Submitted by: Andrew Haussler, Director, Community and Econ. Development SAH

ATTACHMENT 1: PROPERTY AERIAL



ATTACHMENT 2: PROPOSED LEASE/PURCHASE AGREEMENT

**2018 REAL PROPERTY LEASE/PURCHASE AGREEMENT
CITY OF CLOVIS AND SAN JOAQUIN COLLEGE OF LAW**

This Lease/Purchase Agreement ("Agreement") is made and entered into effective 2018 ("Effective Date") between the City of Clovis, a California municipal corporation and general law city ("City") and San Joaquin College of Law, a California non-profit corporation ("College"), pursuant to the following recitals, which are a substantive part of this Agreement:

RECITALS

A. City owns property at 850 4th Street in the City of Clovis, as more particularly described and depicted in **Exhibit A** ("Property"). The Property consists of .41 acres (17,860 square feet) on which City operates City's Senior Activity Center from an 11,578 square foot building ("Building").

B. City is in the process of designing a new Senior Activity Center to be located at Veterans Parkway and Third Street in the City of Clovis.

C. College operates a regional law school ("Law School") adjacent to the Property at 901 5th Street, Clovis, California under a long term lease arrangement with City of the Old Clovis High School building, which is on file with City and College.

D. College desires to expand the Law School ("Expansion"), specifically to occupy additional space. City and College have determined that the Building and Property is an ideal location for the Expansion. College has also determined that without the Expansion, the Law School may not be able to stay at the present location.

E. In light of the current location of the Law School, City has determined that the Expansion is the best use of the Property and that no other government uses are appropriate for the site under the circumstances. In addition City has determined that lease/purchase of the Property by College is necessary for City to pay for the costs of the new Senior Activity Center.

F. The lease payments and value of the Property for the purposes of this Agreement is based upon a property appraisal, College's long term commitment to the Property, College's improvements to be made to the Building, and College's maintenance obligations.

NOW, THEREFORE, City and College agree as follows:

AGREEMENT

1. Lease/Purchase of Property. City agrees to lease the Property and Building to College with an option for College to purchase the Property after 20 years under the following terms.

a. Annual lease payments shall be Ninety Thousand Dollars (\$90,000) ("Lease Payments"). Payments under the lease will total One Million Eight Hundred Thousand Dollars (\$1,800,000).

b. The term of the lease ("Lease") shall be twenty (20) years ("Lease Term") from the date the Lease commences ("Lease Date"), defined below.

c. At the end of 20 years, College shall have the option of purchasing the Property for One Dollar (\$1.00) ("Option"). Exercise of the Option shall be as provided for below.

d. Annual Lease payments shall be made on or before thirty (30) days before the Lease Date and on or before 30 days of the Anniversary of the Lease Date ("Anniversary Date"). Payments shall be made in a manner acceptable to City to ensure deposit of U.S. cash funds into City's designated account by the Lease Date or Anniversary Date.

2. Purchase Terms. The following terms shall apply.

a. As set forth in the Recitals, the parties have determined that 20 Lease Payments plus One Dollar (\$1.00) is appropriate consideration for purchase of the Property.

b. College may exercise its Option to purchase the Property any time during the final year of the Lease Term, provided the final Lease Payment has been made. Exercise of the Option shall be made by providing written notice to City, specifically identifying this Agreement and that College is exercising its Option to acquire the Property ("Option Notice"). The Option Notice shall be accompanied by the payment of \$1.00.

c. If College exercises the Option, City and College shall open an escrow account ("Escrow") with a mutually agreeable escrow company within thirty (30) days of City's receipt of the Option Notice. The purpose of the Escrow is to arrange for transfer of title to the Property to College and for Title Insurance.

d. City and College shall share in the Escrow costs as is customary for Fresno County.

e. The Escrow officer ("Escrow Officer" or Escrow Company") shall arrange for a preliminary title report and title insurance ("Title Insurance"). City shall pay for the cost of a CLTA policy of Title Insurance up to the amount of \$2,000,000. College shall pay for the value of Title Insurance in excess of that amount and for an ALTA policy of Title Insurance if desired by College. The value of the Property for purposes of Title Insurance shall be established by College prior to Escrow closing ("Closing").

f. Transfer of title to the Property shall be by grant deed prepared by the Escrow Officer. City shall transfer title free of all encumbrances, except any incidental easements or other matters that do not effect College's use of the Property.

g. Closing shall occur as soon as any disapproved Exceptions to title are removed and the Escrow Company is able to prepare the grant deed and issue the Title Insurance requested by College.

3. Preliminary Title Report. College and City have both had the opportunity to review the preliminary title report and related title report documents ("Title Report") attached as **Exhibit B**.

a. City and College agree that Title Report accurately reflects the various liens, encroachments, easements, and any other matter recorded against the property ("Exceptions").

b. College approves and accepts the current Exceptions.

c. During the life of this Agreement, City shall not encumber the property with any further Exceptions without the advance and express written consent of College. Such consent shall not be unreasonably withheld.

d. Any new Exceptions that appear on the updated Title report to be used if College exercises the Option, shall be removed prior to Closing, unless approved and agreed to by City and College.

4. Failure to Exercise Option. If College fails to timely exercise the Option before expiration of the Lease Term, College shall vacate the Property and Building within 90 days of expiration of the Lease and in accordance with the provisions of section 9(c).

5. Lease Date. The Lease Date shall commence forty five (45) days following Notice by City to College that City has vacated the Property and Building and that the maintenance items to be performed by City ("City Maintenance Items"), as set forth in Section 7, have been completed. The following dates are estimations. College understands that a precise date cannot be set until the new Senior Activity Center is completed.

- Completion of new Senior Activity Center as evidenced by a certificate of occupancy: December 31, 2019.
- Vacation of Building and Property: Ninety (90) Days after completion of new Senior Activity Center.
- Completion of City Maintenance Items: Sixty (60) days after vacation of Building and Property.

6. Termination of Agreement for Delayed Lease Date. While College understands that a precise date cannot be set for the Lease Date, should City fail to vacate the Property and perform City Maintenance Items by JUNE 30, 2021, College can elect to unilaterally terminate the Agreement upon 60 days' notice.

7. Property Leased AS IS. Except for the City Maintenance Items set forth below, the Property and Building are leased to College, and College accepts the Property and Building, in its existing "AS IS" condition on the Lease Date. City shall not be required to make or construct any alteration including structural changes, additions or improvements to the Property and Building and shall have no maintenance or repair obligations with respect to the Property and Building.

College expressly waives the provisions of sections 1941 and 1942 of the California Civil Code and all rights to make repairs at the expense of City as provided in section 1942 of the Civil Code. College acknowledges that neither City, nor any officer, employee or agent of City has made any representation or warranty with respect to the condition of the Property or Building, the suitability of the Property or Building for the intended use by College, or compliance of the Property with the Americans With Disabilities Act of 1990 (or any accessibility guidelines or other regulations promulgated thereunder). Any agreements, warranties or representations not expressly contained in this Agreement shall in no way bind City, and College expressly waive all claims for damages by reason of any statement, representation, warranty, promise or agreement, if any, not contained in this Agreement.

a. Notwithstanding the foregoing, City agrees to do the following prior to the Lease Date:

Flat Roof Area

- Repair the isolated blisters beneath the finish coat and improper repairs where blisters once existed.
- Fill isolated voids or separations which can allow water to enter.
- Repair roof drain and overflow at plaster soffit.
- Fill void at improper communication equipment roof penetration.

Tile Roof Area

- Repair tile edges that are allowing wind driven rain to enter.

Miscellaneous

- Provide seismic straps and a drain pan with drain routed to an approved location for attic mounted water heater.
- Replace existing 100 gallon facility water heater located in the boiler room with new.

Exterior Walls

- Have landscape irrigation adjusted to not spray onto the building's exterior and have mineral stains on exterior glass removed as best as possible by a window cleaning vendor.
- Correct wall drains allowing staining on exterior wall.
- Correct as many locations that are accessible where flashing is not turned up or missing that would allow water to enter behind the plaster or wood finish.

Landscaping

- Cut back all foliage near the building's roof and determine a course of action of roots lifting concrete planter dividers.
- b. Notwithstanding the foregoing, City agrees to do the following maintenance items after the Lease Date:

Roof Leaks

- Repair roof leaks for a period of ten (10) years from the Lease Date.

Exterior Beams

- Repair exterior beams as needed for a period of ten (10) years from the Lease Date.

8. Taxes, Assessments, and Fees.

a. Possessory Interest Tax and Assessments. College acknowledges that, pursuant to California Revenue and Taxation Code Section 107.6, College's possessory interest in the Property and Building created by this Lease may be subject to property taxation. College shall be solely responsible for any property taxes arising out of Lessee's possessory interest in the Property and Building. College shall pay before delinquency any and all possessory interest taxes and assessments levied against it. On demand by City, College shall furnish City with satisfactory evidence of these payments.

b. Personal Property Tax. College shall pay before delinquency all taxes, assessments, license fees, and other charges that are levied and assessed against College's personal property installed or located in or on the Property or Building, and that become payable during the term of this Lease. On demand by City, College shall furnish City with satisfactory evidence of these payments.

c. Business License Fee. College shall pay before delinquency any and all business license fees that are levied and assessed against College, and that become payable during the term of this Lease, pursuant to Title 3, Chapter 1, of the City Municipal Code.

9. Use of Property During Lease Term.

a. Purpose. The Property and Building shall be used by College solely and exclusively for operation of Law School facilities; namely a law library, law incubator, and other Law School uses. No other uses shall be permitted on the Property and Building except for incidental or ancillary uses

b. No Alterations or Improvements. No alterations or improvements shall be made to the Property without the advance and express written consent of City, and upon such terms and conditions as City may require. Such written consent shall not be unreasonably withheld. City

hereby consents to the following alterations and improvements:

c. Removal of Buildings and Structures. Upon termination of this Lease, unless otherwise agreed, College shall remove College owned buildings, structures, and other improvements and restore the Property and Building to substantially the same condition at the time College took possession of the Property and Building, except those alterations and improvements allowed by subsection (b), regardless of whether possession occurred prior to or after execution of the Lease, ordinary wear and tear excepted. Upon the failure of College to remove from the Property and Building unapproved College owned improvements, the improvements shall, at the option of City, become the sole property of City; or if City so elects, City may remove from the Property and Building any property owned by College and restore the Property and Building to substantially the same condition in which they existed at the time College took possession of the Property and Building, all at the expense of College.

d. Compliance with Laws. College shall comply with all statutes, ordinances, regulations, and requirements of all governmental entities (including the City of Clovis), relating to College's use and occupancy of the Property and Building, whether those statutes, ordinances, regulations, and requirements are now in force or are subsequently enacted. College shall not use the Property or Building or permit the Property or Building, or any portion thereof, to be improved, developed, used or occupied in any manner that is in any way in violation of any valid law, ordinance, or regulation of any federal, state, county, or local governmental City.

e. License. If any license, permit, or other governmental authorization is required for the lawful use or occupancy of the Property or Building, College shall procure and maintain it throughout the term of this Lease.

f. Waste and Nuisance. College shall not use the Property or Building, or allow the Property or Building to be used, in any manner that will constitute a waste, nuisance, or unreasonable annoyance to the neighborhood adjacent to the Property.

g. Maintenance. Except as provided for in Section 7, College, at its sole cost and expense, shall at all times during the term of this Lease keep and maintain the Property and Building, and all other buildings and structures thereon, in good order and condition, and free from rubbish, all satisfactory to City. All maintenance and repair, both exterior and interior, including the roof, air conditioning system, heating system, plumbing, paint and windows is the responsibility of College. The Property and Building, including all other buildings and structures thereon, shall not be used for displaying signs and notices other than those connected with the business of College contemplated by this Lease. Such notices and signs shall be neat and properly maintained, and shall be in compliance with the City of Clovis sign ordinance. College waives any provision of law that may require any duty of repair by City or permit College to make repairs at the expense of City.

h. Optical Fiber Cables/Network. City currently permits College use of its fiber optic network and connections for its current facility at 901 5th Street through an existing Release For: Use of City Conduit and Dark Fiber Internet Service Agreement dated December 1, 2010 ("Release"). City shall continue to permit College's use of City's fiber optic network and allow College to expand its use of the network to the Property in accordance with the terms of the Release. City shall maintain all portions of the fiber optic network up to Minimum Point of Entry ("MPOE") to the current College facility and to the Property. College will be solely responsible for maintenance of the fiber optic network beyond the MPOE located in College facilities and in the Property.

10. Utilities. College shall make all arrangements for and pay for all utilities and services furnished to or used by College including, but not limited to, gas, electricity, water, telephone, internet, trash collection and for all connection charges.

11. Indemnification. During the Lease Term, College hereby releases and shall indemnify, hold harmless and defend City and its officials, officers, employees, agents and volunteers from and against all liability, claims, suits, damages, losses, costs and expenses, including reasonable attorneys fees, incurred in connection with or arising out of: (1) the use, occupation or control of the Property and Building by College, its agents, employees, invitees, lessees, sub-lessees, or volunteers; (2) any breach of College's performance obligations under this Lease; or (3) any acts, omissions or negligence of College or any person or entity claiming through or under College, or College's agents, employees, contractors, invitees or visitors.

12. Insurance Requirements. City shall procure and maintain for the duration of the Lease property insurance, at its sole cost and expense, covering the Property and Building. City shall add College as an additional insured on the property insurance policy. College may maintain additional property insurance, at its sole cost and expense, covering College's interest in the Property and Building, including any approved alterations and improvements. College may also maintain personal property insurance, at its sole cost and expense, covering the personal property contents.

College shall procure and maintain for the duration of this Lease, at its sole cost and expense, liability insurance against claims for injuries to persons and for damage to property which may arise from or in connection with College's operation and use of the Property and Building in an amount and in the manner approved by City's Risk Management Department. Proof of such insurance shall be provided prior to the Lease Date. A copy of the City's current insurance requirements are included in **Exhibit C**.

13. Liens and Claims. College shall fully pay for all materials joined or affixed to the Property and pay in full all persons who perform labor thereupon. College shall not suffer any mechanics' or materialmen's liens of any kind to be enforced against the Property for any work done or materials furnished at College's request. If any such liens are filed thereon, College shall remove the same at College's own expense, and shall pay any judgment which may be entered thereon or thereunder. Should College fail, neglect, or refuse so to do, City shall have the right to pay any amount required to release any such liens, or to defend any action brought thereon, and to pay any

judgment entered therein; and College shall be liable to City for all costs, damages, reasonable attorneys' fees, and any amounts expended in defending any proceedings or in the payment of any of said liens or any judgment obtained therefor. City may post and maintain upon the Property notices of nonresponsibility as provided by law.

14. Leasehold Encumbrances. College shall not encumber by deed of trust, mortgage or other security instrument, all or a part of College's interest under this Lease without the advance and express written consent of City, and upon such terms and conditions as City may require. Any encumbrance existing as of the Lease Date shall be subject to all covenants, conditions, or restrictions set forth in this Lease and to all rights and interests of City.

15. Successors: Assignment and Subletting. This Lease shall inure to the benefit of and be binding upon the heirs, administrators, executors, successors, and assigns of the parties hereto, but shall not be assigned or subleased by College without the prior written consent of City, which consent will not be unreasonably withheld.

16. Damage or Destruction of Property. If the Property or Building is damaged or destroyed during a term of this Lease through no fault of College or its students, College may either:

a. Terminate this Lease, and neither party shall be obligated to repair or restore the Property to substantially the same condition as existed immediately prior to the damage or destruction; or

b. Request that City restore the Property and Building using City's and College's insurance proceeds. City's insurance shall be exhausted first, and City's maximum responsibility shall be the amount of insurance proceeds. City will be responsible for payment of any deductible on City's policy, College will be responsible for payment of any deductible on College's policy. The Lease shall be stayed during any restoration period; or,

c. Make repairs at the College's expense. The Lease shall be stayed during any restoration period.

17. Eminent Domain. In the event of the taking or condemnation of all or any part of the Property or Building, compensation to City and College shall be based upon their respective interests in the Property and Building. Calculations shall be made by competent professionals, considering among other factors, how many payments College has made toward the Lease.

18. Events of Default.

a. College's Default. The occurrence of any of the following shall constitute a default by college:

(1) Failure to pay rent or any other sum due under the terms of this Agreement within twenty (20) days of receipt of notice that rent or any other sum due under terms of this Agreement was not paid when due;

(2) Abandonment of the Property;

(3) Failure to perform any other provision of this Lease if the failure to perform is not cured within thirty (30) days after notice has been served upon College. If such default cannot reasonably be cured within thirty (30) days, College shall not be in default of this Agreement if College commences to cure the default within the thirty (30) day period and diligently and in good faith continues to cure the default.

b. Notice of Default. Notices given under this section shall specify the alleged default and the applicable Lease provisions and shall demand that College cure the default within thirty (30) days, or quit the Property.

c. Termination. City may terminate this Agreement immediately upon written notice to College if College defaults and fails to cure as provided in section 18(a). In the event of termination, City may regain possession of the Property in the manner provided by the laws of unlawful detainer of the State of California in effect at the date of such default. College shall not be entitled to any pro rata return of rent if City terminates this Lease prior to an Anniversary Date.

At City's option, if College has breached this Lease and/or abandoned the Property, this Lease shall continue in effect for so long as City does not terminate College's right to possession, and City may enforce all rights and remedies under this Lease, including the right to recover the rent as it becomes due. Further, City shall be entitled to recover from College damages and to exercise such other rights and remedies as provided to City under the laws of the State of California.

d. Right to Cure at College's Expense. City, at any time after College commits a default, can cure the default at College's cost. If City, by reason of College's default, pays any sum or does any act that requires the payment of any sum, the sum paid by City shall be due immediately from College to City upon City's written demand for payment to College, and if paid at a later date, shall bear interest at the rate of ten percent (10%) per annum from the date the written demand for payment is sent by City until City is reimbursed by College. The sum, together with interest on it, shall be additional rent.

19. Waiver. No delay or omission in the exercise of any right or remedy of City on any default by College shall impair such right or remedy or be construed as a waiver. City's consent to or approval of any act by College requiring City's consent or approval shall not be deemed to waive or render unnecessary City's consent to or approval of any subsequent act by College. Any waiver by City of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Lease.

20. Entry and Inspection of Property. City and its authorized representatives shall have the right to enter and inspect the Property and Building at all reasonable times to perform City Maintenance Obligations, to determine whether the Property and Building is in good condition, and to determine and whether College is complying with its obligations under this Lease.

21. Relationship of Parties. City is not, nor shall it become or be deemed to be, a partner or a joint venturer with College by reason of the provisions of this Agreement or Lease nor shall this Agreement or Lease be construed to authorize either party to act as the agent for the other. City shall not be deemed to be a lender, mortgage company, or other financing institution with respect to purchase of the Property and Lease Payments.

22. Notice. Any notice, demand, request, consent, approval, or communication ("Notice") that either party desires or is required to give to the other party or any other person shall be in writing and either served personally or sent by prepaid registered mail at the address of such party as provided below, or to any such address as such party shall notify the other in writing. Copies of all Notices shall be concurrently served by Email. Notice shall be deemed communicated when received if personally served or three (3) days after mailing if mailed.

23. Effect of Termination of Lease. Termination or expiration of this Lease shall not release any party hereto from any liability or obligation hereunder, whether of indemnity or otherwise, resulting from any acts, omissions or events happening prior to such termination or expiration, or thereafter in case by the terms of this Lease it is provided that anything shall or may be done after termination or expiration hereof.

24. Amendments. This Lease shall not be modified or amended in any way except in writing signed by the parties hereto.

25. Time and Specific Performance. Time and specific performance are of the essence for each provision of this Lease.

26. Interpretation. This Lease shall be construed and interpreted in accordance with the laws of the State of California.

27. Entire Agreement. This Lease contains all the agreements of the parties concerning the subject matter of it and cannot be amended or modified except by a subsequent written agreement.

28. Severability. The unenforceability, invalidity, or illegality of any provision of this Lease shall not render the other provisions unenforceable, invalid, or illegal.

29. Construction. Headings at the beginnings of sections or subsections are solely for the convenience of the parties and are not a part of nor should they be used to interpret this Lease. The singular form shall include the plural, and vice-versa. This Lease shall not be construed as if it had been prepared by one of the parties, but rather as if both parties have prepared it. Unless otherwise indicated, all references to sections are to this Lease. All exhibits referred to in this Lease are attached to it and incorporated in it by this reference.

30. Attorney's Fees. If either party commences an action against the other party arising out of or in connection with this Lease, the party prevailing in such litigation shall be entitled to have and recover from the losing party reasonable attorney's fees and costs of suit.

31. Voluntary Agreement; Authority to Execute. College and City each represent that they have read this Agreement in full and understand and voluntarily agree to all provisions herein. The parties further declare that prior to signing this Agreement they each had the opportunity to apprise themselves of relevant information, through sources of their own selection, including consultation with counsel of their choosing if desired, in deciding whether to execute this Agreement. The signatories to this Agreement represent that they have the proper authority to execute this Agreement on behalf of the respective party.

32. Recording of Agreement. The parties shall execute a memorandum or short form of this Agreement for recording purposes. The memorandum or short form of Agreement shall incorporate this Agreement by reference and shall describe the parties hereto, the Property, and the term hereof.

33. Nondiscrimination. College shall be bound by the following nondiscrimination and nonsegregation clause:

There shall be no discrimination against or segregation of any person, or group of persons on account of race, color, creed, religion, sex, sexual orientation, marital status, ancestry national origin, or any other protected California class of persons, in the use, occupancy, or enjoyment of the Property, nor shall College or any person claiming under or through College, establish or permit any such practice or practices of discrimination or segregation.

Signatures on Next Page

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the dates set forth below.

SAN JOAQUIN COLLEGE OF LAW

CITY OF CLOVIS

By: _____
[Name] _____
[Title] _____

_____, 2018

By: _____
Luke Serpa
City Manager

_____, 2018

Attest By:

John Holt, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
_____, College Attorney

By: _____
David J. Wolfe, City Attorney

Send notices to:

Send notices to:

Insert names of persons to receive notices, mailing address, Email address, and phone numbers



AGENDA ITEM NO: 4-A
City Manager: LS

CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: January 8, 2018

SUBJECT: Consider Approval – Res. 18-____, Appointing Drew Bessinger to the Governing Board of the San Joaquin Valley Air Pollution Control District – Fresno County Seat

ATTACHMENTS: (1) Res. 18-____
(2) Application of Drew Bessinger

CONFLICT OF INTEREST

None.

RECOMMENDATION

That Drew Bessinger be appointed to the Governing Board of the San Joaquin Valley Air Pollution Control District – Fresno County Seat – to fill a vacancy.

EXECUTIVE SUMMARY

Appointment is needed to fill a vacancy on the San Joaquin Valley Air Pollution Control District ("SJVAPCD") – Fresno County Seat. Councilmember Drew Bessinger has applied to fill this position for a three-year term beginning January 1, 2018.

BACKGROUND

There is a vacancy on the Governing Board of San Joaquin Valley Air Pollution Control District which must be filled by a Councilmember from a "large" city within Fresno County. For this item, Clovis is the designated large city in Fresno County. The term of office for this position will be three years beginning January 1, 2018. Pursuant to the Health and Safety Code Section 40600.5, appointments to the District Governing Board will be made by the San Joaquin Valley Special City Selection Committee. According to the procedures adopted by the Committee, the next step in the

appointment process is for all cities within Fresno County to select a candidate from the applicants for the vacant position. Councilmember Drew Bessinger has submitted his application for this position.

The City Council is required to hold a vote to appoint Councilmember Bessinger to the Committee for appointment to the District Governing Board. The vote must take place as an item on the City's publicly noticed agenda and discussed during the meeting. Following the vote and submission of the attached Resolution, the Special City Selection Committee will meet on January 31, 2018 to make appointment to the SJVAPCD Governing Board.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

Appointment to the SJVAPCD is needed and shall be acted upon by the City Council. Councilmember Bessinger is requesting to be the "large" city representative within the Fresno County.

ACTIONS FOLLOWING APPROVAL

Staff will notify the SJVAPCD of such appointment by executing and submitting the attached Resolution, and take whatever further actions that are needed.

Prepared by: Jacquie Pronovost, Exec. Asst.

Submitted by: Luke Serpa, City Manager LS

RESOLUTION 18-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPOINTING DREW BESSINGER TO THE GOVERNING BOARD OF THE
SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT –
FRESNO COUNTY SEAT**

WHEREAS, Health and Safety Code Section 40600.5 created a Special City Selection Committee for the appointment of city members of the San Joaquin Valley Air Pollution Control District Governing Board; and

WHEREAS, the Special City Selection Committee has adopted procedures and a rotation schedule for making their appointments, and based upon the adopted rotation schedule, a city councilmember representing a city with a population of more than 100,000 from the Fresno County shall be appointed to the District Governing Board; and

WHEREAS, in selecting a nominee for appointment by the Special City Selection Committee to the District Governing Board, the City Council considered the application materials from the eligible candidates; and

WHEREAS, the vote to select a nominee took place as an item on the publicly noticed agenda and was discussed during the normal City Council meeting with time for public comment.

NOW, THEREFORE, BE IT RESOLVED that the City of Clovis nominates Clovis Councilmember Drew Bessinger to the Special City Selection Committee for appointment to the District Governing Board.

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on January 8, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: January 8, 2018

Mayor

City Clerk



San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

Received
DEC 14 2017

Executive Office
SJVAPCD

**APPLICATION FOR APPOINTMENT AS A CITY REPRESENTATIVE
ON THE GOVERNING BOARD OF
THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT**

Current Vacancy

Large City: One member representing the cities with a population more than 100,000 from Fresno County. Councilmembers from City of Clovis are eligible to apply.

If you are an elected official on the Council of the city identified above, you may submit an application for appointment to the Governing Board of the San Joaquin Valley Air Pollution Control District.

Applicant Name: DREW M. BESSINGER

Residence Address (Must live within the boundaries of the San Joaquin Valley APCD):

823 OAK AVE CLOVIS 93611

Mailing Address:

1033 FIFTH ST CLOVIS 93612

Telephone: (559) 960 9252
Primary

(559) 322-1998
Alternate

Email Address:

DREWB@CITYOFCLOVIS.COM

Applicant Signature:

Date: 12/12/17

Please submit this form along with any other pertinent information (e.g., resume, candidate statement, education, experience) that you would like to be considered to the address below. Please limit candidate statement to no more than one page. Please complete this application and return it by December 15, 2017 to:

Sayed Sadredin
Air Pollution Control Officer
San Joaquin Valley APCD
1990 E. Gettysburg Avenue, Fresno, CA, 93726

Drew M. Bessinger

823 Oak Avenue, Clovis CA 93611
(559) 322-1998 (h)/ (559) 960-9252 (c)
Drewb@cityofclovis.com

I am seeking appointment to the San Joaquin Valley Air Pollution Control District as a City Representative. I am currently the Mayor Pro-Tem of the City of Clovis. I have been a public servant for over four decades, a U.S. Army veteran, and a resident of Clovis for over 32 years. I am a retired Clovis Police Captain, and I have served as a Police Chief for three Fresno County communities over the last few years. I have included a synopsis of my professional career accomplishments and duties that highlight my extensive experience and leadership in public and governmental affairs.

Employment History

3/2017-Present	Mayor Pro-Tem, City of Clovis. I was elected in March to serve the citizens of Clovis.
4/2017-7/2017	Interim Chief of Police, Fowler Police Department. Appointed as interim Police Chief during a period of departmental leadership transition.
2012-2017	Public Safety Captain, Fresno Yosemite International Airport Department of Public Safety, Fresno, California. I supervised law enforcement, safety and emergency services at FYI. I am currently in a part time role with these duties.
7/2015-12/2015	Interim Chief of Police, Parlier Police Department, Parlier, California. Appointed as interim Police Chief during a period of departmental leadership crisis.
2014-2015	Interim Chief of Police, Kingsburg Police Department, Kingsburg, California. Served as the interim Police Chief for 10 months during departmental leadership transition.
1987-2009	Clovis Police Department, Clovis, California. I held the ranks and positions of Officer, Detective, Corporal, Field Training Officer, Detective Sergeant, SWAT Team Leader, Honor Guard Commander, Patrol Watch Commander and Police Captain.
1984-1987	California State University-Fresno Police Department. I was employed as Police Officer.

1980-1984	Santa Barbara Police Department, Santa Barbara, California. I was employed as Police Officer.
1979-1980	Department of Defense Police Department, Fort Belvoir, Virginia. I was employed as DOD Police Officer (GS4) inside U.S. Army experimental command located in a restricted area.
1975-1979	Military Police Officer, United States Army. US duties included law enforcement and combat support at Fort Dix, NJ. I was also stationed in Germany for 28 months. My duties included enforcement of US, Military and German customs laws and regulations as a MP Customs Investigator. I was also certified by US Customs as a Customs Inspector. I was Honorably Discharged as a Sergeant E5.

Relevant Governmental Experience

- **Councilmember, City of Clovis.** I was elected in March of 2017 to serve the remainder of a term of a departing Councilmember. I was appointed as Mayor Pro-Tem.
- **Interim Chief of Police, Fowler Police Department.** I was appointed in an interim capacity when the current Chief retired before he was due for replacement. I worked closely with City management and elected officials to evaluate the department and prepare it for new leadership. I assisted the City in the selection process.
- **Interim Chief of Police, Parlier Police Department.** I was sought out to fill an interim Chief of Police position to address serious issues in the Parlier Police Department. The department was in the midst of a leadership and public trust crisis, and I took immediate steps to address these issues. I was tasked to evaluate training, personnel, finances, and trust and public confidence issues that were detrimental to the department and the community. I identified deficiencies in and improved a substandard Animal Services Facility. I addressed long standing ethics and detrimental conduct issues that lead to the removal of employees. I worked closely with city management and council, community members, and other law enforcement agencies to elevate the professional status of the agency. I prepared extensive reports for City Council review. I also worked with the City Manager in the recruitment and selection process for the next Chief of Police, and prepared the agency for the leadership transition. As a PERS retiree, I was unable to apply for the full-time Police Chief position.

- **Interim Chief of Police, Kingsburg Police Department.** I was selected to fill an interim term as Police Chief following the retirement of the Police Chief. I was asked to evaluate the agency and personnel, improve the department's professional and community image, and make necessary changes. I identified and addressed several problem areas, most notably: leadership and professional development of personnel; evidence room audit and oversight; lack of on-going training; lack of professional integration with allied agencies; failure to address community standards issues; lack of trust issues between management and line level personnel; and improving a substandard Animal Services Facility. I initiated contact with the Kingsburg Unified School District regarding truancy issues, and worked in close collaboration with District on the School Attendance Review Board (SARB) to help reduce truanies. I initiated a vehicle and property nuisance abatement program to remove inoperable vehicles from the roadway and private property. I assigned my staff to conduct enhanced DUI reduction patrols, Operation Lifesaver (rail safety) education, and traffic safety demonstrations geared towards high school age drivers. I revamped the department's professional image through the use of Facebook to keep the citizens informed on crime and community events, and also gave timely tips on safety and crime reduction. I worked closely with the City Manager, other department heads, and my staff to find collaborative remedies to these and other problems. I also worked with the City Manager in the recruitment and selection process for the next Chief of Police, and prepared the agency for the leadership transition. As a PERS retiree, I was unable to apply for the full-time Police Chief position.
- **Public Safety Captain, Fresno-Yosemite International Airport Department of Public Safety (DPS).** In my assignment at the airport, I saw an opportunity to fine tune the professional and public image of the agency. Working through my Chief, I played a pivotal role in the redesign of both the agency patch and the police vehicle graphics. The DPS hires younger workers for duties at the airport curb, an extremely busy and often difficult enterprise. These employees did not receive specific training in dealing with the difficult people they might encounter. I created and presented a training class to all the non-sworn staff to improve their verbal and public contact skills to help them be more effective with the public, thus increasing the professional image of the DPS and the airport. I also created and presented a safety presentation for employees on "active shooter" incidents. I have hands-on experience as an Incident Commander dealing with aircraft emergencies, medical emergencies, and other aspects of airport safety operations. I am certified as an Aircraft Rescue Fire Fighter (ARFF).

- **Police Captain, Clovis Police Department.** Among my numerous assignments as a Captain were Internal Affairs, Discipline and Review Board functions, Federal and State Grant Oversight, and Financial and Evidence Room Audit roles. I oversaw a significant portion of a \$21M budget and supervised approximately 90 full and part time employees. I interviewed and hired prospective candidates for sworn and non-sworn positions at the Clovis Police Department. I supervised many aspects of the Police Department functions. I was a board member of the Friends of the Clovis Animal Adoption Center, which successfully built the Miss Winkles Animal Adoption Center. In 2006, in combination with my Command Staff peers and the Chief, we reduced our budget by over \$2M without laying off full time staff. The Police Department's budget was by far the largest in the City General Fund budget, and with our early intervention in the looming financial crisis, the City of Clovis has emerged from the recession in significantly better financial shape than many in the San Joaquin Valley. Due to staff reduction of Captains, at the end of my career I was in charge of one-half of the personnel of the Clovis Police Department and at least eight divisions and subdivisions of the agency.
- **Police Sergeant, Clovis Police Department.** In my various assignments in this position, I supervised Patrol Division personnel as the Watch Commander, lead the Youth Services Bureau, was an entry team leader on the SWAT team, and supervised the Planning and Neighborhood Services Bureau. During the latter assignment, I wrote and administered a \$750,000 bid for the acquisition and delivery of 21 fully-outfitted police cars. I wrote numerous employee evaluations, corrective and disciplinary letters, and performance improvement plans. I was assigned to conduct Internal Affairs investigations and Pre-Employment Background investigations. I was also assigned to plan and administer numerous large community events and major police tactical operations.
- **Community Policing, Clovis Police Department.** During my various assignments as Captain, Sergeant, Corporal and Police Officer, I took on additional responsibilities or was tasked to create programs that would benefit the Police Department and the community by reducing crime, improving the livability of neighborhoods, and creating a working partnership between the community and the Police Department. I created a program using the eviction process to target criminals, and wrote an article about it which was published in several national and regional publications. Many of these programs required fostering a close working relationship with community groups, the City Manager's Office, the City Attorney and other City Departments, and the preparation and presentation of staff reports before the City Council. The list below is an example of a few of the collaborative and community projects I created or was heavily involved in:

- Preparation of Gaming and Adult Oriented Business Municipal Codes
- Author of Municipal Codes dealing with Graffiti, Transient Camping, Door to Door Solicitation, and Public Nuisances
- Creation of an Abandoned Vehicle Abatement Program for the City of Clovis that removed over 100 inoperable cars from neighborhoods
- Creation of a Graffiti Abatement Program
- Creation of an Internet Education Program, geared towards parents and teens, detailing the internet's danger to our youth
- Planning and oversight of major community events such as the Clovis Rodeo, Big Hat Days, July 4th celebrations, large-scale funeral events for fallen police officers and US Military personnel, and the Pelco 911 event where NYPD/NYFD and NY/NJ Port Authority Officers were honored following September 11, 2001
- **Police Academy Instructor, State Center Police Academy, Fresno.**
I have instructed at the Police Academy for over 20 years on Community Policing and Juvenile Law, to include in-service training at allied police agencies.
- **Personnel Commissioner, City of Clovis.** In 2010, I was appointed to serve the City of Clovis as a member of the Personnel Commission. I resigned from the commission in October 2016, as required for all appointees seeking higher office.

Education and Professional Certificates

- BA Public Administration, California State University-Fresno 1995
- AA Administration of Justice, Santa Barbara City College 1982
- High School Diploma, Point Pleasant Borough High School NJ 1975
- Basic, Intermediate, Advanced, Supervisory and Management POST Certificates
- Graduate, California POST Sherman Block Leadership Institute (SLI) 2003
- Graduate, California POST Management Course 2008
- Graduate, California POST Basic Police Academy, Camarillo 1980

Advocacy and Community Interests

- Former Board member, Miss Winkles Animal Adoption Center
- Former Committee member State Center Police Academy Workgroup