



- CITY OF CLOVIS - REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: March 22, 2018

SUBJECT: Consider Approval, Res. 18-____, **TM2823A2** – A request to consider an amendment to the conditions of approval of Tract Map TM2823, to eliminate a 15-foot rear landscape easement of property located on the east side of Phillip Avenue, north of Holland Avenue – 2995 Phillip Avenue. Jonathan Cox, owner/applicant.

ATTACHMENTS:

Figure 1:	Location Map
Exhibit "A":	Conditions of Approval
Exhibit "B":	Final Tract Map
Exhibit "C":	Site Plan
Attachment 1:	Fresno Irrigation District Conditions
Attachment 2:	Draft Resolution

CONFLICT OF INTEREST

None

RECOMMENDATION

Staff recommends that the Planning Commission approve TM2823A2, subject to the conditions listed in Exhibit "A."

EXECUTIVE SUMMARY

The applicant is requesting to modify the conditions of approval associated with Tract Map TM2823, to eliminate a 15-foot landscape easement along the rear property line of lot 28. Approval of the request would allow the developer to proceed with site plan review and building permits for industrial related uses (see Exhibit B).

BACKGROUND

On June 20, 1977, the City Council approved Tentative Tract Map TM2823, which included associated conditions of approval. Condition number 29, required a 15-foot landscape easement along specific properties directly adjacent to residential. The restriction affected lots 28 through 30 within TM2823.

On May 15, 2006, the City Council approved an amendment request, which allowed the elimination of the 15-foot landscape easement on lots 29 and 30, of TM2823. The applicant is requesting a similar amendment for lot 28.

- General Plan Designation: Industrial
- Specific Plan Designation: None
- Existing Zoning: C-M (Commercial and Light Manufacturing)
- Lot Size: 15,029 square feet
- Current Land Use: Vacant
- Adjacent Land Uses: North: C-M (Commercial and Light Manufacturing)
South: County of Fresno Residential Area
East: County of Fresno Residential Area
West: M-1 (Light Industrial)
- Previous Entitlements: TM2823 and TM2823A

PROPOSAL AND ANALYSIS

The applicant is requesting approval of a tentative map amendment to the property located at 2995 Phillip Avenue. The applicant is seeking to allow for the development of the Project utilizing the setbacks of the C-M Zone District, in lieu of the 15-foot setback of the tentative map requirements.

Approval of tentative tract map amendment TM2823A2 will allow the developer to move forward with the development process. The proposed map is consistent with the land use and density of the Clovis General Plan and the C-M (Commercial and Light Manufacturing), Zone District

During consideration of this request, it is important to consider issues related to setbacks from adjacent uses, masonry walls, and comments from neighbors.

Setbacks

The subject site is zoned C-M (Commercial – Light Manufacturing) and designated Industrial in the General Plan. The Clovis Municipal Code allows buildings in the C-M Zone District to be developed up to the rear property line. The Development Code does however, require a 15-foot setback from property line when a C-M zoned property is located adjacent to residential uses. In this case, the Gould Canal separates the subject property from residential uses through an approximate 75-foot wide right-of-way plus an additional 25 feet to the nearest residential structure (See Figure A).



Masonry Walls

Condition number twenty-nine in the conditions of approval for TM2823 requires a 6-foot masonry wall along the east property line and a 15-foot landscape easement. The applicant has submitted a site plan that shows the proposed structure utilizing the C-M Zone District setbacks permitting construction up to the rear property line (Exhibit C). The applicant will utilize masonry construction of the building for the first seven feet, then utilize typical industrial building materials for the remaining building height. The proposed setback amendment with the proposed construction of a partial block building wall, will automatically eliminate the ability for storage of noise generating equipment such as generators or air compressors at the rear of the property. The applicant will have to then contain all equipment within the proposed structure. With Commission approval of the subject request, staff has included a condition that prohibits outdoor placement of generators and compressors.

Conditions, Covenants, and Restrictions

The approval of TM2823 included CC&R's (Covenants, Conditions, and Restrictions) that placed more restrictive development standards on the subdivision than the C-M Zone District requires. TM2823 included specific restrictions related to landscape setbacks adjacent to residential housing and architectural design. The CC&R's included a clause which allowed the opportunity for property owners to terminate the agreement after December 31, 2000. On May 11, 2005, property owners within TM2823 recorded an agreement which was signed by 65% of the property owners that formally terminated the CC&R's for TM2823.

Neighborhood Concerns

A notice of public hearing was sent to 29 property owners within a 300-foot radius of the Project. As of the writing of this report, staff has not received comments or concerns from the public.

California Environmental Quality Act (CEQA)

TM2823A2 is exempt from CEQA pursuant to Public Resources Code Section 15061(b)(3) which provides that CEQA applies only to projects that have the potential for causing a significant effect on the environment. A Notice of Exemption has been completed during the preliminary review, and is kept for public review with the project file during the processing of the project application. Staff will file the notice with the County Clerk if the project is approved.

The City published notice of this public hearing in *The Business Journal* on Wednesday, March 7, 2018.

FISCAL IMPACT

None

REASONS FOR RECOMMENDATION

The shape of the lot and the requirement for a 15-foot landscape easement at the rear of the subject property makes development of the subject parcel challenging for development. Staff feels that the Gould Canal and its banks on both sides, provides sufficient separation from area residences and that the elimination of the landscape easement would be consistent with the objectives of the General Plan. Additionally, the elimination of the 15-foot setback could mitigate the potential for the placement of noise generating equipment, high piled storage of materials, and an attractive nuisance area. Therefore staff recommends approval of TM2823A2, subject to the attached conditions of approval listed as Exhibit "A".

ACTIONS FOLLOWING APPROVAL


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

NOTICE OF HEARING

Property owners within 300 feet notified:	29
Interested individuals notified:	10

Prepared by: Maria Spera, Planning Technician II

Reviewed by:



Bryan Araki
City Planner

FIGURE 1
TM2823A2 LOCATION MAP

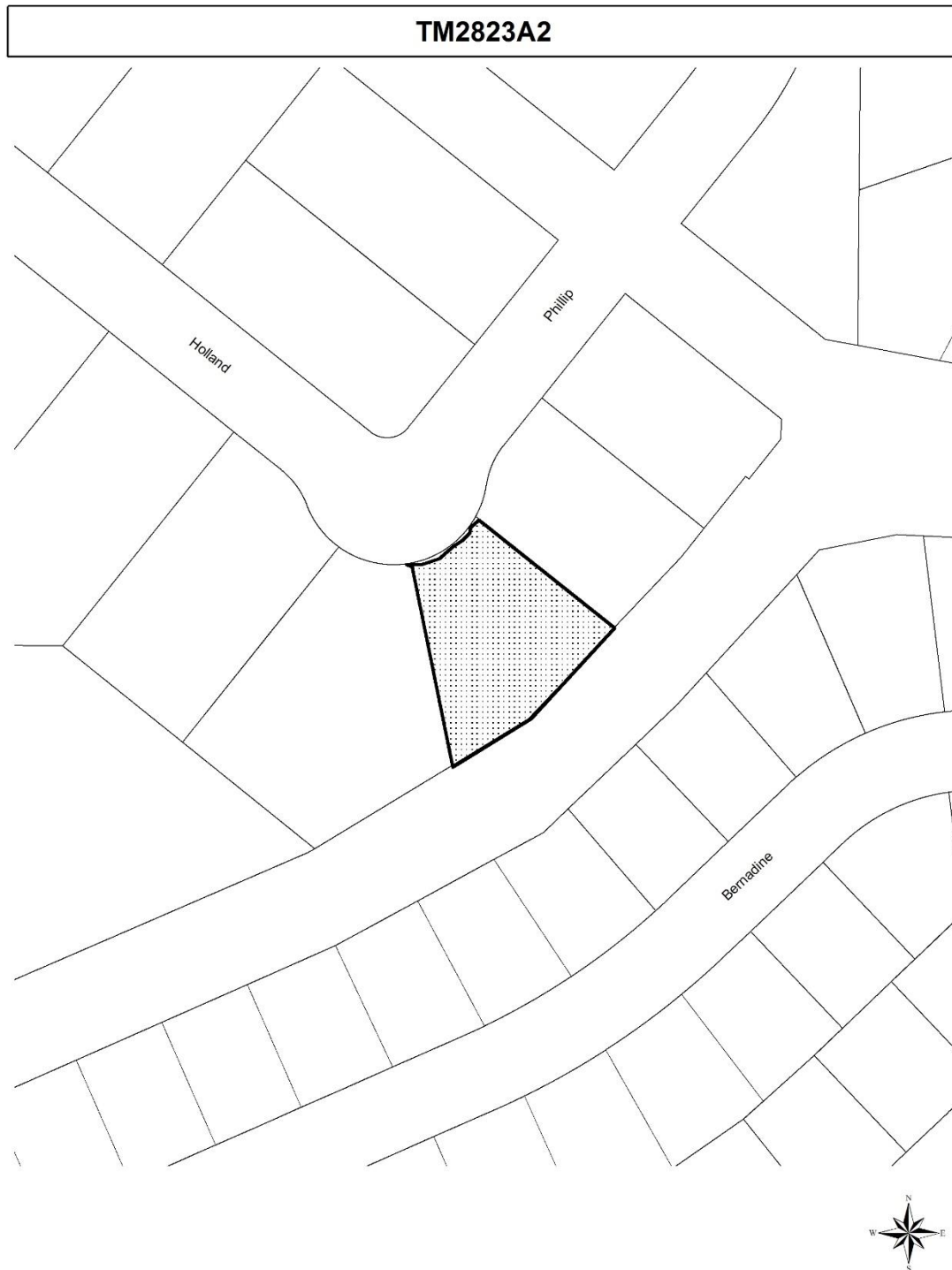


EXHIBIT "A"
Original Conditions of Approval of TM2823 and TM2823A
with modifications for TM2823A2 indicated in bold

Planning Division Conditions

(Division Representative – Maria Spera, 324-2355)

1. Compliance with conditions as set forth in the City of Clovis Subdivision Agreement in accordance with Title 9, Chapter 2, of the Clovis Municipal Code.
2. Development of this site shall be consistent with the General Plan and TM2823, TM2823A, are hereby made a part of this application by reference.
3. Development on Lot 28 shall provide a minimum 20 foot landscaped front yard setback from the face of curb.
4. In order to provide for reasonable municipal protection during all phases of construction, the developer shall maintain passable vehicular access to all buildings to the satisfaction of the Fire Department, Police Department and City Engineer.
5. All loading and storage areas shall be screened from view of adjoining properties and from the street by a combination of landscape planting and/or fencing.
6. All storage of equipment and vehicles shall be within buildings or behind fenced storage areas.
7. No maintenance of vehicles or equipment shall occur within any yard visible from a public street or the trail.
8. Outdoor storage areas shall be reasonably screened from the freeway corridor.

Screening and Lighting

9. All roof-mounted mechanical equipment, antennas, satellite dishes and other similar appearances shall be screened from view from a public street and all residential areas.
10. No lighting shall be directly visible into residential areas or be of a nature to adversely affect vehicular movement on any street.
11. All light standards shall be a smoke grey, of a uniform design to be specified and should be compatible with buildings and other design elements.
12. Automatic timers on lighting shall be utilized to optimize security and project enhancement during nighttime.

13. Low voltage halogen lighting to light landscape areas is encouraged
14. The development of all sites within the tract shall be governed by the provisions of Section 9-3.408 "Site Plan Review" of the Clovis Municipal Code.
15. **A six foot (6') wall shall be installed along the property line. The developer shall provide a six foot (6') masonry wall along the east property line of lot 28 of Final Map TM2823.**
16. Development on lot 28 shall be limited to single story structures.
17. **Outside placement of generators, compressors, and other noise-generating equipment is prohibited on lot 28 of Final Map 2823.**

Fresno Irrigation District Conditions

(Division Representative – Chris Lundeen, 233-7161, Ext.7410)

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

CLOVIS GETTYSBURG INDUSTRIAL SITES
TRACT NO. 2823

IN THE CITY OF CLOVIS
FRESNO COUNTY, CALIFORNIA
SURVEYED AND PLATTED IN JANUARY, 1978
BY HANLEY S. PREBLE
CONSISTING OF 22 SHEETS
SHEET NO. 2

STATE OF CALIFORNIA
COUNTY OF FRESNO
HANLEY S. PREBLE, Surveyor
I, HANLEY S. PREBLE, Surveyor, do hereby certify that the foregoing is a true and correct copy of the original map as filed in my office, and that the same has been duly recorded in the public records of the County of Fresno, California.

STATE OF CALIFORNIA
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I, HANLEY S. PREBLE, Surveyor, do hereby certify that the foregoing is a true and correct copy of the original map as filed in my office, and that the same has been duly recorded in the public records of the County of Fresno, California.

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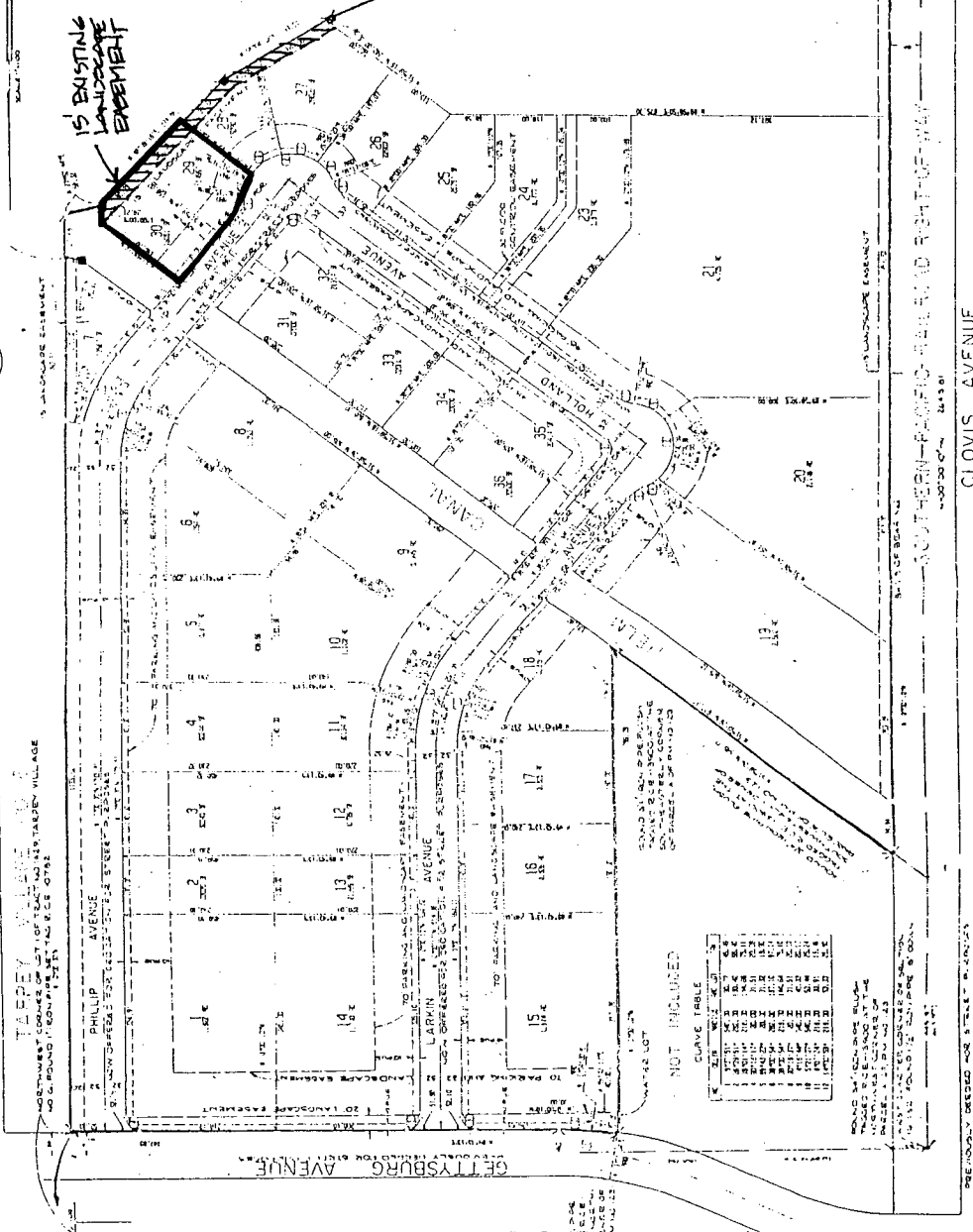
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FINAL TRACT MAP TM2823

EXHIBIT "B"

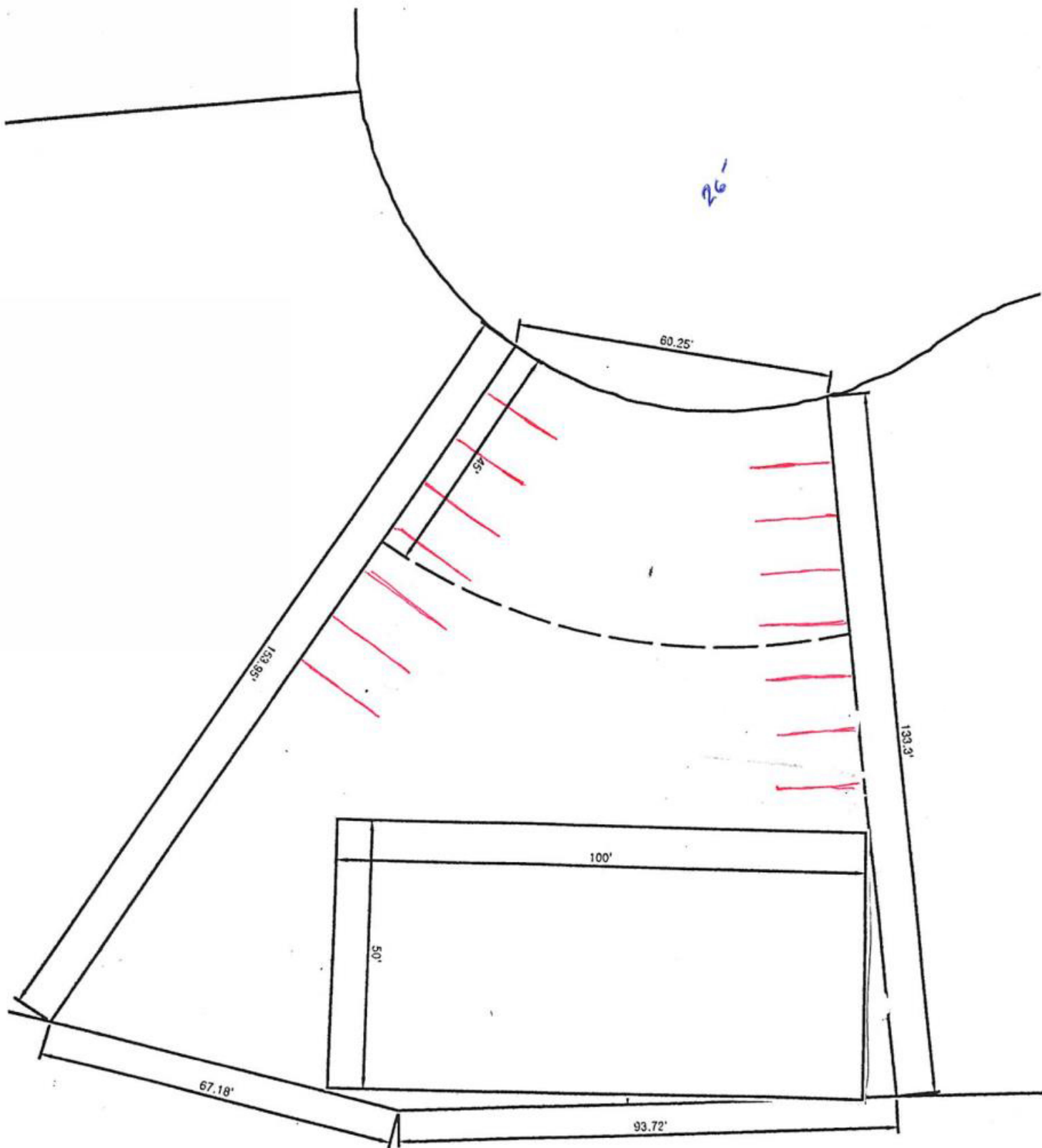
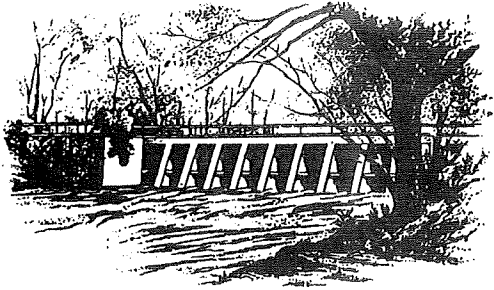


EXHIBIT "C"



YOUR MOST VALUABLE RESOURCE - WATER



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

February 21, 2018

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

RE: Tract Map Application Amendment No. TM2823A2
S/E Gettysburg and Clovis avenues
FID's Gould No. 97

Dear Ms. Spera:

The Fresno Irrigation District (FID) has reviewed the Tract Map Application Amendment No. TM2823A2 for which the amendment will allow the removal of the 15 feet rear setback, APN: 499-421-10. FID has the following comments:

Summary of Requirements:

- Review and Approval of all Future Development Plans.
- Review Fees.
- No Encroachments (i.e. trees, monuments, fences, PUE, etc.).
- Lot staking to confirm FID right-of-way requirements along Gould Canal.
- Grant Easement and Right-of-Way for Gould Canal (if required).

Area of Concern

1. FID's Gould No. 97 Canal runs westerly along the east side of the subject property, as shown on the attached FID exhibit map and may be impacted by any future development.
2. Records do not indicate recorded easements for the above canals however, FID does own an easement and its width is as shown on FID's attached Detail No. 10. 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.

G:\Agencies\Clovis\Tract Map\2823A2.doc

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

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 for the Gould, 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 Helm and the Gould, 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. 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.
 - iii. Maintenance – this reach of Canal does have a history of high loads of sediment deposits which requires periodic 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 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 Phillip 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. FID requires the applicant and/or the applicant's engineer meet with FID at their earliest convenience to discuss specific requirements, e.g. easement width and alignment, right-of-way width and alignment, pipeline alignment, depth and size, fees, etc.
6. 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.
7. FID requires the Applicant/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.
8. 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 development project limits.
9. No large earthmoving equipment (paddle wheel scrapers, graders, excavators, etc.) will be allowed within FID's right-of-way and the grading contractor will be responsible for the repair of all damage to the canal caused by contractors grading activities.

General Comments

1. FID requires its easements be shown on all plans with proper recording information.
2. Footings of retaining walls shall not encroach onto FID property/easement areas.
3. Trees will not be permitted within FID's property/easement areas.
4. As with most developer 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.

Ms. Maria Spera
RE: TM2823A2
February 21, 2018
Page 2 of 2

5. 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.

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,



Laurence Kimura, P.E.
Chief Engineer

Attachment

ATTACHMENT 2

DRAFT RESOLUTION 18-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING TENTATIVE TRACT MAP TM2823A2, AN AMENDMENT TO TRACT MAP TM2823, ELIMINATING THE 15-FOOT REAR LANDSCAPE EASEMENT OF THE PROPERTY LOCATED ON THE EAST SIDE OF PHILLIP AVENUE, NORTH OF HOLLAND AVENUE – 2995 PHILLIPS AVENUE

WHEREAS, Jonathan Cox, 2409 Rall Avenue, Clovis, CA 93611, has applied for an amendment to Final Tract Map TM2823A2; and

WHEREAS, Tentative Tract Amendment TM2823A2, was filed on January 25, 2018, and was presented to the Clovis Planning Commission for approval in accordance with the Subdivision Map Act of the Government of the State of California and Title 9, Chapter 2, of the Municipal Code and the City of Clovis; and

WHEREAS, a public notice was sent out to area residents within 300 feet of said property boundaries ten days prior to said hearing; and

WHEREAS, a duly noticed hearing was held on March 22, 2018; and

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

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

- a. The proposed map is consistent with applicable general and specific plans;
- b. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
- c. The site is physically suitable for the type of development;
- d. The site is physically suitable for the proposed density of development;
- e. The design of the subdivision or the type of improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- f. The design of the subdivision or the type of improvements is not likely to cause serious public health problems; and
- g. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through the use of property within the proposed subdivision.
- h. The dedication toward public right-of-way is proportionate to the development being requested.

NOW, THEREFORE, BE IT RESOLVED that Tentative Tract Map TM2823A2, attached and labeled Exhibit "B," be and is hereby approved, subject to the attached conditions labeled Exhibit "A."

* * * * *

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on March 22, 2018, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 18-_____

DATED: March 22, 2018

Paul Hinkle, Chair

ATTEST:

Dwight Kroll, AICP, Secretary