AGENDA ITEM NO: X-C



- CITY OF CLOVIS REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: January 25, 2018

SUBJECT: Consider Approval, Res. 18-___, CUP2012-06A, A request to approve a

conditional use permit for modification of an approved 133-unit multiple family residential development for the addition of two-story units and increase to 199 units, for the property located at the southwest corner of Ashlan and Leonard Avenues. Creekside Village, LLC, owner, Ashwood Construction, Inc.,

applicant/representative.

ATTACHMENTS:

Figure 1: Location Map

Exhibit "A:" Conditions of Approval

Attachment 1: Draft Resolution

Attachment 2: Correspondence from Agencies

Attachment 3: Letter of Concern

Exhibit "B:" CUP2012-06A, Conditional Use Permit Map (199-Units) Exhibit "C:" CUP2012-06, Conditional Use Permit Map (133-Units)

Exhibit "D" Floor Plans and Elevations

CONFLICT OF INTEREST

None

RECOMMENDATION

Staff recommends approval of CUP2012-06A, subject to the conditions listed in Exhibit "A."

EXECUTIVE SUMMARY

The applicant is requesting a conditional use permit amendment to modify an approved multiple-family development. The amendment proposal will increase the number of units from 133 to 199 units at the southwest corner of Ashlan and Leonard Avenues. Approval of this conditional use permit would allow the developer to proceed with the site plan review amendment process and construction documents.

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Issues related to the proposed development are discussed in the project analysis section of this report.

BACKGROUND

General Plan Designation: Medium-High Residential (7.1 – 15 DU/Acre)
 Specific Plan Designation: Loma Vista Specific Plan (Medium High Res.)

• Existing Zoning: R-2 (Low Density Multiple Family Residential – 1 unit

per 3,000 sq. ft.)

• Lot Size: 15.72 Acres

• Current Land Use: Vacant

Adjacent Land Uses: North: School

South: Single-Family Residential East: Single-Family Residential West: Single-Family Residential

• Previous Entitlements: R2005-09 (Prezone to R-2)

CUP2012-06 (133 Unit Apartment Complex)

PROPOSAL AND ANALYSIS

The project site was designated Medium High in the 1993 General Plan which permitted a density of 7.1 to 15 units per acre. Adoption of the Loma Vista Specific Plan confirmed the designation in 2003. On May 24, 2012, the applicant received Planning Commission approval of a conditional use permit to allow a 133-unit market-rate multiple-family development at a proposed density of 7.74 units per acre. The Project was inclusive of both single and two-story buildings. The Project was subject to the Clovis Zone Ordinance property development standards in place at that time which required apartment developments to go through the conditional use permit process. Per California State Housing Laws, the use permit requirement was removed with the Development Code Update of 2014, which now permits multiple-family development by right in the R-2 Zone District.

The Planning Commission approved Conditional Use Permit CUP2006-12 for a 133-unit multiple-family development on May 24, 2012 (Exhibit C). The approved conditions for CUP2012-06 stated that any proposed major modifications to the use or site inclusive of a change in circulation, and any request to add additional floors and increase the number of units, would require a conditional use permit amendment.

The proposed modifications include an increase in the number of units from 133 to 199, placement of additional two-story units, and modification to the elevations. The proposed amendment also modifies circulation within the Project but generally maintains the same main circulation configuration.

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Although the applicant's Project is increasing the number of units from 133 to 199, the Project's density does not exceed 12.65 units per acre, placing it within the permitted R-2 Zone District range of 7.1 To 15.0 units per acre.

Consistency with General Plan and Zoning

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

- **Goal 3:** Orderly and sustainable outward growth into three Urban Centers with neighborhoods that provide a balanced mix of land uses and development types to support a community lifestyle and small town character.
- Policy 3.2 **Individual development project.** When projects are proposed in an Urban Center, require a conceptual master plan to show how a proposed project could relate to possible future development of adjacent and nearby properties. The conceptual master plan should generally cover about 160 acres or the adjacent area bounded by major arterials, canals, or other major geographical features. The conceptual master plan should address:
 - A. Compliance with the comprehensive design document
 - B. A consistent design theme
 - C. A mix of housing types
 - D. Adequate supply and distribution of neighborhood parks
 - E. Safe and direct pedestrian and bicycle linkages between residential areas and school sites, parks, and community activity centers
- Policy 3.3 **Completion of Loma Vista.** The City prioritizes the completion of Loma Vista while allowing growth to proceed elsewhere in the Clovis Planning Area in accordance with agreements with the County of Fresno and LAFCo policies.
- Policy 3.5 **Fiscal sustainability.** The City shall require establishment of community facility districts, lighting and landscaping maintenance districts, special districts, and other special funding or financing tools in conjunction with or as a condition of development, building or permit approval, or annexation or sphere of influence amendments when necessary to ensure that new development is fiscally neutral or beneficial.
- **Goal 6:** A city that grows and develops in a manner that implements its vision, sustains the integrity of its guiding principles, and requires few and infrequent amendments to the General Plan.
- Policy 6.2: **Smart growth.** The city is committed to the following smart growth goals.
 - Create a range of housing opportunities and choices

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- 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.

Density

The site is designated Medium-High Residential providing for 7.1 to 15 units per acre. The Project includes 199 units on 15.72 acres for a total density that does not exceed 12.65 units per acre.

Site Characteristics

The Project is located at the southwest corner of Ashlan and Leonard Avenues, across the street and south of the Reagan Educational Complex. Adjacent surrounding properties include a rural residential home to the northwest, and developing residential to the east, south and west. Dog Creek runs parallel to Leonard Avenue along the eastern property line from the south and traverses across to the east side of Leonard Avenue approximately 475 feet south of Ashlan Avenue.

Circulation

The Project's main entrance/exit is located on Ashlan Avenue and a secondary gated entrance/exit is proposed at Leonard Avenue, just north of the Dog Creek crossing. A 26-foot wide private drive circulates through the site providing access for tenants as well as service vehicles.

Buildings and Floor Plans

The project includes units ranging from one bedroom to three bedrooms, all within multi-unit buildings. The majority of the two-story buildings are placed within the interior of the site, generally placing single-story units at the west and south perimeters. A recreation building with a second-story manager's unit is located near the main entrance.

Parking

The Municipal Code requirement for parking is based on the number of bedrooms within each unit. The Code requires one open and one closed space per unit for one and two bedroom units and two open spaces for each three- bedroom unit. Below is a breakdown of the parking requirements.

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<u>Unit Size</u>	Covered Spaces Req'd	Open Spaces Req'd	
24 - One Bedroom Units 150 – Two Bedroom Units 24 – Three Bedroom Units	24 150 24	24 150 36	
199 Total Units (required)	198	210	
The Project is providing:	206	219	

The project exceeds the minimum parking requirements with a parking ratio of 2.14 parking stalls per unit.

Open Space/Paseo System

The applicant is required to contribute a proportionate share towards improvement of the paseo system and neighborhood park per Loma Vista Specific Plan. Each project within the quarter section contributes a proportionate share either in land or improvements to develop the neighborhood park site at one-acre of park for each 1,000 residents assuming occupancy of 2.7 people per household.

Using the formula mentioned above the applicant would be required to contribute .35 acres toward the neighborhood park. The quarter section includes an extensive park/paseo system approved with two separate tract maps. The applicant's proportionate share will include paseo improvements as well as a contribution to the neighborhood park cost.

The project site includes a paseo requirement per the General Plan and Loma Vista Specific Plan. Council's policy has been to design paseos to take the most direct and diagonal path through the quarter section, whenever possible and feasible. The paseo was constructed previously adjacent to the property lines along the northeast corner of the site.

The paseo measures 30 feet in width and provides a path from the Ashlan/Leonard intersection to the development to the south. The paseo splits two properties, both zoned R-2 for multiple-family development. Staff recommended this alignment because it was probable that projects on each side of this paseo will be gated communities.

Fencing and Walls

The applicant is proposing a 6-foot high masonry wall along the south and west property lines adjacent to single family homes, consistent with the Multiple Family Design Guidelines.

A tubular steel fence is proposed along Ashlan and portion of Leonard Avenues. The developer is proposing a 6-foot high chain link fence adjacent to Dog Creek along Leonard Avenue and adjacent to the paseo. The Multiple Family Design Guidelines suggest using a durable material, consistent with the architecture of the buildings. A lesser material such as

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chain link may be used but should incorporate landscape materials that will eventually cover the fence.

Staff encourages the use of open fencing or larger setbacks in lieu of solid fencing or landscaping which tends to isolate the project from the greater community. If the developer wishes to use a security device along the streets and paseos, staff recommends that a decorative tubular steel material is used. Staff has included this as a condition of approval.

Public Comments

A public notice was mailed to property owners within 400 feet of the property boundaries per City Codes and policies. Several property owners adjacent to the west and south expressed concerns of the proposed changes. They also cited that many of them did not receive the public notice. Checking through the City records and verifying the address list, staff determined that most of the property owners were listed on the mailing list. Those that were not on the list, likely purchased their homes in the recent months. The City is required to utilize the County Assessor tax rolls for public notices, which is customarily several months behind on new property purchases.

Community Facilities District

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

A condition of approval has been added to this conditional use permit requiring participation of this project in the CFD.

California Environmental Quality Act (CEQA)

CUP2012-06A, is in substantial conformance with the environmental impact report performed for General Plan and Loma Vista Specific Plan. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project, therefore, subject to CEQA Sections 15162 and 15182 no further environmental review is required for this project.

The City published notice of this public hearing in *The Business Journal* on Wednesday, January 10, 2018.

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FISCAL IMPACT

None

REASONS FOR RECOMMENDATION

The proposal to develop a 199-unit multiple-family project with adequate landscaping, parking, and screening, provides comprehensive development of a multiple-family designated property. The proposal is consistent with the General Plan. Loma Vista Specific Plan, and the Development Code. Therefore, staff recommends approval of CUP2012-06A, subject to the conditions of approval attached as Exhibit "A."

Findings for Approval of Project

The findings to consider when making a decision on a conditional use permit application are as follows:

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

ACTIONS FOLLOWING APPROVAL

None

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NOTICE OF HEARING

Property owners within 400 feet notified: 120 Interested individuals notified: 10

Prepared by: Orlando Ramirez, Senior Planner

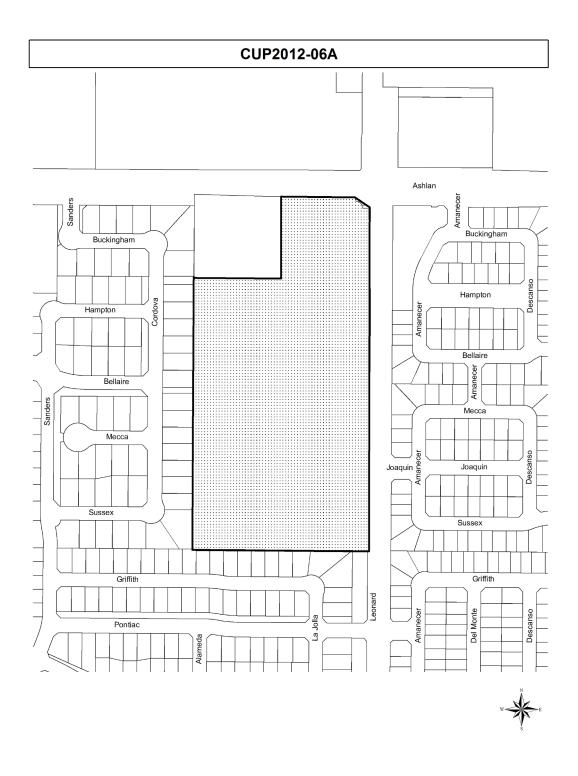
Reviewed by: Bryan Araki

City Planner

J:\Planning Projects\CUP\CUP 2012\CUP2012-06A (Ashwood)\Documents\PC Staff Report 1-25-2018/PC Staff Report CUP2012-06A

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FIGURE 1 PROJECT LOCATION MAP



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EXHIBIT "A" Conditions of Approval – CUP2012-06A

Planning Division Conditions

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

- 1. All conditions of the Conditional Use Permit and Site Plan Review shall be printed on the architectural construction drawings.
- 2. All conditions of approval for R2005-09, CUP2012-06, and any other applicable entitlement, shall be incorporated into this project approval.
- 3. The applicant shall comply with Section 9.56.030 of the Clovis Development Code requiring a Site Plan Review. Elevations and a colors and materials board shall be submitted during this process.
- 4. This use permit approval is granted for the site plan, Exhibit "B," attached to this application.
- 5. Any development of this site shall comply with the development standards of the Loma Vista Specific Plan and the Multiple Family Design Guidelines.
- 6. This conditional use permit may be reviewed after a period of one year. Clovis Planning staff may conduct a review of this use in regards to the conditions of approval and may present findings of review to the Planning Commission.
- 7. The project shall comply with the Clovis Municipal Code Parking Requirements:

Unit Size	Covered Spaces Req'd	Open Spaces Req'd
24 - One Bedroom Units	24	24
150 – Two Bedroom Units	150	150
<u>24 – Three Bedroom Units</u>	24	<u>36</u>
199 Total Units	198	210
The Project is providing:	206	219

- 8. The developer shall provide and maintain a six-foot high masonry wall along the south and west property lines of the development. This wall shall be a minimum of six feet measured from the highest side of the wall.
- 9. All HVAC units shall be ground mounted.
- 10. The proposed fencing along the street frontages, Dog Creek and the paseo shall be constructed of decorative materials such as tubular steel or similar.

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- 11. Ashlan Avenue shall have a 30-foot landscape/pedestrian setback, with an 11-foot parkway, 8-foot sidewalk, and an 11-foot planter.
- 12. The developer shall provide a tree planting plan during the site plan review process. The plan shall include the thematic tree planting along Ashlan and Leonard Avenues and all trees within open space areas.
- 13. The implementation of the "Craftsman" thematic elements, residential design guidelines and standards, design of landscaped areas and of walls and fences and street improvements, shall be reviewed during a site plan review application to be submitted for approval prior to the plan check phase.
- 14. Landscaping shall comply with CMC section 6.5.501 et seq., Water Efficient Landscape Requirements, as amended in March 2010.
- 15. The applicant shall contribute a proportional share towards the development and improvement of a neighborhood park. The formula for park contribution is based on one acre of park for each 1,000 residents to be used for the acquisition and improvement of a neighborhood park facility. Contribution greater than this formula may be reimbursable. The development of the site shall also contribute a proportionate share to the development of a "paseo" system as required by the Loma Vista Specific Plan.

Fire Department Conditions

(Gary Sawhill, Department Representative – (559) 324-2200)

Roads/Access

- 16. Two Points of Access: Any development to this parcel will require a minimum of two (2) points of access to be reviewed and approved by the Clovis Fire Department. All required access drives shall remain accessible during all phases of construction which includes paving, concrete work, underground work, landscaping, perimeter walls.
- 17. Fire Apparatus Access Roads (26'): Fire apparatus access roads shall have an unobstructed width of not less than twenty-six feet (26') to all buildings and an unobstructed vertical clearance of not less than fourteen feet (14').
- 18. **Fire Lane:** All roads throughout complex shall be designated as Fire Lanes. The fire lanes curbs shall be painted red as per Clovis Fire Department Standard #1.1 and identified on site plan.
- 19. *Turning Radius:* All access way roads constructed shall be designed with a minimum outside turning radius of forty-five feet (45')
- 20. Fire Access Landscape Obstruction: Landscaping trees or shrubs located adjacent to the fire access drives shall be of the type that will not impede fire CUP2012-06A 1/19/2018 9:20:52 AM Page 11 of 15

- access due to their growth process.
- 21. **Driveway Access:** A driveway approach to a designated fire access road shall have a minimum width of thirty-two feet (32') or equal to the width of the fire access road it services, plus six feet (6'), whichever is greater. Roads having a high potential for impairment of the department access shall have a wider driveway approach, as determined by the Fire Chief.
- 22. **Security Gates:** All security gates shall comply with Clovis Fire Department Gates Standard #1.5. Plans shall be submitted for review and permits issued by Fire Department prior to installation.
- 23. **All Weather Access &Water Supply:** The applicant shall provide all weather access to the site during all phases of construction to the satisfaction of the approved Clovis Fire Department Standard #1.2 or #1.3.

Water Systems

- 24. **Commercial Fire Hydrant:** The applicant shall install seven (7), 4 ½" x 4 ½" x 2 ½" approved Commercial Type hydrant(s) and "Blue Dot" hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #1.4. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be charged and in operation prior to any framing or combustible material being brought onto the site. Hydrants curb markings and blue dots to be completed prior to occupancy of any units.
- 25. **Looped Water Main:** The applicant shall install approved looped water main capable of the necessary flow of water for adequate fire protection and approved by the Clovis Fire Department
- 26. **Vehicle Impact Protection:** The applicant must install protection posts that meet the City of Clovis specifications according to Clovis Fire Department Standard #1.7.

Systems Fire Protection

- 27. Apartment Fire Sprinklers: The applicant shall install an automatic fire sprinkler system in all apartment buildings as per NFPA 13 or 13R standards as approved by the Fire Department.
- 28. *Underground Fire Service Line Installation:* Installation shall be per Clovis Fire Standard #2 1
- 29. Prior to installation, the applicant shall submit fire sprinkler underground water supply plans for review and approval and issuance of a permit by the Clovis Fire

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Department. Prior to final acceptance, the underground fire service line shall be inspected, pressure tested and flushed in the presence of a Clovis Fire Department inspector. A permit is required to be on-site for all inspections requests.

- 30. **FDC Location:** The Fire Department Connection to the automatic fire sprinkler system shall be shown on the site utility plan. This will be reviewed and approved by the Clovis Fire Department before installation.
- 31. **Monitored Sprinklers:** All valves controlling the water supply for automatic sprinkler systems and water flow switches on all sprinkler systems shall be electronically monitored for integrity.
- 32. **Apartment Fire Extinguishers:** The applicant shall install approved fire extinguishers, 2A-10BC minimum rating, with a maximum travel of seventy-five feet (75') from any apartment unit's front door. These should be located and approved by the Clovis Fire Department prior to building occupancy.

Building Information

- 33. Address Numbers: Address numbers shall be installed on every building as per adopted Clovis Fire Department Standard #1.8. Apartment Complex map and addressing at entry gates shall be approved by Clovis Fire Department prior to occupancy.
- 34. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building Departments. When a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building further comments will be given.

Police Department Conditions

(Curtis Shurtliff, Department Representative – (559) 324-3415)

- 35. The Clovis Police Department requests this development to be gated for all vehicle and pedestrian traffic.
- 36. The facility must have a Manager/Assistant Manager at the complex 24 hours a day, 7 days a week with a well identified Managers office for police and fire contact.
- 37. Because this development will potentially bring an additional 197 vehicles, "No Parking" signs shall be placed on Leonard Ave, to prevent overflow parking from the Med-high density development into near-by neighborhoods, which based on our study will cause blight issues, vehicle burglaries and vehicle thefts.
- 38. All parking and sidewalks with in the facility shall be lighted.

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- 39. All buildings and apartment numbers shall be placed in a location visible from the driveways and lighted during night.
- 40. A facility map shall be placed at all entrances identifying the location of buildings, apartments and the manager's office.

San Joaquin Valley Unified Air Pollution Control District Conditions

(Dan Barber, District Representative – (559) 230-6000)

41. Applicant shall refer to the SJVAPCD suggested rules and mitigation measures. If the list is not attached, please contact the District for the list of requirements

Fresno Irrigation District Conditions

(Jeremy Landrith, Department Representative – (559) 233-7161 x-7407)

42. Applicant shall address FID requirements. If the list is not attached, please contact the District for the list of requirements

Fresno Metropolitan Flood Control District Conditions

(Michael Maxwell, FMFCD Representative – (559) 456-3292)

43. Applicant shall address the requirements of the FMFCD. If the list is not attached, please contact the District for the list of requirements

<u>Administration Department Conditions</u>

(John Holt, Department Representative – (559) 324-2072)

- 44. Prior to permits 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.
- 45. The applicant and the property owner acknowledge and agree that if the Project were not part of a CFD, the City might lack the financial resources to operate facilities and provide public services, such as police protection, fire protection, emergency medical services, park and recreation services, street maintenance and public transit. Absent the requirement for inclusion of the Project within a CFD, the City might not be able to make the finding that the Project is consistent with the General Plan and relevant specific plans and might not be able to make the findings supporting approval of the Project as required by the Subdivision Map Act and the California Environmental Quality Act, and the City might be required to deny the application for the Project.

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46. 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.

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DRAFT RESOLUTION 18-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING A CONDITIONAL USE PERMIT FOR MODIFICATION OF AN APPROVED 133-UNIT MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT FOR THE ADDITION OF TWO-STORY UNITS AND INCREASE TO 199 UNITS, FOR THE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ASHLAN AND LEONARD AVENUES

WHEREAS, Curtis Davies- Ashwood Construction, 5755 E. Kings Canyon Road, #110, Fresno Ca, have applied for a Conditional Use Permit CUP2012-06A; and

WHEREAS, this is a request to approve a conditional use permit for modification of an approved 133-unit multiple family residential development for the addition of two-story units and increase to 199 units, for the property located at the southwest corner of Ashlan and Leonard Avenues, in the County of Fresno: and

WHEREAS, a public notice was sent out to area residents within 400 feet of said property boundaries ten days prior to said hearing; and

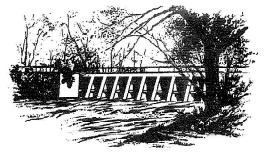
WHEREAS, a duly noticed hearing was held on January 25, 2018; and

WHEREAS, the proposed Conditional Use Permit CUP2012-06A, was assessed under the provisions of the California Environmental Quality Act (CEQA) and the potential effects on the environment were considered by the Planning Commission, together with comments received and public comments, and the entire public record was reviewed; and

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

- 1. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of this Development Code;
- 2. The proposed use is consistent with the General Plan and any applicable specific plan;
- 3. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City;
- 4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed;
- 5. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety; and
- 6. That, based upon the Initial Study and comments received, there is no substantial evidence that the project will have a significant effect on the environment.

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AYES: NOES: ABSENT: ABSTAIN:							
	G COMMISSION Inuary 25, 2018		ON NO. 18	_			
				Paul Hink	kle, Chair		
ATTEST:	Dwight Kro	II, AICP, Secre	etary				





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

YOUR MOST VALUABLE RESOURCE - WATER

January 4, 2018

Orlando Ramirez Planning Division City of Clovis 1033 Fifth Street Clovis, CA 93612

RE: Condition Use Permit Application No. CUP2012-06A

S/W Ashlan and Leonard avenues

Dear Mr. Ramirez:

The Fresno Irrigation District (FID) has reviewed the Condition Use Permit Application No. CUP2012-06A for which the applicant requests to approve a Condition Use Permit Amendment for a detached Multi-Family housing development from 133-unit R-2 single story apartments to a 199-unit R-2 one and two story apartments, APN: 310-300-50. This project is being processed concurrently with SPR2012-06A. FID has the following comment:

 FID previously reviewed and commented on the subject property on April 11, 2017 as Development Review Committee Application No. 2017-17. Those comments and conditions still apply and a copy has been attached for your reference.

FID has the following additional comments:

2. The proposed land use (or change in land use) should be such that the need for water is minimized and/or reduced so that groundwater impacts to the proposed project area and any surrounding areas are eliminated. The "demand" side of water consumed needs to be evaluated or scrutinized as much as the "supply" side of the water supply. FID is concerned that the proposed development may negatively impact local groundwater supplies including those areas adjacent to or neighboring the proposed development area. The area was historically native or rural residential with minimal to no water use. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a significant increase in dependence on groundwater, this deficit will increase. FID recommends the City of Clovis

Orlando Ramirez RE: CUP2012-06A January 4, 2018 Page 2 of 2

> 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

3. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Clovis are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City of Clovis should consider the impacts of the development on the City's ability to comply with requirements of SGMA.

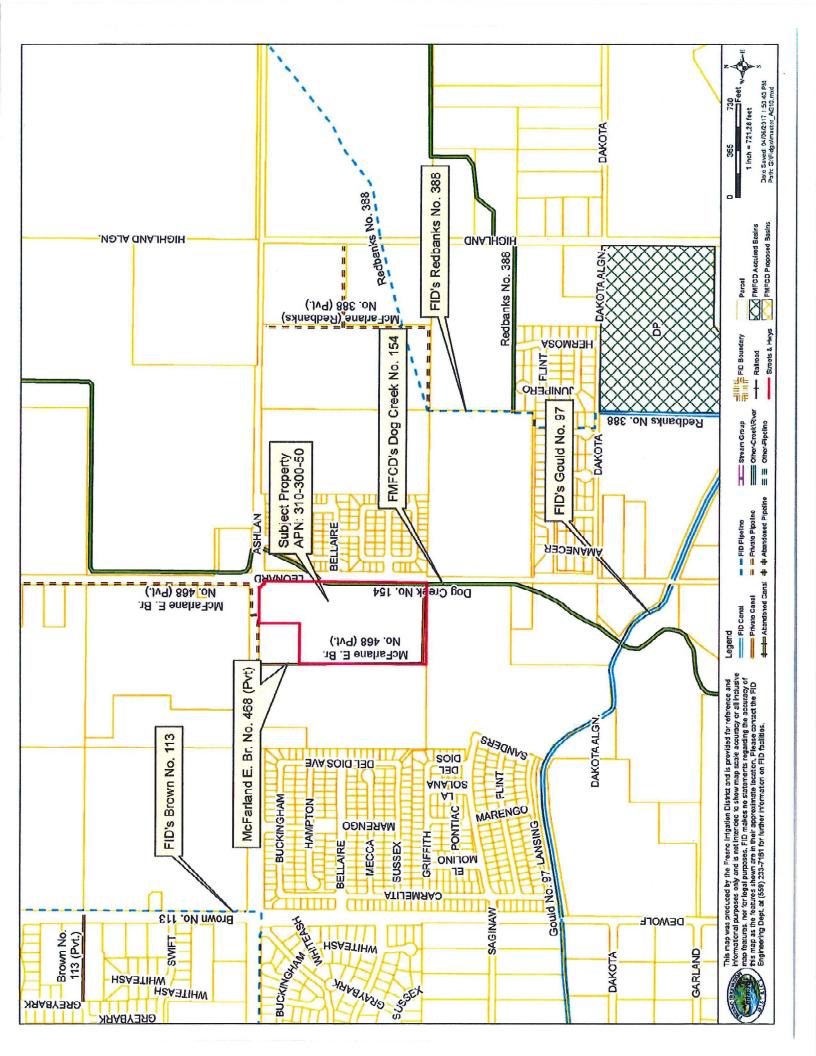
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or ilandrith@fresnoirrigation.com.

Sincerely,

Laurence Kimura, P.E.

Chief Engineer

Attachment



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT NOTICE OF REQUIREMENTS

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PUBLIC AGENCY

ORLANDO RAMIREZ DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES CITY OF CLOVIS 1033 FIFTH STREET CLOVIS, CA 93612

DEVELOPER

CURTIS DAVIES 5755 E. KINGS CANYON RD., #110 FRESNO, CA 93727

PROJECT NO: 2012-006A

ADDRESS:

SW CORNER ASHLAN & LEONARD AVENUES

APN:

310-300-50

SENT:

Drainage Area(s)	Preliminary Fee(s)	Service Charge(s)	Fee(s)	
DO	\$0.00	NOR Review *	\$615.00	To be paid prior to release of District comments to Public Agency and Developer.
DP	\$0.00	Grading Plan Review *	\$3,126.00	Amount to be submitted with first grading plan submittal.

Total Drainage Fee:	\$0.00	Total Service Charge:	\$3,741.00	

^{*} The Development Review Service Charge shown above is associated with CL SPR 2012-006A and is currently proposed to develop in conjunction with this permit. Payment for this entitlement shall satisfy the amount due on the associated permits.

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/18 based on the site plan submitted to the District on 12/22/17 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:

- Fees related to undeveloped or phased portions of the project may be deferrable. a.)
- 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 b.) configuration.
- c.) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee d.) obligation.
- When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, e.) reimbursement will be made for the excess costs from future fees collected by the District from other development.
- 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 f.) 5% of the refund whichever is less will be retained without fee credit.

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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 The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities 2. located within the development or necessitated by any off-site improvements required by the approving agency: Developer shall construct facilities as shown on Exhibit No. 1 as X None required. The following final improvement plans and information shall be submitted to the District for review prior to final 3. development approval: X Grading Plan Street Plan Storm Drain Plan Water & Sewer Plan Final Map Drainage Report (to be submitted with tentative map) Other None Required 4. Availability of drainage facilities: 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. 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 X 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. The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, X 6. 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.

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- 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.
- P
- a. State General Permit for Storm Water Discharges Associated with Construction Activities, effective July 1, 2010, as amended. A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre) if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent and Permit Registration Documents to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
- b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 2014 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
- c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
- 8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
- 9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.

10. X See Exhibit No. 2 for additional comments, recommendations and requirements.

Debbie Campbell

Design Engineer

Michael Maxwell

Project Engineer

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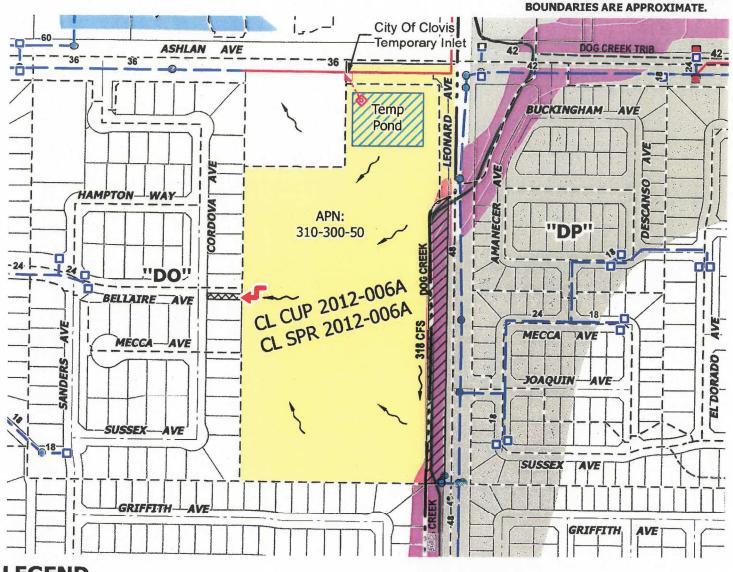
POLICY MANUAL Date Adopted: September 11, 1981 Classification: FLOOD PLAIN MANAGEMENT Subject: Flood Plain Policy Approved By: Basilan Majk

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**



LEGEND

Existing Master Plan Facilities FEMA Flood Zone "AE" **Future Master Plan Facilities** Major Storm Breakover

Inlet Boundary Drainage Area Boundary

Direction Of Drainage

Rural Stream, Dog Creek

Limits Of CL CUP 2012-006A / CL SPR 2012-006A

Existing Dog Creek Easement

Existing Channel Previously Dedicated For Storm Water Flows



1" = 300'

CL CUP 2012-006A CL SPR 2012-006A DRAINAGE AREA "DO"



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

Prepared by: keithr Date: 1/10/2018

Path: K:\Autocad\DWGS\0EXHIBIT\CLCUP\2012-006A.mxd

OTHER REQUIREMENTS <u>EXHIBIT NO. 2</u>

The developer shall direct runoff from Clovis CUP 2012-006A to the existing channel located west of Clovis CUP 2012-006A as shown on Exhibit No 1. A permanent pump to route runoff for the two-year event storm to the existing channel will need to be provided should the project have an on-site storm drainage system. In addition, a back-up portable pump should be available at all times should the permanent pump fail to function.

The minimum finish floor elevation shall be 367.79 (USGS Datum).

Runoff to the existing inlet located in Ashlan Avenue at the northwest corner of the project currently has temporary drainage service to a temporary pond located within the project. Until permanent drainage service becomes available the developer may temporarily drain to the existing channel as an alternative to a temporary pond.

Dog Creek Channel is an existing channel that traverses the easterly portion of the property as shown on Exhibit No. 1. The District holds an easement for the entire channel on the property. Grades within the easement shall not be altered. Furthermore, no improvements associated with Clovis CUP 2012-006A shall be permitted within the District's existing channel easement without the District's approval.

Development No. Clovis CUP 2012-006A

Orlando Ramirez

From: Bryan Araki

Sent: Friday, January 12, 2018 8:59 AM

To: Orlando Ramirez

Subject: FW: CUP2012-06A Concern

From: Janell Miller [mailto:fabjaydogg@yahoo.com]

Sent: Friday, January 12, 2018 8:58 AM **To:** Bryan Araki <BryanA@ci.clovis.ca.us>

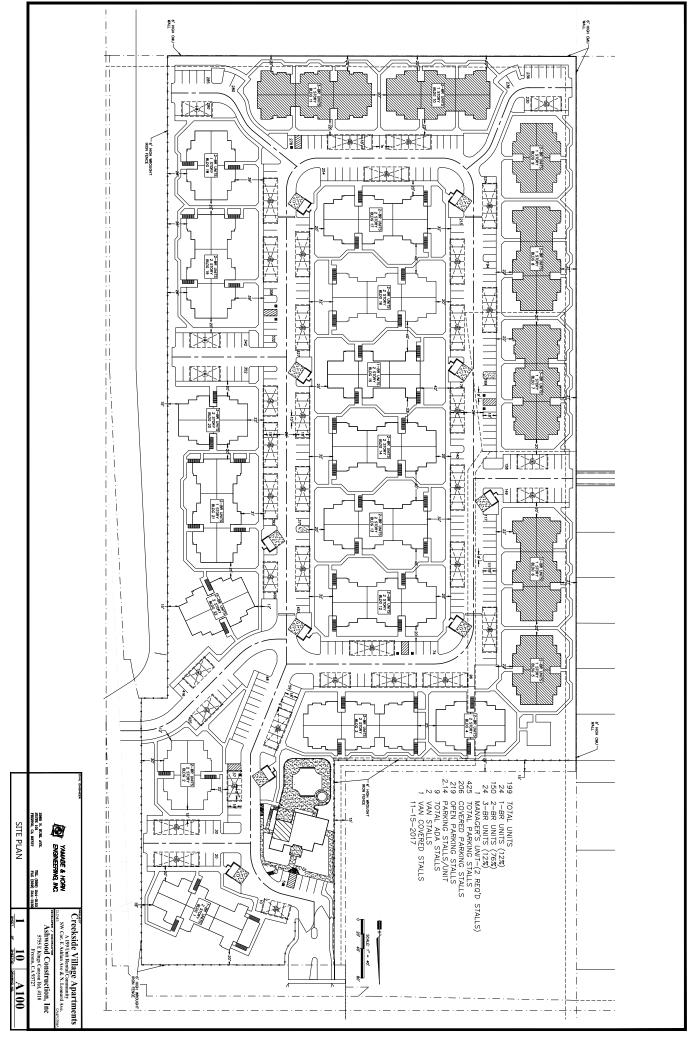
Subject: CUP2012-06A Concern

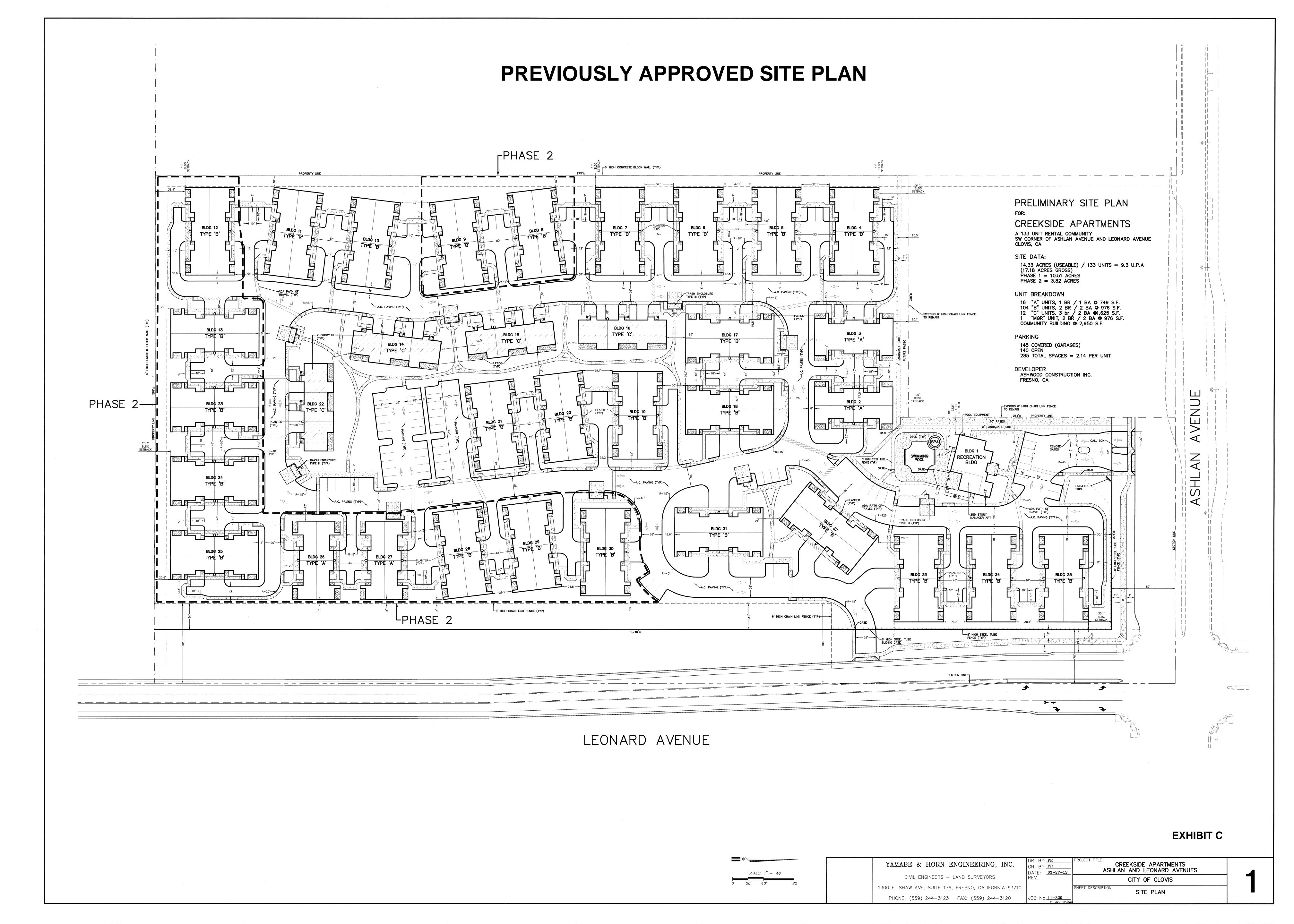
Good morning,

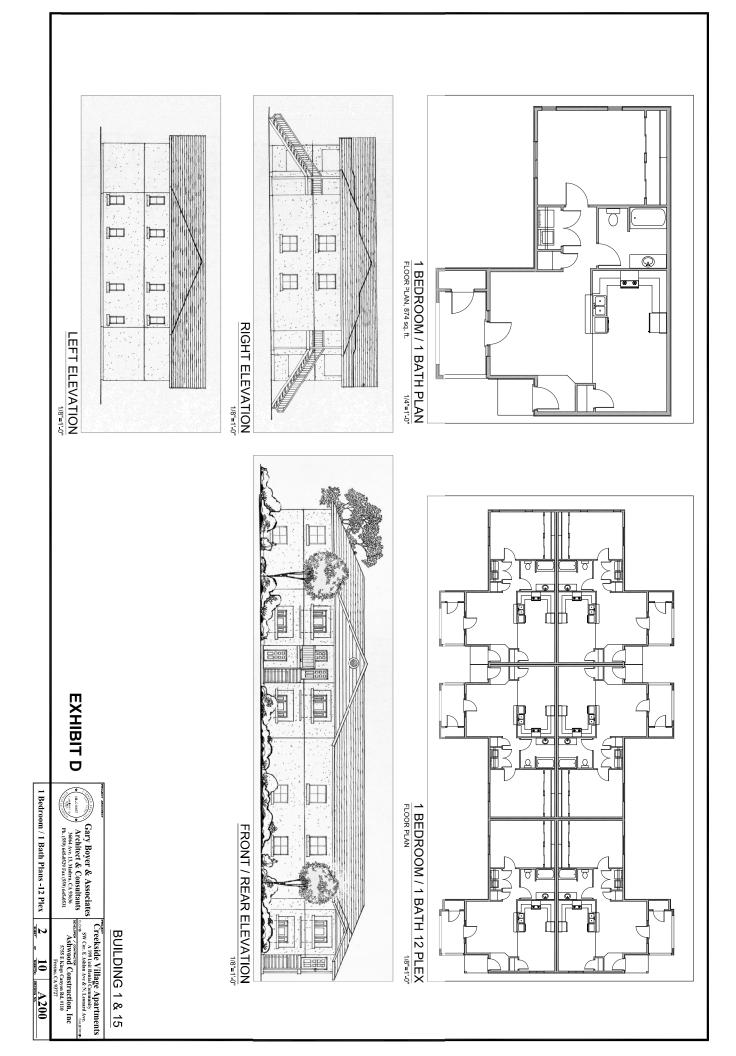
I received a notice yesterday about apartments being built on the corner of Ashlan and Leonard. I'm very concerned about the safety of the students who attend Reagan Elementary, directly across the street. Currently, there is no sidewalk connecting Sanders to Leonard. That neighborhood is Mccaffery and Wilson homes. Many children run across Ashlan to get to school. There is no crosswalk there and there is no sidewalk to get to the closest crosswalk. I drop my children off daily there and there are already so many construction vehicles speeding down Ashlan. Bringing in additional construction and 199 apartments, and their families, is an accident waiting to happen. Before this project is built, could the city please look at how to make it safe for students to cross the street?

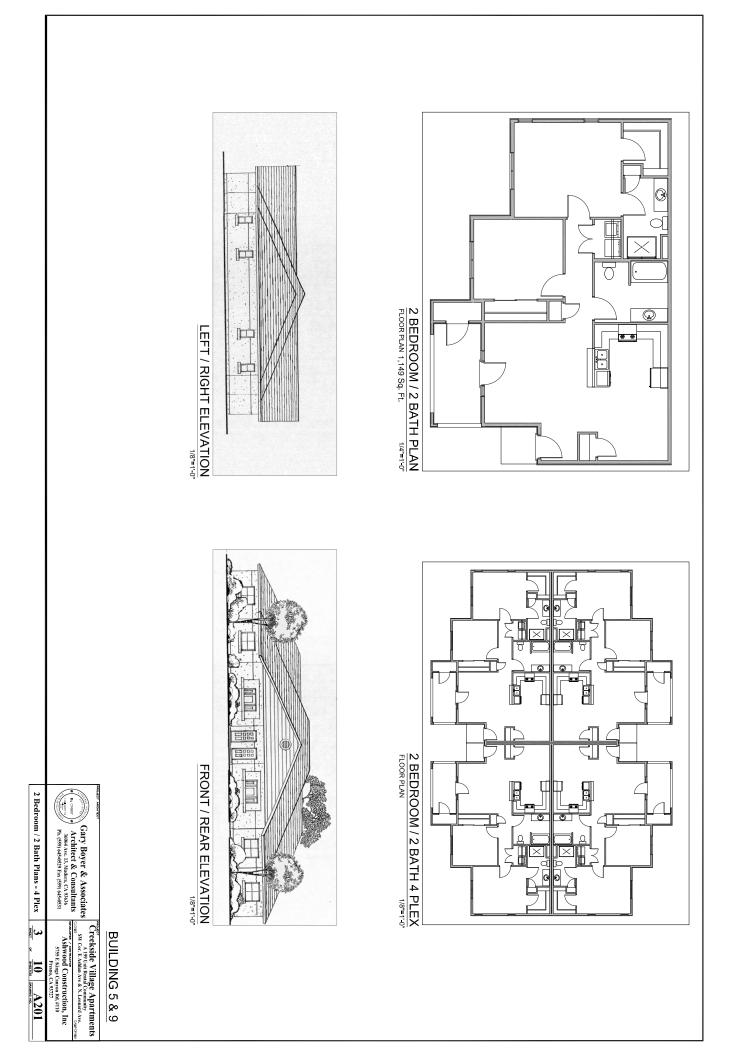
Thank you, Janell Miller

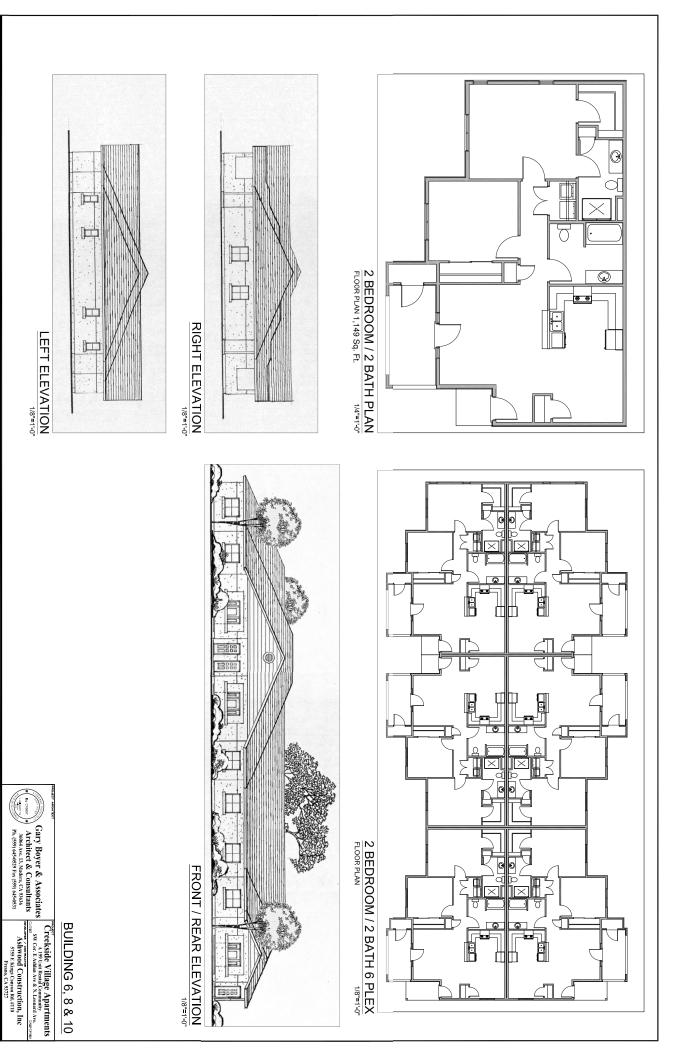
PROPOSED SITE PLAN



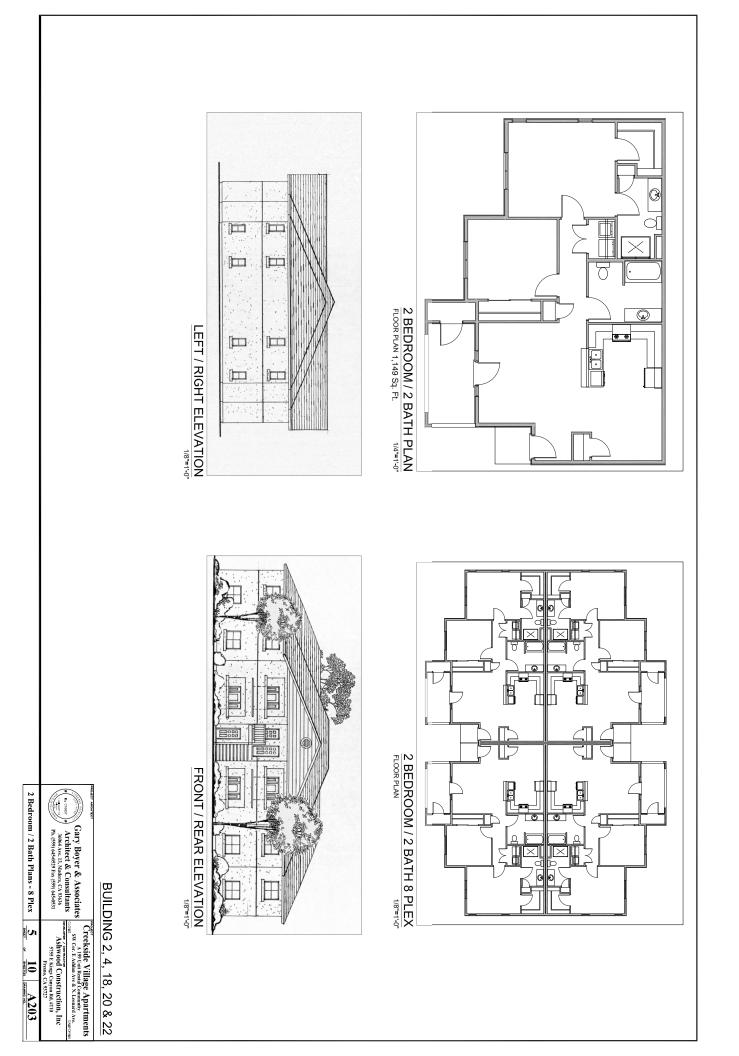


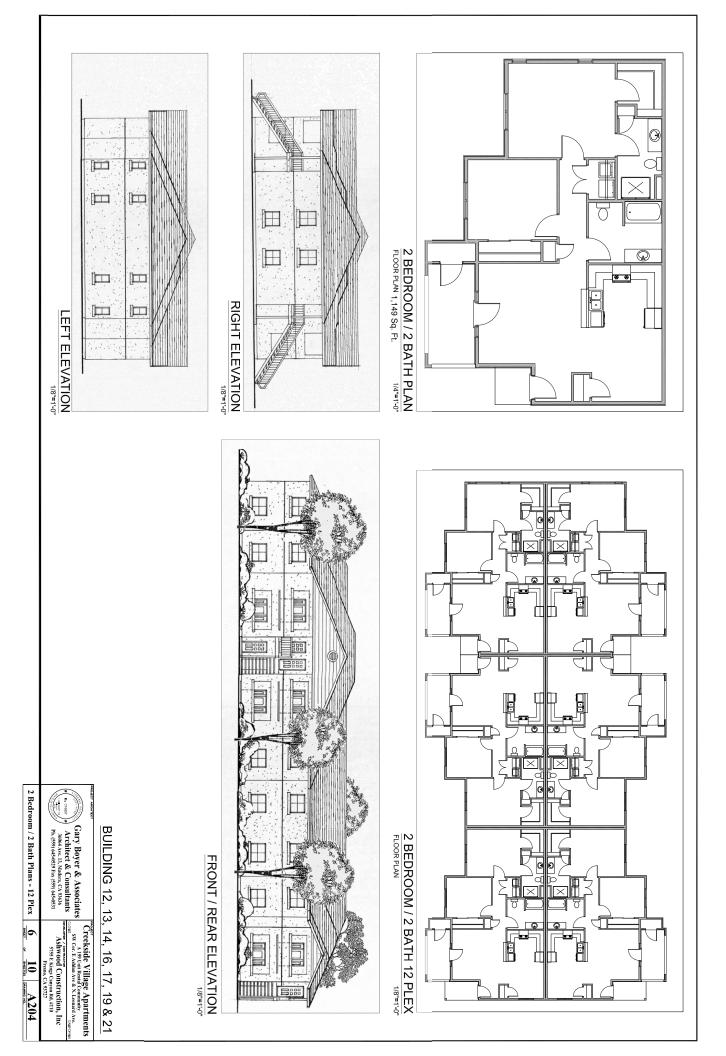


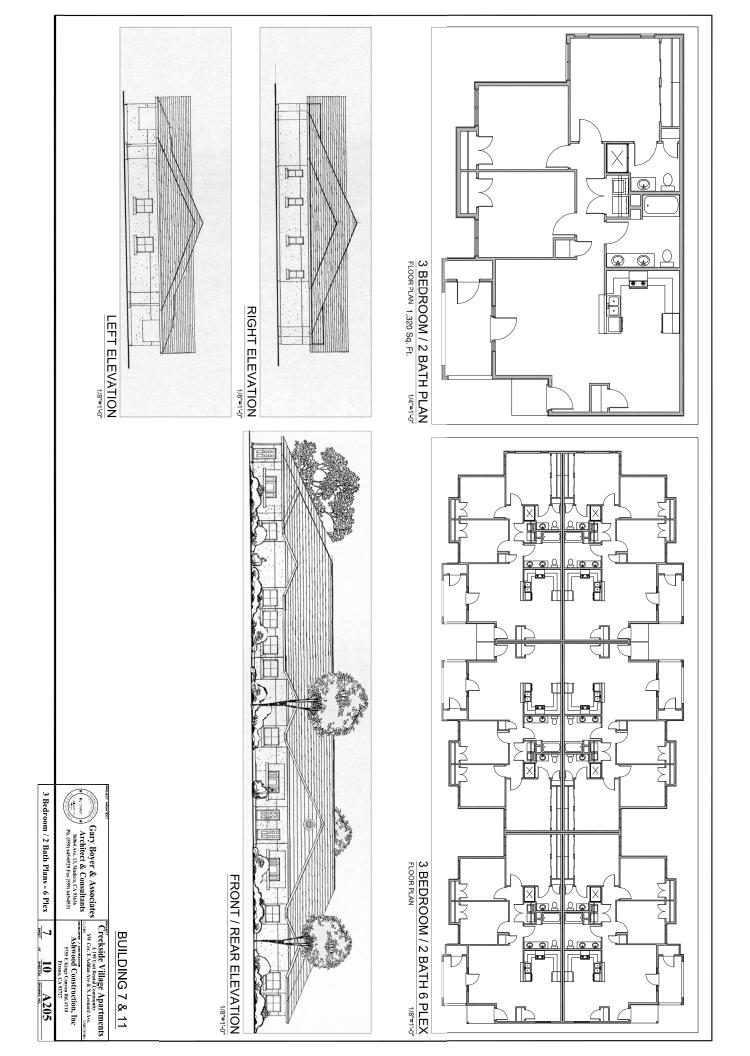


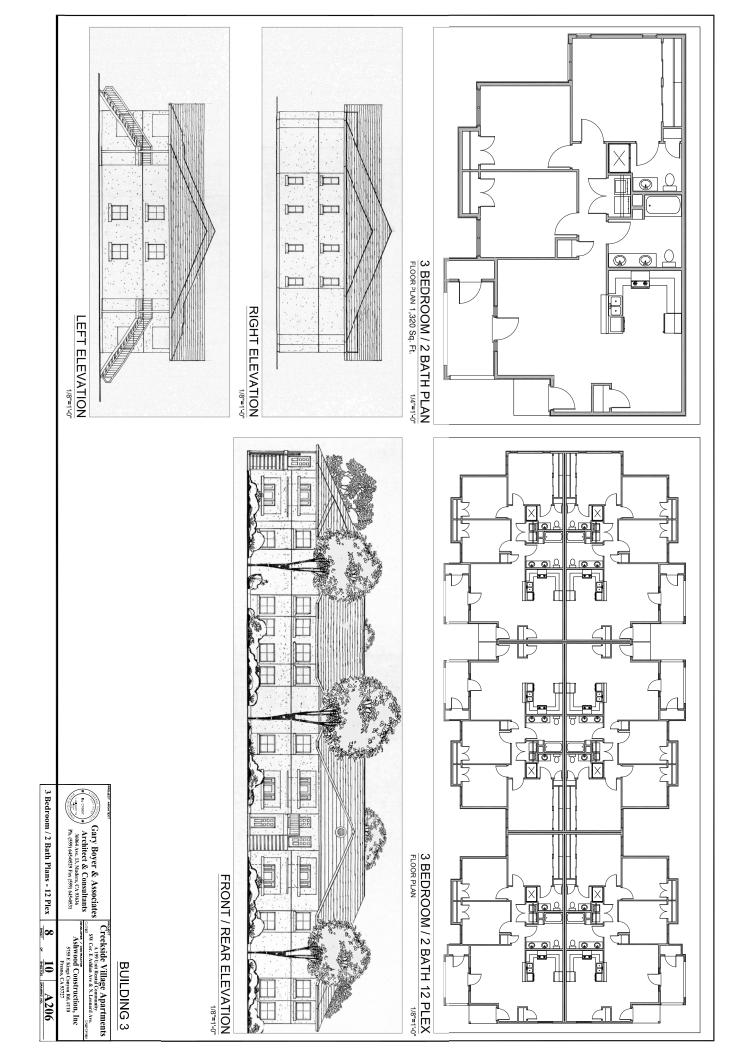


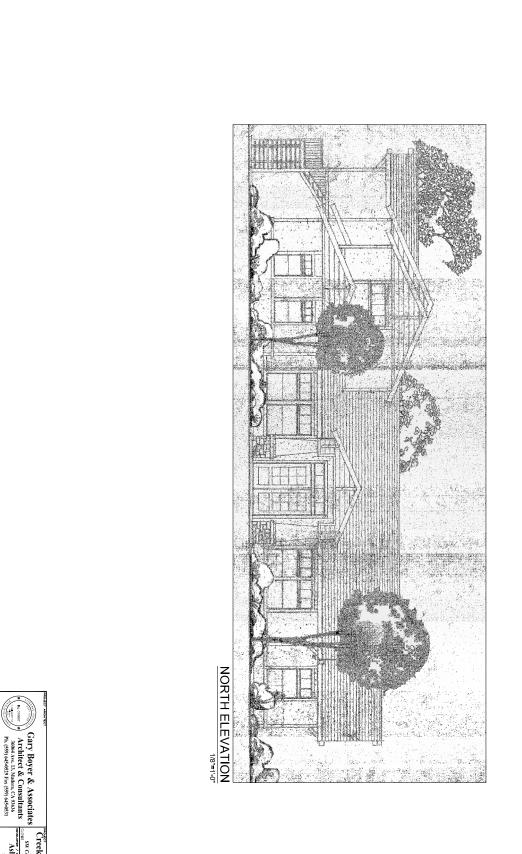
2 Bedroom / 2 Bath Plans - 6 Plex 4











Community Center / Office

Creekside Village Apartments
A 199 Unit Rental Community
SW Cor. E Ashlan Ave & N. Leonard Ave.

Ashwood Construction, Inc 5755 E Kings Canyon Rd, #110 Fresno, CA 93727