

RESOLUTION 15-61

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING A TENTATIVE TRACT MAP FOR A 39-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION ON 9.47 ACRES OF PROPERTY LOCATED NEAR THE SOUTHWEST CORNER OF ALLUVIAL AND ARMSTRONG AVENUES

WHEREAS, De Young Properties, 677 Palmdon Drive, Suite 208, Fresno, CA 93704, has applied for a Tentative Tract Map TM6117; and

WHEREAS, Tentative Tract Map TM6117, was filed on August 28, 2015, 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 600 feet of said property boundaries ten days prior to said hearing; and

WHEREAS, a duly noticed hearing was held on October 22, 2015; and

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;
- 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; and
- i. That TM6117 is in substantial conformance with the EIR analysis performed for the Clovis General Plan.

NOW, THEREFORE, BE IT RESOLVED that Tentative Tract Map TM6117, 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 October 22, 2015, upon a motion by Commissioner Hatcher, seconded by Commissioner Hinkle, and passed by the following vote, to wit:

AYES: Commissioners Hatcher, Hinkle, Kallsen, Chair Mouanoutoua
NOES: None
ABSENT: Commissioner Pawlowski
ABSTAIN: None

PLANNING COMMISSION RESOLUTION NO. 15-61
DATED: October 22, 2015



Vongsavanh Mouanoutoua, Chair

ATTEST: 

Dwight Kroll, AICP, Secretary

EXHIBIT "A"
Conditions of Approval – TM6117

Planning Division Conditions

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

1. This Project is subject to the development standards of the Herndon-Shepherd Specific Plan.
2. All conditions of approval for Rezone R1990-30 shall be incorporated into this project approval.
3. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in §9.24.100, of the Clovis Development Code.
4. Setbacks shall be consistent with the R-1-7500 Zone District Standards. Front yard setbacks for homes shall vary from 20-24 feet.
5. The applicant shall notify all property owners along streets where new water and sewer utilities will be constructed to determine if they wish to purchase a lateral connection for future use.
6. All signs, both on-site and off-site shall comply with the Subdivision Sign Section of the Clovis Development Code.
7. All transformers for this subdivision shall be located underground. An exception may be granted through the Director through the Administrative Use Permit process.
8. The developer shall construct a minimum six-foot high solid masonry wall along the Armstrong Avenue frontage.
9. Maximum building (main structure) height shall not exceed thirty-five (35) feet.
10. Upon final recordation of this tentative tract map, it shall be the applicant's responsibility to furnish to the Planning Department a minimum of two scale copies of the original map obtained from the Fresno County Recorder's Office.
11. The applicant shall obtain City approval in advance of temporary and permanent subdivision signs through separate sign review, consistent with the development criteria of the Clovis Municipal Code Sign Ordinance.
12. The applicant shall relay all conditions of approval for Tentative Tract Map TM6117 to all subsequent purchasers of individual lots, if applicable, and/or to subsequent purchasers of this entire tract map development.
13. The applicant shall record a Notice of Nonconformance dealing with any structure used for model homes where the garage is converted for the use as a sales office.
14. This tentative map is approved per the attached Exhibit "B" of this report. The concept plan for adjacent properties is for representation purposes only.
15. All landscaping (open space and private yards) shall conform to the City of Clovis Water Efficient Landscape Ordinance.
16. Maximum lot coverage is 40% unless specifically approved through a variance.

17. Placement of houses on individual lots will require the approval of the Planning Director. Front yard setback adjustments will also be required to provide variation in the overall visual aspects. All front yard setbacks shall be measured from the front lot line and varies from 20 to 24 feet, or as approved by the City Planner, unless otherwise allowed under the Residential Site Plan Review process. No more than two homes with a like setback shall be placed side by side.
18. Armstrong Avenue shall have a 10-foot landscape/pedestrian setback, with a 6-foot parkway and 4-foot sidewalk setback.
19. There shall be no street parking allowed on N. Ash Avenue.
20. Chennault Avenue shall be constructed as a curvilinear street. This modification shall be completed during the final tentative tract map phase.

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

21. Construction work shall be limited to the hours set forth in the Clovis Municipal Code. (CMC § 5.18.15.)
22. It shall be the responsibility of the property owner to maintain the structures and adjoining fences to the project free of graffiti. All forms of graffiti shall be removed within 72 hours. (CMC §§ 5.18.02(r), 5.18.06 (b).)
23. Emergency phone numbers for responsible parties shall be kept current during the building phase of the project.
24. All construction materials shall be located within a secured area or monitored by security staff during non-construction hours.

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

25. Fire apparatus access width shall be determined by measuring from "base of curb" to "base of curb" for roadways that have curbs. When roadways do not have curbs, the measurements shall be from the edge of the roadway surface (approved all weather surface).
26. Minimum Access Road Width of 36 feet for Single Family Residences.
27. 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 #29 or #30.
28. 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.
29. The applicant shall install 4 4 ½" x 2 ½" approved Residential Type fire hydrant(s) and "Blue Dot" hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #7. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be

charged and in operation prior to any framing or combustible material being brought onto the site.

30. 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.

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

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

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

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

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

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

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

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

ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS
(Mike Harrison, Engineering Division Representative – 324-2365)
(Lisa Koehn, Department Representative – 324-2607)
(Luke Serpa, Solid Waste Division Representative – 324-2614)

Maps and Plans

35. The applicant shall have a final tract map prepared, in the form prescribed by the Subdivision Map Act and City of Clovis Municipal Code. The final tract map shall be submitted to the City of Clovis Engineering Division, and should include, but not be limited to, final tract map, the current filing fee, closure calculations, current preliminary title report, legal descriptions and drawings of required dedications.
36. The applicant shall submit to the City of Clovis Engineering Division, a set of construction plans on 24" x 36" sheets with City standard title block for all required improvements. These plans shall be prepared by a registered civil engineer, and shall include a site grading and drainage plan and an overall site utility plan showing locations and sizes of sewer, water, irrigation, and storm drain mains, laterals, manholes, meters, valves, hydrants, other facilities, etc. Plan check and inspection fees per City of Clovis Resolution No. 03-152 shall be paid with the first submittal of said plans. All plans shall be approved by the City and all other involved agencies prior to the release of any development permits.

37. Prior to the initial submittal of the improvement plans, the applicant shall contact Mike Harrison at (559) 324-2365 to setup a coordination meeting (Pre-submittal Meeting).
38. Upon approval of improvement plans, the applicant shall provide the City with the appropriate number of copies. After all improvements have been constructed and accepted by the City, the applicant shall submit to the City of Clovis Engineering Division one bond copy of the approved set of construction plans revised to accurately reflect all field conditions and revisions and marked "AS-BUILT" for review and approval. Upon approval of the AS-BUILTs by the City the applicant shall provide (1) reproducible and (3) copies of the AS-BUILTs to the City.

General

39. Applicant shall pay all applicable development fees at the rate in effect at the time of payment and prior to final map approval by Council or have the fees payable directly to the City through a separate escrow account at the time of recordation of the map.
40. For any sewer or water main, or undergrounding of utilities, or major street to be installed by the applicant and eligible for reimbursement from future developments, the applicant shall submit to the City of Clovis, all reimbursement requests in accordance with the current version of the "Developer Reimbursement Procedures"; a copy can be obtained at the City Engineer's Office.
41. The applicant shall submit a soils report or a waiver of soils report to the City of Clovis Engineering Division for approval by the City Engineer.
42. The applicant shall address all the requirements of the local utility, telephone, and cable companies. It shall be the responsibility of the applicant to notify the local utility, telephone, and cable companies for the removal or relocation of utility poles where necessary. The City shall not accept first submittals without proof that the applicant has provided the improvement plans and documents showing all proposed work to the utility, telephone, and cable companies. All utility vaults in which lids cannot be sloped to match proposed finished grading, local utilities have 5% max slope, shall be located in sidewalk areas with pedestrian lids so the lid slope matches sidewalk cross slope.
43. The applicant shall contact and address all requirements of the United States Postal Service - Clovis Office for the location and type of mailboxes to be installed. The location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction.
44. The applicant shall contact and address Caltrans requirements.
45. The applicant shall address all conditions, and be responsible for obtaining encroachment permits from the City of Clovis for all work performed within the City's right-of-way and easements.
46. The applicant shall install all improvements within public right-of-way and easements in accordance with the City of Clovis standards, specifications, master plans, and record drawings in effect at the time of improvement plan approval.
47. The applicant shall provide and pay for any compaction tests in recompacted areas as a result of failure to pass an original compaction test. Original compaction tests shall be provided and paid for by the City and their locations designated by the City Engineer.

48. All new utility facilities located on-site, within alleys, or within the street right-of-way along the streets adjacent to this tract shall be undergrounded unless otherwise approved by the City Engineer.

Dedications and Street Improvements

49. The applicant shall provide right-of-way acquisition or dedicate free and clear of all encumbrances and/or improve the following streets to City standards. The street improvements shall be in accordance with the City's specific plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the type, location, and grades of existing improvements.
50. Armstrong Avenue - along development frontage, provide right-of-way acquisition for 42' (exist 30') west of the centerline and improve with curb, gutter, sidewalk, curb return ramps, street light, landscaping, irrigation, permanent paving and overlay as necessary to match the existing permanent pavement, 3' paved swale, and all transitional paving as required. Ash Avenue - along development frontage, provide right-of-way acquisition for 25' (exist 0') east and 16' (exist 0') west of the centerline and improve with curb, gutter, sidewalk, curb return ramps, street lights, 28' (16+12) of permanent paving, 3' paved swale, and all transitional paving as required.
51. Ash Avenue - between the north property line and Alluvial Avenue, provide right-of-way acquisition as necessary and improve with 24' of permanent paving and drainage , and all transitional paving as required.
52. Interior streets dedicate to provide for 54' right-of-way and improve with curb, gutter, sidewalk, drive approaches, curb return ramps, streetlights, 36' permanent paving except in cul de sac, and all transitional paving as needed.
53. If the applicant chooses the Narrow Residential Street Policy, the applicant shall dedicate to provide for 50' right-of-way and improve with curb, gutter, sidewalk, drive approaches, curb return ramps, streetlights, 32' permanent paving except in cul de sac, and all transitional paving as needed. The maximum distance for a narrow 50' wide street is 1000' to 54' wide or wider street.
54. Temporary cul de sac bulb - dedicate to provide for a 48' radius and improve with a 45' radius of temporary or combination permanent paving and 3' paved swale.
55. Applicant shall provide a dedication for a 10' public utility easement, where applicable, along all frontages or alternate widths approved by the utilities companies.
56. Applicant shall provide preliminary title report, legal description and drawings for all dedications required which are not on the site. All contact with owners, appraisers, etc. of the adjacent properties where dedication is needed shall be made only by the City. The City will prepare an estimate of acquisition costs including but not limited to appraised value, appraisal costs, legal costs, negotiation costs, and administrative costs. The applicant shall pay such estimated costs as soon as they are determined by the City.
57. The sideyard side of all corner lots shall have full width sidewalk except where planter strips or meandering sidewalk is proposed.

58. The applicant shall obtain "R Value" tests in quantity sufficient to represent all street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests.
59. The applicant shall, at the ends of any permanent pavement abutting undeveloped property, install 2" x 6" redwood header boards that shall be placed prior to the street surfacing.
60. Standard barricades with reflectors shall be installed at ends of streets abutting undeveloped property and any other locations to be specified by the City Engineer.

Sewer

61. The applicant shall identify and abandon all septic systems to City standards.
62. The applicant shall install sanitary sewer mains of the size and in the locations indicated below, prior to occupancy. The sewer improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains will require approval of the City Engineer and must be supported by appropriate calculations.
 - Interior streets - install 8" mains.
63. The applicant shall install one (1) 4" sewer service house branch to each lot within the tentative tract.

Water

64. The applicant shall identify and abandon all water wells to City standards.
65. The applicant shall install water mains of the sizes and in the locations indicated below, and provide an adequately looped water system prior to occupancy. The water improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains will require approval of the City Engineer and must be supported by appropriate calculations.
 - Interior streets - install 8" mains.
66. The applicant shall install a City standard water service to each lot of the proposed subdivision. Water services shall be grouped at property lines to accommodate automatic meter reading system, including installation of connecting conduit.
67. Prior to recording a final map of any phase, the applicant shall demonstrate to the satisfaction of the City Fire Chief and City Engineer that there is adequate water pressure to serve the units to be constructed. The applicant shall work with the City Engineer to determine the adequacy of water supply/pressure for the proposed development.

Grading and Drainage

68. The applicant shall contact the Fresno Metropolitan Flood Control District (FMFCD) and address all requirements, pay all applicable fees required, obtain any required NPDES permit, and implement Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to reduce or eliminate storm water pollution. Plans for these

requirements shall be included in the previously required set of construction plans, and shall be submitted to and approved by FMFCD prior to the release of any development permits.

69. Grade differentials between lots and adjacent properties shall be adequately shown on the grading plan and shall be treated in a manner in conformance with City of Clovis Standard Drawing No. M-4 as modified by the City Council. Any retaining walls required on-site or in public right of way shall be masonry construction. All retaining walls shall be designed by a registered civil engineer.

Irrigation and Landscaping Facilities

70. The applicant, as a portion of the required tract improvements, shall provide landscaping and irrigation as required herein. The landscaping and irrigation shall be installed in public right-of-way and the area reserved for landscaping. The irrigation and landscape improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Plans for the required landscaping and irrigation systems shall be prepared by an appropriately registered professional at the applicant's expense and shall be approved by the City of Clovis Planning and Development Services Department and Public Utilities Department prior to the beginning of construction or the recording of the final tract map, whichever occurs first. Landscape and irrigation facilities that the City Landscape Maintenance District shall maintain: paseos, paseo lights, landscape strips along DeWolf Avenue, and the median island in Dewolf Avenue. City policy is that landscaping served by potable water will not be placed while the Governor's executive order regarding the drought is in place.
71. All landscape improvements shall be installed, accepted for maintenance by the City prior to issuance of 40% of the Tract's building permits. If the landscape improvements are not constructed for any reason within two (2) years of the recordation of the final map of Tract, City shall have the right to request from surety and receive upon City's demand, sufficient funding to complete the construction of improvements. The two year period may be extended at City's sole option and discretion and upon such conditions as City shall determine. The 40% requirement will not be imposed while the Governor's executive order regarding the drought is in place.
72. The Governor's Executive Order regarding the drought does not relieve the Applicant of the responsibility to install landscape improvements. Separate securities and agreements are required if the landscape is not installed prior to final acceptance.
73. The owner shall request annexation to and provide a covenant for the Landscape Maintenance District. The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election will be required for the establishment of the initial assessment. The assessment for each lot must be obtained from the City for the tax year following the recordation of the final map. The estimated annual assessment per average sized lot is \$196.35, which is subject to change prior to issuance of building permit or final tract map approval and is subject to an annual change in the range of the assessment in the amount of the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI Index), plus two percent (2%). The owner/developer shall notify all potential lot buyers before they actually purchase a lot that this tract is a part of a Landscape Maintenance District and shall inform potential buyers of the assessment amount. Said notification shall be in a manner approved by the City. The owner/developer shall supply all pertinent materials for the Landscape Maintenance District.

74. The applicant shall contact and address all requirements of the Fresno Irrigation District (FID). This may include dedicating easements, piping or relocating any existing FID canals and ditches, replacing any existing irrigation piping, concrete lining or improving any existing canals, construction or reconstruction of any canals, culverts, and bridge crossings. Plans for these requirements and improvements shall be included as in the previously required set of construction plans, and shall be submitted to and approved by FID prior to the release of any development permits or recording of the final tract map. If a FID or private irrigation line is to be abandoned, the applicant shall provide waivers from all downstream users.
75. The applicant shall indicate on construction drawings the depth, location and type of material of any existing Fresno Irrigation District's irrigation line along the proposed or existing street rights-of-way or onsite. Any existing canals shall be piped. The material of the existing pipe shall be upgraded to the proper class of rubber gasket pipe at all locations unless otherwise approved by the City Engineer.
76. All existing agricultural irrigation systems either on-site or in public right of way, whether FID or privately owned, shall be identified prior to any construction activity on the site. Service to all downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not bear any burden as a result of development of the site. Therefore, the applicant shall pay all costs related to modification, relocation, or repair of any existing irrigation facilities resulting from or necessitated by the development of the site. The applicant shall identify on site plans and construction plans, all existing irrigation systems and their disposition (abandonment, repair, relocation, and/or piping). The applicant shall consult with the Fresno Irrigation District for any additional requirements for lines to be abandoned, relocated, or piped. The applicant shall provide waivers from all users in order to abandon or modify any irrigation pipelines or for any service interruptions resulting from development activities.
77. The applicant shall provide a perimeter wall perpetual maintenance covenant on all properties that have a perimeter wall that is installed on private property. A recordable covenant must be submitted to and approved by the City of Clovis City Engineer prior to final map approval.

Miscellaneous

78. The applicant shall install street lights on metal poles to local utility provider's standards at the locations designated by the City Engineer. Street light locations shall be shown on the utility plans submitted with the final map for approval. Street lights shall be owned and maintained by local utility providers. Proof of local utility provider's approval shall be provided.
79. Any existing section corner or property corner monuments damaged by this development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Brass caps required for installation of new monuments or replacement of existing monuments shall be provided by the contractor/applicant and approved by City prior to installation. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present to the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.
80. A deferment, modification, or waiver of any engineering conditions will require the express written approval of the City Engineer.

81. The conditions given herein are for the entire development. Additional requirements for individual phases may be necessary pending review by the City Engineer.

Administration Department Conditions

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

82. Prior to approval, recordation or filing of an annexation, final map, or site plan, the property covered by the Project shall be included within or annexed to a Community Facilities District (CFD), established by the City for the provision of public facilities and services, for which proceedings have been consummated, and shall be subject to the special tax approved with the formation or annexation to the CFD. The CFD applies only to residential projects.
83. 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.
84. 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.
85. 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.