

## ATTACHMENT S-2

### Responses to Development Code and General Plan Comments

#### O1. **Response to Comments from Building Industry Association of Fresno/Madera Counties, Inc., Michael Prandini, President & CEO, dated July 30, 2014.**

O1-1 This letter references the Draft General Plan exclusively. The following is a response to each comment.

##### **1. Land Use Element, Policy 6.1**

**Policy 6.1 Amendment criteria.** The City Council may approve amendments to the General Plan when the City Council is satisfied that the following conditions are met:

- A. The proposed change is and will be fiscally neutral or positive.
- B. The proposed change can be adequately served by public facilities and would not negatively impact service on existing development or the ability to service future development.
- C. The proposed change is consistent with the Urban Village Neighborhood Concept when within an Urban Center.
- D. General Plan amendments proposing a change from industrial, mixed-use business campus, or office (employment generating) land use designations to non-employment-generating land use designation shall be accompanied by an analysis of the potential impacts on the City's current and long-term jobs-housing ratio, as well as an evaluation on the change or loss in the types of jobs.
- E. This policy does not apply to:
  - i. County designations within the Clovis Planning Area or changes made by the City Council outside of the sphere boundary to reflect changes made by the County of Fresno.
  - ii. Changes initiated by public agencies (such as school districts, flood control) for use by public agencies.
  - iii. Changes initiated by the city within a specific plan.

The commenter indicated that Policy 6.1 regarding Amendment Criteria is unenforceable and restricts the decisions of future councils.

City staff responds that Policy 6.1 strengthens the City's position on several critical issues it deems important to the long-term viability and livability of Clovis.

The primary purpose of General Plan policies is to guide the decision making of existing and future City Councils. However, if a future City Council determines that it no longer sees this as a viable policy, Policy 6.1, and in fact any policy in the General Plan, can be changed by future City Councils at any time.

Future City Councils could adopt a General Plan Amendment to modify or eliminate the requirements under Policy 6.1 in response to a General Plan Amendment that did not meet those requirements.

ATTACHMENT S-2  
Responses to Development Code and General Plan Comments

**2. High Density Residential Designation**

High Density (H) 15.1–25.0 du/ac	Townhouses, multifamily apartments, stacked flats, and other building types with 4 or more units.
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The commenter asks if the High Density Residential Designation excludes detached residential, and if it requires a minimum of 4 units per lot.

City staff responds that the commenter is correct, this designation does not permit detached residential.

The description does not reference or restrict the number of units per lot. The language “and other building types with 4 or more units” refers to residential building products that consist of 4 or more units that share one or more wall, but are not townhouses, multifamily apartments, or stacked flats.

The City must ensure that the High Density Residential Designation is reserved for multifamily development to comply with State Housing Element requirements. The City’s Housing Element (currently underway separate from the overall General Plan Update), will need to demonstrate that it has sufficient capacity to accommodate future housing demand affordable to households earning very low, low, moderate, and above moderate income.

The California Department of Housing and Community Development has some discretion as to whether the City has demonstrated sufficient capacity. The reservation of higher density land use designations exclusively for multifamily residential is frequently requested by the State to demonstrate that detached single family products, which typically cost more to purchase or rent, will not dilute the ability of or capacity for more affordable multifamily products to be constructed.

Furthermore, if the City cannot demonstrate sufficient capacity without rezoning, it will be required by State law to rezone land to permit multifamily residential use by right at a minimum density of 20 units per acre (Section 65583.2(h) of the California Government Code). Detached single family product is not, except in rare cases, constructed at a density of 20 units per acre or greater.

**3. Very High Density Residential Designation**

Very High Density (VH) 25.1–43.0 du/ac	Multifamily apartments, stacked flats, and other building types with 10 or more units.
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The commenter asks if this designation requires a minimum of 10 units per lot.

City staff responds that the description does not reference or restrict the number of units per lot. The language “and other building types with 10 or more units” refers to residential building products that consist of 10 or more units that share one or more wall, but are not townhouses, multifamily apartments, or stacked flats.

## ATTACHMENT S-2

### Responses to Development Code and General Plan Comments

#### 4. Calculating Density and Intensity of Development

The commenter states that the density calculations shown in the General Plan may restrict the flexibility of the staff to determine how density is calculated on a project-by-project basis.

City staff responds that the intent was to provide a reader with some guidance on how density is calculated to better understand the density and intensity ranges cited in Table LU-2, in a manner that is consistent with current City practices. However, to eliminate possible confusion, this section will be removed from the General Plan and the calculation of density will default to the standards set forth in the Development Code.

#### 5. Table LU-3, Zones Consistent with the High Density Residential Designation

Medium High Density (MH)	Medium Density Multi-Family (R-2, R-2-A) Single-Family Planned Residential Development (R-1-PRD) Urban Center (U-C)
High Density (H)	High Density Multi-Family (R-3, R-3-A) Multi-Family Very High Density (R4) Urban Center (U-C)

The commenter states that the High Density Residential Designation should identify Single-Family Planned Residential Development (R-1-PRD) as a consistent zone.

City staff responds that the Draft Development Code, Section 9.10.010.B.6, explicitly states that:

R-1-PRD (Single-Family Planned Residential Development) Zone. The R-1-PRD zoning district identifies areas appropriate for single-family small lot uses, including attached and detached single-family structures on small lots. The allowable density range is 4.1 to 15.0 units per acre, with the level of density determined by compliance with performance standards. The R-1-PRD Zone requires a Planned Development Permit. The R-1-PRD zoning district is consistent with the Medium and Medium High Density Residential land use designations of the General Plan.

As the maximum permitted density is 15.0 units per acre, the most intense General Plan residential land use designation is Medium High Density, which allows up to 15.0 units per acre. The High Density designation starts at 15.1 units per acre, which would not be consistent with the density standards set forth in the Draft Development Code.

#### 6. Economic Development Element, Policy 5.1

**Policy 5.1 Decision making.** Incorporate the full short-term and long-term economic and fiscal implications of proposed actions into decision making.

## ATTACHMENT S-2 Responses to Development Code and General Plan Comments

The commenter asks if this policy will be required for all development, who will provide the information, and how extensive the information will need to be.

City staff responds that the City Council will have to consider the short- and long-term economic and fiscal implications of their proposed actions, regardless of project size. The City Council determined that fiscal sustainability is a critical goal for the City of Clovis.

The provider and amount of information will be determined by the City on a case-by-case basis depending on the complexity of the project and the determination by the City Council as to whether it needs assistance to help quantify or clarify the potential short- and long-term economic and fiscal implications.

### 7. Circulation Element, Goal 1

#### **Goal 1: A context-sensitive and “complete streets” transportation network that prioritizes effective connectivity and accommodates a comprehensive range of mobility needs.**

The commenter asks for a definition of the term “Complete Streets” and for standards, as well as a desire to add the phrase “in conformance with design guidelines” to the Goal.

City staff responds that a “Complete Streets” transportation network is one that comfortably accommodates all users, with particular emphasis on pedestrians, bicyclists, and public transportation, as well as people of all ages and physical abilities. This does not mean that every individual street be a “complete street” but State law does require that the City plan for transportation networks (which consists of the City’s system of bicycle facilities, sidewalks, other pathways, and roadways) to accommodate all users.

The Complete Streets Act of 2008 requires circulation elements to incorporate multimodal transportation into the General Plan, as described below.

In 2008, the Governor signed Assembly Bill 1358, the California Complete Streets Act. The Act states: “In order to fulfill the commitment to reduce greenhouse gas emissions, make the most efficient use of urban land and transportation infrastructure, and improve public health by encouraging physical activity, transportation planners must find innovative ways to reduce vehicle miles traveled and to shift from short trips in the automobile to biking, walking and use of public transit.”

The legislation impacts local general plans by adding the following language to Government Code Section 65302(b)(2)(A) and (B):

(A) Commencing January 1, 2011, upon any substantial revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

## ATTACHMENT S-2

### Responses to Development Code and General Plan Comments

(B) For the purposes of this paragraph, “users of streets, roads, and highways” means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

#### **8. Circulation Element, Policy 1.8**

**Policy 1.8 Network completion.** New development shall complete the extension of stub streets planned to connect to adjacent streets.

The commenter asks that the words “where appropriate” be added to the policy.

City staff responds that the policy will be revised to add the words “where appropriate” to the end of the policy.

#### **9. Circulation Element, Policy 5.1**

**Policy 5.1 Complete street amenities.** Upgrade existing streets and design new streets to include complete street amenities, prioritizing improvements to bicycle and pedestrian connectivity or safety, (consistent with the Bicycle Transportation Master Plan and other master plans).

The commenter asks that the policy be changed to add the words “when and where feasible” to the end.

City staff responds that the policy will be revised to remove the parentheses to more clearly communicate that the intent is not to require bicycle facilities on every street. Rather, the intent is to ensure that bicycle and pedestrian facilities are provided as directed in the Bicycle Transportation Master Plan and other City master plans.

#### **10. Open Space and Conservation Element, Policy 1.1**

**Policy 1.1 Parkland standard.** Provide a minimum of 4 acres of public parkland for every 1,000 residents.

The commenter states that the City has demonstrated an inability to maintain existing parkland and questions a standard of 4 acres per 1,000 residents.

City staff responds that the 1993 General Plan establishes a park standard of 4.9 acres per 1,000 residents. In the City’s review of this standard, City staff determined that the development of a regional park in the Big Dry Creek would be necessary to meet the standard of 4.9 acres. The development of that regional park is somewhat speculative. Accordingly, the City decreased the standard to 4.0 acres per 1,000 residents, which can be accomplished without that regional park and will enable Clovis to maintain the role that parkland plays in its character and quality of life.

## ATTACHMENT S-2

### Responses to Development Code and General Plan Comments

#### **O2. Response to Brookwood Group, Donna Fontaine and Gary Steinhauer, c/o Michael Gion and Mark Troen, dated August 5, 2014.**

O2-1 The commenter asks that the subject properties (APN 556-010-36 and 556-010-27), currently designated as Mixed Use Business Campus (MU-BC) be changed to Mixed Use Village (MU-V).

City staff responds that the subject properties were shown as Office on Draft Land Use Diagrams for the Northwest Urban Center or the entire City in early 2011.

The City mailed notices to all property owners in 2010 that the City was undertaking land use planning for the Northwest Urban Center. The City did not receive any input from the property owner during that stage of planning.

The environmental analysis began in 2012 and initially assumed the properties to be designated for Office development. Subsequent to this, the property owner requested a designation that would permit housing. In 2013, the City revised the traffic model, changed the land use designation to MU-BC, and established a focus area that would allow up to 25 percent of the area to be developed into housing.

Considering the economic analysis that was conducted for the Northwest Urban Center and the status of the environmental analysis, this was the most change the City could accommodate at this late stage in the process.

As the environmental analysis is complete, the City is no longer entertaining changes prior to adoption unless determined necessary as part of the environmental review or if requested by the City Council.

The subject properties are included in Focus Area #10 in the Land Use Element and Table LU-4 permits up to 25 percent of the land area to be used for residential uses.

The City determined early and consistently in the planning process, confirmed by the General Plan Advisory Committee, that Clovis needed to attract a large number of new jobs to maintain a strong and fiscally sustainable city. The Northwest Urban Center needed land along Willow Avenue that could provide employment and office-based services.

The City in no way singled out the subject properties and the application of the MU-BC designation does not constitute actions similar to spot-zoning. The designation of the MU-BC designation was in fact assigned within the context of a comprehensive update to the land use plan for the entire Northwest Urban Center and the entire Clovis Planning Area. Additionally, there are hundreds of properties throughout the Planning Area that do not share similar land use designations as their neighbor.

ATTACHMENT S-2

Responses to Development Code and General Plan Comments

O2-2 The commenter states that the MU-V designation would generate fewer trips and exert less pressure on existing and proposed roadways. This is not necessarily true and the ultimate impact would depend on the exact mix and level of development constructed. The MU-V designation permits a wide range of retail and housing, which can generate even greater traffic impacts than office development.

The potential improvements are not due exclusively to the MU-BC land uses and reflect a mix of forecasted growth throughout the Northwest area and regional growth outside the City.

The land use plan for the Northwest Urban Center was designed to provide a balance of origins and designations, creating efficient traffic flow for the entire area.

O2-3 The commenter requests that Table LU-4 permit higher density residential uses than Medium Density Residential in Focus Area #10.

Area	Primary Land Uses	Additional Uses Allowed	Design Features and Other Direction
10	Office	- Medium Density Residential (limited to 25% of the focus area acreage)	- Master plan required

City staff responds that the original property owner request was to allow Medium Density Residential on part of these properties. The City may support a request in the future for more intense residential development. At this stage, the City is not entertaining changes prior to adoption unless determined necessary as part of the environmental review or if requested by the City Council.

## ATTACHMENT S-2

### Responses to Development Code and General Plan Comments

#### O3. Response to PR Farms, P-R Farms Planning Team, dated August 8, 2014.

O3-1 The commenter states that the General Plan does not explicitly explain the difference between “retail” and “commercial” uses.

City staff responds that Focus Area #9 remains designated as mixed use and Table LU-4 permits commercial, residential, and office development. A glossary has been added to the General Plan. The glossary clarifies how the City defines and distinguishes between commercial and retail development.

**Commercial Development.** Within the General Plan, the term commercial refers to non-residential and non-public/quasi-public uses that involve commerce, i.e., a person or business paying for a good or service. Commercial generally does not include industrial uses. Commercial uses typically occur in a retail store, restaurant, bar, office, or special entertainment or recreation building, like a fitness center or bowling alley. A list of specific uses is identified in the Development Code based on the zoning designation. The term commercial includes all retail uses; however, the term retail refers to a subset of commercial uses.

**Retail Development.** Within the General Plan, the term retail refers to businesses that are allowed pursuant to the Development Code and that are identified in the North American Industrial Classification System (NACIS) as:

- 442 Furniture and Home Furnishings Stores
- 443 Electronics and Appliance Stores
- 444 Building Material and Garden Equipment and Supplies Dealers
- 445 Food and Beverage Stores
- 446 Health and Personal Care Stores
- 447 Gasoline Stations
- 448 Clothing and Clothing Accessories Stores
- 451 Sporting Goods, Hobby, Musical Instrument, and Book Stores
- 452 General Merchandise Stores
- 453 Miscellaneous Store Retailers
- 7224 Drinking Places (Alcoholic Beverages)
- 7225 Restaurants and Other Eating Places

The term retail often refers to a subset of uses within the broader category of commercial uses.

O3-2 The commenter requests clarification on whether mixed-use development is permitted on the southeast corner of Shepherd and Willow.

City staff responds that the General Plan Land Use Diagram assigns the southeast corner of Shepherd and Willow with a Mixed Use Village designation. The property can be developed in any manner that is consistent with this land use designation.

## ATTACHMENT S-2

### Responses to Development Code and General Plan Comments

- O3-3 This comment is identified in the letter as being related to the General Plan, based on the reference to Policy 1.6 of the Draft Land Use Element. However, the comment specifically references the environmental review process as it relates to this policy. Accordingly, a response to this comment is provided in the Preliminary Final EIR.

## ATTACHMENT S-2

### Responses to Development Code and General Plan Comments

#### **O4. Response to Wilson Homes, Leo Wilson, dated August 8, 2014.**

O4-1 The commenter requests changes in land use designations for various properties.

City staff responds that as the environmental analysis is complete, the City is no longer entertaining changes prior to adoption unless determined necessary as part of the environmental review or if requested by the City Council.

O4-2 Comment acknowledged. See response to Comment O4-1.

O4-3 Comment acknowledged. See response to Comment O4-1.

O4-4 Comment acknowledged. See response to Comment O4-1.

ATTACHMENT S-2

Responses to Development Code and General Plan Comments

**II. Response to Comments from Joe and Carol Cusumano, dated August 8, 2014.**

I1-1           The commenter states that Planning Commission should take more time to review and consider the Development Code Update.

City staff responds that City staff will defer to the Planning Commission to determine if they have had sufficient time and resources to analyze the revised Development Code.

ATTACHMENT S-2

Responses to Development Code and General Plan Comments

**I2. Response to Comments from Dirk Poeschel, dated August 8, 2014.**

- I2-1 The commenter discusses the historical timeline of actions and activities that took place leading up to and during the General Plan Update. Comment acknowledged.
  
- I2-5 The commenter expresses their support for the General Plan Update and EIR. Comment acknowledged.