



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

DATE: January 5, 2024

TO: Department of Public Works and Planning, Attn: Steven E. White, Director
Department of Public Works and Planning, Attn: Bernard Jimenez,
Planning and Resource Management Officer
Development Services and Capital Projects, Attn: William M. Kettler,
Deputy Director
Development Services and Capital Projects, Attn: Chris Motta, Division Manager
Development Services and Capital Projects, Attn: Tawanda Mtunga,
Principal Planner
Development Services and Capital Projects, Current/Environmental
Planning, Attn: David Randall, Senior Planner
Development Services and Capital Projects, Policy Planning, Attn:
Mohammad Khorsand, Senior Planner
Development Services and Capital Projects, Zoning & Permit Review,
Attn: James Anders, Senior Planner/Daniel Gutierrez, Senior
Planner
Development Services and Capital Projects, Development Engineering,
Attn: Laurie Kennedy, Office Assistant III
Water and Natural Resources Division, Attn: Augustine Ramirez, Division
Manager
Water and Natural Resources Division, Attn: Roy Jimenez, Senior Planner
Water and Natural Resources Division, Transportation Planning, Attn:
Hector Luna, Senior Planner
Water and Natural Resources Division, Community Development, Attn:
Yvette Quiroga, Principal Planner
Design Division, Attn: Mohammad Alimi, Division Manager;
Erin Haagenson, Principal Staff Analyst
Resources Division, Attn: Daniel Amann, Interim Division Manger
Resources Division, Special Districts, Attn: Christopher Bump, Principal
Staff Analyst,
Road Maintenance and Operations Division, Attn: Wendy Nakagawa,
Supervising Engineer
Department of Public Health, Environmental Health Division, Attn: Deep
Sidhu, Supervising Environmental Health Specialist; Kevin Tsuda,
Environmental Health Specialist;
Agricultural Commissioner, Attn: Melissa Cregan
City of Clovis Planning and Development, Attn: Renee Mathis, Planning and
Development Interim Director
City of Clovis Planning Department, Attn: McKencie Perez, Senior Planner; George
Gonzalez, Associate Planner

FROM: Elliot Racusin, Planner
Development Services and Capital Projects Division

SUBJECT: Variance No. 4163 and Environmental Review No. 8530

APPLICANT: **Manny Penn**

DUE DATE: **January 19, 2024**

The Department of Public Works and Planning, Development Services and Capital Projects Division is reviewing the subject application proposing to waive the required parcel size, minimum street frontage requirements (minimum width of 165 feet), and the lot depth ratio of 4 to 1 to allow the creation of a two-acre and a 1.97-acre parcel from a 3.97-acre parcel in the AL-20 (Limited Agricultural, 20-acre minimum) Zone District.

The project site is located on the south side of E. Alluvial Ave., approximately 400 feet east of N. Traverse Ave, approximately one-half mile east of the city limits of the City of Clovis. (APN: 565-041-10s) (7235 E. Alluvial Ave.) (Sup. Dist. 5).

Based upon this review, a determination will be made regarding conditions to be imposed on the project, including necessary on-site and off-site improvements.

We must have your comments by **January 19, 2024**. Any comments received after this date may not be used.

If you do not have comments, please provide a “NO COMMENT” response to our office by the above deadline (e-mail is also acceptable; see email address below).

Please address any correspondence or questions related to environmental and/or policy/design issues to me, Elliot Racusin, Planner, Development Services and Capital Projects Division, Fresno County Department of Public Works and Planning, 2220 Tulare Street, Sixth Floor, Fresno, CA 93721, or call (559) 600-4245, or email eracusin@fresnocountyca.gov

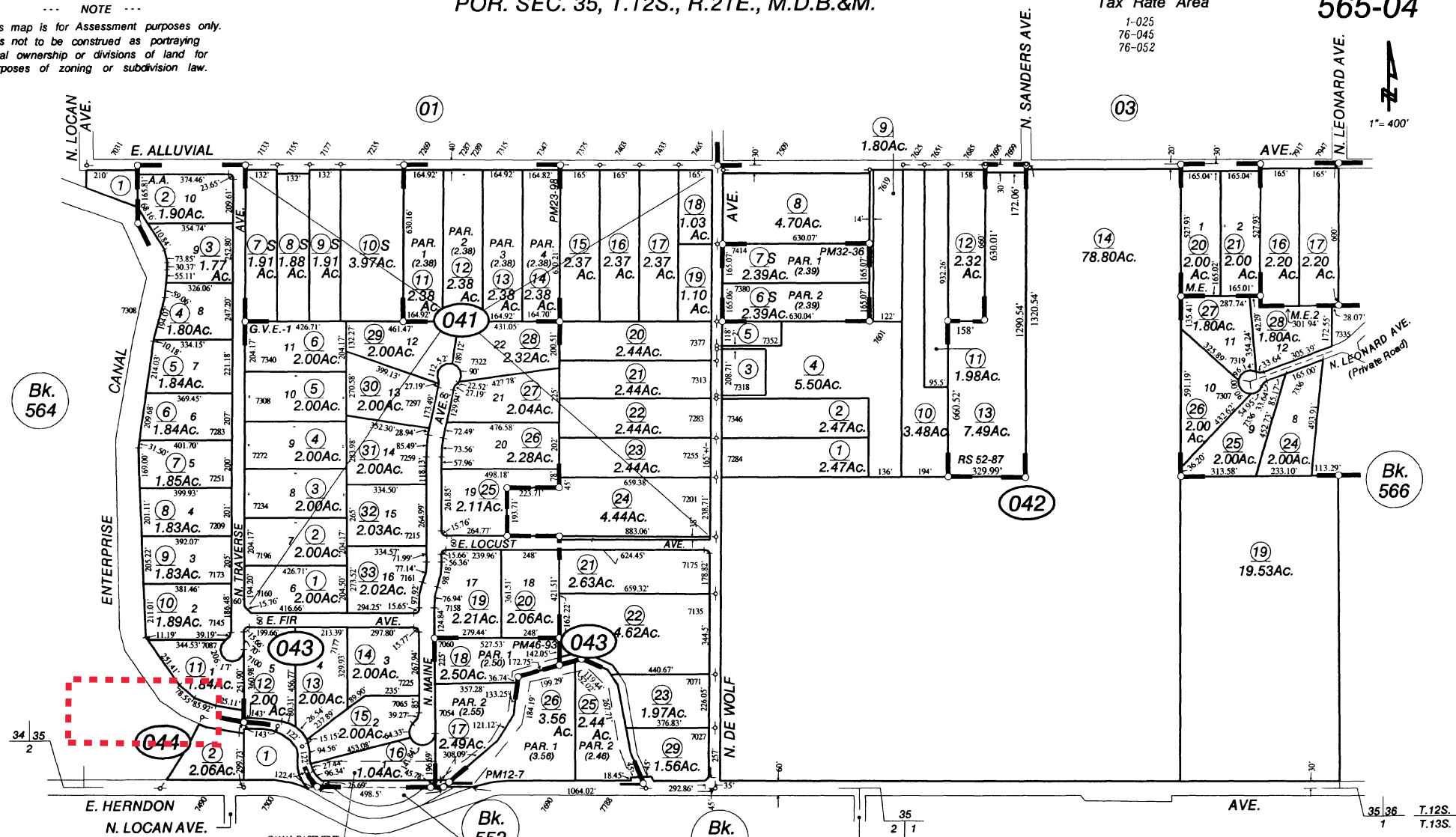
ER

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Activity Code (Internal Review): 2377

Enclosures

NOTE
This map is for Assessment purposes only.
It is not to be construed as portraying
legal ownership or divisions of land for
purposes of zoning or subdivision law.



Agricultural Preserve
Aquarian Acres - Tract No. 2883 - Plat Bk. 35, Pgs. 98 & 99
Grand View Estates No. 1 - Tract No. 2911 - Plat Bk. 35, Pgs. 78 & 79
Morab Estates - Tract No. 4666 - Plat Bk. 58, Pgs. 29-32
Morabe Estates No.2 - Tract No. 4692 - Plat Bk. 61, Pgs. 24-27
Parcel Map No. 1833 - Bk. 12, Pg. 7

Parcel Map No. 3516 - Bk. 23, Pg. 98
Parcel Map No. 5155 - Bk. 32, Pg. 36
Parcel Map No. 7058 - Bk. 46, Pg. 93
Record of Survey - Bk. 52, Pg. 87

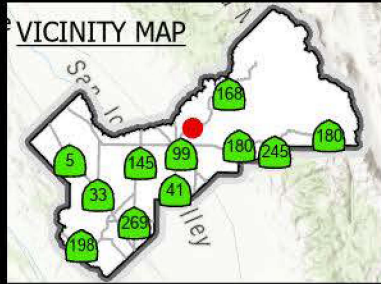
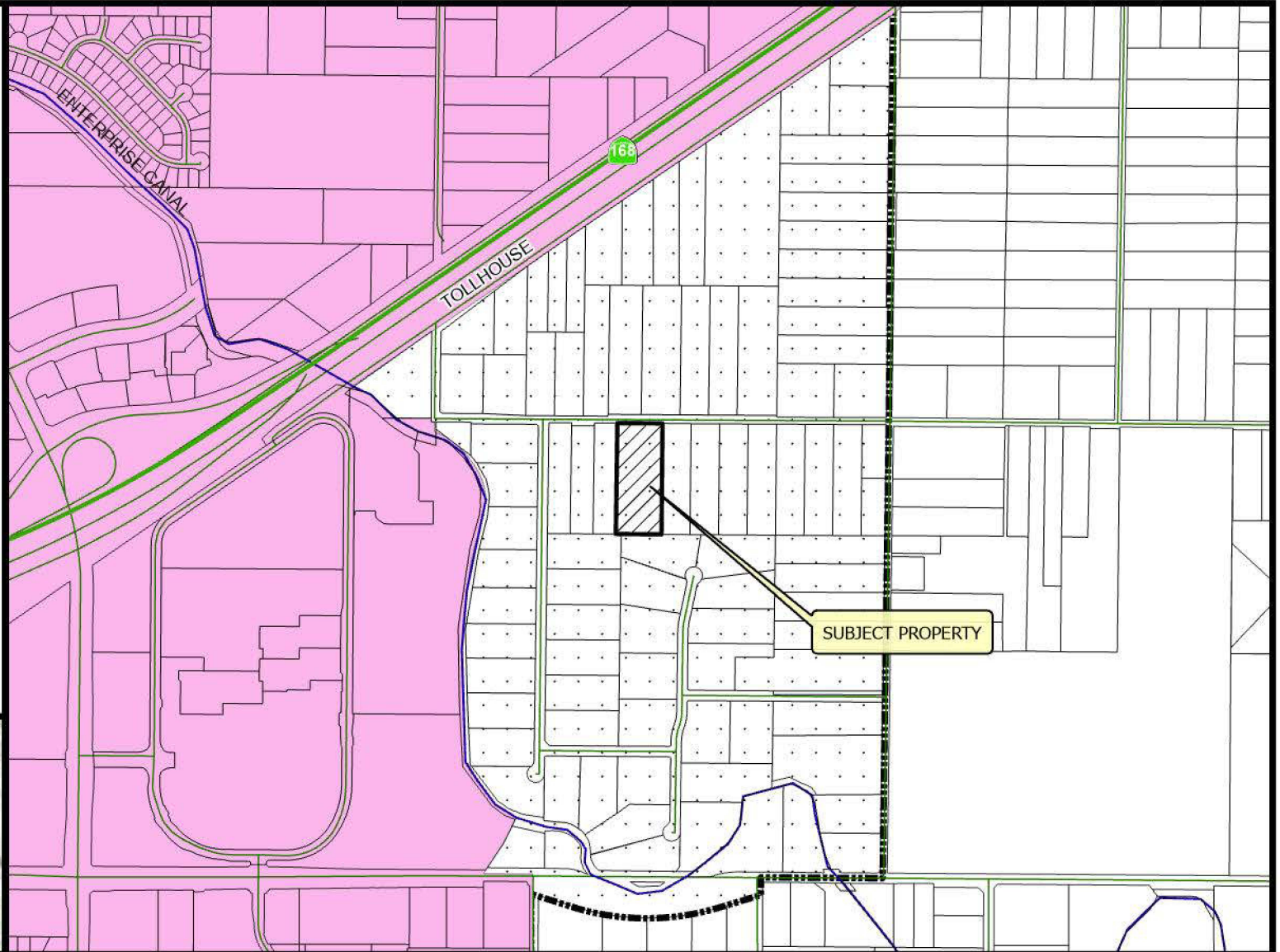
Assessor's Map Bk.565 - Pg. 04
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Legend



Subject Property

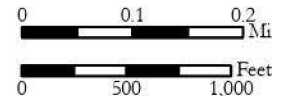


LOCATION MAP

VA4163

2024

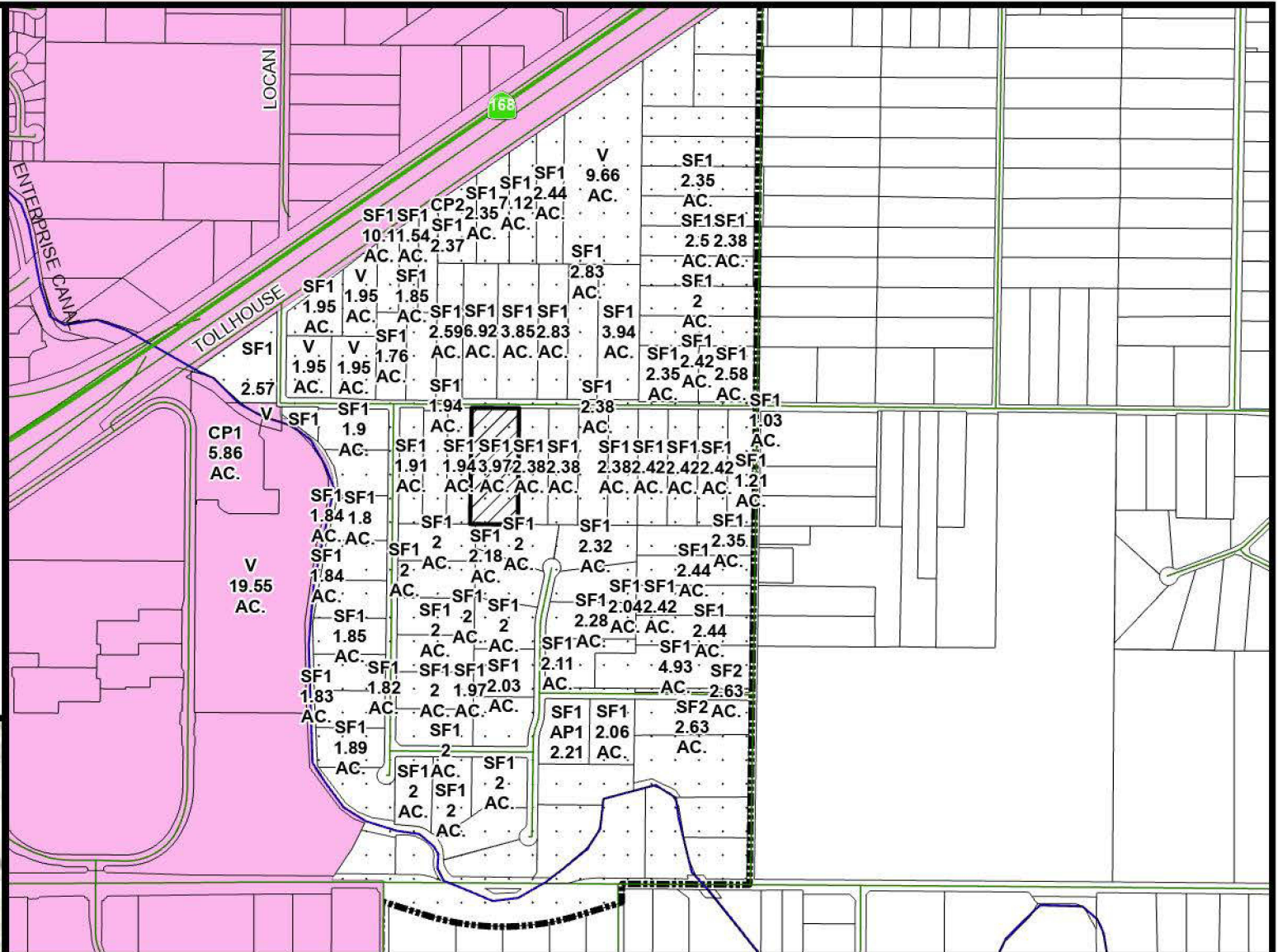
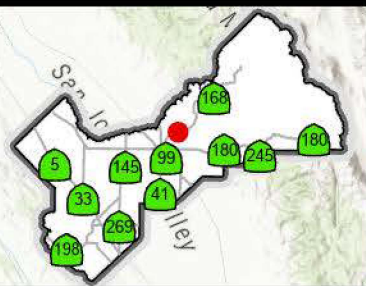
Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
Person Prepared by : mayang
On Date : 1/4/2024



LEGEND:

-  Subject Property
-  City of Clovis
-  Sphere of Influence

- LEGEND
- V - VACANT
 - SF# - SINGLE FAMILY RESIDENCE
 - CP# - OFFICE COMM./PROF
 - AP1 - APARTMENT

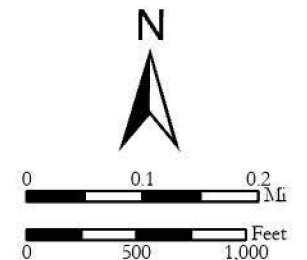


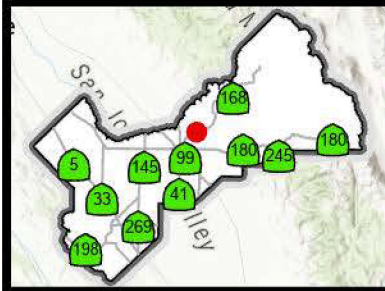
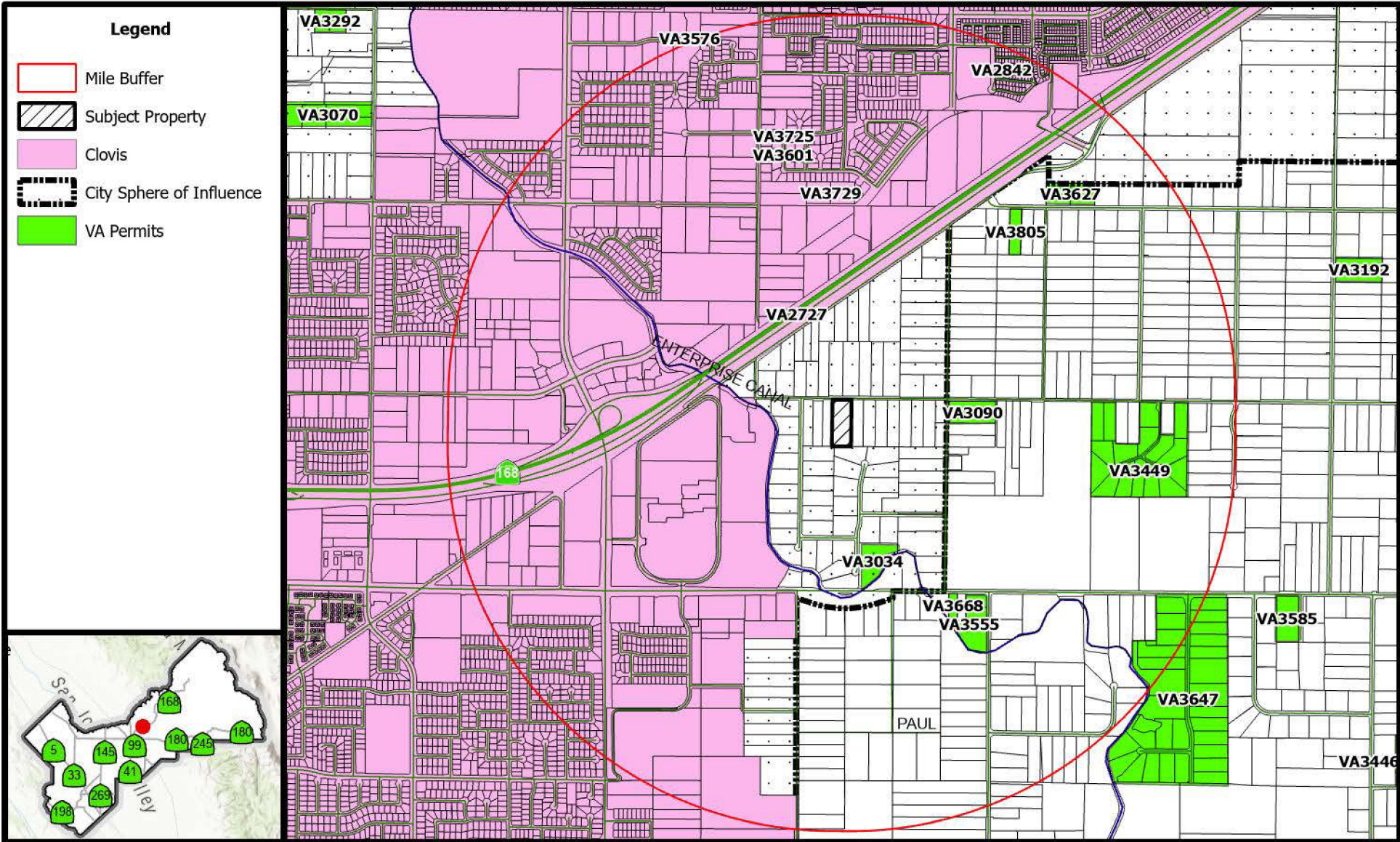
Existing Land Use Map

VA4163

2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : mayang
 On Date : 1/4/2024

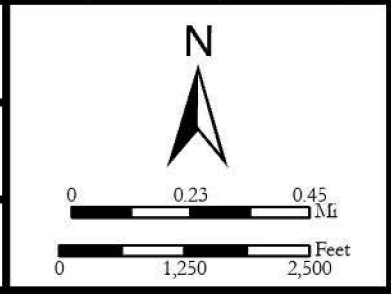









Proximity Map

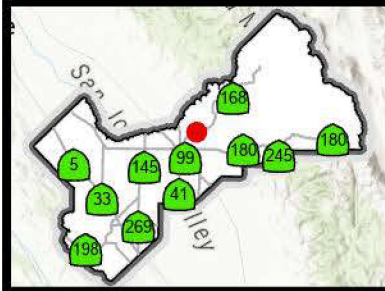
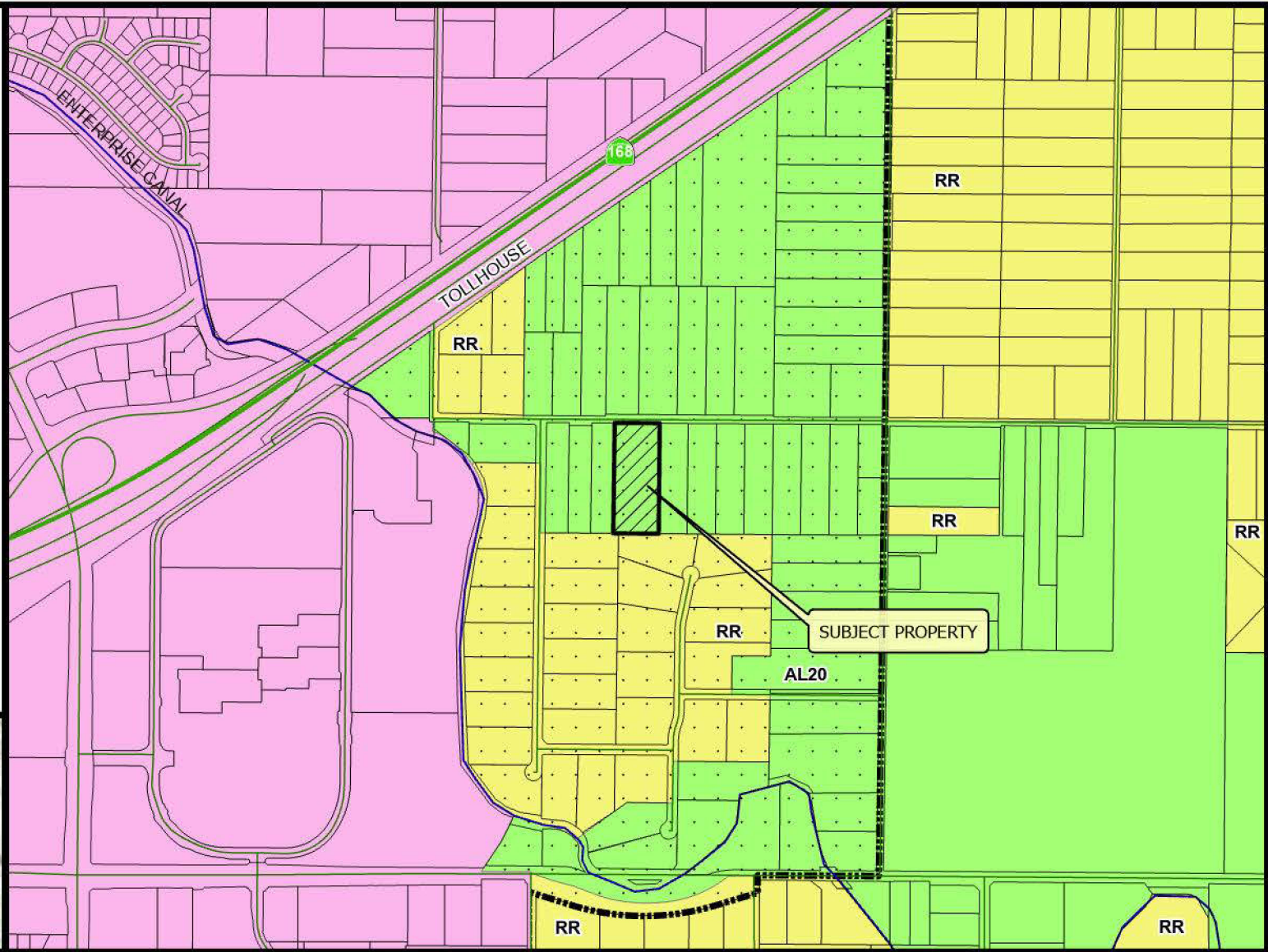
VA4163 | **2024**

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : mayang
 On Date : 1/4/2024



Legend

-  Subject Property
-  Clovis
-  City Sphere of Influence
-  AL20
-  RR

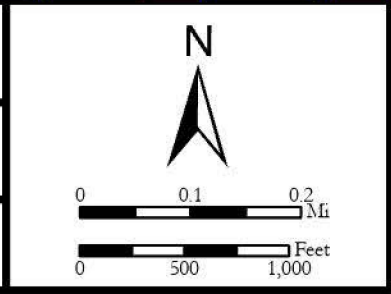


Existing Zoning Map

VA4163
STR 35 - 12S / 21E

2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
Person Prepared by : mayang
On Date : 1/4/2024





Date Received: 1/4/24

VA 4163
ER 8530
(Application No.)

Fresno County Department of Public Works and Planning

MAILING ADDRESS:

Department of Public Works and Planning
Development Services Division
2220 Tulare St., 6th Floor
Fresno, Ca. 93721

LOCATION:

Southwest corner of Tulare & "M" Streets, Suite A
Street Level
Fresno Phone: (559) 600-4497
Toll Free: 1-800-742-1011 Ext. 0-4497

APPLICATION FOR:

- Pre-Application (Type) _____
- Amendment Application
 - Amendment to Text
 - Conditional Use Permit
 - Variance (Class II)/Minor Variance
 - Site Plan Review/Occupancy Permit
 - No Shoot/Dog Leash Law Boundary
 - General Plan Amendment/Specific Plan/SP Amendment)
 - Time Extension for _____
 - Director Review and Approval
 - for 2nd Residence
 - Determination of Merger
 - Agreements
 - ALCC/RLCC
 - Other _____

DESCRIPTION OF PROPOSED USE OR REQUEST:

Variance to allow two substandard sized lots in the AE-20 zone district

CEQA DOCUMENTATION: Initial Study PER N/A

PLEASE USE FILL-IN FORM OR PRINT IN BLACK INK. Answer all questions completely. Attach required site plans, forms, statements, and deeds as specified on the Pre-Application Review. **Attach Copy of Deed, including Legal Description.**

LOCATION OF PROPERTY: SE Corner _____ side of Alluvial Ave and Traverse Ave
between Traverse _____ and DeWolf Ave
Street address: 7235 E Alluvial Ave

APN: 565-041-10s Parcel size: 3.97 Section(s)-Twp/Rg: S _____ - T _____ S/R _____ E

ADDITIONAL APN(s): _____

I, Manny Penn (signature), declare that I am the owner, or authorized representative of the owner, of the above described property and that the application and attached documents are in all respects true and correct to the best of my knowledge. The foregoing declaration is made under penalty of perjury.

Manny Penn	3370 Loyola Ave	Clovis	93619	5593254858
Owner (Print or Type)	Address	City	Zip	Phone

Applicant (Print or Type)	Address	City	Zip	Phone
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Representative (Print or Type)	Address	City	Zip	Phone
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CONTACT EMAIL: manny@pennca.com

OFFICE USE ONLY (PRINT FORM ON GREEN PAPER)

Application Type / No.: VA	Fee: \$6,049
Application Type / No.:	Fee: \$
Application Type / No.:	Fee: \$
Application Type / No.:	Fee: \$
PER/Initial Study No.:	Fee: \$
Ag Department Review:	Fee: \$ 34
Health Department Review:	Fee: \$365
Received By: ER	Invoice No.: 287535
TOTAL: \$6,448	

UTILITIES AVAILABLE:

WATER: Yes / No
Agency: _____

SEWER: Yes / No
Agency: _____

STAFF DETERMINATION: This permit is sought under Ordinance Section:

Sect-Twp/Rg: _____ - T _____ S/R _____ E

Related Application(s): _____

APN # _____ - _____ - _____

Zone District: _____

APN # _____ - _____ - _____

Parcel Size: _____

APN # _____ - _____ - _____

APN # _____ - _____ - _____



**Development Services
and
Capital Projects
Division**

Mail To:
PennCal Properties, LLC
3370 Loyola Ave.
Clovis, CA 93664

Pre-Application Review

Department of Public Works and Planning

NUMBER: 21-104121
APPLICANT: Manny Penn
PHONE: (559) 325-4858
e-mail: manny@penncal.com

PROPERTY LOCATION: 7235 E. ALLUVIAL AVE., CLOVIS 93619
APN(s): 565-041-10s ALCC: No Yes # VIOLATION NO. NO
CNEL: No Yes (level) LOW WATER: No Yes WITHIN 1/2 MILE OF CITY: No Yes CLOVIS
ZONE DISTRICT: AL-20; SRA: No Yes HOMESITE DECLARATION REQ'D.: No Yes
LOT STATUS:

Zoning: () Conforms; (✓) Legal Non-Conforming lot; () Deed Review Req'd (see Form #236)
Merger: May be subject to merger: No Yes ZM# Initiated In process
Map Act: () Lot of Rec. Map; () On '72 rolls; (✓) Other HISTORY ; () Deeds Req'd (see Form #236)

SCHOOL FEES: No Yes DISTRICT: CLOVIS USD PERMIT JACKET: No Yes
FMFCD FEE AREA: (✓) Outside () District No.: FLOOD PRONE: No Yes

PROPOSAL VA to waive the required parcel size to allow the creation of a 2.0 ac and a 1.97 ac parcel from a 3.97 ac parcel in the AL-20 Zone District. Minimum Lot Requirements: Street frontage & parcel width of 165 feet, depth 170 feet and lot depth shall not exceed a 4 to 1 ratio. Mapping procedure to follow if Variance approved.

COMMENTS: A Nitrogen Loading Analysis has already been approved to allow a septic system on the proposed 1.97 Acre Parcel. See permit 21-100966.
ORD. SECTION(S): 817.5 BY: Daniel Gutierrez DATE: 11/29/2021

GENERAL PLAN POLICIES:

LAND USE DESIGNATION: Agricultural () GPA:
COMMUNITY PLAN: () AA:
REGIONAL PLAN: () CUP:
SPECIFIC PLAN: () DRA:
SPECIAL POLICIES: (✓) VA: 6,049
SPHERE OF INFLUENCE: Clovis () AT:
ANNEX REFERRAL (LU-G17/MOU): () TT:

PROCEDURES AND FEES:

() MINOR VA:
(✓) HD: 345
() AG COMM:
(✓) ALCC: 37
() IS/PER*:
() Viol. (35%):
() Other:

COMMENTS:

Filing Fee: \$ 440
Pre-Application Fee: - \$247.00
Total County Filing Fee: 4,201

FILING REQUIREMENTS:

- (✓) Land Use Applications and Fees
- (✓) This Pre-Application Review form
- (✓) Copy of Deed / Legal Description
- (✓) Photographs
- (✓) Letter Verifying Deed Review
- () IS Application and Fees* * Upon review of project materials, an Initial Study (IS) with fees may be required.
- (✓) Site Plans - 4 copies (folded to 8.5"x11") + 1 - 8.5"x11" reduction
- () Floor Plan & Elevations - 4 copies (folded to 8.5"x11") + 1 - 8.5"x11" reduction
- (✓) Project Description / Operational Statement (Typed)
- (✓) Statement of Variance Findings
- () Statement of Intended Use (ALCC)
- () Dependency Relationship Statement
- () Resolution/Letter of Release from City of
- () Nitrogen Loading Analysis or RWQCB supplemental treatment

OTHER FILING FEES:

- () Archaeological Inventory Fee: \$75 at time of filing
(Separate check to Southern San Joaquin Valley Info. Center)
- () CA Dept. of Fish & Wildlife (CDFW): (\$50+\$2,480.25)
(Separate check to Fresno County Clerk for pass-thru to CDFW.
Must be paid prior to IS closure and prior to setting hearing date.)

BY: Elliott Rawson DATE: 12/1/21
PHONE NUMBER: (559) 400-4295

NOTE: THE FOLLOWING REQUIREMENTS MAY ALSO APPLY:

- () COVENANT
- () MAP CERTIFICATE
- () PARCEL MAP
- () FINAL MAP
- () FMFCD FEES
- () ALUC or ALCC
- (✓) SITE PLAN REVIEW
- () BUILDING PLANS
- () BUILDING PERMITS
- () WASTE FACILITIES PERMIT
- (✓) SCHOOL FEES
- () OTHER (see reverse side)

PLU # 113 Fee: \$247.00
Note: This fee will apply to the application fee if the application is submitted within six (6) months of the date on this receipt.

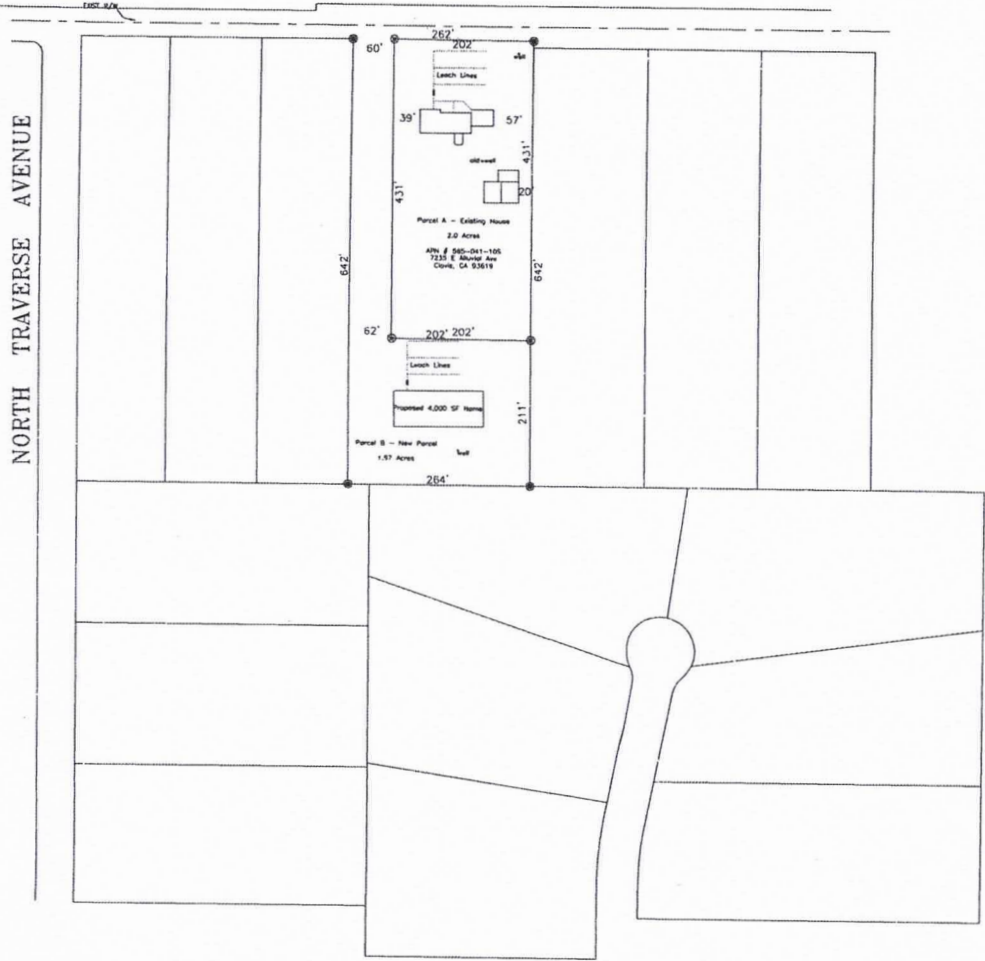
OVER.....

EXHIBIT 6

EXHIBIT 6

Parcel Map #
FRESNO COUNTY, CALIFORNIA

EAST ALLUVIAL AVENUE



DEVELOPER
STONE VALLEY COMMUNITIES, LLC
1865 HERNDON AVE., STE. K-518
CLOVIS, CA 93611

OWNER
PENNCAL PROPERTIES, LLC
3370 LOYOLA AVE
CLOVIS, CA 93619



PENNCAL
PROPERTIES, LLC

1865 Herndon Ave., Ste. 10518 • Clovis, CA 93611 • (509) 232-4829

STONE VALLEY COMMUNITIES, LLC

Project No.: 16-21
Scale: AS NOTED
Date: 3/4/21
Design: MP
Drawn: MP
Check: MP
Revisions:
1) Letting 2/26/21

TM-1

EXHIBIT 7

FINDINGS NECESSARY FOR THE GRANTING OF A VARIANCE

7235 E. ALLUVIAL AVE., CLOVIS 936191 APN: 565-041-10s

A Variance may be granted only when all of the following conditions exist in reference to the property being considered.

- 1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.**

The property in consideration is unique amongst its neighbors in that, at nearly 4 acres, the land is too large to use for agricultural purposes without impacting the water table, noise, and air pollution of its smaller neighbors. Yet, is still too large to maintain as a single-family residence. The scale of agricultural operations expected under the property's current land use is unachievable given that the property is so much larger than its neighbors yet located less than a 1/2 mile from the City of Clovis, is within the city's Sphere of Influence, and neighbors a Rural Residential development with lots nearly half its size.

Averaging the lot size of its four abutting parcels, the property in consideration is 65% larger than its neighbors - creating disproportionate hardship to adhere to its intended land use.

- 2. Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.** Given that the property is located less than a 1/2 mile from the City of Clovis, is within the city's Sphere of Influence, and neighbors a Rural Residential development of 2.0 acre lots with the neighborhood beautification ordinance - continued agricultural operations at the property's intended scale under its existing land use, unlike that of smaller neighbors, would generate unhealthy levels of air and nose pollution in addition to the increased impact on the shared water table.

- 3. The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.**

The proposed use will have no adverse effect on abutting properties or the surrounding neighborhood. Existing in a water-short area, a Well Yield Test was conducted that assured adequate and sustainable supply of groundwater to meet the needs of the proposal without significant impact to surrounding properties. There exists two functioning, adequately yielding wells on the property, one for each of the two proposed parcels. This

foregoes any need to develop additional wells that might further strain the water table. In addition, development of the rear 1.97 acres for residential use and ceasing agricultural use will reduce the demand on the water table from the surrounding properties.

In addition, a Nitrogen Loading Analysis has already been approved to allow a septic system on the proposed 1.97 acre parcel (see permit 21-100966), assuring the soil meets the guidelines for waste disposal.

The increased population density would not increase the Likelihood of conflict with normal farming operations. The proposed parcels are already located in close proximity to the City of Clovis at only a 1/2-mile distance. It is also surrounded by smaller parcels including a denser Rural Residential development on its southern border. Currently at 3.97 acres, the existing property is uncharacteristically large in comparison to its neighbors. Dividing the property into 2.00- and 1.97-acre parcels would make the property consistent with its community. Given the limited scale of the impact, and its close proximity to the City of Clovis, the proposal would not be materially detrimental.

	Size:	Zoning
North	3.27-acre	AL-20
West	1.94-acre	AL-20
South	2.00-acre	RR-NB
East	2.42-acre	AL-20

4. The granting of such a Variance will not be contrary to the objectives of the General Plan.

As described in General Plan Section 817:

"The "AL" District is a limited agricultural district. It is intended to protect the general welfare of the agricultural community by limiting intensive uses in agricultural areas where such uses may be incompatible with, or injurious to, other less intensive agricultural operations. The District is also intended to reserve and hold certain lands for future urban use by permitting limited agriculture and by regulating those more intensive agricultural uses which, by their nature, may be injurious to non-agricultural uses in the vicinity or inconsistent with the express purpose of reservation for future urban use."

Due to its close proximity of L/2 mile from the City of Clovis and its existence within the city's Sphere of Influence, granting of this variance would align with the General Plan's intention to reserve and hold lands in this district for future urban use. Given the existence of denser, urban communities nearby and Clovis Community Medical Center, continued agricultural use of this land would be injurious to surrounding residential uses by impacting the water table and generating noise and air pollution.

In addition, a Nitrogen Loading Analysis has already been approved to allow a septic system on the proposed 1.97 acre parcel (see permit 21-100966), assuring the soil meets the guidelines for waste disposal.

EXHIBIT 8

