



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
Steven E. White, DIRECTOR

Planning Commission Staff Report Agenda Item No. 6

SUBJECT: Environmental Review No. 7899
Variance Application Nos. 4086, 4087, 4088, 4089

Allow the installation of a 6-foot sound-wall within the side yard setback (reversed corner lot) at the subject parcels, required as a mitigation measure of the City of Clovis Shaw Avenue widening project.

LOCATION: The project sites are located on the north side of Shaw Avenue at the intersections of Shaw Avenue and Gaynor and Shaw Avenue and Highland. (SUP. DIST. 5) (APN: 308-270-55) (APN: 308-160-27) (APN: 308-270-32) (APN: 308-160-20)

Applicant: Claudia Cazares (City of Clovis)

STAFF CONTACT: Ethan Davis, Planner
(559) 600-9669

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Approve Variance Application Nos. 4086, 4087, 4088, 4089 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

IMPACTS ON JOB CREATION:

The Commission's action will not have any substantial effect on job creation. Construction of road improvements and traffic signals will provide for jobs and procurement of construction material in the local area.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Surrounding Zoning Map

4. Land Use Map
5. Site Plan
6. Applicants Variance Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	North East Rural Residential	No Change
Zoning	Rural Residential	No Change
Parcel Size	VA 4086 - 2.02-acre VA 4087 – 2-acre VA 4088 – 0.94-acre VA 4089 – 2-acre	No Change
Project Site	N/A	No Change
Structural Improvements	Single Family Residence	No Change
Nearest Residence	VA 4086 – 80 feet VA 4087 – 200 feet VA 4088 – 136 feet VA 4089 – 175 feet	No Change No Change No Change No Change
Surrounding Development	Single Family Residential	
Operational Features	N/A	N/A
Employees	N/A	No Change
Customers	N/A	No Change
Traffic Trips	Residential	No Change
Lighting	Residential	No Change
Hours of Operation	N/A	No Change

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL DETERMINATION:

It has been determined, pursuant to Section 15303(e) of the State California Environmental Quality Act (CEQA) Guidelines that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 72 property owners within 600 feet of the subject property exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Variance Application may be approved only if four Findings specified in Zoning Ordinance Section 873-F are made by the Planning Commission (Exhibit 4).

Specifically related to a VA, in order to make Findings 1 and 2, a determination must be made

that the property is subject to an exceptional or extraordinary physical circumstance that does not apply to other properties in the same Zone District, and a substantial property right held by other property owners of like-zoned parcels in the area must be identified.

The decision of the Planning Commission on a Variance Application is final unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

These projects are the result of mitigation measures from the City of Clovis’s expansion of Shaw Avenue. The City of Clovis is the applicant, the application was submitted July 15, 2020.

DISCUSSION:

Variance Application No. 4086, 4087, 4088, 4089

Finding 1 and 2: *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; and*

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.

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 25 feet Rear: 20 feet	No Change	Y
Parking	One parking space per dwelling unit	No Change	Y
Lot Coverage	No Requirements	No Change	Y
Separation Between Buildings	6 feet between main building and accessory structures	No Change	Y
Wall Requirements	No fence, wall or hedge over 3 feet in height shall be permitted in any required front yard, or in the required side yard on the street side	Proposed 6-foot sound attenuation wall	No. Proposal is to allow a fence which exceeds the maximum allowed height within the front yard and side yard setbacks.

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	of a reversed corner lot.		
Septic Replacement Area	N/A	N/A	N/A
Water Well Separation	N/A	N/A	N/A

Reviewing Agencies/Department Comments regarding Site Adequacy:

Zoning Unit –

There is an unpermitted fruit stand and above-ground pool on one of the subject parcels that will require permits, which will be resolved once the wall is built.

Public Health Department – No Comment

Department of Water and Natural Resources – No Comment

Finding 1 Analysis:

The Applicant states that the properties are located on the north side at the corners of Shaw Avenue and Gaynor Avenue and Shaw Avenue and Highland Avenue with no fencing along the property lines to protect and secure the property. The Applicants main concern is noise levels that will be produced from the expansion of Shaw Avenue. The addition of a sound attenuation wall would mitigate the increased noise levels from the road expansion. The allowed 3-foot wall would not provide enough privacy and mitigation from the road. The properties in question are situated on corner lots, thereby making it a receptor of more noises as vehicles drive by on Shaw Avenue. Staff believes that the subject property abutting the roadway expansion is a unique circumstance to the standards.

Finding 2 Analysis:

The Applicant states that the Variance is needed in order to preserve their right to typical noise environments within their property. With the construction of the sound attenuation wall, the property owners will have the ability to continue to preserve and enjoy the same rights as properties not abutting the roadway.

Staff believes that the unique circumstances of the project, abating the noise levels from the roadway are in line with the preservation of substantial property rights. If the six-foot sound wall is not allowed, the property could be adversely impacted by increased traffic noise levels that could substantially degrade the quality of the living environmental at the residence that other residence do not have to endure.

Recommended Conditions of Approval:

None

Conclusion Finding 1 & 2:

Finding 1 and 2 can be made due to the unique circumstance created by the expansion of Shaw

Avenue and the need to maintain the right of a home, free from potential noise increases caused by the expansion of Shaw Avenue.

Finding 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.*

VA 4086

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North:	2.02	Single Family Residential	RR	Approximately 80 feet
South:	57.26	Orchard	AE-20	Approximately 1,200 feet
East:	0.94	Single Family Residential	RR	Approximately 150 feet
West:	2.02	Single Family Residential	RR	Approximately 285 feet

VA 4087

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North:	5.01-acres	Single Family Residential	RR	Approximately 215 feet
South:	0.13-acres	Single Family Residential	R-1	Approximately 200 feet
East:	4.7-acres	Single Family Residential	RR	Approximately 430 feet
West:	2-acres	Single Family Residential	RR	Approximately 215 feet

VA 4088

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North:	2.48-acres	Single Family Residential	RR	Approximately 136 feet
South:	57.26-acres	Single Family Residential	AE-20	Approximately 1,500 feet
East:	2.48-acres	Single Family Residential	RR	Approximately 136 feet
West:	2.02-acres	Single Family Residential	RR	Approximately 190 feet

VA 4089

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North:	1.99-acres	Single Family Residential	RR	Approximately 190 feet
South:	0.19-acres	Single Family Residential	R-1	Approximately 585 feet
	0.14-acre	Single Family Residential	R-1	Approximately 585 feet
	0.15-acre	Single Family Residential	R-1	Approximately 585 feet
	0.15-acre	Single Family Residential	R-1	Approximately 585 feet
East:	2.01-acres	Single Family Residential	RR	Approximately 240 feet

Surrounding Parcels				
West:	0.21-acres	Single Family Residential	R-1	City of Clovis - Planned Residential (Approximately 175 feet)
	0.17-acres	Single Family Residential	R-1	
	0.16-acres	Single Family Residential	R-1	
	0.14-acres	Single Family Residential	R-1	

Reviewing Agencies/Department Comments:

No agencies expressed concern regarding public welfare or detriment to the surrounding properties.

Analysis Finding 3:

The granting of the Variance will not be detrimental to the public welfare or injurious to property and improvements in the vicinity. The noise attenuation wall will be built to match existing similar walls in the vicinity, will not block any line of site area, and will not interfere with the enjoyment of use of any properties or uses in the vicinity. Staff believes that the attenuation wall will not be detrimental to the public welfare or injurious to property and improvements in the vicinity.

Recommended Conditions of Approval:

A 30 x 30 corner cut off shall be implemented as to not interfere with sight distances of entering and exiting traffic.

Conclusion Finding 3:

Finding 3 can be made as the project is made specifically to protect the public welfare.

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

Reviewing Agencies/Department Comments:

Policy Planning Section of the Department of Public Works and Planning: The subject parcels are designated Northeast Rural Residential in the County General Plan. Policy planning review indicates there are no General Plan issues.

No other comments specific to General Plan consistency were expressed by reviewing Agencies or Departments.

Finding 4 Analysis:

The subject parcels are designated Northeast Rural Residential in the General Plan and are zoned Rural Residential. Staff believes this proposal is consistent with the General Plan.

Recommended Conditions of Approval:

None

Conclusion Finding 4:

Finding 4 can be made as it is consistent with the goals and policies of the General Plan.

PUBLIC COMMENT: None

CONCLUSION:

Staff believes the required Findings for granting the Variance Application can be made based on the factors cited in the analysis, the recommended Conditions of Approval and Notes regarding mandatory requirements. Staff therefore recommends approval of Variance Applications Nos. 4086, 4087, 4088 and 4089, subject to the recommended Conditions of Approval.

PLANNING COMMISSION MOTIONS:

Recommended Motion (approval action)

- Move to determine the required Findings can be made and move to approve Variance Application Nos. 4086, 4087, 4088, 4089, subject to the Conditions of Approval as listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

Alternative Motion (denial action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Variance Applications Nos. 4086, 4087, 4088, 4089; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

Recommended Conditions of Approval:

See attached Exhibit 1.

Exhibit 1
Conditions of Approval and Project Notes

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the commission.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Permits shall be required for any structures built after 1958 without permits.
2.	A grading permit shall be required for any grading that has been done without a permit and any grading proposed with this application.
3.	A 30 x 30 corner cut off shall be implemented as to no interfere with sight distances of entering and exiting traffic.

Exhibit 2 LOCATION MAP

VA 4086/4087/4088/4087

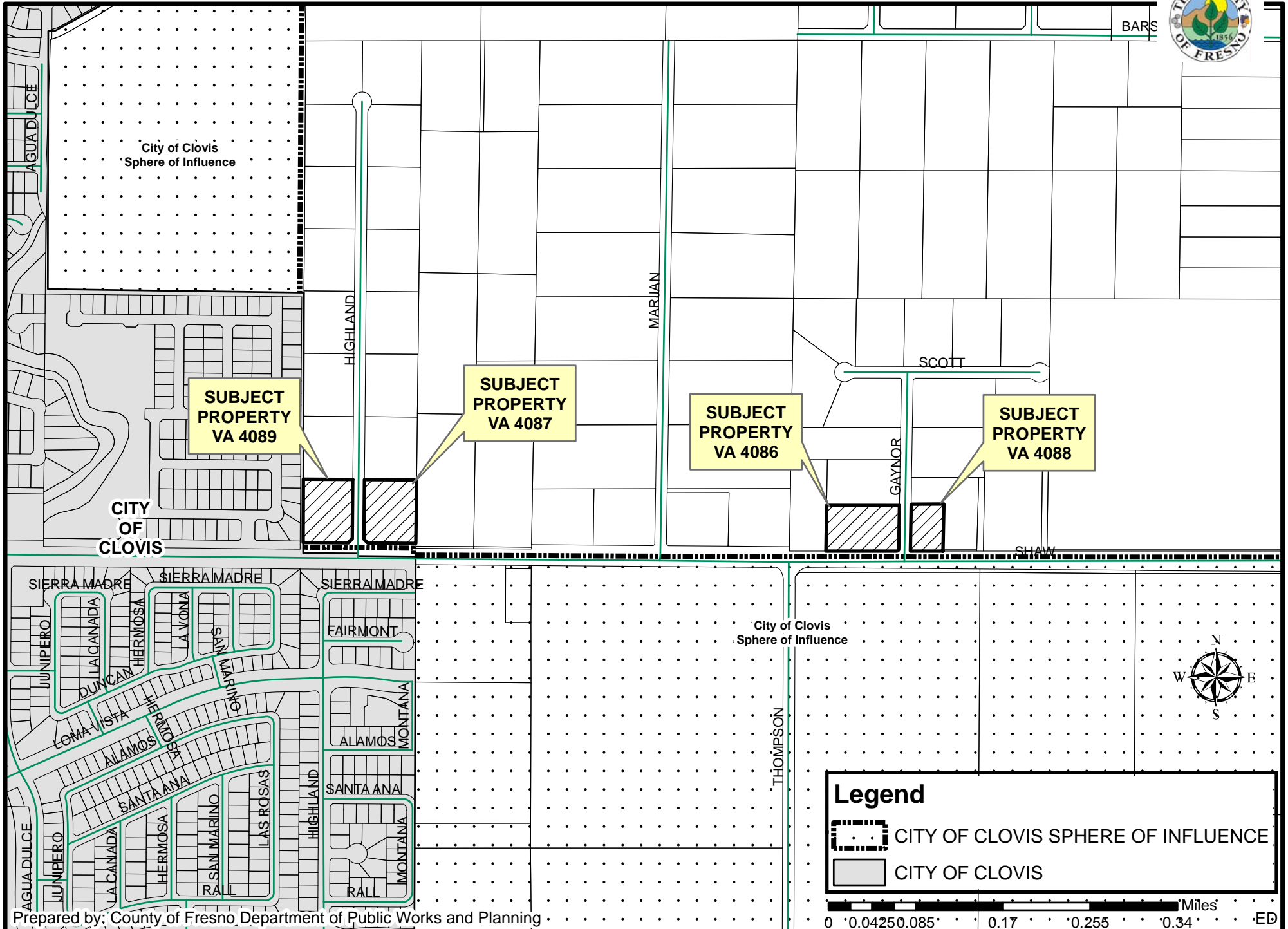


Exhibit 3

EXISTING ZONING MAP

VA 4086, 4087, 4088, 4089

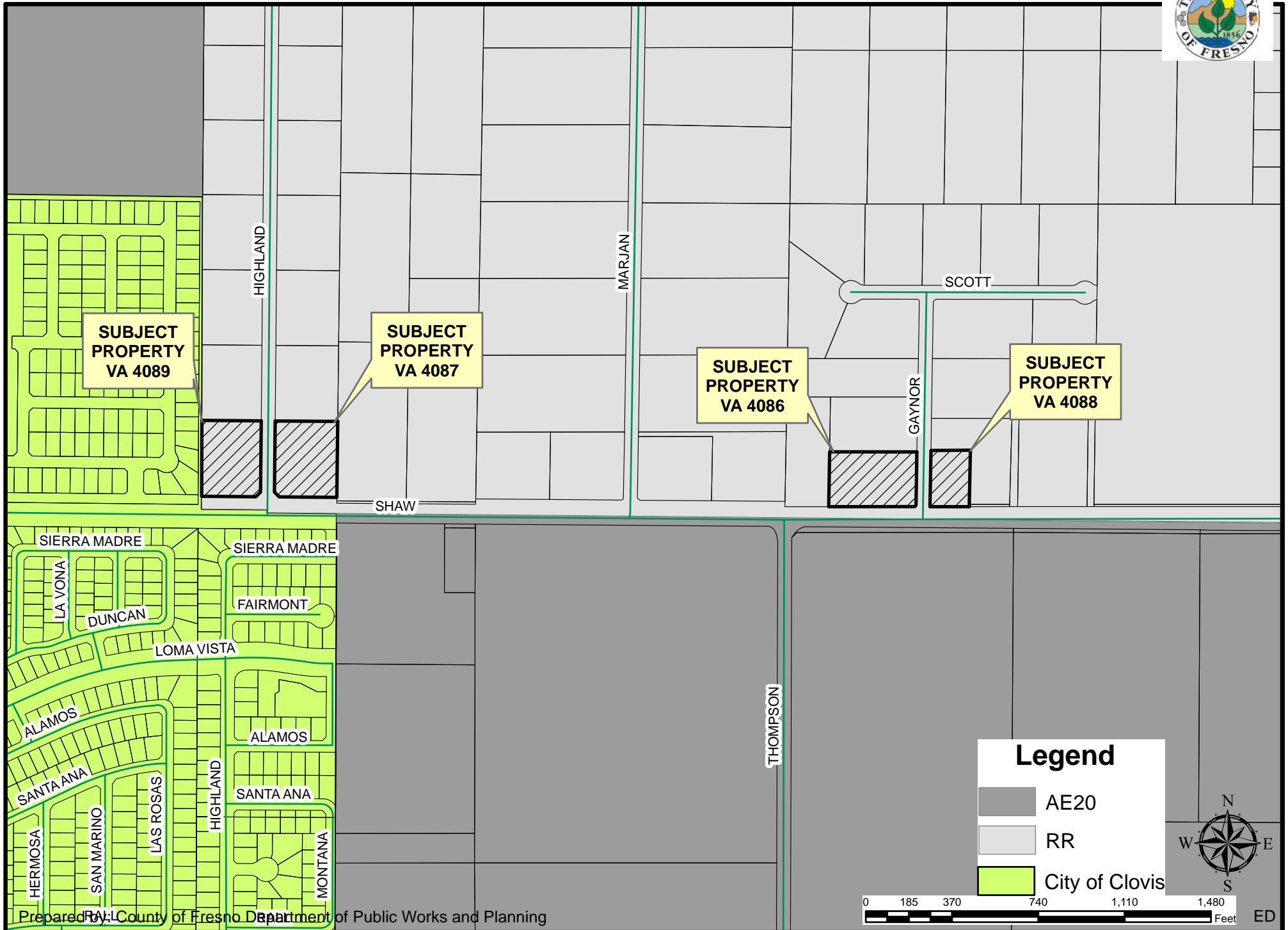
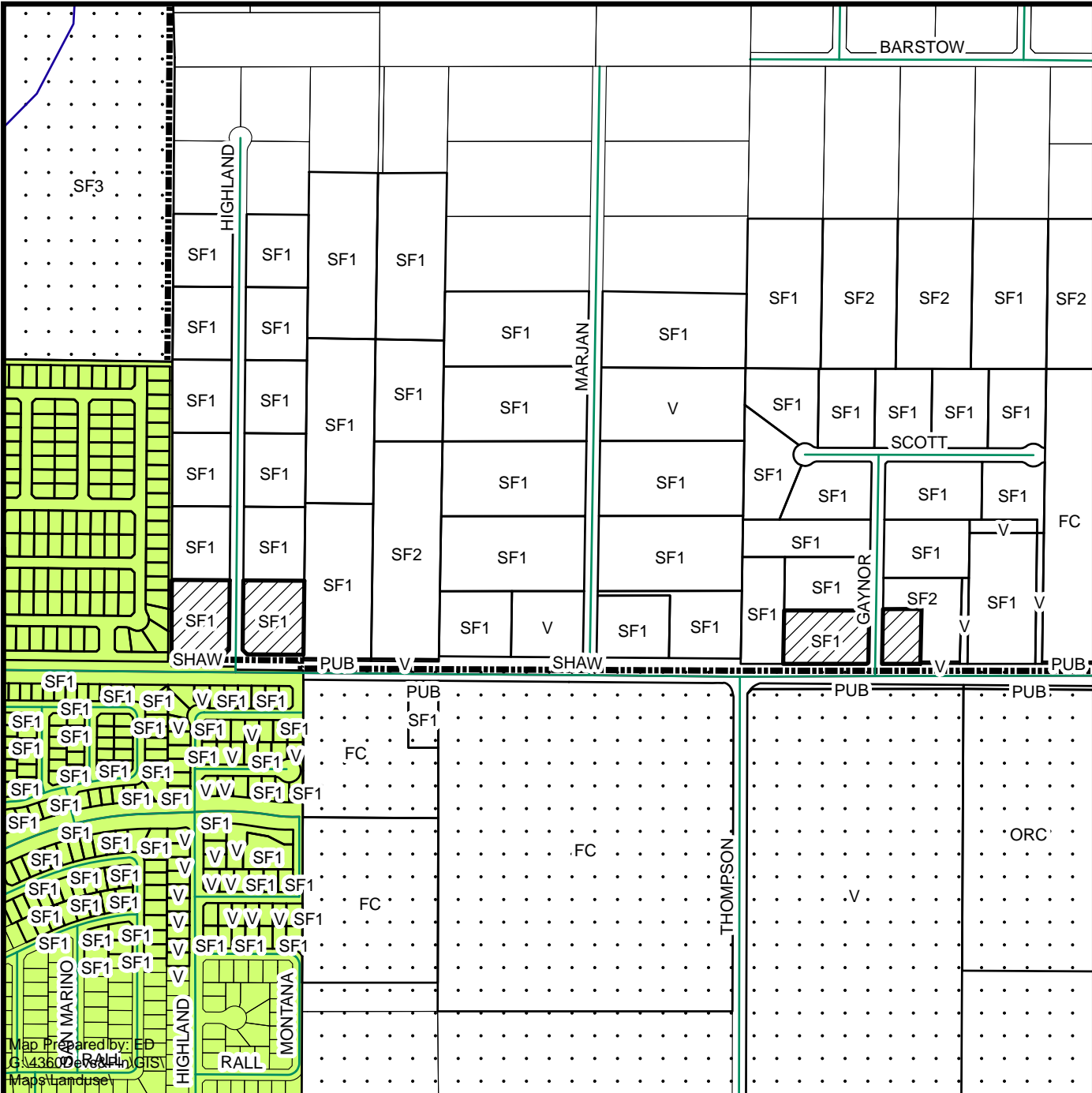





Exhibit 4

EXISTING LAND USE MAP

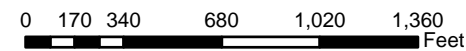
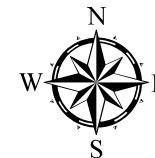
VA 4086, 4087, 4088, 4089



LEGEND:

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

LEGEND	
V	- VACANT
ORC	- ORCHARD
FC	- FIELD CROP
ORC	- ORCHARD
PUB	- PUBLICLY OWNED
SF#	- SINGLE FAMILY RESIDENCE
SF#	- SINGLE FAMILY RESIDENCE
SF#	- SINGLE FAMILY RESIDENCE



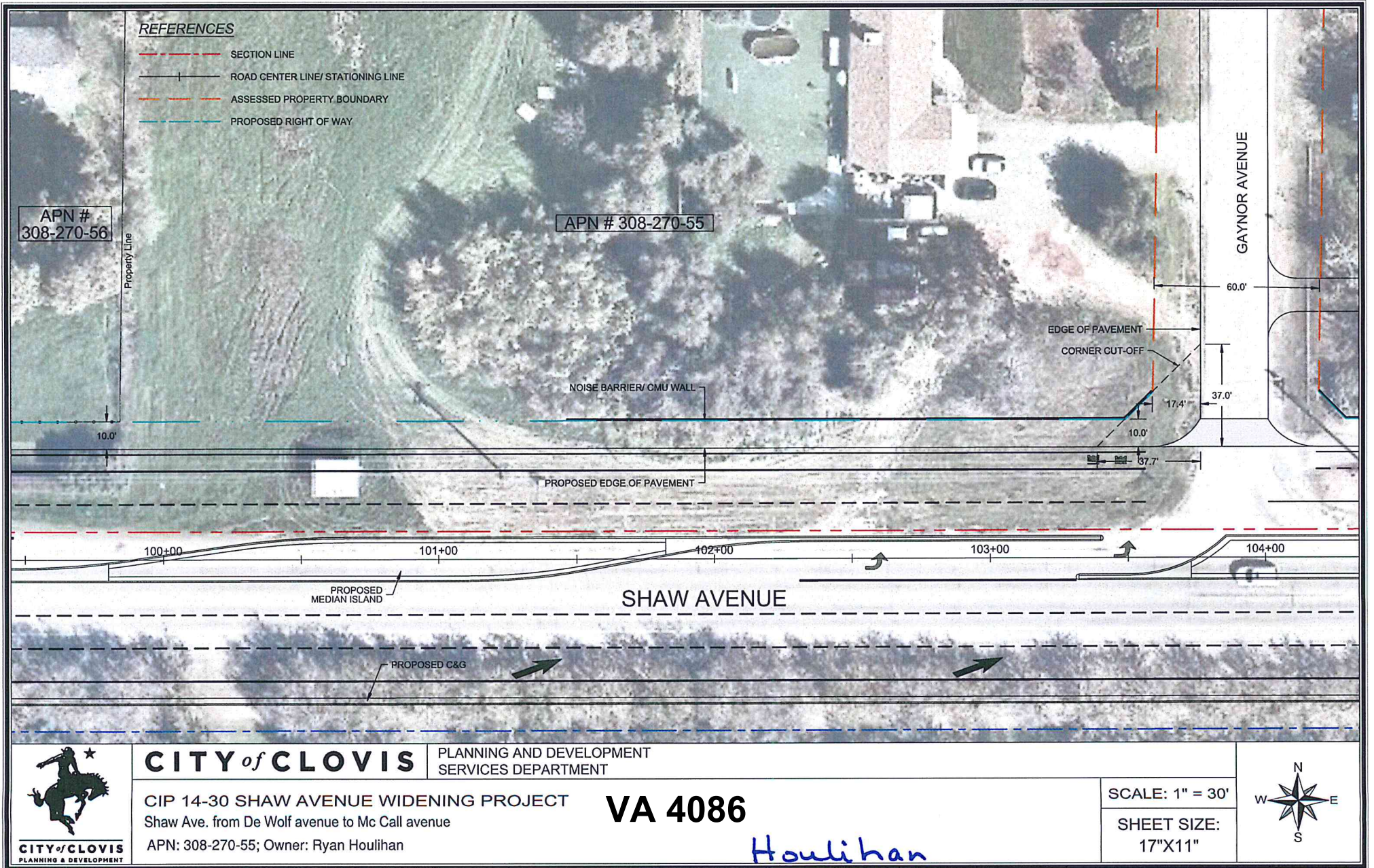
Department of Public Works and Planning
Development Services Division

Map Prepared by: ED
G:\4360\Dev\In\GTS
Maps\Landuse

Exhibit 5



Exhibit 5



CITY of CLOVIS

PLANNING AND DEVELOPMENT
SERVICES DEPARTMENT

CIP 14-30 SHAW AVENUE WIDENING PROJECT
Shaw Ave. from De Wolf avenue to Mc Call avenue
APN: 308-270-55; Owner: Ryan Houlihan

VA 4086

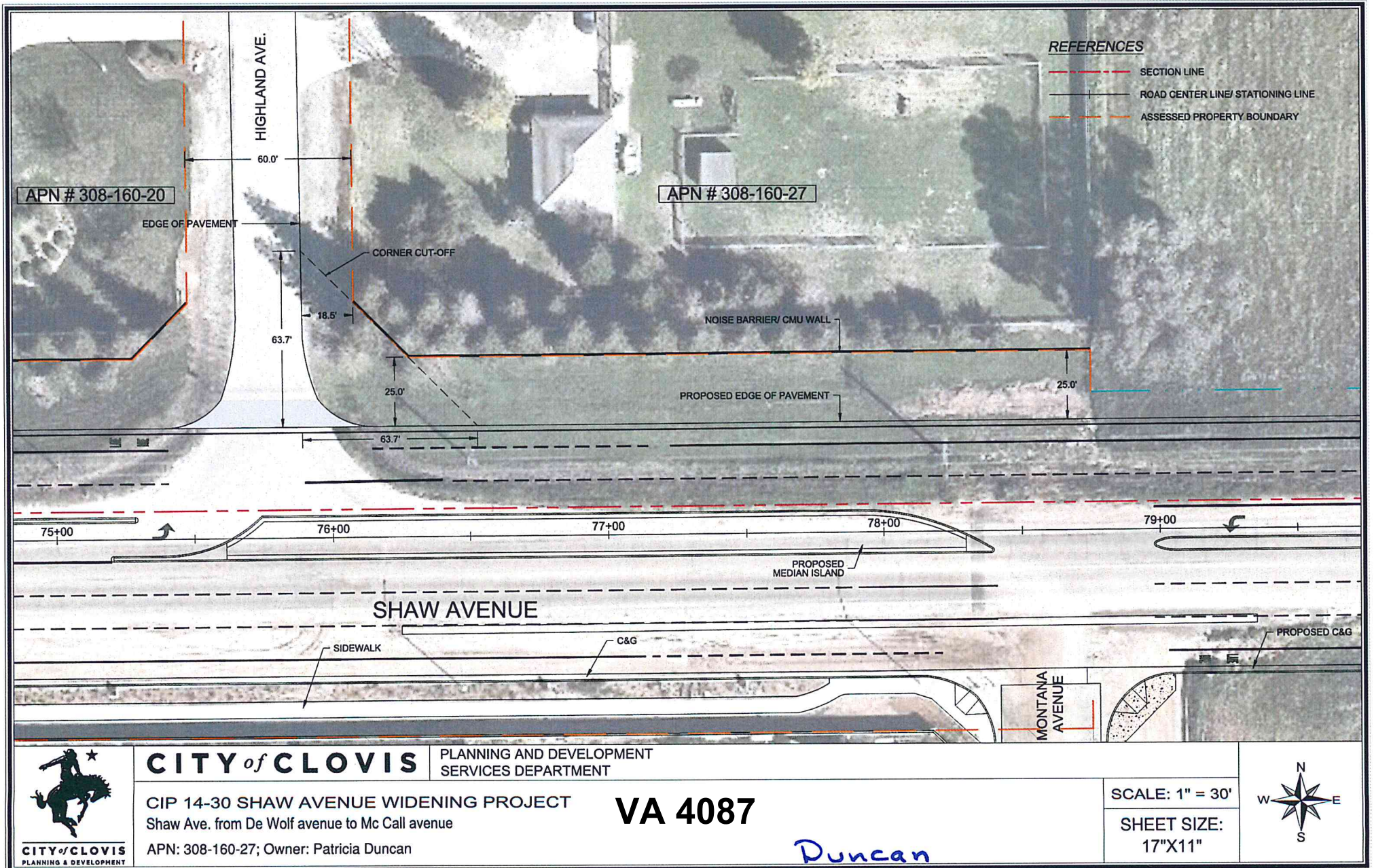
Houlihan

SCALE: 1" = 30'

SHEET SIZE:
17"X11"



Exhibit 5



- REFERENCES**
- SECTION LINE
 - ROAD CENTER LINE/ STATIONING LINE
 - ASSESSED PROPERTY BOUNDARY



CITY of CLOVIS PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

CIP 14-30 SHAW AVENUE WIDENING PROJECT
Shaw Ave. from De Wolf avenue to Mc Call avenue
APN: 308-160-27; Owner: Patricia Duncan

VA 4087

Duncan

SCALE: 1" = 30'
SHEET SIZE:
17"X11"



Exhibit 5



PATRICIA DUNCAN
5040 N HIGHLAND AVE. - FRESNO, CA 93619
APN# 308-160-27

VA 4087

SCALE: 1" = 50'
SHEET SIZE: 8.5" x 11"

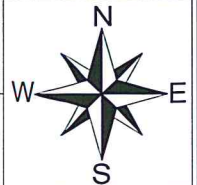


Exhibit 5

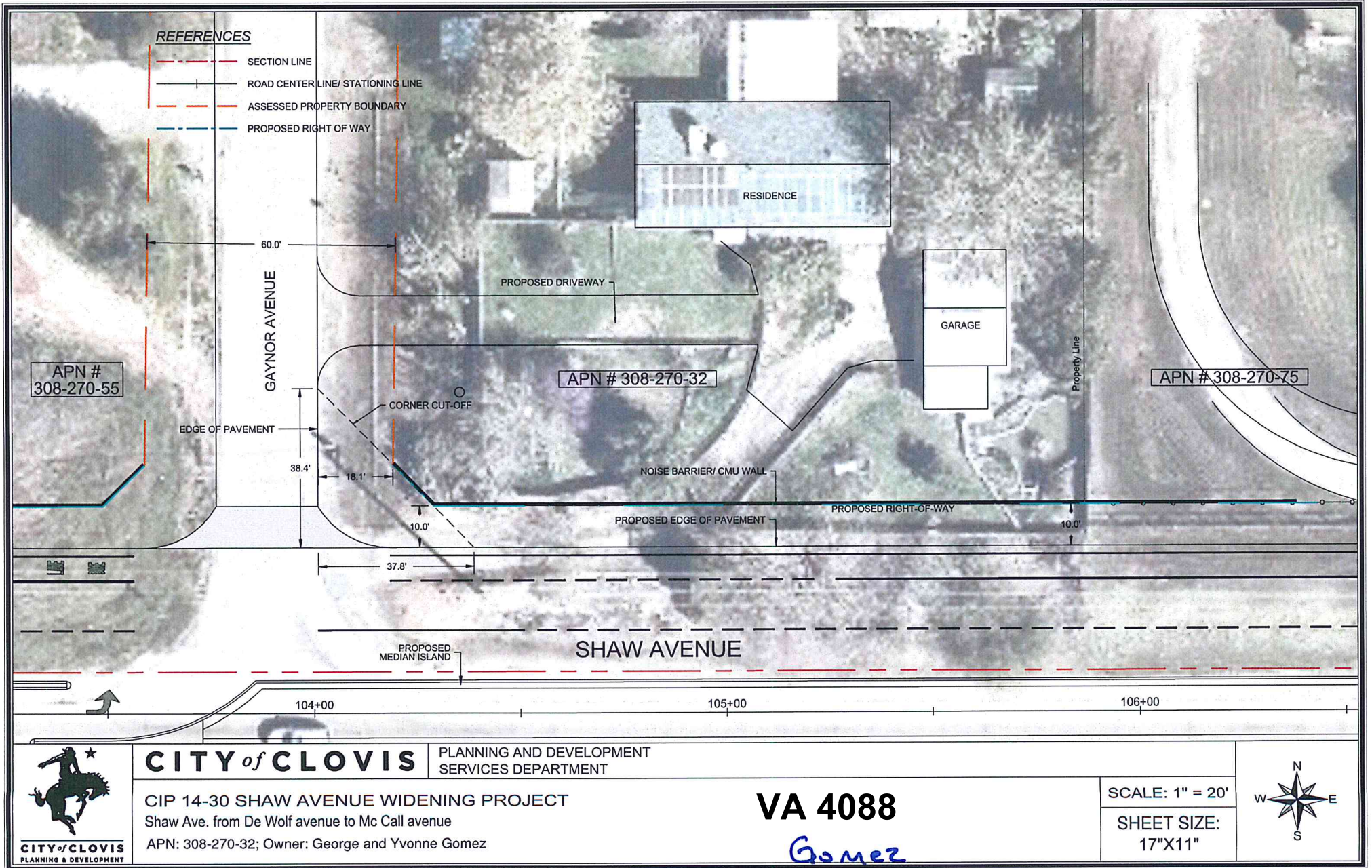
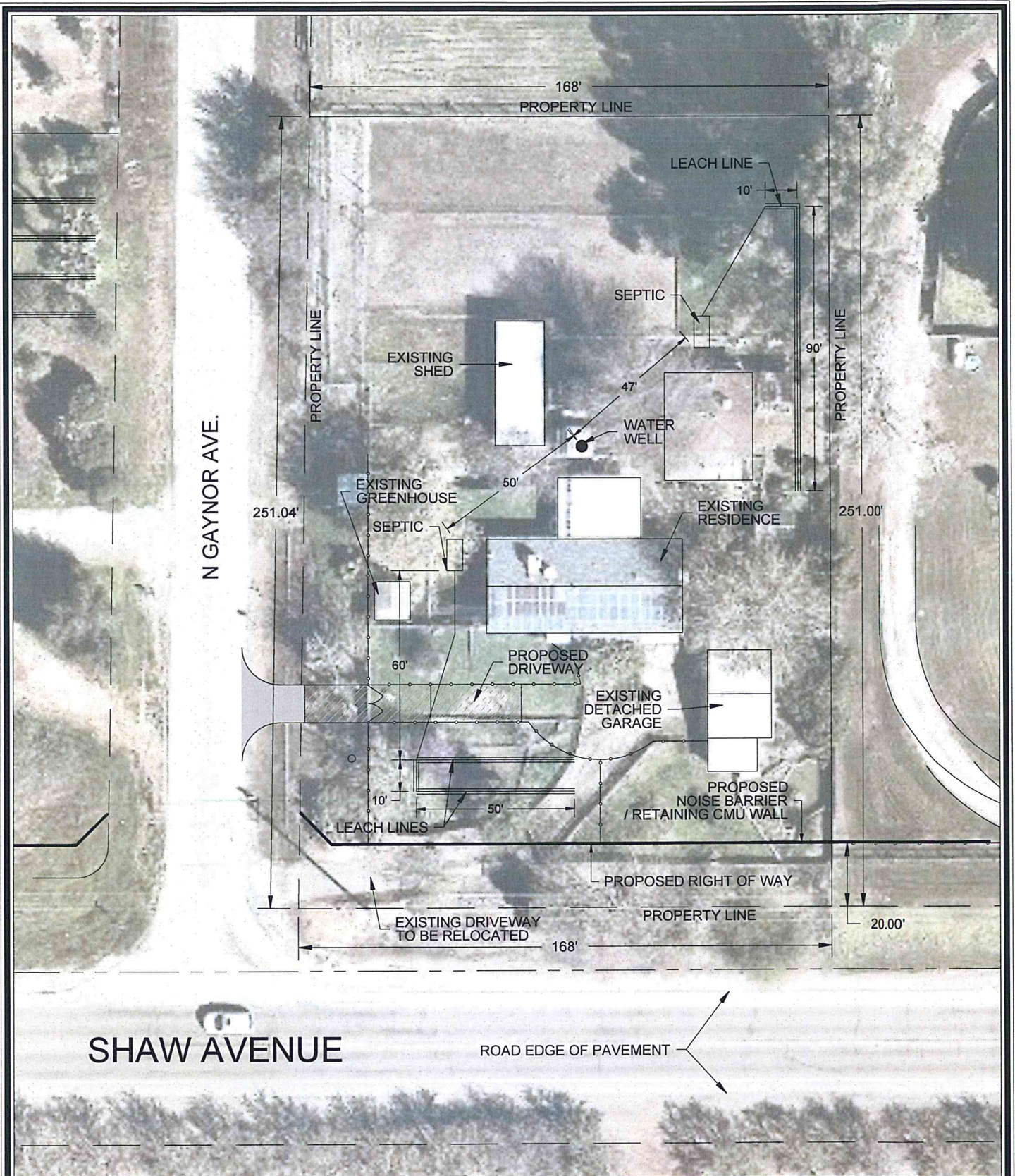


Exhibit 5



SHAW AVENUE

ROAD EDGE OF PAVEMENT

YVONNE GOMEZ
 5040 N HIGHLAND AVE. - FRESNO, CA 93619
 APN# 308-270-32

VA 4088

SCALE: 1" = 40'
 SHEET SIZE: 8.5" x 11"



Exhibit 5



RALPH & MARY MASTRIANO
 5039 N HIGHLAND AVE. - FRESNO, CA 93619
 APN# 308-160-20

VA 4089

SCALE: 1" = 50'
 SHEET SIZE: 8.5" x 11"



Exhibit 5

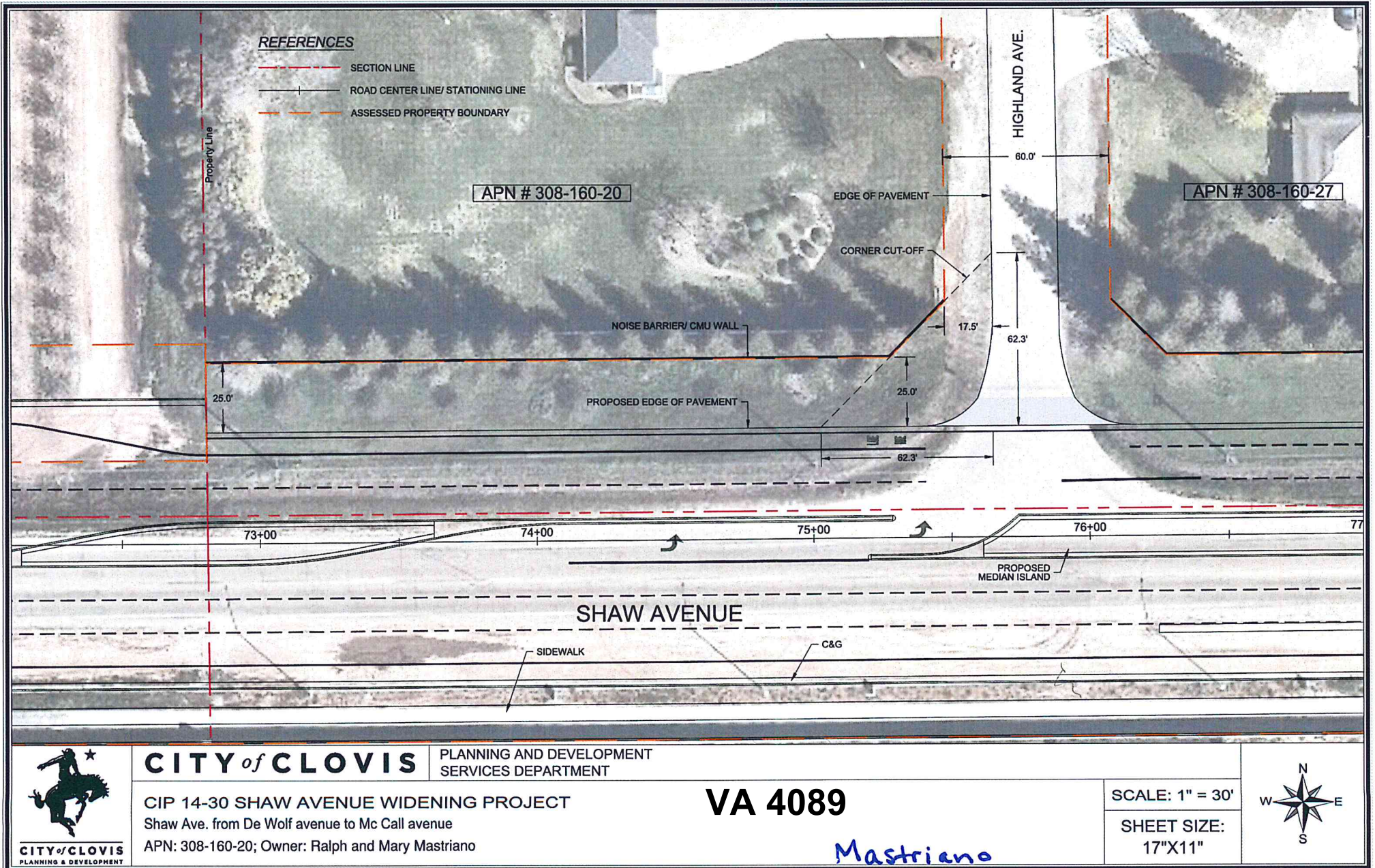


Exhibit 6

Variance Findings:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification;
 - a. The property in question will be affected by a Measure C funded public works project to improve Shaw Avenue from De Wolf Avenue to McCall Avenue. The City of Clovis is purchasing ROW to add travel lanes, and reconstruct existing culverts and drainage swales found on properties within the County area, but within Clovis SOI. The properties in the vicinity are zoned Rural Residential and include large lot properties with single family homes as well as farm land. The variance application requests approval to build a noise attenuation wall, at greater than the allowed 3 feet in height, and within the required setbacks, for the property in question as has been found to be a mitigation measure of the Project's Environmental Impact Report.

The property in this application faces conditions that are applicable to this property which do not generally apply to other properties in the vicinity. The property in question is situated on a corner lot, thereby making it a receptor of more noise as automobiles drive by on Shaw Avenue. The Noise Attenuation Study for the Project, found that noise intrudes into the property both from the front of the house and the side of the house, thereby necessitating the construction of a sound attenuation wall. Other properties with homes on this section of Shaw Avenue are situated mid-block and only receive noise through the front, and are also further set back from the road.

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;
 - a. Other property owners in the vicinity having identical zoning classifications will continue to preserve their right to typical noise environments within their property. With the construction of a noise attenuation wall, the applicant will also have the ability to continue to preserve and enjoy the same rights.
3. The granting of the 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;
 - a. The granting of the variance will not be detrimental to the public welfare or injurious to property and improvements in the vicinity. The noise attenuation wall will be built to match existing similar walls in the vicinity, will not block any line of site areas, be built outside of public right-of-way and will not interfere with the enjoyment of use of any properties or uses in the vicinity.

Exhibit 6

4. The granting of such variance will not be contrary to the objectives of the Fresno County General Plan.
 - a. The granting of the variance will not be contrary to the objectives of the Fresno County General Plan. The noise attenuation wall will help conserve the existing Rural Residential uses for the foreseen future at the same time assist in the transportation goals of the General Plan by allowing the project to be built with the approved Mitigation Measures of the Projects Environmental Impact Report.