

**RESOLUTION 14 - \_\_\_\_\_**  
**GENERAL PLAN AND DEVELOPMENT CODE UPDATE**  
**CEQA FINDINGS**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS: (1) CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE GENERAL PLAN AND DEVELOPMENT CODE UPDATE; (2) ADOPTING CEQA FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS; AND (3) ADOPTING A MITIGATION MONITORING PROGRAM**

WHEREAS, the Project applicant is the City of Clovis, 1033 Fifth Street, Clovis, CA 93612; and

WHEREAS, the Project is an update to the City of Clovis General Plan and Development Code. The Clovis General Plan Update is intended to shape development within the Plan Area through 2035 and beyond, while the update to the Development Code is intended to consolidate and compile amendments adopted since the 1970s into a reorganized and reformatted document that also reflects changes to the General Plan; and

WHEREAS, the Plan Area includes the City, its sphere of influence (SOI), and specific areas beyond the City and its SOI, generally bound by Copper Avenue on the north, Willow Avenue on the west, Academy Avenue on the east, and Shields Avenue on the south. These boundaries are roughly the same as those established in the current General Plan, which was adopted in 1993; and

WHEREAS, the General Plan Update involves a revision to the land use map and all elements except Housing, and adds a new Economic Development Element. The General Plan Update would consist of the following elements: Land Use, Circulation, Community Facilities (previously Public Facilities), Open Space/Conservation, Safety, Noise, Air Quality, and Economic Development; and

WHEREAS, the Development Code Update will reflect the changes to the General Plan and the revised land use and zoning designations. The update will also compile existing information and past code amendments in an easy-to-reference manner; provide a procedures guide; update land uses to contemporary standards; and propose limited land use and development standard policy modifications; and

WHEREAS, the City caused to be prepared a Draft Program Environmental Impact Report ("Draft PEIR") for the Project in June 2014 to evaluate potentially significant adverse environmental impacts; and

WHEREAS, the Draft PEIR was made available for a 45-day public review period beginning on Tuesday, June 24, 2014 and ending on Friday August 8, 2014. All interested parties were invited to submit written comments on the Draft PEIR for consideration by the Planning Commission and City Council. A copy of the Notice of

Availability is attached as **Exhibit A-1**; and

WHEREAS, the City caused to be prepared a Final Program Environmental Impact Report (“Final PEIR”) for the Project, dated August 2014, which contains comments upon the Draft PEIR and responses thereto, as well as changes and additions to the Draft PEIR text; and

WHEREAS, the Draft PEIR and the Final PEIR collectively make up the Environmental Impact Report (“EIR”) for the Project; and

WHEREAS, the Draft PEIR and Final PEIR were prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code, Sections 21000 et seq., and the Guidelines for Implementation of CEQA, 14 California Code of Regulations, Sections 15000 et seq. (the “CEQA Guidelines”); and

WHEREAS, the Planning Commission held a noticed study session on July 31, 2014, and a noticed public hearing on August 14, 2014, to consider the EIR, Development Code and General Plan update. Copies of the notices are attached as **Exhibit A-2**; and

WHEREAS, at the conclusion of the Planning Commission public hearing, the Planning Commission adopted Resolution No. 14-26, recommending that the City Council take the following actions, and making appropriate findings thereon:

1. Certify the EIR as adequate and completed in compliance with CEQA and the CEQA Guidelines.
2. Adopt the CEQA Statement of Facts and Findings as presented to them.
3. Adopt a Statement of Overriding Considerations substantially in the form as presented to them, with such modifications, additions or deletions as the City Council deems appropriate.
4. Adopt the Mitigation Monitoring Plan as presented to them, including the mitigation measures identified therein and as described in the EIR.

WHEREAS, the City Council held a noticed public hearing on August 25, 2014, to consider the Planning Commission’s recommendations and to consider the EIR, Development Code and General Plan update. Copies of the notice is attached as **Exhibit A-3**; and

WHEREAS, the City Council reviewed the record of proceedings, including the staff reports and other written records presented to, or otherwise made available to, the City Council on this matter, and considered all oral comments made during the public hearing; and

WHEREAS, the City Council independently reviewed and considered the EIR;  
and

WHEREAS, the City Council evaluated and considered all comments, written and oral, received from persons who reviewed the Draft PEIR or the Final PEIR, or otherwise commented on the Project; and

WHEREAS, the City Council has independently reviewed and considered the CEQA Statement of Facts and Findings (**Exhibit B-1**), the Statement of Findings Regarding Recirculation Pertaining to Revised Agricultural and Biological Mitigation Measures (**Exhibit B-2**), the Statement of Overriding Considerations (**Exhibit B-3**), and Mitigation Monitoring Plan (**Exhibit B-4**).

NOW, THEREFORE, the City Council of the City of Clovis adopts the foregoing recitals as true and correct and resolves as follows:

1. Finds that the EIR for the Project is adequate and has been completed in compliance with CEQA and the CEQA Guidelines.
2. Finds and declares that the EIR was presented to the City Council and that the City Council has independently reviewed and considered the information contained in the EIR prior to recommending approval of the Project.
3. Based upon its review of the EIR, finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the Project as described in the EIR, sets forth a reasonable range of alternatives to the Project, and represents the independent judgment of the City Council.
4. Finds that the Final EIR additions, clarifications, amplifications, modifications and other information in response to comments on the Draft PEIR are not significant new information as that term is defined under the provisions of CEQA or the CEQA Guidelines because such changes and additional information do not indicate that: (i) any new significant environmental impacts not already evaluated would result from the Project; (ii) there is any substantial increase in the severity of any environmental impact from the Project; (iii) any feasible mitigation measures considerably different from those previously analyzed in the Draft PEIR have been proposed that would lessen significant environmental impacts of the Project; or (iv) any feasible alternatives considerably different from those analyzed in the Draft PEIR have been proposed that would lessen the significant environmental impacts of the Project. **Exhibit B-2** contains additional findings regarding recirculation, with specific details regarding revised Agricultural Mitigation Measures 2-

1, 2-2, and 2-3, and Biological Mitigation Measures 4-1, 4-2, 4-3, 4-4, and 4-5. Accordingly the City Council hereby finds and determines that recirculation of the Final PEIR for further public review and comment is not warranted.

5. The City Council has balanced the benefits of the Project against the significant and unavoidable impacts associated with the Project, has considered all feasible mitigation measures, and has examined potentially feasible alternatives to the Project.
6. Finds that none of the project alternatives analyzed in the EIR meet the Project objectives to the same degree as the Project and none of the alternatives are environmentally preferable to the proposed Project.
7. Finds that, after considering all feasible mitigation measures and weighing the advantages and disadvantages of the Project, as proposed, with the project alternatives, including the significant and unavoidable impacts, the feasibility of project alternatives, and the “no project” alternative, the Project as proposed and described in the EIR may be approved.
8. Certifies the EIR as adequate and completed in compliance with CEQA and the CEQA Guidelines.
9. Adopts the CEQA Statement of Facts and Findings set forth in **Exhibit B-1**, with such modifications, additions or deletions as the City Council deemed appropriate and reflected in the record.
10. Adopts the Statement of Findings Regarding Recirculation set forth in **Exhibit B-2**, with such modifications, additions or deletions as the City Council deemed appropriate and reflected in the record..
11. Adopts the Statement of Overriding Considerations set forth in **Exhibit B-3**, with such modifications, additions or deletions as the City Council deemed appropriate and reflected in the record.
12. Adopts the Mitigation Monitoring Plan set forth in **Exhibit B-4**, including the mitigation measures identified therein and as described in the EIR, with such modifications, additions or deletions as the City Council deemed appropriate and reflected in the record..
13. Directs that the record of proceedings be contained in the Department of Planning and Development Services located at 1033 5th Street, Clovis, CA 93612, and that the custodian of the record be the Assistant Planner, Bryan Araki, or other person designated by the Director of Planning and Development Services.

14. Authorizes the Director of Planning and Development Services, or his designee, to file a Notice of Determination for the Project in accordance with CEQA and to pay any fees required for such filing, including Department of Fish and Game fees.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on August 25, 2014, by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Date: \_\_\_\_\_, 2014

\_\_\_\_\_  
Lynne Ashbeck, Mayor

Attest:

\_\_\_\_\_  
John Holt, City Clerk

Exhibits:

- A-1: Notice of Availability of Draft PEIR
- A-2: Planning Commission Study Session and Public Hearing Notices
- A-3: City Council Public Hearing Notice
- B-1: CEQA Statement of Facts and Findings
- B-2: Statement of Findings Regarding Recirculation
- B-3: Statement of Overriding Considerations
- B-4: Mitigation Monitoring Plan

FILED  
E20121000072  
JUN 23 2014



FRESNO COUNTY CLERK  
By *A. Gonzalez*  
DEPUTY

**CORRECTED NOTICE OF COMPLETION & AVAILABILITY  
OF DRAFT PROGRAM ENVIRONMENTAL IMPACT  
REPORT (SCH # 2012061069) FOR THE CITY OF CLOVIS  
GENERAL PLAN AND DEVELOPMENT CODE UPDATE**

**NOTICE OF SCHEDULE FOR PLANNING COMMISSION  
AND COUNCIL CONSIDERATION OF CLOVIS GENERAL  
PLAN AND DEVELOPMENT CODE UPDATE**

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**TO:** Reviewing Agencies and Other Interested Parties

**SUBJECT:** Notice of Completion and Availability of the Draft Program Environmental Impact Report (SCH# 2012061069) for the City of Clovis General Plan and Development Code Update

**LEAD AGENCY:** City of Clovis  
1033 Fifth Street  
Clovis, CA 93612

**CONTACT:** Dwight Kroll, AICP, Director of Planning and Development Services

**DRAFT PEIR REVIEW PERIOD:** June 24, 2014 to August 8, 2014

**SCHEDULE:** July 31, 2014: Planning Commission Study Session  
August 14, 2014: Planning Commission Public Hearing  
August 25, 2014: City Council Public Hearing (Tentative)

**CORRECTION:** Original Notice of Completion and Availability did not identify as a significant unavoidable adverse environmental impact the following environmental category: hydrology and water quality (groundwater use).

Pursuant to the State of California Public Resources Code Section 21165 and the "Guidelines for Implementation of the California Environmental Quality Act" as amended to date, as Lead Agency, the City of Clovis is circulating for public review a Draft Program Environmental Impact Report (PEIR) for the proposed City of Clovis General Plan and Development Code Update.

**Project Title:** City of Clovis General Plan and Development Code Update

**Project Location:** The City is in the central portion of Fresno County, approximately 6.5 miles northeast of the City of Fresno downtown area. The City is surrounded by portions of unincorporated Fresno County to the north, east, and south and by the City of Fresno to the west and southwest. The City, its sphere of influence (SOI), and specific areas beyond the City and its SOI are defined and referred to herein as the Plan Area. At the local level, the Plan Area is generally bound by Copper Avenue on the north, Willow Avenue on the west, Academy Avenue on the east, and Shields Avenue on the south. State Route 168 (SR-168) bisects the City from the southwest to the northeast. These boundaries are roughly the same as those established in the current General Plan, which was adopted in 1993.

**Project Description:** The proposed project is an update to the City of Clovis General Plan and Development Code. The Clovis General Plan Update is intended to shape development within the Plan Area through 2035 and beyond, while the update to the Development Code is intended to consolidate and compile amendments adopted since the 1970s into a reorganized and reformatted document that also reflects changes to the General Plan.

***General Plan Update***

The General Plan Update involves a revision to the land use map and all elements except Housing, and adds a new Economic Development Element. The General Plan Update would consist of the following elements: Land Use, Circulation, Community Facilities (previously Public Facilities), Open Space/Conservation, Safety, Noise, Air Quality, and Economic Development.

***Development Code Update***

The Development Code Update will reflect the changes to the General Plan and the revised land use and zoning designations. The update will also compile existing information and past code amendments in an easy-to-reference manner; provide a procedures guide; update land uses to contemporary standards; and propose limited land use and development standard policy modifications.

The Draft PEIR indicates there may be significant unavoidable adverse environmental impacts associated with the following environmental categories: agricultural resources, air quality, cultural resources (historic resources), greenhouse gas emissions, hydrology and water quality (groundwater use), noise, population and housing (population growth), transportation and traffic, and utilities and service systems (water supply). Upon compliance with regulatory requirements and recommended mitigation measures (as appropriate), all other environmental impacts were found to be less than significant.

**Notice of Completion & Availability:** The Draft PEIR will be available for a 45-day public review period beginning on **Tuesday, June 24, 2014 and ending on Friday August 8, 2014**. All interested parties are invited to submit written comments on the Draft PEIR for consideration by the Planning Commission and City Council. Due to the time limits mandated by state law, comments on the Draft PEIR are required to be received during the 45 day review period from **June 24, 2014 through August 8, 2014**. Agencies should provide the name of a contact person with their response.

Copies of the document are available for review at the City of Clovis Planning Division, 1033 Fifth Street, Clovis, CA 93612. The document can also be accessed online at: [www.clovisgeneralplan.com](http://www.clovisgeneralplan.com). Additionally, a copy of the document is available for review at the following public library:

Clovis Regional Library  
1155 Fifth Street  
Clovis, CA 93612

All comments and responses to this notice should be submitted in writing to:

Dwight Kroll, AICP, Director of Planning and Development Services  
City of Clovis  
1033 Fifth Street  
Clovis, CA 93612

The City will also accept responses to this **Notice of Completion and Availability** submitted via email received through the close of business on **August 8, 2014**. Email responses to this notice may be sent to

[dwightk@cityofclovis.com](mailto:dwrightk@cityofclovis.com). For additional information, please contact Mr. Kroll at (559) 324-2340 or at the aforementioned email.

**NOTICE OF SCHEDULE FOR CONSIDERATION  
NOTICE OF PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN** that on **Thursday, July 31, 2014, at 6:00 p.m.**, the Clovis Planning Commission will conduct a study session to review the Draft General Plan and Draft Development Code Update documents, along with the Draft PEIR. The study session will be held in the Council Chamber of the Clovis Civic Center, 1033 Fifth Street, Clovis, CA 93612.

On **Thursday, August 14, 2014, at 6:00 p.m.**, the Clovis Planning Commission will hold a public hearing to consider the Draft General Plan and Draft Development Code Update, along with the associated Draft PEIR and Final PEIR, if available. The public hearing will be in the Council Chamber of the Clovis Civic Center, 1033 Fifth Street, Clovis, CA 93612. At the conclusion of the public hearing, the Planning Commission will make recommendations to the City Council regarding certification of the PEIR and adoption of the General Plan and Development Code Update.

On **Monday August 25, 2014, at 6:00 p.m.**, the Clovis City Council is tentatively scheduled to hold a public hearing to consider the Draft General Plan and Draft Development Code Update, the associated Draft PEIR and Final PEIR, and the Planning Commission's recommendation thereon. The public hearing will be in the Council Chamber of the Clovis Civic Center, 1033 Fifth Street, Clovis, CA 93612. Further notice of this hearing will be provided after the Planning Commission's public hearing.

All interested parties are invited to comment in writing to the Planning Division by no later than 3:00 p.m. on the dates scheduled for the study session and public hearings and/or to appear at the study session and hearings described above to present testimony in regard to the above listed request. Questions regarding this item should be directed to Dwight Kroll, Director of Planning and Development Services at (559) 324-2340.

**NOTE: If you challenge a project in court, you may be limited to raising only those issues you or someone else raised at the study session and public hearings described in this notice, or in written correspondence delivered to the City at, or prior to, the study session and public hearings.**

If you would like to view the Planning Commission and City Council Agendas and Staff Reports, please visit the City of Clovis Website at [www.cityofclovis.com](http://www.cityofclovis.com).

Dwight D. Kroll, AICP, Planning and Development Services Director

PUBLISH: Original Notice: Monday, June 23, 2014, The Business Journal.

Corrected Notice: Wednesday, June 25, 2014, The Business Journal.

## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that on **Thursday, August 14, 2014, at 6:00 p.m.**, the Clovis Planning Commission will hold a public hearing to consider the Draft General Plan and Draft Development Code Update, along with the associated Draft Program Environmental Impact Report (PEIR) and Final PEIR, if available. The public hearing will be in the Council Chamber of the Clovis Civic Center, 1033 Fifth Street, Clovis, CA 93612. At the conclusion of the public hearing, the Planning Commission will make recommendations to the City Council regarding certification of the PEIR and adoption of the General Plan and Development Code Update.

All interested parties are invited to comment in writing to the Planning Division by no later than 3:00 p.m. on August 14, 2014, and/or to appear at the hearing described above to present testimony in regard to the above listed requests. Questions regarding these items should be directed to Dwight Kroll, Director of Planning and Development Services at (559) 324-2340.

If you would like to view the Planning Commission Agenda and Staff Reports, please visit the City of Clovis Website at [www.cityofclovis.com](http://www.cityofclovis.com).

If you challenge a project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing.

Dwight D. Kroll, AICP, Planning and Development Services Director  
PUBLISH: Friday, August 1, 2014, The Business Journal

## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that on **Thursday, July 31, 2014, at 6:00 p.m.**, the Clovis Planning Commission will conduct a study session to review the Draft General Plan and Draft Development Code Update documents, along with the Draft Program Environmental Impact Report (PEIR). The study session will be held in the Council Chamber of the Clovis Civic Center, 1033 Fifth Street, Clovis, CA 93612.

All interested parties are invited to comment in writing to the Planning Division by no later than 3:00 p.m. on July 31, 2014, and/or to appear at the hearing described above to present testimony in regard to the above listed requests. Questions regarding these items should be directed to Dwight Kroll, Director of Planning and Development Services at (559) 324-2340.

If you would like to view the Planning Commission Agenda and Staff Reports, please visit the City of Clovis Website at [www.cityofclovis.com](http://www.cityofclovis.com).

If you challenge a project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing.

Dwight D. Kroll, AICP, Planning and Development Services Director  
PUBLISH: Friday, July 18, 2014, The Business Journal

**NOTICE OF PUBLIC HEARING  
CITY OF CLOVIS GENERAL PLAN AND DEVELOPMENT CODE UPDATE**

**NOTICE IS HEREBY GIVEN** that on **Monday August 25, 2014, at 6:00 p.m.**, the Clovis City Council is scheduled to hold a public hearing to consider the Draft 2014 General Plan and Draft Development Code Update, along with the associated Program Environmental Impact Report, which consists of the Draft PEIR and Final PEIR, and the Planning Commission's recommendations thereon. The public hearing will be held in the Council Chamber of the Clovis Civic Center, 1033 Fifth Street, Clovis, CA 93612.

The Planning Commission recommends that the City Council:

(1) Certify the Final PEIR for the General Plan and Development Code Update, adopt the CEQA Findings of Fact and a Statement of Overriding Considerations, and adopt a Mitigation Monitoring Program.

(2) Approve the 2014 Clovis General Plan and retire the following Specific Plans as no longer needed or otherwise subsumed within the 2014 General Plan:

- Northwest Area Specific Plan
- Clovis Corridor Plan
- Magill Heights Specific Plan
- East Sierra Specific Plan
- Temperance/Locan Specific Plan
- Southeast Area Specific Plan

(3) Approve the new Clovis Development Code.

(4) Adopt the City Engineer approved City of Clovis Traffic Impact Study Guidelines.

All interested parties are invited to comment in writing to the Planning Division by no later than 3:00 p.m. on August 25, 2014, and/or to appear at the hearing described above to present testimony in regard to the above listed requests. Questions regarding these items should be directed to Dwight Kroll, Director of Planning and Development Services at (559) 324-2340.

If you would like to view the referenced documents or the City Council Agenda and Staff Reports, please visit the City of Clovis Website at [www.cityofclovis.com](http://www.cityofclovis.com).

If you challenge a project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing.

Dwight D. Kroll, AICP, Planning and Development Services Director  
PUBLISH: Friday, August 15, 2014, The Business Journal

limited amount of development beyond these focused areas of development. For analytical purposes, the 2035 scenario projections include the following by subarea:

- Loma Vista: 9,000 housing units
  - Northwest Urban Village Center: 4,100 housing units
  - Northeast Urban Village Center: 4,200 housing units.
- **Full Buildout.** This scenario assumes full buildout of the projected land uses within the entire Plan Area.

**Table 1 Proposed Project Buildout Statistical Summary**

Scenario	Acres	Units	Household	Population	Employment <sup>1</sup>	Building SF
<b>Existing Conditions (2013)</b>	<b>47,805</b>	<b>42,000</b>	<b>40,500</b>	<b>115,000</b>	<b>31,500<sup>a</sup></b>	<b>13,050,000</b>
City Boundary	14,859	36,500	35,000	100,000	30,000	12,600,000
SOI	5,633	2,000	2,000	6,000	1,000	200,000
Non-SOI Plan Area	27,313	3,500	3,500	9,000	500	210,000
<b>Proposed General Plan Update (2035 Scenario)</b>	<b>47,805</b>	<b>67,200</b>	<b>63,900</b>	<b>184,100</b>	<b>62,400</b>	<b>37,410,000</b>
City Boundary	14,859	45,400	43,100	124,400	50,000	30,625,000
SOI	5,633	13,200	12,600	36,100	6,300	2,545,000
Non-SOI Plan Area	27,313	8,600	8,200	23,600	6,100	4,240,000
<b>Proposed General Plan Update (Full Buildout)</b>	<b>47,805</b>	<b>107,100</b>	<b>101,800</b>	<b>294,300</b>	<b>106,900</b>	<b>51,300,000</b>
City Boundary	14,859	46,000	43,700	126,800	63,200	32,300,000
SOI	5,633	22,600	21,500	61,800	15,000	7,700,000
Non-SOI Plan Area	27,313	38,500	36,600	105,700	28,700	11,300,000

Notes: SF = square feet

<sup>1</sup> At the time this Draft PEIR was prepared, the most recent employment data was for 2011.

## Development Code Update

The Development Code Update reflects the changes to the General Plan and the revised land use and zoning designations. The update also compiles existing information and past code amendments in an easy-to-reference manner; provides a procedures guide; updates land uses to contemporary standards; and proposes limited land use and development standard policy modifications.

### B. PROJECT OBJECTIVES

The following objectives, which are associated with the Guiding Principles adopted by the Clovis City Council in June 2012, have been established for the proposed Clovis General Plan and Development Code Update:

1. Preserve the authenticity of Old Town and plan new development that creates a sense of community and place.
2. Preserve the character and quality of life of existing residential neighborhoods.

3. Accommodate 80 years of growth in the Clovis Planning Area in a sustainable urban development pattern.
4. Develop complete communities in urban centers that accommodate growth while maintaining the small town character and feel of Clovis.
5. Balance residential growth with employment generating development to ensure fiscal sustainability.
6. Create housing, employment, and lifestyle opportunities for all ages and incomes of residents.
7. Use and design public open space resources for trails, parks, and recreation.

### **C. ENVIRONMENTAL REVIEW PROCESS**

In conformance with CEQA, the State CEQA Guidelines, and the City of Clovis CEQA Guidelines, the City of Clovis conducted an extensive environmental review of the proposed project.

- The City of Clovis determined that an EIR would be required for the proposed project and issued a Notice of Preparation (NOP) and Initial Study on June 20, 2012. The public review period extended from June 20, 2012, to July 19, 2012.
- Based upon the Initial Study and Environmental Checklist Form, the City of Clovis staff determined that a Draft Program EIR (PEIR) should be prepared for the proposed project. The scope of the Draft PEIR was determined based on the City's Initial Study, comments received in response to the NOP, and comments received at the scoping meeting conducted by the City. Section 2.3 of the Draft PEIR describes the issues identified for analysis in the DEIR.
- The City of Clovis prepared a Draft PEIR, which was made available for a 45-day public review period beginning June 24, 2014, and ending August 8, 2014.
- The City prepared a Final EIR (FEIR), including the Responses to Comments to the Draft PEIR, these Findings of Fact, and the Statement of Overriding Considerations. The FEIR/Response to Comments contains comments on the Draft PEIR, responses to those comments, revisions to the Draft PEIR, and appended documents.
- The City held public hearings on the proposed project, including a Planning Commission hearing on August 14, 2014, and a City Council Hearing on August 25, 2014.

### **D. RECORD OF PROCEEDINGS**

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The NOP and all other public notices issued by the City in conjunction with the proposed project
- The FEIR for the proposed project
- The Draft PEIR

- All written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR
- All written and verbal public testimony presented during a noticed public hearing for the proposed project
- The Mitigation Monitoring and Reporting Program
- The reports and technical memoranda included or referenced in the Response to Comments
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft PEIR and FEIR
- The Resolutions adopted by the City in connection with the proposed project, and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto
- Matters of common knowledge to the City, including but not limited to federal, state, and local laws and regulations
- Any documents expressly cited in these Findings
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e)

## **E. CUSTODIAN AND LOCATION OF RECORDS**

The documents and other materials that constitute the administrative record for the City's actions related to the project are at the City of Clovis, 1033 Fifth Street, Clovis, CA 93612. The City's Department of Planning and Development Services is the custodian of the administrative record for the project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the offices of the Department of Planning and Development Services. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

## **F. FINDINGS AND FACTS AND OVERRIDING CONSIDERATIONS**

The City of Clovis, as lead agency, is required under CEQA to make written findings concerning each alternative and each significant environmental impact identified in the Draft PEIR and FEIR.

Specifically, regarding findings, Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.
  2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
  3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in Section 15091(a)(1) may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

- (e) Compensating for the impact by replacing or providing substitute resources or environments.

## II. FINDINGS AND FACTS REGARDING IMPACTS

This section of the document is divided into the following parts:

- Part A, *Impacts Determined to Be Less Than Significant*, presents the impacts of the proposed project that were determined in the Initial Study and Draft PEIR to be less than significant without the addition of mitigation measures.
- Part B, *Impacts Mitigated to Less Than Significant*, presents significant impacts of the proposed project that were identified in the Draft PEIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program, and the rationales for the findings.
- Part C, *Significant Unavoidable Impacts*, presents significant impacts of the proposed project that were identified in the Draft PEIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program, the findings for significant impacts, and the rationales for the findings.

### A. IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT

#### Initial Study

An Initial Study was prepared by the City of Clovis to identify the potential significant effects of the project. As a result of the project scoping process, including the NOP circulated by the City on June 20, 2012, in connection with preparation of the Initial Study; the preparation of the Draft PEIR; and the public scoping meeting held on June 27, 2012, the City determined, based upon the threshold criteria for significance, that the project would have no impact or a less than significant impact on the following potential environmental issues, and therefore determined that these potential environmental issues would not be addressed in the Draft PEIR. Based upon the environmental analysis presented in the Draft PEIR and the comments received by the public on the Draft PEIR, no substantial evidence was submitted to or identified by the City that indicated that the project would have an impact on the following environmental areas:

- (a) **Agriculture and Forestry Resources:** The Plan Area does not have areas zoned as forest land, timberland, or timberland. Therefore, no impacts would occur to forest resources.
- (b) **Biological Resources:** The General Plan Update would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy.
- (c) **Geology and Soils:** There are no Alquist-Priolo fault zones in or near the Plan Area; the closest Alquist-Priolo fault is the San Andreas Fault, which is approximately 80 miles southwest of the Plan Area. In addition, the Plan Area is subject to relatively low seismic hazards. Impacts would be less than significant.

#### Draft PEIR

This section identifies impacts of the proposed project determined to be less than significant without implementation of project-specific mitigation measures. This determination assumes compliance with

Existing Regulations and proposed General Plan Update Policies as detailed in Chapter 5 of the Draft PEIR.

- (a) **Aesthetics:** The proposed project would not substantially alter or damage scenic vistas in the Plan Area or along a state scenic highway. In addition, development in accordance with the General Plan Update would alter the visual appearance of the Plan Area and generate additional light and glare; however, compliance with existing regulations would ensure impacts would be less than significant for both 2035 and Full Buildout Scenarios.
- (b) **Agriculture and Forestry Resources:** Buildout of the General Plan Update under the 2035 and Full Buildout Scenarios could impact riparian forests associated with portions of Dry Creek, Dog Creek, and Redbank Slough; however, compliance with existing regulations related to CDFW permitting would reduce impacts to less than significant.
- (c) **Biological Resources:** Development pursuant to the General Plan Update would not impact wildlife movement corridors. Further, there are no habitat conservation plans (HCPs) or natural community conservation plans (NCCPs) in effect in the Plan Area; thus, the proposed project would not conflict with any such plan. Impacts would be less than significant for both 2035 and Full Buildout Scenarios.
- (d) **Cultural Resources:** The proposed project could potentially disturb human remains, but compliance with existing regulations mitigates this impact to less than significant under both 2035 and Full Buildout Scenarios.
- (e) **Geology and Soils:** Under both the 2035 and Full Buildout Scenarios, development in accordance with the General Plan Update would not subject people or structures to substantial hazards from liquefaction, earthquake-induced ground settlement, landslides, ground subsidence, or expansive soils. In addition, compliance with existing regulations would ensure any substantial soil erosion would be adequately regulated. The use of septic tanks would also be planned with existing regulations to ensure impacts remain less than significant.
- (f) **Greenhouse Gas Emissions:** The proposed project would not conflict with any applicable plan, policy, or regulation related to reducing greenhouse gas emissions (i.e., the California Air Resource Board Scoping Plan or Fresno Council of Government's proposed 2014–2040 Regional Transportation Plan/Sustainable Communities Strategy [RTP/SCS]) under the 2035 and Full Buildout Scenarios.
- (g) **Hazards and Hazardous Materials:** Compliance with existing regulations would ensure that future development projects under both the 2035 and Full Buildout Scenarios: are not located on sites included on a list of hazardous materials; adequately manage the transport, use, and/or disposal of hazardous materials; do not conflict with safety compatibility zones designated in the Airport Land Use Compatibility Plan (ALUCP) for the Fresno Yosemite International Airport; do not interfere with the implementation of an emergency response or evacuation plan; or do not expose people or structures to significant hazards from wildland fires.
- (h) **Hydrology and Water Quality:** Under the 2035 and Full Buildout Scenarios, the proposed project would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality. In addition, future developments would not alter

existing drainage patterns that would result in erosion or flooding, contribute exceeding amounts of runoff water into the City's stormwater drainage system, or place housing or structures within a 100-year flood hazard area. The City also would not be subject to inundation by tsunami or mudflow, and inundation by seiche would present a very low risk. Impacts overall would be less than significant.

- (i) **Land Use and Planning:** Under the 2035 and Full Buildout Scenarios, the proposed project would not divide an established community, conflict with any applicable land use plan, policy, or regulation (e.g., California Complete Streets Act, Fresno Yosemite International ALUCP, Fresno COG RTP, and San Joaquin Valley Blueprint) or conflict with any applicable HCP/NCCPs.
- (j) **Mineral Resources:** The proposed project would not result in the loss of availability of a known mineral resource in the Plan Area under either the 2035 or Full Buildout Scenarios.
- (k) **Noise:** Noise-sensitive uses developed as part of the proposed land use plan would not be exposed to elevated noise levels from traffic noise or stationary sources nor would they be exposed to substantial levels of aircraft noise.
- (l) **Population and Housing:** Buildout of the General Plan Update would not result in a substantial population growth under the 2035 Scenario. In addition, people and housing would not be displaced by development in accordance with the proposed project under either the 2035 or Full Buildout Scenarios.
- (m) **Public Services:** The proposed project would not adversely affect school and library services under either the 2035 or Full Buildout Scenarios.
- (n) **Recreation:** The proposed project would provide adequate parkland acreage for the City's population. In addition, future construction or expansion of recreational facilities would not have an adverse effect on the environment. Recreation impacts would be less than significant under the 2035 and Full Buildout Scenarios.
- (o) **Transportation and Traffic:** Under the 2035 and Full Buildout Scenarios, development in accordance with the proposed project would not conflict with an existing transportation plan, ordinance, or policy; result in air traffic pattern changes; substantially increase hazards due to circulation features or land use changes; result in inadequate emergency access; or conflict with an adopted transit, bicycle, or pedestrian plan.
- (p) **Utilities and Service Systems:** The proposed project would have less than significant impacts to wastewater services, storm drainage systems, solid waste, and other utilities (i.e., natural gas and electricity) under the 2035 and Full Buildout Scenarios.

## **B. IMPACTS MITIGATED TO LESS THAN SIGNIFICANT**

### **1. Air Quality**

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**Impact 5.3-4:** Buildout of the proposed General Plan Update could site sensitive land uses near pollution sources and therefore expose sensitive receptors to substantial pollutant concentrations.

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**Finding 1** – Mitigation Measure 3-4 would reduce pollutant concentration impacts to sensitive receptors and avoid the significant environmental effect identified in the Draft PEIR. Thereby, the City makes Finding 1, and impacts are mitigated to less than significant levels.

#### **Facts in Support of Finding**

Mitigation Measure 3-4 would require project applicants for sensitive land uses to prepare a health risk assessment (HRA) to the City prior to future discretionary project approval. The HRA would indicate any potential health risks (e.g., cancer risks, air quality) on the project site and provide mitigation measures, which would be incorporated into the development plan as a component of the proposed project. Thus, future sensitive land use developments near pollution sources would be protected from potential health risks. Impacts would be less than significant for both 2035 and Full Buildout Scenarios.

#### **Mitigation Measure**

The following mitigation measure is included in the Draft PEIR and the FEIR, and is applicable to the proposed project.

3-4 Prior to discretionary project approval, the City of Clovis shall evaluate new development proposals for sensitive land uses (e.g., residential, schools, day care centers) within the City for potential incompatibilities with regard to the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective* (April 2005). Applicants for sensitive land uses that are within the recommended buffer distances shall submit a health risk assessment (HRA) to the City of Clovis prior to future discretionary project approval. The HRA shall be prepared in accordance with policies and procedures of the state Office of Environmental Health Hazard Assessment (OEHHA) and the San Joaquin Valley Air Pollution Control District (SJVAPCD). The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children age 0 to 6 years. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), the appropriate noncancer hazard index exceeds 1.0, or the thresholds established by the SJVAPCD at the time a project is considered, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and noncancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms.

Measures to reduce risk impacts may include but are not limited to the following:

- Placement of air intakes away from high-volume roadways and/or truck loading zones.

- Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized maximum efficiency rating value (MERV) filters.
- Heating, ventilation, and air conditioning systems for units that are installed with MERV filters shall maintain positive pressure within the building's filtered ventilation system to reduce infiltration of unfiltered outdoor air.
- Mitigation measures identified in the HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of the proposed project. The air intake design and MERV filter requirements shall be noted and/or reflected on all building plans submitted to the City and shall be verified by the City's Planning Division.

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**Impact 5.3-5: Buildout of new industrial and commercial land uses under the proposed General Plan Update could expose sensitive receptors to substantial toxic air contaminant concentrations.**

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**Finding 1** – Mitigation Measure 3-5 would reduce toxic air contaminant concentration impacts to sensitive receptors and avoid the significant environmental effect identified in the Draft PEIR. Thereby, the City makes Finding 1, and impacts are mitigated to less than significant levels.

### **Facts in Support of Finding**

Review of projects by the San Joaquin Valley Air Pollution Control District (SJVAPCD) for permitted sources of air toxics (e.g., industrial facilities, dry cleaners, and gasoline dispensing facilities) would ensure health risks are minimized. Implementation of Mitigation Measure 3-5 would ensure sources of toxic air contaminants not covered under SJVAPCD permits (i.e., nonpermitted facilities) are considered during subsequent project-level environmental review and that health risk impacts are minimized as necessary. Therefore, Impact 5.3-5 would be less than significant for both 2035 and Full Buildout Scenarios.

### **Mitigation Measure**

The following mitigation measure is included in the Draft PEIR and the FEIR, and is applicable to the proposed project.

3-5 Prior to discretionary project approval, applicants for industrial or warehousing land uses in addition to commercial land uses that would generate substantial diesel truck travel (i.e., 100 diesel trucks per day or 40 or more trucks with diesel-powered transport refrigeration units per day based on the California Air Resources Board recommendations for siting new sensitive land uses), shall contact the San Joaquin Valley Air Pollution Control District (SJVAPCD) or the City of Clovis in conjunction with the SJVAPCD to determine the appropriate level of health risk assessment (HRA) required. If preparation of an HRA is required, all HRAs shall be submitted to the City of Clovis.

The HRA shall be prepared in accordance with policies and procedures of the state Office of Environmental Health Hazard Assessment and the San Joaquin Valley Air Pollution Control District (SJVAPCD). If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06) or the risk thresholds in effect at the

time a project is considered, the appropriate noncancer hazard index exceeds 1.0, or the thresholds as determined by the SJVAPCD at the time a project is considered, the applicant will be required to identify and demonstrate that measures are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms.

Measures to reduce risk impacts may include but are not limited to:

- Restricting idling onsite beyond Air Toxic Control Measures idling restrictions, as feasible
- Electrifying warehousing docks
- Requiring use of newer equipment and/or vehicles
- Restricting offsite truck travel through the creation of truck routes
- Measures identified in the HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of the proposed project.

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**Impact 5.3-6:** Development of new industrial land uses associated with buildout of the proposed General Plan Update have the potential to create objectionable odors that could affect a substantial number of people.

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**Finding 1** – Mitigation Measure 3-6 would reduce objectionable odor impacts of new industrial land uses and avoid the significant environmental effect identified in the Draft PEIR. Thereby, the City makes Finding 1, and impacts are mitigated to less than significant levels.

### **Facts in Support of Finding**

Mitigation Measure 3-6 would ensure that projects identified by SJVAPCD as having the potential to emit nuisance odors beyond property lines mitigate odor impacts through adherence to an odor management plan and compliance with SJVAPCD Rule 4102. Therefore, Impact 5.3-6 would be less than significant for both 2035 and Full Buildout Scenarios.

### **Mitigation Measure**

The following mitigation measure is included in the Draft PEIR and the FEIR, and is applicable to the proposed project.

3-6 Prior to project approval, if it is determined during project-level environmental review that a project has the potential to emit nuisance odors beyond the property line, an odor management plan shall be prepared and submitted by the project applicant prior to project approval to ensure compliance with San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 4102. The following facilities that are within the buffer distances specified from sensitive receptors (in parentheses) have the potential to generate substantial odors:

- Wastewater Treatment Plan (2 miles)

- Sanitary Landfill (1 mile)
- Transfer Station (1 mile)
- Composting Facility (1 mile)
- Petroleum Refinery (2 miles)
- Asphalt Batch Plant (1 mile)
- Chemical Manufacturing (1 mile)
- Fiberglass Manufacturing (1 mile)
- Painting/Coating Operations (1 mile)
- Food Processing Facility (1 mile)
- Feed Lot/ Dairy (1 mile)
- Rendering Plant (1 mile)

The Odor Management Plan prepared for these facilities shall identify control technologies that will be utilized to reduce potential odors to acceptable levels, including appropriate enforcement mechanisms. Control technologies may include but are not limited to scrubbers (e.g., air pollution control devices) at an industrial facility. Control technologies identified in the odor management plan shall be identified as mitigation measures in the environmental document and/or incorporated into the site plan.

## 2. Biological Resources

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**Impact 5.4-1: Developments pursuant to the General Plan Update could impact plant species listed as endangered or threatened under the federal and/or California endangered species acts and/or by the California Native Plant Society.**

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**Finding 1** – Mitigation Measures 4-1 through 4-5 would reduce impacts to endangered or threatened plant species and avoid the significant environmental effect identified in the Draft PEIR. Thereby, the City makes Finding 1, and impacts are mitigated to less than significant levels.

### Facts in Support of Finding

Mitigation Measures 4-1 through 4-5 would require development projects with the potential to impact biological resources to prepare a biological report, which may consist of reconnaissance level field surveys, focused surveys, project design features, and mitigation measures to reduce biological impacts. Therefore, impacts are less than significant under both the 2035 and Full Buildout Scenarios.

### Mitigation Measures

The following mitigation measures are included in the Draft PEIR and the FEIR, and are applicable to the proposed project.

#### 4-1 Biological Assessment and Focused Surveys

The City shall require applicants for future development or redevelopment projects that disturb vegetated, vacant land to prepare a biological resources survey. The survey shall be conducted by a qualified biologist. The biological resources survey shall include, but not be limited to:

- Analysis of available literature and biological databases, such as the California Natural Diversity Database, to determine sensitive biological resources that have been reported historically from the proposed development project vicinity.
- Review of current land use and land ownership within the proposed development project vicinity.
- Assessment and mapping of vegetation communities present within the proposed development project vicinity.
- General assessment of potential jurisdictional areas, including wetlands and riparian habitats.
  - a) If the proposed development project site supports vegetation communities that may provide habitat for special status plant or wildlife species, a focused habitat assessment shall be conducted by a qualified biologist to determine the potential for special status plant and/or animal species to occur within or adjacent to the proposed development project area.
  - b) If one or more special status species has the potential to occur within the proposed development project area, focused species surveys shall be conducted to determine the presence/absence of these species to adequately evaluate potential direct and/or indirect impacts to these species.
  - c) If construction activities are not initiated immediately after focused surveys have been completed, additional preconstruction special status species surveys may be required, in accordance with the California Endangered Species Act and Federal Endangered Species Act, to assure impacts are avoided or minimized to the extent feasible. If preconstruction activities are required, a qualified biologist will perform these surveys as required for each special status species that is known to occur or has a potential to occur within or adjacent to the proposed development project area.

The results of the biological survey shall be presented in a biological resources survey letter report (for proposed development projects with no significant impacts) or biological resources technical report (for proposed development projects with significant impacts that require mitigation to reduce the impacts to below a level of significance) and submitted to the City's Planning Director.

4-2

#### **Resource Impact Avoidance/Minimization**

Project applicants shall avoid potential impacts to sensitive or protected biological resources. Avoidance may include:

- Establishing appropriate no-disturbance buffers (consultation with relevant regulatory agencies may be required to establish suitable buffer areas);
- Initiating construction at a time when special status or protected animal species will not be vulnerable to project-related mortality (e.g., outside the avian nesting season or bat maternal or wintering roosting season);

- Minimizing impact by measures such as :
  - exclusion and/or silt fencing
  - relocation of impacted resources
  - construction monitoring by a qualified biologist
  - a training program by a qualified biologist for construction personnel on sensitive biological resources.

4-4      **Compensatory Mitigation**

If project-related impacts cannot be avoided or minimized to less than significant in accordance with Mitigation Measure 4-3, feasible, compensatory mitigation shall be developed by a qualified biologist and implemented to reduce impacts to sensitive or protected biological resources. Mitigation may include but is not limited to:

- Compensation for lost habitat or waters in the form of preservation or creation of in-kind habitat or waters, either onsite or offsite, protected by conservation easement;
- Purchase of appropriate credits from an approved mitigation bank servicing the Clovis General Plan Update Area;
- Payment of in-lieu fees.

4-5      **Jurisdictional Wetlands**

The City shall require applicants of development projects that have the potential to affect jurisdictional resources, to contract with a qualified biologist to conduct a jurisdictional delineation following the methods outlined in the US Army Corps of Engineers' Wetland Delineation Manual to map the extent of wetlands and nonwetland waters, determine jurisdiction, and assess potential impacts. The results of the delineation shall be presented in a wetland delineation letter report and shall be incorporated into the CEQA document(s) required for approval and permitting of the proposed development project.

Applicants of development projects that have the potential to impact jurisdictional features shall obtain permits and authorizations from the US Army Corps of Engineers, California Department of Fish and Wildlife, and/or Central Valley Regional Water Quality Control Board. The agency authorization would include impact avoidance and minimization measures as well as mitigation measures for unavoidable impacts. Specific avoidance, minimization, and mitigation measures for impacts to jurisdictional resources shall be determined through discussions with the regulatory agencies during the proposed development project permitting process and may include monetary contributions to a mitigation bank or habitat creation, restoration, or enhancement.

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**Impact 5.4-2: Development pursuant to the General Plan Update could impact animal species listed as endangered or threatened under the federal and/or California endangered species acts.**

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**Finding 1** – Mitigation Measures 4-1 through 4-5 above would reduce impacts to endangered or threatened animal species and avoid the significant environmental effect identified in the Draft PEIR. Thereby, the City makes Finding 1, and impacts are mitigated to less than significant levels.

**Facts in Support of Finding**

Mitigation Measures 4-1 through 4-5 would require development projects with the potential to impact biological resources to prepare a biological report, which may consist of reconnaissance level field surveys, focused surveys, project design features, and mitigation measures to reduce biological impacts. Therefore, impacts are less than significant under both the 2035 and Full Buildout Scenarios.

**Mitigation Measures**

See Mitigation Measures 4-1 through 4-5 above.

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**Impact 5.4-3: Buildout of the General Plan Update could impact animal species listed by the California Department of Fish and Wildlife as California Species of Special Concern or California Fully Protected Animals.**

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**Finding 1** – Mitigation Measures 4-1 through 4-5 above would reduce impacts to animal species listed as species of special concern or as fully protected animals by the California Department of Fish and Wildlife (CDFW) and avoid the significant environmental effect identified in the Draft PEIR. Thereby, the City makes Finding 1, and impacts are mitigated to less than significant levels.

**Facts in Support of Finding**

Mitigation Measures 4-1 through 4-5 would require development projects with the potential to impact biological resources to prepare a biological report, which may consist of reconnaissance level field surveys, focused surveys, project design features, and mitigation measures to reduce biological impacts. Therefore, impacts are less than significant under both the 2035 and Full Buildout Scenarios.

**Mitigation Measures**

See Mitigation Measures 4-1 through 4-5 above.

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**Impact 5.4-4: Developments pursuant to the General Plan Update could impact sensitive natural communities, including vernal pools and riparian habitats.**

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**Finding 1** – Mitigation Measures 4-1 through 4-5 above would reduce impacts to sensitive natural communities and avoid the significant environmental effect identified in the Draft PEIR. Thereby, the City makes Finding 1, and impacts are mitigated to less than significant levels.

### **Facts in Support of Finding**

Mitigation Measures 4-1 through 4-5 would require development projects with the potential to impact biological resources to prepare a biological report, which may consist of reconnaissance level field surveys, focused surveys, project design features, and mitigation measures to reduce biological impacts. Therefore, impacts are less than significant under both the 2035 and Full Buildout Scenarios.

### **Mitigation Measures**

See Mitigation Measures 4-1 through 4-5 above.

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#### **Impact 5.4-7: Buildout of the General Plan Update could impact migratory birds.**

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**Finding 1** – Mitigation Measure 4-6 would reduce impacts to migratory birds and avoid the significant environmental effect identified in the Draft PEIR. Thereby, the City makes Finding 1, and impacts are mitigated to less than significant levels.

### **Facts in Support of Finding**

Mitigation Measure 4-5 would require new developments within all suitable nesting habitats to conduct a pre-construction general nesting bird survey to assess potential impacts from project construction activities. If active nests of bird species covered by the Migratory Bird Treaty Act of 1918 (MBTA) are found, the development would be required to comply with MBTA regulations, including obtaining a U.S. Fish and Wildlife Services permit. Compliance with MBTA regulations and Mitigation Measure 4-5 would reduce impacts to less than significant under both the 2035 and Full Buildout Scenarios.

### **Mitigation Measure**

#### **4-5 Migratory Birds**

The City shall require applicants for new development projects to conduct a pre-construction general nesting bird survey within all suitable nesting habitats that may be impacted by active construction during the general avian breeding season (February 1 to August 31). The pre-construction surveys shall be conducted no more than fourteen days prior to initiation of construction. If no active avian nests are identified within the proposed development project area or within a 300-foot buffer of the proposed development project area, no further mitigation is necessary. If active nests of bird species covered by the Migratory Bird Treaty Act are detected within the proposed development project area or within a 300-foot buffer of the proposed development project area, construction shall be halted until the young have fledged, until a qualified biologist has determined the nest is inactive, or until appropriate mitigation measures that respond to the specific situation have been developed and implemented in consultation with the regulatory agencies.

### 3. Cultural Resources

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**Impact 5.5-2:** Development in accordance with the General Plan Update could impact up to 25 prehistoric sites, four historic sites, and one combined prehistoric/historic resource site.

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**Finding 1** – Mitigation Measure 5-4 and 5-5 would reduce impacts to historic and archaeological resources and avoid the significant environmental effect identified in the Draft PEIR. Thereby, the City makes Finding 1, and impacts are mitigated to less than significant levels.

#### **Facts in Support of Finding**

Under Mitigation Measures 5-4 and 5-5, developers for grading permits in areas requiring grading of undisturbed soils are required to prepare a cultural resource study to assess the sensitivity of the project site for archaeological resources. Mitigation measures shall be included in the study and would reduce potential impacts to less than significant under both the 2035 and Full Buildout Scenarios.

#### **Mitigation Measures**

The following mitigation measure is included in the Draft PEIR and the FEIR, and is applicable to the proposed project.

- 5-4 City staff shall require applicants for grading permits in undeveloped (not covered in buildings or pavement) areas requiring grading to provide studies by qualified archaeologists assessing the cultural and historical significance of any known archaeological resources on or next to each respective development site, and assessing the sensitivity of sites for buried archaeological resources. On properties where resources are identified, or that are determined to be moderately to highly sensitive for buried archaeological resources, such studies shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of a cultural preservation expert who meets the Secretary of the Interior’s Professional Qualifications Standards.
- 5-5 Should any cultural resources, including human remains, be discovered during project implementation, no further grading shall occur in the area of the discovery until the Planning Director concurs in writing that adequate provisions are in place to protect these resources. Unanticipated discoveries shall be treated in accordance with applicable state law and evaluated for significance by a professional archaeologist that meets the Secretary of the Interior’s Professional Qualifications Standards. If significance criteria are met, then the project shall be required to protect the resource through avoidance or mitigate impacts to the resource by performing data recovery; curate materials with a recognized scientific or educational repository; and provide a comprehensive final report including appropriate records for the California Department of Parks and Recreation Series 523 forms (Building, Structure, and Object Record; Archaeological Site Record; or District Record, as applicable).

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**Impact 5.5-3: Development in accordance with the General Plan Update could destroy paleontological resources or a unique geologic feature.**

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**Finding 1** – Mitigation Measures 5-6 and 5-7 would reduce impacts to paleontological resources and avoid the significant environmental effect identified in the Draft PEIR. Thereby, the City makes Finding 1, and impacts are mitigated to less than significant levels.

**Facts in Support of Finding**

Under Mitigation Measure 5-6 and 5-7, developers for grading permits in areas requiring grading of undisturbed soils are required to prepare a paleontological resource study to assess the sensitivity of the project site for paleontological resources. Mitigation measures shall be included in the study and would reduce potential impacts to less than significant under both the 2035 and Full Buildout Scenarios.

**Mitigation Measures**

The following mitigation measure is included in the Draft PEIR and the FEIR, and is applicable to the proposed project.

- 5-6 City staff shall require applicants for grading permits in undeveloped (not covered in buildings or pavement) areas requiring grading to provide studies by qualified paleontologists assessing the sensitivity of sites for buried paleontological resources. On properties determined to be moderately to highly sensitive for paleontological resources, such studies shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of a paleontologist who meets the Secretary of the Interior’s Professional Qualifications Standards.
  
- 5-7 Should any potentially significant fossil resources, including human remains, be discovered during project implementation, no further grading shall occur in the area of the discovery until the Planning Director concurs in writing that adequate provisions are in place to protect these resources. ~~Un~~Unanticipated discoveries shall be treated in accordance with applicable state law and evaluated for significance by a professional paleontologist that meets the Secretary of the Interior’s Professional Qualifications Standards. If significance criteria are met, then the project shall be required to protect the resource through avoidance or mitigate impacts to the resource by performing data recovery; curate materials with a recognized scientific or educational repository; and provide a comprehensive final report, including catalog with museum numbers.

**4. Public Services**

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**Impact 5.14-1: Development in accordance with the Clovis General Plan Update would introduce new structures, residents, and workers into the Plan Area, thereby increasing the demand for fire services served by the Clovis Fire Department and Fresno County Fire Protection District.**

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**Finding 1** – Mitigation Measure 14-1 would reduce impacts to fire services and avoid the significant environmental effect identified in the Draft PEIR. Thereby, the City makes Finding 1, and impacts are mitigated to less than significant levels.

### **Facts in Support of Finding**

The substantial population increase expected from development in accordance with the proposed project would lead to increased demands on fire services. Development impact fees per Chapter 4.10 of the City of Clovis Municipal Code, additional funding from Community Facilities District 2004-01, and allocated revenue from the City's General Fund would ensure levels of service remain adequate to serve the growing population. However, noncontiguous development in the non-SOI Plan Area may occur and could potentially stretch the Clovis Fire Department and Fresno County Fire Protection District's available resources across a larger geographical area. This could lead to increased travel and response times, and consequently a diminished level of services. Implementation of Mitigation Measure 14-1 would require developers of noncontiguous developments to provide a fiscal impact analysis of the proposed development. The analysis would detail the potential increase in capital, maintenance, and operation costs over existing conditions, and would require a funding mechanism to pay for the increased fire service costs associated with the development being noncontiguous. Impacts would be reduced to less than significant levels under both the 2035 and Full Buildout Scenarios.

### **Mitigation Measure**

The following mitigation measure is included in the Draft PEIR and the FEIR, and is applicable to the proposed project.

14-1            For requests for annexation for noncontiguous development (defined as new development that is in excess of one-half mile from the existing City limits and is, on all sides, adjacent to or immediately across the street from vacant or agricultural land uses or other uses that do not have existing City water and sewer service), the City shall require an analysis of the fiscal impacts of the proposed development. The analysis shall quantify, to the satisfaction of the City, the likely and potential increase in capital costs and ongoing operations and maintenance costs over and above that expected from development that is contiguous. The City may oppose annexations that do not provide for a funding mechanism to pay for the increase in costs associated with the development being noncontiguous, and the funding mechanism shall be in addition to the taxes and other funding sources used for development that is contiguous. The City shall require subsequent development adjacent to the non-contiguous development to provide a similar funding mechanism. The City may terminate such funding mechanisms when it is satisfied that the development no longer poses a cost burden above and beyond that associated with contiguous development.

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**Impact 5.14-2:** Development in accordance with the Clovis General Plan Update would introduce new structures, residents, and workers into the Clovis Police Department and Fresno County Sheriff's Department service areas, thereby increasing the demand for police protection services.

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**Finding 1** – Mitigation Measure 14-1 would reduce impacts to police services and avoid the significant environmental effect identified in the Draft PEIR. Thereby, the City makes Finding 1, and impacts are mitigated to less than significant levels.

### **Facts in Support of Finding**

Similar to fire services, the increased population in the City would also increase demand on police services. Development impacts fees under Chapter 4.11 of the City's municipal code, fees collected under Community Facilities District 2004-01, and revenue allocated from the City's General Funds would ensure police services are adequately funded to maintain existing levels of service. However, noncontiguous development could occur in the non-SOI Plan Area and cause the Clovis Police Department and Fresno County Sheriff's Department to expand their service areas across a broader geographical area. Travel and response times would increase and level of service could diminish. Thus, implementation of Mitigation Measure 14-1 would require developers of noncontiguous developments to provide a fiscal impact analysis of the proposed development. The analysis would detail the potential increase in capital, maintenance, and operation costs over existing conditions, and would require a funding mechanism to pay for the increased police service costs associated with the development being noncontiguous. Impacts would be reduced to less than significant levels under both the 2035 and Full Buildout Scenarios.

### **Mitigation Measure**

See Mitigation Measure 14-1 above.

## **C. SIGNIFICANT UNAVOIDABLE IMPACTS**

The following summary describes the unavoidable adverse impact of the proposed project where either mitigation measures were found to be infeasible or mitigation would not lessen impacts to less than significant. The following impact would remain significant and unavoidable:

### **5. Agriculture and Forestry Resources**

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**Impact 5.2-1:** Buildout of the proposed General Plan Update would convert 3,206 acres of Prime Farmland, 1,834 acres of Farmland of Statewide Importance, and 1,585 acres of Unique Farmland to non-agricultural land uses.

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**Finding 1** –The City hereby makes Finding 1 and determines that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR for both the 2035 Scenario and Full Buildout. However, this impact would still remain significant and unavoidable. In order to approve the proposed General Plan Update, a Statement of Overriding Considerations will be required.

## **Facts in Support of Finding**

### *2035 Scenario*

Implementation of the General Plan Update in the 2035 Scenario would convert all of the Important Farmland in the City and SOI and some percentage of land in the non-SOI Plan Area, including 2,086 acres of Prime Farmland, 401 acres of Farmland of Statewide Importance, and 528 acres of Unique Farmland to non-agricultural uses. The conversion of these farmlands would be a significant impact.

### *Full Buildout*

Full buildout of the General Plan Update would convert 3,206 acres of Prime Farmland, 1,834 acres of Farmland of Statewide Importance, and 1,585 acres of Unique Farmland to nonagricultural land uses.

## **Mitigation Measures**

The following mitigation measures are included in the Draft PEIR and the FEIR and are applicable to the proposed project.

- 2-1            The City shall adopt either a 1) regional agricultural preservation program in coordination with regional partners, such as the Fresno Council of Governments (COG), its member agencies and farming stakeholders; or 2) a local Farmland Preservation Plan (FPP) by June 25, 2017, which is the expiration date of the City's Memorandum of Understanding with the County, as amended in 2000 (commonly referred to as the "Tax Sharing MOU"). The 2008 Model Farmland Conservation Program for Fresno County prepared by COG and the American Farmland Trust may be considered as a starting point for either program. Additionally, either program shall evaluate and incorporate, as appropriate, any policies, programs, and implementation tools contained in the Guide for Resource Management proposed as part of the Phase II San Joaquin Valley Greenprint work program. The adopted program shall include policies, standards and measures to avoid the unnecessary conversion of agricultural lands and shall include provisions for: (a) minimizing potential detrimental effects caused by urban development; (b) avoiding the premature conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance; (c) preserving farmland, including, if appropriate, mitigation fees to fund farmland preservation efforts; (d) integrating identified mitigation measures into the entitlement process; and (e) addressing enforcement through the regulatory environment.
- 2-2            Upon adoption, project applicants for properties that include designated Prime Farmland, Farmland of Statewide Importance, or Unique Farmland shall comply with the requirements of the adopted regional agricultural preservation program or local FFP.

Pending adoption of a regional agricultural preservation program or local FFP, or if a regional agricultural preservation program or local FFP is not in place by June 25, 2017, the following requirements shall apply:

- (1) Project applicants for properties that include more than 20 acres designated Prime Farmland, Farmland of Statewide Importance, or Unique Farmland shall be prepare or fund an agricultural resource evaluation prior to project approval.
- (2) The resource evaluation shall use generally accepted methodologies (such as the Land Evaluation and Site Assessment Model) to identify the potentially significant impact of the loss of agricultural land.
- (3) If the loss of agricultural land is determined to be a potentially significant impact, the resource evaluation shall consider the economic viability of future agricultural use of the property.
- (4) If the agricultural resource is considered significant (based on LESA or other accepted methodology) and future agricultural use is considered economically viable, the conversion will be deemed significant. The City shall require mitigation by one of the following methods:
  - (a) Mitigation at a 1:1 ratio of converted to preserved acreage through a regional conservation easement, or payment of its valuation equivalent if a fee mitigation program is established. If 1:1 mitigation is determined to be economically infeasible, based upon all of the evidence, the ratio may be reduced to an economically feasible ratio or no further mitigation shall be required. This determination shall be made by the City's Director of Planning and Development Services based upon substantial evidence in the record; or
  - (b) Other potential mitigation which achieves the same mitigating effect as the measures identified above, consistent with the CEQA Statutes and Guidelines. This determination shall be made by the City's Director of Planning and Development Services based upon substantial evidence in the record.

*One possible substitute mitigation measure to achieve the preservation of agricultural land is through the use of benchmark densities and other land use policies that are designed to increase development efficiency. When development equals or exceeds the benchmark densities, no further mitigation is required because the community has taken steps to preserve agricultural land by increasing densities beyond a certain threshold thereby accommodating growth trends on less land. When development does not equal or exceed the benchmark densities, a sliding scale of mitigation fees are paid.*

*The General Plan contains many efficiency policies and land use designations to aid in the preservation of agricultural land, which are based upon the San Joaquin Valley Blueprint and Landscape of Choice Principles, which have been determined to be effective. See, for example: Land Use Element Goal 3 (orderly and sustainable outward growth into three Urban Centers); Land Use Element Goal 4, Policy 3.8 (land use compatibility); Land Use Element Goal 4, Policy 3.9 (connected development); Land Use Element Goal 4, Policy 4.4 (farmland conservation); Land Use Element Goal 5 (diverse housing and transit oriented development); Land Use Element, Goal 6, Policy 6.2 (smart growth); Land Use Element, Table LU-2 (land use designations); Economic*

*Development Element, Goal 1, Policy 1.2 (jobs-housing ratio); Economic Development Element, Goal 5 (mix of land uses and types of development); Circulation Element, Goal 1, Policy 1.8 (network completion); Circulation Element, Goals 3 and 4, multimodal transportation, bicycle and transit system); Open Space and Conservation Element, Goal 2, Policies 2.4 and 2.5 (agricultural lands and right to farm); Air Quality Element, Goal 1, Policy 1.1 (land use and transportation); 2010 Housing Element, Regional Housing Needs Assessment (RHNA) requirements; Fresno COG Sustainable Communities Strategy; and LAFCo policies.*

*These efficiency policies and land use designations are designed to prevent the premature conversion of farmland by encouraging infill development, by requiring new development to be built at considerably higher densities than Clovis or the region has traditionally seen, by requiring that development occur in a compact, orderly manner, and by providing for balanced development, including substantial emphasis on increasing the jobs-housing ratio.*

*To the extent benchmark densities are adopted for Clovis or the region, and to the extent the City's General Plan policies and land use designations are consistent with those benchmark densities, mitigation may be met through implementation of the General Plan and application of the General Plan policies and benchmark densities to development proposals.*

*The Director of Planning and Development Services shall make a determination regarding whether substitute mitigation is satisfied prior to issuance of any land use entitlements, consistent with the CEQA Statutes and Guidelines.*

- (5) The following properties are determined to be not economically viable for future agricultural use, based upon all of the evidence in the record. Other properties shall be evaluated on a case by case basis:

All properties within the Loma Vista Specific Plan ("Loma Vista").

- Properties within Loma Vista were designated for urban development under the 1993 General Plan and the 2003 Loma Vista Specific Plan (formerly called the Southeast Urban Center Specific Plan).
- The Loma Vista Specific Plan EIR, page 5-34, makes the following observations:

"The project area is located adjacent to the incorporated Clovis City, within the updated 2000 sphere-of-influence limits, thereby supporting concentrated growth pattern adjacent to the existing urban development. The proposed Specific Plan would guide the conversion of the existing agricultural and rural lands to planned urban uses in a gradual, phased, and orderly manner, therefore alleviating development pressure off of outlying unincorporated lands."

- Substantial development has occurred in Loma Vista since 2003.
- The City, property owners and the development community have relied upon this urbanization in planning for and developing Loma Vista.
- The 2000 County General Plan, Land Use Policy LU-G, provides that the County will direct urban growth and development within city spheres of

influences to existing incorporated cities, and this policy is memorialized in the Tax Sharing MOU.

- The Tax Sharing MOU addresses Loma Vista and recognizes this area as becoming substantially urbanized. In fact, before development could proceed outside of Loma Vista, 60% of the developable area in Loma Vista has to be committed to development.
- In 2008, the City adopted a master plan community zone district for the Loma Vista Community Centers North and South and approved a master site plan review for those sites. Projects adjacent to and within the Community Centers have been approved or are pending.
- The development community has nine pending project applications for development within Loma Vista.

Implementation of Mitigation Measures 2-1 through 2-3 would not fully mitigate the direct loss of farmlands associated with the implementation of the General Plan Update because there would still be a net reduction in the total amount of land suitable for agricultural use. The impacts would therefore be significant and unavoidable under both the 2035 and Full Buildout Scenarios.

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**Impact 5.2-2    The General Plan Update would change the land use designation of 4,610 acres designated for agriculture to other land use designations.**

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**Finding 1** – The City hereby makes Finding 1 and determines that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR for both the 2035 Scenario and Full Buildout. However, this impact still remains significant and unavoidable. In order to approve the proposed General Plan Update, a Statement of Overriding Considerations will be required.

**Facts in Support of Finding**

*2035 Scenario*

A total of 4,610 acres of agriculturally designated lands would change to other land use designations under the proposed General Plan Update. Since the exact location of parcels that would be converted is not known, the particular crops that would be lost cannot be precisely determined. However, Fresno County is the leading agricultural producer in the nation. Therefore, the change in land use designations and associated loss of agricultural production would be a significant impact.

*Full Buildout*

As stated above, the proposed General Plan Update would convert 4,610 acres of land designated as Agriculture under the existing General Plan to other land use designations. The converted acreage would be approximately 45 percent of the current 10,199 acres in the Plan Area designated for agriculture. Conversion of land designated for agriculture would be a significant impact.

## Mitigation Measures

See Mitigation Measures 2-1 through 2-3.

Implementation of Mitigation Measures 2-1 through 2-3 would not fully mitigate the direct loss of farmlands associated with the implementation of the General Plan Update because there would still be a net reduction in the total amount of land suitable for agricultural use. The impacts would therefore be significant and unavoidable under both scenarios.

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**Impact 5.2-3     General Plan Update buildout would convert 3,047 acres of farmland bearing Williamson Act contracts to nonagricultural land uses.**

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**Finding 3** – The City hereby makes Finding 3 and determines that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR for both the 2035 Scenario and Full Buildout. This impact is significant and unavoidable. In order to approve the proposed General Plan Update, a Statement of Overriding Considerations will be required.

### Facts in Support of Finding

#### *2035 Scenario*

Currently, 1,382 acres of agricultural land are under Williamson contracts in the SOI. Of these acres, owners of 855 acres of Prime Agricultural Lands have filed for nonrenewal. Another 16 acres of non-Prime Agricultural Lands are in nonrenewal status. By recording the nonrenewal form, property owners have provided notice of their intention to exit a Williamson contract. These contracts will expire on or by 2022. Because these contracts were in nonrenewal status prior to adoption of the General Plan Update, there is no conflict with these Williamson Act contracts.

An additional 510 acres of Prime Agricultural Lands in the SOI are subject to Williamson Act contract, as well as some portion of the non-SOI Plan Area that is part of the 2035 Scenario. Of the 510 acres of Prime Agricultural Lands in the SOI, it is anticipated that 476 acres would convert to nonagricultural or agriculture-incompatible use. It is anticipated these owners would seek to terminate their contracts through the nonrenewal process or through contract cancellation. The rate of these occurrences would be related to the location and pace of development in the 2035 Scenario. As the amount of developable land in the area decreases, market pressures to file notices of nonrenewal and cancellations increase because of rising land values. These activities would conflict with the intended purpose of the Williamson Act and would constitute a significant impact.

Mitigation Measures 2-1 through 2-3 are included in the FEIR to mitigate the potential loss of important farmlands. As noted above, it is anticipated that market pressures to convert agricultural properties to non-agricultural uses would result in the cancellation of Williamson Act contracts. This is an economic consideration for which no feasible mitigation has been identified.

### *Full Buildout*

Full buildout of the proposed General Plan Update would convert 3,047 acres bearing Williamson Act contracts to nonagricultural land uses or land uses not compatible with agriculture. Of the buildout area, 1,770 acres have filed nonrenewal notices. The majority of these lands (1,185 acres) are identified as Prime Agricultural Lands, including 855 acres in the SOI and 329 acres in the non-SOI Plan Area. Because property owners of these lands filed notices of nonrenewal prior to the adoption of the General Plan Update, there is no impact from project implementation in terms of conflicts with these contracts. However, as discussed in the 2035 Scenario, implementation of the General Plan Update would result in cancellation and nonrenewal of contracts on Prime Agricultural Lands where the land use designation is changed to a nonagricultural or agriculture-incompatible use. Based on the designations in the General Plan Update, it is anticipated that 1,136 acres subject to Williamson Act contracts would convert. Given the public policy of protecting farmland embodied in the Williamson Act, the nonrenewal or cancellation of additional lands bearing these contracts to nonagricultural or incompatible uses would be a significant impact.

### **Mitigation Measure**

See Mitigation Measures 2-1 through 2-3.

Implementation of Mitigation Measures 2-1 through 2-3 would not fully mitigate the loss of farmland bearing Williamson Act contracts. The impact would therefore be significant and unavoidable under both scenarios.

## **6. Air Quality**

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**Impact 5.3-1:** The General Plan Update would be consistent with the SJVAPCD control measures; however, development associated with the buildout of the General Plan Update would exceed SJVAPCD significance thresholds and be inconsistent with the applicable air quality management plans.

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**Finding 3** – The City hereby makes Finding 3 and determines that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR for both the 2035 Scenario and Full Buildout. This impact is significant and unavoidable. In order to approve the proposed General Plan Update, a Statement of Overriding Considerations will be required.

### **Facts in Support of Finding**

#### *2035 Scenario*

The proposed General Plan Update would generate a substantial increase in criteria air pollutants that would exceed the San Joaquin Valley Air Pollution Control District (SJVAPCD) significance thresholds. Additionally, because dispersion modeling is not applicable for a program EIR as specific development land uses are not yet known, projects with emissions that exceed these values are considered to have the potential to exceed the ambient air quality standards (AAQS). The San Joaquin Valley Air Basin (SJVAB) is designated nonattainment for O<sub>3</sub> and PM<sub>2.5</sub> under the California

and National AAQS and nonattainment for PM<sub>10</sub> under the California AAQS. Consequently, emissions generated by development projects in addition to existing sources within the City are considered to cumulatively contribute to the nonattainment designations of the SJVAB. Buildout of the proposed land use plan would therefore contribute to an increase in frequency or severity of air quality violations and delay attainment of the AAQS or interim emission reductions in the air quality management plans (AQMPs).

Because cumulative development in the Plan Area would exceed the regional significance thresholds, the project could contribute to an increase in health effects in the basin until the attainment standards are met in the SJVAB. Therefore, implementation of the proposed General Plan Update would result in a significant and unavoidable air quality impact.

### *Full Buildout*

The analysis above for the 2035 Scenario also applies to Full Buildout of the General Plan Update.

### **Mitigation Measure**

The proposed project would generate a substantial increase in criteria air pollutants that would exceed the SJVAPCD's significance thresholds. Because dispersion modeling is not applicable for a program EIR, projects with emissions of any criteria air pollutant that exceed these values are considered to have the potential to exceed the ambient air quality standards, resulting in a potentially significant impact with regard to consistency with SJVAPCD's air quality plans. Therefore, even though the proposed project is consistent with the control measures in the AQMPs, to be conservative, it is considered inconsistent with the SJVAPCD's air quality plans. The only way to achieve consistency with the AQMPs is to reduce projected criteria air pollutant emissions to levels lower than the SJVAPCD's significance thresholds. Mitigation Measures 3-1 through 3-3 and goals and policies in the proposed General Plan Update would facilitate continued emissions reductions; however, cumulative development would continue to exceed SJVAPCD's significance thresholds. No additional mitigation measures are available to further reduce the impact to less than significant levels. Therefore, Impact 5.3-1 would remain significant and unavoidable.

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**Impact 5.3-2: Construction activities associated with buildout of the General Plan Update would generate short-term emissions in exceedance of SJVAPCD'S significance threshold criteria and would contribute to the ozone and particulate matter nonattainment designations of the SJVAB.**

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**Finding 1** – The City hereby makes Finding 1 and determines that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR for both the 2035 Scenario and Full Buildout. However, this impact still remains significant and unavoidable. In order to approve the proposed General Plan Update, a Statement of Overriding Considerations will be required.

### **Facts in Support of Finding**

#### *2035 Scenario*

Information regarding specific development projects, soil types, and the locations of receptors would be needed in order to quantify the level of impact associated with construction activity. Due to the

scale of development activity associated with the General Plan Update, emissions would likely exceed the SJVAPCD regional significance thresholds and therefore, in accordance with the SJVAPCD methodology, would cumulatively contribute to the nonattainment designations of the SJVAB. The SJVAB is currently designated nonattainment for O<sub>3</sub> and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). Emissions of VOC and NO<sub>x</sub> are precursors to the formation of O<sub>3</sub>. In addition, NO<sub>x</sub> is a precursor to the formation of particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). Therefore, the proposed project would cumulatively contribute to the existing nonattainment designations of the SJVAB for O<sub>3</sub> and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). Contributing to the nonattainment status would contribute to elevating health effects associated with these criteria air pollutants. The likely scale and extent of construction activities associated with the proposed General Plan Update would likely continue to exceed the SJVAPCD thresholds for some projects. Therefore, construction-related air quality impacts associated with implementation of the proposed Land Use Plan are deemed significant and unavoidable.

### *Full Buildout*

The analysis above for the 2035 Scenario also applies to Full Buildout of the General Plan Update.

### **Mitigation Measure**

3-1 Prior to issuance of any construction permits, development project applicants shall prepare and submit to the City of Clovis Planning Division a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with San Joaquin Valley Air Pollution Control District (SJVAPCD) methodology in assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the SJVAPCD adopted thresholds of significance, as identified in the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI), the City of Clovis Planning Division shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during construction activities to below these thresholds. These identified measures shall be incorporated into appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City's Planning Division. Mitigation measures to reduce construction-related emissions could include, but are not limited to:

- Using construction equipment rated by the United States Environmental Protection Agency as having Tier 3 (model year 2006 or newer) or Tier 4 (model year 2008 or newer) emission limits, applicable for engines between 50 and 750 horsepower. A list of construction equipment by type and model year shall be maintained by the construction contractor onsite, which shall be available for City review upon request.
- Ensuring construction equipment is properly serviced and maintained to the manufacturer's standards.

- Use of alternative-fueled or catalyst-equipped diesel construction equipment, if available and feasible.
- Clearly posted signs that require operators of trucks and construction equipment to minimize idling time (e.g., 5-minute maximum).
- Preparation and implementation of a fugitive dust control plan that may include the following measures:
  - Disturbed areas (including storage piles) that are not being actively utilized for construction purposes shall be effectively stabilized using water, chemical stabilizer/suppressant, or covered with a tarp or other suitable cover (e.g., revegetated).
  - Onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized using water or chemical stabilizer/suppressant.
  - Land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled utilizing application of water or by presoaking.
  - Material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained when materials are transported offsite.
  - Operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
  - Following the addition of materials to or the removal of materials from the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
  - Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
  - Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.
  - Limit traffic speeds on unpaved roads to 15 mph.
  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.
  - Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the project area.

- Adhere to Regulation VIII's 20 percent opacity limitation, as applicable.
- Enter into a Voluntary Emissions Reduction Agreement (VERA) with the San Joaquin Valley Air Pollution Control District (SJVAPCD). The VERA shall identify the amount of emissions to be reduced, in addition to the amount of funds to be paid by the project applicant to the SJVAPCD to implement emission reduction projects required for the project.

3-2 Prior to discretionary approval, applicants for phased development projects (i.e., construction would overlap operation/opening of the project) involving residential land uses shall coordinate with the San Joaquin Valley Air Pollution Control District (SJVAPCD) or the City of Clovis in conjunction with the SJVAPCD in preparation of a health risk assessment (HRA) for construction activities. If the construction HRA identifies risk impacts that exceed the standards as determined by the SVJAPCD at the time the project is considered, it shall identify measures to reduce these impacts to below these standards. Recommended measures may include those identified in Mitigation Measure 3-1. The recommendations of the construction HRA shall be incorporated into all construction management plans which shall be submitted to the City and verified by the City's Planning Division.

In addition, the following standard condition shall be included as part of the mitigation monitoring program to reduce impacts related to Impact 5.3-2.

SC-1 Prior to project approval, each applicant for individual, site-specific developments under the General Plan shall comply with the San Joaquin Valley Air Pollution Control District rules and regulations, including, without limitation, Indirect Source Rule 9510. The applicant shall document, to the City's reasonable satisfaction, its compliance with this standard condition.

Implementation of Standard Condition 1 (SC-1) and Mitigation Measures 3-1 and 3-2 and compliance with the City's applicable development code sections and SJVAPCD rules (e.g., Rule 9510) would reduce criteria air pollutant emissions from construction-related activities. However, due to the magnitude of emissions generated by future construction activities, no mitigation measures are available that would reduce impacts below SJVAPCD's thresholds. Therefore, Impact 5.3-2 would remain significant and unavoidable.

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**Impact 5.3-3: Implementation of the Land Use Plan of the proposed General Plan Update would generate long-term emissions that would exceed the SJVAPCD's significance threshold criteria and cumulatively contribute to the ozone and particulate matter nonattainment designations of the SJVAB.**

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**Finding 1** – The City hereby makes Finding 1 and determines that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR for both the 2035 Scenario and Full Buildout. However, this impact would still remain significant and unavoidable. In order to approve the proposed General Plan Update, a Statement of Overriding Considerations will be required.

## **Facts in Support of Finding**

### *2035 Scenario*

Buildout of the proposed General Plan under the 2035 Scenario would generate long-term emissions that exceed the annual SJVAPCD thresholds for VOC, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. Emissions of VOC and NO<sub>x</sub> are precursors to the formation of O<sub>3</sub>. In addition, NO<sub>x</sub> is a precursor to the formation of particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). Therefore, emissions of VOC and NO<sub>x</sub> that exceed the SJVAPCD criteria pollutant significance thresholds would contribute to the O<sub>3</sub> nonattainment designation of the SJVAB. In addition, emissions of NO<sub>x</sub> and PM<sub>2.5</sub> that exceed the SJVAPCD regional significance threshold would also contribute to the particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) nonattainment designation of the SJVAB. Contributing to the nonattainment status would also contribute to elevating health effects associated to these criteria air pollutants. Application of SJVAPCD Rule 9510 and implementation of the General Plan policies and implementation actions would reduce impacts to the extent feasible. However, future development projects could exceed the SJVAPCD regional emissions thresholds. Therefore, operational-related air quality impacts associated with future development under the proposed General Plan Update are considered significant and unavoidable.

### *Full Buildout*

Similar to the 2035 Scenario, Full Buildout of the proposed General Plan Update would generate long-term emissions that exceed the annual SJVAPCD thresholds for VOC, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. Emissions of VOC and NO<sub>x</sub> are precursors to the formation of O<sub>3</sub>, and NO<sub>x</sub> is a precursor to the formation of particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). Therefore, emissions of VOC and NO<sub>x</sub> that exceed the SJVAPCD criteria pollutant significance thresholds would contribute to the O<sub>3</sub> nonattainment designation of the SJVAB. In addition, emissions of NO<sub>x</sub>, and PM<sub>2.5</sub> that exceed the SJVAPCD regional significance threshold would contribute to the particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) nonattainment designation of the SJVAB. Therefore, impacts are considered significant and unavoidable.

## **Mitigation Measure**

- 3-3            Prior to project approval, development project applicants shall prepare and submit to the City of Clovis Planning Division a technical assessment evaluating potential project operation phase-related air quality impacts. The evaluation shall be prepared in conformance with San Joaquin Valley Air Pollution Control District (SJVAPCD) methodology in assessing air quality impacts. If operational-related criteria air pollutants are determined to have the potential to exceed the SJVAPCD adopted thresholds of significance, as identified in the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI), the City of Clovis Planning Division shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during operational activities. The identified measures shall be included as part of the Standard Conditions of Approval. Mitigation measures to reduce long-term emissions can include, but are not limited to:
- For site-specific development that requires refrigerated vehicles, the construction documents shall demonstrate an adequate number of electrical

service connections at loading docks for plug in of the anticipated number of refrigerated trailers to reduce idling time and emissions.

- Applicants for manufacturing and light industrial uses shall consider energy storage and combined heat and power (CHP) in appropriate applications to optimize renewable energy generation systems and avoid peak energy use.
- Site-specific developments with truck delivery and loading areas, and truck parking spaces, shall include signage as a reminder to limit idling of vehicles while parked for loading/unloading in accordance with California Air Resources Board Rule 2845 (13 CCR Chapter 10 § 2485).
- Site-specific development shall demonstrate an adequate number of electrical vehicle Level 2 charging stations are provided onsite. The location of the electrical outlets shall be specified on building plans, and proper installation shall be verified by the Building Division prior to issuance of a Certificate of Occupancy.
- Applicant-provided appliances shall be Energy Star appliances (dishwashers, refrigerators, clothes washers, and dryers). Installation of Energy Star appliances shall be verified by the Building Division during plan check.
- Applicants for large development projects (e.g., employers with 100 employees at work site) shall establish an employee trip commute reduction program (CTR), in conformance with the San Joaquin Valley Air Pollution Control District Rule 9410. The program shall identify South Valley Rideshare and/or Valley Rides commute programs, which provide information about commute options and connect commuters for carpooling, ridesharing, and other activities. The CTR program shall identify alternative modes of transportation to the project site, including transit schedules, bike and pedestrian routes, and carpool/vanpool availability. Information regarding these programs shall be readily available to employees and clients and shall be posted in a highly visible location and/or made available online. The project applicant shall include the following incentives for commuters as part of the CTR program:
  - Ride-matching assistance (e.g., subsidized public transit passes)
  - Preferential carpool parking
  - Flexible work schedules for carpools
  - Vanpool assistance or employer-provided vanpool/shuttle
  - Telecommute and/or flexible work hour programs
  - Car-sharing program (e.g., Zipcar)
  - Bicycle end-trip facilities, including bike parking, showers, and lockers
  - End-of-trip facilities shall be shown on site plans and architectural plans submitted to the Planning Division Manager. The CTR program shall be

prepared to the satisfaction of the Planning Division Manager prior to occupancy permits.

- Applicants for future development projects along existing and planned transit routes shall coordinate with the City of Clovis and City of Fresno to ensure that bus pads and shelters are incorporated, as necessary.
- Applicants for future development projects shall enter into a Voluntary Emissions Reduction Agreement (VERA) with the San Joaquin Valley Air Pollution Control District (SJVAPCD). The VERA shall identify the amount of emissions to be reduced, in addition to the amount of funds to be paid by the project applicant to the SJVAPCD to implement emission reduction projects required for the project.

In addition, SC-1 outlined above shall also be included as part of the mitigation monitoring program to reduce impacts related to Impact 5.3-3.

Goals and policies in the proposed General Plan Update would reduce vehicle trip lengths and encourage use of alternative forms of transportation, which would also reduce criteria air pollutants in the Plan Area. In addition, compliance with SJVAPCD regulations and implementation of SC-1 and Mitigation Measure 3-3 would reduce operational-phase emissions to the extent possible. However, due to the magnitude of emissions generated by the planned land uses, no mitigation measures are available that would reduce emissions below SJVAPCD's thresholds. Therefore, Impact 5.3-3 would remain significant and unavoidable.

## 7. Cultural Resources

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**Impact 5.5-1:** Development in accordance with the General Plan Update could impact up to 30 historic buildings, structures, or objects identified through previous cultural research studies and up to 12 additional historic resources identified and listed on the Fresno County List of Historic Resources.

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**Finding 1** – The City hereby makes Finding 1 and determines that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR for both the 2035 Scenario and Full Buildout. However, this impact would remain significant and unavoidable. In order to approve the proposed General Plan Update, a Statement of Overriding Considerations will be required.

### Facts in Support of Finding

#### *2035 Scenario*

According to SWCA's cultural resources study, 11 previously recorded cultural resources were found within the Plan Area. In addition, the Fresno County List of Historic Resources identifies locally significant historic resources in the City of Clovis. Development within the 2035 scenario could potentially impact these historic buildings and structures, particularly during infill and/or redevelopment of older areas of Clovis (e.g., Old Town Clovis), where there are a number of buildings and structures older than 50 years of age and eligible for the National Register of Historic

Places (NRHP) and/or listing in the California Register of Historical Resources (CRHR). Thus, impacts are considered significant and unavoidable.

### *Full Buildout*

Similar to the 2035 Scenario, impacts to historic resources at Full Buildout could cause adverse impacts. Given that most of the development to occur at Full Buildout would be in the less developed SOI and non-SOI Plan Area, potential impacts to historic resources may be even greater. As stated above, the majority of the previously recorded cultural resources were located outside of the City's existing boundaries. Therefore, impacts are considered significant and unavoidable.

### **Mitigation Measure**

- 5-1 Prior to any construction activities of individual projects that may affect historic resources, a historic resources assessment shall be performed by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards requirements in architectural history or history. The assessment shall include a records search at the Southern San Joaquin Valley Information Center to determine if any resources that may potentially be affected by the project have been previously recorded, evaluated, and/or designated on the National Register of Historic Places or California Register of Historic Resources. Following the records search, the qualified architectural historian or historian will conduct a reconnaissance-level and/or intensive-level survey in accordance with the California Office of Historic Preservation guidelines to identify any previously unrecorded potential historic resources that may potentially be affected by the proposed project. If the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code Section 5024.1, Title 14 CCR, Section 4852), mitigation shall be identified within the technical study that ensures the value of the historic resource is maintained.
- 5-2 To ensure that individual projects requiring the relocation, rehabilitation, or alteration of a historic resource do not impair its significance, the Interior's Standards for the Treatments of Historic Properties (Standards) shall be used. The application of the standards shall be overseen by a qualified architectural historian or historic architect meeting the Secretary of the Interior's Professional Qualifications Standards. Prior to any construction activities that may affect the historic resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City of Clovis.
- 5-3 If an individual project would result in the demolition or significant alteration of a historic resource, it cannot be mitigated to a less than significant level. However, recordation of the resource prior to construction activities will assist in reducing adverse impacts to the resource to the greatest extent possible (but not avoid a significant impact). Recordation shall take the form of Historic American Buildings Survey, Historic American Engineering Record, or Historic American Landscape Survey documentation, and shall be performed by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications

Standards. Documentation shall include an architectural and historical narrative; medium- or large-format black-and-white photographs, negatives, and prints; and supplementary information such as building plans and elevations and/or historic photographs. Documentation shall be reproduced on archival paper and placed in appropriate local, state, or federal institutions. The specific scope and details of documentation will be developed at the project level.

Mitigation Measures 5-1 through 5-3 would reduce impacts to historic resources. However, these mitigation measures would not entirely protect historic resources from any future demolition or alteration activities. Thus, historic resource impacts would remain significant and unavoidable for both the 2035 Scenario and Full Buildout.

## **8. Greenhouse Gas Emissions**

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**Impact 5.7-1:** Implementation of the proposed General Plan Update would result in a substantial increase in GHG emissions for the 2035 Scenario and Full Buildout compared to existing conditions. Additionally, although community-wide GHG emissions of the proposed General Plan Update for the 2035 Scenario and Full Buildout would be less under adjusted business-as-usual (ABAU) conditions than under business-as-usual (BAU) conditions, the proposed General Plan Update would not meet the San Joaquin Valley Air Pollution Control District's threshold of 29 percent below BAU and would not meet the long-term reduction target of Executive Order S-03-05.

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**Finding 1** – The City hereby makes Finding 1 and determines that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR for both the 2035 Scenario and Full Buildout. However, this impact would remain significant and unavoidable. In order to approve the proposed General Plan Update, a Statement of Overriding Considerations will be required.

### **Facts in Support of Finding**

#### *2035 Scenario*

Implementation of the proposed General Plan Update under the 2035 Scenario's ABAU conditions would result in an increase of 271,448 MTCO<sub>2e</sub> (or 46 percent) over existing conditions, a substantial increase in emissions. Compared to Year 2035 BAU conditions, the proposed General Plan Update under Year 2035 ABAU conditions would result in a reduction of 304,769 MTCO<sub>2e</sub> of emissions, a 26 percent reduction from Year 2035 BAU. Additionally, implementation of the proposed General Plan Update would improve the job-to-housing ratio to 0.93 in year 2035 compared to the current 0.74 ratio (see Table 5.13-9). This improved ratio would contribute to shortening the average trip distance between residents and their place of employment, and therefore would reduce total VMT in the Plan Area, resulting in a reduction in GHG emissions per capita. However, even though 2035 ABAU conditions would result in overall lower emissions than under 2035 BAU conditions, it would not meet the SJVAPCD threshold of 29 percent below BAU. Therefore, overall, the project would cumulatively contribute to the long-term GHG emissions in the state and result in a significant and unavoidable impact.

## *Full Buildout*

Full buildout of the proposed General Plan Update under ABAU conditions would result in a reduction of 535,375 MTCO<sub>2</sub>e of emissions, or 27 percent, compared to full buildout BAU conditions. Similar to the 2035 Scenario, the jobs-housing ratio would improve to 1.0 job per household in Full Buildout compared to the current 0.74 ratio. However, although Full Buildout of the proposed General Plan Update under ABAU conditions would result in overall lower emissions compared to f BAU conditions, it would not meet the SJVAPCD threshold of 29 percent below BAU. In addition, Full Buildout of the proposed General Plan Update would generate 871,126 MTCO<sub>2</sub>e of emissions, or 148 percent more than existing conditions, a substantial increase in emissions. Therefore, the project would cumulatively contribute to the long-term GHG emissions in the state and result in a significant and unavoidable impact.

### **Mitigation Measure**

7-1 Prior to issuance of construction permits, the City of Clovis Planning Division shall require that applicants for new development projects submit documentation showing that greenhouse gas (GHG) emissions meet a 29 percent reduction from business-as-usual (BAU) in accordance with the methodology identified by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The documentation shall identify measures to be incorporated into the considered project that would reduce GHG emissions from BAU. Such measures include, but are not limited to the following:

- Provide a pedestrian access network that internally links all uses and connects to existing external streets and pedestrian facilities.
- Provide the minimum number of parking spaces required.
- Create a shared parking program, as feasible.
- Provide bicycle end-of-trip facilities (e.g., bike parking, showers, and lockers).
- Develop rideshare and ride-matching assistance programs.
- For planned residential development, design and incorporate a neighborhood electric vehicle system.
- Design buildings to be electric vehicle charging-station-ready.
- Coordinate with the City of Clovis and/or the Fresno Area Express to install bus stops at or near the project site.
- Design buildings to be energy efficient beyond the requirements of Title 24.
- Design and orient structures to maximize shade in the summer and sun exposure in the winter.
- Install vegetative roofs that cover at least 50 percent of the roof area.

- Design buildings to incorporate passive solar design and solar heaters.
- Install solar panels on carports and parking areas.
- Limit nonessential idling of commercial vehicles beyond Air Toxic Control Measures idling restrictions.

In addition, SC-1 and Mitigation Measures 3-3, identified under the Air Quality section shall also be included as part of the mitigation monitoring program to reduce impacts related to Impact 5.7-1.

Compliance with statewide measures would reduce GHG emissions associated with implementation of the proposed General Plan Update. Furthermore, the policies in the proposed General Plan Update; SC-1; Mitigation Measures 3-3 and 7-1 would ensure that GHG emissions from buildout of the proposed General Plan Update would be minimized to the extent feasible. However, due to the magnitude of the proposed General Plan Update’s development, its implementation would substantially increase GHG emissions from existing conditions in year 2035 and Full Buildout, exceeding the SJVAPCD threshold of 29 percent below BAU. Additional statewide measures would be necessary to reduce GHG emissions under the proposed General Plan Update to meet the SJVAPCD BAU threshold and the reduction target of Executive Order S-03-05. As identified by the California Council on Science and Technology, the state cannot meet the 2050 goal without major advancements in technology. Since no additional statewide measures to reduce emissions beyond year 2020 are available, Impact 5.7-1 would be significant and unavoidable.

## 9. Hydrology and Water Quality

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**Impact 5.9-2:** Development pursuant to the General Plan Update would increase the demand on groundwater use and also increase impervious surfaces in the Plan Area, which would impact opportunities for groundwater recharge.

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**Finding 3** – The City hereby makes Finding 3 and determines that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR for both the 2035 Scenario and Full Buildout. This impact is significant and unavoidable. In order to approve the proposed General Plan Update, a Statement of Overriding Considerations will be required.

### Facts in Support of Finding

#### *2035 Scenario*

Based on the 2010 Urban Water Management Plan, the City of Clovis is forecast to have adequate water supplies to meet estimated water demands generated by buildout of the General Plan Update under the 2035 Scenario. It is assumed that development within Fresno Irrigation District (FID) is built out by 2030. If development occurs in areas outside the FID instead, such as in the northeast, then surface water supplies would be reduced and demand could exceed supplies or result in increased groundwater usage. Although the estimated population of the Plan Area at buildout of the 2035 Scenario (184,100 persons) is lower than the 2035 population estimate in the 2010 City of Clovis UWMP (188,224 persons), the duration and severity of the current drought is unknown. The

potential for development in accordance with the General Plan Update to deplete groundwater or interfere with groundwater recharge, therefore, is determined to be potentially significant in the 2035 Scenario.

### *Full Buildout*

Water demands by Full Buildout of the General Plan Update would exceed forecast water supplies available to the City of Clovis in 2035 per the City's UWMP. Full Buildout would require the City to obtain expanded water supplies other than groundwater—that is, local surface water, imported water, recycled water (for nonpotable uses), or some combination thereof—to avoid depleting groundwater to meet water demands by General Plan Update buildout. Potential groundwater depletion and groundwater recharge impacts of the Full Buildout scenario would be significant.

### **Mitigation Measure**

No feasible mitigation measure is available. Based on the 2010 UWMP, forecast water supplies available to the City of Clovis would meet estimated water demands generated by buildout of the General Plan Update under the 2035 Scenario, but would not meet demands at full buildout. However, the duration and severity of the current drought is unknown. In addition, full buildout would require the City to obtain expanded water supplies other than groundwater—that is, local surface water, imported water, recycled water (for nonpotable uses), or some combination thereof—to avoid depleting groundwater to meet water demands by General Plan Update buildout. The potential for development in accordance with the General Plan Update to deplete groundwater or interfere with groundwater recharge, therefore, is determined to be potentially significant in both the 2035 Scenario and Full Buildout.

Policies under the proposed General Plan Update's Public Facilities and Services Element detail requirements on new developments to ensure public services, including water resources and infrastructure systems, remain reliable and cost-effective. Policy 1.1 requires new developments to pay its fair share of public facility and infrastructure improvements; Policy 1.2 requires new developments to demonstrate adequate and actual sustainable water supplies for demands; Policy 1.3 requires the City to acquire adequate water supply and service, wastewater treatment, and disposal capacity prior to annexation; and more specifically, Policy 1.7 requires the City to stabilize groundwater levels by requiring that new development water demands not exceed the sustainable groundwater supply. Additional details on long-term water planning and regulatory measures are included in Section 5.17, Utilities and Service Systems, of the Draft PEIR. However, No mitigation measures beyond long-term facility planning, conservation measures, recycling projects, and existing regulatory measures (e.g., SB 610 and SB 221) have been identified to address the proposed project's significant impact on water supply and groundwater depletion/recharge opportunities. Thus, Impact 5.9-2 would remain significant and unavoidable.

## 10. Noise

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**Impact 5.12-1: Development of the proposed land use plan would result in an increase in traffic, which would cause a substantial environmental noise increase to noise-sensitive uses adjacent to roadways.**

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**Finding 3** – The City hereby makes Finding 3 and determines that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR for both the 2035 Scenario and Full Buildout. This impact is significant and unavoidable. In order to approve the proposed General Plan Update, a Statement of Overriding Considerations will be required.

### **Facts in Support of Finding**

#### *2035 Scenario*

Future development under the 2035 Scenario would cause increases in traffic along local roadways. Traffic on SR-168 is also projected to increase due to regional growth and City-related traffic. The traffic noise levels were estimated using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (RD-77-108). Traffic noise increases along roadways at 2035 conditions due to implementation of the proposed land use plan, the implementation of the circulation plan, and regional growth would range from –1.4 to 10.0 dBA CNEL. The affected segments that would experience substantial noise increases greater than 5 dBA over existing conditions, resulting in noise levels greater than 65 dBA CNEL, and that include sensitive receptors are:

- Copper Avenue from Willow Avenue to Carson Avenue
- Shepherd Avenue from Willow Avenue to SR-168
- Teague Avenue from Willow Avenue to Minnewawa Avenue
- Nees Avenue from Minnewawa Avenue to Fowler Avenue
- Owens Mountain parkway from DeWolf Avenue to SR-168
- Herndon Avenue from Temperance Avenue to DeWolf Avenue
- Shaw Avenue from DeWolf Avenue to Academy Avenue
- Shields Avenue from Temperance Avenue to Leonard Avenue
- Willow Avenue from Friant Road to Alluvial Avenue
- Fowler Avenue from Ashland Avenue to Shields Avenue
- Armstrong Avenue from Nees Avenue to Herndon Avenue
- Armstrong Avenue from Gettysburg Avenue to Dakota Avenue
- Temperance Avenue from Shepherd Avenue to Nees Avenue
- Temperance Avenue from SR-168 to Ashland Avenue
- McCall Avenue from Herndon Avenue to Shaw Avenue

Noise decreases occur at a few segments that may be a result of road diets or a redistribution of traffic due to new roads and changes in road classifications. However, the vast majority of segments in the City would experience an increase in traffic noise. Future ambient noise would be substantially higher than existing conditions at receptors along the roadway segments identified above. Therefore, traffic-related noise impacts related to the implementation of the General Plan Update are significant.

### *Full Buildout*

Traffic noise increases along roadways at full buildout conditions due to implementation of the proposed land use plan, the implementation of the circulation plan, and regional growth would range from 0.7 to 16.8 dBA CNEL. The affected segments that would experience substantial noise increases greater than 5 dBA over existing conditions, resulting in noise levels greater than 65 dBA CNEL, and that include sensitive receptors are:

- Copper Avenue from Willow Avenue to Carson Avenue
- Perrin Avenue from Willow Avenue to Sommerville Drive
- Shepherd Avenue from Maple Avenue to SR 168
- Teague Avenue from Willow Avenue to Minnewawa Avenue
- Nees Avenue from Minnewawa Avenue to Flower Avenue
- Aluvial Avenue from Clovis Avenue to Temperance Avenue
- Owens Mountain parkway from DeWolf Avenue to SR 168
- Herndron Avenue from Temperance Avenue to Academy Avenue
- Tollhouse Road from Sunnyside Avenue to Armstrong Avenue
- Bullard Avenue from Temperance Avenue to DeWolfe Avenue
- Shaw Avenue from Temperance Avenue to McCall Avenue
- Ashlan Avenue from DeWolf Avenue to McCall Avenue
- Dakota Avenue from Chestnut to Peach Avenue
- Shields Avenue from Temperance Avenue to Leonard Avenue
- Willow Avenue from Friant Road to Alluvial Avenue
- Clovis Avenue from Shepherd Avenue to Alluvial Avenue
- Sunnyside Avenue from Shepherd Avenue to Nees Avenue
- Flower Avenue from Behymer Avenue to Clinton Avenue
- Armstrong Avenue from Gettysburg Avenue to Shields Avenue
- Temperance Avenue from Shepherd Avenue to Nees Avenue
- Temperance Avenue from SR 168 to Shields Avenue
- DeWolf Avenue from Bullard Avenue to Shields Avenue
- Leonard Avenue from Bullard Avenue to Ashland Avenue
- Thompson Avenue from Cole Avenue to Herndon Avenue
- McCall Avenue from Herndon Avenue to Ashlan Avenue
- Academy Avenue from Shepherd Avenue to Ashlan Avenue

Future ambient noise would be substantially higher when compared to existing conditions at receptors along the roadway segments identified above. Therefore, traffic-related noise impacts related to the implementation of the General Plan Update are significant.

### **Mitigation Measure**

No feasible mitigation measures are available. Several Environmental Safety Element policies under the General Plan Update would reduce potential noise impacts to new sensitive land uses. For example, Policy 3.1 requires mitigation measures to ensure future developments remain compatible with existing uses as detailed in the Noise Level Exposure and Land Use Compatibility Matrix and the City's noise ordinance. Policy 3.2 discourages land use and traffic patterns that expose sensitive land uses or noise-sensitive areas to unacceptable noise levels. Policy 3.3 requires new development to assess potential noise impacts and to fund feasible noise-related mitigation measures. Policies 3.4 and 3.5 require noise-minimizing site and building designs (e.g., soundwalls, landscaping, buffers, siting, etc.) and an acoustical study. However, these policies would only affect new developments and would not apply to existing homes. Mitigating noise impacts to existing homes fronting major transportation corridors could consist of retrofitting sound walls, buffers, or other barriers along the corridor, but this would require adjusting existing rights-of-way to make room for the noise-minimizing designs. Shifting existing rights-of-way to install noise barriers could affect roadway or sidewalk widths, and the noise barriers may encroach onto private property. It would also be expensive to implement the buffers along all existing homes fronting major roadways throughout the City. Therefore, this is an economically and physically infeasible option. Thus, Impact 5.12-1 would remain significant and unavoidable.

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### **Impact 5.12-4: Buildout of the individual land uses and projects for implementation of the General Plan Update could expose sensitive uses to strong groundborne vibration.**

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**Finding 1** – The City hereby makes Finding 1 and determines that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR for both the 2035 Scenario and Full Buildout. However, this impact would remain significant and unavoidable. In order to approve the proposed General Plan Update, a Statement of Overriding Considerations will be required.

### **Facts in Support of Finding**

#### *2035 Scenario*

Construction operations can generate varying degrees of ground vibration, depending on the construction procedures and equipment. Vibration from construction activities rarely reaches levels that can damage structures, but can achieve the audible and perceptible ranges in buildings close to the construction site. Vibration generated by construction equipment has the potential to be substantial. Depending on the type of equipment and distance to the nearest receptors, the use of heavy equipment during construction would have the potential to cause annoyance and architectural damage at nearby uses. This would be a potentially significant impact.

#### *Full Buildout*

The analysis above for the 2035 Scenario also applies to Full Buildout of the General Plan Update.

## Mitigation Measure

- 12-1 Individual projects that involve vibration-intensive construction activities within 200 feet of sensitive receptors, such as blasting, pile drivers, jack hammers, and vibratory rollers, shall be evaluated for potential vibration impacts. A study shall be conducted for individual projects where vibration-intensive impacts may occur. If construction-related vibration is determined to be perceptible at vibration-sensitive uses, additional requirements, such as use of less-vibration-intensive equipment or construction techniques, shall be implemented during construction (e.g., nonexplosive blasting methods, drilled piles as opposed to pile driving, etc.).

Mitigation Measure 12-1 would reduce vibration impacts by requiring alternative construction methods. However, it cannot be guaranteed that these methods can be implemented and that vibration impacts from construction of future projects would not occur. No other mitigation measures are available. Consequently, Impact 5.12-4 would remain significant and unavoidable.

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**Impact 5.12-5: Construction activities associated with buildout of the individual land uses and projects for implementation of the General Plan Update would substantially elevate noise levels in the vicinity of noise-sensitive land uses.**

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**Finding 1** – The City hereby makes Finding 1 and determines that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR for both the 2035 Scenario and Full Buildout. However, this impact would remain significant and unavoidable. In order to approve the proposed General Plan Update, a Statement of Overriding Considerations will be required.

### Facts in Support of Finding

#### *2035 Scenario*

Construction of individual developments associated with buildout of the proposed land use plan would temporarily increase the ambient noise environment and would have the potential to affect noise-sensitive land uses in the vicinity of each individual project. Section 5.27.604 of the Clovis Municipal Code provides that unless otherwise expressly provided by a permit, construction activities are only permitted between the hours of 7:00 AM and 7:00 PM Monday thru Friday and between 9:00 AM and 5:00 PM on Saturday and Sunday. From June 1 through September 15, permitted construction activity may commence after 6:00 AM Monday through Friday. Extended construction work hours with a permit must at all times be in strict compliance with the permit conditions.

These provisions would not apply for emergency work of public service utilities. In addition, stationary equipment (e.g., generators) cannot be adjacent to any existing residences unless enclosed in a noise-attenuating structure, subject to the review and approval of the Planning Director. However, construction activities could cause substantial noise increases to nearby uses during prolonged periods of construction. Even with the environmental review that would be required for most development projects, it cannot be guaranteed that noise impacts during construction could be mitigated to below significance. Therefore, construction noise as it relates to implementation of the General Plan Update would result in a potentially significant noise impact.

## *Full Buildout*

The analysis above for the 2035 Scenario also applies to Full Buildout of the General Plan Update.

### **Mitigation Measure**

12-2 Applicants for new development projects within 500 feet of sensitive receptors shall implement the following best management practices to reduce construction noise levels:

- Consider the installation of temporary sound barriers for construction activities immediately adjacent to occupied noise-sensitive structures.
- Equip construction equipment with mufflers.
- Restrict haul routes and construction-related traffic.
- Reduce nonessential idling of construction equipment to no more than five minutes.

Mitigation Measure 12-2 would reduce construction noise impacts to the extent feasible. However, factors such as distance, source to receiver geometry, and other site conditions may render the mitigation measure infeasible or ineffective for individual future projects in the Plan Area. Thus, Mitigation Measure 12-2 would not guarantee that construction noise impacts would be reduced to less than significant levels, and Impact 5.12-5 would remain significant and unavoidable.

## **11. Population and Housing**

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**Impact 5.13-1:** Under the 2035 Scenario, buildout of the General Plan Update would result in similar population growth as projected by the Fresno COG; however, full buildout of the proposed project would substantially increase population in the Plan Area, by over 150 percent by year 2080, which is also beyond Fresno COG's planning horizon.

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**Finding 3** – The City hereby makes Finding 3 and determines that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR. Potentially significant impacts cannot be reduced to less than significant levels at full buildout of the General Plan Update (2035 Scenario would be less than significant). This impact is significant and unavoidable. In order to approve the proposed General Plan Update, a Statement of Overriding Considerations will be required.

### **Facts in Support of Finding**

#### *2035 Scenario*

The City's 2035 Scenario population growth under the proposed project (184,100 persons) would be 3.9 percent greater than the Fresno COG's 2035 projections; however, the difference is minimal, given that the population projections are estimated more than 20 years into the future. Thus, impacts are considered to be less than significant.

### *Full Buildout*

Full Buildout of the project would result in 294,300 persons in the entire Plan Area, which is more than 150 percent of the existing population. Development in accordance with the proposed land use plan at full buildout is not likely to occur within the next 50 years, and Fresno COG population projections do not exceed its 25-year planning horizon. Thus, it is uncertain whether the substantial population induced by the proposed General Plan Update would follow population growth trends forecast by the Fresno COG. Given the lack of comparative population projections, the population anticipated in the SOI and non-SOI Plan Area at full buildout of the proposed General Plan Update would be substantial and significant.

### **Mitigation Measure**

No feasible mitigation measure is available. Reducing the future population would require either an alternate land use (as analyzed in the EIR Project Alternatives) or a reduction in household size. However, household size data used in the EIR analysis was obtained from the City's 2010 U.S. Census data, which is an accurate representation of the City's average household size. Full buildout of the proposed project would result in a substantial 156 percent increase in population directly through proposed residential, commercial, and office uses under the proposed land use plan and indirectly through planned extensions and improvements of roads and infrastructure into the SOI and non-SOI Plan Area. Furthermore, because the Fresno COG population projections do not exceed its 25-year planning horizon, it is uncertain whether the City of Clovis's population growth beyond 2035 would keep pace with the proposed project's population growth. Impacts would remain significant and unavoidable at full buildout of the General Plan Update.

## **12. Transportation and Traffic**

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### **Impact 5.16-1: Project-related trip generation would impact levels of service for the existing area roadway system.**

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**Findings 2 & 3** – The City hereby makes Finding 2 given that changes or alterations that could mitigate this impact are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency under both the 2035 Scenario and Full Buildout.

The City hereby also makes Finding 3 and determines that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR for both the 2035 Scenario and Full Buildout. Therefore, this impact is significant and unavoidable. In order to approve the proposed General Plan Update, a Statement of Overriding Considerations will be required.

### **Facts in Support of Finding**

#### *2035 Scenario*

Based on LOS requirements, the majority of the study roadway segments would operate at acceptable levels (LOS D or better) during the AM and PM peak hours. However, the following

study roadway segments would operate below the applicable LOS standard during either the AM or PM peak hours:

City of Clovis Roadways

- Minnewawa Avenue: Shaw Avenue to Ashlan Avenue (LOS F in PM peak hour)

County of Fresno Roadways

- Copper Avenue: Willow Avenue to Auberry Road (LOS E in AM peak hour)
- Copper Avenue: Auberry Road to Minnewawa Avenue (LOS F in AM and PM peak hours)
- Behymer Avenue: Clovis Avenue to Fowler Avenue (LOS D in PM peak hour)
- Herndon Avenue: McCall Avenue to Academy Avenue (LOS D in PM peak hour)
- Ashlan Avenue: Minnewawa Avenue to Clovis Avenue (LOS F in AM and PM peak hours)
- Ashlan Avenue: McCall Avenue to Academy Avenue (LOS D in PM peak hour)
- Minnewawa Avenue: Copper Avenue to Behymer Avenue (LOS F in AM and PM peak hours)
- Fowler Avenue: Behymer Avenue to Shepherd Avenue (LOS E in PM peak hour)
- DeWolf Avenue: Herndon Avenue to Bullard Avenue (LOS D in AM and PM peak hour)
- McCall Avenue: Herndon Avenue to Shaw Avenue (LOS F in AM and PM peak hours)
- Academy Avenue: Herndon Avenue to Shaw Avenue (LOS D in PM peak hour)

Caltrans Facilities

- SR 168 Eastbound: McKinley Avenue to Shields Avenue (LOS E in AM and PM peak hours)
- SR 168 Eastbound: Shields Avenue to Ashlan Avenue (LOS E in AM and PM peak hours)
- SR 168 Westbound: Ashlan Avenue to Shields Avenue (LOS E in AM peak hour)
- SR 168 Eastbound: Herndon Avenue to Fowler Avenue (LOS E in PM peak hour)
- SR 168 Westbound: Fowler Avenue to Herndon Avenue (LOS F in AM peak hour; LOS E in PM peak hour)
- SR 168 Westbound: Temperance Avenue to Fowler Avenue (LOS E in AM peak hour)
- SR 168: Temperance Avenue to Owens Mountain Parkway (LOS F in PM peak hour)

The impacted roadway in the City of Clovis at Minnewawa Avenue from Shaw Avenue to Ashland Avenue would operate at LOS F in PM peak hour; however, an exception to the City's LOS standard would apply to this roadway segment, per Policy 2.1 of the General Plan Update. Thus, no roadways in the City of Clovis would operate at unacceptable LOS in the 2035 Scenario.

Nevertheless, several roadway segments in the County of Fresno and Caltrans facilities would operate at unacceptable LOS. Although traffic improvements could mitigate these impacts, these improvements would be under the jurisdiction of Caltrans and the County of Fresno. Since the City

of Clovis does not have control over the implementation of these mitigation measures, the City hereby makes Finding 2, and the impact would remain significant and unavoidable.

### *Full Buildout*

Based on traffic growth from this additional development, several deficiencies at study roadways were identified at Full Buildout of the General Plan Update. The following segments were identified to need improvements, including segment extensions and lane expansions:

#### City of Clovis Roadways

- Copper Avenue: Willow Avenue to Auberry Road
- Copper Avenue: Auberry Road to Clovis Avenue
- Behymer Avenue: Willow Avenue to Clovis Avenue
- Minnewawa Avenue: Shepherd Avenue to Behymer Avenue
- Clovis Avenue: extended north from Behymer Avenue to Copper Avenue as a 4-lane arterial
- Clovis Avenue: Shepherd Avenue to Perrin Avenue
- Owens Mountain Parkway: DeWolf Avenue to “Muncie Avenue” (east-west collector street east of SR 168)
- Owens Mountain Parkway: McCall Avenue to “Dockery Avenue” (north-south arterial street east of McCall Avenue in Northeast Urban Center)
- Herndon Avenue: McCall Avenue to “Del Rey Avenue” (north-south collector street west of Academy Avenue in Northeast Urban Center)
- McCall Avenue: SR 168 to Owens Mountain Parkway
- McCall Avenue: north of Herndon Avenue
- Ashlan Avenue: Thompson Avenue to McCall Avenue
- DeWolf Avenue: Bullard Avenue south to City Limits
- Leonard Avenue: Bullard Avenue south to City Limits
- Shepherd Avenue: Willow Avenue to Temperance Road
- Alluvial Avenue: Clovis Avenue to Temperance Avenue
- Herndon Avenue: Temperance Avenue to DeWolf Avenue
- Gettysburg Avenue: Clovis Avenue to Sierra Vista Parkway

- Willow Avenue: Herndon Avenue to Escalon Avenue
- Sunnyside Avenue: Alluvial Avenue to Fifth Street
- Fowler Avenue: Enterprise Canal to Nees Avenue
- Armstrong Avenue: Alluvial Avenue to Herndon Avenue

County of Fresno Roadways

- McCall Avenue: Herndon Avenue to SR 180
- Academy Avenue: Herndon Avenue to Shaw Avenue

Caltrans Facilities

- SR 168: Herndon Avenue to Temperance Avenue
- SR 168: Temperance Avenue to Shepherd Avenue/McCall Avenue
- SR 168: Shepherd Avenue/McCall Avenue to “Dockery Avenue”
- SR 168: east of “Dockery Avenue” to east of “Indianola Avenue” (north-south arterial west of Academy Avenue in Northeast Urban Center)

As presented above, several segments would need to be expanded and extended. Improvements for roadways in the City of Clovis have been identified; however, at the time of the preparation of this analysis, no funding sources have been identified (Finding 3). In addition, the impacted County of Fresno roadways and Caltrans facilities are not under the City’s jurisdiction (Finding 2). Thus, this would be a significant impact.

**Mitigation Measure**

Several City roadway segments would need to be expanded and extended at full buildout; however no funding sources have been identified to implement the required improvements. Policies in the proposed General Plan Circulation Element encourage a well-planned, funded, and maintained roadway network. Policy 2.3 requires new developments to pay their fair share of the cost for circulation improvements in accordance with the City’s traffic fee mitigation program. In addition, Policy 2.5 details proper coordination between Clovis and the County of Fresno, City of Fresno, Fresno COG, and Caltrans to fund roadway improvements adjacent to and within the City’s Plan Area.

However, the traffic demand forecast (TDF) model used to forecast traffic volumes was derived from the 2035 Fresno Council of Governments (COG) TDF, which uses land use and transportation inputs for year 2035 conditions. The model also includes funded transportation improvements that are expected to be complete by 2035 based on the list of projects and funding identified in the 2011 Fresno COG Regional Transportation Plan (RTP). Nevertheless, given that the 2011 Fresno COG RTP only forecasts conditions until year 2035, accurate improvements and funded sources are not available past 2035 to full buildout of the General Plan Update. Therefore, funding sources have not been identified for the full buildout time horizon. In addition, many of the segments outside of the

City's jurisdiction would need to be improved by their respective jurisdictions (i.e., Caltrans and the County of Fresno).

Further, since the horizon year of the 2011 Fresno COG RTP is 2035, Fresno COG has not developed a TDF model with land use and transportation inputs that correspond with the timing of full buildout of the proposed General Plan Update. Although the Fresno COG TDF model is the best tool available to forecast future traffic conditions, it is important to note that the model develops traffic forecasts based on current travel behavior, which may no longer be applicable for long-term future conditions. Changes in technology, demographics, and economic conditions—particularly over a long time-frame (e.g., 40+ years and full buildout of the proposed General Plan Update)—may affect people's travel behavior in ways that are not captured by the model and would be speculative to predict at this time. Thus, no feasible mitigation measures are available for potentially significant impacts at full buildout of the proposed project. Impacts would remain significant and unavoidable.

### 13. Utilities and Service Systems

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**Impact 5.17-1:** Although the 2010 Urban Water Management Plan indicates sufficient water supply sources through year 2035, the severity and uncertain duration of California's recent drought conditions makes water supply unreliable. Therefore, water supply impacts are considered potentially significant under both the 2035 Scenario and Full Buildout.

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**Finding 3** – The City hereby makes Finding 3 and determines that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR under both the 2035 Scenario and Full Buildout. . This impact is significant and unavoidable. In order to approve the proposed General Plan Update, a Statement of Overriding Considerations will be required.

#### Facts in Support of Finding

##### *2035 Scenario*

Buildout of the proposed General Plan under the 2035 Scenario is anticipated to increase total water demand to 52,910 acre-feet per year (afy). The City's 2010 UWMP has forecast that it will be able to meet a 2035 demand of 52,962 afy. Thus, the City would have adequate water supply to meet the demand of 2035 buildout. However, this information does not take into account recent drought conditions. Given the uncertainty of the potential ongoing severity and duration of the drought, water supply impacts are considered significant and unavoidable.

##### *Full Buildout*

Potable water demand at Full Buildout of the General Plan Update is expected to increase to 78,695 afy. The City's 2010 UWMP only provides water supply projections to the year 2035. The UWMP anticipates average year supply to be 71,799 afy in 2035. Water supply at Full Buildout cannot be expected to exceed this amount because the City has no existing plans to increase water supply past the year 2035. Further, considering current water supply constraints—including the record 2013–

2014 California drought and the critically overdrafted status of the Kings Sub-basin—it is uncertain whether the City would be able to secure water supplies. Therefore, impacts are considered significant and unavoidable.

### **Mitigation Measure**

No feasible mitigation measure is available. Water is a nonrenewable resource, and given the current drought conditions, there are no economic, legal, social, or technological advances that will ensure adequate water supply remains through 2035 and full buildout of the proposed General Plan Update. Thus, water supply impacts are significant and unavoidable.

## **III. ALTERNATIVES TO THE PROPOSED PROJECT**

### **A. ALTERNATIVES CONSIDERED AND REJECTED DURING THE SCOPING/PROJECT PLANNING PROCESS**

The following is a discussion of the alternatives considered during the scoping and planning process and the reasons why they were not selected for detailed analysis in the Draft PEIR.

#### **Alternative Development Areas**

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (CEQA Guidelines Section 15126.6[f][2][A]).

An evaluation of an alternative to the project location is appropriate for a site-specific development project. The proposed project is the General Plan Update for the City of Clovis. The City does not have authority to carry out functions pursuant to its General Plan, including regulating land uses, outside of the City's boundaries. Therefore, an alternative development area would be infeasible and was not analyzed. However, land use alternatives evaluated in this Part B, *Alternatives Selected for Further Analysis*, does evaluate alternatives that eliminate development within certain sections of the Plan Area.

### **B. ALTERNATIVES SELECTED FOR FURTHER ANALYSIS**

The following alternatives were determined to represent a reasonable range of alternatives with the potential to feasibly attain most of the basic objectives of the project but avoid or substantially lessen any of the significant effects of the project. The alternatives are analyzed in detail in the following section.

- No Project/Existing General Plan Alternative
- Moderate Growth within SOI Alternative
- Concentrated Growth within SOI Alternative
- Low Density Growth Alternative

Buildout statistics for the proposed General Plan Update and the four alternatives are detailed below in Table 2.

**Table 2 Proposed Project vs. Alternatives Buildout Statistical Summary**

	Acres	Units	Household	Population	Employment	Building SF
<b>PROPOSED PROJECT</b>						
2035 Scenario	47,805	67,200	63,900	184,100	62,400	37,410,000
Full Buildout	47,805	107,100	101,800	294,300	106,900	51,300,000
<b>ALTERNATIVES</b>						
<b>No Project/Existing General Plan</b>						
2035 Scenario	47,805	66,825	63,425	184,185	50,422	25,950,000
Full Buildout	47,805	80,100	76,000	221,400	87,200	52,000,000
<b>Moderate Growth within SOI</b>						
2035 Scenario	47,805	66,990	63,930	183,240	49,003	40,262,500
Full Buildout	47,805	73,850	70,450	202,100	73,925	40,262,500
<b>Concentrated Growth within SOI</b>						
2035 Scenario	47,805	50,470	48,085	138,285	43,060	15,537,000
Full Buildout	47,805	107,450	102,150	295,200	106,900	51,300,000
<b>Low Density Growth</b>						
2035 Scenario	47,805	54,050	51,650	148,125	43,550	18,507,500
Full Buildout	47,805	54,050	51,650	148,125	43,550	18,507,500

Source: City of Clovis 1993 General Plan Land Use Element  
 Alternative buildout statistics generated by PlaceWorks.

**No Project/Existing General Plan Alternative**

In the No Project/ Existing General Plan Alternative, the General Plan Update would not be implemented. The current 1993 General Plan, including land use designations in the Land Use Element, would remain in effect. The 1993 General Plan addresses the same overall geographic boundaries and applies similar land use designations as the proposed General Plan (especially within the current City boundaries and the Loma Vista area). However, the 1993 General Plan designates less development and at lower intensities in a smaller geographic footprint in the Northeast and Northwest Urban Centers.

Buildout statistics for the proposed General Plan Update and the existing 1993 General Plan are compared in Table 2, above. In general, nearly all buildout factors of the No Project Alternative would be substantially lower than the proposed project, with the exception of nonresidential building square footage. The No Project Alternative would allow for 52,000,000 square feet of nonresidential development, which is 700,000 square feet more than the proposed project. However, the development would experience much lower employment generation factors and would not be as intense in terms of generating additional employees. Thus, the proposed project would generate an additional 23 percent of employment compared to the No Project Alternative.

**Finding:** The No Project/Existing General Plan Alternative would be physically feasible but would not be as economically feasible as the proposed General Plan Update. The proposed project more accurately reflects the City’s (including business owners and residents) future planning goals for their community. In addition, the General Plan Update is needed to reflect recent legislative changes (e.g., greenhouse gas emission reductions, Complete Streets Act, etc.), the economy and market, and emerging best practices.

In comparison to the proposed project, the No Project Alternative would reduce impacts to agriculture, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, population and housing, public services, transportation and traffic, and utilities and service systems. However, all significant and unavoidable impacts would still remain. Land use and planning impacts would be greater under the No Project Alternative because the 1993 General Plan is not consistent with new or updated state and local planning laws (e.g., California Complete Streets Act of 2008, the Fresno COG Regional Transportation Plan, and the San Joaquin Valley Blueprint). Furthermore, this alternative would not be as successful in accommodating 80 years of growth, nor would it develop complete communities in the three urban centers, given the lower intensity of development under the current land use plan. Public open space resources, housing, employment, and lifestyle opportunities would also be more limited under the No Project Alternative in comparison to the proposed General Plan Update. Overall, the No Project Alternative would not be as effective in meeting the project objectives. Therefore, it has been rejected by the City in favor of the proposed project.

### **Moderate Growth within SOI Alternative**

This alternative would assume the same land use designations as the proposed project; however, development would be limited to areas within the current SOI boundary. The non-SOI Plan Area would maintain its existing land use designations per the County of Fresno General Plan. The only change of land use designation within the SOI boundary would be to the eastern Loma Vista parcels adjacent to McCall Avenue. These parcels would be lowered in density from Mixed Use Business Campus to Low Density Residential given that McCall Avenue would not be developed to accommodate such high use if development stays within the SOI boundary. In this alternative only 5,250 residential units and 262,500 square feet of nonresidential uses would be developed in the non-SOI Plan Area, compared to 38,500 units and 11,300,000 square feet that would be developed in that area by the proposed General Plan Update. The total numbers of residents and employees in the Plan Area at buildout of this alternative would each be approximately 31 percent less than corresponding numbers at full buildout of the proposed General Plan Update.

**Finding:** The Moderate Growth within SOI Alternative would be physically feasible but may not be as responsive to the project objectives with respect to economic considerations as the proposed project. The three urban centers would not be developed as individual sustainable communities, nor would the City be able to accommodate 80 years of growth within the SOI boundary. Expansion into the non-SOI Plan Area is necessary to provide housing, employment, and lifestyle opportunities for the population growth expected in Clovis.

In addition, compared to the proposed project, the Moderate Growth within SOI Alternative would reduce impacts to aesthetics, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, public services, and utilities and service systems. In addition, the alternative would also reduce impacts to all significant and unavoidable impacts; however most would remain significant and unavoidable for both the 2035 and Full Buildout Scenarios with the exception of population growth (Full Buildout) and groundwater use and water supply (2035 Scenario and Full Buildout). Nevertheless, this alternative would not be as responsive to the project objectives as the proposed project. By restricting development to areas within the SOI boundary, the alternative would not be able to develop complete communities in all three urban centers or

accommodate 80 years of growth in a sustainable pattern. All housing, employment-generating development, and public open space resources (i.e., trails, parks, and recreation) proposed in the non-SOI Plan Area under the proposed project would not be developed under this alternative either. Thus, it has been rejected by the City in favor of the proposed project.

### **Concentrated Growth within SOI Alternative**

The Concentrated Growth within SOI Alternative would accommodate the same level of development as the proposed project; however, there would be no change to designations outside of the SOI boundary, which would maintain its existing land use designations per the County of Fresno land use plan. In order to accommodate the same level of development, this alternative would substantially increase density in various areas within the City and SOI, particularly in Loma Vista and Northwest Urban Center. For example, proposed residential uses would increase from Very Low or Low Density Residential to Medium High, High, and Very High Density Residential. At buildout of this alternative, over 96 percent of residential units and over 99 percent of nonresidential building in the Plan Area would be within the SOI.

**Finding:** Concentrating all growth within Clovis's SOI boundary would be physically feasible but may not be as responsive to project objectives or environmental factors. The intensity of development and population growth would cause increased environmental impacts, including land use and planning, traffic, and recreation. Further, this alternative would not achieve the project objectives as well as the proposed General Plan Update because the high density development would significantly alter the character and quality of existing neighborhoods and Old Town.

Compared to the proposed project, the Concentrated Growth within the SOI Alternative would reduce impacts to biological resources, cultural resources, geology and soils, hazards and hazardous materials, public services, and utilities and service systems. While this alternative would not reduce any significant and unavoidable impacts of the proposed project to less than significant, it would still reduce impacts to agricultural resources, air quality, historical resources, and greenhouse gas emissions. However, this alternative would increase impacts to land use and planning, transportation and traffic, and recreation mainly due to the concentrated intensity of development proposed within just the SOI boundary. In addition to increased environmental impacts, the dense development under this alternative would adversely impact the small-town character of Old Town, the urban centers, and existing neighborhoods. Further, 80 years of sustainable growth would not be accommodated within just the SOI boundary. Therefore, the City rejects this alternative in favor of the proposed project.

### **Low Density Growth Alternative**

Similar to the proposed General Plan Update, the Low Density Growth Alternative would designate land uses across the entire Plan Area. However, it would substantially reduce development intensity. This alternative would significantly lower density in various areas within the City's SOI and the Northeast and Northwest Urban Centers. For example, the highest density residential designation would be Medium Density Residential with a maximum density of seven units per acre. In the urban centers, parcels adjacent to agricultural uses and rural residential areas are further reduced to Very Low Density Residential. Employment would also be limited to a handful of retail and business centers. Population and the number of housing units at buildout of this alternative would each be

**CITY OF CLOVIS  
CITY COUNCIL  
RESOLUTION 14 - \_\_\_\_\_  
GENERAL PLAN AND DEVELOPMENT CODE UPDATE  
EXHIBIT B-1  
CEQA STATEMENT OF FACTS AND FINDINGS**

**I. BACKGROUND**

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of the project pursuant to Sections 15091 and 15093 of the CEQA Guidelines and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA.

**A. PROJECT SUMMARY**

The proposed project is an update to the City of Clovis General Plan and Development Code. The Clovis General Plan Update is intended to shape development within the Plan Area through 2035 and beyond, and the update to the Development Code is intended to consolidate and compile amendments adopted since the 1970s into a reorganized and reformatted document that also reflects changes to the General Plan.

**General Plan Update**

The General Plan Update entails a revision to the land use map and all elements, except Housing, and adds a new Economic Development Element. The General Plan Update consists of the following elements: Land Use, Circulation, Community Facilities (previously Public Facilities), Open Space/Conservation, Safety, Noise, Air Quality, and Economic Development.

**Buildout Scenarios**

The California Environmental Quality Act (CEQA) requires that an EIR analyze the potential environmental impacts and identify feasible mitigation measures for significant impacts for the entire project. Buildout per the proposed land uses for the entire Plan Area, however, may not occur for 70 to 80 years. Quantified, meaningful analysis would not be feasible for that time period.

Therefore, the Draft Program EIR (Draft PEIR) analyzes the potential environmental impacts of two scenarios—1) the projected development by 2035, and 2) development at full buildout (anticipated to be many years beyond 2035)—in comparison to existing conditions. Statistical assumptions to be used for these buildout scenarios are detailed in Table 1, *Buildout Statistical Summary*. As shown in Table 1, the General Plan Update anticipates that most of the growth would occur within the SOI and non-SOI Plan Area.

- **2035 Scenario.** Although development would be allowed in accordance with the General Plan Land Use Plan anywhere within the Plan Area, this scenario assumes that the majority of development would occur within the City and SOI. Assumed development also encompasses a portion of the area east of Harlan Ranch and SR-168. The statistical analysis also assumes a

reduced by about half compared to the proposed project; employment would be reduced by about 59 percent; and nonresidential building area would be reduced by approximately 64 percent.

**Finding:** This alternative is physically feasible; however it would not be as effective in achieving the project objectives or reducing environmental impacts. Low density growth across the entire Plan Area would preserve the small-town character of Clovis's existing neighborhoods; however, given the size of the Plan Area, low density development is not a sustainable urban growth pattern and would likely cause an economic strain on the City due to expansion of public services, utilities, and roadways for a population half of that proposed by the General Plan Update.

The Low Density Growth Alternative would reduce impacts to aesthetics, geology and soils, hazards and hazardous materials, hydrology and water quality, recreation, and utilities and service systems. In addition, this alternative would reduce but would not eliminate significant and unavoidable impacts to air quality, greenhouse gas emissions, historical resources, construction-related noise and vibration, and traffic. However, impacts would be greater on land use and planning and public services. Significant and unavoidable population (Full Buildout) and groundwater use and water supply (2035 Scenario and Full Buildout) would be reduced to less than significant. The Low Density Growth Alternative would reduce impacts associated with higher density development, but it would be more difficult to meet several project objectives compared to the proposed project, such as developing complete communities in the three urban centers, providing residential and employment opportunities, accommodating 80 years of sustainable growth, and creating lifestyle opportunities for all ages and incomes of residents. Therefore, the City rejects this alternative in favor of the proposed project.

**RESOLUTION 14 - \_\_\_\_**  
**GENERAL PLAN AND DEVELOPMENT CODE UPDATE**  
**CEQA FINDINGS**  
**EXHIBIT B-2**

**STATEMENT OF FINDINGS REGARDING RECIRCULATION**

**a. When Recirculation of an EIR is Required.**

CEQA Guidelines Section 15088.5 requires a public agency to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review but before certification. Significant new information requiring recirculation generally means information which significantly alters the environmental analysis and deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project. Significant new information includes information which shows:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents declined to adopt it.
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Recirculation is not required where the new information does not significantly alter the environmental analysis and the information merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

**b. The EIR Does Not Contain Significant New Information Requiring Recirculation.**

Although the Council is not required to make findings under CEQA regarding whether the Final EIR should be recirculated before certification of the EIR, the Council has decided to summarize its position with reference to the record, to make specific findings regarding the revised Biological and Agricultural Mitigation Measures, and to make other findings.

The Council finds and determines as follows:

## Biological Mitigation Measures

1. Section 5.4 of the Draft PEIR addresses Biological Resources. Potentially significant impacts are identified and mitigated through five mitigation measures: 4-1 (if disturbing vegetated, vacant land, have biologist determine potential for significant impact); 4-2 (if sensitive or biological resources are present, have biologist evaluate and identify impacts); 4-3 (project proponents avoid potential impacts to sensitive or protected biological resources); , 4-4 (if avoidance is not feasible, design projects to minimize impacts); and 4-5 (qualified biologist develops mitigation measures).
2. In response to concerns from the Planning Commission about the clarity of these mitigation measures, the Biological Mitigation Measures were restructured for the Final EIR. Additionally, a measure was added to clearly spell out the existing requirements for mitigation of jurisdictional wetlands and migratory birds, as set forth in the Biological Evaluation Report (Appendix F).
3. Revised Mitigation Measures 4-1, 4-2, and 4-3, are similar to those contained in the Draft PEIR, but the five mitigation measures are combined into three with clear headings as follows:
  - 4-1 Biological Assessment & Focused Surveys (Previously 4-1 and 4-2)
  - 4-2 Resource Impact Avoidance/Minimization (Previously 4-3 and 4-4)
  - 4-3 Compensatory Mitigation (Previously 4-5)
4. In addition to combining the previous five mitigation measures into three, new 4-4 addresses Jurisdictional Wetlands and new 4-5 addresses Migratory Birds. Mitigation Measures 4-4 and 4-5 are referenced in the Biological Resource Evaluation as existing measures to mitigate these impacts (Appendix F), but are not clearly spelled out. To avoid ambiguity, they have been added to the EIR.
5. The restructuring of the previously identified mitigation measures with clarifying text, and the addition of mitigation measures to address jurisdictional wetlands and migratory birds, merely clarifies or amplifies the information and analysis already included in the Draft PEIR. The revised Biological Mitigation Measures do not contain significant new information that deprived the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect.

## Agricultural Mitigation Measures

6. Section 5.2 of the Draft PEIR addresses Agricultural and Forestry Resources. Potentially significant impacts on agricultural resources are identified and mitigated through one mitigation measure: 2-1 (prepare a resource evaluation and if conversion is significant mitigate at a 1:1 ratio or payment of a valuation equivalent mitigation fee).

7. In response to public comments expressing concern with the implementation of Mitigation Measure 2-1, Mitigation Measure 2-1 has been revised to explain how 2-1 would be implemented. Additionally, one new mitigation measure has been added along with additional clarifying text, resulting in a restructuring of the Agricultural Mitigation Measures, as follows:
  - 2-1 A commitment by the City to adopt either a regional agricultural preservation program or a local Farmland Preservation Plan (FPP) by June 25, 2017.
  - 2-2 Upon adoption of the regional program or local FPP, project applicants must comply with those requirements.
  - 2-3 Pending adoption of the regional program or local FPP, or if one is not adopted by June 25, 2017, project applicants must comply with the Draft PEIR Mitigation Measure 2-1 (mitigate at a 1:1 ratio or payment of a valuation equivalent mitigation fee). Additionally, consistent with CEQA, project applicants have an opportunity to propose a substitute a mitigation measure that achieves the same mitigating effect.
8. The restructuring of the previously identified mitigation measure with clarifying text regarding its implementation, and the addition of a new mitigation measure requiring the City to adopt either a regional agricultural preservation program or a local FPP by a date certain, merely clarifies or amplifies the information and analysis already included in the Draft PEIR. The revised Agricultural Mitigation Measures do not contain significant new information that deprived the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect.
9. New Mitigation Measures 2-1 and 2-2, which commits the City to adopt either a regional agricultural preservation program or a local Farmland Preservation Plan (FPP), acknowledges the need for a comprehensive, and preferably regional, solution to preserving agricultural land in the Central Valley. Any such program or plan would go through its own public and environmental review process. Once a plan or program is in place, to be effective it would replace contrary mitigation measures in existing environmental review documents. New Mitigation Measure 2-1 does not identify a new significant environmental impact, does not identify a substantial increase in the severity of an environmental impact, and does not identify a feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the project.
10. New Mitigation Measure 2-3 incorporates the text from previous Mitigation Measure 2-1 (mitigate at a 1:1 ratio or payment of a valuation equivalent mitigation fee) but adds additional text regarding how implementation of this measure will work. First, applicants prepare or fund a resource evaluation on properties more than 20 acres (*expressly part of previous mitigation*); second the preparer of the resource evaluation uses accepted methodologies for identifying the potentially significant impact of the loss of agricultural land (*expressly part of previous mitigation*); third, the preparer of the resource evaluation considers the economic viability of future agricultural use of the property (*expressly part*

*of previous mitigation*); fourth, if the agricultural resource is considered significant and future agricultural use is considered economically viable, the conversion is deemed significant and mitigate at a 1:1 ratio or payment of a valuation equivalent mitigation fee (*expressly part of previous mitigation*). This restructuring of the previously identified mitigation measure with clarifying text regarding its implementation merely clarifies or amplifies the information and analysis already included in the Draft PEIR.

11. New Mitigation Measure 2-3 provides the opportunity for a project applicant to offer “Other potential mitigation which achieves the same mitigating effect as the measures identified above, consistent with the CEQA Statutes and Guidelines”. This new language simply reflects what CEQA already allows, the substitution of a mitigation measure that achieves the same mitigating effect. Substitution of a mitigation measure shall comply with the requirements of CEQA. New Mitigation measure 2-3 also provides an example of one possible substitute mitigation measure, but leaves the actual determination of the adequacy of that measure to the time that a project is proposed and a record can be established to support substitution. This new text does not identify a new significant environmental impact, does not identify a substantial increase in the severity of an environmental impact, and does not identify a feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the project. While a potential alternative mitigation measure is identified, it would be a measure that achieves the same mitigating effect, not one that would clearly lessen the significant environmental impacts of the project.
12. The revised Agricultural Mitigation Measures do not contain significant new information that deprived the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect.

#### Entire Final EIR

13. In all other respects, the Final EIR does not contain significant new information requiring recirculation of the EIR. In particular, the Final EIR does not include information which shows:
  - (a) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
  - (b) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
  - (c) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents declined to adopt it.

- (d) The Draft PEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
14. The Final EIR does not contain significant new information that deprived the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect, and does not require that the EIR be revised and recirculated.
  15. The California Supreme Court has opined that recirculation is the exception and not the general rule, and that the Legislature, in enacting CEQA, did not intend to promote endless rounds of revision and recirculation of EIRs. (*Laurel Heights Improvement Association v. Regents of University of California* (1993) 6 Cal.4th 1112, 1132.)
  16. Revision and recirculation of the Final EIR is not required.
  17. These findings are supported by substantial evidence in the whole record before the City Council.

**CITY OF CLOVIS  
CITY COUNCIL  
RESOLUTION 14 - \_\_\_\_\_  
GENERAL PLAN AND DEVELOPMENT CODE UPDATE  
EXHIBIT B-3  
FORM OF STATEMENT OF OVERRIDING CONSIDERATIONS**

**Introduction**

The City of Clovis is the lead agency under CEQA responsible for preparation, review, and certification of the Final EIR for the Clovis General Plan and Development Code Update. As the lead agency, the City is also responsible for determining the potential environmental impacts of the proposed action, which of those impacts are significant, and which can be mitigated through imposition of mitigation measures to avoid or minimize those impacts to a level of less than significant. CEQA then requires the lead agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether or not to approve the proposed project (Project). In making this determination, the City is guided by State CEQA Guidelines Section 15093, which provides:

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

In addition, Public Resources Code, Section 21081(b), requires that where a public agency finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in an EIR and thereby leave significant unavoidable effects, the public agency must also find that overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

Pursuant to Public Resources Code Section 21081(b) and the State CEQA Guidelines Section 15093, the City of Clovis has balanced the benefits of the Project against the following unavoidable adverse impacts associated with the Project and has adopted all feasible mitigation measures with respect to these impacts. The City also has examined alternatives to the Project, none of which both meets the Project objectives and is environmentally preferable to the proposed Project for the reasons discussed in the Findings and Facts in Support of Findings.

### **Significant Unavoidable Adverse Environmental Impacts**

Although most potential Project impacts have been substantially avoided or mitigated, as described in the Findings and Facts in Support of Findings, there remain some Project impacts for which complete mitigation is not feasible. For some impacts, mitigation measures were identified and adopted by the lead agency; however, even with implementation of the measures, the City finds that the impact cannot be reduced to a level of less than significant. The impacts and alternatives are described below and were also addressed in the Findings.

The Draft Program EIR (Draft PEIR) identified the following significant unavoidable adverse impacts of the proposed Project:

#### ***Agricultural Resources***

##### *2035 Scenario and Full Buildout*

- **Impact 5.2-1, Loss of Important Farmland.** Buildout of the proposed General Plan Update would convert 3,206 acres of Prime Farmland, 1,834 acres of Farmland of Statewide Importance, and 1,585 acres of Unique Farmland to nonagricultural land uses.
- **Impact 5.2-2, Conversion of Agriculture to Nonagricultural Use.** The General Plan Update would change the land use designation of 4,610 acres designated for agriculture to other land use designations.
- **Impact 5.2-3, Williamson Act.** General Plan Update buildout would convert 3,047 acres of farmland bearing Williamson act contracts to nonagricultural land uses.

Implementation of the General Plan Update would result in significant, unavoidable impacts to these three impact areas. Implementation of Mitigation Measures 2-1 through 2-3 would not fully mitigate the direct loss of farmlands associated with the implementation of the General Plan Update because there would still be a net reduction in the total amount of land suitable for agricultural use. The impacts would therefore be significant and unavoidable under both scenarios.

#### ***Air Quality***

##### *2035 Scenario and Full Buildout*

- **Impact 5.3-1, Inconsistency with Air Quality Management Plan.** The General Plan Update would be consistent with the San Joaquin Valley Air Pollution Control District's (SJVAPCD) control measures; however, development associated with the buildout of the

General Plan Update would exceed the SJVAPCD significance thresholds and thus would be inconsistent with the applicable air quality management plan.

The proposed project would generate a substantial increase in criteria air pollutants that would exceed the SJVAPCD significance thresholds. Because dispersion modeling is not applicable for a program EIR, projects with emissions of any criteria air pollutant that exceed these values are considered to have the potential to exceed the ambient air quality standards, resulting in a potentially significant impact with regard to consistency with SJVAPCD's air quality plans. Therefore, even though the proposed project is consistent with the control measures in the air quality management plans, to be conservative, it is considered inconsistent with the SJVAPCD's air quality plans. Goals and policies in the proposed General Plan Update would facilitate continued emissions reductions. However, due to the programmatic nature of the proposed General Plan Update, no additional mitigating policies are available to reduce emissions to less than significant levels. Therefore, Impact 5.3-1 would remain significant and unavoidable.

- **Impact 5.3-2, Construction Emissions.** Construction activities associated with buildout of the General Plan Update would generate short-term emissions that exceed SJVAPCD's significance threshold criteria and would contribute to the ozone and particulate matter nonattainment designations of the SJV Air Basin.

Implementation of Standard Condition 1 (SC-1) and Mitigation Measures 3-1 and 3-2 and compliance with the City's applicable development code sections and SJVAPCD rules (e.g., Rule 9510) would reduce criteria air pollutant emissions from construction-related activities. However, due to the magnitude of emissions generated by future construction activities, no mitigation measures are available that would reduce impacts below SJVAPCD's thresholds. Therefore, Impact 5.3-2 would remain significant and unavoidable.

- **Impact 5.3-3, Long-Term Emissions.** Implementation of the Land Use Plan of the proposed General Plan Update would generate long-term emissions that would exceed the SJVAPCD's significance threshold criteria and cumulatively contribute to the ozone and particulate matter nonattainment designations of the SJVAB.

Goals and policies in the proposed General Plan Update would reduce vehicle trip lengths and encourage use of alternative forms of transportation, which would also reduce criteria air pollutants in the Plan Area. In addition, compliance with SJVAPCD regulations and implementation of SC-1 and Mitigation Measures 3-3 would reduce operational-phase emissions to the extent possible. However, due to the magnitude of emissions generated by the planned land uses, no mitigation measures are available that would reduce emissions below SJVAPCD's thresholds. Therefore, Impact 5.3-3 would remain significant and unavoidable.

### **Cultural Resources**

#### *2035 Scenario and Full Buildout*

- **Impact 5.5-1, Historic Resources.** The proposed General Plan Update would allow development in areas that have historic resources identified by previous cultural resource

surveys and the Fresno County List of Historic Places. Development in these areas would potentially disturb historic resources.

Mitigation Measure 5-1 requires historic resources assessments prior to construction of projects that may impact historic resources. Mitigation Measures 5-2 and 5-3 would reduce impacts to historic resources; for instance, Mitigation Measure 5-3 requires recording resources. However, impacts to historic resources would remain significant and unavoidable for both the 2035 Scenario and Full Buildout.

### ***Greenhouse Gas Emissions***

#### *2035 Scenario and Full Buildout*

- **Impact 5.7-1, Greenhouse Gas Emissions.** Implementation of the proposed General Plan Update would result in a substantial increase in GHG emissions for year 2035 and beyond year 2035 (Full Buildout) compared to existing conditions. Additionally, though community-wide GHG emissions at year 2035 and Full Buildout would be less than business-as-usual (BAU) conditions, the proposed General Plan Update would not meet the SJVAPCD's threshold of 29 percent below BAU or the long-term reduction target of Executive Order S-03-05.

Compliance with statewide measures would reduce GHG emissions associated with implementation of the proposed General Plan Update. Implementation of the proposed General Plan Update would improve the job-to-housing ratio to 0.93 job per household in year 2035 compared to the current 0.75 ratio, and to 1.0 job per household after Full Buildout. This improved ratio would contribute to shortening the average trip distance of residents to their jobs and to the reduction of total vehicle miles traveled in the Plan Area, resulting in a per capita reduction in GHG emissions in the Plan Area. Furthermore, the policies in the proposed General Plan Update; SC-1; and Mitigation Measures 3-1, 3-5, and 7-1 would ensure that GHG emissions from buildout of the proposed General Plan Update would be minimized to the extent feasible.

However, due to the magnitude of the proposed General Plan Update's development, its implementation would substantially increase GHG emissions from existing conditions in year 2035 and Full Buildout, exceeding the SJVAPCD threshold of 29 percent below BAU. Additional statewide measures would be necessary to reduce GHG emissions under the proposed General Plan Update to meet the SJVAPCD BAU threshold and the reduction target of Executive Order S-03-05. As identified by the California Council on Science and Technology, the state cannot meet the 2050 goal without major advancements in technology. Since no additional statewide measures to reduce emissions beyond year 2020 are available, Impact 5.7-1 would be significant and unavoidable.

### ***Hydrology and Water Quality***

#### *2035 Scenario and Full Buildout*

- **Impact 5.9-2, Groundwater Use.** Development pursuant to the General Plan Update would increase the demand on groundwater use and also increase impervious surfaces in the Plan Area, which would impact opportunities for groundwater recharge.

Based on the 2010 Urban Water Management Plan (UWMP), forecast water supplies available to the City of Clovis would meet estimated water demands generated by buildout of the General Plan Update under the 2035 Scenario, but would not meet demands at Full Buildout (see the analysis of impacts on water supplies in Section 5.17.1, *Water Service*, of the Draft PEIR). Although the estimated population of the Plan Area at buildout of the 2035 Scenario (184,100 persons) is lower than the 2035 population estimate in the 2010 City of Clovis UWMP (188,224 persons), the duration and severity of the current drought is unknown. In addition, Full Buildout would require the City to obtain expanded water supplies other than groundwater—that is, local surface water, imported water, recycled water (for nonpotable uses), or some combination thereof—to avoid depleting groundwater to meet water demands by full General Plan Update buildout. The potential for development in accordance with the General Plan Update to deplete groundwater or interfere with groundwater recharge, therefore, is determined to be potentially significant in both the 2035 Scenario and Full Buildout.

Details on long-term water planning and regulatory measures are included in Section 5.17, *Utilities and Service Systems*, of the Draft PEIR. However, no mitigation measures beyond the long-term facility planning, conservation measures, recycling projects, and existing regulatory measures (e.g., SB 610 and SB 221) have been identified to address the proposed project's significant impact on water supply and groundwater depletion/recharge opportunities. Thus, Impact 5.9-2 would remain significant and unavoidable.

### **Noise and Vibration**

#### *2035 Scenario and Full Buildout*

- **Impact 5.12-1, Traffic Noise.** Traffic-related noise impacts from the implementation of the General Plan are significant. Traffic generated by buildout of the General Plan Update would substantially increase noise along major traffic corridors in the Plan Area and could expose existing and planned residents to substantial noise levels.

To reduce potential noise impacts to new sensitive land uses, Environmental Safety Element Policy 3.1 would require mitigation measures to ensure existing and future land use compatibility. Policy 3.2 would discourage land use and traffic patterns that would expose sensitive land uses or noise-sensitive areas to unacceptable noise levels. Policy 3.5 would minimize noise impacts by requiring appropriate site, circulation, equipment, and building design; sound walls; landscaping; and other buffers. Policy 3.9 would require the City to coordinate with Caltrans to ensure the inclusion of noise mitigation measures in the design of new highway projects or improvements to existing facilities. However, these policies would only affect new land uses. There are no feasible mitigation measures available that would prevent impacts to existing homes fronting the major transportation corridors. Thus, Impact 5.12-1 would remain significant and unavoidable.

- **Impact 5.12-4, Construction Vibrations.** Buildout of the individual land uses and projects for implementation of the General Plan could expose sensitive uses to strong groundborne vibration.

Mitigation Measure 12-1 would reduce vibration impacts by requiring alternative construction methods. However, it cannot be guaranteed that these methods can be implemented and that vibration impacts from construction of future projects would not occur. Consequently, Impact 5.12-4 would remain significant and unavoidable.

- **Impact 5.12-5, Construction Noise.** Construction activities associated with buildout of the individual land uses and projects for implementation of the General Plan would substantially elevate noise levels in the vicinity of noise-sensitive land uses.

Mitigation Measure 12-2 would reduce construction noise impacts to the extent feasible. However, factors such as distance, source to receiver geometry, and other site conditions may render the mitigation measure infeasible or ineffective for individual future projects in the Plan Area. Thus, Mitigation Measure 12-2 would not guarantee that construction noise impacts would be reduced to less than significant levels, and Impact 5.12-5 would remain significant and unavoidable.

### ***Population and Housing***

#### *Full Buildout*

- **Impact 5.13-1, Population Growth.** Under the 2035 Scenario, buildout of the General Plan Update would result in similar population growth as projected by the Fresno COG; however, Full Buildout would substantially increase population in the Plan Area by over 150 percent by year 2080, which is also beyond Fresno COG's planning horizon.

Full Buildout of the proposed project would result in up to 294,300 people compared to the existing 115,000 person population in the Plan Area. This substantial, 156 percent increase in population would occur both directly through proposed residential, commercial, and office uses under the proposed land use plan and indirectly through planned extensions and improvements of roads and infrastructure into the SOI and non-SOI Plan Area. Furthermore, because the Fresno Council of Government's population projections do not exceed its 25-year planning horizon, it is uncertain whether the City of Clovis' population growth beyond 2035 would keep pace with the proposed project's population growth.

### ***Transportation and Traffic***

#### *2035 Scenario*

- **Impact 5.16-1, Roadway Segment Operation.** Upon implementation of the land uses and circulation element included in the General Plan Update, one roadway segment in the City of Clovis and several segments in the County of Fresno are projected to operate at unacceptable level of service (LOS) in 2035.

### City of Clovis

- Minnewawa Avenue: Shaw Avenue to Ashlan Avenue (LOS F in PM peak hour)

This segment of Minnewawa Avenue from Shaw Avenue to Ashlan Avenue would operate at LOS F in PM peak hour; however, an exception to the City's LOS standard would apply to this roadway segment, per Policy 2.1 of the General Plan Update. Thus, no roadways in the City of Clovis would operate at unacceptable LOS in the 2035 Scenario.

### County of Fresno

- Copper Avenue: Willow Avenue to Auberry Road (LOS E in AM peak hour)
- Copper Avenue: Auberry Road to Minnewawa Avenue (LOS F in AM and PM peak hours)
- Behymer Avenue: Clovis Avenue to Fowler Avenue (LOS D in PM peak hour)
- Herndon Avenue: McCall Avenue to Academy Avenue (LOS D in PM peak hour)
- Ashlan Avenue: Minnewawa Avenue to Clovis Avenue (LOS F in AM and PM peak hours)
- Ashlan Avenue: McCall Avenue to Academy Avenue (LOS D in PM peak hour)
- Minnewawa Avenue: Copper Avenue to Behymer Avenue (LOS F in AM and PM peak hours)
- Fowler Avenue: Behymer Avenue to Shepherd Avenue (LOS E in PM peak hour)
- DeWolf Avenue: Herndon Avenue to Bullard Avenue (LOS D in AM and PM peak hour)
- McCall Avenue: Herndon Avenue to Shaw Avenue (LOS F in AM and PM peak hours)
- Academy Avenue: Herndon Avenue to Shaw Avenue (LOS D in PM peak hour)

Since these roadways are not under the City's jurisdiction, impacts would remain significant and unavoidable.

### Caltrans Facilities

- SR 168 Eastbound: McKinley Avenue to Shields Avenue (LOS E in AM and PM peak hours)
- SR 168 Eastbound: Shields Avenue to Ashlan Avenue (LOS E in AM and PM peak hours)
- SR 168 Westbound: Ashlan Avenue to Shields Avenue (LOS E in AM peak hour)
- SR 168 Eastbound: Herndon Avenue to Fowler Avenue (LOS E in PM peak hour)
- SR 168 Westbound: Fowler Avenue to Herndon Avenue (LOS F in AM peak hour; LOS E in PM peak hour)

- SR 168 Westbound: Temperance Avenue to Fowler Avenue (LOS E in AM peak hour)
- SR 168: Temperance Avenue to Owens Mountain Parkway (LOS F in PM peak hour)

Although traffic improvements have been identified that could mitigate these impacts, these improvements would be under the jurisdiction of Caltrans. Since the City of Clovis does not have control over the implementation of these mitigation measures, this impact would remain significant and unavoidable.

*Full Buildout*

- **Impact 5.16-1, Roadway Segment Operation.** At Full Buildout, several roadway segments in the City of Clovis and County of Fresno, and several Caltrans facilities would be impacted and require improvements, including segment extensions and lane expansions.

City of Clovis (includes roadways in Clovis's future jurisdictional boundary)

- Copper Avenue: Willow Avenue to Auberry Road
- Copper Avenue: Auberry Road to Clovis Avenue
- Behymer Avenue: Willow Avenue to Clovis Avenue
- Minnewawa Avenue: Shepherd Avenue to Behymer Avenue
- Clovis Avenue: extended north from Behymer Avenue to Copper Avenue as a 4-lane arterial
- Clovis Avenue: Shepherd Avenue to Perrin Avenue
- Owens Mountain Parkway: DeWolf Avenue to "Muncie Avenue" (east-west collector street east of SR 168)
- Owens Mountain Parkway: McCall Avenue to "Dockery Avenue" (north-south arterial street east of McCall Avenue in Northeast Urban Center)
- Herndon Avenue: McCall Avenue to "Del Rey Avenue" (north-south collector street west of Academy Avenue in Northeast Urban Center)
- McCall Avenue: SR 168 to Owens Mountain Parkway
- McCall Avenue: north of Herndon Avenue
- Ashlan Avenue: Thompson Avenue to McCall Avenue
- DeWolf Avenue: Bullard Avenue south to City Limits
- Leonard Avenue: Bullard Avenue south to City Limits
- Shepherd Avenue: Willow Avenue to Temperance Road

- Alluvial Avenue: Clovis Avenue to Temperance Avenue
- Herndon Avenue: Temperance Avenue to DeWolf Avenue
- Gettysburg Avenue: Clovis Avenue to Sierra Vista Parkway
- Willow Avenue: Herndon Avenue to Escalon Avenue
- Sunnyside Avenue: Alluvial Avenue to Fifth Street
- Fowler Avenue: Enterprise Canal to Nees Avenue
- Armstrong Avenue: Alluvial Avenue to Herndon Avenue

County of Fresno

- McCall Avenue: Herndon Avenue to SR 180
- Academy Avenue: Herndon Avenue to Shaw Avenue

Caltrans Facilities

- SR 168: Herndon Avenue to Temperance Avenue
- SR 168: Temperance Avenue to Shepherd Avenue/McCall Avenue
- SR 168: Shepherd Avenue/McCall Avenue to “Dockery Avenue”
- SR 168: east of “Dockery Avenue” to east of “Indianola Avenue” (north-south arterial west of Academy Avenue in Northeast Urban Center)

Changes in technology, demographics, and economic conditions, particularly over a long time frame (e.g., 40+ years), may affect people’s travel behavior in ways that are not captured by the traffic model and would be speculative to predict at this time. Because the full buildout of the General Plan is not expected to occur until approximately 2080, and given the limitations to predicting traffic, it is not possible to reasonably predict future traffic volumes on roadways and the required capacity to meet applicable LOS standards.

As presented above, several segments would need to be expanded and extended. At the time of the preparation of this analysis, no funding sources have been identified to implement the required improvements, and many of the segments are outside of the City of Clovis’ jurisdiction. Therefore, this would be a significant unavoidable impact.

***Utilities and Service Systems***

*2035 Scenario and Full Buildout*

- **Impact 5.17-1, Water Supply.** Although the 2010 Urban Water Management Plan indicates sufficient water supply sources through year 2035, the severity and uncertain duration of California’s recent drought conditions makes water supply unreliable. Therefore, water

supply impacts are considered potentially significant under both the 2035 Scenario and Full Buildout.

Although adequate water supplies have been identified in the 2010 Urban Water Management Plan for demand as projected for 2035, this information does not take into account recent drought conditions. Given the uncertainty of the potential ongoing severity and duration of the drought, water supply for the 2035 Scenario and Full Buildout is not reliably sourced. In addition, water supply for Full Buildout of the General Plan has not yet been identified beyond the total 2035 forecast water supply of 71,798 acre feet per year. Considering current water supply constraints—including the record 2013–2014 California drought and the critically overdrafted status of the Kings Sub-basin—it is uncertain whether the City would be able to secure water supplies. Therefore, water supply impacts under the 2035 Scenario and Full Buildout of the General Plan Update are significant and unavoidable.

### **Alternatives**

In addition, the Draft PEIR evaluated the following four alternatives for their potential to avoid or substantially lessen the significant impacts of the proposed project:

- No Project. Reflects the existing 1993 General Plan
- Moderate Growth within SOI. Same land uses as the proposed General Plan Update (GPU) for City and SOI areas. Existing County of Fresno designations would apply to areas outside SOI. Approximately 31 percent decrease in residents and employees in comparison to proposed GPU.
- Concentrated Growth within SOI. Accommodate the same level of development as proposed GPU by increasing densities within the City and SOI boundary. Land use designations beyond the SOI would not be changed. Approximately 96 percent of residential development and 99 percent of non-residential development would be within SOI boundary.
- Low Density Growth. Modify land uses in similar area as the proposed GPU but substantially reduce densities in the City's SOI and the Northeast and Northwest Urban Centers. Population and housing units would be approximately half of the proposed GPU.

To varying degrees, each of the alternatives would lessen and avoid some of the unavoidable impacts of the proposed Project. The Moderate Growth within SOI alternative and Low Density Growth alternative would both eliminate significant unavoidable impacts to water supply (for 2035 and Full Buildout) and population growth (Full Buildout). Although each of these alternatives would be physically feasible, none of them would be as effective in achieving all of the project objectives as the proposed GPU. In particular, none of the alternatives were determined to be as economically feasible as the proposed GPU with respect to accommodating 80 years of fiscally sustainable growth. The four alternatives were rejected by the City in favor of the proposed project.

## **Overriding Considerations**

The City, after balancing the specific economic, legal, social, technological, and other benefits of the proposed Project, including regionwide or statewide environmental benefits, has determined that the unavoidable adverse environmental impacts identified above may be considered acceptable due to the following specific considerations that outweigh the unavoidable, adverse environmental impacts of the proposed Project, in accordance with CEQA Section 21081(b) and State CEQA Guideline Section 15093.

1. Fiscal benefits to the City, including reserving land area for jobs, investing in economic development, increasing retail spending in Clovis, and revitalizing commercial corridors to generate sufficient revenues to pay for continuation and improvement in public facilities and services, such as fire and police, and infrastructure.
2. Reduction in vehicle miles travelled and associated greenhouse gas emissions by designating compact, concentrated mixed-use development in Loma Vista and the Northeast and Northwest Urban Centers.
3. Increase in use of non-motorized transportation such as walking and biking by locating land uses such as housing, essential neighborhood-serving retail, and employment together, particularly in the three urban centers, to reduce distances between destinations.
4. Consistency with the strategies outlined in the Fresno Council of Government's 2011 Regional Transportation Plan and the San Joaquin Valley Blueprint Smart Growth Principles.
5. Proposed General Plan Update goals and policies that address citywide and neighborhood-specific sustainability and healthy communities' strategies.

## Mitigation Monitoring and Reporting Program

### Clovis General Plan Update - Mitigation Monitoring and Reporting Program

Mitigation Measure	Applies to 2035 Scenario	Applies to Full Buildout	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)	
<b>5.2 AGRICULTURE AND FORESTRY RESOURCES</b>							
2-1	The City shall adopt either a 1) regional agricultural preservation program in coordination with regional partners, such as the Fresno Council of Governments (COG), its member agencies and farming stakeholders; or 2) a local Farmland Preservation Plan (FFP) by June 25, 2017, which is the expiration date of the City's Memorandum of Understanding with the County, as amended in 2000 (commonly referred to as the Tax Sharing MOU). The 2008 Model Farmland Conservation Program for Fresno County prepared by COG and the American Farmland Trust may be considered as a starting point for either program. Additionally, either program shall evaluate and incorporate, as appropriate, any policies, programs, and implementation tools contained in the Guide for Resource Management proposed as part of the Phase II San Joaquin Valley Greenprint work program. The adopted program shall include policies, standards and measures to avoid the unnecessary conversion of agricultural lands and shall include provisions for: (a) minimizing potential detrimental effects caused by urban development; (b) avoiding the premature conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance; (c) preserving farmland, including, if appropriate, mitigation fees to fund farmland preservation efforts; (d) integrating identified mitigation measures into the entitlement process; and (e) addressing enforcement through the regulatory environment.	Yes	Yes	City of Clovis Planning Division in conjunction with applicable regional entities	Prior to discretionary project approval	City of Clovis Planning Division	
2-2	Upon adoption, project applicants for properties that include designated Prime Farmland, Farmland of Statewide Importance, or Unique Farmland shall comply with the requirements of the adopted regional agricultural preservation program or local FFP.	Yes	Yes	Project Applicant	Prior to discretionary project approval	City of Clovis Planning Division	
2-3	Pending adoption of a regional agricultural preservation program or local FFP, or if a regional agricultural preservation program or local FFP is not in place by June 25, 2017, the following requirements shall apply:  (1) Project applicants for properties that include more than 20 acres designated Prime Farmland, Farmland of Statewide Importance, or	Yes	Yes	Project Applicant	Prior to discretionary project approval	City of Clovis Planning Division	

## Mitigation Monitoring and Reporting Program

### Clovis General Plan Update - Mitigation Monitoring and Reporting Program

Mitigation Measure	Applies to 2035 Scenario	Applies to Full Buildout	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>Unique Farmland shall be prepare or fund an agricultural resource evaluation prior to project approval.</p> <p>(2) The resource evaluation shall use generally accepted methodologies (such as the Land Evaluation and Site Assessment Model) to identify the potentially significant impact of the loss of agricultural land.</p> <p>(3) If the loss of agricultural land is determined to be a potentially significant impact, the resource evaluation shall consider the economic viability of future agricultural use of the property.</p> <p>(4) If the agricultural resource is considered significant (based on LESA or other accepted methodology) and future agricultural use is considered economically viable, the conversion will be deemed significant. The City shall require mitigation by one of the following methods:</p> <p>(a) Mitigation at a 1:1 ratio of converted to preserved acreage through a regional conservation easement, or payment of its valuation equivalent if a fee mitigation program is established. If 1:1 mitigation is determined to be economically infeasible, based upon all of the evidence, the ratio may be reduced to an economically feasible ratio or no further mitigation shall be required. This determination shall be made by the City's Director of Planning and Development Services based upon substantial evidence in the record; or</p> <p>(b) Other potential mitigation which achieves the same mitigating effect as the measures identified above, consistent with the CEQA Statutes and Guidelines. This determination shall be made by the City's Director of Planning and Development Services based upon substantial evidence in the record.</p> <p><i>One possible substitute mitigation measure to achieve the preservation of agricultural land is through the use of benchmark densities that are designed to increase development efficiency.</i></p>						

Mitigation Monitoring and Reporting Program

Clovis General Plan Update - Mitigation Monitoring and Reporting Program

Mitigation Measure	Applies to 2035 Scenario	Applies to Full Buildout	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p><i>When development equals or exceeds the benchmark densities, no further mitigation is required because the community has taken steps to preserve agricultural land by increasing densities beyond a certain threshold thereby accommodating growth trends on less land. When development does not equal or exceed the benchmark densities, a sliding scale of mitigation fees are paid.</i></p> <p><i>The General Plan contains many efficiency policies and land use designations to aid in the preservation of agricultural land, which are based upon the San Joaquin Valley Blueprint and Landscape of Choice principles. See, for example: Land Use Element Goal 3 (orderly and sustainable outward growth into three Urban Centers); Land Use Element Goal 4, Policy 3.8 (land use compatibility); Land Use Element Goal 4, Policy 3.9 (connected development); Land Use Element Goal 4, Policy 4.4 (farmland conservation); Land Use Element Goal 5 (diverse housing and transit oriented development); Land Use Goal 6, Policy 6.2 (smart growth); Land Use Element, Table LU-2 (land use designations); Economic Development Element, Goal 1, Policy 1.2 (jobs-housing ratio); Economic Development Element, Goal 5 (mix of land uses and types of development); Circulation Element, Goal 1, Policy 1.8 (network completion); Circulation Element, Goals 3 and 4, multimodal transportation, bicycle and transit system); Open Space and Conservation Element Goal 2, Policies 2.4 and 2.5 (agricultural lands and right to farm); Air Quality Element, Goal 1, Policy 1.1 (land use and transportation); 2010 Housing Element, Regional Housing Needs Assessment (RHNA) requirements; Fresno COG Sustainable Communities Strategy.</i></p> <p><i>These efficiency policies and land use designations are designed to prevent the premature conversion of farmland by encouraging infill development, by requiring new development to be built at considerably higher densities than Clovis or the region has traditionally seen, by requiring that development occur in a compact, orderly manner, and by providing for balanced</i></p>						

## Mitigation Monitoring and Reporting Program

### Clovis General Plan Update - Mitigation Monitoring and Reporting Program

Mitigation Measure	Applies to 2035 Scenario	Applies to Full Buildout	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p><i>development, including substantial emphasis on increasing the jobs-housing ratio.</i></p> <p><i>To the extent benchmark densities are adopted for Clovis or the region, and to the extent the City's General Plan policies and land use designations are consistent with those benchmark densities, mitigation may be met through implementation of the General Plan and application of the benchmark densities.</i></p> <p>(5) The following properties are determined to be not economically viable for future agricultural use, based upon all of the evidence in the record. Other properties shall be evaluated on a case by case basis:</p> <p>All properties within the Loma Vista Specific Plan ("Loma Vista").</p> <ul style="list-style-type: none"> <li>Properties within Loma Vista were designated for urban development under the 1993 General Plan and the 2003 Loma Vista Specific Plan (formerly called the Southeast Urban Center Specific Plan).</li> <li>The Loma Vista Specific Plan EIR, page 5-34, makes the following observations:</li> </ul> <p>"The project area is located adjacent to the incorporated Clovis City, within the updated 2000 sphere-of-influence limits, thereby supporting concentrated growth pattern adjacent to the existing urban development. The proposed Specific Plan would guide the conversion of the existing agricultural and rural lands to planned urban uses in a gradual, phased, and orderly manner, therefore alleviating development pressure off of outlying unincorporated lands."</p> <ul style="list-style-type: none"> <li>Substantial development has occurred in Loma Vista since 2003.</li> </ul>						

## Mitigation Monitoring and Reporting Program

### Clovis General Plan Update - Mitigation Monitoring and Reporting Program

Mitigation Measure	Applies to 2035 Scenario	Applies to Full Buildout	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)	
<ul style="list-style-type: none"> <li>The City, property owners and the development community have relied upon this urbanization in planning for and developing Loma Vista.</li> <li>The 2000 County General Plan, Land Use Policy LU-G, provides that the County will direct urban growth and development within city spheres of influences to existing incorporated cities, and this policy is memorialized in the City's Memorandum of Understanding with the County, as amended in 2000 (commonly referred to as the Tax Sharing MOU).</li> <li>The Tax Sharing MOU addresses Loma Vista and recognizes this area as becoming substantially urbanized. In fact, before development could proceed outside of Loma Vista, 60% of the developable area in Loma Vista has to be committed to development.</li> <li>In 2008, the City adopted a master plan community zone district for the Loma Vista Community Centers North and South and approved a master site plan review for those sites. Projects adjacent to and within the Community Centers have been approved or are pending.</li> </ul> <p>The development community has nine pending project applications for development within Loma Vista.</p>							
<b>5.3 AIR QUALITY</b>							
SC-1	Prior to project approval, each applicant for individual, site-specific developments under the General Plan shall comply with the San Joaquin Valley Air Pollution Control District rules and regulations, including, without limitation, Indirect Source Rule 9510. The applicant shall document, to the City's reasonable satisfaction, its compliance with this standard condition.	Yes	Yes	Project Applicant	Prior to discretionary project approval	City of Clovis Planning Division	
3-1	Prior to issuance of any construction permits, development project applicants shall prepare and submit to the City of Clovis Planning Division a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with San Joaquin Valley Air Pollution Control District (SJVAPCD) methodology in assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the SJVAPCD adopted	Yes	Yes	Project Applicant	Prior to issuance of construction permits	City of Clovis Planning Division	

## Mitigation Monitoring and Reporting Program

### Clovis General Plan Update - Mitigation Monitoring and Reporting Program

Mitigation Measure	Applies to 2035 Scenario	Applies to Full Buildout	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>thresholds of significance, as identified in the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI), the City of Clovis Planning Division shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during construction activities. These identified measures shall be incorporated into appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City's Planning Division. Mitigation measures to reduce construction-related emissions could include, but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ Using construction equipment rated by the United States Environmental Protection Agency as having Tier 3 (model year 2006 or newer) or Tier 4 (model year 2008 or newer) emission limits, applicable for engines between 50 and 750 horsepower. A list of construction equipment by type and model year shall be maintained by the construction contractor onsite, which shall be available for City review upon request.</li> <li>▪ Ensuring construction equipment is properly serviced and maintained to the manufacturer's standards.</li> <li>▪ Use of alternative-fueled or catalyst-equipped diesel construction equipment, if available and feasible.</li> <li>▪ Clearly posted signs that require operators of trucks and construction equipment to minimize idling time (e.g., 5-minute maximum).</li> <li>▪ Preparation and implementation of a fugitive dust control plan that may include the following measures: <ul style="list-style-type: none"> <li>• Disturbed areas (including storage piles) that are not being actively utilized for construction purposes shall be effectively stabilized using water, chemical stabilizer/suppressant, or covered with a tarp or other suitable cover (e.g., revegetated).</li> <li>• Onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized using water or chemical stabilizer/suppressant.</li> <li>• Land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled utilizing application of water or by presoaking.</li> </ul> </li> </ul>						

## Mitigation Monitoring and Reporting Program

### Clovis General Plan Update - Mitigation Monitoring and Reporting Program

Mitigation Measure	Applies to 2035 Scenario	Applies to Full Buildout	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<ul style="list-style-type: none"> <li>• Material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained when materials are transported offsite.</li> <li>• Operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)</li> <li>• Following the addition of materials to or the removal of materials from the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.</li> <li>• Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.</li> <li>• Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.</li> <li>• Limit traffic speeds on unpaved roads to 15 mph.</li> <li>• Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.</li> <li>• Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the project area.</li> <li>• Adhere to Regulation VIII's 20 percent opacity limitation, as applicable.</li> <li>▪ Enter into a Voluntary Emissions Reduction Agreement (VERA) with the San Joaquin Valley Air Pollution Control District (SJVAPCD). The VERA shall identify the amount of emissions to be reduced, in addition to the amount of funds to be paid by the project applicant to the SJVAPCD to implement emission reduction projects required for the project.</li> </ul>						

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3-2	<p>Prior to discretionary approval, applicants for phased development projects (i.e., construction would overlap operation/opening of the project) involving residential land uses shall coordinate with the San Joaquin Valley Air Pollution Control District (SJVAPCD) or the City of Clovis in conjunction with the SJVAPCD in preparation of a health risk assessment (HRA) for construction activities. If the construction HRA identifies risk impacts that exceed the standards as determined by the SVJAPCD at the time the project is considered, it shall identify measures to reduce these impacts. Recommended measures may include those identified in Mitigation Measure 3-1. The recommendations of the construction HRA shall be incorporated into all construction management plans which shall be submitted to the City and verified by the City's Planning Division.</p>	Yes	Yes	Project Applicant	Prior to discretionary project approval	San Joaquin Valley Air Pollution Control District (SJVAPCD) and City of Clovis Planning Division	
3-3	<p>Prior to project approval, development project applicants shall prepare and submit to the City of Clovis Planning Division a technical assessment evaluating potential project operation phase-related air quality impacts. The evaluation shall be prepared in conformance with San Joaquin Valley Air Pollution Control District (SJVAPCD) methodology in assessing air quality impacts. If operational-related criteria air pollutants are determined to have the potential to exceed the SJVAPCD adopted thresholds of significance, as identified in the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI), the City of Clovis Planning Division shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during operational activities. The identified measures shall be included as part of the Standard Conditions of Approval. Mitigation measures to reduce long-term emissions include, but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ For site-specific development that requires refrigerated vehicles, the construction documents shall demonstrate an adequate number of electrical service connections at loading docks for plug in of the anticipated number of refrigerated trailers to reduce idling time and emissions.</li> <li>▪ Applicants for manufacturing and light industrial uses shall consider energy storage and combined heat and power (CHP) in appropriate</li> </ul>	Yes	Yes	Project Applicant	Prior to discretionary project approval	City of Clovis Planning Division	

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<p>applications to optimize renewable energy generation systems and avoid peak energy use.</p> <ul style="list-style-type: none"> <li>▪ Site-specific developments with truck delivery and loading areas, and truck parking spaces, shall include signage as a reminder to limit idling of vehicles while parked for loading/unloading in accordance with California Air Resources Board Rule 2845 (13 CCR Chapter 10 § 2485).</li> <li>▪ Site-specific development shall demonstrate an adequate number of electrical vehicle Level 2 charging stations are provided onsite. The location of the electrical outlets shall be specified on building plans, and proper installation shall be verified by the Building Division prior to issuance of a Certificate of Occupancy.</li> <li>▪ Applicant-provided appliances shall be Energy Star appliances (dishwashers, refrigerators, clothes washers, and dryers). Installation of Energy Star appliances shall be verified by the Building Division during plan check.</li> <li>▪ Applicants for large development projects shall establish an employee trip commute reduction program (CTR), in conformance with the San Joaquin Valley Air Pollution Control District Rule 9410. The program shall identify South Valley Rideshare and/or Valley Rides commute programs, which provide information about commute options and connect commuters for carpooling, ridesharing, and other activities. The CTR program shall identify alternative modes of transportation to the project site, including transit schedules, bike and pedestrian routes, and carpool/vanpool availability. Information regarding these programs shall be readily available to employees and clients and shall be posted in a highly visible location and/or made available online. The project applicant shall include the following incentives for commuters as part of the CTR program: <ul style="list-style-type: none"> <li>• Ride-matching assistance (e.g., subsidized public transit passes)</li> <li>• Preferential carpool parking</li> <li>• Flexible work schedules for carpools</li> <li>• Vanpool assistance or employer-provided vanpool/shuttle</li> <li>• Telecommute and/or flexible work hour programs</li> </ul> </li> </ul>						

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	<ul style="list-style-type: none"> <li>• Car-sharing program (e.g., Zipcar)</li> <li>• Bicycle end-trip facilities, including bike parking, showers, and lockers</li> <li>• End-of-trip facilities shall be shown on site plans and architectural plans submitted to the Planning Division Manager. The CTR program shall be prepared to the satisfaction of the Planning Division Manager prior to occupancy permits.</li> <li>• Applicants for future development projects along existing and planned transit routes shall coordinate with the City of Clovis and City of Fresno to ensure that bus pads and shelters are incorporated, as necessary.</li> <li>• Applicants for future development projects shall enter into a Voluntary Emissions Reduction Agreement (VERA) with the San Joaquin Valley Air Pollution Control District (SJVAPCD). The VERA shall identify the amount of emissions to be reduced, in addition to the amount of funds to be paid by the project applicant to the SJVAPCD to implement emission reduction projects required for the project.</li> </ul>						
3-4	<p>Prior to discretionary project approval, the City of Clovis shall evaluate new development proposals for sensitive land uses (e.g., residential, schools, day care centers) within the City for potential incompatibilities with regard to the California Air Resources Board's <i>Air Quality and Land Use Handbook: A Community Health Perspective</i> (April 2005). Applicants for sensitive land uses that are within the recommended buffer distances shall submit a health risk assessment (HRA) to the City of Clovis prior to future discretionary project approval. The HRA shall be prepared in accordance with policies and procedures of the state Office of Environmental Health Hazard Assessment (OEHHA) and the San Joaquin Valley Air Pollution Control District (SJVAPCD). The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children age 0 to 6 years. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), the appropriate</p>	Yes	Yes	Project Applicant	Prior to discretionary project approval	City of Clovis Planning Division	

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<p>noncancer hazard index exceeds 1.0, or the thresholds established by the SJVAPCD at the time a project is considered, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and noncancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. Measures to reduce risk impacts may include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>▪ Placement of air intakes away from high-volume roadways and/or truck loading zones.</li> <li>▪ Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized maximum efficiency rating value (MERV) filters.</li> <li>▪ Heating, ventilation, and air conditioning systems for units that are installed with MERV filters shall maintain positive pressure within the building's filtered ventilation system to reduce infiltration of unfiltered outdoor air.</li> </ul> <p>Mitigation measures identified in the HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of the proposed project. The air intake design and MERV filter requirements shall be noted and/or reflected on all building plans submitted to the City and shall be verified by the City's Planning Division.</p>						
<p>3-5 Prior to discretionary project approval, applicants for industrial or warehousing land uses in addition to commercial land uses that would generate substantial diesel truck travel (i.e., 100 diesel trucks per day or 40 or more trucks with diesel-powered transport refrigeration units per day based on the California Air Resources Board recommendations for siting new sensitive land uses), shall contact the San Joaquin Valley Air Pollution Control District (SJVAPCD) or the City of Clovis in conjunction with the SJVAPCD to determine the appropriate level of health risk assessment (HRA) needed. If preparation of an HRA is required, all HRAs shall be submitted to the City of Clovis.</p>	Yes	Yes	Project Applicant	Prior to discretionary project approval	San Joaquin Valley Air Pollution Control District (SJVAPCD) and City of Clovis Planning Division	

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<p>The HRA shall be prepared in accordance with policies and procedures of the state Office of Environmental Health Hazard Assessment and the San Joaquin Valley Air Pollution Control District (SJVAPCD). If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06) or the risk thresholds in effect at the time a project is considered, the appropriate noncancer hazard index exceeds 1.0, or the thresholds as determined by the SJVAPCD at the time a project is considered, the applicant will be required to identify and demonstrate that measures are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms.</p> <p>Measures to reduce risk impacts may include but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ Restricting idling onsite beyond Air Toxic Control Measures idling restrictions, as feasible</li> <li>▪ Electrifying warehousing docks</li> <li>▪ Requiring use of newer equipment and/or vehicles</li> <li>▪ Restricting offsite truck travel through the creation of truck routes</li> </ul> <p>Measures identified in the HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of the proposed project.</p>						
<p>3-6 Prior to project approval, if it is determined during project-level environmental review that a project has the potential to emit nuisance odors beyond the property line, an odor management plan shall be prepared and submitted by the project applicant prior to project approval to ensure compliance with San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 4102. The following facilities that are within the buffer distances specified from sensitive receptors (in parentheses) have the potential to generate substantial odors:</p> <ul style="list-style-type: none"> <li>▪ Wastewater Treatment Plan (2 miles)</li> <li>▪ Sanitary Landfill (1 mile)</li> <li>▪ Transfer Station (1 mile)</li> <li>▪ Composting Facility (1 mile)</li> <li>▪ Petroleum Refinery (2 miles)</li> </ul>	Yes	Yes	Project Applicant	Prior to discretionary project approval	City of Clovis Planning Division	

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<ul style="list-style-type: none"> <li>▪ Asphalt Batch Plan (1 mile)</li> <li>▪ Chemical Manufacturing (1 mile)</li> <li>▪ Fiberglass Manufacturing (1 mile)</li> <li>▪ Painting/Coating Operations (1 mile)</li> <li>▪ Food Processing Facility (1 mile)</li> <li>▪ Feed Lot/ Dairy (1 mile)</li> <li>▪ Rendering Plant (1 mile)</li> </ul> <p>The Odor Management Plan prepared for these facilities shall identify control technologies that will be utilized to reduce potential odors to acceptable levels, including appropriate enforcement mechanisms. Control technologies may include but are not limited to scrubbers (e.g., air pollution control devices) at an industrial facility. Control technologies identified in the odor management plan shall be identified as mitigation measures in the environmental document and/or incorporated into the site plan.</p>							
<b>5.4 BIOLOGICAL RESOURCES</b>							
4-1	<p>Biological Assessment &amp; Focused Surveys</p> <p>The City shall require applicants for future development or redevelopment projects that disturb vegetated, vacant land pursuant to prepare a biological resources survey. The survey shall be conducted by a qualified biologist. The biological resources survey shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>▪ Analysis of available literature and biological databases, such as the California Natural Diversity Database, to determine sensitive biological resources that have been reported historically from the proposed development project vicinity.</li> <li>▪ Review of current land use and land ownership within the proposed development project vicinity.</li> <li>▪ Assessment and mapping of vegetation communities present within the proposed development project vicinity.</li> <li>▪ Evaluation of potential local and regional wildlife movement corridors.</li> <li>▪ General assessment of potential jurisdictional areas, including wetlands and riparian habitats.</li> </ul>	Yes	Yes	Project Applicant	Prior to project approval	City of Clovis Planning Division	

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<p>a) If the proposed development project site supports vegetation communities that may provide habitat for special status plant or wildlife species, a focused habitat assessment shall be conducted by a qualified biologist to determine the potential for special status plant and/or animal species to occur within or adjacent to the proposed development project area.</p> <p>b) If one or more special status species has the potential to occur within the proposed development project area, focused species surveys shall be conducted to determine the presence/absence of these species to adequately evaluate potential direct and/or indirect impacts to these species.</p> <p>c) If construction activities are not initiated immediately after focused surveys have been completed, additional preconstruction special status species surveys may be required, in accordance with the California Endangered Species Act and Federal Endangered Species Act, to assure impacts are avoided or minimized to the extent feasible. If preconstruction activities are required, a qualified biologist will perform these surveys as required for each special status species that is known to occur or has a potential to occur within or adjacent to the proposed development project area.</p> <p>The results of the biological survey shall be presented in a biological resources survey letter report (for proposed development projects with no significant impacts) or biological resources technical report (for proposed development projects with significant impacts that require mitigation to reduce the impacts to below a level of significance) and submitted to the City's Planning Director.</p>						

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4-2	<p>Resource Impact Avoidance/Minimization</p> <p>Project applicants shall avoid potential impacts to sensitive or protected biological resources. Avoidance may include:</p> <ul style="list-style-type: none"> <li>▪ Establishing appropriate no-disturbance buffers (consultation with relevant regulatory agencies may be required to establish suitable buffer areas);</li> <li>▪ Initiating construction at a time when special status or protected animal species will not be vulnerable to project-related mortality (e.g., outside the avian nesting season or bat maternal or wintering roosting season);</li> <li>▪ Minimizing impact by measures such as :               <ul style="list-style-type: none"> <li>▪ exclusion and/or silt fencing</li> <li>▪ relocation of impacted resources</li> <li>▪ construction monitoring by a qualified biologist</li> <li>▪ a training program by a qualified biologist for construction personnel on sensitive biological resources.</li> </ul> </li> </ul>	Yes	Yes	Project Applicant	Prior to project approval	City of Clovis Planning Division	
4-3	<p>Compensatory Mitigation</p> <p>If project-related impacts cannot be avoided or minimized to less than significant in accordance with Mitigation Measure 4-3, feasible, compensatory mitigation shall be developed by a qualified biologist and implemented to reduce impacts to sensitive or protected biological resources. Mitigation may include but is not limited to:</p> <ul style="list-style-type: none"> <li>▪ Compensation for lost habitat or waters in the form of preservation or creation of in-kind habitat or waters, either onsite or offsite, protected by conservation easement;</li> <li>▪ Purchase of appropriate credits from an approved mitigation bank servicing the Clovis General Plan Update Area;</li> <li>▪ Payment of in-lieu fees.</li> </ul>	Yes	Yes	Project Applicant	Prior to project approval	City of Clovis Planning Division	

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4-4	<p>Jurisdictional Wetlands</p> <p>The City shall require applicants of development projects that have the potential to affect jurisdictional resources, to contract with a qualified biologist to conduct a jurisdictional delineation following the methods outlined in the US Army Corps of Engineers' Wetland Delineation Manual to map the extent of wetlands and nonwetland waters, determine jurisdiction, and assess potential impacts. The results of the delineation shall be presented in a wetland delineation letter report and shall be incorporated into the CEQA document(s) required for approval and permitting of the proposed development project.</p> <p>Applicants of development projects that have the potential to impact jurisdictional features shall obtain permits and authorizations from the US Army Corps of Engineers, California Department of Fish and Wildlife, and/or Central Valley Regional Water Quality Control Board. The agency authorization would include impact avoidance and minimization measures as well as mitigation measures for unavoidable impacts. Specific avoidance, minimization, and mitigation measures for impacts to jurisdictional resources shall be determined through discussions with the regulatory agencies during the proposed development project permitting process and may include monetary contributions to a mitigation bank or habitat creation, restoration, or enhancement.</p>	Yes	Yes	Project Applicant	Prior to project approval	City of Clovis Planning Division	
4-5	<p>Migratory Birds</p> <p>The City shall require applicants for new development projects to conduct a pre-construction general nesting bird survey within all suitable nesting habitat that may be impacted by active construction during the general avian breeding season (January 1 to September 15). The preconstruction surveys shall be conducted no more than fourteen days prior to initiation of construction. If no active avian nests are identified within the proposed development project area or within a 300-foot buffer of the proposed development project area, no further mitigation is necessary. If active nests of bird species covered by the Migratory Bird Treaty Act are detected within the proposed development project area or</p>	Yes	Yes	Project Applicant	Prior to project approval	City of Clovis Planning Division	

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within a 300-foot buffer of the proposed development project area, construction shall be halted until the young have fledged, until a qualified biologist has determined the nest is inactive, or until appropriate mitigation measures that respond to the specific situation have been developed and implemented in consultation with the regulatory agencies.							
<b>5.5 CULTURAL RESOURCES</b>							
5-1	Prior to any construction activities of individual projects that may affect historic resources, a historic resources assessment shall be performed by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards requirements in architectural history or history. The assessment shall include a records search at the Southern San Joaquin Valley Information Center to determine if any resources that may potentially be affected by the project have been previously recorded, evaluated, and/or designated on the National Register of Historic Places or California Register of Historic Resources. Following the records search, the qualified architectural historian or historian will conduct a reconnaissance-level and/or intensive-level survey in accordance with the California Office of Historic Preservation guidelines to identify any previously unrecorded potential historic resources that may potentially be affected by the proposed project. If the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code Section 5024.1, Title 14 CCR, Section 4852), mitigation shall be identified within the technical study that ensures the value of the historic resource is maintained.	Yes	Yes	Project Applicant	Prior to construction activities	City of Clovis Planning Division	
5-2	To ensure that individual projects requiring the relocation, rehabilitation, or alteration of a historic resource do not impair its significance, the Interior's Standards for the Treatments of Historic Properties (Standards) shall be used. The application of the standards shall be overseen by a qualified architectural historian or historic architect meeting the Secretary of the Interior's Professional Qualifications Standards. Prior to any construction activities that may affect the historic resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City of Clovis.	Yes	Yes	Project Applicant	Prior to construction activities	City of Clovis Planning Division	

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5-3	If an individual project would result in the demolition or significant alteration of a historic resource, it cannot be mitigated to a less than significant level. However, recordation of the resource prior to construction activities will assist in reducing adverse impacts to the resource to the greatest extent possible (but not avoid a significant impact). Recordation shall take the form of Historic American Buildings Survey, Historic American Engineering Record, or Historic American Landscape Survey documentation, and shall be performed by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards. Documentation shall include an architectural and historical narrative; medium- or large-format black-and-white photographs, negatives, and prints; and supplementary information such as building plans and elevations and/or historic photographs. Documentation shall be reproduced on archival paper and placed in appropriate local, state, or federal institutions. The specific scope and details of documentation will be developed at the project level.	Yes	Yes	Project Applicant	Prior to construction activities	City of Clovis Planning Division	
5-4	City staff shall require applicants for grading permits in undeveloped (not covered in buildings or pavement) areas requiring grading to provide studies by qualified archaeologists assessing the cultural and historical significance of any known archaeological resources on or next to each respective development site, and assessing the sensitivity of sites for buried archaeological resources. On properties where resources are identified, or that are determined to be moderately to highly sensitive for buried archaeological resources, such studies shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of a cultural preservation expert who meets the Secretary of the Interior's Professional Qualifications Standards.	Yes	Yes	Project Applicant	Prior to issuance of grading permit	City of Clovis Planning Division	
5-5	Should any cultural resources, including human remains, be discovered during project implementation, no further grading shall occur in the area of the discovery until the Planning Director concurs in writing that adequate provisions are in place to protect these resources. e.—Unanticipated discoveries shall be treated in accordance with applicable state law and evaluated for significance by a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards. If	Yes	Yes	Project Applicant	Prior to issuance of grading permit	City of Clovis Planning Division	

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significance criteria are met, then the project shall be required to protect the resource through avoidance or mitigate impacts to the resource by performing data recovery; curate materials with a recognized scientific or educational repository; and provide a comprehensive final report including appropriate records for the California Department of Parks and Recreation Series 523 forms (Building, Structure, and Object Record; Archaeological Site Record; or District Record, as applicable).						
5-6 City staff shall require applicants for grading permits in undeveloped (not covered in buildings or pavement) areas requiring grading of undisturbed soil to provide studies by qualified paleontologists assessing the sensitivity of sites for buried paleontological resources. On properties determined to be moderately to highly sensitive for paleontological resources, such studies shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of a qualified paleontologist who meets the Secretary of the Interior's Professional Qualifications Standards.	Yes	Yes	Project Applicant	Prior to issuance of grading permit	City of Clovis Planning Division	
5-7 Should any potentially significant fossil resources, including human remains, be discovered during project implementation, no further grading shall occur in the area of the discovery until the Planning Director concurs in writing that adequate provisions are in place to protect these resources. c. Unanticipated discoveries shall be treated in accordance with applicable state law and evaluated for significance by a certified professional paleontologist that meets the Secretary of the Interior's Professional Qualifications Standards. If significance criteria are met, then the project shall be required to protect the resource through avoidance or mitigate impacts to the resource by performing data recovery, professional identification, radiocarbon dates as applicable, and other special studies; curate materials with a recognized scientific or educational repository; and provide a comprehensive final report, including catalog with museum numbers.	Yes	Yes	Project Applicant	Prior to issuance of grading permit	City of Clovis Planning Division	

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<b>5.7 GREENHOUSE GAS EMISSIONS</b>						
7-1	Yes	Yes	Project Applicant	Prior to issuance of construction permit	City of Clovis Planning Division	
<p>Prior to issuance of construction permits, the City of Clovis Planning Division shall require that applicants for new development projects submit documentation showing that greenhouse gas (GHG) emissions meet a 29 percent reduction from business-as-usual (BAU) in accordance with the methodology identified by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The documentation shall identify measures to be incorporated into the considered project that would reduce GHG emissions from BAU. Such measures include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>▪ Provide a pedestrian access network that internally links all uses and connects to existing external streets and pedestrian facilities.</li> <li>▪ Provide the minimum number of parking spaces required.</li> <li>▪ Create a shared parking program, as feasible.</li> <li>▪ Provide bicycle end-of-trip facilities (e.g., bike parking, showers, and lockers).</li> <li>▪ Develop rideshare and ride-matching assistance programs.</li> <li>▪ For planned residential development, design and incorporate a neighborhood electric vehicle system.</li> <li>▪ Design buildings to be electric vehicle charging-station-ready.</li> <li>▪ Coordinate with the City of Clovis and/or the Fresno Area Express to install bus stops at or near the project site.</li> <li>▪ Design buildings to be energy efficient beyond the requirements of Title 24.</li> <li>▪ Design and orient structures to maximize shade in the summer and sun exposure in the winter.</li> <li>▪ Install vegetative roofs that cover at least 50 percent of the roof area.</li> <li>▪ Design buildings to incorporate passive solar design and solar heaters.</li> <li>▪ Install solar panels on carports and parking areas.</li> <li>▪ Limit nonessential idling of commercial vehicles beyond Air Toxic Control Measures idling restrictions.</li> </ul>						

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<b>5.12 NOISE</b>							
12-1	Individual projects that involve vibration-intensive construction activities within 200 feet of sensitive receptors, such as blasting, pile drivers, jack hammers, and vibratory rollers, shall be evaluated for potential vibration impacts. A study shall be conducted for individual projects where vibration-intensive impacts may occur. If construction-related vibration is determined to be perceptible at vibration-sensitive uses, additional requirements, such as use of less-vibration-intensive equipment or construction techniques, shall be implemented during construction (e.g., nonexplosive blasting methods, drilled piles as opposed to pile driving, etc.).	Yes	Yes	Project Applicant	Prior to construction activities	City of Clovis Planning Division	
12-2	Applicants for new development projects within 500 feet of sensitive receptors shall implement the following best management practices to reduce construction noise levels: <ul style="list-style-type: none"> <li>Consider the installation of temporary sound barriers for construction activities immediately adjacent to occupied noise-sensitive structures.</li> <li>Equip construction equipment with mufflers.</li> <li>Restrict haul routes and construction-related traffic.</li> <li>Reduce nonessential idling of construction equipment to no more than five minutes.</li> </ul>	Yes	Yes	Project Applicant	Prior to construction activities	City of Clovis Planning Division	
<b>5.14 PUBLIC SERVICES</b>							
14-1	Proponents of noncontiguous development (defined as new development that, on all sides, is adjacent to or immediately across the street from vacant or agricultural land uses or other uses that do not have existing City water and sewer service) shall provide an analysis of the fiscal impacts of the proposed development. The analysis shall quantify, to the satisfaction of the City, the likely and potential increase in capital costs and ongoing operations and maintenance costs over and above that expected from development that is contiguous. The project proponents shall provide for a funding mechanism to pay for the increase in costs associated with the development being noncontiguous, and the funding mechanism shall be in addition to the taxes and other funding sources used for development that is contiguous. The City shall require subsequent development adjacent to the non-	Yes	Yes	Project Applicant	Prior to project approval	City of Clovis Planning Division	

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contiguous development to provide a similar funding mechanism. The City may terminate such funding mechanisms when it is satisfied that the development no longer poses a cost burden above and beyond that associated with contiguous development.						