

**General Plan Amendment GPA2016-07  
Rezone R2016-08  
Conditional Use Permit CUP2016-03  
Tentative Tract Map TM6109**

INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

---

PREPARED BY:



**CITY OF CLOVIS**

Planning Division  
1033 Fifth Street  
Clovis, CA 93612

Project Manager:  
Orlando Ramirez, Senior Planner  
559-324-2345  
orlandor@cityofclovis.com

**October 2016**

**ATTACHMENT 1**



**City of Clovis  
 Planning and Development  
 Services  
 1033 Fifth Street  
 Clovis CA 93612**

E201610000308

**FILED**

OCT 25 2016

TIME  
10:26am

FRESNO COUNTY CLERK  
 By Christopher Babcock  
 DEPUTY

For County Clerk Stamp

**NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION  
 NOTICE OF PUBLIC HEARING  
 NOTICE OF PUBLIC REVIEW OF A PROPOSED MITIGATED NEGATIVE DECLARATION**

**NOTICE IS HEREBY GIVEN** that on **Thursday, November 17, 2016, at 6:00 p.m.**, a public hearing will be conducted by the Planning Commission in the Council Chamber of the Clovis Civic Center, 1033 Fifth Street, Clovis, CA 93612. The Clovis Planning Commission will consider the following items associated with approximately 65.5.5 acres of property located south of Shepherd Avenue between Temperance and Locan Avenues. Various; Owners, Valley Coastal Development, LLC, applicant/representative.

- a. **GPA2016-07**, A request to amend the General Plan and Herndon-Shepherd Specific Plan to re-designate from Very Low Density Residential (.6 to 2.1 DU/AC) to Low Density Residential (2.1 to 4.0 DU/AC).
- b. **R2016-08**, A request to rezone from the R-1-AH (Single Family Residential - 18,000 Sq. Ft.) Zone District to the R-1 (Single Family Residential) Zone District.
- c. **CUP2016-03**, A request to approve a conditional use permit for a 261-lot single-family Planned Residential Development with public streets, reduced setbacks and increased lot coverage.
- d. **TM6109**, A request to approve a vesting tentative tract map for a 261-lot single-family residential subdivision.

A Mitigated Negative Declaration has been completed for these projects, pursuant to CEQA Guidelines Section 15070. Recommendation of a proposed Mitigated Negative Declaration does not necessarily mean the project will be approved. Hard copies and electronic copies of the proposed Mitigated Negative Declaration for the project may be reviewed and/or obtained at the City of Clovis Planning Division, 1033 Fifth Street, Clovis, California, Monday through Friday, between 8:00 a.m. and 3:00 p.m..

All interested parties are invited to comment in writing to the Planning Division. Comments will be accepted from October 26, 2016, to 3:00 p.m. on November 17, 2016. Comments and questions regarding these items should be directed to Orlando Ramirez, Senior Planner at (559) 324-2345 or email at [orlandor@cityofclovis.com](mailto:orlandor@cityofclovis.com).

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). Select "Government/Public Documents" and then either "Planning Commission Agenda" or "Planning Commission Reports." The agenda and reports are published to the website 72 hours preceding the Planning Commission meeting.

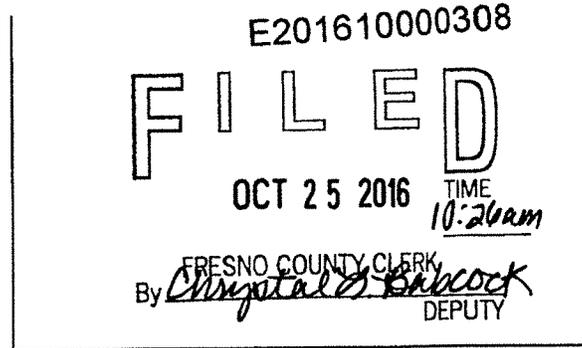
If you challenge a project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing.

Orlando Ramirez, Senior Planner  
 Agency File No.: GPA2016-07, R2016-08, CUP2016-03, TM6109  
 PUBLISH: Wednesday, October 26, 2016, The Business Journal

E201610000308



**City of Clovis  
Planning and Development  
Services  
1033 Fifth Street  
Clovis CA 93612**



**For  
County Clerk Stamp**

### **DRAFT MITIGATED NEGATIVE DECLARATION**

**Proposed:** October 24, 2016

**Agency File No:** GPA2016-07, R2016-08, CUP2016-03, TM6109

**Finding:** The City of Clovis has determined that the project described below will not have a significant effect on the environment and therefore the preparation of an Environmental Impact Report is not required.

**Lead Agency:** City of Clovis is the Lead Agency for this project.

**Project Title:** General Plan Amendment GPA2016-07, Rezone R2016-08, Conditional Use Permit CUP2016-03, and Tentative Map TM6109.

**Project Location:** East side of Temperance Avenue, south of Shepherd Avenues in the City of Clovis, Fresno County.

**Project Description:** Consider items associated with approximately 65.5 acres of property located south of Shepherd Avenue between Temperance and Locan Avenues. Various Owners, Valley Coastal Development, LLC, applicant/representative.

- a. Consider Approval, Res. 16-\_\_\_\_, A request to approve an environmental finding of a Mitigated Negative Declaration for GPA2016-07, R2016-08, and TM6109.
- b. Consider Approval, Res. 16-\_\_\_\_, **GPA2016-07**, A request to amend the General Plan and Herndon-Shepherd Specific Plan to re-designate from Very Low Density Residential (.6 to 2.1 DU/AC) to Low Density Residential (2.1 to 4.0 DU/AC).
- c. Consider Introduction Ord. 16-\_\_\_\_, **R2016-08**, A request to rezone from the R-1-AH (Single Family Residential - 18,000 Sq. Ft.) Zone District to the R-1 (Single Family Residential) Zone District.
- d. Consider Approval, Res. 16-\_\_\_\_, **CUP2016-03**, A request to approve a conditional use permit for a 261-lot single-family Planned Residential Development with public streets, reduced setbacks and increased lot coverage.
- e. Consider Approval, Res. 16-\_\_\_\_, **TM6109**, A request to approve a vesting tentative tract map for a 261-lot single-family residential subdivision.

**Environmental Assessment:** The Initial Study for this project is available for review at the City of Clovis, Planning and Development Services Department, 1033 Fifth Street, Clovis, CA.

**Justification for Mitigated Negative Declaration:** The City of Clovis has completed the preparation of an Initial Study for the project described above. The Initial Study did not identify any potentially significant environmental effects that would result from the proposed activity with the incorporation of mitigation measures. Accordingly, approval of a Mitigated Negative Declaration for the project is recommended. The City finds that the project can be adequately served by City public services. It will not have a negative aesthetic effect, will not affect any rare or endangered species of plant or

E201610000308

animal or the habitat of such species, nor interfere with the movement of any resident or migratory fish or wildlife species. It will not adversely affect water quality, contaminate public water supplies, or cause substantial flooding, erosion, or siltation. It will not have a significant effect on air quality, climate change, transportation or circulation systems, noise, light and glare, and land use. No significant cumulative impacts will occur from this project.

Contact Person: Orlando Ramirez, Senior Planner

Phone: (559) 324-2345

Signature:



A handwritten signature in black ink, appearing to be 'OR', is written over a horizontal line. The signature is stylized and cursive.

Date: October 24, 2016

E201610000308

## INITIAL STUDY

### Introduction

This document is an Initial Study and Mitigated Negative Declaration (MND) prepared pursuant to the California Environmental Quality Act (CEQA), for the Project. This MND has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 *et seq.*, and the CEQA Guidelines Sections 15070(b), 15071(e).

### Documents Incorporated By Reference

This mitigated negative declaration utilizes information and incorporates information and analyses provided in the following documents pursuant to CEQA Guidelines Section 15150.

- **City of Clovis General Plan.** The 2014 Clovis General Plan provides a description of the project area setting, and sets forth a plan for the development of the general plan planning area, of which the current project area is part.
- **Program Environmental Impact Report prepared for the Clovis General Plan.** The General Plan Program EIR describes potential impacts of development of the project area consistent with the general plan land use map. Some of these impacts (e.g. runoff, aesthetics, etc.) are to be expected with any urban development, and are therefore applicable to the current project.
- **Findings and Statement of Overriding Considerations prepared for the adoption of the Clovis General Plan.** Adoption of the development plan contained in the General Plan is expected to result in certain unavoidable environmental impacts (Agriculture, Air Quality, Cultural Resources, Greenhouse Gas, Hydrology and Water, Noise and Vibration, Population and Housing, Transportation and Traffic, and Utility and Service Systems) that the City has determined are outweighed by the potential benefits of plan implementation. These impacts are applicable to the project at hand due to the fact that the proposal is consistent with the planned urbanization of the general plan planning area.
- **Herndon Shepherd Specific Plan.** The Herndon Shepherd Specific Plan provides a description of the project area setting, and sets forth a plan for the development of the specific plan planning area, of which the current project area is part.
- **Environmental Impact Report prepared for the Clovis Landfill Expansion and Permitting Project (Certified July 11, 2005, SCH No. 2002091105).** The EIR examined the potential impacts of a revision to the city's Solid Waste Facility Permit to expand filling operations and expand the land fill property boundaries.
- **Environmental Impact Report prepared for the Clovis Sewage Treatment /Water Reuse Facility Program (Certified July 18, 2005, SCH No. 2004061065.5).** The EIR examined the potential impacts from the construction and operation of the City's new sewage treatment/water reuse facility (ST/WRF) that would provide an alternative solution to its current sewage (wastewater) treatment services capabilities.
- **Clovis Municipal Code Title 5 (Public Welfare, Morals And Conduct) and Title 9 (Development Code).** This Code consists of all the regulatory, penal, and administrative laws of general application of the City of Clovis and specifically to development standards, property maintenance and nuisances, necessary for the protection of health and welfare, codified pursuant to the authority contained in Article 2 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code of the State of California.
- **California Health and Safety Code Section 7050.5.** This section states that in the event that human remains are discovered, there shall be no further disturbance of the site of any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has been notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

- **Section 15064.5 of the CEQA Guidelines.** This section addresses the discovery of human remains, and the disturbance of potential archaeological, cultural, and historical resources. The requirements of Section 15064.5 with regard to the discovery of human remains are identical to the requirements of Health and Safety Code Section 7050.5.
- **City of Clovis 2016-2017 Budget.** The budget provides information about city services, and objectives, annual spending plan for the 2016-2017 fiscal year, debt obligations, and the five-year Community Investment Program.
- **City of Clovis Economic Development Strategy (Adopted September 13, 2004).** The City of Clovis Economic Development Strategy outlines the City's strategies for the retention, expansion, and attraction of industrial development, commercial development, and tourism.
- **City of Clovis 2010 Urban Water Management Plan.** The Clovis Urban Water Management Plan outlines the City's strategy to manage its water resources through both conservation and source development. The Plan was prepared in compliance with California Water Code Section 10620.
- **Fresno Metropolitan Flood Control District Storm Drainage and Flood Control Master Plan (Adopted January 2006).** The Fresno Metropolitan Flood Control District (FMFCD) is located in the north-central portion of Fresno County between the San Joaquin and Kings rivers. The FMFCD service area includes most of the Fresno-Clovis metropolitan area (excluding the community of Easton), and unincorporated lands to the east and northeast. The Storm Drainage and Flood Control Master Plan includes program planning, structure, service delivery, and financing, for both flood control and local drainage services. The flood control program relates to the control, containment, and safe disposal of storm waters that flow onto the valley floor from the eastern streams. The local drainage program relates to the collection and safe disposal of storm water runoff generated within the urban and rural watersheds.
- **Fresno Metropolitan Flood Control District Notice of Requirements,** September 9, 2016, A letter from the District stating that their facilities can accommodate the Project.
- **Staff Report on Burrowing Owl Mitigation (CDFG 1995).** This report provides CEQA Lead Agencies and Project proponents the context in which the Department of Fish and Game will review Project specific mitigation measures. The report also includes pre-approved mitigation measures which have been judged to be consistent with policies, standards and legal mandates of the State Legislature, the Fish and Game Commission, and the Department's public trust responsibilities.
- **San Joaquin Valley Air Pollution Control District, Regulation VIII - Fugitive PM10 Prohibitions.** The purpose of Regulation VIII (Fugitive PM10 Prohibitions) is to reduce ambient concentrations of fine particulate matter (PM10) by requiring actions to prevent, reduce or mitigate anthropogenic fugitive dust emissions. Regulation VIII is available for download at <http://www.valleyair.org/rules/1ruleslist.htm#reg8>. A printed copy may be obtained at the District's Central Region offices at 1990 E. Gettysburg Ave., Fresno, CA 93726.
- **Fresno Irrigation District Letter,** June 30, 2016, An evaluation of project impacts on Fresno Irrigation District facilities.
- **City of Clovis Wastewater Collection System Master Plan Modification Review,** October 21, 2009, An evaluation of impacts to the Master Sewer Collection System.
- **Biological Assessment from Argonaut Ecological Consulting, Inc.,** October, 2015, An evaluation of biological impacts.
- **Cultural Resources Survey from Sierra Valley Cultural Planning** dated August 22, 2016, An evaluation of cultural and archeological resources.
- **Air Quality Impact Analysis & Greenhouse Gas Analysis Report from Quad Knopf,** August, 2015, An evaluation of the impacts related to Air Quality and Green House Gas.
- **San Joaquin Valley Air Pollution Control District,** Phone discussion with Sharla Yang, District Representative on October 6, 2016, an evaluation of air quality impacts.
- **California Department of Transportation,** letter dated July 12, 2016, evaluating State highway impacts.
- **Fresno County Department of Public Health,** letter dated June 30, 2016, providing standards for health related impacts.
- **Water Infrastructure Investigation from Provost and Pritchard** dated November 11, 2015, An evaluation of impacts related to water resources.

- **Clovis Unified School District**, Letter dated April 22, 2016, An evaluation of school enrollment.
- **Draft Traffic impact Analysis by JLB Traffic Engineering, Inc.**, July 20, 2015, an evaluation of traffic related impacts.

Unless otherwise noted, documents incorporated by reference in this Initial Study are available for review at the Clovis Planning and Development Services Department located at 1033 Fifth Street, Clovis, CA 93612 during regular business hours.

### **Project Description**

The project consists of a request to amend the General Plan Land Use Diagram and Herndon-Shepherd Specific Plan Designations for approximately 65.5 acres of property from Very Low Density Residential (0.6 to 2.0 Du/Ac) to Low Density Residential (2.1 to 4.0 Du/Ac) and rezone the same project site from the R-1-AH (Single-Family Residential – 18,000 Sq. Ft.) Zone District to the R-1 (Single-Family Residential) Zone District. Additionally, the application is requesting a conditional use permit and tentative tract map approval for a 261-lot single-family planned residential development with public streets, reduced setbacks and increased lot coverage. Approval of this Project would allow the developer to continue processing development drawings.

### **Project Location**

The proposed Project is located within the City of Clovis, in the County of Fresno (see Figure 1). The proposed Project site is located between Temperance and Locan Avenues, south of Shepherd Avenue (see Figure 2).



**Figure 1 - Regional Location**



## Standard Environmental Measures

Standard environmental measures are methods, measures, standard regulations, or practices that avoid, reduce, or minimize a project's adverse physical impacts on the environment. Based on the underlying authority, they may be applied before, during, or after construction of the Project.

The following standard environmental measures, which are drawn from City ordinances and other applicable regulations and agency practices, will be implemented as part of the Project and incorporated into the City's approval processes for specific individual projects. The City will ensure that these measures are included in any Project construction specifications (for example, as conditions of approval of a tentative parcel or subdivision map), as appropriate. This has proven to be effective in reducing potential impacts by establishing polices and standard requirements that are applied ministerially to all applicable projects.

### Environmental Measure 1: Measures to Minimize Effects of Construction-Related Noise

The following construction noise control standards per the Clovis Municipal Code (Clovis Municipal Code Section 9.3.228.10 et seq.) will be required, which are proven effective in reducing and controlling noise generated from construction-related activities.

- Noise-generating construction activities, Unless otherwise expressly provided by permit, construction activities are only permitted between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturday and Sunday. From June 1st through September 15th, permitted construction activity may commence after 6:00 a.m. Monday through Friday. Extended construction work hours must at all times be in strict compliance with the permit.
- Stationary equipment (e.g., generators) will not be located adjacent to any existing residences unless enclosed in a noise attenuating structure, subject to the approval of the Director.

### Environmental Measure 2: Erosion Control Measures to Protect Water Quality

To minimize the mobilization of sediment to adjacent water bodies, the following erosion and sediment control measures will be included in the storm water pollution prevention plan (SWPPP), to be included in the construction specifications and Project performance specifications, based on standard City measures and standard dust-reduction measures for each development.

- Cover or apply nontoxic soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more) that could contribute sediment to waterways.
- Enclose and cover exposed stockpiles of dirt or other loose, granular construction materials that could contribute sediment to waterways.
- Contain soil and filter runoff from disturbed areas by berms, vegetated filters, silt fencing, straw wattle, plastic sheeting, catch basins, or other means necessary to prevent the escape of sediment from the disturbed area.
- No earth or organic material shall be deposited or placed where it may be directly carried into a stream, marsh, slough, lagoon, or body of standing water.
- Prohibit the following types of materials from being rinsed or washed into the streets, shoulder areas, or gutters: concrete; solvents and adhesives; thinners; paints; fuels; sawdust; dirt; gasoline; asphalt and concrete saw slurry; heavily chlorinated water.
- Dewatering activities shall be conducted according to the provisions of the SWPPP. No dewatered materials shall be placed in local water bodies or in storm drains leading to such bodies without implementation of proper construction water quality control measures.

### Environmental Measure 3: Dust Control Measures to Protect Air Quality

To control dust emissions generated during construction of future parcels, the following San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) Regulation VIII Control Measures for construction emissions of PM10 are required to be implemented (SJVUAPCD Rule 8021). They include the following:

- Watering—for the purpose of dust control, carry-out, and tracking control—shall be conducted during construction in accordance with the City of Clovis’s Storm Water Management Plan (SWMP) and the Project Storm Water Pollution Prevention Plan (SWPPP), if applicable.
- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
- When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 2 feet of freeboard space from the top of the container shall be maintained.
- All 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.

### Environmental Measure 4: Measures to Control Construction-Related Emissions

To comply with guidance from the SJVAPCD, the City will incorporate the following measures into the construction specifications and Project performance specifications:

- The construction contractor will ensure that all diesel engines are shut off when not in use on the premises to reduce emissions from idling.
- The construction contractor will review and comply with SJVAPCD Rules 8011 to 8081 (Fugitive Dust), 4102 (Nuisance), 4601 (Architectural Coatings), and 4641 (Paving and Maintenance Activities). Current SJVAPCD rules can be found at <http://www.valleyair.org/rules/1ruleslist.htm>.
- The construction contractor will use off-road trucks that are equipped with on-road engines, when possible.
- The construction contractor will use light duty cars and trucks that use alternative fuel or are hybrids, if feasible.

### Environmental Measure 5: Measures to Minimize Exposure of People and the Environment to Potentially Hazardous Materials

Construction of the Project could create a significant hazard to workers, the public, or the environment through the transport, use or disposal of hazardous materials. Small quantities of potentially toxic substances (such as diesel fuel and hydraulic fluids) would be used and disposed of at the site and transported to and from the site during construction. Accidental releases of small quantities of these substances could contaminate soils and degrade the quality of surface water and groundwater, resulting in a public safety hazard.

To minimize the exposure of people and the environment to potentially hazardous materials, the following measures will be included in the construction specifications and Project performance specifications for each parcel that includes the use of hazardous materials, based on the City's standard requirements that construction specifications include descriptions of the SWPPP, dust control measures, and traffic mobilization.

- *Develop and Implement Plans to Reduce Exposure of People and the Environment to Hazardous Conditions Caused by Construction Equipment.* The City/contractor shall demonstrate compliance with Cal OSHA as well as federal standards for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention. Cal OSHA requirements can be found in the California Labor Code, Division 5, and Chapter 2.5. Federal standards can be found in Occupational Safety and Health Administration Regulations, Standards—29 CFR. These standards are considered to be adequately protective such that significant impacts would not occur. Successful development and implementation of the proper storage and handling of hazardous materials will be measured against the state and federal requirements as verified by the City of Clovis.
- *Develop and Implement a Hazardous Materials Business Plan in Accordance with the Requirements of the County of Fresno Environmental Health System Hazardous Materials Business Plan Program.* The City shall require contractors to develop and implement a Hazardous Materials Business Plan, if required, in accordance with the requirements of the County of Fresno Environmental Health System (EHS) Hazardous Materials Business Plan Program. The Hazardous Materials Business Plan shall be submitted to the County EHS and the City of Clovis Fire Department prior to construction activities and shall address public health and safety issues by providing safety measures, including release prevention measures; employee training, notification, and evacuation procedures; and adequate emergency response protocols and cleanup procedures. A copy of the Hazardous Materials Business Plan shall be maintained on-site, during site construction activities and as determined by the County EHS.
- *Immediately Contain Spills, Excavate Spill-Contaminated Soil, and Dispose at an Approved Facility.* In the event of a spill of hazardous materials in an amount reportable to the Clovis Fire Department (as established by fire department guidelines), the contractor shall immediately control the source of the leak, contain the spill and contact the Clovis Fire Department through the 9-1-1 emergency response number. If required by the fire department or other regulatory agencies, contaminated soils shall be excavated, treated and/or disposed of off-site at a facility approved to accept such soils.
- As applicable, each Project applicant shall demonstrate compliance with Cal-OSHA for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention. Cal-OSHA requirements can be found in the California Labor Code, Division 5, Chapter 2.5. Federal standards can be found in Occupational Safety and Health Administration Regulations, Standards—29 CFR.

#### Environmental Measure 6: Measures to Protect Undiscovered Cultural Resources

If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground-disturbing activities, the City shall require that work stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City of Clovis and other appropriate agencies.

If human remains of Native American origin are discovered during Project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Pub. Res. Code Sec. 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- The Fresno County coroner has been informed and has determined that no investigation of the cause of death is required; and if the remains are of Native American origin,
  - The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
  - The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100) and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission.

#### Environmental Measure 7: Develop and Implement a Construction Traffic Control Plan

If applicable, the construction contractor, in coordination with the City, will prepare a traffic control plan during the final stage of Project design. The purpose of the plan is to insure public safety, provide noise control and dust control. The plan shall be approved by the City of Clovis City Engineer and comply with City of Clovis local ordinances and standard policies.

- The construction traffic control plan will be provided to the City of Clovis for review and approval prior to the start of construction and implemented by construction contractor during all construction phases, and monitored by the City.

#### Required Project Approvals

In addition to the approval of the proposed Project by the City of Clovis, the following agency approvals may be required:

- San Joaquin Unified Air Pollution Control District
- Fresno Metropolitan Flood Control District

### ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

#### Introduction

This chapter provides an evaluation of the potential environmental impacts of the proposed Project, including the CEQA Mandatory Findings of Significance. There are 18 specific environmental topics evaluated in this chapter including:

- Aesthetics
- Agriculture and Forest Resources
- Air Quality
- Biological Resources

- Cultural Resources
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Tribal Cultural Resources
- Utilities/Service Systems

For each issue area, one of four conclusions is made:

- **No Impact:** No project-related impact to the environment would occur with project development.
- **Less Than Significant Impact:** The proposed project would not result in a substantial and adverse change in the environment. This impact level does not require mitigation measures.
- **Less Than Significant with Mitigation Incorporated:** The proposed project would result in an environmental impact or effect that is potentially significant, but the incorporation of mitigation measure(s) would reduce the project-related impact to a less than significant level.
- **Potentially Significant Impact:** The proposed project would result in an environmental impact or effect that is potentially significant, and no mitigation can be identified that would reduce the impact to a less than significant level.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3.1 Aesthetics</b>				
<i>Would the Project:</i>				
a. Have a substantial effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Environmental Setting

The City of Clovis is located within the San Joaquin Valley. As a result, the Project site and surrounding areas are predominantly flat. The flat topography of the valley floor provides a horizontal panorama providing vistas of the valley. On clear days, the Sierra Nevada Mountains are visible to the east. Aside from the Sierra

Nevada and nearby foothills, there are no outstanding focal points or views from the City. There are a number of existing trees at the general center of the site and a developing trail system on the north which will provide a natural buffer to adjacent neighbors on the north. The project area and surrounding environment is generally a blend of rural homes, medium and larger lots, agriculture, farming, and hobby commercial activities.

## **Impacts**

The Project may result in significant aesthetic impacts if it substantially affects the view of a scenic corridor, vista, or view open to the public, causes substantial degradation of views from adjacent residences, or results in night lighting that shines into adjacent residences.

- a. The proposed Project will not obstruct federal, state or locally classified scenic areas, historic properties, community landmarks, or formally classified scenic resources such as a scenic highway, national scenic area, or state scenic area. The City of Clovis is located in a predominantly agricultural area at the base of the Sierra Nevada Mountain Range, which provides for aesthetically pleasing views and open spaces. The project site has three existing rural homes that will be removed with future development. Existing and future zoning on the property site permits single-family homes up 35 feet in height. As such, the implementation of the Project using current zoning standards would result in a less than significant impact to scenic vistas.
- b. The Project is surrounded by large lot homes on the south, single-family homes on the north and west, and rural homes to the east and is not located near a scenic highway. The development of this parcel with single and two-story development would have a less than significant impact on scenic resources.
- c. The project area is surrounded by ongoing residential development as planned under the General Plan for future growth. The implementation of the Project, consistent with the existing and proposed zoning would not substantially degrade the visual character or quality of the site and its surroundings.
- d. The Project will include on-site project and off-site street lighting, which would introduce a new source of light to the area. The lighting is necessary to provide enough illumination at night for security and traffic purposes. All lighting will be installed per City and PG&E standards. With the inclusion of the following Mitigation Measure, impacts in this category will be reduced to a less than significant impact.

### **Mitigation Measure 3.1**

The developer shall direct all on-site lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3.2 Agriculture and forest resources</b>				
<i>Would the Project:</i>				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220 (g)) or timberland (as defined in Public Resources Code section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Since the early 1950s, Fresno County has led all counties in the United States in the greatest agricultural production by dollar value (Fresno County 2000; Fresno County 2011). Agriculture is the largest industry in the county, producing \$5.94 billion in 2010. The top five crops by dollar value in 2010, in descending order, were grapes, almonds, tomatoes, poultry, and milk (Fresno County 2011). In 2010, about 1.6 million acres, or 2,500 square miles, were in agricultural production, that is, about 42 percent of the county's land area (UCCE 2011).

Clovis and Vicinity

The early agricultural history of Clovis was partly tied to the logging industry in the Sierra Nevada. A 42-mile log flume was built from Shaver Lake to Clovis, and a mill and finishing plant were developed in Clovis. Other agricultural products from the Clovis area included grains and livestock (Clovis 2012). Currently, there is little active agricultural use in the Plan Area because of water supply constraints and soil suitability issues, even though 7 percent of the SOI and 36 percent of the non-SOI Plan Area are designated Agriculture.

General Plan Designation for Agricultural Use

There are 10,199 acres in the Plan Area designated for agricultural use under the current General Plan— 9,810 acres in the non-SOI Plan Area and 389 acres in the SOI. No land within the City is designated for agriculture (see Figure 3-4, *Current General Plan Land Use*). The land designated for agriculture is approximately 23 percent of the entire Plan Area.

The General Plan EIR analyzed the impacts of the City's urban growth on agricultural land and includes mitigation measures to reduce those impacts; however, impacts to agricultural land remain significant

and unavoidable. A Statement of Overriding Considerations was adopted for the impacts to agriculture lands. The proposed Project does not significantly impact agricultural resources as identified in the General Plan's PEIR.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3.3 Air Quality</b>				
<i>Will the proposal:</i>				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standards or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Setting

### San Joaquin Valley Air Basin

The City of Clovis (City) is in the central portion of the San Joaquin Valley Air Basin (SJVAB). SJVAB consists of eight counties: Fresno, Kern (western and central), Kings, Tulare, Madera, Merced, San Joaquin, and Stanislaus. Air pollution from significant activities in the SJVAB includes a variety of industrial-based sources as well as on- and off-road mobile sources. These sources, coupled with geographical and meteorological conditions unique to the area, stimulate the formation of unhealthy air.

The SJVAB is approximately 250 miles long and an average of 35 miles wide. It is bordered by the Sierra Nevada in the east, the Coast Ranges in the west, and the Tehachapi mountains in the south. There is a slight downward elevation gradient from Bakersfield in the southeast end (elevation 408 feet) to sea level at the northwest end where the valley opens to the San Francisco Bay at the Carquinez Straits. At its northern end is the Sacramento Valley, which comprises the northern half of California's Central Valley. The bowl-shaped topography inhibits movement of pollutants out of the valley (SJVAPCD 2012a).

### Climate

The SJVAB is in a Mediterranean climate zone and is influenced by a subtropical high-pressure cell most of the year. Mediterranean climates are characterized by sparse rainfall, which occurs mainly in winter. Summers are hot and dry. Summertime maximum temperatures often exceed 100°F in the valley.

The subtropical high-pressure cell is strongest during spring, summer, and fall and produces subsiding air, which can result in temperature inversions in the valley. A temperature inversion can act like a lid, inhibiting vertical mixing of the air mass at the surface. Any emissions of pollutants can be trapped below the inversion. Most of the surrounding mountains are above the normal height of summer inversions (1,500–3,000 feet).

Winter-time high pressure events can often last many weeks, with surface temperatures often lowering into the 30°F. During these events, fog can be present and inversions are extremely strong. These wintertime inversions can inhibit vertical mixing of pollutants to a few hundred feet (SJVAPCD 2012a).

### Ambient Air Quality Standards

The Clean Air Act (CAA) was passed in 1963 by the US Congress and has been amended several times. The 1970 Clean Air Act amendments strengthened previous legislation and laid the foundation for the regulatory scheme of the 1970s and 1980s. In 1977, Congress again added several provisions, including nonattainment requirements for areas not meeting National AAQS and the Prevention of Significant Deterioration program. The 1990 amendments represent the latest in a series of federal efforts to regulate the protection of air quality in the United States. The CAA allows states to adopt more stringent standards or to include other pollution species. The California Clean Air Act (CCAA), signed into law in 1988, requires all areas of the state to achieve and maintain the California AAQS by the earliest practical date. The California AAQS tend to be more restrictive than the National AAQS, based on even greater health and welfare concerns.

These National and California AAQS are the levels of air quality considered to provide a margin of safety in the protection of the public health and welfare. They are designed to protect “sensitive receptors,” those most susceptible to further respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed.

Both California and the federal government have established health-based AAQS for seven air pollutants. As shown in Table 5.3-1, *Ambient Air Quality Standards for Criteria Pollutants*, these pollutants are ozone (O<sub>3</sub>), nitrogen dioxide (NO<sub>2</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), coarse inhalable particulate matter (PM<sub>10</sub>), fine inhalable particulate matter (PM<sub>2.5</sub>), and lead (Pb). In addition, the state has set standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles. These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety.

**TABLE 3.4-1  
FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS**

<b>Pollutant</b>	<b>Averaging Time</b>	<b>Federal Primary Standard</b>	<b>State Standard</b>
Ozone	1-Hour	--	0.09 ppm
	8-Hour	0.075 ppm	0.07 ppm
Carbon Monoxide	8-Hour	9.0 ppm	9.0 ppm
	1-Hour	35.0 ppm	20.0 ppm
Nitrogen Dioxide	Annual	0.053 ppm	0.03 ppm
	1-Hour	0.100 ppm	0.18 ppm
Sulfur Dioxide	Annual	0.03 ppm	--
	24-Hour	0.14 ppm	0.04 ppm
	1-Hour	0.075 ppm	0.25 ppm
PM <sub>10</sub>	Annual	--	20 ug/m <sup>3</sup>
	24-Hour	150 ug/m <sup>3</sup>	50 ug/m <sup>3</sup>

PM <sub>2.5</sub>	Annual 24-Hour	15 ug/m <sup>3</sup> 35 ug/m <sup>3</sup>	12 ug/m <sup>3</sup> --
Lead	30-Day Avg. 3-Month Avg.	-- 1.5 ug/m <sup>3</sup>	1.5 ug/m <sup>3</sup> --

Notes: ppm = parts per million; ug/m<sup>3</sup> = micrograms per cubic meter.

Source: California Air Resources Board, 2008. Ambient Air Quality Standards (4/01/08), <http://www.arb.ca.gov.aqs/aaqs2.pdf>.

In addition to the criteria pollutants discussed above, toxic air contaminants (TACs) are another group of pollutants of concern. TACs are injurious in small quantities and are regulated despite the absence of criteria documents. The identification, regulation and monitoring of TACs is relatively recent compared to that for criteria pollutants. Unlike criteria pollutants, TACs are regulated on the basis of risk rather than specification of safe levels of contamination.

### Attainment Status

The air quality management plans prepared by SJVAPCD provide the framework for SJVAB to achieve attainment of the state and federal AAQS through the SIP. Areas are classified as attainment or nonattainment areas for particular pollutants, depending on whether they meet the ambient air quality standards. Severity classifications for ozone nonattainment range in magnitude from marginal, moderate, and serious to severe and extreme.

At the federal level, the SJVAPCD is designated as extreme nonattainment for the 8-hour ozone standard, attainment for PM<sub>10</sub> and CO, and nonattainment for PM<sub>2.5</sub>. At the state level, the SJVAB is designated nonattainment for the 8-hour ozone, PM<sub>10</sub>, and PM<sub>2.5</sub> standards. The SJVAB has not attained the federal 1-hour ozone, although this standard was revoked in 2005.

### Impacts

The SJVUAPCD has established the following standards of significance (SJVUAPCD, 1998). A project is considered to have significant impacts on air quality if:

- 1) A project results in new direct or indirect emissions of ozone precursors (ROG or NO<sub>x</sub>) in excess of 10 tons per year.
- 2) Any project with the potential to frequently expose members of the public to objectionable odors will be deemed to have a significant impact.
- 3) Any project with the potential to expose sensitive receptors (including residential areas) or the general public to substantial levels of toxic air contaminants would be deemed to have a potentially significant impact.
- 4) A project produces a PM<sub>10</sub> emission of 15 tons per year (82 pounds per day).

While the SJVUAPCD CEQA guidance recognizes that PM<sub>10</sub> is a major air quality issue in the basin, it has to date not established numerical thresholds for significance for PM<sub>10</sub>. However, for the purposes of this analysis, a PM<sub>10</sub> emission of 15 tons per year (82 pounds per day) was used as a significance threshold. This emission is the SJVUAPCD threshold level at which new stationary sources requiring permits for the SJVUAPCD must provide emissions "offsets". This threshold of significance for PM<sub>10</sub> is consistent with the SJVUAPCD's ROG and NO<sub>x</sub> thresholds of ten tons per year which are also the offset thresholds established in SJVUAPCD Rule 2201 New and Modified Stationary Source Review Rule.

The SJVUAPCD significance threshold for construction dust impacts is based on the appropriateness of construction dust controls, including compliance with its Regulation VIII fugitive PM<sub>10</sub> Prohibitions. The SJVUAPCD guidelines provide feasible control measures for construction emission of PM<sub>10</sub> beyond that required by SJVUAPCD regulations. If the appropriate construction controls are to be implemented, then air pollutant emissions for construction activities would be considered less than significant.

The projects impacts to air quality was analyzed by Quad Knopf, dated August, 2015. The study concluded that the Project related impacts are within the jurisdiction of the SJVAPCD and the analysis was prepared to evaluate whether the estimated emissions generated would cause significant impacts. The study revealed that the project impact was less than significant.

- a-c. The Project site is located within the San Joaquin Valley Air Basin (SJVUAPCD), which is a “nonattainment” area for the federal and state ambient air quality standards for ozone and PM<sub>10</sub>. The Federal Clean Air Act and the California Clean Air Act require areas designated as nonattainment to reduce emissions until standards are met. The proposed Project would not obstruct implementation of an air quality plan; however, temporary air quality impacts could result from construction activities. The proposed Project would not create a significant impact over the current levels of ozone and PM<sub>10</sub> or result in a violation of any applicable air quality standard. The Project is not expected to conflict with the SJVUAPCD’s attainment plans. The Project will be subject to the SJVUAPCD’s Regulation VIII to reduce PM<sub>10</sub> emissions and subject to Environmental Measure 3: Dust Control Measures to Protect Air Quality. With the incorporation of these existing measures, the Project will have a less than significant impact.
- b-c. The proposed Project would result in short-term construction related emissions (dust, exhaust, etc.). The SJVAB currently exceeds existing air quality standards for ozone and the State Standard for PM<sub>10</sub>. However, as with all construction projects, the Project will be subject to the rules and regulations adopted by the SJVUAPCD to reduce emissions throughout the San Joaquin Valley and will be subject to Environmental Measure 4: Measures to Control Construction-Related Emissions Standards. Therefore, the Project would create a less than significant impact with existing measures incorporated.
- d. The existing sensitive receptors near the proposed Project include residences. The proposed Project may subject sensitive receptors to pollutant concentrations due to construction activities. The use of construction equipment would be temporary and all equipment is subject to permitting requirements of the SJVUAPCD. This impact is considered less than significant.
- e. Objectionable odors are possible during site preparation and construction. However, the odors are not expected to be persistent or have an adverse effect on residents or other sensitive receptors in the Project’s vicinity. No objectionable odors are anticipated after construction activities are complete; therefore, the Project is expected to have a less than significant impact.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3.4 Biological Resources</b>				
<i>Will the proposal result in impacts to:</i>				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Environmental Setting

The Project has existing rural homes throughout the existing site. The site is bounded by residential to the north and west, rural and large lot residential to the south and rural residential to the east.

## Impacts

The Project would have a significant effect on the biological resources if it would:

- 1) Interfere substantially with the movement of any resident or migratory fish or wildlife species;
  - 2) Substantially diminish habitat for fish, wildlife or plants; or
  - 3) Substantially affect a rare, threatened, or endangered species of animal or plant or the habitat of the species.
- a. According to the October 20, 2015 biological assessment of the site performed by Argonaut Ecological Consulting, Inc, the proposed project has the potential for impact, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The assessment concluded that no nest sites or Western burrowing owls were identified in the large trees or ground habitats. The study also concluded that ground nesting could be supported in the area. With inclusion of mitigation measures to address the nesting season for raptors and/or burrowing owls, impacts in this category are less than significant.
  - b. There is no riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service within the project area. Therefore, the proposed project would not have a substantial adverse effect on riparian or other sensitive natural habitat.
  - c. The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means.
  - d. The project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
  - e. There are a number of trees on the project site which are not listed on the protected tree ordinance. The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
  - f. The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

### Mitigation Measure

- **Mitigation Measure 3.4:** If possible, the project will be constructed outside of the typical avian nesting season, or between September 1 and January 31. If project activities must take place during the avian nesting season, pre-activity surveys for nesting birds will be conducted, and any active nests identified will be avoided by a suitable disturbance-free buffer. The surveys will be conducted by a qualified biologist no more than 14 days prior to the start of construction, and will consist of walking transects across the project site and accessible surrounding lands within 500 feet while examining trees, shrubs, and the ground for active bird nests.

Should any active nests be discovered near proposed work areas, the biologist will determine appropriate construction setback distances based on existing conditions, applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged and are capable of foraging independently.

Implementation of these measures will reduce potential project impacts to nesting raptors and migratory birds to a less than significant level under CEQA, and will ensure compliance with state and federal laws protecting these species.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3.5 Cultural Resources</b>				
<i>Will the proposal:</i>				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Environmental Setting

Mitigation Measures in the Clovis General Plan Program Environmental Impact Report, requires evaluation of the site for archaeological, paleontological, and historical structure sensitivity. These mitigation measures, which identify archaeological and paleontological levels of sensitivity, list historically important sites identified by the Fresno County Library. The Project is not anticipated to impact any cultural resources; however, the Project could lead to the disturbance of undiscovered archaeological and paleontological resources. General Plan Conservation Element Goal 2, acts to preserve historical resources, and mitigation measures adopted in association with the General Plan PEIR help to reduce potential impacts to a less than significant level. The project was evaluated by First Carbon Solutions who concluded that although a former dairy remains were previously on the site, the site lacked integrity and no archeological, cultural and historical resources were identified.

Pursuant to requirements of SB18 and AB52, a notification was sent to the Native American Heritage Commission for review with local tribes for cultural significance. Staff did not receive any request for consultation within the 90-day review period.

### Impacts

The Project may have a significant impact on cultural resources if it causes substantial adverse changes in the significance of a historical or archaeological resource as set forth by the California Register of Historic Places and Section 106 of the National Historic Preservation Act; directly or indirectly destroys a unique paleontological resource or site or unique geologic feature; or disturbs any human remains, including those interred in formal cemeteries. A cultural study was performed by Sierra Valley Cultural Planning and concluded that there was a previous dairy on the site that does not affect any level of significance and there are no other previously recorded prehistoric or historic sites identified within the project site.

- a. The proposed Project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines. There are no known historical resources that will be impacted by the proposed Project.
- b. The proposed Project is not anticipated cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines or directly or indirectly destroy a unique paleontological resource or site or unique geological features. There are no known archaeological or paleontological resources located in the areas of construction. These areas have been previously disturbed with previous agriculture activity; however with ground disturbance there is chance that previously undiscovered archaeological and/or paleontological resources could be uncovered. The Project is subject to Standard Environmental Measure 6: Measures to Protect Undiscovered Cultural Resources. Therefore, impacts will be less than significant.
- c&d. The site has not been identified as containing areas where human remains may be located. However, California Public Resources Code Section 5097.98, provides procedures in case of accidental finds. Should any human remains be discovered at any time, all work is to stop and the County Coroner must also be immediately notified pursuant to the California Health and Safety Code, Section 7050.5 and the State Public Resources Code, Section 5097.98. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3.6 Geology and Soils</b>				
<i>Will the Project:</i>				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i). Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Environmental Setting

The General Plan EIR identified no geologic hazards or unstable soil conditions known to exist on the Project site. There are several known faults that exist close enough to the Project to cause potential damage to structures or individuals. The City of Clovis has adopted the California Building Code to govern all construction within the City, further reducing potential impacts in this category by ensuring that development is designed to withstand seismic or other geologic hazards.

## Impacts

The Project may result in significant earth impacts if it causes substantial erosion or siltation; exposes people and structures to geologic hazards or risk from faults, landslides, unstable soil conditions, etc.; or substantially alters the natural topography or a unique geological or physical feature. Grading that disturbs large amounts of land or sensitive grading areas (e.g. slopes in excess of 20 percent, intermittent drainages) may cause substantial erosion or siltation.

- a. No known faults with evidence of historic activity cut through the valley soils in the Project vicinity. The major active faults and fault zones occur at some distance to the east, west, and south of the Project site, the closest fault being approximately 62 miles to the southwest. Due to the geology of the Project area and its distance from active faults, the potential for loss of life, property damage, ground settlement, or liquefaction to occur in the Project vicinity is considered minimal.

Ground shaking generally decreases with distance and increases with the depth of unconsolidated alluvial deposits. The most likely source of potential ground shaking is attributed to the San Andreas, Owens Valley, and the White Wolf faults. Based on this premise, and taking into account the distance to the causative faults, the potential for ground motion in the vicinity of the Project site is such that a minimal risk can be assigned.

Liquefaction describes a phenomenon in which a saturated soil loses strength during an earthquake as a result of induced shearing strains. Lateral and vertical movement of the soil mass, combined with loss of bearing usually results. Loose sand, high groundwater conditions (where the water table is less than 30 feet below the surface), higher intensity earthquakes, and particularly long duration of ground shaking are the requisite conditions for liquefaction. Studies indicate that the soil types are not conducive to liquefaction (General Plan, Page 7-6 and General Plan EIR, Page 4-5).

Landslides and mudflows are more likely in foothill and mountain areas where fractured and steep slopes are present (as in the Sierra Nevada Mountains). The Project is located on relatively flat topography, therefore the Project will not result in or expose people to potential impacts from landslides or mudflows.

- b. Construction of urban uses would create changes in absorption rates, drainage patterns, and the rate and amount of surface runoff on the selected Project site. Standard construction practices that comply with City of Clovis ordinances and regulations, the California Building Code, and professional engineering designs approved by the Clovis Engineering Division will mitigate any potential impacts from development, if any.
- c. The Project site would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- d. The Project will not result in or expose people to potential impacts from expansive soils.
- e. The City of Clovis provides necessary sewer and water systems for development within the City. The Project will not utilize septic tanks or alternate waste disposal.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3.7 Greenhouse Gas Emissions</b>				
<i>Will the proposal:</i>				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Environmental Setting

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHG's has been implicated as a driving force for global climate change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the earth's climate caused by natural fluctuations and anthropogenic activities which alter the composition of the global atmosphere.

Individual Projects contribute to the cumulative effects of climate change by emitting GHGs during construction and operational phases. The principal GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Carbon dioxide is the "reference gas" for climate change, meaning that emissions of GHGs are typically reported in "carbon dioxide-equivalent" measures. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs, with much greater heat-absorption potential than carbon dioxide, include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes.

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming, although there is uncertainty concerning the magnitude and rate of the warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years.<sup>1</sup> Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.

In 2005, in recognition of California's vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emission of greenhouse gases (GHG) would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels. In 2006, California passed the California Global Warming Solutions Act of 2006 (AB 32), which requires the California Air Resources Board (CARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions).

<sup>1</sup> California Air Resources Board (ARB), 2006, Climate Change website. (<http://www.arb.ca.gov/cc/120106workshop/intropres12106.pdf>).

In April 2009, the California Office of Planning and Research published revisions to the California Environmental Quality Act to address GHG emissions. The amendments to CEQA indicate the following:

- Climate action plans and other greenhouse gas reduction plans can be used to determine whether a project has significant impacts, based upon its compliance with the plan.
- Local governments are encouraged to quantify the greenhouse gas emissions of proposed projects, noting that they have the freedom to select the models and methodologies that best meet their needs and circumstances. The section also recommends consideration of several qualitative factors that may be used in the determination of significance, such as the extent to which the given project complies with state, regional, or local GHG reduction plans and policies. OPR does not set or dictate specific thresholds of significance. Consistent with existing CEQA Guidelines, OPR encourages local governments to develop and publish their own thresholds of significance for GHG impacts assessment.
- When creating their own thresholds of significance, local governments may consider the thresholds of significance adopted or recommended by other public agencies, or recommended by experts.
- New amendments include guidelines for determining methods to mitigate the effects of greenhouse gas emissions in Appendix F of the CEQA Guidelines.
- OPR is clear to state that “to qualify as mitigation, specific measures from an existing plan must be identified and incorporated into the project; general compliance with a plan, by itself, is not mitigation.”
- OPR’s emphasizes the advantages of analyzing GHG impacts on an institutional, programmatic level. OPR therefore approves tiering of environmental analyses and highlights some benefits of such an approach.
- Environmental impact reports (EIRs) must specifically consider a project’s energy use and energy efficiency potential.

On December 30, 2009, the Natural Resources Agency adopted the proposed amendments to the CEQA Guidelines in the California Code of Regulations.

In December 2009, the San Joaquin Valley Air Pollution Control District (SJVAPCD) adopted guidance for addressing GHG impacts in its *Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects Under CEQA*. The guidance relies on performance-based standards, otherwise known as Best Performance Standards (BPS), to assess significance of project-specific GHG emissions on global climate change during the environmental review process. Projects can reduce their GHG emission impacts to a less than significant level by implementing BPS. Projects can also demonstrate compliance with the requirements of AB 32 by demonstrating that their emissions achieve a 29% reduction below “business as usual” (BAU) levels. BAU is a projected GHG emissions inventory assuming no change in existing business practices and without considering implementation of any GHG emission reduction measures.

### **Significance Criteria**

The SJVAPCD’s *Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects Under CEQA* provides initial screening criteria for climate change analyses, as well as draft guidance for the determination of significance.

The effects of project-specific GHG emissions are cumulative, and therefore climate change impacts are addressed as a cumulative, rather than a direct, impact. The guidance for determining significance of impacts has been developed from the requirements of AB 32. The guideline addresses the potential cumulative impacts that a project’s GHG emissions could have on climate change. Since climate change is a global phenomenon, no direct impact would be identified for an individual land development project. The following criteria are used to evaluate whether a project would result in a significant impact for climate change impacts:

- Does the project comply with an adopted statewide, regional, or local plan for reduction or mitigation of GHG emissions? If no, then
- Does the project achieve 29% GHG reductions by using approved Best Performance Standards? If no, then
- Does the project achieve AB 32 targeted 29% GHG emission reductions compared with BAU?

Projects that meet one of these guidelines would have less than significant impact on the global climate.

Because BPS have not yet been adopted and identified for specific development projects, and because neither the ARB nor the City of Clovis has not yet adopted a plan for reduction of GHG with which the Project can demonstrate compliance, the goal of 29% below BAU for emissions of GHG has been used as a threshold of significance for this analysis.

A global climate change evaluation was performed by Quad Knopf, dated May, 2016. The evaluation concluded that the project is consistent with the goals of the ARB and impact is less than significant.

**Impacts**

- A Global Climate Change Evaluation was prepared for the Project by Quad Knopf. The evaluation addresses the potential for greenhouse gas emissions during construction and after full build out of the proposed Project.
- A significance threshold of 29% below “business as usual” levels is considered to demonstrate that a project would be consistent with the goals of AB 32. A global climate change evaluation was performed by Quad Knopf. The study concludes that impacts related to conflicts with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases is less than significant.

GHG emissions were calculated for BAU conditions and for conditions with implementation of GHG emission reduction project design features proposed by the Project applicants. The study concludes that the proposed Project would not result in any direct impacts to the global climate, and cumulative impacts would be less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3.8 Hazards and Hazardous Materials</b> <i>Will the Project:</i>				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

of an existing or proposed school?

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65.5962.5 and, as a result, would it create a significant hazard to the public or the environment?                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## Environmental Setting

The General Plan Environmental Safety Element Policies were adopted to reduce the potential safety risks associated with hazardous materials and urban development. The proposed Project does not involve activities related to the handling or transport of hazardous materials other than substances to be used during construction. The Project does not involve the construction or operation of hazardous material facilities.

Further, the Project site is not listed as part of the State of California's Hazardous Waste and Substances Site List. Field review by City staff did not identify any obvious signs of contamination.

## Impacts

- a. Based on field review, no signs of potential contamination or hazardous materials were identified. Thus, no hazard issues are expected with this development of this site. Any hazardous materials used would be required to comply with all applicable local, state, and federal standards associated with the handling of hazardous materials. Therefore, there are no impacts anticipated in the category.
- b. Construction activities that could involve the release of hazardous materials associated with Project would include maintenance of on-site construction equipment, which could lead to minor fuel and oil spills. The use and handling of hazardous materials during construction activities would occur in accordance with applicable federal, state, and local laws. Therefore, these impacts are considered less than significant.

- c. There is a future school facility located within one-half (0.5) mile of the Project area. Based on field review, no signs of potential contamination or hazardous materials were identified. Thus, no hazard issues are expected with this development of this site.
- d. The land within the Project site is not included on a list of hazardous materials sites. The Department of Toxic Substances Control's Hazardous Waste and Substances Site List (Cortese List) does not list any hazardous waste and substances sites within the City of Clovis ([www.dtsc.ca.gov/database/Calsites/Cortese\\_List.cfm](http://www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm)).
- e. The Project site is not located within the Fresno-Yosemite International Airport land use plan or, within two miles of a public airport or public use airport. The proposed Project would not bring about a safety hazard related to an airport or aviation activities for people residing or working in the Project area.
- f. The Project site is not located within the vicinity of a private airstrip, and would not result in a safety hazard for people residing or working in the Project vicinity related to an airstrip or aviation activities.
- g. The proposed Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
- h. The Project site is located in an area surrounded by urban uses. As such, the site is not adjacent to or in close proximity to wildland areas. No impacts are anticipated.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3.9 Hydrology and Water Quality</b>				
<i>Will the proposal result in:</i>				
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

The Plan Area is within the drainages of three streams: Dry Creek, Dog Creek, and Redbank Slough. On the north, Dry Creek discharges into the Herndon Canal in the City of Fresno west of Clovis. South of Dry Creek, Dog Creek is a tributary of Redbank Slough, which discharges into Mill Ditch south of Clovis (USGS 2012). A network of storm drains in the City and the Plan Area discharges into 31 retention basins, most of which provide drainage for a one- to two-square-mile area. Most of the Plan Area east and northeast of the City is not in drainage areas served by retention basins. Those areas drain to streams that discharge into reservoirs, including Big Dry Creek Reservoir in the north-central part of the Plan Area and Redbank Creek Dam and Reservoir in the southeast part of the Plan Area. Fancher Creek Dam and Reservoir are near the east Plan Area boundary.

The Project is located within the Fresno Metropolitan Flood Control District (FMFCD) boundary, and subject to its standards and regulations. Detention and retention basins in the FMFCD's flood control system are sized to accommodate stormwater from each basin's drainage area in builtout condition. The current capacity standard for FMFCD basins is to contain runoff from six inches of rainfall during a ten-day period and to infiltrate about 75 to 80 percent of annual rainfall into the groundwater basin (Rourke 2014). Basins are highly effective at reducing average concentrations of a broad range of contaminants, including several polycyclic aromatic hydrocarbons, total suspended solids, and most metals (FMFCD 2013). Pollutants are removed by filtration through soil, and thus don't reach the groundwater aquifer (FMFCD 2014). Basins are built to design criteria exceeding statewide Standard Urban Stormwater Mitigation Plan (SUSMP) standards (FMFCD 2013). The urban flood control system provides treatment for all types of development—not just the specific categories of development defined in a SUSMP—thus providing greater water quality protection for surface water and groundwater than does a SUSMP.

In addition to their flood control and water quality functions, many FMFCD basins are used for groundwater recharge with imported surface water during the dry season through contracts with the Fresno Irrigation District (FID) and the cities of Fresno and Clovis; such recharge totaled 29,575 acre feet during calendar year 2012 (FMFCD 2013).

The pipeline collection system in the urban flood control system is designed to convey the peak flow rate from a two-year storm.

Most drainage areas in the urban flood control system do not discharge to other water bodies, and drain mostly through infiltration into groundwater. When necessary, FMFCD can move water from a basin in one such drainage area to a second such basin by pumping water into a street and letting water flow in curb and gutter to a storm drain inlet in an adjoining drainage area (Rourke 2014). Two FMFCD drainage areas discharge directly to the San Joaquin River, and three to an irrigation canal, without storage in a basin. Six drainage areas containing basins discharge to the San Joaquin River, and another 39 basins discharge to canals (FMFCD 2013).

A proposed development that would construct more impervious area on its project site than the affected detention/retention basin is sized to accommodate is required to infiltrate some stormwater onsite, such as through an onsite detention basin or drainage swales (Rourke 2014).

The Big Dry Creek Reservoir has a total storage capacity of about 30 thousand acre-feet (taf) and controls up to 230-year flood flows. Fancher Creek Dam and Reservoir hold up to 9.7 taf and controls up to 200-year flood flows. Redbank Creek Dam and Reservoir hold up to 1 taf and controls up to 200-year flood flows.

## **Groundwater**

Clovis is underlain by the Kings Groundwater Basin that spans 1,530 square miles of central Fresno County and small areas of northern Kings and Tulare counties. Figure 5.9-4, Kings Groundwater Basin, shows that the basin is bounded on the north by the San Joaquin River, on the west by the Delta-Mendota and Westside Subbasins, the south by the Kings River South Fork and the Empire West Side Irrigation District, and on the east by the Sierra Nevada foothills. Depth to groundwater in 2016 ranged from 196.5 feet at the northwest City boundary to 69.5 feet at the southeast City boundary (Clovis 2016), 25 feet at the southeast SOI boundary, and about 20 feet at the eastern Plan Area boundary (FID 2013). The Kings Subbasin has been identified as critically overdrafted (Provost & Pritchard 2011).

In the Plan Area, groundwater levels are monitored by the City of Clovis and FID. The overall area has not experienced land subsidence due to groundwater pumping since the early 1900s (FID 2006). Subsidence occurs when underground water or natural resources (e.g., oil) are pumped to the extent that the ground elevation lowers. No significant land subsidence is known to have occurred in the last 50 years as a result of land development, water resources development, groundwater pumping, or oil drilling (FID 2006). The City has identified a localized area of subsidence of 0.6 feet in the vicinity of Minnewawa and Herndon Avenues within the last 14 years (Clovis 2016). Regional ground subsidence in the Plan Area was mapped as less than one foot by the US Geological Survey in 1999 (Galloway and Riley 1999). Groundwater levels in the San Joaquin Valley are forecast to hit an all-time low in 2014 (UCCHM 2014).

## **Groundwater Recharge**

New development in accordance with the General Plan Update would increase the amount of impervious surface in the Plan Area, potentially affecting the amount of surface water that filters into the groundwater supply. Groundwater levels are monitored in the Plan Area by the FID and the City of Clovis. As described in the 2015 City of Clovis Urban Water Management Plan (UWMP), groundwater recharge occurs both naturally and artificially throughout the City. The Kings Groundwater Basin area is recharged through a joint effort between the Cities of Clovis and Fresno and the FID (CDWR 2006). Approximately 8,400 acre-feet per year (afy) of water are intentionally recharged into the Kings Groundwater Basin by the City of Clovis, and approximately 7,700 afy of water naturally flow into groundwater in the City's boundaries (Clovis 2011).

The FMFCD urban stormwater drainage system would provide groundwater infiltration for runoff from developed land uses in detention basins in the drainage system service area. The process of expansion of the FMFCD urban storm drainage system is explained above under the analysis of the 2035 Scenario under Impact 5.9-1.

Projects pursuant to the proposed General Plan Update and developed outside of the FMFCD urban stormwater drainage system would be required to meet the requirements of NPDES regulations, including the implementation of BMPs to improve water retention and vegetation on project sites.

### Executive Order to Reduce Water Use

The new Clovis General Plan PEIR indicates that the City would have adequate water supply to meet the demand of planned development through the 2035 planning horizon. The current drought situation through mid-2014 was considered and addressed in the General Plan PEIR.

During the 2015 drought the Governor's April 1, 2015 executive order and the resulting State Water Resources Board regulations require that urban water users reduce water use by at least 25 percent (36 percent for the City of Clovis), and was implemented by the City of Clovis through a number of measures. These measures included:

- Establishment of mandatory reductions for all users and implementation of penalties for failure to comply
- Restriction of outdoor water use to two days per week
- Increased enforcement of water conservation rules
- Reducing water use on City landscaping by at least 36 percent below 2013 levels
- Relaxing enforcement of all neighborhood preservation ordinances that could require ongoing landscape irrigation
- Increased public outreach

During 2016 due to improved water conditions, the restrictions were relaxed by the State if the water supplier could self-certify adequate water supplies for the next three dry years. Clovis was able to meet this requirement and subsequently relaxed water conservation requirements for 2016.

It is noted that the Project will use recycled water for its public landscaping and all landscaping will comply with applicable drought tolerant regulations including the City's adopted Water Efficient Landscape Ordinance. Since the residents within the Project are subject to and will comply with water use reduction requirements, the Project would not result in any significant adverse impacts related to water supply and quality or a substantial increase in the severity of the impacts identified in the Program EIR.

### **Impacts**

The proposed Project may result in significant impacts if it would violate any water quality standards or applicable waste discharge requirements; substantially deplete groundwater supplies or interfere substantially with ground water recharge; substantially alter the existing drainage pattern if the site; substantially increase the rate or amount of surface runoff; exceed the existing or planned storm water drainage system; provide substantial additional sources of polluted runoff; degrade water quality; place housing or structures within a 100-year flood hazard area; expose people or structures to risks of flooding; and inundation from seiche, tsunami, or mudflow.

The General Plan Program Environmental Impact Report identified significant and unavoidable impacts for both the 2035 scenario and full build-out of the General Plan Area and statement of overriding considerations was adopted.

- a. Development of the Project site would be required to comply with all City of Clovis ordinances and standard practices which assure proper grading and storm water drainage into the approved storm water systems. The Project would also be required to comply with Fresno County Health Department requirements, FMFCD regulations, and all local, state, and federal regulations to prevent any violation of water quality standards or waste discharge requirements. This project would not violate any water quality standards or waste discharge requirements.

- b. The Project would not deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level due to the Project. The General Plan Program EIR identified a net decrease in ground water aquifer throughout the region, however, because the City's domestic water system is served through surface water via existing water entitlements, the loss of aquifer is less than significant. The City has developed a surface water treatment plant (opened in June, 2004) that reduces the need for pumped groundwater, and has also expanded the municipal groundwater recharge facility. The Projects impacts to groundwater are less than significant.
- c. The Project would not alter the existing drainage pattern of the site or area through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site. Therefore, impacts are less than significant.
- d. The Project would not alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off-site. Therefore, impacts are less than significant.
- e, f. The proposed Project would add insignificant amounts of new impervious surfaces. These new surfaces would not significantly change absorption rates or drainage patterns that would result in a significant impact. Construction-related activities could result in degradation to water quality. Construction activities typically involve machines that have the potential to leak hazardous materials that may include oil and gasoline.
- h. Should the Project be within a 100-year flood hazard area that would impede or redirect flood flows, The Fresno Metropolitan Flood Control District has policies in place to address projects within a 100-year flood hazard area. The FMFCD has noted that should this project be located in a 100-year flood area, it would be subject to the District policies to reduce impacts to a less than significant level. A letter from the FMFCD dated February 18, 2016, states that the applicant shall confirm the status of the 100-year flood zone hazard area and respond accordingly per District requirements.
- i. The Project could expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. FMFCD has standards which require the developer to address drainage and channel flow. The developer will be required to comply with FMFCD standards to provide a detailed plan prior to permits.
- j. The Project is not located near any ocean, coast, or seiche hazard areas and would not involve the development of residential or other sensitive land uses. Therefore, the Project would not expose people to potential impacts involving seiche or tsunamis. No potential for mudflows is anticipated. There is no impact associated with the proposed Project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3.10 Land Use and Planning</b>				
<i>Will the proposal:</i>				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but no limited to the General Plan, Herndon-Shepherd Specific Plan, local coastal program, or zoning ordinance)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

adopted for the purpose of avoiding or mitigating an environmental effect?

c. Conflict with any applicable habitat conservation plan or natural community conservation plan?



## Environmental Setting

The proposed Project site is located near the northwest corner of Teague and Fowler Avenue. The proposed General Plan Amendment, Rezone, Conditional Use Permit and Tentative Tract Map are generally bounded by Temperance and Locan on the west and east and Shepherd Avenue on the north.

The Project site is designated Very Low Residential in the City General Plan's Land Use Diagram and zoned R-1-AH, Single-Family-Residential. The Code permits planned residential developments in the R-1 Zone District with an approved conditional use permit. The intent of the residential designated land is to provide additional housing uses which provide a needed service to the community.

The Project consists of a request to re-designate approximately 65.5 acres from Very Low Residential (.6 unit to 2.0 units per acre) to Low Residential (2.1 to 4 lots per acre), rezone approximately 65.5 acres from the County R-1-AH (Very Low Residential) Zone District to the R-1 (Single-Family Residential) Zone District, approve a Conditional Use Permit for a Planned Unit Development, and approve a tentative tract map for a 261-lot single-family subdivision for properties located on the south of Shepherd Avenue between Temperance and Locan Avenues in the City of Clovis. Amendments to change the density require a General Plan Amendment filed through the City of Clovis.

## Impacts

The proposed Project may result in significant impacts if it physically divides an established community, conflicts with existing off-site land uses, causes substantial adverse change in the types or intensity of existing or planned land use patterns, or conflicts with any applicable City land use plan, policy or regulation.

- a. The Project is located within the City of Clovis. The City of Clovis will provide for infrastructure necessary to accommodate urbanization of the area as well as connect the northwest growth area to the heart of Clovis. The Project would not divide an established community; rather enhance the ability to develop Clovis as a seamless community.
- b. The proposal to increase the density within the Plan area is consistent with land use designation as provided in the General Plan. The goals and Policies of the General Plan encourage a range of housing opportunities, and neighborhoods with a strong sense of place. The proposal to increase density will provide a diversity of housing and provide for branding of the area.
- b. There are no habitat conservation plans or natural community conservation plans within the City of Clovis Sphere of Influence.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3.11 Mineral Resources</b> <i>Will the proposal:</i>				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Environmental Setting

The Clovis General Plan states, "The Clovis Project area does not contain those mineral resources that require managed production, according to the State Mining and Geology Board"

### Impacts

The Project would create significant impacts if it results in the loss of availability of a known mineral resource with future value.

- a-b. The proposed Project would not use or extract any mineral or energy resources and would not restrict access to known mineral resource areas.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3.12 Noise</b> <i>Will the proposal result in:</i>				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

working in the project area to excessive noise levels?				
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

The ambient noise environment in the immediate Project vicinity is defined primarily by local traffic, animals, residents and natural noise associated with some residential environment. The Clovis Development Code (Section 9.22.080) sets forth land use compatibility criteria for various community noise levels.

**Impacts**

- a. The construction of the proposed Project may result in temporary construction-related noise impacts. Construction noise would be short-term in nature and only occur for a limited duration. These impacts have been addressed in the General Plan and with the Clovis Municipal Code restrictions on hours of construction, temporary noise would be less than significant.
- b. Potential groundborne vibration or groundborne noise levels would most likely occur as part of construction activities associated with the Project. The construction activities would be temporary in nature and no persons would be exposed for extended periods of time. Therefore, impacts associated with exposure to, or generation of, groundborne vibration or noises are considered to be less than significant.
- c. The proposed Project could result in a permanent increase in the ambient noise levels due to increased traffic and population, but the impacts are less than significant. It should also be noted that as an operational characteristic of the organization, patients are transported to the facility without the use of sirens and safety lights.
- d. A temporary increase in ambient noise levels would occur in association with construction activities. However, construction noise would be short-term in nature and only occur for a limited duration. Therefore, impacts are considered less than significant.
- e. The proposed Project site is not located within an airport land use plan area. The proposed Project site is approximately 7 miles north of the Fresno Yosemite International Airport. The project site sits outside of the 60-65.5 CNEL noise contour of the airport. Therefore, the Project would not expose people to excessive airport or airstrip noise.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3.13 Population and Housing</b> <i>Would the Project:</i>				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed Project will generate or result in increased population in the area. The project includes a 96-lot single-family development. The number of new residents in the area would equal approximately 706 residents.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3.14 Public Services</b>				
<i>Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Environmental Setting**

The Project includes a 261-lot single family development. Safety services for the area is served primarily by the City of Clovis.

**Impacts**

The Project may result in significant public service impacts if it substantially and adversely alters the delivery or provision of fire protection, police protection, schools, facilities maintenance, and other governmental services.

- a. The Project will have a less than significant increase in demand for fire protection services. In the event that a fire occurs during construction, the Clovis Fire Department would respond. First response would generally come from Fire Station No. 5, which is within 1 mile of the project. No additional personnel or equipment would be needed as a result of the Project.
- b. The project is located at the northern area of the City. The Police Department states that this area is already served through and can provide superior response time for new development. Additionally, improved streets with wider lanes, defined traffic control and street lighting will provide safer intersections.
- c. The Project site is located within the Clovis Unified School District. The Clovis Unified School District levies a fee for residential facilities. According to a letter from the Clovis Unified School District, dated September 20, 2016, the District can accommodate the new students as a result of additional housing.

- d. Development of this site with 261 single-family homes will introduce new residents to the community. The Parks and Recreation Element of the General Plan requires a specific ratio of park area to residents. A park impact fee is required for each new unit and is then used to construct community parks to meet these goals. The impacts in this category are less than significant since all units built in this subdivision will contribute to the park funds. There are no neighborhood parks included in General Plan for this area, however there are community parks and trails within walking and biking distance of the project site.
- e. The City anticipated growth throughout the Sphere of Influence and budgets for maintenance of existing facilities as well as expansion. The development of the tentative map as well as future urbanization in the area will not have a significant impact to public facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3.15 Recreation</b> <i>Will the proposal:</i>				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

The proposed Project includes 261 new residential units which will add users to City parks and facilities. The City of Clovis has several neighborhood and community parks as well as recreation facilities to serve the growing community.

**Impacts**

The Project may create significant impacts if it creates demand for new expanded parks and recreation facilities, or substantially affects existing recreational opportunities.

- a-b. The proposed Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. The City has measures in place that requires development to pay for its proportionate share of open space/park contributions. The Project will be evaluated and will be conditioned to address City park space requirements as required in the Herndon-Shepherd Specific Plan.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3.16 Transportation/Circulation</b>				
<i>Will the proposal result in:</i>				
a. Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designed in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Environmental Setting

Roadways are the primary existing transportation facilities in the vicinity of the Project area. Although, non-automobile travel does occur in the area, separate facilities for transit, bicycles, or pedestrians are limited. The General Plan classifies major streets in the area as well as designate where bike lanes, trails and pedestrian paths will occur. Implementation of improvements generally occur with development.

## Impacts

- The site is currently designated Residential. The Project proposal includes a 261-lot single family planned residential development. Valley Coastal Development, LLC, states that the streets can accommodate the traffic volumes, and that impacts are considered less than significant.
- The City Engineer analyzed the Project and concluded that the current and proposed improvements with the project can accommodate the additional traffic and the Project will not have a significant impact on roadway service levels in or around the area.
- The proposed Project may result in a temporary change in traffic patterns due to construction; however, the Project will be required to comply with Section 7.15 Traffic Control, Public Convenience, and Safety of the Clovis Standard Specification and Standard Drawings which will reduce impacts to a less than significant

level. Road improvements as a requirement of the Project will include widening of streets, striping, signage and lighting to reduce safety risks along roadways and intersections.

- d. The City Engineer states that the location of drive access points are adequate in addressing the City Standards and has determined that impacts in this category are less than significant.
- e. The development will be served by Fire Station 5, which is located within approximately 1 mile (by road). The streets serving the development meet City standards and can accommodate the movement of safety vehicles. Impacts are considered less than significant.
- f. The development of the Project as well as future development at a higher density of 4.0 units per acre would not Conflict with adopted policies, plans, or programs supporting alternative transportation.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>3.17 Tribal Cultural Resources</b>  <i>Would the project cause a substantial adverse change in the significance of a Tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape sacred place, or object with cultural value to a California Native American tribe, and that is:</i></p>				
<p>a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Environmental Setting**

On September 25, 2014, Governor Jerry Brown signed Assembly Bill AB52, which intends to protect a new class of recourse under CEQA. This new class is Tribal Cultural Resources and provides an avenue to identify Tribal Cultural resources through a consultation process, similar to SB18. However, unlike SB18, where consultation is required for all General Plan and Specific Plan Amendments, AB52, applies to all projects where a Notice of Determination is filed. Furthermore, the consultation process is required to be complete prior to filing a Notice of Intent.

Notice of the project was mailed to each interested Tribe listed on the latest Tribal Consultation list provided by the Native American Heritage Commission using registered US Mail. The Tribes were provided a 30 day

period (from receiving their letter) in which to request consultation. Once the consultation period ran its course, the CEQA Initial Study was prepared and a Notice of Intent filed with the County Clerk and/or Office of Planning and Research.

**Impacts**

The Project may result in significant impacts if:

- The project causes a substantial adverse change in the significance of a Tribal cultural resource, as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources.
  - The project causes a substantial adverse change in the significance of a Tribal cultural resource, as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant.
- a. A cultural and historical analysis was prepared by Sierra Valley Cultural Planning. (submitted August 22, 2016), for the project area. The analysis concluded that the Project is not listed in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).
- b. Per AB52, the Project was mailed to all Tribes listed on the Native American Heritage contact list, dated July 27, 2016. Tribes were provided an opportunity to request consultation. Although there were no issues identified, this does not imply that resources do not exist or will not be discovered during or prior to construction. The General Plan EIR includes existing standard measures which provide procedures in the case where resources are discovered. Therefore, impacts in this category are considered less than significant.

<b>3.18 Utilities and Service Systems</b> <i>Will the proposal:</i>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Environmental Setting**

Pacific Gas & Electric (PG&E) provides electricity and natural gas services in the City of Clovis. AT&T/SBC provides telephone service to the City.

The City's water supply sources include groundwater drawn from the Kings Sub-basin of the San Joaquin Valley Groundwater Basin and treated surface water from the Fresno Irrigation District (MID). Surface water is treated at the City of Clovis Surface Water Treatment Facility.

The City of Clovis provides sewer collection service to its residents and businesses. Treatment of wastewater occurs at the Fresno-Clovis Regional Wastewater Treatment Plant (RWTP). The Fresno-Clovis RWTP is operated and maintained by the City of Fresno and operates under a waste discharge requirement issued by the Central Valley Regional Water Quality Control Board. Additionally, the City of Clovis has completed a 2.8 mgd wastewater treatment/water reuse facility, which will service the City's new growth areas.

The Fresno Metropolitan Flood Control District (FMFCD) has the responsibility for storm water management within the Fresno-Clovis metropolitan area of the Project site. Stormwater runoff that is generated by land development is controlled through a system of pipelines and storm drainage detention basins.

**Impacts**

- a. According to a memo from the City Engineer, the wastewater impacts were evaluated in accordance with the City's Waste Water Master Plan. The City Engineer concludes that the Project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. Impacts are considered less than significant.
- b. The Project will not directly result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. According to the City Engineer and/or Public Utilities Director, the current wastewater treatment plant has sufficient capacity to accommodate the Project.
- c. The Project may result in the construction of new storm water drainage facilities. The Fresno Metropolitan Flood Control District has policies for this type of project. According to a letter from the FMFCD dated August 9, 2016, the district can accommodate the proposed project.
- d. According to the City Engineer, the Project will not require new or expanded entitlements and resources. The site is also within the Fresno Irrigation District and will turn over the water rights to the City of Clovis upon development.
- e. The Project will not require a determination by a wastewater treatment provider (see item b above).
- f. According to the Solid Waste Division, the Project will contribute to the landfill, however, the impacts are less than significant and the City service provides sufficient capacity to accommodate the Project.
- g. The Project will comply with federal, state, and local statutes as well as regulations related to solid waste by the City of Clovis. The City Engineer and/or Public Utilities Director states that impacts in this category are less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3.19 Mandatory Findings of Significance</b>				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Environmental Setting

The Project includes a 261-lot single family development on approximately 65.5 acres located between Temperance and Locan Avenues, south of Shepherd Avenue in the City of Clovis.

### Impacts

- a. Based on the analysis provided in Initial Study the Project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal. The Project is a potential build-out as envisioned with the General Plan.
- b. Based on the analysis provided in this Initial Study, the project would not result in any significant cumulative impacts relative to other current projects, or the effects of probable future projects. There are no projects approved in the area after the adoption of the 2014 General Plan that would contribute to significant impacts to the Project. Additionally there are no foreseeable/probable projects within the area that would contribute to significant impacts. The General Plan made provisions for single family development within the Project site and could accommodate additional single-family development as proposed with the project. The cumulative setting for the proposed Project is the build-out of the City of Clovis General Plan which was adopted in 2014. The City has processed several General Plan Amendments since 2014, all of which were included in the Project's analysis related to water, sewer, traffic, air quality, and greenhouse gas impacts.

- c. Based on the analysis provided in Initial Study, the project will not have environmental effects that will cause substantial adverse effects on human beings.

## **CUMULATIVE IMPACTS**

This section addresses the Project's potential to contribute to cumulative impacts in the region. CEQA Guidelines Section 15355 defines cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." The individual effects may be changes resulting from a single project or separate projects. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the Project when added to other closely related past, present, and reasonably foreseeable future projects. Cumulative impacts can result from individually minor yet collectively significant projects taking place over a period of time.

### **Aesthetics**

The proposed Project is not expected to result in significant cumulative visual resource impacts with mitigation. Street lighting for the area could add additional light pollution to the area. A mitigation measure has been added to shield lighting and/or utilize additional spacing to reduce the potential is included in the conditions of approval and mitigation measures.

### **Agriculture and Forest Resources**

The proposed Project would not substantially contribute to the conversion of agricultural land or forest land to urban or other uses. There are no forest lands in the adjacent to or in the immediate vicinity. None of the properties in the Project area are classified as Prime Farmland or Farmland of Statewide Importance; therefore, the Project would result in a less than significant cumulative agricultural or forest resources impact.

### **Air Quality**

Implementation of the Project could result in cumulative short-term construction air quality impacts associated with increased emissions. The Project would not result in cumulative air quality impacts to the region per SJVAPCD standards. Existing measures are incorporated to address impact during construction. The Project would result in less than significant cumulative air quality impacts.

### **Biological Resources**

The Project could result in significant impacts to nesting migratory and nongame birds with mitigation. The Project would have a less than significant impact to cumulative biological resources with mitigation measures incorporated.

### **Cultural Resources**

The proposed Project is not anticipated to contribute to any potential impacts related to cultural and/or paleontological impacts. Any impacts would be site specific and would not contribute to cumulative impacts. Therefore, the Project would have a less than significant impact to cumulative cultural resources.

### **Geology and Soils**

Project impacts associated with geology and soils would be site-specific and implementation of the Project would not contribute to cumulative seismic hazards. Therefore, the Project would create no impact to cumulative geophysical conditions.

## **Greenhouse Gas Emissions**

As discussed under Section 3.7 Greenhouse Gas Emissions, implementation of the proposed Project would contribute to GHG emissions, which is inherently a cumulative issue. The emissions from construction would be short-term (during construction) as a result of various fossil fuel-based construction equipment. Since these impacts are short-term and the contributions to GHG emissions would be minor when compared to the State's GHG emissions target of 427 MMTCO<sub>2</sub>-eq by 2020, the construction related greenhouse gas emissions of this Project would be considered a less than significant cumulative impact.

The Project's related GHG emissions would not contribute significantly to global climate change and would not impede the State's ability to meet its greenhouse gas reduction targets under AB 32.

## **Hazards & Hazardous Materials**

The proposed Project is not expected to have significant impacts as the result of hazards or hazardous materials; therefore, the Project is expected to have a less than significant impact to cumulative hazards and hazardous materials impacts.

## **Hydrology/Water Quality**

The proposed Project would not contribute to cumulative surface water quality impacts associated with construction and operational activities. As described in Section 3.7 Hydrology/Water Quality, The proposed Project would not substantially alter the direction of groundwater flows, or result in a substantial change in the quantity of groundwater. The Project would have a less than significant impact to cumulative water conditions.

## **Land Use Planning & Population/Housing**

The Project will not have significant impacts to housing or population. The General Plan provides opportunity for residential development and the Project is consistent with the build-out of the General Plan and Herndon-Shepherd specific Plan. The proposed Project is not expected to result in substantial cumulative impacts to land use planning, population or housing in that the area has been planned for single-family development.

## **Mineral Resources**

The proposed Project is expected to have no impact to any site-specific mineral resources; therefore, the Project is expected to have a less than significant impact to cumulative mineral resource impacts.

## **Noise**

As described in Section 3.12 Noise, the Project could result in increased construction noise as well as long-term traffic noise impacts. These impacts are less than significant and would not contribute to any cumulative impacts creating a level of significance as planned and considered in the General Plan.

## **Public Services**

The proposed Project creates additional homes and residents but as identified in the initial study and as provided for in the build-out of the General Plan providing for planned development and would not result in significant impacts to public services. The Project would have less than significant to cumulative public services conditions.

## **Recreation**

The proposed Project creates additional homes and residents but as identified in the initial study, would not result in significant impacts to recreation as planned development identified in the General Plan. The proposed

Project would not result in significant impacts to recreation uses and/or resources. The applicant is required per the Herndon-Shepherd Specific Plan to contribute a proportionate share towards improvement of a neighborhood park. Each project within the quarter-section contributes a proportionate share either in land or improvements to develop the neighborhood park site at one-acre of park for each 1,000 residents assuming occupancy of 2.7 people per household. Thus, a less than significant impact to recreation is anticipated.

### **Transportation/Circulation**

The proposed Project would not contribute to short-term or long-term traffic congestion impacts. The proposed will increase project in the area and surroundings. As discussed, a traffic analysis was prepared recognizing the proposed projects. The Project is not expected to impact cumulative transportation/circulation conditions. Therefore, the Project would have a less than significant impact on cumulative transportation and circulation conditions.

### **Tribal Cultural**

Tribal Cultural resources are site specific. The proposed Project would not cause a substantial adverse change in the significance on a cumulative Tribal cultural resource.

### **Utilities and Service Systems**

The proposed project was analyzed with respect to the proposed master plan and research of surrounding recent and foreseeable projects. There were no recent or foreseeable projects identified, therefore, the Project would not have a significant cumulative impact on utility and service system demands.

## Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this Project, as indicated by the checklist and corresponding discussion in this Initial Study.

The environmental factors checked below would be potentially affected by this Project. None of these factors represents a "Potentially Significant Impact" as indicated by this Initial Study.

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Agriculture and Forest Resources   | <input checked="" type="checkbox"/> Air Quality                 |
| <input checked="" type="checkbox"/> Biological Resources               | <input checked="" type="checkbox"/> Cultural Resources      | <input type="checkbox"/> Geology/Soils                          |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions           | <input checked="" type="checkbox"/> Hazards & Haz Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality   |
| <input type="checkbox"/> Land Use / Planning                           | <input type="checkbox"/> Mineral Resources                  | <input checked="" type="checkbox"/> Noise                       |
| <input type="checkbox"/> Population / Housing                          | <input checked="" type="checkbox"/> Public Services         | <input type="checkbox"/> Recreation                             |
| <input checked="" type="checkbox"/> Transportation/Traffic             | <input checked="" type="checkbox"/> Tribal Cultural         | <input checked="" type="checkbox"/> Utilities / Service Systems |
| <input checked="" type="checkbox"/> Mandatory Findings of Significance |   |   |

## Determination Findings

The potential impacts identified in this Initial Study are considered to be less than significant since they will cease upon completion of construction, or do not exceed a threshold of significance with incorporated mitigation measures; therefore, a Mitigated Negative Declaration is the appropriate level of documentation for this project.

According to the analysis in this Initial Study, based on substantial evidence in the public record, the City of Clovis finds:

- This Initial Study, prepared pursuant to CEQA Section 15063, has identified potentially significant environmental effects that would result from the project.
- The City has reviewed the proposed project impacts and has determined the following mitigation measures will address the identified impacts and reduce impacts to the level required by applicable standards:
  - **3.1-d** The developer shall direct all lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties.
  - **3.4:** If possible, the project will be constructed outside of the typical avian nesting season, or between September 1 and January 31. If project activities must take place during the avian nesting season, pre-activity surveys for nesting birds will be conducted, and any active nests identified will be avoided by a suitable disturbance-free buffer. The surveys will be conducted by a qualified biologist no more than 14 days prior to the start of construction, and will consist of walking transects across the project site and accessible surrounding lands within 500 feet while examining trees, shrubs, and the ground for active bird nests.

Should any active nests be discovered near proposed work areas, the biologist will determine appropriate construction setback distances based on existing conditions, applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged and are capable of foraging independently.

Implementation of these measures will reduce potential project impacts to nesting raptors and migratory birds to a less than significant level under CEQA, and will ensure compliance with state and federal laws protecting these species.

- The City finds that the cumulative impacts of this project are less than significant as described in Section 4.0 (Cumulative Impacts). As such, this project would not generate significant cumulative impacts.
- Feasible mitigation measures have been incorporated to revise the project before the Mitigated Negative Declaration and Initial Study is released for public review pursuant to CEQA Section 15070 in order to avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.
- The City finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described above have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- As required by CEQA Section 21081.6 et seq., a mitigation monitoring program (Section 6.0) will be adopted by incorporating mitigation measures into the project plan (CEQA Section 21081.6(b)).
- There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment (CEQA Section 21064.5(2)).
- Based on the above-referenced Initial Study and feasible mitigation measures incorporated to revise the proposed project in order to avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment will occur, staff finds that a Mitigated Negative Declaration should be adopted pursuant to CEQA Section 15070 for the proposed project.

Signature \_\_\_\_\_ Date: October 20, 2016  
Orlando Ramirez, Senior Planner

*Applicant's Concurrence*

In accordance with Section 15070 (b) (1) of the CEQA Guidelines, we hereby consent to the incorporation of the identified mitigation measures which are also contained in Section 6.0 of this document.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

## EXHIBIT B

### City of Clovis Mitigation Monitoring and Reporting Program General Plan Amendment GPA2016-07, Rezone R2016-08, Conditional Use Permit CUP2016-03, and Tentative Map TM6109 Dated October 20, 2016

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A MMRP is required for the proposed project because the Mitigated Negative Declaration has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The MMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Mitigated Negative Declaration.

The City of Clovis will be the primary agency, but not the only agency responsible for implementing the mitigation measures. The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the Mitigated Negative Declaration, in the same order that they appear in the Mitigated Negative Declaration.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the department within the City responsible for mitigation monitoring.
- **Compliance Verification Responsibility:** Identifies the department of the City or other State agency responsible for verifying compliance with the mitigation. In some cases, verification will include contact with responsible state and federal agencies.

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
<b>3.1 Aesthetics</b>				
3.1-d	The developer shall direct all lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties.	City of Clovis Planning	Prior to Permits and During Construction	
<b>3.4 Biological</b>				
3.4	<p>If possible, the project will be constructed outside of the typical avian nesting season, or between September 1 and January 31. If project activities must take place during the avian nesting season, pre-activity surveys for nesting birds will be conducted, and any active nests identified will be avoided by a suitable disturbance-free buffer. The surveys will be conducted by a qualified biologist no more than 14 days prior to the start of construction, and will consist of walking transects across the project site and accessible surrounding lands within 500 feet while examining trees, shrubs, and the ground for active bird nests.</p> <p>Should any active nests be discovered near proposed work areas, the biologist will determine appropriate construction setback distances based on existing conditions, applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged and are capable of foraging independently.</p> <p>Implementation of these measures will reduce</p>	City of Clovis Planning	Prior to Permits and During Construction	

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	potential project impacts to nesting raptors and migratory birds to a less than significant level under CEQA, and will ensure compliance with state and federal laws protecting these species.			