

**RESOLUTION NO. 03-44**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS REGARDING:  
CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR  
THE SOUTHEAST URBAN CENTER SPECIFIC PLAN; ADOPTION OF A  
MITIGATION MONITORING PROGRAM; ADOPTION OF A STATEMENT OF  
FINDINGS REGARDING SIGNIFICANT EFFECTS AND ALTERNATIVES;  
ADOPTION OF A STATEMENT OF FINDINGS REGARDING RECIRCULATION OF  
THE EIR; AND ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS**

WHEREAS, the City of Clovis ("City") caused to be prepared a Draft Environmental Impact Report (DEIR) in December 2002 for the Southeast Urban Center Specific Plan ("Specific Plan" or "Project"); and

WHEREAS, the City caused to be prepared a Final Environmental Impact Report dated February 2003 (FEIR) for the Project, which contains comments upon the DEIR and responses thereto, as well as changes and additions to the DEIR text; and

WHEREAS, the DEIR and FEIR collectively make up the Environmental Impact Report ("EIR") for the Project; and

WHEREAS, the DEIR and FEIR have been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code, sections 21000, et seq., and the Guidelines for implementation of CEQA, 14 California Code of Regulations, sections 15000, et seq.; and

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

WHEREAS, pursuant to notice duly given, the City held a series of public hearings to consider the Project and the EIR; and

WHEREAS, the City Council has evaluated and considered all comments, written and oral, received from persons who reviewed the DEIR, FEIR, or otherwise commented on the Project; and

WHEREAS, the City Council has independently reviewed and considered the Statement of Facts and Findings Regarding Significant Effects and Alternatives (**Exhibit A**), Statement of Overriding Considerations (**Exhibit B**), Statement of Findings Regarding Recirculation of the EIR (**Exhibit C**), and Mitigation Monitoring Program (**Exhibit D**).

**NOW, THEREFORE,** the City Council of the City of Clovis resolves as follows:

1. Adopts the foregoing recitals as true and correct.
2. Certifies that the EIR for the Southeast Urban Center Specific Plan is adequate and has been completed in compliance with CEQA and the State CEQA guidelines.
3. Finds and declares that the EIR was presented to the City Council and that the City Council has independently reviewed and considered the information contained in the EIR prior to approving the Project.
4. Based upon its review of the Final EIR, finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the Project as described in the EIR, sets forth a reasonable range of alternatives to the Project, and represents the independent judgment of the City Council.
5. Finds that, after weighing the advantages and disadvantages of the Project as proposed with the Project alternatives, including the no project alternative, and after considering the feasibility of project alternatives, the Project as proposed and described in EIR may be approved pursuant to separate resolution.
6. Approves and adopts the Statement of Facts and Findings Regarding Significant Effects and Alternatives set forth in **Exhibit A**.
7. Approves and adopts the Statement of Overriding Considerations set forth in **Exhibit B**.
8. Approves and adopts the Statement of Findings Regarding Recirculation of the EIR set forth in **Exhibit C**.
9. Approves and adopts the Mitigation Monitoring Program set forth in **Exhibit D**, including the mitigation measures identified therein and as described in the EIR.
10. Directs that the record of these proceedings be contained in the Department of Planning and Development Services located at 1033 5th Street, Clovis, CA 93612, and that the custodian of the record be the Senior Planner, David Fey or other person designated by the Planning and Development Services Director.
11. The Planning and Development Services Director, or his designee, is authorized to file a Notice of Determination for the Project in accordance with CEQA and to pay the fees required for such filing by the Department of Fish and Game and the County of Fresno.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on March 3, 2003, by the following vote, to wit:

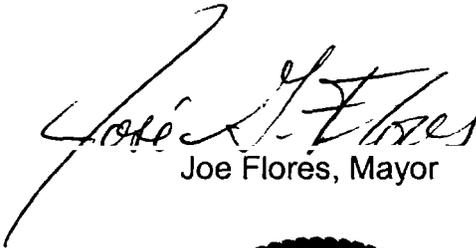
AYES: Councilmembers Armstrong, Ashbeck, Magsig, Wynne,  
Mayor Flores

NOES: None

ABSENT: None

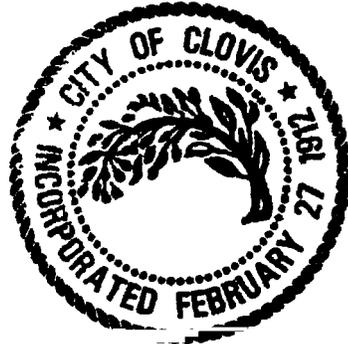
ABSTAIN: None

Date: March 3, 2003

  
Joe Flores, Mayor

Attest:

  
Michael Prandini, City Clerk



**RESOLUTION 03- \_\_**

**EXHIBIT "A"**

**CITY OF CLOVIS, SOUTHEAST URBAN CENTER SPECIFIC PLAN  
REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
STATEMENT OF FACTS AND FINDINGS REGARDING  
IMPACTS, MITIGATION MEASURES AND PROJECT ALTERNATIVES**

**A. Requirements of the California Environmental Quality Act.**

**1. Statement of Facts and Findings Regarding Impacts, Mitigation Measures and Project Alternatives**

Section 15091 of the California Environmental Quality Act (CEQA) Guidelines states that, "no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of these significant effects, accompanied by a brief explanation of the rationale for each finding." The possible findings are:

1. Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2. Changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The term "feasible" as described in section 15364 of the CEQA Guidelines means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."

These findings are set forth in this **Exhibit A**.

## **2. Statement of Overriding Considerations**

Section 15093 of the CEQA Guidelines requires the public agency "to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable'." This is known as a statement of overriding considerations. This statement of overriding considerations may be made where changes or alterations in the project which would avoid or substantially lessen the significant environmental effects, are within the responsibility and jurisdiction of another public agency, or where specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make mitigation measures or project alternatives infeasible.

This Statement of Overriding Considerations is contained in **Exhibit B** to the Resolution.

## **3. Statement of Findings Regarding Recirculation of the EIR**

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

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

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

This Statement of Findings Regarding Recirculation of the EIR is contained in **Exhibit C** to the Resolution.

**B. Statement of Facts and Findings (Impacts, Mitigation Measures and Project Alternatives).**

**1.0 PROJECT DESCRIPTION**

This DEIR has been prepared by the City of Clovis to analyze the proposed Specific Plan's potential impacts on the environment, to discuss alternatives, and to propose mitigation measures that will offset, lessen or avoid significant environmental impacts. For a detailed description of the project, its impacts/recommended mitigation, and alternatives, the reader is referred to Chapters 2 through 10 of the DEIR.

The Southeast Urban Center Specific Plan is the implementation of the City of Clovis 1993 General Plan. The Southeast Urban Center (project area) is located in the greater Fresno-Clovis Metropolitan Area, immediately east of the City of Clovis in unincorporated Fresno County but within the City of Clovis' 2000 sphere-of-influence. The Fresno/Clovis metropolitan area is experiencing a rapid rate of growth. In order to avoid haphazard development yet still accommodate growth, the Southeast Urban Center Specific Plan establishes the planning concept, design and development guidelines, administrative procedures, and implementation measures for the future development of the project area.

The project area encompasses approximately 3,307 acres, and at its ultimate buildout, approximately 10,829 residential units and 29,238 persons would be added to the project area. The concept for the development for the Southeast Urban Center is that of a high quality residential community focused around two community centers, a separate business campus, and the Reagan Education Center. The project area also includes a site for a surface water treatment facility with 45 million gallons per day (MGD) ultimate buildout capacity.

**2.0 POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS**

**NO SIGNIFICANT IMPACT**

The Initial Study determined that the environmental impacts from the Southeast Urban Specific Plan would not be significant for the following categories:

- Create objectionable odors
- Conflict with any local policies or ordinances
- Conflict with the provisions of any habitat conservation plan
- Exposure to any known earthquake fault
- Exposure to seismic ground shaking
- Seismic related ground failure

- Landslide
- Expansive soil
- Soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems
- Create significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials
- Located on a site listed as hazardous materials sites
- Located within an airport land use plan, or within two miles of a public airport or public use airport
- For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area
- Impair implementation of or physically interfere with an adopted emergency response or evacuation plan
- Expose people or structure to a significant risk of loss, injury or death involving wildland fires
- Place housing within a 100-year flood hazard area
- Place within 100-year flood hazard area structures which would impede or redirect flood flows
- Expose people or structures to a significant risk of loss, injury or death involving flooding
- Inundation by seiche, tsunami, or mudflow
- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks
- Substantially increase hazards due to a design feature or incompatible uses
- Result in inadequate emergency access
- Result in inadequate parking capacity
- Conflict with adopted policies, plans, or programs supporting alternative transportation
- Comply with federal, state, and local statutes and regulations related to solid waste

### **LESS THAN SIGNIFICANT IMPACT**

The EIR found that the project would have a less than significant impact on a number of environmental topics. The environmental topic areas listed below were all found to have a less than significant environmental impact and do not require mitigation:

#### **Aesthetics**

- Potential visual effect on a scenic vista or resource
- Potentially degrade existing visual character or quality of the project area and its surroundings

#### Agricultural Resources

- Conflict with existing zoning for agricultural use, or Williamson act Contract

#### Biological Resources

- Interfere substantially with the movement of any wildlife species or corridors

#### Cultural Resources

- Cause a significant adverse change in the significance of a historical resource

#### Hydrology and Water Quality

- Increased storm water runoff and erosion associated with short-term construction activities
- Surface water and storm water discharge as a result of an increase in impervious surfaces
- Project impact on water quality of groundwater and surface waters
- Decrease in groundwater supply
- Flood hazards
- Alteration of site drainage patterns

#### Land Use and Planning

- Physically divide an established community
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project
- Conflict with compatibility of land uses in surrounding jurisdictions

#### Noise

- Temporary increase in noise levels due to construction
- Potential vibration-related impacts due to project construction

#### Public Safety and Health

- Potential impacts from demolition
- Soils contaminated by pesticides
- Groundwater contamination due to improperly abandoned wells
- Potential impacts from accidental release of hazardous materials during transport or products or waste
- Potential impacts from accidental release of hazardous materials due to upset or accident conditions
- Emit hazardous emissions of handle hazardous materials with ¼ mile of an existing or proposed school
- San Joaquin Valley Fever

#### Public Services and Utilities

- Increased demand for fire protection services
- Increased demand for police protection services
- Increased demand for school services
- Increased demand for park services
- Potentially disrupt delivery of surface water for irrigation
- Increased demand for solid waste services
- Increased demand for electricity and natural gas services
- Increased demand for telecommunication services

#### Recreation

- 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, which might have an adverse physical effect on the environment

#### Socioeconomics

- Employment generation
- Housing demand and jobs/housing balance

#### Soils and Geology

- Erosion

#### Traffic and Circulation

- General plan buildout analysis
- Transportation demand management

Since the above impacts are not significant, findings for these impacts are not required pursuant to CEQA Guidelines Section 15091.

#### **POTENTIALLY SIGNIFICANT OR SIGNIFICANT IMPACTS**

Findings are required where an impact has been identified as potentially significant or significant. The following potentially significant or significant impacts were identified in the EIR.

#### Aesthetics

- Create a new source of light or glare

#### Agricultural Resources

- Convert prime farmland, unique farmland, or farmland of statewide importance (farmland) to non-agricultural use
- Involve other changes in the existing environment that, due to their location or nature, could result in conversion of farmland, to non-agricultural use

#### Air Quality

- Temporary construction emissions
- Long-term regional impacts due to emissions attributable to the change in land use
- Consistency with air quality plan

#### Biological Resources

- Create a substantial adverse effect on any special status species
- Create a substantial adverse effect on riparian habitat or other sensitive natural community
- Create a substantial adverse effect on jurisdictional waters

#### Cultural Resources

- Cause a significant adverse change in the significance of an archaeological resource or site
- Cause a significant adverse change in the significance of a paleontological resource or site or unique geological feature
- Disturbance of human remains, including those interred outside of formal cemeteries

#### Noise

- Potential noise-related impacts to on-site sensitive receptors due to long-term traffic generation
- Potential noise-related impacts to off-site sensitive receptors due to project-generated traffic

#### Public safety and Health

- Potential impacts from unknown buried hazardous materials on-site

#### Public Service and Utilities

- Increased demand for water services
- Increased demand for wastewater services
- Increased demand for new storm water drainage facilities or expansion of existing facilities

#### Traffic and Circulation

- Southeast Urban Center Specific Plan traffic generation

Findings for these impacts begin below.

#### **Aesthetics**

Potential Effect: The project would create a new source of light or glare.

Finding: The City Council hereby makes finding (3).

Facts in Support of Finding: The following facts indicate that this impact would remain significant and unavoidable despite the imposition of required lighting design evaluation per Specific Plan guidelines.

1. Urbanization of the project area would create substantial new sources of night-time light and glare resulting from sources such as: streetlights, parking lot lights, lights along streets, internal and external security lights, and around buildings for signage. There is currently little night lighting in the project vicinity, associated primarily with adjacent rural residential areas and agricultural lands.
2. Subsections 4.2 and 4.3 (Section IV) of the Specific Plan provides design guidelines related to minimizing impacts to adjoining properties, providing lighting to scale with the surroundings, and enhancing safety. Lighting design evaluation required by the Specific Plan would direct lighting away from sensitive residential receptors in the Cities of Clovis and Fresno and the County of Fresno. In addition, rooftop fixtures associated with the proposed commercial and office buildings would be designed so as not to produce substantially adverse glare impacts on motorist or residential receptors at higher elevations surrounding the project area.
3. The design guidelines of the Specific Plan can be expected to reduce potential impacts in an urban area to a less than significant level. However, the transition of this area from an agricultural and rural residential environment to an urbanized area would substantially increase the amount of artificial light in the area and would substantially alter the nature of nighttime views on a permanent basis that cannot be avoided.
4. After consideration of economic, legal, social, technological, and other considerations, there are no additional measures which can reduce these unavoidable impacts to a less than significant level.

### **Agricultural Resources**

Potential Effect: The project would convert prime farmland, unique farmland, or farmland of statewide importance (farmland) to non-agricultural use

Finding: The City Council hereby makes finding (3).

Facts in Support of Finding: The following facts indicate that this impact would remain significant and unavoidable despite Specific Plan Policies for a concentrated growth pattern in a gradual, phased, and orderly manner.

1. The conversion of lands presently designated as agricultural to non-agricultural uses is in accordance with the 1993 Clovis General Plan and the 2000 Fresno County General Plan. The project area is located adjacent to the incorporated Clovis City, within the updated 2000 sphere-of-influence (SOI) limits and development of this area represents an orderly transition from rural to urban uses.

2. Approximately 1,851 acres of agricultural lands were identified for the analysis as important farmlands, which represent a mere 0.4 percent of the County's total important farmland inventory. While a substantial portion of the project area is comprised of important farmlands, the actual producing farmlands are located west of Fresno and the project area represents a small scale and marginal agricultural use.
3. The Specific Plan supports concentrated growth pattern in a gradual, phased, and orderly manner, and therefore, alleviate development pressure off the outlying productive farmlands. Nonetheless, urbanization of the project area would result in continuation of incremental losses of the agricultural resources.
4. Although policies and actions identified in the Clovis General Plan may lessen the magnitude of impacts, it would be impossible to reverse the urban development trends and their effects on agricultural production, therefore, this potential impact is considered unavoidable, significant, and cumulative.
5. After consideration of economic, legal, social, technological, and other considerations, there are no additional measures which can reduce these unavoidable impacts to less than a significant level.

Potential Effect: The project would involve other changes in the existing environment that, due to their location or nature, could result in conversion of farmland, to non-agricultural use

Finding: The City Council hereby makes finding (3).

Facts in Support of Finding: The following facts indicate that this impact would remain significant and unavoidable despite design standards and growth management programs that allow a gradual, phases, and orderly conversion of agricultural land and despite the adopted Right-To-Farm ordinance.

1. The majority of the project area is comprised of rural residential and agricultural uses.
2. Most large, economically productive farming activities occur west Fresno, whereas agricultural operations within the project area are comprised mainly of rural residential and small scale farming activities.
3. The project area has been identified by the City of Clovis to accommodate urban growth to relieve mounting development pressure off the outlying productive unincorporated Fresno County.
4. The Southeast Urban Center Specific Plan provides design standards and growth management programs that allow a gradual, phases, and orderly conversion of

agricultural land without undermining policies that facilitate the conservation and management of agriculturally productive lands.

5. While adhering to the adopted Right-To-Farm ordinance would ameliorate some of development pressure off of the adjacent agricultural lands, the analysis concluded that there are no feasible measures to mitigate the impacts.
6. After consideration of economic, legal, social, technological, and other considerations, there are no additional measures which can reduce these unavoidable impacts to a less than significant level.

### **Air Quality**

Potential Effect: Construction activities violate a construction-related air quality standard or contribute substantially to an existing or projected air quality violation.

Finding: The City Council hereby makes finding (1).

Facts in Support of Finding: The following facts and mitigation measures indicate that the City Council finds this impact would be mitigated to a less than significant level.

1. Construction operations are responsible for the emissions of CO, Nox, Sox, ROG and PM10. Construction related emissions are short-term in nature and can generally be mitigated to a level of insignificance.
2. Stationary equipment is known to generate CO, ROG, NOx and PM10 emissions. The amount of emissions generated from stationary sources is typically not as significant as the emissions generated from mobile equipment and vehicles. However, the emissions do incrementally contribute to the total amount of construction-related emissions generated on a given a day.
3. Mobile construction equipments are known to emit exhaust fumes that contain Nox, ROG, and PM10. Based on the URBEMIS2001 model assuming an 11-year buildout schedule, the proposed project could result in excessive levels of both NOx and ROG above the San Joaquin Valley Air Pollution Control District (SJVAPCD) 10-ton per year criterion resulting in a potentially significant impact as illustrated in Table 5.3-3 of the DEIR. Additionally, PM10 emissions could exceed the 15-ton per year criterion.
4. Fugitive dust impacts generated from construction of small projects that do not disturb in excess of 10 acres on a daily basis would not exceed threshold levels provided that control measures included in SJVAPCD Regulation VIII and the City of Clovis Municipal Code are employed. The construction requirements currently included in the City of Clovis Municipal Code and SJVAPCD Regulation VIII, are required for all large-scale construction projects in the City and shall be applied to project development to the extent feasible.

5. In addition to ensuring compliance with existing control measures contained in SJVAPCD Regulation VIII and the City of Clovis Municipal Code, as stated above, the following mitigation measures are hereby incorporated into the Project for projects that disturb in excess of 10 acres on a daily basis.

5.3-1 Limit traffic speeds on unpaved roads to 15 mph.

5.3-2 Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1%.

5.3-3 The following measures for construction located near sensitive receptors will be required to the extent feasible:

- Install wheel washers for all exiting trucks, to wash off all trucks and equipment leaving the site.
- Install wind breaks at windward side(s) of construction areas.
- Suspend excavation and grading activity when winds exceed 20 mph.
- Limit areas subject to excavation, grading, and other construction activity at any one time.

Potential Effect: Implementation of the project may contribute substantially to long-term regional impacts due to emissions attributable to the change in land use.

Finding: The City Council hereby makes finding (3).

Facts in Support of Finding: The following facts indicate that this impact would remain significant and unavoidable for NO<sub>x</sub> related to mobile source vehicle trips and ROG related to stationary sources emissions despite implementation policies to reduce vehicle trips.

1. Long-term operational emissions are generated from two types of air pollutant sources: stationary sources and mobile sources. Stationary source emissions would be generated from on-site activities and natural gas combustion for heating requirements and cooking, as well as ROG emissions from the use of consumer products (e.g. aerosols) and operation of fireplaces. Mobile sources emissions result from vehicle trips including: commuting employees, residents and visitors accessing the project, deliveries, and maintenance activities.
2. Based on the URBEMIS2001 model assuming a Year 2015 buildout date, No<sub>x</sub> and ROG emissions would exceed the 10-tons per year criterion, and PM<sub>10</sub> emissions would exceed the 15-tone per year criterion.
3. Ambient CO concentrations would not exceed threshold level.

4. The SJVAPCD recommends that cities and counties incorporate as many air quality policies from the Air Quality Guidelines for General Plans (AQGGP) (October 20, 1994) as possible into their general plans, community plans, and specific plans to ensure that development occurs in ways that produce fewer air quality impacts. It is recommended for the City of Clovis to focus on those policies related to transportation control and trip reduction as mobile sources contribute the majority of the emissions.
5. Fireplaces contribute more ROG than all mobile sources combined, as well as almost 10 percent of the total CO.
6. Residual emissions would depend on the level to which the City commits to the policies included in the AQGGP. However, based on the size of the project, the impact would remain significant.
7. After consideration of economic, legal, social, technological, and other considerations, there are no additional measures which can reduce these unavoidable impacts to a less than significant level.

Potential Effect: Implementation of the project may contribute to inconsistency with air quality plan.

Finding: The City Council hereby makes finding (3).

Facts in Support of Finding: The following facts indicate that this impact would remain significant and unavoidable for air quality impacts despite implementation policies to reduce vehicle trips.

1. The proposed project is consistent with the standards and goals outlined in the City's General Plan Air Quality Element. The Air Quality Element outlines policies and goals to improve air quality through proper land use planning and project design. A mixed land use results in air quality benefits by reducing both the number of trips and the average trip length. Furthermore, a balance of jobs to housing (i.e., 1.15:1) would reduce the number of vehicle trips and trip lengths by placing the employment centers proximate to the residential areas.
2. The AQGGP sets goals for large-scale projects that are aimed at the reduction of both mobile and stationary source emissions and when feasible, these goals have been incorporated into the land use pattern or policy framework of the Specific Plan. Failure to comply with these goals would represent a potentially significant impact.
3. While most air quality impacts associated with both the construction and operation of the Specific Plan would be avoided through regulatory requirements, large-scale

construction would require additional mitigation measures to reduce impacts to less than significant level. In addition, project operations will result in significant air quality impacts, which would add to the cumulative impacts.

4. Based on the magnitude of the emissions associated with Specific Plan development, project impacts would result in unavoidable and cumulative impacts that would not be mitigated to less than significant levels.
5. After consideration of economic, legal, social, technological, and other considerations, there are no additional measures which can reduce these unavoidable impacts to a less than significant level.

### **Biological Resources**

Potential Effect: The project may directly affect the onsite biological community, including any sensitive or special status species and habitat.

Finding: The City Council hereby makes finding (1).

Facts in Support of Finding: The following facts and mitigation measure indicate that the City Council finds this impact would be mitigated to a less than significant level.

1. Of the total 44 special status species known to occur in the general region of the project area, 24 species are believed not to be present, or have a low probability of being present in habitats of the project area.
2. The loss of vernal pool habitats in which the vernal pool fairy shrimp occur, or could occur is considered a significant impact of the proposed project.
3. Possible loss of valley elderberry longhorn beetles is considered a potentially significant impact of the proposed project.
4. Sixteen species may forage from time to time within the project area, but would not breed there. A considerable amount of regional foraging habitat would remain even with the Specific Plan development, and the project impact to these species is not considered significant.
5. The potential breeding and foraging habitat for horned larks within the project area does not provide adequate breeding condition for horned larks and the loss of this habitat is considered less than significant impact.
6. The loss of burrowing owls occurring habitat is considered potentially significant impact.
7. The following mitigation measure is hereby incorporated into the Project and added as an open space policy of the Specific Plan to reduce potential impacts to a less than significant level:

5.4-1 Development areas with potential special status species, as identified in the General Plan, Specific Plan, or by other substantive evidence, shall be subject to an appropriate level of biological reconnaissance. Mitigation measures to comply with state and federal regulations shall be made conditions of development.

Potential Effect: The project may create a substantial adverse effect on riparian habitat or other sensitive natural community.

Finding: The City Council hereby makes finding (1).

Facts in Support of Finding: The following facts and mitigation measure indicate that the City Council finds this impact would be mitigated to a less than significant level.

1. The riparian habitat within the project area is generally low value to wildlife due to fragmentation. No riparian habitats in the project area have multiple canopy layers or a well-developed understory that would be considered suitable habitat for most native wildlife species commonly associated with such habitats.
2. It is noted that however small these habitat patches may be, they provide locally important cover, foraging habitat, and, possibly nesting habitat for birds common to the project area and riparian species moving through the area, and any further losses would be considered a significant impact of the proposed project.
3. The potential impacts of individual projects to the riparian habitats in the project area would be minimized by the establishment of development-free buffers on either side of the creek channel per Fresno County standard, as they function in the preservation of water quality and biodiversity.
4. The following mitigation measure is hereby incorporated into the Project and added as an open space policy of the Specific Plan to reduce potential impacts to a less than significant level.

5.4-2 Setbacks from canals or creeks for the purposes of habitat protection along recreational trails shall be determined by site specific reconnaissance studies in consultation with the appropriate resource management agency(ies).

Potential Effect: The project may create a substantial adverse effect on jurisdictional waters

Finding: The City Council hereby makes finding (1).

Facts in Support of Finding: The following facts and mitigation measure indicate that the City Council finds this impact would be mitigated to a less than significant level.

1. Implementation of the Specific Plan has the potential to impact the channel of Dog Creek and other stream channels that are tributaries to Dog Creek. While the jurisdictional status of these waters by the U.S. Army Corps of Engineers is presently in question, CDFG regulates wetland areas to the extent that those wetlands are part of a river, stream, or lake as defined by CDFG. Therefore, even if the Corps does not have jurisdiction over Dog Creek, all projects within the project area would be required to delineate all waters within the project area and obtain permits from the appropriate agency at the time of application submittal.
2. The following mitigation measure is hereby incorporated into the Project and added as an open space policy of the Specific Plan to reduce potential impacts to a less than significant level.

5.4-3 Developments with potential jurisdictional waters shall comply with the permit program of the appropriate resource management agency.

### **Cultural Resources**

Potential Effect: The project may directly impact an archaeological resource.

Finding: The City Council hereby makes finding (1).

Facts in Support of Finding: The following facts and mitigation measures indicate that the City Council finds this impact would be mitigated to a less than significant level.

1. According to the Cultural Resource Study prepared for the Southeast Urban Center Specific Plan in January (Appendix F of the DEIR), no archeological resources are expected to be present or identified within the boundary of the project site. However, the project area contains areas that are identified as Moderate and Potentially High in the Sensitive Archaeological Areas of the Clovis General Plan/EIR.
2. Therefore, the following mitigation measure is hereby incorporated into the Project and added as an implementation policy of the Specific Plan to reduce potential impacts to a less than significant level.

5.5-1 Should site preparation, grading or excavation activities uncover a previously unidentified archaeological resource, work shall be stopped and a qualified archaeological consultant shall be retained to assess the find(s).

Potential Effect: The project may directly impact a paleontological resource.

Finding: The City Council hereby makes finding (1).

Facts in Support of Finding: The following facts and mitigation measure indicate that the City Council finds this impact would be mitigated to a less than significant level.

1. Review of geologic landforms and the potential for paleontological resources shows that some parts of the project area lie within the boundaries containing geologic deposits of undetermined sensitivity.
2. The following mitigation measure is hereby incorporated into the Project and added as an implementation policy of the Specific Plan to reduce potential impacts to a less than significant level.

5.5-2 In the event that site preparation, grading or excavation activities uncover a previously unidentified geological deposit identified as fossil bearing, work shall be stopped and a qualified paleontological consultant shall be retained to assess the find(s) and appropriate steps shall be instigated.

Potential Effect: The project may directly impact human remains, including those interred outside of formal cemeteries.

Finding: The City Council hereby makes finding (1).

Facts in Support of Finding: The following facts and mitigation measure indicate that the City Council finds this impact would be mitigated to a less than significant level.

1. Based on the review of existing studies, and given disturbed condition of the project area due to intensive agricultural use, it is unlikely that any human remains would be uncovered during project development. However, the potential still remains for the discovery of previously unidentified human remains.
2. The following mitigation measure is hereby incorporated into the Project and added as an implementation policy of the Specific Plan to reduce potential impacts to a less than significant level.

5.5-3 Should site preparation, grading or excavation activities uncover previously unidentified human remains, work shall be stopped and a qualified paleontological consultant shall be retained to assess the find(s).

## **Noise**

Potential Effect: Long-term traffic generation of the proposed project would cause adverse impacts to on-site sensitive receptors.

Finding: The City Council hereby makes finding (1).

Facts in Support of Finding: The following facts and mitigation measures indicate that the City Council finds this impact would be mitigated to a less than significant level.

1. The most profound source of noise in the project area is from vehicle travel on public roads. This noise has the ability to create significant impacts at both on-site and off-site sensitive land uses. The proposed on-site land uses would be subject to impact if this noise were to exceed goals and standards of the City Noise Element and Municipal Code.

2. Table 5.8-6, Specific Plan Potential Build-Out Exterior Noise Exposure presents the result of Sound32 noise modeling for the buildout conditions as well as the distances to both the 70 and 65 dBA Ldn noise contours. The potential for noise impact would ultimately be based on the distances from the roadways as well as the selected land use.
3. Title 24 construction techniques provide approximately 20 dBA of attenuation with windows closed, therefore, interior levels for residential areas sited within the 70 dBA Ldn would be subject to potentially significant impact. Less sensitive land uses are subject to a 50 dBA Ldn interior standard and typical construction would meet this standard if exterior levels do not exceed 70 dBA Ldn.
4. The following mitigation measures are hereby incorporated into the Project and added as a land use policy of the Specific Plan to reduce potential impacts to a less than significant level:
  - 5.8-1 Table 5.8-6, *Specific Plan Potential Build-out Exterior Noise Exposure* as contained in the Southeast Urban Center Specific Plan DEIR shall be used to evaluate potential noise impacts from Specific Plan development.
  - 5.8-2 The minimum distance described in Table 5.8-6 may be reduced if measures to achieve required noise attenuation are demonstrated by the developer. Specific measures shall be incorporated into each project as determined in an acoustical analysis to be prepared as a condition of approval of any Tentative Tract Map or site plan.

Potential Effect: Long-term traffic generation of the proposed project would cause adverse impacts to off-site sensitive receptors.

Finding: The City Council hereby makes finding (3).

Facts in Support of Finding: The following facts indicate that this impact would remain potentially significant and unavoidable despite the imposition of the mitigation measures identified below.

1. The most profound source of noise in the project area is from vehicle travel on public roads. This noise has the ability to create significant impacts at both on-site and off-site sensitive land uses. Off-site impacts could be significant if the project were to increase traffic to the point that it substantially raises the ambient noise levels at off-site sensitive receptors.
2. The following mitigation measures are hereby incorporated into the Project and added as a land use policy of the Specific Plan to reduce potential significant impacts:
  - 5.8-3 Table 5.8-7, *Comparison of Long-term Traffic-Related Exterior Noise Levels* as contained in the Southeast Urban Center Specific Plan DEIR shall be used

to determine the potential for noise impacts from Specific Plan development at off-site sensitive land uses. The developer shall evaluate sensitive land uses situated along roadways subject to significant noise increase described in the table. Specific measures shall be incorporated into each project as determined in an acoustical analysis to be prepared as a condition of approval of any Tentative Tract Map or site plan.

- 5.8-4 Where the exterior noise standards are exceeded and berms and/or sound walls are not feasible, an acoustic study shall identify structural modifications to ensure that interior noise levels are reduced to the extent reasonably feasible or other modifications shall be made in the plan to ensure that acceptable noise levels are achieved.
3. Despite imposition of these mitigation measures, the impacts would remain potentially significant and unavoidable. After consideration of economic, legal, social, technological, and other considerations, there are no additional measures which can reduce these unavoidable impacts to a less than significant level.

## **Public Safety and Health**

Potential Effect: Implementation of the project may result in potential impacts from unknown buried hazardous materials on-site; soils contaminated by pesticides.

Finding: The City Council hereby makes finding (1).

Facts in Support of Finding: The following facts and mitigation measure indicate that the City Council finds this impact would be mitigated to a less than significant level.

1. Grading and trenching activities could occur in areas of previously unknown hazardous waste deposits. Depending on substances involved, chemicals could volatilize from saturated soil surfaces or from compromised containers. Exposure of people to persistent pesticides at high exposure levels would represent a significant impact.
2. If soil removed from the site is found to have pesticide or herbicide concentrations in excess of regulatory limits, it is considered hazardous waste. Although the risk of exposure to on-site chemicals is considered low, potentially significant impacts could occur in the event that unknown hazardous substances are discovered on-site.
3. If tests reveal pesticides at concentrations that would pose a significant threat to human and/or environmental receptors, remedial action plans would be developed and implemented in accordance with Department of Toxic Substances Control (DTSC) regulations.
4. The following mitigation measure is hereby incorporated into the Project to reduce potential impacts to a less than significant level:

5.9-1 As a condition of development evaluation a Phase I Environmental Site Assessment shall be performed for projects which have the potential to have been sites for chemical storage, batching or mixing using methodology acceptable to the Fresno County Health Service Agency.

## **Public Services and Utilities**

Potential Effect: Implementation of the project may result in increased demand for water services.

Finding: The City Council hereby makes finding (1).

Facts in Support of Finding: The following facts and mitigation measures indicate that the City Council finds this impact would be mitigated to a less than significant level.

1. With the development of the project area, the City's potable water system will be expanded to provide service to the developing areas since there is no community potable water system in the project area.

2. A non-potable (Purple Pipe System) distribution system that will utilize either or both reclaimed water and surface water for irrigation of public landscaped areas (e.g., medians, parks, schools, trails) can be developed as envisioned in the Water Master Plan to reduce reliance on domestic water system for non-potable uses.
3. The City is in the process of increasing its 50-acre groundwater recharge facility by an additional 40 acres, which would augment the recharge provided by the impoundment of storm waters and, during summer months, the ponding of available surface waters in Fresno Metropolitan Flood Control District basins.
4. The City is designing a surface water treatment facility that will allow the City's surface water allocation to be used for domestic supply. This will greatly reduce the demand on pumped groundwater as residences and businesses will be supplied water from the Kings River, delivered via the Enterprise Canal.
5. The City is in the process of siting a possible wastewater treatment plant in the Specific Plan area that would provide tertiary-treated water for landscaping irrigation and limited agricultural uses in this area. The water that is currently used for these purposes would no longer be pumped from the aquifer.
6. The proposed project is accounted for and consistent with the City's projected water demand schedule as contained in the 2000 Urban Water Management Plan.
7. The following mitigation measures are hereby incorporated into the Project and added as a public facility policy of the Specific Plan to reduce potential impacts to a less than significant level:
  - 5.10-1 The surface water treatment facility shall be used to its maximum capacity whenever possible to allow optimal use of surface water supplies and maximum recharge of the aquifer.
  - 5.10-2 Reclaimed water will be used whenever feasible to achieve a water balance.
  - 5.10-3 Continue to recharge the aquifer through deliveries to flood control basins whenever possible.
  - 5.10-4 Continue water conservation and enforcement actions.

Potential Effect: Implementation of the project may result in increased demand for wastewater services

Finding: The City Council hereby makes finding (1).

Facts in Support of Finding: The following facts and mitigation measures indicate that the City Council finds this impact would be mitigated to a less than significant level.

1. Implementation of the proposed Specific Plan would result in the increased demand for wastewater services. Most of the project area cannot be served on a permanent basis by the City's existing sewer collection system.
2. The development of a Wastewater Reclamation Facility (WRF) or one of the alternatives identified in the Wastewater Master Plan would provide the needed treatment services for the anticipated growth and reduced the impacts associated with wastewater services to a less than significant level.
3. The Specific Plan limits its growth through policies in its Public and Quasi Public Facilities Section, which require a finding of adequate sewer service prior to project approval. This approach is similar to policies developed in Fresno's Woodward Park Community Plan to address similar utility issues. The DEIR's mitigation measures 5.10-5 through 5.10-7 provide complementary actions that must be taken to ensure that sewage facilities will be in place to serve the plan area prior to approval of development. Urban growth cannot take place without an adequate sewage system.
4. The following mitigation measures are hereby incorporated into the Project and added as a public facility policy of the Specific Plan to reduce potential impacts to a less than significant level:
  - 5.10-5 The City shall select an alternative in their Wastewater Master Plan to provide the necessary wastewater facilities to serve the project area.
  - 5.10-6 The City shall ensure the provision of adequate trunk sewer and collector main capacities to serve the project area.
  - 5.10-7 The City shall ensure that adequate trunk sewer capacity exists or can be provided to serve proposed development prior to the approval of any discretionary approvals, so that capacities of wastewater facilities are not exceeded.

Potential Effect: Implementation of the project would generate increased demand for new storm water drainage facilities or expansion of existing facilities.

Finding: The City Council hereby makes finding (1).

Facts in Support of Finding: The following facts and mitigation measures indicate that the City Council finds this impact would be mitigated to a less than significant level.

1. The FMFCD is currently working to identify an additional facility, Basin DP, within or adjacent to the Specific Plan boundary to accommodate future drainage needs.
2. Future developments within the Southeast Urban Center Specific Plan area shall pay drainage fees pursuant to the Drainage Fee ordinance prior to approval of improvement plans, at the rates in effect at the time of such approval. Developers should contact the FMFCD for a final drainage fee obligation prior to approval of improvement plans.

3. The construction of facilities as shown in Figure 5-10-7, *FMFCD Facilities* including pipelines shown on Appendix Page B-20 will provide permanent drainage service to Drainage Areas "DO" and "3G" under the existing land use plan.
4. Adherence to Policies 5.1, 5.2, and Policies 5.3 of the Public Facilities Element in the City of Clovis General Plan (1993) will help reduce the potential impacts regarding storm drainage facilities.
5. The following mitigation measures are hereby incorporated into the Project and added as a public facility policy of the Specific Plan to reduce potential impacts to a less than significant level:

5.10-8 Development in drainage areas DP, DO and 3G that may result in storm water runoff in excess of designed or constructed drainage facilities may be approved subject to the following conditions:

1. Construction of on-site detention ponds to reduce the peak flows from the development to that anticipated in the design of the FMFCD Master Plan for Storm Drainage;
2. Implementation of landscaping and open space areas of sufficient size to make the runoff characteristics of the project area equivalent to those anticipated by the design of the FMFCD Master Plan for Storm Drainage facilities;
3. Construction of non-Master Plan facilities to increase the system capacity of the FMFCD system; or
4. Other as approved by FMFCD.

### **Traffic and Circulation**

Potential Effect: Implementation of the project would worsen intersection levels of service.

Finding: The City Council hereby makes finding (1).

Facts in Support of Finding: The following facts and mitigation measure indicate that the City Council finds this impact would be mitigated to a less than significant level.

1. The City evaluated traffic conditions and impacts on state facilities under buildout of the City, including the Specific Plan area, as part of the 1993 General Plan and EIR. The Specific Plan is substantially similar in nature and intensity as in the General Plan. As such, new impacts or substantially more significant impacts are not anticipated.

2. The traffic study for the Specific Plan reveals a regionally insignificant increase in vehicle trips when compared with the 1993 General Plan, and it was determined that the local and regional planned circulation system identified in the 1993 General Plan would continue to support the planned land uses of the Specific Plan.
3. Because the current Specific Plan will create a better jobs/housing balance than was contained in the 1993 General Plan for the project area, the local and regional planned circulation system identified in the General Plan EIR would continue to support the planned land uses of the Southeast Urban Center Specific Plan.
4. The Southeast Urban Center Specific Plan proposes to amend the roadway cross-sections identified in the Circulation Element of the City's adopted General Plan; those cross-sections are used to evaluate the traffic impacts associated with the Specific Plan.
5. The impacts to facilities outside the traffic study area are mitigated due to the increased employment opportunities and job/housing mix within the Specific Plan area. As discussed in the trip generation section only 54% of the project traffic would be external to the Specific Plan area.
6. The data presented in Table 5.14-4 of the DEIR show that generally, all of the roadways within the traffic study area are expected to operate at LOS D or better with existing plus Specific Plan volumes. This assumes that the roads are built-out to their proposed full street sections. The 2-lane with continuous left-turn lane section of Barstow Avenue is forecasted to operate at LOS F.
7. The following mitigation measure is hereby incorporated into the Project and added as a circulation policy of the Specific Plan to reduce potential impacts to a less than significant level:

5.14-1 Based on the roadway analysis, the proposed 2-lane/center two-way left turn lane section for Barstow Avenue currently depicted in the Specific Plan shall be widened by 12 feet to provide 4-lanes, bike lanes, and on-street parking.

### **3. SIGNIFICANT UNAVOIDABLE IMPACTS**

Four remaining impacts are identified as significant and unavoidable.

- Increased light and glare
- Loss of agricultural Resources
  - Convert prime farmland, unique farmland, or farmland of statewide importance (farmland) to non-agricultural use
  - Involve other changes in the existing environment that, due to their location or nature, could result in conversion of farmland, to non-agricultural use

- Air quality impacts
  - Long-term regional impacts due to emissions attributable to the change in land use
  - Consistency with air quality plan
- Increased noise
  - Potential noise-related impacts to off-site sensitive receptors due to project-generated traffic

#### **4. PROJECT ALTERNATIVES**

The EIR addresses the environmental effects of alternatives to the proposed project. A description of all alternatives, a comparison of their environmental impacts to the proposed project, and the City Council's findings are listed below.

##### **NO PROJECT/EXISTING COUNTY ZONING ALTERNATIVE**

Under this alternative, a haphazard development pattern with new residential subdivisions settled amongst continuing farming and grazing operations would occur.

Under this alternative, the potential to capture urban development within key urban centers and avoid suburban sprawl and the excessive loss of farmland that accompanies such a land use pattern would be lost in this alternative.

The No Project/Existing County Zoning Alternative would result in a continuing trend of unplanned, haphazard development spread across productive agricultural lands.

Given a low sensitivity at the project area and the potential for greater impacts elsewhere due to a haphazard, inefficient development pattern, the No Project/Existing County Zoning Alternative is considered inferior to the proposed project.

Given a low sensitivity for historic, archaeological and paleontological resources at the project area, and the potential for greater impacts elsewhere due to a haphazard, inefficient development pattern, the No Project/Existing County Zoning Alternative is considered inferior to the proposed project.

This alternative implies an inefficient land use pattern that translates into inefficiencies in creating the storm drain, water recharge and water supply systems.

This alternative eliminates the potential to create well-planned, cohesive communities and to avoid conflicts between urban uses and farming activities. This type of sprawl is inefficient and is what the City desires to avoid.

Under this alternative, development is expected to spread over a much larger area. While a larger area would experience higher noise levels as a result, the noise levels

might not exceed accepted standards without the higher concentration of development expected with the proposed project.

Given a low sensitivity in regards to soil contamination, hazardous materials or public safety considerations, this alternative would result in a haphazard, inefficient development pattern.

Under this alternative, a haphazard development pattern with new residential subdivisions settled amongst continuing farming and grazing operations would occur, thereby eliminating the potential to create well-planned communities with a balance of job-generating uses and residential areas.

Given a low sensitivity in regards to soils and geologic conditions, this alternative implies an inefficient land use pattern that would also translate into inefficiencies in designating areas appropriate for urban development given their soils and geologic characteristics.

Under this alternative, development is expected to occur in a parcel-by-parcel, unplanned manner, which would result an inefficiency in funding and providing critical infrastructure, including roadways. A pattern of urban sprawl spread across agricultural land results in higher vehicular trip rates and vehicle miles traveled.

#### Findings:

The City Council finds that the No Project/Existing Zoning Alternative is less desirable than the selected alternative and rejects the No Project/Existing Zoning Alternative for the following reasons:

1. Under the No Project/Existing County Zoning Alternative, development is expected to occur in a parcel-by-parcel, unplanned manner, due to the significant development pressure that continues in the Fresno/Clovis metropolitan area. This is the haphazard development pattern that the City of Clovis desires to avoid, and which prompted its incorporation of "Urban Centers" in its 1993 General Plan as a way to accommodate growth in a responsible fashion and maintain a small town atmosphere.
2. No Project/Existing County Zoning Alternative would result in more significant impacts for three of the significant and unavoidable impacts: light and glare, farmland and air quality. The noise impact is considered to have the same level of impact under either the project or the No Project/Existing County Zoning Alternative.
3. Further, this alternative fails to accomplish the project's objectives. The No Project/Existing County Zoning Alternative is not considered environmentally superior to the proposed project.

#### NO PROJECT/EXISTING CLOVIS GENERAL PLAN ALTERNATIVE

The current proposal for the Southeast Urban Center Specific Plan incorporates area north of Shaw Avenue between Locan Avenue and Highland Avenue into the Specific Plan, which was not included in the 1993 Clovis General Plan. The area between Leonard and McCall Avenues and generally south of Ashlan, which is included in the project area in the 1993 General Plan, has been eliminated from the current Specific Plan area.

Given the implementation of the General Plan policies protecting natural resources, and requirement of design standards to guide quality development, this impact is anticipated to be less than significant under the No Project/Existing Clovis General Plan Alternative as well as the proposed project.

Compared to the proposed project, a somewhat smaller agricultural land would be impacted under this alternative. The intent of the project is to stop haphazard development of farmlands by concentrating development in the Urban Centers, and this alternative is not considered environmentally superior to the proposed project. The impact to agricultural resources would be significant and unavoidable under both scenarios and the difference is negligible.

The proposed project was found to generate a significant, unavoidable impact in terms of both construction- and operations-related (mostly from vehicular traffic) pollutant emissions. The No Project/Existing Clovis General Plan Alternative would generate similar levels of construction and operations-related emissions.

Under this alternative, impacts associated with biological resources would be slightly reduced.

Given a low sensitivity for historic, archaeological and paleontological resources, development of the area under either the proposed project or the No Project/Existing Clovis General Plan Alternative could occur without significant impacts.

Given a low sensitivity in regards to surface flows, flooding or groundwater conditions, the types of infrastructure required to support the development under either the proposed project or under this alternative would be the essentially the same.

Under this alternative, more acreage was devoted to lower density land uses (i.e., rural and very low). As such, the net effect is that the proposed project represents a more concentrated land use pattern than the No Project/Existing Clovis General Plan Alternative, which also yields more remaining open space.

Under this alternative, land use policies would remain primarily the same as the proposed project, both alternatives providing opportunities for a mix of residential, employment and commercial uses.

Noise levels at certain off-site sensitive receptor locations were found to be significant under the current project. Under this alternative, the amount of traffic found along

arterials in the area would be about the same under both scenarios. As a result, the noise levels would be about the same and the impact is considered significant and unavoidable.

Given a low sensitivity in regards to soil contamination, hazardous materials or public safety considerations at the project area and similar levels of development planned under both the project and this alternative, the level of impact is not considered significant under either scenario.

Similar to the proposed project, a substantial expansion and extension of all public services and utilities would be required under this alternative. However, while the expansion of such services and facilities is extensive under either scenario, neither would represent a significant, unavoidable impact.

Under this alternative, more lower-density residential uses are proposed than does the proposed project. As such, the proposed project reflects a greater concentration of urban development within the project area, which also yields a greater percentage of open space. It also includes a greater amount of job-creating commercial and office development. Both scenarios would not produce a housing-rich bedroom community, with the negative impacts of high commuting patterns and associated air pollution.

Given a low sensitivity in regards to soils and geologic conditions at the project area, the level of impact is not considered significant under either scenario.

This alternative represents relatively similar land use pattern, vehicular trip, and travel times compared to the proposed project. These two alternatives are very similar in nature and the impact on traffic and circulation is not considered significant under either scenario.

#### Findings:

The City Council finds that the No Project/Existing Clovis General Plan Alternative is less desirable than the selected alternative and rejects the No Project/ Existing Clovis General Plan Alternative for the following reasons:

1. The No Project/Existing Clovis General Plan Alternative represents the original concept for establishing an Urban Center in the area and the proposed project refines the original concept in view of the acquired knowledge with respect to the area since completion of the 1993 General Plan.
2. Implementation of the No Project/Existing Clovis General Plan Alternative would eliminate all work and improvements associated with the long planning process that has occurred. As a result, this alternative is not considered environmentally superior to the proposed project.

3. No Project/Existing Clovis General Plan Alternative would result in similar levels of impacts. The significant impacts on light and glare, farmland, air quality and noise would all remain significant if this alternative were selected.
4. This alternative would accomplish the project's objectives, but the work and improvements gained in the on-going planning process would be lost.

#### INCREASED URBAN DENSITY ALTERNATIVE

The Increased Urban Core Density Alternative is intended to explore the potential to further increase densities and thereby save additional agricultural resources. This Alternative leaves the basic structure of the Southeast Urban Center Specific Plan in tact, but maintains a much larger area designated as Agriculture and shifts the residential development to the remaining urban development areas through higher densities.

Under this alternative, aesthetic impacts would be reduced due to the reduced conversion of existing farmland to urban uses. With a more compact urban form and more farmland remaining surrounding the Urban Center, the light impact would occur across a more limited area. As a result, significant light and glare impact would be reduced but remain as significant and unavoidable under this alternative.

Under this alternative, additional agricultural lands would be preserved when compared to the proposed project, but the impacts still remain as significant.

Higher densities within a balanced community are generally recognized as reducing travel demand and vehicle miles traveled, therefore, this Alternative is considered environmentally superior to the proposed project in terms of air quality impacts. However, the impact is still considered significant and unavoidable.

Given a low sensitivity in terms of biological resources, this alternative would not result in significant impacts to biological resources.

The project area was determined to have a low sensitivity for historic, archaeological and paleontological resources. Due the reduced area slated for disturbance, this alternative is considered marginally superior to the proposed project.

The project area is not particularly sensitive in terms of hydrologic or flooding issues and development under either scenario would not result in significant, unavoidable impacts. However, because of the reduced amount of impervious surfaces created, the Increased Urban Core Density Alternative is considered environmentally superior to the proposed project.

Although project-generated traffic volume would likely be identical, trip length and trip concentration would not be. Overall, the alternative would generate similar noise impacts as the proposed Southeast Urban Center Specific Plan. The impact on noise sensitive uses surrounding the Urban Center would remain significant and unavoidable

under both the Increased Urban Core Density Alternative and the proposed project.

Given a low sensitivity in regards to soil contamination, hazardous materials or public safety considerations at the project area and similar levels of development, this alternative is not considered environmentally superior.

Under this alternative, the demand for public services and utilities would slightly decrease from the proposed project. Some economies of scale could be gained by increasing the density in the urban core through the reduction of water and sewer lines construction. This alternative is considered environmentally superior.

This alternative would have no effect on the number of dwelling units developed or jobs created as compared to the proposed project. This alternative is not considered environmentally superior.

The project area is not particularly sensitive in regards to soils and geologic conditions and relatively the same amount of impacts would be generated by this alternative compared to the proposed project.

The greater concentration of urban uses is expected to reduce internal trips, while external trips on the major arterials would remain about the same. The road network for this alternative would be designed to accommodate the higher densities and significant, unavoidable impacts are not anticipated. The Increased Urban Core Density Alternative is not considered environmentally superior as compared to the proposed project.

#### Findings:

The City Council finds that the Increased Urban Density Alternative is less desirable than the selected alternative and rejects the Increased Urban Density Alternative for the following reasons:

1. Implementation of the Increased Urban Core Density Alternative would concentrate the growth in the Urban Core, thereby preserving additional agricultural land along the northern and southern boundaries of the proposed project area. Ultimately, the alternative would result in reduced impacts to three of the four significant unavoidable impacts associated with the project: light and glare, agricultural resources, and air quality. Noise, the fourth significant, unavoidable impact associated with the project would not be reduced through the selection of this alternative.
2. The Increased Urban Core Density Alternative is considered environmentally superior to the proposed project for its ability to reduce three of the four significant impacts. However, the proposed Southeast Urban Center Specific Plan is the result of a long planning process and is considered the ideal mix of land uses and appropriate mix of land uses.
3. The Increased Urban Core Density Alternative would alter this mix and increase remaining densities across the board. The transitions from low to higher densities

would be more abrupt and the potential for conflicts between farming operations and urban uses would be greater. Also, the Increased Urban Core Density Alternative is not consistent with the City's objectives of accommodating growth, but maintaining a small town atmosphere. Finally, the densities required in this alternative are not desirable and may not be feasible given market conditions for the Fresno/Clovis metropolitan area.

#### ALTERNATIVE SITES

Alternative sites are appropriate where changing a project's location would avoid or substantially lessen any of the project's significant, unmitigated impacts. In this instance, the project area is not considered particularly sensitive, meaning that moving the proposed land uses to another location would not avoid or reduce any significant impacts. Because the impacts that were found to be significant and unavoidable, light and glare, agricultural resources, air quality, and noise are not specific to this site, an alternative site would not result in a reduction in any significant, unavoidable impacts. For this reason, an alternative site is not included in this analysis.

**RESOLUTION 03- \_\_**

**EXHIBIT "B"**

**CITY OF CLOVIS, SOUTHEAST URBAN CENTER SPECIFIC PLAN**

**STATEMENT OF OVERRIDING CONSIDERATIONS**

The Council finds and determines that specific economic, legal, social, technological, and other benefits of the proposed Southeast Urban Center Specific Plan outweigh the unavoidable adverse environmental effects identified in the EIR, including those effects not mitigated because of the infeasibility of mitigation measures or because the mitigation measures are the responsibility of other public agencies, and that the adverse environmental effects are considered acceptable. This statement of overriding considerations is adopted by the Council for the benefits listed below that justify Project approval as provided in CEQA Guidelines section 15093. This statement of overriding considerations is further justification for rejection of project alternatives, including the no project alternative, set forth in the EIR, and for finding the cumulative effects from the Project acceptable.

The Council further finds and determines that the substantial benefits identified below are each one in and of themselves sufficient to make a finding that the environmental effects are acceptable which justifies this Statement of Overriding Considerations and that, having balanced the remaining environmental effects against each of the benefits, it would have adopted this Statement of Overriding Considerations based upon each of the benefits individually.

**PROJECT BENEFITS**

The Southeast Urban Center Specific Plan is a multi-faceted long-range planning document that implements the City's 1993 General Plan. The City of Clovis has been experiencing a rapid rate of growth, which is anticipated to continue for the next 20 years. The Specific Plan accommodates the development pressure resulting from the projected population growth. The Specific Plan will allow the City to avoid haphazard and disjointed development pattern; and instead provide an opportunity to direct growth in an orderly manner through meeting the below stated project objectives.

The objectives of the proposed project are as follows:

1. Base the future development and use of the Southeast Urban Center (project area) on the concepts and vision of the City's General Plan.
2. Design the project area to foster family values and maintain the small-town feel of Clovis by promoting a lifestyle that is socially and culturally enriching, aesthetically pleasing, and environmentally responsible.

3. Design a series of diverse residential neighborhoods planned around compact pedestrian-oriented mixed-use cores and accompanied by a full mix of employment opportunities, recreational activities, shops, and services.
4. Plan for land uses and supporting infrastructure that maintain and enhance, rather than detract from, existing educational facilities, agricultural operations, and surrounding uses.
5. Approve development predicated on the ability to provide water supply, sewer and storm water infrastructure, public services, and transportation system connections in a comprehensive timely manner.
6. Ensure the integrity of the Plan and safeguard its long-term stability and continuity by assuring an adequate economic return for the project.
7. Provide a wide variety of housing types, densities, and designs that accommodate a broad range of income levels and lifestyles and respond to both local and regional housing needs.
8. Provide for a broad range of employment and career opportunities.
9. Achieve a reasonable balance of jobs and housing to provide future residents the opportunity to live and work within the project area.
10. Organize land uses in a manner that promotes pedestrian-oriented circulation patterns and reduces the number and length of vehicular trips.
11. Organize land use patterns to facilitate cost-effective local and regional transit service.
12. Consider the effect of development on the quality of air, water, and open space resources.
13. Provide active and passive recreational opportunities to serve the needs of the project area.
14. Design and develop the project to assure that tax revenues and fees received by the City, school districts, and other entities from the project cover the related costs of providing and maintaining facilities and services.
15. Control storm runoff to protect life and property and to help control of runoff to areas downstream.
16. Identify and consider significant environmental and hazard constraints in the land use plan.

17. Accommodate cost-effective, energy-efficient infrastructure systems that employ active and passive solar design techniques, water conservation, and waste-recycling systems.
18. Plan for sequential or phased development of the project area to preserve agricultural and related uses as long as practical.

The Specific Plan meets the above stated objectives with the least possible environmental impacts. The Specific Plan provides a series of mixed density residential neighborhoods planned around compact pedestrian-oriented mixed-use cores and accompanied by a full mix of employment opportunities, recreational activities, shops, and services. Through such design, the Specific Plan minimizes the potential land use conflicts typical of converting agricultural lands into urban uses, especially at the urban and rural interface. The design concepts incorporated into the Specific Plan also reduce the number and length of vehicular trips and supports jobs and housing balance to limit the traffic and air quality impacts. Moreover, the Specific Plan facilitates the logical extension of urban services and presents the ability to provide adequate public infrastructures in a comprehensive and timely fashion.

The Specific Plan is not designed to promote growth within the City, but to accommodate and shape the growth in a responsible manner. The Specific Plan is an integral component of the City's continuing planning process to maintain the existing quality of life and support the future Clovis residents. The Specific Plan recognizes the projected population growth within the City and the increasing economic pressure to develop outlying agricultural land. If left unplanned, development is expected to occur on a parcel-by-parcel basis, consuming large tracts of agricultural land and leading to urban sprawl. Providing public services and utilities is more expensive given the pattern of urban sprawl and it results in higher vehicular trip rates and vehicle miles traveled, which increases air pollution.

While the loss of agricultural lands and impacts to air quality are acknowledged as significant, the long-term net effects of the Specific Plan are considered beneficial as compared to alternative of accommodating projected growth through urban sprawl.

The four unavoidable significant impacts represent the inevitable consequences of urbanization. It should be noted, however, that the Specific Plan represents the best possible plan with the least potential environmental impacts and that the no project or other alternatives to the project as discussed in Section 10, *Alternatives* of the DEIR would contribute even greater impacts to the environment.

In summary, the Specific Plan will act as a vehicle to carryout the phased and sequential urbanization that is compatible with the City's current land use pattern as well as the characteristics.

## **COMMENTARY**

Comments on the draft EIR from the Fresno County Farm Bureau (FCFB) perhaps best summarize the benefits from the project. The FCFB and its 6000 members correctly observe that the specific plan is a “visionary creation of a land use plan that can potentially serve as an example to the entire Central Valley. By approving the Specific Plan, the City of Clovis will create a workable plan that will allow for “Smart Growth” development over the next 20 plus years. “The City of Clovis should be commended for looking beyond the previous model [of simply providing a series of home developments with strip malls] to a better way of developing the community.”

The County of Fresno made similar observations. “Fresno County commends the efforts put forth in the preparation of the Specific Plan. Consistent with the County General Plan goals and policies, not only does the Specific Plan provide for pedestrian oriented growth, which ultimately would accommodate a wide range of housing and job opportunities, the Specific Plan also provides for a series of diverse residential neighborhoods planned around compact pedestrian-oriented mixed-use cores. The Specific Plan accommodates a reasonable balance of job to housing that would provide opportunity to live and work within the Specific Plan area thereby reducing the number of vehicle miles traveled.”

## **CONCLUSION**

The City Council finds that, to the extent that any impacts attributed to the project remain unmitigated, such impacts are acceptable in light of the overriding economic, legal, social, technological and other benefits set forth herein. The City Council finds that that the specific economic, legal, social, technological and other benefits of the Project outweigh the unavoidable and unmitigated impacts and justify approval of the Project.

**RESOLUTION 03-\_\_**

**EXHIBIT "C"**

**CITY OF CLOVIS, SOUTHEAST URBAN CENTER SPECIFIC PLAN**

**STATEMENT OF FINDINGS REGARDING RECIRCULATION OF THE EIR**

There has been some suggestion in the Draft EIR comment letter from Quail Lake Community Association (Quail Lake) that the inclusion of the Additional Text Pertaining to the Provision of Wastewater in the Final EIR would be considered significant new information requiring recirculation of the Final EIR. Quail Lake bases this premise on the assumption that a satellite wastewater facility in the Specific Plan area is a Project component and should have been evaluated in this EIR.

Although the Council is not required to make findings under CEQA regarding whether the Final EIR should be recirculated before its final certification, the Council has decided to summarize its position with reference to the record and to make findings. As noted in Exhibit A to the Resolution, recirculation is required under section 15088.5 of the CEQA Guidelines where significant new information is added to an EIR after the public comment period and before final certification.

In response to the suggestion that recirculation is required, the Council finds and determines as follows:

1. The additional text is not new information because it merely incorporates the various responses to comments relating to the wastewater issue into a single section and provides a summary of the existing public information pertaining to a satellite facility. The existing public information, contained on the City's website and in a mailer which went to all residents in the City and the Specific Plan area, are attached for the readers reference.
2. Even if the information were considered new because its text was not made a part of the Draft EIR, the information does not change the environmental analysis because a satellite wastewater facility is not a Project component and need not have been evaluated in the EIR. The environmental analysis relating to Wastewater (Sewer) Services contained in Section 5.10 of the Draft EIR is unaffected by this additional text and information.
3. In all other respects the Final EIR does not contain significant new information requiring recirculation of the Final EIR. In particular, the Final EIR does not include information which shows:

- A. A new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented.
  - B. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
  - C. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the Project, but the Project's proponents declined to adopt it.
  - D. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
- 4. The California Supreme Court has opined that recirculation is the exception and not the general rule. (*Laurel Heights Improvement Association v. Regents of University of California* (1993) 6 Cal.4th 1112, 1132.)
  - 5. Recirculation of the Final EIR is not required.
  - 6. These findings are supported by substantial evidence in the record.

**RESOLUTION 03- \_\_**

**EXHIBIT "D"**

**CITY OF CLOVIS, SOUTHEAST URBAN CENTER SPECIFIC PLAN**

**MITIGATION MONITORING PROGRAM**