



- CITY OF CLOVIS - REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: May 31, 2018

SUBJECT: Consider items associated with approximately 168 acres of land located on the northwest corner of Shepherd and Sunnyside Avenues. Various Owners; Lennar, applicant, Yamabe & Horn Engineering, representative.

- a. Consider Approval, Res. 18-___, A request to approve an environmental finding of a Mitigated Negative Declaration for General Plan Amendment GPA2017-07, Prezone R2017-18, Conditional Use Permit CUP2017-17, and Vesting Tentative Tract Map TM6200.
- b. Consider Approval, Res. 18-___, GPA2017-07, A request to amend the circulation element of the General Plan and Heritage Grove Design Guidelines, for placement of a Shepherd Avenue access point on the north side of Shepherd Avenue, west of Sunnyside Avenue for future development. Additionally, a request to provide for reclassification of the designated Open Space area to a Mixed Use classification and relocation of the required Open Space within the Project site.
- c. Consider Approval, Res. 18-___, R2017-18, A request to approve a prezone from the AE20 (Agricultural Exempt.) Zone District to the R-1 (Single Family Residential) and P-F (Public Facilities) Zone District.
- d. Consider Approval, Res. 18-___, CUP2017-17, A request to approve a 586-lot Planned Residential Development with public streets.
- e. Consider Approval, Res. 18-___, TM6200, A request to approve a vesting tentative tract map for a 586-lot single-family planned residential development.

ATTACHMENTS:

Figure 1:	Location Map
Exhibit "A:"	GPA2017-07, Conditions of Approval
Exhibit "A-1:"	CUP2017-17 and TM6200 Conditions of Approval
Attachment 1:	Mitigated Negative Declaration and Initial Study
Attachment 2:	Draft Resolutions
Attachment 3:	Applicant's Justification for a General Plan Amendment
Attachment 4:	Narrative of Justification
Attachment 5:	Development Standards
Attachment 6:	Correspondence Fresno Metropolitan Flood Control District Fresno Irrigation District County of Fresno Department of Public Health San Joaquin Valley Air Pollution Control District
Exhibit "B:"	Conditional Use/Vesting Tentative Tract Map TM6200
Exhibit "C:"	Mixed Use Site Plan

CONFLICT OF INTEREST

None

RECOMMENDATION

Staff recommends that the Planning Commission:

- Approve an environmental finding of a Mitigated Negative Declaration for GPA2017-07, R2017-18, CUP2017-17, and TM6200, pursuant to CEQA Guidelines; and
- Approve General Plan Amendment GPA2017-07, subject to conditions of approval listed as Exhibit "A:" and; and
- Approve Prezone R2017-18; and
- Approve Conditional Use Permit CUP2017-17, subject to the conditions of approval listed as Exhibit "A-1." and
- Approve Vesting Tentative Tract Map TM6200, subject to the conditions of approval listed as Exhibit "A-1," and
- Make a finding of consistency that the dedication toward public right-of-way is proportionate to the development being requested

EXECUTIVE SUMMARY

The applicant is requesting to amend the General Plan Circulation Element, reclassify the designated Open Space area, and relocate the Open Space within the Project site for approximately 168 acres located at the northwest corner of Shepherd and Sunnyside Avenues. Amendment to the Circulation Element will provide for placement of a Shepherd Avenue access point for the proposed development. Additionally, the applicant proposes a land use change of approximately 3.5 acres to a Mixed Use

classification to allow for Commercial, Office and potential Residential opportunities. Based on the applicant's justification, the proposed relocation of required Park area would provide more continuity and balance along the Enterprise Canal.

The proposed request does not include a change in density, keeping the land use values of the General Plan and Heritage Grove Design Guidelines as adopted. The request includes zoning to the R-1 Zone District, consistent with the designated classifications and the project includes a request to approve a conditional use permit and vesting tentative tract map for a 586-lot single-family planned residential development with public streets, sidewalks on both sides of the streets, reduced setbacks and a minimum lot size of 3,750 square feet, a maximum of 17,554 square feet, with an average of 6,850 square feet. The applicant is proposing a Homeowner's Association with this project. Approval of this Project would allow the developer to continue processing a residential site plan review and development drawings.

BACKGROUND

- General Plan Designation: Medium/Low, Public Facilities, Park
- Specific Plan Designation: Med/Low, Public Facilities, Park
- Existing Zoning: AE-20
- Lot Size: Total Area is 168 acres
- Current Land Use: Agriculture
- Adjacent Land Uses: North: Agriculture
South: Single Family Residential
East: Rural Residential and Agriculture
West: Agriculture
- Previous Entitlements: None

PROPOSAL AND ANALYSIS

General Plan Amendment

Proposal

The applicant is requesting to amend the General Plan Circulation Element, reclassify the designated Open Space area, and relocate the Park area within the Project site for approximately 168 acres located at the northwest corner of Shepherd and Sunnyside Avenues. Amendment to the Circulation Element will provide for placement of a Shepherd Avenue access point for future development. Additionally, the applicant proposes a land use change of approximately 3.5 acres to a Mixed Use #15 classification

to allow for Commercial and/or Office opportunities. Based on the applicant's justification, the proposed relocation of required Park area would provide more continuity and balance along the Enterprise Canal.

Shepherd Avenue Access

Shepherd Avenue is currently designated an Expressway from Clovis Avenue to State Route 168. West of Clovis Avenue, Shepherd Avenue is designated as an Arterial. Arterial streets generally permit access points at eighth-mile points, typically for project specific access. Expressways are limited access streets designed to carry regional traffic. Access points are generally limited to half-mile points (major streets).

The 1993 General Plan included a Beltway street (Expressway), that extended from the City of Fresno's Plan at Copper and Willow Avenues, turned south at the Clovis Avenue alignment, then east at Shepherd Avenue eventually looping into McCall Avenue. This specific Beltway went away with adoption of the 2014 General Plan Update. The 2014 General Plan kept the Expressway designation east of Clovis Avenue, as most of the segment was developed on the south side.

The applicant is proposing an access point approximately 675 feet east of Clovis Avenue to serve as a second point of access for their residential development. The proposed access would permit vehicles to turn right-in and right-out only (no left turn movements). The applicant states that this modification is necessary due to the constraint of incorporating the Enterprise Canal into the project which bisects the proposed subdivision.

Prior to the applicant filing their request for a General Plan Amendment, staff requested comments from the County of Fresno. Much of the north side of Shepherd Avenue is currently fronted with County properties. County staff stated that there should not be an impact to County properties, as long as the geometry (width) of the street remains as identified in the General Plan.

Staff has evaluated the applicant's proposal and agrees with the applicant's request for the mid-block connection. Staff has included a condition of approval to this effect and will further define the specific entry details through the site plan review process.

Park and Mixed Use

A neighborhood park is required within this quarter section; therefore the Project will contribute to the neighborhood park fund. However, the project is required to provide amenities and demonstrate there is sufficient open space to accommodate the new residents. With 586 lots, this equates to approximately 1582 residents, requiring a minimum of 1.58 acres or 68,920 square feet of open space (parks).

The proposed map includes 325,878 square feet (7.48 ac), of aggregate area for parks and trails throughout the map. The applicant satisfies the open space requirement.

The Clovis General Plan identified the Project site as part of the Heritage Grove Community. Inclusive of the guidelines is the requirement for Park and Open Space throughout the plan area. Currently, the plan identifies a large linear park along the Enterprise Canal. A small portion of this park has falls within the Project boundaries. The applicant is seeking to relocate the required park area for a like-replacement further southeast along the Enterprise Canal trail system. Specifically, the applicant's proposal would provide two offsetting parks which are generally proposed centrally within their development. The applicant's justification (Attachment 3), states that the transfer of park area would distribute open spaces for more balanced access for homeowners located in the central and southern end of the proposed development. Additionally, the applicant is proposing to create several pocket-type parks throughout the development. As an amenity to the project, the applicant will relinquish City maintenance of the park areas, choosing to maintain the park areas under a Homeowner's Association.

Open Space Narrative

The applicant's Project includes the transfer of the proposed park area to both sides of the Enterprise Canal system, generally at the center of the Project site. The applicant has indicated that the current designated park site could be utilized as Mixed Use Area that can develop as neighborhood serving commercial with opportunity for residential and office.. In addition to Applicant's Justification, the applicant has provided a detailed Narrative of Justification (Attachment 4) that further expands on the applicant's request to relocate the park area. Staff has reviewed the proposal and feels comfortable that the new park location would maintain connectivity, walkability and viewscales.

Mixed Use Reclassification

As part of the transfer of the designated park area to a centralized space within the development, the applicant is proposing to reclassify the existing Park designated area to provide for future Mixed Use development (MU-#15) requiring rezoning of the property. The applicant states that the inclusion of a Mixed Use designation to this area provides opportunity to further expand and/or highlight, the Enterprise trail system as reflected in Exhibit "C". In order to establish future development based on market demand at time of development, the applicant must submit a prezone request.

The Applicant has provided a justification of the General Plan Amendment (Attachment 3), and development of the subject property will need to meet and comply with the development standards of the Heritage Grove Guidelines. This General Plan Amendment is accompanied with a specific project with an overall density of 4.7 units per acre.

Prezone

The applicant is requesting to prezone approximately 168 acres of property from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential Development) Zone District and P-F (Public Facilities). Additionally, if the Amendment is approved, the applicant would be required to prezone the existing park area to the C-2 Zone District.

The project area's proposed re-designation to Mixed Use within Heritage Grove is consistent with the proposed prezone; however, the Project site does include an area of concern directly on the west and east side of the Project. The Project includes two parcels on the west that are mapped, but not included in the overall Project area of consent. Additionally, the proposed roundabout on the east side of the Project encroaches into and adjacent property. These parcels, although shown on the map, will be required to have consent and must have prezoning in place prior to this Project moving forward to the City Council. The applicant will be required to work with affected property owners subsequent to approval of this Project.

Conditional Use Permit

The applicant is requesting a conditional use permit for a 586-lot Planned Residential Development (PRD). The Development Code allows planned residential developments within any zone district subject to a conditional use permit (also referred to as a planned residential development permit). The Code permits planned residential developments to encourage innovative developments that may otherwise be difficult to accomplish with a standard zone district.

The Proposal

The PRD Ordinance was intended to provide for innovative concepts of development in exchange for a program of amenities that are not available within the constraints of conventional subdivision design.

The applicant's proposal includes a standard single-family subdivision design with exception to setbacks, lot sizes, lot coverage and garage sizes. The proposed front yard setbacks would permit models with standard garages, moving the living areas, front porches and garages into the 20-foot front yard area. This would also provide a larger rear yard area providing additional private space.

The use of the PRD Ordinance is appropriate in this case as it provides for a pedestrian feel to the subdivision by placing living areas closer to the street and placing less emphasis on the garages.

The applicant proposes R-1 zoning for the Project which permits homes up to two and one-half stories and as high as 35 feet. This is consistent with adjacent properties which also permit two and one-half stories.

Development Standards

The applicant is requesting approval of a non-gated detached single-family residential project with public streets. In addition, the request includes reduced setbacks and increased lot coverages. A Homeowner's Association will be established with this project and will provide for maintenance of park areas within the development.

The project will follow the standards of the Planned Development Standards/Guidelines. The R-1-PRD Zone District permits the applicant to propose project specific setbacks and lot coverage standards. The applicant has provided a list of standards as follows:

TRACT NO. 6200
PROPOSED SETBACKS

LOT SIZE	FRONT YARD TO HABITABLE STRUCTURE	BACK OF SIDEWALK TO GARAGE	REAR YARD TO HABITABLE STRUCTURE	SIDE YARD	COVERAGE
50' X 75'	10'	20'	5'	4'	65%
50' X 100'	10'	20'	10'	5'	55%
55' X 100'	10'	20'	10'	5'	55%
60' X 100'	10'	20'	5'	10'	55%
70' X 110'	10'	20'	5'	10'	55%

The applicant is providing a minimum of 20-foot setback from the edge of the sidewalk which provides the minimum 20-feet of unobstructed off-street parking area.

Models

The applicant is currently developing the proposed models for the development. Models will conform the development standards of the R-1 Zone District and specific architectural elements will be reviewed through the Residential Site Plan Review process.

Outlots

The applicant is proposing several outlots within the development for trail, park and landscape purposes. The proposed outlots will be developed and maintained by the Homeowner's Association (HOA). Staff will review the specific details of the proposed outlots with a required Residential Site Plan Review process. These outlots, when completed, will also be maintained by the HOA.

Amenities

Amenities are required for this residential development, therefore the applicant will be providing the proposed parks as presented on their vesting tentative tract map.. The two proposed parks if approved, will be required to have outdoor furniture, playground areas and other outdoor amenities. The applicant is also proposing smaller pocket parks throughout the development to provide additional outdoor gathering opportunities. The applicant is also providing trails/paseos that connect the development with the Enterprise Canal trail system. Additionally the applicant is proposing community gateways at the

corner of Shepherd and Sunnyside and other areas surrounding the Project site as required by the Heritage Grove Design Guidelines. The applicant will incorporate HOA maintained tree-lined streets that provide a thematic element to the development. Specific details will be reviewed during the residential plan review process.

Fresno Irrigation District

The Enterprise Canal system divides the property and creates challenges in development. The applicant has been sensitive to the current Fresno Irrigation District's (FID) operation of the canal and is incorporating paseo elements that do not detract from the function of the existing canal system. There is an existing pedestrian bridge located at the center of the project that connects Phase 1 of the proposed development to the remainder of the Project. The applicant will be required to work with FID on how the existing bridge should be respectfully upgraded and maintained for continued use by property owners and the District. Staff has included a condition of approval requiring the applicant to contact and work with FID prior to any work on the Project.

Vesting Tentative Map

The project includes a Vesting Tentative Map TM6200. The map includes 586 lots and is consistent with the requirements of the Subdivision Map Act.

Circulation and Lot Sizes

With future buildout of the development, the Project will provide several entry points at five areas of the project boundaries. With the first phase of development, the applicant will utilize access from Shepherd and Clovis Avenues, with subsequent access points on the east and north as development occurs. Shepherd Avenue at full build-out, will be classified as a Community Boulevard inclusive of a 136-foot right of way with a median and shall incorporate a 12-foot trail with 14-foot landscape and parkway on each side. The project will include all public streets with standard city sidewalks.

The lot sizes range from 3,750 square feet to 17,554 square feet with an average lot area of 6,860 square feet and overall, will meet the required density requirements of the Medium Density and Low Density classifications.

Gateways

The Heritage Grove Design Guidelines incorporates community themed development that includes a strong sense of character to the Heritage Grove environment. Inclusive of that vision is the incorporation of street design features that give a sense of arrival. The Project site has several intersections requiring gateway treatment. Corner gateway treatment type and placement shall occur at the following intersections:

- Clovis and Shepherd Avenues- Community Gateway;
- Clovis and Sunnyside Avenues- Corner Gateway;
- Sunnyside Avenue at Roundabout- Corner Paseo;
- Street “1” and Perrin Avenues- Corner Paseo.

The specific area and details of the required treatment shall be reviewed through the Residential Site Plan Review process.

Shepherd Avenue Traffic

The project applicant is requesting a right-in, right-out access onto Shepherd Avenue from the development. Shepherd Avenue is identified in the General Plan as an expressway from SR 168 to Clovis Avenue where it transitions to an arterial as it proceeds to the west. As an expressway, access is not allowed except at half-mile cross streets. The applicant's reasons for the proposed access to Shepherd are summarized as:

1. Geographic features, such as the Enterprise Canal, which cuts through the development, divide the development and limits access opportunities from a major street. Access onto Shepherd Avenue would improve circulation within the development.
2. Traffic studies indicate minimal impact to traffic progression and level of service in Shepherd Avenue.
3. The proposed access point is near the west terminus of the expressway designation.

While staff believes it important to maintain the integrity of the expressways and has historically stood firm on the access restrictions along these routes, staff is in support of the requested new access point based on the constraints that exist and the reasons cited by the applicant.

Mixed Use Traffic Analysis

JLB Traffic Engineering, Inc., was contracted to perform a traffic study which concluded that the modifications to the park area and inclusion of potential Mixed Use classification, the Project will increase the volume of traffic expected to be generated at the Project site. However, the anticipated levels of service, delays, and queuing conditions with the Project are very similar to those anticipated without the Project (14 additional peak hour trips), and the increase in traffic does not significantly alter the conditions anticipated in the City's current General Plan.

Sewer and Water Impacts

The Project's impacts to water and sewer facilities were analyzed during the California Environmental Quality Act (CEQA) review. Provost and Pritchard provided a summary of water impacts and concluded that the City has capacity to serve and the infrastructure can accommodate the Project upon completion of the recommended connections and

maintaining specified water system pressures. The City Engineer completed a sewer analysis and concluded that the City has capacity to accommodate the Project.

A small portion of the project lies outside of the Fresno Irrigation District boundary and is not eligible to utilize entitled surface water from the Kings River. This project will pay fees for water which will be supplied from banked water through agreements with the Fresno Irrigation District. The Project will also rely on future recycled water for open space.

Landscape Setbacks

The Heritage Grove Plan provides street section designs for each street as follows:

Clovis Avenue leading into the existing Park designation is proposed to have a 20-foot landscape/pedestrian setback, with an 11-foot parkway, 5-foot path and a 4-foot landscape buffer. The community wall along the Clovis Avenue frontage shall be a 6-foot split face masonry wall.

Shepherd Avenue shall have a 40-foot landscape/pedestrian trail setback, with a 14-foot parkway, 12-foot trail, and 14-foot landscape buffer.

Sunnyside Avenue (at PG&E Easement Trail) shall have a 20-foot parkway, 12-foot walk, and 18-foot landscape buffer.

Typical Streets shall have a 20-foot parkway setback, with a 10-foot landscape setback, 6-foot walk, and 4-foot landscape buffer

Specific locations and type of trees to be utilized along all the Project street frontages shall be reviewed during the residential site plan review process.

Thematic Elements

Branding of the Heritage Grove area with specific elements is essential in creating a community and sense of place. Staff is looking to establish a thematic component throughout this plan area, utilizing features of agriculture and incorporating the natural surrounding foothill/grasslands environment yet providing a contemporary palette of landscaping and urban features that reflects a healthy lifestyle community. Exact implementation of these features shall be reviewed during the residential site plan review process.

Residential Site Plan Review

A subsequent Residential Site Plan Review will follow this application in order to allow staff to review landscaping, open space, architecture, elevations, and specific plot plans.

Neighborhood Meeting

Per City policy, the applicant held a neighborhood meeting on Thursday, March 29, 2018, at Enzo's Table. The applicant indicated that they provided notice to property owners within an 800' radius from the project area. Eighteen residents were in attendance along with the Project team and City staff. Area property owners did not express any concern with the project and were generally in support.

Public Comments

A public notice was sent to area residents within 800 feet of the property boundaries. Staff received verbal comments from several neighbors. Generally, residents expressed concerns that property owners on the northeast side of the development did not want placement of two-story homes next to existing residential development. Area property owners also had questions specific to Sunnyside Avenue and traffic impacts to existing properties. Discussion of the traffic issue is analyzed in this report.

Review and Comments from Agencies

The Project was distributed to all City Divisions as well as outside agencies, including Cal Trans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan Flood Control District, AT&T, PG&E, San Joaquin Valley Air Pollution Control District, and the State Department of Fish and Game.

Comments received are attached only if the agency has provided concerns, conditions, or mitigation measures. Routine responses and comment letters are placed in the administrative record and provided to the applicant for their records.

Community Facilities District

The fiscal analysis of the Northwest Urban Center Plan identified possible long-term funding shortfalls in the City's operating and maintenance costs. To address this issue the City of Clovis is implementing a Community Facilities District. Community Facilities Districts (CFD's) are a means of providing additional funding for the provision of public facilities and services for public safety in newly developing areas of the community where the city would not otherwise be able to afford to continue to provide an adequate level of service as the City continues to grow. The use of CFD's is fairly common among cities in California experiencing high rates of growth during this past decade, such as Clovis, due to significant losses of local revenue from tax shifts authorized by the State of California and the need to continue to provide an adequate level of service as growth occurs.

A condition of approval has been added to this tentative map requiring participation of this tentative map in the CFD.

Consistency with General Plan Goals and Policies

Staff has evaluated the Project in light of the General Plan Land Use goals and policies. The following goals and policies reflect Clovis' desire to maintain Clovis' tradition of responsible planning and well managed growth to preserve the quality of life in existing neighborhoods and ensure the development of new neighborhoods with an equal quality of life. The goals and policies seek to foster more compact development patterns that can reduce the number, length, and duration of auto trips.

Goal 3: Orderly and sustainable outward growth into three Urban Centers with neighborhoods that provide a balanced mix of land uses and development types to support a community lifestyle and small town character.

Policy 3.2 Individual development project. When projects are proposed in an Urban Center, require a conceptual master plan to show how a proposed project could relate to possible future development of adjacent and nearby properties. The conceptual master plan should generally cover about 160 acres or the adjacent area bounded by major arterials, canals, or other major geographical features. The conceptual master plan should address:

- A. Compliance with the comprehensive design document
- B. A consistent design theme
- C. A mix of housing types
- D. Adequate supply and distribution of neighborhood parks
- E. Safe and direct pedestrian and bicycle linkages between residential areas and school sites, parks, and community activity centers

Policy 3.5 Fiscal sustainability. The City shall require establishment of community facility districts, lighting and landscaping maintenance districts, special districts, and other special funding or financing tools in conjunction with or as a condition of development, building or permit approval, or annexation or sphere of influence amendments when necessary to ensure that new development is fiscally neutral or beneficial.

Goal 6: A city that grows and develops in a manner that implements its vision, sustains the integrity of its guiding principles, and requires few and infrequent amendments to the General Plan.

Policy 6.1: Amendment criteria. The City Council may approve amendments to the General Plan when the City Council is satisfied that the following conditions are met:

- The proposed change is and will be fiscally neutral or positive.
- The proposed change can be adequately served by public facilities and would not negatively impact service on existing development or the ability to service future development.

Policy 6.2 **Smart growth.** The city is committed to the following smart growth goals.

- Create walkable neighborhoods.
- Foster distinctive, attractive communities with a strong sense of place.
- Mix land uses.
- Take advantage of compact building design.

The Project requests to amend the circulation element of the General Plan and includes reclassification of the designated Open Space area to a proposed Mixed Use classification. If approved, the project will contribute to the City's Community Facilities District, and complete infrastructure including streets, sewer and water. The Project provides a residential development that establishes the first housing type to the Heritage Grove area.

California Environmental Quality Act (CEQA)

The City of Clovis has completed an environmental review (an assessment of the project's impact on natural and manmade environments) of the proposed project, as required by the State of California. The City Planner has recommended approval of a Mitigated Negative Declaration (a written statement announcing that this project will not have a significant effect on the environment). Recommendation of a proposed Mitigated Negative Declaration does not necessarily mean this project will be approved.

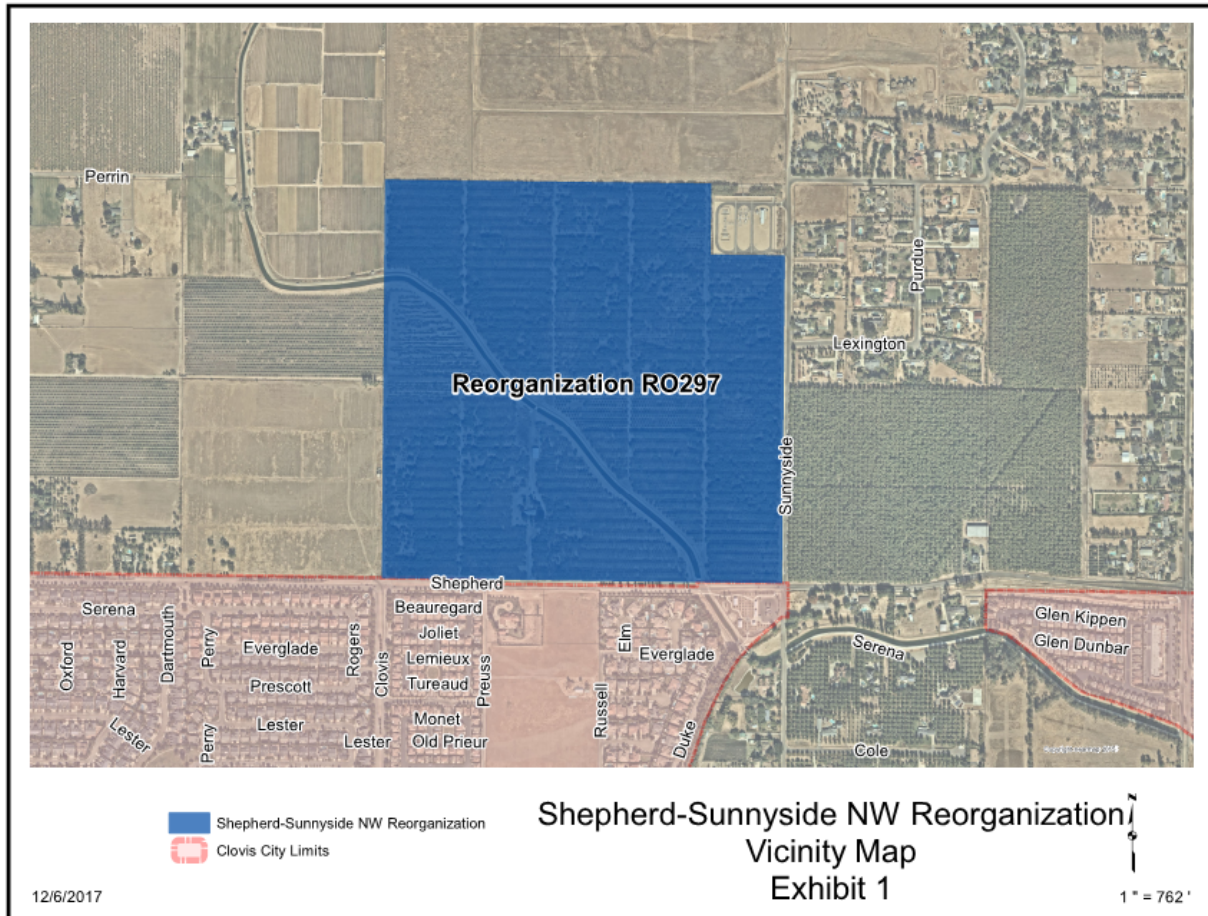
The City published notice of this public hearing in The Business Journal on Wednesday, April 25, 2018.

Annexation

An application for Annexation has been submitted and identified as the Shepherd-Sunnyside NW Reorganization (RO297). The project site is proposed to be annexed under the Reorganization RO297. The annexation boundary consists of several properties which are related to the proposed Vesting Tentative Tract Map TM6200.

The annexation is brought to the Commission's attention to provide context for the general plan amendment, rezoning, conditional use permit, and vesting tentative tract map. The Commission is not required to take action on this request, which will be considered by the City Council and if supported, the Council will take proponent action to permit the City to apply to LAFCO as the applicant.

The Commission is encouraged to ask any questions about annexation related to the rezoning, conditional use permit and tentative tract map project.



FISCAL IMPACT

None.

REASONS FOR RECOMMENDATION

The proposal to change and transfer the General Plan land use/circulation classifications is consistent with the original vision of the Heritage Grove Design Guidelines by providing a quality residential development to accommodate a variety of lifestyles. The proposed tentative tract map is consistent with the goals and policies of the General Plan, Heritage Grove Design Guidelines and Development Code. Staff therefore recommends that the Planning Commission approve GPA2017-07, R2017-18, CUP2017-17 and TM6200, subject to the conditions of approval attached as Exhibit "A."

The findings to consider when making a decision on a general plan amendment application include:

1. The proposed amendment is internally consistent with the goals, policies, and actions of the General Plan; and

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City; and
3. If applicable, the parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated project.
4. There is a compelling reason for the amendment.

The proposed rezoning is consistent with the General Plan Land Use Diagram and the Heritage Grove Design Guidelines. The rezoning of the properties will facilitate the applicant's proposal and provide for future development of all parcels as envisioned in the Heritage Grove Design Guidelines. Staff therefore recommends that the Planning Commission approve Prezone R2017-18.

The findings to consider when making a decision on a prezone application include:

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects. (§ 2, Ord. 14-13, eff. October 8, 2014).

The findings to consider when making a decision on a conditional use permit application are as follows:

1. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of this Development Code;
2. The proposed use is consistent with the General Plan and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City;
4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed;
5. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety; and
6. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and there would be no potential significant negative effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless findings are made in compliance with CEQA. (§ 2, Ord. 14-13, eff. October 8, 2014).

The findings to consider when making a decision on a tentative subdivision map application are as follows:

7. The proposed map, subdivision design, and improvements are consistent with the General Plan and any applicable specific plan;
8. The site is physically suitable for the type and proposed density of development;
9. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
10. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems;
11. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. This finding may also be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision;
12. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board;
13. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities; and
14. The proposed subdivision, its design, density, and type of development and improvements conform to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law.

In light of court decisions, it is appropriate for the City to make findings of consistency between the required dedications and the proposed development. Every dedication condition needs to be evaluated to confirm that there is a rough proportionality, or that a required degree of connection exists between the dedication imposed and the proposed development. The City of Clovis has made a finding that the dedication of property for this project satisfies the development's proportionate contribution to the City's circulation system. The circulation system directly benefits the subject property by providing access and transportation routes that service the site. Further, the circulation system also enhances the property's value.

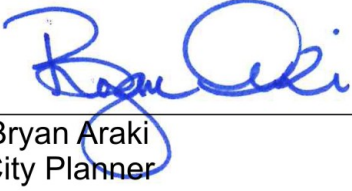
ACTIONS FOLLOWING APPROVAL

These items will continue on to the City Council for final consideration only after the City Council approves the Water, Sewer, Recycled Water Master Plans, associated Environmental Impact Report, and the anticipated Development Impact Fees.

NOTICE OF HEARING

Property owners within 800 feet notified:	197
Interested individuals notified:	10

Prepared by: Orlando Ramirez, Senior Planner

Reviewed by: 
Bryan Araki
City Planner

**FIGURE 1
PROJECT LOCATION MAP**

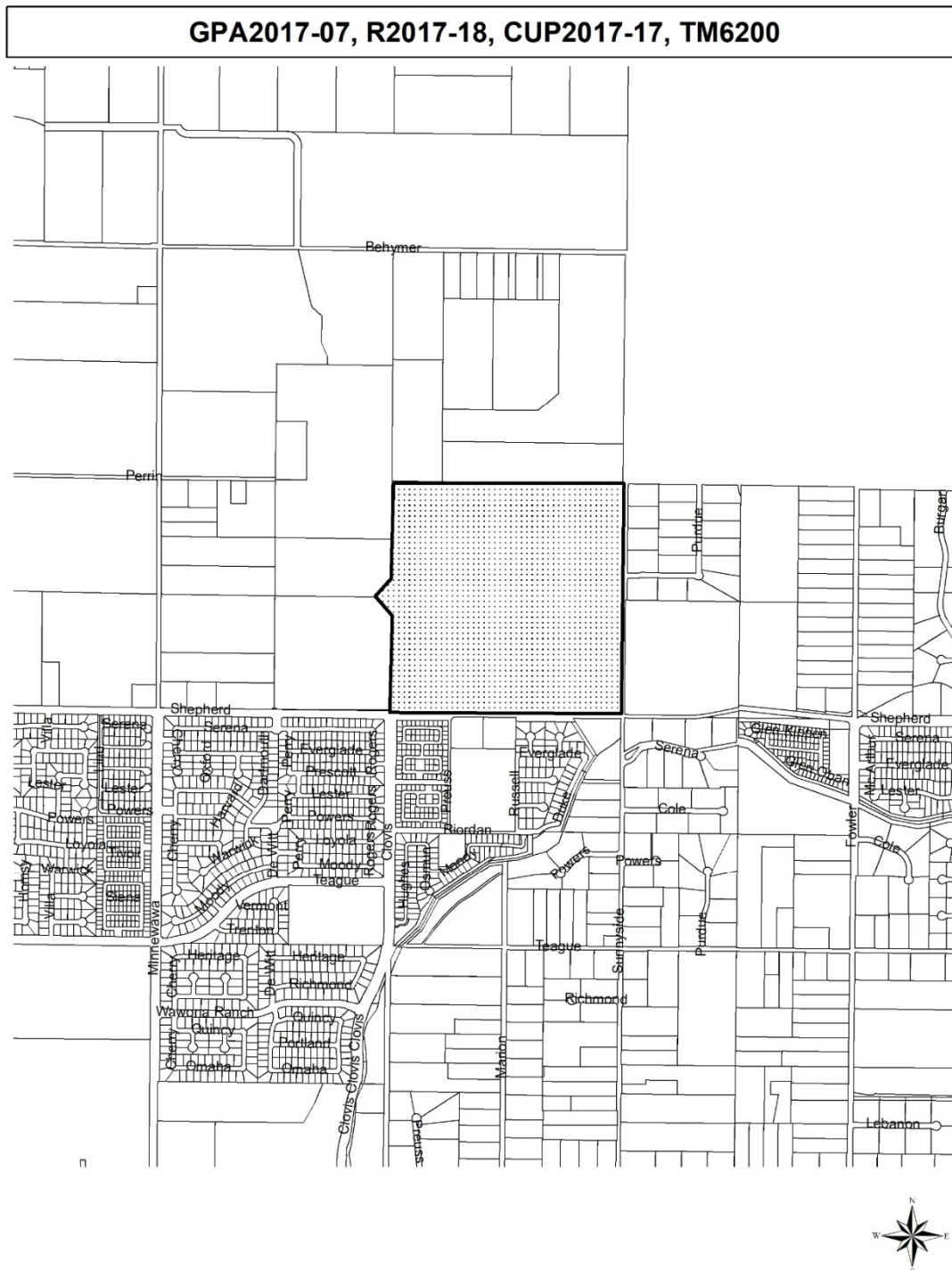


EXHIBIT "A"
Conditions of Approval – GPA2017-07 & R2017-18

PLANNING DIVISION CONDITIONS
(Orlando Ramirez, Division Representative – (559) 324-2345)

1. GPA2017-07, provides for a single Shepherd Avenue access point to the development.
2. GPA2017-07, re-designates the park site to Mixed Use #15, with a provision that permits the secondary development of Commercial, Office and Residential with consistent zoning.
3. Rezone R2017-18 approves an R-1 Prezoning permitting the development of a single-family product. Density shall be consistent with the Northwest Urban Center Plan and not exceed 7.0 dwelling units per acre.
4. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in §9.24.100, of the Clovis Development Code.
5. Maximum lot coverage is 65% unless specifically approved through a residential site plan review or variance.
6. Maximum building (main structure) height shall not exceed thirty-five (35) feet.
7. This rezone is subject to the development standards of the General Plan and Heritage Grove Design Guidelines.
8. The Project will not be considered by the Clovis City Council until the Council has approved the Water, Sewer, and Recycled Water Master Plans and associated Environmental Impact Report as well as the proposed Development Impact Fees.
9. Prior to final approval, the applicant shall obtain property owner consent from affected property owners on the west and east for consideration of prezoning and completion of the proposed development and circulation.

EXHIBIT “A-1”
Conditions of Approval – CUP2017-17 and TM6200

Planning Division Conditions
(Orlando Ramirez, Senior Planner – (559) 324-2345)

1. This Project is subject to the development standards of the Heritage Grove Design Guidelines.
2. This Project requires the submittal and approval of a residential site plan review. Specific color and materials of the models, walls, landscaping, and fencing will be evaluated.
3. The applicant shall obtain City approval in advance of temporary and permanent subdivision signs through separate sign review, consistent with the development criteria of the Clovis Municipal Code Sign Ordinance.
4. All setbacks shall be as follows:

TRACT NO. 6200
PROPOSED SETBACKS

LOT SIZE	FRONT YARD TO HABITABLE STRUCTURE	BACK OF SIDEWALK TO GARAGE	REAR YARD TO HABITABLE STRUCTURE	SIDE YARD	COVERAGE
50' X 75'	10'	20'	5'	4'	65%
50' X 100'	10'	20'	10'	5'	55%
55' X 100'	10'	20'	10'	5'	55%
60' X 100'	10'	20'	5'	10'	55%
70' X 110'	10'	20'	5'	10'	55%

5. All transformers for this subdivision can be located above ground subject to review and approval of the required landscape screening material. Landscaping shall be reviewed through the residential site plan review process. Transformers shall not be placed in public space including trails.
6. The developer shall construct a minimum six-foot high solid split face masonry wall along the Shepherd, Clovis and Sunnyside Avenue frontages. The wall shall incorporate angles corners at entries, and columns at the corners and ends.

7. Applicant shall provide a minimum of a 20-foot setback from garage wall to sidewalk, or shall provide a modified meandering sidewalk that allows for a 20-foot driveway length.
8. The developer shall enter into a Homeowner's Association covenant regarding the maintenance of open/park space and paseos/trails. Such agreement shall be disclosed to all future home buyers. The HOA shall be formed and functioning prior to tract acceptance.
9. Maximum building (main structure) height shall not exceed thirty-five (35) feet.
10. Shepherd, Clovis, Perrin, and Sunnyside Avenues shall be improved per the Heritage Grove Plan right-of-way requirements.
11. The developer shall enter into a Covenant Agreement regarding a "right to farm," for adjacent property owners. Such agreement shall be disclosed to all future home buyers.
12. Upon final recordation of this tentative tract map, it shall be the applicant's responsibility to furnish to the Planning Department an electronic (PDF) copy of the original map obtained from the Fresno County Recorder's Office.
13. The applicant shall relay all conditions of approval for Tentative Tract Map TM6200 to all subsequent purchasers of individual lots, if applicable, and/or to subsequent purchasers of this entire tract map development.
14. The applicant shall record a Notice of Nonconformance dealing with any structure used for model homes where the garage is converted for the use as a sales office.
15. The applicant shall contribute a proportionate share towards the development of the trail system in this quarter section as required by the General Plan land use diagram.
16. The applicant shall utilize Heritage Grove Design Guidelines thematic lighting along local and private streets.
17. The applicant shall install pedestrian lighting along the trail. Spacing will be evaluated during residential site plan review.
18. The applicant shall address and comply with all Fresno Irrigation District requirements specific to the use, maintenance and rehabilitation of the existing pedestrian bridge prior to any work on the Project.
19. The applicant shall incorporate the Gateway Plans as prescribed in the Heritage Grove Design Guidelines.

20. Gateways and Paseo entries shall be of adequate size and shall be reviewed through the Residential Site Plan Review process.
21. All landscaping (open space and private yards) shall conform the City of Clovis Water Efficient Landscape Ordinance.
22. This tentative map is approved per the attached Exhibit "B" of this report.
23. The developer shall comply with all mitigation measures as identified in the adopted mitigation monitoring program for this conditional use permit.
 - a. 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.
 - b. 3.4-a If any trees or shrubs are to be removed during the nesting season (Feb – Aug) then a preconstruction survey should be conducted within 30-15 days of commencement of construction. If vegetation removal occurs outside the nesting period then no preconstruction survey is needed.
 - c. 3.4-d If any potential impact is presented towards any species listed in the Biological Study and the Department of Fish and Game analysis; i.e., California Tiger Salamander, Swainson's Hawk, burrowing owl, and western pond turtle, or any nesting habitats, the applicant shall implement preconstruction surveys, provide environmental awareness training to workers, and if necessary, passively provide for relocation and biological monitoring of affected species; mitigating to a less than significant impact. The applicant shall also address Mitigation measures 1, 2 and 3 as presented by the California Department of Fish and Wildlife.
24. 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.
25. 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.

FIRE DEPARTMENT CONDITIONS
(Gary Sawhill, Department Representative - 324-2224)

26. This property is currently served by County emergency response agencies. Upon annexation, this project will receive improved emergency services including, but not limited to:

- Municipal water supply for residential fire sprinklers
- Effective Response Force composition
- Emergency Vehicle Access

27. However, for an unknown period of time the development will not meet the City of Clovis Fire Department travel time response standard of four (4) minutes. It is unknown how long this project or development will have extended response time for both first in fire unit and effective response force (ERF).

28. The City of Clovis Fire Department in its Standard of Cover has an adopted response time standard for the first in fire unit total response time for medical emergencies to be under six minutes and thirty seconds (6:30) and for fire responses to be under seven minutes (7:00). This equates for both types of emergency situations a required travel time of under four (4) minutes for the first in responding fire unit.

29. This adopted standard is derived from many factors and industry standards, but two are the main factors; during medical emergencies where a patient has lost circulation, irreversible brain damage begins to set in around four (4) to six (6) minutes and during a fire, growth of the fire and its associated toxic byproducts will overwhelm occupants and extend beyond the room of origin within six (6) to ten (10) minutes. All structures within this proposed development will be equipped with fire protection systems, but these do not cover the entire structure and still pose a fire and life safety threat to all occupants. By maintaining this response time standard it enables the Fire Department to reduce the impacts of fire damage and improve life safety outcomes.

30. This emergency response travel time deficiency will only occur until a fire station is built and staffed within the service area. This normally occurs when complete build out reaches greater than 50%. Until then, the projects and developments within this service area are served by fire units located at fire stations which have a greater than four (4) minutes of travel time.

Roads / Access

31. **Street Width:** Fire apparatus access width shall be determined by measuring from “base of curb” to “base of curb” for roadways that have curbs. When roadways do not have curbs, the measurements shall be from the edge of the roadway surface (approved all weather surface).

32. **Street Width for Single Family Residences:** Shall comply with Clovis Fire Standard #1.1.
33. **Turning Radius:** All access way roads constructed shall be designed with a minimum outside turning radius of forty-five feet (45').
34. **Security Gates:** All security gates shall comply with Clovis Fire Department Gates Standard #1.5. Plans shall be submitted for review and permits issued by Fire Department prior to installation.
35. **Temporary Street Signs:** The applicant shall install temporary street signs that meet City Temporary Street Sign Standard #1.9 prior to issuance of building permits within a subdivision.
36. **Cul-De-Sac (C.M.C. 9.110.030 D4):** No roadway shall be over five hundred feet (500') in length, measured from center line of the perpendicular street to center of cul-de-sac.
37. **All Weather Access & Water Supply:** The applicant shall provide all weather access to the site during all phases of construction to the satisfaction of the approved Clovis Fire Department Standard #1.2 or #1.3.
38. **Two Points of Access:** Any development to this parcel will require a minimum of two (2) points of access to be reviewed and approved by the Clovis Fire Department. All required access drives shall remain accessible during all phases of construction which includes paving, concrete work, underground work, landscaping, perimeter walls.

Water Systems

39. **Residential Fire Hydrant:** The applicant shall install sixty-six (66), 4 ½" x 2 ½" approved Residential Type fire hydrant(s) and "Blue Dot" hydrant locators, paint fire hydrant(s) yellow with blue top and caps, and paint the curb red as specified by the adopted Clovis Fire Department Standard #1.4. Plans shall be submitted to the Clovis Fire Department for review and approval prior to installation. The hydrant(s) shall be charged and in operation prior to any framing or combustible material being brought onto the site. Hydrants curb markings and blue dots to be completed prior to occupancy of any homes.
40. **Looped Water Main:** The applicant shall install approved looped water main capable of the necessary flow of water for adequate fire protection and approved by the Clovis Fire Department.

CLOVIS UNIFIED SCHOOL DISTRICT CONDITIONS
(Michael Johnston, CUSD Representative – 559-327-9000)

41. The development of this project is subject to the Clovis Unified School District impact fee. See the attached letter.

DEPARTMENT OF FISH AND WILDLIFE
(Renee Robison, CDFW Representative- 243-4014 ext. 274)

42. The Applicant shall refer to the attached CDFW requirements. If the list is not attached, please contact the Department for the list of requirements.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT CONDITIONS
(Denise Wade, FMFCD Representative - 456-3292)

43. The Applicant shall refer to the attached FMFCD requirements. If the list is not attached, please contact the District for the list of requirements.

FRESNO IRRIGATION DISTRICT CONDITIONS
(Chris Lundeen, FID Representative - 233-7161 ext. 7410)

44. The Applicant shall refer to the attached FID correspondence. If the list is not attached, please contact the District for the list of requirements.

FRESNO COUNTY HEALTH COMMENTS
(Kevin Tsuda, County of Fresno Representative - 600-3271)

45. The Applicant shall refer to the attached Health Department correspondence. If the list is not attached, please contact the District for the list of requirements.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT COMMENTS
(Georgia Stewart, District Representative – 230-5937)

46. The Applicant shall refer to the attached SJVAPCD Department correspondence. If the list is not attached, please contact the District for the list of requirements.

ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS
(Sean Smith, Engineering Division Representative – 324-2363)
(Paul Armendariz, Department Representative – 324-2649)

Maps and Plans

47. The applicant shall have a final tract map prepared, in the form prescribed by the Subdivision Map Act and City of Clovis Municipal Code. The final tract map shall be submitted to the City of Clovis Engineering Division, and should include, but not be limited to, final tract map, the current filing fee, closure calculations, current preliminary title report, legal descriptions and drawings of required dedications.

48. The applicant shall submit to the City of Clovis Engineering Division, a set of construction plans on 24" x 36" sheets with City standard title block for all required improvements. These plans shall be prepared by a registered civil engineer, and shall include a site grading and drainage plan and an overall site utility plan showing locations and sizes of sewer, water, irrigation, and storm drain mains, laterals, manholes, meters, valves, hydrants, other facilities, etc. Plan check and inspection fees per City of Clovis Resolution No. 03-152 shall be paid with the first submittal of said plans. All plans shall be approved by the City and all other involved agencies prior to the release of any development permits.
49. Prior to the initial submittal of the improvement plans, the applicant shall contact Sean Smith at (559) 324-2363 to setup a coordination meeting (Pre-submittal Meeting).
50. Upon approval of improvement plans, the applicant shall provide the City with the appropriate number of copies. After all improvements have been constructed and accepted by the City, the applicant shall submit to the City of Clovis Engineering Division one bond copy of the approved set of construction plans revised to accurately reflect all field conditions and revisions and marked "AS-BUILT" for review and approval. Upon approval of the AS-BUILTs by the City the applicant shall provide (1) reproducible and (3) copies of the AS-BUILTs to the City.

General

51. Applicant shall pay all applicable development fees at the rate in effect at the time of payment and prior to final map approval by Council or have the fees payable directly to the City through a separate escrow account at the time of recordation of the map.
52. For any sewer or water main, or undergrounding of utilities, or major street to be installed by the applicant and eligible for reimbursement from future developments, the applicant shall submit to the City of Clovis, all reimbursement requests in accordance with the current version of the "Developer Reimbursement Procedures"; a copy can be obtained at the City Engineer's Office.
53. The applicant shall submit a soils report or a waiver of soils report to the City of Clovis Engineering Division for approval by the City Engineer.
54. The applicant shall address all the requirements of the local utility, telephone, and cable companies. It shall be the responsibility of the applicant to notify the local utility, telephone, and cable companies for the removal or relocation of utility poles where necessary. The City shall not accept first submittals without proof that the applicant has provided the improvement plans and documents showing all proposed work to the utility, telephone, and cable companies. All utility vaults in which lids cannot be sloped to match proposed finished grading, local utilities

have 5% max slope, shall be located in sidewalk areas with pedestrian lids so the lid slope matches sidewalk cross slope.

55. The applicant shall contact and address all requirements of the United States Postal Service - Clovis Office for the location and type of mailboxes to be installed. The location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction.
56. The applicant shall contact and address Caltrans requirements.
57. The applicant shall address all conditions, and be responsible for obtaining encroachment permits from the City of Clovis for all work performed within the City's right-of-way and easements.
58. The applicant shall install all improvements within public right-of-way and easements in accordance with the City of Clovis standards, specifications, master plans, and record drawings in effect at the time of improvement plan approval.
59. The applicant shall provide and pay for any compaction tests in recompacted areas as a result of failure to pass an original compaction test. Original compaction tests shall be provided and paid for by the City and their locations designated by the City Engineer.
60. All existing overhead and new utility facilities located on-site, within alleys, or within the street right-of-way along the streets adjacent to this tract shall be undergrounded unless otherwise approved by the City Engineer.

Dedications and Street Improvements

61. The applicant shall provide right-of-way acquisition or dedicate free and clear of all encumbrances and/or improve the following streets to City standards. The street improvements shall be in accordance with the City's specific plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the type, location, and grades of existing improvements.
62. Shepherd Avenue - along development frontage, provide right-of-way acquisition for 78' (exist 30') north of the centerline and improve with curb, gutter, sidewalk, curb return ramps, street lights, median island, landscaping, irrigation, permanent paving and overlay as necessary to match the existing permanent pavement, and all transitional paving as required.
63. Shepherd Avenue – Access along development frontage between Clovis Avenue and the Enterprise canal requires the approval of a General Plan Amendment.
64. Shepherd Avenue - along development frontage, median island openings shall not be allowed without the approval of the City Engineer. Access to Shepherd will require City and County Approval.

65. Sunnyside Avenue – between the northern most property line and the round-a-bout including the sub-station frontage, provide right-of-way acquisition for 68' west and 24.5' east (exist 20') of the centerline and improve with curb, gutter, sidewalk, drive approach, curb return ramps, street lights, landscaping, irrigation, 32' (16+16) of permanent paving, 3' paved swales, and all transitional paving as required.
66. Sunnyside Avenue - along development frontage, dedicate and provide for a round-a-bout.
67. Clovis Avenue – along development frontage, provide right-of-way acquisition for 72' (exist 0') east and 27' (exist 0') west of the centerline and improve with curb, gutter, sidewalk, curb return ramps, street lights, fiber optic conduits, median island, median island landscaping and irrigation, landscaping, irrigation, 43' (28'+15') of permanent paving, 3' paved swales, and all transitional paving as required.
68. Clovis Avenue – along development frontage, median island openings shall not be allowed without the approval of the City Engineer.
69. North-South street between Clovis Avenue and Perrin Avenue, provide right-of-way acquisition for 44.5' (exist 0') east and 24.5' (exist 0') west of the centerline and improve with curb, gutter, sidewalk, curb return ramps, street lights, landscaping, irrigation, 45' (22.5'+22.5') of permanent paving, and all transitional paving as required.
70. Perrin Avenue – between the west property line and Marion Avenue, provide right-of-way acquisition for 44.5' (exist 0') south and 44.5' (exist 0') north of the centerline and improve with curb, gutter, sidewalk, curb return ramps, street lights, landscaping, irrigation, 45' (22.5'+20.5') of permanent paving, 3' paved swales, and all transitional paving as required.
71. Perrin Avenue – provide for a temporary cul de sac on the east and west ends of the street.
72. Marion Avenue and East-West street - provide right-of-way acquisition for 89' (exist 0') and improve with curb, gutter, sidewalk, curb return ramps, street lights, drive approaches, landscaping, irrigation, 45' (22.5'+22.5') of permanent paving, and all transitional paving as required. Median island on these street will require the approval of the Planning Department.
73. Interior streets dedicate to provide for 54' right-of-way and improve with curb, gutter, sidewalk, drive approaches, curb return ramps, streetlights, 36' permanent paving except in cul de sac, and all transitional paving as needed.

74. If the applicant chooses the Narrow Residential Street Policy, the applicant shall dedicate to provide for 50' right-of-way and improve with curb, gutter, sidewalk, drive approaches, curb return ramps, streetlights, 32' permanent paving except in cul de sac, and all transitional paving as needed. The maximum distance for a narrow 50' wide street is 1000' to 54' wide or wider street.
75. Applicant shall be aware that a Fresno Metropolitan Flood Control District (FMFCD) plan tributary (Perrin Tributary No. 1) runs through this property and will need to be addressed in the design per Fresno Metropolitan Flood Control District requirements.
76. Round-a-bouts – dedicate and improve to Federal Highway Administration guidelines and approval of the City Engineer.
77. Entry feature streets with median islands shall have a minimum of 22' wide travel lanes in each direction with parking or without parking.
78. Cul de sac bulb - dedicate to provide for 52' radius and improve with curb, gutter, sidewalk, street lights, 43' permanent paving and all transitional paving as needed.
79. Temporary cul de sac bulb - dedicate to provide for a 48' radius and improve with a 45' radius of temporary or combination permanent paving and 3' paved swale.
80. Install a traffic signal at Shepherd and Sunnyside Avenues and provide the necessary right-of-way for the signal in its ultimate location.
81. Modify the existing traffic signal at Shepherd and Clovis Avenues and provide any necessary right-of-way for the signal in its ultimate location.
82. The applicant shall dedicate and provide for a corner gateway at Shepherd and Clovis Avenues.
83. The applicant shall dedicate and provide for a corner gateway at Shepherd and Sunnyside Avenues.
84. The applicant shall dedicate and provide for trails along Shepherd Avenue, Sunnyside Avenue, Clovis Avenue and the Enterprise Canal.
85. The applicant shall dedicate and provide for corner paseos at Perrin Avenue and the North-South Street and at Sunnyside Avenue at the round-a-bout.
86. The applicant shall dedicate for a park, south of Phase 5 and north of the North-South Street.
87. All landscaping beyond the requirements of the Heritage Grove Design Guidelines shall be maintained by an H.O.A.

88. The Applicant shall modify the existing pedestrian bridge on the Enterprise Canal as necessary, to the approval of the City Engineer.
89. Provide for a Bridge at the Enterprise Canal and the North-South street between Clovis Avenue and Perrin Avenue.
90. The applicant shall relinquish all vehicular access to Shepherd Avenue, Clovis Avenue Perrin Avenue, Sunnyside Avenue and the North-South Street, for all the lots backing or siding onto these streets.
91. Applicant shall provide a dedication for a 10' public utility easement, where applicable, along all frontages or alternate widths approved by the utilities companies.
92. Applicant shall provide preliminary title report, legal description and drawings for all dedications required which are not on the site. All contact with owners, appraisers, etc. of the adjacent properties where dedication is needed shall be made only by the City. The City will prepare an estimate of acquisition costs including but not limited to appraised value, appraisal costs, legal costs, negotiation costs, and administrative costs. The applicant shall pay such estimated costs as soon as they are determined by the City.
93. The sideyard side of all corner lots shall have full width sidewalk except where planter strips or meandering sidewalk is proposed.
94. The applicant shall obtain "R Value" tests in quantity sufficient to represent all street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests.
95. The applicant shall, at the ends of any permanent pavement abutting undeveloped property, install 2" x 6" redwood header boards that shall be placed prior to the street surfacing.
96. Standard barricades with reflectors shall be installed at ends of streets abutting undeveloped property and any other locations to be specified by the City Engineer.

Sewer

97. The applicant shall install sanitary sewer mains of the size and in the locations according to the approved Master Plan or revisions approved by the City Engineer. The conditions of approval are based on draft versions of the Master Plan and are subject to change.
98. The applicant shall identify and abandon all septic systems to City standards.

99. The applicant shall install sanitary sewer mains of the size and in the locations indicated below, prior to occupancy. The sewer improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains will require approval of the City Engineer and must be supported by appropriate calculations.
- Shepherd Avenue - install 8" & 16" force mains along frontage
 - Clovis Avenue - install 12" main between.
 - North-South Street- install 12" main between Clovis Avenue and Perrin Avenue.
 - Perrin Avenue – install 10" between the west property line and Marion Avenue.
 - Interior streets - install 8" mains.
100. The applicant shall install one (1) 4" sewer service house branch to each lot within the tentative tract.
101. The applicant shall notify all property owners annexed to the City and along streets where a new sewer main will be constructed to determine if they wish to be connected to City sewer. Property owners shall work directly with the applicant regarding costs and location. The applicant shall notify property owners that sewer connection fees are required if they choose to connect.

Water

102. The applicant shall dedicate for a City well at this property.
103. Water well requirements: Prior to obtaining a building permit for the Tract Map, the applicant shall acquire and prove by a test hole a future reserve water well site, at a location to be approved by the City Engineer. The applicant shall demonstrate, to the satisfaction of the City Engineer and the City Fire Chief, that there will be adequate water pressure to serve the development to be constructed. The applicant shall provide the necessary infrastructure and improvement for the well at its ultimate location.
104. The applicant shall install water mains of the size and in the locations according to the approved Master Plan or revisions approved by the City Engineer. The conditions of approval are based on draft versions of the Master Plan and are subject to change.
105. The applicant shall identify and abandon all water wells to City standards.
106. The applicant shall install a City standard water service to each lot of the proposed subdivision. Water services shall be grouped at property lines to accommodate automatic meter reading system, including installation of connecting conduit.

107. The applicant shall notify all property owners' annexed to the City and along streets where a new water main will be constructed to determine if they wish to be connected to City water. Property owners shall work directly with the applicant regarding costs and location. The applicant shall notify property owners that water connection fees are required if they choose to connect.
108. Prior to recording a final map of any phase, the applicant shall demonstrate to the satisfaction of the City Fire Chief and City Engineer that there is adequate water pressure to serve the units to be constructed. The applicant shall work with the City Engineer to determine the adequacy of water supply/pressure for the proposed development.

Recycled Water

109. The applicant shall install recycled water mains of the size and in the locations according to the approved Master Plan or revisions approved by the City Engineer. The conditions of approval are based on draft versions of the Master Plan and are subject to change.
110. The applicant shall install recycled water mains of the sizes and in the locations indicated below. The recycled water improvements shall be in accordance with the City's master plans and shall match existing improvements. All areas utilizing recycle water for irrigation shall be clearly marked on the improvement plans. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of the mains will require approval of the City Engineer and may require appropriate calculations.
- Paseos, trails, and parks – install mains as necessary to serve the paseos, trails, and the parks.

Grading and Drainage

111. The applicant shall contact the Fresno Metropolitan Flood Control District (FMFCD) and address all requirements, pay all applicable fees required, obtain any required NPDES permit, and implement Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to reduce or eliminate storm water pollution. Plans for these requirements shall be included in the previously required set of construction plans, and shall be submitted to and approved by FMFCD prior to the release of any development permits.
112. Portions of the project appear to lie within a flood zone. The applicant shall comply with the requirements of the City's Municipal Code.
113. In the event permanent storm drainage facilities are not available, the applicant shall provide temporary on-site retention basins for storm water disposal and

provide a cash deposit for each basin to offset the City's cost of maintaining the basins. The size and design shall be in accordance with the requirements of the City Engineer and may change based on design calculations and access requirements for maintenance. The temporary pond maintenance deposit shall be based on size, depth, expected maintenance schedule, etc. However, the property owner shall be responsible for periodic cleaning of toxic material. The temporary basin is solely for the convenience of the subdivision.

114. The owner of the property on which the temporary basin(s) are located shall backfilled said basin(s) within ninety (90) days after notice is given by the City that the basin(s) are no longer needed. In the event the owner fails to backfill said basin(s) within said 90 days, the City may cause the basin to be backfilled. A lien to cover the cost of the work will be placed on the property, including the costs to prepare and enforce the lien. A covenant shall be prepared and recorded on the lot on which the basin(s) is/are located.
115. Grade differentials between lots and adjacent properties shall be adequately shown on the grading plan and shall be treated in a manner in conformance with City of Clovis Standard Drawing No. M-4 as modified by the City Council. Any retaining walls required on-site or in public right of way shall be masonry construction. All retaining walls shall be designed by a registered civil engineer.

Irrigation and Landscaping Facilities

116. The applicant, as a portion of the required tract improvements, shall provide landscaping and irrigation as required herein. The landscaping and irrigation shall be installed in public right-of-way and the area reserved for landscaping. The irrigation and landscape improvements shall be in accordance with the City's master plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Plans for the required landscaping and irrigation systems shall be prepared by an appropriately registered professional at the applicant's expense and shall be approved by the City of Clovis Planning and Development Services Department and Public Utilities Department prior to the beginning of construction or the recording of the final tract map, whichever occurs first. Landscape and irrigation facilities that the City Landscape Maintenance District shall maintain: the minipark, paseos, paseo lights, , entry features, landscape strips along Clovis, Shepherd, Sunnyside and Perrin Avenues, and the median islands in Clovis Avenue and in Shepherd Avenue.
117. All park and landscape improvements shall be installed, accepted for maintenance by the City prior to issuance of 40% of the Tract's building permits. If the park improvements are not constructed on the Outlot for any reason within two (2) years of the recordation of the final map of Tract, City shall have the right to request from surety and receive upon City's demand, sufficient funding to complete the construction of improvements for the park. The two year period may

be extended at City's sole option and discretion and upon such conditions as City shall determine.

118. The owner shall request annexation to and provide a covenant for the Landscape Maintenance District. The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election will be required for the establishment of the initial assessment. The assessment for each lot must be obtained from the City for the tax year following the recordation of the final map. The shall pay the estimated annual assessment per average sized lot , which is subject to change prior to issuance of building permit or final tract map approval and is subject to an annual change in the range of the assessment in the amount of the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI Index), plus two percent (2%). The owner/developer shall notify all potential lot buyers before they actually purchase a lot that this tract is a part of a Landscape Maintenance District and shall inform potential buyers of the assessment amount. Said notification shall be in a manner approved by the City. The owner/developer shall supply all pertinent materials for the Landscape Maintenance District.
119. The applicant shall comply with the City of Clovis Water Efficient Landscape Requirements Ordinance.
120. The applicant shall contact and address all requirements of the Fresno Irrigation District (FID). This may include dedicating easements, piping or relocating any existing FID canals and ditches, replacing any existing irrigation piping, concrete lining or improving any existing canals, construction or reconstruction of any canals, culverts, and bridge crossings. Plans for these requirements and improvements shall be included as in the previously required set of construction plans, and shall be submitted to and approved by FID prior to the release of any development permits or recording of the final tract map. If a FID or private irrigation line is to be abandoned, the applicant shall provide waivers from all downstream users.
121. The applicant shall indicate on construction drawings the depth, location and type of material of any existing Fresno Irrigation District's irrigation line along the proposed or existing street rights-of-way or onsite. Any existing canals shall be piped. The material of the existing pipe shall be upgraded to the proper class of rubber gasket pipe at all locations unless otherwise approved by the City Engineer.
122. The applicant shall apply to the Fresno Irrigation District (FID) for transfer of irrigation water rights to the City of Clovis, if the property has not already been removed from FID and transferred to the City. The applicant shall execute a "Request for Change of Relative Value" that can be obtained and processed through FID. The applicant shall provide a copy of the completed form to the City.

123. All existing agricultural irrigation systems either on-site or in public right of way, whether FID or privately owned, shall be identified prior to any construction activity on the site. Service to all downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not bear any burden as a result of development of the site. Therefore, the applicant shall pay all costs related to modification, relocation, or repair of any existing irrigation facilities resulting from or necessitated by the development of the site. The applicant shall identify on site plans and construction plans, all existing irrigation systems and their disposition (abandonment, repair, relocation, and/or piping). The applicant shall consult with the Fresno Irrigation District for any additional requirements for lines to be abandoned, relocated, or piped. The applicant shall provide waivers from all users in order to abandon or modify any irrigation pipelines or for any service interruptions resulting from development activities.
124. The applicant shall provide a landscape and irrigation perpetual maintenance covenant recorded for landscaping installed in the public right-of-way behind the curb including easements that will not be maintained by the Clovis Landscape Maintenance District. A recordable covenant must be submitted to and approved by the City of Clovis City Engineer prior to final map approval.
125. The applicant shall provide a perimeter wall perpetual maintenance covenant on all properties that have a perimeter wall that is installed on private property. A recordable covenant must be submitted to and approved by the City of Clovis City Engineer prior to final map approval.

Miscellaneous

126. The applicant shall install street lights streets on metal poles to local utility provider's standards at the locations designated by the City Engineer. Street light locations shall be shown on the utility plans submitted with the final map for approval. Street lights shall be owned and maintained by local utility providers. Proof of local utility provider's approval shall be provided.
127. The applicant shall install all major street monumentation and section corner monumentation within the limits of the project work in accordance with City Standard ST-32 prior to final acceptance of the project. Monumentation shall include all section corners, all street centerline intersection points, angle points and beginning and end of curves (E.C.'s & B.C.'s). The applicant/contractor shall furnish brass caps. Any existing section corner or property corner monuments damaged by this development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Brass caps required for installation of new monuments or replacement of existing monuments shall be provided by the contractor/applicant and approved by City prior to installation. Within five days after the final setting

of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present to the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.

128. A deferment, modification, or waiver of any engineering conditions will require the express written approval of the City Engineer.
129. The conditions given herein are for the entire development. Additional requirements for individual phases may be necessary pending review by the City Engineer.

GENERAL PLAN AMENDMENT GPA2017-07
REZONE R2017-18
Conditional Use Permit CUP2017-17
TENTATIVE TRACT MAP TM6200
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

PREPARED BY:



CITY *of* CLOVIS

PLANNING & DEVELOPMENT

1033 FIFTH STREET • CLOVIS, CA 93612

Planning Division
1033 Fifth Street
Clovis, CA 93612

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

April, 2018

ATTACHMENT 1



CITY *of* CLOVIS
PLANNING & DEVELOPMENT
1033 FIFTH STREET • CLOVIS, CA 93612

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, May 17, 2018, at 6:00 p.m.**, a public hearing will be conducted in the Council Chamber of the Clovis Civic Center, 1033 Fifth Street, Clovis, CA 93612. The Clovis Planning Commission will consider the following item:

Consider items associated with approximately 168 acres of land located on the northwest corner of Shepherd and Sunnyside Avenues. Various Owners; Lennar, applicant, Yamabe & Horn Engineering, representative.

1. GPA2017-07, A request to amend the circulation element of the General Plan and Heritage Grove Specific Plan for placement of a Shepherd Avenue access point on the north side of Shepherd Avenue, west of Sunnyside Avenue for future development. Additionally, a request to provide for reclassification of the designated Open Space area to a Mixed Use classification and relocation of the required Open Space within the Project site.
2. R2017-18, A request to approve a prezone from the AE20 (Agricultural Exempt.) Zone District to the R-1 (Single Family Residential) and P-F (Public Facilities) Zone District.
3. CUP2017-17, A request to approve a 586-lot Planned Residential Development with public streets.
4. TM6200, A request to approve a vesting tentative tract map for a 586-lot single-family planned residential development.

A Mitigated Negative Declaration has been completed for this project, pursuant to Section 15070 of CEQA. Recommendation of a proposed Mitigated Negative Declaration does not necessarily mean these projects will be approved. Hard copies and electronic copies of the proposed Mitigated Negative Declaration for this 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 by no later than 3:00 p.m. on May 17, 2018, and/or to appear at the hearing described above to present testimony in regard to the above listed requests. Questions regarding these items should be directed to Orlando Ramirez, Senior Planner at (559) 324-2345 or email at 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. Select "Planning Commission Agendas" from right side of the main page under "Frequently Visited." Reports will be available approximately 72 hours prior to the meeting time.

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

Dwight D. Kroll, AICP, Planning and Development Services Director
PUBLISH: Wednesday, April 25, 2018, *The Business Journal*



CITY of CLOVIS
PLANNING & DEVELOPMENT
1033 FIFTH STREET • CLOVIS, CA 93612

For County Clerk Stamp

DRAFT MITIGATED NEGATIVE DECLARATION

Proposed: May 17, 2018

Agency File No: GPA2017-07, R2017-18, CUP2017-17 & TM6200

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 GPA2017-07, Rezone R2017-18, Conditional Use Permit CUP2017-17 & Vesting Tentative Tract Map TM6200.

Project Location: Northwest corner of Shepherd and Sunnyside Avenues in the City of Clovis, CA.

Project Description: Consider items associated with approximately 168 acres of land located on the northwest corner of Shepherd and Sunnyside Avenues. Various Owners; LENNAR., applicant, Yamabe & Horn Engineering, representative.

GPA2017-07, A request to amend the circulation element of the General Plan and Heritage Grove Specific Plan for placement of a Shepherd Avenue access point on the north side of Shepherd Avenue, west of Sunnyside Avenue for future development. Additionally, a request to provide for reclassification of the designated Open Space area to a Mixed Use classification and relocation of the required Open Space within the Project site.

R2017-18, A request to approve a prezone from the AE20 (Agricultural Exempt.) Zone District to the R-1 (Single Family Residential) and P-F (Public Facilities) Zone District.

CUP2017-17, A request to approve a 586-lot Planned Residential Development with public streets.

TM6200, A request to approve a vesting tentative tract map for a 586-lot single-family planned residential development.

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. Accordingly, approval of a Mitigated Negative Declaration for the project is recommended. The City finds that the proposed activity 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 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: _____

Date: April 23, 2018

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 16850.

- **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.
- **Heritage Grove Specific Plan.** The Heritage Grove 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).** 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 2017-2018 Budget.** The budget provides information about city services, and objectives, annual spending plan for the 2017-2018 fiscal year, debt obligations, and the five-year Community Investment Program.
- **City of Clovis Economic Development Strategy (Adopted July 14, 2014).** 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,** February 21, 2018, An evaluation of the project impact on FMFCD facilities.
- **Fresno Metropolitan Flood Control District Letter,** February 21, 2018, 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,** December 29, 2018, An evaluation of project impacts on Fresno Irrigation District facilities.
- **City of Clovis Wastewater Collection System Master Plan Modification Review,** April 3, 2018, An evaluation of impacts to the Master Sewer Collection System.
- **Water Assessment from Provost and Pritchard,** March 30, 2018, An evaluation of impacts related to water resources.
- **Biological Assessment from Argonaut Ecological Consulting, Inc.,** February, 2018, An evaluation of biological impacts.
- **Cultural Resource Assessment from Applied EarthWorks, Inc.,** dated February, 2018, An evaluation of cultural resources.

- **Air Quality & Greenhouse Gas Analysis Report from Mitchell Air Quality Consulting**, January 5, 2018, An evaluation of the impacts related to Air Quality & Green House Gas.
- **Fresno County Department of Public Health**, letter dated December 18, 2017, providing standards for health related impacts.
- **Traffic Impact Study** by Peters Engineering Group for TM6200, Dated November 16, 2017, An evaluation of potential difference in traffic generation between the existing general plan land use and the proposed land use.
- **Department of Transportation District 6 Letter**, April 5, 2018, An evaluation of state highway impacts.
- **San Joaquin Valley Air Pollution Control District Letter**, December 28, 2017, An evaluation of project impact to air quality.
- **Clovis Unified School District Letter**, December 8, 2017, An evaluation of project impact to school facilities.

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

GPA2017-07, A request to amend the circulation element of the General Plan and Heritage Grove Specific Plan for placement of a Shepherd Avenue access point on the north side of Shepherd Avenue, west of Sunnyside Avenue for future development. Additionally, a request to provide for reclassification of the designated Open Space area to a Mixed Use classification and relocation of the required Open Space within the Project site.

R2017-18, A request to approve a prezone from the AE20 (Agricultural Exempt.) Zone District to the R-1 (Single Family Residential) and P-F (Public Facilities) Zone District.

CUP2017-17, A request to approve a 586-lot Planned Residential Development with public streets.

TM6200, A request to approve a vesting tentative tract map for a 586-lot single-family planned residential development.

The project consists of a request to approve a general plan amendment, rezone, conditional use permit, and vesting tentative tract map on approximately 168 acres of land located at the northwest corner of Shepherd and Sunnyside Avenues, currently in the County of Fresno, pending annexation into the City of Clovis. The request includes amending the circulation element, rezoning, and a planned residential development, providing connectivity to City services when available.

General Plan Amendment GPA2017-07 is requesting to amend the General Plan and Heritage Grove Specific Plan circulation element for placement of a Shepherd Avenue access point on the north side of Shepherd Avenue, east of Clovis Avenue for future development. Additionally, a request to provide for reclassification of the designated Open Space area to a Mixed Use classification and relocation of the required Open Space within the Project site.

Rezone R2017-18 is rezoning approximately 168 acres from the R-A (Single Family Residential - 24,500 Sq. Ft.) Zone District to the R-1-PRD (Planned Residential Development) and P-F (Public Facilities) Zone District.

Conditional Use Permit CUP2017-17 is requesting to approve a 586-lot Planned Residential Development with public streets.

Vesting Tentative Tract Map TM6200 includes a 586-lot single-family planned residential development with public streets.

The Project also includes demolition of structures, well and septic systems, grading, improvement of streets, and infrastructure to accommodate the tentative map.

The Project will be completed in accordance with the California Building Code; City of Clovis Municipal Code; and 2018 City of Clovis Standards.

Project Location

The proposed Project will be located within the City of Clovis in the County of Fresno (see Figure 1). The proposed Project site is located on northwest corner of Shepherd and Sunnyside Avenues (see Figure 2).



Figure 1 - Regional Location

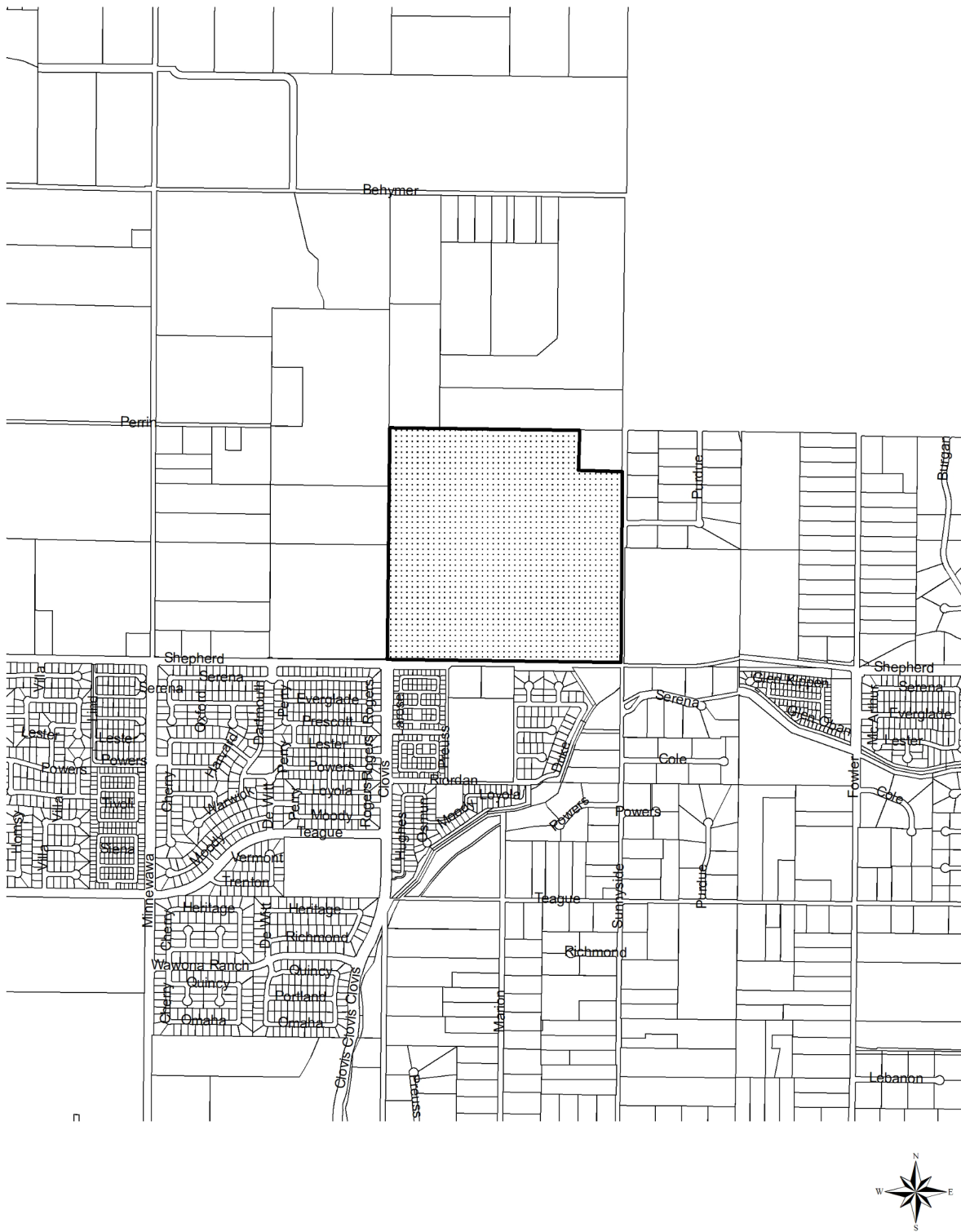


Figure 2 - Project Location

Proposed Design of the Site

Figure 3 shows proposed site plan.

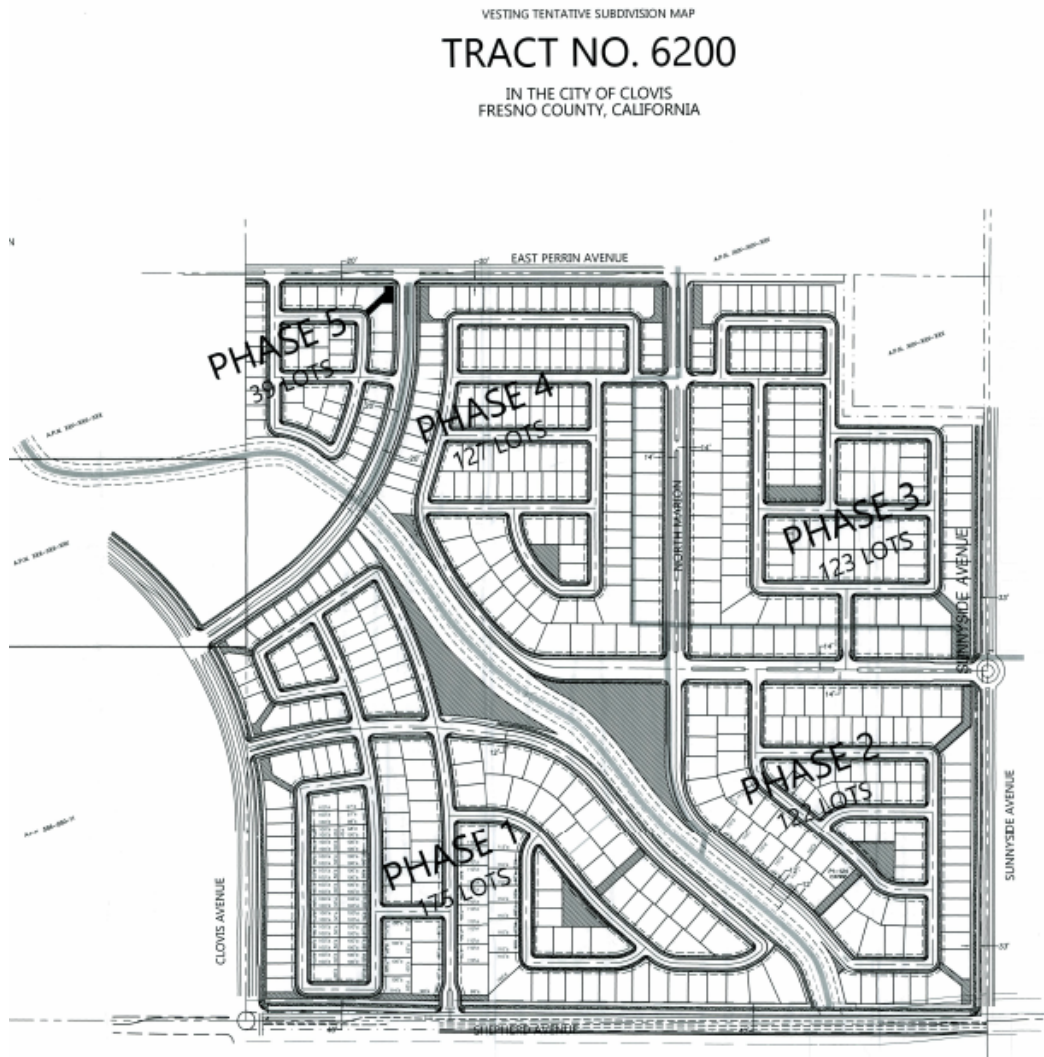


Figure 3 - Project Site Plan

Environmental Measures

Environmental measures are methods, measures, standard regulations, or practices that avoid, reduce, or minimize a project's adverse effects on various environmental resources. 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, would be implemented as part of the Project and incorporated into the City's approval processes for specific individual projects in the future. The City would 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 policies, 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' 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
3.1 Aesthetics <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.

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 is currently a rural residential use. The Project site proposes an R-1 zoning which permits two-story development, consistent with that allowed in urban development zoning. 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 located in a predominately urban area. The development of this parcel with single-story and two-story development would have a less than significant impact on scenic resources.
- c. The project site has a rural residential home and accessory structures. 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
3.2 Agriculture and forest resources <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"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.3 Air Quality <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 (O₃), nitrogen dioxide (NO₂), carbon monoxide (CO), sulfur dioxide (SO₂), coarse inhalable particulate matter (PM₁₀), fine inhalable particulate matter (PM_{2.5}), 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**

Pollutant	Averaging Time	Federal Primary Standard	State Standard
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 ₁₀	Annual	--	20 ug/m ³
	24-Hour	150 ug/m ³	50 ug/m ³
PM _{2.5}	Annual	15 ug/m ³	12 ug/m ³
	24-Hour	35 ug/m ³	--
Lead	30-Day Avg.	--	1.5 ug/m ³
	3-Month Avg.	1.5 ug/m ³	--

Notes: ppm = parts per million; ug/m³ = 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 PM₁₀ and CO, and nonattainment for PM_{2.5}. At the state level, the SJVAB is designated nonattainment for the 8-hour ozone, PM₁₀, and PM_{2.5} 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_x) 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 PM₁₀ emission of 15 tons per year (82 pounds per day).

While the SJVUAPCD CEQA guidance recognizes that PM₁₀ is a major air quality issue in the basin, it has to date not established numerical thresholds for significance for PM₁₀. However, for the purposes of this analysis, a PM₁₀ 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 PM₁₀ is consistent with the SJVUAPCD's ROG and NO_x 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 PM₁₀ Prohibitions. The SJVUAPCD guidelines provide feasible control measures for construction emission of PM₁₀ 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.

- a. 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 PM₁₀. 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 PM₁₀ 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 PM₁₀ 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. 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 PM₁₀. 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. Therefore, the Project would create a less than significant impact with existing measures incorporated.
- c. See responses to 3.3a and b above.
- 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 constructions 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
3.4 Biological Resources <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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The Project site is currently a rural residential use. The site is bounded by urban development to the south, rural residential to the east, and agricultural land to the north and west.

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.

CEQA Guidelines Section 15380 further provides that a plant or animal species may be treated as “rare or endangered” even if not on one of the official lists if, for example, it is likely to become endangered in the foreseeable future. This includes listed species, rare species (both Federal and California), and species that could reasonably be construed as rare.

- a. According to an assessment of the site performed by Live Oak Associates, Inc., the study area could potentially support aquatic habitat, wetlands, or waters of the U.S. Additionally, no evidence of any raptor nest(s) was observed on the property. Impacts in this category may be mitigated to a less than significant level with the mitigation measure listed below.
- 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 could potentially 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. Impacts in this category may be mitigated to a less than significant level with the mitigation measure listed below.
- e. 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 3.4a:** If any trees or shrubs are to be removed during the nesting season (Feb – Aug) then a preconstruction survey should be conducted within 30-15 days of commencement of construction. If vegetation removal occurs outside the nesting period then no preconstruction survey is needed.
- **Mitigation Measure 3.4d:** If any potential impact is presented towards any species listed in the Biological Study and the Department of Fish and Game analysis; i.e., California Tiger Salamander, Swainson’s Hawk, burrowing owl, and western pond turtle, or any nesting habitats, the applicant shall implement preconstruction surveys, provide environmental awareness training to workers, and if necessary, passively provide for relocation and biological monitoring of affected species; mitigating to a less than significant impact. The applicant shall also address Mitigation measures 1, 2 and 3 as presented by the California Department of Fish and Wildlife.

The project is not expected to create any significant impacts to biological resources with the inclusion of mitigation measures.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.5 Cultural Resources <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 Applied EarthWorks, Inc. who concluded that no archeological resources or historic properties exist on the property. However, if artifacts, bone, stone, or shell are discovered, an archeologist should be consulted for in field evaluation of the discovery.

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.

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 Applied EarthWorks, Inc. and concluded that there were no historic sites identified within the Project area.

- b. The proposed Project is not anticipated to 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; however with ground disturbance there is chance

that previously undiscovered archaeological and/or paleontological resources could be uncovered. The Project is subject to 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, Public Resources Code PRC 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 State 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
3.6 Geology and Soils <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"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater?	<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. Furthermore, the structure will be designed, approved and built to Office of Statewide Health Planning and Development (OSHDP) codes and standards.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.7 Greenhouse Gas Emissions <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 (CO₂), methane (CH₄), and nitrous oxide (N₂O) 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.¹ 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,

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

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).

In April 2009, the California Office of Planning and Research published proposed 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.

An Air Quality and Greenhouse Gas Analysis Report was performed by Mitchell Air Quality Consulting, dated January 5, 2018. The evaluation concluded that the project is consistent with the goals of the ARB and impact is less than significant.

Impacts

- a. 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. An Air Quality and Greenhouse Gas Analysis Report was performed by Mitchell Air Quality Consulting. The report 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.
- b. An Air Quality and Greenhouse Gas Analysis Report was prepared for the Project by Mitchell Air Quality Consulting. The evaluation addresses the potential for greenhouse gas emissions during construction and after full build out of the proposed Project.

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 report 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
3.8 Hazards and Hazardous Materials <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 of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 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

- b. Construction activities that could involve the release of hazardous materials associated with the 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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.9 Hydrology and Water Quality <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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

delineation map?				
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 polyaromatic 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 all landscaping associated with the Project 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 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 primarily 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.
- g. The Project would not place housing within a 100-year flood hazard area as mapped on the latest federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. 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 this project is not located in a 100-year flood area.
- h. The Project would not place within a 100-year flood hazard area structures 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 this project is not located in a 100-year flood area.
- i. The Project would not 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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.10 Land Use and Planning <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 not limited to the General Plan, Herndon-Shepherd Specific Plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The Project is consistent with the land use policies of the City, including the Clovis General Plan and Zoning Ordinance; therefore impacts in this category are avoided.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.11 Mineral Resources <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"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.12 Noise <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 working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 a rural 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, population and equipment related to single-family development, but the impacts are less than significant.
- 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 6.43 miles north of the Fresno Yosemite International Airport. The project site sits outside of the 60-65 CNEL noise contour of the airport. Therefore, the Project would not expose people to excessive airport or airstrip noise.
- f. The Project is not located within the vicinity of a private airstrip.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.13 Population and Housing <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 checked="" type="checkbox"/>	<input 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"/>

Environmental Setting

The proposed Project will generate or result in increased population in the area. The project includes a 586-lot single-family planned residential development. The number of new residents in the area would equal approximately 1,582 residents.

Impacts

- a. The Project could add 586 units to the area equating to approximately 1,582 new residents. It is anticipated that this development would introduce a number of new citizens to the City of Clovis, however it is considered to be less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.14 Public Services <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 checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The Project would not result in a significant increased demand for public services. The Project is consistent with the Clovis General Plan and associated utility planning documents; therefore impacts in this category are not anticipated to be significant.

Impacts

- a. The Project would 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. However, no additional personnel or equipment would be needed as a result of the Project. Therefore, impacts to fire services are considered less than significant.
- b. The proposed project would not result in substantial adverse physical impacts associated with the provision of police protection. This Project will be located within the City of Clovis and police protection services will be provided by the City of Clovis Police Department. No significant impacts to police services are anticipated as a result of this project.
- c. The Project site is located within the Clovis Unified School District. The Clovis Unified School District levies a per square foot school facilities fee to help defray the impact of residential development. The project is subject to the fees in place at the time fee certificates are obtained. The school facility fee paid by the developer to the school district reduces any potential impact to a less than significant level.
- d. Development of this site with 586 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 Project will contribute to the park funds.

- e. The Project would have a less than significant impacts on other public facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.15 Recreation <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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The project includes a 586-lot single-family planned residential development.

Impacts

- a. The proposed Project would not create new demand for any type of recreational facilities that were not already identified in the parks and recreation Element of the General Plan. The General Plan requires that all development contribute a proportionate share toward the development of parks throughout the community. The Project would have a less than significant impact to recreation.
- b. The General Plan requires a minimum of a four acres of park land be dedicated per every thousand people where Vesting Tentative Tract Map TM6200 is being proposed. The developer will be required to contribute a proportionate share towards the acquisition and development of the neighborhood park. The Project would have a less than significant impact to recreation.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.16 Transportation/Circulation <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 designates where bike lanes and pedestrian paths will occur.

Impacts

- The site is currently a rural residential and agricultural use. The Project proposal includes a 586-unit single-family planned residential development. New traffic will be introduced to the area as a result of the Project. However, impacts are considered less than significant.
- The current and proposed improvements with the project can accommodate the additional traffic, and that impacts are considered less than significant.
- 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 will reduce impacts to a less than significant level.
- 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.
- The Project will not result in inadequate emergency access. 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 requires contractors to keep emergency services informed of the location and progress of work.
- The Project will 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
3.17 Tribal Cultural Resources <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>				
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<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 resource 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.

Impacts

- a. A cultural resource assessment was prepared by Applied EarthWorks, Inc. (submitted February, 2018), 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 February 20, 2018. Tribes were provided an opportunity to request consultation. The City did not receive comments. The General Plan EIR includes existing measures which provide procedures in the case where resources are discovered. Therefore, impacts in this category are considered less than significant.

3.18 Utilities and Service Systems <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. The wastewater impacts were evaluated in accordance with the 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.
- 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 February 21, 2018, the district can accommodate the proposed project.
- d. 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.
- g. The Project will comply with federal, state, and local statutes as well as regulations related to solid waste by the City of Clovis.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.19 Mandatory Findings of Significance				
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 586-lot single-family planned residential development located on the northwest corner of Shepherd and Sunnyside Avenues, currently in the County of Fresno, but planned for annexation into 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.
- 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.
- 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.

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.

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 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. The Project area is not 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. Existing measures are incorporated to address Air Quality Standards 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 as well as special status animal species without 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. 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 MMTCO₂-eq by 2020, the construction related greenhouse gas emissions of this Project would be considered a less than significant cumulative impact.

The operational emissions from the Project would be as the result of indirect emissions from electricity usage of the well pump, emissions resulting from the occasional operation of the emergency back-up diesel generator when the power fails, and emissions from maintenance vehicles. These emissions would not be substantial and are considered less than significant. 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 3.3 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

With the implementation of the mitigation measure identified in Sections 3.1 (Aesthetics), land use impacts would be less than significant. The Project will not have significant impacts to housing or

population. The proposed Project is not expected to result in substantial cumulative impacts to land use planning, population or housing.

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 3.9 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.

Public Services

The proposed Project creates additional homes and residents but as identified in the initial study, 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. The proposed Project would not result in significant impacts to recreation uses and/or resources. 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 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 would have a less than 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 checked="" 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 checked="" type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Population / Housing | <input checked="" type="checkbox"/> Public Services | <input checked="" 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. 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.
 - **3.4a:** If any trees or shrubs are to be removed during the nesting season (Feb – Aug) then a preconstruction survey should be conducted within 30-15 days of commencement of construction. If vegetation removal occurs outside the nesting period then no preconstruction survey is needed.
 - **3.4d:** If any potential impact is presented towards any species listed in the Biological Study and the Department of Fish and Game analysis; i.e., California Tiger Salamander, Swainson’s Hawk, burrowing owl, and western pond turtle, or any nesting habitats, the applicant shall implement preconstruction surveys, provide environmental awareness training to workers, and if necessary, passively provide for relocation and biological monitoring of affected species; mitigating to a less than significant impact. The applicant shall also address Mitigation measures 1, 2 and 3 as presented by the California Department of Fish and Wildlife.

- 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 _____
Orlando Ramirez, Senior Planner

Date: April 23, 2018

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 GPA2017-07, Rezone R2017-18, Conditional Use Permit CUP2017-17 & Vesting Tentative Tract Map TM6200 Dated April 23, 2018

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)
3.1 Aesthetics				
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	<i>Prior to Permits and During Construction</i>	
3.4 Biological				
3.4a	If any trees or shrubs are to be removed during the nesting season (Feb – Aug) then a preconstruction survey should be conducted within 30-15 days of commencement of construction. If vegetation removal occurs outside the nesting period then no preconstruction survey is needed.	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
3.4d	If any potential impact is presented towards any species listed in the Biological Study and the Department of Fish and Game analysis; i.e., California Tiger Salamander, Swainson's Hawk, burrowing owl, and western pond turtle, or any nesting habitats, the applicant shall implement preconstruction surveys, provide environmental awareness training to workers, and if necessary, passively provide for relocation and biological monitoring of affected species; mitigating to a less than significant impact. The applicant shall also address Mitigation measures 1, 2 and 3 as presented by the California Department of Fish and Wildlife.		<i>Prior to Permits and During Construction</i>	

DRAFT RESOLUTIONS

**DRAFT
RESOLUTION 18-__**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING
A MITIGATED NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT GPA2017-
07, REZONE R2017-18, CONDITIONAL USE PERMIT CUP2017-17 AND VESTING
TENTATIVE TRACT MAP TM6200, PURSUANT TO CEQA GUIDELINES**

WHEREAS, the project proponent, Lennar, 8080 N. Palm Avenue, Suite 110, Fresno, CA 93711, has submitted various files including a General Plan Amendment GPA2017-07, Rezone R2017-18, Conditional Use Permit CUP2017-17 and Vesting Tentative Tract Map TM6200 for property located on northwest corner of Shepherd and Sunnyside Avenues, currently in the County of Fresno, currently seeking annexation into the City of Clovis; and

WHEREAS, the City of Clovis ("City") caused to be prepared an Initial Study (hereinafter incorporated by reference) in April 2018, for the Project to evaluate potentially significant adverse environmental impacts and on the basis of that study it was determined that no significant environmental impacts would result from this Project with mitigation measures included; and

WHEREAS, on the basis of this Initial Study, a Mitigated Negative Declaration has been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code, section 21000, et seq., and Guidelines for implementation of CEQA, 14 California Code of Regulations, sections 15000, et seq.; and

WHEREAS, the Planning Commission has independently reviewed, evaluated, and considered the Initial Study, Mitigated Negative Declaration and all comments, written and oral, received from persons who reviewed the Mitigated Negative Declaration, or otherwise commented on the Project.

NOW, THEREFORE, the Planning Commission of the City of Clovis resolves as follows:

1. Adopts the foregoing recitals as true and correct.
2. Finds that the Initial Study and Mitigated Negative Declaration for the Project are adequate and have been completed in compliance with CEQA and the CEQA Guidelines.
3. Finds and declares that the Initial Study and Mitigated Negative Declaration were presented to the Planning Commission and that the Planning Commission has independently reviewed, evaluated, and considered the Initial Study, Mitigated Negative Declaration and all comments, written and oral, received from persons who reviewed the Initial Study and Mitigated Negative Declaration, or otherwise commented on the Project prior to approving the Project and recommends the adoption of a Mitigated Negative Declaration for this project.
4. Approves and adopts the Mitigation Monitoring Program set forth in Exhibit B, including the mitigation measures identified therein and as described in the Mitigated Negative Declaration.

5. Directs that the record of these proceedings be contained in the Department of Planning and Development Services located at 1033 Fifth Street, Clovis, California 93612, and that the custodian of the record be the City Planner or other person designated by the Planning and Development Services Director.
6. The Planning and Development Services Director, or his/her designee, is authorized to file a Notice of Determination for the Project in accordance with CEQA and to pay any fees required for such filing.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission of the City of Clovis held on May 17, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

CLOVIS PLANNING COMMISSION RESOLUTION NO. 18-____

Date: May 17, 2018

Paul Hinkle, Chair

Dwight Kroll, AICP, Secretary

EXHIBIT “B”

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
3.1 Aesthetics				
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	<i>Prior to Permits and During Construction</i>	
3.4 Biological				
3.4a	<p>If any trees or shrubs are to be removed during the nesting season (Feb – Aug) then a preconstruction survey should be conducted within 30-15 days of commencement of construction. If vegetation removal occurs outside the nesting period then no preconstruction survey is needed.</p> <p>If any potential impact is presented towards any species listed in the Biological Study and the Department of Fish and Game analysis; i.e., California Tiger Salamander, Swainson's Hawk, burrowing owl, and western pond turtle, or any nesting habitats, the applicant shall implement preconstruction surveys, provide environmental awareness training to workers, and if necessary, passively provide for relocation and biological monitoring of affected species; mitigating to a less than significant impact. The applicant shall also address Mitigation measures 1, 2 and 3 as presented by the California Department of Fish and Wildlife.</p>	City of Clovis Planning	<i>Prior to Permits and During Construction</i>	
3.4d			<i>Prior to Permits and During Construction</i>	

**DRAFT
RESOLUTION 18-__**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING A GENERAL PLAN AMENDMENT GPA2017-07 AMENDING THE LAND USE ELEMENT FOR APPROXIMATELY 168 ACRES LOCATED AT THE NORTHWEST CORNER OF SHEPHERD AND SUNNYSIDE AVENUES

WHEREAS, Las Brisas Builders, Inc, 1396 W. Herndon Avenue, Suite #101, Fresno, CA 93711, has applied for a General Plan Amendment GPA2017-05; and

WHEREAS, The Applicant submitted an application for a General Plan Amendment to amend the circulation element of the General Plan and Heritage Grove Design Guidelines, for placement of a Shepherd Avenue access point on the north side of Shepherd Avenue, west of Sunnyside Avenue for future development. Additionally, a request to provide for reclassification of the designated Open Space area to a Mixed Use classification and relocation of the required Open Space within the Project site, in the City of Clovis, County of Fresno, California; and

WHEREAS, the proposed General Plan Amendment GPA2017-07, was assessed under the provisions of the California Environmental Quality Act (CEQA) and the potential effects on the environment were considered by the Planning Commission, together with comments received and public comments, and the entire public record was reviewed; and

WHEREAS, staff does recommend adoption of a Mitigated Negative Declaration for GPA2017-07; and

WHEREAS, a public notice was sent out to area residents within 800 feet of said property boundaries twenty-one days prior to said hearing; and

WHEREAS, a duly noticed hearing was held on May 31, 2018; and

WHEREAS, on May 31, 2018, the Planning Commission considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to General Plan Amendment GPA2017-07, which are maintained at the offices of the City of Clovis Department of Planning and Development Services; and

WHEREAS, after hearing evidence gathered by itself and on its behalf and after making the following findings, namely:

- a. The proposed amendment is internally consistent with the goals, policies, and actions of the General Plan; and
- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City; and
- c. If applicable, the parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated project.
- d. There is a compelling reason for the amendment.

NOW, THEREFORE, BE IT RESOLVED that the Clovis Planning Commission does recommend approval of General Plan Amendment GPA2017-07.

* * * * *

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on May 31, 2018, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 18-_____

DATED: May 31, 2018

Paul Hinkle, Chair

ATTEST:

Dwight Kroll, AICP, Secretary

**DRAFT
RESOLUTION 18-____**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS RECOMMENDING
APPROVAL TO REZONE APPROXIMATELY 168 ACRES FROM THE AE-20 (AGRICULTURE
EXEMPT) ZONE DISTRICT TO THE R-1 (SINGLE FAMILY RESIDENTIAL) AND P-F (PUBLIC
FACILITIES) ZONE DISTRICT FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF
SHEPHERD AND SUNNYSIDE AVENUES**

LEGAL DESCRIPTION:

See the attached Exhibit "One."

WHEREAS, Lennar, 8080 N. Palm Avenue, Suite 110, Fresno, CA 93711, has applied for a Rezone R2017-18; and

WHEREAS, this is a request to rezone approximately 168 acres from the AE20 (Agricultural Exempt.) Zone District to the R-1 (Single Family Residential) and P-F (Public Facilities) Zone Districts for property located on the on the northwest corner of Shepherd and Sunnyside Avenues, in the City of Clovis, California; and

WHEREAS, the Commission does approve a Mitigated Negative Declaration pursuant to CEQA guidelines.

WHEREAS, a public notice was sent out to area residents within 800 feet of said property boundaries twenty-one days prior to said hearing; and

WHEREAS, the Rezoning is in keeping with the intent and purpose of the Zoning Ordinance; and

WHEREAS, after hearing evidence gathered by itself and on its behalf and after making the following findings, namely;

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/projects. (§ 2, Ord. 14-13, eff. October 8, 2014)

NOW, THEREFORE, BE IT RESOLVED that the Clovis Planning Commission does recommend approval of Rezone R2017-18.

* * * * *

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on May 31, 2018, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 18-_____

DATED: May 31, 2018

Paul Hinkle, Chair

ATTEST:

Dwight Kroll, AICP, Secretary

**DRAFT
RESOLUTION 18-xx**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING
A CONDITIONAL USE PERMIT FOR A 586-LOT SINGLE-FAMILY PLANNED RESIDENTIAL
DEVELOPMENT, PUBLIC STREETS AND REDUCED SETBACKS FOR PROPERTY
LOCATED ON THE NORTHWEST CORNER OF SHEPHERD AND SUNNYSIDE AVENUES**

WHEREAS Lennar, 8080 N. Palm Avenue, Suite 110, Fresno, CA 93711, has applied for a Conditional Use Permit CUP2017-17; and

WHEREAS, this is a request to approve a conditional use permit to allow for a 586-lot Single-Family Planned Residential Development with public streets and reduced setbacks for properties located at the northwest corner of Shepherd and Sunnyside Avenues, in the City of Clovis; and

WHEREAS, a public notice was sent out to area residents within 800 feet of said property boundaries twenty-one days prior to said hearing; and

WHEREAS, a duly noticed hearing was held on May 31, 2018; and

WHEREAS, the proposed Conditional Use Permit CUP2017-17, was assessed under the provisions of the California Environmental Quality Act (CEQA) and the potential effects on the environment were considered by the Planning Commission, together with comments received and public comments, and the entire public record was reviewed; and

WHEREAS, staff does recommend adoption of a Mitigated Negative Declaration for CUP2017-17; and

WHEREAS, the Commission, has reviewed and considered the staff report and all written materials submitted in connection with the request including the conditions attached as Exhibit "A" to this resolution and incorporated herein by this reference, and hearing and considering the testimony presented during the public hearing; and:

1. That the site for the proposed use is adequate in size and shape to properly accommodate such use.
2. That the street plan in the neighborhood is adequate to handle the traffic generated by the proposed use.
3. That the proposed use will have no adverse effect on abutting properties and the permitted use thereon.
4. That the conditions of approval stated in this resolution are deemed necessary to protect the public health, safety, and general welfare.
5. That, based upon the Initial Study and comments received, there is no substantial evidence that the project will have a significant effect on the environment.
6. That the Clovis Planning Commission does approve a Mitigated Negative Declaration for the project.

7. That the Clovis Planning Commission does adopt a Mitigation Monitoring Program for the project; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Clovis Planning Commission does approve CUP2017-17, subject to the attached conditions labeled Exhibit "A."

* * * * *

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on May 31, 2018, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

CLOVIS PLANNING COMMISSION RESOLUTION NO. 18-xx

Date: May 31, 2018

Paul Hinkle, Chair

Dwight Kroll, AICP, Secretary

**DRAFT
RESOLUTION 18-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING
A VESTING TENTATIVE TRACT MAP FOR A 586-LOT SINGLE-FAMILY PLANNED
RESIDENTIAL DEVELOPMENT ON 168 ACRES OF PROPERTY LOCATED AT THE
NORTHWEST CORNER OF SHEPHERD AND SUNNYSIDE AVENUES**

WHEREAS, Lennar, 8080 N. Palm Avenue, Suite 110, Fresno, CA 93711, has applied for a Vesting Tentative Tract Map TM6200; and

WHEREAS, Vesting Tentative Tract Map TM6200, was filed on December 5, 2017, and was presented to the Clovis Planning Commission for approval in accordance with the Subdivision Map Act of the Government of the State of California and Title 9, Chapter 2, of the Municipal Code and the City of Clovis; and

WHEREAS, a public notice was sent out to area residents within 800 feet of said property boundaries twenty-one days prior to said hearing; and

WHEREAS, a duly noticed hearing was held on May 31, 2018; and

WHEREAS, after hearing evidence gathered by itself and on its behalf and after making the following findings, namely:

- a. The proposed map is consistent with applicable general and specific plans;
- b. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
- c. The site is physically suitable for the type of development;
- d. The site is physically suitable for the proposed density of development;
- e. The design of the subdivision or the type of improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- f. The design of the subdivision or the type of improvements is not likely to cause serious public health problems; and
- g. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through the use of property within the proposed subdivision.
- h. The dedication toward public right-of-way is proportionate to the development being requested.

WHEREAS, the Planning Commission has given careful consideration to this map on May 31, 2018, and does approve a Mitigated Negative Declaration for the project.

NOW, THEREFORE, BE IT RESOLVED that Vesting Tentative Tract Map TM6200, attached and labeled Exhibit "B," be and is hereby approved, subject to the attached conditions labeled Exhibit "A."

* * * * *

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on May 31, 2018, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

CLOVIS PLANNING COMMISSION RESOLUTION NO. 18-xx

Date: May 31, 2018

Paul Hinkle, Chair

Dwight Kroll, AICP, Secretary



April 19, 2018
Modified May 25, 2018

George Gonzalez, MPA
Long Range Planning
City of Clovis – Planning Division
1033 Fifth Street, Clovis, CA 93612
georgeg@cityofclovis.com
559.324.2383

RE: Tract 6200 NW corner of Shepherd and Sunnyside Avenues
General Plan Amendment, Letter of Justification

Dear Mr. Gonzalez,

We are pleased to provide this correspondence as fulfillment to the Letter of Justification requirement set forth in the City of Clovis General Plan Amendment provisions. Tract 6200, with its associated civil infrastructure improvements, calls for the development of lots ranging from 3,750 to 17,544, with R-1 zoning. The density range falls with the provisions of the General Plan. Related to this project, would like to propose two General Plan amendments: 1) an entry access street located on Shepherd Avenue, and 2) land use changes to create a park in the center of Tract 6200. Justification for these proposed amendments is as follows:

1) ACCESS OFF OF SHEPHERD AVENUE - Shepherd Avenue, inclusive of the frontage along Tract 6200, is currently identified on the City's General Plan as an Expressway Street. Typically, streets designated as an Expressway do not have midblock street entry access points. However, in the case of Tract 6200, the planned community would greatly benefit from the proposed midblock entrance on Shepherd Avenue (right-on, right-out only), as depicted on the submitted Tentative Tract Map 6200, in terms of providing and maintaining a steady ingress and egress of community traffic and "will not have a negative impact to the operations of the intersection of Shepherd Avenue and Clovis Avenue" per a traffic analysis by JLC Traffic Engineering. The study explains that with modifications to the storage capacity of turn lanes and the introduction of a right-hand turn lane at Shepherd Avenue and the limited access road, the westbound right-turning traffic "would have little to no effect on the traffic operations of Shepherd Avenue." This site has challenging site features that necessitate this change including topography and the Enterprise Canal. The presence of the Enterprise Canal means there are limited places for access points (none from the north or east) and creates a triangle shaped area. It would make sense from a circulation and access point-of-view to have entrances in the neighborhood from both Clovis Avenue and Shepherd Avenue. Additionally, the geographic features of the site with the canal being raised and the need for a vehicular bridge across the Canal create additional limitations of where entrances can be placed. We are asking that the street be reclassified as an arterial roadway or and expressway with limited access. A traffic review has been prepared and submitted to the City analyzing this request.

ATTACHMENT 3

2) LOCATION OF PARK USES AND MIXED USE ALONG CLOVIS AVENUE - The proposed land use changes include relocating some park acreage southeast along the Enterprise Canal into the heart of Tract 6200. The portion previously designated as park would be changed to a mixed-use village (MU-V) land use, in place of residential land use. We have worked with City staff to prepare a conceptual plan that illustrates how a mixed-use project would enhance and highlight the major gateway entry into Heritage Grove. This plan would also distribute park land uses in a more balanced way along the Enterprise Canal, which should encourage residents to use these facilities more regularly. This also allows for the opportunity to activate the public spaces in the area. Additionally, the park areas within Tract 6200 will be HOA maintained, which can be advantageous to the City from a maintenance perspective. There will be no change to overall net park acreage in Heritage Grove.

Based on conversations with planning staff, we are proposing the following language be included in the General Plan under Table LU-4. Mixed-Use Focus Areas and Specific Plans:

Area	Primary Land Use	Additional Uses Allowed	Design Features and Other Direction
15	Park Retail	- Office - Residential	- Master plan required - Western portion (2.5 acres) shall be public park - Eastern portion (3.5 acres) will be other permitted uses - View line from inside northbound lane in Clovis Avenue will highlight the park and public space - Priority should be given to integrating uses through plazas and walkways

Kindly,

Andrea Weaver
Project Manager
Yamabe and Horn Engineering
aweaver@yhmail.com

cc: Alison Baker, Lennar Homes

May 4, 2018

Lando Ramirez
City of Clovis – Planning Division
1033 Fifth Street, Clovis, CA 93612

At your request, we are providing additional narrative regarding our general plan amendment request to relocate some park acreage southeast along the Enterprise Canal into the heart of Tract 6200 and to designate a portion of area with a mixed-use land use (please note we have already provided an initial justification letter dated 4-19-18). The illustrative concept plan is the result of several discussions with City staff, including Dwight Kroll, Director of Planning and Development Services. The reasons for this GPA request include:

1. Increased connectivity/walkability – by having park space located at the center of Tract 6200, we improve walkability/access to the park for the residents living with the project (586 dwelling units). Additionally, the park will provide a linkage between the Dry Creek Trailhead and planned Heritage Grove regional park. The proposed location of the park is also along the planned Enterprise Canal trail in Heritage Grove, so anyone using the trail can stop to enjoy this park.
2. Our research indicates that one of the most desired amenities for new residential communities is walkable access to retail and services. A part of our GPA request is to designate a 3.5-acre area with Mixed Use land uses, allowing us to plan for future resident-serving commercial uses. The great thing about this unique location is that the future mixed-use area could also serve as an amenity for park patrons who are at the planned Heritage Grove regional park.
3. Preserved Viewscapes – the most current version of the concept plan (see attached exhibit) preserves the public open space as the focal highlight for traffic from the northbound left travel land. By activating the gateway park/mixed uses area with public and private uses, we will be able to create a welcoming environment for residents and visitors.
4. Timing – by including this park area within Tract 6200, we will be able to build the park with each phase of development, potentially accelerating the availability of this park for Clovis residents living in the area.
5. Maintenance – the park area within Tract 6200 will be managed by a Homeowner Association, which may have advantages for the City from a maintenance perspective.

As mentioned before, we have prioritized the viewscapes as directed by City staff. In fact, the concept site plan has been redesigned per sketches from Director Kroll. The attached exhibit shows an illustrative concept plan, which we believe will be a positive project for both the City and future residents. We are available to answer any questions you may have about this GPA request. Thank you for your consideration!



April 19, 2018

Lando Ramirez
City of Clovis – Planning Division
1033 Fifth Street, Clovis, CA 93612
orlandor@cityofclovis.com
559.324.2345

RE: Tract 6200 NW corner of Shepherd and Sunnyside Avenues
Additional Information

Dear Mr. Ramirez,

Per our conversations, please find below the additional information you requested regarding TM6200:

1. Land Use Density Explanation

TTM 6200 is conditioned to have the following density assignment, per the current City Plan:

23.06 AC	Low Density	Min 2.1 DU/AC	Max 4.0 DU/AC
111.27 AC	Medium Density	Min 4.1 DU/AC	Max 7.0 DU/AC

Working with the above numbers, the minimum and maximum density ranges are as follows:

Total DU (Lot) Count

Low Density	Min 48.426 DU	Max 92.24 DU
Med Density	Min 456.207 DU	Max 778.89 DU
<hr/>		
Total	Min 504.633 DU	Max 871.13 DU

Therefore, by blending the “City - Planned” Low and Medium Density for TTM6200 is planned to have between 504.633 to 871.13 DU (lots). The current TTM 6200 has a total lot count of 576 DUs, which falls within the 504.633 to 871.13 DU parameters, as planned by the City.

For reference, Lot Phasing is as follows:

Phase 1	175 lots
Phase 2	112 lots
Phase 3	123 lots
Phase 4	127 lots
Phase 5	39 lots

ATTACHMENT 5

2. Proposed Development Standards

TRACT NO. 6200 PROPOSED SETBACKS

LOT SIZE	FRONT YARD TO HABITABLE STRUCTURE	BACK OF SIDEWALK TO GARAGE	REAR YARD TO HABITABLE STRUCTURE	SIDE YARD	COVERAGE
50' X 75'	10'	20'	5'	4'	65%
50' X 100'	10'	20'	10'	5'	55%
55' X 100'	10'	20'	10'	5'	55%
60' X 100'	10'	20'	5'	10'	55%
70' X 110'	10'	20'	5'	10'	55%

Notes:

- Pedestrian easement – the project proposes a 2-foot pedestrian easement along all interior roadways to allow for the needed space for street trees between the street and sidewalk.
- Side entry garages will be allowed at the building setback.

3. List of Amenities

- a. Trails – project will have trails on Clovis Avenue, Shepherd Avenue, Sunnyside Avenue, and along the south side of the Enterprise Canal. There will be paseos that provide access to these trails from interior of the neighborhood.
- b. Twin parks – two public, HOA-maintained, parks will be located at the center of T6200. These parks will have both active and passive uses including play areas and gathering spaces. They will be on both sides of the Enterprise Canal, connected by a pedestrian bridge.
- c. Pocket parks – T6200 will have smaller pocket parks within each phase to provide additional option space.
- d. Gateway – as part of the project, there will be a Heritage Grove gateway feature at Clovis Avenue and Shepherd Avenue, as well as secondary gateway entries at the project entrances.
- e. Tree lined streets – the project is designed with tree lined streets (HOA maintained), that will provide shade and aesthetic beauty.

If you have any additional questions, please let us know.

Kindly,

Andrea Weaver
Project Manager
Yamabe and Horn Engineering
aweaver@yhmail.com

cc: Alison Baker, Lennar Homes

CORRESPONDENCE



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

David Pomaville, Director
Dr. Ken Bird, Health Officer

December 18, 2017

LU0019279
2604

George Gonzalez, Associate Planner
City of Clovis
Planning and Development Services Department
1033 Fifth Street
Clovis, CA 93612

Dear Mr. Gonzalez:

PROJECT NUMBER: **GPA2017-07, R2017-18, CUP2017-17, TM6200 & RO297**

GPA2017-07, A request to amend the General Plan Circulation Element to allow an access point on Shepherd Avenue. **R2017-18**, A request to approve a prezone of approximately 151.20 acres of land located at the northwest corner of Shepherd and Sunnyside Avenues from the County AE-20 Zone District to the Clovis R-1 and PF Zone Districts. **CUP2017-17**, A request to approve a conditional use permit for a 568-lot single-family planned residential development. **TM6200**, A request to approve a tentative tract map for a 586-lot single-family planned residential development for land. **RO297**, A resolution of Application for the Annexation of the Territory known as the Shepherd-Sunnyside NW Reorganization.

APN: 556-050-20

ZONING: AE-20 to R-1

ADDRESS: NWC Shepard & Sunnyside Avenues

Recommended Conditions of Approval:

- Construction permits for the proposed development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Construction permits for the proposed development should be subject to assurance that the City of Clovis community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.
- The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.

Promotion, preservation and protection of the community's health

1221 Fulton Mall / P. O. Box 11867, Fresno, CA 93775

(559) 600-3271 • FAX (559) 600-7629

The County of Fresno is an Equal Opportunity Employer

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Prior to destruction of agricultural wells, a sample of the upper most fluid in the water well column should be sampled for lubricating oil. The presence of oil staining around the water well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

- If any underground storage tank(s) are found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

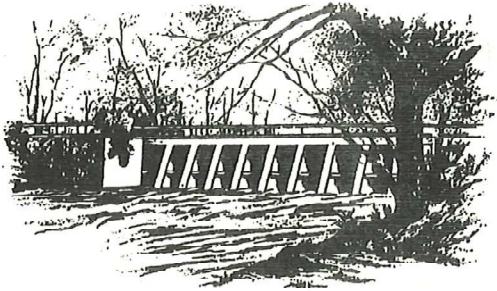
REVIEWED BY:

Kevin Tsuda, R.E.H.S.
Environmental Health Specialist II

(559) 600-3271

kt

cc: Steven Rhodes- Environmental Health Division (CT. 55.25)
Alison Baker- Applicant (Alison.baker@lennar.com)



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO
IRRIGATION DISTRICT

TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2208

December 29, 2017

George Gonzalez
Planning and Development Services Dept.
City of Clovis
1033 Fifth Street
Clovis, CA 93612

RE: Tentative Tract Map 6200
N/E Clovis and Shepherd avenues
FID's Enterprise No. 109 & Dottie Brown No. 439

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed the Tentative Tract Map 6200 for which the applicant request approval for a 586-lot single family planned residential development, APN: 556-050-20. This request is being processed concurrently with GPA2017-06, CUP2017-17, RO297, and R2017-14. FID has the following comments:

1. FID previously reviewed and commented on the proposed project on September 15, 2017 as Development Review Committee Application No. 2017-44. Those comments and conditions still apply and a copy has been attached for your reference.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact Chris Lundeen at (559) 233-7161 extension 7410 or clundeen@fresnoirrigation.com.

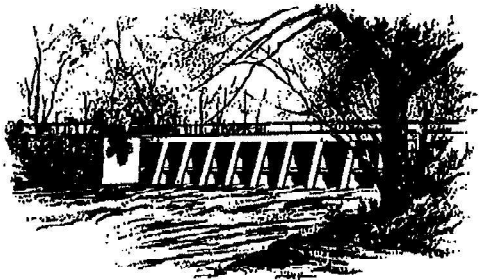
Sincerely,

Laurence Kimura, P.E.
Chief Engineer

Attachment

G:\Agencies\Clovis\Tract Map\6200.doc

BOARD OF DIRECTORS President RYAN JACOBSEN, Vice-President JERRY PRIETO, JR.
CHRISTOPHER WOOLF, GEORGE PORTER, GREGORY BEBERIAN, General Manager GARY R. SERRATO



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
**FRESNO
IRRIGATION DISTRICT**

TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93726-2208

September 15, 2017

Lily Cha
City of Clovis
Planning Division
1033 Fifth Street
Clovis, CA 93612

RE: Development Review Committee Application No. 2017-44
N/E Clovis and Shepherd avenues
FID's Enterprise No. 109 & Dottie Brown No. 439

Dear Ms. Cha:

The Fresno Irrigation District (FID) has reviewed Development Review Committee Application No. 2017-44 for which the applicant proposes a residential single family master plan community, APN: 556-050-16. FID has the following comments and conditions are as follows:

Area of Concern 1

1. FID's active Enterprise No. 109 Canal runs northwesterly, crosses Shepherd Avenue and Sunnyside Avenue south of the subject property and traverses the subject property, and as shown on the attached FID exhibit map, and will be impacted by the future development. Records do not show a recorded easement, however, FID does own an easement and the width is as shown on FID's attached Standard Detail Page No. 10. Should this project include any street and or utility improvements along Shepherd Avenue, Sunnyside Avenue or in the vicinity of the canal, FID requires it review and approve all plans.
2. FID requires that, within the limits of the proposed project [and its remainder], the landowner grant an exclusive easement for the land underlying the canal and associated area along the canal required for maintenance pursuant to Water Code Section 22425 and FID policy. FID's District Canal Right-of-Way Requirements sheet is enclosed for your reference. The proposed easement (width) will depend on several factors including: 1) Width of canal, 2) height of canal banks, 3) final alignment of canal, 4) additional space needed where roads/avenues intersect canal, etc.

G:\Agencies\Clovis\DRC Meetings\2017-44.doc

BOARD OF DIRECTORS President RYAN JACOBSEN, Vice-President JERRY PRIETO, JR.
CHRISTOPHER WOOLF, GEORGE PORTER, GREGORY BEBERIAN, General Manager GARY R. SERRATO

3. FID requires that the Engineer/Land Surveyor use the inside top hinge of the canal to define the edge of FID's right-of-way such that FID has a minimum of 20-feet at all points along the canal bank. There are no minimum or suggested numbers of survey shots to take but, there must be enough survey points such that the top inside hinge of the canal bank is properly identified. Before finalizing the Final Maps, the Engineer/Land Surveyor will need to stake both the inside top hinge and the right-of-way/property for FID Staff to field evaluate an adequate width. FID staff must field verify the right-of-way/property boundary and the hinge line edge before signing plans to ensure that there are enough survey points to properly define the canal.
4. Typically, for any type of development that impacts a large open canal or is adjacent to one such as the Enterprise Canal, FID requires the developer to improve the canal with either concrete lining, encasing the canal in a box culvert, or other approved means to protect the canal's integrity for an urban setting. FID does not have sufficient information to determine what kind of improvements will ultimately be required as part of the development. The engineers working on the project and FID's engineering staff must meet to discuss specific requirements as discussed below. In order to meet the "urban" standards for the canal, FID will require the following minimum conditions:
 - a. Channel Stabilization: The proposed plan does not indicate any improvements to the Canal. If the Developer is not willing to concrete line the Canal or place it underground within a box culvert, they must come up with another means acceptable to and approved by FID to protect the Canal's integrity. On similar projects, Developers typically propose the following:
 - i. Surrounding Development – All proposed building pad elevations must be a minimum of 12-inches above the canal's high water, unless separated by a roadway with curb and gutter.
 - ii. Freeboard – FID typically requires between 1.0 to 1.5 feet of freeboard. Because the Canal is used to route stormwaters, and is one of the larger canals used to convey the stormwater, FID will require a minimum of 1.5 feet of freeboard and a maximum of 2.0 feet. The Developer will be required to either import or export material to match FID's standards.
 - iii. Maintenance – this reach of Canal does have a history of high loads of sediment deposits which requires periodic dredging. FID will typically dredge the Canal and deposit the spoils on top of the banks to dry out. Once the spoil has dried, FID will flatten the spoil as time permits. This reach of Canal also has large volumes of trash, debris, shopping carts that are deposited into the Canal. FID's crews will typically remove the trash at the Shepherd Avenue bridge and another crew will come by to remove the trash. The hauling off of this material may occur several weeks after the trash has been placed on the side of the canal, and the trash may be considered a nuisance (sight and smell). If the Developer and/or City require a different level of maintenance effort, they will need to enter into an agreement for that purpose. The City and/or Developer will be responsible to fund the "higher level" of maintenance.

- b. Drive banks/maintenance roads and encroachments (both banks):
- i. Both banks must be of full-width cross section to the outside limits of the canal easement.
 - ii. One or both of the drive banks must be sloped a minimum of 2% away from the canal, 4% maximum, with provisions made for rainfall. Drainage will not be accepted into the Canal and must be routed away from FID property/drive banks. Runoff must be conveyed to nearby public streets or drainage system by drainage swales or other FID acceptable alternatives.
 - iii. One or both of the drive banks shall be overlaid with 3 inches of Class II aggregate base for all-weather access and for dust suppression.
 - iv. Encroachments - All existing trees, bushes, debris, fencing, and other structures must be removed within FID's property/easement.
5. If a fence will be installed between the development and open canal, a block/masonry wall shall be required. Chain-link and wood fencing will no longer be accepted for urban developments.
 6. Should a trail or walkway be placed adjacent to the canal, FID will require a minimum 4 feet tall pedestrian barrier for this development, located outside of its right-of-way, on both sides of the canal, for the length of the development. FID is open to suggestions regarding design.
 7. The existing farm bridge located approximately mid-way along the canal through the project area shall be removed; specifics regarding the removal will need to be discussed.

Area of Concern 2

1. FID's active Dottie Brown No. 439 Pipeline runs westerly along the north side of Shepherd Avenue and traverses the south side of the subject property, as shown on the attached FID exhibit map, in a variable 30 feet wide exclusive easement per attached Grant Deed and a 15 feet wide exclusive easement recorded January 125, 1974 as Doc. No. 6648 O.R.F.C. and will be impacted by the proposed project.
2. The attached plans for the Dottie Brown Pipeline indicate a section of the pipeline was installed in 1974 (42 years old) as 20-inch diameter Cast in Place Monolithic Concrete Pipe (CIP-MCP). CIP-MCP is a non-reinforced monolithic pipe that is easily damaged, extremely prone to leaks, and does not meet FID's current standards for developed (residential, industrial, commercial) parcels or urban areas and will need to be improved as part of the proposed project.

3. **Pipe Requirement** – FID requires the applicant pipe across the subject property, approximately 2,050 feet, with 18-inch inside diameter ASTM C-361 B-25 Rubber Gasket Reinforced Concrete Pipe (RGRCP), transitioning from the existing 21-inch RGRCP at the Head, in accordance with FID standards and that the Developer enter into an agreement with FID for that purpose.
 - a. In recent years, the most significant issue with pipelines has been caused by tree root intrusion into pipe joints. The roots enter through the rubber gasketed joint, thus creating a non-water tight joint causing leaks. If the roots continue to grow, the roots will eventually clog the pipe and reduce the flow capacity of the pipeline. This problem causes disruption to FID's customers and increases the risk of flooding in upstream open channel sections. Subsequent pipeline repairs can be very disruptive to public infrastructure, as well as to FID's operations. The leaking pipelines and pipeline repairs also increase the liability of all parties involved. FID requires external wrap be installed at all pipeline joints within the subject property or any areas where root intrusion may be a future concern based on the proposed improvement at the time of review. This method involves using mastic material that can be externally applied to pipe joints to provide a permanent seal against root intrusion. The product that has been approved is known as MacWrap from Mar Mac. FID is open to other products, but they would need to be reviewed and approved by FID.
 - b. FID requires its pipeline to be placed outside the backyards of the future parcels. Past experiences have shown that having pipe in residential backyards creates unexpected encumbrances to the property owners and results in unhappy home owners. In many cases, the new owners have not been able to construct swimming pools or landscape as they desire. A pipeline through the backyard also requires FID to remove fences and other surface features at the landowners expense in order for FID to gain access to the pipeline for inspections and/or repairs.
4. **Easement Requirements** – Should the pipeline be relocated outside the existing easements, FID requires the applicant grant to FID additional exclusive pipeline easement and an agreement be entered into with FID for that purpose.

Impacted Private Facilities

1. For informational purposes, a Private pipeline known as the Behymer No. 427 traverses the subject property as shown on the attached FID exhibit map and will be impacted by the proposed project. FID's records indicate this Private pipeline is active and should be treated as such. FID can supply the City with a list of known users upon request.

General Comments

5. FID requires the applicant and or the applicant's engineer contact FID at their earliest convenience to discuss specific requirements.
6. FID requires its easements be shown on all maps/plans with proper recording information, and that FID be made a party to signing the final map.

7. FID does not allow FID owned property or easements to be in common use with public utility easements but will in certain instances allow for its property to be in common use with landscape easements and trails if the City of Clovis enters into the appropriate agreement.
8. FID requires the applicant to submit for FID's approval a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the Canal, or result in drainage patterns that could adversely affect FID.
9. FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities.
10. Footings of retaining walls shall not encroach onto FID property/easement areas.
11. FID requires its review and approval of all Private and Public facilities that encroach into FID's property/easement. If FID allows the encroachment, the Public or Private party will be required to enter into the appropriate agreement which will be determined by FID.
12. FID is concerned that the proposed development may negatively impact local groundwater supplies. The area was historically agricultural land and a significant portion of its water supply was imported surface water, supplemented by groundwater pumping. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a conversion from imported surface water to groundwater, this deficit will increase. FID recommends the City of Clovis require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem.
13. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Clovis are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City of Clovis should consider the impacts of the development on the City's ability to comply with requirements of SGMA.
14. The above comments are not to be construed as the only requests FID will have regarding this project. FID will make additional comments and requests as necessary as the project progresses.

Lily Cha
Re: DRC 2017-44
September 15, 2017
Page 6 of 6

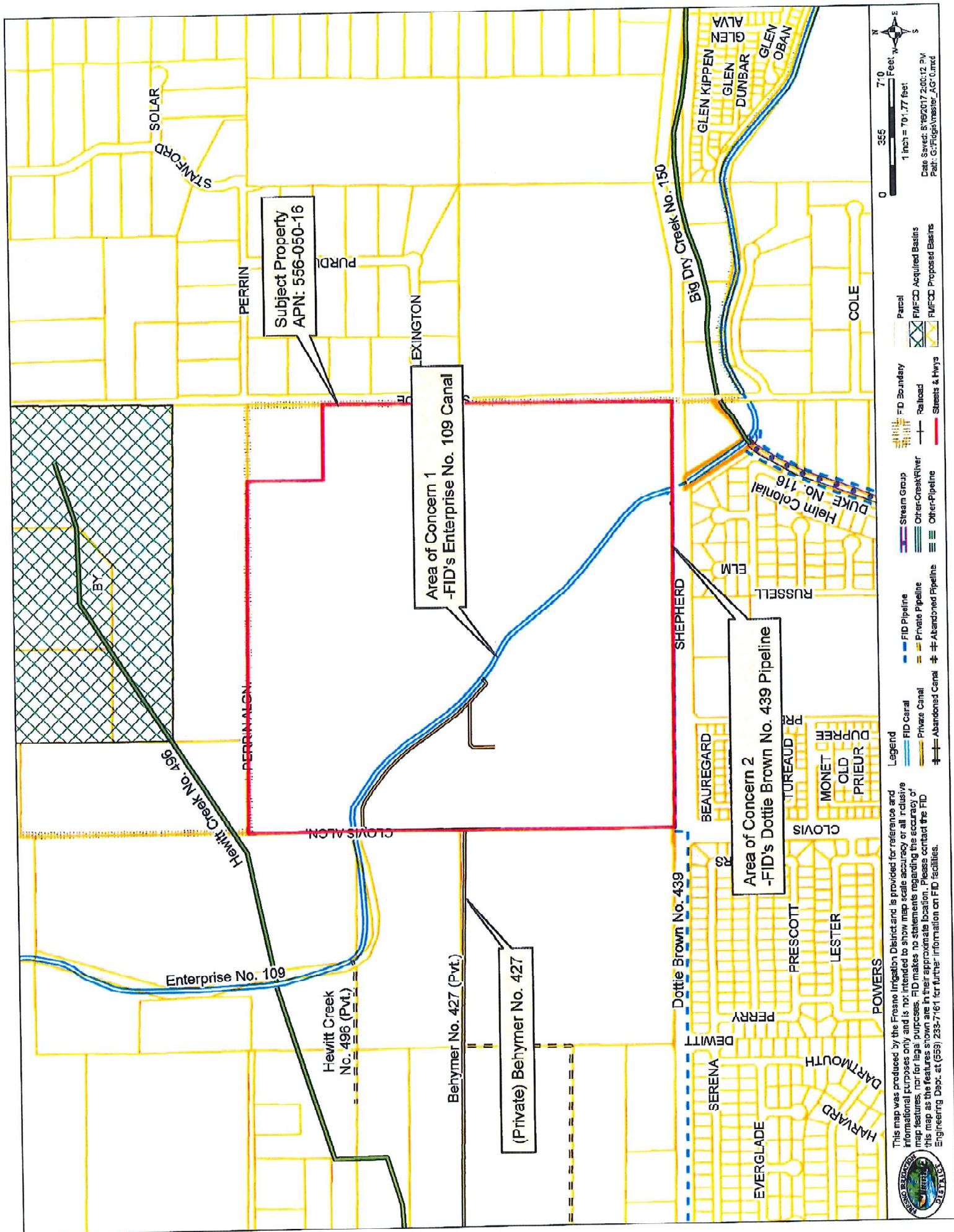
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact Chris Lundeen at (559) 233-7161 extension 7410 or clundeen@fresnoirrigation.com.

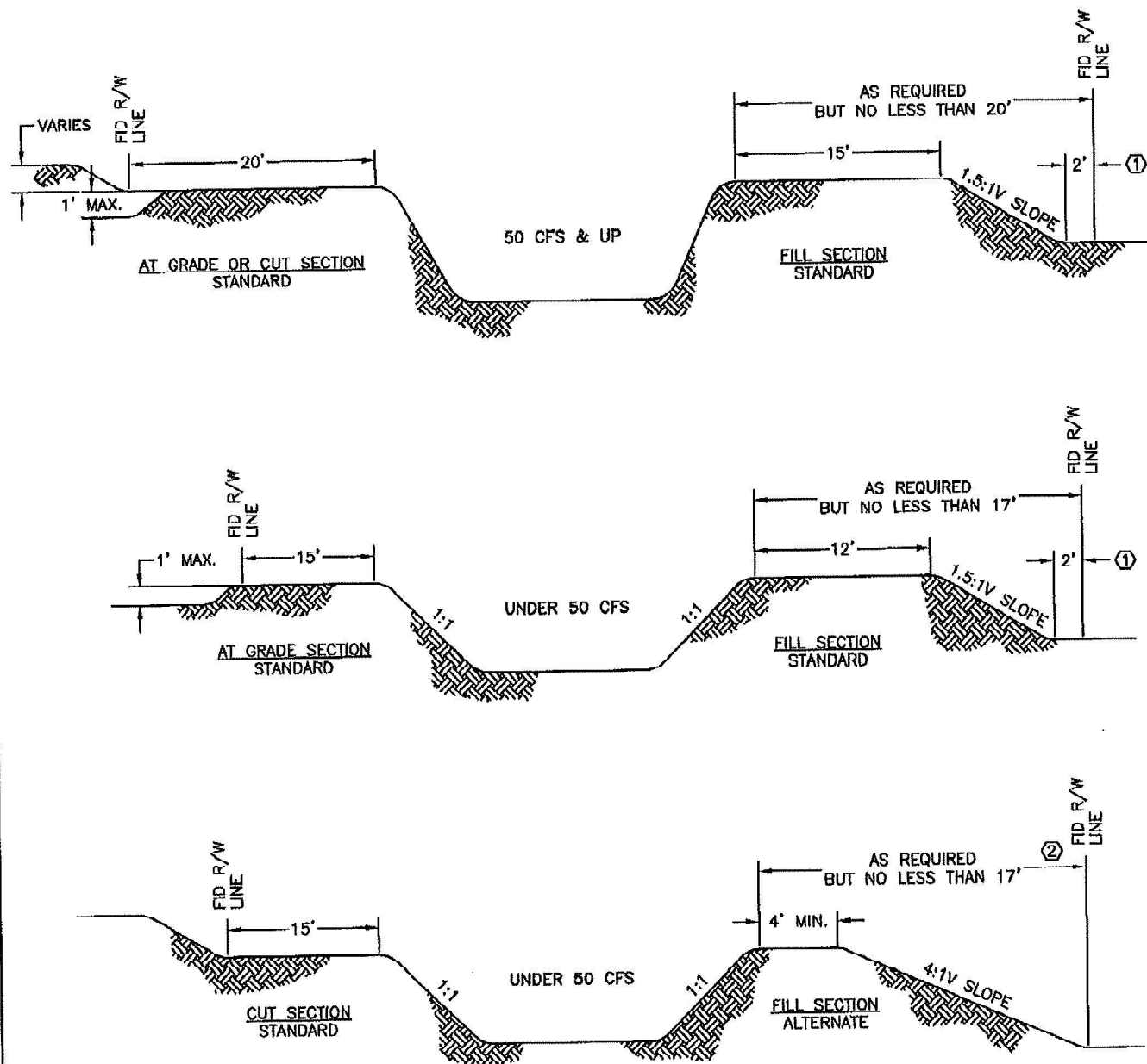
Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachment





NOTES:

ALL PRIVATE FACILITIES TO BE LOCATED OUTSIDE FID RIGHT-OF-WAY.

- ① ADD 2 FEET TO EMBANKMENT WIDTH TO ESTABLISH OVERALL RIGHT-OF-WAY WIDTH TO ACCOMMODATE GRADER BLADE CLEARANCE.

- ② THE ALTERNATE SECTION CAN NOT BE USED IF THE OVERALL WIDTH EXCEEDS THE STANDARD WIDTH AND IS PERMITTED ONLY WHEN DISTRICT OPERATIONS AND MAINTENANCE FUNCTIONS DO NOT REQUIRE A STANDARD ROADWAY.

DISTRICT CANAL RIGHT-OF-WAY REQUIREMENTS

STANDARD EASEMENT WIDTHS FOR OPEN CANALS AND PIPELINES

SOURCE:

Board Policy No. 155

Rev. 5/29/02

Section 22438 of the California Water Code, attached as Exhibit "A" hereto, entitles the District to a secondary easement on each side of any open canal for which the District holds a prescriptive easement, with the width of the secondary easement to be whatever is reasonably required by the District for maintenance, repair, cleaning and operations of the secondary easement and open canal with equipment owned by or available to the District for that use at the time the rights are exercised. Exhibit "B" attached hereto, sets forth the dimensions of secondary easements for Fresno Irrigation District canals which are deemed to be reasonably required and which are claimed by the District under Section 22438.

Easements for pipelines or for open canals for which the District holds a written grant or judgement providing a legal description of the easement are not subject to the secondary easement provisions of Section 22438. District activities and the locations of canal facilities are therefore restricted to the limits established by the legal description of the easement.

For the purposes of acquiring easements for pipelines by grant or condemnation, the standard easement requirements are shown on Exhibit "C", attached hereto. Extraordinary conditions or circumstances may dictate modification of the standard easement, but such modification shall be subject to approval of the Board of Directors.

**STANDARD EASEMENT WIDTHS FOR
OPEN CANALS AND PIPELINES
EXHIBIT "A"
SENATE BILL No. 891**

An act to add Section 22438 to the Water Code, relating to irrigation districts.

Approved by the Governor on July 5, 1989.

Filed with the Secretary of State July 5, 1989.

LEGISLATIVE COUNSEL'S DIGEST

SB 891, Vuich. Irrigation Districts: canal easements.

Under existing law, an irrigation district may acquire by any means any property or interest in property to carry out its purposes.

This bill would declare that whenever any irrigation district is the owner of an easement for an open canal for the transportation of water across lands not owned by it, other than as specified, the district shall have a secondary easement on each side of the open canal for the maintenance, repair, cleaning, operation, and control of the open canal, as prescribed, and would specify related matters.

The people of the State of California do enact as follows:

SECTION 1. Section 22438 is added to the Water Code, to read:

22438. (a) Whenever any district is the owner of an easement for an open canal for the transportation of water across lands not owned by it, other than an easement evidenced by a written grant or judgement providing a legal description of the easement, the district shall have a secondary easement on each side of the open canal for the maintenance, repair, cleaning, operation, and control of the open canal and such other use thereof as may be reasonably be required by the district in exercising those rights and in the maintenance, repair, cleaning, and operation of that easement and open canal with equipment owned by or available to the district for that use at the time the rights are exercised. The duration of the secondary easement shall be for so long as the district, or its successors or assigns, continues to own the open canal easement regardless of what use has or has not been made of the secondary easement.

(b) The owner of the land upon which a secondary easement is located, or any lessee of the land, shall have the right to use the surface of the land upon which the secondary easement is located for his or her own purposes to the extent that the use does not unreasonably interfere with the district's ownership or use of the secondary easement, or upon the open canal easement. Any encroachment or obstruction placed or permitted upon the secondary easement by the owner of the land or any lessee of the land, which unreasonably interferes with the secondary easement or the open canal easement, may be removed by the district at the owner's or lessee's expense, or by legal action filed by the district.

(c) This section shall not be construed to limit the right of a district or of any person to acquire any easement by prescriptive or condemnation or to enter into a written agreement concerning an easement or secondary easement upon such terms as are agreed upon the parties.

**STANDARD EASEMENT WIDTHS FOR
OPEN CANALS AND PIPELINES**

EXHIBIT "B"

(Page 1 of 3)

GENERAL REQUIREMENTS

The following requirements have been approved and adopted by the Board of Directors to provide a guideline for establishing adequate right-of-way widths for canals and ditches owned, operated, and maintained by the Fresno Irrigation District. Any extraordinary conditions, circumstances, misunderstandings, failure or refusal of a property owner to accept or comply with the general requirements described below should be brought to the immediate attention of the General Manager.

1. When establishing top of bank width required for operation and maintenance purposes, some existing top of bank widths may be more than required by the District, but in most cases, will be less. Therefore, the right-of-way line should be established in accordance with the requirements for future improvements, operations, and maintenance of the canal.
2. To determine the requirements for top of bank widths, canals and ditches shall be classified into two different categories. First, canals with banks which are not more than one foot (1.0') above the surrounding ground level will be classified in a "cut" category. Second, canals with banks which are more than one foot (1.0') above the adjacent ground level will be classified as "fill".
3. Required top of bank widths shall be measured on a level plane from the inside edge of the canal or ditch bank.
4. Canals with capacity of 50 CFS or more:
 - a). Canals which are in a "cut" or at grade shall require a top of bank width no less than twenty feet (20') wide.
 - b). Canals which are in a "fill" shall require a top of bank width of no less than fifteen feet (15') plus one and one-half feet (1.5') for each vertical foot outside of the bank slope plus an additional two feet (2') to establish the right-of-way line beyond the outside toe of the canal bank. Easement width will be as required or no less than twenty feet (20') from the top inside bank to Right of Way line.
5. Canals with a capacity of less than 50 CFS:
 - a). Canals which are in a "cut" shall require a top of bank width no less than fifteen feet (15') wide.
 - b). Canals which are in a "fill" shall require a top of bank width of no less than twelve feet (12') plus one and one-half feet (1.5') for each vertical foot outside of the bank slope. Plus an additional two feet (2.0') to establish the right of way line beyond the outside toe of the canal.

**STANDARD EASEMENT WIDTH FOR
OPEN CANALS AND PIPELINES
EXHIBIT "B"
(Page 2 of 3)**

6. Canals with a capacity less than 50 CFS: (Alternate):
 - a). Canals which are in a "cut" shall require a top of bank width no less than fifteen feet (15') wide.
 - b). Canals which are in a "fill" shall require a top of bank width of no less than four feet (4') plus four feet (4.0') for each vertical foot outside of the bank slope.
 - c). On smaller sloper type ditches, it may be necessary to resort to access along and outside the ditch, but in all cases the requirements should be established to prevent encroachments on the right-of-way.
 - d). The alternate section can not be used if the overall width exceeds the standard width and is permitted only when the District operations and maintenance functions do not require a standard road right of way.

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, water users on the Dottie Brown Ditch (Ditch #139), herein called the Grantors, in consideration of the sum of One Dollar (\$1.00) in hand paid, receipt of which is hereby acknowledged, do by these presents grant unto FRESNO IRRIGATION DISTRICT, a public corporation of the County of Fresno, State of California, for all the purposes and uses of said District, all the right title and interest of the Grantors in and to that certain real property situated in the County of Fresno, State of California, and particularly described as follows, to-wit:

That certain irrigation ditch commonly known as the Dottie Brown Ditch, together with the right of way therefore, the center line of which is located as follows, to-wit:

Commencing on the Southwest bank of the Fresno Irrigation District's Enterprise Canal, approximately 40 feet North and 610 feet West of the Southeast corner of Section 20, Township 12 South, Range 21 East, M. D. B. & M., running thence Westerly 2030 feet along the North side of Shepherd Avenue, thence Southerly 40 feet to the South side of Shepherd Avenue; thence Southwesterly 40 feet; thence Westerly 6600 feet along the South side of Shepherd Avenue; thence Southerly 1320 feet to approximately 1340 feet South and 1520 feet East of the northwest corner of Section 30, Township 12 South, Range 21 East, M. D. B. & M.

Also commencing on the South bank of the above described ditch, approximately 20 feet South and 2650 feet West of the Northeast corner of Section 29, Township 12 South, Range 21 East, M. D. B. & M., running thence Southerly 1330 feet; thence Westerly 2620 feet to the East side of Minnewawa Avenue approximately 1350 feet South and 30 feet East of the Northwest corner of Section 29, Township 12 South, Range 21 East, M. D. B. & M.,

which said ditch and said right of way are more particularly set forth, delineated and described on a certain map hereto attached, marked "Exhibit A" and hereby made a part of this indenture.

Should said ditch and right of way at any time hereafter be abandoned by the Fresno Irrigation District, or cease to be used for the purposes of said District, said ditch and right of way shall revert to the Grantors, their successors and assigns.

IN WITNESS WHEREOF, the Grantors have executed this instrument this 16th day of January, 1941.

Allen H. Carter
Trustee

The foregoing deed is hereby accepted this 5th day of May, 1941.

FRESNO IRRIGATION DISTRICT

Secretary

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, water users on the Dottie Brown Ditch (Ditch #1439), herein called the Grantors, in consideration of the sum of One Dollar (\$1.00) in hand paid, receipt of which is hereby acknowledged, do by these presents grant unto FRESNO IRRIGATION DISTRICT, a public corporation of the County of Fresno, State of California, for all the purposes and uses of said District, all the right title and interest of the Grantors in and to that certain real property situated in the County of Fresno, State of California, and particularly described as follows, to-wit:

That certain irrigation ditch commonly known as the Dottie Brown Ditch, together with the right of way therefor, the center line of which is located as follows, to-wit:

Commencing on the Southwest bank of the Fresno Irrigation District's Enterprise Canal, approximately 40 feet North and 610 feet West of the Southeast corner of Section 20, Township 12 South, Range 21 East, M. D. B. & M., running thence Westerly 2030 feet along the North side of Shepherd Avenue, thence Southerly 40 feet to the South side of Shepherd Avenue; thence Southwesterly 40 feet; thence Westerly 6600 feet along the South side of Shepherd Avenue; thence Southerly 1320 feet to approximately 1340 feet South and 1520 feet East of the Northwest corner of Section 30, Township 12 South, Range 21 East, M. D. B. & M.

Also commencing on the South bank of the above described ditch approximately 20 feet South and 2650 feet West of the Northeast corner of Section 29, Township 12 South, Range 21 East, M. D. B. & M., running thence Southerly 1330 feet; thence Westerly 2620 feet to the East side of Minnowawa Avenue approximately 1350 feet South and 30 feet East of the Northwest corner of Section 29, Township 12 South, Range 21 East, M. D. B. & M.

which said ditch and said right of way are more particularly set forth, delineated and described on a certain map hereto attached, marked "Exhibit A" and hereby made a part of this indenture.

Should said ditch and right of way at any time hereafter be abandoned by the Fresno Irrigation District, or cease to be used for the purposes of said District, said ditch and right of way shall revert to the Grantors, their successors and assigns.

IN WITNESS WHEREOF, the Grantors have executed this instrument

this 16th day of January, 1941.

<u>Rachel W. Maas</u>	Acts for Grantors	<u>James H. Maas</u>
<u>Clayton H. Maas</u>		<u>Carl B. Drake</u>
<u>Alga M. Ganssner</u>	Acts as C.B.D. H.O. Jr.	<u>Harry P. Drake, Jr.</u>
<u>Walter C. Lightner</u>		

KNOW ALL MEN BY THESE PRESENTS:-

That the undersigned, water users on the Dottie Brown Ditch (Ditch #439), herein called the Grantors, in consideration of the sum of One Dollar (\$1.00) in hand paid, receipt of which is hereby acknowledged, do by these presents grant unto FRESNO IRRIGATION DISTRICT, a public corporation of the County of Fresno, State of California, for all the purposes and uses of said District, all the right title and interest of the Grantors in and to that certain real property situated in the County of Fresno, State of California, and particularly described as follows, to-wit:

That certain irrigation ditch commonly known as the Dottie Brown Ditch, together with the right of way therefore, the center line of which is located as follows, to-wit:

Commencing on the Southwest bank of the Fresno Irrigation District's Enterprise Canal, approximately 40 feet North and 610 feet West of the Southeast corner of Section 20, Township 12 South, Range 21 East, M. D. B. & M., running thence Westerly 2030 feet along the North side of Shepherd Avenue, thence Southerly 40 feet to the South side of Shepherd Avenue; thence Southwesterly 40 feet; thence Westerly 6600 feet along the South side of Shepherd Avenue; thence Southerly 1320 feet to approximately 1340 feet South and 1520 feet East of the northwest corner of Section 30, Township 12 South, Range 21 East, M. D. B. & M.

Also commencing on the South bank of the above described ditch, approximately 20 feet South and 2650 feet West of the Northeast corner of Section 29, Township 12 South, Range 21 East, M. D. B. & M., running thence Southerly 1330 feet; thence Westerly 2620 feet to the East side of Minnowawa Avenue approximately 1350 feet South and 30 feet East of the Northwest corner of Section 29, Township 12 South, Range 21 East, M. D. B. & M.,

which said ditch and said right of way are more particularly set forth, delineated and described on a certain map hereto attached, marked "Exhibit A" and hereby made a part of this indenture.

Should said ditch and right of way at any time hereafter be abandoned by the Fresno Irrigation District, or cease to be used for the purposes of said District, said ditch and right of way shall revert to the Grantors, their successors and assigns.

IN WITNESS WHEREOF, the Grantors have executed this instrument this 16th day of January, 1941.

Per. George T. Devorak

Charles Brown

Margaret H. Brown

Harry V. Asker

John G. Brown

J. K. Brown

A. D. Brown

Carl Brown

J. K. Brown

MILTON G. COOPER & SON, INC.

Ida M. Beebe

1914

RESOLVED: That Philip A. Gordon, the President and Edith W. Campbell, the Secretary, respectively, of the Fresno Irrigation District, either jointly or severally be, and they are, and each of them is, hereby authorized to accept in the name and for and on behalf of the Fresno Irrigation District any and all deeds, conveyances or leases made or to be made to the said Fresno Irrigation District as grantee or lessee wherein any real property or interest therein is granted, conveyed or leased to said Fresno Irrigation District, and to endorse upon or attach to any and all such deeds, conveyances and leases the written acceptance thereof by the said Fresno Irrigation District.

I, Edith W. Campbell, Secretary of the Fresno Irrigation District, a public corporation, do hereby certify that the above and foregoing is a full, true and correct copy of a resolution duly passed and adopted by the Board of Directors of said Fresno Irrigation District at an adjourned meeting of said Board held at the office of said District and on the 20th day of December, 1940, and that said resolution has been duly entered in the minutes of said Board and the same has not been revoked or cancelled.

WITNESS my hand and the seal of said District this 5th day of May, 1941.


Secretary of the Fresno Irrigation District.

STATE OF CALIFORNIA }
 } ss.
County of Fresno }

On this *15th* day of *March* in the year one thousand
nine hundred and *forty-one* , before me, *Theola A. Buettner*
a Notary Public in and for said County and
State, residing therein, duly commissioned and sworn, personally
appeared *Olen H. Carter*

known to me to be the person described in, whose name
subscribed to and who executed the within instrument, and acknowledged
that *he* executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal, at my office in said County, the day and year in this
Certificate first above written.

Theola A. Buettner

Notary Public in and for said County
and State.

STATE OF ~~CALIFORNIA~~ ^{Georgia})
County of ~~San Diego~~ ^{Minneapolis} ss.

On this 4th-day of April in the year one thousand
nine hundred and 41, before me, John T. Blackman
a Notary Public in and for said County and
State, residing therein, duly commissioned and sworn, personally
appeared George G. Bennett

known to me to be the person described in, whose name
subscribed to and who executed the within instrument, and acknowledged
that executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal, at my office in said County, the day and year in this
Certificate first above written.

John T. Blackman N.P.
Notary Public in and for said County
and State.

My Commission Expires September 28, 1944

STATE OF CALIFORNIA)
County of San Mateo ss.
County of ~~Fresno~~

On this 2nd day of April May in the year one thousand
nine hundred and forty-one, before me,
Barbara W. McElroy a Notary Public in and for said County and
State, residing therein, duly commissioned and sworn, personally
appeared Frank N. Maas, Jr

known to me to ^{one of} be the person s described in, whose name is
subscribed to and who executed the within instrument, and acknowledged
that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal, at my office in said County, the day and year in this
Certificate first above written.

Barbara W. McElroy
Notary Public in and for said County
and State.

STATE OF MINNESOTA }
COUNTY OF RAMSEY } ss.

On this 23rd day of April in the year one thousand nine hundred and forty-one, before me, Olga M. Janssen, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Carl B. Drake and Harry T. Drake, Jr., known to me to be two of the persons described in, whose names are subscribed to and who executed the within instrument, and acknowledged that they executed the same.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals, at my office in said County, the day and year in this Certificate first above written.

Olga M. Janssen
Notary Public in and for said County
and State.

OLGA M. JANSSEN,
Notary Public, Ramsey County, Minn.
My Commission Expires Sept. 23, 1942.

STATE OF CALIFORNIA }
COUNTY OF FRESNO } SS

On this 3rd day of May in the year one thousand nine hundred and fortyone, before me ANSON J. GEMER a Notary Public in and for the County of Fresno, residing therein, duly commissioned and sworn, personally appeared Harvey Moore known to me to be the person whose name is subscribed to the within instrument as witness thereto, who being by me duly sworn deposed and said: that he resides in the County of Fresno, State of California, that he was present and saw Charles Preuss - Marguerite H. Preuss - Harry S. Askwith - Gregory Masikian - R. A. Norrish - F. W. Farrar - A. Devorak - E. W. Brown - L. B. Brown - Milton G. Cooper & Son Inc by Ida M. Beebe Secy -

(personally known to him to be the persons described in, and who executed the said within instrument as parties thereto), sign, seal and deliver the same; that the said persons duly acknowledge in the presence of said affiant, that they executed the same and that he the said affiant thereupon, and at the request of said persons subscribed his name as witness thereto.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the County of Fresno, the day and year in this certificate first above written.

Harvey Moore
Witness to above signatures

Anson J. Gemer
Notary Public in and for the
County of Fresno, State of
California.

My Commission Expires November 1, 1944

6648

AGREEMENT

RECORDED IN OFFICE OF COUNTY RECORDER FRESNO COUNTY, CALIFORNIA	
4 MIN. PAST 1 P.M.	
JAN 25 1974	
H. L. MASINI County Recorder	FEE \$

BOOK 6258 PAGE 992

THIS AGREEMENT, made and entered into this 25th day of January, 19 74, by and between ALTA VINEYARDS COMPANY, hereinafter referred to as "FIRST PARTY", P. R. FARMS, INC. and CHARLES PREUSS, hereinafter referred to as "SECOND PARTIES", and FRESNO IRRIGATION DISTRICT, a public corporation, hereinafter referred to as "THIRD PARTY":

W I T N E S S E T H:

WHEREAS, First Party is the owner of that certain real property in the County of Fresno, State of California, described as follows:

The Southeast quarter of Section 20, Township 12 South, Range 21 East, M.D.B.&M., and

WHEREAS, Second Parties are the owners of that certain real property in the County of Fresno, State of California, described as follows:

The Northeast quarter of Section 30, Township 12 South, Range 21 East, M.D.B.&M.,
The Northwest quarter of Section 29, Township 12 South, Range 21 East, M.D.B.&M., and

WHEREAS, Third Party owns a right of way thirty feet (30') wide over said real property of First Party for an irrigation ditch and a ditch thereon known as the Dottie Brown No. 439, the centerline of which is described as follows:

Commencing on the Southwest bank of the Fresno Irrigation District's Enterprise Canal, approximately 40 feet North and 610 feet West of the Southeast corner of Section 20, Township 12 South, Range 21 East, M.D.B.&M., running thence Westerly 1,750 feet more or less to a point located approximately 40 feet North and 2,360 feet West of said Southeast corner of said Section 20, and

WHEREAS, First Party and Second Parties, (second parties are downstream property owners and users of said open ditch), desire to substitute a twenty inch (20") inside diameter, concrete irrigation pipeline for said open ditch, within a right of way as provided herein, and Third Party is willing to consent to the installation and substitution of such pipeline for said open ditch subject to the conditions herein specified;

NOW, THEREFORE, it is agreed as follows:

GIS 4261

To be recorded with-out fee on behalf
of Fresno Irrigation District. *Arden J. Gaudin*

I.

First Party does hereby grant to Third Party the perpetual and exclusive right and easement to construct, install, maintain, alter, repair, improve, reconstruct, enlarge and supplement pipes, pipelines and conduits, and to flow and conduct water through said pipes, pipelines and conduits, across, over, through and under the following described real property, to-wit:

The Southeast quarter of Section 20, Township 12 South, Range 21 East, M.D.B.&M., and

in a perpetual and exclusive right of way and easement therefor consisting of a strip of land fifteen feet (15') wide, the centerline of which is described as follows:

Commencing on the Southwest bank of the Fresno Irrigation District's Enterprise Canal, approximately $37\frac{1}{2}$ feet North and 610 feet West of the Southeast corner of Section 20, Township 12 South, Range 21 East, M.D.B.&M., running thence Westerly 1,750 feet more or less to a point located approximately $37\frac{1}{2}$ feet North and 2,360 feet West of said Southeast corner of said Section 20,

together with all rights convenient or incidental thereto, including the right of ingress to and egress from said right of way and easement over and across said real property of First Party; and First Party for himself, his heirs, executors, administrators, successors and assigns, covenant and agree that no building, fence or other structure shall be constructed, and no trees, vines or shrubs shall be planted upon said right of way and easement, and that Third Party shall have the right, without notice, to remove any structures, fences, trees, vines, shrubs or other encroachments on said right of way and easement when necessary to lay, construct, reconstruct, repair or maintain said pipes, pipelines or conduits.

II.

First Party and Second Parties agree to lay, construct and install in and along the said right of way and easement hereinabove granted to Third Party a twenty inch (20") inside diameter precast concrete irrigation pipeline with twenty-one inch (21") inside diameter, concrete culvert pipe at all proposed or existing roads, streets, or alleys, and with inlet, outlet and such connections and other structures as may be specified by the engineer of Third Party. Said pipeline shall be constructed and the backfill made in accordance with

plans and specifications and upon a line and grade furnished or approved by Third Party; and the top of said pipeline shall be not less than twenty-four inches (24") below the surface of the surrounding ground and any proposed or existing roads, streets or alleys crossed thereby. All pipe shall be laid and installed in a good workmanlike manner.

III.

All precast concrete irrigation pipe herein agreed to be installed, if any, shall meet the minimum requirements of A.S.T.M. Specifications C 118-70 T, and shall be laid in accordance with specifications recommended by Western Concrete Pipe Association for the installation of concrete irrigation pipe.

Any other type of irrigation pipe herein agreed to be installed shall be constructed and installed in accordance with the requirements of Third Party.

IV.

First Party and Second Parties agree to commence the laying and installation of the said pipeline and structures within a reasonable time, and to complete the installation thereof not later than March 1, 1974. First Party and Second Parties agree that the construction and installation of said pipeline and structures shall not interfere with the flow or distribution of water through the present facilities as required by Third Party.

V.

Third Party shall at its own expense level the said open ditch, prepare the right of way for trenching, and backfill the completed pipeline. Second Parties shall, within thirty (30) days after the completion of the work, pay the entire cost of laying, constructing and installing said pipeline, inlets, outlets and other structures, including the costs of labor, materials, equipment, trenching, installing and testing, except the following portion thereof, which shall be paid by Third Party:

Twenty-five per cent (25%) of the cost of said twenty inch precast pipeline, except structures appurtenant thereto, or \$1,500.00, whichever is the lesser.

In the event that Third Party shall pay any portion of the cost of the above described installation, First Party and Second Parties do hereby grant to Third Party the right to call for bids for said installation and do further grant to Third Party the right to award the contract for said installation to the lowest qualified bidder.

In the event that Second Parties shall not pay all costs herein agreed to be paid by Second Parties and complete such work in accordance herewith, Third Party may, but shall not be required to, pay such costs and complete such work, and Second Parties do hereby agree to repay to Third Party any amounts so expended, with interest thereon at the rate of 7% per annum. Second Parties do hereby create a lien upon all of Second Parties real property hereinabove described to secure such repayment to Third Party.

VI.

First Party and Second Parties agree to keep and maintain said pipeline, inlets, outlets and other structures appurtenant thereto, in good operating condition and repair for a period of two (2) years after the completion of construction and the acceptance thereof by Third Party, and to pay all costs of such repairs and maintenance and of any replacement of any part thereof, required to maintain said pipeline and structures in good operating condition. First Party and Second Parties agree that in the event they shall fail, neglect or refuse to repair, maintain or replace any part of said pipeline or structures, during said period of two (2) years, Third Party shall have the right, but shall not be required to make any such repairs or replacements. Second Parties do hereby agree to repay to Third Party the cost of any such repairs or replacements with interest at the rate of 7% per annum. Second Parties do hereby create a lien upon all of Second Parties real property hereinabove described to secure such repayment to Third Party.

VII.

First Party and Second Parties agree that upon construction and installation the said pipeline, inlets, outlets and other structures

shall become and remain the property of Third Party and that First Party and Second Parties shall have no right, title or interest therein. First Party and Second Parties further agree that said easement and said pipeline, and any other pipelines and conduits to be constructed therein by or for Third Party, and the manner, method and time of conducting and discharging water through said pipeline, pipelines, or conduits, shall be in the sole and absolute control of Third Party and the nature and extent of said right of way and easement shall in no wise be diminished or restricted by the construction of said pipeline by First Party and Second Parties.

VIII.

Upon full performance of this agreement by First Party and Second Parties and the acceptance of said pipeline and structures by Third Party, Third Party agrees to abandon that portion of its present Dottie Brown Ditch No. 439, and right of way which will be replaced by said pipeline and easement, which are not within the rights of way and easements herein granted to Third Party.

IX.

This agreement shall apply to and bind the heirs, executors, administrators, successors and assigns of the respective parties hereto,

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above mentioned.

Sunland Vineyards Co.
Alta Vineyards Company

"FIRST PARTY"

FRESNO IRRIGATION DISTRICT

By:

Winston Strong

Attest:

August J. Jordan

"THIRD PARTY"

P. R. Farms, Inc.

Charles Preuss
 Charles Preuss

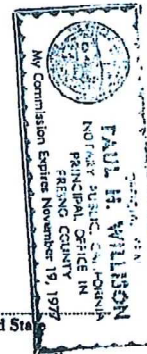
"SECOND PARTIES"

SUBSCRIBING WITNESS

Bill Haffey

State of California)
County of Fresno) ss.

BOOK 6259 PAGE 997



On this 25th day of January, in the year one thousand nine hundred and seventy-four, before me, Paul H. Willison, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Winston Strong, President and Ardys T. Gorder, known to me to be the Secretary of the Fresno Irrigation District, the corporation that executed the within instrument, and known to me to be the person S who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said County, the day and year in this Certificate first above written.

CORPORATION ACKNOWLEDGMENT
Kilner Stationery Co.
1916 Echo

FORM K108

Notary Public in and for said County and State

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.

On the 25th day of January, in the year one thousand nine hundred and seventy-four, before me Ardys T. Gorder, a Notary Public in and for the County of Fresno, State of California, personally appeared Bill Coffey, personally known to me to be the person whose name is subscribed to the within instrument as a subscribing witness thereto, who, being by me first duly sworn, deposed and said that he resides in the County of Fresno, State of California, that he was present when

Sunland Vineyards Co. - Cecil Melikian, Vice-Pres.

P. R. Farms, Inc. - Pat Ricchiuti, Pres.

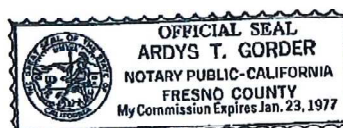
Charles Preuss

known to him to be the persons described in said instrument, executed said instrument, that he saw each of said persons subscribe and execute said instrument, and that he subscribed his name to said instrument as a witness.

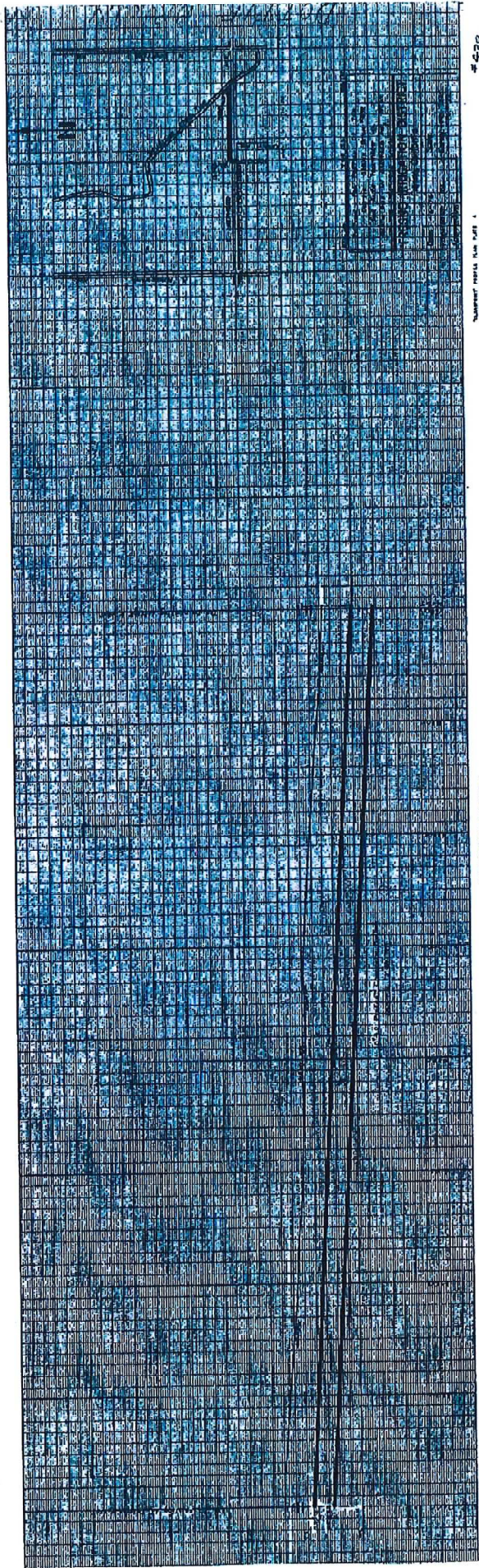
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

(Seal)

Ardys T. Gorder
Notary Public in and for the
County of Fresno, State of
California



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**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS**

File No. 210.433

Page 1 of 5

PUBLIC AGENCY

GEORGE GONZALEZ
PLANNING AND DEVELOPMENT SERVICES
CITY OF CLOVIS
1033 FIFTH STREET
CLOVIS, CA 936112

DEVELOPER

ALISON BAKER, LENNAR
8080 N. PALM AVE., SUITE 110
FRESNO, CA 93711

PROJECT NO: **2017-017**

ADDRESS: **NWC SHEPHERD AND SUNNYSIDE AVE.**

APN: **556-050-20S**

SENT: **2/21/18**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)
BC	\$341,347.00	NOR Review *	\$6,619.00 To be paid prior to release of District comments to Public Agency and Developer.
BY2	\$1,219,404.00	Grading Plan Review *	\$18,472.00 Amount to be submitted with first grading plan submittal.
		Storm Drain Plan Review *	For amount of fee, refer to www.fresnofloodcontrol.org for form to fill out and submit with first storm drain plan submittal (blank copy attached).
Total Drainage Fee: \$1,560,751.00		Total Service Charge: \$25,091.00	

* The Development Review Service Charge shown above is associated with CL TRACT 6200 and is currently proposed to develop in conjunction with this permit. Payment for this entitlement shall satisfy the amount due on the associated permits.

The proposed development will generate storm runoff which produces potentially significant environmental impacts and which must be properly discharged and mitigated pursuant to the California Environmental Quality Act and the National Environmental Policy Act. The District in cooperation with the City and County has developed and adopted the Storm Drainage and Flood Control Master Plan. Compliance with and implementation of this Master Plan by this development project will satisfy the drainage related CEQA/NEPA impact of the project mitigation requirements.

Pursuant to the District's Development Review Fee Policy, the subject project shall pay review fees for issuance of this Notice of Requirements (NOR) and any plan submittals requiring the District's reviews. The NOR fee shall be paid to the District by Developer before the Notice of Requirement will be submitted to the City. The Grading Plan fee shall be paid upon first submittal. The Storm Drain Plan fee shall be paid prior to return/pick up of first submittal.

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/18 based on the site plan submitted to the District on 12/08/17 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

Considerations which may affect the fee obligation(s) or the timing or form of fee payment:

- a.) Fees related to undeveloped or phased portions of the project may be deferrable.
- b.) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.
- c.) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d.) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.
- e.) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.
- f.) Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the General Manager of the District within 60 days from payment of the fee. A non refundable \$300 Administration fee or 5% of the refund whichever is less will be retained without fee credit.

**CL
CUP
No. 2017-017**

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS**

Page 2 of 5

Approval of this development shall be conditioned upon compliance with these District Requirements.

1. ☐ a. Drainage from the site shall
☒ b. Grading and drainage patterns shall be as identified on Exhibit No. 1
☐ c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.

2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:
☒ Developer shall construct facilities as shown on Exhibit No. 1 as MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER.
☐ None required.

3. The following final improvement plans and information shall be submitted to the District for review prior to final development approval:
☒ Grading Plan
☒ Street Plan
☒ Storm Drain Plan
☒ Water & Sewer Plan
☒ Final Map
☒ Drainage Report (to be submitted with tentative map)
☐ Other
☐ None Required

4. Availability of drainage facilities:
☐ a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).
☐ b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
☐ c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.
☒ d. See Exhibit No. 2.

5. The proposed development:
☒ Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)
☐ Does not appear to be located within a flood prone area.

6. ☒ The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

**CL
CUP No. 2017-017**

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS**


Page 3 of 5

**CL
CUP No. 2017-017**

7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
- a. State General Permit for Storm Water Discharges Associated with Construction Activities, effective July 1, 2010, as amended. A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre) if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent and Permit Registration Documents to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
 - b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 2014 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
 - c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.
10. X See Exhibit No. 2 for additional comments, recommendations and requirements.



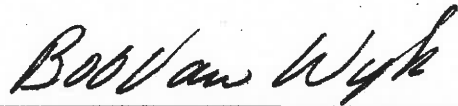
Peter Sanchez
District Engineer



Denise Wade
Project Engineer

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS**

Page 5 of 5

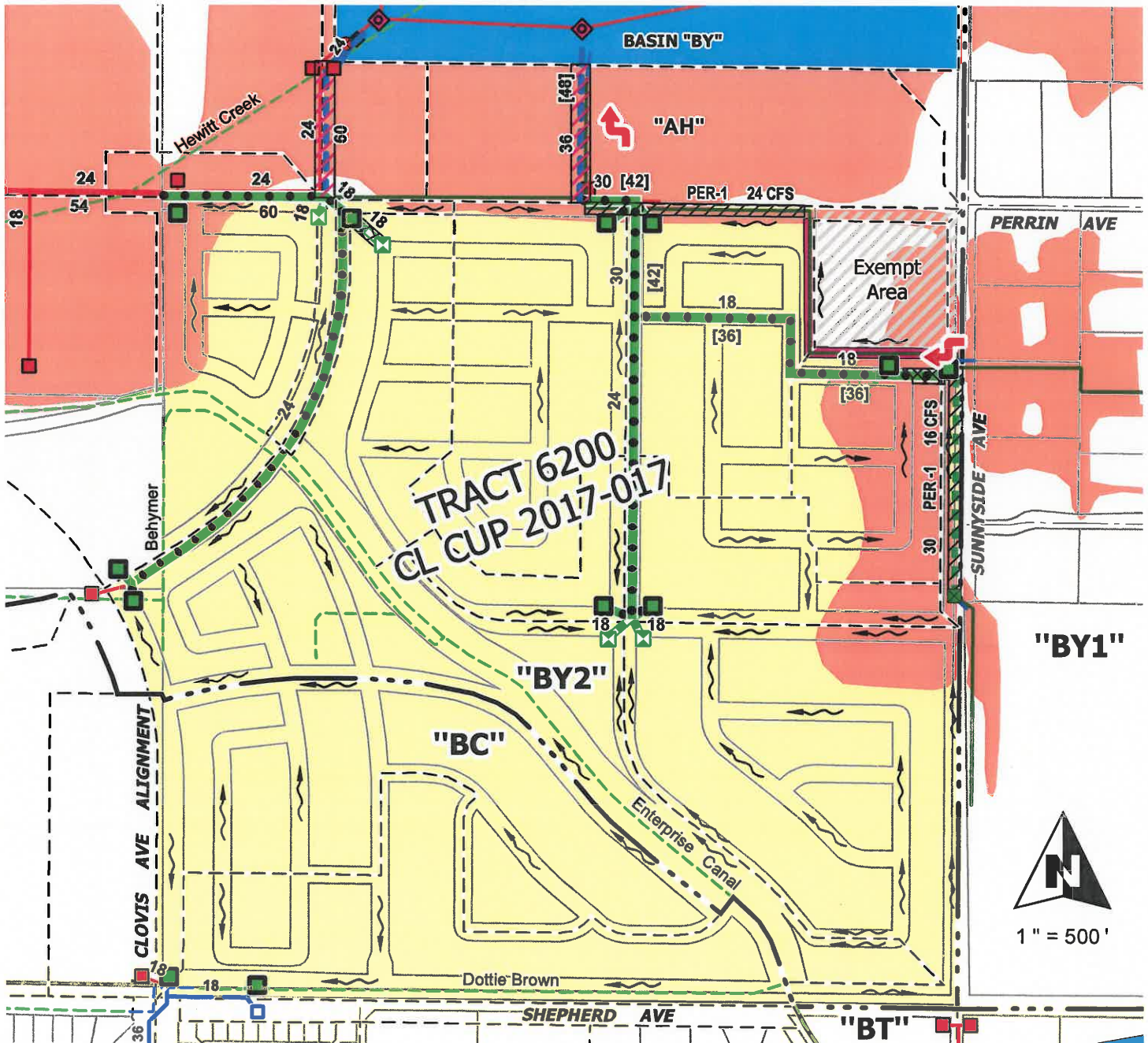
<h1>POLICY MANUAL</h1>	Date Adopted: September 11, 1981
Classification: FLOOD PLAIN MANAGEMENT	Date Last Amended: August 10, 2005
	Subject: Flood Plain Policy
	Approved By: 

Because of the relatively high velocities and volumes of flood flow associated with primary flood plains, and because the primary flood plain is responsible for passing the greatest percentage of the flood event, development located in such flood plains is subject to substantial risk, both to itself and to others as a result of the potential for blockage and diversion of flood waters. In view of these factors:

Policy:

- (1) All proposed development activity shall reference the Flood Insurance Rate Map to determine if it is located in a 100-year flood plain (special flood hazard areas inundated by a 100-year flood) "Primary Flood Plain". Any project not located within a FIRM or located in any area where the FIRM is determined to be inaccurate shall be the subject of a detailed hydrological flood hazard investigation to determine the relationship of the proposed development to the primary flood plain; and, further, to identify the calculated water surface elevation of the 100-year flood event.
- (2) The development must be properly flood proofed below the calculated water surface elevation of the 100-year flood event.
- (3) All development and/or permanent improvement activity which, if located within the primary floodway, may unduly impede, retard or change the direction of flow of water either, by itself, or by the catching or collecting of other debris or is placed where the flow of water would carry such obstruction downstream to the damage or detriment of either life or property, should not be permitted.
- (4) The development shall not cause displacement of any and all floodwaters from that portion of the flood plain to be developed.

NOTE: THIS MAP IS SCHEMATIC.
DISTANCES, AMOUNT OF CREDITABLE
FACILITIES, AND LOCATION OF INLET
BOUNDARIES ARE APPROXIMATE.















TRACT 6200
CL CUP 2017-017
DRAINAGE AREAS "BC" & "BY2"

EXHIBIT NO. 1
Page 1 of 2

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT



LEGEND

-  Creditable Facilities (Master Plan Facilities To Be Constructed By Developer) - Pipeline (Size Shown) & Inlet
- [36] Optional PER-1 Pipeline Upsize (Not Eligible For Fee Credit)
-  Non-Master Plan Facilities To Be Constructed By Developer (Not Eligible For Fee Credit)
-  Optional Master Plan Facilities To Be Constructed By Developer - Pipeline (Size Shown) & Outfall
-  Optional PER-1 Pipeline Extension (Not Eligible For Fee Credit)
-  Existing Master Plan Facilities
-  Future Master Plan Facilities
- - - - - Inlet Boundary
- - - - - Drainage Area Boundary
-  Existing Rural Stream Course
-  FID Facilities
-  FEMA Flood Zone "AH"
-  Existing 35' Wide FMFCD Channel Property (FMFCD Owned Fee Title)
-  Channel Easement To Be Dedicated To District
-  Minimum 15' Wide Storm Drain Easement To Be Dedicated To District
-  Minimum 25' Wide Storm Drain Easement To Be Acquired By Developer
-  Direction Of Drainage
-  Major Storm Breakover

**TRACT 6200
CL CUP 2017-017**
DRAINAGE AREAS "BC" & "BY2"

**EXHIBIT NO. 1
Page 2 of 2**

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT



OTHER REQUIREMENTS
EXHIBIT NO. 2

The cost of construction of Master Plan facilities, excluding dedication of storm drainage easements, is eligible for credit against the drainage fee of the drainage area served by the facilities. A Development Agreement shall be executed with the District to effect such credit. Reimbursement provisions, in accordance with the Drainage Fee Ordinance, will be included to the extent that developer's Master Plan costs for an individual drainage area exceed the fee of said area. Should the facilities cost for such individual area total less than the fee of said area, the difference shall be paid upon demand to the City/County or District.

Construction of the Master Plan inlets located in Shepherd Avenue as shown on Exhibit No. 1 will provide permanent drainage service to the portion of Clovis CUP 2017-017 located in Drainage Area "BC".

A minimum fifteen-foot (15') wide storm drain easement will be required whenever storm drain facilities are located on private property. No encroachments into the easement will be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

Drainage from the site shall be directed as shown on Exhibit No. 1. The construction of the "Optional Master Plan Facilities" as shown on Exhibit No. 1 will provide permanent drainage service to the portion of Clovis CUP 2017-017 located in Drainage Area "BY₂" north of the Enterprise Canal. If these optional facilities are not constructed, the District recommends temporary facilities until permanent service is available.

Should the developer construct the "Optional Master Planned Facilities", then the developer shall acquire a minimum twenty-five-foot (25') wide storm drain easement as shown on Exhibit No. 1 at no expense to the District. The District will consider condemnation proceedings for the easements on behalf of the Developer if he cannot negotiate an acquisition. The developer shall deposit with the District the estimated easement and appraisal costs with the Developers authorization to proceed with any acquisition. The deposit shall include all acquisition costs, including if determined by the District to be warranted, applicable legal costs.

The District requests that the grading Engineer contact the District as early as possible to review the proposed site grading for verification and acceptance of grades at our mutual property line as shown on Exhibit No. 1 as "Existing 35' wide FMFCD Channel Property" prior to preparing a grading plan.

Development No. Clovis CUP 2017-017

OTHER REQUIREMENTS
EXHIBIT NO. 2

Lot coverage must be provided to the District prior to submittal of improvement plans. The final drainage fee will be calculated commensurate with the lot coverage provided by the developer. If the lot coverage indicates a density higher than Master Planned, mitigation may be required. The lot coverage calculated by the District includes the front yard walkway, sidewalk walkway and the rear yard patio equaling an additional 6% of impervious area in addition to the City's typical lot coverage calculation.

The Master Plan system has been designed such that during a two-year event flow will not exceed the height of the 6-inch curb. Should wedge curb (4.5 inches height) be used the same criteria shall apply whereby flow remains below the top of curb. Any extensions or pipe size increases due to meeting the requirement listed above shall be at the developer's expense.

Construction of the optional Master Plan facilities into Basin "BY" shall be accompanied by adequate basin excavation as determined by the District. The District will coordinate with the developer to determine the area of the basin used for grading and excavation for storage of water from Clovis CUP 2017-017. Excavation and grading will not be eligible for drainage fee credit. Excess material from the excavation of Basin "BY" may be placed in a low profile stockpile on the basin property as directed by the District. No material will be permitted to be imported to the basin. Should the developer desire to export material from the site, such exported material shall be subject to the District borrow permit fees. A borrow permit is required prior to any grading and excavation of the basin independently and irrespective of approval of the improvement plans.

A portion of the proposed development is in a Federal Emergency Management Agency (FEMA) Zone "AH" flood zone area requiring additional processing and consideration. The developer shall contact FEMA to obtain their requirements.

Perrin Tributary No. 1 (PER-1) is a natural stream course traversing the proposed development. This stream course is shown on the Storm Drainage and Flood Control Master Plan (see Exhibit No. 1). Should the developer choose to modify or relocate this channel, the developer must contact all agencies having an interest in this channel, and comply with their regulations regarding the channel. These agencies may include State of California Fish and Wildlife, State of California Regional Water Quality Control Board (Section 401 of Clean Water Act), and the U.S. Army Corps of Engineers (USACE) (Section 404 of Clean Water Act). Furthermore, if a USACE Clean Water Act Section 404 permit application package is prepared, the District requests an opportunity to review the application prior to submittal.

Development No. Clovis CUP 2017-017

OTHER REQUIREMENTS
EXHIBIT NO. 2

The developer can choose to upsize and extend the pipeline as shown on Exhibit No. 1, from Basin "BY" to the south extent of PER-1 in Sunnyside Avenue to eliminate the need to construct channel improvements for PER-1, on the west side of Sunnyside Avenue and the south side of Perrin Avenue. The cost of the upsize and extension will not be eligible for fee credit. If developer opts to upsize and extend the pipeline and cannot provide for major storm surface flows from east of Sunnyside Avenue through Clovis CUP 2017-017, improvements can be made to the "Existing 35' wide FMFCD Channel Property" as shown on Exhibit No. 1 to facilitate such flows. The cost to improve the "Existing 35' wide FMFCD Channel Property" is not eligible for fee credit.

If the developer chooses to retain PER-1, then the following paragraphs apply:

This channel must be protected and improved in its current location or an accepted relocation plan must be provided. The protection and improvement of this channel is necessary to convey upland surface runoff through the proposed development without adversely affecting other property owners and also to provide safe conveyance through the proposed development. The plans to retain or relocate this channel must be addressed in a drainage report prepared by the developer's engineer and submitted to the District for the project and include a study of any affect to the hydraulic performance of the channel.

The proposed development, as currently submitted, does not fully address the protection and improvement or relocation of PER-1. If the developer proposes to relocate this channel, he must identify a plan that is acceptable to the District and perhaps state and federal agencies identified above. However, the developer may elect to revise the plan to accommodate the channel's existing location. Wherever the developer proposes PER-1, adequate easement widths shall be dedicated to the District prior to approval of the Final Map. The easement shall be of sufficient width to accommodate the Master Plan flow rate and also provide adequate maintenance access. Development within the easement is prohibited. The District does not contemplate general public access within the easement.

Development No. Clovis CUP 2017-017

OTHER REQUIREMENTS
EXHIBIT NO. 2

While the District accepts the channel easement to assure its protection, the maintenance of this channel will remain with the property owner. The easement dedication document will require reimbursement of costs should the District need to intervene in order to perform maintenance and/or otherwise preserve the channel. The District would prefer that you establish a homeowners association to maintain the channel, but if that is not feasible, each parcel owner along the channel will be burdened with the maintenance of the channel within their property and fences will not be permitted across the channel. Some thought needs to be put into both private and public channel crossings. Preferably, channel crossings will be kept to a minimum and each crossing will require an encroachment agreement identifying the applicant as responsible for the long term maintenance and potential removal of the encroachment.

As the channel design and hydraulic study of PER-1 could affect the lot pattern and configuration, the District will review the work of the developer's engineer to determine easement limits at the time of dedication. The channel design must be completed prior to tentative map approval to ensure the easement area is known and adequate space is allotted for the channel. It is in the developer's interest to identify the channel design as early as possible so that appropriate lot configurations are selected. The hydraulic study must reflect culverts where roads and driveways cross the channel.

The standard geometry parameters for PER-1 are a minimum 4-foot wide bottom and maximum 2:1 side slopes. The channel must be designed and constructed to accommodate the flow rate of 24 cubic feet per second along the south side of Perrin Avenue and 16 cfs on the west side of Sunnyside Avenue as identified in the Master Plan. The channel design must include hydraulic modeling using the HEC-RAS computer program. Channel design and hydraulic study must also consider the attenuation currently provided by the developer's property and not reduce the attenuation or otherwise increase conveyance to downstream properties.

The District will accept the easement dedications for the channel following completion of construction, including any mitigation obligations, and acceptance under required permits. Any proposed landscaping within the channel easement shall require (i) review and approval by the District, and (ii) maintenance by the property owner.

Development No. Clovis CUP 2017-017



City of Clovis

Department of Planning and Development Services

CITY HALL - 1033 Fifth Street - Clovis, CA 93612

Distribution Date: 12/8/2017

PLANNING APPLICATION REQUEST FOR COMMENTS

Project Manager - George González, MPA, Associate Planner

PLEASE ROUTE TO:

(In House)

- ☒ Planning Division
- ☒ Building Division
- ☒ Engineering Division
- ☒ Utilities Division
- ☒ Solid Waste Division
- ☒ Fire Department
- ☒ Police Department
- ☒ City Landscape Committee
- ☒ Legal Description Review
- ☐ Other (Specify)
- ☐

(Out-of-House)

- ☒ Fresno Irrigation District
- ☒ Fresno Metropolitan Flood Control Dist.
- ☒ Pacific Gas & Electric
- ☒ AT&T
- ☒ Clovis Unified School District
- ☒ Cal Trans
- ☒ SJV Unified Air Pollution Control Dist.
- ☒ State of California Department of Fish and Game
- ☒ LAFCO (when annexation is involved)
- ☒ County of Fresno Development
- ☒ Fresno County Environmental Health

Item(s): CUP2017-17 Location: Northwest corner of Shepherd & Sunnyside Avenues

APN: 556-050-20 Zoning: County AE-20 General Plan: Low Density & Medium Density Residential

Name of Applicant: Lennar Phone/Email: (559)437-4237/ Alison.Baker@Lennar.com

Applicant Address: 8080 N. Palm Avenue, Suite 110 City: Fresno State: CA Zip: 93711

Previously Reviewed Under DRC: 2017-44 Or Other Entitlement: _____

Project Description: CUP2017-17, A request to approve a conditional use permit for a 568-lot single-family planned residential development on the property at the northwest corner of Shepherd and Sunnyside Avenues. Patrick Vincent Ricchiuti, owner; Lennar, applicant; Yamabe & Horn Engineering, rep. This request is being processed concurrently with GPA2017-07, R2017-18, TM6200, and RO297.

This item is tentatively scheduled for a public hearing to be considered by the City Council.

The attached information is circulated for your comments. Please attach your comments and recommendations in condition form and return to the project manager by 12/29/2017

Please check one below:

☐ No Comments ☒ Comments Attached ☐ Comments e-mailed or saved on: _____

RECOMMENDED CONDITIONS: Please draft conditions in final form that are acceptable to your department. They must be legible. Please phrase positively and clearly:

GOOD EXAMPLE: "1. Prior to occupancy, the developer shall install all landscaping as per the approved plans."

POOR EXAMPLE: "1. Install landscaping."

REVIEWED BY (please sign): 

PLEASE RETURN TO:

George González, MPA, Associate Planner
Planning and Development Services Dept.
1033 Fifth St., Clovis, CA 93612
Phone: 324-2383 Fax: 324-2844



Fresno Local Agency Formation Commission

December 21, 2017

George Gonzalez, MPA
Associate Planner
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Dear Mr. Gonzalez:

Subject: Comments Regarding Concurrent Applications CUP2017-17, Tentative Map TM 6200, R2017-18 and GPA2017-01 for Properties located at the northwest corner of Shepherd and Sunnyside.

Thank you for the opportunity to comment on this project. From the material provided to this office, my understanding of the project description is as follows:

CUP2017-17, a request to approve a conditional use permit for a 568-lot single-family Planned Residential Development on the property at the northwest corner of Shepherd and Sunnyside Avenues;

TM6200, a request to approve a vesting tentative tract map for a 568-lot single-family planned residential development for land located at the northwest corner of Shepherd and Sunnyside Avenues;

R217-18, a request to approve a prezone of approximately 151.20 acres of land located at the northwest corner of Shepherd Avenues from County AE-20 Zone District to the Clovis R-1 and PF Zone Districts;

GPA2017-07 a request to amend the General Plan Circulation Element to allow an access point on Shepherd Avenue (expressway).

RO297, Proposed reorganization Shepherd-Sunnyside Northwest Reorganization to detach approximately 151.20 acres from the subject property from the Kings River Conservation District and the Fresno County Fire Protection District and annex to the City of Clovis;

The Fresno Local Agency Formation Commission (LAFCo) regulates, through approval or denial, the boundary changes proposed by local agencies or individuals. LAFCo's objectives are to:

- Encourage orderly formation and development of agencies;
- Encourage consistency with spheres of influence and recommended reorganization of agencies;
- Encourage orderly urban development and preservation of open space patterns;
- Encourage conservation of prime agricultural lands and open space areas; and
- Identify and address disadvantaged unincorporated communities.

LAFCo should be identified in the city's environmental document as a Responsible Agency under CEQA whose role is to consider changes of organizations and spheres of influence. Commission action on the annexation request should be noted in the environmental document. As a Responsible Agency, the Commission is required to review and consider the City's Initial Study and Mitigated Negative Declaration prior to taking its action. A Responsible Agency complies with CEQA by considering the environmental analysis prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project. The Commission may then make a finding that it independently reviewed and considered the information in the environmental document and that the environmental document is sufficient to support a determination on the proposed reorganization.

Unless a territory is at full build-out, LAFCo law and Commission policy require that territory be prezoned before it may be annexed to a city so that LAFCo may find that the proposed project is consistent with a city's general plan. Given the multiple proposed zone districts, please be sure to identify what land is prezoned to the appropriate zone district in the annexation proposal area.

Be advised that extraneous conditions of rezoning ordinance bills can impair the Commission's ability to approve projects. LAFCo staff is available to review and comment on the city's draft rezoning ordinance to ensure that it meets Commission standards. If one or more conditions contained in the rezoning resolution for the subject property or properties prevents the rezoning from being effective prior to LAFCo's consideration this process can become problematic. A condition of approval is a requirement to complete a specific action by a certain time imposed by a local agency's land use approval. The timing requirements are often tied to specific action within the land development process. Conditions such as performance measures, incorporation of mitigation measures, the payment of fees, dedication of public right-of-way, and other action to be completed by the developer, may not take place by the time the application is submitted to LAFCo. If any conditions in the rezoning resolution are unsatisfied, the subject territory is not correctly rezoned and the application will be deemed incomplete. The City can avoid this situation by not including extraneous conditions on the project's rezoning resolution. If any conditions must be added to a proposal project, consider assign them as conditions of approval.

It is important to note that LAFCo standards for annexation state a proposal for annexation is acceptable if one of the following can be providing by the City:

- There is existing substantial development provide the City confines its area requested to that area needed to include the substantial development and create logical boundaries.
- Development exists that requires urban services which can be provided by the City
- If no development exists, at least 50% of the area proposed for annexation has:
 - a. Approved tentative subdivision map(s) (S.F. residential)
 - b. Approved site plan (for other uses)

The proposal description should evaluate potential impacts to prime agricultural lands. It is understood that in order for the City to develop in a logical and orderly manner, annexation of agricultural lands is inevitable. The efficient use of this land is, therefore, of great importance to LAFCo. For example, LAFCo Policy Section 103 states, "The Commission encourages well-planned, orderly, and compact urban development patterns for all developing areas." Policy Section 104 further states, "Proposals which would conflict with the goals of maintaining the physical and economic integrity of open space lands, agricultural lands, as indicated in the City or County General Plan shall be discouraged."

With respect to how prime agricultural land is defined, the CEQA document should consider the definition of "Prime Agricultural Land" as listed within Government Code Section 56064 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. This definition differs from the California Department of Conservation's definition of Prime Farmland and may be considered to be more inclusive. As stated in the Clovis General Plan Update, the City will task project applicants for properties that included 20 acres or more designated Prime Farmland of Statewide Importance, or Unique Farmland shall be required to prepare or fund an agricultural resource evaluation prior to project approval. The resource evaluation shall use generally accepted methodologies (such as the Land Evaluation and Site Assessment Model) to identify the potential significant impact of the loss of agricultural lands as well as the economic viability of future agricultural use of the property. If the converted is deemed significant, the City shall requires mitigation at a 1:1 ration of converted to preserved acreage, or payment of its valuation equivalent if a fee mitigation program is established.

Fresno LAFCo recommends participation in the Pre-Application Review with LAFCo staff as early as feasible. The Pre-Application Review process is intended to provide the applicant with information related to LAFCo law and the Commission's adopted policies, Standards, and Procedures, and to provide a preliminary evaluation of the applicant's organization or reorganization proposal.

Consistency with LAFCo policies may not always be considered an environmental impact, but it should be discussed in the Project Description to establish a context for information that will be considered by the Commission when an application for annexation is submitted.

The project description should identify all special districts that will be affected by the Project including agencies that will be detached upon annexation or will be expected to continue to serve the city as it grows. The potential effects of an increase in service delivery capacity for urban growth, for example. The affected local agencies include,

- Clovis Memorial District

- Fresno Irrigation District
- Clovis Cemetery District
- Kings River Conservation District
- Fresno County Fire Protection District
- Sierra Resource Conservation District
- Consolidated Mosquito Abatement District
- Fresno Metropolitan Flood Control District
- West Fresno County Red Scale Protective District

Growth within the Clovis plan area will require the City to provide a number of different services to the area, including, fire, police, water, sewer, solid waste, parks, and other services. When an application for annexation is submitted a plan for providing services within the affected territory with need to be submitted as part of a complete application.

LAFCo staff recommends that the City of Clovis and Fresno County evaluate options to coordinate on a strategic level to address the proximity of CSA No. 51 (should it become active) to the Clovis SOI and project area, and other Districts within the Clovis General Plan Area to develop sustainable and robust long-range water management for these special districts.

As we have discussed, staff and the Commission will evaluate this project in light of the Commission's adopted policies and procedures, which include minimizing "creation of peninsulas and corridors, or other distortion of boundaries." It is therefore important that Clovis' application provides sufficient context as to how this proposal contributes to "planned, well ordered, efficient development patterns and service areas, and does not encourage urban sprawl."

Please note pursuant to LAFCo policy 14-06 in order to prevent the creation of county islands and/or peninsulas of land, to create more logical boundaries LAFCo staff recommends the addition of parcel APN 556-050-15SU.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (559) 600-0604.

Sincerely,



Juan Lara
LAFCo Analyst II

December 28, 2017

George Gonzalez
City of Clovis
Department of Planning & Development Services
1033 Fifth Street
Clovis, CA 93612

**Project: CUP2017-17, GPA2017-07, R2017-18. TM6200, and RO297
for Lennar**

District CEQA Reference No: 20171355

Dear Mr. Gonzalez:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the above referenced project consisting of a request to (1) approve a conditional use Permit (CUP), (2) approve a general plan amendment (GPA), (3) approve a prezone, and (4) approve a tentative tract map for a 568-lot single-family planned residential development (Project), located on the northwest corner of Shepherd and Sunnyside Avenues, in Clovis, CA. (APN: 556-050-20) The Project also includes RO297, a resolution of application for the annexation of the territory known as the Shepherd-Sunnyside NW Reorganization. The District offers the following comments:

1. Significance Impact for Annual Criteria Pollutant Emissions - The District's initial review of the Project concludes that emissions resulting from construction and/or operation of the Project will exceed one or more of the following thresholds of significance: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5).

The District recommends that a more detailed preliminary review of the Project be conducted. If the environmental review proposes preparation of a Mitigated Negative Declaration (MND) or an Environmental Impact Report (EIR), the District recommends that a copy be provided to the District for review. The environmental review of the Project's potential impact on air quality should consider the following:

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

- a) Criteria Pollutants: Project related criteria pollutant emissions should be identified and quantified. The discussion should include existing and post-project emissions.
 - i. Construction Emissions: Construction emissions are short-term emissions and should be evaluated separately from operational emissions.
 - ii. Operational Emissions: Permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately.
 - Recommended Model: Project related criteria pollutant emissions from construction and operation non-permitted (limited to equipment not subject to District permits) should be identified and quantified. Emissions analysis should be performed using CalEEMod (**California Emission Estimator Model**), which uses the most recent approved version of relevant Air Resources Board (ARB) emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: www.caleemod.com.
- b) If the environmental review indicates that a MND will be prepared, the MND should include the following:
 - i. Mitigation Measures – If environmental review indicates that with mitigation, the Project would have a less than significant adverse impact on air quality, the effectiveness of each mitigation measure incorporated into the Project should be discussed.
 - ii. District's attainment status – The document should include a discussion of whether the Project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment. Information on the District's attainment status can be found online by visiting the District's website at <http://valleyair.org/aqinfo/attainment.htm>.
- c) If the environmental review indicates that an EIR will be prepared, in addition to the item identified above, the EIR should also include the following:
 - i. A discussion of the methodology, model assumptions, inputs and results used in characterizing the Project's impact on air quality. To comply with CEQA requirements for full disclosure, the District recommends that the modeling outputs be provided as appendices to the EIR. The District further

- recommends that the District be provided with an electronic copy of all input and output files for all modeling.
- ii. A discussion of the components and phases of the Project and the associated emission projections, (including ongoing emissions from each previous phase).
2. District Rule 9510 (Indirect Source Review) - At full build-out, the Project will be equal to or exceed 50 residential dwelling units. Therefore, the District concludes that the Project is subject to District Rule 9510.

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval. If approval of the subject Project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of Project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>. The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.
 3. District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants) - In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: <http://www.valleyair.org/busind/comply/asbestosbultn.htm>.
 4. Regulation VIII (Fugitive PM10 Prohibitions) - The Project will be subject to Regulation VIII. The Project proponent is required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan, if applicable, prior to commencing any earthmoving activities as described in District Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*. Information on how to comply with Regulation VIII can be found online at: http://www.valleyair.org/busind/comply/PM10/compliance_PM10.htm
 5. Other District Rules and Regulations – The above list of rules is neither exhaustive nor exclusive. For example, the Project may be subject to the following District rules, including: Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance

Operations). To identify other District rules or regulations that apply to this Project or to obtain information on the District's permit requirements, such as an Authority to Construct (ATC), the Project proponent is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888 or e-mail SBA@valleyair.org. Current District rules can be found online at the District's website at: www.valleyair.org/rules/1ruleslist.htm.

6. Health Risk Screening/Assessment – A Health Risk Screening/Assessment identifies potential Toxic Air Contaminants (TAC's) impact on surrounding sensitive receptors such as hospitals, daycare centers, schools, work-sites, and residences. TAC's are air pollutants identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) (<https://www.arb.ca.gov/toxics/healthval/healthval.htm>) that pose a present or potential hazard to human health. A common source of TACs can be attributed to diesel exhaust emitted from both mobile and stationary sources. Industry specific TACs generated must also be identified and quantified.

The District recommends the Project be evaluated for potential health impacts to surrounding receptors (on-site and off-site) resulting from operational and multi-year construction TAC emissions.

- i) The District recommends conducting a screening analysis that includes all sources of emissions. A screening analysis is used to identify projects which may have a significant health impact. A prioritization, using CAPCOA's updated methodology, is the recommended screening method. A prioritization score of 10 or greater is considered to be significant and a refined Health Risk Assessment (HRA) should be performed. The prioritization calculator can be found at: http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS.
- ii) The District recommends a refined HRA for projects that result in a prioritization score of 10 or greater. It is recommended that the Project proponent contact the District to review the proposed modeling protocol. The Project would be considered to have a significant health risk if the HRA demonstrates that the Project related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk and 1.0 for the Acute and Chronic Hazard Indices.

More information on toxic emission factors, prioritizations and HRAs can be obtained by:

- E-Mailing inquiries to: hramodeler@valleyair.org; or
- The District can be contacted at (559) 230-6000 for assistance; or
- Visiting the Districts website (Modeling Guidance) at http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm

12. Ambient Air Quality Analysis - An ambient air quality analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of the ambient air quality standards. The District recommends that an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

If an AAQA is performed, the analysis should include emissions from both Project specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis. Specific information for assessing significance, including screening tools and modeling guidance is available online at the District's website www.valleyair.org/ceqa.

13. Potential Air Quality Mitigation Measures - The District encourages the following air quality mitigation measures to help reduce the Project related impacts from construction and operational emissions. A complete list of potential air quality mitigation measures can be found online at: <http://www.valleyair.org/ceqaconnected/aqimeasures.aspx>.

- a. Cleaner Off-Road Construction Equipment – This measure is to utilize off-road construction fleets that can achieve fleet average emissions equal to or cleaner than the Tier III emission standards. This can be achieved through any combination of uncontrolled engines and engines complying with Tier III and above engine standards.
- b. Improve Walkability Design – This measure is to improve design elements to enhance walkability and connectivity. Improved street network characteristics within a neighborhood include street accessibility, usually measured in terms of average block size, proportion of four-way intersections, or number of intersections per square mile. Design is also measured in terms of sidewalk coverage, building setbacks, street widths, pedestrian crossings, presence of

street trees, and a host of other physical variables that differentiate pedestrian-oriented environments from auto-oriented environments.

- c. Improve Destination Accessibility – This measure is to locate the project in an area with high accessibility to destinations. Destination accessibility is measured in terms of the number of jobs or other attractions reachable within a given travel time, which tends to be highest at central locations and lowest at peripheral ones. The location of the project also increases the potential for pedestrians to walk and bike to these destinations and therefore reduces the (vehicle miles traveled) VMT.
- d. Increase Transit Accessibility – This measure is to locate the project with high density near transit which will facilitate the use of transit by people traveling to or from the Project site. The use of transit results in a mode shift and therefore reduced VMT. A project with a residential/commercial center designed around a rail or bus station, is called a transit-oriented development (TOD). The project description should include, at a minimum, the following design features:
 - A transit station/stop with high-quality, high-frequency bus service located within a 5-10 minute walk (or roughly ¼ mile from stop to edge of development), and/or
 - A rail station located within a 20 minute walk (or roughly ½ mile from station to edge of development)
 - Fast, frequent, and reliable transit service connecting to a high percentage of regional destinations
 - Neighborhood designed for walking and cycling
- e. Voluntary Emission Reduction Agreement - Design elements, mitigation measures, and compliance with District rules and regulations may not be sufficient to reduce project-related impacts on air quality to a less than significant level. In such situation, project proponents may enter into a Voluntary Emission Reduction Agreement (VERA) with the District to reduce the project related impact on air quality to a less than significant level. A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of air emissions increases through a process that funds and implements emission reduction projects. A VERA can be implemented to address impacts from both construction and operational phases of a project.

The District recommends that a copy of the District's comment letter be provided to the Project proponent. District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this Project. If you have any questions or require further information, please call Georgia Stewart at (559) 230-5937 or e-mail georgia.stewart@valleyair.org. When calling or emailing the District, please reference District CEQA number 20171355.

Sincerely,

Arnaud Marjollet
Director of Permit Services



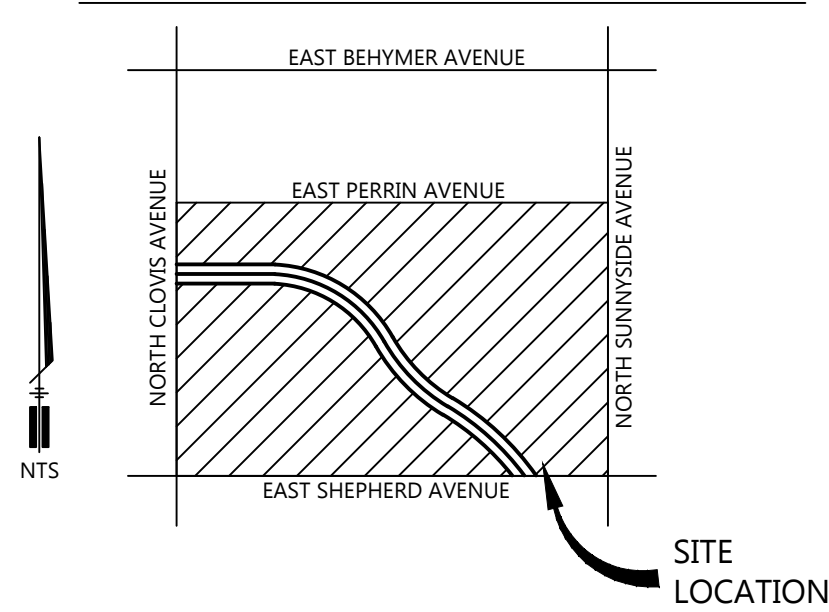
For: Brian Clements
Program Manager

AM: gs

TRACT NO. 6200

IN THE CITY OF CLOVIS
FRESNO COUNTY, CALIFORNIA

VICINITY MAP:



LEGEND:

- EXISTING PROPERTY LINE
 - PROPOSED PROPERTY LINE
 - EXISTING SECTION LINE
 - EXISTING EASEMENT LINE
 - EXISTING RIGHT-OF-WAY LINE
 - FUTURE RIGHT-OF-WAY LINE
 - EXISTING WATER LINE (SIZE AS NOTED)
 - EXISTING SEWER LINE (SIZE AS NOTED)
 - PROPOSED SANITARY SEWER AND MANHOLE
 - PROPOSED WATER MAIN
 - PROPOSED CONCRETE CURB, GUTTER & SIDEWALK
 - FUTURE CONCRETE CURB, GUTTER & SIDEWALK
- P1-# PHASE I / LOT #
P2-# PHASE II / LOT #
P3-# PHASE III / LOT #
P3-# PHASE IV / LOT #

BASIS OF BEARINGS

THE GEODETIC OBSERVATION ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN MEASURED AS S89°17'21"E, IS THE BASIS OF BEARINGS FOR THIS SURVEY.

BASIS OF ELEVATION

ELEVATION:

NOTE:

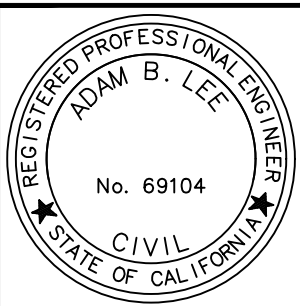
★ NOW OFFERED FOR DEDICATION AS AN EASEMENT TO THE CITY, OR IT'S DESIGNEE, FOR PUBLIC USE FOR LANDSCAPING AND OPEN SPACE PURPOSES, INCLUDING BUT NOT LIMITED TO ALL ACTIVITIES NECESSARY FOR CLEARING, GRADING, CONSTRUCTION, ACCESS, OR MAINTENANCE OF WORKS, IMPROVEMENTS, STRUCTURES AND/OR LANDSCAPING

SITE INFORMATION

EXISTING TREES
TO BE REMOVED
EXISTING BUILDINGS
NONE EXISTING
EXISTING USE
VACANT
PROPOSED USE
SINGLE FAMILY RESIDENTIAL
PROPOSED ZONING
R-1-6000
EXISTING ZONING
AE-20
SOURCE OF WATER
CITY OF CLOVIS
SOURCE OF SEWAGE DISPOSAL
CITY OF CLOVIS
SOURCE OF ELECTRICITY
PG&E
SOURCE OF GAS
PG&E
SOURCE OF CABLE TV
COMCAST
SOURCE OF TELEPHONE
AT&T
ASSESSOR'S PARCEL NUMBER
555-032-01, 05-08
SITE AREA
114.18± AC. GROSS
110.18± AC. NET
OWNER
LENNAR FRESNO INC.
8080 N. PALM AVE SUITE 110
FRESNO, CA 93711
CONTACT: STEVE LUTTON
(559) 437-4700
MINIMUM LOT SIZE
6,000 SQ. FT.
MAXIMUM LOT SIZE
12,739 SQ. FT.
AVERAGE LOT SIZE
6,850 SQ. FT.
DU/AC - NET ACREAGE
4.13 DU/AC, PHASE I, M DESIGNATION
4.16 DU/AC, PHASE II & III, LR DESIGNATION
DU/AC - RESIDUAL PROPERTY (FUTURE)
4.02 UNITS PER ACRE (FUTURE PHASE)

SCALE: 1" = 140'

EXHIBIT B



Yamabe & Horn
Engineers, Inc.
CIVIL ENGINEERS & LAND SURVEYORS
2885 N. BURL AVENUE SUITE 101 FRESNO, CA 93727
TEL (559) 244-3123 WEBSITE YANDHORN.COM

APPROVALS

CONSTRUCTION MANAGEMENT
TRAFFIC DEVELOPMENT REVIEW
STREETS
PARKS
SOLID WASTE UTILITIES

REVISIONS

DATE APPROVED
DATE APPROVED
DATE APPROVED
DATE APPROVED
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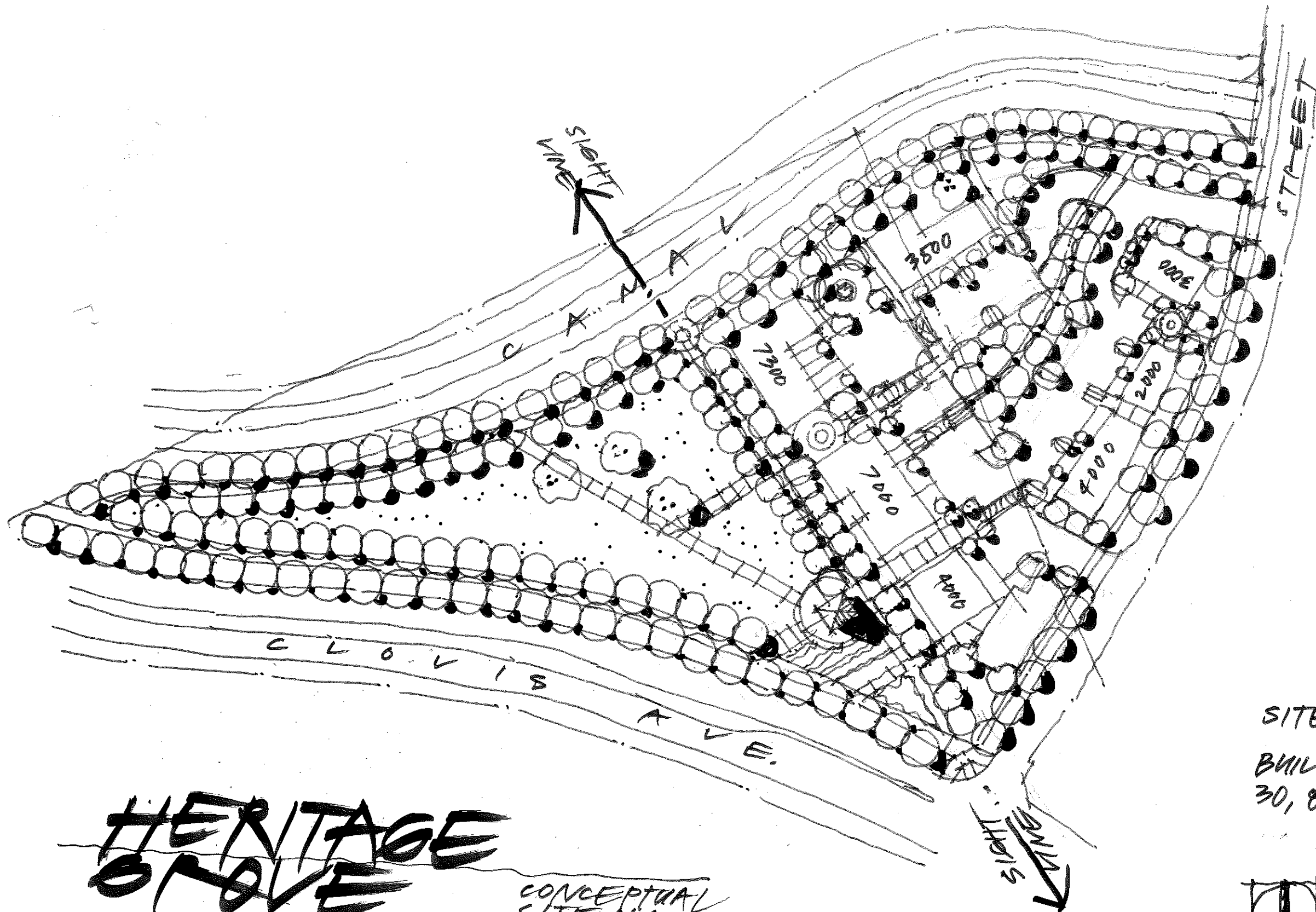
CITY OF CLOVIS

PROJECT TITLE
TRACT NO. 6200 CLOVIS & SHEPHERD

COVER SHEET

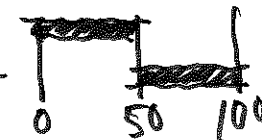
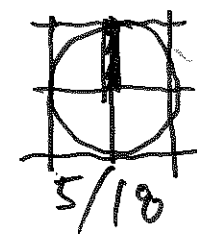
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

Project No.
V8H No. 16-344
Dr. By: ER
Ch. By: AL
Date: 4/25/2018
Sheet No. 1
of 5 Sheets



SITE: 4.73 AC

BUILDING FLOOR:
30,800 SF



BROUSSARD
ASSOCIATES
LANDSCAPE
ARCHITECTS

EXHIBIT C