



SUPPLEMENTAL  
FINAL ENVIRONMENTAL IMPACT REPORT

FOR THE

2014 CLOVIS GENERAL PLAN  
CIRCULATION ELEMENT UPDATE

(State Clearinghouse No. 2012061069)

SEPTEMBER 2, 2022

*Prepared for:*

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D e N o v o P l a n n i n g G r o u p

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A Land Use Planning, Design, and Environmental Firm





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FINAL EIR

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## INTRODUCTION

In response to Senate Bill 743 (SB 743), the City of Clovis (City) initiated efforts to establish a framework for analyzing transportation impacts that was both consistent with the State's mandates, and City policy. This effort led to the development of the Interim Transportation Impact Analysis Guidelines (adopted July 20, 2020, Resolution 20-93), which provides guidance to City staff, applicants, and consultants on the requirements to evaluate transportation impacts for projects in the city for the purpose of determining impacts under the California Environmental Quality Act (CEQA).

As the City developed the Interim Transportation Impact Analysis Guidelines in response to the requirements of SB 743, it became evident that the City's 2014 General Plan Circulation Element needed to be updated to be in alignment with the State's mandates, and the Interim Transportation Impact Analysis Guidelines. City staff then embarked on an update to the Circulation Element, which focuses on policy language additions that are aimed at reducing Vehicle Miles Traveled (VMT) by way of a variety of planning mechanisms.

The City ultimately prepared a focused update to its existing 2014 General Plan. The focused update concentrates on policy changes to the Circulation Element only, and does not change any other Element of the 2014 General Plan. The proposed Project is the focused update to the Circulation Element and adoption of the Transportation Impact Analysis Guidelines, which are supportive of the Circulation Element.

The City of Clovis, as lead agency, determined that the focused update to the General Plan is a "project" within the meaning of CEQA. CEQA requires the preparation of an EIR prior to approving any project that may have a significant impact on the environment. For the purposes of CEQA, the term "project" refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]).

This Draft Supplemental EIR (Draft EIR) has been prepared according to CEQA requirements to evaluate the potential environmental impacts associated with the proposed Project. This Draft EIR has been prepared in accordance with CEQA, California Resources Code Section 21000 et seq.; the Guidelines for the California Environmental Quality Act (California Code of Regulations, Title 14, Chapter 3); and the rules, regulations, and procedures for implementing CEQA as adopted by the City of Clovis.

An EIR must disclose the expected direct and indirect environmental impacts associated with a project, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize significant environmental impacts of proposed development.

## PROJECT DESCRIPTION

The City of Clovis is preparing a focused update to its existing General Plan. The proposed Project concentrates on policy changes to the Circulation Element only, and does not change any other Element of the General Plan. The proposed Project also includes adoption of the Transportation Impact Analysis Guidelines, which are supportive of the Circulation Element.

The focused General Plan Update does not affect land uses or development patterns, and does not result in any physical development. The key components of the focused General Plan Update include revisions to the goals and policies in the Circulation Element. A more detailed project description, including the policy modifications, is provided in the Draft EIR.

## ALTERNATIVES TO THE PROPOSED PROJECT

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a reasonable range of alternatives to the proposed Project or to the location of the Project site which would reduce or avoid significant impacts, and which could feasibly accomplish the basic objectives of the proposed Project. Three alternatives to the proposed Project were developed based on input from City staff and the technical analysis performed to identify the environmental effects of the proposed Project. The alternatives analyzed in this EIR include the following three alternatives in addition to the proposed Project.

- **No Project Alternative:** This alternative assumes that there would be no focused update to its existing General Plan. There would be no policy changes to the Circulation Element, and the City would not adopt Transportation Impact Analysis Guidelines supportive of the Circulation Element. Under this alternative, the City would not be making any policy changes in response to SB 743, but would still be required to analyze projects for VMT. In the absence of defined TIA Guidelines, the City would utilize the Office of Planning and Research (OPR) Guidance for analyzing VMT.
- **Policy Change Only Alternative:** This alternative assumes that there would be a focused update to its existing General Plan. This would include policy changes to the Circulation Element intended to meet the mandates of State law related to conformance with SB 743. Under this alternative, the City would not adopt Transportation Impact Analysis Guidelines supportive of the Circulation Element, but would still be required to analyze projects for VMT. In the absence of defined TIA Guidelines, the City would utilize the OPR Guidance for analyzing VMT.
- **TIA Guidelines Only Alternative:** This alternative assumes that there would be no focused update to its existing General Plan. There would be no policy changes to the Circulation Element, but the City would adopt Transportation Impact Analysis Guidelines defining the methodology for analyzing VMT impacts in Clovis. Under this alternative, the City would not be making any policy changes in response to SB 743, but would still be required to analyze projects for VMT.

Alternatives are described in detail in Chapter 5 of the Draft EIR. Table ES-1 provides a comparison of the alternatives using a qualitative matrix that compares each alternative relative to the other Project alternatives. As summarized in Table ES-1 below, the Proposed Project is superior to the other Alternatives. The proposed Project is considered the environmentally superior alternative because it provides the greatest potential to be consistent with State law (SB 743), and to establish a consistent approach to VMT analysis, and VMT reduction when compared to the other alternatives. The proposed Project establishes the City’s policy direction related to these topics, while the other alternatives only partially address VMT reduction, or do not address the topic.

**TABLE ES-1: COMPARISON OF ALTERNATIVE PROJECT IMPACTS TO THE PROPOSED PROJECT**

| <i>ENVIRONMENTAL TOPIC</i>                 | <i>PROPOSED PROJECT</i>     | No Project Alternative  | Policy Change Only Alternative | TIA Guidelines Only Alternative |
|--|-----------------------------|-------------------------|--------------------------------|---------------------------------|
| <i>TRANSPORTATION AND CIRCULATION (TC)</i> |                             |                         |                                |                                 |
| TC Impact 3.1-1                            | No Impact                   | Slightly greater impact | Slightly greater impact        | Slightly greater impact         |
| TC Impact 3.1-2                            | Significant and Unavoidable | Greater Impact          | Slightly Greater Impact        | Slightly Greater Impact         |
| TC Impact 3.1-3                            | Less than Significant       | Equal Impact            | Equal Impact                   | Equal Impact                    |
| Comparison to Proposed Project             | Superior                    | Inferior (4th)          | Inferior (2nd)                 | Inferior (3rd)                  |

## COMMENTS RECEIVED

During the NOP process, several comments were received related to the analysis that were included in the Draft EIR. These comments are included as Appendix A of the Draft EIR, and were considered during preparation of the Draft EIR.

The City received two (2) comment letters during the Draft EIR public process, both from a public agency. These comment letters on the Draft EIR are identified in Table 2.0-1 of this Final EIR. The comments received during the Draft EIR review processes are addressed within this Final EIR.

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This Final Environmental Impact Report (Final EIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15132). The City of Clovis (City) is the lead agency for the environmental review of the proposed Project and has the principal responsibility for approving the proposed Project. This Final EIR assesses the expected environmental impacts resulting from approval of the proposed Project and associated impacts from subsequent development and operation of the proposed Project, as well as responds to comments received on the Draft Supplemental Environmental Impact Report (Draft EIR).

## 1.1 PURPOSE AND INTENDED USES OF THE EIR

### CEQA REQUIREMENTS FOR A FINAL EIR

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This Final EIR for the proposed Project has been prepared in accordance with the State CEQA Guidelines. State CEQA Guidelines Section 15132 requires that a Final EIR consist of the following:

- the Draft EIR or a revision of the draft;
- comments and recommendations received on the Draft EIR, either verbatim or in summary;
- a list of persons, organizations, and public agencies commenting on the Draft EIR;
- the responses of the lead agency to significant environmental concerns raised in the review and consultation process; and
- any other information added by the lead agency.

In accordance with State CEQA Guidelines Section 15132(a), the Draft EIR is incorporated by reference into this Final EIR. An EIR must disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed Project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize environmental impacts of proposed development, and an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

### TIERING

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The Clovis City Council adopted the Clovis General Plan, and certified an EIR on August 25, 2014. The General Plan EIR was prepared as a program-level EIR. According to CEQA Guidelines section 15168, subdivision (c)(5), “[a] program EIR will be most helpful in dealing with later activities if it provides a description of planned activities that would implement the program and deals with the effects of the program as specifically and comprehensively as possible.” Later environmental documents (EIRs, mitigated negative declarations, or negative declarations) can incorporate by reference materials from the program EIR regarding regional influences, secondary impacts, cumulative impacts, broad alternatives, and other factors (CEQA Guidelines Section 15168[d][2]). These later documents need only focus on new impacts that have not been considered before (CEQA Guidelines Section 15168[d][3]).

Section 15168(c), entitled “Use with Later Activities,” provides, in pertinent part, as follows:

Later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared:

- (1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration. That later analysis may tier from the program EIR as provided in Section 15152.
- (2) If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activities as being within the scope of the project covered by the program EIR, and no new environmental document would be required. Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR.
- (3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into later activities in the program.
- (4) Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR.

This Supplemental EIR (SEIR) was prepared for the proposed Project pursuant to CEQA Guidelines Section 15162. Section 15162 states that a SEIR must be prepared for a project if there is a new significant environmental effect or new information of substantial importance that was not known or could not have been known at the time the previous EIR was certified [CEQA Guidelines Sec 15162(c)]. Furthermore, the CEQA Guidelines provide that a SEIR may be prepared if the project has only minor revisions [CEQA Guidelines Sec 15162(c)].

The legal requirements to address vehicle miles traveled under SB 743 are new, and has resulted in the City of Clovis needing to update their Circulation Element and to establish Transportation Impact Analysis Guidelines. The additional analysis required by the EIR is considered “new information of substantial importance that was not known or could not have been known at the time the previous EIR was certified” under [CEQA Guidelines Sec 15162(c)], thus requiring a Supplemental EIR. The addition of new policies and/or refinement of existing policies within the Circulation Element since the General Plan EIR was certified is new information that must be addressed in the Supplemental EIR.

The supplemental-level analysis focuses on the environmental effects from transportation only. An Initial Study was prepared and it was determined that all other environmental topics would have no change, or a less-than-significant impact as a result of the proposed Project. This Supplemental

EIR will be used to evaluate subsequent projects and activities under the General Plan as they relate to the environmental topic of transportation. This Supplemental EIR is intended to provide the supplemental information and environmental analysis necessary to assist public agency decision-makers in considering approval of new projects as they relate to the requirements of SB 743.

It is anticipated that the original certified EIR, combined with the Supplemental EIR will be used for future site-specific evaluations. Future site-specific approvals may also be narrowed pursuant to the rules for tiering set forth in CEQA Guidelines Section 15152. “[T]iering is a process by which agencies can adopt programs, plans, policies, or ordinances with EIRs focusing on ‘the big picture,’ and can then use streamlined CEQA review for individual projects that are consistent with such...[first tier decisions] and are...consistent with local agencies’ governing general plans and zoning.” (*Koster v. County of San Joaquin* (1996) 47 Cal.App.4th 29, 36.) Section 15152 provides that, where a first-tier EIR has “adequately addressed” the subject of cumulative impacts, such impacts need not be revisited in second- and third-tier documents. Furthermore, second- and third-tier documents may limit the examination of impacts to those that “were not examined as significant effects” in the prior EIR or “[a]re susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.” In general, significant environmental effects have been “adequately addressed” if the lead agency determines that:

- a) they have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental impact report; or
- b) they have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.

Here, the City anticipates preparing a written checklist or similar device whenever landowners submit applications for site-specific approvals (i.e. tentative maps, conditional use permits, or other discretionary entitlements). The checklist would serve in part as a consistency checklist to determine if the application for site specific approval is consistent with the General Plan, Zoning, and Mitigation Measures, and it would also include a review of the project details relative to what was anticipated and analyzed in the certified EIR, including the Supplemental EIR (i.e. have all significant environmental impacts identified been “adequately addressed” in the EIR). Thus, if a new analysis is required for these site-specific actions, it would focus on impacts that cannot be “avoided or mitigated” by mitigation measures that either (i) were adopted in connection with the General Plan or (ii) were formulated based on information in the certified EIR and Supplemental EIR.

## CEQA GUIDELINES SECTION 15183 EXEMPTIONS

California Environmental Quality Act (CEQA) Guidelines Section 15183 allow a streamlined environmental review process for projects that are consistent with the densities established by

existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified. Under section 15183 and the statute on which it is based, Public Resources Code section 21083.3, CEQA generally applies only to the impacts that are “peculiar to the parcel or to the project” and have not been previously disclosed, except where “substantial new information” shows that previously identified impacts would be more significant than previously assumed. Notably, impacts are considered not to be “peculiar to the parcel or to the project” if they can be substantially mitigated pursuant to previously adopted, uniformly applied development policies or standards. Moreover, lead agencies need not revisit impacts previously addressed as significant effects in the prior EIR. The provisions contained in Section 15183 of the CEQA Guidelines are presented below.

### **15183. PROJECTS CONSISTENT WITH A COMMUNITY PLAN OR ZONING**

*(a) CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.*

*(b) In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:*

- (1) Are peculiar to the project or the parcel on which the project would be located,*
- (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,*
- (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or*
- (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.*

*(c) If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.*

*(d) This section shall apply only to projects which meet the following conditions:*

- (1) The project is consistent with:*
  - (A) A community plan adopted as part of a general plan,*

*(B) A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or*

*(C) A general plan of a local agency, and*

*(2) An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.*

*(e) This section shall limit the analysis of only those significant environmental effects for which:*

*(1) Each public agency with authority to mitigate any of the significant effects on the environment identified in the planning or zoning action undertakes or requires others to undertake mitigation measures specified in the EIR which the lead agency found to be feasible, and*

*(2) The lead agency makes a finding at a public hearing as to whether the feasible mitigation measures will be undertaken.*

*(f) An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the City or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence which need not include an EIR. Such development policies or standards need not apply throughout the entire City or county but can apply only within the zoning district in which the project is located, or within the area subject to the community plan on which the lead agency is relying. Moreover, such policies or standards need not be part of the general plan or any community plan but can be found within another pertinent planning document such as a zoning ordinance. Where a City or county, in previously adopting uniformly applied development policies or standards for imposition on future projects, failed to make a finding as to whether such policies or standards would substantially mitigate the effects of future projects, the decision-making body of the City or county, prior to approving such a future project pursuant to this section, may hold a public hearing for the purpose of considering whether, as applied to the project, such standards or policies would substantially mitigate the effects of the project. Such a public hearing need only be held if the City or county decides to apply the standards or policies as permitted in this section.*

*(g) Examples of uniformly applied development policies or standards include, but are not limited to:*

*(1) Parking ordinances.*

*(2) Public access requirements.*

*(3) Grading ordinances.*

*(4) Hillside development ordinances.*

## 1.0 INTRODUCTION

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*(5) Flood plain ordinances.*

*(6) Habitat protection or conservation ordinances.*

*(7) View protection ordinances.*

*(8) Requirements for reducing greenhouse gas emissions, as set forth in adopted land use plans, policies, or regulations.*

*(h) An environmental effect shall not be considered peculiar to the project or parcel solely because no uniformly applied development policy or standard is applicable to it.*

*(i) Where the prior EIR relied upon by the lead agency was prepared for a general plan or community plan that meets the requirements of this section, any rezoning action consistent with the general plan or community plan shall be treated as a project subject to this section.*

*(1) "Community plan" is defined as a part of the general plan of a City or county which applies to a defined geographic portion of the total area included in the general plan, includes or references each of the mandatory elements specified in Section 65302 of the Government Code, and contains specific development policies and implementation measures which will apply those policies to each involved parcel.*

*(2) For purposes of this section, "consistent" means that the density of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan, community plan or zoning action for which an EIR has been certified, and that the project complies with the density-related standards contained in that plan or zoning. Where the zoning ordinance refers to the general plan or community plan for its density standard, the project shall be consistent with the applicable plan.*

*(j) This section does not affect any requirement to analyze potentially significant offsite or cumulative impacts if those impacts were not adequately discussed in the prior EIR. If a significant offsite or cumulative impact was adequately discussed in the prior EIR, then this section may be used as a basis for excluding further analysis of that offsite or cumulative impact.*

## 1.2 ENVIRONMENTAL REVIEW PROCESS

The review and certification process for the EIR has involved, or will involve, the following general procedural steps:

### NOTICE OF PREPARATION AND INITIAL STUDY

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The City of Clovis circulated a Notice of Preparation (NOP) of an EIR for the proposed project on April 4, 2022 to trustee and responsible agencies, the State Clearinghouse, and the public. A scoping meeting was held on April 27, 2022 at the City of Clovis City Hall. No public or agency comments on the NOP related to the EIR analysis were presented or submitted during the scoping meeting. However, during the 30-day public review period for the NOP, which ended on May 4,

2022, eight (8) written comment letters were received on the NOP. The NOP and all comments received on the NOP are presented in Appendix A of the Draft EIR.

## NOTICE OF AVAILABILITY AND DRAFT EIR

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The City published a public Notice of Availability (NOA) for the Draft EIR on June 29, 2022, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2012061069) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review and comment from June 29, 2022 through August 15, 2022.

The Draft EIR contains the Project Description, Environmental Setting, identification of Project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of Project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less-than-significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

## RESPONSE TO COMMENTS/FINAL EIR

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The City received two (2) comment letters regarding the Draft EIR from public agencies. These comment letters on the Draft EIR are identified in Table 2.0-1, and are found in Chapter 2.0 of this Final EIR.

In accordance with CEQA Guidelines Section 15088, this Final EIR responds to the written comments received on the Draft EIR, as required by CEQA. This Final EIR also contains minor edits to the Draft EIR, which are included in Chapter 3.0, Revisions. This document, as well as the Draft EIR as amended herein, constitute the Final EIR.

## CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

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The City of Clovis will review and consider the Final EIR. If the City finds that the Final EIR is "adequate and complete," the City Council may certify the Final EIR in accordance with CEQA and City of Clovis environmental review procedures and codes. The rule of adequacy generally holds that an EIR can be certified if:

- 1) The EIR shows a good faith effort at full disclosure of environmental information; and
- 2) The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project which intelligently take account of environmental consequences.

Upon review and consideration of the Final EIR, the City Council may take action to approve, revise, or reject the proposed Project. A decision to approve the proposed Project, for which this EIR identifies significant environmental effects, must be accompanied by written findings in accordance with State CEQA Guidelines Sections 15091 and 15093. A Mitigation Monitoring and Reporting Program, as described below, would also be adopted in accordance with Public

Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 for mitigation measures that have been incorporated into or imposed upon the proposed Project to reduce or avoid significant effects on the environment. This Mitigation Monitoring and Reporting Program has been designed to ensure that these measures are carried out during Project implementation, in a manner that is consistent with the EIR.

### 1.3 ORGANIZATION OF THE FINAL EIR

This Final EIR has been prepared consistent with Section 15132 of the State CEQA Guidelines, which identifies the content requirements for Final EIRs. This Final EIR is organized in the following manner:

#### CHAPTER 1.0 – INTRODUCTION

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Chapter 1.0 briefly describes the purpose of the environmental evaluation, identifies the lead, agency, summarizes the process associated with preparation and certification of an EIR, and identifies the content requirements and organization of the Final EIR.

#### CHAPTER 2.0 – COMMENTS ON THE DRAFT EIR AND RESPONSES

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Chapter 2.0 provides a list of commenters, copies of written and electronic comments made on the Draft EIR (coded for reference), and responses to those written comments.

#### CHAPTER 3.0 – REVISIONS

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Chapter 3.0 consists of minor revisions to the Draft EIR in response to comments received on the Draft EIR.

#### CHAPTER 4.0 – FINAL MMRP

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Chapter 4.0 consists of a Mitigation Monitoring and Reporting Program (MMRP). The MMRP is presented in a tabular format that presents the impacts, mitigation measure, and responsibility, timing, and verification of monitoring.

### 2.1 INTRODUCTION

No new significant environmental impacts or issues, beyond those already covered in the Draft EIR for the proposed Project, were raised during the comment period. Responses to comments received during the comment period do not involve any new significant impacts or add “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

CEQA Guidelines Section 15088.5 states that: *New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.*

Sections 2.0 and 3.0 of this Final EIR include information that has been added to the EIR since the close of the public review period in the form of responses to comments and revisions.

### 2.2 LIST OF COMMENTERS

Table 2.0-1 lists the comments on the Draft EIR that were submitted to the City during the 45-day public review period for the Draft EIR. The assigned comment letter or number, letter date, letter author, and affiliation, if presented in the comment letter or if representing a public agency, are also listed. Letters received are coded with letters (A, B, etc.).

**TABLE 2.0-1 LIST OF COMMENTERS ON DRAFT EIR**

| RESPONSE LETTER | INDIVIDUAL OR SIGNATORY | AFFILIATION                                | DATE    |
|-----------------|-------------------------|--|---------|
| A               | David Padilla           | Caltrans                                   | 8-15-22 |
| B               | Denise Wade             | Fresno Metropolitan Flood Control District | 8-16-22 |

### 2.3 COMMENTS AND RESPONSES

#### REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

CEQA Guidelines Section 15088 requires that lead agencies evaluate and respond to all comments on the Draft EIR that regard an environmental issue. The written response must address the significant environmental issue raised and provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only to respond to significant environmental issues associated with the proposed Project and do not need to provide all the information requested by the commenter, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible environmental impacts of the proposed Project and ways to avoid or mitigate the significant effects of the proposed Project, and that commenters provide evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that revisions to the Draft EIR be noted as a revision in the Draft EIR or as a separate section of the Final EIR. Chapter 3.0 of this Final EIR identifies all revisions to the Draft EIR.

## RESPONSES TO COMMENT LETTERS

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Each letter is lettered or numbered (i.e., Letter A) and each comment within each letter is numbered (i.e., comment A-1, comment A-2).

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

**California Department of Transportation**

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 1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616  
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[www.dot.ca.gov](http://www.dot.ca.gov)



August 15, 2022

FRE-GEN  
 DEIR – Draft EIR  
 NOA DEIR – 2014 Clovis General Plan Circulation Update  
 SCH # 2012061069  
<https://ld-igr-gts.dot.ca.gov/district/6/report/26354>

**SENT VIA EMAIL**

Dave Merchen, City Planner  
 Planning Division  
 City of Clovis  
 1033 Fifth Street  
 Clovis, CA 93612

Dear Mx. Merchen:

Thank you for the opportunity to review the Supplemental Draft Environmental Impact Report (DEIR) for the 2014 Clovis General Plan Circulation Element Update (SCH# 2012061069). The City of Clovis is preparing a focused update to its existing General Plan to address Senate Bill 743 (SB 743) which concentrates on policy changes to the Circulation Element only and does not change any other Element within the General Plan. It includes the adoption of the Transportation Impact Analysis Guidelines, which are supportive of the Circulation Element. This update does not affect land uses or development patterns and does not result in any physical development with the primary focus being on revisions to the goals and policies in the Circulation Element. The DEIR addresses environmental impacts associated with the proposed update.

A-1

The project's Notice of Preparation (NOP) and Initial Study was previously reviewed by our office with comments provided in the submittal of a letter dated May 4, 2022, which is included in the DEIR Appendix B.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Caltrans encourages local agencies in considering the creation of a Vehicle Miles Traveled (VMT) Mitigation Impact Fee to help reduce impacts on the State Highway System (SHS).

A-2

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Dave Merchen, NOA DEIR – 2014 Clovis General Plan Circulation Update  
 August 15, 2022  
 Page 2

- |   |  |     |
|---|--|-----|
| 2. Caltrans encourages local agencies to consider implementing policies that support multimodal transportation systems (such as bicycle and pedestrian facilities and public transportation services) to provide connectivity of modes within communities which also help reduce VMT. |  | A-3 |
| 3. As mentioned in the City's <i>Interim Transportation Impact Analysis Guidelines</i> Section 3.2.1., Caltrans encourages the City and project proponents to coordinate with Caltrans in regard to projects that have potential to impact the SHS.                                   |  | A-4 |
| 4. Active Transportation Plans and Smart Growth efforts support the state's 2050 Climate goals. Caltrans supports reducing VMT and GHG emissions in ways that increase the likelihood people will use and benefit from a multimodal transportation network.                           |  | A-5 |

If you have any other questions, please call or email Christopher Xiong at (559) 908-7064 or [Christopher.Xiong@dot.ca.gov](mailto:Christopher.Xiong@dot.ca.gov).

Sincerely,



DAVID PADILLA, Branch Chief  
 Transportation Planning – North

C: State Clearinghouse

"Provide a safe and reliable transportation network that serves all people and respects the environment"

**Response to Letter A: Caltrans**

**Response A-1:** The commenter provides an introductory statement and acknowledges receipt of the DEIR for their review.

This comment does not warrant a response.

**Response A-2:** The commenter states: “Caltrans encourages local agencies in considering the creation of a Vehicle Miles Traveled (VMT) Mitigation Impact Fee to help reduce impacts on the State Highway System (SHS).”

This comment is noted. The City is proposing the following policy for including in the Circulation Element Update:

[Policy 2.7 VMT Mitigation Fee Program. Evaluate the feasibility of a VMT mitigation fee program and explore opportunities for establishing an in-lieu mitigation fee to offset VMT impacts from development.](#)

**Response A-3:** The commenter states: “Caltrans encourages local agencies to consider implementing policies that support multimodal transportation systems (such as bicycle and pedestrian facilities and public transportation services) to provide connectivity of modes within communities which also help reduce VMT.”

This comment is noted. The City has added several modifications to existing policies, and new policies, that are intended to support a multimodal transportation system, including bike/ped.

**Response A-4:** The commenter states: “As mentioned in the City’s Interim Transportation Impact Analysis Guidelines Section 3.2.1., Caltrans encourages the City and project proponents to coordinate with Caltrans in regard to projects that have potential to impact the SHS.”

This comment is noted. The City includes several policies in the Circulation Element Update that are intended to ensure that projects are coordinated with Caltrans and other neighboring agencies to ensure that projects do not have adverse impacts on the roadway system.

**Response A-5:** The commenter states: “Active Transportation Plans and Smart Growth efforts support the state’s 2050 Climate goals. Caltrans supports reducing VMT and GHG emissions in ways that increase the likelihood people will use and benefit from a multimodal transportation network”

This comment is noted. The City has updated the Circulation Element, and prepared the TIA Guidelines, to guide reduction in VMT and GHG emissions through a multimodal transportation system.



**Fresno Metropolitan Flood Control District**  
*Capturing Stormwater since 1956*

File 170.11  
400.11  
410.10

August 16, 2022

Dave Merchen, City Planner  
City of Clovis Planning Division  
1033 Fifth Street  
Clovis, CA 93612

Dear Mr. Merchen,

**Notice of Availability – 2014 Clovis General Plan Circulation Element Update Draft Environmental Impact Report**

The Fresno Metropolitan Flood Control District previously provided comments for the Notice of Preparation - 2014 Clovis General Plan Circulation Element Update on May 4, 2022. The comments are still applicable, and a copy of the letter is enclosed for your reference.

B-1

Thank you for the opportunity to comment. Please keep our office informed on the development of this project. If you should have any questions, please do not hesitate to contact me at (559) 456-3292.

Sincerely,

A handwritten signature in blue ink, appearing to read "Denise Wade", is written over a light blue circular stamp.

Denise Wade  
Master Plan and Special Projects Manager

DW/lrl

Attachment



**Fresno Metropolitan Flood Control District**  
*Capturing Stormwater since 1956*

File 170.11  
 400.11  
 410.10

May 4, 2022

Ricky Caperton, AICP, Deputy City Planner  
 City of Clovis Planning Division  
 1033 Fifth Street  
 Clovis, CA 93612

Dear Ricky,

**Notice of Preparation – 2014 Clovis General Plan Circulation Element Update**

The Fresno Metropolitan Flood Control District (District) has adopted storm drainage Master Plan systems for the areas located within the 2014 Clovis General Plan Circulation Element (Plan Area). These Master Plan systems are based on the previously adopted General and Specific Plan land uses commented by the District August 12, 2014.

The District offers the following comments specific to the review of the Plan Area:

1. Page 8 (Policy 1.7 – Narrow Streets) and Page 9 (Policy 3.1 – Traffic calming): The District recommends that the City include a provision for determining street conveyance capacity and an elevation of structures policy for narrow streets and streets with traffic calming curbs where tributary drainage areas are significant and may pose a threat to buildings/structures. In addition, narrow street policy should include and address provisions for utility placement.

Streets are an essential drainage element for the flow of surface waters to a storm drain inlet. The geometry (including width) is critical for surface flow during heavy or intense storm events. A wider street has a greater conveyance capacity and less conflict between the driving area and the inundated area. For instance, the standard 2-year design storm is to intercept water at the height or depth of the top of curb ( 6-inches deep). On a 40-foot wide street, the street crown and the top of curb are nearly equal, but the center of the street is generally visible. As a street is narrowed by four-feet, the full street would be inundated, including the crown. At this narrow width, the visibility of the pavement is gone, there is a loss of perception of water depth and a safe path of travel disappears.

B-2

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5469 E. Olive Avenue • Fresno, CA 93727 • (559) 456-3292 • FAX (559) 456-3194  
[www.fresnofloodcontrol.org](http://www.fresnofloodcontrol.org)

**City of Clovis Planning Division  
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Narrow streets and reduced right-of-ways will allow higher development densities and traffic calming effects, however if the area subject to these modified standards has a storm drainage infrastructure that has already been constructed, the new street standards and increased development densities will have impacts on the parameters used to calculate runoff coefficients that determine the size of the storm drainage system. The existing storm drainage system cannot accommodate reduced right-of-ways if the City desires to maintain the current level of drainage service provided to the community.

The only means of mitigating the reduced conveyance capacity of narrower streets would be to lower the tributary area, extend the storm drainage system or accept a lower level of drainage service. The first two options are essentially impracticable and very expensive in existing developed areas. When large areas are tributary to a specific location, the narrower street geometry should not be approved. In all cases of reduced street widths, the street geometry should be analyzed to determine the flow carrying capacity in relation to the tributary area.

The District's drainage system is designed for a 2-year storm event. When storms exceed the capacity of the storm drainage pipeline collection system, water must be temporarily stored on the surface until the storm subsides and the collection system can remove the storm water. Narrower streets have less storage volume available in the public right-of-way, necessitating more private property flooding and a need for elevating structures to a greater height above the street in order to provide the same level of protection from flooding, especially if reduced building setbacks are considered.

An additional impact of narrower streets is the ability to provide adequate room within the street right-of-way for the various utilities and their future repair. The District recommends that all agencies and utility companies review where their utility's relative position would be within the narrower street and determine potential conflicts and consequences of the reduced clearances prior to the adoption of a narrow street policy.

B-2 Cont'd

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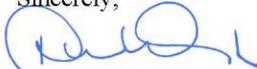
2. Figure 5 Circulation Diagram: The plan indicates north-south streets from Tollhouse Road extending to properties to the north over the existing levee and through the flowage area of Big Dry Creek Reservoir. It should be noted and considered that in order to construct roads at these locations, they would have to be elevated to cross the levee as well as crossing the inflow floodplain without having a hydraulic effect on flood flows. This could mean construction of bridges of substantial length and/or modification of road alignments.
3. Figure 6 Bicycle and Trails System: While we understand City Parks designations on this figure may not be able to change at this time, we wish to point out that existing Basins “BX”, “4D”, and Big Dry Creek Reservoir should be removed as a city park designations. Basins “BX” and “4D” are not designated as dual use for parks. The potential secondary use for Big Dry Creek Reservoir has been discussed at a local level but would require federal approval from the U.S. Army Corps of Engineers.

B-2 Cont'd

In addition, the District would recommend identifying basin facilities that are dual use facilities for parks. Please see attached Figure 6 for reference.

Thank you for the opportunity to comment. If you have any questions or require further information, please do not hesitate to contact me at (559) 456-3292.

Sincerely,

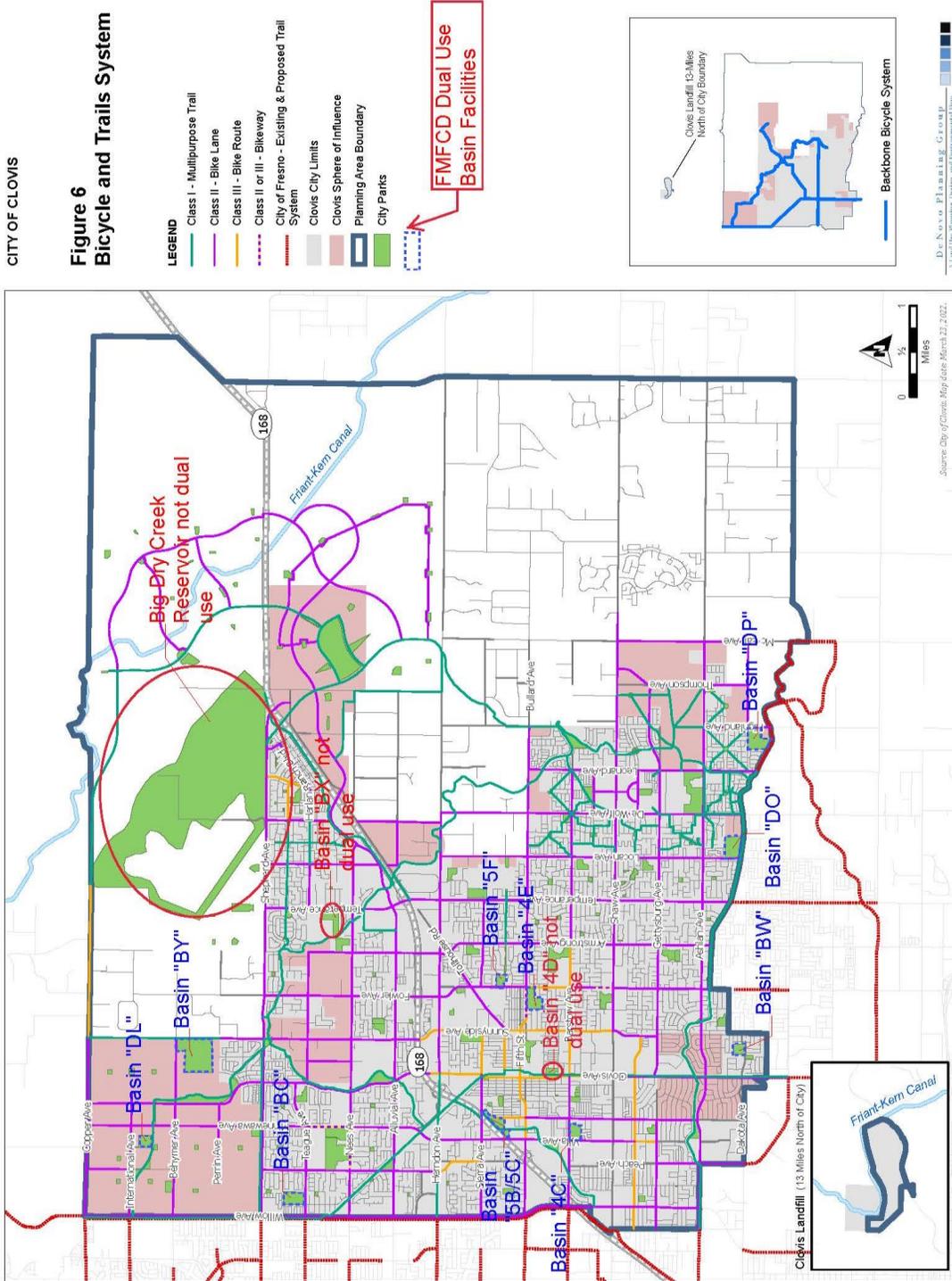


Denise Wade  
Master Plan and Special Projects Manager

DW/lrl

Attachment

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**Response to Letter B: Central Valley Regional Water Quality Control Board**

**Response B-1:** The commenter states: “The Fresno Metropolitan Flood Control District previously provided comments for the Notice of Preparation - 2014 Clovis General Plan Circulation Element Update on May 4, 2022. The comments are still applicable, and a copy of the letter is enclosed for your reference.”

This comment is noted. The NOP comment letter from Fresno Metropolitan Flood Control District was received during the NOP process, and was included as an Appendix to the Draft EIR.

**Response B-2:** The commenter attached an NOP comment letter that they previously provided to the City, and which the City included as an appendix to the DEIR. The NOP comment letter provides various design level recommendations for roadways within the City’s roadway network. Recommendations covered storm drainage and flooding as it related to bicycle/pedestrian, dual use parks, levee crossings, etc.

These comments are noted. These are engineering and design level considerations, whereas, the proposed Project is a policy document at a programmatic level. There are no proposed designs for roadways, bike/ped facilities, parks, or storm drainage facilities. Individual projects that are developed throughout the City under the General Plan will be evaluated at a project-by-project level through planning and engineering staff. The City recognizes the need for appropriate planning and engineering of the facilities mentioned in the commenters letter, however, the time is not ripe for engineering specific facilities at this programmatic stage.

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This section includes minor edits and changes to the Draft EIR. The need for modifications results from responses to comments received during the public review period for a Draft EIR, as well as City staff-initiated edits that may be needed to clarify the details of a project.

Any revisions to the Draft EIR that would result in a new significant environmental impact, or significant new information, would warrant recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5. However, revisions provided in an Errata do not constitute significant new information, or cause new significant environmental impacts, nor do they alter the conclusions of the environmental analysis that would warrant recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5. Instead, Errata revisions are intended to clarify, amplify, or correct information provided in the Draft EIR. Errata changes are provided in tracked change format with underline for new text and ~~strike out for deleted text~~.

### 3.1 REVISIONS TO THE DRAFT EIR

At this time comments provided on the Draft EIR did not warrant revisions to the text of the document. Nevertheless, this section is reserved for revisions to the Draft EIR, including those that may occur leading up to the City Council consideration of the proposed Project.

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This document is the Final Mitigation Monitoring and Reporting Program (FMMRP) for the 2014 Clovis General Plan Circulation Element Update (Project). This FMMRP 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 FMMRP is required for the proposed Project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the Draft EIR.

## 4.1 MITIGATION MONITORING AND REPORTING PROGRAM

The FMMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR.

The City will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the proposed Project.

The FMMRP is presented in tabular form on the following pages. The components of the FMMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the Draft EIR in the same order that they appear in that document.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the agency that is responsible for mitigation monitoring.
- **Compliance Verification:** This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.





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