



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission
FROM: Planning and Development Services
DATE: November 16, 2023
SUBJECT: Consider items associated with approximately 77 acres of land located at the northeast corner of Shepherd and N. Sunnyside Avenues. Great Bigland, LP., owner/ applicant; Harbour and Associates, representative.

- a) Consider Approval, Res. 23-___, A resolution of the City of Clovis Planning Commission recommending that the City Council: (1) Certify the Final Project Environmental Impact Report for the Shepherd North Project; (2) Adopt CEQA Findings of Fact and a Statement of Overriding Consideration; and (3) Adopt a Mitigation Monitoring and Reporting Program.
- b) Consider Approval, Res. 23-___, GPA2021-006, A resolution recommending that the City Council approve a request to amend the circulation element of the General Plan to allow for the placement of a Shepherd Avenue access point on the north side of Shepherd Avenue, between N. Sunnyside and N. Fowler Avenues.
- c) Consider Approval, Res. 23-___, GPA2021-005, A resolution recommending that the City Council approve a request to amend the land use element of the General Plan for the Development Area (approximately 77 acres) from the Rural Residential land use designation to the Medium-High Density Residential land use designation.
- d) Consider Approval, Res. 23-___, R2021-009, A resolution recommending that the City Council approve a request to prezone property within the Development Area (approximately 77 acres) of the Project site from the Fresno County AL20 Zone District to the Clovis R-1-PRD Zone District.
- e) Consider Approval, Res. 23-___, TM6205, A request to approve a vesting tentative tract map for a 605-lot single-family planned

residential development subject to the City Council's approval of the annexation and sphere of influence expansion.

- f) Consider Approval, Res. 23-___, PDP2021-004, A resolution recommending that the City Council approve a request to approve a planned development permit for a 605-lot single-family residential development.

Staff: George González, Senior Planner

Recommendation: Approve

ATTACHMENTS:

1. Draft Resolution CEQA
2. Draft Resolution GPA2021-006
3. Draft Resolution GPA2021-005
4. Draft Resolution R2021-009
5. Draft Resolution TM6205
6. Draft Resolution PDP2021-004
7. Applicant's Justification for GPA2021-005 & GPA2021-006
8. Applicant's Development Standards – Citrea
9. Applicant's Development Standards – Elev8ions
10. Applicant's Development Standards – Regent Park
11. Floor & Elevation Plans – Citrea
12. Floor & Elevation Plans – Elev8ions
13. Floor & Elevation Plans – Regent Park
14. Open Space & Park Exhibit
15. Draft Project EIR – Volume I
16. Draft Project EIR – Volume II
17. Final EIR, including Comment Letters, Responses to Comment Letters and Text Revisions to the Draft EIR
18. Correspondence from Commenting Agencies
19. Findings in Support of Project Applications

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission:

- Adopt a resolution recommending that the City Council Certify the Final Project Environmental Impact Report for the Shepherd North Project; Adopt CEQA Findings of Fact and a Statement of Overriding Consideration; and Adopt a Mitigation Monitoring and Reporting Program.
- Adopt a resolution recommending that the City Council Approve General Plan Amendment 2021-006;
- Adopt a resolution recommending that the City Council approve General Plan Amendment 2021-005;
- Adopt a resolution recommending that the City Council approve Prezone 2021-009;

- Approve Vesting Tentative Tract Map 6205, subject to the conditions of approval listed as **Attachment 5B** and contingent upon the City Council’s approval of the sphere of influence expansion and annexation;
- Adopt a resolution recommending that the City Council approve Planned Development Permit 2021-004, subject to the conditions of approval listed as **Attachment 6A**; 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 Clovis General Plan Land Use Designation for approximately 77 acres (Development Area) of property located at the northeast corner of Shepherd and N. Sunnyside Avenues from the Rural Residential (1 DU/2 AC) land use designation to the Medium-High Density Residential (7.1 to 15.0 DU/AC) land use designation. Additionally, the applicant is requesting to amend the Clovis General Plan Circulation Element to allow for the placement of a Shepherd Avenue access point on the north side of Shepherd Avenue, between N. Sunnyside and N. Fowler Avenues. The applicant is proposing to prezone the Development Area (approximately 77 acres) from the Fresno County AL20 Zone District to the Clovis R-1-PRD Zone District. The applicant is requesting a vesting tentative tract map approval for a 605-lot gated and non-gated single-family planned residential development with private and public streets, increased lot coverage, and reduced building setbacks. The proposed Project is not located within the City’s existing SOI and will require an SOI expansion and annexation into the City before development can proceed. The applicant is proposing a Homeowner’s Association (HOA) with this project. Approval of this Project would allow the developer to continue processing a residential site plan review entitlement and development drawings.

BACKGROUND

- General Plan Designation: Rural Residential (1 DU/2 AC)
- Existing Zoning: Fresno County AL20 Zone District
- Lot Size: Approximately 77 Acres
- Current Land Use: Agricultural
- Adjacent Land Uses:
 - North: Rural Residential
 - South: Rural Residential and Single-Family Residential
 - East: Rural Residential
 - West: Single-Family Residential and Rural Residential

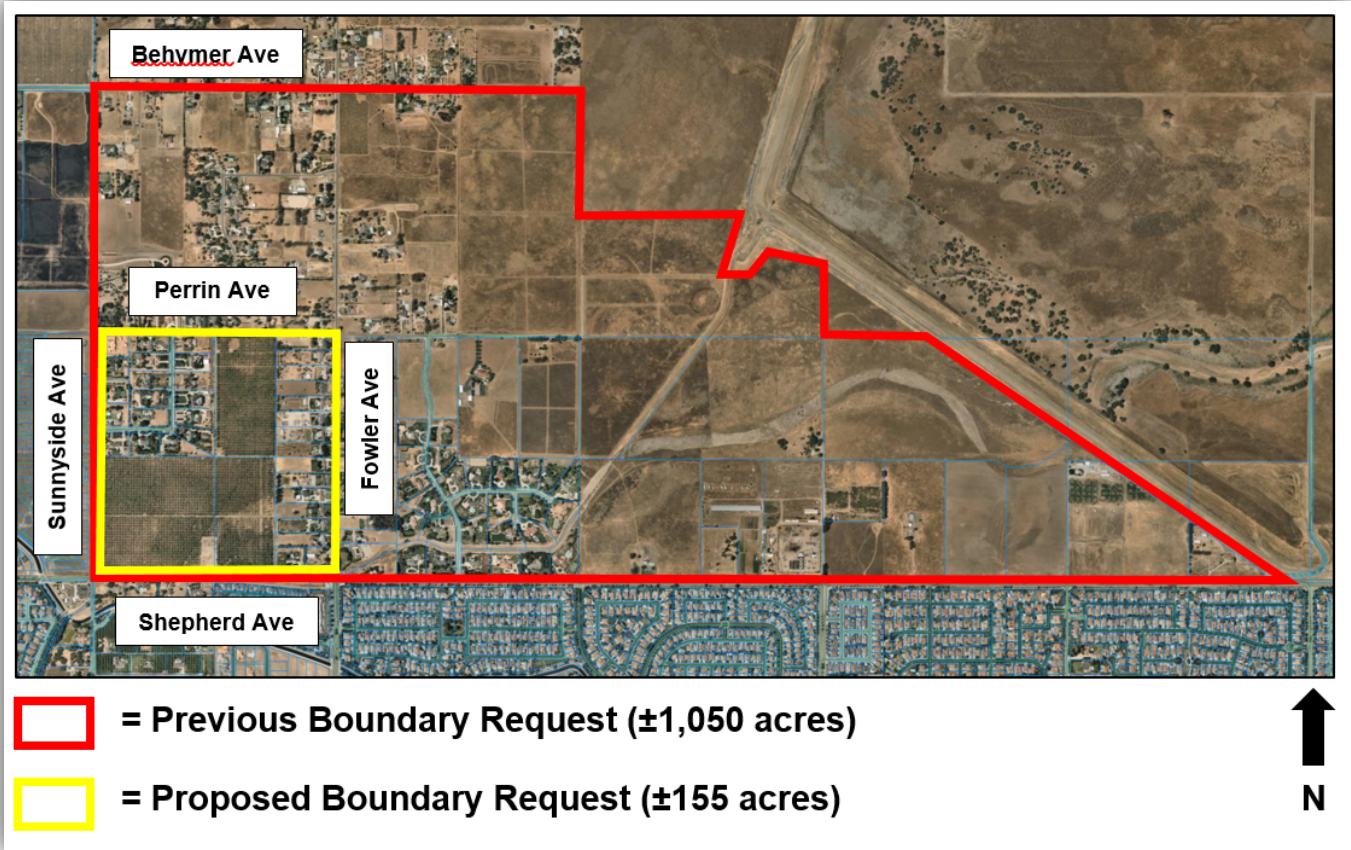
A brief history of the proposed Project related to the requested sphere of influence (SOI) expansion is presented as follows:

- **June 2016:** Staff received a request from the applicant to allow for the urbanization of the subject property at the northeast corner of Shepherd and N. Sunnyside Avenues. Staff began an internal cursory evaluation of the request to identify potential challenges and issues that would require a more detailed evaluation to assess the feasibility of the SOI amendment.

- **June and September 2018:** The applicant's representative submitted a request for the City Council to consider direction and to allow for staff to proceed with the SOI amendment process. Staff presented the request to the City Council for consideration and sought direction. The City Council ultimately directed staff to continue exploring the feasibility and to report back to City Council with an update; however, no direction was given to formally proceed at this hearing.
- **March 2020:** Staff received direction from the City Council to move forward and prepare environmental studies related to approximately 77 acres of land at the northeast corner of Shepherd and N. Sunnyside Avenues and to include the neighborhood at the corner of Perrin Road and Sunnyside Avenue as part of the environmental review.
- **April 2020:** Following the City Council's direction at the March 2, 2020 public hearing, the applicant requested via email on April 20, 2020 that the project be placed on hold due economic uncertainty in the housing industry as a result of COVID-19.
- **July and August 2020:** The applicant requested staff to continue the process and staff released a request for proposal (RFP) for preparation of an Environmental Impact Report and related studies. Following release of the RFP, the applicant requested a revision to the SOI boundary to include an additional 750 acres, for a total SOI expansion of approximately 825 acres.
- **September 2020:** Staff received direction from the City Council to move forward with the process of amending the Clovis SOI and conduct a neighborhood outreach meeting with property owners within the expanded SOI of $\pm 1,050$ acres located on the north side of Shepherd Avenue to Behymer Avenue and generally between N. Sunnyside Avenue and the Dry Creek Reservoir.
- **November 2020:** City staff held a neighborhood meeting with property owners in and around the proposed SOI amendment.
- **March 2021:** City Council considered and approved the requests for the City to enter into a consultant agreement with De Novo for preparation of an EIR for amending the City's SOI by approximately $\pm 1,050$ acres and for preparation and submittal of an application to the Fresno Local Agency Formation Commission (LAFCo).
- **March 2021 to October 2021:** Following the City Council direction, staff entered into a consultant agreement with De Novo in April of 2021 and received deposits for payment from the applicant to begin work on the EIR. The applicant submitted a proposed modification request to reduce the proposed amendment to the SOI from $\pm 1,050$ acres to ± 155 acres.
- **November 2021:** City Council approved and authorized a reduction in acreage related to an amendment to the City's SOI from $\pm 1,050$ acres to ± 155 acres (as shown below in **Figure 1**) and allow for the preparation and submittal of an updated application to LAFCo. Additionally, the City Council allowed the City Manager to execute a modified consultant agreement between the City of Clovis and De Novo Planning Group (De Novo) for the

preparation of an Environmental Impact Report (EIR) and related services for the revised SOI boundary.

FIGURE 1



The proposed Project being considered by the Clovis Planning Commission is in conjunction with a proposed expansion to the City's SOI, comprising approximately 155 acres, and an annexation proposal of the Development Area, comprising approximately 77 acres. The proposed SOI boundary encompasses the applicant's proposed Development Area, plus the neighboring 78-acre rural residential subdivision. The SOI area was established in consultation with the County of Fresno and the Fresno Local Agency Formation Commission (LAFCO) and will allow for the existing rural residential subdivision to potentially request annexation into the City in the future. The proposed SOI expansion and annexation will be considered by the Clovis City Council in a separately noticed public hearing.

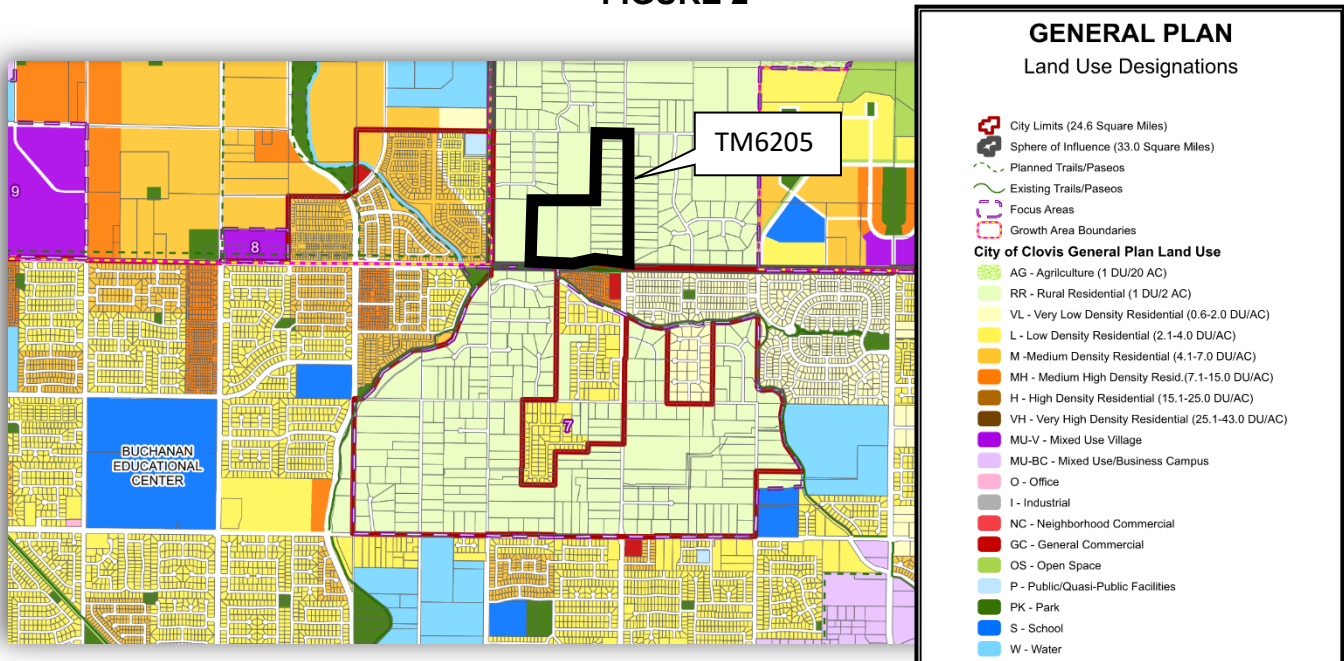
PROPOSAL AND ANALYSIS

Two (2) General Plan Amendments

Proposal

The first general plan amendment is requesting to amend the General Plan Circulation Element to allow for the placement of a Shepherd Avenue access point on the north side of Shepherd Avenue, between N. Sunnyside and N. Fowler Avenues. The second general plan amendment is requesting to amend the General Plan Land Use Designation for approximately 77 acres (Development Area) of property located at the northeast corner of Shepherd and N. Sunnyside Avenues from the Rural Residential (1 DU/2 AC) land use designation to the Medium-High Density Residential (7.1 to 15.0 DU/AC) land use designation. A general plan amendment is a change in City policy and requires a compelling reason for change. The applicant has provided a justification for both proposed general plan amendments (see **Attachment 7**).

FIGURE 2



Analysis

The proposal to re-designate the Project site (Development Area) from Rural Residential to Medium-High Density Residential represents a request to establish a compatible land use with the existing single-family planned residential development directly south of the Project site near the southwest corner of Shepherd and N. Fowler Avenues. Staff's analysis of the proposed Medium-High Density Residential land use considered the location of the site, its surroundings, and the environmental impacts associated.

The subject property is situated between Medium Density Residential developments and Rural Residential to the west and north, Rural Residential developments to the east, and Medium Density Residential and Rural Residential to the south. The applicant is requesting to construct a single-family detached planned residential development at a density of 7.77 units per acre with access from Shepherd and N. Sunnyside Avenue. The proposed residential development will not have direct vehicle access to the rural residential properties to the east of the Project site.

Due to the Project location and surroundings, the proposed change in land use is consistent with the intent of the General Plan to create a consistent design theme and mixture of housing types. Staff recommends the amendment to the Land Use Element as a package in conjunction with the rezoning, tract map, and planned development permit applications described below, which establish project-specific development standards and design components for the Project.

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 at eighth-mile points, typically for project-specific access. Likewise, 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 was removed 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 only existing entry and exit access point to the proposed Project site is from N. Sunnyside Avenue at the existing roundabout. The applicant is proposing an access point on Shepherd Avenue approximately 1,000 feet east of N. Sunnyside Avenue to serve as a second primary point of access for the proposed 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 limited access to N. Sunnyside Avenue for the proposed Project. The Shepherd Avenue access will provide added circulation for residents and emergency services. Additionally, there is no access to N. Fowler Avenue to the east of the Project site, without accessing the rural residential/ County roads (Stanford Avenue and Ticonderoga Avenue), north of Perrin Road.

In reviewing the Shepherd Avenue access point, staff has determined that traffic on Fowler Avenue (south of Shepherd Avenue) traveling north to the Project site would travel westbound via Shepherd Avenue to northbound N. Sunnyside Avenue or the proposed Shepherd access point. Generally, traffic leaving the site would travel southbound on N. Sunnyside Avenue. The additional Shepherd access does not change this traffic as all travel will continue along westbound or eastbound Shepherd Avenue. However, the Shepherd Avenue access point improves porosity of the southern half of the Project site and also improves the ability for emergency services to respond.

In light of this information, staff has evaluated the applicant’s proposal and agrees with the request for the mid-block connection as it will improve porosity. The Fire Department has also reviewed the proposed mid-block connection and has expressed its support for the additional Shepherd Avenue point of access as it will improve emergency response times and circulation through the Project site. Staff has included a condition of approval to this effect and will further define the specific entry details through the review process for the civil improvement plans.

Prezone and Planned Development Permit

The applicant is requesting to prezone the Project site from the Fresno County AL20 Zone District to the Clovis R-1-PRD (Planned Residential Development) Zone District. The Project area’s proposed re-designation to Medium-High Density Residential (7.1 – 15.0 DU/AC) in the General Plan Land Use Element would be consistent with the proposed prezone. Within the PRD Zone District, the Municipal Code permits the applicant to propose their own project-specific setbacks and lot coverage standards. The applicant has provided a list of standards as outlined below (see detailed standards in **Attachments 8, 9 and 10**). These standards are incorporated into the Project’s planned development permit (PDP).

Development Standards

The applicant is requesting approval of a gated and non-gated, detached, single-family planned residential development with private and public streets. The private streets are proposed to have no interior sidewalks, while the public streets are proposed to include standard City sidewalks. In addition, the request includes reduced setbacks and increased lot coverage. The applicant is proposing a Homeowner’s Association with this Project. Three different housing products are envisioned within the Project site, each generally characterized by the minimum lot size. The proposed development standards for all three products are outlined below in Table 1.

TABLE 1 – DEVELOPMENT STANDARDS

Standard	Housing Products		
	Citrea	Elev8ions	Regent
Minimum Lot Size (Square Feet)	3,700	1,980	4,500
Front (Garage) Setback	18 feet	5 feet	18 feet
Front (house) Setback	10 feet	5 feet	10 feet
Garage Side Setback	5 feet	5 feet	5 feet
Corner Street Sides Setbacks	5 feet	3 feet	8 feet
Rear Setback	5 feet	4 feet	8 feet
Lot Coverage	60% Max	65%	60%
Maximum Height	2-stories not to exceed 35 feet		
Minimum Parcel Width	50 feet	36 feet	50 feet
Minimum Curved Parcel Width	25 feet	36 feet	25 feet
Minimum Corner Parcel Width	53 feet	50 feet	53 feet
Minimum Parcel Depth	74 feet	50 feet	90 feet
Reversed Corner Street Side Setback	5 feet	3 feet	8 feet
Corner Street Side Fence Setback	3 feet	3 feet	3 feet

Interior Side Yard Setback (opposite from garage)	3 feet	3 feet	3 feet
Setback to Projections and/or Porch/ Patio	9 feet	4 feet	9 feet
Garages	<ul style="list-style-type: none"> • 20'x20' interior dimension (2-car) 	<ul style="list-style-type: none"> • 20'x20' interior dimension (2-car) • 10'x20' interior dimension (1-car) 	<ul style="list-style-type: none"> • 20'x20' interior dimension (2-car) • 20'x20' minimum with 9'x15.5' minimum tandem (3-car)

Per the PRD standards, 2-car garages shall have a minimum inside dimension of 20'x20' and 1-car garages shall have a minimum inside dimension of 10'x20'. The applicant may request reduced parking standards with the planned residential development process. In this case, standards for tandem garages are included for the Regent product and reduced inside dimensions are proposed for 1-car tandem garages. The Code allows the Planning Commission and City Council to reduce standards if the proposed parking meets the intent of the Code.

Staff has reviewed the proposed development standards mentioned above for the proposed single-family residential development and found them to be compatible with similar projects recently approved through the planned development permit process. It's important to note that in order to ensure adequate side yard access and proper toter storage, the Project proposes that all garage-side setbacks provide a minimum five (5') foot setback. Additionally, the Project is conditioned to provide an all-weather surface for the placement and storage of trash receptacles leading from the 5-foot side yard (garage side) to the front of the property.

Models and Lot Sizes

The applicant is proposing four (4) one-story models and one (1) two-story model with three exterior options for the proposed Citrea home product. Additionally, the applicant is proposing four (4) two-story models with three exterior options for the Elev8ions home product. The applicant is proposing three (3) one-story models and two (2) two-story models with five exterior options for the proposed Regent home product. The lot sizes within TM6205 range from 1,980 square feet to 15,943 square feet. The average lot size within TM6205 is 3,363 square feet.

Homeowners Association

The Project includes private streets within three (3) gated communities, which two are located along the Shepherd Avenue street frontage and one located on the northern half of the proposed development. The Homeowners Association (HOA) is proposed to maintain the open space/common areas and provide enforcement for illegally parked vehicles within the gated communities.

Proposed Amenities

Chapter 9.66 of the Clovis Municipal Code (Planned Development Permits) provides for flexibility in development standards as a mechanism to accommodate new types of projects that may not otherwise comply with strict adherence to typical development standards. As part of that request, planned residential developments are required to provide a program of public amenities commiserate to the deviations being requested.

In return for the reduced lot sizes, reduced setbacks, increased lot coverage, reduction in lot width and lot depth requirements, and non-standard garages, the applicant is proposing a combination of in-project amenities that are targeted towards homeowners and off-site amenities that will provide a general public benefit. In-project amenities include two community areas, each with a recreation building and community pool, a paseo along the northern-most gated neighborhood, and embellished landscaping on internal streets. With regard to off-site amenities, the applicant has agreed to contribute a dollar amount totaling \$150,000 to the City for utilization in future open space and/or park improvements in areas of the community that have a need. After consultation with the Engineering Division and Public Utilities Staff, the following projects were identified as examples of improvements that can be funded with the contribution:

- Restoration of the San Gabriel Restroom Facility within the San Gabriel Park located at the southeast corner of Willow and San Gabriel Avenues.
- Construction of a community trail along the Gould Canal in the southern part of Clovis.
- Installation of a playground equipment, shade structure over playground equipment and playground soft foam flooring at an existing neighborhood park located within the Helm Ranch Community Area or Old Town Area.

It is important to note that amongst the findings that must be made to approve a planned development permit, which include a public amenity, the proposed project must also produce a comprehensive development of superior quality than which might otherwise occur from more traditional development on the site. This could include an enhanced entry point, an embellished block wall on street frontages, and superior exterior elevation design. These features are commonly incorporated into the planned development projects proposed by the applicant, and all will be reviewed and approved with the civil plan review process and residential site plan review for individual lots.

Vesting Tentative Map

The Project includes a Vesting Tentative Tract Map 6205 (see **Attachment 5A**). The map includes 605 lots and is consistent with the requirements of the Subdivision Map Act.

Circulation

The Project is accessible from two main entries, one entry along the Shepherd Avenue frontage and the second entry along the N. Sunnyside Avenue frontage. As noted above, a general plan amendment is required to allow the Shepherd Avenue access. If the general plan amendment is not approved, the Project will need to be redesigned. These vehicular entry points will allow residents to enter and exit the planned residential development at Shepherd Avenue and at the existing roundabout on N. Sunnyside Avenue. The Project is also proposing a gated entry along the northern border of the development adjacent to Perrin Road for emergency vehicles and an exit-only for residents. The Project includes 37-foot wide private streets with no sidewalks for the three (3) gated communities. For the non-gated portion of the Project, 40-foot wide public streets with City-standard sidewalks are proposed.

Thematic Elements

The proposed development will be able to design its own unique thematic elements for the entire Project. Since the property is located outside the boundaries of the Heritage Grove Urban Center, it is not required to adhere to design standards outlined in the Heritage Grove Design Guidelines. However, although the Project will not follow the Heritage Grove Design Guidelines, staff recommends that the Project's thematic elements (lighting, benches, trash receptacles, trails, walkway treatment, architecture) complement and cohesively link the established themes by the existing single-family development to the west of the Project site and the Dry Creek Trailhead at the southwest corner of Shepherd and N. Sunnyside Avenues.

Sewer and Water Impact

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

The Project lies outside of the Fresno Irrigation District (FID) boundary and therefore, is not eligible to utilize entitled surface water from the Kings River. To help address water impacts associated with projects outside of the FID boundary, the Water Supply Fee was established in 2013 to provide a mechanism for developing properties to pay their share of the cost for the City to acquire additional water supply. This applies to project sites that are outside the boundaries of FID or if they exceed their current allocation from FID. This Project will pay fees to acquire water supplies necessary for the Project demands.

Open Space, Trails, and Neighborhood Park

In addition to the in-project amenities to be constructed by the applicant in conjunction with the planned development permit, the project will include open space and trail features that fall under the category of "community benefit" facilities. Amenities provided in conjunction with the planned development permit are at the applicant's cost, while community benefit facilities are eligible for reimbursement based on the existing fee program.

The Project proposes to construct a neighborhood park in the center of the Project site on the south side of Heirloom Avenue. As shown in **Figure 3** below, the park will include shade structures, playground equipment, seating areas, picnic tables, and open play turf area. Furthermore, the applicant will construct a community trail (see **Figure 4** below) on the north side of Shepherd Avenue, between N. Sunnyside and N. Fowler Avenues. This trail will allow residents to bike or walk to the existing neighborhood commercial center at the southwest corner of Shepherd and N. Fowler Avenues. This community trail will also provide connectivity to the existing Dry Creek trail within the Lennar development to the west and the Dry Creek Trailhead at the southwest corner of Shepherd and N. Sunnyside Avenues.

FIGURE 3
Neighborhood Park Concept

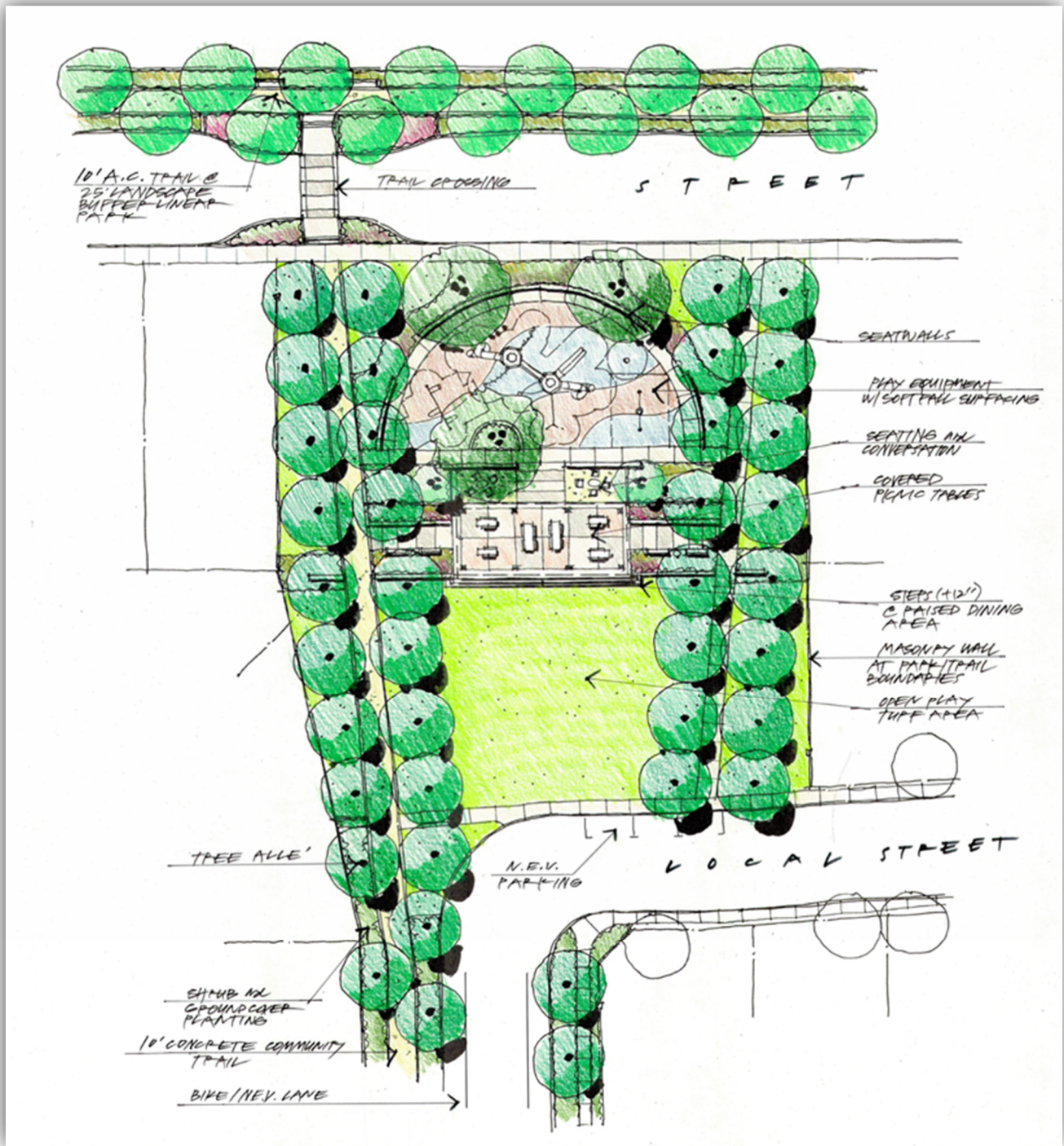
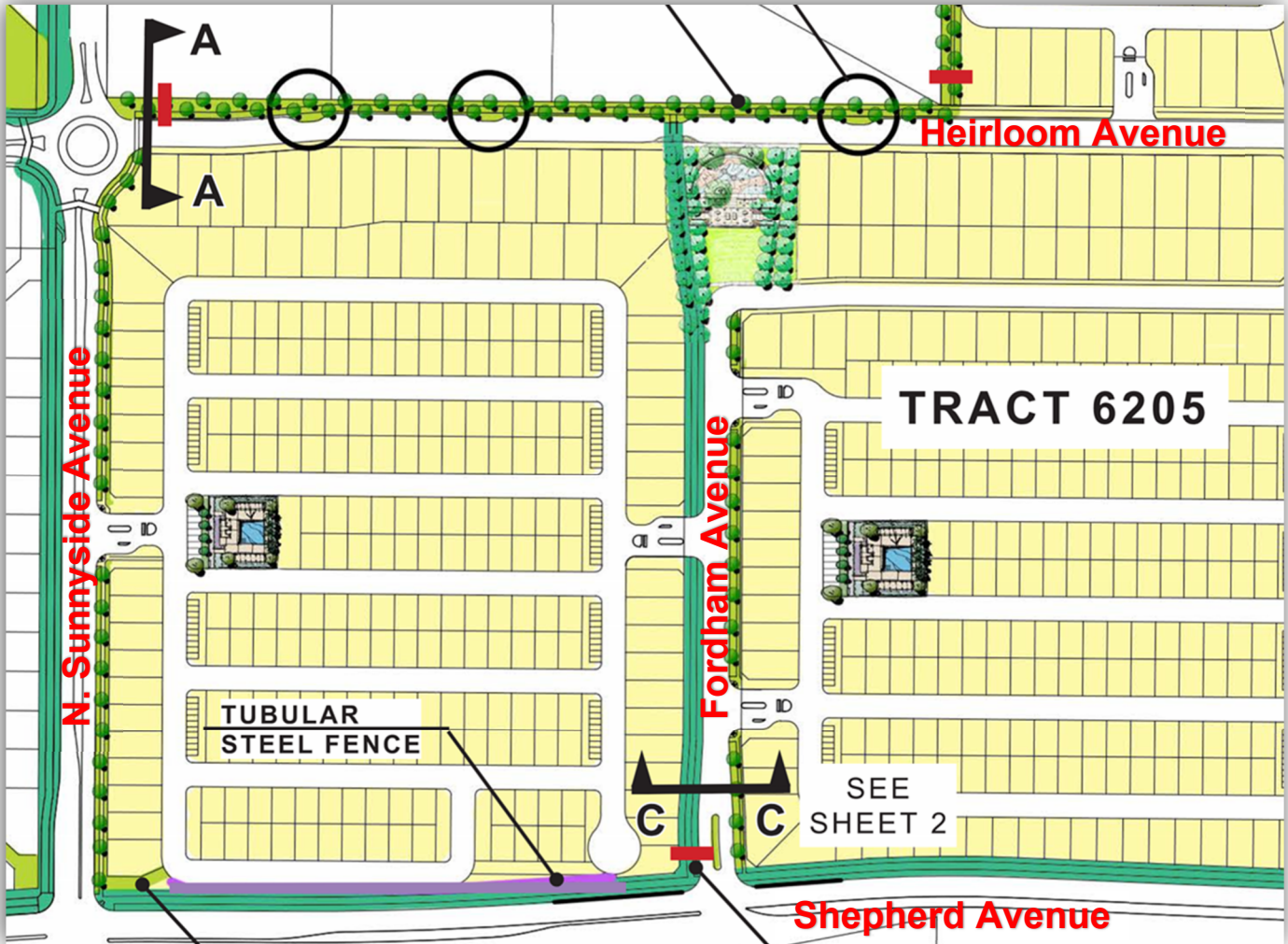


FIGURE 4
Shepherd Avenue Trail Concept



The applicant will also be constructing additional trails and open space within the proposed development. A focal point leading to the neighborhood park will be a trail connecting the Shepherd Avenue community trail to the south side of the park, along the Fordham Avenue frontage (see **Figure 5** below). The north side of Heirloom Avenue will also have a community trail that will provide a connection to the neighborhood park and the roundabout on N. Sunnyside Avenue. Please see **Attachment 14** for more detailed information of the proposed open space and trail connections associated with Vesting Tentative Tract Map 6205.

FIGURE 5



Residential Site Plan Review

The applicant will be required to submit a Residential Site Plan Review in order to allow staff to review lot-specific development standards. Specific color and materials of the models, walls, amenities, landscaping, and fencing will be evaluated through the civil plans.

Neighborhood Meeting

Per City policy, the applicant held a neighborhood meeting on Wednesday, August 30, 2023, at the Clovis Memorial Building. Approximately twenty-six (26) residents were in attendance along with the Project team and City staff. Generally, residents expressed concerns with the proposed project and asked questions pertaining to, but not limited to, project design, CEQA, traffic, noise, groundwater, product, agricultural land, and water. Neighborhood comments at the August 30, 2023, meeting primarily repeated comments made in response to the Project's EIR. The Final EIR (**Attachment 17**) provides a response to all the comments received by the City.

Public Comments

A public notice was sent to area residents within 800 feet of the property boundaries, including the Dry Creek Preserve Area. Staff has not received comments or concerns from the public upon finalization of this report.

Review and Comments from Agencies

The Project was distributed to all City Divisions as well as outside agencies, including Caltrans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan Flood Control District, AT&T, PG&E, San Joaquin Valley Air Pollution Control District, State Department of Fish and Wildlife, County of Fresno, and Fresno Local Agency Formation Commission (LAFCo).

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 Loma Vista Specific Plan identified possible long-term funding shortfalls in the Clovis' Citywide operating and maintenance costs. To address this issue the City of Clovis implemented 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, 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 vesting 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 and Circulation 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 5: A city with housing, employment, and lifestyle opportunities for all ages and incomes of residents.

Policy 5.1: **Housing variety in developments.** The Clovis General Plan has been planned to provide a variety of housing product types suitable to each stage of a person's life. Each development should contribute to a diversity of housing sizes and types within the standards appropriate to the land use designation. This policy does not apply to projects smaller than five acres.

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 a range of housing opportunities and choices.
- Create walkable neighborhoods.
- Foster distinctive, attractive communities with a strong sense of place.
- Mix land uses.
- Strengthen and direct development toward existing communities.
- Take advantage of compact building design.

California Environmental Quality Act (CEQA)

The City determined that the proposed Project required the preparation of an environmental impact report (EIR). A Draft EIR (see **Attachments 15 and 16**) was completed in July of this year and was made available for review by affected agencies and the public between July 21st and September 5th, 2023. The City received a total of twenty-four (24) comment letters on the Draft EIR, from public agencies (Caltrans, Fresno Metropolitan Flood Control District) and property owners. The comment letters, as well as the required responses to each comment, are included in the Final EIR (see **Attachment 17**).

The 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.

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.

The City circulated a Notice of Preparation (NOP) of an EIR for the proposed Project on May 6, 2022, to the State Clearinghouse, State Responsible Agencies, State Trustee Agencies, Other Public Agencies, Organizations and Interested Persons. A public scoping meeting was held on May 25, 2022, to present the Project Description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR.

Additionally, the City published a public Notice of Availability (NOA) for the Draft EIR on July 21, 2023, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2022050180) 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 July 21, 2023 through September 5, 2023.

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. This document (see **Attachment 17**), as well as the Draft EIR as amended herein, constitute the Final EIR.

The Project EIR determined that most potential impacts associated with the proposed Project were less than significant. However, the analysis identified that implementation of the proposed Project will result in VMT metrics that are greater than the applicable thresholds despite the application of feasible mitigation measures, resulting in significant and unavoidable impacts. Mitigation measures are outlined in a Mitigation Monitoring and Reporting Program (**Attachment 1B**). The identification of significant and unavoidable impacts does not mean that the Project cannot be approved. The City Council will consider the adoption of a statement of overriding considerations in conjunction with its consideration of the Project. A statement of overriding considerations is a determination that specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, allowing the adverse environmental effects to be considered acceptable.

The City published notice of this public hearing in *The Business Journal* on Wednesday, November 1, 2023.

SOI Expansion and Annexation

As indicated earlier in this report, the Project also consists of a SOI expansion (approximately 155 acres) and an annexation (approximately 77 acres) to the City of Clovis. An application for SOI expansion and annexation has been submitted and identified as the Shepherd-Sunnyside Northeast Reorganization (RO307). The annexation area includes three properties (Development Area) located at the northeast corner of Shepherd and N. Sunnyside Avenues.

The SOI expansion and annexation is brought to the Commission's attention to provide context for the proposed general plan amendments, rezoning, vesting tentative tract map, and planned development permit. The Commission is not required to take action on these requests, which will be considered by the City Council and if supported, the Council will take proponent action to apply to LAFCo as the applicant.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

The proposal will provide a diversity in housing types and a quality residential environment for this area, adjacent to the Heritage Grove growth area. The Project does not substantially impact sewer, water and other public services and will contribute to their proportionate share of infrastructure and open space. The proposed vesting tentative tract map is consistent with the goals and policies of the General Plan and Development Code. Each component of the Project meets the findings that must be considered when making a decision on a project, as outlined in detail in **Attachment 19**. Staff therefore recommends that the Planning Commission approve GPA2021-006, GPA2021-005, R2021-009, TM6205, and PDP2021-004, subject to the conditions of approval attached as **Attachment 5B** and **Attachment 6A** of this staff report.

ACTIONS FOLLOWING APPROVAL

These items will continue on to the City Council for final consideration. The City Council will also consider the proposed expansion to the City's SOI and an annexation proposal of the Development Area.

NOTICE OF HEARING

Property owners within 800 feet notified (including the Dry Creek Preserve Area): 566

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Reviewed by:

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City Planner