



REVISED  
FINAL ENVIRONMENTAL IMPACT REPORT

FOR THE

SHEPHERD NORTH PROJECT

MARCH 1, 2024

*Prepared for:*

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Planning Division  
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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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## INTRODUCTION

The City of Clovis (City) determined that a Project-level environmental impact report (EIR) was required for the proposed Shepherd North (proposed Project) pursuant to the requirements of the California Environmental Quality Act (CEQA).

A Project EIR is an EIR which examines the environmental impacts of a specific development project. This type of EIR focuses primarily on the changes in the environment that would result from the proposed Project. A Project EIR examines all phases of a project including planning, construction, and operation. The Project EIR approach is appropriate for the proposed Project because it allows comprehensive consideration of the reasonably anticipated scope of the proposed Project, including development and operation of the proposed Project, as described in greater detail below.

## PROJECT DESCRIPTION

The following provides a summary and overview of the proposed Project. Chapter 2.0 of the Draft EIR includes a detailed description of the proposed Project, including maps and graphics. The reader is referred to Chapter 2.0 for a more complete and thorough description of the components of the proposed Project.

The Shepherd North Project (Project) site is located directly north of the City of Clovis limit line at the northeast corner of North Sunnyside Avenue and East Shepherd Avenue. The Project site is bounded on the north by Perrin Road, on the east by North Fowler Avenue, on the south by East Shepherd Avenue, and on the west by North Sunnyside Avenue. The Project site is in the southwest quadrant of Section 21, Township 12 South, Range 21 East, Mount Diablo Base and Meridian (MDBM). Figure 2.0-3 illustrates the Annexation Area).

The Project site includes several distinct planning boundaries. The following terms are used throughout this document to describe planning area boundaries within the Project site:

- Project Area – Includes the whole of the Project site (approximately 155 acres), encompassing the approximate 77-acre Development Area and the approximate 78-acre Non-Development Area.<sup>1</sup>
  - Development Area - Includes the parcels being annexed that will be entitled for subdivision and development. This will include a Sphere of Influence (SOI) Expansion, General Plan Amendment, Pre-zone, Annexation/Reorganization, Tentative Tract Map, Planned Development Permit, and Residential Site Plan Review.

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<sup>1</sup> It should be noted that the term 'Project Area' is used interchangeably with 'Project Site,' throughout this EIR.

- Non-Development Area - Includes the parcels being included in the SOI expansion that will not be entitled for subdivision or development. This includes two separate areas, each described as an Expansion SubArea. The two Expansion SubAreas total 78 acres and are defined as Expansion SubArea North and Expansion SubArea East.

The principal Project objective is the expansion of the City's SOI to include the Project site, and the annexation/reorganization, approval, and subsequent development of the Development Area.

The City has established five additional project goals and objectives of the proposed development that more fully inform the Project purpose. These goals and objectives are as follows:

- Provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Clovis, consistent with policies stated in *A Landscape of Choice to modestly increase urban density*.
- Establish a mixture of housing types, sizes and densities that collectively provide for local and regional housing demand, consistent with City requirements as stated in the latest Regional Housing Needs Analysis (RHNA).
- Provide infrastructure that meets City standards and is integrated with existing and planned facilities and connections.
- Establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet City standards.
- Expand the City's Sphere of Influence in order to establish a logical and orderly boundary that promotes the efficient extension of municipal services.

The Project goals and objectives presented above, were developed by the City in response to the Legislature's repeated determinations in recent years that California is facing a statewide housing crisis, and the City's desire to facilitate the construction of new housing in the face of the housing crisis. The City staff has responded with adequate attention to the economic, environmental, and social costs of reduced housing density by establishing a quantified target density that provided the City with significant flexibility to evaluate different scenarios for residential projects on the Project site while also considered the critical need for additional housing.

## 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. Four 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 four alternatives in addition to the proposed Project.



- **No Project (No Build) Alternative:** Under this alternative, development of the Project site would not occur, and the Project site would remain in its current existing condition.
- **Increased Density Mixed Use Alternative:** Under this alternative, the proposed Project would be developed at a higher density for the residential uses and would also include a mixed-use component to the alternative. Approximately 62 acres would be developed with 605 residential units under the medium-high density residential use, 10 acres would be developed with 195 apartments under the high-density residential use, and 5 acres would be developed with 108,000 square feet under the neighborhood commercial use.
- **Reduced Density Alternative:** Under this alternative, the proposed Project would have a reduced density for the residential uses. Approximately 150 residential units would be developed under the very low-density residential designation.
- **Reduced Sphere of Influence Alternative:** Physically, there is little difference between the proposed Project and this alternative. It is noted, however, that the reduction in the SOI would eliminate the possibility of the Non-Development Area connecting to City services at some point in the future, if desired by those residents.

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.

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

ENVIRONMENTAL ISSUE	NO PROJECT (NO BUILD) ALTERNATIVE	INCREASED DENSITY MIXED USE ALTERNATIVE	REDUCED DENSITY ALTERNATIVE	REDUCED SPHERE OF INFLUENCE ALTERNATIVE
Aesthetics and Visual Resources	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Agricultural Resources	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Air Quality	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)
Biological Resources	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Cultural and Tribal Resources	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Geology and Soils	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Greenhouse Gases, Climate Change and Energy	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)
Hazards and Hazardous Materials	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Hydrology and Water Quality	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Land Use, Population, and Housing	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)
Noise	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)
Public Services and Recreation	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)
Transportation and Circulation	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)
Utilities	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)

*GREATER = GREATER IMPACT THAN THAT OF THE PROPOSED PROJECT*

*LESS = LESS IMPACT THAN THAT OF THE PROPOSED PROJECT*

*EQUAL = NO SUBSTANTIAL CHANGE IN IMPACT FROM THAT OF THE PROPOSED PROJECT*

Table ES-1 presents a comparison of the alternative Project impacts with those of the proposed Project. As shown in the table, the No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project (No Build) Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. Therefore, the Reduced Density Alternative would be the environmentally superior alternative because all environmental issues would have reduced impacts compared to the proposed Project. It is noted that the Reduced Density Alternative does not fully meet all the Project objectives. The following two project objectives are not fully met:

- Provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Clovis, consistent with policies stated in A Landscape of Choice to modestly increase urban density.
- Establish a mixture of housing types, sizes and densities that collectively provide for local and regional housing demand, consistent with City Requirements as stated in the latest Regional Housing Needs Analysis (RHNA).

The Reduced Density Alternative would provide housing (150 units), but it would be 455 units less than what is proposed. The first objective listed above references “A Landscape of Choice” which is a regional document that provides direction for the region to utilize urban land as efficiently as possible while providing an adequate supply of a broad range of housing types and densities to meet market demand. One of the guiding principles recommends measures to facilitate and encourage compact growth to all urban land uses, including commercial, industrial, and institutional uses. The Reduced Density Alternative is not consistent with this guidance for the region.

The second objective listed above references establishing a mix of housing to provide for local and regional housing demand, and consistent with the City requirements in the latest Regional Housing Needs Analysis (RHNA). In light of the Legislature’s repeated determinations in recent years that California is facing a statewide housing crisis, the State has provided the City with good reason to exercise its legislative discretion to facilitate the construction of new housing. Government Code section 65889.5, subdivision (a)(1)(A), states that “[t]he lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.” Subdivision (a)(1)(D) of that section adds that “[m]any local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.” The Reduced Density Alternative would result in 455 fewer units than the proposed Project, which is not consistent with Legislature’s guidance for solving California statewide housing crisis.

## COMMENTS RECEIVED

The Draft EIR addressed environmental impacts associated with the proposed Project that are known to the City, were raised during the Notice of Preparation (NOP) process or raised during preparation of the Draft EIR. The Draft EIR discusses impacts associated with aesthetics, agricultural resources, air quality, biological resources, cultural and tribal resources, geology and soils, greenhouse gas and climate resources, hazards and hazardous materials, hydrology and water quality, land use, population and housing, noise, public services and recreation, transportation and circulation, and utilities and service systems.

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 twenty-four (24) comment letters regarding the Draft EIR, twenty from interested citizens or organizations and four from public agencies. 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 were addressed within a Final EIR circulated in November 2023 prior to a hearing by the Planning Commission.

After the release of the Final EIR (November 2023), there were an additional sixteen comments provided to the City of Clovis. City staff makes every attempt to respond to public comment in writing, however, given that twelve of the comments were provided on the day of, or in the days after, the Planning Commission hearing, and the other four comments were provided just days before the hearing, it was not possible for City staff to adequately address the comments in writing in time for the hearing. The City staff did review the comments prior to the Planning Commission hearing, and indicated that they were not able to provide a written response at that time, but that they would make every attempt to provide a written response prior to a hearing by the City Council. As such, the City staff has prepared this Revised Final EIR to provide a written response to each of the sixteen additional comments, and to make text revisions necessary to clarify or correct Draft EIR text in response to the comments. The contents of this Revised Final EIR does not involve any new significant impacts or “significant new information” that would require recirculation of the DEIR pursuant to CEQA Guidelines Section 15088.5. This Revised Final EIR includes supplemental information, and is intended to supersede the Final EIR published in November 2023.

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A Final Environmental Impact Report (Final EIR) was prepared and circulated in November 2023 prior to a Planning Commission hearing. After the release of the Final EIR, there were an additional sixteen (16) comments provided to the City of Clovis (City). City staff makes every attempt to respond to public comment in writing, however, given that twelve (12) of the comments were provided on the day of, or in the days after, the Planning Commission hearing, and the other four (4) comments were provided just days before the hearing, it was not possible for City staff to adequately address the comments in writing in time for the hearing. The City staff did review the comments prior to the Planning Commission hearing, and indicated that they were not able to provide a written response at that time, but that they would make every attempt to provide a written response prior to a hearing by the City Council. As such, the City staff has prepared this Revised Final EIR to provide a written response to each of the sixteen (16) additional comments, and to make text revisions necessary to clarify or correct Draft EIR text in response to the comments. The contents of this Revised Final EIR does not involve any new significant impacts or “significant new information” that would require recirculation of the DEIR pursuant to CEQA Guidelines Section 15088.5. This Revised Final EIR includes supplemental information (i.e. additional written responses, and additional text revisions), and is intended to supersede the Final EIR published in November 2023.

## 1.1 PURPOSE AND INTENDED USES OF THE EIR CEQA REQUIREMENTS FOR A FINAL EIR

This Revised Final EIR for the proposed Project has been prepared in accordance with the CEQA Guidelines. 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 CEQA Guidelines Section 15132, subdivision (a), the Draft EIR (July 2023) is incorporated by reference into this Revised 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.

### PURPOSE AND USE

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The City, as the lead agency, has prepared this Revised Final EIR to provide the public and responsible and trustee agencies with an objective analysis of the potential environmental impacts resulting from approval, construction, and operation of the proposed Project. Responsible and trustee agencies that may use the EIR are identified in Chapters 1.0 and 2.0 of the Draft EIR.

The environmental review process enables interested parties to evaluate the proposed Project in terms of its environmental consequences, to examine and recommend methods to eliminate or reduce potential adverse impacts, and to consider a reasonable range of alternatives to the proposed Project. While CEQA requires that consideration be given to avoiding adverse environmental effects, the lead agency must balance adverse environmental effects against other public objectives, including the economic and social benefits of a project, in determining whether a project should be approved.

This EIR will be used as the primary environmental document to evaluate all aspects of construction and operation of the proposed Project. The details and operational characteristics of the proposed Project are identified in Chapter 2.0, Project Description, of the Draft EIR.

### 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 circulated a Notice of Preparation (NOP) of an EIR for the proposed Project on May 9, 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. The NOP and responses to the NOP by interested parties 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 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 under CEQA. The Draft EIR was available for public review and comment from July 21, 2023 through September 6, 2023.

Additionally, the Draft EIR was made available at the City's Planning and Development Department and was posted on the City's website at:

<https://cityofclovis.com/planning-and-development/planning/planning-projects/shepherd-north-soi/>

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.

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## RESPONSE TO COMMENTS/FINAL EIR

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The City received twenty-four (24) comment letters regarding the Draft EIR. These comment letters on the Draft EIR, and minor text edits to the Draft EIR, were provided in a Final EIR dated November 2023.

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## PLANNING COMMISSION HEARING

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The City of Clovis Planning Commission reviewed and considered the November 2023 Final EIR at a hearing on November 16, 2023. The Planning Commission adopted resolutions recommending that the Clovis City Council deny Shepherd North project.

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## RESPONSE TO COMMENTS RECEIVED AFTER FEIR PUBLIC CIRCULATION/REVISED FINAL EIR

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The City received an additional sixteen comment letters after the 45-day public review period for the Draft EIR. These comment letters, in addition to the twenty-four received during the 45-day public review period, are identified in Table 3.0-1 of this document. This document includes a written response to each of the forty comment letters received. In addition, this document includes a revised Errata (Chapter 4.0) and revised Mitigation Monitoring and Reporting Program (Chapter 5.0). The Revised Final EIR supersedes November 2023 Final EIR.

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## CITY COUNCIL HEARING

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The City Council will review and consider the EIR. The EIR consists of the Draft EIR, and the Revised Final EIR (February 2024). If the City Council finds that the EIR is "adequate and complete," the City Council may certify the EIR in accordance with CEQA and the City's 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 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, subdivision (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 REVISED FINAL EIR

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 TO 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. The Chapter 2.0 contained in this Revised Final EIR is the same as the Chapter 2.0 contained in the November 2023 Final EIR.

#### CHAPTER 3.0 – RESPONSE TO COMMENTS RECEIVED AFTER FEIR PUBLIC CIRCULATION

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Chapter 3.0 provides a list of commenters, and copies of written and electronic comments made after the Final EIR was circulated. The dates of the comments range from November 13, 2023 to November 30, 2023. To distinguish these comments from those circulated in the Final EIR (those contained in Chapter 2.0), each comment is coded with the Letter L (i.e. L-1 through L-16).

#### CHAPTER 4.0 – ERRATA

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Chapter 4.0 consists of minor revisions to the Draft EIR in response to comments received on the Draft EIR. The Chapter 4.0 contained in this Revised Final EIR is intended to supersede the Chapter 3.0 contained in the November 2023 Final EIR.

#### CHAPTER 5.0 – FINAL MMRP

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Chapter 5.0 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. The Chapter 5.0 contained in this Revised Final EIR is intended to supersede the Chapter 4.0 contained in the November 2023 Final EIR.



## 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 of Clovis (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.). During the 45-day review period for the Draft EIR from July 21, 2023 to September 4, 2023, the City received twenty-four (24) comment letters. These letters include Letters A through X.

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

<i>RESPONSE LETTER</i>	<i>INDIVIDUAL OR SIGNATORY</i>	<i>AFFILIATION</i>	<i>DATE</i>
A	Laurence Kimura, P.E.	Fresno Irrigation District	8-1-23
B	Charles Belemjian	Resident of Clovis	8-15-23
C	Robert and Kathy Shuman 1	Residents of Clovis	8-18-23
D	Judith Henry	Resident of Clovis	8-18-23
E	Eric Poulsen, MD	Resident of Clovis	8-28-23
F	Jill Poulsen	Resident of Clovis	8-28-23
G	Hedieh and Neal Goodwin	Residents of Clovis	8-26-23
H	Brian and Cindy Reinke	Residents of Clovis	8-30-23
I	Curtis and Pamela Cookingham	Residents of Clovis	8-30-23
J	Robert Shuman 2	Resident of Clovis	8-31-23
K	Julie A. Vance	Department of Fish and Wildlife	8-31-23
L	Patrick and Debbie Menagh	Residents of Clovis	8-31-23
M	Eric Poulsen, MD	Resident of Clovis	8-31-23
N	Charles Keller	Resident of Clovis	9-4-23
O	Curtis and Pamela Cookingham 2	Residents of Clovis	9-4-23

<i>RESPONSE LETTER</i>	<i>INDIVIDUAL OR SIGNATORY</i>	<i>AFFILIATION</i>	<i>DATE</i>
P	Kirk and Sandra Warner	Residents of Clovis	9-4-23
Q	Jared Callister	Resident of Clovis	9-4-23
R	Norman D. Morrison IV	Attorney	9-4-23
S	David Padilla	Department of Transportation	9-5-23
T	Jacqueline and Matthew Ruiz	Residents of Clovis	9-5-23
U	Denise Wade	Fresno Metropolitan Flood Control District	9-5-23
V	Harmeet Gurm	Resident of Clovis	9-5-23
W	Kevin Kercher	Resident of Clovis	9-5-23
X	Kristin and Christian Diener	Resident of Clovis	9-6-23

## 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 Clovis Shepherd North 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).

## MASTER RESPONSE TO COMMENTS

The master responses presented in this chapter address comments related to topics that are common to several comment letters. The intent of a master response is to provide a comprehensive response to a topic in a coordinated, organized manner in one location that clarifies and elaborates on the analysis in the DEIR. The following master responses are included in this chapter and are presented in more detail below:

- Master Response 1: Water Quality
- Master Response 2: Storm Drainage/Flooding
- Master Response 3: Groundwater/Surface Water Supply
- Master Response 4: Infiltration/Natural Recharge
- Master Response 5: Groundwater Extraction
- Master Response 6: Access
- Master Response 7: Traffic generation
- Master Response 8: Traffic volume
- Master Response 9: Pedestrian and Cyclist Traffic
- Master Response 10: Traffic calming/Improvements
- Master Response 11: Safety for children playing
- Master Response 12: Fire gate
- Master Response 13: Traffic on Stanford, Perrin, Ticonderoga, and Fowler
- Master Response 14: Annexation, SOI Expansion, and the Provision of City Services
- Master Response 15: Neighborhood Meeting
- Master Response 16: Parks/Greenspace
- Master Response 17: Noise
- Master Response 18: Aesthetics/Lights
- Master Response 19: Air Quality, GHG, Energy

**Master Response 1: Water Quality.** Water quality is addressed in DEIR Section 3.9 Hydrology and Water Quality. Water Quality is specifically addressed for the construction and operational phases of the project. During the construction phase, the DEIR indicates that Project construction activities are covered under SWRCB Order No. 2009-0009-DWQ, and that the proposed Project would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) containing Best Management Practices (BMPs) to reduce erosion and sediments to meet water quality standards. (DEIR, p. 3.9-12 through 3.9-13, and 3.9-20 through 3.9-24). Such BMPs may include: temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover. The BMPs and overall SWPPP may be reviewed by the Regional Water Quality Control Board (RWQCB) as part of the permitting process. The SWPPP is kept on site and implemented during construction activities and must be made available upon request to representatives of the RWQCB and/or the lead agency. Upon completion of the proposed Project, the applicant would be required to submit a Notice of Termination to the State Regional Water Quality Control Board to indicate that construction is completed. Mandatory compliance with the SWPPP would ensure that the proposed Project would not violate any water quality standards or waste discharge requirements during construction activities. Additionally, the proposed Project would be required to demonstrate compliance

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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with all of the requirements of the Fresno-Clovis Storm Water Quality Management Program (SWQMP), and the City of Clovis Municipal Code, which regulate stormwater and prohibits non-stormwater discharges except where regulated by an NPDES permit. The DEIR concluded that water quality impacts associated with construction activities would be less than significant. (DEIR, p. 3.9-22)

During the long-term operations of the proposed Project (all phases) drainage infrastructure will be required to comply with the State Water Resources Control Board Requirements (SWRCB), the Fresno Metropolitan Flood Control District (FMFCD), and City of Clovis regulations, standards, and specifications, which ensures that stormwater runoff from the Project Area is treated per the standards in the Phase II Small MS4 General Permit.

The DEIR concluded that with compliance with existing standards and rules, including the implementation of BMPs, the water quality impacts associated with operation of the Project have a less than significant impact.

**Master Response 2: Storm Drainage/Flooding:** Storm Drainage/Flooding is addressed in DEIR Section 3.9 Hydrology and Water Quality and in Section 3.14 Utilities. The Draft EIR indicates that stormwater runoff in the City of Clovis is conveyed through a system of street gutters, underground storm drains, retention/detention basins, pumping stations, and open channels that are maintained by the Fresno Metropolitan Flood Control District (FMFCD). (DEIR p3.9-3). The FMFCD is the agency that provides flood control and urban storm water services in a 399-square mile watershed located between the Kings and San Joaquin Rivers (FMFCD, 2022a).

The Fresno/Clovis urban area is served by a system of roughly 700 miles of pipeline and more than 150 stormwater retention basins. FMFCD's stormwater drainage system discharges to irrigation canals, creeks, and the San Joaquin River (FMFCD, 2013). The system is designed to retain and infiltrate as much runoff as possible into the underlying groundwater aquifer. On average, FMFCD's regional stormwater basin system captures 92 percent of annual rainfall, of which, 70-85 percent of the captured stormwater runoff is recharged into the local groundwater aquifer (FMFCD, 2020). The stormwater basins also remove 50-80 percent of the typical stormwater pollutants.

The FMFCD Master Plan storm drainage pipeline system is designed to accept the peak flow rate of runoff from a two-year intensity storm event (a storm that has a 50 percent probability of occurring in any given year) (FMFCD, 2022b). When storm events occur that exceed the two-year intensity, ponding begins to occur in the streets until the pipeline system can remove the water. If the storm is of sufficient intensity to generate more water than the street can store, the water will continue to rise until it reaches a topographic outlet where it can escape down gradient. This escape route is a feature of the major storm routing system, implemented in 1998, that protects properties from damage in rainfall or runoff events that exceed system design capacities. The Project site is located within Drainage Area BY1.

**Master Response 3: Groundwater/Surface Water Supply:** Groundwater and water supply is addressed in DEIR Section 3.9 Hydrology and Water Quality and in Section 3.14 Utilities. The DEIR references the *City of Clovis Urban Water Management Plan 2020 Update* (Provost & Pritchard, 2021B), *City of Clovis Water Shortage Contingency Plan 2020 Update* (Provost & Pritchard, 2021A); the *City of Clovis Water Master Plan Update Phase III* (Provost & Pritchard, 2017), and the *California's Groundwater: Bulletin 118 - San*

*Joaquin Valley Groundwater Basin/Kings Subbasin* (DWR 2006) as a source of information to support the analysis of water supply.

*Surface Water Supply:* The DEIR indicates that the City has access to surface water through several different contracts, all of which are delivered to the City by the Fresno Irrigation District (FID). (DEIR p. 3.9-4). The various surface water supplies are from the Kings River and Central Valley Project. The average delivery the City has received of its total allocation is just over 17,000 AF per year, with the smallest delivery being 9,452 AF in 2015 and the largest of 24,958 in 2017. The City executed a new, firm water supply, agreement with FID in 2019 that provides a surface water supply that does not fluctuate with the FID entitlement or allocation and will be available to the City on a consistent basis. This agreement provides for up to 7,000 AF per year by 2045, beginning at 1,000 AF in 2020. As the City grows and annexes portions of the Garfield and International Water Districts, those CVP, Class I water rights will be transferred to the City and added to the overall water supply portfolio. (Provost & Pritchard, 2021B).

FID's average gross annual entitlement is 452,541 AF. Within the last fifty years, the smallest entitlement received was 158,109 AF, which occurred in 2015. The City's allocation from the Kings River is proportional to the total acreage of the City's included area to the total FID area receiving water. Over time, the City has received on average 17,011 AFY, though this has varied from 9,452 AF in the severe drought of 2015 to over 24,958 AF in 2017. (Provost & Pritchard, 2021B).

Two additional water districts are located within the City's General Plan Boundaries: Garfield Water District (GWD) and International Water District (IWD). Both have access to Class I CVP surface water supplies. The GWD holds a Class 1 CVP contract for 3,500 AFY. With half of GWD within the City's SOI, an estimated 1,750 AFY is expected to be added to the City's supply upon development. The IWD holds a Class 1 CVP contract for 1,200 AFY. The City's General Plan designates a portion of the District's area as industrial and residential use. At build-out, it is estimated that the entire 1,200 AFY supply will be added to the City's Supply. As the districts urbanize, supplies associated with these areas are expected to be added to the City's supply. The City uses their surface water supplies in two primary ways: (1) as potable water supply after being treated at the City's Surface Water Treatment Plant (SWTP) or (2) as groundwater recharge in various basins located in and around the City's service area. (Provost & Pritchard, 2021B).

*Groundwater Supply:* The DEIR indicates that the City's groundwater supplies stem from the basin underlying the area, the Kings Subbasin; the Subbasin holds a status of being critically over drafted. The Kings Subbasin, a non-adjudicated basin, is a high-priority basin, which lies within the Tulare Lake Hydrologic Basin. This Basin contains multiple interconnected subbasins that transmit, filter and store water. These subbasins are Kaweah and Tulare Lake to the south, Westside and Delta Mendota to the west, and Madera to the North. (Provost & Pritchard, 2021B).

The Kings Subbasin (Subbasin 5-22.08) covers a surface area of approximately 976,000 acres (1,530 square miles). The Department of Water Resources estimated that the total basin storage was about 93,000,000 AF to a depth of more than 1,000 feet. The two major rivers overlying the subbasin are the San Joaquin River and Kings River. The Fresno Slough and James Bypass are along the western edge of the southern basin and connect the Kings River to the San Joaquin River. (Provost & Pritchard, 2021B).

The subbasin does have localized water quality impairments, including Dibromochloropropane (DBCP); Nitrate; Ethylene-Dibromide; 1,2,3-Trichloropropane (TCP); Methyl Tert-butyl Ether (MTBE); uranium; arsenic; hexavalent chromium; perfluoroalkyl substances (PFAS) and petroleum hydrocarbons. High concentrations of fluoride, boron, and sodium can be found in localized areas of the subbasin. (Provost & Pritchard, 2021B).

In 2014, the Sustainable Groundwater Management Act (SGMA) was signed into law to provide a framework for management of groundwater supplies by local agencies and restricts state intervention, if required. SGMA provides an opportunity for local agencies overlying the basin to form a Groundwater Sustainability Agency (GSA), which is the primary agency responsible for achieving sustainability. As part of the region's compliance with SGMA, the North Kings Groundwater Sustainability Agency (NKGSA) was formed and includes representatives from Bakman Water Company, Biola Community Services District, City of Fresno, City of Clovis, City of Kerman, County of Fresno, Fresno Irrigation District, Fresno Metropolitan Flood Control District, Garfield Water District, and International Water District. The North Kings Groundwater Sustainability Agency adopted a Groundwater Sustainability Plan (GSP) in late 2019.

*North Kings Groundwater Sustainability Agency:* The City is a member of the North Kings Groundwater Sustainability Agency (NKGSA). The NKGSA is working collaboratively, under a coordination agreement with the other six (6) Groundwater Sustainability Agencies in the Kings Subbasin to achieve sustainable groundwater conditions by 2040, in accordance with the Sustainable Groundwater Management Act of 2014 (SGMA) for critically over drafted groundwater basins, such as the Kings Subbasin. (Provost & Pritchard, 2021B).

SGMA identifies six (6) sustainability indicators to be monitored and reported in order to document sustainability: lowering groundwater levels, reduced [groundwater] storage, seawater intrusion, degraded [groundwater] quality, land subsidence, and surface water depletion. The NKGSA documents five (5) of those with seawater intrusion not being applicable to this region. (Provost & Pritchard, 2021B).

The City will continue increasing its surface water and recycled water supply usage to a point where the groundwater extraction is not greater than the sustainable yield in a normal year. The sustainable yield is currently estimated at 9,400 AF per year (AFY) for the SOI. (Provost & Pritchard, 2021B).

Potable water production consists of municipal groundwater wells and a surface water treatment plant (SWTP). The total groundwater pumping that occurs within the City boundaries include City-owned municipal wells and City-owned park irrigation wells. The following section provides a summary of the estimated groundwater pumping that occurs within the current City limits and planning area.

*City-Produced Groundwater:* The City's system contains more than 30 wells with a total capacity of approximately 37,690 gallons per minute with another 4,750 gpm of additional capacity planned in the next few years. In 2020, the City extracted 12,105 AF and conducted 5,316 AF of intentional recharge activities, which put the net extraction below the sustainable yield. It is presently understood that 9,400 AF per year can be sustainably used from the aquifer. (Provost & Pritchard, 2021B).

Wells are spaced at intervals across the City and are connected to a distribution system. The pipes are sized for local distribution and have, in certain instances, presented some restrictions to cross-town water

supply distribution. The transmission network consists primarily of 12-inch mains on a one-half mile grid with extensive looping. The wells are controlled by a telemetry system that controls pump operation as well as independent controls in case of remote computer failure. (Provost & Pritchard, 2017).

As of 2016, there are 34 wells operating in the City of Clovis system. Of these 34 wells, there are two functioning for standby purposes only. There are also three additional wells operating within the Tarpey system. Typically, wells are put on standby status as a result of water quality problems and are maintained for emergency use. The production rate of the existing wells varies from approximately 300 gallons per minute (gpm) to approximately 2,200 gpm. The total production for the City of Clovis in the year 2014 was approximately 15,500 acre-feet. The Tarpey Village wells accounted for approximately 540 acre-feet of this total. (Provost & Pritchard, 2017).

Existing wells are not evenly distributed across the service area, but rather generally located in the western one-half of the City of Clovis. In general, older wells are in the southwest quarter of the City and the newest wells are located to the northwest quarter of the City. The northern portion of the City of Clovis (north of Herndon Avenue), has experienced the highest growth in recent years, and has dramatically shifted the production and demand characteristics of the City's water system. (Provost & Pritchard, 2017).

Pumping rates for individual City wells in recent years have ranged from about 200 gpm to almost 1,500 gpm. However, the pumping rates for most wells have ranged from about 600 to 1,300 gpm. (Provost & Pritchard, 2017).

The average water level-decline in the City's wells from 2007 to 2014 was 1.5 feet per year. These wells represent an area of about 15,200 acres. When extrapolated over the acreage associated with the SOI boundary (21,100 acres) and the General Plan boundary (47,500 acres), the change in storage is 3,800 and 8,550 acre-feet per year, respectively. (Provost & Pritchard, 2017).

*Historical Groundwater Pumping:* The water system was initially constructed near the turn of the 20th century, when the first municipal well was installed, and, up until July 2004, the City's sole source of drinking water was groundwater. The City currently obtains groundwater from 36 active wells and one standby well, which have a total capacity of approximately 37,690 gallons per minute (gpm). There are also six planned wells, adding an additional planned capacity of 4,750 gpm, bringing the total well capacity to 42,440 gpm. Two of the existing active wells (Wells 10 and T-5) are offline due to TCP and PFAS water quality concerns, and one well is listed as standby due to iron and manganese concerns. TCP, PFAS, DBCP and high iron (Fe) and manganese (Mn) are the main water quality constraints in the Clovis area. Five (5) more of the City's wells are currently on inactive status due to being dry or producing too much sand (Wells 3, 11, 33, T-1, and T-3). (Provost & Pritchard, 2021B).

In 2020, groundwater provided approximately 49 percent of the total potable water use. The historical volume of groundwater pumped by the City over the past five years is ranged from 10,956 in 2019 to as high as 13,187 in 2016. The groundwater extraction has reduced since 2016 and is expected to continue to be reduced, as discussed later in this section. (Provost & Pritchard, 2021B).

In 2020, recharge was 5,316 AF, while the City's 30-year average groundwater recharge quantity is approximately 8,412 AFY. In the past 30 years, the groundwater table has dropped 48 feet, from a depth

of 92 feet in 1991 to a depth of 140 feet in 2019. Recharge efforts began in 1974, and in 2004, the City began utilizing surface water with the goal of reducing groundwater extraction. Recharge efforts by the City have not been enough to stem the decline as the basin is shared with other users who either don't recharge or inadequately recharge. (Provost & Pritchard, 2021B).

**Master Response 4: Infiltration/Natural Recharge:** The DEIR indicates that the proposed Project would result in new impervious surfaces and could reduce rainwater infiltration and groundwater recharge. Infiltration rates vary depending on the overlying soil types. In general, sandy soils have higher infiltration rates and can contribute to significant amounts of ground water recharge; clay soils tend to have lower percolation potential; and impervious surfaces such as pavement, significantly reduce infiltration capacity and increase surface water runoff. (DEIR p3.9-24 through 3.9-27).

The DEIR indicates that the soils contained on the Project site have a hydrologic rating ranging from "A," which is indicative of soils having a high infiltration rate (low runoff potential) when thoroughly wet, to "D," which is indicative of soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. Figure 3.2-2 in the DEIR identifies Project site soils, and Table 3.9-2 provides a list of the soils and hydrologic rating of each soil, including the percentage of the project area.

The infiltration rate of the soils on the Project site ranges from low to high. As indicated in the Geotechnical Report (Krazan & Associates, 2019), cemented silty sand and silty sand with trace clay, locally referred to as "hardpan," were encountered in several of the borings at the Project site. This cementation inhibits infiltration of surface water into the soil stratum below the hardpan. Therefore, it can be presumed that the Project site generally does not allow for a high level of groundwater recharge in its existing condition. Development of the Project site with impervious surfaces is unlikely to reduce rainwater infiltration and groundwater recharge when compared to existing conditions. The open space areas of the development totaling approximately 5.54 acres will remain largely pervious. The collection of rainwater for those areas of impervious surfaces will be routed into the proposed Project's storm drainage system and eventually flow into the San Joaquin River.

The Project site is located in the Kings Groundwater Subbasin. The Kings Subbasin is recharged by water from sources including streams, percolation of rainfall and irrigation water, inflow from other groundwater basins, and intentional recharge at numerous facilities. Intentional recharge is conducted in recharge ponds and on some farm fields with compensation to landowners. The hardpan encountered on the Project site generally does not allow for a high infiltration rate. While the proposed Project would result in an increase in the amount of impervious surfaces within the Project site when compared to existing conditions, it is not anticipated that the proposed development would interfere with groundwater recharge, as much of the groundwater recharge in the basin occurs in the sand and gravels along the San Joaquin River from Sierra Nevada snowmelt flowing downstream.

Moreover, as further evidence that the reduction in onsite recharge capabilities and elimination of onsite extraction will not result in significant environmental effects, onsite water extraction for orchard trees will be replaced by City of Clovis infrastructure and water supplies, which come from wells located in a different location than the project site. The water usage on a per acre basis for residences on the Site is far less than the prior agricultural use for orchard trees. Additionally, on-farm recharge does not result in the return of all pumped irrigation water. Evaporation, evapotranspiration, and osmosis occur during



irrigation and plant growth, which results in a net loss of water. While rain events can provide some recharge, given the hardpan limitations, recharge opportunities at the Site from precipitation are limited. As a result, the amount of water saved from not pumping for agricultural irrigation will be far more than any recharge on the Site from agricultural irrigation. It is also anticipated that recharge will continue to occur from flows through City and FMFCD infrastructure to collect in FMFCD basins which are sources of recharge for the local aquifer.

**Master Response 5: Groundwater Extraction:** Since the 2015 UWMP, SGMA has become effective and the City is working collaboratively with other agencies reliant on the groundwater basin to reach sustainable management of the groundwater aquifer prior to 2040, as required. The supply from groundwater sources has been modified to reflect this change in the City's supply portfolio. In the 2010 and 2015 UWMPs, the City's groundwater supplies were shown to be increasing with population growth into the future. The historical volume of groundwater pumped by the City from 2016 to 2020 ranged from 10,956 in 2019 to as high as 13,187 in 2016. In 2020, the City extracted 12,105 AF and conducted 5,316 AF of intentional recharge activities, which put the net extraction below the sustainable yield. It is presently understood that 9,400 AF per year can be sustainably used from the aquifer. (Provost & Pritchard, 2021B). The City's 30-year average groundwater recharge quantity is approximately 8,412 AFY. The projected groundwater supply in the 2020 UWMP shows it decreasing to the estimated sustainable amount of 9,400 AFY. (Provost & Pritchard, 2021B). The overall water supply is met with an increase in surface and recycled water sources to offset the reduced use of groundwater resources.

The City has been searching for additional land to construct another dedicated groundwater recharge facility in the City. The facility will likely be in North Clovis upgradient of City wells. A minimum of 20 to 40 acres is desired with a minimum recharge capability of 1,500 to 3,000 AF per year. An additional project that the City is pursuing in cooperation with FID, FMFCD, and the City of Fresno, is either reoperation of Big Dry Detention Basin, known as the Redbank-Fancher Creeks Flood Control Project, to allow storage of East Side Stream Flood releases or a project to increase recharge capabilities upstream of the Basin. This is currently in the study phase. (Provost & Pritchard, 2021B).

In addition, there are two banking facilities, the Waldron Banking Facilities (WBF) and Boswell Groundwater Banking Facility (BGBF), have been constructed in central Fresno County. The City entered into an agreement with the FID to participate in the financing of the construction of a dedicated water banking facility called the Waldron Banking Facilities. The City is entitled to receive up to ninety percent (9,000 AF) of the annual yield. The City plans on taking the water in dry years to augment supply. (Provost & Pritchard, 2021B).

The groundwater supplies the City relies upon are not in the process of adjudication. The surface water supplies have either long-range contracts or newly executed contracts to document quantities and availability to the City. (Provost & Pritchard, 2021B).

Recycled water is considered a consistent source; however, because it is mainly dependent upon indoor residential use, it is susceptible to water rationing. In 2020, the City utilized approximately 28 percent of its treated wastewater, an increase over past years; however, the use primarily was limited by its existing infrastructure and seasonal need. The amount of recycled water the City intends to use for beneficial

purposes is expected to increase as additional infrastructure is built, wastewater generation increases, and the Clovis Water Reuse Plant expands. (Provost & Pritchard, 2021B).

Groundwater supply projections include approved developments outside of the City boundaries, but within the planning area and estimated groundwater pumping by others within the planning area. The projected groundwater supply reliability does not account for groundwater pumping outside the City's planning area, nor undocumented privately owned domestic or irrigation wells. Groundwater use may increase as population increases and groundwater use by others (including school districts and agricultural users) may also increase in single dry years and multiple dry years (when surface water cutbacks occur).

The 'sustainable yield' is defined as the amount of groundwater pumping that can occur while maintaining groundwater at sustainable levels and avoiding undesirable results. The sustainable yield can be estimated as the total groundwater recharge (from natural and artificial sources) minus the groundwater outflow (as shown below). The GSP of the North Kings Groundwater Sustainability Agency indicates that the sustainable yield of the groundwater basin is approximately 1,140,000 AFY/acre (1,360,000 AF -220,000 AF).

A water supply assessment (*Tract 6205, Northwest Sphere of Influence Expansion Area. Water Supply Assessment*) was prepared by Provost & Pritchard (2022) and is summarized in Section 3.14 Utilities. The technical analyses shows that the total projected water supplies determined to be available for the proposed Project during Normal, Single Dry, and Multiple Dry years during a 20-year projection will meet the projected water demand associated with the proposed Project, in addition to existing and planned future uses. The water supply for the City as a whole is shifting more toward surface water supplies since 2015 and will continue on that path through 2040 to ensure compliance with the Kings sub basin groundwater sustainability plan (GSP). The DEIR (p3.14-30) concludes that the proposed Project would not cause the substantial depletion of groundwater supplies or interfere substantially with groundwater recharge.

The Applicant retained Kenneth D. Schmidt and Associates to prepare an analysis of the groundwater conditions in the vicinity of the Project Site. The report is dated September 2023 and was submitted to the City of Clovis for their review and consideration. The City's Supervising Engineer reviewed the report and concurs with the opinions provided. Furthermore, the City's Supervising Engineer indicated that the author has been an expert in this field for many decades.

After the City had reviewed and concurred with the report, it was provided to the City's EIR consultant for a second independent review. The City's EIR consultant found that the opinions in the report are consistent with, and supportive of, the original findings in the DEIR. It was found that the report is a good source of information for further affirmation of the DEIR conclusions, and it was determined that including the report as an Appendix to the EIR would amplify and clarify information already provided in the EIR.

The conclusion of the report is that the proposed project would use water from the City of Clovis distribution system as opposed to on-site wells. In terms of groundwater, there would be an overall reduction in groundwater pumpage of about 400 acre-feet per year. This would be beneficial to the local groundwater supplies. The full report is included in Section 3.0 Errata.

The DEIR's conclusion that the Project's onsite groundwater usage would be less than existing conditions, is based on several factors, most notably the fact that the Project's onsite groundwater usage would be less than existing conditions. At full build-out, total water demand for the Project would be approximately 255.8 AFY. Since at least 2020, less than half of the City's water supplies have derived from groundwater pumping; instead, most of the City's supplies come from the City's surface water rights or stored water. In other words, actual groundwater usage following the completion of the Project will be less than half (*i.e.*, less than 127.9 AFY, and decreasing over time) of the Project's total consumptive water use. As such, the Project's groundwater usage will be less than historic groundwater usage at the site as estimated in either the Schmidt Report or the WSA. Moreover, the proportion of the City's water supply needs that will be served by groundwater extractions will continue to decrease through at least 2030. In addition, unlike the historic agricultural uses on the Property, the City's water supplies do not draw from onsite wells, but rather from wells located in other locations within and around the City of Clovis. Further, a significant amount of the site will remain pervious (*i.e.* landscaping front and backyards, parks, open space, etc.). To the extent that runoff occurs offsite because of impervious surfaces, groundwater recharge associated with runoff would occur in nearby FMFCD stormwater facilities. The presence of hardpan soils in some of the geotechnical bore samples at the project site was provided in the DEIR for appropriate context. However, the presence of hardpan was not the basis for the DEIR's conclusion that the project would have a less than significant impact on groundwater recharge. Because the project's groundwater usage is less than the status quo (*i.e.*, the pecan orchard), the Project would not impede sustainable groundwater management under the applicable GSA or result in any potentially significant impacts related to groundwater resources.

**Master Response 6: Access:** Access to the project from existing streets will be provided by four driveways: two on Sunnyside Avenue, one on Perrin Road (Stanford/Perrin), and one on Shepherd Avenue. Except for the driveways on Shepherd Avenue and Perrin, all other project driveways will operate as full-access driveways. The driveway on Shepherd Avenue will operate as a Right-In Right-Out/Left-In (RIRO/LI) driveway, since Shepherd Avenue has a speed limit of 40 MPH along the project frontage and estimated to have significant amount of through traffic. The driveway at Stanford/Perrin is a requirement of the City of Clovis Fire Department, it provides secondary access to only the 101 lot gated subdivision. The driveway at Stanford/Perrin will be an exit only driveway to the 101-lot gated subdivision and will provide emergency access. Because this point has limited access to major thoroughfares, it is not anticipated to generate significant traffic and the TIA has estimated approximately 10% to use this egress. As included in the TIA, a sight distance analysis was conducted for all driveways to determine adequacy of sight for safe maneuver at the driveways using California Highway Design Manual (HDM) recommended methodology. As such, all the proposed project driveways achieve the adequate sight distances and have clear sight triangles for the drivers along the project frontage.

**Master Response 7: Traffic generation:** The project proposes to construct 605 single-family residences. The surrounding areas in the neighborhood also mostly constitute of similar single-family residential developments. Additionally, several new projects within the area also proposes single-family residential developments. As such, the project does not propose any land use atypical to the area, or any land use that is estimated to change the neighborhood traffic pattern. Therefore, trip generation and distribution pattern from the project is also expected to be similar to the neighborhood trip patterns. In fact, implementation of recommended improvements as included in the TIA would help alleviate traffic

congestion and safety related issues within the project vicinity, as well as existing and future residential communities in the area. As stipulated by statutory directives in SB743, congestion is not an environmental impact and the City is voluntarily addressing these issues only to help the public better understand. The project would be conditioned to require construction of improvements, payment of Development impact fees and Regional Transportation Mitigation fee and payment of fair-share contributions towards improvements not included in any existing fee programs.

**Master Response 8: Traffic volume:** The TIA includes contribution of traffic from all future developments that would add traffic to the TIA study area. As such, the traffic improvements recommended as part of this study accounts for cumulative traffic impact from all future projects, as well as the proposed project. Additionally, the traffic analysis takes into consideration the effects of school traffic under existing and future long-range conditions. The improvements proposed in the study would help address the traffic congestion issues from all future developments, as well as school related traffic within the project vicinity. This includes both vehicular and non-motorized traffic issues as described in the TIA.

**Master Response 9: Pedestrian and Cyclist Traffic:** The project will be implementing several project design features that will help eliminate gaps in the pedestrian circulation network around the project site. As part of project frontage improvement, the project will be constructing sidewalks, curb and gutter along Sunnyside Avenue and Shepherd Avenue, Fordham Avenue, and Heirloom Avenue and dedicate space for bike lanes along Shepherd Avenue. Additionally, installing signals with pedestrian crossings have been recommended to enhance, pedestrian safety in the neighborhood. This includes a signal that has been proposed at the intersection of Sunnyside Avenue/Shepherd Avenue (southwest corner of the project site), which will help pedestrians accessing the Dry Creek trailhead safely with designated crosswalks at this location.

In addition, Shepherd Avenue will be constructed curb to curb between Sunnyside and Fowler Avenue including a trail/sidewalk along the north side of Shepherd Avenue and bike lanes along this segment of Shepherd Avenue. This will enhance both vehicular safety and pedestrian safety along this corridor.

**Master Response 10: Traffic calming/Improvements:** the project proposes to connect to the existing roundabout at the northerly project location along Sunnyside Avenue. Additionally, sidewalks and bike lanes will be constructed along the project frontage on Shepherd Avenue, Sunnyside Avenue, and Fordham Avenue. Addition of these project design features would help in traffic calming as well as enhance safety around the project site.

**Master Response 11: Safety for children playing:** The project will be implementing several project design features around the project site that will improve safety for children. As part of project frontage improvement, the project will be constructing sidewalks, curb and gutter along Sunnyside Avenue, Shepherd Avenue, Heirloom Avenue, and Fordham Avenue, and dedicate space for bike lanes along Shepherd Avenue. Additionally, installing signals with pedestrian crossings at the intersection of Sunnyside Avenue/Shepherd Avenue (southwest corner of the project site), will help pedestrians accessing the Dry Creek trailhead safely with designated crosswalks at this location. As such, implementation of the signal and said sidewalks would help address speeding and safety issues along these corridors.

**Master Response 12: Fire gate:** The project will have four separate access points. As such, in case of any fire related events, Firefighters can access the project through multiple access points around the project site. Therefore, the project is not estimated to have any fire related access concerns.

**Master Response 13: Traffic on Stanford, Perrin, Ticonderoga, and Fowler:** The project is estimated to add only nominal trips to the local roads including Stanford, Perrin, and Ticonderoga. Similarly, it is estimated to add nominal trips to Fowler Avenue north of Shepherd Avenue. This is because, due to the local circulation network and location of activity centers in relation to the project, majority of the project traffic is estimated to travel south using Shepherd Avenue on to Clovis Avenue, Sunnyside Avenue, and Fowler Avenue. Based on the TIA, only 15 percent of project traffic is anticipated to utilize Fowler Avenue heading south of Shepherd Avenue towards SR-168. As such, the project is not estimated to create any traffic related issues along the local streets or Fowler Avenue. A signal at the intersection of Fowler Avenue/Teague Avenue is in the City's Development Impact Fee program and will be constructed when warranted but not as a requirement of the project. It should be noted that the segment of Fowler Avenue between Ticonderoga and Shepherd Avenue is forecast to operate at a deficient LOS under Cumulative (2046) without and plus project conditions. However, this segment is designated as a Rural collector (2-lanes) in the City's General Plan Circulation Element, and already constructed as per the General Plan Circulation Element designation. Additionally, the project is not estimated to add any traffic at this segment during either peak hours. Therefore, no improvement has been recommended for this roadway segment.

**Master Response 14: Annexation, SOI Expansion, and the Provision of City Services:** Annexations and Sphere of Influence (SOI) expansions are regulated by the Cortese-Knox-Hertzberg Local Government Reorganization Act. (DEIR p.3.10-3 through 3.10-4) The regulations establish procedures for local government changes of organization, including city incorporations, annexations to a city or special district, and city and special district consolidations. In approving an annexation, the Local Agency Formation Commission (LAFCo) will consider the following factors:

- Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; and the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years.
- The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; and the probable effect of the proposed incorporation, formation, annexation, exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.
- The effect of the proposed action and of alternative actions on adjacent areas, on mutual social and economic interests, and on the local government structure of the county.
- The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, and efficient patterns of urban development, and the policies and priorities set forth in Government Code section 56377.
- The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Government Code section 56016.

- The definiteness and certainty of the boundaries of the territory, nonconformance of proposed boundaries with lines of assessment or ownership, creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- Consistency with city or county general and specific plans.
- The sphere of influence of any local agency that may be applicable to the proposal being reviewed.
- The comments of any affected local agency.
- The ability of the newly formed or receiving entity to provide the services that are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.
- Timely availability of water supplies adequate for projected needs as specified in Government Code section 65352.5.
- The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs, as determined by the appropriate council of governments consistent with Housing Element laws.
- Any information or comments from lawmakers.
- Any information relating to existing land use designations.

In addition to the above factors, LAFCo may also consider any resolution raising objections to the action that may be filed by an affected agency; and any other matters which the commission deems material.

In Fresno County, including the City of Clovis, the Fresno LAFCo is responsible for coordinating orderly reorganization to local jurisdictional boundaries, including annexations. (DEIR p. 3.10-6 through 3.10-9). Any annexation of the Project site to the City is subject to LAFCo approval, and LAFCo will review proposed annexations for consistency with LAFCo's Annexation Policies and Procedures.

Fresno LAFCo has adopted Policies and Procedures for Annexation and Detachment to and from all agencies within their jurisdiction. It is Fresno LAFCo policy (102-01) that "within the sphere of influence each agency should implement an orderly, phased annexation program. A proposal should not be approved solely because the area falls within the sphere of influence of an agency." The City of Clovis follows the Policies and Procedures for Annexation and Detachment when annexing land into the City. LAFCo recommends that each local agency fulfill this policy through the exercise of several basic principles and actions that are outlined on page 3.10-6 through 3.10-9 of the DEIR.

The DEIR includes an evaluation of the Project's consistency with the LAFCo policies on page 3.10-26 through 3.10-30 of the DEIR. The DEIR indicates that Fresno LAFCo will review the proposed annexation for consistency with the Annexation Policies and Procedures. The DEIR presents the following policies that will be reviewed as part of the annexation process by the Fresno LAFCo, and provides a specific project discussion for each.

1. The annexation program is consistent with LAFCo's Sphere of influence (SOI) for the City.

Suggested actions:

- City and county shall reach agreement on development standards and planning and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner

that reflects the concerns of the affected City and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere. GC §56425

- City responds to a request to extend service outside of its City limits and SOIs in consultation with GC §56133 and Fresno LAFCo policy.

Project discussion:

The proposed Project includes an amendment of the City's SOI to include the entirety the approximately 155-acre Project site. The area is currently located in the City's Planning Area, but outside of the City's SOI. The amendment of the City's SOI will require an application and approval by the Fresno LAFCo. The SOI amendment would be reviewed by the City and LAFCo prior to proceeding with the requested annexation. If the SOI Amendment is approved, the Project would then be able to begin the annexation process.

2. The annexation program clearly implements the City's general plan.

Suggested actions:

- City annexation applications shall describe how the proposal implements the City's general plan, and support these statements with information from other official sources such as the annual budget, capital improvement plan, and so forth.
- A rezoning ordinance shall not be encumbered with extraneous conditions that preclude the ordinance's effective date by the time of LAFCo hearing on the annexation.

Project discussion:

The proposed Project includes the adoption of pre-zoning for the proposed annexation area, which will serve to regulate the uses of land and structures within the Project area. The Project site is currently located outside of the Clovis City limits, and therefore does not have City-designated zoning. The proposed Project includes a request for Development Area pre-zoning (which is consistent with the proposed General Plan Land Use designation). The pre-zoning request is for Single-Family Planned Residential Development Zoning (R-1-PRD) zoning designation over the Development Area lots. The R-1-PRD district is consistent with the proposed Medium-High Density Residential land use designation of the General Plan. The proposed City of Clovis zoning for the Project site is shown on Figure 2.0-9. The Project will be subject to the development standards as described in the Municipal Code. The Municipal Code is proposed to ensure consistency between land use and zoning designations.

3. The annexation program emphasizes the use of cities' resolution of application versus property owner/registered voter petitions.

Suggested action:

- For the City to consider opposing property owner petition-initiated reorganizations as these would not have proceeded through the process of City development review and approval, which is an important step in the management of a City's general plan.

Project discussion:

No opposing property owner petition-initiated reorganizations exist for this Project.

4. The annexation program supports orderly growth by identifying areas to be annexed, general time frames for growth, and a plan for extension of services to these areas.

Suggested actions:

- Capital improvement plan and/or facilities plans include all lands within the SOI;
- Development impact fees that fund the extension of services are established and maintained;
- Impacts to service delivery are assessed in the City's EIR or project-specific CEQA documents and appropriately-scaled mitigation is approved and implemented.
- The City coordinates its public policy documents in support of the annexation program.

Project discussion:

The Draft EIR assesses service capacity and demands for utilities services and public services. There are not any service deficiencies noted by the City of Clovis, or contained within this EIR that are anticipated to occur after installation of infrastructure. The Project site is also designated for residential uses by the City's General Plan.

5. The annexation program anticipates changes of organization of existing service districts and service areas in the SOI or adjacent to the SOI.

Suggested action:

- The Program should describe the transition of services that will occur when the City annexes/detaches (CID, NCFPD, FCFPD, KRCD, etc.); inversely, the document describes the status of or continuation of services when annexations do not result in detachment (FID, FMFCD, etc.).

Project discussion:

As noted previously, the Draft EIR assesses service capacity and demands for utilities services and public services. There are not any service deficiencies noted by the City of Clovis, or contained within this EIR that are anticipated to occur after installation of infrastructure. The Project site is also designated for residential uses by the City's General Plan.

6. The annexation program anticipates the location of Disadvantaged Unincorporated Communities within a City's sphere of influence.

Suggested action:

- Cities should become proficient in implementing their responsibilities under Senate Bill 244, should review Fresno LAFCo DUC policy and review Senate Bill 244 Technical Advisory.

Project discussion:

The Project site is not located in or adjacent to a Disadvantaged Unincorporated Communities.

7. The annexation program informs citizens in annexation areas of their rights, benefits, and changes that will occur on annexation.

Suggested actions:



- City to establish and maintain on its website a description of the information above, how citizens can engage the process, how the City engages citizens and stakeholders and other information related to annexation. This information should include a description of the SOI, protest processes, and how LAFCo is involved.
- For those portions of a City's SOI that contain a large number of rural residential parcels that are planned for urban uses, the City is strongly encouraged to develop a long-term plan to annex and serve these areas.

Project discussion:

As noted previously, the Draft EIR assesses service capacity and demands for utilities services and public services. There are not any service deficiencies noted by the City of Clovis, or contained within this EIR that are anticipated to occur after installation of infrastructure. The Project site is also designated for residential uses by the City's General Plan. It is noted, however, the proposed annexation area was not included in the City's latest Municipal Service Review.

8. The annexation program will be coordinated with LAFCo's Municipal Services Review (MSR) for the City.

Suggested action:

- City applications should include an assessment of current MSR determinations and recommendations.

Project discussion:

As noted previously, the Draft EIR assesses service capacity and demands for utilities services and public services. There are not any service deficiencies noted by the City of Clovis, or contained within this EIR that are anticipated to occur after installation of infrastructure. The Project site is also designated for residential uses by the City's General Plan. It is noted, however, the proposed annexation area was not included in the City's latest Municipal Service Review.

9. The annexation program is managed by an assigned and responsible City staff member.

Suggested action:

- City identifies a staff member to serve as a genuine point of contact with LAFCo, that is, a staff member responsible and accountable for managing applications, knowledgeable of the project and of LAFCo's process, and empowered to facilitate the City's annexation program.

Project discussion:

This requirement applies to the City and not individual development projects.

- H10. City entitlement analysis is integrated with LAFCo policies

Suggested action:

- Local agencies, including Fresno County, are strongly advised to include Fresno LAFCo in their initial request for comments.

- When initial planning applications that will eventually require annexation are submitted to cities, they are encouraged to submit a pre-application to LAFCo so that LAFCo can track the project at its beginning and provide comments that would facilitate annexation in time for these to be considered in a timely and efficient manner.

Project discussion:

This City has coordinated with LAFCo through the release of the Notice of Preparation and invitation to the Scoping meeting. The City will ultimately coordinate with LAFCo if the City decides that the Project site should be annexed into the City of Clovis. At that time, the City would submit the appropriate applications and documentations for LAFCo's consideration of the City's annexation approval.

The DEIR indicates that the policies discussed above are intended to ensure orderly reorganization to local jurisdictional boundaries, including annexations. Ultimately, LAFCo will determine whether the proposed annexation would first require an update to the *Clovis Municipal Service Review* in order to approve the annexation. This LAFCo policy was not specifically adopted to avoid or mitigate an environmental effect, rather it is intended to ensure orderly and logical reorganization to local jurisdiction boundaries, including annexations. The proposed Project is consistent with LAFCo policies adopted to address environmental impacts. As such, implementation of the proposed Project will have a less than significant impact relative to this topic.

It is noted that several comments received by the City suggested that an SOI expansion of the non-development area should include extension of City services (i.e., water/sewer) to the areas. For clarification, the non-development area is not proposed for annexation into the City. Rather, it is proposed to be included in the City's SOI, which would make it eligible for annexation at some future time. A future annexation of the non-development area would require the property owners of those parcels to organize and agree to be annexed into the City, which has not been done as part of the current proposal. Additionally, it does not appear that the current sentiment from parcel owners in the non-development area would be supportive of annexation into the City at this time. It is noted, however, that the SOI expansion, which does not require the approval of the parcel owners, would allow for future annexation of the non-development area into the City of Clovis if desired by the property owners at some later date. If the SOI expansion were approved, the non-development area would remain in the unincorporated County, but would be within the City's SOI. If annexed at some future time, the parcels could be served by City water and sewer. However, annexing these parcels and providing City water and sewer services is not currently proposed.

**Master Response 15: Neighborhood Meeting:** There are certain mandated meetings that are required under procedures provided in the California Environmental Quality Act. The first is a public scoping meeting when an EIR is to be prepared. The City of Clovis circulated a Notice of Preparation (NOP) of an EIR for the proposed Project on May 9, 2022 to the State Clearinghouse, State Responsible Agencies, State Trustee Agencies, Other Public Agencies, Organizations and Interested Persons. A public scoping meeting was then 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. The NOP and comments received on the NOP by interested parties are presented in Appendix A.

Several comments were provided to the City regarding a neighborhood meeting that was administered by the Applicant. This is not procedurally a meeting that is held under CEQA for the purposes of preparing an EIR, and it was not a meeting that was sponsored by the City staff. The City staff was made aware of the meeting through email communication from citizens/neighbors requesting answers to their questions. Instead, the meeting was organized and facilitated by the Applicant and their team. The City staff was in attendance and does consider that meeting part of the City's administrative record on this application.

**Master Response 16: Parks/Greenspace:** There were comments provided regarding the lack of planned parks, trails, sidewalks, and greenspace. Section 2.0 Project Description presents the parks/greenspace that is proposed, and Section 3.12 Public Services and Recreation provides an analysis of the proposal relative to the park requirements.

It should be noted that the proposed Project includes the development of open space totaling approximately 5.54 acres, including 2.25 acres of trails, 2.39 acres of promenade/pedestrian circulation, and 0.90 acres of parks as described in DEIR Section 2.0 Project Description. The main park would be located within the central portion of the Development Area, which would connect to a network of promenades and trails located within and along the perimeter of a portion of the Development Area. The promenade and trail network would also link to adjacent trails located in the planned residential community to the west, as well as the Dry Creek Trail and Clovis Old Town Trail to the south.

As described on page 3.12-5, the Clovis General Plan establishes a goal of four acres of parkland per 1,000 residents, which exceeds the requirement set forth by the Quimby Act. Page 3.12-24 through 3.12-25 includes an analysis of the proposed Project relative to the City's parkland requirements. The DEIR indicates that the Project is estimated to increase the population by 1,700 residents (based on 2.81 persons per household), and that the proposed parkland offered by the Project would not provide the park land needed to meet the four acres per 1,000 people. However, the DEIR references the Municipal Code Chapter 3.4, Park Acquisition and Development, which states that any developer who plans for dwelling units to be constructed in the City shall pay, in addition to any other fees required to be paid by the City, a fee which shall be calculated on the basis of park acreage designated in the Clovis General Plan consisting of the estimated total land acquisition and construction cost distributed on the basis of the remaining developable area within the sphere of influence. In accordance with the Municipal Code, fees are deposited in specific funds that shall be used solely for the acquisition, improvement and expansion of public parks and recreation facilities as outlined in the park acquisition and improvement fee update. As a result of the requirement, the Project will dedicate the proposed parkland and pay an in-lieu fee for the difference in accordance with the Clovis Municipal Code Chapter 3.04. This is consistent with State law and the City's requirements for parkland dedication and in-lieu fee payments for parkland.

**Master Response 17: Noise:** Comments were provided regarding increased noise from traffic, construction (i.e., cement/asphalt), and that the existing neighborhood is quiet and will change dramatically.

Effects of Noise on People and Ambient Noise: The DEIR discusses the fundamentals of noise on page 3.11-2, and provides examples of typical noise levels associated with various activities in Table 3.11-1. Page 3.11-3 through 3.11-4 provide a discussion of the effects of noise on people, which can be broken down into the following three categories:

- Subjective effects of annoyance, nuisance, and dissatisfaction;
- Interference with activities such as speech, sleep, and learning; and
- Physiological effects such as hearing loss or sudden startling.

The DEIR indicate that environmental noise typically produces effects in the first two categories. Workers in industrial plants can experience noise in the last category. The DEIR states that there is no completely satisfactory way to measure the subjective effects of noise or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual's past experiences with noise.

The DEIR indicates that an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted: the so-called ambient noise level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it. With regard to increases in A-weighted noise level, the following relationships occur:

- Except in carefully controlled laboratory experiments, a 1 dB change cannot be perceived;
- Outside of the laboratory, a 3-dB change is considered a just-perceivable difference;
- A change in level of at least 5-dB is required before any noticeable change in human response would be expected; and
- A 10-dB change is subjectively heard as approximately a doubling in loudness, and can cause an adverse response.

Stationary point sources of noise – including stationary mobile sources such as idling vehicles – attenuate (lessen) at a rate of approximately 6 dB per doubling of distance from the source, depending on environmental conditions (i.e. atmospheric conditions and either vegetative or manufactured noise barriers, etc.). Widely distributed noises, such as a large industrial facility spread over many acres, or a street with moving vehicles, would typically attenuate at a lower rate.

Existing noise levels is discussed on page 3.11-4. Noise data indicates that traffic along Shepherd Avenue is the primary source of noise impacting the Project site and the adjacent uses. The results of the short-term noise data are presented in Table 3.11-2 on page 3.11-4 of the Draft EIR. To quantify the existing ambient noise environment in the Project Vicinity, three 15-min ambient noise measurements were conducted at or near the Project site. The noise measurements were taken to determine the existing ambient noise levels. Noise data indicates that traffic along Shepherd Avenue is the primary source of noise impacting the Project site and the adjacent uses. Noise data shown in Table 3.11-2 indicates the ambient noise level ranged from 46 to 69 dBA Leq at the Project site. Maximum levels reached up to 82 dBA as a result of traffic of heavy trucks along Shepherd Avenue.

Traffic Noise: An analysis of operational noise associated with the Project is presented on page 3.11-5 through 3.11-19. Table 3.11-9 presents the existing plus project noise levels along various roadways. As noted on page 3.11-5 of the DEIR, A change of 3 dB or more is required to have a perceptible difference in noise levels. The DEIR identifies Sunnyside Avenue from Project Intersection 1 to Shepherd Avenue as having the potential for a significant impact with an increase of more than 3 dB. There are no other potentially significant impacts identified from traffic noise increases of 3dB or more.

The DEIR discusses cumulative traffic noise on pages 3.11-20 through 3.11-22. Tables 3.11-9 and 3.11-10 compare the without and with project scenario and shows the change in traffic noise levels as a result of the proposed Project. Again, it takes a change of 3 dB or more to hear a perceptible difference. The analysis shows that the Cumulative 2046 scenario has a maximum change in noise level of 0.7 dBA CNEL. Sunnyside Avenue from Project Intersection 1 to Shepherd Avenue has a 0.5 dBA CNEL change. Future residential uses will be in the normally compatible level along that segment. Therefore, a less than significant impact would occur with regard to this cumulative impact.

Construction Noise: An analysis of construction noise associated with the Project is presented on page 3.11-19 through 3.11-20. The DEIR indicates that during the construction of the Project, including roads, water, sewer lines, and related infrastructure, noise from construction activities would add to the noise environment in the Project vicinity. Construction noise is considered a short-term impact and would be considered significant if construction activities are taken outside the allowable times as described in the City of Clovis Municipal Code Section 5.27.604. Construction is anticipated to occur during the permissible hours according to the City's Municipal Code. Construction noise will have a temporary or periodic increase in the ambient noise level above the existing within the Project vicinity. Typical operating cycles for these types of construction equipment may involve one or two minutes of full-power operation followed by three to four minutes at lower power settings. Noise levels will be the loudest during the grading phase.

The modeling assumes construction equipment as close as 25 feet from the adjacent residences and an average of 550 feet away from the adjacent residences. Unmitigated noise levels at 550 feet have the potential to reach 60 dBA Leq and 92 dBA Lmax at the nearest sensitive receptors during grading. Noise levels for the other construction phases would be lower, approximately from 46 to 59 dBA Leq and 86 to 93 dBA Lmax. This would be a 13 dB Leq daytime increase in the ambient noise level at the residents along Perrin Rd., Purdue Ave., and East Lexington Ave.

The DEIR also indicates that noise reduction policies within the General Plan and standards within the Municipal Code are provided to further reduce construction noise. Mitigation Measure 3.11-3, presented on page 3.11-20 of the DEIR, embodies a preexisting legal requirement from City of Clovis Municipal Code Section 5.27.604 that ensures that construction activities are performed within specific hours. Mitigation Measure 3.11-4, also presented on page 3.11-20 of the DEIR, provides specific requirements for attenuating noise during construction. With implementation of the Mitigation Measure 3.11-3 and 3.11-4, the potential impacts of construction noise are reduced to a less than significant level.

**Master Response 18: Aesthetics/Lights:** Comments were provided regarding the change of agricultural and rural character, increase in the presence of people in the area, increased lighting, and also regarding the visual presence of two-story homes backing up to existing homes.

Visual Character: The visual character of the Site is discussed on page 3.1-4 of the DEIR. Here the region and vicinity are described as follows: The City of Clovis is in California's San Joaquin Valley, and like most communities in the region, features a flat landscape organized around an orthogonal system of roadways. Due to its rapid growth in recent years and its adjacency to the City of Fresno, Clovis has a largely suburban character. A majority of the City's land area is devoted to low density residential neighborhoods. However, because the community has grown from a small farming town and is still surrounded by agricultural land uses on three sides, it retains a rural atmosphere. The suburban/rural interface is most prominent on the City's eastern, southeastern, and southern edges. In these locations, new housing subdivisions are sited between working farms and large residential estate lots of two to five acres. The SOI beyond the City's Limits to the east, northeast, and north is dominated by agricultural uses and undeveloped open spaces. The Project site is located in the north, and the immediately surrounding area is best characterized as a mix of agricultural, suburban residential, and large estate lots with existing residences.

The impact on the visual character is evaluated in the DEIR on pages 3.1-10 through 3.1-13. Here the proposed Project is described as involving an expansion of the City's Sphere of Influence (SOI) to add approximately 155 acres into the City of Clovis' SOI, including the annexation/reorganization of the proposed 77-acre Development Area to develop 605 single-family detached units, open space totaling 5.54 acres, including 2.25 acres of trails, 2.39 acres of promenade/pedestrian circulation, and 0.90 acres of parks, and associated roadway improvements. The DEIR indicates that the non-Development Area includes the parcels being included in the Sphere of Influence (SOI) expansion that will not be entitled for subdivision or development and no new development or improvements are proposed as part of this proposed Project for the Non-development Area. The DEIR concludes that the existing visual character of the Non-development Area would not change as part of this proposed Project.

The DEIR indicates that development of the proposed Project would convert the 77-acre Development Area from its existing use as primarily agricultural land to a residential neighborhood. The neighborhoods within the Development Area would include a network of streets to provide an efficient flow of traffic through the area. Other uses to support and compliment the proposed residential development include underground (non-visible) wet and dry utility infrastructure, roadways with curb/gutters/sidewalks, bicycle/pedestrian facilities, street lighting, and street signage.

The Project site is not designated as a scenic vista by the City of Clovis General Plan or the Fresno County General Plan, nor does it contain any unique or distinguishing features that would qualify the site for designation as a scenic vista. However, the City's General Plan EIR considers Shepherd Avenue a scenic corridor under the General Plan Open Space and Conservation Element. The City's General Plan EIR notes that new development will impact current views of open space, which are primarily vistas of agricultural fields and orchards. These public views are primarily available to motorists traveling along roadways which bound the Development Area. Implementation of the proposed Project would change the existing visual character of the Development Area from a primarily agricultural site to a developed suburban neighborhood. These impacts related to a change in visual character may be considered "attractive" to one viewer and "unattractive" to other viewers. It is noted that the Clovis General Plan EIR concluded that adoption of the General plan which contemplated urbanization of the agricultural lands within the General Plan study area, was a less than significant environmental impact.

The Draft EIR references Policy 2.3 of the Clovis General Plan Update's Open Space and Conservation Element, which gives substantial consideration to the preservation of scenic vistas, corridors, and scenic resources, such as maintaining public views of open spaces, parks, and natural features; enhancing views along roadways and trails; preserving Clovis' viewshed of the surrounding foothills; and orienting new development to capitalize on views of the Sierra Nevada. Chapter 9 of the Clovis Development Code also establishes requirements for fences, walls, and hedges to ensure that these elements minimize screening of scenic views and sunlight by outlining provisions such as height limitations, design and construction materials, site plan review requirements, allowable fencing materials, etc. per Section 9.24.060 (Fences, Walls, and Hedges); and screening and buffering requirements of adjoining land uses, utility equipment, and refuse areas are detailed in Section 9.24.090 (Screening and Buffering). Development in accordance with these code requirements would ensure that the implantation of the proposed Project would not have a substantial adverse impact on scenic vistas, corridors, or resources in the City of Clovis.

The Draft EIR indicates that the Project site currently consists primarily of agricultural lands, primarily a pecan orchard that is currently being removed due to the tree mortality. The DEIR states that the agricultural land provides visual relief from urban and suburban developments, and helps to define the character of a region. The proposed Project would develop the last remaining property in agricultural use in an area surrounded by urban and Rural Residential uses. Supporting infrastructure would be extended to the area, which would result in the permanent loss of these agricultural uses. The DEIR indicates that under some circumstances, loss of agricultural lands could have an adverse cumulative impact on the overall visual character and quality of a region, but that the orchard portion of the Project site is an island of agricultural land use surrounded by developed homes to the east, north, and south, and an entitled residential subdivision to the west. What this means is that the orchard is a relic agricultural piece of property that has remained intact and operational despite the properties in the immediate surrounding aesthetically changing to suburban residential aesthetic. The DEIR indicates that the proposed Project would change the existing aesthetic of the Project site to be consistent with the urban landscaping theme established for Shepherd Avenue by the City of Fresno and its urban projects as well as the City of Clovis and its urban projects that generally continues that urban landscaping theme along Shepherd Avenue. With few exceptions, both cities have required residential projects to construct a uniform 6 ft. tall concrete block wall setback at least 30 feet from the street with landscaping, sidewalks and bike lanes. Trees of a small to medium size and a variety of shrubs create a generally consistent shared landscape theme by both cities.

The DEIR also indicates that a change in the visual character of a project site does not necessarily mean the visual character of the project site or the surrounding area will be degraded. The Project applicant has submitted a conceptual plan for the project detailing the Shepherd Avenue and open space landscaping for the proposed developed prepared by a licensed landscape architect. That conceptual landscape plan includes visual components that will enhance the appearance of the neighborhood once developed similar to those constructed by adjacent residential projects along Shepherd Avenue. These improvements include landscaping improvements like new street trees and other neighborhood greenery along Shepherd and Sunnyside Street frontages of the Project. The proposed Project would also result in the construction of park and open space areas which provides some visual relief within residential subdivisions. While implementation of the proposed Project would change the existing visual character of

the area, the development components of the subdivisions are in alignment with the City's requirements for residential subdivisions in the region.

The DEIR indicates that development within the Project site is required to be consistent with the General Plan and the Clovis Zoning Ordinance, which includes design standards. The City of Clovis zoning ordinance and ministerial permits design, construction and maintenance standards will ensure quality and cohesive design of the Project site. These standards include specifications for building height, massing, and orientation, exterior lighting standards, and landscaping standards. Following the City's design, construction, and maintenance requirements will produce a project that will be internally cohesive, while maintaining and aesthetic feel similar to that of the surrounding urban uses.

The loss of the visual appearance of the agricultural land on the site will change the visual character of the Project site in perpetuity, which some people are expected to view as a loss of an isolated visually attractive amenity. Compliance with the requirements within the General Plan, as well as the Municipal Code (specifically Title 7 Public Works, Title 8 Building Regulations, Title 9 Development Code, and Title 10 Parks and Recreation), for the design, construction, and maintenance of the project will be required. Title 9 Development Code Division 3 includes a series of Development and Operational Standards that are aimed at creating uniform performance standards which are designed to minimize and mitigate the potential impacts of development within the City and promote compatibility with surrounding areas and land uses. These standards cover topics such as exterior light and glare (Section 9.22.050), fences, walls, and hedges (Section 9.24.060), height measure and height limit exceptions (9.24.080), screening and buffering (Section 9.24.090), setback regulations and exceptions (Section 9.24.100), landscaping standards (Chapter 9.28), tree protection standards (Chapter 9.30), and signs (Chapter 9.34). Some of these standards and requirements from pre-existing regulations are implemented after Project entitlement when more detailed site planning, engineering, and architecture is performed. The final approval of these items is ministerial. Some examples of requirements that the Project will follow are:

1. The Project will be required to submit and obtain approval from the City of Clovis of a comprehensive landscape and irrigation plan prepared by a licensed landscape architect that is in substantial conformity with the submitted project conceptual landscaping plan, entry treatment and park improvements. The City of Clovis ministerial permits for landscaping, irrigation and grading will assure said landscaping and irrigation complies with applicable state and local plant type and irrigation and grading standards.
2. The Project will be required to annex into a City of Clovis landscaping lighting and maintenance district (LLMD) that will assure that all landscaping and lighting within the public easements along Shepherd and Sunnyside Avenues are properly maintained in manner acceptable to the City of Clovis.
3. The Project will form a common interest association for the purpose of, among other things, common area maintenance. Said maintenance will be at the Project owner's expense. The common interest association will be subject to California Department of Real Estate operational and financial surety requirements.
4. Each Project lot will be subject to the City of Clovis requirement that a Residential Site Plan Review be submitted and approved by the City of Clovis. The Residential Site Plan Review process will require, among other things, that all lots meet applicable development standards; share a



compatible architectural, landscaping and color scheme and conform to mandatory grading and drainage standards.

The Municipal Code implements the policies of the Clovis General Plan by classifying and regulating the uses of land and structures within the City of Clovis. The Municipal Code is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents and businesses in the City. These existing requirements provide standards for the orderly growth and development of the City to establish and maintain the community's history and quality characteristics in appropriate locations. It requires high quality planning and design for development that enhances the visual character of the City, avoids conflicts between land uses, encourages the appropriate mix of uses, and preserves the scenic qualities of the City. It also creates a comprehensive and stable pattern of land uses upon which to plan sewerage, transportation, water supply, and other public facilities and utilities. Overall, these mandatory requirements are deemed effective in reducing potential visual impacts. This is particularly true here where the project site is an isolated and remnant agricultural use surrounded by residential and rural residential land uses. Therefore, the Project's potential to adversely impact aesthetics is considered less than significant.

Light: Light is addressed on page 3.1-3, and 3.1-14 through 1.1-15 of the DEIR. The DEIR notes that the proposed Project involves the development of up to 605 single-family residential units, open space totaling approximately 5.54 acres, including 2.25 acres of trails, 2.39 acres of promenade/pedestrian circulation, and 0.90 acres of parks, and associated roadway improvements. The DEIR indicates that several roadways would be constructed within the Development Area to serve the proposed single-family residential uses and that these roadways would result in the introduction of street lighting into a currently undeveloped site. The DEIR indicates that the proposed single-family residential uses and local roadway would be typical of what is already experienced as a result of the existing single-family residential uses and local roadways that occur within the surrounding area. The proposed single-family residential uses would be an extension of single-family residential uses adjacent to the Project site.

The DEIR indicates that the proposed Project would be required to implement existing City regulations aimed at reducing light impacts to ensure that no unusual nighttime lighting is produced. Specifically, Section 9.22.050 of the Clovis Development Code contains standards and provisions related to exterior lighting. The DEIR indicates that while implementation of regulations and standards within the Clovis Development Code would reduce impacts associated with increased light, the impacts would not be eliminated entirely, and the overall level of light and glare in the Project site would increase in general as urban development occurs.

Overall, the proposed Project would introduce new sources of nighttime lighting within the Project site that do not currently exist. However, it is noted there are no specific features within the proposed Project that would create unusual light and glare. Light sources from the proposed Project can have an adverse impact on the surrounding areas, by introducing nuisance light into the area and decreasing the visibility of nighttime skies. Additionally, light sources can create light spillover impacts on surrounding land uses in the absence of a lighting plan that includes photometrics of the lighting. Any new lighting associated with implementation of the proposed Project would be pedestrian-scale lighting and the fixtures would be consistent with the style and technical specifications approved by the City, including compliance with the City's light and glare regulations under Section 9.22.050 of the Clovis Development Code, which

requires that light be shielded so that light does not spill onto adjacent properties. The City's existing requirements require a lighting plan to be submitted to the City for review and approval for the improvement plans, as well as for the building plans. All proposed outdoor lighting is required to meet applicable City standards regulating outdoor lighting, including 9.22.050 Exterior light and glare of the City's Development code, in order to minimize any impacts resulting from outdoor lighting on adjacent properties. Implementation of the existing City standards would reduce potential impacts associated with nighttime lighting and light spillage onto adjacent properties to a less than significant level.

Two Story Homes: Comments were received regarding concerns that two story houses would back up to their houses. It is noted that the project is not proposed as a pre-plotted subdivision that identifies specific housing architecture or floor plans on each lot. For example, we do not have any knowledge of whether a one- or two-story residence would be built backing up to the commenter's residence. The zoning code dictates the development standards for zones throughout the City, and it will dictate the standards that apply to the proposed subdivision. One- and two-story residences are allowed up to the height limits defined in the zone. The concept of limiting the height of homes backing up to the commenter's residence can be presented as a concept for the Applicant to consider, but City's zoning code does not restrict the height to a one story. This concern does not present an environmental impact pursuant to CEQA.

**Master Response 19: Air Quality, GHG, Energy:** Air Quality is addressed in DEIR Section 3.3 Air Quality, GHG and Energy is addressed in DEIR Section 3.7. The analysis utilized the California Emission Estimator Model (CalEEMod)<sup>TM</sup> developed for the California Air Pollution Officers Association (CAPCOA) in collaboration with California air districts, was used to estimate emissions for the proposed Project. Project buildout was assumed to be completed in 2028, consistent with the Transportation Impact Analysis, prepared by LSA (LSA, 2023). The DEIR indicates that this may prove to be a conservative estimate because criteria pollutant emission rates are reduced over time (due to state and federal mandates) and would be expected to be even lower than reported in the analysis, should the Project buildout be completed after 2028. Table 3.3-6 located on page 3.3-27 of the DEIR indicates that operational emissions would not exceed any of the SJVACPD operational thresholds of significance.

The DEIR also evaluated the effects of the Project on public health, where it found that the increases of pollutants generated by the proposed Project are not on their own likely to generate an increase in the number of days exceeding the NAAQS or CAAQS standards, based on the size of the proposed Project in comparison to Fresno County as a whole. However, the DEIR indicates that the increases in ROG and NO<sub>x</sub> generated by the proposed Project when combined with the existing ROG and NO<sub>x</sub> emitted regionally, would affect people, especially those with impaired respiratory systems located in the immediate vicinity of the Project site. Nevertheless, the proposed Project's operational criteria pollutant would not exceed the applicable SJVAPCD thresholds of significance. Therefore, the Project's criteria pollutant emissions would be considered to have a less than significant impact.

The DEIR also evaluated construction emissions, which represent temporary impacts that are typically short in duration, depending on the size, phasing, and type of project. Air quality impacts can nevertheless be acute during construction periods, resulting in significant localized impacts to air quality. Construction-related activities would result in Project-generated emissions from demolition, site preparation, grading, paving, building construction, and architectural coatings.

If the proposed Project's emissions will exceed the SJVAPCD's threshold of significance for construction-generated emissions, the proposed Project will have a significant impact on air quality and all feasible mitigation are required to be implemented to reduce emissions. Table 3.3-7 on page 3.3-30 of the DEIR shows the maximum construction emissions would not exceed the SJVAPCD thresholds of significance. Nevertheless, regardless of emission quantities, the SJVAPCD requires construction related control measures in accordance with their rules and regulations. Implementation of these control measures (provided in on page 3.3-31 of the DEIR) would further reduce proposed Project construction related emissions to the extent possible.

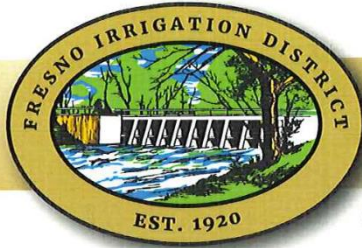
The DEIR indicates that the project is located in an area that is designated attainment and attainment-unclassified for carbon monoxide, and that substantial concentrations of carbon monoxide are not expected at or along any streets or intersections affected by the development of the Project site. Impacts associated with carbon monoxide hotspots would be less than significant, and no additional mitigation is required.

GHG and Energy is analyzed in Section 3.7 of the DEIR. The DEIR indicates that the Project, including the off-site improvements, would be consistent with the plans, policies, regulations, and GHG emissions reduction actions/strategies outlined in the 2022 Scoping Plan Update, the Fresno COG's 2022 RTP/SCS, and the Clovis General Plan. Furthermore, because the Project is consistent and does not conflict with these plans, policies, and regulations, the Project's incremental increase in GHG emissions as described above would not result in a significant impact on the environment. Therefore, Project-related impacts related to GHG emissions would be less than significant relative to this topic.

The proposed Project would use energy resources for the operation of Project buildings (electricity), outdoor lighting (electricity), for on-road vehicle trips (e.g. gasoline and diesel fuel) rerouted by the proposed Project, and from off-road and on-road construction activities associated with the proposed Project (e.g. diesel fuel). Each of these activities would require the use of energy resources. The proposed Project would be responsible for conserving energy, to the extent feasible, and relies heavily on reducing per capita energy consumption to achieve this goal, including through statewide and local measures.

The proposed Project would be in compliance with all applicable federal, State, and local regulations regulating energy usage. For example, PG&E, the electric and natural gas provider to the proposed Project, is responsible for the mix of energy resources used to provide electricity for its customers, and it is in the process of implementing the statewide RPS to increase the proportion of renewable energy (e.g. solar and wind) within its energy portfolio. PG&E has achieved at least a 33% mix of renewable energy resources in 2020 and is on track to achieve 60% mix of renewable energy by 2030. Other statewide measures, including those intended to improve the energy efficiency of the statewide passenger and heavy-duty truck vehicle fleet (e.g. the Pavley Bill and the Low Carbon Fuel Standard), would improve vehicle fuel economies, thereby conserving gasoline and diesel fuel. These energy savings would continue to accrue over time.

The proposed Project would comply with all existing energy standards and would not be expected to result in significant adverse impacts on energy resources. For these reasons, the proposed Project would not cause an inefficient, wasteful, or unnecessary use of energy resources nor cause a significant impact on any of the thresholds as described by the CEQA Guidelines. This is a less than significant impact.



2907 S. Maple Avenue  
 Fresno, California 93725-2208  
 Telephone: (559) 233-7161  
 Fax: (559) 233-8227

**CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.**

August 1, 2023

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

RE: Notice of Availability of a Draft EIR for the Shepherd North Project, Clovis, CA  
 N/E Shepherd and Sunnyside avenues

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed the Notice of Availability of a Draft EIR for the proposed Shepherd North Project led by the City of Clovis, APNs: 557-021-19, 20, & 21. The project site is approximately 155-acres and includes an approximate 77-acre Development Area and an approximate 78-acre Non-Development Area. The development area includes parcels that will be annexed and will be entitled for subdivision and development of up to 605 residential units, parkland, and private infrastructure. FID has the following comments:

1. FID previously reviewed and commented on the proposed project on June 7, 2022, as Notice of Availability of a Draft EIR for the Shepherd North Project. The comments and conditions still apply and a copy has been attached for your review.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Jeremy at (559) 233-7161 extension 7407 or [jlandrith@fresnoirrigation.com](mailto:jlandrith@fresnoirrigation.com).

Sincerely,

Laurence Kimura, P.E.  
 Chief Engineer

Attachment

G:\Agencies\Clovis\EIR\Shepherd North Project\Shepherd North Project EIR\_NOA FID Comment.doc

**BOARD OF DIRECTORS**

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A-1



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**CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.**

June 7, 2022

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

RE: Notice of Preparation of a Draft EIR for the Shepherd North Project, Clovis, CA  
 N/E Shepherd and Sunnyside avenues

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed the Notice of Preparation of a Draft EIR for the proposed Shepherd North Project led by the City of Clovis, APNs: 557-021-19, 20, & 21. The project site is approximately 155-acres and includes an approximate 77-acre Development Area and an approximate 78-acre Non-Development Area. The development area includes parcels that will be annexed and will be entitled for subdivision and development of up to 605 residential units, parkland, and private infrastructure. FID has the following comments:

1. FID does not own, operate, or maintain any facilities located on the subject properties, as shown on the attached FID exhibit map.
2. The proposed development appears to be within the City of Clovis but lies outside FID's boundary line. The parcels are not entitled to water from the Kings River.
3. FID is concerned that the proposed development may negatively impact local groundwater supplies including those areas adjacent to or neighboring the proposed development area. The area was historically agricultural and rural residential. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a significant increase in dependence on groundwater, this deficit will increase. FID recommends the City of Clovis require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem.
4. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Clovis are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City of Clovis should consider the impacts of the development on the City's ability to comply with requirements of SGMA.

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 GEORGE PORTER GREGORY BEBERIAN General Manager BILL STRETCH

A-2

Mr. George Gonzalez  
RE: EIR Shepherd North Project  
June 7, 2022  
Page 2 of 2

5. It is unclear if the source of water for this development is solely groundwater or a mixture of treated surface water from FID's Enterprise Canal. If treated surface water will be used, the City must acquire additional water from a water purveyor, such as FID for that purpose, so as to not reduce water supplies to or create water supply deficits in other areas of the City. Water supply issues must be resolved before any further "hardening" of the water supply demand is allowed to take place.
6. The City of Clovis and FID have been working to address water supplies issues for development outside of the FID service area. We encourage the City to continue towards finding solutions to minimize the impacts of changes in land uses and to mitigate any existing adverse water supply impacts within the development areas.
7. For informational purpose, FID's Enterprise No. 109 runs northwesterly and crosses Fowler Avenue approximately 1,200 feet southeast of the subject property, Sunnyside Avenue approximately 480 feet south of the subject property, and Shepherd Avenue approximately 580 feet west of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Sunnyside Avenue, Shepherd Avenue, or in the vicinity of this facility, FID requires it review and approve all plans.
8. For informational purposes, Fresno Metropolitan Flood Control District's Big Dry Creek No. 150 runs southwestly and traverse the proposed development, FID recommends reaching out to FMFCD for further comments.

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

Sincerely,

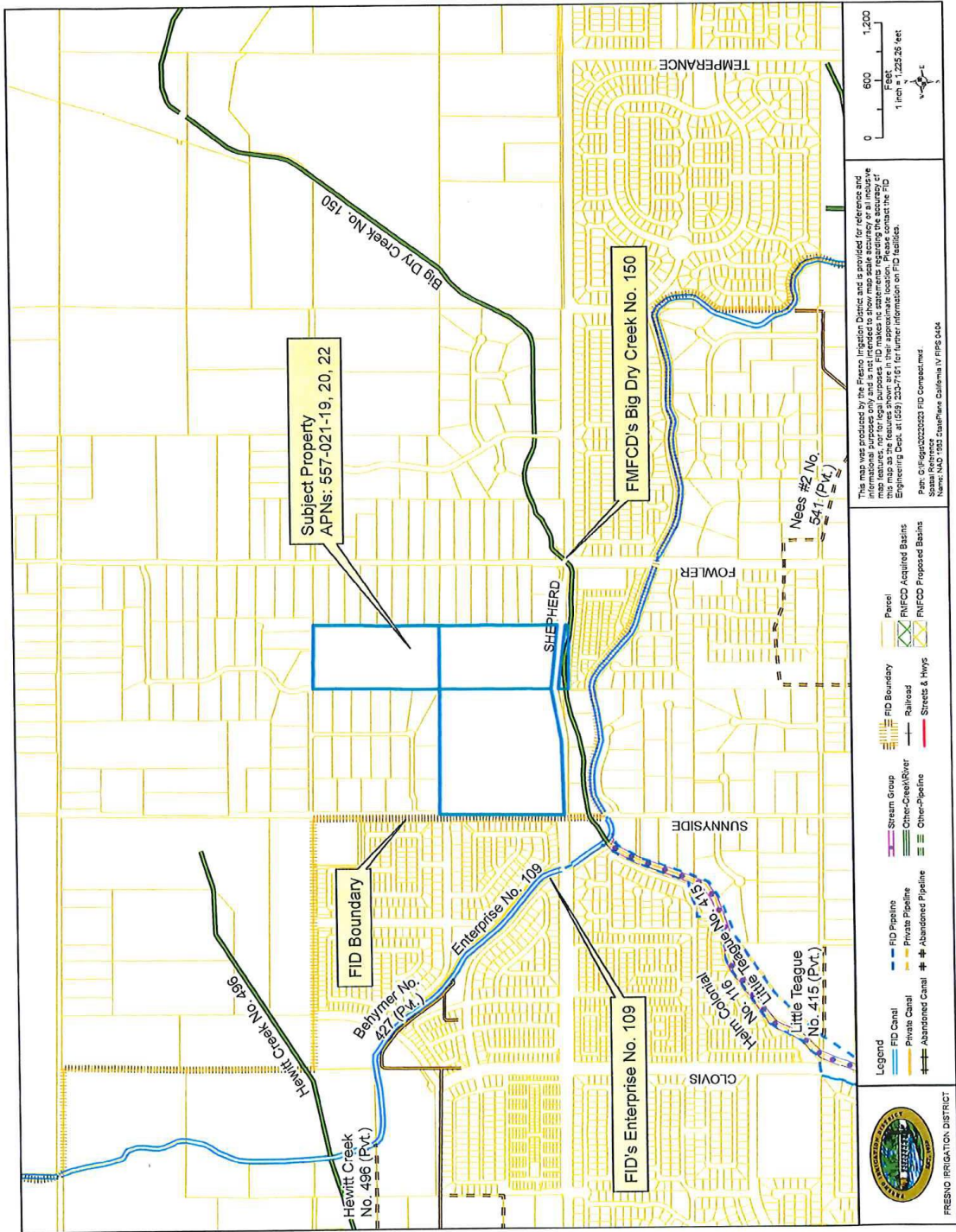


Laurence Kimura, P.E.  
Chief Engineer

Attachment

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A-2 Cont'd



**Response to Letter A: Laurence Kimura, P.E., Fresno Irrigation District**

**Response A-1:** The commentor provides a brief paragraph describing that their agency provided a comment letter on the NOP for the project and the comments from that letter still apply.

- This comment is noted. The comment on the NOP was provided in Appendix A of the Draft EIR, and the content of the comments were addressed, in part, in Section 3.9 Hydrology and Water Quality, and Section 3.14 Utilities.
- **FID NOP Bullet #1:** It is noted that FID does not own, operate, or maintain any facilities located on the Project site.
- **FID NOP Bullet #2:** It is noted that the proposed development is not currently within the City of Clovis. The proposed Project is an annexation, where if approved, would move the Development Area into the city limits. The City recognizes that water service is provided to property within the city limits, and the City intends to supply water to planned growth when it annexes land into its jurisdiction. As such, the City prepared a Water Supply Assessment to evaluate the supply of water to future citizens in the Development Area. The Water Supply Assessment is summarized in Section 3.14 of the EIR, and is included as an Appendix to the EIR.

Page 3.14-9 of the EIR indicates that *“The City began operations of the Surface Water Treatment Plant (SWTP), located on the Enterprise Canal on the east side of Clovis, in 2004. Kings River water is supplied to the plant via Fresno Irrigation District’s (FID) Enterprise Canal. This 22.5 million-gallons-per-day plant allows Clovis to serve existing users and new growth areas, while lessening the demand on groundwater.”*

Page 3.14-12 states *“The City has access to surface water through several different contracts, all of which are delivered to the City by the Fresno Irrigation District (FID). The various surface water supplies are from the Kings River. The Central Valley Project is a planned supply for the future. The average delivery the City has received of its total allocation is just over 17,000 AF per year, with the smallest delivery being 9,452 AF in 2015 and the largest of 24,958 in 2017. The City executed a new, firm water supply, agreement with FID in 2019 that provides a surface water supply that does not fluctuate with the FID entitlement or allocation and will be available to the City on a consistent basis. This agreement provides for up to 7,000 AF per year by 2045, beginning at 1,000 AF in 2020. As the City grows and annexes portions of the Garfield and International Water Districts, those CVP, Class I water rights will be transferred to the City and added to the overall water supply portfolio. (Provost & Pritchard, 2021B)...FID’s average gross annual entitlement is 452,541 AF. Within the last fifty years, the smallest entitlement received was 158,109 AF, which occurred in 2015. The City’s*



*allocation from the Kings River is proportional to the total acreage of the City's included area to the total FID area receiving water. Over time, the City has received on average 17,011 AFY, though this has varied from 9,452 AF in the severe drought of 2015 to over 24,958 AF in 2017. (Provost & Pritchard, 2021B)...Two additional water districts are located within the City's General Plan Boundaries: Garfield Water District (GWD) and International Water District (IWD). Both have access to Class I CVP surface water supplies. The GWD holds a Class 1 CVP contract for 3,500 AFY. With half of GWD within the City's SOI, an estimated 1,750 AFY is expected to be added to the City's supply upon development. The IWD holds a Class 1 CVP contract for 1,200 AFY. The City's General Plan designates a portion of the District's area as industrial and residential use. At build-out it is estimated that the entire 1,200 AFY supply will be added to the City's Supply. As the districts urbanize, supplies associated with these areas are expected to be added to the City's supply. The City uses their surface water supplies in two primary ways: (1) as potable water supply after being treated at the City's Surface Water Treatment Plant (SWTP) or (2) as groundwater recharge in various basins located in and around the City's service area. (Provost & Pritchard, 2021B)."*

*Page 3.14-16 of the EIR states "Surface water is supplied from the Kings River and conveyed to the City by the FID. The Kings River is impacted by the level of snowmelt and precipitation received in the area and is susceptible to dry conditions. The City's contract with FID ensures that the City receives a percentage of the total FID entitlement, approximately 2.1 AF per acre within the FID boundary; the City's area is capped at 7.12 percent of the FID boundary or approximately 32,100 AFY in a normal water year. Additionally, the City has recently executed an additional contract with FID for development of a new, firm water supply starting at 1,000 AFY in 2020 and increasing to a maximum of 7,000 AFY by 2045 and thereafter; this new supply will not have the variability of the existing supply based on water year. Historically, FID's entitlement on the Kings River has been considered reliable although it was affected significantly by the recent drought."*

*Page 3.14-26 states "The Project area will be annexed to the City and will require an extension of existing potable and non-potable systems. The proposed water system will be located within the proposed public utilities easements and be connected to existing City mains and will comply with City Master Plans and standards. The City of Clovis provides water supplies to the City of Clovis. The City has three main water supply sources: groundwater, surface water, and recycled water. The City extracts groundwater from the Kings Subbasin. Surface water is delivered to the City by the Fresno Irrigation District (FID). The various surface water supplies are from the Kings River and Central Valley Project. The City's ST-*

*WRF produces tertiary treated effluent that can be used for agriculture or landscape irrigation.”*

- **FID NOP Bullet #3:** Groundwater and water supply is addressed in DEIR Section 3.9 Hydrology and Water Quality and in Section 3.14 Utilities. The DEIR references the *City of Clovis Urban Water Management Plan 2020 Update* (Provost & Pritchard, 2021B), *City of Clovis Water Shortage Contingency Plan 2020 Update* (Provost & Pritchard, 2021A); the *City of Clovis Water Master Plan Update Phase III* (Provost & Pritchard, 2017), and the *California’s Groundwater: Bulletin 118 - San Joaquin Valley Groundwater Basin/Kings Subbasin* (DWR 2006) as a source of information to support the analysis of water supply.

The DEIR indicates that the City has access to surface water through several different contracts, all of which are delivered to the City by the Fresno Irrigation District (FID). (DEIR p. 3.9-4). The various surface water supplies are from the Kings River and Central Valley Project. The average delivery the City has received of its total allocation is just over 17,000 AF per year, with the smallest delivery being 9,452 AF in 2015 and the largest of 24,958 in 2017. The City executed a new, firm water supply, agreement with FID in 2019 that provides a surface water supply that does not fluctuate with the FID entitlement or allocation and will be available to the City on a consistent basis. This agreement provides for up to 7,000 AF per year by 2045, beginning at 1,000 AF in 2020. As the City grows and annexes portions of the Garfield and International Water Districts, those CVP, Class I water rights will be transferred to the City and added to the overall water supply portfolio. (Provost & Pritchard, 2021B).

The DEIR indicates that the City’s groundwater supplies stem from the basin underlying the area, the Kings Subbasin; the Subbasin holds a status of being critically over drafted. The Kings Subbasin, a non-adjudicated basin, is a high-priority basin, which lies within the Tulare Lake Hydrologic Basin. This Basin contains multiple interconnected subbasins that transmit, filter and store water. These subbasins are Kaweah and Tulare Lake to the south, Westside and Delta Mendota to the west, and Madera to the North. (Provost & Pritchard, 2021B).

In response to public comments regarding groundwater concerns, the Applicant retained Kenneth D. Schmidt and Associates to prepare an analysis of the groundwater conditions in the vicinity of the Project Site. The report is dated September 2023 and was submitted to the City of Clovis for their review and consideration. The City’s Supervising Engineer reviewed the report and concurs with the opinions provided. Furthermore, the City’s Supervising Engineer indicated that the author has been an expert in this field for many decades.

After the City had reviewed and concurred with the report, it was provided to the City’s EIR consultant for a second independent review. The City’s EIR consultant found that the opinions in the report are consistent with, and supportive of, the

original findings in the DEIR. It was found that the report is a good source of information for further affirmation of the DEIR conclusions, and it was determined that including the report as an Appendix to the EIR would amplify and clarify information already provided in the EIR.

The conclusion of the report is that the proposed project would use water from the City of Clovis distribution system as opposed to on-site wells. In terms of groundwater, there would be an overall reduction in groundwater pumpage of about 400 acre-feet per year. This would be beneficial to the local groundwater supplies. The full report is included in Section 3.0 Errata.

The DEIR also indicates that the proposed Project would result in new impervious surfaces and could reduce rainwater infiltration and groundwater recharge. Infiltration rates vary depending on the overlying soil types. In general, sandy soils have higher infiltration rates and can contribute to significant amounts of ground water recharge; clay soils tend to have lower percolation potential; and impervious surfaces such as pavement, significantly reduce infiltration capacity and increase surface water runoff. (DEIR p3.9-24 through 3.9-27).

The DEIR indicates that the soils contained on the Project site have a hydrologic rating ranging from "A," which is indicative of soils having a high infiltration rate (low runoff potential) when thoroughly wet, to "D," which is indicative of soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. Figure 3.2-2 in the DEIR identifies Project site soils, and Table 3.9-2 provides a list of the soils and hydrologic rating of each soil, including the percentage of the project area.

The infiltration rate of the soils on the Project site ranges from low to high. As indicated in the Geotechnical Report (Krazan & Associates, 2019), cemented silty sand and silty sand with trace clay, locally referred to as "hardpan," were encountered in several of the borings at the Project site. This cementation inhibits infiltration of surface water into the soil stratum below the hardpan. Therefore, it can be presumed that the Project site generally does not allow for a high level of groundwater recharge in its existing condition. Development of the Project site with impervious surfaces is unlikely to reduce rainwater infiltration and groundwater recharge when compared to existing conditions. The open space areas of the development totaling approximately 5.54 acres will remain largely pervious. The collection of rainwater for those areas of impervious surfaces will be routed into the proposed Project's storm drainage system and eventually flow into the San Joaquin River.

- **FID NOP Bullet #4:** The EIR addresses the Sustainable Groundwater Management Act (SGMA) in Section 3.9 Hydrology and Water Quality, and in Section 3.14 Utilities. The EIR notes that SGMA was signed into law to provide a framework for management of groundwater supplies by local agencies and restricts state

intervention, if required. SGMA provides an opportunity for local agencies overlying the basin to form a Groundwater Sustainability Agency (GSA), which is the primary agency responsible for achieving sustainability. As part of the region's compliance with SGMA, the North Kings Groundwater Sustainability Agency (NKGSA) was formed and includes representatives from Bakman Water Company, Biola Community Services District, City of Fresno, City of Clovis, City of Kerman, County of Fresno, Fresno Irrigation District, Fresno Metropolitan Flood Control District, Garfield Water District, and International Water District. The North Kings Groundwater Sustainability Agency adopted a Groundwater Sustainability Plan (GSP) in late 2019.

The EIR notes that the City is a member of the North Kings Groundwater Sustainability Agency (NKGSA). The NKGSA is working collaboratively, under a coordination agreement with the other six (6) Groundwater Sustainability Agencies in the Kings Subbasin to achieve sustainable groundwater conditions by 2040, in accordance with the Sustainable Groundwater Management Act of 2014 (SGMA) for critically over drafted groundwater basins, such as the Kings Subbasin. (Provost & Pritchard, 2021B).

The EIR notes that the City will continue increasing its surface water and recycled water supply usage to a point where the groundwater extraction is not greater than the sustainable yield in a normal year. The sustainable yield is currently estimated at 9,400 AF per year (AFY) for the SOI. (Provost & Pritchard, 2021B).

- **FID NOP Bullet #5:** Page 3.14-28 of the EIR states “Water demands for the proposed Project will be served using the City’s existing and future portfolio of water supplies. The inclusion of existing and planned future supplies is specifically allowed by the Water Code:

*Water Code section 10631(b): Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a).*

The EIR indicates states “The applicants for the proposed Project will provide their proportionate share of required funding to the City for the acquisition and delivery of treated potable water supplies to the Project site.” It is noted that FID has indicated that “If treated surface water will be used, the City must acquire additional water from a water purveyor, such as FID for that purpose, so as to not reduce water supplies to or create water supply deficits in other areas of the City. Water supply issues must be resolved before any further "hardening" of the water supply demand is allowed to take place.”

- **FID NOP Bullet #6:** This comment is noted, the City of Clovis desires to continue working with FID to address water supply issues for development outside of the

FID service area. The City will continue towards finding solutions to minimize the impacts of changes in land uses and to mitigate any existing adverse water supply impacts within the development areas.

- **FID NOP Bullet #7:** This comment is noted, FID's Enterprise No. 109 runs northwesterly and crosses Fowler Avenue approximately 1,200 feet southeast of the subject property, Sunnyside Avenue approximately 480 feet south of the subject property, and Shepherd Avenue approximately 580 feet west of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Sunnyside Avenue, Shepherd Avenue, or in the vicinity of this facility, FID requires it review and approve all plans.
- **FID NOP Bullet #8:** This comment is noted. Fresno Metropolitan Flood Control District's Big Dry Creek No. 150 runs southwesterly and traverse the proposed development, FID recommends reaching out to FMFCD for further comments.

**Response A-2:** The comment is the NOP comment letter that was previously submitted by the commentor. As noted in Response A-1, this letter is included an Appendix A in the Draft EIR. Additionally, Response A-1 includes individual responses to the eight individual comments that were provided in the NOP comment letter. No further response to this comment is warranted.

8-15-23

Subject: TM6205, Wilson Development, Shepherd North Project

Att: George Gonzalez, MPA, Senior Planner  
1033 Fifth St.  
Clovis, Ca. 93612

The concern is traffic volume and traffic speed on the portion of Sunnyside Ave, located in Fresno County, between Shepherd and Nees.

The current speed limit is 45 mph. However, often times traffic speeds far exceed 45 mph, creating hazardous conditions on this very narrow county road. With the addition of 605 new homes, plus all the new homes just adjacent to the west, the traffic speeds and traffic volume will be intolerable in this stretch of Sunnyside Ave. This stretch of Sunnyside Ave services a small quiet Rural Residential neighborhood.

What can be done? Perhaps a turnabout or turn around located at the intersection of Teague and Sunnyside. This is one suggestion for consideration.

Please address and resolve this problem.

Charles Belemjian  
1301 W. Northridge Ave  
Fresno, Ca. 93711 (559-431-0677)

B-1

**Response to Letter B: Charles Belemjian, Resident of Clovis**

**Response B-1:** The commentor provides a brief paragraph identifying their place of residence, and outlining their concerns. Their concerns include traffic volume and traffic speed on Sunnyside Avenue between Shepherd and Nees. The commenter suggests a turnabout or turn around located at the intersection of Teague and Sunnyside.

- A few of the concerns in this comment are addressed in Master Response 7, 8, and 9. The TIA includes contribution of traffic from all future developments that would add traffic to the TIA study area. As such, the traffic improvements recommended as part of this study accounts for cumulative traffic impact from all future projects, as well as the proposed project. Additionally, the traffic analysis takes into consideration the effects of school traffic under existing and future long-range conditions. The improvements proposed in the study would help address the traffic congestion issues from all future developments, as well as school related traffic within the project vicinity. This includes both vehicular and non-motorized traffic issues as described in the TIA.

Currently, there is no signalized control along Sunnyside Avenue between Perrin Avenue and Alluvial Avenue. Among the major intersections along this corridor, the intersection of Sunnyside Avenue/Shepherd Avenue is an all-way stop-controlled intersection, Sunnyside Avenue/Teague Avenue is a two-way stop-controlled intersection, and Sunnyside Avenue/Nees Avenue is an all-way stop-controlled intersection.

Signals at the intersection of Sunnyside Avenue/Shepherd Avenue, and Sunnyside Avenue/Nees Avenue, along with other improvements at these locations, are in the City's Development Impact Fee program. As such, with implementation of these improvements along this corridor, the corridor is anticipated to experience improved traffic flow, and alleviate current safety concerns. This is after accounting for the traffic from the project and other adjacent projects in the vicinity. The City will be implementing these improvements when warranted but not as a requirement of the project.

The project also will be implementing several project design features that will help eliminate gaps in the pedestrian circulation network around the project site. As part of project frontage improvement, the project will be constructing sidewalks, curb and gutter along Sunnyside Avenue and Shepherd Avenue, Fordham Avenue, and Heirloom Avenue and dedicate space for bike lanes along Shepherd Avenue. Additionally, installing signals with pedestrian crossings have been recommended to enhance, pedestrian safety in the neighborhood. This includes a signal that has been proposed at the intersection of Sunnyside Avenue/Shepherd Avenue (southwest corner of the project site), which will help

pedestrians accessing the Dry Creek trailhead safely with designated crosswalks at this location.

In addition, Shepherd Avenue will be constructed curb to curb between Sunnyside and Fowler Avenue including a trail/sidewalk along the north side of Shepherd Avenue and bike lanes along this segment of Shepherd Avenue. This will enhance both vehicular safety and pedestrian safety along this corridor.

The project proposes to connect to the existing roundabout at the northerly project location along Sunnyside Avenue. Additionally, sidewalks and bike lanes will be constructed along the project frontage on Shepherd Avenue, Sunnyside Avenue, and Fordham Avenue. Addition of these project design features would help in traffic calming as well as enhance safety around the project site.

The project will be implementing several project design features around the project site that will improve safety for children. As part of project frontage improvement, the project will be constructing sidewalks, curb and gutter along Sunnyside Avenue, Shepherd Avenue, Heirloom Avenue, and Fordham Avenue, and dedicate space for bike lanes along Shepherd Avenue. Additionally, installing signals with pedestrian crossings at the intersection of Sunnyside Avenue/Shepherd Avenue (southwest corner of the project site), will help pedestrians accessing the Dry Creek trailhead safely with designated crosswalks at this location. As such, implementation of the signal and said sidewalks would help address speeding and safety issues along these corridors.



**smcmurtry@denovoplanning.com**

**From:** George Gonzalez <georgeg@ci.clovis.ca.us>  
**Sent:** Friday, August 18, 2023 12:14 PM  
**To:** smcmurtry@denovoplanning.com  
**Cc:** George Gonzalez; Sean Smith; David Merchen  
**Subject:** FW: [External] Wilson Home Project NE Corner Shep and Sunnyside

Steve,

Below, please see comments provided by Robert Shuman. Thank you.



**George González, MPA | Senior Planner**  
 City of Clovis | Planning Division  
 p. 559.324.2383 | f. 559.324.2844  
[georgeg@cityofclovis.com](mailto:georgeg@cityofclovis.com)

**From:** Robert Shuman <rbshuman42@gmail.com>  
**Sent:** Friday, August 18, 2023 10:27 AM  
**To:** jharris@wilsonhomes.com; George Gonzalez <georgeg@ci.clovis.ca.us>  
**Cc:** Magsig, Nathan <nmagsig@fresnocountyca.gov>  
**Subject:** [External] Wilson Home Project NE Corner Shep and Sunnyside

Hi,

My name is Robert Shuman and I live at 9502 N. Stanford. The corner of Stanford and Perrin. I am on the north property line adjacent to Perrin. I have a few concerns at this point. The **first concern** is that there should not be any outlet from the development on to Stanford in the back. This would create more traffic in our neighborhood. It is already too busy and very difficult to exit the area from Ticonderoga and Fowler. The **second concern** is having two story houses backing up to our property. I think this is a reasonable request and hopefully something you guys can do. The **third concern** is water. Our well was very dry by September last year and I am concerned that you will be pulling water from our groundwater. Water will always be an issue for us as we see many neighbors trucking in water daily. Thanks and I will see you at the August 30th meeting.

C-1  
 C-2  
 C-3

Thanks,

Robert and Kathy Shuman  
 9502 N. Stanford Ave  
 Clovis, Ca. 93619

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**Response to Letter C: Robert and Kathy Shuman, Residents of Clovis**

**Response C-1:** The commentor provides a brief paragraph identifying their place of residence, and outlining three concerns. (Note: the first concern is addressed in this response, and the other two concerns are addressed in the following responses.) The first concern is that there should not be any outlet from the development on to Stanford in the back. This would create more traffic in our neighborhood. It is already too busy and very difficult to exit the area from Ticonderoga and Fowler.

- The first concern is regarding traffic, which is addressed in Master Response 6, and 13. Specifically, the comment concerns outlets/access, and too much traffic.

Access to the project from existing streets will be provided by four driveways: two on Sunnyside Avenue, one on Perrin Road (Stanford/Perrin), and one on Shepherd Avenue. Except for the driveways on Shepherd Avenue and Perrin, all other project driveways will operate as full-access driveways. The driveway on Shepherd Avenue will operate as a Right-In Right-Out/Left-In (RIRO/LI) driveway, since Shepherd Avenue has a speed limit of 40 MPH along the project frontage and estimated to have significant amount of through traffic. The driveway at Stanford/Perrin is a requirement of the City of Clovis Fire Department, it provides secondary access to the gated subdivision. The driveway at Stanford/Perrin will be an exit only driveway to the 101-lot gated subdivision and will provide emergency access. Because this point has limited access to major thoroughfares, it is not anticipated to generate significant traffic and the TIA has estimated approximately 10% to use this egress.

The project is also estimated to add only nominal trips to the local roads including Stanford, Ticonderoga, or to Fowler Avenue north of Shepherd Avenue. This is because, due to the local circulation network and location of activity centers in relation to the project, majority of the project traffic is estimated to travel south using Shepherd Avenue on to Clovis Avenue, Sunnyside Avenue, and Fowler Avenue, as shown in the TIA. As such, the project traffic will have nominal effects on the local roads in the neighborhood, north of Shepherd Avenue.

New traffic will be generated by the future residents of the 605 single-family residences. The DEIR identifies the traffic that would be generated by the proposed Project, including trips and vehicle miles traveled. The proposed Project does not propose any land use atypical to the area, or any land use that is estimated to change the neighborhood traffic pattern. The trip distribution pattern from the proposed Project is expected to be similar to the neighborhood trip patterns. Implementation of recommended improvements as included in the TIA would help alleviate traffic congestion and safety related issues within the project vicinity, as well as existing and future residential communities in the area. The traffic improvements recommended as part of the TIA accounts for

cumulative traffic impact from all future projects, as well as the proposed Project. Additionally, the traffic analysis takes into consideration the effects of school traffic under existing and future long-range conditions. The improvements proposed in the TIA would help address the traffic congestion issues from all future developments, as well as school related traffic within the project vicinity. This includes both vehicular and non-motorized traffic issues as described in the TIA.

**Response C-2:** The commentor second concern is having two story houses backing up to our property. I think this is a reasonable request and hopefully something you guys can do.

- The project is not proposed as a pre-plotted subdivision that identifies specific housing architecture or floor plans on each lot. For example, it has not been decided whether a one- or two-story residence would be built backing up to the commenter's residence. The zoning code dictates the development standards for zones throughout the City, and it will dictate the standards that apply to the proposed subdivision. One- and two-story residences are allowed up to the height limits defined in the zone. The concept of limiting the height of homes backing up to the commenter's residence can be presented as a concept for the Applicant to consider, but City's zoning code does not restrict the height to a one story. Under any circumstances, the project will be consistent with the City Codes, including requirements for building height, setbacks and screening, all of which are designed to create an orderly interface between different uses. This concern does not present an environmental impact pursuant to CEQA.

**Response C-3:** The commentor third concern is regarding water. The commenter mentioned that their well was very dry by September last year and they are concerned that the project will be pulling water from their groundwater. The commenter notes that water will always be an issue for them as they see many neighbors trucking in water daily.

- The third concern is regarding water, which is addressed in detail under Master Response 3, 4, and 5. Groundwater and water supply is addressed in DEIR Section 3.9 Hydrology and Water Quality and in Section 3.14 Utilities. The DEIR references the *City of Clovis Urban Water Management Plan 2020 Update* (Provost & Pritchard, 2021B), *City of Clovis Water Shortage Contingency Plan 2020 Update* (Provost & Pritchard, 2021A); the *City of Clovis Water Master Plan Update Phase III* (Provost & Pritchard, 2017), and the *California's Groundwater: Bulletin 118 - San Joaquin Valley Groundwater Basin/Kings Subbasin* (DWR 2006) as a source of information to support the water analysis.

The City's system contains more than 30 wells with a total capacity of approximately 37,690 gallons per minute with another 4,750 gpm of additional capacity planned in the next few years. Existing wells are not evenly distributed

across the service area, but rather generally located in the western one-half of the City of Clovis. In general, older wells are in the southwest quarter of the City and the newest wells are located to the northwest quarter of the City. The northern portion of the City of Clovis (north of Herndon Avenue), has experienced the highest growth in recent years, and has dramatically shifted the production and demand characteristics of the City's water system. (Provost & Pritchard, 2017).

In 2020, recharge was 5,316 AF, while the City's 30-year average groundwater recharge quantity is approximately 8,412 AFY. In the past 30 years, the groundwater table has dropped 48 feet, from a depth of 92 feet in 1991 to a depth of 140 feet in 2019. Recharge efforts began in 1974, and in 2004, the City began utilizing surface water with the goal of reducing groundwater extraction. Recharge efforts by the City have not been enough to stem the decline as the basin is shared with other users who either don't recharge or inadequately recharge. (Provost & Pritchard, 2021B).

Since the 2015 UWMP, SGMA has become effective and the City is working collaboratively with other agencies reliant on the groundwater basin to reach sustainable management of the groundwater aquifer prior to 2040, as required. The supply from groundwater sources has been modified to reflect this change in the City's supply portfolio. In the 2010 and 2015 UWMPs, the City's groundwater supplies were shown to be increasing with population growth into the future. The historical volume of groundwater pumped by the City from 2016 to 2020 ranged from 10,956 in 2019 to as high as 13,187 in 2016. In 2020, the City extracted 12,105 AF and conducted 5,316 AF of intentional recharge activities, which put the net extraction below the sustainable yield. It is presently understood that 9,400 AF per year can be sustainably used from the aquifer. (Provost & Pritchard, 2021B). The City's 30-year average groundwater recharge quantity is approximately 8,412 AFY. The projected groundwater supply in the 2020 UWMP shows it decreasing to the estimated sustainable amount of 9,400 AFY. (Provost & Pritchard, 2021B). The overall water supply is met with an increase in surface and recycled water sources to offset the reduced use of groundwater resources.

It is noted that in response to public comments regarding groundwater concerns, the Applicant retained Kenneth D. Schmidt and Associates to prepare a supplementary analysis of the groundwater conditions in the vicinity of the Project Site. The conclusion of the report is that the proposed project would use water from the City of Clovis distribution system as opposed to on-site wells. In terms of groundwater, there would be an overall reduction in groundwater pumpage of about 400 acre-feet per year. This would be beneficial to the local groundwater supplies. The full report is included in Section 3.0 Errata.

**Joyce Roach**

**From:** George Gonzalez  
**Sent:** Friday, August 18, 2023 10:50 AM  
**To:** Judith Henry  
**Cc:** George Gonzalez; Sean Smith; Gene Abella; Mariham Iskandar; Joyce Roach  
**Subject:** RE: [External] Nobody talks about the water delivery system through the attic in these houses.

Thank you for clarifying, Judith.

George González, MPA | Senior Planner  
 City of Clovis | Planning Division  
 p. 559.324.2383 | f. 559.324.2844  
 georgeg@cityofclovis.com

-----Original Message-----

From: Judith Henry <judie.henscratch@gmail.com>  
 Sent: Friday, August 18, 2023 10:46 AM  
 To: George Gonzalez <georgeg@ci.clovis.ca.us>  
 Subject: Re: [External] Nobody talks about the water delivery system through the attic in these houses.

You are correct. The meeting is 8/30.

Sent from my iPhone

> On Aug 18, 2023, at 10:25 AM, George Gonzalez <georgeg@ci.clovis.ca.us> wrote:  
 >  
 > Thank you for the additional information, Judith.  
 >  
 > Just to clarify, I'm not aware of any meeting yesterday evening pertaining to Wilson's proposed TM6205. Did you receive a notice from the developer about a meeting last night? Thanks.  
 >  
 > Also, thank you for your comments on the Draft EIR.  
 >  
 >  
 > George González, MPA | Senior Planner  
 > City of Clovis | Planning Division  
 > p. 559.324.2383 | f. 559.324.2844  
 > georgeg@cityofclovis.com  
 >  
 >  
 > -----Original Message-----  
 > From: Judith Henry <judie.henscratch@gmail.com>  
 > Sent: Thursday, August 17, 2023 2:16 PM  
 > To: George Gonzalez <georgeg@ci.clovis.ca.us>  
 > Subject: Re: [External] Nobody talks about the water delivery system through the attic in these houses.  
 >

> Yes, for the meeting this evening on Wilson development. I am 82 and  
 > unable to attend. Our last house could be boosted by a Grunfro pump to  
 > avoid waste. Not these new constructions. Thanks for reading. Judie  
 >  
 > Sent from my iPhone  
 >  
 >> On Aug 17, 2023, at 8:24 AM, George Gonzalez <georgeg@ci.clovis.ca.us> wrote:  
 >>  
 >> Hi Judith,  
 >>  
 >> Are you providing these comments on a specific project? Thank you.  
 >>  
 >>  
 >>  
 >> George González, MPA | Senior Planner City of Clovis | Planning  
 >> Division p. 559.324.2383 | f. 559.324.2844 georgeg@cityofclovis.com  
 >>  
 >>  
 >> -----Original Message-----  
 >> From: Judith Henry <judie.henscratch@gmail.com>  
 >> Sent: Wednesday, August 16, 2023 5:20 PM  
 >> To: George Gonzalez <georgeg@ci.clovis.ca.us>  
 >> Subject: [External] Nobody talks about the water delivery system through the attic in these houses.  
 >>  
 >>  
 >> Our water bill must be half for wasted household use waiting for hot water in winter and cold water in summer.  
 >> Another605 systems to waste our precious and expensive water.  
 >> Also I hope traffic has been anticipated. It's going to be rough for some time to come.  
 >> Judie Henry  
 >> European Glen  
 >> Sent from my iPhone  
 >>  
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 >> receive for the recipient), please contact the sender by reply e-mail and delete all copies of this message.

D-1 Cont.

**Response to Letter D: Judie Henry, Resident of Clovis**

**Response D-1:** The commentor provides a several email communications between the commenter and the City. The general concerns are with traffic, water bills, water waste, and a neighborhood meeting.

- These concerns are addressed in Master Response 3, 4, 5, 6, and 8.

[smcmurtry@denovoplanning.com](mailto:smcmurtry@denovoplanning.com)

**From:** George Gonzalez <[georgeg@ci.clovis.ca.us](mailto:georgeg@ci.clovis.ca.us)>  
**Sent:** Tuesday, August 29, 2023 9:08 AM  
**To:** [smcmurtry@denovoplanning.com](mailto:smcmurtry@denovoplanning.com)  
**Cc:** George Gonzalez; Sean Smith  
**Subject:** FW: [External] Important—TM6205—citizen input

Hi Steve,

Below, please find comments from Mr. Eric Poulsen. Thank you.



George González, MPA | Senior Planner  
 City of Clovis | Planning Division  
 p. 559.324.2383 | f. 559.324.2844  
[georgeg@cityofclovis.com](mailto:georgeg@cityofclovis.com)

**From:** Eric Poulsen <[ejpoulsen@yahoo.com](mailto:ejpoulsen@yahoo.com)>  
**Sent:** Monday, August 28, 2023 8:22 PM  
**To:** George Gonzalez <[georgeg@ci.clovis.ca.us](mailto:georgeg@ci.clovis.ca.us)>  
**Subject:** [External] Important—TM6205—citizen input

Dear Mr Gonzalez,

I wanted to express my input regarding the proposed annexation by the City of Clovis of the block north of Shepherd between Sunnyside and Fowler. I understand this project is also called TM6205.

As a long time resident of this area, I am **strongly opposed** to city annexation. The recent nearby development has already fundamentally altered the nature of my property in a way that neither me nor my neighbors want, including noise pollution, more car pollution, more traffic congestion, more neighborhood foot traffic, and most importantly a degradation in the water supply. I am surprised by the apparent pace of the City in rushing this process through, particularly with no systematic evaluation of the impact to local water supply. The late notification of the upcoming meeting is preventing many of us from attending, but all those I've talked to have the same sentiments.

The biggest impact we are experiencing already is loss of water. The removal of the irrigated almonds to the west of our block and the underway removal of the pecans south and east of us has resulted in many of our wells going dry. In fact, I had to drill a new well last week! Removing this large swath of agricultural land, of irrigated and permeable surface area, has eliminated the natural and historic recharge of our wells.

I would consider removing my strong opposition for the annexation **only** if two conditions can be satisfied: 1) the Wilson development include a large water recharge basin and 2) the City (and or

E-1

E-2



Wilson) choreograph and pay for bringing a city water line to the edges of the properties being annexed.

E-2 Cont.

With serious concerns,

Eric J Poulsen, MD

(559) 999-9075 mobile  
[ejpoulsen@yahoo.com](mailto:ejpoulsen@yahoo.com)

9324 N Purdue Ave  
Clovis, CA 93619

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**Response to Letter E: Eric Poulsen, MD, Resident of Clovis**

**Response E-1:** The commentor provides a discussion describing their opposition to the Project. The commenter notes that recent nearby development has caused impacts including noise pollution, more car pollution, more traffic congestion, more neighborhood foot traffic, and a degradation in the water supply. The commenter notes that they are surprised by the apparent pace of the City in rushing this process through, particularly with no systematic evaluation of the impact to local water supply. They also note the late notification of the upcoming meeting is preventing many of the neighbors from attending, but all those they've talked to have the same sentiments.

The topics of noise, air quality (car pollution), traffic congestion, and degradation of water supply are addressed in the Draft EIR in Sections 3.3 Air Quality, 3.9 Hydrology and Water Quality, 3.11 Noise, 3.13 Transportation and Circulation, and 3.14 Utilities. These topics are also discussed in additional detail in Master Response 3, 4, 5, 6, and 10. The reference to the meeting is addressed in Master Response 15.

The TIA includes contribution of traffic from all future developments that would add traffic to the TIA study area. As such, the traffic improvements recommended as part of this study accounts for cumulative traffic impact from all future projects, as well as the proposed project. Additionally, the traffic analysis takes into consideration the effects of school traffic under existing and future long-range conditions. The improvements proposed in the study would help address the traffic congestion issues from all future developments, as well as school related traffic within the project vicinity. This includes both vehicular and non-motorized traffic issues as described in the TIA.

The project proposes to connect to the existing roundabout at the northerly project location along Sunnyside Avenue. Additionally, sidewalks and bike lanes will be constructed along the project frontage on Shepherd Avenue, Sunnyside Avenue, and Fordham Avenue. Addition of these project design features would help in traffic calming as well as enhance safety around the project site.

The comment regarding "more neighborhood foot traffic" is not fully clear. It would be expected that pedestrian traffic would occur by residents within the proposed project. Pedestrian traffic in existing neighborhoods to the north and east of the Project site are not expected to significantly change from the existing condition as there is not a clear destination within or beyond those existing residential neighborhoods. The project will be implementing several project design features that will help eliminate gaps in the pedestrian circulation network around the project site. As part of project frontage improvement, the project will be constructing sidewalks, curb and gutter along Sunnyside Avenue and Shepherd

Avenue, Fordham Avenue, and Heirloom Avenue and dedicate space for bike lanes along Shepherd Avenue. Additionally, installing signals with pedestrian crossings have been recommended to enhance, pedestrian safety in the neighborhood. This includes a signal that has been proposed at the intersection of Sunnyside Avenue/Shepherd Avenue (southwest corner of the project site), which will help pedestrians accessing the Dry Creek trailhead safely with designated crosswalks at this location.

In addition, Shepherd Avenue will be constructed curb to curb between Sunnyside and Fowler Avenue including a trail/sidewalk along the north side of Shepherd Avenue and bike lanes along this segment of Shepherd Avenue. This will enhance both vehicular safety and pedestrian safety along this corridor.

The project will be implementing several project design features around the project site that will improve safety for children. As part of project frontage improvement, the project will be constructing sidewalks, curb and gutter along Sunnyside Avenue, Shepherd Avenue, Heirloom Avenue, and Fordham Avenue, and dedicate space for bike lanes along Shepherd Avenue. Additionally, installing signals with pedestrian crossings at the intersection of Sunnyside Avenue/Shepherd Avenue (southwest corner of the project site), will help pedestrians accessing the Dry Creek trailhead safely with designated crosswalks at this location. As such, implementation of the signal and said sidewalks would help address speeding and safety issues along these corridors.

**Response E-2:** The commenter notes that the biggest impact they are experiencing already is loss of water. They note that the removal of the irrigated almonds to the west of their block and the underway removal of the pecans south and east of them has resulted in many of our wells going dry. The commenter notes that they had to drill a new well last week. They note that removing this large swath of agricultural land, of irrigated and permeable surface area, has eliminated the natural and historic recharge of wells.

- This concern is addressed in Master Response 3, 4, and 5. Groundwater, recharge, agricultural irrigation, and past agriculture is discussed in the Master Responses.

The commenter notes that they would consider removing their strong opposition for the annexation only if two conditions can be satisfied: 1) the Wilson development include a large water recharge basin and 2) the City (and or Wilson) choreograph and pay for bringing a city water line to the edges of the properties being annexed.

- The project does not propose condition 1 or condition 2 as presented by the commenter. Master Response 3, 4, and 5 provides detailed discussion of groundwater extraction and recharge. Also, it should be noted that SOI expansion of the non-development area allows for future annexation of the non-

development area into the City of Clovis if desired by the property owners. If annexed, the properties could be served by City water. However, annexing these properties and providing City water is not currently proposed. The commenter's strong opposition is noted and will be provided to the City Council for their consideration.

**Joyce Roach**

**From:** George Gonzalez  
**Sent:** Tuesday, August 29, 2023 9:20 AM  
**To:** Sean Smith; Gene Abella  
**Cc:** George Gonzalez; Joyce Roach  
**Subject:** FW: [External] Wilson Development - TM6205

FYI, thanks.



George González, MPA | Senior Planner  
 City of Clovis | Planning Division  
 p. 559.324.2383 | f. 559.324.2844  
[georgeg@cityofclovis.com](mailto:georgeg@cityofclovis.com)

**From:** jill poulsen <poulsenmom@yahoo.com>  
**Sent:** Monday, August 28, 2023 9:05 PM  
**To:** George Gonzalez <georgeg@ci.clovis.ca.us>  
**Subject:** [External] Wilson Development - TM6205

Dear Mr. Gonzalez,

My husband and I and our six children have been living at 9324 N Purdue for over 20 years. We have chosen to live the country lifestyle in Clovis for a reason and have no wish to discontinue. I would like to register my vote against annexation.

I understand that I can't stop progress and that some growth is inevitable, but the rate at which growth has taken place around us is both unprecedented and unwise. Our unique city is now becoming nothing more than an urban sprawl. Traffic is uncontrolled, whole populations of animals have been left without homes, and water is becoming a massive issue.

F-1

Over the last few years our well has begun to fail. We have to truck in water at great cost just so that we can wash dishes and take showers. A few months ago our well went completely dry. We had to request an emergency permit to dig a new well. We finally dug a new well a few weeks ago. We had hoped to get some good water but unfortunately, after spending a small fortune and digging down to 600 feet, we got such little flow that we almost didn't bother putting a pump in.

F-2

Why has the situation become so bad? Because over the last few years the historic and natural recharge of ground water in our area has been disrupted. Not only have all the orchards that previously acted to recharge ground water been removed, they were replaced with non-permeable surfaces.

There is only one way I would consider approving an annexation and that would be if city water was brought to the property line of each property to be annexed. It doesn't matter whether that is paid for by Wilson Homes or by the City of Clovis, but it is totally unrealistic and shockingly unfair to expect our neighborhood to pay for that kind of infrastructure on our own. Organizing a group of such disparate people and situations in order to accomplish something like that would be impossible. Invariably there will be those

F-3

that can not participate, for reasons of age or ability, and then the entire organization will fall apart without a centralized governing authority.

The very suggestion that our neighborhood should be annexed without city services is frankly, shocking. I have so many questions about how that would even work. How can you possibly consider surrounding us with pavement, impacting our water supply and leaving us basically stranded on a desert island? Would you require us to pay city taxes but not receive services? What kind of precedence is there for this?

To sum up, I oppose annexation of our neighborhood unless water is brought to each property. All of the neighbors that I have spoken to have the same feelings. Many of them are not able to attend the meeting. We were not given enough time to plan for this meeting. Frankly, I am very suspicious of all the activity that has already begun to take place as if decisions have been made already when in fact, they have not.

You all need to slow down and take a look around you,

Jill Poulsen

property owner and concerned citizen

F-3 Cont.

F-4

**Response to Letter F: Jill Poulsen, Resident of Clovis**

**Response F-1:** The commentor provides a brief paragraph identifying their family, home, and lifestyle in Clovis. They describe their opposition to the Project and annexation. The comment also notes concerns with the rate of growth, urban sprawl, uncontrolled traffic, animal populations, and water.

- Water is addressed in Master Response 1 through 5. Traffic is discussed in Master Response 6 through 13. Annexation is addressed in Master Response 14. It is noted that one of the objectives of the project is to establish a mix of housing to provide for local and regional housing demand, and consistent with the City requirements in the latest Regional Housing Needs Analysis (RHNA). In light of the Legislature’s repeated determinations in recent years that California is facing a statewide housing crisis, the State has provided the City with good reason to exercise its legislative discretion to facilitate the construction of new housing. Government Code section 65889.5, subdivision (a)(1)(A), states that “[t]he lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.” Subdivision (a)(1)(D) of that section adds that “[m]any local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.” The proposed Project is not considered urban sprawl, rather it is the last remaining property in agricultural use in an area surrounded by urban and Rural Residential uses.

**Response F-2:** The commentor provides a discussion of water concerns at their property, and their recent need to truck water in at a great cost. They also note that they needed to recently have a new well installed at a depth of 600 feet. They note their concern with the lack of recharge of the groundwater as a result of orchards being converted to impervious surfaces.

- The water concerns noted in this comment are addressed in Master Response 3, 4, and 5.

**Response F-3:** The commenter notes that they would consider removing their strong opposition for the annexation only if the City brought water to the property lines of the properties being annexed. They note that it is not realistic to expect the neighborhood to pay for the water service to these properties.

- Master Response 14 provides detailed discussion of annexation/SOI expansion. For clarification, an annexation involves an adjustment to the city limit line to bring land into the incorporated city limits. This involves shifting the governmental jurisdiction from unincorporated Fresno County to the incorporated City of Clovis. An SOI

expansion is not synonymous with an annexation. Instead, an SOI expansion, or SOI boundary change, simply adjusts an SOI boundary that is intended to be benchmark for future annexations. The non-development area is not proposed for annexation into the City. Rather, it is proposed to be included in the City's SOI, which would make it eligible for annexation at some future time. A future annexation of the non-development area would require the property owners of those parcels to organize and agree to be annexed into the City, which has not been done as part of the current proposal. Additionally, it does not appear that the current sentiment from parcel owners in the non-development area would be supportive of annexation into the City at this time. It is noted, however, that the SOI expansion, which does not require the approval of the parcel owners, would allow for future annexation of the non-development area into the City of Clovis if desired by the property owners at some later date. If the SOI expansion were approved, the non-development area would remain in the unincorporated County, but would be within the City's SOI. If annexed at some future time, the parcels could be served by City water and sewer. However, annexing these parcels and providing City water and sewer services is not currently proposed. The commenter's strong opposition is noted and will be provided to the City Council for their consideration.

**Response F-4:** The commenter provides a closing statement reiterating their opposition unless water is brought to each property. They also note that they were not able to attend the neighborhood meeting.

- Master Response 15 provides a detailed discussion of the neighborhood meeting.



Dear Mr. Gonzalez,

We received a letter from Lorren Smith post-marked August 9<sup>th</sup> to attend a meeting on August 30<sup>th</sup> to review the neighborhood overdevelopment of project now called TM6205. Such short notice precludes us from attending this crucial meeting. Since we are rendered unable to attend, we have responded in writing with our concerns.

We were notified by Leo Wilson in 2019 of his intent to develop the current acreage of the Pecan farms wit 200-300 homes. His presentation was in stark contrast to the current proposal. During that meeting Mr. Wilson also informed several homeowners that their homes will be worth nothing unless we signed on to his proposal with the city of Clovis and put petitions to sign before us. I moved to this neighborhood from Fresno specifically for the rural setting and the belief that Clovis stood for peaceful, lawful, and organized community where a family could thrive. This behavior was shocking, and I was certain that it would not be supported. We were also told later by communications through the city of Clovis that the city would only annex blocks of neighborhoods as not to create dysfunctional islands devoid of city services.

At this point, I can see that I was foolishly optimistic. I will not spend time discussing the traffic impact of the residents of the future Lennar and Wilson homes all descending on the 4-way country stop sign on Sunnyside and Shephard aves, the lack of green space nor the myriad of issues that will accompany the rapid construction of 1000 homes around said area.

My only focus at this time is access to water. The previous agricultural lands (previous almond orchards currently Lennar homes and current pecan orchard) served as a recharge for the local ground water, without which our wells have and will continue to fail. Planning for and providing city utilities has to be done at this time while the city is allowing for TM6205 to proceed up to our doorstep. The homes bordered by Sunnyside and perrin aves and those along fowler will have to be included in the expansion of Sphere of Influence of the city of Clovis if TM6205 is to be allowed to proceed. We would need access to city utilities equal to that provided to project TM6205. Planning and providing city utilities to citizens is the purview of city governance. The private citizens in the homes mentioned above cannot be expected to form a governing body and independently apply for city utilities. That is why we have city leadership! Putting us in a situation to have no access to potable water is inhumane and unethical. The only common-sense action to take is to extend city services to our homes at the same time that all the infrastructure is being placed to accommodate TM6205.

Thank you for your consideration

Hedieh and Neal Goodwin  
8/26 2023

G-1

G-2

**Response to Letter G: Hedieh and Neal Goodwin, Residents of Clovis**

**Response G-1:** The commentor stated that they received a letter from Lorren Smith post-marked August 9th to attend a meeting on August 30th to review the neighborhood overdevelopment of the project now called TM6205. They note that such a short notice precludes them from attending this crucial meeting. They note that since they are rendered unable to attend, they have responded in writing with their concerns.

- This concern is addressed in Master Response 15.

The commenter continues by indicating that they were notified by Leo Wilson in 2019 of his intent to develop the current acreage of the Pecan farms with 200-300 homes. They note that his presentation was in stark contrast to the current proposal. They note that during that meeting, Mr. Wilson informed several homeowners that their homes will be worth nothing unless they signed on to his proposal with the City of Clovis and put petitions to sign before them. The commenter notes that they moved to the neighborhood from Fresno specifically for the rural setting and the belief that Clovis stood for peaceful, lawful, and organized community where a family could thrive. This behavior was shocking, and I was certain that it would not be supported. The commenter also notes that they were also told later by communications through the City of Clovis that the City would only annex blocks of neighborhoods as not to create dysfunctional islands devoid of City services.

- These concerns are noted. The Project that is proposed by the Applicant is defined in Section 2.0 Project Description of the Draft EIR. The environmental impacts of the project are discussed throughout the various EIR sections. Topics surrounding the desirability of rural living, and community values are important social topics, but they fall outside the scope of an EIR as defined by the California Environmental Quality Act. These important concerns, however, will be provided to the City Council for their consideration.

Section 3.10-6 discusses annexations, including the role of Fresno LAFCo. Page 3.10-6 indicates that Fresno LAFCo is responsible for coordinating orderly reorganization to local jurisdictional boundaries, including annexations. Any annexation of the Project site to the City is subject to LAFCo approval, and LAFCo will review proposed annexations for consistency with LAFCo's Annexation Policies and Procedures.

The DEIR indicates that the proposed Project includes an amendment of the City's SOI to include the entirety the approximately 155-acre Project site. The area is currently located in the City's Planning Area, but outside of the City's SOI. The amendment of the City's SOI will require an application and approval by the Fresno LAFCo. The SOI amendment would be reviewed by the City and LAFCo

prior to proceeding with the requested annexation. If the SOI Amendment is approved, the Project would then be able to begin the annexation process.

The proposed annexation includes lands contiguous with the current City limits and parcels that would be within the expanded SOI. It is noted, though as the commenter indicates, that parcels proposed for annexation would involve the creation of an island of unincorporated territory to the south of the site. It is noted that LAFCo may approve an annexation that creates an island where it finds that the application of this policy would be detrimental to the orderly development of the community and that a reasonable effort has been made to include the island in the annexation, but that inclusion is not feasible at this time. The island area is designated as Focus Area 7 in the General Plan, and is located within the Herndon – Shepherd Specific Plan Area. The General Plan identifies Focus Area 7 for Residential Use, which would require all proposed projects within Focus Area 7 to be consistent with the Dry Creek Preserve Master Plan if it were to be annexed into the City. This area is currently within the SOI, but the property owners in Focus Area 7 do not currently desire to annex into the City. The City has continued to plan for orderly growth to the north of the City, including the area that includes the Project site.

Master Response 14 provides detailed discussion of annexation. For clarification, the Development Area is proposed for annexation, while the Non-development Area is not proposed for annexation. This means that the Development Area would receive City services once annexed, and the Non-development Area would be eligible for annexation at some future time. A future annexation of the Non-development area would require the property owners of those parcels to organize and agree to be annexed into the City, which has not been done as part of the current proposal. Additionally, it does not appear that the current sentiment from parcel owners in the non-development area would be supportive of annexation into the City at this time. It is noted, however, that the SOI expansion, which does not require the approval of the parcel owners, would allow for future annexation of the non-development area into the City of Clovis if desired by the property owners at some later date. If the SOI expansion were approved, the non-development area would remain in the unincorporated County, but would be within the City's SOI. If annexed at some future time, the parcels could be served by City water and sewer. However, annexing these parcels and providing City water and sewer services is not currently proposed.

The commenter notes that they are foolishly optimistic and will not spend time discussing the traffic impact of the residents of the future Lennar and Wilson homes all descending on the 4-way country stop sign on Sunnyside and Shephard Aves, the lack of green space

nor the myriad of issues that will accompany the rapid construction of 1000 homes around said area.

- Concerns regarding traffic are addressed in Master Response 6 through 13. The project proposes to construct 605 single-family residences. The surrounding areas in the neighborhood also mostly constitute of similar single-family residential developments. Additionally, several new projects within the area also proposes single-family residential developments. As such, the project does not propose any land use atypical to the area, or any land use that is estimated to change the neighborhood traffic pattern. Therefore, trip generation and distribution pattern from the project is also expected to be similar to the neighborhood trip patterns. In fact, implementation of recommended improvements as included in the TIA would help alleviate traffic congestion and safety related issues within the project vicinity, as well as existing and future residential communities in the area.

The TIA includes contribution of traffic from all future developments that would add traffic to the TIA study area. As such, the traffic improvements recommended as part of this study accounts for cumulative traffic impact from all future projects, as well as the proposed project. Additionally, the traffic analysis takes into consideration the effects of school traffic under existing and future long-range conditions. The improvements proposed in the study would help address the traffic congestion issues from all future developments, as well as school related traffic within the project vicinity. This includes both vehicular and non-motorized traffic issues as described in the TIA.

The project will be implementing several project design features that will help eliminate gaps in the pedestrian circulation network around the project site. As part of project frontage improvement, the project will be constructing sidewalks, curb and gutter along Sunnyside Avenue and Shepherd Avenue, Fordham Avenue, and Heirloom Avenue and dedicate space for bike lanes along Shepherd Avenue. Additionally, installing signals with pedestrian crossings have been recommended to enhance, pedestrian safety in the neighborhood. This includes a signal that has been proposed at the intersection of Sunnyside Avenue/Shepherd Avenue (southwest corner of the project site), which will help pedestrians accessing the Dry Creek trailhead safely with designated crosswalks at this location.

In addition, Shepherd Avenue will be constructed curb to curb between Sunnyside and Fowler Avenue including a trail/sidewalk along the north side of Shepherd Avenue and bike lanes along this segment of Shepherd Avenue. This will enhance both vehicular safety and pedestrian safety along this corridor.

The project proposes to connect to the existing roundabout at the northerly project location along Sunnyside Avenue. Additionally, sidewalks and bike lanes will be constructed along the project frontage on Shepherd Avenue, Sunnyside Avenue, and Fordham Avenue. Addition of these project design features would help in traffic calming as well as enhance safety around the project site.

The project will be implementing several project design features around the project site that will improve safety for children. As part of project frontage improvement, the project will be constructing sidewalks, curb and gutter along Sunnyside Avenue, Shepherd Avenue, Heirloom Avenue, and Fordham Avenue, and dedicate space for bike lanes along Shepherd Avenue. Additionally, installing signals with pedestrian crossings at the intersection of Sunnyside Avenue/Shepherd Avenue (southwest corner of the project site), will help pedestrians accessing the Dry Creek trailhead safely with designated crosswalks at this location. As such, implementation of the signal and said sidewalks would help address speeding and safety issues along these corridors.

Concerns regarding parks/greenspace are addressed in Master Response 16. Section 2.0 Project Description presents the parks/greenspace that is proposed, and Section 3.12 Public Services and Recreation provides an analysis of the proposal relative to the park requirements. It should be noted that the proposed Project includes the development of open space totaling approximately 5.54 acres, including 2.25 acres of trails, 2.39 acres of promenade/pedestrian circulation, and 0.90 acres of parks as described in DEIR Section 2.0 Project Description. The main park would be located within the central portion of the Development Area, which would connect to a network of promenades and trails located within and along the perimeter of a portion of the Development Area. The promenade and trail network would also link to adjacent trails located in the planned residential community to the west, as well as the Dry Creek Trail and Clovis Old Town Trail to the south.

As described on page 3.12-5, the Clovis General Plan establishes a goal of four acres of parkland per 1,000 residents, which exceeds the requirement set forth by the Quimby Act. Page 3.12-24 through 3.12-25 includes an analysis of the proposed Project relative to the City's parkland requirements. The DEIR indicates that the Project is estimated to increase the population by 1,700 residents (based on 2.81 persons per household), and that the proposed parkland offered by the Project would not provide the park land needed to meet the four acres per 1,000 people. However, the DEIR references the Municipal Code Chapter 3.4, Park Acquisition and Development, which states that any developer who plans for dwelling units to be constructed in the City shall pay, in addition to any other fees required to be paid by the City, a fee which shall be calculated on the basis of park acreage designated in the Clovis General Plan consisting of the estimated total land acquisition and construction cost distributed on the basis of the remaining

developable area within the sphere of influence. In accordance with the Municipal Code, fees are deposited in specific funds that shall be used solely for the acquisition, improvement and expansion of public parks and recreation facilities as outlined in the park acquisition and improvement fee update. As a result of the requirement, the Project will dedicate the proposed parkland and pay an in-lieu fee for the difference in accordance with the Clovis Municipal Code Chapter 3.04. This is consistent with State law and the City's requirements for parkland dedication and in-lieu fee payments for parkland.

**Response G-2:** The commentor indicates that their only focus at this time is access to water. The previous agricultural lands (previous almond orchards currently Lennar homes and current pecan orchard) served as a recharge for the local ground water, without which our wells have and will continue to fail. They state that planning for and providing City utilities has to be done at this time while the City is allowing for TM6205 to proceed up to their doorstep. They suggest that the homes bordered by Sunnyside and Perrin Aves and those along Fowler will have to be included in the expansion of Sphere of Influence of the City of Clovis if TM6205 is to be allowed to proceed. They note that they would need access to City utilities equal to that provided to project TM6205. They suggest that planning and providing City utilities to citizens is the purview of city governance and that the private citizens in the homes mentioned above cannot be expected to form a governing body and independently apply for City utilities. The commentor indicates that putting them in a situation to have no access to potable water is inhumane and unethical and that the only common-sense action to take is to extend City services to their homes at the same time that all the infrastructure is being placed to accommodate TM6205.

- Concerns regarding water are addressed in Master Response 3, 4, and 5. Concerns regarding annexation and the provision of City utility services are addressed in Master Response 14.

Dear Mr. Gonzalez,

My name is Cindy Reinke, my husband and I live at 9432 N. Purdue Ave, Clovis. We are writing to you regarding the project TM6205, Wilson development on Shepherd and Sunnyside. We are currently out of town and cannot attend today's meeting. We have lived in this home since 2016. We have seen our water supply diminish, especially after Mr. Wilson stopped watering the pecans two years ago. The watering of the pecan trees naturally replenishes our wells. We are now having to order water 3 times a week with the cost of \$750.00 per week. If this development is completed, the rainwater will be diverted away via storm drains leaving us zero recharge for our water. We must be annexed into the City of Clovis and have city utilities for this project to go forward. We look to you, our elected city official, to help us with this potential issue.

Thank you,

Brian and Cindy Reinke

H-1

**Response to Letter H: Brian and Cindy Reinke, Residents of Clovis**

**Response H-1:** The commentor provides a brief introduction, notes their place of residence, and how long they have lived at the residence. The commenter then indicates that they are currently out of town and cannot attend today's meeting (the neighborhood meeting).

- Concerns the neighborhood meeting are addressed in Master Response 15.

The commenter notes that they have seen their water supply diminish, especially after Mr. Wilson stopped watering the pecans two years ago. They note that watering of the pecan trees naturally replenishes their wells and that they are now having to order water 3 times a week with the cost of \$750.00 per week. They indicated that if development occurs rainwater will be diverted away via storm drains leaving them with zero recharge for their water. The commenter concludes that they must be annexed into the City of Clovis and have City utilities for this project to go forward.

- Concerns regarding water are addressed in Master Response 3, 4, and 5. Concerns regarding annexation and the provision of City utility services are addressed in Master Response 14.



Mr Gonzales,

My name is Curtis Cookingham and I have lived in the Quail Run development with my family since 2011. I grew up on a farm in Clovis and always wanted to raise my kids in a "rural setting". Our neighborhood was the perfect setting for this and the last decade has been great for our family.

I-1

When we bought the home/property, we were surrounded by almond orchards and the large pecan orchard to the south. The almond orchard is now the Lennar development and the Pecans are slowly being taken out. My neighbors and I have done all we can to fight encroachment of the city, but construction and development moves forward on 3 sides.

My biggest concern and opposition to this latest project (as with the Lennar project), is water. I continue to watch my neighbors drill new wells with marginal results and I personally have water delivered to my home 2 times/week in the summer at the cost of nearly \$500.00/week. Construction to the west and now the possibility of construction to the south and East WILL HAVE A NEGATIVE IMPACT ON THE QUAIL RUN WATER SUPPLY. Our county development has relied on natural processes of replenishing our underground water supply for 30+ years. If this next phase of development is allowed to proceed to the south and east of us, we will be an isolated island. Access to water will be more of a challenge and more cost. My family and my neighbors moved to this development to to get away from the city, but the city is now in our backyards. We will soon be staring at cinder block fences and houses that are built very close together.

I-2

I am a strong "NO" vote for this project. Coupled with the Lennar project to our west - there is a sense that the Wilson project "is being shoved down our throats". This is not "the Clovis way of life" any more. I have witnessed the road closures and watched the pecans being bulldozed, so it seems like the the City of Clovis and Wilson Homes are further along than indicated in the letter that announced the meeting 8-30-23. If this is true and the "fix is in", then I want to make sure there is a resolution or agreement between the developers and the officials who are elected to represent us to give us a simple and extremely cost-effective option for access to city water. If we are left a county island - well water access will continue to diminish and property values will drop. Providing access to water is a reasonable compromise to the sidewalks, hard scape, traffic, noise, dust, lights, and high density housing that is pressing in around us. It's a reasonable compromise for rural life being transformed to city life.

I-3

Thank you  
Curtis and Pamela Cookingham

**Response to Letter I: Curtis and Pamela Cookingham, Residents of Clovis**

**Response I-1:** The commentor provides a brief paragraph describing where they live, the history of the residence in the neighborhood, and the encroachment of development over time. This comment is largely an introduction to the following two comments which more fully detail the commenters concerns.

- These introductory statements are noted. There is no response warranted.

**Response I-2:** The commentor states the following: *“My biggest concern and opposition to this latest project (as with the Lennar project), is water. I continue to watch my neighbors drill new wells with marginal results and I personally have water delivered to my home 2 times/week in the summer at the cost of nearly \$500.00/week. Construction to the west and now the possibility of construction to the south and East WILL HAVE A NEGATIVE IMPACT ON THE QUAIL RUN WATER SUPPLY. Our county development has relied on natural processes of replenishing our underground water supply for 30+ years. If this next phase of development is allowed to proceed to the south and east of us, we will be an isolated island. Access to water will be more of a challenge and more cost. My family and my neighbors moved to this development to city get away from the city, but the city is now in our backyards. We will soon be staring at cinder block fences and houses that are built very close together.”*

Concerns regarding water are addressed in Master Response 1, 2, 3, 4, and 5. Master Response 14 provides detailed discussion of annexation. A future annexation of the Non-development area would require the property owners of those parcels to organize and agree to be annexed into the City, which has not been done as part of the current proposal. Additionally, it does not appear that the current sentiment from parcel owners in the non-development area would be supportive of annexation into the City at this time. It is noted, however, that the SOI expansion, would allow for future annexation of the Non-development area into the City of Clovis if desired by the property owners at some later date. If the SOI expansion were approved, the non-development area would remain in the unincorporated County, but would be within the City’s SOI. If annexed at some future time, the parcels could be served by City water and sewer. However, annexing these parcels and providing City water and sewer services is not currently proposed.

The proposed annexation includes lands contiguous with the current City limits and parcels that would be within the expanded SOI. It is noted that parcels proposed for annexation would involve the creation of an island of unincorporated territory to the south of the site. It is noted that LAFCo may approve an annexation that creates an island where it finds that the application of this policy would be detrimental to the orderly development of the community

and that a reasonable effort has been made to include the island in the annexation, but that inclusion is not feasible at this time. The island area is designated as Focus Area 7 in the General Plan, and is located within the Herndon – Shepherd Specific Plan Area. The General Plan identifies Focus Area 7 for Residential Use, which would require all proposed projects within Focus Area 7 to be consistent with the Dry Creek Preserve Master Plan if it were to be annexed into the City. This area is currently within the SOI, but the property owners in Focus Area 7 do not currently desire to annex into the City. The City has continued to plan for orderly growth to the north of the City, including the area that includes the Project site.

**Response I-3:** The commentor states the following: *“I am a strong “NO” vote for this project. Coupled with the Lennar project to our west - there is a sense that the Wilson project “is being shoved down our throats”. This is not “the Clovis way of life” any more. I have witnessed the road closures and watched the pecans being bulldozed, so it seems like the city City of Clovis and Wilson Homes are further along than indicated in the letter that announced the meeting 8-30-23. If this is true and the ‘fix is in”, then I want to make sure there is a resolution or agreement between the developers and the officials who are elected to represent us to give us a simple and extremely cost-effective option for access to city water. If we are left a county island - well water access will continue to diminish and property values will drop. Providing access to water is a reasonable compromise to the sidewalks, hard scape, traffic, noise, dust, lights, and high density housing that is pressing in around us. It’s a reasonable compromise for rural life being transformed to city life.”*

- Concerns regarding water are addressed in Master Response 3, 4, and 5. Concerns regarding the provision of City utility services are addressed in Master Response 14. Concerns regarding county islands is addressed in Response I-2. The balance of the topics discussed in this comment express the commenter opposition to the Project, which is noted and will be provided to the City for their consideration.

**smcmurtry@denovoplanning.com**

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**Subject:** FW: [External] Shepherd North Project

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**From:** Robert Shuman <[rbshuman42@gmail.com](mailto:rbshuman42@gmail.com)>

**Sent:** Thursday, August 31, 2023 8:39 AM

**To:** George Gonzalez <[georgeg@ci.clovis.ca.us](mailto:georgeg@ci.clovis.ca.us)>

**Cc:** [jharris@wilsondevelopment.com](mailto:jharris@wilsondevelopment.com)

**Subject:** [External] Shepherd North Project

Hi,

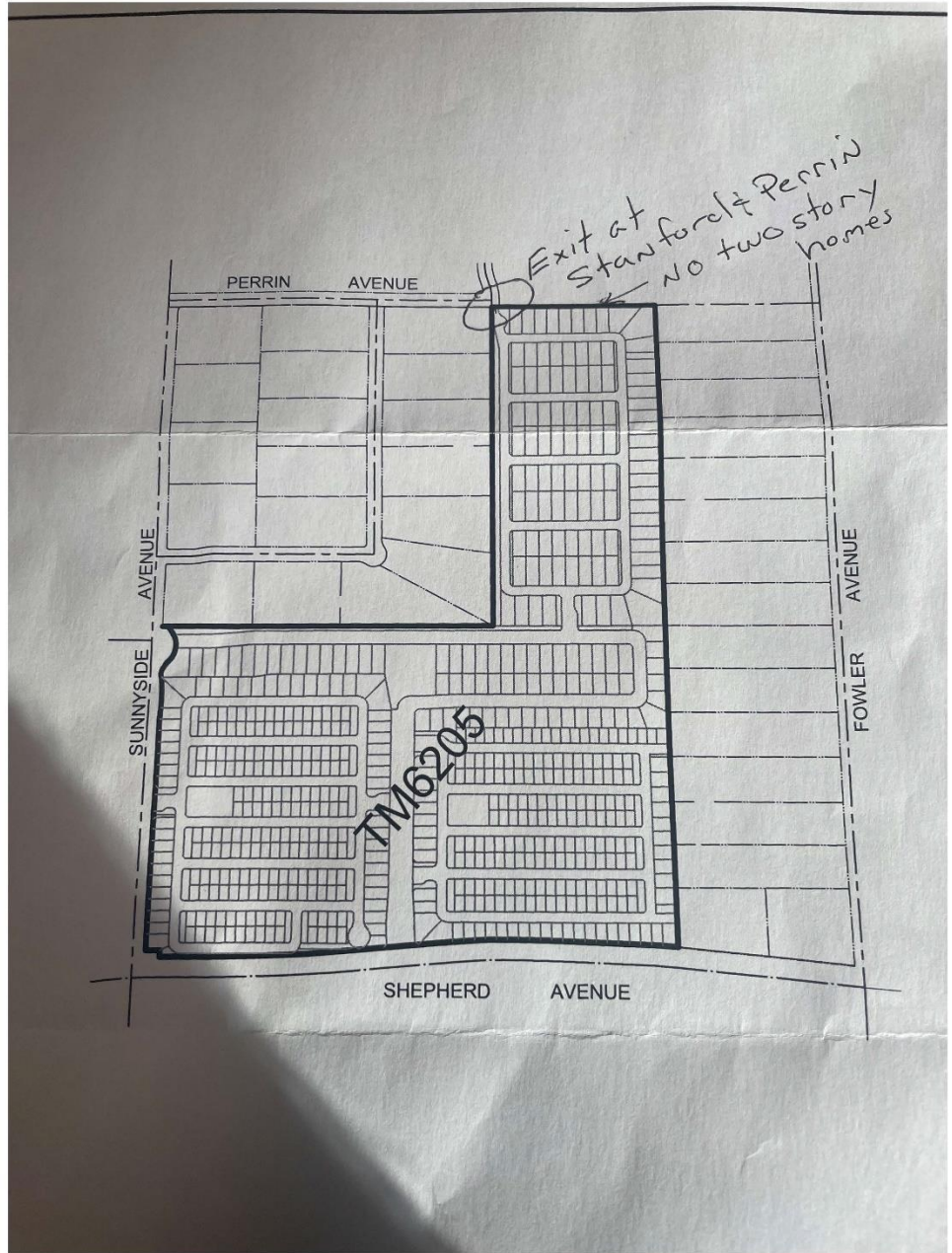
My name is Robert Shuman and I live at 9502 N. Stanford. Corner 2 acres at Perrin and Stanford. I was told at the meeting last night with the Wilson reps that they were going to have an exit in the back of the development. The neighborhood will not be okay with this as they find out. The road out to Fowler is already busy and the increase in traffic will make it worse. The neighborhood has lots new families and would be dangerous for the children playing in the neighborhood. A fire gate would be appropriate and makes more sense. I'm sure you have not done a traffic study regarding this outlet.

My other concern is privacy. It would be a nice if all house on the north border be one story homes.

Another concern is my property is a flood plain and it will be vital that all water runoff runs away from my property.  
See picture below

Thanks,  
Robert Shuman

J-1



**Response to Letter J: Robert Shuman 2, Resident of Clovis**

**Response J-1:** The commentor provides a brief paragraph identifying their address. They indicate that they were at the neighborhood meeting. They indicate that they have concerns with an exit in the back of the development, traffic on Fowler, safety with children playing in the neighborhood. They suggest a fire gate being more appropriate. They also indicated that they were concerned with privacy, and suggest that one story homes should back up to the northern border. Lastly, they note that their property is a flood plain and that it is vital that all water runoff away from their property.

- Concerns regarding floodplains and drainage are addressed in Master Response 1 and 2. Concerns regarding traffic are addressed under Master Response 6 through 13. The project will have four separate access points. As such, in case of any fire related events, Firefighters can access the project through multiple access points around the project site. Therefore, the project is not estimated to have any fire related access concerns. Access to the project from existing streets will be provided by four driveways: two on Sunnyside Avenue, one on Perrin Road, and one on Shepherd Avenue. Except for the driveways on Shepherd Avenue and Perrin, all other project driveways will operate as full-access driveways. The driveway on Shepherd Avenue will operate as a Right-In Right-Out/Left-In (RIRO/LI) driveway, since Shepherd Avenue has a speed limit of 40 MPH along the project frontage and estimated to have significant amount of through traffic. The driveway on Perrin will be an exit only driveway and will provide emergency access. The project is estimated to add only nominal trips on Perrin Road. Stanford or Ticonderoga from the driveway on Perrin Road. This is because, due to the local circulation network and location of activity centers in relation to the project, majority of the project traffic is estimated to travel south using Shepherd Avenue on to Clovis Avenue, Sunnyside Avenue, and Fowler Avenue. As included in the TIA, a sight distance analysis was conducted for all driveways to determine adequacy of sight for safe maneuver at the driveways using California Highway Design Manual (HDM) recommended methodology. As such, all the proposed project driveways achieve the adequate sight distances and have clear sight triangles for the drivers along the project frontage. As stated previously, the project is estimated to add only nominal traffic along Perrin, Stanford, or Ticonderoga, and will connect to a roundabout at the northerly project driveway along Sunnyside Avenue. Additionally, sidewalks and bike lanes will be constructed along the project frontage on Shepherd Avenue and Sunnyside Avenue. Addition of these project design features would help in traffic calming as well as enhance safety around the project site and within the neighborhood.

Concerns regarding the neighborhood meeting are addressed in Master Response 15. Regarding the commenter's preference for one story lots along the northern

border, the proposed Project is not proposed as a pre-plotted subdivision that identifies specific housing architecture or floor plans on each lot. For example, we do not have any knowledge of whether a one- or two-story residence would be built backing up to the commenter's residence. The zoning code dictates the development standards for zones throughout the City, and it will dictate the standards that apply to the proposed subdivision. One- and two-story residences are allowed up to the height limits defined in the zone. The concept of limiting the height of homes backing up to the commenter's residence can be presented as a concept for the Applicant to consider, but City's zoning code does not restrict the height to a one story. This concern does not present an environmental impact pursuant to CEQA.

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State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 Central Region  
 1234 East Shaw Avenue  
 Fresno, California 93710  
 (559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
 CHARLTON H. BONHAM, Director



August 31, 2023

George Gonzalez, MPA, Senior Planner  
 City of Clovis  
 Department of Planning and Development Services  
 1033 Fifth Street  
 Clovis, California 93612  
[georgeg@cityofclovis.com](mailto:georgeg@cityofclovis.com)

**Subject: Shepherd North Project (Project)**  
**Draft Environmental Impact Report (DEIR)**  
**State Clearinghouse Number (SCH): 2022050180**

Dear George Gonzalez:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR) from the City of Clovis for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

After reviewing the provided CEQA document, CDFW has determined that the mitigation measures as currently documented in the DEIR are sufficient for mitigation of impacts to listed species. Please keep in mind that certain measures such as, relocation of listed species and erecting exclusion fencing among others, can result in inadvertent take of listed species under the California Endangered Species Act (CESA) should an Incidental Take Permit (ITP) for those species not be acquired. If mitigation measures are proposed that may result in take of any species listed under CESA, it is recommended to consult with CDFW at least one year prior construction of the Project. If take cannot be avoided, take authorization through the issuance of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

#### ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

K-1

K-2

*Conserving California's Wildlife Since 1870*



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George Gonzalez, MPA, Senior Planner  
City of Clovis  
August 31, 2023  
Page 2

or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

#### FILING FEES

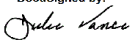
If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CDFW appreciates the opportunity to comment on the Project to assist the City of Clovis in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>).

If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead, or by electronic mail at [Kelley.Nelson@wildlife.ca.gov](mailto:Kelley.Nelson@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
FA83F09FE08945A...

Julie A. Vance  
Regional Manager

ec: Krista Tomlinson, Environmental Program Manager  
Larry Bonner, Senior Environmental Scientist Supervisor  
Kelley Nelson, Environmental Scientist  
California Department of Fish and Wildlife

State Clearinghouse  
Office of Planning and Research  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

K-2 Cont.

**Response to Letter K: Julie A. Vance, California Department of Fish and Wildlife**

**Response K-1:** The commentor provides a brief introductory paragraph and indicates that after reviewing the provided CEQA document, CDFW has determined that the mitigation measures as currently documented in the DEIR are sufficient for mitigation of impacts to listed species. The commentor provides details regarding relocations, inadvertent takes, and needs for ITPs.

- This comment is noted. The Draft EIR includes discussion regarding the potential for take of special status species, and the appropriate mitigation for avoiding take. The Draft EIR also discusses regulations that call for ITPs in the event of an impacts to a special status species. No further response to this comment is warranted in the EIR.

**Response K-2:** The commentor provides several paragraphs with statutory details regarding environmental determinations, field surveys, database records, and filing fees.

- This comment is noted. Filing fees would be paid according to the statutory requirements. The biologists performing surveys work within the requirements of the CNDDDB, and provide survey forms to the CNDDDB when species occurrences are documented. No further response to this comment is warranted in the EIR.

**smcmurtry@denovoplanning.com**

**Subject:** FW: [External] Fwd: Resident Concerns Regarding Wilson Homes Development (Shepard and Sunnyside)

**From:** Patrick Menagh <[pcmaltmail27@gmail.com](mailto:pcmaltmail27@gmail.com)>  
**Sent:** Thursday, August 31, 2023 2:16 PM  
**To:** George Gonzalez <[georgeg@ci.clovis.ca.us](mailto:georgeg@ci.clovis.ca.us)>  
**Cc:** [dmenagh@hotmail.com](mailto:dmenagh@hotmail.com)  
**Subject:** [External] Fwd: Resident Concerns Regarding Wilson Homes Development (Shepard and Sunnyside)

Dear Mr. Gonzalez,

My name is Patrick Menagh and my family has lived on 9459 N. Purdue Ave, Clovis, CA 93619 since 2010. I attended the Wilson Homes meeting last night (8/30/23) and wanted to voice my concerns for your and the planning commissions consideration. While the representatives from Wilson Homes at the meeting repeatedly reference studies (water, traffic, noise, etc...) that concluded there would be “no significant impact”, I for one wanted you to know that there are significant impacts to me personally and our neighborhood that I've outlined below.

L-1

1. Water – All our wells have been impacted by the development that has gone on for the last several years. Developers like to blame drought or even agriculture, which obviously have an impact, but urban development has a long term effect that is permanent. Whether it is the sinking a deep wells to feed the new homes (I believe this was done at Harlan Ranch) or in the case of this development, cover up the ground with asphalt and redistributing the water to a holding pond elsewhere, it hurts our aquifer. Reducing our access to water is an infringement on a basic need and I don't see any effort by the developer or City to resolve this. In fact, the comment I heard last night when the Wilson folks were asked if they would be putting water infrastructure in our neighborhood was no, that is not our concern nor requirement and a reference to the almighty study that says there will be no significant impact. I heard that similar comment several times last night and frankly it struck me as arrogant and uncaring. Seems to me a better approach would be to say, how can we work together (Developer, City and Residents) to resolve this issue. I get that putting in a water line though are neighborhood costs money, I get that the city would need to annex the neighborhood, I get that there may be some give and take on certain things, but as it stands now Wilson is saying we are not going to do anything here and there's nothing you can do about it. Is that really an acceptable attitude for the City? I hope not.

L-2

2. During the meeting I heard a comment from the Wilson Home folks that they were “bundling studies together” and it struck me that this project is not proceeding in a normal way and is being fast tracked. It appears the City is deviating from long standing protocols and as a

L-3

result, the impacts to our property may not be given the thorough investigation they deserve. I for one would like to know if things are being done differently and if so how is it different? The City has an obligation to make sure our interests are being protected and not minimized in the effort to get things done fast. I understand that the City needs to grow and it needs developers to fund projects like the widening of Shepard, however I thought that is what the long range plan was for, that include a significant amount of land between Shepard and Copper? For that matter, this land was not even in the plan and now it is? There are a lot of exceptions being made here and it concerns me they are at the expense of thoughtful planning and resolution of issues that typically occur.

L-3 Cont.

3. Traffic is a big concern in a couple of ways, one short term and one long term. Short term, we were promised we would have minimal impact due to the current Lennar construction going on around us, however this has been absolutely false! Over the last few years we've been effected by road closers, non-local traffic cutting through our neighborhood (faster that they should!), yards torn up, trash falling off trucks, delays getting to work and school, deterioration of our roads not meant for heavy vehicles, dust over everything, etc... Personally I am tired of it, and the City needs to hold the construction companies accountable for doing everything they can to minimize the impact. Long term, with over 600 homes planned, we are going to have a lot more cars cutting through the neighborhood going to Fowler. Once again the Wilson studies say we will feel minimal impact and traffic is going to use Shepard or Sunnyside, but that's not going to happen. Our neighborhood is in the Clovis North school district and unless these homes are going to be adult only, there will be a lot of Mom's and Dad's following the path of least resistance through to the neighborhood to Fowler on their way to drop kids off at school and go to work. When all these folks hit the intersection of Fowler and Ticondaroga and try to merge onto flowing traffic your going to have a lot of accidents (drive it, you'll see what I mean). In addition, the roads in our neighborhood are not built for traffic especially Stanford which is a narrow curving road with blind corners (drive it, you'll see what I mean). I have witnessed over the last few years an increase in cars avoiding road closures by driving through our neighborhood, way too fast, cutting corners and nearly hit cars and people. My wife, who walks every morning has literally almost been hit on multiple occasions. We have kids playing in front yards and riding bikes through our neighborhood. If someone gets hurt or killed because this was not addressed properly there will be hell to pay. This is no joke and a real issue if not addressed. Also, the increased traffic is going to deteriorate our roads which were not designed to handle it. Who's going to pay for the upkeep? My guess is Fresno County and Clovis City are going to point fingers at one another and nothing will get done and we'll be left holding the bag.

L-4

4. Quality of life is my last issue. We all moved into this neighborhood because it was rural, safe and provided us with the lifestyle we wanted when we bought our properties. I know things change, and it's impossible to insulate yourself from it, but it still impacts us and potentially the values of our homes. This being said, I need a better understanding of what impacts sphere of influence and annexation will have on my property. To date, I've heard a lot of different stuff and frankly don't really understand how these thing might affect me and request some clarity from the City about this.

L-5

As things stand now, I am very disappointed with how this project has progresses. It's appears to be on a fast track to the benefit of the builder, at the expense of our neighborhood, and with little to no effort to find solutions to our issues. The arrogance of statements made last night by the Builder Reps like (paraphrasing); "we don't care what you do", "it's not our problem", "I wouldn't want to live buy some of the homes in your neighborhood", "studies show minimal impact", "we'll just circumvent to city and put in apartments" all lead me to believe Wilson has no desire to sincerely work with us, they just want to check the boxes and get on with the project. I hope the City feels differently and works to make sure our interests our addressed.

L-6

Sincerely,

Pat and Debbie Menagh

9459 N. Purdue Ave

559-392-5547

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**Response to Letter L: Patrick Menagh, Resident of Clovis**

**Response L-1:** The commentor provides a brief paragraph describing their general concerns with the project, and that they wanted to voice the concerns to the Planning Commission. The comment serves as an introduction to a more detailed discussion of the concerns in the following comments.

- This comment is noted and will be provided to the City for consideration. No further response to this comment is warranted in the EIR.

**Response L-2:** The commentor states the following: *“Water – All our wells have been impacted by the development that has gone on for the last several years. Developers like to blame drought or even agriculture, which obviously have an impact, but urban development has a long term effect that is permanent. Whether it is the sinking a deep wells to feed the new homes (I believe this was done at Harlan Ranch) or in the case of this development, cover up the ground with asphalt and redistributing the water to a holding pond elsewhere, it hurts our aquifer. Reducing our access to water is an infringement on a basic need and I don’t see any effort by the developer or City to resolve this. In fact, the comment I heard last night when the Wilson folks were asked if they would be putting water infrastructure in our neighborhood was no, that is not our concern nor requirement and a reference to the almighty study that says there will be no significant impact. I heard that similar comment several times last night and frankly it struck me as arrogant and uncaring. Seems to me a better approach would be to say, how can we work together (Developer, City and Residents) to resolve this issue. I get that putting in a water line though are neighborhood costs money, I get that the city would need to annex the neighborhood, I get that there may be some give and take on certain things, but as it stands now Wilson is saying we are not going to do anything here and there’s nothing you can do about it. Is that really an acceptable attitude for the City? I hope not.”*

- This comment regarding water is addressed in Master Response 3, 4, and 5. This includes a discussion of groundwater issues, agricultural irrigation, onsite wells, and how the proposed Project would receive water.

**Response L-3:** The commentor states the following: *“During the meeting I heard a comment from the Wilson Home folks that they were “bundling studies together” and it struck me that this project is not proceeding in a normal way and is being fast tracked. It appears the City is deviating from long standing protocols and as a result, the impacts to our property may not be given the thorough investigation they deserve. I for one would like to know if things are being done differently and if so how is it different? The City has an obligation to make sure our interests are being protected and not minimized in the effort to get things done fast. I understand that the City needs to grow and it needs developers to fund projects like the widening of Shepard, however I thought that is what the long range plan was for, that include a significant amount of land between Shepard and Copper? For that matter, this*

*land was not even in the plan and now it is? There are a lot of exceptions being made here and it concerns me they are at the expense of thoughtful planning and resolution of issues that typically occur.”*

- The comment regarding the Neighborhood Meeting is addressed, in part, under Master Response 15. It is noted that the Draft EIR is a result of extensive technical analysis by a team of consultants working closely with City staff since 2021 (over two years). During that time, there was a significant amount of analysis, peer review, design changes, and supplemental analysis necessary to fully analyze the impacts, and reduce or avoid impacts associated with project development. This two-year time frame is inclusive of the environmental review process, but the planning and application process extends even farther back in time. The CEQA process involves the accumulation of numerous technical reports that are summarized in the DEIR. In effect, the CEQA document functions to synthesize numerous technical analyses into a single document that can be distributed out to the public for review for a more simplified review of the technical analyses. The suggestion that the City is “*fast tracking*” and that the process is “*not normal*” is not accurate, as this process is commonplace under CEQA. The City staff has thoroughly examined the details of the application, including the design and the environmental impacts, and will ultimately present their findings to the Planning Commission and City Council for their consideration.

**Response L-4:** *The commentor states the following: “Traffic is a big concern in a couple of ways, one short term and one long term. Short term, we were promised we would have minimal impact due to the current Lennar construction going on around us, however this has been absolutely false! Over the last few years we’ve been effected by road closers, non-local traffic cutting through our neighborhood (faster that they should!), yards torn up, trash falling off trucks, delays getting to work and school, deterioration of our roads not meant for heavy vehicles, dust over everything, etc... Personally I am tired of it, and the City needs to hold the construction companies accountable for doing everything they can to minimize the impact. Long term, with over 600 homes planned, we are going to have a lot more cars cutting through the neighborhood going to Fowler. Once again the Wilson studies say we will feel minimal impact and traffic is going to use Shepard or Sunnyside, but that’s not going to happen. Our neighborhood is in the Clovis North school district and unless these homes are going to be adult only, there will be a lot of Mom’s and Dad’s following the path of least resistance through to the neighborhood to Fowler on their way to drop kids off at school and go to work. When all these folks hit the intersection of Fowler and Ticondaroga and try to merge onto flowing traffic your going to have a lot of accidents (drive it, you’ll see what I mean). In addition, the roads in our neighborhood are not built for traffic especially Stanford which is a narrow curving road with blind corners (drive it, you’ll see what I mean). I have witnessed over the last few years an increase in cars*

*avoiding road closures by driving through our neighborhood, way too fast, cutting corners and nearly hit cars and people. My wife, who walks every morning has literally almost been hit on multiple occasions. We have kids playing in front yards and riding bikes through our neighborhood. If someone gets hurt or killed because this was not addressed properly there will be hell to pay. This is no joke and a real issue if not addressed. Also, the increased traffic is going to deteriorate our roads which were not designed to handle it. Who's going to pay for the upkeep? My guess is Fresno County and Clovis City are going to point fingers at one another and nothing will get done and we'll be left holding the bag."*

- This comment regarding traffic is partially addressed in Master Response 6 through 13. The project proposes to construct 605 single-family residences. The surrounding areas in the neighborhood also mostly constitute of similar single-family residential developments. Additionally, several new projects within the area also proposes single-family residential developments. As such, the project does not propose any land use atypical to the area, or any land use that is estimated to change the neighborhood traffic pattern. Therefore, trip generation and distribution pattern from the project is also expected to be similar to the neighborhood trip patterns. In fact, implementation of recommended improvements as included in the TIA would help alleviate traffic congestion and safety related issues within the project vicinity, as well as existing and future residential communities in the area.

The TIA includes contribution of traffic from all future developments that would add traffic to the TIA study area. As such, the traffic improvements recommended as part of this study accounts for cumulative traffic impact from all future projects, as well as the proposed project. Additionally, the traffic analysis takes into consideration the effects of school traffic under existing and future long-range conditions. The improvements proposed in the study would help address the traffic congestion issues from all future developments, as well as school related traffic within the project vicinity. This includes both vehicular and non-motorized traffic issues as described in the TIA.

The project proposes to connect to the existing roundabout at the northerly project location along Sunnyside Avenue. Additionally, sidewalks and bike lanes will be constructed along the project frontage on Shepherd Avenue, Sunnyside Avenue, and Fordham Avenue. Addition of these project design features would help in traffic calming as well as enhance safety around the project site.

Also, in the short-term, the City and the project applicant will coordinate to develop a construction management plan for the construction related traffic for the project in the short-term. This will include designated truck routes to and



from the project, along with time restriction for inbound and outbound construction related traffic accessing the neighborhood, to help prevent any short-term traffic related issues within the neighborhood.

In the long term, as identified in the TIA and DEIR, improvements would be required to adjacent roadways within the vicinity of the project. Additionally, the TIA identifies regional circulation improvements that would help alleviate traffic congestion and safety related issues. As included in Table 9-H of the TIA, and the DEIR, the project would be directly implementing circulation improvements around the project site and will be paying appropriate fees to the City for the future implementation of additional roadway widening and intersection improvements within the project study area when warranted. As demonstrated in the TIA, implementation of these improvements would help alleviate local congestion issues and provide safe access to local schools that are under the Clovis Unified School District (CUSD).

The project will be implementing several project design features that will help eliminate gaps in the pedestrian circulation network around the project site. As part of project frontage improvement, the project will be constructing sidewalks, curb and gutter along Sunnyside Avenue and Shepherd Avenue, Fordham Avenue, and Heirloom Avenue and dedicate space for bike lanes along Shepherd Avenue. Additionally, installing signals with pedestrian crossings have been recommended to enhance pedestrian safety in the neighborhood. This includes a signal that has been proposed at the intersection of Sunnyside Avenue/Shepherd Avenue (southwest corner of the project site), which will help pedestrians accessing the Dry Creek trailhead safely with designated crosswalks at this location.

In addition, Shepherd Avenue will be constructed curb to curb between Sunnyside and Fowler Avenue including a trail/sidewalk along the north side of Shepherd Avenue and bike lanes along this segment of Shepherd Avenue. This will enhance both vehicular safety and pedestrian safety along this corridor. **Access:** Access to the project from existing streets will be provided by four driveways: two on Sunnyside Avenue, one on Perrin Road (Stanford/Perrin), and one on Shepherd Avenue. Except for the driveways on Shepherd Avenue and Perrin, all other project driveways will operate as full-access driveways. The driveway on Shepherd Avenue will operate as a Right-In Right-Out/Left-In (RIRO/LI) driveway, since Shepherd Avenue has a speed limit of 40 MPH along the project frontage and estimated to have significant amount of through traffic. The driveway at Stanford/Perrin will be an exit only driveway and will provide emergency access. As included in the TIA, a sight distance analysis was conducted for all driveways to determine adequacy of sight for safe maneuver at the

driveways using California Highway Design Manual (HDM) recommended methodology. As such, all the proposed project driveways achieve the adequate sight distances and have clear sight triangles for the drivers along the project frontage.

The project will be implementing several project design features around the project site that will improve safety for children. As part of project frontage improvement, the project will be constructing sidewalks, curb and gutter along Sunnyside Avenue, Shepherd Avenue, Heirloom Avenue, and Fordham Avenue, and dedicate space for bike lanes along Shepherd Avenue. Additionally, installing signals with pedestrian crossings at the intersection of Sunnyside Avenue/Shepherd Avenue (southwest corner of the project site), will help pedestrians accessing the Dry Creek trailhead safely with designated crosswalks at this location. As such, implementation of the signal and said sidewalks would help address speeding and safety issues along these corridors.

**Response L-5:** The commentor states the following: *“Quality of life is my last issue. We all moved into this neighborhood because it was rural, safe and provided us with the lifestyle we wanted when we bought our properties. I know things change, and it’s impossible to insulate yourself from it, but it still impacts us and potentially the values of our homes. This being said, I need a better understanding of what impacts sphere of influence and annexation will have on my property. To date, I’ve heard a lot of different stuff and frankly don’t really understand how these things might affect me and request some clarity from the City about this.”*

- This comment regarding sphere of influence and annexation is addressed in Master Response 14. The comment regarding the quality of life and value to their home is a topic that is outside the scope of an environmental document. This is a social and economic topic that will be provided to the City for consideration.

**Response L-6:** The commentor states the following: *“As things stand now, I am very disappointed with how this project has progresses. It’s appears to be on a fast track to the benefit of the builder, at the expense of our neighborhood, and with little to no effort to find solutions to our issues. The arrogance of statements made last night by the Builder Reps like (paraphrasing); “we don’t care what you do”, “it’s not our problem”, “I wouldn’t want to live buy some of the homes in your neighborhood”, “studies show minimal impact”, “we’ll just circumvent to city and put in apartments” all lead me to believe Wilson has no desire to sincerely work with us, they just want to check the boxes and get on with the project. I hope the City feels differently and works to make sure our interests our addressed.”*

- The comments that express their disappointment with how the Project has progressed is noted. These comments do not address a CEQA topic within the environmental document, but that will be provided to the City for consideration.

**Joyce Roach**

**From:** George Gonzalez  
**Sent:** Friday, September 1, 2023 9:05 AM  
**To:** Sean Smith; Gene Abella  
**Cc:** George Gonzalez; Joyce Roach  
**Subject:** FW: [External] Please put the brakes on the Shepherd North Project

FYI, thanks.



George González, MPA | Senior Planner  
 City of Clovis | Planning Division  
 p. 559.324.2383 | f. 559.324.2844  
[georgeg@cityofclovis.com](mailto:georgeg@cityofclovis.com)

**From:** Eric Poulsen <ejpoulsen@yahoo.com>  
**Sent:** Thursday, August 31, 2023 1:32 PM  
**To:** George Gonzalez <georgeg@ci.clovis.ca.us>  
**Subject:** [External] Please put the brakes on the Shepherd North Project

Dear Mr Gonzalez,

We were glad to have the opportunity to attend the meeting run by meet the Wilson developers on 8/30. We thought this would be a meeting run by the City rather than the develop. In the end, the discussion increased rather than decreased our concerns.

M-1

I do understand that the City of Clovis has a vested interest in this project proceeding, but I really would hope that some of the staff and planners are still able look closely at our legitimate concerns. The EIR prepared by De Novo Planning Group is an example of a document that truly requires some critical thinking on the part of the City staff. Some of the evidence and arguments put forth simply don't jive with the boots-on-the-ground reality.

One obvious example is the assertion that this area just isn't good farm land. Well, sure, there are some spots that aren't great nearby. However, the specific parcels in question as well as the parcels developed by Lennar across the street have actually been outstanding farm land. Just ask Pat Richiutti—his almonds north of Shepherd have performed well for decades before being pulled out. Just ask Alejandro who managed the pecan that Wilson now owns. These have been extremely "fruitful" properties and would still be if not being

M-2

repurposed. Obviously, a land owner can chose what he or she does with their land. But let the record be clear—this is great farm land.

This is just one example of the self-serving nature of some elements in this EIR, aimed to paint a picture that the reader wants to see. Of course this is normal. I am just asking that the City please read this report with proper analysis and critical thinking. We cannot let an EIR by out-of-town consultants trump the realities known by those of us who have lived here for decades.

M-2 Cont.

Let me share a few other thoughts on some of the relevant topics being brought up.

Stopping the pecan orchard ag wells has hurt, not helped local ground water supply. Let me explain. The pecan ag wells are much larger than our residential wells. They pulled water from much deeper, irrigated the trees, flood irrigated, then soaked in and then recharged more shallow residential well. We could all tell the difference in our well productivity when the trees were no longer irrigated. Our wells decreased and some, like ours, have gone dry. So not using the orchard wells has decreased not increased usable residential groundwater. The report can talk about geology and hardpan, but we can talk about reality.

M-3

Eliminating the large permeable surface area will further degrade our water supply. Identifying the recharge basin northwest of Perrin and Sunnyside as the destination for water in the proposed development is not in any way helpful for the existing residents. Yes, it may work fine as a flood control measure; but that basin will offer no benefit for recharging the water table for existing residents. The general flow of the aquifers will take that recharge way from existing residents. A recharge basin for the proposed home needs to be in that specific same area, especially considering the very dramatic elimination or permeable surface area.

Noise pollution, air, and light pollution as well as traffic congestion—the report seems to be saying that these will be similar to similar residential density elsewhere, therefore the development is of no impact. This type of argument is laughable because is avoids (likely intentionally) the actual comparison that is relevant—that the baseline level of noise, light, and air pollution will be dramatically increased. The comparison to baseline must be considered. Similarly with traffic congestion—compared to baseline there will be a dramatic increase in vehicle traffic and congestion even with the expansion of the road/intersection.

M-4

Finally, proposing Perrin as a north exit for this many houses is not appropriate or even viable. I'm not sure why this would be considered given the nature of the Perrin/Stanford corner and the adjacent roadways.

M-5

In summary, please put the brakes on for the moment and let us work through these concerns. While our first instinct is to oppose city annexation, surely a path forward can be found if these problems are acknowledged and addressed.

Sincerely,

---

Eric J Poulsen, MD  
9324 N Purdue Ave  
Clovis, CA 93619

M-5 Cont.

**Response to Letter M: Eric Poulsen 2, Resident of Clovis**

**Response M-1:** The commentor provides a brief paragraph noting their attendance at the neighborhood meeting, and that they thought the meeting would be run by the City. They note that the discussion increased rather than decreased their concerns.

- The comment regarding the neighborhood meeting is addressed in Master Response 15. The City notes the commenters increased concerns.

**Response M-2:** The commenter then indicates that they understand that the City of Clovis has a vested interest in this project proceeding, but that they hope that some of the staff and planners are still able look closely at their concerns. The comment indicates that the EIR is an example of a document that requires some critical thinking on the part of the City staff, and that some of the evidence and arguments put forth simply don't jive with the boots-on-the-ground reality. The commenter provides the following example: *"One obvious example is the assertion that this area just isn't good farm land. Well, sure, there are some spots that aren't great nearby. However, the specific parcels in question as well as the parcels developed by Lennar across the street have actually been outstanding farm land. Just ask Pat Richiutti—his almonds north of Shepherd have performed well for decades before being pulled out. Just ask Alejandro who managed the pecan that Wilson now owns. These have been extremely "fruitful" properties and would still be if not being repurposed. Obviously, a land owner can choose what he or she does with their land. But let the record be clear—this is great farm land."*

- The Draft EIR is a result of extensive technical analysis by a team of consultants working closely with City staff since 2021 (over two years). During that time there was a significant amount of analysis, peer review, design changes, and supplemental analysis necessary to fully analyze the impacts, and reduce or avoid impacts associated with project development.

The Draft EIR on page 3.2-16 indicates that the California Department of Conservation has designated approximately 63.60 acres of the Project site as Prime Farmland and 11.44 acres of the Project site as Farmland of Statewide Importance. This is reflected on Figure 3.2-1. Land designated as such generally consists of the qualities that make a site good farmland. However, the Draft EIR also indicates on page 3.2-16, that the California Department of Conservation notes that these designations do not necessarily reflect all relevant factors for agricultural production, and that they developed the Land Evaluation and Site Assessment (LESA) to evaluate the significance of the agricultural conversions such as what is proposed. The City utilized the LESA model to evaluate the site-specific characteristics more closely, and after evaluating the site-specific soil characteristics, project size, surrounding uses, agricultural protection zones, water resources availability, and ongoing economic feasibility of agricultural

operations utilizing the LESA Model, the model showed that the conversion of the land on the Project site is not a significant impact according to the Department of Conservation thresholds. Therefore, implementation of the proposed Project would have a less than significant impact relative to agricultural conversion. This environmental conclusion considers site specific characteristics such as the existence of a hardpan within the upper horizon of the soil profile, the project size, surrounding urban uses, lack of agricultural protection zones in the zone of influence, lack of water resources, and ongoing economic feasibility of agricultural operations due to other factors. While farming has historically occurred on the Project site, and on adjacent properties before they too were developed, it currently is an economic challenge to farm the Project site based on the current circumstances of urbanization and an insecure water source for irrigation. The insecurity of groundwater under the Project site is well documented by citizens in the vicinity, and that insecurity of water is not limited to just the neighboring citizens, it applies to the agricultural operation also.

**Response M-3:** The commentor provides two paragraphs describing their explanation for how stopping irrigation of the pecan orchard ag wells has hurt, not helped, the ground water supply. The comments are as follows: *"...The pecan ag wells are much larger than our residential wells. They pulled water from much deeper, irrigated the trees, flood irrigated, then soaked in and then recharged more shallow residential well. We could all tell the difference in our well productivity when the trees were no longer irrigated. Our wells decreased and some, like ours, have gone dry. So not using the orchard wells has decreased not increased usable residential groundwater. The report can talk about geology and hardpan, but we can talk about reality.*

*Eliminating the large permeable surface area will further degrade our water supply. Identifying the recharge basin northwest of Perrin and Sunnyside as the destination for water in the proposed development is not in any way helpful for the existing residents. Yes, it may work fine as a flood control measure; but that basin will offer no benefit for recharging the water table for existing residents. The general flow of the aquifers will take that recharge way from existing residents. A recharge basin for the proposed home needs to be in that specific same area, especially considering the very dramatic elimination or permeable surface area."*

- This comment is addressed under Master Response 3, 4, and 5.

**Response M-4:** The commentor provides a paragraph describing concerns with noise pollution, air, and light pollution, as well as traffic congestion. The commentor states the following: *"...the report seems to be saying that these will be similar to similar residential density elsewhere, therefore the development is of no impact. This type of argument is laughable because it avoids (likely intentionally) the actual comparison that is relevant—that the baseline level*

*of noise, light, and air pollution will be dramatically increased. The comparison to baseline must be considered. Similarly with traffic congestion—compared to baseline there will be a dramatic increase in vehicle traffic and congestion even with the expansion of the road/intersection.”*

- The comment regarding noise is addressed under Master Response 17. The comment regarding light is addressed under Master Response 18. The comment regarding Air pollution is addressed under Master Response 19.

The comment regarding traffic congestion is addressed under Master Response 6 through 13. The project proposes to construct 605 single-family residences. The surrounding areas in the neighborhood also mostly constitute of similar single-family residential developments. Additionally, several new projects within the area also proposes single-family residential developments. As such, the project does not propose any land use atypical to the area, or any land use that is estimated to change the neighborhood traffic pattern. Therefore, trip generation and distribution pattern from the project is also expected to be similar to the neighborhood trip patterns. In fact, implementation of recommended improvements as included in the TIA would help alleviate traffic congestion and safety related issues within the project vicinity, as well as existing and future residential communities in the area.

The TIA includes contribution of traffic from all future developments that would add traffic to the TIA study area. As such, the traffic improvements recommended as part of this study accounts for cumulative traffic impact from all future projects, as well as the proposed project. Additionally, the traffic analysis takes into consideration the effects of school traffic under existing and future long-range conditions. The improvements proposed in the study would help address the traffic congestion issues from all future developments, as well as school related traffic within the project vicinity. This includes both vehicular and non-motorized traffic issues as described in the TIA.

The project proposes to connect to the existing roundabout at the northerly project location along Sunnyside Avenue. Additionally, sidewalks and bike lanes will be constructed along the project frontage on Shepherd Avenue, Sunnyside Avenue, and Fordham Avenue. Addition of these project design features would help in traffic calming as well as enhance safety around the project site.

**Response M-5:** The commenter states that proposing Perrin as a north exit for this many houses is not appropriate or even viable and that they are not sure why this would be considered given the nature of the Perrin/Stanford corner and the adjacent roadways. The commenter then concludes that letter by requesting “...*please put the brakes on for the moment and*



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*let us work through these concerns. While our first instinct is to oppose city annexation, surely a path forward can be found if these problems are acknowledged and addressed.”*

- The traffic related comment is addressed under Master Response 6 through 13. Access to the project from existing streets will be provided by four driveways: two on Sunnyside Avenue, one on Perrin Road (Stanford/Perrin), and one on Shepherd Avenue. Except for the driveways on Shepherd Avenue and Perrin, all other project driveways will operate as full-access driveways. The driveway on Shepherd Avenue will operate as a Right-In Right-Out/Left-In (RIRO/LI) driveway, since Shepherd Avenue has a speed limit of 40 MPH along the project frontage and estimated to have significant amount of through traffic. The driveway on Perrin (Stanford/Perrin) will be an exit only driveway and will provide emergency access. As included in the TIA, a sight distance analysis was conducted for all driveways to determine adequacy of sight for safe maneuver at the driveways using California Highway Design Manual (HDM) recommended methodology. As such, all the proposed project driveways achieve the adequate sight distances and have clear sight triangles for the drivers along the project frontage. The project is estimated to add only nominal trips to the local roads including Stanford Avenue and Perrin Road. This is because, due to the local circulation network and location of activity centers in relation to the project, majority of the project traffic is estimated to travel south using Shepherd Avenue on to Clovis Avenue, Sunnyside Avenue, and Fowler Avenue.

New traffic will be generated by the future residents of the 605 single-family residences. The DEIR identifies the traffic that would be generated by the proposed Project, including trips and vehicle miles traveled. The proposed Project does not propose any land use atypical to the area, or any land use that is estimated to change the neighborhood traffic pattern. The trip distribution pattern from the proposed Project is expected to be similar to the neighborhood trip patterns. Implementation of recommended improvements as included in the TIA would help alleviate traffic congestion and safety related issues within the project vicinity, as well as existing and future residential communities in the area. The traffic improvements recommended as part of the TIA accounts for cumulative traffic impact from all future projects, as well as the proposed Project. Additionally, the traffic analysis takes into consideration the effects of school traffic under existing and future long-range conditions. The improvements proposed in the TIA would help address the traffic congestion issues from all future developments, as well as school related traffic within the project vicinity. This includes both vehicular and non-motorized traffic issues as described in the TIA.

The comments regarding their opposition and request to *“put the brakes on for the moment and let us work through these concerns”* is noted and will be provided

to the City for consideration. No further response to this comment is warranted in the EIR.

**smcmurtry@denovoplanning.com**

**Subject:** FW: [External] Shepherd North Project

-----Original Message-----

From: Charles Keller <exadvent@pacbell.net>

Sent: Monday, September 4, 2023 2:06 PM

To: George Gonzalez <georgeg@ci.clovis.ca.us>; Vong Mouanoutoua <VongM@ci.clovis.ca.us>

Subject: [External] Shepherd North Project

George,Vong,

My wife, Lisa, and I appreciate that we were included in the informational letters and postcards sent out regarding the Shepherd North Project that Leo Wilson and the City are trying to put together. We are adamantly against this area just north of our home being included in an expansion of OUR Sphere of Influence et al. We are adamantly opposed to another 605 new homes being built by Leo Wilson or any other developer just North of us. We, and pretty much all of our new(Woodside Homes) and old neighbors are adamantly opposed to any more new developments until you have the intestinal fortitude to put all this new development to a vote. That is not a vote by the City Council that bends over backward to placate all developers and never listens to your own voters. Put new development to a vote. Ask your voters if they want more traffic, more schools with more school bonds, more crime, higher insurance rates, more crowded stores, less rural lifestyle, more LA freeways, and just more and more people!! Do you have the guts to ask?? We sincerely doubt it. Who the heck benefits? We don't and we know because you just caused about 175 new homes to be built all around us. The 'Clovis Way of Life' has become more and more like the 'Los Angeles Way of Life'.

N-1

We suggest you put all your staff to work bringing in new businesses rather than new homes. All your city planners, all your city engineers, all your city employees....direct them to work to bring in businesses to pay for OUR backlog of infrastructure. More businesses to pay for our police, and fire, and city maintenance. Not More Homes. More businesses to pay for George Gonzalez salary. Not more homes. Very very very few of our current residents benefit from more new homes. Only the developers benefit. List it out. Pros and Cons for the voters/residents of Clovis and put it to a vote...more people, more homes, more school bonds, more traffic....or not???

We, Lisa and I, and our new and old neighbors would like an itemized response for this, please. No more mitigations, no or vastly fewer new homes and certainly not another 605 to make Leo Wilson richer. We look forward to a rational response to our email. thanks, chuck and lisa keller et al...

N-2

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**Response to Letter N: Charles Keller, Resident of Clovis**

**Response N-1:** The commentor states the following: *“My wife, Lisa, and I appreciate that we were included in the informational letters and postcards sent out regarding the Shepherd North Project that Leo Wilson and the City are trying to put together. We are adamantly against this area just north of our home being included in an expansion of OUR Sphere of Influence et al. We are adamantly opposed to another 605 new homes being built by Leo Wilson or any other developer just North of us. We, and pretty much all of our new (Woodside Homes) and old neighbors are adamantly opposed to any more new developments until you have the intestinal fortitude to put all this new development to a vote. That is not a vote by the City Council that bends over backward to placate all developers and never listens to your own voters. Put new development to a vote. Ask your voters if they want more traffic, more schools with more school bonds, more crime, higher insurance rates, more crowded stores, less rural lifestyle, more LA freeways, and just more and more people!! Do you have the guts to ask?? We sincerely doubt it. Who the heck benefits? We don’t and we know because you just caused about 175 new homes to be built all around us. The ‘Clovis Way of Life’ has become more and more like the ‘Los Angeles Way of Life’. We suggest you put all your staff to work bringing in new businesses rather than new homes. All your city planners, all your city engineers, all your city employees....direct them to work to bring in businesses to pay for OUR backlog of infrastructure. More businesses to pay for our police, and fire, and city maintenance. Not More Homes. More businesses to pay for George Gonzalez salary. Not more homes. Very very very few of our current residents benefit from more new homes. Only the developers benefit. List it out. Pros and Cons for the voters/residents of Clovis and put it to a vote...more people, more homes, more school bonds, more traffic....or not???”*

- This comment is a statement of opposition by the commenter. It does not specifically identify an issue with the environmental document, but rather serves as a statement of opposition and a request that the Project be put to a vote. The commenter identifies their concerns regarding traffic, more schools with school bonds, crime, crowds, high insurance rates, and less rural life style. The EIR includes a discussion of traffic, which is also addressed in Master Response 6 through 13. The EIR also includes a discussion of schools and police services, which combat crime. The commenter concerns with insurance rates and rural lifestyle are noted. These comments to not trigger any changes to those discussions. The commenter’s recommendation for the City to use the City staff to bring in new business to pay for policy, fire, and city maintenance is noted. These comments are noted and will be provided to the City for consideration. No further response to this comment is warranted in the EIR.

**Response N-2:** The commentor states the following: *“We, Lisa and I, and our new and old neighbors would like an itemized response for this, please. No more mitigations, no or vastly fewer*

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*new homes and certainly not another 605 to make Leo Wilson richer. We look forward to a rational response to our email. thanks, chuck and lisa keller et al...”*

- It is noted that one of the objectives of the project is to establish a mix of housing to provide for local and regional housing demand, and consistent with the City requirements in the latest Regional Housing Needs Analysis (RHNA). In light of the Legislature’s repeated determinations in recent years that California is facing a statewide housing crisis, the State has provided the City with good reason to exercise its legislative discretion to facilitate the construction of new housing. Government Code section 65889.5, subdivision (a)(1)(A), states that “[t]he lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.” Subdivision (a)(1)(D) of that section adds that “[m]any local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.” The proposed Project is not considered urban sprawl, rather it is the last remaining property in agricultural use in an area surrounded by urban and Rural Residential uses. The comment will be provided to the City for consideration. No further response to this comment is warranted in the EIR.

**smcmurtry@denovoplanning.com**

**Subject:** FW: [External] Quail Run Neighborhood; Wilson Homes

-----Original Message-----

From: curtis cookingham <curtiscookingham@icloud.com>  
Sent: Monday, September 4, 2023 7:06 PM  
To: George Gonzalez <georgeg@ci.clovis.ca.us>  
Subject: [External] Quail Run Neighborhood; Wilson Homes

George,

I was at the meeting on the 30th with the home owners. I listened carefully to Dirk give his presentation of the environmental impact study as if it was “observed facts”. I’m sure many of my neighbors will send comments to you, but my conclusion is this housing project on Shepherd and Sunnyside provides NO BENEFIT to the current home owners of Quail Run. In fact, this development in concert with the Lennar homes to the West provides additional problems for all of us - the hard working tax payers of Clovis who made the decision years ago to spend more money for some land in the country. Prime issues:

O-1

1. Traffic will be a much bigger problem than it is now. There will be too many people, from too many homes using shepherd or the country streets in our neighborhood to access Fowler. When I take my kids to clovis north, I turn left off of Ticonderoga onto Fowler. The cars are backed up to shepherd every morning now - add 100s more from Wilson and 100s from Lennar. Problems for everyone - real problems for our neighborhood. More traffic provides no benefit to u, only continues headaches.

O-2

2. Noise - with more traffic and more homes, and more cement/asphalt - you get more noise. Our quiet neighborhood will change dramatically. Dirks explanation at the meeting is not based in reality. I’m in my backyard right now and see the Lennar homes that “we’re framed this week” getting closer and closer . Traffic and people will effect noise - there is no way to argue this. More noise provides no benefit to us 3. Lights. Our county neighborhood has no lights. That was our choice when we purchased our homes. There will be street lights at the edge of our property lines. In addition to the above comments - this will change the rural setting of Quail arum immediately. More light provides no benefit to us 4.

O-3

Water. I already wrote to you about this. As far as I know - I have three neighbors who drilled new wells within the past year and I tried to revive an old well with a drilling company without success Our water situation has and is deteriorating. I have spent between 2500.00 - 3,000.00 this summer to bring potable water in. This was my most expensive summer yet. The farmers around us no longer flood irrigate, so our water tables are dropping. If we have no other recourse than to affirm this project, please use discernment and reason to forge an equitable plan with the builder to bring water to our lot boundaries.

O-4

5. The project plan that was available at the meeting shows street access into our actual neighborhood at the north/west corner of the Wilson homes. I am aggressively opposed to this as it will pour unwanted traffic onto winding country streets. Please do not allow access directly onto our streets.

O-5

O-6

Again - the Wilson project provides the home owners of quail run NO BENEFIT - only negative change. Please consider our side. We want the Clovis way of life to continue.

O-7

Thank you. Curtis and Pamela cookingham. 9397 north Purdue Ave Sent from my iPhone This e-mail may contain confidential and privileged material for the sole use of the intended recipient. Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive for the recipient), please contact the sender by reply e-mail and delete all copies of this message.

**Response to Letter O: Curtis and Pamela Cookingham, Residents of Clovis**

**Response O-1:** The commentor provides a brief introductory paragraph describing opposition to the Project, and that there is no benefit to the Quail Run neighborhood. The statements serve as an introductory statement to their letter, and their specific concerns are more fully discussed in the following comments.

- These introductory statements are noted. There is no response warranted.

**Response O-2:** The commentor states the following: *"1. Traffic will be a much bigger problem than it is now. There will be too many people, from too many homes using shepherd or the country streets in our neighborhood to access Fowler. When I take my kids to clovis north, I turn left off of Ticonderoga onto Fowler. The cars are backed up to shepherd every morning now - add 100s more from Wilson and 100s from Lennar. Problems for everyone - real problems for our neighborhood. More traffic provides no benefit to u, only continues headaches."*

- The traffic related comment is addressed under Master Response 6 through 13. Access to the project from existing streets will be provided by four driveways: two on Sunnyside Avenue, one on Perrin Road, and one on Shepherd Avenue. Except for the driveways on Shepherd Avenue and Perrin, all other project driveways will operate as full-access driveways. The driveway on Shepherd Avenue will operate as a Right-In Right-Out/Left-In (RIRO/LI) driveway, since Shepherd Avenue has a speed limit of 40 MPH along the project frontage and estimated to have significant amount of through traffic. The driveway on Perrin will be an exit only driveway and will provide emergency access. As included in the TIA, a sight distance analysis was conducted for all driveways to determine adequacy of sight for safe maneuver at the driveways using California Highway Design Manual (HDM) recommended methodology. As such, all the proposed project driveways achieve the adequate sight distances and have clear sight triangles for the drivers along the project frontage.

The project is estimated to add only nominal trips to the local roads including Stanford, Perrin, and Ticonderoga. Similarly, it is estimated to add nominal trips to Fowler Avenue north of Shepherd Avenue. This is because, due to the local circulation network and location of activity centers in relation to the project, majority of the project traffic is estimated to travel south using Shepherd Avenue on to Clovis Avenue, Sunnyside Avenue, and Fowler Avenue. Based on the TIA, only 15 percent of project traffic is anticipated to utilize Fowler Avenue south of Shepherd Avenue. As such, the project is not estimated to create any traffic related issues along Fowler Avenue. A signal at the intersection of Fowler Avenue/Teague Avenue is in the City's Development Impact Fee program and will be constructed when warranted but not as a requirement of the project.

**Response O-3:** The commentor states the following: *“2. Noise - with more traffic and more homes, and more cement/asphalt - you get more noise. Our quiet neighborhood will change dramatically. Dirks explanation at the meeting is not based in reality. I’m in my backyard right now and see the Lennar homes that “we’re framed this week” getting closer and closer. Traffic and people will effect noise - there is no way to argue this. More noise provides no benefit to us”*

- The noise related comment is addressed under Master Response 17.

**Response O-4:** The commentor states the following: *“3. Lights. Our county neighborhood has no lights. That was our choice when we purchased our homes. There will be street lights at the edge of our property lines. In addition to the above comments - this will change the rural setting of Quail arum immediately. More light provides no benefit to us.”*

- The light related comments, and the comments regarding the change of the setting is addressed under Master Response 18.

**Response O-5:** The commentor states the following: *“4. Water. I already wrote to you about this. As far as I know - I have three neighbors who drilled new wells within the past year and I tried to revive an old well with a drilling company without success Our water situation has and is deteriorating. I have spent between 2500.00 - 3,000.00 this summer to bring potable water in. This was my most expensive summer yet. The farmers around us no longer flood irrigate, so our water tables are dropping. If we have no other recourse than to affirm this project, please use discernment and reason to forge an equitable plan with the builder to bring water to our lot boundaries.”*

- The water related comment is addressed under Master Response 3, 4, and 5.

**Response O-6:** The commentor states the following: *“5. The project plan that was available at the meeting shows street access into our actual neighborhood at the north/west corner of the Wilson homes. I am aggressively opposed to this as it will pour unwanted traffic onto winding country streets. Please do not allow access directly onto our streets.”*

- The neighborhood meeting related comment is addressed under Master Response 16. The commentor’s opposition to the Project is noted and will be provided to the City for their consideration. The traffic related comments are addressed under Master Response 6 through 13. Access to the project from existing streets will be provided by four driveways: two on Sunnyside Avenue, one on Perrin Road, and one on Shepherd Avenue. Except for the driveways on Shepherd Avenue and Perrin, all other project driveways will operate as full-access driveways. The driveway on Shepherd Avenue will operate as a Right-In Right-Out/Left-In (RIRO/LI) driveway, since Shepherd Avenue has a speed limit of 40 MPH along the project frontage and estimated to have significant amount of through traffic. The driveway on Perrin will be an exit only driveway and will



provide emergency access. As included in the TIA, a sight distance analysis was conducted for all driveways to determine adequacy of sight for safe maneuver at the driveways using California Highway Design Manual (HDM) recommended methodology. As such, all the proposed project driveways achieve the adequate sight distances and have clear sight triangles for the drivers along the project frontage.

**Response O-7:** The commentor states the following: *“Again - the Wilson project provides the home owners of quail run NO BENEFIT - only negative change. Please consider our side. We want the Clovis way of life to continue.”*

- The commenter’s opposition to the Project is noted and will be provided to the City for their consideration.

**smcmurtry@denovoplanning.com**

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**From:** George Gonzalez <georgeg@ci.clovis.ca.us>  
**Sent:** Tuesday, September 5, 2023 10:03 AM  
**To:** smcmurtry@denovoplanning.com  
**Cc:** George Gonzalez; Sean Smith  
**Subject:** FW: [External] Wilson Homes NE corner Shepherd & Sunnyside

Steve,

Below, please find comments from Kirk and Sandra Warner. Thanks.



**George González, MPA | Senior Planner**  
City of Clovis | Planning Division  
p. 559.324.2383 | f. 559.324.2844  
[georgeg@cityofclovis.com](mailto:georgeg@cityofclovis.com)

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**From:** Sandra Warner <sandra@kwarnerdrywall.com>  
**Sent:** Monday, September 4, 2023 3:45 PM  
**To:** George Gonzalez <georgeg@ci.clovis.ca.us>  
**Subject:** [External] Wilson Homes NE corner Shepherd & Sunnyside

Hello Mr. Gonzales,

We live at 9364 Sunnyside Ave, Clovis. My husband is the original owner and has lived here for 35 years. We have concerns with traffic issues from the additional 605 homes. Our concerns are that the additional volume of vehicles from 605 homes (times 2 per home) on Sunnyside and going through to Fowler will make it impossible to control speeding and tough to get out of this area on to Shepherd and/or Fowler.

Thank you for your time!

Regards,  
Kirk & Sandra Warner

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P-1

**Response to Letter P: Kirk and Sandra Warner, Residents of Clovis**

**Response P-1:** The commentor states the following: *"We live at 9364 Sunnyside Ave, Clovis. My husband is the original owner and has lived here for 35 years. We have concerns with traffic issues from the additional 605 homes. Our concerns are that the additional volume of vehicles from 605 homes (times 2 per home) on Sunnyside and going through to Fowler will make it impossible to control speeding and tough to get out of this area on to Shepherd and/or Fowler."*

- The comment regarding traffic is addressed in Master Response 6 through 13. The project proposes to construct 605 single-family residences. The surrounding areas in the neighborhood also mostly constitute of similar single-family residential developments. Additionally, several new projects within the area also proposes single-family residential developments. As such, the project does not propose any land use atypical to the area, or any land use that is estimated to change the neighborhood traffic pattern. Therefore, trip generation and distribution pattern from the project is also expected to be similar to the neighborhood trip patterns. In fact, implementation of recommended improvements as included in the TIA would help alleviate traffic congestion and safety related issues within the project vicinity, as well as existing and future residential communities in the area.

The TIA includes contribution of traffic from all future developments that would add traffic to the TIA study area. As such, the traffic improvements recommended as part of this study accounts for cumulative traffic impact from all future projects, as well as the proposed project. Additionally, the traffic analysis takes into consideration the effects of school traffic under existing and future long-range conditions. The improvements proposed in the study would help address the traffic congestion issues from all future developments, as well as school related traffic within the project vicinity. This includes both vehicular and non-motorized traffic issues as described in the TIA.

The project is estimated to add only nominal trips to local streets like Stanford, Perrin Road, Ticonderoga, as well as on to Fowler Avenue north of Shepherd Avenue. This is because, due to the local circulation network and location of activity centers in relation to the project, majority of the project traffic is estimated to travel south using Shepherd Avenue on to Clovis Avenue, Sunnyside Avenue, and Fowler Avenue. Based on the TIA, only 15 percent of project traffic is anticipated to utilize Fowler Avenue. As such, the project is not estimated to create any traffic related issues along Fowler Avenue. A signal at the intersection of Fowler Avenue/Teague Avenue is in the City's Development Impact Fee program and will be constructed when warranted but not as a requirement of the project.

Access to the project from existing streets will be provided by four driveways: two on Sunnyside Avenue, one on Perrin Road, and one on Shepherd Avenue. Except for the

driveways on Shepherd Avenue and Perrin, all other project driveways will operate as full-access driveways. The driveway on Shepherd Avenue will operate as a Right-In Right-Out/Left-In (RIRO/LI) driveway, since Shepherd Avenue has a speed limit of 40 MPH along the project frontage and estimated to have significant amount of through traffic. The driveway on Perrin will be an exit only driveway and will provide emergency access. As included in the TIA, a sight distance analysis was conducted for all driveways to determine adequacy of sight for safe maneuver at the driveways using California Highway Design Manual (HDM) recommended methodology. As such, all the proposed project driveways achieve the adequate sight distances and have clear sight triangles for the drivers along the project frontage.

The project proposes to connect to the existing roundabout at the northerly project location along Sunnyside Avenue. Additionally, sidewalks and bike lanes will be constructed along the project frontage on Shepherd Avenue, Sunnyside Avenue, and Fordham Avenue. Addition of these project design features would help in traffic calming as well as enhance safety around the project site.

September 4, 2023

VIA EMAIL

George González, MPA | Senior Planner  
 City of Clovis | Planning Division  
 1033 Fifth Street, Clovis, CA 93612  
 p. 559.324.2383 | f. 559.324.2844  
[georgeg@cityofclovis.com](mailto:georgeg@cityofclovis.com)  
[georgeg@ci.clovis.ca.us](mailto:georgeg@ci.clovis.ca.us)

**Re: *Comments on Draft Environmental Impact Report for the Shepherd North Project***

Dear Mr. Gonzalez:

I am writing as an owner and resident of the Quail Run neighborhood (9318 N. Sunnyside, Ave. Clovis, CA 93619) which is the community of 18 homes immediately north of the proposed development (the “**Project**”). While I don’t represent the Qual Run community as a whole, I can assure you that most of its residents (if not all) share the major concerns I have with respect to the Project. In particular, I am writing regarding the Draft Environmental Impact Report (“**DEIR**”) that attempts to argue that the Project has no real impact on the community. Make no mistake about it, the Project’s impact not only on the Quail Run neighborhood but on the community at large will be substantial.

Q-1

The Project will forever change the way of life for those in its immediate vicinity and the DEIR pays lip service to the numerous and major concerns of the community.

The DEIR was not properly noticed, fails to analyze numerous potentially significant environmental impacts, fails to evaluate feasible alternatives and mitigation measures, and fails to support its conclusions with substantial evidence. Accordingly, the DEIR is inadequate under the California Environmental Quality Act (“**CEQA**”) and as a result, I oppose approval of the Project and certification of the DEIR. I urge the City to address the DEIR’s shortcomings in a revised EIR that is recirculated for public review and comment, prior to considering any approvals for the Project.

Q-2

**I. LEGAL STANDARDS**

**a. The EIR Must Afford the Fullest Possible Protection to the Environment and Have Sufficient Detail to Enable Those Who Did Not Participate in Its Preparation to Understand and to Consider Meaningfully the Issues Raised by the Proposed Project.**

Q-3

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an EIR (except in certain limited circumstances). (See, e.g., Pub. Resources Code, § 21100.) The EIR is the very heart of CEQA. (*Dunn-Edwards v. BMOQMD* (1992) 9 Cal.App.4th 644, 652.) "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory

language." (*Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 109 ( "CBE v. CRA ").)

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (14 Cal. Code Regs. ("CEQA Guidelines")§ 15002(a)(1).) "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'" (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.) The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." (*Berkeley Keep Jets Over the Bay v. Ed. of Port Comm 'rs.* (2001) 91 Cal.App.4th 1344, 1354 ("Berkeley Jets"); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.)

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives and all feasible mitigation measures. (CEQA Guidelines, § 15002(a)(2) and (3); *See also Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at 564.) The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced." (CEQA Guidelines, §15002(a)(2).) If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns." (Pub. Resources Code, § 21081 ; CEQA Guidelines, § 15092(b)(2)(A) & (B).)

While the courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A 'clearly inadequate or unsupported study is entitled to no judicial deference.'" (*Berkeley Jets*, 91 Cal.App.4th at 1355 (emphasis added), quoting, *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 391 409, n. 12.)

As the court stated in *Berkeley Jets*, 91 Cal.App.4th at 1355:

A prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process." (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal. App. 4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 946.)

More recently, the California Supreme Court has emphasized that:

When reviewing whether a discussion is sufficient to satisfy CEQA, a court must be satisfied that the EIR (1) includes sufficient detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues the proposed project raises [ citation omitted] ....

Q-3 Cont.

(*Sierra Club v. Cty of Fresno* (2018) 6 Cal.5th 502, 510 (2018), citing *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 405.) The Court in *Sierra Club v. Cty. of Fresno* also emphasized at another primary consideration of sufficiency is whether the EIR "makes a reasonable effort to substantively connect a project's air quality impacts to likely health consequences." (6 Cal.5th at 510.) "Whether or not the alleged inadequacy is the complete omission of a required discussion or a patently inadequate one paragraph discussion devoid of analysis, the reviewing court must decide whether the EIR serves its purpose as an informational document." (*Id.* at 516.) Although an agency has discretion to decide the manner of discussing potentially significant effects in an EIR, "a reviewing court must determine whether the discussion of a potentially significant effect is sufficient or insufficient, i.e., whether the EIR comports with its intended function of including 'detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'" (6 Cal.5th at 516, citing *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1197.) "The determination whether a discussion is sufficient is not solely a matter of discerning whether there is substantial evidence to support the agency's factual conclusions." (6 Cal.5th at 516.)

Q-3 Cont.

As the Court emphasized:

[W]hether a description of an environmental impact is insufficient because it lacks analysis or omits the magnitude of the impact is not a substantial evidence question. A conclusory discussion of an environmental impact that an EIR deems significant can be determined by a court to be inadequate as an informational document without reference to substantial evidence. (*Sierra Club v. Cty. of Fresno*, 6 Cal.5th at 514.)

In general, mitigation measures must be designed to minimize, reduce or avoid an identified environmental impact or to rectify or compensate for that impact. (CEQA Guidelines § 15370.) Where several mitigation measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (*Id.* at § 15126.4(a)(1)(B).) A lead agency may not make the required CEQA findings unless the administrative record clearly shows that all uncertainties regarding the mitigation of significant environmental impacts have been resolved.

## II. THE DEIR WAS IMPROPERLY NOTICED & FAILED TO INCLUDE ALL STATUTORILY REQUIRED INFORMATION.

### a. A Full 45-day Notice of the DEIR Was Not Provided.

On or around July 21, 2023, the City circulated a "Notice of Availability—Draft EIR (Shepherd North Project)" (the "Notice"). The Notice provided as follows:

The 45-day public review period extends from **July 21, 2023 to September 4, 2023**. All written comments must be submitted by **5:00 p.m. on September 4, 2023** to George González, MPA, Senior Planner via email at [georgeg@cityofclovis.com](mailto:georgeg@cityofclovis.com) or mailed to 1033 Fifth Street, Clovis, CA 93612.

Q-4

After the draft EIR has been completed, the lead agency must provide public notice that the draft EIR is available for review and comment. Pub Res C §21092; 14 Cal Code Regs §15087(a). This notice of availability must be given at the same time that the notice of completion is sent to the state Office of

Planning and Research. The notice must also be given in sufficient time so that the public is able to use the full review period. [Gilroy Citizens for Responsible Planning v City of Gilroy \(2006\) 140 CA4th 911, 922](#)

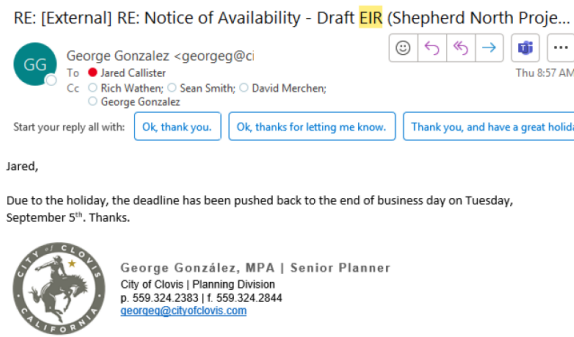
A 45-day period for review of a draft EIR is required when the EIR must be reviewed by state agencies through the State Clearinghouse. (14 Cal Code Regs §15105(a).)

Under CEQA, the notice must specify the **exact dates** of the public review period, and the **full** review period required by the Guidelines must be provided. If the ending date for the required review period would otherwise fall on a weekend or other legal holiday, the ending date must be extended. [Rominger v County of Colusa \(2014\) 229 CA4th 690, 708, overruled in part on other grounds by Union of Med. Marijuana Patients, Inc. v City of San Diego \(2019\) 7 C5th 1171](#)

Here, the *Rominger* case is exactly on point. In that case, the county attempted to provide its required notice (in that case 30-days) but the last three days of such notice fell on Labor Day weekend. Because county officers were closed on those three days, the Court concluded that the county effectively “truncated the public review period by three days.” Thus, the county in that case effectively only provided a 27-day public review period—which did not comply with CEQA.

Notably, the Court in *Rominger* held that “[b]y failing to provide a full 30-day public review period, the county did not proceed in the manner required by law and thereby abused its discretion.” (*Id.*).

In a belated attempt to cure this obvious deficiency, on August 31, 2023, in response to queries about the comment period George Gonzalez emailed myself and one other Quail Run resident to inform us that the deadline had been apparently pushed back to the end of business day on Tuesday September 5<sup>th</sup>. (*screen shot below*)



It is unclear who else in the community was notified that the City was now attempting to extend the September 5 deadline or whether additional updated notices were mailed. What is clear, however, is that the City’s belated efforts to cure the botched and truncated notice are legally inadequate. Indeed, this exact circumstance was already addressed by the *Rominger* court where it noticed that belated extension was improper:

Q-4 Cont.



Here, the county identified a period from August 7 to September 5 -- a period we have concluded was three days too short because the last three days [Labor Day weekend] did not count. The county cannot now claim that it actually provided a legally sufficient 30-day public review period because its notices were published prior to August 7 and because it would have continued to accept comments from the public up through the hearing on September 12. The period that must comply with CEQA is the period specified in the notice given to the public. Here, as we have said, that period did *not* comply with CEQA. (*Id. Emphasis added.*)

Q-4 Cont.

Similar to the County in *Rominger*, the City gave improper notice which had the last three comment days falling on Labor Day weekend—thereby truncating the required notice period by three days. And similar to the County in *Rominger*, it is irrelevant that the City belatedly attempted to extend the comment deadline as the Notice provided by the City did not comply with CEQA and could not have been cured.

**b. The Notice of DEIR Failed to Include all Required Information**

Under Pub Res C §21092(b)(1) and 14 Cal Code Regs §15087(c), a notice that a draft EIR is available for public review must contain certain key items, meant to assist the public in its review. The purpose of the description of the project is to alert the public of its nature, location, and purpose so that interested persons can determine whether to review the draft EIR and provide comments.

Q-5

In particular, one key item that must be included in such notice is an explanation of the “anticipated significant environmental effect of the project.” However, noticeably absent from the Notice regarding this Project is any description of such “anticipated significant environmental effects”.

And yet, by the DEIR’s own admission, the DEIR confirms that the Project’s impacts on traffic (3.13-1) will be significant and unavoidable even with their proposed mitigation measures. Likewise, the DEIR confirms that the Project’s impact on birds and other mammals will be “potentially significant” and further confirms that construction noise and operation noise will be “potentially significant”. Furthermore, the DEIR acknowledges that without mitigation, the Project’s involvement with the transportation and use of hazardous materials will be “potentially significant”.

Notwithstanding the above-mentioned significant impacts, the Notice failed to mention, list or identify these specific impacts as required under CEQA. This failure to comply with CEQA is an abuse of discretion which requires the DEIR to be re-circulated and correctly noticed for comment with a complete list of all significant impacts.

**III. THE DEIR IS LEGALLY INSUFFICIENT IN NUMEROUS RESPECTS**

**a. The Scope of the DEIR is Insufficient as it Fails to Consider the Unique Characteristics of the Immediate Community and Uses an Improper Baseline Throughout the Bulk of its Analysis.**

Q-6

The DEIR purports to address issues and comments raised in the scoping process. However, the DEIR wholly fails to address one key request during the scoping process—namely, the Project’s impacts on the unique characteristics and concerns of the Quail Run Community, referred to as the “Expansion SubArea North” in the DEIR.

The Quail Run Community is a community of 18 homes in Fresno County surrounded by and directly adjacent to the Project. In particular, the community is a beautiful and tranquil rural residential community very similar to the well-known Dry Creek Preserve. For years, the Quail Run Community has been part of a designated County Service Area 51---which is an area of well-known and well-documented water issues. Homeowners in County Service Area 51 have had major concerns with the area’s groundwater supplies—as many have had to dig several deeper wells over the years.

Q-6 Cont.

Indeed, during one scoping phone call I had with City staff, I attempted to clarify the unique concerns of Quail Run and requested that the DEIR include a detailed micro-study of this area and community to ensure that its issues were addressed. In particular, it must be determined, with certainty, how the Project will impact the unique water concerns of the Qual Run neighborhood.

Unfortunately, the DEIR makes no specific study or analysis of the Quail Run community or the Project’s impacts on this community. All the DEIR can muster is to simply define the Expansion SubArea North in several sentences—but with no further analysis or direct connection.

Most egregious, is that the DEIR uses an improperly broad and ill-defined “Baseline” when conducting the bulk of its analysis. Time and time again, the DEIR uses the City of Clovis and/or the County of Fresno (as whole) as its Baseline. The is wholly meaningless and counter-productive to how a resident of Quail Run is to gauge the actual impact on his/her neighborhood.

By comparing the Project's numerous impacts to the entire City and County, the DEIR seeks to diminish the significance of these impacts caused by the Project. CEQA prohibits this type of "drop in the bucket" analysis. No single project would ever have a significant impact if its effects were compared to an entire region. In *Friends of Oroville v. City of Oroville* (2013) 219 Cal. App. 4th 832, 841-842, the Court of Appeal held that the agency failed to adequately analyze a project's cumulative contribution to significant GHG impacts by concluding, without adequate analysis, that the project's "miniscule" emissions were insignificant in light of the state 's cumulative, state-wide GHG emissions, thus "applying a meaningless, relative number to determine insignificant impact." The DEIR makes the same error here by comparing the Project's impacts on traffic, noise, light and other matters to the entire City and County of Fresno.

Q-7

An analysis that compares and contrasts an improper baseline is wholly inadequate and offers a false picture of how the Project will truly impact the unique Quail Run community. The DEIR must be revised to provide a proper analysis the Project’s impacts on the Quail Run community specifically; and based on this analysis, to revise other environmental analyses including but not limited to population and housing, transportation, noise pollution, light pollution, among other topics.

**b. The DEIR Only Presents “Straw Man” Alternatives and Fails to Include Several Reasonable Feasible Alternatives that Would Meet all Project Objectives and Result in Less Environmental Impacts than the Project.**

Q-8

An EIR must describe **a reasonable range of alternatives** to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. "An EIR's discussion of alternatives must contain analysis sufficient to allow informed decision making." *Laurel Heights I*, 47 Cal.3d at 404. An EIR must also include "detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." *Id.* at 405.

CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives and all feasible mitigation measures. CEQA Guidelines § 15002(a)(2) and (3); *see also, Berkeley Jets*, 91 Cal. App. 4<sup>th</sup> 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564. The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced." CEQA Guidelines § 15002(a)(2). If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns." Pub. Res. Code § 21081; CEQA Guidelines § 15092(b)(2)(A) & (B). A "feasible" alternative is one that is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. Pub. Res. Code § 21061.1; CEQA Guidelines § 15364.

However, the three alternatives currently presented in the draft EIR seem to be set up as "straw man" alternatives, intentionally skewed to make the proposed project appear as the most preferable or only viable option. Here are the primary issues:

1. **Increased Density Mixed Use Alternative:** This alternative, by introducing both homes and apartment complexes, appears to exacerbate the environmental concerns rather than offering a genuine mitigative solution. An alternative in an EIR should ideally present options that reduce environmental impacts, not increase them.
2. **Reduced Density Alternative:** While this alternative reduces the number of homes, it does not sufficiently explore the potential middle ground between high-density and low-density development. Indeed, this option only presents 105 single family homes with no mixed densities. Presenting only a drastically reduced density alternative, without examining intermediate options, can artificially create a contrast that makes the proposed Project appear as a balanced solution. By only considering a large-lot alternative without varying densities the DEIR presents this merely as an illusory alternative that was never meant to be fully considered.
3. **Reduced Sphere of Influence:** This "alternative" simply presents the exact same development, but simply shrinks the Sphere of Influence and its environmental impacts are identical to the proposed project. Offering an alternative that's so similar to the proposed project doesn't give decision-makers or the public a meaningful choice. To call this a viable or thoughtful "alternative" that is meant to reduce environmental impacts is laughable.

To ensure compliance with the spirit and letter of CEQA and to provide a genuine set of alternatives for consideration, I strongly urge the City to:

Q-8 Cont.

- **Broaden the Range:** Include a more diverse range of alternatives that genuinely seek to reduce the significant environmental impacts of the project.
- **Examine Intermediate Solutions:** Instead of the extremes of very high or very low density, consider introducing intermediate-density alternatives that can strike a balance between development needs and environmental conservation.
- **Avoid Redundant Alternatives:** Each alternative should be distinct enough from the proposed project to provide a genuine choice. If two alternatives are nearly identical in impact, it can be seen as a redundancy that doesn't aid in meaningful decision-making.

Specifically, the City should consider the following specific reasonable alternatives:

1. **Medium Density Housing of Approximately 350 Homes:** Rather than a 605-unit project, or a 105 unit project, the DEIR needs to examine and consider a balanced, 350 unit project development which consists of a mixture of housing types, sizes and densities. A project such as this would undoubtedly have a reduced environmental impact when compared to the Project while at the same time meeting all of the state project goals.
2. **Southern Parcel Development Only:** Another viable alternative that the City should consider and evaluate is a project which only allows for the development of the southern two parcels of the Project site (APNs: 557-021-19; 20) while retaining the northern parcel (APN: 557-021-21) as prime farmland. The development could consider medium to high density housing of mixed housing types, sizes and densities so as to not only meet the project goals, but to have a reduced environmental impact when compared to the Project.

Q-8 Cont.

In conclusion, for a more robust, transparent, and credible environmental review process, it's crucial that the alternatives section of the EIR be revised to present a sincere and varied set of options. This not only meets legal requirements but also fosters public trust in the development and decision-making processes.

**c. The DEIR Fails to Consider Other Alternative Locations in its Sphere of Influence and Justify Its Conclusions.**

The DEIR states that the City considered alternative locations for the Project that were in the SOI and were suitable for development. The DEIR notes that "it was found that there are numerous approved projects and proposed projects that are currently under review in Clovis." The DEIR then summarily rejects these alternative locations as they "are not available for acquisition by the Project applicant and are not considered a feasible alternative for the Project applicant." Incredibly, the DEIR then asserts that:

Q-9

"The City has found that there are no feasible alternative locations that exist within the City's Sphere of Influence with the appropriate size and characteristics that would meet the basic Project objectives and avoid or substantially lessen a significant effect. For these reasons, the City of Clovis determined that there are no feasible alternative locations." (5.0-2)

This statement is not credible given the fact that City’s massive Heritage Grove project has been approved and are part of the Sphere of Influence. Is the City really saying that out of the entire Heritage Grove planning area, there is NO alternative site location that feasibly meets the stated project goals?

Most egregiously, is that the DEIR doesn’t provide any evidence, data, statistic or studies to actually prove or demonstrate that the alternative locations (including Heritage Grove) where inadequate.

Under CEQA, while the City may consider whether the developer owns the land that may be an alternative site, City must consider whether the project proponent can reasonably acquire, control, or otherwise obtain access to the site if the project proponent does not own the alternative site. 14 Cal Code Regs §15126.6(f)(1). Here, the DEIR simply makes conclusory statements that the alternative sites are “not available for acquisition.” Evidence should be presented to prove that such alternative sites cannot reasonably be acquired by the project proponent in this case.

Q-9 Cont.

Indeed, if the City is alleging such alternative sites are economically infeasible, then it needs to actually present an economic analysis that proves and demonstrates such alternatives are not economically viable. (*See Citizens of Goleta Valley v Board of Supervisors* (1990) 52 C3d 553, 575 n7, (where agency’s conclusions of economic infeasibility where supported by economic analysis and data that showed alternative site was no viable).)

**d. The DEIR Improperly Dismisses the “Reduced Density” Alternative.**

The City is required to select the environmentally preferable alternative unless it is infeasible. As explained by the Supreme Court, an environmentally superior alternative may not be rejected simply because it is more expensive or less profitable:

The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.

*Citizens of Goleta Valley v. Ed. of Supervisors* (1988) 197 Cal.App.3d 1167, 1180-81; *see also, Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322; *County of El Dorado v. Dept. of Transp.* (2005) 133 Cal.App.4th 1376 (agency must consider small alternative to casino project); *Preservation Action Counsel v. San Jose* (2006) 141 Cal. App. 4th 1336.

Q-10

In addition, an environmentally superior alternative may not be rejected because it does not meet all of a project's objectives.

Inconsistency with only some of the project objectives is not necessarily an appropriate basis to eliminate impact-reducing project alternatives from analysis in an EIR. CEQA Guidelines § 15126.6(c), (f); *see also Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1089. Indeed, an alternative that would not meet every Project objective is not a sufficient justification for not considering it in detail. *Mira Mar Mobile Community v City of Oceanside* (2004) 119 CA4th 477,489; 14 C.C.R. § 15126.6.

Here, the DEIR admits and concedes that the “Reduced Density” alternative is the superior alternative when it comes to the environmental impacts (5.0). However, notwithstanding the Reduced Density alternative’s superiority over the Project, the DEIR summarily dismissed this alternative on the grounds that the “Reduced Density Alternative does not fully meet all of the Project Objectives.” Curiously, the DEIR doesn’t even elaborate or identify the Project objectives that are not met. In reality, the Reduced Density appears to not meet only one stated Project objective---the objective seeking mixed-density housing. However, the failure to meet all projective objectives is not sufficient to dismiss the alternative out of hand when it is environmentally superior.

Here, the DEIR appears to be drawing up project objectives so narrowly so as to improperly exclude all other viable alternatives. Under CEQA, a lead agency cannot adopt artificially narrow project objectives that would preclude consideration of reasonable alternatives for achieving the project's underlying purpose. (*We Advocate Through Env't'l Review v County of Siskiyou* (2022) 78 CA5th 683, 692 (project objectives were so narrowly defined lead agency "dismissively rejected" any alternatives other than the proposed project); *North Coast Rivers Alliance v Kawamura* (2015) 243 CA4th 647, 669 (EIR on program to protect plants from invasive insect pest failed to consider control as alternative to eradication); *County of Inyo v City of Los Angeles* (1977) 71 CA3d 185, 203 (EIR for expansion of groundwater extraction program failed to consider water conservation as alternative to increased groundwater extraction).

Q-10

Finally, it is abundantly clear that the DEIR understates how much superior the Reduced Density Alternative is when compared to the Project. For example, the Reduced Density Alternative would consist of approximately 1/6<sup>th</sup> the number of homes in the proposed Project (namely 105 homes compared to 605 homes). Obviously, a subdivision with 1/6<sup>th</sup> the number of homes as the proposed Project will have substantially and significantly less impacts on the community than the Project. And yet, throughout the DEIR, when analyzing and contrasting the Reduced Density Alternative, the DEIR understates this distinction. For example, the DEIR often states that the impacts arising from this alternative would be “slightly less when compared to the proposed Project.” It is inconceivable that a development with 1/6<sup>th</sup> the number of homes would only have a “slightly less” impact than the Project when it comes to traffic, noise, light, public services and the other environmental considerations. Thus, the DEIR paints the false impression that the Reduced Density Alternative is only slightly better environmentally than the Project.

**e. The DEIR is Almost Entirely Premised on Unreasonable Assumptions About Population Growth Related to the Project.**

A key assumption that forms the bedrock of the DEIR is that the Project will result in population increases of 1,700 residents. The DEIR justification for this projection is simplistic—it takes the Department of Finance (2022) estimates of 2.81 persons per household.

This assumption of 1,700 resident growth is key to the DEIR and additional detail and support is needed than merely relying on Department of Finance figures. In particular, this methodology assumes that the 2.81 per person per household city-wide average holds true for Northern Clovis, as well as the types and styles of housing the Project proposes to build.

Q-11

It is well known that the community/area of Northern Clovis is growing quickly and that families are moving into this area—causing almost all of the elementary schools in this area to be impacted. It is abundantly clear that the 2.81 per person household will is drastically low in light of local conditions.

Q-11 cont'd

Thus, because the 1,700 population grown estimate is such an important feature of this analysis, a more local study should be conducted to confirm and verify such assumptions. In particular, the DEIR should utilize additional resources to hone in on the per person/per household figure on a local level—including but not limited to the Census Tract Block Maps.

**f. The DEIR Does Not Sufficiently Consider Feasible Mitigation Measures Related to the Substantial Traffic Impacts on the Community.**

One of the largest defects of the DEIR is its inability to accurately address the major traffic concerns and considerations of the community. The DEIR admits that even with the proposed mitigation steps, the “Project will have a significant and unavoidable” impact on the environment. (3.13).

The City cannot approve the Project with significant and unavoidable impacts unless it finds that there are no additional mitigation measures or alternatives that are feasible that would reduce the significant and unavoidable impact. Pub. Res. Code§ 21081, 14 CCR§ 15091. The DEIR claims that the impacts are traffic are unavoidable. Yet there are additional feasible mitigation measures that would reduce the Project’s impacts but are not discussed in the EIR.

Q-12

For example, the following mitigation measures were not addressed:

- The viability of public transit throughout the Project, including but not limited to shuttle services and/or subsidized transit passes;
- Increase the number of biking and walking avenue throughout the Project;
- Consideration of some mixed-use development within the Project;
- Implementation of traffic calming measures;

**g. The Project’s Proposed Ingress/Egress From Stanford/Perrin Avenues is not Properly Analyzed In Light of the Actual Conditions of such Roads.**

It is unfathomable that the Project is proposing an ingress/egress from the Stanford/Perrin Avenues corner. This is not just ill-conceived, it is outright dangerous. Indeed, the DEIR makes no serious evaluations related to the unique aspects of such streets.

To be clear, Stanford Avenue at this location is a narrow, winding road, clearly not meant for the level of traffic this Development will bring. Without a doubt, Project residents will more often drive North and exit onto Stanford than drive South, choosing to exit off of Sunnyside or Shepherd. For those many resident who will be zoned for Clovis North High School (and its feeder schools), this means a steady stream, morning and afternoon, of cars driving through Stanford, up through Ticonderoga and onto Fowler.

Q-13

As a personal matter, I can attest that Stanford Avenue at this location is filled with couples walking and/or biking and young children biking, playing and skateboarding on the road. Stanford has

no sidewalks and no curbs at this location. Funneling thousands of cars through Stanford will inevitably lead to pedestrian deaths—many of them children. *(Below are relevant photos of Stanford Avenue at this location.)*

Q-13 Cont.





**h. The DEIR's Hydrology Analysis is Inadequate In That It Incorrectly Relies on Data Related to Hardpan**

Q-14

The DEIR correctly states that the “proposed Project would result in new impervious surfaces and could reduce rainwater infiltration and groundwater recharge.” (3.9-2). However, the DEIR reaches the incorrect conclusion that impacts on groundwater recharge will be less than significant.

The fatal flaw in the DEIR’s conclusion, however, is that it improperly and inaccurately extrapolates data from the Geotechnical Report (Krazan & Associates, 2019). In particular, the DEIR states as follows:

The infiltration rate of the soils on the Project site ranges from low to high. As indicated in the Geotechnical Report (Krazan & Associates, 2019), cemented silty sand and silty sand with trace clay, locally referred to as "hardpan," were encountered in several of the borings at the Project site. This cementation inhibits infiltration of surface water into the soil stratum below the hardpan. Therefore, it can be presumed that the Project site generally does not allow for a high level of groundwater recharge in its existing condition. (3.9-25) (emphasis added.)

Q-14 Cont.

The above has two major flaws. First, the DEIR presumes that because only “several” of the borings found hardpan, that hardpan soil is present throughout most of the Project site. To the contrary, the Krazan report shows that 19 boring test were performed on the property—and of those test, only a handful showed the existence of substantial hardpan. And so the DEIR extrapolates this small data set to the rest of the Project site. To extrapolate the results of a small percentage of boring tests to the entire site is improper. Finding hardpan in several boring sites out of 19 does not justify such an extrapolation.

Second, the DEIR makes the faulty assumption that the presence of some hardpan on the site “does not allow for a high level of groundwater recharge in its existing condition). This is quite a broad statement to make with major ramifications. While it is true that hardpan *can* reduce infiltration rates, one cannot reasonably presume that the presence of some hardpan on a small percentage of the boring sites will prevent recharge throughout the entire site. Thus, this presumption is unfounded and unreasonable.

**i. The DEIR Hydrology Analysis is Inadequate in That it Fails to Take into Account Removal of the Pecan Trees at the Project Site that Dramatically Alter the Water Recharge Capabilities.**

As noted above, the Krazan hydrology report relied upon in the DEIR does not conclude that there is hardpan throughout the entire site. It simply states that where present, hardpan can prevent percolation—an obvious conclusion.

Q-15

However, one thing the DEIR wholly fails to address is how the current condition of the removed Pecan trees on the Project site will impact water recharge. In particular, the DEIR states that hardpan was found in “several” of the 19 borings between the 2’ and 8’ depth. But since the Krazan report was finished, the Developer has removed approximately one-half of the Pecan orchard and performed substantial earth moving.

It is without a doubt that by removing the Pecan trees and major tree roots, that the previous hardpan has been substantially disrupted and disturbed. In other words, even assuming the presence of hardpan across the entire site, the removal of the Pecan trees would have broken up and disturbed such hard pan to such a degree that the Project site will have substantially higher recharge now, than before.

Q-15 Cont.

Thus, the site should be re-tested to confirm the current state of the alleged hardpan so as to adequately gauge the true rechargeability of the Project site soil.

**j. The DEIR Does Not Adequately Explain how the Project being Developed in a 100-year Flood Plain will not cause or trigger greater diversion of flood waters into neighboring communities, in particular the Quail Run community.**

The DEIR recognizes that part of the Project lies within the 100-year flood zone (3.9-29). However, when it comes to addressing such fact, the DEIR proposes that the homes built within such zone will be “elevated to or above the base flood elevation”.

Woefully omitted, however, from its analysis is how the Project will impact the immediately surrounding community given the fact that substantial grading will be done to raise the development to the required elevation.

Q-16

While the homes built in the Project will be above the floodzone, the earthworks involved to enable that simply means that water will be displaced and flow elsewhere—likely into the Quail Run community. Notably the Quail Run community does not have storm drains and the existing drainage basins on each 2-acre parcel were not designed to accommodate the flood run off from the Project.

The DEIR does not sufficiently detail and describe the impacts of flooding on the immediate neighborhoods.

**k. The DEIR Take an Impractical and Illogical Position on the Impact the Project Will Have on Neighborhood Schools.**

The DEIR recognizes that “CUSD does not have existing capacity to accommodate projected students from new development.” (3.12-23). In particular, the DEIR notes that additional facilities will be needed by CUSD within the next 5 years. Notably, the CUSD does not own any school project sites within a reasonable distance from the Project. All these new children will have to flood into the existing schools which are already impacted.

Q-17

Rather than discussing mitigation measures, the DEIR simply states that the development fees are sufficient. This is not careful or thoughtful planning. Having the funds to build schools is not the same as actually acquiring and building school properties.

**l. The DEIR Does Not Address the Major Concerns of Creating a County Island of the Quail Run Community and the Impact of the Project’s Odd, Illogical Shape.**

Noticeably absent from the DEIR is the fact that the Project will annex an irregular L-shaped plot of land, thereby creating a County island of the Quail Run community. The DEIR recognizes that

Q-18

when it comes to SOI changes, that such changes must create logical and orderly boundaries. However, it is wholly silent on the fact that the Project annexation creates an illogical and disorderly boundary.

Creating County islands is something the City and County have resisted for years for a host of justifiable reasons. And yet, the DEIR is conspicuously silent on any discussion of how the creation of a County island will actually impact that community.

For example, on its discussion of public resources and policing, the DEIR is careful to point out that development fees will be sufficient to enable Clovis PD to hire any additional police as may be needed to police the Project. However, this analysis completely misses and fails to address how the Project will impact public resources on the County island. It is without a doubt that with 605 new homes and residents, that the Quail Run community will face a major uptick in property crimes. And yet, when a resident of Quail Run calls for law enforcement—it is not Clovis PD which responds, but only the County Sheriff's Office. The County Sheriff's Office is already stretched thin and the creation of the County island will lead to increased response times.

Indeed, throughout the entire 626-page report, the DEIR only refers to the County Sheriff's office a single isolated instance. The DEIR is wholly inadequate as it ignores how crime and policing arising from the Project will impact the proposed County island.

**m. The DEIR Fails to Consider the Prime Farmland Designation and Relies on Developers' Self-Serving Statements that Farming is No Longer Viable.**

The DEIR admits and recognizes that “[a]ccording to the June 2020 Important Farmland Map, approximately 63.73 acres of Prime Farmland are in the Project Site with approximately 63.60 acres of the Prime Farmland in the Development Area.” (3.2-5) In other words, the Project site is on important agricultural farmland.

However, the DEIR then attempts to attack the 2020 report on the grounds that the report “does not fully consider site specific characteristics such as the existence of hardpan”. The DEIR even goes on to allege that the Prime Farmland designation “is not justified for the site-specific conditions.”

As already discussed above, the presence of hardpan has been wholly exaggerated and overstated and so relying on the hardpan argument to attempt to remove the Prime Farmland designation is unfounded.

But even beyond hardpan, the DEIR unquestionably relies on statements from the developer to conclude that the Project Site should no longer be considered Prime Farmland. For example, the Site Assessment worksheet states as a matter of fact that the Project site wells “went dry in 2022 causing tree mortality.” (Pg. 113 of DEIR Volume II). But nowhere in the DEIR materials are well test from independent third parties confirming that all 6 ag wells on the Project site ran dry.

Likewise, the DEIR relies entirely on self-serving statements from the developer's ranch manager who states in a letter to the City that the land is no longer viable farming property. (May 11, 2023 Letter to City) (Pg. 129 of DEIR Vol. II). In this letter, the manager concludes that notwithstanding the prior owner successfully farming the orchard, that once the developer acquired the property, it was

Q-18 Cont.

Q-19

no longer profitable. Quite the convenient conclusion. Rather than requiring third party verification of financials and economic feasibility, the DEIR blindly relies on the self-serving statements and conclusions from the developer.

Q-19 Cont.

**n. The Project Fails to Consider or Evaluate Impacts on Kit Fox Which Are Known to Exist Near the Project Area.**

Another fatal flaw of the DEIR is that it fails to account for and provide proper mitigation measures for the known endangered wildlife in the area. In particular, San Joaquin kit fox are known to frequent the area and have been observed. Notwithstanding the presence of kit fox, the DEIR fails to include any mitigation measures related to said animals. The DEIR should be revised to consider and implement appropriate mitigation measures for the kit fox.

Q-20

**IV. CONCLUSION**

For the foregoing reasons, I urge the City to prepare and recirculate a revised DEIR addressing the above shortcomings. Thank you for your attention to these comments.

Q-21

Sincerely

Jared R. Callister,  
Resident of Quail Run

**Response to Letter Q: Jared Callister, Resident of Clovis**

**Response Q-1:** The commentor states the following:

*"I am writing as an owner and resident of the Quail Run neighborhood (9318 N. Sunnyside, Ave. Clovis, CA 93619) which is the community of 18 homes immediately north of the proposed development (the "Project"). While I don't represent the Qual Run community as a whole, I can assure you that most of its residents (if not all) share the major concerns I have with respect to the Project. In particular, I am writing regarding the Draft Environmental Impact Report ("DEIR") that attempts to argue that the Project has no real impact on the community. Make no mistake about it, the Project's impact not only on the Quail Run neighborhood but on the community at large will be substantial.*

*The Project will forever change the way of life for those in its immediate vicinity and the DEIR pays lip service to the numerous and major concerns of the community."*

- The City disagrees that the DEIR *"attempts to argue that the Project has no potential impact on the community."* Rather, the DEIR identifies "Potentially Significant Impacts" under the topics: Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, and Traffic. These are presented as potential impacts as disclosed in the DEIR. The DEIR then presents mitigation that is intended to avoid, reduce, or minimize the Potentially Significant Impacts that are identified. The impacts are able to be reduced to a less than significant level with the mitigation presented, with the exception of the impacts from Traffic. For Traffic, the DEIR concludes that the Project would have a Significant and Unavoidable impact, including under cumulative conditions. It is also noted that the DEIR references existing regulations, rules, standards, and specifications that are already in place that would reduce impacts for topics including: Aesthetics, Air Quality, Greenhouse Gases, Climate Change, and Energy, Hydrology and Water Quality, and Utilities. All development within the proposed Project can be classified as a permanent physical change to the environment.

**Response Q-2:** The commentor states the following:

*"The DEIR was not properly noticed, fails to analyze numerous potentially significant environmental impacts, fails to evaluate feasible alternatives and mitigation measures, and fails to support its conclusions with substantial evidence. Accordingly, the DEIR is inadequate under the California Environmental Quality Act ("CEQA") and as a result, I oppose approval of the Project and certification of the DEIR. I urge the City to address the DEIR's shortcomings in a revised EIR that is recirculated for public review and comment, prior to considering any approvals for the Project."*

- This comment is noted. The comment does not provide the specificity necessary to prepare a detailed response, instead the comment serves as a prelude to the

more detailed comments provided later in the letter, each of which have a specific response. Nevertheless, the comments will be provided to the City for consideration.

**Response Q-3:** The commentor provides several pages of discussion under a heading entitled: *“I. LEGAL STANDARDS, a. The EIR Must Afford the Fullest Possible Protection to the Environment and Have Sufficient Detail to Enable Those Who Did Not Participate in Its Preparation to Understand and to Consider Meaningfully the Issues Raised by the Proposed Project.”*

- This comment is noted. The legal standards provided are references to statute or case laws relevant to CEQA. The comments do not identify something specific in the DEIR, rather it is the authors presentation of legal standards that apply to CEQA documents.

**Response Q-4:** The commentor provides several pages of discussion under a heading entitled: *“II. THE DEIR WAS IMPROPERLY NOTICED & FAILED TO INCLUDE ALL STATUTORILY REQUIRED INFORMATION.”* The commentor then provides a discussion under a heading entitled *“a. A Full 45-day Notice of the DEIR Was Not Provided.”* Here the commentor cites several cases and contends that the City did not provide a full 45-day public review period because the original Notice of Availability identified the 45-day public review period closing on September 4<sup>th</sup>, which was a holiday.

- To clarify, the City did establish the 45-day review period for the EIR in accordance with the statutory mandate. During the review period, however, it was discovered that the public review end date would fall on a holiday. Once this was recognized, the City extended the public review period an extra day (46 days total review) to ensure that there was additional time beyond the holiday to receive comments. It is noted that the City received an additional letter on September 6, 2023, which required the City to extend the review period for a second day. As shown in the Table 2.0-1, there were five comment letters received dated September 5<sup>th</sup>, and one comment letter dated September 6<sup>th</sup>. This reflects the fact that the City extended the review period beyond the statutory 45-day requirements because of the holiday. It is also noted that the State Clearinghouse database (CEQAnet) reflects a public review end date of September 5, 2023, which is consistent with the extension of the public review period beyond the 45-day requirements because of the holiday.

**Response Q-5:** The commentor provides a discussion under a heading entitled *“b. The Notice of DEIR Failed to Include all Required Information.”* The commentor then states the following:

*“Under Pub Res C §21092(b)(1) and 14 Cal Code Regs §15087(c), a notice that a draft EIR is available for public review must contain certain key items, meant to assist the public in its review. The purpose of the description of the project is to alert the public*

*of its nature, location, and purpose so that interested persons can determine whether to review the draft EIR and provide comments.*

*In particular, one key item that must be included in such notice is an explanation of the “anticipated significant environmental effect of the project.” However, noticeably absent from the Notice regarding this Project is any description of such “anticipated significant environmental effects”.*

*And yet, by the DEIR’s own admission, the DEIR confirms that the Project’s impacts on traffic (3.13-1) will be significant and unavoidable even with their proposed mitigation measures. Likewise, the DEIR confirms that the Project’s impact on birds and other mammals will be “potentially significant” and further confirms that construction noise and operation noise will be “potentially significant”. Furthermore, the DEIR acknowledges that without mitigation, the Project’s involvement with the transportation and use of hazardous materials will be “potentially significant”.*

*Notwithstanding the above-mentioned significant impacts, the Notice failed to mention, list or identify these specific impacts as required under CEQA. This failure to comply with CEQA is an abuse of discretion which requires the DEIR to be re-circulated and correctly noticed for comment with a complete list of all significant impacts.”*

- The commenter is referred to the fourth paragraph of the Notice of Availability (NOA) which states:

*“Significant Environmental Effects:*

*The Draft EIR has identified the following environmental issue areas as having significant and unavoidable environmental impacts from implementation of the project: Transportation and Circulation, and Cumulative Impacts. All other environmental issues were determined to have no impact, less than significant impacts, or less than significant impacts with mitigation measures incorporated into the Project.”*

Here, the NOA very clearly, and contrary to the commenter’s assertion, identifies that Transportation and Circulation as a topic listed where the DEIR concluded that the Project would have significant and unavoidable impacts. The commenter is also referred to the DEIR Executive Summary, Table ES-2 Project Impacts and Proposed Mitigation Measures, for a full overview of the Project Impacts. In that table, the commenter can find that mitigation measures have been incorporated into the Project to avoid, reduce, or minimize any potential impacts, and the resulting impact is less than significant for all topics with the exception of the Traffic impacts as identified in the NOA. The NOA listed the Traffic Impacts as the impact that is an anticipated significant environmental impact in accordance with the CEQA Guidelines.



**Response Q-6:** The commenter provides several pages of discussion under a heading entitled: “III. THE DEIR IS LEGALLY INSUFFICIENT IN NUMEROUS RESPECTS.” The commenter then provides a discussion under a heading entitled: “a. The Scope of the DEIR is Insufficient as it Fails to Consider the Unique Characteristics of the Immediate Community and Uses an Improper Baseline Throughout the Bulk of its Analysis.” The commenter then states the following:

*The DEIR purports to address issues and comments raised in the scoping process. However, the DEIR wholly fails to address one key request during the scoping process—namely, the Project’s impacts on the unique characteristics and concerns of the Quail Run Community, referred to as the “Expansion SubArea North” in the DEIR.*

*The Quail Run Community is a community of 18 homes in Fresno County surrounded by and directly adjacent to the Project. In particular, the community is a beautiful and tranquil rural residential community very similar to the well-known Dry Creek Preserve. For years, the Quail Run Community has been part of a designated County Service Area 51---which is an area of well-known and well- documented water issues. Homeowners in County Service Area 51 have had major concerns with the area’s groundwater supplies—as many have had to dig several deeper wells over the years.*

*Indeed, during one scoping phone call I had with City staff, I attempted to clarify the unique concerns of Quail Run and requested that the DEIR include a detailed micro-study of this area and community to ensure that its issues were addressed. In particular, it must be determined, with certainty, how the Project will impact the unique water concerns of the Qual Run neighborhood.*

*Unfortunately, the DEIR makes no specific study or analysis of the Quail Run community or the Project’s impacts on this community. All the DEIR can muster is to simply define the Expansion SubArea North in several sentences—but with no further analysis or direct connection.*

- Contrary to the commenter’s assertions, the DEIR does address the Quail Run community. Specifically, the Quail Run community is part of the “Non-Development Area”, which is defined in Section 2.0 Project Description, on page 2.0-1. Here, the DEIR identifies the Non-Development Area as parcels being included in the SOI expansion that will not be entitled for subdivision or development. This includes two separate areas, each described as an Expansion SubArea. The two Expansion SubAreas total 78 acres and are defined as Expansion SubArea North and Expansion SubArea East. The Quail Run community is part of the Expansion SubAreas. The Quail Run community is further shown illustratively on numerous Figures within Section 2.0 Project Description.

The term “Non-Development Area” as used for the Quail Run community, is intended to mean, there will be no physical changes to these lots nor public infrastructure improvements constructed to serve this area. There will be

ancillary infrastructure constructed adjacent to this area within the public streets as shown in the various studies included in the Environmental Analysis. The Non-Development Area is within the Project Boundary solely to be included in a Sphere of Influence (SOI) boundary change. The SOI boundary change would be reflected on a map only (a line drawn on a map) and does not physically change the properties. Notably, the Quail Run community would remain within the unincorporated County, and would maintain all General Plan land use and zoning designations provided by the County. In addition, the Quail Run Community would also remain in County Service Area 51. The SOI Expansion is more fully detailed in Master Response 14.

Master Response 1, 2, 3, 4, and 5 provides extensive detail regarding Water, including discussions regarding: groundwater recharge, soils, percolation, wells, agricultural irrigation, trucking in water, water service from City, WSA, Floodplain, and drainage.

**Response Q-7:** The commenter states the following:

*“Most egregious, is that the DEIR uses an improperly broad and ill-defined “Baseline” when conducting the bulk of its analysis. Time and time again, the DEIR uses the City of Clovis and/or the County of Fresno (as whole) as its Baseline. This is wholly meaningless and counter-productive to how a resident of Quail Run is to gauge the actual impact on his/her neighborhood.*

*By comparing the Project's numerous impacts to the entire City and County, the DEIR seeks to diminish the significance of these impacts caused by the Project. CEQA prohibits this type of "drop in the bucket" analysis. No single project would ever have a significant impact if its effects were compared to an entire region. In Friends of Oroville v. City of Oroville (2013) 219 Cal. App. 4th 832, 841-842, the Court of Appeal held that the agency failed to adequately analyze a project's cumulative contribution to significant GHG impacts by concluding, without adequate analysis, that the project's "miniscule" emissions were insignificant in light of the state's cumulative, state-wide GHG emissions, thus "applying a meaningless, relative number to determine insignificant impact." The DEIR makes the same error here by comparing the Project's impacts on traffic, noise, light and other matters to the entire City and County of Fresno.*

*An analysis that compares and contrasts an improper baseline is wholly inadequate and offers a false picture of how the Project will truly impact the unique Quail Run community. The DEIR must be revised to provide a proper analysis the Project's impacts on the Quail Run community specifically; and based on this analysis, to revise other environmental analyses including but not limited to population and housing, transportation, noise pollution, light pollution, among other topics.”*

- Under CEQA, the impacts of a proposed project must be evaluated by comparing expected environmental conditions after project implementation to conditions at a point in time referred to as the baseline. The changes in environmental conditions between those two scenarios represent the environmental impacts of the proposed project. The description of the environmental conditions in the project study area under baseline conditions is referred to as the environmental setting. The CEQA Guidelines Section 15125 provides the following guidance for establishing the baseline: *An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.* The commenter is referred to the “Environmental Setting” heading located within Sections 3.1 through 3.14. Here an Environmental Setting (i.e. Baseline Condition) is presented for each environmental topic. Additionally, Section 2.0 Project Description, includes a “Project Setting,” in which the Existing Site Conditions, Site Topography, Existing Site Uses, Existing Surrounding Uses, and Existing General Plan Land Use Designations and Zoning are described.

The impacts that are described in each Section of the DEIR represent the change in environmental conditions that would be anticipated to result from the baseline condition compared to a future “developed” scenario if the Project were approved and constructed. These impacts are not limited to impacts only to the Quail Run community. Some impacts are much broader and would affect an entire air basin, or the world as a whole (i.e. air quality impacts are basin-level impacts, and GHG impacts are world-level climate impacts). Impacts such as noise and traffic can be characterized as more local-level impacts, meaning that they would affect the general vicinity of the Project site, or possibly city-wide. Some impacts are more localized (i.e. construction on the Project site would physically change the Project site, but not result in construction elsewhere). The impact discussions provided in the DEIR are at the appropriate scale, and are performed to the appropriate scientific standards for each topic.

**Response Q-8:** The commenter provides several pages of discussion under a heading entitled: “*b. The DEIR Only Presents “Straw Man” Alternatives and Fails to Include Several Reasonable Feasible Alternatives that Would Meet all Project Objectives and Result in Less Environmental Impacts than the Project.*” The commenter then states the following:

*An EIR must describe a reasonable range of alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the*

*project, and evaluate the comparative merits of the alternatives. "An EIR's discussion of alternatives must contain analysis sufficient to allow informed decision making." Laurel Heights I, 47 Cal.3d at 404. An EIR must also include "detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." Id. at 405.*

*CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives and all feasible mitigation measures. CEQA Guidelines § 15002(a)(2) and (3); see also, Berkeley Jets, 91 Cal. App. 4th 1344, 1354; Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 564. The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced." CEQA Guidelines § 15002(a)(2). If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns." Pub. Res. Code § 21081; CEQA Guidelines § 15092(b)(2)(A) & (B). A "feasible" alternative is one that is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. Pub. Res. Code § 21061.1; CEQA Guidelines § 15364.*

*However, the three alternatives currently presented in the draft EIR seem to be set up as "straw man" alternatives, intentionally skewed to make the proposed project appear as the most preferable or only viable option. Here are the primary issues:*

- 1. Increased Density Mixed Use Alternative: This alternative, by introducing both homes and apartment complexes, appears to exacerbate the environmental concerns rather than offering a genuine mitigative solution. An alternative in an EIR should ideally present options that reduce environmental impacts, not increase them.*
- 2. Reduced Density Alternative: While this alternative reduces the number of homes, it does not sufficiently explore the potential middle ground between high-density and low-density development. Indeed, this option only presents 105 single family homes with no mixed densities. Presenting only a drastically reduced density alternative, without examining intermediate options, can artificially create a contrast that makes the proposed Project appear as a balanced solution. By only considering a large-lot alternative without varying densities the DEIR presents this merely as an illusory alternative that was never meant to be fully considered.*
- 3. Reduced Sphere of Influence: This "alternative" simply presents the exact same development, but simply shrinks the Sphere of Influence and its environmental*

*impacts are identical to the proposed project. Offering an alternative that's so similar to the proposed project doesn't give decision-makers or the public a meaningful choice. To call this a viable or thoughtful "alternative" that is meant to reduce environmental impacts is laughable.*

*To ensure compliance with the spirit and letter of CEQA and to provide a genuine set of alternatives for consideration, I strongly urge the City to:*

- *Broaden the Range: Include a more diverse range of alternatives that genuinely seek to reduce the significant environmental impacts of the project.*
- *Examine Intermediate Solutions: Instead of the extremes of very high or very low density, consider introducing intermediate-density alternatives that can strike a balance between development needs and environmental conservation.*
- *Avoid Redundant Alternatives: Each alternative should be distinct enough from the proposed project to provide a genuine choice. If two alternatives are nearly identical in impact, it can be seen as a redundancy that doesn't aid in meaningful decision-making.*

*Specifically, the City should consider the following specific reasonable alternatives:*

- *Medium Density Housing of Approximately 350 Homes: Rather than a 605-unit project, or a 105 unit project, the DEIR needs to examine and consider a balanced, 350 unit project development which consists of a mixture of housing types, sizes and densities. A project such as this would undoubtedly have a reduced environmental impact when compared to the Project while at the same time meeting all of the state project goals.*
- *Southern Parcel Development Only: Another viable alternative that the City should consider and evaluate is a project which only allows for the development of the southern two parcels of the Project site (APNs: 557-021-19; 20) while retaining the northern parcel (APN: 557-021-21) as prime farmland. The development could consider medium to high density housing of mixed housing types, sizes and densities so as to not only meet the project goals, but to have a reduced environmental impact when compared to the Project.*

*In conclusion, for a more robust, transparent, and credible environmental review process, it's crucial that the alternatives section of the EIR be revised to present a sincere and varied set of options. This not only meets legal requirements but also fosters public trust in the development and decision-making processes."*

- Alternatives are addressed in Section 5.0 Alternatives. The range of alternatives addressed in the EIR is sufficient to foster informed decision-making and informed public participation. CEQA requires that a DEIR analyze a reasonable

range of feasible alternatives that meet most or all project objectives while reducing or avoiding one or more significant environmental effects of the project. The range of alternatives required in a DEIR is governed by a “rule of reason” that requires a DEIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines Section 15126.6[f]). At the time of project approval, the City Council will have broad discretion to approve the proposed Project if it finds it to be the best choice from a policy perspective, particularly in light of recent findings by the Legislature that the State is suffering a housing crisis of historic proportions. CEQA constrains the City Council’s police power somewhat, but does not substantially reduce the robustness of that power. Here, the Clovis City Council, like any other, has a robust police power, though it is circumscribed in some situations by state legislation intended to serve statewide purposes such as, for example, the need to provide housing during a time of crisis-level housing shortfalls. (See, e.g., Gov. Code, §§ 65589.5, subd. (j), 66300, subd. (b).) But generally, when a city or county is engaged in land use planning, the local agency’s CEQA obligation to adopt feasible alternatives as means of lessening or avoiding significant environmental effects still leaves the agency with broad legislative discretion to achieve outcomes consistent with what the agency’s decisionmakers regard as desirable public policy. (See, e.g., *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 [“‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors”]; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 [same]; *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 17 [same]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1509 [upholding CEQA findings rejecting alternatives in reliance on applicant’s project objectives]; *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314-315 [court upholds an agency action rejecting an alternative because it would not “entirely fulfill” a particular project objective and “would be ‘substantially less effective’ in meeting” the lead agency’s “goals”]; and *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165, 1166 [“feasibility is strongly linked to achievement of each of the primary program objectives”; “a lead agency may structure its DEIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal”].)

Page 5.0-2 presents the alternatives that were analyzed in the EIR. Here, the DEIR indicates that four alternatives to the proposed Project were developed based on input from City staff. It is noted that a Notice of Preparation (NOP) was also

circulated to the public to solicit recommendations for a reasonable range of alternatives to the proposed Project. Additionally, a public scoping meeting was held during the public review period to solicit recommendations for a reasonable range of alternatives to the proposed Project. No specific alternatives were recommended by commenting agencies or the general public during the NOP public review process. The alternatives that were developed include the following four alternatives in addition to the proposed Project.

- No Project (No Build) Alternative: Under this alternative, development of the Project site would not occur, and the Project site would remain in its current existing condition.
- Increased Density Mixed Use Alternative: Under this alternative, the proposed Project would be developed at a higher density for the residential uses and would also include a mixed-use component to the alternative. Approximately 62 acres would be developed with 605 residential units under the medium-high density residential use, 10 acres would be developed with 195 apartments under the high-density residential use, and 5 acres would be developed with 108,000 square feet under the neighborhood commercial use.
- Reduced Density Alternative: Under this alternative, the proposed Project would have a reduced density for the residential uses. Approximately 150 residential units would be developed under the very low-density residential designation.
- Reduced Sphere of Influence Alternative: Physically, there is little difference between the proposed Project and this alternative. It is noted, however, that the reduction in the SOI would eliminate the possibility of the Non-Development Area connecting to City services at some point in the future, if desired by those residents.

Page 5.0-2 of the DEIR also indicates that the City's consideration of alternative locations for the Project included a review of previous land use planning and environmental documents in Clovis, including the General Plan. The search included a review of land in Clovis that is located within the Sphere of Influence, suitable for development, available for acquisition, and not already approved or pending development. It was found that there are numerous approved projects and proposed projects that are currently under review in Clovis. These approved and proposed projects are not available for acquisition by the Project applicant and are not considered a feasible alternative for the Project applicant. The City has found that there are no feasible alternative locations that exist within the City's Sphere of Influence with the appropriate size and characteristics that would

meet the basic Project objectives and avoid or substantially lessen a significant effect. For these reasons, the City of Clovis determined that there are no feasible alternative locations.

These alternatives constitute a reasonable range of alternatives for the analysis in the EIR. The City solicited input from the community during the early planning stage to try to develop ideas that could be incorporated into a DEIR alternative. This included engaging the public during the scoping meeting and NOP public review. It is not the City's policy to evaluate every fathomable alternative, rather, they follow the requirements of CEQA by developing a reasonable range of alternatives, which has been performed.

**Response Q-9:** The commentor provides a heading entitled: "*c. The DEIR Fails to Consider Other Alternative Locations in its Sphere of Influence and Justify Its Conclusions.*" The commenter then states the following:

*The DEIR states that the City considered alternative locations for the Project that were in the SOI and were suitable for development. The DEIR notes that "it was found that there are numerous approved projects and proposed projects that are currently under review in Clovis." The DEIR then summarily rejects these alternative locations as they "are not available for acquisition by the Project applicant and are not considered a feasible alternative for the Project applicant." Incredibly, the DEIR then asserts that:*

*"The City has found that there are no feasible alternative locations that exist within the City's Sphere of Influence with the appropriate size and characteristics that would meet the basic Project objectives and avoid or substantially lessen a significant effect. For these reasons, the City of Clovis determined that there are no feasible alternative locations." (5.0-2)*

*This statement is not credible given the fact that City's massive Heritage Grove project has been approved and are part of the Sphere of Influence. Is the City really saying that out of the entire Heritage Grove planning area, there is NO alternative site location that feasibly meets the stated project goals?*

*Most egregiously, is that the DEIR doesn't provide any evidence, data, statistic or studies to actually prove or demonstrate that the alternative locations (including Heritage Grove) where inadequate.*

*Under CEQA, while the City may consider whether the developer owns the land that may be an alternative site, City must consider whether the project proponent can reasonably acquire, control, or otherwise obtain access to the site if the project proponent does not own the alternative site. 14 Cal Code Regs §15126.6(f)(1). Here, the DEIR simply makes conclusory statements that the alternative sites are "not*



*available for acquisition.” Evidence should be presented to prove that such alternative sites cannot reasonably be acquired by the project proponent in this case.*

*Indeed, if the City is alleging such alternative sites are economically infeasible, then it needs to actually present an economic analysis that proves and demonstrates such alternatives are not economically viable. (See Citizens of Goleta Valley v Board of Supervisors (1990) 52 C3d 553, 575 n7, (where agency’s conclusions of economic infeasibility were supported by economic analysis and data that showed alternative site was no viable).)*

- This comment is addressed, in part, under Response Q-8 above. The commenter’s suggestion of using the Heritage Grove project (which they have identified as an approved project) as an alternative location indicates their misunderstanding of what would be considered a suitable alternative location. For clarification, the Heritage Grove Design Guidelines were approved in 2016. The primary purpose of the design guidelines were to establish an overall theme, illustrate intended architectural elements and carry out the goals and objectives of the Clovis General Plan. The City is currently processing or reviewing various proposed projects in the Heritage Grove growth area. An example of a current proposed project is The Villages Specific Plan, which encompasses approximately 880 acres of land generally located on the north side of Shepherd Avenue, between Willow and Sunnyside Avenues. A second proposed project in Heritage Grove is the proposed Tentative Tract Map 6343 on the south side of Behymer Avenue, west of Sunnyside Avenue. Both of these proposed projects are located within the City’s Sphere of Influence, but this is an already intended for development. Section 5.0 Alternatives to the Proposed Project (page 5.0-2) states:

*“The City’s consideration of alternative locations for the Project included a review of previous land use planning and environmental documents in Clovis, including the General Plan. The search included a review of land in Clovis that is located within the Sphere of Influence, suitable for development, available for acquisition, and not already approved or pending development. It was found that there are numerous approved projects and proposed projects that are currently under review in Clovis. These approved and proposed projects are not available for acquisition by the Project applicant and are not considered a feasible alternative for the Project applicant. The City has found that there are no feasible alternative locations that exist within the City’s Sphere of Influence with the appropriate size and characteristics that would meet the basic Project objectives and avoid or substantially lessen a significant effect. For these reasons, the City of Clovis determined that there are no feasible alternative locations.*

A key consideration in determining alternative locations, as is described in the DEIR page 5.0-2, is that the alternative location in question cannot be an already approved or pending project. The commenter's suggestion of Heritage Grove being an alternative location does not meet the criteria for suitable alternative locations. For clarification, the Heritage Grove Design Guidelines were approved in 2016. The primary purpose of the design guidelines were to establish an overall theme, illustrate intended architectural elements and carry out the goals and objectives of the Clovis General Plan. The City is currently processing or reviewing various proposed projects in the Heritage Grove growth area. An example of a current proposed project is The Villages Specific Plan, which encompasses approximately 880 acres of land generally located on the north side of Shepherd Avenue, between Willow and Sunnyside Avenues. A second proposed project in Heritage Grove is the proposed Tentative Tract Map 6343 on the south side of Behymer Avenue, west of Sunnyside Avenue. Both of these proposed projects are located within the City's Sphere of Influence, but this is an already intended for development.

**Response Q-10:** The commenter provides a heading entitled: "*d. The DEIR Improperly Dismisses the "Reduced Density" Alternative.*" The commenter then states the following:

*The City is required to select the environmentally preferable alternative unless it is infeasible. As explained by the Supreme Court, an environmentally superior alternative may not be rejected simply because it is more expensive or less profitable:*

*The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.*

*Citizens of Goleta Valley v. Ed. of Supervisors (1988) 197 Cal.App.3d 1167, 1180-81; see also, Burger v. County of Mendocino (1975) 45 Cal.App.3d 322; County of El Dorado v. Dept. of Transp. (2005) 133 Cal.App.4th 1376 (agency must consider small alternative to casino project); Preservation Action Counsel v. San Jose (2006) 141 Cal. App. 4th 1336. In addition, an environmentally superior alternative may not be rejected because it does not meet all of a project's objectives.*

*Inconsistency with only some of the project objectives is not necessarily an appropriate basis to eliminate impact-reducing project alternatives from analysis in an EIR. CEQA Guidelines § 15126.6(c), (f); see also Watsonville Pilots Assn. v. City of Watsonville (2010) 183 Cal.App.4th 1059, 1089. Indeed, an alternative that would not meet every Project objective is not a sufficient justification for not considering it in detail. Mira Mar Mobile Community v City of Oceanside (2004) 119 CA4th 477,489;14 C.C.R. § 15126.6.*

*Here, the DEIR admits and concedes that the “Reduced Density” alternative is the superior alternative when it comes to the environmental impacts (5.0). However, notwithstanding the Reduced Density alternative’s superiority over the Project, the DEIR summarily dismissed this alternative on the grounds that the “Reduced Density Alternative does not fully meet all of the Project Objectives.” Curiously, the DEIR doesn’t even elaborate or identify the Project objectives that are not met. In reality, the Reduced Density appears to not meet only one stated Project objective---the objective seeking mixed-density housing. However, the failure to meet all projective objectives is not sufficient to dismiss the alternative out of hand when it is environmentally superior.*

*Here, the DEIR appears to be drawing up project objectives so narrowly so as to improperly exclude all other viable alternatives. Under CEQA, a lead agency cannot adopt artificially narrow project objectives that would preclude consideration of reasonable alternatives for achieving the project’s underlying purpose. (We Advocate Through Env’tl Review v County of Siskiyou (2022) 78 CA5th 683, 692 (project objectives were so narrowly defined lead agency “dismissively rejected” any alternatives other than the proposed project); North Coast Rivers Alliance v Kawamura (2015) 243 CA4th 647, 669 (EIR on program to protect plants from invasive insect pest failed to consider control as alternative to eradication); County of Inyo v City of Los Angeles (1977) 71 CA3d 185, 203 (EIR for expansion of groundwater extraction program failed to consider water conservation as alternative to increased groundwater extraction).*

*Finally, it is abundantly clear that the DEIR understates how much superior the Reduced Density Alternative is when compared to the Project. For example, the Reduced Density Alternative would consist of approximately 1/6th the number of homes in the proposed Project (namely 105 homes compared to 605 homes). Obviously, a subdivision with 1/6th the number of homes as the proposed Project will have substantially and significantly less impacts on the community than the Project. And yet, throughout the DEIR, when analyzing and contrasting the Reduced Density Alternative, the DEIR understates this distinction. For example, the DEIR often states that the impacts arising from this alternative would be “slightly less when compared to the proposed Project.” It is inconceivable that a development with 1/6th the number of homes would only have a “slightly less” impact than the Project when it comes to traffic, noise, light, public services and the other environmental considerations. Thus, the DEIR paints the false impression that the Reduced Density Alternative is only slightly better environmentally than the Project.”*

- Alternatives are addressed in Section 5.0 Alternatives. Based on the comments above, additional text was added to page 5.0-72 through 5.0-74 to clarify the objectives that were not met. The updated text is presented in Section 3.0 Errata.

For specific clarification, the following two project objectives are not fully met under the Reduced Density Alternative:

Provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Clovis, consistent with policies stated in A Landscape of Choice to modestly increase urban density.

Establish a mixture of housing types, sizes and densities that collectively provide for local and regional housing demand, consistent with City Requirements as stated in the latest Regional Housing Needs Analysis (RHNA).

The Reduced Density Alternative would provide housing (150 units), but it would be 455 units less than what is proposed. The first objective listed above references “A Landscape of Choice” which is a regional document that provides direction for the region to utilize urban land as efficiently as possible while providing an adequate supply of a broad range of housing types and densities to meet market demand. One of the guiding principles recommends measures to facilitate and encourage compact growth to all urban land uses including commercial, industrial and institutional uses. The Reduced Density Alternative is not consistent with this guidance for the region.

The second objective listed above references establishing a mix of housing to provide for local and regional housing demand, and consistent with the City requirements in the latest Regional Housing Needs Analysis (RHNA). In light of the Legislature’s repeated determinations in recent years that California is facing a statewide housing crisis, the State has provided the City with good reason to exercise its legislative discretion to facilitate the construction of new housing. Government Code section 65889.5, subdivision (a)(1)(A), states that “[t]he lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.” Subdivision (a)(1)(D) of that section adds that “[m]any local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.” The Reduced Density Alternative would result in 455 fewer units than the proposed Project, which is not consistent with Legislature’s guidance for solving California statewide housing crisis.

It should be noted that the City Council has broad discretion to approve the proposed Project if it finds it to be the best choice from a policy perspective, particularly in light of recent findings by the Legislature that the State is suffering

a housing crisis of historic proportions. CEQA constrains the City Council's police power somewhat, but does not substantially reduce the robustness of that power.

Public Resources Code section 21004 provides that "[i]n mitigating or avoiding a significant effect of a project on the environment, a public agency may exercise only those express or implied powers provided by law other than [CEQA]. However, a public agency may use discretionary powers provided by such other law for the purpose of mitigating or avoiding a significant effect on the environment subject to the express or implied constraints or limitations that may be provided by law." In other words, CEQA does not give agencies any power that they do not already possess, but does require agencies to exercise the powers they do have in order (i) to ascertain whether the environmental effects of their proposed actions would be significant, and if so, (ii) to formulate feasible mitigation measures or alternative courses of action that could be implemented pursuant to those powers. (See also CEQA Guidelines, § 15040; *Kenneth Mebane Ranches v. Superior Court* (1992) 10 Cal.App.4th 276, 291 ["CEQA does not grant a local public entity additional powers, independent of those granted by other laws"]; *County of San Diego v. Grossmont-Cuyamaca Community College Dist.* (2006) 141 Cal.App.4th 86, 102 ["an agency's authority to impose mitigation measures must be based on legal authority other than CEQA".])

Here, the City Council, like any other, has a robust police power, though it is circumscribed in some situations by state legislation intended to serve statewide purposes such as, for example, the need to provide housing during a time of crisis-level housing shortfalls. (See, e.g., Gov. Code, §§ 65589.5, subd. (j), 66300, subd. (b).) But generally, when a city or county is engaged in land use planning, the local agency's CEQA obligation to adopt feasible mitigation measures or alternatives as means of lessening or avoiding significant environmental effects still leaves the agency with broad legislative discretion to achieve outcomes consistent with what the agency's decisionmakers regard as desirable public policy. (See, e.g., *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 ["'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors"]; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 [same]; *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 17 [same]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1509 [upholding CEQA findings rejecting alternatives in reliance on applicant's project objectives]; *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314-315 [court upholds an agency action rejecting an alternative because it would not "entirely fulfill" a particular project

objective and “would be ‘substantially less effective’ in meeting” the lead agency’s “goals”]; and In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings (2008) 43 Cal.4th 1143, 1165, 1166 [“feasibility is strongly linked to achievement of each of the primary program objectives”; “a lead agency may structure its DEIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal”].)

In light of (i) the City’s broad police power, (ii) legislation limiting that power in light of the State’s unprecedented housing crisis, and (iii) the fact that CEQA case law interprets the concept of “feasibility” in a way that imposes minimal limits on an agency’s regulatory authority, the notion that the Reduced Density Alternative is the only legally permissible choice before the City Council is not accurate.

**Response Q-11:** The commenter provides a heading entitled: “*e. The DEIR is Almost Entirely Premised on Unreasonable Assumptions About Population Growth Related to the Project.*” The commenter then states the following:

*“A key assumption that forms the bedrock of the DEIR is that the Project will result in population increases of 1,700 residents. The DEIR justification for this projection is simplistic—it takes the Department of Finance (2022) estimates of 2.81 persons per household.*

*This assumption of 1,700 resident growth is key to the DEIR and additional detail and support is needed than merely relying on Department of Finance figures. In particular, this methodology assumes that the 2.81 per person per household city-wide average holds true for Northern Clovis, as well as the types and styles of housing the Project proposes to build.*

*It is well known that the community/area of Northern Clovis is growing quickly and that families are moving into this area—causing almost all of the elementary schools in this area to be impacted. It is abundantly clear that the 2.81 per person household will be drastically low in light of local conditions.*

*Thus, because the 1,700-population grown estimate is such an important feature of this analysis, a more local study should be conducted to confirm and verify such assumptions. In particular, the DEIR should utilize additional resources to hone in on the per person/per household figure on a local level—including but not limited to the Census Tract Block Maps.”*

- Population growth estimates are provided in the DEIR in Section 3.10. The population growth estimates utilize the most recent Department of Finance (2022) estimate for average number of persons residing in a dwelling unit in the

City of Clovis is 2.81. This is a reasonable metric for use in estimating population generated for the project.

**Response Q-12:** The commenter provides a heading entitled: *“The DEIR Does Not Sufficiently Consider Feasible Mitigation Measures Related to the Substantial Traffic Impacts on the Community.”* The commenter then states the following:

*One of the largest defects of the DEIR is its inability to accurately address the major traffic concerns and considerations of the community. The DEIR admits that even with the proposed mitigation steps, the “Project will have a significant and unavoidable” impact on the environment. (3.13).*

*The City cannot approve the Project with significant and unavoidable impacts unless it finds that there are no additional mitigation measures or alternatives that are feasible that would reduce the significant and unavoidable impact. Pub. Res. Code § 21081, 14 CCR § 15091. The DEIR claims that the impacts are traffic are unavoidable. Yet there are additional feasible mitigation measures that would reduce the Project’s impacts but are not discussed in the EIR.*

*For example, the following mitigation measures were not addressed:*

- *The viability of public transit throughout the Project, including but not limited to shuttle services and/or subsidized transit passes;*
- *Increase the number of biking and walking avenue throughout the Project;*
- *Consideration of some mixed-use development within the Project;*
- *Implementation of traffic calming measures;*
- The traffic concerns noted in this comment are addressed, in part, in Master Response 6 through 13. The recommendation for “traffic calming measures” is already part of the project and was considered in the analysis. The Project proposes to connect to an existing roundabout at the northerly project location along Sunnyside Avenue. Sidewalks and bike lanes will be constructed along the project frontage on Shepherd Avenue, Sunnyside Avenue, and Fordham Avenue. Signal construction is proposed at the intersection of Sunnyside Avenue/Shepherd Avenue, along with the completion of Shepherd Avenue between Sunnyside and Fowler Avenues. These improvements would help address speeding and safety issues along these corridors. Addition of these project design features would help in traffic calming as well as enhance safety around the project site.

The project will also be implementing several project design features that will help eliminate gaps in the pedestrian circulation network around the project site. As part of project frontage improvement, the project will be constructing

sidewalks, curb and gutter along Sunnyside Avenue, Shepherd Avenue, Heirloom Avenue and Fordham Avenue, and dedicate space for bike lanes along Shepherd Avenue. Additionally, installing signals with pedestrian crossings, will enhance pedestrian safety in the neighborhood. The signal that has been proposed at the intersection of Sunnyside Avenue/Shepherd Avenue (southwest corner of the project site), will help pedestrians accessing the Dry Creek trailhead safely with designated crosswalks at this location.

The project will also be implementing several project design features around the project site that will improve safety for children. As part of project frontage improvement, the project will be constructing sidewalks, curb and gutter along Sunnyside Avenue, Shepherd Avenue, Heirloom Avenue, and Fordham Avenue, and dedicate space for bike lanes along Shepherd Avenue. Additionally, installing a signal at the intersection of Sunnyside Avenue/Shepherd Avenue (southwest corner of the project site), which will help pedestrians accessing the Dry Creek trailhead safely with designated crosswalks at this location.

The recommendation to consider some mixed-used development within the Project was also already considered. Section 5.0 Alternatives presents the “Increased Density Mixed Use Alternative.” Under this alternative, the proposed Project would be developed at a higher density for the residential uses and would also include a mixed-use component to the alternative. Approximately 62 acres would be developed with 605 residential units under the medium-high density residential use, 10 acres would be developed with 195 apartments under the high-density residential use, and 5 acres would be developed with 108,000 square feet under the neighborhood commercial use. Transit is discussed within the DEIR in Section 3.13. Page 3.13.8 provides a discussion of the transit services available to the Study area.

**Response Q-13:** The commentor provides a heading entitled: *“g. The Project’s Proposed Ingress/Egress From Stanford/Perrin Avenues is not Properly Analyzed In Light of the Actual Conditions of such Roads.”* The commenter then provides several paragraphs supporting the statement.

- The traffic concerns noted in this comment are addressed in Master Response 6 through 13. Access to the project from existing streets will be provided by four driveways: two on Sunnyside Avenue, one on Perrin Road (Stanford/Perrin), and one on Shepherd Avenue. Except for the driveways on Shepherd Avenue and Perrin, all other project driveways will operate as full-access driveways. The driveway on Shepherd Avenue will operate as a Right-In Right-Out/Left-In (RIRO/LI) driveway, since Shepherd Avenue has a speed limit of 40 MPH along the project frontage and estimated to have significant amount of through traffic. The



driveway at Stanford/Perrin will be an exit only driveway and will provide emergency access. The project is estimated to add only nominal trips to the local roads including Perrin Road, Stanford Avenue, or in general, Fowler Avenue north of Shepherd Avenue. This is because, due to the local circulation network and location of activity centers in relation to the project, majority of the project traffic is estimated to travel south using Shepherd Avenue on to Clovis Avenue, Sunnyside Avenue, and Fowler Avenue. As included in the TIA, a sight distance analysis was conducted for all driveways to determine adequacy of sight for safe maneuver at the driveways using California Highway Design Manual (HDM) recommended methodology. As such, all the proposed project driveways achieve the adequate sight distances and have clear sight triangles for the drivers along the project frontage.

Additionally, the TIA and the DEIR identifies regional circulation improvements that would help alleviate traffic congestion and safety related issues. As included in Table 9-H of the TIA, and the DEIR, the project would be directly implementing circulation improvements around the project site and will be paying appropriate fees to the City for the future implementation of additional roadway widening and intersection improvements within the project study area when warranted. As demonstrated in the TIA, implementation of these improvements would help alleviate local congestion issues and provide safe access to local schools that are under the Clovis Unified School District (CUSD).

**Response Q-14:** The commenter provides a heading entitled: *“h. The DEIR’s Hydrology Analysis is Inadequate In That It Incorrectly Relies on Data Related to Hardpan.”* The commenter then provides several paragraphs supporting the statement.

- The hardpan concerns noted in this comment are addressed in Master Response 4, and 5.

**Response Q-15:** The commenter provides a heading entitled: *“i. The DEIR Hydrology Analysis is Inadequate in That if Fails to Take into Account Removal of the Pecan Trees at the Project Site that Dramatically Alter the Water Recharge Capabilities”* The commenter then provides several paragraphs supporting the statement.

- The water concerns noted in this comment are addressed in Master Response 4 and 5.

**Response Q-16:** The commenter provides a heading entitled: *“j. The DEIR Does Not Adequately Explain how the Project being Developed in a 100-year Flood Plain will not cause or trigger greater diversion of flood waters into neighboring communities, in particular the Quail Run community.”* The commenter then states the following:

*The DEIR recognizes that part of the Project lies within the 100-year flood zone (3.9-29). However, when it comes to addressing such fact, the DEIR proposes that the homes built within such zone will be “elevated to or above the base flood elevation”.*

*Woefully omitted, however, from its analysis is how the Project will impact the immediately surrounding community given the fact that substantial grading will be done to raise the development to the required elevation.*

*While the homes built in the Project will be above the floodzone, the earthworks involved to enable that simply means that water will be displaced and flow elsewhere—likely into the Quail Run community. Notably the Quail Run community does not have storm drains and the existing drainage basins on each 2-acre parcel were not designed to accommodate the flood run off from the Project.*

*The DEIR does not sufficiently detail and describe the impacts of flooding on the immediate neighborhoods.*

- Storm Drainage/Flooding is addressed in DEIR Section 3.9 Hydrology and Water Quality and in Section 3.14 Utilities. Specifically, Impact 3.9-5 presented on page 3.9-30 indicates that the majority of the Project site is located within the 500-year flood zone, and the northern and northeastern portion of the Project site is within the 100-year flood zone. It is noted that a small portion in the north of the Development Area is within the 100-year flood zone. The majority of the Development Area within the Project site is located in an area designated to have a minimal flood hazard. The DEIR indicates that flooding events can result in damage to structures, injury or loss of human and animal life, exposure of waterborne diseases, and damage to infrastructure. In addition, standing floodwater can destroy agricultural crops, undermine infrastructure and structural foundations, and contaminate groundwater. Page 3.9-31 indicates that the portions of the Project site that lie within the 100-year flood zone would require a Letter of Map Revision (LOMR) before development would be allowed. A LOMR is a document that officially revises a portion of the effective FEMA Flood Insurance Rate Map (FIRM) according to requirements and procedures outlined in the National Flood Insurance Program (NFIP) regulations. A LOMR allows FEMA to revise flood hazard information on a FIRM map via letter without physically revising and reprinting the entire map panel. The LOMR will reflect changes in elevation from grading and no flood insurance requirements would be imposed on structures in these areas once the LOMR is approved by FEMA. The LOMR process is a standard requirement for all new construction or substantial improvements of structures to ensure that they are elevated to or above the base flood elevation. Through compliance with these existing regulations, impacts would be less than significant. The runoff generated from the development of

the project site will flow to new storm drainage collection pipelines as required by the Fresno Metropolitan Flood Control District and runoff will be piped to Basin BY located on the west side of Sunnyside Avenue north of Perrin Avenue.

**Response Q-17:** The commentor provides a heading entitled: “*k. The DEIR Take an Impractical and Illogical Position on the Impact the Project Will Have on Neighborhood Schools.*” The commenter then states the following:

*The DEIR recognizes that “CUSD does not have existing capacity to accommodate projected students from new development.” (3.12-23). In particular, the DEIR notes that additional facilities will be needed by CUSD within the next 5 years. Notably, the CUSD does not own any school project sites within a reasonable distance from the Project. All these new children will have to flood into the existing schools which are already impacted.*

*Rather than discussing mitigation measures, the DEIR simply states that the development fees are sufficient. This is not careful or thoughtful planning. Having the funds to build schools is not the same as actually acquiring and building school properties.*

- The Draft EIR addresses schools in Section 3.12 Public Services and Recreation. Page 3.12-9 discusses the Clovis Unified School District (CUSD), which serves the Project Area. Page 3.12-22 provides an analysis of the Project’s impacts on schools. Here the DEIR indicates that the proposed Project is located within the service boundaries of the CUSD. The DEIR indicates that the Project site is nearest to Woods Elementary, approximately one mile southwest of the Project site, and Buchanan High School, approximately 1.7 miles southwest of the Project site.

The DEIR indicates that the proposed Project would directly cause population growth, including school-aged children that would attend the schools that serve the Project site and surrounding area. The DEIR then provides an estimate of the new students that would be generated by the Project (342 new students). The DEIR indicates that students within the Project site would most likely attend Woods Elementary and Buchanan High School, as they are the closest educational locations to the Project site, but notes that student placement is subject to CUSD’s determination.

The DEIR indicates that CUSD does not have existing capacity to accommodate projected students from new development and that CUSD will need additional school facilities during the next five years for approximately 2,339 students in grades TK-6, 496 students in grades 7-8, and 1,034 students in grades 9-12. The DEIR indicates that CUSD currently owns four elementary school sites (Fowler-McKinley, Minnewawa-Perrin, Minnewawa-International, and an elementary site in the Millerton Specific Plan Area) as well as the Bradley Educational Center site,

which would accommodate a future high school, intermediate school, and elementary school. The DEIR indicates that CUSD has school site capacity for all projected students in all grade levels, and thus no site acquisition costs are needed. The DEIR details the school fee system that collects money to be used for construction and reconstruction of school facilities, site development, relocatable classrooms on existing or future sites and other facilities necessitated by students generated by new development. The proposed Project is subject to those fees and will be appropriately paid to the CUSD for their use in providing school facilities under their State mandate.

**Response Q-18:** The commentor provides a heading entitled: *"I. The DEIR Does Not Address the Major Concerns of Creating a County Island of the Quail Run Community and the Impact of the Project's Odd, Illogical Shape."* The commenter then states the following:

*Noticeably absent from the DEIR is the fact that the Project will annex an irregular L-shaped plot of land, thereby creating a County island of the Quail Run community. The DEIR recognizes that when it comes to SOI changes, that such changes must create logical and orderly boundaries. However, it is wholly silent on the fact that the Project annexation creates an illogical and disorderly boundary.*

*Creating County islands is something the City and County have resisted for years for a host of justifiable reasons. And yet, the DEIR is conspicuously silent on any discussion of how the creation of a County island will actually impact that community.*

*For example, on its discussion of public resources and policing, the DEIR is careful to point out that development fees will be sufficient to enable Clovis PD to hire any additional police as may be needed to police the Project. However, this analysis completely misses and fails to address how the Project will impact public resources on the County island. It is without a doubt that with 605 new homes and residents, that the Quail Run community will face a major uptick in property crimes. And yet, when a resident of Quail Run calls for law enforcement—it is not Clovis PD which responds, but only the County Sheriff's Office. The County Sheriff's Office is already stretched thin and the creation of the County island will lead to increased response times.*

*Indeed, throughout the entire 626-page report, the DEIR only refers to the County Sheriff's office a single isolated instance. The DEIR is wholly inadequate as it ignores how crime and policing arising from the Project will impact the proposed County island.*

- Section 3.10-6 discusses annexations, including the role of Fresno LAFCo. Page 3.10-6 indicates that Fresno LAFCo is responsible for coordinating orderly reorganization to local jurisdictional boundaries, including annexations. Any annexation of the Project site to the City is subject to LAFCo approval, and LAFCo will review proposed annexations for consistency with LAFCo's Annexation Policies and Procedures.

The DEIR indicates that the proposed Project includes an amendment of the City's SOI to include the entirety the approximately 155-acre Project site. The area is currently located in the City's Planning Area, but outside of the City's SOI. The amendment of the City's SOI will require an application and approval by the Fresno LAFCo. The SOI amendment would be reviewed by the City and LAFCo prior to proceeding with the requested annexation. If the SOI Amendment is approved, the Project would then be able to begin the annexation process.

The DEIR indicates that the proposed Project includes the adoption of pre-zoning for the proposed annexation area, which will serve to regulate the uses of land and structures within the Project area. The Project site is currently located outside of the Clovis City limits, and therefore does not have City-designated zoning. The proposed Project includes a request for Development Area pre-zoning (which is consistent with the proposed General Plan Land Use designation). The pre-zoning request is for Single-Family Planned Residential Development Zoning (R-1-PRD) zoning designation over the Development Area lots. The R-1-PRD district is consistent with the proposed Medium-High Density Residential land use designation of the General Plan. The proposed City of Clovis zoning for the Project site is shown on Figure 2.0-9. The Project will be subject to the development standards as described in the Municipal Code. The Municipal Code is proposed to ensure consistency between land use and zoning designations.

The proposed annexation includes lands contiguous with the current City limits and parcels that would be within the expanded SOI. It is noted, though as the commenter indicates, that parcels proposed for annexation would involve the creation of an island of unincorporated territory to the south of the site. It is noted that LAFCo may approve an annexation that creates an island where it finds that the application of this policy would be detrimental to the orderly development of the community and that a reasonable effort has been made to include the island in the annexation, but that inclusion is not feasible at this time. The island area is designated as Focus Area 7 in the General Plan, and is located within the Herndon – Shepherd Specific Plan Area. The General Plan identifies Focus Area 7 for Residential Use, which would require all proposed projects within Focus Area 7 to be consistent with the Dry Creek Preserve Master Plan if it were to be annexed into the City. This area is currently within the SOI, but the property owners in Focus Area 7 do not currently desire to annex into the City. The City has continued to plan for orderly growth to the north of the City, including the area that includes the Project site.

**Response Q-19:** The commenter provides a heading entitled: *“m. The DEIR Fails to Consider the Prime Farmland Designation and Relies on Developers’ Self-Serving Statements that Farming is*

*No Longer Viable.*” The commenter then provides several paragraphs supporting the statement.

- The Draft EIR on page 3.2-16 indicates that the California Department of Conservation has designated approximately 63.60 acres of the Project site as Prime Farmland and 11.44 acres of the Project site as Farmland of Statewide Importance. This is reflected on Figure 3.2-1. Land designated as such generally consists of the qualities that make a site good farmland. However, the Draft EIR also indicates on page 3.2-16, that the California Department of Conservation notes that these designations do not necessarily reflect all relevant factors for agricultural production, and that they developed the Land Evaluation and Site Assessment (LESA) to evaluate the significance of the agricultural conversions such as what is proposed. The City utilized the LESA model to evaluate the site-specific characteristics more closely, and after evaluating the site-specific soil characteristics, project size, surrounding uses, agricultural protection zones, water resources availability, and ongoing economic feasibility of agricultural operations utilizing the LESA Model, the model showed that the conversion of the land on the Project site is not a significant impact according to the Department of Conservation thresholds. Therefore, implementation of the proposed Project would have a less than significant impact relative to agricultural conversion. This environmental conclusion considers site specific characteristics, such as the existence of a hardpan within the upper horizon of the soil profile (discussed in Master Response 4 and 5), the project size, surrounding urban uses, lack of agricultural protection zones in the zone of influence, lack of water resources, and ongoing economic feasibility of agricultural operations due to other factors. While farming has historically occurred on the Project site, and on adjacent properties before they too were developed, it currently is an economic challenge to farm the Project site based on the current circumstances of urbanization and an insecure water source for irrigation. The insecurity of groundwater under the Project site is well documented by citizens in the vicinity, and that insecurity of water is not limited to just the neighboring citizens, it applies to the agricultural operation also.

**Response Q-20:** The commentor provides a heading entitled: “*n. The Project Fails to Consider or Evaluate Impacts on Kit Fox Which Are Known to Exist Near the Project Area.*” The commenter then provides a paragraph supporting the statement.

- San Joaquin kit fox (SJKF) is addressed in the Draft EIR on page 3.4-11, and 3.4-28. The SJKF is a federally endangered and state threatened species. They generally inhabit saltbush scrub, grassland, oak, savanna, and freshwater scrub in the San Joaquin Valley, and adjacent open foothills to the west.

The Project site is characterized as frequently disturbed from active agricultural activities, and as a result, the Project site does not contain high quality habitat for the SJKF. The CDFW has not documented any SJKF within nine miles of the Project site. The field surveys did not reveal any dens on the Project site so there is no active, or recent past, occupation by SJKF. The historical agricultural activities and denser orchard canopy make this site not ideal. It is noted that there are other species of canids, including grey fox and coyote, that are more likely to occur in the vicinity, and it is possible that one was mistaken for a SJKF on the commenter's walk. There are no documented occurrences of a SJKF den in the vicinity, and it is not clear where such a transient SJKF in the vicinity would be traveling to and from. Overall, given the current condition of the Project site, and the absence of SJKF dens, development of the Project is anticipated to have a less than significant impact on SJKF. It is noted that the California Department of Fish and Wildlife has reviewed the Biological Chapter of the EIR and does not have issue with the analysis of SJKF.

**Response Q-21:** The commentor *provides a conclusion to the letter and states: "for the foregoing reasons, I urge the City to prepare and recirculate a revised DEIR addressing the above shortcomings."*

- There is nothing in the record that warrants a recirculation of a Draft EIR. The Draft EIR is an adequate informational document intended to describe the Project, analyze impacts, analyze alternatives, and present feasible mitigation to avoid, minimize, or mitigate an environmental impact. The Final EIR is intended to provide clarifications, and amplify the information that is already provided in the Draft EIR. The comment is noted and will be provided to the City for their consideration.

## NORMAN D. MORRISON IV

8195 North Sunnyside Avenue  
Clovis, CA 93619

September 4, 2023

City of Clovis  
Planning Division  
Attn: George González  
1033 Fifth Street  
Clovis CA 93612

**Re: Comments in Opposition to/regarding Shepherd North Draft EIR  
E202310000202**

Dear Mr. González:

This letter is submitted in response and opposition to the Draft Environmental Impact Report submitted by De Novo Planning Group on behalf of Leo Wilson and Wilson Homes for the “Shepherd North” proposal located at the intersection of Shepherd Avenue and Sunnyside Avenue. This letter is submitted on behalf of myself and numerous other concerned neighbors, most of whom live along Sunnyside Avenue and the streets connecting to Sunnyside, and whom will be directly affected by approval of the proposed project and the related impacts.

R-1

Initially, it is noted that the Notice of Availability states that any response must be received by the City by September 4, 2023. As you are aware, September 4, 2023, was a State and Federal Holiday, and the City’s offices were not open. We assume this was a calendaring oversight by the City. Further, it is noted that the Notice of Availability does not provide any address for submitting an electronic response. Accordingly, the deadline for submittals is extended to Tuesday, September 5, 2023, as it otherwise impermissibly shortens public response period. (*See Rominger v. County of Colusa* (2014) 226 Cal.App.4th 690, 707-708 (disapproved of on other grounds by *Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2019) 7 Cal.5th 1171, 1188-1194.)

R-2

A review of the proposed Draft Environmental Impact Report (DEIR) demonstrates that it is incomplete, flawed, reliant upon inapplicable and outdated information, internally contradictory, and where it does admit to significant impacts, it fails to discuss any methods of remedying these impacts. Additionally, portions of the DEIR are in conflict with the Dry Creek Preserve Master Plan and the ordinances of both the City of Clovis and the County of Fresno.

R-3

Accordingly, we request that the City reject the DEIR, and require Leo Wilson and Wilson Homes to submit an updated, corrected DEIR that adequately addresses the impacts associated with the proposed development on neighboring landowners and streets, as well as what mitigation measures Leo Wilson and Wilson Homes are willing to implement to address and mitigate the impacts they concede are unavoidable, significant, and arise from the proposed development.



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I. **The DEIR Fails to Adequately Analyze Traffic Impacts on Surrounding Streets, Which Are Already Deteriorating and Becoming Increasingly Unsafe and Dangerous Due to Previous Project Approvals Without Any Mitigation Measures; The DEIR Additionally Fails to Identify Any Mitigation Measures for Traffic on Adjacent Streets, and Relies On Outdated and Inaccurate Figures.**

As the City is well aware, traffic is a major issue on Sunnyside Avenue that has inexplicably repeatedly been neglected and ignored by the City of Clovis and the County of Fresno over recent years. Developments along both Sunnyside/Teague Avenue (Woodside Homes) and Shepherd Avenue (Heritage Grove and related developments) have resulted in a significant increase in not only the number of vehicles utilizing Sunnyside Avenue, but also the speed of these vehicles and the number of actual and near-accidents on this road, which will only be exacerbated by this project. Although the DEIR does not appear to specifically admit as such, the Shepherd North Project will inevitably rely upon Sunnyside Avenue as a primary, if not the primary, access road for Project homeowners and their guests and invitees to use to access the development. Yet this fact does not appear to have been considered or addressed in the DEIR.

In recent years, the number of near-misses that would have resulted in significant, potentially fatal, collisions along Sunnyside have increased. Although Sunnyside is a 45-MPH street and is striped “double-yellow,” this has not stopped non-residents of the area from attempting to pass over the double-yellow at high rates of speed, speeding well in excess of the posted speed limit, and engaging in road rage encounters with residents. Many of the residents along Sunnyside, my family included, have narrowly avoided potentially significant accidents by people who attempt to pass to the left over the double-yellow line while we are turning left into our driveways. Within the span of less than six months, my family experienced this situation on no less than four (4) separate occasions. Neighbors have had similar experiences, including on one occasion when someone attempted to pass a large trailer carrying expensive agricultural equipment while the other vehicle was turning left into a driveway. In addition, we regularly have near misses between vehicles and heavy equipment including garbage trucks that have to partially block the roadway in order to access and empty dumpsters. We have also had individuals pass vehicles by driving at high speeds into front yards and the dirt street frontage.

There have also been increasing amount of traffic collisions and near-collisions at the intersection of Sunnyside and Nees, which has been affected by the recent projects in the surrounding areas and which will be affected by this project. On numerous occasions, my family and our neighbors have nearly been broadsided at high speeds by individuals traveling east or west along Nees who fail to stop, “jackrabbit” the stop sign, or fail to yield to the drivers with the right of way. We are aware of numerous neighbors who have been involved in one or more accidents at this intersection. Yet again, the City has taken no action to resolve this dangerous intersection, and appears to have no concrete plans to do so beyond stating that a light may be installed at some unknown future point in time.

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This type of traffic, and these types of accidents, were extremely rare or non-existent prior to the City's approval of development in the surrounding area. Many of these drivers have been confirmed to be residents of the new developments (including Heritage Grove), or are using Sunnyside in an attempt to avoid the traffic restrictions along Clovis Avenue caused by the stops and traffic lights. During prior City Planning Commission and City Council meetings, individuals from outside of Clovis (including those living near and adjacent to the proposed Shepherd North project) have testified and admitted that they take Sunnyside because it is faster than the surrounding streets – due to the lack of traffic controls.

As a result of the increase in traffic, collisions, and near-collisions without any mitigation or enforcement being performed by the City and County, the residents along Sunnyside do not feel safe in allowing their family members, including their children, to walk to school, parks, or neighbors.

The DEIR additionally fails to identify or address the impact that the additional traffic associated with the project will have on those who are using Sunnyside Avenue for walking or bicycling, a significant concern in light of the City's significant investment in the Dry Creek Trailhead at Sunnyside and Nees. Although the DEIR discusses issues relating to future development of bicycle trails and sidewalks at the intersection of Sunnyside and Shepherd, along Sunnyside north of Shepherd, and along Shepherd Avenue, it does not identify how the impact that the additional traffic will have on pedestrians and bicyclists who are using Sunnyside Avenue between Nees and Shepherd. As there are no bicycle or pedestrian paths along this roadway (nor is there existing right of way for any future development of such pathways) along Sunnyside, bicyclists and pedestrians are forced to walk in the roadway, competing with high-speed vehicles passing by. It is expected that pedestrian and vehicular usage will increase in the future, due to the build-out of Woodside Homes' developments in the Dry Creek Preserve which will funnel these homeowners and their guests onto Sunnyside.

These facts are why it is deeply concerning that the DEIR concedes that the proposed project will add to existing forecasted deficiencies amongst the roadways in the area, including Sunnyside Avenue, but offers no realistic or identifiable methods of addressing or mitigating the increased traffic that will be associated with its project. It is anticipated that most, if not all, of the future residents of this project will utilize Sunnyside Avenue to travel to and from their homes. This will result in a significant, unavoidable impact on Sunnyside Avenue, which is (and is projected to remain) a narrow, two-lane roadway throughout the foreseeable future. This will also result in significant safety impacts upon students and their parents who are attempting to cross Sunnyside Avenue south of Nees, to get to and from Century Elementary, as there will be potentially thousands of additional vehicle trips associated with this development, between residents, delivery vehicles, service vehicles, visitors, and others each day.

The DEIR additionally fails to address the likelihood of what will occur in the event of future development along Sunnyside Avenue. Should a small number of additional residences or Accessory Dwelling Units be constructed along stretches of Sunnyside Avenue, by operation of law that portion of Sunnyside Avenue will be deemed a Residential District pursuant to Vehicle

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Code, section 515, which will also simultaneously reduce the maximum speed limit to 25 MPH. In the event this occurs, it will likely cause significant traffic impacts and backups, which are not addressed, contemplated, or planned for. It is noted that for some stretches of Sunnyside Avenue, the construction of as little as two ADU's, businesses, or residential structures will trigger this requirement. Once again, as Sunnyside Avenue is already identified as significantly impacted and will be further significantly impacted by this development, attention and consideration needs to be paid to this factor.

Finally, as also noted below, it does not appear that the traffic figures relied upon for the DEIR include or recognize the future growth and traffic load upon Sunnyside and the surrounding roadways associated with the numerous developments that have already been approved, much less those that have already been built. When the increased cumulative loads associated with these developments are factored in, there will be a critically significant, unmitigated and unaddressed increase in traffic on Sunnyside. Nor does it appear to address the existing exponential growth in traffic associated with morning and afternoon school commutes, which already backs traffic up from the stoplight at Minnewawa and Shepherd to nearly Sunnyside Avenue on a daily basis.

Accordingly, the DEIR is insufficient and flawed as it does not identify any mitigation measures that will be taken to address the proposed development. Among other things, the DEIR should identify what steps Leo Wilson and Wilson Homes will take to steer traffic to the roadways designed and intended to carry the bulk of the load – including Clovis Avenue and Fowler Avenue. It also fails to identify what steps Leo Wilson and Wilson Homes will take to address and mitigate the increased noise, traffic, danger, and other impacts associated with the volumetric increase of traffic on those who reside on Sunnyside Avenue and adjacent roads.

**II. The DEIR Fails to Adequately Analyze the Availability of Water Supplies for the Development, And Completely Fails to Identify, Address or Analyze the Unavoidable Loss of Recharge That Will Result From the Project and Its Effects on Neighboring Landowners.**

The construction of the proposed development will require the development and assignment of hundreds of acre-feet of potable water. The DEIR does not identify where this water will be sourced from, and the City's prior CEQA documents produced in connection with the Heritage Ranch project have conceded that those developments will result in the City having to resume overdrafting groundwater supplies.

On numerous occasions over the years, the issue of inadequate water supplies has been raised during meetings with the Clovis City Council in connection with other projects. Each time, the City has responded by providing vague statements about "water rights" to the Kings River supplies. Yet, the City has never identified the priority of the alleged Kings River water rights it relies upon. While the City may indeed have rights to significant amounts of Kings River water rights, such water rights are of little to no use if they are junior to numerous other rights and the water will only be available in the rare, infrequent high water years. Similarly,

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contracts with FID have little use if FID does not possess adequate water to supply its existing shareholders and/or imposes restrictions or shortened water supplies – as has been the case in numerous prior years.

The DEIR appears to rely upon the City’s Urban Water Management Plan and other documents, none of which clearly identify the City’s actual legal rights to discrete, identifiable water supplies. This fact, combined with the fact that the City has relied upon this same bundle of water rights to approve numerous large developments over recent years, calls into question whether there is adequate water to supply this development. This fact must be identified with precision at this point, as once the development is approved and construction begins the City will be required to supply water – even if this results in significant overdrafts affecting nearby users.

The DEIR also fails to address the loss of water recharge associated with the development of the project. Historically, the water used to irrigate the orchard has percolated down and assisted in replenishing the underground aquifers relied upon by those who live nearby. When the acreage is developed into housing, this recharge supply is irrevocably lost, affecting nearby lands. This is due to the hardscaping of the land for residential purposes, the loss of irrigation, and rainwater and other runoff, as well as water supplies used on the property, now being channeled and transported away from the property and discharged somewhere else.

This loss of water supply is especially critical and significant to neighboring landowners in this area. The Shepherd North project area is well known for rapidly depleting groundwater due to excess pumping (including that pumped by the City to supply its residents and businesses), climate change, and diversion of traditional recharge supplies. This has resulted in many wells supplying nearby residences either going dry, having to be re-drilled or deepened, or losing capacity. As a result of these factors, many homeowners have had to spend tens of thousands of dollars in drilling or improving their wells in an attempt to eke out a few gallons-per-minute in flow, or hiring water deliveries to their home. The proposed development will significantly and unavoidably increase and accelerate these losses, yet no mitigation is identified or discussed. Moreover, the City has traditionally demonstrated that it is not willing to assist the homeowners directly affected by these losses by extending water supplies to them, with one (former) City Councilmember essentially stating that the City didn’t have to do anything.

Accordingly, the DEIR needs to identify the loss of groundwater recharge, the source and priority of the water that will be used to supply the project, and what steps will be taken to mitigate the loss of recharge and increased groundwater pumping relating to this project.

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**III. DEIR Fails to Adequately Analyze or Address the Loss of Prime Farmland and Species Habitat Associated with the Project, or Any Mitigation Measures**

Interestingly, the DEIR briefly acknowledges that this project will result in the loss of prime farmland. Yet after acknowledging this fact, the DEIR fails to identify any mitigation measures, and instead seeks to “switch the subject” by discussing other factors.

There is no mistake or dispute that the Shepherd North project location consists of prime farmland. Prior to Leo Wilson and Wilson Homes’ recent clearcutting of the property location, the location had been used to grow crops for decades. It was known for producing a variety of tree crops, and these tree crops also supported a variety of wildlife and other species.

The DEIR should identify what steps Leo Wilson and Wilson Homes will take to mitigate the permanent loss of this prime farmland, whether that be by funding a conservation easement over other prime farmland (and not sub-prime lands) to preserve such lands, or other steps. Additionally, the DEIR should identify in detail how the endangered species that are known, and documented, to live in the project area will be protected both now in the future. Alternatively, approval of the project by the City and construction of the development by Leo Wilson and Wilson Homes would likely constitute a violation of both Federal and State laws relating to the preservation of endangered and threatened species.

In addition to discussing the mitigation measures for endangered and threatened species, the DEIR should identify what steps Leo Wilson and Wilson Homes will take to address the loss of habitat for a variety of other wildlife, ranging from avian species (including hawks, owls, and other birds), mammals, reptiles, and other species. Due to the development, those of us who have property in the area are increasingly finding that our property is becoming the subject of attacks by predators, as well as occupied by other animals, that have been displaced due to development and human habitation. This development will further this pattern of shifting the burden and costs of dealing with these species onto other landowners. Accordingly, the DEIR should identify these issues and identify mitigation measures that will be taken to address them.

**IV. The DEIR Fails to Adequately Identify, Analyse and Identify Mitigation for Cumulative Impacts**

Finally, the DEIR fails to adequately address the cumulative impacts that this project will have in connection and combination with the other various projects that have previously been approved in the area, including those which have already been constructed. California law required that the DEIR identify the cumulative impact that a project will have in connection with other nearby projects, as well as potential future projects (which would include the additional property which it is widely known Leo Wilson and Wilson Homes intends to develop at a future point in time.)

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Among other things, the DEIR must discuss the cumulative impact that this project will have, in combination with other previously approved projects, on traffic, water, species, loss of prime farmland, noise, pollution, and the need for additional services. Accordingly, this project cannot be considered in isolation. The DEIR must include an analysis of how this project will add, for example, to the increased traffic loads resulting from the approval of Heritage Grove, Woodside Homes, and the other projects approved near this intersection. Yet, it does not.

Accordingly, the DEIR is insufficient and flawed.

For all of these reasons we request that the City of Clovis reject the proposed DEIR, and require Leo Wilson and Wilson Homes to update, revise, and re-submit a DEIR that adequately addresses these issues, as well as identifying what mitigation measures are available and will be implemented to address the unavoidable impacts.

I further request to be copied on all future communications, filings, and developments regarding this DEIR.

Thank you for your attention to this matter.

*Norman D. Morrison IV*

R-7 Cont.

**Response to Letter R: Norman D. Morrison IV, Attorney**

**Response R-1:** The comment serves as an introduction to the comment letter. The commenter states: *“This letter is submitted in response and opposition to the Draft Environmental Impact Report submitted by De Novo Planning Group on behalf of Leo Wilson and Wilson Homes for the “Shepherd North” proposal located at the intersection of Shepherd Avenue and Sunnyside Avenue. This letter is submitted on behalf of myself and numerous other concerned neighbors, most of whom live along Sunnyside Avenue and the streets connecting to Sunnyside, and whom will be directly affected by approval of the proposed project and the related impacts.”*

- This comment is noted. The comment does not raise any CEQA concerns and no further response to this comment is warranted in the EIR.

**Response R-2:** The commentor states: *“Initially, it is noted that the Notice of Availability states that any response must be received by the City by September 4, 2023. As you are aware, September 4, 2023, was a State and Federal Holiday, and the City’s offices were not open. We assume this was a calendaring oversight by the City. Further, it is noted that the Notice of Availability does not provide any address for submitting an electronic response. Accordingly, the deadline for submittals is extended to Tuesday, September 5, 2023, as it otherwise impermissibly shortens public response period. (See Rominger v. County of Colusa (2014) 226 Cal.App.4th 690, 707-708 (disapproved of on other grounds by Union of Medical Marijuana Patients, Inc. v. City of San Diego (2019) 7 Cal.5th 1171, 1188-1194.)”*

- To clarify, the City did establish the 45-day review period for the EIR in accordance with the statutory mandate. During the review period, however, it was discovered that the public review end date would fall on a holiday. Once this was recognized, the City extended the public review period an extra day (46 days total review) to ensure that there was additional time beyond the holiday to receive comments. It is noted that the City received an additional letter on September 6, 2023. Despite the fact that the letter was submitted after the close of the comment period, it was accepted by the City and included in the Final EIR. As shown in the Table 2.0-1, there were five comment letters received dated September 5<sup>th</sup>, and one comment letter dated September 6<sup>th</sup>. This reflects the City’s extension of the review period. It is also noted that the commenter’s letter is dated September 4, 2023, but was submitted electronically to the City on September 5, 2023. In accordance with the City’s extension, the commenter’s letter is included in the Final EIR. It is also noted that the State Clearinghouse database (CEQAnet) reflects a public review end date of September 5, 2023.

**Response R-3:** The commentor states: *“A review of the proposed Draft Environmental Impact Report (DEIR) demonstrates that it is incomplete, flawed, reliant upon inapplicable and outdated*

*information, internally contradictory, and where it does admit to significant impacts, it fails to discuss any methods of remedying these impacts. Additionally, portions of the DEIR are in conflict with the Dry Creek Preserve Master Plan and the ordinances of both the City of Clovis and the County of Fresno.*

*Accordingly, we request that the City reject the DEIR, and require Leo Wilson and Wilson Homes to submit an updated, corrected DEIR that adequately addresses the impacts associated with the proposed development on neighboring landowners and streets, as well as what mitigation measures Leo Wilson and Wilson Homes are willing to implement to address and mitigate the impacts they concede are unavoidable, significant, and arise from the proposed development.”*

- This comment is noted. The assertions and opinions provided in these paragraphs will be provided to the City for their consideration, however, they do not require a direct response under this response.

**Response R-4:** The commentor states: *“The DEIR Fails to Adequately Analyze Traffic Impacts on Surrounding Streets, Which Are Already Deteriorating and Becoming Increasingly Unsafe and Dangerous Due to Previous Project Approvals Without Any Mitigation Measures; The DEIR Additionally Fails to Identify Any Mitigation Measures for Traffic on Adjacent Streets, and Relies On Outdated and Inaccurate Figures.”* This statement is then followed numerous paragraphs providing support for their statement.

- A few of the concerns in this comment are addressed in Master Response 8, 9, and 11. The TIA includes contribution of traffic from all future developments that would add traffic to the TIA study area. As such, the traffic improvements recommended as part of this study accounts for cumulative traffic impact from all future projects, as well as the proposed project. Additionally, the traffic analysis takes into consideration the effects of school traffic under existing and future long-range conditions. The improvements proposed in the study would help address the traffic congestion issues from all future developments, as well as school related traffic within the project vicinity. This includes both vehicular and non-motorized traffic issues as described in the TIA.

Currently, there is no signalized control along Sunnyside Avenue between Behymer Avenue and Alluvial Avenue. Among the major intersections along this corridor, the intersection of Sunnyside Avenue/Shepherd Avenue is an all-way stop-controlled intersection, Sunnyside Avenue/Teague Avenue is a two-way stop-controlled intersection, and Sunnyside Avenue/Nees Avenue is an all-way stop-controlled intersection.

As included in the TIA, signals have been proposed at the intersection of Sunnyside Avenue/Shepherd Avenue, and Sunnyside Avenue/Nees Avenue, along



with other improvements at these locations. As such, with implementation of these signals along this corridor, the corridor is anticipated to experience improved traffic flow, and alleviate current safety concerns. This is after accounting for the traffic from the project and other adjacent projects in the vicinity. Both signals are in the City's Development Impact Fee program and the City will be implementing these improvements.

The project will also be implementing several project design features that will help eliminate gaps in the pedestrian circulation network around the project site. As part of project frontage improvement, the project will be constructing sidewalks, curb and gutter along Sunnyside Avenue and Shepherd Avenue, Fordham Avenue, and Heirloom Avenue and dedicate space for bike lanes along Shepherd Avenue. Additionally, installing signals with pedestrian crossings have been recommended to enhance, pedestrian safety in the neighborhood. This includes a signal that has been proposed at the intersection of Sunnyside Avenue/Shepherd Avenue (southwest corner of the project site), which will help pedestrians accessing the Dry Creek trailhead safely with designated crosswalks at this location.

In addition, Shepherd Avenue will be constructed curb to curb between Sunnyside and Fowler Avenue including a trail/sidewalk along the north side of Shepherd Avenue and bike lanes along this segment of Shepherd Avenue. This will enhance both vehicular safety and pedestrian safety along this corridor.

The project proposes to connect to the existing roundabout at the northerly project location along Sunnyside Avenue. Additionally, sidewalks and bike lanes will be constructed along the project frontage on Shepherd Avenue, Sunnyside Avenue, and Fordham Avenue. Addition of these project design features would help in traffic calming as well as enhance safety around the project site.

The project will be implementing several project design features around the project site that will improve safety for children. As part of project frontage improvement, the project will be constructing sidewalks, curb and gutter along Sunnyside Avenue, Shepherd Avenue, Heirloom Avenue, and Fordham Avenue, and dedicate space for bike lanes along Shepherd Avenue. Additionally, installing signals with pedestrian crossings at the intersection of Sunnyside Avenue/Shepherd Avenue (southwest corner of the project site), will help pedestrians accessing the Dry Creek trailhead safely with designated crosswalks at this location. As such, implementation of the signal and said sidewalks would help address speeding and safety issues along these corridors.

**Response R-5:** The commentor states: *“The DEIR Fails to Adequately Analyze the Availability of Water Supplies for the Development, And Completely Fails to Identify, Address or Analyze the*

*Unavoidable Loss of Recharge That Will Result From the Project and Its Effects on Neighboring Landowners.*” This statement is then followed numerous paragraphs providing support for their statement.

- This comment regarding water is addressed under Master Response 3, 4, and 5.

**Response R-6:** The commentor states: *“DEIR Fails to Adequately Analyze or Address the Loss of Prime Farmland and Species Habitat Associated with the Project, or Any Mitigation Measures.”* This statement is then followed numerous paragraphs providing support for their statement.

- The Draft EIR on page 3.2-16 indicates that the California Department of Conservation has designated approximately 63.60 acres of the Project site as Prime Farmland and 11.44 acres of the Project site as Farmland of Statewide Importance. This is reflected on Figure 3.2-1. Land designated as such generally consists of the qualities that make a site good farmland. However, the Draft EIR also indicates on page 3.2-16, that the California Department of Conservation notes that these designations do not necessarily reflect all relevant factors for agricultural production, and that they developed the Land Evaluation and Site Assessment (LESA) to evaluate the significance of the agricultural conversions such as what is proposed. The City utilized the LESA model to evaluate the site-specific characteristics more closely, and after evaluating the site-specific soil characteristics, project size, surrounding uses, agricultural protection zones, water resources availability, and ongoing economic feasibility of agricultural operations utilizing the LESA Model, the model showed that the conversion of the land on the Project site is not a significant impact according to the Department of Conservation thresholds. Therefore, implementation of the proposed Project would have a less than significant impact relative to agricultural conversion. This environmental conclusion considers site specific characteristics, such as the existence of a hardpan within the upper horizon of the soil profile, the project size, surrounding urban uses, lack of agricultural protection zones in the zone of influence, lack of water resources, and ongoing economic feasibility of agricultural operations due to other factors. While farming has historically occurred on the Project site, and on adjacent properties before they too were developed, it currently is an economic challenge to farm the Project site based on the current circumstances of urbanization and an insecure water source for irrigation. The insecurity of groundwater under the Project site is well documented by citizens in the vicinity, and that insecurity of water is not limited to just the neighboring citizens, it applies to the agricultural operation also.
- Species habitat is addressed in Section 3.4 Biological Resources. Page 3.4-4 through 3.4-12 provide a discussion of the types of habitats found on the Project site and the vicinity, as well as an extensive list of special status species that are

documented within a nine-quad search radius of the California Natural Diversity Database. Impact 3.4-1 through 3.4-5 include an analysis of the potential for impacts on special status species and their habitats. Where potential impacts were identified, mitigation was presented (i.e., Mitigation Measure 3.4-1 and 3.4-2). Impacts 3.4-6 through 3.4-8 include an analysis of the potential for impacts on certain habitats such as wetlands, riparian, sensitive natural communities, wildlife corridors, and wildlife nursery sites.

**Response R-7:** The commentor states: *“The DEIR Fails to Adequately Identify, Analyze and Identify Mitigation for Cumulative Impacts.”* This statement is then followed numerous paragraphs providing support for their statement.

- A cumulative analysis is presented in Section 4.0 Other CEQA-Required Topics. The analysis begins on Page 4.0-1 under the heading *“4.1 Cumulative Setting and Impact Analysis”*. The discussion starts with an Introduction on page 4.0-1, and a Cumulative Setting on page 4.0-2. The Method of Analysis is described on page 4.0-2 through 4.0-3. Here, the DEIR states *“There are two approaches to identifying cumulative projects and the associated impacts. The list approach identifies individual projects known to be occurring or proposed in the surrounding area in order to identify potential cumulative impacts. The projection approach uses a summary of projections in adopted General Plans or related planning documents to identify potential cumulative impacts. This EIR uses the projection approach for the cumulative analysis and considers the development anticipated to occur upon buildout of the various General Plans in the area.”* Page 4.0-3 through 4.0-26 presents a Cumulative Analysis with 26 different impact statements covering all CEQA environmental topics, including traffic, water, species, loss of prime farmland, noise, pollution, and the need for additional services. It is noted that the traffic analysis does consider a cumulative scenario, which is reflected in the modeling and output data. It is noted that Impact 4.20: Under Cumulative conditions, Project development would result in VMT increases that are greater than 87 percent of Baseline conditions. This was identified as a significant and unavoidable impact in the cumulative impact analysis.

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

**California Department of Transportation**

DISTRICT 6 OFFICE  
 1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616  
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September 5, 2023

FRE-168-R7.805  
 DEIR -Draft EIR  
 DEIR for the Shepherd North project  
 SCH# 2022050180

<https://ld-igr-gts.dot.ca.gov/district/6/report/26417>

**SENT VIA EMAIL**

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

Dear Mx. Gonzalez:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the Shepherd North Project, which proposes to develop approximately 155 acres of land for the construction of 605 single-family residential units and parkland that is currently outside the City of Clovis' city limits. The project is approximately 2 miles north of the State Route (SR) 168 and Fowler Avenue interchange and 2.3 miles northeast of the SR 168 and Herndon Avenue interchange.

The project was previously reviewed as part of the Notice of Preparation (NOP) of a DEIR, a Scope of Work (SOW) for a Transportation Impact Analysis (TIA), and as Tentative Tract Map 6205 (including associated entitlements) with our office providing comment letters dated June 10, 2022, June 22, 2022, and August 15, 2023 respectively. All previous comment letters still apply to this project.

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

1. It is projected that the project will significantly impact the SR 168 and Herndon Avenue interchange eastbound (EB) ramps. The eastbound off-ramps will be impacted by the proposed project due to the substantial amount of queue storage it currently projects during the near-term PM peak hour traffic. The utilization of the left-turn lanes on Herndon Avenue heading north onto Clovis Avenue will lead to congestion on the SR 168 and Herndon Avenue off-ramps. **It is recommended that the median island on Herndon Avenue be modified to allow for increasing the storage capacity on Herndon Avenue's left turn lane onto Clovis Avenue which will help alleviate queuing on the SR 168 EB off-ramp.**

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

S-1

S-2

George Gonzalez, DEIR for the Shepherd North project  
 September 5, 2022  
 Page 2

2. It is expected that operational issues may arise with the SR 168 and Fowler Avenue westbound (WB) ramps. Based on the queuing analysis conducted for the morning peak hours in 2028, there seems to be no specific lane allotted for making right turns. However, the TIA projects that vehicles will turn right onto SR 168 and head west. This could potentially cause a backlog in the southbound (SB) through-lane on Fowler Avenue for right-turn users. **It is recommended that the City consider proposing a designated right-turn lane in the future to alleviate the anticipated issue.** S-3

3. **The project proponent should be responsible for optimizing signal timing, along with construction of all improvements that are identified within the State right-of-way (ROW), including but no limited to roadway pavement improvements, curb, gutter, sidewalks, driveways, and drainage facilities.** S-4

4. The DEIR notes that the project would have Significant and Unavoidable Impact regarding the vehicle miles traveled (VMT). The project intends to implement design features to help reduce project VMT which include pedestrian infrastructure, improve street connectivity, bicycle infrastructure/improvements, and provide electric vehicle (EV) parking and EV charging infrastructure. We highly encourage the project proponents incorporate the VMT mitigation strategies that were identified and to work closely with local Transit Agencies and the City in finding opportunities to improve multimodal transportation and help mitigate the VMT impacts. S-5

5. As mentioned in the previous comment letter on prior phases of the project and given the VMT impact identified in the DEIR, we recommend the City consider creating a VMT Mitigation Impact Fee to help reduce potential impacts of projects on the local roads and the State Highway System. **It is also recommended that the City consider incorporating the identified road improvements into the City's existing impact fee programs.** S-6

6. An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. The Streets and Highways Code Section 670 provides Caltrans discretionary approval authority for projects that encroach on the State Highway System. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." Encroachment permits do not run with the land. A change of ownership requires a new permit application. Only the legal property owner or his/her authorized agent can pursue obtaining an encroachment permit. S-7

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

George Gonzalez, DEIR for the Shepherd North project  
September 5, 2022  
Page 3

7. Prior to an encroachment permit application submittal, the project proponent is required to schedule a "Pre-Submittal" meeting with District 6 Encroachment Permit Office. To schedule this meeting, please call the Caltrans Encroachment Permit Office - District 6: 1352 W. Olive, Fresno, CA 93778, at **(559) 488-4058**

**Please review the permit application - required document checklist at:**

<https://forms.dot.ca.gov/v2Forms/servlet/FormRenderer?fmid=TR0402&distpath=MAOT&brapath=PERM>

**Please also review the permit application - processing checklist at:**

<https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/tr-0416-a11y.pdf>

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

S-8

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

**Response to Letter S: David Padilla, California Department of Transportation**

**Response S-1:** The commentor provides a brief introduction to the letter.

- This comment is noted. The DEIR and the TIA has addressed all previous California Department of Transportation (Caltrans) comments.

**Response S-2:** The commentor states the following:

*“1. It is projected that the project will significantly impact the SR 168 and Herndon Avenue interchange eastbound (EB) ramps. The eastbound off-ramps will be impacted by the proposed project due to the substantial amount of queue storage it currently projects during the near-term PM peak hour traffic. The utilization of the left-turn lanes on Herndon Avenue heading north onto Clovis Avenue will lead to congestion on the SR 168 and Herndon Avenue off-ramps. It is recommended that the median island on Herndon Avenue be modified to allow for increasing the storage capacity on Herndon Avenue’s left turn lane onto Clovis Avenue which will help alleviate queuing on the SR 168 EB off-ramp.”*

- There is currently 240-foot storage for the dual eastbound left-turn lanes at the intersection of Clovis Avenue/Herndon Avenue. Although an extension of the storage may improve level of service, congestion is not a traffic impact following the enactment of SB 743. The City’s Circulation Element also does not contemplate a particular length of storage for the left-turn lanes, and the Project is otherwise consistent with the City’s Circulation Element. As a result, the storage as currently contemplated would not result in a potentially significant environmental effect. Further, due to geometric constraints, it is not feasible to extend the storage lanes further nor would further storage result in a material difference in congestion.

**Response S-3:** The commentor states the following:

*“2. It is expected that operational issues may arise with the SR 168 and Fowler Avenue westbound (WB) ramps. Based on the queuing analysis conducted for the morning peak hours in 2028, there seems to be no specific lane allotted for making right turns. However, the TIA projects that vehicles will turn right onto SR 168 and head west. This could potentially cause a backlog in the southbound (SB) through-lane on Fowler Avenue for right-turn users. It is recommended that the City consider proposing a designated right-turn lane in the future to alleviate the anticipated issue.”*

- Comment noted. Based on the summary of levels of service (LOS) analysis included in chapters 8 and 9 of the TIA, this intersection is forecast to operate at a satisfactory LOS under existing, Near-term, and Cumulative conditions under both without and plus project conditions. The City will coordinate with Caltrans for further assessment in determination of requirements of a designated southbound right-turn lane at this location.

**Response S-4:** The commentor states the following:

*“3. The project proponent should be responsible for optimizing signal timing, along with construction of all improvements that are identified within the State right-of-way (ROW), including but no limited to roadway pavement improvements, curb, gutter, sidewalks, driveways, and drainage facilities.”*

- The TIA evaluated the following four intersections under the jurisdiction of Caltrans:
  - SR-168 Westbound Ramps/Herndon Avenue
  - SR-168 Eastbound Ramps/Herndon Avenue
  - Fowler Avenue/SR-168 Westbound Ramps, and
  - Fowler Avenue/SR-168 Eastbound Ramps.
- Among these four intersections, except for the intersection of Fowler Avenue/SR-168 Eastbound Ramps, all other intersections are forecast to operate satisfactorily under all scenarios. The intersection of Fowler Avenue/SR-168 Eastbound Ramps is currently operating at a deficient LOS and is forecast to deteriorate further in future as shown in Tables 8-A, 8-C, and 8-E of the TIA. As such, the project does not create any new operational deficiency at this location, rather adds to the existing or forecasted deficiency at this location. Therefore, as included in Table 9-H of the TIA, the project will be paying its fair share for the recommended improvements at this intersection through the RTMF fee described below. The City will be coordinating with Caltrans to schedule projects with the Regional Transportation program.

The Fresno County Regional Transportation Mitigation Fee (RTMF) was created to fulfill one of the terms of the Measure “C” extension ballot measure, which was approved by Fresno County voters in 2006. The RTMF became effective on January 1 2010. The RTMF is “intended to ensure that future development contributes to its fair share towards the cost of infrastructure to mitigate the cumulative, indirect regional transportation impacts of new growth in a manner consistent with the provisions of the State of California Mitigation Fee Act.” The fees help fund improvements needed to maintain the target level of service in the face of higher traffic volumes brought on by new developments. As such, any new development within Fresno County, including developments within the City are required to pay the RTMF fee based on the adopted fee structure. The proposed project would be required to pay the RTMF fee to fund improvements and maintenance of the regional roadway network.

**Response S-5:** The commentor states the following:



4. *The DEIR notes that the project would have Significant and Unavoidable Impact regarding the vehicle miles traveled (VMT). The project intends to implement design features to help reduce project VMT which include pedestrian infrastructure, improve street connectivity, bicycle infrastructure/improvements, and provide electric vehicle (EV) parking and EV charging infrastructure. We highly encourage the project proponents incorporate the VMT mitigation strategies that were identified and to work closely with local Transit Agencies and the City in finding opportunities to improve multimodal transportation and help mitigate the VMT impacts."*

- Comment noted. The project will implement feasible VMT reduction strategies as included in section 2 of the TIA. Additionally, the project applicant will coordinate with the City with regards to implementation of these VMT reduction strategies.

**Response S-6:** The commentor states the following:

5. *As mentioned in the previous comment letter on prior phases of the project and given the VMT impact identified in the DEIR, we recommend the City consider creating a VMT Mitigation Impact Fee to help reduce potential impacts of projects on the local roads and the State Highway System. It is also recommended that the City consider incorporating the identified road improvements into the City's existing impact fee programs."*

- Comment noted.

**Response S-7:** The commentor states the following:

6. *An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. The Streets and Highways Code Section 670 provides Caltrans discretionary approval authority for projects that encroach on the State Highway System. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." Encroachment permits do not run with the land. A change of ownership requires a new permit application. Only the legal property owner or his/her authorized agent can pursue obtaining an encroachment permit."*

- Comment noted. The project applicant will coordinate with Caltrans staff to obtain necessary encroachment permits in case the project is implementing any improvement within Caltrans right-of-way.

**Response S-8:** The commentor states the following:

*7. Prior to an encroachment permit application submittal, the project proponent is required to schedule a "Pre-Submittal" meeting with District 6 Encroachment Permit Office. To schedule this meeting, please call the Caltrans Encroachment Permit Office - District 6: 1352 W. Olive, Fresno, CA 93778, at (559) 488-4058"*

- Comment noted. The project applicant will coordinate with Caltrans staff for scheduling a pre-submittal meeting.

**smcmurtry@denovoplanning.com**

---

**Subject:** FW: [External] Objections to Proposed Wilson Development at Shepherd and Sunnyside Avenues

---

**From:** Jacqueline Ruiz <[jacquelin Ruiz@me.com](mailto:jacquelin Ruiz@me.com)>

**Sent:** Tuesday, September 5, 2023 4:27 PM

**To:** George Gonzalez <[georgeg@ci.clovis.ca.us](mailto:georgeg@ci.clovis.ca.us)>

**Cc:** Matt <[mattruiz85@gmail.com](mailto:mattruiz85@gmail.com)>

**Subject:** [External] Objections to Proposed Wilson Development at Shepherd and Sunnyside Avenues

Mr. Gonzalez,

My name is Jacqueline Ruiz and I have lived in the Quail Run development with my family since 2017. My husband and I purchased our home on East Lexington Avenue because we wanted to raise a family in a country setting. The Quail Run neighborhood was the perfect place for us to start our family.

When we bought our property, we were surrounded by orchards, which provided a beautiful rural setting. We are now adjacent to major development from Lennar. Additionally, the pecan trees behind our home are being taken out.

We have attended many meetings over the years to voice our concerns about the development and water, as these new development projects have continued around our neighborhood.

Our main concern with the latest proposed project by Wilson Homes is water. We have drilled new wells and had very minimal success in finding any water. Construction around our neighborhood will have a negative impact on our home as the new development will decrease available undeveloped land for groundwater recharge. Our Quail Run neighborhood on county land has relied on natural processes of replenishing our underground water supply for 30+ years. If this next phase of development is allowed to proceed to the south and east of us, we will be an isolated island. Access to water will be more of a challenge and more cost. My family and my neighbors moved to this development to get away from the city, but the city is now in our backyards. We will soon be staring at cinder block fences and 2 story houses that are 10 feet apart. Not to mention the noise and light pollution that will most definitely impact our home, as it borders the proposed Wilson Development. Particularly the green space park that is situated directly south of our property.

However, because water is our main concern, we would ask for a resolution or agreement between the developers and the officials who are elected to represent us to give us an easy and cost-effective option for access to city water.

T-1

T-2

Clearly, our number one wish would be for no more development, but we understand that development is a necessary part of the growth of Clovis. We feel that a compromise should be made to provide access to water at a reasonable cost, and with assistance from Wilson Homes, as we will be subject to many extremely negative factors including increases in noise, light, traffic, and high density housing directly adjacent to our property.

Thank you,

Jacqueline and Matthew Ruiz  
5141 East Lexington Avenue  
Clovis, CA 93619

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T-3

**Response to Letter T: Jacqueline and Matthew Ruiz 2, Residents of Clovis**

**Response T-1:** The commentor states the following: *“My name is Jacqueline Ruiz and I have lived in the Quail Run development with my family since 2017. My husband and I purchased our home on East Lexington Avenue because we wanted to raise a family in a country setting. The Quail Run neighborhood was the perfect place for us to start our family.*

*When we bought our property, we were surrounded by orchards, which provided a beautiful rural setting. We are now adjacent to major development from Lennar. Additionally, the pecan trees behind our home are being taken out.*

*We have attended many meetings over the years to voice our concerns about the development and water, as these new development projects have continued around our neighborhood.”*

- This comment serves as an introductory statement and is noted. The commenters concerns are more fully detailed in the following comments.

**Response T-2:** The commentor states the following: *“Our main concern with the latest proposed project by Wilson Homes is water. We have drilled new wells and had very minimal success in finding any water. Construction around our neighborhood will have a negative impact on our home as the new development will decrease available undeveloped land for groundwater recharge. Our Quail Run neighborhood on county land has relied on natural processes of replenishing our underground water supply for 30+ years. If this next phase of development is allowed to proceed to the south and east of us, we will be an isolated island. Access to water will be more of a challenge and more cost. My family and my neighbors moved to this development to city get away from the city, but the city is now in our backyards. We will soon be staring at cinder block fences and 2 story houses that are 10 feet apart. Not to mention the noise and light pollution that will most definitely impact our home, as it borders the proposed Wilson Development. Particularly the green space park that is situated directly south of our property.”*

- The comment regarding water is addressed under Master Response 4 and 5. The comment regarding noise is addressed under Master Response 17. The comment regarding light is addressed under Master Response 18. The comment regarding green space park is addressed under Master Response 16. The comment regarding their concern with two story houses backing up to their house is noted. The project, however, is not proposed as a pre-plotted subdivision that identifies specific housing architecture or floor plans on each lot. For example, we do not have any knowledge of whether a one- or two-story residence would be built adjacent to the commenter’s residence. The zoning code dictates the development standards for zones throughout the City and it will dictate the standards that apply to the proposed subdivision. One- and two-story residences are allowed up to the height limits defined in the zone. The concept of limiting

the height of homes adjacent to the commenter's residence can be presented as a concept for the Applicant to consider, but City's zoning code does not restrict the height to a one story. This concern does not present an environmental impact pursuant to CEQA.

Master Response 14 provides detailed discussion of annexation. The proposed annexation includes lands contiguous with the current City limits and parcels that would be within the expanded SOI. It is noted that parcels proposed for annexation would involve the creation of an island of unincorporated territory to the south of the site. It is noted that LAFCo may approve an annexation that creates an island where it finds that the application of this policy would be detrimental to the orderly development of the community and that a reasonable effort has been made to include the island in the annexation, but that inclusion is not feasible at this time. The island area is designated as Focus Area 7 in the General Plan, and is located within the Herndon – Shepherd Specific Plan Area. The General Plan identifies Focus Area 7 for Residential Use, which would require all proposed projects within Focus Area 7 to be consistent with the Dry Creek Preserve Master Plan if it were to be annexed into the City. This area is currently within the SOI, but the property owners in Focus Area 7 do not currently desire to annex into the City. The City has continued to plan for orderly growth to the north of the City, including the area that includes the Project site.

**Response T-3:** The commentor states the following: *“However, because water is our main concern, we would ask for a resolution or agreement between the developers and the officials who are elected to represent us to give us an easy and cost-effective option for access to city water. Clearly, our number one wish would be for no more development, but we understand that development is a necessary part of the growth of Clovis. We feel that a compromise should be made to provide access to water at a reasonable cost, and with assistance from Wilson Homes, as we will be subject to many extremely negative factors including increases in noise, light, traffic, and high density housing directly adjacent to our property.”*

- The comment regarding water is addressed under Master Response 3, 4 and 5. The comment regarding the provision of City water services is addressed under Master Response 14. The comment regarding noise is addressed under Master Response 17. The comment regarding light is addressed under Master Response 18. The comment regarding green space park is addressed under Master Response 16. The comment regarding housing directly adjacent to their property is addressed under Response T-2. Concerns regarding the provision of City utility services are addressed in Master Response 14. The overall concerns are noted and will be provided to the City for their consideration.

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

File 170.908  
310. "BY1"  
550.30 "BY1"

September 5, 2023

Mr. George Gonzalez, MPA, Senior Planner  
City of Clovis, Planning Division  
1033 Fifth Street  
Clovis, CA 93612

Dear Mr. Gonzalez,

**Fresno Metropolitan Flood Control District Comments for  
Notice of Availability of a Draft Environmental Impact Report for  
Shepherd North Project  
Drainage Area "BY1"**

The Fresno Metropolitan Flood Control District (District) previously provided comments for the Notice of Preparation of an Environmental Impact Report for the Shepherd North Project on June 10, 2022. The comments are still applicable, and a copy of the letter is enclosed for your reference.

**Specific Comments to the DEIR for Shepherd North Project**

These comments are specific to the Notice of Availability - Shepherd North Project (the individual pages are included, and the sentence has been referenced):

1. Page 3.2-9 and 3.2-10 (AGRICULTURAL RESOURCES): Correct wording from SIGMA to SGMA.
2. Page 3.14-31 (UTILITIES): Revise "capacity" to "frequency", and "50-year storm frequency" to "100-year capacity".

k:\letters\environmental impact report letters\noa deir shepherd north project.docx

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[www.fresnofloodcontrol.org](http://www.fresnofloodcontrol.org)

U-1

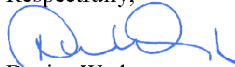
**Notice of Availability of a Draft Environmental Impact Report for  
Shepherd North Project  
Drainage Area "BY1"  
September 5, 2023  
Page 2**

3. Page 3.14-32 (UTILITIES): Second paragraph, update from "16,250" to "30,200". Fourth paragraph, update from "200" to "230". Third paragraph, revise "Mill Ditch" to "Big Dry Creek".
4. Page 3.14-33 (UTILITIES): Consider revising first paragraph to incorporate additional language pertaining to Big Dry Creek Detention Basin.
5. Page 3.14-41 (UTILITIES): The Optional Non-Master Plan Facilities shown on Exhibit No. 1 of the FMFCD letter sent June 10, 2022 is conceptual and does not reflect the tentative storm drain alignment as proposed by the developer of Tract 6205 within the development area.

U-1 Cont.

Thank you for the opportunity to comment. If you have any questions or concerns regarding our comments, please feel free to contact the District at (559) 456-3292.

Respectfully,



Denise Wade  
Master Plan Special Projects Manager

DW/lrl

Attachment(s)

k:\letters\environmental impact report letters\noa deir shepherd north project.docx

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## AGRICULTURAL RESOURCES

## 3.2

**Ramona loam.** The Ramona series is a member of the fine-loamy, mixed, thermic family of Typic Haploxeralfs. Typically, Ramona soils have brown, slightly and medium acid, sandy loam and fine sandy loam A horizons, reddish brown and yellowish red, slightly acid, sandy clay loam B2t horizons, and strong brown, neutral, fine sandy loam C horizons. Well-drained; slow to rapid runoff; moderately slow permeability. Used mostly for production of grain, grain-hay, pasture, irrigated citrus, olives, truck crops, and deciduous fruits. Uncultivated areas have a cover of annual grasses, forbs, chamise or chaparral.

**Riverwash.** Riverwash consists of the unvegetated sand bars in the main channel of rivers that are frequently flooded.

**San Joaquin loam.** The San Joaquin series consists of moderately deep to a duripan, well and moderately well drained soils that formed in alluvium derived from mixed, but dominantly granitic rock sources. They are on undulating low terraces with slopes of 0 to 9 percent. Well and moderately well drained; medium to very high runoff; very slow permeability. Some areas are subject to rare or occasional flooding. Used for cropland and livestock grazing; crops are small grains, irrigated pasture and rice; vineyards, fruit and nut crops.

**Tujunga loamy sand.** The Tujunga series consists of very deep, somewhat excessively drained soils that formed in alluvium from granitic sources. Tujunga soils are on alluvial fans and floodplains, including urban areas. Slopes range from 0 to 12 percent. This soil is used for grazing, citrus, grapes, other fruits, and urban residential or commercial development. Uncultivated areas have a cover of shrubs, annual grasses and forbs. In urban areas, ornamentals and turf-grass are common.

**Visalia sandy loam.** This series consists of well drained soils. They formed in alluvium derived from granite. Slopes range from 5 to 9 percent. Common uses for this series include irrigated cropland and this soil is considered Prime farmland, if irrigated.

#### Availability of Water Resources and Feasibility

For several years, the current property owner has been responsible for managing the former Cal-Pecan orchard located on the Project site. In recent years, primarily due to drought conditions and expansion of new development surrounding the former Cal-Pecan orchard, the economically viable of irrigated agricultural production has diminished. The Project site is located entirely north and east of the Enterprise Canal and therefore outside of the nearby Fresno Irrigation District boundary. It is therefore not eligible to receive deliveries of surface water from any irrigation district. This is an entirely different situation from other properties located in the region, such as the nearby Heritage Grove grove. Heritage Grove is located on the west side of the Enterprise Canal and continues to receive deliveries of surface water to support agricultural production. Recent SIGMA regulatory changes that now severely limit groundwater pumping has constrained the ability of any agricultural properties located outside of an irrigation district to support intensive agricultural uses that require regular and timely irrigation; further, groundwater pumping on this property has proven to be unpredictable and unreliable in recent years as available water from the aquifer under the Project site had been highly variable and provided an unreliable supply. The property owner has indicated that they made every effort to continue irrigating the trees throughout the drought

### 3.2 AGRICULTURAL RESOURCES

conditions last summer, but the wells on the Project site went entirely dry and caused the pumps to burn out. The pecan trees suffered tremendous damage without available irrigation water and it resulted in large-scale tree mortality.

Additionally, as a result of the recent **SIGMA** regulatory changes, virtually all agricultural lending banks and institutions have recently changed their lending requirements to now demand availability of two sources of water (groundwater and surface water) as a condition for continued lending. The Project site cannot meet the new lending requirement because it is located outside of an irrigation district and is no longer eligible to obtain agricultural loans to support commercial agricultural operations.

Correct spelling to SGMA

The property owner also has noted that the soil substructure varies greatly on the Project site and is not accurately reflected in the more generic soil types documented in the Soil Survey for the region. The property owner has indicated that the soils are not conducive to produce high agricultural yields because there is a cemented silty sand, clayey sand, and silty sand with clay, locally referred to as "hardpan" that is encountered below 2 feet across much of the Project site. This cementation retards the free percolation of surface water into the soil stratum below the hardpan, frequently resulting in a temporary perched water table condition at or near the ground surface during winter periods of precipitation. The perched water table can result in anaerobic conditions in the root zone, which can result in root mortality and damage or death to the crop. This hardpan layer limits the types of crops that can be successful and is generally a variable that makes the property less economically viable for agricultural production.

The property owner has also indicated that the proximity of the Project site to existing urban development diminishes the economic viability of agricultural production. The property owner has indicated that there is increased vandalism, theft and harassment costs in recent years. The property owner cited last summer as particularly troublesome when neighbors would routinely shut-off irrigation pumps during the night and the valves in the orchard rows that are necessary to regulate pressure to operate the system were stolen. The property owner noted that equipment vandalism and theft occurred regularly and continued agricultural operations are now virtually impossible.

#### 3.2.2 REGULATORY SETTING

##### FEDERAL

##### **Farmland Protection Policy Act**

The Farmland Protection Policy Act (FPPA) is intended to minimize the extent to which federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses. It ensures that, to the extent practicable, federal programs are compatible with State and local units of government as well as private programs and policies to protect farmland. Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a federal agency or with assistance from a federal agency. For the purpose of the FPPA, farmland includes Prime Farmland, Unique Farmland, and Land of Statewide or Local Importance. Farmland subject to FPPA requirements does not have to be

3.2-10 Draft Environmental Impact Report – Shepherd North

## UTILITIES 3.14

## 3.14.3 STORMWATER

## ENVIRONMENTAL SETTING

Stormwater throughout the City of Clovis is collected in Fresno Metropolitan Flood Control District's (FMFCD) basins. Unless the storm season is particularly wet, the collected stormwater is allowed to percolate into the soil as groundwater recharge. Additionally, the FMFCD allows the City to utilize 17 stormwater basins throughout the City's Service Area for recharge purposes. (Provost & Pritchard, 2021B).

FMFCD covers the entire Fresno/Clovis Metropolitan Area and is authorized to control storm waters within an urban and rural foothill watershed of approximately 400 square miles, known as the Fresno County Stream Group. The FMFCD provides storm drainage through a system of inlets, drainage pipes, drainage ponds, and a system of dams and channels upstream. This system provides the primary means of urban storm drainage control for the City of Clovis and its sphere of influence. New storm drainage improvements are made by either development fees or by formation of assessment or improvement districts. The City of Clovis has a representative on the FMFCD Board. (City of Clovis, 2014).

On September 16, 1994, the Central Valley Regional Water Quality Control Board (Regional Water Board) issued the first municipal separate storm sewer system (MS4) National Pollutant Discharge Elimination System (NPDES) permit No. CA0083500 to the Fresno Metropolitan Flood Control District (District) and four other Co-Permittees, including the City of Clovis. The Regional Water Board renewed the permit on May 31, 2013 (Order No. R5-2013-0080). (FMFCD, 2020).

The FMFCD operates and maintains all master plan improvements, including temporary facilities. The City is responsible for operation and maintenance of all temporary facilities. Improvements are not complete. The City is also responsible for all surface flooding in streets and other areas where storm water cannot reach inlets and pipes quickly enough. Storm drainage collection facilities are designed for two-year storm capacity. Storm drain retention basins are designed for 50-year storm frequency. Development impact fees finance acquisition and construction of ponding basins. Storm drainage improvement districts fund development of storm drainage systems for existing urban areas. Revise capacity to frequency 100-year capacity

Clovis is traversed by three natural stream systems. Each of these systems consists of sub streams or creeks that collect together to discharge to a centralized natural drainage channel. These systems are the Red Bank, Fancher, and Dog Creek System; the Dry and Dog Creek System; and the Pup Creek/Alluvial Drain System. The latter is a tributary of the original Dry Creek channel. These stream systems collect storm runoff from the foothills east of Clovis and convey such runoff through the Clovis/Fresno metropolitan areas to the Fresno Slough, which is located west of the City of Fresno. (County of Fresno, 2018).

The City's Public Utilities Department has three Stormwater Patrol teams, made up of 22 public utilities employees, to implement emergency flood control measures. The plan contains information and procedures to rapidly address flooding throughout the City. Contact information and team

3.14 UTILITIES

assignment data is updated regularly as are geographic locations subject to flooding. Appendices include suppliers/contractors, storm basin list, problem drain lists, and partnerships and agencies with shared responsibility for storm preparedness, mitigation, and response. (County of Fresno, 2018).

Existing City Stormwater and Flood Control Facilities

Flood protection in Clovis is afforded by Update to 30,200 Dry Creek. Big Dry Creek Dam is located approximately 3.5 miles upstream of the City of Clovis. Its main purpose is flood control, and it has a storage capacity of 16,250 acre-feet. Big Dry Creek Reservoir has prevented an estimated \$15 million in damage in the Fresno-Clovis area since its completion in 1948. (County of Fresno, 2018).

FYI: Probably much higher after last winter but I don't have an estimate. 5,000 cfs would've flooded much of downtown and many areas of Fresno and Clovis.

The Big Dry Creek Dam impounds stormwater runoff from Big Dry Creek in the Big Dry Creek Reservoir. The Big Dry Creek Reservoir is owned and operated by the FMFCD and is intended primarily for flood control of winter runoff from the Dry Creek and Dog Creek watersheds. In the 1990s, modifications were made to increase the capacity of the reservoir, and protection against the 200-year flood. (County of Fresno, 2018).

"Big Dry Creek" seems more appropriate than Mill Ditch, but it does eventually turn into Mill Ditch but then back to Dry Creek Canal.

Under wet conditions, the Big Dry Creek Reservoir captures runoff and controls it through artificial ditches and canals, which drain into either Little Dry Creek, located north of the reservoir, or in a southerly direction into Mill Ditch. Flows from Little Dry Creek and Mill Ditch eventually drain to the San Joaquin River. Flows from the reservoir can also be diverted into Dog Creek, which also eventually drains into the San Joaquin River. During dry weather conditions, the reservoir does not discharge water and is normally empty, with the exception of a 156-acre-foot residual pool. The top of the pool remains below the elevation of an existing discharge gate. (County of Fresno, 2018).

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Further, on average, FMFCD's regional stormwater basin system captures 92 percent of annual rainfall, of which, 70-85 percent of the captured stormwater runoff is recharged into the local groundwater aquifer. The stormwater basins also remove 50-80 percent of the typical stormwater pollutants. (FMFCD, 2020).

Mitigation activities continue to be done in accordance with applicable state and federal requirements for floodplain management and in coordination with the FMFCD. Additional mitigation measures for critical infrastructure protection and rehabilitation are done through the City's Capital Improvement Project (CIP) budget. To date, those mitigation projects have included fire station security, water/sewer infrastructure improvements and City Hall building rehabilitation. (County of Fresno, 2018).

Future Stormwater Drainage Demand and System Improvements

The 2016 Storm Fresno Metropolitan Flood Control District (FMFCD) Services Plan provides a comprehensive planning document to guide improvement and expansion of the City's storm drainage system to meet current and future needs in a safe and reliable manner while maintaining compliance with all applicable regulations.

FMFCD also operates Big Dry Creek Detention Basin (BDB @ 168/Ashlan) and Basin "NN" (Valentine/Church) which provide flood relief for Dry Creek/Gould Extension. BDB is a 24ac site and NN is a 37ac site.

UTILITIES 3.14

~~The FMFCD has finalized the design of the Dry Creek Extension Basin located near Brawley and Annadale Avenues. This will be a rural flood control basin located southwest of the City of Fresno. It will provide storage for floodwaters flowing through Dry Creek and other canals, which will provide groundwater recharge benefits. The initial design of the basin was for a 20-acre basin site which is fully excavated. The FMFCD added an adjacent 23-acre site to provide additional storage. This basin is being constructed by the District and is not part of the Federal Redbank and Fancher Creeks Project. (FMFCD, 2017).~~

The FMFCD has identified four primary groups of construction projects: (1) the Redbank-Fancher Creeks Flood Control Project; (2) District LCA enhancement projects; (3) new development projects; and (4) other routine District maintenance and construction projects. (FMFCD, 2017).

The Corps' Redbank-Fancher Creeks Project, completed in the summer of 1993, provides the points of control for the flows that will pass through the rural streams storm and flood conveyance system. Under the LCA with the Corps, the FMFCD is obligated to ensure proper functioning of the Redbank Fancher Creeks Project components. Through implementation of the rural streams program, the FMFCD will improve conveyance capacities of existing channels where necessary, restore obstructed and eradicated channels, and once adequate capacity is achieved, maintain appropriate project conveyance capabilities. These efforts will involve close coordination with private property owners and developers to obtain necessary channel easement dedications. These dedications preserve flooding rights-of-way and allow District access to the stream channels for operation and maintenance. (FMFCD, 2017).

As future development needs warrant, local drainage facilities will be added to augment the flood control facilities. The FMFCD will review new development plans to ensure appropriate design of channels according to the Rural Streams Design Manual, which is currently being developed by the District. Other routine District activities include construction, repair, and maintenance of flood control structures throughout the rural streams/flood control system. (FMFCD, 2017).

REGULATORY SETTING

**Clean Water Act**

The Clean Water Act (CWA) regulates the water quality of all discharges into waters of the United States including wetlands, perennial and intermittent stream channels. Section 401, Title 33, Section 1341 of the CWA sets forth water quality certification requirements for "any applicant applying for a federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters." Section 404, Title 33, Section 1344 of the CWA in part authorizes the U.S. Army Corps of Engineers to:

- Set requirements and standards pertaining to such discharges: subparagraph (e); Issue permits "for the discharge of dredged or fill material into the navigable waters at specified disposal sites": subparagraph (a);
- Specify the disposal sites for such permits: subparagraph (b);

## UTILITIES 3.14

FMFCD noted that the construction of the Optional Master Plan Facilities and Optional Non-Master Plan Facilities (as shown on Exhibit No. 1 of their letter), will provide permanent drainage service to the portion of the “Development Area” located north of Heirloom Avenue. The construction of the Optional Non-Master Plan Facilities, as shown on Exhibit No. 1, will provide permanent drainage service to the portion of the “Development Area” located south of Heirloom Avenue upon construction of facilities by in Tracts 6292 and 6344. If these optional facilities are not constructed, FMFCD recommends temporary facilities until permanent service is available.

FMFCD noted that the “Development Area” shall not block the historical drainage patterns of existing homes located within the parcels to the east and west side of the “Development Area.” The “Development Area” shall verify to the satisfaction of FMFCD that runoff from these areas has the ability to surface drain to adjacent streets or be collected into PER-3, as shown on Exhibit No. 1. Either a stub street, channel, or a combination of both shall be provided for those areas, as shown on Exhibit No. 1.

FMFCD noted that the “Development Area” must identify what streets will pass the major storm and provide calculations that show structures will have adequate flood protection. Based on historical drainage patterns, some of the streets located within the “Development Area” may need to be resized or reconfigured (including, but not limited to, streets that include traffic calming curbs) to pass larger event storms. FMFCD approval is not extended to street configuration. A drainage report indicating the path of the major storm flow and calculations confirming there is adequate protection of finished floors will be necessary.

Stormwater quality standards imposed and monitored by the Environmental Protection Agency (EPA) and the SWRCB through the NPDES permit require treatment of stormwater runoff prior to its release into drainage features. Stormwater quality is an integral part of FMFCD’s stormwater management system. With the design and construction of flood control improvements included in the proposed storm drainage system in accordance with FMFCD’s requirements, the proposed Project would have a **less than significant** impact relative to this topic.

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### 3.14 UTILITIES

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flood insurance requirements would be imposed on structures in these areas once the LOMR is approved by FEMA. The LOMR process is a standard requirement for all new construction or substantial improvements of structures to ensure that they are elevated to or above the base flood elevation. Through compliance with these existing regulations, impacts would be **less than significant** and no new structures would be constructed within the 100-year flood plain.

The proposed stormwater collection system functions through storm drainage collection, treatment and discharge. The exact sizing of the underground piping will be engineered during the preparation of the improvement plans, which will be in coordination with FMFCD. The proposed storm drainage collection and detention system will be subject to the State Water Resources Control Board Requirements (SWRCB) and City of Clovis regulations; Phase II, National Pollutant Discharge Elimination System (NPDES) Permit Requirements; NPDES-MS4 Permit Requirements; and LID Guidelines.

FMFCD will require lot coverage to be provided prior to submittal of improvement plans. The lot coverage is calculated by the District to include the front yard walkway, sidewalk walkway and the rear yard patio equaling an additional 6% of impervious area in addition to the City's typical lot coverage calculation. This calculation cannot be calculated at this time given that building plans and lot specific landscaping and site improvements have not been prepared. This very detailed level of design would be performed at either the improvement plan or building plan phase of the project. Ultimately, FMFCD charges a drainage fee that is calculated commensurate with the lot coverage calculation.

FMFCD reviews all grading and improvement plans for consistency with the FMFCD Master Plan. This review ensures that grading does not have an adverse impact to major storm conveyance and to the passage of storm water to the adjacent roadways and existing storm drainage pipelines and inlets. They require all projects to provide the appropriate surface flowage easements or covenants for any portion of the development area that cannot convey storm water to the public right-of-way without crossing private property.

The initial review by FMFCD has indicated that the "Development Area" is currently located within FMFCD's adopted Rural Master Plan Drainage Area "BY1." The adopted Rural Master Plan drainage system is designed to serve the existing land uses of open space, range/pasture and rural residential housing densities ranging from 0 to 0.7 dwelling unit/acre (du/ac). FMFCD has indicated that the existing planned drainage facilities do not have capacity to serve the proposed higher urban density residential land use. FMFCD has indicated that the "Development Area" is required to mitigate the impacts of the increased runoff from the proposed higher density residential land use to the adopted rural planned rate. FMFCD indicated that the "Development Area" may either make improvements to the existing pipeline system to provide additional capacity or may use some type of onsite permanent peak reducing facility in order to match the adopted Rural Master Plan flow rates and eliminate any adverse impacts on the downstream drainage system. FMFCD requested that the grading Engineer contact the District as early as possible to review the proposed site grading for verification and acceptance of design prior to preparing a grading plan.

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3.14-40 Draft Environmental Impact Report – Shepherd North



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

File 170.908  
310. "BY1"  
550.30 "BY1"

June 10, 2022

Mr. George Gonzalez, MPA, Senior Planner  
City of Clovis, Planning Division  
1033 Fifth Street  
Clovis, CA 93612

Dear Mr. Gonzalez,

**Fresno Metropolitan Flood Control District Comments for  
Notice of Preparation of an Environmental Impact Report for  
Shepherd North Project  
Drainage Area "BY1"**

**General Comments**

This letter is in response to the City's request for comments regarding the Notice of Preparation of an Environmental Impact Report for the Shepherd North Project planning area boundaries "Project Area" and "Development Area". The Fresno Metropolitan Flood Control District (FMFCD) bears responsibility for storm water management within the Fresno-Clovis metropolitan area, including the area of the "Project Area". Within the metropolitan area, storm runoff produced by land development is to be controlled through a system of pipelines and storm drainage retention basins. The community has developed and adopted a Storm Drainage and Flood Control Master Plan. Each property contributes its pro-rata share to the cost of the public drainage system. All properties are required to participate in the community system for everyone. It is this form of participation in the cost and/or construction of the drainage system that will mitigate the impact of development.

The subject "Project Area" shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to approval of any final maps and/or issuance of building permits at the rates in effect at the time of such approval. Please contact FMFCD for a final fee obligation prior to issuance of any construction permits. Should land use densities of existing areas be increased, the property would be subject to a reassessment of drainage fees based on the proposed increased land uses and may include the requirement of additional drainage fees to be paid to offset the increased land use. Each proposed development will be reviewed and assessed upon submittal to FMFCD. Any drainage fees previously paid on a property would be given a credit against any new fee responsibility.

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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)

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

The grading of any proposed development within the "Project Area", including public street areas, shall be consistent with the FMFCD Master Plan. Additionally, grading shall not have an adverse impact to major storm conveyance, and to the passage of storm water to the adjacent roadways and existing storm drainage pipelines and inlets. The "Project Area" shall provide the appropriate surface flowage easements or covenants for any portion of the development area that cannot convey storm water to the public right-of-way without crossing private property.

If there are to be storm water discharges from private facilities to the FMFCD's storm drainage system, they shall consist only of storm water runoff and shall be free of solids and debris. Landscape and/or area drains are not allowed to connect directly to FMFCD's facilities.

FMFCD will need to review and approve the final improvement plans for all development (i.e. grading, street improvement and storm drain facilities) within the boundaries of the "Project Area" to insure consistency with the approved Storm Drainage Master Plan.

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

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

**Specific Comments to the Shepherd North Project**

The "Development Area" is currently located within FMFCD's adopted Rural Master Plan Drainage Area "BY1", as shown on Exhibit No. 1. The adopted Rural Master Plan drainage system is designed to serve the existing land uses of open space, range/pasture and rural residential housing densities ranging from 0 to 0.7 dwelling unit/acre (du/ac). The existing planned drainage facilities do not have capacity to serve the proposed higher urban density residential land use. The

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"Development Area" shall be required to mitigate the impacts of the increased runoff from the proposed higher density residential land use to the adopted rural planned rate. The "Development Area" may either make improvements to the existing pipeline system to provide additional capacity (see Optional Non-Master Plan facilities, not Eligible for Credit, as shown on Exhibit No. 1) or may use some type of onsite permanent peak reducing facility in order to match the adopted Rural Master Plan flow rates and eliminate any adverse impacts on the downstream drainage system. Implementation of the mitigation measures may be deferred until the time of development. However, FMFCD requests that the grading Engineer contact the District as early as possible to review the proposed site grading for verification and acceptance of mitigation design prior to preparing a grading plan.

The construction of the Optional Master Plan Facilities and Optional Non-Master Plan Facilities, as shown on Exhibit No. 1, will provide permanent drainage service to the portion of the "Development Area" located north of Heirloom Avenue. The construction of the Optional Non-Master Plan Facilities, as shown on Exhibit No. 1, will provide permanent drainage service to the portion of the "Development Area" located south of Heirloom Avenue upon construction of facilities by Developer of Tracts 6292 and 6344. If these optional facilities are not constructed, the District recommends temporary facilities until permanent service is available.

The "Development Area" shall not block the historical drainage patterns of existing homes located within the parcels to the east and west side of the "Development Area". The "Development Area" shall verify to the satisfaction of the District that runoff from these areas has the ability to surface drain to adjacent streets or be collected into PER-3, as shown on Exhibit No. 1. Either a stub street, channel, or a combination of both shall be provided for those areas, as shown on Exhibit No. 1.

The "Development Area" must identify what streets will pass the major storm and provide calculations that show structures will have adequate flood protection. Based on historical drainage patterns some of the streets located within the "Development Area" may need to be resized or reconfigured (including but not limited to streets that include traffic calming curbs) to pass larger event storms. District approval is not extended to street configuration. A drainage report indicating the path of the major storm flow and calculations confirming there is adequate protection of finished floors will be necessary.

Perrin Tributaries PER-1 and PER-3 are natural stream courses traversing the "Project Area". These stream courses are shown on the Storm Drainage and Flood Control Master Plan (see Exhibit No. 1). Should the "Development Area" choose to modify or relocate these channels, the developer must contact all agencies having an interest in these channels and comply with their regulations regarding the channels. These agencies may include State of California Fish and

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Wildlife, State of California Regional Water Quality Control Board (Section 401 of Clean Water Act), and the U.S. Army Corps of Engineers (USACE) (Section 404 of Clean Water Act). Furthermore, if a USACE Clean Water Act Section 404 permit application package is prepared, FMFCD requests an opportunity to review the application prior to submittal.

These channels must be protected and improved in their current location, or an accepted relocation plan must be provided. The protection and improvement of these channels is necessary to convey upland surface runoff through the "Development Area" without adversely affecting other property owners and to provide safe conveyance through the "Development Area". The plans to retain or relocate these channels must be addressed in a drainage report prepared by the developer's engineer and submitted and acceptable to FMFCD for the project and include a study of any affect to the hydraulic performance of the channel. Adequate easement width for Perrin Tributaries PER-1 and PER-3 shall be dedicated to FMFCD prior to approval of the Final Map. The easements shall be of sufficient width to accommodate the Master Plan flow rate and provide adequate maintenance access. Development within the easement is prohibited. FMFCD does not contemplate public access within the easement.

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

As channel design and construction of Perrin Tributaries PER-1 and PER-3 will affect the lot pattern and configuration, FMFCD will review the work of the developer's engineer to determine easement limits at the time of dedication. The channel design must be completed prior to tentative map approval to ensure the easement areas are known and adequate space is allotted for each channel. It is in the developer's interest to identify the channel design as early as possible so that appropriate lot configurations are selected. The hydraulic study must reflect culverts where roads and driveways cross the channel. Easement areas must be adequate to convey the design flows.

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The standard geometry parameters for Perrin Tributaries PER-1 and PER-3 are a minimum 4-foot wide bottom and maximum 2:1 side slope. The channels must be designed and constructed to accommodate the flow rate of 16 cubic feet per second for PER-1 and 10 cubic feet per second for PER-3 as identified in the Master Plan. The channel design must include hydraulic modeling using the HEC-RAS computer program. Channel design and hydraulic study must also consider the attenuation currently provided by the developer's property and not reduce the attenuation or otherwise increase conveyance to downstream properties.

FMFCD will accept the easement dedications for Perrin Tributaries PER-1 and PER-3 following completion of construction, including any mitigation obligations, and acceptance under required permits. Any proposed landscaping within the channel easement shall require (i) review and approval by FMFCD, and (ii) maintenance by the property owner.

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

The City of Clovis, FMFCD, the County of Fresno, the City of Fresno, and the California State University, Fresno are currently covered as Co-Permittees for Municipal Separate Storm Sewer System (MS4) discharges through National Pollutant Discharge Elimination System (NPDES) General Order No. R5-2016-0040 and NPDES Permit No. CAS0085324 (Storm Water Permit) effective May 17, 2018. The previous Storm Water Permit adopted on May 31, 2013 required the adoption of the Stormwater Quality Management Program (SWQMP) that describes the Storm Water Permit implementation actions and Co-Permittee responsibilities. That SWQMP was approved by the Central Valley Regional Water Quality Control Board on April 17, 2015 and is effective until the adoption of a new SWQMP, which is anticipated within the next two years.

The Storm Water Permit requires that Co-Permittees update their CEQA process to incorporate procedures for considering potential stormwater quality impacts when preparing and reviewing CEQA documents. This requirement is found in Provision D.14 of the 2013 Storm Water Permit and in Section 7: Planning and Land Development Program – PLD 3 – Update CEQA Process. The District has created a guidance document that will meet this Storm Water Permit requirement entitled *Guidance for Addressing Stormwater Quality for CEQA Review*, which has been attached. It is recommended that the CEQA review for this project follow the guidance document.

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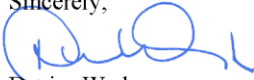
**Specific Comments to the Notice of Preparation - Shepherd North Project**

These comments are specific to the Notice of Preparation - Shepherd North Project initiated May 9, 2022 (the individual pages are included, and the sentence has been referenced):

1. Page 7 (Utilities and Planned Infrastructure Improvement): Paragraph for Storm Drainage should also include confirming to FMFCD's standards and requirements.
2. Page 9 (Other Governmental Agency Approvals): FMFCD should be revised to include review and approval of stormwater facilities, grading, and street improvements.
3. FMFCD should be considered a responsible agency for the "Project Area". Review and approval shall include storm drain facilities, grading, and street improvement plans.

Thank you for the opportunity to comment. Please keep our office informed on the development of these plans. If you should have any questions or comments, please contact FMFCD at (559) 456-3292.

Sincerely,



Denise Wade  
Master Plan Special Projects Manager

DW/lrl

Attachments

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

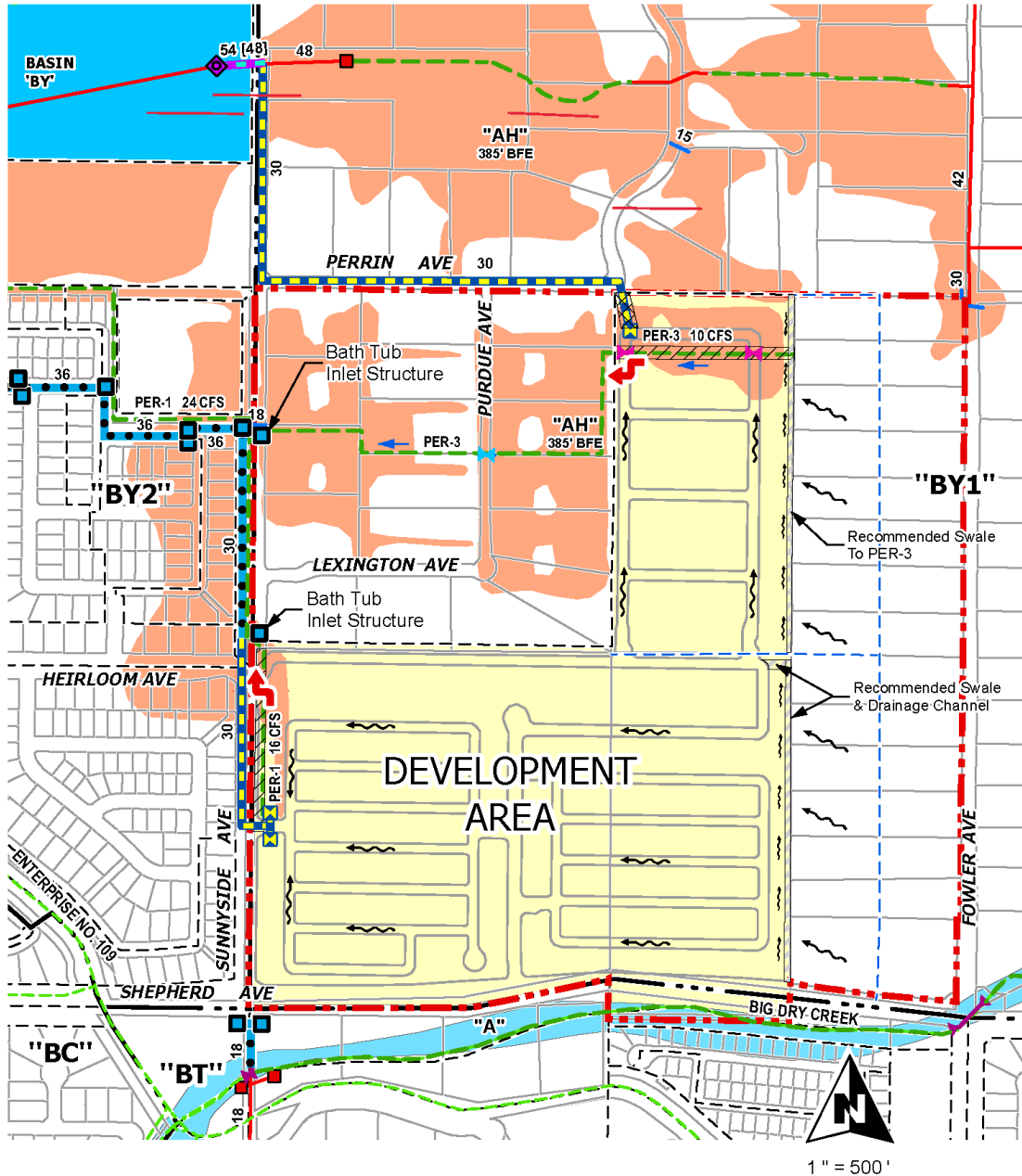


EXHIBIT NO. 1  
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**SHEPHERD NORTH PROJECT  
DRAINAGE AREA "BY1"**

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**



Prepared by: danielg  
Date: 5/27/2022  
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**NOTE: THIS MAP IS SCHEMATIC. DISTANCES, AMOUNT OF CREDITABLE FACILITIES, AND LOCATION OF INLET BOUNDARIES ARE APPROXIMATE.**

**LEGEND**

-  Optional Master Plan Facilities  
(Creditable Facilities To Be Constructed By Development Area) - Pipeline (Size Shown) & Outfall
- 54 [48] Optional Pipe Size To Be Constructed [Creditable Pipe Size]
-  Optional Non-Master Plan Facilities To Be Constructed By Development Area (Not Eligible For Fee Credit)
-  Facilities To Be Constructed By Developer Of Tracts 6292 & 6344
-  Existing Master Plan Facilities
-  Future Master Plan Facilities
-  Existing Stream Course (Master Plan Channel With Maximum Flow Rate)
-  Existing FID Facilities
-  Inlet Boundary
-  Rural Drainage Boundary
-  Drainage Area Boundary
-  Channel Easement To Be Dedicated To District By Developer
-  Minimum 15' Wide Storm Drain Easement To Be Dedicated To District By Developer  
(If Optional Facilities Are Constructed)
-  FEMA Flood Zone "AH"
-  FEMA Flood Zone "A"
-  Existing Culvert To Be Improved
-  Proposed Culvert To Be Constructed By Developer
-  Direction Of Drainage
-  Major Storm Breakover
-  Project Area Boundary



**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**

**EXHIBIT NO. 1**  
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**SHEPHERD NORTH PROJECT**  
**DRAINAGE AREA "BY1"**

Prepared by: danielg  
Date: 6/9/2022  
Path: K:\Autocad\DWGS\0EXHIBIT\MISC\Shepherd North Project NOP\_Page 2 of 2.mxd

northern, western, and ultimately, the northeast urban centers. The plant is designed to accommodate future expansion and will ultimately treat 8.4 mgd.

### Storm Drainage

The Project site would include construction of a new storm drainage system, which will conform to the City's standards and requirements. The storm drainage collection and detention system will be subject to the State Water Resources Control Board Requirements (SWRCB), the Fresno Metropolitan Flood Control District (FMFCD), and City of Clovis regulations. This includes, but not limited to the municipal NPDES storm water discharge permit, as well as any City required Best Management Practices to control the volume, rate, and potential pollutant load of storm water runoff. Stormwater throughout the City is collected in FMFCD's basins.

### Regulated Public Utilities

Electrical and gas, provided by PG&E; phone, provided by AT&T; cable, provided by Comcast; and related internet services would be extended to all portions of the Project site from existing facilities located along E. Shepherd Avenue and from existing residential development surrounding the Project site. Proposed utilities would be located within public utility easements to be dedicated along street frontages. Utility improvements would be installed in conjunction with planned street improvements.

## ALTERNATIVES

Three alternatives to the proposed Project were developed based on input from City staff. The alternatives that are anticipated to be analyzed in the EIR include the following three alternatives in addition to the proposed Project.

- **No Project (No Build) Alternative:** Under this alternative, development of the Project site would not occur, and the Project site would remain in its current existing condition.
- **Increased Density Alternative:** Under this alternative, the proposed Project would be developed with the same number of units as described in the Project Description, but the density of the residential uses would be increased, reducing the overall footprint of the developed areas and preserving the remaining Development Area for agricultural production.
- **Reduced Sphere of Influence Alternative:** Under this alternative, the proposed Project would exclude the 78-acre SOI Expansion north and east of the Development Area.

### NO PROJECT (NO BUILD) ALTERNATIVE

Under the No Project (No Build) Alternative development of the Project site would not occur, and the Project site would remain in its current existing condition. It is noted that the No Project (No Build) Alternative would fail to meet the Project objectives.

### INCREASED DENSITY ALTERNATIVE

Under this alternative, the proposed Project would be developed with the same components as described in the Project Description, but density of the residential uses would be increased. Under the Increased Density Alternative, the same number of residential units as the proposed project (607 units) would be constructed within the Development Area. The residential areas would be reduced at increased densities



PROJECT DESCRIPTION

NOP

- Central Valley Regional Water Quality Control Board (CVRWQCB) - Storm Water Pollution Prevention Plan (SWPPP) approval prior to construction activities pursuant to the Clean Water Act;
- San Joaquin Valley Air Pollution Control District (SJVAPCD) - Approval of construction-related air quality permits; and
- Fresno Metropolitan Flood Control District – review of stormwater facilities,

and approval

grading, and street improvements.

## Fresno Metropolitan Flood Control District

### Guidance for Addressing Stormwater Quality for CEQA Review

#### Stormwater Checklist for CEQA Review

##### **a. Potential impact of project construction on stormwater runoff.**

Stormwater runoff from construction activities can have a significant impact on water quality. To build on sites with over one acre of disturbed land, property owners must obtain coverage under the California Construction General Permit for Discharges of Stormwater (CGP). The CGP is issued by the State Water Resources Control Board (SWRCB). The CGP requires sites that do not qualify for an erosivity waiver to create a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP is a site-specific plan that is designed to control the discharge of pollutants from the construction site to local storm drains and waterways.

##### **b. Potential impact of project post-construction activity on stormwater runoff.**

FMFCD operates the Regional Stormwater Mitigation System, which consists of facilities to handle stormwater runoff and non-stormwater discharges in the FMFCD service area. However, river discharging drainage areas and drainage areas without basin service are subject to FMFCD Policy: Providing for Compliance with Post-Development and Industrial Storm Water Pollution Control Requirements (Policy).

Development and redevelopment projects can result in discharge of pollutants to receiving waters. Pollutants of concern for a project site depend on the following factors:

- Project location;
- Land use and activities that have occurred on the project site in the past;
- Land use and activities that are likely to occur in the future; and
- Receiving water impairments.

As land use activities and site design practices evolve, particularly with increased incorporation of stormwater quality BMPs, characteristic stormwater runoff concentrations and pollutants of concern from various land use types are also likely to change.

#### **Typical Pollutants of Concern and Sources for Post-Development Areas**

Pollutant	Potential Sources
Sediment (total suspended solids and turbidity), trash and debris (gross solids and floatables)	Streets, landscaped areas, driveways, roads, construction activities, atmospheric deposition, soil erosion (channels and slopes)

Pesticides and herbicides	Residential lawns and gardens, roadsides, utility right-of-ways, commercial and industrial landscaped areas, soil wash-off
Organic materials/oxygen demanding substances	Residential laws and gardens, commercial landscaping, animal waste
Metals	Automobiles, bridges, atmospheric deposition, industrial areas, soil erosion, metal surfaces, combustion processes
Oil and grease, organics associated with petroleum	Roads, driveways, parking lots, vehicle maintenance areas, gas stations, illicit dumping to storm drains, automobile emissions, and fats, oils, and grease from restaurants
Bacteria and viruses	Lawns, roads, leaking sanitary sewer lines, sanitary sewer cross-connections, animal waste (domestic and wild), septic systems, homeless encampments, sediments/biofilms in storm drain system
Nutrients	Landscape fertilizers, atmospheric deposition, automobile exhaust, soil erosion, animal waste, detergents

Source: Adapted from USEPA, 1999 (Preliminary Data Summary of Urban Storm Water BMPs)

FMFCD’s Post-Development Standards Technical Manual provides guidance for implementing stormwater quality Best Management Practices (BMPs) for drainage areas subject to the Policy, with the intention of improving water quality and mitigating potential water quality impacts from stormwater and non-stormwater discharges. The Post-Development Standards Technical Manual addresses the following objectives and goals:

- Minimize impervious surfaces and directly connect impervious surfaces in areas of new development and redevelopment, and where feasible, to maximize on-site infiltration of stormwater runoff;
- Implement pollution prevention methods supplemented by pollutant source controls and treatment, and where practical, use strategies that control the sources of pollutants or constituents (i.e., where water initially meets the ground) to minimize the transport of runoff and pollutants offsite and into MS4s;
- Preserve, and where possible create or restore, areas that provide important water quality benefits, such as riparian corridors, wetlands, or buffer zones
- Limit disturbances of natural water bodies and natural drainage systems by development, including roads, highways, and bridges;
- Identify and avoid development in areas that are particularly susceptible to erosion and sediment loss or establish guidance that protects areas from erosion and sediment loss;
- Implement source and structural controls as necessary and appropriate to protect downstream receiving water quality from increased pollutant loadings and flows (hydromodification concepts) from new development and significant redevelopment;

- Control the post-development peak stormwater runoff discharge rates and velocities to maintain or reduce pre-development downstream erosion and to protect downstream habitat; and
- Consider integration of Low Impact Development (LID) principles into project design.

The Post-Development Standards Technical Manual describes the stormwater management requirements for Priority Projects, which are identified as meeting one or more of the following and discharge to the San Joaquin River or do not have basin service:

- Home subdivisions of 10 housing units or more;
- Commercial developments greater than 100,000 square feet;
- Automotive repair shops;
- Restaurants;
- Parking lots 5,000 square feet or greater with 25 or more parking spaces and potentially exposed to urban runoff;
- Streets and roads;
- Retail gasoline outlets (RGOs); and
- Significant redevelopment projects, which are developments that result in creation or addition of at least 5,000 square feet of impervious surface on an already developed site. Significant redevelopment includes, but is not limited to, expansion of a building footprint or addition or replacement of a structure, structural developing including an increase in gross floor area and/or exterior construction or remodeling, replacement of impervious surface that is not part of a routine maintenance activity, and land disturbing activities related with structural or impervious surfaces. Where significant redevelopment results in an increase of less than 50 percent of the impervious surfaces of a previously existing development and the existing development was not subject to Post-Construction Standards, only the proposed alteration must meet the requirements of the Post-Development Standards Technical Manual.

All Priority Projects must mitigate the Stormwater Quality Design Volume (SWQDV) or Stormwater Quality Design Flow (SWQDF) through LID- or treatment-based stormwater quality BMPs or a combination thereof.

For new development or significant redevelopment projects for restaurants with less than 5,000 square feet, the project applicant must meet all the requirements of the Post-Development Standards Technical Manual except for mitigating the SWQDV or SWQDF and implementing stormwater quality BMPs.

The Post-Development Standards Technical Manual can be found on FMFCD's website here:

<http://www.fresnofloodcontrol.org/wp-content/uploads/2014/11/Post-Development-Standards-Technical-Manual.pdf>

**c. Potential for discharge of stormwater from areas from material storage, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas.**

Development projects may create potential impacts to stormwater from non-stormwater discharge from areas with material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work area.

Some materials, such as those containing heavy metals or toxic compounds, are of more concern than other materials. Toxic and hazardous materials must be prevented from coming in contact with stormwater runoff. Non-toxic or non-hazardous materials, such as debris and sediment, can also have significant impacts on receiving waters. Contact between non-toxic or non-hazardous materials and stormwater runoff should be limited, and such materials prevented from being discharged with stormwater runoff. To help mitigate these potential impacts, BMPs should be included to prevent discharges from leaving the property.

Refer to FMFCD Post-Development Standards Technical Manual for more information or go to <http://water.epa.gov/polwaste/nps/urban.cfm>.

**d. Potential for discharge of stormwater to impact the beneficial uses of the receiving waters or areas that provide water quality benefits.**

Identify receiving waters and describe activities that may impact the beneficial uses of the receiving waters or that project water quality benefits. Project that can impact beneficial uses or receiving waters may be mitigated by implementation of the FMFCD Post-Development Standards Technical Manual.

**e. Potential for the discharge of stormwater to cause significant harm on the biological integrity of the water ways and water bodies.**

Conservation of natural areas, soils, and vegetation helps to retain numerous functions of pre-development hydrology, including rainfall interception, infiltration, and evapotranspiration. Each project site possesses unique topographic, hydrologic, and vegetative features, some of which are more suitable for development than others. Sensitive areas, such as streams and their buffers, floodplains, wetlands, steep slopes, and highly-permeable soils, should be protected and/or restored. Slopes can be a major source of sediment and should be properly protected and stabilized. Locating development in less sensitive areas of a project site and conserving naturally vegetated areas can minimize environmental impacts from stormwater runoff.

The evaluation of a project's effect on sensitive natural communities should encompass aquatic and wetland habitats. Consider "aquatic and wetland habitat" as examples of sensitive habitat.

**f. Potential for significant changes in the flow velocity or volume of stormwater runoff that can cause environmental harm.**

The evaluation of a project's effect on drainage patterns should refer to the FMFCD's Storm Drainage and Flood Control Master Plan and have their project reviewed by FMFCD to assess the significance of altering existing drainage patterns and to develop any mitigation measures in addition to our stormwater mitigation system. The evaluation should also consider any potential for streambed or bank erosion downstream from the project.

**g. Potential for significant increases in erosion of the project site or surrounding areas.**

The evaluation of a project's effect on drainage patterns should refer to the FMFCD's Storm Drainage and Flood Control Master Plan and have their project reviewed by FMFCD to assess the significance of altering existing drainage patterns and to develop any mitigation measures in addition to our stormwater mitigation system. The evaluation should also consider any potential for streambed or bank erosion downstream from the project.

**Response to Letter U: Denise Wade, Fresno Metropolitan Flood Control District**

**Response U-1:** The commentor notes that they previously provided comments on the Notice of Preparation on June 10, 2022, and that the comments from that letter are still applicable. The noted that they have enclosed that letter for the City's reference. The commenter then provides five specific comments on the EIR, including recommended edits to the Agricultural Resources and Utilities discussions.

This comment is noted. Each of the recommended edits have been incorporated in the FEIR. The edits can be seen in Section 3.0 Errata.

**Response U-2:** The commentor has included June 10, 2022 comment letter.

This comment is noted. This letter is included in the Draft EIR in Appendix A and was utilized to prepare the Utilities Section of the DEIR. No further response to this comment is warranted in the EIR.

**smcmurtry@denovoplanning.com**

**Subject:** FW: [External] Objection to DEIR report for project north shepherd- Wilson Homes.

**From:** Harmeet Gurm <[harmeetgurm@yahoo.com](mailto:harmeetgurm@yahoo.com)>

**Sent:** Tuesday, September 5, 2023 5:00 PM

**To:** George Gonzalez <[georgeg@ci.clovis.ca.us](mailto:georgeg@ci.clovis.ca.us)>; George Gonzalez <[georgeg@ci.clovis.ca.us](mailto:georgeg@ci.clovis.ca.us)>

**Subject:** [External] Objection to DEIR report for project north shepherd- Wilson Homes.

Hello Mr George González, MPA | Senior Planner City of Clovis | Planning Division  
1033 Fifth Street, Clovis, CA 93612  
p. 559.324.2383 | f. 559.324.2844  
[georgeg@cityofclovis.com](mailto:georgeg@cityofclovis.com) [georgeg@ci.clovis.ca.us](mailto:georgeg@ci.clovis.ca.us)

Regarding DEIR for Shepherd North project.

I reside at 5037 E Perrin Rd Clovis - in the Quail Run Community, north of shepherd and east of Sunnyside. After reviewing the DEIR report, I found multiple areas which are concerning and do not represent all the facts correctly.

V-1

For instance - the exit planned at Stanford/Perrin corner for the upcoming Wilson community is very concerning. Stanford is a small winding street with no curbside pavement and will not be able to handle the traffic of the new proposed development. Current speed posted is 10mph. Kids, bicycle riders are common in this road and additional exit of this new proposed community with increased traffic will significantly enhance the chances of a serious accident.

V-2

Removal of pecan trees would reduce surface water retention, thereby depleting the water table of the already water challenged area north of shepherd. Without proper planning and provision of recharging the area's water table will cause significant impact to the 18 home community north of this proposed development.

V-3

Density of the proposed homes is quite high and will bring in high traffic to the already busy areas of fowler, perrin and sunnyside. The assumptions made in DEIR to calculate the traffic are flawed and needs revision to show the actual ground reality of the community and the roads.

V-4

Lastly but not the least, it is against the principle of city of clovis to create island community areas. The 18 homes should be annexed to city, so as to create proper defined shape of the community development. In addition, at the very least, the builder of the proposed development and city should try to help the community of these 18 homes by bringing in the utility lines to address their concerns of water, and sewer.

V-5

In the light of above facts, I would like to formally state my objection to current DEIR report.

Sincerely  
Dr Harmeet Gurm, MD  
Nephrologist  
5037 E Perrin Rd Clovis, CA 93619

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**Response to Letter V: Harmeet Gurm, Resident of Clovis**

**Response V-1:** The commentor states the following: *“I reside at 5037 E Perrin Rd Clovis - in the Quail Run Community, north of shepherd and east of Sunnyside. After reviewing the DEIR report, I found multiple areas which are concerning and do not represent all the facts correctly.”*

This comment serves as an introduction to the letter and notes that they have multiple areas which are concerning and inaccurate, which they discuss in the following comments. This comment is noted. No further response to this comment is warranted in the EIR.

**Response V-2:** The commentor states the following: *“For instance - the exit planned at Stanford/Perrin corner for the upcoming Wilson community is very concerning. Stanford is a small winding street with no curbside pavement and will not be able to handle the traffic of the new proposed development. Current speed posted is 10mph. Kids, bicycle riders are common in this road and additional exit of this new proposed community with increased traffic will significantly enhance the chances of a serious accident.”*

- This comment regarding traffic and circulation is partially addressed in Master Response 7 through 14. Access to the project from existing streets will be provided by four driveways: two on Sunnyside Avenue, one on Perrin Road (Stanford/Perrin), and one on Shepherd Avenue. As such, the project will have three other driveways along Sunnyside Avenue and Shepherd Avenue, along with the driveway on Stanford Avenue/Perrin Road. The driveway at Stanford/Perrin will be an exit only driveway and will provide emergency access. The project is also estimated to add only nominal trips to these local roads including Stanford, Ticonderoga, or to Fowler Avenue north of Shepherd Avenue. This is because, due to the local circulation network and location of activity centers in relation to the project, majority of the project traffic is estimated to travel south, accessing Sunnyside Avenue and Shepherd Avenue on to Clovis Avenue, Sunnyside Avenue, and Fowler Avenue, as shown in the TIA. As such, the project traffic will have nominal effects on the local roads in the neighborhood, including Stanford Avenue, Perrin Road, and Ticonderoga.

The TIA and DEIR also identifies regional circulation improvements that would help alleviate traffic congestion and safety related issues in the project vicinity. As included in Table 9-H of the TIA, and the DEIR, the project would be directly implementing circulation improvements around the project site and will be paying appropriate fees to the City for implementation of additional roadway widening and intersection improvements within the project study area.

As included in the TIA, a sight distance analysis was conducted for all driveways to determine adequacy of sight for safe maneuver at the driveways using California Highway Design Manual (HDM) recommended methodology. As such,

all the proposed project driveways achieve the adequate sight distances and have clear sight triangles for the drivers along the project frontage.

**Response V-3:** The commentor states the following: *“Removal of pecan trees would reduce surface water retention, thereby depleting the water table of the already water challenged area north of shepherd. Without proper planning and provision of recharging the area's water table will cause significant impact to the 18 home community north of this proposed development.”*

This comment regarding water is addressed in Master Response 3, 4 and 5.

**Response V-4:** The commentor states the following: *“Density of the proposed homes is quite high and will bring in high traffic to the already busy areas of fowler, perrin and sunnyside. The assumptions made in DEIR to calculate the traffic are flawed and needs revision to show the actual ground reality of the community and the roads.”*

- This comment regarding traffic and circulation is addressed in Master Response 6 through 13. The project proposes to construct 605 single-family residences. The surrounding areas in the neighborhood also mostly constitute of similar single-family residential developments. Additionally, several new projects within the area also proposes single-family residential developments. As such, the project does not propose any land use atypical to the area, or any land use that is estimated to change the neighborhood traffic pattern. Therefore, trip generation and distribution pattern from the project is also expected to be similar to the neighborhood trip patterns. In fact, implementation of recommended improvements as included in the TIA would help alleviate traffic congestion and safety related issues within the project vicinity, as well as existing and future residential communities in the area.

The project is estimated to add only nominal trips to Fowler Avenue north of Shepherd Avenue. This is because, due to the local circulation network and location of activity centers in relation to the project, majority of the project traffic is estimated to travel south using Shepherd Avenue on to Clovis Avenue, Sunnyside Avenue, and Fowler Avenue. Based on the TIA, only 15 percent of project traffic is anticipated to utilize Fowler Avenue.

The TIA includes contribution of traffic from all future developments that would add traffic to the TIA study area. As such, the traffic improvements recommended as part of this study accounts for cumulative traffic impact from all future projects, as well as the proposed project. Additionally, the traffic analysis takes into consideration the effects of school traffic under existing and future long-range conditions. The improvements proposed in the study would help address the traffic congestion issues from all future developments, as well as school

related traffic within the project vicinity. This includes both vehicular and non-motorized traffic issues as described in the TIA.

Access to the project from existing streets will be provided by four driveways: two on Sunnyside Avenue, one on Perrin Road, and one on Shepherd Avenue. Except for the driveways on Shepherd Avenue and Perrin, all other project driveways will operate as full-access driveways. The driveway on Shepherd Avenue will operate as a Right-In Right-Out/Left-In (RIRO/LI) driveway, since Shepherd Avenue has a speed limit of 40 MPH along the project frontage and estimated to have significant amount of through traffic. The driveway on Perrin will be an exit only driveway and will provide emergency access. As included in the TIA, a sight distance analysis was conducted for all driveways to determine adequacy of sight for safe maneuver at the driveways using California Highway Design Manual (HDM) recommended methodology. As such, all the proposed project driveways achieve the adequate sight distances and have clear sight triangles for the drivers along the project frontage.

The project proposes to connect to the existing roundabout at the northerly project location along Sunnyside Avenue. Additionally, sidewalks and bike lanes will be constructed along the project frontage on Shepherd Avenue, Sunnyside Avenue, and Fordham Avenue. Addition of these project design features would help in traffic calming as well as enhance safety around the project site.

**Response V-5:** The commentor states the following: *“Lastly but not the least, it is against the principle of city of clovis to create island community areas. The 18 homes should be annexed to city, so as to create proper defined shape of the community development. In addition, at the very least, the builder of the proposed development and city should try to help the community of these 18 homes by bringing in the utility lines to address their concerns of water, and sewer...In the light of above facts, I would like to formally state my objection to current DEIR report.”*

- This comment regarding annexation, island creation, and the provision of utilities to adjacent properties is addressed in Master Response 14. Section 3.10-6 discusses annexations, including the role of Fresno LAFCo. Page 3.10-6 indicates that Fresno LAFCo is responsible for coordinating orderly reorganization to local jurisdictional boundaries, including annexations. Any annexation of the Project site to the City is subject to LAFCo approval, and LAFCo will review proposed annexations for consistency with LAFCo’s Annexation Policies and Procedures.

The DEIR indicates that the proposed Project includes an amendment of the City’s SOI to include the entirety the approximately 155-acre Project site. The area is currently located in the City’s Planning Area, but outside of the City’s SOI. The amendment of the City’s SOI will require an application and approval by the

Fresno LAFCo. The SOI amendment would be reviewed by the City and LAFCo prior to proceeding with the requested annexation. If the SOI Amendment is approved, the Project would then be able to begin the annexation process.

The proposed annexation includes lands contiguous with the current City limits and parcels that would be within the expanded SOI. It is noted, though as the commenter indicates, that parcels proposed for annexation would involve the creation of an island of unincorporated territory to the south of the site. It is noted that LAFCo may approve an annexation that creates an island where it finds that the application of this policy would be detrimental to the orderly development of the community and that a reasonable effort has been made to include the island in the annexation, but that inclusion is not feasible at this time. The island area is designated as Focus Area 7 in the General Plan, and is located within the Herndon – Shepherd Specific Plan Area. The General Plan identifies Focus Area 7 for Residential Use, which would require all proposed projects within Focus Area 7 to be consistent with the Dry Creek Preserve Master Plan if it were to be annexed into the City. This area is currently within the SOI, but the property owners in Focus Area 7 do not currently desire to annex into the City. The City has continued to plan for orderly growth to the north of the City, including the area that includes the Project site.

For clarification, the Development Area is proposed for annexation, while the Non-development Area is not proposed for annexation. This means that the Development Area would receive City services once annexed, and the Non-development Area would be eligible for annexation at some future time. A future annexation of the Non-development area would require the property owners of those parcels to organize and agree to be annexed into the City, which has not been done as part of the current proposal. Additionally, it does not appear that the current sentiment from parcel owners in the non-development area would be supportive of annexation into the City at this time. It is noted, however, that the SOI expansion, which does not require the approval of the parcel owners, would allow for future annexation of the non-development area into the City of Clovis if desired by the property owners at some later date. If the SOI expansion were approved, the non-development area would remain in the unincorporated County, but would be within the City's SOI. If annexed at some future time, the parcels could be served by City water and sewer. However, annexing these parcels and providing City water and sewer services is not currently proposed.

The commenters objection to the Draft EIR is noted.

**Joyce Roach**

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**From:** George Gonzalez  
**Sent:** Tuesday, September 5, 2023 10:48 AM  
**To:** Sean Smith; Gene Abella  
**Cc:** George Gonzalez; Joyce Roach  
**Subject:** FW: [External] Wilson Water Project

FYI, thanks.



George González, MPA | Senior Planner  
City of Clovis | Planning Division  
p. 559.324.2383 | f. 559.324.2844  
[georgeg@cityofclovis.com](mailto:georgeg@cityofclovis.com)

---

**From:** kmk4321@yahoo.com <kmk4321@yahoo.com>  
**Sent:** Tuesday, September 5, 2023 10:12 AM  
**To:** George Gonzalez <georgeg@ci.clovis.ca.us>  
**Cc:** kevin kercher <kmk4321@yahoo.com>  
**Subject:** [External] Wilson Water Project

Dear Mr. Gonzalez,

I do not support the Wilson Water Project.

Kevin M. Kercher  
5107 E. Lexington Ave.  
Clovis, Ca 93619

559 799 8848

W-1

**Response to Letter W: Kevin Kercher, Resident of Clovis**

**Response W-1:** The commentor provides a brief statement that they “...do not support the Wilson Water Project.”

For clarification, the proposed Project is an application for residential development entitlements, and not specifically a “Water Project.” Nevertheless, this comment is noted. The comment will be provided to the City for consideration. No further response to this comment is warranted in the EIR.

**smcmurtry@denovoplanning.com**

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**Subject:** FW: [External] Shephard North Wilson development opposition letter

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**From:** [ckd@theworks.com](mailto:ckd@theworks.com) <[ckd@theworks.com](mailto:ckd@theworks.com)>

**Sent:** Wednesday, September 6, 2023 1:33 PM

**To:** George Gonzalez <[georgeg@ci.clovis.ca.us](mailto:georgeg@ci.clovis.ca.us)>; George Gonzalez <[georgeg@ci.clovis.ca.us](mailto:georgeg@ci.clovis.ca.us)>

**Subject:** [External] Shephard North Wilson development opposition letter

VIA EMAIL

George González, MPA | Senior Planner

City of Clovis | Planning Division

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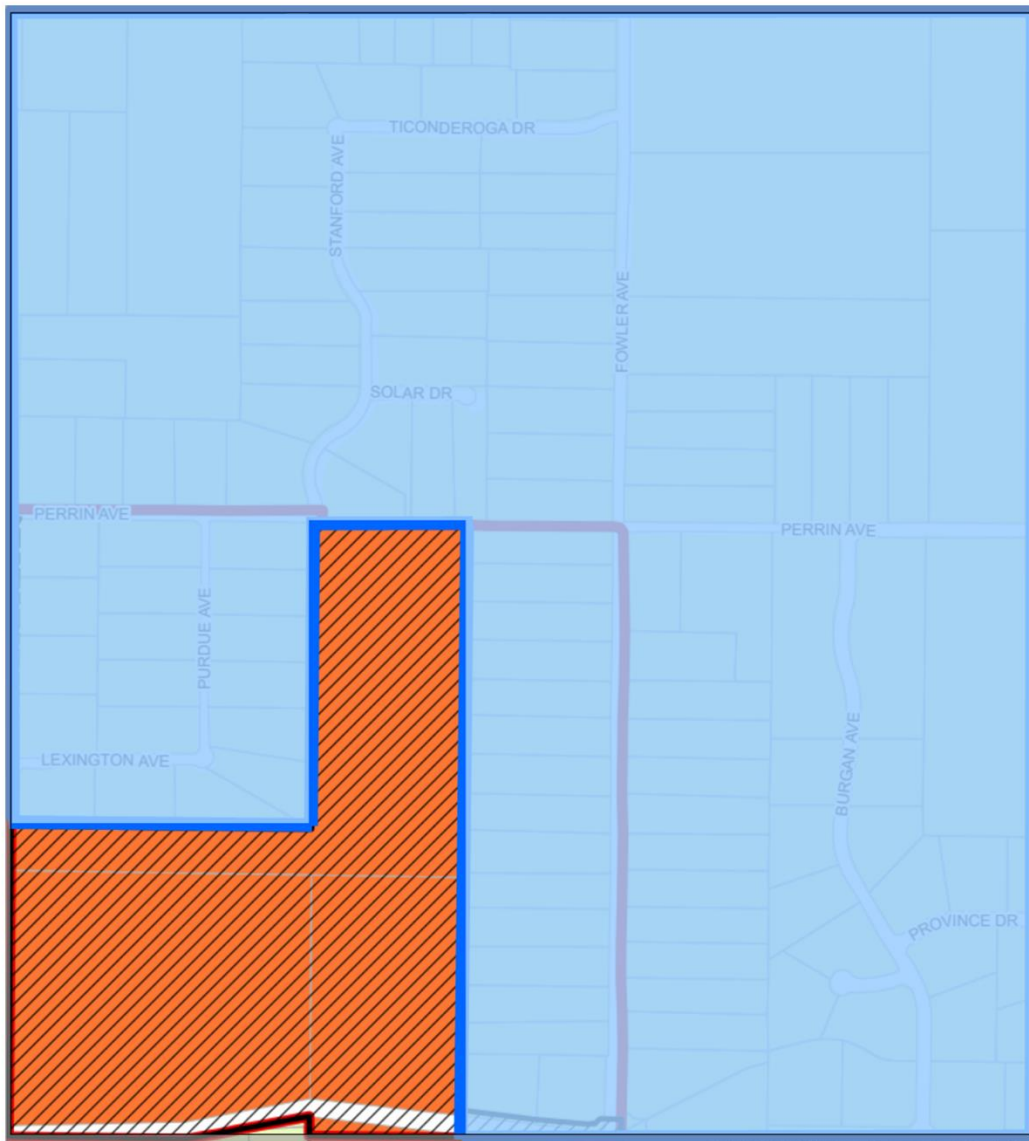
Re: Comments on Draft Environmental Impact Report for the Shepherd North Project

Dear Mr. Gonzalez:

I am writing to oppose the approval of the Shepherd North Wilson project based on many factors.

The most obvious is the fact that an irregular L-shaped development with 800 homes (605 houses and 195 apartments) does not fit this area of rural residential. It makes no sense to inject medium-high density housing into an area dominated by two-acre+ lots. Doing so destroys our Clovis way of life, the very motto Clovis promotes. The people who live in these areas enjoy the darkness of starry nights, walks on country roads, the quiet of the outdoors without traffic noise, and a peaceful environment away from the congestion of urban neighborhoods. They have spent their life savings to move out and away from populated areas. The most sensible way to develop this region would be to build additional two-acre properties consistent with the majority of existing properties in the area. Clovis needs to remember and restore its roots, and protect more of its country settings. Another option would be continuing to farm this plot as existing agricultural infrastructure is already in place. Clovis should not continue transitioning away from agriculture and rural properties, two facets that make Clovis a great place to live.

X-1



This 800 home development, with two-cars plus per residence, will at minimum generate in excess of 1,600 new vehicles. In addition, out of area traffic visiting these homes, such as friends and family, repairmen, pool techs, gardeners, babysitters, housekeepers, internet and cable companies, etc. will generate traffic beyond these figures. The Wilson development proposes four exits from the development, with approximately 25% for each, or 400+ vehicles using each exit route. The planned northern exit is extremely concerning for many reasons.

Stanford is a narrow county road and has six curves before it meets Ticonderoga. It has no streetlights, no sidewalks, and no bike lanes. In fact, all of the roads in the Quail Run Neighborhood are similar. Residents frequently ride bicycles, jog,

2

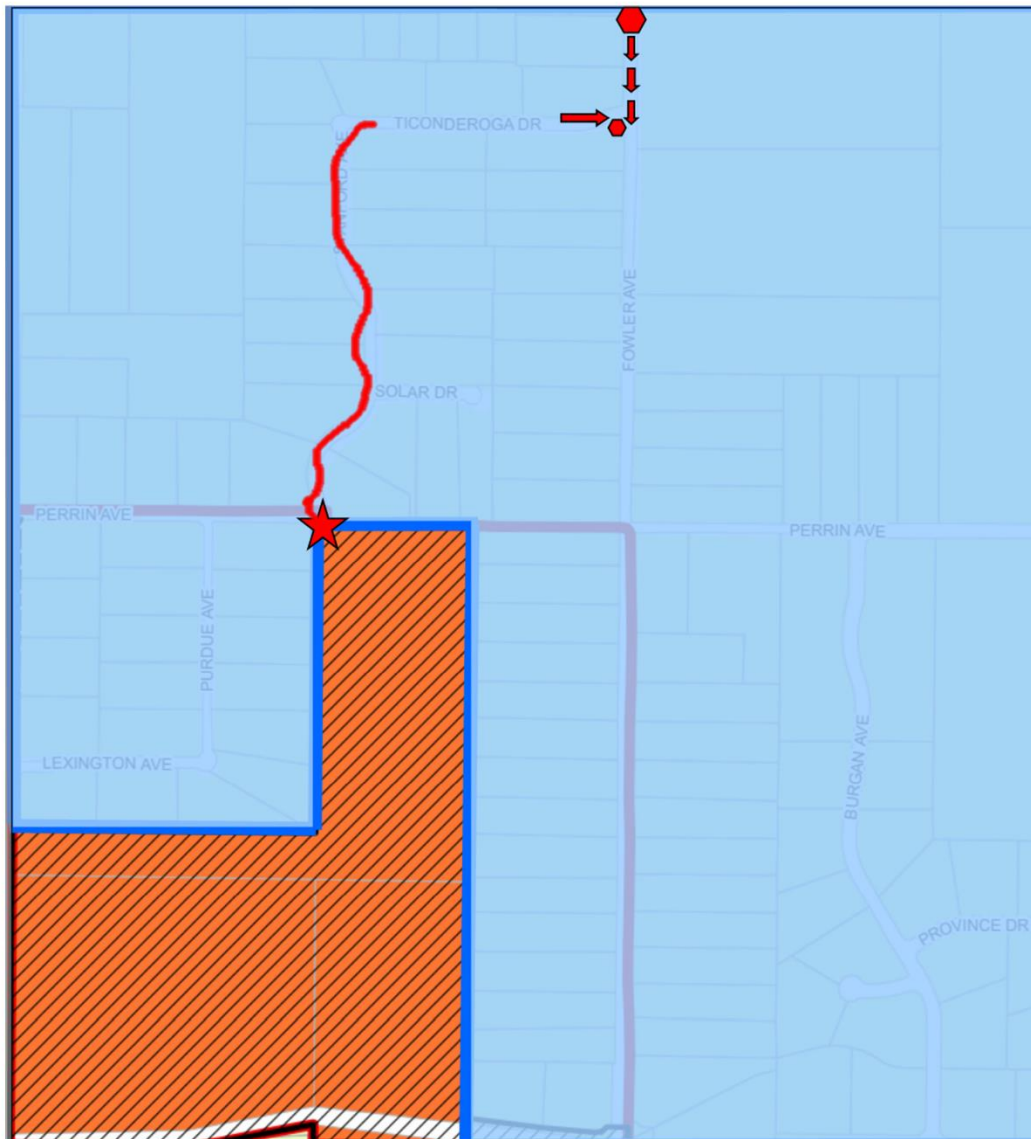
X-2



walk dogs, and drive golf carts. Dumping 25% of the proposed development traffic, or a minimum of 400 vehicles, onto Stanford and other streets in this area, is a recipe for disaster. These country roads were not designed for city thoroughfare.

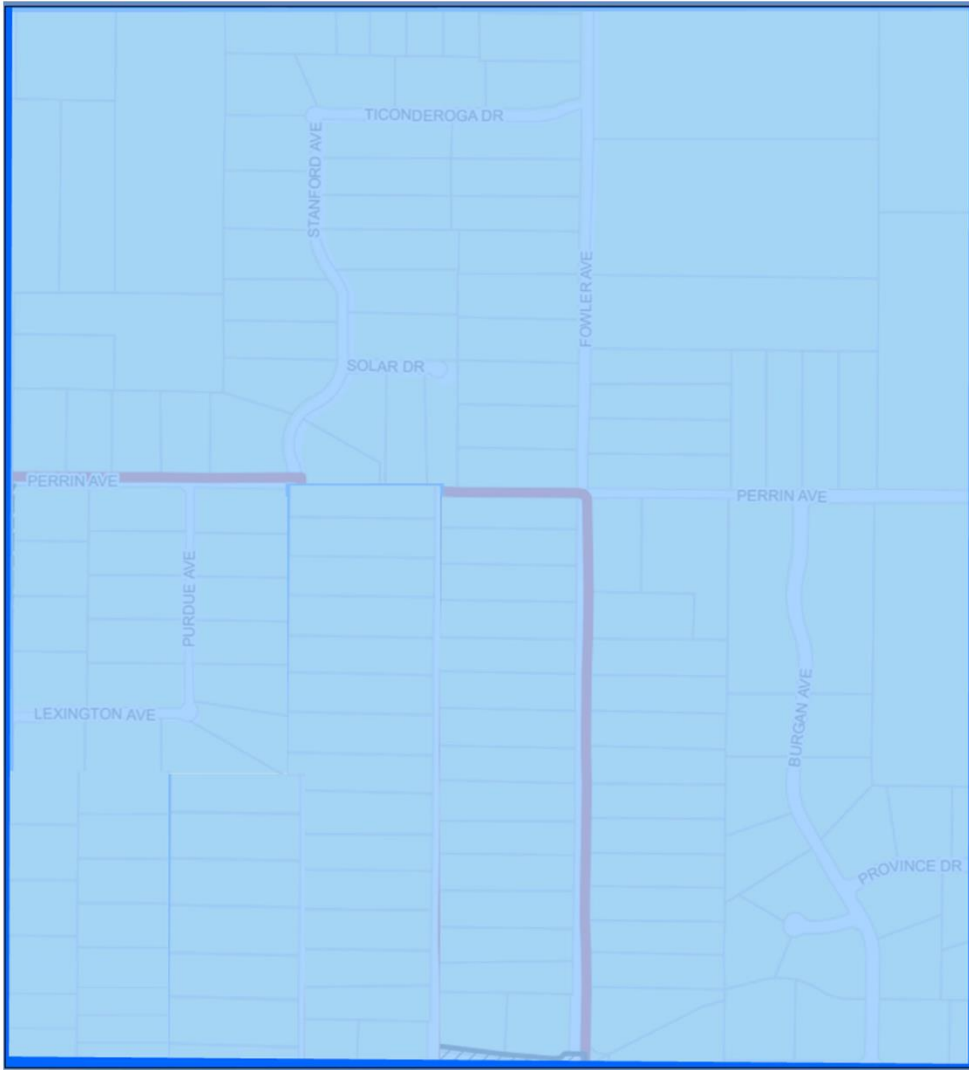
Additionally, since Shepherd has been closed, the only neighborhood exit from Quail Run is by way of Ticonderoga to Fowler. Because of the Stop sign at Behymer and Fowler, obstructing traffic is perfectly timed to make an exit onto Fowler difficult without "gunning it" to cut in. It is unthinkable and unimaginable what this exit would look like with the addition of 400+ vehicles lined up throughout the day and night, especially before and after school. Because cars emit the most CO2 while idling, the line of traffic attempting to exit onto Fowler will most certainly create an unavoidable negative environmental impact.

X-2 Cont.



The proposed land use change and draft EIR, should not be approved. This section should only be developed consistent with existing properties (see below) which maintains the consistency of the region. A developer should not be entitled to inject his profitability vision into the lives of existing property owners who have invested their life savings into a rural and peaceful lifestyle. 800 new households stacked and packed into an odd shaped parcel surrounded by two-acre lots does not fit this region, and the additional traffic onto Stanford for a Fowler exit will have deadly and negative environmental consequences.

X-3



Further, last night on our walk we witnessed a family of endangered San Joaquin Valley Kit Fox crossing at Sunnyside and Shepherd. I do not see any mitigations measures in the DEIR to protect this endangered species or provide habitat. Rural residential properties tick this box.

We vehemently urge you to oppose this project without major amendments.

Sincerely,

Kristi and Christian Diener

X-4

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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9355 N. Purdue

Clovis, CA 93619

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**Response to Letter X: Kristi and Christian Diener Residents of Clovis**

**Response X-1:** The commentor provides a brief paragraph identifying their opposition to the project. They indicate that *“the most obvious is the fact that an irregular L-shaped development with 800 homes (605 houses and 195 apartments) does not fit this area of rural residential. It makes no sense to inject medium-high density housing into an area dominated by two-acre+ lots. Doing so destroys our Clovis way of life, the very motto Clovis promotes. The people who live in these areas enjoy the darkness of starry nights, walks on country roads, the quiet of the outdoors without traffic noise, and a peaceful environment away from the congestion of urban neighborhoods. They have spent their life savings to move out and away from populated areas. The most sensible way to develop this region would be to build additional two-acre properties consistent with the majority of existing properties in the area. Clovis needs to remember and restore its roots, and protect more of its country settings. Another option would be continuing to farm this plot as existing agricultural infrastructure is already in place. Clovis should not continue transitioning away from agriculture and rural properties, two facets that make Clovis a great place to live.”*

- The application that is evaluated in the Draft EIR includes a General Plan Land Use Amendment to adjust the land uses from Rural Residential (RR) to Medium-High Density (MH). This also includes a pre-zoning request for R-1-PRD zoning designations over the Development Area. This proposal would include a Tentative Tract Map entitlement for 605 residential lots. It should be noted that there is not a proposal to develop 195 apartments, rather, the Draft EIR includes an Alternative (Increased Density Mixed Use Alternative) that would include an additional 195 apartment units that Alternative only. The Increased Density Mixed Use Alternative is described in Section 2.0 Project Description on page 2.0-8, and is evaluated in more detail in Section 5.0 Alternatives, but it should be noted that that the Increased Density Mixed Use Alternative is not the application requested by the Applicant. Regardless, the commenter’s opposition to an increase in housing density in the Development Area is noted and will be provided to the City for consideration.

**Response X-2:** The commentor states the following: *“This 800 home development, with two-cars plus per residence, will at minimum generate in excess of 1,600 new vehicles. In addition, out of area traffic visiting these homes, such as friends and family, repairmen, pool techs, gardeners, babysitters, housekeepers, internet and cable companies, etc. will generate traffic beyond these figures. The Wilson development proposes four exits from the development, with approximately 25% for each, or 400+ vehicles using each exit route. The planned northern exit is extremely concerning for many reasons.*

*Stanford is a narrow county road and has six curves before it meets Ticonderoga. It has no streetlights, no sidewalks, and no bike lanes. In fact, all of the roads in the Quail Run Neighborhood are similar. Residents frequently ride bicycles, jog, walk dogs, and drive golf*

*cars. Dumping 25% of the proposed development traffic, or a minimum of 400 vehicles, onto Stanford and other streets in this area, is a recipe for disaster. These country roads were not designed for city thoroughfare.*

*Additionally, since Shepherd has been closed, the only neighborhood exit from Quail Run is by way of Ticonderoga to Fowler. Because of the Stop sign at Behymer and Fowler, obstructing traffic is perfectly timed to make an exit onto Fowler difficult without "gunning it" to cut in. It is unthinkable and unimaginable what this exit would look like with the addition of 400+ vehicles lined up throughout the day and night, especially before and after school. Because cars emit the most CO2 while idling, the line of traffic attempting to exit onto Fowler will most certainly create an unavoidable negative environmental impact."*

- The traffic related comment is addressed under Master Response 6 through 13. Access to the project from existing streets will be provided by four driveways: two on Sunnyside Avenue, one on Perrin Road (Stanford/Perrin), and one on Shepherd Avenue. Except for the driveways on Shepherd Avenue and Perrin, all other project driveways will operate as full-access driveways. The driveway on Shepherd Avenue will operate as a Right-In Right-Out/Left-In (RIRO/LI) driveway, since Shepherd Avenue has a speed limit of 40 MPH along the project frontage and estimated to have significant amount of through traffic. The driveway at Stanford/Perrin will be an exit only driveway and will provide emergency access. The project is also estimated to add only nominal trips to the local roads including Stanford, Ticonderoga, or to Fowler Avenue north of Shepherd Avenue. This is because, due to the local circulation network and location of activity centers in relation to the project, majority of the project traffic is estimated to travel south using Shepherd Avenue on to Clovis Avenue, Sunnyside Avenue, and Fowler Avenue, as shown in the TIA. As such, the project traffic will have nominal effects on the local roads in the neighborhood, north of Shepherd Avenue

New traffic will be generated by the future residents of the 605 single-family residences. The DEIR identifies the traffic that would be generated by the proposed Project, including trips and vehicle miles traveled. The proposed Project does not propose any land use atypical to the area, or any land use that is estimated to change the neighborhood traffic pattern. The trip distribution pattern from the proposed Project is expected to be similar to the neighborhood trip patterns. Implementation of recommended improvements as included in the TIA would help alleviate traffic congestion and safety related issues within the project vicinity, as well as existing and future residential communities in the area. The traffic improvements recommended as part of the TIA accounts for cumulative traffic impact from all future projects, as well as the proposed Project. Additionally, the traffic analysis takes into consideration the effects of school traffic under existing and future long-range conditions. The improvements

proposed in the TIA would help address the traffic congestion issues from all future developments, as well as school related traffic within the project vicinity. This includes both vehicular and non-motorized traffic issues as described in the TIA.

- The comment regarding CO<sub>2</sub> is addressed in Section 3.7 Greenhouse Gases, Climate Change and Energy. Specifically, the emissions associated with mobile sources (traffic) were modeled and quantified. Table 3.7-2 on page 3.7-24 shows that the total emissions from Mobile Sources is 3,435.4 metric tons/year. This is associated with all mobile source emissions, not just limited to idling emissions. The Draft EIR notes that the modeling does not account for the Governor Newsom's Zero-Emission by 2035 Executive Order (N-79-20), which requires that all new cars and passenger trucks sold in California be zero-emission vehicles by 2035. The Draft EIR also notes that the modeling does not account for the incorporation of additional Renewables Portfolio Standard attainment beyond CalEEMod defaults, incorporation of AB 341, and incorporation of Title 24 requirements for the EV charging stations. This is anticipated to substantially reduce the operational emissions associated with passenger vehicles (i.e., mobile emissions) and other sources over time, including prior the 2035 final implementation year. The Draft EIR concluded that operational emissions results are likely an overestimate for mobile emissions.

The Draft EIR concludes that the Project, including the off-site improvements, would be consistent with the plans, policies, regulations, and GHG emissions reduction actions/strategies outlined in the 2022 Scoping Plan Update, the Fresno COG's 2022 RTP/SCS, and the Clovis General Plan. Furthermore, Draft EIR concludes that because the Project is consistent with and does not conflict with these plans, policies, and regulations, the Project's incremental increase in GHG emissions would not result in a significant impact on the environment.

**Response X-3:** The commentor states the following: *"The proposed land use change and draft EIR, should not be approved. This section should only be developed consistent with existing properties (see below) which maintains the consistency of the region. A developer should not be entitled to inject his profitability vision into the lives of existing property owners who have invested their life savings into a rural and peaceful lifestyle. 800 new households stacked and packed into an odd shaped parcel surrounded by two-acre lots does not fit this region, and the additional traffic onto Stanford for a Fowler exit will have deadly and negative environmental consequences."*

- The traffic related comment is addressed under Master Response 6 through 13. Comments regarding profit are economic in nature and outside the scope of an environmental document. These economic concerns will be provided to the City

for their consideration. The commenter's overall opposition to an increase in housing density in the Development Area is noted and will be provided to the City for consideration. The project is estimated to add only nominal trips to Fowler Avenue north of Shepherd Avenue. This is because, due to the local circulation network and location of activity centers in relation to the project, majority of the project traffic is estimated to travel south using Shepherd Avenue on to Clovis Avenue, Sunnyside Avenue, and Fowler Avenue. Based on the TIA, only 15 percent of project traffic is anticipated to utilize Fowler Avenue.

**Response X-4:** The commentor states the following: *"Further, last night on our walk we witnessed a family of endangered San Joaquin Valley Kit Fox crossing at Sunnyside and Shepherd. I do not see any mitigation measures in the DEIR to protect this endangered species or provide habitat. Rural residential properties tick this box."*

- San Joaquin kit fox (SJKF) is addressed in the Draft EIR on page 3.4-11, and 3.4-28. The SJKF is a federally endangered and state threatened species. They generally inhabit saltbush scrub, grassland, oak, savanna, and freshwater scrub in the San Joaquin Valley, and adjacent open foothills to the west.

The Project site is characterized as frequently disturbed from active agricultural activities, and as a result, the Project site does not contain high quality habitat for the SJKF. The CDFW has not documented any SJKF within nine miles of the Project site. The field surveys did not reveal any dens on the Project site so there is no active, or recent past, occupation by SJKF. The historical agricultural activities and denser orchard canopy make this site not ideal. It is noted that there are other species of canids, including grey fox and coyote, that are more likely to occur in the vicinity, and it is possible that one was mistaken for a SJKF on the commenter's walk. There are no documented occurrences of a SJKF den in the vicinity, and it is not clear where such a transient SJKF in the vicinity would be traveling to and from. Overall, given the current condition of the Project site, and the absence of SJKF dens, development of the Project is anticipated to have a less than significant impact on SJKF. It is noted that the California Department of Fish and Wildlife has reviewed the Biological Chapter of the EIR and does not have issues with the analysis of SJKF.



### 3.1 INTRODUCTION

The City of Clovis received twenty-four (24) comment letters on the Draft EIR (DEIR) during the DEIR 45-day public review period. Acting as lead agency, the City of Clovis has prepared responses to the DEIR comments, which were included in a Final EIR that was made public prior to a hearing by the Planning Commission. After the release of the Final EIR there were sixteen (16) comments provided to the City of Clovis after public review closed for the DEIR. This Chapter is intended to provide a response to those comments. Responses to the comments received after public review do not involve any new significant impacts or “significant new information” that would require recirculation of the DEIR pursuant to CEQA Guidelines Section 15088.5.

### 3.2 LIST OF COMMENTERS

Table 3.0-1 lists the comments that were submitted to the City of Clovis received after public review closed for the DEIR. The assigned comment number, letter date, letter author, and affiliation, if presented in the comment letter or if representing a public agency, are also listed.

**TABLE 3.0-1 LIST OF COMMENTERS ON RECEIVED AFTER DEIR PUBLIC CIRCULATION**

<i>RESPONSE LETTER</i>	<i>INDIVIDUAL OR SIGNATORY</i>	<i>AFFILIATION</i>	<i>DATE</i>
L-1	Jared Callister on behalf of 20 members	Quail Run Community and members of the Quail Run 18 Association	11-13-23
L-2	Marcus and Amy DiBuduo	Resident of Clovis	9-16-23 * (11-14-23)
L-3	Rich Wathen	Resident of Clovis	11-14-23
L-4	Leo & Todd Wilson	Project Applicant	11-14-23
L-5	Nathan O. George	Remy Moose Manley, LLP	11-16-23
L-6	Dean & Valerie Uhrig	Resident of Clovis	11-16-23
L-7	Jacqueline Ruiz	Resident of Clovis	11-16-23
L-8	Peter Menagh	Resident of Clovis	11-16-23
L-9	Jared Callister	Resident of Clovis	11-16-23
L-10	Laurence Kimura, P.E.	Fresno Irrigation District	11-16-23
L-11	Lewis Smith	Resident of Clovis	11-16-23
L-12	Patrick Quigley	Resident of Clovis	11-16-23
L-13	Marcus DiBuduo	Resident of Clovis	11-17-23
L-14	Lewis Smith	Resident of Clovis	11-27-23
L-15	Chuck Kallas	Resident of Clovis	11-27-23
L-16	Robert Shuman	Resident of Clovis	11-30-23

*\* Note that letter L-2 from Marcus and Amy DiBuduo is dated 9/16/23, but this appears to be in error. The letter was emailed to the City on November 14, 2023, and it references City documents that were not made available until November 3, 2023.*

### 3.3 COMMENTS AND RESPONSES

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

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CEQA Guidelines Section 15088, subdivision (a) requires that lead agencies evaluate and respond to all comments on the DEIR that raise significant environmental issues. Section 15008, subdivision (b) provides that “[t]he written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency’s position is contrary to recommendations and objections raised in the comments, said comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be a good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information or does not explain the relevance of evidence submitted with the comment.” Section 15204 adds that “[w]hen responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

In addressing how commenters on DEIRs should focus their comments, CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the DEIR in identifying and analyzing the possible environmental impacts of the project and ways to avoid or mitigate the significant effects of the project, and that commenters provide evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, subdivision (f)(5), an effect shall not be considered significant in the absence of substantial evidence.

It is noted that the CEQA Guidelines do not specifically address the need to respond to comments that are received after the public review period for the Draft EIR. However, City of Clovis staff intends to incorporate these comments, and the following responses to these comments, into the Revised Final EIR that is presented to the City Council for their certification.

#### RESPONSES TO COMMENT LETTERS

The comments on the DEIR are reproduced on the following pages, along with the City’s responses to those comments. To assist in referencing comments and responses, the following coding system is used:

Each letter is numbered and each comment within each letter is numbered (i.e., comment L-1-1, comment L-1-2, etc.). The “L” denotes that the comment was a comment provided after the 45-day public review period.

#### MASTER RESPONSE TO COMMENTS

It is noted that master responses were presented in Chapter 2.0 of the Final EIR and were intended to address comments related to topics that are common to several comment letters provided during the public review period, but the master responses are also relevant to address several comment letters

provided herein. The intent of a master response is to provide a comprehensive response to a topic in a coordinated, organized manner in one location that clarifies and elaborates on the analysis in the DEIR. The following master responses were included in their entirety in Chapter 2.0 of the Final EIR and are presented here as a list only. Please refer to Chapter 2.0 of this Revised Final EIR for the complete Master Responses:

- Master Response 1: Water Quality
- Master Response 2: Storm Drainage/Flooding
- Master Response 3: Groundwater/Surface Water Supply
- Master Response 4: Infiltration/Natural Recharge
- Master Response 5: Groundwater Extraction
- Master Response 6: Access
- Master Response 7: Traffic generation
- Master Response 8: Traffic volume
- Master Response 9: Pedestrian and Cyclist Traffic
- Master Response 10: Traffic calming/Improvements
- Master Response 11: Safety for children playing
- Master Response 12: Fire gate
- Master Response 13: Traffic on Stanford, Perrin, Ticonderoga, and Fowler
- Master Response 14: Annexation, SOI Expansion, and the Provision of City Services
- Master Response 15: Neighborhood Meeting
- Master Response 16: Parks/Greenspace
- Master Response 17: Noise
- Master Response 18: Aesthetics/Lights
- Master Response 19: Air Quality, GHG, Energy

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November 13, 2023

City of Clovis Planning Commission

*Clovis City Council*

***Re: Concerns and Position of The Quail Run 18 Association Regarding the Spensley Property Development—Shepherd North Project***

Dear Members of the City of Clovis Planning Commission and City Council,

We, the undersigned, are residents of the Quail Run community and members of the Quail Run 18 Association (the "Association"), a community of homeowners deeply invested in the well-being and future of our neighborhood. We wish to express our position and concerns regarding the proposed development of the Spensley property (the "Project").

L-1-1

While the Association generally supports the proposed change in the Sphere of Influence boundary, it is imperative to convey our significant objections about the current development Project due to several critical factors:

1. **Density:** The proposed density of the Project raises concerns about its compatibility with the existing character and fabric of our neighborhood.
2. **Water:** Questions about water availability and sustainability in light of the new development need thorough examination.
3. **Noise, Traffic, and Light:** The increase in noise levels, traffic congestion, and light pollution due to the Project will detrimentally impact the quality of life for the residents.

L-1-2

L-1-3

L-1-4

As a result of these significant impacts, the Association is strongly opposed to the Project as currently proposed.

The Association has also deliberated on the possibility of annexation. While recognizing potential benefits, we have not formally requested annexation, primarily due to numerous unresolved queries. These include:

- Clarifications needed on the annexation process and associated fees.
- Detailed terms of the annexation agreement.
- Implications of increased property taxes.
- Other factors that might affect the Association's way of life.

L-1-5

While our community is vehemently opposed to the Project as it currently stands, we do acknowledge, however, that if some annexation of the Spensley property is to occur, then it may be prudent for the Association to also be annexed to avoid creation of an isolated county island.

It is essential to note that our stance on annexation is still under consideration, given the complexities and the need for comprehensive information to understand its full ramifications. Additionally, the rapid

L-1-6

# RESPONSES TO COMMENTS RECEIVED AFTER FEIR PUBLIC CIRCULATION

3.0

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development of events concerning this Project has left little time for a thorough and thoughtful analysis, which is necessary for a decision of this magnitude.

In light of these points, we urge the City of Clovis Planning Commission and City Council to consider our concerns and put the Project "on hold" until these concerns have been addressed. The Association is committed to a constructive dialogue and looks forward to working together towards a solution that respects the interests of our community and the broader objectives of the City of Clovis.

Thank you for your attention to these matters.

Sincerely,

DocuSigned by:  
*David Benjamin Jr*  
199C46E6E0246D...

DocuSigned by:  
*Christian Diner*  
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DocuSigned by:  
*Curtis Cookingham*  
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*Debra Menagh*  
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*Deirdre Childers*  
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*John*  
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*Eric Palmer*  
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*Gene H. Walker*  
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*Jacqueline King*  
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*Janet Callister*  
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*Sandra Warner*  
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*Kristi Diner*  
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RESPONSES TO COMMENTS RECEIVED  
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 Fresno, CA 93720  
 receptionist@flclaw.net  
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 chris@fivepointsranch.com  
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 curtis.cookingham@sbcglobal.net  
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 fresnovanrental@gmail.com  
 chris benjamin owner  
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# RESPONSES TO COMMENTS RECEIVED AFTER FEIR PUBLIC CIRCULATION

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Debra Menagh  
dmenagh@hotmail.com  
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Eric Poulsen  
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### Signature

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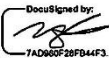
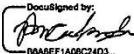

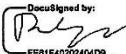
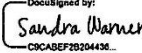
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# RESPONSES TO COMMENTS RECEIVED AFTER FEIR PUBLIC CIRCULATION

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## RESPONSES TO COMMENTS RECEIVED AFTER FEIR PUBLIC CIRCULATION

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L -6 Cont

**Response to Letter L-1: 20 Members., Quail Run Community and members of the Quail Run 18 Association**

**Response L-1-1:** The commenters provide a brief introduction to the letter, noting who they are, and that they would like to express their position and concern regarding the proposed Project.

- This comment is noted, and their concerns will be presented to the City for consideration. This comment does not require any further response.

**Response L-1-2:** The commenters state that they have concerns with the proposed density of the Project, and its compatibility with the existing character and fabric of the neighborhood.

- Although CEQA does not require an assessment of the effect of a project on the general “character” or “fabric” of a community, CEQA does require a lead agency to assess whether a project would result in substantial adverse impacts on scenic vistas and resources or substantially degrade the visual character of a project site and its surroundings. The Draft EIR found those impacts would be less than significant.

The proposed density of the Project is described in Section 2.0 Project Description in the Draft EIR. Master Response 18 provided in the Final EIR addressed concerns regarding the change in visual character of the Project site. The existing visual character of the Project site is discussed on page 3.1-4 of the DEIR. Here the region and vicinity are described as follows: The City of Clovis is in California’s San Joaquin Valley, and like most communities in the region, features a flat landscape organized around an orthogonal system of roadways. Due to its rapid growth in recent years and its adjacency to the City of Fresno, Clovis has a largely suburban character. Most of the City’s land area is devoted to low density residential neighborhoods. However, because the community has grown from a small farming town and is still surrounded by agricultural land uses on three sides, it retains a rural atmosphere. The suburban/rural interface is most prominent on the City’s eastern, southeastern, and southern edges. In these locations, new housing subdivisions are sited between working farms and large residential estate lots of two to five acres. The SOI beyond the City’s Limits to the east, northeast, and north is dominated by agricultural uses and undeveloped open spaces. The Project site is in the north, and the immediately surrounding area is best characterized as a mix of agricultural, suburban residential, and large estate lots with existing residences.

The Project’s potential impact on the visual character of the areas surrounding the Project were evaluated in the DEIR on pages 3.1-10 through 3.1-13. Here the proposed Project is described as involving an expansion of the City’s Sphere of

Influence (SOI) to add approximately 155 acres into the City of Clovis' SOI, including the annexation/reorganization of the proposed 77-acre Development Area to develop 605 single-family detached units, open space totaling 5.54 acres, including 2.25 acres of trails, 2.39 acres of promenade/pedestrian circulation, and 0.90 acres of parks, and associated roadway improvements. The DEIR indicates that the non-Development Area includes the parcels being included in the Sphere of Influence (SOI) expansion that will not be entitled for subdivision or development and no new development or improvements are proposed as part of the proposed Project for the Non-development Area. As a result, the DEIR concludes that the existing visual character of the Non-development Area would not change as part of the proposed Project.

Although the Project would change the visual character of the Project site, this change would not result in significant aesthetic impacts to surrounding properties. The Project contemplates the 77-acre Development Area would be converted from its existing use as primarily agricultural land to a residential neighborhood.

The Project includes exterior landscaping and open space to ensure an aesthetically pleasing visual buffer between existing land uses and the Project. The Project applicant has submitted a landscape plan for the project detailing the Shepherd Avenue and open space landscaping for the proposed developed prepared by a licensed landscape architect. That conceptual landscape plan includes visual components that will enhance the appearance of the neighborhood once developed like those constructed by adjacent residential projects along Shepherd Avenue. These improvements include landscaping improvements like new street trees and other neighborhood greenery along Shepherd and Sunnyside Street frontages of the Project. The proposed Project would also result in the construction of park and open space areas within the subdivision. While implementation of the proposed Project would change the existing visual character of the area, the development components of the subdivisions are in alignment with the City's requirements for residential subdivisions in the region, and would not result in a potentially significant aesthetic impact.

The neighborhoods within the Development Area would include a network of streets to provide an efficient flow of traffic through the area. Other uses to support and compliment the proposed residential development include underground (non-visible) wet and dry utility infrastructure, roadways with

curb/gutters/sidewalks, bicycle/pedestrian facilities, street lighting, and street signage.

The Project site is also required to be consistent with the General Plan and the Clovis Zoning Ordinance, which includes design standards. The City of Clovis zoning ordinance and ministerial permits design, construction and maintenance standards will ensure quality and cohesive design of the Project site. These standards include specifications for building height, massing, and orientation, exterior lighting standards, and landscaping standards. Following the City's design, construction, and maintenance requirements will produce a project that will be internally cohesive, while maintaining and aesthetic feel like that of the surrounding urban uses.

Compliance with the requirements within the General Plan, as well as the Municipal Code (specifically Title 7 Public Works, Title 8 Building Regulations, Title 9 Development Code, and Title 10 Parks and Recreation), for the design, construction, and maintenance of the project will be required. Title 9 Development Code Division 3 includes a series of Development and Operational Standards that are aimed at creating uniform performance standards which are designed to minimize and mitigate the potential impacts of development within the City and promote compatibility with surrounding areas and land uses. These standards cover topics such as exterior light and glare (Section 9.22.050), fences, walls, and hedges (Section 9.24.060), height measure and height limit exceptions (9.24.080), screening and buffering (Section 9.24.090), setback regulations and exceptions (Section 9.24.100), landscaping standards (Chapter 9.28), tree protection standards (Chapter 9.30), and signs (Chapter 9.34). Some of these standards and requirements from pre-existing regulations are implemented after Project entitlement when more detailed site planning, engineering, and architecture is performed. The final approval of these items is ministerial. Some examples of requirements that the Project will follow are:

The Municipal Code implements the policies of the Clovis General Plan by classifying and regulating the uses of land and structures within the City of Clovis. The Municipal Code is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents and businesses in the City. These existing requirements provide standards for the orderly growth and development of the City to establish and maintain the community's history and quality characteristics in appropriate locations. It requires high quality planning and design for development that enhances the visual character of the City, avoids conflicts between land uses, encourages the

appropriate mix of uses, and preserves the scenic qualities of the City. It also creates a comprehensive and stable pattern of land uses upon which to plan sewerage, transportation, water supply, and other public facilities and utilities. Overall, these mandatory requirements are deemed effective in reducing potential visual impacts. This is particularly true here where the project site is an isolated and remnant agricultural use surrounded by residential and rural residential land uses.

Therefore, although the Project would result in some changes to the visual character of the Project site, the impacts of these changes to both the surrounding neighborhoods and the public would be less than significant.

**Response L-1-3:** The commenters state that they have concerns with the water availability and sustainability.

- The Final EIR provides a thorough discussion of the topic identified in this comment. Specifically, water availability and sustainability are addressed in Master Response 3, 4, and 5.

**Response L-1-4:** The commenters state that they have concerns with noise levels, traffic congestion, and light pollution.

- The Final EIR provides a thorough discussion of the topics identified in this comment. Specifically, traffic congestion is addressed in Master Response 7, 8, 10, and 13. Noise is addressed in Master Response 17. Light is addressed in Master Response 18.

**Response L-1-5:** The commenters state that they are strongly opposed to the Project, and that their organization has deliberated on the possibility of annexation. They recognize some benefits of annexation, but indicate that they have not formally requested annexation due to numerous unresolved queries including: clarifications needed on the annexation process and associated fees, detailed terms of the annexation agreement, implications of increased property taxes, and other factors that might affect their way of life. The commenters reiterate their opposition to the Project, but acknowledge that if it were to be approved for annexation, then it may be prudent for them to also be annexed to avoid creation of an isolated county island.

- These comments are noted. It should be noted that most of this comment refers to economic and social impacts that are not cognizable under CEQA. For clarification, the Quail Run community would not qualify as an isolated island were it not to be annexed. Master Response 14 provides discussion on Annexations. Much of the clarifications and information that the commenter

identifies as unresolved queries are obtainable through coordination with LAFCo, which is the agency responsible for annexations. The City staff is also available to provide information and help with queries that the commenter has about annexation. Ultimately, it is the commenter's decision on whether they would like to be annexed. The City's adopted of an SOI expansion would provide the commenter with the option to be annexed if they decide that it is in their best interest.

**Response L-1-6:** This passage includes the commenters' concluding remarks regarding their stance on the annexation. They indicate that there has been little time for a thorough and thoughtful analysis. The commenters indicate that they are available for constructive dialogue and look forward to working together for a solution that respects the interest of their community and the City's broader objectives.

- These comments are noted. For clarification, the EIR is a result of extensive technical analysis by a team of consultants working closely with City staff since 2021 (over two years). During that time there was a significant amount of analysis, peer review, design changes, and supplemental analysis necessary to fully analyze the impacts, and reduce or avoid impacts associated with project development. The City staff is available five days a week in City Hall to assist with any questions or to receive and process any applications. The commenters have likewise met with representatives of the applicant on several occasions.

RESPONSES TO COMMENTS RECEIVED  
AFTER FEIR PUBLIC CIRCULATION

September 16, 2023

Planning Commission  
City of Clovis  
1033 Fifth Street  
Clovis, CA 93612

Re: Items associated with approximately 77 acres of land located at the northeast corner of Shepherd and N. Sunnyside Avenues

Dear Commissioners,

We are residents of Cole Ave. which is 1000 feet south of the proposed project and in an area known as the Dry Creek Preserve.

The Dry Creek Preserve is an important and sensitive location which will, in the future, be the connection between upscale North Clovis and historic Downtown Clovis. The City should be respectful to the impact City growth has on this area – an area which will, in all likelihood, be one of the only areas within the reach of the city that maintains a rural, agriculture lifestyle that many (erroneously believe) reflects the “Clovis Way of Life”. However, as discussed herein, the City has not sufficiently analyzed water, traffic, and annexation impacts of the project on the Dry Creek Preserve.

L-2-1

For the reasons stated herein, we are opposed to each of the following items set to be voted on during the November 16, 2023 meeting, each of which should fail to be adopted:

- 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.
- 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.
- 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.
- 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.
- 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.

L-2-2



- 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.

Our opposition is based on our review of the following documents attached to Agenda Item 3 for the November 16, 2023 Meeting Packet: 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; and 19. Findings in Support of Project Applications

L-2-2 Cont

**Water**

A Kenneth D. Schmidt and Associates’ report from September 2023 entitled “Groundwater Conditions in the Vicinity of Proposed Tract 6205” addresses third party comments submitted during the review process, and importantly, disruption of recharge from rainfall.

The Schmidt Report states that there is south westerly flow of groundwater at the project site and that “[o]nly the north half of the project would appear to influence the groundwater in the rural residential area to the northwest.” The report however does not address the impact of the proposed development (including not only loss of storm water but loss of recharge from pecan tree irrigation) on the rural residential areas to the east or south of the proposed project.

Harbour and Associates (2023) have estimated the project average storm water runoff to be about 40 acre-feet per year. The storm water from the proposed development is anticipated to be sent to a flood control basin about a mile north of the project site. However, nothing in the Final EIR or the Schmidt Report address whether 40 acre-feet of annual recharge at a basin site a mile north of the proposed project site would contribute positively to groundwater levels in the rural residential areas surrounding the project site (including north, south, and east of the project site) sufficient to offset the loss of recharge from rainfall.

L-2-3

An Indoor Residential Water Use Study, authored by the California Department of Water Resources, reports that the current statewide median indoor residential water use is 48 gallons per capita per day (or about 17,500 gallons per capita per year). 40 acre-feet of water is equivalent to about 13,000,000 gallons of water – enough for about 750 individuals per year. This is a significant amount of water.

It is estimated that there are 500 rural residential properties within a mile of the proposed development. Nearly half of these residences are in the Dry Creek Preserve, the unincorporated area to the south of the proposed project. Half of the Dry Creek Preserve is southwest of the proposed project – the same direction with the Schmidt Report stated the groundwater flows.

Because the impact to groundwater irrigation and the proposed mediation has not adequately addressed the Dry Creek Preserve, the Final EIR is deficient and should not be accepted. For the same reasons, the project should not be approved.

### Traffic

As the City is well aware, traffic on Sunnyside Ave. within the Dry Creek Preserve (“Rural Sunnyside Ave.”) is and will continue to become a significant issue as the City expands north of Shepherd. Rural Sunnyside Ave. is a two lane, double striped “no-passing” road that spans about one mile and is only about 24 feet wide. Within this one-mile stretch there are approximately 35 fronting residences and approximately 70 points of entry/exit onto Rural Sunnyside Ave. (including paved and unpaved driveways and access roads, transitions to arterial and adjacent streets).

Rural Sunnyside Ave. is a rural road in a rural environment. There are no streetlights. Several areas have mature trees or bushes which interfere with unobstructed line of sight. There is significant wildlife activity in the area which cross the road (Rural Sunnyside Ave. bisects the Dry Creek Preserve between the Dry Creek Canal and open space within the Dry Creek Preserve). Because there are no bike lanes or sidewalks cyclists and pedestrians share the roadway with the vehicles. Agricultural vehicles (including tractors, harvesting equipment, trailers, equine carriers, and the like) frequently utilize this road alongside “typical” roadway vehicles which may be passing through (including commuters, transport vehicles, construction vehicles, school busses, and waste disposal vehicles). All these factors and more require heightened awareness while driving this stretch... especially at night.

Waste collection vehicles, when collecting from the properties adjacent to Rural Sunnyside Ave., cannot pull off the roadway and instead stop in the lane (noting that stand alone and roll-off-type waste containers are placed just outside of the paved roadway to facilitate pickup). During their pickup from each residence along Rural Sunnyside Ave. the waste collection vehicles impede the flow of traffic while the waste containers are positioned, emptied, and re-positioned. Each stop, much less the cumulative impact of sequential stops along Rural Sunnyside Ave., causes a significant backup. This is especially true since the entire stretch of Rural Sunnyside Ave. is “no passing” – meaning all traffic is queued behind the waste collection vehicle while it completes the street pickup.

Similarly, school busses must stop in the roadway on Rural Sunnyside Ave. and impede the flow of traffic. Bus drivers may occasionally need to exit the bus to escort children across the roadway. In some cases, children are picked up at the bus stop by their parents who must also stop along the roadway. The alternative for those that are not picked up by their parents, is to undertake a dangerous walk along Rural Sunnyside Ave. It is especially dangerous due to the fact that there are no sidewalks, and in many places no dirt or gravel path, adjacent to Rural Sunnyside Ave.’s roadway.

There are numerous other examples of common conditions on Rural Sunnyside Ave. that make it uniquely more dangerous and deserving of attention. Long equine carries may need to reverse down portions of Rural Sunnyside Ave. as they back into their property. Oversized agricultural equipment may travel at a slow pace and significantly queue traffic that is unable to pass. During harvest time, agricultural vehicles, such as pecan shakers, sweepers, and harvesters, along with the harvesting crew, utilize Rural Sunnyside Ave. to move the slow oversized equipment from one orchard to another. Cyclists - that can only travel in roadway – either cause queued traffic behind them, or create a great risk of frustrated vehicles illegally overtaking them.

As shown above, Rural Sunnyside Ave. has unique traffic related concerns. This is unfortunate since it, along with Fowler Ave., is an important --- if not the most important --- route between the proposed project and any location in Clovis or Fresno that is south of Nees Ave. When Rural Sunnyside Ave. crosses

L-2-4

Nees Ave. it turns into the City's Sunnyside Ave. At this magical intersection Sunnyside Ave. transforms from a 24-foot wide, two lane, unlit road without a sidewalk to a 64-foot wide, four lane, lit road with a sidewalk. Unfortunately, however, neither the Draft EIR, the Final EIR, nor the traffic studies consider Rural Sunnyside Ave. to be anything other than a regular City road, though each admit the proposed project would significantly impact it.

The Final EIR addresses comments that were received regarding the Draft EIR. Master Response 7 (Traffic generation), Master Response 8 (Traffic Volume), Master Response 9 (Pedestrian and Cyclist Traffic), and Master Response 10 (Traffic calming/Improvements) states that the improvements identified in the traffic study --- sidewalks, curb and gutter along Sunnyside Avenue along the project frontage --- would help alleviate traffic congestion and safety issues within the project vicinity.

If these statements (or any other statement) is false, the Final EIR is untrustworthy. If these statements is true, then the Final EIR either (i) treats Sunnyside Ave. between Sheperd Ave. and Nees Ave. as not in the "vicinity" of the proposed project or (ii) fails to analyze the impact of the proposed project other than any particular impact which may be mitigated by the suggested improvements (i.e., it only finds impact to those matters which may be offset by signalization of Sunnyside/Shepherd and Sunnyside/Nees intersections. In any event, the presence of this statement underlies flaws in the Final EIR.

L-2-4

The responses further double down on the bizarre assertion that sidewalks north of Shepherd Ave. somehow mitigate impact south of Shepherd Ave. One of the comments to the Draft EIR was a letter from Norman D Morrison, dated September 4, 2023 and entitled "Comments in Opposition to/regarding Shepherd North Draft EIR E202310000202" ("Morrison Letter"). The Morrison Letter indicated deficiencies in adequately analyzing traffic impacts or identify mitigation measures on Sunnyside Avenue between Shepherd and Nees within the Dry Creek Preserve. Mr. Morrison is a resident on Rural Sunnyside Ave.

Rather than analyzing Mr. Morrison's comment along the situs of which it referred (i.e., Rural Sunnyside Ave.), Response R-4 again simply states "[t]he improvements proposed in the study would help address the traffic congestion issues... within the project vicinity", and again touts the benefits of the improvements along the project frontage without identifying how such improvements would at all mitigate the impact on Rural Sunnyside Ave.

Whether these statements are false or at best misleading, they render the Final EIR unfit for acceptance. For the same reasons, the project should not be approved. The devil and deficiencies here are in the details: much like addressed above with respect to water, the Final EIR appears to not significantly address the impacts on traffic in the Dry Creek Preserve, and importantly, Rural Sunnyside Ave.

**Sheperd Ave. Access Point**

The project proposes an access point along Sheperd Ave. about 1000' east of the intersection of Sunnyside/Shepherd. Unlike the ill-advised access point to Heritage Grove permitted between the intersections of Sunnyside/Shepherd and Clovis/Shepherd, this stretch of Shepherd Ave. between the proposed access point and the intersection of Fowler/Shepherd is one lane in each direction. Rather than requiring the applicant to dedicate enough property to substantially convert Shepherd Ave. between Sunnyside Ave. and Fowler Ave. into four travel lanes (which would align with Shepherd Ave. east and west

L-2-5

of the project), the City apparently is committed to this stretch in a major arterial in North Clovis being a permanent pinch point. Because it will apparently remain a single lane from Fowler Ave. to Sunnyside Ave., any impediment to the flow of traffic appurtenant to the project along Shepherd Av. should be avoided. The City should not amend the circulation element of the General Plan to allow the Access Point as doing so would further congest an already congested stretch of Shepherd Ave.

L-2-5 Cont

### Annexation

While the Draft EIR and Final EIR briefly address potential annexation issues to properties north of Shepherd Ave., it doesn't address a bigger concern for the City – annexation of properties in the Dry Creek Preserve south of Shepherd Ave.

Several people provided comments about annexation. Although it doesn't appear that any of these comments were directed to possible annexation of properties within the Dry Creek Preserve, it bears reminding that unconsented annexation of any property within the Dry Creek Preserve will significantly impact the proposed project and the City and its resources. The City should be reminded that most residents of the Dry Creek Preserve do and will object to annexation. Many of those which may choose to not formally object to annexation have executed annexation agreements which relieve them of many obligations and perceived benefits of being in the City.

L-2-6

Should the proposed project trigger annexation proceedings on property in the Dry Creek Preserve, the City and applicant should expect significant delays to final project approval.

The Final EIR should not be accepted since it fails to address the potential of the project to impact the potential for annexation in the "vicinity" anywhere south of the proposed project boundaries. For the same reasons, the project should not be approved. Should the City, however, accept the Final EIR, it should condition approval of the project on no property south of Shepherd Ave. being the subject of annexation proceedings.

### Conclusion

The Final EIR is woefully deficient with respect to analyzing the impact of the proposed project and proposing mitigation measures therefor in the "vicinity" of the project: the impact to groundwater south of Shepherd; the impact to all traffic concerns on Sunnyside Ave. between Shepherd Ave. and Nees Ave.; and the potential for annexation of any property in the Dry Creek Preserve. As such, the Final EIR should not be accepted, and the project should not be approved. None of the resolutions should be passed.

L-2-7

Respectfully,

Marcus and Amy DiBuduo

**Response to Letter L-2: Marcus and Amy DiBuduo, Residents of Clovis**

**Response L-2-1:** This comment is an introductory statement, indicating first that the commenter is a resident of Cole Ave, then stating that Dry Creek Preserve is an important and sensitive location that will be a future connection between North Clovis and historic downtown Clovis. The comment states that the *“City should be respectful to the impact City growth has on this area – an area which will, in all likelihood, be one of the only areas within the reach of the city that maintains a rural, agriculture lifestyle that many (erroneously believe) reflects the “Clovis Way of Life”. However, as discussed herein, the City has not sufficiently analyzed water, traffic, and annexation impacts of the project on the Dry Creek Preserve.”*

- These comments are noted. The Draft EIR has sufficiently analyzed water, traffic, and annexation of the Project site. The Draft EIR provided detailed analysis on each of these topics. The Final EIR provided supplemental discussion on each of these topics. Water is addressed in Master Responses 1, 2, 3, 4, and 5. Traffic is addressed in Master Responses 6, 7, 8, 9, 10, 11, 12, and 13. Annexation is addressed in Master Response 14. Each of these issues were sufficiently analyzed in the Draft EIR and the Final EIR.

**Response L-2-2:** This comment indicates that the commenter is opposed each of the items set to be voted on during the November 16, 2023 meeting. The commenter then provides a list of six resolutions. Following the list of resolutions, the commenter indicates that their opposition is based on their review of the 19 documents that are part of the Planning Commission Agenda for Item 8 on November 16, 2023.

- The commenters’ opposition is noted and will be provided to the City for their consideration. There is no specific comment on the EIR that warrants a specific response.

**Response L-2-3:** The commenter states the following regarding water:

*A Kenneth D. Schmidt and Associates’ report from September 2023 entitled “Groundwater Conditions in the Vicinity of Proposed Tract 6205” addresses third party comments submitted during the review process, and importantly, disruption of recharge from rainfall.*

*The Schmidt Report states that there is south westerly flow of groundwater at the project site and that “[o]nly the north half of the project would appear to influence the groundwater in the rural residential area to the northwest.” The report however does not address the impact of the proposed development (including not only loss of storm water but loss of recharge from pecan tree irrigation) on the rural residential areas to the east or south of the proposed project.*

*Harbour and Associates (2023) have estimated the project average storm water runoff to be about 40 acre- feet per year. The storm water from the proposed development is anticipated to be sent to a flood control basin about a mile north of the project site. However, nothing in the Final EIR or the Schmidt Report address whether 40 acre-feet of annual recharge at a basin site a mile north of the proposed project site would contribute positively to groundwater levels in the rural residential areas surrounding the project site (including north, south, and east of the project site) sufficient to offset the loss of recharge from rainfall.*

*An Indoor Residential Water Use Study, authored by the California Department of Water Resources, reports that the current statewide median indoor residential water use is 48 gallons per capita per day (or about 17,500 gallons per capita per year). 40 acre-feet of water is equivalent to about 13,000,000 gallons of water – enough for about 750 individuals per year. This is a significant amount of water.*

*It is estimated that there are 500 rural residential properties within a mile of the proposed development. Nearly half of these residences are in the Dry Creek Preserve, the unincorporated area to the south of the proposed project. Half of the Dry Creek Preserve is southwest of the proposed project – the same direction with the Schmidt Report stated the groundwater flows.*

*Because the impact to groundwater irrigation and the proposed mediation has not adequately addressed the Dry Creek Preserve, the Final EIR is deficient and should not be accepted. For the same reasons, the project should not be approved.*

- The Draft EIR, Final EIR, and the Water Supply Assessment adequately address the impact of the proposed development on the rural residential areas to the east and south of the Project site. Groundwater and water supply is addressed in DEIR Section 3.9 Hydrology and Water Quality and in Section 3.14 Utilities. The DEIR references the *City of Clovis Urban Water Management Plan 2020 Update* (Provost & Pritchard, 2021B), *City of Clovis Water Shortage Contingency Plan 2020 Update* (Provost & Pritchard, 2021A); the *City of Clovis Water Master Plan Update Phase III* (Provost & Pritchard, 2017), and the *California’s Groundwater: Bulletin 118 - San Joaquin Valley Groundwater Basin/Kings Subbasin* (DWR 2006) as a source of information to support the analysis of water supply.

The Project contemplates the development of the Project site with impervious surfaces would not substantially reduce rainwater infiltration and groundwater recharge when compared to existing conditions. First, the open space areas of the development totaling approximately 5.54 acres will remain largely pervious and allow direct recharge onsite. Additionally, the collection of rainwater for

those areas of the Project site with impervious surfaces will be routed into the proposed Project's storm drainage system, which is collected and would primarily flow to nearby flood control basins managed by the Fresno Metropolitan Flood Control District (FMFCD). The FMFCD facilities are largely earthen bottom, which allows for recharge of stormwater into the local aquifer. FMFCD estimates that its facilities recharge more than 45,000 acre-feet each year.

The commenters also expressed concerns with the study prepared by Kenneth D. Schmidt and Associates. That study provides a supplemental analysis of the groundwater conditions in the vicinity of the Project Site. The conclusion of the report is that the proposed Project would use water from the City of Clovis distribution system as opposed to on-site wells, and that there would be an overall reduction in groundwater pumpage of about 400 acre-feet per year compared to the pecan orchard land use. The report also includes a water balance that considers an estimated 40 acre-feet per year for storm drainage draining offsite. Although this storm drainage would be moved offsite, it would continue to be recharged in the Kings Groundwater Subbasin. In any event, the amount of stormwater moved offsite is only approximately ten percent (10%) of the water saved from the reduction in groundwater pumpage.

Therefore, even with storm drainage to offsite locations, there would be a beneficial impact to the local groundwater supplies from the reduction in pumping for irrigation. As a result, the proposed Project would not result in negative effects to the surrounding properties due to any loss of onsite recharge.

**Response L-2-4:** The commenter states the following:

*“As the City is well aware, traffic on Sunnyside Ave. within the Dry Creek Preserve (“Rural Sunnyside Ave.”) is and will continue to become a significant issue as the City expands north of Shepherd. Rural Sunnyside Ave. is a two lane, double striped “no-passing” road that spans about one mile and is only about 24 feet wide. Within this one-mile stretch there are approximately 35 fronting residences and approximately 70 points of entry/exit onto Rural Sunnyside Ave. (including paved and unpaved driveways and access roads, transitions to arterial and adjacent streets).*

*Rural Sunnyside Ave. is a rural road in a rural environment. There are no streetlights. Several areas have mature trees or bushes which interfere with unobstructed line of sight. There is significant wildlife activity in the area which cross the road (Rural Sunnyside Ave. bisects the Dry Creek Preserve between the Dry Creek Canal and open space within the Dry Creek Preserve). Because there are no bike lanes or sidewalks cyclists and pedestrians share the roadway with the vehicles. Agricultural vehicles (including tractors, harvesting*

*equipment, trailers, equine carriers, and the like) frequently utilize this road alongside “typical” roadway vehicles which may be passing through (including commuters, transport vehicles, construction vehicles, school busses, and waste disposal vehicles). All these factors and more require heightened awareness while driving this stretch... especially at night.*

*Waste collection vehicles, when collecting from the properties adjacent to Rural Sunnyside Ave., cannot pull off the roadway and instead stop in the lane (noting that stand alone and roll-off-type waste containers are placed just outside of the paved roadway to facilitate pickup). During their pickup from each residence along Rural Sunnyside Ave. the waste collection vehicles impede the flow of traffic while the waste containers are positioned, emptied, and re-positioned. Each stop, much less the cumulative impact of sequential stops along Rural Sunnyside Ave., causes a significant backup. This is especially true since the entire stretch of Rural Sunnyside Ave. is “no passing” – meaning all traffic is queued behind the waste collection vehicle while it completes the street pickup.*

*Similarly, school busses must stop in the roadway on Rural Sunnyside Ave. and impede the flow of traffic. Bus drivers may occasionally need to exit the bus to escort children across the roadway. In some cases, children are picked up at the bus stop by their parents who must also stop along the roadway. The alternative for those that are not picked up by their parents, is to undertake a dangerous walk along Rural Sunnyside Ave. It is especially dangerous due to the fact that there are no sidewalks, and in many places no dirt or gravel path, adjacent to Rural Sunnyside Ave.’s roadway.*

*There are numerous other examples of common conditions on Rural Sunnyside Ave. that make it uniquely more dangerous and deserving of attention. Long equine carries may need to reverse down portions of Rural Sunnyside Ave. as they back into their property. Oversized agricultural equipment may travel at a slow pace and significantly queue traffic that is unable to pass. During harvest time, agricultural vehicles, such as pecan shakers, sweepers, and harvesters, along with the harvesting crew, utilize Rural Sunnyside Ave. to move the slow oversized equipment from one orchard to another. Cyclists - that can only travel in roadway – either cause queued traffic behind them, or create a great risk of frustrated vehicles illegally overtaking them.*

*As shown above, Rural Sunnyside Ave. has unique traffic related concerns. This is unfortunate since it, along with Fowler Ave., is an important --- if not the most important --- route between the proposed project and any location in Clovis or Fresno that is south of Nees Ave. When Rural Sunnyside Ave. crosses Nees Ave. it turns into the City’s Sunnyside Ave. At this magical intersection Sunnyside Ave. transforms from a 24-foot wide, two lane, unlit road without a sidewalk to a 64-foot wide, four lane, lit road with a sidewalk. Unfortunately, however, neither the Draft EIR, the Final EIR, nor the traffic studies consider*



*Rural Sunnyside Ave. to be anything other than a regular City road, though each admit the proposed project would significantly impact it.*

*The Final EIR addresses comments that were received regarding the Draft EIR. Master Response 7 (Traffic generation), Master Response 8 (Traffic Volume), Master Response 9 (Pedestrian and Cyclist Traffic), and Master Response 10 (Traffic calming/Improvements) states that the improvements identified in the traffic study --- sidewalks, curb and gutter along Sunnyside Avenue along the project frontage --- would help alleviate traffic congestion and safety issues within the project vicinity.*

*If these statements (or any other statement) is false, the Final EIR is untrustworthy. If these statements is true, then the Final EIR either (i) treats Sunnyside Ave. between Sheperd Ave. and Nees Ave. as not in the “vicinity” of the proposed project or (ii) fails to analyze the impact of the proposed project other than any particular impact which may be mitigated by the suggested improvements (i.e., it only finds impact to those matters which may be offset by signalization of Sunnyside/Shepherd and Sunnyside/Nees intersections. In any event, the presence of this statement underlies flaws in the Final EIR.*

*The responses further double down on the bizarre assertion that sidewalks north of Shepherd Ave. somehow mitigate impact south of Shepherd Ave. One of the comments to the Draft EIR was a letter from Norman D Morrison, dated September 4, 2023 and entitled “Comments in Opposition to/regarding Shepherd North Draft EIR E20231000202” (“Morrison Letter”). The Morrison Letter indicated deficiencies in adequately analyzing traffic impacts or identify mitigation measures on Sunnyside Avenue between Shepherd and Nees within the Dry Creek Preserve. Mr. Morrison is a resident on Rural Sunnyside Ave.*

*Rather than analyzing Mr. Morrison’s comment along the situs of which it referred (i.e., Rural Sunnyside Ave.), Response R-4 again simply states “[t]he improvements proposed in the study would help address the traffic congestion issues.... within the project vicinity”, and again touts the benefits of the improvements along the project frontage without identifying how such improvements would at all mitigate the impact on Rural Sunnyside Ave.*

*Whether these statements are false or at best misleading, they render the Final EIR unfit for acceptance. For the same reasons, the project should not be approved. The devil and deficiencies here are in the details: much like addressed above with respect to water, the Final EIR appears to not significantly address the impacts on traffic in the Dry Creek Preserve, and importantly, Rural Sunnyside Ave.*

- The Project’s potential traffic impacts were analyzed in the Draft EIR in accordance with the City’s Traffic Impact Analysis Guidelines. The traffic analysis

covers access, traffic generation, traffic volume, vehicle miles traveled, pedestrian and bicycles, traffic calming, and safety. Supplemental discussion was also provided in response to comments in the Final EIR. The supplemental discussion is provided in Master Response 6, 7, 8, 9, 10, 11, 12, and 13.

The traffic analysis was performed by a team of highly reputable traffic engineers licensed by the State of California, working in coordination with the City Engineer, Caltrans, Fresno Council of Governments, City of Fresno, and County of Fresno. The traffic engineers first prepared a scoping document that was distributed to all agencies responsible for traffic and circulation systems in the region (i.e. Caltrans, Fresno Council of Governments, City of Fresno, County of Fresno). The scoping and consultation process involved having these agencies review the scoping document and provide their recommendations on the appropriate geographic scope for the analysis and to ensure any facilities that had the potential to be adversely affected by the project were evaluated in the study. The traffic engineers incorporated any comments received by the above agencies regarding the scope of the analysis. After consultation with these transportation agencies, the traffic engineers prepared a traffic analysis, which was distributed to these agencies for their review and comment. The traffic analysis followed the methodology outlined in the City's Traffic Impact Analysis Guidelines.

The Project's potential impacts to Sunnyside Avenue were analyzed in the Transportation Impact Analysis Report (TIA) and the draft EIR. The TIA included an in-depth intersection and roadway segment analysis for Sunnyside Avenue, including the intersections of Sunnyside Avenue/Shepherd Avenue, Sunnyside Avenue/Teague Avenue, Sunnyside Avenue/Nees Avenue, and the roadway segments between these intersections.

The TIA proposed two signals at the intersections of Sunnyside Avenue/Shepherd Avenue and Sunnyside Avenue/Nees Avenue to eliminate the operational deficiency at these locations. Installing these signals at these locations would also help alleviate speeding issues along this corridor. It would also help drivers to be attentive to slow moving vehicles, vehicles backing out from private driveways, and to pedestrians or cyclists ahead while waiting at the signals. Further, as explained in the TIA, both the roadway segments and the intersection of Sunnyside Avenue/Teague Avenue is forecast to operate at or better than LOS D, consistent with City threshold, and County's threshold within the City of Fresno and Clovis Sphere of Influence area.

Sunnyside Avenue is designated as a collector within the City's General Plan. Additionally, Class II Bike lanes are proposed along Sunnyside Avenue. Once implemented, these bike lanes would help alleviate safety concerns about bikers along this corridor. Those lanes would also function as a refuge area/curbside for pedestrians, trash pick-up collection trucks, or for vehicles backing up.

Additionally, as explained in the TIA and the Draft EIR, while some of the project trips are estimated to utilize Sunnyside Avenue, the majority of the project trips are estimated to utilize Clovis Avenue, since Clovis Avenue provides a direct connection to the SR-168/Herndon Avenue interchange and has more vehicular capacity compared to Sunnyside Avenue.

The commenters also raise concerns that the Project would exacerbate existing unsafe conditions on Sunnyside Avenue. As shown in the TIA and the draft EIR, all intersections and roadway segments along Sunnyside Avenue currently operates at an acceptable Level of Service (LOS). This acceptable LOS under existing conditions suggests that there is not an unsafe condition on Sunnyside Avenue. Given the location of Sunnyside Avenue in relation to the proposed Northwest Urban Center growth area (including Heritage Grove Specific Plan area, TM6200, and other projects), traffic along Sunnyside Avenue is projected to increase with time, as shown in the TIA in near-term, and long-term cumulative analysis scenarios. However, as further shown in the TIA, with implementation of the recommended improvements in the TIA, Sunnyside Avenue would operate at an acceptable LOS. This acceptable LOS under near-term, and long-term cumulative conditions suggests that there is not an unsafe condition on Sunnyside Avenue now or in the future. Furthermore, there is no geometric design component of this roadway that is considered unsafe. It is notable that improvements (signals, sidewalks, and bike lanes) are roadway design elements that help improve safety, and specifically some of the safety concerns raised by the commentator (vehicle backing up, speeding, bike and pedestrian concerns) are addressed with the addition of roadway improvements. Adding signals improves safety by controlling traffic, bike, and pedestrian movements through signalized intersections. The control of the vehicle speed and movements reduces the potential for conflicts, and improves overall safety at intersections. Additionally, sidewalks improve safety by separating pedestrians from vehicular traffic. Bike lanes also improve safety by designating a lane for bike travel that is separated from vehicular travel.

The commenters also state that the DEIR and FEIR treat Sunnyside Ave. between Shepherd Ave. and Nees Ave. as not in the "vicinity" of the proposed project.

However, the Project's potential impacts to Sunnyside Avenue were specifically addressed in the TIA and the DEIR, as explained above.

The commenters also express concern that the responses to comments in the FEIR were not responsive to the correspondence submitted by Norman Morrison. The Morrison Letter is addressed in Section 2.0 of this Final EIR. The response notes that the TIA includes contribution of traffic from all future developments that would add traffic to the TIA study area. As such, the traffic improvements recommended as part of this study accounts for cumulative traffic impact from all future projects, as well as the proposed project. Additionally, the traffic analysis takes into consideration the effects of school traffic under existing and future long-range conditions. The improvements proposed in the study would help address the traffic congestion issues from all future developments, as well as school related traffic within the project vicinity. This includes both vehicular and non-motorized traffic issues as described in the TIA.

The response also notes that, currently, there is no signalized control along Sunnyside Avenue between Behymer Avenue and Alluvial Avenue. Among the major intersections along this corridor, the intersection of Sunnyside Avenue/Shepherd Avenue is an all-way stop-controlled intersection, Sunnyside Avenue/Teague Avenue is a two-way stop-controlled intersection, and Sunnyside Avenue/Nees Avenue is an all-way stop-controlled intersection.

As included in the TIA, signals have been proposed at the intersection of Sunnyside Avenue/Shepherd Avenue, and Sunnyside Avenue/Nees Avenue, along with other improvements at these locations. As such, with implementation of these signals along this corridor, the corridor is anticipated to experience improved traffic flow, and alleviate current safety concerns. This is after accounting for the traffic from the project and other adjacent projects in the vicinity. Both signals are in the City's Development Impact Fee program and the City will be implementing these improvements.

The project will also be implementing several project design features that will help eliminate gaps in the pedestrian circulation network around the project site. As part of project frontage improvement, the project will be constructing sidewalks, curb and gutter along Sunnyside Avenue and Shepherd Avenue, Fordham Avenue, and Heirloom Avenue and dedicate space for bike lanes along Shepherd Avenue. Additionally, installing signals with pedestrian crossings have been recommended to enhance, pedestrian safety in the neighborhood. This includes a signal that has been proposed at the intersection of Sunnyside Avenue/Shepherd Avenue (southwest corner of the project site), which will help

pedestrians accessing the Dry Creek trailhead safely with designated crosswalks at this location.

In addition, Shepherd Avenue will be constructed curb to curb between Sunnyside and Fowler Avenue including a trail/sidewalk along the north side of Shepherd Avenue and bike lanes along this segment of Shepherd Avenue. This will enhance both vehicular safety and pedestrian safety along this corridor.

The project proposes to connect to the existing roundabout at the northerly project location along Sunnyside Avenue. Additionally, sidewalks and bike lanes will be constructed along the project frontage on Shepherd Avenue, Sunnyside Avenue, and Fordham Avenue. Addition of these project design features would help in traffic calming as well as enhance safety around the project site.

The project will be implementing several project design features around the project site that will improve safety for children. As part of project frontage improvement, the project will be constructing sidewalks, curb and gutter along Sunnyside Avenue, Shepherd Avenue, Heirloom Avenue, and Fordham Avenue, and dedicate space for bike lanes along Shepherd Avenue. Additionally, installing signals with pedestrian crossings at the intersection of Sunnyside Avenue/Shepherd Avenue (southwest corner of the project site), will help pedestrians accessing the Dry Creek trailhead safely with designated crosswalks at this location. As such, implementation of the signal and said sidewalks would help address speeding and safety issues along these corridors.

The above-mentioned project design features are beneficial improvements along the project frontage that specifically improve safety. The commenter concludes that the Final EIR appears to not significantly address the impacts on traffic in the Dry Creek Preserve, and specifically, Rural Sunnyside Avenue. The widening of Shepherd Avenue from a 2-lane undivided rural roadway to a 4-lane divided roadway and a longer curve will increase the capacity of the section between Sunnyside Avenue and Fowler Avenue. These improvements tend to change some of the localized traffic patterns over time. There are no geometric safety concerns under current or future conditions along this roadway. In any event, the above responses address traffic-related concerns regarding Sunnyside Avenue.

**Response L-2-5:** The commenter states the following:

*“The project proposes an access point along Sheperd Ave. about 1000’ east of the intersection of Sunnyside/Shepherd. Unlike the ill-advised access point to Heritage Grove permitted between the intersections of Sunnyside/Shepherd and Clovis/Shepherd, this stretch of Shepherd Ave. between the proposed access point and the intersection of*

*Fowler/Shepherd is one lane in each direction. Rather than requiring the applicant to dedicate enough property to substantially convert Shepherd Ave. between Sunnyside Ave. and Fowler Ave. into four travel lanes (which would align with Shepherd Ave. east and west of the project), the City apparently is committed to this stretch in a major arterial in North Clovis being a permanent pinch point. Because it will apparently remain a single lane from Fowler Ave. to Sunnyside Ave., any impediment to the flow of traffic appurtenant to the project along Shepherd Av. should be avoided. The City should not amend the circulation element of the General Plan to allow the Access Point as doing so would further congest an already congested stretch of Shepherd Ave.*

- The commenters raise the concern that the Project contemplates that Shepherd Avenue would permanently be configured as having one lane each way in the location of the Project frontage. The Project, however, contemplates the installation of a second westbound lane, along with sidewalks, curb and gutter, along the Shepherd Avenue frontage. Additionally, the project will be dedicating adequate space for construction of the second eastbound lane, bike lanes, and sidewalk per the existing alignment of Sunnyside Avenue between east and west end of the project, to be constructed by the City as part of the City's DIF programs. Therefore, this segment will not remain one lane along the Project frontage, but rather a two-lane facility. Due to the expansion to a two-lane facility, the Project is not anticipated to create any potential for bottleneck conditions for traffic along Shepherd Avenue.

Additionally, the driveway along Shepherd Avenue will not be a full access driveway, rather, this will be a right-in right-out left-in (RIROLI) driveway only. A raised median and a dedicated left turn storage pocket will be installed at this intersection for safe maneuver of traffic using a two-stage access process. As such, none of the project traffic movements at this location would negatively affect the through traffic along Shepherd Avenue.

- Also, as included in the TIA, a sight distance analysis was conducted for all driveways to determine adequacy of sight for safe maneuver at the driveways using California Highway Design Manual (HDM) recommended methodology. As such, all the proposed project driveways achieve the adequate sight distances and have clear sight triangles for the drivers along the project frontage.

**Response L-2-6:** The commenter states the following:

*“While the Draft EIR and Final EIR briefly address potential annexation issues to properties north of Shepherd Ave., it doesn’t address a bigger concern for the City – annexation of properties in the Dry Creek Preserve south of Shepherd Ave.*

*Several people provided comments about annexation. Although it doesn't appear that any of these comments were directed to possible annexation of properties within the Dry Creek Preserve, it bears reminding that unconsented annexation of any property within the Dry Creek Preserve will significantly impact the proposed project and the City and its resources. The City should be reminded that most residents of the Dry Creek Preserve do and will object to annexation. Many of those which may choose to not formally object to annexation have executed annexation agreements which relieve them of many obligations and perceived benefits of being in the City.*

*Should the proposed project trigger annexation proceedings on property in the Dry Creek Preserve, the City and applicant should expect significant delays to final project approval.*

*The Final EIR should not be accepted since it fails to address the potential of the project to impact the potential for annexation in the "vicinity" anywhere south of the proposed project boundaries. For the same reasons, the project should not be approved. Should the City, however, accept the Final EIR, it should condition approval of the project on no property south of Shepherd Ave. being the subject of annexation proceedings."*

- The commenter's concerns and objections to the annexation of property in the Dry Creek Preserve are noted and will be provided to the City for consideration. Annexation, SOI Expansion, and the Provision of City Services are addressed under Master Response 14. It is noted that the only annexation provided in the Development Area. The other areas that are described as Non-Development Areas are not proposed for annexation. Instead, these areas would be included in the SOI expansion, which would make them eligible for annexation should the property owners desire to annex into the City.

**Response L-2-7:** The commenter provides the following conclusion:

*"The Final EIR is woefully deficient with respect to analyzing the impact of the proposed project and proposing mitigation measures therefor in the "vicinity" of the project: the impact to groundwater south of Shepherd; the impact to all traffic concerns on Sunnyside Ave. between Shepherd Ave. and Nees Ave.; and the potential for annexation of any property in the Dry Creek Preserve. As such, the Final EIR should not be accepted, and the project should not be approved. None of the resolutions should be passed."*

- The City staff and their consultant team have diligently worked to analyze the impacts of the Project, and develop mitigation measures where impacts were identified. The EIR process included extensive public review in accordance with State law. The analysis included an analysis of impacts to groundwater, impacts to traffic on vicinity roadways, and potential for annexation. The commenters'

concerns and objections to the Project, the Final EIR, and Resolutions are noted and will be provided to the City for consideration.



-----Original Message-----

From: George Gonzalez <georgeg@ci.clovis.ca.us>  
Sent: Wednesday, November 15, 2023 7:59 AM  
To: Rich Wathen <rich.wathen@outlook.com>  
Cc: George Gonzalez <georgeg@ci.clovis.ca.us>; Sean Smith <SeanS@ci.clovis.ca.us>; David Merchen <davidm@ci.clovis.ca.us>; Renee Mathis <ReneeM@ci.clovis.ca.us>  
Subject: RE: [External] Information for the Quail run homeowners

Hi Rich,

The Heritage Grove Design Guidelines were adopted by the City Council in 2016. Hope this helps, let me know if you need additional information.

Sincerely,

George González, MPA | Senior Planner  
City of Clovis | Planning Division  
p. 559.324.2383 | f. 559.324.2844  
georgeg@cityofclovis.com

-----Original Message-----

From: Rich Wathen <rich.wathen@outlook.com>  
Sent: Wednesday, November 15, 2023 7:37 AM  
To: George Gonzalez <georgeg@ci.clovis.ca.us>  
Subject: Re: [External] Information for the Quail run homeowners

Thank you very much for the quick response George. I really appreciate it. Could you also tell me approximately when the northwest village plan was approved/adopted. Thank you.

L-3-1

Sent from my iPhone

> On Nov 15, 2023, at 6:00 AM, George Gonzalez <georgeg@ci.clovis.ca.us> wrote:

>

> Hi Rich,

> Woodside's TM6154 located on the east side of Fowler Avenue, north of Teague Avenue has a density of 2.20 units per acre. Woodside's TM6284 located on the south side of Teague Avenue, between Sunnyside and Folwer Avenues has a density of 2.3 units per acre. Granville Home's TM5550 located on the north side of Teague Avenue, between Fowler and Armstrong Avenues has a density of approximately 1 dwelling unit per acre.

>

> Per the Heritage Grove Design Guidelines, the Heritage Grove Growth Area will accommodate a population of approximately 30,000 citizens. This would be equivalent to approximately (estimated) 10,345 homes. I hope this helps, please let me know if you need additional information. Thanks.

George González, MPA | Senior Planner  
> City of Clovis | Planning Division  
> p. 559.324.2383 | f. 559.324.2844  
> georgeg@cityofclovis.com

> -----Original Message-----

> From: Rich Wathen <rich.wathen@outlook.com>  
> Sent: Tuesday, November 14, 2023 2:05 PM  
> To: George Gonzalez <georgeg@ci.clovis.ca.us>  
> Subject: [External] Information for the Quail run homeowners

- > Hello George, in regards to the Wilson development planning commission meeting on Thursday, our neighbors had a couple of questions.
- >
- > What is the approximate total number of potential homes that were designated/approved in the Northwest Village plan area?
- >
- > What is the approximate density/lot sizes of the these two projects in the Dry Creek Preserve area. Granville Whispering Creek and the new Woodside development south of the Meat Market shopping center on Fowler ave.
- >
- > Please free to give me a call to discuss or any questions you may have.
- >
- > Thank you, Richard Wathen

L-3-2

**Response to Letter L-3: Rich Wathen, Resident of Clovis**

**Response L-3-1:** This comment is a question sent via email to City of Clovis Senior Planner George Gonzalez. The question is as follows: *“Could you also tell me approximately when the northwest village plan was approved/adopted. Thank you.”*

- City of Clovis Senior Planner George Gonzalez responded via email to the commenter on the same day that question was originally asked. The response is as follows: *“The Heritage Grove Design Guidelines were adopted by the City Council in 2016.”* The commenter’s question does not raise any concerns with the EIR, and no further response is warranted.

**Response L-3-2:** This comment is a question sent via email to City of Clovis Senior Planner George Gonzalez. The question is as follows: *“in regards to the Wilson development planning commission meeting on Thursday, our neighbors had a couple of questions...What is the approximate total number of potential homes that were designated/approved in the Northwest Village plan area?...What is the approximate density/lot sizes of the these two projects in the Dry Creek Preserve area. Granville Whispering Creek and the new Woodside development south of the Meat Market shopping center on Fowler ave.”*

- City of Clovis Senior Planner George Gonzalez responded via email to the commenter on the same day that question was originally asked. The response is as follows: *“Woodside’s TM6154 located on the east side of Fowler Avenue, north of Teague Avenue has a density of 2.20 units per acre. Woodside’s TM6284 located on the south side of Teague Avenue, between Sunnyside and Fowler Avenues has a density of 2.3 units per acre. Granville Home’s TM5550 located on the north side of Teague Avenue, between Fowler and Armstrong Avenues has a density of approximately 1 dwelling unit per acre...Per the Heritage Grove Design Guidelines, the Heritage Grove Growth Area will accommodate a population of approximately 30,000 citizens. This would be equivalent to approximately (estimated) 10,345 homes.”* The commenter’s question does not raise any concerns with the EIR, and no further response is warranted.

City of Clovis Planning Commission

11-14-2023

Dear Planning Commissioners:

As you know, the Planning Commission is scheduled to consider this week Wilson Homes' proposed 605 unit project at the northeast corner of Shepherd & Sunnyside. It will consist of three proven products (Regent Park, Citrea & Elev8ions) which have each been successful workforce housing products that have proven to be attractively affordable for Clovis residents. Though the project will be designated at Medium-high density (7-15 units/acre), it will only build out at 7.77 units/acre. Importantly, the project will implement key principles of the Landscape of Choice report that the City Council has previously adopted as policy to seek modest increases in density (6-8 units/acre) and to not zone any more land for inefficient rural residential development. Further, we believe the proposed project implements a healthy balance between local concerns about increased densities and the increasing density mandates imposed on Clovis by the State.

Although some neighboring property owners have expressed concern about development of this property, we believe this project provides several very unique & important benefits for the City of Clovis:

1. Build 605 much needed workforce housing units to help reduce the City's significant & increasing housing deficit. This is especially needed now, since in the 1<sup>st</sup> quarter of this fiscal year the City only issued 94 building permits, which is only about ½ of the nearly 200 desired permits for that period.
2. Improve Shepherd Ave from a dangerous 2-lane curved County Road to 4-lane City standards to greatly improve traffic flow for residents throughout this area. As you know, street improvements generally only occur in conjunction with approved adjacent development.
3. Install the City's sewer force main between Sunnyside & Fowler, which is critical infrastructure to provide necessary sewer service in *Heritage Grove*.
4. Install the City's non-potable water main between Sunnyside & Fowler, which is necessary to serve *Heritage Grove*.
5. Construct a regional trail along Shepherd Ave, between Sunnyside & Fowler, to complete the final east-west missing link in the Clovis trail system.
6. Construct 24" water main along Sunnyside Ave, between Shepherd & Perrin.

Additionally, we proudly have introduced two new components in this project proposal that we believe have never before been proposed with projects in Clovis:

1. a universally accessible park; and
2. street access for (NEV) Neighborhood Electric Vehicles.

Both components seek to further open neighborhood accessibility for all citizens.

L-4-1

Because of the neighbor interest in the development of this property, there have previously been many meetings with neighbors and three previous public hearings with the City Council (timeline attached). Following a detailed presentation about the proposed project, the City Council voted unanimously at the March 2020 hearing, over neighbor opposition, to direct City Staff to move forward & contract with a consultant to prepare an Environmental Impact Report for this project. Actions presented this week for your review & recommendation will include: Expansion of the City Sphere of Influence, Certification of the EIR, General Plan Amendment, Pre-Zone, Vesting Tentative Map, and Annexation Proponency.

We respectfully request your approval of this important City of Clovis housing project.

Sincerely,



Leo & Todd Wilson

L-4-1 Cont

### Tract 6205 (N.E. corner, Sunnyside/Shepherd) Summary Timeline

4/2005 – Spensley option to purchase acquired by Leo Wilson for Battlin-Brooks, LP (Rich Wathen, Kevin Castanos, Leo Wilson) – option assumed solely by Leo in 2011

9/2011 – initial discussions w/City staff & Councilmembers re: N.E. corner of Shepherd/Sunnyside project

9/2014 – R. Wooley & H. Armstrong requested Leo Wilson delay request for Sphere change until after 2014, to not upset MOU discussion w/County. (12/2014 – 4<sup>th</sup> amendment to MOU approved by BOS adding 870 acres to Heritage Grove).

6/2016 – written Wilson request to City to amend SOI & facilitate proposed project at N.E. corner of Sunnyside/Shepherd

2016/2017 – discussions w/City & County & LAFCo staff re: SOI amendment for N.E. corner of Sunnyside/Shepherd

9/2017 – project DRC review

3/19/2018 – **City Council hearing** re: SOI amendment for N.E. corner of Sunnyside/Shepherd

4/2018 – joint City, County, LAFCo staff meeting re: SOI amendment for N.E. corner of Sunnyside/Shepherd

5/2018 – City Council hearing re: Lennar GPA/Rezone of N.W. corner of Sunnyside/Shepherd, including discussions of proposed SOI amendment re: N.E. corner of Sunnyside/Shepherd

9/10/2018 – **City Council hearing** re: N.E. corner of Sunnyside/Shepherd (formally directed staff discuss SOI amendment w/County & report back)

2/7/2019 – neighbor meeting hosted by city staff (in Council chambers)

5/1/2019 – neighbor meeting hosted by city staff

5/10/2019 – neighbor reps Wathen/Callister meeting w/developer

8/6/2019 – neighbor meeting w/developer

9/26/2019 – neighbor meeting w/developer (at Memorial Bldg)

10/17/2019 – neighbor meeting w/developer (at Memorial Bldg)

10/22/2019 – neighbor meeting w/developer (at Memorial Bldg)

11/7/2019 – neighbor meeting w/developer (in Broussard Office Conference Room)

12/10/2019 – neighbor rep Wathen meeting w/developer (Campagna)

1/7/2020 – neighbor rep mtg w/developer (at Wilson office)

3/2020 – **City Council hearing** re: SOI amendment (directed staff to move forward & contract to prepare EIR)

11/2020 – neighbor meeting hosted by city staff

2021/2022/2023 – EIR preparation

5/25/2022 – Tract 6205 Scoping meeting and neighborhood Meeting

8/30/2023 – Pre-PC neighbor meeting w/developer & city staff (at Memorial Bldg)

L-4-1 Cont

**Response to Letter L-4: Leo & Todd Wilson, Project Applicant**

**Response L-4-1:** This comment is from the Project Applicant and provides a discussion of what they intend to achieve with project design and improvements that are proposed. The comment also discusses the Project Applicant’s timeline for the Project dating back to 2005 when acquisition of the property occurred up to August 2023 where the Applicant held a meeting with neighbors.

- This comment is noted. The comment does not include comments on the EIR. This comment will be provided to the City for consideration. No further response is necessary.



REMY | MOOSE | MANLEY  
LLP

Nathan O. George  
ngeorge@rmmenvirolaw.com

November 16, 2023

VIA EMAIL and ELECTRONIC SUBMITTAL

City of Clovis  
Planning Commission  
Alma Antuna, Chair  
Brandon Bedsted, Chair Pro Tem  
Amy Hatcher, Commissioner  
Joseph Hebert, Commissioner  
Paul Hinkle, Commissioner

David Merchan, City Planner  
1033 Fifth Street  
Clovis, CA 93612  
davidm@cityofclovis.com

Re: Agenda Item 3—Shepard North Project and 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.

Dear Mr. Merchan, Honorable Chair Antuna, Chair Pro Tem Bedsted, Commissioner Hatcher, Commissioner Hebert, and Commissioner Hinkle:

This letter is submitted on behalf of our clients the Quail Run Community of 18 Homes and contains comments on the final Environmental Impact Report (EIR), which, as required by Guidelines<sup>1</sup> section 15132 and stated in the final EIR itself, includes the draft EIR prepared for the Shepard North Project (Project).

L-5-1

The EIR fails to comply with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA) because it is fundamentally flawed and fails as an informational document in multiple aspects, including the Project Description and the failure to adequately analyze the Project's impacts to aesthetics, including light and glare,

L-5-2

<sup>1</sup> The State CEQA Guidelines (Guidelines) are found in California Code of Regulations title 14, division 6, chapter 3, section 15000 et seq. and are binding on all public agencies in California.



agricultural resources, air quality and associated human health effects, noise, energy, groundwater, transportation, public utilities, including water supply, and cumulative impacts. Additionally, the EIR is internally inconsistent between several environmental impact analysis chapters, as well as the technical appendices.

L-5-2 Cont

Fundamentally, the EIR fails to analyze the magnitude of the Project’s alteration of the physical environment, including impacts of the massive change in the intensity of use on existing, low-density neighborhoods immediately adjacent to the Project. The EIR also improperly treats the Project, which requires the conversion of 77 acres of agricultural land in the unincorporated county into 605 residential units—which is textbook “greenfield” development—as if it were an infill project in an already urbanized area in the City. Contrary to the conclusory and unsupported statements in the EIR, however, the proposed Project is vastly different from the existing, surrounding land uses (which, as the EIR admits, includes agricultural land and low-density rural residential). The EIR must analyze all potentially significant impacts of the Project on the environment, including the non-development areas, resulting from the drastic changes in intensity of use proposed by the Project. For example and as explained more fully herein, the EIR’s Project Description acknowledges the existence and uniqueness of the Quail Run and Fowler neighborhoods (identified as Expansion Subarea North, and Expansion Subarea East, respectively), but the impact analysis chapters largely ignore these neighborhoods in discussing the environmental setting and baseline, resulting in deficient analyses that fail to adequately consider impacts to these components of the existing environment.

L-5-3

To remedy the defects in the EIR, the City of Clovis (City) must undertake additional analyses of the Project’s environmental effects including, potentially, analysis and recommendation of mitigation measures for significant impacts, which will require adding significant new information to the EIR and trigger the need to recirculate the draft EIR for an additional round of public review and comments. Accordingly, the Planning Commission should direct City staff to revise and recirculate the EIR.

Lastly, the Planning Commission cannot lawfully approve the vesting tentative tract map without first complying with CEQA. As proposed in the City’s agenda and agenda packet, staff recommend that the Planning Commission approve vesting tentative tract map TM6205 for the Project without first certifying the EIR. This is a clear violation of CEQA, which states “with private projects, approval occurs upon the earliest commitment to issue or the issuance by the public agency of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project.” (Guidelines, § 15352, subd. (b).) Here, the Planning Commission is proposing to commit the City to the Project, by granting the developer a vested right to develop the Project (see Gov. Code, § 66498.1, subd. (b)) without first complying with CEQA. As the California Supreme Court has explained “CEQA itself requires environmental review before a project’s approval, not necessarily its *final* approval.” (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 134, original italics.) The Planning Commission must defer approval of the VTTM

L-5-4

until after the EIR is certified. Moreover, as explained below, the EIR must be significantly revised and recirculated before it can be certified.

L-5-4 Cont

### I. CEQA's General Requirements for EIRs.

“The foremost principle under CEQA is that the Legislature intended the act ‘to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.’” (*Laurel Heights Improvement Assn. v. Regents of University of Cal.* (1988) 47 Cal.3d 376, 390 (*Laurel Heights I*)). “With narrow exceptions, CEQA requires an EIR whenever a public agency proposes to approve or to carry out a project that may have a significant effect on the environment. [Citations.]” (*Id.* at pp. 390-391; see Guidelines, § 15002, subd. (f).) The basic purpose of an EIR is to “provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.” (Pub. Resources Code, § 21061; see Guidelines, § 15003, subds. (b)-(e).) “Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees.” (*Laurel Heights I*, at p. 392.) The EIR “protects not only the environment but also informed self-government.” (*Ibid.*)

L-5-5

“CEQA serves ‘to ensure that public agencies will consider the environmental consequences of discretionary projects they propose to carry out or approve.’” (*We Advocate Through Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683, 689 (*WATER 2*)). “An EIR, as courts have often said, is ‘the heart of CEQA.’” [Citation.] It serves to ‘(1) inform the government and public about a proposed activity’s potential environmental impacts; (2) identify ways to reduce, or avoid, those impacts; (3) require project changes through alternatives or mitigation measures when feasible; and (4) disclose the government’s rationale for approving a project.’ [Citation.] To fulfill these purposes, an ‘EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.’” (*Id.* at p. 690.)

“‘Under CEQA, an agency must determine what, if any, effect on the environment a proposed project may have.’ [Citation.] To that end, the EIR ‘must identify and discuss ‘all significant effects on the environment’ of a proposed project.’ [Citations.] The term ‘[s]ignificant effect on the environment’ is defined as ‘a substantial, or potentially substantial, adverse change in the environment.’ [Citations.] Because a particular environmental effect can only be identified as significant after careful consideration, an EIR is required to discuss and analyze a possible impact of the project if there is a fair argument that it constitutes a significant effect on the environment.” (*Yerba Buena Neighborhood Consortium, LLC v. Regents of University of California* (2023) 95 Cal.App.5th 779 [313 Cal.Rptr.3d 701, 719].) “‘An agency must find a ‘fair argument’ if

there is any substantial evidence to support that conclusion, even if there is competing substantial evidence in the record that the project will not have a significant environmental effect.’ [Citation.] And we review the agency decision ‘de novo, with a preference for resolving doubts in favor of environmental review.’” (*Id.*)

L-5-5 Cont

II. The FEIR fails as an informational document because the Project Objectives are impermissibly narrow and foreclose consideration of feasible alternatives.

The Project Description in an EIR “must contain a statement of the project objectives. A lead agency must then use this statement to help it, among other things, develop a reasonable range of alternatives to the proposed project to evaluate in the EIR.” (*WATER 2, supra*, 78 Cal.App.5th at p. 691, citing Guidelines, § 15124.) “The process of selecting the alternatives to be included in the EIR begins with the establishment of project objectives by the lead agency. ‘A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings.’” (*In re Bay-Delta etc.* (2008) 43 Cal.4th 1143, 1163.)

Here, the draft and final EIR contain the same Project Description, including the same Project Objectives. As stated in the final EIR:

The principal Project objective is the expansion of the City’s SOI to include the Project site, and the annexation/reorganization, approval and subsequent development of the Development Area.

L-5-6

The quantifiable objectives include the development of up to 605 single-family residential units. The quantifiable objectives include the development of open space totaling approximately 5.54 acres, including 2.25 acres of trails, 2.39 acres of promenade/pedestrian circulation, and 0.90 acres of parks. The Project objectives also include the installation of new public and private roadways that will provide pedestrian and vehicular access to the Project site and surrounding community areas, and other improvements, including water supply, storm drainage, sewer facilities and landscaping to serve the residential uses. (Final EIR, p. ES-2.)

Additionally, the EIR includes a list of “goals of the proposed development.”

- Provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Clovis, consistent with policies stated in *A Landscape of Choice to modestly increase urban density*.

- Establish a mixture of housing types, sizes and densities that collectively provide for local and regional housing demand, consistent with City requirements as stated in the latest Regional Housing Needs Analysis (RHNA).
- Provide infrastructure that meets City standards and is integrated with existing and planned facilities and connections.
- Establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet City standards.
- Expand the City’s Sphere of Influence in order to establish a logical and orderly boundary that promotes the efficient extension of municipal services.  
(Final EIR, p. ES-2.)

The Project site is described as 155 acres including two defined areas, the “Development Area” and the “Non-Development Area.” The Development Area is 77 acres and “[i]ncludes the parcels being annexed that will be entitled for subdivision and development. This will include a Sphere of Influence (SOI) Expansion, General Plan Amendment, Pre-zone, Annexation/Reorganization, Tentative Tract Map, Planned Development Permit, and Residential Site Plan Review.” The Non-Development Area is 78 acres and “[i]ncludes the parcels being included in the SOI expansion that will not be entitled for subdivision or development. This includes two separate areas, each described as an Expansion SubArea. The two Expansion SubAreas total 78 acres and are defined as Expansion SubArea North and Expansion SubArea East.” (Draft EIR, p. 2.0-1.)

Later, the EIR describes the Project as “primarily a residential development anticipated to provide up to 605 residential units. The Development Project would provide open space totaling approximately 5.54 acres, including 2.25 acres of trails, 2.39 acres of promenade/pedestrian circulation, and 0.90 acres of parks. Other uses to support and compliment the proposed residential development include public utility infrastructure, public and private roadways, curb/gutters/sidewalks, other pedestrian facilities, private parking, street lighting, and street signage.” (Draft EIR, p. 20-5.)

The Project Objectives in the EIR share the same fatal flaw as those adopted by the County of Siskiyou in the *WATER 2* case. Specifically, the Project Objectives are impermissibly narrow and foreclose consideration of feasible alternatives to the Project, including alternative locations. Like the faulty EIR in *WATER 2*, the EIR here “largely defined the project objectives as operating the project as proposed.” (78 Cal.App.5th at p. 692.) For example, the EIR states that “[t]he principal Project objective is the expansion of the City’s SOI to include the Project site, and the annexation/reorganization, approval and subsequent development of the Development

L-5-6 Cont

Area.” (Draft EIR, p. 2.0-1.) “But if the principal project objective is simply pursuing the proposed project, then no alternative other than the proposed project would do. All competing reasonable alternatives would simply be defined out of consideration.” (*WATER 2*, at p. 692.) Likewise, the “quantifiable objectives” of the Project are identical to the elements of the Project itself. (See draft EIR pp. 2.0-1, 2.0-5.)

“In taking this artificially narrow approach for describing the project objectives, the County ensured that the results of its alternatives analysis would be a foregone conclusion. It also, as a result, transformed the EIR’s alternatives section—often described as part of the ‘core of the EIR’ [Citation]—into an empty formality.” (*WATER 2*, supra, 78 Cal.App.5th at p. 692.) Moreover, this type of error is prejudicial because the EIR essentially “rejected anything other than the proposed project. In doing so, it prejudicially prevented informed decision making and public participation.” (*Id.* at p. 693.) Accordingly, the City must “revise the statement of the project objectives” and “revise the alternatives analysis in the light of this new statement.” (*Id.* at p. 699.)

L-5-6 Cont

III. The EIR fails to adequately analyze potentially significant impacts of the Project.

A. The EIR fails to adequately analyze the Project’s aesthetic impacts, including impacts to light and glare.

“Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined.’ [Citation.] The Guidelines state that an EIR must include a description of ‘the physical environmental conditions in the vicinity of the project’ which constitute the ‘baseline physical conditions’ for measuring environmental impacts.” (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 657–658 (*San Joaquin Raptor*).

L-5-7a

Here, the environmental setting discussion in the Aesthetics chapter begins with general information about aesthetics, including an acknowledgment that “[s]cenic resources are specific features of a viewing area (or viewshed) such as *trees*, rock outcroppings, and historic buildings. They are specific features that act as the focal point of a viewshed and are usually foreground elements.” (Draft EIR, p. 3.1-1, italics added.) Similarly, the discussion of light and glare states that “[s]tationary sources of nighttime light include structure illumination, interior lighting, decorative landscape lighting, and streetlights. The principal mobile source of nighttime light and glare is vehicle headlamp illumination.” (*Id.* at p. 3.1-3.)

The EIR acknowledges that the Project site consists of “mainly rural residential and agricultural land and ha[s] very few sources of light and glare, allowing for clear day and nighttime views” because it is “distant from the more urban and densely populated

L-5-7b

areas of Fresno and Clovis.” (Draft EIR, p. 3.1-3, emphasis added.)<sup>2</sup> The EIR, however, contradicts itself by also claiming that “[t]he existing light environment found in the Project site is considered typical of suburban areas.” (*Id.*) Similarly, the EIR acknowledges that “sky glow” is “of concern in more rural or natural areas where a darker night sky is either the norm or is important to wildlife[,]” but claims, “[d]ue to the urban nature of the City limits” that “[i]solating impacts of particular sources of light or glare is ... not appropriate or feasible for the proposed Project.” (*Id.*, emphasis added.)

L-5-7b Cont

No facts or evidence support the EIR’s contradictory claim that analyzing “particular sources of light and glare” is not feasible. The Project site and surrounding area are not within the “urban” City limits and, as the EIR admits, consist of “mainly rural residential and agricultural land” with “very few sources of light and glare.” (Draft EIR, p. 3.1-3; see also *id.* at p. 3.1-6 [“There are minimal existing light sources on and adjacent to the Project site”].) Moreover, the Project will add 605 residences, including new streetlights, and 5,705 new vehicle trips per day, (Draft EIR, Appendix I, p. 2-1) which are all potential sources of light and glare (Draft EIR, p. 3.1-3) to an area with “very few sources of light and glare.” Indeed, the EIR admits that there are no streetlights in the Non-Development Area. (Draft EIR, p. 3.1-6.) The EIR’s internal inconsistencies and failure to analyze the Project’s light and glare impacts on the surrounding rural residential and agricultural land constitute prejudicial abuses of discretion and require the City to revise and recirculate the EIR *with* the missing analyses.

L-5-7c

The EIR also fails to adequately analyze and mitigate glare impacts on existing residences in the Non-Development Area. (See Draft EIR, pp. 3.1-14 through 3.1-15.) The EIR acknowledges that increased traffic generated by the Project could have light and glare impacts from car windshields and headlights, but presumes they will be insignificant because housing within the Project site would be developed in compliance with City standards in the General Plan and Municipal Code to minimize impacts from light and glare. (*Id.*, see also Final EIR, p. 2.0-23 [“the construction of park and open space areas ... provides some visual relief within residential subdivisions.” Emphasis added].) As discussed below, however, CEQA law makes clear that the EIR cannot presume the absence of impacts based solely on consistency with existing standards. (*East Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 301 (*Livable City*)). Moreover, the new developments consistency with City standards does nothing to address light and glare impacts to the existing homes in the Non-Development Area. Similarly, the EIR claims that there would not be any significant impacts because the Project’s “single-family residential uses would be an extension of

L-5-7d

<sup>2</sup> The EIR’s description of the “Visual Character” of the area surrounding the Project site supports this conclusion: “The SOI beyond the City’s Limits to the east, northeast, and north is dominated by agricultural uses and undeveloped open spaces. The Project site is located in the north, and the immediately surrounded area is best characterized as a mix of agricultural, suburban residential, and large estate lots with existing residences.” (Draft EIR, p. 3.1-4.)

single-family residential uses adjacent to the Project site.” (Draft EIR, p. 3.1-14.) This conclusory statement is completely unsupported by the facts, however, as the EIR admits that the existing residences have no streetlights, and the current environment has “very few sources of light and glare.” (See Draft EIR, pp. 3.1-3, 3.1-6.) The EIR completely fails to analyze light and glare impacts from Project structures (including second story windows) and traffic on the existing, immediately adjacent neighborhoods. (See Draft EIR, pp. 3.1-14 through 3.1-15.) Moreover, the final EIR does not remedy this deficiency. In fact, the final EIR admits that compliance with the City’s standards would not reduce light and glare impacts to insignificance, “and the overall level of light and glare in the Project site would increase in general as urban development occurs.” (Final EIR, p. 2.0-25.) The EIR must be revised and recirculated to analyze and mitigate this potentially significant impact.

L-5-7d Cont

An equally fatal flaw in the EIR’s analysis is the characterization of the existing environment on the Project site, specifically, the pecan orchard, as an island of agricultural land surrounded by urbanized development. (Draft EIR, p. 3.1-11; see also Final EIR, pp. 2.0-22 through 2.0-23.)<sup>3</sup> On the contrary, the orchard, which has been actively farmed for approximately 50 years, is a visual buffer between the low-density neighborhoods in Expansion Subarea North and Expansion Subarea East and the more urbanized areas of the City south of Shepard Avenue. (See Draft EIR, p. 3.1-4 [“Agricultural lands provide for visual relief form urbanized areas and act as community separators to nearby urban areas”].) Contrary to the unsupported claim in the final EIR, the inclusion of less than one acre of parkland does not remedy the loss of 77-acres of trees, which, as the EIR admits, are visual resources. (Cf. Final EIR, p. 2.0-23.)

L-5-7e

The EIR completely fails to analyze the impacts of eliminating the agricultural buffer created by the orchard. (See *Id.* at p. 3.1-5 [“The majority of the Development Area is in active agricultural use”].) Even worse, the EIR fails to analyze the impacts of replacing the existing visual buffer with highly urbanized, medium-high density residential development. Instead of performing this analysis or explaining why it is infeasible, the EIR concludes, without any support, that “the existing visual character of the Non-development Area would not change as part of the proposed Project.” (Draft EIR, p. 3.1-10; see also Final EIR, p. 2.0-21.) As stated above, this could not be further from the truth as the Project would destroy the existing agricultural buffer an replace it with the very urbanization that the orchard has shielded the Non-Development Area from for more than 50 years. The EIR must analyze the aesthetic impacts of razing the

<sup>3</sup> Likewise, the Clovis General Plan EIR’s conclusion that, based on a programmatic analysis, the urbanization of agricultural lands would be less than significant, does not alleviate the City’s duty to analyze the specific aesthetic impacts of this Project on the surrounding environment, including the Non-Development Area. (Cf. Draft EIR, p. 3.1-11; see *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1321 [agency was required to analyze whether “site-specific new project might cause significant effects on the environment that were not examined in the prior program EIR”].)

existing 77-acre orchard and constructing 605 homes, including impacts to the existing neighborhoods of the non-development area.

L-5-7e Cont

Similarly, the EIR's conclusion that, because the Project would comply with the City's General Plan policies and Development Code, it "would not have a substantial adverse impact on scenic vistas, corridors, or resources *in the City of Clovis*" is completely unsupported. (Draft EIR, p. 3.1-11, emphasis added.) First, Project's destruction of the agricultural buffer would significantly impact visual resources, including trees (see Draft EIR p. 3.1-1) and the EIR's analysis of impacts cannot be artificially limited to the City limits, because the Project's aesthetic impacts will affect the Non-Development Area, which is not "in the City of Clovis."

L-5-7f

Second and more importantly, "[c]ompliance with a general plan in and of itself 'does not insulate a project from the EIR requirement, where it may be fairly argued that the project will generate significant environmental effects.' [Citation.] A project's effects can be significant even if 'they are not greater than those deemed acceptable in a general plan.'" (*Livable City*, *supra*, 5 Cal.App.5th at p. 301; see also *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 732 [EIR required "if substantial evidence supports a fair argument that the Project may have significant unmitigated noise impacts, even if other evidence shows the Project will not generate noise in excess of the County's noise ordinance and general plan"]; *Berkeley Keep Jets Over the Bay Committee v. Board of Port Com'rs* (2001) 91 Cal.App.4th 1344, 1381 ["the fact that residential uses are considered compatible with a noise level of 65 decibels for purposes of land use planning is not determinative in setting a threshold of significance under CEQA"].) The EIR's repeated claim that the Project's compliance with City of Clovis General Plan policies and standards (cf. Draft EIR, pp. 3.1-11, 3.1-12) says nothing about the physical alteration of the environment that replacing 77 acres of orchard with 605 residences will cause. The EIR must be revised to analyze the Project's aesthetic impacts on the surrounding environment.

L-5-7g

B. The EIR fails to adequately analyze the Project's impacts to agricultural resources.

The EIR's analysis of agricultural impacts acknowledges that the 77-acre Project site contains 63.60 acres of Prime Farmland and 11.44 acres of Farmland of Statewide Importance, as designated by the California Department of Conservation. (Draft EIR, pp. 3.2-5 through 3.2-6.) The EIR, however, ignores these designations based on a Land Evaluation and Site Assessment (LESA) model analysis that uses faulty assumptions about the feasibility of irrigated production at the orchard. (See *Id.*, see also Draft EIR, Appendix B [LESA analysis].) Specifically, the EIR claims, based on the presence of "hardpan" in 5 of 19 bore samples from the geotechnical engineering report (see Draft EIR, Appendix F) that "the majority of the property has a thin layer of productive soil, underlaid by a hardpan and perched water that is not conductive to sustain long term agricultural production." (Draft EIR, p. 3.2-7.) The fifty-plus years of agricultural production at the Project site belies this conclusion. Moreover, as indicated above, the

L-5-8a

L-5-8b



geotechnical report does not support this conclusion. Appendix F includes bore sample logs from 19 borings and identified “weakly cemented” silty sand in Borings B1, B3, at depths of approximately 8 feet, and B15, B16, and B18 at depths ranging from 2 to 4 feet. The bore samples also identified “clayey sand” in Borings B6, B7, B11, and B15 at depths of 8 to 14 feet. (Draft EIR, Appendix F.) Accordingly, the majority of bore samples (i.e., eleven of nineteen) do not contain “hardpan” and there is no evidence that the Project site contains only “a thin layer of productive soil” that has kept the orchard in continuous operation for more than fifty years. (Cf. Draft EIR, p. 3.2-7.)

L-5-8b Cont

The LESA analysis included with the EIR (Draft EIR, Appendix B) relied, in part, on the faulty assumption that “hardpan” covered the majority of the Project site (when, in fact, it was found in less than half of bore samples) to conclude that irrigated production is infeasible in drought years, making the Water Resource Availability score 30 out of 100, based on “Option 11.” (See also, Draft EIR, pp. 3.2-10, 3.2-16.) The LESA analysis concludes that, due to this infeasibility, the Project’s overall score is 50.50, with a Site Assessment score of 18 (largely based on the Water Resource Availability score of 30). (Draft EIR, p. 3.2-16; see Draft EIR, Appendix B.) Correcting the LESA score to remove the faulty assumptions that “hardpan” covers the majority of the site at depths of 2 feet, changes the Water Resource Availability score to 65, using “Option 7.” (See the Revised LESA analysis attached to this letter as Exhibit 1.) Based on the corrected Water Resource Availability score, the total LESA score for the Project site is 55.75, with a Site Assessment score of 23.25.

L-5-8c

The draft EIR states that the Project would have a significant impact on agricultural resources if the total LESA score is greater than 50 out of 100 and both the Land Evaluation and Site Assessment component scores are greater than 20. (Draft EIR, p. 3.2-16.) Using the corrected LESA score (which does not rely on the faulty “hardpan” assumptions in the Draft EIR) the Project will have a potentially significant impact on agricultural resources, which the EIR must be revised to analyze and mitigate.

L-5-8d

C. The EIR fails to adequately analyze the Project’s air quality impacts and associated human health effects.

The EIR acknowledges the significant increase in average daily trips generated by the Project and, correctly, concludes the Project will have a significant vehicle miles traveled (VMT) impact. (See Draft EIR, pp. 3.13-18 through 3.13-23.) The air quality analysis, however, downplays the significance of mobile source pollution generated by the Project and completely fails to analyze the potential for project generated traffic to have significant toxic air contaminant (TAC) impacts from ultrafine particles (UFPs) emitted by vehicle emissions, braking, and tire wear. The EIR also fails to analyze cumulative TAC emissions from project traffic combined with traffic levels presumed from buildout under the General Plan.

L-5-9a

L-5-9b

The EIR acknowledges the Supreme Court’s decision in *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502 (*Friant Ranch*), which requires EIRs to analyze and disclose

L-5-9c

the human health effects of a project's air quality emissions or explain why doing so is infeasible. (*Id.* at pp. 519-520.) The EIR claims to perform the required analysis, albeit in "qualitative" fashion. (Draft EIR, pp. 3.3-25 through 3.3-26.) Like the EIR in *Friant Ranch*, however, the Project's EIR "generally outlines some of the unhealthy symptoms associated with exposure to various pollutants" but "does not give any sense of the nature and magnitude of the 'health and safety problems caused by the physical changes' resulting from the Project." (*Friant Ranch*, at p. 522; see Draft EIR, pp. 3.3-28 through 3.3-30.) Instead, the EIR analyzes the Project's contribution to air pollution (Ozone and particulate matter (PM), specifically) and while the cumulative levels of those pollutants "would affect people[,] the Project's emissions would be less than the San Joaquin Valley Air Pollution Control District (SJVAPCD) thresholds of significance. (Draft EIR, pp. 3.3-29 through 3.3-30.) The EIR's conclusory statement that pollution "would affect people" does not come close to the analysis required by *Friant Ranch*. The EIR must be revised to either analyze whether the Project's air quality emissions would have significant human health effects or explain why doing so is infeasible.

L-5-9c Cont

Additionally, the EIR only considers the health effects of the Project's contribution to ozone and PM (PM<sub>10</sub> and PM<sub>2.5</sub>, specifically). (See Draft EIR, pp. 3.3-28 through 3.3-30.) The EIR does not consider potential impacts from the Project generated traffic emissions of UFPs (including emissions from tailpipe emissions, braking, and tire wear), and does not analyze the potential human health effects of Project UFP emissions. UFPs are another air quality impact not discussed in the EIR. UFPs, particles with diameters less than 0.1 micrometers, are comprised mostly of metals that are known constituents of brake pads and drums, as well as additives in motor oil. (Exhibit 2, Cahill, Ch. 8, p. 80.) Generally, all engines can create UFPs, but especially diesel engines, and any vehicle's braking system. (Exhibit 3, Cahill, Very Fine and Ultrafine Metals and Ischemic Heart Disease in the California Central Valley 1: 2003-2007, p. 1130.) Traffic, particularly start-and-stop, generates UFPs. (See Exhibit 3, Cahill, Very Fine and Ultrafine Metals and Ischemic Heart Disease in the California Central Valley 1: 2003- 2007, p. 1131.) Recent research suggests that UFPs pose considerable health risks, such as increased risk of cardio-vascular disease and ischemic heart disease death rates, and loss of lung function. (Exhibit 4, Cahill, Artificial ultra-fine aerosol tracers for highway transect studies, pp. 31-32; see also Exhibit 5, Cahill, Very Fine and Ultrafine Metals and Ischemic Heart Disease in the California Central Valley 2: 1974-1991; Exhibit 3, Cahill, Very Fine and Ultrafine Metals and Ischemic Heart Disease in the California Central Valley 1: 2003-2007.) "The strongest correlations to [ischemic heart disease] mortality were found in very fine ... to ultrafine metals, with most tied to vehicular sources." (Exhibit 3, Cahill, Very Fine and Ultrafine Metals and Ischemic Heart Disease in the California Central Valley 1: 2003 - 2007, p. 1133.) Prenatal proximity to freeways and exposure to UFPs may be causally linked to increased autism rates in children. (Exhibit 6, Volk, Residential Proximity to Freeways and Autism in the CHARGE Study, p. 875.) Unlike diesel exhaust or other larger TAC emissions, UFPs are more persistent and do not dissipate easily over distances. (Exhibit 7, Cahill, Transition metals in coarse, fine, very fine and ultra-fine particles from an interstate highway transect near Detroit, pp. 340-341.) Moreover, the California Air Resources Board (CARB) has acknowledged that

L-5-9d

the transition to zero emissions vehicles (ZEVs) will not eliminate all traffic emissions. (Exhibit 8, CARB Technical Advisory, p. 17 [“Non-tailpipe particulate matter emissions—like road dust, tire wear, and brake wear” are roughly equivalent in ZEVs and internal combustion engine vehicles, due to the higher weight of ZEVs].)

The EIR does not even mention UFPs as a potentially significant air quality impact and therefore fails as an informational document. In addition to acknowledging these TAC emissions that will be exacerbated by the Project, the recirculated EIR will need to measure those emissions and correlate those emission levels to identified health risks, if feasible. If not feasible, the recirculated EIR will need to explain why so. As discussed above, the EIR correctly acknowledges the relevance of *Friant Ranch*, which explains the “EIR must provide an adequate analysis to inform the public how its bare numbers translate to create potential adverse impacts or it must adequately explain what the agency does know and why, given existing scientific constraints, it cannot translate potential health impacts further.” Here, the EIR has not even attempted to inform the public of the “bare numbers” with respect to mobile UFP emissions, let alone translate those numbers into quantifiable adverse impacts. The failure to do so is inexcusable given that recent scientific studies demonstrate that it is feasible to correlate TACs and UFP emissions levels to resulting human health risks. The EIR must make a good-faith effort to consider and analyze whether mobile source emissions (including UFPs) created by the Project would pose a potential health risk to future Project occupants.

L-5-9d Cont

Lastly, the EIR’s analysis of the Project’s consistency with the Air Quality element of the City’s General Plan is based on the false promise of compliance with mitigation measures that do not exist. The Land Use, Population, and Housing chapter of the EIR analyzes the Project’s consistency with various goals and policies of the City’s General Plan. (See, generally, Draft EIR, ch. 3.10.) With respect to Air Quality, the EIR claims that the Project is “consistent” with Air-Policy 1.1 in the Air Quality element of the City’s General Plan, which directs the City to “[r]educe greenhouse gas and other local pollutant emissions through mixed use and transit-oriented development and well-designed transit, pedestrian, and bicycle systems.” (Draft EIR, p. 3.10-19.) As stated above, the EIR finds the Project “consistent” with this policy because the Project would, allegedly, reduce VMT through pedestrian and bicycle systems and

L-5-10

*as required by Mitigation Measure 3.13-1 in Section 3.13 of the Draft EIR, the applicant would be required to implement measures, which are identified in the California Air Pollution Control Officers Association’s (CAPCOA) Draft Handbook for Analyzing GHG Emission Reductions, assessing Climate Vulnerabilities, and Advancing Health and Equity (GHG Handbook). Many of the strategies listed in this mitigation measure pertain to transit, pedestrian, and bicycle systems. (Draft EIR, p. 3.10-19.)*

Contrary to the discussion of consistency with Air-Policy 1.1, however, *there is no Mitigation Measure 3.13-1*. (Cf. Draft EIR, ch. 3.13 [Transportation and Circulation].) Accordingly, because there are no measures that “the applicant would be required to implement” regarding “transit, pedestrian, and bicycle systems” the EIR’s conclusion that the Project is consistent with Air-Policy 1.1 is unsupported. The EIR must be revised to analyze the Project’s consistency with the Air Quality element of the General Plan without relying on phantom mitigation measures.

L-5-10 Cont

D. The EIR fails to adequately analyze the Project’s energy impacts as required by Guidelines Appendix F.

The EIR includes a cursory analysis of potential energy impacts and assumes that the Project’s consistency with state and local laws, including building codes, supports determining that the Project’s energy impacts would be less than significant. (Draft EIR, pp. 3.7-27 through 3.7-30.) For example, the EIR claim the Project “would be responsible for conserving energy, to the extent feasible, and relies heavily on reducing per capital energy consumption to achieve this goal, including through statewide and local measures.” (*Id.* at p. 3.7-29.) The final EIR merely repeats this unsupported conclusion. (Final EIR, p. 2.0-27.) The EIR, however, contains no description of any specific measures the project would implement, and no commitment by the Project to do anything specific to conserve energy. (See *id.*) Instead, the EIR relies on regulated entities complying with laws and regulations to conclude that *the Project* would not have a significant energy impact. (*Id.*) Whether or not Pacific Gas & Electric (PG&E) complies with the law in general, however, says nothing about this Project’s potential energy impacts. In other words, there is no substantial evidence connecting PG&E’s compliance with the Statewide Renewable Portfolio Standard (RPS) with the efficiency and energy conservation efforts of the Project. (See *Center for Biological Diversity v. Department of Fish and Wildlife* (2015) 62 Cal.4th 204, 225.) The EIR must be revised to actually analyze the Project’s consumption and conservation of energy to determine whether there will be a potentially significant impact or not.

L-5-11a

Moreover, the EIR’s cursory energy analysis fails to consider renewable energy use in determining whether the Project could have a significant energy impact. CEQA requires the “EIR’s analysis of a project’s impacts on energy resources must include a discussion of whether the project could increase its reliance on renewable energy sources to meet its energy demand as part of determining whether the project’s energy impacts are significant.” (*League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 164 (*League to Save Lake Tahoe etc.*)). As discussed above, the EIR concludes that the Project’s energy impacts would be less than significant based solely on regulated entities (i.e., PG&E) complying with the law and does not discuss renewable energy options for the Project itself. “Because the EIR did not address whether any renewable energy features could be incorporated into the project as part of determining whether the project’s impacts on energy resources were significant, it did not comply with CEQA’s procedural requirements, a prejudicial error.” (*League to Save Lake Tahoe etc.*, at p. 168.) The EIR must be revised to analyze renewable energy use as a component of

L-5-11b

the Project’s potential energy impacts and recirculated to allow the public to comment on this important issue.

L-5-11b Cont

E. The EIR fails to adequately analyze and mitigate the Project’s noise impacts.

The regulatory setting in the EIR’s noise analysis describes noise standards in the City’s General Plan and ordinances. (Draft EIR, p. 3.11-7.) The EIR, however, does not discuss the County’s General Plan policies and ordinances governing noise. (*Id.* but see Draft EIR p. 3.8-1 [analyzing hazards and hazardous materials impacts based, in part, on information from the Fresno County General Plan and Fresno County Zoning Ordinance].) Because the existing sensitive receptors surrounding the Project site are and would remain part of unincorporated Fresno County, the EIR should analyze noise impacts based on the County’s noise policies and ordinances as well. (See *United Neighborhoods for Los Angeles v. City of Los Angeles* (2023) 93 Cal.App.5th 1074, 1096 (*UNLA*) [“No such deference is warranted, however, with respect to the City’s determination of which policies apply to the Project. The principle that the City is uniquely positioned to weigh the priority of competing policies does not extend to the question of which policies are to be placed on the scales”].)<sup>4</sup>

L-5-12a

The EIR acknowledges that Project generated traffic on Sunnyside Avenue between Shepard Avenue and “Project Intersection 1” will have a significant impact on the environment. (Draft EIR, p. 3.11-16.) The EIR, however, fails to measure, model, or analyze the potential noise impacts of Project generated traffic on Sunnyside Avenue north of “Project Intersection 1.” (Cf. *id.*) Moreover, nowhere in the EIR is there any Project entryway identified as “Project Intersection 1.” (See, e.g., Draft EIR, ch. 11 [Noise], ch 3.13 [Transportation].) The Transportation analysis identifies Study Intersection 23 as “Sunnyside Avenue/Project Driveway 1.” (Draft EIR, Appendix I, Figure 4-2.) Assuming “Project Intersection 1” and “Project Driveway 1” are the same thing, then the EIR also fails to analyze the noise impacts of project generated traffic to off-site receptors along Lexington Avenue that will abut the public street identified as “Project Driveway 1” in the Transportation analysis. Moreover, the Noise Mitigation Measures in the EIR only address noise impacts to residences within the Project site and do nothing for existing off-site receptors. (See Draft EIR, p. 3.11-19 [Mitigation Measures 3.11-1 and 3.11-2].) Moreover, the final EIR does not remedy this deficiency. (Final EIR, p. 2.0-20.) The EIR must be revised and recirculated to analyze and mitigate

L-5-12b

L-5-12c

L-5-12d

<sup>4</sup> This same critique (the EIR’s failure to analyze applicable Fresno County General Plan policies regarding impacts to existing homes that would remain in the unincorporated County) applies equally to other analyses in the EIR. For example, the EIR’s analyses of aesthetic impacts, including light and glare, agricultural resource impacts, transportation impacts, air quality impacts, and groundwater impacts, all fail to consider Fresno County policies and ordinances in analyzing impacts to Fresno County residents. (See *UNLA, supra*, 93 Cal.App.5th at p. 1096.)

noise impacts to existing off-site receptors from project generated traffic along “Project Driveway 1” and/or “Project Intersection 1.”

L-5-12d Cont

The EIR admits that Project construction will generate noise levels *exceeding* the standards in the City’s General Plan for residential land use (see Draft EIR, 3.11-9 [Table 3.11-6: Maximum Exterior Noise Standards, “allowable exterior noise level (15-Minute Leq)” 55 dba from 7 a.m. to 10 p.m.]), and that the existing homes in the non-development areas will be subject to construction noise levels that are more than *double* the baseline measured in the technical noise analysis. (Draft EIR, p. 3.11-19 [“This would be a 13 dB Leq daytime increase in the ambient noise level at the residents along Perrin Rd., Purdue Ave., and East Lexington Ave”]; see Draft EIR, p. 3.11-4 [“A 10-db change is subjectively heard as approximately a doubling in loudness, and can cause an adverse response”].) Rather than proposing and analyzing feasible means of reducing these significant noise impacts, the EIR points to a handful of largely meaningless “strategies” including a prohibition on equipment idling and the use of already installed vehicle mufflers, and concludes, without any analysis, that these measures will reduce noise to less than significant levels. (Draft EIR, p. 3.11-20 [Mitigation Measure 3.11-4].)<sup>5</sup> The EIR, however, contains no explanation, analysis, or substantial evidence to support this conclusion. (Cf. *id.*) The EIR must be revised to analyze whether this mitigation would actually reduce noise levels below the City’s threshold or include additional feasible measures to do so. For example, temporary noise barriers, combined with regular monitoring and reporting of construction noise levels are a few of the many feasible noise mitigation measures available for the City’s consideration. (See Exhibit 9.)

L-5-12e

F. The EIR’s analysis of groundwater recharge is fundamentally flawed.

The EIR admits that “impervious surfaces such as pavement, *significantly reduce infiltration capacity* and increase surface water runoff.” (Draft EIR, p. 3.9-24, emphasis added.) As discussed above, however, the draft EIR presumes, without providing any analysis, that the presence of “hardpan” soils in fewer than half of the bore samples taken as part of the geotechnical analysis established that converting a 77-acre orchard to impervious surfaces would not significantly impact groundwater recharge. (Draft EIR, p. 3.9-25.) Several commenters pointed out the serious flaws in this conclusory claim, which is contradicted by the fifty-plus years of successful agriculture at the Project site. The final EIR retains the unsupported conclusion that hardpan makes the Project’s impacts on groundwater recharge less than significant, but also purports to adopt the conclusions in a supplemental hydrological analysis prepared for the applicant. (Final EIR, p. 2.0-8.) The supplemental hydrological analysis, however, acknowledges that deep percolation *does occur* at the orchard, despite the few areas of cemented and/or “clayey” soils found in the geological study. (Final EIR, Appendix L, pp. 9-10.) Moreover, the

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<sup>5</sup> Mitigation Measure 3.11-3 merely requires Project construction to occur during the City’s required hours of operation. (Draft EIR p. 3.11-20.) Because the Project’s construction noise impacts would be significant *during the required construction hours*, this mitigation measure is meaningless.

supplemental analysis admits that irrigation and deep percolation in the northern area of the orchard does affect groundwater levels in the Quail Run neighborhood. (*Id.*, p. 10.)

L-5-13aCont

The EIR must be revised and recirculated to actually analyze the effects that replacing the orchard with 70+ acres of impervious surfaces will have on groundwater recharge rates. Even with the supplemental hydrological analysis, the EIR provides no comparison of groundwater recharge rates with or without the Project. (Final EIR, p. 2.0-8 [*“it can be presumed* that the Project site generally does not allow for a high level of groundwater recharge in its existing condition[.]” emphasis added].)<sup>6</sup> The Supreme Court has “made clear, and recently reiterated, that “[i]nformation “scattered here and there in EIR appendices” or a report “buried in an appendix,” is not a substitute for “a good faith reasoned analysis.” ’ ” (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 516.) The EIR fails as an informational document because it leaves the public and those affected by the Project to “guess” at what the potential groundwater recharge impacts would be.

L-5-13b

The supplemental hydrological analysis concludes that the net effect of ceasing all groundwater pumping at the Project site, originally used for irrigation, would result in a benefit to local groundwater levels because more water would remain in the ground. (Final EIR, Appendix L, p. 13.) While this conclusion has superficial appeal, it is ultimately mistaken and unsupported by the evidence. First, the assumptions in the supplemental hydrological analysis conflict with the Water Supply Analysis (WSA). For example, the WSA states that current water use at the project site is 186.4 acre-feet per year (AFY) for irrigation and that the proposed 605 homes would require 255.8 AFY. (Draft EIR, Exhibit J, pp. 2-1, 3-1.) The supplemental hydrological analysis, however, claims that approximately 400 AFY will remain in the ground because irrigation of the orchard has ceased. (Final EIR, Appendix L, p. 9.) The supplemental hydrological analysis provides no explanation for its claim that *more than twice* the amount of water is used for irrigation than what is disclosed in the WSA. (Cf. *id.*) More importantly, there is no requirement or commitment in the EIR or WSA that the wells at the project site will be retired, nor any guarantee that the claimed 400 AFY will actually remain in the ground to benefit local groundwater levels. “Argument, speculation, [and] unsubstantiated opinion or narrative” do not constitute substantial evidence. (Guidelines, § 15384, subd. (a).) Accordingly, the EIR’s conclusion that groundwater recharge will not be negatively impacted by converting 77 acres of orchard to impervious surfaces is not supported by substantial evidence.

L-5-13c

L-5-13d

<sup>6</sup> Similarly, the final EIR’s contention that “on-farm recharge does not result in the return of all pumped irrigation water” is completely beside the point. (Final EIR, p. 2.0-8.) As the supplemental hydrological analysis claims, approximately half of irrigation water at the orchard does return to the aquifer. (Final EIR, Appendix L, p. 9.) The issue the EIR fails to analyze is what impact the construction of 70+ acres of impervious surfaces would have on that recharge rate compared to the existing environment. The EIR must be revised and recirculated to include that analysis.

Lastly, the supplemental hydrological analysis explains that “Rural residential areas should have a net zero water balance, meaning that recharge of storm runoff should equal or exceed the consumptive use.” (Final EIR, Appendix L, p. 11.) The EIR, however, admits that storm runoff from the 77-acre project site would be collected and transported off-site into the City’s stormwater infrastructure, making the “net zero water balance” impossible to achieve for this rural residential area. (See Draft EIR, pp. 3.9-22 through 3.9-23.) The EIR fails to analyze the impacts of upsetting the existing groundwater balance caused by the Project. The EIR must be revised and recirculated to address the Project’s potentially significant groundwater recharge impacts.

L-5-13e

G. The EIR fails to adequately analyze and mitigate the Project’s significant transportation impacts.

As stated above, the EIR admits that the Project would have a significant VMT impact. (Draft EIR, p. 3.13-23.) The EIR, however, incorrectly presumes that there are no feasible mitigation measures that could reduce this significant impact. CEQA case law is clear that an EIR cannot conclude an impact is significant and unavoidable without first exhausting all feasible mitigation measures. (*Friant Ranch, supra*, 6 Cal.5th at pp. 524-525 [“Even when a project’s benefits outweigh its unmitigated effects, agencies are still required to implement all mitigation measures *unless those measures are truly infeasible*.” Emphasis added].) Here, the EIR includes a perfunctory analysis of a handful of “Project design features” and fails to truly grapple with the issue. (Draft EIR, pp. 3.13-19 through 3.13-22.) As at least one commenter pointed out, however, the EIR fails to analyze the feasibility of public transit options to mitigate significant VMT impacts. (See Final EIR, p. 2.0-135.) The final EIR impermissibly dismisses this comment by pointing to the general discussion of transit in the environmental setting and concludes, without explanation, that transit was addressed in the EIR. (*Id.* at p. 2.0-136; see Draft EIR, p. 3.13-8.) The final EIR completely misses the point of the comment, which asks the City to analyze the potential of increased transit as mitigation for the Project’s admittedly significant VMT impacts, and must be revised to analyze whether feasible transit options exist that could reduce the Project’s significant VMT impacts. (Guidelines, § 15088, subd. (c) [comments raising “recommendations and objections ... must be addressed in detail giving reasons why specific comments and suggestions were not accepted”].) The final EIR fails to adequately respond to this comment.<sup>7</sup> Additionally, as pointed out by Caltrans, the EIR should consider other potentially

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L-5-14b

L-5-14c

<sup>7</sup> The Final EIR also fails to adequately respond to many of the individual comments raising specific concerns about the Project’s impacts to existing residences in the Non-Development Area, including the Project’s traffic, noise, and groundwater impacts. (See, e.g., Final EIR, pp. 2.0-127, 2.0-154 [“the commenter then provides several paragraphs supporting the statement”]; Guidelines, § 15088, subd. (c).) Instead, the final EIR dismisses these individual concerns and point readers to generic discussions of the broad impact categories in the Master Responses. (*Ibid.*) The EIR must be revised to actually consider and address the objections and recommendations raised in these comments.



feasible mitigation measures, such as creating a VMT Mitigation Impact Fee, to address the Project’s significant VMT impacts. (Final EIR, p. 2.0-161.) Again, the final EIR improperly dismisses Caltrans comment without either adopting the recommendation of that expert agency or explaining why a VMT mitigation impact fee is not feasible mitigation for the Project. (*Id.* [“Comment noted”].) The EIR must be revised to actually consider and address Caltrans’ comments and must be revised to analyze the feasibility of the many mitigation measures available to address the Project’s significant VMT impact, including increased transit. (See Exhibit 10 [Caltrans SB 743 Program Mitigation Playbook], 11 [Berkely Law – Implementing SB 743].)

L-5-14c

The EIR fails to analyze the Project’s potential impacts to transit. The EIR acknowledges that public transportation services exist “within the Study Area.” (Draft EIR, p. 3.13-8.) The EIR’s analysis of impacts to the circulation system, including transit, bicycle, and pedestrian facilities, however, does not analyze the Project’s potential impacts on these transit systems. (See *id.* at pp. 3.13-23 through 3.13-25.) The failure to consider this potential impact is a violation of CEQA and the EIR must be revised and recirculated to analyze the Project’s potential impacts to the transit system. (*Yerba Buena Neighborhood Consortium, LLC v. Regents of University of California* (2023) 95 Cal.App.5th 779, 799-807 [EIR failed to analyze potential transit impacts].)

L-5-14d

Moreover, the EIR’s conclusion that the Project “would not result in a conflict with an existing or planned ... transit service/facility” is not supported by substantial evidence. (Draft EIR, p. 3.13-25.) The EIR claims that, despite “the absence of a fee program where the Project has an impact on the roadway network,” the Project’s impacts will be less than significant because “the Project will pay its respective fair share for the proposed improvements.” (*Id.*) The EIR, however, includes no mitigation measures or any other enforceable requirement that the Project actually “pay its respective fair share” of anything. That, however, is not good enough to satisfy CEQA. (See *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 855, 857-858 [finding inadequate a mitigation measure that required the project applicant to “increase” the use of “produced water” and “reduce” the use of “municipal and industrial quality” water “to the extent feasible”; the terms “increase” and “reduce,” even when modified by the phrase “to the extent feasible,” are not specific performance standards]; *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 79-80 [finding inadequate a mitigation measure that required a project applicant to expand a city’s busing “capacity by paying an unspecified amount of money at an unspecified time in compliance with an as yet unenforced or unspecified transit funding mechanism.” Emphasis added].) (See Guidelines, § 15126.4, subd. (a)(2) [“Mitigation measures must be full enforceable through permit conditions, agreements, or other legally-binding instruments”].) In the absence of any requirement that the Project actually pay for its fair share of roadway improvements, the EIR cannot claim the Project’s impacts would be less than significant. Further, without a plan or program to actually construct the improvements, this “quasi-mitigation” is unenforceable and violates CEQA. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1189.)

L-5-14e

The EIR also ignores significant transportation safety impacts of the Project identified by Caltrans. As stated in Caltrans' comments on the draft EIR, Project traffic would significantly impact queueing at the SR 168 and Hendon Avenue interchange ramps and recommends mitigation measures for those impacts. (Final EIR, p. 2.0-159.) The final EIR, however, dismisses Caltrans' comments, claiming they relate to level of service (LOS) impacts that are no longer required in a CEQA analysis. (*Id.*)<sup>8</sup> The EIR is mistaken. Caltrans published an Interim Local Development Intergovernmental Review (LDIGR) Safety Review guidance for state and local agencies to integrate into their CEQA analyses to address safety impacts on public roadways, including those under the jurisdiction of Caltrans, caused by traffic generated by development projects. (See Exhibit 12 [Caltrans LDIGR guidance].) Caltrans LDIGR guidance is completely consistent with the State's transition from LOS to VMT as the appropriate measure of transportation impacts. (See *id.*) Accordingly, the EIR's failure to analyze and mitigate the significant transportation safety impacts of the Project requires revision and recirculation.

L-5-14f

H. The EIR fails to adequately analyze the environmental impacts of supplying the Project with water.

The EIR cites the WSA in support of its conclusion that the City has adequate water to supply the Project and that constructing water infrastructure would not significantly impact the environment. (See Draft EIR, pp. 3.14-26 through 3.14-30.) The WSA, however, admits that, based on the buildout assumptions in the City's General Plan, the Project's water supply will need to be replaced in order for there to be enough water to serve all the development contemplated in the General Plan. (Draft EIR, Appendix J, p. 8-1.) The EIR completely ignores this aspect of the WSA and does not include *any* analysis of the need to replace the Project's water supply at full build out of the General Plan, or the environmental impacts of doing so. (Draft EIR, pp. 3.14-26 through 3.14-30.) Notably, the cumulative impacts chapter of the EIR adopts the "projections" method for analyzing cumulative impacts, which requires the EIR to analyze the Project's individual contribution to impacts along with the development projections in local plans, including the City's General Plan. (Draft EIR, pp. 4.0-2 through 4.0-3.) The EIR fails to do so with respect to cumulative water supply impacts.

L-5-15

I. The EIR fails to adequately analyze the Project's cumulative impacts.

As stated above, the EIR adopts the "projections" methodology for analyzing cumulative impacts. (Draft EIR, pp. 4.0-2 through 4.0-3.) The purported analysis of cumulative impacts, however, simply repeats the previous analyses of the Project specific

L-5-16a

<sup>8</sup> Moreover, the final EIR's claim that mitigating the impacts identified by Caltrans are not feasible is completely unsupported by analysis or substantial evidence. (Cf. *id.*) The final EIR fails to explain what "geometric constraints" make Caltrans' proposed mitigation infeasible. (See Guidelines, § 15088, subd. (c).)

L-5-14g

impacts and concludes that nothing would be different in the cumulative scenario. (See, e.g., Draft EIR, pp. 4.0-3 through 4.0-6, 4.0-9 through 4.0-10.) This analysis is fundamentally flawed.

The purpose of a cumulative impact analysis is to require agencies to consider whether the impacts of individual projects, even if less-than-significant on their own, may nevertheless be cumulatively considerable when analyzed together with the impacts of past, present, and reasonably foreseeable future projects. “The significance of a comprehensive cumulative impacts evaluation is stressed in CEQA.” [Citation.] Proper cumulative impact analysis is vital ‘because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.’ [Citations.] ‘[C]onsideration of the effects of a project or projects as if no others existed would encourage the piecemeal approval of several projects that, taken together, could overwhelm the natural environment and disastrously overburden the man-made infrastructure and vital community services. This would effectively defeat CEQA’s mandate to review the actual effect of the projects upon the environment.’” (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214–1215.)

L-5-16a Cont

Here, the EIR does not actually consider the cumulative impacts of development projections in the General Plan together with the Project. Instead, the EIR concludes, because the individual impacts of this Project are small (as discussed above, however, the EIR is flawed in claiming that many of the Project’s impacts are less than significant) there is no need to go to the next step and measure the Project’s impacts together with those of development projected in the General Plan. (See, e.g., Draft EIR, pp. 4.0-3 through 4.0-6, 4.0-9 through 4.0-10.) The EIR must be revised to complete all the required steps of a CEQA compliant cumulative impacts analysis and then recirculated for an additional round of public review.

L-5-16b Cont

IV. The proposed resolution approving the vesting tentative tract map lacks adequate findings to support approval.

The Agenda Packet for the Planning Commission meeting includes a proposed resolution approving the Vesting Tentative Tract Map (VTTM) for the Project. (Agenda Packet, Attachment 5, pp. 80-82.) The proposed resolution includes a list of “findings” that the Subdivision Map Act (Map Act) requires before approving a tentative map. (*Id.*, at p. 81; see Gov. Code, §§ 66473.5, 66474.) These findings, like all other administrative findings, “must ... bridge the analytic gap between the raw evidence and ultimate decision or order.” (*Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515 (*Topanga*)). The proposed findings simply repeat the language required by the Government Code and do nothing “to bridge the analytic gap between the raw evidence and ultimate decision or order” here, i.e., the approval of the

L-5-17

VTTM. The findings contain no explanation of how or why each of the required findings can be made here. (See Agenda Packet, Attachment 5, pp. 80-82.) As explained by the Supreme Court, “a findings requirement serves to conduce the administrative body to draw legally relevant subconclusions supportive of its ultimate decision; the intended effect is to facilitate orderly analysis and minimize the likelihood that the agency will randomly leap from evidence to conclusions.” (*Topanga*, at p. 516.) The findings must be revised to actually address the criteria listed in the Government Code and explain why the Project and VTTM complies with those requirements.

L-5-17 Cont

#### V. Conclusion

As discussed above the EIR is fundamentally flawed in multiple respects and fails as an informational document. In order to comply with CEQA, the EIR must be revised to include significant new information and then recirculated to ensure adequate public participation and informed government. As the first decision-making body to consider the EIR, the Planning Commission must ensure that it complies with CEQA before the City certifies it as such. In its current state, certification of the EIR would be a prejudicial abuse of discretion under CEQA. Moreover, the Planning Commission cannot approve the VTTM without first complying with CEQA and, as discussed above, revising the proposed findings to comply with the law.

L-5-18

On behalf of the Quail Run Community of 18 Homes, we ask that the Planning Commission consider these comments and direct City staff to revise and recirculate the EIR to bring it into compliance with CEQA and revise the VTTM findings.

Please contact my office if you have any questions.

Very truly yours,



Nathan O. George

#### Enclosures

Exhibits 1-12 are available at:

<https://www.dropbox.com/scl/fi/mcfwb1pe68dcdyr3folv2/Exhibits-for-Quail-Run-Comments-on-Shepard-North-Project-00687213xB0A85.PDF?rlkey=q6ma47o42up7056h4f0pj8ett&dl=0>

**Response to Letter L-5: Nathan O. George, Remy Moose Manley, LLP**

**Response L-5-1:** This comment serves as an introductory statement, introducing the commenter, and indicating how the commenter represents.

- This comment is noted, and does not warrant further response.

**Response L-5-2:** This comment states *“The EIR fails to comply with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA) because it is fundamentally flawed and fails as an informational document in multiple aspects, including the Project Description and the failure to adequately analyze the Project’s impacts to aesthetics, including light and glare, agricultural resources, air quality and associated human health effects, noise, energy, groundwater, transportation, public utilities, including water supply, and cumulative impacts. Additionally, the EIR is internally inconsistent between several environmental impact analysis chapters, as well as the technical appendices.”*

- The City has prepared the EIR in compliance with CEQA, and has made a significant effort to ensure that adequate information is synthesized and presented in the EIR, and made available to the public, responsible agencies, trustee agencies, and interested parties. The City has also made a substantial effort to answer questions, provide clarifications, and to correct or amplify information where necessary in the Final EIR, and in this document. The assertions made in this paragraph are general statements that are more fully discussed by the commenter in later paragraphs. A more detailed response to each topic is presented in association with those later paragraphs.

**Response L-5-3:** This comment states *“Fundamentally, the EIR fails to analyze the magnitude of the Project’s alteration of the physical environment, including impacts of the massive change in the intensity of use on existing, low-density neighborhoods immediately adjacent to the Project. The EIR also improperly treats the Project, which requires the conversion of 77 acres of agricultural land in the unincorporated county into 605 residential units—which is textbook “greenfield” development—as if it were an infill project in an already urbanized area in the City. Contrary to the conclusory and unsupported statements in the EIR, however, the proposed Project is vastly different from the existing, surrounding land uses (which, as the EIR admits, includes agricultural land and low-density rural residential). The EIR must analyze all potentially significant impacts of the Project on the environment, including the non-development areas, resulting from the drastic changes in intensity of use proposed by the Project. For example and as explained more fully herein, the EIR’s Project Description acknowledges the existence and uniqueness of the Quail Run and Fowler neighborhoods (identified as Expansion Subarea North, and Expansion Subarea East, respectively), but the impact analysis chapters largely ignore these neighborhoods in discussing the environmental setting and baseline, resulting in deficient analyses that*

*fail to adequately consider impacts to these components of the existing environment.” The commenter then suggests a remedy as follows: “To remedy the defects in the EIR, the City of Clovis (City) must undertake additional analyses of the Project’s environmental effects including, potentially, analysis and recommendation of mitigation measures for significant impacts, which will require adding significant new information to the EIR and trigger the need to recirculate the draft EIR for an additional round of public review and comments. Accordingly, the Planning Commission should direct City staff to revise and recirculate the EIR.”*

- The commenter suggests the DEIR does not evaluate the impacts of the Project on adjacent residential communities, such as Quail Run Community. This assertion is inaccurate. Page 2.0-1 of the DEIR describes the Non-Development Area as including “*parcels being included in the SOI expansion that will not be entitled for subdivision or development. This includes two separate areas, each described as an Expansion SubArea. The two Expansion SubAreas total 78 acres and are defined as Expansion SubArea North and Expansion SubArea East.*” As such, the absence of new development in the Non-Development Area will result in no direct physical changes associated with development activities. Development of the Development Area will, however, have potential indirect impacts on the Non-Development Area, which are described throughout the EIR under each relevant environmental topic.

An example of the DEIR considering surrounding uses is in the Aesthetics Section, where on page 3.1-4 it states “*Light sources from the proposed Project can have an adverse impact on the surrounding areas, by introducing nuisance light into the area and decreasing the visibility of nighttime skies. Additionally, light sources can create light spillover impacts on surrounding land uses in the absence of a lighting plan that includes photometrics of the lighting.*” The DEIR goes on to explain that any new lighting associated with implementation of the proposed Project would be pedestrian-scale lighting and the fixtures would be consistent with the style and technical specifications approved by the City, including compliance with the City’s light and glare regulations under Section 9.22.050 of the Clovis Development Code, which requires that light be shielded so that light does not spill onto adjacent properties. The City’s existing requirements require a lighting plan to be submitted to the City for review and approval for the improvement plans, as well as for the building plans. All proposed outdoor lighting is required to meet applicable City standards regulating outdoor lighting, including 9.22.050 Exterior light and glare of the City’s Development code, which is designed to minimize any impacts resulting from outdoor lighting on adjacent properties. Implementation of the existing City standards would reduce potential

impacts associated with nighttime lighting and light spillage onto adjacent properties to a less than significant level. Here, the DEIR identifies light spillover as a potential indirect impact of the lighting installed in the Development Area, but it identifies that existing regulations ensure that the lighting systems on the buildings and streets are designed in a way that eliminates the potential for spillover and nuisance lighting.

The DEIR also considers surrounding uses in the Aesthetics Section, where on page 3.1-11 it states “...*the agricultural land provides visual relief from urban and suburban developments, and helps to define the character of a region.*” The DEIR then notes “... *the pecan orchard portion of the Project site is an island of agricultural land use surrounded by developed homes to the east, north, and south, and an entitled residential subdivision to the west.*” Here, the DEIR discusses the visual characteristics of the Project site relative to the surrounding uses. The DEIR notes that “...*the pecan orchard is a relic agricultural piece of property that has remained intact and operational despite the properties in the immediate surrounding aesthetically changing to suburban residential aesthetic.*” Again, the DEIR describes the Project site relative to the surrounding uses.

The DEIR also considers other potential impacts on the non-adjacent area. For example, the DEIR considers surrounding uses in the Transportation and Circulation Section, which on page 3.13-1 *analyzes the potential impacts of the proposed Project on the surrounding transportation system including roadways, bicycle/pedestrian facilities, rail, and transit facilities/services.*” On page 3.13-2, the DEIR defines the Study Area and specifically states that it includes “*Pedestrian, bicycle, and transit facilities within 0.5 mile from the project site boundary...All signalized intersections within 0.5 mile of the Project site boundary where the project would add 50 or more peak-hour trips, and signalized intersections beyond 0.5 mile where the project would add 100 or more peak-hour trips...All unsignalized intersections within a 0.5 mile of the project site boundary where the project would add more than 50 peak-hour trips.*” This of course includes facilities within the Quail Run neighborhood.

The DEIR also considers impacts on surrounding land uses. For instance, on page 3.11-4 the DEIR discusses the existing ambient noise levels in the project vicinity. Then on page 3.11-15 through 3.11-19, the DEIR discusses the noise levels that would be projected with the Project along 23 roadway segments that traverse through surrounding land uses.

There are many other examples where the DEIR addresses the potential impacts on surrounding areas, including the Non-development Areas (e.g. Quail Run). The

discussion of these potential impacts on the Non-Development Area and other surrounding areas are appropriately analyzed in the DEIR with support for the conclusions that are presented.

The commenter also suggests that the DEIR fails to accurately describe the magnitude of the Project. This is inaccurate. The EIR accurately describes the scope and scale of the Project in Section 2.0 Project Description, where it defines the Project as a conversion of 77 acres of agricultural land in the unincorporated County into 605 residential units, with the balance of the Project site being existing residential uses with no new development proposed. The changes that would result from the Project are analyzed throughout the DEIR under each respective environmental topic.

Additionally, the land that defines the Development Area portion of the Project site (the 77 acres to be developed with 605 residential units) is accurately described in the EIR as existing agricultural land (historically used as a pecan orchard), which the commenter states is “textbook greenfield development.” Because the project site is largely surrounded by urban, semi-urban, and suburban development, City staff does not believe it is accurate to characterize the Project as “textbook greenfield development.” In addition, the City’s General Plan contemplates development and the conversion of isolated agricultural lands in many places throughout the city to accommodate the need for new housing. This is because agricultural land is the predominate land base that is available for development within the City’s Sphere of Influence. The City also has no policy against development on agricultural land; rather, the City uses a thorough and thoughtful long-range planning process to evaluate targeted areas for the City to grow, and they reserve areas under agricultural use for areas that are not ripe for development.

The commenter also suggests the DEIR is flawed because it describes the Project “as if it were an infill project in an already urbanized area in the City.” The Project is not expressly defined as an “infill project” in the DEIR. In some respects, however, the Project can be accurately described as an “infill” project because it embodies a common-sense concept of infill, as that term is commonly used by planning practitioners. This is because the Project contemplates the development of residential uses on an agricultural island that is surrounded by developed urban, semi-urban, and suburban land uses. Figures 2.0-3 through 2.0-7 in the DEIR show the areas that surround the Project site. The DEIR, with its multiple graphics showing the locations of the Project site, accurately depicted their locations and the nature of the surrounding properties. Page 2.0-2 of the DEIR describes the surrounding uses:



*“The Project site is surrounded by a variety of residential land uses. Uses immediately adjacent to the north and east boundary of the Project site include rural residential uses on larger lots, some having small orchards. Uses to the south of the Project site contain a mix of residential uses, as well as rural residential on larger lots and medium-high density residential in a developed smaller lot residential subdivision. West of the Project site is an electrical power substation and a graded area that is being prepared for additional residential development.”*

This is an accurate characterization of the surrounding uses, which is largely developed land uses. The DEIR Figure 2.0-8 identifies the Fresno County land use designations and zoning for the Project site and the surrounding area, which identifies the Development Area as designated for Low Density Residential and the Non-Development Area as designated for Rural Residential. These land use designations are urban land use designations. Draft EIR page 2.0-3 states that *“At the time Fresno County created the Rural Residential land use designation and assigned that land use designation to areas within the county, the Fresno County General Plan was segregated into two segments; Non Intensive and Intensive, development polices. The Fresno County General Plan Non Intensive section defines county goals and polices regarding agriculture, open space and riverine area protection, mineral extraction, etc. Whereas the Intensive section of the plan defines County goals and policies regarding residential development, directing urban development to cites, lands in city fringe areas as well as unincorporated communities...The Development Area is bounded on the north and east by Rural Residential developments classified as Intensive development in the County General Plan. To the west and south are Low Density Residential uses. The Development Area is an island surrounded by Intensive development.”* This statement illustrates Fresno County guidance for intensive development of the Project site.

In addition to its common-sense meaning within the planning community, the term “infill” can have narrower definitions depending on the context. For instance, the commenter may be using the term “infill” as that term is defined by certain statutes, such as California Health and Safety Code section 53545.12, subdivisions (d) and (e), which includes definitions for both “qualifying infill area” and “qualifying infill project.” The DEIR does not suggest the Project is subject to Section 53545.12, and the term “infill” is not used in the Project Description. In fact, page 3.10-5 of the DEIR states: *“The proposed Project is not considered an infill development. However, the site has many infill characteristics, including underutilized lands within existing development patterns. The Project site is*

*designated for residential uses by the City's General Plan Land Use Map. While the proposed Project is not located near a job center, commercial areas and services are in the Project vicinity."*

The DEIR also does not suggest the Project is an infill project under other statutes. For example, the proposed Project is not an infill project as defined by the defined in California Health and Safety Code, or by CEQA Guidelines section 15332. A statutory definition of "infill site" can also be found in Public Resources Code sections 21061.3. A somewhat less precise statutory definition of the same term can be found in section 21099, subdivision (a)(4). A separate statutory category of "residential infill projects" are subject to rules set forth in Public Resources Code section 21081.2. The CEQA Guidelines include yet another definition of "infill site" in section 15191, subdivision (e). This definition informs the incredibly complex multi-factory statutory exemptions for infill projects found in CEQA Guidelines section 15195, which tracks the statutory exemption found in Public Resources Code section 21159.24. The DEIR does not suggest the Project is subject to any of these narrower definitions of the term "infill."

In short, the DEIR accurately characterizes both the Project and the site and that characterization does not in any way undermine the impact analysis in the document. The EIR's Project Description acknowledges the existence of communities such as the Quail Run and Fowler neighborhoods (identified in the DEIR as Expansion Subarea North, and Expansion Subarea East, respectively), and adequately assesses the potential impacts of the Project on those communities.

**Response L-5-4:** This comment states *"Lastly, the Planning Commission cannot lawfully approve the vesting tentative tract map without first complying with CEQA. As proposed in the City's agenda and agenda packet, staff recommend that the Planning Commission approve vesting tentative tract map TM6205 for the Project without first certifying the EIR. This is a clear violation of CEQA, which states "with private projects, approval occurs upon the earliest commitment to issue or the issuance by the public agency of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project." (Guidelines, § 15352, subd. (b).) Here, the Planning Commission is proposing to commit the City to the Project, by granting the developer a vested right to develop the Project (see Gov. Code, § 66498.1, subd. (b)) without first complying with CEQA. As the California Supreme Court has explained "CEQA itself requires environmental review before a project's approval, not necessarily its final approval." (Save Tara v. City of West Hollywood (2008) 45 Cal.4th 116, 134, original italics.) The Planning Commission must defer approval of the VTTM until after the EIR is certified. Moreover, as explained below, the EIR must be significantly revised and recirculated before it can be certified."*

- The comment is noted. The Planning Commission did not approve the vesting tentative tract map (TM6205) or any other component of the Project. As a result, *Save Tara* and related authorities are not applicable.

**Response L-5-5:** This comment presents a series of general requirements for an EIR.

- There are no specific comments provided here, rather, this comment serves as a presentation of statutory requirements for an EIR. The requirements presented are already codified in statute, and are noted. This comment warrants no further response.

**Response L-5-6:** This comment states that *“The FEIR fails as an informational document because the Project Objectives are impermissibly narrow and foreclose consideration of feasible alternatives.”* Following this statement is several pages describing the commenters reasons for the statement.

- The Project Objectives are not impermissibly narrow and do not foreclose consideration of feasible alternatives to the Project. Page 5.0-1 of the DEIR presents a heading entitled “Project Objectives,” which includes a collection of goals and objectives to define the purpose of the Project. In developing the project objectives, it is notable that the City considered the Legislature’s repeated determinations in recent years that California is facing a statewide housing crisis, and it is clearly within a city’s exercise of its legislative discretion to facilitate the construction of new housing after thorough evaluation of the development potential. Government Code section 65889.5, subdivision (a)(1)(A), states that “[t]he lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.” Subdivision (a)(1)(D) of that section adds that “[m]any local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.”

The DEIR identifies the principal Project objective of the project as the expansion of the City’s SOI to include the Project site, and the annexation/reorganization, approval, and subsequent development of the Development Area. The principal Project objective is an overarching Project objective. In addition, the DEIR presents five goals that more fully inform the project purpose and principal Project objective. These goals also serve as a set of Project Objectives, in that they provide flexibility, yet more specific and detailed direction by which Project alternatives can be considered. The goals and objectives presented in the DEIR are as follows:

- Provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Clovis, consistent with policies stated in *A Landscape of Choice to modestly increase urban density*.
- Establish a mixture of housing types, sizes and densities that collectively provide for local and regional housing demand, consistent with City requirements as stated in the latest Regional Housing Needs Analysis (RHNA).
- Provide infrastructure that meets City standards and is integrated with existing and planned facilities and connections.
- Establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet City standards.
- Expand the City's Sphere of Influence in order to establish a logical and orderly boundary that promotes the efficient extension of municipal services.

The Project's goals and objectives were developed by the City in response to the Legislature's repeated determinations in recent years that California is facing a statewide housing crisis, and the City's desire to facilitate the construction of new housing in the face of the housing crisis. The City staff has responded with adequate attention to the economic, environmental, and social costs of reduced housing density by establishing a quantified target density that provided the City with significant flexibility to evaluate different scenarios for residential projects on the Project site. The quantified target was presented in the DEIR using the term "quantifiable objective," which has created some misunderstanding in the DEIR text. The DEIR did not intend to imply that these "quantifiable objectives" were synonymous with "project objectives" under CEQA. This misunderstanding warrants edits to the DEIR text in Section 2.0 Project Description and Section 5.0 Alternatives to clarify.

The objectives discussed in Section 5.0 of the DEIR (as clarified in Chapter 4.0 the Errata) help to inform the consideration, and ultimately, the development of alternatives for analysis. It is notable that the NOP was circulated with the project objectives and the three (3) possible alternatives presented below:

- No Project (No Build) Alternative: Under this alternative, development of the Project site would not occur, and the Project site would remain in its current existing condition.

- Increased Density Alternative: Under this alternative, the proposed Project would be developed with the same number of units as described in the Project Description, but the density of the residential uses would be increased, reducing the overall footprint of the developed areas, and preserving the remaining Development Area for agricultural production.
- Reduced Sphere of Influence Alternative: Under this alternative, the proposed Project would exclude the 78-acre SOI Expansion north and east of the Development Area.

Following the NOP public review feedback, and further evaluation by the City, the Increased Density Alternative was expanded to also have a “Mixed Use” component and a Reduced Density Alternative was added. Ultimately, four (4) alternatives to the proposed Project were established based on input from City staff after considering public comment and after evaluating them against the five project goals and objectives. This is a relevant example of where the project objectives clearly did not foreclose consideration of feasible alternatives, but instead resulted in the addition of an alternative for consideration, and modifications of an alternative that was already under consideration.

The alternatives evaluated in the DEIR represent a reasonable range of feasible alternatives that meet most or all project objectives presented above (and clarified in the Errata) while reducing or avoiding one or more significant environmental effects of the project. Again, a range of alternatives required in a DEIR is governed by a “rule of reason” that requires a DEIR to set forth only those alternatives necessary to permit a reasoned choice. The following alternatives were analyzed in the DEIR:

- No Project (No Build) Alternative: Under this alternative, development of the Project site would not occur, and the Project site would remain in its current existing condition.
- Increased Density Mixed Use Alternative: Under this alternative, the proposed Project would be developed at a higher density for the residential uses and would also include a mixed-use component to the alternative. Approximately 62 acres would be developed with 605 residential units under the medium-high density residential use, 10 acres would be developed with 195 apartments under the high density residential use, and 5 acres would be developed with 108,000 square feet under the neighborhood commercial use.

- Reduced Density Alternative: Under this alternative, the proposed Project would have a reduced density for the residential uses. Approximately 150 residential units would be developed under the very low-density residential designation.
- Reduced Sphere of Influence Alternative: Physically, there is little difference between the proposed Project and this alternative. It is noted, however, that the reduction in the SOI would eliminate the possibility of the Non-Development Area connecting to City services at some point in the future, if desired by those residents.

The commenter also states the City has *“rejected anything other than the proposed project. In doing so, it prejudicially prevented informed decision making and public participation.”* This is not accurate. As explained above, the DEIR originally considered three alternatives to the Project, and after the scoping process, expanded the alternatives to include an additional alternative and modifications to an alternative that was already under consideration. Also, as discussed on page 5.0-2 of the DEIR, the City considered alternative locations, but determined that there are no feasible alternative locations. After establishing the four alternatives as reasonable range of alternatives, the City evaluated the potential environmental effects of the four alternatives and whether those alternatives would meet the Project Objectives. The City has not rejected any of those alternatives, and those alternatives may be considered by the City Council. In addition, the commenter has not offered any proposed alternative that they believe should be analyzed.

**Response L-5-7a:** This comment states that *“The EIR fails to adequately analyze potentially significant impacts of the Project.”* The comment then states *“The EIR fails to adequately analyze the Project’s aesthetic impacts, including impacts to light and glare.”* The commenter then states: *“Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined.”* [Citation.] *The Guidelines state that an EIR must include a description of ‘the physical environmental conditions in the vicinity of the project’ which constitute the ‘baseline physical conditions’ for measuring environmental impacts.”* (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 657–658 (*San Joaquin Raptor*))....Here, the environmental setting discussion in the Aesthetics chapter begins with general information about aesthetics, including an acknowledgment that *“[s]cenic resources are specific features of a viewing area (or viewshed) such as trees, rock outcroppings, and historic buildings. They are specific features that act as the*

*focal point of a viewshed and are usually foreground elements.” (Draft EIR, p. 3.1-1, italics added.) Similarly, the discussion of light and glare states that “[s]tationary sources of nighttime light include structure illumination, interior lighting, decorative landscape lighting, and streetlights. The principal mobile source of nighttime light and glare is vehicle headlamp illumination.” (Id. at p. 3.1-3.).*

- This comment is noted. The commenter has provided discussion about what is necessary for an assessment of impacts and mitigation measures, including establishing a baseline. The commenter next identifies several statements made in the DEIR regarding aesthetics. There are no specific questions presented in this comment. It should be noted that the DEIR includes a description of the baseline aesthetic condition. It is first described in the Project Description (DEIR pages 2.0-1 through 2.0-3. In addition, there are a variety of figures provided in the Project Description that illustrate the baseline condition of the Project site. Additional baseline information is provided on page 3.1-1 through 3.1-6 of the Draft EIR, describing the aesthetic condition of the Project site and the general vicinity.

**Response L-5-7b:** This comment states that *“The EIR acknowledges that the Project site consists of “mainly rural residential and agricultural land and ha[s] very few sources of light and glare, allowing for clear day and nighttime views” because it is “distant from the more urban and densely populated areas of Fresno and Clovis.” (Draft EIR, p. 3.1-3, emphasis added.)<sup>2</sup> The EIR, however, contradicts itself by also claiming that “[t]he existing light environment found in the Project site is considered typical of suburban areas.” (Id.) Similarly, the EIR acknowledges that “sky glow” is “of concern in more rural or natural areas where a darker night sky is either the norm or is important to wildlife[,]” but claims, “[d]ue to the urban nature of the City limits” that “[i]solating impacts of particular sources of light or glare is ... not appropriate or feasible for the proposed Project.” (Id., emphasis added.)”*

- Additional text is provided on page 3.1-1 through 3.1-6, and 3.1-15 through 3.1-18 in of the Draft EIR, to amplify the discussion on light and glare, and to clarify references to isolating sources of existing light. The DEIR acknowledges that some of the areas within the vicinity of the Project site have limited sources of light and glare, allowing for clear day and nighttime views. To the north of Shepherd Avenue in the vicinity of the Project site is a mix of suburban and rural residential areas. Immediately to the west is suburban residential in the neighborhoods north of Shepherd Avenue (i.e. Lennar Heritage Grove). Immediately to the north and east of the Project site is rural residential development, which has a lower intensity of lighting then what is common in the suburban neighborhoods in the vicinity. These rural residential areas have typical residential building lighting (i.e.,

lights on the building structure in the front and backyard, landscaping lighting, and indoor lighting) like the suburban neighborhoods, but there is a lower density of buildings so overall lighting intensity is lower in these areas when compared to the surrounding suburban lighting. Additionally, some of the rural residential areas do not have street lighting, unlike more intensively developed areas in the vicinity. However, these areas are typical of suburban areas within and immediately outside the City of Clovis, where rural residential neighborhoods are often located adjacent to suburban or urban uses. The mix of lighting is typical of many suburban neighborhoods along the periphery of the City and within certain areas, such as the Dry Creek Preserve.

The DEIR acknowledges the Project would introduce additional sources of light and glare into the vicinity of the Project, including in areas adjacent to the rural residential communities described above. However, this does not mean the Project would result in potentially significant aesthetic effects associated with the introduction of light and glare. The DEIR found no significant impacts would occur. This is because the City's mandatory standards require measures designed to prevent the spillover of light, as well as high intensity or excessively bright lights. The Project is also required to comply with the City's mandatory standards for street lights, which includes standard shields to direct lighting to the roadway rights-of-way, without spilling over onto adjacent properties.

The commenter also raises concerns about the Project's impact on existing sky glow. Sky glow is the effect created by light reflecting into the night sky. Sky glow is of particular concern in areas surrounding observatories, where darker night sky conditions are necessary; however, the introduction of significant levels of sky glow in isolated rural or natural areas can also result in potentially significant effects. Because the Project is located within a largely developed area of Fresno County, and surrounded by developed land uses, several existing light sources already affect residential areas and illuminate the night sky. In other words, sky glow is present under existing conditions, and the introduction of a residential development adjacent to those existing developments would not result in a significant increase in sky glow. While sky glow can increase based on certain intensive uses—such as a project that contemplates stadium lights, spot lights, and strobe lights—no such intensive uses are contemplated for the Project. As a result, any increase in sky glow resulting from this Project would be imperceptible compared to baseline conditions and thus impossible to measure. The Project would therefore not result in new or substantially increased sky glow. In other words, sky glow is considered part of the existing conditions (i.e., the baseline conditions under CEQA).



The proposed Project also does not have any areas where there would be spillover of light, or high intensity or excessively bright lights. There would be normal City standard street lights that include standard shields to direct lighting to the roadway rights-of-way, without spilling over onto adjacent properties. This new light would not be a potentially significant impact. The new lighting expected would consist of lights on the building structure in the front and backyard, landscaping lighting, and indoor lighting. Although there would be new lighting associated with the residential buildings, the lighting attached to the building structures would be normal residential lighting subject to the City's standards. The implementation of these lighting standards is part of the Project's design and would avoid nuisance light and spillover issues.

Some buildings within the Project would be two-story, and it is therefore possible that lighting from the second story windows could be visible from adjacent properties; however, such second story indoor lighting would not be directed at, or to, the adjacent properties, and would not have a potentially significant impact on those adjacent properties. Additionally, the proposed Project does not include any lights that are considered excessively bright with the potential to create sky glow, such as stadium lights, strobe lights, spot lights, etc. In addition, there are no sources of significant glare associated with the proposed Project.

The DEIR discusses new sources of glare from the proposed Project primarily occurring from the windshields of vehicles travelling to and from the Development Area and from vehicles parked within the Project site. The DEIR notes that significant glare within the Project site is not expected to impact receptors within the Project site, or at adjacent properties, given the visual screening from landscaping, open space, and the residential components of the site plan. Glare from traveling vehicles is a function of the density of vehicles on the roadway, the time that they are present, and the time of day. Generally, glare from traveling vehicles to a receptor is very short lived (fractions of a second) given that the glare is dependent on the amount of time in which the vehicle is positioned at the perfect angle for the sun to reflect light off the vehicle to a receptor. The potential for glare changes throughout the day as the angle of the sun changes. Further, the City does not consider glare from vehicles traveling along roadways as a significant impact. The proposed Project is not anticipated to have high concentrations of glare, and the impact from glare is less than significant.

**Response L-5-7c:** This comment states that *"No facts or evidence support the EIR's contradictory claim that analyzing "sources of light and glare" is not feasible."*

- The DEIR does not state that assessment of sources of light and glare is infeasible. Rather, as explained above, sky glow associated with existing uses within the vicinity of the Project currently exists, and the Project does not contemplate any uses that would significantly increase the level of sky glow. Because the Project is in a largely developed area, any incremental contribution to sky glow would be imperceptible and therefore impossible to isolate.

**Response L-5-7d:** This comment states that *“The Project site and surrounding area are not within the “urban” City limits and, as the EIR admits, consist of “mainly rural residential and agricultural land” with “very few sources of light and glare.” (Draft EIR, p. 3.1-3; see also id. at p. 3.1-6 [“There are minimal existing light sources on and adjacent to the Project site”].) Moreover, the Project will add 605 residences, including new streetlights, and 5,705 new vehicle trips per day, (Draft EIR, Appendix I, p. 2-1) which are all potential sources of light and glare (Draft EIR, p. 3.1-3) to an area with “very few sources of light and glare.” Indeed, the EIR admits that there are no streetlights in the Non-Development Area. (Draft EIR, p. 3.1-6.) The EIR’s internal inconsistencies and failure to analyze the Project’s light and glare impacts on the surrounding rural residential and agricultural land constitute prejudicial abuses of discretion and require the City to revise and recirculate the EIR with the missing analyses...The EIR also fails to adequately analyze and mitigate glare impacts on existing residences in the Non-Development Area. (See Draft EIR, pp. 3.1-14 through 3.1-15.) The EIR acknowledges that increased traffic generated by the Project could have light and glare impacts from car windshields and headlights, but presumes they will be insignificant because housing within the Project site would be developed in compliance with City standards in the General Plan and Municipal Code to minimize impacts from light and glare. (Id., see also Final EIR, p. 2.0-23 [“the construction of park and open space areas ... provides some visual relief within residential subdivisions.” Emphasis added].) As discussed below, however, CEQA law makes clear that the EIR cannot presume the absence of impacts based solely on consistency with existing standards. (East Sacramento Partnerships for a Livable City v. City of Sacramento (2016) 5 Cal.App.5th 281, 301 (Livable City).) Moreover, the new developments consistency with City standards does nothing to address light and glare impacts to the existing homes in the Non-Development Area. Similarly, the EIR claims that there would not be any significant impacts because the Project’s “single-family residential uses would be an extension of single-family residential uses adjacent to the Project site.” (Draft EIR, p. 3.1-14.) This conclusory statement is completely unsupported by the facts, however, as the EIR admits that the existing residences have no streetlights, and the current environment has “very few sources of light and glare.” (See Draft EIR, pp. 3.1-3, 3.1-6.) The EIR*

*completely fails to analyze light and glare impacts from Project structures (including second story windows) and traffic on the existing, immediately adjacent neighborhoods. (See Draft EIR, pp. 3.1-14 through 3.1-15.) Moreover, the final EIR does not remedy this deficiency. In fact, the final EIR admits that compliance with the City's standards would not reduce light and glare impacts to insignificance, "and the overall level of light and glare in the Project site would increase in general as urban development occurs." (Final EIR, p. 2.0-25.) The EIR must be revised and recirculated to analyze and mitigate this potentially significant impact."*

- The Project would not result in any significant aesthetic impacts associated with increase light and glare on the surrounding community. Light and glare is addressed on page 3.1-3, and 3.1-14 through 3.1-15 of the DEIR. The DEIR notes that the proposed Project involves the development of up to 605 single-family residential units, open space totaling approximately 5.54 acres, including 2.25 acres of trails, 2.39 acres of promenade/pedestrian circulation, and 0.90 acres of parks, and associated roadway improvements. The DEIR indicates that several roadways would be constructed within the Development Area to serve the proposed single-family residential uses and that these roadways would result in the introduction of street lighting into a currently undeveloped site. The DEIR indicates that the proposed single-family residential uses and local roadway would be typical of what is already experienced because of the existing single-family residential uses and local roadways that occur within the surrounding area. The proposed single-family residential uses would be an extension of single-family residential uses adjacent to the Project site.

The DEIR concludes that the addition of these new single-family residential uses would not result in a significant impact. New sources of glare from the proposed Project would occur primarily from the windshields of vehicles travelling to and from the Development Area and from vehicles parked within the Project site. However, parking for the proposed residential uses in the Development Area would primarily occur within enclosed garages and driveways. Headlights and windshields would be shielded by the proposed residential structures within the site. Additionally, the Project includes plans for extensive landscaping and open space areas throughout the site, which would provide visual screening and block potential windshield glare for sensitive receptors within the Project site. Residential structures placed along the boundaries of the Development Area would provide visual screening and block potential windshield glare to areas surrounding the Project site. Glare from traveling vehicles is a function of the density of vehicles on the roadway, the time that they are present, and the time

of day. Generally, glare from traveling vehicles to a receptor is very short lived (fractions of a second) given that the glare is dependent on the amount of time in which the vehicle is positioned at the perfect angle for the sun to reflect light off the vehicle to a receptor. The potential for glare changes throughout the day as the angle of the sun changes. Further, the City does not consider glare from vehicles traveling along roadways as a significant impact. The proposed Project is not anticipated to have high concentrations of glare, and the impact from glare is less than significant.

The DEIR properly assumes the proposed Project would be required to implement existing City regulations aimed at reducing light impacts to ensure that no unusual nighttime lighting is produced. The Project's incorporation of these standards would avoid potentially significant effects associated with lighting and glare to the surrounding neighborhoods. For example, Section 9.22.050 of the Clovis Development Code contains standards and provisions related to exterior lighting. The DEIR indicates that while implementation of regulations and standards within the Clovis Development Code would reduce impacts associated with increased light, the impacts would not be eliminated entirely, and the overall level of light and glare in the Project site would increase in general as urban development occurs. This statement that there would be an impact does not mean that the impact is "significant." Rather, the DEIR concludes that the impact is "less than significant" for many reasons. First, page 3.1-14 of the DEIR states "*it is noted there are no specific features within the proposed Project that would create unusual light and glare.*" Light and glare that would be created are normal for suburban areas, and consistent with lighting in the developed neighborhoods in the suburban areas in along Shepherd Avenue to the south, as well as the suburban areas to the immediate west (i.e., Heritage Grove).

The implementation of these lighting standards would ensure the Project would not result in significant light and glare impacts to the surrounding community. The lighting standards require lighting design that ensures that the Project would not have areas with spillover of light, or high intensity or excessively bright lights. Nothing in the project design calls for any unusual lighting that would result in spillover, high intensity, or excessively bright lights. There would be normal City standard street lights that include standard shields to direct lighting to the roadway rights-of-way, without spilling over onto adjacent properties. The new lighting expected would consist of lights on the building structure in the front and backyard, landscaping lighting, and indoor lighting.

Some buildings within the Project would be two-story, and it is therefore possible that lighting from the second story windows could be visible from adjacent

properties; however, such second story indoor lighting would not be directed at, or to, the adjacent properties, and would not have a potentially significant impact on those adjacent properties.

Further, the development adjacent to the Quail Run neighborhood will be buffered by a 25-foot Landscape/Trail buffer adjacent to a proposed neighborhood street. Proposed homes south of this Quail Run neighborhood will front on to the adjacent neighborhood street and homes east of the Quail Run neighborhood will side on to a neighborhood street except for one home that will side on to the Landscape/Trail buffer.

Existing rural residential lots along the north and east property line of the project will have proposed lots backing on to the adjacent rural residences. The existing residential structures are a significant distance from the proposed homes, and will not result in a potentially significant impact.

The DEIR also notes that new lighting, including street lighting, would be “*pedestrian-scale lighting*” and the fixtures would include shields so that light does not spill onto adjacent properties. The less than significant conclusion is not dependent on the existing regulation cited, rather, compliance with lighting regulations throughout the City create an environment that minimizes light impacts.

While the commenter suggests the existence of new streetlights and windshield glare from vehicles would result in a significant impact, street lighting or windshield glare is not unusual in either the City or the vicinity of the Project, and the City does not consider the addition of such minor sources of light and glare to be a significant impact, particularly given the prevalence of those sources along the Shepherd Avenue corridor and the City generally. Moreover, windshield glare exists on all roadways occupied by motor vehicles, including the streets surrounding the Quail Run Community. The fact that lighting regulations exist is presented in the DEIR as an acknowledgement that lighting regulation exists to ameliorate light nuisances that can develop within human occupied areas when such measures are not taken.

The commenter asserts without evidentiary support that the existence of light itself would inevitably result in a significant impact that would warrant some form of mitigation. The conclusion that the introduction of any new light source results in a per se significant impact is speculative and unsupported by the evidence. The existence of light itself does not constitute a significant impact; rather, it represents an expected outcome in inhabited areas, including the area in the vicinity of the Project. Where an impact from a new source of light would rise to

the level of “potentially significant” and warrant mitigation would be in a situation where a new source of light is directed to, or allowed to spillover onto adjacent properties, or if the new source of light was excessively bright, as is the case with stadium lights, spot lights, and strobe lights, such that the new light would cause sky glow or other nuisance situations. Spillover of light onto adjacent property, or excessively bright lights that create sky glow, such as stadium lights, would present a potentially significant impact and warrant consideration of mitigation to reduce or avoid the impact. The proposed Project does not have any areas where there would be spillover of light. There would be normal City standard streetlights that include standard shields to direct lighting to the roadway rights-of-way, without spilling over onto adjacent properties. This new light would not create a potentially significant impact. Additionally, there would be new lighting associated with the residential buildings. The lighting attached to the building structure would be normal residential lighting consistent with City’s standards. These lighting standards are designed to be protective of nuisance light and spillover issues. The new lighting expected would consist of lights on the building structure in the front and backyard, landscaping lighting, and indoor lighting. Some buildings would be two-story, and lighting from the second story windows could be visible from adjacent properties, but second story indoor lighting would not be directed at, or to, the adjacent properties, and would not have a potentially significant impact on those adjacent properties. Additionally, the proposed Project does not include any lights that are considered excessively bright with the potential to create sky glow, such as stadium lights, strobe lights, spot lights, etc. In addition, there are no sources of significant glare associated with the proposed Project. The DEIR states on page 3.1-14 that *“it is noted there are no specific features within the proposed Project that would create unusual light and glare.”* It is notable that the commenter, also, has not identified any specific sources of light or locations where the Project would have a significant impact on an adjacent property other than the concept that the existence of light from a two-story residence could be a significant light impact. Again, the existence of light inside a two-story home is intended to illuminate the inside of the home, and is not directed to neighboring properties. The visibility of the neighboring light from inside a two-story home is not by itself a potentially significant impact. Again, there is no portion of the project that would direct light onto adjacent properties, rather, the new development would have typical residential lighting commonly observed in existing Clovis neighborhoods. The existence of such light does not constitute a significant impact.

The commenter states: *“Moreover, the final EIR does not remedy this deficiency. In fact, the final EIR admits that compliance with the City’s standards would not reduce light and glare impacts to insignificance, “and the overall level of light and glare in the Project site would increase in general as urban development occurs.” (Final EIR, p. 2.0-25.)”* This statement does not accurately characterize the conclusions in the Final EIR. Nowhere in the FEIR discussion on page 2.0-25 is there a “significance” or “insignificance” conclusion provided; rather, that portion of the Final EIR includes a discussion of impacts. The Final EIR states that *“the impacts would not be eliminated entirely, and the overall level of light and glare in the Project site would increase in general as urban development occurs.”* This is not a conclusion that any such impacts would be significant; to the contrary, this language is an acknowledgement that new light will occur and that the change is an impact. Those impacts, however, would ultimately be less than significant. As stated on page 3.1-14 of the DEIR, *“it is noted there are no specific features within the proposed Project that would create unusual light and glare,”* and as discussed previously, there are no locations where spillover or excessively bright lights would be erected such that there would be a nuisance or sky glow. Given that there are no specific light features within the proposed Project that would cause unusual light or glare impacts, the DEIR and FEIR appropriately concludes that the impact light and glare is less than significant.

**Response L-5-7e:** This comment states that *“An equally fatal flaw in the EIR’s analysis is the characterization of the existing environment on the Project site, specifically, the pecan orchard, as an island of agricultural land surrounded by urbanized development. (Draft EIR, p. 3.1-11; see also Final EIR, pp. 2.0-22 through 2.0-23.) On the contrary, the orchard, which has been actively farmed for approximately 50 years, is a visual buffer between the low-density neighborhoods in Expansion Subarea North and Expansion Subarea East and the more urbanized areas of the City south of Shepard Avenue. (See Draft EIR, p. 3.1-4 [“Agricultural lands provide for visual relief from urbanized areas and act as community separators to nearby urban areas”].) Contrary to the unsupported claim in the final EIR, the inclusion of less than one acre of parkland does not remedy the loss of 77-acres of trees, which, as the EIR admits, are visual resources. (Cf. Final EIR, p. 2.0-23.)...The EIR completely fails to analyze the impacts of eliminating the agricultural buffer created by the orchard. (See *Id.* at p. 3.1-5 [“The majority of the Development Area is in active agricultural use”].) Even worse, the EIR fails to analyze the impacts of replacing the existing visual buffer with highly urbanized, medium-high density residential development. Instead of performing this analysis or explaining why it is infeasible, the EIR concludes, without any support, that*

*“the existing visual character of the Non-development Area would not change as part of the proposed Project.” (Draft EIR, p. 3.1-10; see also Final EIR, p. 2.0-21.) As stated above, this could not be further from the truth as the Project would destroy the existing agricultural buffer and replace it with the very urbanization that the orchard has shielded the Non-Development Area from for more than 50 years. The EIR must analyze the aesthetic impacts of razing the existing 77-acre orchard and constructing 605 homes, including impacts to the existing neighborhoods of the non-development area.”*

- The elimination of the pecan orchard would not result in any potentially significant environmental effects. First, the pecan orchard does not function as an “agricultural buffer.” The term “agricultural buffer” as used in the planning profession describes areas where planners establish non-intensive uses/open space to separate residences from agricultural land. This is done because the intensive agricultural activities that occur within agricultural operations are often viewed as incompatible with adjacent residential land uses. In this case, the agricultural field (orchard) adjacent to the Development Area is not an agricultural buffer in the true sense of the term. Rather, there is no agricultural buffer that separates the agricultural use and the existing residences.

The City also does not consider the pecan orchard to be a visual buffer. The City’s General Plan does not designate the Development Area as a visual buffer, scenic, or any other visually significant feature. Instead, the City’s General Plan designates the Development Area for conversion to an urban use.

In some instances, agricultural lands form part of a viewshed or otherwise provide visual relief from otherwise urban development, and the conversion of agricultural land to urban uses creates a change in what residents and passerby see on a property. However, such changes do not necessarily result in a “significant” impact. According to the CEQA Guidelines, such changes are considered a significant impact where the change would have a substantial adverse effect on a scenic vista or substantially degrade the existing visual character or quality of the project site and its surroundings.

Under these standards, the Project would not result in a significant environmental effect. The pecan orchard portion of the Project site is an island of agricultural land use surrounded by developed homes to the east, north, and south, and an entitled residential subdivision under construction to the west. What this means is that the pecan orchard is a relic agricultural piece of property that has remained intact and operational despite the properties in the immediate surrounding aesthetically changing to a residential aesthetic. The proposed



Project would change the existing aesthetic of the Project site to be consistent with the residential (suburban and rural) theme established for Shepherd Avenue by the City of Fresno and the City of Clovis' land use approvals along Shepherd Avenue. With few exceptions, both cities have required residential projects to construct a uniform 6 ft. tall concrete block wall setback at least 30 feet from the street with landscaping, sidewalks, and bike lanes. Trees of a small to medium size and a variety of shrubs create a generally consistent shared landscape theme by both cities.

In addition, a change in the visual character of a project site does not necessarily mean the visual character of the project site or the surrounding area will be degraded. The Project applicant has submitted a conceptual plan for the project detailing the Shepherd Avenue and open space landscaping. That conceptual landscape plan includes visual components that will enhance the appearance of the neighborhood once developed like those constructed by adjacent residential projects along Shepherd Avenue. These improvements include landscaping improvements like new street trees and other neighborhood greenery along Shepherd and Sunnyside Street frontages of the Project. The proposed Project would also result in the construction of park and open space areas which provides some visual relief within residential subdivisions. While implementation of the proposed Project would change the existing visual character of the area, the development components of the subdivisions are in alignment with the City's requirements for residential subdivisions in the region.

**Response L-5-7f:** This comment states that *"Similarly, the EIR's conclusion that, because the Project would comply with the City's General Plan policies and Development Code, it "would not have a substantial adverse impact on scenic vistas, corridors, or resources in the City of Clovis" is completely unsupported. (Draft EIR, p. 3.1-11, emphasis added.) First, Project's destruction of the agricultural buffer would significantly impact visual resources, including trees (see Draft EIR p. 3.1-1) and the EIR's analysis of impacts cannot be artificially limited to the City limits, because the Project's aesthetic impacts will affect the Non-Development Area, which is not "in the City of Clovis."*

- As stated in the DEIR, the Project site is not designated as a scenic vista by the City of Clovis General Plan or the Fresno County General Plan, nor does it contain any unique or distinguishing features that would qualify the site for designation as a scenic vista. The DEIR does discuss the fact that development along Shepherd Avenue was contemplated in the Clovis General Plan EIR, which concluded that development/urbanization of the agricultural lands in the area was a less than significant environmental impact. General Plan DEIR pages 5.1-13 through 5.1-14

reflects the City's finding that new development would not substantially alter or damage scenic vistas or resources in the Plan Area or along a state scenic highway. The City has established their desire to convert the agricultural land to an urban use in the General Plan by designating it for development. In designating land for development, the City establishes standards for the orderly growth and development of the City to establish and maintain the community's history and quality characteristics in appropriate locations. It requires high quality planning and design for development that enhances the visual character of the City, avoids conflicts between land uses, encourages the appropriate mix of uses, and preserves the scenic qualities of the City. It also creates a comprehensive and stable pattern of land uses upon which to plan sewerage, transportation, water supply, and other public facilities and utilities. The General Plan EIR provides an analysis and impact conclusion for conversion of agricultural and rural residential land for new development. The General Plan EIR concludes that there are potential impacts associated with these changes, but that following specific required provisions (General Plan policy, design guidelines, and development standards) would ensure that there is not a significant impact associated with changes from new development. Here, the City of Clovis has established two important directives for future projects within the General Plan Planning Area. The City has provided 1) a directive that new development follows the General Plan policies, design guidelines, and development standards, and 2) a conclusion that compliance with such General Plan policies, design guidelines, and development standards shall result in a less than significant impact. While the threshold and analysis under the City's directive is qualitative, the General Plan EIR impact conclusions are applicable to the proposed Project.

The DEIR does acknowledge that the loss of the visual appearance of the agricultural land on the site will change the visual character of the Project site in perpetuity, which some people are expected to view as a loss of an isolated visually attractive amenity, but not that it is a significant impact. The City considers the mandatory requirements for landscaping and site plan as effective in reducing potential significant visual impacts on new development. Overall, the conversion of the isolated and remnant agricultural land surrounded by residential and rural residential land uses is a considered less than significant impact.

**Response L-5-7g:** This comment states that *“Second and more importantly, “[c]ompliance with a general plan in and of itself ‘does not insulate a project from the EIR requirement, where it may be fairly argued that the project will generate significant environmental effects.’ [Citation.] A project’s effects can be significant even if ‘they are not greater than those deemed*

*acceptable in a general plan.” (Livable City , supra, 5 Cal.App.5th at p. 301; see also Keep Our Mountains Quiet v. County of Santa Clara (2015) 236 Cal.App.4th 714, 732 [EIR required “if substantial evidence supports a fair argument that the Project may have significant unmitigated noise impacts, even if other evidence shows the Project will not generate noise in excess of the County’s noise ordinance and general plan”]; Berkeley Keep Jets Over the Bay Committee v. Board of Port Com’rs (2001) 91 Cal.App.4th 1344, 1381 [“the fact that residential uses are considered compatible with a noise level of 65 decibels for purposes of land use planning is not determinative in setting a threshold of significance under CEQA”].) The EIR’s repeated claim that the Project’s compliance with City of Clovis General Plan policies and standards (cf. Draft EIR, pp. 3.1-11, 3.1-12) says nothing about the physical alteration of the environment that replacing 77 acres of orchard with 605 residences will cause. The EIR must be revised to analyze the Project’s aesthetic impacts on the surrounding environment.”*

- The DEIR appropriately discloses the physical alterations of the Project site that would occur from new development. The visual changes are described, and the impacts from the changes are disclosed within the context of CEQA. The DEIR notes the conclusions that were made in the General Plan EIR, and notes that the General Plan provides direction for new development to be located along Shepherd Avenue. This includes development of the Project site. General Plan DEIR pages 5.1-14 through 5.1-15 reflect the City’s finding that new development would alter the visual appearance of the City and its Plan Area, but would not substantially degrade its existing visual character or quality such that there would be a significant impact. The analysis performed by the City specifically looked at *“...new development farther away from the City’s existing boundaries into the further SOI and non-SOI Plan Area, which are currently designated primarily as agriculture and rural residential.”* Here, the General Plan DEIR describes characteristics like the Development Area and general vicinity. The General Plan DEIR notes that *“New projects would have to comply with the General Plan Update policies, design guidelines, and development standards. Subsequent environmental review would also be required for development of each individual project. These required provisions would ensure that the altered visual appearance of the City would maintain the existing visual quality and character of the City and its surrounding landscape. Consequently, the full buildout of the General Plan Update would not result in significant adverse impacts to the City’s visual quality and character.”* Here, the City of Clovis has provided 1) a directive that new development follow the General Plan policies, design guidelines, and development standards, and 2) a conclusion that compliance with such General Plan policies, design guidelines, and development standards shall result in a less

than significant impact. While the threshold and analysis under the City's directive is qualitative, the impact conclusions from the certified General Plan DEIR emphasize the City's finding that compliance with the required provisions would ensure that there is not a significant impact associated with changes in the visual appearance or character from new development.

**Response L-5-8a:** This comment states that *"The EIR's analysis of agricultural impacts acknowledges that the 77-acre Project site contains 63.60 acres of Prime Farmland and 11.44 acres of Farmland of Statewide Importance, as designated by the California Department of Conservation. (Draft EIR, pp. 3.2-5 through 3.2-6.) The EIR, however, ignores these designations based on a Land Evaluation and Site Assessment (LESA) model analysis that uses faulty assumptions about the feasibility of irrigated production at the orchard. (See Id., see also Draft EIR, Appendix B [LESA analysis].) Specifically, the EIR claims, based on the presence of "hardpan" in 5 of 19 bore samples from the geotechnical engineering report (see Draft EIR, Appendix F) that "the majority of the property has a thin layer of productive soil, underlaid by a hardpan and perched water that is not conducive to sustain long term agricultural production." (Draft EIR, p. 3.2-7.) The fifty-plus years of agricultural production at the Project site belies this conclusion."*

- The *Land Evaluation and Site Assessment (LESA)* model includes an evaluation of "Land Evaluation" (LE) factors, as well as "Site Assessment" (SA) factors. For the Land Evaluation portion of the model, factors such as Land Capability Classification Ratings and Storie Index provide the characteristics for establishing an LE score.

The Land Capability Classification System classifies soils from Class I to Class VIII based on their ability to support agriculture with Class I being the highest quality soil. The Storie Index considers other factors such as slope and texture to arrive at a rating. These systems are described on page 3.2-2 through 3.2-3 of the DEIR. It is notable that Table 3.2-5 on page 3.2-7 of the DEIR shows that 45 percent of the Project site has a Storie Index that is described as follows: *"If used for crops, severely limited and require special management."* Only 24 percent of the Project site is characterized with the highest Storie Index. It is also notable the majority of the Development Area, 57.55 acres (74%) of the site is classified as Class II – IV soils. Class II soils have moderate limitations that restrict choice plants or that require moderate conservation practices. Class III soils have severe limitations that restrict the choice of plants or that require special conservation practices, or both. Class IV soils have very severe limitations that restrict the choice of plants or that require very careful management, or both.

Ultimately, the Capability Classification System and the Storie Index soil values are input into the LESA model, regardless of any additional soil inclusions (i.e. “hardpan”) that are discovered in geotechnical borings. These soil values result in a Land Evaluation Score in the LESA Model. In addition, these soil values provide some weight to a Project Size score in the LESA model. Again, the fact that “hardpan” was found in the geotechnical borings, provides no weight in the LE portion of the LESA model.

The existence of “hardpan” is not a specific factor that is considered under either Land Capability Classification or Storie Index, nor it is provided scoring weight within the “Land Evaluation” score. Instead, the Land Capability Classification and Storie Index are soil classifications that are well documented in the United States Geological Service’s Soil Survey for the area. The LE score utilizes these factors in establishing a project score, but does not use the existence of “hardpan” as a factor.

The SA portion of the model considers four factors: Project Size, Water Resources Availability, Surrounding Agricultural Land, and Surrounding Protected Resource Land. In this portion of the model, the existence of hardpan has no effect on three of the factors (i.e. Project Size, Surrounding Agricultural Land, and Surrounding Protected Resource Land). Under the Water Resources Availability factor, “hardpan” is a consideration in the overall evaluation, but is not provided significant scoring weight. To understand the considerations regarding the Water Resource Availability factor, an explanation is provided by the California Department of Conservation below.

*“The Water Resource Availability factor in the LESA Model was developed in cooperation with Nichols-Berman, a consulting firm under contract with the Department of Conservation. A thorough discussion of the development of this rating is presented by Nichols-Berman in a report to the Department entitled, Statewide LESA Methodologies Report - Project Size and Water Resource Availability Factors<sup>1</sup>. During the development of this factor, it became apparent that certain conditions unique to California would need to be represented in this system.*

*First, it was decided to classify water reliability based upon the effects on agricultural production (such as being forced to change to lower-value crops, putting in groundwater pumps, or cutting back on the acreage farmed) rather than the actual type of limitation (such as a limitation on the quantity, frequency,*

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<sup>1</sup> Statewide LESA Methodologies Report - Project Size and Water Resource Availability Factors. Prepared by Nichols - Berman, for the Department of Conservation. 1995.

*or duration of water delivery). LESA systems have traditionally focused on the latter. However, it was found that the many types of limitations are too varied in California to adequately represent in the LESA system. In the Statewide LESA system, these effects are referred to as restrictions.*

*Second, the factor had to include an interrelation with cost. The historical shortages and unreliability of California water use has led to the establishment of various interconnected and dual systems. Probably more than any other state, reliability is related with cost -- a more reliable water supply can sometimes be obtained, but at a greater cost. Therefore, restrictions were classified into two major categories -- physical and economic. These are separated because, generally, a physical restriction is more severe than an economic restriction and this should be reflected in the LESA system.*

*Third, the factor had to include the effects of the drought cycle in California. During the drought of 1987 to 1992, many agricultural areas of the state experienced water shortages. The impact of these shortages resulted in several different actions. Some areas were able to avoid the worst effects of the drought simply by implementing water conservation measures. Other areas were able to obtain additional water supplies, such as by securing water transfers or simply pumping more groundwater, but at an increase in the overall price of water. Other options included shifting crops, replanting to higher value crops to offset the increase in water prices, or leaving land fallow. A project site that experiences restrictions during a drought year should not be scored as high as a similar project site that does not.*

*The easiest way to make determinations of irrigation feasibility and the potential restrictions of water sources is to investigate the cropping history of the project site. For instance, was the water supply to the project site reduced by the local irrigation district during the last drought? If the site has a ground water supply, do area ground water levels sometimes drop to levels that force markedly higher energy costs to pump the water?*

*If the history of the project site is unavailable (including when the site has recently installed an irrigation system), look at the history of the general area. However, remember that the project site may have different conditions than the rest of the region. For instance, the project site could have an older water right than others in the region. Although certain areas of the state had severe restrictions on water deliveries during the last drought, some parcels within these areas had very secure deliveries due to more senior water rights. If this was the case in the region of the project site, check the date of water right and compare it with parcels that received their total allotment during the last drought. The local irrigation district should have information on water deliveries.*

*The scoring of water resource availability for a project site should not just reflect the adequacies of water supply in the past -- it should be a prediction of how the water system will perform in the future. For instance, a local jurisdiction might find that the allocation of flows to stream and river systems has been recently increased for environmental reasons, which will decrease the future available surface water supply. In this case, the past history of the site is not an adequate representation of future water supply and water system performance.*

Considering this explanation, the Department of Conservation established the following factors to score the Water Resources Availability for a site: Irrigated Production Feasibility, Physical Restrictions, and Economic Restrictions.

“Feasibility” of irrigated production considers the following three factors:

- 1) There is an existing irrigation system on the project site that can serve the portion of the project;
- 2) Physical and/or economic restrictions are not severe enough to halt production; and
- 3) It is possible to achieve a viable economic return on crops through irrigated production.

The LESA model poses a major question that must be considered, “*if there is an irrigated crop that can be grown within the region, can it actually be grown on the project site?*” Here, there are several considerations. To answer this question, the agricultural manager/property owner was questioned. First, the agricultural manager/property owner has indicated that there is not a supply of water from irrigation districts as is common in the region. Instead, the property relies on groundwater pumped from wells. The agricultural manager/property owner has indicated that there have been extended periods without irrigation from dry wells resulting in significant mortality, and significant economic loss. The agricultural manager/property owner has also indicated that there are periods of time where irrigation is halted because repairs and replacements to pumps become necessary following theft and vandalism. These repairs and replacements increase the costs of pumping groundwater, in addition to the economic losses associated with plant mortality. The agricultural manager/property owner has indicated that the ongoing agricultural operation is not sustainable from both an economic standpoint, and from the physical limitations that groundwater pumping presents for the operation.

The LESA model defines a physical restriction as an occasional or regular interruption or reduction in a water supply, or a shortened irrigation season, that forces a change in agricultural practices -- such as planting a crop that uses less

water, or leaving land fallow. The LESA model specifically indicates that this could be from ground or surface water becoming depleted or unusable. The assumptions used for the LESA model reflect that irrigation must rely on ground water, and groundwater pumping has proven to be unpredictable and unreliable in recent years as available water from the aquifer under the Project site had been highly variable and provided an unreliable supply. The property owner has indicated the wells on the Project site went entirely dry and the pecan trees suffered large-scale tree mortality as a result. The LESA model input was that Physical Restrictions exist. The presence of “hardpan” is another physical restriction that occurs in places on the Project site, but this fact serves as an additional fact to acknowledge other physical restrictions that are present. The historical unreliability of groundwater is the most critical fact that determines the input for the Physical Restrictions factor in the LESA model.

The LESA model defines an economic restriction as a rise in the cost of water to a level that forces a reduction in consumption. This could be from the extra cost of pumping. The agricultural manager/property owner cited theft and vandalism of pumps by neighbors as an economic restriction given that these actions increase costs associated with groundwater pumping, and cause delays needed to make repairs or replace pumps such that there are periods that lack irrigation. The LESA model input was that Economic Restrictions exist.

Based on these facts, the LESA model input was that irrigation was not feasible in drought years, but was feasible in non-drought years.

The DEIR discusses the existence of hardpan; however, the DEIR does not suggest hardpan is the only soil condition present. Rather, the DEIR clearly presents the variation in soil conditions as presented in the Soil Survey, and supplements that data with soil data from test borings. Soils typically have inclusions with variation in the soil composition, some of which may be conducive to agricultural production. The property owner has significant experience with the soil conditions, and has spent considerable money testing the soil to better understand how to manage the orchard. Ultimately, the property owner has concluded that the agricultural operation is not conducive to continued soil management to produce high agricultural yields because there is too much cemented silty sand, clayey sand, and silty sand with clay, locally referred to as “hardpan” that is encountered in the Development Area. This cementation retards the free percolation of surface water into the soil stratum below the hardpan, frequently resulting in a temporary perched water table condition at or near the ground surface during winter periods of precipitation. The perched water table can result in anerobic conditions in the root zone, which can result in



root mortality and damage or death to the crop. This hardpan layer limits the types of crops that can be successful and is generally a variable that makes the property less economically viable for agricultural production. While it is possible to manage, or treat the soil mechanically to break the hardpan, and condition the soils for agricultural production, there is significant cost associated with such treatments and given the lack of water reliability for agricultural production, the property owner is not able to justify the significant cost of the operation.

It is recognized that the Development Area has historically been used as a Pecan Orchard, but that historic use does not necessarily support the conclusion that site-specific conditions are conducive to sustaining long-term agricultural production using modern agricultural practices which emphasize access to multiple sources of water, economies of scale, and operational efficiencies.

For several years, the current property owner has been responsible for managing the former Cal-Pecan orchard located on the Project site. In recent years, primarily due to drought conditions and expansion of new development surrounding the former Cal-Pecan orchard, the economic viability of irrigated agricultural production has diminished. The Project site is located entirely north and east of the Enterprise Canal and therefore outside of the nearby Fresno Irrigation District boundary. It is therefore not eligible to receive deliveries of surface water from any irrigation district. This is an entirely different situation from other properties located in the region, such as the nearby Heritage Grove growth area. A portion of Heritage Grove is located on the west side of the Enterprise Canal and continues to receive deliveries of surface water to support agricultural production. Recent SGMA regulatory changes that now severely limit groundwater pumping has constrained the ability of any agricultural properties located outside of an irrigation district to support intensive agricultural uses that require regular and timely irrigation; further, groundwater pumping on this property has proven to be unpredictable and unreliable in recent years as available water from the aquifer under the Project site had been highly variable and provided an unreliable supply. It is notable that the property owners of Quail Run have provided substantial information regarding their wells being dry and needing to truck water in for their use. This issue of water reliability for the Quail Run residents also applies to the Pecan Orchard as they operate from groundwater in the exact same region. The property owner has indicated that they made every effort to continue irrigating the trees throughout the drought conditions last summer, but the wells on the Project site went entirely dry and caused the pumps to burn out. The pecan trees suffered tremendous damage without available irrigation water and it resulted in large-scale tree mortality. This

fact should be no surprise to the commenter, considering the residents that they represent have experienced those same water reliability issues during the drought.

The LESA model assumptions are based on published facts, as well as existing conditions that are verifiable in the field and economic hardships that exist from droughts and impacts from surrounding development. These facts are deemed appropriate and accurate assumptions for use in the LESA model.

**Response L-5-8b:** This comment states that *“Moreover, as indicated above, the geotechnical report does not support this conclusion. Appendix F includes bore sample logs from 19 borings and identified “weakly cemented” silty sand in Borings B1, B3, at depths of approximately 8 feet, and B15, B16, and B18 at depths ranging from 2 to 4 feet. The bore samples also identified “clayey sand” in Borings B6, B7, B11, and B15 at depths of 8 to 14 feet. (Draft EIR, Appendix F.) Accordingly, the majority of bore samples (i.e., eleven of nineteen) do not contain “hardpan” and there is no evidence that the Project site contains only “a thin layer of productive soil” that has kept the orchard in continuous operation for more than fifty years. (Cf. Draft EIR, p. 3.2-7.)”*

- It is recognized that the Development Area has historically been used as a Pecan Orchard, but that historic use does not necessarily support the conclusion that site-specific conditions are conducive to sustaining long-term agricultural production using modern agricultural practices which emphasize access to multiple sources of water, economies of scale, and operational efficiencies. The DEIR discusses the existence of hardpan; however, the DEIR does not suggest that hardpan is the only soil condition present, nor does it suggest that its presence is the only reason that continued agricultural production is not sustainable. Rather, the DEIR presents the variation in soil conditions as presented in the Soil Survey, and supplements that data with soil data from test borings. The areas that have hardpan are not as conducive to sustained long term agricultural production without treatments to help break hardpan and facilitate pecan root success. It is important to understand how the root system for a pecan tree works.

A pecan tree has both, tap and feeder roots. A tap root is a deeper penetrating root, while feeder roots are much shallower. A hardpan, whether it is at two feet or eight feet, inhibits plant success by retarding the ability of the tap root to fully develop. The feeder roots are also critically important to the plant, and require a well-drained soil in the upper soil horizon. The property owner has concluded there is too much "hardpan" encountered below 2 feet in depth in the Development Area for the success of the pecan trees. The property owner has indicated that the hardpan retards the free percolation of surface water into the

soil stratum below the hardpan, frequently resulting in a temporary perched water table condition at or near the ground surface during winter periods of precipitation. The perched water table can result in anaerobic conditions in the upper root zone, which can result in feeder root mortality and damage or death to the crop. While it is recognized that the Development Area has historically been used as a Pecan Orchard, the historic use does not necessarily support the conclusion that site-specific conditions are conducive to sustaining long-term agricultural production. Instead, the property owner has determined that the combination of drought conditions, theft, and vandalism from adjacent properties, in addition to soil characteristics that require more intensive management, make long-term agricultural production unsustainable.

**Response L-5-8c:** This comment states that *“The LESA analysis included with the EIR (Draft EIR, Appendix B) relied, in part, on the faulty assumption that “hardpan” covered the majority of the Project site (when, in fact, it was found in less than half of bore samples) to conclude that irrigated production is infeasible in drought years, making the Water Resource Availability score 30 out of 100, based on “Option 11.” (See also, Draft EIR, pp. 3.2-10, 3.2-16.) The LESA analysis concludes that, due to this infeasibility, the Project’s overall score is 50.50, with a Site Assessment score of 18 (largely based on the Water Resource Availability score of 30). (Draft EIR, p. 3.2-16; see Draft EIR, Appendix B.) Correcting the LESA score to remove the faulty assumptions that “hardpan” covers the majority of the site at depths of 2 feet, changes the Water Resource Availability score to 65, using “Option 7.” (See the Revised LESA analysis attached to this letter as Exhibit 1.) Based on the corrected Water Resource Availability score, the total LESA score for the Project site is 55.75, with a Site Assessment score of 23.25.”*

- The *Land Evaluation and Site Assessment (LESA)* model includes an evaluation of “Land Evaluation” (LE) factors, as well as “Site Assessment” (SA) factors. As discussed under Response L-5-8a, the existence of “hardpan” is not a specific factor that is considered within the LE score. The SA portion of the model considers four factors: Project Size, Water Resources Availability, Surrounding Agricultural Land, and Surrounding Protected Resource Land. In this portion of the model, the existence of hardpan has no effect on three of the factors (i.e. Project Size, Surrounding Agricultural Land, and Surrounding Protected Resource Land). Under the Water Resources Availability factor, “hardpan” is a consideration in the overall evaluation, but is not provided significant scoring weight. To understand the considerations regarding the Water Resource Availability factor, an explanation is provided by the California Department of

Conservation within the LESA Model instruction manual (See Response L-5-8a). Considering this explanation, the Department of Conservation established the following factors to score the Water Resources Availability for a site: Irrigated Production Feasibility, Physical Restrictions, and Economic Restrictions.

“Feasibility” of irrigated production considers the following three factors:

- 1) There is an existing irrigation system on the project site that can serve the portion of the project;
- 2) Physical and/or economic restrictions are not severe enough to halt production; and
- 3) It is possible to achieve a viable economic return on crops through irrigated production.

The LESA model poses a major question that must be considered, *“if there is an irrigated crop that can be grown within the region, can it actually be grown on the project site?”* Here, there are several considerations. To answer this question, the agricultural manager/property owner was questioned. First, the agricultural manager/property owner has indicated that there is not a supply of water from irrigation districts as is common in the region. Instead, the property relies on groundwater pumped from wells. The agricultural manager/property owner has indicated that there have been extended periods without irrigation from dry wells resulting in significant mortality, and significant economic loss. The agricultural manager/property owner has also indicated that there are periods of time where irrigation is halted because repairs and replacements to pumps become necessary following theft and vandalism. These repairs and replacements increase the costs of pumping groundwater, in addition to the economic losses associated with plant mortality. The agricultural manager/property owner has indicated that the ongoing agricultural operation is not sustainable from both an economic standpoint, and from the physical limitations that groundwater pumping presents for the operation.

The LESA model defines a physical restriction as an occasional or regular interruption or reduction in a water supply, or a shortened irrigation season, that forces a change in agricultural practices -- such as planting a crop that uses less water, or leaving land fallow. The LESA model specifically indicates that this could be from ground or surface water becoming depleted or unusable. The assumptions used for the LESA model reflect that irrigation must rely on ground water, and groundwater pumping has proven to be unpredictable and unreliable in recent years as available water from the aquifer under the Project site had been highly variable and provided an unreliable supply. The property owner has

indicated the wells on the Project site went entirely dry and the pecan trees suffered large-scale tree mortality as a result. The LESA model input was that Physical Restrictions exist. The presence of “hardpan” is another physical restriction that occurs in places on the Project site, but this fact serves as an additional fact to acknowledge other physical restrictions that are present. The historical unreliability of groundwater is the most critical fact that determines the input for the Physical Restrictions factor in the LESA model.

The LESA model defines an economic restriction as a rise in the cost of water to a level that forces a reduction in consumption. This could be from the extra cost of pumping. The agricultural manager/property owner cited theft and vandalism of pumps by neighbors as an economic restriction given that these actions increase costs associated with groundwater pumping, and cause delays needed to make repairs or replace pumps such that there are periods that lack irrigation. The LESA model input was that Economic Restrictions exist.

Based on these facts, the LESA model input was that irrigation was not feasible in drought years, but was feasible in non-drought years. This results in selection of “Option 11” within the LESA model. The facts support this conclusion.

**Response L-5-8d:** This comment states that *“The draft EIR states that the Project would have a significant impact on agricultural resources if the total LESA score is greater than 50 out of 100 and both the Land Evaluation and Site Assessment component scores are greater than 20. (Draft EIR, p. 3.2-16.) Using the corrected LESA score (which does not rely on the faulty “hardpan” assumptions in the Draft EIR) the Project will have a potentially significant impact on agricultural resources, which the EIR must be revised to analyze and mitigate.”*

- This comment is addressed, in part, under Responses L-5-8a, L-5-8b, and L-5-8c. Page 3.2-16 of the DEIR provides a summary of the California Land Evaluation and Site Assessment (LESA) Model that was utilized to determine the proposed Project’s potential impact on agricultural resources. As noted, the proposed Project has a final LESA score of 50.50, which is a significant impact only if the Land Evaluation and Site Assessment sub scores are each greater than or equal to 20 points. The proposed Project has a sub score of 32.50 for the Land Evaluation (LE) and a sub score of 18.0 for the Site Assessment (SA), which means the conversion of the land on the Project site is not considered significant according to the California Department of Conservation’s established thresholds.

**Response L-5-9a:** This comment states that *“The EIR acknowledges the significant increase in average daily trips generated by the Project and, correctly, concludes the Project will have a*

*significant vehicle miles traveled (VMT) impact. (See Draft EIR, pp. 3.13-18 through 3.13-23.) The air quality analysis, however, downplays the significance of mobile source pollution generated by the Project and completely fails to analyze the potential for project generated traffic to have significant toxic air contaminant (TAC) impacts from ultrafine particles (UFPs) emitted by vehicle emissions, braking, and tire wear.”*

- Neither the DEIR nor the Air Quality Analysis downplay the significance of mobile source emissions that would be generated because of the Project. Rather, the DEIR explains that the California Emission Estimator Model (CalEEMod) was used to estimate emissions for the proposed Project. Page 3.3-25 describes that the Project buildout was assumed to be completed in 2028 and that *“This may prove to be a conservative estimate because criteria pollutant emission rates are reduced over time (due to state and federal mandates) and would be expected to be even lower than reported in this analysis, should the Project buildout be completed after 2028.”* Pages 3.3-27 through 3.3-28 presents the thresholds of significance by which the Project emissions are compared against to determine the level of significance. The emissions estimates, which were based on conservative assumptions, were found to not exceed any of the SJVACPD operational thresholds of significance.

The Project would also not result in significant environmental effects associated with the release of ultrafine particles (UFPs) associated with vehicle emissions, braking, and tire wear.

UFPs (defined as fine particles of less than 0.1 microns in size, or PM<sub>0.1</sub>) are a subset of PM, which is regulated under PM<sub>10</sub> and PM<sub>2.5</sub> rules, however, there are no adopted rules or regulations for PM<sub>0.1</sub> by the U.S. EPA or California air districts. Moreover, attainment status related to UFPs is not monitored by the U.S. EPA or California air districts, and the SJVAPCD does not provide any guidance for assessment, thresholds, or mitigation associated with UFPs.

Different sources of PM generate differing levels of UFPs. Precisely estimating PM<sub>0.1</sub> can be difficult, given that UFPs are not incorporated into the modeling software recommended by the CARB and the California air districts (i.e. CalEEMod). UFPs are primarily generated by motor vehicle emissions (especially from diesel engines), braking, and tire wear. Specifically, UFPs are comprised mostly of metals that are known constituents of brake pads and drums, as well as additives in motor oil. Generally, all engines can create UFPs, but especially diesel

engines, and any vehicle's braking system; traffic, particularly start-and-stop, generates UFPs.<sup>2</sup>

UFPs are a type of particulate matter, and like other particulate matters, they have the potential to generate chronic risks associated with cardiovascular disease, potential long-term loss of lung function, and cancer. According to a recent study prepared for the European Geosciences Union, UFPs vary widely as a proportion of PM overall, depending on location; specifically, the PM<sub>0.1</sub> to PM<sub>2.5</sub> ratio analyzed in approximately 39 cities in the United States varied from approximately 1% to 16%.<sup>3</sup> These factors vary so widely because the sources of PM<sub>0.1</sub> vary substantially from city to city. For example, cities that are located close to substantial sources of natural gas combustion have higher PM<sub>0.1</sub> to PM<sub>2.5</sub> ratios, since almost all the PM emitted by natural gas combustion is in the PM<sub>0.1</sub> size fraction, whereas this is only true for less than half of the PM emitted by gasoline and diesel fuel combustion. Taken together, these facts support the potential importance of natural gas combustion for ambient PM<sub>0.1</sub> concentrations. The city analyzed in the study with the greatest similarity to the City of Clovis (i.e. where the Project is located) was the City of Bakersfield, given its similarity in location within the Central Valley region. The ratio of PM<sub>0.1</sub> to PM<sub>2.5</sub> for Bakersfield was found to be approximately 11%. Absent precise data specific to the City of Clovis, this data is presumed to be the best available data for use in developing a reasonable estimate of PM<sub>0.1</sub> levels for the proposed Project. Given the Project's estimated 1.2 tons per year of PM<sub>2.5</sub> (see Table 3.3-6 on page 3.3-27), the total PM<sub>0.1</sub> generated by the Project is estimated to be approximately 0.132 tons per year (263 lbs/year). This is equivalent to 0.72 lbs/day of PM<sub>0.1</sub>. While there is not specifically a quantitative threshold of significance established by the SJVAPCD for PM<sub>0.1</sub>, the quantity estimated (0.72 lbs/day) is considered small relative to thresholds that the SJVAPCD has established for other particulate matter (i.e. 82 lbs/day). From an incremental health perspective, this level of UFPs generated by the Project would not result in any significant environmental effect.

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<sup>2</sup> Aerosol Science and Technology. 2011. Thomas A. Cahill, David E. Barnes, Nicholas J. Spada, Jonathan A. Lawton, and Thomas M. Cahill. Very Fine and Ultrafine Metals and Ischemic Heart Disease in the California Central Valley 1: 2003-2007. July 13, 2011.

<sup>3</sup> Venecek, M. A., Yu, X., and Kleeman, M. J.: Predicted ultrafine particulate matter source contribution across the continental United States during summertime air pollution events, *Atmos. Chem. Phys.*, 19, 9399–9412, <https://doi.org/10.5194/acp-19-9399-2019>, 2019.

**Response L-5-9b:** This comment states that *“The EIR also fails to analyze cumulative TAC emissions from project traffic combined with traffic levels presumed from buildout under the General Plan.”*

- The proposed Project does not include any industrial or commercial uses that would present a significant source of diesel exhaust particulate matter (diesel PM), benzene, and 1,3-butadiene, all of which are emitted by motor vehicles. These mobile source air toxics are largely associated with freeways and high traffic roads which are not part of the proposed Project. The DEIR discusses the fact that a 2007 U.S. EPA rule requires controls that has, and will continue, to dramatically decrease Mobile Source Air Toxics (MSAT) emissions through cleaner fuels and cleaner engines. The DEIR notes that an FHWA analysis using EPA’s MOBILE6.2 model, even if vehicle activity (VMT) increases by 145 percent, a combined reduction of 72 percent in the total annual emission rate for the priority MSAT is projected from 1999 to 2050. The DEIR also notes that California maintains stricter standards for clean fuels and emissions compared to the national standards. Therefore, the evidence shows MSAT trends in California will decrease consistent with or more than the U.S. EPA's national projections. These facts are on a cumulative basis extending out to an estimated year 2050-time horizon. As a result, the Project would not result in any cumulatively considerable TAC emissions.

**Response L-5-9c:** This comment states that *“The EIR acknowledges the Supreme Court’s decision in Sierra Club v. County of Fresno (2018) 6 Cal.5th 502 (Friant Ranch), which requires EIRs to analyze and disclose the human health effects of a project’s air quality emissions or explain why doing so is infeasible. (Id. at pp. 519-520.) The EIR claims to perform the required analysis, albeit in “qualitative” fashion. (Draft EIR, pp. 3.3-25 through 3.3-26.) Like the EIR in Friant Ranch, however, the Project’s EIR “generally outlines some of the unhealthy symptoms associated with exposure to various pollutants” but “does not give any sense of the nature and magnitude of the ‘health and safety problems caused by the physical changes’ resulting from the Project.” (Friant Ranch, at p. 522; see Draft EIR, pp. 3.3-28 through 3.3-30.) Instead, the EIR analyzes the Project’s contribution to air pollution (Ozone and particulate matter (PM), specifically) and while the cumulative levels of those pollutants “would affect people[,]” the Project’s emissions would be less than the San Joaquin Valley Air Pollution Control District (SJVAPCD) thresholds of significance. (Draft EIR, pp. 3.3-29 through 3.3-30.) The EIR’s conclusory statement that pollution “would affect people” does not come close to the analysis required by Friant Ranch. The EIR must be revised to either analyze whether*



*the Project's air quality emissions would have significant human health effects or explain why doing so is infeasible."*

- The lead agency (City of Clovis) evaluated the Project to determine the appropriate approach and methodology to analyzing the health effects from the air quality emissions. Page 3.3-25 notes that the lead agency determined that, given the nature and size of the Project, a qualitative approach to correlating the expected air quality emissions of Projects to the likely health consequences of the increased emissions is appropriate. This statement does not, however, mean the DEIR did not include any quantitative analysis of air emissions, but rather, it is indicative of a two-step process to analyzing health effects from air emissions.

The first step in the analysis determines the path warranted in the second step. If the air emissions exceed the human protective thresholds established by the SJVAPCD for the purpose of protecting human health, then there is a "potential" for a significant impact and more quantitative modeling is warranted to adequately explain the nature and magnitude of the "significant" health effects. However, if the human protective thresholds are not exceeded, then there is not a potential for a significant impact and more detailed quantitative modeling is not warranted as a second step. Under this scenario, the nature and magnitude of the impact is "less than significant" and a qualitative explanation of the health effects of the less than significant impact is all that is warranted.

Central to the determination of approach and methodology described above is understanding of the Friant Ranch Decision and the SJVAPCD guidance, including their thresholds of significance. First, the City evaluated the pollution levels associated with the Project through quantitative modeling, and compared the quantitative outputs from the model to the quantitative thresholds of significance that are established by the SJVAPCD (see Table 3.3-6 on page 3.3-27). The SJVAPCD thresholds are established to be protective of human health, and the quantitative modeling for the Project shows that the emission levels are below the human protective thresholds established by the SJVAPCD. This is an important factor when considering the California Supreme Court ruling in *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, known as the Friant Ranch Decision. The EIR at issue in that case concluded that criteria air pollutants would "exceed" the SJVAPCD-issued human protective thresholds of significance and impacts would be "significant and unavoidable." The Court found the EIR's conclusion to be insufficient because the air quality analysis did not adequately explain the nature and magnitude of the "significant and unavoidable" health effects from

long-term emissions of criteria air pollutants and ozone precursors that exceeded district thresholds.

Here, in contrast, the DEIR concluded that the Project's criteria air pollutant emissions would be below the SJVAPCD thresholds, which are specifically set to be protective of human health. Emissions below the SJVAPCD's health-protective thresholds indicate that there would not be significant health effects from the Project's air emissions. Under this conclusion, there is not a warrant for more quantitative analysis than was already performed in the first step of quantitative modeling because additional analysis will still lead to the conclusion that the Project emissions are below the human health protective measures. As a result, the Project was not required to proceed to the second step of the analysis or perform a full Health Risk Assessment.

Further, the SJVAPCD is the agency responsible for evaluating projects and regulating air emissions in the region. In their regulatory capacity, the SJVAPCD defines guidelines for an analysis and establishes thresholds of significance. The SJVAPCD received the Draft EIR and did not raise any concerns that were asserted by the commenter. In fact, on December 6, 2023 the SJVAPCD issued a letter to the City of Clovis approving the Air Impact Assessment for the proposed Project.

**Response L-5-9d:** This comment states that *“Additionally, the EIR only considers the health effects of the Project’s contribution to ozone and PM (PM<sub>10</sub> and PM<sub>2.5</sub>, specifically). (See Draft EIR, pp. 3.3-28 through 3.3-30.) The EIR does not consider potential impacts from the Project generated traffic emissions of UFPs (including emissions from tailpipe emissions, braking, and tire wear), and does not analyze the potential human health effects of Project UFP emissions. UFPs are another air quality impact not discussed in the EIR. UFPs, particles with diameters less than 0.1 micrometers, are comprised mostly of metals that are known constituents of brake pads and drums, as well as additives in motor oil. (Exhibit 2, Cahill, Ch. 8, p. 80.) Generally, all engines can create UFPs, but especially diesel engines, and any vehicle's braking system. (Exhibit 3, Cahill, Very Fine and Ultrafine Metals and Ischemic Heart Disease in the California Central Valley 1: 2003-2007, p. 1130.) Traffic, particularly start-and-stop, generates UFPs. (See Exhibit 3, Cahill, Very Fine and Ultrafine Metals and Ischemic Heart Disease in the California Central Valley 1: 2003- 2007, p. 1131.) Recent research suggests that UFPs pose considerable health risks, such as increased risk of cardio-vascular disease and ischemic heart disease death rates, and loss of lung function. (Exhibit 4, Cahill, Artificial ultra-fine aerosol tracers for highway transect studies, pp. 31-32; see also Exhibit 5, Cahill, Very Fine and Ultrafine Metals and Ischemic Heart Disease in the*

*California Central Valley 2: 1974-1991; Exhibit 3, Cahill, Very Fine and Ultrafine Metals and Ischemic Heart Disease in the California Central Valley 1: 2003-2007.) "The strongest correlations to [ischemic heart disease] mortality were found in very fine ... to ultrafine metals, with most tied to vehicular sources." (Exhibit 3, Cahill, Very Fine and Ultrafine Metals and Ischemic Heart Disease in the California Central Valley 1: 2003 - 2007, p. 1133.) Prenatal proximity to freeways and exposure to UFPs may be causally linked to increased autism rates in children. (Exhibit 6, Volk, Residential Proximity to Freeways and Autism in the CHARGE Study, p. 875.) Unlike diesel exhaust or other larger TAC emissions, UFPs are more persistent and do not dissipate easily over distances. (Exhibit 7, Cahill, Transition metals in coarse, fine, very fine and ultra-fine particles from an interstate highway transect near Detroit, pp. 340-341.) Moreover, the California Air Resources Board (CARB) has acknowledged that the transition to zero emissions vehicles (ZEVs) will not eliminate all traffic emissions. (Exhibit 8, CARB Technical Advisory, p. 17 ["Non-tailpipe particulate matter emissions—like road dust, tire wear, and brake wear" are roughly equivalent in ZEVs and internal combustion engine vehicles, due to the higher weight of ZEVs].)...The EIR does not ever mention UFPs as a potentially significant air quality impact and therefore fails as an informational document. In addition to acknowledging these TAC emissions that will be exacerbated by the Project, the recirculated EIR will need to measure those emissions and correlate those emission levels to identified health risks, if feasible. If not feasible, the recirculated EIR will need to explain why so. As discussed above, the EIR correctly acknowledges the relevance of Friant Ranch, which explains the "EIR must provide an adequate analysis to inform the public how its bare numbers translate to create potential adverse impacts or it must adequately explain what the agency does know and why, given existing scientific constraints, it cannot translate potential health impacts further." Here, the EIR has not even attempted to inform the public of the "bare numbers" with respect to mobile UFP emissions, let alone translate those numbers into quantifiable adverse impacts. The failure to do so is inexcusable given that recent scientific studies demonstrate that it is feasible to correlate TACs and UFP emissions levels to resulting human health risks. The EIR must make a good-faith effort to consider and analyze whether mobile source emissions (including UFPs) created by the Project would pose a potential health risk to future Project occupants."*

- The commenter is referred to Response L-5-9a.

**Response L-5-10:** This comment states that *"Lastly, the EIR's analysis of the Project's consistency with the Air Quality element of the City's General Plan is based on the false promise of compliance with mitigation measures that do not exist. The Land Use, Population, and*

*Housing chapter of the EIR analyzes the Project’s consistency with various goals and policies of the City’s General Plan. (See, generally, Draft EIR, ch. 3.10.) With respect to Air Quality, the EIR claims that the Project is “consistent” with Air-Policy 1.1 in the Air Quality element of the City’s General Plan, which directs the City to “[r]educe greenhouse gas and other local pollutant emissions through mixed use and transit-oriented development and well- designed transit, pedestrian, and bicycle systems.” (Draft EIR, p. 3.10-19.) As stated above, the EIR finds the Project “consistent” with this policy because the Project would, allegedly, reduce VMT through pedestrian and bicycle systems and as required by Mitigation Measure 3.13-1 in Section 3.13 of the Draft EIR, the applicant would be required to implement measures, which are identified in the California Air Pollution Control Officers Association’s (CAPCOA) Draft Handbook for Analyzing GHG Emission Reductions, assessing Climate Vulnerabilities, and Advancing Health and Equity (GHG Handbook). Many of the strategies listed in this mitigation measure pertain to transit, pedestrian, and bicycle systems. (Draft EIR, p. 3.10-19.)...Contrary to the discussion of consistency with Air-Policy 1.1, however, there is no Mitigation Measure 3.13-1. (Cf. Draft EIR, ch. 3.13 [Transportation and Circulation].) Accordingly, because there are no measures that “the applicant would be required to implement” regarding “transit, pedestrian, and bicycle systems” the EIR’s conclusion that the Project is consistent with Air-Policy 1.1 is unsupported. The EIR must be revised to analyze the Project’s consistency with the Air Quality element of the General Plan without relying on phantom mitigation measures.*

- The commenter notes a clerical error in Section 3.10’s policy consistency analysis; specifically, and that Mitigation Measure 3.13-1 does not exist in the DEIR, and that the presence of Mitigation Measure 3.13-1 is relied upon to show consistency with Air-Policy 1.1. This comment warrants text revisions to correct and clarify the conclusions in the DEIR. The edits are made to Section 3.10 of the DEIR starting on page 3.10-19. This text revision is intended to clarify that the mitigating features of the Project are presented in the text as Project Design Features, and not as “Mitigation Measure 3.13-1.” It is acknowledged that Mitigation Measure 3.13-1 does not exist in the Draft EIR. Additional text was also added to amplify the discussion regarding relevant CAPCOA measures incorporated into the Project to mitigate, or reduce, VMT. Also added, is a discussion of the EV measures that also are incorporated into the Project to reduce greenhouse gas emissions and other local pollutant emissions.

**Response L-5-11a:** This comment states that *“The EIR includes a cursory analysis of potential energy impacts and assumes that the Project’s consistency with state and local laws, including building codes, supports determining that the Project’s energy impacts*

would be less than significant. (Draft EIR, pp. 3.7-27 through 3.7-30.) For example, the EIR claim the Project “would be responsible for conserving energy, to the extent feasible, and relies heavily on reducing per capita energy consumption to achieve this goal, including through statewide and local measures.” (Id. at p. 3.7-29.) The final EIR merely repeats this unsupported conclusion. (Final EIR, p. 2.0-27.) The EIR, however, contains no description of any specific measures the project would implement, and no commitment by the Project to do anything specific to conserve energy. (See id.) Instead, the EIR relies on regulated entities complying with laws and regulations to conclude that the Project would not have a significant energy impact. (Id.) Whether or not Pacific Gas & Electric (PG&E) complies with the law in general, however, says nothing about this Project’s potential energy impacts. In other words, there is no substantial evidence connecting PG&E’s compliance with the Statewide Renewable Portfolio Standard (RPS) with the efficiency and energy conservation efforts of the Project. (See *Center for Biological Diversity v. Department of Fish and Wildlife* (2015) 62 Cal.4th 204, 225.) The EIR must be revised to actually analyze the Project’s consumption and conservation of energy to determine whether there will be a potentially significant impact or not.”

- The commenter contends that there is no description of any specific measures the Project would implement, and no commitment by the Project to do anything specific to conserve energy. What is under consideration in the EIR for the CEQA analysis threshold, is not whether the Project includes specific measures to conserve energy, but rather “would the project result in the inefficient, wasteful, or unnecessary use of energy resources.” There is no component of the Project that would have inefficient, wasteful, or unnecessary use of energy sources. The Project is a typical residential project, which is not a type of project that is characterized as an inefficient, wasteful, or unnecessary user of energy resources. Furthermore, and as a matter of law, the State legislature has established standards and regulations to ensure that residential uses incorporate specific measures to prevent inefficient, wasteful, or unnecessary use of energy. A residential project that does not comply with these standards would be deemed inefficient, wasteful, or unnecessary use of energy resources.

The DEIR discusses elements of the Project that incorporate renewable energy resources into the design and construction of the project. While in years past, incorporating solar panels on residential buildings was often considered a mitigation measure that would be introduced into an EIR to ensure renewable energy sources are part of a project, today, such solar panels on residential buildings are mandated by CALGreen (Part 11 of Title 24). As such, the proposed

Project will install solar panels on all new residential buildings. In other words, the installation of solar panels on all residential buildings is evidence that it will incorporate renewable energy sources into the proposed Project. Other energy saving elements would include: the use of water saving shower heads, faucets, and toilets, installation of energy efficient appliances, and other standards outlined in the State Title 24 building energy efficiency standards (“part 6”). These are specific measures that would be implemented by the proposed Project by virtue of the legal requirement to do so (i.e. the State law). The fact that that the Project will install solar panels, and other energy saving elements of a residential home, in compliance with the requirements of the CALGreen mandates is evidence that the Project does not conflict with standards that are in place to prevent inefficient, wasteful, or unnecessary use of energy. The Project would comply with these standards as a condition of project approval.

In addition to the building construction standards mentioned above that will specifically require each home to install solar panels to generate solar energy at each home, the Project also will utilize an energy provider (PG&E) that has shifted their mix of energy portfolio toward a higher mix of renewable energy resources. The California Energy Commission (CEC) has established an RPS target mix of renewable energy within PG&Es portfolio dating back to 2011 and extending through 2030. The CEC performs a periodic verification to ensure that PG&E is achieving the target established. So far, PG&E has met the RPS verification by the CEC in 2011-2013 <sup>4</sup>, 2014-2016<sup>5</sup>, and 2017-2020<sup>6</sup>. The target established for the most recent verification was a 33 percent mix of renewables, which was surpassed by PG&E with a 35 percent mix. PG&E provided a press release in 2021<sup>7</sup> indicating that they are on track to meet the states RPS targets, which will include a 60 percent mix of renewable energy by the end of 2030. This shift toward renewable energy resources is mandated by the State as part of the Renewable

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<sup>4</sup> California Energy Commission, Renewables Portfolio Standard 2011-2013 Retail Sellers Procurement Verification-Commission Final Report

<sup>5</sup> California Energy Commission, Renewables Portfolio Standard 2014-2016 Retail Sellers Procurement Verification - Commission Final Report

<sup>6</sup> California Energy Commission, Renewables Portfolio Standard 2017-202 Retail Sellers Procurement Verification - Commission Final Report

<sup>7</sup> [PG&E Corporation - PG&E Surpasses California’s 2020 Renewable Energy Goal; Electricity Delivered to Customers is More than 88% Greenhouse Gas-Free and Among the Cleanest in the Nation \(pgecorp.com\)](https://www.pge.com/newsroom/press-releases/2021/01/2021-01-14-pge-surpasses-california-2020-renewable-energy-goal)

Portfolio Standard (RPS)<sup>8</sup> and PG&E has shown a history of achieving the targets. While each home will generate solar energy from the solar panels on each home, any excess energy would be from a PG&E’s high mix of renewable energy which shows that the Project is placing a high reliance on renewable energy. The Project does not conflict with the RPS, or any directive toward the use or generation of renewable energy. Rather, the Project generates its own renewable energy, and will also rely on a utility provider to provide verified renewable energy. The Project does not result in the inefficient, wasteful, or unnecessary use of energy resources.

Other Statewide measures are also applicable, including those intended to improve the energy efficiency of the statewide passenger and heavy-duty truck vehicle fleet (e.g., the Pavley Bill and the Low Carbon Fuel Standard). These measures would improve vehicle fuel economies, thereby conserving gasoline and diesel fuel. These energy savings would continue to accrue over time and are designed to reduce energy consumption.

What is at question in the DEIR impact analysis, is not whether the Project will require the use of energy, but rather, will the project’s energy use be “*inefficient, wasteful, or unnecessary.*” The proposed Project relies on renewable energy to supply the energy demand, both from onsite capture (solar panels) and from purchase of energy with a high mix of renewables (PG&E renewable portfolio). As a result, no component of the Project’s energy use would be inefficient, wasteful, or unnecessary.

**Response L-5-11b:** This comment states that “*Moreover, the EIR’s cursory energy analysis fails to consider renewable energy use in determining whether the Project could have a significant energy impact. CEQA requires the “EIR’s analysis of a project’s impacts on energy resources must include a discussion of whether the project could increase its reliance on renewable energy sources to meet its energy demand as part of determining whether the project’s energy impacts are significant.” (League to Save Lake Tahoe Mountain etc. v. County of Placer (2022) 75 Cal.App.5th 63, 164 (League to Save Lake Tahoe etc.)) As discussed above, the EIR concludes that the Project’s energy impacts would be less than significant based solely on regulated entities (i.e., PG&E) complying with the law and does not discuss renewable energy options for the Project itself. “Because the EIR did not address whether any renewable energy*

<sup>8</sup> California Energy Commission, Renewables Portfolio Standard Eligibility Guidebook, Ninth Edition, adopted at the April 27, 2017, Business Meeting

*features could be incorporated into the project as part of determining whether the project's impacts on energy resources were significant, it did not comply with CEQA's procedural requirements, a prejudicial error." (League to Save Lake Tahoe etc., at p. 168.) The EIR must be revised to analyze renewable energy use as a component of the Project's potential energy impacts and recirculated to allow the public to comment on this important issue."*

- The commenter states the DEIR does not discuss renewable energy options for the Project itself. The DEIR, however, does discuss the fact that the Project will fully rely on a combination of solar panels (a form of renewable energy) on the residential roofs of all new buildings in compliance with State law. It also discusses the reliance on an energy provider (PG&E) to bridge any additional energy needs, and that PG&E specifically has established a mix of energy resources, which includes renewables to meet the Statewide Renewable Portfolio Standard (RPS). The DEIR also notes that PG&E is expected to achieve at least a 40% mix of renewable energy resources by 2030. These specific design elements are discussed in the Draft EIR, not as a mitigation, but being incorporated into the Project as a matter of law. Because the Draft EIR clearly identifies that the Project will increase its reliance on renewable energy sources to meet its energy demand through solar panels and the use of PG&E as its energy provider, the document adequately addresses the Project's potential to increase reliance on renewable energy sources.

**Response L-5-12a:** This comment states that *"The regulatory setting in the EIR's noise analysis describes noise standards in the City's General Plan and ordinances. (Draft EIR, p. 3.11-7.) The EIR, however, does not discuss the County's General Plan policies and ordinances governing noise. (Id. but see Draft EIR p. 3.8-1 [analyzing hazards and hazardous materials impacts based, in part, on information from the Fresno County General Plan and Fresno County Zoning Ordinance].) Because the existing sensitive receptors surrounding the Project site are and would remain part of unincorporated Fresno County, the EIR should analyze noise impacts based on the County's noise policies and ordinances as well. (See United Neighborhoods for Los Angeles v. City of Los Angeles (2023) 93 Cal.App.5th 1074, 1096 (UNLA) ["No such deference is warranted, however, with respect to the City's determination of which policies apply to the Project. The principle that the City is uniquely positioned to weigh the priority of competing policies does not extend to the question of which policies are to be placed on the scales"].)*<sup>4</sup>

- The commenter correctly indicates that the DEIR presents an analysis based on the City of Clovis noise standards as thresholds. These standards are provided on



page 3.11-9 of the DEIR. These standards are appropriate for suburban areas that interface with agricultural uses, such as the project site, as there are numerous such properties within the City’s jurisdictional boundaries. Moreover, when the County’s noise standards are applied, the result is likewise that there would not be a significant impact. This is consistent with the conclusion in the DEIR when the City’s standards are applied. For instance, County Policy HS-H.7 indicates where existing noise levels are between 60 and 65 dB Ldn at outdoor activity areas of noise-sensitive uses, a 3 dB Ldn increase in noise levels will be considered significant. Table 3.11-9 shows the existing plus project scenario to result in a noise level change that ranges from 0.0 dB to 1.3 dB at a 50’ distance from centerline on roadways that would remain in the County. Following the County’s criteria established in Policy HS-H.7, the noise change resulting with the Project would be below the County standard of 3 dB. There is only one location that would exceed that standard (Sunnyside Avenue – Project Driveway 1 to Shepherd Avenue) but that location would be within the City of Clovis. However, the DEIR includes a mitigation measure that reduces noise levels in that location to an acceptable level. As a result of the application of the mitigation measure there would be no areas that would exceed the noise standards resulting in a less than significant impact. Regardless, the City has determined that its existing thresholds of significance for traffic noise are appropriate for City projects, regardless of whether an adjacent jurisdiction has different noise thresholds.

Regarding construction noise, it is also notable that the Fresno County Noise Control Ordinance (Section 8.40.060) establishes activities that are exempted from the provisions of the County’s Noise Control Ordinance. This specifically includes noise sources associated with construction, provided such activities do not take place before 6:00 a.m. or after 9:00 p.m. on any day except Saturday or Sunday, or before 7:00 a.m. or after 9:00 p.m. on Saturday or Sunday. Here, the County has established a timing threshold like the City’s noise ordinance (Section 5.27.604), however, the City’s standard is stricter than the County’s. Regardless, the City has determined that its existing thresholds of significance for noise are appropriate for City projects, regardless of whether an adjacent jurisdiction has different noise thresholds.

**Response L-5-12b:** This comment states that *“The EIR acknowledges that Project generated traffic on Sunnyside Avenue between Shepard Avenue and “Project Intersection 1” will have a significant impact on the environment. (Draft EIR, p. 3.11-16.) The EIR, however, fails to measure, model, or analyze the potential noise impacts of Project generated traffic on Sunnyside Avenue north of “Project Intersection 1.” (Cf. id.)”*

- The Draft EIR indicates that the existing noise level on Sunnyside Avenue from Shepherd Avenue to Project Intersection 1 is 54.4dBA at 50' from the centerline of the roadway, and would increase to 60.5 dBA with project traffic which is below the City's standards and thresholds established for the analysis. Under the cumulative year, the noise level would reach 69.9 dBA CNEL and would require a 6' soundwall placed at 47 feet from the centerline to reduce noise levels down to of 63.7 dBA CNEL, which is required under Mitigation Measure 3.11-2. This is below the 65 dBA CNEL noise standards with the 6' soundwall.

The Project would not result in any potentially significant impacts for the portions of Sunnyside south of Shepherd Avenue. The project peak traffic volumes along Sunnyside under the existing conditions is 58 trips. These are trips that originate from the north of the Development Area, and specifically north of the Intersection 1 (i.e. Lexington, Perrin, etc.). Almost all trips generated by the Project are anticipated to be southbound on Sunnyside toward Shepherd Avenue from the Intersections on Sunnyside. This means any Project-related noise increases on Sunnyside would be concentrated in the zone between Shepherd Avenue and Intersection 1, as the new traffic is generated from the Development Area and not the area to the north. The traffic noise levels north of the intersection 1 would remain largely the same as the existing condition because the traffic levels are not anticipated to change.

**Response L-5-12c:** This comment states that *“Moreover, nowhere in the EIR is there any Project entryway identified as “Project Intersection 1.” (See, e.g., Draft EIR, ch. 11 [Noise], ch 3.13 [Transportation].) The Transportation analysis identifies Study Intersection 23 as “Sunnyside Avenue/Project Driveway 1.” (Draft EIR, Appendix I, Figure 4-2.) Assuming “Project Intersection 1” and “Project Driveway 1” are the same thing, then the EIR also fails to analyze the noise impacts of project generated traffic to off-site receptors along Lexington Avenue that will abut the public street identified as “Project Driveway 1” in the Transportation analysis.”*

- The terminology used by the noise engineer in their reporting for the access point into the Development Area was “Intersection,” whereas the traffic engineer used the term “driveway” to describe the same access points. These terms describe the same points of access. Nevertheless, edits are made to DEIR pages 3.11-16 through 3.11-17 in Section 3.11 of the DEIR to change the term “Intersection” to “Driveway” to clarify for the commenter. This text is reflected in the Errata and the change does not affect the analysis. As described under Response L-5-12b, the project peak traffic volumes along Sunnyside under the existing conditions is 58 trips. These are trips that originate from the north of the Development Area,

and specifically north of the Intersection 1 (i.e. Lexington, Perrin, etc.). Almost all trips generated by the Project are anticipated to be southbound on Sunnyside toward Shepherd Avenue from the Intersections on Sunnyside. The implication of this fact is that the noise increases on Sunnyside are concentrated in the zone between Shepherd Avenue and Driveway 1 because the new traffic is generated from the Development Area and not the area to the north. The traffic noise levels north of Driveway 1 will remain largely the same as the existing condition because the traffic levels are not anticipated to change. This fact is based on the Non-development Area not having any new development, and the area to the north of the Development Area not having any significant destinations from residents of the Development Area.

**Response L-5-12d:** This comment states that *“Moreover, the Noise Mitigation Measures in the EIR only address noise impacts to residences within the Project site and do nothing for existing off-site receptors. (See Draft EIR, p. 3.11-19 [Mitigation Measures 3.11-1 and 3.11-2].) Moreover, the final EIR does not remedy this deficiency. (Final EIR, p. 2.0-20.) The EIR must be revised and recirculated to analyze and mitigate noise impacts to existing off-site receptors from project generated traffic along “Project Driveway 1” and/or “Project Intersection 1.”*

- The Project would not result in any potentially significant impacts for the portions of Sunnyside south of Shepherd Avenue. As described under Response L-5-12b, the project peak traffic volumes along Sunnyside under the existing conditions is 58 trips. These are trips that originate from the north of the Development Area, and specifically north of the Driveway (i.e. Intersection) 1 (i.e. Lexington, Perrin, etc.). Almost all trips generated by the Project are anticipated to be southbound on Sunnyside toward Shepherd Avenue from the Intersections on Sunnyside. This means any Project-related noise increases on Sunnyside would be concentrated in the zone between Shepherd Avenue and Driveway (i.e. Intersection) 1, as the new traffic is generated from the Development Area and not the area to the north. The traffic noise levels north of the Driveway (i.e. Intersection) 1 will remain largely the same as the existing condition because the traffic levels are not anticipated to change in that direction. Edits are made to DEIR pages 3.11-19 in Section 3.11 in Section 3.11 of the DEIR. This text is reflected in the Errata and the change does not affect the analysis.

**Response L-5-12e:** This comment states that *“The EIR admits that Project construction will generate noise levels exceeding the standards in the City’s General Plan for residential land use (see Draft EIR, 3.11-9 [Table 3.11-6: Maximum Exterior Noise Standards, “allowable exterior noise level (15-Minute Leq)” 55 dba from 7 a.m. to 10 p.m.]), and that the*

*existing homes in the non-development areas will be subject to construction noise levels that are more than double the baseline measured in the technical noise analysis. (Draft EIR, p. 3.11-19 [“This would be a 13 dB Leq daytime increase in the ambient noise level at the residents along Perrin Rd., Purdue Ave., and East Lexington Ave”]; see Draft EIR, p. 3.11-4 [“A 10-db change is subjectively heard as approximately a doubling in loudness, and can cause an adverse response”].) Rather than proposing and analyzing feasible means of reducing these significant noise impacts, the EIR points to a handful of largely meaningless “strategies” including a prohibition on equipment idling and the use of already installed vehicle mufflers, and concludes, without any analysis, that these measures will reduce noise to less than significant levels. (Draft EIR, p. 3.11-20 [Mitigation Measure 3.11-4].) The EIR, however, contains no explanation, analysis, or substantial evidence to support this conclusion. (Cf. id.) The EIR must be revised to analyze whether this mitigation would actually reduce noise levels below the City’s threshold or include additional feasible measures to do so. For example, temporary noise barriers, combined with regular monitoring and reporting of construction noise levels are a few of the many feasible noise mitigation measures available for the City’s consideration. (See Exhibit 9.)”*

- An analysis of construction noise associated with the Project is presented on page 3.11-19 through 3.11-20. As mentioned by the commenter, the DEIR indicates that unmitigated noise levels at 550 feet have the potential to reach 60 dBA Leq and 92 dBA Lmax at the nearest sensitive receptors during grading. Noise levels for the other construction phases would be lower, approximately from 46 to 59 dBA Leq and 86 to 93 dBA Lmax. This would be a 13 dB Leq daytime increase in the ambient noise level at the residents along Perrin Rd., Purdue Ave., and East Lexington Ave. The modeling assumes construction equipment as close as 25 feet from the adjacent residences and an average of 550 feet away from the adjacent residences.

The DEIR also notes that construction noise is considered a short-term impact and would be considered significant if construction activities are performed outside the allowable times as described in the City of Clovis Municipal Code Section 5.27.604. In effect, this limits construction to the less sensitive daytime hours. The reasoning for establishing the allowable times as a threshold of significance for construction noise is because the sensitivity of noise to a resident is greater during the nighttime hours when people are trying to rest, as opposed to the day time hours when more noise is anticipated because activity levels are greater. The City established permissible hours for construction in their Municipal Code, and these are appropriate for use as a threshold of significance.

The DEIR presents Mitigation Measure 3.11-3, presented on page 3.11-20 of the DEIR. This measure embodies a preexisting legal requirement from City of Clovis Municipal Code Section 5.27.604 that ensures that construction activities are performed within specific hours, and ensures that construction noise does not exceed the timing threshold established. The timing threshold is intended to concentrate construction noise to the least noise sensitive time, which has been established by the City as during normal daytime hours. To the contrary, the timing threshold places a much higher weighted value, which is effectively a prohibition by the City of noise generating activities during nighttime hours. Simply put, the City has established that nighttime noise is significant, and daytime noise is insignificant. The timing threshold described is used in a qualitative analysis that considers the threshold relative to the expected time for construction activities. A project that would require nighttime construction would have a potentially significant impact, whereas a project constructed during daytime hours would have a less than significant impact. DEIR presents Mitigation Measure 3.11-3 to embody the threshold that the City finds effective as ensuring construction noise is not a significant impact.

Mitigation Measure 3.11-4, also presented on page 3.11-20 of the DEIR, provides specific requirements for attenuating noise during construction. These measures are supplemental to the requirement provided under Mitigation Measure 3.11-3, and are intended to further minimize the impact of construction noise during the time periods that are already determined to be the least noise sensitive time periods. The first bullet calls for all construction equipment to be equipped with appropriate noise attenuating devices. Such devices are commonly known as mufflers, which are effective at reducing noise associated with an exhaust system by up to 5 decibels. For clarification, the term “devices” is revised to “mufflers” in the Errata. The second bullet calls for turning off equipment when not in use. Equipment on construction sites is often left idling when not in use; however, idling equipment exert noise. The requirement to turn off idling equipment is effective at reducing noise generated from construction sites. The third bullet calls for maintaining equipment such that loads are secure and do not unnecessarily generate noise from rattling and banging that can be caused from unsecure equipment or materials moving around in a vehicle while in motion. This requirement is effective at reducing noise generated from construction sites. While these three measures are supplemental to the requirement provided under Mitigation Measure 3.11-3, they are effective at minimizing the impact of construction noise although the impact has already been determined to be less than significant.

Mitigation Measure 3.11-3 and 3.11-4 are appropriate mitigation measures for the project, and will ensure that construction noise does not exceed the timing threshold. The commenter has suggested the use of a temporary sound barrier during construction to reduce noise levels. While the measure is not required per the City's Municipal Code, Mitigation Measure 3.11-3 is modified to incorporate a requirement for installation of sound barriers along the boundary of the Development Area to minimize construction related impacts on neighbors. The addition of this as a mitigation will not change the requirement to also limit construction activities to daytime hours in alignment with the Municipal Code.

**Response L-5-13a:** This comment states that *“The EIR admits that “impervious surfaces such as pavement, significantly reduce infiltration capacity and increase surface water runoff.” (Draft EIR, p. 3.9-24, emphasis added.) As discussed above, however, the draft EIR presumes, without providing any analysis, that the presence of “hardpan” soils in fewer than half of the bore samples taken as part of the geotechnical analysis established that converting a 77-acre orchard to impervious surfaces would not significantly impact groundwater recharge. (Draft EIR, p. 3.9-25.) Several commenters pointed out the serious flaws in this conclusory claim, which is contradicted by the fifty-plus years of successful agriculture at the Project site. The final EIR retains the unsupported conclusion that hardpan makes the Project’s impacts on groundwater recharge less than significant, but also purports to adopt the conclusions in a supplemental hydrological analysis prepared for the applicant. (Final EIR, p. 2.0-8.) The supplemental hydrological analysis, however, acknowledges that deep percolation does occur at the orchard, despite the few areas of cemented and/or “clayey” soils found in the geological study. (Final EIR, Appendix L, pp. 9-10.) Moreover, the supplemental analysis admits that irrigation and deep percolation in the northern area of the orchard does affect groundwater levels in the Quail Run neighborhood. (Id., p. 10.).*

- The presence of hardpan soils in some of the geotechnical bore samples at the Project site was provided in the DEIR for appropriate context. However, the presence of hardpan was not the basis for the DEIR’s conclusion that the Project would have a less than significant impact on groundwater recharge. The DEIR reached that conclusion based on several factors, most notably the fact that the Project’s onsite groundwater usage would be less than existing conditions. At full build-out, total water demand for the Project would be approximately 255.8 AFY. Since at least 2020, less than half of the City’s water supplies have derived from groundwater pumping; instead, most of the City’s supplies come from the City’s surface water rights or stored water. In other words, actual groundwater usage

following the completion of the Project will be less than half (*i.e.*, less than 127.9 AFY, and decreasing over time) of the Project’s total consumptive water use. As such, the Project’s groundwater usage will be less than historic groundwater usage at the site as estimated in either the Schmidt Report or the WSA. Moreover, the proportion of the City’s water supply needs that will be served by groundwater extractions will continue to decrease through at least 2030. In addition, unlike the historic agricultural uses on the Property, the City’s water supplies do not draw from onsite wells, but rather from wells located in other locations within and around the City of Clovis. Further, a significant amount of the site will remain pervious (*i.e.* landscaping front and backyards, parks, open space, etc.). To the extent that runoff occurs offsite because of impervious surfaces, groundwater recharge associated with runoff would occur in nearby FMFCD stormwater facilities. Because the project’s groundwater usage is less than the status quo (*i.e.*, the pecan orchard), the Project would not impede sustainable groundwater management under the applicable GSA or result in any potentially significant impacts related to groundwater resources.

**Response L-5-13b:** This comment states that *“The EIR must be revised and recirculated to actually analyze the effects that replacing the orchard with 70+ acres of impervious surfaces will have on groundwater recharge rates. Even with the supplemental hydrological analysis, the EIR provides no comparison of groundwater recharge rates with or without the Project. (Final EIR, p. 2.0-8 [“it can be presumed that the Project site generally does not allow for a high level of groundwater recharge in its existing condition[.]” emphasis added].)6 The Supreme Court has “made clear, and recently reiterated, that “[i]nformation “scattered here and there in EIR appendices” or a report “buried in an appendix,” is not a substitute for “a good faith reasoned analysis.” ’” (Cleveland National Forest Foundation v. San Diego Assn. of Governments (2017) 3 Cal.5th 497, 516.) The EIR fails as an informational document because it leaves the public and those affected by the Project to “guess” at what the potential groundwater recharge impacts would be.”*

- The agricultural operation demands are currently extracted from wells onsite. Ceasing the agricultural operation will result in a net improvement in the aquifer on an annual basis when compared to the existing condition. This is a beneficial impact to the aquifer immediately under the Project site.

The DEIR’s conclusion that the Project’s onsite groundwater usage would be less than existing conditions, is based on several factors, most notably the fact that the Project’s onsite groundwater usage would be less than existing conditions. At full build-out, total water demand for the Project would be approximately 255.8

AFY. Since at least 2020, less than half of the City's water supplies have derived from groundwater pumping; instead, most of the City's supplies come from the City's surface water rights or stored water. In other words, actual groundwater usage following the completion of the Project will be less than half (*i.e.*, less than 127.9 AFY, and decreasing over time) of the Project's total consumptive water use. As such, the Project's groundwater usage will be less than historic groundwater usage at the site as estimated in either the Schmidt Report or the WSA. Moreover, the proportion of the City's water supply needs that will be served by groundwater extractions will continue to decrease through at least 2030. In addition, unlike the historic agricultural uses on the Property, the City's water supplies do not draw from onsite wells, but rather from wells located in other locations within and around the City of Clovis. Further, a significant amount of the site will remain pervious (*i.e.* landscaping front and backyards, parks, open space, etc.). To the extent that runoff occurs offsite because of impervious surfaces, groundwater recharge associated with runoff would occur in nearby FMFCD stormwater facilities. Because the project's groundwater usage is less than the status quo (*i.e.*, the pecan orchard), the Project would not impede sustainable groundwater management under the applicable GSA or result in any potentially significant impacts related to groundwater resources.

**Response L-5-13c:** This comment states that *"The supplemental hydrological analysis concludes that the net effect of ceasing all groundwater pumping at the Project site, originally used for irrigation, would result in a benefit to local groundwater levels because more water would remain in the ground. (Final EIR, Appendix L, p. 13.) While this conclusion has superficial appeal, it is ultimately mistaken and unsupported by the evidence."*

- The extraction of water from the groundwater table for the orchard irrigation has historically resulted in a net loss of water to the groundwater table. The reduction of pumping water from the groundwater table at the Project site for use in irrigating orchard trees would cease to exist. This would leave more water within the groundwater table in this location. The DEIR indicates that the proposed project would use water from the City of Clovis distribution system as opposed to on-site wells. In terms of groundwater, there would be an overall reduction in groundwater pumpage. The water supply from the City that will serve the Project site is not from water directly below the Project site, but instead, it will be from offsite City wells. The net change will be less water demand from the water table immediately under the Project site that is shared with the surrounding neighborhoods. The amount of storm drainage percolation from the project site is very limited given that the precipitation levels are very low, and the soil



composition is such that the Project site does not serve as a significant recharge area for the groundwater.

The DEIR's conclusion that the Project's onsite groundwater usage would be less than existing conditions, is based on several factors, most notably the fact that the Project's onsite groundwater usage would be less than existing conditions. At full build-out, total water demand for the Project would be approximately 255.8 AFY. Since at least 2020, less than half of the City's water supplies have derived from groundwater pumping; instead, most of the City's supplies come from the City's surface water rights or stored water. In other words, actual groundwater usage following the completion of the Project will be less than half (*i.e.*, less than 127.9 AFY, and decreasing over time) of the Project's total consumptive water use. As such, the Project's groundwater usage will be less than historic groundwater usage at the site as estimated in either the Schmidt Report or the WSA. Moreover, the proportion of the City's water supply needs that will be served by groundwater extractions will continue to decrease through at least 2030. In addition, unlike the historic agricultural uses on the Property, the City's water supplies do not draw from onsite wells, but rather from wells located in other locations within and around the City of Clovis. Further, a significant amount of the site will remain pervious (*i.e.* landscaping front and backyards, parks, open space, etc.). To the extent that runoff occurs offsite because of impervious surfaces, groundwater recharge associated with runoff would occur in nearby FMFCD stormwater facilities. Because the project's groundwater usage is less than the status quo (*i.e.*, the pecan orchard), the Project would not impede sustainable groundwater management under the applicable GSA or result in any potentially significant impacts related to groundwater resources.

**Response L-5-13d:** This comment states that *“First, the assumptions in the supplemental hydrological analysis conflict with the Water Supply Analysis (WSA). For example, the WSA states that current water use at the project site is 186.4 acre-feet per year (AFY) for irrigation and that the proposed 605 homes would require 255.8 AFY. (Draft EIR, Exhibit J, pp. 2-1, 3-1.) The supplemental hydrological analysis, however, claims that approximately 400 AFY will remain in the ground because irrigation of the orchard has ceased. (Final EIR, Appendix L, p. 9.) The supplemental hydrological analysis provides no explanation for its claim that more than twice the amount of water is used for irrigation than what is disclosed in the WSA. (Cf. id.) More importantly, there is no requirement or commitment in the EIR or WSA that the wells at the project site will be retired, nor any guarantee that the claimed 400 AFY will actually remain in the ground to benefit local groundwater levels. “Argument, speculation, [and] unsubstantiated opinion or*

*narrative” do not constitute substantial evidence. (Guidelines, § 15384, subd. (a).) Accordingly, the EIR’s conclusion that groundwater recharge will not be negatively impacted by converting 77 acres of orchard to impervious surfaces is not supported by substantial evidence.”*

The DEIR’s conclusion that the Project’s onsite groundwater usage would be less than existing conditions, is based on several factors, most notably the fact that the Project’s onsite groundwater usage would be less than existing conditions. At full build-out, total water demand for the Project would be approximately 255.8 AFY. Since at least 2020, less than half of the City’s water supplies have derived from groundwater pumping; instead, most of the City’s supplies come from the City’s surface water rights or stored water. In other words, actual groundwater usage following the completion of the Project will be less than half (*i.e.*, less than 127.9 AFY, and decreasing over time) of the Project’s total consumptive water use. As such, the Project’s groundwater usage will be less than historic groundwater usage at the site as estimated in either the Schmidt Report or the WSA. Moreover, the proportion of the City’s water supply needs that will be served by groundwater extractions will continue to decrease through at least 2030. In addition, unlike the historic agricultural uses on the Property, the City’s water supplies do not draw from onsite wells, but rather from wells located in other locations within and around the City of Clovis. Further, a significant amount of the site will remain pervious (*i.e.* landscaping front and backyards, parks, open space, etc.). To the extent that runoff occurs offsite because of impervious surfaces, groundwater recharge associated with runoff would occur in nearby FMFCD stormwater facilities. Because the project’s groundwater usage is less than the status quo (*i.e.*, the pecan orchard), the Project would not impede sustainable groundwater management under the applicable GSA or result in any potentially significant impacts related to groundwater resources.

The commenter also claims that there is no guarantee that the wells at the project site will be retired, nor any guarantee that the estimated water will remain in the ground to benefit local groundwater levels. The commenter is directed to Mitigation Measure 3.8-1 (provided below), which is a mitigation measure, and functionally a guarantee that the existing wells will be properly abandoned. The fact that the existing wells will be abandoned is evidence that the estimated water will remain in the ground to benefit groundwater levels because there be no wells available for extraction. The DEIR explains that water used for the new homes/residents would come from the City of Clovis infrastructure and water supplies, which come from wells located in a different location than the project site.

**Mitigation Measure 3.8-1:** *Prior to the acceptance of improvements, the Project proponent shall hire a licensed well contractor to obtain a well abandonment permit from Fresno County Department of Public Health Environmental Health Division, and properly abandon the on-site wells, pursuant to review and approval of the City Engineer and the Fresno County Department of Public Health Environmental Health Division.*

**Response L-5-13e:** This comment states that *“Lastly, the supplemental hydrological analysis explains that “Rural residential areas should have a net zero water balance, meaning that recharge of storm runoff should equal or exceed the consumptive use.” (Final EIR, Appendix L, p. 11.) The EIR, however, admits that storm runoff from the 77-acre project site would be collected and transported off-site into the City’s stormwater infrastructure, making the “net zero water balance” impossible to achieve for this rural residential area. (See Draft EIR, pp. 3.9-22 through 3.9-23.) The EIR fails to analyze the impacts of upsetting the existing groundwater balance caused by the Project. The EIR must be revised and recirculated to address the Project’s potentially significant groundwater recharge impacts.”*

- The DEIR’s conclusion that the Project’s onsite groundwater usage would be less than existing conditions, is based on several factors, most notably the fact that the Project’s onsite groundwater usage would be less than existing conditions. At full build-out, total water demand for the Project would be approximately 255.8 AFY. Since at least 2020, less than half of the City’s water supplies have derived from groundwater pumping; instead, most of the City’s supplies come from the City’s surface water rights or stored water. In other words, actual groundwater usage following the completion of the Project will be less than half (*i.e.*, less than 127.9 AFY, and decreasing over time) of the Project’s total consumptive water use. As such, the Project’s groundwater usage will be less than historic groundwater usage at the site as estimated in either the Schmidt Report or the WSA. Moreover, the proportion of the City’s water supply needs that will be served by groundwater extractions will continue to decrease through at least 2030. In addition, unlike the historic agricultural uses on the Property, the City’s water supplies do not draw from onsite wells, but rather from wells located in other locations within and around the City of Clovis. Further, a significant amount of the site will remain pervious (*i.e.* landscaping front and backyards, parks, open space, etc.). To the extent that runoff occurs offsite because of impervious surfaces, groundwater recharge associated with runoff would occur in nearby FMFCD stormwater facilities. Because the project’s groundwater usage is less than the status quo (*i.e.*, the pecan orchard), the Project would not impede sustainable groundwater management under the applicable GSA or result in any potentially significant impacts related to groundwater resources.

**Response L-5-14a:** This comment states that *“As stated above, the EIR admits that the Project would have a significant VMT impact. (Draft EIR, p. 3.13-23.) The EIR, however, incorrectly presumes that there are no feasible mitigation measures that could reduce this significant impact. CEQA case law is clear that an EIR cannot conclude an impact is significant and unavoidable without first exhausting all feasible mitigation measures. (Friant Ranch, supra, 6 Cal.5th at pp. 524-525 [“Even when a project’s benefits outweigh its unmitigated effects, agencies are still required to implement all mitigation measures unless those measures are truly infeasible.” Emphasis added].) Here, the EIR includes a perfunctory analysis of a handful of “Project design features” and fails to truly grapple with the issue. (Draft EIR, pp. 3.13-19 through 3.13-22.) As at least one commenter pointed out, however, the EIR fails to analyze the feasibility of public transit options to mitigate significant VMT impacts. (See Final EIR, p. 2.0-135.) The final EIR impermissibly dismisses this comment by pointing to the general discussion of transit in the environmental setting and concludes, without explanation, that transit was addressed in the EIR. (Id. at p. 2.0-136; see Draft EIR, p. 3.13-8.)”*

- Project VMT can only be reduced by changes in residents’ behavioral pattern. Project VMT, or in general average VMT for project residents is a function of regional and project location, neighborhood and surrounding land uses, local access to amenities, availability of different modes of transportation, among others. As such, projects that are near complementary land uses and transportation mode choices tend to exhibit low VMT trends. Given the location of the project, the project has limited options of surrounding land uses and transportation modes. As such, VMT cannot be reduced to any reasonable degree through the adoption of specific mitigation measures.

Within the state of California, California Air Pollution Control Officers Association’s (CAPCOA) *“Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity – Designed for Local Governments, Communities, and Project Developers”* dated December 2021 is recognized as a compliant source of VMT reduction measures. The implementation of these measures was considered as project design features. All measures were evaluated relative to the project to determine applicability and feasibility. Measures that were deemed feasible are identified in the Section 3.13 Transportation in the DEIR as a project design measure. Some measures were deemed inapplicable or infeasible, as discussed below.

The potential measures include mitigation related to land use, trip reduction programs, parking or road pricing/management, neighborhood design and transit. Measures related to trip reduction programs could only be implemented

by employers and is not applicable to residential projects. Measures related to parking or road pricing/management are only applicable to multifamily residential projects. And to the extent the City could impose any measures identified in the CAPCOA manual, these measures would not result in any measurable reduction in VMT's for the Project. The project, as described in the TIA and DEIR, includes all feasible land use related and neighborhood design related mitigation measures as project design features. As such, after an extensive review of all potential VMT reduction options listed in the CAPCOA manual, the City and its air quality experts concluded the Project's potential impacts to VMT could be further mitigated through implementing mitigation measures. The mitigation measures are incorporated into the Project as designed measures and a detailed discussion of these measures is provided in Chapter 3.13 Transportation in the DEIR.

The commenter's second argument is that the Final EIR impermissibly dismisses transit comments in the Final EIR by pointing to a general discussion of transit in the EIR. It is true that transit is discussed within the DEIR in Section 3.13. Page 3.13.8 provides a discussion of the transit services available to the Study area. This is specifically in contrast to what the commenter is suggesting the DEIR does not provide. The DEIR discussion of available transit notes that Clovis Transit Stageline Routes 10 and 80 operate within the Study Area. It further notes that Route 10 operates from Monday through Saturday, while Route 80 operates only on school days, based on the Clovis Unified School District schedule. It also notes that Route 10 provide access to Fresno State University and Route 80 provides access to the Buchanan Education Complex. The DEIR also indicates that Fresno Area Express (FAX) operates within the Study Area along Willow Avenue 7 days a week. The route connects communities in Fresno to the different campuses of Clovis Community College. In addition to fixed route services, Round Up is the Clovis paratransit service for disabled City residents. Round Up transit vehicles are all accessible in accordance with the Americans with Disabilities Act (ADA) standards. These are all preexisting transit services available to the Project that will help to reduce VMT.

Further public transit options would not be feasible because they would not result in usage or ridership sufficient to actually reduce VMT to any degree. The theory that an increase in transit service would result in an increase in ridership is not reflected in the research published by the Transit Cooperative Research Board's

“Analysis of Recent Public Transit Ridership Trends<sup>9</sup>. The research from this analysis shows that the relationship between transit ridership and three (3) other major factors influence ridership: 1) population, 2) transit-dependent population (i.e. zero-vehicle household, and 3) transit service levels (i.e. transit vehicle revenue miles). In very urban areas like San Francisco where it is very densely populated and residents often do not have vehicles, transit becomes an optimal transportation option and ridership is high. Alternatively, in suburban areas such as Clovis with lower population density and when residents often have one or more vehicle in the household, increases in ridership are not be proportional to increases in transit service. This is particularly true here, where public transit in the vicinity of the Project already exists, and further public transportation options would merely augment existing options in a manner that is largely duplicative of those services. As a result, significantly increasing transit services available in suburban or rural areas of Clovis is not anticipated to proportionately increase the ridership of the transit. These relationships of transit ridership in suburban and rural areas such as Clovis are fully supported by the research stated above. This is not to say that there will not be any transit used in these areas, but the research does suggest that the transit ridership in this area has a limit that will not increase beyond the limit by simply increasing transit service. It would be unsupported and speculative to claim that VMT per capita would be significantly reduced more than is already reflected in the DEIR by oversaturating transit services in an area that would not fully absorb the saturated transit available. The VMT analysis appropriately assumes a correct level of transit usage.

**Response L-5-14b:** This comment states that *“The final EIR completely misses the point of the comment, which asks the City to analyze the potential of increased transit as mitigation for the Project’s admittedly significant VMT impacts, and must be revised to analyze whether feasible transit options exist that could reduce the Project’s significant VMT impacts. (Guidelines, § 15088, subd. (c) [comments raising “recommendations and objections ... must be addressed in detail giving reasons why specific comments and suggestions were not accepted”].) The final EIR fails to adequately respond to this comment.7.”*

- Response L-5-15a provides the reasons that increased transit as mitigation for the significant VMT impacts is not a feasible mitigation to reduce the Project’s VMT. In short, the existing transit services discussed will be available. These transit services have established an appropriate level of transit for the demand within

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<sup>9</sup> Transit Cooperative Research Board’s “Analysis of Recent Public Transit Ridership Trends (National Academies of Sciences, Engineering, and Medicine; Transportation Research Board; Transit Cooperative Research Program; Kari Watkins; Simon Berrebi; Chandler Diffie; Becca Kiriazes; David Ederer, 2020)

the region. The concept of increasing transit would increase the saturation of transit available in the region, but would not be effective in reducing VMT because transit ridership would not significantly increase.

**Response L-5-14c:** This comment states that *“Additionally, as pointed out by Caltrans, the EIR should consider other potentially feasible mitigation measures, such as creating a VMT Mitigation Impact Fee, to address the Project’s significant VMT impacts. (Final EIR, p. 2.0-161.) Again, the final EIR improperly dismisses Caltrans comment without either adopting the recommendation of that expert agency or explaining why a VMT mitigation impact fee is not feasible mitigation for the Project. (Id. [“Comment noted”].) The EIR must be revised to actually consider and address Caltrans’ comments and must be revised to analyze the feasibility of the many mitigation measures available to address the Project’s significant VMT impact, including increased transit. (See Exhibit 10 [Caltrans SB 743 Program Mitigation Playbook], 11 [Berkely Law – Implementing SB 743].)*

- The commenter suggests a VMT Mitigation Impact Fee program be implemented entirely by the project, to address the Project’s significant VMT impacts. It should be noted that Caltrans recommended the City to ‘consider’ a VMT Impact Mitigation Fee for all future projects. As such, Caltrans is not recommending that the Shepherd North Project itself develop a VMT Impact Mitigation fee program. VMT mitigation fee programs are intended to allow program-level mitigation to take place, where mitigation at the project level alone may not be effective. It should be noted that a VMT fee for this project alone, would not reasonably reduce VMT. As such, these fee programs are a regional envelop that combines the cumulative effect of all future developments, determine feasible program level mitigation measure that can eliminate the impacts of these developments, and aims to create a funding mechanism for implementation of these mitigation measures. The City of Clovis is yet to establish a VMT Mitigation Fee, and it is not known whether such a Program would be established in Clovis. The establishment of a mitigation fee program is a matter of legislated action on the local level, utilizing the local police powers provided to the City of Clovis under California law. Such power to establish a mitigation fee cannot be performed by the Project applicant, being that they do not possess the local police powers of the City. It is not feasible to impose such a requirement at a project-level.

**Response L-5-14d:** This comment states that *“The EIR fails to analyze the Project’s potential impacts to transit. The EIR acknowledges that public transportation services exist “within the Study Area.” (Draft EIR, p. 3.13-8.) The EIR’s analysis of impacts to the circulation*

*system, including transit, bicycle, and pedestrian facilities, however, does not analyze the Project’s potential impacts on these transit systems. (See id. at pp. 3.13-23 through 3.13-25.) The failure to consider this potential impact is a violation of CEQA and the EIR must be revised and recirculated to analyze the Project’s potential impacts to the transit system. (Yerba Buena Neighborhood Consortium, LLC v. Regents of University of California (2023) 95 Cal.App.5th 779, 799-807 [EIR failed to analyze potential transit impacts].).”*

- The contention that the DEIR fails to analyze the Project’s impacts on transit is not accurate. The proposal does not remove a transit station, bus stop, or other transit facility, nor does it impede existing transit service. Transit ridership is anticipated to be low, but, nevertheless, there will be transit service available to the area. The proposed Project does not have any significant impacts on transit.

**Response L-5-14e:** This comment states that *“Moreover, the EIR’s conclusion that the Project “would not result in a conflict with an existing or planned ... transit service/facility” is not supported by substantial evidence. (Draft EIR, p. 3.13-25.) The EIR claims that, despite “the absence of a fee program where the Project has an impact on the roadway network,” the Project’s impacts will be less than significant because “the Project will pay its respective fair share for the proposed improvements.” (Id.) The EIR, however, includes no mitigation measures or any other enforceable requirement that the Project actually “pay its respective fair share” of anything. That, however, is not good enough to satisfy CEQA. (See King & Gardiner Farms, LLC v. County of Kern (2020) 45 Cal.App.5th 814, 855, 857-858 [finding inadequate a mitigation measure that required the project applicant to “increase” the use of “produced water” and “reduce” the use of “municipal and industrial quality” water “to the extent feasible”; the terms “increase” and “reduce,” even when modified by the phrase “to the extent feasible,” are not specific performance standards]; San Franciscans for Reasonable Growth v. City and County of San Francisco (1984) 151 Cal.App.3d 61, 79-80 [finding inadequate a mitigation measure that required a project applicant to expand a city’s busing “capacity by paying an unspecified amount of money at an unspecified time in compliance with an as yet unenforced or unspecified transit funding mechanism.” Emphasis added].) (See Guidelines, § 15126.4, subd. (a)(2) [“Mitigation measures must be full enforceable through permit conditions, agreements, or other legally-binding instruments”].) In the absence of any requirement that the Project actually pay for its fair share of roadway improvements, the EIR cannot claim the Project’s impacts would be less than significant. Further, without a plan or program to actually construct the improvements, this “quasi-mitigation” is unenforceable and violates*



CEQA. (*Anderson First Coalition v. City of Anderson (2005) 130 Cal.App.4th 1173, 1189.*)”

- The contention that DEIR “includes no mitigation measures or any other enforceable requirement that the Project actually “pay its respective fair share” of anything...is not good enough to satisfy CEQA” does not accurately characterize the enforcement requirements of the Fresno County Regional Transportation Mitigation Fee or the City’s traffic fee mitigation program. These are adopted fee programs that are in effect and made a condition of approval on all projects in the City of Clovis. A condition of approval means it is a requirement and enforceable. All requirements of the Project must be implemented to obtain future permits (i.e. grading permits, building permits, certificate of occupancy, etc.). The Project will pay for its fair share of roadway improvements through these adopted programs by virtue of the conditions of approval, and these adopted programs are effective at constructing improvements as evidenced by the long history of the agencies administering the program completing new transportation improvement projects. The condition on the Project to pay its fair share is fully enforceable through the conditions. Given the fee programs are adopted and placed as conditions, they are binding on the Project.

**Response L-5-14f:** This comment states that “*The EIR also ignores significant transportation safety impacts of the Project identified by Caltrans. As stated in Caltrans’ comments on the draft EIR, Project traffic would significantly impact queueing at the SR 168 and Hendon Avenue interchange ramps and recommends mitigation measures for those impacts. (Final EIR, p. 2.0-159.) The final EIR, however, dismisses Caltrans’ comments, claiming they relate to level of service (LOS) impacts that are no longer required in a CEQA analysis. (Id.)*” The EIR is mistaken. Caltrans published an *Interim Local Development Intergovernmental Review (LDIGR) Safety Review guidance for state and local agencies to integrate into their CEQA analyses to address safety impacts on public roadways, including those under the jurisdiction of Caltrans, caused by traffic generated by development projects. (See Exhibit 12 [Caltrans LDIGR guidance].) Caltrans LDIGR guidance is completely consistent with the State’s transition from LOS to VMT as the appropriate measure of transportation impacts. (See id.) Accordingly, the EIR’s failure to analyze and mitigate the significant transportation safety impacts of the Project requires revision and recirculation.*”

- As explained in the DEIR, the intersections of SR-168 Westbound Ramps/Herndon Avenue and SR-168 Eastbound Ramps/Herndon Avenue are forecast to operate at a satisfactory LOS under all scenarios, except for the Fowler Avenue/SR-168 Eastbound Ramps, which are currently operating at a deficient LOS. The Project

does not create any new operational deficiency or additional safety impacts at this location and further, any congestion and/or safety effects associated with the existing deficiencies would be avoided because of planned projects within the Regional Transportation program.

Moreover, the freeway Off-ramp queuing analysis included in TIA shows that the project does not create any safety concerns on State facilities. As a result, there would not be any potentially significant impact as to traffic or traffic safety.

**Response L-5-14g:** This comment states that *“s Moreover, the final EIR’s claim that mitigating the impacts identified by Caltrans are not feasible is completely unsupported by analysis or substantial evidence. (Cf. id.) The final EIR fails to explain what “geometric constraints” make Caltrans’ proposed mitigation infeasible. (See Guidelines, § 15088, subd. (c).) “*

- In its comment letter on the DEIR, Caltrans recommended extending the left turn storage lanes on eastbound Herndon Avenue, by removing/reducing the existing median between eastbound and westbound traffic along Herndon Avenue. The current storage length is 240 feet for the dual eastbound left-turn lanes at the intersection of Clovis Avenue/Herndon Avenue. Although extending the length of storage may improve level of service (LOS), maintaining the current storage length of 240 feet would not result in any potentially significant traffic impacts. This is because congestion/LOS is not a potentially significant level of service. Further, maintaining the current storage length at 240 feet would not create conditions that would result in potentially significant traffic safety impacts.

**Response L-5-15:** This comment states that *“The EIR cites the WSA in support of its conclusion that the City has adequate water to supply the Project and that constructing water infrastructure would not significantly impact the environment. (See Draft EIR, pp. 3.14-26 through 3.14-30.) The WSA, however, admits that, based on the buildout assumptions in the City’s General Plan, the Project’s water supply will need to be replaced in order for there to be enough water to serve all the development contemplated in the General Plan. (Draft EIR, Appendix J, p. 8-1.) The EIR completely ignores this aspect of the WSA and does not include any analysis of the need to replace the Project’s water supply at full build out of the General Plan, or the environmental impacts of doing so. (Draft EIR, pp. 3.14-26 through 3.14-30.) Notably, the cumulative impacts chapter of the EIR adopts the “projections” method for analyzing cumulative impacts, which requires the EIR to analyze the Project’s individual contribution to impacts along with the development projections in local plans, including the City’s*

*General Plan. (Draft EIR, pp. 4.0-2 through 4.0-3.) The EIR fails to do so with respect to cumulative water supply impacts.”*

- Water supply is addressed in DEIR Section 3.9 Hydrology and Water Quality and in Section 3.14 Utilities, and in the Master Responses provided in the Final EIR, which address ground and surface water supplies, including contracts that secure water. The DEIR references the *City of Clovis Urban Water Management Plan 2020 Update* (Provost & Pritchard, 2021B), *City of Clovis Water Shortage Contingency Plan 2020 Update* (Provost & Pritchard, 2021A); the *City of Clovis Water Master Plan Update Phase III* (Provost & Pritchard, 2017), and the *California’s Groundwater: Bulletin 118 - San Joaquin Valley Groundwater Basin/Kings Subbasin* (DWR 2006) as a source of information to support the analysis of water supply.

The DEIR indicates that the City has access to surface water through several different contracts, all of which are delivered to the City by the Fresno Irrigation District (FID). (DEIR p. 3.9-4). The City’s groundwater system contains more than 30 wells with a total capacity of approximately 37,690 gallons per minute with another 4,750 gpm of additional capacity planned in the next few years.

The DEIR (p. 3.14-28 through 3.14-30) provides a Projected Water Demand for the Proposed Project. The Project would receive water supply from the City’s water distribution system, which relies on both groundwater and surface water supplies as described above. According to the Water Supply Assessment, the proposed Project has an associated Land Use-based Water Demand Factor (WDF of 3.3 AFY/acre associated with Medium High Density Residential (MHDR) based on the City’s UWMP. The projected water demand is shown in Table 3.14-7 of the DEIR on page 3.14-28. The total projected annual potable water demand is projected to be 255.8 AFY. The DEIR notes that total proposed water demand amounts to approximately 1.6% of the excess supply for year 2030 the City has in a normal year (as shown in Table ES-3 of the 2020 UWMP). This indicates an ability of the City to serve this project, but it notes that additional supplies must be acquired by the City to accommodate full build-out of the GP. The commenter suggests that *“The EIR completely ignores this aspect of the WSA and does not include any analysis of the need to replace the Project’s water supply at full build out of the General Plan, or the environmental impacts of doing so,”* however, the DEIR does acknowledge that additional supplies will need to be acquired to accommodate full build-out of the GP (p. 3.14-28). This is not considered a “significant impact” or “cumulatively considerable,” but rather, it is common for a City to need to expand its water supply as a City grows. It is not practicable for

the City to prematurely invest in a water supply that may not be needed for 20 or more years, and similarly, the City will not prematurely expand other services and infrastructure before they are needed. The City's Urban Water Management Plan (UWMP) is updated every four to five years and a new plan is established to ensure water in the near term, while also considering the long-term buildout of the General Plan. The Water Supply Assessment has been prepared following the latest UWMP. Pursuant to Water Code section 10910, subdivision (c)(4) and based on the technical analyses described in the UWMP, the total projected water supplies determined to be available for the proposed Project during Normal, Single Dry, and Multiple Dry years during a 20-year projection will meet the projected water demand associated with the proposed Project, in addition to existing and planned future uses.

A comparison of the City's projected potable and raw water supplies and demands is shown in Table 3.14-8 of the Draft EIR (p. 3.14-29 through 3.14-30) for Normal, Single Dry, and Multiple Dry Years. The data shows that demand within the City's service area is not expected to exceed the City's supplies in any Normal year between 2020 and 2040. From this analysis, the City's water demands are not expected to exceed water supplies in Single Dry Years or Multiple Dry Years. Because of the longer-term analysis of the Water Supply Assessment (year 2040), the analysis is a long-term cumulative outlook. The results of the analysis are carried through in the Cumulative Chapter of the DEIR (Section 4.0), where it accurately reflects the findings of the cumulative analysis presented in Section 3.14 Utilities.

**Response L-5-16a:** This comment states that *“As stated above, the EIR adopts the “projections” methodology for analyzing cumulative impacts. (Draft EIR, pp. 4.0-2 through 4.0-3.) The purported analysis of cumulative impacts, however, simply repeats the previous analyses of the Project specific impacts and concludes that nothing would be different in the cumulative scenario. (See, e.g., Draft EIR, pp. 4.0-3 through 4.0-6, 4.0-9 through 4.0-10.) This analysis is fundamentally flawed...The purpose of a cumulative impact analysis is to require agencies to consider whether the impacts of individual projects, even if less-than-significant on their own, may nevertheless be cumulatively considerable when analyzed together with the impacts of past, present, and reasonably foreseeable future projects. “The significance of a comprehensive cumulative impacts evaluation is stressed in CEQA.’ [Citation.] Proper cumulative impact analysis is vital ‘because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a*

*variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.’ [Citations.] ‘[C]onsideration of the effects of a project or projects as if no others existed would encourage the piecemeal approval of several projects that, taken together, could overwhelm the natural environment and disastrously overburden the man-made infrastructure and vital community services. This would effectively defeat CEQA’s mandate to review the actual effect of the projects upon the environment.’” (Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 Cal.App.4th 1184, 1214–1215.).”*

- A cumulative analysis is provided in Section 4.0 of the DEIR. The DEIR notes that *“Cumulative settings are identified under each cumulative impact analysis. Cumulative settings vary because the area that the impact may affect is different. For example, noise impacts generally only impact the local surrounding area because noise travels a relatively short distance, while air quality impacts affect the whole air basin as wind currents control air flow and are not generally affected by natural or manmade barriers which would affect noise...”* The DEIR then indicates projection approach is used for the analysis. The projection approach uses a summary of projections in adopted General Plans or related planning documents to identify potential cumulative impacts. The projection approach for the cumulative analysis considers full buildout of the General Plan.

The DEIR then provides a cumulative analysis for each environmental topic. It is noteworthy that State CEQA Guidelines section 15130, subdivision (b) specifies that a cumulative impact analysis may be less detailed than the analysis of the project's individual effects. The cumulative analysis provided in the DEIR includes a discussion of the project characteristics and impacts, then discusses the impacts anticipated under the cumulative condition. For instance, the cumulative analysis of visual character (Aesthetics and Visual Resources topic) in the Draft EIR states the following: *“Under cumulative conditions, buildout of the General Plan for Clovis and the surrounding jurisdictions could result in changes to the visual character and quality of the City of Clovis through development of undeveloped areas and/or changes to the character of existing communities. Development of the proposed Project, in addition to other future projects in the area, would change the existing visual and scenic qualities of the City. However, the City of Clovis has adopted specific landscape and design standards to enhance the visual appearance of the Project site and adjacent areas. As such, this is a less than significant cumulative impact. As such, impacts relative to degradation of visual character would be a less than cumulatively considerable contribution and no*

*mitigation is required.* This is just one example of a cumulative analysis presented for each environmental topic on pages 4.0-3 through 4.0-26. The above excerpt shows that the cumulative analysis does consider cumulative impacts from the visual changes that would occur as development occurs throughout the region.

In some cumulative analyses provided in the DEIR, such as under the cumulative analysis of agricultural resources on page 4.0-6, the project-level impact determination is critically important in considering the physical change within the cumulative context. For instance, the Project site is no longer a viable agricultural option given the lack of water reliability, and other reasons discussed in previous responses, combined with the fact that conversion of the land does not exceed a threshold of significance established by the State as shown in the LESA model. These facts support the conclusion that the impact is less than significant. When you consider this Project-level impact conclusion relative to the cumulative context for agricultural land in the County (i.e. total acreage of crop land - 1,355,142 acres), the change is a conversion of 0.0058% (1/5800th) of the total agricultural land available, which has notably been determined to also not be economically viable any longer. The only valid conclusion to be drawn from these facts is that the impact is less than cumulatively considerable impact.

In some cases, the DEIR includes a cumulative impact analysis in the topical section (Section 3). For instance, Section 3.3 Air Quality, page 3.3-27 includes a cumulative analysis under the impact *“Impact 3.3-1: Project operation has the potential to result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment, or conflict or obstruct implementation of the District’s air quality plan. (Less than Significant)”* and under *“Impact 3.3-2: Proposed Project construction activities would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment, or conflict or obstruct implementation of the District’s air quality plan. (Less than Significant).”* As noted on page 3.3-26 of the DEIR, *“...air districts develop region-specific CEQA thresholds of significance in consideration of existing air quality concentrations and attainment or nonattainment designations under the NAAQS and CAAQS. The NAAQS and CAAQS are informed by a wide range of scientific evidence that demonstrates there are known safe concentrations of criteria pollutants. While recognizing that air quality is a cumulative problem, air districts typically consider projects that generate criteria pollutant and ozone precursor emissions below these thresholds to be minor in nature and would not adversely affect air quality such that the NAAQS or CAAQS would be exceeded.”* This means that the Air District’s guidance, including their thresholds, are developed in consideration of the more regional

concerns of air quality and the District's ability to meet NAAQS and CAAQS through their planning. Under both analyses, the project-level analysis, is the same as the cumulative-level analysis because the thresholds are aimed at the cumulative problem of air quality in the region. As such, the conclusions from Section 3.3 are carried through and presented under the Section 4.0 Cumulative analysis for this topic.

Another example of a cumulative impact analysis in the topical section (Section 3) is under Section 3.6 Greenhouse Gases, Climate Change and Energy. Page 3.7-21 discusses the cumulative nature of greenhouse gases as follow: *"Cumulative impacts are the collective impacts of one or more past, present, and future projects that, when combined, result in adverse changes to the environment. In determining the significance of a project's contribution to anticipated adverse future conditions, a lead agency should generally undertake a two-step analysis. The first question is whether the combined effects from both the proposed Project and other projects would be cumulatively significant. If the agency answers this inquiry in the affirmative, the second question is whether "the project's incremental effects are cumulatively considerable" and thus significant in and of themselves. The cumulative global project list for this issue (climate change) comprises anthropogenic (i.e., human-made) GHG emissions sources across the globe. No project alone would reasonably be expected to contribute to a noticeable incremental change to the global climate, but rather effects are shown to be caused by the cumulative emissions from across the globe. However, legislation and executive orders on the subject of climate change in California have established a Statewide context and process for developing an enforceable Statewide cap on GHG emissions. Given the nature of environmental consequences from GHGs and global climate change, CEQA requires that lead agencies consider evaluating the cumulative impacts of GHGs. Small contributions to this cumulative impact (from which significant effects are occurring and are expected to worsen over time) may be potentially considerable and, therefore, significant."*

Impact 3.7-1 on page 3.7-22 states *"Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. A project's GHG emissions are at a micro-scale relative to global emissions, but could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. Implementation of*

*the proposed Project would contribute to increases of GHG emissions that are associated with global climate change. Estimated GHG emissions attributable to future development would be primarily associated with increases of CO<sub>2</sub> and other GHG pollutants, such as methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O), from mobile sources and utility usage.”* This means, like under the Air Quality analysis, the project-level analysis, is the same as the cumulative-level analysis because the thresholds are aimed at the cumulative problem of greenhouse gas emissions in the region. As such, the conclusions from Section 3.6 are carried through and presented under the Section 4.0 Cumulative analysis for this topic.

The cumulative analysis for energy (p. 4.0-10) is an example where the State has adopted state-wide standards to ensure that development is not inefficient, wasteful, or unnecessary. The cumulative discussion appropriately discloses that the proposed Project would comply with these standards. Additionally, there is nothing in the project that is considered “inefficient, wasteful, or unnecessary” as it relates to energy. In addition to the absence of any component of the proposed Project being inefficient, wasteful, or unnecessary, and the fact that the state-wide standards apply to all development in California and is intended to cumulatively reduce inefficient, wasteful, or unnecessary use of energy, the conclusion is appropriately reported as less than cumulatively considerable on page 4.0-10.

**Response L-5-16b:** *This comment states that “Here, the EIR does not actually consider the cumulative impacts of development projections in the General Plan together with the Project. Instead, the EIR concludes, because the individual impacts of this Project are small (as discussed above, however, the EIR is flawed in claiming that many of the Project’s impacts are less than significant) there is no need to go to the next step and measure the Project’s impacts together with those of development projected in the General Plan. (See, e.g., Draft EIR, pp. 4.0-3 through 4.0-6, 4.0-9 through 4.0-10.) The EIR must be revised to complete all the required steps of a CEQA compliant cumulative impacts analysis and then recirculated for an additional round of public review.”*

- As was discussed under Response L-5-16a, there are scenarios where a less than significant impact on a project level also results in a less than cumulatively considerable impact on a cumulative level. For instance, under the cumulative analysis of agricultural resources on page 4.0-6, the project-level impact analysis shows that the Project site is no longer a viable agricultural option given the lack of water reliability, and other reasons discussed in previous responses, combined with the fact that conversion of the land does not exceed a threshold of significance established by the State as shown in the LESA model. These facts



support the conclusion that the impact is less than significant on a project-level. In addition, when you consider this Project-level impact conclusion relative to the cumulative context for agricultural land in the County (i.e. total acreage of crop land - 1,355,142 acres), the change is a conversion of 0.0058% (1/5800th) of the total agricultural land available, which has notably been determined too also not be economically viable any longer. The only valid conclusion to be drawn from these facts is that the impact is less than cumulatively considerable impact in addition to being less than significant on a project-level.

There are other examples of cumulative analysis in the Draft EIR where the project-level impact and cumulative level impact are the same. This is not improper, it can simply be a result of an environmental topic being an environmental topic that by its very nature, is a cumulative consideration (i.e. greenhouse gas emissions and air quality). Thresholds for greenhouse gas emissions and air quality are established to effect emissions on a regional or statewide level, which is beyond the limits of the Project site and immediate surrounding. For such topics, the project-level analysis is the cumulative analysis.

**Response L-5-17:** This comment states that *“The proposed resolution approving the vesting tentative tract map lacks adequate findings to support approval.* Following this statement is several pages describing the commenters reasons for the statement.

- The Planning Commission did not approve the vesting tentative tract map (TM6205). The Planning Commission denied all approvals and adopted a resolution recommending that the City Council deny all approvals. The comment regarding the Planning Commission’s ability to approve the VTTM is moot.

**Response L-5-18:** This comment serves as concluding remarks, and indicates that the EIR is fundamentally flawed in multiple respects and fails as an information document. The commenter suggests that the EIR be revised. The commenter also provides several opinions relating to the Planning Commission’s ability to approve the VTTM.

- The Draft EIR consists of two volumes, totaling 2,963 pages of information. This includes a substantial amount of technical analysis by experts in each respective technical discipline, each of which follows a method that is standard to the practice, or specifically defined in a rule or guideline. Each of the environmental topics claimed by the commenter to be fundamentally flawed have been thoroughly and appropriately analyzed, and a thorough response to the commenter’s claims is provided in the responses above.

The Project Description is addressed in DEIR Section 2.0 Project Description. This is an accurate representation of what is proposed (see also CEQA Guidelines,

Section 15124, subd. (c) [a project description need only include a “general description of the project’s technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities”]; *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26-36 [upholding a generalized project description against an attack arguing that it was insufficiently specific].)

CEQA requires that a DEIR analyze a reasonable range of feasible alternatives that meet most or all project objectives while reducing or avoiding one or more significant environmental effects of the project. The range of alternatives required in a DEIR is governed by a “rule of reason” that requires a DEIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines Section 15126.6, subdivision (f). A DEIR must “set forth only those alternatives necessary to permit a reasoned choice.” (CEQA Guidelines, Section 15126.6, subdivision (f).) The CEQA Guidelines require only a “range of reasonable alternatives” and, thus limit the number and type of alternatives that need to be evaluated in an EIR. A DEIR need not include any alternatives inconsistent with the lead agency’s fundamental underlying purpose in proposing a project. (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1166.). The following factors may be taken into consideration in the assessment of the feasibility of alternatives: site suitability, economic viability, availability of infrastructure, general plan consistency, other plan or regulatory limitations, jurisdictional boundaries, and the ability of the proponent to attain site control (CEQA Guidelines Section 15126.6, subdivision (f) (1).)

Four (4) 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. A more detailed discussion of the alternatives is provided in Response L-5-6.

The Planning Commission did not approve the vesting tentative tract map (TM6205). The Planning Commission denied all approvals and adopted a resolution recommending that the City Council deny all approvals. The comment regarding the Planning Commission’s ability to approve the VTTM is moot.

RESPONSES TO COMMENTS RECEIVED  
AFTER FEIR PUBLIC CIRCULATION

3.0

City of Clovis  
Planning Dept.  
1033 Fifth St  
Clovis CA 93612

RE: GPA2021-006, GPA2021-005, R2021-009, TM6205, & PDP2021-004

We are writing to register our objection to the Wilson Homes development for the above project. Eventually, most of this area will be developed and though we're not excited about that we understand property owners rights to develop and/or expand the current use of their property. Also, City of Clovis is anxious to expand their sphere of influence to provide more housing particularly low to moderate income housing to meet California state requirements which Clovis is lacking. Consider the following:

L-6-1

\*605 single-family homes is too many for this area due to limited roadways to handle increased traffic in our area. The stated top figure for square footage of homes (3020) is a large home not a low to moderate size home making it expensive to buy or rent. This will not address Clovis' housing shortage for low to moderate income families.

L-6-2

\*In our area there are existing water shortages. This was brought up by residents at the last neighborhood meeting. Developer's answer that water will be from city wells is not satisfactory. All water going into city wells is ground water from all areas including Dry Creek Preserve area.

L-6-3

\*The traffic and water issues above do not reflect the total buildout and occupancy of the 2 Woodside Home developments already approved by the City and under construction; one on Teague and a larger one Fowler.

L-6-4

\* A stop sign put in at Teague and N. Sunnyside was discussed during approval for the Woodside Home developments as a way to mitigate traffic on N. Sunnyside. This has not been installed to date. We continue to see more and faster traffic coming from Nees or N. Shepherd from both directions because there are no traffic calming impediments. N. Sunnyside is a rural 2 lane country road but now used as a highway by commuters with speeds sometimes in excess of 80 mph. The posted speed limit is not adhered to and is 45 mph.

L-6-5

When Woodside homes proposed their projects they held many neighborhood meetings and were receptive to neighbor's concerns. Despite some contentious meetings they were open to discussion and worked with neighbors on concessions like lowering the amount of units and align houses facing Teague to be street facing to avoid a walled fortress look. This was brought up to Wilson Homes at the last meeting and they dismissed even discussing downsizing the number of homes and stated as if in a threatening way that if they can't build the 605 amount they would not move forward with the project or they would build apartments. Additionally, at one point they criticized some of our neighbor's existing homes as not being very nice or valuable when stating how their project will greatly improve our area. As to the traffic issues, their response that it will not be a problem because they had a study done and kept going back to that opinion despite input from those in attendance it's already a problem.

L-6-6

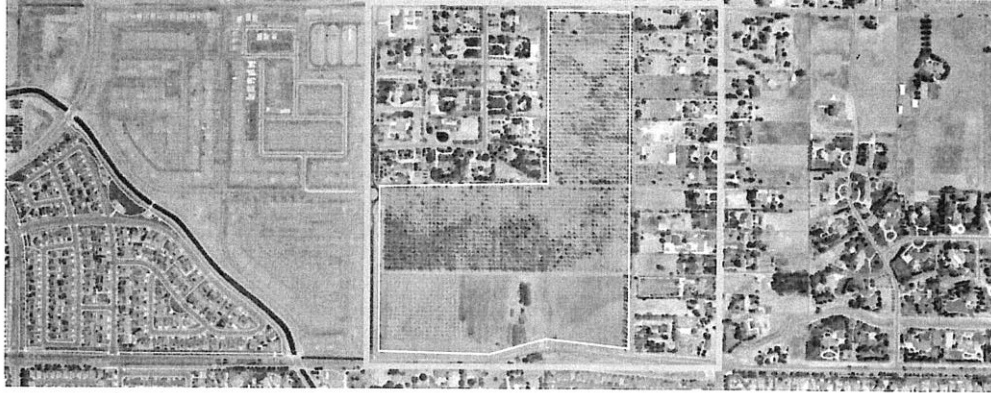
Many of us feel there is no honest effort to even try to address neighborhood concerns at these meetings which is one of the purposes for holding them. If this project continues there must be neighborhood meetings that truly allow input and discussions, not a dictatorial presentation with pre-determined plans like the last one.

L-6-7

*Dean & Valerie Uhrig*  
Dean & Valerie Uhrig  
8570 N Sunnyside Ave.  
Clovis CA

RESPONSES TO COMMENTS RECEIVED  
AFTER FEIR PUBLIC CIRCULATION

GENERAL AREA MAP



CITY of CLOVIS

CITY HALL - 1033 FIFTH STREET - CLOVIS CA 93612

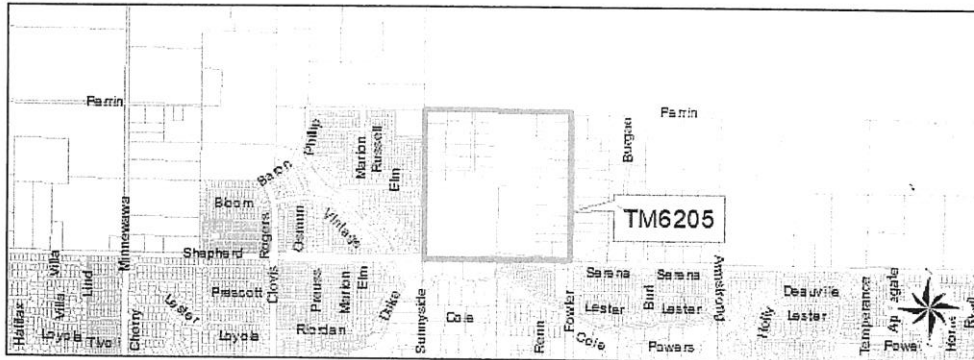
UHRIG DEAN H & VALERIE A TRUSTEES  
OR CURRENT RESIDENT  
8570 N SUNNYSIDE  
CLOVIS CA 93611

L-6-7 Cont

THIS IS A LEGAL NOTICE

GPA2021-006, GPA2021-005, R2021-009, TM6205, & PDP2021-004

SPECIFIC LOCATION MAP



**Response to Letter L-6: Dean & Valerie Uhrig, Residents of Clovis**

**Response L-6-1:** This comment is an introductory statement, indicating first that the commenter objects to the Project. The commenter then states *“Eventually, most of this area will be developed and though we're not excited about that we understand property owners rights to develop and/or expand the current use of their property. Also, City of Clovis is anxious to expand their sphere of influence to provide more housing particularly low to moderate income housing to meet California state requirements which Clovis is lacking.”*

- This comment is noted. There are no specific environmental concerns identified in the comment. This comment does not require any further response.

**Response L-6-2:** This comment states: *“605 single-family homes is too many for this area due to limited roadways to handle increased traffic in our area. The stated top figure for square footage of homes (3020) is a large home not a low to moderate size home making it expensive to buy or rent. This will not address Clovis' housing shortage for low to moderate income families.”*

- The Project’s potential traffic impacts are addressed in Section 3.13 of the Draft EIR. Additional discussion was provided in Master Responses 7, 8, and 10. The City’s roadways are designed and improved to provide sufficient capacity to handle traffic in the area. The modeling shows that the roadways operation at an acceptable level of service with the planned improvements. The comments regarding the size and cost of homes and low to moderate income families is not a CEQA topic. Nevertheless, these comments will be provided to the City for its consideration.

**Response L-6-3:** This comment states: *“In our area there are existing water shortages. This was brought up by residents at the last neighborhood meeting. Developer's answer that water will be from city wells is not satisfactory. All water going into city wells is ground water from all areas including Dry Creek Preserve area.”*

- The Draft EIR has analyzed the potential impact of the project on water supplies. The Final EIR also provided supplemental discussion on the topic. Water is specifically addressed in Master Responses 1, 2, 3, 4, and 5. The combination of the information contained in the Draft EIR and the Final EIR provide a sufficient analysis of water.

**Response L-6-4:** This comment states: *“The traffic and water issues above do not reflect the total buildout and occupancy of the 2 Woodside Home developments already approved by the City and under construction; one on Teague and a larger one Fowler.”*

- The baseline, or existing condition, includes all existing development in Clovis. The two Woodside Home developments that are referenced in the comment are

part of the existing condition given that they are already approved projects, and some are partially built. The existing condition is represented in the project-level analysis, as well as the cumulative-level analysis.

**Response L-6-5:** This comment states: *“A stop sign put in at Teague and N. Sunnyside was discussed during approval for the Woodside Home developments as a way to mitigate traffic on N. Sunnyside. This has not been installed to date. We continue to see more and faster traffic coming from Nees or N. Shepherd from both directions because there are no traffic calming impediments. N. Sunnyside is a rural 2 lane country road but now used as a highway by commuters with speeds sometimes in excess of 80 mph. The posted speed limit is not adhered to and is 45 mph.”*

- The TIA included an in-depth analysis of Sunnyside Avenue at the project vicinity. As explained in the TIA, two signals have been proposed at the intersections of Sunnyside Avenue/Shepherd Avenue and Sunnyside Avenue/Nees Avenue, to eliminate the operational deficiency. Installing signals at these locations will also help alleviate speeding issues along this corridor. With the implementation of these signals along this corridor, the corridor is anticipated to experience improved traffic flow, and alleviate current safety concerns. Both signals are in the City’s Development Impact Fee program and the City will be implementing these improvements.

It is noted that the City and County are updating their MOU to add this 1-mile stretch of Sunnyside from Shepherd Avenue to Nees Avenue to the jurisdiction of Clovis with regards to enforcement of speeds. The City utilizes the police department to enforce speed limits, and violators that are caught are cited and fined. The comments on excessive speed on the roadway will be provided to the City Police Department so that they can be aware of the commenters’ observations of excessive speeding.

Additionally, as included in the TIA, the roadway segments of Sunnyside Avenue between Shepherd and Teague Avenue, and between Teague and Nees Avenue, as well as the intersection of Sunnyside Avenue/Teague Avenue is forecast to operate at or better than LOS D, consistent with City threshold, and County’s threshold within the City of Fresno and Clovis Sphere of Influence area. Therefore, no further improvements or traffic calming measures are recommended at the intersection of Sunnyside Avenue/Teague Avenue. Additionally, no additional traffic calming measure would be required for this area.

**Response L-6-6:** This comment states: *“When Woodside homes proposed their projects they held many neighborhood meetings and were receptive to neighbor's concerns. Despite some contentious meetings they were open to discussion and worked with neighbors on*

*concessions like lowering the amount of units and align houses facing Teague to be street facing to avoid a walled fortress look. This was brought up to Wilson Homes at the last meeting and they dismissed even discussing downsizing the number of homes and stated as if in a threatening way that if they can't build the 605 amount they would not move forward with the project or they would build apartments. Additionally, at one point they criticized some of our neighbor's existing homes as not being very nice or valuable when stating how their project will greatly improve our area. As to the traffic issues, their response that it will not be a problem because they had a study done and kept going back to that opinion despite input from those in attendance it's already a problem."*

- The neighborhood meetings are addressed in Master Response 15. These meetings were held by the Project applicant and are not administered by the City. The City has held a scoping meeting, and Planning Commission Hearing. A City Council hearing will also be held. There are no specific environmental concerns identified in the comment and no further response is warranted.

**Response L-6-7:** This comment states: *"Many of us feel there is no honest effort to even try to address neighborhood concerns at these meetings which is one of the purposes for holding them. If this project continues there must be neighborhood meetings that truly allow input and discussions, not a dictatorial presentation with pre-determined plans like the last one."*

- The neighborhood meetings are addressed in Master Response 15. These meetings were held by the Project applicant and are not administered by the City. The City has held a scoping meeting, and Planning Commission Hearing. A City Council hearing will also be held. There are no specific environmental concerns identified in the comment and no further response is warranted.

-----Original Message-----

From: Jacqueline Ruiz <jacqueline.ruiz@me.com>

Sent: Thursday, November 16, 2023 3:56 PM

To: George Gonzalez <georgeg@ci.clovis.ca.us>

Subject: [External] Images for tonights City Planning Commission Meeting

Hello Mr. Gonzalez,

I have included a pdf of images that I would like to use tonight at the City Planning Commission Meeting.

If these images are not able to be projected, I would like to include copies of them for the Planning Commission if possible.

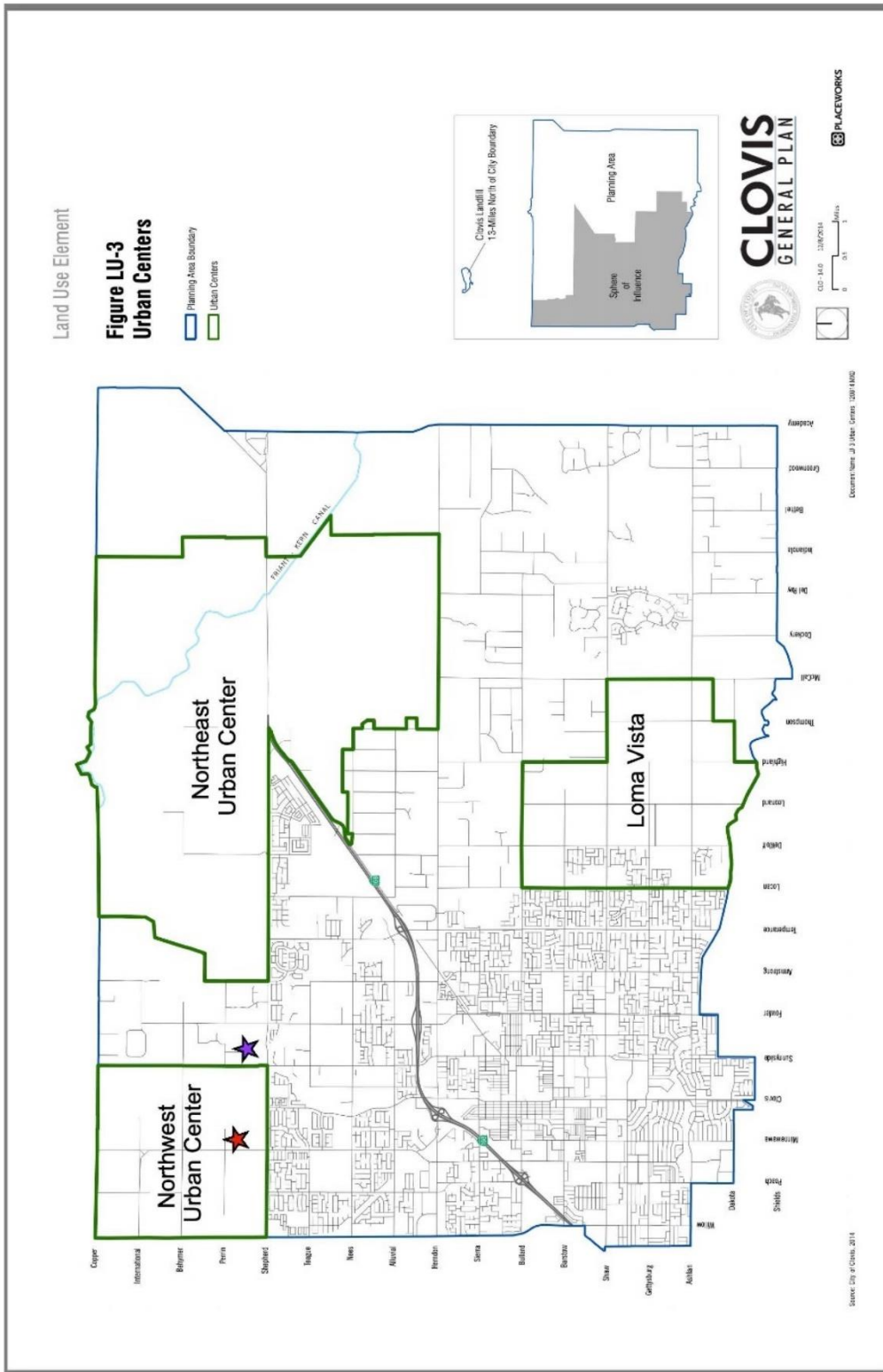
All images in the pdf are to be used in reference to Agenda Item 3, for the City of Clovis Planning Commission meeting on 11/16/2023.

Thank you,  
Jacqueline Ruiz

This e-mail may contain confidential and privileged material for the sole use of the intended recipient. Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive for the recipient), please contact the sender by reply e-mail and delete all copies of this message.

L-7-1

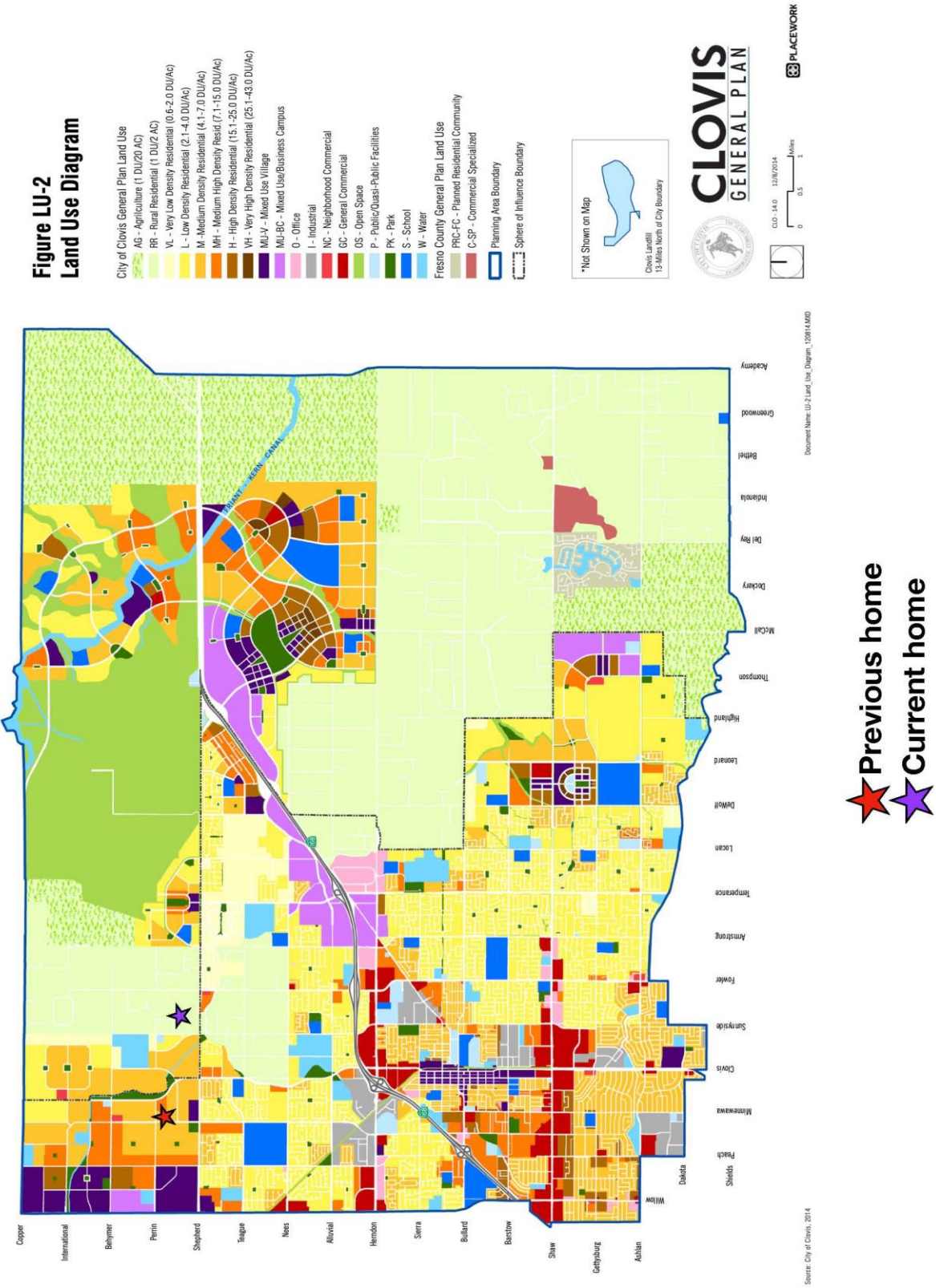




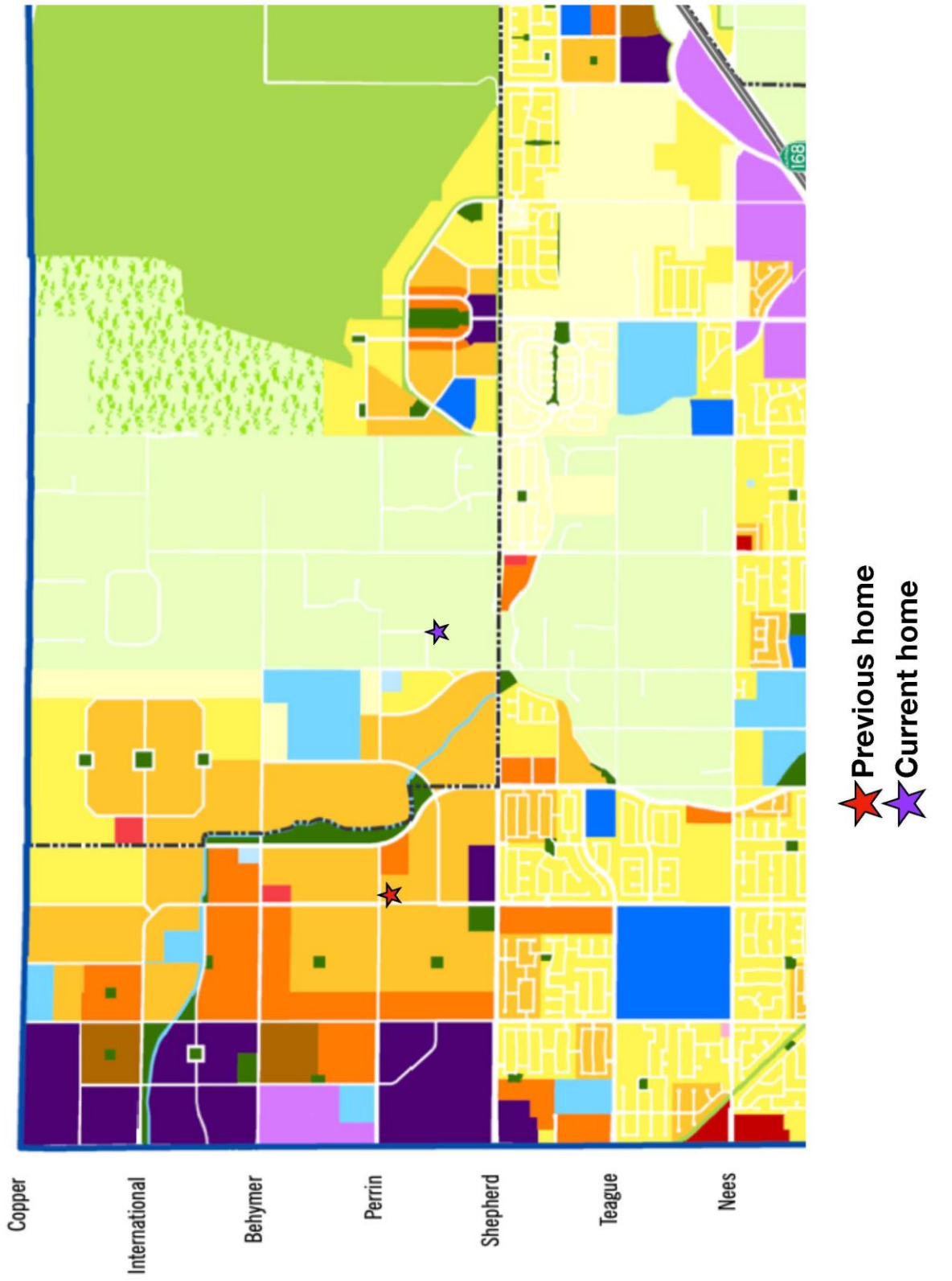
★ Previous home  
★ Current home

L-7-2

**Figure LU-2  
Land Use Diagram**



L-7-2



L-7-2

## Neighborhood Parks and Crime

A 2015 study of multiple cities found that...

Property crime rates are ***two to four times higher*** in neighborhoods near parks.

Violent crimes rates were up to ***11 times worse***.

McCord, E., Houser, K. Neighborhood parks, evidence of guardianship, and crime in two diverse US cities. Secur J 30, 807–824 (2017). <https://doi.org/10.1057/sj.2015.11>

L-7-2

**Response to Letter L-7: Jacqueline Ruiz, Resident of Clovis**

**Response L-7-1:** The commenter indicates that they have *“included a pdf of images that I would like to use tonight at the City Planning Commission Meeting...If these images are not able to be projected, I would like to include copies of them for the Planning Commission if possible...All images in the pdf are to be used in reference to Agenda Item 3, for the City of Clovis Planning Commission meeting on 11/16/2023.”*

- There are no specific environmental concerns identified in the comment, rather, the email serves as a transmission of images that the commenter desired to have available during the Planning Commission hearing. The images were available during the Planning Commission hearing. The images are noted and will be presented to the City for consideration. This comment does not require any further response.

**Response L-7-2:** This comment includes the attached pdf images that the commenter referred to in the first comment.

- The comment cites a study comparing crime in Philadelphia, PA and Louisville, KY. It is notable that the two cities in the study are generally high crime communities from the Midwest and East Coast, whereas the City of Clovis is a low crime community within the California. There are many significantly different community characteristics between Clovis and the other communities referenced in the study. Nevertheless, “crime” is not an environmental topic under the California Environmental Quality Act. Instead, “Public Services,” including police and park services, are CEQA topics. However, the focus of CEQA as it relates to these Public Services, is not the physical facilities (i.e. police station or parks), the construction of which would cause a physical environmental impact. The DEIR concludes the Project would not result in any significant impact on police resources, nor would it result in the need to build new or expanded police facilities to serve the proposed Project. The DEIR also addresses the physical impacts that are associated with the construction of new parks within the Project site. It is noted, that the images served as a slide presented by the commenter during the Planning Commission hearing. The images were considered at the Planning Commission and be considered at future hearings of the City Council. This comment does not require any further response.

**From:** Pat Menagh <[pmenagh@solerasd.com](mailto:pmenagh@solerasd.com)>  
**Sent:** Thursday, November 16, 2023 1:06 PM  
**To:** George Gonzalez <[georgeg@ci.clovis.ca.us](mailto:georgeg@ci.clovis.ca.us)>  
**Subject:** [External] Quail Run Public Mtg Tonight - Pictures for my comments

George,

My name is Patrick Menagh and I am a resident of Quail Run – 9459 N. Purdue Ave, Clovis, CA 93619. I plan on using this opportunity to speak during the public comment period and was informed we could supply you with pictures that I can use when I speak. Please have the attached pictures available so I can use them. There are 16, but I assure you I will be brief with each one and remain within my allotted time.

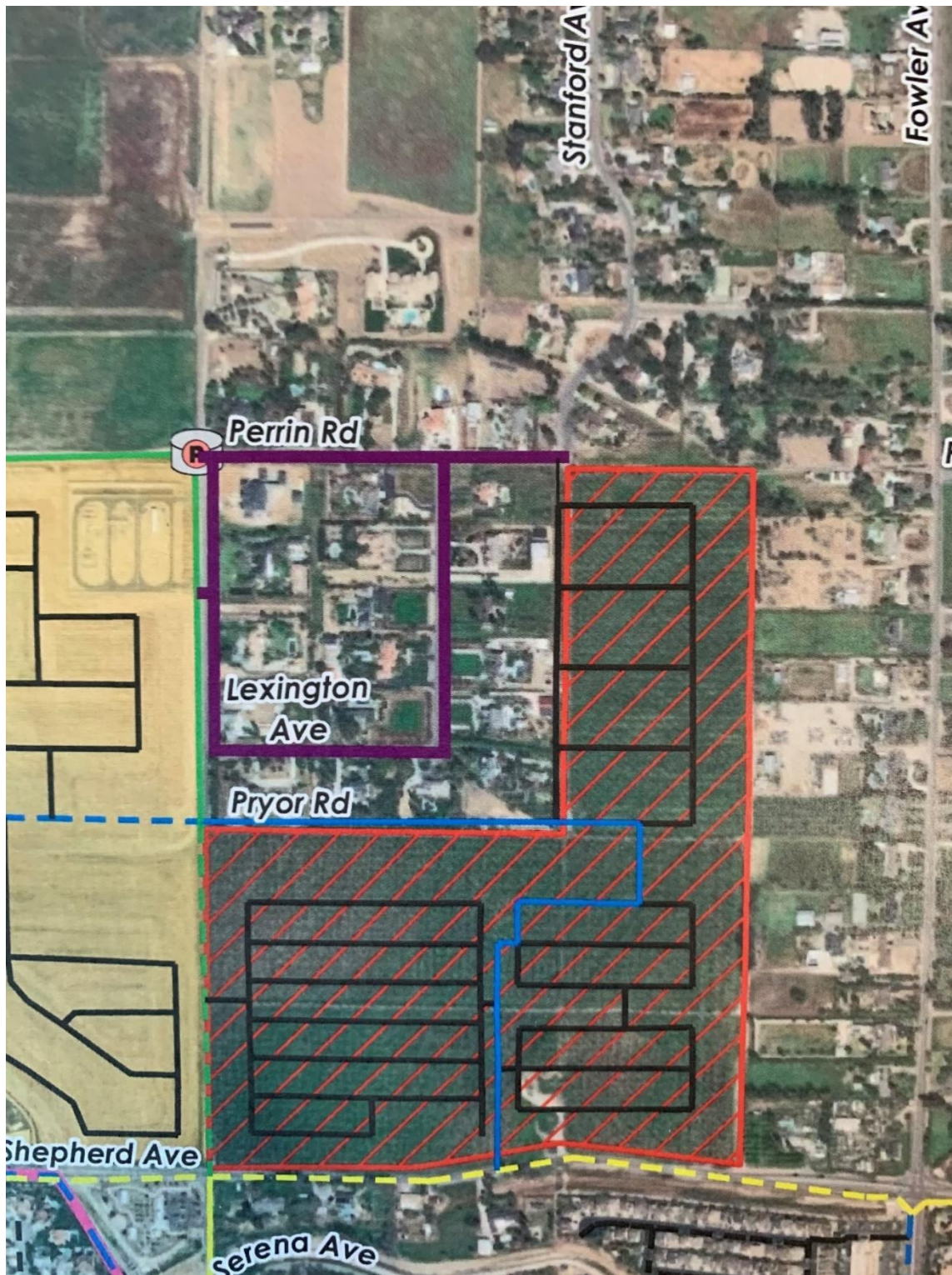
L-8-1

If you have any question, feel free to reach out.

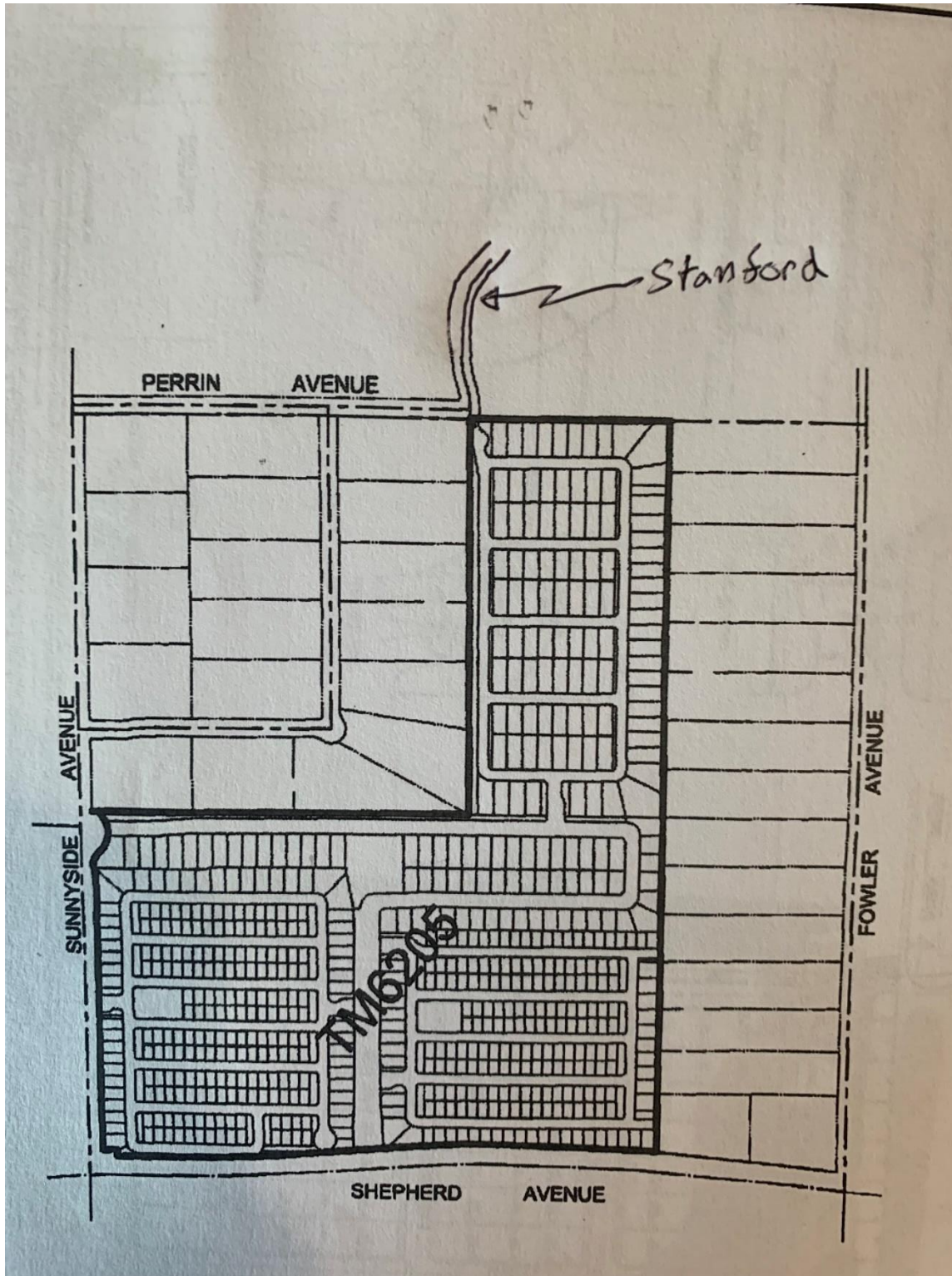
Sincerely,

*Pat Menagh*

Mbl. (559) 392-5547

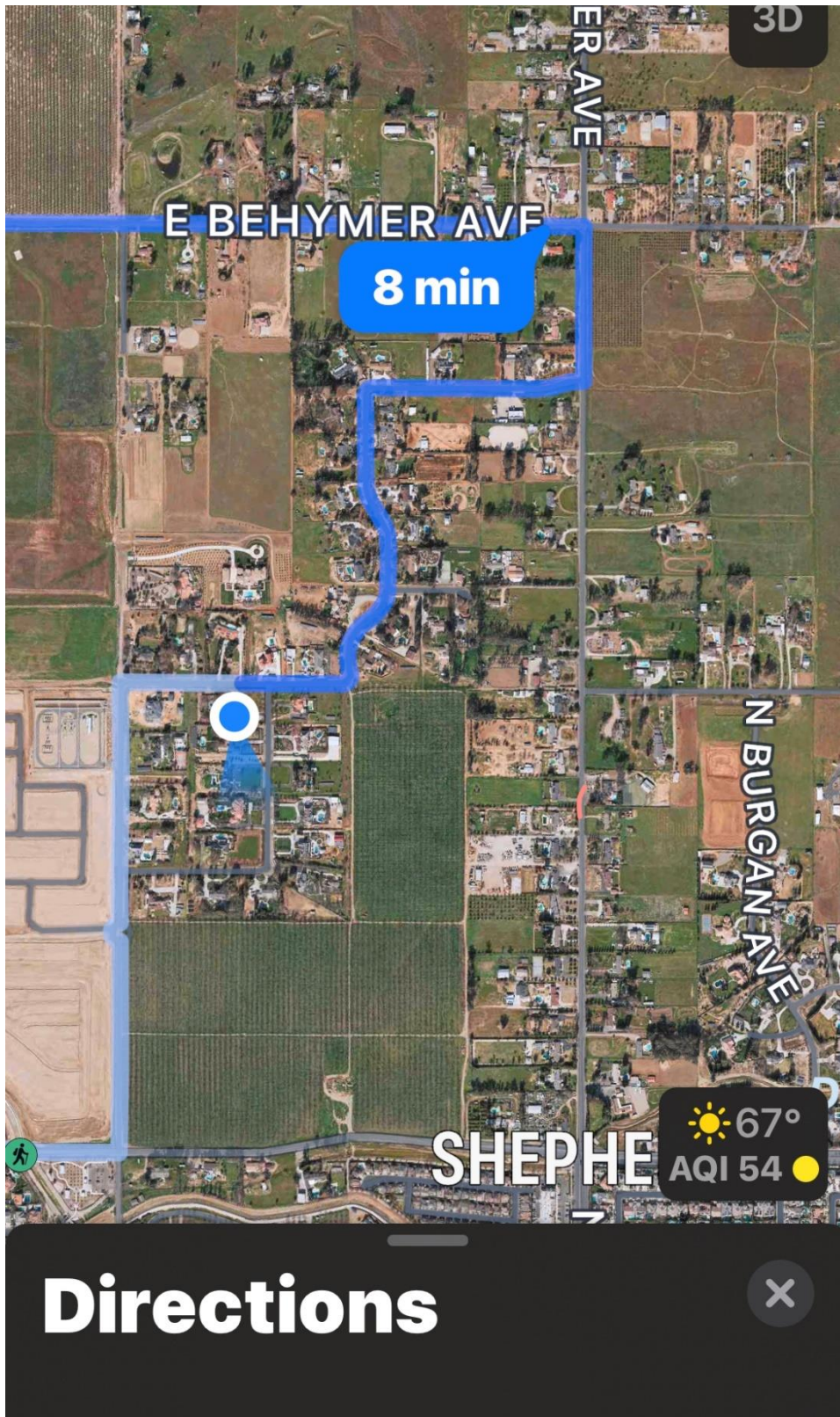


L-8-1 Cont

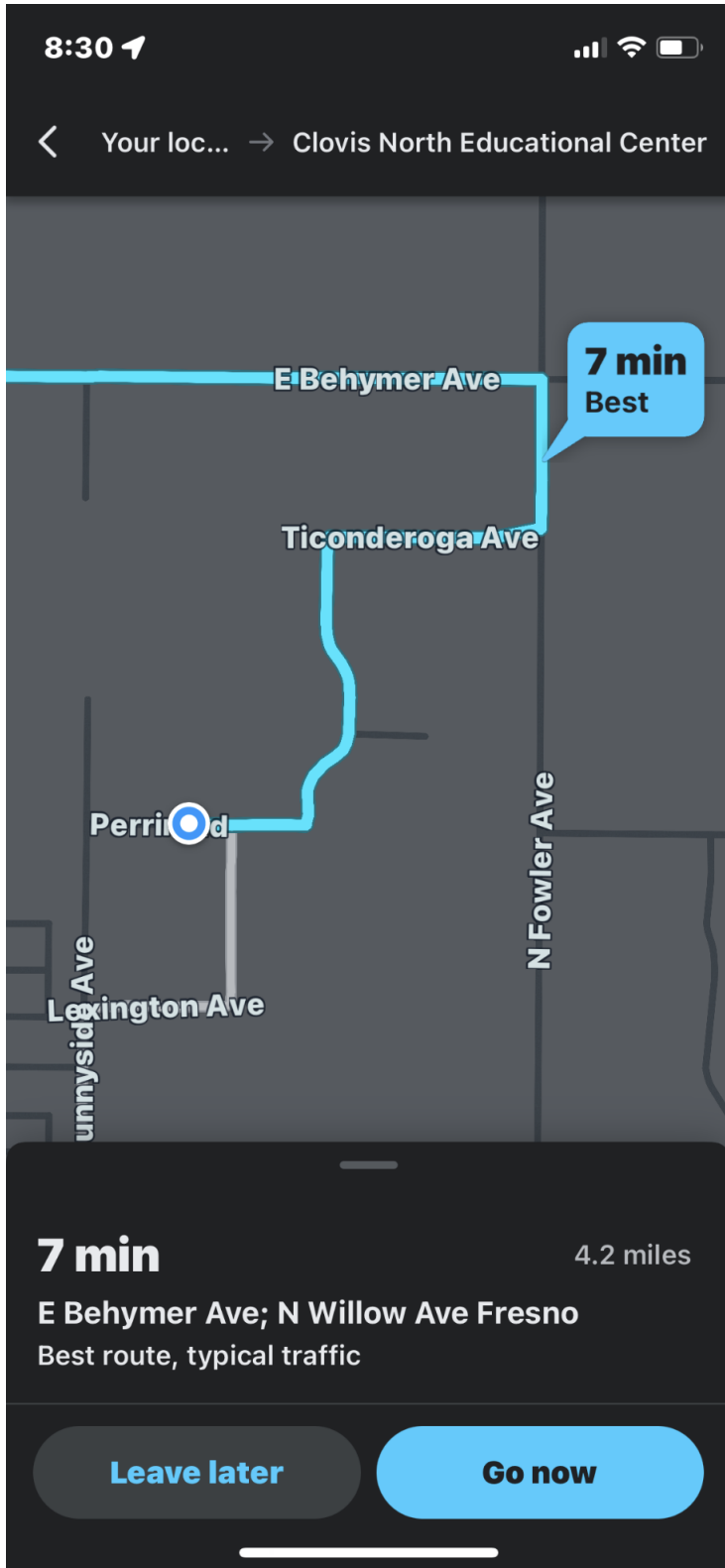


L-8-1 Cont





L-8-1 Cont



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L-8-1 Cont



L-8-1 Cont



L-8-1 Cont



L-8-1 Cont



L-8-1 Cont



**Response to Letter L-8: Peter Menagh, Resident of Clovis**

**Response L-8-1:** This comment states the following:

*“My name is Patrick Menagh and I am a resident of Quail Run – 9459 N. Purdue Ave, Clovis, CA 93619. I plan on using this opportunity to speak during the public comment period and was informed we could supply you with pictures that I can use when I speak. Please have the attached pictures available so I can use them. There are 16, but I assure you I will be brief with each one and remain within my allotted time.”*

- This comment is noted. The pictures provided were made available at the Planning Commission hearing. The commenter subsequently provided oral comment regarding these pictures at the November 16, 2023 Planning Commission hearing. The commenter’s Planning Commission comments are summarized below:

The commenter provided a video showing roadways captured from a car drive, and provided commentary. Staff was not able to accommodate the video during the hearing, but did provide the pictures. Commenter indicated that he now knows that the project entry near the corner of Perrin and Stanford will be gated. He noted that the Perrin and Stanford intersection gets ‘really windy’ and that there were no sidewalks. Commenter provided pictures to illustrate this comment. Commenter noted that there will be a lot of people living in the new community who will have children going to Clovis North. Commenter showed map route that his phone directed him to take, he described that route and the alternative route. Commenter noted that he tried Waves (a mapping App), and it had the same primary route so that was believed to be the best route. Heading out from his house, the intersection of Purdue and Perrin has no street lines, no sidewalks, no stop sign. The corner where the emergency only fire access road/gate will be (corner of Perrin and Stanford) is blind on the left, no lines, no sidewalks. Commenter notes that it is more than a 90-degree turn, suggested that it was more like 100 degrees. Coming right off that turn, there are no lines or sidewalks, neighbor on right paved an area to keep people from driving in that area and losing control. The commenter showed images heading towards the bend and on right side of road, sees oncoming car with not a lot of space for it go by. Commenter noted that he was doing about 10mph, with the oncoming car doing about 35mph and it almost hit him. Commenter noted that people drive fast through the area because of construction, and he is already seeing that problem exist. The next slide is Solar and Stanford, which has no stop sign, coming in to a T out of that cul de sac. Next slide is next bend, commenter notes that it is blind, no lines, no curbs; people walking this all the time, his wife walks it every day, will tell him once a week about almost getting hit. Commenter indicates that if you put an exit in that location, with a hundred homes, gated, they will go out on Shepherd, on Sunnyside, but if they have got an exit, it is

common sense, path of least resistance. Commenter indicates that the road is not built for speed but they are going to speed because they are going to be late. The curve at Stanford and Ticonderoga – blind, hedge on right cannot see cars coming around the corner and they cut the corner every time. There are no lines and they are swinging around there like a racetrack. Commenter indicates that it is going to get worse; you are going to have people get hit, going to have somebody hurt, going to have wrecks. God forbid you hurt somebody, especially after we have stood up here and told you it is a problem. The next slide shows Ticonderoga and Fowler, garbage truck hauling across Fowler doing about 45, that intersection does not have a stop sign on Fowler. Commenter notes that there was a wreck on Fowler on October 16th, car hit the telephone pole, cannot see it in picture but to the right. Commenter notes that about a month earlier another wreck occurred. Ever since there has been construction there have been more problems, because people coming in and out of the neighborhood, just with the construction. You get a hundred homes, with people going to school, because that is going to be the best way, you are going to have wrecks. We are already seeing it, look it up; it just happened last month. I have got pictures on my phone. You are going to have backups because if you have ever been on it about 7:30, 8 o'clock, it is a zoo, then you do the same thing about 4:30, 5:30; it is a zoo trying to get down Fowler. Commenter indicates that it is a problem, we are talking about lives, we are talking about our neighborhood. We want a nice, quiet neighborhood, we want it the way we had it in the past. I am not saying that we cannot develop, but you got to use your brains, got to be reasonable. There is a problem here, and there has got to be a better way to get traffic through here because it is going to be a problem. The next slide is another look at where that exit is coming the other way, blind on the right. The next slide, where Sunnyside and Perrin meet, blind on the left and right both, no stop sign and that's Sunnyside. The next slide, example of new road built by Lennar; road on right looks like they gave up and just decided to make it narrow, go back to narrow roads already there. Gives you an idea of difference between nice wide road and our narrow roads. Next slide, cul de sac talking about, Lennar on right, Wilson on left; it is tight, if you have not driven it go try. Cones everywhere but it is tight. Going to be fun when you have all those people coming out of there. Please take time to drive it, try it, before making a decision. You are going to go 'wait, this is kind of crazy.' So, to summarize, heard a lot of things about different kinds of impacts, there's impact, we live there every day. Can find an expert to say anything, happens all the time in the courtroom, one side has expert saying this, other side has expert saying that. Think common sense would dictate talk to people who live there. Not against the project, just against it not being done right or safe. Lower the density, does not make sense. Can find middle ground here. Think about water issue, we are willing to work with you. We are willing to find some middle ground that will work for the City, the developer, and for the community, because there are issues.

The primary concerns expressed were the potential traffic related impacts from the proposed Project at the egress location at Perrin and Stanford Avenue, as well as the overall circulation and traffic conditions throughout the vicinity. It should be noted, that City Planning Staff has met with the Fire Department and agreed upon a compromise to make the northern access an EVA only, resulting in no Project traffic impacting the Perrin/Stanford area. The traffic analysis shows that there are no significant impacts related to traffic safety.

## RESPONSES TO COMMENTS RECEIVED AFTER FEIR PUBLIC CIRCULATION

**From:** Jared Callister <[callister@fclaw.net](mailto:callister@fclaw.net)>  
**Sent:** Thursday, November 16, 2023 12:51 PM  
**To:** George Gonzalez <[georgeg@ci.clovis.ca.us](mailto:georgeg@ci.clovis.ca.us)>; George Gonzalez <[georgeg@ci.clovis.ca.us](mailto:georgeg@ci.clovis.ca.us)>  
**Cc:** Rich Wathen <[Rich@wchomes.com](mailto:Rich@wchomes.com)>  
**Subject:** [External] JRC Public Comment slides (planning commission.pptx)

George,

Below are my comments for tonight's hearing. I have attached some slides I may reference as well.

Note that I may be late to the meeting and if I am not there, I've asked another member of the community to read my letter on my behalf.

L-9-1

Good evening, members of the Clovis Planning Commission. My name is Jared Callister, and I reside at 9318 N. Sunnyside Ave., Clovis. I tried my best to make it here this evening to deliver these comments in-person but I have a daughter receiving an award and a son undergoing physical therapy tonight at this time. I write these comments as a concerned member of the Quail Run 18 Association. Our association consists of 18 homeowners who find themselves at the heart of the proposed Spensley property development.

L-9-2

While we have entrusted the law firm of Remy Moose & Manly to articulate many of our legal concerns, we, the members of the Quail Run 18, also feel it imperative to voice our specific issues and personal experiences. We fully endorse and agree with our law firm's comments that the EIR for this Project is insufficient.

Let's be clear: this development will have a significant impact on neighboring communities. It defies common sense to argue otherwise. The magnitude of change and impact on our lives cannot be overstated. This is a case where common sense must prevail.

L-9-3

This development process is rushed and hurried, lacking adequate evaluation of the complex challenges facing our community. It's important to note that this development, positioned in County Service Area 51, is an area with a history of water issues. Additionally, its proximity to the Dry Creek Preserve raises significant complicating factors.

L-9-4

While it may seem that this development has been "years" in the making, the reality is that the only item "years" in the making was the concept of a Sphere of Influence boundary change. Indeed, the actual tract map was only released with the Draft EIR just a few months ago.. The final EIR was issued just two weeks ago. This accelerated timeline is out of the ordinary and not in alignment with what we were led to expect.

For years, we were told by the City that this would be a multi-step process, allowing for community input at every stage: first the Sphere of Influence change, followed by annexation and proposed entitlements, and then, at a later stage a tract map. Instead, what we are witnessing is a rapid consolidation of these steps into a single action. This approach contradicts the very essence of proper planning.

L-9-4 Cont'd

The intent of a step-by-step process is to be deliberative, allowing all stakeholders to understand, contribute, and voice their concerns effectively. The current trajectory of this project, as proposed, is unacceptable without substantial revisions.

Therefore, I urge the Planning Commission to vote no on this project and to put this project on hold. In reality, the Developer needs to go back to the drawing board and actually present a tract map that takes into consideration the input from the community. There is a need for genuine engagement with the community members. We ask for a reconsideration and revision of the tract map to reflect the concerns and inputs of all stakeholders.

L-9-5

Thank you for your time and consideration.

**Response to Letter L-9: Jared Callister, Resident of Clovis**

**Response L-9-1:** This comment is an introductory statement, and a request to provides their slides to be available at the Planning Commission hearing. The commenter notes that they may be late to the meeting, and that they have asked another member to read the letter on their behalf.

- This comment is noted. The slides were made available at the Planning Commission hearing. The letter was also read at the hearing. There is no further response warranted for this comment.

**Response L-9-2:** This comment is an introductory statement to a letter that was read at the Planning Commission. It identifies the commenter, their address, and hardships they have in attending the hearing based on prior obligations. The commenter indicates that they are a concerned member of the Quail Run 18 Association, which consists of 18 homeowners who *“find themselves at the heart of the proposed Spensley property development.”* The commenter indicates that the Association has entrusted the law firm Remy Moose & Manly to articulate their legal concerns, but they also feel it imperative to voice their specific issues and personal experiences. This comment concludes that they fully agree with the law firms’ comments that the EIR for the proposed Project is insufficient.

- This comment is noted. The comments provided by their law firm are included as Comment L-5 by Nathan O. George of Remy Moose & Manly dated November 16, 2023. That comment letter is addressed in Response L-5 earlier in this document. There are no other specific environmental concerns presented in this comment. The commenter’s opposition to the proposed Project is noted and will be provided to the City for its consideration.

**Response L-9-3:** This commenter states *“Let’s be clear: this development will have a significant impact on neighboring communities. It defies common sense to argue otherwise. The magnitude of change and impact on our lives cannot be overstated. This is a case where common sense must prevail.”*

- There is not a specific comment identified that relates to the environmental information provided in the EIR, rather, the comment presents their concerns relating to the impact on their lives from change if the proposed Project were built. The commenters concerns are noted and will be provided to the City for its consideration.

**Response L-9-4:** This comment states:

*“This development process is rushed and hurried, lacking adequate evaluation of the complex challenges facing our community. It’s important to note that this development,*

*positioned in County Service Area 51, is an area with a history of water issues. Additionally, its proximity to the Dry Creek Preserve raises significant complicating factors.*

*While it may seem that this development has been “years” in the making, the reality is that the only item “years” in the making was the concept of a Sphere of Influence boundary change. Indeed, the actual tract map was only released with the Draft EIR just a few months ago.. The final EIR was issued just two weeks ago. This accelerated timeline is out of the ordinary and not in alignment with what we were led to expect.*

*For years, we were told by the City that this would be a multi-step process, allowing for community input at every stage: first the Sphere of Influence change, followed by annexation and proposed entitlements, and then, at a later stage a tract map. Instead, what we are witnessing is a rapid consolidation of these steps into a single action. This approach contradicts the very essence of proper planning.*

*The intent of a step-by-step process is to be deliberative, allowing all stakeholders to understand, contribute, and voice their concerns effectively. The current trajectory of this project, as proposed, is unacceptable without substantial revisions.”*

- The topics of water are addressed in the Draft EIR in Sections 3.9 Hydrology and Water Quality, and 3.14 Utilities. These topics are also discussed in additional detail in Master Response 1, 2, 3, 4, and 5. The comment that indicating that the “development process is rushed and hurried, lacking adequate evaluation” is not an accurate understanding of the process that has transpired. The Draft EIR is a result of extensive technical analysis by a team of consultants working closely with City staff since 2021 (over two years). During that time, there was a significant amount of analysis, peer review, design changes, and supplemental analysis necessary to fully analyze the impacts, and reduce or avoid impacts associated with project development. This two-year time frame is inclusive of the environmental review process, but the planning and application process extends even farther back in time. The CEQA process involves the accumulation of numerous technical reports that are summarized in the DEIR. In effect, the CEQA document functions to synthesize numerous technical analyses into a single document that can be distributed out to the public for review for a more simplified review of the technical analyses. City staff has thoroughly examined the details of the application, including the design and the environmental impacts, and will ultimately present their findings to the City Council for its consideration.

**Response L-9-5:** This comment is a conclusion to the letter, urging the Planning Commission to vote no on this project and to put this project on hold. The commenter states “*In reality, the Developer needs to go back to the drawing board and actually present a tract map that*

*takes into consideration the input from the community. There is a need for genuine engagement with the community members. We ask for a reconsideration and revision of the tract map to reflect the concerns and inputs of all stakeholders.”*

- The concerns and recommendation provided in the comment are noted and will be provided to the City for consideration.



**From:** Ben Negley <bnegley@fresnoirrigation.com>  
**Sent:** Thursday, November 16, 2023 11:21 AM  
**To:** George Gonzalez <georgeg@ci.clovis.ca.us>  
**Cc:** Jeremy Landrith <JLandrith@fresnoirrigation.com>; Laurence Kimura <lkimura@fresnoirrigation.com>  
**Subject:** [External] RE: Public Hearing Notice and Final EIR Availability

Good afternoon George,

Please see FID's attached comments regarding the Final EIR and Findings of Facts & Statement of Overriding Considerations for the Shepherd North Project, per your request. FID previously reviewed and commented on the proposed project on August 1, 2023, and June 7, 2022, as Notice of Availability of a Draft EIR for the Shepherd North Project. Those comments and conditions still apply, and a copy has been attached for your reference.

L-10-1

Thank you,

**Ben Negley**  
**Engineer I**  
[Fresno Irrigation District](#)  
2907 S. Maple Avenue  
Fresno, CA 93725  
Phone: (559) 233-7161 x7413  
Fax: (559) 233-8227  
e-mail: [bnegley@fresnoirrigation.com](mailto:bnegley@fresnoirrigation.com)



2907 S. Maple Avenue  
Fresno, California 93725-2208  
Telephone: (559) 233-7161  
Fax: (559) 233-8227

**CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.**

November 16, 2023

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

RE: Final EIR and Findings of Facts & Statements of Overriding Considerations for the proposed Shepherd North Project, Clovis, CA  
N/E Shepherd and Sunnyside avenues

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed the Final EIR and Findings of Facts & Statements of Overriding Considerations for the proposed Shepherd North Project led by the City of Clovis, APNs: 557-021-19, 20, & 21. The project site is approximately 155-acres and includes an approximate 77-acre Development Area and an approximate 78-acre Non-Development Area. The development area includes parcels that will be annexed and will be entitled for subdivision and development of up to 605 residential units, parkland, and private infrastructure. FID has the following comments:

1. FID previously reviewed and commented on the proposed project on August 1, 2023, and June 7, 2022, as Notice of Availability of a Draft EIR for the Shepherd North Project. The comments and conditions still apply and a copy has been attached for your review.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Ben Negley at (559) 233-7161 extension 7413 or [bnegley@fresnoirrigation.com](mailto:bnegley@fresnoirrigation.com).

Sincerely,

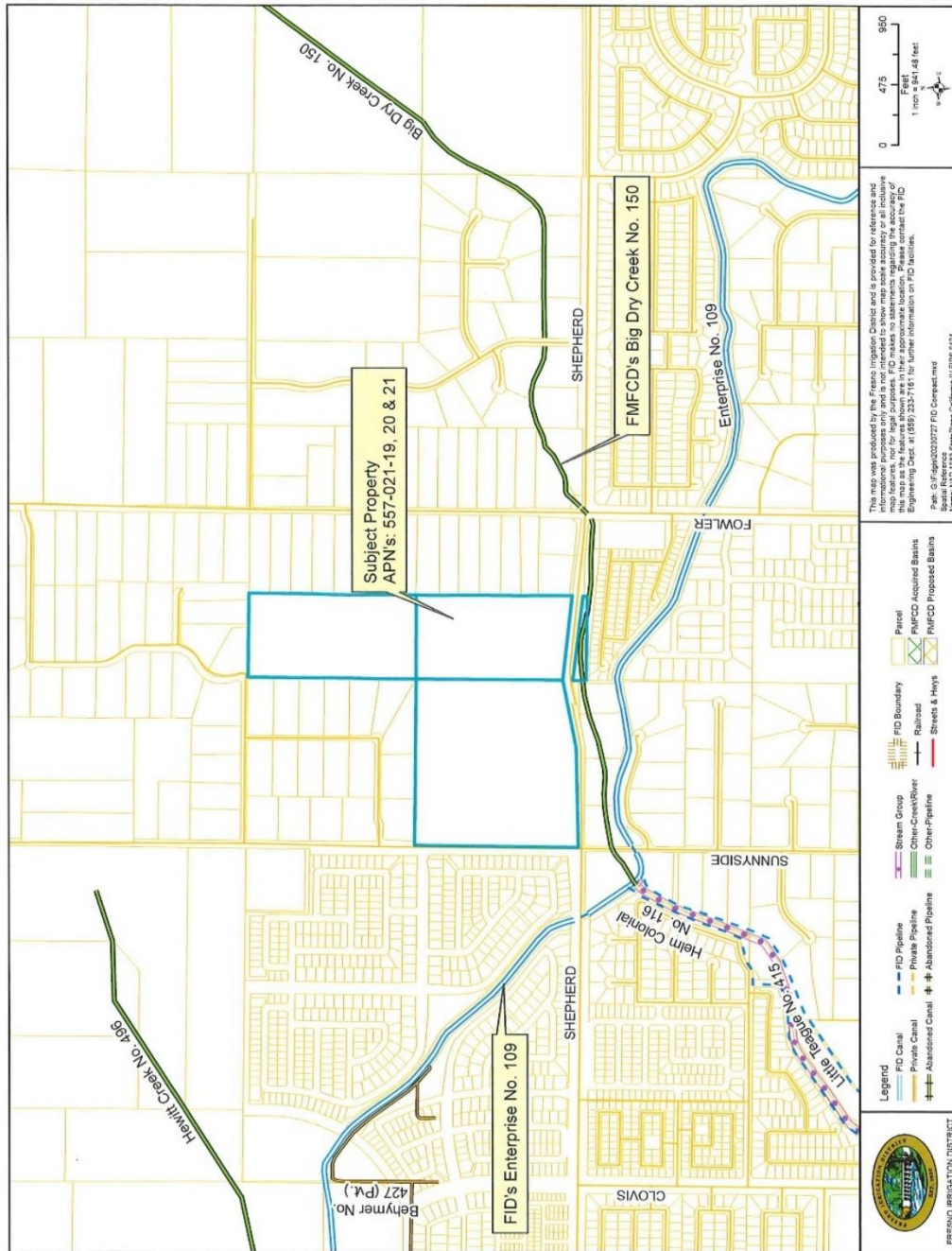
Laurence Kimura, P.E.  
Chief Engineer

Attachment

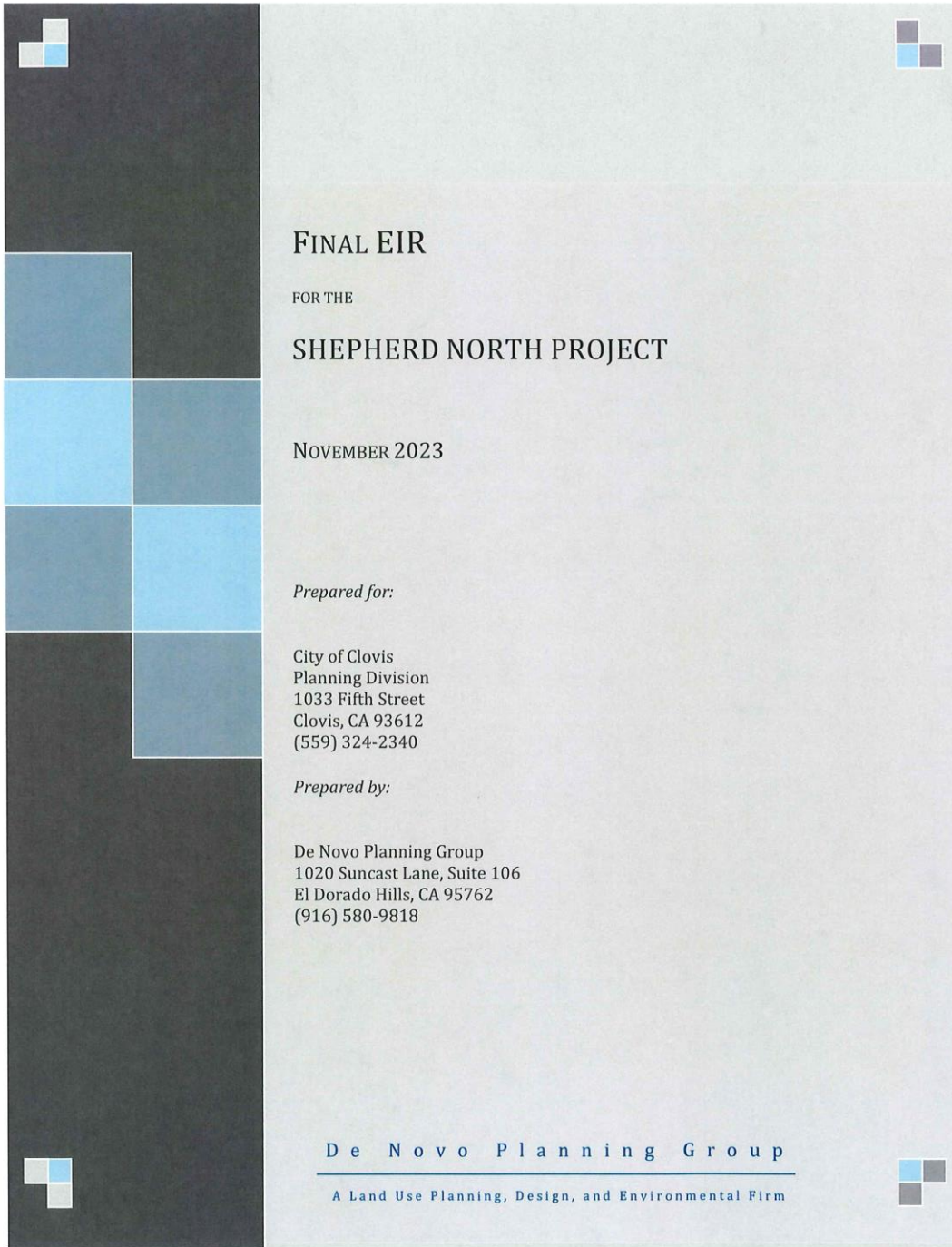
\\fids\01\Eng\Agencies\Clovis\EIR\Shepherd North Project\Shepherd North Project EIR\_Final FID Comment.docx

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GEORGE PORTER GREGORY BEBERIAN General Manager BILL STRETCH

L-10-2



L-10-2



L-10-2

FINAL EIR  
FOR THE  
SHEPHERD NORTH PROJECT

NOVEMBER 2023

*Prepared for:*

City of Clovis  
Planning Division  
1033 Fifth Street  
Clovis, CA 93612  
Phone: (559) 324-2340

*Prepared by:*

De Novo Planning Group  
1020 Suncoast Lane, Suite 106  
El Dorado Hills, CA 95762  
(916) 580-9818

L-10-2

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L-10-2

## EXECUTIVE SUMMARY ES

### INTRODUCTION

The City of Clovis (City) determined that a Project-level environmental impact report (EIR) was required for the proposed Shepherd North (proposed Project) pursuant to the requirements of the California Environmental Quality Act (CEQA).

A Project EIR is an EIR which examines the environmental impacts of a specific development project. This type of EIR focuses primarily on the changes in the environment that would result from the proposed Project. A Project EIR examines all phases of a project including planning, construction, and operation. The Project EIR approach is appropriate for the proposed Project because it allows comprehensive consideration of the reasonably anticipated scope of the proposed Project, including development and operation of the proposed Project, as described in greater detail below.

### PROJECT DESCRIPTION

The following provides a brief summary and overview of the proposed Project. Chapter 2.0 of the Draft EIR includes a detailed description of the proposed Project, including maps and graphics. The reader is referred to Chapter 2.0 for a more complete and thorough description of the components of the proposed Project.

The Shepherd North Project (Project) site is located directly north of the City of Clovis limit line at the northeast corner of North Sunnyside Avenue and East Shepherd Avenue. The Project site is bounded on the north by Perrin Road, on the east by North Fowler Avenue, on the south by East Shepherd Avenue, and on the west by North Sunnyside Avenue. The Project site is in the southwest quadrant of Section 21, Township 12 South, Range 21 East, Mount Diablo Base and Meridian (MDBM). Figure 2.0-3 illustrates the Annexation Area).

The Project site includes several distinct planning boundaries. The following terms are used throughout this document to describe planning area boundaries within the Project site:

- Project Area – Includes the whole of the Project site (approximately 155 acres), encompassing the approximate 77-acre Development Area and the approximate 78-acre Non-Development Area.<sup>1</sup>
  - Development Area - Includes the parcels being annexed that will be entitled for subdivision and development. This will include a Sphere of Influence (SOI) Expansion, General Plan Amendment, Pre-zone, Annexation/Reorganization, Tentative Tract Map, Planned Development Permit, and Residential Site Plan Review.

<sup>1</sup> It should be noted that the term 'Project Area' is used interchangeably with 'Project Site,' throughout this EIR.



ES EXECUTIVE SUMMARY

- o Non-Development Area - Includes the parcels being included in the SOI expansion that will not be entitled for subdivision or development. This includes two separate areas, each described as an Expansion SubArea. The two Expansion SubAreas total 78 acres and are defined as Expansion SubArea North and Expansion SubArea East.

The principal Project objective is the expansion of the City's SOI to include the Project site, and the annexation/reorganization, approval and subsequent development of the Development Area.

The quantifiable objectives include the development of up to 605 single-family residential units. The quantifiable objectives include the development of open space totaling approximately 5.54 acres, including 2.25 acres of trails, 2.39 acres of promenade/pedestrian circulation, and 0.90 acres of parks. The Project objectives also include the installation of new public and private roadways that will provide pedestrian and vehicular access to the Project site and surrounding community areas, and other improvements, including water supply, storm drainage, sewer facilities and landscaping to serve the residential uses.

The goals of the proposed development are as follows:

- Provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Clovis, consistent with policies stated in *A Landscape of Choice to modestly increase urban density*.
- Establish a mixture of housing types, sizes and densities that collectively provide for local and regional housing demand, consistent with City requirements as stated in the latest Regional Housing Needs Analysis (RHNA).
- Provide infrastructure that meets City standards and is integrated with existing and planned facilities and connections.
- Establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet City standards.
- Expand the City's Sphere of Influence in order to establish a logical and orderly boundary that promotes the efficient extension of municipal services.

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. Four 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 four alternatives in addition to the proposed Project.

L-10-2

# RESPONSES TO COMMENTS RECEIVED AFTER FEIR PUBLIC CIRCULATION

## EXECUTIVE SUMMARY ES

- **No Project (No Build) Alternative:** Under this alternative, development of the Project site would not occur, and the Project site would remain in its current existing condition.
- **Increased Density Mixed Use Alternative:** Under this alternative, the proposed Project would be developed at a higher density for the residential uses and would also include a mixed-use component to the alternative. Approximately 62 acres would be developed with 605 residential units under the medium-high density residential use, 10 acres would be developed with 195 apartments under the high-density residential use, and 5 acres would be developed with 108,000 square feet under the neighborhood commercial use.
- **Reduced Density Alternative:** Under this alternative, the proposed Project would have a reduced density for the residential uses. Approximately 150 residential units would be developed under the very low-density residential designation.
- **Reduced Sphere of Influence Alternative:** Physically, there is little difference between the proposed Project and this alternative. It is noted, however, that the reduction in the SOI would eliminate the possibility of the Non-Development Area connecting to City services at some point in the future, if desired by those residents.

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.

L-10-2

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

ENVIRONMENTAL ISSUE	NO PROJECT (NO BUILD) ALTERNATIVE	INCREASED DENSITY MIXED USE ALTERNATIVE	REDUCED DENSITY ALTERNATIVE	REDUCED SPHERE OF INFLUENCE ALTERNATIVE
Aesthetics and Visual Resources	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Agricultural Resources	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Air Quality	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)
Biological Resources	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Cultural and Tribal Resources	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Geology and Soils	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Greenhouse Gases, Climate Change and Energy	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)
Hazards and Hazardous Materials	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Hydrology and Water Quality	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Land Use, Population, and Housing	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)
Noise	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)
Public Services and Recreation	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)
Transportation and Circulation	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)
Utilities	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)

*GREATER = GREATER IMPACT THAN THAT OF THE PROPOSED PROJECT*

ES EXECUTIVE SUMMARY

*LESS = LESS IMPACT THAN THAT OF THE PROPOSED PROJECT*  
*EQUAL = NO SUBSTANTIAL CHANGE IN IMPACT FROM THAT OF THE PROPOSED PROJECT*

Table ES-1 presents a comparison of the alternative Project impacts with those of the proposed Project. As shown in the table, the No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project (No Build) Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. Therefore, the Reduced Density Alternative would be the environmentally superior alternative because all environmental issues would have reduced impacts compared to the proposed Project. It is noted that the Reduced Density Alternative does not fully meet all of the Project objectives.

COMMENTS RECEIVED

The Draft EIR addressed environmental impacts associated with the proposed Project that are known to the City, were raised during the Notice of Preparation (NOP) process or raised during preparation of the Draft EIR. The Draft EIR discusses impacts associated with aesthetics, agricultural resources, air quality, biological resources, cultural and tribal resources, geology and soils, greenhouse gas and climate resources, hazards and hazardous materials, hydrology and water quality, land use, population and housing, noise, public services and recreation, transportation and circulation, and utilities and service systems.

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 twenty-four (24) comment letters regarding the Draft EIR, twenty from interested citizens or organizations and four from public agencies. 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.

L-10-2

## INTRODUCTION 1.0

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 Environmental Impact Report (Draft EIR).

### 1.1 PURPOSE AND INTENDED USES OF THE EIR CEQA REQUIREMENTS FOR A FINAL EIR

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.

### PURPOSE AND USE

The City, as the lead agency, has prepared this Final EIR to provide the public and responsible and trustee agencies with an objective analysis of the potential environmental impacts resulting from approval, construction, and operation of the proposed Project. Responsible and trustee agencies that may use the EIR are identified in Chapters 1.0 and 2.0 of the Draft EIR.

The environmental review process enables interested parties to evaluate the proposed Project in terms of its environmental consequences, to examine and recommend methods to eliminate or reduce potential adverse impacts, and to consider a reasonable range of alternatives to the proposed Project. While CEQA requires that consideration be given to avoiding adverse

1.0 INTRODUCTION

environmental effects, the lead agency must balance adverse environmental effects against other public objectives, including the economic and social benefits of a project, in determining whether a project should be approved.

This EIR will be used as the primary environmental document to evaluate all aspects of construction and operation of the proposed Project. The details and operational characteristics of the proposed Project are identified in Chapter 2.0, Project Description, of the Draft EIR (July 2023).

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

The City circulated a Notice of Preparation (NOP) of an EIR for the proposed Project on May 9, 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. The NOP and responses to the NOP by interested parties are presented in Appendix A of the Draft EIR.

NOTICE OF AVAILABILITY AND DRAFT EIR

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.

Additionally, the Draft EIR was made available at the City's Planning and Development Department and was posted on the City's website at:

<https://cityofclovis.com/planning-and-development/planning/planning-projects/shepherd-north-soi/>

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.

## RESPONSES TO COMMENTS RECEIVED AFTER FEIR PUBLIC CIRCULATION

### INTRODUCTION 1.0

#### RESPONSE TO COMMENTS/FINAL EIR

The City received twenty-four (24) comment letters regarding the Draft EIR. 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

The City of Clovis will review and consider the Final EIR. If the City finds that the Final EIR is "adequate and complete," the Clovis 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

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.

---

1.0 INTRODUCTION

---

CHAPTER 2.0 – COMMENTS ON THE DRAFT EIR AND RESPONSES

---

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

---

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

---

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.

L-10-2

## RESPONSES TO COMMENTS RECEIVED AFTER FEIR PUBLIC CIRCULATION



2907 S. Maple Avenue  
Fresno, California 93725-2208  
Telephone: (559) 233-7161  
Fax: (559) 233-8227

**CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.**

August 1, 2023

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

RE: Notice of Availability of a Draft EIR for the Shepherd North Project, Clovis, CA  
N/E Shepherd and Sunnyside avenues

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed the Notice of Availability of a Draft EIR for the proposed Shepherd North Project led by the City of Clovis, APNs: 557-021-19, 20, & 21. The project site is approximately 155-acres and includes an approximate 77-acre Development Area and an approximate 78-acre Non-Development Area. The development area includes parcels that will be annexed and will be entitled for subdivision and development of up to 605 residential units, parkland, and private infrastructure. FID has the following comments:

1. FID previously reviewed and commented on the proposed project on June 7, 2022, as Notice of Availability of a Draft EIR for the Shepherd North Project. The comments and conditions still apply and a copy has been attached for your review.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Jeremy at (559) 233-7161 extension 7407 or [jlandrith@fresnoirrigation.com](mailto:jlandrith@fresnoirrigation.com).

Sincerely,

Laurence Kimura, P.E.  
Chief Engineer

Attachment

G:\Agencies\Clovis\EIR\Shepherd North Project\Shepherd North Project EIR\_NOA FID Comment.doc

**BOARD OF DIRECTORS**

President RYAN JACOBSEN Vice-President JERRY PRIETO, JR. CHRISTOPHER WOOLF  
GEORGE PORTER GREGORY BEBERIAN General Manager BILL STRETCH

L-10-3





2907 S. Maple Avenue  
Fresno, California 93725-2208  
Telephone: (559) 233-7161  
Fax: (559) 233-8227

**CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.**

June 7, 2022

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

RE: Notice of Preparation of a Draft EIR for the Shepherd North Project, Clovis, CA  
N/E Shepherd and Sunnyside avenues

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed the Notice of Preparation of a Draft EIR for the proposed Shepherd North Project led by the City of Clovis, APNs: 557-021-19, 20, & 21. The project site is approximately 155-acres and includes an approximate 77-acre Development Area and an approximate 78-acre Non-Development Area. The development area includes parcels that will be annexed and will be entitled for subdivision and development of up to 605 residential units, parkland, and private infrastructure. FID has the following comments:

1. FID does not own, operate, or maintain any facilities located on the subject properties, as shown on the attached FID exhibit map.
2. The proposed development appears to be within the City of Clovis but lies outside FID's boundary line. The parcels are not entitled to water from the Kings River.
3. FID is concerned that the proposed development may negatively impact local groundwater supplies including those areas adjacent to or neighboring the proposed development area. The area was historically agricultural and rural residential. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a significant increase in dependence on groundwater, this deficit will increase. FID recommends the City of Clovis require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem.
4. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Clovis are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City of Clovis should consider the impacts of the development on the City's ability to comply with requirements of SGMA.

G:\Agencies\Clovis\EIR\Shepherd North Project\Shepherd North Project EIR\_NOP FID Comment.doc

**BOARD OF DIRECTORS**

President RYAN JACOBSEN Vice-President JERRY PRIETO, JR. CHRISTOPHER WOOLF  
GEORGE PORTER GREGORY BEBERIAN General Manager BILL STRETCH

L-10-4

## RESPONSES TO COMMENTS RECEIVED AFTER FEIR PUBLIC CIRCULATION

Mr. George Gonzalez  
RE: EIR Shepherd North Project  
June 7, 2022  
Page 2 of 2

5. It is unclear if the source of water for this development is solely groundwater or a mixture of treated surface water from FID's Enterprise Canal. If treated surface water will be used, the City must acquire additional water from a water purveyor, such as FID for that purpose, so as to not reduce water supplies to or create water supply deficits in other areas of the City. Water supply issues must be resolved before any further "hardening" of the water supply demand is allowed to take place.
6. The City of Clovis and FID have been working to address water supplies issues for development outside of the FID service area. We encourage the City to continue towards finding solutions to minimize the impacts of changes in land uses and to mitigate any existing adverse water supply impacts within the development areas.
7. For informational purpose, FID's Enterprise No. 109 runs northwesterly and crosses Fowler Avenue approximately 1,200 feet southeast of the subject property, Sunnyside Avenue approximately 480 feet south of the subject property, and Shepherd Avenue approximately 580 feet west of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Sunnyside Avenue, Shepherd Avenue, or in the vicinity of this facility, FID requires it review and approve all plans.
8. For informational purposes, Fresno Metropolitan Flood Control District's Big Dry Creek No. 150 runs southwesterly and traverse the proposed development, FID recommends reaching out to FMFCD for further comments.

L-10-4

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

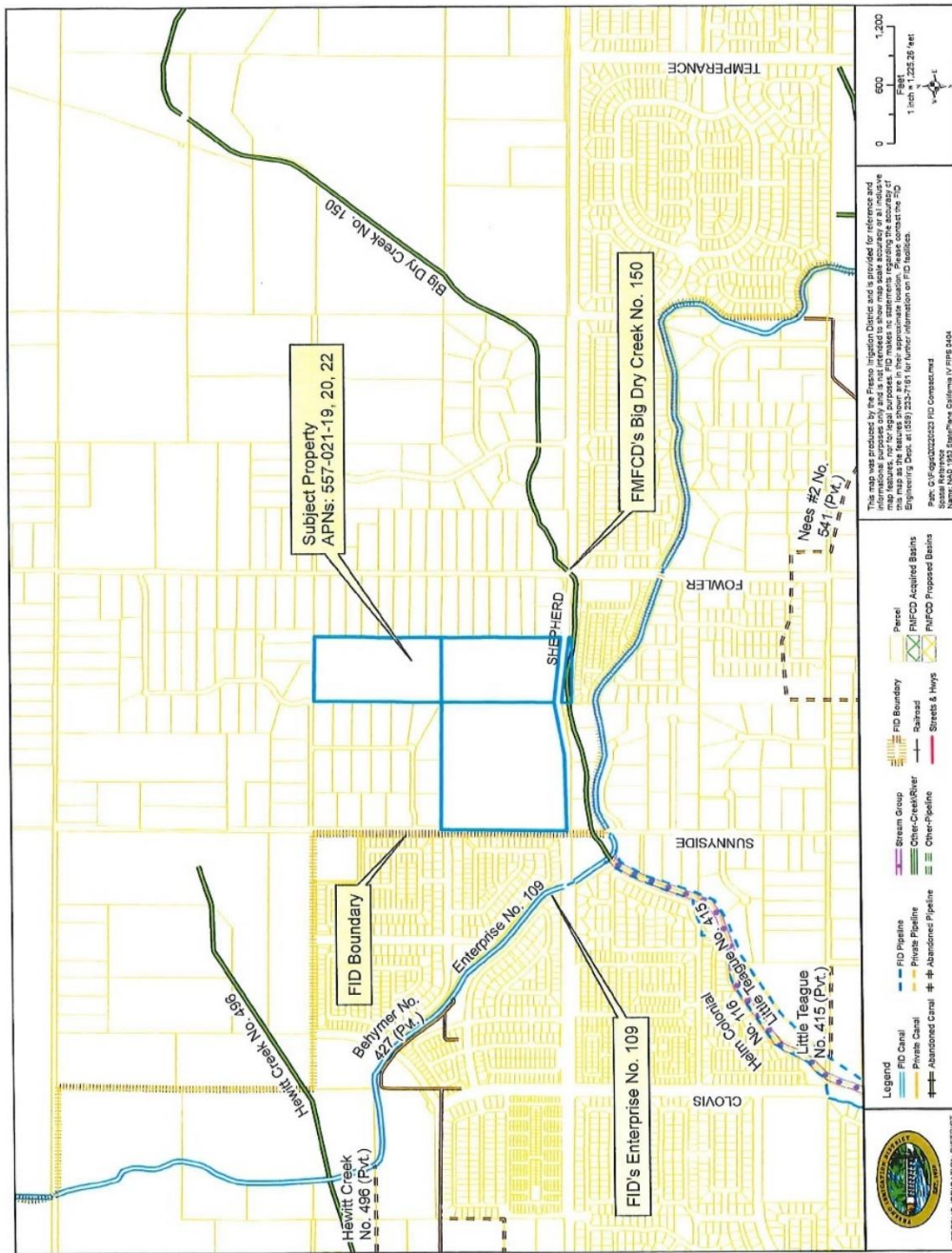
Sincerely,



Laurence Kimura, P.E.  
Chief Engineer

Attachment

G:\Agencies\Clovis\EIR\Shepherd North Project\Shepherd North Project EIR\_NOP FID Comment.doc



L-10-4

**Response to Letter L-10: Laurence Kimura, P.E., Fresno Irrigation District**

**Response L-10-1:** This comment is an introductory email, which included a series of attachments including the commenter's comments regarding the Final EIR and Findings of Facts & Statement of Overriding Considerations. The commenter notes that they previously reviewed and commented on the proposed project on August 1, 2023, and June 7, 2022 and that those comments still apply.

- This comment is noted. There are not environmental concerns identified in the comment and no further response is warranted.

**Response L-10-2:** This comment is a letter summarizing their understanding of the project and indicating that their agency previously reviewed and commented on the proposed project on August 1, 2023, and June 7, 2022 and that those comments still apply.

- This comment is noted. There are not environmental concerns identified in the comment and no further response is warranted. It is noted that the August 1, 2023 letter from the commenter is formally addressed in the Final EIR under Response A.

**Response L-10-3:** This comment is a letter is a previously submitted comment letter from August 1, 2023.

- The August 1, 2023 letter from the commenter is formally addressed in the Final EIR under Response A.

**Response L-10-4:** This comment is a letter of a previously submitted comment letter from June 7, 2022.

- The June 7, 2022 letter from the commenter is included in the Appendix to the Draft EIR, and the comments are addressed in the text of the EIR.

November 16, 2023

Dave Merchen  
City of Clovis  
Via Email

**RE: Wilson Homes Development at Shepherd & Sunnyside Ave in Clovis**

Dear Dave:

Per my recent emails, the neighbors to the north of the Wilson Homes development are extremely concerned about the access point onto Perrin Avenue on the north side of the property. Perrin Ave., Stanford Ave, etc. are small county roads with no centerline striping, no curbs, no sidewalks and no street lighting. Providing access to this county road from a 600+ residential development is not prudent or safe.

We would like to propose a compromise solution that this northern access point be used for emergency vehicles only with some sort of gate.

As it is now, if you're walking your dog or your kids are riding a bike, there have been numerous near misses on our street. By adding an exit point for 600+ homes, this will create a dangerous condition that is unacceptable. Please pass along this major concern to the Planning Commission and the Fire Dept so that a solution can be found. Thank you.

Sincerely,



Lewis S. Smith  
(559) 349-8615  
[Lsmith@retailcalifornia.com](mailto:Lsmith@retailcalifornia.com)  
9544 N. Stanford Ave  
Clovis, CA 93619

L-11-1

**Response to Letter L-11: Lewis Smith, Resident of Clovis**

**Response L-11-1:** This comment provides an introduction, presents concerns about access and the lack of roadway striping, sidewalks, curb/gutter, and lighting. The comment also suggests that there will be a dangerous condition that is not acceptable. The commenter offers a compromise solution to eliminate the northern access point, and instead make it an emergency vehicle access only.

- This comment is noted. City Planning staff has met with the Fire Department and agreed upon a compromise to make the northern access an EVA only, resulting in no Project traffic impacting the Perrin/Stanford area.

Planning Commission Meeting Date: 2023-11-16

Item Number: 3

Name: Patrick Quigley

Email: [patquigley@sbcglobal.net](mailto:patquigley@sbcglobal.net)

Comment: Res 23-TM6205

The tract map crams 10 sfds/acre into a small area with inadequate access and infringes on the adjacent , established rural neighborhood. The surrounding rural roads cannot support the traffic which will be generated , eg . on Sunnyside (north and south of Shepherd), Stanford, Perrin, and Ticonderoga.

Supporting Files (2 Max.):

L-12-1

---

Date: November 16, 2023

Time: 10:58 am

Remote IP: 99.60.168.33

**Response to Letter L-12: Patrick Quigley, Resident of Clovis**

**Response L-12-1:** This comment indicates that the surrounding rural roads cannot support the traffic that will be generated.

- This comment is addressed in Master Responses 7 through 13.



-----Original Message-----

From: Marcus DiBuduo <[marcus@dibuduo.com](mailto:marcus@dibuduo.com)>

Sent: Friday, November 17, 2023 7:59 AM

To: George Gonzalez <[georgeg@ci.clovis.ca.us](mailto:georgeg@ci.clovis.ca.us)>; David Merchen <[davidm@ci.clovis.ca.us](mailto:davidm@ci.clovis.ca.us)>

Cc: Jared Callister <[Callister@flclaw.net](mailto:Callister@flclaw.net)>; Norman Morrison <[patroller@hotmail.com](mailto:patroller@hotmail.com)>

Subject: [External] Muni code

Hey George,

Im a bit confused on when comments to the planning commission need to be received to not be considered late. The website says by 4 pm of the day of the meeting, but you referenced a municipal code that apparently says otherwise. Just want to make sure that in the future I get comments in on time.

L-13-1

Separately, it seems like traffic is the hot topic. Has the city considered offering a public explanatory meeting of the EIR findings on this subject? At least I would be interested in discussing with you and Sean the impact on Sunnyside south of Shepherd. Frankly I'm perplexed how the EIR said there were no impacts to Sunnyside that needed to be mitigated. Maybe it's because the VMT model - while perhaps legally sufficient for EIR purposes - fails to consider the unique characteristics of that roadway segment.

L-13-2

Marcus

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**Response to Letter L-13: Marcus DiBuduo, Resident of Clovis**

**Response L-13-1:** This comment indicates that the commenter is *“a bit confused on when comments to the planning commission need to be received to not be considered late.”* The commenter indicates that the *“website says by 4 pm of the day of the meeting, but you referenced a municipal code that apparently says otherwise. Just want to make sure that in the future I get comments in on time.”*

- The commenter is correct that the Clovis Municipal Code section 9.96.010 [Timely Public Comments.] addresses time public comments and specifically indicates that *“in order to provide proper consideration of public comments, any written comments should be submitted not less than five (5) calendar days before the scheduled public hearing.”* However, the City staff provides a statement on Planning Commission agendas that *“If a written comment is received after 4:00 p.m. on the day of the meeting, efforts will be made to provide the comment to the Planning Commission during the meeting. However, staff cannot guarantee that written comments received after 4:00 p.m. will be provided to the Planning Commission during the meeting. All written comments received prior to the end of the meeting will be made part of the record of proceedings.”* While this may appear to be a discrepancy, it is consistent with the Clovis Municipal Code section 9.96.010 [Timely Public Comments.] which indicates that *“Written comments and documents submitted after that time...including comments and documents submitted the day of the public hearing, will be considered at the discretion of the reviewing body. If considered, the late comments, including any response thereto, shall be given the weight they are due.”* What this means is that comments received submitted not less than five (5) calendar days before the scheduled public hearing will be fully considered, and for those comments that are received after that, the City will attempt to respond, but not guarantee a response or consideration by the reviewing body. The text of Clovis Municipal Code section 9.96.010 [Timely Public Comments.] is provided below:
  - *Comments from the public and interested agencies on discretionary land use entitlements are welcome and strongly encouraged. In order to provide proper consideration of public comments, any written comments should be submitted not less than five (5) calendar days before the scheduled public hearing. Written comments and documents submitted after that time, unless also within the noticed public review period, including comments and documents submitted the day of the public hearing, will be considered at the discretion of the reviewing body. If considered, the late comments, including any response thereto, shall be*

*given the weight they are due. Factors to consider in evaluating whether and how to respond to late comments include, but are not limited to:*

- *A. Time period provided for public review.*
- *B. Accuracy of public hearing notice.*
- *C. Level of detail in comments.*
- *D. Explanation of relevance of comments and documents.*
- *E. Reasons for failing to comment earlier.*

Despite this, to date the City here has responded to all written comments provided to the City, regardless of whether they are timely under the Clovis Municipal Code.

**Response L-13-2:** This comment indicates that the commenter is *“it seems like traffic is the hot topic. Has the city considered offering a public explanatory meeting of the EIR findings on this subject? At least I would be interested in discussing with you and Sean the impact on Sunnyside south of Shepherd. Frankly I’m perplexed how the EIR said there were no impacts to Sunnyside that needed to be mitigated. Maybe it’s because the VMT model - while perhaps legally sufficient for EIR purposes - fails to consider the unique characteristics of that roadway segment.”*

- The traffic analysis in the EIR bases its impact conclusion on the VMT impacts of the proposed Project in alignment with the requirements of SB743. However, the City has also performed a supplemental analysis of traffic operations outside of the requirements for CEQA, to appropriately plan and engineer the roadway system. The traffic operations analysis follows standards for levels of service and is intended to inform as to when and where traffic improvements are necessary based on capacity and anticipated congestion on roadways. It should be noted that the traffic operations analysis is not intended to be used as supporting evidence in any CEQA impact conclusion, as such conclusions are prohibited under the requirements specified in SB 743. Instead, the traffic operations analysis helps guide transportation improvement planning in the near and long term, and it helps guide capital improvement planning and financing.

The traffic operations analysis for the proposed Project shows that the modeled traffic on Sunnyside in year 2046 with the addition of the proposed Project (i.e. Cumulative +Project Conditions) needs to increase by double before going from LOS C to the low range of LOS D. In other words, the traffic levels would need to more than double from existing conditions before it would degrade to an unacceptable level of service. The roadway operates well within its existing volume capacity even though it has seen some increases over the years.

## RESPONSES TO COMMENTS RECEIVED AFTER FEIR PUBLIC CIRCULATION

**From:** [Lewis Smith](#)  
**To:** [David Merchen](#); [George Gonzalez](#)  
**Cc:** [dwrightkroll1@gmail.com](mailto:dwrightkroll1@gmail.com); [jharris@wilsonhomes.com](mailto:jharris@wilsonhomes.com)  
**Subject:** [External] Wilson Homes Development at Shepherd/Sunnyside  
**Date:** Monday, November 27, 2023 2:43:50 PM  
**Attachments:** [3534\\_001.pdf](#)

Dave and George,

Please see the attached letter regarding concern for the proposed exit planned on the northern portion of the Wilson Homes development. If this exit has been removed since the Planning Commission meeting, please disregard, and kindly let me know. Otherwise, please take this letter, and the concerns contained therein, very seriously. I live one house away from the proposed exit and it will absolutely create a dangerous situation for our neighborhood. Plus, if that exit is changed to Emergency Vehicles Only and not the public, most of the opposition to this project will go away. I want this to be a successful development for Wilson Homes and the neighborhood to the north, too.

L-14-1

Need this to be a win/win by revising the plan so that this exit is for emergency vehicles only. It's a simple solution that benefits all.

Please let me know if you have any questions or would like to discuss in greater detail. Thank you.

**Lewis S. Smith**

Senior Vice President

**Retail California**

7480 North Palm Avenue, Ste. 101

Fresno, CA 93711

Office: 559.256.1700

Direct: 559.447.6235

Fax: 559.432.2938

Cell: 559.349.8615

Email: [Lsmith@retailcalifornia.com](mailto:Lsmith@retailcalifornia.com)

Web: <https://link.edgepilot.com/s/52723ca2/gNjsYHGg10CaRAIc2Kiv9A2>

[u=http://www.retailcalifornia.com/](http://www.retailcalifornia.com/)

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November 27, 2023

Dave Merchen  
George Gonzalez  
**City of Clovis**  
Via Email

**RE: Wilson Homes Development at Shepherd & Sunnyside Ave in Clovis**

Dear Dave and George:

After attending the most recent Planning Commission, it's clear that the proposed northern exit onto Perrin Ave does not affect the Wilson Homes development or Applicant. It was also clear that the City of Clovis Planning Dept only cares that the access point is available to emergency vehicles only. The lone entity that wants this northern exit open to all vehicles is the fire dept. However, this exit, if approved, will create a serious public safety issue for the neighborhood north of the development, particularly on Perrin Ave, Stanford Ave, and Ticonderoga Ave. The term "public safety issue" means motor vehicle accidents, vehicles vs. pedestrians, vehicles vs bicyclists and vehicles vs. animals.

It's noteworthy that if a car coming from this new neighborhood hits someone on Stanford Ave and 911 is called, the City of Clovis Fire Dept is not going to respond as it is not in the City of Clovis jurisdiction. It would be Cal Fire (Fresno County) responding. Therefore, it is extremely concerning that the City of Clovis Fire Dept is pushing for this exit, which will create a danger to citizens in an area they are not responsible for protecting.

This exit should be for emergency vehicles only or there will be accidents and possibly deaths. That is predictable. If it's predictable, it's preventable. Let's prevent that from happening with good City of Clovis planning and decisions.

Sincerely,



Lewis S. Smith  
(559) 349-8615

[Lsmith@retailcalifornia.com](mailto:Lsmith@retailcalifornia.com)

9544 N. Stanford Ave  
Clovis, CA 93619

Cc: Jeff Harris  
Dwight Krull

L-14-2

**Response to Letter L-14: Lewis Smith, Resident of Clovis**

**Response L-14-1:** This comment is an introductory email presenting a letter attachment. The email expresses concern about the *proposed exit planned on the northern portion of the Wilson Homes development.*

- The concerns expressed in the introductory email are reiterated in the letter attached to the email. See the following responses.

**Response L-14-1:** This comment is an introductory email presenting a letter attachment. The email expresses concern about the *“proposed northern exit planned onto Perrin Ave.”* The commenter states *“It was also clear that the City of Clovis Planning Dept only cares that the access point is available to emergency vehicles only. The lone entity that wants this northern exit open to all vehicles is the fire dept. However, this exit, if approved, will create a serious public safety issue for the neighborhood north of the development, particularly on Perrin Ave, Stanford Ave, and Ticonderoga Ave. The term “public safety issue” means motor vehicle accidents, vehicles vs. pedestrians, vehicles vs bicyclists and vehicles vs. animals.”* The letter continues by stating *“It’s noteworthy that if a car coming from this new neighborhood hits someone on Stanford Ave and 911 is called, the City of Clovis Fire Dept is not going to respond as it is not in the City of Clovis jurisdiction. It would be Cal Fire (Fresno County) responding. Therefore, it is extremely concerning that the City of Clovis Fire Dept is pushing for this exit, which will create a danger to citizens in an area they are not responsible for protecting.*

- The concerns expressed in the comment letter are partially addressed in Master Response 12, which indicates that the project will have three separate public access points, and one access point that is for emergency access only (Perrin Road), such that in the case of any fire related events, Firefighters can access the project through multiple access points around the project site. The Fire Department evaluates neighborhood roadway designs to ensure that there is adequate access for emergency vehicles. They have evaluated the proposed Project and determined that the access points, including the emergency access point on Perrin/Stanford, in the proposed Project are adequate for the provision of emergency services. More specifically, the northern Perrin/Stanford Road access will be an emergency access only, and will not allow vehicles to exit or enter the development. The access point on Perrin/Stanford is a modification to this access based on public comment and further review by the Clovis Fire Department. It was determined that this could be an emergency access only. The modification of Perrin to an emergency only access will redistribute the limited number of trips to the three other project accesses. The additional trips will not

create a substantial increase to the project accesses and there will not be a need for additional analysis.

The comment that the City of Clovis Fire Department is not going to respond to calls on Stanford is not accurate. The City of Clovis Fire Department has mutual aid agreements with other fire departments in the County and neighboring jurisdictions, and when called upon to serve they respond to the call even if it falls outside the jurisdictional boundaries of the City. The decisions to respond are based on 911 dispatchers and not on the Clovis Fire Department.

## RESPONSES TO COMMENTS RECEIVED AFTER FEIR PUBLIC CIRCULATION

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**From:** [Chuck Kallas](#)  
**To:** [David Merchen](#)  
**Subject:** [External] Legal notice tm6205  
**Date:** Monday, November 27, 2023 4:06:41 PM

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I live in the affected area of expansion, my request is that all new home building come to a permanent STOP, why because the outcome of overpopulation is horrible, examples Orange county Calif. San Jose Calif. Also we will all suffer in the next drought, YOU ARE CREATING A WATER DEMAND THAT IS UNSUSTAINABLE! STOP IT !! Furthermore our property's will become worthless, why because Banks do not make loans when their is not a reliable source of water! Just face it Clovis is overgrown already, if you approve more growth the ruination of our future will be directly your fault due to poor judgment, so forget the big \$\$\$ and do what's right for Clovis .

[Sent from Yahoo Mail on Android](#)

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

L-15-1



**Response to Letter L-15: Chuck Kallas, Resident of Clovis**

**Response L-15-1:** This comment expresses the commenter opposition to the project. Environmental concerns identified in the letter include overpopulation and growth, unsustainable and unreliable water demand and drought.

- Concerns regarding unsustainable and unreliable water demand and drought are addressed in the Master Response 3, 4, and 5. Master Response 14 addresses population, population density, and orderly growth associated with annexation and SOI Expansion. Additionally, Chapter 3.10 Land Use, Population, and Housing addresses population and growth. This comment is noted, and the concerns will be presented to the City for consideration. This comment does not require any further response.

November 30, 2023

Dave Merchen  
City Of Clovis  
Vis Email

Re: Wilson Homes development at Shepherd & Sunnyside Ave. in Clovis Unified School District

Dear Dave:

I just wanted to communicate my concern regarding an exit only gate on the north side of the project at Perrin and Stanford. I have lived on that corner for about fifteen years and my mother-in-law who has lived on the property for forty years. The added traffic will be extremely dangerous. It will increase traffic into a neighborhood that has no curbs, centerline striping, no sidewalks, and no street lighting. In the past years we have had many more children riding bikes, go carts, and motorcycles. The corner where I live is a tight corner and we have many cars going too fast and sometimes ending up on our property because they cannot navigate the turn. Providing access to this country road from a large residential development is not safe.

We would like to propose a compromise solution that this northern access point be used for emergency vehicles only with a gate only. The developer says he is in favor of this, but the fire Chief is not. The gates can always be checked monthly by homeowners or fire department. It would seem like this should be discussed as well with the County.

Stanford and Ticonderoga are windy streets and very dark at night. In fact, about 30 years ago a young driver died on Stanford. The young lady overcorrected and flipped her car and died. The last name was Horner, I am unsure of her first name. Dad's name was Paul Horner. If you are walking a dog, or your kids riding a bike, there have been numerous near misses. Please pass this to the City Council and the Fire Department, so a solution can be found.

I also would appreciate the developer placing only single-story homes along the north line. The other houses have a road as a buffer. We do not have that. We have elevated properties, and those houses would be able to see in our backyard. Our property has about two thirds of the north line. Anything you can do would be appreciated. Please consult with the developer about this issue as well. Thank you.

Sincerely,



Robert Shuman  
(559) 970-8306  
[rbshuman42@gmail.com](mailto:rbshuman42@gmail.com)  
9502 N. Stanford Ave.  
Clovis, ca. 93619

L-16-1

**Response to Letter L-16: Robert Shuman, Resident of Clovis**

**Response L-16-1:** This comment provides an introduction, presents concerns about access and the lack of roadway striping, sidewalks, curb/gutter, and lighting. The comment also suggests that there will be a dangerous condition that is not acceptable. The commenter provides several examples of safety issues that have occurred in the past. The commenter offers a compromise solution to eliminate the northern access point, and instead make it an emergency vehicle access only. Lastly, the commenter requests that place single story homes on the northern property line.

- This comment is noted. The City Planning staff has met with the Fire Department and agreed upon a compromise to make the northern access an EVA only, resulting in no Project traffic impacting the Perrin/Stanford area.

It is noted that the project is not proposed as a pre-plotted subdivision that identifies specific housing architecture or floor plans on each lot. For example, the City does not have any knowledge of whether a one- or two-story residence would be built backing up to the commenter's residence. The zoning code dictates the development standards for zones throughout the City, and it will dictate the standards that apply to the proposed subdivision. One- and two-story residences are allowed up to the height limits defined in the zone. The concept of limiting the height of homes backing up to the commenter's residence can be presented as a concept for the Applicant to consider, but City's zoning code does not restrict the height to a one story. This concern does not present an environmental impact pursuant to CEQA. Nevertheless, this comment will be provided to the City for consideration.

This chapter includes minor edits to the EIR. These modifications resulted from responses to comments received during the Draft EIR public review period, as well as additional comments that were received leading up to the Planning Commission Hearing as well as some received after that hearing. The Errata revisions provided here are intended to supersede those provided in the Final EIR that was publicly circulated prior to the Planning Commission hearing.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis that would warrant recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5. Changes are provided in revision marks with underline for new text and ~~strike out~~ for deleted text.

## 4.1 REVISIONS TO THE DRAFT EIR

### EXECUTIVE SUMMARY

The following edits are made to pages ES-17 in the Executive Summary of the DEIR.

NOISE			
Impact 3.11-1: Operational Noise- The proposed Project has the potential to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	PS	<b>Mitigation Measure 3.11-1:</b> A 6-foot-tall barrier shall be constructed along the <del>south</del> -boundary of the Project site, adjacent to Sunnyside Avenue and Shepherd Avenue <u>(along all unshielded residential private yards within 100 ft of the centerline of Sunnyside and Shepherd Avenues)</u> , in order to achieve the City's exterior noise standards. Noise barrier walls shall be constructed of concrete panels, concrete masonry units, earthen berms, or any combination of these materials that achieve the required total height. Wood is not recommended due to eventual warping and degradation of acoustical performance. These walls must be at least 4.2 lbs/ft. These requirements shall be included in the improvements plans prior to their approval by the City's Public Utilities Department.	LS
Impact 3.11-2: Construction Noise- The proposed Project has the potential to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	PS	<b>Mitigation Measure 3.11-3:</b> Construction activities shall adhere to the requirements of the City of Clovis Municipal Code with respect to hours of operation. This requirement shall be noted in the improvements plans prior to approval by the City's Public Utilities Department.  <u>As soon as practicable (after grading operations), install permanent fencing along the boundary of the area being Developed and the adjacent Non-Development Area. Fencing should be a minimum of 6 feet tall and continuous between the source of noise and adjacent residences.</u>  <b>Mitigation Measure 3.11-4:</b> The contractor shall ensure that the following noise attenuating strategies are implemented during project construction:	LS

		<ul style="list-style-type: none"> <li>• <i>During construction, the contractor shall ensure <u>mufflers are properly installed on all construction equipment capable of being outfitted with mufflers</u><del>is equipped with appropriate noise attenuating devices.</del></i></li> <li>• <i>Idling equipment shall be turned off when not in use.</i></li> <li>• <i>Equipment shall be maintained so that vehicles and their loads are secured from rattling and banging.</i></li> </ul>	
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1.0 INTRODUCTION

No changes were made to Chapter 1.0 of the DEIR.

2.0 PROJECT DESCRIPTION

The following edits are made to pages 2.0-3 through 2.0-4 in Section 2.0 of the DEIR.

2.4 PROJECT GOALS AND OBJECTIVES

A clear statement of objectives and the underlying purpose of the proposed Project are discussed per CEQA Guidelines Section 151024(b).

PROJECT OBJECTIVES

The project objectives include a collection of goals and objectives, which clearly define the purpose of the Project. In developing the project objectives, it is notable that the City considered the Legislature’s repeated determinations in recent years that California is facing a statewide housing crisis, and it is clearly within a city’s exercise of its legislative discretion to facilitate the construction of new housing, which is defined by the Project Description after thorough evaluation of the development potential. Government Code section 65889.5, subdivision (a)(1)(A), states that “[t]he lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.” Subdivision (a)(1)(D) of that section adds that “[m]any local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.”

The principal Project objective is the expansion of the City’s SOI to include the Project site, and the annexation/reorganization, approval and subsequent development of the Development Area.

~~The quantifiable objectives include the development of up to 605 single-family residential units. The quantifiable objectives include the development of open space totaling approximately 5.54 acres, including 2.25 acres of trails, 2.39 acres of promenade/pedestrian circulation, and 0.90 acres of parks. The Project objectives also include the installation of new public and private roadways that will provide pedestrian and vehicular access to the Project site and surrounding community areas, and other improvements, including water supply, storm drainage, sewer facilities and landscaping to serve the residential uses.~~

The City has established five additional objectives project goals and objectives goals of the proposed development that more fully inform the Project purpose. These project goals and objectives are as follows:

- Provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Clovis, consistent with policies stated in *A Landscape of Choice to modestly increase urban density*.
- Establish a mixture of housing types, sizes and densities that collectively provide for local and regional housing demand, consistent with City requirements as stated in the latest Regional Housing Needs Analysis (RHNA).
- Provide infrastructure that meets City standards and is integrated with existing and planned facilities and connections.
- Establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet City standards.
- Expand the City's Sphere of Influence in order to establish a logical and orderly boundary that promotes the efficient extension of municipal services.

The Project goals and objectives presented above, were developed by the City in response to the Legislature's repeated determinations in recent years that California is facing a statewide housing crisis, and the City's desire to facilitate the construction of new housing in the face of the housing crisis. The City staff has responded with adequate attention to the economic, environmental, and social costs of reduced housing density by establishing a quantified target density that provided the City with significant flexibility to evaluate different scenarios for residential projects on the Project site.

### 3.1 AESTHETICS AND VISUAL RESOURCES

The following edits are made to pages 3.1-3 through 3.1-4 in Section 3.1 of the DEIR.

#### LIGHT AND GLARE

During the day, sunlight reflecting from structures is a primary source of glare, while nighttime light and glare can be divided into both stationary and mobile sources. Stationary sources of nighttime light include structure illumination, interior lighting, decorative landscape lighting, and street lights. The principal mobile source of nighttime light and glare is vehicle headlamp illumination. This ambient light environment can be accentuated during periods of low clouds or fog.

The variety of urban-developed and inhabited land uses in the City of Clovis are the main source of daytime and nighttime light and glare. They are typified by single and multi-family residences, commercial structures, industrial areas, and street lights. These areas and their associated human activities (inclusive of vehicular traffic) characterize the existing light and glare environment present during daytime and nighttime hours in the urbanized portions of the City. Sources of light and glare in the City of Clovis include building (interior and exterior), security, sign illumination, and parking-area lighting. Other sources of nighttime light and glare include street lights and vehicular traffic along surrounding roadways. Additionally, The-the General Plan EIR (page 5.1-10) notes that there is a significant amount of ambient lighting that comes from surrounding communities and roadways.

Because the City of Clovis is adjacent to highly urbanized portions of the City of Fresno to the west and south, ambient light in the community is substantially impacted by land uses in Fresno. Large, light-intensive institutions and facilities near the City's boundary include Fresno Yosemite International Airport and CSU Fresno. Nevertheless, areas within the City Limits and SOI, which account for nearly half of the entire Planning Area of the City of Clovis, are mainly rural residential and agricultural land and have very few sources of light and glare, allowing for clear day and nighttime views. This is the case of the Project site given that it is in the northern portion of Clovis, which is distant from the more urbanized-developed and densely populated areas of downtown Fresno and Clovis. The Development Area is characterized as undeveloped agricultural land, and the Non-development Area is characterized as developed rural residential land. Areas immediately surrounding the Project site include rural residential to the north and east, and suburban to the south and west. Surrounding lands are characterized further below.

Sources of glare in urbanized-developed portions of the City come from light reflecting off surfaces, including glass, and certain siding and paving materials, as well as metal roofing. The urbanized developed suburban areas of Clovis contain street lights, sidewalks, and paved parking areas, which reflect street and vehicle lights. The developed rural residential areas of Clovis (including unincorporated County) generally do not contain street lights or sidewalks, but typically have dirt or gravel parking areas on the property frontage with reflective properties.

The existing light environment found in the vicinity of the Project site is considered typical of both suburban and rural residential areas. The existing suburban lighting exists along Shepherd Avenue immediately south of the Project site from just west of Fowler Avenue to approximately SR 168 (an approximately 3.2-mile suburban corridor). Additionally, existing suburban lighting exists along Shepherd Avenue immediately west of the Project site from Sunnyside Avenue to North Friant Road (an approximately 4.7-mile suburban corridor). In total, approximately 7.9 miles of roadway corridor along Shepherd Avenue south of the Project site is best characterized as suburban, and lighting is typical of suburban developed areas in this location.

To the north of Shepherd Avenue in the vicinity of the Project site is a mix of suburban and rural residential areas. Immediately to the west is suburban residential in the neighborhoods north of Shepherd Avenue (i.e. Lennar Heritage Grove). Immediately to the north and east of the Project site is rural residential development, which has a lower intensity of lighting than what is common in the suburban neighborhoods in the vicinity.

These rural residential areas have typical residential building lighting (i.e., lights on the building structure in the front and backyard, landscaping lighting, and indoor lighting) like the suburban neighborhoods, but there is a lower density of buildings so overall lighting intensity is lower in these areas when compared to the surrounding suburban lighting. Additionally, some of the rural residential areas do not have street lighting, unlike more intensively developed areas in the vicinity. However, these areas are typical of suburban areas within and immediately outside the City of Clovis, where rural residential neighborhoods are often located adjacent to suburban or urban uses. The mix of lighting is typical of many suburban neighborhoods along the periphery of the City and within certain areas, such as the Dry Creek Preserve.

Sky glow is the effect created by light reflecting into the night sky. Sky glow is of particular concern in areas surrounding observatories, where darker night sky conditions are necessary, but is also of concern in more rural or natural areas where a darker night sky is either the norm or is important to wildlife. Developed areas have existing light sources that illuminate the night sky. In other words, sky

glow is considered part of the existing conditions (i.e., the baseline conditions under CEQA). Due to the urban nature of the City limits, a number of existing light sources affect residential areas and illuminate the night sky. Isolating impacts of particular sources of light or glare is therefore not appropriate or feasible for the proposed Project. Sky glow can increase significantly based on certain intensive uses—such as a project that contemplates stadium lights, spotlights, and strobe lights.

The following edits are made to pages 3.1-15 through 3.1-18 in Section 3.1 of the DEIR.

**Impact 3.1-3: Project implementation may result in light and glare impacts. (Less than Significant)**

During the day, sunlight reflecting from structures is a primary source of glare, while nighttime light and glare can be divided into both stationary and mobile sources. Some types of stationary sources of nighttime light include structure illumination, interior lighting, decorative landscape lighting, and street lights. The principal mobile source of nighttime light and glare is vehicle headlamp illumination.

The developed and inhabited land uses in the City of Clovis are the main source of daytime and nighttime light and glare. They are typified by single and multi-family residences, commercial structures, industrial areas, and street lights. These areas and their associated human activities (inclusive of vehicular traffic) characterize the existing light and glare environment present during daytime and nighttime hours in the urbanized portions of the City.

The General Plan EIR (page 5.1-10) notes that there is a significant amount of ambient lighting that comes from surrounding communities and roadways. Because the City of Clovis is adjacent to highly urbanized portions of the City of Fresno to the west and south, ambient light in the community is substantially affected by land uses in Fresno. Large, light-intensive institutions and facilities near the City's boundary include Fresno Yosemite International Airport and CSU Fresno. Nevertheless, areas within the City Limits and SOI, which account for nearly half of the entire Planning Area of the City of Clovis, include rural residential and agricultural land and have very few sources of light and glare, allowing for clear day and nighttime views. The other half of the entire Planning Area of the City of Clovis is more densely developed, consisting of single and multi-family residences, commercial structures, industrial areas, and street lights typical of suburban communities.

The Project site is in the northern portion of Clovis, which is distant from the more developed and densely populated areas of downtown Fresno and Clovis, and is best characterized as a mix of suburban, and rural residential. The Development Area is best characterized as undeveloped agricultural land, and the Non-development Area is characterized as developed rural residential land. Areas immediately surrounding the Project site include rural residential to the north and east, and suburban to the south and west.

As noted in Impact 3.1-1, the proposed Project involves the development of up to 605 single-family residential units, open space totaling approximately 5.54 acres, including 2.25 acres of trails, 2.39 acres of promenade/pedestrian circulation, and 0.90 acres of parks, and associated roadway improvements. The existing light environment found in the vicinity of the Project site is considered typical of both suburban and rural residential areas. Existing suburban lighting exists along Shepherd Avenue immediately south of the Project site from just west of Fowler Avenue to approximately SR 168 (an approximately 3.2-mile suburban corridor). Existing suburban lighting also exists along Shepherd Avenue immediately west of the Project site from Sunnyside Avenue to North Friant Road (an approximately 4.7-mile suburban corridor). In total, approximately 7.9 miles of roadway corridor



along Shepherd Avenue south of the Project site is best characterized as suburban, and lighting is typical of suburban developed areas.

To the north of Shepherd Avenue in the vicinity of the Project site is a mix of suburban and rural residential areas. Immediately to the west is suburban residential in the neighborhoods north of Shepherd Avenue (i.e. Lennar Heritage Grove). Immediately to the north and east of the Project site is rural residential development, which has a lower intensity of lighting than what is common in the suburban neighborhoods in the vicinity.

These rural residential areas have typical residential building lighting (i.e., lights on the building structure in the front and backyard, landscaping lighting, and indoor lighting) like the suburban neighborhoods, but there is a lower density of buildings so overall lighting intensity is lower in these areas when compared to the surrounding suburban lighting. Additionally, some of the rural residential areas do not have street lighting, unlike more intensively developed areas in the vicinity. However, these areas are typical of suburban areas within and immediately outside the City of Clovis, where rural residential neighborhoods are often located adjacent to suburban or urban uses. The mix of lighting is typical of many suburban neighborhoods along the periphery of the City and within certain areas, such as the Dry Creek Preserve.

The Project is located within a largely developed area of Fresno County, and surrounded by developed land uses, a number of existing light sources already affect residential areas and illuminate the night sky. In other words, sky glow is present under existing conditions, and the introduction of a residential development adjacent to those existing developments would not result in a significant increase in sky glow. While sky glow can increase based on certain intensive uses—such as a project that contemplates stadium lights, spotlights, and strobe lights—no such intensive uses are contemplated for the Project. As a result, any increase in sky glow resulting from this Project would be imperceptible compared to baseline conditions and thus impossible to measure. The Project would therefore not result in new or substantially increased sky glow. In other words, sky glow is considered part of the existing conditions (i.e., the baseline conditions under CEQA).

The proposed Project also does not have any areas where there would be spillover of light, or high intensity or excessively bright lights. There would be normal City standard street lights that include standard shields to direct lighting to the roadway rights-of-way, without spilling over onto adjacent properties. This new light would not be a potentially significant impact. The new lighting expected would consist of lights on the building structure in the front and backyard, landscaping lighting, and indoor lighting. Although there would be new lighting associated with the residential buildings, the lighting attached to the building structures would be normal residential lighting subject to the City's standards. The implementation of these lighting standards are part of the Project's design and would avoid nuisance light and spillover issues.

Some buildings within the Project would be two-story, and it is therefore possible that lighting from the second story windows could be visible from adjacent properties; however, such second story indoor lighting would not be directed at, or to, the adjacent properties, and would not have a potentially significant impact on those adjacent properties. Additionally, the proposed Project does not include any lights that are considered excessively bright with the potential to create sky glow, such as stadium lights, strobe lights, spotlights, etc. In addition, there are no sources of significant glare associated with the proposed Project.

New sources of glare from the proposed Project would occur primarily from the windshields of vehicles travelling to and from the Development Area and from vehicles parked within the Project site. However, parking for the proposed residential uses in the Development Area would primarily occur within enclosed garages and driveways. Headlights and windshields would be shielded by the proposed residential structures within the site. Additionally, the Project includes plans for extensive landscaping and open space areas throughout the site, which would provide visual screening and block potential windshield glare for sensitive receptors within the Project site. Residential structures placed along the boundaries of the Development Area would provide visual screening and block potential windshield glare to areas surrounding the Project site. Glare from traveling vehicles is a function of the density of vehicles on the roadway, the time that they are present, and the time of day. Generally, glare from traveling vehicles to a receptor is very short lived (fractions of a second) given that the glare is dependent on the amount of time in which the vehicle is positioned at the perfect angle for the sun to reflect light off the vehicle to a receptor. The potential for glare changes throughout the day as the angle of the sun changes. There is always some potential for glare reflecting off of traveling vehicles, but the City does not consider glare from vehicles traveling along roadways as a significant impact. The proposed Project is not anticipated to have high concentrations of glare, and the impact from glare is less than significant.

Additionally, several roadways would be constructed within the Development Area to serve the proposed single-family residential uses. These roadways would result in the introduction of street lighting into a currently undeveloped site. However, the proposed single-family residential uses and local roadway would be typical of what is already experienced as a result of the existing single-family residential uses and local roadways that occur within the surrounding area. The proposed single-family residential uses would be an extension of single-family residential uses adjacent to the Project site.

The proposed Project would be required to implement existing City regulations aimed at reducing light and glare impacts to ensure that no unusual daytime glare or nighttime lighting is produced. Specifically, the Clovis Development Code states that direct glare shall not be permitted and provides standards for nuisance prevention and shielding requirements. Section 9.22.050 of the Clovis Development Code contains standards and provisions related to exterior lighting. While implementation of regulations and standards within the Clovis Development Code would reduce impacts associated with increased light and glare, the impacts would not be eliminated entirely, and the overall level of light and glare in the Project site would increase in general as urban development occurs.

Overall, the proposed Project would introduce new sources of daytime and nighttime lighting within the Project site that do not currently exist. However, it is noted there are no specific features within the proposed Project that would create unusual light and glare. Light sources from the proposed Project can have an adverse impact on the surrounding areas, by introducing nuisance light into the area and decreasing the visibility of nighttime skies. Additionally, light sources can create light spillover impacts on surrounding land uses in the absence of a lighting plan that includes photometrics of the lighting. The proposed Project, however, does not have any areas where there would be spillover of light, or high intensity or excessively bright lights. There would be normal City standard street lights that include standard shields to direct lighting to the roadway rights-of-way, without spilling over onto adjacent properties, or causing sky glow. This new light would not be a potentially significant impact.

Any new lighting associated with implementation of the proposed Project would be pedestrian-scale lighting and the fixtures would be consistent with the style and technical specifications approved by the City, including compliance with the City's light and glare regulations under Section 9.22.050 of the Clovis Development Code, which requires that light be shielded so that light does not spill onto adjacent properties. The City's existing requirements require a lighting plan to be submitted to the City for review and approval for the improvement plans, as well as for the building plans. All proposed outdoor lighting is required to meet applicable City standards regulating outdoor lighting, including 9.22.050 Exterior light and glare of the City's Development code, in order to minimize any impacts resulting from outdoor lighting on adjacent properties. Implementation of the existing City standards would reduce potential impacts associated with nighttime lighting and light spillage onto adjacent properties to a **less than significant** level.

### 3.2 AGRICULTURAL AND FOREST RESOURCES

The following edits are made to pages 3.2-9 through 3.2-10 in Section 3.2 of the DEIR.

#### **Availability of Water Resources and Feasibility**

For several years, the current property owner has been responsible for managing the former Cal-Pecan orchard located on the Project site. In recent years, primarily due to drought conditions and expansion of new development surrounding the former Cal-Pecan orchard, the economicallly viability of irrigated agricultural production has diminished. The Project site is located entirely north and east of the Enterprise Canal and therefore outside of the nearby Fresno Irrigation District boundary. It is therefore not eligible to receive deliveries of surface water from any irrigation district. This is an entirely different situation from other properties located in the region, such as the nearby Heritage Grove growth area. A portion of Heritage Grove is located on the west side of the Enterprise Canal and continues to receive deliveries of surface water to support agricultural production. Recent ~~SIGMA-SGMA~~ regulatory changes that now severely limit groundwater pumping has constrained the ability of any agricultural properties located outside of an irrigation district to support intensive agricultural uses that require regular and timely irrigation; further, groundwater pumping on this property has proven to be unpredictable and unreliable in recent years as available water from the aquifer under the Project site had been highly variable and provided an unreliable supply. The property owner has indicated that they made every effort to continue irrigating the trees throughout the drought conditions last summer, but the wells on the Project site went entirely dry and caused the pumps to burn out. The pecan trees suffered tremendous damage without available irrigation water and it resulted in large-scale tree mortality.

Additionally, as a result of the recent ~~SIGMA-SGMA~~ regulatory changes, virtually all agricultural lending banks and institutions have recently changed their lending requirements to now demand availability of two sources of water (groundwater and surface water) as a condition for continued lending. The Project site cannot meet the new lending requirement because it is located outside of an irrigation district and is no longer eligible to obtain agricultural loans to support commercial agricultural operations.

The property owner also has noted that the soil substructure varies greatly on the Project site and is not accurately reflected in the more generic soil types documented in the Soil Survey for the region. The property owner has indicated that the soils are not conducive to produce high agricultural yields because there is a cemented silty sand, clayey sand, and silty sand with clay, locally referred to as "hardpan" that is encountered below 2 feet across much of the Project site. This cementation retards

the free percolation of surface water into the soil stratum below the hardpan, frequently resulting in a temporary perched water table condition at or near the ground surface during winter periods of precipitation. The perched water table can result in anerobic conditions in the root zone, which can result in root mortality and damage or death to the crop. This hardpan layer limits the types of crops that can be successful and is generally a variable that makes the property less economically viable for agricultural production.

The property owner has also indicated that the proximity of the Project site to existing urban development diminishes the economic viability of agricultural production. The property owner has indicated that there is increased vandalism, theft and harassment costs in recent years. The property owner cited last summer as particularly troublesome when neighbors would routinely shut-off irrigation pumps during the night and the valves in the orchard rows that are necessary to regulate pressure to operate the system were stolen. The property owner noted that equipment vandalism and theft occurred regularly and continued agricultural operations are now virtually impossible.

### 3.3 AIR QUALITY

No changes were made to Section 3.3 of the DEIR.

### 3.4 BIOLOGICAL RESOURCES

No changes were made to Section 3.4 of the DEIR.

### 3.5 CULTURAL AND TRIBAL RESOURCES

No changes were made to Section 3.5 of the DEIR.

### 3.6 GEOLOGY

No changes were made to Section 3.6 of the DEIR.

### 3.7 GREENHOUSE GAS, CLIMATE CHANGE AND ENERGY

No changes were made to Section 3.7 of the DEIR.

### 3.8 HAZARDS AND HAZARDOUS MATERIALS

No changes were made to Section 3.8 of the DEIR.

### 3.9 HYDROLOGY AND WATER QUALITY

No changes were made to Section 3.9 of the DEIR.

### 3.10 LAND USE PLANNING, POPULATION, AND HOUSING

The following edits are made to Section 3.10 of the DEIR starting on page 3.10-19. This text revision is intended to clarify that the mitigating features of the Project are presented in the text as Project Design Features, and not as "Mitigation Measure 3.13-1." It is acknowledged that Mitigation Measure 3.13-1 does not exist in the Draft EIR. Additional text was also added to amplify the

discussion regarding relevant CAPCOA measures incorporated into the Project to mitigate, or reduce, VMT. Also added, is a discussion of the EV measures that also are incorporated into the Project to reduce greenhouse gas emissions and other local pollutant emissions.

AIR QUALITY ELEMENT	
<p>AIR-Policy 1.1: Land use and transportation. Reduce greenhouse gas and other local pollutant emissions through mixed use and transit-oriented development and well-designed transit, pedestrian, and bicycle systems.</p>	<p><b>Consistent.</b> As discussed previously, the Project includes well-designed pedestrian and bicycle systems. These systems would help reduce mobile GHG emissions by reducing vehicle-miles-traveled (VMT). <del>Beyond the proposed improvements, as required by Mitigation Measure</del> <u>As described under Impact 3.13-1 in Section 3.13 of the Draft EIR, the applicant would be required to implement Project Design Features that are proposed as measures to help reduce VMT. These are discussed on page 3.13-19 under the heading “Project Design Features and Mitigation Measures.” The VMT reduction from these Project Design Features have been estimated using, which are identified in</u> the California Air Pollution Control Officers Association’s (CAPCOA) Draft Handbook for Analyzing GHG Emission Reductions, assessing Climate Vulnerabilities, and Advancing Health and Equity (GHG Handbook). Many of the strategies listed in this <del>mitigation measure</del> <u>Project Design Features</u> pertain to transit, pedestrian, and bicycle systems. <u>As shown on page 3.13-20, the Project Design features are in alignment with CAPCOA transportation measure T-18: Provide Pedestrian Network Improvement, T-17: Improve Street Connectivity, T-19A: Construct or Improve Bike Facility. In addition, the Project Design Features include Electric Vehicle (EV) Charging capabilities. Collectively, these Project Design Features functionally serve to mitigate, or reduce the impact to the extent possible.</u></p>

### 3.11 NOISE

The following edits are made to pages 3.11-16 through 3.11-17 in Section 3.11 of the DEIR.

**TABLE 3.11-9: EXISTING PLUS PROJECT SCENARIO - NOISE LEVELS ALONG ROADWAYS (dBA CNEL)**

ROADWAY	SEGMENT	EXISTING	EXISTING WITH PROJECT	
		CNEL @ 50' dBA	CNEL @ 50' dBA	CHANGE IN NOISE LEVEL
Behymer Avenue	Willow Avenue to Minnewawa Avenue	60.4	60.5	0.1
Behymer Avenue	Minnewawa Avenue to Sunnyside Avenue	62.5	62.5	0.0
Behymer Avenue	Sunnyside Avenue to Fowler Avenue	62.4	62.4	0.0
Shepherd Avenue	Willow Avenue to Minnewawa Avenue	67.7	68.2	0.5

ROADWAY	SEGMENT	EXISTING	EXISTING WITH PROJECT	
		CNEL @ 50' DBA	CNEL @ 50' DBA	CHANGE IN NOISE LEVEL
Shepherd Avenue	Minnewawa Avenue to Clovis Avenue	67.3	68.2	0.9
Shepherd Avenue	Clovis Avenue to Sunnyside Avenue	66.6	68.2	1.6
Shepherd Avenue	Sunnyside Avenue to Project <del>Intersection Driveway</del> (Fordham Avenue) 3	65.1	66.8	1.7
Shepherd Avenue	Project <del>Intersection Driveway</del> (Fordham Avenue) 3 to Fowler Avenue	65.1	65.8	0.7
Herndon Avenue	State Route 168 Eastbound Ramps to Clovis Avenue	69.4	69.6	0.2
Willow Avenue	Behymer Avenue to Shepherd Avenue	72.4	72.5	0.1
Minnewawa Avenue	Behymer Avenue to Shepherd Avenue	63.5	63.5	0.0
Clovis Avenue	Shepherd Avenue to Teague Avenue	64.1	65.3	1.2
Clovis Avenue	Teague Avenue to Nees Avenue	66.3	66.9	0.6
Clovis Avenue	Nees Avenue to Alluvial Avenue	67.9	68.4	0.5
Clovis Avenue	Alluvial Avenue to Herndon Avenue	69.9	70.2	0.3
Sunnyside Avenue	Project <del>Intersection Driveway</del> 1 to Shepherd Avenue	54.4	60.5	6.1
Sunnyside Avenue	Shepherd Avenue to Teague Avenue	60.3	61.6	1.3
Sunnyside Avenue	Teague Avenue to Nees Avenue	60.6	61.8	1.2
Fowler Avenue	Behymer Avenue to Ticonderoga	63.4	63.5	0.1
Fowler Avenue	Ticonderoga to Shepherd Avenue	64.4	64.4	0.0
Fowler Avenue	Shepherd Avenue to Teague Avenue	65.1	65.7	0.6
Fowler Avenue	Teague Avenue to Nees Avenue	65.1	65.7	0.6
Fowler Avenue	Nees Avenue to State Route 168 Westbound Ramps	69.9	70.1	0.2

SOURCE: FHWA-RD-77-108 WITH INPUTS FROM MD ACOUSTICS. 2023.

When comparing existing plus project levels to existing levels, Sunnyside Avenue from Project ~~Intersection-Driveway~~ 1 to Shepherd Avenue has the potential for significant impact as the only roadway segment with an increase of more than 3 dB.

The following edits are made to pages 3.11-19 in Section 3.11 of the DEIR. Modified to provide clarification consistent with the findings in the draft EIR.

**Mitigation Measure 3.11-1:** A 6-foot-tall barrier shall be constructed along the ~~south~~ boundary of the Project site, adjacent to Sunnyside Avenue and Shepherd Avenue (along all unshielded residential private yards within 100 ft of the centerline of Sunnyside and Shepherd Avenues), in order to achieve the City's exterior noise standards. Noise barrier walls shall be constructed of concrete panels, concrete masonry units, earthen berms, or any combination of these materials that achieve the required total height. Wood is not recommended due to eventual warping and degradation of acoustical performance. These walls must be at least 4.2 lbs/ft. These requirements shall be included in the improvements plans prior to their approval by the City's Public Utilities Department.

The following edits are made to pages 3.11-20 in Section 3.11 of the DEIR. Modified to provide additional construction related requirements at the recommendation of a commenter.

**Mitigation Measure 3.11-3:** Construction activities shall adhere to the requirements of the City of Clovis Municipal Code with respect to hours of operation. This requirement shall be noted in the improvements plans prior to approval by the City's Public Utilities Department.

As soon as practicable (after grading operations), install permanent fencing along the boundary of the area being Developed and the adjacent Non-Development Area. Fencing should be a minimum of 6 feet tall and continuous between the source of noise and adjacent residences.

**Mitigation Measure 3.11-4:** The contractor shall ensure that the following noise attenuating strategies are implemented during project construction:

- During construction, the contractor shall ensure mufflers are properly installed on all construction equipment capable of being outfitted with mufflers ~~is equipped with appropriate noise attenuating devices.~~
- Idling equipment shall be turned off when not in use.
- Equipment shall be maintained so that vehicles and their loads are secured from rattling and banging.

The following edits are made to pages 3.11-23 through 3.11-24 in Section 3.11 of the DEIR.

**TABLE 3.11-10: 2046 SCENARIO - NOISE LEVELS ALONG ROADWAYS (DBA CNEL)**

ROADWAY	SEGMENT	EXISTING	EXISTING WITH PROJECT	
		CNEL @ 50' DBA	CNEL @ 50' DBA	CHANGE IN NOISE LEVEL
Behymer Avenue	Willow Avenue to Minnewawa Avenue	66.4	66.4	0.0
Behymer Avenue	Minnewawa Avenue to Sunnyside Avenue	67.0	67.0	0.0
Behymer Avenue	Sunnyside Avenue to Fowler Avenue	63.3	63.4	0.1
Shepherd Avenue	Willow Avenue to Minnewawa Avenue	71.9	72.1	0.2

ROADWAY	SEGMENT	EXISTING	EXISTING WITH PROJECT	
		CNEL @ 50' dBA	CNEL @ 50' dBA	CHANGE IN NOISE LEVEL
Shepherd Avenue	Minnewawa Avenue to Clovis Avenue	71.2	71.6	0.4
Shepherd Avenue	Clovis Avenue to Sunnyside Avenue	70.8	71.5	0.7
Shepherd Avenue	Sunnyside Avenue to Project <del>Intersection Driveway</del> (Fordham Avenue) 3	69.0	69.8	0.8
Shepherd Avenue	Project <del>Intersection Driveway</del> (Fordham Avenue) 3 to Fowler Avenue	69.0	69.3	0.3
Herndon Avenue	State Route 168 Eastbound Ramps to Clovis Avenue	70.5	70.6	0.1
Willow Avenue	Behymer Avenue to Shepherd Avenue	76.3	76.3	0.1
Minnewawa Avenue	Behymer Avenue to Shepherd Avenue	68.6	68.6	0.0
Clovis Avenue	Shepherd Avenue to Teague Avenue	69.9	70.2	0.3
Clovis Avenue	Teague Avenue to Nees Avenue	69.9	70.2	0.3
Clovis Avenue	Nees Avenue to Alluvial Avenue	70.9	71.1	0.3
Clovis Avenue	Alluvial Avenue to Herndon Avenue	71.8	72.1	0.2
Sunnyside Avenue	Project <del>Intersection Driveway</del> 1 to Shepherd Avenue	68.7	69.2	0.5
Sunnyside Avenue	Shepherd Avenue to Teague Avenue	64.1	64.7	0.6
Sunnyside Avenue	Teague Avenue to Nees Avenue	63.9	64.5	0.6
Fowler Avenue	Behymer Avenue to Ticonderoga	64.3	64.3	0.0
Fowler Avenue	Ticonderoga to Shepherd Avenue	67.9	67.9	0.0
Fowler Avenue	Shepherd Avenue to Teague Avenue	68.4	68.7	0.3
Fowler Avenue	Teague Avenue to Nees Avenue	67.9	68.2	0.3
Fowler Avenue	Nees Avenue to State Route 168 Westbound Ramps	71.4	71.6	0.1

SOURCE: FHWA-RD-77-108 WITH INPUTS FROM MD ACOUSTICS. 2023.



As shown in Table 3.11-10, the Cumulative 2046 scenario has a maximum change in noise level of 0.7 dBA CNEL. Sunnyside Avenue from Project ~~Intersection-Driveway~~ 1 to Shepherd Avenue has a 0.5 dBA CNEL change. Future residential uses will be in the normally compatible level along that segment. Therefore, a **less than significant** impact would occur with regard to this impact.

### 3.12 PUBLIC SERVICES AND RECREATION

No changes were made to Section 3.12 of the DEIR.

### 3.13 TRANSPORTATION AND CIRCULATION

The following edits are made to pages 3.13-18 in Section 3.13 of the DEIR.

**Impact 3.13-1: Project implementation would ~~not~~ result in VMT increases that are greater than 87 percent of Baseline conditions. (Significant and Unavoidable)**

### 3.14 UTILITIES AND SERVICE SYSTEMS

The following edits are made to pages 3.14-31 through 3.14-33 in Section 3.14 of the DEIR.

#### ENVIRONMENTAL SETTING

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Stormwater throughout the City of Clovis is collected in Fresno Metropolitan Flood Control District's (FMFCD) basins. Unless the storm season is particularly wet, the collected stormwater is allowed to percolate into the soil as groundwater recharge. Additionally, the FMFCD allows the City to utilize 17 stormwater basins throughout the City's Service Area for recharge purposes. (Provost & Pritchard, 2021B).

FMFCD covers the entire Fresno/Clovis Metropolitan Area and is authorized to control storm waters within an urban and rural foothill watershed of approximately 400 square miles, known as the Fresno County Stream Group. The FMFCD provides storm drainage through a system of inlets, drainage pipes, drainage ponds, and a system of dams and channels upstream. This system provides the primary means of urban storm drainage control for the City of Clovis and its sphere of influence. New storm drainage improvements are made by either development fees or by formation of assessment or improvement districts. The City of Clovis has a representative on the FMFCD Board. (City of Clovis, 2014).

On September 16, 1994, the Central Valley Regional Water Quality Control Board (Regional Water Board) issued the first municipal separate storm sewer system (MS4) National Pollutant Discharge Elimination System (NPDES) permit No. CA0083500 to the Fresno Metropolitan Flood Control District (District) and four other Co-Permittees, including the City of Clovis. The Regional Water Board renewed the permit on May 31, 2013 (Order No. R5-2013-0080). (FMFCD, 2020).

The FMFCD operates and maintains all master plan improvements, including the retention basins. The City is responsible for operation and maintenance of all temporary facilities where master plan improvements are not complete. The City is also responsible for all surface flooding in streets and other areas where storm water cannot reach inlets and pipes quickly enough. Storm drainage collection facilities are designed for two-year storm ~~capacity~~ **frequency**. Storm drain retention basins are designed for 50-year storm ~~frequency~~ **capacity**. Development impact fees finance acquisition and

construction of ponding basins. Storm drainage improvement districts fund development of storm drainage systems for existing urban areas. (City of Clovis, 2014).

Clovis is traversed by three natural stream systems. Each of these systems consists of sub streams or creeks that collect together to discharge to a centralized natural drainage channel. These systems are the Red Bank, Fancher, and Dog Creek System; the Dry and Dog Creek System; and the Pup Creek/Alluvial Drain System. The latter is a tributary of the original Dry Creek channel. These stream systems collect storm runoff from the foothills east of Clovis and convey such runoff through the Clovis/Fresno metropolitan areas to the Fresno Slough, which is located west of the City of Fresno. (County of Fresno, 2018).

The City's Public Utilities Department has three Stormwater Patrol teams, made up of 22 public utilities employees, to implement emergency flood control measures. The plan contains information and procedures to rapidly address flooding throughout the City. Contact information and team assignment data is updated regularly as are geographic locations subject to flooding. Appendices include suppliers/contractors, storm basin list, problem drain lists, and partnerships and agencies with shared responsibility for storm preparedness, mitigation, and response. (County of Fresno, 2018).

#### **Existing City Stormwater and Flood Control Facilities**

Flood protection in Clovis is afforded by Big Dry Creek Dam on Dry Creek. Big Dry Creek Dam is located approximately 3.5 miles upstream of the City of Clovis. Its main purpose is flood control, and it has a storage capacity of ~~16,250~~30,200 acre-feet. Big Dry Creek Reservoir has prevented an estimated \$15 million in damage in the Fresno-Clovis area (possibly more after last year's winter, which would have flooded much of downtown and areas of Fresno and Clovis) since its completion in 1948. (County of Fresno, 2018).

The Big Dry Creek Dam impounds stormwater runoff from Big Dry Creek in the Big Dry Creek Reservoir. The Big Dry Creek Reservoir is owned and operated by the FMFCD and is intended primarily for flood control of winter runoff from the Dry Creek and Dog Creek watersheds. In the 1990s, modifications were made to increase the capacity of the reservoir, and it now provides protection against the ~~200~~230-year flood. (County of Fresno, 2018).

Under wet conditions, the Big Dry Creek Reservoir captures runoff and controls releases into artificial ditches and canals, which drain into either Little Dry Creek, located north of the reservoir, or in a southerly direction into ~~Mill Ditch~~Big Dry Creek. Flows from Little Dry Creek and ~~Mill Ditch~~Big Dry Creek eventually drain to the San Joaquin River. Flows from the reservoir can also be diverted into Dog Creek, which also eventually drains into the San Joaquin River. During dry weather conditions, the reservoir does not discharge water and is normally empty, with the exception of a 156-acre-foot residual pool. The top of the pool remains below the elevation of an existing discharge gate. (County of Fresno, 2018).

Further, on average, FMFCD's regional stormwater basin system captures 92 percent of annual rainfall, of which, 70-85 percent of the captured stormwater runoff is recharged into the local groundwater aquifer. The stormwater basins also remove 50-80 percent of the typical stormwater pollutants. (FMFCD, 2020).

Mitigation activities continue to be done in accordance with applicable state and federal requirements for floodplain management and in coordination with the FMFCD. Additional mitigation

measures for critical infrastructure protection and rehabilitation are done through the City's Capital Improvement Project (CIP) budget. To date, those mitigation projects have included fire station security, water/sewer infrastructure improvements and City Hall building rehabilitation. (County of Fresno, 2018).

#### **Future Stormwater Drainage Demand and System Improvements**

The 2016 Storm Fresno Metropolitan Flood Control District (FMFCD) Services Plan provides a comprehensive planning document to guide improvement and expansion of the City's storm drainage system to meet current and future needs in a safe and reliable manner while maintaining compliance with all applicable regulations.

~~The FMFCD has finalized the design of the Dry Creek Extension Basin located near Brawley and Annadale Avenues. This will be a rural flood control basin located southwest of the City of Fresno. It will provide storage for floodwaters flowing through Dry Creek and other canals, which will provide groundwater recharge benefits. The initial design of the basin was for a 20-acre basin site which is fully excavated. The FMFCD added an adjacent 23-acre site to provide additional storage. This basin is being constructed by the District and is not part of the Federal Redbank and Fancher Creeks Project. (FMFCD, 2017). The FMFCD operates the Big Dry Creek Detention Basin (BDB) (located at 168/Ashlan) and Basin "NN" (located at Valentine/Church), which provide flood relief for Dry Creek/Gould Extension. BDB is a 24-acre site and NN is a 37-acre site. The FMFCD also operates the Dry Creek Extension Basin located near Brawley and Annadale Avenues. This is a rural flood control basin located southwest of the City of Fresno that provides storage for floodwaters flowing through Dry Creek and other canals, also provides groundwater recharge benefits. The initial design of the basin was for a 20-acre basin site, which is fully excavated. The FMFCD added an adjacent 23-acre site to provide additional storage. This basin is being constructed by the District and is not part of the Federal Redbank and Fancher Creeks Project. (FMFCD, 2017).~~

The FMFCD has identified four primary groups of construction projects: (1) the Redbank-Fancher Creeks Flood Control Project; (2) District LCA enhancement projects; (3) new development projects; and (4) other routine District maintenance and construction projects. (FMFCD, 2017).

The Corps' Redbank-Fancher Creeks Project, completed in the summer of 1993, provides the points of control for the flows that will pass through the rural streams storm and flood conveyance system. Under the LCA with the Corps, the FMFCD is obligated to ensure proper functioning of the Redbank Fancher Creeks Project components. Through implementation of the rural streams program, the FMFCD will improve conveyance capacities of existing channels where necessary, restore obstructed and eradicated channels, and once adequate capacity is achieved, maintain appropriate project conveyance capabilities. These efforts will involve close coordination with private property owners and developers to obtain necessary channel easement dedications. These dedications preserve flooding rights-of-way and allow District access to the stream channels for operation and maintenance. (FMFCD, 2017).

As future development needs warrant, local drainage facilities will be added to augment the flood control facilities. The FMFCD will review new development plans to ensure appropriate design of channels according to the Rural Streams Design Manual, which is currently being developed by the District. Other routine District activities include construction, repair, and maintenance of flood control structures throughout the rural streams/flood control system. (FMFCD, 2017).

The following edits are made to pages 3.14-39 through 3.14-41 in Section 3.14 of the DEIR.

**Impact 3.14-5: The proposed Project has the potential to require or result in the construction of new stormwater drainage facilities, the construction of which could cause significant environmental effects. (Less than Significant)**

Flooding events can result in damage to structures, injury or loss of human and animal life, exposure of waterborne diseases, and damage to infrastructure. In addition, standing floodwater can destroy agricultural crops, undermine infrastructure and structural foundations, and contaminate groundwater.

As shown on Figure 3.9-2, the majority of the Project site is located within the 500-year flood zone, and the northern and northeastern portion of the Project site is within the 100-year flood zone. It is noted that a small portion in the north of the Development Area is within the 100-year flood zone. The majority of the Development Area within the Project site is located in an area designated to have a minimal flood hazard. The flood zone designation of the site is also not due to a reduced risk from a levee nor is it located within a regulatory floodway.

Flooding events can result in damage to structures, injury or loss of human and animal life, exposure of waterborne diseases, and damage to infrastructure. In addition, standing floodwater can destroy agricultural crops, undermine infrastructure and structural foundations, and contaminate groundwater.

The portions of the Project site that lie within the 100-year flood zone would require a Letter of Map Revision (LOMR) before development would be allowed. A LOMR is a document that officially revises a portion of the effective FEMA Flood Insurance Rate Map (FIRM) according to requirements and procedures outlined in the National Flood Insurance Program (NFIP) regulations. A LOMR allows FEMA to revise flood hazard information on a FIRM map via letter without physically revising and reprinting the entire map panel. The LOMR will reflect changes in elevation from grading and no flood insurance requirements would be imposed on structures in these areas once the LOMR is approved by FEMA. The LOMR process is a standard requirement for all new construction or substantial improvements of structures to ensure that they are elevated to or above the base flood elevation. Through compliance with these existing regulations, impacts would be **less than significant** and no new structures would be constructed within the 100-year flood plain.

The proposed stormwater collection system functions through storm drainage collection, treatment and discharge. The exact sizing of the underground piping will be engineered during the preparation of the improvement plans, which will be in coordination with FMFCD. The proposed storm drainage collection and detention system will be subject to the State Water Resources Control Board Requirements (SWRCB) and City of Clovis regulations; Phase II, National Pollutant Discharge Elimination System (NPDES) Permit Requirements; NPDES-MS4 Permit Requirements; and LID Guidelines.

FMFCD will require lot coverage to be provided prior to submittal of improvement plans. The lot coverage is calculated by the District to include the front yard walkway, sidewalk walkway and the rear yard patio equaling an additional 6% of impervious area in addition to the City's typical lot coverage calculation. This calculation cannot be calculated at this time given that building plans and lot specific landscaping and site improvements have not been prepared. This very detailed level of design would be performed at either the improvement plan or building plan phase of the project. Ultimately, FMFCD charges a drainage fee that is calculated commensurate with the lot coverage calculation.

FMFCD reviews all grading and improvement plans for consistency with the FMFCD Master Plan. This review ensures that grading does not have an adverse impact to major storm conveyance and to the passage of storm water to the adjacent roadways and existing storm drainage pipelines and inlets. They require all projects to provide the appropriate surface flowage easements or covenants for any portion of the development area that cannot convey storm water to the public right-of-way without crossing private property.

The initial review by FMFCD has indicated that the “Development Area” is currently located within FMFCD’s adopted Rural Master Plan Drainage Area “BY1.” The adopted Rural Master Plan drainage system is designed to serve the existing land uses of open space, range/pasture and rural residential housing densities ranging from 0 to 0.7 dwelling unit/acre (du/ac). FMFCD has indicated that the existing planned drainage facilities do not have capacity to serve the proposed higher urban density residential land use. FMFCD has indicated that the “Development Area” is required to mitigate the impacts of the increased runoff from the proposed higher density residential land use to the adopted rural planned rate. FMFCD indicated that the “Development Area” may either make improvements to the existing pipeline system to provide additional capacity or may use some type of onsite permanent peak reducing facility in order to match the adopted Rural Master Plan flow rates and eliminate any adverse impacts on the downstream drainage system. FMFCD requested that the grading Engineer contact the District as early as possible to review the proposed site grading for verification and acceptance of design prior to preparing a grading plan.

FMFCD noted that the construction of the Optional Master Plan Facilities and Optional Non-Master Plan Facilities (as shown on Exhibit No. 1 of their letter), will provide permanent drainage service to the portion of the “Development Area” located north of Heirloom Avenue if it were constructed. The construction of the Optional Non-Master Plan Facilities, as shown on Exhibit No. 1, is conceptual at this time, but will ~~would~~ provide permanent drainage service to the portion of the “Development Area” located south of Heirloom Avenue upon construction of facilities by in Tracts 6292 and 6344. If these optional facilities are not constructed, FMFCD recommends temporary facilities until permanent service is available. It is noted that the currently proposed storm drainage alignment for the Development Area does not align with this conceptual Optional Non-Master Plan Facilities.

FMFCD noted that the “Development Area” shall not block the historical drainage patterns of existing homes located within the parcels to the east and west side of the “Development Area.” The “Development Area” shall verify to the satisfaction of FMFCD that runoff from these areas has the ability to surface drain to adjacent streets or be collected into PER-3, as shown on Exhibit No. 1 or another alignment that is approved by FMFCD. Either a stub street, channel, or a combination of both shall be provided for those areas, as shown on Exhibit No. 1, unless another alternative is approved by FMFCD.

FMFCD noted that the “Development Area” must identify what streets will pass the major storm and provide calculations that show structures will have adequate flood protection. Based on historical drainage patterns, some of the streets located within the “Development Area” may need to be resized or reconfigured (including, but not limited to, streets that include traffic calming curbs) to pass larger event storms. FMFCD approval is not extended to street configuration. A drainage report indicating the path of the major storm flow and calculations confirming there is adequate protection of finished floors will be necessary.

Stormwater quality standards imposed and monitored by the Environmental Protection Agency (EPA) and the SWRCB through the NPDES permit require treatment of stormwater runoff prior to its release

into drainage features. Stormwater quality is an integral part of FMFCD's stormwater management system. With the design and construction of flood control improvements included in the proposed storm drainage system in accordance with FMFCD's requirements, the proposed Project would have a **less than significant** impact relative to this topic.

#### 4.0 CUMULATIVE/OTHER CEQA-REQUIRED TOPICS

The following edits are made to pages 4.0-19 in Section 4.0 of the DEIR.

***Impact 4.20: Under Cumulative conditions, Project implementation would result in VMT increases that are greater than 87 percent of Baseline conditions (Cumulatively Considerable and Significant and Unavoidable)***

Table ~~3.13-12~~ 3.13-2 in Section 3.13 presents the existing (2019) Regional and Project VMT per Capita. As shown in Table 3.13-2, the Project VMT per capita is 20.7 percent higher than the City's VMT per capita threshold. Project design features aim to promote overall mobility with the goal of reducing VMT and reducing greenhouse gas emissions. Implementation of these Project design features may possibly reduce the Project's VMT. The Project design features can help offset some of the VMT impacts of the Project.

Because the development would generate vehicle travel exceeding ~~1315~~ percent below the established city-wide average under Existing and Cumulative Conditions, even with implementation of Project Design measures that provide mitigating effects, development of the proposed Project would have a **cumulatively considerable contribution** and a **significant and unavoidable** impact.

The following edit is made to page 4.0-28 in Section 4.3 of the DEIR.

Impact 3.13-1: Project implementation would ~~not~~ result in VMT increases that are greater than 87 percent of Baseline conditions;

#### 5.0 ALTERNATIVES

The following edits are made to pages 5.0-1 through 5.0-2 in Section 5.0 of the DEIR.

##### PROJECT OBJECTIVES

The project objectives include a collection of goals and objectives, which clearly define the purpose of the Project. In developing the project objectives, it is notable that the City considered the Legislature's repeated determinations in recent years that California is facing a statewide housing crisis, and it is clearly within a city's exercise of its legislative discretion to facilitate the construction of new housing, which is defined by the Project Description after thorough evaluation of the development potential. Government Code section 65889.5, subdivision (a)(1)(A), states that "[t]he lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California." Subdivision (a)(1)(D) of that section adds that "[m]any local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects."

The principal Project objective is the expansion of the City's SOI to include the Project site, and the annexation/reorganization, approval and subsequent development of the Development Area.

~~The quantifiable objectives include the development of up to 605 single-family residential units. The quantifiable objectives include the development of open space totaling approximately 5.54 acres, including 2.25 acres of trails, 2.39 acres of promenade/pedestrian circulation, and 0.90 acres of parks. The Project objectives also include the installation of new public and private roadways that will provide pedestrian and vehicular access to the Project site and surrounding community areas, and other improvements, including water supply, storm drainage, sewer facilities and landscaping to serve the residential uses.~~

The ~~City has established five additional objectives project goals and objectives goals~~ of the proposed development ~~that more fully inform the Project purpose. These project goals and objectives~~ are as follows:

- Provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Clovis, consistent with policies stated in *A Landscape of Choice to modestly increase urban density*.
- Establish a mixture of housing types, sizes and densities that collectively provide for local and regional housing demand, consistent with City requirements as stated in the latest Regional Housing Needs Analysis (RHNA).
- Provide infrastructure that meets City standards and is integrated with existing and planned facilities and connections.
- Establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet City standards.
- Expand the City's Sphere of Influence in order to establish a logical and orderly boundary that promotes the efficient extension of municipal services.

~~The Project goals and objectives presented above, were developed by the City in response to the Legislature's repeated determinations in recent years that California is facing a statewide housing crisis, and the City's desire to facilitate the construction of new housing in the face of the housing crisis. The City staff has responded with adequate attention to the economic, environmental, and social costs of reduced housing density by establishing a quantified target density that provided the City with significant flexibility to evaluate different scenarios for residential projects on the Project site.~~

The following edits are made to pages 5.0-72 through 5.0-73 in Section 5.0 of the DEIR.

### ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project (No Build) Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed Project.

As Table 5.0-1 presents a comparison of the alternative Project impacts with those of the proposed Project. As shown in the table, the No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project (No Build) Alternative is the environmentally superior alternative, the environmentally superior alternative among the others

must be identified. Therefore, the Reduced Density Alternative would be the environmentally superior alternative because all environmental issues would have reduced impacts compared to the proposed Project. It is noted that the Reduced Density Alternative does not fully meet all of the Project objectives. The following two project objectives are not fully met:

- Provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Clovis, consistent with policies stated in *A Landscape of Choice* to modestly increase urban density.
- Establish a mixture of housing types, sizes and densities that collectively provide for local and regional housing demand, consistent with City Requirements as stated in the latest Regional Housing Needs Analysis (RHNA).

The Reduced Density Alternative would provide housing (150 units), but it would be 455 units less than what is proposed. The first objective listed above references “*A Landscape of Choice*” which is a regional document that provides direction for the region to utilize urban land as efficiently as possible while providing an adequate supply of a broad range of housing types and densities to meet market demand. One of the guiding principles recommends measures to facilitate and encourage compact growth to all urban land uses, including commercial, industrial and institutional uses. The Reduced Density Alternative is not consistent with this guidance for the region.

The second objective listed above references establishing a mix of housing to provide for local and regional housing demand, and consistent with the City requirements in the latest Regional Housing Needs Analysis (RHNA). In light of the Legislature’s repeated determinations in recent years that California is facing a statewide housing crisis, the State has provided the City with good reason to exercise its legislative discretion to facilitate the construction of new housing. Government Code section 65889.5, subdivision (a)(1)(A), states that “[t]he lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.” Subdivision (a)(1)(D) of that section adds that “[m]any local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.” The Reduced Density Alternative would result in 455 fewer units than the proposed Project, which is not consistent with Legislature’s guidance for solving California statewide housing crisis.

**TABLE 5.0-1: COMPARISON OF ALTERNATIVE PROJECT IMPACTS TO THE PROPOSED PROJECT**

ENVIRONMENTAL ISSUE	NO PROJECT (NO BUILD) ALTERNATIVE	INCREASED DENSITY MIXED USE ALTERNATIVE	REDUCED DENSITY ALTERNATIVE	REDUCED SPHERE OF INFLUENCE ALTERNATIVE
Aesthetics and Visual Resources	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Agricultural Resources	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Air Quality	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)
Biological Resources	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Cultural and Tribal Resources	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Geology and Soils	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)



## 4.0 ERRATA

ENVIRONMENTAL ISSUE	NO PROJECT (NO BUILD) ALTERNATIVE	INCREASED DENSITY MIXED USE ALTERNATIVE	REDUCED DENSITY ALTERNATIVE	REDUCED SPHERE OF INFLUENCE ALTERNATIVE
Greenhouse Gases, Climate Change and Energy	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)
Hazards and Hazardous Materials	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Hydrology and Water Quality	Less (Best)	Equal (2nd Best)	Equal (2nd Best)	Equal (2nd Best)
Land Use, Population, and Housing	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)
Noise	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)
Public Services and Recreation	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)
Transportation and Circulation	Less (Best)	Greater (4th Best)	<del>Less</del> Equal (2nd Best)	Equal (3rd Best)
Utilities	Less (Best)	Greater (4th Best)	Less (2nd Best)	Equal (3rd Best)

*GREATER = GREATER IMPACT THAN THAT OF THE PROPOSED PROJECT*

*LESS = LESS IMPACT THAN THAT OF THE PROPOSED PROJECT*

*EQUAL = NO SUBSTANTIAL CHANGE IN IMPACT FROM THAT OF THE PROPOSED PROJECT*

### 6.0 REPORT PREPARERS

No changes were made to Chapter 6.0 of the DEIR.

### 7.0 REFERENCES

No changes were made to Section 7.0 of the DEIR.

### APPENDICES

The Appendices are updated to include a Supplementary Report on Groundwater. This is included in the Revised Final EIR as Appendix L as previously published in the Final EIR.

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**Appendix L**

Supplementary Report on Groundwater Conditions by Ken Schmidt

GROUNDWATER CONDITIONS IN THE VICINITY  
OF PROPOSED TRACT 6205

prepared for  
Wilson Development  
Fresno, California

by  
Kenneth D. Schmidt and Associates  
Groundwater Quality Consultants  
Fresno, California

September 2023

## KENNETH D. SCHMIDT AND ASSOCIATES

GROUNDWATER QUALITY CONSULTANTS

600 WEST SHAW AVE., SUITE 250

FRESNO, CALIFORNIA 93704

TELEPHONE (559) 224-4412

September 21, 2023

Mr. Todd Wilson  
Wilson Development  
7550 North Palm Ave., Suite 102  
Fresno, CA 93711

Re: Tract 6205

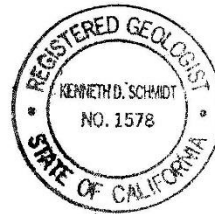
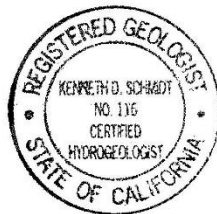
Dear Todd:

Submitted herewith is our report on groundwater conditions for  
Tract 6205.

Sincerely yours,



Kenneth D. Schmidt  
Geologist No. 1578  
Certified Hydrogeologist  
No. 176



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GROUNDWATER CONDITIONS IN THE VICINITY  
OF PROPOSED TRACT 6205

## INTRODUCTION

Tract 6205 would include 605 single family residential lots on about 77.5 acres. The proposed project site is bounded by Shepherd Avenue to the south, Perrin Avenue to the north, and Sunnyside Avenue to the west (Figure 1). The project is located in the southwest quarter of Section 21, T12S/R21E. Dry Creek is south of the site and Dry Creek Reservoir is about a mile to the east. The project would be served water from the City of Clovis water distribution system, which relies on wells and surface water supplies. Provost and Pritchard Consulting Group (2022) prepared a water supply assessment for Tract 6205. Hydrology and water quality for the vicinity were discussed in Section 3.9 of the Draft Environmental Impact Report for the Shepherd North area, which includes the project site.

A number of comments concerning groundwater were received for the project. Many of these concerned loss of recharge due to removal of the pecan trees which were formerly at the site, and disruption of recharge from rainfall. The purpose of the report is to provide information on the groundwater conditions in the area and impacts of the proposed project. Discussion of these conditions was minimal in the Water Supply Assessment, as surface water is to be used for the water supply.

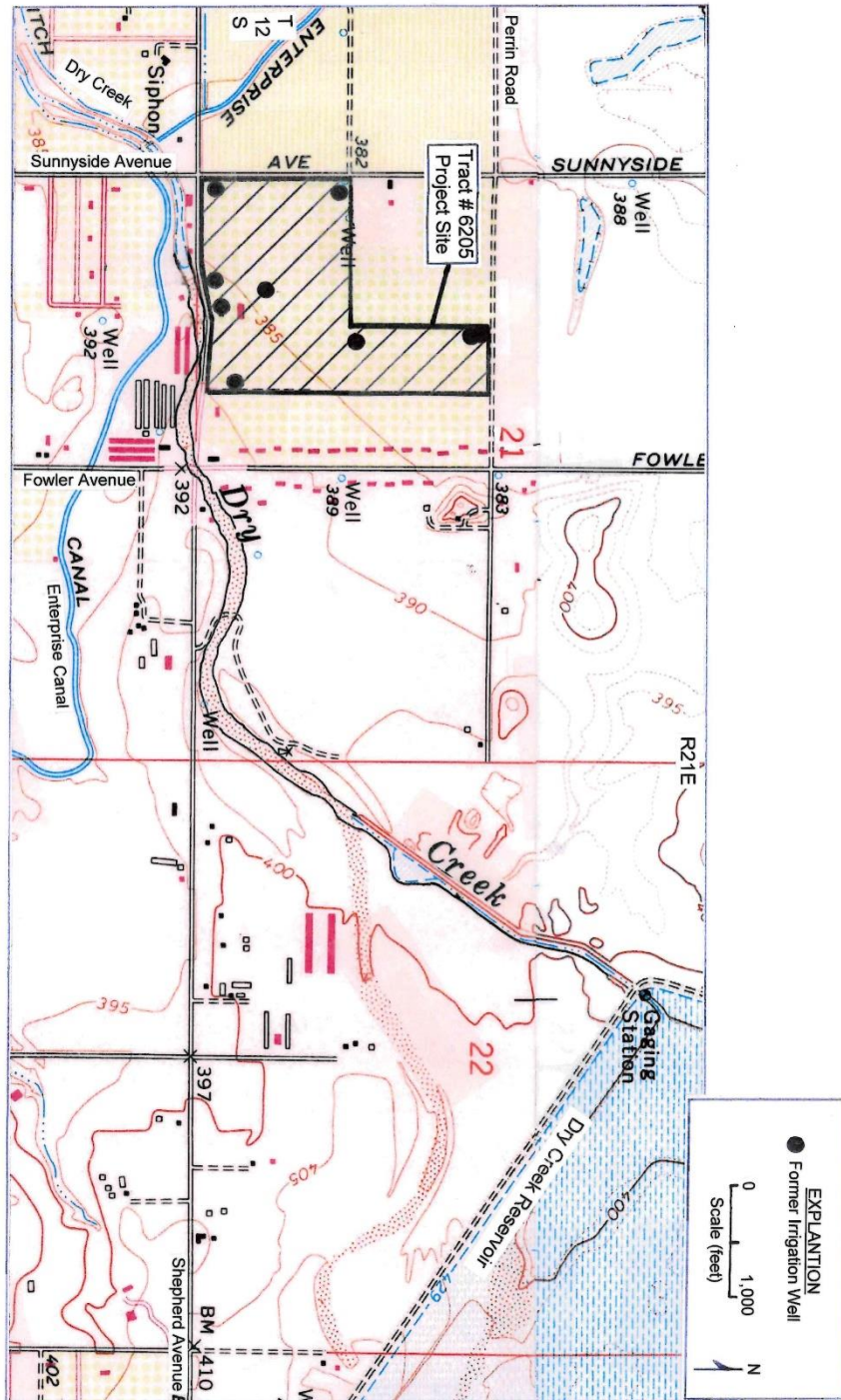


FIGURE 1-1-LOCATION OF PROJECT SITE AND VICINITY AND FORMER IRRIGATION WELLS AT SITE



## SUBSURFACE GEOLOGIC CONDITIONS

Plate 12 of an April 1995 report prepared by Provost and Pritchard and KDSA for the City of Clovis shows the depth to the top of the hardrock in the area. The project site is in a transition area, where the alluvium is relatively thin (130 feet thick or less). Wells to the north and east generally tap groundwater in the hardrock, and wells to the south and southwest generally tap groundwater in the alluvium. Plate 12 indicates that the depth to the top of the hardrock is less than 200 feet in Sections 20-22 and 27-28.

Drillers logs for wells in the area were obtained from the DWR website. Logs were found for eight irrigation wells in Section 21. Most of these wells were less than 130 feet deep. Logs were found for about 180 private domestic wells in or near Section 21. Most of these wells tapped groundwater in the hardrock, except for some wells to the south and northeast that tapped groundwater in the alluvium. A number of logs for private domestic wells north and east of the project site indicate that most tap groundwater in the hardrock. Such wells to the south tap groundwater in the alluvium. The top of the shallow hardrock to the northeast forms a shelf, above which some groundwater is present in the alluvial deposits.

## WATER LEVELS

### Depth to Water

A water-level elevation map for Fall 2022 is available for the Fresno Irrigation District, which is near the project site south of the Enterprise Canal (Figure 2). The water-level elevation beneath the project site in Fall 2022 was about 330 feet above mean sea level. This equates to a depth to water of about 55 feet at the project site. Depth to water was measured in five unused on-site wells on September 19, 2023 and ranged from 61.0 to 74.7 feet below the ground surface. The shallowest level was in the central part of the area and the deepest was near the southwest corner.

### Water-Level Elevations

The water-level elevation map for Fall 2022 and a number of other maps for recent years indicate a westerly direction of groundwater flow beneath the project site. This indicates recharge from the Dry Creek Reservoir and Dry Creek streamflow. Other hydrogeologic studies in the area west and southwest of the Dry Creek Reservoir indicate that seepage from the reservoir is the major source of recharge in the area. Seepage from Dry Creek downstream of the reservoir is also significant.

### Water-Level Trends

Depth to water in wells south of the Enterprise Canal have

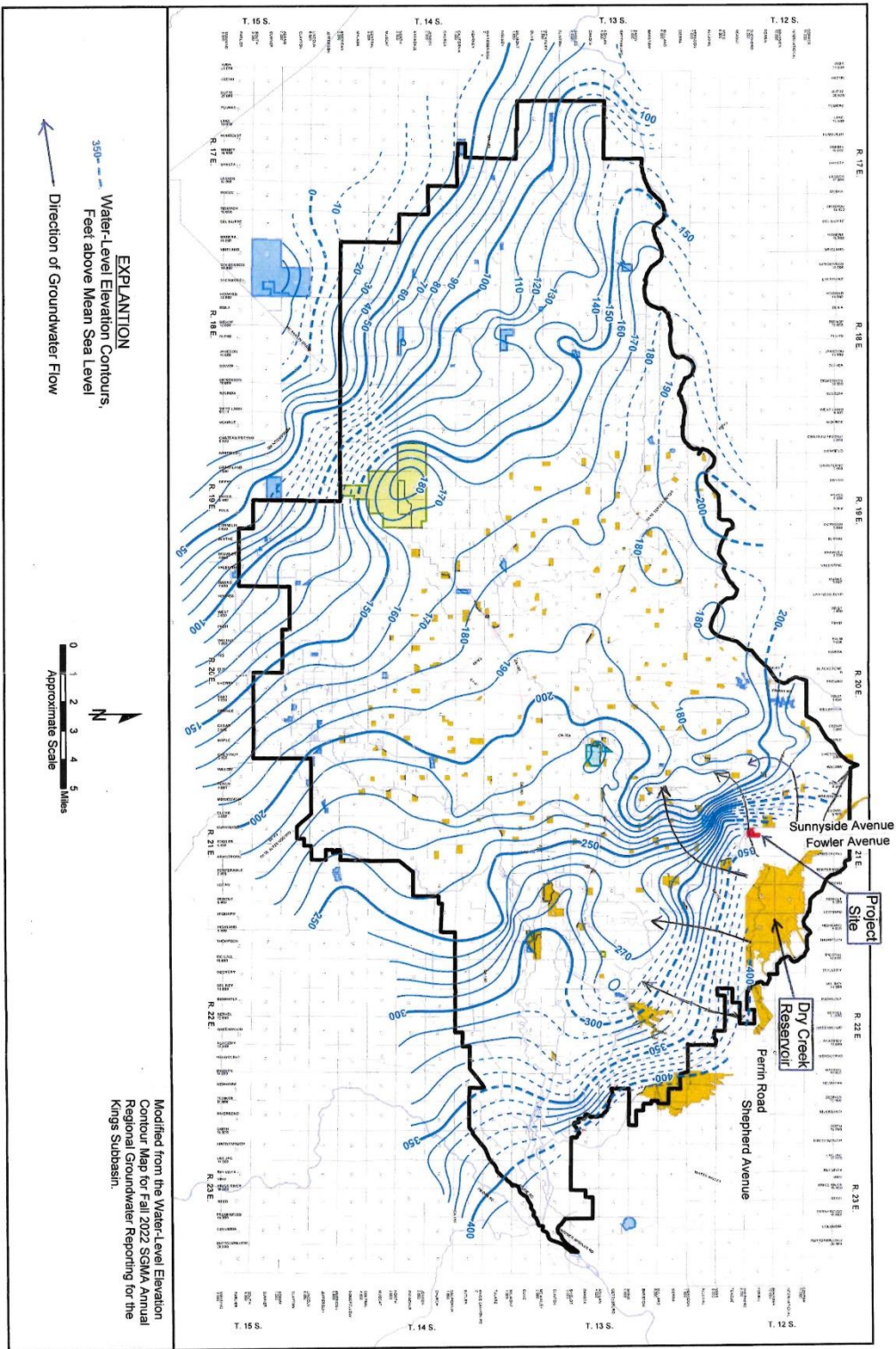


FIGURE 2-WATER-LEVEL ELEVATIONS AND DIRECTION OF GROUNDWATER FLOW (FALL 2022)

been relatively stable in recent decades, falling during droughts and rising during wet periods. Early 2023 was a relatively wet period and large amounts of Dry Creek flows were diverted to Little Dry Creek and thence to the San Joaquin River.

A water-level hydrograph was prepared for Well T12S/R21E-29K1 (Figure 3). This well is located near Teague Avenue and Dry Creek, about half a mile downstream to the project site. The well taps groundwater in the alluvial deposits. Depth to water in this well has ranged from about 20 to 100 feet below land surface since 1974. The water level fell about 30 feet during the drought of the late 1980's to early 1990's, and did not recover. The water level fell during 1975-77, 2001-04, 2013-2015, and 2021-2023. Water levels recovered during 1978, 1995-96, 2005-06, and 2015-2016. These trends follow trends in the Dry Creek streamflow (discussed later).

#### ON-SITE WELLS

There is one private domestic well on site and about eight irrigation wells that were formerly used to irrigate the pecans at one time or another. Logs aren't available for most of these wells, but depths in some of them have been measured. These wells are about 100 to more than 130 feet deep. Wells located in the southwest tend to be deepest and to tap some groundwater

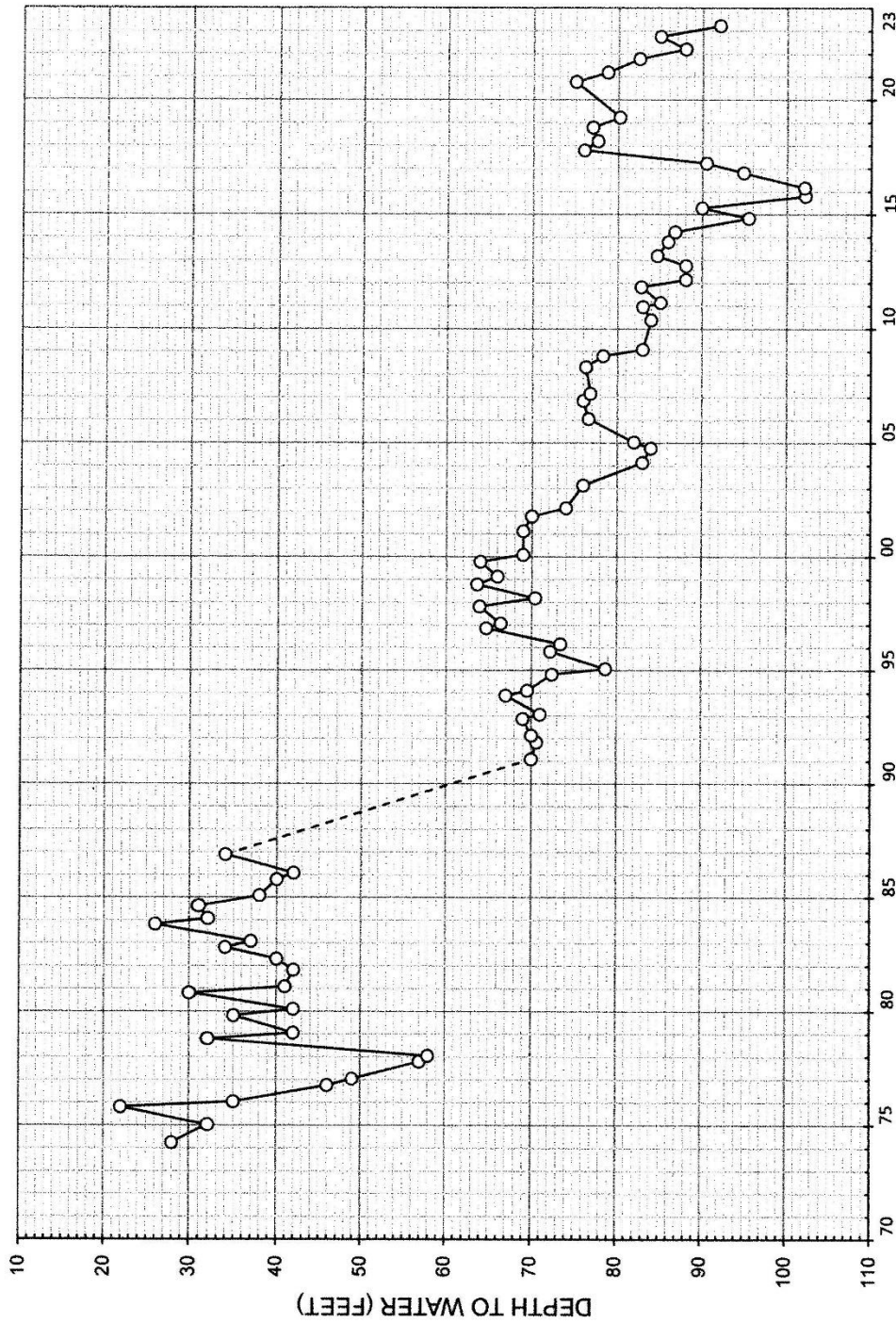


FIGURE 3-WATER-LEVEL HYDROGRAPH FOR WELL T12S/R21E-29K1

in the alluvium. The well near the southeast corner of the property was pump tested in August 2022. The static level was 61 feet deep and the pumping rate was 235 gpm. The well was measured to be 99 feet deep.

#### SOURCES OF RECHARGE

##### Seepage from Dry Creek Reservoir and Dry Creek

Dry Creek (Big Dry Creek) is located almost immediately south of the project site. Streamflow records for Big Dry Creek at the exit from the dam were obtained from the U.S. Army Corp. of Engineers for 1995-2023. There tend to be significant flows in wet years and no flow in dry years. During 1995-2023, there were four periods of little or no streamflow:

2002-2004	2013-2015
2007-2009	2018-2022

The longest of these periods was for 2018-2022. Water-level elevation maps such as the one for Fall 2022 show a large area of influence of seepage from the Dry Creek Reservoir, between Sunnyside Avenue and McCall Avenue.

##### Seepage from the Enterprise Canal

The Enterprise Canal is located about 400 feet south of the project site near Sunnyside Avenue and about 800 feet south of the project site near the east edge. Seepage from the canal

is close enough to the south part of the project site to be a significant source of recharge to groundwater beneath that area.

#### Deep Percolation

Deep percolation is the difference between water applied for irrigation and the consumptive use of the applied water. When the pecans were grown at the site, the consumptive use of applied water was 2.6 acre-feet per year per acre, or 200 acre-feet per year. This is based on data from DWR Bulletin 113-3. Flood irrigation was used to water the pecans, and an average irrigation efficiency of about 50 percent is indicated, based on studies for the Tulare Lake Basin 5D in the early 1970's. The irrigation efficiency is the consumptive use of applied water divided by the applied water. The groundwater pumpage for the pecan irrigation would have averaged about 400 acre-feet per year. The deep percolation would have been about 200 acre-feet per year, all from groundwater pumpage.

For the proposed development, deep percolation is from the outside water use. The outside water use is the water demand from surface water of 255 acre-feet per year minus the sewer flow of 120 acre-feet per year, or 135 acre-feet per year. An irrigation efficiency of 70 percent is assumed for the outside water use. The deep percolation is the difference between the

outside water use (135 acre-feet per year) minus the consumptive use (95 acre-feet per year), or about 40 acre-feet per year. All of this deep percolation would come from surface water.

#### Urban Storm Runoff

Harbour and Associates (2023) have estimated the project average storm water runoff to be about 40 acre-feet per year.

#### CONSUMPTIVE USE

When the pecans were grown at the project site, the average consumptive use of applied water was about 200 acre-feet per year. For the project, the average consumptive use of applied water for outside irrigation would be about 95 acre-feet per year, a reduction of about 105 acre-feet per year.

#### RESPONSES TO ISSUES RAISED

##### Loss of Recharge from Pecan Tree Irrigation

The reduction in deep percolation due to the proposed project would average about 160 acre-feet per year. Considering the direction of groundwater flow, only the north half of the project would appear to influence the groundwater in the rural residential area to the northwest. Many of the residences near Fowler Avenue are upgradient of the project and the influence would be



minimal. Recharge from Dry Creek Reservoir and Dry Creek are indicated to be the most significant sources of recharge to groundwater in the area.

Some of the comments indicated that removal of the pecan trees coincided with reductions in yields of private domestic wells to the northwest. The water levels in wells apparently declined during 2018-2022, but this was primarily associated with a lack of recharge from Dry Creek streamflow and seepage from the reservoir.

Rural residential areas should have a net zero water balance, meaning that recharge of storm runoff should equal or exceed the consumptive use. The water supply for these areas should not be dependent on irrigation of other properties, which could have been stopped at any time. Irrigation of crops in white areas is likely to be decreased in the future because of the Sustainable Groundwater Management Act. Unless a source of surface water for this irrigation can be found, substantial reductions in groundwater pumpage will be necessary.

#### Travel Time in the Vadose Zone

The travel time for downward percolating water in the vadose zone (above the water table) is greatly different for deep percolation from irrigation compared to seepage from Dry Creek or

the reservoir. This is because for irrigation return flow in the Fresno area, the rate of downward movement is commonly about 20 feet per year or less. At the project site, this is primarily due to the small amount of deep percolation (2.6 feet per year). In contrast, for seepage from a stream such as Dry Creek, the downward movement of seepage is indicated to be about one to two feet per day. Because of this large rate of recharge, the stream seepage commonly reaches the water table within a few weeks or months after leaving the ground surface.

Thus the reported drastic effects on water levels and yields for the domestic wells in the area after the pecans were removed was not due to removal of the pecans. Most of the domestic wells are hardrock wells, where deep percolation would have to pass through a vadose zone in the unsaturated alluvium, then through some saturated alluvium, then through fractures in the hardrock, some of which are indicated to be 200 to 300 feet deep. Thus, not enough time has elapsed for the loss of deep percolation from the previous pecan irrigation to have an effect on water levels or yields of the wells in this area. In contrast, water from Dry Creek and the reservoir can move quickly through the vadose zone. Past monitoring has indicated a rapid response of water levels to Dry Creek streamflow.

#### Storm Water Recharge

Storm water from the proposed development would be about 40 acre-feet per year, to be sent to a flood control basin about a mile north of the project site. This is consistent with the FMFCD plan for this area. The amount of recharge from this source is indicated to be small compared to seepage from Dry Creek Reservoir and Dry Creek.

#### Overall Situation

The proposed project would use water from the City of Clovis distribution system as opposed to on-site wells. In terms of groundwater, there would be an overall reduction in groundwater pumpage of about 400 acre-feet per year. This would be beneficial to the local groundwater supplies.

#### REFERENCES

Harbour and Associates, 2023, "Tract 6205, Project Storm Water Runoff".

Krazan and Associates, 2019, "Geotechnical Engineering Investigation, Proposed Tract 6205 (Spensley Property), Sunnyside and Shepherd Avenues, Clovis, California", prepare for Wilson Homes, Fresno, California, 17p.

Provost and Pritchard, 2021, "Draft Environmental Impact Report-Shepherd North", Utilities (Section 3.14) and Hydrology and Water Quality (Section 3.9), prepared for City of Clovis.

Provost and Pritchard Consulting Group, 2022, "Water Supply Assessment, Tract 6205, Northwest Sphere of Influence Expansion

14

Area", prepared for City of Clovis.

U.S. Army Corp. of Engineers, 2023, "Streamflow Records for Big Dry Creek (1994-2023)".

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This document is the Final Mitigation Monitoring and Reporting Program (FMMRP) for the Shepherd North (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.

## 5.1 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 Revised Final EIR.

The City of Clovis 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.

**TABLE 5.0-1: MITIGATION MONITORING AND REPORTING PROGRAM**

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
BIOLOGICAL RESOURCES				
Impact 3.4-3: The proposed Project has the potential to have direct or indirect effects on special-status bird species.	<p><b>Mitigation Measure 3.4-1:</b> The Project applicant shall implement the following measure to avoid or minimize impacts on other protected bird species that may occur on the sit:</p> <ul style="list-style-type: none"> <li>Preconstruction surveys for active nests of special-status birds shall be conducted by a qualified biologist in all areas of suitable habitat within 500 feet of project disturbance. Surveys shall be conducted within 14 days before commencement of any construction activities that occur during the nesting season (February 15 to August 31) in a given area.</li> <li>If any active nests, or behaviors indicating that active nests are present, are observed, appropriate buffers around the nest sites shall be determined by a qualified biologist to avoid nest failure resulting from project activities. The size of the buffer shall depend on the species, nest location, nest stage, and specific construction activities to be performed while the nest is active. The buffers may be adjusted if a qualified biologist determines, based on these same considerations, that a change in buffer size would not be likely to adversely affect the nest. If buffers are adjusted, monitoring will be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.</li> </ul>	<p>City of Clovis Planning and Development Services Department, Engineering Division</p> <p>Qualified Biologist</p>	Prior to construction activities	
Impact 3.4-4: The proposed Project has the potential to result in direct or indirect effects on special-status mammal species.	<p><b>Mitigation Measure 3.4-2:</b> Prior to grading of each Project development phase, the Project applicant shall conduct a survey of the area to be graded for bat roosts, and if present, the Project applicant shall implement the following measures to avoid or minimize impacts on special-status bats:</p> <ul style="list-style-type: none"> <li>If removal of suitable roosting areas (i.e., buildings, trees, shrubs, bridges, etc.) must occur during the bat pupping season (April 1 through July 31), surveys for active maternity roosts shall be</li> </ul>	City of Clovis Planning and Development Services Department, Engineering Division	Prior to any grading activities	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>conducted by a qualified biologist. The surveys shall be conducted from dusk until dark.</i></p> <ul style="list-style-type: none"> <li><i>If a special-status bat maternity roost is located, appropriate buffers around the roost sites shall be determined by a qualified biologist and implemented to avoid destruction or abandonment of the roost resulting from habitat removal or other project activities. The size of the buffer shall depend on the species, roost location, and specific construction activities to be performed in the vicinity. No project activity shall commence within the buffer areas until the end of the pupping season (August 1) or until a qualified biologist conforms the maternity roost is no longer active.</i></li> <li><i>If a non-maternal roost is located, eviction and exclusion techniques shall be conducted as recommended by the qualified biologist. Methods may include opening the roosting area to change the air flow and lighting, installing one-way doors, or other appropriate methods that allow the bats to exit and find a new roost. After eviction is believed to be completed, acoustic monitoring, and an evening emergence survey shall be performed by the qualified biologist to ensure eviction is complete. For tree removal, a two-step tree removal process involving removal of all branches that do not provide roosting habitat on the first day, and then the next day cutting down the remaining portion of the tree.</i></li> </ul>	<p>Qualified Biologist</p>		
CULTURAL AND TRIBAL RESOURCES				
<p>Impact 3.5-1: Project implementation has the potential to cause a substantial adverse change to a significant historical or archaeological resource, as defined in CEQA Guidelines §15064.5</p>	<p><b>Mitigation Measure 3.5-1:</b> If subsurface deposits believed to be cultural, historical, archaeological, tribal, and/or human in origin are discovered during construction and/or ground disturbance, all work must halt within a 100-foot radius of the discovery. A Native American Representative from traditionally and culturally affiliated Native American Tribes that requested consultation shall be immediately contacted and invited to assess the significance of the find and make recommendations for further evaluation and treatment, as necessary. If deemed necessary by the City, a qualified cultural resources specialist meeting the Secretary of Interior’s Professional Qualifications Standards for Archaeology, may also assess the</p>	<p>City of Clovis Planning and Development Services Department, Engineering Division</p> <p>Qualified</p>	<p>If any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources are</p>	



<i>ENVIRONMENTAL IMPACT</i>	<i>MITIGATION MEASURE</i>	<i>MONITORING RESPONSIBILITY</i>	<i>TIMING</i>	<i>VERIFICATION (DATE/INITIALS)</i>
	<p>significance of the find in joint consultation with Native American Representatives to ensure that Tribal values are considered. Work at the discovery location cannot resume until it is determined by the City, in consultation with culturally affiliated tribes, that the find is not a tribal cultural resource, or that the find is a tribal cultural resource and all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB 52, has been satisfied. The qualified cultural resources specialist shall have the authority to modify the no-work radius as appropriate, using professional judgement.</p> <p>The following notifications and measures shall apply to potential unique archaeological resources and potential historical resources of an archaeological nature (as opposed to tribal cultural resources), depending on the nature of the find:</p> <ul style="list-style-type: none"> <li>• If the professional archaeologist determines that the find does not represent a cultural resource that might qualify as a unique archaeological resource or historical resource of an archaeological nature, work may resume immediately and no agency notifications are required.</li> <li>• If the professional archaeologist determines that the find does represent a cultural resource that might qualify as a unique archaeological resource or historical resource of an archaeological nature from any time period or cultural affiliation, he or she shall immediately notify the City and applicable landowner. The professional archaeologist and a representative from the City shall consult to determine whether any unique archaeological resources or historical resources of an archaeological nature are present, in part based on a finding of eligibility for inclusion in the NRHP or CRHR. If it is determined that unique archaeological resources or historical resources of an archaeological nature are present, the qualified archaeologist shall develop mitigation or treatment measures for consideration and approval by the City. Mitigation shall be developed and implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section</li> </ul>	Archaeologist	found during grading and construction activities	

<i>ENVIRONMENTAL IMPACT</i>	<i>MITIGATION MEASURE</i>	<i>MONITORING RESPONSIBILITY</i>	<i>TIMING</i>	<i>VERIFICATION (DATE/INITIALS)</i>
	<p>15126.4(b)(3), preservation in place may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If approved by the City, such measures shall be implemented and completed prior to commencing further work for which grading or building permits were issued, unless otherwise directed by the City. Avoidance or preservation of unique archaeological resources or historical resources of an archaeological nature shall not be required where such avoidance or preservation in place would preclude the construction of important structures or infrastructure or require exorbitant expenditures, as determined by the City. Where avoidance or preservation are not appropriate for these reasons, the professional archaeologist, in consultation with the City, shall prepare a detailed recommended a treatment plan for consideration and approval by the City, which may include data recovery. If employed, data recovery strategies for unique archaeological resources that do not also qualify as historical resources of an archaeological nature shall follow the applicable requirements and limitations set forth in Public Resources Code Section 21083.2. Data recovery will normally consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim of recovering important scientific data contained within the unique archaeological resource or historical resource of an archaeological nature. The data recovery plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and State repositories, libraries, and interested professionals. If data recovery is determined by the City to not be appropriate, then an equally effective treatment shall be proposed and implemented. Work may not resume within the no-work radius until the City, in consultation with the professional archaeologist, determines that the site either: 1) does not contain unique archaeological resources or historical resources of an archaeological nature; or</p>			

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>2) that the preservation and/or treatment measures have been completed to the satisfaction of the City.</p> <ul style="list-style-type: none"> <li>If the find includes human remains, or remains that are potentially human, the contractor shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the County Coroner (per §7050.5 of the Health and Safety Code). The provisions of §7050.5 of the California Health and Safety Code, Section 5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, then the Coroner will notify the Native American Heritage Commission, which then will designate a Native American Most Likely Descendant (MLD) for the project (§5097.98 of the Public Resources Code). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, then the NAHC can mediate (§5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction.</li> </ul>			
<p>Impact 3.5-2: Project Implementation has the potential to disturb human remains, including those interred outside of formal cemeteries.</p>	<p><b>Reference is Made to Mitigation Measure 3-5.1</b></p>	<p>City of Clovis Planning and Development Services Department,</p>	<p>If any cultural resources, including prehistoric or historic</p>	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
		Engineering Division  Qualified Archeologist	artifacts, or other indications of archaeological resources are found during grading and construction activities	
Impact 3.5.3: Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1 (k), or a resource determined by the lead agency.	<b>Reference is Made to Mitigation Measure 3-5.1</b>	City of Clovis Planning and Development Services Department, Engineering Division  Qualified Archeologist	If any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources are found during grading and construction activities	
GEOLOGY, SOILS, AND MINERAL RESOURCES				
Impact 3.6-6: The proposed Project has the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	<b>Mitigation Measure 3.6-1:</b> <i>Prior to approval of a grading permit, the Project proponent shall ensure that grading and improvement plans include the following note: "If any paleontological resources are found during grading and construction activities of the Project, all work shall be halted immediately within a 200-foot radius of the discovery until a qualified paleontologist has evaluated the find. Work shall not continue at the discovery site until the paleontologist evaluates the find and makes a determination regarding the significance of the resource and identifies recommendations for conservation of the resource, including preserving in</i>	City of Clovis Planning and Development Services Department, Engineering Division  Qualified	Prior to issuance of grading permit	

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MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>place or relocating on the Project site, if feasible, or collecting the resource to the extent feasible and documenting the find with the University of California Museum of Paleontology.”</i></p>	Paleontologist		
HAZARDS AND HAZARDOUS MATERIALS				
<p>Impact 3.8-1: Potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.</p>	<p><b>Mitigation Measure 3.8-1:</b> <i>Prior to the acceptance of improvements, the Project proponent shall hire a licensed well contractor to obtain a well abandonment permit from Fresno County Department of Public Health Environmental Health Division, and properly abandon the on-site wells, pursuant to review and approval of the City Engineer and the Fresno County Department of Public Health Environmental Health Division.</i></p> <p><b>Mitigation Measure 3.8-2:</b> <i>The Project proponent shall hire a qualified consultant to perform additional testing prior to the issuance of grading permits for construction activities in the following areas that have been deemed to have potentially hazardous conditions present:</i></p> <ul style="list-style-type: none"> <li>• <i>The area near the three ASTs and four 55-gallon drums (see Figure 3.8-1 of the Draft EIR).</i></li> <li>• <i>The areas where USTs may exist, including near the former warehouse and former residences.</i></li> <li>• <i>The soils in the area where farming equipment and above ground tanks have been used, and near the former warehouse and former residences (see Figure 3.8-1 of the Draft EIR).</i></li> <li>• <i>The area near the four pole-mounted transformers (see Figure 3.8-1 of the Draft EIR).</i></li> </ul> <p><i>The intent of the additional testing is to investigate whether any of the areas, facilities, or soils contain hazardous materials. All activities (construction or demolition) in the vicinity of these materials shall comply with Cal/OSHA asbestos and lead worker construction standards. The ACBM and lead shall be disposed of properly at an appropriate offsite disposal facility. If surface staining is found on the Project site, a hazardous waste specialist shall be</i></p>	<p>Fresno County Department of Public Health Environmental Health Division</p> <p>Fresno County Department of Public Health Environmental Health Division.</p>	<p>Prior to approval of improvements plans</p> <p>Prior to issuance of grading permit</p>	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>engaged to further assess the stained area.</i></p> <p><i>Should further soil sampling be required in any stained areas, evenly distributed soil samples shall be conducted for analysis of pesticides and heavy metals. The samples shall be submitted for laboratory analysis of pesticides and heavy metals per DTSC and EPA protocols. The results of the soil sampling shall be submitted to the Fresno County Department of Public Health Environmental Health Division. If elevated levels of pesticides or heavy metals are detected during the laboratory analysis of the soils, a soil cleanup and remediation plan shall be prepared and implemented prior to the commencement of grading activities.</i></p> <p><i>Further, in the event of a future release/leak of insulating fluids from any of the four pole-mounted transformers, PG&amp;E shall be contacted regarding the testing of the transformers for PCB fluids or for their removal/replacement.</i></p>			
NOISE				
<p>Impact 3.11-1: Operational Noise - The Proposed Project has the potential to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.</p>	<p><b>Mitigation Measure 3.11-1:</b> A 6-foot-tall barrier shall be constructed along the boundary of the Project site, adjacent to Sunnyside Avenue and Shepherd Avenue (along all unshielded residential private yards within 100 ft of the centerline of Sunnyside and Shepherd Avenues), in order to achieve the City’s exterior noise standards. Noise barrier walls shall be constructed of concrete panels, concrete masonry units, earthen berms, or any combination of these materials that achieve the required total height. Wood is not recommended due to eventual warping and degradation of acoustical performance. These walls must be at least 4.2 lbs/ft. These requirements shall be included in the improvements plans prior to their approval by the City’s Public Utilities Department.</p> <p><b>Mitigation Measure 3.11-2:</b> The Project developer will ensure that any unshielded residential glass facades within 100 ft of the centerline of Shepherd Avenue or Sunnyside Avenue directly facing the subject roadway must have an STC rating of 30 or more. This includes any 2nd-floor windows, which would not be shielded by the 6-foot sound walls.</p>	<p>City of Clovis Public Utilities Department</p>	<p>Prior to approval of improvements plans</p>	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact 3.11-2: Construction Noise - The Proposed Project has the potential to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.</p>	<p><b>Mitigation Measure 3.11-3:</b> Construction activities shall adhere to the requirements of the City of Clovis Municipal Code with respect to hours of operation. This requirement shall be noted in the improvements plans prior to approval by the City’s Public Utilities Department.</p> <p><i>As soon as practicable (after grading operations), install permanent fencing along the boundary of the area being Developed and the adjacent Non-Development Area. Fencing should be a minimum of 6 feet tall and continuous between the source of noise and adjacent residences.</i></p> <p><b>Mitigation Measure 3.11-4:</b> The contractor shall ensure that the following noise attenuating strategies are implemented during project construction:</p> <ul style="list-style-type: none"> <li>• <i>During construction, the contractor shall ensure mufflers are properly installed on all construction equipment capable of being outfitted with mufflers.</i></li> <li>• <i>Idling equipment shall be turned off when not in use.</i></li> <li>• <i>Equipment shall be maintained so that vehicles and their loads are secured from rattling and banging.</i></li> </ul>	<p>City of Clovis Public Utilities Department</p>	<p>During project construction</p>	