

**FINDINGS OF FACT AND STATEMENT OF
OVERRIDING CONSIDERATIONS**

**TRACT MAP 6343
CLOVIS, CALIFORNIA**

LSA

April 2024

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**TRACT MAP 6343
CLOVIS, CALIFORNIA**

Submitted to:

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INTRODUCTION

The following Findings of Fact and Statement of Overriding Considerations are based in part on the information contained in the Tract Map 6343 Draft and Final Environmental Impact Report (State Clearinghouse # 2022120483) that was prepared by the City of Clovis (City) acting as lead agency pursuant to the California Environmental Quality Act (CEQA). Hereafter, unless specifically identified, the Notice of Preparation (NOP), Notices of Availability and Completion (NOA/NOC), Draft Environmental Impact Report (Draft EIR), Appendices, Technical Studies, Final Environmental Impact Report containing Responses to Comments and textual revisions to the Draft EIR (in the Final Environmental Impact Report), and Mitigation Monitoring and Reporting Program (MMRP) will be referred to collectively herein as the “EIR.” These Findings are based on the entire record before the Planning Commission, including the EIR. The EIR is hereby incorporated by reference and is available for review at the City of Clovis, 1033 Fifth Street, Clovis, California, and electronically at: <https://cityofclovis.com/planning-and-development/planning/ceqa/>

The purpose of these Findings of Fact and Statement of Overriding Considerations is to satisfy the requirements of Sections 15091, 15092, and 15093 of the CEQA Guidelines, associated with approval of proposed Tract Map 6343 (herein referred to as the proposed project).

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PROJECT DESCRIPTION

PROJECT LOCATION

The project site is in an unincorporated area of Fresno County. The project site is within the Sphere of Influence of the City of Clovis, and within the Northwest Urban Center area identified in the City's General Plan, now referred to as Heritage Grove. The project site is bounded by East Behymer Avenue to the north, by the Enterprise Canal to the west and south, and by rural residential, Fresno Municipal Flood Control District (FMFCD) ponding basin, and Tract Map 6200 to the east.

PROJECT OBJECTIVES

The following is a list of objectives for the proposed project:

- Provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Clovis.
- Establish a mixture of housing types, sizes and densities that collectively provide for local and regional housing demand.
- Implement the City's General Plan Land Use Element goal to facilitate annexation of large areas of land.
- Provide infrastructure that meets City standards and is integrated with existing and planned facilities and connections.
- Develop a project that meets City Standards by implementing a logical phasing plan for development of public infrastructure improvements.

PROJECT CHARACTERISTICS

The proposed project would consist of the annexation of 246 acres by the City of Clovis, and the development of approximately 590 residential lots, averaging approximately 3,329 square feet within the 71.54-acre project site. The proposed lots would be developed into single-family residences over time. Sixty-six outlot spaces that would potentially be developed into private roads, private parking, pedestrian walkways, landscaping, public utilities, and public park uses would also be included within the project site.

No development is proposed within the remaining 174.46-acre annexation area surrounding the project site. The proposed project would include annexation of the 246-acre area from Fresno County jurisdiction to the City of Clovis. Any future development occurring within the annexation area would require a separate project-specific analysis. The proposed project would be developed in three phases, as described below.

Phase 1 would include the development of approximately 136 single-family residential units with an average size of approximately 1,514 square feet per unit. Phase 1 would be located on the southern

portion of the project site and would be accessed through one ingress and egress street on Perrin Avenue. Phase 1 would include the construction of approximately 44 parking spaces, an approximately 8,745 square-foot community pool and recreation area, an approximately 13,930-square-foot community park, approximately 0.51 acre of landscaped areas, and drainage and pedestrian infrastructure improvements along Perrin Avenue. The southern extension of North Baron Avenue from East Behymer Avenue and the extension of Perrin and Hammel Avenue within the project site would be constructed during Phase 1.

Phase 2 would include the development of approximately 214 single-family residential units with an average size of approximately 2,168 square feet per unit. Phase 2 would be located on the central portion of the project site and would be accessed through one gated ingress and egress street along the future southern extension of Baron Avenue, and one gated ingress and egress street along Hammel Avenue. Phase 2 would include the construction of an approximately 26-foot-wide drainage channel along Perrin Avenue, approximately 0.35 acre of landscaped areas, as well as storm drainage and pedestrian infrastructure improvements along Perrin Avenue and Hammel Avenue.

Phase 3 of the proposed project would include the development of approximately 240 single-family residential units with an average size of approximately 1,514 square feet per unit. Phase 3 would be located on the northern portion of the project site and would be accessed through two gated ingress and egress streets located along the future southern extension of Baron Avenue, and through one gated egress street access located along the future northern extension of Hammel Avenue. Phase 3 would include the construction of approximately 91 parking spaces, an approximately 9,985-square-foot pool and recreation area, approximately 0.65 acre of landscaped areas, and drainage and pedestrian infrastructure improvements along Baron Avenue.

In addition, development of the project site would include infrastructure improvements for water services along the East Behymer Avenue frontage and Baron Avenue frontage, as well as stormwater management infrastructure improvements along the Perrin Avenue frontage. The proposed project would also construct a two-lane, approximately 49-foot-wide and 2,650-foot-long extension of Baron Avenue south of East Behymer Avenue.

A number of other permits and approvals are also contemplated as part of the project, as further described in Section 3.0 of the EIR, which is incorporated by reference.

PROCEDURAL FINDINGS

On December 19, 2022, the City circulated an NOP notifying responsible agencies and interested parties that an EIR would be prepared for the proposed project and indicated the environmental topics anticipated to be addressed in the EIR. The NOP was sent to the State Clearinghouse, responsible agencies, interested parties, and organizations likely to be interested in the potential impacts of the proposed project. A scoping session was held in person on January 13, 2022, to solicit feedback regarding the scope and content of the EIR. Comments received by the City on the NOP were considered during preparation of the Draft EIR.

The Draft EIR was made available for public review on January 12, 2024, and was distributed to local and State responsible and trustee agencies. The NOA for the Draft EIR was submitted to the State Clearinghouse, provided to all individuals and organizations who made a written request for notice, and filed with the Fresno County Clerk.

The CEQA-mandated public comment period ended on March 4, 2024. The City accepted and responded to all comments received during the 53-day public comment period for the Draft EIR, between January 12, 2024, and March 4, 2024.

Following public review of the Draft EIR, a Final EIR was prepared. The Final EIR was made available in March 2024 and consists of the following items:

- The Draft EIR released on January 12, 2024.
- Responses to Comments; and
- Text revisions to the Draft EIR.

As required by CEQA Guidelines Section 15088(b), public agencies that commented on the Public Review Draft EIR were provided at least 10 days to review the proposed responses contained in the Final EIR prior to the date for consideration of the Final EIR for certification.

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RECORD OF PROCEEDINGS

In accordance with Public Resources Code (PRC) Section 21167.6(e), the record of proceedings for the City's decision on the project includes the following documents, which are incorporated by reference and made part of the record supporting these Findings:

- City staff reports and all attachments;
- The Draft EIR and all appendices to the Draft EIR;
- The Final EIR and all appendices to the Final EIR;
- All notices required by CEQA and presentation materials related to the project;
- All comments submitted by agencies or members of the public during the comment period on the NOP and the Draft EIR;
- All studies conducted for the project and contained or referenced in the Draft EIR and the Final EIR;
- All documents cited or referenced in the Draft EIR and the Final EIR;
- All public reports and documents related to the project prepared for the City and other agencies;
- All other documents related to the project;
- The MMRP for the project; and
- Any additional items not included above if otherwise required by law.

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the City's offices at 1033 Fifth Street, Clovis, California.

The Draft EIR and Final EIR are incorporated into these Findings in their entirety, unless and only to the extent that these Findings expressly do not incorporate by reference the Draft EIR and Final EIR. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project in spite of the potential for associated significant and unavoidable adverse physical environmental impacts.

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FINDINGS REQUIRED UNDER CEQA

The Draft EIR identified a number of less than significant impacts associated with the project that do not require mitigation. The Draft EIR also identified a number of significant and potentially significant environmental effects (or impacts) that may be caused in whole or in part by the project. Some of these significant effects can be fully avoided or substantially lessened through the adoption of feasible mitigation measures. Other effects cannot be, and thus may be significant and unavoidable. For reasons set forth in Section 7, "Statement of Overriding Considerations," however, the City has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the project.

The findings of the City with respect to the project's significant effects and mitigation measures are set forth in the EIR and these Findings of Fact. The Summary of Findings does not attempt to replicate or restate the full analysis of each environmental impact contained in the EIR. Please refer to the Draft EIR and Final EIR for more detail.

The following provides a summary description of each potentially significant impact, describes the applicable mitigation measures identified in the Final EIR and adopted by the City, and states the findings of the City regarding the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Draft EIR and Final EIR and associated record (described herein), both of which are incorporated by reference. The City hereby ratifies, adopts, and incorporates the analysis and explanation in the record into these Findings, and ratifies, adopts, and incorporates into these Findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these Findings.

To the extent any of the mitigation measures are within the jurisdiction of other agencies, the City finds those agencies can and should implement those measures within their jurisdiction and control (CEQA Guidelines, Section 15091[a][2]).

AESTHETICS

Environmental Effects of the Project Found to Have No Impact on the Environment or to Have a Less Than Significant Impact on the Environment

- *The proposed project would not have a substantial adverse effect on a scenic vista.*
- *The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.*
- *The proposed project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from a publicly accessible vantage point). Due to the location of the project in an urbanized area, the project would not conflict with applicable zoning and other regulations governing scenic quality.*

- *The project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

AGRICULTURE AND FORESTRY RESOURCES

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- **Impact AG-1:** *The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.*
- **Impact AG-3:** *The project would not involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.*
- *The project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code section.51104(g)).*
- *The project would not result in the loss of forest land or conversion of forest land to non-forest use.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- **Impact AG-2:** *The project would conflict with existing zoning for agricultural use or a Williamson Act contract.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: The proposed project site is in APN 556-030-014S, which is currently under a Williamson Act contract. As APN 556-030-014S is identified for development pursuant to the General Plan, a Williamson Act cancellation process for the parcel would take place prior to issuance of building permits for the proposed project. Implementation of Mitigation Measure AG-2 would ensure compliance with the required procedure for cancellation of the Williamson Act contract at APN 556-030-014S. With implementation of Mitigation Measure AG-2, by the time project development begins at the project site, there would be no parcels within the project site

under a Williamson Act contract. Therefore, with Mitigation Measure AG-2, the proposed project would not conflict with zoning for agriculture or a Williamson Act contract, and the impact would be less than significant.

Mitigation Measure AG-2

Prior to issuance of building permits, the Project Applicant shall petition the County of Fresno Board of Supervisors for cancellation of the Williamson Act contract at APN 556-030-014S. The Project Applicant would have to make the required statutory findings as set forth under Government Code Section 51282(a) to cancel the Williamson Act contract. If the County determines the required findings are met, the Project Applicant would be required to pay a cancellation fee equal to 12.5 percent of the unrestricted market value of the parcels to the County of Fresno as set forth under Government Code Section 51283(b). After approval of the cancellation petition by the Fresno County Board of Supervisors, the Williamson Act contract would then be cancelled on APN 556-030-014S, and the Project Applicant would be able to develop uses that comply with the zoning designation of the parcel per the City of Clovis Zoning Code without the proposed development being inconsistent with a Williamson Act contract.

- **Impact AG-4:** *The proposed project, in combination with past, present, and reasonably foreseeable projects, would contribute to a significant cumulative impact with respect to agricultural resources.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: The project would implement Mitigation Measure AG-2 to reduce impacts related to conflicts with a Williamson Act contract to less than significant levels, as described above. Additionally, although the proposed project would result in the conversion of agricultural uses to nonagricultural uses through development of the project site, the City of Clovis General Plan EIR previously identified that conversion of farmland resulting from development of the General Plan would result in significant and unavoidable impacts. As such, the project would not result in new significant impacts that would contribute to cumulative impacts to agricultural resources. Further, the project site does not include any forestlands or timberland, so implementation of the proposed project would not contribute to cumulative impacts to forestry resources. Thus, the project would not contribute to any significant cumulative impacts to agricultural and forestry resources, and cumulative impacts to these resources would be less than significant.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

AIR QUALITY

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- **Impact AIR-1:** *The project would not conflict with or obstruct implementation of the applicable air quality plan.*
- **Impact AIR-2:** *Implementation of the proposed project would not result in a cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment under an applicable federal or State ambient air quality standard.*
- **Impact AIR-3:** *Implementation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations.*
- **Impact AIR-4:** *The project would not result in significant odors that could adversely affect a substantial number of people.*
- **Impact AIR-5:** *The proposed project, in combination with past, present, and reasonably foreseeable projects, would not contribute to a significant cumulative impact with respect to air quality.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less than Significant

- None.

BIOLOGICAL RESOURCES

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community.*
- *The project would not have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.*
- *The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.*

- *The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.*
- *The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- *The project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: The project site contains suitable nesting habitat for a variety of birds. Nearly all native birds are protected by the Federal Migratory Bird Treaty Act, the California Migratory Bird Protection Act, and the California Fish and Game Code. Construction activities that occur during the nesting bird season (typically February 1 through September 30) have potential to result in the mortality/disturbance of nesting birds.

Conducting pre-construction surveys and establishing buffers would prevent or compensate for impacts on special-status bird species. Therefore, implementation of Mitigation Measure BIO-1, which would require conducting pre-construction surveys, and establishing buffers if nesting birds are found during the surveys, would effectively mitigate any impacts to nesting birds to less than significant levels.

In addition, eight existing trees in the project site have the potential to be used as nesting habitat for Swainson’s hawk, a state-protected species. Construction activities that occur near the trees onsite, or that directly affect potential nesting habitat could result in “take” of Swainson’s hawk. Conducting pre-construction surveys, establishing buffers, and having a qualified biologist monitoring any existing nests, as applicable, would prevent or compensate for impacts on Swainson’s hawk. Therefore, implementation of Mitigation Measure BIO-2, which would require conducting pre-construction surveys, establishing buffers and monitoring, as applicable, would effectively mitigate any impacts to Swainson’s hawk to less than significant levels.

Further, old pipelines present near the existing residence on the project site and along the Enterprise Canal have the potential to be used as nesting habitat by the burrowing owl, a state-protected species. Construction activities that occur near, or that directly affect, potential nesting habitat could result in “take” of burrowing owl. Conducting pre-construction surveys, establishing buffers, and passive relocation of burrowing owls under the direction of a qualified biologist, as applicable, would prevent or compensate for impacts on burrowing owl. Therefore, implementation of Mitigation Measure BIO-3 and Mitigation Measure BIO-4, which would require conducting pre-

construction surveys, establishing buffers and passive relocation, as applicable, would effectively mitigate any impacts to burrowing owls to less than significant levels.

No other special-status species were determined to have a moderate or high probability of occurrence on the project site. As such, Mitigation Measures BIO-1 through BIO-4 would reduce potential impacts to special-status species to less than significant levels.

Mitigation Measure BIO-1

Nesting Bird Surveys and Active Nest Avoidance. Any initial ground disturbance or tree pruning, or removal should take place outside of the active nesting bird season (i.e., February 1–September 30), when feasible, to avoid impacts to nesting birds protected under the California Fish and Game Code and Migratory Bird Treaty Act. Should phased construction require tree removal or initial ground disturbance to ruderal areas, a qualified biologist shall conduct a nesting bird survey no more than 10 days prior to each phase of clearing activities. If nesting birds are discovered during preconstruction surveys, the biologist shall identify an appropriate buffer where no clearing, grading, or construction activities with potential to have direct or indirect impacts on the nesting bird(s) are allowed to take place until after the nest is no longer active (e.g., the young birds have fledged), or as otherwise determined by the qualified biologist.

Mitigation Measure BIO-2

Conduct Surveys for Swainson’s Hawk Nests and Implement Avoidance and Minimization Measures. The qualified biologist will conduct surveys for Swainson’s hawk (*Buteo swainsoni*) during the nesting season (February 1 to August 31) along the existing trees within the project site. No sooner than 30 days prior to any ground disturbing activity, the qualified biologist will conduct preconstruction surveys of nests identified during the earlier surveys to determine if any are occupied. The initial nesting season surveys and subsequent preconstruction nest surveys will follow the protocols set out in the Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley (Swainson’s Hawk Technical Advisory Committee [SHTAC] 2000) or guidance current at the time of project implementation. Available database records will be used to support the survey.

Any active Swainson’s hawk nests (defined as a nest used one or more times in the last 5 years) found within the existing trees on site during the nesting season will be monitored daily by the qualified biologist to assess whether the nest is occupied. If the nest is occupied, the qualified biologist will establish no-work buffers following California Department of Fish and Game’s

1994 Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California, and the status of the nest will be monitored until the young fledge or for the length of construction activities, whichever occurs first. Adjustments to the buffer(s) may be made in consultation with the California Department of Fish and Wildlife (CDFW).

If an occupied Swainson's hawk nest site is to be removed, an incidental take permit under the California Endangered Species Act (CESA) will be obtained, and impacts will be minimized through permitting with the CDFW and fully mitigated.

Mitigation Measure BIO-3

Conduct Pre-construction Clearance Surveys for Burrowing Owl. A pre-construction clearance survey will be conducted in the vicinity of the existing residence on site, as well as within the disturbed annual grassland and embankments of the Enterprise No. 109 Canal by a qualified biologist for burrowing owl (*Athene cunicularia*) no more than 30 calendar days prior to initiation of ground disturbance activities. All surveys will follow the California Department of Fish and Game 2012 Staff Report on Burrowing Owl Mitigation methodology, or guidance current at the time of project implementation, and results shall be delivered to CDFW and the City of Clovis. If the survey results find an active burrow, the Project Applicant must coordinate with the CDFW to obtain applicable agency approval/permit prior to any ground disturbance activities on the site.

Mitigation Measure BIO-4

Passive Relocation Measures for Burrowing Owl. If burrowing owl (*Athene cunicularia*) are detected during the pre-construction surveys, occupied burrows will not be disturbed during the nesting season (February 1 through August 31 for owls and other raptors). The non-disturbance buffer will include a minimum 330-foot (100-meter) buffer zone around any occupied burrow unless a qualified biologist approved by the CDFW verifies through non-invasive methods that either (1) burrowing owls have not begun egg laying and incubation, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The sizes of individual buffers may be modified through coordination with the CDFW based on site-specific conditions and existing disturbance levels. During the non-nesting season or if the qualified biologist determines either (1) or (2) above, the Project Applicant will coordinate with the CDFW to construct artificial burrows and passively relocate the owl(s). Passive relocation is defined as

encouraging owls to move from occupied burrows to alternate natural or artificial burrows that are beyond approximately 160 feet (50 meters) from the impact zone and that are within or contiguous to a minimum of 6.5 acres of foraging habitat for each pair of relocated owls (California Burrowing Owl Consortium 1993).

If passive relocation is required, a qualified biologist shall prepare a Burrowing Owl Exclusion and Mitigation Plan and Mitigation Land Management Plan in accordance with the CDFW 2012 Staff Report on Burrowing Owl Mitigation and for review by CDFW prior to passive relocation activities. Owls shall be excluded from burrows in the immediate impact zone and within an approximately 160-foot (50-meter) buffer zone by installing one-way doors in burrow entrances. One-way doors shall be left in place for 48 hours to ensure owls have left the burrow before excavation. One alternate natural or artificial burrow shall be provided for each burrow that will be excavated in the project impact zone. The project site shall be monitored daily for 1 week to confirm owl use of alternate burrows before excavating burrows in the immediate impact zone. Whenever possible, burrows shall be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe or burlap bags shall be inserted into the tunnels.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

CULTURAL AND TRIBAL RESOURCES

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- None.

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- *The project would cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: No historical resources were identified within the project site. In the event that unknown resources are discovered during project construction, existing federal, State,

and local laws and regulations would require construction activities to cease until such artifacts are properly examined and determined to not be of significance by a qualified professional. Implementation of Mitigation Measure CUL-1 would require consultation with a historical resources specialist to assess whether the discovered resource qualifies as a historical resource and to identify appropriate mitigation measures, if applicable. Therefore, potential impacts related to a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 would be less than significant with mitigation.

Mitigation Measure CUL-1

Consultation with Qualified Historical Specialist for Resources Found During Project Construction. If previously unknown resources are encountered before or during grading activities, construction shall stop within 50 feet of the find and a qualified historical resources specialist shall be consulted to determine whether the resource requires further study.

The qualified historical resources specialist shall make recommendations to the City of Clovis on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the State CEQA Guidelines.

If the resources are determined to be unique archeological resources as defined under Section 15064.5(c)(1) of the State CEQA Guidelines, measures shall be identified by a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping, incorporation of green space, parks, or open space in undeveloped areas of the project site, or data recovery excavations of the finds.

No further grading shall occur in the area of the discovery until the Lead Agency approves the protection measures. Any historical artifacts recovered as a result of mitigation shall be provided to a City of Clovis-approved institution or person who is capable of providing long-term preservation to allow future scientific study. A report of findings shall also be submitted to the Southern San Joaquin Valley Information Center.

- *The project would cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5 of the CEQA Guidelines.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: No archaeological resources were identified in the project site. However, there is a potential for unknown archaeological resources to be discovered during construction of the proposed project. Mitigation Measure CUL-1 requires that if unknown archaeological resources are discovered during construction, work in the area would halt and a qualified archaeologist would be contacted and consulted regarding how to appropriately address the situation. This would minimize or eliminate any potential for an adverse change to the significance of any discovered archaeological resources. Therefore, adherence to the requirements of Mitigation Measure CUL-1, described above, would reduce potential impacts from a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 to less than significant with mitigation.

- *The project would disturb human remains, including those interred outside of formal cemeteries.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: Disturbance of human remains interred outside of formal cemeteries would result in a significant impact. If human remains are identified during project construction, Section 7050.5 of the California Health and Safety Code and PRC Section 5097.98 shall apply, as appropriate. Mitigation Measure CUL-2 requires adherence to Section 7050.5 of the California Health and Safety Code and PRC Section 5097.98. With implementation of Mitigation Measure CUL-2, potential impacts related to disturbance of any human remains, including those interred outside of formal cemeteries, would be less than significant with mitigation.

Mitigation Measure CUL-2

In the event that human remains are unearthed during excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to Health and Safety Code Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98(a). If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendant of the deceased Native American, who shall then serve as the consultant on how to proceed with the remains.

Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the Project Applicant shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the Project Applicant has discussed and conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

The Project Applicant shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

- *The project would result in a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: While there is no evidence to suggest the presence of tribal cultural resources, if any artifacts are inadvertently discovered during ground-disturbing activities, existing federal, State, and local laws and regulations would require construction activities to cease until such artifacts are properly examined and determined not to be of significance by a qualified cultural resource professional. In addition, Mitigation Measure CUL-1 requires that if unknown archaeological resources are discovered during construction, work in the area would halt and a qualified archaeologist would be contacted. Further, Mitigation Measure CUL-2 would require compliance with applicable federal, State, and local laws and regulations if human remains of tribal origin are found during construction of the proposed project. Therefore, adherence to the requirements of Mitigation Measures CUL-1 and CUL-2 would reduce potential impacts related to the substantial adverse change in the significance of a tribal cultural resource to less than significant.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

ENERGY

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.*
- *The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

GEOLOGY AND SOILS

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *Directly or Indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*
 - *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*
 - *Strong seismic ground shaking.*
 - *Seismic-related ground failure, including liquefaction.*
 - *Landslides.*
- *Result in substantial soil erosion or the loss of topsoil.*
- *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.*
- *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.*
- *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: No paleontological resources or unique geological features are known to exist within or near the project site, and the proposed project is not expected to alter or destroy a paleontological resource, site, or unique geologic feature. However, as required by Mitigation Measure GEO-1, in the event that unique paleontological/geological resources are discovered during excavation and/or construction activities, construction shall stop within 50 feet of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study. Mitigation Measure GEO-1 would reduce potential impacts related to the project's potential

to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature to less than significant with mitigation.

Mitigation Measure GEO-1

If any potentially significant paleontological resources are discovered during grading activities, all construction activities shall stop within 50 feet of the find and a certified professional paleontologist shall provide recommendations and mitigation measures to protect the resource.

If a potentially significant resource is encountered, then the qualified professional paleontologist, the City of Clovis, and the Project Applicant shall arrange for either (1) total avoidance of the resource or (2) test excavations to evaluate eligibility and, if eligible, total data recovery. The determination shall be formally documented in writing and submitted to the City of Clovis as verification that the provisions for managing unanticipated discoveries have been met.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

GREENHOUSE GAS EMISSIONS

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- None.

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- **Impact GHG-1:** *The project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: As neither the City nor the SJVAPCD has developed or adopted numeric GHG significance thresholds, the significance of GHG emissions from the project was analyzed based on the project's consistency with the 2022 Scoping Plan.

The 2022 Scoping Plan includes key project attributes that reduce operational GHG emissions in Appendix D, Local Actions¹, of the 2022 Scoping Plan. As discussed in Appendix D of the 2022 Scoping Plan, absent consistency with an adequate, geographically specific GHG reduction plan such

¹ CARB. 2022b. *2022 Scoping Plan Appendix D Local Actions*. November. Website: <https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-d-local-actions.pdf> (accessed February 2023).

as a CEQA-qualified Climate Action Plan (CAP), the first approach the State recommends for determining whether a proposed residential or mixed-use residential development would align with the State’s climate goals is to examine whether the project includes key project attributes that reduce operational GHG emissions while simultaneously advancing fair housing.

The 2022 Scoping Plan recommends that a residential or mixed-use project provide EV charging infrastructure that, at minimum, meets the most ambitious voluntary standard in the California Green Building Standards Code at the time of project approval. Implementation of Mitigation Measure GHG-1 would be required to ensure the proposed project would provide electric vehicle charging. With implementation of Mitigation Measure GHG-1, the proposed project would be consistent with this key project attribute.

Further, the project is generally consistent with all the other key attributes and recommendations from the 2022 Scoping Plan, including development in an infill site, as the project site is located in area that has been marked for development of mixed uses, is presently served by existing utilities and essential public services (e.g., transit, streets, water, sewer), and will implement design features that would reduce project VMT. Additionally, the project would result in a less-than-significant impact related to the conversion of farmland; would be consistent with the transit density criteria recommended in the Scoping Plan; would meet parking reduction requirements of the Scoping Plan; would advance State housing goals by increasing housing opportunities in the San Joaquin Valley; and would be all-electric and would not include natural gas, as recommended in the Scoping Plan.

With implementation of Mitigation Measure GHG-1, the proposed project would be consistent with the 2022 Scoping Plan key residential and mixed-use project attributes related to EV charging requirements, and the proposed project would result in less-than-significant impacts related to greenhouse gas emissions.

Mitigation Measure GHG-1 In order to meet the 2022 Scoping Plan greenhouse gas (GHG) requirements, consistent with State GHG reduction and equity prioritization goals, each residential unit shall provide electric vehicle charging capabilities as part of the final project designs.

- **Impact GHG-2:** *The project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.*

Rationale for the Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

The project was analyzed for consistency with State GHG reduction goals, namely goals of the 2022 Scoping Plan. The 2022 Scoping Plan focuses on building clean energy production and distribution infrastructure for a carbon-neutral future, including transitioning existing energy production and transmission infrastructure to produce zero-carbon electricity and hydrogen, and utilizing biogas resulting from wildfire management or landfill and dairy operations, among other substitutes. As described above under Impact GHG-1, with implementation of Mitigation Measure GHG-1, the project would be consistent with all key attributes and goals of the 2022 Scoping Plan. Therefore,

the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, and the impact would be less than significant.

- **Impact GHG-3:** *The proposed project, in combination with past, present, and reasonably foreseeable projects, would contribute to a significant cumulative impact with respect to greenhouse gas emissions.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: As presented above, the proposed project was analyzed for consistency with State GHG reduction goals in the 2022 Scoping Plan to assess significance of project GHG emissions. Based on the analysis presented above, the proposed project would be consistent with the 2022 Scoping Plan key residential and mixed-use project attributes related to building electrification with implementation of Mitigation Measure GHG-1, the EV charging requirements. Therefore, the proposed project would have a less than significant impact. Therefore, the proposed project would not result in a cumulatively considerable impact on climate change.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None

HAZARDS AND HAZARDOUS MATERIALS

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.*
- *The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.*
- *The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.*
- *The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.*
- *The project would not be located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, and would not result in a safety hazard for people residing or working in the project area.*
- *The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.*

- *The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

HYDROLOGY AND WATER QUALITY

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.*
- *The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.*
- *The project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.*
- *The project would not release of pollutants due to project inundation in a flood hazard, tsunami, or seiche zone.*
- *The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (SGMA).*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

LAND USE AND PLANNING

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The project would not physically divide an established community.*

- *The project would not cause significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

MINERAL RESOURCES

Environmental Effects of the Project Found to Have No Impact on the Environmental or Have a Less Than Significant Impact on the Environment

- *The project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State.*
- *The project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

NOISE

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- **Impact NOI-2:** *The proposed project would not generate excessive groundborne vibration or groundborne noise levels.*
- **Impact NOI-3:** *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, the proposed project would not expose people residing or working in the project area to excessive noise levels.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- **Impact NOI-1:** *The proposed project would 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 in other applicable local, State, or federal standards.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Project construction would result in short-term noise impacts on the nearby sensitive receptors. The closest sensitive receptors to the project site include single-family residential uses located approximately 55 feet east of the project site along Behymer Avenue, approximately 230 feet west of the project site, and approximately 530 southeast of the project site along Baron Avenue. An evaluation of construction noise levels at nearby sensitive receptors determined that the closest sensitive receptor may be subject to short-term maximum construction noise reaching 86 dBA L_{max} during project construction. Consistent with the City's Municipal Code Section 5.27.604, construction noises are permitted between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturday and Sunday. From June 1st through September 15th, permitted construction activity may commence after 6:00 a.m. Monday through Friday. While construction noise impacts are exempt from specific noise levels limits under the City's Municipal Code, project construction noise would result in a potentially significant impact at the nearest off-site sensitive residential use. As such, Mitigation Measure NOI-1.1 would be required to ensure that all construction equipment, fixed or mobile, is equipped with properly operating and maintained mufflers consistent with manufacturers' standards, which would reduce the potential impacts associated with construction equipment. Additionally, Mitigation Measure NOI-1.1 requires the project to designate a "disturbance coordinator" at the City who would be responsible for responding to any local complaints about construction noise. With implementation of Mitigation Measure NOI-1.1, the proposed project would result in a less than significant impact associated with the generation of a substantial temporary increase in ambient noise levels in the vicinity during construction.

Noise-generating uses associated with development of the proposed project would typically include vehicle traffic and operational noise, such as HVAC and pool pump equipment. Although noise level associated with off-site traffic from the project is not expected to exceed the significance threshold for perceptible noise-level increases of 3 dBA or more, and noise levels from stationary sources like HVAC equipment noise or pool pumps are not expected to exceed the City's maximum exterior noise level standards for residential uses of 50 dBA L_{eq} during nighttime hours and 55 dBA L_{eq} during daytime hours, as measured at the nearest receiving sensitive land use, noise associated with on-site project traffic would require implementation of noise insulation features in project design to fulfill the City's normally acceptable interior noise level criterion. Implementation of an HVAC system would allow windows to remain closed in order to reduce interior noise levels by 25 dBA, resulting in interior noise levels of 42 dBA CNEL, which would meet the City's interior noise standard of 45 dBA CNEL. Mitigation Measure NOI-1.2 below would include modifications to ensure that buildings would comply with the City's noise and land use compatibility standards and reduce interior noise impacts. Therefore, with implementation of Mitigation Measures NOI-1.1 and NOI-

1.2, construction and operational noise impacts associated with the proposed project would be less than significant.

Mitigation Measure NOI-1.1

The project contractor shall implement the following measures during construction of the proposed project:

- Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
- Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site.
- Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all construction activities.
- Ensure that all general construction related activities are restricted to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturday and Sunday. From June 1st through September 15th, permitted construction activity may commence after 6:00 a.m. Monday through Friday, consistent with the City's Noise Ordinance.
- Designate a "disturbance coordinator" at the City who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem.

Mitigation Measure NOI-1.2

The project contractor shall implement the following measures during construction of the proposed project:

- In order for windows and doors to remain closed, mechanical ventilation such as air conditioning shall be provided for all units.
- All windows and glass doors shall be rated STC 26 or higher such that the noise reduction provided will satisfy the interior noise standard of 45 dBA CNEL.

- **Impact NOI-4:** *The proposed project, in combination with past, present, and reasonably foreseeable projects, would contribute to a significant cumulative impact with respect to noise.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

As discussed above, the project would require implementation of noise reduction requirements and noise insulation features in project design to fulfill the City’s normally acceptable interior noise level criterion. With implementation of Mitigation Measure NOI-1.2, interior noise levels would be reduced to 45 dBA or less and would be acceptable under the City’s land use compatibility standards. Therefore, this impact would be less than significant with mitigation, and the project would not contribute to a cumulatively considerable significant noise impact.

Additionally, while construction noise impacts are exempt from specific noise levels limits under the City’s Municipal Code, project construction noise would result in a potentially significant impact at the nearest off-site sensitive residential use. With implementation of Mitigation Measure NOI-1.1, which would require that construction equipment is properly equipped with mufflers consistent with manufacturers’ standards, staged at the greatest distance possible from sensitive receptors, and would require the project to designate a “disturbance coordinator” at the City who would be responsible for responding to any local complaints about construction noise, the proposed project would not result in adverse noise impacts from construction activities. Although the proposed project may be under construction at the same time as one or more cumulative development projects, each project would be required to implement similar measures as those identified in Mitigation Measure NOI-1.1 to ensure that construction noise levels are reduced to the extent feasible and to ensure that construction activities comply with the City’s Noise Ordinance. In addition, construction-related noise impacts would be temporary and would no longer occur once construction of each project is completed. Therefore, construction activities would not be considered a cumulatively considerable contribution to the total noise environment in the project site vicinity, and this impact would be less than significant.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

POPULATION AND HOUSING

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).*
- *The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

PUBLIC SERVICES

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:*
 - *Fire protection?*
 - *Police protection?*
 - *Schools?*
 - *Parks?*
 - *Other public facilities?*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

RECREATION

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.*
- *Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

TRANSPORTATION

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- **Impact TRA-3:** *The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).*
- **Impact TRA-4:** *The project would not result in inadequate emergency access.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- **Impact TRA-1:** *The project would conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.*

Finding: No feasible mitigation measures are available to mitigate the impact to a less than significant level. Therefore, impact is considered significant and unavoidable.

The proposed project would construct bicycle and pedestrian facilities in compliance with City design requirements and with multi-modal transportation goals of the City’s Active Transportation Plan or the General Plan. Additionally, the project would result in no conflict with current and planned transit facilities and routes in the City. As such, potential impacts to transit, bicycle and pedestrian facilities would be less than significant.

The Transportation Impact Analysis (TIA) prepared for the proposed project (included as Appendix G of the Draft EIR) conducted an LOS study to identify existing, near-term, and cumulative plus project and without project traffic volumes at study roadway segments and study intersections to identify if any LOS deficiencies would occur under the different scenarios analyzed. The TIA identified that LOS deficiencies would occur at four study intersections under an existing plus project scenario, nine intersections would experience LOS deficiencies under the near-term (2026) plus project scenario, and fourteen intersections would experience LOS deficiencies under the cumulative (2046) plus project scenario. Tables 9-B through 9-D of the TIA illustrate the post-improvement intersection levels of service for the different scenarios. As shown in these tables, implementation of recommended improvements would improve operations at all study intersections to operate at satisfactory LOS levels. As shown in Table 9-H of the TIA, the project would pay into the Clovis Development Impact Fee (Clovis DIF) Program and the Regional Transportation Mitigation Fee (RTMF) as applicable to fund recommended improvements. Therefore, the intersections are forecast

to operate at a satisfactory LOS with the implementation of the recommended improvements and impacts to the study intersections' LOS would be less than significant.

The TIA also identified that three roadway segments are forecast to operate at an unsatisfactory LOS under the near-term (2026) plus project scenario, and eight roadway segments are forecast to operate at an unsatisfactory LOS under the cumulative (2046) plus project scenario. All local City of Clovis study roadway segments would be able to implement improvements via payment to the Clovis DIF Program to improve operations and operate at satisfactory LOS levels.

However, the diverge segment at the SR-168 westbound Herndon Avenue Off-Ramp, under Caltrans jurisdiction, is forecast to operate at an unsatisfactory condition (LOS F) during PM peak hours under existing, near-term (2026) and cumulative (2046) conditions. As such, improvements would be required at this off-ramp location to improve traffic operations on the freeway mainline. The project would be subject to payment of to the RTMF Program for its fair share contribution to regional improvements. The RTMF is intended to ensure that future development contribute its fair share towards the costs of infrastructure to mitigate the cumulative indirect regional transportation impacts of new growth in a manner consistent with the provisions of the Mitigation Fee Act.

However, since the project has no direct control of implementing improvements at a Caltrans facility, and implementation of recommended improvements would be subject to Caltrans implementation schedule, which is unknown at this time, the LOS deficiency at this location would remain significant and unavoidable.

- **Impact TRA-2:** *The proposed project would conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b).*

Finding: No feasible mitigation measures are available to mitigate the impact to a less than significant level. Therefore, impact is considered significant and unavoidable.

The TIA for the proposed project includes a detailed VMT analysis that follows VMT analysis methodology of the City's TIA Guidelines. As recommended in the TIA Guidelines, the VMT analysis for the project was conducted using the Fresno COG Activity Based Model (ABM). The model database was updated with the project land use to calculate project VMT. The project would have a significant VMT impact if the baseline project VMT per capita is greater than 87 percent of the baseline Fresno County VMT per capita. Based on the TIA Guidelines, baseline Fresno County VMT per capita is 16.1 and the corresponding threshold is 14.1 (which is 87 percent of 16.1). Therefore, the project would have a significant VMT impact if the project VMT per capita is greater than 14.1. Based on the Fresno COG ABM model output, the project's VMT was calculated to be 17.8 VMT per capita, 26.4 percent higher than the City's VMT per capita threshold. Therefore, based on the TIA Guidelines, the project would have a significant VMT impact.

When a lead agency identifies a significant CEQA impact, the agency must identify feasible mitigation measures in order to avoid or substantially reduce that impact. VMT impacts can be mitigated through more behavioral changes. Enforcement of mitigation measures will be subject to the mitigation monitoring requirements under CEQA, as well as the regular police powers of the agency. These measures can also be incorporated as a part of plans, policies, regulations, or project

designs. Project design features that encourage mode shift from automobiles to transit or nonmotorized modes can therefore help reduce project VMT as well.

As per information provided by the Project Applicant, the project intends to implement project design features that would help reduce project VMT, and VMT reduction that can be achieved by the project's design features was estimated using the most recent CAPCOA's "*Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity – Designed for Local Governments, Communities, and Project Developers*" (Handbook) dated December 2021¹. These design features include pedestrian infrastructure both internal to the project site and along the project frontage, internal circulation improvements for increased street connectivity, bicycle infrastructure and improvements, and EV parking and charging infrastructure. Implementation of the above project design features may possibly reduce the project's VMT by approximately up to 4.24 percent. However, due to the nature of the project (i.e., single family residential development) and its location, which necessitates travelling off-site to access a variety of services, the project design features identified could potentially help offset some of the VMT impacts of the project but will not reduce the impact to a less than significant level. Therefore, the project will have a significant and unavoidable impact.

- **Impact TRA-5:** *The proposed project, in combination with past, present, and reasonably foreseeable projects, would contribute to a significant cumulative impact with respect to transportation.*

Finding: No feasible mitigation measures are available to mitigate the impact to a less than significant level. Therefore, impact is considered significant and unavoidable.

The proposed project would be consistent with applicable regulations, including the City's General Plan policies and ATP guidelines as it relates to transit, bicycles, and pedestrian facilities, as described above. The proposed project would not conflict with existing and planned transit facilities in the City, and would construct bicycles, and pedestrian facilities that would increase the connectivity of the City and further implement the City's General Plan policies and meet ATP multi-modal transportation goals. The proposed project would also not include the construction of hazardous or incompatible design features in the project site. The proposed project's plans would be subject to review and approval by the CFD and the City's Engineering Division to ensure the project includes adequate emergency access.

The TIA identifies roadways that would conflict with LOS standards of the Cities of Clovis and Fresno, and Caltrans with implementation of the proposed project. In most cases, in combination with cumulative conditions, the roadways and segments would be improved to meet the standards of Clovis, Fresno, and Caltrans. However, one diverge segment in Caltrans' jurisdiction is unlikely to be improved to meet Caltrans' standards prior to implementation of the proposed project due to the project having no direct control of implementing improvements at a Caltrans facility and Caltrans' timing schedule for implementation of recommended improvements being unknown at this time. As

¹ California Air Pollution Control Officers Association's (CAPCOA). 2021. *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity – Designed for Local Governments, Communities, and Project Developers*. December.

discussed above, implementation of the proposed project would result in conflicts with policies related to LOS standards that would not be able to be improved due to existing constraints. As a result, a significant and unavoidable cumulative impact would occur.

Further, the proposed project's VMT was calculated to be 17.8 VMT per capita, 26.4 percent higher than the City's VMT per capita threshold of 14.1.

As described in detail in the TIA and the Draft EIR, VMT impacts may be mitigated through behavioral changes in travel/commute patterns. Enforcement of VMT mitigation measures will be subject to the mitigation monitoring requirements under CEQA, as well as the regular police powers of the agency. These measures can also be incorporated as a part of plans, policies, regulations, or project design features. As such, project design features should not be differentiated in general from 'mitigation measures', since the ultimate intent of project design features is also to help offset the VMT impacts.

Additionally, 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 in close proximity to 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, the project has limited options for VMT reduction through appropriate mitigation measures.

Typically, 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. These measures, with the exception of the ones project would be implementing as project design features, were evaluated on comparison with the project and was estimated infeasible to implement, because of several type of constraints. As such, only after conducting an extensive review of all VMT reduction options listed in the CAPCOA manual, the EIR concluded that the project VMT impact could not be mitigated. These measures include mitigations 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 is only applicable to multifamily residential projects.

Additionally, Clovis Transit Stageline Routes 10 and 80 operate within the Study Area. Route 10 operates from Monday through Saturday, while Route 80 operates only on school days, based on the Clovis Unified School District schedule. Route 10 provide access to Fresno State University and Route 80 provides access to the Buchanan Education Complex. Also, Fresno Area Express (FAX) Route 3 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. However, further public transit options may not be feasible because they would not result in usage or ridership sufficient to reduce project 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" (Transportation Research Board, 2020). The research from this analysis shows that the relationship between transit ridership and three 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 dense 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 north Clovis with lower population density and when residents often have one or more vehicle in the household, increases in ridership would not be proportional to increases in transit service. As such, while public transit facilities in the vicinity of the Project already exists, 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. As such, given the location and settings of the project and in the absence of complementary land uses, transit ridership in this area would be limited, and will not proportionately increase by simply increasing transit service. As such, it would be unsupported and speculative to claim that VMT per capita would be significantly reduced more than is already reflected in the Draft EIR 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.

The project, as described in the TIA and Draft EIR, includes all feasible land use related and neighborhood design related mitigation measures as project design features. These project design features could reduce project's VMT by up to 4.24 percent, this potential reduction would not help the project meet the required threshold of 14.1 VMT per capita.

As a result, a significant and unavoidable VMT impact would occur.

UTILITIES AND SERVICE SYSTEMS

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.*
- *The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.*
- *The project would not result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.*

- *The project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.*
- *The project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

WILDFIRE

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *Substantially impair an adopted emergency response plan or emergency evacuation plan.*
- *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.*
- *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.*
- *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

MITIGATION MONITORING

An MMRP was prepared for the project and approved by the City (PRC Section 21081.6, Subd. [a][1]; CEQA Guidelines Section 15097). The City will use the MMRP to track compliance with the project mitigation measures. The MMRP will remain available for public review during the compliance period.

SIGNIFICANT IRREVERSIBLE ENVIRONMENT EFFECTS

The State CEQA Guidelines (Section 15126) require a discussion of the significant irreversible environmental changes that would be involved in a project should it be implemented. The irreversible and irretrievable commitment of resources is the permanent loss of resources for future or alternative purposes. Irreversible and irretrievable resources are those that cannot be recovered or recycled or those that are consumed or reduced to unrecoverable forms.

CEQA requires that EIRs assess whether the proposed project would result in significant irreversible changes to the physical environment. The CEQA Guidelines discuss three categories of significant irreversible changes that should be considered. Each is addressed below.

As mandated by the CEQA Guidelines, an EIR must address any significant irreversible environmental change that would result from project implementation. According to Section 15126.2(d) of the CEQA Guidelines, such a change would occur if one of the following scenarios is involved:

- The project would involve a large commitment of nonrenewable resources;
- Irreversible damage would result from environmental accidents associated with the project; or
- The proposed consumption of resources is not justified (e.g., the project would result in the wasteful use of energy).

The environmental effects of the proposed project are thoroughly discussed in Section 4.0, Evaluation of Environmental Impacts, and summarized in the Executive Summary. Implementation of the project would require the long-term commitment of natural resources, as discussed below.

Changes in Land Use Which Commit Future Generations

The proposed project would involve the development of land in the project site currently used for agricultural production. Although the proposed development would commit future generations to using the project site for developed uses rather than agricultural purposes, such a commitment is consistent with planned residential uses for the project site, as identified in the City's General Plan. The General Plan has anticipated development in the project site that commits future generations, which was assessed under the General Plan EIR; the proposed project merely implements and carries out the vision of the General Plan (Draft EIR, page 6-2).

Irreversible Damage from Environmental Accidents

Demolition and construction activities associated with implementation of the proposed project would involve some risk for environmental accidents. However, as discussed in Section 3.9, Hazards and Hazardous Materials, of the Initial Study, accidental spills and soil contamination would be addressed by City, State, and federal agencies, and would follow professional industry standards for safety and construction. Although there is a possibility for contaminated soil to be encountered during grading, excavation, and/or ground disturbance associated with implementation of the proposed project, it is likely that such contamination may have resulted from agricultural operations within the project site. However, the risks of accidental contamination from handling construction

materials or transport of these materials off site would be reduced to a less-than-significant level through compliance with the many federal, State, and local regulations regarding the handling and disposal of such construction materials. Additionally, the residential land use proposed by the proposed project would not include any uses or activities that are likely to contribute to or be the cause of a significant environmental accident, such as industrial-related spills or leaks. As a result, the proposed project would not pose a substantial risk of environmental accidents (Draft EIR, page 6-2 and 6-3).

Consumption of Nonrenewable Resources

Approval and implementation of actions related to development of the project would result in an irretrievable commitment of nonrenewable resources such as energy and construction materials. As discussed in Section 3.6, Energy, of the Initial Study, the projected electricity demands of the proposed project would be consistent with typical usage rates for residential uses in the City of Clovis, and would not result in a significant adverse impact related to the provision of electricity. Therefore, the projected demand of the proposed project would not result in a significant adverse impact related to the provision of electricity.

In addition, the proposed project would comply with Title 24 of the CCR, which requires conservation practices that would limit the amount of energy (California Energy Code Building Energy Efficiency Standards [Title 24, Part 6]) consumed through implementation of the proposed project, as well as with all applicable California Green Building Standards Code (CALGreen Code) building efficiency standards (Title 24, Part 11) and mandatory residential building requirements in the California Energy Code Building Energy Efficiency Standards (Title 24, Part 6) (as required by State law).

Furthermore, implementation of the proposed project would also result in an increased demand for potable water and generation of wastewater. As discussed in Section 3.10, Hydrology and Water Quality, and Section 3.19 Utilities and Service Systems, the project is consistent with growth under the City's General Plan and covered under the City's 2020 Urban Water Management Plan Update. The proposed project would have sufficient water supplies available to meet future demand during normal, dry and multiple dry years. The adequacy of the water supply for the project is thus consistent with the basis of the analysis of the City's water supply in the adopted 2020 Urban Water Management Plan Update.

Although the construction and operation of the proposed project would involve the use of non-renewable resources, through the inclusion of energy-conserving features of the proposed project, and compliance with applicable standards and regulations, the proposed project would not represent an unjustified use of such non-renewable resources (Draft EIR, page 6-3).

GROWTH INDUCEMENT

Section 15126.2(d) of the CEQA Guidelines requires that an EIR discuss the ways in which a proposed project or the construction of additional housing, either directly or indirectly, could foster economic or population growth in the surrounding environment.

As described in Section 3.14, Population and Housing, of the Initial Study prepared for this EIR, implementation of the proposed project would not exceed the City's projections for population growth in the project site, as the project site is located within the Heritage Grove Area, a planned growth area identified in the General Plan. As such, additional housing units and population resulting from implementation of the proposed project have been anticipated by the City and do not exceed projections of the City. Development of the proposed project would involve construction activities that could generate some temporary employment opportunities. However, given the temporary nature of such opportunities, it is unlikely that construction workers would need to relocate to the City or nearby communities. Thus, the proposed project would not be considered growth-inducing from an employment perspective, and the proposed project would not induce substantial unplanned population growth in the City, either directly or indirectly. This impact would be considered less than significant.

As discussed in Section 3.15, Public Services, and Section 3.19, Utilities and Service Systems, of the Initial Study, the project site would be served by the City's public service or utility providers, including police protection services, fire prevention services, water, wastewater, telecommunications, electricity, and natural gas. The proposed project includes physical improvements to accommodate growth which would create an increased demand for public services and utilities within the project site. As the project site is currently not annexed to the City, the Project Applicant would be required to complete the annexation process with the Fresno County Local Agency Formation Commission (Fresno LAFCO) and the City, and pay required processing fees for the annexation process. Once the project site is annexed into the City, to address impacts to public services and utilities, the Project Applicant would be required to pay applicable impact fees in effect at the time the development application for the proposed project is submitted. City staff would review the site plan for the project to ensure the adequate provision of public services and utilities. As the project site is located within the Heritage Grove Area, a planned growth area identified in the General Plan, and installation of infrastructure and provision of services would accommodate planned growth in the project site, the provision of services and construction of utilities' infrastructure for the proposed project would not induce substantial unplanned population growth in Clovis, either directly or indirectly, and this impact would be less than significant.

Development of the proposed project would involve construction activities that could generate some temporary employment opportunities. However, given the temporary nature of such opportunities, it is unlikely that construction workers would need to relocate to the City or other communities near the project site because of the proposed project. Thus, the proposed project would not be considered growth-inducing from an employment perspective (Draft EIR, page 6-1 and page 6-2).

PROJECT ALTERNATIVES

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA.

An alternative may be “infeasible” if it fails to achieve the lead agency’s underlying goals and objectives with respect to the project. Thus, “‘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” of a project (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 401, 417).

ALTERNATIVES CONSIDERED IN THE EIR

The following alternatives to the project are evaluated in detail in the EIR, as described below:

- **Alternative 1: No Project Alternative:** Under the No Project Alternative, the project site would not be developed, and existing land uses would remain. No modifications to existing site access or infrastructure would occur, and the annexation of 246 acres to the City of Clovis would not occur.
- **Alternative 2: Reduced Project Alternative:** Under the Reduced Project Alternative, the proposed project would reduce the proposed density of 8.25 dwelling units per acre for (DU/acre) for the proposed project to 4.12 DU/acre, for a total of 295 residential units. Proposed site access and infrastructure improvements would remain the same as those identified for the proposed project. Annexation 246 acres, as proposed by the project would occur.
- **Alternative 3: Increased Phase Density Alternative:** Under the Increased Phase Density Alternative, 590 residential units would be constructed within the 71.54-acre project site, but the residential units would be constructed on approximately 24 acres on northern portion of the project site and 24 acres on the southern portion of the project site to reduce the overall construction period. The remaining approximately 23 acres of the project would be developed as public open space. Overall density of the project site would remain the same as the proposed project (8.25 DU/acre), but each 24-acre development area would have density of 12.3 DU/acre. Proposed site access and infrastructure improvements would remain the same as those identified for the proposed project. Annexation 246 acres, as proposed by the project would occur.

Alternative 1: No Project Alternative

The No Project Alternative would avoid all of the less than significant and significant unavoidable impacts of the proposed project. However, the No Project Alternative would also not achieve any of the objectives of the proposed project. The No Project Alternative would not: (a) provide residential housing opportunities that are visually attractive and accommodate future housing demand in

Clovis; (b) establish a mixture of housing types, sizes, and densities that collectively provide for local and regional housing demand; (c) implement the City's General Plan Land Use Element goal to facilitate annexation of large areas of land; provide infrastructure that meets City Standards and is integrated with existing and planned facilities and connections; and (d) develop a project that meets City Standards by implementing a logical phasing plan for development of public infrastructure improvements.

Alternative 2: Reduced Project Alternative

The Reduced Project Alternative would involve reducing the size of the proposed project by reducing the proposed residential density of 8.25 DU/acre in the site to a density of 4.12 DU/acre, and reducing the total proposed residential units from 590 to 295. The Reduced Project Alternative would partially address the City of Clovis' future housing demand by providing a lower amount of visually attractive residential housing opportunities; partially meet local and regional housing demand by providing a single housing type, size and density; implement the City's General Plan Land Use Element goal to facilitate annexation of large areas of land; and provide integrated and planned infrastructure and logical phasing of public improvements in compliance with City Standards. However, because this alternative would provide half of the residential units and minimize mixture of housing types of the proposed project, this alternative would partially meet the objectives of the project.

Alternative 3: Increased Phase Density Alternative

The Increased Phase Density Alternative would involve focusing development of the proposed 590 single-family residences, but the development would occur in two, approximately 24-acre areas located in the southern and northern portions of the project site. The central portion of the project site, approximately 23 acres in size, would be developed as open space. The Increased Phase Density Alternative would accommodate future housing demands in Clovis by providing visually attractive single-family residences; partially provide for local and regional housing demand by establishing a single housing type, size, and density to accommodate higher residential density on the project site. Additionally, this alternative implements the City's General Plan Land Use Element goal to facilitate annexation of large areas of land; and provides integrated and planned infrastructure and logical phasing of public improvements in compliance with City Standards. Because this alternative would provide the same number of units, but would minimize mixture of housing types included in the proposed project, this alternative would partially meet the objectives of the project.

Environmentally Superior Alternative

The No Project Alternative has the least impact to the environment because it would not result in any development or new physical impacts. While this alternative would lessen or avoid the impacts of the proposed project, the beneficial impacts of the proposed project—including creating housing to meet local and regional housing demands—would not occur. Further, none of the Project Objectives would be met, including providing residential housing opportunities that are visually attractive and accommodate the future housing demand in Clovis; establishing a mixture of housing types, sizes and densities that collectively provide for local and regional housing demand; implementing the City's General Plan Land Use Element goal to facilitate annexation of large areas of land; providing infrastructure that meets City Standards and is integrated with existing and

planned facilities and connections; and developing a project that meets City Standards by implementing a logical phasing plan for development of public infrastructure improvements. As such, this alternative is rejected as infeasible. In addition, under CEQA, if the No Project Alternative is the environmentally superior alternative, the EIR must identify an environmentally superior alternative from among the other alternatives (*CEQA Guidelines* Section 15126.6(e)(2)).

The Increased Phase Density Alternative would result in similar impacts to the proposed project under most resource topics, except Energy, Greenhouse Gas Emissions, and Noise. Under this alternative, construction Energy impacts would be fewer than the proposed project due to reduced construction duration due to increased density on the northern and southern portions of the project site, resulting in lower construction energy impacts. Additionally, operational impacts related to Greenhouse Gas Emissions would be fewer under this alternative due to the higher density development proposed. In terms of Noise impacts, this alternative would result in shorter overall construction period, which would reduce the duration of noise-generating construction. Under this alternative, project objectives would be partially met, as this alternative would partially provide for local and regional housing demand by establishing a single housing type, size, and density to accommodate higher residential density on the project site; accommodate future housing demands in Clovis by providing visually attractive single-family residences; implement the City's General Plan Land Use Element goal to facilitate annexation of large areas of land; and provide integrated and planned infrastructure and logical phasing of public improvements in compliance with City Standards. Further, this alternative would not be able to reduce the significant and unavoidable impact to Transportation to a less than significant level, because the significant and unavoidable LOS and VMT impacts that would result from the proposed project could still occur. As such, this alternative is rejected as infeasible.

The Environmentally Superior Alternative would be the Reduced Project Alternative. Overall, this alternative would lessen significant and less-than-significant environmental impacts or result in impacts similar to those associated with the proposed project. The Reduced Project Alternative would partially achieve Project Objectives, as it would partially address the City of Clovis' future housing demand by providing a lower amount of visually attractive residential housing opportunities; partially meet local and regional housing demand by providing a single housing type, size and density; implement the City's General Plan Land Use Element goal to facilitate annexation of large areas of land; and provide integrated and planned infrastructure and logical phasing of public improvements in compliance with City Standards. However, this alternative would also not be able to reduce the significant and unavoidable LOS and VMT impacts that were identified for the proposed project. As such, this alternative is rejected as infeasible.

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STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 21081 of the California Public Resources Code and Section 15093 of the CEQA Guidelines, the City adopts and makes the following statement of overriding considerations regarding the remaining significant unavoidable impacts of the project, as discussed above, and the anticipated economic, social, and other benefits of the project.

The City has carefully considered and balanced the benefits of the proposed project against its unavoidable environmental risks in determining that the specific economic, legal, social, technological, or other benefits outweigh the unavoidable significant adverse environmental effects related to transportation. Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are identified in the EIR, the agency must state in writing the reasons to support its actions based on the EIR and/or other information in the record. The reasons set forth below are based on the EIR and other information in the record.

This Statement of Overriding Considerations is based on the City's review of the Draft EIR, Final EIR, and other information in the administrative record. Based upon the City's review and the substantial evidence in the administrative record, including but not limited to the EIR, the City finds that the benefits of the project outweigh its unavoidable adverse environmental effects, and furthermore, finds that such adverse, environmental effects are acceptable. The City also finds and determines that (1) the majority of the significant impacts of the project will be reduced to less-than-significant levels by implementation of the mitigation measures recommended in these findings; (2) the City's approval of the project as proposed will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with the incorporation of all feasible mitigation measures into the project; and (3) there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than significant level the remaining significant environmental effects.

In light of the environmental, social, economic, and other considerations identified in the findings for the project, the objectives of the project, and the considerations set forth below related to this project, the City chooses to approve the project because, in its view, the economic, social, technological, and other benefits resulting from the project substantially outweigh the project's significant and unavoidable adverse environmental effects.

The benefits and reasons for the approval of the project despite the occurrence of significant unavoidable project impacts related to transportation (Impact TRA-1 – conflict with a program, plan, ordinance or policy addressing the circulation system; Impact TRA-2 – VMT impacts), which create or otherwise contribute to related cumulative impacts, consist of the items listed below.

The substantial evidence supporting the enumerated benefits of the project can be found in the preceding findings, which are herein incorporated by reference; in the project itself; and in the record of proceedings as defined above. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval

The City finds that the project will have the following economic, social, technological, and environmental benefits, which constitute overriding considerations:

- **The project would address the existing housing shortage in the City of Clovis and in Fresno County, by providing a variety of new housing types that can support the growing needs of the community.**

The City of Clovis, like many other communities in Fresno County and California, is experiencing a housing shortage. The proposed project would provide approximately 590 new residential units, helping to address this demand. Ensuring that residents have access to suitable housing options is crucial for maintaining a healthy and balanced housing market. As such, the inclusion of different housing types, sizes, and densities in the project would also support the establishment of a vibrant and diverse community in the City, allowing individuals and families of varying needs and financial capacities to find housing that suits them.

- **The project would establish infrastructure improvements that would fulfill existing phased infrastructure plans in place to support fulfillment of the City's General Plan.**

The project would result in the construction of new infrastructure to integrate the project site with existing utility facilities and service systems in the City, consistent with the City's design standards. These improvements are crucial for enhancing the overall livability and functionality of the project site. Furthermore, the project aligns with the City's phased infrastructure plans outlined in the 2014 Master Service Plan, the 2017 Water Master Plan, the 2017 Wastewater Master Plan, and the 2017 Recycled Water Master Plan. By providing needed connections to the City's service network, these improvements would support the future development of the Heritage Grove area as a whole, minimizing potential disruptions during construction and ensuring the timely and sustainable fulfillment of the needs of planned mixed-use developments in Heritage Grove.

- **The project would carry out the intent of the City's General Plan of developing the Heritage Grove Area.**

The project aligns with the City's General Plan, specifically the development objectives for the Heritage Grove area. This area is designated for growth and development in the General Plan, with a focus on creating a sustainable and livable community. The project's development for residential use is consistent with the goals and objectives for Heritage Grove, contributing to the long-term development goals envisioned for the City. This ensures that the project not only provides immediate benefits by addressing housing and infrastructure needs but also contributes to the City's overall vision for sustainable growth and development.

Based on the detailed findings made above, the City hereby finds that economic and social considerations outweigh the remaining environmental effects of approval and implementation of the project.