

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE



December 26, 2019

Advice Letter 5693-E

Erik Jacobson
Director, Regulatory Relations
Pacific Gas and Electric Company
77 Beale Street, Mail Code B10C
P.O. Box 770000
San Francisco, CA 94177

**SUBJECT: Temporary Encroachment Agreement with Bowie Enterprises, a
California Cooperation – Request for Approval Under Public Utilities
Code Section 851, pursuant to General Order 173**

Dear Mr. Jacobson:

Advice Letter 5693-E is effective as of December 19, 2019.

Sincerely,

A handwritten signature in cursive script that reads "Edward Randolph".

Edward Randolph
Deputy Executive Director for Energy and Climate Policy/
Director, Energy Division



November 19, 2019

Advice 5693-E

(Pacific Gas and Electric Company ID U 39 E)

Public Utilities Commission of the State of California

Subject: Temporary Encroachment Agreement with Bowie Enterprises, a California corporation – Request for Approval Under Public Utilities Code Section 851, pursuant to General Order 173

Purpose

Pacific Gas and Electric Company (“PG&E” or the “Company”) requests Public Utilities Commission (“Commission” or “CPUC”) approval under Public Utilities Code Section 851 (Section 851) and General Order 173 to enter into a Temporary Encroachment Agreement (Agreement, included as Attachment 1) between the Company and Bowie Enterprises, a California corporation (Owners). The Owners propose to construct a car wash facility (Project) on their property located at 1805 Shaw Avenue, Clovis 93611, APN 551-280-01, Fresno County (Property), which includes building a wall and a wash tunnel (Improvement). The proposed Improvement encroaches on an easement (Easement) held by PG&E on the Property for underground electric distribution facilities, which prohibits buildings or structures in the Easement area. The Easement is included herein as Attachment 2. The Easement is ten (10) feet wide and approximately 265 feet long, running along the easterly side of the Property. The proposed Improvement encroaches approximately one hundred seventy (170) feet by ten (10) feet, (1,700 square feet or 0.039 acres) into the Easement as shown on Attachment 1, Exhibit B (Temporary Encroachment Area). A portion of the Improvement will be directly over an existing underground electric primary line.

To ensure construction work remains on schedule, PG&E and the Owners respectfully request approval of this encroachment agreement by the Commission as early as possible.

PG&E has determined that the proposed Improvement not interfere with PG&E’s operations or PG&E’s ability to provide safe and reliable utility service to its customers, as the Owners have agreed to relocate PG&E’s underground primary line to the Public

Utility Easement (PUE) on the Property at their cost. In addition, the proposed Agreement will not be adverse to the public interest.

Background

The Owners own a property located at 1805 Shaw Avenue in Clovis, California, Assessor's Parcel Number (APN) 551-280-01 in Fresno County. Currently, the Property is a vacant lot and its historic uses are unknown.

The Owners propose to construct a car wash facility, including a wall and a wash tunnel on their Property and submitted an application requesting service with PG&E. In processing the request, PG&E discovered that the Owners' proposed Improvement encroaches into the PG&E Easement. PG&E's underground electric Easement is 10 feet wide and approximately 265 feet in length. The Easement was granted to PG&E on March 25, 1981, and recorded in Book 7698 of Official Records at page 139, Fresno County Records. PG&E currently owns and operates underground electric facilities (Facilities) within the Easement areas serving nearby customers.

A portion of the proposed wash tunnel and the wall would be directly over the Facilities if the Agreement is approved. The Owners have agreed to relocate PG&E's Facilities at their own cost to mitigate the encroachment. The Owners' plan to start the grading and foundation work for the proposed Improvement has been on hold and they have established an active project with PG&E to relocate the Facilities permanently to the PUE on the Property. The Owners' proposed relocation plan of the Facilities is shown on Attachment 3 (Relocation). However, due to PG&E's estimated Relocation timeline, and in order for the Owners to maintain their construction schedule, the Owners requested a temporary encroachment to allow them to proceed with the construction of their proposed Improvement while working concurrently with PG&E on the relocation.

PG&E has reviewed the Owner's proposed Improvement plan and is willing to allow the temporary encroachment and construction of the Improvement within the Easement and over the Facilities, subject to the terms and conditions described in the Agreement including the Construction Indemnity Agreement (Construction Indemnity, Exhibit C, included in Attachment 1). Per this Construction Indemnity, Owners agree that throughout the course of construction, while the Primary Line is energized, Owners shall maintain safety tailboards with the construction crew and the Primary Line will be located and marked at all times to ensure safety.

For the above reason, the Commission should approve this Section 851 request to grant the Owners the right to proceed with their construction work within the Easement under the Agreement and find that doing so is not adverse to the public interest because it will not impair PG&E's provision of safe and reliable utility service.

In accordance with General Order 173, Rule 4, PG&E provides the following information related to the proposed transaction:

(a) Identity and Addresses of All Parties to the Proposed Transaction:

| | |
|----------------------------------|----------------------------------|
| Pacific Gas and Electric Company | Michael J. Bowie, Vice President |
| Molly Zimney | Bowie Enterprises |
| Law Department | 4433 N. Blackstone |
| P.O. Box 7442 | Fresno, California 93726 |
| San Francisco, CA 94120 | Telephone: (559) 227-6221 |
| Telephone: (415) 973-6840 | Facsimile: (559) 227-9591 |
| Facsimile: (415) 973-5520 | Email: mb@redcarpetcarwash.com |
| Email: MEZ3@pge.com | |

(b) Complete Description of the Property Including Present Location, Condition and Use:

The Property is located at 1805 Shaw Avenue in Clovis, California. The Property is designated as APN 551-280-01 in Fresno County, at the northeast corner of Shaw Avenue & Fowler Avenue. It is currently a vacant lot with existing utilities along the easterly side of the Property, including PG&E's Facilities.

(c) Intended Use of the Property:

The Owners propose to construct a car wash facility on the Property, which would include a wash tunnel and a wall. The Owners' proposed Improvements would encroach upon PG&E's Easement and Facilities. PG&E Facilities will be relocated to another location under the Relocation plan. For approximately 90 to 120 days, Owners' contractor, Christensen Construction, will manage the Owners Project. The site will be fenced and any work around the PG&E primary line will be flagged and shown to subcontractors.

Upon CPUC approval of the temporary encroachment, Owner and its contractor and subcontractors will construct the proposed Improvement and PG&E's Facilities will be relocated to the PUE to mitigate the encroachment.

(d) Complete Description of Financial Terms of the Proposed Transaction:

The Owners will not pay PG&E for the Agreement. They will relocate the PG&E underground facilities within the Easement to the PUE on the Property, away from the Improvement, at 100% Owners' expense.

(e) Description of How Financial Proceeds of the Transaction Will Be Distributed:

Not Applicable.

(f) Statement on the Impact of the Transaction on Ratebase and Any Effect on the Ability of the Utility to Serve Customers and the Public:

There is no impact to PG&E's rate base nor will granting the temporary encroachment affect PG&E's ability to provide reliable service to its customers and the public at large.

(g) The Original Cost, Present Book Value, and Present Fair Market Value for Sales of Real Property and Depreciable Assets, and a Detailed Description of How the Fair Market Value Was Determined (e.g., Appraisal):

Not Applicable.

(h) The Fair Market Rental Value for Leases of Real Property, and a Detailed Description of How the Fair Market Rental Value Was Determined:

Not Applicable.

(i) The Fair Market Value of the Easement or Right-of-Way, and a Detailed Description of How the Fair Market Value Was Determined:

Not Applicable

(j) A Complete Description of any Recent Past (Within the Prior Two Years) or Anticipated Future Transactions that May Appear To Be Related to the Present Transaction:

There are no recent past or anticipated future transactions anticipated by PG&E or Owners that are related to the present transaction.

(k) Sufficient Information and Documentation (Including Environmental Information) to Show that All of Eligibility Criteria Set Forth in Rule 3 of General Order 173 are Satisfied:

PG&E has provided information in this Advice Letter to satisfy the eligibility criteria under General Order 173 in that:

- The activity proposed in the transaction will not require environmental review by the CPUC as a Lead Agency;

- The transaction will not have an adverse effect on the public interest or on the ability of PG&E to provide safe and reliable service to its customers at reasonable rates;
- The transaction will not materially impact the rate base of PG&E; and
- The transaction does not warrant a more comprehensive review that would be provided through a formal Section 851 application.

(l) Additional Information to Assist in the Review of the Advice Letter:

No information is readily available other than what has already been included within this advice letter submittal.

(m) Environmental Information

Pursuant to General Order 173, the Advice Letter program applies to proposed transactions that will not require environmental review by the CPUC as a lead agency under the California Environmental Quality Act ("CEQA") because: another public agency, acting as the Lead Agency under CEQA, has completed environmental review of the project, and the Commission is required to perform environmental review of the project only as a Responsible Agency under CEQA.

Yes, the transaction qualifies as a "project" under CEQA.

c. City of Clovis as a Responsible Agency under CEQA

If another public agency, acting as the Lead Agency under CEQA, has completed an environmental review of the project and has approved the final CEQA documents, and the Commission is a Responsible Agency under CEQA, the applicant shall provide the following:

- The name, address, and phone number of the Lead Agency, the type of CEQA document that was prepared (Environmental Impact Report, Negative Declaration, Mitigated Negative Declaration), the date on which the Lead Agency approved the CEQA document, the date on which a Notice of Determination was filed.

| | |
|---------------------------------------|--|
| Lead Agency | City of Clovis 1033 Fifth Street Lily Cha (559)324-2335 lilyc@cityofclovis.com |
| Type of CEQA Document Prepared | Mitigated Negative Declaration Document E201810000276, Dated |

| | |
|---|---|
| | December 17, 2018 Attachment #5 |
| Mitigated Negative Declaration | Approved by City of Clovis on December 17, 2018, (see Attachment #4), filed on December 21, 2018 Attachment #5 |
| Date Notice of Determination Filed | December 21, 2018 Attachment #6 |

- b. A copy of all CEQA documents prepared by or for the Lead Agency regarding the project and the Lead Agency's resolution or other document approving the CEQA documents.

See Attachment #4 for the Clovis City Council Meeting Minutes and Attachment #5 the Mitigated Negative Declaration.

- c. A list of section and page numbers for the environmental impacts, mitigation measures, and findings in the prior CEQA documents that relate to the approval sought from the Commission.

A discussion of the environmental impacts is included in the Initial Study of the Draft Mitigated Negative Declaration on pages 17 through 51, included as Attachment #7.

- d. An explanation of any aspect of the project or its environmental setting which has changed since the issuance of the prior CEQA document.

The environmental setting described in the CEQA document prepared by City of Clovis for this project has not changed since the issuance of the Notice of Determination.

- e. A statement of whether the project will require approval by additional public agencies other than the Commission and the Lead Agency, and, if so, the name and address of each agency and the type of approval required.

PG&E is not aware of other public agency approval requirements aside from City of Fresno and the Commission.

Protests

Anyone wishing to protest this submittal may do so by letter sent via U.S. mail, facsimile or E-mail, no later than December 9, 2019, which is 20 days after the date of this submittal. Protests must be submitted to:

CPUC Energy Division
ED Tariff Unit
505 Van Ness Avenue, 4th Floor
San Francisco, California 94102

Facsimile: (415) 703-2200
E-mail: EDTariffUnit@cpuc.ca.gov

Copies of protests also should be mailed to the attention of the Director, Energy Division, Room 4004, at the address shown above.

The protest shall also be sent to PG&E either via E-mail or U.S. mail (and by facsimile, if possible) at the address shown below on the same date it is mailed or delivered to the Commission:

Erik Jacobson
Director, Regulatory Relations
c/o Megan Lawson
Pacific Gas and Electric Company
77 Beale Street, Mail Code B13U
P.O. Box 770000
San Francisco, California 94177

Facsimile: (415) 973-3582
E-mail: PGETariffs@pge.com

Any person (including individuals, groups, or organizations) may protest or respond to an advice letter (General Order 96-B, Section 7.4). The protest shall contain the following information: specification of the advice letter protested; grounds for the protest; supporting factual information or legal argument; name, telephone number, postal address, and (where appropriate) e-mail address of the protestant; and statement that the protest was sent to the utility no later than the day on which the protest was submitted to the reviewing Industry Division (General Order 96-B, Section 3.11).

Effective Date

Pursuant to the review process outlined in General Order 173, PG&E requests that this Tier 3 advice letter become effective upon Commission Approval

Notice

In accordance with General Order 96-B, Section IV, a copy of this advice letter is being sent electronically and/or via U.S. mail to parties shown on the attached list. Address changes to the General Order 96-B service list should be directed to PG&E at email address PGETariffs@pge.com. For changes to any other service list, please contact the Commission's Process Office at (415) 703-2021 or at Process_Office@cpuc.ca.gov. Send all electronic approvals to PGETariffs@pge.com. Advice letter submittal can also be accessed electronically at: <http://www.pge.com/tariffs>.

_____/S/

Erik Jacobson
Director, Regulatory Relations

- Attachment 1 – Temporary Encroachment Agreement
- Attachment 2 – PG&E Easement
- Attachment 3 - Relocation
- Attachment 4 - Clovis City Council Meeting Minutes – Approval of Mitigated Negative Declaration
- Attachment 5 - Mitigated Negative Declaration
- Attachment 6 – Notice of Determination Filed
- Attachment 7 – Initial Study of Draft Mitigated Negative Declaration

***** SERVICE LIST for Advice 5693-E *****
APPENDIX A

Jonathan Reiger
Legal Division
505 Van Ness Avenue
San Francisco, CA 94102
(415) 355-5596
jzr@cpuc.ca.gov

Mary Jo Borak
Energy Division
505 Van Ness Avenue
San Francisco, CA 94102
(415) 703-1333
bor@cpuc.ca.gov

Robert (Mark) Pocta
Public Advocates Office
505 Van Ness Avenue
San Francisco, CA 94102
(415) 703- 2871
robert.pocta@cpuc.ca.gov

Andrew Barnsdale
Energy Division
505 Van Ness Avenue
San Francisco, CA 94102
(415) 703-3221
bca@cpuc.ca.gov

*****AGENCIES*****

Fresno County Clerk
2220 Tulare Street, 1st Floor
Fresno, California 93721
(559) 600-2575
Clerk-Elections@fresnocountyca.gov



ADVICE LETTER SUMMARY

ENERGY UTILITY



MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No.: Pacific Gas and Electric Company (ID U39 E)

Utility type:

- ELC GAS WATER
 PLC HEAT

Contact Person: Annie Ho
 Phone #: (415) 973-8794
 E-mail: PGETariffs@pge.com
 E-mail Disposition Notice to: AMHP@pge.com

EXPLANATION OF UTILITY TYPE

ELC = Electric GAS = Gas WATER = Water
 PLC = Pipeline HEAT = Heat

(Date Submitted / Received Stamp by CPUC)

Advice Letter (AL) #: 5693-E

Tier Designation: 2

Subject of AL: Temporary Encroachment Agreement with Bowie Enterprises, a California corporation – Request for Approval Under Public Utilities Code Section 851, pursuant to General Order 173

Keywords (choose from CPUC listing): Agreements, Section 851

AL Type: Monthly Quarterly Annual One-Time Other:

If AL submitted in compliance with a Commission order, indicate relevant Decision/Resolution #:

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: No

Summarize differences between the AL and the prior withdrawn or rejected AL:

Confidential treatment requested? Yes No

If yes, specification of confidential information:

Confidential information will be made available to appropriate parties who execute a nondisclosure agreement. Name and contact information to request nondisclosure agreement/ access to confidential information:

Resolution required? Yes No

Requested effective date:

No. of tariff sheets: N/A

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected:

Service affected and changes proposed¹: N/A

Pending advice letters that revise the same tariff sheets: N/A

¹Discuss in AL if more space is needed.

Protests and all other correspondence regarding this AL are due no later than 20 days after the date of this submittal, unless otherwise authorized by the Commission, and shall be sent to:

CPUC, Energy Division
Attention: Tariff Unit
505 Van Ness Avenue
San Francisco, CA 94102
Email: EDTariffUnit@cpuc.ca.gov

Name: Erik Jacobson, c/o Megan Lawson
Title: Director, Regulatory Relations
Utility Name: Pacific Gas and Electric Company
Address: 77 Beale Street, Mail Code B13U
City: San Francisco, CA 94177
State: California Zip: 94177
Telephone (xxx) xxx-xxxx: (415)973-2093
Facsimile (xxx) xxx-xxxx: (415)973-3582
Email: PGETariffs@pge.com

Name:
Title:
Utility Name:
Address:
City:
State: District of Columbia Zip:
Telephone (xxx) xxx-xxxx:
Facsimile (xxx) xxx-xxxx:
Email:

Attachment 1

Temporary Encroachment Agreement

Attachment 1 - Temporary Encroachment Agreement

Encroachment Agreement (REV 06/2019) – Modified 10/03/19

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
245 Market Street, N10A, Room 1015
P.O. Box 770000
San Francisco, California 94177

Location: City/Uninc _____
Recording Fee \$ _____
Document Transfer Tax \$ _____

- This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911).
 Computed on Full Value of Property Conveyed, or
 Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale
 Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax

Signature of declarant or agent determining tax

(APN 551-280-01)

LD# 2213-21-_____

TEMPORARY ENCROACHMENT AGREEMENT

This Encroachment Agreement (this "**Agreement**") is made and entered into this 30 day of October, 2019 by PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called "**PG&E**", and BOWIE ENTERPRISES, a California corporation, hereinafter called "**Owners**."

RECITALS

A. Owners are the fee title owners of certain real property within the City of Clovis, County of Fresno, State of California, Assessor's Parcel Number 551-280-01 (hereinafter, the "**Property**") legally described in **Exhibit "A"** attached hereto and made a part hereof.

B. PG&E is the owner of that certain easement and right-of-way (the "**Easement**") for the underground facilities and for all other purposes connected therewith, as set forth in the Grant of Easement dated March 25, 1981 and recorded in Book 7698 of Official Records at page 139, Fresno County Records. The portion of the Property encumbered by the Easement is hereinafter referred to as the "**Easement Area**." The Easement provides in part that "First Party shall not erect or construct any building or other structure or drill or operate any well within said strips of land."

C. Owners have proposed to construct a car wash facility which includes building a wall and wash tunnel (the "**Improvements**") on the Easement Area, the construction of which violates the prohibition against buildings or other structures contained in the Easement. The portion of the Easement Area upon which the Improvements are to be constructed (the "**Encroachment Area**") is outlined by the heavy dashed lines and shown on the map labeled **Exhibit "B"** attached hereto and made a part hereof.

D. Owners have requested that PG&E grant permission for a temporary encroachment to proceed with the proposed construction of the Improvements within a portion of the Easement Area with plans to relocate the PG&E underground facilities to a Public Utility Easement ("PUE") on the Property. In return, PG&E agrees to quitclaim a portion of the Easement consisting of the Encroachment Area to the Owners. Owners have agreed to pay for such relocation in the **Construction Indemnity Agreement labeled Exhibit "C"**, attached hereto and made a part hereof, and therefore PG&E is willing to agree to allow such temporary encroachment on a portion of the Easement Area on the terms and subject to the conditions set forth herein.

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owners and PG&E hereby agree as follows:

1. Consent to Encroachment. Notwithstanding the prohibition in the Easement, PG&E hereby consents to the temporary encroachment of the proposed Improvements onto the Easement Area by approximately 170 feet x 10 feet, in the manner and location as more specifically set forth in Exhibit "B" subject to the terms and conditions set forth herein. In addition, Owners shall have the right of ingress and egress over the Easement Area to obtain access to the Encroachment Area and the Improvements when necessary to fulfill Owners' obligations under this Agreement, in such areas as PG&E determines, in its sole and absolute discretion, will occasion the least practicable damage and inconvenience to PG&E, its facilities and operations.

2. Governmental Approvals. This Agreement shall not become effective, notwithstanding that it may have been executed and delivered by the parties, and Owners shall not commence any activity hereunder, unless and until PG&E notifies Owners in writing of receipt of final, unconditional, and unappealable approval of this Agreement by the California Public Utilities Commission (the "CPUC") and that the terms and conditions of such CPUC approval are satisfactory to PG&E in its sole and absolute discretion. This Agreement is made subject to all the provisions of such approval, as more particularly set forth in CPUC (Disposition Letter Advice Letter Decision) _____, in like manner as though said provisions were set forth in full herein.

3. Termination; Restoration. **This Encroachment Agreement shall automatically terminate after the following conditions have been met: (i) the underground facilities are relocated to the PUE and all obligations have been met in the Construction Indemnity Agreement, and (ii) PG&E quitclaims a portion of the Easement consisting of the Encroachment Area to the Owners. Additionally, PG&E may terminate Owners' rights under this Agreement, at any time, upon ninety (90) days written notice to the Owners, if PG&E, in its sole and absolute discretion, should determine that Owners' use of the Easement Area is inconsistent with PG&E's operational needs in the future, or in any way**

interferes with, impairs or otherwise impedes PG&E's full use of facilities installed or that may be installed by PG&E in the vicinity of the Easement Area. Upon such termination, Owners, at Owners' sole cost and expense, shall remove all Improvements that encroach upon the Easement Area and shall repair and restore the Easement Area as nearly as possible to the condition that existed prior to the construction of said Improvements. Owners shall pay the entire cost of such removal and restoration, and PG&E shall have no liability for any costs caused by or related to any such termination. If Owners fail to remove all Improvements that encroach onto the Easement Area or fail to repair or restore the Property within said ninety (90) day period, PG&E may perform such removal, repair or restoration as necessary and recover such costs and expenses therefore from Owners. Owners agree to allow access to PG&E onto the Property for such purpose, and Owners shall pay all such costs and expenses within ten (10) days of receipt of an invoice therefore. Owners further acknowledge that PG&E's termination right shall not be affected by any Improvements that Owners have made to the Easement Area, regardless of the nature or extent of those Improvements. Owners understand and agree that notwithstanding that Owners may have made a substantial investment in such improvements, Owners shall not be entitled to any compensation whatsoever for the termination of Owners' rights under this Agreement by PG&E. (Owners to initial here MB, _____).

4. Indemnification; Release.

(a) Indemnification. Owners shall, to the maximum extent permitted by law, indemnify, protect, defend and hold harmless PG&E, its parent corporation, subsidiaries and affiliates, and their respective officers, managers, directors, representatives, agents, employees, transferees, successors and assigns (each, an "Indemnitee" and collectively, "Indemnitees") from and against all claims, losses (including, but not limited to, diminution in value), actions, demands, damages, costs, expenses (including, but not limited to, experts fees and reasonable attorneys' fees and costs) and liabilities of whatever kind or nature (collectively, "Claims"), which arise from or are in any way connected with the occupancy or use of the Easement Area by Owners or Owners' contractors, agents, or invitees, or the exercise by Owners of its rights hereunder, or the performance of, or failure to perform, Owners' duties under this Agreement, including, but not limited to, Claims arising out of: (1) injury to or death of persons, including but not limited to employees of PG&E; (2) injury to property or other interest of PG&E, Owners or any third party; (3) violation of any applicable federal, state, or local laws, statutes, regulations, or ordinances, including all legal requirements relating to human health or the environment, and including any liability which may be imposed by law or regulation without regard to fault; excepting only with respect to any Indemnitee, any Claim arising from the sole, active negligence or willful misconduct of such Indemnitee. In the event any action or proceeding is brought against any Indemnitee for any Claim against which Owners are obligated to indemnify or provide a defense hereunder, Owners upon written notice from PG&E shall defend such action or proceeding at Owners' sole expense by counsel approved by PG&E, which approval shall not be unreasonably withheld, conditioned or delayed.

(b) Release. Owners accept all risk relating to its occupancy and use of the Easement Area. PG&E shall not be liable to Owners for, and Owners hereby waive, release, exonerate, discharge and covenant not to sue PG&E and the other Indemnitees from, any and all liability, whether in contract, tort or on any other basis, for any injury, damage, or loss resulting

from or attributable to any occurrence on or about the Easement Area, the condition of Easement Area, the use or occupancy of the Easement Area by Owners, or PG&E's operation and maintenance of PG&E's facilities in the vicinity of the Easement Area, except in the case of any Indemnitee, any injury, damage, or loss arising from the sole, active negligence or willful misconduct of such Indemnitee.

5. Compliance with Laws. Owners shall, at its sole cost and expense, promptly comply with all laws, statutes, ordinances, rules, regulations, requirements or orders of municipal, state, and federal authorities now in force or that may later be in force, with the conditions of any permit, relating to Owners' use or occupancy of the Easement Area.

6. Alterations. Except for the Improvements authorized pursuant to this Agreement, Owners shall not construct any additional buildings or structures on the Easement Area, nor shall Owners make any alteration, addition or improvement to the Easement Area that would increase the Encroachment Area, either horizontally or vertically.

7. Damage or Destruction. In the event that the Improvements which encroach onto the Easement Area shall be destroyed or demolished, Owners shall not rebuild the Improvements on any part of the Easement Area except pursuant to plans and specifications approved by PG&E.

8. Condition of Easement Area. Owners accept the Encroachment Area and the Easement Area in its existing physical condition, without warranty by PG&E or any duty or obligation on the part of PG&E to maintain the Easement Area. Owners understand that numerous hazards, environmental or otherwise, may be located in, on, or underlying the Easement Area, and that hazardous materials may be used in connection with PG&E facilities that may be operated in the Easement Area, and agrees that entry onto the Easement Area is at Owners' sole risk and expense

9. Maintenance. Owners shall be responsible for the maintenance of the Improvements in good condition and repair, and Owners shall coordinate all activities regarding the maintenance of the Improvements to reasonably minimize any interference with the use by PG&E of the Easement Area, and Owners shall conduct its activities in such a manner so as not to endanger the Easement, the environment and human health and safety. Owners shall be responsible for remediation of any hazardous materials release caused by Owners, and to clean and remove debris and/or promptly repair any damages to the Easement Area following any entry or activity by Owners, returning the Easement Area to a like or better condition.

10. Reserved Rights. PG&E reserves the right to use the Easement Area for such purposes as it may deem necessary or appropriate if, and whenever, in the interest of its service to its patrons or consumers or the public, it shall appear necessary or desirable to do so. Furthermore, PG&E reserves the right to restrict access to the Easement Area if emergency repairs or maintenance are required to PG&E facilities in the vicinity of the Easement Area.

11. Insurance. Prior to the Effective Date of this Agreement, Owners shall procure, and thereafter Owners shall carry and maintain in effect at all times the following insurance: Worker's Compensation in compliance with applicable labor codes, acts, laws or statutes, state or federal, where Owners perform work and Employer's Liability insurance with limits not be less than

\$1,000,000 for injury or death, each accident; Commercial General Liability for bodily injury and property damage with limits of not less than \$1,000,000 each occurrence/\$2,000,000 aggregate; Business Auto, code 1 “any auto” combined single limit no less than \$1,000,000 each accident. Owners are also responsible for causing its agents, contractors and subcontractors to comply with the insurance requirements of this Agreement at all relevant times.

12. Notice. Any notices or communications hereunder shall be in writing and shall be personally delivered or sent by first class mail, certified or registered, postage prepaid, or sent by national overnight courier, with charges prepaid for next business day delivery, addressed to the addressee party at its address or addresses listed below, or to such other address or addresses for a party as such party may from time to time designate by notice given to the other party. Notices shall be deemed received, if sent by personal delivery upon actual receipt by the party being sent the notice, or on the expiration of three (3) business days after the date of mailing, or on the following business day if sent by overnight courier

If to PG&E:

Manager, Encroachment Management
Pacific Gas and Electric Company
6111 Bollinger Canyon Road
San Ramon, CA 94583

With a copy to:

Pacific Gas and Electric Company
P.O. Box 7442, Mail Code B30A
San Francisco, California 94120
Attention: Grant Guerra

If to Owners:

Bowie Enterprises
4433 N. Blackstone
Fresno, California 93726
Attention: Michael J. Bowie, Vice President
Telephone: (559) 227-6221
Facsimile: (559) 227-9591
Email: mb@redcarpetcarwash.com

With a copy to:

Bolen Fransen Sawyers LLP
7405 North First Street
Fresno, California 93720
Telephone: (559) 226-8177
Facsimile: (559) 227-4971
Email: gdb@bolenfransen.com

13. Governing Law. This Agreement shall in all respects be interpreted, enforced, and governed by and under the laws of the State of California.

14. Entire Agreement. This Agreement and the Grant of Easement, supersedes all previous oral and written agreements between and representations by or on behalf of the parties and constitutes the entire agreement of the parties with respect to the subject matter hereof. This Agreement may not be amended except by a written agreement executed by the parties.

15. Binding Effect. This Agreement and the covenants and agreements contained herein shall be binding upon, and shall inure to the benefit of, the parties hereto and their respective heirs, successors and assigns (subject to the provisions of Section 17 below). No assignment or delegation by Owners, whether by operation of law or otherwise, shall relieve Owners of any of its duties, obligations or liabilities hereunder, in whole or in part. The covenants of Owners hereunder shall run with the land.

16. Assignment. This Agreement and the rights of Owners hereunder are appurtenant to the Property presently owned by Owners and may not be separately assigned, transferred, conveyed or encumbered. Any purported assignment, transfer, conveyance or encumbrance violating the foregoing condition shall be void and of no effect.

17. Attorneys' Fees. Should either party bring an action against the other party, by reason of or alleging the failure of the other party with respect to any or all of its obligations hereunder, whether for declaratory or other relief, then the party which prevails in such action shall be entitled to its reasonable attorneys' fees (of both in-house and outside counsel) and expenses related to such action, in addition to all other recovery or relief. A party shall be deemed to have prevailed in any such action (without limiting the generality of the foregoing) if such action is dismissed upon the payment by the other party of the sums allegedly due or the performance of

obligations allegedly not complied with, or if such party obtains substantially the relief sought by it in the action, irrespective of whether such action is prosecuted to judgment.

18. Survival of Obligations. Owners' obligations under Sections 3 and 4 of this Agreement, and all representations, warranties, indemnities or other provisions which by their nature survive termination shall survive the exercise of PG&E's termination rights pursuant to Section 3 of this Agreement.

19. No Waiver. No waiver with respect to any provision of this Agreement shall be effective unless in writing and signed by the party against whom it is asserted. No waiver of any provision of this Agreement by a party shall be construed as a waiver of any subsequent breach or failure of the same term or condition, or as a waiver of any other provision of this Agreement.

20. Captions. The captions in this Agreement are for reference only and shall in no way define or interpret any provision hereof.

21. Counterparts. This Agreement may be executed in identical counterpart copies, each of which shall be an original, but all of which taken together shall constitute one and the same agreement.

22. Recording. Owners hereby consent and agree to the recording by PG&E of this Agreement against the Property. Owners agree to sign any additional documents reasonably required to complete such recording.

23. Ratification of Grant of Easement. Except as modified by this Agreement in regard to the Easement Area, all of the terms, conditions and provisions of the Grant of Easement shall remain in full force and effect and are hereby ratified and confirmed. To the extent the terms of the Grant of Easement are inconsistent with this Agreement, the terms of this Agreement shall control.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first set forth above.

"PG&E"

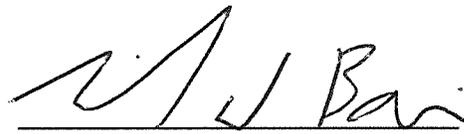
"Owners"

PACIFIC GAS AND ELECTRIC COMPANY,
a California corporation

"BOWIE"

BOWIE ENTERPRISES, a California
corporation

By: _____
Dawn Plise


By: Michael J. Bowie, Vice President

Its: Manager
Land Management

Administrative Information

Attach to LD: 2213.21. _____
Area, Region or Location: 4
Land Service Office: Fresno
Line of Business: Electric Distribution (43)
Business Doc Type: Agreements
MTRSQ: 22.13.21.10.33
FERC License Number: N/A
PG&E Drawing Number: 35122827
Plat No.: Electric 1321106
LD of Affected Documents: 2213-21-1190
LD of Cross Referenced Documents: 2213-21-1190
Type of interest: Agreements (56), CPUC 851 Approval (79), Encroachment Agreements (69)
SBE Parcel: N/A
% Being Quitclaimed: N/A
Order or PM: 35122827
JCN: N/A
County: Fresno
Utility Notice Number: N/A
851 Approval: Advice Letter _____ effective _____
Prepared By: PXVH
Checked By: PXNE
Approved By:
Revised by:

Note:

Exhibit "A"
Legal Description

The parcel of land described in the deed from Ahira BBB Clovis Shaw LP, a California limited partnership to Bowie Enterprises, a California corporation dated February 26, 2019 and recorded as Document Number 2019-0024848, Fresno County Records and more particularly described as follows:

Parcel A as shown upon the Parcel Map No. 79-4 filed for record August 17, 1979 in Book 32 of Parcel Maps at page 21, Fresno County records.

(APN # 551-280-01)

EXHIBIT "C"

CONSTRUCTION INDEMNITY AGREEMENT

THIS CONSTRUCTION INDEMNITY AGREEMENT ("Agreement") is dated as of October 30, 2019, and is made by and between BOWIE ENTERPRISES, a California corporation ("Bowie"), and PACIFIC GAS AND ELECTRIC COMPANY, a California corporation ("PG&E"), in connection with the following facts and circumstances. Bowie and PG&E are individually referred to herein as a "Party" and collectively as the "Parties".

RECITALS

A. Bowie is the owner of that certain real property (the "Bowie Property") located at the northeast corner of Shaw Avenue and Fowler Avenue in the City of Clovis, California, having an APN of 551-280-01, and more particularly described as follows:

Parcel A of Parcel Map No. 79-4, in the City of Clovis, County of Fresno, State of California, according to the map thereof recorded in Book 32 of Parcel Maps at page 21, Fresno County Records.

B. PG&E is the owner of a ten (10) foot wide utility easement (the "Existing Easement") traversing the Bowie Property from South to North in a more or less northwesterly direction, the centerline of which is the existing location of one of PG&E's buried primary electrical service lines (the "Primary Line") that provides electrical service to one or more of the commercial lots (the "Commercial Lots") in what is more commonly known as the 1800 Shaw Avenue Common Interest Development, as more particularly described as follows:

Parcels A, B, C, and D of Parcel Map No. 79-4 and Parcels 1 and 2 of Parcel Map 88-16 in the City of Clovis, County of Fresno, State of California.

C. Bowie intends to construct a conveyORIZED car wash facility (the "Construction Project") on the Bowie Property while the Primary Line is energized. The construction plans will cause a portion of the building footings to encroach to within five (5) feet of the energized Primary Line, as more particularly depicted and described in Exhibit "C-1" attached hereto and incorporated herein. The lateral encroachment of the footings into the Existing Easement will vary from being completely over the Primary Line at point #1, to 2.96 feet West of the Primary Line at point #2, and 4.86 feet West of the Primary Line at point #3, as shown on Exhibit "C-1". The bottom of the proposed footings are greater than 16 inches below existing ground level, so Bowie will over-excavate up to 6 inches below the bottom of footings. Therefore, the undisturbed dirt on top of the Primary Line and below the proposed footings will vary from 1.5 feet at point #1, to 1.96 feet at point #2, to 1.53 feet at point #3, as shown on Exhibit "C-1".

D. Accordingly, Bowie has submitted a New Commercial Application for Service (Application No. 117008416) (the "Application") to PG&E for the relocation of the existing underground primary electrical line (the "Primary Line") to an existing public utility easement (the "Utility Easement") located along the eastern boundary of the Bowie Property, as depicted in Exhibit "C-2" attached hereto and incorporated herein, and as more particularly described as follows:

A 7.50 foot wide strip of land on each side of the North-South property line common to Parcel A and Parcel B of Parcel Map No. 79-4, in the City of Clovis, County of Fresno, State of California, according to the grant of easement recorded April 28, 1980 in Book 7510 of Official Records at page 750, Fresno County Records.

The relocation of the Primary Line to the Utility Easement is subject to review and approval by PG&E to ensure compliance with minimum standards with other existing or proposed utilities. If PG&E

determines that the Primary Line cannot be relocated to the Utility Easement area, then an alternate location must be provided to PG&E by Bowie, including the acquisition of all the necessary land rights related thereto.

E. Once the Primary Line has been relocated and is operational, it will replace the existing Primary Line, effectively relocating the primary electrical line servicing the Commercial Lots (the "Relocation").

F. The Relocation shall be accomplished at Bowie's sole cost and expense. Once the Relocation is completed, there will be no encroachment on the Primary Line by any portion of the Construction Project.

G. Due to the lengthy time required for PG&E to install the New Primary Line and accomplish the Relocation, PG&E has agreed to grant Bowie permission to commence the Construction Project immediately, notwithstanding the temporary encroachment on the existing location of the Primary Line and, in return, Bowie has agreed to indemnify PG&E in accordance with the following terms and conditions.

NOW, THEREFORE, in consideration of the foregoing, the Parties hereby agree as follows:

1. Construction. Upon approval by the CPUC and full execution of the Temporary Encroachment Agreement, Bowie shall commence construction of the Construction Project, notwithstanding the temporary encroachment on the Primary Line. Throughout the course of construction, while the Primary Line is energized, Bowie shall maintain safety tailboards with the construction crew and the Primary Line will be located and marked at all times to ensure safety.

2. Indemnification and Limitation of Liability.

(a) Bowie shall indemnify, defend and hold harmless PG&E, its parent corporation, affiliates, officers, managers, directors, representative, shareholders, invitees, employees, agents, transferees, contractors, successors and assigns, from any and all costs, liabilities, claims, losses (including, but not limited to, diminution in value) and expenses, including those from death or injury to any person or from a loss or damage to any real, personal or other property, or any fines, penalties, or interest caused by, arising from or in any way connected with or relating to (i) Bowie's construction over or near PG&E's existing Primary Line traversing the Bowie Property within the Existing Easement, or (ii) any act or omission by Bowie, or by any of Bowie's employees, agents, contractors, affiliates, or invitees in connection with such construction, or (iii) damages in any way connected with Bowie's construction activities, or (iv) any construction performed by Bowie, or its employees, agents, or contractors, or (v) violation of any applicable federal, state, or local laws, statutes, regulations, or ordinances, any liability imposed by law or regulation without regard to fault, or (vi) claims arising from the failure of the existing Primary Line over or near which Bowie has conducted any construction activity, where such construction activity caused, or is alleged to have caused or contributed to such failure of the existing Primary Line, except where PG&E is determined to have been solely negligent and the direct cause of any such damage or injury. The obligations of Bowie under this Section 2 shall arise at such time, if any, that any claim is made, or loss is incurred by PG&E, and the entry of judgment or the litigation of any claim shall not be a condition precedent to the obligations of Bowie hereunder.

(b) Bowie shall promptly notify PG&E of the existence of any matters to which Bowie's defense and indemnity obligations apply. Bowie shall defend at its own

any other manner provided by law. To the extent that either Party has or may hereafter acquire any immunity from any jurisdiction or any court or from any legal process with respect to itself or its property, each Party hereby irrevocably waives such immunity with respect to its obligations hereunder.

6. Attorney's Fees. If either Party commences litigation for the interpretation, enforcement, termination, cancellation or rescission of this Agreement, or for damages for the breach of this Agreement, the prevailing party in such action shall be entitled to its reasonable attorneys' fees and court and other costs incurred, to be paid by the non-prevailing party as fixed by the court or in a separate action brought for that purpose.

7. Entire Agreement. This Agreement (including all Exhibits attached hereto) is the final expression of, and contains the entire agreement between, the Parties with respect to the subject matter hereof and supersedes all prior understandings with respect thereto. This Agreement may not be modified, changed, supplemented, superseded, canceled or terminated, nor may any obligations hereunder be waived, except by written instrument signed by the Party to be charged or by its agent duly authorized in writing or as otherwise expressly permitted herein. The Parties do not intend to confer any benefit hereunder on any person, firm or corporation other than the Parties hereto and lawful assignees.

8. Time of Essence. Time is strictly of the essence with respect to each and every term, condition, obligation and provision hereof and failure to timely perform any of the terms, conditions, obligations or provisions hereof by any Party shall constitute a material breach of and a non-curable (but waivable) default under this Agreement.

9. Relationship of Parties. Nothing contained in this Agreement shall be deemed or construed by the Parties to create the relationship of principal and agent, a partnership, joint venture or any other association between Bowie and PG&E.

10. Construction. Headings at the beginning of each paragraph and subparagraph are solely for the convenience of the Parties and are not a part of the Agreement. Whenever required by the context of this Agreement, the singular shall include the plural and the masculine shall include the feminine and vice versa. This Agreement shall not be construed as if it had been prepared by one of the Parties, but rather as if both Parties had prepared the same. Unless otherwise indicated, all references to paragraphs, sections, subparagraphs and subsections are to this Agreement. All exhibits referred to in this Agreement are attached and incorporated by this reference.

11. Governing Law. This Agreement shall be governed by the laws of the State of California.

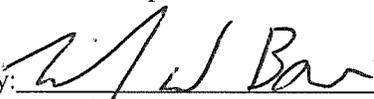
IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed and delivered as of the day and year first above written.

"BOWIE"

"PG&E"

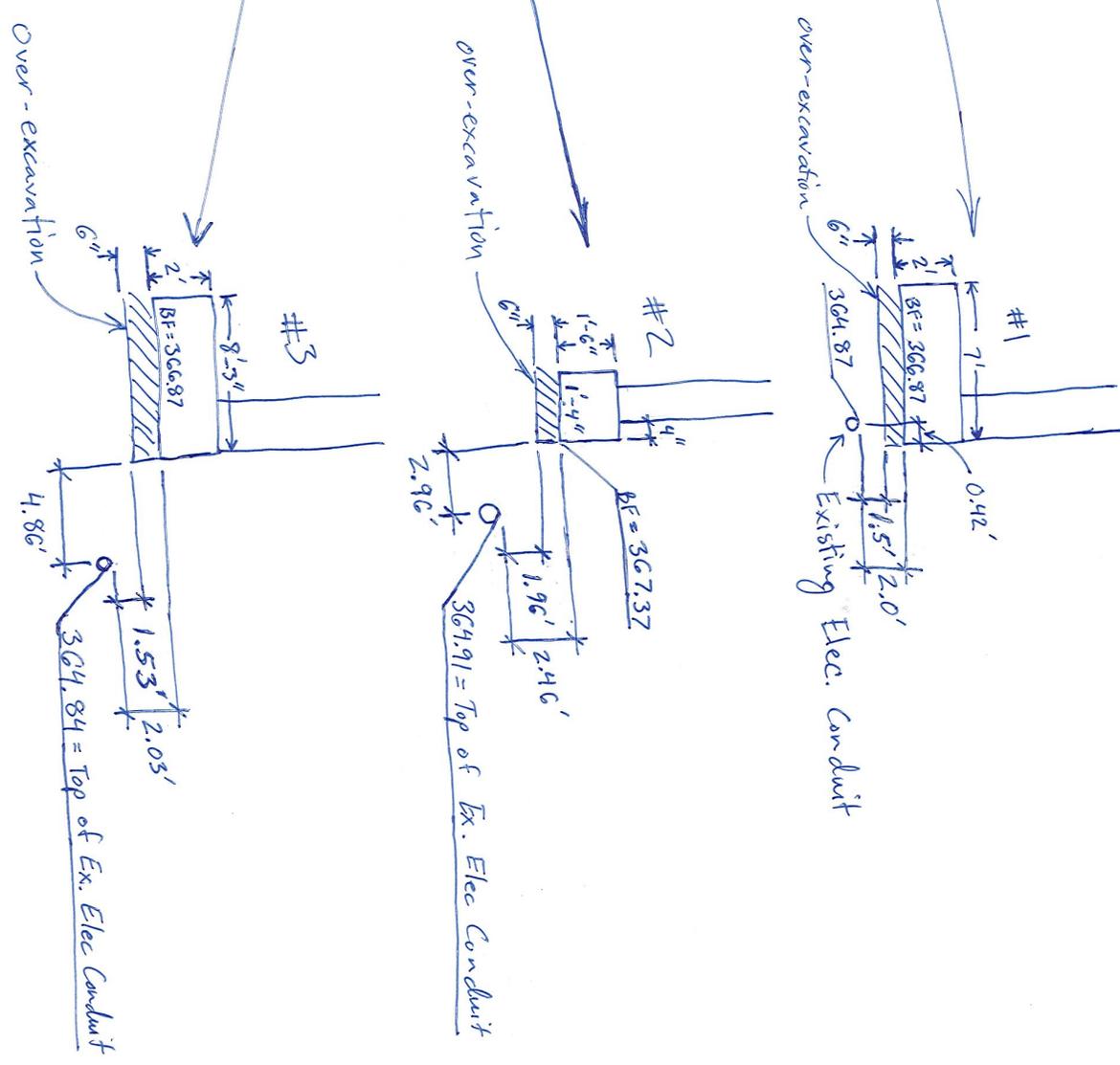
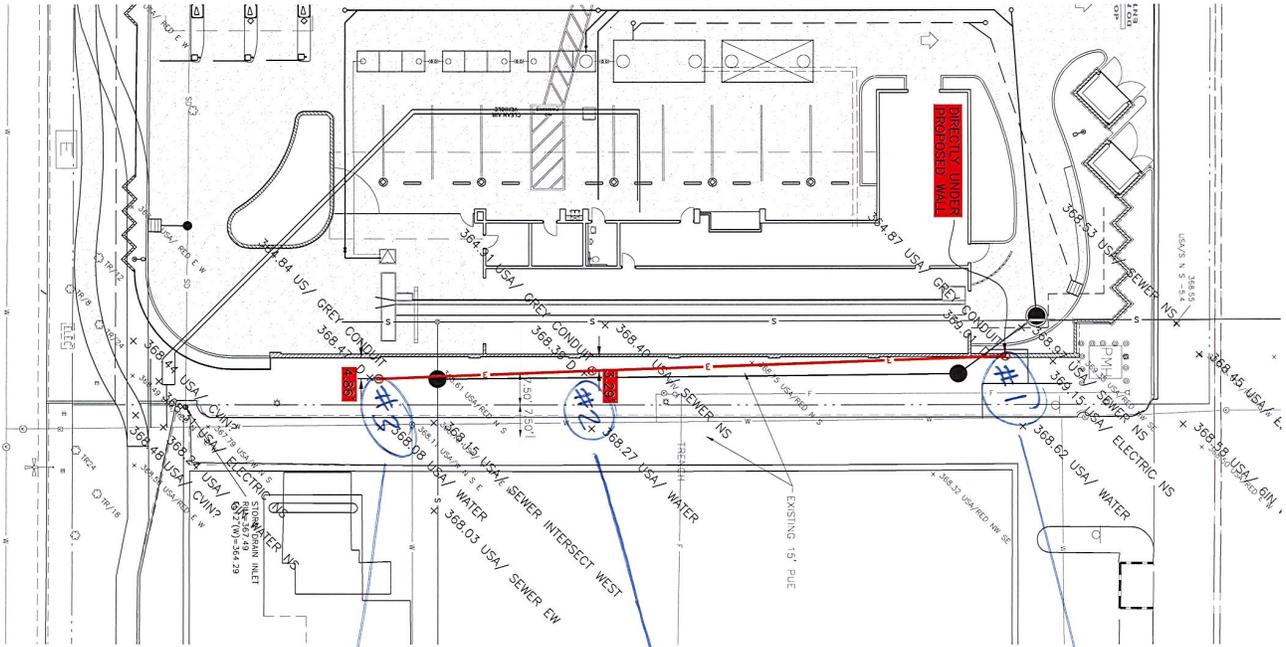
BOWIE ENTERPRISES,
a California corporation

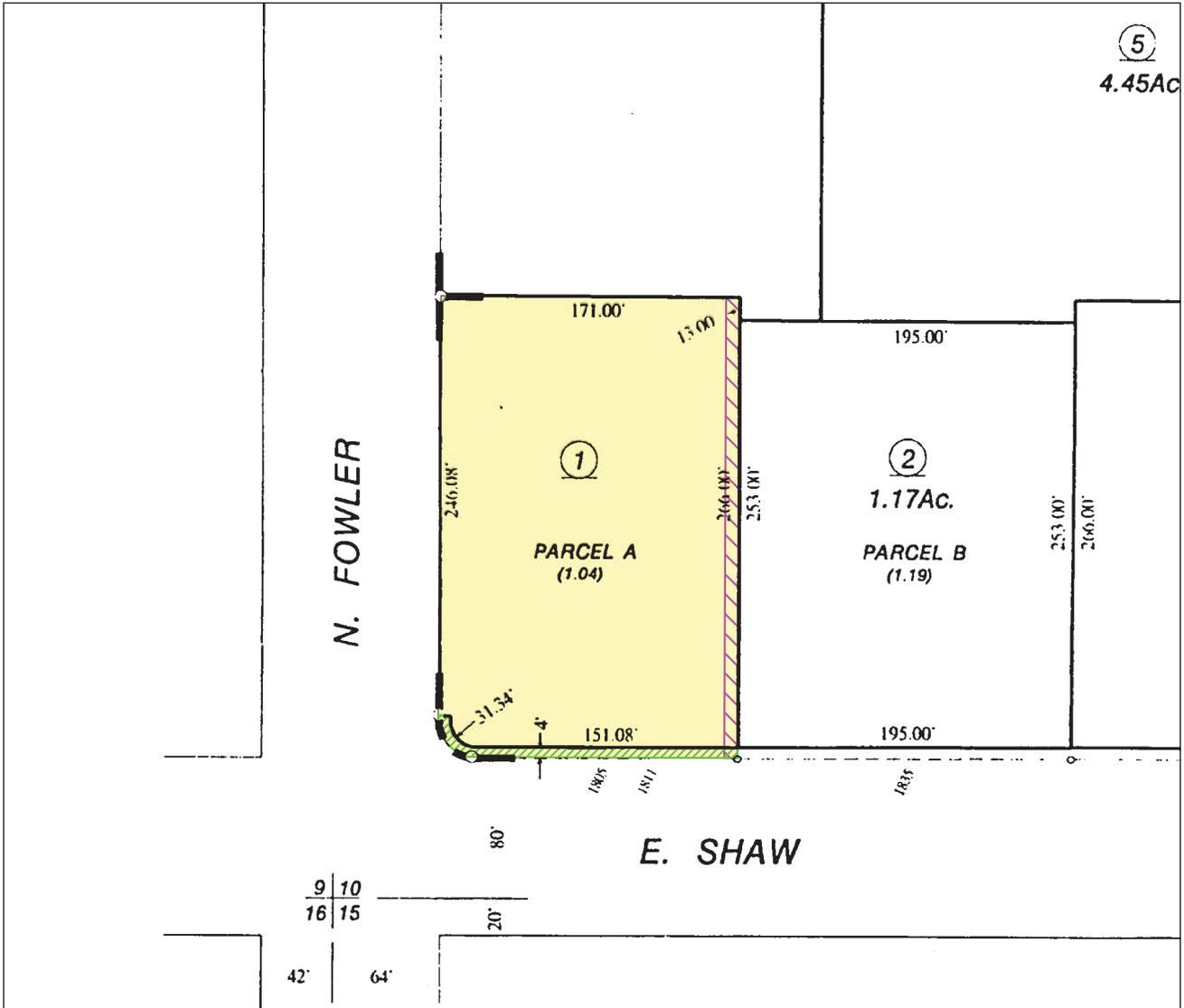
PACIFIC GAS AND ELECTRIC COMPANY
a California corporation

By: 
Michael J. Bowie, Vice President

By: _____
Vincent Magri, Superintendent, Field Ops – Fresno

EXHIBIT "C-1"





Legend

-  Property In Question - Fee
-  Item No. 8 - Easement for Public Street
In 04/14/1980 Inst #38010 Bk7503 Pg108
of Official Records
Affects said portion as described in the document
-  Item No. 9 - Easement for Public utilities
In 04/28/1980 Inst #42646 Bk7510 Pg750
of Official Records
Affects said portion as described in the document
-  Item No. 11 - Easement for Pole lines and
Underground Conduits
In 03/31/1981 Inst #29351 Bk7698 Pg139
of Official Records
The exact location of said easement cannot be
determined and is not plottable

| | | |
|--|--|------------------------------------|
| © 2017 Chicago Title Company 2540 West Shaw Lane, #112 Fresno, CA 93711 | Title Order No. : 45000755, Preliminary Report dated October 3, 2017 | Drawing Date : 10/16/2017 - FNFI |
| | Reference : | Assessor's Parcel No. : 551-280-01 |
| Property : 1805 Shaw Avenue, Clovis, CA | Data : | |
| This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon. | Plat Showing : PARCEL A OF PARCEL MAP NO. 79-4, IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 32, PAGE 21 OF PARCEL MAPS, FRESNO COUNTY RECORDS. | Sheet 1 of 1 |
| Page 6 of 6 | | Archive # |

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

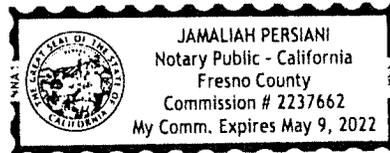
State of California
County of Fresno)

On October 30, 2019, before me, Jamaliah Persiani Notary Public,
Insert name
personally appeared Michael J. Bowie

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Jamaliah Persiani
Signature of Notary Public

(Seal)

CAPACITY CLAIMED BY SIGNER

- Individual(s) signing for oneself/themselves
- Corporate Officer(s) of the above named corporation(s)
- Trustee(s) of the above named Trust(s)
- Partner(s) of the above named Partnership(s)
- Attorney(s)-in-Fact of the above named Principal(s)
- Other _____

Attachment 2

PG&E Easement

Attachment 2 - PG&E Easement

62-3111 2-73 REV.

AFTER RECORDING
RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
Land Department

1401 Fulton Street, 5th Floor
Fresno, California 93721

Location: City Clovis

Recording Fee \$ 5.00

Documentary Transfer Tax \$ None

Computed on Full Value of Property Conveyed, or

Computed on Full Value Less Liens & Encumbrances
Remaining at Time of Sale

Sperry G. Strong
Signature of declarant or agent determining tax

2213-21-1190
FOR RECORDER'S USE ONLY

29351

| | |
|---|--------------------|
| RECORDED IN OFFICIAL RECORDS OF FRESNO COUNTY, CALIFORNIA, | |
| AT <u>20</u> MIN PAST <u>11 A</u> M | |
| MAR 31 1981 | |
| GALEN LARSON, County Recorder | FEE \$ <u>5</u> |

BOOK 7698 PAGE 139

APN 307-430-01 & 03 (Service to Fisher Land)

EASEMENT

FISHER LAND CORPORATION, a California corporation,

first party, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation,

second party, the right from time to time to construct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, together with a right of way therefor, within a strip or parcel of land or along a route as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands situate in the City of Clovis County of Fresno, State of California, described as follows:

Parcels A and F of Parcel Map No. 79-4, as said parcels are shown on the map filed for record in Book 32 of Parcel Maps at page 21, Fresno County Records.

Said facilities shall consist of:

Such underground conduits, pipes, manholes, service boxes, wires, cables, and electrical conductors; aboveground marker posts, risers, and service pedestals; underground and aboveground switches, fuses, terminals, and transformers with associated concrete pads; and fixtures and appurtenances necessary to any and all thereof, as second party deems necessary; and one or more underground pipes with suitable service pipes and connections for the conveyance of gas to be installed within the strips of land not to exceed 10 feet in width the center lines of which will be at locations mutually agreed upon by the parties hereto.

Second party may further define the location of said facilities by recording a "Notice of Final Description" referring to this instrument and setting forth a description of said strips of land.

P.G.&E. CO.
COPY

First party shall not erect or construct any building or other structure or drill or operate any well within said strips of land.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF first party has executed these presents this 25th day of MARCH, 19 81

FISHER LAND CORPORATION

G. R. McComb
G. R. McComb, President

San Joaquin (F)
GM 4244869 (E-30399)
Plat No. 1321106
T.13S., R.21E.,
M.D.B.&M.
Section 10
SW4 of SW4

Executed in the presence of:

J. Wheeler
WITNESS

Prepared JW

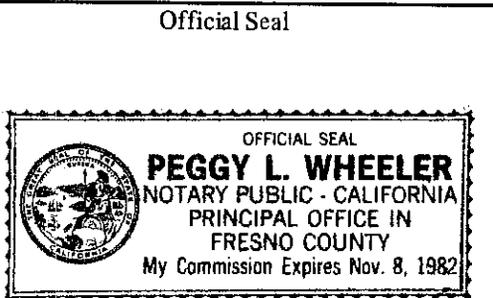
Checked DW

03 (Corporation) Rev. 7/78

STATE OF CALIFORNIA } ss.
County of Fresno

On this 25th day of March, in the year 19 81, before me, Peggy L. Wheeler, a Notary Public in and for said State, duly commissioned and sworn, personally appeared G. R. McComb

known to me to be the President of the corporation that executed the within instrument, and to be the person(s) who executed the said instrument on behalf of said corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.



Peggy L. Wheeler
Notary Public in and for the said State

| | | |
|-------------------------------------|----------------|---------------|
| <input checked="" type="checkbox"/> | ORIGINAL | -- Land |
| <input type="checkbox"/> | DUPLICATE | -- Grantor |
| <input type="checkbox"/> | TRIPPLICATE | -- Accounting |
| <input type="checkbox"/> | QUADRUPPLICATE | -- Division |
| <input type="checkbox"/> | QUINTUPLICATE | -- |

| |
|------------|
| REFERENCE |
| E30399 |
| GM 4244869 |

DEED OF CONVEYANCE

FISHER LAND CORPORATION, Grantor,
 does hereby grant, bargain, sell and convey to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, Pacific, its successors and assigns, free and clear of all liens and encumbrances, those certain underground electric distribution facilities now installed on or adjacent to Grantor's premises in the City of Clovis County of Fresno, State of California, together with all necessary rights of way and easements therefor, in the locations shown and delineated upon the sketch attached hereto and hereby made a part hereof and particularly described thereon.

Grantor agrees to execute such other documents as Pacific may require to enable it to record the rights of way and easements above granted.

IN WITNESS WHEREOF Grantors have executed these presents this 25th
 day of March, 1981.

[Signature]

Executed in the presence of:

Mary H. Stone
 Witness

Kenneth A. Lefft

Attachment 3

Relocation

Attachment 4

**Clovis City Council Meeting Minutes – Approval of
Mitigated Negative Declaration**

Attachment 4

CLOVIS CITY COUNCIL MEETING

December 17, 2018

6:05 P.M.

Council Chamber

Meeting called to order by Mayor Whalen
Flag Salute led by Councilmember Ashbeck

Roll Call: Present: Councilmembers Ashbeck, Bessinger, Flores, Mouanoutoua
Mayor Whalen
Absent: None

PRESENTATION

1. NONE

PUBLIC COMMENTS - NONE

CONSENT CALENDAR – 6:07

Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, that the items on the Consent Calendar be approved. Motion carried by unanimous vote.

2. General Services - Approved - **Res. 18-170**, amending the Management Benefit Summary, the Executive Management Benefit Summary, and the Represented Employees Benefit Summary.
3. General Services - Approved – **Res. 18-171**, amending the FY2018-2019 General Services Department Budget to reflect \$10,000 in additional grant funding for the Clovis Senior Center awarded by the Fresno-Madera Area Agency on Aging.
4. Planning and Development Services - Approved – **Res. 18-172**, authorize the City Engineer to waive certain inspection and processing fees on cooperative inter-agency public improvement projects.
5. Planning and Development Services – Approved – Encroachment agreement and Authorize the City Engineer to enter into agreement on behalf of the City with Fresno Irrigation District for Tract Map 6193 located at the southwest area of Ashlan Avenue and Highland Avenue (Wilson Premier Homes, Inc.).

PUBLIC HEARINGS

6. 6:08 APPROVED – **RES. 18-173**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS ADOPTING INTERIM RULES FOR VENDING ON PUBLIC STREETS, SIDEWALKS, AND PARKS

Business Development Manager Shawn Miller and Deputy City Attorney Jessica Mejorado presented a report on a recommendation to adopt interim rules for vending on public streets, sidewalks, and parks. California State Senate Bill SB 946 will become law on January 1, 2019. The legislation was designed to limit local jurisdictions' abilities to regulate vending on streets, sidewalks and parks, unless the regulation is connected to public health, safety, and welfare. Vending is defined in the law as the sale of food or merchandise from the person or a non-motorized conveyance. SB 946 allows

municipalities to establish permit programs for vendors, and they may require sidewalk vendors to obtain a tax certificate and abide by state tax laws, just like other businesses.

Staff has been working on an ordinance to implement reasonable regulations to address the public health, safety, and welfare concerns that might arise from Vending. Due to the short time since passage of the legislation, staff is unable to process the Ordinance so that it becomes effective before January 1, 2019. Therefore, staff is proposing that the Council adopt the primary regulations from the draft Ordinance (proposed new Chapter 5.33) by Resolution as interim rules for Vending. Following Council input on the interim rules, staff will make any needed adjustments, do additional community outreach, and bring back the permanent Ordinance early next year.

Mike Cunningham, resident, commented on a recent dinner experience he had near Shaw and Minnewawa and the lack of compliance for showing permits and what implementation of the new law may look like. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the Council to adopt interim rules for vending on public streets, sidewalks, and parks with the added provision to not allow vending on Centennial Plaza in downtown Clovis. Motion carried by unanimous vote

7. 6:30 - APPROVED - ITEMS ASSOCIATED WITH APPROXIMATELY 1.2 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF SHAW AND FOWLER AVENUES. AHIRA BBB CLOVIS SHAW LP, OWNER; BOWIE ENTERPRISES, MICHAEL BOWIE, APPLICANT; DIRK POESCHEL LAND DEVELOPMENT SERVICES, REPRESENTATIVE

ITEM 7a - APPROVED - **RES. 18-174**, APPROVING AN ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT GPA2018-04, REZONE R2018-10 AND CONDITIONAL USE PERMIT CUP2018-06; and **ITEM 7b** - APPROVED - **RES. 18-175**, GPA2018-04, AMENDING THE GENERAL PLAN DESIGNATION FROM OFFICE TO GENERAL COMMERCIAL, AND A TEXT AMENDMENT TO THE SHAW AVENUE SPECIFIC PLAN PERMITTING C-2 (COMMUNITY COMMERCIAL) ZONING AND DRIVE-THRU USES FOR THIS SPECIFIC SITE; and **ITEM 7c** - APPROVED INTRODUCTION - **ORD. 18-29**, R2018-10, APPROVING A REZONE FROM THE C-P (PROFESSIONAL OFFICE) ZONE DISTRICT TO THE C-2 (COMMUNITY COMMERCIAL) ZONE DISTRICT; and **ITEM 7d** - APPROVED - **RES. 18-176**, CUP2018-06, APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR A DRIVE-THRU CAR WASH FACILITY.

City Planner Bryan Araki and Associate Planner Lily Cha presented a report on various items associated with approximately 1.2 acres of land located at the northeast corner of Shaw and Fowler Avenues. The applicant is requesting to amend the General Plan Land Use Diagram, a text amendment to the Shaw Avenue Corridor Specific Plan, and the rezone of approximately 1.2 acres of property located at the northeast corner of Shaw and Fowler Avenues. The applicant is also requesting conditional use permit approval for the infill development of a drive-thru car wash facility (Ride and Shine). Approval of this request will allow the applicant to move forward with site plan review for the proposed facility.

Dirk Poeschel, representing the applicant, spoke in favor of the report and conditions. Jose Benavidez, traffic consultant, addressed questions of Council regarding competing traffic with Jefferson Elementary School and other nearby businesses. Discussion by the Council.

Motion by Councilmember Mouanoutoua, seconded by Councilmember Flores, for the Council to approve **Resolution 18-174** approving an environmental finding of a mitigated negative declaration for General Plan Amendment GPA2018-04, Rezone R2018-10 and Conditional Use Permit CUP 2018-06. Motion carried by unanimous vote.

Motion by Councilmember Mouanoutoua, seconded by Councilmember Flores, for the Council to approve **Resolution 18-175** approving GPA2018-04, amending the general plan designation from Office to General Commercial and a text amendment to the Shaw Avenue Specific Plan permitting C-2 (Community Commercial) zoning and drive-thru uses for this specific site. Motion carried by unanimous vote.

Motion by Councilmember Mouanoutoua, seconded by Councilmember Flores, for the Council to approve the introduction **Ord. 18-29**, R2018-10, approving a rezone from the C-P (Professional Office) zone district to the C-2 (Community Commercial) zone district. Motion carried by unanimous vote.

Motion by Councilmember Mouanoutoua, seconded by Councilmember Flores, for the Council to approve **Resolution 18-176** approving CUP 2018-06, approving a conditional use permit to allow for a drive-thru car wash facility. Motion carried 4-1 with Councilmember Ashbeck voting no.

ADMINISTRATIVE ITEMS

8. 7:21 - APPROVED – SCHEMATIC ELEVATIONS, FLOORPLANS, PROJECT BUDGET, AUTHORIZATION OF DESIGN, CONTRACT DOCUMENTS, AND BIDDING PHASES; AND APPROVAL OF AMENDMENT 1 TO THE ARCHITECTURAL SERVICES CONTRACT FOR LANDMARK COMMONS WITH PAUL HALAJIAN ARCHITECTS

Community and Economic Development Manager Andy Haussler and Assistant Planning and Development Services Director Renee Mathis presented a report on a request for the Council to approve schematic elevations, floorplans, project budget, authorization of design, contract documents, and bidding phases; and approval of Amendment 1 to the Architectural Services Contract for Landmark Commons with Paul Halajian Architects. On April 12, 2017, the City of Clovis entered into a contract with Halajian Architects for the design of a new Senior Activity Center, Transit Hub and on/off-site improvements as part of the Landmark Commons project. The first phase of the Architectural Services Contract included schematic designs. The contract requires City Council approval of the schematic designs and estimated project development budget to proceed to the Design Development Phase. The schematic design of the project is complete. The architect and staff recommend moving forward with the Landmark Commons project based on the schematic designs provided. Due to the increased cost and size of the buildings in comparison to the original requests for proposals for architectural services, staff is recommending an increase in the Architectural Services Contract with Paul Halajian Architects in the amount of \$318,680. This increase takes the project through all remaining phases of the Architectural Services Contract.

Kurt Vote, legal counsel representing DeBenedetto Properties to the north of the project, addressed questions of Council and commented on a need for an additional access off of Clovis Avenue. Paul Halajian, Architect, addressed questions of Council and reasons for cost increase. Discussion by the Council. Kurt Vote additionally commented on moving forward with the project but wanted to raise the concern of not allowing access via a Second Street access to the DeBenedetto property. Mark Keppler, resident, commented on the trail adjacent the project remain a trail and on the west side of the property access to the trail from the project needs to be considered as well as shading. He also requested that the architecture for the county library be aligned with what the city is building at that site.

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the Council to approve:

- The Schematic Design Phase of the Architectural Services Contract with Paul Halajian Architects, including conceptual elevations, the conceptual floorplans, the conceptual site plan, the estimated development budget and schedule;
- A request to authorize staff to proceed with the Design Development, Contract Documents, and Bidding Phases of the Architectural Services Contract with Paul Halajian Architects;
- An amendment to the Architectural Services Contract with Paul Halajian Architects to increase the contract amount by \$318,680.

Motion carried by unanimous vote.

CITY MANAGER COMMENTS - 8:45

City Manager Luke Serpa commented on a recommendation to cancel the Council meeting of January 7, 2019. He also commented on the traffic issues associated with Cindy Lane and Santa Claus Lane.

COUNCIL ITEMS

9. Council Comments – 8:48

City Council wished everyone a Merry Christmas.

CLOSED SESSION – 8:49

10. Government Code Section 54956.9(d)(1)
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Lionel Hawkins v. City of Clovis
11. Government Code Section 54957
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager
12. Government Code Section 54957.6

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: City Attorney, David J. Wolfe

Unrepresented Employee: City Manager



Mayor Whalen adjourned the meeting of the Council to January 14, 2019

Meeting adjourned: 9:20 p.m.

A handwritten signature in blue ink, appearing to be "R. Whalen", is written above a horizontal line.

Mayor

A handwritten signature in blue ink, appearing to be "A. H. H.", is written above a horizontal line.

City Clerk

Attachment 5

Mitigated Negative Declaration

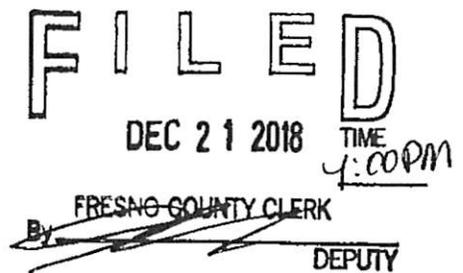
Attachment 5



CITY of CLOVIS

PLANNING & DEVELOPMENT

1033 FIFTH STREET, CLOVIS, CA 93611



For County Clerk Stamp

MITIGATED NEGATIVE DECLARATION

Proposed: December 17, 2018

Agency File No: GPA2018-04, R2018-10 & CUP2018-06

Finding: The City of Clovis has determined that the project described below will not have a significant effect on the environment and therefore the preparation of an Environmental Impact Report is not required.

Lead Agency: City of Clovis is the Lead Agency for this project.

Project Title: General Plan Amendment GPA2018-04, Rezone R2018-10 & CUP2018-06.

Project Location: Northeast corner of Shaw and Fowler Avenues in the City of Clovis, CA.

Project Description: Consider items associated with approximately 1.2 acres of land located at the northeast corner of Shaw and Fowler Avenues. Ahira Bbb Clovis Shaw LP, owner; Bowie Enterprises, Michael Bowie, applicant; Dirk Poeschel Land Development Services, representative.

- a. Consider Approval, Res. 18-___, A request to approve an environmental finding of a Mitigated Negative Declaration for General Plan Amendment GPA2018-04, Rezone R2018-10 and Conditional Use Permit CUP2018-06.
- b. Consider Approval, Res. 18-___, **GPA2018-04**, A request to amend the General Plan designation from Office to General Commercial and a text amendment to the Shaw Avenue Specific Plan permitting C-2 (Community Commercial) zoning and drive-thru uses for this specific site.
- c. Consider Approval, Res. 18-___, **R2018-10**, A request to approve a from the C-P (Professional Office) Zone District to the C-2 (Community Commercial) Zone District.
- d. Consider Approval, Res. 18-___, **CUP2018-06**, A request to approve a conditional use permit to allow for a drive-thru car wash facility.

Environmental Assessment: The Initial Study for this project is available for review at the City of Clovis, Planning and Development Services Department, 1033 Fifth Street, Clovis, CA.

Justification for Mitigated Negative Declaration: The City of Clovis has completed the preparation of an Initial Study for the project described above. The Initial Study did not identify any potentially significant environmental effects that would result from the proposed activity. Accordingly, approval of

a Mitigated Negative Declaration for the project is recommended. The City finds that the proposed activity can be adequately served by City public services. It will not have a negative aesthetic effect, will not affect any rare or endangered species of plant or animal or the habitat of such species, nor interfere with the movement of any resident or migratory fish or wildlife species. It will not adversely affect water quality, contaminate public water supplies, or cause substantial flooding, erosion, or siltation. It will not have a significant effect on air quality, climate change, transportation or circulation systems, noise, light and glare, and land use. No significant cumulative impacts will occur from this project.

Contact Person: Lily Cha, Assistant Planner

Phone: (559) 324-2335

Signature: _____



Date: December 21, 2018

EXHIBIT B

**City of Clovis Mitigation Monitoring and Reporting Program
General Plan Amendment GPA2018-04, Rezone R2018-10 & Conditional Use
Permit CUP2018-06**

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to "adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." A MMRP is required for the proposed project because the Mitigated Negative Declaration has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The MMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Mitigated Negative Declaration.

The City of Clovis will be the primary agency, but not the only agency responsible for implementing the mitigation measures. The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the Mitigated Negative Declaration, in the same order that they appear in the Mitigated Negative Declaration.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the department within the City responsible for mitigation monitoring.
- **Compliance Verification Responsibility:** Identifies the department of the City or other State agency responsible for verifying compliance with the mitigation. In some cases, verification will include contact with responsible state and federal agencies.

Mitigation Monitoring Program

| Proposed Mitigation | Summary of Measure | Monitoring Responsibility | Timing | Verification (Date and Initials) |
|----------------------------|--|----------------------------------|---|---|
| 3.1 Aesthetics | | | | |
| 3.1-d | The developer shall direct all lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties. | City of Clovis Planning | <i>Prior to Permits and During Construction</i> | |
| 3.4 Biological | | | | |

| Proposed Mitigation | Summary of Measure | Monitoring Responsibility | Timing | Verification (Date and Initials) |
|----------------------------|--|----------------------------------|---|---|
| 3.4-a1 | If the project is implemented during breeding season (February 1 to September 15), a biologist should conduct a pre-construction survey and search for nests of passerines within 100 feet of project work areas and raptor nests within 500 feet of project work areas. | City of Clovis Planning | <i>Prior to Permits and During Construction</i> | |
| 3.4.a2 | If an active nest is discovered within the BSA, a 100-ft no disturbance buffer shall be established around the nest (within the BSA) using orange construction fencing. A qualified biologist shall evaluate the potential for construction activities to disturb normal nesting behavior and adjust the buffer distance, as appropriate. The buffer fencing shall be maintained in good condition until the nest is inactive | City of Clovis Planning | <i>Prior to Permits and During Construction</i> | |
| 3.4-a3 | Disturbance of active nests shall be avoided until it is determined by a qualified biologist that nesting is complete and the young from have fledged or that the nest has failed. If work is allowed to proceed, at a minimum, a qualified biologist shall be on-site during the start of construction activities during the nesting season to monitor nesting activity. The monitor shall have the authority to stop work if it is determined the Project is | City of Clovis Planning | <i>Prior to Permits and During Construction</i> | |

| Proposed Mitigation | Summary of Measure | Monitoring Responsibility | Timing | Verification (Date and Initials) |
|----------------------------|--|----------------------------------|---|---|
| | adversely affecting nesting activities. | | | |
| 3.4-d | All equipment shall be thoroughly cleaned before leaving the site. | City of Clovis Planning | <i>Prior to Permits and During Construction</i> | |
| 3.12 Noise | | | | |
| 3.12-a, c | The applicant proposes to incorporate a 20-foot sound wall at the tunnel entrance, along the project site's eastern property line (near the existing bank) and a 22-foot sound wall extending from the tunnel exit and continuing to the west along the project site's norther property line. With these proposed sound walls, the proposed Ride and Shine Car Wash will comply with all applicable City of Clovis exterior and interior noise level requirements without the need for additional mitigation measures. | City of Clovis Planning | <i>Prior to Permits and During Construction</i> | |



State of California - Department of Fish and Wildlife

2018 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 01/03/18) Previously DFG 753.5a

| |
|--|
| RECEIPT NUMBER: E201810000276 |
| STATE CLEARINGHOUSE NUMBER (if applicable) |

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

| | | |
|--------------------------------------|-------------------|---|
| LEAD AGENCY CITY OF CLOVIS | LEAD AGENCY EMAIL | DATE 10/24/2018 |
| COUNTY/STATE AGENCY OF FILING | | DOCUMENT NUMBER E201810000276 |

PROJECT TITLE
GPA2018-04, R2018-10, AND CUP2018-06

| | | |
|---|--|---------------------------------------|
| PROJECT APPLICANT NAME CITY OF CLOVIS | PROJECT APPLICANT EMAIL LILYC@CITYOFCLOVIS.COM | PHONE NUMBER (559) 324-2383 |
| PROJECT APPLICANT ADDRESS 1033 FIFTH STREET | CITY CLOVIS | STATE CA |
| | | ZIP CODE 93612 |

PROJECT APPLICANT (Check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

| | | | |
|--|------------|----|-----------------|
| <input type="checkbox"/> Environmental Impact Report (EIR) | \$3,168.00 | \$ | <u>0.00</u> |
| <input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,280.75 | \$ | <u>2,280.75</u> |
| <input type="checkbox"/> Certified Regulatory Program document (CRP) | \$1,077.00 | \$ | <u>0.00</u> |

- Exempt from fee
 Notice of Exemption (attach)
 CDFW No Effect Determination (attach)
 Fee previously paid (attach previously issued cash receipt copy)

| | | | |
|---|----------|----|--------------|
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ | <u>0.00</u> |
| <input checked="" type="checkbox"/> County documentary handling fee | \$50.00 | \$ | <u>50.00</u> |
| <input type="checkbox"/> Other | | \$ | <u>0.00</u> |

PAYMENT METHOD:

Cash
 Credit
 Check
 Other 016260 & 016120
TOTAL RECEIVED \$ 2,330.75

| | |
|---|---|
| SIGNATURE  | AGENCY OF FILING PRINTED NAME AND TITLE Nina Lopez Deputy Clerk |
|---|---|



State of California - Department of Fish and Wildlife

2018 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 01/03/18) Previously DFG 753.5a

| |
|--|
| RECEIPT NUMBER: E201810000276 |
| STATE CLEARINGHOUSE NUMBER (if applicable) |

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

| | | |
|--------------------------------------|-------------------|---|
| LEAD AGENCY CITY OF CLOVIS | LEAD AGENCY EMAIL | DATE 10/24/2018 |
| COUNTY/STATE AGENCY OF FILING | | DOCUMENT NUMBER E201810000276 |

PROJECT TITLE
GPA2018-04, R2018-10, AND CUP2018-06

| | | |
|---|--|---------------------------------------|
| PROJECT APPLICANT NAME CITY OF CLOVIS | PROJECT APPLICANT EMAIL LILYC@CITYOFCLOVIS.COM | PHONE NUMBER (559) 324-2383 |
| PROJECT APPLICANT ADDRESS 1033 FIFTH STREET | CITY CLOVIS | STATE CA |
| | | ZIP CODE 93612 |

PROJECT APPLICANT (Check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

| | | | |
|--|------------|----|-----------------|
| <input type="checkbox"/> Environmental Impact Report (EIR) | \$3,168.00 | \$ | <u>0.00</u> |
| <input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,280.75 | \$ | <u>2,280.75</u> |
| <input type="checkbox"/> Certified Regulatory Program document (CRP) | \$1,077.00 | \$ | <u>0.00</u> |

- Exempt from fee
 - Notice of Exemption (attach)
 - CDFW No Effect Determination (attach)
- Fee previously paid (attach previously issued cash receipt copy)

| | | | |
|---|----------|----|--------------|
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ | <u>0.00</u> |
| <input checked="" type="checkbox"/> County documentary handling fee | \$50.00 | \$ | <u>50.00</u> |
| <input type="checkbox"/> Other | | \$ | <u>0.00</u> |

PAYMENT METHOD:

Cash
 Credit
 Check
 Other 016260 & 016120
 TOTAL RECEIVED \$ 2,330.75

| | |
|--|---|
| SIGNATURE X  | AGENCY OF FILING PRINTED NAME AND TITLE Nina Lopez Deputy Clerk |
|--|---|

Attachment 6

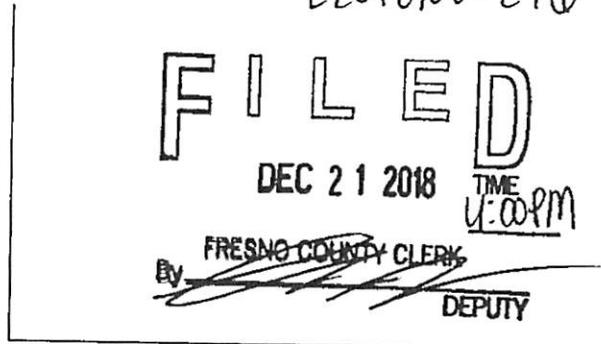
Notice of Determination Filed

Attachment 6



CITY of CLOVIS
PLANNING & DEVELOPMENT
1000 E. 10TH STREET • CLOVIS, CA 93611

E20181000276



For County Clerk Stamp

NOTICE OF DETERMINATION

County Clerk
P.O. Box 1628
Fresno, CA 93717

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Title or File No.: GPA2018-04, R2018-10, CUP2018-06

Environmental Assessment No.:

SCH No.:

Lead Agency: City of Clovis is the Lead Agency for this project.

Project Location: Northeast corner of Shaw and Fowler Avenues in the City of Clovis, CA.

Project Description:

1. Consider items associated with approximately 1.2 acres of land located at the northeast corner of Shaw and Fowler Avenues. Ahira Bbb Clovis Shaw LP, owner; Bowie Enterprises, Michael Bowie, applicant; Dirk Poeschel Land Development Services, representative.
 - a. Consider Approval, Res. 18-___, A request to approve an environmental finding of a Mitigated Negative Declaration for General Plan Amendment GPA2018-04, Rezone R2018-10 and Conditional Use Permit CUP2018-06.
 - b. Consider Approval, Res. 18-___, **GPA2018-04**, A request to amend the General Plan designation from Office to General Commercial and a text amendment to the Shaw Avenue Specific Plan permitting C-2 (Community Commercial) zoning and drive-thru uses for this specific site.
 - c. Consider Approval, Res. 18-___, **R2018-10**, A request to approve a from the C-P (Professional Office) Zone District to the C-2 (Community Commercial) Zone District.
 - d. Consider Approval, Res. 18-___, **CUP2018-06**, A request to approve a conditional use permit to allow for a drive-thru car wash facility.

City Action: This is to advise that on December 17, 2018, the City Council approved the above described Project and made the following determinations:

1. The Project will not have a potentially significant effect on the environment.

E201810000274

2. A Mitigated Negative Declaration was prepared for the Project pursuant to the provisions of CEQA and adopted by the City Council.
3. Mitigation Measures were made a condition of approval of the Project.
4. A Mitigation Monitoring Plan was prepared for this Project.
5. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Mitigated Negative Declaration and record of Project approvals are available to the general public for review at the Clovis Planning and Development Services Department at the address listed above.

Contact Person: Lily Cha, Assistant Planner

Phone: (559) 324-2335

Signature: _____



Date: December 21, 2018

Attachment 7

Initial Study of Draft Mitigated Negative Declaration

Attachment 7

GENERAL PLAN AMENDMENT GPA2018-04 REZONE R2018-10 CONDITIONAL USE PERMIT CUP2018-06 INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

PREPARED BY:



CITY *of* CLOVIS

PLANNING & DEVELOPMENT

1033 FIFTH STREET • CLOVIS, CA 93612

Planning Division
1033 Fifth Street
Clovis, CA 93612

Project Manager:
Lily Cha, Assistant Planner
559-324-2335
lilyc@cityofclovis.com

October 2018

ATTACHMENT 1



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

For County Clerk Stamp

**NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
NOTICE OF PUBLIC HEARING
NOTICE OF PUBLIC REVIEW OF A PROPOSED MITIGATED NEGATIVE DECLARATION**

NOTICE IS HEREBY GIVEN that on **Thursday, November 15, 2018, at 6:00 p.m.**, a public hearing will be conducted in the Council Chamber of the Clovis Civic Center, 1033 Fifth Street, Clovis, CA 93612. The Clovis Planning Commission will consider the following item:

1. Consider items associated with approximately 1.2 acres of land located at the northeast corner of Shaw and Fowler Avenues. Ahira Bbb Clovis Shaw LP, owner; Bowie Enterprises, Michael Bowie, applicant; Dirk Poeschel Land Development Services, representative.
 - b. Consider Approval, Res. 18-___, **GPA2018-04**, A request to amend the General Plan designation from Office to General Commercial and a text amendment to the Shaw Avenue Specific Plan permitting C-2 (Community Commercial) zoning and drive-thru uses for this specific site.
 - c. Consider Approval, Res. 18-___, **R2018-10**, A request to approve a from the C-P (Professional Office) Zone District to the C-2 (Community Commercial) Zone District.
 - d. Consider Approval, Res. 18-___, **CUP2018-06**, A request to approve a conditional use permit to allow for a drive-thru car wash facility.

A Mitigated Negative Declaration has been completed for Project Item No. 1, pursuant to Section 15070 of CEQA. Recommendation of a proposed Mitigated Negative Declaration does not necessarily mean this project will be approved. Hard copies and electronic copies of the proposed Mitigated Negative Declaration for this project may be reviewed and/or obtained at the City of Clovis Planning Division, 1033 Fifth Street, Clovis, California, Monday through Friday, between 8:00 a.m. and 3:00 p.m.

All interested parties are invited to comment in writing to the Planning Division by no later than 3:00 p.m. on November 15, 2018, and/or to appear at the hearing described above to present testimony in regard to the above listed requests. Questions regarding this item should be directed to Lily Cha, Assistant Planner at (559) 324-2383 or email at lilyc@cityofclovis.com.

If you would like to view the Planning Commission Agenda and Staff Reports, please visit the City of Clovis Website at www.cityofclovis.com. Select "Planning Commission Agendas" from right side of the main page under "Frequently Visited." Reports will be available approximately 72 hours prior to the meeting time.

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

Dwight D. Kroll, AICP, Planning and Development Services Director
PUBLISH: Wednesday, October 24, 2018, *The Business Journal*



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

For County Clerk Stamp

DRAFT MITIGATED NEGATIVE DECLARATION

Proposed: October 24, 2018

Agency File No: GPA2018-04, R2018-10 & CUP2018-06

Finding: The City of Clovis has determined that the project described below will not have a significant effect on the environment and therefore the preparation of an Environmental Impact Report is not required.

Lead Agency: City of Clovis is the Lead Agency for this project.

Project Title: General Plan Amendment GPA2018-04, Rezone R2018-10 & CUP2018-06.

Project Location: Northeast corner of Shaw and Folwer Avenues in the City of Clovis, CA.

Project Description: Consider items associated with approximately 1.2 acres of land located at the northeast corner of Shaw and Fowler Avenues. Ahira Bbb Clovis Shaw LP, owner; Bowie Enterprises, Michael Bowie, applicant; Dirk Poeschel Land Development Services, representative.

- a. Consider Approval, Res. 18-___, **GPA2018-04**, A request to amend the General Plan designation from Office to General Commercial and a text amendment to the Shaw Avenue Specific Plan permitting C-2 (Community Commercial) zoning and drive-thru uses for this specific site.
- b. Consider Approval, Res. 18-___, **R2018-10**, A request to approve a rezone from the C-P (Professional Office) Zone District to the C-2 (Community Commercial) Zone District.
- c. Consider Approval, Res. 18-___, **CUP2018-06**, A request to approve a conditional use permit to allow for a drive-thru car wash facility.

Environmental Assessment: The Initial Study for this project is available for review at the City of Clovis, Planning and Development Services Department, 1033 Fifth Street, Clovis, CA.

Justification for Mitigated Negative Declaration: The City of Clovis has completed the preparation of an Initial Study for the project described above. The Initial Study did not identify any potentially significant environmental effects that would result from the proposed activity. Accordingly, approval of a Mitigated Negative Declaration for the project is recommended. The City finds that the proposed activity can be adequately served by City public services. It will not have a negative aesthetic effect, will not affect any rare or endangered species of plant or animal or the habitat of such species, nor interfere with the movement of any resident or migratory fish or wildlife species. It will not adversely affect water quality, contaminate public water supplies, or cause substantial flooding, erosion, or siltation. It will not have a

significant effect on air quality, climate change, transportation or circulation systems, noise, light and glare, and land use. No significant cumulative impacts will occur from this project.

Contact Person: Lily Cha, Assistant Planner

Phone: (559) 324-2335

Signature:  _____

Date: October 24, 2018

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INITIAL STUDY

1.0 Introduction

This document is an Initial Study and Mitigated Negative Declaration (MND) prepared pursuant to the California Environmental Quality Act (CEQA), for the project. This MND has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 *et seq.*, and the CEQA Guidelines Sections 15070(b), 15071(e).

1.1 Documents Incorporated By Reference

This mitigated negative declaration utilizes information and incorporates information and analyses provided in the following documents pursuant to CEQA Guidelines Section 15150.

- **City of Clovis General Plan.** The 2014 Clovis General Plan provides a description of the project area setting, and sets forth a plan for the development of the general plan planning area, of which the current project area is part.
- **Program Environmental Impact Report prepared for the 2014 Clovis General Plan Update.** The General Plan Program EIR describes potential impacts of development of the project area consistent with the general plan land use map. Some of these impacts (e.g. runoff, aesthetics, etc.) are to be expected with any urban development, and are therefore applicable to the current project.
- **Findings and Statement of Overriding Considerations prepared for the adoption of the Clovis General Plan.** Adoption of the development plan contained in the General Plan is expected to result in certain unavoidable environmental impacts (Agriculture, Air Quality, Cultural Resources, Greenhouse Gas, Hydrology and Water, Noise and Vibration, Population and Housing, Transportation and Traffic, and Utility and Service Systems) that the City has determined are outweighed by the potential benefits of plan implementation. These impacts are applicable to the project at hand due to the fact that the proposal is consistent with the planned urbanization of the general plan planning area.
- **Shaw Avenue Specific Plan.** The Shaw Avenue Specific Plan provides a description of the project area setting, and sets forth a plan for the development of the specific plan planning area, of which the current project area is part.
- **Environmental Impact Report prepared for the Clovis Landfill Expansion and Permitting Project (Certified July 11, 2005, SCH No. 2002091105).** The EIR examined the potential impacts of a revision to the city's Solid Waste Facility Permit to expand filling operations and expand the land fill property boundaries.
- **Environmental Impact Report prepared for the Clovis Sewage Treatment /Water Reuse Facility Program (Certified July 18, 2005, SCH No. 2004061065).** The EIR examined the potential impacts from the construction and operation of the City's new sewage treatment/water reuse facility (STWRF) that would provide an alternative solution to its current sewage (wastewater) treatment services capabilities.
- **Clovis Municipal Code Title 5 (Public Welfare, Morals And Conduct) and Title 9 (Development Code).** This Code consists of all the regulatory, penal, and administrative laws of general application of the City of Clovis and specifically to development standards, property maintenance and nuisances, necessary for the protection of health and welfare, codified pursuant to the authority contained in Article 2 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code of the State of California.
- **California Health and Safety Code Section 7050.5.** This section states that in the event that human remains are discovered, there shall be no further disturbance of the site of any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has been notified. If the remains are determined to be Native

American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

- **Section 15064.5 of the CEQA Guidelines.** This section addresses the discovery of human remains, and the disturbance of potential archaeological, cultural, and historical resources. The requirements of Section 15064.5 with regard to the discovery of human remains are identical to the requirements of Health and Safety Code Section 7050.5.
- **City of Clovis 2018-2019 Budget.** The budget provides information about city services, and objectives, annual spending plan for the 2018-2019 fiscal year, debt obligations, and the five-year Community Investment Program.
- **City of Clovis Economic Development Strategy (Adopted July 14, 2014).** The City of Clovis Economic Development Strategy outlines the City's strategies for the retention, expansion, and attraction of industrial development, commercial development, and tourism.
- **City of Clovis 2015 Urban Water Management Plan.** The Clovis Urban Water Management Plan outlines the City's strategy to manage its water resources through both conservation and source development. The Plan was prepared in compliance with California Water Code Section 10620.
- **Fresno Metropolitan Flood Control District Storm Drainage and Flood Control Master Plan (Adopted December 13, 2017).** The Fresno Metropolitan Flood Control District (FMFCD) is located in the north-central portion of Fresno County between the San Joaquin and Kings rivers. The FMFCD service area includes most of the Fresno-Clovis metropolitan area (excluding the community of Easton), and unincorporated lands to the east and northeast. The Storm Drainage and Flood Control Master Plan includes program planning, structure, service delivery, and financing, for both flood control and local drainage services. The flood control program relates to the control, containment, and safe disposal of storm waters that flow onto the valley floor from the eastern streams. The local drainage program relates to the collection and safe disposal of storm water runoff generated within the urban and rural watersheds.
- **San Joaquin Valley Air Pollution Control District, Regulation VIII - Fugitive PM10 Prohibitions.** The purpose of Regulation VIII (Fugitive PM10 Prohibitions) is to reduce ambient concentrations of fine particulate matter (PM10) by requiring actions to prevent, reduce or mitigate anthropogenic fugitive dust emissions. Regulation VIII is available for download at <http://www.valleyair.org/rules/1ruleslist.htm#reg8>. A printed copy may be obtained at the District's Central Region offices at 1990 E. Gettysburg Ave., Fresno, CA 93726.
- **Biological Resources Technical Memo from Stantec Consulting Services Inc.,** June 13, 2018, An evaluation of biological impacts.
- **Cultural Resources Literature Review from Stantec Consulting Services Inc.,** dated June 15, 2018, An evaluation of cultural resources.
- **Air Quality/Greenhouse Gas Impact Analysis Report from Stantec Consulting Services Inc.,** June 15, 2018, An evaluation of the impacts related to Air Quality & Green House Gas.
- **City of Clovis Wastewater Collection System Master Plan Modification Review,** July 16, 2018, An evaluation of impacts to the Master Sewer Collection System.
- **Saturday Service Rate Demand and Queuing Analysis** by JLB Traffic Engineering, Inc., Dated July 12, 2018, An evaluation of potential difference in traffic generation between the existing general plan land use and the proposed land use.
- **Acoustical Analysis** by WJV Acoustics, July 9, 2018, An evaluation of noise related impacts.
- **County of Fresno Department of Public Health,** March 21, 2018, recommended conditions of approval.

Unless otherwise noted, documents incorporated by reference in this Initial Study are available for review at the Clovis Planning and Development Services Department located at 1033 Fifth Street, Clovis, CA 93612 during regular business hours.

1.2 Lead Agency

The lead agency is the public agency with primary responsibility over a proposed project. Where two or more public agencies will be involved with a project, CEQA Guidelines Section 15051 provides criteria for identifying the lead agency. In accordance with CEQA Guidelines Section 15051(b)(1), "the lead agency will normally be the agency with general government powers, such as a city or county, rather than an agency with a single or limited purpose." Based on these criteria, the City of Clovis will serve as lead agency for the proposed project.

1.3 Agencies That May Use This Document

This Initial Study and Mitigated Negative Declaration may be used by any responsible or trustee agencies that also have review authority over the project. As stated in the CEQA Guidelines Section 15231:

A Final EIR prepared by a lead agency or a Negative Declaration adopted by the lead agency shall be conclusively presumed to comply with CEQA for the purposes of use by responsible agencies which were consulted pursuant to Sections 15072 or 15082 unless one of the following conditions occurs:

- a. The EIR or Negative Declaration is finally adjudged in a legal proceeding not to comply with the requirements of CEQA, or*
- b. A subsequent EIR is made necessary by Section 15162 of these Guidelines.*

The various local, state, and federal agencies that may use this document are listed in Section 2.0, "Project Description."

2.0 Project Information

2.1 Project Description

The project consists of a request to approve a general plan amendment, rezone and conditional use permit on approximately 1.2 acres of land located at the northeast corner of Shaw and Fowler Avenues in the City of Clovis. Furthermore, the project includes the Fresno Metropolitan Flood Control District and San Joaquin Valley Air Pollution Control District as responsible agencies.

General Plan Amendment GPA2018-04 is requesting to amend the General Plan designation from Office to General Commercial and a text amendment to the Shaw Avenue Specific Plan permitting C-2 (Community Commercial) zoning and drive-thru uses for this specific site.

Rezone R2018-10 is rezoning the subject property from the C-P (Professional Office) Zone District to the C-2 (Community Commercial) Zone District.

Conditional Use Permit CUP2018-06 is a request to approve the construction of a drive-thru car wash facility.

The project will be completed in accordance with the California Building Code; City of Clovis Municipal Code; and 2017 City of Clovis Standards.

2.2 Project Location

The proposed project is located within the City of Clovis in the County of Fresno (see Figure 1). The proposed project site is located at the northeast corner of Shaw and Fowler Avenues (see Figure 2).



Figure 1 - Regional Location

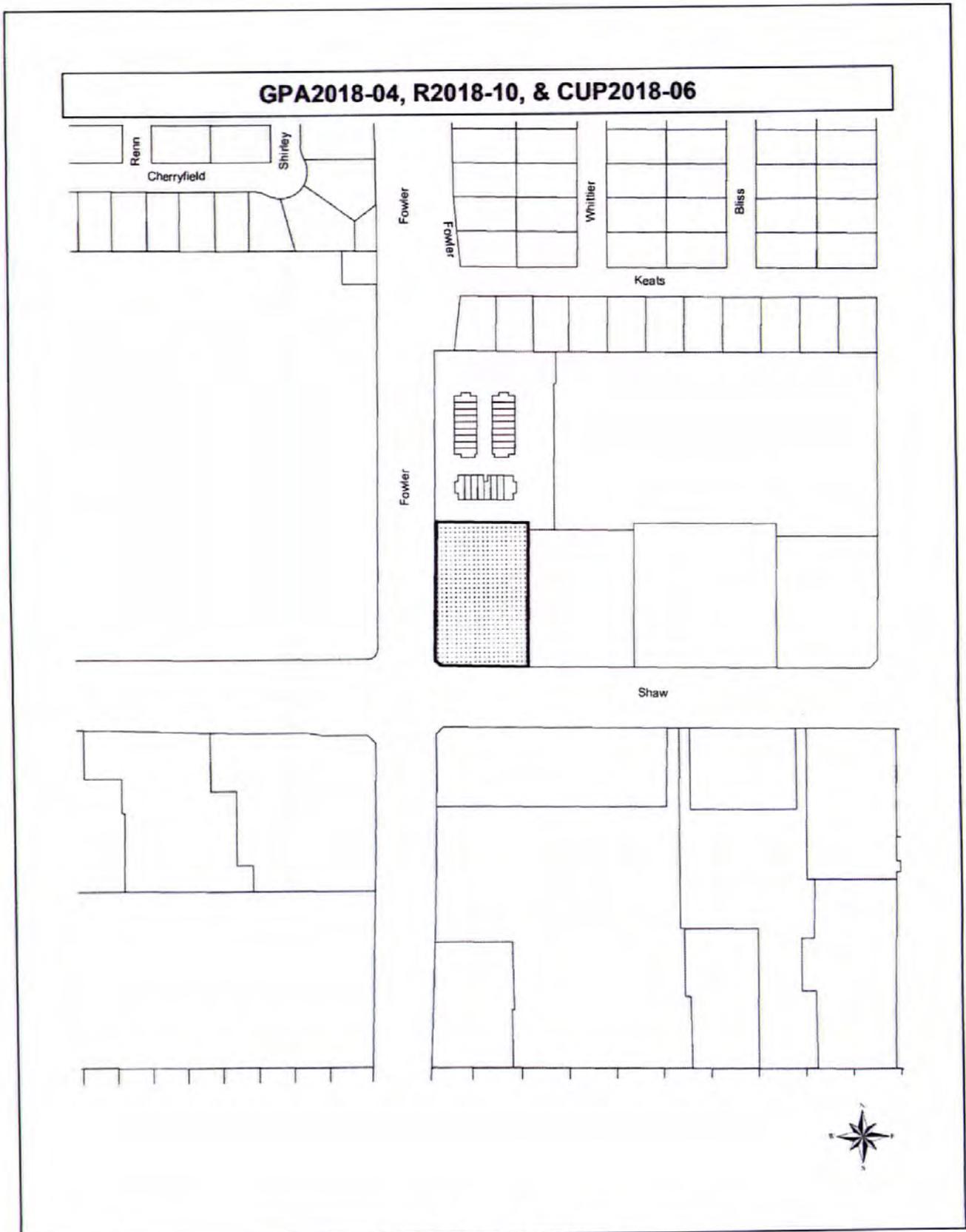


Figure 2 - Project Location

Proposed Design of the Site

Figure 3 shows proposed site plan.

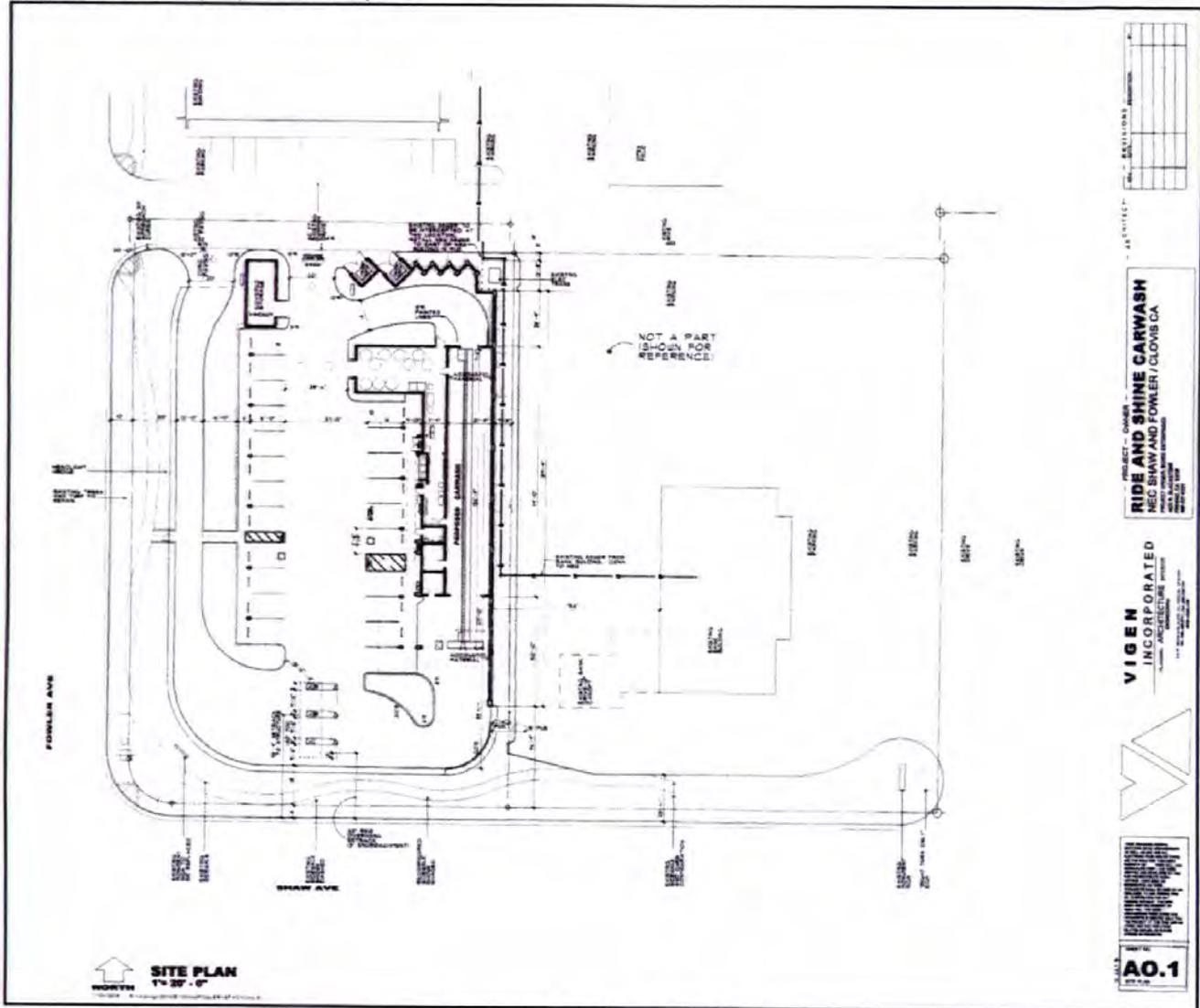


Figure 3 - Project Site Plan

2.3 Standard Environmental Measures

Standard environmental measures are methods, measures, standard regulations, or practices that avoid, reduce, or minimize a project's adverse physical impacts on the environment. Based on the underlying authority, they may be applied before, during, or after construction of the project.

The following standard environmental measures, which are drawn from City ordinances and other applicable regulations and agency practices, will be implemented as part of the project and incorporated into the City's approval processes for specific individual projects. The City will ensure that these measures are included in any project construction specifications (for example, as conditions of approval of a conditional use permit), as appropriate. This has proven to be effective in reducing potential impacts by establishing policies and standard requirements that are applied ministerially to all applicable projects.

Standard Environmental Measure 1: Measures to Minimize Effects of Construction-Related Noise

The following construction noise control standards per the Clovis Municipal Code (Clovis Municipal Code Section 5.27.604 et seq.) will be required, which are proven effective in reducing and controlling noise generated from construction-related activities.

- Noise-generating construction activities. Unless otherwise expressly provided by permit, construction activities are only permitted between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturday and Sunday. From June 1st through September 15th, permitted construction activity may commence after 6:00 a.m. Monday through Friday. Extended construction work hours must at all times be in strict compliance with the permit.
- Stationary equipment (e.g., generators) will not be located adjacent to any existing residences unless enclosed in a noise attenuating structure, subject to the approval of the Director.

Standard Environmental Measure 2: Erosion Control Measures to Protect Water Quality

To minimize the mobilization of sediment to adjacent water bodies, the following erosion and sediment control measures will be included in the storm water pollution prevention plan (SWPPP), to be included in the construction specifications and project performance specifications, based on standard City measures and standard dust-reduction measures for each development.

- Cover or apply nontoxic soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more) that could contribute sediment to waterways.
- Enclose and cover exposed stockpiles of dirt or other loose, granular construction materials that could contribute sediment to waterways.
- Contain soil and filter runoff from disturbed areas by berms, vegetated filters, silt fencing, straw wattle, plastic sheeting, catch basins, or other means necessary to prevent the escape of sediment from the disturbed area.
- No earth or organic material shall be deposited or placed where it may be directly carried into a stream, marsh, slough, lagoon, or body of standing water.
- Prohibit the following types of materials from being rinsed or washed into the streets, shoulder areas, or gutters: concrete; solvents and adhesives; thinners; paints; fuels; sawdust; dirt; gasoline; asphalt and concrete saw slurry; heavily chlorinated water.
- Dewatering activities shall be conducted according to the provisions of the SWPPP. No dewatered materials shall be placed in local water bodies or in storm drains leading to such bodies without implementation of proper construction water quality control measures.

Standard Environmental Measure 3: Dust Control Measures to Protect Air Quality

To control dust emissions generated during construction of future parcels, the following San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) Regulation VIII Control Measures for construction emissions of PM10 are required to be implemented (SJVUAPCD Rule 8021). They include the following:

- Watering—for the purpose of dust control, carry-out, and tracking control—shall be conducted during construction in accordance with the City of Clovis' Storm Water Management Plan (SWMP) and the Project Storm Water Pollution Prevention Plan (SWPPP), if applicable.
- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
- When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 2 feet of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

Standard Environmental Measure 4: Measures to Control Construction-Related Emissions

To comply with guidance from the SJVAPCD, the City will incorporate the following measures into the construction specifications and project performance specifications:

- The construction contractor will ensure that all diesel engines are shut off when not in use on the premises to reduce emissions from idling.
- The construction contractor will review and comply with SJVAPCD Rules 8011 to 8081 (Fugitive Dust), 4102 (Nuisance), 4601 (Architectural Coatings), and 4641 (Paving and Maintenance Activities). Current SJVAPCD rules can be found at <http://www.valleyair.org/rules/1ruleslist.htm>.
- The construction contractor will use off-road trucks that are equipped with on-road engines, when possible.
- The construction contractor will use light duty cars and trucks that use alternative fuel or are hybrids, if feasible.

Standard Environmental Measure 5: Measures to Minimize Exposure of People and the Environment to Potentially Hazardous Materials

Construction of the project could create a significant hazard to workers, the public, or the environment through the transport, use or disposal of hazardous materials. Small quantities of potentially toxic substances (such as diesel fuel and hydraulic fluids) would be used and disposed of at the site and transported to and from the site during construction. Accidental releases of small quantities of these substances could contaminate soils and degrade the quality of surface water and groundwater, resulting in a public safety hazard.

To minimize the exposure of people and the environment to potentially hazardous materials, the following measures will be included in the construction specifications and project performance specifications for each parcel that includes the use of hazardous materials, based on the City's standard requirements that construction specifications include descriptions of the SWPPP, dust control measures, and traffic mobilization.

- *Develop and Implement Plans to Reduce Exposure of People and the Environment to Hazardous Conditions Caused by Construction Equipment.* The City/contractor shall demonstrate compliance with Cal OSHA as well as federal standards for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention. Cal OSHA requirements can be found in the California Labor Code,

Division 5, and Chapter 2.5. Federal standards can be found in Occupational Safety and Health Administration Regulations, Standards—29 CFR. These standards are considered to be adequately protective such that significant impacts would not occur. Successful development and implementation of the proper storage and handling of hazardous materials will be measured against the state and federal requirements as verified by the City of Clovis.

- *Develop and Implement a Hazardous Materials Business Plan in Accordance with the Requirements of the County of Fresno Environmental Health System Hazardous Materials Business Plan Program.* The City shall require contractors to develop and implement a Hazardous Materials Business Plan, if required, in accordance with the requirements of the County of Fresno Environmental Health System (EHS) Hazardous Materials Business Plan Program. The Hazardous Materials Business Plan shall be submitted to the County EHS and the City of Clovis Fire Department prior to construction activities and shall address public health and safety issues by providing safety measures, including release prevention measures; employee training, notification, and evacuation procedures; and adequate emergency response protocols and cleanup procedures. A copy of the Hazardous Materials Business Plan shall be maintained on-site, during site construction activities and as determined by the County EHS.
- *Immediately Contain Spills, Excavate Spill-Contaminated Soil, and Dispose at an Approved Facility.* In the event of a spill of hazardous materials in an amount reportable to the Clovis Fire Department (as established by fire department guidelines), the contractor shall immediately control the source of the leak, contain the spill and contact the Clovis Fire Department through the 9-1-1 emergency response number. If required by the fire department or other regulatory agencies, contaminated soils shall be excavated, treated and/or disposed of off-site at a facility approved to accept such soils.
- As applicable, each project applicant shall demonstrate compliance with Cal-OSHA for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention. Cal-OSHA requirements can be found in the California Labor Code, Division 5, Chapter 2.5. Federal standards can be found in Occupational Safety and Health Administration Regulations, Standards—29 CFR.

Standard Environmental Measure 6: Measures to Protect Undiscovered Cultural Resources

If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground-disturbing activities, the City shall require that work stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City of Clovis and other appropriate agencies.

If human remains of Native American origin are discovered during project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Pub. Res. Code Sec. 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- The Fresno County coroner has been informed and has determined that no investigation of the cause of death is required; and if the remains are of Native American origin,
 - The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

- The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100) and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission.

Standard Environmental Measure 7: Develop and Implement a Construction Traffic Control Plan

If applicable, the construction contractor, in coordination with the City, will prepare a traffic control plan during the final stage of project design. The purpose of the plan is to insure public safety, provide noise control and dust control. The plan shall be approved by the City of Clovis City Engineer and comply with City of Clovis local ordinances and standard policies.

- The construction traffic control plan will be provided to the City of Clovis for review and approval prior to the start of construction and implemented by construction contractor during all construction phases, and monitored by the City.

Required Project Approvals

In addition to the approval of the proposed project by the City of Clovis, the following agency approvals may be required:

- San Joaquin Unified Air Pollution Control District
- Fresno Metropolitan Flood Control District

3.0 Environmental Setting, Impacts and Mitigation Measures

Introduction

This chapter provides an evaluation of the potential environmental impacts of the proposed project, including the CEQA Mandatory Findings of Significance. There are 18 specific environmental topics evaluated in this chapter including:

- Aesthetics
- Agriculture and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Tribal Cultural Resources
- Utilities/Service Systems

For each issue area, one of four conclusions is made:

- **No Impact:** No project-related impact to the environment would occur with project development.
- **Less Than Significant Impact:** The proposed project would not result in a substantial and adverse change in the environment. This impact level does not require mitigation measures.
- **Less Than Significant with Mitigation Incorporated:** The proposed project would result in an environmental impact or effect that is potentially significant, but the incorporation of mitigation measure(s) would reduce the project-related impact to a less than significant level.
- **Potentially Significant Impact:** The proposed project would result in an environmental impact or effect that is potentially significant, and no mitigation can be identified that would reduce the impact to a less than significant level.

3.1 Aesthetics

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| Aesthetics | | | | |
| <i>Would the Project:</i> | | | | |
| a. Have a substantial effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Environmental Setting

The City of Clovis is located within the San Joaquin Valley. As a result, the project site and surrounding areas are predominantly flat. The flat topography of the valley floor provides a horizontal panorama providing vistas of the valley. On clear days, the Sierra Nevada Mountains are visible to the east. Aside from the Sierra Nevada and nearby foothills, there are no outstanding focal points or views from the City.

Impacts

The project may result in significant aesthetic impacts if it substantially affects the view of a scenic corridor, vista, or view open to the public; causes substantial degradation of views from adjacent residences, or results in night lighting that shines into adjacent residences.

- The proposed project will not obstruct federal, state or locally classified scenic areas, historic properties, community landmarks, or formally classified scenic resources such as a scenic highway, national scenic area, or state scenic area. The City of Clovis is located in a predominantly agricultural area at the base of the Sierra Nevada Mountain Range, which provides for aesthetically pleasing views and open spaces. The project site is currently vacant land. The project proposes a General Commercial zoning which permits commercial development, consistent with that allowed in urban development zoning. As such, the implementation of the project using current zoning standards, would result in a less than significant impact to scenic vistas.
- The project is located in a predominately urban area. The development of this parcel with commercial development would have a less than significant impact on scenic resources.
- The project site is currently vacant land. The implementation of the project, consistent with the existing and proposed zoning would not substantially degrade the visual character or quality of the site and its surroundings.
- The project will include on-site project and off-site street lighting, which would introduce a new source of light to the area. The lighting is necessary to provide enough illumination at night for

security and traffic purposes. All lighting will be installed per City and PG&E standards. With the inclusion of the following Mitigation Measure, impacts in this category will be reduced to a less than significant impact.

Mitigation Measure 3.1-d

The developer shall direct all on-site lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties. Street lighting shall be spaced in accordance with City Standards to reduce up-lighting. The applicant shall utilize a PG&E street light which directs light downward.

3.2 Agriculture and forest resources

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| Agriculture and forest resources | | | | |
| <i>Would the Project:</i> | | | | |
| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220 (g)) or timberland (as defined in Public Resources Code section 4526)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Setting

Clovis and Vicinity

The early agricultural history of Clovis was partly tied to the logging industry in the Sierra Nevada. A 42-mile log flume was built from Shaver Lake to Clovis, and a mill and finishing plant were developed in Clovis. Other agricultural products from the Clovis area included grains and livestock (Clovis 2012).

Currently, there is little active agricultural use in the Plan Area because of water supply constraints and soil suitability issues.

General Plan Designation for Agricultural Use

No land within the City is designated for agriculture. The General Plan EIR analyzed the impacts of the City’s urban growth on agricultural land and includes mitigation measures to reduce those impacts; however, impacts to agricultural land remain significant and unavoidable. A Statement of Overriding Considerations was adopted for the impacts to agriculture lands. The proposed Project does not significantly impact agricultural resources as identified in the General Plan’s PEIR.

3.3 Air Quality

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| Air Quality | | | | |
| <i>Will the proposal:</i> | | | | |
| a. Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Violate any air quality standards or contribute to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Create objectionable odors? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Environmental Setting

SAN JOAQUIN VALLEY AIR BASIN

The City of Clovis (City) is in the central portion of the San Joaquin Valley Air Basin (SJVAB). SJVAB consists of eight counties: Fresno, Kern (western and central), Kings, Tulare, Madera, Merced, San Joaquin, and Stanislaus. Air pollution from significant activities in the SJVAB includes a variety of industrial-based sources as well as on- and off-road mobile sources. These sources, coupled with geographical and meteorological conditions unique to the area, stimulate the formation of unhealthy air.

The SJVAB is approximately 250 miles long and an average of 35 miles wide. It is bordered by the Sierra Nevada in the east, the Coast Ranges in the west, and the Tehachapi mountains in the south. There is a slight downward elevation gradient from Bakersfield in the southeast end (elevation 408 feet) to sea

level at the northwest end where the valley opens to the San Francisco Bay at the Carquinez Straits. At its northern end is the Sacramento Valley, which comprises the northern half of California's Central Valley. The bowl-shaped topography inhibits movement of pollutants out of the valley (SJVAPCD 2012a).

Climate

The SJVAB is in an inland Mediterranean climate zone and is influenced by a subtropical high-pressure cell most of the year. Mediterranean climates are characterized by sparse rainfall, which occurs mainly in winter. Summers are hot and dry. Summertime maximum temperatures often exceed 100°F in the valley.

The subtropical high-pressure cell is strongest during spring, summer, and fall and produces subsiding air, which can result in temperature inversions in the valley. A temperature inversion can act like a lid, inhibiting vertical mixing of the air mass at the surface. Any emissions of pollutants can be trapped below the inversion. Most of the surrounding mountains are above the normal height of summer inversions (1,500–3,000 feet).

Winter-time high pressure events can often last many weeks, with surface temperatures often lowering into the 30°F. During these events, fog can be present and inversions are extremely strong. These wintertime inversions can inhibit vertical mixing of pollutants to a few hundred feet (SJVAPCD 2012a).

Ambient Air Quality Standards

The Clean Air Act (CAA) was passed in 1963 by the US Congress and has been amended several times. The 1970 Clean Air Act amendments strengthened previous legislation and laid the foundation for the regulatory scheme of the 1970s and 1980s. In 1977, Congress again added several provisions, including nonattainment requirements for areas not meeting National AAQS and the Prevention of Significant Deterioration program. The 1990 amendments represent the latest in a series of federal efforts to regulate the protection of air quality in the United States. The CAA allows states to adopt more stringent standards or to include other pollution species. The California Clean Air Act (CCAA), signed into law in 1988, requires all areas of the state to achieve and maintain the California AAQS by the earliest practical date. The California AAQS tend to be more restrictive than the National AAQS, based on even greater health and welfare concerns.

These National and California AAQS are the levels of air quality considered to provide a margin of safety in the protection of the public health and welfare. They are designed to protect "sensitive receptors," those most susceptible to further respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed.

Both California and the federal government have established health-based AAQS for seven air pollutants. As shown in Table 5.3-1, *Ambient Air Quality Standards for Criteria Pollutants*, these pollutants are ozone (O₃), nitrogen dioxide (NO₂), carbon monoxide (CO), sulfur dioxide (SO₂), coarse inhalable particulate matter (PM₁₀), fine inhalable particulate matter (PM_{2.5}), and lead (Pb). In addition, the state has set standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles. These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety.

**TABLE 3.4-1
FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS**

| Pollutant | Averaging Time | Federal Primary Standard | State Standard |
|-------------------|-----------------------|---------------------------------|-----------------------|
| Ozone | 1-Hour | -- | 0.09 ppm |
| | 8-Hour | 0.075 ppm | 0.07 ppm |
| Carbon Monoxide | 8-Hour | 9.0 ppm | 9.0 ppm |
| | 1-Hour | 35.0 ppm | 20.0 ppm |
| Nitrogen Dioxide | Annual | 0.053 ppm | 0.03 ppm |
| | 1-Hour | 0.100 ppm | 0.18 ppm |
| Sulfur Dioxide | Annual | 0.03 ppm | -- |
| | 24-Hour | 0.14 ppm | 0.04 ppm |
| | 1-Hour | 0.075 ppm | 0.25 ppm |
| PM ₁₀ | Annual | -- | 20 ug/m ³ |
| | 24-Hour | 150 ug/m ³ | 50 ug/m ³ |
| PM _{2.5} | Annual | 15 ug/m ³ | 12 ug/m ³ |
| | 24-Hour | 35 ug/m ³ | -- |
| Lead | 30-Day Avg. | -- | 1.5 ug/m ³ |
| | 3-Month Avg. | 1.5 ug/m ³ | -- |

Notes: ppm = parts per million; ug/m³ = micrograms per cubic meter.

Source: California Air Resources Board, 2008. Ambient Air Quality Standards (4/01/08), <http://www.arb.ca.gov.aqs/aaqs2.pdf>.

In addition to the criteria pollutants discussed above, toxic air contaminants (TACs) are another group of pollutants of concern. TACs are injurious in small quantities and are regulated despite the absence of criteria documents. The identification, regulation and monitoring of TACs is relatively recent compared to that for criteria pollutants. Unlike criteria pollutants, TACs are regulated on the basis of risk rather than specification of safe levels of contamination.

Attainment Status

The air quality management plans prepared by SJVAPCD provide the framework for San Joaquin Valley Air Basin (SJVAB) to achieve attainment of the state and federal AAQS through the SIP. Areas are classified as attainment or nonattainment areas for particular pollutants, depending on whether they meet the ambient air quality standards. Severity classifications for ozone nonattainment range in magnitude from marginal, moderate, and serious to severe and extreme.

At the federal level, the SJVAPCD is designated as extreme nonattainment for the 8-hour ozone standard, attainment for PM₁₀ and CO, and nonattainment for PM_{2.5}. At the state level, the SJVAB is designated nonattainment for the 8-hour ozone, PM₁₀, and PM_{2.5} standards. The SJVAB has not attained the federal 1-hour ozone, although this standard was revoked in 2005.

Impacts

The SJVAPCD has established the following standards of significance (SJVAPCD, 1998). A project is considered to have significant impacts on air quality if:

- A project results in new direct or indirect emissions of ozone precursors (ROG or NO_x) in excess of 10 tons per year.

- Any project with the potential to frequently expose members of the public to objectionable odors will be deemed to have a significant impact.
- Any project with the potential to expose sensitive receptors (including residential areas) or the general public to substantial levels of toxic air contaminants would be deemed to have a potentially significant impact.
- A project produces a PM₁₀ emission of 15 tons per year (82 pounds per day).

While the SJVAPCD CEQA guidance recognizes that PM₁₀ is a major air quality issue in the basin, it has to date not established numerical thresholds for significance for PM₁₀. However, for the purposes of this analysis, a PM₁₀ emission of 15 tons per year (82 pounds per day) was used as a significance threshold. This emission is the SJVAPCD threshold level at which new stationary sources requiring permits for the SJVAPCD must provide emissions "offsets". This threshold of significance for PM₁₀ is consistent with the SJVAPCD's ROG and NO_x thresholds of ten tons per year, which are also the offset thresholds established in SJVAPCD Rule 2201 New and Modified Stationary Source Review Rule.

The SJVAPCD significance threshold for construction dust impacts is based on the appropriateness of construction dust controls, including compliance with its Regulation VIII fugitive PM₁₀ Prohibitions. The SJVAPCD guidelines provide feasible control measures for construction emission of PM₁₀ beyond that required by SJVAPCD regulations. If the appropriate construction controls are to be implemented, then air pollutant emissions for construction activities would be considered less than significant.

The Air Quality and Greenhouse Gas Impacts were analyzed by Stantec Consulting Services Inc. consultants. In an Air Quality/Greenhouse Gas Impact Analysis Report prepared on June 15, 2018, it is stated that the project will not have a significant impact to air quality or greenhouse gas, with the incorporation of existing mitigation measures from the 2014 General Plan EIR, as well as existing policies and measures per the San Joaquin Valley Air Pollution Control District.

- a. The project site is located within the San Joaquin Valley Air Basin (SJVUAPCD), which is a "nonattainment" area for the federal and state ambient air quality standards for ozone and PM₁₀. The Federal Clean Air Act and the California Clean Air Act require areas designated as nonattainment to reduce emissions until standards are met. The proposed project would not obstruct implementation of an air quality plan; however, temporary air quality impacts could result from construction activities. The proposed project would not create a significant impact over the current levels of ozone and PM₁₀ or result in a violation of any applicable air quality standard. The project is not expected to conflict with the SJVUAPCD's attainment plans. The project will be subject to the SJVUAPCD's Regulation VIII to reduce PM₁₀ emissions and subject to Environmental Measure 3: Dust Control Measures to Protect Air Quality. With the incorporation of these existing measures, the project will have a less than significant impact.
- b. The proposed project would result in short-term construction related emissions (dust, exhaust, etc.). The SJVAB currently exceeds existing air quality standards for ozone and the State Standard for PM₁₀. However, as with all construction projects, the project will be subject to the rules and regulations adopted by the SJVUAPCD to reduce emissions throughout the San Joaquin Valley and will be subject to Environmental Measure 4: Measures to Control Construction-Related Emissions. Therefore, the project would create a less than significant impact with existing measures incorporated.
- c. See responses to 3.3a and b above.
- d. The existing sensitive receptors near the proposed project include residences, an elementary school, and senior assisted living and housing. The proposed project may subject sensitive receptors to pollutant concentrations due to construction activities. The use of construction equipment would be temporary and all equipment is subject to permitting requirements of the SJVUAPCD. This impact is considered less than significant.
- e. Objectionable odors are possible during site preparation and construction. However, the odors are not expected to be persistent or have an adverse effect on residents or other sensitive

receptors in the project's vicinity. No objectionable odors are anticipated after constructions activities are complete; therefore, the project is expected to have a less than significant impact.

3.4 Biological Resources

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| Biological Resources | | | | |
| <i>Will the proposal result in impacts to:</i> | | | | |
| a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Environmental Setting

The project site is currently vacant land. The site is bounded by urban development to the west, north, east, and south.

Impacts

The project would have a significant effect on the biological resources if it would:

- 1) Interfere substantially with the movement of any resident or migratory fish or wildlife species;
- 2) Substantially diminish habitat for fish, wildlife or plants; or
- 3) Substantially affect a rare, threatened, or endangered species of animal or plant or the habitat of the species.

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

- a. According to an assessment of the site performed by Stantec Consulting Services Inc., the study area does not support aquatic habitat, wetlands, or waters of the U.S. The assessment also concluded that the proposed project has the potential for impact, either directly or through habitat modifications, on 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. During the site evaluation, the assessment concluded that Swainson's hawks had moderate potential to occur in the project area and several other protected species were determined to have low or no potential to occur, due to the presence of generally suitable nesting habitat in the existing vegetation of the project area. With inclusion of mitigation measures to address the breeding season, impacts in this category are less than significant.
- b. There is no riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife within the project area. Therefore, the proposed project would not have a substantial adverse effect on riparian or other sensitive natural habitat.
- c. The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means.
- d. The project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- e. The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- f. The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

Mitigation Measure

- **Mitigation Measure 3.4-a:** If the project is implemented during the breeding season (February 1 to September 15), a biologist should conduct a pre-construction survey and search for nests of passerines within 100 feet of project work areas and raptor nests within 500 feet of project work areas.
- **Mitigation Measure 3.4-a2:** If an active nest is discovered within the BSA, a 100-ft no disturbance buffer shall be established around the nest (within the BSA) using orange construction fencing. A qualified biologist shall evaluate the potential for construction activities to disturb normal nesting behavior and adjust the buffer distance, as appropriate. The buffer fencing shall be maintained in good condition until the nest is inactive.
- **Mitigation Measure 3.4-a3:** Disturbance of active nests shall be avoided until it is determined by a qualified biologist that nesting is complete and the young from have fledged or that the nest has failed. If work is allowed to proceed, at a minimum, a qualified biologist shall be on-site during the start of construction activities during the nesting season to monitor nesting activity. The monitor shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities.
- **Mitigation Measure 3.4-d:** All equipment shall be thoroughly cleaned before leaving the site.

3.5 Cultural Resources

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| Cultural Resources | | | | |
| <i>Will the proposal:</i> | | | | |
| a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Environmental Setting

Mitigation Measures in the Clovis General Plan Program Environmental Impact Report require evaluation of the site for archaeological, paleontological, and historical structure sensitivity. These mitigation

measures, which identify archaeological and paleontological levels of sensitivity, list historically important sites identified by the Fresno County Library. The project is not anticipated to impact any cultural resources; however, the project could lead to the disturbance of undiscovered archaeological and paleontological resources. General Plan Conservation Element Goal 2 acts to preserve historical resources, and mitigation measures adopted in association with the General Plan PEIR help to reduce potential impacts to a less than significant level. The project was evaluated by Stantec Consulting Services Inc. who concluded that there are no previously recorded prehistoric or historic sites identified within the project area.

Pursuant to requirements of SB18 and AB52, a notification was sent to the Native American Heritage Commission for review with local tribes for cultural significance.

Impacts

The project may have a significant impact on cultural resources if it causes substantial adverse changes in the significance of a historical or archaeological resource as set forth by the California Register of Historic Places and Section 106 of the National Historic Preservation Act; directly or indirectly destroys a unique paleontological resource or site or unique geologic feature; or disturbs any human remains, including those interred in formal cemeteries. A cultural study was performed by Stantec Consulting Services Inc. and concluded that there were no previously recorded prehistoric or historic sites identified within the project site.

- a. A Cultural Resource Assessment was conducted by Stantec Consulting Services Inc., and found no historical resources on the project site. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines. Therefore impacts in this category are less than significant.
- b&c. The proposed project is not anticipated to cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines or directly or indirectly destroy a unique paleontological resource or site or unique geological features. There are no known archaeological or paleontological resources located in the areas of construction. These areas have been previously disturbed; however, with ground disturbance there is chance that previously undiscovered archaeological and/or paleontological resources could be uncovered. The project is subject to Standard Environmental Measure 6: Measures to Protect Undiscovered Cultural Resources. Therefore, impacts will be less than significant. Implementation of this Standard Environmental Measure would ensure that potential impacts due to uncovering of previously undiscovered archaeological and/or paleontological resources would be less than significant.
- d. The site has not been identified as containing areas where human remains may be located. However, California Public Resources Code Section 5097.98, provides procedures in case of accidental finds. Should any human remains be discovered at any time, all work is to stop and the County Coroner must also be immediately notified pursuant to California Health and Safety Code, Section 7050.5 and California Public Resources Code, Section 5097.98. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains. Compliance with this regulatory compliance measure would ensure that potential impacts due to discovery of human remains would be less than significant.

3.6 Geology and Soils

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| Geology and Soils | | | | |
| <i>Will the Project:</i> | | | | |
| a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i). Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Setting

The General Plan EIR identified no geologic hazards or unstable soil conditions known to exist on the project site. There are several known faults that exist close enough to the project to cause potential damage to structures or individuals. The City of Clovis has adopted the California Building Code to govern all construction within the City, further reducing potential impacts in this category by ensuring that development is designed to withstand seismic or other geologic hazards.

Impacts

The Project may result in significant earth impacts if it causes substantial erosion or siltation; exposes people and structures to geologic hazards or risk from faults, landslides, unstable soil conditions, etc.; or substantially alters the natural topography or a unique geological or physical feature. Grading that disturbs large amounts of land or sensitive grading areas (e.g. slopes in excess of 20 percent, intermittent drainages) may cause substantial erosion or siltation.

- a. No known faults with evidence of historic activity cut through the valley soils in the Project vicinity. The major active faults and fault zones occur at some distance to the east, west, and south of the Project site, the closest fault being approximately 62 miles to the southwest. Due to the geology of the Project area and its distance from active faults, the potential for loss of life, property damage, ground settlement, or liquefaction to occur in the Project vicinity is considered minimal. There are no Impacts in this category.

Ground shaking generally decreases with distance and increases with the depth of unconsolidated alluvial deposits. The most likely source of potential ground shaking is attributed to the San Andreas, Owens Valley, and the White Wolf faults. Taking into account the distance to the causative faults and compliance with the California Building Code, the potential for ground motion in the vicinity of the Project site is such that a minimal risk can be assigned. There are no Impacts in this category.

Liquefaction describes a phenomenon in which a saturated soil loses strength during an earthquake as a result of induced shearing strains. Lateral and vertical movement of the soil mass, combined with loss of bearing usually results. Loose sand, high groundwater conditions (where the water table is less than 30 feet below the surface), higher intensity earthquakes, and particularly long duration of ground shaking are the requisite conditions for liquefaction. Studies indicate that the soil types are not conducive to liquefaction (General Plan, Page 7-6 and General Plan EIR, Page 4-5). There are no Impacts in this category.

Landslides and mudflows are more likely in foothill and mountain areas where fractured and steep slopes are present (as in the Sierra Nevada Mountains). The Project is located on relatively flat topography with no slopes in vicinity; therefore, the Project will not result in or expose people to potential impacts from landslides or mudflows. There are no Impacts.

- b. The sandy loam soil on the project site has a moderate potential for erosion. Project construction activities would loosen the soil, leaving it exposed to potential water and wind erosion. The eroded soils, in turn, could be transported off the project site. Compliance with the provisions of the Clovis-Fresno Storm Water Quality Management Program (CFSWQMP), which incorporates the Construction General Permit, issued by the State Water Resources Control Board (SWRCB). The Construction General Permit is required for all projects that disturb one acre of land or more. The permit requirements include preparation of a Storm Water Pollution Prevention Plan (SWPPP) by a Qualified SWPPP Developer to address potential water quality issues. The SWPPP includes implementation of Best Management Practices to avoid or minimize adverse water quality impacts. Best Management Practices fall within the categories of Temporary Soil Stabilization, Temporary Sediment Control, Wind Erosion Control, Tracking Control, Non-Storm Water Management, and Waste Management and Materials Pollution Control. Only Best Management Practices applicable to the project would become part of the SWPPP. In short, the project has potentially significant impacts related to erosion, but compliance with SJVAPCD Regulation VIII and SWPPP, would result in a less than significant impact.
- c. The soils underlying the sites where the facilities would be constructed have not been identified as inherently unstable or prone to failure. The soils are not conducive to liquefaction and landslides are unlikely on this topographically flat project site. The project would not change

existing stability conditions. Appropriate engineering design would avoid potential adverse effects. The project would have no impact on the stability of soils.

- d. Potential hazards from liquefaction, lateral spreading, seismically induced settlement, and subsidence are considered unlikely given the stiff soil conditions of the project site. Because the topography of the project site is flat, it is not at risk for landslides or geologic hazards resulting from steep slopes. Additionally, all new structures will be required to conform to current seismic protection standards in the California Building Code (California Code of Regulations Title 24).

It is possible that grading and construction activities related to development of the Project could contribute to soil erosion. However, with implementation of erosion control measures as required by state and local regulation, erosion will be less than significant.

Based on these factors, impacts pertaining to geology and soil factors resulting from the Project, are less than significant.

- e. The City of Clovis provides necessary sewer and water systems for development within the City. The Project will not utilize septic tanks or alternate waste disposal. There are no Impacts in this category.

3.7 Greenhouse Gas Emissions

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| Greenhouse Gas Emissions | | | | |
| <i>Will the proposal:</i> | | | | |
| a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Environmental Setting

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHG's has been implicated as a driving force for global climate change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the earth's climate caused by natural fluctuations and anthropogenic activities which alter the composition of the global atmosphere.

Individual projects contribute to the cumulative effects of climate change by emitting GHGs during construction and operational phases. The principal GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. While the presence of the primary GHGs in the atmosphere is naturally occurring, carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Carbon

dioxide is the "reference gas" for climate change, meaning that emissions of GHGs are typically reported in "carbon dioxide-equivalent" measures. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs, with much greater heat-absorption potential than carbon dioxide, include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes.

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming, although there is uncertainty concerning the magnitude and rate of the warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years.¹ Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.

In 2005, in recognition of California's vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emission of greenhouse gases (GHG) would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels. In 2006, California passed the California Global Warming Solutions Act of 2006 (AB 32), which requires the California Air Resources Board (CARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions).

In April 2009, the California Office of Planning and Research published proposed revisions to the California Environmental Quality Act to address GHG emissions. The amendments to CEQA indicate the following:

- Climate action plans and other greenhouse gas reduction plans can be used to determine whether a project has significant impacts, based upon its compliance with the plan.
- Local governments are encouraged to quantify the greenhouse gas emissions of proposed projects, noting that they have the freedom to select the models and methodologies that best meet their needs and circumstances. The section also recommends consideration of several qualitative factors that may be used in the determination of significance, such as the extent to which the given project complies with state, regional, or local GHG reduction plans and policies. OPR does not set or dictate specific thresholds of significance. Consistent with existing CEQA Guidelines, OPR encourages local governments to develop and publish their own thresholds of significance for GHG impacts assessment.
- When creating their own thresholds of significance, local governments may consider the thresholds of significance adopted or recommended by other public agencies, or recommended by experts.
- New amendments include guidelines for determining methods to mitigate the effects of greenhouse gas emissions in Appendix F of the CEQA Guidelines.
- OPR is clear to state that "to qualify as mitigation, specific measures from an existing plan must be identified and incorporated into the project; general compliance with a plan, by itself, is not mitigation."
- OPR's emphasizes the advantages of analyzing GHG impacts on an institutional, programmatic level. OPR therefore approves tiering of environmental analyses and highlights some benefits of such an approach.
- Environmental impact reports (EIRs) must specifically consider a project's energy use and energy efficiency potential.

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

On December 30, 2009, the Natural Resources Agency adopted the proposed amendments to the CEQA Guidelines in the California Code of Regulations.

In December 2009, the San Joaquin Valley Air Pollution Control District (SJVAPCD) adopted guidance for addressing GHG impacts in its *Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects Under CEQA*. The guidance relies on performance-based standards, otherwise known as Best Performance Standards (BPS), to assess significance of project-specific GHG emissions on global climate change during the environmental review process. Projects can reduce their GHG emission impacts to a less than significant level by implementing BPS. Projects can also demonstrate compliance with the requirements of AB 32 by demonstrating that their emissions achieve a 29% reduction below “business as usual” (BAU) levels. BAU is a projected GHG emissions inventory assuming no change in existing business practices and without considering implementation of any GHG emission reduction measures.

Significance Criteria

The SJVAPCD's *Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects Under CEQA* provides initial screening criteria for climate change analyses, as well as draft guidance for the determination of significance.

The effects of project-specific GHG emissions are cumulative, and therefore climate change impacts are addressed as a cumulative, rather than a direct, impact. The guidance for determining significance of impacts has been developed from the requirements of AB 32. The guideline addresses the potential cumulative impacts that a project's GHG emissions could have on climate change. Since climate change is a global phenomenon, no direct impact would be identified for an individual land development project. The following criteria are used to evaluate whether a project would result in a significant impact for climate change impacts:

- Does the project comply with an adopted statewide, regional, or local plan for reduction or mitigation of GHG emissions? If no, then
- Does the project achieve 29% GHG reductions by using approved Best Performance Standards? If no, then
- Does the project achieve AB 32 targeted 29% GHG emission reductions compared with BAU?

Projects that meet one of these guidelines would have less than significant impact on the global climate.

Because BPS have not yet been adopted and identified for specific development projects, and because neither the ARB nor the City of Clovis has not yet adopted a plan for reduction of GHG with which the project can demonstrate compliance, the goal of 29% below BAU for emissions of GHG has been used as a threshold of significance for this analysis.

An Air Quality/Greenhouse Gas Impact Analysis Report was performed by Stantec Consulting Services Inc., dated June 15, 2018. The evaluation concluded that the project is consistent with the goals of the ARB and impact is less than significant.

Impacts

- a. A significance threshold of 29% below “business as usual” levels is considered to demonstrate that a project would be consistent with the goals of AB 32. An Air Quality/Greenhouse Gas Impact Analysis Report was performed by Stantec Consulting Services Inc. The report concludes that impacts related to conflicts with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases is less than significant.

- b. An Air Quality/Greenhouse Gas Impact Analysis Report was prepared for the project by Stantec Consulting Services Inc. The evaluation addresses the potential for greenhouse gas emissions during construction and after full build out of the proposed project.

GHG emissions were calculated for BAU conditions and for conditions with implementation of GHG emission reduction project design features proposed by the project applicants. The report concludes that the proposed project would not result in any direct impacts to the global climate, and cumulative impacts would be less than significant.

3.8 Hazards and Hazardous Materials

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| Hazards and Hazardous Materials | | | | |
| <i>Will the Project:</i> | | | | |
| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Impair implementation of or physically interfere with an adopted emergency | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <p>response plan or emergency evacuation plan?</p> <p>h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Environmental Setting

Definitions

For purposes of this chapter, the term "hazardous materials" refers to both hazardous substances and hazardous wastes. A "hazardous material" is defined in the Code of Federal Regulations (CFR) as "a substance or material that...is capable of posing an unreasonable risk to health, safety, and property when transported in commerce" (49 CFR 171.8). California Health and Safety Code Section 25501 defines a hazardous material as follows:

"Hazardous material" means any material that, because of its quantity, concentration, or physical, or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. "Hazardous wastes" are defined in California Health and Safety Code Section 25141(b) as wastes that: ... because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause or significantly contribute to an increase in mortality or an increase in serious illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Schools

Jefferson Elementary School is located approximately 150 ft. west of the Project site. No other existing schools or future school sites are located within one-quarter of the project site.

Impacts

- a.-b. The types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used during construction of commercial developments, including vehicle fuels, paints, oils, and transmission fluids. Similarly, the types and amounts of hazardous materials used during operation of the Project would be typical of such developments and would include cleaning solvents, pesticides for landscaping, painting supplies, and petroleum products. However, all potentially hazardous materials to be used during construction and operation of the Project would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable federal, State, and local regulations. The project includes construction of a drive-thru car wash facility and does not involve the use, transport or disposal of hazardous materials and would not result in such an impact. Therefore, these impacts are considered less than significant.
- c. Jefferson Elementary School is located approximately 150 feet west of the project site. Based on field review, there are no signs of potential contamination or hazardous materials on the project site. All materials used during both the construction and operation of the Project would be used

in accordance with manufacturers' instructions and handled in compliance with applicable federal, State, and local regulations. In addition, the Project would not involve the use or handling of acutely hazardous materials, substances, or waste. As such, the use of such materials would not create a significant hazard to nearby schools. Therefore, impacts in this category are considered less than significant.

- d. The land within the Project site is not included on a list of hazardous materials sites. The Department of Toxic Substances Control's Hazardous Waste and Substances Site List (Cortese List) does not list any hazardous waste and substances sites within the City of Clovis (www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm). Therefore, in the category are less than significant.
- e. The Project site is not located within the Fresno-Yosemite International Airport land use plan area. There are no impacts in this category.
- f. The Project site is not located within the vicinity of a private airstrip, and would not result in a safety hazard for people residing or working in the Project vicinity related to an airstrip or aviation activities. There are no impacts in this category.
- g. Temporary detouring of traffic during construction periods is anticipated. Emergency response departments will be notified per City Standards and Policies. The periods of closure or detouring will be monitored by traffic personnel. The proposed Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.
- h. The Project site is located in an area surrounded by urban uses. As such, the site is not adjacent to or in close proximity to wildland areas. No impacts are anticipated.

3.9 Hydrology and Water Quality

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| Hydrology and Water Quality | | | | |
| <i>Will the proposal result in:</i> | | | | |
| a. Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| result in substantial erosion or siltation on- or off-site? | | | | |
| d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f. Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| j. Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Setting

The General Plan Area is within the drainages of three streams: Dry Creek, Dog Creek, and Redbank Slough. On the north, Dry Creek discharges into the Herndon Canal in the City of Fresno west of Clovis. South of Dry Creek, Dog Creek is a tributary of Redbank Slough, which discharges into Mill Ditch south of Clovis (USGS 2012). A network of storm drains in the City and the Plan Area discharges into 31 retention basins, most of which provide drainage for a one- to two-square-mile area. Most of the Plan Area east and northeast of the City is not in drainage areas served by retention basins. Those areas drain to streams that discharge into reservoirs, including Big Dry Creek Reservoir in the north-central part of the Plan Area and Redbank Creek Dam and Reservoir in the southeast part of the Plan Area. Fancher Creek Dam and Reservoir are near the east Plan Area boundary.

The project is located within the Fresno Metropolitan Flood Control District (FMFCD) boundary, and subject to its standards and regulations. Detention and retention basins in the FMFCD's flood control system are sized to accommodate stormwater from each basin's drainage area in builtout condition. The current capacity standard for FMFCD basins is to contain runoff from six inches of rainfall during a ten-day period and to infiltrate about 75 to 80 percent of annual rainfall into the groundwater basin (Rourke

2014). Basins are highly effective at reducing average concentrations of a broad range of contaminants, including several polycyclic aromatic hydrocarbons, total suspended solids, and most metals (FMFCD 2013). Pollutants are removed by filtration through soil, and thus don't reach the groundwater aquifer (FMFCD 2014). Basins are built to design criteria exceeding statewide Standard Urban Stormwater Mitigation Plan (SUSMP) standards (FMFCD 2013). The urban flood control system provides treatment for all types of development—not just the specific categories of development defined in a SUSMP—thus providing greater water quality protection for surface water and groundwater than does a SUSMP.

In addition to their flood control and water quality functions, many FMFCD basins are used for groundwater recharge with imported surface water during the dry season through contracts with the Fresno Irrigation District (FID) and the cities of Fresno and Clovis; such recharge totaled 29,575 acre feet during calendar year 2012 (FMFCD 2013).

The pipeline collection system in the urban flood control system is designed to convey the peak flow rate from a two-year storm.

Most drainage areas in the urban flood control system do not discharge to other water bodies, and drain mostly through infiltration into groundwater. When necessary, FMFCD can move water from a basin in one such drainage area to a second such basin by pumping water into a street and letting water flow in curb and gutter to a storm drain inlet in an adjoining drainage area (Rourke 2014). Two FMFCD drainage areas discharge directly to the San Joaquin River, and three to an irrigation canal, without storage in a basin. Six drainage areas containing basins discharge to the San Joaquin River, and another 39 basins discharge to canals (FMFCD 2013).

A proposed development that would construct more impervious area on its project site than the affected detention/retention basin is sized to accommodate is required to infiltrate some stormwater onsite, such as through an onsite detention basin or drainage swales (Rourke 2014).

The Big Dry Creek Reservoir has a total storage capacity of about 30 thousand acre-feet (taf) and controls up to 230-year flood flows. Fancher Creek Dam and Reservoir hold up to 9.7 taf and controls up to 200-year flood flows. Redbank Creek Dam and Reservoir hold up to 1 taf and controls up to 200-year flood flows.

Groundwater

Clovis is underlain by the Kings Groundwater Basin that spans 1,530 square miles of central Fresno County and small areas of northern Kings and Tulare counties. Figure 5.9-4, *Kings Groundwater Basin*, shows that the basin is bounded on the north by the San Joaquin River, on the west by the Delta-Mendota and Westside Subbasins, the south by the Kings River South Fork and the Empire West Side Irrigation District, and on the east by the Sierra Nevada foothills. Depth to groundwater in 2016 ranged from 196.5 feet at the northwest City boundary to 69.5 feet at the southeast City boundary (Clovis 2016), 25 feet at the southeast SOI boundary, and about 20 feet at the eastern Plan Area boundary (FID 2013). The Kings Subbasin has been identified as critically overdrafted (Provost & Pritchard 2017).

In the Plan Area, groundwater levels are monitored by the City of Clovis and FID. The area has not experienced land subsidence due to groundwater pumping since the early 1900s (FID 2006). Subsidence occurs when underground water or natural resources (e.g., oil) are pumped to the extent that the ground elevation lowers. No significant land subsidence is known to have occurred in the last 50 years as a result of land development, water resources development, groundwater pumping, or oil drilling (FID 2006). The City has identified a localized area of subsidence of 0.6 feet in the vicinity of Minnewawa and Herndon Avenues within the last 14 years (Clovis 2016). Regional ground subsidence in the Plan Area was mapped as less than one foot by the US Geological Survey in 1999 (Galloway and Riley 1999). However, groundwater levels in the San Joaquin Valley are forecast to hit an all-time low in 2014 (UCCHM 2014).

Groundwater Recharge

New development in accordance with the General Plan Update would increase the amount of impervious surface in the Plan Area, potentially affecting the amount of surface water that filters into the groundwater supply. Groundwater levels are monitored in the Plan Area by the FID and the City of Clovis. As described in the 2015 City of Clovis Urban Water Management Plan (UWMP), groundwater recharge occurs both naturally and artificially throughout the City. The Kings Groundwater Basin area is recharged through a joint effort between the Cities of Clovis and Fresno and the FID (CDWR 2006). Approximately 8,400 acre-feet per year (afy) of water are intentionally recharged into the Kings Groundwater Basin by the City of Clovis, and approximately 7,700 afy of water naturally flow into groundwater in the City's boundaries (Clovis 2011).

The FMFCD urban stormwater drainage system would provide groundwater infiltration for runoff from developed land uses in detention basins in the drainage system service area. The process of expansion of the FMFCD urban storm drainage system is explained above under the analysis of the 2035 Scenario under Impact 5.9-1.

Projects pursuant to the proposed General Plan Update and developed outside of the FMFCD urban stormwater drainage system would be required to meet the requirements of NPDES regulations, including the implementation of BMPs to improve water retention and vegetation on project sites.

Executive Order to Reduce Water Use

The new Clovis General Plan PEIR indicates that the City would have adequate water supply to meet the demand of planned development through the 2035 planning horizon. The current drought situation through mid-2014 was considered and addressed in the General Plan PEIR.

During the 2015 drought, the Governor's April 1, 2015, executive order and the resulting State Water Resources Board regulations require that urban water users reduce water use by at least 25 percent (36 percent for the City of Clovis), and was implemented by the City of Clovis through a number of measures. These measures included:

- Establishment of mandatory reductions for all users and implementation of penalties for failure to comply
- Restriction of outdoor water use to two days per week
- Increased enforcement of water conservation rules
- Reducing water use on City landscaping by at least 36 percent below 2013 levels
- Relaxing enforcement of all neighborhood preservation ordinances that could require ongoing landscape irrigation
- Increased public outreach

During 2016 due to improved water conditions, the restrictions were relaxed by the State if the water supplier could self-certify adequate water supplies for the next three dry years. Clovis was able to meet this requirement and subsequently relaxed water conservation requirements for 2016.

It is noted that all landscaping associated with the project will comply with applicable drought tolerant regulations including the City's adopted Water Efficient Landscape Ordinance. Since the residents within the project are subject to and will comply with water use reduction requirements, the project would not result in any significant adverse impacts related to water supply and quality or a substantial increase in the severity of the impacts identified in the Program EIR.

Impacts

The proposed project may result in significant impacts if it would violate any water quality standards or waste discharge requirements; substantially deplete groundwater supplies or interfere substantially with ground water recharge; substantially alter the existing drainage pattern if the site; substantially increase the rate or amount of surface runoff; exceed the existing or planned storm water drainage system; provide substantial additional sources of polluted runoff; degrade water quality; place housing or structures within a 100-year flood hazard area; expose people or structures to risks of flooding; and inundation from seiche, tsunami, or mudflow.

The General Plan Program Environmental Impact Report identified significant and unavoidable impacts for both the 2035 scenario and full build-out of the General Plan Area and statement of overriding considerations was adopted.

- a. Development of the project site would be required to comply with all City of Clovis ordinances and standard practices which assure proper grading and storm water drainage into the approved storm water systems. The project would also be required to comply with Fresno County Health Department requirements, FMFCD regulations, and all local, state, and federal regulations to prevent any violation of water quality standards or waste discharge requirements.

Construction activities of the project are subject to several regulations that address erosion and sediment control, and minimize the resulting effects of erosion on water quality. These requirements include adherence to the existing General Construction Permit requirements (pursuant to the NPDES General Permit for Discharges of Stormwater Runoff Associated with Construction Activity), which are specifically aimed at reducing impacts on surface waters that may occur due to construction activities. Specifically, the Permit requires preparation of a stormwater pollution prevention plan (SWPPP) that would incorporate best management practices (BMPs) to improve water retention and vegetation on project sites. Given the extent of existing regulations and mandated compliance that the project would be required to comply with that address reducing or avoiding the erosion of disturbed soils during construction activities, the impact would be less than significant.

- b. The project is served by the City of Clovis' public water system and will not directly utilize groundwater in its construction or operation. As the City of Clovis relies in part on groundwater for its municipal water supply, the project may have an indirect impact on groundwater supplies. However, based on the 2015 Urban Water Management Plan, the City is forecast to have adequate water supplies to meet estimated water demands generated by build out of the General Plan Update under the 2035 Scenario, which included development of the project area with new hospital facilities and other business and commercial uses consistent with the subject proposal. Further, the City has diversified its water supply over time to utilize surface water and recycled water while proportionally decreasing groundwater usage (additional information regarding the City's water supply is included in Chapter 20, Utilities and Service Systems). The project also uses reclamations tanks for the recycling and reuse of water.

Regarding groundwater recharge, the project will increase impervious surfaces in the project area. However, the increase in the amount of impervious surfaces in the area was previously addressed in the Clovis General Plan EIR. As discussed in the Clovis General Plan EIR, most of the areas where development is anticipated are already served by the FMFCD urban drainage system, and new development would be required to pay Local Drainage Fees to fund drainage improvements pursuant to the FMFCD Master Plan serving the affected drainage areas before the beginning of any work on such developments. Additionally, onsite infrastructure needed such as additional curbs and gutters, storm drain inlets, and underground storm water pipelines will be constructed as part of the project. Given that the project would be adequately served by water supplies already designated for use by the City of Clovis and would not require additional groundwater

supply entitlements, and given that the design and operational characteristics of the project would not substantially deplete groundwater resources or interfere with groundwater recharge, impacts to groundwater supplies and recharge would be less than significant.

- c. The project would not alter the existing drainage pattern of the site or area through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site. Therefore, impacts are less than significant.
- d-f. The Project would not alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off-site. Therefore, impacts are less than significant.

The Project site is presently vacant which typically does not result in notable stormwater runoff except when soils are saturated during periods of extended above-normal rainfall. The generation of stormwater runoff from the project site will increase when developed.

Stormwater collection and drainage service needs are provided by the Fresno Metropolitan Flood Control District. The existing off-site stormwater infrastructure from the project site to Basin S was installed with previous development. According to comments received from FMFCD, much of the Master Plan storm drainage system for the area is complete. These facilities are adequate to serve Project's stormwater drainage needs. The project will also be subject to the required drainage fees. Onsite infrastructure such as additional curbs and gutters, storm drain inlets, and underground stormwater pipelines will be constructed as part of the proposed project. The stormwater management needs of the project area and other areas within the City of Clovis were considered in the adoption of the Clovis General Plan and the Fresno Metropolitan Flood Control District's Storm Drainage and Flood Control Master Plan. Compliance with existing plans and regulations will assure that any impacts associated with the project related to drainage and runoff will be less than significant.

- g. The project would not place housing within a 100-year flood hazard area as mapped on the latest federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. The Fresno Metropolitan Flood Control District has policies in place to address projects within a 100-year flood hazard area. The FMFCD has noted that this project is not located in a 100-year flood area.
- h. The project would not place within a 100-year flood hazard area structures that would impede or redirect flood flows. The Fresno Metropolitan Flood Control District has policies in place to address projects within a 100-year flood hazard area. The FMFCD has noted that this project is not located in a 100-year flood area.
- i. The project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- j. The Project is not located near any ocean, coast, or seiche hazard areas and would not involve the development of residential or other sensitive land uses. Therefore, the Project would not expose people to potential impacts involving seiche or tsunamis. No potential for mudflows is anticipated. There is no impact associated with the proposed Project.

3.10 Land Use and Planning

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| Land Use and Planning <i>Will the proposal:</i> | | | | |
| a. Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, Shaw Avenue Specific Plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Setting

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

Impacts

- b. The proposed project is requesting to amend the General Plan to re-designate the project area from Office to General Commercial. Although this is a change which is not consistent with the General Plan's Land Use Diagram, the project is consistent with the continued urbanization of the Shaw Avenue Specific Plan area. Therefore impacts in this category are less than significant.

3.11 Mineral Resources

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| Mineral Resources <i>Will the proposal:</i> | | | | |
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Result in the loss of availability of a locally important mineral resource recovery site | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

delineated on a local general plan, specific plan or other land use plan?

Environmental Setting

The Clovis General Plan states, "The Clovis Project area does not contain those mineral resources that require managed production, according to the State Mining and Geology Board."

Impacts

The Project would create significant impacts if it results in the loss of availability of a known mineral resource with future value.

- a-b. The proposed Project would not use or extract any mineral or energy resources and would not restrict access to known mineral resource areas. Therefore, there would be no impact.

3.12 Noise

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| Noise | | | | |
| <i>Will the proposal result in:</i> | | | | |
| a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. For a project within the vicinity of a private airstrip, would the project expose | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

people residing or working in the project area to excessive noise levels?

Environmental Setting

The ambient noise environment in the immediate Project vicinity is defined primarily by local traffic, animals, residents and natural noise associated with an urban residential and commercial environment. The Clovis Development Code (Section 9.22.080) sets forth land use compatibility criteria for various community noise levels.

Impacts

- a. The construction of the proposed Project would result in temporary construction-related noise impacts. These impacts would be short-term in nature and only occur for a limited duration. Existing Measure 1: Measures to Minimize Effects of Construction-Related Noise will help reduce any potential noise impacts to surrounding uses. Construction noise would be short-term in nature and only occur for a limited duration and are therefore considered less than significant.

The City of Clovis Municipal Code noise level standards during the proposed operational hours of the car wash facility from 7:00 am to 8:00 pm are 65 decibel for exterior noise level and 50 decibel for interior noise level standard. The project will provide acoustical (noise-absorptive) wall treatment within the car wash tunnel as well as noise walls beginning at the tunnel entrance extending north and another at the tunnel exit continuing west along the site's northern property line. With this, the project will comply with applicable City of Clovis noise level requirements and impacts will be considered less than

- b. Potential groundborne vibration or groundborne noise levels would most likely occur as part of construction activities associated with the project. The construction activities would be temporary in nature and no persons would be exposed for extended periods of time. Therefore, impacts associated with exposure to, or generation of, groundborne vibration or noises are considered to be less than significant.
- c. The proposed Project includes a mechanical car wash with outdoor vacuum stations. This project could result in a permanent increase in the ambient noise levels; however, the increases are not expected to exceed the General Plan standards. A noise impact assessment was prepared for the Project in July 2018, by WJV Acoustics, Inc. The assessment addresses the potential noise impacts during construction and after full build out of the proposed Project.
- d. A temporary increase in ambient noise levels would occur in association with construction activities. However, construction noise would be short-term in nature and only occur for a limited duration. Therefore, impacts are considered less than significant.
- e. The proposed project site is not located within an airport land use plan area. Therefore, the project would not expose people to excessive airport or airstrip noise. There is no impact.
- f. The Project is not located within the vicinity of a private airstrip. There is no impact.

Mitigation Measure

- **3.12-a,c:** The applicant proposes to incorporate a 20-foot sound wall at the tunnel entrance, along the project site's eastern property line (near the existing bank) and a 22-foot sound wall extending from the tunnel exit and continuing to the west along the project site's northern property line. With these proposed sound walls, the proposed Ride and

Shine Car Wash will comply with all applicable City of Clovis exterior and interior noise level requirements without the need for additional mitigation measures

3.13 Population and Housing

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| Population and Housing <i>Would the Project:</i> | | | | |
| a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Setting

The proposed Project will not generate or result in increased population or an increased demand for housing. The Project includes a new drive-thru car wash facility. It is anticipated that some of the employees may locate in close proximity to their work place.

Impacts

- a. The Project would bring additional employees into the area. It is anticipated that this project could introduce a number of new citizens to the City of Clovis as employees move close to their workplace, however, the impact is less than significant.
- b. The Project would not result in displacement of housing.
- c. The Project would not result in displacement of people.

3.14 Public Services

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| <p>Public Services <i>Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i></p> | | | | |
| a. Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Environmental Setting

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

Impacts

- a. The Project may result in significant public service impacts if it substantially and adversely alters the delivery or provision of fire protection, police protection, schools, facilities maintenance, and other governmental services.

Development of the proposed project would involve a minor addition to the responsibilities to the CFD. It would not degrade the existing service ratio, response time, or other performance objectives. The proposed project would comply with standard mitigation measures, and would not require the construction of new facilities or physically alter existing governmental facilities. The proposed project would have less than significant environmental impact associated with its demand on fire services.

- b. The proposed project would be served by existing police protection resources and would not require the construction of new facilities or physically alter existing facilities. Therefore, the Proposed Project would have a less than significant impact associated with
- c. The Project site is located within the Clovis Unified School District. The Clovis Unified School District levies a per square foot school facilities fee to help defray the impact of commercial development. The project is subject to the fees in place at the time fee certificates are obtained.

The school facility fee paid by the developer to the school district are conclusively deemed to reduce any potential impact to a less than significant level.

- d. Development of this site may introduce new residents to the community. The Parks and Recreation Element of the General Plan requires a specific ratio of park area to residents. A park impact fee is required for commercial projects and is then used to construct community parks to meet these goals. With payment of these fees, the impacts in this category are less than significant since this Project will contribute to the park funds.
- e. The Project could introduce new residents and employees to Clovis. However, the limited numbers would have a less than significant impact on other public facilities such as recreation, trails, Civic Center services, Senior Services, and County Library.

3.15 Recreation

| | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---------------------------|---|--------------------------------|--|------------------------------|-------------------------------------|
| Recreation | | | | | |
| <i>Will the proposal:</i> | | | | | |
| a. | Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Setting

Regional Setting The City of Clovis maintains approximately 285 acres of parks and open space (including a series of recreational trails), as well as a variety of public recreational facilities such as the City of Clovis Batting Cages, the Clovis Rotary Skatepark, and the Clovis Recreation Center. These parks, trails, and recreational facilities are dispersed throughout the City.

There are no existing or planned public parks or recreation facilities located on the project site or in its vicinity.

Impacts

- a. The proposed project would not create new demand for any type of recreational facilities that were not already identified in the parks and recreation Element of the General Plan. The General Plan requires that all development contribute a proportionate share toward the development of parks throughout the community. The project would have a less than significant impact to recreation.

3.16 Transportation/Circulation

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| Transportation/Circulation | | | | |
| <i>Will the proposal result in:</i> | | | | |
| a. Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designed in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Setting

Roadways are the primary existing transportation facilities in the vicinity of the project area. Although non-automobile travel does occur in the area, separate facilities for transit, bicycles, or pedestrians are limited. The General Plan classifies major streets in the area as well as designates where bike lanes and pedestrian paths will occur. Implementation of improvements generally occur with development or in the case of streets within County areas, through government funded projects in cooperation with the County.

Impacts

- a. The project site is currently vacant and is planned for Office use. The project is proposing to re-designate the property to allow for commercial use for the vehicle washing facility. Additional traffic will be introduced to this area with the development of this project. The City Engineer has analyzed the Project and concluded that the current and proposed improvements can accommodate the additional traffic, and that impacts are considered less than significant.
- b. The City Engineer analyzed the project and concluded that the current and proposed improvements with the project can accommodate the additional traffic, and that impacts are considered less than significant.
- c. The proposed project may result in a temporary change in traffic patterns due to construction; however, the project will be required to comply with Section 7.15 Traffic Control, Public Convenience, and Safety of the Clovis Standard Specification and Standard Drawings will reduce impacts to a less than significant level.
- d. The project will not increase hazards due to a design feature.
- e. The project will not result in inadequate emergency access. The project will be required to comply with Section 7.15 Traffic Control, Public Convenience, and Safety of the Clovis Standard Specification and Standard Drawings, which requires contractors to keep emergency services informed of the location and progress of work.
- f. The project will not conflict with adopted policies, plans, or programs supporting alternative transportation.

3.17 Tribal Cultural Resources

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| <p>Tribal Culture Resources <i>Would the project cause a substantial adverse change in the significance of a Tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape sacred place, or object with cultural value to a California Native American tribe, and that is:</i></p> | | | | |
| <p>a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | | | | |
|--|--|--|--|--|
| (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe? | | | | |
|--|--|--|--|--|

Environmental Setting

On September 25, 2014, Governor Jerry Brown signed Assembly Bill AB52, which intends to protect a new class of recourse under CEQA. This new class is Tribal Cultural Resources and provides an avenue to identify Tribal Cultural resources through a consultation process, similar to SB18. However, unlike SB18, where consultation is required for all General Plan and Specific Plan Amendments, AB52 applies to all projects for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015. Furthermore, the consultation process is required to be complete prior to filing a Notice of Intent.

The project was mailed to each interested Tribe listed on the latest Tribal Consultation list provided by the Native American Heritage Commission using registered US Mail. The Tribes were provided a 30-day period (from receiving the City letter) in which to request consultation. Once the consultation period ran its course, the CEQA Initial Study was prepared and a Notice of Intent filed with the County Clerk and/or Office of Planning and Research.

Impacts

- a. A cultural resource study was prepared by Stantec Consulting Services Inc. June 15, 2018 for the project area. The analysis concluded that the project is not listed in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).
- b. Per AB52, the project was mailed to all Tribes listed on the Native American Heritage contact list, dated August 8, 2018. Tribes were provided an opportunity to request consultation. The General Plan EIR includes existing measures which provide procedures in the case where resources are discovered. Therefore, impacts in this category are considered less than significant.

3.18 Utilities and Service Systems

| Utilities and Service Systems <i>Will the proposal:</i> | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g. Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Environmental Setting

Pacific Gas & Electric (PG&E) provides electricity and natural gas services in the City of Clovis. AT&T/SBC provides telephone service to the City.

The City's water supply sources include groundwater drawn from the Kings Sub-basin of the San Joaquin Valley Groundwater Basin and treated surface water from the Fresno Irrigation District (MID). Surface water is treated at the City of Clovis Surface Water Treatment Facility.

The City of Clovis provides sewer collection service to its residents and businesses. Treatment of wastewater occurs at the Fresno-Clovis Regional Wastewater Treatment Plant (RWTP). The Fresno-Clovis RWTP is operated and maintained by the City of Fresno and operates under a waste discharge requirement issued by the Central Valley Regional Water Quality Control Board. Additionally, the City of Clovis has completed a 2.8 mgd wastewater treatment/water reuse facility, which will service the City's new growth areas.

The Fresno Metropolitan Flood Control District (FMFCD) has the responsibility for storm water management within the Fresno-Clovis metropolitan area of the project site. Stormwater runoff that is generated by land development is controlled through a system of pipelines and storm drainage detention basins.

Impacts

- a. The wastewater impacts were evaluated in accordance with the Waste Water master Plan. The City Engineer concludes that the project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. Impacts are considered less than significant.

- b. The project will not directly result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- c. The project may result in the construction of new storm water drainage facilities. The Fresno Metropolitan Flood Control District has policies for this type of project.
- d. The project will not require new or expanded entitlements and resources. The site is also within the Fresno Irrigation District and will turn over the water rights to the City of Clovis upon development.
- e. The project will not require a determination by a wastewater treatment provider (see item b above).
- f. According to the Solid Waste Division, the project will contribute to the landfill, however, the impacts are less than significant.
- g. The project will comply with federal, state, and local statutes as well as regulations related to solid waste by the City of Clovis.

3.19 Mandatory Findings of Significance

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| Mandatory Findings of Significance | | | | |
| a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Environmental Setting

The CEQA Guidelines define "significant effect" as "... a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant" (CEQA Guidelines, 15382).

"An ironclad definition of significant effect is not possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area" (CEQA Guidelines 15064).

Impacts

As stated in the initial study for each category, the Project does not have the potential for a significant impact on the environment nor a cumulative impact causing substantial adverse effects on human beings, either directly nor indirectly.

4.0 Cumulative Impacts

This section addresses the project's potential to contribute to cumulative impacts in the region. CEQA Guidelines Section 15355 defines cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." The individual effects may be changes resulting from a single project or separate projects. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable future projects. Cumulative impacts can result from individually minor yet collectively significant projects taking place over a period of time.

The cumulative setting for the proposed project is the build-out of the City of Clovis General Plan which was adopted in 2014. The City has processed several General Plan Amendments since 2014, all of which were included in the project's analysis related to water, sewer, traffic, air quality, and greenhouse gas impacts.

Aesthetics

The environmental impact report for the City of 2014 Clovis General Plan concluded that the cumulative adverse impacts upon the community's aesthetic conditions anticipated to occur due to the projected urban growth and development would not be considerable. This determination was based upon the provisions of numerous General Plan goals and policies and implementing requirements of the City's Development Code which promote the visual quality and compatibility of new development. The project would have no impacts that would be inconsistent with the analysis and findings of the EIR for the general plan.

Agriculture and Forest Resources

The proposed project would not substantially contribute to the conversion of agricultural land or forest land to urban or other uses. There are no forest lands in adjacent to or in the immediate vicinity. The project area is not classified as Prime Farmland or Farmland of Statewide Importance, therefore, the project would result in a less than significant cumulative agricultural or forest resources impact.

Air Quality

Implementation of the project could result in cumulative short-term construction air quality impacts associated with increased emissions. The project would not result in cumulative air quality impacts to the region. Existing measures are incorporated to address Air Quality Standards during construction. The project would result in less than significant cumulative air quality impacts.

Biological Resources

The project could result in significant impacts to nesting migratory and nongame birds without mitigation. The project would have a less than significant impact to cumulative biological resources with a mitigation measure incorporated.

Cultural Resources

The proposed project is not anticipated to contribute to any potential impacts related to cultural and/or paleontological impacts. Any impacts would be site specific and would not contribute to cumulative impacts. Therefore, the project would have a less than significant impact to cumulative cultural resources.

Geology and Soils

Project impacts associated with geology and soils would be site-specific and implementation of the project would not contribute to cumulative seismic hazards. Therefore, the project would create no impact to cumulative geophysical conditions.

Greenhouse Gas Emissions

As discussed under Section 3. Greenhouse Gas Emissions, implementation of the proposed project would contribute to GHG emissions, which is inherently a cumulative issue. The emissions from construction would be short-term (during construction) as a result of various fossil fuel-based construction equipment. Since these impacts are short-term and the contributions to GHG emissions would be minor when compared to the State's GHG emissions target of 427 MMTCO₂-eq by 2020, the construction-related greenhouse gas emissions of this project would be considered a less than significant cumulative impact.

Based on discussion above and the Greenhouse Gas analysis by Stantec Consulting Services Inc. the proposed Project would also not result in objectionable odors affecting a substantial number of people. GHG emissions released during construction and operation of the Project are estimated to be lower than significance thresholds, and would not be cumulatively considerable. The proposed Project would be consistent with the goals of AB 32 and the City's General Plan.

Hazards & Hazardous Materials

The proposed project is not expected to have significant impacts as the result of hazards or hazardous materials; therefore, the project is expected to have a less than significant impact to cumulative hazards and hazardous materials impacts.

Hydrology/Water Quality

The proposed project would not contribute to cumulative surface water quality impacts associated with construction and operational activities. As described in Section 3.9 Hydrology/Water Quality, the proposed project would not substantially alter the direction of groundwater flows, or result in a substantial change in the quantity of groundwater. The project would have a less than significant impact to cumulative water conditions.

Land Use Planning & Population/Housing

With the implementation of the mitigation measure identified in Sections 3.1 (Aesthetics), land use impacts would be less than significant. The project will not have significant impacts to housing or population. The proposed project is not expected to result in substantial cumulative impacts to land use planning, population or housing.

Mineral Resources

The proposed project is expected to have no impact to any site-specific mineral resources: therefore, the project is expected to have a less than significant impact to cumulative mineral resource impacts.

Noise

As described in Section 3.12 Noise, the project could result in site-specific noise impacts. These impacts are less than significant with a mitigation measure incorporated.

Public Services

The proposed project creates additional homes and residents but as identified in the initial study, would not result in significant impacts to public services. The project would have less than significant to cumulative public services conditions.

Recreation

The proposed Project could create the need for additional homes for new employees of the Project. The new residents would utilize public services. The number of new residents as a result of the Projects is less than significant and would not result in significant impacts to public services. The Project would have less than significant to cumulative public services conditions

Transportation/Circulation

The proposed project would not contribute to short-term or long-term traffic congestion impacts. The project is not expected to impact cumulative transportation/circulation conditions. However, queuing issues may occur due to underutilization of pay aisles. Therefore, the project would have a less than significant impact on cumulative transportation and circulation conditions with a mitigation measure incorporated.

Tribal Cultural

Tribal Cultural resources are site specific. The proposed project would not cause a substantial adverse change in the significance on a cumulative Tribal cultural resource.

Utilities and Service Systems

The Clovis General Plan and other plans and reports have designated the project area for urban development which is planned to be served by municipal public utility systems. Development of the site as well as urban development of other vacant properties in the immediate vicinity, will increase demand for public services and necessitate construction of public utility infrastructure improvements.

The Clovis General Plan and other related long-range planning documents – such as the UMWP, the Water Master Plan Phase III, and Sewer System Management Plan – include analysis showing that adequate services for water, sewer, and solid waste disposal can be provided to accommodate the build out of the general plan. Since the project is consistent with general plan policies and its demand on public utilities is within the growth parameters considered in the City's long-range planning documents, the project would not have a cumulatively considerable impact with respect to utilities and service systems.

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion in this Initial Study.

The environmental factors checked below would be potentially affected by this project. None of these factors represents a "Potentially Significant Impact" as indicated by this Initial Study.

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Haz Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality |
| <input checked="" type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Population / Housing | <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Tribal Cultural | <input checked="" type="checkbox"/> Utilities / Service Systems |
| <input checked="" type="checkbox"/> Mandatory Findings of Significance | | |

5.0 Determination Findings

The potential impacts identified in this Initial Study are considered to be less than significant since they will cease upon completion of construction, or do not exceed a threshold of significance. Therefore, a Mitigated Negative Declaration is the appropriate level of documentation for this project.

According to the analysis in this Initial Study, based on substantial evidence in the public record, the City of Clovis finds:

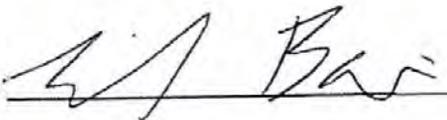
- This Initial Study, prepared pursuant to CEQA Section 15063, has identified potentially significant environmental effects that would result from the project.
- The City has reviewed the proposed project impacts and has determined the following mitigation measures will address the identified impacts and reduce impacts to the level required by applicable standards:
 - **3.1-d:** The developer shall direct all lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties.
 - **3.4-a1:** If the project is implemented during the breeding season (February 1 to September 15), a biologist should conduct a pre-construction survey and search for nests of passerines within 100 feet of project work areas and raptor nests within 500 feet of project work areas.
 - **3.4-a2:** If a nest is identified, species and activity-specific no-work buffers will be implemented around the nest site until the nest has safely fledged. With implementation of nesting bird surveys, the project would not affect Swainson's hawks or other nesting birds protected under the MBTA.
 - **3.4-a3:** Disturbance of active nests shall be avoided until it is determined by a qualified biologist that nesting is complete and the young from have fledged or that the nest has failed. If work is allowed to proceed, at a minimum, a qualified biologist shall be on-site during the start of construction activities during the nesting season to monitor nesting activity. The monitor shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities.

- 3.4-d: All equipment shall be thoroughly cleaned before leaving the site.
 - 3.12-a,c: The applicant proposes to incorporate a 20-foot sound wall at the tunnel entrance, along the project site's eastern property line (near the existing bank) and a 22-foot sound wall extending from the tunnel exit and continuing to the west along the project site's northern property line. With these proposed sound walls, the proposed Ride and Shine Car Wash will comply with all applicable City of Clovis exterior and interior noise level requirements without the need for additional mitigation measures.
- The City finds that the cumulative impacts of this project are less than significant as described in Section 4.0 (Cumulative Impacts). As such, this project would not generate significant cumulative impacts.
 - Feasible mitigation measures have been incorporated to revise the project before the Mitigated Negative Declaration and Initial Study is released for public review pursuant to CEQA Section 15070 in order to avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.
 - The City finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described above have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
 - As required by CEQA Section 21081.6 et seq., a mitigation monitoring program (Section 6.0) will be adopted by incorporating mitigation measures into the project plan (CEQA Section 21081.6(b)).
 - There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment (CEQA Section 21064.5(2)).
 - Based on the above-referenced Initial Study and feasible mitigation measures incorporated to revise the proposed project in order to avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment will occur, staff finds that a Mitigated Negative Declaration should be adopted pursuant to CEQA Section 15070 for the proposed project.

Signature  Date: October 23, 2018
 Lily Cha, Assistant Planner

Applicant's Concurrence

In accordance with Section 15070 (b) (1) of the CEQA Guidelines, we hereby consent to the incorporation of the identified mitigation measures which are also contained in Section 6.0 of this document.

Signature  Date: 10-24-18

**6.0 Mitigation Monitoring
EXHIBIT B**

**City of Clovis Mitigation Monitoring and Reporting Program
General Plan Amendment GPA2018-04, Rezone R2018-10 & Conditional Use Permit
CUP2018-06
Dated: October 23, 2018**

6.1 Introduction

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A MMRP is required for the proposed project because the Mitigated Negative Declaration has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The MMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Mitigated Negative Declaration.

The City of Clovis will be the primary agency, but not the only agency responsible for implementing the mitigation measures. The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the Mitigated Negative Declaration, in the same order that they appear in the Mitigated Negative Declaration.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the department within the City responsible for mitigation monitoring.
- **Compliance Verification Responsibility:** Identifies the department of the City or other State agency responsible for verifying compliance with the mitigation. In some cases, verification will include contact with responsible state and federal agencies.

6.2 Mitigation Monitoring Program

| Proposed Mitigation | Summary of Measure | Monitoring Responsibility | Timing | Verification (Date and Initials) |
|----------------------------|--|----------------------------------|---|---|
| 3.1 Aesthetics | | | | |
| 3.1-d | The developer shall direct all lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties. | City of Clovis Planning | <i>Prior to Permits and During Construction</i> | |
| 3.4 Biological | | | | |

| Proposed Mitigation | Summary of Measure | Monitoring Responsibility | Timing | Verification (Date and Initials) |
|---------------------|--|---------------------------|---|----------------------------------|
| 3.4-a1 | If the project is implemented during breeding season (February 1 to September 15), a biologist should conduct a pre-construction survey and search for nests of passerines within 100 feet of project work areas and raptor nests within 500 feet of project work areas. | City of Clovis Planning | <i>Prior to Permits and During Construction</i> | |
| 3.4.a2 | If an active nest is discovered within the BSA, a 100-ft no disturbance buffer shall be established around the nest (within the BSA) using orange construction fencing. A qualified biologist shall evaluate the potential for construction activities to disturb normal nesting behavior and adjust the buffer distance, as appropriate. The buffer fencing shall be maintained in good condition until the nest is inactive | City of Clovis Planning | <i>Prior to Permits and During Construction</i> | |
| 3.4-a3 | Disturbance of active nests shall be avoided until it is determined by a qualified biologist that nesting is complete and the young from have fledged or that the nest has failed. If work is allowed to proceed, at a minimum, a qualified biologist shall be on-site during the start of construction activities during the nesting season to monitor nesting activity. The monitor shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities. | City of Clovis Planning | <i>Prior to Permits and During Construction</i> | |

| Proposed Mitigation | Summary of Measure | Monitoring Responsibility | Timing | Verification (Date and Initials) |
|---------------------|--|---------------------------|---|----------------------------------|
| 3.4-d | All equipment shall be thoroughly cleaned before leaving the site. | City of Clovis Planning | <i>Prior to Permits and During Construction</i> | |
| 3.12 Noise | | | | |
| 3.12-a, c | The applicant proposes to incorporate a 20-foot sound wall at the tunnel entrance, along the project site's eastern property line (near the existing bank) and a 22-foot sound wall extending from the tunnel exit and continuing to the west along the project site's norther property line. With these proposed sound walls, the proposed Ride and Shine Car Wash will comply with all applicable City of Clovis exterior and interior noise level requirements without the need for additional mitigation measures. | City of Clovis Planning | <i>Prior to Permits and During Construction</i> | |

7.0 Report Preparation

CITY OF CLOVIS- LEAD AGENCY
 PLANNING DIVISION
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 Clovis, CA 93612
 (559) 324-2335
 lilyc@cityofclovis

**PG&E Gas and Electric
Advice Submittal List
General Order 96-B, Section IV**

| | | |
|--|--|---|
| AT&T | Downey & Brand | Pioneer Community Energy |
| Albion Power Company | East Bay Community Energy | Praxair |
| Alcantar & Kahl LLP | Ellison Schneider & Harris LLP | |
| | Energy Management Service | |
| Alta Power Group, LLC | Engineers and Scientists of California | Redwood Coast Energy Authority |
| Anderson & Poole | Evaluation + Strategy for Social Innovation | Regulatory & Cogeneration Service, Inc. |
| | GenOn Energy, Inc. | SCD Energy Solutions |
| Atlas ReFuel | Goodin, MacBride, Squeri, Schlotz & Ritchie | SCE |
| BART | Green Charge Networks | SDG&E and SoCalGas |
| | Green Power Institute | |
| Barkovich & Yap, Inc. | Hanna & Morton | SPURR |
| P.C. CalCom Solar | ICF | San Francisco Water Power and Sewer |
| California Cotton Ginners & Growers Assn | International Power Technology | Seattle City Light |
| California Energy Commission | Intestate Gas Services, Inc. | Sempra Utilities |
| California Public Utilities Commission | Kelly Group | Southern California Edison Company |
| California State Association of Counties | Ken Bohn Consulting | Southern California Gas Company |
| Calpine | Keyes & Fox LLP | Spark Energy |
| | Leviton Manufacturing Co., Inc. Linde | Sun Light & Power |
| Cameron-Daniel, P.C. | Los Angeles County Integrated Waste Management Task Force | Sunshine Design |
| Casner, Steve | Los Angeles Dept of Water & Power | Tecogen, Inc. |
| Cenergy Power | MRW & Associates | TerraVerde Renewable Partners |
| Center for Biological Diversity | Manatt Phelps Phillips | Tiger Natural Gas, Inc. |
| | Marin Energy Authority | |
| Chevron Pipeline and Power | McKenzie & Associates | TransCanada |
| City of Palo Alto | Modesto Irrigation District | Troutman Sanders LLP |
| | Morgan Stanley | Utility Cost Management |
| City of San Jose | NLine Energy, Inc. | Utility Power Solutions |
| Clean Power Research | NRG Solar | Utility Specialists |
| Clean Power Research | | |
| Coast Economic Consulting | Office of Ratepayer Advocates | Verizon |
| Commercial Energy | OnGrid Solar | Water and Energy Consulting Wellhead Electric Company |
| County of Tehama - Department of Public Works | Pacific Gas and Electric Company | Western Manufactured Housing Communities Association (WMA) |
| Crossborder Energy | Peninsula Clean Energy | Yep Energy |
| Crown Road Energy, LLC | | |
| Davis Wright Tremaine LLP | | |
| Day Carter Murphy | | |
| | | |
| Dept of General Services | | |
| Don Pickett & Associates, Inc. | | |
| Douglass & Liddell | | |