

CLOVIS CITY COUNCIL MEETING

March 18, 2024

6:03 P.M.

Council Chamber

Meeting called to order by Mayor Ashbeck at 6:03
Flag Salute led by Councilmember Pearce

Roll Call: Present: Councilmembers, Basgall, Bessinger, Mouanoutoua, Pearce
Mayor Ashbeck

PUBLIC COMMENTS – 6:04

None

CONSENT CALENDAR – 6:05

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

1. Administration - Approved - Minutes from the March 11, 2024, Council Meeting.
2. Planning and Development Services – Approved – **Res. 24-25**, A Resolution amending the 2023-2024 Community Investment Program Budget; and Approved - Bid Award for CIP 23-13 Bullard Avenue Street Improvements authorizing the City Manager to Execute the Contract on behalf of the City.
3. Public Utilities – Approved – **Res. 24-26**, A Resolution Initiating Proceedings for the Annual Levy of Assessments for Landscape Maintenance District No. 1.
4. Public Utilities – Approved – Waive Formal Bidding Requirements and Authorize the Purchase of One 2023 Workhorse W4CC Class 4 Battery-Powered Fully Electric Truck from Kingsburg Truck Sales in the Total Amount of \$159,911.55.
5. Public Utilities – Approved – Award a Contract to Raffelis to Complete a Water Rate Study and Provide Consultation Services as Needed in an Amount Not to Exceed \$76,320; and Authorize the City Manager to Execute a Consultant Services Agreement on Behalf of the City.

PUBLIC HEARINGS – 6:06

- 6:06 ITEM 6 - CONSIDERED ITEMS ASSOCIATED WITH APPROXIMATELY 155 ACRES OF LAND LOCATED ON THE NORTH SIDE OF SHEPHERD AVENUE, BETWEEN N. SUNNYSIDE AND N. FOWLER AVENUES. GREAT BIGLAND, LP., OWNER/APPLICANT; HARBOUR AND ASSOCIATES, REPRESENTATIVE.
- 8:33 Comments in support of the project by Dirk Poeschel, representative of Great Bigland, LP., Owner/Applicant.

Jim Edwards, resident spoke in favor of the project.

Jake Callum, resident spoke in favor of the project.
Dylan Robinson, resident spoke in favor of the project.
Chris Faulk, resident spoke in favor of the project.
Cindy Cantu, resident spoke in favor of the project.
Tim Asavedo, resident spoke in favor of the project.
Unidentified resident spoke in favor of the project.
Darren Oliver, resident spoke in favor of the project.
Josh Williams, resident spoke in favor of the project.

9:06 Nathan George, attorney of Quail Run neighborhood commented on the EIR and CEQA requirements.

Patrick Menagh, resident spoke in opposition to the project.
Jared Callister, resident spoke in opposition to the project.
Jacqueline Ruiz, resident spoke in opposition to the project.
Jill Poulsen, resident spoke in opposition to the project.
Curtis Cookingham, resident spoke in opposition to the project.
Rich Wathen, resident spoke in opposition to the project.
Marcus DiBudo, resident spoke in opposition to the project.
Norm Morrison, resident spoke in opposition to the project.
Josh Lane, resident spoke in opposition to the project.
Paul Pierce, resident spoke in opposition to the project.
Dean Eric, resident spoke in opposition to the project.
Michelle Lund, resident spoke in opposition to the project.
Angela Paul, resident spoke in opposition to the project.
Analisa Gangaban, resident spoke in opposition to the project.
Kristina Mansfield, resident spoke in opposition to the project.

10:36 Comments in support of the project by Dirk Poeschel, representative of Great Bigland, LP., Owner/Applicant.

11:17 6A - APPROVED - **RES. 24-27**, A RESOLUTION OF THE CLOVIS CITY COUNCIL: (1) CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SHEPHERD NORTH PROJECT; (2) ADOPTING CEQA FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATION; AND (3) ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM.

Motion for approval by Councilmember Mouanoutoua, seconded by Councilmember Bessinger. Motion carried by unanimous vote.

11:18 6B - APPROVED – **RES. 24-28**, A RESOLUTION OF THE CLOVIS CITY COUNCIL APPROVING A REQUEST TO EXPAND THE CITY’S SPHERE OF INFLUENCE TO INCLUDE APPROXIMATELY 155 ACRES OF LAND.

Motion for approval by Councilmember Mouanoutoua, seconded by Councilmember Basgall. Motion carried by unanimous vote.

11:18 6H - APPROVED - **RES. 24-29**, RO307, A RESOLUTION OF THE CLOVIS CITY COUNCIL APPROVING APPLICATION FOR THE ANNEXATION OF THE TERRITORY KNOWN AS THE SHEPHERD-SUNNYSIDE NORTHEAST REORGANIZATION FOR THE DEVELOPMENT AREA (APPROXIMATELY 77 ACRES).

Motion for approval by Councilmember Mouanoutoua, seconded by Councilmember Bessinger. Motion carried by unanimous vote.

11:18 Motion for continuance of items 6C, 6D, 6E, 6F, 6G, & 6I to May 6, 2024, by Councilmember Mouanoutoua, seconded by Councilmember Bessinger. Motion carried by unanimous vote.

6C. CONTINUED-**RES. 24-XX**, GPA2021-006, A RESOLUTION OF THE CLOVIS CITY COUNCIL APPROVING A REQUEST TO AMEND THE CIRCULATION ELEMENT OF THE GENERAL PLAN TO ALLOW FOR THE PLACEMENT OF A SHEPHERD AVENUE ACCESS POINT ON THE NORTH SIDE OF SHEPHERD AVENUE, BETWEEN N. SUNNYSIDE AND N. FOWLER AVENUES.

6D. CONTINUED-**RES. 24-XX**, GPA2021-005, A RESOLUTION OF THE CLOVIS CITY COUNCIL APPROVING A REQUEST TO AMEND THE LAND USE ELEMENT OF THE GENERAL PLAN FOR THE DEVELOPMENT AREA (APPROXIMATELY 77 ACRES) FROM THE RURAL RESIDENTIAL LAND USE DESIGNATION TO THE MEDIUM-HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION.

6E. CONTINUED INTRODUCTION - **ORD. 24-XX**, R2021-009, AN ORDINANCE OF THE CLOVIS CITY COUNCIL APPROVING A REQUEST TO PREZONE PROPERTY WITHIN THE DEVELOPMENT AREA (APPROXIMATELY 77 ACRES) OF THE PROJECT SITE FROM THE FRESNO COUNTY AL20 ZONE DISTRICT TO THE CLOVIS R-1-PRD ZONE DISTRICT.

6F. CONTINUED- **RES. 24-XX**, TM6205, A RESOLUTION OF THE CLOVIS CITY COUNCIL APPROVING A REQUEST TO APPROVE A VESTING TENTATIVE TRACT MAP FOR A 605-LOT SINGLE-FAMILY PLANNED RESIDENTIAL DEVELOPMENT.

6G. CONTINUED-**RES. 24-XX**, PDP2021-004, A RESOLUTION OF THE CLOVIS CITY COUNCIL APPROVING A REQUEST TO APPROVE A PLANNED DEVELOPMENT PERMIT FOR A 605-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT.

6I. CONTINUED- **RES. 24-XX**, A RESOLUTION OF THE CLOVIS CITY COUNCIL APPROVING AN AMENDMENT TO THE 2017 AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF FRESNO AND CITY OF CLOVIS REGARDING A SPHERE OF INFLUENCE EXPANSION TO ADD APPROXIMATELY 155 ACRES AND THE STANDARDS OF ANNEXATION TO ADDRESS THE ANNEXATION OF APPROXIMATELY 77 ACRES OF PROPERTY (SHEPHERD-SUNNYSIDE NORTHEAST REORGANIZATION).

11:20 ITEM 7 - APPROVED - **RES. 24-30**, A RESOLUTION ACCEPTING AND AUTHORIZING THE SUBMISSION OF THE 2023 GENERAL PLAN ANNUAL PROGRESS REPORT, INCLUDING THE 2023 HOUSING ELEMENT ANNUAL PROGRESS REPORT TO THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH AND THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

Motion for approval by Councilmember Mouanoutoua, seconded by Councilmember Basgall. Motion carried by unanimous vote.

COUNCIL ITEMS – 11:26

11:26 ITEM 8 - APPROVED – CHANGE OF COUNCIL MEETING SCHEDULE.

Motion for approval by Councilmember Bessinger, seconded by Councilmember Basgall. Motion carried by unanimous vote.

CITY MANAGER COMMENTS – 11:28

COUNCIL COMMENTS – 11:28

ADJOURNMENT – 11:28

Mayor Ashbeck adjourned the meeting of the Council to April 8, 2024

Meeting adjourned: 11:28 p.m.



Mayor



City Clerk



Rebecca Simonian

From: Public Comments <email@cityofclovisca.us>
Sent: Friday, March 15, 2024 11:11 AM
To: Karey Cha; Andrew Haussler; Rebecca Simonian
Subject: [External] Public Comment for City Council

Council Meeting Date: 2024-03-18

Item Number (put "0" if your comment is regarding an item not on the agenda): 1

Full Name: Deidre Childers

Email: dmcchilders51@gmail.com

Comment: Please do not approve this project as it is. The density is not in congruence with the surrounding neighborhoods from Shepherd and Fowler to Sunnyside to Copper. This area is zoned rural residential, and should remain this way as Fowler and Sunnyside are county roads and will not accomadate this volume of increased traffic. Since the removal of the almond trees and now the pecan orchard, our wells have been significantly impacted and we must now rely on trucked in water from April to Nov. These orchards were flood irrigated and replenished our groundwater.

If you are going to annex this project, it does not make sense to exclude the Quail Run residents, as this creates a 20 home county island that would be served by the sheriff's dept. We need access to city water, that will ring our neighborhood.

The developer has fast tracked this project, which is better suited for for the Heritage Grove area, which is already approved. He has not considered our concerns about water, traffic, or density. He has forged ahead as if this project is a done deal. He has made promises to the city to widen and straighten Shephard Ave between Fowler and Sunnyside Ave, to bring in water mains and signals. We all know Shepard will never be staight. It does not line up at Sunnyside with Fowler, and one side of the street cannot be widened as it is private property.

Please remember " the Clovis way of life". We have that. We like it. We encourage you to help us keep it. DENY THIS PROJECT as it is. Lower the density! This alone will alleviate the traffic issues.

Supporting Files (2 Max.):

Date: March 15, 2024

Time: 11:10 am

Remote IP: 172.56.168.235

**Public Comments
March 18, 2024**

Rebecca Simonian

From: Public Comments <email@cityofclovisca.us>
Sent: Friday, March 15, 2024 9:40 PM
To: Karey Cha; Andrew Haussler; Rebecca Simonian
Subject: [External] Public Comment for City Council

Council Meeting Date: 2024-03-18

Item Number (put "0" if your comment is regarding an item not on the agenda): 6

Full Name: Mark Testerman

Email: mark_testerman@hotmail.com

Comment: First all, this is a bad place for this development. This is Prime Agricultural Land. I can sing the song for you! Pave Paradise and put up a parking lot. It is also a prime example of not having the infrastructure to support the increased traffic and people that will come to this area. It jumps over and area of one mile of rural lots from Nees Ave to Shepherd Ave. Our rural neighborhood will become a nightmare of speeding automobiles and possible trespass by the thousands of new residents in this new high density neighborhood with no sidewalks outside the development for people to walk on. 7000 square foot lots adjacent to 2.5 to 5 Acre parcels is a bad idea. We still live in the county with the city coming to us in small sized parcels just across the road.

1) Question?? With the new Clovis City Annexation ending at Perrin Ave, will Perrin Ave between Sunnyside Ave and Stanford Ave be in the City of Clovis or County of Fresno?

2) Sunnyside Ave south of Shepherd Ave is a rural two lane road that floods during times of heavy rainfall and is a big hazard. Several places along this road have standing water for days after the rainfall. It is a accident waiting to happen with the increased number of vehicles that will be using this road. It would need a lot of work to get rid of the standing water on the road. Assuming that you will disregard these hazardous driving conditions, because the developer has nearly completed the pre-construction of the site and now has for-sale signs on the property, here are some other considerations.

2) The corner of Sunnyside and Shepherd Ave is a mess at the current time. It is currently under construction. Shepherd Ave would need to be four lanes from Fowler to Clovis. I suspect that the current construction will make that happen.

3) Need a stop light at the corner of Shepherd and Sunnyside.

4) There should not be an exit of any kind into the rural neighborhood at the corner of Stanford Ave. and Perrin Ave. at the northern most point of this development. The roads are a hazard now and in very poor condition. They cannot deal with hundreds of vehicles everyday trying to find a short-cut into this development. This applies to pedestrian traffic as well as there are no sidewalks or crosswalks. A one way entrance for the fire department would be suitable as long as the gate is a complete blockade of pedestrians and vehicles and for use by fire department only.

I have other concerns, but this is enough food for thought. I hope you can find time to answer some or all of these at your upcoming meeting on 3/18/24.

Mark W Testerman
Kitty Corner Home Owner
9511 North Stanford Ave
Clovis CA 93619
Phone 5597082596
Supporting Files (2 Max.):

Date: March 15, 2024
Time: 9:39 pm
Remote IP: 98.97.60.239

NORMAN D. MORRISON IV
8195 North Sunnyside Avenue
Clovis, CA 93619

March 16, 2024

City of Clovis
Planning Division
Attn: George González
1033 Fifth Street
Clovis CA 93612

Re: Comments in Opposition to/regarding Shepherd North CEQA Documents

Dear Mr. González:

This letter is submitted in response and opposition to the Revised Draft Environmental Impact Report (“response”) submitted on behalf of Leo Wilson and Wilson Homes for the “Shepherd North” proposal located at the intersection of Shepherd Avenue and Sunnyside Avenue. This letter is submitted on behalf of myself and numerous other concerned neighbors, most of whom live along Sunnyside Avenue and the streets connecting to Sunnyside, and whom will be directly affected by approval of the proposed project and the related impacts.

I have reviewed the Revised Draft Environmental Report, including the responses to prior correspondence from concerned residents, that was made available earlier this month. As you are aware, this report including a “response” to my September 2023 correspondence regarding the earlier version. I find it very concerning, and disappointing, that the “response” fails to realistically or seriously address the concerns expressed. Instead, the “response” attempted to create a straw man argument to address, in order to bypass the actual concerns. Additionally, the “response” was effectively nonsensical in many of its responses.

Among other things, the “response” fails to address or incorporate the results of the County of Fresno’s recent traffic studies for traffic on Sunnyside. According to these studies, in the last approximately six years, traffic has nearly tripled on Sunnyside between Shepherd and Nees, and the speeds of motorists have also increased significantly. As the “response” repeatedly notes, there will be significant additional traffic impacts upon Sunnyside Avenue between Shepherd and Nees due to the proposed Wilson project, and the report admits that less than 1/5 of the traffic is expected to use Fowler Avenue. This means that the majority of the traffic associated with the project will utilize Sunnyside or Clovis. In reality, this means that the majority of the traffic will continue straight, southbound along Sunnyside, as it is the easiest, most direct route to Herndon with the fewest traffic lights, stop signs, or other traffic controls and therefore is the fastest route. Further, the “response” attempts to treat the traffic concerns as those relating to congestion or traffic impacts. While that is a concern, the overarching concern for most of us is that of traffic safety, as nearly everyone living on Sunnyside has had numerous close calls due to speeding, unsafe and illegal passing, racing, and other illegal behavior. The “response” fails to address or discuss these concerns.

Additionally, as discussed herein, the report appears to inaccurately conclude that the development will have little to any impact upon the groundwater supplies, including recharge. It is a matter of common knowledge in this area that the property at issue was traditionally irrigated by water supplies from Fresno Irrigation District, and only periodically (if at all) supplemented with water from wells. Any water used on the property that either did not evaporate or was not taken up by the orchard trees would then percolate down, and recharge the groundwater basin. Additionally, any rainwater that fell on the property would also percolate down and recharge the basin. While the property may contain clays and therefore the percolation is not rapid or immediate, nevertheless the water would still percolate. The “response,” however, appears to argue that the groundwater basin does not receive supplies from the surface due to the soil characteristics, and therefore there would be no impact. Such a conclusion not only lacks any credibility, but flatly ignores the historical data as well as the historical experience of each and every landowner in the area who is well aware of how long it takes rainwater to percolate.

I. The DEIR Fails to Adequately Analyze Traffic Impacts on Surrounding Streets, Which Are Already Deteriorating and Becoming Increasingly Unsafe and Dangerous Due to Previous Project Approvals Without Any Mitigation Measures; The DEIR Additionally Fails to Identify Any Mitigation Measures for Traffic on Adjacent Streets, and Relies On Outdated and Inaccurate Figures.

As the City is well aware, traffic is a major issue on Sunnyside Avenue that has inexplicably repeatedly been neglected and ignored by the City of Clovis and the County of Fresno over recent years. Developments along both Sunnyside/Teague Avenue (Woodside Homes) and Shepherd Avenue (Heritage Grove and related developments) have resulted in a significant increase in not only the number of vehicles utilizing Sunnyside Avenue, but also the speed of these vehicles and the number of actual and near-accidents on this road, which will only be exacerbated by this project. The “response” all but admits the Project will rely upon Sunnyside Avenue as a primary, if not the primary, access road and route for Project homeowners and their guests and invitees to use to access the development. Yet this fact does not appear to have been adequately considered or addressed in the DEIR or the “response.” Where it is addressed, the “response” admits that the majority of traffic associated with the project will utilize Clovis, Sunnyside or Fowler, and the “response” then admits that less than 20% of the traffic is expected or anticipated to use Fowler. This means that the majority of the traffic associated with the project will realistically use Sunnyside Avenue.

As noted, due to other surrounding recent developments over the last few years, traffic on Sunnyside has roughly tripled since the late 2010’s. This project is projected to add several thousand additional vehicle trips a day to the roadways south of Shepherd, which includes Sunnyside. In addition, Sunnyside is becoming more commonly used by those seeking to avoid the dangerous conditions created on Fowler due to increased traffic, including the issues existing at the intersection of Teague and Fowler. Sunnyside is also being increasingly used by City residents living on Clovis Avenue south of Shepherd. The fact that drivers use Sunnyside to

avoid the traffic signals and controls associated with Clovis Avenue and Fowler is perhaps demonstrated no more clearly than by virtue of the fact that City vehicles routinely and regularly traveling Shepherd will choose to bypass Clovis and Fowler Avenues, and then turn on Sunnyside from Shepherd, and then continue to Herndon. This includes City police vehicles, garbage trucks, utility vehicles, and other vehicles operated by the City. It also includes vehicles operated by the Clovis Unified School District (strings of school buses travel up and down Sunnyside, yet there is no CUSD transportation service provided or offered to the majority of Sunnyside residents), as well as commercial vehicles going down to the shopping centers located along Herndon Avenue.

In recent years, the number of near-misses that would have resulted in significant, potentially fatal, collisions along Sunnyside have increased. Although Sunnyside is a 45-MPH street and is striped “double-yellow,” this has not stopped non-residents of the area from attempting to pass over the double-yellow at high rates of speed, speeding well in excess of the posted speed limit, and engaging in road rage encounters with residents. Many of the residents along Sunnyside, my family included, have narrowly avoided potentially significant accidents by people who attempt to pass to the left over the double-yellow line while we are turning left into our driveways. Within the span of less than six months in 2022, for instance, my family experienced this situation on no less than four (4) separate occasions. We continued to experience the same issue in 2023, and it has continued unabated to date. Within the last few weeks, I was nearly broadsided by a truck passing me on Sunnyside while I was turning into my driveway with my elementary school son. The driver justified his illegal action in nearly broadsiding me by said that I wasn’t going fast enough for him. Ironically, after raising this issue the next day at a Board of Supervisors meeting, that same afternoon I was again nearly broadsided by another driver, who was again passing illegally over a double yellow line, while I was turning left into my driver with my daughter in the car; this driver similarly justified her actions by stating I was going “too slow” for her. Neighbors have had similar experiences, including on one occasion when someone attempted to pass a large trailer carrying expensive agricultural equipment while the other vehicle was turning left into a driveway.

In addition, we regularly have near misses between vehicles and heavy equipment including garbage trucks that have to partially block the roadway in order to access and empty dumpsters. I have almost been hit by speeding vehicles while using a tractor at the entrance to our property, and while moving tractors between properties to carry out needed work. We have had delivery people nearly hit by passing vehicles who refused to slow down or avoid them. We have also had individuals pass vehicles by driving at high speeds into front yards and the dirt street frontage. We have vehicles that pass inches away from us at high speeds (above the speed limit) while we are collecting mail from our mailboxes. We routinely see vehicles traveling in excess of 65 miles per hour, and can hear many of them accelerating at high rates of speed as they pass by my house. The County’s recent traffic study demonstrates that speeds have increased on various stretches of Sunnyside due increased traffic. Yet no action has been taken to date.

As the City continues to rely upon Sunnyside to address its traffic concerns, both with the prior projects that have been approved as they continue to be built out as well as this project (and future projects), the potential safety issues associated with Sunnyside will continue to worsen. There have also been increasing amount of traffic collisions and near-collisions at the intersection of Sunnyside and Nees, which has been affected by the recent projects in the surrounding areas and which will be affected by this project. On numerous occasions, my family and our neighbors have nearly been broadsided at high speeds by individuals traveling east or west along Nees who fail to stop, “jackrabbit” the stop sign, or fail to yield to the drivers with the right of way. We are aware of numerous neighbors who have been involved in one or more accidents at this intersection. Yet again, the City has taken no action to resolve this dangerous intersection, and appears to have no concrete plans to do so beyond stating that a light may be installed at some unknown future point in time.

As I pointed out previously, these types of traffic issues and accidents were extremely rare or nonexistent prior to the City’s approval of development in the surrounding area. Many of these drivers have been confirmed to be residents of the new developments (including Heritage Grove), or are using Sunnyside in an attempt to avoid the traffic restrictions along Clovis Avenue caused by the stops and traffic lights. During prior City Planning Commission and City Council meetings, individuals from outside of Clovis (including those living near and adjacent to the proposed Shepherd North project) have testified and admitted that they take Sunnyside because it is faster than the surrounding streets – due to the lack of traffic controls. The use of Sunnyside and surrounding streets has only worsened in recent months due to the City’s closure of Shepherd, as drivers are now treating Sunnyside, Teague, and Marion as “shortcuts,” and many drivers will take Sunnyside up to Teague, and then over to Fowler (or vice-verse), rather than travel down Nees to Fowler and up. This has been personally observed on many occasions. Other drivers are coming down Fowler, taking Teague and then coming down Marion, and then forcing their way into stopped traffic on Nees. It is anticipated that these drivers will continue these traffic habits after Shepherd reopens.

As a result of the increase in traffic, collisions, and near-collisions without any mitigation or enforcement being performed by the City and County, the residents along Sunnyside do not feel safe in allowing their family members, including their children, to walk to school, parks, or neighbors.

The DEIR additionally fails to identify or address the impact that the additional traffic associated with the project will have on those who are using Sunnyside Avenue for walking or bicycling, a significant concern in light of the City’s significant investment in the Dry Creek Trailhead at Sunnyside and Nees. Although the DEIR discusses issues relating to future development of bicycle trails and sidewalks at the intersection of Sunnyside and Shepherd, along Sunnyside north of Shepherd, and along Shepherd Avenue, it does not identify how the impact that the additional traffic will have on pedestrians and bicyclists who are using Sunnyside Avenue between Nees and Shepherd. As there are no bicycle or pedestrian paths along this roadway (nor is there existing right of way for any future development of such pathways) along Sunnyside, bicyclists and pedestrians are forced to walk in the roadway, competing with high-

speed vehicles passing by. It is expected that pedestrian and vehicular usage will increase in the future, due to the build-out of Woodside Homes' developments in the Dry Creek Preserve which will funnel these homeowners and their guests onto Sunnyside.

In response to the concerns expressed by myself and numerous other concerned citizens about the effect of traffic on Sunnyside south of Shepherd, the "response" inexplicably talks about all of the proposed developments and improvements – such as bicycle paths, walkways, sidewalks, etc. – that will be built north of Shepherd. Such discussion and "mitigation" measures are functionally and legally irrelevant, as they will not address or mitigate the traffic and safety concerns taking place south of Shepherd.

To the extent the "response" intended to suggest that such improvements, or any other similar improvements, would be constructed on Sunnyside south of Shepherd, the "response" is, at best, based upon a faulty and fundamentally flawed premise. At worst, the report is intentionally misleading. Sunnyside Avenue south of Shepherd is already essentially built out to the limit of the legal rights of way, and there are no further ways of widening Sunnyside, whether to add additional traffic lanes, sidewalks, bicycle lanes, or anything else. In order to add any improvements along Sunnyside, the City and/or County will have to not only acquire additional easements and rights of way by purchasing them through the neighboring landowners or condemnation proceedings, but will also have to spend tens of millions of dollars to relocate the existing PG&E electrical lines, as well as the stormwater channels and other easements and property interests.

Therefore, Sunnyside will necessarily remain in its current configuration, and as such it realistically and practically cannot handle the projected traffic increases associated with this project added onto the traffic associated with previously approved projects, both those that have been built and those that are still underway.

A final concern, and one that does not appear to have ever been formally addressed in any of the various planning documents (whether for this project or others), is the ability of the surrounding roadways to handle the traffic that would be associated with emergencies in the area. For instance, several years ago there was a fire along Fowler Avenue that closed Fowler for a brief period of time. During the closure, traffic was diverted onto Sunnyside. The closure, and diverted traffic, resulting in stopped traffic backing up from Nees Avenue to Teague. This raises the concern of whether the City and the developers proposing these projects have planned or identified how the City and County will be able to safely and quickly evacuate residents from the area, as well as allowing emergency and disaster workers to respond to the area.

These facts are why it is deeply concerning that the DEIR and the subsequent "response" both concede the proposed project will add to existing forecasted deficiencies amongst the roadways in the area, including Sunnyside Avenue, but offer no realistic or identifiable methods of addressing or mitigating the increased traffic that will be associated with its project. It is anticipated that most, if not all, of the future residents of this project will utilize Sunnyside Avenue to travel to and from their homes. This will result in a significant, unavoidable impact on

Sunnyside Avenue, which is (and is projected to remain) a narrow, two-lane roadway throughout the foreseeable future. This will also result in significant safety impacts upon students and their parents who are attempting to cross Sunnyside Avenue south of Nees, to get to and from Century Elementary, as there will be potentially thousands of additional vehicle trips associated with this development, between residents, delivery vehicles, service vehicles, visitors, and others each day.

The DEIR and subsequent “response” both additionally continue to fail to address the likelihood of what will occur in the event of future development along Sunnyside Avenue. Should a small number of additional residences or Accessory Dwelling Units be constructed along stretches of Sunnyside Avenue, by operation of law that portion of Sunnyside Avenue will be deemed a Residential District pursuant to Vehicle Code, section 515, which will also simultaneously reduce the maximum speed limit to 25 MPH. In the event this occurs, it will likely cause significant traffic impacts and backups, which are not addressed, contemplated, or planned for. It is noted that for some stretches of Sunnyside Avenue, the construction of as little as two ADU’s, businesses, or residential structures will trigger this requirement. Once again, as Sunnyside Avenue is already identified as significantly impacted and will be further significantly impacted by this development, attention and consideration needs to be paid to this factor.

Finally, as also noted below, it does not appear that the traffic figures relied upon for the DEIR include or recognize the future growth and traffic load upon Sunnyside and the surrounding roadways associated with the numerous developments that have already been approved, much less those that have already been built. When the increased cumulative loads associated with these developments are factored in, there will be a critically significant, unmitigated and unaddressed increase in traffic on Sunnyside. Nor does it appear to address the existing exponential growth in traffic associated with morning and afternoon school commutes, which already backs traffic up from the stoplight at Minnewawa and Shepherd to nearly Sunnyside Avenue on a daily basis.

Accordingly, the DEIR is insufficient and flawed as it does not identify any mitigation measures that will be taken to address the proposed development. Among other things, the DEIR and the subsequent “response” should necessarily identify what steps Leo Wilson and Wilson Homes will take to steer traffic to the roadways designed and intended to carry the bulk of the load – including Clovis Avenue and Fowler Avenue. It also fails to identify what steps Leo Wilson and Wilson Homes will take to address and mitigate the increased noise, traffic, danger, and other impacts associated with the volumetric increase of traffic on those who reside on Sunnyside Avenue and adjacent roads.

While there has reportedly been discussion in the community about Wilson intending to dedicate certain funds towards future traffic measures on Sunnyside south of Shepherd, as well as that the City and County are discussing creating a memorandum of understanding to allow the City to enforce traffic laws along Sunnyside between Shepherd and Nees, these issues are not addressed in the “response.” Further, there are concerns regarding (1) whether any funds will be adequate to support future traffic safety/mitigation measures; (2) ensuring that any funds devoted

by Wilson (or other subsequent developers) are actually used for their intended purposes, in the intended area, or are instead transferred or used for other purposes/projects; (3) and whether the City will actually enforce the traffic laws. As to the latter element, all too often we have observed City police officers choosing not to enforce clearly apparent traffic violations committed in front of them. It is also especially concerning that those of us who have repeatedly expressed concerns and criticism over traffic safety issues, and who were involved in the traffic-related issues addressed in connection with the Woodside projects affecting these properties, appear to have been intentionally bypassed and ignored in favor of others. Whether true or not, this tends to create the suspicion that these conversations are being held with selected individuals in an attempt to gain their “buy in” and approval for specific offers. Such communications should be held and made to all interested and affected members of the community.

Ultimately, the landowners and residents along Sunnyside would prefer and request that the City investigate and explore the possibility of closing Sunnyside south of the trailhead. Such an action will minimize, if not eliminate, many of the safety concerns. And, it will “shape” the traffic flows associated with current and future development to use Clovis and Fowler Avenues, which are designated and intended to carry such traffic loads and usage.

II. The DEIR Fails to Adequately Analyze the Availability of Water Supplies for the Development, And Completely Fails to Identify , Address or Analyze the Unavoidable Loss of Recharge That Will Result From the Project and Its Effects on Neighboring Landowners.

As noted in my original correspondence, the construction of the proposed development will require the development and assignment of hundreds of acre-feet of potable water. Neither the DEIR nor the “response” identify where this water will be sourced from, and the City’s prior CEQA documents produced in connection with the Heritage Ranch project have conceded that those developments will result in the City having to resume overdrafting groundwater supplies. Concerningly, the documents submitted as part of the upcoming hearing appear to recognize that there are likely insignificant water supplies to support this project without the City continuing to overdraft groundwater – thereby depleting a limited resource and adversely affecting neighboring landowners and potentially rendering their property inhabitable.

On numerous occasions over the years, the issue of inadequate water supplies has been raised during meetings with the Clovis City Council in connection with other projects. Each time, the City has responded by providing vague statements about “water rights” to the Kings River supplies. Yet, the City has never identified the priority of the alleged Kings River water rights it relies upon. While the City may indeed have rights to significant amounts of Kings River water rights, such water rights are of little to no use if they are junior to numerous other rights and the water will only be available in the rare, infrequent high-water years. Similarly, contracts with FID have little use if FID does not possess adequate water to supply its existing shareholders and/or imposes restrictions or shortened water supplies – as has been the case in numerous prior years.

The planning documents for this project appear to rely upon the Urban Water Management Plan and other documents, none of which clearly identify the City's actual legal rights to discrete, identifiable water supplies. The City has relied upon this same "bundle" of water rights and supplies in approving numerous other developments over recent years, and therefore it is called into question whether there is adequate water to supply this development. This fact must be identified with precision at this point, as once the development is approved and construction begins the City will be required to supply water – even if this results in significant overdrafts affecting nearby users.

The planning documents also fail to address the loss of water recharge associated with the development of the project. Historically, the water used to irrigate the orchard has percolated down and assisted in replenishing the underground aquifers relied upon by those who live nearby. When the acreage is developed into housing, this recharge supply is irrevocably lost, affecting nearby lands. This is due to the hardscaping of the land for residential purposes, the loss of irrigation, and rainwater and other runoff, as well as water supplies used on the property, now being channeled and transported away from the property and discharged somewhere else.

In the "response," the authors attempt to avoid addressing this issue by claiming any losses will be insignificant due to the soil characteristics of this area, including the fact that the soils tend to have large amounts of clay. While the presence of clay soils may not allow for rapid percolation of water from the surface, the water nevertheless does percolate from the surface into the groundwater. This water then helps in recharging the groundwater basin for the neighboring owners, as well as landowners south of Shepherd along the flow of the groundwater basin. As the property is developed and paved over, and any surface flows are diverted into stormwater runoff channels, these recharge supplies will be permanently lost, adversely affecting the groundwater basin.

The "response" curiously, and inexplicably, argues that the project will somehow benefit the area as it will reduce the amount of groundwater withdrawn. The "response" continues by claiming that the project area has historically been irrigated from groundwater wells. Such assertions are false.

It is a matter of common knowledge amongst the local neighbors that the project property has historically been irrigated using Fresno Irrigation District supplies, and not groundwater supplies. While groundwater wells may have been used to supplement the supplies provided by FID, the project property nevertheless received FID water which then percolated down and recharged the groundwater basin. The "response" fails to recognize or address this fact. Furthermore, it is understood that the City intends to construct several groundwater wells in the surrounding area to supplement its supplies and supply these properties. As such, the groundwater pumped from this area will not "decrease," as the "response" contends, but will actually significantly increase as these wells will pump huge amounts of water to supply the new homes. Unlike agricultural properties, which require periodic watering and any water not used by the agricultural products either evaporates or percolates into the groundwater, nearly all of the water used by the homes will be moved offsite, thereby causing a permanent loss of water.

This loss of water supply is especially critical and significant to neighboring landowners in this area. The Shepherd North project area is well known for rapidly depleting groundwater due to excess pumping (including that pumped by the City to supply its residents and businesses), climate change, and diversion of traditional recharge supplies. This has resulted in many wells supplying nearby residences either going dry, having to be re-drilled or deepened, or losing capacity. As a result of these factors, many homeowners have had to spend tens of thousands of dollars in drilling or improving their wells in an attempt to eke out a few gallons-per-minute in flow, or hiring water deliveries to their home. The proposed development will significantly and unavoidably increase and accelerate these losses, yet no mitigation is identified or discussed. Moreover, the City has traditionally demonstrated that it is not willing to assist the homeowners directly affected by these losses by extending water supplies to them, with one (former) City Councilmember essentially stating that the City didn't have to do anything.

Accordingly, the “response” is not only factually inaccurate, but is misleading and cannot be relied upon. Any planning document needs to identify the loss of groundwater recharge, the source and priority of the water that will be used to supply the project, and what steps will be taken to mitigate the loss of recharge and increased groundwater pumping relating to this project.

Should the City intend to approve this project, then the City should be prepared to identify how it will supplement and replace the groundwater lost in this area. While the City touts its groundwater recharge facilities, there are no facilities located in the immediate area of the project that will replace the water supplies lost to the neighbors and those downstream of the project. While the City acknowledges a need to locate and purchase additional recharge facilities for additional recharge and groundwater banking, there do not appear to be any potential properties for such use nearby. Accordingly, the City should either require the developer to include mitigation measures designed to replace the amount of water supplies lost as a result of this project (including surface supplies that are diverted or otherwise lost from percolation, amounts pumped for residential purposes, and the losses from abandonment of traditional use.) Such mitigation measures could include agreements with neighboring landowners who could apply replacement water (such as highly treated reclaimed water) to pastures, orchards, fields, and other such lands for recharge.

III. DEIR Fails to Adequately Analyze or Address the Loss of Prime Farmland and Species Habitat Associated with the Project, or Any Mitigation Measures

Interestingly, the projects documents acknowledge that this project will result in the loss of prime farmland. Yet after acknowledging this fact, the documents fail to identify any mitigation measures, and instead seeks to “switch the subject” by discussing other factors.

There is no mistake or dispute that the Shepherd North project location consists of prime farmland. Prior to Leo Wilson and Wilson Homes' recent clearcutting of the property location, the location had been used to grow crops for decades. It was known for producing a variety of tree crops, and these tree crops also supported a variety of wildlife and other species. While the

project applicant has described the trees as being older and no longer commercially viable, there are many landowners in the immediate area who continue to actively produce crops from pecan trees that are of equal, if not greater age, commercially. Further, even if the trees had reached the end of a 'commercial productive' life, the trees could be replaced with others and the prime farmlands continue to be farmed for agricultural purposes, generating commercial income.

The City should require the project proponents to identify what steps they will take to mitigate the permanent loss of this prime farmland, whether that be by funding a conservation easement over other prime farmland (and not sub-prime lands) to preserve such lands, or other steps. Additionally, the project documents should identify in detail how the endangered species that are known, and documented, to live in the project area will be protected both now in the future. Alternatively, approval of the project by the City and construction of the development by the project proponent would likely constitute a violation of both Federal and State laws relating to the preservation of endangered and threatened species.

In addition to discussing the mitigation measures for endangered and threatened species, the project documents should identify what steps Leo Wilson and Wilson Homes will take to address the loss of habitat for a variety of other wildlife, ranging from avian species (including hawks, owls, and other birds), mammals, reptiles, and other species. Due to the development, those of us who have property in the area are increasingly finding that our property is becoming the subject of attacks by predators, as well as occupied by other animals, that have been displaced due to development and human habitation. This development will further this pattern of shifting the burden and costs of dealing with these species onto other landowners; and forcing those landowners to unfairly shoulder the costs and burdens associated with managing endangered and threatened species. Alternatively stated, the proposed project will force endangered species to flee to neighboring properties due to the development and conversion of the project property, and those neighboring landowners will then be limited in their future use and enjoyment of their property, as well as having to comply with complex State and Federal laws and treaties and the associated costs. Accordingly, the project documents should identify these issues and identify mitigation measures that will be taken to address them.

IV. The DEIR Fails to Adequately Identify, Analyze and Identify Mitigation for Cumulative Impacts

Finally, the project documents continue to fail to adequately address the cumulative impacts that this project will have in connection and combination with the other various projects that have previously been approved in the area, including those which have already been constructed. California law required that the CEQA documents identify the cumulative impact that a project will have in connection with other nearby projects, as well as potential future projects (which would include the additional property which it is widely known Leo Wilson and Wilson Homes intends to develop at a future point in time.)

Among other things, the CEQA documents must discuss the cumulative impact the proposed project will have, in combination with other previously approved projects, on traffic,

George González
City of Clovis Planning Division
March 16, 2024
Page 11 of 11

water, species, loss of prime farmland, noise, pollution, and the need for additional services. Accordingly, this project cannot be considered in isolation. The CEQA documents must include an analysis of how this project will add, for example, to the increased traffic loads resulting from the approval of Heritage Grove, Woodside Homes, and the other projects approved near this intersection. It is also improper for a project proponent to split developments into one or more projects or phases to attempt to minimize or spread out the projects so that no one project would be deemed to have a major or significant impact. The project documents fail to meet these requirements.

Accordingly, the CEQA documents are insufficient and flawed.

For all of these reasons we request that the City of Clovis reject the proposed actions and the environmental documents, and require Leo Wilson and Wilson Homes to update, revise, and re-submit CEQA documents that adequately address these issues, as well as identifying what mitigation measures are available and will be implemented to address the unavoidable impacts.

I continue my prior request to be copied on all future communications, filings, and developments regarding this project.

Thank you for your attention to this matter.

Norman D. Morrison IV

March 18, 2024

City Council
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Re: March 18, 2024 City Council Meeting - Items associated with approximately 77 acres of land located at the northeast corner of Shepherd and N. Sunnyside Avenues.

Dear Councilmembers,

Traffic safety along Sunnyside Avenue between Shepherd and Nees within the Dry Creek Preserve (“Rural Sunnyside Ave.”) is and will continue to become a significant issue as the City expands north of Shepherd. Rural Sunnyside Ave. is a two lane, double striped “no-passing” road that spans about one mile and is only about 24 feet wide. Within this one-mile stretch there are approximately 35 fronting residences and approximately 70 points of entry/exit onto Rural Sunnyside Ave. (including paved and unpaved driveways and access roads, transitions to arterial and adjacent streets).

Rural Sunnyside Ave. is a rural road in a rural environment. There are no streetlights (see Exhibits C and D). Several areas have mature trees or bushes which interfere with unobstructed line of sight. There is significant wildlife activity in the area which cross the road (Rural Sunnyside Ave. bisects the Dry Creek Preserve between the Dry Creek Canal and open space within the Dry Creek Preserve). Because there are no bike lanes or sidewalks cyclists and pedestrians share the roadway with the vehicles. Agricultural vehicles (including tractors, harvesting equipment, trailers, equine carriers, and the like) frequently utilize this road alongside “typical” roadway vehicles which may be passing through (including commuters, transport vehicles, construction vehicles, school busses, and waste disposal vehicles). All these factors and more require heightened awareness while driving this stretch... especially at night.

Waste collection vehicles, when collecting from the properties adjacent to Rural Sunnyside Ave., cannot pull off the roadway and instead stop in the lane (noting that stand alone and roll-off-type waste containers are placed just outside of the paved roadway to facilitate pickup). During their pickup from each residence along Rural Sunnyside Ave. the waste collection vehicles impede the flow of traffic while the waste containers are positioned, emptied, and re-positioned. Each stop, much less the cumulative impact of sequential stops along Rural Sunnyside Ave., causes a significant backup. This is especially true since the entire stretch of Rural Sunnyside Ave. is “no passing” – meaning all traffic is supposed to be queued behind the waste collection vehicle while it completes the street pickup. Of course, impatient drivers pass anyways (see Exhibit B).

Similarly, school busses must stop in the roadway on Rural Sunnyside Ave. and impede the flow of traffic. Bus drivers may occasionally need to exit the bus to escort children across the roadway. In some cases, children are picked up at the bus stop by their parents who must also stop

along the roadway. The alternative for those that are not picked up by their parents, is to undertake a dangerous walk along Rural Sunnyside Ave. It is especially dangerous due to the fact that there are no sidewalks, and in many places no dirt or gravel path, adjacent to Rural Sunnyside Ave.'s roadway.

There are numerous other examples of common conditions on Rural Sunnyside Ave. that make it uniquely more dangerous and deserving of attention. Long equine carriers may need to reverse down portions of Rural Sunnyside Ave. as they back into their property. Oversized agricultural equipment may travel at a slow pace and significantly queue traffic that is unable to pass. During harvest time, agricultural vehicles, such as pecan shakers, sweepers, and harvesters, along with the harvesting crew, utilize Rural Sunnyside Ave. to move the slow oversized equipment from one orchard to another. Cyclists - that can only travel in the roadway – either cause queued traffic behind them or create a great risk of frustrated vehicles illegally overtaking them.

Beginning on December 16, 2023, we asked staff to respond to some questions we had regarding the traffic study for the Shepherd North project (the “Proposed Project”). In particular, the questions sought an explanation why certain active development projects in the vicinity of the Proposed Project were not considered in assessing the traffic impact of the Proposed Project. See Attachment I hereto.

As noted in our correspondence with staff, the Traffic Impact Study for the Proposed Project included some active projects (see Exhibit E) but omitted a large portion of an active project that significantly impacts traffic in the vicinity. In particular, the Traffic Impact Study only included Phase 1 of TM 6200 (176 DU) and omitted Phases 2-5 (411 DU) (see Exhibit E and Exhibit G). Ingress and egress to Phases 2-5 is different than Phase 1 since the former is along Sunnyside Avenue – nearly at the point of ingress and egress of the Proposed Project.

The trip distribution portion of the Traffic Impact Study is shown in Exhibit F hereto. Existing traffic patterns show that, of vehicles entering the Shepherd and Sunnyside intersection from the North in the peak morning hour, 14 (56%) head down Sunnyside, 9 (36%) head towards Clovis Avenue, and 2 (8%) head towards Fowler Avenue. It is assumed that for Cumulative Projects, 0 (0%) will head down Sunnyside, 24 (100%) will head towards Clovis Avenue, 0 (0%) will head towards Fowler Ave. For the Proposed Project, it is assumed that 13 (13%) will head down Sunnyside, 66 (65%) will head towards Clovis Avenue, and 22 (22%) will head towards Fowler Avenue.

One must ask the question: if 55% of the current traffic on Sunnyside north of Shepherd heads south on Sunnyside through the intersection of Shepherd and Sunnyside, what logic compels that 0% of traffic from Cumulative Projects and only 13% of traffic from the Project will utilize Sunnyside? It would be more logical to assume that trip distribution should be about the same.

It is equally important to view these traffic charts in the context of the fact that it blatantly ignores over 411 DU from TM 6200 Phases 2-5. If we make the reasonable assumption that vehicles leaving TM 6200 Phases 2-5 are coming from and going to the same places at the same time as those from the Proposed Project, accept the Traffic Study's conclusion that the 605 DU in the Project generates 424 peak hour traffic counts (or 0.7 count per DU), and that all of the AM

peak traffic from TM 6200 Phases 2-5 travel south on Sunnyside to the intersection of Shepherd and Sunnyside, the Cumulative Projects Trip Assignment shown in the Traffic Study is fatally defective. Instead of 24 trips, it would be 287!

If the Traffic Impact Study considered traffic generated by TM 6200 Phases 2-5, total peak AM southbound traffic on Sunnyside entering the intersection of Shepherd and Sunnyside (inclusive of Existing, Cumulative, and Project) would approach 437; currently it is 25. Moreover, if we reasonably assume that the Cumulative and Project traffic will follow the same patterns as exists currently (i.e., 56% of the peak AM traffic will continue down Sunnyside instead of heading to Clovis Avenue or Fowler Avenue), this would increase peak AM traffic along Sunnyside between Shepherd and Nees to a total of 369 vehicles per hour; currently it is about 139 per hour.

The staff report to City Council for TM 6200 acknowledged that traffic leaving that project would head southbound on Sunnyside (see Exhibit H). Yet the Traffic Impact Study for the Proposed Project does not account for this traffic. Rather it appears that the only “active project” which would generate traffic on Sunnyside Ave. north of Shepherd is for TM 6343... a project that is west of Clovis Ave. It is important to note that the draft EIR for TM 6343 was only recently published this year, and that project has not been approved yet. In contrast, Phases 2-5 of TM 6200 are well under construction at this time (see Exhibit I).

As noted in the Staff Report, “implementation of the proposed Project will result in VMT metrics that are greater than the applicable thresholds despite the application of feasible mitigation measures, resulting in significant and unavoidable impacts.” In order for you to approve the Proposed Project, you must first adopt a statement of overriding consideration – stating that in your opinion the benefits of the Proposed Project outweigh the significant impacts on traffic.

The Traffic Impact Study was deficient in not considering the 411 DU of Phases 2-5 of TM 6200. Nonetheless, even without that consideration, there are “significant impacts” on traffic. We are asking the Councilmembers to be cognizant that the Proposed Project as well as other projects that have been approved or will be seeking approval in the future, have created and will continue to create dangerous traffic conditions on Rural Sunnyside Ave. One option would be to consider the Reduced Density Alternative, which is identified as the second-best option for traffic and circulation.

The proposed Fourth Amendment to the 2017 Amended and Restated Memorandum of Understanding between the County of Fresno and the City of Clovis includes a provision that states “[u]pon written request from the Fresno County Director of Public Works and Planning to the Clovis City Manager, the City shall commence and be responsible for specific traffic enforcement activities for Sunnyside Avenue between Shepherd and Nees Avenues within the confines of the Dry Creek Preserve area beginning no later than thirty (30) days after receipt of the request.” This is a very good start, and we would recommend that the City consider whether – as a good neighbor and responsible governmental entity – it should undertake traffic enforcement activities on all of the collector and arterial roads within the confines of the Dry Creek Preserve: Fowler between Shepherd and Nees, Sunnyside between Shepherd and Nees, Teague between Armstrong and Marion, Armstrong between Teague and Nees, and Marion between Teague and Nees. Most of these roads have at least some portions already within the City’s jurisdiction (see Exhibit G).

Making this undertaking signifies that the City truly cares about keeping both City and County residents safe.

Without mitigating measures directed at reducing the impact on vehicular and pedestrian traffic within the Dry Creek Preserve area, we solicit a denial of the Proposed Project at its proposed density. While we understand the City's primary desire and benefit in the Proposed Project – to address safety concerns on Shepherd Avenue between Sunnyside and Fowler – that benefit should not increase safety concerns on the neighboring roads.

Respectfully,

Marcus and Amy DiBuduo

ATTACHMENT 1

marcus@dibuduo.com

From: Marcus DiBuduo
Sent: Saturday, December 23, 2023 12:12 AM
To: Sean Smith
Cc: George Gonzalez
Subject: RE: [External] Traffic Study - Shepherd North

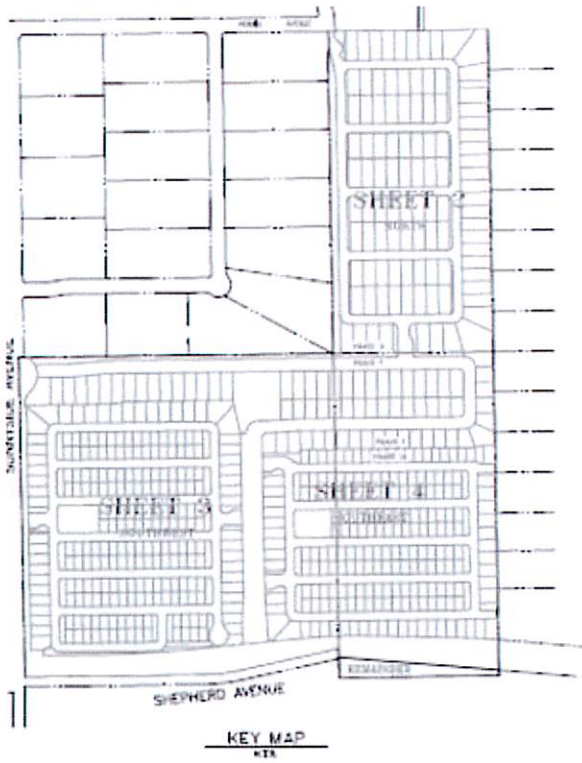
Follow Up Flag: Follow up
Flag Status: Flagged

Sorry Sean. Let me try and be more clear.

Background:

The following shows, on the left, "Active Projects" in the vicinity of the Shepherd North project (from <https://cloviswebgis.maps.arcgis.com>) and the proposed Shepherd North project, on the right:





ATTACHMENT A

The following was a portion of Cumulative Projects identified as near the Shepherd North project (Fig. 5-2):



Table 5-B lists the associated DU's:

- CL07: Tract Map 6343 – 590 DU
- CL08: Tract Map 6050 – 255 DU
- CL09: Tract Map 6200 Phase 1 – 176 DU
- CL10: Tract Map 6263 – 137 DU
- CL11: Tract Map 6268 – 10 DU

From the TIS, the following charts are provided for Sheperd and Sunnyside:

Existing Peak Hour Traffic Volumes (Fig 5-1)	Cumulative Projects Trip Assignment (Fig 5-3)	Project Trip Assignment (Fig 6-2)	Near-Term (2028) with Project Peak Hour Traffic Volumes (Fig 5-4)
13 Sunnyside Avenue/Shepherd Avenue	13 Sunnyside Avenue/Shepherd Avenue	13 Sunnyside Avenue/Shepherd Avenue	13 Sunnyside Avenue/Shepherd Avenue

Questions:

1. Why was Tract Map 6343 included as a Cumulative Project in the TIS, when it is not an active project?
2. Why were Phases 2-5 of Tract Map 6200 not included as a Cumulative Project in the TIS, when it is an active project?
3. How many DU's are in Phases 2-5 of Tract Map 6200?
4. When does the city anticipate Phases 2-5 of Tract Map 6200 to be completed?
5. When does the city anticipate that Perrin will be developed through to Minnewawa?
6. Were there any traffic impact studies performed on Phases 2-5 of Tract Map 6200, and if so, what was the project trip assignment of those Phases at the intersection of Shepherd and Sunnyside?
7. Which of the assignment charts above include traffic from Phases 2-5 of Tract Map 6200?
8. Does the city believe that Phases 2-5 of Tract Map 6200 will generate traffic at the intersection of Shepherd and Sunnyside before 2046?
9. Does the city believe that Phases 2-5 of Tract Map 6200 will generate traffic at the intersection of Shepherd and Sunnyside before 2028?
10. Does the city believe that Fig 5-4 referencing Near Term without Project reasonably reflect what traffic assignment at that intersection will be in 2028 without approval of the Shepherd North project?
11. Which Cumulative Project does the city believe is responsible for the 24 peak AM and 54 peak PM trip assignments as shown in Fig 5-3?
12. Does the city believe that Phase 2-5 of Tract Map 6200 will be completed before the Shepherd North project?
13. Does the city believe that, as shown in Fig. 6-2, the Shepherd North project will increase the volume of traffic entering into the intersection of Shepherd and Sunnyside from the north by 101 vehicles in the peak AM timeframe?
14. Does the city agree that, as shown in Fig. 5-1, about 56% (14/25) of current traffic entering into the intersection of Shepherd and Sunnyside from the north in the peak AM timeframe continues south on Sunnyside?

15. Does the city agree that, as shown in Fig. 6-2, about 13% (13/101) of Shepherd North project traffic entering into the intersection of Shepherd and Sunnyside from the north in the peak AM timeframe will continue south on Sunnyside?

From: Sean Smith <SeanS@ci.clovis.ca.us>
Sent: Friday, December 22, 2023 9:34 AM
To: 'Marcus DiBuduo' <marcus@dibuduo.com>
Cc: George Gonzalez <georgeg@ci.clovis.ca.us>
Subject: RE: [External] Traffic Study - Shepherd North

Marcus,
Just want to make sure on something with your email. Are asking me a question that you expect a response to? Or are you instead stating that you are curious and are not expecting a response?
Thanks,
Sean

From: Marcus DiBuduo <marcus@dibuduo.com>
Sent: Friday, December 22, 2023 9:17 AM
To: Sean Smith <SeanS@ci.clovis.ca.us>
Cc: George Gonzalez <georgeg@ci.clovis.ca.us>
Subject: Re: [External] Traffic Study - Shepherd North

Ok. I'm curious why the decision was made to not include Lennar Phase 2-5 in Cumulative Projects and only Near Term. The staff report to Council for TM 6200 acknowledges that Sunnyside will be impacted until Perrin connects to Minnewawa. The fact that nearly all this traffic will enter/exit onto Sunnyside north of Shepherd would suggest that the TIS should have at least considered what this traffic would look like until Perrin is built out.

On Dec 22, 2023, at 9:07 AM, Sean Smith <SeanS@ci.clovis.ca.us> wrote:

That is correct. I think the label of the Table is causing confusion here as the listing of cumulative trips is used in the Near Term analysis.
-Sean

From: Marcus DiBuduo <marcus@dibuduo.com>
Sent: Friday, December 22, 2023 8:57 AM
To: Sean Smith <SeanS@ci.clovis.ca.us>
Cc: Amy DiBuduo <amy@dibuduo.com>; George Gonzalez <georgeg@ci.clovis.ca.us>
Subject: Re: [External] Traffic Study - Shepherd North

Thanks Sean. So Lennar Phase 2-5 is not included in the charts showing cumulative projects - only in the 2046 model?

On Dec 22, 2023, at 8:51 AM, Sean Smith <SeanS@ci.clovis.ca.us> wrote:

Marcus and Amy,

You are correct in your citing of the data in Table 5-B but are not interpreting it properly in the context of the entire TIA. The table identifies data that is used as part of the Near Term analysis. The Cumulative (2046) analysis uses data from the Fresno COG ABM (Activity-Based Model) which includes the Lennar project at its fully built out stage. This is not explicitly stated in the TIA and would require a knowledge of the ABM in order to understand this.

Please feel free to contact me or other Engineering staff with any questions.

Check <https://link.edgepilot.com/s/4dc1362c/Rgoqshi9vUqmzX4Ri92NRw?u=https://cityofclovis.com/planning-and-development/engineering/resources-4/> for project status updates and other references.

The front counter is open 8am to 4:30pm; staff is otherwise available by appointment, email or phone.

<image002.png> **Sean K. Smith PE QSD | Supervising Civil Engineer**

City of Clovis | Engineering Division

Development Review

1033 Fifth Street, Clovis, CA 93612

p. 559.324.2363 | f. 559-324-2843 | m. 559-765-7505

seans@cityofclovis.com

cc: project file

From: Amy DiBuduo <amy@dibuduo.com>

Sent: Saturday, December 16, 2023 12:21 AM

To: Sean Smith <SeanS@ci.clovis.ca.us>

Cc: George Gonzalez <georgeg@ci.clovis.ca.us>

Subject: [External] Traffic Study - Shepherd North

George,

Table 5-B (Cumulative Projects Trip Generation) of the Shepherd North traffic study indicates that Lennar Tract 6200 (CL09) was included. However it indicates that Tract as only having 176DU. I assume that is for the first phase only, not the current stuff under construction east of the canal:

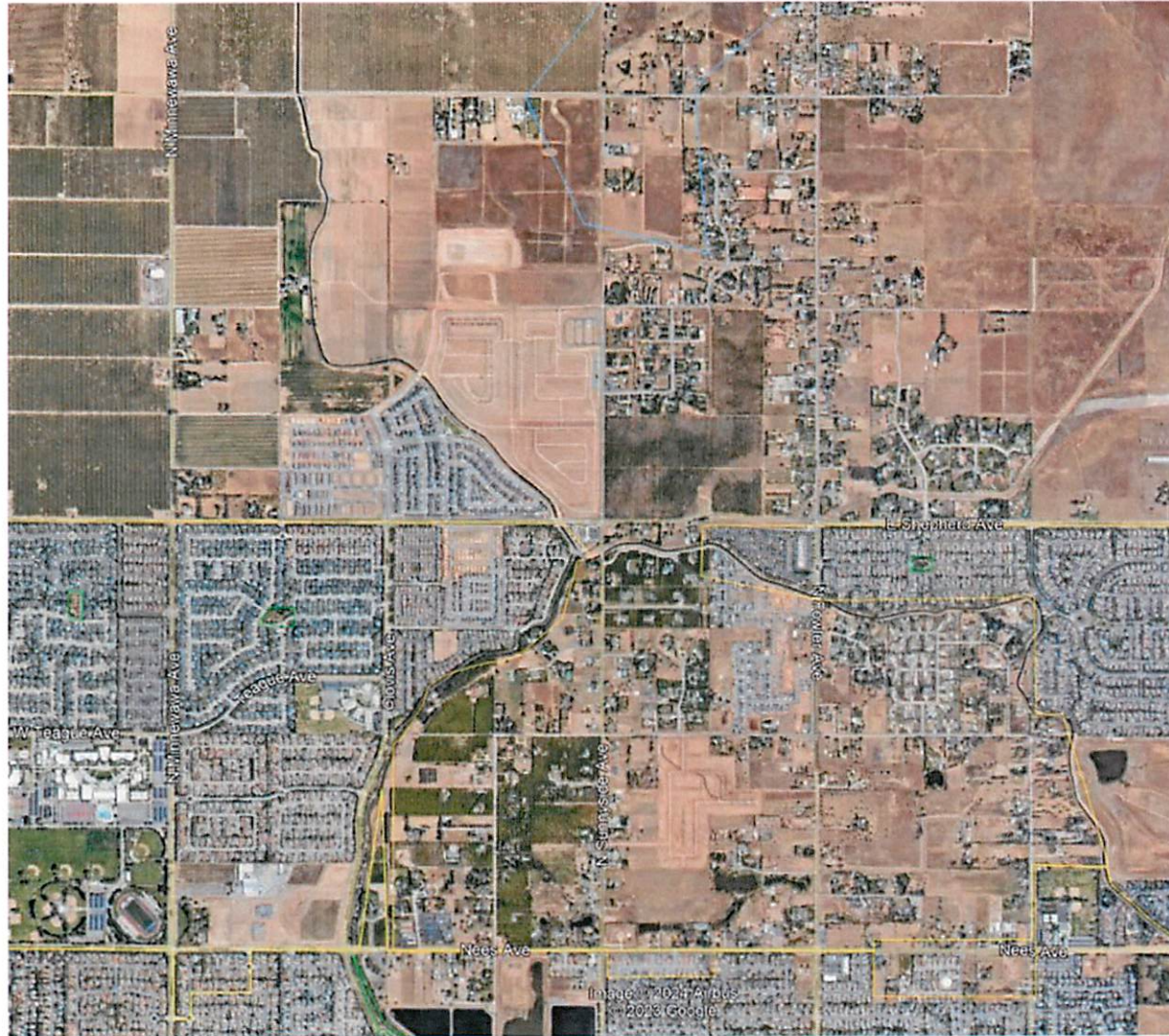
<image003.png>

Is it possible that they accidentally omitted the other phases of the Lennar project?

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EXHIBIT A



Google Maps (March 2024)

EXHIBIT B



December 19, 2023 @ 7:50AM

EXHIBIT C



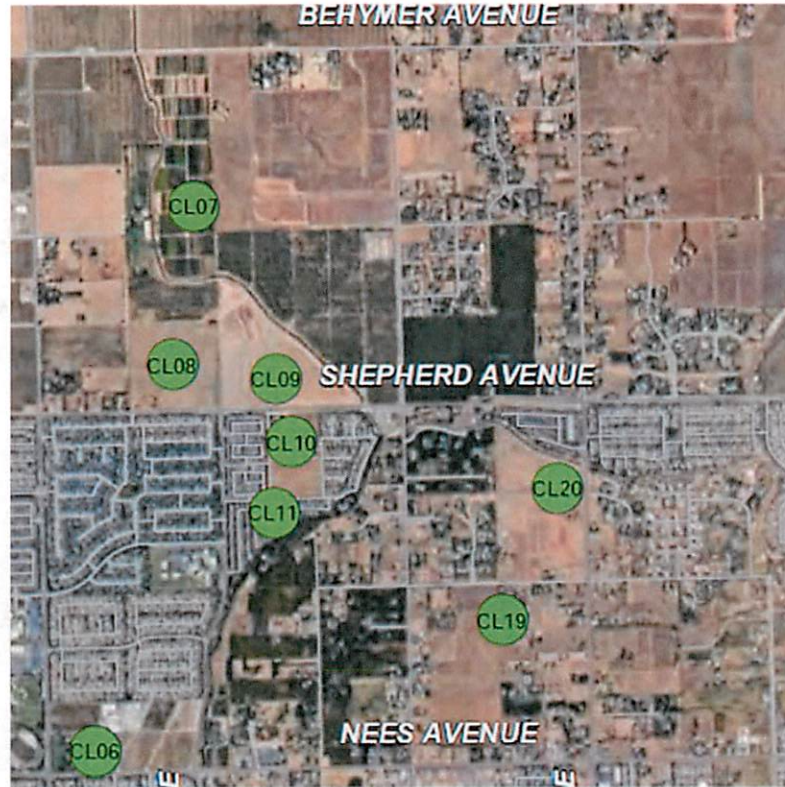
November 16, 2023 @ 9:42 PM

EXHIBIT D



October 31, 2023 @ 8:56 PM

EXHIBIT E



ID	Land Use/Builder/Applicant/Project Name	Units
CL07	Tract Map 6343	590
CL08	TM 6050	255
CL09	Lennar – Tract no. 6200 – Phase 1	176
CL10	Tract 6263	137
CL11	TM 6268	10
CL19	TM 6284	74
CL20	Tract 6154	95

Traffic Impact Study – Fig 5-2 and Table 5-B

EXHIBIT F

	Existing Peak Hour Traffic Volumes (Fig 5-1)	Cumulative Projects Trip Assignment (Fig 5-3)	Project Trip Assignment (Fig 6-2)											
	<table style="margin: auto;"> <tr> <td style="border-right: 1px solid black; padding: 5px;"> 9:9 14:13 2:4 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> 8:9 325:342 106:70 </td> <td style="padding: 5px;"> 3:6 371:296 31:29 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> 54:80 11:11 27:31 </td> </tr> </table>	9:9 14:13 2:4 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> 8:9 325:342 106:70	3:6 371:296 31:29 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> 54:80 11:11 27:31	<table style="margin: auto;"> <tr> <td style="border-right: 1px solid black; padding: 5px;"> 24:54 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> 32:49 339:373 80:84 </td> <td style="padding: 5px;"> 207:495 4:12 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> 53:93 11:7 </td> </tr> </table>	24:54 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> 32:49 339:373 80:84	207:495 4:12 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> 53:93 11:7	<table style="margin: auto;"> <tr> <td style="border-right: 1px solid black; padding: 5px;"> 65:45 13:8 22:15 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> 23:75 46:150 </td> <td style="padding: 5px;"> 8:28 132:69 32:21 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> 4:14 11:36 </td> </tr> </table>	65:45 13:8 22:15 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> 23:75 46:150	8:28 132:69 32:21 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> 4:14 11:36					
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Near-Term (2028) without Project Peak Hour Traffic Volumes (Fig 5-4)	Cumulative (2046) without Project Peak Hour Traffic Volumes (Fig 5-6)	Existing Plus Project Peak Hour Traffic Volumes (Fig 7-1)	Near-Term (2028) Plus Project Peak Hour Traffic Volumes (Fig 7-2)	Cumulative (2046) Plus Project Peak Hour Traffic Volumes (Fig 7-3)										
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EXHIBIT G

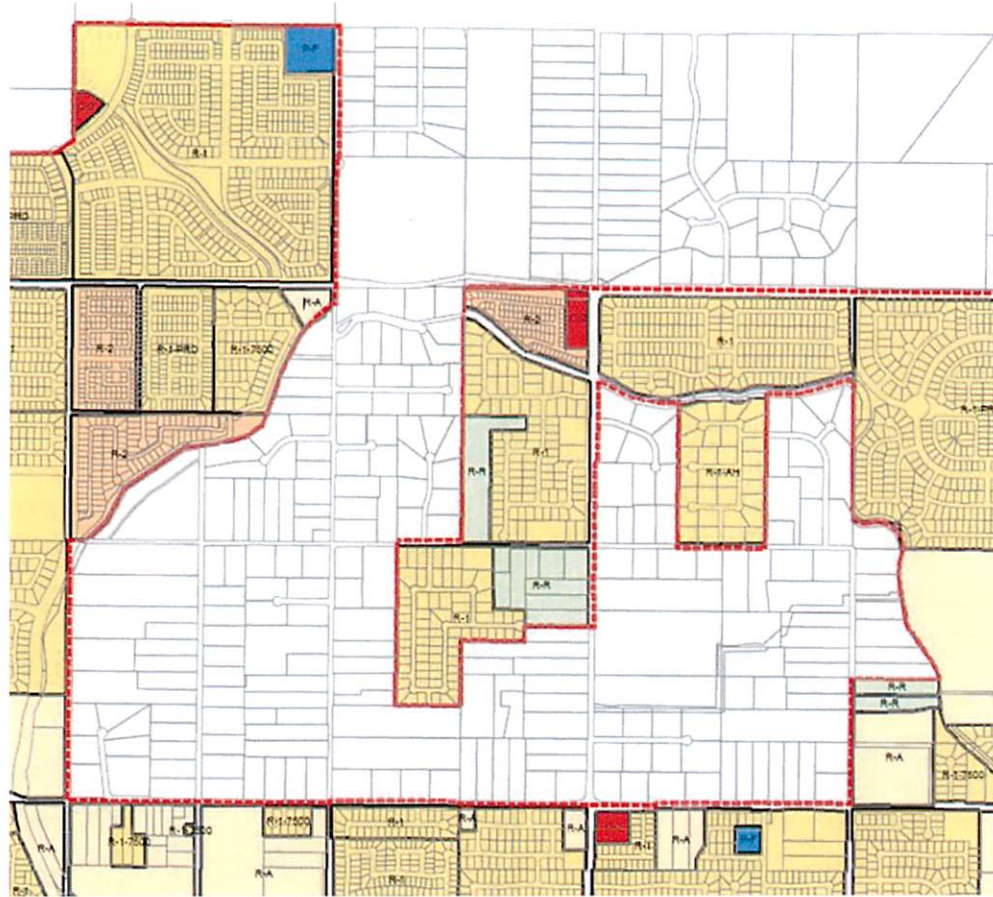


EXHIBIT H

Generally, traffic leaving the Project would travel southbound on Clovis and Sunnyside Avenues. The additional Shepherd access does not change this traffic as it will continue to meet at Clovis and Shepherd Avenues. Subsequently, the Shepherd Avenue access point improves porosity of the portion of the project that is south and west of the canal and also improves the ability for emergency services to respond.

August 6, 2018 Staff Report on TM6200 to Clovis City Council, Page 5

Ultimately, the Project would be the first development in the Heritage Grove plan area. It is expected that the Project would initially introduce additional traffic to Shepherd and Sunnyside Avenues with phased build-out. This is considered temporary in that future development projects within the area will contribute to alleviating traffic congestion and provide complete street systems that facilitate vehicular movement efficiently as envisioned in the General Plan and Heritage Grove Design Guidelines.

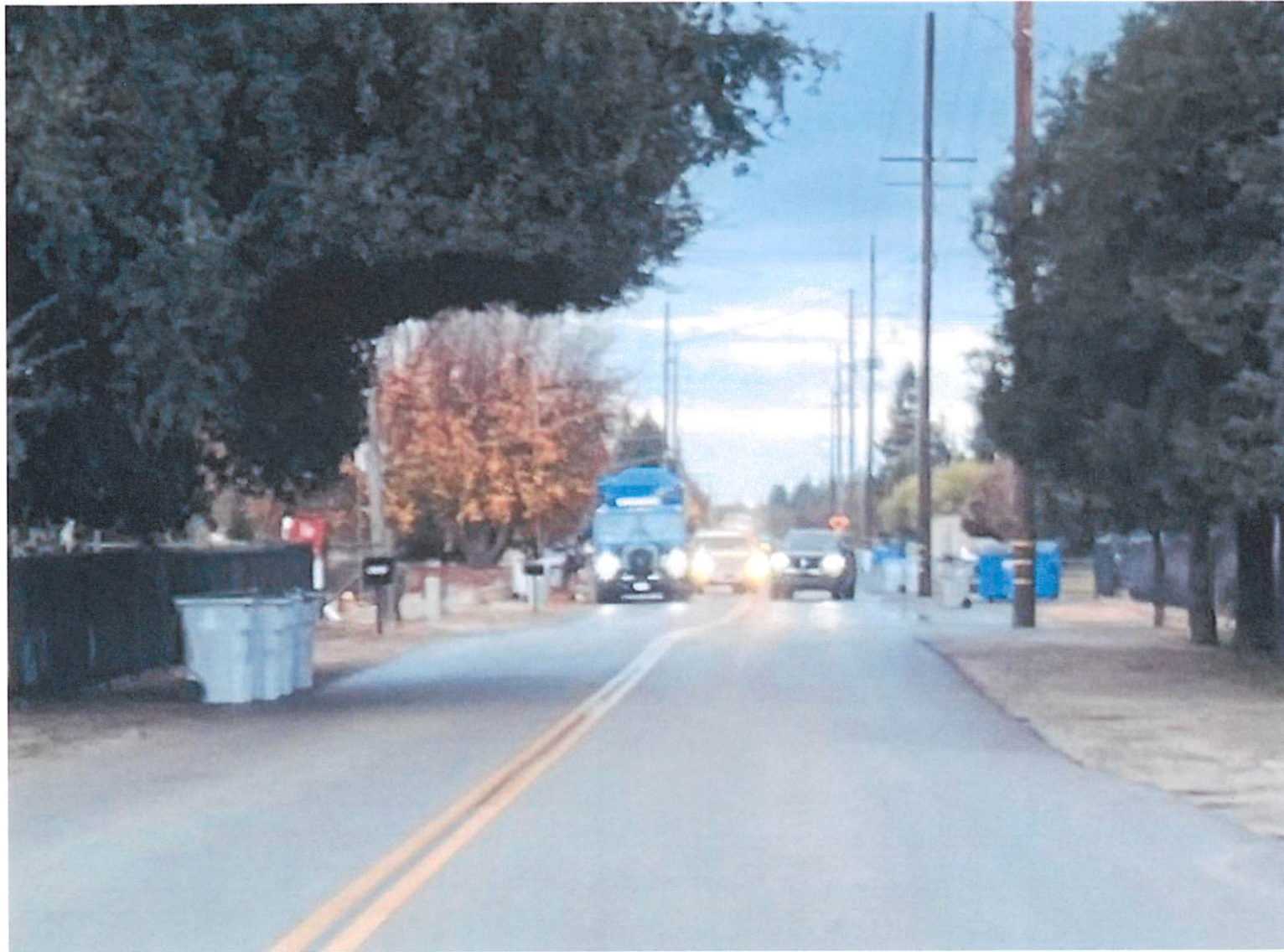
August 6, 2018 Staff Report on TM6200 to Clovis City Council, Page 12

EXHIBIT I



Active Projects Traffic Control Viewer March 11, 2024; Photograph March 17, 2024

EXHIBIT J



Rebecca Simonian

From: Public Comments <email@cityofclovisca.us>
Sent: Monday, March 18, 2024 9:28 AM
To: Karey Cha; Andrew Haussler; Rebecca Simonian
Subject: [External] Public Comment for City Council

Council Meeting Date: 2024-03-18

Item Number (put "0" if your comment is regarding an item not on the agenda): 6

Full Name: Patrick Quigley

Email: patrickquigley1949@gmail.com

Comment: We live on North Stanford just north of the proposed Wilson development. The agenda item was previously voted down by the planning commission. Wilson now believes he can approval from a sympathetic City Council. Wilson is attempting to create a high density project into a landlocked parcel which will have poor access and egress. The parcel will be a city island in a surrounding established county neighborhood. It will detrimentally affect the surrounding county neighborhood. The surrounding county roads cannot support 1200 additional automobiles. My street, N. Stanford, was not designed for this type of traffic. Annexation to the city will cause multiple problems without improvement of county roads, which the city will not pay for. Turn down the project without significant modifications.

Patrick Quigley

9777 N. Stanford Ave.

Clovis 93619

559.287.6834

Supporting Files (2 Max.):

Date: March 18, 2024

Time: 9:28 am

Remote IP: 99.60.168.33

Rebecca Simonian

From: Public Comments <email@cityofclovisca.us>
Sent: Monday, March 18, 2024 10:10 AM
To: Karey Cha; Andrew Haussler; Rebecca Simonian
Subject: [External] Public Comment for City Council

Council Meeting Date: 2024-03-18

Item Number (put "0" if your comment is regarding an item not on the agenda): 6

Full Name: Andrea Nason

Email: swissgirl27@yahoo.com

Comment: An intense and thorough TIS need to be done. Also incorporating use of SR 168. Shepherd Avenue cannot handle the traffic flow and Clovis Avenue and Teague at Woods Elementary will create high speeds and high traffic. The corner of Teague and Clovis is unsafe for pedestrians. I have almost been hit. My daughter has almost been hit even with school crossing guards.

If you want Shepherd to be the new Herndon. Keep building. The difference is that Shepherd is 2 lanes. Prove the theory wrong that Clovis is driven by Developers.

Supporting Files (2 Max.):

Date: March 18, 2024

Time: 10:09 am

Remote IP: 71.197.81.211

Rebecca Simonian

From: Public Comments <email@cityofclovisca.us>
Sent: Monday, March 18, 2024 11:07 AM
To: Karey Cha; Andrew Haussler; Rebecca Simonian
Subject: [External] Public Comment for City Council

Council Meeting Date: 2024-03-18

Item Number (put "0" if your comment is regarding an item not on the agenda): 6

Full Name: Nathan George

Email: ngeorge@rmmenvirolaw.com

Comment: See attached document.

Supporting Files (2 Max.): [https://link.edgepilot.com/s/57a29bf4/hz-](https://link.edgepilot.com/s/57a29bf4/hz-kC7ZPAEGkRmKPY4SCrQ?u=https://cityofclovis.com/wp-content/uploads/elementor/forms/65f882a7ee58f.pdf)

[kC7ZPAEGkRmKPY4SCrQ?u=https://cityofclovis.com/wp-content/uploads/elementor/forms/65f882a7ee58f.pdf](https://cityofclovis.com/wp-content/uploads/elementor/forms/65f882a7ee58f.pdf)

Date: March 18, 2024

Time: 11:06 am

Remote IP: 216.75.245.230

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.



REMY | MOOSE | MANLEY
LLP

Nathan O. George
ngeorge@rmmenvirolaw.com

March 18, 2024

VIA EMAIL and ELECTRONIC SUBMITTAL

City of Clovis
City Council
Lynne Ashbeck, Mayor
Vong Mouanoutoua, Mayor Pro Tem
Matt Basgall, Councilmember
Drew Bessinger, Councilmember
Diane Pearce, Councilmember

David Merchan, City Planner
1033 Fifth Street
Clovis, CA 93612
davidm@cityofclovis.com

Re: Agenda Item 6—Shepard North Project and items associated with approximately 155 acres of land located on the north side of Shepherd Avenue, between N. Sunnyside and N. Fowler Avenues. Great Bigland, LP., owner/applicant; Harbour and Associates, representative.

Dear Honorable Mayor Ashbeck, Mayor Pro Tem Mouanoutoua, Councilmember Basgall, Councilmember Bessinger, Councilmember Pearce and Mr. Merchan:

This letter is submitted on behalf of our clients the Quail Run Community of 18 Homes regarding the Shepard North Project (Project) and contains comments on the Revised Final Environmental Impact Report (REIR) prepared for the Project, which, as required by Guidelines¹ section 15132 and stated in the REIR itself, includes the draft EIR. This letter supplements and incorporates by reference, our letter dated November 15, 2023, which was provided to the City of Clovis Planning Commission prior to the Commission's November 16, 2023, meeting, at which the Commission considered the Project and Planning Department staff's recommendations regarding the entitlements for the Project.

¹ The State CEQA Guidelines (Guidelines) are found in California Code of Regulations title 14, division 6, chapter 3, section 15000 et seq. and are binding on all public agencies in California.

Specifically, staff recommended that the Commission adopt resolutions recommending that the City Council: (1) certify the final EIR, adopt CEQA findings of fact and a statement of overriding considerations, and adopt a mitigation monitoring and reporting program (MMRP); (2) amend the circulation element of the City's General Plan; (3) amend the land use element of the General Plan; (4) prezone the Development Area of the Project site; and (5) approve a planned development permit. Staff also recommended that the Commission approve a vesting tentative tract map for the Development Area of the Project.

By a vote of 3-2, the Commission rejected each of staff's recommendations regarding the Project and, instead, adopted resolutions recommending that the City Council (1) not certify the final EIR, not adopt CEQA findings of fact and a statement of overriding considerations, and not adopt a mitigation monitoring and reporting program (MMRP); (2) not amend the Circulation Element of the City's General Plan; (3) not amend the Land Use Element of the General Plan; (4) not prezone the Development Area of the Project site; and (5) not approve a Planned Development Permit. The Commission also denied the requested vesting tentative tract map for the Development Area of the Project.

Despite the Commission's rejection of staff's recommendations regarding the Project, the developer has elected to move forward with the City Council hearing on the Project and asks the City Council to reject the Planning Commission's recommendations and, instead, approve the Project and entitlements. For all the reasons stated in our letter and in comments provided to the Planning Commission at the November 16, 2023, meeting, we urge the City Council to adopt the Commission's recommendations and deny the Project's entitlements. As proposed, the Project's multiple, significant, unstudied environmental impacts pose too great a burden to the local environment, including the adjacent, existing residents. As Guidelines section 15360 explains, "[t]he 'environment' includes both natural and man-made conditions." In its current state, the RFEIR fails to take the existing neighborhoods immediately adjacent to the Project into account when considering the Project's impacts on the environment.

In addition to the comments provided in our November 15th letter, we urge the City Council to consider the following comments on the RFEIR.

- I. The City has impermissibly segmented environmental analysis of a larger CEQA project.

As stated in the staff report for the Project, the original proposal was to add approximately 1,050 acres to the City's Sphere of Influence. The current project, which is the subject of the EIR, reduced that amount to approximately 155 acres. However, the City's own planning documents establish that the larger 1,050-acre project is still being processed by the City (making it reasonably foreseeable). Specifically, the City is preparing a separate EIR for the Vista Ranch project, which includes approximately 952

acres (all of which were originally included in this Project) to be added to the City's Sphere of Influence. (See Vista Ranch Project Description, available at: <https://cityofclovis.com/wp-content/uploads/2023/10/Vista-Ranch-Project-Description-Final.pdf>). "Environmental considerations may not be submerged by chopping a single CEQA project into smaller parts for piecemeal assessment. [Citation.] Rather, 'the whole of an action' or the entire activity for which the approvals are being sought must be considered by the agency." (*Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 271, original italics.) Accordingly, the City must revise and recirculate the EIR to analyze the entire project that is being considered.

II. There are feasible measures to mitigate the Project's significant vehicle miles traveled (VMT) impacts.

As explained in our November 15th letter, the EIR failed to consider all feasible mitigation measures for the Project's significant VMT impacts. One example of potential mitigation measures cited by multiple commenters is increased transit service, which the EIR completely failed to consider. In response, the RFEIR claims that "significantly increasing transit services available in suburban or rural areas of Clovis is not anticipated to proportionately increase the ridership of the transit." (RFEIR, p. 3.0-118.)² CEQA requires, however, that agencies "implement all mitigation measures unless those measures are truly infeasible" before approving a project with significant, unmitigated environmental impacts. (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 524-525.) Thus, the question is not whether increased transit would reduce the impact to insignificance, but whether increased transit would at least partially reduce the impact. (*Id.* at p. 241 ["Mitigation measures ... must be at least partially effective, even if they cannot mitigate significant impacts to less than significant levels"]; *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 866 [EIR is required "to discuss all currently feasible mitigation measures" and "[t]he discussion must contain facts and analysis, rather than an agency's bare conclusions or opinions"].)

Moreover, increasing transit service is not the only available feasible means of reducing VMT impacts. For example, the Contra Costa Transit Authority (CCTA) recently analyzed a host of feasible measures to reduce Countywide VMT. (See Exhibit 13 [Contra Costa Countywide VMT Mitigation Framework].) For example, CCTA projected up to a 4.6 percent reduction in Countywide VMT from increased transit

² The study cited in the RFEIR for the proposition that increased transit service does not feasibly reduce VMT is inapposite. Specifically, the Transit Cooperative Research Board's "Analysis of Recent Public Transit Ridership Trends," while acknowledging the trending decline in transit ridership, explains that "[s]trategies that transit agencies are undertaking [to address the decline] include *increasing transit levels*, adding new mobility options, and improving technology and customer amenities." (*Id.* at p. V.)

service, up to a 4 percent reduction from implementing commute trip reduction marketing, and up to a 0.06 percent reduction in Countywide VMT from implementing an electric bike sharing program. (*Id.*) None of these measures are considered or implemented in RFEIR. Accordingly, the City cannot adopt a statement of overriding considerations for VMT impacts without first exhausting all feasible mitigation measures.

III. The RFEIR fails to adequately analyze the Project's potential impacts to groundwater.

As explained in our November 15th letter, the EIR's analysis of groundwater impacts is fundamentally flawed. The RFEIR includes a master response that claims, without support, that "[b]ecause the project's groundwater usage is less than the status quo (i.e., the pecan orchard), the Project would not impede sustainable groundwater management under the applicable GSA or result in any potentially significant impacts related to groundwater resources." (RFEIR, p. 2.0-11.) The RFEIR, however, fails to actually analyze the Project's potential contribution to undesirable results, as identified in the North Kings Groundwater Sustainability Agency's Groundwater Sustainability Plan (GSP), or the Project's consistency with the measurable objectives in the GSP. (See Exhibit 14 [North Kings Groundwater Sustainability Agency's GSP].) As recently explained by the Supreme Court "CEQA sets out a fundamental policy requiring local agencies to 'integrate the requirements of this division with planning and environmental review procedures otherwise required by law or by local practice so that all those procedures, to the maximum feasible extent, run concurrently, rather than consecutively.' (§ 21003, subd. (a).) The CEQA Guidelines similarly specify that '[t]o the extent possible, the EIR process should be combined with the existing planning, review, and project approval process used by each public agency.' (Guidelines, § 15080.)" (*Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 936.) "*To the fullest extent possible, the lead agency should integrate CEQA review with these related environmental review and consultation requirements.*" (*Id.*, original italics.) Accordingly, the RFEIR fails as an informational document and must be revised and recirculated to analyze the Project's potential groundwater impacts under the applicable GSP.

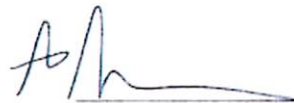
IV. Conclusion

As discussed above and in our November 15th letter, the RFEIR is fundamentally flawed in multiple respects and fails as an informational document. In order to comply with CEQA, the RFEIR must be revised to include significant new information and then recirculated to ensure adequate public participation and informed government. As the final decision-making body to consider the RFEIR, the City Council must ensure that it complies with CEQA before certifying it as such. In its current state, certification of the RFEIR would be a prejudicial abuse of discretion under CEQA.

On behalf of the Quail Run Community of 18 Homes, we ask that the City Council consider these comments and direct staff to revise and recirculate the RFEIR to bring it into compliance with CEQA and revise the VTTM findings.

Please contact my office if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'N. George', with a long horizontal stroke extending to the right.

Nathan O. George

Enclosures

Exhibits 13 and 14 are available at:

<https://www.dropbox.com/scl/fo/58j4432ecg3mbzfxorvjk/h?rlkey=9206a9rm510qy79r60hi8pm9t&dl=0>