

Exhibit I

E202210000213

CITY OF FRESNO

**NOTICE OF INTENT TO ADOPT A
NEGATIVE DECLARATION**

Filed with the
FRESNO COUNTY CLERK
2220 Tulare Street, Fresno, CA 93721

**ENVIRONMENTAL ASSESSMENT FOR PLAN
AMENDMENT AND REZONE APPLICATION NO.
P19-05950**

APPLICANT:

Dirk Poeschel
Dirk Poeschel Land Development Services
923 Van Ness Avenue, Suite 200
Fresno, CA 93721

FILED
JUL 29 2022 TIME 12:48 PM
FRESNO COUNTY CLERK
By [Signature] DEPUTY

PROJECT LOCATION:

Located on the southwest corner of West Nees and North San Pablo Avenues in the City and County of Fresno, California (See Exhibit A - Vicinity Map)
APN: 303-630-21
Site Latitude: 36°51'04.5" N & Site Longitude: 119°47'43.5" W
Mount Diablo Base & Meridian, Township 10S, Range 20E, Section 33

The full Initial Study and the Fresno General Plan Program Environmental Impact Report (PEIR) are on file in the Planning and Development Department, Fresno City Hall, 3rd Floor, Room 3043, 2600 Fresno Street, Fresno, CA 93721.

PROJECT DESCRIPTION:

Dirk Poeschel of Dirk Poeschel Land Development Services, on behalf of David Fansler, has filed Plan Amendment and Rezone Application No. P19-05950, pertaining to ±1.73 acres of property located on the southwest corner of West Nees and North San Pablo Avenues. Plan Amendment and Rezone Application No P19-05950 proposes to amend the existing land use designation from RM-3/UGM/cz (Multi-Family Residential, High Density/Urban Growth Management/conditions of zoning) to RMX (Regional Mixed Use).

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The subject property is located within the boundaries of the Fresno General Plan and Bullard Community Plan. No physical development is proposed with this application.

The City of Fresno has prepared an Initial Study of the above-described project and proposes to adopt a Negative Declaration. The environmental analysis contained in the Initial Study is tiered from the PEIR State Clearinghouse No. 2019050005 ("PEIR") prepared for the Fresno General Plan pursuant to CEQA Guidelines § 15152 and incorporates the PEIR by reference pursuant to CEQA Guidelines § 15150.

Pursuant to the California Public Resources Code (PRC) §§ 21093 and 21094 and California Environmental Quality Act (CEQA) Guidelines §§ 15070 to 15075, 15150, and 15152, this project has been evaluated with respect to each item on the attached Appendix G/Initial Study Checklist to determine whether this project may cause any additional significant effect on the environment, which was not previously examined in the PEIR. After conducting a review of the adequacy of the PEIR pursuant to PRC § 21157.6(b)(1) and CEQA Guidelines §§ 15151 and 15179(b), the Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the PEIR was certified and that no new information, which was not known and could not have been known at the time that the PEIR was certified as complete, has become available.

The completed Appendix G/Initial Study Checklist, its associated narrative, technical studies and proposed mitigation measures reflect applicable comments of responsible and trustee agencies and research and analyses conducted to examine the interrelationship between the proposed project and the physical environment. The information contained in the project application and its related environmental assessment application, responses to requests for comment, checklist, initial study narrative, and any attachments thereto, combine to form a record indicating that an Initial Study has been completed in compliance with the State CEQA Guidelines and the CEQA.

All new development activity and many non-physical projects contribute directly or indirectly toward cumulative impacts on the physical environment. It has been determined that the incremental effect contributed by this project toward cumulative impacts is not considered substantial or significant in itself, and/or that cumulative impacts accruing from this project may be mitigated to less than significant with application of feasible mitigation measures.

With mitigation imposed under the PEIR, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the PEIR. The Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the PEIR was certified and that no new information, which was not known and could not have been known at the time that the PEIR was certified as complete has become available.

Based upon the evaluation guided by the Appendix G/Initial Study Checklist, it was determined that there are no project specific foreseeable impacts which require project level mitigation measures.

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The Initial Study has concluded that the proposed project will not result in any adverse effects, which fall within the "Mandatory Findings of Significance" contained in § 15065 of the State CEQA Guidelines. The finding is, therefore, made that the proposed project will not have a significant adverse effect on the environment.

Public notice has been provided regarding staff's finding in the manner prescribed by § 15072 of the CEQA Guidelines and by § 21092 of the PRC Code (CEQA provisions).

Additional information on the proposed project, including the PEIR proposed environmental finding of a Negative Declaration and the Initial Study may be obtained from the Planning and Development Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, Room 3043, California 93721-3604. Please contact Chris Lang at (559) 621-8023 or via email at Chris.Lang@fresno.gov for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on August 18, 2022. Please direct comments to Chris Lang, Planner III, City of Fresno Planning and Development Department, City Hall, 2600 Fresno Street, Room 3043, Fresno, California, 93721-3604; or by email to Chris.Lang@fresno.gov.

INITIAL STUDY PREPARED BY:

Chris Lang, Planner III

DATE: July 29, 2022

Attachments:

Exhibit A – Vicinity Map

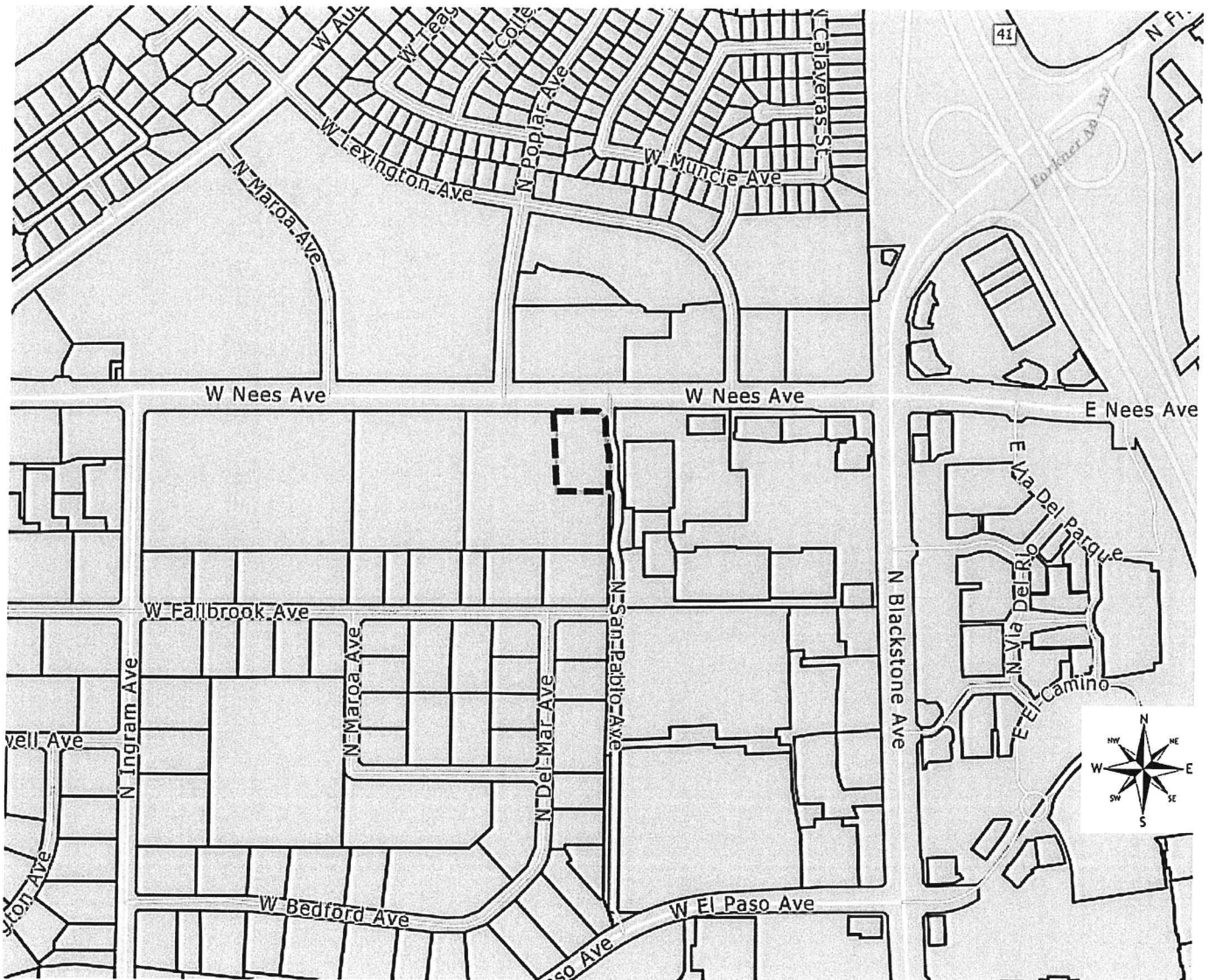
SUBMITTED BY:


Israel Trejo, Supervising Planner

CITY OF FRESNO

PLANNING AND DEVELOPMENT
DEPARTMENT

E202210000213
Exhibit A – Vicinity Map



Subject Property
±1.73 acres

Initial Study/Negative Declaration

for:

**1.73-Acre Parcel at the Southwest Corner of
West Nees Avenue & North San Pablo Avenue**



Prepared By:

City of Fresno

Planning & Development Department

Fresno City Hall
2600 Fresno Street, Room 3043
Fresno, CA 93721-3604
(559) 621-8277
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July 2022

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SECTION 1

I. INTRODUCTION

A. PURPOSE

This document is a project level Initial Study for evaluation of potential environmental impacts resulting from a General Plan Amendment and Rezoning for a vacant 1.73-acre parcel at the southwest corner of West Nees Avenue and North San Pablo Avenue (Refer to Figures in Project Description attached to this Initial Study). In the future, the site will likely be developed with an 8,000-square-foot (sq. ft.) restaurant with a 2,500-square-foot (sq. ft.) single-tenant office however, no land use entitlements have been submitted for the site. Future uses may be subject to CEQA analysis at the time the application is submitted to the City.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS

As defined by Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines, an **Initial Study** is prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration would be appropriate for providing the necessary environmental documentation and clearance for any proposed project.

According to Section 15065, an **EIR** is deemed appropriate for a particular proposal if the following conditions occur:

- The proposal has the potential to substantially degrade quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

According to Section 15070(a), a **Negative Declaration** is deemed appropriate if the proposal would not result in any significant effect on the environment.

According to Section 15070(b), a **Mitigated Negative Declaration** is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study is prepared in conformance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); Section 15070 of the State Guidelines for Implementation of the California Environmental Quality Act of 1970, as amended (California Code of Regulations, Title 14, Chapter 3, Section 15000, et. seq.); applicable requirements of the City of Fresno; and the regulations, requirements, and procedures of any other responsible public agency or an agency with jurisdiction by law.

The City of Fresno is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the City of Fresno.

C. INTENDED USES OF INITIAL STUDY

This Initial Study is an informational document which is intended to inform the City of Fresno decision makers, other responsible or interested agencies, and the general public of potential environmental

effects of the proposed applications. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

The Initial Study prepared for the project will be circulated for a period of 30 days for public and agency review and comments. At the conclusion, if comments are received, the City of Fresno Planning & Development Department will prepare a document entitled "Responses to Comments" which will be forwarded to any commenting entity and be made part of the record within 10-days of any project consideration.

D. CONTENTS OF INITIAL STUDY

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed applications.

SECTION 1

I. INTRODUCTION presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.

SECTION 2

II. ENVIRONMENTAL CHECKLIST FORM contains the City's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a significant impact, potentially significant impact, or no impact.

PROJECT SUMMARY, LOCATION AND ENVIRONMENTAL SETTINGS describes the proposed project entitlements and required applications. A description of discretionary approvals and permits required for project implementation is also included. It also identifies the location of the project and a general description of the surrounding environmental settings.

ENVIRONMENTAL ANALYSIS evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis, as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.

SECTION 3

III. MANDATORY FINDINGS presents Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

IV. PERSONS AND ORGANIZATIONS CONSULTED identifies those persons consulted and involved in preparation of this Initial Study and Negative Declaration.

V. REFERENCES lists bibliographical materials used in preparation of this document.

VI. FINDINGS

SECTION 4

VII. RESPONSE TO COMMENTS (IF ANY)

VIII. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)

E. SCOPE OF ENVIRONMENTAL ANALYSIS

For evaluation of environmental impacts, each question from the CEQA Environmental Checklist Form is summarized and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. **No Impact:** A “No Impact” response is adequately supported if the impact simply does not apply to the proposed applications.
2. **Less Than Significant Impact:** The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.
3. **Less Than Significant with Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact”.
4. **Potentially Significant Impact:** The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

F. PROJECT LEVEL ENVIRONMENTAL ANALYSIS

This Initial Study will be conducted under a project level analysis. Regarding mitigation measures, it is not the intent of this document to “overlap” or restate conditions of approval that are commonly established for future known projects or the proposed applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the City’s jurisdiction, are also not considered mitigation measures and therefore, will not be identified in this document.

G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

1. Tiered Documents

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tiering is defined as follows:

“Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.”

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

“Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or

program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration.”

Further, Section 15152(d) of the CEQA Guidelines states:

“Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

- (1) Were not examined as significant effects on the environment in the prior EIR; or
- (2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.”

2. Incorporation by Reference

Incorporation by reference is a procedure for reducing the size of EIRs/MND and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly-drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca.3d 584, 595]). This document incorporates by reference appropriate information from the “The Fresno General Plan Program Environmental Impact Report” prepared by LSA which was adopted by the City Council on September 30, 2021.

When an EIR or Negative Declaration incorporates a document by reference, the incorporation must comply with Section 15150 of the CEQA Guidelines as follows:

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines Section 15150[a]). In March of 2020, the City of Fresno undertook and update of the Master Environmental Impact Report (MEIR) for the City of Fresno General Plan and Development Code Update. The MEIR was replaced by The Fresno General Plan Program Environmental Impact Report (PEIR) which was adopted by the City Council on September 30, 2021. The PEIR is available as it will be used to “tier” certain potential impacts and corresponding mitigation, along with this document, at the City of Fresno Planning and Development Department, 2600 Fresno Street, Room 3043, Fresno, California, 93721 (559) 621-8009.
- The PEIR is available for inspection by the public at the City of Fresno Planning and Development Department, 2600 Fresno Street, Room 3043, Fresno, California, 93721 (559) 621-8009.
- These documents must summarize the portion of the document being incorporated by reference or briefly describe information that cannot be summarized. Furthermore, these documents must describe the relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150[c]). As discussed above, the tiered EIRs address the entire project site and provide background and inventory information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.

-
- These documents must include the State identification number of the incorporated documents (CEQA Guidelines Section 15150[d]). The State Clearinghouse Number for the Fresno General Plan Program Environmental Impact Report is SCH #2019050005.

The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150[f]). This has been previously discussed in this document.

SECTION 2

II. ENVIRONMENTAL CHECKLIST

1. **Project Title:** 1.73-Acre Parcel at the Southwest Corner of West Nees Avenue & North San Pablo Avenue
2. **Lead Agency:** City of Fresno Planning and Development Department
3. **Contact Person and Phone Number:** Chris Lang, Planner III, 559-621-8023
4. **Address:** 2600 Fresno Street, Third Floor, Room 3043, Fresno, CA 93721
5. **E-mail:** Chris.Lang@fresno.gov
6. **Project Location:** The Project is in northwest Fresno (Figure 1) on a single parcel (Assessor's Parcel Number [APN] 303-630-21) approximately 1.73 acres in size at the southwest corner of West Nees Avenue and North San Pablo Avenue (Figure 2).
7. **Project Sponsor's Name and Address:**

Mr. David Fansler
Fansler Restaurant Group
7636 North Ingram Avenue, Suite 109
Fresno, CA 93711
8. **General Plan Designation:** Existing: High Density Residential 30-45 dwelling units/acre
Proposed: Regional Mixed Use (RMX)
9. **Zoning:** Existing: High Density Multi-Family Residential RM-3
Proposed: Regional Mixed Use (RMX)
10. **Description of Project:** Mr. David Fansler is currently operating three restaurants in the City of Fresno and is contemplating construction of a new 8,000 sq. ft. restaurant with 2,500 sq. ft. of personal office space (i.e., the Project) on 1.73 acres at the northwest corner of West Nees Avenue and North San Pablo Avenue. The site is currently vacant and undeveloped. The parcel was purchased from the Villagio Shopping Center, LLC and was originally part of that commercial development which is immediately to the east. The project site was previously zoned C-P and the Villaigio Shopping Center was zoned C-M. **Note that the restaurant and office use are only contemplated uses and no land use entitlements have been submitted for the site to date.**
11. **Surrounding Land Uses and Setting:** The Project is located on the south side of West Nees Avenue and is bordered by North San Pablo Avenue and the Villagio Shopping Center on the east. A multi-family residential apartment complex (Windscape Apartments) borders the site to the west and south. Curb and gutter are installed on the east and sidewalk is present on the north. A block wall surrounds the site on the west and south. A row of trees lines the western border of the site but is located on the adjacent property. Overhead light poles line West Nees Avenue. A high voltage electrical transmission tower and with high voltage lines extends along the western portion of the site. The main source of noise in the area is traffic along West Nees Avenue. The Shopping Center and the neighboring apartment complex have lighting throughout.
12. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.): San Joaquin Valley Air Pollution Control District (SJVAPCD), City of Fresno Planning Commission (PC), Fresno Metropolitan Flood Control District (FMFCD), Fresno County Environmental Health, Department of Public Works; Department of Public Utilities; Regional Water Quality Control Board.

13. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1?

The State requires lead agencies to consider the potential effects of proposed projects and consult with California Native American tribes during the local planning process for the purpose of protecting Traditional Tribal Cultural Resources through the California Environmental Quality Act (CEQA) Guidelines. Pursuant to PRC Section 21080.3.1, the lead agency shall begin consultation with the California Native American tribe that is traditionally and culturally affiliated with the geographical area of the proposed project.

Consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review necessary to identify and address potential adverse impacts to tribal cultural resources and reduce the potential for delay and conflict in the environmental review process. (See PRC Section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's (NAHC's) Sacred Lands File per Public Resources Section (PRC) Section 5097.96 and the California Historical Resources Information System (CHRIS) administered by the California Office of Historic Preservation. Note: PRC Section 21082.3(c) contains provisions specific to confidentiality.

Pursuant to Assembly Bill 52 (AB 52), the Table Mountain Rancheria Tribe and the Dumna Wo Wah were invited to consult under AB 52.

If so, has consultation begun? Yes. The City of Fresno mailed notices regarding the project to both tribes on December 8, 2020 which included the required 30-day time period for tribes to request consultation. Following closure of the 30-day comment period on January 7, 2021, City staff confirmed that no responses were received (Lang, pers. comm., 2021).

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

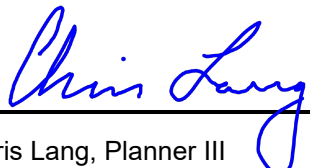
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION

(To be completed by the Lead Agency) on the basis of this initial evaluation:

- Found that the proposed project **COULD NOT** have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- Found that the proposed project **MAY** have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- Found that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Chris Lang, Planner III

7/29/22

Date

EVALUATION OF ADDITIONAL ENVIRONMENTAL IMPACTS NOT ASSESSED IN THE PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR):

1. For purposes of this Initial Study, the following answers have the corresponding meanings:
 - a. "No Impact" means the subsequent project will not cause any additional significant effect related to the threshold under consideration which was not previously examined in the PEIR.
 - b. "Less Than Significant Impact" means there is an impact related to the threshold under consideration that was not previously examined in the PEIR, but that impact is less than significant.
 - c. "Less Than Significant with Mitigation Incorporation" means there is a potentially significant impact related to the threshold under consideration that was not previously examined in the PEIR, however, with the mitigation incorporated into the project, the impact is less than significant.
 - d. "Potentially Significant Impact" means there is an additional potentially significant effect related to the threshold under consideration that was not previously examined in the PEIR.
2. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project specific screening analysis).
3. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
4. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
5. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Attachment C, "PEIR Mitigation Measure Monitoring Checklist for EA No. P19-05950" may be cross-referenced).
6. Earlier analyses may be used where, pursuant to the tiering, program EIR or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in the PEIR or another earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

-
7. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances).

Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

8. Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.
9. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
10. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

PROJECT SUMMARY

A. Project Location: The Project under contemplation is located in northwest Fresno (Figure 1) on a single vacant parcel (APN 303-630-21) approximately 1.73 acers in size bordered by West Nees Avenue on the north and West San Pablo Avenue and the Villagio Shopping Center on the east. A multi-family apartment complex (Windscape Apartments) borders the site to the west and south.

B. Project Summary:

The Project is to allow a General Plan Amendment from High Density Residential 30-45 D.U./acre to Regional Mixed Use (RMX) general plan designation and rezone from High Density Multi-Family Residential RM-3 to Regional Mixed Use (RMX) zoning.

This document is a project-level Initial Study for evaluation of potential environmental impacts resulting from a General Plan Amendment and Rezone for a vacant 1.73-acre parcel at the southwest corner of West Nees Avenue and North San Pablo Avenue (Refer to Figures in Project Description attached to this Initial Study). In the future, the site will likely be developed with an 8,000-square-foot (sq. ft.) restaurant with a 2,500-square-foot (sq. ft.) single-tenant office, however, no land use entitlements have been submitted for the site. Future uses will be subject to CEQA analysis at the time an application is submitted to the City.

Parking

The Project would meet all parking requirements and standards applicable to the RMX zone and specific uses when they are known.

Hours of Operation

The hours of operation are known at this time. However, the hours would be consistent with applicable City of Fresno rules and regulations.

Staffing

Unknown.

Utilities

Gas & Electricity

The Project site is within the service area of Pacific Gas & Electric (PG&E). Both gas and electric are present along Nees Avenue and overhead.

Telecommunications

Telecommunications from local providers are available to serve the site.

Water

Water treatment and distribution is provided by the City of Fresno. The site would be served with municipal water from the City of Fresno. Existing water infrastructure is proximate to the site would be connected/expanded, as necessary.

Wastewater

Wastewater treatment and conveyance is provided by the City of Fresno. The site would be served with municipal wastewater from the City of Fresno. Existing wastewater infrastructure is proximate to the site infrastructure would be connected/expanded, as necessary.

Storm Drainage

The Fresno Metropolitan Flood Control District (FMFCD) provides storm drainage throughout the City of Fresno. The Project would pay fees and connect to the FMFC infrastructure to convey stormwater flows off the site.

Permits and Approvals

General Plan Amendment Approval - From High Density Residential 30-45 D.U./acre to Regional Mixed Use (RMX)

Rezone Approval – From High Density Multi-Family Residential (RM-3) to Regional Mixed Use (RMX)

A future City of Fresno land use permit to allow a restaurant and office or other land use request.

Grading Permit

Construction Permits

- C. Environmental Setting:** The Project is within the City of Fresno in the northwest portion of the City in the Bullard Community Plan. The site is in an urban setting surrounded by multi-family residential and commercial uses. The site within the High Quality Transit Area with access to a Bus Rapid Transit (BRT) stop at the northwest corner of East Nees Avenue and North Blackstone Avenues. Another Fresno Area Express (FAX) stop is approximately 350 feet to the northwest of the site.

The site is within the green area (i.e., area with less than 14.0 VMT per capita) of the recently adopted *CEQA Guidelines for Vehicles Miles Traveled Thresholds* (City of Fresno 2020b) and within the half mile buffer of the *VMT Transit Map* prepared for the City of Fresno Vehicle Miles Traveled (VMT) evaluation policies.

- D. Analysis:** The Project is requesting a General Plan Amendment and Rezone to amend the existing land use designation and zoning. The land use designation would be amended from High-Density (30 to 45 units) to Regional Mixed Use (RMX). Existing zoning of High-Density Multi-Family Residential (RM-3) to Regional Mixed Use (RMX) zone.

No net loss of planned multi-family density would occur as a result of the Project.

- E. General Plan Consistency:** The Project under contemplation is not consistent with the existing land use and zoning and will require a General Plan Amendment and Rezone as described above. The Project is approximately .5 mile east of Blackstone Avenue. Blackstone Avenue is considered a transit corridor as the Fresno Area Express (FAX) rapid transit system operates along Blackstone Avenue. The Project is within the Focused Infill Overlay District. The purpose of the Focused Infill (FI) Overlay District is to facilitate more intensive development of parcels with MX, CMS, or CR zoning at strategic points along transportation corridors in order to support transit use, housing production, and economic revitalization. The parcel has been by-passed and its development would serve as infill consistent with the City's economic policies for revitalization efforts. The General Plan Amendment and Rezone would create consistency of the Project within the Focused Infill Overlay District by developing a vacant infill site.

City of Fresno

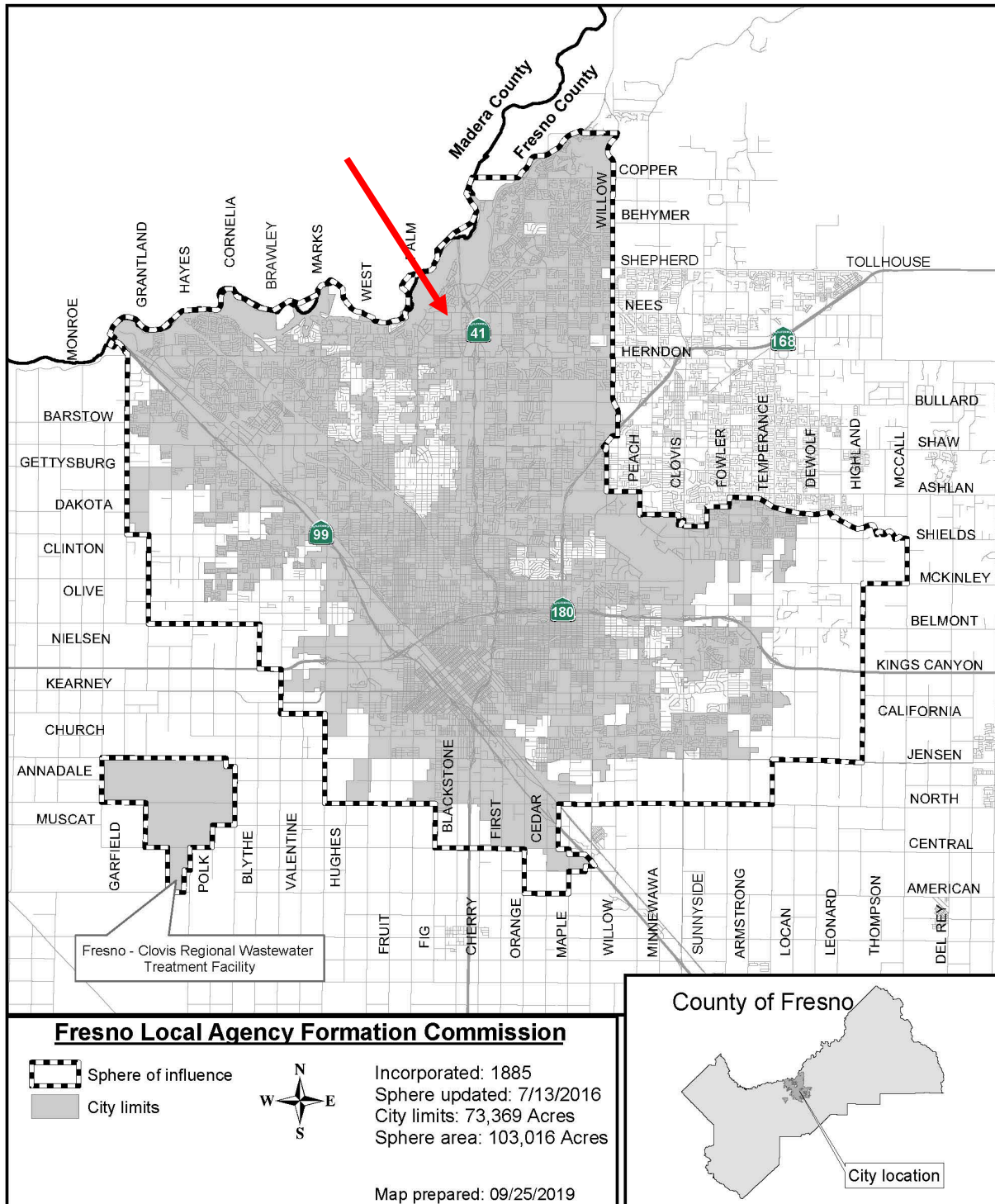


Figure 1
Project Location Map



Sou

Figure 2
Aerial of Project Site and Vicinity

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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I. AESTHETICS Would the project:

- a) Have a substantial adverse effect on a scenic vista or scenic highway?

No Impact. The Project is located within an urban area. The site fronts on West Nees Avenue, a Super Arterial, but not a scenic highway. The area is characterized by multi-family residential apartments (to the west, south and on the north side of West Nees Avenue) and regional shopping (i.e., the Villagio Shopping Center to the east). The Sierras are visible to the east, but the Project would not adversely affect these views. No architectural plans for the proposed use have been developed. The existing Pismo’s Restaurant is approximately 350 feet to the west of the Project site. The Project is anticipated to be of similar scale and represents a continuation of the Villagio Shopping Center. The Project would be designed in accordance with the standards and requirements of the Regional Mixed-Use zoning designation and would therefore be compatible in scale and design with existing development. Therefore, the Project would have no impact on a scenic vista or a scenic highway.

Development of the site has been contemplated in various plans and environmental documents prepared by the City for those plans.



- b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. The Project is in northwest Fresno in a highly developed urban area. The Project site is surrounded by development. The site is currently vacant but has been tilled to remove weeds and vegetation. There are no trees, rock outcroppings or historic buildings on the site, nor is the site within a state scenic highway. No impact would occur.

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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- c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. As previously noted, the Project is in an urban area in northwest Fresno. The Project would improve the aesthetic of the area from a vacant lot to a restaurant/office consistent in size and scale with the existing Villagio Shopping Center. The Project would include landscaping (in accordance with state and local water conservation guidelines) and lighting consistent with City standards. Future signage will be installed per City standards. If the General Plan Amendment and Rezone are approved, the Project will be consistent with City of Fresno General Plan.

- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

Less than Significant Impact. Any project will require exterior lighting, signage, and parking lot lighting. Overhead lights are required to be directed downward to avoid light spillage on to adjacent properties. This is consistent with the intent of PEIR Mitigation Measure AES-4.1 (Lighting for Street and Parking Areas. Lighting systems for street and parking areas shall include shields to direct light to the roadway surfaces and parking areas. Vertical shields on the light fixtures shall also be used to direct light away from adjacent light sensitive land uses such as residences.) [Attachment C]).

In addition, all site lighting will be designed in accordance with the standards of the City of Fresno Department of Public Works and hood/directed so as not to annoy the apartments located to the south and west. Compliance with City lighting standards will ensure that the Project would not create a new source of substantial light or glare which would affect day or nighttime views in the area. Therefore, light and glare impacts of the Project are considered less than significant, and the Project would not result in any aesthetic impacts beyond those analyzed in PEIR SCH No. 2019050005.

Ministerial development standards will require the site to be landscaped which will further assist in reducing aesthetic impacts.

II. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
<p>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?</p> <p>No Impact. The Project is within northwest Fresno. The site and surrounding area are designated as Urban and Built-Up Land on the California Important Farmland Map (DOC 2020). No farmland is within the City limits. The Project would not convert any farmland pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to a non-agricultural use. No impact would occur.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?</p> <p>No Impact. As noted under item “a” above, the Project is located within northwest Fresno. The Project is requesting a General Plan Amendment and Rezone from a residential use (High-Density Residential) to RMX (Regional Mixed Use). No Williamson Act Contracts are in place on the Project site or adjacent lands. Therefore, the Project would not conflict with zoning for agricultural use or a Williamson Act Contract. No impact would occur.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?</p> <p>No Impact. The Project site is an infill parcel in an urban area. The City of Fresno Zoning Map does not have any lands zoned forest or timberland. Thus, no impact would occur regarding conflicts with existing zoning for forest lands, timberlands, or timberland zoned Timberland Production (City of Fresno 2020a).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p> <p>No Impact. No forest lands are within the City of Fresno. The Project would not result in the loss of forest land or conversion of forest land to non-forest use. Therefore, no impact is identified for this issue area.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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?</p> <p>No Impact. Refer to items “b)”, “c)” and “d)” above. The Project would not result in any agriculture and forestry resource environmental impacts beyond those analyzed in PEIR SCH No. 2019050005.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to the following determinations. Would the Project:

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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- a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. The Project is an 8,000 sq. ft. restaurant with a 2,500 sq. ft. office space. Based on the size of the Project (1.73 acres), construction air emissions would be limited. The restaurant does not meet the square footage necessary (9,000 sq. ft.) to require an Air Quality Impact Analysis. For these reasons, the Project would not conflict with or obstruct implementation of any applicable air quality plan during either construction or operation. The future restaurant and office must comply with ministerial air quality design, construction and operational requirements, proven to be effective in reducing potential air quality impacts to a less than significant level.

- b) 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?

Less than Significant Impact. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's individual emissions exceed its identified significance thresholds, the project would be cumulatively considerable. Projects that do not exceed significance thresholds would not be considered cumulative considerable.

A portion of the Project's air quality impacts are attributable to construction activities with the majority of long-term air quality impacts attributed to operation of motor vehicles traveling to and from the site.

Construction-generated emissions are short-term and of temporary duration, occurring only during construction. Based on the size of the Project (1.73 acres), construction-generated emissions would not exceed SJVAPCD significance thresholds. While the Project has not yet been designed and no construction date established, construction activities would be limited to a number of months (e.g. 6 to months) and the Project would be required to implement standard Best Management Practices (e.g. dust control, use of late-model construction equipment, etc.). Therefore, criteria pollutant emissions generated during Project construction would not result in a violation of air quality standards.

As discussed under item a) above, implementation of the Project would result in long-term operational emissions, predominantly generated by motor vehicle use. The Project would be subject to Rule 9510 (Indirect Source Review) which has the objective of reducing emissions of NOx and PM10 during construction and operation. The Project would be required to consult with the SJVAPCD regarding the specific applicability of Rule 9510 in relation to Project operations. As operations-generated emissions would not exceed SJVAPCD significance thresholds and compliance with Rule 9510 is mandatory, criteria pollutant emissions generated during Project operations would not result in a violation of air quality standards.

VMT screening prepared by Ambarish Mukherjee, P.E., AICP of LSA Associates (refer to Attachment B to this document) indicates the Project will comply with the City of Fresno vehicle miles traveled reduction targets. Figure 4 of the CEQA Guide for Vehicle Miles Traveled Thresholds for the City of Fresno (see page 45 of this document) depicts transit priority areas within Fresno including high-quality transit areas (within 0.5 mile of a major transit stop) served by the Fresno Area Express (FAX) with service intervals of 15 minutes or less. The Project site is within 0.5 of Blackstone Avenue which

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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is a major transit stop. Based on the Project's location, it meets the screening criteria and impacts to an applicable air quality standard are considered less than significant.

- c) Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. The California Air Resources Board (CARB) has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis. The Project is bordered by multi-family apartment units on the east and south. An existing 8-foot solid wall borders the site on the east and south and would provide protection from short-term dust. Once operational, the Project would have a minimal impact on air quality.

Ozone

The health effects associated with O₃ are generally associated with reduced lung function. Because the Project would not involve construction activities that would result in O₃ precursor emissions (ROG or NO_x) in excess of the SJVAPCD thresholds, the Project is not anticipated to substantially contribute to regional O₃ concentrations and the associated health impacts.

Carbon Monoxide

CO tends to be a localized impact associated with congested intersections. In terms of adverse health effects, CO competes with oxygen, often replacing it in the blood, reducing the blood's ability to transport oxygen to vital organs. The results of excess CO exposure can include dizziness, fatigue, and impairment of central nervous system functions. The Project would not involve construction activities that would result in CO emissions in excess of the SJVAPCD thresholds. Thus, the Project's CO emissions would not contribute to the health effects associated with this pollutant.

Particulate Matter

Particulate matter (PM₁₀ and PM_{2.5}) contains microscopic solids or liquid droplets that are so small that they can get deep into the lungs and cause serious health problems. Based on the size of the Project, it would not generate emissions of PM₁₀ or PM_{2.5} that would exceed the SJVAPCD's thresholds. Additionally, the Project would be required to comply with SJVAPCD Regulation VIII Fugitive PM10 Prohibition described above, which limits the amount of fugitive dust generated during construction. Accordingly, the Project's PM₁₀ and PM_{2.5} emissions are not expected to cause any increase in related regional health effects for these pollutants.

In summary, the Project would not result in a potentially significant contribution to regional concentrations of nonattainment pollutants and would not result in a significant contribution to the adverse health impacts associated with those pollutants.

Project Operations

Operation of the Project would not result in the development of any substantial sources of air toxics. There are no stationary sources associated with the operations of the Project. The Project is not

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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anticipated to have a drive-thru that would not attract mobile sources that spend long periods queuing and idling at the site. Thus, the Project would not be a source of Toxic Air Contaminant (TAC) concentrations during operations.

Naturally Occurring Asbestos

Another potential air quality issue associated with construction-related activities is the airborne entrainment of asbestos due to the disturbance of naturally occurring asbestos-containing soils. The Project is not located within an area designated by the State of California as likely to contain naturally occurring asbestos (Department of Conservation [DOC] 2000). As a result, construction-related activities would not be anticipated to result in increased exposure of sensitive land uses to asbestos.

Valley Fever

Coccidioidomycosis (CM), often referred to as San Joaquin Valley Fever or Valley Fever, is one of the most studied and oldest known fungal infections. Valley Fever most commonly affects people who live in hot dry areas with alkaline soil and varies with the season. This disease, which affects both humans and animals, is caused by inhalation of arthroconidia (spores) of the fungus *Coccidioides immitis* (CI). CI spores are found in the top few inches of soil and the existence of the fungus in most soil areas is temporary. Valley fever is found in California and is endemic to Fresno County. When soil containing this fungus is disturbed by activities such as digging or grading, by vehicles raising dust, or by the wind, the fungal spores become airborne. When people breathe the spores into their lungs, they may get valley fever. Ground-disturbing activities can be partially mitigated through the control of Project-generated dust. As previously noted under items a) and b) above, Project-generated dust would be controlled by adhering to SJVAPCD dust-reducing measures (Regulation VIII Fugitive PM10 Prohibition), which includes the preparation of a SJVAPCD-approved dust control plan describing all fugitive dust control measures that are to be implemented before, during, and after any dust-generating activity. With minimal site grading and conformance with SJVAPCD Regulation VIII, dust from the construction of the Project would not add significantly to the existing exposure level of people to this fungus, including construction workers.

Carbon Monoxide Hot Spots

It has long been recognized that CO exceedances are caused by vehicular emissions, primarily when idling at intersections. Concentrations of CO are a direct function of the number of vehicles, length of delay, and traffic flow conditions. Under certain meteorological conditions, CO concentrations close to congested intersections that experience high levels of traffic and elevated background concentrations may reach unhealthy levels, affecting nearby sensitive receptors. Given the high traffic volume potential, areas of high CO concentrations, or “hot spots,” are typically associated with intersections that are projected to operate at unacceptable levels of service during the peak commute hours. However, transport of this criteria pollutant is extremely limited, and CO disperses rapidly with distance from the source under normal meteorological conditions. Furthermore, vehicle emissions standards have become increasingly more stringent in the last 20 years. Currently, the CO standard in California is a maximum of 3.4 grams per mile for passenger cars (requirements for certain vehicles are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities, CO concentrations in the Project vicinity have steadily declined.

Accordingly, with the steadily decreasing CO emissions from vehicles, even very busy intersections do not result in exceedances of the CO standard. According to the Traffic Impact Assessment

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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prepared for the Project (PEG 2020) (Attachment A), the Project is anticipated to generate approximately 940 daily trips on average. Because the Project would not generate traffic significant traffic volumes at any intersection, there is no likelihood of the Project traffic exceeding CO values. In addition, VMT screening indicates the Project will comply with the City of Fresno vehicle miles traveled reduction targets. The Project would have less than significant impact regarding exposing sensitive receptors to substantial pollutant concentrations.

- d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less than Significant Impact. Odors are typically regarded as an annoyance rather than a health hazard. During construction, the Project presents the potential for generation of objectionable odors in the form of diesel exhaust in the immediate vicinity of the site. However, these emissions are short term in nature and will rapidly dissipate and be diluted by the atmosphere downwind of the emission sources. Additionally, odors would be localized and generally confined to the construction area.

Project Operations

Land uses commonly considered to be potential sources of obnoxious odorous emissions include agriculture (farming and livestock), wastewater treatment plants, food processing plants, chemical plants, composting facilities, refineries, landfills, dairies, and fiberglass molding. Overall, the Project would not generate any long-term odors that would adversely impact a substantial number of people. Ministerial permits and operational requirements will assure odors do not impact any nearby properties. Therefore, this impact is considered less than significant.

IV. BIOLOGICAL RESOURCES Would the project:

- 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 Wildlife or U.S. Fish and Wildlife Service?

Less than Significant Impact. The Project is in an urban setting in northwest Fresno. The site is vacant, highly disturbed bare dirt and surrounded by development. As such, it does not have any natural habitat that would serve to attract candidate, sensitive or special status species. Therefore, the Project would have no impact on any species identified as a candidate, sensitive or special status species. While no tree removal is required, there are a number of trees immediately to the west of the Project site. If construction occurs during nesting season, there is potential to harm nesting birds and a pre-construction survey would be required as specified in PEIR Mitigation Measure BIO-1.4 (Attachment C).

PEIR Mitigation Measure BIO-1.4: Proposed projects within the Planning Area should avoid, if possible, construction within the general nesting season of February through August for avian species protected under Fish and Game Code 3500 and the Migratory Bird Treaty Act (MBTA), if it is determined that suitable nesting habitat occurs on a project site. If construction cannot avoid the nesting season, a pre-construction clearance survey shall be conducted by a qualified biologist to determine if any nesting birds or nesting activity is observed on or within 500-feet of a project site. If

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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an active nest is observed during the survey, a biological monitor shall be on site to ensure that no proposed project activities would impact the active nest. A suitable buffer shall be established around the active nest until the nestlings have fledged and the nest is no longer active. Project activities may continue in the vicinity of the nest only at the discretion of the biological monitor. Prior to commencement of grading activities and issuance of any building permits, the Director of the City of Fresno Planning and Development Department, or designee, shall verify that all proposed project grading and construction plans include specific documentation regarding the requirements of the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code Section 3503, that preconstruction surveys have been completed and the results reviewed by staff, and that the appropriate buffers (if needed) are noted on the plans and established in the field. Specific mitigation measures for direct or incidental impacts to avian species protected under Fish and Game Code 3500 and the Migratory Bird Treaty Act (MBTA) shall be determined on a case-by-case basis through agency consultation during the review process for discretionary projects, and shall be consistent with survey protocols and mitigations measures recommended by the agency at the time of consultation.

With PEIR mitigation measure BIO-1.4 incorporated, the Project will not result in any biological resource impacts beyond those analyzed in PEIR SCH No. 2019050005. This impact is considered less than significant.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact. The Project site is in an urban setting in northwest Fresno. The site is highly disturbed, surrounded by development and is does not have any riparian habitat or other sensitive natural community within its boundaries. Therefore, the Project would have no impact on any riparian habitat or other sensitive natural community.

- 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?

No Impact. As discussed under items a) and b) above, the Project site is in an urban setting in northwest Fresno. The site is highly disturbed, surrounded by development and does not have any wetlands present. No impact would occur to a federally protected wetland.

- d) Interfere substantially with the movement of any 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?

No Impact. Wildlife corridors are linear features that connect large patches of natural open space and provide avenues for the migration of animals. The Project site is in northwest Fresno. The site is surrounded by urban uses including West Nees Avenue immediately to the north. There is no

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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natural open space on or in the immediate vicinity of the site. As such, the Project site does not serve as an important wildlife corridor or habitat linkage for larger mammals and species that are limited to native habitats. Therefore, no impact regarding interfering with the movement of wildlife would occur.

- e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?

Less than Significant Impact. As discussed under item a) above, the Project site is completely disturbed bare dirt and within an urban setting. There are no trees or vegetation on the site thus the Tree Preservation Policy (FMC Section 13-305) does not apply to the site. Therefore, no impact would occur with regard to conflicting with any policy or City ordinance protecting a biological resource.

- 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?

No Impact. The City of Fresno is not within an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan. No impact would occur.

V. CULTURAL RESOURCES Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

No Impact. The Project site is in an urban setting in northwest Fresno. The site does not have any structures. Given the vacant condition of the site, no impact to a historical resource would occur in association with the Project.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

No Impact. The Project site is in an urban setting in northwest Fresno. The site has been disturbed and the surrounding area is developed. Given the disturbed conditions, no impact to an archaeological resource would occur in association with the Project. However, if previously unknown resources are encountered during construction, PEIR Mitigation Measure CUL-1.1 shall be implemented (Attachment C):

PEIR Mitigation Measure CUL-1.1: If previously unknown resources are encountered before or during grading activities, construction shall stop in the immediate vicinity of the find and a qualified historical resources specialist shall be consulted to determine whether the resource requires further study. The qualified historical resources specialist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and the City's Historic Preservation Ordinance. If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.

No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any historical artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study..

With PEIR mitigation measure CUL-1.1 incorporated, the project will not result in any cultural resource impacts beyond those analyzed in PEIR SCH No. 2019050005.

Therefore, no impact is identified regarding an archeological resource.

- c) Disturb any human remains, including those interred outside of dedicated cemeteries?

No Impact. As described in item a) above, it is not likely that human remains would be found within the boundaries of the Project site based on prior disturbance of the site. In the unlikely event that human remains are discovered, PEIR mitigation measure CUL-3 would be implemented (Attachment C):

PEIR Mitigation Measure CUL-3: In the event that human remains are unearthed during excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to Health and Safety Code (HSC) Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98(a). If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendent of the deceased Native American, who shall then serve as the consultant on how to proceed with the remains. Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

Timing of Implementation: Review construction specifications to ensure inclusion of provisions included in mitigation measure.

Enforcement: Planning and Development Department.

With PEIR mitigation measure CUL-3 incorporated, the project will not result in any cultural resource impacts beyond those analyzed in PEIR SCH No. 2019050005. No impact would occur.

ENERGY

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

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Less Than Significant Impact. Electricity usage during construction would likely be limited to electrically powered hand tools. The construction of the Project would occur for a limited duration and would not result in wasteful, inefficient, or unnecessary consumption of electricity. Electrical service is currently available in the Project area with no shortages in supply. Therefore, impacts to electrical power are considered less than significant. Natural gas is not anticipated to be a major source of energy during Project construction. Natural gas service is currently available in the Project area with no shortages. Any minor amounts of natural gas that may be used during construction would be temporary and negligible. Therefore, construction of the Project would not result in wasteful, inefficient, or unnecessary consumption of natural gas. No impact to natural gas would occur. The main source of energy used during Project construction includes petroleum-based fuels. Both diesel and gasoline would be used to fuel heavy equipment, material delivery trucks and construction worker vehicles throughout the construction period. Once the Project is complete, petroleum use for construction would cease. Energy would be used to operate the restaurant and to fuel vehicles making deliveries as well as vehicles of patrons. All construction must comply with California Energy Standards proven effective in reducing energy demand (i.e., Title 24). Diesel and petroleum are currently available in the Project area with no shortages and construction and operation of the Project would not use these resources in a wasteful manner. Therefore, impacts to petroleum as an energy source are considered less than significant.

- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

No Impact. The Project would be designed in a manner that is consistent with relevant energy conservation plans and standards designed to encourage development that results in the efficient use of energy resources. The Project will be built to the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24). Title 24 was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years; the 2013 standards became effective July 1, 2014. The 2016 Title 24 updates went into effect on January 1, 2017. The 2019 Energy Standards improve upon the 2016 Energy Standards for new construction of, and additions and alterations to, residential and nonresidential buildings.

The 2019 update to the Energy Standards focuses on several key areas to improve the energy efficiency of newly constructed buildings and additions and alterations to existing buildings. The 2019 Energy Standards are a major step toward meeting Zero Net Energy. Buildings permitted on or after January 1, 2020, must comply with the 2019 Standards. Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments. Additionally, in January 2010, the State of California adopted the California Green Building Standards Code (CalGreen) establishing mandatory green building standards for all buildings in California. The code was subsequently updated in 2013. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. Furthermore, the Project would also be consistent with the City's General Plan, specifically Objective RC-8 which strives to reduce the consumption of non-renewable energy resources by requiring and encouraging conservation measures and the use of alternative energy sources. Therefore, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. No impact would occur.

The Project would be designed in accordance with State-mandated building codes to meet minimum efficiency standards related to various building features, including space heating, and cooling

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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equipment, building insulation and roofing, and lighting. Implementation of these standards significantly increases energy savings. Compliance with State-mandated code requirements and conservation requirements in the Energy Code and CALGreen ensure that the Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

VII. GEOLOGY AND SOILS Would the project:

a) Directly or indirectly cause 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? Refer to Division of Mines and Geology Special Publication 42?

No Impact. According to the Fresno General Plan Program EIR (PEIR) (2021), there are no major active faults or fault zones within the City’s Planning Area. The PEIR also states that the Alquist-Priolo Earthquake Fault Zoning Act does not apply within the City of Fresno because no active faults cross the Planning Area (LSA 2020, p. 4.7-10). Thus, no impact is associated with a known earthquake fault.

ii.) Strong Seismic ground shaking?

Less than Significant Impact. The Project is subject to ground shaking in the event of an earthquake along faults in the region including the Great Valley Fault Zone or the Nunez Fault. To minimize damage, development must be designed to withstand strong ground shaking to comply with the California Building Code (CBC). The General Plan Update and City of Fresno Municipal Code also includes Objective NS-2 (Minimize risks of property damage and personal injury posed by geologic and seismic risks) and Policy NS-2-a (Seismic Protection. Ensure seismic protection is incorporated into new and existing construction, consistent with the Fresno Municipal Code) to reduce ground-shaking impacts (LSA 2020 p. 4.10-15).

Implementation of the above objective and policy, as well as adherence to Municipal Code Section 12-1022, which requires preparation of a Soils Report, will be used as a basis to design the building and related improvements consistent with state and federal standards. The Project must comply with mandatory seismic safety standards proven effective in reducing seismic safety impacts to a level of insignificance. With mandatory compliance with seismic safety standards, potential seismic ground shaking impacts would be reduced to less than significant and the Project would not result in impacts from strong seismic ground shaking beyond those analyzed in PEIR SCH No. 2019050005.

iii.) Seismic-related ground failure, including liquefaction?

Less than Significant Impact. The Project site is currently vacant, undeveloped land. Liquefaction occurs when granular soil below the water table is subjected to vibratory motions, such as those produced by earthquakes. A Geotechnical Report is not required for the Project. However, Fresno Municipal Code Section 12-1022 requires the preparation of a Soils Report

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identifying potential site-specific soil issues, foundation support and grading parameters. Compliance with the findings and recommendations of the Soils Report would reduce any seismic-related ground failure impacts. In addition, all development is required to adhere to the adopted Uniform Building Code (UBC) which will ensure that no seismic safety, soil erosion or other soil-related impacts are mitigated. Therefore, impacts associated with liquefaction are considered less than significant.

iv.) Landslides?

No Impact. The Project site is flat and in an urban area. Based on the flat topography of the site and surrounding area, no impact would occur regarding landslides.

b) Result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. The Project site is underlain by one soil type: San Joaquin loam, shallow, 0 to 3 percent slopes. Construction of the Project would result in site preparation activities including minor grading and trenching to install utilities.

As noted in the discussion of item “aiii)” Fresno Municipal Code Section 12-1022 requires the preparation of a Soils Report identifying potential site-specific soil issues, foundation support and grading parameters. The findings of the report would be incorporated into the design as required by the Code. In addition, Fresno Municipal Code Section 12-1023, Grading and Erosion Control, requires every approved map to be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, set forth in Appendix Chapter 70 of the Uniform Building Code, 1973 Edition, Volume I, as adopted and amended by the city. Compliance with these policies and with other pertinent regulations will ensure that potential soil erosion impacts, or the potential loss of topsoil, would be less than significant.

Because construction would disturb more than one acre, the Project would be subject to a General Construction Activity Stormwater National Pollution Discharge System (NPDES) permit which would cover clearing, grading, excavating, and general disturbances to the ground (LSA 2020 p. 4.10-19). A Stormwater Pollution Prevention Plan (SWPPP) is required for the issuance of a General Construction Activity Stormwater NPDES permit and typically includes the implementation of structural and non-structural Best Management Practices (BMPs) (e.g. watering to control dust, minimizing the amount of soil exposed during construction activity, installing silt fencing to prevent soil transport off site) to reduce impacts related to surface water quality. Therefore, impacts regarding substantial soil erosion or the loss of topsoil would be less than significant.

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 landslides, lateral spreading, subsidence, liquefaction, or collapse?

No Impact. The Project site is in a developed area with flat topography surrounded by existing urban development. No potential for landslide is present. The Soils Report, as required by Municipal Code Section 12-1022, will identify potential site-specific soil issues. However, the site and surrounding areas do not evidence any sign of damage from shrink-swell or lateral spreading, subsidence, liquefaction or collapse. No impact is anticipated.

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- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less than Significant Impact. As previously noted in item “b)” the Project site is underlain by one soil type: San Joaquin loam, shallow, 0 to 3 percent slopes. The Project site has been previously disturbed, and the Project will be designed and engineered taking into consideration the soils present and the findings of the Soils Report as required by Fresno Municipal Code Section 12-1022. Therefore, direct, and indirect risk to life and property are considered less than significant.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?

No Impact. The Project will be served with municipal wastewater and does not propose inclusion of septic tanks or an alternative wastewater disposal system. No impact would occur.

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact. The Project site is vacant land surrounded by urban development. The Project site and surrounding areas are flat with no distinguishing geologic features. The Project would involve some excavation and trenching in association with construction and utility installation. However, the Project site and surrounding areas have been previously disturbed and no excavation deeper than 36-inches is anticipated.

The Fresno General Plan PEIR states that “...excavation and/or construction activities within the Planning Area that are associated with continued implementation of the approved General Plan has the potential to impact paleontological/geological resources during excavation and construction activities within previously undisturbed soils” (LSA 2020, p. 4.7-28). As noted, all soils affected by development of the Project have been previously disturbed. Thus, the potential to disturb unknown paleontological resources is low based on the depth of excavation and degree of prior disturbance. No unique geologic features are present on the site. Thus, no impact would occur.

VIII. GREENHOUSE GAS EMISSIONS Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Greenhouse gases trap heat in the atmosphere which in turn heats the surface of the Earth. GHG occur naturally and are also produced by human activities, primarily through the combustion of fossil fuels (i.e., fuels containing carbon).

GHGs include the following: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride (SF₆) [Health and Safety Code, section 38505(g)]. The most common GHG that results from human activity is carbon dioxide, followed by methane and nitrous oxide.

The City of Fresno adopted the Greenhouse Gas Reduction Plan (GHG Reduction Plan) in December 2014. The GHG Reduction Plan includes a strategy to reduce local community GHG emissions to

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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1990 levels by 2020 consistent with the state objectives set forth Assembly Bill 32 (i.e. the “Global Warming Solutions Act”). This Plan meets the requirements for a Qualified Greenhouse Gas Reduction Strategy.

The General Plan and PEIR rely upon the Greenhouse Gas Reduction Plan to provide a comprehensive assessment of the benefits of city policies and proposed code changes, existing plans, programs, and initiatives that reduce GHG emissions. The Plan illustrates that despite increased growth, the City would continue to reduce GHG emissions through 2020.

GHG emissions contribute cumulatively to the significant adverse environmental impacts of global climate change. An individual project does not generate sufficient GHG emissions to result in a perceptible change the global average temperature. On the contrary, the addition of GHG emissions from past, present, and future projects have cumulatively contributed to and may contribute to global climate change and associated environmental impacts. The d project will not occur at a scale or scope with potential to generate GHG emissions either directly or indirectly that may have a significant impact on the environment. Likewise, the Project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG. In conclusion, the Project will not result in any greenhouse gas emission environmental impacts beyond those analyzed in PEIR SCH No. 2019050005.

- b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact.

As noted in item a), the City of Fresno adopted its GHG Reduction Plan in December 2014. The GHG Reduction Plan includes relevant General Plan objectives and policies. Table GHG-1 evaluates the Project’s consistency with the applicable objectives and policies included in the GHG Reduction Plan.

**Table GHG-1
Consistency with Fresno Greenhouse Gas Reduction Plan**

GHG Reduction Plan Strategy	Project Consistency with Strategy
Project Consistency with Strategy Objective LU-2: Plan for infill development that includes a range of housing types, building forms, and land uses to meet the needs of both current and future residents.	The project proposal provides a medium density housing type on land that is surrounded by residential and urban development that meets the needs of both current and future residents.
Policy LU-2-a: Infill Development and Redevelopment. Promote development of vacant, underdeveloped, and redevelopable land uses within the City Limits where urban services are available by establishing and implementing supportive regulations and programs.	The project site is vacant land and surrounded by existing development. Urban services are available to serve the Project. Development of the site with a restaurant and office represents an expansion of the existing uses in the Villagio Shopping Center to the east.

As shown in Table GHG-1, the Project would be consistent with the applicable strategies from the GHG Reduction Plan. Therefore, as demonstrated in Table GHG-1 above, the Project would not conflict with plans, policies or regulations adopted for the purpose of reducing GHG emissions. In addition, the Project would not result in a substantial increase in GHG emissions. Therefore, the Project would not generate GHG emissions that may have a significant effect on the environment.

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Therefore, the Project is consistent with the applicable plans and policies adopted for the purpose of reducing GHG emissions. VMT screening indicates the project will comply with the City of Fresno vehicle miles traveled reduction targets. Further, the future restaurant and office must comply with ministerial greenhouse gas design, construction and operational requirements, proven to be effective in reducing potential greenhouse gas impacts to a less than significant level.

IX. HAZARDS AND HAZARDOUS MATERIALS Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

No Impact. The Project is the construction and operation of an 8,000 square foot restaurant and 2,500 sq. ft. personal office space on a vacant parcel adjacent to and west of the Villagio Shopping Center. Appreciable quantities of hazardous chemicals would not be stored or used on site during construction. Diesel fuel, oil and hydraulic fluid may be present in limited quantities in association with heavy equipment used and staged on-site during construction. However, the limited quantities and duration of construction would not create a significant hazard to the public through the routine transport, use, or disposal of hazardous materials. Hazardous materials would not be used as part of operation of the restaurant. No impact is identified regarding routine transport, use and disposal of hazardous materials.

- 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?

Less than Significant Impact. The Project is the construction and operation of an 8,000 square foot restaurant and 2,500 sq. ft. personal office space on a vacant parcel adjacent to and west of the Villagio Shopping Center. A search of the Department of Toxic Substances (DTSC) EnviroStor database did not identify any sites within a one-half mile radius of the site. However, a search of Water Boards GeoTracker database identified three sites within a one-half mile radius:

#	Site Name	Address	Type/Status
1	Palm Bluffs Corporate	7690 Palm Avenue Fresno, CA	Land Disposal Site Municipal Solid Waste Landfill/Open
2	Snappy Food Store #1013	525 West Nees Avenue Fresno, CA	Underground Storage Tank/Permitted
3	Woodward Park	775 Friant Road Fresno, CA	Leaking Underground Storage Tank Clean Up Site/ Completed-Case Closed

Source: EnviroStor 2020.

Based on the distance (the closest [Site 2] is approximately 1,300 feet away) and the nature of the sites (Site 3 is closed), potential for release of hazardous materials into the environmental through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is considered a less than significant impact.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

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Less than Significant Impact. The Project site is to the west of the Villagio Shopping Center. No schools are within one-quarter mile of the Project site. Aside from temporary construction emissions which would occur for a limited duration (refer to Section III, Air Quality, above), the Project would not emit any hazardous emissions or handle hazardous or acutely hazardous materials. The Project occupies 1.73 acres and would not generate large volumes of construction emissions such as dust and exhaust. Therefore, this impact is considered less than significant.

- 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. A search of DTSC’s EnviroStor and Water Boards GeoTracker database did not identify any hazardous materials sites within the boundaries of the Project site (EnviroStor 2020; GeoTracker 2020). No impact is identified for this issue area.

- 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 or excessive noise for people residing or working in the project area?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The Project is within the Airport Influence Area for the Fresno Yosemite International (FYI) Airport. Specifically, the Project site is within the Precision Approach Zone, approximately 5.5 miles northwest of the FYI (Fresno COG 2018, Exhibit D1). The Project is a restaurant which would be of similar size and scale to existing development within the Villagio Shopping Center which is also within the Airport Influence Area. The Project would not result in a safety hazard or excessive noise exposure. Thus, no impact is identified for these issues.

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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No Impact. The City of Fresno maintains an Office of Emergency Services (OES) function for its jurisdictional responsibility area and coordinates with Fresno County OES regarding disaster preparedness, response, and recovery activities (Fresno County OES 2020). The Project is not expected to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The primary access to the site will be from the north off West Nees Avenue by turning south onto North San Pablo Avenue. West Nees Avenue is designated as a Super Arterial on the City of Fresno General Plan Land Use and Circulation Map (City of Fresno, March 19, 2020). Access will also be available from the west by driving through the Villagio Shopping Center parking lot. Thus, the Project would not impair the implementation of, or physically interfere with, any adopted emergency response plan or emergency evacuation plans. No impact would occur.

- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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No Impact. The Project site is in an urban setting and would not be subject to wildland fire. No impact would occur.

X. HYDROLOGY AND WATER QUALITY Would the project:

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

No Impact. The Fresno Metropolitan Flood Control District provides drainage service to the Fresno metropolitan area through 170 urban drainage areas or watersheds. Stormwater is conveyed through curbs and gutters to storm drainage inlets which collect and convey the runoff to underground pipeline collection systems. These collection systems then convey the stormwater to disposal facilities (typically excavated, unlined basins). Water quality basins are designed and permitted in accordance with the US Environmental Protection Agency’s design standards to remove sediments and trash prior to discharge of stormwater to the San Joaquin River (LSA 2020, p. 4.17-7).

The FMFCD develops and maintains the Storm Drainage Master Plan (SDMP) for the Fresno-Clovis Metropolitan Area. Specifically, the Project is in Drainage Area Designation DH per the Storm Drainage Technical Report (Appendix G.1 of the City of Fresno General Plan and Development Code Update Master Environmental Impact Report) (2013). The Project is adjacent to and west of the Villagio Shopping Center. The surrounding area is developed with stormwater infrastructure including Nees Avenue to the north. The Project would connect to existing stormwater infrastructure that was designed to accommodate development in Drainage Area Designation. The discharge from the Project would have been included in the calculations of runoff from the Villagio Shopping Center, thus adequate capacity is available. All discharge from the site would be sent to a basin where sediments would be removed. No impact would occur.

- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

No Impact. Fresno’s primary source of potable water is groundwater stored in an aquifer. Natural recharge occurs through rainfall and flows from irrigation, canals and streams that seep into the soil and replenish the aquifer (LSA 2020, p. 4.10-3). The Project site is currently vacant and void of impervious surfaces. While the Project would result in a greater amount of impervious surface, it would not substantially impact groundwater supplies or interfere with groundwater recharge. The City is currently implementing intentional groundwater recharge through reclamation at Leaky Acres (located northwest of Fresno-Yosemite international Airport), refurbishing existing streams and canals to increase percolation, and recharge occurring at Fresno Metropolitan Flood Control District’s (FMFCD) storm water basins (LSA 2020, p. 4.10-4). Development of the 1.73-acre site with an 8,000 sq. ft. restaurant and 2,500 sq. ft. personal office space would not substantially decrease groundwater supplies or interfere with groundwater recharge. Likewise, no impact to a groundwater management basin would occur.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river through the addition of impervious surfaces in a manner which would:

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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i) Result in a substantial erosion or siltation on- or off-site.

No Impact. The Project site is currently 1.73 acres of vacant land. The Project would require a Soils Report, an NPDES permit and preparation of a Stormwater Pollution Prevention Plan (SWPPP) prior to granting of a grading permit (refer to discussion under Section VII Geology and Soils, item “b”). Compliance with these ministerial requirements that have proven effective in reducing erosion and siltation impacts on or off-site to less than significant levels would also apply to the Project. Therefore, substantial erosion or siltation on- or off-site would not occur. No impact is identified.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

No Impact. The Project would result in adding approximately 1.73 acres of impervious surfaces to a currently vacant site. The Project is within the FMFCD and subject to FMFCD standards for drainage, grading and stormwater management. The FMFCD develops and maintains the Storm Drainage Master Plan (SDMP) for the Fresno-Clovis Metropolitan Area. Specifically, the Project is in Drainage Area Designation DH per the Storm Drainage Technical Report (Appendix G.1 of the City of Fresno General Plan and Development Code Update Master Environmental Impact Report) (2013). As noted under item a) above, discharge from the Project would have been included in the calculations for Drainage Area Designation DH, thus adequate capacity is available. No impact would occur with regard to substantially increasing the rate or amount of surface runoff that would result in flooding on- or off-site.

iii) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

No Impact. Stormwater collection, disposal, and flood control in the City of Fresno is provided by the Fresno Metropolitan Flood Control District (FMFCD). Storm drainage facilities each drainage area include storm drain inlets, pipeline, retention basins, urban detention (water quality) basins, and stormwater pump stations. All of the master planned facilities in the drainage areas in the Fresno-Clovis Metropolitan area are constructed and functional (LSA 2020, p. 4.10-3). The Project would increase runoff flows to the Fresno Metropolitan Flood Control District (FMFCD) infrastructure. However, development of the Project site was accounted for in the capacity of existing master-planned storm drainage infrastructure. Therefore, the Project would have no impact to contributing runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

iv) Impede or redirect flows?

No Impact. As noted in item iii, the Project site is served with stormwater infrastructure. The Project would not impede or redirect flow. No impact would occur.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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No Impact. According the Fresno General Plan Program EIR, portions of the Planning Area are within numbered and un-numbered Special Flood Hazard Area (SFHA) Zone A. SFHA Zone A means that these areas are within the floodplain of the base flood or 1 percent exceedance probability flood event. The 1 percent exceedance probability flood event is also known as the 100-year recurrence interval flood event” (LSA 2020, p. 4.10-32). Areas prone to flooding are typically located along canals and water ways in low elevation. The project site is in an urban area and is not in a flood hazard area.. The Fresno General Plan Program EIR also indicates that the Planning Area is located outside a tsunami hazard zone. A seiche occurs in large bodies of water when an earthquake or strong winds creates an oscillating wave (LSA 2020, p. 4.10-33). There are no large bodies of water near the project site. Because none of these conditions exist at the Project site, the Project would not release pollutants during inundation. No impact would occur.

- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact. As discussed in items a thru d above, the Project is within the FMFCD and within Drainage Designation Area DH. The project site has been accounted for in design of existing facilities and would not generate substantial pollutants or interfere with groundwater recharge. The Project would have no impact on a water quality control plan or a sustainable groundwater management plan as all improvements will be consistent with FMFCD and City standards.

XI. LAND USE AND PLANNING Would the project:

- a) Physically divide an established community?

No Impact. The Project site is a vacant piece of land along West Nees Avenue bordered by the Villagio Shopping Center and North San Pablo Avenue on the east and the Windscape Apartments on the south and west and West Nees Avenue on the north. Because the Project is on a vacant lot surrounded by existing development, it would not physically divide an established community. Instead, the Project would expand the existing Villagio Shopping Center as it was originally part of that commercial development. Thus, no impact is identified regarding dividing an established community.

- b) Conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less than Significant Impact. The Project includes a General Plan Amendment and Rezoning to amend the current land use designation and zoning. The subject site is designated for High Density Residential uses in the adopted City of Fresno General Plan and is zoned RM-3 which allows from 30 to 45 apartments per acre. The Project would replace the planned High-Density Residential 30-45 DU/acre land use designation and Multi-Family Residential RM-3 zoning with Regional Mixed Use (RMX) general plan designation and zoning.

Article 11 of the Fresno Citywide Development Code provides for a residential density of 30 to 45 units per acre in the RMX zone. The density of the current High-Density Residential designation is identical to the 30 to 45 apartments per acre of the RMX zone. With approval of the proposed GPA and Rezone, the Project would conform to the applicable land use designation of the General Plan.

In conclusion, the Project would not result in any land use and planning environmental impacts beyond those analyzed in PEIR SCH No. 2019050005.

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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XII. MINERAL RESOURCES Would the project:

- 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?

No Impact. Mineral extraction in the City occurs within the San Joaquin River bottom. The Project is proposed in an urban area along West Nees Avenue that is not identified as having mineral resources. Therefore, development of the site with the Project will have no impact on the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No Impact. The Project site is not delineated on a local general plan, specific plan, or other land use plan as a locally-important mineral resource recovery site. Therefore, the Project will have no impact on the loss of availability of a locally-important mineral resource.

XIII. NOISE Would the project result in:

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant Impact. Noise associated with the Project would occur on a short-term basis from construction activities and on a long-term basis from patron traffic once the Project is completed.

The City of Fresno General Plan Noise Ordinance (June 11, 2016) exempts construction, repair or remodeling work accomplished pursuant to a building, electrical, plumbing, mechanical, or other construction permit issued by the city or other governmental agency, or to site preparation and grading, provided such work takes place between the hours of 7:00 a.m. and 10:00 p.m. on any day except Sunday.

Construction would occur between 7:30 a.m. to 3:30 p.m. during workdays to avoid disturbing residents, seminarians, and students. Because construction is considered exempt from the Ordinance when construction complies with the prescribed hours, short-term construction impacts associated with the exposure of persons to, or the generation of, short-term noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies would be less than significant.

Although the Project would create additional activity in the area of the Villagio Shopping Center, the Project will be required to comply with all noise policies from the Fresno General Plan and Noise Ordinance. The Project would not result in any noise environmental impacts beyond those analyzed in PEIR SCH No. 2019050005.

Therefore, exposure of persons to, or the generation of, long-term noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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agencies would be less than significant.

- b) Generation of excessive groundborne vibration or groundborne noise levels?

No Impact. Construction of the Project would not generate groundborne vibration or noise levels that would be considered excessive. Activities such as blasting, or pile driving would not be necessary and no other excavation methods would be used that would result in groundborne vibration. Therefore, no impact would occur regarding generation of excessive groundborne vibration or groundborne noise levels.

- c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 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?

No Impact. The Project is not located within the vicinity of a private airstrip or an airport land use plan. The Project would not expose people residing or working in the area to excessive noise levels. No impact would occur.

XIV. POPULATION AND HOUSING Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?

No Impact. The Project is the construction of an 8,000 sq. ft. restaurant and 2,500 sq. ft. office space. The Project does not propose the development of new housing nor does it propose construction or extension of new roads. Therefore, the Project would have no impact regarding inducing population growth.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact. The Project site is currently vacant. Development of the proposed restaurant and office space at this location would not displace substantial numbers of existing housing or people requiring construction of replacement housing elsewhere. No impact would occur regarding the need for replacement housing.

XV. PUBLIC SERVICES

- a) 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:

- 1) Fire protection?

No Impact. The Project is within the jurisdiction of the City of Fresno and would be served by the City of Fresno Fire Department. The closest Fire Station to the Project site is Station 13 located at 815 East Nees Avenue, approximately 1.5 miles to the east. The Project would be reviewed by the

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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Fresno Fire Department and required to comply with all applicable design standards to ensure adequate emergency access, fire flow, etc. Therefore, no impact to fire protection would occur.

2) Police Protection?

No Impact. The Project site is within the jurisdiction of the City of Fresno Police Department. The Department is divided into five policing districts which are broken down in the one-half mile squares. The site is within the Northwest Police District which has seven sub-areas 5A through 5G. These sub-areas are further divided into one-half square mile blocks. The Project is in Block 1155. The Police Office for this District is located at 3080 West Shaw Avenue. Based on the size and nature of the Project as a restaurant, no impacts to police protection would occur.

3) Schools?

No Impact. The Project would develop a restaurant and office space on a currently vacant lot. The Project will not impact schools because it neither includes a residential component nor would it generate the need for new housing to accommodate workforce population. As such, the Project would not have an adverse physical effect on the environment resulting from construction of a new school, park, or other public facility. Therefore, no impact is identified for this issue area.

4) Parks?

No Impact. The Project would develop a restaurant and office space on a currently vacant lot. The Project will not impact parks because it neither includes a residential component nor would it generate the need for new parks to accommodate an increase in residential population. As such, the Project would not have an adverse physical effect on the environment resulting from construction of a new park. Therefore, no impact is identified for this issue area.

5) Other Public Facilities?

No Impact. The Project would not negatively impact any other public facilities. No impact would occur.

XVI. RECREATION

a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. The Project would not create a demand for neighborhood or regional parks. Open space requirements will be incorporated into the future project design. Thus, no impact is identified for these issues.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?

No Impact. The Project does not include recreational facilities or require the construction or expansion of recreational facilities. Thus, no impact is identified for these issues.

XVII. TRANSPORTATION Would the project:

a Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

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Less than Significant Impact. Several modes of transportation are in the vicinity of the Project site.

Transit Services

Public Transit to the City is provided by Fresno Area Express (FAX). The system currently includes 15 standard fixed routes of bus service and one express bus connection between the Riverpark regional commercial center, located at North Blackstone (east of the site) and East Nees Avenues, and Children’s Hospital of Central California, located on Avenue 9 in Madera County. Many routes converge on Downtown and meet at the main transit center located on “M” and Fresno Streets (County of Fresno’s Courthouse Park) (Dyett & Bhatia 2014, p 4-22). The closest bus stop to the Project site is to the northeast near the intersection of West Nees Avenue and Poplar Avenue.

Bicycle Facilities

The City of Fresno Active Transportation Plan (ATP) refers to the Caltrans Highway Design Manual for classification of bicycle facilities as follows (Fehr & Peers 2016, p. 11-16):

- **Class I Bikeway (Bike Path):** Off-street facilities that provide exclusive use for non-motorized travel, including bicyclists and pedestrians.
- **Class II Bikeway (Bike Lane):** On-street facilities that use striping, stencils, and signage to denote preferential or exclusive use by bicyclists.
- **Class III Bikeway (Bike Route):** On-street pavement markings or signage that connect the bicycle roadway network along corridors that do not provide enough space for dedicated lanes on low-speed and low-volume streets.
- **Class IV Bikeway (Separated Bikeways):** Physically separated bicycle facilities that are distinct from the sidewalk and designed for exclusive use by bicyclists. Commonly known as “cycle tracks,” they are located within the street right-of-way, but provide similar comfort when compared to Class I Bikeways.

Currently there is a Class II Bike Lane along both sides of Nees Avenue north of the Project site. There are no identifiable potential impacts to the bike facilities.

Pedestrian

Pedestrian access is available from sidewalks along Nees Avenue north of the Project site as well as across the parking lot developed as part of the Villagio Shopping Center. The Project is not expected to disrupt or impede existing or planned pedestrian facilities.

Roadway

The project site is at the intersection of West Nees Avenue and North San Pablo Avenue. The City of Fresno General Plan Figure MT-1: Street Circulation Diagram, designates Nees Avenue as an Arterial. According to the Transportation and Mobility Element, and Arterial is a four- to six-lane divided (median island separation) roadways, with somewhat limited motor vehicle access to abutting properties, and with the primary purpose of moving traffic within and between neighborhoods and to and from freeways and expressways. In addition to major street intersections, appropriately designed and spaced local street intersections may allow left-turn movements to and from the arterial streets (Dyett & Bhatia 2014, p. 4-9).

The Project site would be accessed off West Nees Avenue via North San Pablo Avenue. The access would be along the east side of the site. The driveway off West Nees Avenue to North San Pablo Avenue is two lanes (one southbound providing ingress off West Nees Avenue and one northbound providing egress on to North San Pablo) and is currently used to access the Villagio Shopping Center.

Potentially Significant Impact (PSI) Potentially Significant Unless Mitigation Incorporated (PSUMI) Less Than Significant Impact (LTSI) No Impact (NI)

The Project will not require any changes to existing transportation systems and will have no impact on any plans, ordinances, or policies related to the effectiveness or performance of the circulation system.

Proposed General Plan Amendment – Trip Generation

A Limited Traffic Analysis was prepared for the Project to evaluate the expected net change in trips generated at the site as a result of the proposed GPA.

The proposed GPA would change the planned land use on approximately 1.73 acres (APN 303-630-21) immediately southwest of the intersection of Nees and San Pablo Avenues from high-density residential (currently zone RM-3 allowing between 30 and 45 dwelling units per acre) to Regional Mixed Use (RMX). The site is in Traffic Impact Zone (TIZ) III per the City of Fresno *General Plan*.

Data provided in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition*, are typically used to estimate the number of trips anticipated to be generated by the existing and proposed land uses at the site for comparison purposes. Table TRN-1 presents trip generation characteristics of the Project prepared by Peters Engineering Group (PEG). The Trip Generation Comparison in its entirety is included in Attachment A to this document.

**Table TRN-1
Trip Generation Calculations – Proposed GPA**

Land Use	Size sq. ft.	Daily		A.M. Peak Hour				P.M. Peak Hour					
		Rate	Total	Rate	In:Out	In	Out	Total	Rate	In:Out	In	Out	Total
High-Turnover (Sit-Down) Restaurant (ITE 932)	8,000	112.18	898	9.94	55:45	44	36	80	9.77	62:38	49	30	79
Small Office Building (ITE 712)	2,500	16.19	42	1.92	83:18	4	1	5	2.45	32:68	2	5	7
TOTALS			940			48	37	85			51	35	86

Source PEG 2019, p. 1.

Based on the current RM-3 zoning, the 1.73-acre site would yield between 52 and 77 units. Table TRN-2 presents trip generation characteristics for a 77-unit multifamily residential development.

**Table TRN-2
Trip Generation Calculations – Multi-Family Residential**

Land Use	Size sq. ft.	Daily		A.M. Peak Hour				P.M. Peak Hour					
		Rate	Total	Rate	In:Out	In	Out	Total	Rate	In:Out	In	Out	Total
Multi-Family Housing (Low Rise) (ITE 220)	77	7.32	654	0.46	23:77	8	28	36	0.56	6:37	28	16	44

Source PEG 2019, p. 2.

Reference: *Trip Generation Manual, 10th Edition, Institute of Transportation Engineers, 2017.*

Rates are reported in trips per dwelling unit.

Table TRN-3 presents the net project trip generation by taking the difference between the existing land use trip generation (Table TRN-2) and the project trip generation (Table TRN-1).

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**Table TRN-3
Net Project Trip Generation**

Scenario	Daily	A.M. Peak Hour	P.M. Peak Hour
Proposed GPA	940	85	86
Multi-Family Residential	564	36	44
DIFFERENCE	376	49	42

Source PEG 2019, p. 2.

The results of the trip generation analyses suggest that the proposed GPA will result in an insignificant increase in trips expected to be generated at the site as compared to the current residential zoning. However, the proposed GPA is expected to generate fewer than 100 trips per peak hour, which is the threshold that triggers a traffic impact study for projects in TIZ-III per the *City of Fresno General Plan*.

- b) Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?

Less than Significant Impact. The VMT screening prepared by Ambarish Mukherjee, P.E., AICP of LSA Associates (Attachment B to this document) indicates the Project will comply with the City of Fresno vehicle miles traveled reduction targets and will screen out. Therefore, in conclusion, the Project is presumed to have a less than significant impact and is consistent with CEQA Guidelines section 15064.3(b).

Vehicle Miles Traveled

Senate Bill (SB) 743 requires that relevant CEQA analysis of transportation impacts be conducted using a metric known as vehicle miles traveled (VMT) instead of Levels of Service (LOS). VMT measures how much actual auto travel (additional miles driven) a project would create on California roads. If the project adds excessive car travel onto our roads, the project may cause a significant transportation impact.

The State CEQA Guidelines were amended to implement SB 743, by adding Section 15064.3. Among its provisions, Section 15064.3 confirms that, except with respect to transportation projects, a project's effect on automobile delay shall not constitute a significant environmental impact. Therefore, LOS measures of impacts on traffic facilities are no longer a relevant CEQA criteria for transportation impacts.

CEQA Guidelines Section 15064.3(b)(4) states that “[a] lead agency has discretion to evaluate a project’s vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project’s vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate used to estimate vehicle miles traveled and any revision to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.”

On June 25, 2020, the City of Fresno adopted CEQA Guidelines for Vehicle Miles Traveled Thresholds, pursuant to Senate Bill 743 to be effective of July 1, 2020. The thresholds described therein are referred to herein as the City of Fresno VMT Thresholds. The City of Fresno VMT Thresholds document was prepared and adopted consistent with the requirements of CEQA Guidelines Sections 15064.3 and 15064.7. The December 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) published by the Governor’s Office of Planning and Research (OPR), was utilized as a reference and guidance document in the preparation of the Fresno VMT Thresholds.

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The City of Fresno VMT Thresholds adopted a screening standard and criteria that can be used to screen out qualified projects that meet the adopted criteria from needing to prepare a detailed VMT analysis.

The City of Fresno VMT Thresholds Section 3.0 regarding Project Screening discusses a variety of projects that may be screened out of a VMT analysis including specific development and transportation projects. For development projects, conditions may exist that would presume that a development project has a less than significant impact. These may be size, location, proximity to transit, or trip-making potential. For transportation projects, the primary attribute to consider with transportation projects is the potential to increase vehicle travel, sometimes referred to as “induced travel.”

The Screening Criteria applicable to the Project is a project located within 0.5 miles of a Transit Priority Area/High Quality Transit Area.

According to the CEQA Guide for Vehicle Miles Traveled Thresholds for the City of Fresno (City of Fresno, 2020) states that “Transit priority areas” are defined as “an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program. A Major Transit Stop means: “a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service of 15 minutes or less during the morning and afternoon peak commute periods.” A High-Quality Transit Area or Corridor is a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours (City of Fresno 2020, p. 9).

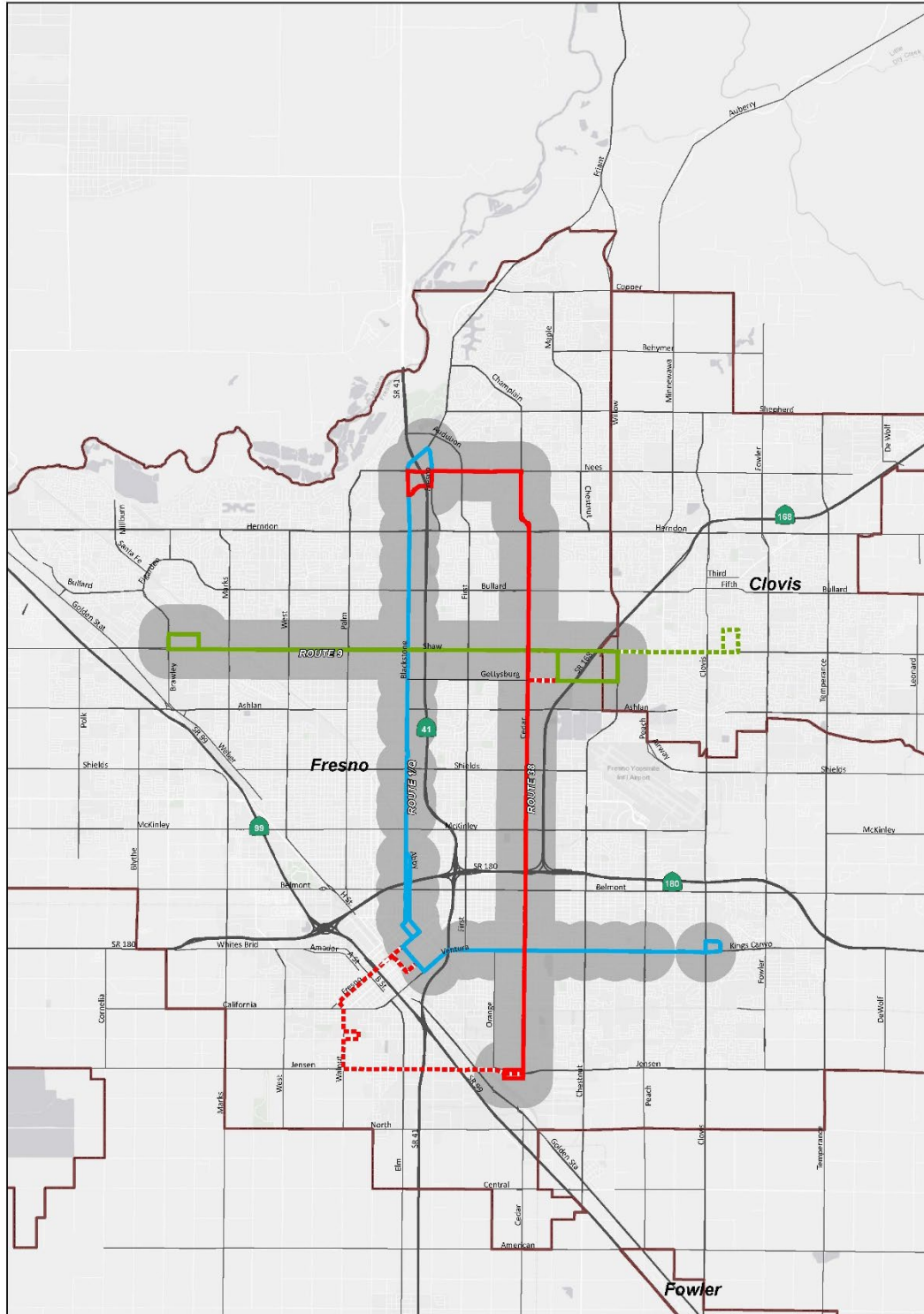
Figure 4 in the CEQA Guide for Vehicle Miles Traveled Thresholds for the City of Fresno depicts transit priority areas within Fresno including high-quality transit areas (within 0.5 mile of a major transit stop) served by the Fresno Area Express (FAX) with service intervals of 15 minutes or less. Projects proposed in these areas may be presumed to have a less-than-significant transportation impact unless the project is inconsistent with the RTP/SCS, has an FAR less than 0.75, provides an excessive amount of parking, or reduces the number of affordable residential units.

The Project is eligible to screen out because the site is within 0.5 mile of a major transit stop at the northwest corner of East Nees Avenue and North Blackstone Avenues. The Project site is located within the High-Quality Transit Area which includes Blackstone Avenue (see Figure 4 on page 45 of this document). The City operates its FAX service and Bus Rapid Transit (BRT) Service along Blackstone Avenue. FAX also has stops along Nees Avenue.

The Project site is within the green area (i.e., area with less than 14.0 VMT per capita) of the recently adopted *CEQA Guidelines for Vehicles Miles Traveled Thresholds* (City of Fresno 2020, pp. 9 - 212020c) and within the half mile buffer of the *VMT Transit Map* prepared for the City of Fresno Vehicle Miles Traveled (VMT) evaluation policies.

The project includes two separate land uses, office and retail. Based on the City’s VMT Guidelines, the project may be eligible to be screened out if it is within a low-VMT Guidelines, the project may be eligible to be screened out if it is within a low-VMT zone based on VMT per employee. The Fresno Council of Government’s (COG’s) VMT Screening Tool was reviewed by Ambarish Mukherjee, P.E., AICP of LSA Associates to determine whether the project falls under a low-VMT per employee zone and can be screened out. The results of the Screening Tool are included in Attachment B. As shown in Attachment B, the VMT per employee for the Traffic Analysis Zone (TAZ) in which the project is located is 21.83.

Potentially Significant Impact (PSI) Potentially Significant Unless Mitigation Incorporated (PSUMI) Less Than Significant Impact (LTSI) No Impact (NI)



LSA

LEGEND

- Cities with Sphere of Influence
- Route 1/Q (Bus Rapid Transit)
- Route 9
- Route 38
- Half-Mile Buffer
- Route 9 (Headway more than 15 Mins.)
- Route 38 (Headway more than 15 Mins.)



FIGURE 4

CEQA Guidelines for Vehicle Miles Traveled Thresholds
High-Quality Transit Area Within Fresno County

SOURCE: Fresno Area Express (FAEX) (03/20); City of Fresno (04/20), ES11

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As per the City's VMT Guidelines, the threshold for determining VMT impacts for office projects is 87 percent of the existing regional VMT per employee. The Guidelines also state that the County should be considered as the "region" for VMT analysis purposes. As shown in Attachment B, the VMT per employee for Fresno County is 25.60. Therefore, the threshold for determining VMT impacts for office project is 22.27. Since the project TAZ VMT per employee (21.83) is lower than the threshold (22.27), it is anticipated that the office component of the project can be screened out from a VMT analysis. The office component of this project falls within a low VMT zone and therefore can be screened out. Likewise, the future 8,000 sq. ft. restaurant component can be screened out as a local-serving retail space of less than 50,000 sq. ft. Based on the review of the Screening Tool and the location of the Project site, the Project is eligible to be screened out from a detailed VMT analysis (LSA 2021) (Attachment B).

In conclusion, based on location in a low-VMT zone and having retail space less than 50,000 sq. ft. the project will not create a VMT impact and can be screened from a detailed VMT analysis. This is considered a less than significant impact.

- c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The Project site would be accessed off West Nees Avenue via North San Pablo Avenue. The access would be along the east side of the site. The driveway off West Nees Avenue to North San Pablo Avenue is two lanes (one southbound providing ingress off West Nees Avenue and one northbound providing egress on to North San Pablo) and is currently used to access the Villagio Shopping Center. No change in access is proposed to accommodate the Project. No impact would occur regarding a substantial increase in hazards due to a geometric design feature.

- d) Result in inadequate emergency access?

No Impact. As noted under item c) above, the Project site is accessed off West Nees Avenue via North San Pablo Avenue. The Project will be reviewed by the City of Fresno Planning Department and Fire Department. The Project would be subject to ministerial and mandatory approval of both regular ingress/egress points as well as emergency access and will not be approved unless the Site Plan meets both Planning and Fire Department standards. Final Site Plan approval is subject to field inspection as well. The Project cannot receive approval without incorporating adequate emergency access. Therefore, no impact to emergency access is anticipated.

XVIII. TRIBAL CULTURAL RESOURCES

- a) 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:

Less than Significant Impact. As described in item a) above, it is not likely that human remains would be found on the Project site based on prior disturbance of the site. The impact is considered less than significant. While unlikely, if human remains are discovered, PEIR mitigation measure CUL-3 would be implemented (Attachment C):

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CUL-3: In the event that human remains are unearthed during excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to Health and Safety Code (HSC) Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98(a). If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendent of the deceased Native American, who shall then serve as the consultant on how to proceed with the remains. Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

Pursuant to Assembly Bill 52 (AB 52), the Table Mountain Rancheria Tribe and the Dumna Wo Wah were invited to consult under AB 52. The City of Fresno mailed notices regarding the project to both tribes on December 8, 2020 which included the required 30-day time period for tribes to request consultation. Following the close of the 30-day comment period on January 7, 2021, City staff confirmed that no comments were received from the tribes (Lang, pers. comm. January 25, 2021).

Because neither Tribe requested consultation, and because existing cultural resources protection laws exist that would require construction activities to cease if artifacts are discovered, there is no impact to tribal cultural resources. The project would not result in any cultural resource environmental impacts beyond those analyzed in PEIR SCH No. 2019050005.

- i.) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k), or

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact. The Project is in an urban setting. The surrounding area has been developed and disturbed with the neighboring Villagio Shopping Center developed in 2002. No resources eligible for listing in the California Register of Historical Resources are present on or in the vicinity of the site. Therefore, no impact would occur.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact. Refer to item a) and ai), above. The Project site does not contain any resources determined to be significant for either the California Register of Historical Resources or a California Native American Tribe, specifically the Table Mountain Rancheria Tribe and the Dumna Wo Wah.

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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XIX. UTILITIES AND SERVICE SYSTEMS Would the project:

- a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

No Impact. Construction of the Project would rely on existing infrastructure to provide required utilities and service systems as described below.

Water

The project site is in a developed portion of the City. The City of Fresno has a water distribution system including 1,780 miles of water system pipelines through the City's Planning Area. Figure PU-2, Water Distribution System, of the City of Fresno General Plan shows 14-inch and smaller pipeline in Nees Avenue to the north. A City well is also located along Blackstone Avenue north of Nees Avenue (Dyett and Bhatia 2014, p. 6-19). The project would connect to existing water infrastructure for service. Based on the nature and size of the project (i.e., less than 500,000 sq. ft.), it would not require an SB 610 Water Supply Study.

Wastewater Treatment

The City of Fresno owns and maintains the majority of the wastewater collection systems that convey wastewater to the Fresno-Clovis Regional Reclamation Facility (FCRWF), and all of the wastewater collection system that conveys wastewater to the North Fresno Wastewater Reclamation Facility (NFWRF). The Project would not increase demand such that the additional wastewater treatment capacity would be needed.

The City's wastewater collection system consists of more than 1,380 miles of gravity flow pipelines ranging in size from 4 inches to 84 inches in diameter and ranging in age from new to more than 100 years old (LSA 2020, p. 4.17-3). Figure PU-1, Existing Wastewater System, of the City of Fresno General Plan shows 4-inch to 12-inch sewer pipe in Nees Avenue to the north (Dyett and Bhatia 2014, p. 6-19).

No impact would occur with regard to relocation or construction of new or expanded wastewater facilities which could cause significant environmental effects.

Storm Water Drainage

FMFCD provides drainage service to the Fresno metropolitan area. In order to provide this service, FMFCD has organized the metropolitan area into over 170 urban drainage areas or watersheds. Collection systems convey the stormwater to disposal facilities, which in the majority of cases are excavated, unlined basins. The collection systems are designed to provide one foot of freeboard in the pipeline collection system designed to convey runoff rates generated by rainfall intensity up to and including a 50% probability of occurrence (a 2-year return frequency) (LSA 2020, p. 4.17-7). Please refer to the discussion of X. Hydrology and Water Quality, above for additional details.

Electric Power

Pacific Gas and Electric (PG&E) serves the City of Fresno Planning Area with electricity and natural gas infrastructure is present in the areas surrounding the parcel including high voltage overhead power poles along Nees Avenue extending south along the east side of the project site. In addition,

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an electrical box is present in the northwest corner of the project site. The project would contact PG&E for service and connect to existing PG&E infrastructure.

- b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Less than Significant Impact. The City of Fresno Department of Public Utilities (DPU) provides potable water to most of the City as well as some users within the portion of the Planning Area outside of the City limits and to the Project. Fresno’s primary source of potable water is groundwater stored in an aquifer. This is groundwater is supplemented with surface water from the Kings River, the Central Valley Project and wastewater recycle exchange with Fresno Irrigation District.

The Project is not of sufficient size to require preparation of Water Supply Assessment under SB 610 (i.e., is less than 500,000 sq. ft.). According to the City of Fresno Water Capacity Fee Study, “After the Metro Plan Update was developed, the City’s water demands decreased, and the City reduced its projections of future water demand through buildout. The most recent projections are developed in the City’s January 2014 Metro Plan Update Addendum which projects that potable water demand will increase to 195,000 acre-feet through buildout in 2035. This level of demand is equal to the total projected demand of 220,100 acre-feet (based on the 2035 General Plan Population with SBx7-7 Water Conservation Act compliance), less an estimated 25,000 AF of anticipated future recycled water supply” (Bartle Wells Associates 2016, p. 9). Thus, the Project would have a less than significant impact on water supply.

- c) Result in a determination by the waste water treatment provider, which 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?

No Impact. The Project would generate wastewater flows from toilets and sinks and operation of the kitchen. The proposed uses would generate less wastewater than would be generated by the existing residential designation.

The City of Fresno owns and operates two wastewater treatment facilities that serve the Fresno metropolitan area: the Fresno-Clovis Regional Wastewater Reclamation Facility (FCRWR) and the North Fresno Wastewater Reclamation Facility (NFWRF) (LSA 2020, p. 4.17-22). The Project would be served by the FCRWR. The site is within the City’s Wastewater Management Plan and will undergo review by the City’s Department of Public Utilities to confirm capacity. Wastewater infrastructure is currently in place serving the surrounding development including the Villagio Shopping Center.

The site is designated for High Density Residential development. The NRWRF has been designed to accommodate the land used designations of the General Plan. The proposed GPA from High Density Residential to Regional Mixed Use would result in a decrease in demand for wastewater treatment. For example, using established wastewater flow rates (15A NCAC 02T .0114), if the maximum existing density were developed on the site (45 units x 1.73 acres = 77 units) with a wastewater generation of 240 gallons per unit, approximately 18,400 gallons of wastewater would be produced per day (240 gallons/unit x 77 units = 18,400 gallons per day). In comparison,

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--------------------------------------	--	-------------------------------------	----------------

development of an 8,000 sq. ft. restaurant seating 300 patrons at 40 gallons of wastewater per patron would generate 12,000 gallons of wastewater per day. Thus, a reduction of approximately 6,000 gallons per day of wastewater would occur under the proposed density of the GPA. Therefore, no impact to wastewater treatment would occur.

- d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

No Impact. The Project is not anticipated to generate appreciable quantities of waste given its size and use (i.e., 8,000 sq. ft. restaurant with 2,500 sq. ft. of personal office space). AB 939 mandates the reduction of solid waste disposal in landfills. The City is currently achieving a 71 percent diversion rate (based on 2009 data) which is anticipated to increase due to a Fresno City Council resolution that commits the City to the goal of a Zero Waste goal by 2025. The project would be required to comply with the Zero Waste Strategic Action Plan approved on February 11, 2009 which would curb solid waste generation in keeping with the provisions of AB 939. Solid waste service is provided by the City of Fresno. Waste is disposed of at the American Avenue Landfill which has an estimated closure date of August 31, 2031 (LSA 2020, p. 4.17-30). No impact would occur.

- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

No Impact. The project would be required to comply with the City's Zero Waste Strategic Action Plan. See analysis regarding the state requirements of AB 939 in subsection (d) above.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project.

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The State Responsibility Area (SRA) is the area of the state of where the State of California is financially responsible for the prevention and suppression of wildfires. The SRA does not include lands within city boundaries (CalFire 2013). According to the Fresno General Plan Program EIR, "The California Emergency Services Act requires cities to prepare and maintain an emergency plan for emergencies that are natural or caused by man. The City's adopted Emergency Operations Plan (EOP) plans for emergencies including natural hazards. The EOP does not designate any evacuation routes within the Planning Area.:" (LSA 2020, p. 4.18-6). The Project would have no impact on substantially impairing an adopted emergency response plan or emergency evacuation plan.

- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--------------------------------------	--	-------------------------------------	----------------

No Impact. The City is not in the SRA. According to the Fresno General Plan Program EIR, “given that the Planning Area is largely urbanized and paved, wildfire threats in the city are minimal. Further, rural agricultural lands located outside of the Fresno city limits and within the Planning Area lack steep topographies and, therefore, risk of the uncontrolled spread of wildfire is limited” (LSA 2020, p. 4.18-10). Therefore, no impact would occur regarding exposing project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The City is not in the SRA. Due to the nature of the Project and its location within the City of Fresno in an urban setting, the Project would not require new roads, fuel breaks, emergency water sources, power lines, or other utilities for construction that may exacerbate fire risk.

- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The City is not in the SRA. The Project is located on flat land in the City of Fresno in an urban setting to the west of the Villagio Shopping Center. The Project would be built compliant with applicable development codes. No impact would occur that would result in exposing people or structures to significant risks, including downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino, (1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.

SECTION 3

III. MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

- 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?
-

No Impact. Implementation of the Project would construct a building or buildings on a 1.73-acre vacant parcel to the west of the Villagio Shopping Center in accordance with an approved future site development entitlement. The site and surrounding area have been developed. The Project site would be infilled. The Project would have no impact with regard to degrading 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.

- 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.)
-

No Impact. The Project would not result in any impacts that are individually limited but cumulatively considerable.

- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?
-

No Impact. The Project would be developed consistent with City of Fresno design standards. Therefore, the Project would not cause a substantial adverse effect on human beings either directly or indirectly. No impact would occur.

IV. PERSONS AND ORGANIZATIONS CONSULTED

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

A. CITY OF FRESNO

Will Tackett, Planning Manager - City of Fresno

Chris Lang, Planner III – City of Fresno

McKencie Perez, Supervising Planner – City of Fresno

B. OTHER AGENCIES/ORGANIZATIONS

San Joaquin Valley Air Pollution Control District

C. TRAFFIC ENGINEER

John Rowland, PE, TE – Peters Engineering Group

Ambarish Mukherjee, P.E., AICP – LSA Associates

D. PROJECT REPRESENTATIVE

Dirk Poeschel, AICP, Land Development Services, Inc.

E. MND PREPARERS

Melanie J. Halajian, AICP, Senior Planner – Ericsson-Grant, Inc.

Kevin L. Grant, Managing Principal Ericsson-Grant, Inc.

(Written or oral comments received on the checklist prior to circulation)

V. REFERENCES

- 15A NCAC 02T .0114 WASTEWATER DESIGN FLOW RATES. Accessed at <http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2002%20-%20environmental%20management/subchapter%20t/15a%20ncac%2002t%20.0114.pdf>
Referenced in text as (15A NCAC 02% .01114)
- Bartel Wells Associates. 2016. "City of Fresno – Water Capacity Fee Study." August 26, 2016. Referenced in text as (Bartel Wells Associates 2016).
- California Department of Conservation Website <https://maps.conservation.ca.gov/DLRP/CIFF/> Accessed July 30, 2020. Referenced in text as (DOC 2020).
- California Department of Forestry and Fire Protection. State Responsibility Area and Facilities. Original Map dated 2001. Updated 2013. Referenced in text as (CalFire 2013).
- City of Fresno. 2020a. City of Fresno General Plan Land Use and Circulation Map. Dated March 19, 2020. Referenced in text as (City of Fresno 2020a).
- City of Fresno, 2020b. CEQA Guidelines for Vehicle Miles Traveled for the City of Fresno. Adopted June 25, 2020.
- Department of Conservation 2000. *A General Location Guide for Ultramafic Rocks in California-Areas More Likely to Contain Naturally Occurring Asbestos*. Referenced in text as (DOC 2000).
- Dyett & Bhatia. Fresno General Plan. December 18, 2014. Referenced in text as (Dyett & Bhatia 2014).
- Fehr & Peers, 2016. City of Fresno Active Transportation Plan. December 2016. Referenced in text as (Fehr & Peers 2016).
- Fresno, City of. Operational Statement and Environmental Assessment Application. Revised March 12, 2020.
- Fresno Council of Governments. 2018. Fresno County Airport Land Use Compatibility Plan. Website: <https://www.fresnocog.org/wp-content/uploads/2019/01/fresno-draft-ALUCP-12-04-17c.pdf>
https://www.fresnocog.org/wp-content/uploads/2019/01/fresno-final-alucp-113018-r_part2.pdf
Accessed, August 3, 2020. Referenced in text as (Fresno COG 2018).
- Fresno, County of. Fresno County Office of Emergency Services website. Accessed at <https://www.co.fresno.ca.us/departments/public-health/office-of-emergency-services-oes/about-fresno-county-office-of-emergency-services>. Accessed March 23, 2020. Referenced in text as (Fresno County OES 2020).
- Gormley, Jill. Traffic Engineering Manager. City of Fresno. Personal communication (e-mail) August 17, 2020. Referenced in text as (Gormley pers. comm., 2020).
- Lang, Chris. Planner III. City of Fresno. Personal communication (e-mail). January 25, 2021. Referenced in text as (Lang, pers. comm. 2021).
- LSA 2020. Fresno General Plan Public Review Draft Program Environmental Impact Report. March 2020. Referenced in text as (LSA 2020).
- LSA 2021. 131 W. Nees Avenue Project Vehicle Miles Traveled Analysis Memorandum. October 29, 2021. Referenced in text as (LSA 2021).
- Peters Engineering Group. 2019. Limited Traffic Analyses – Trip Generation Comparison, Proposed General Plan Amendment Southwest of the Intersection of Nees and San Pablo Avenues, Fresno, California. Referenced in text as (PEG 2019).

ATTACHMENT A

**TRIP GENERATION COMPARISON
MEMORANDUM**



Mr. David Fansler
Fansler Restaurant Group
7636 North Ingram Avenue, No. 109
Fresno, California 93711

October 24, 2019

Subject: Limited Traffic Analyses - Trip Generation Comparison
Proposed General Plan Amendment
Southwest of the Intersection of Nees and San Pablo Avenues
Fresno, California

Dear Mr. Fansler:

This report presents the results of a limited traffic impact study for the subject project. The analysis focuses on the anticipated number of vehicle trips resulting from the project. The primary purpose of this study is to evaluate the expected net change in trips generated at the site as a result of the proposed General Plan Amendment (GPA).

The proposed GPA would change the planned land use on approximately 1.73 acres (APN 303-630-21) immediately southwest of the intersection of Nees and San Pablo Avenues from high-density residential (currently zone RM-3 allowing between 30 and 45 dwelling units per acre) to Regional Commercial (RC). The proposed land use would allow construction of 8,000-square-foot restaurant with a 2,500-square-foot single-tenant office. The site is located in Traffic Impact Zone (TIZ) III per the City of Fresno *General Plan*.

Data provided in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition*, are typically used to estimate the number of trips anticipated to be generated by the existing and proposed land uses at the site for comparison purposes. Table 1 presents trip generation characteristics of the proposed project.

Table 1
Trip Generation Calculations – Proposed GPA

Land Use	Size	Daily		A.M. Peak Hour				P.M. Peak Hour					
		Rate	Total	Rate	In:Out	In	Out	Total	Rate	In:Out	In	Out	Total
High-Turnover (Sit-Down) Restaurant (ITE 932)	8.0	112.18	898	9.94	55:45	44	36	80	9.77	62:38	49	30	79
Small Office Building (ITE 712)	2.5	16.19	42	1.92	83:18	4	1	5	2.45	32:68	2	5	7
TOTALS:			940			48	37	85			51	35	86

Reference: *Trip Generation Manual, 10th Edition*, Institute of Transportation Engineers, 2017

Rates are reported in trips per 1,000 square feet of building area.

Based on the current RM-3 zoning, the 1.73-acre site would yield between 52 and 77 units. Table 2 presents trip generation characteristics for a 77-unit multifamily residential development.

Table 2
Trip Generation Calculations – Multifamily Residential

Land Use	Size	Daily		A.M. Peak Hour				P.M. Peak Hour					
		Rate	Total	Rate	In:Out	In	Out	Total	Rate	In:Out	In	Out	Total
Multifamily Housing (Low-Rise) (ITE 220)	77	7.32	564	0.46	23:77	8	28	36	0.56	63:37	28	16	44

Reference: *Trip Generation Manual, 10th Edition*, Institute of Transportation Engineers, 2017
 Rates are reported in trips per dwelling unit.

Table 3 presents the net project trip generation by taking the difference between the existing land use trip generation (Table 2) and the proposed project trip generation (Table 1).

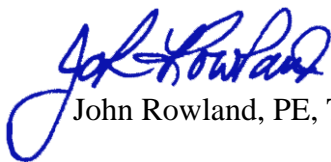
Table 3
Net Project Trip Generation

Scenario	Daily	A.M. Peak Hour	P.M. Peak Hour
Proposed GPA	940	85	86
Multifamily Residential	564	36	44
DIFFERENCE:	376	49	42

The results of the trip generation analyses suggest that the proposed GPA will result in an increase in trips expected to be generated at the site as compared to the current residential zoning. However, the proposed GPA is expected to generate fewer than 100 trips per peak hour, which is the threshold that triggers a traffic impact study for projects in TIZ-III per the City of Fresno *General Plan*.

Thank you for the opportunity to perform these trip generation analyses for the Project. Please feel free to contact our office if you have any questions.

PETERS ENGINEERING GROUP


 John Rowland, PE, TE



ATTACHMENT B

**PROJECT VEHICLE MILES TRAVELED ANALYSIS
MEMORANDUM**



MEMORANDUM

DATE: May 02, 2022
To: Chris Lang, Planner III, City of Fresno
FROM: Ambarish Mukherjee, P.E., AICP
SUBJECT: 131 W Nees Avenue Project Vehicle Miles Traveled Analysis Memorandum

LSA is under contract to prepare a Vehicle Miles Traveled Analysis Memorandum (Memo) for the proposed 131 W Nees Avenue Project (project) in the City of Fresno (City). The project site is located at the southwest corner of Nees Avenue and San Pablo Avenue in the City. Figure 1 (all figures attached) illustrates the regional and project location.

The project site is designated for High Density Residential uses in the adopted City of Fresno General Plan and is zoned as Residential Multi-Family District-3 (RM-3) which allows from 30 to 45 apartments per acre. The project will include a General Plan Amendment (GPA) and Zone Change (ZC) to replace the planned high density multifamily residential units with the Regional Mixed-Use (RMX) General Plan designation and zoning. The proposed project will include an 8,000 square feet (sf) restaurant and a 2,500 sf single tenant office.

BACKGROUND

On December 28, 2018, the California Office of Administrative Law cleared the revised California Environmental Quality Act (CEQA) guidelines for use. Among the changes to the guidelines was removal of vehicle delay and level of service from consideration under CEQA. With the adopted guidelines, transportation impacts are to be evaluated based on a project's effect on VMT. Therefore, the proposed project's transportation impacts will need to be evaluated under the revised CEQA guidelines. The City adopted its *CEQA Guidelines for Vehicle Miles Traveled Thresholds* (VMT Guidelines) in June 2020. The VMT analysis for this project has been prepared using the City's adopted VMT Guidelines.

VMT ANALYSIS

As previously stated, the project will include a GPA and ZC to replace the planned high density multifamily residential units with the RMX General Plan designation and zoning. The proposed project is within a High-Quality Transit Area (HQT). However, since the project will include a GPA and ZC, it will not be consistent with the City's General Plan as well as the Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS). Additionally, the project will have a Floor Area Ratio (FAR) of approximately 0.14 which is much lower than the VMT screening criteria (FAR>0.75)

for projects located in HQTA. Therefore, the project cannot be screened from a VMT analysis based on the HQTA criteria.

Since the land use and zoning for the lot are being changed from residential to mixed-use, it is anticipated that trips and subsequently VMT will be lowered due to internal capture. Additionally, as per the City's VMT Guidelines, a mixed-use project can be evaluated for each component of the project independently based on corresponding thresholds. The project includes two separate land uses, office and retail. Based on the City's VMT Guidelines, the project may be eligible to be screened out if it is within a low-VMT zone based on VMT per employee. The Fresno Council of Governments' (COG's) VMT Screening Tool was reviewed to determine whether the project falls under a low-VMT per employee zone and can be screened out. The results from the Screening Tool are included in Appendix A. As shown in Appendix A, the VMT per employee for the Traffic Analysis Zone (TAZ) in which the project is located is 21.83. As per the City's VMT Guidelines, the threshold for determining VMT impacts for office projects is 87 percent of the existing regional VMT per employee. The Guidelines also state that the County should be considered as the "region" for VMT analysis purposes. As shown in Appendix A, the VMT per employee for Fresno County is 25.60. Therefore, the threshold for determining VMT impacts for office projects is 22.27. Since the project TAZ VMT per employee (21.83) is lower than the threshold (22.27), it is anticipated that the office component of the project can be screened out from a VMT analysis. Additionally, the restaurant component (8,000 sf) can be screened out as a local-serving retail space of less than 50,000 sf. Therefore, as per the City's VMT analysis guidelines the project is eligible to be screened out from a detailed VMT analysis.

In summary, based on its location in a low-VMT zone and having retail space less than 50,000 sf, the project will not create a VMT impact and can be screened from a detailed VMT analysis.

ATTACHMENTS

Figure 1: Regional and Project Location

Appendix A: Vehicle Miles Traveled Screening Results

FIGURES

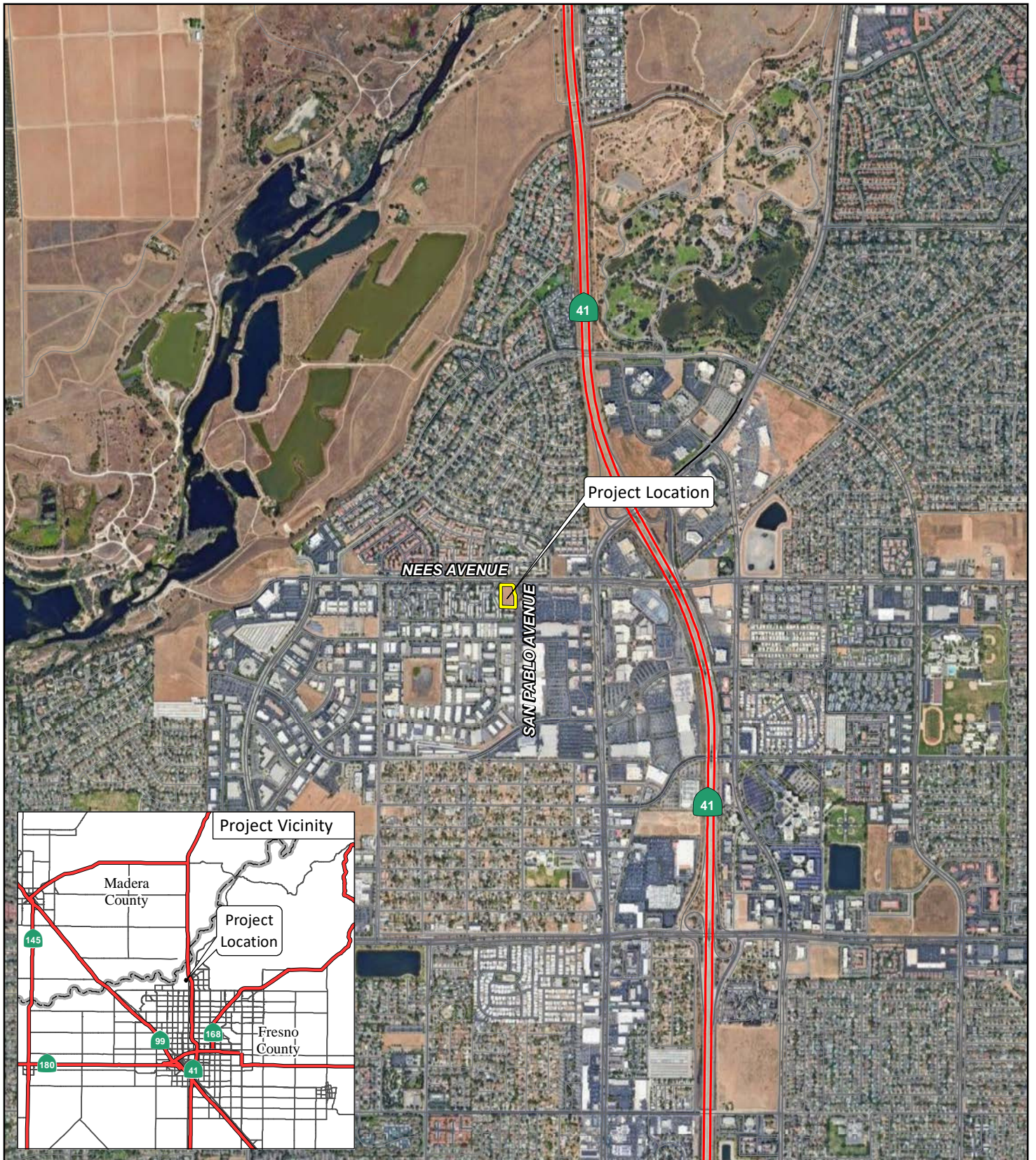
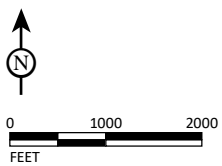


FIGURE 1

LSA



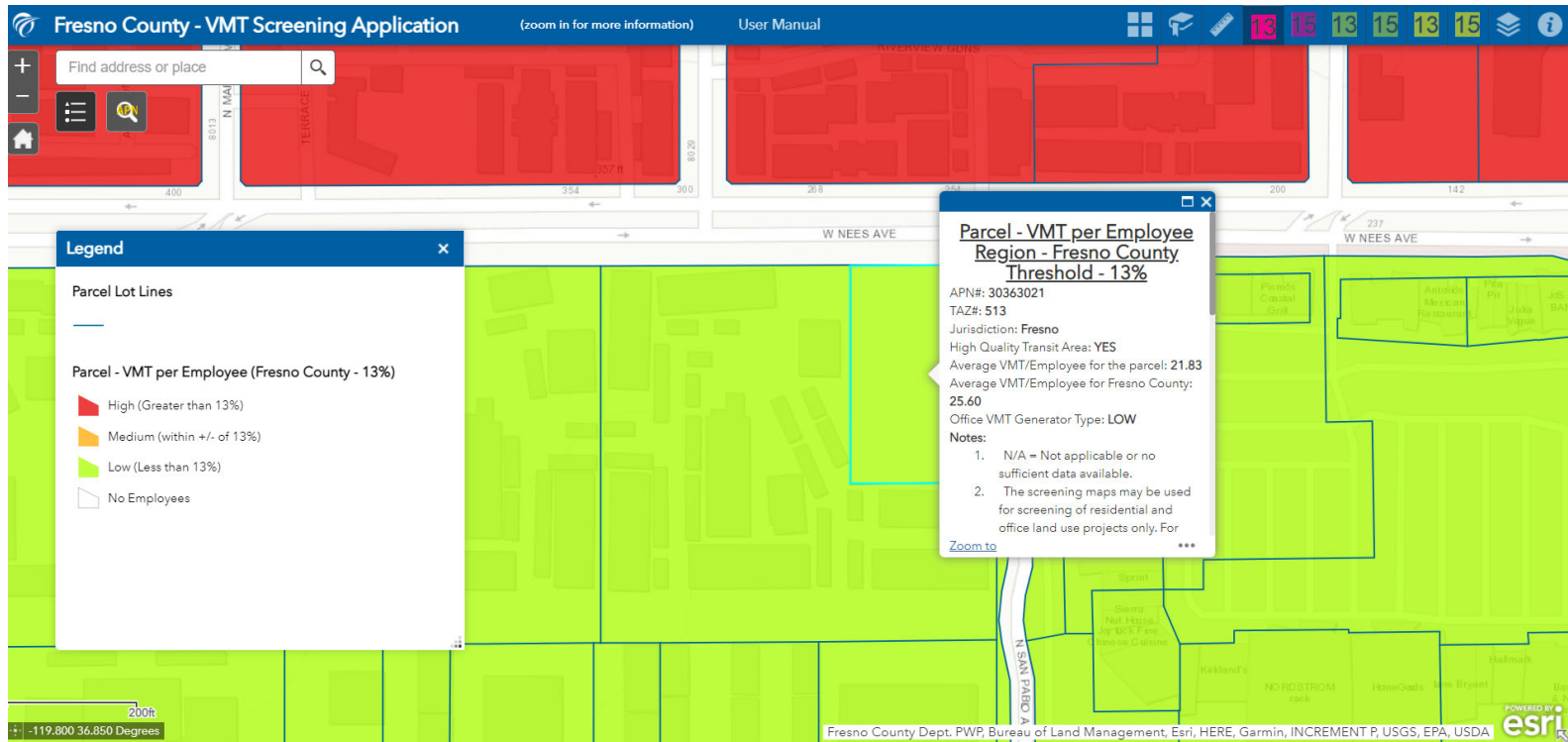
SOURCE: ESRI Streetmap, 2013; Google Earth, 2018.

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APPENDIX A

VEHICLE MILES TRAVELED SCREENING RESULTS

VMT per Employee Screening Results (Fresno COG VMT Screening Tool)



ATTACHMENT C

PEIR MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) provides mitigation measures recommended in the General Plan PEIR along with mitigation monitoring requirements. The purpose of this MMRP is to ensure compliance with all specified mitigation measures during project implementation.

The MMRP is organized in tabular format. The first column identifies the mitigation measure. The second column, entitled "Mitigation Responsibility," refers to the party responsible for implementing the mitigation measure. The third column, entitled "Monitoring/Reporting Agency," refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented. The fourth column, entitled "Monitoring Timing/Schedule," refers to when monitoring will occur to ensure that the mitigating action is completed.

ATTACHMENT C
PEIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
AESTHETICS			
AES-4.1: Lighting for Street and Parking Areas. Lighting systems for street and parking areas shall include shields to direct light to the roadway surfaces and parking areas. Vertical shields on the light fixtures shall also be used to direct light away from adjacent light sensitive land uses such as residences.	Project Applicant and project architect.	Public Works Department (PW) and Planning and Development Department	Lighting systems to be confirmed during plan check, prior to issuance of building permits.

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
CULTURAL RESOURCES			
<p>CUL-1.1: If previously unknown resources are encountered before or during grading activities, construction shall stop in the immediate vicinity of the find and a qualified historical resources specialist shall be consulted to determine whether the resource requires further study. The qualified historical resources specialist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and the City’s Historic Preservation Ordinance. If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.</p> <p>No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any historical artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.</p>	Project Applicant and qualified historical resources specialist	Planning and Development Department	<p>Planning and Development Department to review contract specifications to ensure inclusion of provisions included in project-specific mitigation measure.</p> <p>Following discovery of previously unknown resource, a qualified historical resources specialist shall prepare recommendations and submit to the Planning and Development Department. Timing for recommendations shall be established by project-specific mitigation measure.</p>

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
CULTURAL RESOURCES			
<p>CUL-3: In the event that human remains are unearthed during excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to Health and Safety Code (HSC) Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98(a). If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendent of the deceased Native American, who shall then serve as the consultant on how to proceed with the remains. Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.</p>	Project Applicant and qualified historical resources specialist	Planning and Development Department	Planning and Development Department to review construction specifications to ensure inclusion of provisions included in mitigation measure.

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
BIOLOGICAL RESOURCES			
<p>BIO-1.4: Proposed projects within the Planning Area should avoid, if possible, construction within the general nesting season of February through August for avian species protected under Fish and Game Code 3500 and the Migratory Bird Treaty Act (MBTA), if it is determined that suitable nesting habitat occurs on a project site. If construction cannot avoid the nesting season, a pre-construction clearance survey shall be conducted by a qualified biologist to determine if any nesting birds or nesting activity is observed on or within 500-feet of a project site. If an active nest is observed during the survey, a biological monitor shall be on site to ensure that no proposed project activities would impact the active nest. A suitable buffer shall be established around the active nest until the nestlings have fledged and the nest is no longer active. Project activities may continue in the vicinity of the nest only at the discretion of the biological monitor. Prior to commencement of grading activities and issuance of any building permits, the Director of the City of Fresno Planning and Development Department, or designee, shall verify that all proposed project grading and construction plans include specific documentation regarding the requirements of the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code Section 3503, that preconstruction surveys have been completed and the results reviewed by staff, and that the appropriate buffers (if needed) are noted on the plans and established in the field. Specific mitigation measures for direct or incidental impacts to avian species protected under Fish and Game Code 3500 and the Migratory Bird Treaty Act (MBTA) shall be determined on a case-by-case basis through agency consultation during the review process for discretionary projects, and shall be consistent with survey protocols and mitigations measures recommended by the agency at the time of consultation.</p>	Project Applicant and qualified biologist.	Planning and Development Department and California Fish and Game	<p>Prior to commencement of grading activities and issuance of any building permits/if it is determined that suitable nesting habitat occurs on a project site.</p> <p>Specific mitigation measures to be determined on a case-by-case basis through agency consultation during the review process for discretionary projects, and shall be consistent with survey protocols and mitigations measures recommended by the agency at the time of consultation.</p>