

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

MEMORANDUM

To: Garine Kendoyan, Engineer, City of Fresno
From: Kate Elliott, Project Director, Harris & Associates
RE: Mariposa Plaza Activation Project – Supporting Memorandum for Categorical Exemption (Replacement and Reconstruction)
Date: March 2, 2023
Att: 1, GeoTracker and EnviroStor Database Search, 2, Historical Resources Map

This memorandum provides supporting documentation for determining the Mariposa Plaza Activation Project (project) exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15302, Class 2, Replacement or Reconstruction.

Project Overview

Mariposa Plaza is currently the most active public space in downtown City of Fresno (City). Multiple events are staged throughout the year attracting large crowds. Its location at the corner of Mariposa Street and Fulton Street positions it on axis with the governmental heart of the City and the County, as well as immediate proximity to the planned California High Speed Rail station. The project includes renovating the existing plaza located in Downtown Fresno. Planned renovations include tree planting, landscaping, lighting, and installation of permeable paving, stage and shade structure, and associated utilities. The project site is comprised of the existing Mariposa Plaza located at the corner of Mariposa Street and Fulton Street in downtown Fresno (see aerial photo below). The project site is located in a dense urban area, with two-story buildings adjacent to the area, and is bounded by Mariposa Street and Fulton Street, other commercial buildings, and a concrete paved alleyway (Congo Alley) and parking area.



Project Description

The proposed project refreshes a significant downtown plaza and enhances its connection to the future High Speed Rail station. Renovations would include tree planting, landscaping, installation of permeable paving, and a rainwater capture pavilion. It would maintain its historic use as a place for public speaking and community events. The project adds to these functions by improving the infrastructure for those events and rearranging the relationship between the historic stage and the open audience area. Other improvements, such as the addition of public artwork and canopies for shade, convey the cultural significance of the area while keeping the plaza flexible for a wide range of public events. The City Department of Public Works would provide long-term operations and maintenance of the improvements.

Project Components

Stages and Shade Structures

The project includes the construction of two elevated stages, a small stage at the northwest corner and a main stage at the southwest corner of the plaza along Congo Alley, to replace the existing stage located in the center. In addition, shade structures would be constructed along the Mariposa Street frontage. The shade structure would include fabric shade sails.

Lighting

The project would install new lighting to replace the existing light poles. Lighting would be installed as part of the shade structures. In addition, strip lighting for the main stage along with 4 light poles would be also installed. Lighting would be designed in accordance with Title 24 standards to include the use of LED lights. The replacement lighting would not introduce a substantial amount of new light.

Stormwater and Landscaping

Stormwater infiltration systems would be integrated through the use of two new planters, one located behind the main stage along the Congo Alley frontage and the second located at the east side of the plaza at the frontage of 149 Fulton Street. The landscape planters would include native plants that are responsive to the local climate and limited water resources. The landscape plan would include a water-efficient drip irrigation system and low to moderate water use plants. The project would also include the installation of permeable pavers throughout the plaza to allow stormwater to permeate and slow surface runoff.

Utilities

A new 1-inch water line would be installed for the proposed drinking fountain, irrigation, and mister system. The line would connect to existing adjacent water lines.

Construction

Construction is anticipated to begin Summer 2023 and estimated to last 90 working days. Construction would involve the demolition of existing facilities, including the reinforced concrete site walls, stage, posts and foundations, concrete electrical vault, lighting and pull boxes, and storm drain inlet. Demolition would also include the removal of existing trees, supporting stakes, and associated irrigation. The plaza's existing benches, screens, plaques, and artwork would be salvaged during construction for reinstallation in the plaza post-construction. Construction of the plaza improvements would occur over two phases to maintain public access for pedestrians, including wheelchair access, at all times.

Additional Considerations

Cultural Resources

According to the Historic and Cultural Resources Element of the City's General Plan (2014) and the City's Local Registrar of Historic Resources (2023), there are no known cultural resources within the project area, and it is not anticipated that cultural resources would be impacted through project construction based on the highly disturbed nature of the project area. In the case of any unexpected cultural or human remains that are identified by ground-disturbing activities while implementing the project, all work would be stopped immediately in accordance with CEQA Guidelines Section 15064.5, and the appropriate City department would be notified to determine appropriate next steps.

Water Quality and Erosion Control

Construction best management practices (BMPs) would be used to reduce or eliminate the discharge of sediment and other pollutants in stormwater and non-stormwater runoff from the project site. Based on the 100% project design plans, the following construction BMPs shall be implemented by the City's construction contractor:

- Storm drain inlets and adjacent waterways shall be protected at all times from any discharge of sediment, construction debris, or waste.
- Sediment control measures shall be installed (e.g., silt fences and fiber rolls) to prevent silt runoff to public roadways or the stormwater drainage system.
- As necessary, street sweeping shall occur to remove all visible mud or dirt-track-out onto adjacent public roads.
- The contractor shall make provisions for dust and erosion control 24 hours a day, 7 days a week until project completion.
- The project site shall be maintained in a clean, orderly condition free of debris and litter; shall not be unreasonably encumbered with any materials or equipment; and shall be cleaned at the end of each working day.
- All construction vehicles and equipment used onsite shall be well maintained and checked daily for fuel, oil and hydraulic fluid leaks or other problems that could result in spills of toxic materials. A spill prevention plan with appropriate spill control and clean-up materials (e.g., oil absorbent pads) shall be retained on site in case spills or discharges occur.
- The contractor shall install stabilized construction exits at the project site.
- The contractor shall conduct site inspections before and during extended storm events 3 consecutive days of greater than 0.5 inches of rainfall and after each storm event to confirm effectiveness of BMPs.
- The contractor shall identify areas that may contribute to erosion and sediment problems or any other pollutant discharges. If additional control measures are needed, the contractor shall implement them immediately.

Geotechnical Considerations

A geotechnical investigation was prepared by BSK Associates (2023) for the project and concluded the soil conditions would not preclude the construction of the proposed improvements. The geotechnical investigation includes a series of recommendations associated with seismic design criteria, soil corrosivity, site preparation, shallow, mat, and pole-type foundations, lateral earth pressures and frictional resistance, excavation stability, trench backfill and compaction, and drainage that would be incorporated into the design and construction of the project.

Noise Control

The contractor shall comply with the City of Fresno Municipal Code, Chapter 8.40, Noise Control. The Noise Ordinance limits the hours of construction activities to between 6:00 a.m. and 9:00 p.m., Monday through Friday, and between 7:00 a.m. and 5:00 p.m. on Saturdays, Sundays, and holidays.

Traffic Control

To minimize construction-related effects on local traffic, the contractor shall implement traffic control measures throughout project implementation that include:

- Retaining accessibility of the roadways throughout the Project area throughout project implementation to the greatest extent feasible;
- Installing work barricades, signs, lights and flashers, as necessary, to direct vehicular and pedestrian traffic;
- Providing parking for the construction crew on-site or along adjacent roadways; and,
- Coordinating with local safety personnel to maintain effective emergency service access throughout the duration of the Project.
- Prior to the start of construction activities, signage would be installed that includes the dates for construction and contact information for the City of Fresno to answer project specific questions for the public.

Qualifications for a Categorical Exemption

The CEQA Guidelines Section 15300 includes a list of classes of projects that have been determined not to have a significant effect on the environment and thus are exempt from the provisions of CEQA, if the specified exceptions to using the exemption do not apply. Implementation of the Project, as described above, falls within Class 2, Replacement or Reconstruction. Per CEQA Guidelines Section 15302, Class 2, Replacement or Reconstruction:

Class 2 consists of “the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced”. The type of “existing structures and facilities” itemized below is the key consideration that the improvement project falls under, and includes:

(c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

The project includes the reconstruction of the existing Mariposa Plaza. The project would not increase the footprint of the plaza or the physical capacity. There are no proposed changes to the uses allowed or how the plaza is being used.

Exceptions to Using a Categorical Exemption

CEQA Guidelines Section 15300.2, Exceptions, identifies the following exceptions to using a Categorical Exemption. Based on an examination of the project and supporting information, the project would not result in any impacts to the environment that would cause an exception to applying the Class 2, Replacement or Reconstruction, Categorical Exemption, to the project, as described below.

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant.

Exception (a) does not apply because the project falls within the Class 2, Replacement or Reconstruction, exemption.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

Exception (b) does not apply. The City does has no plans to reconstruct the plaza again, or construct other projects or introduce other land uses at this site in the future. Therefore, the project would not make a cumulatively considerable contribution to a significant cumulative impact.

(c) Significance Effects. A categorical exemption shall not be used for any activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Exception (c) does not apply. There is not a reasonable possibility that the project would have a significant effect on the environment due to unusual circumstances. Project impacts would be typical construction-related effects (e.g., dust, traffic, noise) and would be temporary in nature. As described above, the project would include implementation of BMPs to avoid and minimize environmental impacts throughout construction activities. These include measures related to fugitive dust control, erosion and sedimentation, and protecting water quality. Once constructed, the project would not result in significant impacts from operation.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources within a highway officially designated as a state scenic highway.

Exception (d) does not apply. The project site is not located within, along, or near any Officially Designated State Scenic Highway or local roadway of importance (Caltrans 2023). Therefore, implementation of the project would not affect any scenic highways or damage any scenic resources.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

Exception (e) does not apply. The EnvirStor and GeoTracker databases were checked on February 23, 2023, and there are no hazardous waste sites located within 1,000 feet of the project site. In addition, the project site is not on any list compiled pursuant to Government Code Section 65962.5 (Cortese List (Geotracker and Envirostor 2023)).

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Exception (f) does not apply. The project area does not include any historic resources (Historic Fresno 2023). Further, project implementation would be entirely within the existing Mariposa Plaza that are already disturbed in nature and would not affect any structures (ArcGIS 2023). Therefore, the project would not cause substantial adverse changes in the significance of a historical resource.

The project constitutes a single and complete project. For the reasons stated previously, the project is categorically exempt from CEQA by Class 2, Replacement or Reconstruction.

References

ArcGIS Web AppBuilder. 2023. Historic Resources Map Search. Accessed February 23, 2023.

BSK Associates. 2023. Geotechnical Engineering Investigation Report Mariposa Plaza Improvements Project. January 27, 2023.

California Department of Transportation. 2023. California State Scenic Highway System Map. Accessed February 23, 2023. Accessed at <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>

City of Fresno. 2014. Fresno General Plan, Historic and Cultural Resources Element. Accessed February 23, 2023. Accessed at <https://www.fresno.gov/darm/general-plan-development-code/>

Department of Toxic Substance Control (DTSC). 2023. Envirostor Database Search, 1049 Fulton Street, Fresno California. Accessed February 23, 2023.

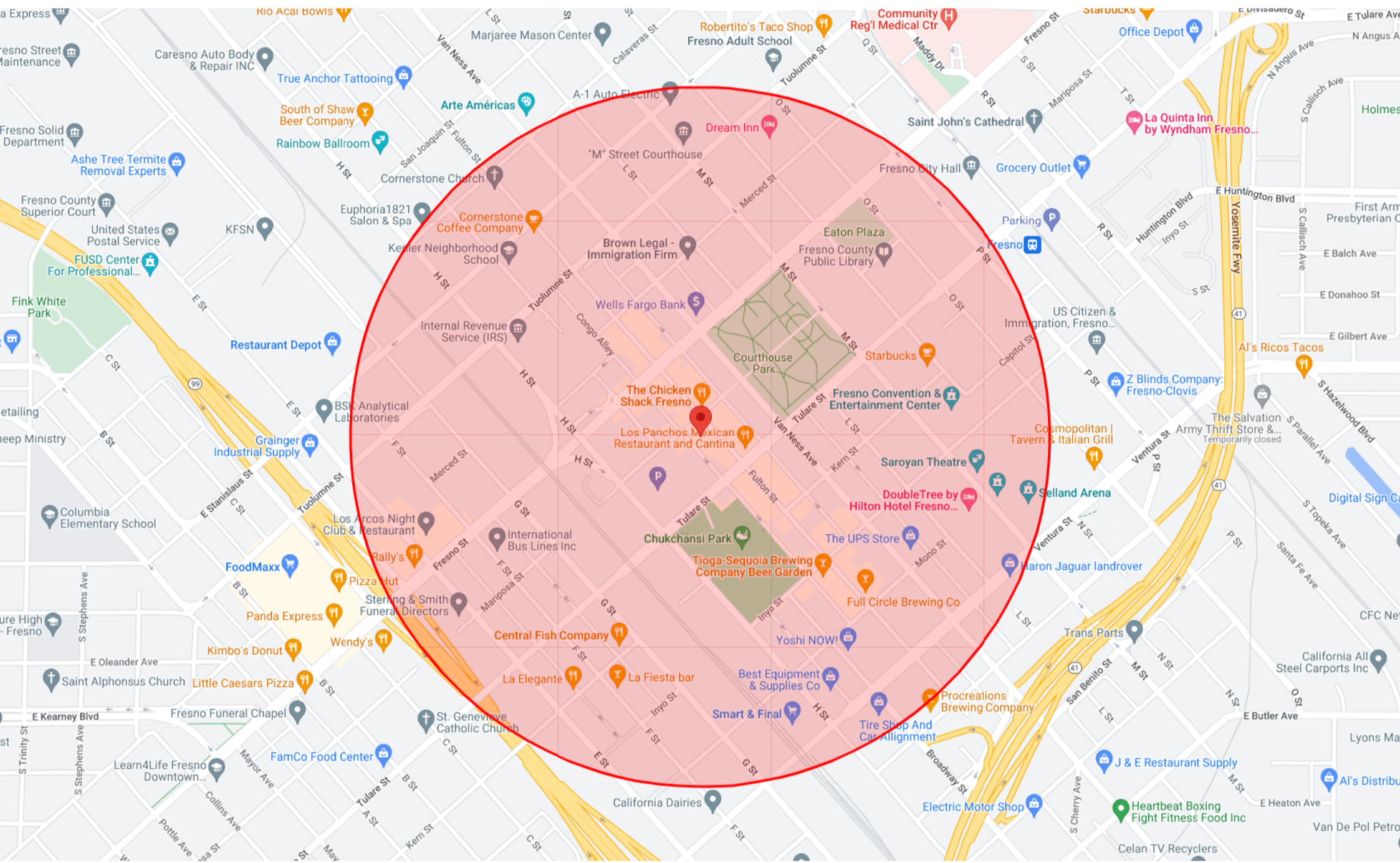
Historic Fresno. 2023. Local Register or Historic Resources. Accessed February 23, 2023. Accessed at <http://historicfresno.org/lrhr/index.htm>

Provost & Pritchard. Fresno Mariposa 100% Plans. January 18, 2022.

State Water Resources Control board. 2023. Geotracker Database Search. Accessed February 23, 2023.

Attachment 1, GeoTracker and Envirostor Database Search

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LEGEND - CHOOSE MORE SITES

- UST Cleanup Sites - REMOVE
- Cleanup Program Sites - REMOVE
- Military Cleanup Sites - REMOVE
- Military Privatized Sites - REMOVE
- Military UST Sites - REMOVE

Signifies a Closed Site

ACTIVE MAP COVERAGES:

- Military Bases - REMOVE

LIST SITES VISIBLE ON MAP

Sites and Facilities

Cleanup Sites

- Federal Superfund
- State Response
- Voluntary Cleanup
- School Cleanup
- Evaluation
- School Investigation
- Military Evaluation
- Tiered Permit
- Corrective Action
- Field Points

STATUS

[All Statuses](#)

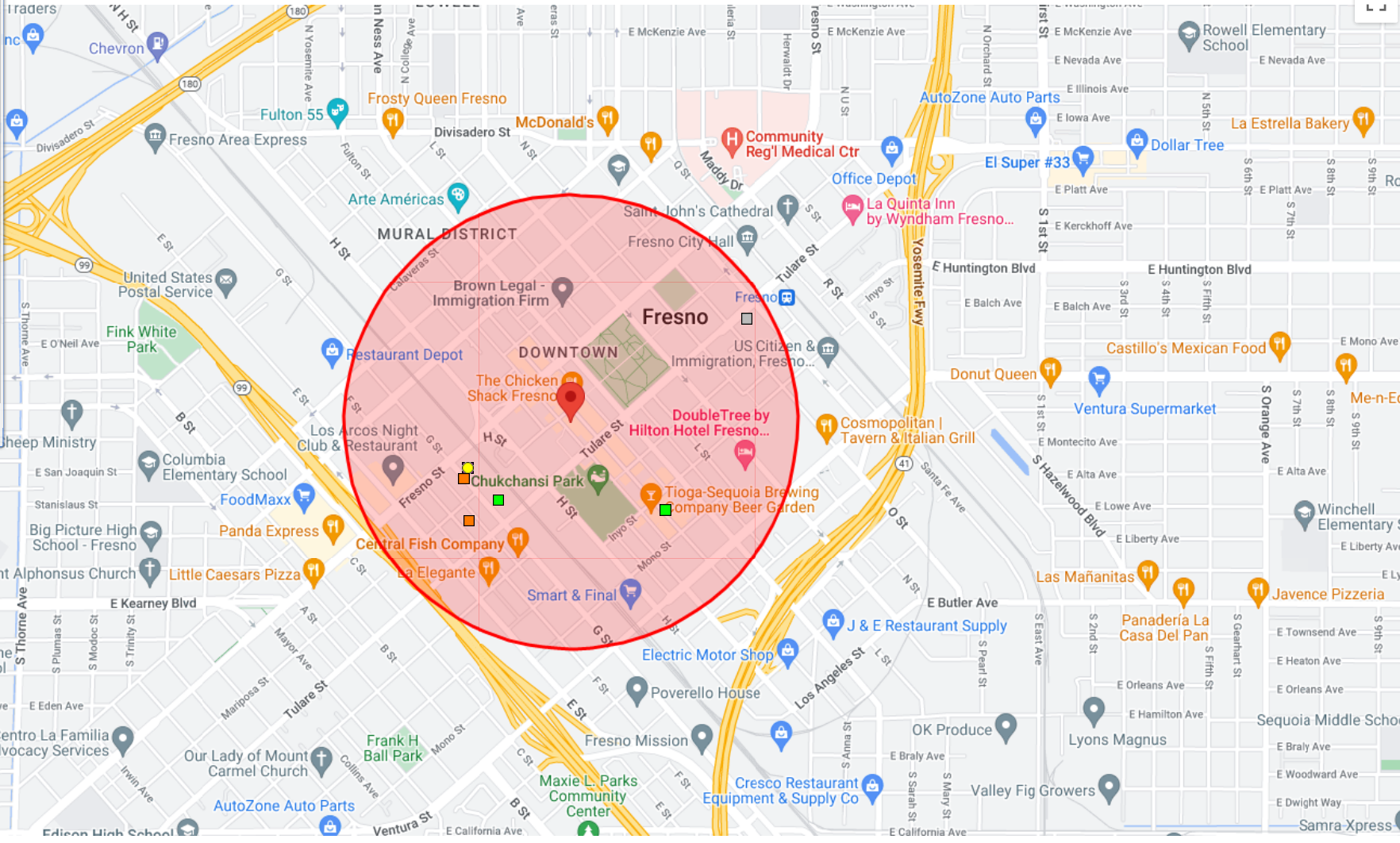
Permitted Sites

- Operating
- Post-Closure
- Non-Operating

Other Sites

- GIS Layers

Tools



SITES FOUND IN SEARCH RADIUS

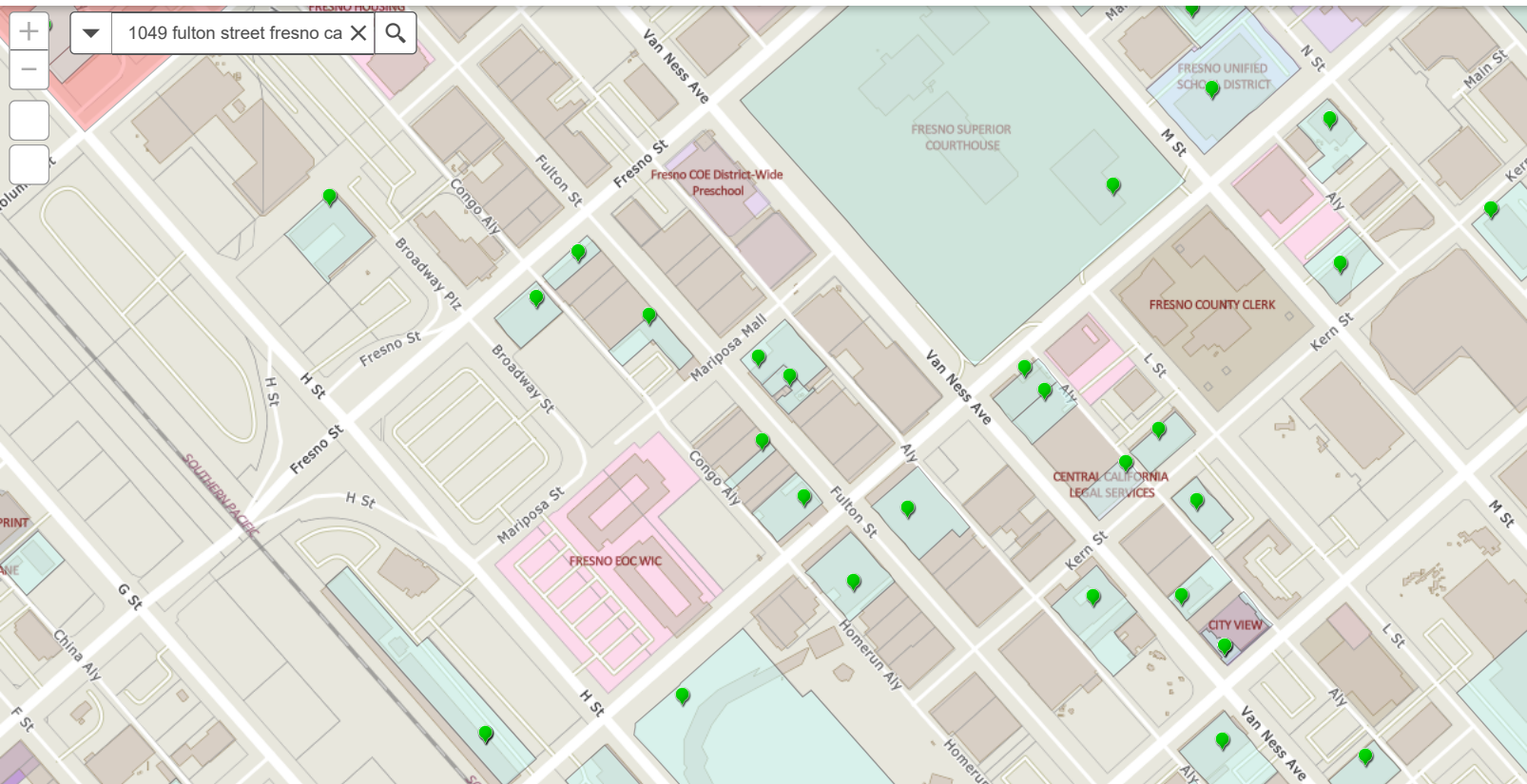
7 SITES LISTED

[EXPORT THIS LIST TO EXCEL](#)

PROJECT NAME	STATUS	PROJECT TYPE	ADDRESS	CITY
EMMANUEL LUTHERAN CHURCH SCHOOL	NO ACTION REQUIRED	SCHOOL INVESTIGATION	EAST FORADOR AVENUE/NORTH MARIPOSA STREET	FRESNO
FORMER FRESNO 2 MANUFACTURED GAS PLANT SITE	ACTIVE	VOLUNTARY CLEANUP	MARIPOSA STREET BETWEEN F AND G STREETS	FRESNO
MORRIS P. KIRK & SON (NATIONAL LEAD)	NO ACTION REQUIRED	EVALUATION	736-742 FULTON ST.	FRESNO
PG&E G STREET SUBSTATION	CERTIFIED	VOLUNTARY CLEANUP	1131 G STREET	FRESNO
PG&E MANUFACTURED GAS PLANT SQ-FK-FRS-2	INACTIVE - NEEDS EVALUATION	EVALUATION	BLOCK OF F, G, FRESNO AND TULARE STREETS	FRESNO
UNIVAR SOLUTIONS USA INC	PROTECTIVE FILER	NON-OPERATING	1152 G ST	FRESNO
UNIVAR USA INC.	NO ACTION REQUIRED	CORRECTIVE ACTION	1152 G ST	FRESNO

Attachment 2, Historical Resources Map

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Legend

Historic Resources

- Green pin icon

Historic Resources Polygon

- Light blue polygon icon

Historic Districts

- Green polygon icon: Designated
- Red polygon icon: Proposed

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