

**APPENDIX G/INITIAL STUDY FOR A MITIGATED NEGATIVE DECLARATION**

**Environmental Checklist Form for:  
Planned Development of APN 446-020-10**

1.	<b>Project title:</b> Planned Development of APN 446-020-10
2.	<b>Lead agency name and address:</b> City of Fresno Public Works 2101 G Street, Building C Fresno, CA 93706
3.	<b>Contact person and phone number:</b> <i>Debra Bernard, Project Manager</i> City of Fresno Public Works (559) 621-1201
4.	<b>Project location:</b> <i>2329 North First Street</i> <i>Fresno, California 93703</i> (APN: 446-020-10)
5.	<b>Project sponsor's name and address:</b> <i>Debra Bernard, Project Manager</i> City of Fresno Public Works (559) 621-1201
6.	<b>General &amp; Community plan land use designation:</b> CC – Commercial Community
7.	<b>Zoning:</b> CC – Commercial Community

**8. Description of project:**

The City of Fresno is proposing an overall re-planning and reconstruction of Radio Park. The purpose of this Project is to purchase the existing commercial parcel as a means of adding additional park space for incorporation into Radio Park. The Project would include demolition of the existing structures including removal of the existing commercial building, surrounding fence and wall, concrete/pavement, and other site furnishings. New park amenities as part of the overall re-planning and reconstruction of Radio Park have not been determined at this time; however, amenities may or may not include a public restroom, parking lot, fencing, shaded playground areas, shaded picnic area, splash park, event plaza, walking paths, artwork, green space, sports fields, or related park amenities. Landscaping including associated irrigation will be installed to potentially include turf, trees, shrubs, hardscape, or accent features. Since proposed site drawings detailing the re-planning and reconstruction activities of Radio Park were not available at this time, it is unknown which, if any, of these amenities may be located on the parcel that is being obtained as the focus of this study.

The proposed Project site is addressed 2329 North First Street and is located on the southwest corner of North First Street and East Clinton Avenue. The subject site is a 0.35-acre (15,625 square feet), square parcel identified as Fresno County Assessor's Parcel number (APN) 446-020-10. The property is zoned CC – Commercial Community. The property is occupied by a convenience store and parking lot and is adjacent to Radio Park to the west and south, commercial uses to the north and residential to the east (Figures 1 through 3).

The Project site is located at approximately latitude 36.7720180° and longitude -119.7729310°. The U.S. Geological Survey, 7.5-minute Fresno North, California, Topographic Quadrangle Map dated 1981, indicates the Project site is located within the Southeast quarter of Section 27, Township 13 South, Range 20 East of the Mount Diablo Baseline and Meridian, with surface elevations of the site to be relatively flat and approximately 310 feet above mean sea level (Figure No. 4).

The Project includes acquisition of the parcel, demolition of the existing convenience store and associated parking lot, and landscaping. A Permit Application for the overall re-planning and reconstruction of the park has not been prepared as of the date of this study. The development as described above constitutes the maximum extent known of the currently proposed Project.

9.	<b>Surrounding land uses and setting:</b>		
	<b>Planned Land Use</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Multi	CC – Commercial Community	Commercial
<b>East</b>	Residential – Medium High Density	RM -1	Residential
<b>South</b>	Multi	PR	Radio Park
<b>West</b>	Multi	PR	Radio Park
10.	<b>Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):</b> City of Fresno, Planning Division (site development permit or similar)		
11.	<b>Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code (PRC) Section 21080.3.1? If so, has consultation begun?</b>  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. Such significant cultural resources are either sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe which is either on or eligible for inclusion in the California Historic Register or local historic register, or, the lead agency, at its discretion, and support by substantial evidence, choose to treat the resources as a Tribal Cultural Resources (PRC Section 21074(a)(1-2)). According to the most recent census data, California is home to 109 currently recognized Indian tribes. Tribes in California currently have nearly 100 separate reservations or Rancherias. Fresno County has a number of Rancherias such as Table Mountain Rancheria, Millerton Rancheria, Big Sandy Rancheria, Cold Springs Rancheria, and Squaw Valley Rancheria. These Rancherias are not located within the city limits.		

Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, 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 Sacred Lands File per PRC Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that PRC Section 21082.3(c) contains provisions specific to confidentiality.

Currently, the Table Mountain Rancheria Tribe and the Dumna Wo Wah Tribe have requested to be notified pursuant to Assembly Bill 52 (AB 52). A certified letter was mailed to the above-mentioned tribes on April 8, 2022. A letter reply dated April 21, 2022 was received from the Table Mountain Rancheria stating that they declined participation at this time but would appreciate being notified in the unlikely event that cultural resources are identified. No comment to the initial letter nor an email follow up sent on April 27, 2022 to the Dumna Wo Wah Tribe was received; therefore, it is assumed they have no comment at this time. The 30-day comment period ended on May 8, 2022.

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 and 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:

<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find 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.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) is required.
<input type="checkbox"/>	I find 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 EIR is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find 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.

  
Debra Bernard, Planner

August 2, 2023  
Date

EVALUATION OF ADDITIONAL ENVIRONMENTAL IMPACTS NOT ASSESSED IN PROGRAM ENVIRONMENTAL IMPACT REPORT SCH NO. 2019050005 PREPARED FOR THE APPROVED FRESNO GENERAL PLAN (GP PEIR):

Note to preparer: For projects that are consistent with the Fresno General Plan and Zoning (or where the zoning will be changed only for the purposes of achieving consistency with the General Plan), tiering pursuant to CEQA Guidelines Section 15152 may be used. If tiering will be used, please comply with the requirements of Section 15152(g).

For projects that are not completely consistent with the Fresno General Plan and Zoning (i.e. projects that include a General Plan Amendment and/or Rezone), the provisions of CEQA Guidelines Section 15152 do not apply. However, the GP PEIR and its analysis may still be incorporated by reference to provide a basis for the project's initial study, to address regional influences, secondary effects, cumulative impacts, and broad alternatives pursuant to CEQA Guidelines 15168(d).

1. For purposes of this Initial Study, the following answers have the corresponding meanings:
  - a. "No Impact" means the specific impact category does not apply to the project, or that the record sufficiently demonstrates that project specific factors or general standards applicable to the project will result in no impact for the threshold under consideration.
  - b. "Less Than Significant Impact" means there is an impact related to the threshold under consideration, 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, however, with the mitigation incorporated into the project, the impact is less than significant. For purposes of this Initial Study "mitigation incorporated into the project" means mitigation originally described in the GP PEIR and applied to an individual project, as well as mitigation developed specifically for an individual project.
  - d. "Potentially Significant Impact" means there is substantial evidence that an effect may be significant related to the threshold under consideration.
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, "Earlier Analyses," as described in (6) below, 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. 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.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS</b> – Except as provided in PRC Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) In non-urbanized areas, substantially degrade the existing visual character or quality 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?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		X		

**DISCUSSION**

**a) Have a substantial adverse effect on a scenic vista?**

A scenic vista is defined as a viewpoint that provides expansive views of highly valued landscape for the benefit of the general public. The project area is located within the City of Fresno city limits and is surrounded by an existing neighborhood park, single- and multi-family residences and local commercial businesses. The Sierra Nevada Mountains are the only natural and visual resources in the Project area. Views of these distant mountains are afforded only during clear conditions due to poor air quality in the San Joaquin Valley. Distant views of the Sierra Nevada Mountains would be largely unaffected by the development of the Project because of the nature of the Project, distance, and limited visibility of these features. Additionally, public views of

buildings in Downtown Fresno provide a skyline within the City however, views of the skyline are primarily limited to areas within the Downtown Fresno area due to the relatively flat topography, intervening land uses, and landscaping within the City.

The Project will have ***a less than significant impact*** on scenic vistas.

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

According to the City of Fresno General Plan Program Environmental Impact Report (PEIR) (March 2020), scenic resources are defined as natural or man-made elements that contribute to an area's scenic value and are visually pleasing. Scenic resources include landforms, vegetation, water, or adjacent scenery and may include a cultural modification to the natural environment. Scenic corridors are channels that facilitate movement (primarily by automobile, transit, bicycle, or foot) from one location to another with expansive views of natural landscapes and visually attractive man-made development. Scenic corridors analyzed under the California Environmental Quality Act (CEQA) typically include State-designated scenic highways.

The Project site is within a developed area of Fresno. According to the California State Scenic Highway System Map<sup>1</sup>, the closest Officially Designated scenic highway is State Route 180 starting at Post mile 78.6, approximately 19 miles east of the Project site. Although there are no Officially Designated scenic highways near the proposed site, Post mile 4.0 along Highway 168 approximately 3.0 miles to the northeast of the Project begins a section of highway that is listed as Eligible. There is no clear line of sight between the Project site and the Eligible portion of the highway. The highway extends northeast to Post mile 49.7 at the northern point of Shaver Lake. The Project would not substantially damage the scenic resources due to the distance between the Project and the resources, and lack of clear visibility toward the scenic resources.

The Project will have a ***less than significant impact*** on scenic resources or highways.

**c) In non-urbanized 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?**

The Project is located in a highly urbanized area of the city of Fresno. The project is located in an area zoned CC – Commercial Community, and the proposed use is a permitted use within the current zoning, therefore it will not conflict with the existing zoning of the site or surrounding area. The visual character of the Project site will be

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<sup>1</sup> California State Scenic Highway System Map, <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>.

altered from an existing commercial building and associated parking lot to that of inclusion within the adjacent neighborhood park. The existing visual character and quality of the Project site is commercial within a highly developed area with land use types consisting of recreational, commercial, and multi-family residential.

The Project will have a ***less than significant impact*** on the visual character of the area.

**d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

The Project is located in an existing commercial and residential area. While specific park amenities, including lighting, have not been determined as of the date of this submittal, lighting, if added as part of the expansion and reconstruction of Radio Park, would likely be of similar type to that which is already existing at Radio Park and would not create a new source of substantial light or glare. Lighting at Radio Park has been upgraded to LED, so incorporation of the Project site, should lighting be needed in this area of the park, would also be LED. Areas with new LED lighting may also be around the sports field, restrooms, parking, and the event plaza, if any of these potential amenities are to be located on this parcel.

The Project would have a ***less than significant impact with mitigation incorporated*** on new sources of substantial light or glare.

***Mitigation Measures***

**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.

**AES-4.2: Lighting for Public Facilities.** Lighting systems for public facilities such as active play areas shall provide adequate illumination for the activity; however, low intensity light fixtures and shields shall be used to minimize spillover light onto adjacent properties.

**AES-4.5: Use of Non-Reflective Materials.** Materials used on building facades shall be non-reflective.

### **Mitigation Measures**

1. The proposed project shall implement and incorporate the *Aesthetics* related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated June 2022.

**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.

**AES-4.2: Lighting for Public Facilities.** Lighting systems for public facilities such as active play areas shall provide adequate illumination for the activity; however, low intensity light fixtures and shields shall be used to minimize spillover light onto adjacent properties.

**AES-4.5: Use of Non-Reflective Materials.** Materials used on building facades shall be non-reflective.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>II. AGRICULTURE AND FORESTRY RESOURCES</b> – 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 Dept. 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:</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?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
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))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?				X

**DISCUSSION**

- 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?**

The Project will not involve the conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural use (Appendix A). The Project is located in an urbanized area of the City of Fresno. The Project will convert the existing commercial building and associated parking lot into that of the adjoining neighborhood park.

The Project will have *no impact* on agricultural resources.

- b) Conflict with existing zoning for agricultural use or a Williamson Act contract?**

There were no known Williamson Act parcels on the site. According to the California Department of Conservation, Division of Land Resource Protection’s Farmland Mapping and Monitoring Program, no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance occupies the proposed Project site.

The Project will have *no impact* on agricultural resources.

- 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))?**

The Project does not conflict with existing zoning for, or cause rezoning of, forest land timberland, or timberland zoned Timberland Production or result in any loss of forest land.

The Project will have ***no impact*** on forest lands.

**d) Result in the loss of forest land or conversion of forest land to non-forest use?**

The Project does not involve the loss of forest land or conversion of forest land to non-forest use.

The Project will have ***no impact*** on forest lands.

**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?**

The Project will not involve the conversion of Farmland to non-agricultural use, or the conversion of forest land to non-forest use.

The Project will have ***no impact*** on forest resources.

**Mitigation Measure**

*There are no mitigation measures for the Project, as proposed, relating to Agriculture and Forestry Resources.*



ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY</b> – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan (e.g., by having potential emissions of regulated criterion pollutants which exceed the San Joaquin Valley Air Pollution Control Districts (SJVAPCD) adopted thresholds for these pollutants)?			X	
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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		X		
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

## DISCUSSION

### a) Conflict with or obstruct implementation of the applicable air quality plan?

The city of Fresno is located in the county of Fresno in the San Joaquin Valley Air Basin (SJVAB). The Air Basin has an “inland Mediterranean” climate and is characterized by long, hot, dry summers and short, foggy winters. The Air Basin is generally shaped like a bowl. It is open in the north and surrounded by mountain

ranges on all other sides. The local agency with jurisdiction over the air quality in the Basin is the San Joaquin Valley Air Pollution Control District (SJVAPCD).

The Project area is 0.35 acres (approximately 15,625 square feet) in area. The Project would comply with all applicable San Joaquin Valley Air Pollution Control District (SJVAPCD) rules and regulations as presented in their March 3, 2022 letter detailed below in section b). Based on the general comments offered by the District, the Project may be subject to District Rule 2010 and Rule 2201, District Rule 4002, Rule 8021. The Project may also be subject to the following District rules: Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). A copy of the letter is included in Appendix B. Therefore, the Project would not conflict with or obstruct implementation of the applicable air quality attainment plan.

The Project impact would be *less than significant*.

**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?**

Based on the SJVAPCD letter dated March 3, 2022 which reviewed the proposed scope, the Project specific annual emissions from construction and operation emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NO<sub>x</sub>), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (Sox), 15 tons per year of particulate matter of 10 microns or less in size (PM<sub>10</sub>), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM<sub>2.5</sub>).

The District offered additional general comments regarding Project Related Criteria Pollutant Emissions including construction emissions, clean lawn and garden equipment in the community, electric vehicle charging equipment, District Rules 2010 and 2201 (Air Quality permitting for Stationary Sources), District Rule 9510 (Indirect Source Review), District Rule 4002 (National Emission Standards for Hazardous Air Pollutants), and District Regulation VIII (Fugitive PM 10 Prohibitions).

The Project may be subject to Rule 2010 and Rule 2201. District Rule 2010 requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using best available control technology (BACT). Prior to commencing construction on any permit-required equipment or process, a finalized ATC must be issued to the Project proponent by the District.

The District determined the project size is below the District Rule 9510, section 2.1 applicability threshold of 20,000 square feet for a recreational development.

Therefore, District Rule 9510 requirements and related fees do not apply to the project.

In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002, which requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated.

[Proposed Rule 4002 \(valleyair.org\)](http://www.valleyair.org)

Rule 4002, National Emission Standards for Hazardous Air Pollutants (Amended May 20, 2004) states that all sources of hazardous air pollution shall comply with the standards, criteria, and requirements set forth in rule 40 CFR Part 61, Subpart M – National Emission Standard for Asbestos. The purpose of the Asbestos Program is to protect the public from uncontrolled emissions of asbestos through enforcement of the Federal Asbestos Standard. Information on how to comply with the asbestos removal and demolition, and forms that may need to be completed can be found online at:

[Asbestos Requirements \(valleyair.org\)](http://www.valleyair.org)

The Project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VII, specifically Rule 8021 – Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities. The application for both the Construction Notification and Dust Control Plan can be found online at:

<http://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx>

Information about District Regulation VIII can be found online at:

[http://www.valleyair.org/busind/comply/PM10/compliance\\_pm10.htm](http://www.valleyair.org/busind/comply/PM10/compliance_pm10.htm)

The Project may also be subject to the following District rules: Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). A copy of the letter is in Appendix B.

The Project's emissions are less than significant for all criteria pollutants and would not result in inconsistency with the AQP. The Project will comply with all applicable SJVAPCD rules and regulations; therefore, no violations of air quality standards will occur and no net increase of pollutants will occur. The Project complies with applicable control measures of the AQP.

The District's review of the Project indicated that criteria pollutants are not expected to exceed any of the District's significance thresholds; therefore, the Project would not result in a cumulatively considerable net increase in any criteria pollutant. In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002, which requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated.

[Proposed Rule 4002 \(valleyair.org\)](http://valleyair.org)

The Project would not result in a cumulatively considerable net increase of any criteria pollutant and would have a ***less than significant impact with mitigation incorporated.***

### ***Mitigation Measures***

Rule 4002, National Emission Standards for Hazardous Air Pollutants (Amended May 20, 2004) states that all sources of hazardous air pollution shall comply with the standards, criteria, and requirements set forth in rule 40 CFR Part 61, Subpart M – National Emission Standard for Asbestos. The purpose of the Asbestos Program is to protect the public from uncontrolled emissions of asbestos through enforcement of the Federal Asbestos Standard. Information on how to comply with the asbestos removal and demolition, and forms that may need to be completed can be found online at:

[Asbestos Requirements \(valleyair.org\)](http://valleyair.org)

#### **c) Expose sensitive receptors to substantial pollutant concentrations?**

The March 2020 City of Fresno General Plan Draft Program Environmental Impact Report (PEIR) identifies sensitive receptors as those individuals who are sensitive to air pollution including children, the elderly, and persons with pre-existing respiratory or cardiovascular illness. The PEIR also states that the SJVAPCD considers a sensitive receptor to be a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools.

Based on the descriptions above, the Project itself as a neighborhood park, is a sensitive receptor. However, the SJVAPCD reviewed the proposed scope and determined that the Project specific annual emissions from construction and operation emissions of criteria pollutants are not expected to exceed any of the District significance thresholds. The Project's use of the site as a neighborhood park would not expose sensitive receptors to substantial pollutant concentrations (Appendix B).

The Project will have a ***less than significant*** impact.

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

Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, schools, etc. warrant the closest scrutiny, but consideration should also be given to other land uses where people may congregate, such as recreational facilities, worksites, and commercial areas. Land uses that are typically identified as sources of objectionable odors include landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roasters,

asphalt batch plants, and rendering plants. Two situations create a potential for odor impact. The first occurs when a new odor source is located near an existing sensitive receptor. The second occurs when a new sensitive receptor locates near an existing source of odor.

The Project is to redevelop a commercial property into a neighborhood park that will not engage in any of the activities identified as sources of objectionable odors. As a recreational facility, the Project itself is a sensitive receptor. There are no major odor-generating sources such as those listed above within the 1 to 2-mile screening distance of the Project site.

During construction, various diesel-powered vehicles and equipment may be used on-site that would create localized odors. These odors would be temporary and would not likely be noticeable for extended periods of time or significantly beyond the Project site's boundaries. Therefore, the Project would not be considered a generator of objectionable odors once construction is complete.

Therefore, the Project will have a ***less than significant impact***.

### **Mitigation Measures**

2. The proposed project shall implement and incorporate the *Air Quality* related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated June 2022.

Rule 4002, National Emission Standards for Hazardous Air Pollutants (Amended May 20, 2004) states that all sources of hazardous air pollution shall comply with the standards, criteria, and requirements set forth in rule 40 CFR Part 61, Subpart M – National Emission Standard for Asbestos. The purpose of the Asbestos Program is to protect the public from uncontrolled emissions of asbestos through enforcement of the Federal Asbestos Standard. Information on how to comply with the asbestos removal and demolition, and forms that may need to be completed can be found online at:

[Asbestos Requirements \(valleyair.org\)](http://valleyair.org)

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES</b> – 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 Game or U.S. Fish and Wildlife Service?			X	
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 Game or US Fish and Wildlife Service?				X
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?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
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?				X

## DISCUSSION

- 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 the U.S. Fish and Wildlife Service?**

The Project is located within an urban environment within the City of Fresno. In order to determine whether the Project is located in an area documented to have occurrences of listed and/or proposed threatened or endangered species, the following were reviewed:

- California Department of Fish and Wildlife (CDFW), California Natural Diversity Database (CNDDDB) and:
- United States Fish and Wildlife Service Information (USFW) Planning and Conservation System (iPaC) database.

The CDFW CNDDDB is an inventory of the status and locations of rare plants and animals in California and identifies state and/or federal listed and/or special status species which have a potential to occur in areas of the USGS 7.5-minute quadrangle map. The USFW data identifies additionally federally listed and/or candidate species which have a potential to occur in areas of the USGS quadrangle map. The Project is located on the Fresno North, California USGS topographic quadrangle map.

One special species was identified based on the Project's defined area on the USFW database; the Fresno kangaroo rat (or San Joaquin kangaroo rat)<sup>2</sup> (Appendix A).

<sup>2</sup> <https://www.fws.gov/species/san-joaquin-valley-kangaroo-rat-dipodomys-nitratoides>

The Fresno kangaroo rat was added to the Federal Endangered Species list in 1985. The historic range of the Fresno kangaroo rat encompassed an area of grassland and chenopod scrub communities on the San Joaquin Valley floor. There are no known populations within the historical geographic range in Merced, Madera and Fresno counties. In Spring 1986, a levee on the south side of the San Joaquin River flooded the Alkali Sink Ecological Reserve and other habitat designated as critical habitat. Loss of habitat due to cultivation, year-round grazing and conversion of land to other uses, coupled with the resulting fragmentation and isolation of populations increase the probability of extinction.

According to the March 2020 City of Fresno General Plan Draft Program Environmental Impact Report (PEIR), urban land provides poor quality habitat for any special-status species and therefore, are unlikely to occur within urban vegetation communities.

Therefore, the Project will have a ***less than significant impact*** on special status species.

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

Natural communities of special concern are those that are of limited distribution, distinguished by significant biological diversity, home to special status plant and animal species, of importance in maintaining water quality or sustaining flows, etc. Examples of natural communities of special concern in the San Joaquin Valley could include open, ruderal/non-native grassland habitat, which is infrequently disturbed, vernal pools and various types of riparian forest.

The Project is located within an urban environment within the City of Fresno. The Project site is a commercial building surrounded by a parking lot and pedestrian sidewalks along secondary roadways. There were no riparian habitats (freshwater habitats surrounded by vegetation and include marshes, swamps, or bogs adjacent to rivers) or any other sensitive natural communities including open, ruderal/non-native grassland habitat, vernal pools or various types of riparian forest observed during the site reconnaissance.

In addition, no riparian habitats or any other sensitive natural communities were identified based upon the PEIR Appendix D – Biological Resources, Exhibit 5.4-C – Vegetation Communities Map Index, and based upon aerial photographs, historical United States Geological Survey (USGS) 7.5-minute topographic maps, and the October 2021 site reconnaissance (Appendix A).

There will be ***no impact*** to riparian habitats or other sensitive natural communities.



**c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Under the Clean Water Act (40 CFR § 230.3), wetlands are defined as “those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.” Potential wetlands under the jurisdiction of the United States Army Corp of Engineers (ACOE) include waterways, lakes, streams and natural springs.

No documented or potential wetlands are located at or within a 100-foot radius of the Project based upon the fact that no hydric vegetation was observed and soils were observed to have been disturbed, and no surface water was observed at the Project site. In addition, review of the U.S. Department of the Interior, Fish & Wildlife Service’s National Wetland Inventory (NWI) Map, wetlands are not depicted in the vicinity of the Project (Appendix A).

The Project will result in *no impact* to sensitive wetland communities.

**d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Wildlife movement corridors are areas where wildlife species regularly and predictably move during foraging, or during dispersal or migration. Movement corridors in California are typically associated with valleys, rivers, and creeks supporting riparian vegetation, and ridgelines. Such geographic and topographic features are absent from the subject site. Additionally, due to the presence of developed lands and urban uses surrounding the project site, there is limited potential for project related activities to have an impact on the movement of wildlife species or established wildlife corridors.

The Project is located within a dense urban environment located far from any identified wildlife movement corridors, and no features are on site that would lend themselves specifically to wildlife movement. The site is surrounded by residential and commercial developments to the north and east that are not conducive to wildlife movement. The Project site consists primarily of low-lying shrubs along the eastern and southern property boundaries. Radio Park is developed with numerous trees including redwood, cedar, oak and various mature deciduous trees. The Project site and adjacent areas provide trees and shrubs that are potential nesting habitats for common avian species adapted to human environments. The development of an expanded area of the adjoining park would not interfere substantially with the movement or any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites based on the Project site’s location within a dense urban setting.

The City of Fresno's re-planning and reconstruction activities of Radio Park, which include the Project site, were not available at this time; therefore, it is unknown which, if any, of the amenities listed in the project description may be located on the parcel that is being obtained as the focus of this study. Landscaping including associated irrigation will be installed to potentially include turf, trees, shrubs, hardscape, or accent features. It is unknown at this time whether any trees will be removed as part of the reconstruction activities. In the event that trees are removed from the Radio Park portion of the Project, mitigation measures to avoid project-related impacts to nesting birds should be incorporated.

The Project will have a ***less than significant impact with mitigation incorporated*** on migratory wildlife corridors.

### ***Mitigation Measures***

**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 mitigation measures recommended by the agency at the time of consultation.

**e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

The project will comply with the policies and goals of the General Plan pertaining to protecting biological resources. Compliance with Fresno Municipal Code Section 13-305 ensures that developers work with City staff to plant appropriate tree species that

will provide desirable growth and beauty characteristics and minimize damage to overhead or underground infrastructure or facilities. The Open Space Element of the General Plan directs the City to ensure landmark trees are preserved and the Scenic Highways Element requires City road improvement projects on scenic roads to preserve mature trees. None of the trees located at the existing commercial property are landmark trees and there are no protected biological resources at the Project area. At the time of this study, it is unknown whether any of the trees or other vegetation located at the Project site will be removed, or whether they will be incorporated into the development of the neighborhood park.

The project would not conflict with a local policy or ordinance, and therefore there would be a ***less than significant impact***.

**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?**

The site is located within an area covered by the PG&E San Joaquin Valley Operation and Maintenance Habitat Conservation Plan (HCP); however, the HCP only applies to maintenance and operations of PG&E facilities and does not apply to this Project.

The Project will not conflict with existing conservation plans, and therefore there would be ***no impact***.

**Mitigation Measures**

3. The proposed project shall implement and incorporate the *Biological Resources* related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated June 2022.

**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.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES</b> – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?		X		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?			X	
c) Disturb any human remains, including those interred outside of formal cemeteries?		X		

## DISCUSSION

### a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

A records search and field survey to identify cultural resources were conducted by Archaeological Resources Technology (ART). Cultural resources are defined by the California State Office of Historic Preservation (OHP) as “sites, buildings, structures, objects and districts (OHP 1995)”. The significance of any cultural resource identified during project planning is measured in terms of criteria for inclusion on the California Register of Historical Resources.

The purpose of the proposed project is to improve Radio Neighborhood Park by adding more space and new park amenities, including demolition of existing structures and construction of new ones. The existing commercial building, its fence and wall, current paving and other site furnishings would be removed. New amenities may include a public restroom, parking lot, fencing, shaded playground areas, a shaded picnic area, splash park, event plaza, walking paths, artwork, green space sports fields, or related park. Landscaping may include irrigation, turf, trees, shrubs, hardscape and other accent features. The Direct Area of Potential Effect (APE) is comprised primarily of utility subsurface installations that should not exceed the standard 52 inches in depth. Since the project is in a completely urbanized setting, ART used a 1/8-mile radius to define the indirect or visual APE.

A records search of the Project area was performed at the Southern San Joaquin Valley Information Center. Two studies have been prepared previously in the project

area. Study FR-02541 resulted in the recording and evaluation of the existing radio tower in Radio Park, which was determined ineligible for National Register of Historic Places (NRHP) listing. The tower was not evaluated for State or local eligibility. Results of the record search indicated a moderate sensitivity for cultural resources.

A field survey was conducted in January 2022 by ART. For the survey, historic items were defined as any evidence of human use or habitation older than 50 years. One known historical site, the steel lattice radio tower in Radio Park, is located within the 1/8-mile research radius, yet safely outside the Direct APE. One potential historic property, St. George Greek Orthodox Church, lies within the indirect APE for the park conversion project. The Fresno Art Museum building is also over 45 years old (c.1960) yet also safely beyond the Direct APE for the proposed project.

The results of the survey were negative and the project area is considered to be in an area of low cultural sensitivity. Although unlikely, in the event that a concentration of artifacts or culturally modified soil deposits (including trash pits older than 50 years) are discovered at any time during project construction, all work must stop until a qualified archaeologist views the finds to make a preliminary evaluation (Appendix B).

The Project will result in a ***less than significant impact with mitigation incorporated*** to historical resources.

### ***Mitigation Measures***

**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. 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.

### **b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

A field survey was conducted in January 2022 by ART. The project is located on a

corner parcel adjacent to a park in an urbanized setting. The Project is located at a convenience store and parking lot, and is surrounded by Radio Park to the west and south, and commercial uses to the north and east. During the field survey, the ground was inspected using tight transects (1 to 3 meters). For the survey, historic items were defined as any evidence of human use or habitation older than 50 years. The results of the survey were negative for historic artifacts and features or any other evidence of human activities; therefore, the cultural sensitivity in the project area is considered to be low. If human remains are encountered, all work must stop in the immediate vicinity of the discovery until the County Coroner and a qualified archaeologist evaluate the remains (Appendix B).

The Table Mountain Rancheria Tribe and the Dumna Wo Wah Tribe have requested to be notified pursuant to Assembly Bill 52 (AB 52). A certified letter was mailed to the above-mentioned tribes on April 8, 2022. The 30-day comment period ended on May 8, 2022. A letter reply dated April 21, 2022 was received from the Table Mountain Rancheria stating that they declined participation at this time but would appreciate being notified in the unlikely event that cultural resources are identified. No comment to the initial letter nor an email follow up sent on April 27, 2022 to the Dumna Wo Wah Tribe was received; therefore, it is assumed they have no comment at this time. CEQA requires the mitigation of potential impacts as much as reasonably feasible even if the impacts are less than significant.

The Project will result in a ***less than significant impact*** to archaeological resources.

**c) Disturb any human remains, including those interred outside of formal cemeteries?**

A field survey was conducted in January 2022 by ART. The results of the survey were negative for historic artifacts and features or any other evidence of human activities; therefore, the cultural sensitivity in the project area is considered to be low. If human remains are encountered, all work must stop in the immediate vicinity of the discovery until the County Coroner and a qualified archaeologist evaluate the remains (Appendix B).

Although no cultural or archaeological resources, or human remains have been identified in the Project area, the possibility exists that such resources or remains may be discovered during Project site preparation, excavation and/or grading activities.

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.

The Project will result in a ***less than significant impact with mitigation incorporated*** to archaeological resources.

### ***Mitigation Measures***

**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.

### **Mitigation Measures**

4. The proposed project shall implement and incorporate the *Cultural Resources* related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated June 2022.

**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. 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.

**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.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VI. ENERGY</b> – Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

**DISCUSSION**

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

The Project consists of the redevelopment of a commercial business into an expanded area of the adjacent Radio Park. While the final park amenities have not been decided upon at this time; some of the potential amenities could include a public restroom, parking lot, shaded playground areas, shaded picnic area, splash park, event plaza, or additional sports fields. Lighting for these potential amenities has also not been determined; however, lighting fixtures at the Project would be required to comply with existing energy standards and would be comparable to those that are existing at Radio Park.

The Project, including potential amenities known at this time, would not result in wasteful, inefficient or unnecessary consumption of energy resources as minimal energy consumption would be utilized during construction and or operation and maintenance of the park. Some of the potential amenities, such as the event plaza, reconstruction of existing sports fields, restrooms and parking may involve the addition of lighting; however, existing lighting across Radio Park is LED and according to the City of Fresno Planning Department, should lighting be needed it would also be LED. According to the City of Fresno Planning Department, the splash park, if included as a park amenity, would not likely include lighting.

Therefore, a **less than significant impact** on energy consumption will result from the development and usage of the Project as a neighborhood park.

**b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

Applicable state and local plans for renewable energy and energy efficiency apply to the proposed Project, such as the City of Fresno General Plan, and the City of Fresno Development Code. The applicable energy related State codes have been incorporated as the City's development standards and are implemented on a site-by-site basis. In addition, each project proposed within the City will be reviewed by the City of Fresno Building and Safety Division prior to construction in order to confirm compliance with these applicable energy policies. The Project will be required to implement all applicable development standards pursuant to the City of Fresno, Building Energy Efficiency Standards - Title 24, and California Green Building Code.

The Project will utilize energy resources during the construction of the Project, and continued operation and maintenance activities of the park. Energy consumption may include but is not limited to: vehicle and equipment trips during various construction activities, electric and natural gas consumption during Project construction and/or operation. Park amenities have not been determined at this time; however, those potential amenities that have been identified would not conflict with renewable energy or energy efficiency that would result from the construction or maintenance of the Project as a neighborhood park.

Energy impacts would be considered ***less than significant***.

**Mitigation Measures**

*There are no mitigation measures for the Project, as proposed, relating to Energy.*

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VII. GEOLOGY AND SOILS</b> – 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.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		

**DISCUSSION**

**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.**

The project site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone. There are no known major or active faults crossing the site or in close proximity to the site. The nearest known active regional fault is the Great Valley Fault Zone, approximately 40 miles southwest of the project site. The San Andreas Fault is approximately 68 miles southwest of the project site. Since no known surface expression of active faults is believed to cross the site, fault rupture through the site is not anticipated.

*Less than significant impacts* would occur.

- ii. Strong seismic ground shaking?**

The California Geological Survey maintains a web-based computer model that estimates probabilistic seismic ground motions for any location within California. The computer model estimates the “Design Basis Earthquake” ground motion, which is defined as the peak horizontal ground acceleration with a 10-percent chance of exceedance in 50 years (475-year return period).

Although the City of Fresno is located in an area of low seismic activity, the faults and fault systems that lie along the eastern and western boundaries of Fresno County, as well as other regional faults, have the potential to produce high-

magnitude earthquakes throughout the County. The City of Fresno is located on alluvial deposits, which tend to experience greater ground shaking intensities than areas located on hard rock. However, the distance to the faults that are the expected sources of the shaking would be such that the effects should be minimal. Additionally, the proposed project does not include any activities or components which could feasibly cause strong seismic ground shaking, either directly or indirectly.

There will be a ***less than significant impact***.

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

The potential for seismic related ground failure (liquefaction, lateral spreading, and lurching) occurring on the project site is minimal because of the absence of high groundwater levels and saturated loose granular soil on the project site. In addition, the intensity of ground shaking from a large, distant earthquake is expected to be relatively low on the project site and, therefore, would not be severe enough to induce liquefaction on site. These characteristics indicate that the project site has a low susceptibility to liquefaction and liquefaction-related phenomena.

Since the Project is within an area of low seismic activity, and the soils associated with the project site are not suitable for liquefaction, impacts will be ***less than significant***.

**iv. Landslides?**

There are no substantial slopes on or near the project site. Therefore, the opportunity for slope failure in response to the long-term geologic cycle of uplift, mass wasting, and difference of slopes is unlikely and less than significant.

***Less than significant impacts*** would occur.

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

The parcel to be acquired is currently developed with a commercial building which is mostly surrounded by an asphalt-paved parking lot. Landscaping is located in select areas along the perimeter of the parcel. Since the parcel is developed, plans to demolish the on-site building and parking lot would not create substantial soil erosion or loss of topsoil. Any minor soil erosion or impacts related to the loss of topsoil would be temporary and limited to construction activities.

Although an erosion control plan and Storm Water Pollution Prevention Plan (SWPPP) are not required for the Project based on its size (0.35 acres), both will be prepared by the City of Fresno for the overall re-planning and reconstruction of Radio Park. Best management practices to prevent substantial soil erosion or the loss of topsoil

would be included in the SWPPP. The plan will be developed by and approved by the City of Fresno. .

The impact to soil erosion or loss of topsoil will 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 landslide, lateral spreading, subsidence, liquefaction, or collapse?**

There are no geologic hazards or unstable soil conditions known to exist on the site. The existing topography is flat with no apparent unique or significant landforms. Development of the property requires compliance with grading and drainage standards of the City of Fresno. A civil engineer or soils engineer registered in this state shall complete a Soils Investigation and Evaluation Report during the preparation of the improvement plans. The investigation will address the detail of the configuration, location, and drainage plan. The report shall provide detailed recommendation for foundations, footings, drainage, and other items, as necessary. The preparation of the Soils Investigation and Evaluation Report is an existing standard and will be completed as a part of the project.

Impacts will be ***less than significant***.

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

Expansive soils contain large amounts of clay, which absorb water and cause the soil to increase in volume. The soils associated with the Project site are classified as Hanford sandy loam. These soils are described as moderately well and well drained soils with moderately coarse textures and moderate infiltration rates, and therefore have a limited ability to absorb water or exhibit expansive behavior. The soils associated with the project are not expansive and implementation of the Project will pose no direct or indirect risk to life or property caused by expansive soils.

Impacts will be ***less than significant***.

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

The proposed project would not include the use of septic tanks or any other alternative wastewater disposal systems.

Therefore, there will be ***no impact***.

- f) Directly or indirectly destroy a unique paleontological resource or site or unique**

## **geologic feature?**

According to the Fresno General Plan PEIR, there are no known paleontological resources that exist within the Project site. In addition, based on the field survey conducted by ART in January 2022, the project area is considered to be located in an area of low cultural sensitivity. Nevertheless, unknown paleontological resources could be disturbed during Project construction. Therefore, due to the ground disturbing activities that will occur as a result of the Project, the measures within the PEIR for the Fresno General Plan, Mitigation Monitoring Checklist to address archaeological resources, paleontological resources, and human remains will be employed to guarantee that, should archaeological and/or animal fossil material be encountered during Project excavations, then work shall stop immediately; and, that qualified professionals in the respective field are contacted and consulted in order to ensure that the activities of the proposed Project will not involve physical demolition, destruction, relocation, or alteration of historic, archaeological, or paleontological resources.

Mitigation Measures will reduce the impacts to paleontological resources to a ***less than significant impact with mitigation incorporated.***

### ***Mitigation Measures***

**GEO-6.1:** Subsequent to a preliminary City review of the project grading plans, if there is evidence that a project will include excavation or construction activities within previously undisturbed soils, a field survey and literature search for unique paleontological/geological resources shall be conducted. The following procedures shall be followed:

If unique paleontological/geological resources are not found during either the field survey or literature search, excavation and/or construction activities can commence. In the event that unique paleontological/geological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study. The qualified paleontologist 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. If the resources are determined to be significant, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation 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 paleontological/geological resources 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.



### Mitigation Measures

5. The proposed project shall implement and incorporate the *Geology and Soils* related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated June 2022.

**GEO-6.1:** Subsequent to a preliminary City review of the project grading plans, if there is evidence that a project will include excavation or construction activities within previously undisturbed soils, a field survey and literature search for unique paleontological/geological resources shall be conducted. The following procedures shall be followed:

If unique paleontological/geological resources are not found during either the field survey or literature search, excavation and/or construction activities can commence. In the event that unique paleontological/geological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study. The qualified paleontologist 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. If the resources are determined to be significant, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation 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 paleontological/geological resources 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.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VIII. GREENHOUSE GAS EMISSIONS</b> – Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		X		
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

## DISCUSSION

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

The City of Fresno Greenhouse Gas (GHG) Plan was updated in 2021 to conform with existing applicable State climate change policies and regulations and outlines strategies that the City will undertake to achieve its proportional share of GHG emission reductions. The GHG Reduction Plan Update Consistency Checklist (Checklist) has been developed to achieve that City's overall GHG reduction goals. Projects that meet the requirements of the Checklist will be deemed to be consistent with the Fresno GHG Reduction Plan Update and will be found to have a less than significant contribution to cumulative GHG pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b).

The Project site is to be incorporated into the overall reconstruction activities of Radio Park. It is unknown at this time which of the proposed amenities, including vehicle parking, will be part of the incorporation of the parcel into Radio Park. It is also unknown what outdoor water usage will be needed for the Project site, once redeveloped. According to the City of Fresno Planning and Development Department, the outdoor water conservation measures identified in the GHG Plan will be considered during the re-planning and reconstruction activities. Measures may include drought tolerant landscaping plants, and compliant irrigation systems.

The construction phase of the Project may emit GHG emissions, but these will be temporary in nature during only the construction phase. Based upon completion of

the Checklist, the proposed Project is consistent with the approved General Plan, Specific Plan, and Community Plan planned land use designation of CC – Commercial Community and City of Fresno zoning designation of CC – Commercial Community (Appendix C).

The Project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; therefore, impacts would be ***less than significant with mitigation incorporated***.

### ***Mitigation Measures***

**GHG-1.1:** Prior to the City's approval of subsequent discretionary projects, the Director of the City Planning and Development Department, or designee, shall confirm that development are consistent with the Recirculated GHG Reduction Plan Update (2021) and shall implement all measures deemed applicable to the project through the GHG Reduction Plan Update-Project Consistency Checklist (Appendix B to the GHG Reduction Plan Update).

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

Completion of the Checklist indicates the Project will be deemed to be consistent with the Fresno GHG Reduction Plan Update and will be found to have a less than significant contribution to cumulative GHG pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b). A copy of the completed Checklist is in Appendix C. The Project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases or obstruct implementation of the GHG Plan and applicable SCS Plan area.

The Project furthers the achievement of City of Fresno's greenhouse gas reduction goals. Therefore, any impacts would be ***less than significant***.

### ***Mitigation Measures***

6. The proposed project shall implement and incorporate the *Greenhouse Gas Emissions* related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated June 2022.

**GHG-1.1:** Prior to the City's approval of subsequent discretionary projects, the Director of the City Planning and Development Department, or designee, shall confirm that development are consistent with the Recirculated GHG Reduction Plan Update (2021) and shall implement all measures deemed applicable to the project through the GHG Reduction Plan Update-Project Consistency Checklist (Appendix B to the GHG Reduction Plan Update).

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IX. HAZARDS AND HAZARDOUS MATERIAL</b> – Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
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?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
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?		X		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X

## DISCUSSION

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

The Project does not involve the routine transport, use, storage or disposal of hazardous materials. Project construction activities may involve the use and transport of hazardous materials; however, the use of such materials would be considered minimal and would not require these materials to be stored in bulk form at the Project. Small amounts of pesticides, fertilizers and/or cleaning agents may be required at the park for purposes of normal maintenance of structures such as restrooms and splash park, and for healthy maintenance of landscaping. None of these materials will be stored at the Project.

The Project will have a *less than significant impact* from 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?

There is no reasonably foreseeable condition or incident involving the Project that could result in release of hazardous materials into the environment, other than any potential accidental releases of standard fuels, solvents, or chemicals encountered during typical construction of a neighborhood park. Should an accidental hazardous release occur or should the Project encounter hazardous soils, existing regulations for handling hazardous materials require coordination with the California Department of Toxic Substances Control for an appropriate plan of action, which can include studies or testing to determine the nature and extent of contamination, as well as handling and proper disposal.

Therefore, potential impacts are considered to be *less than significant*.

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

There are no proposed or existing schools within one-quarter mile of the Project site. The closest school to the Project site is Birney Elementary School which is approximately one-half mile away. The redevelopment Project does not involve the use or storage of hazardous substances and would not emit hazardous emissions or involve the handling of acutely hazardous materials or waste.

Therefore, impacts would be *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?**

The Project site is not listed as a hazardous materials site pursuant to Government Code Section 65962.5 (referred to as the Cortese list) and is not included on a list compiled by the Department of Toxic Substances Control (DTSC).

According to the March 25, 2022 Phase I Environmental Site Assessment (ESA) (Appendix D), review of historical aerial photographs, Sanborn Fire Insurance Maps, and City Directories indicate the Project site operated as a Texaco gasoline service station from the mid-1950s until the late 1960s, as a dog grooming operation in the 1970s, and as a convenience store and gasoline station between 1980 and 2018. The Project site is listed on the HIST AUTO, HIST UST, CA FID UST, CUPA Listings, and SWEEPS UST database listings compiled by Environmental Data Resources, Inc. (EDR) and included in the Phase I ESA.

Three 8,000-gallon gasoline underground storage tanks (USTs) were removed from the subject site in August 2018. No documentation indicating whether the USTs used in association with the Texaco Service station were removed or left in place during the 1980 renovation was identified in records reviewed from the Fresno County Department of Public Health, Environmental Health System/Certified Unified Program Agency (FCEHS CUPA). It is also unknown whether any lifts or hoists that may have been used in association with auto repair activities remain at the subject site as no documentation of their removal was found in the FCEHS files reviewed. No indication of impacts to soil were identified from the soil samples collected upon removal of the USTs in August 2018. On March 6, 2020, the FCEHS CUPA issued a letter confirming the permanent closure of the USTs. The subject site has operated as a convenience store only since 2018.

The building located on the Project site was constructed in 1954. It is unknown whether the on-site structure contains asbestos-containing materials (ACMs) or lead-

based paint (LBP). An asbestos and/or LBP survey and sampling of the on-site structure was not included within the scope of the Phase I ESA. However, based on the date of construction, ACMs and LBP may be present at the Project site.

The Project site could have a ***less than significant impact with mitigation incorporated.***

### ***Mitigation Measures***

As detailed above in Section III. Air Quality, b); in the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002, which requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated.

[Proposed Rule 4002 \(valleyair.org\)](http://valleyair.org)

Rule 4002, National Emission Standards for Hazardous Air Pollutants (Amended May 20, 2004) states that all sources of hazardous air pollution shall comply with the standards, criteria, and requirements set forth in rule 40 CFR Part 61, Subpart M – National Emission Standard for Asbestos. The purpose of the Asbestos Program is to protect the public from uncontrolled emissions of asbestos through enforcement of the Federal Asbestos Standard. Information on how to comply with the asbestos removal and demolition, and forms that may need to be completed can be found online at:

[Asbestos Requirements \(valleyair.org\)](http://valleyair.org)

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

The Project is not located within an Airport Land Use Compatibility Plan (ALUCP) or within 2 miles of a public airport. The closest airport is the Fresno-Yosemite International Airport which is approximately 3.0 miles east of the Project (Appendix A).

The Project will have a ***less than significant impact.***

- f) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

The City's design and environmental review procedures shall ensure compliance with emergency response and evacuation plans. In addition, the site plan will be reviewed by the Fire Department per standard City procedure to ensure consistency with emergency response and evacuation needs.

The Project will have a ***less than significant impact*** on an emergency evacuation plan.

**g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?**

The risk is largely categorized as little or no threat or moderate fire hazard, which is largely attributed to paved areas. The Project site and surrounding area is developed with urban uses and is not considered to be wildlands. The proposed Project would not expose people or structures to significant risk of loss, injury or death involving wildfires.

The Project will have *no impact*.

**Mitigation Measures**

7. The proposed project shall implement and incorporate the *Hazards and Hazardous Material* related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated June 2022.

Rule 4002, National Emission Standards for Hazardous Air Pollutants (Amended May 20, 2004) states that all sources of hazardous air pollution shall comply with the standards, criteria, and requirements set forth in rule 40 CFR Part 61, Subpart M – National Emission Standard for Asbestos. The purpose of the Asbestos Program is to protect the public from uncontrolled emissions of asbestos through enforcement of the Federal Asbestos Standard. Information on how to comply with the asbestos removal and demolition, and forms that may need to be completed can be found online at:

[Asbestos Requirements \(valleyair.org\)](http://valleyair.org)



ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>X. HYDROLOGY AND WATER QUALITY</b> – Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:			X	
i) Result in a substantial erosion or siltation on- or off-site;			X	
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;			X	
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; or			X	
iv) impede or redirect flood flows?			X	

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

**DISCUSSION**

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

The Project would not generate a waste discharge, such as that of an industrial or manufacturing operation. While park amenities as part of the overall re-planning and reconstruction of Radio Park have not been determined at this time, implementation of the Project as an expansion of the adjoining neighborhood park would not violate any water quality or waste discharge requirements, or otherwise substantially degrade surface or ground water quality.

The Project will have a *less than significant impact*.

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

The Project site’s area (15,625 square feet) to be incorporated into Radio Park is minimal. Site-specific plans for the redevelopment Project are currently unknown; however, water would be required to maintain healthy lawn and landscaping. Other uses of water by proposed park amenities, while unconfirmed at this time, may involve public restrooms and a splash park. Should the splash park be incorporated, the water used would be recycled via energy efficient pumps. It is unknown at this time what the dimensions of the splash park may be, how much water would be needed, or the frequency of splash park’s operation. According to the City of Fresno Planning and Development Department, the outdoor water conservation measures identified in the GHG Plan will be considered during the re-planning and reconstruction activities. Measures may include drought tolerant landscaping plants, and compliant irrigation systems. The future development of the Project as an expansion of the existing

neighborhood park would not substantially decrease groundwater supplies or interfere with groundwater recharge.

The Project will result in a ***less than significant impact*** to decreasing groundwater supplies.

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

**i. Result in substantial erosion or siltation on- or off-site?**

The Project site is currently developed with a convenience store, surrounding asphalt-covered parking lot, and concrete-paved pedestrian sidewalks. According to the City of Fresno's proposed reconstruction activities of Radio Park, demolition of the convenience store and parking lot located on the Project site is planned. While specific park amenities and structures have not been decided upon at this time, it is possible that the Project site will be redeveloped with another impervious, or potentially impervious, surface. However, the Project site topography is flat and construction of the Project would not substantially alter the existing drainage pattern of the site or area. The Project Site does not have a stream or river and is not near another body of water. The Project would not result in substantial erosion or siltation on- or off-site, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

The impact is therefore ***less than significant***.

**ii. Substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?**

The Project site's area (15,625 square feet) to be incorporated into Radio Park is minimal. According to the City of Fresno, while specific park amenities and structures have not been decided upon at this time, the reconstructed park may include a splash park. It is unknown whether the splash park, if incorporated, would be located on the Project site portion. While the design of a proposed splash park is unknown, it is not anticipated to cause surface runoff or flooding on- or off-site. Based on the minimal area being incorporated into Radio Park, the Project would not result in substantial surface runoff or contribute to flooding on- or off-site. While there is the potential for runoff to occur during Project construction, surface runoff is anticipated to be minimal; therefore, impacts related to stormwater runoff, including flooding, would be less than significant.

The Project will have a ***less than significant*** impact.

**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?**

The Project will result in less than significant impacts to water quality due to potentially polluted runoff generated during construction activities. Construction would include excavation, grading, trenching and other earth-work that may occur across the Project site. During storm events, exposed construction areas across the Project site may cause runoff to carry pollutants, such as chemicals, oils, sediment, and debris. A Stormwater Pollution Prevention Plan (SWPPP) utilizing best management practices will be prepared for the project to manage potential stormwater runoff by the site development Contractor. The Contractor will determine the best course of action to comply with the latest State National Pollution Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ.

The impact will be *less than significant*.

**iv. Impede or redirect flood flows?**

According to the FEMA FIRM map 06019C 1570H, the Project site is (Zone X) and a 0.2% Annual Chance of Flood Hazard, Zone X (shaded – areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile). The Project site is flat and would not substantially alter the existing drainage pattern of the site or area (Appendix A).

A Comments and Conditions of Approval letter dated March 2, 2022 regarding the Project was received from the Fresno Metropolitan Flood Control District (District). Within the metropolitan area, storm runoff produced by land development is to be controlled through a system of pipelines and storm drainage retention basins. The Project lies within the District's Drainage Area "CC" system. The District requires that the storm drainage patterns for the Project conform to the District's Master Plan. Drainage from the site shall remain as existing. Permanent drained service is available. The letter also stated that "the proposed development does not appear to be located within a special flood hazard area as designated on the latest Flood Insurance Rate Map available to the District (Appendix B).

The Project would not direct excess surface waters, impede or redistrict any potential flood flows. The impact will be *less than significant*.

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

The Project is located inland and not near an ocean, large body of water or lake; therefore, would not be affected by a tsunami or seiche. Since the Project is located

in an urban area that is not susceptible to inundation, the Project would not risk release of pollutants due to Project inundation.

As such, there would be ***no impact***.

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

The Project site's area (15,625 square feet) to be incorporated into Radio Park is minimal. Specific park amenities and structures have not been decided upon at this time; therefore, it is unknown whether water will be needed to support the redeveloped area of the Project site. Based on the Project site's square footage, water usage, if any, would likely be minimal. Irrigation of the Park grounds would not obstruct with the water quality control plan, and would not implement a significant volume of water.

The Project will not conflict with the implementation of a water quality control plan or sustainable groundwater management.

The Project will result in a ***less than significant*** impact concerning the above described hydrology and water quality impact analysis criteria.

**Mitigation Measures**

*There are no mitigation measures for the Project, as proposed, relating to Hydrology and Water Quality.*

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XI. LAND USE AND PLANNING</b> – Would the project:				
a) Physically divide an established community?			X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

**DISCUSSION**

**a) Physically divide an established community?**

The Project is located within an area characterized by commercial and retail businesses, single-family residences and educational uses in the central portion of the City of Fresno. The Project site is zoned CC – Commercial Community by the City of Fresno General Plan. The Project will be consistent with Fresno General Plan and would not physically divide an established community.

The Project will result in a *less than significant* impact.

**b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

The construction of this Project will not conflict with any conservation plans because it is not located within any conservation plan areas. It is determined that the Project is consistent with respective general plan objectives and policies and will not significantly conflict with applicable land use plans, policies or regulations of the City of Fresno.

The Project will result in a *less than significant impact* concerning land use and planning impact analysis criteria.

**Mitigation Measures**

*There are no mitigation measures for the Project, as proposed, relating to Land Use and Planning.*

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XII. MINERAL RESOURCES</b> – 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?				X
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?				X

**DISCUSSION**

**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?**

According to the Fresno General Plan PEIR dated March 2020, mineral resources are concentrated along the San Joaquin River Corridor. The California Department of Mines and Geology classifies lands along the San Joaquin River Corridor as MRZ-1, MRZ-2, and MRZ-3. Portions classified as MRZ-2 include parts of the San Joaquin River floodplain from Herndon to Lost Lake and indicate that mineral deposits are present or likely present in these areas. The Project is located approximately 5.75 miles south-southeast from the nearest areas of the San Joaquin River floodplain. There are no known mineral resources in the Project area and none are identified in the City’s General Plan near the Project site.

Therefore, the Project will result in *no impact*.

**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?**

The California Department of Mines and Geology classifies lands along the San Joaquin River Corridor as MRZ-1, MRZ-2, and MRZ-3. Portions classified as MRZ-2 include parts of the San Joaquin River floodplain from Herndon to Lost Lake and indicate that mineral deposits are present or likely present in these areas. The Project is located approximately 5.75 miles south-southeast from the nearest areas of the San Joaquin River floodplain. There are no known mineral resources in the Project area and none are identified in the City’s General Plan near the Project site.

Therefore, the Project will result in ***no impact***.

**Mitigation Measures**

*There are no mitigation measures for the Project, as proposed, relating to Mineral Resources.*



ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIII. NOISE</b> – 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?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
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?			X	

## DISCUSSION

- 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 in other applicable local, state, or federal standards?**

According to the PEIR, “ambient noise” is the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. Ambient noise level is the level obtained when the noise level is averaged over a period of fifteen minutes, without inclusion of the offending noise, at the location and time of day at which a comparison with the offending noise is to be made. Where the ambient noise level is less than that designated in this section, however, the noise level specified herein shall be deemed to be the ambient noise level for that location.

The Project will be part of the overall re-planning and reconstruction of Radio Park; therefore, would not generate a substantial temporary or permanent increase in ambient noise levels in the Project vicinity. The Project is surrounded by a neighborhood park, commercial, residential and retail uses. The Park is required to comply with all noise policies and development standards identified within the Fresno General Plan and PEIR as well as the noise ordinance of the Fresno Municipal Code that are already in place for Radio Park. The Project is bounded to the east by North First Street, to the north by East Clinton Avenue and to the southwest by Radio Park. During the demolition and construction phase of the Project, noise generating activities will be present; however, they will not be substantial and they will be temporary in nature.

The noise levels would be ***less than significant***.

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

The Project development as an overall reconstruction of Radio Park would not generate excessive groundborne vibration or groundborne noise. The primary vibration-generating activities associated with the proposed Project would happen during construction when activities such as demolition, grading and utilities placement would occur. Sensitive receptors which could be impacted by construction related vibrations, especially vibratory compactors/rollers, are located adjacent to the Project site. Construction vibrations are not predicted to exceed acceptable levels. Additionally, construction activities would be temporary in nature and would occur during normal daytime working hours of Monday through Friday, 7:00 am to 3:30 pm.

Therefore, short-term construction impacts associated with the exposure of persons to or the generation of ground-borne vibrations or noise would be ***less than significant with mitigation measures incorporated***.

***Mitigation Measures***

**NOI-2:**Construction Vibration. The use of heavy construction equipment within 25 feet of existing structures shall be prohibited.

**c) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

The Project is not located within an airport land use plan or within two miles of a public airport or public use airport. The closest airport is the Fresno-Yosemite International Airport approximately 3.0 miles east of the Project. The Project is outside the noise level contours identified in the Fresno Airport Land Use Compatibility Plan.

The Project would not expose people at the Project to excessive noise levels associated with such airport facilities; therefore, there is a ***less than significant***.

**Mitigation Measures**

8. The proposed project shall implement and incorporate the *Noise* related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated June 2022.

**NOI-2:**Construction Vibration. The use of heavy construction equipment within 25 feet of existing structures shall be prohibited.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIV. POPULATION AND HOUSING</b> – Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X	

**DISCUSSION**

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

The redevelopment of the Project as part of the overall reconstruction of Radio Park which is surrounded by single-family and multi-family residences, small businesses including markets and restaurants, retail shops, service businesses, and a museum , would not induce unplanned population growth in an already well-established neighborhood.

Therefore, the Project will have a ***less than significant*** on population growth in the area.

**b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

The Project will not displace a substantial number of existing people or housing. The convenience store located on the Project site will be demolished prior to the construction of the park expansion. The proposed Project will therefore only displace the existing retail operation, housing will not be impacted.

The Project will have a ***less than significant impact***.

**Mitigation Measures**

*There are no mitigation measures for the Project, as proposed, relating to Population and Housing.*

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XV. PUBLIC SERVICES</b> – Would the project:				
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:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

## DISCUSSION

- a) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:**

### **Fire protection?**

The Project site is located approximately 1.1 road miles east from Fresno Fire Station No. 5, 3131 North Fresno Street. The City of Fresno Fire Department operates its facilities under the guidance set by the National Fire Protection Association in NFPA 1710, the Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operation to the Public by Career Fire Departments. NFPA 1710 sets standards

for turnout time, travel time, and total response time for fire and emergency medical incidents, as well as other standards for operation and fire service. The Fire Department has established the objectives set forth in NFPA 1710 as department objectives to ensure the public health, safety, and welfare.

The Project site's area (15,625 square feet) to be incorporated into Radio Park is minimal. The overall plan for the Project site includes demolition of the existing convenience store building, parking lot and block wall, reducing the potential demand for Fire Department services. Since details regarding the reconstruction of Radio Park are unknown at this time, it is also unknown what new structures, if any, will be constructed on the Project site. The demand for fire services is not likely to be in excess of what is currently needed by the existing convenience store, or what is needed by Radio Park. Demand for fire service generated by the Project is within planned services levels of the Fire Department.

Impacts to fire services will therefore be ***less than significant***.

### **Police protection?**

The proposed Project is within the City of Fresno, Central Police District with the station located approximately 2.5 miles south of the Project. City police protection services are also available to serve the proposed Project with no new facilities required for police protection. According to the City of Fresno Police Department, limiting dark, hidden areas that make it difficult for law enforcement to quickly access areas of a park, providing sufficient lighting particularly in parking and restroom areas, and installing anti-vandalism implements is beneficial during planning of a neighborhood park.

Impacts would be ***less than significant***.

### **Schools?**

The Project does not involve residential or other development that would result in the need for construction of new school facilities.

Therefore, impacts would be ***less than significant***.

### **Parks?**

The Project is part of the overall re-planning and reconstruction of Radio Park which would provide for additional recreation facilities in the area; therefore, impacts would be ***less than significant***.

### **Other public facilities?**

The Project consists of the expansion of a neighborhood park that would not impact other public facilities; therefore, impacts would be ***less than significant***.

### **Mitigation Measures**

*There are no mitigation measures for the Project, as proposed, relating to Public Services.*



ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVI. RECREATION</b> - Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

**DISCUSSION**

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

The Project itself consists of the City of Fresno purchasing the 0.35-acre parcel currently developed with a commercial business. The purpose of the purchase is to add additional park space as part of the overall re-planning and reconstruction of Radio Park. The expanded and reconstructed Radio Park will encourage people to visit and use the new park amenities. The Project itself should not result in the increased use of other neighborhood and regional parks or other recreational facilities that would accelerate the physical deterioration of those parks.

Therefore, impacts would be *less than significant*.

- b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?**

The Project involves the purchase of property by the City of Fresno for future expansion associated with the overall re-planning and reconstruction of Radio Park, an existing recreational facility adjacent to the Project. The Project would not have an adverse physical effect on the environment.

Therefore, impacts would be ***less than significant***.

**Mitigation Measures**

*There are no mitigation measures for the Project, as proposed, relating to Recreation.*

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVII. TRANSPORTATION</b> – Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

**DISCUSSION**

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

The Project will not expand beyond the existing sidewalks located along North First Street and East Clinton Avenue. Expansion of the Project into the adjoining neighborhood park would not conflict with transit, roadway, bicycle or pedestrian facilities and would not conflict with a program, plan, ordinance, or policy related to the effectiveness or performance of the circulation system.

Impacts will *be less than significant*.

**b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?**

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 Level of Service (LOS). VMT measures how much actual auto travel (additional miles driven) a proposed 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 is 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, dated June 25, 2020, 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.

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 Project is eligible to screen out because it provides for redevelopment of the existing commercial parcel into the adjoining Radio Park re-planning and reconstruction activities providing a gathering space to promote community health, safety and welfare, because the proposed size of the expansion (0.35 acres /15,246 square feet in area) and because the Project would generate fewer than 500 average daily trips (ADT).

In conclusion, the Project will result in a ***less than significant*** VMT impact and is consistent with CEQA Guidelines Section 15064.3(b).

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

Project-specific designs for the Radio Park re-planning and reconstruction activities have not been provided; however, the Project will not expand in design beyond the existing parcel boundaries. The proposed development constitutes the maximum extent of the currently proposed Project. The design of the proposed redevelopment will be evaluated and would be consistent with respect to compliance with City of Fresno standards, specification and policies. The Project would not increase hazards due to a geometric design feature or incompatible use.

Therefore, is ***less than significant impact***.

**d) Result in inadequate emergency access?**

The Project will be accessible from either North First Street, East Clinton Avenue or Radio Park in case of an emergency.

The Project would result in a ***less than significant impact*** associated with emergency access.

**Mitigation Measures**

*There are no mitigation measures for the Project, as proposed, relating to Transportation.*

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVIII. TRIBAL CULTURAL RESOURCES</b> – Would the project:				
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC section 5020.1(k), or,		X		
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 PRC section 5024.1. In applying the criteria set forth in subdivision (c) of PRC section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	

**DISCUSSION**

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

A records search and field investigation were conducted by Archaeological Resources Technology (ART) in January 2022. The Area of Potential Effect (APE) was identified as the Project site and a 1/8-mile radius around the Project site was used to define the indirect APE (Appendix B).

On February 21, 2022, J.E. David performed a records search for the proposed project at the Southern San Joaquin Valley Information Center (SSJVIC). Two studies have been prepared previously in the project area. Study FR-02541 resulted in the recording and evaluation of the existing radio tower in Radio Park, which was determined ineligible for National Register of Historic Places (NRHP) listing. The tower was not evaluated for State or local eligibility. Results of the record search indicated a moderate sensitivity for cultural resources.

A field survey was conducted in January 2022 by ART. For the survey, historic items were defined as any evidence of human use or habitation older than 50 years. The results of the survey were negative for historic artifacts and features or any other evidence of human activities; therefore, the cultural sensitivity in the project area is considered to be low. Although unlikely, in the event that a concentration of artifacts or culturally modified soil deposits (including trash pits older than 50 years) are discovered at any time during project construction, all work must stop until a qualified archaeologist views the find to make a preliminary evaluation. If warranted, further archaeological work in the discovery area should be performed. If human remains are encountered, all work must stop in the immediate vicinity of the discovery until the County Coroner and a qualified archaeologist evaluate the remains (Public Resources Code section 5097.98) (Appendix B).

The Project will therefore result in a ***less than significant impact with mitigation incorporated.***

### ***Mitigation Measures***

**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.

- 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.**

On February 7, 2022, Krazan & Associates submitted a request to the Native American Heritage Commission (NAHC) for a search of the NAHC Sacred Land Files in order to identify the potential presence of Native American cultural resources in the immediate project area. The NAHC replied on May 5, 2022 and indicated the Sacred Lands file search was negative.

Currently, the Table Mountain Rancheria Tribe and the Dumna Wo Wah Tribe have requested to be notified pursuant to Assembly Bill 52 (AB 52). A certified letter was mailed to the above-mentioned tribes on April 8, 2022. A letter reply dated April 21, 2022 was received from the Table Mountain Rancheria stating that they declined participation at this time but would appreciate being notified in the unlikely event that cultural resources are identified. No comment to the initial letter nor an email follow up sent on April 27, 2022 to the Dumna Wo Wah Tribe was received; therefore, it is assumed they have no comment at this time (Appendix C). The 30-day comment period for these two submittals ended on May 8, 2022.

The Project will therefore result in a ***less than significant impact*** to tribes.

### **Mitigation Measures**

9. The proposed project shall implement and incorporate the *Tribal Cultural Resources* related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated June 2022.

**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.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIX. UTILITIES AND SERVICE SYSTEMS</b> – 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 effect?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
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?			X	
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?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

## DISCUSSION

- 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?**

The Project, as part of the re-planning and reconstruction activities of Radio Park, will not require the construction of new or expanded water, wastewater treatment or stormwater drainage, natural gas or telecommunications facilities. Depending on whether any of the potential amenities are developed on this parcel as part of the reconstruction activities, the Project may require connections to existing water and electric power sources already provided to the site, and potential re-connection to sanitary sewer and wastewater should the Project amenities include a public restroom. The relocation of these utilities, if necessary, will not cause significant environmental effects. While the proposed Project may result in the construction of new storm water drainage outlets, or expansion of the number of existing outlets, the construction of such facilities will not cause significant environmental effects.

Impacts will be *less than significant*.

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

The Project consists of the purchase of property for redevelopment of the existing commercial business into an expanded area of the adjacent Radio Park. While the final park amenities have not been decided upon at this time; some of the potential amenities could include a public restroom or splash park. Should the splash park be incorporated, the water used would be recycled via energy efficient pumps. It is unknown at this time what the dimensions of the splash park may be, how much water would be needed, or the frequency of splash park's operation.

Future development beyond the current plan and beyond the existing property area has not been suggested; therefore, it is anticipated that adequate water supply exists to serve the Project, as part of the re-planning and reconstruction activities of Radio Park. The Project will have a less than significant impact on water supplies for the proposed usage as an expanded area of an existing neighborhood park.

Therefore, impacts will be *less than significant*.

- c) **Result in a determination by the wastewater 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?**

It is unknown at this time whether public restrooms or a splash park will be constructed as part of the re-planning and reconstruction activities of Radio Park. Should public

restrooms being constructed on this parcel as part of the park expansion, it is not likely to increase the demand on the wastewater treatment provider in excess of what the existing commercial operation generates by its nature as a convenience store. The existing convenience store located on the Project site will be demolished prior to the reconstruction activities of Radio Park.

Therefore, demand on the wastewater treatment provider would have a ***less than significant impact***.

**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?**

The Project is not likely to generate solid waste in excess of what the current retail business generates by its nature as a convenience store. The City of Fresno PARCS Department provides, and will continue to provide, trash collection services to Radio Park on a daily basis. The number of trash receptacles and their proposed location across the reconstructed park have not been determined; however, they will be constructed of concrete. There are no plans for trash receptacles that will be designated for recycling at this time.

According to the PEIR, recycling of construction and demolition debris is required for any City-issued building, relocation or demolition permitted project that generates at least 8 cubic yards of material by volume and all waste must be hauled to a City-approved facility. The demolition portion of the parcel redevelopment into a neighborhood pocket park will be permitted.

Solid waste will be a ***less than significant impact*** as a result of the Project.

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

The Project will comply with federal, state, and local management and reduction statutes and regulations regarding solid waste.

Solid waste will be a ***less than significant impact*** as a result of the Project.

**Mitigation Measures**

*There are no mitigation measures for the Project, as proposed, relating to Utilities and Service Systems.*

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XX. WILDFIRE</b> – 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?				X
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?				X
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?				X
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?				X

## DISCUSSION

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

The Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. The Project site is surrounded by an existing network of City streets. The existing improvements include vehicle access points along North First Street and East Clinton Avenue, both of which would be available during an emergency. Since a site plan detailing the reconstruction activities has not

been provided, the Project, as currently known, would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

The Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, will have ***no impact***.

**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?**

The Project is located in an urban area, which is not considered at a significant risk of wildfire. The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents) and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as grass are highly flammable because they have a high surface area to mass ratio and require less heat to reach the ignition point.

The Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, will have ***no impact***.

**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?**

The Project is within an urban area of the City of Fresno and would not require the installation or maintenance of infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

The Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, will have ***no impact***.

**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?**

Landslides include rockfalls, deep slope failure, and shallow slope failure. Factors such as the geological conditions, drainage, slope, vegetation, and others directly affect the potential for landslides. One of the most common causes of landslides is construction activity that is associated with road building (i.e. cut and fill).

The Project Site is flat and within a densely developed urban setting. The activities associated with the reconstruction of Radio Park would not 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; therefore, will have ***no impact***.

**Mitigation Measures**

*There are no mitigation measures for the Project, as proposed, relating to Wildfire.*

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIX. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
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?			X	
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)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

**DISCUSSION**

- a) **Does the project have the potential to substantially 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, substantially reduce the number or**



**restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?**

The Project is located within a dense urban environment within the City of Fresno. According to the PEIR, urban land provides poor quality habitat for any special-status species and therefore, are unlikely to occur within urban vegetation communities. No riparian habitats or any other sensitive natural communities were identified based upon the PEIR. The Project is not located with a designated Critical Habitat. According to the U.S. Department of the Interior, Fish & Wildlife Service's National Wetland Inventory (NWI) Map, wetlands are not depicted in the vicinity of the Project. Lastly, it was determined by ART that the Project have no adverse effect on any historic resources.

The Project does not have the potential to degrade the quality of the environment or reduce the habitat of a fish or wildlife species and will not threaten plant communities or endanger any floral or faunal species. Furthermore, the Project has no potential to eliminate important examples of elements of California history or prehistory.

In conclusion, the Project will result in a ***less than significant impact*** concerning the above described Mandatory Findings of Significance impact analysis criteria.

**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.)**

There are no known past or current project-related impacts to the redevelopment of the parcel to be acquired. At this time, there are no additional known future projects associated with the redevelopment of the parcel into an expanded area of Radio Park. The Project does not have incremental effects from past, current or probable future projects that when combined, are “cumulatively considerable”.

In conclusion, the Project will result in a ***less than significant impact*** concerning the above described Mandatory Findings of Significance impact analysis criteria.

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

The Project is consistent with applicable environmental policies and mitigation measures are required in several areas to reduce any potential significant impacts to less than significant. Given the mitigation measures required of the Project and the analysis detailed in the preceding Initial Study, the Project does not have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly.

Therefore, the Project will result in a ***less than significant impact***.

## LIST OF PREPARERS AND CONSULTATIONS

### List of Preparers

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### Persons and Agencies Consulted

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## MITIGATION MEASURE MONITORING AND REPORTING PROGRAM (MMRP)

June 2022

This Mitigation Monitoring and Reporting Program (MMRP) was formulated based on findings of the Initial Study Checklist (IS) prepared for the Van Ness and Weldon Pocket Park Project in the City of Fresno (City). This MMRP is in compliance with Section 15097 of the *CEQA Guidelines*, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The MMRP lists mitigation measures recommended in the IS and identifies mitigation monitoring requirements. Applicable mitigation measures from the City of Fresno PEIR are incorporated into the checklist as well.

The first column of the MMRP table identifies the mitigation measure. The second column identifies the monitoring schedule or timeline, while the third column names the party responsible for monitoring the required action. The fourth column provides a space for the party responsible for monitoring the required action to record verification of the mitigation measure action.

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
<b>AESTHETICS</b>			
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
AES-4.2: Lighting for Public Facilities. Lighting systems for public facilities such as active play areas shall provide adequate illumination for the activity; however, low intensity light fixtures and shields shall be used to minimize spillover light onto adjacent properties.	Project Applicant and project architect	PW and Planning and Development Department	Lighting systems to be confirmed during plan check, prior to issuance of building permits
AES-4.5: Use of Non-Reflective Materials. Materials used on building facades shall be non-reflective.	Project Applicant and project architect	PW and Planning and Development Department	Building materials to be used confirmed during plan check, prior to issuance of building permits.
<b>AIR QUALITY</b>			
<p>In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002, which requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. <a href="http://valleyair.org/ProposedRule4002">Proposed Rule 4002 (valleyair.org)</a></p> <p>Rule 4002, National Emission Standards for Hazardous Air Pollutants (Amended May 20, 2004) states that all sources of hazardous air pollution shall comply with the standards, criteria, and requirements set forth in rule 40 CFR Part 61, Subpart M – National Emission Standard for Asbestos. The purpose of the Asbestos Program is to protect the public from uncontrolled emissions of asbestos through enforcement of the Federal Asbestos Standard. Information on how to comply with the asbestos removal and demolition, and forms that may need to be completed can be found online at: <a href="http://valleyair.org/AsbestosRequirements">Asbestos Requirements (valleyair.org)</a></p>	Project Applicant and project architect	Public Works Department (PW) and Planning and Development Department	

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
<b>BIOLOGICAL RESOURCES</b>			
<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, CDFW	Biological Resources Assessment to be completed during environmental review of project and prior to approval of discretionary project. The City shall ensure that pre-construction surveys are conducted within 3 days prior to construction activities, or within a timeframe recommended by a qualified biologist and consistent with applicable regulatory requirements and/or recommendations.

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
<b>CULTURAL RESOURCES</b>			
<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>	<p>Project Applicant and qualified historical resources specialist</p>	<p>Planning and Development Department</p>	<p>Planning and Development Department to review construction specifications to ensure inclusion of provisions included in mitigation measure.</p>

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Timing/Schedule
<b>GEOLOGY AND SOILS</b>			
GEO-6.1: Subsequent to a preliminary City review of the project grading plans, if there is evidence that a project will include excavation or construction activities within previously undisturbed soils, a field survey and literature search for unique paleontological/geological resources shall be conducted. The following procedures shall be followed: If unique paleontological/geological resources are not found during either the field survey or literature search, excavation and/or construction activities can commence. In the event that unique paleontological/geological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study. The qualified paleontologist 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. If the resources are determined to be significant, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation 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 paleontological/geological resources 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.	Planning and Development Department	Planning and Development Department	City shall review preliminary grading plans prior to issuance of grading permits. If needed, a field survey or literature review shall occur prior to start of grading activities. Additional monitoring of project site during construction period shall be determined by a qualified paleontologist and consistent with project-specific mitigation measure.
<b>GREENHOUSE GAS EMISSIONS</b>			
GHG-1.1: <u>Prior to the City's approval of subsequent discretionary projects, the Director of the City Planning and Development Department, or designee, shall confirm that</u> development are consistent with the Recirculated GHG Reduction Plan Update (2021) and shall implement all measures deemed applicable to the project through the GHG Reduction Plan Update-Project Consistency Checklist (Appendix B to the GHG Reduction Plan Update).	Planning and Development Department	Planning and Development Department	Planning and Development Department shall review project plans during environmental review of proposed project, and shall review construction specifications to ensure inclusion of applicable measures.
<b>NOISE</b>			
NOI-2: Construction Vibration. The use of heavy construction equipment within 25 feet of existing structures shall be prohibited.	Project Applicant and Planning and Development Department	Planning and Development Department	Prior to issuance of any grading or construction permits, the Planning and Development Department shall ensure that project construction specifications prohibit heavy construction within 25 feet of existing structures.