

FRESNO METROPOLITAN WATER RESOURCES MANAGEMENT PLAN UPDATE

Environmental Impact Report Addendum No. 1
State Clearinghouse No. 2013091021

Prepared for
City of Fresno

August 2016



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SECTION 1

Background and Purpose of this Addendum

1.1 Background

The City of Fresno (City) Metropolitan Water Resources Management Plan Update (Metro Plan Update) was developed to provide for more optimized and efficient conjunctive use of the City's available water resources, and to enhance the City's overall water supply reliability. In February of 2014, the City certified an Environmental Impact Report (Metro Plan Update EIR), Clearinghouse Number (SCH#) 2013091021, and approved the Metro Plan Update. The EIR is on file at the City's Planning Department, and can be found at <http://www.fresno.gov/NR/rdonlyres/B57AB405-C801-4DBA-93E6-81C6B6B65C2D/0/208754fresnometrodeirv120140213.pdf>. Since certification of the EIR and project approval, the City has been installing approved Metro Plan Update facilities, including regional transmission mains, and the Southeast Surface Water Treatment Facility. In order to meet the schedule for installing the infrastructure, the City proposes to conduct construction-related activities outside of the hours stipulated in Metro Plan Update EIR Mitigation Measure 4.8.1. This addendum evaluates if the proposal to construct outside of the construction hours would result in a new or substantially more severe noise impact over that identified and evaluated in the Metro Plan Update EIR.

1.2 Purpose of the Addendum

The California Environmental Quality Act (CEQA) Guidelines (sections §15162 and §15164) require that a lead agency prepare an addendum to a negative declaration if some changes or additions to the environmental evaluation of a project are necessary but none of the following occurs:

1. There are no substantial changes in the project which require major revisions to the negative declaration or a substantial increase in the severity of previously identified significant effects;
2. There are no substantial changes with respect to the circumstances under which the project is undertaken which require major revisions to the negative declaration; or
3. No new information of substantial importance, which could not have been known with the exercise of reasonable diligence at the time of negative declaration adoption, shows any of the following:
 - i. the project will have one or more significant effects not discussed in the negative declaration,

- ii. the project will result in impacts substantially more severe than those disclosed in the negative declaration,
- iii. mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt it, or
- iv. mitigation measures or alternatives that are considerably different from those analyzed in the negative declaration would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt it.

The purpose of this document is to refine Mitigation Measure 4.8.1 to clarify that the City and its contractors can apply for a permit to allow construction activities outside of the stipulated hours, consistent with the City of Fresno Municipal Code and the Fresno County Municipal Code, and provide documentation to support that the proposed refinement would not result in effects that meet the criteria described in CEQA Guidelines sections §15162 and §15164 thereby substantiating that an Addendum is appropriate under CEQA.

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SECTION 2

Description of Project Changes

2.1 Project Overview

The purpose of the approved Metro Plan Update was to update and refine the 1996 Metro Plan while taking into consideration available new data and accommodating physical and institutional changes which have occurred since the 1996 Metro Plan was prepared. The Metro Plan Update would facilitate future water resource decisions and utility planning, and could assist in the pursuit of potential funding opportunities. Implementation of the City's recommended water supply plan would result in a more optimized and efficient conjunctive use of the City's available water resources, and would increase diversity of the City's water supply portfolio which would enhance the City's overall water supply reliability. The approved Metro Plan Update EIR included near-term and future project elements including surface water treatment facilities, regional transmission facilities, transmission grid mains, groundwater facilities, potable water storage facilities, recycled water facilities, and water conservation measures.

2.2 Proposed Changes

Currently, Mitigation Measure 4.8.1 limits the hours of construction of approved Metro Plan Update facilities within the City of Fresno to between 7:00 a.m. and 6:00 p.m. Monday through Saturday, and prohibits construction activities on Sundays and holidays.

The City proposes to refine Metro Plan Update EIR Mitigation Measure 4.8.1 to clarify that construction would be conducted in conformance with Article 1- Noise Regulations, Section 10-110 of the City municipal code, which allows for a permit to be issued authorizing noises prohibited by Article 1. Specifically, Section 10-110 states the following:

SEC. 10-110. - PERMITS.

A permit may be issued authorizing noises prohibited by this article whenever it is found that the public interest will be served thereby or that extreme hardship will result from the strict enforcement hereof, as follows:

- (a) Application for permit. Application for permits shall be in writing and shall contain the following information:
 - (1) The name, address, and telephone number of the applicant.

- (2) A general description of the equipment, apparatus, or other sound source to be utilized, and the area in which it will be utilized.
 - (3) An estimate of the maximum sound level which will be generated by the equipment, apparatus, or sound source to be utilized and the basis for such estimate.
 - (4) The inclusive dates between which the sound will be generated.
 - (5) Facts showing that the public interest will be served by the issuance of such permit or that extreme hardship will accrue to the applicant if such permit does not issue.
- (b) Criteria. Applications shall be filed with the Chief Administrative Officer of the City, who shall approve or disapprove same within five working days. The criteria which shall be considered by the Chief Administrative Officer in determining whether the requested permit shall issue will include, but not be limited to, the following:
- (1) The level of the noise for which a permit is sought.
 - (2) The ambient noise level in the vicinity where the sound source will be utilized.
 - (3) The proximity of the noise to residential sleeping facilities.
 - (4) The nature and zoning of the area within which the noise will emanate.
 - (5) The density of the inhabitation of the area within which the noise will emanate.
 - (6) The time of the day or night the noise will occur.
 - (7) The duration of the noise.
 - (8) Whether the noise will be recurrent, intermittent, or constant.
- (c) Issuance of Permit. The Chief Administrative Officer shall issue the requested permit unless he finds, considering the aforementioned criteria, that the public interest will suffer thereby and that such public detriment exceeds the hardship to be suffered by the applicant if the permit is not issued. In the event the Chief Administrative Officer disapproves the application, he shall return same to the applicant with a statement of the reasons for such action. In approving a permit hereunder, the Chief Administrative Officer may impose such conditions as he deems necessary to protect the public interest.
- (d) Revocation or Suspension. Any permit issued hereunder shall be revocable and may be revoked by the Chief Administrative Officer when a fact is found to exist which

would have been a ground for refusal to approve same or when there has been a violation of any of the terms or conditions thereof.

The proposed refinement in Metro Plan Update EIR Mitigation Measure 4.8.1 clarifies that the City and its contractors can apply for a permit to allow construction activities outside of the stipulated hours. The ability to apply for a permit would allow the City to conduct construction during Sundays, holidays, and at night after 10 p.m.

Construction of Metro Plan Update facilities would be otherwise consistent with the construction considerations described in Chapter 3, Project Description, of the Metro Plan Update EIR pages 3-1 through 3-36. All work would occur in the same construction footprint (the total impact area would not change) using the same equipment and staff levels described in the approved Metro Plan Update EIR, as amended. No other changes to the approved project are proposed.

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SECTION 3

Analysis of Potential Environmental Effects

3.1 Introduction

As mentioned in Section 2, the proposed refinements to Metro Plan Update EIR Mitigation Measure 4.8.1 would not result in a change to the construction activities or operations previously described and evaluated in the approved Metro Plan Update EIR. Therefore, the analysis contained in Section 4 and Section 5 (Sections 4.1 through 4.12 and Sections 5.1 through 5.2) of the certified Metro Plan Update EIR for the following areas: Land Use and Agricultural Resources, Aesthetics, Air Quality and Climate Change, Geology and Soils, Hydrology and Water Quality, Biological Resources, Cultural Resources, Transportation, Hazards and Hazardous Materials, Public Services and Utilities, Cumulative Effects, and Growth Inducing Effects would not change and are not evaluated in this Addendum. Noise was re-evaluated to determine whether the proposed refinements to Metro Plan Update EIR Mitigation Measure 4.8.1 would result in any new significant impacts or substantially more severe impacts than those described in the certified Metro Plan Update EIR.

3.2 Impact Analysis

Noise and Vibration

Section 4.8 of the certified Metro Plan Update EIR concluded that there would be significant temporary increases in noise and ground-borne vibration levels associated with construction of proposed project facilities. However, Implementation of Metro Plan Update EIR Mitigation Measures 4.8.1 and 4.8.2 imposed measures to reduce noise levels when activities occur adjacent to sensitive receptors. All other construction noise related impacts were determined to be less than significant. The nature of the construction activities would be not change from those evaluated in the Metro Plan Update EIR except for the hours those construction activities could occur. The City of Fresno municipal code allows for the issuance of a permit to conduct construction outside of the stipulated hours, “whenever it is found that the public interest will be served thereby”. Therefore, the City proposes to revise Metro Plan Update EIR Mitigation Measure 4.8.1 to clarify that construction activities would be conducted in conformance with the municipal code, which would allow for permit application to conduct construction outside of the stipulated hours.

Revised Metro Plan Update EIR Mitigation Measures 4.8.1: The City and its contractors shall implement the following mitigation measures when project-related construction in the City is planned to occur within 1,500 feet of sensitive receptors:

- Sensitive receptors (residences, residential areas, schools, and hospitals) within 1,500 feet of project construction activities shall be identified and mapped, and this information shall be used to minimize noise impacts to sensitive receptors, to include any of the applicable mitigation measures listed below.
- Construction activities shall be conducted in compliance with Article 1- Noise Regulations, Section 10-110 of the City municipal code ~~meet municipal code requirements related to noise. Construction activities shall be limited to between 7 a.m. and 6 p.m. Monday through Saturday to avoid noise sensitive hours of the day. Construction activities shall be prohibited on Sundays and holidays.~~
- Construction equipment noise shall be minimized by muffling and shielding intakes and exhaust on construction equipment (per the manufacturer's specifications) and by shrouding or shielding impact tools.
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used. External jackets on the tools themselves shall be used where feasible. Quieter procedures, such as use of drills rather than impact tools, shall be used whenever feasible.
- Construction contractors shall locate fixed construction equipment (such as compressors and generators) and construction staging areas as far as possible from nearby sensitive receptors including residences, schools, and hospitals.
- If construction were to occur near a school, the construction contractor shall coordinate with the most noise producing construction activities with school administration in order to limit disturbance to the campus.
- Signs shall be posted at constructions sites that include permitted construction days and hours, a day and evening contact number for the job site, and a contact number in the event of problems.
- An onsite complaint and enforcement manager shall respond to and track complaints and questions related to noise.

Because the City of Fresno municipal code allows for the issuance of a permit for construction noise outside of stipulated hours, the proposed refined mitigation measure would still require

compliance with City municipal code requirements; and therefore, still result in a less-than-significant impact. Therefore, refined Mitigation Measure 4.8.1 would not alter the conclusions of the Metro Plan Update EIR, result in any new significant impacts, or substantially increase the severity of the previously identified noise impact conclusions.

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SECTION 4

Conclusion

On the basis of the evaluation presented in Section 3, the proposed refinements to Metro Plan Update EIR Mitigation Measure 4.8.1 to clarify that construction activities would be conducted in compliance with Article 1- Noise Regulations, Section 10-110 of the City municipal code would not trigger any of the conditions, listed in Section 1.2 of this Addendum, requiring preparation of a subsequent or supplemental EIR. This Addendum satisfies the requirements of CEQA Guidelines Sections §15162 and §15164. While the proposed refinements do not warrant the recirculation of the Metro Plan Update EIR, this document will be made part of the administrative record and will be transmitted to the lead agency decision-making body along with the certified Metro Plan Update EIR to provide clarification regarding proposed refinements outlined above and to comply with CEQA Guidelines Section §15164.

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