E202010000338

CITY OF FRESNO

NOTICE OF INTENT TO ADOPT A

MITIGATED NEGATIVE DECLARATION

Filed with the

FRESNO COUNTY CLERK

2220 Tulare Street, Fresno, CA 93721

FILED

SEP 30 2020 TIME 3:02pm

By FRESNO COUNTY CLERK

Jessica Munoz DEPUTY

ENVIRONMENTAL ASSESSMENT FOR VESTING TENTATIVE TRACT MAP NO. 6295 AND PLANNED DEVELOPMENT APPLICATION NO. P20-02759

APPLICANT:
Ara Chekerdemian

Lennar Homes

8080 N. Palm Avenue

Fresno, Ca, 93711

PROJECT LOCATION:
6650 East Butler Avenue; Located on the northeast corner of East Butler and South Armstrong Avenues in the City of Fresno, California

APNs: 313-040-84; 313-635-03

Site Latitude: 36.730491° & Site Longitude: -119.670741°

Mount Diablo Base & Meridian, Township 14S, Range 21E, Section 10

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

PROJECT DESCRIPTION:
Ara Chekerdemian, on behalf of Lennar Homes, has filed Vesting Tentative Tract Map No. 6295 and Planned Development Application No. P20-02759 pertaining to ±18.60 acres of property located on the northeast corner of East Butler and South Armstrong Avenues. Vesting Tentative Tract Map No. 6295 is a request to subdivide the subject property into a 110-lot single family residential subdivision. Planned Development Application No. P20-02759 requests authorization to modify property development standards. The applications are consistent with the planned land use of medium low density residential as designated by both the Fresno General Plan and the Roosevelt Community

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Plan.

The City of Fresno has prepared an Initial Study of the above-described project and proposes to adopt a Mitigated Negative Declaration. The environmental analysis contained in the Initial Study is tiered from the MEIR State Clearinghouse No. 2012111015 prepared for the Fresno General Plan pursuant to CEQA Guidelines § 15152 and incorporates the MEIR by reference pursuant to CEQA Guidelines § 15150.

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

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

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

Based upon the evaluation guided by the Appendix G/Initial Study Checklist, it was determined that there are foreseeable impacts from the Project that are additional to those identified in the MEIR, and/or impacts which require mitigation measures not included in the MEIR Mitigation Measures Checklist.

For some categories of potential impacts, the checklist may indicate that a specific adverse environmental effect has been identified which is of sufficient magnitude to be of concern. Such an effect may be inherent in the nature and magnitude of the project, or may be related to the design and characteristics of the individual project. Effects so rated are not sufficient in themselves to require the preparation of an Environmental Impact Report, and have been mitigated to the extent feasible. With the project specific mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the

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environment that are significant and that were not identified and analyzed in the MEIR. Both the MEIR Mitigation Measures Checklist and the Project Specific Mitigation Measures Checklist will be imposed on this project.

The project is not located on a site which is included on any of the lists enumerated under § 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section.

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

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

Additional information on the proposed project, including the MEIR proposed environmental finding of a Mitigated Negative Declaration and the Initial Study may be obtained from the Planning and Development Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, Room 3043, California 93721-3604. Please contact Kelsey George at (559) 621-8060 or via email at Kelsey.George@fresno.gov for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on October 20, 2020. Please direct comments to Kelsey George, Planner II, City of Fresno Planning and Development Department, City Hall, 2600 Fresno Street, Room 3043, Fresno, California, 93721-3604; or by email to Kelsey.George@fresno.gov.

INITIAL STUDY PREPARED BY: QK, Inc.	SUBMITTED BY:
DATE: September 30, 2020	Israel Trejo, Supervising Planner CITY OF FRESNO PLANNING AND DEVELOPMENT DEPARTMENT

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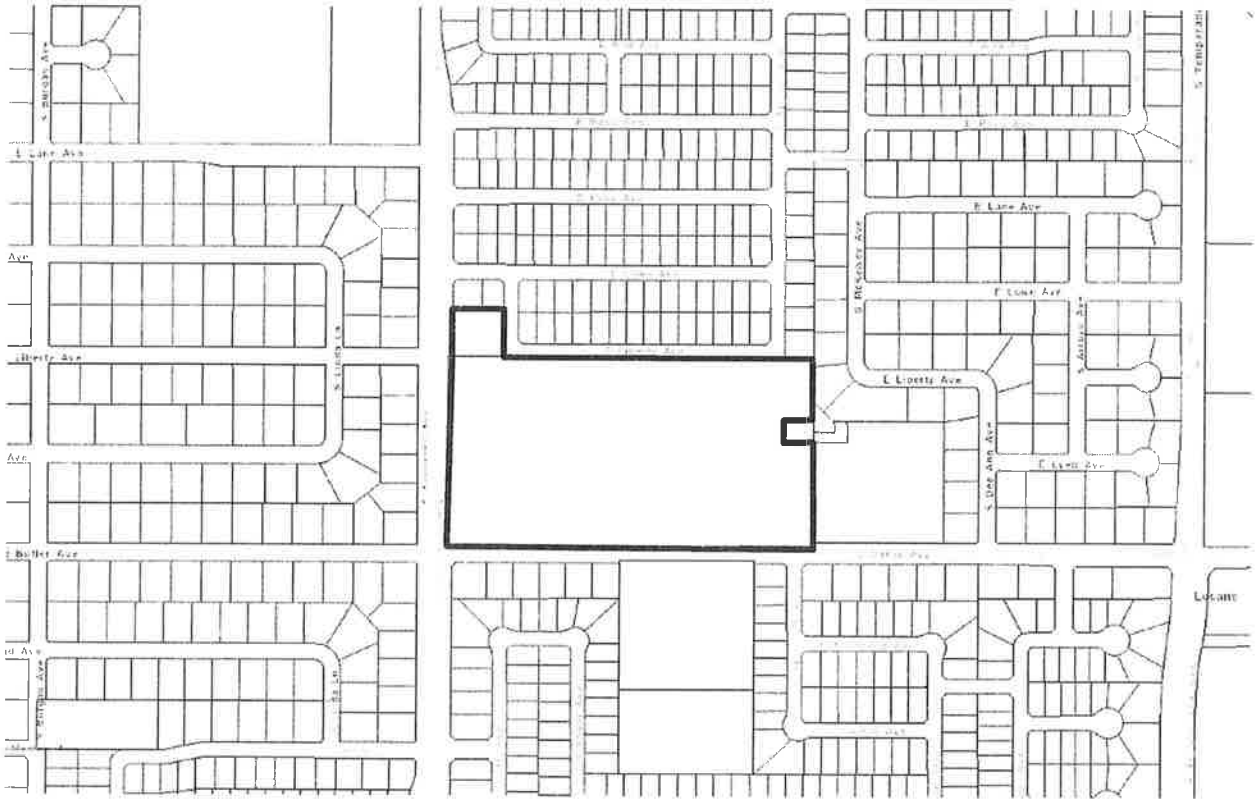
Exhibit A – Vicinity Map



Subject Properties
T-6295: ±18.60 acres

APPENDIX G/INITIAL STUDY FOR A MITIGATED NEGATIVE DECLARATION

Environmental Checklist Form for:
Lennar Subdivision Tract 6295 Project

1.	**Project title:** Lennar Subdivision Tract 6295 Project
2.	**Lead agency name and address:** City of Fresno Planning and Development Department 2600 Fresno Street Fresno, CA 93721
3.	**Contact person and phone number:** ***Kelsey George***, ***Planner II*** City of Fresno Planning and Development Department 2600 Fresno Street, Room 3065 (559) 621-8060
4.	**Project location:** 6716 East Butler Avenue; located on the northeast corner of East Butler and South Armstrong Avenues; ±19.5 acres Site Latitude: 36.730491° Site Longitude: -119.670741° Mount Diablo Base & Meridian, Township 14S, Range 21E Section 10 – California (APN: 313-040-84, and 313-635-03)
5.	**Project sponsor's name and address:** **Applicant:** Ara Chekerdemian Lennar Homes of California 8080 N Palm Ave, Ste 110 Fresno, CA 93711 **Owner:** same as above
6.	**General & Community plan land use designation:** Current: Residential Medium-Low Density (City of Fresno General Plan)
7.	**Zoning:** Current: Residential Single-Family, Medium Low Density (RS-4) (City of Fresno Zoning Map)

8. **Description of project:**
The Project includes the construction and development of a 110-lot tentative subdivision (single- family) on a 21.07-acre gross (18.49-acre net) site. The calculated density is 5.9 units/acre. The Project will also include a 0.27 acre park, that will be dedicated to the City. The Project is located at the northeast corner of East Butler Avenue and North Armstrong Avenue in the City of Fresno, California. The Assessor's Parcel Numbers are 313-040-84 and 313-635-03.

9. **Surrounding land uses and setting:**

	Existing Zoning	Existing Land Use
North	**RS-4** *(Residential Single-Family, Medium Low Density)*	Medium Low Density Residential
East	**RS-4** *(Residential Single-Family, Medium Low Density)*	Medium Low Density Residential; Low Density Residential
South	**RS-4** *(Residential Single-Family, Medium Low Density)* **PI** *(Public and Institutional)*	Public Facility Church; Medium Low Density Residential
West	**R1AH (County)** *(Single Family Residential)*	Low Density Residential

10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):** Planning and Development Department, Building & Safety Services Division; Department of Public Works; Department of Public Utilities; County of Fresno, Department of Community Health; County of Fresno, Department of Public Works and Planning; City of Fresno Fire Department; Fresno Metropolitan Flood Control District; and San Joaquin Valley Air Pollution Control District.

11. **Have California Native American tribes traditionally and culturally affiliated with the project site requested consultation pursuant to Public Resources Code (PRC) Section 21080.3.1? If so, has consultation begun?** 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. Note: 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. Pursuant to Assembly Bill 52 (AB 52), Native American tribes traditionally and culturally affiliated with the project site were invited to consult regarding the project based on a list of contacts provided by the Native American Heritage Commission (NAHC). This list includes tribes that requested notification pursuant to AB 52. The City of Fresno mailed notices of the proposed Project to each of these tribes on July 30, 2020 which included the required 30-day time period for tribes to request consultation, which ended on August 30 2020. To date, neither tribal group has responded to the City's notices for this Project.

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.

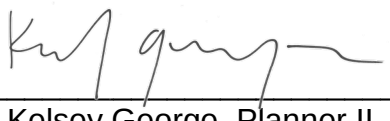
☐	Aesthetics	☐	Agriculture and Forestry Resources
☐	Air Quality	☐	Biological Resources
☐	Cultural Resources	☐	Energy
☐	Geology/Soils	☐	Greenhouse Gas Emissions
☐	Hazards and Hazardous Materials	☐	Hydrology/Water Quality

☐	Land Use/Planning	☐	Mineral Resources
☐	Noise	☐	Population/Housing
☐	Public Services	☐	Recreation
☐	Transportation	☐	Tribal Cultural Resources
☐	Utilities/Service Systems	☐	Wildfire
☐	Mandatory Findings of Significance		

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

___	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
_x_	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.
___	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) is required.
___	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.
___	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.



September 30, 2020

Kelsey George, Planner II Date

EVALUATION OF ADDITIONAL ENVIRONMENTAL IMPACTS NOT ASSESSED IN THE MASTER ENVIRONMENTAL IMPACT REPORT (MEIR):

1. For purposes of this Initial Study, the following answers have the corresponding meanings:

    a. “No Impact” means the subsequent project will not cause any additional significant effect related to the threshold under consideration which was not previously examined in the MEIR.

    b. “Less Than Significant Impact” means there is an impact related to the threshold under consideration that was not previously examined in the MEIR, but that impact is less than significant;

    c. “Less Than Significant with Mitigation Incorporation” means there is a potentially significant impact related to the threshold under consideration that was not previously examined in the MEIR, however, with the mitigation incorporated into the project, the impact is less than significant.

    d. “Potentially Significant Impact” means there is an additional potentially significant effect related to the threshold under consideration that was not previously examined in the MEIR.

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, MEIR, 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 MEIR or another earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

7. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

8. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

9. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

10. The explanation of each issue should identify:

    a. The significance criteria or threshold, if any, used to evaluate each question; and

    b. The mitigation measure identified, if any, to reduce the impact to less than significance.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS – 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 out-croppings, 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?

The site is located within an area consisting of large residential parcels and a church within Fresno County. Areas to the east, south, west, and north have been developed, while the subject Project is primarily vacant. Properties to the north include medium-low density residential structures. Properties to the west include low density residential structures. Properties to the east and south contain churches and medium-low density houses. The existing topography of

the Project site is nearly flat, with elevations ranging from 321 to 325 feet above mean sea level (asml).

A scenic vista is a viewpoint that provides a distant view of highly valued natural or man-made landscape features for the benefit of the general public. Typical scenic vistas are locations where views of rivers, hillsides, and open space areas can be obtained as well as locations where valued urban landscape features can be viewed in the distance.

The Fresno General Plan MEIR provides and recognizes that the City has not identified or designated scenic vistas within its General Plan. Although no scenic vista has been designated, it is acknowledged that scenic vistas within the Planning Area could provide distant views of natural landscape features such as the San Joaquin River along the northern boundary of the Planning Area and the foothills of the Sierra Nevada Mountain Range. The River bluffs provide distant views of the San Joaquin River as well as areas north of the River. However, the majority of these views are from private properties. There are limited views of the San Joaquin River from Weber Avenue, Milburn Avenue, McCampbell Drive, Valentine Avenue, Palm Avenue, State Route 41, Friant Road, and Woodward Park. There are various locations throughout the eastern portion of the Planning Area that provide views of the Sierra Nevada foothills that are located northeast and east of the Planning Area. These distant views of the Sierra Nevada foothills are impeded many days during the year by the poor air quality in the Fresno region. Distant views of man-made landscape features include the Downtown Fresno buildings that provide a unique skyline. Given the site's distance from the San Joaquin River (i.e., approximately 11 miles northwest of the site), the proposed Project will not interfere with public views of the San Joaquin River environs. Furthermore, as there are no designated public or scenic vistas on or adjacent to the Project site, there is no potential for adverse effect on a scenic vista. As such, impacts to scenic vistas would be *less than significant*.

Furthermore, the Fresno General Plan MEIR recognizes and acknowledges that poor air quality reduces existing views within the City of Fresno sphere of influence as a whole, and therefore finds that a *less than significant impact* will result to views of highly valued features such as the Sierra Nevada foothills from future development on and in the vicinity of the Project site.

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

Scenic resources include landscapes and features that are visually or aesthetically pleasing. They contribute positively to a distinct community or region. These resources produce a visual benefit upon communities. The scenic resources within the Planning Area include landscaped open spaces, such as parks and golf courses. Additional scenic resources within the

Planning Area include areas along the San Joaquin River due to the topographic variation in the relatively flat San Joaquin Valley. The River bluffs provide a unique geological feature in the San Joaquin Valley. Historic structures in Downtown Fresno buildings also represent scenic resources because they provide a unique skyline. The Fresno General Plan MEIR has stated there are no scenic vistas within the City and therefore the Project area would not include any scenic vistas.

The Project site is not within the vicinity of a State designated scenic highway. Additionally, the Project is not adjacent to any local scenic arterial or scenic collector streets. Therefore, the Project would have *no impact* associated with substantial damage to scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway.

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 will not damage nor will it degrade the visual character or quality of the Project site and its surroundings, given that the Project site is primarily vacant, in an area that was previously utilized for rural residential; and, in an area generally planned for and developed with residential uses. As such, impacts to the visual character or quality of the site would be *less than significant* due to the development improving the existing character of the site and the surrounding properties being of a similar use.

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

Future development of the site will create a new source of substantial light or glare within the area. However, given that the Project site is within an area where development has already occurred with residential uses, which already affect day and nighttime views in the Project site to a certain degree, no significant impact will occur. The Project would be subject to the applicable mitigation measures pertaining to light and glare included in MEIR SCH No. 2012111015 (AES-1 and 2). Furthermore, staff will ensure that lights are located in areas that will minimize light sources to the neighboring properties in accordance with the mitigation measures of the MEIR. With implementation of the applicable mitigation measures pertaining to light and glare included in MEIR SCH No. 2012111015, this impact would be *less than significant with mitigation incorporated*.

In conclusion, with MEIR mitigation measures incorporated, the Project will not result in any additional impacts related to aesthetics beyond those analyzed in MEIR SCH No. 2012111015.

Mitigation Measures identified in the MEIR

AES-1: 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-2: 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.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FORESTRY RESOURCES – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California 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:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farm-land), as shown on the maps prepared pursuant to the Farmland Mapping and Monito-ring 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?

Based upon the State of California Department of Conservation California Important Farmland Finder, all surrounding parcels are designated as "Urban and Built Up." The Project site is within "Farmland of Local Importance." However, the Area is zoned Residential Single-Family, Medium Low Density and is designated for Medium-Low Density, therefore conversion of this land has been analyzed by the City.

Review of historical aerials show that the site was used for agricultural purposes in 1962, and by 1972 the site was vacant. The Project site is primarily vacant currently.

The Fresno General Plan MEIR analyzed "project-specific" impacts associated with future development within the Planning Area (Sphere of Influence) as well as the cumulative impacts factored from future development in areas outside of the Planning Area. The MEIR identifies locations within the Planning Area that have been designated as Prime Farmland, Unique Farmland, and Farmland of Statewide Importance through the Farmland Mapping and Monitoring Program (FMMP) of the California Department of Conservation. The analysis of impacts contained within the MEIR acknowledges that Fresno General Plan implementation anticipates all of the FMMP-designated farmland within the Planning Area being converted to uses other than agriculture. Furthermore, the MEIR acknowledges that the anticipated conversion is a significant impact on agricultural resources.

To reduce potential project-specific and cumulative impacts on agricultural uses, the General Plan incorporates objectives and policies, which include but are not limited to the following:

G-5 Objective: While recognizing that the County of Fresno retains the primary responsibility for agricultural land use policies and the protection and advancement of farming operations, the City of Fresno will support efforts to preserve agricultural land outside of the area planned for urbanization and outside of the City's public service delivery capacity by being responsible in its land use plans, public service delivery plans, and development policies.

G-5-b. Policy: Plan for the location and intensity of urban development in a manner that efficiently utilizes land area located within the planned urban boundary, including the North and Southeast Growth Areas, while promoting compatibility with agricultural uses located outside of the planned urban area.

G-5-f. Policy: Oppose lot splits and development proposals in unincorporated areas within and outside the City General Plan boundary when these proposals would do any of the following:

- Make it difficult or infeasible to implement the general plan; or,
- Contribute to the premature conversion of agricultural, open space, or grazing lands; or constitute a detriment to the management of resources and/or facilities important to the metropolitan area (such as air quality, water quantity and quality, traffic circulation, and riparian habitat).

RC-9-c. Policy: In coordination with regional partners or independently, establish a Farmland Preservation Program. When Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is converted to urban uses outside City limits, this program would require that the developer of such a project mitigate the loss of such farmland consistent with the requirements of CEQA. The Farmland Preservation Program shall provide several mitigation options that may include, but are not limited to the following: Restrictive Covenants or Deeds, In Lieu Fees, Mitigation Banks, Fee Title Acquisition, Conservation Easements, Land Use Regulation, or any other mitigation method that is in compliance with the requirements of CEQA. The Farmland Preservation Program may be modeled after some or all of the programs described by the California Council of Land Trusts.

However, the MEIR recognizes that despite implementation of the objectives and policies of the Fresno General Plan, project and cumulative impacts on agricultural resources will remain significant; and, that no feasible measures in addition to the objectives and policies of the Fresno General Plan are available.

In 2014, through passage of Council Resolution No. 2014-225, the City of Fresno adopted Findings of Fact related to Significant and Unavoidable Effects as well as Statements of Overriding Considerations in order to certify MEIR SCH No. 2012111015 for purposes of adoption of the Fresno General Plan. Section 15093 of the California Environmental Quality Act requires the lead agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project.

The adopted Statements of Overriding Considerations for the MEIR addressed Findings of Significant Unavoidable Impacts within the categories/areas of Agricultural Resources; citing specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers as project goals, each and all of which were deemed and considered by the Fresno City Council to be benefits, which outweighed the unavoidable adverse environmental effects attributed to development occurring within the City of Fresno Sphere of Influence (SOI), consistent with the land uses, densities, and intensities set forth in the Fresno General Plan.

The Project site is surrounded by urban development and is currently vacated and is no longer used for agricultural purposes. The designated land use in this area is medium-low density, so therefore the conversion has been analyzed. Given these circumstances, the proposed Project would have *no impact.*

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

The Project site is not subject to a Williamson Act agricultural land conservation contract. Therefore, the proposed Project on the subject site will not affect existing agriculturally zoned or Williamson Act contract parcels. Therefore, the proposed Project will *not have an impact* on Williamson Act contracts or forestland.

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 site is not considered forest land timberland. Therefore, the proposed Project will *not conflict* with any forest land or Timberland Production or result in any loss of forest land.

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

The Project site is not considered forest land and is located within the urban bounds of the City of Fresno and is surrounded by development. Therefore, the proposed Project will *not result* in the loss of any forest land or result in the conversion of forest land to non-forest uses.

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 site is within Farmland of Local Importance as defined by the California Important Farmland Finder, however the area is zoned for residential uses and has been analyzed by the City General Plan. The Project area has not been used for agricultural purposes for years according to the Geotechnical Engineering Investigation prepared for the Project (Krazan & Associates, 2019a). Therefore, the Project would result in *no impact* on farmland or forest land involving other changes in the existing environment.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to 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

The analysis in this section is based on the Air Quality Greenhouse Gas Report prepared for this Project, which is included as Appendix A of this document (Mitchell Air Quality Consulting, 2020), and the City of Fresno General Plan.

Setting

The subject site is located in the City of Fresno and within the San Joaquin Valley Air Basin (SJVAB) which is regulated by the San Joaquin Valley Air

Pollution Control District (SJVAPCD). This region has had chronic non-attainment of federal and state clean air standards for ozone/oxidants and particulate matter due to a combination of topography and climate. The San Joaquin Valley (Valley) is hemmed in on three sides by mountain ranges, with prevailing winds carrying pollutants and pollutant precursors from urbanized areas to the north (and in turn contributing pollutants and precursors to downwind air basins). The Mediterranean climate of this region, with a high number of sunny days and little or no measurable precipitation for several months of the year, fosters photochemical reactions in the atmosphere, creating ozone and particulate matter. Regional factors affect the accumulation and dispersion of air pollutants within the SJVAB.

Air pollutant emissions overall are fairly constant throughout the year, yet the concentrations of pollutants in the air vary from day to day and even hour to hour. This variability is due to complex interactions of weather, climate, and topography. These factors affect the ability of the atmosphere to disperse pollutants. Conditions that move and mix the atmosphere help disperse pollutants, while conditions that cause the atmosphere to stagnate allow pollutants to concentrate. Local climatological effects, including topography, wind speed and direction, temperature, inversion layers, precipitation, and fog can exacerbate the air quality problem in the SJVAB.

The SJVAB is approximately 250 miles long and averages 35 miles wide and is the second largest air basin in the state. The SJVAB is defined by the Sierra Nevada in the east (8,000 to 14,000 feet in elevation), the Coastal Ranges in the west (averaging 3,000 feet in elevation), and the Tehachapi mountains in the south (6,000 to 8,000 feet in elevation). The Valley is basically flat with a slight downward gradient to the northwest. The Valley opens to the sea at the Carquinez Straits where the San Joaquin-Sacramento Delta empties into San Francisco Bay. The Valley, thus, could be considered a “bowl” open only to the north.

During the summer, wind speed, and direction data indicate that summer wind usually originates at the north end of the Valley and flows in a south-southeasterly direction through the Valley, through Tehachapi pass, into the Southeast Desert Air Basin. In addition, the Altamont Pass also serves as a funnel for pollutant transport from the San Francisco Bay Area Air Basin into the region.

During the winter, wind speed and direction data indicate that wind occasionally originates from the south end of the Valley and flows in a north-northwesterly direction. Also during the winter months, the Valley generally experiences light, variable winds (less than 10 mph). Low wind speeds, combined with low inversion layers in the winter, create a climate conducive to high carbon monoxide (CO) and particulate matter (PM10 and PM2.5) concentrations. The SJVAB has an “Inland Mediterranean” climate averaging over 260 sunny days per year. The Valley floor is characterized by warm, dry

summers and cooler winters. For the entire Valley, high daily temperature readings in summer average 95ºF. Temperatures below freezing are unusual. Average high temperatures in the winter are in the 50s, but highs in the 30s and 40s can occur on days with persistent fog and low cloudiness. The average daily low temperature is 45ºF.

The vertical dispersion of air pollutants in the Valley is limited by the presence of persistent temperature inversions. Solar energy heats up the Earth's surface, which in turn radiates heat and warms the lower atmosphere. Therefore, as altitude increases, the air temperature usually decreases due to increasing distance from the source of heat. A reversal of this atmospheric state, where the air temperature increases with height, is termed an inversion. Inversions can exist at the surface or at any height above the ground and tend to act as a lid on the Valley, holding in the pollutants that are generated here.

DISCUSSION

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

The GAMAQI indicates that projects that do not exceed SJVAPCD regional criteria pollutant emissions quantitative thresholds would not conflict with or obstruct the applicable air quality plan (AQP). An additional criterion regarding the project's implementation of control measures was assessed to provide further evidence of the project's consistency with current AQPs.

A measure for determining if the project is consistent with the air quality plans is if the project would not result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the air quality plans. Regional air quality impacts and attainment of standards are the result of the cumulative impacts of all emission sources within the air basin. Individual projects are generally not large enough to contribute measurably to an existing violation of air quality standards. Therefore, the cumulative impact of the project is based on its cumulative contribution. Because of the region's nonattainment status for ozone, PM2.5, and PM10—if project- generated emissions of either of the ozone precursor pollutants (ROG and NOX), PM10, or PM2.5 would exceed the District's significance thresholds—then the project would be considered to contribute to violations of the applicable standards and conflict with the attainment plans.

As discussed in subsection b) below, emissions of ROG, NOX, PM10, and PM2.5 associated with the construction and operation of the Project would not exceed the District's significance thresholds and the Project would not result in CO hotspots

that would violate CO standards. Therefore, the Project would not contribute to air quality violations.

The proposed Project would comply with the SJVAPCD's Regulations below:

SJVAPCD Rule 9510—Indirect Source Review (ISR) is a control measure in the 2006 PM10 Plan that requires NOX and PM10 emission reductions from development projects in the San Joaquin Valley. The NOX emission reductions help reduce the secondary formation of PM10 in the atmosphere (primarily ammonium nitrate and ammonium sulfate) and also reduce the formation of ozone.

Reductions in directly emitted PM10 reduce particles such as dust, soot, and aerosols. Rule 9510 is also a control measure in the 2016 Plan for the 2008 8-Hour Ozone Standard. Developers of projects subject to Rule 9510 must reduce emissions occurring during construction and operational phases through on-site measures or pay off-site mitigation fees. The project is required to comply with Rule 9510.

Regulation VIII—Fugitive PM10 Prohibitions is a control measure that is one main strategies from the 2006 PM10 for reducing the PM10 emissions that are part of fugitive dust. Projects over 10 acres are required to file a Dust Control Plan (DCP) containing dust control practices sufficient to comply with Regulation VIII. The project is required to prepare a DCP to comply with Regulation VIII.

Rule 4641—Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operation that requires reductions in VOC emissions during paving and Rule 4601—Architectural Coatings that limits the VOC content of all types of paints and coatings sold in the San Joaquin Valley. These measures apply at the point of sale of the asphalt and the coatings, so project compliance is ensured.

The Project would comply with all applicable SJVAPCD rules and regulations. Therefore, the Project complies with this criterion and would not conflict with or obstruct implementation of the applicable air quality attainment plan. The Project's emissions are less than significant for all criteria pollutants and would not result in inconsistency with the AQP for this criterion. The Project complies with applicable control measures of the AQP. Therefore, the Project is consistent with the AQP, and the 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?

Regional Emissions

Air pollutant emissions have both regional and localized effects. This analysis assesses the regional effects of the Project's criteria pollutant emissions in comparison to SJVAPCD thresholds of significance for short-term construction activities and long-term operation of the Project. Localized emissions from Project construction and operation are assessed under Impact c) below using concentration-based thresholds that determine if the Project would result in a localized exceedance of any ambient air quality standards or would make a cumulatively considerable contribution to an existing exceedance.

The primary pollutants of concern during Project construction and operation are ROG, NOX, PM10, and PM2.5. The SJVAPCD GAMAQI adopted in 2015 contains thresholds for CO, NOX, ROG, SOX, PM10, and PM2.5.

Ozone is a secondary pollutant that can be formed miles from the source of emissions, through reactions of ROG and NOX emissions in the presence of sunlight. Therefore, ROG and NOX are termed ozone precursors. The Air Basin often exceeds the state and national ozone standards. Therefore, if the Project emits a substantial quantity of ozone precursors, the Project may contribute to an exceedance of the ozone standard. The Air Basin also exceeds air quality standards for PM10, and PM2.5; therefore, substantial Project emissions may contribute to an exceedance for these pollutants. The District's annual emission significance thresholds used for the Project define the substantial contribution for both operational and construction emissions as follows:

- 100 tons per year CO
- 10 tons per year NOX
- 10 tons per year ROG
- 27 tons per year SOX
- 15 tons per year PM10
- 15 tons per year PM2.5

The Project does not contain sources that would produce substantial quantities of SO2 emissions during construction and operation. Modeling conducted for the Project show that SO2 emissions are well below the SJVAPCD GAMAQI thresholds, as shown in the modeling results contained in Appendix A of the Air Quality and Greenhouse Gas Analysis Report. No further analysis of SO2 is required.

Construction Emissions

Construction emissions were modeled using the CalEEMod version 2016.3.2. The results of the modeling are presented in Table 3-1. The highest emissions that would occur in any year of construction activity were compared with the significance threshold. As shown in Table 3-1, the emissions are below the

significance thresholds in each construction year. Therefore, the emissions are less than significant on a project basis.

Table 3-1: Construction Air Pollutant Emissions Summary (Unmitigated)

Year	Emissions (tons per year)				
	ROG	NO_X	CO	PM_{10}	$PM_{2.5}$
Construction 2021	0.30	2.86	2.39	0.42	0.25
Construction 2022	0.98	1.62	1.70	0.11	0.08
Grand Total for All Years of Construction	**1.28**	**4.47**	**4.09**	**0.54**	**0.34**
Highest Construction Emissions in Any Year	***0.98***	***2.86***	***2.39***	***0.42***	***0.25***
Significance threshold (tons/year)	10	10	100	15	15
Exceed threshold—significant impact?	No	No	No	No	No

Notes:
PM_{10} and $PM_{2.5}$ emissions are from the mitigated output to reflect compliance with Regulation VIII—Fugitive PM_{10} Prohibitions.
ROG = reactive organic gases NO_X = nitrogen oxides PM_{10} and $PM_{2.5}$ = particulate matter Calculations use unrounded numbers.
Source: CalEEMod output (Appendix A of Air Quality and Greenhouse Gas Analysis Report).

Operational Emissions

Operational emissions occur over the lifetime of the Project and are from two main sources: area sources and motor vehicles, or mobile sources. Construction of the Project is expected to begin as early as February 2021 with first occupancy expected in January 2022. Project buildout was based on the CalEEMod default construction schedule, which in this case is conservative because it predicts a rapid buildout compared to similar projects. The actual buildout date is dependent on market forces. The SJVAPCD considers construction and operational emissions separately when making significance determinations.

Credit for project design features and compliance with regulations not accounted for in CalEEMod default assumption are addressed using the CalEEMod mitigation component and are reflected in the mitigated results. As shown in Table 3-2, the emissions are below the SJVAPCD significance thresholds accounting for regulations and design features, but prior to application of mitigation measures; therefore, the Project would result in a less than significant impact.

Table 3-2: Operational Air Pollutant Emissions (2022 Unmitigated)

Source	Emissions (tons per year)				
	ROG	NO_X	CO	PM_{10}	$PM_{2.5}$
Area	0.88	0.05	0.84	0.01	0.01
Energy	0.01	0.12	0.05	0.01	0.01
Mobile	0.32	1.15	3.52	1.07	0.29

Total Project Emissions	**1.22**	**1.33**	**4.41**	**1.09**	**0.31**
Significance threshold	10	10	100	15	15
Exceed threshold—significant impact?	No	No	No	No	No

Notes:
ROG = reactive organic gases NO_X = nitrogen oxides PM_{10} and $PM_{2.5}$ = particulate matter Area source emissions include emissions from natural gas, landscape, and painting.

Source: CalEEMod output (Appendix A of Air Quality and Greenhouse Gas Analysis Report).

In accordance with CEQA Guidelines 15130(b), this analysis of cumulative impacts is based on a summary of projections analysis. The District attainment plans are based on a summary of projections that accounts for projected growth throughout the Air Basin, and the controls needed to achieve ambient air quality standards. This analysis considers the current CEQA Guidelines, which includes the amendments approved by the Natural Resources Agency, effective on December 28, 2018. The Air Basin is in nonattainment or maintenance status for ozone and particulate matter (PM10 and PM2.5), which means that concentrations of those pollutants currently exceed the ambient air quality standards for those pollutants, or that the standards have recently been attained in the case of pollutants with maintenance status. When concentrations of ozone, PM10, or PM2.5 exceed the ambient air quality standard, then those sensitive to air pollution (such as children, the elderly, and the infirm) could experience health effects such as: decrease of pulmonary function and localized lung edema in humans and animals; increased mortality risk; and risk to public health, implied by altered connective tissue metabolism, altered pulmonary morphology in animals after long-term exposures, and pulmonary function decrements in chronically exposed humans.

In accordance with CEQA Guidelines Section 15064, subdivision (h)(3), a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements in a previously approved plan or mitigation program.

The history and development of the SJVAPCD's current Ozone Attainment Plan is described in Section 2.4, Air Quality Plans. The 2007 8-Hour Ozone Plan contains measures to achieve reductions in emissions of ozone precursors, and sets plans towards attainment of ambient ozone standards by 2023. The 2012 PM2.5 Plan and the 2015 PM2.5 Plan for the 1997 PM2.5 Standard require fewer NOX reductions to attain the PM2.5 standard than the Ozone Plan, so the Ozone Plan is considered the applicable plan for reductions of the ozone precursors NOX and ROG. The 2012 PM2.5 Plan requires reductions in directly emitted PM2.5 from combustion sources, such as diesel engines and fireplaces, and from fugitive dust to attain the ambient standard and is the applicable plan for PM2.5 emissions. PM2.5 is also formed in secondary reactions in the atmosphere involving NOX and ammonia to form nitrate particles. Reductions in NOX required for ozone attainment are also sufficient for PM2.5 attainment. As discussed in Impact AIR-1, the project is consistent with all applicable control measures in the air quality attainment plans. The project would comply with any District rules and regulations

that may pertain to implementation of the AQPs. Therefore, impacts would be less than significant with regard to compliance with applicable rules and regulations.

This project does not exceed SJVAPCD thresholds and will reduce its cumulative impact through compliance with Rule 9510; therefore, the Project is considered less than significant for this criterion.

Since the Basin is nonattainment for ozone, PM10, and PM2.5, it is considered to have an existing significant cumulative health impact without the Project. When this occurs, the analysis considers whether the Project's contribution to the existing violation of air quality standards is cumulatively considerable. The SJVAPCD regional thresholds for NOX, VOC, PM10, or PM2.5 are applied as cumulative contribution thresholds. Projects that exceed the regional thresholds would have a cumulatively considerable health impact. As shown in Table 3-1 and Table 3-2, the regional analysis of construction and operational emissions indicates that the Project would not exceed the District's significance thresholds and the Project is consistent with the applicable Air Quality Plan.

The SJVAPCD Air Quality Attainment Plans predict that nonattainment pollutant emissions will continue to decline each year as regulations adopted to reduce these emissions are implemented, accounting for growth projected for the region.

Although all operational emissions would be below the SJVAPCD threshold, the Project site was analyzed Residential – Medium-Low Density development as part of the City's General Plan MEIR process. The rules for tiering are set forth in CEQA Guidelines Section 15152. "'[T]iering is a process by which agencies can adopt programs, plans, policies, or ordinances with EIRs focusing on 'the big picture,' and can then use streamlined CEQA review for individual projects that are consistent with such…[first tier decisions] and are…consistent with local agencies' governing general plans and zoning.'" (*Koster v. County of San Joaquin* (1996) 47 Cal.App.4th 29, 36.) Section 15152 provides that, where a first-tier EIR has "adequately addressed" the subject of cumulative impacts, such impacts need not be revisited in second- and third-tier documents. Furthermore, second- and third-tier documents may limit the examination of impacts to those that "were not examined as significant effects" in the prior EIR or "[a]re susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means." In general, significant environmental effects have been "adequately addressed" if the lead agency determines that:

a. they have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental impact report; or
b. they have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.

Because the City's General Plan MEIR addressed the effects of developing the Project site with Residential – Medium-Low Density uses, environmental review can also be streamlined pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

The City's General Plan designates the Project site as Residential – Medium Low Density (approximately 19.5 acres). Residential - Medium Low Density is intended for residential development, specifically single-family homes. Many of the city's current residential districts fall into a mix of residential designations. Specific uses allowed include, but are not limited to, single-unit dwellings, adult family daycare, and some residential care facilities. The minimum and maximum units per acre are 5 to 12 units. The analysis included in the City's General Plan MEIR assumed that the site would be developed with up to 117 dwelling units. The Project would not increase development beyond the level assumed for the site in the City's General Plan MEIR.

The General Plan MEIR concludes that although the existing policies, ordinances, and regulations and the objectives and policies in the General Plan will reduce criteria pollutant emissions, implementation of the General Plan may exceed the SJVAPCD project level thresholds of significance for ROG, NOx, PM_{10}, and $PM_{2.5}$. Implementation of the General Plan would result in a significant and unavoidable impact related to violation of air quality standards. The City of Fresno certified the General Plan MEIR, adopted a statement of overriding considerations relative to this significant and unavoidable impact, and approved the General Plan. As such, the operational emissions resulting from operation of the proposed Project were previously considered by the City as part of the General Plan and General Plan EIR planning efforts. The impact will be *less than significant*.

c) Expose sensitive receptors to substantial pollutant concentrations?

Sensitive Receptors

Those who are sensitive to air pollution include children, the elderly, and persons with pre-existing respiratory or cardiovascular illness. SJVAPCD considers a sensitive receptor 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. The closest off-site sensitive receptors are existing residences located adjacent to the Project site to the north, east, south, and west. As a residential land use development project, proposed residences included as part of the Project would be considered sensitive receptors once occupied.

Off-site Sensitive Receptors

Impacts to receptors located outside the Project boundaries would occur primarily during Project construction. Construction emissions commencing with the year 2021 and continue until Project buildout. Construction activities are expected to occur over several years as the subdivision is gradually built out; however, most emissions are expected to occur during the initial site preparation and grading activities and to a lesser extent during ground up construction. For criteria pollutants, impacts to receptors located outside of the Project are based on emissions during the highest emissions during any construction year. As shown in Table 3-3 and Table 3-4, emissions generated from construction and operation of the Project are less than SJVAPCD screening criteria. Therefore, this impact would be less than significant.

On-site Sensitive Receptors

The Project is not a significant source of TAC emissions. Construction activities produce short-term emissions that would not contribute substantially to cancer risk, which is estimated on a 70-year exposure period.

Construction: ROG

ROG is emitted during the application of architectural coatings (painting). The amount emitted is dependent on the amount of ROG (or VOC) in the paint. ROG emissions are typically an indoor air quality health hazard concern rather than an outdoor air quality health hazard concern. Therefore, exposure to ROG during architectural coatings is a less than significant health impact. Therefore, the impact will be *less than significant*.

There are three types of asphalt that are typically used in paving: asphalt cements, cutback asphalts, and emulsified asphalts. However, SJVAPCD Rule 4641 prohibits the use of the following types of asphalt: rapid cure cutback asphalt; medium cure cutback asphalt; slow cure asphalt that contains more than one-half (0.5) percent of organic compounds that evaporate at 500 degrees Fahrenheit (°F) or lower; and emulsified asphalt containing organic compounds, in excess of 3 percent by volume, that evaporate at 500°F or lower. An exception to this is medium cure asphalt when the National Weather Service official forecast of the high temperature for the 24-hour period following application is below 50°F.

The acute (short-term) health effects from worker direct exposure to asphalt fumes include irritation of the eyes, nose, and throat. Other effects include respiratory tract symptoms and pulmonary function changes. The studies were based on occupational exposure of fumes. Residents are not in the immediate vicinity of the fumes; therefore, they would not be subjected to concentrations high enough to evoke a negative response. In addition, the restrictions that are placed on asphalt in the San Joaquin Valley reduce ROG emissions from asphalt and exposure. The impact to nearby sensitive receptors from ROG during construction would be less than significant.

Localized Pollutant Screening Analysis

Emissions occurring at or near the Project have the potential to create a localized impact, also referred to as an air pollutant hotspot. Localized emissions are considered significant if, when combined with background emissions, they would result in exceedance of any health-based air quality standard. The impact from localized pollutants is based on the impact to the nearest sensitive receptor.

The SJVAPCD's GAMAQI includes screening thresholds for identifying projects that need detailed analysis for localized impacts. Projects with on-site emission increases from construction activities or operational activities that exceed the 100 pounds per day screening level of any criteria pollutant after compliance with Rule 9510 and implementation of all enforceable mitigation measures would require preparation of an ambient air quality analysis. The criteria pollutants of concern for localized impact in the SJVAB are PM10, PM2.5, NOX, and CO. There is no localized emission standard for ROG and most types of ROG are not toxic and have no health-based standard; however, ROG was included for informational purposes only.

The highest daily emissions occur during Project grading activities except for ROG emissions, which are highest during application of architectural coatings. The results of the construction screening analysis are presented in Table 3-3.

Table 3-3 Maximum Daily Air Pollutant Emissions during Construction

	Emissions (pounds per day)				
Maximum Daily Emissions by Year	**ROG**	**NO_X**	**CO**	**PM_{10}**	**$PM_{2.5}$**
Construction 2021	4.28	46.45	31.46	10.32	6.39
Construction 2022	80.77	16.99	17.61	1.22	0.88
Highest Emissions in Any Year	**80.77**	**46.45**	**31.46**	**10.32**	**6.39**
Screening Thresholds	100	100	100	100	100
Exceeds Threshold (Yes or No)	No	No	No	No	No

Notes:
NO_X = nitrogen oxides CO = carbon monoxide PM_{10} and $PM_{2.5}$ = particulate matter N/A = Not applicable
Emissions were highest in the summer run for ROG and CO, while emissions for NO_X were higher in the winter run.
There is no ambient air quality standard for ROG.
Source: CalEEMod output (Appendix A).

Maximum Daily Operational Emissions

An analysis of maximum daily emissions during operation was conducted to determine if emissions would exceed 100 pounds per day for any pollutant of

concern. The maximum daily operational emissions would occur at Project buildout. The built-out Project was modeled for 2022, which is the estimated year of first occupancy. This is considered conservative because emissions decline each year and will be lower if a later buildout year is assumed. Operational emissions include emissions generated on-site by area sources such as natural gas combustion and landscape maintenance, and off-site by motor vehicles accessing the Project. Most motor vehicle emissions would occur distant from the site and would not contribute to a violation of ambient air quality standards; therefore, operational emissions reflect a very conservative assumption. The results of the screening analysis are presented in Table 3-4.

Table 3-4 Maximum Daily Air Pollutant Emissions during Operations

Maximum Daily Emissions per Source Category and Phase	Emissions (pounds per day)				
	ROG	NO_X	CO	PM_{10}	$PM_{2.5}$
Area	5.07	1.11	9.51	0.13	0.13
Energy	0.08	0.68	0.29	0.06	0.06
Mobile	2.43	6.82	22.67	6.35	1.73
Total	**7.58**	**8.61**	**32.48**	**6.54**	**1.92**
Screening threshold	100	100	100	100	100
Exceed screening threshold?	No	No	No	No	No

Notes:
NO_X = nitrogen oxides CO = carbon monoxide PM_{10} and $PM_{2.5}$ = particulate matter N/A = Not applicable
Emissions were highest in the summer run for ROG and CO, while emissions for NO_X were higher in the winter run.
There is no ambient air quality standard for ROG.
Source: CalEEMod output (Appendix A).

The Project would not exceed SJVAPCD screening thresholds for localized operational criteria pollutant impacts; therefore, the Project's localized criteria pollutant impacts would be less than significant.

Operation: ROG

During operation, ROG would be emitted primarily from motor vehicles. Direct exposure to ROG from Project motor vehicles would not result in health effects, because the ROG would be distributed across miles and miles of roadway and in the air. The concentrations would not be great enough to result in direct health effects.

Operation: PM10, PM2.5, CO, NO2

As shown in Table 3-4, localized emissions of PM10, PM2.5, CO, and NO2 would not exceed the SJVAPCD screening thresholds at full Project build-out. Residential development is an insignificant source of these pollutants,

except for projects that allow woodburning devices that emit PM10, PM2.5 in wood smoke. The Project will include only natural gas-fueled fireplaces and inserts that are insignificant sources of PM2.5 and PM10. Therefore, the Project would not expose sensitive receptors to substantial criteria air pollutant concentrations during operation.

Carbon Monoxide Hot Spot Analysis

Localized high levels of CO are associated with traffic congestion and idling or slow-moving vehicles. The SJVAPCD provides screening criteria to determine when to quantify local CO concentrations based on impacts to the level of service (LOS) of intersections in the Project vicinity.

Construction of the Project would result in minor increases in traffic for the surrounding road network during the duration of construction. Motor vehicles accessing the site when it becomes operational would result in a minor increase in daily trips that would not substantially reduce the LOS on roads serving the site. The highest background 8-hour average CO concentration during the latest year it was monitored is 2.06 ppm, which is 78 percent lower than the CAAQS of 9.0 ppm or the NAAQS of 9 ppm.

A sensitivity analysis using the CALINE4 CO Hotspot model was run for the General Plan MEIR to determine the volume of trips that would be required to exceed the most stringent CO standard. At triple the predicted peak for General Plan buildout of 36,000 peak-hour trips, the hourly concentration was 7.5 ppm and an 8-hour concentration of 6.0 ppm. Based on this analysis, it is extremely unlikely that a CO hotspot will occur in the Plan Area. CO emissions are predicted to continue to decline as old vehicles are retired and cleaner new motor vehicles take their place.

Therefore, no CO hotspot modeling is required for new projects during General Plan Buildout unless intersection volumes exceed 36,000 peak-hour trips, which is not projected to occur with the Project. The roads in vicinity of the Project with trip data available are North Fowler Avenue north of East Tulare Avenue with 23,391 trips per day and South Clovis Avenue south of East Church Avenue with 21,014 trips per day. The peak-hour rates would be a small fraction of the daily rates.

Naturally Occurring Asbestos

According to a map of areas where naturally occurring asbestos in California are likely to occur (U.S. Geological Survey 2011), there are no such areas in the Project area. Therefore, development of the Project is not anticipated to expose receptors to naturally occurring asbestos. Impacts would be less than significant.

The Project would not exceed SJVAPCD localized emission daily screening levels for any criteria pollutant. The Project is not a significant source of TAC

emissions during construction or operation. The Project is not in area known to have naturally occurring asbestos. Therefore, the Project would not result in significant impacts to sensitive receptors. There would be *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.

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. According to the CBIA v. BAAQMD ruling, impacts of existing sources of odors on the Project are not subject to CEQA review. Therefore, the analysis to determine if the Project would locate new sensitive receptors near an existing source of odor is provided for information only. The District has determined the common land use types that are known to produce odors in the Air Basin. These types are shown in Table 3-5.

Table 3-5 Screening Levels for Potential Odor Sources

Odor Generator	Screening Distance
Wastewater Treatment Facilities	2 miles
Sanitary Landfill	1 mile
Transfer Station	1 mile
Composting Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	1 mile
Chemical Manufacturing	1 mile
Fiberglass Manufacturing	1 mile
Painting/Coating Operations (e.g., auto body shop)	1 mile
Food Processing Facility	1 mile
Feed Lot/Dairy	1 mile
Rendering Plant	1 mile
Source: SJVAPCD 2015a.	

Project as a Generator

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. The Project would not engage in any of these activities. Therefore, the Project would not be considered a generator of objectionable odors during operations.

During construction, the various diesel-powered vehicles and equipment in use on-site would create localized odors. These odors would be temporary and would not likely be noticeable for extended periods of time beyond the Project's site boundaries. The potential for diesel odor impacts would therefore be less than significant.

Project as a Receiver

With the CBIA v. BAAQMD ruling, analysis of odor impacts on receivers is not required for CEQA compliance. Therefore, the following analysis is provided for information only. As a residential development, the Project has the potential to place sensitive receptors near existing odor sources. There are no major odor-generating sources (as listed in Table 3-5) within screening distance of the site. Therefore, the uses in the vicinity of the Project would not cause substantial odor impacts to the Project and there would be *no impact.*

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and 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

The analysis presented in this section is based on a reconnaissance level survey conducted by qualified biologists on February 19, 2020, as well as a review of available databases and other information. A copy of the Biological Reconnaissance Survey Form is included in the document as Appendix B.

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?

Prior to a site reconnaissance survey, a desktop database and literature search was conducted to identify plant and wildlife special-status species known or have the potential to inhabit the Project site. The California Natural Diversity Database (CNDDB) and the US Fish and Wildlife Information for Planning and Consultation (IPaC) system was used to generate a list of special-status species that may be present in the vicinity of the Project. A ten-mile search radius was used for the CNDDB and surrounding eight quadrangles was used for the IPaC.

The database search identified the Project site is not within any Critical Habitats or within Migration Zones. The database search identified five bird species; yellow -billed cuckoo (*Coccyzus americanus*), Swainson's hawk (*Buteo swainsoni*), tricolored blackbird (*Agelaius tricolor*), burrowing owl (*Athene cunicularia*) and least Bell's vireo (*Vireo bellii*), five mammal species;

Fresno kangaroo rat (*Dipodomys nitratoides exilis*), San Joaquin kit fox (*Vulpes macrotis mutica*), American badger (*Taxidea taxus*) and western mastiff bat (*Eumops perotis*), two reptiles, blunt-nosed leopard lizard (*Gambilia silus*) and giant garter snake (*Thamnophis gigas*), three amphibians; California red-legged frog (*Rana draytonii*), California tiger salamander (*Ambystoma californiense*) and western spadefoot toad (*Spea hammondii*), one fish, Delta smelt (*Hypomesus transpacifucus*) and one crustacean, vernal pool fairy shrimp (*Branchinecta lynchi*). In addition to the list generated by the database search, all nesting birds, with few exceptions, are protected under the Migratory Bird Species Act (MBTA).

With the exception of Swainson's hawk, burrowing owl, san Joaquin kit fox, American badger and nesting birds, the Project site does not contain suitable habitat, is outside of the known range, does not contain water features or other environmental conditions necessary for occupancy and are not further discussed.

The database search identified eight special-status plant species; Calfornia jewelflower (*Caulanthus californicus*), California satintail (*Imperata brevifloia*), Green's tuctoria (*Tuctoria greenei*), Madera letosiphion (*Leptosiphon serrulatus*), San Joaquin adobe sunburst (*Pseudobahia peirsonii*), Sanford's arrowhead (*Sagittaria sanfordii*), caper-fruited tropidocarpum (*Tropidocarpum capparideum*), spiny-sepaled button celery (*Eryngium spinosepalum*) and succulent owl's clover (*Castilleja campestris var. succulenta*).

With the exception of California jewelflower, the Project site does not contain suitable habitat (vernal pools, woodlands or alkaline hills) to support the plant species identified on the species list identified on the database search. The reconnaissance level survey described below did not observe California jewelflower during the survey, which occurred during the blooming period for this species. Due to the repeated disturbance to the Project site (disking and mowing) it is unlikely that any special-status plant species would occur on the Project site.

A reconnaissance level survey and database review was completed by QK biologists to characterize the existing conditions on-site and determine the potential for special-status species and other sensitive biological resources to occur on-site and be impacted by the project. No special-status species or their sign were observed during the survey. Common species observed during the survey were consistent with urban areas and the time of year the reconnaissance survey was conducted. Wildlife species observed included the California ground squirrel (*Otospermophilus beecheyi*), mourning dove (*Zenaida macroura*), northern mockingbird (*Mimus polyglottos*), red-tailed hawk (*Buteo jamaicensis*), Cooper's hawk (*Accipiter cooperii*), cedar waxwing (*Bombycilla cedrorum*), Say's phoebe (*Sayornis saya*), fox sparrow (*Passerella iliaca*), and California scrub-jay (*Aphelocoma californica*).

Few suitable nesting or perching trees and utility poles occur around the subject site that migratory birds may utilize for foraging and/or nesting, though none occur on the subject site. Several medium to large conifer trees occur on residential property on the eastern boundary of the project site that may be suitable for raptor nesting. Potential prey for raptor species were observed on the site.

The Swainson's hawk requires a supply of small mammals, such as young ground squirrels, as prey for nestlings and elevated perches for hunting. Therefore, it favors open and semi-open country over smaller vacant lands in urban settings. Although the on-site vegetation could provide cover for prey, there are limited large trees to provide suitable nesting on-site and the subject site is surrounded by residential and commercial development. This results in low-quality foraging habitat for this species, and limited nesting habitat, therefore this species is not likely to inhabit this site.

Mitigation measures such as a pre-construction clearance survey focusing on special status species, nesting birds and raptors are recommended. When implemented, these measures will reduce project impacts to biological resources to a less than significant level.

The use of ruderal/non-native grassland habitat by native terrestrial vertebrates including birds and small mammals is considered common in open grasslands or vacant lands in urban areas. This is an attractant to both foraging raptors, such as hawks and owls, and common mammalian predators. Various bat species may also roost in abandoned or infrequently used buildings or structures and may also forage over the subject site for flying insects.

The federally endangered and California-threatened San Joaquin kit fox once occurred throughout much of the San Joaquin Valley, but this species favored areas of alkali sink scrub and alkali grassland throughout the San Joaquin Valley and Tulare Basin, as well as areas further west. The low foothills of the Sierra Nevada at the eastern edge of the San Joaquin Valley are considered at the edge of their natural range. It is not uncommon to find San Joaquin kit fox in developed and cultivated areas. The subject site consists of low-quality habitat for this species. No sign of San Joaquin kit fox was observed during the site survey but may occur as a transient forager.

A California Species of Special Concern, the western burrowing owl is a small, terrestrial owl that inhabits relatively flat dry open prairies and grasslands where tree and shrub canopies provide minimal cover. This species is found in close association with California ground squirrels, using the abandoned burrows of these squirrels for shelter, roosting, and nesting. Burrowing owls are colonially nesting raptors, and colony size is indicative of habitat quality. It is not uncommon to find burrowing owls in developed and

cultivated areas. Although ground squirrel burrows were observed throughout the area, the subject site consists of low-quality habitat for this species. No sign of western burrowing owl was observed during the site survey but may occur as a transient forager.

The proposed project will not directly affect any sensitive, special-status, or candidate species. The subject site has been highly disturbed by historical and annual disking and mowing of vegetation that is unfavorable to ground dwelling species, shows evidence of anthropogenic activities, and is dominated by non-native weeds and grasses. The subject site is classified as primarily annual grassland defined by the California Department of Fish and Wildlife's California Wildlife Habitat Relationships System, as open grassland comprised of introduced annual grasses such as brome (*Bromus* sp.) and wild oat species (*Avena* sp.) along with a mosaic of lawns, planted gardens, and vegetation shade trees in the surrounding residential and commercial properties.

No sensitive natural communities or aquatic resources are present. Three special-status species, the San Joaquin kit fox (*Vulpes macrotis mutica*), western burrowing owl (*Athene cunicularia*), and Swainson's hawk (*Buteo swainsoni*) were determined to have low potential to occur on-site as transient foragers. Direct impacts could include loss of suitable foraging habitat and injury or mortality of individual special-status species, and or young during the breeding season. Nesting birds protected by the California Fish and Game Code and the MBTA, as well as roosting bat maternity colonies protected by the California Environmental Quality Act, also have a low potential to occur on-site. Avoidance and minimization measures are prescribed including pre-activity surveys, species focused surveys, raptor surveys, and western burrowing owl exclusion plan development and implementation.

Recommended avoidance and minimization measures that, when implemented, will reduce project impacts to biological resources to a *less than significant* level. Furthermore, compliance with the biological mitigation measures such as a pre-construction biological survey prior to ground disturbance to determine if the project site supports any special-status species as required in the MEIR SCH No. 2012111015 for the Fresno General Plan would also reduce impacts to biological species. If a special-status species is determined to occupy any portion of a site, mitigation measures would be incorporated into the construction phase of a project to avoid direct or incidental take of a listed species to the greatest extent feasible. These mitigation measures are included in the attached Project Specific Mitigation Monitoring Checklist dated September 2020 and listed at the end of the section.

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. No natural communities of special concern were identified on the IPaC or CNDDB database search.

No riparian habitats or any other sensitive natural communities identified by the California Department of Fish and Wildlife or the US Fish and Wildlife Service are located on the project site. There will be *no impact*.

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?

No State or federally protected wetlands are located on the subject site. Therefore, there would be *no impacts* 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.

According to Appendix B, the project is not located within an identified wildlife movement corridor and there are no features on-site that would lend themselves specifically to wildlife movement. The site is surrounded by residential and commercial developments that are not conducive to wildlife movement. The impact will be *less than significant*.

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

The City of Fresno Municipal CodeSection 15-2308 permits the removal of trees, including trees with 12-inch diameter trunks, in conjunction with a development application. 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. In addition, the project will comply with the policies and goals of the General Plan pertaining to protecting biological resources. However, there are no large trees located within the subject site. The project would not conflict with a local policy or ordinance, and therefore there would be *no 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). That HCP only applies to maintenance and operations of PG&E facilities and does not apply to this project. There is no adopted habitat conservation plans or natural community conservation plans pertaining to natural resources within the project area. There will be *no impact*.

Mitigation Measures identified in MEIR

BIO-1 of MEIR SCH No. 2012111015 for the Fresno General Plan requires the construction of a proposed project to avoid, where possible, vegetation communities that provide suitable habitat for a special-status species known to occur within the Planning Area. If construction within potentially suitable habitat must occur, the presence/absence of any special-status plant or wildlife species must be determined prior to construction, to determine if the habitat supports any special-status species. If special-status species are determined to occupy any portion of a subject site, avoidance and minimization measures shall be incorporated into the construction phase of a project to avoid direct or incidental take of a listed species to the greatest extent feasible.

BIO-2 of MEIR SCH No. 2012111015 for the Fresno General Plan requires that any direct or incidental take of any state or federally listed species should be avoided to the greatest extent feasible. If the construction of a proposed project will result in the direct or incidental take of a listed species, consultation with the resources agencies and/or additional permitting may be required. Agency consultation through the California Department of Fish and Wildlife (CDFW) 2081 and U.S. Fish and Wildlife Service (USFWS) Section 7 or

Section 10 permitting processes must take place prior to any action that may result in the direct or incidental take of a listed species. Specific mitigation measures for direct or incidental impacts to a listed species will be determined through agency consultation.

BIO-3 of MEIR SCH No. 2012111015 for the Fresno General Plan requires projects within the Planning Area to avoid, if possible, construction within the general nesting season of February 1 through August 15 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 subject site. If construction cannot avoid the nesting season, a pre-activity clearance survey must be conducted to determine if any nesting birds or nesting activity is observed on or within 500-feet of a subject site. If an active nest is observed during the survey, a biological monitor must be on-site to ensure that no proposed project activities would impact the active nest. Depending on the bird species, a buffer ranging in size from 250 feet to 4 miles, will 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.

Additional Mitigation Measures (Project Specific)

BIO-4: Pre-activity Surveys for Special-Status Species: Prior to ground disturbing activities, a qualified wildlife biologist shall conduct a biological clearance survey no more than 30 calendar days prior to the onset of construction. The clearance survey shall include walking transects to identify presence of San Joaquin kit fox, American badger, Swainson's hawk, western burrowing owl, nesting birds and other special-status species or signs of, and sensitive natural communities. The pre-activity survey shall be walked by no greater than 30-foot transects for 100 percent coverage of the Project site and the 250-foot buffer, where feasible. If no evidence of special-status species is detected, no further action is required but measure MM BIO-6 shall be implemented.

BIO-5: Avoidance of San Joaquin Kit Fox and American badger dens: If dens/burrows that could support the San Joaquin kit fox or American badger are discovered during the pre-activity surveys conducted under MM BIO-4, the avoidance buffers outlined below shall be established. No work would occur within these buffers unless the biologist approves and monitors the activity.

- Potential Den – 50 feet
- Atypical Den – 50 feet (includes pipes and other man-made structures)
- Known Den – 100 Feet
- Natal/Pupping Den – 500 feet

BIO-6: Avoidance and Minimization Measures for San Joaquin Kit Fox: The following avoidance and minimization measures shall be implemented during all phases of the Project to reduce the potential for impact from the Project. They are modified from the *U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011).

1. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the construction or Project site.
2. Construction-related vehicle traffic shall be restricted to established roads and predetermined ingress and egress corridors, staging, and parking areas. Vehicle speeds shall not exceed 20 miles per hour (mph) within the Project site.
3. To prevent inadvertent entrapment of kit fox or other animals during construction, the contractor shall cover all excavated, steep-walled holes or trenches more than two feet deep at the close of each workday with plywood or similar materials. If holes or trenches cannot be covered, one or more escape ramps constructed of earthen fill or wooden planks shall be installed in the trench. Before such holes or trenches are filled, the contractor shall thoroughly inspect them for entrapped animals. All construction-related pipes, culverts, or similar structures with a diameter of four-inches or greater that are stored on the Project site shall be thoroughly inspected for wildlife before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If at any time an entrapped or injured kit fox is discovered, work in the immediate area shall be temporarily halted and USFWS and CDFW shall be consulted.
4. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS and CDFW has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
5. No pets, such as dogs or cats, shall be permitted on the Project sites to prevent harassment, mortality of kit foxes, or destruction of dens.

6. Use of anti-coagulant rodenticides and herbicides in Project sites shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the USFWS and CDFW. If rodent control must be conducted, zinc phosphide shall be used because of the proven lower risk to kit foxes.
7. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative shall be identified during the employee education program and their name and telephone number shall be provided to the USFWS.
8. The Sacramento Fish and Wildlife Office of USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact can be reached at (559) 243-4014 and R4CESA@wildlifeca.gov.
9. All sightings of the San Joaquin kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to the Service at the address below.
10. Any Project-related information required by the USFWS or questions concerning the above conditions, or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at: Endangered Species Division, 2800 Cottage Way, Suite W 2605, Sacramento, California 95825-1846, phone: (916) 414-6620 or (916) 414-6600.

BIO-7: Pre-activity Surveys for Nesting Birds: If construction is planned outside the nesting period for raptors (other than the western burrowing owl) and migratory birds (February 1 to August 31), no mitigation shall be required. If construction is planned during the nesting season for migratory birds and raptors, a pre-activity survey to identify active bird nests shall be conducted by a qualified biologist to evaluate the site and a 250-foot buffer for migratory birds and a 500-foot buffer for raptors. If nesting birds are identified during the survey, active raptor nests shall be avoided by 500 feet and all other migratory bird nests shall be avoided by 250 feet. Avoidance

buffers may be reduced if a qualified on-site monitor determines that encroachment into the buffer area is not affecting nest building, the rearing of young, or otherwise affecting the breeding behaviors of the resident birds. Because nesting birds can establish new nests or produce a second or even third clutch at any time during the nesting season, nesting bird surveys shall be repeated every 30 days as construction activities are occurring throughout the nesting season.

No construction or earth-moving activity shall occur within a non-disturbance buffer until it is determined by a qualified biologist that the young have fledged (left the nest) and have attained sufficient flight skills to avoid Project construction areas. Once the migratory birds or raptors have completed nesting and young have fledged, disturbance buffers will no longer be needed and can be removed, and monitoring can cease.

BIO-8: Pre-activity Surveys for Swainson's Hawk Nests: If all Project activities are completed outside of the Swainson's hawk nesting season (February 15 through August 31), this mitigation measure shall need not be applied. If no Swainson's hawk nests are found, no further action is required.

If construction is planned during the nesting season, a pre-activity survey shall be conducted by a qualified biologist to evaluate the site and a 0.5-mile buffer around the site for active Swainson's hawk nests. If potential Swainson's hawk nests or nesting substrates occur within 0.5 mile of the Project site, then those nests or substrates must be monitored for Swainson's hawk nesting activity on a routine and repeating basis throughout the breeding season, or until Swainson's hawks or other raptor species are verified to be using them. Monitoring shall be conducted according to the protocol outlined in the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee 2000). The protocol recommends that ten visits be made to each nest or nesting site: one during January 1-March 20 to identify potential nest sites, three during March 20-April 5, three during April 5-April 20, and three during June 10-July 30. To meet the minimum level of protection for the species, surveys shall be completed for at least the two survey periods immediately prior to Project-related ground disturbance activities. During the nesting period, active Swainson's hawk nests shall be avoided by 0.5 mile unless this avoidance buffer is reduced through consultation with the CDFW and/or USFWS. If an active Swainson's hawk nest is located within 500 feet of the Project or within the Project site, the Project proponent shall contact CDFW for guidance.

BIO-9: Swainson's Hawk Nest Avoidance: If an active Swainson's hawk nest is discovered at any time within 0.5-mile of active construction, a qualified biologist will complete an assessment of the potential for current construction

activities to impact the nest. The assessment will consider the type of construction activities, the location of construction relative to the nest, the visibility of construction activities from the nest location, and other existing disturbances in the area that are not related to construction activities of this Project. Based on this assessment, the biologist will determine if construction activities can proceed and the level of nest monitoring required. Construction activities shall not occur within 500 feet of an active nest but depending upon conditions at the site this distance may be reduced. Full-time monitoring to evaluate the effects of construction activities on nesting Swainson's hawks may be required. The qualified biologist shall have the authority to stop work if it is determined that Project construction is disturbing the nest. These buffers may need to increase depending on the sensitivity of the nest location, the sensitivity of the nesting Swainson's hawk to disturbances, and at the discretion of the qualified biologist.

BIO-10: Pre-activity Surveys for Western Burrowing Owl Burrows: A qualified biologist shall conduct a pre-activity survey on the Project site and within 500 feet of its perimeter, where feasible, to identify the presence of the western burrowing owl. The survey shall be conducted between 14 and 30 days prior to the start of construction activities. If any western burrowing owl burrows are observed during the pre-activity survey, avoidance measures shall be consistent with those included in the CDFW staff report on western burrowing owl mitigation (CDFG 2012). If occupied western burrowing owl burrows are observed outside of the breeding season (September 1 through January 31) and within 250 feet of proposed construction activities, a passive relocation effort may be instituted in accordance with the guidelines established by the California Western Burrowing Owl Consortium (1993) and the California Department of Fish and Wildlife (2012). During the breeding season (February 1 through August 31), a 500-foot (minimum) buffer zone shall be maintained unless a qualified biologist verifies through noninvasive methods that either the birds have not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

If western burrowing owl are found to occupy the Project site and avoidance is not possible, burrow exclusion may be conducted by qualified biologists only during the non-breeding season, before breeding behavior is exhibited, and after the burrow is confirmed empty through non-invasive methods (surveillance). Replacement or occupied burrows shall consist of artificial burrows at a ratio of one burrow collapsed to one artificial burrow constructed (1:1). Ongoing surveillance of the Project site during construction activities shall occur at a rate sufficient to detect western burrowing owl, if they return.

In addition, impacts to occupied western burrowing owl burrows shall be avoided in accordance with the following table unless a qualified biologist

approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

BIO-11: Worker Environmental Awareness Training: Prior to ground disturbance activities, or within one week of being deployed at the Project site for newly hired workers, all construction workers at the Project site shall attend a Construction Worker Environmental Awareness Training and Education Program, developed and presented by a qualified biologist.

The Construction Worker Environmental Awareness Training and Education Program shall be presented by the biologist and shall include information on the life history wildlife and plant species that may be encountered during construction activities, their legal protections, the definition of “take” under the Endangered Species Act, measures the Project operator is implementing to protect the species, reporting requirements, specific measures that each worker must employ to avoid take of the species, and penalties for violation of the Act. Identification and information regarding special-status or other sensitive species with the potential to occur on the Project site shall also be provided to construction personnel. The program shall include:

- An acknowledgement form signed by each worker indicating that environmental training has been completed.
- A copy of the training transcript and/or training video/CD, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be maintain on site for the duration of construction activities.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES – 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	

The follow analysis is based primarily on a Cultural Resources Technical Memo prepared for the Project, (QK, 2020), which is included as Appendix C of this document, and other available sources.

DISCUSSION

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

A cultural resources records search (RS #20-102) was conducted at the Southern San Joaquin Valley Information Center, California State University- Bakersfield. The records search covered an area within one half mile of the Project site and included a review of the National Register of Historic Places (NRHP), California Points of Historical Interest, California Registry of Historic Resources (CRHR), California Historical Landmarks, California State Historic Resources Inventory, and a review of cultural resource reports on file. The records search indicated that the Project site has never been surveyed for Cultural Resources, but three cultural resource studies had been conducted within a half mile of the Project. No cultural resources have been recorded within a half mile of the Project.

There are no structures that exist within the Project site that are listed in the National or Local Register of Historic Places. The Project is not within a designated historic district. There are no known archaeological resources that exist

within the Project site. However, during excavation activities, there is always the potential to discover historical resources. If the event historical resources are found, construction will halt, and a qualified historical resources specialist will be contacted and will make recommendations to the City. Implementation of the Fresno General Plan MEIR Mitigation Measures will result in a *less than significant impact*.

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

There are no known archaeological or paleontological resources that exist within the Project site. There is no evidence that cultural resources of any type (including historical, archaeological, paleontological, or unique geologic features) exist on the Project site. Nevertheless, there is some possibility that a buried site may exist in the area and be obscured by vegetation, fill, or other historic activities, leaving no surface evidence. Implementation of the Fresno General Plan MEIR Mitigation Measures will result in a *less than significant impact*.

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

Previously unknown paleontological resources or undiscovered human remains could be disturbed during Project construction. Based on the results of cultural records search findings and the lack of historical or archaeological resources previously identified within a 0.5-mile radius of the proposed Project, the potential to encounter subsurface resources is minimal. Although cultural resources are not anticipated onsite, like most projects in the state, the possibility exists that these resources could be found during construction; therefore, mitigation would be required to reduce this impact to a *less than significant* level. Therefore, due to the ground disturbing activities that will occur as a result of the Project, the measures within the MEIR SCH No. 2012111015 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. In conclusion, with the MEIR Mitigation Measures incorporated the proposed Project will not result in any cultural resource impacts beyond those analyzed in MEIR SCH No. 2012111015.

Mitigation Measures identified in MEIR

CUL-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. 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-germ preservation to allow future scientific study.

CUL-2: 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 prehistoric archaeological resources shall be conducted. The following procedures shall be followed.

If prehistoric resources are not found during either the field survey or literature search, excavation and/or construction activities can commence. In the event that buried prehistoric archaeological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archaeologist 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 CEQA Guidelines Section 15064.5.

If the resources are determined to be unique prehistoric archaeological resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation 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 prehistoric archaeological artifacts

recovered as a result of mitigation shall be provided to a City approved institution or person who is capable of pro viding long term preservation to allow future scientific study.

If prehistoric resources are found during the field survey or literature review, the resources shall be inventoried using appropriate State record forms and submit the forms to the Southern San Joaquin Valley Information Center. The resources shall be evaluated for significance. If the resources are found to be significant, measures shall be identified by the qualified archaeologist. Similar to above, 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.

In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include an archaeological monitor. The monitoring period shall be determined by the qualified archaeologist. If additional prehistoric archaeological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.

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
VI. ENERGY – 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	

The analysis in this section is based on the Air Quality Greenhouse Gas Report prepared for the Project (Appendix A) and other available sources.

DISCUSSION

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

CEQA Guidelines requires consideration of the potentially significant energy implications of a project. CEQA requires mitigation measures to reduce "wasteful, inefficient and unnecessary" energy usage (Public Resources Code Section 21100, subdivision [b][3]). The means to achieve the goal of conserving energy include decreasing overall energy consumption, decreasing reliance on natural gas and oil, and increasing reliance on renewable energy sources. In particular, the proposed Project would be considered "wasteful, inefficient, and unnecessary" if it were to violate State and federal energy standards and/or result in significant adverse impacts related to Project energy requirements, energy inefficiencies, energy intensiveness of materials, cause significant impacts on local and regional energy supplies or generate requirements for additional capacity, fail to comply with existing energy standards, otherwise result in significant adverse impacts on energy resources, or conflict or create an inconsistency with applicable plan, policy, or regulation.

New buildings and landscapes are much more energy efficient and water efficient than the development that has been built over the past decades and will require much less energy. The 2019 Title 24 standards which became effective in January 2020 makes progress toward achieving net zero energy use through requirements for on-site renewable generation for most projects. The Project buildings would be constructed after 2020 and would be required to comply with 2019 Title 24 standards.

AB 32 Scoping Plan

The California State Legislature adopted AB 32 in 2006. AB 32 focuses on reducing GHGs (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) to 1990 levels by the year 2020. Pursuant to the requirements in AB 32, the ARB adopted the Climate Change Scoping Plan (Scoping Plan) in 2008, which outlines actions recommended to obtain that goal. The Scoping Plan calls for an "ambitious but achievable" reduction in California's GHG emissions, cutting approximately 30 percent from BAU emission levels projected for 2020, or about 10 percent from 2008 levels. On a per-capita basis, that means reducing annual emissions of 14 tons of carbon dioxide for every man, woman, and child in California down to about 10 tons per person by 2020. As stated earlier, the ARB has updated its emission inventory forecasts and now estimates a reduction of 21.7 percent is required from BAU in 2020 to achieve AB 32 targets.

The State requires an average reduction from all sources of the emission inventory of 21.7 percent to achieve the 2020 target. The Scoping Plan strategy will achieve greater than average reductions from energy and mobile source sectors that are the primary sources related to development projects, and lower than average reductions from other sources such as agriculture. The amount of reduction estimated by the ARB for each sector was based on technical feasibility and cost effectiveness. Review of the 2008 Scoping Plan inventory and strategy shows that the reduction from all development related sources is approximately 29 percent from BAU in order to make up for the below average sectors and achieve the required 21.7 percent average reduction. Achieving the SB 32 2030 target will require an approximate 40 percent reduction from 2020 levels assuming the State achieves the AB 32 target. The 2017 Scoping Plan Update identifies a range of reduction amounts expected from each emission sector, but an amount needed for development's fair share of reductions have not been determined.

Analysis

Energy demand during the construction phase would result from the transportation of materials, construction equipment, and employee vehicle trips. Construction equipment includes rubber tired dozers, tractors, loaders, backhoes, excavators, graders, scrapers, cranes, forklifts, generator sets, welders, pavers, paving equipment, rollers, and air compressors. The Project

would comply with the SJVAPCD requirements regarding the use of fuel-efficient vehicles.

Energy saving strategies will be implemented where possible to further reduce the Project's energy consumption, during the construction phase. Strategies being implemented include those recommended by the California Air Resources Board (CARB) that may reduce both the Project's energy consumption, including diesel anti-idling measures, light-duty vehicle technology, usage of alternative fuels such as biodiesel blends and ethanol, and heavy-duty vehicle design measures to reduce energy consumption. Additionally, as outlined in the SJVAPCD's GAMAQI, the Project includes recommendations to reduce energy consumption by shutting down equipment when not in use for extended periods, limiting the usage of construction equipment to eight cumulative hours per day, usage of electric equipment for construction whenever possible in lieu of diesel or gasoline powered equipment, and encouragement of employees to carpool to retail establishments or to remain on-site during lunch breaks.

An analysis completed for the Project show project emissions with regulations applied shown below in Table 6-1.

Table 6-1 Project Emissions 2022

Emissions ($MTCO_2e$ per year) 2022			
Source	**Business as Usual**	**Design Features**	**Percent Reduction**
Area	49.32	49.30	0.0%
Energy	435.83	271.76	37.6%
Mobile	1,350.34	924.40	31.5%

Source: Appendix A.

The proposed Project includes the construction of 110-lot tentative subdivision (single-family) on a ±19.5-acre Project site. The Project includes a range of unit sizes. The Project would include open space areas throughout the Project site in accordance with City standards. The Project also includes on-site parking, landscaping, and infrastructure improvements.

The amount of energy used at the Project site would directly correlate to the size of the proposed buildings, the energy consumption of associated appliances and technology, and outdoor lighting. Other major sources of proposed Project energy consumption include fuel used by vehicle trips generated during Project construction and operation, and fuel used by off-road construction vehicles during construction. The proposed Project will be

consistent with Fresno's Greenhouse Gas Reduction Plan as shown in Table 6-2.

Table 6-2: Fresno's Greenhouse Gas Reduction Plan

Objective RC-8 Reduce the consumption of non-renewable energy resources by requiring and encouraging conservation measures and the use of alternative energy sources**.**	**Consistent.** The Project will comply with Title 24 Energy Efficiency Standards and CalGreen Code requirements for solar ready roofs, electric vehicle charging, and water conservation. The 2019 Building Efficiency Standards are the current regulations and went into effect on January 1, 2020. One of the notable changes in the 2019 Title 24 Standards includes the solar photovoltaic systems requirement for new low-rise residential homes.
Policy RC-8-a Existing Standards and Programs. Continue existing beneficial energy conservation programs, including adhering to the California Energy Code in new construction and major renovations.	**Consistent.** The Project will comply with all applicable energy standards.
Policy RC-8-b Energy Reduction Targets. Strive to reduce per capita residential electricity use to 1,800 kWh per year and nonresidential electricity use to 2,700 kWh per year per capita by developing and implementing incentives, design and operation standards, promoting alternative energy sources, and cost-effective savings.	**Consistent.** The Project will comply with the Title 24 energy standards in effect at the time building permits are processed for approval.
Source: City of Fresno Greenhouse Gas Reduction Plan 2014.	

Proposed Project landscape maintenance activities would generally require the use of fossil fuel (i.e. gasoline) energy. For example, lawn mowers require the use of fuel for power. As an approximation, it is estimated that landscape care maintenance would require approximately two individuals one full day (8 hours) per week, or 832 hours per year. Assuming an average of approximately 0.5 gallons of gasoline used per person- hour, the proposed Project would require the use of approximately 416 gallons of gasoline per year to power landscape maintenance equipment. The energy used to power landscape maintenance equipment would not differ substantially from the energy required for landscape maintenance for similar project.

The proposed Project would use energy resources for the operation of Project buildings (electricity and natural gas), for on-road vehicle trips (e.g. gasoline and diesel fuel) generated by the proposed Project, and from off-road construction activities associated with the proposed Project (e.g. diesel fuel). Each of these activities would require the use of energy resources. The proposed Project would be responsible for conserving energy, to the extent feasible, and relies heavily on reducing per capita energy consumption to achieve this goal, including through State-wide and local measures. The impact will be *less than significant*.

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

The proposed Project would be in compliance with all applicable Federal, State, and local regulations regulating energy usage, as shown in Table 6-2. The Project will comply with Title 24 Energy Efficiency Standards and CalGreen Code requirements for solar ready roofs, electric vehicle charging, and water conservation. The 2019 Building Efficiency Standards are the current regulations and went into effect on January 1, 2020. One of the notable changes in the 2019 Title 24 Standards includes the solar photovoltaic systems requirement for new low-rise residential homes.

PG&E is responsible for the mix of energy resources used to provide electricity for its customers, and it is in the process of implementing the State-wide Renewable Portfolio Standard (RPS) to increase the proportion of renewable energy (e.g. solar and wind) within its energy portfolio. PG&E is expected to achieve at least a 33% mix of renewable energy resources by 2020, and 50% by 2030.

Other State-wide measures, including those intended to improve the energy efficiency of the State-wide passenger and heavy-duty truck vehicle fleet (e.g. the Pavley Bill and the Low Carbon Fuel Standard), would improve vehicle fuel economies, thereby conserving gasoline and diesel fuel. These energy savings would continue to accrue over time.

As a result, the proposed Project would not result in any significant adverse impacts related to Project energy requirements, energy use inefficiencies, and/or the energy intensiveness of materials by amount and fuel type for each stage of the Project including construction, operations, maintenance, and/or removal. PG&E, the electricity and natural gas provider to the site, maintains sufficient capacity to serve the proposed Project. The proposed Project would comply with all existing energy standards and would not result in significant adverse impacts on energy resources. For these reasons, the proposed Project would not be expected to cause an inefficient, wasteful, or unnecessary use of energy resources nor cause a significant impact on any of the threshold as described by Appendix F of the *CEQA Guidelines*. In conclusion, energy impacts would be considered *less than significant*.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. GEOLOGY AND SOILS – Would the project:				
a) Directly or Indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
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		

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

The analysis in this section is based on the Geotechnical Engineering Investigation prepared for this Project (Krazan & Associates, 2019a), which is Appendix D and a Phase 1 Environmental Site Assessment (Krazen & Associates, Inc., 2019b) Appendix E, and available data.

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.

Fresno has no known active earthquake faults and is not in any Alquist-Priolo Special Studies Zones. The immediate Fresno area has extremely low seismic activity levels, although shaking may be felt from earthquakes whose epicenters lie to the east, west, and south. Known major faults are over 50 miles distant and include the San Andreas Fault, Coalinga area blind thrust fault(s), and the Long Valley, Owens Valley, and White Wolf/Tehachapi fault systems. The most serious threat to Fresno from a major earthquake in the

Eastern Sierra would be flooding that could be caused by damage to dams on the upper reaches of the San Joaquin River.

Fresno is classified by the State as being in a moderate seismic risk zone, Category “C” or “D,” depending on the soils underlying the specific location being categorized and that location’s proximity to the nearest known fault lines. All new structures are required to conform to current seismic protection standards in the California Building Code. Seismic upgrade/retrofit requirements are imposed on older structures by the City’s Planning and Development Department as may be applicable to building modification and rehabilitation projects. With the implementation of the California Building Code and the development review process from the City, the impacts will be *less than significant*.

ii. Strong seismic ground shaking?

According to the Fresno County Multi-Hazard Mitigation Plan, the Project site is located in an area of relatively low seismic activity. 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?

No specific countywide assessment of liquefaction has been performed; however, the Fresno County Multi-Hazard Mitigation Plan identifies the risk of liquefaction within the county as low because the soil types are unsuitable for liquefaction. Additionally, the site was characterized as having a low potential for liquefaction since the groundwater table occurs below 90 feet (see Appendix D). Because the Project site is within an area of low seismic activity, groundwater below 90 feet, and the soils associated with the Project site not suitable for liquefaction, impacts will be *less than significant*.

iv. Landslides?

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 relatively flat; therefore, the potential for a landslide in the Project site is essentially non-existent. Because the Project is within an area with a relatively flat topography, the Project will not have any environmental impacts relating landslides.

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

Minimal soil will be removed from the Project site during construction. Although these construction activities will result in a loss of topsoil, any soil erosion impacts would be temporary and subject to best management practices required by Storm Water Pollution Prevention Plan (SWPPP) to be prepared for a project that disturbs an area one acre or larger. The SWPPP is required to include project specific best management measures that are designed to control drainage and erosion. These best management practices are developed to prevent significant impacts related to erosion from construction. Additionally, because these soils have been disturbed, it is recommended that the surface soils be recompacted to stabilize the surface soils and locate any unsuitable or pliant areas. Because impacts related to erosion would be temporary and limited to construction and required best management practices would prevent significant impacts related to erosion, the impact will remain *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 relatively flat with no apparent unique or significant landforms. Development of the property requires compliance with grading and drainage standards of the City of Fresno.

The site is suitable for the construction of residential development with completion of specific site preparation and the use of footings designed to allow a bearing pressure of 2,000 pounds per square foot (psf), which have a minimum embedment of 12 inches (Krazan & Associates, 2019a). GEO-1 and GEO 3 outlines compliance with these recommendations, and impacts will be *less than significant with mitigation incorporated*.

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. Conversely, the surface soils on the site have a loose consistency. These soils are disturbed, have low strength characteristics and are highly compressible when saturated. Due to the soils associated with the Project, there is low potential for expansion, implementation of the Project will pose no direct or indirect risk to life or property caused by expansive soils and the impact will be *less than significant*.

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

The proposed Project would not include the use of septic tanks or any other alternative wastewater disposal systems. The dwelling units will be required to tie into the existing sewer services. Therefore, there would be *no impact*.

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

As noted previously, there are no known paleontological resources that exist within the Project site. Nevertheless, previously 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 MEIR SCH No. 2012111015 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 Measure **GEO-2** will reduce the impacts to paleontological resources to a *less than significant impact*.

Additional Mitigation Measures (Project Specific)

GEO-1: Prior to issuing of grading or building permits, a registered Geotechnical engineer and structural engineer shall be hired to oversee the construction of the Project.

GEO-2[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

1 Mitigation Measure GEO-2, was taken from the Fresno General Plan MEIR and originally called CUL-3 within the MEIR Mitigation Measure Monitoring Checklist. This changed was made because Appendix G of the CEQA Guidelines, Paleontological Resources are included under the Geology and Soils section.

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.

If unique paleontological/geological resources are found during the field survey or literature review, the resources shall be inventoried and evaluated for significance. If the resources are found to be significant, mitigation measures shall be identified by the qualified paleontologist. Similar to above, 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. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include a paleontological monitor. The monitoring period shall be determined by the qualified paleontologist. If additional paleontological/geological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.

GEO-3: Site preparation shall include but is not limited to:

1. Earthwork in accordance with Appendix J of the 2016 CBC.
2. Fill material shall be moisture conditioned as necessary and recompacted to a minimum 90% of maximum density based on ASTM Test Method D1557.
3. Fill material with clayey soils with an expansion index great than 15 shall not be used in the upper 12 inches of slab-on-grade and exterior flatwork areas.

4. Removal of vegetation, organic rich soils from the grading area to a depth of two to four inches, or until all organics in excess of 3% by volume are removed.
5. Removal of all concrete footings, septic tanks, debris cesspools or similar structures shall be removed entirely.
6. The use of shallow footings shall be located on undisturbed native soil or engineered fill. If spread or continuous footings are used, they shall be designed for an dead load of 1,500 psf and a bearing pressure of 2,000 psf for dead-plus-live loads, as recommended by the registered Geotechnical engineer or Structural Engineer.
7. Footings shall have a minimum embedment of 12 inches.

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

The analysis in this section is based the Air Quality and Greenhouse Gas Analysis Report prepared for the Project (Mitchell Air Quality Consulting, 2020), which is included as Appendix A.

DISCUSSION

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

The City of Fresno adopted a Greenhouse Gas Reduction Plan in 2014 that includes procedures for certain qualified projects to demonstrate consistency with plan and use the streamlining provisions allowed under CEQA. In addition to the plan consistency analysis, a quantitative analysis was prepared showing that reductions from BAU emissions would exceed the 21.7 percent required by 2020 to show consistency with State reduction targets. The SJVAPCD's Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA provides guidance for preparing a BAU analysis (SJVAPCD 2009b). Under the SJVAPCD guidance, projects meeting one of the following would have a less than significant impact on climate change:

- Exempt from CEQA;
- Complies with an approved GHG emission reduction plan or GHG mitigation program;
- Project achieves 29 percent GHG reductions by using approved Best Performance Standards; and
- Project achieves AB 32 targeted 29 percent GHG reductions compared with "business as usual."

The 29 percent GHG reduction level is based on the target established by ARB's AB 32 Scoping Plan, approved in 2008. The GHG reduction level for the State to reach 1990 emission levels by 2020 was reduced to 21.7 percent from BAU in 2020 in the 2014 First Update to the Scoping Plan to account for slower than projected growth after the 2008 recession (ARB 2014). In addition, the State has reported that the 2016 greenhouse gas inventory was below the 2020 target for the first time (ARB 2018b). Furthermore, the 2017 Scoping Plan states that California is on track to achieve the 2020 target (ARB 2017c). First occupancy at the Project site is expected to occur in 2022, which is the year after the AB 32 target year. Full buildout of the Project is expected to take several years depending on market conditions. Until a new threshold or BPS are identified for projects constructed after- 2020, significance is based on making continued progress toward the SB 32 2030 goal.

The ARB adopted the 2017 Scoping Plan Update on December 14, 2017. The plan provides the State's strategy to achieve the SB 32 2030 target of a 40 percent reduction in emissions compared to 1990 levels. The plan includes existing and new measures that when implemented are expected to achieve the SB 32 2030 target. The 2017 Scoping Plan achieves substantial reductions beyond 2020 through continued implementation of existing regulations. Other regulations will be adopted to implement recently enacted legislation including SB 350, which requires an increase in renewable energy from 33 percent to 50 percent and doubling the efficiency of existing buildings by 2030. The Legislature extended the Cap-and-Trade Program through 2030. Cap-and-Trade provides a mechanism to make up shortfalls in other strategies if they occur (ARB 2017c). In addition, the strategy relies on reductions achieved in implementing the ARB Short-Lived Climate Pollutant (SLCP) Reduction Strategy to reduce pollutants not previously controlled for climate change such as black carbon, CH4, and hydrofluorocarbons (ARB 2017b).

Impact Analysis –Construction

Total GHG emissions generated during all phases of construction were combined and are presented in Table 8-1. The SJVAPCD does not recommend assessing the significance of construction-related emissions. However, other jurisdictions, such as the SCAQMD and the SMAQMD, have concluded that construction emissions should be included since they may remain in the atmosphere for years after construction is complete. In order to account for the construction emissions, amortization of the total emissions generated during construction were based on the life of the development (residential—30 years) and added to the operational emissions.

Table 8-1 Construction Greenhouse Gas Emissions

Year	$MTCO_2e$ per year
2021	400.57
2022	278.64

Total	**679.21**
Amortized over 30 years	***22.64***
Notes: Calculation totals use unrounded numbers from CalEEMod output. $MTCO_2e$ = metric tons of carbon dioxide equivalents Source: Appendix A	

Operation

Operational or long-term emissions occur over the life of the Project. Sources of emissions may include motor vehicles and trucks, energy usage, water usage, waste generation, and area sources, such as landscaping activities and residential wood burning.

Regulations applicable to Project sources and the percent reduction anticipated from each source are shown in Table 8-2. The percentage reductions are only applied to the specific sources subject to the regulations. For example, the Pavley LEV Standards apply only to light duty cars and trucks.

Table 8-2 Reductions from Greenhouse Gas Regulations

Regulation	Project Applicability	Reduction Source	Percent Reduction in 2020 and 2030
Pavley Low Emission Vehicle Standards	Light-duty cars and trucks accessing the site are subject to the regulation.	CalEEMod defaults (Pavley I)	25.1[1]
		Adjusted GHG emission factor (Pavley II/LEV III) in CalEEMod.	3% 2020 19.5% 2030[2]
Truck and Bus Regulation	Heavy-duty trucks accessing the site for deliveries and services are subject to the regulation.	Adjusted GHG emission factors for the regulation in CalEEMod	7.2%[3]
Low Carbon Fuel Standard (LCFS)	Vehicles accessing the site will use fuel subject to the LCFS	CalEEMod defaults	10% 2020 18% 2030[1]
Title 24 Energy Efficiency Standards	Project buildings will be constructed to meet the latest version of Title 24 (currently 2019). Reduction applies only to energy consumption subject to the regulation.	CalEEMod defaults CalEEMod mitigation component for 2019 standards	35%[4,5] 7%[10]
Green Building Code Standards	The Project will include water conservation features required by the standard	CalEEMod mitigation component	20%[6]
Water Efficient Land Use Ordinance	The Project landscaping will comply with the regulation	CalEEMod mitigation component	20%[7]

Solid waste	The solid waste service provider will need to provide programs to increase diversion and recycling to meet the 75 percent mandate.	CalEEMod mitigation component	25%[9]

Notes:
Regulations are described in Section 2.3 Regulatory Environment. The source of the percentage reductions from each measure are from the following sources:
[1] Pavley 1 + Low Carbon Fuel Standard Postprocessor Version 1.0 User's Guide (ARB 2010b)
[2] ARB Staff Report for LEV III Amendments (ARB 2013e)
[3] ARB Staff Report for GHG Regulations for Medium and Heavy-Duty Engines and Vehicles (ARB 2013f)
[4] California Energy Commission News Release: New Title 24 Standards Will Cut Residential Energy Use by 25 Percent, Save Water, and Reduce Greenhouse Gas Emissions (CEC 2014b)
[5] California Energy Commission Adoption Hearing Presentation: 2016 Buildings Energy Efficiency Standards (CEC 2015)
[6] 2013 California Green Building Standards Code Section 5.303.2
[7] California Water Plan Update 2013 (CDWR 2013)
[8] Based on CalEEMod default PG&E rate for 2005 and PG&E projected emission factor for 2020
[9] CalRecycle 75 Percent Initiative: Defining the Future (CalRecycle 2016b)
[10] 2019 Building Energy Efficiency Standards Frequently Asked Questions (CEC 2018).

In addition to rules and regulations, the Project would incorporate design features and would obtain benefits from its location and infrastructure that would reduce Project VMT compared with default values. The Project would construct pedestrian infrastructure connecting to adjacent land uses. In addition, the Project would provide electrical outlets for landscaping equipment that would be used in accordance with statewide usage rates for this type of equipment. The Project is located approximately 7.0 miles from existing development in Downtown Fresno providing shorter than average trip lengths to important destinations.

8-3 Project Operational Greenhouse Gases 2022

Source	Emissions ($MTCO_2e$ per year) Business as Usual	2022 (with Regulation and Design Features)	Percent Reduction
Area	49.32	49.30	0.0%
Energy	435.83	271.76	37.6%
Waste	57.03	42.77	25.0%
Water	25.70	13.59	47.1%
Amortized Construction Emissions	22.64	22.64	0.0%
Total	**1,940.86**	**1,324.46**	**31.8%**
Reduction from BAU	**616.40**	—	
Percent Reduction	**31.8%**	—	
Significance Threshold	**21.7%**	—	
Are emissions significant?	**No**		

Notes:
$MTCO_2e$ = metric tons of carbon dioxide equivalents
The project achieves the SJVAPCD 29 percent reduction from BAU threshold and the 21.7 percent required to show consistency with AB 32 targets.

Source: Air Quality and Greenhouse Gas Analysis Report

As shown in Table 8-3, the Project operations in 2022 would achieve a reduction from BAU of 31.8 percent which exceeds the 21.7 percent reduction required by the State to achieve the 2020 target by 10.1 percent; and the SJVAPCD 29.0 percent target by 2.8 percent. No new threshold has been adopted by the City of Fresno for the 2030 target, so in the interim the Project must make continued progress toward the 2030 goal.

The ARB originally identified a reduction of 29 percent from BAU as needed to achieve AB 32 targets. The 2008 recession and slower growth in the years since 2008 have reduced the growth forecasted for 2020, and the amount needed to be reduced to achieve 1990 levels as required by AB 32. The California Department of Finance (DOF) population forecast for 2020 to 2030 predicts growth in the State of 8.1 percent by the 2030 target year or 0.8 percent per year (DOF 2017).

The Project includes design features that would result in reductions in energy use and support walking and bicycling. Measures that are part of the Project design do not require additional mitigation measures to ensure they are accomplished.

The 31.8 percent reduction from BAU is 10.1 percent beyond the average reduction required by the State from all sources to achieve the AB 32 2020 target and therefore addresses the concern expressed in *Center for Biological Diversity et al. v. California Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204,that projects should likely do more than the average to ensure they are providing a fair share of emission reductions (Center for Biological Diversity et al., 2016) In *Center for Biological Diversity et al.* the California Supreme Court determined that (1) the use of the Statewide emissions reduction goal in AB 32 as a significance criterion, (2) use of the Scoping Plan's BAU model "as a comparative tool for evaluating efficiency and conservation efforts" of the Project, and (3) a comparison of the project's expected emissions to a BAU model rather than a baseline of pre-project conditions.

Since the Project buildout would occur after 2020, additional analysis summarized in Table 8-4 was prepared to show project GHG emissions and design feature reductions.

Table 8-4 Project Operational Greenhouse Gases 2030

Source	Emissions ($MTCO_2e$ per year)		
	Business as Usual	2030 (with Regulation and Design Features)	Percent Reduction
Area	49.32	49.30	0.0%

Energy	435.83	271.76	37.6%
Mobile	1,350.34	640.56	52.6%
Waste	57.03	42.77	25.0%
Water	25.70	0.00	100.0%
Amortized Construction Emissions	22.64	22.64	0.0%
Total	1,940.86	1,027.03	47.1%
	Reduction from BAU	**913.82**	—
	Percent Reduction	**47.1%**	—
	Significance Threshold	**21.7%**	—
	Are emissions significant?	**No**	

Notes:
$MTCO_2e$ = metric tons of carbon dioxide equivalents
The project achieves the SJVAPCD 29 percent reduction from BAU threshold and the 21.7 percent required to show consistency with AB 32 targets. No new target has been set for 2030.
Source: Air Quality and Greenhouse Gas Analysis Report

As shown in Table 8-5, the Project would exceed the 21.7 percent reduction required by the State to achieve the 2020 target by 25.4 percent and the SJVAPCD 29.0 percent target by 18.1 percent.

The analysis presented above does not include new strategies proposed in the 2017 Scoping Plan Update. The update was adopted in December 2017. The update provides alternatives in terms of their likelihood of implementation and ranges of reduction from the strategies. Measures already authorized by legislation are highly likely to be implemented, while measures requiring new legislation are less likely to go forward. The State is highly likely to incorporate zero net energy buildings in future updates to Title 24 and now requires solar panels in most residential development. A new round of motor vehicle fuel efficiency standards beyond 2025 when LEV III standards are at their maximum reduction level is highly likely. Changing heavy-duty trucks and off- road equipment to alternative fuels face greater technological hurdles and are less likely to provide dramatic reductions by 2030.

The 2030 emission limit is 260 MMTCO2e. The ARB estimates that the 2030 BAU Inventory will be 392 MMTCO2e—a reduction of 132 MMCO2e, including existing policies and programs but not including known commitments that are already underway. The 2017 Scoping Plan Update includes the estimated GHG emissions by sector compared with 1990 levels that is presented in Table 8-6. The proposed plan would achieve the bulk of the reductions from Electric Power, Industrial fuel combustion, and Transportation. Cap-and-Trade would provide between 10 and 20 percent of the required reductions depending on the amounts achieved by the other reduction measures.

Table 8-5: 2017 Scoping Plan Update Estimated Change in GHG Emissions by Sector

Scoping Plan Sector	Emissions ($MMTCO_2e$ per year) 1990	2030 Proposed Plan Ranges	Percent Change form 1990
Agriculture	26	24–25	-4 to -8
Residential and Commercial	44	38–40	-9 to -14
Electric Power	108	42–62	-43 to -61
High GWP	3	8–11	167 to 267
Industrial	98	77–87	-11 to -21
Recycling and Waste	7	8–9	14 to 29
Transportation (including TCU)	152	103–111	-27 to -32
Net Sink	-7	TBD	TBD
Subtotal	**431**	**300–345**	**-20 to -30**
Cap-and-Trade Program	N/A	40–85	N/A
Total	**431**	**260**	**-40**
Source: ARB 2017 Scoping Plan Update (ARB 2017c).			

In conclusion, the Project would achieve reductions 10.1 percent beyond the ARB 2020 21.7 percent target and 2.8 percent beyond the SJVAPCD 29 percent reduction from BAU requirements from adopted regulations and on-site design features. No new threshold has been adopted by the City for the SB 32 2030 target; however, the 47.1 percent reduction from BAU by 2030 is 25.4 percent beyond the 21.7 percent required for the 2020 target. Based on this progress and the strong likelihood that the measures included in the 2017 Scoping Plan Update will be implemented, it is reasonable to conclude that the Project is consistent with the 2017 Scoping Plan and will contribute a reasonable fair-share contribution to achieving the 2030 target. The fair share may very well be achieved through compliance with increasingly stringent state regulations that apply to new development, such as Title 24 and CALGreen; regulations on energy production, fuels, and motor vehicles that apply to both new and existing development; and voluntary actions to improve energy efficiency in existing development. In addition, compliance with the VMT targets adopted to comply with SB 375 and implemented through the RTP/SCS may be considered to adequately address GHG emissions from passenger cars and light-duty trucks. As shown in Table 8-6, the state strategy relies on the Cap-and-Trade Program to make up any shortfalls that may occur from the other regulatory strategies. The costs of Cap-and-Trade emission reductions will ultimately be passed on to the consumers of fuels, electricity, and products produced by regulated industries, which include future residents of development projects and other purchasers of products and services. Therefore, the impact would be *less than significant.*

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

The City of Fresno adopted its GHG Reduction Plan as part of the General Plan Update in 2014. The Project's consistency with applicable GHG policies from the GHG Reduction Plan policies is assessed below.

The Project is also assessed for its consistency with ARB's adopted Scoping Plans. This would be achieved with an assessment of the Project's compliance with Scoping Plan measures contained in the 2008 Scoping Plan and the 2017 Scoping Plan Update.

City of Fresno GHG Plan
The GHG Plan includes procedures to use when assessing the impacts of Project's requiring a general plan amendment. The following requirements apply.

1. Review General Plan policies listed in the GHG Reduction Plan to identify those that apply to the project and prepare a consistency analysis for compliance with the applicable policies.
2. Ensure project is consistent with the City's Development Code as it relates to complete streets and design standards for multi-family projects.
3. Prepare a GHG technical study to quantify project emissions and emission reductions through compliance with regulations and project design features.

Table 8-6 provides a consistency analysis with applicable GHG policies from the GHG Reduction Plan. The Project is consistent with all applicable policies.

Table 8-6 Consistency with Fresno Greenhouse Gas Reduction Plan

Climate Action Plan Policy	Project Consistency
Policy RC-2-a Link Land Use to Transportation. Promote mixed-use, higher density infill development in multi-modal corridors. Support land use patterns that make more efficient use of the transportation system and plan future transportation investments in areas of higher-intensity development. Discourage investment in infrastructure that would not meet these criteria**.**	**Consistent**. The Project will provide higher-density development at an undeveloped infill site, making more efficient use of the existing infrastructure.

Objective UF-12 Locate roughly one-half of future residential development in infill areas — defined as being within the City on December 21, 2012— including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit- oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land.	**Consistent**. The Project is infill residential development within the City of Fresno. The Project site is within 0.4 mile of John S. Wash Elementary School and is adjacent to existing residential development. The Project is also within 1 mile of existing commercial development and the BRT corridor on East Kings Canyon Road.
Policy LU-2-b Infill Development for Affordable Housing. Consider a priority infill incentive program for residential infill development of existing vacant lots and underutilized sites within the City as a strategy to help to meet the affordable housing needs of the community.	**Not Applicable.** The Project is residential development on an underutilized site; however, the Project would provide market-based housing. Although not classified as "affordable housing," development of the Project would provide housing that helps the City meet the needs of the community.
Policy LU-5-f High Density Residential Uses. Promote high-density residential uses to support Activity Centers and BRT corridors, affordable housing and walkable access to transit stops**.**	**Not Applicable.** The Project is not within a designated Activity Center or BRT corridor.
Policy UF-14-a Design Guidelines for Walkability. Use design guidelines and standards for a walkable and pedestrian-scaled environment with a network of streets and connections for pedestrians and bicyclists, as well as transit and autos.	**Consistent.** The Project will comply with the City Development Code, which requires appropriate pedestrian infrastructure in new development Projects. The Project connects to the existing street network that includes sidewalks.
Objective MT-9 Provide public transit opportunities to the maximum number and diversity of people practicable in balance with providing service that is high in quality, convenient, frequent, reliable, and financially feasible.	**Not Applicable.** The Project is not on an existing FAX transit line; however, the Project provides increased development density that could help support future transit in the area.
Policy MT-6-a Link Residences to Destinations. Design a pedestrian and bicycle path network that links residential areas with Activity Centers, such as parks and recreational facilities, educational institutions, employment centers, cultural sites, and other focal points of the city environment.	**Consistent.** The Project will provide pedestrian infrastructure connecting to neighboring uses. The Project site is within 0.4 mile of John S. Wash Elementary School and is adjacent to existing residential development. The Project is also within 1 mile of existing commercial development on East Kings Canyon Road.
Objective RC-8 Reduce the consumption of non-renewable energy resources by requiring and encouraging conservation measures and the use of alternative energy sources.	**Consistent. T**he Project will comply with Title 24 Energy Efficiency Standards and CalGreen Code requirements for solar ready roofs, electric vehicle charging, and water conservation. The 2019 Building Efficiency Standards are the current regulations and went into effect on January 1, 2020. One of the notable changes in the 2019 Title 24 Standards includes the solar photovoltaic systems requirement for new low-rise residential homes.

Policy RC-8-a Existing Standards and Programs. Continue existing beneficial energy conservation programs, including adhering to the California Energy Code in new construction and major renovations.	**Consistent.** The Project will comply with all applicable energy standards.
Policy RC-8-b Energy Reduction Targets. Strive to reduce per capita residential electricity use to 1,800 kWh per year and nonresidential electricity use to 2,700 kWh per year per capita by developing and implementing incentives, design and operation standards, promoting alternative energy sources, and cost-effective savings.	**Consistent.** The Project will comply with the Title 24 energy standards in effect at the time building permits are processed for approval.
Source: City of Fresno Greenhouse Gas Reduction Plan 2014.	

AB 32 Scoping Plan

The California State Legislature adopted AB 32 in 2006. AB 32 focuses on reducing GHGs (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) to 1990 levels by the year 2020. Pursuant to the requirements in AB 32, the ARB adopted the Climate Change Scoping Plan (Scoping Plan) in 2008, which outlines actions recommended to obtain that goal. The Scoping Plan calls for an "ambitious but achievable" reduction in California's GHG emissions, cutting approximately 30 percent from BAU emission levels projected for 2020, or about 10 percent from 2008
levels. On a per-capita basis, that means reducing annual emissions of 14 tons of carbon dioxide for every man, woman, and child in California down to about 10 tons per person by 2020. As stated earlier, the ARB has updated its emission inventory forecasts and now estimates a reduction of 21.7 percent is required from BAU in 2020 to achieve AB 32 targets.

The Scoping Plan contains a variety of strategies to reduce the State's emissions. As noted, the Project is consistent with the majority of the strategies, while others are not applicable to the Project (Mitchell Air Quality Consulting, 2020). As discussed earlier, the 2017 Scoping Plan Update strategies primarily rely on increasing the stringency of existing regulations with which the Project would continue to comply, support through the Project's design, and implementation of the General Plan goals and policies.

In summary, the Project incorporates a number of features that would minimize GHG emissions. These features are consistent with project-level strategies identified by the ARB's Scoping Plan and the City of Fresno GHG Reduction Plan. As demonstrated in the impact analysis above, the Project would achieve a 31.8 percent reduction from the BAU inventory by 2022 and 47.1 percent from the BAU inventory by 2030, therefore, the Project would

not significantly hinder or delay the State's ability to meet the reduction targets contained in AB 32 or SB 32 or conflict with implementation of the Scoping Plan. The Project promotes the goals of the Scoping Plan through implementation of design measures that reduce energy consumption, water consumption, and reduction in VMT. Therefore, the Project does not conflict with any plans to reduce GHG emissions.

The proposed Project will not occur at a scale or scope with potential to contribute substantially or cumulatively to the generation of GHG emissions, either directly or indirectly, or conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. In conclusion, the proposed Project will not result in any greenhouse gas impacts beyond those analyzed in MEIR SCH No. 2012111015.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HAZARDS AND HAZARDOUS MATERIAL – 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 site?				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

The analysis for this section is based on the Phase I Environmental Site Assessment Report prepared for the Project (Krazen & Associates, Inc., 2019b), which can be found in Appendix E of this document.

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

Construction of the Project would involve the temporary transport and use of minor quantities of hazardous materials such as fuels, oils, lubricants, hydraulic fluids, paints and solvents. The types and quantities of hazardous materials to be used and stored onsite would not be of a significant amount to create a reasonably foreseeable upset or accident condition. The handling and transport of all hazardous materials onsite would be performed in accordance with all applicable federal, State, and local laws and regulations.

Hazardous and non-hazardous wastes would likely be transported to and from the Project site during the construction phase of the proposed Project. Construction would involve the use of some hazardous materials, such as diesel fuel, hydraulic oil, grease, solvents, adhesives, paints, and other petroleum-based products, although these materials are commonly used during construction activities and would not be disposed of on the Project site. Workers would be trained to properly identify and handle all hazardous materials. Hazardous waste would be either recycled or disposed of at a permitted and licensed treatment and/or disposal facility. Any hazardous waste or debris that is generated during construction of the proposed Project would be collected and transported away from the site and disposed of at an approved off-site landfill or other such facility. In addition, sanitary waste

generated during construction would be managed through the use of portable toilets, which would be located at reasonably accessible on-site locations. Hazardous materials such as paint, bleach, water treatment chemicals, gasoline, oil, etc., may be used during construction. These materials are stored in appropriate storage locations and containers in the manner specified by the manufacturer and disposed of in accordance with local, federal, and State regulations. no significant hazard to the public or to the environment through the routine transport, use, or disposal of hazardous waste during construction or operation of the new residential development would occur.

Residential construction generally use fewer hazardous chemicals or use chemicals in relatively small quantities and concentrations as compared to commercial or industrial uses. In addition, once the Project is completed, the chemicals used would include minor quantities of pesticides/ rodenticides, fertilizers, paints, detergents, and other cleaners.

Once constructed, the use of such materials such as paint, bleach, etc, are considered common for residential developments and would be unlikely for such materials to be stored or used in such quantities that would be considered a significant hazard. Impacts would be less than significant.

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?

During the Phase I survey, no existing hazardous materials was observed on the Project site (Krazen & Associates, Inc., 2019b). The Fresno County Department of Community Health, Environmental Health Services (FCEHS) is the lead regulatory agency or Certified Unified Program Agency (CUPA) for hazardous materials handling facilities in Fresno County. A review of the FCEHS CUPA and Solid Waste Programs Resource List (CUPA List) indicated no records for the subject site (Krazen & Associates, Inc., 2019b). However, hazardous materials storage records are on file for an adjacent property is discussed below:

- City of Fresno Well 135A & 135B adjacent to the east 6710 East Butler Avenue

According to records on file with the FCEHS, this facility is a Hazardous Materials Handler – Well Site with two wells and is described as a chemical storage facility by CERS. Additionally, this facility has a hazardous materials business plan (HMBP) on file with the FHEHS. Based on its CUPA program element designation as a Well Site and no records of release, there is no evidence to suggest that this facility represents an environmental concern in connection with the subject site. Furthermore, the legal/business implications related to the City of Fresno monitoring well located on the subject site

related to this adjacent well facility are unknown. However, the City monitoring well does not presently appear to represent an environmental concern in conjunction with the subject site.

Additionally, the City of Fresno Fire Department has indicated they do not have records on file of any hazardous material storage, incidents, or spills on the site. The review of the State of California Regional Water Quality Control Board (RWQCB) Geotracker database available via the RWQCB Internet Website indicated that no LUST sites, land disposal sites, or military sites are listed for the subject site, the adjacent properties, or properties located within the subject site vicinity. Additionally, no permitted UST sites were determined to be located on or adjacent to the subject site.

Review of the State of California Department of Toxic Substances Control (DTSC) Envirostor database available via the DTSC's Internet Website indicated that no sites including State response sites, voluntary cleanup sites, school cleanup sites, or military or school evaluation sites are listed for the subject site or adjacent properties. Additionally, no Federal Superfund – National Priorities List (NPL) sites were determined to be located within a one-mile radius of the subject site.

Review of State of California Department of Conservation, Geological Energy Management Division (Cal GEM, formerly DOGGR) Online Mapping System (DOMS) indicated that no plugged and abandoned or producing oil wells are located on or adjacent to the subject site.

If during the construction phase of the Project there is a use of hazardous materials, the safe processing and storage of hazardous materials consistent with the California Building Code and the Uniform Fire Code will be required. To reduce potential impacts regarding transport, use, or disposal of hazardous materials in the City, the Policies NS-4-a through NS-4-I will be applied and followed.

The proposed Project is not anticipated to create a significant hazard to the public or the environment, as mentioned previously in subsection a) above, the residential Project would not routinely transport, use, dispose, or discharge hazardous materials into the environment. Therefore, the impacts will 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?

The nearest school to the Project site is John S Wash Elementary School 0.4 miles northwest of the Project. Construction activities of the proposed Project will result in the temporary use of hazardous materials and or substances, such as lubricant, diesel fuel during construction. Exhaust from construction and related activities are expected to be minimal and not significant. Once

constructed, the residential Project is not expected to result in hazardous emissions. Impacts will 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?

There are no known existing hazardous material conditions on the property and the property is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and the Department of Toxic Substances Control. The Project itself will not generate or use hazardous materials in a manner outside health department requirements.

As shown in historical aerial photographs of the Project site, it has been vacant since at least 1974 (Krazen & Associates, Inc., 2019b). It is not anticipated that there are no known underground storage tanks or pipelines located on the Project site that contain hazardous materials, however, any underground storage tanks or pipelines will be removed in accordance with removal standards of Fresno County Department of Public Health. The disturbance of such items during construction activities is unlikely. Therefore, because the Project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 there is a *less than significant impact* as a significant hazard to the public or environment.

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 site?

The Project site is approximately 6 miles southeast of the Fresno Yosemite International Airport and 8 miles east of the Fresno Chandler Executive Airport. The Project is not located within the Airport Influence Area for the Fresno Chandler Executive Airport and is within Zone 7 – Precision Approach Zone of the Fresno Yosemite Airport (Fresno County Airport Land Use Commission, 2018). Zone 7 has a low aircraft accident risk level and the Project will not include any components that would not comply with the Zone 7 Safety Criteria Matrix (Fresno County Airport Land Use Commission, 2018). The Project would not create a hazard for the people residing or working in the Project site. There will be no impact.

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

The City of Fresno Fire Department Emergency Preparedness Office coordinates planning, preparedness and response/recovery efforts for the City. The design and environmental review procedures employed will 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. As illustrated in TTM 6295, the Project incorporates two ingress/egress points located at South Armstrong Avenue and East Liberty Avenue, which will be utilized for purposes of emergency vehicle access.

The Project would also comply with the appropriate local and State requirements regarding emergency response plans and access. The proposed Project would not inhibit the ability of local roadways to continue to accommodate emergency response and evacuation activities.

The proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, the proposed Project would have a *less than significant impact*.

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

The land surrounding the Project site is primarily developed with urban, suburban uses and vacant land and is not considered to be wildlands. Additionally, Cal Fire indicates that the Project site has low frequency, limited extent, limited magnitude, and low significance, regarding wildfire threats.

The General Plan includes policies that would protect the Project and the community from fire dangers. These include the installation of fire safety devices in all homes and meeting required fire standards

The proposed Project would not expose people or structures to significant risk of loss, injury or death involving wildland fires and there is *no impact*. In conclusion the proposed Project will not result in wildlands fire impacts beyond those analyzed in MEIR SCH No. 2012111015.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			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?

Adverse groundwater conditions of limited supply and compromised quality have been well documented by planning, environmental impact report and technical studies over the past 20 years including the Master Environmental Impact Report No. 2012111015 for the Fresno General Plan, the MEIR 10130 for the 2025 Fresno General Plan, Final EIR No.10100, Final EIR No.10117 and Final EIR No. SCH 95022029 (Fresno Metropolitan Water Resource Management Plan), et al. These conditions include water quality degradation due to contamination from 1,2-dibromo-3-chloropropane (DBCP), ethylene-dibromide (EDB), trichloroethylene (TCE), 1,2,3-trichloropropane (TCP), tetrachloroethylene (PCE), 1,1-dichloroethane (DCE), nitrate, and from naturally occurring arsenic, iron, manganese, and radon concentrations; low water well yields in some parts of the City; limited aquifer storage capacity from over-utilization; limited recharge activities; and, intensive urban or semi-urban development occurring up- gradient from the Fresno Metropolitan Area.

In order to be compliant with state regulations, all development within the Project area is required to comply with State regulations adopted to reduce groundwater degradation. Construction activities including grading could temporarily increase soil erosion rates during and shortly after Project construction. Construction-related erosion could result in the loss of soil and could adversely affect water quality in nearby surface waters. As noted in Section VII Geology and Soils, the Project will prepare a site-specific Storm Water Pollution Prevention Plan (SWPPP) as required by the Regional Water Quality Control Board (RWQCB) The SWPPP is required to be approved by

the RWQCB prior to construction. The SWPPP is required to include project specific best management measures that are designed to control drainage and erosion. Furthermore, the proposed Project has been designed to control storm water runoff and erosion, both during and after construction. Project specific drainage improvements would reduce the potential for the proposed Project to violate water quality standards during construction to 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?

On January 17, 2014, the Governor of California, proclaimed a State of Emergency in the State of California due to severe drought conditions. On April 25, 2014 and April 1, 2015, the Governor signed Executive Orders directing the State Water Resources Control Board ("State Water Board") to adopt emergency regulations to ensure urban water suppliers implement drought response plans to limit outdoor irrigation and other wasteful water practices. California Water Code Section 1058.5 grants the State Water Board the authority to adopt emergency regulations during a period when the Governor has issued a proclamation of emergency based upon drought conditions or in response to drought conditions that exist, or are threatened, in a critically dry year immediately preceded by two or more consecutive below normal, dry, or critically dry years.

On July 15, 2014, the State Water Board adopted an emergency regulation for urban water conservation requiring each urban water supplier to implement the stage of its water shortage contingency plan that imposes restrictions on outdoor irrigation, which resulted in the City of Fresno implementing Stage 2 of its Water Shortage Contingency Plan.

On May 5, 2015, the State Water Board adopted additional emergency regulations for urban water conservation, requiring the City of Fresno to reduce its water usage by 28% compared to 2013 and impose additional prohibitions on water use beginning June 1, 2015, through February 28, 2016. In 2015, the City of Fresno implemented additional water conservation measures resulting in 23% reduction in the City's water usage in 2015 and 2016.

On August 29, 2016, the Governor signed into law SB 814, which required the City of Fresno to define "excessive use" regarding water usage, and to establish a method to identify and discourage excessive water use.

California received record precipitation in the winter of 2017, resulting in mountain snowpack at 164% of the season average and on April 7, 2017, the Governor declared an end to California's drought emergency for all but

Fresno, Kings, Tulare, and Tuolumne Counties in the state of California by Executive Order B-40-17. Executive Order B-40-17 directed the State Water Board to make permanent prohibitions on certain practices which do not conserve water.

On April 26, 2017, the State Water Board rescinded mandatory water conservation standards statewide, but left in effect prohibitions on certain water uses and required certain water conservation activities at all times in the City of Fresno comports with the Governor's Executive Order. In October, 2017, the City of Fresno amended the FMC to update specific prohibitions against wasteful water use practices to comport with state regulations, established a new definition for excessive water use, updated outdoor watering restrictions based on drought stage declarations, and changed the enforcement fine schedule for violations of prohibited water use practices. The City of Fresno adopted further water conservation revisions to the FMC in April, 2019, defining Excessive Water Use for customers in single-family residences or multi-unit housing in which each unit is individually metered or sub-metered, as using potable water in excess of the maximum gallons per hour, depending on the City's current Water Shortage Contingency Plan stage, during days or hours when outdoor irrigation is prohibited, more than one day during the monthly billing period, as recorded by the City. The maximum gallons per hour are: Stage 1 - 400 gallons per hour recommended. Stage 2 - 400 gallons per hour. Stage 3 - 350 gallons per hour. Stage 4 - 300 gallons per hour.

Fresno is one of the largest cities in the United States that still maintains a significant reliance on groundwater as part of its public water supply portfolio. Surface water treatment and distribution has been implemented in the northeastern part of the City since 2004 and in the southeastern part of the City in 2018, but the City is still subject to an EPA Sole Source Aquifer designation. While the aquifer underlying Fresno typically exceeds a depth of 300-feet and is capacious enough to provide adequate quantities of safe drinking water to the metropolitan area well into the twenty-first century, groundwater degradation, increasingly stringent water quality regulations, and an historic trend of high consumptive use of water on a per capita basis (currently 205 gallons per day per capita), have resulted in a general decline in aquifer levels, increased cost to provide potable water, and localized water supply limitations.

The City's groundwater aquifer has been documented by the State Department of Water Resources (Bulletin 118 - Interim Update 2016) to be critically over-drafted and has been designated a high-priority basin for corrective action through the Sustainable Groundwater Management Act (SGMA).

The City of Fresno is actively addressing these issues through citywide metering and updating water use targets and the water shortage contingency

plan in the City's Urban Water Management Plan (UWMP). The Fresno Metropolitan Water Resource Management Plan, which has been adopted and the accompanying Final EIR (SCH #95022029) certified. The purpose of these management plans is to provide safe, adequate, and dependable water supplies in order to adequately meet existing and the future needs of the metropolitan area in an economical manner; protect groundwater quality from further degradation and overdraft; and, provide a plan of reasonably implementable measures and facilities. City water wells, pump stations, recharge facilities, water treatment and distribution systems have been expanded incrementally to mitigate increased water demands and respond to groundwater quality challenges.

In response to the need for a comprehensive long-range water supply and distribution strategy, the Fresno General Plan recognizes regional water resource planning efforts, such as, the Kings Basin's Integrated Regional Water Management Plan, the Fresno- Area Regional Groundwater Management Plan, and City of Fresno Metropolitan Water Resource Management Plan and cites the findings of the City of Fresno 2010 UWMP. The purpose of these management plans is to provide safe, adequate, and dependable water supplies on order to adequately meet existing and future needs of the Kings Basin regions and the Fresno-Clovis metropolitan area in an economical manner; protect groundwater quality from further degradation and overdraft; and, provide a plan of reasonably implementable measures and facilities.

The 2010 Urban Water Management Plan, Figure 4-3 (incorporated by reference) illustrates the City of Fresno's goals to achieve a 'water balance' between supply and demand while decreasing reliance upon and use of groundwater. To achieve these goals the City is implementing a host of strategies, including:

- Intentional groundwater recharge through reclamation at the City's groundwater recharge facility at Leaky Acres (located northwest of Fresno-Yosemite international Airport), refurbish existing streams and canals to increase percolation, and recharge at Fresno Metropolitan Flood Control District's (FMFCD) storm water basins;
- Increase use of existing surface water entitlements from the Kings River, United States Bureau of Reclamation and Fresno Irrigation District for treatment at the Northeast Surface Water Treatment Facility (NESWTF) and construct a new Southeast Surface Water Treatment Facility (SESWTF); and
- Recycle wastewater at the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRF) for treatment and re-use for irrigation, and to percolation ponds for groundwater recharge. Further actions include the General Plan, Policy RC-6-d to

prepare, adopt and implement a City of Fresno Recycled Water Master Plan.

The City has indicated that groundwater wells, pump stations, recharge facilities, water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. One of the primary objectives of Fresno's future water supply plans detailed in Fresno's Metropolitan Water Resources Management Plan, 2010 & 2015 UWMPs is to balance groundwater operations through a host of strategies. Through careful planning, Fresno has designed a comprehensive plan to accomplish this objective by increasing utilization of surface water supplies through expansion of surface water treatment facilities, intentional recharge, and conservation, thereby reducing groundwater pumping. The City continually monitors impacts of land use changes and development project proposals on water supply facilities by assigning fixed demand allocations to each parcel by land use as currently zoned or proposed to be rezoned.

Until 2004, groundwater was the sole source of water for the City. In June 2004, the 30 Million Gallon Per Day (MGD) Northeast Surface Water Treatment Facility ("NESWTF") began providing Fresno with water treated to drinking water standards and in May 2018, the 54 MGD Southeast Surface Water Treatment Facility ("SESWTF") became operational. In order to meet demands anticipated by the growth implicit in the 2025 Fresno General Plan further construction of surface water treatments facilities and recycled water facilities will be required. Surface water is used to replace lost groundwater through Fresno's intentional recharge program at the City-owned Leaky Acres, Nielsen Recharge Facility, and smaller facilities in Southeast Fresno. Fresno holds contracts to surface water supplies from Millerton Lake and contractual rights to surface water from Pine Flat Reservoir. In 2010, Fresno renewed its contract with the United States Bureau of Reclamation, which entitles the City to 60,000 acre-feet per year of Class 1 water into the extended future. This water supply has further increased the reliability of Fresno's water supply.

Also, during the period 2005 to 2014, Fresno updated its Metropolitan Water Resources Management Plan designed to ensure the Fresno metro area has a reliable water supply through 2025. The plan implements a conjunctive use program, combining groundwater, treated surface water, intentional recharge and an enhanced water conservation program.

The use of groundwater will continue to be an important part of the City's supply but will not be relied upon as heavily as has historically been the case. The 2015 UWMP shows that groundwater pumped by the City has decreased from approximately 148,006 AF/year in 2008 to approximately 83,360 AF/year in 2015. With the 54-MGD SESWTF (expandable to 80-MGD) coming online in 2018 it is anticipated further groundwater pumping reductions will be realized. The projected total estimated groundwater yield

for the 2040 is approximately 148,900 AF/year, inclusive of intentional recharge (Table 6-3, 2015 UWMP). In order to meet future demand projections, the City is planning to rely on expanding their delivery and treatment of surface water supplies and groundwater recharge activities.

The City has been adding to and upgrading its water supplies through capital improvements, including adding pipelines to distribute treated surface water as previously discussed. Additionally, in 2009, the treatment capacity of the Fresno/Clovis Regional Wastewater Reclamation Facility was improved. The City has recently been providing tertiary treatment at some of its wastewater treatment plants to supply tertiary treated recycled water for landscape irrigation to new growth areas and the North Fresno Wastewater Reclamation Facilities Satellite Plant was developed to serve the Copper River development and golf course in the northern part of Fresno.

In addition, the General Plan policies require the City to maintain a comprehensive conservation program to help reduce per capita water usage, and includes conservation programs such as landscaping standards for drought tolerance, irrigation control devices, leak detection and retrofits, water audits, public education and implementing US Bureau of Reclamation Best Management Practices for water conservation to maintain surface water entitlements.

The City also has implemented an extensive water conservation program which is detailed in Fresno's current UWMP and additional conservation is anticipated as more of the City's residential customers become metered. The City implemented a residential water meter program; installing and metering water service for all single-family residential customers in the City by 2013. In terms of water conservation efforts, the recent completion of the residential meter installation project realized the single largest reduction of water use. Prior to initializing the meter installation project water use in the City was at a high of 168,122 AF/year in 2008 (Table 4-1, 2015 UWMP). At completion of the meter installation project water use dropped to 135,595 AF/year. Although implementation of this project occurred during the economic downturn, water use has remained at or below this value, except in 2013 when there was a noticeable jump in use. The implementation of the metering project yielded a water savings of approximately 30,000 AF/year.

In order for the City to develop an SGMA compliance plan for this proposed development project, a Water Demand Analysis has been calculated which yielded the following:

In accordance with Fresno Municipal Code (FMC) Section 6-501, the estimated peak hour water demands for the proposed project shall be based on 1.51 Gallons per Minute (GPM) for multifamily residential units. In addition, the Fire Protection Water Demand shall be added to the overall project water demand at 1,500 gpm. The sum of the Peak Hour and Fire

Protection Water Demands shall establish the total instantaneous water supply flow required for the project, inclusive of fire protection.

The proposed Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).

Project construction would add additional impervious surfaces to the Project site; however, various areas of the Project site would remain largely pervious, which would allow infiltration to underlying groundwater. For example, the Project would include open space areas throughout the Project site in accordance with City standards. Additionally, the Project includes ample landscaping areas that would remain pervious. The areas would continue to contribute to groundwater recharge following construction of the Project. Furthermore, the Project is not anticipated to significantly affect groundwater quality because sufficient stormwater infrastructure would be constructed as part of project to detain and filter stormwater runoff and prevent long-term water quality degradation. Therefore, Project construction and operation would not substantially deplete or interfere with groundwater supply or quality.

In summary, MM HYD-1 and MM HYD-2 in the MEIR, and the City of Fresno General Plan policies and initiatives aimed toward ensuring that the City has a reliable, long-range source of water through the implementation of measures to promote water conservation through standards, incentives and capital investments. The project will result in a less than significant impact.

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 mostly flat and 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.

As mentioned previously, a SWPPP will be implemented during Project construction. SWPPPs include mandated erosion control measures, which are developed to prevent significant impacts related to erosion caused by runoff

during construction. The impact is *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 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, implementation of required SWPPP BMPs will reduce any impacts related to stormwater runoff, including flooding, to 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 storm drainage plan will be supported by engineering calculations to ensure that the Project does not 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 proposed storm drainage plan includes an engineered network of storm drain lines and landscaped bioswales. The average dwelling units developed within the proposed Project will have wash basins, showers, low flow toilets, hose connections, a clothes washer, and a dishwasher. The proposed Project would result in the construction of residential housing that would generate an estimated 374 people, according to the 2019 Department of Finance population estimates. According to the 2015 UWMP, the actual water use in 2015 was 190 gallons per capita per day (gpcd). Therefore, the proposed Project would result in an estimated water demand of 71,060 gallons per day (or 79.6 acre-feet per year).

Private development participates in the City's ability to meet water supply goals and initiatives through payment of fees established by the city for construction of recharge facilities, the construction of recharge facilities directly by the Project, or participation in augmentation/enhancement/enlargement of the recharge capability of Fresno Metropolitan Flood Control District storm water ponding basins. While the proposed Project may be served by conventional groundwater pumping and distribution systems, full development of the Fresno General Plan boundaries may necessitate utilization of treated surface water due to inadequate groundwater aquifer recharge capabilities. The Department of Public Utilities works with Fresno Metropolitan Flood Control District to utilize suitable FMFCD ponding (drainage) basins for the groundwater recharge program and works with Fresno Irrigation District to ensure that the City's

allotment of surface water is beneficially used for intentional groundwater recharge.

The City of Fresno Department of Public Utilities, Water Division has reviewed the proposed Project and associated water demand analysis and has determined that water service will be available through City of Fresno. The Project will be required to show water infrastructure connections to the nearest water main and water mains would be extended within the proposed lot to provide service to each unit created, subject to payment of applicable water charges. These charges include payment of the adopted Water Capacity Fee charge, which is based upon the number and size of service connections and water meters required to serve the property as necessary in order to contribute a project's share towards funding installation of new water service capacity, recharge, and savings initiatives to achieve water balance. The Project will be required to comply with all requirements of the City of Fresno Department of Public Utilities that will reduce the Project's runoff impacts to less than significant.

The developer will be required to provide improvements that will convey surface drainage to Master Plan inlets and provide a path for major storm conveyance. When development permits are issued, the subject site will be required to pay drainage fees pursuant to the Drainage Fee Ordinance. The entirety of the Project site should be able to be adequately served with permanent drainage service through existing Master Plan facilities or required Master Plan facilities to be developed in conjunction with the proposed Project. However, in areas where permanent drainage service may not be available, the District recommends temporary ponding facilities until permanent service is available through future Master Plan Facilities. The Master Plan system has been designed such that during a two-year event flow will not exceed the height of the 6-inch curb. Should wedge curb (4.5 inch height) be used the same criteria shall apply whereby flow remains below the top of curb.

If surface water runoff or event flows exceed volumes for which the Master Plan drainage system is designed to accommodate and the existing Master Plan storm drainage facilities do not have capacity to serve the proposed land use to avoid flooding, then the developer will be required to mitigate the impacts of the increased runoff from the proposed use to a rate that would be expected if developed in accordance with the Master Plan. The developer may either make improvements to the existing pipeline system to provide additional capacity or may use some type of permanent peak reducing facility in order to eliminate adverse impacts on the existing system. Should the developer choose to construct a permanent peak-reducing facility, such a system would be required to reduce runoff accordingly. Implementation of the mitigation measures may be deferred until time of development.

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 and other earthwork that may occur across most of the 19.5 acre 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. In addition, soil erosion may result, therefore, Implementation of a SWPPP will be required for the Project. A SWPPP identifies all potential sources of pollution that could affect stormwater discharges from the Project site and identifies BMPs related to stormwater runoff. There may be chemicals or surfactants used during Project maintenance or operations, so discharge could impact water quality standards. However, the impact will be *less than significant*.

iv. Impede or redirect flood flows?

The proposed Project would not direct excess surface waters, impede or redirect 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?

Occupancy of this site will generate wastewater containing human waste, which is required to be conveyed and treated by the Fresno-Clovis Regional Wastewater Treatment and Reclamation Facility. There will not be any onsite wastewater treatment system. The proposed Project will be required to install sewer mains and branches, and to pay connection and sewer facility fees to provide for reimbursement of preceding investments in sewer trunks to connect this site to a publicly owned treatment works.

According to the California Department of Water Resources Best Available Map, the subject site is not located in the 100-year, 200-year, or 500-year floodplain and does not necessitate appropriate floodplain management action.

The Project is located inland and not near an ocean or large body of water, therefore, would not be affected by a tsunami. Since the Project is located in an area that is not susceptible to inundation, the Project would not risk release of pollutants due to Project inundation. As such, the impact will be *less than significant*.

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

Implementation of the Fresno General Plan policies, the Kings Basin Integrated Regional Water Management Plan, City of Fresno Urban Water Management Plan, Fresno-Area Regional Groundwater Management Plan,

and City of Fresno Metropolitan Water Resource Management Plan and the applicable policies of the City's MEIR, will address the issues of providing an adequate, reliable, and sustainable water supply for the Project's urban domestic and public safety consumptive purposes. City of Fresno, Water Division has reviewed the Project for compliance with water quality and groundwater management. Further, the City's General Plan includes policies and initiatives to ensure the City promotes water conservation. Therefore, the Project will not conflict with the implementation of a water quality control plan or sustainable groundwater management. The impact will be *less than significant*.

Mitigation Measures from MEIR:

MM HYD-1
The City shall develop and implement water conservation measures to reduc e the per capita water use to 215 gallons per capita per day.

MM HYD-2

The City shall continue to be an active participant in the Kings Water Authorit y and the implementation of the Kings Basin IRWMP.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. LAND USE AND PLANNING – 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 vast majority of the Project area consists of Residential – Medium-Low Density and a small portion of Public Facility - Church. The City's General Plan designates the Project site as Residential – Medium-Low Density across two parcels (approximately 19.5 acres).

The current Project land use designation allows for densities between 3.5 to 6 units per acre, intended to provide for single family detached housing. The proposed Project would include 110 units on approximately 19.5 acres, for a density of approximately 5.6 units per acre. Within the Project vicinity, there are single family residential developments essentially surrounding the proposed Project, and a church directly east and south to the proposed Project. The proposed residential use is allowed within this land use designation, and the Project does not exceed the maximum density.

Fresno General Plan Goals, Objectives and Policies

As proposed, the Project will be consistent with the following Fresno General Plan goals:

- Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the city.
- Make full use of existing infrastructure, and investment in

improvements to increase competitiveness and promote economic growth.

- Promote orderly land use development in pace with public facilities and services needed to serve development.
- Develop Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance.

These goals contribute to the establishment of a comprehensive city-wide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment in accordance with Objective LU-1 of the Fresno General Plan.

Objective LU-5 aims to plan for a diverse housing stock that will support balanced urban growth and make efficient use of resources and public facilities. The Project includes a range of apartment types, unit sizes, and open space. The General Plan includes Policy LU-5-a, which promotes low density residential uses only where there are established neighborhoods. Existing, planned, and/or future low density residential uses surround the proposed Project site. Likewise, Policy LU-5-g allows new development in or adjacent to established neighborhoods that is compatible in scale and character with the surrounding area by promoting a transition in scale and architectural character between new buildings and established neighborhoods, as well as integrating pedestrian circulation and vehicular routes. The proposed Project site is located directly adjacent to existing residential subdivisions to the north, northeast, west, and southwest. The Project will not impact any existing pedestrian and vehicular routes that connect to the existing roadway system.

This Project supports the above-mentioned goals and policies in that the density of the proposed development conforms to the current land use designation (Residential – Medium Low Density) of the Fresno General Plan. The proposed is consistent with the developed surrounding residential land uses to the north, south, east, and west and would not physically divide an established community. This is 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 proposed Project is located in an area that is planned for residential and urban development by the City. 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 proposed 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. Furthermore, the proposed Project, including the design and improvement of the Project site, is found; (1) To be consistent with the goals, objectives and policies of the applicable City of Fresno General Plan; (2) To be suitable for the type and density of development; (3) To be safe from potential cause or introduction of serious public health problems; and, (4) To not conflict with any public interests in the Project site or adjacent lands. The authorization request for the proposed plan amendments regarding General Plan Amendment and Pre-zoning is expected to be approved. Additionally, the City's COG CMT Screening Tool was used to determine if the Project would be within an area that would comply with the City's 13% GHG emission reduction goal. The Project is within an area of 13% or less, therefore the Project would comply with the City's reduction goal. The proposed Project will have a *less than significant impact*.

In conclusion, the proposed Project would not result in any land use and planning environmental impacts.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				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?

The subject site is not located in an area designated for mineral resource preservation or recovery, therefore, the Project will not 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 and provide *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 subject site is not delineated on a local general plan, specific plan or other land use plan as a locally-important mineral resource recovery site; therefore, it will not result in the loss of availability of a locally-important mineral resource. This is a *less than significant impact*. In conclusion, the proposed Project would not result in any mineral resource environmental impacts beyond those analyzed in MEIR SCH No. 2012111015.

No mitigation is warranted.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. NOISE – Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			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 site to excessive noise levels?			X	

DISCUSSION

Analysis in this section is based on an Acoustical Analysis prepared for the Project (WJA Acoustics Inc, 2020), which is included as Appendix F of this document.

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?

Generally, the three primary sources of substantial noise that affect the City of Fresno and its residents are transportation-related and consist of major streets and regional highways; airport operations at the Fresno Yosemite

International, the Fresno-Chandler Downtown, and the Sierra Sky Park Airports; and railroad operations along the BNSF Railway and the Union Pacific Railroad lines.

In developed areas of the community, noise conflicts often occur when a noise sensitive land use is located adjacent or in proximity to a noise generator. Noise in these situations frequently stems from on-site operations, use of outdoor equipment, uses where large numbers of persons assemble, and vehicular traffic. Some land uses, such as residential dwellings, hospitals, office buildings and schools, are considered noise sensitive receptors and involve land uses associated with indoor and/or outdoor activities that may be subject to stress and/or significant interference from noise.

Stationary noise sources can also influence the population, and unlike mobile, transportation-related noise sources, these sources generally have a more permanent and consistent impact on people. These stationary noise sources involve a wide spectrum of uses and activities, including various industrial uses, commercial operations, agricultural production, school playgrounds, high school football games, HVAC units, generators, lawn maintenance equipment and swimming pool pumps.

The City of Fresno interior noise level standard is 45 dB Ldn. The worst-case future noise exposure within the proposed residential development would be approximately 60 dB Ldn. This means that the proposed residential construction must be capable of providing a minimum outdoor-to-indoor noise level reduction (NLR) of approximately 15 dB (60-45=15). (WJA Acoustics Inc, 2020).

A specific analysis of interior noise levels was not performed. However, it may be assumed that residential construction methods complying with current building code requirements will reduce exterior noise levels by approximately 25 dB if windows and doors are closed. This will be sufficient for compliance with the City's 45 dB Ldn interior standard at all proposed lots. Requiring that it be possible for windows and doors to remain closed for sound insulation means that air conditioning or mechanical ventilation will be required (WJA Acoustics Inc, 2020).

Existing sensitive receptors, including single-family homes, are surrounding the Project site. During the construction phase of the Project, noise generating activities will be present, however, it will be temporary in nature and any machinery used as a part of the construction of the Project will be muffled. The Project will be required to provide screening measures when a project is located near differing land use, in order to shield the adjacent land uses, such as providing a 6-foot-high screen wall as detailed in Chapter 15, Article 20, Section 15-2008 – Screening between differing land uses of the Fresno Municipal Code (FMC).

Traffic Noise Exposure

Noise exposure from traffic on South Armstrong Avenue and East Butler Avenue was calculated for existing and future (2035) conditions using the FHWA Traffic Noise Model and traffic data obtained from Fresno COG.

The Acoustical Analysis utilized the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-108). The FHWA Model is a standard analytical method used for roadway traffic noise calculations. The model is based upon reference energy emission levels for automobiles, medium trucks (2 axles) and heavy trucks (3 or more axles), with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site. The FHWA Model was developed to predict hourly Leq values for free-flowing traffic conditions and is generally considered to be accurate within ±1.5 dB. To predict Ldn values, it is necessary to determine the hourly distribution of traffic for a typical day and adjust the traffic volume input data to yield an equivalent hourly traffic volume.

Noise level measurements and concurrent traffic counts were conducted by WJVA staff within the Project site on February 19, 2020. The purpose of the measurement was to evaluate the accuracy of the FHWA Model in describing traffic noise exposure within the Project site. Noise measurements were conducted in terms of the equivalent energy sound level (Leq). Measured Leq values were compared to Leq values calculated (predicted) by the FHWA Model using as inputs the traffic volumes, truck mix and vehicle speed observed during the noise measurements. The results of the comparison are shown in Table 8-1.

Table 8-1 Comparison of Measured And Predicted (FHWA Model) Noise Levels Tract 6295 Fresno

	S. Armstrong Ave.	E. Butler Ave.
Measurement Start Time	**9:50 a.m.**	**10:15 p.m.**
Observed # Autos/Hr.	180	204
Observed # Medium Trucks/Hr.	0	12
Observed # Heavy Trucks/Hr.	12	0
Observed Speed (MPH)	40	40
Distance, ft. (from center of roadway)	75	75
L_{eq}, dBA (Measured)	56.9	57.8
L_{eq}, dBA (Predicted)	58.8	56.9
Difference between Predicted and Measured L_{eq}, dBA	**+1.9**	**-0.9**

Annual Average Daily Traffic (AADT) data for South Armstrong Avenue and East Butler Avenue in the Project vicinity was obtained from Fresno COG. Truck percentages and the day/night distribution of traffic were estimated by WJVA, based upon previous studies conducted in the Project vicinity since project-specific data were not available from government sources. A speed limit of 40 mph was assumed for both roadways. Table 8-2 summarizes annual average traffic data used to model noise exposure within the Project site.

Table 8-2 Traffic Noise Modeling Assumptions TRACT 6265, Fresno

	S. Armstrong Ave.		E. Butler Ave.	
	Existing	2035	Existing	2035
Annual Avenue Daily Traffic (AADT)	746	2,165	2,151	5,090
Day/Night Split (%)	90/10		90/10	
Assumed Vehicle Speed (mph)	45		45	
% Medium Trucks (% AADT)	2		2	
% Heavy Trucks (% AADT)	1		1	

The City of Fresno Noise Element of the General Plan sets noise compatibility standards for transportation noise sources in terms of the Day-Night Average Level (Ldn). Implementing Policy NS-1-a of the noise element establishes a land use compatibility criterion as 65 dB Ldn for exterior noise exposure within outdoor activity areas of residential land uses. Using data from Table 8-2, the FHWA Model, annual average traffic noise exposure was calculated for the closest proposed backyards from South Armstrong Avenue and East Butler Avenue. The calculated noise exposures for existing and future (2035) traffic conditions for the closest proposed setbacks to South Armstrong Avenue were approximately 51 dB Ldn and 59 dB Ldn, respectively. The calculated noise exposures for existing and future (2035) traffic conditions for the closest proposed setbacks to East Butler Avenue were approximately 56 dB Ldn and 60 dB Ldn, respectively. Such noise exposure levels are below the City's 65 dB Ldn exterior noise level standard and further mitigation is therefore not required.

Noise created by any proposed stationary noise sources or existing stationary noise sources which undergo modification that may increase noise levels shall be mitigated so as not to exceed the noise level standards of Table 5.11-8 of the MEIR at noise sensitive land uses. If the existing ambient noise levels equal or exceed these levels, mitigation is required to limit noise to the ambient noise level plus 5 dB.

The current Project site is not deverloped. Therefore, it is reasonable to assume that the proposed Project will result in an increase in temporary and/or periodic ambient noise levels on the Project site above existing levels. However, these noise levels will not exceed those generated by adjacent existing or planned land uses, when implementing screening measures required pursuant to the City of Fresno's development standards.

Short-term Noise and Vibration Impacts

The construction of a Project involves both short-term, construction related noise, and long-term noise potentially generated by increases in area traffic, nearby stationary sources, or other transportation sources. The FMC allows for construction noise in excess of standards if it complies with the section below (Chapter 10, Article 1, Section 10-109 – Exemptions). It states that the provisions of Article 1 – Noise Regulations of the FMC shall not apply to:

> Construction, repair or remodeling work accomplished pursuant to a building, electrical, plumbing, mechanical, or other construction permit issued by the city or other governmental agency, or to site preparation and grading, provided such work takes place between the hours of 7:00 a.m. and 10:00 p.m. on any day except Sunday.

Thus, construction activity would be exempt from City of Fresno noise regulations, as long as such activity is conducted pursuant to an applicable construction permit and occurs between 7:00 a.m. and 10:00 p.m., excluding Sunday. Therefore, short-term construction impacts associated with the exposure of persons to or the generation of noise levels in excess of standards established in the general plan or noise ordinance or applicable standards of other agencies would be less than significant.

Long Term Noise Impacts

The proposed Project includes future residential uses. The immediate vicinity consists of existing and planned residential uses, which produce noise levels which are likely similar to noise levels produced by the proposed Project. Additionally, all surrounding properties are adjacent to collector and arterial streets which increase the ambient noise of the Project site. The proposed Project is not projected to be a long-term noise source due to the Project being a use consistent with neighboring land uses.

Conclusion

Although the Project will create additional activity in the area, the Project will be required to comply with all noise policies and development standards identified within the Fresno General Plan and MEIR as well as the noise ordinance of the Fresno Municipal Code. Through compliance with the policies and development standards, the interior and exterior noise levels would comply with the City's noise standards and impacts will be *less than significant*. Furthermore, the Project may produce an elevated ambient noise

level during construction, however, those impacts are temporary, and no operational noise will be generated that exceeds the adopted noise levels identified for neighboring land uses.

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

The primary vibration-generating activities associated with the proposed Project would happen during construction when activities such as grading, utilities placement, and road construction occur. Sensitive receptors which could be impacted by construction related vibrations, especially vibratory compactors/rollers, are located approximately 25 to 50 feet or further from the Project site. At this distance, construction vibrations are not predicted to exceed acceptable levels. Additionally, construction activities would be temporary in nature and would likely occur during normal daytime working hours. Therefore, short-term construction impacts associated with the exposure of persons to or the generation of construction would be *less than significant*.

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 site to excessive noise levels?

The closest airport or airstrip is the Fresno Yosemite International Airport, located approximately 6 miles northwest of the Project site. However, the proposed Project is outside noise level contours identified in the Fresno Airport Land Use Compatibility Plan. In conclusion, the proposed Project would not expose people residing or working in the Project site to excessive noise levels associated with such airport facilities and impacts would be less than significant.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. POPULATION AND HOUSING – 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)?

According to the 2019 US Department of Finance population estimates, the population in Fresno is 536,683 people, and the average persons per household is 3.20. If the Project site were to be fully built out in accordance with the current land use, then the maximum allowable dwelling units would be 117 dwelling units. Therefore, the potential population derived from the Project site if the current conditions remained would be 374 people. The proposed Project would result in the construction of residential housing that would generate an estimated 352 people. The difference between the two outcomes is approximately 22 people and is less than what is planned for the current land use. The proposed Project would not include upsizing of offsite infrastructure or roadways. The installation of new infrastructure would be limited to the internal single-family residences. The sizing of the infrastructure would be specific to the number of units proposed within the Project site. Implementation of the proposed Project would not induce substantial population growth in an area, either directly or indirectly. This is a *less than significant impact*.

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

The surrounding parcels are mostly developed with two churches and at least one single-family dwelling. The General Plan designates the Project site as Residential – Medium-Low Density which covers densities from 3.5 to 6 units per acre. This would result in a maximum of 117 units.

The proposed Project will not displace any existing housing. The Project will not result in displacement of any persons as there are no residential units on the Project site. As such, no impact associated with displacement of housing or people would occur. In conclusion, with implementation of the Project, the Project will not result in any impacts to housing and population impacts beyond those analyzed in MEIR SCH No. 2012111015.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. PUBLIC SERVICES – 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:

i. Fire protection?

The Project site is located approximately 2.4 road miles southeast from Fire Station 15. 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. Demand for fire service generated by the Project is within planned services levels of the Fire Department and the applicant will pay any required impact fees at the time building permits are obtained.

According to the Fresno General Plan MEIR, development impact fees are currently collected for the provision of capital facilities for fire facilities that will provide for future facilities as the City's population increases. Recognizing that there would be an increased demand for fire and emergency medical response, the General Plan Update includes several policies to support the activities of the Fresno Fire Department. The policies and objectives from the General Plan will ensure that the proposed Project does not significantly affect fire protection.

Currently, the Project site has three fire hydrants. Review for compliance with fire and life safety requirements for proposed residences are reviewed by both the Fire Department and the Building and Safety Services Section of the Planning and Development Department when a submittal for building plan review is made as required by the California Building Code. Impacts will be *less than significant*.

ii. Police protection?

The proposed Project is within the Southeast Police District with the Southeast Police Station located approximately 5 miles away. City police protection services are also available to serve the proposed Project with no new facilities required for police protection. Impacts will be *less than significant*.

iii. Schools?

The proposed residential uses result in generation of students, which would impact the District's student classroom capacity. The development is subject to development fee rates in effect at the time of payment, which are currently $3.79 per square foot for residential development. Fees will be calculated pursuant to rates effective at the time of payment and new development on the property will be subject to the development fee prior to issuance of a building permit. The surrounding schools include John S Wash Elementary School 0.6 miles northwest of the Project, Washington Academic Middle School approximately 8 miles southeast of the Project, and Sanger High School approximately 7.5 miles southeast of the Project. The proposed

Project does not result in the construction of new school facilities. Impacts will be *less than significant*.

iv. Parks?

The proposed Project does include uses that would increase the use of park and recreation facilities in the area. The nearest parks are Sunnyside Park approximately 3 miles east, and Al Radka Park approximately 3 miles northwest. The City of Fresno maintains a park goal to provide five acres of city park space per 1,000 residents. To meet this park goal, the Project would require up to 1.76 acres of park uses for the 352 residents. Because the Project does not meet this goal, the applicant would be required to pay the required park impact fees.

Demand for parks generated by the Project is within planned services levels of the City of Fresno Parks and Community Services Department and the applicant will pay any required impact fees at the time building permits are obtained. Impacts will be *less than significant*.

v. Other public facilities?

Development of the property requires compliance with grading and drainage standards of the City of Fresno. The Department of Public Utilities (DPU) has determined that adequate sanitary sewer are available to serve the Project site subject to implementation of the Fresno General Plan policies, the mitigation measures of the related MEIR, and the construction and installation of public facilities and infrastructure in accordance with DPU standards, specifications and policies. The City will provide water service development. If a water well is encountered at the time of construction, it would be properly destroyed or abandoned in accordance with the State and local requirements.

For sanitary sewer service, these infrastructure improvements and facilities include typical requirements for construction and extension of sanitary sewer mains and branches within the interior of the future proposed residential development. The proposed Project will also be required to provide payment of sewer connection charges. It is unknown whether any septic systems are currently or have historically occupied the Project site. If a septic system is discovered at the time of redevelopment, it should be properly destroyed or abandoned in accordance with the state and local requirements.

Implementation of the Fresno General Plan policies and the mitigation measures of the associated MEIR, along with the implementation of the Water Resources Management Plan, would ensure drainage impacts are less than significant. Installation of these services with meters to the proposed buildings and payment of applicable Water Capacity Charges will

provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

According to the FEMA FIRM, the entirety of the Project site is within area of minimal flood hazard. The Project site is mostly flat, and 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. 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 storm drainage plan will be supported by engineering calculations to ensure that the Project does not 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. Impacts will be *less than significant*.

In conclusion, the Project will not result in any public service impacts beyond those analyzed in MEIR SCH No. 2012111015.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. RECREATION - 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?

Although the proposed project does include uses that would increase the use of park and recreation facilities in the area, the proposed project will not result in the physical deterioration of existing parks or recreational facilities. As noted previously, the Project would include open space areas for use by the residents throughout the project site in accordance with City standards. The centrally-located open space will be dedicated to the City and is approximately 0.27 acres. It is intended to function as a recreational amenity for the proposed residences as well as the general public, therefore, diminishing the reliance on outside recreation facilities. Impacts will 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?

Demand for parks generated by the Project would be minimal and is within planned services levels of the City of Fresno Parks and Community Services

Department. The applicant will pay any required impact fees at the time building permits are obtained or receive credits for construction as may be memorialized within a development agreement. Impacts will be less than significant.

In conclusion, the proposed Project would not result in any recreation environmental impacts beyond those analyzed in MEIR SCH No. 2012111015. Impacts related to recreation would be *less than significant*.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. TRANSPORTATION – Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			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

The analysis in this section is based on the Traffic Impact Study prepared for the Project (Peters Engineering Group, 2020) which is included as Appendix G of this document.

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

Within proximity to the Project, there are several transportation facilities, including transit, roadway, bicycle, and pedestrian facilities.

Transit Services

Fresno Area Express (FAX) provides bus service to the Fresno area. FAX Route 22 has limited stops at the intersection of Butler and Burgan Avenues, approximately ¼ mile west of the Project site. Three stops occur between 6:35 a.m. and 7:35 a.m. and one stop occurs at 6:09 p.m. The Project is not expected to disrupt or impede existing transit facilities.

Bicycle and Pedestrian Facilities

The 2016 City of Fresno Active Transportation Plan (ATP) refers to the Caltrans Highway Design Manual for classification of bicycle facilities as follows:

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

The ATP identifies a proposed bikeway system with Class II bike lanes on all of the streets at the study intersections. The ATP also identifies a Class I bike path along the west side of Temperance Avenue in the vicinity of the Project site. The Project is not expected to disrupt or impede existing or planned bicycle facilities.

Pedestrian

Pedestrian connectivity is generally well established in the general vicinity of the site, with the exception that sidewalks typically do not exist in the County neighborhood north of Butler Avenue and west of Armstrong Avenue. Crosswalks do not exist at the study intersections. The Project would be required to construct sidewalks along its frontage, which will improve general pedestrian connectivity in the area. The Project is not expected to disrupt or impede existing or planned pedestrian facilities.

Roadway

The Project site is located on the northeast corner of East Butler Street and South Armstrong Avenue. Site access will be via one new local street connecting to Armstrong Avenue, via Apricot Avenue, which provides direct connectivity Butler Avenue and Kings Canyon Road, Liberty Avenue, and Filbert Avenue, which also provides connectivity through adjacent existing neighborhoods to Armstrong and Temperance Avenues.

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

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

The City's CEQA Guide for Vehicle Miles Traveled provides thresholds to analyze VMT for future developments (City of Fresno, 2020). The Fresno COG VMT Screening Tool can be used in order to determine if a development project may be screened from a detailed VMT analysis. The CARB has established a threshold for the City to be 13% GHG emission reduction. As such, reduction in GHG directly corresponds to reduction in VMT. According to the Fresno COG CMT Screening Tool, the Project area is shown in an area where the VMT is below the threshold of significance. As such, no further VMT analysis is necessary as the project impacts related to VMT would be less than significant.

The Traffic Study for the Project shows the intersection of Armstrong and Butler Avenues is expected to continue to operate at acceptable LOS with acceptable queue conditions. The LOS for the shared eastbound left/through lane at the intersection of Temperance and Butler Avenues is expected to drop from D to E during the a.m. peak hour with the addition of Project trips. The intersection is expected to operate at acceptable LOS during the p.m. peak hour. Peak-hour traffic signal warrants are not expected to be satisfied, and the Project is not expected to add enough trips to the intersection on a daily basis to substantially change the results Warrants 1 and 2.

The traffic volumes on Temperance Avenue are great enough that all-way stop control is expected to result in excessive delays in the northbound and southbound direction, while minimum volumes for installation of all-way stop control as described in the CMUTCD are not expected. Considering that alternate routes are available and that warrants are not satisfied, both all-way stop and traffic signals appear to be infeasible and it is recommended that traffic signals not be installed until such time that warrants are satisfied. City of Fresno General Plan Policies MT-1-n and MT-1-o, as well as current State CEQA law, would allow the City to accept the anticipated LOS E. Payment of the City of Fresno TSMI fee is recommended as a provision commensurate with the level of impact to sufficiently improve the overall transportation system. Impacts from the Project will be *less than significant*.

<u>Mitigation Impact Fees</u>

Assuming the site develops consistent with the proposed site plan, the Project would pay the following Traffic Signal Mitigation Impact Fee (TSMI), New Growth Area Street Fee (FMSI), and Regional Transportation Mitigation Fee (RTMF):

TMSI = 110 dwelling units X $350 (fee rate per latest City of Fresno fee schedule) = $38,500

FMSI = 19.5 acres X $42,999 (fee rate per latest City of Fresno fee schedule) = $838,480.50

RTMF = 110 dwelling units X $1,642 (fee rate per latest Fresno COG fee schedule)= $180,620

The Project site is located within the new growth area with respect to the FMSI fee program.

Lastly, the Regional RTMF fee is intended to ensure that future development contributes to its fair share towards the cost of infrastructure to mitigate the cumulative, indirect regional transportation impacts of new growth in a manner consistent with the provisions of the State of California Mitigation Fee Act. The fees will help fund improvements needed to maintain the target LOS in the face of higher traffic volumes brought on by new developments.

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

The design of the proposed development has been evaluated and determined to be consistent with respect to compliance with City of Fresno standards, specification and policies. The site plan appears to provide adequate circulation throughout the site. The throat between the South Peach Avenue and the proposed entrance gate should be long enough to allow vehicles to queue without backing up into the street and sidewalk. The Project would not increase hazards due to a geometric design feature or incompatible use. This is *a less than significant impact*.

d) Result in inadequate emergency access?

The Project is not located near an airport; therefore, it will not change air traffic levels. The proposed streets will not create hazards or conflict with emergency access. The Project includes two points of vehicular access along South Peach Avenue and three points for pedestrian access. These five accesses would be available in case of an emergency. Therefore, the Project would result in a less than significant impact associated with emergency access.

In conclusion, the proposed project would not result in any transportation environmental impacts beyond those analyzed in MEIR SCH No. 2012111015.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. TRIBAL CULTURAL RESOURCES – 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:			X	
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**

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.**

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 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)).

Additional 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.

Pursuant to AB 52, the Table Mountain Rancheria of California and Dumna Wo Wah Tribal Government were invited to consult under AB 52. The City of Fresno mailed notices of the proposed Project to each of these tribes on July 30, 2020, which included the required 30-day time period for tribes to request consultation, which ended on August 30 2020. To date, neither tribal group has responded to the City's notices for this Project.

As noted in Section V Cultural Resources, no other cultural surveys or resources have been recorded within a half mile of the Project. No cultural resources are known within the project site. No Native American sacred sites or cultural landscapes had been identified within or immediately adjacent to the study area.

The Project site is currently undeveloped. If any artifacts are inadvertently discovered during ground-disturbing activities, existing federal, State, and

local laws and regulations as well as the mitigation measures of the Fresno General Plan MEIR will require construction activities to cease until such artifacts are properly examined and determined not to be of significance by a qualified cultural resources professional.

In conclusion, with implementation of the MEIR Cultural Resource Mitigation measures, impacts related to tribal cultural resources would be *less than significant*, as referenced in Section V's mitigation measures.

Mitigation Measures identified in MEIR

CUL-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. 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-germ preservation to allow future scientific study.

CUL-2: 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 prehistoric archaeological resources shall be conducted. The following procedures shall be followed.

If prehistoric resources are not found during either the field survey or literature search, excavation and/or construction activities can commence. In the event that buried prehistoric archaeological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archaeologist 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 CEQA Guidelines Section 15064.5.

If the resources are determined to be unique prehistoric archaeological resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation 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 prehistoric archaeological artifacts recovered as a result of mitigation shall be provided to a City approved institution or person who is capable of pro viding long term preservation to allow future scientific study.

If prehistoric resources are found during the field survey or literature review, the resources shall be inventoried using appropriate State record forms and submit the forms to the Southern San Joaquin Valley Information Center. The resources shall be evaluated for significance. If the resources are found to be significant, measures shall be identified by the qualified archaeologist. Similar to above, 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.

In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include an archaeological monitor. The monitoring period shall be determined by the qualified archaeologist. If additional prehistoric archaeological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.

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
XIX. UTILITIES AND SERVICE SYSTEMS – Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental 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 proposed Project will require construction of new infrastructure to connect to the existing utility infrastructure. This will include water, wastewater, and storm water drainage connections. Additionally, the Project will include connections for electric power, natural gas, and telecommunications facilities. The installation of this infrastructure will not require any major upsizing or other offsite construction activities that would cause a significant impact. The new infrastructure would be connected to existing infrastructure that is adjacent to the Project site.

Impacts to storm drainage facilities have been previously discussed under the Hydrology and Water Quality section included within this analysis herein above. While the proposed Project will result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of such facilities will not cause significant environmental effects.

The proposed Project would be subject to the payment of any applicable connection charges and/or fees and extension of services in a manner which is compliant with the Department of Public Utilities standards, specifications, and policies.

Sanitary sewer and water service under City of Fresno jurisdiction, delivery is also subject to payment of applicable connection charges and/or fees; compliance with the Department of Public Utilities standards, specifications, and policies; the rules and regulations of the California Public Utilities Commission and California Health Services; and, implementation of the City-wide program for the completion of incremental expansions to facilities for planned water supply, treatment, and storage. 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 City of Fresno Department of Public Utilities, Water Division reviewed the proposed Project. As discussed under the Hydrology and Water Quality section of this Initial Study, the Fresno General Plan recognizes regional water resource planning efforts, such as, the Kings Basin's Integrated Regional Water Management Plan, the Fresno- Area Regional Groundwater Management Plan, and City of Fresno Metropolitan Water Resource Management Plan and cites the findings of the City of Fresno 2010 UWMP. The purpose of these management plans is to provide safe, adequate, and dependable water supplies on order to adequately meet existing and future

needs of the Kings Basin regions and the Fresno-Clovis metropolitan area in an economical manner; protect groundwater quality from further degradation and overdraft; and, provide a plan of reasonably implementable measures and facilities. Through routing to the applicable departments and agencies, the City has determined that adequate water supply exists to serve the proposed Project.

Additionally, the applicant will be required to comply with all requirements of the City of Fresno Department of Public Utilities to reduce the Project's water impacts to *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?

The City of Fresno acts as the Regional Sewer Agency and is responsible for operating the Fresno/Clovis Regional Wastewater Reclamation Facility (RWRF) and the North Fresno Wastewater Treatment Facility (NFWTF). The Regional Facility provides wastewater treatment for a service area that includes most of the Cities of Fresno and Clovis, and some unincorporated areas of Fresno County. According to the City's General Plan MEIR, the Regional Facility received and treated approximately 72,302 acre-feet (AF) of wastewater during 2011, representing an annual average daily flow of approximately 64.5 million gallons per day (MGD). The quantity of wastewater received and treated by the Regional Facility has been declining since 2006, when it peaked at a total of approximately 80,801 AF, representing an annual average daily flow of approximately 72.1 MGD. The permitted wastewater treatment capacity of the Regional Facility is currently 80.0 MGD as an annual monthly average flow, and 88.0 MGD as a maximum monthly average flow. The City is currently evaluating upgrades and modifications to the existing Regional Facility that may result in a capacity rating increase of 15.0 MGD. The City of Clovis owns 9.3 MGD of wastewater treatment capacity at the Regional Facility, and the City of Fresno owns the remaining capacity.

The NFWTF was constructed in late 2006 to provide wastewater treatment service for residential and commercial development in the surrounding area of north Fresno. The permitted capacity of the NFWRF is 0.71 MGD, as an average monthly flow, and 1.07 MGD, as a maximum daily flow. The City's master plan for the NFWRF calls for ultimate expansion to an average monthly flow capacity of 1.07 MGD upon full development of the NFWRF service area.

The General Plan MEIR concludes that impacts associated with wastewater treatment facilities and capacity resulting from buildout of the General Plan, including the proposed Project site, would be *less than significant* with

implementation of Mitigation Measures USS-1 (which requires development and implementation of a wastewater master plan update), USS-2 (which requires evaluation of the wastewater system and construction of expansions at the Regional Facility and NFWRF), and USS-3 (which requires evaluation of the wastewater system and construction of a wastewater treatment facility within the Southeast Development Area). The Project site is not within the Southeast Development Area.

The City of Fresno Department of Public Utilities has reviewed the Project and determined that sanitary sewer facilities are available to provide service to the site, subject to the required conditions of approval. The City will provide sewer connection The conditions of approval include payment of the applicable sanitary sewer fees, which would eventually be used to provide funding for the improvements at the RWRF and NFWTF in order to expand capacity (as required by Mitigation Measure USS-2 of the MEIR). The proposed Project will not result in a determination by the wastewater treatment provider that it has inadequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. It is further noted that the project would result in fewer units than were anticipated for the project site by the City's General Plan MEIR. In conclusion, the Project would generate less wastewater than was anticipated for the site by the MEIR and the impact would be less than significant.

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?

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

The City of Fresno Department of Public Utilities, Solid Waste Division has reviewed the Project for compliance with any federal, state, and local management and reduction statutes and regulations related to solid waste. According to the City's General Plan MEIR, garbage disposed of in the City of Fresno is taken to Cedar Avenue Recycling and Transfer Station. Once trash has been off-loaded at the transfer station, it is sorted and non-recyclable solid waste is loaded onto large trucks and taken to the American Avenue Landfill located approximately six miles southwest of Kerman. American Avenue Landfill is owned and operated by Fresno County and began operations in 1992 for both public and commercial solid waste haulers. The American Avenue Landfill is a sanitary landfill, meaning that it is a disposal site for non-hazardous solid waste spread in layers, compacted to the smallest practical volume, and covered by material applied at the end of each operating day.

The American Avenue Landfill (i.e. American Avenue Disposal Site 10-AA-0009) has a maximum permitted capacity of 32,700,000 cubic yards and a remaining capacity of 29,358,535 cubic yards, with an estimated closure date of August 31, 2031. The maximum permitted throughput is 2,200 tons per day. Other landfills within the County of Fresno include the Clovis Landfill with a maximum remaining permitted capacity of 7,740,000 cubic yards, a maximum permitted throughput of 2,000 tons per day, and an estimated closure date of 2047. There is also the Coalinga Landfill with a maximum remaining capacity of 1,930,062 cubic yards, a maximum permitted throughput of 200 tons per day, and an estimated closure date of 2029.

Using the solid waste generation rates included in the City's General Plan MEIR, the proposed 110 units would generate 1,100 pounds of waste per day (or 200 tons per year). The Project site will be serviced by the solid waste division, and the solid waste generated by the Project would be sent to the American Avenue Landfill. As noted above, the estimated closure date of the American Avenue Landfill is 2031. Additional capacity also exists at the Clovis Landfill and Coalinga Landfill. The 200 tons per year would not result in exceedance of the local capacity infrastructure. Therefore, the Project will comply with any statutes and regulations related to solid waste.

In conclusion, the proposed Project would not result in any utility related environmental impacts beyond those analyzed in MEIR SCH No. 2012111015.

Mitigation Measures from MEIR

USS-1 of MEIR SCH No. 2012111015 for the Fresno General Plan requires the City shall develop and implement a wastewater master plan update.

USS-2 of MEIR SCH No. 2012111015 for the Fresno General Plan requires Prior to exceeding existing wastewater treatment capacity, the City shall evaluate the wastewater system and shall not approve additional development that contributes wastewater to the wastewater treatment facility that could exceed capacity until additional capacity is provided. By approximately the year 2025, the City shall construct the following improvements.

- Construct an approximately 70 MGD expansion of the Regional Wastewater Treatment Facility and obtain revised waste discharge permits as the generation of wastewater is increased.
- Construct an approximately 0.49 MGD expansion of the North Facility and obtain revised waste discharge permits as the generation of wastewater is increased.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			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	

Setting

There are no State Responsibility Areas (SRAs) within the vicinity of the Project site. The Project site is not categorized as a "Very High" Fire Hazard Severity Zone (FHSZ) by CalFire. Although this CEQA topic only

applies to areas within an SRA or Very High FHSZ, out of an abundance of caution, these checklist questions are analyzed below.

DISCUSSION

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

The Project site will connect to an existing network of City streets. The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

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

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 site is located in an area that is predominately urban, which is not considered at a significant risk of wildlife.

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 includes development of infrastructure (water, sewer, and storm drainage) required to support the proposed residential uses. The Project site is surrounded by existing and future urban development. The Project would not require the installation or maintenance of infrastructure that may exacerbate fire risk.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

There are currently four storm drains on the Project site. The proposed Project would require the installation of additional storm drainage infrastructure to ensure that storm waters properly drain from the Project site

and does not result in downstream flooding or major drainage changes. A storm drainage plan would be designed and engineered to ensure proper construction of storm drainage infrastructure to control runoff and prevent flooding, erosion, and sedimentation.

Upon development of the site, stormwater would flow to the existing storm drains in the adjacent roadways. Any further storm drain requirements will be processed by the Fresno Metropolitan Flood Control District and constructed per the District's standards. Additionally, the Project site is located within FEMA "Area of Minimal Flood Hazard" indicating that the site is located outside of the 100-year flood hazard zone. Further, because the site is essentially flat and located in an existing urbanized area of the City, downstream landslides would not occur.

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 relatively flat; therefore, the potential for a landslide in the Project site is essentially non-existent. In conclusion, the wildfire environmental impacts would be *less than significant*, and no mitigation is required.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIX. MANDATORY FINDINGS OF SIGNIFICANCE				
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 proposed Project is considered to be proposed at a size and scope which is neither a direct or indirect detriment to the quality of the environment through reductions in habitat, populations, or examples of local history (through either individual or cumulative impacts).

The proposed Project does not have the potential to degrade the quality of the environment or reduce the habitat of 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 major periods in history. Impacts that the Project may cause have been analyzed and deemed *less than significant with the inclusion of mitigation measures*.

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.)

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 impact areas to reduce any potential significant impacts to less than significant. Additionally, due to the planned buildout of the area and existing and future land constraints, the General Plan anticipates that future development will increase the density within adjacent areas. Development is planned to occur in the immediate area projected by the City's General Plan and analyzed in the General Plan EIR. For the reasons stated here and in the Initial Study, it has been determined that this Project does not have cumulatively considerable impacts.

In summary, given the mitigation measures required of the proposed Project and the analysis detailed in the preceding Initial Study, the proposed Project:

- Does not have environmental impacts which will cause substantial adverse effects on human beings, either directly nor indirectly.
- Does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish/wildlife or native plant species

(or cause their population to drop below self-sustaining levels), does not threaten to eliminate a native plant or animal community, and does not threaten or restrict the range of a rare or endangered plant or animal.

- Does not eliminate important examples of elements of California history or prehistory.
- Does not have impacts which would be cumulatively considerable even though individually limited.

Therefore, there are no mandatory findings of significance and preparation of an Environmental Impact Report is not warranted for this Project.

References

Center for Biological Diversity et al., B245131 (Court of Appeal, Second District, Division 5, California. July 11, 2016).

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Krazen & Associates, Inc. (2019b). *Phase I Environmental Site Assessment.*

Mitchell Air Quality Consulting. (2020). *Air Quality and Greenhouse Gas Analysis Report.*

Peters Engineering Group. (2020). *Traffic Impact Study- Proposed Tract 6295.*

WJA Acoustics Inc. (2020). *Acoustics Analysis Tract 6295.*

MEIR Mitigation Measure Monitoring Checklist for EA No. T-6295/P20-02759

September 30, 2020

INCORPORATING MEASURES FROM THE MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) CERTIFIED FOR THE CITY OF FRESNO GENERAL PLAN UPDATE (SCH No. 2012111015)

This mitigation measure monitoring and reporting checklist was prepared pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15097 and Section 21081.6 of the Public Resources Code (PRC). It was certified as part of the Fresno City Council's approval of the MEIR for the Fresno General Plan update (Fresno City Council Resolution 2014-225, adopted December 18, 2014).

Letter designations to the right of each MEIR mitigation measure listed in this Exhibit note how the mitigation measure relates to the environmental assessment of the above-listed project, according to the key found at right and at the bottoms of the following pages:

A - Incorporated into Project
B - Mitigated
C - Mitigation in Progress
D - Responsible Agency Contacted
E - Part of City-wide Program
F - Not Applicable

The timing of implementing each mitigation measure is identified in in the checklist, as well as identifies the entity responsible for verifying that the mitigation measures applied to a project are performed. Project applicants are responsible for providing evidence that mitigation measures are implemented. As lead agency, the City of Fresno is responsible for verifying that mitigation is performed/completed.

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Aesthetics:								
AES-1. 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. **Verification comments:**	Prior to issuance of building permits	Public Works Department (PW) and Planning and Development Dept. (P&D)	**X**					
Aesthetics *(continued)***:**								

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
AES-2: 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. **Verification comments:**	Prior to issuance of building permits	P&D	**X**					
AES-3: Lighting systems for non-residential uses, not including public facilities, shall provide shields on the light fixtures and orient the lighting system away from adjacent properties. Low intensity light fixtures shall also be used if excessive spillover light onto adjacent properties will occur. **Verification comments:**	Prior to issuance of building permits	P&D						**X**
AES-4: Lighting systems for freestanding signs shall not exceed 100 foot Lamberts (FT-L) when adjacent to streets which have an average light intensity of less than 2.0 horizontal footcandles and shall not exceed 500 FT-L when adjacent to streets which have an average light intensity of 2.0 horizontal footcandles or greater. **Verification comments:**	Prior to issuance of building permits	P&D						**X**

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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Aesthetics *(continued)*:								
AES-5: Materials used on building facades shall be non-reflective. **Verification comments:**	Prior to development project approval	P&D						X
Air Quality:								
AIR-1: Projects that include five or more heavy-duty truck deliveries per day with sensitive receptors located within 300 feet of the truck loading area shall provide a screening analysis to determine if the project has the potential to exceed criteria pollutant concentration based standards and thresholds for NO2 and PM2.5. If projects exceed screening criteria, refined dispersion modeling and health risk assessment shall be accomplished and if needed, mitigation measures to reduce impacts shall be included in the project to reduce the impacts to the extent feasible. Mitigation measures include but are not limited to: • Locate loading docks and truck access routes as far from sensitive receptors as reasonably possible considering site design limitations to comply with other City design standards. • Post signs requiring drivers to limit idling to 5 minutes or less. **Verification comments:**	Prior to development project approval	P&D						X

A - Incorporated into Project
B - Mitigated
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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Air Quality *(continued)*:								
AIR-2: Projects that result in an increased cancer risk of 10 in a million or exceed criteria pollutant ambient air quality standards shall implement site-specific measures that reduce toxic air contaminant (TAC) exposure to reduce excess cancer risk to less than 10 in a million. Possible control measures include but are not limited to: • Locate loading docks and truck access routes as far from sensitive receptors as reasonably possible considering site design limitations to comply with other City design standards. • Post signs requiring drivers to limit idling to 5 minutes or less • Construct block walls to reduce the flow of emissions toward sensitive receptors • Install a vegetative barrier downwind from the TAC source that can absorb a portion of the diesel PM emissions • For projects proposing to locate a new building containing sensitive receptors near existing sources of TAC emissions, install HEPA filters in HVAC systems to reduce TAC emission levels exceeding risk thresholds. • Install heating and cooling services at truck stops to eliminate the need for idling during overnight stops to run onboard systems. *(continued on next page)*	Prior to development project approval	P&D						**X**

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Air Quality *(continued)*:								
AIR-2 *(continued from previous page)* • For large distribution centers where the owner controls the vehicle fleet, provide facilities to support alternative fueled trucks powered by fuels such as natural gas or bio-diesel • Utilize electric powered material handling equipment where feasible for the weight and volume of material to be moved. **Verification comments:**	*[see previous page]*	*[see previous page]*						
AIR-3: Require developers proposing projects on ARB's list of projects in its Air Quality and Land Use Handbook (Handbook) warranting special consideration to prepare a cumulative health risk assessment when sensitive receptors are located within the distance screening criteria of the facility as listed in the ARB Handbook. **Verification comments:**	Prior to development project approval	P&D						**X**

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Air Quality *(continued)*:								
AIR-4: Require developers of projects containing sensitive receptors to provide a cumulative health risk assessment at project locations exceeding ARB Land Use Handbook distance screening criteria or newer criteria that may be developed by the San Joaquin Valley Air Pollution Control District (SJVAPCD). **Verification comments:**	Prior to development project approval	P&D						X
AIR-5: Require developers of projects with the potential to generate significant odor impacts as determined through review of SJVAPCD odor complaint history for similar facilities and consultation with the SJVAPCD to prepare an odor impact assessment and to implement odor control measures recommended by the SJVAPCD or the City to the extent needed to reduce the impact to less than significant. **Verification comments:**	Prior to development project approval	P&D						X

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Biological Resources:								
BIO-1: Construction of a proposed project should avoid, where possible, vegetation communities that provide suitable habitat for a special-status species known to occur within the Planning Area. If construction within potentially suitable habitat must occur, the presence/absence of any special-status plant or wildlife species must be determined prior to construction, to determine if the habitat supports any special-status species. If special-status species are determined to occupy any portion of a project site, avoidance and minimization measures shall be incorporated into the construction phase of a project to avoid direct or incidental take of a listed species to the greatest extent feasible. **Verification comments:**	Prior to development project approval	P&D	**X**					
BIO-2: Direct or incidental take of any state or federally listed species should be avoided to the greatest extent feasible. If construction of a proposed project will result in the direct or incidental take of a listed species, consultation with the resources agencies and/or additional permitting may be required. Agency consultation through the California Department of Fish and Wildlife (CDFW) 2081 and U.S. Fish and Wildlife Service (USFWS) Section 7 or Section 10 permitting processes must take place prior to any action that *(continued on next page)*	Prior to development project approval	P&D	**X**					

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Biological Resources *(continued)*:								
BIO-2 *(continued from previous page)* may result in the direct or incidental take of a listed species. Specific mitigation measures for direct or incidental impacts to a listed species will be determined on a case-by-case basis through agency consultation. **Verification comments:**	*[see previous page]*	*[see previous page]*						
BIO-3: Development within the Planning Area should avoid, where possible, special-status natural communities and vegetation communities that provide suitable habitat for special-status species. If a proposed project will result in the loss of a special-status natural community or suitable habitat for special-status species, compensatory habitat-based mitigation is required under CEQA and the California Endangered Species Act (CESA). Mitigation will consist of preserving on-site habitat, restoring similar habitat or purchasing off-site credits from an approved mitigation bank. Compensatory mitigation will be determined through consultation with the City and/or resource agencies. An appropriate mitigation strategy and ratio will be agreed upon by the developer and lead agency to reduce project impacts to special-status natural communities to a less than significant *(continued on next page)*	Prior to development project approval	P&D	**X**					

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Biological Resources *(continued)*:								
BIO-3 *(continued from previous page)*: level. Agreed-upon mitigation ratios will depend on the quality of the habitat and presence/absence of a special-status species. The specific mitigation for project level impacts will be determined on a case-by-case basis. **Verification comments:**	*[see previous page]*	*[see previous page]*						
BIO-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 must be conducted 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 must be on site to ensure that no proposed project activities would impact the active nest. A suitable buffer will be established around the active nest until the nestlings have fledged and the nest is no longer active. Project activities *(continued on next page)*	Prior to development project approval and during construction activities	P&D	**X**					

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F

Biological Resources *(continued)***:**

BIO-4 *(continued from previous page)***:** may continue in the vicinity of the nest only at the discretion of the biological monitor. **Verification comments:**	*[see previous page]*	*[see previous page]*						
BIO-5: If a proposed project will result in the removal or impact to any riparian habitat and/or a special-status natural community with potential to occur in the Planning Area, compensatory habitat-based mitigation shall be required to reduce project impacts. Compensatory mitigation must involve the preservation or restoration or the purchase of off-site mitigation credits for impacts to riparian habitat and/or a special-status natural community. Mitigation must be conducted in-kind or within an approved mitigation bank in the region. The specific mitigation ratio for habitat-based mitigation will be determined through consultation with the appropriate agency (*i.e.*, CDFW or USFWS) on a case-by-case basis. **Verification comments:**	Prior to development project approval	P&D	**X**					

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Biological Resources *(continued)*:								
BIO-6: Project impacts that occur to riparian habitat may also result in significant impacts to streambeds or waterways protected under Section 1600 of Fish and Wildlife Code and Section 404 of the CWA. CDFW and/or USACE consultation, determination of mitigation strategy, and regulatory permitting to reduce impacts, as required for projects that remove riparian habitat and/or alter a streambed or waterway, shall be implemented. **Verification comments:**	Prior to development project approval	P&D	**X**					
BIO-7: Project-related impacts to riparian habitat or a special-status natural community may result in direct or incidental impacts to special-status species associated with riparian or wetland habitats. Project impacts to special-status species associated with riparian habitat shall be mitigated through agency consultation, development of a mitigation strategy, and/or issuing incidental take permits for the specific special-status species, as determined by the CDFW and/or USFWS. **Verification comments:**	Prior to development project approval	P&D	**X**					

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Biological Resources *(continued)*:								
BIO-8: If a proposed project will result in the significant alteration or fill of a federally protected wetland, a formal wetland delineation conducted according to U.S. Army Corps of Engineers (USACE) accepted methodology is required for each project to determine the extent of wetlands on a project site. The delineation shall be used to determine if federal permitting and mitigation strategy are required to reduce project impacts. Acquisition of permits from USACE for the fill of wetlands and USACE approval of a wetland mitigation plan would ensure a "no net loss" of wetland habitat within the Planning Area. Appropriate wetland mitigation/creation shall be implemented in a ratio according to the size of the impacted wetland. **Verification comments:**	Prior to development project approval	P&D	**X**					
BIO-9: In addition to regulatory agency permitting, Best Management Practices (BMPs) identified from a list provided by the USACE shall be incorporated into the design and construction phase of the project to ensure that no pollutants or siltation drain into a federally protected wetland. Project design features such as fencing, appropriate drainage and *(continued on next page)*	Prior to development project approval; but for long-term operational BMPs, prior to issuance of occupancy	P&D	**X**					

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Biological Resources *(continued)***:**								
BIO-9 *(continued from previous page)***:** incorporating detention basins shall assist in ensuring project-related impacts to wetland habitat are minimized to the greatest extent feasible. **Verification comments:**	*[see previous page]*	*[see previous page]*						
Cultural Resources:								
CUL-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 *(continued on next page)*	Prior to commencement of, and during, construction activities	P&D	**X**					

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F

Cultural Resources *(continued)***:**

CUL-1 *(continued from previous page)* 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. 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-germ preservation to allow future scientific study. **Verification comments:**	*[see previous page]*	*[see previous page]*						
CUL-2: 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 prehistoric archaeological resources shall be conducted. The following procedures shall be followed. If prehistoric resources are not found during either the field survey or literature search, excavation and/or construction activities can commence. In the event that buried prehistoric *(continued on next page)*	Prior to commencement of, and during, construction activities	P&D	**X**					

A - Incorporated into Project
B - Mitigated
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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F

Cultural Resources *(continued)*:

CUL-2 *(continued from previous page)* archaeological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archaeologist 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 CEQA Guidelines Section 15064.5. If the resources are determined to be unique prehistoric archaeological resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation 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 prehistoric archaeological artifacts recovered as a result of mitigation shall be provided *(continued on next page)*	*[see previous page]*	*[see previous page]*	

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F

Cultural Resources *(continued)***:**

CUL-2 *(further continued from previous two pages)* to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study. If prehistoric resources are found during the field survey or literature review, the resources shall be inventoried using appropriate State record forms and submit the forms to the Southern San Joaquin Valley Information Center. The resources shall be evaluated for significance. If the resources are found to be significant, measures shall be identified by the qualified archaeologist. Similar to above, 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. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include an archaeological monitor. The monitoring period shall be determined by the qualified archaeologist. If additional prehistoric archaeological resources are found during *(continued on next page)*	*[see Page 14]*	*[see Page 14]*	

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
CUL-2 *(further continued from previous three pages)* excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed. **Verification comments:**	*[see Page 14]*	*[see Page 14]*						
CUL-3: 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 *(continued on next page)*	Prior to commencement of, and during, construction activities	P&D	**X**					

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
CUL-3 *(continued from previous page)* 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. If unique paleontological/geological resources are found during the field survey or literature review, the resources shall be inventoried and evaluated for significance. If the resources are found to be significant, mitigation measures shall be identified by the qualified paleontologist. Similar to above, 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. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the *(continued on next page)*	*[see previous page]*	*[see previous page]*						

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F

Cultural Resources *(continued)***:**

CUL-3 *(further continued from previous two pages)* resources found during the field survey or literature review shall include a paleontological monitor. The monitoring period shall be determined by the qualified paleontologist. If additional paleontological/geological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed. **Verification comments:**	*[see Page 17]*	*[see Page 17]*						
CUL-4: 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 *(continued on next page)*	Prior to commencement of, and during, construction activities	P&D						

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F

Cultural Resources *(continued)***:**

CUL-4 *(continued from previous page)* 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. **Verification comments:**	*[see previous page]*	*[see previous page]*	

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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Hazards and Hazardous Materials								
HAZ-1: Re-designate the existing vacant land proposed for low density residential located northwest of the intersection of East Garland Avenue and North Dearing Avenue and located within Fresno Yosemite International Airport Zone 1-RPZ, to Open Space. **Verification comments:**	Prior to development approvals	P&D	X					
HAZ-2: Limit the proposed low density residential (1 to 3 dwelling units per acre) located northwest of the airport, and located within Fresno Yosemite International Airport Zone 3-Inner Turning Area, to 2 dwelling units per acre or less. **Verification comments:**	Prior to development approvals	P&D	X					
HAZ-3: Re-designate the current area within Fresno Yosemite International Airport Zone 5-Sideline located northeast of the airport to Public Facilities-Airport or Open Space. **Verification comments:**	Prior to development approvals	P&D	X					

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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Hazards and Hazardous Materials *(continued)*:								
HAZ-4: Re-designate the current vacant lots at the northeast corner of Kearney Boulevard and South Thorne Avenue to Public Facilities-Airport or Open Space. **Verification comments:**	Prior to development approvals	P&D	**X**					
HAZ-5: Prohibit residential uses within Safety Zone 1 northwest of the Hawes Avenue and South Thorne Avenue intersection. **Verification comments:**	Prior to development approvals	P&D	**X**					
HAZ-6: Establish an alternative Emergency Operations Center in the event the current Emergency Operations Center is under redevelopment or blocked. **Verification comments:**	Prior to redevelopment of the current Emergency Operations Center	Fresno Fire Department and Mayor/ City Manager's Office	**X**					

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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Hydrology and Water Quality								
HYD-1: The City shall develop and implement water conservation measures to reduce the per capita water use to 215 gallons per capita per day. **Verification comments:**	Prior to water demand exceeding water supply	Department of Public Utilities (DPU)					X	
HYD-2: The City shall continue to be an active participant in the Kings Water Authority and the implementation of the Kings Basin IRWMP. **Verification comments:**	Ongoing	DPU					X	
HYD-5.1: The City and partnering agencies shall implement the following measures to reduce the impacts on the capacity of existing or planned storm drainage Master Plan collection systems to less than significant. • Implement the existing Storm Drainage Master Plan (SDMP) for collection systems in drainage areas where the amount of imperviousness is unaffected by the change in land uses. *(continued on next page)*	Prior to exceedance of capacity of existing stormwater drainage facilities	Fresno Metropolitan Flood Control District (FMFCD), P&D, and PW				X	X	

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F

Hydrology and Water Quality *(continued)***:**

HYD-5.1 *(continued from previous page)* • Update the SDMP in those drainage areas where the amount of imperviousness increased due to the change in land uses to determine the changes in the collection systems that would need to occur to provide adequate capacity for the stormwater runoff from the increased imperviousness. • Implement the updated SDMP to provide stormwater collection systems that have sufficient capacity to convey the peak runoff rates from the areas of increased imperviousness. Require developments that increase site imperviousness to install, operate, and maintain FMFCD approved on-site detention systems to reduce the peak runoff rates resulting from the increased imperviousness to the peak runoff rates that will not exceed the capacity of the existing stormwater collection systems. **Verification comments:**	*[see previous page]*	*[see previous page]*	

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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Hydrology and Water Quality *(continued)***:**								
HYD-5.2: The City and partnering agencies shall implement the following measures to reduce the impacts on the capacity of existing or planned storm drainage Master Plan retention basins to less than significant: Consult the SDMP to analyze the impacts to existing and planned retention basins to determine remedial measures required to reduce the impact on retention basin capacity to less than significant. Remedial measures would include: • Increase the size of the retention basin through the purchase of more land or deepening the basin or a combination for planned retention basins. • Increase the size of the emergency relief pump capacity required to pump excess runoff volume out of the basin and into adjacent canal that convey the stormwater to a disposal facility for existing retention basins. • Require developments that increase runoff volume to install, operate, and maintain, Low Impact Development (LID) measures to reduce runoff volume to the runoff volume that will not exceed the capacity of the existing retention basins. **Verification comments:**	Prior to exceedance of capacity of existing retention basin facilities	FMFCD, P&D, and PW				**X**	**X**	

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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Hydrology and Water Quality *(continued)*:								
HYD-5.3: The City and partnering agencies shall implement the following measures to reduce the impacts on the capacity of existing or planned storm drainage Master Plan urban detention (stormwater quality) basins to less than significant. Consult the SDMP to determine the impacts to the urban detention basin weir overflow rates and determine remedial measures required to reduce the impact on the detention basin capacity to less than significant. Remedial measures would include: • Modify overflow weir to maintain the suspended solids removal rates adopted by the FMFCD Board of Directors. • Increase the size of the urban detention basin to increase residence time by purchasing more land. The existing detention basins are already at the adopted design depth. • Require developments that increase runoff volume to install, operate, and maintain, Low Impact Development (LID) measures to reduce peak runoff rates and runoff volume to the runoff rates and volumes that will not exceed the weir overflow rates of the existing urban detention basins. **Verification comments:**	Prior to exceedance of capacity of existing urban detention basin (stormwater quality) facilities	FMFCD, P&D, and PW				**X**	**X**	

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B - Mitigated
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D - Responsible Agency Contacted
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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F

Hydrology and Water Quality *(continued)***:**

HYD-5.4: The City shall implement the following measures to reduce the impacts on the capacity of existing or planned storm drainage Master Plan pump disposal systems to less than significant. • Consult the SDMP to determine the extent and degree to which the capacity of the existing pump system will be exceeded. • Require new developments to install, operate, and maintain FMFCD design standard on-site detention facilities to reduce peak stormwater runoff rates to existing planned peak runoff rates. • Provide additional pump system capacity to maximum allowed by existing permitting to increase the capacity to match or exceed the peak runoff rates determined by the SDMP. **Verification comments:**	Prior to exceedance of capacity of existing pump disposal systems	FMFCD, P&D, and PW				**X**	**X**	

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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Hydrology and Water Quality *(continued)***:**								
• **HYD-5.5:** The City shall work with FMFCD to develop and adopt an update to the SDMP for the Southeast Development Area that would be adequately designed to collect, convey and dispose of runoff at the rates and volumes which would be generated by the planned land uses in that area. **Verification comments:**	Prior to development approvals in the Southeast Development Area	FMFCD, P&D, and PW				X	X	
Public Services:								
PS-1: As future fire facilities are planned, the fire department shall evaluate if specific environmental effects would occur. Typical impacts from fire facilities include noise, traffic, and lighting. Typical mitigation to reduce these impacts includes: • *Noise:* Barriers and setbacks on the fire department sites. • *Traffic:* Traffic devices for circulation and a "keep clear zone" during emergency responses. • *Lighting:* Provision of hoods and deflectors on lighting fixtures on the fire department sites. **Verification comments:**	During the planning process for future fire department facilities	P&D	X					

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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Public Services *(continued)*:								
PS-2: As future police facilities are planned, the police department shall evaluate if specific environmental effects would occur. Typical impacts from police facilities include noise, traffic, and lighting. Typical mitigation to reduce potential impacts from police department facilities includes: • *Noise:* Barriers and setbacks on the police department sites. • *Traffic:* Traffic devices for circulation. • *Lighting:* Provision of hoods and deflectors on lighting fixtures on the police department sites. **Verification comments:**	During the planning process for future Police Department facilities	P&D	**X**					
PS-3: As future public and private school facilities are planned, school districts shall evaluate if specific environmental effects would occur with regard to public schools, and P&D shall evaluate other school facilities. Typical impacts from school facilities include noise, traffic, and lighting. Typical mitigation to reduce potential impacts from school facilities includes: *(continued on next page)*	During the planning process for future school facilities	P&D, local school districts, and the Division of the State Architect	**X**					

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F

Public Services *(continued)***:**

PS-3 *(continued from previous page)* • *Noise*: Barriers and setbacks placed on school sites. • *Traffic*: Traffic devices for circulation. • *Lighting*: Provision of hoods and deflectors on lighting fixtures for stadium lights. **Verification comments:**	*[see previous page]*	*[see previous page]*						
PS-4: As future parks and recreational facilities are planned, the City shall evaluate if specific environmental effects would occur. Typical impacts from school facilities include noise, traffic, and lighting. Typical mitigation to reduce potential impacts from park and recreational facilities includes: • *Noise*: Barriers and setbacks placed on school sites. • *Traffic*: Traffic devices for circulation. • *Lighting*: Provision of hoods and deflectors on lighting fixtures for outdoor play area/field lights. **Verification comments:**	During the planning process for future park and recreation facilities	P&D	**X**					

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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Public Services *(continued)*:								
PS-5: As future detention, court, library, and hospital facilities are planned, the appropriate agencies shall evaluate if specific environmental effects would occur. Typical impacts from court, library, and hospital facilities include noise, traffic, and lighting. Typical mitigation to reduce potential impacts includes: • *Noise:* Barriers and setbacks placed on school sites. • *Traffic:* Traffic devices for circulation. • *Lighting:* Provision of hoods and deflectors on outdoor lighting fixtures. **Verification comments:**	During the planning process for future detention, court, library, and hospital facilities	P&D, to the extent that agencies constructing these facilities are subject to City of Fresno regulation	**X**					
Utilities and Service Systems								
USS-1: The City shall develop and implement a wastewater master plan update. **Verification comments:**	Prior to wastewater conveyance and treatment demand exceeding capacity	DPU				**X**	**X**	

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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Utilities and Service Systems *(continued)*:								
USS-2: Prior to exceeding existing wastewater treatment capacity, the City shall evaluate the wastewater system and shall not approve additional development that contributes wastewater to the wastewater treatment facility that could exceed capacity until additional capacity is provided. By approximately the year 2025, the City shall construct the following improvements: • Construct an approximately 70 MGD expansion of the Regional Wastewater Treatment and Reclamation Facility and obtain revised waste discharge permits as the generation of wastewater is increased. • Construct an approximately 0.49 MGD expansion of the North Facility and obtain revised waste discharge permits as the generation of wastewater is increased. **Verification comments:**	Prior to exceeding existing wastewater treatment capacity	DPU				X	X	
USS-3: Prior to exceeding existing wastewater treatment capacity, the City shall evaluate the wastewater system and shall not approve additional development that contributes wastewater to the wastewater treatment facility that could exceed capacity until additional capacity is provided. After *(continued on next page)*	Prior to exceeding existing wastewater treatment capacity	DPU	X					

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Utilities and Service Systems *(continued)*:								
USS-3 *(continued from previous page)* approximately the year 2025, the City shall construct the following improvements: • Construct an approximately 24 MGD wastewater treatment facility within the Southeast Development Area and obtain revised waste discharge requirements as the generation of wastewater is increased. • Construct an approximately 9.6 MGD expansion of the Regional Wastewater Treatment and Reclamation Facility and obtain revised waste discharge permits as the generation of wastewater is increased. **Verification comments:**	*[see previous page]*	*[see previous page]*						
USS-4: A Traffic Control/Traffic Management Plan to address traffic impacts during construction of water and sewer facilities shall be prepared and implemented, subject to approval by the City (and Fresno County, when work is being done in unincorporated area roadways). The plan shall identify access and parking restrictions, pavement markings and signage, and hours of construction and for deliveries. It shall include haul routes, the notification plan, and coordination with emergency service providers and schools. **Verification comments:**	Prior to construction of water and sewer facilities	PW for work in the City; PW and Fresno County Public Works and Planning when unincorporated area roadways are involved	**X**					

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Utilities and Service Systems *(continued)*:								
USS-5: Prior to exceeding capacity within the existing wastewater collection system facilities, the City shall evaluate the wastewater collection system and shall not approve additional development that would generate additional wastewater and exceed the capacity of a facility until additional capacity is provided. By approximately the year 2025, the following capacity improvements shall be provided. • Orange Avenue Trunk Sewer: This facility shall be improved between Dakota and Jensen Avenues. Approximately 37,240 feet of new sewer main shall be installed and approximately 5,760 feet of existing sewer main shall be rehabilitated. The size of the new sewer main shall range from 27 inches to 42 inches in diameter. The associated project designations in the 2006 Wastewater Master Plan are RS03A, RL02, C01-REP, C02-REP, C03-REP, C04-REP, C05-REP, C06-REL and C07-REP. • Marks Avenue Trunk Sewer: This facility shall be improved between Clinton Avenue and Kearney Boulevard. Approximately 12,150 feet of new sewer main shall be installed. The size of the new sewer main shall range from 33 inches to 60 inches in diameter. The associated project designations in the 2006 Wastewater Master Plan are CM1-REP and CM2-REP. *(continued on next page)*	Prior to exceeding capacity within the existing wastewater collection system facilities	DPU	**X**					

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F

Utilities and Service Systems *(continued)***:**

USS-5 *(continued from previous page)* • North Avenue Trunk Sewer: This facility shall be improved between Polk and Fruit Avenues and also between Orange and Maple Avenues. Approximately 25,700 feet of new sewer main shall be installed. The size of the new sewer main shall range from 48 inches to 66 inches in diameter. The associated project designations in the 2006 Wastewater Master Plan are CN1-REL1 and CN3-REL1. • Ashlan Avenue Trunk Sewer: This facility shall be improved between Hughes and West Avenues and also between Fruit and Blackstone Avenues. Approximately 9,260 feet of new sewer main shall be installed. The size of the new sewer main shall range from 24 inches to 36 inches in diameter. The associated project designations in the 2006 Wastewater Master Plan are CA1-REL and CA2-REP. **Verification comments:**	*[see previous page]*	*[see previous page]*	

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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Utilities and Service Systems *(continued)*:								
USS-6: Prior to exceeding capacity within the existing 28 pipeline segments shown in Figures 1 and 2 in Appendix J-1, the City shall evaluate the wastewater collection system and shall not approve additional development that would generate additional wastewater and exceed the capacity of one of the 28 pipeline segments until additional capacity is provided. **Verification comments:**	Prior to exceeding capacity within the existing 28 pipeline segments shown in Figures 1 and 2 in Appendix J-1 of the MEIR	DPU	**X**					
USS-7: Prior to exceeding existing water supply capacity, the City shall evaluate the water supply system and shall not approve additional development that demand additional water until additional capacity is provided. By approximately the year 2025, the following capacity improvements shall be provided. • Construct an approximately 80 million gallon per day (MGD) surface water treatment facility near the intersection of Armstrong and Olive Avenues, in accordance with Chapter 9 and Figure 9-1 of the City of Fresno Metropolitan Water Resources Management Plan Update (2014 Metro Plan Update) Phase 2 Report, dated January 2012. *(continued on next page)*	Prior to exceeding existing water supply capacity	DPU	**X**					

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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Utilities and Service Systems *(continued)*:								
USS-7 *(continued from previous page)* • Construct an approximately 30 MGD expansion of the existing northeast surface water treatment facility for a total capacity of 60 MGD, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update. • Construct an approximately 20 MGD surface water treatment facility in the southwest portion of the City, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update. **Verification comments:**	*[see previous page]*	*[see previous page]*						
USS-8: Prior to exceeding capacity within the existing water conveyance facilities, the City shall evaluate the water conveyance system and shall not approve additional development that would demand additional water and exceed the capacity of a facility until additional capacity is provided. The following capacity improvements shall be provided by approximately 2025. • Construct 65 new groundwater wells, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update. *(continued on next page)*	Prior to exceeding capacity within the existing water conveyance facilities	DPU	**X**					

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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F

Utilities and Service Systems *(continued)*:

USS-8 *(continued from previous page)* • Construct a 2.0 million gallon potable water reservoir (Reservoir T2) near the intersection of Clovis and California Avenues, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update. • Construct a 3.0 million gallon potable water reservoir (Reservoir T3) near the intersection of Temperance and Dakota Avenues, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update. • Construct a 3.0 million gallon potable water reservoir (Reservoir T4) in the Downtown Planning Area, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update. • Construct a 4.0 million gallon potable water reservoir (Reservoir T5) near the intersection of Ashlan and Chestnut Avenues, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update. • Construct a 4.0 million gallon potable water reservoir (Reservoir T6) near the intersection of Ashlan Avenue and Highway 99, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update. *(continued on next page)*	*[see previous page]*	*[see previous page]*	

A - Incorporated into Project
B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Utilities and Service Systems *(continued)*:								
USS-8 *(continued from previous two pages)* • Construct 50.3 miles of regional water transmission mains ranging in size from 24-inch to 48-inch diameter, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update. • Construct 95.9 miles of 16-inch diameter transmission grid mains, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update. **Verification comments:**	*[see Page 37]*	*[see Page 37]*						
USS-9: Prior to exceeding capacity within the existing water conveyance facilities, the City shall evaluate the water conveyance system and shall not approve additional development that would demand additional water and exceed the capacity of a facility until additional capacity is provided. The following capacity improvements shall be provided after approximately the year 2025 and additional water conveyance facilities shall be provided prior to exceedance of capacity within the water conveyance facilities to accommodate full buildout of the General Plan Update. *(continued on next page)*	Prior to exceeding capacity within the existing water conveyance facilities	DPU	**X**					

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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Utilities and Service Systems *(continued)***:**								
USS-9 *(continued from previous page)* • Construct a 4.0 million gallon potable water reservoir (SEDA Reservoir 1) within the northern part of the Southeast Development Area. • Construct a 4.0 million gallon potable water reservoir (SEDA Reservoir 2) within the southern part of the Southeast Development Area. Additional water conveyance facilities shall be provided prior to exceedance of capacity within the water conveyance facilities to accommodate full buildout of the General Plan Update. **Verification comments:**	*[see previous page]*	*[see previous page]*						
Utilities and Service Systems - *Hydrology and Water Quality*								
USS-10: In order to maintain Fresno Irrigation District canal operability, FMFCD shall maintain operational intermittent flows during the dry season, within defined channel capacity and downstream capture capabilities, for recharge. **Verification comments:**	During the dry season	Fresno Irrigation District (FID)	**X**					

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B - Mitigated
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D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Utilities and Service Systems - *Biological Resources:*								
USS-11: When FMFCD proposes to provide drainage service outside of urbanized areas: (a) FMFCD shall conduct preliminary investigations on undeveloped lands outside of highly urbanized areas. These investigations shall examine wetland hydrology, vegetation and soil types. These preliminary investigations shall be the basis for making a determination on whether or not more in-depth wetland studies shall be necessary. If the proposed project site does not exhibit wetland hydrology, support a prevalence of wetland vegetation and wetland soil types then no further action is required. (b) Where proposed activities could have an impact on areas verified by the Corps as jurisdictional wetlands or waters of the U.S. (urban and rural streams, seasonal wetlands, and vernal pools), FMFCD shall obtain the necessary Clean Water Act, Section 404 permits for activities where fill material shall be placed in a wetland, obstruct the flow or circulation of waters of the United States, impair or reduce the reach of such waters. As part of FMFCD's Memorandum of Understanding with CDFG, Section 404 and 401 permits would be obtained from the U.S. Army Corps of Engineers and from the *(continued on next page)*	Prior to development approvals outside of highly urbanized areas	California Regional Water Quality Control Board (RWQCB), and USACE	**X**					

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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F

Utilities and Service Systems - *Biological Resources* *(continued)**:***

USS-11 *(continued from previous page)* Regional Water Quality Control Board for any activity involving filling of jurisdictional waters). At a minimum, to meet "no net loss policy," the permits shall require replacement of wetland habitat at a 1**:**1 ratio. (c) Where proposed activities could have an impact on areas verified by the Corps as jurisdictional wetlands or waters of the U.S. (urban and rural streams, seasonal wetlands, and vernal pools), FMFCD shall submit and implement a wetland mitigation plan based on the wetland acreage verified by the U.S. Army Corps of Engineers. The wetland mitigation plan shall be prepared by a qualified biologist or wetland scientist experienced in wetland creation, and shall include the following or equally effective elements: i. Specific location, size, and existing hydrology and soils within the wetland creation area. ii. Wetland mitigation techniques, seed source, planting specifications, and required buffer setbacks. In addition, the mitigation plan shall ensure adequate water supply is provided to the created wetlands in order to maintain the proper *(continued on next page)*	*[see previous page]*	*[see previous page]*	

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F

Utilities and Service Systems - *Biological Resources* *(continued)**:***

USS-11 *(continued from previous two pages)* hydrologic regimes required by the different types of wetlands created. Provisions to ensure the wetland water supply is maintained in perpetuity shall be included in the plan. iii. A monitoring program for restored, enhanced, created, and preserved wetlands on the project site. A monitoring program is required to meet three objectives; 1) establish a wetland creation success criteria to be met; 2) to specify monitoring methodology; 3) to identify as far as is possible, specific remedial actions that will be required in order to achieve the success criteria; and 4) to document the degree of success achieved in establishing wetland vegetation. (d) A monitoring plan shall be developed and implemented by a qualified biologist to monitor results of any on-site wetland restoration and creation for five years. The monitoring plan shall include specific success criteria, frequency and timing of monitoring, and assessment of whether or not maintenance activities are being carried out and how these shall be adjusted if necessary. *(continued on next page)*	*[see Page 41]*	*[see Page 41]*	

A - Incorporated into Project
B - Mitigated
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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Utilities and Service Systems - *Biological Resources* *(continued)**:***								
USS-11 *(continued from previous three pages)* If monitoring reveals that success criteria are not being met, remedial habitat creation or restoration should be designed and implemented by a qualified biologist and subject to five years of monitoring as described above. Or (e) In lieu of developing a mitigation plan that outlines the avoidance, purchase, or creation of wetlands, FMFCD could purchase mitigation credits through a Corps approved Mitigation Bank. **Verification comments:**	*[see Page 41]*	*[see Page 41]*						
USS-12: When FMFCD proposes to provide drainage service outside in areas that support seasonal wetlands or vernal pools: (a) During facility design and prior to initiation of ground disturbing activities in areas that support seasonal wetlands or vernal pools, FMFCD shall conduct a preliminary rare plant assessment. The assessment will determine the likelihood on whether or not the project site could support rare plants. If it is determined that the project site would not support rare plants, then no further *(continued on next page)*	During facility design and prior to initiation of ground disturbing activities in areas that support seasonal wetlands or vernal pools	California Department of Fish & Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS)	**X**					

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F

Utilities and Service Systems - *Biological Resources* *(continued)**:***

USS-12 *(continued from previous page)* action is required. However, if the project site has the potential to support rare plants; then a rare plant survey shall be conducted. Rare plant surveys shall be conducted by qualified biologists in accordance with the most current CDFG/USFWS guidelines or protocols and shall be conducted at the time of year when the plants in question are identifiable. (b) Based on the results of the survey, prior to design approval, FMFCD shall coordinate with CDFG and/or implement a Section 7 consultation with USFWS, shall determine whether the project facility would result in a significant impact to any special status plant species. Evaluation of project impacts shall consider the following: • The status of the species in question (*e.g.*, officially listed by the State or Federal Endangered Species Acts). • The relative density and distribution of the on-site occurrence versus typical occurrences of the species in question. *(continued on next page)*	*[see previous page]*	*[see previous page]*	

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F

Utilities and Service Systems - *Biological Resources* *(continued)***:**

USS-12 *(continued from previous two pages)* • The habitat quality of the on-site occurrence relative to historic, current or potential distribution of the population. (c) Prior to design approval, and in consultation with the CDFG and/or the USFWS, FMFCD shall prepare and implement a mitigation plan, in accordance with any applicable State and/or federal statutes or laws, that reduces impacts to a less than significant level. **Verification comments:**	*[see Page 44]*	*[see Page 44]*						
USS-13: When FMFCD proposes to provide drainage service outside in areas that support seasonal wetlands or vernal pools: (a) During facility design and prior to initiation of ground disturbing activities in areas that support seasonal wetlands or vernal pools, FMFCD shall conduct a preliminary survey to determine the presence of listed vernal pool crustaceans. *(continued on next page)*	During facility design and prior to initiation of ground disturbing activities in areas that support seasonal wetlands or vernal pools	CDFW and USFWS	**X**					

A - Incorporated into Project
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D - Responsible Agency Contacted
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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F

Utilities and Service Systems - *Biological Resources* *(continued)***:**

USS-13 *(continued from previous page)* (b) If potential habitat (vernal pools, seasonally inundated areas) or fairy shrimp exist within areas proposed to be disturbed, FMFCD shall complete the first and second phase of fairy shrimp presence or absence surveys. If an absence finding is determined and accepted by the USFWS, then no further mitigation shall be required for fairy shrimp. (c) If fairy shrimp are found to be present within vernal pools or other areas of inundation to be impacted by the implementation of storm drainage facilities, FMFCD shall mitigate impacts on fairy shrimp habitat in accordance with the USFWS requirements of the Programmatic Biological Opinion. This shall include on-site or off-site creation and/or preservation of fairy shrimp habitat at ratios ranging from 3:1 to 5:1 depending on the habitat impacted and the choice of on-site or off-site mitigation. Or mitigation shall be the purchase of mitigation credit through an accredited mitigation bank. **Verification comments:**	*[see previous page]*	*[see previous page]*	

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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Utilities and Service Systems - *Biological Resources* *(continued)***:**								
USS-14: When FMFCD proposes to construct drainage facilities in an area where elderberry bushes may occur: (a) During facility design and prior to initiation of construction activities, FMFCD shall conduct a project-specific survey for all potential Valley Elderberry Longhorn Beetle (VELB) habitats (elderberry shrubs), including a stem count and an assessment of historic or current VELB habitat. (b) FMFCD shall avoid and protect all potential identified VELB habitat where feasible. (c) Where avoidance is infeasible, develop and implement a VELB mitigation plan in accordance with the most current USFWS mitigation guidelines for unavoidable take of VELB habitat pursuant to either Section 7 or Section 10(a) of the Federal Endangered Species Act. The mitigation plan shall include, but might not be limited to, relocation of elderberry shrubs, planting of elderberry shrubs, and monitoring of relocated and planted elderberry shrubs. **Verification comments:**	During facility design and prior to initiation of construction activities	CDFW and USFWS	**X**					

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B - Mitigated
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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Utilities and Service Systems - *Biological Resources* *(continued)***:**								
USS-15: Prior to ground disturbing activities during nesting season (March through July) for a project that supports bird nesting habitat, FMFCD shall conduct a survey of trees. If nests are found during the survey, a qualified biologist shall assess the nesting activity on the project site. If active nests are located, no construction activities shall be allowed within 250 feet of the nest until the young have fledged. If construction activities are planned during the no n-breeding period (August through February), a nest survey is not necessary. **Verification comments:**	Prior to ground disturbing activities during nesting season (March through July) for a project that supports bird nesting habitat	CDFW and USFWS	**X**					
USS-16: When FMFCD proposes to construct drainage facilities in an area that supports bird nesting habitat: (a) FMFCD shall conduct a pre-construction breeding-season survey (approximately February 1 through August 31) of proposed project sites in suitable habitat (levee and canal berms, open grasslands with suitable burrows) during the same calendar year that construction is planned to begin. If phased construction procedures are planned for the proposed project, the results of the above survey shall be valid only for the season when it is conducted. *(continued on next page)*	Prior to ground disturbing activities during nesting season (March through July) for a project that supports bird nesting habitat	CDFW and USFWS	**X**					

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F

Utilities and Service Systems - *Biological Resources* *(continued)***:**

USS-16 *(continued from previous page)* (b) During the construction stage, FMFCD shall avoid all burrowing owl nest sites potentially disturbed by project construction during the breeding season while the nest is occupied with adults and/or young. The occupied nest site shall be monitored by a qualified biologist to determine when the nest is no longer used. Avoidance shall include the establishment of a 160-foot diameter non-disturbance buffer zone around the nest site. Disturbance of any nest sites shall only occur outside of the breeding season and when the nests are unoccupied based on monitoring by a qualified biologist. The buffer zone shall be delineated by highly visible temporary construction fencing. Based on approval by CDFG, pre-construction and pre-breeding season exclusion measures may be implemented to preclude burrowing owl occupation of the project site prior to project-related disturbance. Burrowing owls can be passively excluded from potential nest sites in the construction area, either by closing the burrows or placing one-way doors in the burrows according to current CDFG protocol. Burrows shall be examined not more than 30 days before construction to ensure that no owls have recolonized the area of construction. *(continued on next page)*	*[see previous page]*	*[see previous page]*	

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Utilities and Service Systems - *Biological Resources* *(continued)***:**								
USS-16 *(continued from previous two pages)* For each burrow destroyed, a new burrow shall be created (by installing artificial burrows at a ratio of 2:1 on protected lands nearby. **Verification comments:**	*[see Page 49]*	*[see Page 49]*						
USS-17: When FMFCD proposes to construct drainage facilities in the San Joaquin River corridor: (a) FMFCD shall not conduct instream activities in the San Joaquin River between October 15 and April 15. If this is not feasible, FMFCD shall consult with the National Marine Fisheries Service and CDFW on the appropriate measures to be implemented in order to protect listed salmonids in the San Joaquin River. (b) Riparian vegetation shading the main–channel that is removed or damaged shall be replaced at a ratio and quantity sufficient to maintain the existing shading of the channel. The location of replacement trees on or within *(continued on next page)*	During instream activities conducted between October 15 and April 15	National Marine Fisheries Service (NMFS), CDFW, and Central Valley Flood Protection Board (CVFPB)	**X**					

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D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Utilities and Service Systems / *Biological Resources* *(continued)***:**								
USS-17 *(continued from previous page)* FMFCD berms, detention ponds or river channels shall be approved by FMFCD and the Central Valley Flood Protection Board. **Verification comments:**	*[see previous page]*	*[see previous page]*						
Utilities and Service Systems – *Recreation / Trails*:								
USS-18: When FMFCD updates its District Service Plan: Prior to final design approval of all elements of the District Services Plan, FMFCD shall consult with Fresno County, City of Fresno, and City of Clovis to determine if any element would temporarily disrupt or permanently displace adopted existing or planned trails and associated recreational facilities as a result of the proposed District Services Plan. If the proposed project would not temporarily disrupt or permanently displace adopted existing or planned trails, no further mitigation is necessary. If the proposed project would have an effect on the trails and associated facilities, FMFCD shall implement the following: *(continued on next page)*	Prior to final design approval of all elements of the District Services Plan	P&D, PW, City of Clovis, and County of Fresno	**X**					

A - Incorporated into Project
B - Mitigated
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D - Responsible Agency Contacted
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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Utilities and Service Systems – *Recreation / Trails* *(continued)*:								
USS-18 *(continued from previous page)* (a) If short-term disruption of adopted existing or planned trails and associated recreational facilities occur, FMFCD shall consult and coordinate with Fresno County, City of Fresno, and City of Clovis to temporarily re-route the trails and associated facilities. (b) If permanent displacement of the adopted existing or planned trails and associated recreational facilities occur, the appropriate design modifications to prevent permanent displacement shall be implemented in the final project design or FMFCD shall replace these facilities. **Verification comments:**	*[see previous page]*	*[see previous page]*						
Utilities and Service Systems – *Air Quality*:								
USS-19: When District drainage facilities are constructed, FMFCD shall: (a) Minimize idling time of construction equipment vehicles to no more than ten minutes, or require that engines be shut off when not in use. *(continued on next page)*	During storm water drainage facility construction activities	Fresno Metropolitan Flood Control District and SJVAPCD	**X**					

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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Utilities and Service Systems – *Air Quality* *(continued)*:								
USS-19 *(continued from previous page)* (b) Construction shall be curtailed as much as possible when the Air Quality Index (AQI) is above 150. AQI forecasts can be found on the SJVAPCD web site. (c) Off-road trucks should be equipped with on-road engines if possible. (d) Construction equipment should have engines that meet the current off-road engine emission standard (as certified by CARB), or be re-powered with an engine that meets this standard. **Verification comments:**	*[see previous page]*	*[see previous page]*						
Utilities and Service Systems – *Adequacy of Storm Water Drainage Facilities*:								
USS-20: Prior to exceeding capacity within the existing storm water drainage facilities, the City shall coordinate with FMFCD to evaluate the storm water drainage system and shall not approve additional development that would convey additional storm water to a facility that would experience an exceedance of capacity until the necessary additional capacity is provided. **Verification comments:**	Prior to exceeding capacity within the existing storm water drainage facilities	FMFCD, PW, and P&D	**X**					

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Utilities and Service Systems – *Adequacy of Water Supply Capacity*:								
USS-21: Prior to exceeding existing water supply capacity, the City shall evaluate the water supply system and shall not approve additional development that demand additional water until additional capacity is provided. By approximately the year 2025, the City shall construct an approximately 25,000 AF/year tertiary recycled water expansion to the Fresno-Clovis Regional Wastewater Reclamation Facility in accordance with the 2013 Recycled Water Master Plan and the 2014 City of Fresno Metropolitan Water Resources Management Plan update. Implementation of Mitigation Measure USS-5 is also required prior to approximately the year 2025. **Verification comments:**	Prior to exceeding existing water supply capacity	DPU and P&D	**X**					
Utilities and Service Systems – *Adequacy of Landfill Capacity*:								
USS-22: Prior to exceeding landfill capacity, the City shall evaluate additional landfill locations and shall not approve additional development that could contribute solid waste to a landfill that is at capacity until additional capacity is provided. **Verification comments:**	Prior to exceeding landfill capacity	DPU and P&D	**X**					

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F - Not Applicable

Project Specific Mitigation Monitoring Checklist dated September 2020

Additional Mitigation Measures (Project Specific)

BIO-4: Pre-activity Surveys for Special-Status Species: Prior to ground disturbing activities, a qualified wildlife biologist shall conduct a biological clearance survey no more than 30 calendar days prior to the onset of construction. The clearance survey shall include walking transects to identify presence of San Joaquin kit fox, American badger, Swainson's hawk, western burrowing owl, nesting birds and other special-status species or signs of, and sensitive natural communities. The pre-activity survey shall be walked by no greater than 30-foot transects for 100 percent coverage of the Project site and the 250-foot buffer, where feasible. If no evidence of special-status species is detected, no further action is required but measure MM BIO-6 shall be implemented.

BIO-5: Avoidance of San Joaquin Kit Fox and American badger dens: If dens/burrows that could support the San Joaquin kit fox or American badger are discovered during the pre-activity surveys conducted under MM BIO-4, the avoidance buffers outlined below shall be established. No work would occur within these buffers unless the biologist approves and monitors the activity.

- Potential Den – 50 feet
- Atypical Den – 50 feet (includes pipes and other man-made structures)
- Known Den – 100 Feet
- Natal/Pupping Den – 500 feet

BIO-6: Avoidance and Minimization Measures for San Joaquin Kit Fox: The following avoidance and minimization measures shall be implemented during all phases of the Project to reduce the potential for impact from the Project. They are modified from the *U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011).

1. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the construction or Project site.
2. Construction-related vehicle traffic shall be restricted to established roads and predetermined ingress and egress corridors, staging, and parking areas. Vehicle speeds shall not exceed 20 miles per hour (mph) within the Project site.
3. To prevent inadvertent entrapment of kit fox or other animals during construction, the contractor shall cover all excavated, steep-walled holes or trenches more than two feet deep at the close of each workday with plywood or similar materials. If holes or trenches cannot

be covered, one or more escape ramps constructed of earthen fill or wooden planks shall be installed in the trench. Before such holes or trenches are filled, the contractor shall thoroughly inspect them for entrapped animals. All construction-related pipes, culverts, or similar structures with a diameter of four-inches or greater that are stored on the Project site shall be thoroughly inspected for wildlife before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If at any time an entrapped or injured kit fox is discovered, work in the immediate area shall be temporarily halted and USFWS and CDFW shall be consulted.

4. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS and CDFW has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
5. No pets, such as dogs or cats, shall be permitted on the Project sites to prevent harassment, mortality of kit foxes, or destruction of dens.
6. Use of anti-coagulant rodenticides and herbicides in Project sites shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the USFWS and CDFW. If rodent control must be conducted, zinc phosphide shall be used because of the proven lower risk to kit foxes.
7. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative shall be identified during the employee education program and their name and telephone number shall be provided to the USFWS.
8. The Sacramento Fish and Wildlife Office of USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below.

The CDFW contact can be reached at (559) 243-4014 and R4CESA@wildlifeca.gov.

9. All sightings of the San Joaquin kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to the Service at the address below.
10. Any Project-related information required by the USFWS or questions concerning the above conditions, or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at: Endangered Species Division, 2800 Cottage Way, Suite W 2605, Sacramento, California 95825-1846, phone: (916) 414-6620 or (916) 414-6600.

BIO-7: Pre-activity Surveys for Nesting Birds: If construction is planned outside the nesting period for raptors (other than the western burrowing owl) and migratory birds (February 1 to August 31), no mitigation shall be required. If construction is planned during the nesting season for migratory birds and raptors, a pre-activity survey to identify active bird nests shall be conducted by a qualified biologist to evaluate the site and a 250-foot buffer for migratory birds and a 500-foot buffer for raptors. If nesting birds are identified during the survey, active raptor nests shall be avoided by 500 feet and all other migratory bird nests shall be avoided by 250 feet. Avoidance buffers may be reduced if a qualified on-site monitor determines that encroachment into the buffer area is not affecting nest building, the rearing of young, or otherwise affecting the breeding behaviors of the resident birds. Because nesting birds can establish new nests or produce a second or even third clutch at any time during the nesting season, nesting bird surveys shall be repeated every 30 days as construction activities are occurring throughout the nesting season.

No construction or earth-moving activity shall occur within a non-disturbance buffer until it is determined by a qualified biologist that the young have fledged (left the nest) and have attained sufficient flight skills to avoid Project construction areas. Once the migratory birds or raptors have completed nesting and young have fledged, disturbance buffers will no longer be needed and can be removed, and monitoring can cease.

BIO-8: Pre-activity Surveys for Swainson's Hawk Nests: If all Project activities are completed outside of the Swainson's hawk nesting season (February 15 through August 31), this mitigation measure shall need not be applied. If no Swainson's hawk nests are found, no further action is required.

If construction is planned during the nesting season, a pre-activity survey shall be conducted by a qualified biologist to evaluate the site and a 0.5-mile buffer around the site for active Swainson's hawk nests. If potential Swainson's hawk nests or nesting substrates occur within 0.5 mile of the Project site, then those nests or substrates must be monitored for Swainson's

hawk nesting activity on a routine and repeating basis throughout the breeding season, or until Swainson's hawks or other raptor species are verified to be using them. Monitoring shall be conducted according to the protocol outlined in the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee 2000). The protocol recommends that ten visits be made to each nest or nesting site: one during January 1-March 20 to identify potential nest sites, three during March 20-April 5, three during April 5-April 20, and three during June 10-July 30. To meet the minimum level of protection for the species, surveys shall be completed for at least the two survey periods immediately prior to Project-related ground disturbance activities. During the nesting period, active Swainson's hawk nests shall be avoided by 0.5 mile unless this avoidance buffer is reduced through consultation with the CDFW and/or USFWS. If an active Swainson's hawk nest is located within 500 feet of the Project or within the Project site, the Project proponent shall contact CDFW for guidance.

BIO-9: Swainson's Hawk Nest Avoidance: If an active Swainson's hawk nest is discovered at any time within 0.5-mile of active construction, a qualified biologist will complete an assessment of the potential for current construction activities to impact the nest. The assessment will consider the type of construction activities, the location of construction relative to the nest, the visibility of construction activities from the nest location, and other existing disturbances in the area that are not related to construction activities of this Project. Based on this assessment, the biologist will determine if construction activities can proceed and the level of nest monitoring required. Construction activities shall not occur within 500 feet of an active nest but depending upon conditions at the site this distance may be reduced. Full-time monitoring to evaluate the effects of construction activities on nesting Swainson's hawks may be required. The qualified biologist shall have the authority to stop work if it is determined that Project construction is disturbing the nest. These buffers may need to increase depending on the sensitivity of the nest location, the sensitivity of the nesting Swainson's hawk to disturbances, and at the discretion of the qualified biologist.

BIO-10: Pre-activity Surveys for Western Burrowing Owl Burrows: A qualified biologist shall conduct a pre-activity survey on the Project site and within 500 feet of its perimeter, where feasible, to identify the presence of the western burrowing owl. The survey shall be conducted between 14 and 30 days prior to the start of construction activities. If any western burrowing owl burrows are observed during the pre-activity survey, avoidance measures shall be consistent with those included in the CDFW staff report on western burrowing owl mitigation (CDFG 2012). If occupied western burrowing owl burrows are observed outside of the breeding season (September 1 through January 31) and within 250 feet of proposed construction activities, a passive relocation effort may be instituted in accordance with the guidelines established by the

California Western Burrowing Owl Consortium (1993) and the California Department of Fish and Wildlife (2012). During the breeding season (February 1 through August 31), a 500-foot (minimum) buffer zone shall be maintained unless a qualified biologist verifies through noninvasive methods that either the birds have not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

If western burrowing owl are found to occupy the Project site and avoidance is not possible, burrow exclusion may be conducted by qualified biologists only during the non-breeding season, before breeding behavior is exhibited, and after the burrow is confirmed empty through non-invasive methods (surveillance). Replacement or occupied burrows shall consist of artificial burrows at a ratio of one burrow collapsed to one artificial burrow constructed (1:1). Ongoing surveillance of the Project site during construction activities shall occur at a rate sufficient to detect western burrowing owl, if they return.

In addition, impacts to occupied western burrowing owl burrows shall be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

BIO-11: Worker Environmental Awareness Training: Prior to ground disturbance activities, or within one week of being deployed at the Project site for newly hired workers, all construction workers at the Project site shall attend a Construction Worker Environmental Awareness Training and Education Program, developed and presented by a qualified biologist.

The Construction Worker Environmental Awareness Training and Education Program shall be presented by the biologist and shall include information on the life history wildlife and plant species that may be encountered during construction activities, their legal protections, the definition of “take” under the Endangered Species Act, measures the Project operator is implementing to protect the species, reporting requirements, specific measures that each worker must employ to avoid take of the species, and penalties for violation of the Act. Identification and information regarding special-status or other

sensitive species with the potential to occur on the Project site shall also be provided to construction personnel. The program shall include:

- An acknowledgement form signed by each worker indicating that environmental training has been completed.
- A copy of the training transcript and/or training video/CD, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be maintain on site for the duration of construction activities.

GEO-1: Prior to issuing of grading or building permits, a registered Geotechnical engineer and structural engineer shall be hired to oversee the construction of the Project.

GEO-2[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.

If unique paleontological/geological resources are found during the field survey or literature review, the resources shall be inventoried and evaluated for significance. If the resources are found to be significant, mitigation

1 Mitigation Measure GEO-2, was taken from the Fresno General Plan MEIR and originally called CUL-3 within the MEIR Mitigation Measure Monitoring Checklist. This changed was made because Appendix G of the CEQA Guidelines, Paleontological Resources are included under the Geology and Soils section.

measures shall be identified by the qualified paleontologist. Similar to above, 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. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include a paleontological monitor. The monitoring period shall be determined by the qualified paleontologist. If additional paleontological/geological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.

GEO-3: Site preparation shall include but is not limited to:

1. Earthwork in accordance with Appendix J of the 2016 CBC.
2. Fill material shall be moisture conditioned as necessary and recompacted to a minimum 90% of maximum density based on ASTM Test Method D1557.
3. Fill material with clayey soils with an expansion index great than 15 shall not be used in the upper 12 inches of slab-on-grade and exterior flatwork areas.
4. Removal of vegetation, organic rich soils from the grading area to a depth of two to four inches, or until all organics in excess of 3% by volume are removed.
5. Removal of all concrete footings, septic tanks, debris cesspools or similar structures shall be removed entirely.
6. The use of shallow footings shall be located on undisturbed native soil or engineered fill. If spread or continuous footings are used, they shall be designed for an dead load of 1,500 psf and a bearing pressure of 2,000 psf for dead-plus-live loads, as recommended by the registered Geotechnical engineer or Structural Engineer.
7. Footings shall have a minimum embedment of 12 inches.