

## Exhibit J

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|--|---|
| <p><b>CITY OF FRESNO</b></p> <p><b>NOTICE OF INTENT TO ADOPT A<br/>MITIGATED NEGATIVE DECLARATION</b></p>  | <p>Filed with the<br/><br/>FRESNO COUNTY CLERK<br/>2220 Tulare Street, Fresno, CA 93721</p> |
| <p><b>ENVIRONMENTAL ASSESSMENT FOR TENTATIVE<br/>TRACT MAP APPLICATION NO. 6392 AND PLANNED<br/>DEVELOPMENT APPLICATION NO. P23-02692</b></p>  |   |
| <p><b>APPLICANT:</b></p> <p>Daniel Bond<br/>Gateway Engineering<br/>405 Park Creek Drive<br/>Clovis, CA 93611</p>  | <p><b>FILED</b><br/>OCT 27 2023<br/>TIME 1:56pm</p>   |
| <p><b>PROJECT LOCATION:</b></p> <p>Located on the south side of East Florence Avenue between South Walnut and South Fruit Avenues in the City and County of Fresno, California (See Exhibit A – Vicinity Map)</p> <p>Site Latitude: 36°43'03.3"N</p> <p>Site Longitude: 119°48'38.2"W</p> <p>Assessor's Parcel Number(s): 477-060-04T</p> <p>Mount Diablo Base &amp; Meridian, Township 14S, Range 20E, Section 17</p>   | <p>By <u>[Signature]</u> FRESNO COUNTY CLERK<br/>DEPUTY</p>                                 |
| <p>The full Initial Study and the Fresno General Plan Program Environmental Impact Report (PEIR) are on file in the Planning and Development Department, Fresno City Hall, 3<sup>rd</sup> Floor, Room 3043, 2600 Fresno Street, Fresno, CA 93721.</p>  |   |
| <p><b>PROJECT DESCRIPTION:</b></p> <p>Vesting Tentative Tract Map No. 6392 and Planned Development Application No. P23-02692 were filed by Daniel Bond of Gateway Engineering on behalf of the Fresno Housing Authority, and pertain to approximately 7.71 acres of property. Vesting Tentative Tract Map No. 6392 proposes to subdivide the subject property into a 33-lot single family residential development at a density of 4.3 dwelling units per acre. Planned Development Application No. P23-02692 proposes to modify property development standards by reducing minimum lot width and setbacks to facilitate development at the proposed density.</p> |   |

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 PEIR State Clearinghouse No. 2019050005 prepared for the Fresno General Plan pursuant to CEQA Guidelines § 15152 and incorporates the PEIR by reference pursuant to CEQA Guidelines § 15150.

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

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

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

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

Based upon the evaluation guided by the Appendix G/Initial Study Checklist, it was determined that there are project specific foreseeable impacts which require project level mitigation measures.

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.



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

Additional information on the proposed project, including the PEIR proposed environmental finding of a 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 Chris Lang at (559) 621-8023 or via email at [Chris.Lang@fresno.gov](mailto:Chris.Lang@fresno.gov) for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on November 15, 2023. Please direct comments to Chris Lang, Planner, City of Fresno Planning and Development Department, City Hall, 2600 Fresno Street, Room 3043, Fresno, California, 93721-3604; or by email to [Chris.Lang@fresno.gov](mailto:Chris.Lang@fresno.gov).

INITIAL STUDY PREPARED BY:  
Chris Lang, Supervising Planner

DATE: October 27, 2023

Attachments:  
Exhibit A – Vicinity Map

SUBMITTED BY:



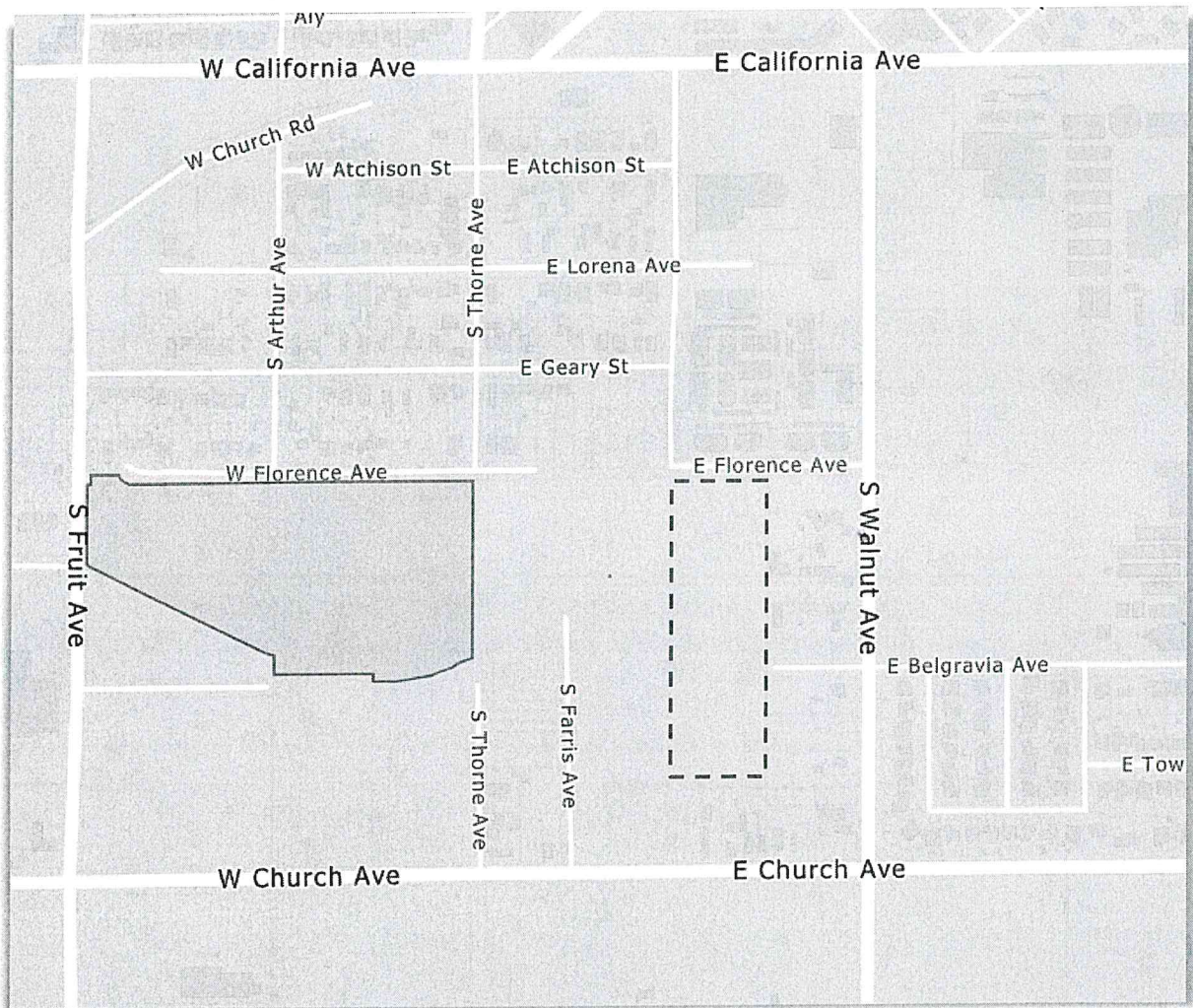
Chris Lang, Supervising Planner  
CITY OF FRESNO  
PLANNING AND DEVELOPMENT  
DEPARTMENT

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**Exhibit A – Project Vicinity Map**

Project Address: 146 East Florence Avenue

APN: 477-060-04T



**Subject Property**



**INITIAL STUDY FOR A MITIGATED NEGATIVE DECLARATION**

**Environmental Checklist Form for: Heritage Estates  
Vesting Tentative Tract Map No. 6392  
and Planned Development Application No. P23-02692**

|    |   |
|----|---|
| 1. | <b>Project title: Heritage Estates</b><br>Vesting Tentative Tract Map No. 6392 and Planned Development Application No. P23-02692  |
| 2. | <b>Lead agency name and address:</b><br>City of Fresno<br>Planning and Development Department<br>2600 Fresno Street<br>Fresno, CA 93721   |
| 3. | <b>Contact person and phone number:</b><br>Chris Lang, Supervising Planner<br>City of Fresno<br>Planning and Development Department<br>(559) 621-8023   |
| 4. | <b>Project location:</b><br>The Project site is addressed 146 East Florence Avenue, Fresno, California 93706, and is located on the south side of the intersection of East Florence Avenue and South Plumas Street. The site is further identified by Fresno County Assessor's Parcel Number (APN) 477-060-04T. |
| 5. | <b>Project sponsor's name and address:</b><br>Christina Husbands<br>Fresno Housing Authority<br>1331 Fulton Street<br>Fresno, CA 93721  |
| 6. | <b>General &amp; Community plan land use designation:</b><br>The Project site General Plan land use designation is Residential, Low Density, 1.0 to 3.5 Dwelling Units (DU) per acre.   |
| 7. | <b>Zoning:</b><br>The Project site Zoning designation is RS-3, Residential Single-Family, Low Density.  |

8.

Description of Project:

Vesting Tentative Tract Map No. 6392 was filed by Dave Brenner on behalf of the Fresno Housing Authority. The Fresno Housing Authority (Developer) proposes to develop Heritage Homes, a thirty-three (33) unit single-family subdivision, of which approximately 70 percent of the units will be available to lower income households, which qualifies the project for a residential density bonus. The Project site consists of 7.71 acres of undeveloped land identified by Fresno County APN 477-060-04T. Each of the 33 units will consist of three bedrooms and two bathrooms with a total of 1,600 square feet and attached two-car garage, at a density of 4.3 dwelling units per acre. The proposed exterior finishes will be comprised of various durable and environmentally friendly building materials and incorporate energy efficient design, as applicable, regarding the HVAC and water heating systems. In addition, drought tolerant landscaping will be installed. In addition, the Project will include an approximately 0.25-acre neighborhood park and 26-foot-wide set aside along East Florence Avenue for a future trail.

The Project site is located within the City of Fresno, and is zoned RS-3, Single Family Residential, Low Density. The Project would result in both on-site and off-site infrastructure improvements including new utilities, landscaping, sidewalks, curb, gutters, streets, and lighting. The Planned Development Application will allow for reduced lot sizes and setbacks to facilitate development at the proposed density. In addition to the 33 houses, the Project will include an internal street named South Modoc Avenue within the Project boundary, with connections to East Florence Avenue to the north and East Belgravia Avenue to the east.

9.

Surrounding land uses and setting:

|       | Planned Land Use                                     | Existing Zoning                                 | Existing Land Use                                    |
|-------|--|---|--|
| North | Medium Density<br>(5.0 to 12<br>D.U./acre)           | RS-5, Residential Single-Family, Medium Density | Medium Density<br>(5.0 to 12<br>D.U./acre)           |
| East  | Medium Density<br>(5.0 to 12<br>D.U./acre)           | RS-5, Residential Single-Family, Medium Density | Medium Density<br>(5.0 to 12<br>D.U./acre)           |
| South | Medium Density<br>(5.0 to 12<br>D.U./acre)           | RS-5, Residential Single-Family, Medium Density | Medium Density<br>(5.0 to 12<br>D.U./acre)           |
| West  | Low Density, 1.0 to 3.5 Dwelling Units (DU) per acre | RS-3, Residential Single-Family, Low Density    | Low Density, 1.0 to 3.5 Dwelling Units (DU) per acre |





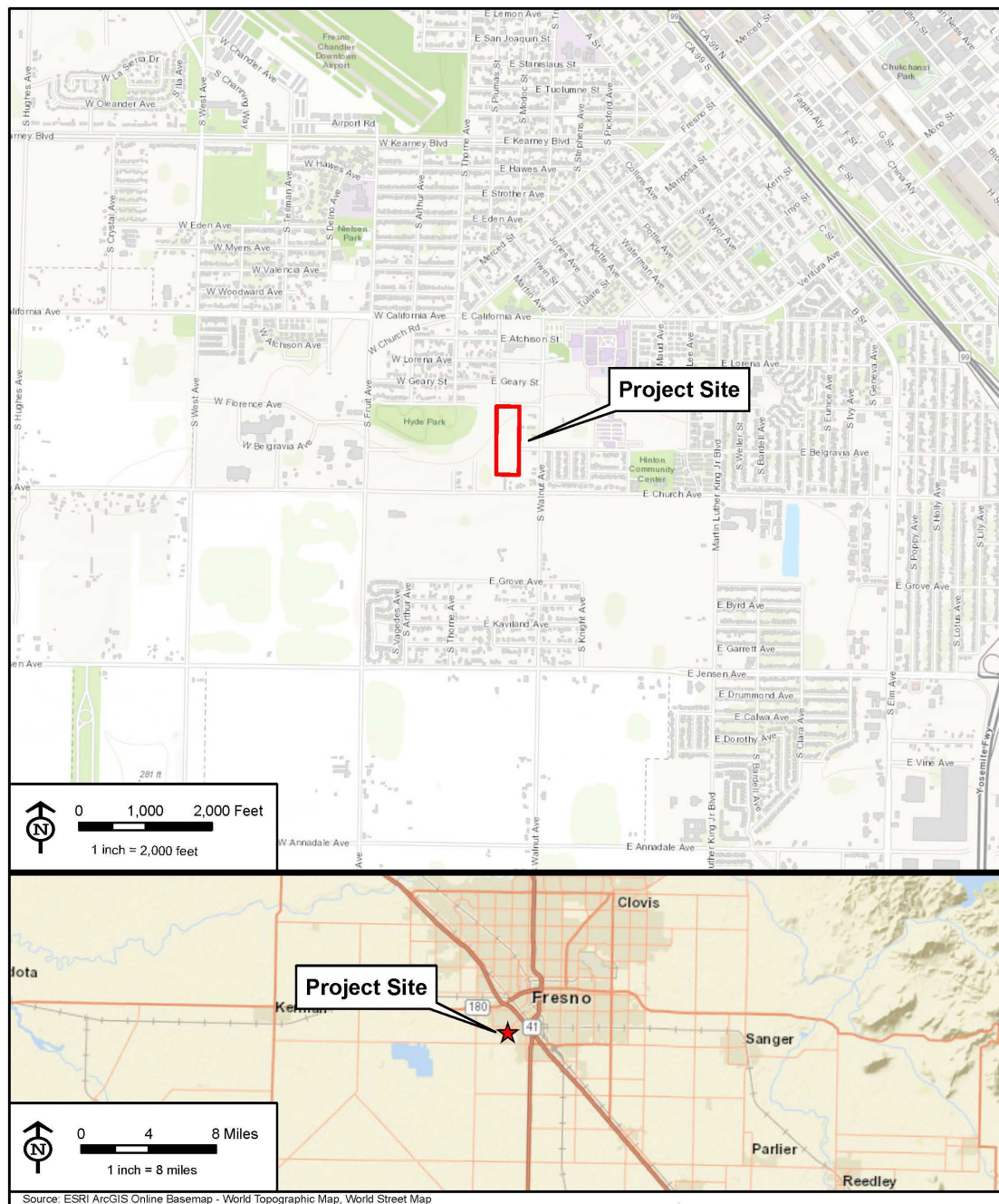




Figure 2—Aerial Photograph of Project Site and Surrounding Land Uses

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|-----|---|
| 10. | <p><b>Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):</b></p> <ul style="list-style-type: none"> <li>• City of Fresno Fire Department (FFD) - Review Project development application and provide comments and recommend conditions of approval to ensure that adequate on-site and off-site fire protection systems and features are provided;</li> <li>• City of Fresno Department Public Utilities (DPU) - Review Project development application to facilitate compliance with requirements for the provision and maintenance of water, wastewater, solid waste systems;</li> <li>• City of Fresno Department Public Works (DPW) - review Project development application and construction plans and provide inspection services to ensure the correct installation of all infrastructure (water/sewer lines, street lights, sidewalks, and roadways);</li> <li>• Fresno Metropolitan Flood Control District (FMFCD) - review Project development application and plans for grading, street improvements, and storm drains to ensure consistency with the FMFCD's Storm Drainage and Flood Control Master Plan;</li> <li>• Regional Water Quality Control Board (RWQCB) - Construction activities would be required to be covered under the National Pollution Discharge Elimination System (NPDES);</li> <li>• RWQCB - The Storm Water Pollution Prevention Plan (SWPPP) would be required to be approved prior to construction activities pursuant to the Clean Water Act;</li> <li>• San Joaquin Valley Air Pollution Control District (SJVAPCD) - Construction (grading) activities would be subject to the SJVAPCD permits, codes, and requirements.</li> </ul> |
| 11. | <p><b>Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code (PRC) Section 21080.3.1? If so, has consultation begun?</b></p> <p>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</p>  |

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|  | <p>Rancheria, Millerton Rancheria, Big Sandy Rancheria, Cold Springs Rancheria, and Squaw Valley Rancheria. These Rancherias are not located within the City limits.</p> <p>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 from the California Native American Heritage Commission's (NAHC) Sacred Lands File (SLF) per PRC Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation was requested and reviewed in accordance with the CEQA. Please also note that PRC Section 21082.3(c) contains provisions specific to confidentiality. The search of the SLF by the NAHC in August 2022 was negative, indicating that there are no documented Tribal Cultural Resources or sensitive or sacred Native American resources within of near the Project site. The NAHC, however, commented that the absence of specific site information in the SLF does not indicate the absence of cultural resources in the Project site. They recommended that other sources of cultural resources should be contacted for information regarding known and recorded sites.</p> <p>On August 9, 2022, the Table Mountain Rancheria responded to an outreach letter dated June 30, 2022, that described the proposed Project and included an invitation to consult on the Project. Mr. Robert Pennell, Tribal Cultural Resource Director, requested a copy of the cultural resources report prepared for the Project, and coordination including a meeting date to further discuss the Project. On August 15, 2022, a copy of the Archaeological Resources Technology (ART) survey report was sent to Mr. Pennell by email, including an invitation to further discuss the report after his review. No further response was received from the Table Mountain Rancheria. AB 52 letters were mailed out to Table Mountain and Dumna on August 28, 2023, and no responses were received by the September 27, 2023, response deadline.</p> <p>Mitigation measures <b>CUL-1.1</b>, <b>CUL-2</b>, and <b>CUL-3</b><sup>1</sup> were agreed upon for the protection of tribal cultural resources and included in the Project Specific Mitigation Monitoring Checklist dated October 22, 2023.</p> |
|--|--|

<sup>1</sup> City of Fresno. March 2020. Fresno General Plan Program Environmental Impact Report (General Plan PEIR). Chapter 4.5—Cultural Resources and Tribal Cultural Resources, pgs. 4.5-26 and 4.5-27.



## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

|          |  |
|----------|--|
| —        | I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.  |
| <u>X</u> | 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   |

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|  | standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. |
|--|---|

*Chris Lary*

Supervising Planner

10/27/23

Planner Name, Title

Date

| ENVIRONMENTAL ISSUES   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| <b>I. AESTHETICS</b> – Except as provided in PRC Section 21099, would the project:   |                                |  |                              |           |
| a) Have a substantial adverse effect on a scenic vista?  |                                |  | X                            |           |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?   |                                |  |                              | X         |
| c) In non-urbanized areas, substantially degrade the existing visual character or quality public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? |                                |  | X                            |           |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?  |                                | X  |                              |           |

### **Environmental Setting**

Scenic (aesthetic) resources are defined as natural or man-made elements that contribute to an area's scenic value and are visually pleasing. Scenic resources include landforms, vegetation, water, or adjacent scenery and may include a cultural modification to the natural environment.<sup>2</sup> Impacts to aesthetic resources may occur depending on the extent to which the presence of a project would negatively alter the visual character and quality of the surrounding environment.

The Project site is generally characterized by flat, undeveloped land in a residential

<sup>2</sup> General Plan PEIR. Chapter 4.1–Aesthetics, p. 4.1-2.

setting bordered by a vacant undeveloped parcel of land and Hyde Park to the west, and East Florence Avenue to the north. The general area surrounding the Project site is occupied with single and multi-family residences to the north, east, and south of the Project site. The Project site is bordered to the west by empty disced fields.

## DISCUSSION

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

**Less than significant impact.** A scenic vista is a viewpoint that provides expansive views of a highly valued landscape for the public's benefit. It is usually viewed from some distance away. Aesthetic components of a scenic vista include (1) scenic quality; (2) sensitivity level; and (3) view access. A scenic vista can be impacted in two ways: a development project can have visual impacts by either directly diminishing the scenic quality of the vista or by blocking the view corridors or "vista" of the scenic resource. Important factors in determining whether a proposed project would block scenic vistas include the project's proposed height, mass, and location relative to surrounding land uses and travel corridors. Typical scenic vistas are locations where views of rivers, hillsides, and open space areas are accessible from public vantage points.<sup>3</sup>

The City does not identify or designate scenic vistas within the City General Plan planning area.<sup>4</sup> However, the General Plan designates the following routes as scenic corridors:<sup>5</sup>

- Van Ness Boulevard – Weldon to Shaw Avenues
- Van Ness Extension – Shaw Avenue to the San Joaquin River Bluff
- Kearney Boulevard – Fresno Street to Polk Avenue
- Van Ness-Fulton couplet – Weldon Avenue to Divisadero
- Butler Avenue – Peach to Fowler Avenues
- Minnewawa Avenue – Belmont Avenue to Central Canal
- Huntington Boulevard – First Street to Cedar Avenue
- Shepherd Avenue – Friant Road to Willow Avenue
- Audubon Drive – Blackstone to Herndon Avenues
- Friant Road – Audubon to Millerton Roads
- Tulare Avenue – Sunnyside to Armstrong Avenues
- Ashlan Avenue – Palm to Maroa Avenues

Figure MT-1 of the Fresno General Plan shows the closest Scenic Corridor to the Project site to be Kearney Boulevard from Fresno Street to Polk Avenue, approximately 0.73 of a mile north of the Project site.<sup>6</sup> Kearney Boulevard is not visible or proximate to the Project site.

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<sup>3</sup> General Plan PEIR. Chapter 4.1–Aesthetics, p. 4.1-3.

<sup>4</sup> Ibid.

<sup>5</sup> City of Fresno. December 2014. Fresno General Plan. Chapter 4 Mobility and Transportation, p. 4-36.

<sup>6</sup> Ibid. Figure MT-1, Major Street Circulation Diagram, p. 4-11.



The approved General Plan does not identify or designate scenic vistas within the Planning Area. Although no scenic vista has been designated, the City's approved General Plan identifies six locations along the San Joaquin River bluffs as designated vista points from which views should be maintained.<sup>7</sup> The San Joaquin River is located approximately 9.20 miles north of the Project site, and is not visible from the Project site.

An additional scenic resource is the Sierra Nevada Mountain range, which can be seen to the east of Fresno when the view is clear. Based on the Project description, the Project would not develop structures taller than one story, and any potential views of the Sierra Nevada Mountains would remain unobstructed. Therefore, because there are no scenic vistas within a viewable distance of the Project site, and because the Project would not obstruct views of designated Scenic Corridors or potential views of the Sierra Nevada Mountains, the proposed Project would have a **less than significant impact** on a scenic vista or scenic resource.

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

**No impact.** The Project site is currently a flat vacant lot. No trees, rock outcroppings, or historic buildings, or other scenic resources exist on the Project site. The Project is not adjacent or proximate to a state scenic highway. A review of the Caltrans list of State Scenic Highways<sup>8</sup> indicates the closest eligible state scenic highway section is State Route 168, starting near North Chestnut Avenue, approximately 9 miles northeast of the Project site. The closest officially designated state scenic highway section is State Route 180, starting approximately 19.5 miles east of the Project site. Therefore, the Project will have **no impact** on scenic resources.

**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?**

**Less than significant impact.** The Project site currently is located at the southwestern edge of urban Fresno, in an area rapidly transitioning from rural to urban/suburban development. Public views surrounding the Project site exist to the west of the Project site within Hyde Park, and along public streets along East Florence Avenue to the north, East Belgravia Avenue to the east, and East Church Avenue to the south.

The Project does not propose any activities or construction that would encroach upon the

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<sup>7</sup> General Plan PEIR. Chapter 4.1–Aesthetics, p. 4.1-3.

<sup>8</sup> California Department of Transportation (Caltrans). 2021. List of eligible and officially designated State Scenic Highways. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>. Accessed March 2023.

public view or right-of-way from these publicly accessible areas. Additionally, the Project does not conflict with any objectives or policies within the General Plan related to urban design or form. The Project is consistent with applicable zoning and other regulations concerning scenic quality. Therefore, the Project will result in a **less than significant impact** on public views and existing visual character.

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

**Less than significant impact with mitigation incorporated.** The Project Applicant indicates that no construction will occur at night requiring lighting. However, operation of the proposed Project will result in new lighting within the Project site consistent with surrounding residential development. New lighting sources from the Project would include interior and exterior residential lighting, street lighting, security lighting, and vehicle lights. Street and landscape lighting will be governed by the City's lighting standards contained in Fresno Municipal Code Sec. 15-2508, Lighting and Glare; Sec. 15-2015, Outdoor Lighting and Illumination; and Sec. 15-2420, Parking Area Lighting. Compliance with these municipal codes will ensure minimized impacts related to excessive light and/or glare resulting from the Project. In addition, the Project will comply with City General Plan PEIR mitigation measures AES-4.1, AES-4.2, and AES-4.5 regarding guidelines for outdoor lighting and building materials. While the Project will create new light sources within the local area, all lighting will be consistent with the City General Plan, and the Fresno Municipal Code. Lighting standards will be imposed through conditions of development, and by compliance with the mitigation measures listed below through a Mitigation Monitoring and Reporting Program. Therefore, the Project will result in a **less than significant impact with mitigation incorporated** for new sources of substantial light or glare.

**Mitigation Measures**

**MM AES-4.1:** 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. (General Plan PEIR Mitigation Measures AES-4.1).

**MM AES-4.2:** 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. (General Plan PEIR Mitigation Measures AES-4.2).

**MM AES-4.5:** Materials used on building facades shall be non-reflective. (General Plan PEIR Mitigation Measures AES-4.5).

The proposed Project shall implement and incorporate the aesthetics related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated October 22, 2023.

| ENVIRONMENTAL ISSUES   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| <b>II. AGRICULTURE AND FORESTRY RESOURCES</b> – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project: |                                |  |                              |           |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?   |                                |  | X                            |           |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   |                                |  |                              | X         |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?   |                                |  |                              | X         |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?   |                                |  |                              | X         |



| <b>ENVIRONMENTAL ISSUES</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b> |
|--|---------------------------------------|---|-------------------------------------|------------------|
| 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                                   |                  |

### **Environmental Setting**

#### *California Farmland Mapping and Monitoring Program*

In 1982, the California State Legislature established the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) to assess the quality, quantity, and location of agricultural lands within California. The FMMP additionally monitors the conversion of these agricultural lands over time. Specifically, it is a non-regulatory program contained in Section 612 of the PRC. The program established seven land use categories with the purpose of providing consistent and impartial analysis of agricultural land use and change throughout California. The land use categories under the FMMP are as follows:<sup>9</sup>

1. *Prime Farmland (P)* – This category consists of the best combination of physical and chemical features able to sustain long-term agricultural production. Irrigated agricultural production is a necessary land use four years prior to the mapping date to qualify as Prime Farmland. The land must be able to store moisture and produce high yields.
2. *Farmland of Statewide Importance (S)* - Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
3. *Unique Farmland (U)* – Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include nonirrigated orchards or vineyards as found in some climatic zones in California.

<sup>9</sup> California Department of Conservation. Important Farmland Categories. <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx>. Accessed March 2023.

Land must have been cropped at some time during the four years prior to the mapping date.

4. *Farmland of Local Importance (L)* – Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
5. *Grazing Land (G)* – Land on which the existing vegetation is suited to the grazing of livestock.
6. *Urban and Built-up Land (D)* – Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel.
7. *Other Land (X)* – Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

### *Williamson Act of 1965*

The Williamson Act was passed by the California Legislature in 1965 to preserve agricultural and open space lands in order to discourage premature and unnecessary conversion of said lands to urban uses.<sup>10</sup> The Williamson Act creates an arrangement whereby private landowners can contract with local cities or counties to voluntarily restrict their land to agricultural or open space uses. Williamson Act contracts are rolling 10-year contracts which allow property, in exchange for conservation, to be assessed for property tax purposes consistent with the actual property use rather than potential market value. The Williamson Act is governed under California Government Code Section 51243.

## **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?**

**Less than significant impact.** The proposed Project would not develop land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance by the California Farmland Mapping and Monitoring Program.<sup>11</sup> The Project site is designated as Farmland of Local Importance;<sup>12</sup> however, there is no agricultural activity on or within the vicinity of the Project site, and the site is currently zoned RS-3 for Single Family Residential, Low Density. In addition, an historic aerial photographs review assembled in

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<sup>10</sup> Ibid.

<sup>11</sup> California Department of Conservation. California Important Farmland Finder. <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed July 2023.

<sup>12</sup> Ibid.

a Phase I Environmental Site Assessment conducted in March 2022 indicates the Project site has not been used for agricultural purposes since at least 1979.<sup>13</sup> Therefore, the proposed Project would have a **less than significant impact** on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

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

**No impact.** The Project site is not zoned for agricultural use. Additionally, review of Figure 4.2-2 of the General Plan PEIR<sup>14</sup> shows that the Project site is not under a Williamson Act Contract. Therefore, the proposed Project would have **no impact** on existing zoning for agricultural use or Williamson Act contracts.

**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))?**

**No impact.** Forest land as defined under PRC Section 12220(g) requires land that can support 10-percent native tree cover of any species under natural conditions and allows management of one or more forest resources. Timberland, as defined under PRC 4526, means land available for and capable of growing crops of tree for commercial purposes, including lumber. Timberland zoned Timberland Production under California Government Code Section 51104(g) is defined as land devoted to and used for growing harvest and timber. According to aerial maps and the March 2023 Biological Survey Letter Report<sup>15</sup> (Appendix B) prepared by Bargas Environmental Consulting, LLC (Bargas), the Project site is characterized by fallowed agricultural fields and vacant ruderal habitat with regular signs of fire abatement measures. No trees were observed on the Project site, and the Project site is not zoned for Timberland Production. The Project site does not meet the definitions of forest land under PRC Section 12220(g), nor does it qualify as timberland under PRC 4526, nor as timberland zoned Timberland Production under California Government Code Section 51104(g). Therefore, the Project would have **no impact** on forest land, timberland, or timberland zoned Timberland Production as defined in the aforementioned regulations.

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

**No impact.** As discussed in Agriculture and Forestry Resources Question C above, the Project site does not qualify as forest land. Therefore, the Project would have **no impact** on forest land.

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<sup>13</sup> Krazan & Associates, Inc. March 7, 2022. Phase I Environmental Site Assessment, Florence and Plumas Single Family Homes South of Florence Avenue and Plumas Street APN 477-060-04T, Fresno, California 93706, p. 7.

<sup>14</sup> General Plan PEIR. Chapter 4.2–Agriculture and Forestry Resources, Figure 4.2-2 Williamson Act Contracts, p. 4.2-9.

<sup>15</sup> Bargas Environmental Consulting, LLC. March 2023. A Biological Resources Analysis for the proposed approximately 7.71-acre Heritage Estates Project in Fresno, Fresno County, California.

- 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?**

**Less than significant.** As previously described, the Project site does not include any land zoned for forest land, nor does it include any forest land, and is not currently being used for agricultural purposes. In addition, the Project site is not Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, but it is identified by the City of Fresno as Farmland of Local Importance. Furthermore, the proposed Project is zoned for RS-3, Single Family Residential, and is consistent with the City of Fresno General Plan. Therefore, the Project would have a **less than significant impact** on the conversion of farmland or forest land to non-agricultural or non-forest uses.

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

### **Environmental Setting**

Air quality is primarily a function of both local climate, local sources of air pollution, and regional pollution transport. The amount of a given pollutant in the atmosphere is determined by the amount of the pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of pollutant transport and

dilution are wind, atmospheric stability, and terrain, and for photochemical pollutants, sunshine.

A region's topographic features have a direct correlation with air pollution flow and, therefore, are used to determine the boundary of air basins. The proposed Project is located in the City of Fresno in Fresno County, within the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD), which regulates air quality in the San Joaquin Valley Air Basin (SJVAB).<sup>16</sup>

The analysis in this section relies on a project-specific emissions assessment (Appendix A)<sup>17</sup> for the proposed Project prepared to satisfy the requirements of CEQA using methods and assumptions recommended in the SJVAPCD's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI).<sup>18</sup>

## DISCUSSION

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

**Less than significant impact with mitigation incorporated.** CEQA requires that certain proposed projects be analyzed for consistency with the applicable air quality plan. For a project to be consistent with SJVAPCD air quality plans, the pollutants emitted from a project should not exceed the SJVAPCD emission thresholds of significance or cause a significant impact on air quality.

**Construction Emissions.** During construction, short-term degradation of air quality may occur due to the release of particulate emissions generated by grading, paving, building, and other activities. Emissions from construction equipment would include carbon monoxide (CO), nitrous oxides (NOX), reactive organic gases (ROG), directly emitted particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>), and toxic air contaminants, such as diesel exhaust particulate matter.

Project construction activities would include site preparation, grading, building, paving, and architectural coating activities. Construction-related effects on air quality from the proposed Project would be greatest during the grading phase due to the large disturbance of soils. If not properly controlled, these activities would temporarily generate particulate emissions.

Construction emissions were estimated for the Project using the California Emissions Estimator Model (CalEEMod) Version 2022.1 computer program to calculate emissions from on-site construction equipment and emissions from worker and vehicle trips to the

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<sup>16</sup> LSA Associates. May 2023. Air Quality and Greenhouse Gas Emissions Analysis for the Proposed Heritage Estates Project in Fresno, California.

<sup>17</sup> Ibid.

<sup>18</sup> SJVAPCD. March 2015. Guidance for Assessing and Mitigating Air Quality Impacts. March. Website: <http://www.valleyair.org/transportation/GAMAQI.pdf>, accessed April 2023.

site, consistent with SJVAPCD recommendations (model output is provided in Appendix A, Attachment B). The following table, which can be found on page 17 of Appendix A, lists the annual construction emissions compared to the SJVAPCD CEQA thresholds of significance.

**Table 1–Project Construction Emissions**

| Construction Phase        | Regional Pollutant Emissions (tons/year) |                 |              |                 |                  |                   |
|---------------------------|--|-----------------|--------------|-----------------|------------------|-------------------|
|                           | CO                                       | NO <sub>x</sub> | ROG          | SO <sub>x</sub> | PM <sub>10</sub> | PM <sub>2.5</sub> |
| Site Preparation          | 0.18                                     | 0.20            | 0.02         | <0.01           | 0.05             | 0.03              |
| Grading                   | 0.12                                     | 0.13            | 0.01         | <0.01           | 0.02             | 0.01              |
| Building Construction     | 1.56                                     | 1.30            | 0.14         | <0.01           | 0.07             | 0.05              |
| Architectural Coating     | 0.07                                     | 0.05            | 0.19         | <0.01           | 0.00             | 0.00              |
| Paving                    | 0.11                                     | 0.08            | 0.01         | <0.01           | 0.00             | 0.00              |
| <b>Annual Emissions</b>   | <b>2.04</b>                              | <b>1.76</b>     | <b>0.38</b>  | <b>&lt;0.01</b> | <b>0.14</b>      | <b>0.10</b>       |
| <b>SJVAPCD Thresholds</b> | <b>10.0</b>                              | <b>10.0</b>     | <b>100.0</b> | <b>27.0</b>     | <b>15.0</b>      | <b>15.0</b>       |
| <b>Exceeds?</b>           | <b>No</b>                                | <b>No</b>       | <b>No</b>    | <b>No</b>       | <b>No</b>        | <b>No</b>         |

Source: LSA Associates, Inc. (April 2023).

CO = carbon monoxide

NOX = nitrous oxides

PM10 = particulate matter less than 10 microns in size

PM2.5 = particulate matter less than 2.5 microns in size

ROG = reactive organic compounds

SOX = sulfur oxide

As shown in the table above, construction emissions associated with the Project would not exceed the SJVAPCD's thresholds for ROG, NO<sub>x</sub>, sulfur oxide (SO<sub>x</sub>), CO, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions.

In addition, the SJVAPCD has implemented Regulation VIII measures (Fugitive PM<sub>10</sub> Prohibitions) for dust control during construction. Implementation of Regulatory Control Measure (RCM) AIR-1 would ensure that the proposed Project is consistent with the SJVAPCD air quality plans.

**AIR-1:** Consistent with SJVAPCD Regulation VIII (Fugitive PM<sub>10</sub> Prohibitions), the following controls are required to be included as specifications for the proposed Project and implemented at the construction site:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized from dust emissions using water or chemical stabilizers/suppressants, or covered with a tarp or other suitable cover or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizers/suppressants.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions



utilizing application of water or by presoaking.

- When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizers/suppressants.

**Operation Emissions.** Long-term operational air pollutant emission impacts are typically associated with mobile sources (e.g., employee, delivery, catering trucks, and guest trips), energy sources (e.g., electricity and natural gas), and area sources (e.g., architectural coatings and the use of landscape maintenance equipment) related to the proposed Project.

Operation emission estimates for the proposed Project were calculated using CalEEMod. The primary emissions associated with the Project are regional in nature, meaning that air pollutants are rapidly dispersed on release or, in the case of vehicle emissions associated with the Project, emissions are released in other areas of the SJVAB. The following table, which can be found in Appendix A, page 19, shows the annual emissions associated with Project operational trip generation, energy, and area sources.

**Table 2–Project Operation Emissions**

| Source Category               | Regional Pollutant Emissions (tons/year) |                 |              |                 |                  |                   |
|-------------------------------|--|-----------------|--------------|-----------------|------------------|-------------------|
|                               | CO                                       | NO <sub>x</sub> | ROG          | SO <sub>x</sub> | PM <sub>10</sub> | PM <sub>2.5</sub> |
| Area Sources                  | 0.24                                     | <0.01           | 0.2          | <0.01           | <0.01            | <0.01             |
| Energy Sources                | <0.01                                    | <0.01           | <0.01        | <0.01           | <0.01            | <0.01             |
| Mobile Sources                | 0.10                                     | 0.08            | 0.58         | <0.01           | 0.04             | <0.01             |
| <b>Total Annual Emissions</b> | <b>0.34</b>                              | <b>0.09</b>     | <b>0.74</b>  | <b>0.00</b>     | <b>0.04</b>      | <b>0.01</b>       |
| <b>SJVAPCD Thresholds</b>     | <b>10.0</b>                              | <b>10.0</b>     | <b>100.0</b> | <b>27.0</b>     | <b>15.0</b>      | <b>15.0</b>       |
| <b>Exceeds?</b>               | <b>No</b>                                | <b>No</b>       | <b>No</b>    | <b>No</b>       | <b>No</b>        | <b>No</b>         |

Source: LSA Associates, Inc. (April 2023).

CO = carbon monoxide

NOX = nitrous oxides

PM10 = particulate matter less than 10 microns in size

PM2.5 = particulate matter less than 2.5 microns in size

ROG = reactive organic compounds

SOX = sulfur oxide

Operational emissions associated with the proposed Project would not exceed SJVAPCD established significance thresholds. Therefore, the proposed Project would be consistent with and have a **less than significant impact with mitigation incorporated** on SJVAPCD air quality plans.

**b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?**

**Less than significant impact.** As shown in **Table 1** above, construction emissions associated with the proposed Project would be less than significant. Therefore, construction of the proposed Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable federal or State AAQS.

Additionally, as shown in **Table 2** above, operation of the proposed Project would not exceed annual criteria pollutant significance thresholds for ROG, NOX, CO, SOX, PM10, and PM2.5. Therefore, neither construction nor operation of the proposed Project would result in a cumulatively considerable net increase of any criteria pollutant. Therefore, the proposed Project would have a **less than significant impact** on any criteria pollutant for which the Project region is in non-attainment under an applicable federal or state AAQS.

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

**Less than significant impact with mitigation incorporated.** Sensitive receptors are defined as people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptor locations include schools, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential dwelling units. The closest sensitive receptors to the Project site include single- and multi- family residences located adjacent to the northern, southern, and eastern border of the Project site.

Construction of the proposed Project may expose surrounding sensitive receptors to airborne particulates, as well as a small quantity of construction equipment pollutants (usually diesel-fueled vehicles and equipment). However, construction contractors would be required to implement **AIR-1** described above. As noted in **Table 2** above, Project construction pollutant emissions would be below the SJVAPCD significance thresholds, and with implementation of **AIR-1**, emissions would be further reduced. Additionally, as noted in **Table 2** above, operation of the proposed Project would not create substantial pollutant emissions.

In addition, the Project is centrally located near public transportation, schools, grocery stores, parks, and other shopping opportunities. There are medical clinics and a library accessible by walking or public transit. The surrounding neighborhood consists of single-family and multi-family residential properties, churches, and schools. Based on these surrounding land uses, the proposed Project would not locate new sensitive receptors

near substantial pollutant concentrations. Therefore, with incorporated mitigation measures, sensitive receptors would not be exposed to substantial pollutant concentrations during Project construction and operation, and the proposed Project would have a **less than significant impact with mitigation incorporated** on sensitive receptors.

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

**Less than significant impact.** The SJVAPCD has a nuisance rule addressing odor criteria in its GAMAQI, which states: “Any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact.”<sup>19</sup> The SJVAPCD has identified some common types of facilities that have been known to produce odors in the San Joaquin Valley—a few of these are listed below:

- Painting/Coating Operations (e.g. auto body shops)
- Feed Lot/Dairy
- Wastewater Treatment Facilities
- Chemical Manufacturing
- Food Processing Facility

There are no facilities that are potential sources of odor sources located adjacent to or in the vicinity of the proposed Project site; Therefore, the proposed Project would not place new sensitive receptors adjacent to a known source of objectional odors.

During Project construction, some odors may be present from sources such as paints, adhesives, sealants and coatings, solvents, architectural coatings, and exhaust from gas and diesel powered equipment. However, these odors would be temporary and limited to the construction period. Operation of the proposed Project, which is comprised of the development of 33 single-family homes, a pocket park, and appurtenant infrastructure, would comply with FMC Section 15-2510, which states:

No use, process, or activity shall produce objectionable *odors* that are perceptible without instruments by a reasonable person at the lot lines of a site. Odors from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, vehicle emissions, trucks, etc.) are exempt from this standard.

Therefore, because the proposed Project would not place sensitive receptors adjacent to a known source of objectional odors, would follow recommendations from the SJVAPCD addressing odor criteria, and would comply with FMC Section 15-2510, the

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<sup>19</sup> SJVAPCD. March 2015. Guidance for Assessing and Mitigating Air Quality Impacts. March. Website: <http://www.valleyair.org/transportation/GAMAQI.pdf>, page 102. Accessed April 2023.

proposed Project would result in a **less than significant impact** on other emissions (such as those leading to odors) adversely affecting a substantial number of people.

### **Mitigation Measures**

**AIR-1:** Consistent with SJVAPCD Regulation VIII (Fugitive PM10 Prohibitions), the following controls are required to be included as specifications for the proposed Project and implemented at the construction site:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized from dust emissions using water or chemical stabilizers/suppressants, or covered with a tarp or other suitable cover or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizers/suppressants.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizers/suppressants.

The proposed Project shall implement and incorporate the air quality related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated October 22, 2023.

| <b>ENVIRONMENTAL ISSUES</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b> |
|--|---------------------------------------|---|-------------------------------------|------------------|
| <b>IV. BIOLOGICAL RESOURCES</b> – Would the project:   |                                       |   |                                     |                  |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? |                                       | X   |                                     |                  |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?   |                                       |   |                                     | X                |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?   |                                       |   |                                     | X                |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   |                                       |   | X                                   |                  |

| <b>ENVIRONMENTAL ISSUES</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b> |
|--|---------------------------------------|---|-------------------------------------|------------------|
| 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                |

### **Environmental Setting**

The Project site consists of approximately 7.71 acres of undeveloped land comprised of Fresno County APN 477-060-04T, south of the intersection of South Plumas Street and East Florence Avenue, Fresno, California. The Project is in the northeast quarter of the northeast quarter of Section 17, Township 14, Range 20 East of the U.S. Geological Survey's (USGS) 7.5-minute Fresno South quadrangle, Mount Diablo Principal Meridian. The property has a slight northwest incline with an elevation ranging from 275 feet above sea level (ASL) on the southeast side to 281 feet ASL on the northwest side.

The Project is located in the Central Valley region of California in the southern periphery of the City of Fresno. The Sierra Nevada Mountain range is located to the east of the Biological Survey Area (BSA). The San Joaquin River is approximately 9.20 miles north of the Project site. The surrounding landscape is a mixture of encroaching urban and residential rural neighborhoods and farmland.

This section relies on the technical analyses contained in the Biological Resources Analysis of the Project site (Appendix B) prepared by Bargas in March 2023.<sup>20</sup>

Bargas conducted a field survey of the Project site on March 17, 2023. At the time of the field survey, the northern third of the Project site was observed to have been graded to bare soil, completely lacking vegetation. The remainder of the site consisted of annual grassland community. Grasses had been mowed at some point prior to the survey.

<sup>20</sup> Bargas Environmental Consulting, LLC. March 2023. A Biological Resources Analysis for the proposed approximately 7.71-acre Heritage Estates Project in Fresno, Fresno County, California.

Additionally, no aquatic resources were mapped near the Project site nor observed within the Project Site during the field survey.

## **DISCUSSION**

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?**

### **Assessing Occurrence Potential**

**Less than significant impact with mitigation incorporated.** Bargas conducted a literature and database review, field survey, and habitat analyses of the proposed Project's BSA, and assessed the potential for the occurrence of special status species in the BSA. Biological conditions (vegetation communities, wildlife habitats, disturbances, etc.) and the habitat and life cycle requirements of special status species identified for analysis in the desktop review were considered. "Recent" occurrences are defined as observed within the past 30 years. Based on these considerations, species were assigned to the following categories:

- **Present:** Species is known to occur in BSA based on recent surveys, California Natural Diversity Database (CNDDDB) (within 30 years), or other records.
- **High Potential:** Species with known recent recorded occurrences/populations near the BSA and highly suitable habitat occurs within the BSA. Highly suitable habitat includes all necessary elements to support the species (e.g., elevation, hydrology, soils, cover, habitat type, food resources).
- **Moderate Potential:** Species with known recent recorded occurrences/populations near the BSA; however, habitat within the BSA has been moderately disturbed, fragmented, or is small in extent. Moderately suitable habitat includes several elements to support the species (e.g., elevation, hydrology, soils, cover, habitat type, food resources). Furthermore, moderately suitable habitat may also be located at the edge of the species' range, or there are no reported occurrences nearby.
- **Low Potential:** Species with few known recent recorded occurrences/populations near the BSA and habitat within the BSA is highly disturbed or extremely limited. A low potential is assigned to annual or perennial plant species that may have been detectable during a focused survey in the appropriate blooming period but was not found; however, small populations or scattered individuals are still considered to have a low potential to occur. Additionally, species for which poor-quality habitat may support the species within the BSA, but the reported extant range is far outside the BSA and/or any species observations would anticipate



being migratory (i.e., not likely to reproduce within the BSA).

- Presumed Absent/No Potential: Focused surveys were conducted and the species was not detected, or the species was found in the desktop review, but suitable habitat (soil, vegetation, elevational range) was not found in the BSA, or the BSA is not within the known geographic range of the species.

### **Special-Status Plants**

The literature and database review identified three special status plant species documented as occurring within the region: California Jewelflower (*Caulanthus californicus*), California Satintail (*Imperata brevifolia*), and Madera Leptosiphon (*Leptosiphon serrulatus*).

#### ***Low Potential for Occurrence***

Site conditions within the BSA are suitable only for California Satintail. No observations of this plant were made during the field survey; however, the northern quarter of the Project site had been graded to bare ground at the time of the survey.

#### ***Presumed Absent/No Potential for Occurrence***

The Project site lacks the appropriate altitude to support the remaining two plant species. California Jewelflower is known to occur at elevations greater than 1,000 feet. Madera Leptosiphon is known to occur at elevations greater than 980 feet. The Project site is at an elevation of 269 feet. Therefore, these plants are presumed absent and are assessed to have no potential to occur.

### **Special Status Wildlife**

The literature and database review identified 11 species of wildlife documented as occurring within the region. Of these 11 species, potential habitat occurs for two species, (Swainson's hawk [*Buteo swainsoni*] and Western Mastiff Bat [*Eumops perotis californicus*]). Two of the species, Coast Horned Lizard (*Phrynosoma blainvillii*) and California Tiger Salamander (*Ambystoma californiense*) are considered by the California Department of Fish and Wildlife (CDFW) to be extirpated or possibly extirpated in the region. An additional two species, California Glossy Snake (*Arizona elegans cidentalis*) and Northern California Legless Lizard (*Anniella pulchra*) are known from single specimens collected in the 1800s—no additional occurrences have been recorded in the CNDDDB. Five remaining species require habitat conditions not present within the Project site.

#### ***Moderate Potential for Occurrence***

The Project BSA contains habitat that could support nesting and foraging activities of

Swainson's Hawk. However, no Swainson's Hawk or pre-existing raptor nests were observed during the field survey.

### ***Low Potential for Occurrence***

The Project site contains habitat that could support foraging Western Mastiff Bat; neither the Project site nor the BSA contain roosting habitat. This species may occur as a transient and is assessed as having low potential to occur.

### ***Presumed Absent/No Potential for Occurrence***

Nine species identified in the literature and database review are presumed to be absent and have no potential to occur within the Project site due to a lack of habitat components required by each species. Furthermore, no candidate or sensitive species were identified as having the potential to occur with the Project BSA.

Therefore, because there is a moderate potential for occurrence within the Project BSA for the Swainson's Hawk, and a low potential for occurrence within the Project BSA for the California Satintail plant and the Western Mastiff Bat, the proposed Project is anticipated to have a **less than significant impact with mitigation incorporated** on candidate, sensitive, or special status species. **Mitigation Measures BIO-1.1 and BIO-1.4** (below) are included to ensure that potential impacts to the above-stated species remain less than significant.

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

**No impact.** A review of the National Wetlands Inventory (NWI), aerial imagery, and topographic maps indicate there are no aquatic features mapped or previously recorded within the Project BSA. The closest documented aquatic resources are freshwater ponds located approximately 0.66 miles southwest and 0.75 miles west of the Project site. Also, no aquatic resources were observed within the Project BSA during the field survey. Furthermore, no riparian/riverine habitat—a zone or area interfacing land and a river or stream—or other sensitive natural communities identified in local or regional plans, policies, or regulations or by the CDFW or the U.S. Fish and Wildlife Service (USFWS) were mapped or observed on or adjacent to the Project site. Therefore, due to a lack of riparian/riverine habitat and sensitive natural communities within or near the Project BSA, **no impact** to riparian habitat, or other sensitive natural communities would occur as a result of the proposed Project.

**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 impact.** As stated in response to question **b)** above, a review of the National Wetlands Inventory (NWI), aerial imagery, and topographic maps indicate there are no aquatic features mapped or previously recorded within the Project BSA. In addition, no aquatic resources were observed within the Project BSA during the field survey, such as wetlands, marsh, vernal pools, or coastal habitat. Therefore, due to a lack of wetlands, marsh, vernal pools, or coastal habitat features within or near the Project BSA, **no impact** to wetlands, marsh, vernal pools, or coastal habitat would occur as a result of the proposed Project.

**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?**

**Less than significant impact.** As identified in the Biological Resources Analysis, no aquatic resource features, native wildlife nursery sites, or migratory wildlife corridors were identified within the Project BSA. In addition, the Project includes an approximately 0.25-acre neighborhood park and 26-foot-wide set aside along East Florence Avenue for a future trail, facilitating the movement of any wildlife species that may frequent the site. Therefore, the proposed Project would have no impact on native resident or migratory fish or native wildlife nursery sites, and a **less than significant impact** on the movement of wildlife species that may visit the site.

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

**Less than significant impact.** According to the Project Applicant, the proposed Project would install one tree per single-family residence (33 in total), 15 trees along the Florence Avenue frontage, and 13 trees in the pocket park. The proposed Project would be controlled by Fresno Municipal Code Chapter 13, Article 3—Street Trees and Parkways. This section of the Municipal Code provides guidelines and requirements for the preservation and protection of existing street trees, as well as guidelines establishing the installation of City-owned trees along streets and in parkways. Compliance with Article 3 of Chapter 13 of the City of Fresno Municipal Code would reduce any impacts related to conflicts with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Therefore, potential impacts to the City's public tree ordinance would be **less than significant**.<sup>21</sup>

**f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

**No impact.** The proposed Project is located within the Fresno General Plan Planning

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<sup>21</sup> GP PEIR, p. 4.4-32.

Area. The Planning Area is not located within the boundaries of any approved or draft Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other adopted local, regional or state HCP. Therefore, the proposed Project would have **no impact** on an adopted HCP or NCCP.<sup>22</sup>

### **Mitigation Measures**

**MM BIO-1.1:** Construction of a proposed project shall 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 a special-status species is 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.<sup>23</sup>

**MM BIO-1.4:** Proposed projects should avoid, if possible, construction within the general nesting season of February through August for avian species protected under Fish and Game Code 3500 and the Migratory Bird Treaty Act (MBTA), if it is determined that suitable nesting habitat occurs on a project site. If construction cannot avoid the nesting season, a pre-construction clearance survey shall be conducted by a qualified biologist to determine if any nesting birds or nesting activity is observed on or within 500-feet of a project site. If an active nest is observed during the survey, a biological monitor shall be on site to ensure that no proposed project activities would impact the active nest. A suitable buffer shall be established around the active nest until the nestlings have fledged and the nest is no longer active. Project activities may continue in the vicinity of the nest only at the discretion of the biological monitor. Prior to commencement of grading activities and issuance of any building permits, the Director of the City of Fresno Planning and Development Department, or designee, shall verify that all proposed project grading and construction plans include specific documentation regarding the requirements of the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code Section 3503, that preconstruction surveys have been completed and the results reviewed by staff, and that the appropriate buffers (if needed) are noted on the plans and established in the field.<sup>24</sup>

The proposed Project shall implement and incorporate the biological resources related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated October 22, 2023.

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<sup>22</sup> GP PEIR, p. 4.4-32.

<sup>23</sup> GP PEIR, p.4.4-27.

<sup>24</sup> Ibid.

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

### **Environmental Setting**

Cultural resources include prehistoric-era archaeological sites, historic-era (i.e., 50 years old or older) archaeological sites, Native American traditional cultural properties, sites of religious and cultural significance, and historic-era buildings, structures, objects, and sites.<sup>25</sup>

The Project is located in the Central Valley region of California in the southern periphery of the City of Fresno. The Sierra Nevada Mountain range is located to the east of the Area of Potential Effects (APE). The San Joaquin River is approximately 9.20 miles north of the APE. The surrounding landscape is a mixture of encroaching urban and residential rural neighborhoods, primarily north and east of the APE, and farmland. The Project sits at an elevation of approximately 275 feet ASL. No current freshwater sources are located within the APE.<sup>26</sup>

This section relies on the technical analyses contained in the Cultural Resource Assessment of the Project site (Appendix C) prepared by Bargas in May 2023,<sup>27</sup> and on the technical analyses contained in a previous Cultural Resources Assessment

<sup>25</sup>GP PEIR, Section 4.5.3.

Bargas Environmental Consulting, LLC. May 2023. Cultural Resources Assessment for the Fresno Housing Authority Heritage Estates Project, Fresno, Fresno County, California.<sup>26</sup>

<sup>27</sup>

conducted on the Project site by Archaeological Resources Technology (ART) in July 2022 (Appendix C, Attachment A).<sup>28</sup>

Bargas conducted a cultural resources assessment in support of the Fresno Housing Authority's proposed development and construction of 33 single-family residences on a 7.71-acre undeveloped site in compliance with CEQA and Section 106 of the National Historic Preservation Act (NHPA). Compliance with CEQA is required because the Project will require discretionary approval from the City of Fresno. Compliance with Section 106 of the NHPA is required because the Project will receive federal funding from the U.S. Department of Housing and Urban Development (HUD). The City of Fresno is the CEQA lead agency and HUD is the federal lead agency for the Project.

## DISCUSSION

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

**Less than significant impact with mitigation incorporated.** CEQA Guidelines Section 15064.5(a)(3) states: "Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record."

Bargas conducted a cultural resources assessment for the proposed Project in May 2023 to update a cultural resources report for the Project prepared by ART in July 2022, and to summarize ART's previous report including tribal outreach efforts conducted by Krazan & Associates, Inc. (Krazan).<sup>29</sup> ART's report is also contained in Appendix E of Krazan's Environmental Assessment of the proposed Project prepared for the Fresno Housing Authority in August 2022. The assessment included a review of historic maps which indicated that a historic built-environment landform called the Fanning Ditch was present within the APE from 1923 to 1982. However, the ditch does not appear on modern maps or aerial photographs. Additionally, no evidence of this ditch was observed during the 2022 survey by ART or during the biological survey conducted by Bargas in March 2023. The ditch has likely been filled in or destroyed. Based on the results of Bargas' updated archaeological assessment, no historic resources have been identified within the APE. Although intact historic resources are not expected to be present onsite, the Project will comply with City General Plan PEIR mitigation measures **CUL-1.1** and **CUL-2**<sup>30</sup> (below) to avoid inadvertent impacts to unknown resources. Implementation of mitigation

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<sup>28</sup> Archaeological Resources Technology (ART). July 2022. Cultural Resources Assessment of Heritage Estates Project in Fresno, California.

<sup>29</sup> Krazan & Associates. August 2022. Environmental Assessment Determinations and Compliance Findings for HUD-Assisted Projects, 24 CFR Part 58.

<sup>30</sup> GP PEIR. Chapter 4.5—Cultural Resources and Tribal Cultural Resources, pgs. 4.5-26 and 4.5-27.



measures **CUL-1.1** and **CUL-2** would ensure there would be **no adverse effect** to known historic resources from the Project under Section 106 of the NHPA, and a **less than significant impact with mitigation incorporated** to historical resources from the Project under CEQA.

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

**Less than significant with mitigation incorporated.** As stated above in response to question a), Bargas conducted a cultural resources assessment for the proposed Project in May 2023 to update a cultural resources report for the Project prepared by ART in July 2022. Bargas concluded that ART's report and Krazan's tribal outreach efforts were conducted in partial compliance with CEQA, and in compliance with Section 106 of the NHPA. As the proposed Project site and area of disturbance remains the same as when ART conducted their assessment, the APE remains as defined by ART in their 2022 report.<sup>31</sup> The entirety of the Project footprint, or 7.71 acres, is considered the direct APE. The visual, or indirect, APE can be considered a two-block radius of the Project. The Project's vertical APE above ground is the height of a single-story home. Ground disturbance and excavations for utility extensions should not exceed the utility standard of 54 inches in depth;<sup>32</sup> therefore, the vertical APE below ground extends to a maximum depth of 5 feet below ground surface (bgs).

In 2022, ART and Krazan conducted a records search, pedestrian survey, SLF search with the NAHC, and tribal outreach. The results of ART's records search did not identify any previously recorded cultural resources within the APE. The results of pedestrian survey were also negative. No tribal cultural resources were identified as a result of SLF search and Native American outreach efforts. Furthermore, the results of the updated cultural resource records search conducted by Bargas in March 2023 identified 13 previous investigations within 0.50 mile radius of the Project APE. Eight of the previously completed investigations overlap the APE. No previously recorded resources were identified as overlapping the APE. Two previously recorded cultural resources were identified within a 0.50-mile radius of the APE; both are historic-era built environment cultural resources.

Also, Bargas conducted a buried site sensitivity analysis that included a review of geologic data, distance to sources of freshwater, slope, and known archaeological and ethnographic resources in the vicinity. That analysis indicates that the APE has a low to moderately low potential for buried prehistoric-era archaeological deposits. The lack of substantial historic-era development within the APE indicates a low potential for encountering historic-era resources. Therefore, inadvertent impacts to buried archaeological resources are not anticipated. As ART had already completed an intensive archaeological survey of the APE in 2022, an updated archaeological survey was not

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<sup>31</sup> Cultural Resources Assessment of Heritage Estates Project in Fresno, California, p. 1.

<sup>32</sup> Ibid.

conducted by Bargas for this assessment. However, in March 2023, Bargas Biologist Rachel Clark and Project Manager Patrick Saul visited the Project APE to conduct a biological reconnaissance survey.<sup>33</sup> They observed that the northern portion of the APE had been graded. No cultural resources were noted in the graded area.

Although intact subsurface archaeological deposits are not expected to occur, the Project will comply with City General Plan PEIR mitigation measures **CUL-1.1** and **CUL-2**<sup>34</sup> (below) to avoid inadvertent impacts to unknown archaeological resources. Therefore, there will be a **less than significant impact with mitigation incorporated** on archaeological resources from the Project under CEQA.

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

**Less than significant with mitigation incorporated.** While the Bargas and ART cultural resources assessments did not find any evidence of cultural resources or potential human remains within the APE, the discovery of human remains is always a possibility during ground disturbance activities. Therefore, mitigation measure **CUL-3** from the City General Plan PEIR<sup>35</sup> is identified to lessen the potential Project impact to unidentified, buried human remains to **less than significant with mitigation incorporated**.

**Mitigation Measures**

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

If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.

No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any historical artifacts recovered as a result of

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<sup>33</sup> Bargas Environmental Consulting, LLC. March 2023. A Biological Resources Analysis for the proposed approximately 7.71-acre Heritage Estates Project in Fresno, Fresno County, California.

<sup>34</sup> GP PEIR. Chapter 4.5—Cultural Resources and Tribal Cultural Resources, pgs. 4.5-26 and 4.5-27.

<sup>35</sup> City of Fresno. Chapter 4.5—Cultural Resources and Tribal Cultural Resources, p. 4.5-29.

mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.

**MM 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 Section 15064.5 of the CEQA Guidelines. 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 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 excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.

**MM 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.

The proposed Project shall implement and incorporate the cultural resources related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated October 22, 2023.

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

### **Environmental Setting**

CALGreen is California's state-mandated green building code. It is formally known as the California Green Building Standards Code, Title 24, Part 11, California Code of Regulation (CCR). The purpose of the *CALGreen* code is to improve public health, safety and general welfare by enhancing the design and construction of buildings through mandating the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices in the following categories:

- Planning and design
- Energy efficiency
- Water efficiency and conservation
- Material conservation and resource efficiency
- Environmental quality

The California Building Energy Efficiency Standards (Energy Code) Title 24, Part 6 of the CCR, contains energy and water efficiency requirements (and indoor air quality requirements) for newly constructed buildings, additions to existing buildings, and alterations to existing buildings.

Pacific Gas and Electric (PG&E) provides almost all the energy for the City of Fresno. The cost of energy services provided by PG&E is among the highest in the State. Meanwhile, the City has abundant solar resources that could be expanded to reduce dependence on costly purchased electricity, but this will take time and financial resources

to implement. Green building practices can be one of the main energy savings strategies encouraged, or required, as Fresno continues to develop.<sup>36</sup>

## DISCUSSION

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

**Less than significant impact.** The proposed Project will implement required energy efficient design, with emphasis placed on efficient mechanical systems including heating, ventilation and air conditioning (HVAC), and water heating. In addition, efficient home exteriors will include light color stucco and reflective metal roofing (cool roofs), will be solar ready, and use exterior LED lights. Home interiors will also include LED lights, energy efficient appliances, and Low-E T24 (low emissivity, Title 24 compliant) windows. The Project will be 100 percent electric and will not include natural gas lines. In addition, drought tolerant landscaping will be installed.

In December 2022, the City adopted the most recent versions of the California Green Building Standards Code under Fresno Municipal Code (FMC) Chapter 11, Article 1, Section 11-109 (also called Fresno CALGreen), and the California Energy Code under FMC Chapter 11, Article 1, Section 11-108. The proposed Project would be required to comply with the City's CALGreen and Energy Code, which would ensure that the proposed Project would have a **less than significant impact** on energy resources during Project construction and operation.

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

**No impact.** The proposed Project is consistent with the land use designation and development density presented in the General Plan and Development Code. The Project site General Plan land use designation is Residential, Low Density, 1.0 to 3.5 Dwelling Units (DU) per acre. The Project site Zoning designation is RS-3, Residential Single-Family, Low Density. In addition, the proposed Project is consistent with the objectives and implementing policies contained in General Plan Section 7.5 Energy Resources, which are presented, in part, below:

#### **Objective:**

**RC-8** Reduce the consumption of non-renewable energy resources by requiring and encouraging conservation measures and the use of alternative energy sources.

#### **Implementing Policies:**

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<sup>36</sup> Fresno General Plan. Chapter 7 Resource Conservation and Resilience. Section 7.5 Energy Resources, p. 7-37.



- 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.
- RC-8-b** Energy Reduction Targets. Strive to reduce per capita residential electricity use to 1,800 kWh per year and non-residential 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.
- RC-8-c** Energy Conservation in New Development. Consider providing an incentive program for new buildings that exceed California Energy Code requirements by fifteen percent.
- RC-8-d** Incentives. Establish an incentive program for residential developers who commit to building all of their homes to ENERGY STAR performance guidelines.
- RC-8-e** Energy Use Disclosure. Promote compliance with State law mandating disclosure of a building's energy data and rating of the previous year to prospective buyers and lessees of the entire building or lenders financing the entire building.

The City ensures all provisions of the General Plan and Development Code are incorporated into development projects through design review and entitlement permits with conditions of approval as applicable. Therefore, by compliance with the General Plan and Fresno Development Code, the proposed Project would have **no impact** on a state or local plan for renewable energy or energy efficiency.

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

| <b>ENVIRONMENTAL ISSUES</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b> |
|--|---------------------------------------|---|-------------------------------------|------------------|
| 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 San Joaquin Valley, which includes the Fresno area, is a topographic and structural basin that is bounded on the east by the Sierra Nevada Mountains and on the west by the Coast Ranges. The Sierra Nevada, a fault block dipping gently southwestward, is made up of igneous and metamorphic rocks of pre-Tertiary age that comprise the basement complex beneath the Valley. The Coast Ranges contain folded and faulted sedimentary rocks of Mesozoic and Cenozoic age, which are similar to those rocks that underlie the Valley at depth and non-conformably overlie the basement complex; gently dipping to nearly horizontal sedimentary rocks of Tertiary and Quaternary age overlie the older rocks. These younger rocks are mostly of continental origin and in the Fresno area, they were derived from the Sierra Nevada.

The Coast Ranges evolved as a result of folding, faulting, and accretion of diverse geologic terrains. They are composed chiefly of sedimentary and metamorphic rocks that are sharply deformed into complex structures. They are broken by numerous faults, the San Andreas Fault being the most notable structural feature.

Both the Sierra Nevada and Coast Range are geologically young mountain ranges and possess active and potentially active fault zones. Major active faults and fault zones occur at some distance to the east, west, and south of the Fresno area. The Owens Valley Fault Zone bounds the eastern edge of the Sierra Nevada block and contains both active and potentially active faults.

Portions of the Ortigalita, Calaveras, Hayward, and Rinconada Faults, which are to the west, are considered potentially active. The San Andreas Fault is possibly the best-known fault and is located about 60 to 70 miles to the west.<sup>37</sup>

<sup>37</sup> Krazan & Associates, Inc. January 2022. Geological Engineering Investigation Proposed Church Avenue Subdivision Church and Walnut Avenue Fresno, California.

This section relies, in part, on the technical analyses contained in a site-specific geotechnical investigation report prepared by Krazan for the proposed Project (Appendix D).<sup>38</sup> The geotechnical investigation was conducted to evaluate subsurface soil and groundwater conditions at the Project site. Also, engineering analyses of the field and laboratory data were performed for the purpose of developing and providing geotechnical recommendations for use in the design and construction of the earthwork, foundation, and pavement aspects of the Project.

## 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.**

**No impact.** The Alquist-Priolo Earthquake Fault Zoning Act went into effect in March 1973. Since that time, the Act has been amended 11 times. The purpose of the Act, as provided in California Geologic Survey (CGS) Special Publication 42 (SP 42), is to prohibit the location of most structures for human occupancy across the traces of active faults and to mitigate thereby the hazard of fault-rupture. The Act was renamed the Alquist-Priolo Earthquake Fault Zoning Act in 1994, and, at that time, the originally designated "Special Studies Zones" was renamed the "Earthquake Fault Zones." According to the General Plan PEIR<sup>39</sup> and the geologic investigation report<sup>40</sup> this Act does not apply to the proposed Project because no active faults are in the vicinity of the City of Fresno Planning Area. Therefore, the proposed Project would have **no impact** on a known earthquake fault.

ii. **Strong seismic ground shaking?**

**Less than significant impact.** Although Fresno residents could feel the effects of a large seismic event on one of the nearby active or potentially active fault zones, as a mandatory condition of Project approval, the City will require the proposed Project be constructed in accordance with the California Green Building Standards Code, and the City Building Code. The California Green Building Standards Code and City Building Code, designed to mitigate significant adverse effects associated with strong seismic ground shaking, and seismic design requirements contained in the California Building Standards Code would be applied to the construction of the proposed Project. Therefore, the potential impact from strong seismic ground shaking from nearby events would be **less than significant**

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<sup>38</sup> Ibid.

<sup>39</sup> GP PEIR. Chapter 4.7 Geology and Soil, p. 4.7-10.

<sup>40</sup> Geological Engineering Investigation Proposed Church Avenue Subdivision Church and Walnut Avenue Fresno, California, p. 3.

with the application of engineering recommendations and compliance with seismic design and development code.

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

**Less than significant impact.** Secondary hazards from earthquakes include rupture, seiche, landslides, liquefaction, and subsidence. Since there are no known faults within the immediate area, ground rupture from surface faulting should not be a potential problem. Seiche and landslides are not hazards in the area either. Liquefaction potential (sudden loss of shear strength in a saturated, cohesionless soil) should be low since groundwater occurs below 60 feet.<sup>41</sup> Therefore, the proposed Project would have a **less than significant impact** on seismic-related ground failure, including liquefaction.

### iv. Landslides?

**No impact.** The Project site is relatively level, with a slight northwest incline with an elevation ranging from 275 feet ASL on the southeast side to 281 feet ASL on the northwest side. Additionally, as noted in the site-specific geotechnical analysis and stated above, landslides are not hazards in the area. Therefore, the proposed Project would have **no impact** on the potential for landslides at the development site.

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

**Less than significant impact.** Project development would involve excavation, grading, and construction activities that would disturb soil and leave exposed soil on the ground surface. Common means of soil erosion from construction sites include water, wind, and tracking off-site by vehicles.

However, the Project development would be subject to the National Pollution Discharge Elimination System (NPDES) permitting regulations, including the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP). The proposed Project's construction contractor would be required to prepare and implement a SWPPP and associated best management practices (BMPs) during grading and construction. Types of BMPs that are incorporated in SWPPPs and would help minimize impacts from soil erosion include:

- Erosion controls: Cover and/or bind soil surface to prevent soil particles from being detached and transported by water or wind. Erosion control BMPs include mulch, soil binders, and mats.
- Sediment controls: Filter out soil particles that have been detached and transported in water. Sediment control BMPs include barriers, and cleaning measures such as street sweeping.

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<sup>41</sup> Ibid.

- Tracking controls: Tracking control BMPs minimize the tracking of soil offsite by vehicles; for instance, stabilizing construction roadways and entrances/exits.

Adherence to the BMPs in the SWPPP, adherence with local and state codes and requirements for erosion control and grading during construction would reduce, prevent, or minimize soil erosion from Project-related grading and construction activities. Therefore, the proposed Project would have a **less than significant impact** on soil erosion or loss of topsoil from Project-related grading and construction activities.

**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?**

**Less than significant impact.** Hazards from liquefaction are addressed above in Section a. iii, and landslide hazards are addressed in Section a. iv. The following is a discussion of the potential impacts resulting from other site geologic and soil conditions:

**Lateral Spreading.** Lateral spreading is a phenomenon that occurs in association with liquefaction and includes the movement of non-liquefied soil materials. Due to the low risk of liquefaction on the Project site, lateral spreading is not considered a hazard to the site. Therefore, the proposed Project is expected to have a **less than significant impact** related to lateral spreading.

**Subsidence.** The major cause of ground subsidence is the excessive withdrawal of groundwater. According to the USGS Areas of Subsidence in California Map, the proposed Project is not located in or near a region experiencing subsidence.<sup>42</sup> Additionally, the proposed Project does not propose any groundwater withdrawal that would create or worsen ground subsidence. Furthermore, although subsidence or collapse is a significant concern in western Fresno county, as well as other portions of the San Joaquin Valley, the Fresno General Plan Planning Area is not known to be subject to such subsidence or collapse hazards.<sup>43</sup> Therefore, impacts associated with subsidence would be **less than significant**.

**Collapsible Soils.** The surficial on-site disturbed native soils, and near surface alluvial/colluvial soils are moisture-sensitive and are moderately compressible under saturated conditions. Structures within the Project vicinity have experienced excessive post-construction settlement when similar foundation soils become nearly saturated. As recommended in the site preparation section of the geotechnical report (Appendix D), the collapsible or weak soils should be removed, moisture-conditioned to at least optimum moisture-content, and recompact to a minimum of 90 percent of the maximum dry density based on ASTM D1557 Test Method. Therefore, the proposed Project, with

<sup>42</sup> United States Geological Survey (USGS).2020. Areas of Subsidence in California Map. Website: [https://ca.water.usgs.gov/land\\_subsidence/california-subsidence-areas.html](https://ca.water.usgs.gov/land_subsidence/california-subsidence-areas.html). Accessed 9/2023.

<sup>43</sup> GP PEIR., p. 4.7-24.

adherence to the recommendation contained in site-specific geotechnical report, would have a **less than significant impact** related to collapsible soils.

**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?**

**Less than significant.** Expansive soils have the potential to undergo volume change, or shrinkage and swelling, with changes in soil moisture. As expansive soils dry, the soil shrinks; when moisture is reintroduced into the soil, the soil swells. Development projects in the City are subject to FMC Section 11-101, which incorporates the 2022 California Building Code (CBC), Title 24, Part 2. Chapter 16–Structural Design of the CBC addresses site-specific geotechnical requirements including the design load-bearing values of soils, as well as other seismic-related requirements for construction.<sup>44</sup> Compliance with the CBC requires that geotechnical design of the proposed Project minimize or eliminate potential impacts related to expansive soils. Therefore, the risk of expansive soil affecting the proposed Project would be a **less than significant impact**.

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

**No impact.** The Project site is currently served by a wastewater conveyance system maintained by the City of Fresno. Wastewater from the City’s collection system is treated at the City’s wastewater treatment plant. Development of the proposed Project would not involve the use of septic tanks or alternative wastewater disposal systems. Therefore, the proposed Project would have **no impact** related to soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems.

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

**Less than significant impact with mitigation incorporated.** Bargas prepared a Paleontological Resource Report<sup>45</sup> (Appendix I), in compliance with CEQA. The paleontological study did not identify any known fossil localities within the boundaries of the Project site. The Holocene-age fan deposits at and near the surface of the Project site are typically considered to have a low sensitivity for significant paleontological resources due to the relatively young age of the deposits. Paleontological resources have been documented in Fresno County from early Holocene- to Pleistocene-age to Modesto Formation sediments, which may be presented at depth within the Project site. However, proposed ground-disturbing activities for the Project are shallow (i.e., 4.5 feet deep) and

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<sup>44</sup> California Department of General Services, Building Standards Commission. 2022 California Building Code. Chapter 16 Structural Design. Website: <https://www.dgs.ca.gov/BSC/Codes>. Accessed 9/2023.

<sup>45</sup> Bargas Environmental Consulting, LLC. April 2023. Paleontology Constraints Review Memorandum for the Fresno Housing Authority Heritage Estates Project located in the City of Fresno, California

are anticipated to be entirely within the low sensitivity Holocene-age deposits. Therefore, impacts to paleontological resources are anticipated to be **less than significant with mitigation incorporated**, with any potential impacts further reduced by mitigation measure **GEO-6.1** provided below.

### **Mitigation Measure**

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

- If unique paleontological/geological resources are not found during either the field survey or literature search, excavation and/or construction activities can commence. In the event that unique paleontological/geological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study. The qualified paleontologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to, excavation of the finds and evaluation of the finds. If the resources are determined to be significant, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any paleontological/geological resources recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.
- 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.

The proposed Project shall implement and incorporate the geology and soils related mitigation measure as identified in the attached Project Specific Mitigation Monitoring Checklist dated October 22, 2023.

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

### **Environmental Setting**

The Intergovernmental Panel on Climate Change has identified four major greenhouse gases (GHGs)—water vapor, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and ozone (O<sub>3</sub>)—that are the likely cause of an increase in global average temperatures observed within the 20th and 21st centuries. Other GHGs identified by the Intergovernmental Panel that contribute to global warming to a lesser extent include nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), hydrofluorocarbons, perfluorocarbons, and chlorofluorocarbons. The primary source of these GHGs is fossil fuel use.

In 2020, the City of Fresno updated its 2014 GHG Reduction Plan (GHG Reduction Plan Update) to conform with existing applicable State climate change policies and regulations to reduce local community GHG emissions to 40 percent below 1990 levels by the year 2030, consistent with the State objectives set by SB 32 and the 2017 Scoping Plan. The GHG Plan Update outlines strategies that the City will undertake to achieve its proportional share of GHG emission reductions. The GHG Reduction Plan Update includes a Consistency Checklist to help the City provide a streamlined review process for new development projects that are subject to discretionary review pursuant to CEQA.<sup>46</sup>

The proposed Project is located within the jurisdiction of the SJVAPCD, which regulates air quality in the SJVAB.

<sup>46</sup> LSA Associates. May 2023. Air Quality and Greenhouse Gas Emissions Analysis for the Proposed Heritage Estates Project in Fresno, California.

The analysis in this section relies on a project-specific emissions assessment<sup>47</sup> (Appendix A) for the proposed Project prepared to satisfy the requirements of CEQA and the City using methods and assumptions recommended in the SJVAPCD's GAMAQI.<sup>48</sup>

## DISCUSSION

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

**Less than significant impact** Construction activities, such as site preparation, site grading, on-site heavy-duty construction vehicles, equipment hauling materials to and from the Project site, and motor vehicles transporting the construction crew, would produce combustion emissions from various sources. During construction of the proposed Project, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically uses fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O.<sup>49</sup>

The SJVAPCD has developed screening criteria to determine whether a project requires an analysis of project-generated criteria air pollutants. If all the screening criteria are met by a proposed project, then the lead agency does not need to perform a detailed air quality assessment. For single-family residential land uses, the SJVAPCD screening size is 155 units.<sup>50</sup> The proposed Project would develop 33 single-family units; therefore, based on the SJVAPCD's screening criteria, construction of the proposed Project would result in a **less than significant impact** on the generation of GHG emissions.

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

**Less than significant impact** The City of Fresno's GHG Reduction Plan was adopted in December 2014 to reduce local community GHG emissions to 1990 levels by the year 2020, consistent with the State objectives set forth in AB 32. The City's 2014 GHG Reduction Plan meets the requirements for a Qualified Greenhouse Gas Reduction Strategy and is designed to streamline environmental review of future development projects in the City, consistent with State CEQA Guidelines Section 15183.5. The City of Fresno updated its 2014 GHG Reduction Plan in 2021 to conform with existing applicable State climate change policies and regulations to reduce local community GHG emissions to 40 percent below 1990 levels by the year 2030, consistent with the State objectives set by SB 32. The GHG Plan Update outlines strategies that the City will undertake to achieve

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<sup>47</sup> Ibid.

<sup>48</sup> SJVAPCD. March 2015. Guidance for Assessing and Mitigating Air Quality Impacts. March. Website: <http://www.valleyair.org/transportation/GAMAQI.pdf>, accessed April 2023.

<sup>49</sup> Air Quality and Greenhouse Gas Emissions Analysis for the Proposed Heritage Estates Project in Fresno, California, p. 21.

<sup>50</sup> Ibid.

its proportional share of GHG emission reductions. The GHG Reduction Plan Update includes a Consistency Checklist to help the City provide a streamlined review process for new development projects that are subject to discretionary review pursuant to CEQA. This analysis evaluates the proposed Project's consistency with the City's GHG Reduction Plan Update (see Appendix A, Attachment C–Greenhouse Gas Reduction Plan Update Consistency Checklist).

The GHG Reduction Plan Update requires an analysis of GHG emissions to ensure that the change in land use designation would not result in a significant increase in GHG emissions compared to the existing land use designation. The proposed Project would not require a change in the General Plan land use designation or the current zoning and would be consistent with the City's General Plan and Zoning Ordinance. Therefore, an analysis of the proposed Project's estimated GHG emissions compared to maximum buildout of the existing designation would not be required.

The proposed Project would be consistent with the applicable strategies from the GHG Reduction Plan Update; therefore, emissions associated with the Project would not hinder the City's ability to meet the reduction targets outlined in SB 32 and the Project would not result in substantial GHG emissions. Additionally, the Project would not conflict with the State's GHG emissions reductions objectives embodied in any executive order, bill, or plan. Therefore, the proposed Project's incremental contribution to cumulative GHG emissions would not be cumulatively considerable.<sup>51</sup>

The proposed Project would comply with existing State regulations adopted to achieve the overall GHG emissions reduction goals and would be consistent with applicable plans and programs designed to reduce GHG emissions. Therefore, the proposed Project would have a **less than significant impact** on any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

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<sup>51</sup> Ibid, p. 24.

| <b>ENVIRONMENTAL ISSUES</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b> |
|--|---------------------------------------|---|-------------------------------------|------------------|
| <b>IX. HAZARDS AND HAZARDOUS MATERIAL</b> – Would the project:   |                                       |   |                                     |                  |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  |                                       |   | X                                   |                  |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?  |                                       |   | X                                   |                  |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  |                                       |   | X                                   |                  |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   |                                       |   |                                     | X                |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? |                                       |   | X                                   |                  |

| <b>ENVIRONMENTAL ISSUES</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b> |
|---|---------------------------------------|---|-------------------------------------|------------------|
| 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                                   |                  |

### **Environmental Setting**

Hazardous materials are routinely used, stored, and transported in the City Planning Area and are associated with industrial and commercial/retail businesses, as well as in educational facilities, hospitals, and households.

The Fresno County Health Department's Certified Unified Program Agency (CUPA) is responsible for implementing a unified hazardous materials and hazardous waste management regulatory program. The agency provides oversight of businesses that:

- Require Hazardous Materials Business Plans
- Require California Accidental Release Prevention plans or Federal Risk Management Plans
- Operate Underground Storage Tanks
- Operate Aboveground Storage Tanks
- Generate Hazardous Waste(s)
- Have Onsite Treatment of Hazardous Waste(s)/Tiered Permits

Compliance is achieved through routine inspections of all regulated facilities, and investigation of citizen-based complaints and inquiries regarding improper handling and/or disposal of hazardous materials and/or hazardous wastes. Hazardous waste source reduction is a primary goal of the CUPA. Additionally, the agency provides oversight for the remediation of contaminated sites.<sup>52</sup>

### **DISCUSSION**

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<sup>52</sup> GP PEIR. Chapter 4.9-Hazards and Hazardous Materials.

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

**Less than significant impact.** Hazardous materials, as defined by the California Code of Regulations, are substances with certain physical properties that could pose a substantial present or future hazard to human health or the environment when improperly handled, disposed, or otherwise managed. Hazardous materials are grouped into the following four categories, based on their properties:<sup>53</sup>

- Toxic - causes human health effects
- Ignitable - has the ability to burn
- Corrosive - causes severe burns or damage to materials
- Reactive - causes explosions or generates toxic gases

A hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. The criteria that define a material as hazardous also define a waste as hazardous. If improperly handled, hazardous materials and hazardous waste can result in public health hazards if released into the soil or groundwater or through airborne releases in vapors, fumes, or dust.

Hazardous materials are routinely used, stored, and transported in the Fresno General Plan Planning Area and are associated with industrial and commercial/retail businesses, as well as in educational facilities, hospitals, and households. Hazardous waste generators in the Planning Area include industries, businesses, public and private institutions, and households. Federal, state, and local agencies maintain comprehensive databases that identify the location of facilities using large quantities of hazardous materials, as well as facilities generating hazardous waste. Some of these facilities use certain classes of hazardous materials that require risk management plans to protect surrounding land uses.

The Fresno County Health Department's Certified Unified Program Agency (CUPA) is responsible for implementing a unified hazardous materials and hazardous waste management regulatory program. The agency provides oversight of businesses that:

- Require Hazardous Materials Business Plans;
- Require California Accidental Release Prevention plans or Federal Risk Management Plans;
- Operate Underground Storage Tanks;
- Operate Aboveground Storage Tanks;

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<sup>53</sup> GP PEIR. Chapter 4.9—Hazards and Hazardous Materials, p.

The City of Fresno Fire Department Hazardous Materials Response Team (HMRT) has embraced an all-hazards approach to emergency response to ensure that the Planning Area receives effective protection from the risk of hazardous materials releases.<sup>54</sup>

In addition, FMC Section 15-2514—Fire and Explosives Hazards states, in part:

- All activities, processes and uses involving the use of, or storage of flammable and explosive *materials* shall be provided with adequate safety devices against the *hazard* of fire and explosion in accordance with the Fire Code.
- The use, handling, storage and transportation of *hazardous* and extremely *hazardous materials* shall comply with the provisions of the California *Hazardous Materials* Regulations and the California Fire and Building Code, as well as the laws and regulations of the California Department of Toxic Substances Control (DTSC) and the County Environmental Health Agency.
- The use, handling, transportation, and storage of *hazardous* and extremely *hazardous materials* shall comply with the laws and regulations of Occupational Safety and Health Administration (OSHA), United States Department of Transportation (US DOT) and Environmental Protection Agency (EPA). Also add a requirement for compliance with all applicable federal and State laws, including, but not limited to, the *Hazardous Materials* Transportation Act of 1975.

**Construction Impacts.** Construction activities associated with the proposed project would involve the use of limited amounts of potentially hazardous materials, including but not limited to, solvents, paints, fuels, oils, and transmission fluids. However, only limited quantities of these materials are expected to be used during construction, and would generally not be considered hazardous to the public at large. In addition, all materials used during construction would be contained, stored, and handled in compliance with applicable standards and regulations established by the DTSC, the USEPA, and OSHA. OSHA's construction standards require construction employers to have accident prevention programs, including emergency action plans with exit routes, and fire prevention plans that provide for frequent and regular inspection of the jobsites, materials, and equipment by competent persons designated by the employers (29 CFR 1926).

Compliance with DTSC, USEPA, OSHA, US DOT, and Fresno Municipal Code requirements would ensure potential impacts to the public or the environment through the routine transport, use, or disposal of hazardous materials during project construction would be **less than significant**.

**Operation Impacts.** In general, the proposed Project, as a residential development, would not engage in the *routine* transport, use, or disposal of reportable quantities of hazardous materials. Common hazardous materials used in single-family residences include retail quantities of bleach, paint, and solvents. However, the Fresno General Plan

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<sup>54</sup> Ibid.



addresses hazardous materials in the Noise and Safety Element with objectives and policies listed below:

**Objective NS-4:** Minimize the risk of loss of life, injury, serious illness, and damage to property resulting from the use, transport, treatment, and disposal of hazardous materials and hazardous wastes.

**Policy PU-3-d:** Review All Development Applications. Continue Fire Department review of development applications, provide comments and recommend conditions of approval that will ensure adequate on-site and off-site fire protection systems and features are provided.

**Policy PU-3-e:** Building Codes. Adopt and enforce amendments to construction and fire codes, as determined appropriate, to systematically reduce the level of risk to life and property from fire, commensurate with the City's fire suppression capabilities.

**Policy NS-4-e:** Compliance with County Program. Require that the production, use, storage, disposal, and transport of hazardous materials conform to the standards and procedures established by the County Division of Environmental Health. Require compliance with the County's Hazardous Waste Generator Program, including the submittal and implementation of a Hazardous Materials Business Plan, when applicable.

**Policy NS-4-h:** Household Collection. Continue to support and assist with Fresno County's special household hazardous waste collection activities, to reduce the amount of this material being improperly discarded.

**Policy NS-4-i:** Public Information. Continue to assist in providing information to the public on hazardous materials.

Therefore, compliance with the Fresno General Plan and all applicable federal, state, and local laws and regulations controlling the use, generation, storage, transport, and/or the disposal of hazardous materials during construction and operation would reduce the potential impacts from the routine transport, use, or disposal of hazardous materials to **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?**

**Less than significant impact.** As stated above in response to question **a)**, The proposed Project would comply, through conditions of development and inspections, with applicable federal, state, local laws and regulations, and Fresno General Plan policies controlling the use, generation, storage, transport, or disposal of hazardous materials. Therefore, the Project would have a **less than significant impact** on conditions that would lead to an

unauthorized release of hazardous materials causing harm to the public or the environment.

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

**Less than significant impact.** The closest schools to the Project site are Computech Middle School and Edison High School, both located approximately 0.07 miles (418 feet) east of the Project site.<sup>55</sup> Construction of the proposed Project could result in the use, storage, and transport of reportable quantities of hazardous materials. However, operation the proposed Project, a 33-dwelling single-family home development, would result in retail quantities only of hazardous materials, e.g., paints, solvents, bleach, and would not use, store, transport, or dispose of reportable quantities of hazardous or acutely hazardous materials. As stated above in response to question **a)**, both Project construction and operation would comply with all applicable federal, state, local laws and regulations, and Fresno General Plan policies controlling the use, generation, storage, transport, and/or the disposal of hazardous materials, which would reduce the potential for the proposed Project to emit of hazardous materials or acutely hazardous, substances, or waste within one-quarter mile of an existing school to a **less than significant impact**.

**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?**

**No impact.** A review of California Department of Toxic Substances Control (DTSC). Hazardous Waste and Substance Sites List (Envirostor) indicated that the proposed Project is not included as a hazardous material site.<sup>56</sup>

Additionally, a Phase I Environmental Site Assessment was conducted by Krazan for the proposed Project site (Appendix E).<sup>57</sup> Krazan identified no evidence of recognized environmental conditions (RECs), controlled recognized environmental conditions (CRECs) or historical RECs (HRECs) in connection with the subject site as defined by ASTM E 1527-13. However, soil stockpiles covered with various types of debris and minor amounts of trash were found along the eastern property boundary. No odors, surface staining, stressed vegetation, or other obvious evidence of the presence of hazardous materials or hazardous waste were noted at that time of the site reconnaissance in association with the soil and debris piles. A subsequent soil sampling analysis was

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<sup>55</sup> Fresno Unified School District. 2023. School Locator. <https://apps.fresnounified.org/schoollocator>. Accessed August 2023.

<sup>56</sup> California Department of Toxic Substances Control (DTSC). Hazardous Waste and Substance Sites List (Envirostor). Accessed August 2023. <https://www.envirostor.dtsc.ca.gov/public/>.

<sup>57</sup> Krazan & Associates, Inc. March 2022. Phase I Environmental Site Florence and Plumas Single Family Homes South of Florence Avenue and Plumas Street APN 477-060-04T, Fresno, California 93706.

conducted on the stockpiles<sup>58</sup> (Appendix F). Field observation found no evidence of impacted soil such as odors or discoloration during the soil sampling activities, although minor amounts of household trash, landscape vegetation/debris, and smaller pieces of concrete were observed within the soil and debris piles. Laboratory analysis found no evidence of potential hazardous materials or constituents of potential concern (COPCs). Based on the field observations and laboratory analytical report, Krazan concluded that a significant threat from COPCs did not exist at the locations sampled and further soil assessment was not warranted. Therefore, because the proposed Project site is not a DTSC-listed hazardous material site, and the site has no evidence of recognized environmental conditions, the Project would have **no impact** on creating a significant hazard to the public or the environment as a known hazardous material site.

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

**Less than significant impact.** The closest airport in the vicinity of the proposed Project is the Fresno Chandler Executive Airport, located approximately 0.8 miles north of the proposed Project. The Project site is located within the Fresno Chandler Executive Airport's Land Use Compatibility Plan Safety Zone 6–Traffic Pattern Zone (TPZ); however, the aircraft accident risk level is considered to be low within the TPZ.<sup>59</sup> In addition, according to the airport's Land Use Safety Compatibility Criteria,<sup>60</sup> the proposed Project is a permitted land use in the TPZ. Therefore, because the Project site is in a low-risk zone in relation to the airport, and because the proposed Project is in compliance with existing land use requirements, the proposed Project would result in a **less than significant impact** on the safety of people residing or working in the Project area.

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

**Less than significant impact.** The California Emergency Services Act requires cities to prepare and maintain an Emergency Plan for natural, man-made, or war-caused emergencies that result in conditions of disaster or in extreme peril to life. The City's Police and Fire Departments are the lead agencies for all local emergency response efforts. The City's full-time Emergency Preparedness Officer (EPO) is responsible for ensuring that Fresno's emergency response plans are up-to-date and implemented properly. The EPO also facilitates cooperation between City departments and other local, state and federal agencies that would be involved in emergency response operations.

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<sup>58</sup> Krazan & Associates, Inc. October 2022. Phase II Limited Soil Assessment Heritage Estates South of Florence Avenue and Plumas Street APN 477-060-04T, Fresno, California 93706.

<sup>59</sup> Fresno Council of Governments. December 2018. Fresno County Airport Land Use Compatibility Plan, Section 3.2.1. <https://www.fresnocog.org/project/airport-land-use-commission-fresno-county/>. Accessed August 2023.

<sup>60</sup> Kimley Horn. 2018. Fresno Chandler Executive Airport Master Plan Update, p. 3-9.

The City of Fresno Emergency Operations Center (EOC) also serves as the coordination and communication between the City of Fresno and Fresno County Operational Area EOC.<sup>61</sup>

In addition, OSHA provides construction standards that require construction employers to have accident prevention programs, including emergency action plans with exit routes, and fire prevention plans that provide for frequent and regular inspection of the jobsites, materials, and equipment by competent persons designated by the employers (29 CFR 1926).

The adequacy of emergency access associated with the proposed Project would be analyzed and evaluated in detail through the environmental review process. The Project would be designed, constructed, and maintained in accordance with applicable federal, state, and local regulation and policies contained in the General Plan, including providing emergency vehicular access to ensure that adequate emergency ingress and egress would be maintained. Also, construction activities that may temporarily restrict vehicular traffic, if any, would be required to implement appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures. Therefore, because the proposed Project would provide adequate access for emergency vehicles, including adequate street widths and vertical clearance, and comply with federal, state, and local regulation and policies contained in the General Plan, the proposed Project would have a **less than significant impact** on an adopted emergency response plan or emergency evacuation plans.

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

**Less than significant.** Wildland fires are those fires that occur on lands with natural vegetation such as forest, brush, and grass. According to the California Department of Forestry and Fire Protection (CAL FIRE) Draft Fire Hazard Severity Zone in Local Responsibility Area (LRA) Map for Fresno County,<sup>62</sup> the proposed Project site is not located in a Fire Hazard Severity Zone. Consequently, the Project would have a **less than significant impact** on the exposure of people or structures to a significant risk of loss, injury or death involving wildland fires.

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<sup>61</sup> GP PEIR, p. 4.9-30

<sup>62</sup> California Department of Forestry and Fire Protection (CAL FIRE). 2007. Fresno County Draft Fire Hazard Severity Zones in LRA. October 2. Website: <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildfire-preparedness/fire-hazard-severity-zones/fire-hazard-severity-zones-map/> (accessed August 2, 2023).

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

| <b>ENVIRONMENTAL ISSUES</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b> |
|---|---------------------------------------|---|-------------------------------------|------------------|
| 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                |

### **Environmental Setting**

The City of Fresno is a co-permittee in the Phase 1 NPDES General Permit for Stormwater Discharges From Municipal Separate Storm Sewer Systems (MS4s). This Phase 1 MS4 Permit requires that the City and its co-permittees implement water quality and watershed protection measures for all development projects. The waste discharge requirements contained in the NPDES Permit have been designed to be consistent with the water quality standards and goals established in the Central Valley RWQCB's Basin Plan. The Phase 1 MS4 Permit prohibits discharges from violating applicable water quality standards or creating a nuisance or water quality impairment in receiving waters.<sup>63</sup>

### **DISCUSSION**

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

**Less than significant impact.** Construction of the proposed Project would involve the removal of vegetation cover, grading, stockpiling, excavation, and other site-preparation activities on a 7.71-acre site that could temporarily increase runoff, erosion, and sedimentation. However, any development Project disturbing one or more acres of soil must obtain coverage under the NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (General Permit Order WQ 2022-0057-DWQ, NPDES No. CAS000002).<sup>64</sup> This Order, which was adopted on

<sup>63</sup> GP PEIR, p. 4.10-10.

<sup>64</sup> California State Water Resources Control Board. September 2022. National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (General Permit). [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction/general\\_permit\\_reissuance.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction/general_permit_reissuance.html).

September 8, 2022, and becomes effective on September 1, 2023, supersedes Order 2009-0009-DWQ as amended by Order 2010-0014-DWQ and 2012-0006-DWQ. The General Permit Order requires the development and implementation of a site-specific SWPPP describing BMPs the discharger would use to prevent and retain storm water runoff. Construction BMPs would include, but not be limited to, erosion and sediment control, designed to minimize erosion and retain sediment on-site, and good housekeeping practices to prevent spills, leaks, and discharge of construction debris and waste into receiving waters. Common BMPs to limit pollution in stormwater runoff from construction sites include maintaining or creating drainages to convey and direct surface runoff away from bare areas, and installing physical barriers such as berms, silt fencing, waddles, straw bales, and gabions. More examples of BMPs can be found in the General Permit Order Attachment E, and the Caltrans Construction Site Best Management Practices Manual.<sup>65</sup>

Additionally, Chapter 6, Article 7, Section 6-714–Urban Storm Water Quality Management and Discharge Control of the Fresno Municipal Code further reduces impacts on the capacities of existing storm drain facilities and mitigates water quality impacts from new development and redevelopment by reducing pollutants in urban storm water discharges to the maximum extent practicable, and by effectively prohibiting non-storm water discharges to the storm drain system.

Therefore, through compliance with the NPDES General Permit Order and the Fresno Municipal Code, the proposed Project would have a **less than significant impact** on water quality standards or waste discharge requirements and would not violate or otherwise substantially degrade surface or groundwater quality.

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

**Less than significant impact.** The City relies on groundwater from the North Kings Subbasin; surface water from Central Valley Project (CVP) through a contract with the United States Bureau of Reclamation (USBR); Kings River water through a contract with Fresno Irrigation District (FID); and recycled water.<sup>66</sup>

The proposed Project would connect to the municipal water system provided by City of Fresno Department of Public Utilities, and would represent anticipated future development in accordance with the General Plan and Zoning Ordinance upon which water demand projections are based. In addition, the proposed Project implements mandated energy efficient design, including drought tolerant landscaping. Therefore, the

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<sup>65</sup> Caltrans. 2017. Construction Site Best Management Practices (BMP) Manual.

<https://dot.ca.gov/programs/construction/storm-water-and-water-pollution-control/manuals-and-handbooks>.

<sup>66</sup> City of Fresno Department of Public Utilities. July 2021. 2020 Urban Water Management Plan, p. ES-5.

proposed Project would have a **less than significant impact** on groundwater supplies or substantially interfere with groundwater recharge in the Planning Area.

**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?**

**Less than significant impact.** During construction of the proposed Project, excavated soil would be exposed and disturbed, drainage patterns would be temporarily altered, and there would be an increased potential for soil erosion and sedimentation compared to existing conditions. The proposed Project would be controlled by an NPDES General Permit Order that requires the preparation of a SWPPP and implementation of construction BMPs designed to prevent substantial erosion or siltation on or offsite during construction. Therefore, compliance with the site-specific SWPPP would ensure that the proposed Project would have a **less than significant impact** on erosion or siltation on or offsite.

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

**Less than significant impact.** During construction of the proposed project, soil would be disturbed and compacted, and drainage patterns would be temporarily altered, which can increase the volume and velocity of stormwater runoff and increase the potential for localized flooding compared to existing conditions. Construction of the proposed Project would be controlled by an NPDES General Permit Order that requires the preparation of a SWPPP and implementation of construction BMPs to control and direct surface runoff on-site. With adherence to the General Permit, potential construction impacts related to an increase in the rate or amount of surface runoff in a manner that would result in flooding on-site or off-site would be **less than significant**.

Operation of the proposed Project would increase impervious surfaces that would increase stormwater runoff rates and volumes. the Fresno Metropolitan Flood Control District (FMFCD) is responsible for developing and implementing the Storm Drainage and Flood Control Master Plan for the City. The FMFCD works with the developers and the City to implement the storm drainage system to collect and dispose of the increased runoff rates and volumes and prevent flooding as the result of the development and grading of land. Adherence to the FMFCD Storm Drainage and Flood Control Master Plan would ensure that development of the proposed Project would not substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site, and potential impacts would be **less than significant**.

**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?**

**Less than significant impact.** The proposed project would increase impervious surfaces at the project site, however, with implementation of a SWPPP, which would require execution of BMPs for controlling pollution sources during construction, compliance with the City's Storm Drainage and Flood Control Master Plan (SDFCMP), and implementation of the NPDES Permit, the proposed project would not exceed capacity of stormwater drainage systems or generate additional sources of polluted runoff. The FMFCD has reviewed the proposed project and determined that construction of master plan facilities by the project applicant will satisfy the requirements of the SDFCMP. Additionally, the Project Applicant would pay the City a Drainage Fee to address impacts related to the increased amount of surface runoff resulting from the proposed project. The impact would be **less than significant**.

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

**Less than significant impact.** According to the Federal Emergency Management Agency (FEMA) Flood Map Service Center, the proposed Project is located in Flood Zone X, an area of minimal flooding.<sup>67</sup> In addition, there are no drainages or water features on or near the Project site, making flood flows on or off-site unlikely. Therefore, the proposed Project would not substantially alter the existing drainage pattern of the site such that it would impede or redirect flood flows, and the potential impact would be **less than significant**.

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

**Less than significant impact.** As stated above in response to question **c-iv**), the proposed Project is located in Flood Zone X—an area of minimal flooding.<sup>68</sup> Also, the Project site is located approximately 110 miles east of the Pacific Ocean; therefore, there is no risk of tsunami. In addition, the Project site is not located in an area prone to seismic activity, and the site does not appear to be located down-gradient from bodies of water that could result in seiches. Therefore, development of the proposed Project would have a **less than significant impact** on the potential for flood hazards, tsunamis, or seiches that could release pollutants due to site flooding.

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

**No impact.** The City is located within the Kings Subbasin, which is part of the larger San Joaquin Valley Groundwater Basin. The planning documents regarding water resources

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<sup>67</sup> FEMA Flood Map Service Center. Effective 2/18/2009. FEMA Map Panel Map No. 06019C 2110H. <https://msc.fema.gov/portal/search>. Accessed 8/3/2023.

<sup>68</sup> Ibid.

for the City include the Kings Basin Water Authority Integrated Regional Water Management Plan, the City of Fresno Urban Water Management Plan, the Fresno-Area Regional Groundwater Management Plan, and the City of Fresno Metropolitan Water Resource Management Plan. As noted above in response to question **b)**, the proposed Project would be required to adhere to NPDES drainage control requirements during construction, as well as to Municipal Code and FMFCD drainage control requirements. As a result, the proposed Project would have **no impact** on the implementation of any water quality control plan or sustainable groundwater management plan.

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

## DISCUSSION

### a) Physically divide an established community?

**No impact.** The Project site is zoned RS–3, Residential Single-Family, Low Density, and is surrounded by land zoned for medium density and low density residential uses. The Project site is unimproved with no existing roads or pathways, and the proposed Project would not realign or separate any roads or other pathways, or impair pedestrian or vehicular access in the community in any way. Therefore, development of the proposed Project would have **no impact** that would physically divide an established community.

### 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?

**No impact.** The proposed Project is not controlled by land use plans protecting biological resources such as a Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other adopted local, regional or state HCP. The proposed Project is not controlled by any agricultural use policies, such as a Williamson Act contract. In addition, the Project would comply with requirements promulgated by the SJVAPCD, the DTSC, the USEPA, OSHA, and all local, state, and federal plans, policies, or regulation controlling land use within the City. Furthermore, the proposed Project's land use is consistent with the City's General Plan and Zoning designations and maps, and will comply with Development Code. Therefore, the proposed Project would have **no impact** on or conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

| ENVIRONMENTAL ISSUES  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| <b>XII. MINERAL RESOURCES</b> – Would the project:  |                                |  |                              |           |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                |                                |  |                              | X         |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? |                                |  |                              | X         |

### **Environmental Setting**

The Surface Mining and Reclamation Act of 1975 (SMARA) is the primary California state law concerning mineral resources. SMARA provides for the reclamation of formerly mined lands and directs the California State Geologist to identify and map non-fuel mineral resources of the state in order to map where economically significant mineral deposits occur, or are likely to occur, based upon the best scientific data. Inventorying non-fuel mineral resources according to mineral land classifications is the responsibility of the California Geological Survey, the California Department of Conservation (DOC), and specifically the Mineral Resources Program.<sup>69</sup> In accordance with SMARA Article 4, Section 2761b, the California Mineral Land Classification System is broken into four Mineral Resource Zone (MRZ) categories:

1. **MRZ-1**, lands where geologic information indicates no significant mineral deposits,
2. **MRZ-2**, lands that contain identified mineral resources,
3. **MRZ-3**, lands of undetermined mineral resource potential, and
4. **MRZ-4**, lands of unknown mineral resource potential.

### **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?**

<sup>69</sup> California Department of Conservation (DOC). 2019. SMARA Mineral Land Classification. <https://www.conservation.ca.gov/cgs/minerals/mineral-land-classification-smara>. Accessed April 2023.

**No impact.** The Project site is not located in an area of a known mineral resource that would be of value to the region and the residents of the state. According to the California Department of Conservation, CGS's SMARA Mineral Lands Classification (MLC) data portal, the nearest mineral resource areas to the City are in the San Joaquin River area, approximately 9.20 miles north of the Project site, which are classified as Mineral Resource Zone (MRZ) 2.<sup>70</sup> Therefore, the proposed Project would have **no impact** on the availability of a known mineral resource that would be of value to the region and the residents of the state.

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

**No impact.** The Project site is not located in a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. As stated above in response to question **a)**, no known mineral resources are located on or in the vicinity of the Project site. Therefore, the proposed Project would have **no impact** relating to the availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

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<sup>70</sup> Ibid.

| ENVIRONMENTAL ISSUES  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| <b>XIII. NOISE</b> – Would the project result in:   |                                |  |                              |           |
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   |                                |  | X                            |           |
| b) Generation of excessive groundborne vibration or groundborne noise levels?   |                                | X  |                              |           |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? |                                |  | X                            |           |

### **Environmental Setting**

The proposed Project is located in an urban area with a mix of land uses, including a mixture of residential, educational, commercial, and open space uses. The primary existing noise sources in the Project site are traffic on Walnut Street and Church Avenue, airports in the vicinity, and noise associated with nearby residential and commercial uses and Edison High School.<sup>71</sup>

This section relies on the technical analyses contained in the Acoustical Analysis of the Project site (Appendix G).<sup>72</sup>

### **DISCUSSION**

<sup>71</sup> LSA. August 2022. Acoustical Analysis, Heritage Estates Project, City of Fresno California.

<sup>72</sup> Ibid, p.1.

- 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?**

**Less than significant impact.** Noise associated with construction of the proposed Project would be temporary and would vary depending on the nature of the activities being performed. Noise generated would primarily be associated with the operation of off-road equipment for on-site construction activities as well as construction vehicle traffic on area roadways. Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., building construction, paving). Noise generated by construction equipment, including earth movers, material handlers, and portable generators typically operate in cycles of 1 or 2 minutes of full power operation followed by 3 to 4 minutes at lower power settings. Other primary sources of acoustical disturbance would be random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts). During construction, exterior noise levels could negatively affect sensitive receptors in the vicinity of the construction site.

**Construction.** Excessive noise at a site from construction equipment or work, including the operation, use or employment of pile drivers, hammers, saws, drills, derricks, hoists, or similar construction equipment or tools is prohibited by Municipal Code Section 10-105 (d)—Excessive Noise Prohibited.<sup>73</sup> However, Section 10-109 (a)—Exceptions, permits: 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***.<sup>74</sup> The proposed Project would comply with Section 10-109(d); therefore, potential impacts from the construction of the proposed Project would be **less than significant**.

**Operation.** After construction, residents of the proposed Project would be required to adhere to all relevant regulations contained in Article 1—Noise Regulations of the Municipal Code.<sup>75</sup> Therefore, potential impacts from the operation of the proposed Project would be **less than significant**.

**Existing Noise Environment Potential Impacts on the Proposed Project.** As stated above, the primary existing noise sources in the Project site are traffic on Walnut Street and Church Avenue, airports in the vicinity, and noise associated with nearby residential and commercial uses and Edison High School. Fresno Municipal Code Table 15-2506-

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<sup>73</sup> Fresno Municipal Code. 1972, last amended 2014. Chapter 10, Article 1, Section 10-109(a).

<sup>74</sup> Chapter 10, Article 1, Section 10-109(a).

<sup>75</sup> Chapter 10, Article 1, Section 10-109(d).

B–Noise Exposure From Transportation Noise Sources sets the Maximum Exterior Noise Level for new residential development at 65 (Ldn/CNEL/dB), and Maximum Interior Noise Level at 45 (Leq,dB).<sup>76</sup> The acoustical analysis report (Appendix G) states “based on traffic on Walnut Street and Church Avenue and airport noise levels of 59 dBA Ldn, combined noise levels on the Project site are estimated to be approximately 62 dBA Ldn, below the 65 Ldn/dB Maximum Exterior Noise Level. In addition, the acoustical analysis report states “it is assumed that standard construction (building design) would provide an average of 20 dBA Ldn attenuation. Therefore, at an ambient noise level of 65 dBA Ldn or below, 20 dBA Ldn attenuation would be sufficient to meet the interior noise level threshold of 45 dBA Ldn. Since combined noise levels on the Project site are estimated to be approximately 62 dBA Ldn, interior noise levels would be 42 dBA Ldn,<sup>77</sup> which would be below the 45 dBA Ldn interior noise standard for residential land uses. Ambient noise levels would not exceed the maximum exterior or interior noise exposure levels mandated by the Fresno Municipal Code. Therefore, potential noise impacts experienced by the proposed Project would **be less than significant**.

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

**Less than significant impact with mitigation incorporated.** Short-term construction-related activities at the Project site would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the activities involved. Once operational, the Project would not be a likely source of groundborne vibration. Fresno Municipal Code Section 15-2507 states: No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., **construction equipment**, trains, **trucks**, etc.) are exempt from this standard.<sup>78</sup> Vibration during construction at the Project site would be short-term and exempt from municipal noise standards because construction would occur only between the hours of 7:00 a.m. and 10:00 p.m. on any day except Sunday, and, with the implementation of Mitigation Measure **NOI-2**, which would prohibit the use of heavy construction equipment within 25 feet of existing structures, the proposed Project would have a **less than significant impact with mitigation incorporated** on the generation of excessive groundborne vibration or groundborne noise levels. Also, excessive vibration post construction would be unlikely because residents would be required to comply with exiting noise regulations; therefore, operation of the proposed Project would have a **less than significant impact with mitigation incorporated** on the generation of excessive groundborne vibration or groundborne noise levels.

**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,**

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<sup>76</sup> Fresno Municipal Code. 2016. Chapter 15, Part III, Article 25, Section 15-2506.

<sup>77</sup> LSA. August 2022. Acoustical Analysis, Heritage Estates Project, City of Fresno California, p. 10.

<sup>78</sup> Fresno Municipal Code. 2016. Chapter 15, Part III, Article 25, Section 15-2507.



**would the project expose people residing or working in the project area to excessive noise levels?**

**Less than significant impact.** The site-specific acoustical analysis indicates that the closest airport is the Fresno Chandler Executive Airport, approximately 0.8 miles north of the Project site. The Project site is located within the Fresno Chandler Executive Airport's Land Use Compatibility Plan Safety Zone 6—Traffic Pattern Zone (TPZ). Two other airports in the Project vicinity are the Fresno Yosemite International Airport (6.2 miles northeast of the Project site), and the Sierra Sky Park Airport (8.8 miles northwest of the Project site). Based on the noise contours and distance to each airport, noise levels from the Fresno Yosemite International Airport were estimated to be approximately 59 dBA Ldn, and noise levels from the Fresno Chandler Executive Airport and Sierra Sky Park were estimated to be less than 55 dBA Ldn.<sup>79</sup> As noted above, based on traffic on Walnut Street and Church Avenue and airport noise levels of 59 dBA Ldn, combined noise levels on the Project site are estimated to be approximately 62 dBA Ldn, below the 65 Ldn/dB Maximum Exterior Noise Level mandated by Fresno Municipal Code. Therefore, the proposed Project would not expose people residing or working in the Project area to excessive noise levels, and potential impacts would be **less than significant**.

### **Mitigation Measures**

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

The proposed Project shall implement and incorporate the noise related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated October 22, 2023.

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<sup>79</sup> LSA. August 2022. Acoustical Analysis, Heritage Estates Project, City of Fresno California, p. 9.

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

## DISCUSSION

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

**Less than significant impact.** The proposed Project site land use is identified on the Fresno General Plan Land Use Map as Residential, Low Density, and identified as RS-3, Residential Single-Family on the City Zoning Map. In addition, the Project is a permitted use within those land use designations under Section 15-902–Use Regulations of the Development Code (see Table 15-902–Use Regulation, Residential Single-Family Districts, and Table 15-903-1—Lot and Density Standards—Residential Single-Family Districts).<sup>80</sup> Consequently, because the Project is consistent with the proposed land use and zoning already planned for within the City’s General Plan, it would not be considered an unplanned use.

Furthermore, the proposed Project would contain approximately 99 residents. The estimated population for the City in the year 2025 is 673,704 residents; thus, the proposed Project would represent approximately 0.015 percent of the planned growth under the City General Plan, which represents a less than significant impact on a project specific basis. Therefore, because the Project is consistent with the proposed land use and zoning already planned for within the City’s General Plan, and because the potential increase in residents would be a very low percent of the planned growth in the year 2025 under the

<sup>80</sup> FMC Chapter 15, Part III, Article 25, Section 15-902.

City's General Plan, the proposed Project would not induce substantial ***unplanned*** population growth in an area, either directly or indirectly, and the potential impact would **be less than significant**.

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

**No Impact.** The Project site is currently unoccupied with no residences or structures on the site—no existing people or housing would be displaced by the Project. In addition, the Project would develop 33 single-family residences, adding to the City's housing inventory. Therefore, the proposed Project would have **no impact** that would displace substantial numbers of existing people or housing such that it would necessitate the construction of replacement housing elsewhere.

| ENVIRONMENTAL ISSUES  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| <b>XV. PUBLIC SERVICES</b> – Would the project:   |                                |  |                              |           |
| a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: |                                | X  |                              |           |
| Fire protection?  |                                |  | X                            |           |
| Police protection?  |                                |  | X                            |           |
| Schools?  |                                |  | X                            |           |
| Parks?  |                                | X  |                              |           |
| Other public facilities?  |                                | X  |                              |           |

### **Environmental Setting**

**Fire Protection:** The Fresno Fire Protection Department operates 20 fire stations within the City of Fresno.<sup>81</sup> The closest fire station is the City of Fresno Fire Station #3 which is located approximately 1.4 miles northeast of the Project site.<sup>82</sup>

**Police Protection:** The City of Fresno operates 6 police stations within the City.<sup>83</sup> The closest police department is located approximately 1.4 miles northeast of the Project site at 1211 Fresno Street.

**Schools:** The City of Fresno is served by many Unified School Districts. The Project site

<sup>81</sup> GP PEIR, p. 4.15-4.

<sup>82</sup> City of Fresno Fire Department, 2023. Fire Department Station Locations. <http://fresno.gov/fire/stations-locations/> Accessed April 2023.

<sup>83</sup> GP PEIR, p. 4.15-5.

is located in the Fresno Unified School District. The closest schools to the Project site are Computech Middle School and Edison High School, both located approximately 0.07 miles (418 feet) east of the Project site.<sup>84</sup>

**Parks:** There are more than 80 public parks owned and operated by the City of Fresno. The closest local park is Hyde Park, located approximately 300 feet to the west of the Project site. The Project also proposes the creation of an approximately 0.25-acre neighborhood pocket park and a future proposed approximately 26-foot-wide trail along East Florence Avenue.

**Other Public Facilities:** The City of Fresno operates numerous public services for its residents including courts, libraries and hospitals.<sup>85</sup> The closest public service building to the Project site is the West Fresno Branch Library located approximately 0.2 miles north of the Project site (Google Earth 2023).<sup>86</sup> The closest community center is the Frank H. Ball Park Neighborhood Center located approximately 0.75 miles northeast of the Project site.

## 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?**

**Less than significant impact.** The City of Fresno Fire Department will provide fire protection service to the Project site. The City of Fresno Fire Station #3 is the closest fire station, approximately 1.4 miles northeast of the Project site located at 1406 Fresno Street. The development of 33 single-family residences on the Project site will increase the demand for fire protection services. However, the Project is consistent with the proposed land use and zoning already planned for within the City's General Plan Planning Area to ensure that public services, including fire protection, can accommodate the growth and would not be adversely affected. The proposed project will be required to pay a Fire Facilities Fee and a Development Impact Fee pursuant to Chapter 12, Article 4.9 of the City's Code of Ordinances to account for the potential impacts to fire services.<sup>87</sup>

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<sup>84</sup> Fresno Unified School District. 2023. School Locator. <https://apps.fresnounified.org/schoollocator>. Accessed August 2023.

<sup>85</sup> GP PEIR, Section 4.15.3.5.

<sup>86</sup> Google Earth. 2023. Aerial Imagery of Fresno. *Google Earth*. earth.google.com/web/. Accessed March 2023.

<sup>87</sup> GP PEIR, Section 4.15.7.

The project was reviewed by the FFD, which will continue providing services to the Project site and will not require additional firefighters to serve the proposed Project. The construction of a new or expanded fire station will not be required. The proposed Project would not result in a significant impact on the physical environment due to the incremental increase in demand for fire protection and life safety services. The incremental increase in demand for services would not adversely affect existing response times to the site or within the City. Therefore, construction and operation of the proposed Project will have a **less than significant impact**.

## **ii. Police protection?**

**Less than significant impact.** The Fresno Police Department (FPD) provides police protection to the Project site. The closest police department is located approximately 1.4 miles northeast of the Project site at 1211 Fresno Street. The development of 33 single-family residences on the Project site will increase the demand for police services. However, the Project is consistent with the proposed land use and zoning already planned for within the City's General Plan to ensure that public services, including police services, can accommodate the growth and will not be adversely affected.

The Project could result in an incremental increase in the demand for police protection services. However, the proposed project will be required to pay a Police Impact Fee and a Development Impact Fee pursuant to Chapter 12. Article 4.8 of the City's Code of Ordinances to account for the potential impacts to police protection services.

The FPD would continue providing services to the project site and would not require additional personnel to serve the proposed project. The construction of new or expanded police facilities would not be required. Therefore, the proposed project would not result in a substantial adverse impact associated with the provision of additional police facilities or services, and impacts to police protection would represent a **less than significant impact**.

## **iii. Schools?**

**Less Than Significant Impact.** The Project site is within the Fresno Unified School District. The development of 33 single-family residences, approximately 99 residents, on the Project site will increase the demand for school services by adding an estimated 21 students and the need for additional staff and services to the District. The Project site is located within the City limits and growth within the City limits has been planned and expected as detailed in the General Plan. The state of California requests future developments pay development impact fees to the school districts when a building permit

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United States Census Bureau. <https://www.census.gov/quickfacts/fact/table/fresnocitycalifornia/HSD310221>. Accessed 10/23/2023.

Fresno Unified School District. <https://facilities.fresnounified.org/wp-content/uploads/FUSD-Fee-Study-5-18-2022.pdf>. Accessed 10/24/2023.

is received. School districts use impact fees to maintain and develop school facilities as needed. The developer will be required to pay appropriate school fees pursuant to Chapter 12, Article 8 of the City's Code of Ordinances at the time of building permits to address potential impacts. The project will not result in the construction of new school facilities, and therefore will result in a **less than significant impact**.

#### iv. Parks?

**Less than significant with mitigation incorporated.** The addition of 33 single-family residential units could increase use of existing parks. The closest local park is Hyde Park, located approximately 300 feet to the west of the Project site. The Project also proposes the creation of an approximately 0.25-acre neighborhood pocket park and a future proposed approximately 26-foot-wide trail along East Florence Avenue.

Impacts on parks and recreational facilities are determined by analyzing the projected increase in demand for these facilities as a result of future residential development and the corresponding population increase projected under the proposed Project. The proposed Project would contain approximately 99 residents, which could result in an additional burden to City's existing park capacity. However, the estimated population for the City in 2025 is 673,704 residents, and the Project would represent approximately 0.015 percent of planned growth, a less than significant impact on a project specific basis. Furthermore, the City General Plan PEIR sets forth Mitigation Measure **PSR-1.3** to address the potential cumulative impacts of new development in the City. In addition, the proposed Project would contribute its fair share to parks facilities through development impact fees required under Section 12-4.509, Urban Growth Management Park Fees, and Section 12-4.705 of Article 4.7–Park Facilities Fee of the City of Fresno Municipal Code. Therefore, with the inclusion of park and open space as part of the proposed Project, implementation of **PSR-1.3**, and the payment of development impact fees, the proposed Project would have a **less than significant impact with mitigation incorporated** on the City's ability to provide adequate park services.

#### v. Other public facilities?

**Less than significant with mitigation incorporated.** The addition of 33 single-family residential units—potentially 3 residents per household—could increase the use of public facilities, such as hospitals, libraries, and courthouses. However, the City General Plan PEIR sets forth Mitigation Measure **PSR-1.4** to address the potential cumulative impacts of new development in the City. In addition, the proposed Project would be required to pay development impact fees for the potential increase in demand for public facilities. Therefore, with adherence to Mitigation Measure **PSR-1.4** and payment of development impact fees the proposed Project would have a **less than significant impact with mitigation incorporated** on the City's ability to provide services in other public facilities.

### Mitigation Measures

**MM PSR-1.3:** As future parks and recreational facilities are planned, environmental review of proposed facilities shall be completed to meet the requirements of CEQA. Typical impacts from park facilities include air quality/greenhouse gas emissions, noise, traffic, and lighting. (General Plan PEIR Mitigation Measures PSR-1.3).

**MM PSR-1.4:** As future public facilities are planned by the City of Fresno (e.g., court, library, and hospital facilities), environmental review of the proposed facilities shall be completed to meet the requirements of CEQA. Typical impacts from public facilities include air quality/greenhouse gas emissions, noise, traffic, and lighting. (General Plan PEIR Mitigation Measures PSR-1.4).

The proposed Project shall implement and incorporate the public services related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated October 22, 2023..



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

### **Environmental Setting**

The Fresno General Plan establishes long-term goals and policies for future development of the parks and recreation system. To meet the recreation needs of the community, the City provides numerous different park types including pocket parks, neighborhood parks, community parks, regional parks, special use parks, greenbelts/trails, and open space/natural areas.<sup>90</sup>

There are more than 80 public parks owned and operated by the City. The closest local park is Hyde Park, located approximately 300 feet to the west of the Project site. In addition, the proposed Project includes the construction of an approximately 0.25-acre neighborhood pocket park, and a 26-foot-wide trail on the northern border of the Project site along East Florence Avenue.

### **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?**

**Less Than Significant Impact.** Implementation of the Project would result in the increased use of parks and recreational facilities. The closest local park is Hyde Park,

<sup>90</sup> GP PEIR, Section 4.15.3.4–Parks and Recreation.

located approximately 300 feet to the west of the Project site. The proposed Project includes the development of an approximately 0.25-acre neighborhood pocket park, and a 26-foot-wide open space set aside along East Florence Avenue for a future trail. Also, the proposed Project would contribute its fair share to parks and recreational facilities through development impact fees required under Section 12-4.509, Urban Growth Management Park Fees, and Section 12-4.705 of Article 4.7–Park Facilities Fee of the City of Fresno Municipal Code. Through the inclusion of a pocket park and open space set aside, and through the payment of development impact fees, the proposed Project would have a **less than significant impact** on existing neighborhood and regional parks or other recreational facilities.

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

**Less Than Significant Impact.** The proposed Project includes the development of a 0.25-acre neighborhood pocket park and a proposed 26-foot-wide future proposed trail that will be constructed in accordance with the Development Code. Impacts on parks and recreational facilities are determined by analyzing the projected increase in demand for these facilities as a result of future residential development and the corresponding population increase projected under a proposed Project. The proposed Project would contain approximately 99 residents, which could result in an additional burden to the City's existing parks and recreational facilities capacity and services. However, the estimated population for the City in the year 2025 is 673,704 residents, and the Project would represent approximately 0.015 percent of planned growth, a less than significant impact on a project specific basis. Additionally, the proposed Project would pay development impact fees required under Section 12-4.509, Urban Growth Management Park Fees, and Section 12-4.705 of Article 4.7–Park Facilities Fee of the Municipal Code. Therefore, due to the very limited increase in population, the inclusion of park and recreational features per code, and the payment of development impact fees, the proposed Project would have a **less than significant impact** on existing recreational facilities, and would not require the construction or expansion of other recreational facilities which might have an adverse physical effect on the environment.

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

Senate Bill (SB) 743, signed in 2013, changes the way transportation studies are conducted in CEQA documents. Vehicle miles traveled (VMT) replaces motorist delay and level of service (LOS) as the metric for impact determination. The City of Fresno has adopted the VMT thresholds and guidelines to address the shift from delay-based LOS CEQA traffic analyses to VMT CEQA traffic analyses.<sup>91</sup>

This section is based on the Trip Generation and VMT analysis prepared for the proposed Project (Appendix H).<sup>92</sup>

## DISCUSSION

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

**Less than significant impact.** Exceeding an applicable threshold of significance for vehicle miles traveled would indicate a significant impact that would potentially conflict with a program, plan, ordinance or policy addressing the circulation system such as the Mobility and Transportation element of the Fresno General Plan. Review of the City of

<sup>91</sup> City of Fresno. June 2020. CEQA Guidelines for Vehicle Miles Traveled Thresholds.

<sup>92</sup> LSA. August 2022. Trip Generation and Vehicle Miles Traveled Analysis for the Heritage Estates Project.

Fresno's CEQA Guidelines for Vehicle Miles Traveled<sup>93</sup> indicates that, a project is screened out from a VMT analysis and is presumed to have a less-than-significant transportation impact if it has a high level of affordable housing units or if it generates a low volume of daily traffic (less than 500 daily trips).

The Trip Generation and VMT analysis prepared for the proposed Project (Appendix H), indicates that the proposed Project is anticipated to generate 159 daily trips, including 12 a.m. peak-hour trips and 15 p.m. peak-hour trips.<sup>94</sup> In addition, 70 percent of the proposed Project's dwelling units would be affordable housing units. Because the Project would be 70 percent affordable housing, and would generate a low volume of daily traffic (less than 500 daily trips), it is screened out from a VMT analysis and would have a **less-than significant impact** on the Mobility and Transportation element of the Fresno General Plan or other program, plan, ordinance or policy addressing the circulation system.

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

**No impact.** SB 743 requires that relevant CEQA analysis of transportation impacts, codified in CEQA Guidelines Section 15064.3 (b), be conducted using a metric known as VMT instead of LOS. VMT measures how much actual auto travel (additional miles driven) a proposed project would create on California roads. If the project adds excessive car travel onto our roads, the project may cause a significant transportation impact.

According to the City of Fresno's CEQA Guidelines for Vehicle Miles Traveled,<sup>95</sup> a project is screened out from a VMT analysis and is presumed to have a less-than-significant transportation impact if it has a high level of affordable housing units or if it generates a low volume of daily traffic (less than 500 daily trips).<sup>96</sup> Consequently, the proposed Project is eligible to be screened out because the Project would be 70 percent affordable housing, and would generate a low volume of daily traffic (less than 500 daily trips).<sup>97</sup> Accordingly, the proposed Project would result in **no impact** because it would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3(b).

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

**Less than significant impact.** Geometric design that would result in vehicular and/or pedestrian safety hazards would be sharp curves or dangerous intersections. Incompatible uses for a residential development would include industries such as agricultural operations where soil tilling and/or pesticide use creates air pollution, or

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<sup>93</sup> CEQA Guidelines for Vehicle Miles Traveled, p. 9.

<sup>94</sup> Trip Generation and Vehicle Miles Traveled Analysis for the Heritage Estates Project, p. 2.

<sup>95</sup> CEQA Guidelines for Vehicle Miles Traveled, p. 9.

<sup>96</sup> Ibid.

<sup>97</sup> Trip Generation and Vehicle Miles Traveled Analysis for the Heritage Estates Project, p. 2.

logistic distribution centers that have large tractors, semi-trailer trucks, and oversized equipment consistently traveling the local roadways that may create a hazard to cars or pedestrians; or hazardous industrial uses.

The Project would result in both on-site and off-site infrastructure improvements including new utilities, landscaping, sidewalks, curb, gutters, streets, and lighting. In addition, the Project would include an internal street named South Modoc Avenue within the Project boundary, with connections to East Florence Avenue to the north and East Belgravia Avenue to the east. However, all Project improvements would be subject to applicable design guidelines enforced during design review and contained in the Fresno Municipal Code and relevant state building codes. Consequently, the proposed Project design and development would not include known or intentional hazardous traffic design features. In addition, the proposed Project is zoned for and surrounded by permitted similar residential land uses, and would not be proximate to incompatible land uses. Therefore, the proposed Project would have a **less than significant impact** on hazards created by design or incompatibility with adjacent land uses.

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

**Less than significant impact.** The proposed Project would not result in inadequate emergency access during construction or operation. Site access and circulation would be designed to accommodate emergency ingress and egress by fire trucks, police units, and ambulance/paramedic vehicles. All Project access features are subject to and must satisfy City of Fresno Fire Department design requirements. Therefore, compliance with applicable laws and policies would ensure that a **less than significant impact** would occur to emergency access as a result of the proposed Project.

| <b>ENVIRONMENTAL ISSUES</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b> |
|---|---------------------------------------|---|-------------------------------------|------------------|
| <b>XVII. TRIBAL CULTURAL RESOURCES</b> – Would the project:   |                                       |   |                                     |                  |
| a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:                            |                                       | 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   |                                     |                  |

### **Environmental Setting**

Section 21074 of the PRC defines Tribal Cultural Resources as:

(a) “Tribal cultural resources” are either of the following:

- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

- (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
  - (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- (2) 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- (b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
  - (c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Assembly Bill 52 (AB 52) requires meaningful consultation with California Native American Tribes on potential impacts to Tribal Cultural Resources, as defined in Public Resources Code §21074. AB 52 applies to all development projects that have a notice of preparation (NOP) or a notice of negative declaration or mitigated negative declaration filed on or after July 1, 2015. As part of the AB 52 consultation processes required by State law, notification of the proposed Project has been sent to Native American tribes with possible traditional or cultural affiliation to the area.

This section relies on the technical analyses contained in the Cultural Resource Assessment of the Project site (Appendix C) prepared by Bargas in May 2023,<sup>98</sup> and on the technical analyses contained in a previous Cultural Resources Assessment conducted on the Project site by ART in July 2022 (Appendix C, Attachment A).<sup>99</sup>

## 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**

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<sup>98</sup> Bargas Environmental Consulting, LLC. May 2023. Cultural Resources Assessment for the Fresno Housing Authority Heritage Estates Project, Fresno, Fresno County, California.

<sup>99</sup> Archaeological Resources Technology (ART). July 2022. Cultural Resources Assessment of Heritage Estates Project in Fresno, California.

**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**

**Less than significant impact with mitigation incorporated.** In July 2022, ART, a subcontractor to Krazan, who prepared an Environmental Assessment of the proposed Project for the Fresno Housing Authority in August 2022,<sup>100</sup> conducted a records search, a pedestrian survey, and a Sacred Lands File (SLF) search and Native American Contact List request with the Native American Heritage Commission (NAHC). ART's report is also contained in Appendix E of Krazan's Environmental Assessment. Krazan also conducted tribal outreach in accordance with AB 52. The results of ART's records search did not identify any historic resources 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), nor any previously recorded cultural resources within the APE. The results of pedestrian survey were also negative. No tribal cultural resources were identified as a result of SLF search and Native American outreach efforts.

In May 2023, Bargas conducted a cultural resources assessment for the proposed Project to update the cultural resources report prepared by ART in July 2022 (Appendix C), and to summarize ART's previous report including tribal outreach efforts conducted by Krazan.

Also, Bargas conducted a buried site sensitivity analysis that included a review of geologic data, distance to sources of freshwater, slope, and known archaeological and ethnographic resources in the vicinity. That analysis indicates that the APE has a low to moderately low potential for buried prehistoric-era archaeological deposits. Bargas concluded the lack of substantial historic-era development within the APE indicates a low potential for encountering historic-era resources.

Based on the results of Bargas' updated archaeological assessment, no historic resources 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), were identified through the records search, no known cultural resources, including tribal cultural resources, were identified within the APE, and intact subsurface archaeological deposits are not likely to exist.

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<sup>100</sup> Krazan & Associates. August 2022. Environmental Assessment Determinations and Compliance Findings for HUD-Assisted Projects, 24 CFR Part 58.



Although intact subsurface archaeological deposits are not expected to occur, the Project will comply with City General Plan PEIR mitigation measures **CUL-1.1**, **CUL-2**, and **CUL-3**<sup>101</sup> (below) to avoid inadvertent impacts to unknown resources.

With implementation of mitigation measures **CUL-1.1**, **CUL-2**, and **CUL-3**, the proposed Project would have a **less than significant impact with mitigation incorporated** to historical resources, including Tribal Cultural Resources, from the proposed Project under CEQA.

- 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.**

**Less than significant impact with mitigation incorporated.** Historic resources that could be determined significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, which states a resource could be listed in the California Register if it:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. Is associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

Based on the results of Bargas' updated archaeological assessment, no historic resources were identified that could be determined significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1

Although intact subsurface archaeological deposits are not expected to occur, the Project will comply with City General Plan PEIR mitigation measures **CUL-1.1**, **CUL-2**, and **CUL-3**<sup>102</sup> (below) to avoid inadvertent impacts to unknown resources.

With implementation of mitigation measures **CUL-1.1**, **CUL-2**, and **CUL-3**, the proposed Project would have a **less than significant impact with mitigation incorporated** to historical resources, including Tribal Cultural Resources, from the proposed Project under CEQA.

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<sup>101</sup> City of Fresno. Chapter 4.5—Cultural Resources and Tribal Cultural Resources, pgs. 4.5-26 and 4.5-27.

<sup>102</sup> City of Fresno. Chapter 4.5—Cultural Resources and Tribal Cultural Resources, pgs. 4.5-26 and 4.5-27.

On June 30, 2022, Krazan sent an outreach letter to the Table Mountain Rancheria. Krazan received a response by certified mail on August 9, 2022, from Robert Pennell, Tribal Cultural Resources Director of the Table Mountain Rancheria Cultural Resources Department (Department), which stated:

Table Mountain Rancheria is responding to your letter, dated June 30, 2022, regarding Project No. 014-21186, Heritage Estates Proposed Single Family Homes, E. Florence Ave, Fresno, California. Thank you for notifying Table Mountain Rancheria of the potential development and request for consultation. The Rancheria is very interested in this project as it lies within our cultural area of interest. If you have already conducted a record search, please provide Table Mountain Rancheria with copies of any cultural resource report you may have.

The Tribe also requested that Krazan contact their office to coordinate a discussion and meeting date regarding the Project.

Krazan responded to the Table Mountain Rancheria Cultural Resources Department on August 15, 2022, by email that attached the requested information including a copy of ART's 2022 survey report, and seeking to coordinate further discussion if requested. No follow-up correspondence was received from the Tribe. According to the City, AB 52 letters were mailed out to Table Mountain and Dumna on August 28, 2023, and no responses were received by the September 27, 2023, response deadline.

Based on the results of Bargas' updated archaeological assessment, no historic resources 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 5024.1(c), were identified through the records search, no known cultural resources, including tribal cultural resources, were identified within the APE, and intact subsurface archaeological deposits are not likely to exist. Although intact subsurface archaeological deposits are not expected to occur and no Tribal Cultural Resources are known to be on or near the site, the proposed Project would reduce potential inadvertent impacts to unknown resources by implementing mitigation measures **CUL-1.1**, **CUL-2**, and **CUL-3**.<sup>103</sup> Therefore, because the lead agency found no historical resources, including Tribal Cultural Resources, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the proposed Project would have a **less than significant impact with mitigation incorporated** on Tribal Cultural Resources.

### **Mitigation Measures**

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<sup>103</sup> City of Fresno. Chapter 4.5—Cultural Resources and Tribal Cultural Resources, pgs. 4.5-26, -27, and -29.

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

If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.

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

**MM 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 Section 15064.5 of the CEQA Guidelines. 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 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 excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.

**MM 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.

The proposed Project shall implement and incorporate the Tribal Cultural Resource related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated October 22, 2023].

| <b>ENVIRONMENTAL ISSUES</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b> |
|---|---------------------------------------|---|-------------------------------------|------------------|
| <b>XIX. UTILITIES AND SERVICE SYSTEMS – Would the project:</b>  |                                       |   |                                     |                  |
| 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                |

### **Environmental Setting**

The City of Fresno Department of Public Utilities (DPU) provides water, wastewater, and solid waste management services to the Fresno General Plan Planning Area.

The DPU Water Division manages and operates the City's water system, delivering drinking water to about 500,000 urban residential, commercial, and industrial customers in over 114 square miles of the City and many county islands within the City's Sphere of Influence.<sup>104</sup> The DPU Wastewater Management Division (WMD) maintains the majority of the wastewater collection systems that convey wastewater to the Fresno/Clovis Regional Wastewater Reclamation Facility (RWRF), and all of the wastewater collection system that conveys wastewater to the North Fresno Water Reclamation Facility (NFWRF).

The FMFCD provides stormwater collection and disposal and flood control for the City of Fresno, the City of Clovis, and the unincorporated areas within the City's sphere of influence. The FMFCD is a special district created by the State of California Legislature and ratified by the voters of the district in 1956.<sup>105</sup>

PG&E is the only provider of natural gas and electricity in the City, and AT&T is the largest provider of cellular and fixed telephone services in the Planning Area.

## 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?**

**Less than significant impact.** The proposed Project would result in both on-site and off-site infrastructure improvements including new utilities, landscaping, sidewalks, curb, gutters, streets, and lighting. In addition to the proposed 33 single-family residences, the Project would include an internal street named South Modoc Avenue within the Project boundary, with connections to East Florence Avenue to the North and East Belgravia Avenue to the east.

The Project was reviewed by public agencies including the Department of Public Utilities, PG&E and FMFCD. The Project will not require construction of new or expanded wastewater, electric power, natural gas or telecommunication facilities. The Project applicant will construct new storm water drainage facilities which will direct storm water from South Modoc and East Florence Avenues to East Church Avenue, which will improve overall storm drainage for the subject property as well as surrounding area. In addition, the proposed Project, through the City's entitlement and building permit process, would comply with General Plan policies and Municipal Code ordinances designed to

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<sup>104</sup> City of Fresno. Public Utilities website. <https://www.fresno.gov/publicutilities/>. Accessed August 8, 2023/

<sup>105</sup> GP PEIR. Chapter 4.17–Utilities and Service Systems.

prohibit or mitigate environmental impacts to the City's utility service systems. Therefore, the proposed Project would have a **less than significant impact** on existing utilities and service systems.

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

**Less than significant impact.** The City relies on groundwater from the North Kings Subbasin; surface water from CVP through a contract with the USBR; Kings River water through a contract with FID; and recycled water.<sup>106</sup>

The City of Fresno 2020 Urban Water Management Plan indicates that: (1) from the year 2025 to 2045, the City is projected to have greater than 100,000 Acre Feet (AF) of available supply after meeting demands in normal years; (2) the City is able to meet all water demands in a single dry year; and (3) the City is projected to meet all demands during a five-year drought with its existing supplies.<sup>107</sup>

The proposed Project would connect to the municipal water system provided by City of Fresno DPU, and would represent anticipated future development in accordance with the General Plan and Zoning Ordinance upon which, in part, water demand projections are based. In addition, the proposed Project implements mandated energy efficient design, including drought tolerant landscaping. Therefore, the proposed Project would have a **less than significant impact** on the City's available water supplies during normal, dry and multiple dry years.

**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?**

**Less than significant impact.** The project was reviewed by public agencies including the Department of Public Utilities (DPU), which confirmed the Project will not require construction of new or expanded wastewater. Also, the proposed Project would be subject to the payment of applicable connection charges and fees in compliance with Municipal Code, General Plan policies, and the Department of Public Utilities regulations. Permitted provision of wastewater services by the Department of Public Utilities would ensure the proposed Project would have a **less than significant impact** on existing wastewater service or treatment capacity.

**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?**

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<sup>106</sup> City of Fresno Department of Public Utilities. July 2021. 2020 Urban Water Management Plan, p. ES-5.

<sup>107</sup> Ibid. Section 7.1.4—Water Service Reliability, p. 7-5.

**Less than significant impact.** Landfills in the region include the American Avenue Landfill (10-AA-0009), located approximately 18 miles west of the proposed Project, and the Clovis Landfill (City of Clovis Landfill 10-AA-0004), located approximately 16 miles north of the proposed Project.

The 440-acre American Avenue landfill has a maximum permitted capacity of 44,239,000 cubic yards, and, as of September 2020, had a remaining capacity of 22,656,000 cubic yards, and a maximum permitted daily tonnage of 3,600 tons per day. The landfill has an estimated closure date of October 2044.<sup>108</sup>

The 210-acre Clovis Landfill has a maximum permitted capacity of 10,730,000 cubic yards, and a remaining site capacity of 6,770,000 cubic yards. The landfill has a maximum permitted daily tonnage throughput of 2,000 tons per day, with an average daily incoming waste stream of 220 tons per day. The landfill has an estimated closure date of 2066.<sup>109</sup>

The proposed Project is estimated to generate 29.4 tons of solid waste per year,<sup>110</sup> or 0.08 tons per day. Since the American Avenue landfill and the Clovis landfill have a combined permitted maximum daily tonnage capacity of 5,600 tons per day, the proposed Project would have a **less than significant impact** on the capacity of local infrastructure (landfills). In addition, the proposed Project would comply with General Plan policies and Municipal Code ordinances designed to achieve local, regional, and state waste reduction goals. Therefore, the proposed Project would have a **less than significant impact** on any solid waste reduction plans.

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

**Less than significant impact.** Construction and operation of the proposed Project will comply with federal, state, and local statutes and regulations governing solid waste generation, transport, disposal, and recycling through the City's entitlement review process and conditions of approval. Therefore, the proposed Project would have a **less than significant impact** on local management and reduction statutes related to solid waste.

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<sup>108</sup> CalRecycle website. September 2020. American Avenue Landfill Solid Waste Facility Permit Application Permit Review. <https://www2.calrecycle.ca.gov/SolidWaste/SiteDocument/Index/347>.

<sup>109</sup> Ibid. March 2022. Clovis Landfill Solid Waste Facility Permit Application Permit Review.

<sup>110</sup> Air Quality and Greenhouse Gas Emissions Analysis for the Proposed Heritage Estates Project in Fresno, California. Attachment B—CalEEMod Output, 5.13—Operational Waste Generation.



| ENVIRONMENTAL ISSUES   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| <b>XX. WILDFIRE</b> – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:   |                                |  |                              |           |
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan?   |                                |  | X                            |           |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?  |                                |  | X                            |           |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? |                                |  | X                            |           |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?  |                                |  |                              | X         |

### **Environmental Setting**

In California, fire hazard severity zones are areas designated under California PRC Sections 4201 to 4204. These zones are broken into two categories: State Responsibility Areas and Local Agency Areas. Fire hazards are classified in State Responsibility Areas as Very High, High, or Moderate. CEQA additionally requires analysis of wildfire risk in

Local Agency Areas classified as Very High Fire Hazard Severity Zones. These are designated pursuant to California Government Code Sections 51175 to 51189.

There are no State Responsibility Areas (SRAs) within the vicinity of the Project site, and, according to the California Department of Forestry and Fire Protection (CAL FIRE) Draft Fire Hazard Severity Zone in Local Responsibility Area (LRA) Map for Fresno County, the Project site is not located in a Fire Hazard Severity Zone.<sup>111</sup>

The City of Fresno is categorized as having little to no threat or moderate fire hazard due to its extensive urban footprint. This is largely attributable to the non-vegetated/built-out nature of the City and Planning Area.<sup>112</sup> The Project site is comprised of relatively flat land within the City limits in an area planned for urban uses.

## DISCUSSION

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

**Less than significant impact.** The Project will not substantially impair access to the existing roadway network. The Project will add safe and convenient vehicular and pedestrian circulation within the Project site and offsite. The Project application has been reviewed by the City of Fresno Fire Department and it was determined that there will be no effect on emergency response or evacuation. The Project will comply with all applicable codes and regulations as put forth by the City of Fresno Police Department and Fire Department. Additionally, the proposed Project site is not located within an SRA or a Very High FHSZ. Therefore, the proposed Project would have a **less than significant impact** on 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?**

**Less than significant impact.** The Project is located on a flat area of vacant land which is considered to be at little risk of fire and is routinely disced for fire control. Additionally, the Project site is not located within an SRA or a Very High FHSZ, and will convert the vacant land to urban use, thereby reducing the risk of wildfire. Therefore, the proposed Project would have a **less than significant impact** on wildfire risks.

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<sup>111</sup> California Department of Forestry and Fire Protection (CAL FIRE). 2007. Fresno County Draft Fire Hazard Severity Zones in LRA. October 2. Website: <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildfire-preparedness/fire-hazard-severity-zones/fire-hazard-severity-zones-map/> (accessed August 2, 2023).

<sup>112</sup> GP PEIR, p. 4.15-3.

- 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?**

**Less than significant impact.** The construction of the Project involves adding new and relocated utilities including water sources and electrical power. All wet and dry utilities, including electrical, would be underground inside the development. All utilities and improvements would be subject to City regulations, municipal code, standards, and Fire Department approval. Therefore, the proposed Project would not exacerbate fire risk, and would have a **less than significant impact** on associated infrastructure.

- 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?**

**No impact.** The Project site is not located in an area designated as a Fire Hazard Severity Zone and lands associated with the Project site are relatively flat. The proposed Project would not expose people or structures to significant risks attributed to wildfire, and would not be susceptible to downslope or downstream flooding or landslides as a result of post-fire instability or drainage changes. Therefore, the Project will have **no impact** on this type of risk exposure.

| <b>ENVIRONMENTAL ISSUES</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b> |
|--|---------------------------------------|---|-------------------------------------|------------------|
| <b>XIX. MANDATORY FINDINGS OF SIGNIFICANCE</b>   |                                       |   |                                     |                  |
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? |                                       | X   |                                     |                  |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?   |                                       | X   |                                     |                  |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  |                                       | X   |                                     |                  |

## **DISCUSSION**

- a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or

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

**Less than significant impact with mitigation incorporated.** The proposed 33 home residential Project is relatively small in intensity and area, and would be developed in compliance with General Plan policies and objectives, Fresno Municipal Code, and all relevant local, state, and federal laws and policies. With mitigation incorporated, the Project would not impact biological resources, paleontological resources, cultural resources, Tribal cultural resources, or local historical components. The proposed Project would have a less than significant impact on all other environmental areas.

In order to reduce the potential impact to biological, cultural, geology and soils (paleontological), and Tribal resources, the proposed Project would implement mitigation measures: BIO-1.1, BIO-1.4, CUL-1.1, CUL-2, CUL-3, and GEO-6.1 (see attached **Mitigation Monitoring and Reporting Program**).

With application of the above mitigation measures, the proposed Project would have a **less than significant impact with mitigation incorporated** on the potential to substantially degrade the quality of the environment, significantly affect fish or wildlife habitat, or eliminate important examples of the major periods of California history or prehistory.

**b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)**

**Less than significant impact with mitigation incorporated.** Development of new projects in the City would require the mitigation of land use impacts on a project-by-project basis. Each project would be evaluated for consistency with the project site’s General Plan land use designation and zoning, adopted General Plan goals, policies, and actions, and other applicable regional land use plans. The proposed Project is consistent with the General Plan land use and zoning designations, adopted General Plan goals, policies, and actions, and other applicable regional land use plans, such as the San Joaquin Valley Air Pollution Control District. In addition, the proposed Project, with mitigation incorporated, would not result in significant impacts in any issue area. Applicable mitigation measures are **AES-4.1; AES-4.2, AES-4.5, AIR-1; NOI-2; PSR.1.1; PSR-1.2; PSR-1.3; and PSR-1.4.**

Therefore, because the Project is consistent with zoning and general plan land use designation other applicable regional land use plans, and would not result in significant impacts with mitigation incorporated, it does not present impacts that are cumulatively considerable, and would have a **less than significant impact with mitigation incorporated** on cumulative impacts.

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

**Less than significant impacts with mitigation incorporated.** As shown in the preceding analyses, the proposed Project would result in **less than significant impacts with mitigation incorporated**. Therefore, the proposed Project would not result in environmental effects that will cause substantial adverse effects on human beings. Mitigation measures for the proposed Project are presented in Section 1–Aesthetics; Section III–Air Quality; Section IV–Biological Resources; Section V–Cultural Resources; Section VII–Geology and Soils; Section XIII–Noise; Section XV—Public Services; Section XVII–Tribal Cultural Resources.

The proposed Project shall implement and incorporate the mitigation measures as identified above in the attached Project Specific Mitigation Monitoring Checklist dated October 22, 2023.

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## PROJECT SPECIFIC MITIGATION MONITORING CHECKLIST—October 22, 2023

This Project Specific Mitigation Monitoring Checklist has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for Vesting Tentative Tract Map No. 6392 (proposed Project). The MMRP lists mitigation measures recommended in the IS/MND for the proposed Project and identifies monitoring and reporting requirements as well as conditions recommended by responsible agencies who commented on the project.

The first column of the Table identifies the mitigation measure. The second column, entitled “Party Responsible for Implementing Mitigation,” names the party responsible for carrying out the required action. The third column, “Implementation Timing,” identifies the time the mitigation measure should be initiated. The fourth column, “Party Responsible for Monitoring,” names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last column will be used by the City to ensure that individual mitigation measures have been monitored.

| <b>Mitigation Measures</b>  | <b>Party Responsible for Implementing Mitigation</b> | <b>Implementation Timing</b>   | <b>Party Responsible for Monitoring</b>                                     | <b>Verification (name/date)</b> |
|---|--|--|---|---------------------------------|
| <b>AES-4.1:</b> Lighting systems for street and parking areas shall include shields to direct light to the roadway surfaces and parking areas. Vertical shields on the light fixtures shall also be used to direct light away from adjacent light sensitive land uses such as residences. | Project Applicant and project architect.             | Lighting systems to be confirmed during plan check, prior to issuance of building permits. | Public Works Department (PW) and Planning and Development Department (PDD). |                                 |
| <b>AES-4.2:</b> Lighting systems for public facilities such as active play areas shall provide adequate illumination for the activity; however, low intensity light fixtures and shields shall be used to minimize spillover light onto adjacent properties.                              | Project Applicant and project architect.             | Lighting systems to be confirmed during plan check, prior to issuance of building permits. | PW and PDD.   |                                 |

|  |  |   |  |               |
|--|--|---|--|---------------|
| <b>AES-4.5:</b> Materials used on building facades shall be non-reflective.  | Project Applicant and project architect. | To be confirmed during plan check, prior to issuance of building permits. | PW and PDD.  |               |
| <p><b>AIR-1</b>—Consistent with SJVAPCD Regulation VIII (Fugitive PM10 Prohibitions), the following controls are required to be included as specifications for the proposed Project and implemented at the construction site:</p> <ul style="list-style-type: none"> <li>• All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized from dust emissions using water or chemical stabilizers/suppressants, or covered with a tarp or other suitable cover or vegetative ground cover.</li> <li>• All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizers/suppressants.</li> <li>• All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.</li> <li>• When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches</li> </ul> | Project Applicant and project architect. | Prior to issuance of building permits.                                    | San Joaquin Valley Air Pollution Control District (SJVAPCD). | PDD and CDFW. |

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| <p>of freeboard space from the top of the container shall be maintained.</p> <ul style="list-style-type: none"> <li>• All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)</li> <li>• Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizers/suppressants.</li> </ul> |  |  |                     |  |
| <p><b>BIO-1.1:</b> Construction of a proposed Project shall 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 a special-status species is 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.</p>      | <p>Project Applicant and qualified biologist</p> | <p>The City shall ensure that this measure is incorporated into project plans prior to project approval.</p> | <p>PDD and CDFW</p> |  |

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| <p><b>BIO-1.4:</b> Proposed projects should avoid, if possible, construction within the general nesting season of February through August for avian species protected under Fish and Game Code 3500 and the Migratory Bird Treaty Act (MBTA), if it is determined that suitable nesting habitat occurs on a project site. If construction cannot avoid the nesting season, a pre-construction clearance survey shall be conducted by a qualified biologist to determine if any nesting birds or nesting activity is observed on or within 500-feet of a project site. If an active nest is observed during the survey, a biological monitor shall be on site to ensure that no proposed project activities would impact the active nest. A suitable buffer shall be established around the active nest until the nestlings have fledged and the nest is no longer active. Project activities may continue in the vicinity of the nest only at the discretion of the biological monitor. Prior to commencement of grading activities and issuance of any building permits, the Director of the City of Fresno Planning and Development Department, or designee, shall verify that all proposed project grading and construction plans include specific documentation regarding the requirements of the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code Section 3503, that preconstruction surveys have been completed and the results reviewed by staff, and that the appropriate buffers (if needed) are noted on the plans and established in the field.</p> | <p>Project Applicant and qualified biologist.</p> | <p>Prior to and during construction.</p> | <p>PDD and CDFW</p> |  |
| <p><b>CUL-1.1:</b> If previously unknown resources are encountered before or during grading activities,</p>  | <p>Project Applicant and</p>                      | <p>Prior to commencement</p>             | <p>PDD</p>          |  |

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| <p>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.</p> <p>If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.</p> <p>No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any historical artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.</p> | qualified historical resources specialist. | of grading activities and during construction. |     |  |
| <b>CUL-2:</b> Subsequent to a preliminary City review of the project grading plans, if there is evidence that a project will include excavation or construction  | Project Applicant and qualified            | Prior to commencement of grading               | PDD |  |

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| <p>activities within previously undisturbed soils, a field survey and literature search for prehistoric archaeological resources shall be conducted. The following procedures shall be followed.</p> <p>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 Section 15064.5 of the CEQA Guidelines. 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</p> | <p>historical resources specialist.</p> | <p>activities and during construction.</p> |  |  |
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| <p>recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.</p> <p>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.</p> |   |                             |            |  |
| <p><b>CUL-3:</b> 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</p>  | <p>Project Applicant and qualified historical resources specialist.</p> | <p>During construction.</p> | <p>PDD</p> |  |



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| <p>necessary findings as to origin and disposition pursuant to PRC Section 5097.98(a). If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendent of the deceased Native American, who shall then serve as the consultant on how to proceed with the remains. Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.</p> |   |                             |            |  |
| <p><b>GEO-6.1:</b> 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:</p> <ul style="list-style-type: none"> <li>• If unique paleontological/geological resources are not found during either the field survey or</li> </ul>   | <p>Project Applicant and qualified historical resources specialist.</p> | <p>During construction.</p> | <p>PDD</p> |  |

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| <p>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.</p> <ul style="list-style-type: none"> <li>• If unique paleontological/geological resources are found during the field survey or literature</li> </ul> |  |  |  |  |
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| <p>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.</p> |  |                               |            |  |
| <p><b>NOI-2:</b> Construction Vibration. The use of heavy construction equipment within 25 feet of existing structures shall be prohibited.</p>  | <p>Project Applicant and onsite construction manager</p> | <p>During construction.</p>   | <p>PDD</p> |  |
| <p><b>PSR-1.3:</b> As future parks and recreational facilities are planned, environmental review of proposed facilities shall be completed to meet the requirements of CEQA. Typical impacts from park facilities include air quality/greenhouse gas emissions, noise, traffic,</p>  | <p>PDD</p>   | <p>Prior to construction.</p> | <p>PDD</p> |  |

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| and lighting. (General Plan PEIR Mitigation Measures PSR-1.3).  |     |                        |     |  |
| <b>PSR-1.4:</b> As future public facilities are planned by the City of Fresno (e.g., court, library, and hospital facilities), environmental review of the proposed facilities shall be completed to meet the requirements of CEQA. Typical impacts from public facilities include air quality/greenhouse gas emissions, noise, traffic, and lighting. (General Plan PEIR Mitigation Measures PSR-1.4). | PDD | Prior to construction. | PDD |  |