



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANTS: Greenlaw Partners on behalf of Van Gundy Farms Family Ltd Partnership

APPLICATION NOS.: Initial Study No. 8042; Amendment Application No. 3845; Site Plan Review Application No. 8286.

DESCRIPTION: Allow the rezone of a 38.86-acre parcel from the existing AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to the M-3 (Heavy Industrial) Zone District and approve a Site Plan Review for a 1,312,000 square feet warehouse/distribution center with related improvements on the subject parcel and the adjoining 33-acre parcel and a 1.49-acre parcel currently zoned M-3.

LOCATION: The subject parcels are located on the northwest corner of South Peach Avenue and American Avenue approximately 0.66 mile southeast of the City limits of the City of Fresno (APNs: 331-110-19 & 23; 331-090-60) (4723, 4591 and 4445 S. Peach Avenue) (Sup. Dist. 4).

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

The project site, consisting of three parcels, is not in an area of scenic vista. The site borders with Peach Avenue and Golden State Blvd that are not designated as scenic road/highway in the Open Space and Conservation Element of Fresno County General Plan. No historic buildings exist in the vicinity of the project, either. The project will have no adverse effects on any scenic vista or 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 points.) If the project is in an urbanized

area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

All three parcels subject to this proposal are cultivated land with single-family homes. Adjacent parcels to the east of Peach Avenue, northwest of Golden State Blvd and south of American Avenue are zoned AL-20 are also cultivated land with single-family homes. The parcel to the north is developed with an industrial use.

The subject parcels and the parcels in the immediate vicinity are designated General Industrial in the County-adopted Roosevelt Community Plan.

The area to the north and northwest of the subject parcels outside of the City of Fresno Sphere of Influence, is zoned M-1 (Light Manufacturing) and M-3 developed with light and heavy industrial uses. The proposed rezone of a 38.86-acre parcel from the existing AL-20 Zone District to an M-3 Zone District is consistent with the General Plan designation for the area. The 33-acre parcel and a 1.49-acre parcel included in the subject proposal are currently zoned M-3.

As the project area provides no specific scenic value and because there is a cluster of existing industrial development near the project site, the proposed rezone of the subject 38.86 acres parcel for industrial uses will not have a significant impact on the existing visual character of the vicinity. The rezone of the subject 38.86-acre parcel will extend the industrial uses further south, but such uses will remain clustered.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Any outdoor lighting, if installed for the project, has the potential of generating glare in the area. To minimize such impacts, a mitigation measure would require that all lighting shall be hooded and directed downward to not shine toward adjacent properties and public streets.

* **Mitigation Measure:**

All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California 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 in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject 38.86-acre parcel for rezone is designated as Prime Farmland in 2016 Department of Conservation's Important Farmland Map. The area is part of the City of Fresno urban boundary, which the County has identified on its Roosevelt Community Plan as existing urban and is located at 0.66 mile southeast of the City of Fresno Sphere of Influence. The County General Plan Policy LU-G.18. b. allows zone change on "holding zones" subject to the provisions of Policy LU-G.18. c. and d. which allows rezoning on planned non-industrial properties where the proposed use is consistent with the County community plan and may be provided with community sewer and water services.

The subject parcel is currently in a holding zone (AL-20; Limited Agriculture) and is designated as General Industrial in the County-adopted Roosevelt Community Plan for industrial development. The parcel is reserved for future industrial uses in the County General Plan and the proposed future conversion of the land from agricultural to industrial was accounted for in the Roosevelt Community Plan adopted in 1979. As such, the loss of a 38.86-acre agricultural land resulting from the proposed rezone, either individually or cumulatively, is less than significant.

- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As noted above, the subject 38.38-acre parcel is zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size). This zone district is intended to hold certain lands in light agricultural uses until such time as urban development is proposed as part of the natural expansion of the City of Fresno. Therefore, the proposal to remove the AL-20 zone district does not result in a conflict with existing zoning for agricultural use because the zone district is intended to be temporary. The parcels are not restricted by a Williamson Act Contract.

The Fresno County Agricultural Commissioner's Office reviewed the project and stated that the agency has no comments.

- C. Conflict with existing zoning for forest land, timberland, or timberland zoned Timberland Production; or

- D. Result in the loss of forest land or conversion of forest land to non-forest use; or
- 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 forestland to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not located in an area designated for timberland or zoned for Timberland production. No forests occur in the vicinity of the project site and therefore no impacts to forests, conversion of forestland, or timberland zoning will occur because of this application.

The proposed rezone will convert a 38.86-acre parcel currently in agricultural use to non-agricultural uses allowed in M-3 Zone District. However, this transition was contemplated by the Roosevelt Community Plan and therefore will not result in the pressure to convert other nearby farmland to nonagricultural uses.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

An Air Quality, Health Risk Analysis, and Greenhouse Gas Technical Memorandum (Analysis) was prepared for the project by Johnson Johnson and Miller Air Quality Consulting Services, dated August 28, 2022, and was provided to the San Joaquin Valley Air Pollution Control District (SJVAPCD) for review and comments.

Per the *Analysis*, construction and operation of the uses allowed in the M-3 Zone District would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and particulate matter (PM₁₀ and PM_{2.5}). Project operations would generate air pollutant emissions from mobile sources (automobile activity from employees) and area sources (incidental activities related to facility maintenance). The construction and operational impacts and Greenhouse Gas (GHG) emissions impacts were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0.

Air Quality Plans (AQPs) are plans for reaching attainment of air quality standards. The Guidance for Assessing and Monitoring Air Quality Impacts (GAMAQI) indicates that projects that do not exceed SJVAPCD regional criteria pollutant emissions quantitative thresholds would not conflict with or obstruct the applicable AQP.

The AQP describes air pollution control strategies to be implemented by county, or region classified as a non-attainment area. The main purpose of AQP is to bring the area into compliance with the requirements of the Federal and State air quality standards.

As discussed in Impact III. B. below, emissions of ROG, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} associated with the proposed project would not exceed the SJVAPCD's significance thresholds during construction or emissions of ROG, CO, SO_x, PM_{2.5} or PM₁₀ during operations of the project. However, the project's unmitigated emissions during project operations would exceed the SJVAPCD's thresholds of significance for NO_x. Therefore, NO_x emissions resulting from project operations have the potential to contribute to the existing 1-hour and 8-hour ozone standards violations prior to the incorporation of mitigation. After incorporation of mitigation noted in III. B. below, the project would not exceed the SJVAPCD's regional thresholds of significance for any pollutant of concern and would therefore be considered consistent with the existing AQPs. Regarding this criterion, the project would be considered less than significant with incorporation of mitigation.

The AQP contains several control measures that are enforceable requirements through the adoption of rules and regulations. The project will adhere to the following SJVAPCD rules and regulations: District Regulation VIII (Fugitive PM₁₀ Prohibitions); District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review); District Rule 9510 (Indirect Source Review) subject to filing an Air Impact Assessment Application; District Rule 9410 (Employer Based Trip Reduction); Rule 4002 (National Emission Standards for Hazardous Air Pollutants). District Rule 4601 (Architectural Coatings); Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). Additional project design features and best practices that would reduce pollutant emissions of NO_x during operations (see discussion in III. B.) are as follows:

1. The project applicant/successor-in-interest shall utilize cleaner than average, alternatively fueled (i.e., not reliant on diesel fuel), or zero-emission technologies for all on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) as commercially feasible.
2. In order to promote alternative fuels, and help support cleaner truck fleets, the developer/successor-in-interest shall provide building occupants and businesses with information related to the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program) implemented in the project area by the San Joaquin Valley Air Pollution Control District (SJVAPCD), or other state programs that restrict operations to "clean" trucks, such as 2007 or newer model year or 2010 compliant vehicles and information including, but not limited to, the health effect of diesel particulates, benefits of reduced idling time, CARB regulations, and importance of not parking in residential areas. If trucks older than 2007 model year will be used at the project site and part of the project's controlled/owned fleet, the developer/successor-in-interest shall require, within one year of signing a lease, future tenants to apply in good-faith for funding for diesel truck replacement/retrofit through grant programs such as the Carl Moyer, Trucks: Prop 1B, Truck Replacement Program

funding programs, as identified on SJVAPCD's website (<https://ww2.valleyair.org/grants/truck-replacement-program/#>).

3. The project applicant/successor-in-interest shall implement marketing strategies to encourage employees to rideshare. This may include but not be limited to:
 - Alternate Transportation Bulletin Board: The project will maintain a Rideshare Bulletin Board centrally accessible to employees with Rideshare Program information, transit information, bike route information, Rideshare newsletter, and other alternative commute information.
 - Employer Rideshare Newsletter: An Employer Rideshare Newsletter will be made available to Associates on the Rideshare Bulletin Board on a quarterly basis.
 - Rideshare New Hire Orientation: New Hires will receive information on the project's Rideshare Program and commute mode alternatives. New Hires will be shown the Rideshare Board and on-site lockers as part of the standard orientation.
 - On-site Rideshare Coordinator: A designated on-site Rideshare Coordinator will be responsible for promoting the Rideshare Program and maintaining the Rideshare Board. The facility receives support and promotional materials from the Senior Rideshare Coordinator.
 - Personalized Commute Assistance: The on-site Rideshare coordinator will provide personalized assistance such as assisting with transit itineraries, bicycle routes, carpool matching and personal follow-up.

For facilities that would be considered large employers (facilities with at least 100 or more on-site eligible employees), measures used to comply with the SJVAPCD's Rule 9410 (Employer Based Trip Reduction) may be used to satisfy the requirements of this project design feature.

4. The project applicant, developer, or tenant shall include services and facilities on-site to reduce lunchtime errand trips for each proposed facility. These may include but not be limited to:
 - Lockers on-site: Lockers will be provided on-site and maintained for employee use.
 - On-site employee lounge: The project will provide an eating area with a sink, microwave, and refrigerator.
 - On-site vending machines: The project will provide on-site vending machines in the employee eating area(s).
5. The project applicant, developer, or tenant shall include amenities on-site to encourage truck drivers to limit on-site idling and leave their trucks for periods of rest. These may include but not be limited to:
 - On-site driver lounge eating area: The project will provide an eating area with a sink and microwave that is accessible for truck drivers making deliveries to or from the project site.

- On-site vending machines: The project will provide on-site vending machines in or near the driver lounge area.
- On-site driver lounge rest area: The project will provide a driver lounge rest area that provides bathroom facilities and an indoor or temperature-controlled resting area with chairs or another form of a sitting area accessible to truck drivers making deliveries to or from the project site.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project area is within the San Joaquin Valley Air Basin (SJVAB), which consist of eight counties that comprise the San Joaquin Valley Air Pollution Control District. Under the provisions of the U.S. Clean Air Act, the attainment status of the SJVAB with respect to national and state ambient air quality standards has been classified as non-attainment/extreme, non-attainment/severe, non-attainment, attainment/unclassified, or attainment for various criteria pollutants which includes O₃, PM₁₀, PM_{2.5}, CO, NO₂, SO₂, lead and others. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant.

The primary pollutants of concern during project construction and operation are ROG, NO_x, CO, NO_x, PM₁₀, and PM_{2.5}. The San Joaquin Valley Air Pollution Control District (SJVAPCD) Guidance for Assessing and Monitoring Air Quality Impacts (GAMAQI) adopted in 2015 contains threshold for CO, NO_x, ROG, SO_x PM₁₀ and PM_{2.5}. The SJVAPCD's annual emission significance thresholds used for the project define the substantial contribution for both operational and construction emissions are 10 tons per year ROG, 10 tons per year NO_x 100 tons per year CO, 27 tons per year SO_x, 15 tons per year PM₁₀ and 15 tons per year PM_{2.5}.

Per the *Air Quality, Health Risk Analysis, and Greenhouse Gas Technical Memorandum* the maximum 2023-24 project construction emissions (ton per year) are 3.99 for ROG, 8.43 for NO_x, 8.74 for CO, 0.03 for NO_x, 1.59 for PM₁₀ and 0.67 for PM_{2.5} which are less than the threshold of significance. Per the *Technical Memorandum*, the maximum allowable building (43 percent lot coverage with buildings, parking, and on-site basin) which represents the maximum that could be constructed on a 73.35-acre project site would not exceed the significant criteria for annual ROG, NO_x, CO, SO_x, PM₁₀, or PM_{2.5} emissions.

The operational emission (Non-Permitted) over the life of the project, primarily from mobile sources (e.g., vehicle and truck trips), energy sources (e.g., electricity and natural gas), and area sources (e.g., architectural coatings and the use of landscape

maintenance equipment), using a full build-out scenario in the year of operation 2024 would be 7.1 for ROG, 10.1 for NO_x, 17.0 for CO, 0.08 for SO_x, 6.1 for PM₁₀ and 1.8 for PM_{2.5} which are less than the threshold of significance except NO_x. The project's operational emissions of NO_x would exceed the SJVAPCD's threshold of significance which is 10 tons per year. This results in a potentially significant impact and mitigation is required to reduce regional operational emissions. With the implementation of the following mitigation measures, and several project design features and best practices noted in III. A. above the project's long-term operational emissions would not exceed any of the SJVAPCD's project-level regional thresholds of significance and the impact would be less than significant.

* **Mitigation Measures:**

1. For all buildings that would include ten (10) or more dock doors, prior to issuance of construction permit, the project applicant/successor-in-interest shall provide documentation to the County Planning Department that demonstrates all buildings shall be designed to provide infrastructure to support use of electric-powered forklifts and/or other interior vehicles.
2. Prior to first occupancy of any new building associated with the project, the project applicant, developer, or tenant shall post signage in the loading area advising truck drivers of California Air Resources Board (CARB) diesel idling regulations (i.e., no more than 5 minutes).

Regarding operational emission (Permitted), the SJVAPCD's implementation of New Source Review (NSR) ensures that there is no net increase in emissions above specified thresholds from new and modified Stationary Sources subject to the rule for all nonattainment pollutants and their precursors. Permitted sources emitting more than the NSR Offset Thresholds for any criteria pollutant must, in general, offset all emission increases in excess of the thresholds. Future tenants may require stationary sources that require SJVAPCD permits. If stationary sources are proposed in the future, the SJVAPCD will prepare an engineering evaluation of all permitted equipment to determine the controls required to achieve Best Available Control Technology (BACT) requirements. Compliance with regulations would ensure that the project's stationary sources would not exceed SJVAPCD thresholds of significance; therefore, the project's estimated permitted emissions would be less than significant.

C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Emissions occurring at or near the project site have the potential to create a localized impact that could expose sensitive receptors to substantial pollutant concentrations. The San Joaquin valley Air Pollution Control District (SJVAPCD) considers a sensitive receptor to be a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Sensitive receptors are defined as hospitals, residences, convalescent facilities, and schools. Per the *Air Quality, Health Risk Analysis, and Greenhouse Gas Technical Memorandum*

an analysis of maximum daily emissions during construction and operation of the project was conducted to determine if emissions would exceed 100 pounds per day for any pollutant of concern which include NO_x, CO, PM₁₀ or PM_{2.5}. The SJVAPCD has provided guidance for screening localized impacts in the GAMAQI that establishes a screening threshold of 100 pounds per day of any criteria pollutant. If a project exceeds 100 pounds per day of any criteria pollutant, then ambient air quality modeling would be necessary. If the project does not exceed 100 pounds per day of any criteria pollutant, then it can be assumed that it would not cause a violation of an ambient air quality standard.

The maximum daily construction emissions (pound per day) for the proposed project would be 69.76 for NO_x, 70.91 for CO, SO_x for 0.13, 11.85 for PM₁₀ and 7.13 for PM_{2.5} and would not exceed SJVAPCD screening thresholds for any pollutant. On-site construction emissions would be less than 100 pounds per day for each of the criteria pollutants. Based on the SJVAPCD's guidance, the construction emissions would not cause an ambient air quality standard violation.

Operational emissions are generated on-site by area sources such as consumer products, landscape maintenance, energy use, and onsite motor vehicle operation at the project site. The maximum daily air pollutant emissions (pound per day) during the project operations in 2024 would be 22.5 for NO_x, 47.2 for CO, 0.10 for SO_x, 3.67 for PM₁₀ and 1.43 for PM_{2.5} and would not exceed SJVAPCD screening thresholds for any pollutant. Based on SJVAPCD's guidance, the operational emissions would not cause an ambient air quality standard violation.

The project construction involves use of diesel-fueled vehicles and equipment that emit DPM (diesel particulate matter) which is considered a Toxic Air Contaminant (TAC). The SJVAPCD threshold of significance for TAC emissions is an increase in cancer risk for the maximally exposed individual of 20 in a million. The SJVAPCD's 2015 GAMAQI focuses on projects with operational emissions that would expose sensitive receptors over a typical lifetime of 70 years. Most of the project's construction emissions would occur during site preparation and grading phases over a short period. Building construction requires limited amounts of diesel equipment.

The construction or operation of the proposed project would not exceed the cancer risk, chronic risk, and acute risk screening threshold levels. The primary source of the emissions responsible for chronic risk are from diesel trucks and the diesel emergency generator. The primary source of acute risk is from natural gas combustion in the boiler. The SJVAPCD threshold for risk screening is 20 for maximum cancer risk, and for chronic risk and acute risk is one (1) each. Per the Prioritization Tool Health Risk Screening Results, the project's risk scoring resulting from on-site project construction emission are 8.16 for risk screening, 0.0092 for chronic risk and 0.000 for acute risk. Since the project does not exceed SJVAPCD screening thresholds levels. It would result in a less than significant impact on nearby sensitive receptors from TACs emissions during construction. The SJVAPCD notes that the project site is near one of the impacted communities in the State selected by the California Air Resources Board (CARB) under the Assembly Bill (AB) 617. Per the analysis above, the project has no

potential to expose sensitive receptors to increased air pollution within the nearby impacted community.

Consistent with SJVAPCD guidance, the health risk computation was performed to determine the risk of developing an excess cancer risk calculated on a 70-year exposure scenario. Operation of the project from a 70-year scenario would be 6.98 for maximum cancer risk, 0.0013 for chronic risk, and 0.000 for acute risk. Since the project does not exceed SJVAPCD screening thresholds levels for cancer risk, acute risk, or chronic risk, the impact related to the project's potential to expose sensitive receptors to substantial pollutant concentrations would be less than significant.

Valley fever (coccidioidomycosis) is an infection caused by inhalation of the spores of the fungus, *Coccidioides immitis* (*C. immitis*) which lives in soil. Construction activities could generate fugitive dust that contain *C. immitis* spores. The project will minimize the generation of fugitive dust during construction activities by complying with SJVAPCD's Regulation VIII which would reduce Valley fever impacts to less than significant. During operations, dust emissions are anticipated to be relatively small, because most of the project area where operational activities would occur would be occupied by the proposed industrial buildings and pavement. This condition would lessen the possibility of the project from providing habitat suitable for *C. immitis*.

The project area is outside of an area of naturally occurring asbestos in California. Therefore, the proposed development (warehouse/distribution center) is not anticipated to expose receptors to naturally occurring asbestos.

In summary, the project would not exceed SJVAPCD localized emission daily screening levels for any criteria pollutant. The project is not a significant source of TAC emissions during construction or operation, is not in an area with suitable habitat for Valley fever spores and is not in an area known to have naturally occurring asbestos. Therefore, the project would not result in significant impacts to sensitive receptors.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, and schools. Other areas where people may congregate, include recreational facilities, worksites, and commercial areas.

Per the *Air Quality, Health Risk Analysis, and Greenhouse Gas Technical Memorandum*, development of the proposed project would not substantially increase objectionable odors in the area. Per the SJVAPCD, the common odor producing land uses are landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roasters, asphalt batch plants, and rendering plants. The proposed project would not engage in any of these activities. Minor sources of odors that would be associated with uses typical of warehouse/distribution centers such as exhaust from mobile sources (including diesel-fueled heavy trucks), are

known to have temporary and less concentrated odors. Considering the low intensity of potential odor emissions, the proposed project's operational activities would not expose receptors to objectionable odor emissions. As such, impacts would be less than significant.

IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The project was routed to the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) for comments. The USFWS did not provide any comments. Comments provided by CDFW indicated there are trees on the subject parcels, and along State Route 99, that could be potential nesting habitat for Swainson's hawk and other nesting birds. To adequately assess any potential project related impacts to biological resources, CDFW recommended that a reconnaissance-level biological survey of the property shall be conducted by a qualified biologist during the appropriate survey period(s) to determine whether any special status species may be present within the project area. The CDFW recommended surveys for nesting Swainson's hawks and other raptors using the survey methodology developed by the *Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000)* prior to any project-related ground or vegetation disturbance to identify any mitigation, minimization, and avoidance measures and/or the need for additional focused surveys. The agency also recommended several mitigation measures for the project and has been included in the mitigation measures below.

Argonaut Ecological Consulting, Inc. prepared a *Technical Memorandum on Biological Reconnaissance (BR) dated July 18, 2021*. Per the *Memorandum*, reconnaissance biological survey of the subject 38.86-acre parcel and surrounding area was conducted on May 5, 2021, and July 16, 2021.

The May 5, 2021 survey found one residential development (homesite) and orchard on 38.86 acre site including large trees that surround the homesite. Although no raptor nest sites were observed, the trees likely support nesting habitat for migratory and non-migratory birds.

Survey of the immediate surrounding area found two nests outside one quarter--mile radius of the project site. One nest had a pair of red-tailed hawks outside the nest but in the same tree and the second nest was unoccupied. Both nests are located along Highway 99, at an off/on ramp, near the railroad, and adjacent to American Avenue. The site survey on July 16, 2021, found no evidence of any raptor nest within the project area. Both nests appeared unoccupied.

Argonaut Ecological Consulting, Inc. prepared an *Amended Technical Memorandum (Memorandum) on Biological Reconnaissance, dated May 4, 2022*, and included survey of adjacent 33-acre and a 1.49-acre parcels. The survey conducted on March 2, 2022, found that the previously located raptor nests are still present. The nest immediately east of Highway 99 was occupied by a nesting pair and the nest west of Hwy 99 was unoccupied. The mature trees within the subject parcels had no raptor nests.

Although no raptor nest was observed within the project site during biological reconnaissance, large trees near homesite on a 38.86-acre project site could be used for nesting. As such, the *Memorandum* determined that a more detailed pre-construction survey for nesting raptors within the project site shall be conducted. The *Memorandum* also determined that due to the location of the offsite nests, construction activities within the project site would likely not have any impacts on the nesting behavior for any raptors that use the nests. Red-tailed hawk is not a listed species, but all birds-of-prey, including Swainson's hawks are protected by the State of California. With the implementation of the following mitigation measures the project's impact to nesting raptors will be reduced to less than significant:

* **Mitigation Measures:**

1. *A pre-construction survey for Swainson's hawk (SWHA) and other nesting raptors shall be conducted on the property using the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to any project-related ground or vegetation disturbance to identify any mitigation, minimization, and avoidance measures and/or the need for additional focused surveys.*
2. *The project-related activities shall be avoided within 0.5 mile of active Swainson's hawk (SWHA) nests from March 1 through September 15.*
3. *If known raptor nest trees are removed because of project activities, even outside of the nesting season, require these trees be replaced with an appropriate native tree species planting at a ratio of 3:1 at or near the project site or in another area that will be protected in perpetuity to reduce impacts resulting from the loss of nesting habitat.*
4. *In the event an active SWHA nest is detected during surveys and the one-half mile no disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the project and avoid Take. If Take cannot be avoided, take authorization through the issuance of an Incidental Take Permit*

(ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is warranted to comply with California Endangered Species Act.

- 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?

FINDING: NO IMPACT:

The Biological Reconnaissance (BR) did not identify any water features on the project site comprised of three parcels. All three parcels are cultivated farmland.

- 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?

FINDING: NO IMPACT:

Per the Biological Reconnaissance (BR), no wildlife species were encountered during the site reconnaissance. The project site habitat would not support species of special concern.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 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?

FINDING: NO IMPACT:

The project site does not occur in an area which is restricted by any general policies or ordinances to protect biological resources, or in an area subject to a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan. The project site is in an area which is intermediate between the urbanized city of Fresno and the rural County. This area does not contain critical or important habitat for special status species and is intended for eventual annexation into the City of Fresno.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or

C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The project site is not designated as highly or moderately sensitive for archeological resources. However, in the unlikely event that cultural resources are unearthed during ground disturbance activities resulting from the construction of the proposed warehouse/distribution center, the following mitigation measures would apply to ensure that impacts to such cultural resources remain less than significant.

* **Mitigation Measure:**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VI. ENERGY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The construction of a warehouse/distribution center on the project site would result in less than significant consumption of energy (gas, electricity, gasoline, and diesel) during construction or operation of the facility. Construction activities and corresponding fuel energy consumption would be temporary and localized. There are no unusual project characteristics that would cause the use of construction equipment to be less energy efficient compared with other similar construction sites in the County. Therefore, construction-related fuel consumption by the project would not result in inefficient, wasteful, or unnecessary energy use compared with other construction sites in the area.

- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

All construction activities resulting from the subject proposal will comply with existing regulations, including those which apply to renewable energy or energy efficiency. With

compliance to current green building standards, this project will not conflict or obstruct a state or local plan for renewable energy or energy efficiency.

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
1. 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; or
 2. Strong seismic ground shaking; or
 3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report, the project area has 10 percent probability of seismic hazard in 50 years. The site development with a warehouse/distribution center would be subject to building standards at the time of development, which include specific regulations to protect against damage caused by earthquake and/or ground acceleration.

4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the Fresno County General Plan Background Report, the project is not located in an area of landslide hazards. The project site is flat with no topographical variations, which precludes the possibility of landslides.

- B. Result in substantial soil erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-3 of the Fresno County General Plan Background Report, the project site is not in located in an erosion hazard area. Grading activities resulting from the construction of the proposed warehouse/distribution center may result in loss of some topsoil due to compaction and over covering of soil for construction of buildings and structures for the project. However, the impact would be less than significant with a Project Note requiring approval of an Engineered Grading Plans and a Grading Permit prior to any on-site grading 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?

FINDING: NO IMPACT:

As noted above, the project site is flat with no topographical variations. As a standard practice, a soil compaction report may be required to ensure the weight-bearing capacity of the soils for the proposed warehouse/distribution center. The project site bears no potential for lateral spreading, subsidence, liquefaction, or collapse due to the site development.

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

FINDING: NO IMPACT:

Per Figure 7-1 of Fresno County General Plan Background Report, the project site is not located in an area where soils have been determined to exhibit moderately high to high expansion potential. However, the project development will implement all applicable requirements of the most recent California Building Standards Code and will consider any potential hazards associated with shrinking and swelling of expansive soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT

The 38.86-acre parcel subject to the proposed rezone is in Malaga County Water District (MCWD) Sphere of Influence. The 33-acre parcel and a 1.49-acre parcel, however, are within MCWD area of service.

According to the Local Area Formation Commission (LAFCo), for the 38.86-acre parcel to receive MCWD sewer services, the MCWD would need to apply to LAFCo to annex the parcel into MCWD area of service.

According to MCWD, the subject parcel will require annexation into MCWD to receive sewer services from MCWD. In that regard, the applicant shall file a request for annexation to MCWD; prepare documents and pay the required fees for said annexation; provide Information on how the project intends to provide sewer services to the site; construct connections to the district's sewer system in accordance with District requirements and standards, obtain a Non-Residential Waste Discharge Permit for

sewer service, apply for a Non-Residential Waste Discharge Permit, and Fees. These requirements will be included as Project Notes.

A Condition of approval would require that prior to inception of any development on the 38.86 acres parcel, the project shall annex into MCWD to receive sewer services, and if it cannot, a clearance shall be obtained from MCWD indicating that the project can utilize onsite septic system.

- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

No paleontological resources or geologic features were identified on the project site.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction and operational activities associated with the proposed project would generate greenhouse gas (GHG) emissions. During construction, 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.

An Air Quality, Health Risk Analysis, and Greenhouse Gas Technical Memorandum prepared for the project by Johnson Johnson and Miller Air Quality Consulting Services, estimated project GHG emissions for construction and operation using the California Emissions Estimator Model (CalEEMod) version 2020.4.0.

Although the SJVAPCD does not assess the significance of construction related emissions, construction emissions are included in the project since they remain in the atmosphere for years after construction is complete. The total GHG emission generated during all phases of construction for year 2023 and 2024 is 2,443 metric tons CO₂ per year. However, to account for the construction emissions, amortization of the total emission generated during construction based on 30-year life of the development amounts to 81 metric tons CO₂ per year.

The project Operational Greenhouse Gases at Buildout Year Scenario are 17,901 metric tons CO_{2e} under Business as Usual (BAU) and at full buildout year (2024) total emissions with regulations and design features are 11,328 metric tons CO₂. The project would achieve a reduction of 36.7 percent from BAU which is 7.7 percent beyond the 29 percent average reduction required by SJVAPCD significance threshold.

The project Operational Greenhouse Gases at Year 2030 Scenario are 17,842 metric tons CO₂e under Business as Usual (BAU) and 10,122 metric tons CO₂e by the year 2030 with adopted regulations and design features incorporated. The project would achieve a reduction of 43.3 percent from BAU which is 14.3 percent beyond the 29 percent average reduction required by the SJVAPCD significance threshold.

In summary, the project exceeds the required 29 percent below BAU guidance provided by the SJVAPCD. Furthermore, the project shows significant reductions in the year 2030, demonstrating that it would not inhibit the State's progress in achieving the 2030 GHG emissions target. The GHG emissions impact would be less than significant.

- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the *Air Quality, Health Risk Analysis, and Greenhouse Gas Technical Memorandum* the project would be consistent with applicable 2017 Scoping Plan Update measures (SB 350 50% Renewable Mandate, Low Carbon Fuel Standard, Mobile Source Strategy (Cleaner Technology and Fuels Scenario), Sustainable Freight Action Plan, Short-Lived Climate Pollutant (SLCP) Reduction Strategy, SB 375 Sustainable Communities Strategies, and Post-2020 Cap-and-Trade Program) and would not obstruct the implementation of others that are not applicable. The 2017 Scoping Plan provides an intermediate target that is intended to achieve reasonable progress toward the 2050 target. In addition, the 2022 Scoping Plan outlines objectives, regulations, planning efforts, and investments in clean technologies and infrastructure that outlines how the State can achieve carbon neutrality by 2045.

In summary, considering the proposed project's design features and the progress being made by the State towards reducing emissions in key sectors such as transportation, industry, and electricity, the proposed project would be consistent with State GHG Plans and would further the State's goals of reducing GHG emissions 40 percent below 1990 levels by 2030, carbon neutral by 2045, and 80 percent below 1990 levels by 2050, and does not obstruct their attainment.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- 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; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The site development with a warehouse/distribution center and other uses allowed in the M-3 Zone District may potentially result in the handling of potentially hazardous materials.

According to the Fresno County Health Department, Environmental Health Division the project shall adhere to the following requirements included as Project Notes: 1) Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5.; 2) and shall submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95; and 2) Future development proposals shall require a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program.

The nearest school, Malaga Elementary School, is approximately 3,312 feet (more than one-quarter mile) northwest of the project site.

- 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?

FINDING: NO IMPACT:

Per the California Department of Toxic Substances Control Site (Envirostor), the project site is not listed as a hazardous materials 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, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

Per the Fresno County *Airport Land Use Compatibility Plan Update* adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, Fresno-Yosemite International Airport, is approximately 6.6 miles north of the project site. Given the distance, the airport will not result in a safety hazard, or a cause of excessive noise for 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?

FINDING: NO IMPACT:

The project site is in an area where existing emergency response times for fire protection, emergency medical services, and sheriff protection meet adopted standards. The proposed warehouse/distribution center does not include any characteristics (e.g.,

permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity. No impacts would occur.

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

FINDING: NO IMPACT:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is outside of the State Responsibility area for wildland fire protection. No persons or structures will be exposed to wildland fire hazards.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. Geology and Soils above regarding waste discharge requirements.

According to the Fresno County Department of Public Health, Environmental Health Division (Health Department), to protect groundwater, all water wells that exist or have been abandoned within the project area shall be properly destroyed by a licensed contractor. If any underground storage tank(s) are found during construction, an Underground Storage Tank Removal Permit to remove the tank shall be obtained from the Health Department. These requirements will be included as Project Notes.

According to the State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW) the project (warehouse/distribution center) does not meet the definition of a public water system and requires no permit from SWRCB-DDW.

The Regional Water Quality Control Board, Central Valley Region did not comment on the project.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed warehouse/distribution center or other uses allowed in the M-3 zone district will utilize community water to be provided by Malaga County Water District (MCWD).

According to MCWD, the project site is within the Malaga Water District (MCWD) Sphere of Influence and shall be annexed into MCWD to receive water services subject to the evaluation of Sustainable Groundwater Management Act (SGMA). The City of Fresno, Utilities Department also stated that the project shall connect to MCWD water system.

According to WNRD, the project is not located in a water short area of Fresno County and water to be provided by the Malaga Water District would be adequate to support the project.

According to LAFCo, the MCWD would need to apply to LAFCo to annex the project site into MCWD to receive water services for the project.

According to State Water Resources Control Board, Division of Drinking Water, the project does not meet the definition of a public water system and will not require a permit from SWRCB-DD.

A Condition of Approval would require that prior to inception of any development on the 38.86 acres parcel, the parcel shall be annexed into MCWD to receive water services, and if it cannot, a clearance shall be obtained from MCWD indicating that the project can utilize groundwater by digging a well on the property.

- 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:
1. Result in substantial erosion or siltation on or off site; or
 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site; or
 3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
 4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Fresno Irrigation District FID's active American Colony No. 15 canal runs southwesterly along the northwest side of the subject property. All plans prepared for any street and/or utility improvements along American Avenue, Chestnut Avenue, Maple Avenue, or in the vicinity, shall require FID's review and approval.

The project site is within the Fresno Metropolitan Flood Control District (FMFCD) drainage area "CF". The project will adhere to the following requirements included as Project Notes: 1) the project shall pay drainage fees at the time of development based on the fee rates in effect at that time; 2) storm drainage patterns for the development

shall conform to the District Master Plan; 3) all improvement plans for any proposed construction of curb and gutter or storm drainage facilities shall be approved by FMFCD for conformance to the District Master Plan within the project area; 3) site development shall not interfere with the operation and maintenance of the existing canal/pipeline on the property; 4) temporary on-site storm drainage facility shall be provided until permanent service becomes available; and 5) construction activity shall secure a storm water discharge permit.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: NO IMPACT:

Per Figure 9-7 of the Fresno County General Plan Background Report, the project site is not in a 100-Year Flood Inundation Area.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

The project is not in conflict with any Water Quality Control Plan for Fresno County. Regarding sustainable groundwater management plan, the North Kings Groundwater Sustainability Area (NKGSA), offered no comments on the project.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community. The project site is outside of the boundary of City of Fresno and the community of Malaga.

- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project entails rezoning of a 38.86-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-3 (Heavy Industrial) Zone District for the development of a warehouse/distribution center.

The subject parcel is designated General Industrial in the County-adopted Roosevelt Community Plan and is outside of the City of Fresno Sphere of Influence (SOI)

boundary. The project was not referable to the City for annexation and is not in conflict with City's land use plan, policy, or regulation. The project is consistent with the following policies of the County General Plan.

Regarding consistency with General Plan Policy LU-F.29. Criteria a, b, c & d, all development proposals on the property will comply with Fresno County Noise Ordinance, and San Joaquin Valley Air Pollution Control District rules and regulations. The proposals will also comply with the M-3 Zone District development standards and be analyzed against these standards during mandatory Site Plan Review.

Regarding General Plan Policy LU-F. 30, the subject parcel is within the Malaga Water District (District) Sphere of Influence boundary and will require annexation into MCWD to receive community sewer and water services.

Regarding General Plan Policy LU-G.7, the project site is approximately 185 feet north of the City of Fowler SOI and three quarters of a mile southeast of the City of Fresno SOI. The project was routed to both cities but neither city provided any comments on the project.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- 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?

FINDING: NO IMPACT:

Per Figure 7-8 of the Fresno County General Plan Background Report, the project site is not within a mineral-producing area of the County.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Department of Public Health, Environmental Health Division there is a potential of increased noise related to construction activities.

However, noise impacts associated with construction are expected to be temporary and would be less than significant with adherence to the provisions of County Noise Ordinance,

- 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 be residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

Per the discussion in Section IX. E. above, the project will not be impacted by airport noise.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The project would allow industrial uses on the property and no housing. As such, no increase in population would occur.

XV. PUBLIC SERVICES

Would the project:

- A. 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 following public services:

- 1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Fire Protection District (CalFire), the project would require compliance with the California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19; CalFire conditions of approval; and annexation into Community Facilities District No. 2010-01 of CalFire.

2. Police protection; or
3. Schools; or
4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

The project will not impact existing public services, nor will it result in the need for additional public services relating to schools, parks, or police protection.

XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project will not induce population growth which may require new or expanded recreational facilities in the area.

XVII. TRANSPORTATION

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The Transportation Planning Unit and Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning reviewed the project and required that a Traffic Impact Study (TIS) be prepared to assess the project's potential impacts to County roadways and intersection.

JLB Traffic Engineering, Inc., prepared a Traffic Impact Analysis (TIA) and Vehicle Miles Traveled (VMT) Analysis dated October 10, 2022, and October 11, 2022, respectively. The TIA and VMT Analysis were reviewed by the Fresno County Transportation

Planning Unit, RMO Division, City of Fresno Traffic Operations and Planning Division and the California Department of Transportation (Caltrans). The City of Fresno Traffic Operations and Planning Division and Caltrans offered no comments on TIA and VMT analysis. RMO agreed with scope of the project and offer no comments on TIA.

The Traffic Impact Analysis (TIA) examined Existing Traffic Condition, Existing Plus Project Traffic Conditions, Near Term plus Project Traffic Conditions, Cumulative Year 2042 No Project Traffic Conditions; Cumulative Year 2042 plus Project Traffic Conditions and determined the following: At present, the study intersection of Clovis Avenue at State Route 99 Southbound Ramps exceeds its LOS threshold during both peak periods; the study intersections of Peach Avenue at Central Avenue and Clovis Avenue at State Route 99 Southbound Ramps are projected to exceed their LOS threshold during both peak periods; the study intersections of Peach Avenue at Central Avenue and Clovis Avenue at State Route 99 Southbound Ramps are projected to exceed their LOS threshold during one or both peak periods; the study intersection of Clovis Avenue at State Route 99 Southbound Ramps is projected to exceed its LOS threshold during both peak periods; and the study intersections of Peach Avenue at Central Avenue and Clovis Avenue at State Route 99 Southbound Ramps are projected to exceed their LOS threshold during both peak periods. The TIA recommended that the City of Fresno consider left-turn and right-turn lane storage lengths as indicated in the Queuing Analysis of the TIA. Additionally, the Project shall contribute its equitable fair share of future roadway improvements.

As the project's fair share percentage impact to study intersections projected to fall below their LOS threshold and are not covered by an existing impact fee program, the project's pro-rata fair shares were calculated utilizing the improved versions of the 2042 Project Only Trips and Cumulative Year 2042 plus Project volumes. As required by TIA, the Project shall contribute its equitable fair share of future roadway improvements at Peach Avenue and Central Avenue intersection and Clovis Avenue and State Route 99 southbound ramps for the future improvements necessary to maintain an acceptable LOS. Payment of the Project's equitable fair share in addition to the local and regional impact fee programs would satisfy the project's traffic improvement measures.

The County Transportation Planning Unit of the Fresno County Department of Public Works and Planning identified no concerns with Traffic Impact Analysis (TIA) or the VMT Analysis and identified the following pro-rata share which has been included as Mitigation Measures:

* **Mitigation Measures:**

1. *Prior to the issuance of building permits for the uses allowed on M-3 zoned property, the applicant shall enter into an agreement with the County of Fresno agreeing to participate on a pro-rata basis per acreage developed in the funding of future off-site traffic improvement defined in items a, b, c & d below. The traffic improvements and the project's maximum pro-rata share based on 38.86 acres of the associated costs are as follows:*
 - a. *Peach Avenue at Central Avenue shall be improved with lanes addition,*

*modification to existing lanes, and a traffic signal. The project's percent fair share for the 2042 AM peak hour traffic scenario is 41.5 % or **\$1,316,510** of the total construction cost (total cost: \$3,172,313 - includes 15% contingency plan, 15% preliminary engineering, and 15% construction engineering).*

- b. The project's percent fair share for right-of-way utility relocation at Peach Avenue and Central Avenue is 41.5 % or **\$ 15,277.00** of the total relocation cost (total cost: \$36,813 - includes 15% contingency plan, 15% preliminary engineering, and 15% construction engineering)*
- c. The project's percent fair share for right-of-way acquisition at Peach Avenue and Central Avenue is 41.5 % or **\$62,250.00** of the total acquisition cost (total cost: \$150,000).*

The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall annually adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index. A 3% administrative fee shall apply to the total fee to process and administer all related pro-rata costs.

Per the TIA, the project shall pay its fair share for the installation of a single-lane roundabout at Clovis Avenue and State Route 99 southbound ramps. This requirement is reflected in the following Mitigation Measure:

- **Mitigation Measure:**

- 1. *Prior to the issuance of building permits for the uses allowed on M-3 zoned property, the applicant shall enter into a "Traffic Mitigation Agreement" with California Department of Transportation, agreeing to participate in the funding of off-site traffic improvements as defined in items a below and pay for funding deemed appropriate by Caltrans based on the following pro-rata shares:*

- a. Install a single-lane roundabout at Clovis Avenue and State Route 99 southbound ramp. The project's percent fair share for the 2042 A.M peak hour traffic scenario is 0.50% or **\$11,500** of the project total cost (total cost: \$2,300,000).*

- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the *Vehicle Miles Traveled (VMT) Analysis* prepared for the project by *JLB Traffic Engineering, Inc.* and dated October 11, 2022, the VMT Analysis used the guide of the December 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA (TA) published by the Governor's Office of Planning and Research.

Per VMT Analysis, the baseline regional average VMT per employee in the County of Fresno is 25.6. Therefore, the VMT threshold, per the California TA guidelines and County of Fresno Baseline Regional Average VMT, is 21.8 VMT per employee. Before any VMT mitigation is applied, the project is projected to have an output of 23.42 VMT per employee. The VMT mitigation from Carpooling is projected to reduce the VMT by 1.68 VMT per employee. The Project's VMT after accounting for the mitigation is 21.74 VMT per employee.

Based on the California TA guidelines, once the above VMT mitigation is considered, the project will result in a less than significant impact to VMT.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- D. Result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site (all three parcels) border with Peach Avenue to the east and Golden State Blvd to the northwest. The proposed warehouse/distribution center development will gain access from Peach Avenue and shall dedicate 33-foot additional road right-of-way across the parcel frontage on Peach Avenue.

A Site Plan Review (SPR) No. 8286 was completed for the proposed warehouse/distribution center concurrently with the subject rezone application to ensure that the site is provided with ingress and egress of adequate width and length to minimize traffic hazards and to provide for adequate emergency access acceptable to the Fresno County Fire Protection District.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - 1. 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
 - 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 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.)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not located in an area designated as highly or moderately sensitive for archeological resources. Pursuant to Assembly Bill (AB) 52, the project was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation, and Santa Rosa Rancheria Tachi Yokut Tribe responded with no comments on the project. The Mitigation Measure included in the CULTURAL ANALYSIS section of this report will eliminate any potential impact to tribal cultural resources, if discovered on the property.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above. The project will not result in the relocation or construction of new electric power, natural gas, or telecommunications facilities.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section X. B. HYDROLOGY AND WATER QUALITY above.

- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above.

- 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; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Development proposals in the M-3 Zone District would not generate solid waste more than capacity of local landfill sites. All solid waste disposal will comply with federal, state, and local management and reduction statutes and regulations related to solid waste. The impact would be less than significant.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- 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; or
- 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; or
- 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?

FINDING: NO IMPACT:

The project site is not within or near state responsibility area or land classified as very high fire hazard severity zones. No impact would occur.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. 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 a rare or endangered plant or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project impact on biological resources and cultural resources have been reduced to a less than significant level with the Mitigation Measures incorporated in Section IV. BIOLOGICAL RESOURCES and Section V. CULTURAL RESOURCES above.

- B. 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)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Each of the projects located within Fresno County has been or would be analyzed for potential impacts, and appropriate project-specific Mitigation Measures are developed to reduce that project’s impacts to less than significant levels. Projects are required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code at the time development occurs on the property. No cumulatively considerable impacts relating to Agricultural and Forestry Resources, Air quality or Transportation were identified in the project analysis. Impacts identified for Aesthetics, Biological Resources, Cultural Resources, and Transportation will be mitigated through compliance with the Mitigation Measures listed in Section I, Section IV, Section V, and Section XVII of this report.

- C. Have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly?

FINDING: NO IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the analysis.

CONCLUSION/SUMMARY

Based upon Initial Study No. 8042 prepared for Amendment Application No. 3845 and site Plan Review Application No. 8286, staff has concluded that the project will not have a significant effect on the environment.

It has been determined that there would be no impacts to mineral resources, population and housing, recreation, or wildfire.

Potential impacts related to agriculture and forestry resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, tribal cultural resources or utilities and service systems have been determined to be less than significant.

Potential impacts to Aesthetics, Air quality, Biological Resources, Cultural Resources and Transportation have been determined to be less than significant with the identified Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Streets, Fresno, California.

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