



# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Malaga BESS, LLC
- APPLICATION NOS.: Initial Study No. 8274 and Unclassified Conditional Use Permit Application No. 3748
- DESCRIPTION: Allow the construction and operation of an energy storage facility, with an estimated storage capacity of 140 Megawatts, along with appurtenant equipment on an approximately 4.5-acre portion of an 18.84-acre parcel in the M-3 (Heavy Industrial) Zone District.
- LOCATION: The project site is located on the south side of E. North Avenue approximately 760 feet west of its intersection with S. Chestnut Avenue and is approximately 1,340 feet east of the city limits of the City of Fresno (APN 330-050-27ST) (2611 E. North Avenue, Fresno, CA) (SUP. DIST. 3).

### 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 subject site is located in an area of industrial development, and there are no identified scenic roadways or highways in the vicinity; moreover, no scenic vistas or other scenic resources were identified in the project vicinity, that would be affected by the project proposal. Elevations of the proposed development indicate that the energy storage enclosures would be at a maximum of 12 feet in height, and approximately x feet from the public right-of-way and therefore not likely to be visible.

- 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?

FINDING: NO IMPACT:

The subject site is located within the boundaries of the County-adopted Roosevelt Community Plan and is designated General Industrial. The subject property is zoned M-3 (Heavy Industrial) and is currently improved with the Malaga gas-fired peaking power plant. Review of relevant General Plan and Community Plan policies regarding aesthetics of industrial development indicate that there are no conflicts. The proposed development would be subject to the development standards of the underlying zone district address under the Fresno County Zoning Ordinance.

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

FINDING: NO IMPACT:

Outdoor lighting associated with the existing power plant occurs on the subject site, however no new lighting is associated with the energy storage project. The applicant's submitted operational statement indicates that lighting from the existing Malaga peaking plant will be adequate for the proposed energy storage facility.

## 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 Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology 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; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: NO IMPACT:

Per the 2016 Fresno County Important Farmlands Map, the subject property is designated Urban and Built-up Land. The subject property is zoned M-3 (Heavy Industrial) and under the Roosevelt Community Plan is designated for General

Industrial. Therefore, the project would not convert farmland and is not zoned for agricultural use.

- 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?

FINDING: NO IMPACT:

The subject parcel is not zoned for forest land, timberland or Timberland Production and would not result in the loss of forest land or conversion of forest land to non-forest use.

- 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?

FINDING: NO IMPACT:

The project site is located among industrial development. Review of the Roosevelt Community Plan indicates that the surrounding area is also planned for industrial development. The project does not involve the conversion of farmland to non-agricultural use and would not proliferate the conversion of farmland to industrial development in the area.

### 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 and Greenhouse Gas Study was produced for the project to analyze air quality, ghg emissions and potential health risk impacts related to the proposed battery energy storage systems (BESS). The Air Quality and Greenhouse Gas Study dated October 2022, was prepared by Rincon Consultants, Inc. on behalf of the Applicant and has been reviewed by the San Joaquin Valley Air Pollution Control District (SJVAPCD) for concurrence with the estimates and determinations made in the study.

As referenced in the subject study, recent air quality attainment plans including the “2020 Reasonably Available Control Technology (RACT) Demonstration for the 2015 8-Hour Ozone Standard” and the “2013 Plan for the Revoked 1-Hour Ozone Standard, 2007 PM10 Maintenance Plan and Request for Re-designation, 2012 PM2.5 Plan”, and 2015 Plan for the 1997 PM2.5 Standard” were assessed and considered for potential conflicts with the project. In addition to the referenced attainment plans, the “2015

Guidance for Assessing and Mitigating Air Quality Impacts” (GAMAQI) establishes thresholds of significance for certain pollutant emissions.

In addition to the attainment plans and guidance above, the SJVAPCD in their comments also requested consideration of the South-Central Fresno Community Emissions Reduction Program (CERP).

The project is not anticipated to result in exceedance of any Air District established thresholds of significance for criteria pollutants, and therefore would not conflict with or obstruct implementation of any existing applicable air quality plan.

- 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:

Thresholds of significance for criteria pollutants are established under the San Joaquin Valley Air Pollution Control District’s “2015 Guidance for Assessing and Mitigating Air Quality Impacts” (GAMAQI). Based on a review of the GAMAQI, staff has determined that the project would not exceed any significance thresholds established therein, and therefore not result in a significant impact related to net increase of any of the identified criteria pollutants.

The Air Quality and Greenhouse Gas Study estimated criteria pollutants resulting from project construction and operation through the California Emissions Estimator Mode (CalEEMod). Project construction is anticipated to take approximately 11 months, and result in emissions of diesel particulate matter, and dust, PM10 and PM2.5

Both estimates of construction emissions and operational emissions were determined to be less than significance threshold established under the GAMAQI and thus concluded that the project would not result in cumulatively considerable increases of any criteria pollutants.

The Air Quality and Greenhouse Study assumed that the project would comply with Air District Rule 8021 which relates to Construction, Demolition, Excavation, Extraction and other earthmoving Activities, and that construction emissions would be compliant with all other applicable Air District Regulatory Standards, and not exceed any Air District established thresholds of significance for criteria pollutants.

- C. Expose sensitive receptors to substantial pollutant concentrations?
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Once constructed the project will not produce any emissions or odors that would affect a substantial number of people. Emissions generated during project construction will be

temporary (approximately 11 months) and limited in scope (approximately 9.2 acres of land), after which the project itself proposed energy storage which produces very low emissions, primarily from periodic maintenance trips, and the project will not result in any ongoing emissions that would produce substantial quantities of emissions, or odors. The San Joaquin Valley Air Pollution Control District reviewed the project and commented that the project may be subject to certain District Rules based on project design and construction features. All applicable Air District Rules will be mandatory requirements of project approval.

#### 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is already improved with an emergency power generation plant and is located in an area of industrial development. The project proposes the construction and operation of an energy storage facility, comprising approximately 4.5-acres, with an additional 4.3-acres as a temporary construction laydown storage yard, totaling approximately 9 acres of the 19-acre parcel. According to a review of the California Department of Fish and Wildlife, Natural Diversity Database (CNDDB) Bios Mapping tool, the project site is located within the range of several special status species, however, no suitable habitat was identified on the subject parcel or in the vicinity. The CNDDB identified on siting of the state threatened Swainson's hawk approximately 1.2 miles southwest of the project site from June 20, 2016, no further details were available. Because the project site and immediate vicinity are highly developed and industrial in character and because the project is limited in scope and confined to the already developed subject parcel, the project is not anticipated to have a substantial adverse impact directly or indirectly on any special status species or their habitat, nor any plans, policies or regulations related to the protection of such resources.

- 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: NO IMPACT:

As noted, the subject site is already developed and situated in an industrial urban area. Aerial images of the project site and surrounding area suggest that there are no riparian habitat or other sensitive natural community in the vicinity that would be affected by the project proposal.

- 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: LESS THAN SIGNIFICANT IMPACT:

Per the National Wetlands Inventory online mapping application, the subject site is located westerly adjacent to an identified wetland. Review of aerial images of the subject site indicate that the wetland is an irrigation canal. Although the project site is located in close proximity to the identified wetland, the project itself would not directly affect the wetland, and would therefore have a less than significant impact on the identified wetland.

- 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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject parcel is improved with a power plant and is located in an industrial area. The project would further develop the site along the eastern and southern property lines. Due to the existing industrial use and existing development, the project is not likely to interfere substantially with the movement of any native resident. There were no established native residents, migratory wildlife corridor, or native wildlife nursery site identified on the project site. The project was reviewed by the California Department of Fish and Wildlife which commented that the project site may have potentially suitable habitat for several species of nesting birds, and that the project may impact nesting birds if construction were to take place during nesting/breeding season. To address this potential, the following Mitigation Measures have been included.

\* **Mitigation Measure(s)**

1. If any project related construction or other ground disturbing activity is to occur between February 1<sup>st</sup> and mid September, the project applicant shall provide that a biological assessment for nesting bird habitat is conducted, and that that pre-construction surveys for migratory birds, are completed by a qualified biologist, no more than 10-days prior to ground or vegetation disturbance, and also that if any active nests are found on the project site, a no disturbance buffer of 250 be maintained around active nests of non-listed species, and 500 feet around active nests of non-listed raptor species..
- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
  - 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:

There were no policies or ordinances for protecting biological resources identified as being in conflict with the project. Additionally, no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan was identified as being in conflict with the project.

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:

Existing conditions of the subject site indicates that ground disturbing activities have already occurred. Review of the project proposal indicates that proposed structures will result in ground-disturbance on undeveloped portions of the site. As there is no removal of any structures involved with the project, historical resources are not expected to be impacted by the project proposal. Due to the presence of industrial development directly and surrounding the subject site, archaeological and other cultural resources are highly unlikely to be unearthed on the project site. Although unlikely, a mitigation measure will be implemented to properly address cultural resources should they be unearthed during ground-disturbing activities related to the development of the project.

\* **Mitigation Measure(s)**

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 it to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, 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; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

The project would allow storage and utilization of electrical energy produced from renewable energy sources. The main goal of the project is to provide storage of electrical energy, and the utilization of said energy during off-peak energy producing hours. As the energy stored will reduce the reliance of other energy producing activities this project will have a beneficial impact for energy resources and reduce inefficient production and consumption of energy resources. This project is not in conflict with state and local plans 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?

FINDING: NO IMPACT:

According to Figure 9-3 of the Fresno County General Plan Background Report and the Earthquake Hazard Zone web application (EQZ App) maintained by the California Department of Conservation, the project site is not located near a known earthquake fault or rupture of a known earthquake fault. However, any construction will be subject to the applicable seismic standards of the California Building Standards Code.

- 2. Strong seismic ground shaking?
- 3. Seismic-related ground failure, including liquefaction?

FINDING: NO IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR), in the event of a seismic hazard occurring, the project site is located on land identified as having a 0% to 20% peak horizontal ground acceleration assuming a 10% probability in 50 years. The FCGPBR indicates that the potential of ground shaking is minimal in Fresno County. Due to the minimal peak horizontal ground acceleration risk and minimal ground shaking risk, the project is not subject to adverse risk from ground shaking or seismic-related ground failure.



#### 4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located in areas identified as having a landslide hazard. Review of the project site and surrounding area indicate that there are no steep slope areas in the vicinity.

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

FINDING: NO IMPACT:

The project will result in the development of battery energy storage facilities that will result in a minor increase the amount of impervious surface on the site. The effects of the project on soil erosion and loss of topsoil would not be substantial as the site proposed for the energy storage array is relatively flat with planned drainage facilities reducing effects of erosion and topsoil loss.

#### 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: LESS THAN SIGNIFICANT IMPACT:

No geologic unit or unstable soil was identified on the project site. As noted, the subject parcel is already improved with a power plant. The proposed development is subject to the most current building code which will ensure safe development of the site taking into consideration existing site conditions.

#### 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 the FCGPBR, the project site is not located in areas of Fresno County identified as having expansive soils.

#### 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?

FINDING: NO IMPACT:

The subject application does not propose the construction of a wastewater disposal system. If a wastewater disposal system were to be developed on the subject site, County standards and regulations set by the Fresno County Local Area Management

Program (LAMP) for wastewater disposal systems would apply and ensure that development complies with local and state development standards.

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

FINDING: NO IMPACT:

No paleontological or unique geologic feature was identified on the project site. As no resource is identified on the project site, the project would not destroy a unique paleontological or unique geologic feature.

## 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; or
- 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:

As discussed under Section 111.A (AIR QUALITY), a Greenhouse Gas Emissions Analysis was conducted to estimate project emissions of CO<sub>2</sub>e (Carbon Dioxide Emissions) for construction and operation of the project. Estimated construction emissions over a two-year schedule indicates that emissions would total 371 metric tons of CO<sub>2</sub>e (MT CO<sub>2</sub>e). As construction emissions are short-term impacts, the increase in GHG emissions are considered less than significant. Operational emissions were estimated at approximately 4 MT CO<sub>2</sub>e.

In reviewing the project proposal, the battery energy storage system (BESS) intends to store energy generated primarily from renewable sources, and provide energy to the grid during peak demand hours when necessary. The system will not utilize power from the existing peaking plant. The system allows energy generation to maximize its generation in renewable sources, while also reducing the load on non-renewable sources have an indirect reduction on GHG emissions associated with non-renewable sources.

The GHG analysis concluded that the project would be consistent with the provisions of Assembly Bill (AB) 32, Senate Bill (SB) 32 and the 2017 Scoping Plan for GHG reductions. Reviewing agencies and Departments did not express concern with the project to indicate a significant impact from GHG generation or a conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions. The project would therefore not contribute substantially to cumulative greenhouse gas emissions.

## VIII. 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed the project proposal and will require that the project applicants that the Hazardous Materials Business Plan and Risk Management Plan be updated to ensure that changes to the site associated with the project proposal are documented and addressed. EHD also provided comment on compliance with State and Local requirements for handling of hazardous materials and waste.

In considering the project scope and required compliance of Local and State requirements for hazardous materials, the project would have a less than significant impact.

- 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: NO IMPACT:

There are no existing or proposed schools within a quarter mile of the project site. For reference, the nearest school is located approximately 0.73 miles south 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: LESS THAN SIGNIFICANT IMPACT:

According to a review of the U.S. EPA the NEPAassist database web tool, the subject property is a listed site under the Resource Conservation and Recovery Act (RCRA). The information provided under the RCRA includes an inventory on all generators, transporters, treaters, storers, and disposers of hazardous waste that are required to provide information on their activities. Review of available records from NEPAassist indicate that the subject site is designated Electric Power Distribution. k

As noted, the Department of Public Health will require that the facility update its management plans and disclose the utilization of any additional materials associated

with the project proposal. The project would not result in an increased significant hazard to the project being located on a listed hazardous materials site and is subject to all state and local requirements for hazardous material handling.

- 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 or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within an airport land use plan and not within two miles of a public airport or public use airport.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the project in terms of impairing implementation of an adopted emergency response plan or evacuation plan or exposing people or structures to a significant risk of loss, injury, or death involving wildland fires.

## X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; or
- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: NO IMPACT:

The Water and Natural Resources Division and the State Water Resources Control Board did not express concern with the project proposal in regard to water usage. Per the Applicant's Operational Statement, normal operation of the site would not utilize water. A Will-Serve Letter provided by the Malaga County Water District indicates that the Malaga County Water District can service the project site with water and sewer service contingent on conditions addressed in the Will-Serve Letter. As water usage is expected to minimal, there were no water quality standard, waste discharge

requirement or groundwater supply concern expressed by reviewing agencies and departments.

- 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 result in substantial erosion or siltation on or off site?
1. Result in substantial erosion or siltation on- or off-site;
  2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?
  3. 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to comments from the Fresno Metropolitan Flood Control District (FMFCD), the subject parcel is located within Drainage Area "AZ". FMFCD has developed a storm drainage master plan for the area, and had indicated that the project can be accommodated by the Master Plan facilities. Review of the proposal by FMFCD indicates that the site will be required to conform with storm drainage patterns under the FMFCD's Master Plan facilities. Additionally, a State National Pollutant Discharge Elimination System general permit for storm water discharges is required for all clearing, grading, and disturbance to ground that result in soil disturbance of at least one acre.

There is a stormwater retention basin on the project site, and additional drainage retention facilities (catch basins) are planned for the energy storage project as well as street improvements including curb and gutter improvements to direct runoff to existing and planned FMFCD facilities off-site.

Additionally, the project will be required to submit an engineered grading and drainage plan to show any additional storm water runoff generated by the proposed development will be addressed without adversely impacting adjacent properties; the grading and drainage plan will be required to provide calculations verifying the storage capacity of the existing storm water retention basin. The project will also be required to obtain a grading permit. Therefore, the project would not result in substantial soil erosion or loss of topsoil.

Based on the foregoing information, staff has determined that, with the project's compliance with requirements from FMFCD, and County development and drainage standards, the project would have a less than significant impact on stormwater drainage facilities and not result in substantial erosion and flooding of the subject site, nor exceed the capacity of any existing or planned stormwater drainage systems, or create substantial sources of polluted runoff.

4. Impede or redirect flood flows?

FINDING: NO IMPACT:

According to FEMA FIRM Pan C2130H, the subject property is designated Zone X, Area of Minimal Hazard. A designated flood zone is located in close proximity of the project site. As noted, the project site is located within the boundaries of the Fresno Metropolitan Flood Control District and would be required to comply with requirements of the FMFCD for drainage and surface runoff. In considering the existing conditions the project site would not impede or redirect flood flows.

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

FINDING: NO IMPACT:

The project site is located near a designated special flood hazard area. Due to the project site being located within master planned facilities of the FMFCD and required to be make improvements to connect to planned drainage facilities, the project would not be subject to flooding and would not risk release of pollutants. There are no bodies of water to indicate increased risk due to tsunamis or seiche zones.

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

FINDING: NO IMPACT:

Per the Applicant's Operational Statement, regular water usage is not necessary for the operation of the facility. Reviewing agencies and departments did not identify applicable water quality control plans or sustainable groundwater management plans that would conflict with the subject proposal.

## XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The subject site is located in an industrial area and is improved with a power plant. The project would not 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?

FINDING: NO IMPACT:

Review of relevant Fresno County General Plan Policies indicate that with required compliance of State and local requirements for fire safety and hazardous material handling, the project would not cause significant environmental impacts and would not be in conflict with the Fresno County General Plan.

## 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:

According to Figure 7-7 and 7-8 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located on an identified mineral resource location or principal mineral production location.

## 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:

A Noise and Vibration Study prepared by Rincon Consultants, Inc. has submitted for the project addressing noise impacts associated with project construction and operation. The study concludes that the both BESS projects would result in generation of temporary construction-related noise and long-term noise associated with operation. It was determined that noise generated from construction activities would not exceed standards established under the Fresno County Noise Ordinance. Stationary noise sources would not exceed applicable daytime or nighttime noise standards established under the Fresno County Noise Ordinance. In addition to generated noise, ground borne vibrations resulting from construction would not adversely impact structures adjacent to the project site.

Review of the prepared noise study by the Department of Public Health, Environmental Health Division resulted in concurrence of the conclusions made in the study.

- 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; or

FINDING: NO IMPACT:

The project site is located outside the noise contours of both the Chandler Executive Airport and Fresno Yosemite International Airport, the two nearest airports, and therefore would not result in substantial noise exposure to construction workers, maintenance works, or infrequent visitors.

#### 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 subject parcel is improved with a power plant and located within an existing industrial area. The project will further develop the subject parcel and does not induce substantial unplanned population growth or displace existing housing and people.

#### 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 public services?

- 1. Fire protection;

FINDING: NO IMPACT:

The Fresno County Fire Protection District (FCFPD) has reviewed the proposed project and commented that the project would be subject to all applicable Fire Code regulations and be subject to further plan review when construction plans are submitted for building permit. There are no comments from the FCFPD to indicate the project would result in



substantial adverse physical impacts associated with the provision or need of governmental facilities and would not impact service ratios and response times.

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

FINDING: NO IMPACT:

Reviewing Agencies and Departments did not express concern with the subject application to indicate that the project would result in adverse impacts to service ratios, response times, or other performance objectives of the listed services.

#### 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 would not result in the increased use of existing neighborhood and regional parks or other recreational facilities that would enable physical deterioration of recreational facilities. The project does not include or require construction or expansion of recreational facilities that would have an adverse effect on the environment.

#### XVI. 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:

Review of the project by County departments concluded that although the project would not conflict with any County Policies, programs, plans or ordinances related to the Counties circulation system, project construction does have the potential to create

impacts to the condition of County roads in the vicinity of the project; therefore, the following mitigation measure(s) have been included to address potential impacts.

\* **Mitigation Measure(s)**

1. *Prior to issuance of any occupancy permit or beginning any operations, the Applicant shall construct, along the property's frontage, appropriate concrete improvements consistent with County Development Standards, including but not limited to curb and gutter to tie-into existing FMFCD facilities and widen the road surface to match adjacent improvements. The applicant may defer these improvements if an improvement deferral agreement is approved by the County during a subsequent Site Plan Review (SPR) application.*
2. *Construction traffic shall be limited to right-in, right-out movements only for the access point on North Avenue. A Traffic Management Plan must be prepared and approved showing how this will be handled.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Review of the submitted operational statement indicates that the majority of trip generation and vehicle miles traveled (VMT) increases are associated with construction of the project. The Battery Energy Storage System (BESS) is designed to be operated remotely with periodic inspections and maintenance activities being the main producer of trips during operation. A VMT Technical Memorandum for the project was prepared by Rincon Consultants, dated September 26, 2022. The VMT memo analyzed the project's impacts as they relate to compliance with the VMT reduction goals of Senate Bill (SB) 743. Because the County of Fresno has not yet adopted specific VMT thresholds of significant, this CEQA evaluation is reliant upon the thresholds established by the State of California Office of Planning and Research (OPR) in its Technical Advisory on Evaluating Transportation Impacts in CEQA, December 2018. In that guidance, under Screening Threshold for Small Projects, the guidance states "Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, project that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact". The VMT memo estimated that the project would generate approximately 100 daily round trips during the construction phase, estimate to last approximately 8-10 months. After construction the facility would be generally unmanned and monitored remotely, and would typically generate no daily operational trips, excepting for one weekly maintenance trip or two round trips per week. Therefore, impacts related to VMT for the project would be less than significant.

The Road Maintenance and Operations Division does however have concerns with construction centric trips and the impacts vehicles related to the construction of the project could have on County-maintained roads. To mitigate physical impacts

associated with trips generated from project construction, a mitigation measure shall be incorporated to study and address impacts resulting from construction of the project on County-maintained right-of-way.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Operation of the project will not result in substantial traffic circulation on the project site. The majority of trips associated with the project will occur from project construction and decommissioning of the site. Review of the submitted site plan indicates that access to the subject site will occur from E. North Avenue and utilize the existing access road to access the portions of the subject parcel that will be developed. A temporary construction lay-down yard is to be located at the northern portion of the subject site. No concerns related to the design of the site were noted during review to indicate a significant impact.

The Design Division did however recommend submittal of a Traffic Management Plan to address potential impacts during construction and decommissioning phases of the project to ensure safe ingress and egress of the site onto County right-of-way and safe travel within the site. The submittal of a Traffic Management Plan will be required as mitigation to ensure that a plan is in place for the safe circulation of the site and public right-of-way

\* **Mitigation Measure(s)**

1. *A Traffic Management Plan (TMP) shall be submitted and approved by the Fresno County Department of Public Works and Planning prior to construction and decommission phases of the project. In addition to managing traffic flow, the TMP shall also address dust mitigation.*

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

Review of the project by the Design Division, Road Maintenance and Operations Division, and the Fresno County Fire Protection District did not result concerns regarding emergency access. Project development will be subject to all local and state requirements for site access for emergency vehicles.

## XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size

and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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 WITH MITIGATION INCORPORATED:

As noted in Section V, Cultural Resources, the subject site is developed with a power plant and located within an industrial area suggesting minimal chance of a cultural resources occurring on the project site. Under the provisions of Assembly Bill 52 (AB 52), participating California Native American Tribes were notified of the project proposal and given the opportunity to enter into consultation with the County on addressing potential tribal cultural resources. No concerns were expressed by notified California Native American Tribes and no consultation request was received. Therefore, mitigation will be implemented to address tribal cultural resources in the unlikely event they are unearthed during ground-disturbing activities related to the project.

\* **Mitigation Measure(s)**

1. See Section V. Cultural Resources A., B., and C. Mitigation Measure #1

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:

The project will result in the construction of a battery energy storage system that would connect to the public utility grid and provide storage for electrical energy for use during non-energy producing hours. The subject facility is proposed to be constructed upon a subject parcel already improved with a power plant and is located in an industrial area. The resulting battery energy storage systems are not expected to result in significant environmental effects and would provide benefits to the existing energy grid.

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

FINDING: NO IMPACT:

Both battery energy storage systems would not result in the utilization of significant water supplies. A Will-Serve letter provided by the Malaga County Water District indicates intent of service for the site in terms of water and sewer services. Minimal water usage for maintenance of the subject site is expected. As discussed, the Water and Natural Resources Division and State Water Resources Control Board did not express concern with the estimated water usage resulting from the project.

- 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: NO IMPACT:

The project proposal indicates that both battery energy storage facilities are planned to be operated remotely and would not require development of a wastewater treatment system. The Malaga County Water District has provided a conditional will-serve letter which indicates possible connection to water and sewer facilities. Therefore, adequate capacity is established.

- 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: NO IMPACT:

The operation of the proposed use is not expected to result in the generation of solid waste in excess of State or local standards. Reviewing agencies and departments did not express concern with the project to indicate conflict with State or local standards for solid waste management, reduction or capacity goals.

## 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 subject parcel is not located within a State Responsibility Area and per the 2007 Fresno County Fire Hazard Severity Zones in LRA Map produced by the California Department of Forestry and Fire Hazards, is not located in lands classified as very high fire hazard severity zones.

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 animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: NO IMPACT:

The project entails development of a relatively small portion of an already developed industrial use. No reviewing agency expressed any concern with the project having an adverse impact on fish or wildlife species, no reviewing agencies identified any potential suitable habitat for special status species.

- 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:

No cumulatively considerable impacts were identified in the analysis.

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

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

No project impacts which would have the potential to cause, direct or indirect substantial adverse effects on human beings were identified in the analysis, which was based in part on comments from reviewing agencies and County Departments.

**CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3748, 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 Aesthetics, Agriculture and Forestry Resources, Cultural Resources, Energy, Geology and Soils, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.

Potential impacts related to Air Quality, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality have been determined to be less than significant.

Potential impacts relating to Biological Resources, Cultural Resources, Transportation and Tribal Cultural Resources have determined to be less than significant with compliance with implementation of the included 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" Street, Fresno, California.

JS

G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3700-3799\3748\IS CEQA\CUP 3748 IS Writeup.docx