



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Khushpal Singh
- APPLICATION NOS.: Initial Study No. 8337; Amendment Application No. 3852;
Site Plan Review Application No. 8299.
- DESCRIPTION: Allow the rezone of a one-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to the M-1 (c) (Light Manufacturing; Conditional) Zone District with limited industrial uses and approve a Site Plan Review for a grocery store on the subject parcel.
- LOCATION: The subject parcel is located on the southwest corner of East North Avenue and South Chestnut Avenue approximately 1,285 feet south of the nearest City of Fresno boundary (APN: 330-050-03) (3035 S. Chestnut Avenue) (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 project site borders with Chestnut Avenue which is not designated as State Scenic Highway in the County General Plan. There are no scenic vistas or scenic resources, rock outcroppings, or historic buildings on or near the site which may be impacted by the subject proposal. The project will have no impact on scenic resources.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage 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:

The subject parcel is undeveloped and touches City of Fresno Sphere of Influence boundary. The surrounding land consists of industrial uses. Parcels to the north, east and west are zoned M-3 (Heavy Industrial) and M-3 (c) (Heavy Industrial, Conditional) and are developed with industrial uses. Parcel to the south is zoned R-A (Single-family Residential Agricultural District) and is developed with a single-family residence.

The subject parcel is designated General Industrial in the County-adopted Roosevelt Community Plan. The surrounding area is also designated for General Industrial to provide for the establishment of industrial uses essential to the development of a balanced economic base with the zone change.

The proposed zone change from the AL-20 Zone District to M-1(c) Zone District is consistent with the General Plan designation for the area and matches the existing M-3 and M-3 (c) zoning on the adjacent parcels. In fact, the proposed conditional M-1 zoning with limited light industrial uses is less intensive compared to the existing M-3 zoned parcels in the area developed with heavy industrial uses.

Given the existing zoning and improvements in the area, the proposed rezone from Agricultural to Industrial will have a less than significant impact on the existing visual character of the area.

- 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:

Any outdoor lighting that might have the potential of generating glare in the area is limited by Zoning Ordinance section 820.3.020 which requires it to be “directed downward and shielded so that all direct light and glare is confined within the boundaries of the subject parcel, thereby minimizing off-site glare” and that “light sources shall be shielded to direct light rays onto the subject parcel only. The light source, whether bulb or tube, shall not be directly visible from an abutting property or public street rights-of-way.”

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: NO IMPACT:

The subject parcel is not Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The 2016 Department of Conservation Important Farmlands Map designates the parcel as a Rural Residential Land not qualified for agriculture. As such, the project will have no impact on valuable farmland.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is currently zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size). The AL-20 Zone District is intended to reserve certain land for future uses by allowing only limited agricultural development to ensure that the land can be ultimately developed for the use contemplated by the General Plan. The Fresno County Zoning Ordinance allows property owners to propose such amendments pursuant to Chapter 872.6 (Amendments) and the proposed rezone is not in conflict with the current General Plan Designation (General Industrial) for the parcel. Therefore, the project does not conflict with the existing agricultural zoning on the property and is not enrolled in the Williamson Act Program.

The project was routed to the Fresno County Agricultural Commissioner's Office for comments. The agency commented by saying "No Comments" on the project.

- 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 project site is not forest land, timberland or land zoned for Timberland Production. The site is non-active farmland designated for future industrial uses in the County-adopted Roosevelt Community Plan. No forests occur in the vicinity of the site and therefore no impacts to forests, conversion of forestland, or timberland zoning would result from the project.

- 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: NO IMPACT:

Land in the project vicinity is designated General Industrial in the County-adopted Roosevelt Community Plan. The proposed M-1 conditional rezone is compatible with General Industrial in the Roosevelt Community Plan. It is the intent of the Roosevelt Community Plan that parcel designated General Industrial eventually be industrial in nature. As such, the conversion of the subject parcel to that goal will not result in the conversion of farmland to non-agricultural 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:

The applicant provided an *Air Quality/Greenhouse Gas Assessment (AQ/GHGA)* by *JK consulting Group, Inc, dated April 24, 2023*. The San Joaquin Valley Air Pollution Control District (SJVAPCD) reviewed AQ/GHGA and stated that the mitigated baseline emissions for construction and operation of the proposed project would be less than two tons NO_x per year and two tons PM₁₀ per year and that pursuant to District Rule 9510 Section 4.3, the project is exempt from the requirements of Section 6.0 (General Mitigation Requirements) and Section 7.0 (Off-site Emission Reduction Fee Calculations and Fee Schedules) of the Rule. Additionally, the project complies with the emission reduction requirements of District Rule 9510 and is not subject to payment of off-site fees.

Construction and operation of the uses allowed in the M-1 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}). Per the AQ/GHGA, Greenhouse Gas (GHG) emissions for the project were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0.

An Air Quality Plan (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. The CEQA requires that certain proposed projects be analyzed for consistency with the applicable air quality plan. For a project to be consistent with SJVAPCD air quality plans, the pollutants emitted from a project should not exceed the SJVAPCD emission thresholds or cause a significant impact on air quality. In addition, emission reductions achieved through implementation of offset requirements are a major component of the SJVAPCD air quality plans.

As discussed in Section B below, construction of the proposed project would not result in the generation of criteria air pollutants that would exceed SJVAPCD thresholds of significance.

Regarding operational emissions associated with the project, the quantification of criteria pollutant emissions for CEQA purposes is not required based upon the SJVAPCD's Small Project Analysis Levels (SPAL) guidance. Supermarkets that are less than 18,400 square feet and generate less than 1,250 Daily one-way trips are deemed to have a less than significant impact on air quality. The proposed grocery store is 3,000 square feet in size and will be generating an estimated 250 daily A.M. Peak Hour trips. The project is excluded from quantifying criteria pollutant emissions for CEQA purposes and would not conflict with or obstruct implementation of SJVAPCD 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:

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.

In developing thresholds of significance for air pollutants, the SJVAPCD considered the emission levels for which a project's individual emissions would be cumulatively considerable.

The primary pollutants of concern during project construction and operation are ROG, NO_x, CO, 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 per year are: 10 tons for ROG, 10 tons for NO_x, 100 tons for CO, 27 tons for SO_x, and 15 tons for PM₁₀ and 15 tons per year PM_{2.5}.

Per the *Air Quality/Greenhouse Gas Assessment (AQ/GHGA)*, the short-term project construction emissions (tons per year) are: 0.0594 for ROG, 0.3804 for NO_x, 0.4251 for CO, 0.0007 for SO_x, 0.0256 for PM₁₀ and 0.0203 PM_{2.5} which are less than the threshold of significance as described above. Therefore, construction of the project, or its operation as per the discussion in Section A above, would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable Federal or State Ambient Air Quality Standards.

- C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Sensitive receptors are defined as people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptor locations include schools, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential dwelling units. The closest sensitive receptor, a single-family residence, is located approximately 78 feet south of the project site.

Per the *Air Quality/Greenhouse Gas Assessment (AQ/GHGA)*, most of the estimated health risk come from Toxic Air Contaminants (TACs), the most significant of which is PM from diesel-fueled engines, also known as diesel particulate matter (DPM). Heavy-duty vehicles and off-road construction equipment are main sources of diesel-related emissions.

The California Air Resources Board's (CARB) 2005 Air Quality and Land Use Handbook provides recommendations for citing new sensitive land uses such as residences, schools, daycare centers, playground or medical facilities within proximity to facilities known to generate TACs, such as freeways/high traffic roads, distribution centers, rail yards, ports, refineries, chrome platers, dry cleaners, and gasoline dispensing facilities. This list does not include the proposed grocery store and other uses that are subject to this proposal.

Per the *Air Quality/Greenhouse Gas Assessment (AQ/GHGA)*, the project construction pollutant emissions would be below the SJVAPCD significance thresholds as discussed in Section B above. For the project operation, the quantification of criteria pollutant emissions for CEQA purposes is not required as per SJVAPCD's Small Project Analysis Levels (SPAL) guidance discussed in Section A above.

As a result, the project would not expose adjacent sensitive receptors to toxic air emissions or generate TAC's that would have a significant impact on the environment.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has not established a rule or standard regarding odor emissions. Rather, District Nuisance Rule 4102 (Nuisance) requires that any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact. Per the *Air Quality/Greenhouse Gas Assessment (AQ/GHGA)*, the proposed uses are not among the uses that have been reported to cause odor by SJVAPCD. During construction, some odors may be present due to diesel exhaust. However, these odors would be temporary and limited to the construction period. The project would not include any activities or operations that would generate objectionable odors and, once operational, the project would not be a source of odors. Therefore, the project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

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: NO IMPACT:

The project site is fallow and contains no river or stream to hold riparian features that could potentially be impacted by the project. The immediate surrounding area consist of industrial uses, and its proximity to the City of Fresno urban development reduces the probability that there is habitat to support special-status species.

The project was routed to the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife for comments. Neither agency offered any comments nor expressed any concerns regarding the project's impact on biological resources.

- 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:

No historic drainages were identified within the project area. A query of the National Wetlands Inventory (NWI) Map shows no drainage pattern, aquatic feature, wetlands, waters of the United States or waters of the State of California present on or near the project site.

The Fresno Irrigation District's (FID) active Central No. 23 that runs southernly along the west side of Chestnut Avenue is not a state or federally protected 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: NO IMPACT:

The project area is near the City of Fresno and is not designated as a migratory wildlife corridor. Likewise, the project site contains no water feature to provide for the migration of resident or migratory fish.

- 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:

The project site is not in an area 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. As discussed above, the project site is in an area which is intermediate between the urbanized city of Fresno and the rural County, contains no 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 construction activities on the property, the following mitigation measure 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:

Development of the industrial uses on the property 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:

The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

All construction activities would comply with the 2019 Building Energy Efficiency Standards. Pursuant to the California Building Standards Code and the Energy Efficiency Standards, the County would review the design components of the project's energy conservation measures when the project's building plans for building/structures are submitted.

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. Development of industrial uses on the property 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 site is not located in an area of landslide hazards. The 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 future development proposals 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 an Engineered Grading Plans to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties and securing 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 any proposed building. 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 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 project site is within the Malaga County Water District (MCWD) boundary. According to MCWD, sanitary sewer system is adjacent to the property and to connect to the system, the developer shall submit utility plans, construct sewer service, and connect in accordance with District requirements/standards.

- 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 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. The combustion of fossil-based fuels creates GHGs such as CO₂, CH₄, and N₂O. Furthermore, CH₄ is emitted during the fueling of heavy equipment. In the *Air Quality/Greenhouse Gas Assessment (AQ/GHGA)*, by JK Consulting Group, Inc, dated April 24, 2023, GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0.

According to the *Air Quality/Greenhouse Gas Assessment*, during construction, the project would generate approximately 61.41 metric tons of CO₂e. When amortized over a 30-year project lifetime (estimated), yield would be approximately 2.05 MT CO₂e per year.

Long-term GHG emissions are typically generated from mobile sources (vehicle trips), area sources (maintenance activities and landscaping), indirect emissions from sources associated with energy consumption, and waste sources (land filling and waste disposal). During operation, the project would generate total 183.84 MT CO₂ per year. When combined with amortized construction emissions (2.05 MT CO₂/year), the total emission would be 185.89 MT CO₂ per year.

Per the 2022 Scoping Plan documents, lead agencies can analyze GHG impacts of a project by utilizing thresholds of significance recommended by San Joaquin Valley Air Pollution Control District (SJVAPCD) or other lead agency. The SJVAPCD has not established specific thresholds of significance for GHG emissions, emission threshold (MT CO₂/year). Therefore, thresholds of significance for GHG emissions of other lead agencies (California Air Resources Board, California Air Pollution Control Officers Association, Bay Area Air Quality Management District, Sacramento Metropolitan Air Quality Management District, and South Coast Air Quality Management District) were utilized for the project. The result shows projected GHG emissions generated by the project reflects no more than 21 percent (%) of the various thresholds identified by other lead agencies. As a result, the greenhouse gas emissions resulting from the project will have a less than significant impact on the environment.

- 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/Greenhouse Gas Assessment, the project would not conflict with the State's GHG emissions reductions objectives embodied in AB (Assembly Bill) 32, SB (Senate Bill) 375, Executive Order B-30-15 (GHG emissions reductions target of at least 40 percent below 1990 levels by 2030), AB 1279 (achieve net zero GHG emissions by year 2045) and 2022 Scoping Plan. Therefore, the project's incremental contribution to cumulative GHG emissions would not be cumulatively considerable.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT

The by-right uses allowed in the proposed M-1 Zone District could involve handling of potentially hazardous materials.

According to the Fresno County Health Department, Environmental Health Division, all uses in the proposed M-1 (c) Zone District requiring the use and/or storage of hazardous materials/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. Furthermore, any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, and Chapter 6.95. These requirements will be included as Project Notes.

- 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:

See discussion in Section A., B. above. There are no schools within one quarter mile of the project site. The nearest school, Malaga Elementary School, is approximately 0.72 mile 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: NO IMPACT:

Per the California Department of Toxic Substances Control Site (Envirostor), the project site is not listed as a hazardous materials site. The project will not create hazards to the public or the environment.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, 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 Chandler Executive Airport, is approximately 4.9 miles northwest of the project site. Given the distance, the airport will not be a safety hazard, or a cause of excessive noise for people residing/working on the site.

- 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 future development proposals do 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. No impact from wildland fire hazards would occur.

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.

The project site is within the Malaga County Water District (MCWD) boundary. According to MCWD, water system is adjacent to the property and would require connection as appropriate to the proposed development and destruction of any onsite water well in accordance with Fresno County Department of Public Health, Environmental Health Division (Health Department) requirements.

According to the Health Department, as a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area will require to be properly destroyed by a licensed contractor.

No concerns regarding the project impact on groundwater quality were expressed by the Regional Water Quality Control Board, Central Valley Region or the State Water Resources Control Board, Division of Drinking Water.

- 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:

As noted above, the project site is within the Malaga Water District (MCWD) boundary. According to the State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW), the project shall be served water by a permitted public water system operated by Malaga County Water District and regulated by SWRCB-DDW.

- 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:

Development of industrial uses on the property will cause no significant changes in the absorption rates, drainage patterns, or the rate and amount of surface run-off with adherence to the mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code.

The Fresno Irrigation District's (FID) active Central No. 23 runs southerly along the west side of Chestnut Avenue and crosses North Avenue north of the subject property and traverses the west side of the subject property. As per FID, all improvement plans to maintain integrity of the canal including Grading and Drainage Plan shall require FID's approval.

FID's active Fresno Colony No. 24 runs westerly along the north side of North Avenue approximately 100 feet north of the subject property. As per FID, all improvement plans for street and/or utility improvements along North Avenue, or in the vicinity of the project shall require FID's approval.

The project lies within the Fresno Metropolitan Flood Control District (FMFCD) drainage area "AZ". As per FMFCD, the project shall pay drainage fees to FMFCD at the time of development based on the fee rates in effect at that time, and FMFCD shall approve grading plans prior to county's approval.

Included as Project Notes, these requirements will be addressed through mandatory Site Plan Review prior to the establishment of a use on the property.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA FIRM Panel 2130H, the western portion of the area of the subject property is found to be under Flood Zone AE, subject to flooding from the 100-year storm. A Project Note would require that future development proposals within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas.

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

FINDING: NO IMPACT:

The project site is within North Kings Groundwater Sustainability Area (NKGSA). The NKGSA expressed no concerns related to groundwater sustainability management plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

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

- 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 one-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, Conditional) with limited industrial uses, including a grocery store.

The project site is designated General Industrial in the County-adopted Roosevelt Community Plan and is outside of the City of Fresno Sphere of Influence boundary. As such, the project was not referable to the City for annexation, and is not in conflict with a land use plan, policy, or regulation of any agency. The project is consistent with the following General Plan policies.

Regarding consistency with General Plan Policy LU-F.29. Criteria a, b, c & d, all development proposals on the property will adhere to the San Joaquin Valley Air Pollution Control District rules and regulations, provisions of Fresno County Noise Ordinance, and the M-1(c) Zone District development standards and be analyzed against these standards during mandatory Site Plan Review.

Regarding consistency with General Plan Policy LU-F. 30, all development proposal on the property will connect to the Malaga County Water District public sewer system.

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 outside mineral-producing areas 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:

As per the Fresno County Department of Public Health, Environmental Health Division, the project could result in an increase in noise level due to construction activities on the property. Noise impact associated with construction are expected to be temporary and will be subject to the 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 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 will allow for specific industrial uses on the property. As these uses involve no housing, no increase in population would occur from this proposal.

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 shall adhere to the requirements of the California Code of Regulations title 24 – Fire Code when building permit or certificate of occupancy is sought, and annex to 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 related to schools, parks, or police protection by the Fresno County Sheriff's Office.

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:

The Transportation Planning Unit (TPU) of the Fresno County Department of Public Works and Planning reviewed the subject proposal and required that a Traffic Impact Study (TIS) be prepared to assess the project's potential impacts to County roadways and intersection. *Peters Engineering Group prepared a Traffic Impact Study (TIS), dated January 17, 2024* and was provided to TPU, Road Maintenance and Operations (RMO) Division, City of Fresno Traffic Operations and Planning Division and the California Department of Transportation (Caltrans) for review and comments.

According to TIS, the intersection of Chestnut and North Avenues is currently operating at acceptable LOS (Level of Service) and is expected to continue to operate at acceptable levels through the near-term condition. Therefore, the project does not create or contribute to a traffic issue in the opening-day or near-term conditions. However, by the year 2045, the intersection of Chestnut and North Avenues is expected to operate at LOS F during the weekday peak hours with or without the Project. In order to operate at acceptable LOS E, the intersection shall require widening to the following lane configurations: Eastbound: one left-turn lane and one through lane with a shared right turn; Westbound: one left-turn lane, one through lane, and one right-turn lane; Northbound: one left-turn lane, two through lanes, and one right-turn lane; Southbound: one left-turn lane and two through lanes with a shared right turn. The turn lanes shall be designed to accommodate the future 95th -percentile queues and the project shall pay a fair share of the cost of the future construction to account for its share of the cumulative traffic issue.

The TPU and RMO Division concurred with TIS and required that: 1) off site improvements shall be constructed at the intersection of Chestnut and North Avenues; 2) The minimum U-Turn clearance from northbound approach to southbound lanes on Chestnut Avenue at the intersection of North Avenue shall be maintained; and 3) The project shall pay a fair share of cost of 2.5 percent (%) for the future widening of the intersection of Chestnut and North Avenues. These requirements have been included as mitigation measures:

* **Mitigation Measures:**

1. *Prior to the issuance of building permits for the uses allowed on M-1 (c) 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 item 'a' below. The traffic improvements and the project's maximum pro-rata share based on 2.5 percent of the construction cost is as follows:*
 - a. *North Avenue and Chestnut Avenue intersection shall be widened. The project's percent fair share for the 2045 weekday peak hour traffic scenario is 2.5 % construction cost or \$46,250, 15% preliminary engineering or \$6,937.50, 15% construction engineering or \$6,937.50, and 3% administrative fee or \$1,803.75, totaling \$61,928.75.*

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.

2. *Sidewalk, curb, and gutter shall be constructed from the subject property to the FID (Fresno Irrigation District) canal at the intersection of Chestnut and North Avenues, as depicted on approved site plan for the project.*
3. *The minimum U-Turn clearance (37 feet) from northbound approach to southbound lanes on Chestnut Avenue at the intersection of North Avenue shall be maintained as noted in Traffic Impact Study, dated January 17, 2024.*

The City of Fresno Traffic Operations and Planning Division and the California Department of Transportation (Caltrans) offered "No Comments" on TIS.

According to RMO Division, North Avenue is an Arterial Road with an existing 30 feet right-of-way south of section line. The minimum width for an Arterial right-of-way south of section line is 54 feet. A Condition of Approval shall require that a 24-foot in additional right-of-way be provided for North Avenue, south of section line.

Furthermore, the following shall be included as Project Notes: Setbacks for new construction shall be based on ultimate road right-of-way for Chestnut and North Avenues. Applicant shall install concrete improvements including curb, gutter, and sidewalk including a curb return at the intersection of North and Chestnut. Additional runoff shall not be directed towards adjacent parcels or nearby canal and shall not interfere with existing drainage plans for Chestnut Ave. Proposed drive approach shall be limited to a maximum width of 35 feet per Fresno County Improvement Standard D-3 and any work performed within the county road right-of-way shall require an encroachment permit.

- 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:

The State of California Governor's Office of Planning and Research document entitled *Technical Advisory on Evaluating Transportation Impacts in CEQA dated December 2018* (Technical Advisory) provides guidance for determining a project's transportation impacts based on VMT (Vehicle Miles Traveled). Regarding local serving retail uses, the Technical Advisory states: *"By adding retail opportunities into the urban fabric and thereby improving retail destination proximity, local-serving retail development tends to shorten trips and reduce VMT. Thus, lead agencies generally may presume such development creates a less-than-significant transportation impact. Regional-serving retail development, on the other hand, which can lead to substitution of longer trips for shorter ones, may tend to have a significant impact. Where such development decreases VMT, lead agencies should consider the impact to be less-than significant."* The Technical Advisory also states: *"Generally, however, retail development including stores larger than 50,000 square feet might be considered regional-serving, and so lead agencies should undertake an analysis to determine whether the project might increase or decrease VMT."*

According to *Traffic Impact Study*, the project is designed specifically for pass-by and local-serving trips and is not a regional attraction or destination. In general, these types of projects are planned in certain areas because motorists will generally use nearby grocery store opportunities rather than traveling longer distances out of their way for them. The local-serving nature of the project will add retail opportunities into the urban fabric, improve retail destination proximity, shorten trips, and reduce VMT. The project is substantially smaller (3,000 square feet with an additional 1,000-square-foot mezzanine) than the 50,000-square-foot building area threshold described above and is situated to attract customers from the adjacent roadways, making the Project a local-serving retail use. Therefore, the Technical Advisory itself and the project description together provide substantial evidence that the project will have a less-than-significant transportation impact as described in the Technical Advisory.

- 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: NO IMPACT:

Chestnut Avenue runs along easterly boundary of the project site and will provide access to the site.

A Site Plan Review was completed for the proposed grocery store concurrently with the subject rezone application to ensure that the site is provided with ingress and egress of adequate width to minimize traffic hazards and to provide for adequate emergency access acceptable to the local fire agency.

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 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, resulting in no further action on the part of the County. However, in the unlikely event that cultural resources are identified on the property, the project compliance with the Mitigation Measure included in the CULTURAL ANALYSIS section of this report will reduce any impact to tribal cultural resources to less than significant.

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: NO 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-1 Zone District would not generate solid waste more than capacity of local landfill sites. The impact would be less than significant. All solid waste disposal will comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will have no impact on biological resources. Impacts on cultural resources have been reduced to a less than significant level with the incorporation of a Mitigation Measure discussed in 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 proposed 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, Cultural Resources, and Transportation will be mitigated through compliance with the Mitigation Measures listed in Section I, 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. 8337 prepared for Amendment Application No. 3852, 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 biological resources, mineral resources, population and housing, recreation, or wildfire.

Potential impacts related to aesthetics, agriculture and forestry resources, air quality, 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 and utilities and service systems have been determined to be less than significant.

Potential impacts to 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.

EA; EC

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