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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Elegant Estates, LLC on behalf of Susan Oliveira, Trustee of the Susan P. Erickson Revocable Living Trust

APPLICATION NOS.: Initial Study No. 8307, General Plan Amendment Application No. 566, Amendment Application No. 3850, Vesting Tentative Tract Map Application No. 6420; Variance Application No. 4140; Site Plan Review Application No. 8330.

DESCRIPTION: Amend the Land Use Element of the Fresno County General Plan by changing the land use designation of a 15.24-acre parcel known as Assessor Parcel Number (APN) 579-060-37 and a 21.18-acre parcel known as APN 579-060-55 from Agricultural to Rural Residential; change the zoning of the subject parcels from the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to the R-R (Rural Residential, two-acre minimum parcel size) Zone District; allow a Vesting Tentative Tract Map with the division of two subject parcels totaling 36.42 acres into 18 single-family residential lots as a Planned Residential Development.

LOCATION: The subject parcels are located at the junction of Friant Road and Willow Avenue, approximately 1,870 feet north of the City of Fresno boundary (APN: 579-060-37; 55) (12760 and 12762 N. Friant Road) (Sup. Dist. 2).

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: LESS THAN SIGNIFICANT IMPACT:

The project area is rural residential in character and is mostly developed with single-family homes. The single-family homes are located on the project site and on abutting

parcels to the east and south. Abutting parcels to the north and west are either undeveloped, developed with single-family homes, or planted in vineyard.

There are no scenic vista or qualitative scenic resources including trees, rock outcroppings, or historic buildings on or near the project site to be impacted by the proposed project.

The project site fronts on Friant Road and Willow Avenue. Friant Road at the project site is designated as a Scenic Highway in the Open Space and Conservation Element of Fresno County General Plan. General Plan Policy OS-L.3 states that development on a Scenic highway shall adhere to a 200-foot setback of natural open space parallel to the right-of-way. This Policy also provides for flexibility if the topographic or vegetative characteristics of the site provide screening of buildings and parking areas from the right-of way.

Regarding flexibility, all lots fronting on Friant Road right-of-way have topographic elevation variations ranging from 320-feet along Friant Road right-of-way to 380 feet into the parcels. The more recent adjacent development, excluding the existing two structures on the project site that are proposed to be removed, are along the top of the bluff near the 380-foot elevation, approximately 60-feet above Friant Road. The aesthetic impact here is more a function of elevation than distance. Hence, as long as new structures are built elevated to a minimum of the 360-foot elevation the aesthetic value is not impacted. This topographic variation also minimizes the exposure of homes off Friant Road right-of-way from noise, lights, and potential collisions. A Condition of Approval for the project requires that residential development on all parcels along Friant Road shall maintain a scenic setback of 200-feet or more measured from the ultimate right-of-way for Friant Road, or above an elevation of 360 feet. The setback area may be landscaped or may provide access roads, however, there shall be no structures except for the entry/gate features as shown in the submitted elevations for TTM 6420.

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 design, height, and construction of single-family homes within the proposed planned residential development will be consistent with the design, height, and construction of existing homes in the area, and as such will not degrade the visual character of the neighborhood. The impact would be less than significant.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the Applicant's Operational Statement, the proposed planned residential development (PRD) will utilize street lighting mounted on standard poles. Lighting and glare impacts will be minimized through careful selection and placement of lighting standards and illumination levels by requiring all lighting fixtures direct light downward to minimize area glare and light spillover. To ensure that PRD will have a less than significant impact on the surrounding area resulting from new source of lighting, the project shall adhere to the following mitigation measure.

* ***Mitigation Measure:***

1. *All outdoor lighting shall be hooded and directed downward so as not to shine toward adjacent properties and public streets or roadways.*

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 project will not convert prime agricultural land into non-agricultural use. The project site is not Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The site is designated by the 2016 Department of Conservation Important Farmlands Map as Rural Residential Land suitable for residential development.

According to a letter provided by a Certified Crop Advisor, Sustainability Specialist and Farmer, dated October 13, 2022, review of soils, elevations, and current markets indicates that the project site is not feasible to farm today. The top of the property is 41 percent Pollasky and 39 percent Montpellier soil composition with some Cometa and San Joaquin summit, knolls, and terraces. The site is classified as "Not of Farmland Quality" with 12 percent water holding capacity.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The current AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) zoning on the project site does not allow the proposed planned residential development without General Plan Amendment (GPA) and Rezone of the property. With the approval of the subject GPA from Agriculture to Rural Residential and rezone from the AE-20 Zone District to the R-R (Rural Residential, two-acre minimum parcel size) Zone District, the project site will be consistent with the subject proposal.

The project site is not restricted by Williamson Act Land Conservation Contract.

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. No forests occur in the vicinity of the site and therefore no impacts to forests, conversion of forestland, or timberland zoning would occur 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: LESS THAN SIGNIFICANT IMPACT:

Land in the immediate surrounding is designated Agriculture and Rural Residential in the County General Plan, zoned AE-20 and R-1-B in the County Zoning Ordinance and is developed with single-family homes as a by-right use. The proposed residential development is similar in nature to the existing residential development in the area, and therefore would cause less than significant change in the area's existing environment.

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 and Greenhouse Gas Impact Assessment* (Analysis) *dated April 2022*. The Analysis was provided to the San Joaquin Valley Air

Pollution Control District (SJVAPCD) which responded with "No Comments" on the project.

Per the Analysis, the construction and operation of the proposed use (single-family residences) on the property will contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), and particulate matter (PM_{10} and $PM_{2.5}$). Project operations would generate air pollutant emissions from mobile sources (automobile activity from employees) and area sources (incidental activities related to facility maintenance). Criteria and Greenhouse Gas (GHG) emissions 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 California Environmental Quality Act requires that certain projects be analyzed for consistency with the Applicable Air Quality Plan (AAQP). For a project to be consistent with San Joaquin Valley Air Pollution Control District AAQP, 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 AAQP. As discussed in Section II, B below, construction and operation of the proposed Planned Residential Development would not result in the generation of criteria air pollutants that would exceed SJVAPCD thresholds of significance. Therefore, the project would not conflict with or obstruct implementation of AAQP.

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 O_3, PM_{10}, $PM_{2.5}$, CO, NO_2, SO_2, 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, PM_{10}, and $PM_{2.5}$. The San Joaquin Valley Air Pollution Control District (SJVAPCD) *Guidance for Assessing and Monitoring Air Quality Impacts* (GAMAQI) adopted in 2015 contains threshold for CO, NO_X, ROG, SO_X PM_{10} 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 PM_{10} and 15 tons per year $PM_{2.5}$.

Per the *Air Quality and Greenhouse Gas Impact Assessment* (Analysis), the short-term project construction emissions (tons per year) are 5.58 for ROG, 6.04 for NOx, 3.84 for CO, 0.007 for SO_X, 3.91for PM_{10} and 2.12 for $PM_{2.5}$. Likewise, the long-term project operational emission (tones per year) primarily resulting from mobile source (vehicle) emissions from the project site and area sources such as lawn maintenance equipment. are 0.27 for ROG, 0.19 for NOx, 1.17 for CO, 0.001 for SO_2, and 0.19 for PM_{10} and $PM_{2.5}$.

Per this analysis, both construction emissions and operational emissions associated with the project would not exceed the significance criteria for annual ROG, NO_X, CO, SO_X, PM_{10}, or $PM_{2.5}$ emissions. Therefore, construction and operation of the project 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.

The SJVAPCD is currently in unclassified/attainment for Federal standards and attainment for State standards for CO (Carbon Monoxide). An analysis of localized CO concentrations is typically warranted to ensure that standards are maintained. The traffic analysis prepared for the project demonstrates that adjacent study intersections will operate at LOS 'D' or better through the Cumulative Plus Project scenario. As a result, the overall CO concentrations at roadways and intersections in the study area would be less than significant.

Regarding Toxic Air Contaminants (TAC) the SJVAPCD identifies the need for projects to analyze the potential for adverse air quality impacts to sensitive receptors which include schools, parks, playgrounds, daycare centers, nursing homes, hospitals, and residential communities. From a health risk perspective, the proposed planned residential development is a type of project that would not emit significant levels of TACs and there are no potentially significant sources of TAC emissions in the vicinity.

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. From a health risk perspective, the proposed planned residential development is not known to generate significant Toxic Air Contaminants (TAC) emissions nor is it near such a use that could affect future residents.

As discussed in Section II. B. above, the annual emissions from the construction phase of the project will be less than the applicable SJVAPCD emission thresholds for criteria pollutants. Likewise, annual emissions from operational phase of the project will be less than the SJVAPCD emission thresholds for criteria pollutants. Therefore, both the construction emissions and operational emissions associated with the project are less than significant.

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 (District) has not established a rule or standard regarding odor emissions; rather, the 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.

The intensity of an odor source's operations and its proximity to sensitive receptors influences the potential significance of odor emissions. Per the *Air Quality and Greenhouse Gas Impact Assessment* (Analysis), the common odor producing land uses identified by SJVAPCD are landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roasters, asphalt batch plants, and rendering plants. The proposed planned residential development to allow for single-family homes on the parcels will not generate odorous emissions. Therefore, the project would not be a generator of objectionable odors during operations.

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?

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATIONS INCORPORATED:

A *Biological Memorandum* titled as *Elegante Estates Property Preliminary Assessment of Potential Biological Resource Values* (*Biological Memorandum*) was prepared for the project by *Vollmar Natural Lands Consulting and dated November 11, 2022.* The *Biological Memorandum* assessed the project's impact on protected and/or sensitive biological resources and copies were provided to U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife for review and comments. Neither agency offered any comments on the project.

Per the *Biological Memorandum*, remote assessment and reconnaissance site visit was conducted to provide a preliminary evaluation of the potential for the project area to support protected biological resources.

Regarding remote assessment, publicly available data for the region, including a nine-quad search of the California Natural Diversity Database (CNDDB, CDFW 2022) was reviewed. Also, reviewed were the California Aquatic Resource Inventory (CARI, SFEI 2017), designated critical habitat (USFWS 2015), and topographic maps (USGS 2021),

An in-person reconnaissance level survey of the site was conducted. A biologist visited habitat between the project area and documented California Tiger Salamander (CTS) habitat to observe the intervening condition and evaluate the possibility of CTS migrating to the project area. The visit found that California Tiger Salamander (CTS) would be unlikely to reach the project area due to the fact that the site does not support any aquatic features that could provide breeding and is greater than 1.24 miles from the nearest existing documented breeding habitat. Previously documented breeding habitats within 1.24 miles have been converted to a golf course and intensive agriculture (as evidenced on aerial imagery). In addition, the biologist who assessed the area between the proposed project site and historic occurrences noted that several significant barriers exist between the site and the historic occurrences.

Per the US Fish and Wildlife Service "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander October 2003" protocol-level surveys are comprised of two components: 1) Aquatic larval sampling of potential breeding ponds; and 2) Upland drift fence studies for sites that support breeding ponds or are within 1.2 miles of potential breeding ponds. Since the project area does not support breeding ponds (making aquatic sampling infeasible) and is outside of 1.2 miles of potential breeding habitat (making the drift fence survey unnecessary), the *Biological Memorandum* determined that protocol-level CTS surveys of the site are not needed.

Furthermore, according to *Biological Memorandum*, although nest surveys for Swainson's hawk and American badger were not conducted, the project area may still provide foraging habitat for these species who may occasionally move through the site. The San Joaquin kit fox is treated as having "low potential" to occur, encountering this species in this region is extremely unlikely, based on the long period since any positive

documentations in the region. The same is true for western pond turtle, given the great distance to occupied habitat.

As the project area provides for foraging habitat for Swainson's hawk, the project shall adhere to the following mitigation measures:

* ***Mitigation Measures:***

1. *A qualified wildlife biologist shall conduct surveys for nesting Swainson's hawk (SWHA) following the survey methods developed by the Swainson's hawk Technical Advisory Committee (SWHA TAC, 2000) prior to project implementation. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.*

2. *If expansion of any project activities will take place during the normal bird breeding season (March 1 through September 15), additional pre-activity surveys for active nests shall be conducted by a qualified biologist no more than 10 days prior to the start of the project implementation. A minimum no-disturbance buffer of one-half mile shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.*

3. *In the event an active SWHA nest is detected during surveys and the one-half mile no-disturbance buffer around the nest cannot feasibly be implemented, consultation with CDFW is warranted to discuss how to implement the project and avoid Take. If Take cannot be avoided, Take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is warranted to comply with California Endangered Species Act.*

As the project area provides for foraging habitat for American Badger, the project shall adhere to the following mitigation measures:

* ***Mitigation Measures:***

1. *Prior to initiating ground-disturbing activities on the project site, aqualified biologist shall conduct a habitat assessment, well in advance of the project implementation, to determine if the project area or its immediate vicinity contain suitable habitat for the American badger.*

2. *If suitable habitat is present, a qualified biologist shall conduct focused surveys for American badgers and their requisite habitat features (dens) to evaluate potential impacts resulting from ground and vegetation disturbance.*

3. *Avoidance whenever possible is encouraged via delineation and observation of a 50-foot no-disturbance buffer around dens until it is determined through non-invasive means that individuals occupying the den have dispersed.*

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:

According to the *Biological Memorandum* (Memo), no wetlands or waters are mapped in the California Aquatic Resource Inventory (CARI) or on U.S. Geological Survey (USGS) topo maps. During the reconnaissance level site survey, no seasonal wetlands or remnant vernal pools were observed in the ruderal grasslands the project site is mostly comprised of. No streams, ponds, or large wetlands exist in the project area.

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 site is approximately one-quarter mile north of the City of Fresno boundary in an area not designated as a migratory wildlife corridor. 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:

No conflicts with local policies or ordinances, habitat conservation plans, or natural community conservation plans were identified pertaining to the project site or its immediate vicinity.

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 within an area moderately sensitive to historical, archeological, or paleontological resources. A record search conducted by the Southern San Joaquin Valley Information Center (SSJVIC) indicated that the archeological sensitivity of the area is high and was last surveyed in 2016. As the prehistoric or historic cultural resources may be present within the project site, the SSJVIC recommended for; 1) an archaeological survey of the property; 2) retention of an architectural historian to evaluate any 45 plus year old built environment of the site for local, state, and national significance, and 3) a retention of an archeologist to monitor any ground disturbance activities.

An *Archaeological Resources Inventory and Built Resources Evaluation* (Study) *was prepared by ECORP Consulting, Inc.* and *dated January 2023. The Study was based on* background research and a field survey of the site.

The Study identified two known architectural resources, P-10-4485 and P-10-4730, and identified two new architectural resources, EE-001 and EE-002. None of these resources are eligible for listing in the NRHP (National Register of Historic Places) or CRHR (California Register of Historical Resources).

Furthermore, there is a low potential for buried pre-contact archaeological sites in the project area. While there is Plio-Pleistocene aged alluvium from the San Joaquin River along the first terrace area in the western portion of the project area, and the presence of alluvium increases the likelihood of pre-contact archaeological sites located along perennial waterways, the age of the alluvium far exceeds the date of human occupation. Therefore, any pre-contact archaeological sites would be near the surface and portions would have likely been brought to the surface during discing. The remainder of the project area has an even lower potential for buried pre-contact archaeological sites due to the erosional nature of the environment and lack of alluvium.

As there always remains the potential for ground-disturbing activities to expose previously unrecorded cultural resources, implementation of the following mitigation measures will reduce the impact to less than significant:

* ***Mitigation Measures:***

1. *If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:*

a. *If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately with no agency notifications required.*

b. *If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead agencies. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines or a historic property under Section 106 NHPA (National Historic Preservation act), if applicable. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction.*

c. *If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Fresno County Coroner (per Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (Section 5097.98 of the Public Resources Code, PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (Assembly Bill 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.*

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:

Construction activities related to the proposed planned residential development (PRD) is not anticipated to result in significant environmental impacts due to 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 related to the planned residential development will comply with 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 residential 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:

According to 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 single-family dwellings within PRD 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:

The project site includes hilltop, slopes, and adjacent flat areas.

According to Figure 9-6 of the Fresno County General Plan Background Report, the project site is not located in an area of landslide hazards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Figure 7-3 of the Fresno County General Plan Background Report, the project site is not located in a generalized erosion hazard area. Grading activities resulting from residential development 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 all improvements on the property shall comply with Fresno County Improvement Standards and a grading permit shall be secured for construction of single-family homes and adjacent driveways.

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 has topographic variations and is not located in an area which is subject to increased lateral spreading, subsidence, liquefaction, or collapse due to the site development. As a standard practice, a soil compaction report may be required to ensure the weight-bearing capacity of the soils for any proposed structure/building.

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:

According to Figure 7-1 of Fresno County General Plan Background Report, the project site is not located in an area where soils have been determined to exhibit moderately high to high expansion potential. 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:

Each lot within the proposed planned residential development will be required to construct engineered sewage disposal system. Such system will be designed, and installation certified by the California Registered Geologist, Professional Engineer, or Registered Environmental Health Specialist. Additionally, prior to initiation of any onsite work, a sewage feasibility analysis may be required and be approved by Fresno County Public Works Department.

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 in the analysis. See Section V, CULTURAL RESOURCES above.

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 CO_2, CH_4, and N_2O. Furthermore, CH_4 is emitted during the fueling of heavy equipment. In the *Air Quality and Greenhouse Gas Impact Assessment* (Analysis) prepared for the project and *dated April 2022*, GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0. The Analysis were provided to the San Joaquin Valley Air Pollution Control District (SJVAPCD) for review and comments.

An *Air Quality and Greenhouse Gas Impact Assessment* (Analysis) prepared for the project and d*ated April 2022*, indicates that the San Joaquin Valley Air Pollution Control District does not have an adopted threshold of significance for construction related GHG emissions. As such, in the absence of a local air district's guidance for addressing GHG impacts at the lead agency's discretion, a neighboring air district's GHG threshold may be used to determine impacts. The South Coast Air Quality Management District (SCAQMD) Governing Board adopted the staff proposal for an interim GHG significance threshold for projects where the SCAQMD is lead agency. The SCAQMD guidance identifies a threshold of 3,500 MTCO2eq./year for GHG for construction emissions amortized over a 30-year project lifetime, plus annual operation emissions. Though the

project is under SJVAPCD jurisdiction, the SCAQMD GHG threshold provides some perspective on the GHG emissions generated by the project. The project yearly GHG emissions as determined by the CalEEMod model, is 303.32 MT/year (Project Operational Emissions Per Year Plus amortized construction emissions) which is less than the threshold identified by the SCAQMD. The resulting permanent greenhouse gas increases related to project operations would be within the greenhouse gas increases analyzed in the County of Fresno General Plan EIR since the project meets the applicable zoning requirements. There would be no increase in severity to the greenhouse gas impacts, and implementation of the project will not result in project-specific or site-specific significant adverse impacts from greenhouse gas emissions within the project study area.

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:

According to the *Air Quality and Greenhouse Gas Impact Assessment* (Analysis), the project would not conflict with the State's GHG emissions reductions objectives embodied in Assembly Bill (AB) 32 Scoping Plan (reduction in GHG emissions to 1990 level by 2020), Executive Order B-30-15 (GHG emissions reductions target of at least 40 percent below 1990 levels by 2030), and Senate Bill (SB) 32 (expends on AB 32 to reduce GHG emissions to 40 percent below the 1990 levels by 2030). Therefore, the proposed 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; or

B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project does not involve use, handling of, or a disposal of hazardous materials and is not within one-quarter mile of a school. The project requires General Plan Amendment and Rezone of a 36.42-acre project site to allow an 18-unit planned residential development in the R-R Zone District.

The Fresno County Department of Public Health, Environmental Health Division (Health Department), review of the project requires that prior to demolition of any existing structures, any active rodent or insect infestation shall be abated to prevent the spread of vectors to adjacent properties. Further, during demolition and/or remodel work: 1) upon encountering asbestos material, San Joaquin Valley Air Pollution Control District shall be contacted; 2) upon encountering lead-based paints used in the structures constructed prior to 1979, California Department of Public Health, Childhood Lead Poisoning Prevention Branch, United States Environmental Protection Agency, and the State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) shall be contacted; and 3) any construction materials deemed hazardous as identified in the demolition process shall be characterized and disposed of in accordance with current federal, state, and local requirements. These requirements will be included as Project Notes.

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:

Checking of the California Department of Toxic Substances Control Site (Envirostor), reveals that the project site is not a hazardous material site.

E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

Per the Fresno County *Airport Land Use Compatibility Plan Update* adopted by the Airport Land Use Commission (ALUC) on December 3, *2018,* the nearest public airport, Fresno-Yosemite International Airport, is approximately 8.8 miles south of the project site. Given the distance, the airport will not be a safety hazard, or a cause of excessive noise for people living in the proposed residential subdivision.

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.

All lots within the proposed planned residential development will be served by a 50-foot-wide private public access easement off willow Avenue. This easement, provided with onsite turn-around areas, will comply with Fire Code, and County standards related to emergency access.

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 not within the State Responsibility Area for wildland fire. As such, the proposed planned residential development will not expose people or structures to 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 groundwater quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not violate waste discharge requirements. See discussion in Section VII. E. GEOLOGY AND SOILS above. Also, per the discussion below, the project will not violate groundwater quality. Each lot within the proposed planned residential development will be served by individual well, owned and operated by individual property owner.

According to the Fresno County Department of Public Health, Environmental Health Division (Health Department), the project shall adhere to the following requirements; 1) in an effort to protect groundwater, all abandoned water wells and/or septic system on the parcel shall be properly destroyed by a licensed contractor; 2) permit shall be obtained from the Health Department to construct water well on the property; and 3) any underground storage tank found during construction shall be removed by obtaining an Underground Storage Tank Removal permit from the Health Department.

According to the State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW), the proposed project does not meet the definition of a public water system and a permit from SWRCB-DDW to operate onsite well is not required.

The Regional Water Quality Control Board, Central Valley Region identified no issue related to groundwater supply and quality to the project.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is within a water-short area of Fresno County. This required a hydro-study to demonstrate that the groundwater supply is adequate to meet the highest

demand that could be permitted on the proposed lots; use of the proposed water supply will have no effects on other water users in Fresno County; and the water supply is sustainable.
A hydro-study titled as *Groundwater Conditions at and in the Vicinity of Elegante Estates, Friant Road and Willow Avenue* (Hydro-study) was prepared by *Kenneth D. Schmidt and Associates and dated August 2022.*

According to the hydro-study, a 72-hour of continuous pump test was conducted on two existing onsite wells (Upper and Lower) with one nearby monitoring. The Upper well resulted in 145,000 gallons being pumped with an average discharge rate of 33.6 gallons per minute. The Lower well resulted in 168.310 gallon being pumped with an average discharge rate of 39.0 gallons per minute. The hydro-study concluded the project has an adequate and sustainable supply of groundwater and that future groundwater utilization on the property will not result in significant pumping-related impacts to surrounding properties. The Water and Natural Resources Division (WNRD) of the Fresno County Department of Public Works concurred with the hydro-study and required that the project shall adhere to the following mandatory requirement as a Project Note: the proposed parcels are located within an area defined as a low water area of the county; as such, prior to the issuance of a permit for the construction of a new residence, the owner of the property shall conduct a water well yield test to demonstrate that the well is capable of adequately serving the proposed use as defined in County Ordinance Code Section 15.04.190. The water well yield test must be reviewed and approved adequate by the Water and Natural Resources Division of the Department of Public Works and Planning.

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:

According to the *Biological Memorandum* prepared for the project, a survey of the project site has revealed that there are no intermittent stream or river on or near the project site. As such, the project will not alter the existing drainage pattern of the site or area.

Construction of homes and related improvements within the proposed planned

residential development would 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 project would require a Grading Permit and also storm water runoff generated by site development shall be retained on-site per County Standards unless Fresno Metropolitan Flood Control District specifies otherwise.

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

FINDING: NO IMPACT:

The project site is not within any flood hazard, tsunami or seiche zones. According to Figure 9-7 of the Fresno County General Plan Background Report, the project site is not within 100-year flood inundation areas.

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

FINDING: NO IMPACT:

The project is located within the North Kings Groundwater Sustainability Area (NKGSA) boundary and was routed to that agency, but no response was received.

XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not create barriers that would divide an established community in the area. The site is outside of the City of Fresno boundary or the community of Friant 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 would amend the Land Use Element of the Fresno County General Plan by changing the land use designation of a 15.24-acre parcel (Assessor Parcel Number 579-060-37) and a 21.18-acre parcel (Assessor Parcel Number 579-060-55) from Agricultural to Rural Residential; change the zoning of the subject parcels from the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to the R-R (Rural Residential, two-acre minimum parcel size) Zone District; allow a Vesting Tentative

Tract Map with the division of subject parcels totaling 36.42 acres into a 18-lot planned residential development; and waive public road frontage requirement for the lots in the RR Zone District. The project site is within one-half mile of the City of Fresno boundary but outside the City's Sphere of influence (SOI) and as such was not referrable to the City for annexation. The project was determined to be consistent with the following General Plan policies.

Regarding consistency with General Plan Policy LU-A.1, urban growth and development that surrounds the project site include the existence of public facilities and infrastructure for connection and use by the proposed planned residential development. Due to the existing residential development in the area, topography/bluff and inadequate soils, and elevation, the project site is not viable for a commercial farming operation.

Regarding consistency with General Plan Policy LU-A.12., the project site is not of farmland quality due to soil composition needed for a commercial farming operation and is surrounded by the existing single-family homes (Monte Verde 15,000 sq ft average parcel size and Willow Ridge two-acre parcel size) to the east and south.

Regarding consistency with General Plan Policy LU-E. 16, the creation of two-acre parcel is consistent with Rural Residential uses prevalent in the surrounding area. Numerous two-acre parcels have been created and developed within one half-mile radius. Given the adjacent and neighboring residential parcel size, the proposed two-acre planned residential development is consistent with use, growth, and demand for the area. The unique circumstances concerning the bluff, elevation and rocky topography require two-acre minimum parcels for residential development while the terrain prohibits commercial farming.

Regarding consistency with General Plan Policy LU-E.17., within a one-mile to five-mile radius of the project site, more than 60 percent (%) of available lots that are zoned RR (Rural Residential) has been developed with single-family homes.

Regarding consistency with General Plan Policy PF-C. 12 and Policy PF-C. 17, a hydro-study prepared for the project and discussed in Section X. A. above concluded that adequate groundwater supply is available for the project. The project will not add to groundwater overdraft.

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

XIII. NOISE

Would the project result in:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Department of Public Health, Environmental Health Division (Health Department) the proposed residential development shall adhere to the Fresno County Noise Ordinance Code.

The VRPA Technologies, Inc., prepared a *Nosie Study Report* (Report) for the project *dated May 25, 2022,* and was provided to the Health Department for review and comments.

According to the Report, noise from construction activities will add to the noise environment in the immediate area. However, construction activities will be temporary in nature and is expected to occur during normal daytime working hours. It is not anticipated that any portion of the construction phase will take place during nighttime hours. The nearest single-family residence at 170 feet to the east of the project site may be subject to short-term noise reaching 66 to 74 dBA Lmax generated by construction activities. Considering the maximum sound level of 70 dBA Lmax from the Fresno County Stationary Noise Sources, construction of the project will not impact neighboring residences. Short-term impacts would therefore be less than significant.

Regarding long term mobile noise related to traffic, the project will generate a total of 215 daily trips, 18 AM Peak hour trips and 20 PM peak hour trips. Since, traffic volumes associated with the project are small, project traffic will not create a significant impact at sensitive receptors in the area. Long-term impacts would therefore be less than significant.

Regarding stationary noise, the hourly and maximum sound level allowed at sensitive receivers (residential, transient lodging) during daytime (7:00am to 10:00pm) hours is 50 dBA and 70 dBA, respectively. According to the Report, none of the sensitive receivers will be impacted by off-site noise sources. The estimated maximum noise levels anticipated for the project will not exceed the Fresno County Stationary Noise Source criteria. Impacts would be less than significant, and no mitigation is required.

B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the *Nosie Study Report* (Report), ambient vibration levels in residential areas are typically 50 VdB, which is well below human perception. The operation of heating/air conditioning systems and slamming of doors produce typical indoor vibrations that are noticeable to humans but not considered adverse or significant.

Operation of construction equipment causes ground vibrations, which spread through the ground and diminish in strength with distance from the source generating the vibration. Ground vibrations because of typical construction activities very rarely reach vibration levels that will damage structures but can cause low rumbling sounds and detectable vibrations for buildings very close to the site. Construction activities that generally create the most severe vibrations are blasting and impact pile driving. Neither of these activities will be needed to construct the project.

The primary concern with construction vibration is building damage. Therefore, construction vibration is generally assessed in terms of PPV. Using the highest vibration level (Lv 87), the anticipated vibration level at 100 feet, 150 feet, and 200 feet is 75, 71, and 69 VdB, respectively.

The project related construction activities would likely use large and small bulldozers, dump trucks, drilling, and jackhammer. Ground vibration generated by common construction equipment would be 75 VdB or less at 100 feet or more. Because of the location of the project site and the nearest residential units to the northeast at 170 feet, construction of the planned residential development is not anticipated to impact adjacent residential units. As a result, the anticipated vibration levels at the nearest off-site structures will not exceed vibration levels greater than 75 VdB. Therefore, impacts would be less than significant without mitigation.

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)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The existing single-family homes/related improvements on the project site will be demolished and replaced with the proposed 18-lot planned residential development (PRD). Upon full buildout, PRD is estimated to add 57 people (18 multiplied by 3.14 persons per household) to the area's existing population. However, this increase in population is small and less than significant. No indirect population growth will occur as the project will not require new roads or extension of existing road or other infrastructure.

B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will replace three existing single-family homes with 18 single family homes. However, the replacement of 10 people (3 multiplied by 3.14 person per household) from the property is less than significant and would not require replacement housing elsewhere.

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 planned residential development on the property will require compliance with the California Code of Regulations Title 24 – Fire Code, and approval of County-approved site plans by the Fire District prior to issuance of building permits by the County. The PRD may also require annexing into Community Facilities District No. 2010-01 of the CalFire.

2. Police protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

General Plan Policy PF-G.2, states that the County shall strive to maintain a staffing ratio of two sworn officers per 1,000 residents served. A Condition of Approval has, therefore, been included requiring that prior to recordation of a final map, a funding mechanism shall be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support costs for Sheriff's protection

services to achieve a ratio of 2.0 sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism.

3. Schools?
FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is within the boundary of Clovis Unified School District. Residential development within the proposed planned residential development would require paying school facilities fee prior to the issuance of building permits.

4. Parks?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As discussed above, the proposed planned residential development will add 57 people to the area population. This number is less than significant to have any significant impact on local parks the nearest of which is Cooper River Park located approximately 1.5 miles southwest of the project site.

5. Other public facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Pacific Gas & Electric Company (PG&E), the proposed planned residential development will comply with the agency's requirements relating to the provision of electric power and gas supply.

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: LESS THAN SIGNIFICANT IMPACT:

The project will not require construction of a new or expansion of an existing neighborhood, or regional park, or any recreational facilities in the area. See discussion in Section XV above.

XVII. TRANSPORTATION

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the Transportation Planning Unit of the Fresno County Department of Public Works and Planning, the project is likely to impact county roadways. As such, a Traffic Impact Study is required for the project.

VRPA Technologies, Inc., prepared a *Transportation Impact Study (TIS), dated January 25, 2023.* The TIS was provided to the Fresno County Transportation Planning Unit (TPU), Road Maintenance and Operations (RMO) Division, and the California Department of Transportation (Caltrans) for review and comments.

Per the determination made by TIS, all intersections in the traffic analysis study area are expected to operate at target levels of service or better with project in 2024 scenarios and for that reason, no mitigation measures are needed. However, in its review of TIS, the County Transportation Planning Unit (TPU) requires that: 1) the intersection of Friant Road and Willow Avenue, adjacent to the subject property be signalized in the near-term future; and 2) to ensure that the project will not impact the future design and construction of the signal, a Geometric Approved Drawings (GAD) showing the intersection layout shall be prepared and approved by the county prior to the approval of final tract map. Additionally, in preparing GAD, the county-adopted Precise Plan Line for Willow Avenue shall be considered. Furthermore, as the TIS did not identify the need for the signal, it shall be revised to include a calculation of a fair contribution for the installation of the signal at Friant Road and Willow Avenue intersection.

VRPA Technologies, Inc., prepared a *revised Transportation Impact Study (TIS), dated August 17, 2023.* The TIS established need for a traffic signal and geometric improvements at the intersection of Friant Road and Willow Avenue; and need for the project to pay its fair share toward such improvements.

The TPU concurred with TIS and the applicant on the project's pro-rata share (3.36%) of the cost of improvements for the installation and geometric improvements at the intersection of Friant Road and Willow Avenue, based on Geometric Approval Drawings (GAD) designs, and an engineered cost estimate to be provided by the applicant. All of this is reflected in the following mitigation measure for the project.

* ***Mitigation Measure:***

a. The project proponent shall pay the project's pro-rata share (3.36 %) of the cost of improvements for the installation and geometric improvements at the intersection of Friant Road and Willow Avenue, based on Geometric Approval Drawings (GAD) designs and an engineered cost estimate provided by the applicant and approved by the County. The pro-rata share cost shall be

established prior to recordation of the final map and payable at the time of issuance of a building permit. The fee shall be adjusted annually for inflation based on the Engineering News Record (ENR) 20 Cities Construction Cost Index.

The applicant shall be credited the cost of preparing the GAD drawings towards Public Facility Fees, specifically signalization of the intersection of Willow Avenue and Friant Road associated with the development in accordance with Chapter 17.88 of the County code.

The California Department of Transportation (Caltrans) and the County Road Maintenance and Operations offered no comments on TIS. However, the Road Maintenance and Operations (RMO) Division's comment on the project requires that all frontage access to Friant Road (Expressway) shall be relinquished, excluding the proposed fire emergency access, and all frontage access to Willow Avenue (Super Arterial) shall be relinquished except for the proposed access easement on Willow Avenue. Additionally, a Condition of Approval would require that additional road right-of-way across the subject property along Willow Avenue shall be dedicated to the County in accordance with the Official Plan Line North Willow Avenue.

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:

VRPA Technologies, Inc., prepared a *Vehicle Miles Traveled (VMT) Analysis* for the project, dated *November 17, 2021*. Per the VMT Analysis, the project is expected to generate a total of 215 daily trips, including 18 AM peak hour trips, and 20 PM peak.

The VMT Analysis further stated that the Fresno Council of Governments (COG) has completed a document titled *Fresno County SB 743 Implementation Regional Guidelines dated January 2021* that presents substantial evidence that projects generating fewer than 500 trips per day may be presumed to cause a less than significant transportation impact. The Fresno County Transportation Planning Unit concurs with COG's threshold of VMT Analysis in that the project will generate 215 trips per day which is less than 500 trips per day. As such, the project would result in less than significant VMT impacts.

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:

The proposed planned residential development (PRD) is situated at the intersection of Friant Road and Willow Avenue with access to the proposed PRD provided from Willow Avenue approximately 400 feet south of its intersection with Friant Road. To minimize road hazard, a Condition of Approval would require that the Corner of project site (Friant Road and Willow Avenue) shall maintain all sight distance requirements determined

appropriate based on the Geometric Approval Drawings (GAD) to be provided by the project proponent and approved by the County.

The Fresno County Road Maintenance and Operations Division review of the project did not identify any road hazard due to the site access off Willow Avenue, or configuration of the proposed roadways for PRD.

Furthermore, Result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED:

The project will not result in inadequate emergency access. As required by the Fresno County Fire Protection District (CalFire), an emergency access path into the project site will be provided from Friant Road frontage with its design being such that it would deter motorists from utilizing said access as a driveway. This requirement is reflected in the following mitigation measure:

- ***Mitigation Measure:***

  1. *An emergency access path to the project site consisting of a metal swinging gate with a padlock for emergency vehicle access only shall be provided from the Friant Road frontage of the property. To deter motorists from utilizing this emergency access path as a regular driveway, this access shall be designed to not appear as a routine driving surface but must be capable of supporting emergency response vehicles. Features such as the use of grasscrete or other non-typical driving surfaces shall be reviewed and approved by the Fresno County Fire Protection District and the Fresno County Department of Public Works and Planning prior to the approval of final Vesting Tract Map.*

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 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, Mitigation Measures included in the Section V. CULTURAL ANALYSIS section of this report will reduce 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:

The proposed planned residential development (PRD) will connect to existing electrical, natural gas and telecommunications facilities in the area. Relocation of the existing or new power poles may occur per the determination made by local electric and gas company (PG&E) but that change is expected to be less than significant. All lots within PRD will be served by individual well and individual septic systems. No significant environmental effects resulting from the provision of new utilities were identified by any reviewing agencies.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Each lot in the proposed planned residential development will be served by individual well. A hydro-study prepared for the project has determined that the project has an adequate and sustainable supply of groundwater, and that future use of groundwater would not result in significant pumping-related impacts to surrounding properties. The project will be subject to a mitigation measure discussed 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:

Each lot in the proposed subdivision will be served by an engineered sewage disposal system. Such system will be designed and installed by a certified California Registered Geologist, Professional Engineer, or Registered Environmental Health Specialist. 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: NO IMPACT:

All solid wastes generated by the planned residential development will be subject to Solid Waste provisions of County Ordinance Code Chapter 8.20. and compliance with applicable federal, state, and local solid waste reduction 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 project site is in Local Responsibility Area (LRA) which is not classified as very high fire hazard severity zone.

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 impact to biological resources and cultural resources have been reduced to a less than significant level with the incorporation of a Mitigation Measures discussed in Section IV BIOLGICAL RESOURCES and Section V. CULTURAL RESOURCES above.

B. Have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

   FINDING: LESS THAN SIGNIFICANT IMPACT:

   Each of the projects located within Fresno County has been or would be analyzed for potential impacts, and appropriate project-specific Mitigation Measures are developed to reduce that project's impacts to less than significant levels. Projects are required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant. No cumulatively considerable impacts were identified by any reviewing agencies or departments.

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

With the adherence to the conditions of approval and mitigation measures contained in this report, development and operation of the proposed 18-lot planned residential development would not result in a direct or indirect substantial adverse effects on human beings.

CONCLUSION/SUMMARY

Based upon Initial Study No. 8307 prepared for General Plan Amendment Application No. 566, Amendment Application No. 3850, Vesting Tentative Tract Map No. 6420, Variance Application No. 4140, and Site Plan Review Application No. 8330, staff has concluded that the project will not have a significant effect on the environment.

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

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

Potential impacts to aesthetics, biological resources, cultural resources, and Transportation, have been determined to be less than significant with the identified Mitigation Measures.

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

EA:JP
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