

RECIRCULATED PUBLIC REVIEW DRAFT

ENVIRONMENTAL IMPACT REPORT

**2740 WEST NIELSEN AVENUE OFFICE/WAREHOUSE PROJECT
FRESNO, CALIFORNIA**



April 2023

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FRESNO, CALIFORNIA**

Submitted to:

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Project No. SNN2102



April 2023

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1.0 INTRODUCTION

The City of Fresno prepared and publicly circulated for review a Draft Environmental Impact Report (EIR) for the proposed 2740 West Nielsen Office/Warehouse Project (Development Permit Application No. P21-02699 and Tentative Parcel Map Application No. P21 05930) on February 24, 2023. The 45-day public comment period was scheduled to end on April 10, 2023.

Pursuant to the Guidelines for California Environmental Quality Act (CEQA Guidelines) Section 15088.5 (a), a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the EIR for public review under Section 15087 but before certification of the EIR. New “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. As identified in Section 15088 (a) of the CEQA Guidelines, “Significant new information” requiring recirculation is defined to include disclosures of any of the following:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

1.1 SUMMARY OF REVISIONS TO THE DRAFT EIR

The Recirculated EIR includes Chapter 6.0, CEQA-Required Assessment Conclusions, and Chapter 7.0, Report Preparation. In compliance with the California Public Resources Code (PRC) Section 21092.1 and State CEQA Guidelines Section 15088.5, the City has prepared this Recirculated Draft EIR to include Chapters 6.0 and 7.0 that were previously omitted from the Draft EIR. No other changes have been made to the Draft EIR.

1.2 FORMAT FOR THE RECIRCULATED DRAFT EIR

In accordance with CEQA Guidelines Section 15088.5 (c), if the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified. Therefore, this Recirculated Draft EIR includes the following chapters, sections and appendices:

- Chapter 1.0: Introduction
- Chapter 6.0: CEQA-Required Assessment Conclusions
- Chapter 7.0: Report Preparation

This introduction chapter, Chapter 6.0, CEQA-Required Assessment Conclusions, and Chapter 7.0, Report Preparation include new text in their entirety.

1.3 COMMENTING ON THE RECIRCULATED DRAFT EIR

This Recirculated Draft EIR will be circulated for public comment for a period of 45 days. Pursuant to CEQA guidelines Section 15088.5(f), Section 15088.5(f) of the State CEQA Guidelines, recirculating an EIR can result in the lead agency receiving more than one set of comments from reviewers. The lead agency may identify the set of comments to which it will respond by: (1) requiring reviewers to submit new comments when an EIR is substantially revised and the entire document is recirculated; or (2) requesting that reviewers limit their comments to only the revised chapter or portions of the Recirculated EIR. In no case shall the lead agency fail to respond to pertinent comments on significant environmental issues.

In this case, the revised portions of the Draft EIR include Chapter 6.0, CEQA-Required Assessment Conclusions, and Chapter 7.0, Report Preparation, and the City will accept and respond to all comments received between February 24, 2023 through May 19, 2023. Therefore, agencies, organizations, and individuals who wish to comment on this document may provide comments to any chapters or portions of the Draft EIR or Recirculated Draft EIR.

Written public comments may be submitted to the Planning and Development Department during the specified public review and comment period, and oral comments may be presented at the Draft EIR public hearing before the City of Fresno Planning Commission and City Council. Written comments should be delivered in person or by courier service, or be sent by mail or email to:

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6.0 CEQA-REQUIRED ASSESSMENT CONCLUSIONS

Section 15126 of the California Environmental Quality Act (CEQA) Guidelines requires that all aspects of a project must be considered when evaluating its impact on the environment, including planning, acquisition, development, and operation. This chapter provides an overview of the potential impacts resulting from the implementation of the proposed project based on the analyses presented in the Initial Study prepared for the proposed project, and Chapter 4.0 of the Draft EIR circulated on February 24, 2023. The topics covered in this chapter include impacts found not to be significant, growth inducement, significant and unavoidable impacts, and significant irreversible changes. A more detailed analysis of the effects the proposed project would have on the environment and proposed mitigation measures to minimize significant impacts are provided in Sections 4.1 through 4.11 of the Draft EIR, as well as in the Initial Study document prepared for the Draft EIR.

6.1 GROWTH INDUCEMENT

Section 15126.2(d) of the CEQA Guidelines requires that an EIR discuss the ways in which a proposed project or the construction of additional housing, either directly or indirectly, could foster economic or population growth in the surrounding environment. Examples of projects likely to have significant growth-inducing impacts include extensions or expansions of infrastructure systems beyond what is needed to serve project-specific demand, and development of new residential subdivisions or industrial parks in areas that are only sparsely developed or are underdeveloped. Typically, development projects on sites that are designated for development and surrounded by existing suburban uses are not considered adversely growth-inducing because growth in areas that already have development and infrastructure available to serve new development are generally considered environmentally beneficial. This section evaluates the potential of the proposed project to create such growth inducements. Not all aspects of growth inducement are negative; rather, negative impacts associated with growth inducement occur only where the growth associated with the proposed project would cause adverse environmental impacts.

As described in Section XVI, Population and Housing, of the Initial Study prepared for the Draft EIR, the proposed project would include four office/warehouse buildings that would be configured for heavy industrial uses. The proposed project would not result in direct population growth as the use proposed is not residential and would not contribute to permanent residency on site. Further, the site is designated Heavy Industrial by the General Plan and would not generate employment growth beyond that anticipated in the General Plan. Therefore, the proposed project would not induce substantial unplanned population growth in an area, either directly or indirectly, and this impact would be considered less than significant.

As discussed in Section XV, Public Services, of the Initial Study, and Section 4.11, Utilities and Service Systems, of the Initial Study, the project site would be served by the City's public service or utility providers, including police protection services, fire prevention services, water, wastewater, telecommunications, electricity, and natural gas. The proposed project includes physical improvements to accommodate growth which would create an increased demand for public services and utilities within the project site. To address impacts to public services and utilities, the Project Applicant would be required to pay applicable impact fees in effect at the time the development

application for the proposed project is submitted. City staff would review the site plan for the project to ensure the adequate provision of public services and utilities.

Development of the proposed project would involve construction activities that could generate some temporary employment opportunities. However, given the temporary nature of such opportunities, it is unlikely that construction workers would need to relocate to the City as a result of the proposed project. In addition, as discussed above, the site is designated Heavy Industrial by the General Plan and would not generate employment growth beyond that anticipated in the General Plan. Thus, the proposed project would not be considered growth-inducing from an employment perspective.

6.2 SIGNIFICANT IRREVERSIBLE CHANGES

Section 15126.2(d) of the CEQA Guidelines requires an EIR to discuss the extent to which the proposed project would commit nonrenewable resources to uses that future generations would probably be unable to reverse. The three CEQA-required categories of irreversible changes are discussed below.

6.2.1 Changes in Land Use Which Commit Future Generations

The proposed project would involve the development of land in the project site that is currently vacant, but formerly consisted of a former industrial warehouse that has previously been demolished. Although the proposed development would commit future generations to using the project site for developed uses rather than vacant land, such a commitment is consistent with planned industrial and employment for the project site, as identified in the City's General Plan. The General Plan has anticipated development in the project site that commits future generations, which was assessed under the General Plan EIR¹; the proposed project merely implements and carries out the vision of the General Plan.

6.2.2 Irreversible Damage from Environmental Accidents

Construction activities associated with implementation of the proposed project would involve some risk for environmental accidents. However, as discussed in Section 4.7, Hazards and Hazardous Materials, the accidental spills and soil contamination would be addressed by City, State, and federal agencies, and would follow professional industry standards for safety and construction. Although there is a possibility for contaminated soil to be encountered during grading, excavation, and/or ground disturbance associated with implementation of the proposed project, it is likely that such contamination may have resulted from agricultural operations within the project site. However, the risks of accidental contamination from handling construction materials or transport of these materials off site would be reduced to a less-than-significant level through compliance with the many federal, State, and local regulations regarding the handling and disposal of such construction materials. Additionally, the residential land use proposed by the proposed project would not include any uses or activities that are likely to contribute to or be the cause of a significant environmental accident, such as industrial-related spills or leaks. As a result, the proposed project would not pose a substantial risk of environmental accidents.

¹ City of Fresno. 2020. Fresno General Plan Program EIR. March. Website: <https://ceqanet.opr.ca.gov/2019050005/3> (accessed April 2023).

6.2.3 Consumption of Non-Renewable Resources

As discussed in Section 4.5, Energy, the projected electricity and natural gas demands of the proposed project would be consistent with typical usage rates for industrial uses in the City of Fresno and would not result in a significant adverse impact related to the provision of electricity or natural gas. In addition, the proposed project would comply with Title 24 of the California Code of Regulations (CCR) that requires conservation practices that would limit the amount of energy (California Energy Code Building Energy Efficiency Standards [Title 24, Part 6]) consumed through implementation of the proposed project. With the development of more cost-effective and accessible technologies, pursuant to the Appliance Efficiency Regulations (Title 20, CCR Sections 1601 through 1608), dependence on non-renewable resources used in association with future development envisioned under the proposed project may also be reduced. Furthermore, all discretionary actions under the proposed project would be required to undergo project-specific analysis (as required by CEQA) and comply with all California Green Building Standards Code (CALGreen Code) building efficiency standards (Title 24, Part 11) and mandatory residential building requirements in the California Energy Code Building Energy Efficiency Standards (Title 24, Part 6) (as required by State law). Additionally, resources that would be used during the operation of the proposed project would be similar to those currently consumed within the City. Nevertheless, the use of such resources would continue to represent a long-term commitment of essentially non-renewable or slowly renewable resources.

Implementation of the proposed project would also result in an increased demand for potable water and generation of wastewater. As discussed in Section 4.8, Hydrology and Water Quality, and Section 4.11, Utilities and Service Systems, the project site is included in the land use area covered by the City's 2020 Urban Water Management Plan (UWMP) and is designated as Heavy Industrial in the City's General Plan. Land use acreages and water demand in the 2020 UWMP were based on the City's General Plan land use designations for 2020 and buildout in 2056. As such, the acreage associated with the proposed project was assumed Industrial in the 2020 UWMP; therefore, it is assumed that demand for water was accounted for in the 2020 UWMP. There is no evidence, in consideration of the calculated project water demand, that such demand exceeds that estimated in the 2020 UWMP. The adequacy of the water supply for the project is thus consistent with the basis of the analysis of the City's water supply in the adopted 2020 UWMP.

Although the construction and ongoing operation of the proposed project would involve the use of non-renewable resources, through the inclusion of energy-conserving features of the proposed project, and compliance with applicable standards and regulations, the proposed project would not represent an unjustified use of such non-renewable resources.

6.3 SIGNIFICANT UNAVOIDABLE IMPACTS

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. As determined in the Draft EIR, implementation of the proposed project would not result in significant and unavoidable adverse impacts.

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7.0 REPORT PREPARATION

7.1 LIST OF PREPARERS AND PERSONS CONSULTED

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Jeff Gurule, Senior Project Manager

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James Robert, L.G., L.H.G, Senior Hydrogeologist

7.1.5 Persons Consulted

The following individuals were consulted during the preparation of the Draft EIR:

- Kristin Blackson, Environmental Planner, Harris & Associates
- Bob Pennell, Cultural Resources Director, Table Mountain Rancheria of California
- Robert Ledger, John Ledger, Eric S. Smith, Dumna Wo Wah Tribal Government
- Cameron Vela, Cultural Resources Analyst, Native American Heritage Commission
- Brenda Veenendaal, Administrative Services Manager, Fresno Council of Governments
- Laurence Kimura, Chief Engineer, Fresno Irrigation District
- Gary Chapman, Engineering Technician III, Fresno Metropolitan Flood Control District
- Brian Clements, Director of Permit Services, San Joaquin Valley Air Pollution Control District
- Harmanjit Dhaliwal, P.E., Supervising Professional Engineer, City of Fresno
- Dejan Pavic, Projects Administrator, City of Fresno
- Byron Beagles, Fire Prevention Engineer, City of Fresno

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