County of Fresno

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

Planning Commission Staff Report
Agenda Item No. 5
April 27, 2023

SUBJECT: **Unclassified Conditional Use Permit Application No. 3748 & Initial Study No. 8274**

Allow the construction and operation of a modular battery energy storage system along with appurtenant equipment including inverters, a switchyard, and an approximately 250-foot-long overhead or underground electrical connection to the existing Peaker plant switch yard, with an estimated storage capacity of 140 Megawatts, on an approximately 4.5-acre portion of a 19-acre parcel, and a temporary 4.2-acre construction laydown storage yard, in the M-3 (Heavy Industrial) Zone District.

LOCATION: **The subject parcel is located on the south side of North Avenue between S. Maple and S. Chestnut Avenues, approximately 740 feet west of its intersection with S. Chestnut Avenue, and approximately 1,300 feet east of the nearest city limits of the City of Fresno (APN: 330-050-27SU) (2611 E. North Avenue) (Sup. Dist. 3).**

OWNER/ APPLICANT: **Malaga Bess, LLC**

STAFF CONTACT: **Jeremy Shaw, Planner**
(559) 600-4207

David Randall, Senior Planner
(559) 600-0452

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) No. 8274; and
- Approve Unclassified Conditional Use Permit No. 3748 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Zoning Map
4. Land Use Map
5. Site Plans and Elevation
6. Project Description
7. Project Summary and Operational Statement
8. Summary of Initial Study No. 8274

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	General Industrial in the County Adopted Roosevelt Community	No change
Zoning	M-3 Heavy Industrial	No change
Parcel Size	18.84 acres	No change
Project Site	See above	Approximately 4.5-acre portion of the subject parcel; and 4.2 acres for temporary construction laydown storage yard.
Structural Improvements	Malaga Peaking Plant, various appurtenant accessory structures	A battery energy storage facility consisting of battery enclosures, inverters, an electrical switchyard, and transmission line.
Nearest Residence	Approximately 600 feet east	No change
Surrounding Development	Predominately commercial/industrial with sparse residential development	No change

Criteria	Existing	Proposed
Operational Features	Malaga Peaking Plant (natural gas fired power plan)	• Approximately 140-megawatt battery energy storage facility • Appurtenant equipment including battery energy storage enclosures, inverters, switchgear and breaker • Gen Tie line, and step-up transformers • Connection line to the existing peaking plant switchyard
Employees	N/A	Once constructed the facility will be unmanned.
Customers	N/A	No customers on site.
Traffic Trips	N/A	Minimal traffic trips associated with construction of the facility.
Lighting	Existing peaking plan facility lights	No additional outdoor lighting is proposed.
Hours of Operation	N/A	As needed.

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL ANALYSIS:

An Initial Study No. 8274 was prepared for the project in accordance with the requirements of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative is appropriate. A summary of the initial Study is included as Exhibit 8.

PUBLIC NOTICE:

Notices were sent to 36 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENT:

None.

PROCEDURAL CONSIDERATIONS:

An Unclassified Conditional Use Permit Application may be approved only if five Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on an Unclassified CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

The subject parcel is occupied by the Malaga Peaking Plant which is a nominal 96 +/- Megawatt electrical power generation facility which is powered by two combustion gas turbines. The peaking power plant was approved under a Small Power Plant Exemption by the California Energy Commission in 2004, and began operations in 2005. The power plant is currently owned by Malaga Power, LLC which is also the owner of the proposed project. Peaking plants typically only run when power demand is high. The peaking plant and the proposed battery energy storage facility will connect to the electrical grid at the PG&E Malaga Substation, via a shared switchyard and transmission line, however, the two facilities would not provide power to the grid at the same time due to limitations on system capacity.

This project proposes the development of a battery energy storage system (BESS) with an approximate electrical storage capacity of 140 megawatts, and is designed to be operated and monitored remotely. The proposed system will be comprised of battery enclosures, inverters, an electrical switchyard, and 115 kilovolt (kV) transmission line. The system capacities are only estimates, and the project will not be limited to the estimated capacities; however, any increase in overall land area of the energy storage components or other related infrastructure may necessitate additional discretionary review and approval. The project will be required to develop in substantial conformance with the approved site plan. The energy storage (battery) technology will be comprised of components of a type commercially available at the time of development, and may be upgraded as technological innovations occur. The battery technologies under consideration are comprised of lithium-based materials. The energy storage system will be mounted on concrete foundations, and will include both above ground and below ground electrical interconnections and fiber optic communication lines.

The proposed energy storage facility will occupy approximately 4.5 acres of the approximately 19-acre parcel, and be comprised energy storage components including (battery) enclosures, power inverters, an approximately 34.5 kilovolt switch yard, and an approximately 250 foot long 115-kilovolt with transmission line which will connect to the existing Peaker Plant switchyard, which is connected to the existing PG&E Malaga Substation located approximately one mile to the northeast.

Finding 1: ***That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.***

	Current Standard:	**Proposed Operation:**	**Is Standard Met (y/n)**
Setbacks	Development standards of the M-1 Zone District apply.	N/A	**Yes**

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	Front Yard: On any street or highway that is a boundary between an M-1 District and any residential district, there shall be a front yard of not less than 15 feet. This yard shall not be used for parking or loading. **Side Yard & Rear Yard:** On any street or highway that is a boundary between an M-1 District and any residential district, there shall be a side or/or rear yard of not less than 15 feet. Said side or rear yard may be used for parking or and storage provided no material stored therein exceeds a height of six feet.		
Parking	Development Standards of the M-1 Zone District apply. There shall be one (1) off-street parking space for each two (2) permanent employees. Such space shall be located within three hundred (300) feet of the property served. In addition, there shall be at lease one (1) parking space for each truck operated by the concern an one (1) parking space for each sales person permanently employed. The provisions of the General Conditions of Zoning Ordinance Section 855-I, shall apply.	No change	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Lot Coverage	No requirements	No change	N/A
Space Between Buildings	No requirements	No change	N/A
Wall Requirements	N/A	No change	N/A
Septic Replacement Area	N/A	No change	N/A
Water Well Separation	N/A	No change	N/A

Reviewing Agency/Department Comments Regarding Site Adequacy:

Development Engineering:
According to FEMA, FIRM Panel 2130H, the southeasterly property line is adjacent to Flood Zone AE, subject to flooding from the 100-year storm. Any development within the special flood hazard zone shall conform to the applicable provisions of Title 15, Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance Code. According to the U.S.G.S. quad map, Central Canal is located near the southeasterly property line of the subject parcel; any improvements constructed within or near a canal should be coordinated with the owners of the canal or appropriate agency.

No other significant comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Finding 1 Analysis:

The applicant's submitted site plan was reviewed by outside agencies and County departments. There were no concerns raised regarding the adequacy of the site.

Recommended Conditions of Approval:

Construction shall be substantially consistent with submitted documents. (See recommended Conditions of Approval attached as Exhibit 1).

Finding 1 Conclusion:

Finding 1 can be made based on staff's review of the applicant's submitted site plan, there appears to be adequate space to accommodate the proposed development, while adhering to the applicable development standards of the M-3 (M-1 standards) Zone District

Finding 2: ***That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.***

		Existing Conditions	Proposed Operation
Private Road	No	No change	N/A

		Existing Conditions	Proposed Operation
Public Road Frontage	Yes	E. North Avenue	No change
Direct Access to Public Road	Yes	E. North Avenue	No change
Road ADT		5,100 Vehicles per day (VPD)	No change
Road Classification		Arterial road	No change
Road Width		Right of way(existing): 84 feet Paved width: 43.7 feet with paved shoulders	Right of way (ultimate): 106 feet. No right of way dedication required for this project. No change
Road Surface		Asphalt paved, with a pavement condition index of 99.7. Roadway is in good condition.	No change
Traffic Trips		N/A	No change
Traffic Impact Study (TIS) Prepared	No	N/A	No traffic impact analysis was required for the project.
Road Improvements Required		North Avenue was determined to have adequate right-of-way and is in good condition.	North Avenue has been determined to be adequate to handle traffic generated the proposal with the inclusion of a Mitigation Measure requiring that the project construct concrete curb and gutter improvements and pavement widening if necessary.

Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:

Design Division, Transportation:
Staff recommends a Traffic Management Plan (TMP) to address potential impacts during the construction phase of this project. In addition to managing traffic flow, the TMP shall also address dust mitigation.

Road Maintenance and Operations Division:
North Avenue is a County maintained road classified as an arterial with an existing right-of-way of 84 feet; 63 feet south of the section line, and an ultimate right-of-way of 106 feet according to the General Plan, and an ultimate right-of-way of 84 feet as per precise plan lines.

The applicant shall be required to construct concrete curb improvements including curb and gutter to tie in to existing drainage facilities along with road widening to match. Such improvements may be deferred through an agreement with the County.

An engineered striping and road improvements plan shall be developed to provide an extension of the left turn pocket for westbound traffic entering the facility from North Avenue. Engineered plans shall include lengths of turn pockets, lane extensions, lane improvements, and appropriate transitions.

Additional paving may be required to provide necessary widths for the turn lane. Road improvements ma require utility movements and road right-of-way acquisition.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Finding 2 Analysis:

The proposed energy storage facility will be served by roads which are adequate to support traffic generated by the project.

Based on the above information, North Avenue is adequate to accommodate the proposed use.

Recommended Condition(s) of Approval:

Road improvements (See Exhibit 1)

Finding 2 Conclusion:

Finding 2 can be made with the proposed Conditions of Approval.

Finding 3: ***That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.***

Surrounding Parcels

	Size:	Use:	Zoning:	Nearest Residence:
North	67.99 acres	Industrial	M-3	None
South	19.00 acres	Industrial	M-3	None

	Size:	Use:	Zoning:	Nearest Residence:
East	5.06 acres 4.23 acres 0.34 acre 5.02 acres	Industrial Industrial Industrial Industrial	M-3 M-3 M-3 M-3	None Approximately 415 feet Approximately 500 feet None
West	39.04 acres	Industrial	M-3	None

Reviewing Agency/Department Comments:

No comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Finding 3 Analysis:

There are no features of the project that would be easily visible from surrounding property or public roadway, therefore visual impacts will be minimal. The project would be required to retain any additional stormwater runoff resulting from construction of the project on site.

Based on the above information staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

None.

Finding 3 Conclusion:

Finding 3 can be made based on the above information staff believes the proposal will not have an adverse effect upon surrounding properties.

Finding 4: ***That the proposed development is consistent with the General Plan.***

Relevant Policies:	**Consistency/Considerations:**
General Plan Policy LU-F.30: *The County shall generally require community sewer and water services for industrial development. Such services shall be provided in accordance with the provisions of the Fresno County Ordinance, or as determined by the State Water Quality Control Board.*	The subject property is provided sewer and water services by the Malaga County Water District.
General Plan Policy LU.F32: *Since access to industrial areas by way of local roads not designed for industrial traffic is generally inappropriate, the County may require facility design, traffic control devices, and appropriate road closures to eliminate this problem.*	The project will be required to construct appropriate concrete improvements consistent with County development standards, including but not limited to curb and gutter tie-in to existing drainage facilities and road widening to be consistent with adjacent improvements. Construction traffic shall be limited to right-in, right-out movements only for the access point on

Relevant Policies:	Consistency/Considerations:
	North Avenue. A traffic management plan must be prepared and approved showing how this will be handled.

Reviewing Agency Comments:

No significant comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Finding 4 Analysis:

The subject parcel is Zoned M-3 Heavy Industrial which is consistent with the underlying land use designation of "General Industrial". There were no conflicts with General Plan Policy identified by staff; therefore, the project is found to be consistent with the General Plan. Based on these factors, the proposed energy storage facility is consistent with the General Plan.

Recommended Conditions of Approval:

None

Finding 4 Conclusion:

Finding 4 can be made based on the factors described above, the proposed energy storage facility is consistent with the General Plan.

Finding 5: ***That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare.***

Finding 5 Analysis:

The proposed mitigation measures and conditions of approval were developed based on studies and consultation with specifically qualified staff, consultants, and outside agencies. They were developed to address the specific impacts of the proposed project and were designed to address the public health, safety, and welfare. Additional comments and project notes have been included to assist in identifying existing non-discretionary regulations that also apply to the project. The Applicant has signed an acknowledgement agreeing to the proposed mitigation measures and has not advised staff of any specific objection to the proposed conditions of approval.

Finding 5 Conclusion:

Finding 5 can be made based on staff's analysis, the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.

SUMMARY CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3748, subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for the project based on Initial Study No. 8274; and

- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3748, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and

- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit Application No. 3748; and

- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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Mitigation Monitoring and Reporting Program
Initial Study No. 8274/ Unclassified Conditional Use Permit Application No. 3748
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	**Impact**	**Mitigation Measure Language**	**Implementation Responsibility**	**Monitoring Responsibility**	**Time Span**
*1.	Aesthetics	All outdoor lighting shall be hooded and directed downward and away from adjacent properties and public streets.	Applicant	Applicant/PW&P	Prior to occupancy
*2.	Biological Resources	If any project related construction or other ground disturbing activity is to occur between February 1st and mid September, the project applicant shall provide that a biological assessment for nesting bird habitat is conducted, and that that pre-construction surveys for migratory birds, are completed by a qualified biologist, no more than 10-days prior to ground or vegetation disturbance, and also that if any active nests are found on the project site, a no disturbance buffer of 250 be maintained around active nests of non-listed species, and 500 feet around active nests of non-listed raptor species.	Applicant/qualified biologist	Applicant/PW&P (Development Services and Capital Projects)	Prior to ground disturbance if such activity takes place between February 1st and mid September
*3.	Cultural Resources/Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/Qualified Archaeologist	During ground-disturbing activities

EXHIBIT 1

*4.	Geology and Soils	If a paleontological resource is found, regardless of depth or setting, the Project contractor shall cease ground-disturbing activities within 50 feet of the find and contact a qualified paleontologist. The qualified paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures.	Applicant	Applicant/Qualified Paleontologist	During ground-disturbing activities
*5.	Transportation	Prior to issuance of development permits, a Traffic Management Plan, prepared by a licensed Traffic Engineer, shall be submitted to the Design Division of the Fresno County Department of Public Works and Planning Transportation Unit, for review and approval. Construction of the proposed new energy storage facility shall be in substantial conformance with the Traffic Management Plan, as approved by the Transportation Planning Unit. In addition to managing traffic flow, the TMP shall also address dust mitigation.	Applicant	Applicant/Road Maintenance and Operations Division, PW&P	Prior to occupancy
*6.	Transportation	Prior to issuance of any occupancy permit or beginning any operations, the Applicant shall construct, along the property's frontage, appropriate concrete improvements consistent with County Development Standards, including but not limited to curb and gutter to tie-into existing FMFCD facilities and widen the road surface to match adjacent improvements. The applicant may defer these improvements if an improvement deferral agreement is approved by the County during a subsequent Site Plan Review (SPR) application.	Applicant	Applicant/Road Maintenance and Operations Division, PW&P	Prior to occupancy
Conditions of Approval					
1.	Prior to beginning operations, the project shall be developed in substantial conformance with the project description, operational statement & project summary, site plan, and elevation, as presented to and approved by the Planning Commission. The applicant may defer these improvements if an improvement deferral agreement is approved by the County during a subsequent Site Plan Review (SPR) application.				

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.
Conditions of Approval reference required Conditions for the project.

Project Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Unclassified Conditional Use Permit No. 3748 shall become void unless there has been substantial development within two years of the effective date of approval of said Conditional Use Permit; or, there is a cessation of occupancy or use of land or structures authorized by said Conditional Use Permit for a period in excess of two-years; except where the structure or land is limited to a single purpose use.
2.	Plans, permits and inspections shall be required for all on-site improvements. Buildings and facilities providing a public use must comply with the accessibility requirements of chapter 11B of the California Building Code.
3.	According to FEMA FIRM Panel 2130H, southeasterly property line of the subject property is adjacent to Flood Zone AE, subject to flooding from the 100-year storm. Any development within the Special Flood Hazard Area shall confirm to provisions established in the Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas.
4.	Any proposed driveway shall be a minimum of 24 feet or a maximum of 35 feet in width. If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt.
5.	A dust palliative shall be required on all parking and circulation areas that are not paved.
6.	This project will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
7.	No building or structure erected in this District shall exceed 35 feet in height per Section 816.5.D of the Fresno County Zoning Ordinance.
8.	An additional storm water runoff generated by the proposed development cannot be drained across property boundaries or into the public right-of-way and must be retained or disposed of on site as per County standards.
9.	Parking areas shall be constructed in accordance with Fresno County Parking Standards, and applicable State standards.
10.	Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan electronically pursuant to the HSC, Division 20, Chapter 6.95 (http://cers.calepa.ca.gov/). All hazardous waste shall be handled in accordance with requirements set forth in the

Project Notes	
	California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.
11.	Should any underground storage tank(s) be found on the project site, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health Environmental Health Division.
12.	Prior to the issuance of grading permits, an engineered grading and drainage plan, stamped and signed by a licensed Civil Engineer, is required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent property. The grading and drainage plan shall provide calculations of the required basin storage capacity and the basin design storage capacity to verify adequacy. Hydraulics Design calculations, certified by a licensed Civil Engineer, for the proposed storm drainpipes connected to seven (7) new catch basins, shall be submitted for review and approval. A grading permit shall only be issued upon approval of the hydraulics design calculations, storage capacity of detention basin calculations and/or Engineered Grading and Drainage Plan. No earth moving activities shall be allowed to commence until the aforementioned requirements have been reviewed and approved by the County.
13.	A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with eth State Water Resources Control Board, Drinking Water Division before commencement of any construction activities disturbing one acre or more of land.
14.	As a measure to protect ground water, any water wells or septic systems that exist or that have been abandoned within the project area, not intended for future use and/or use by the project, shall be properly destroyed. For those wells located in the unincorporated area of Fresno County, the applicant shall apply for and obtain a permit(s) to destroy water well(s) from the Fresno County Department of Public Health, Environmental Health Division prior to commencement of work. The destruction and construction of wells can only be completed by a licensed C-57 contractor.
15.	At such time the applicant or property owner(s) decides to construct a water well, (following approval of the engineered design septic system for the parcel) the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Community Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells.
16.	Any new sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section.

Project Notes	
17.	It is recommended that the applicant consider having the existing septic tanks pumped and have the tank and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last 5 years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.

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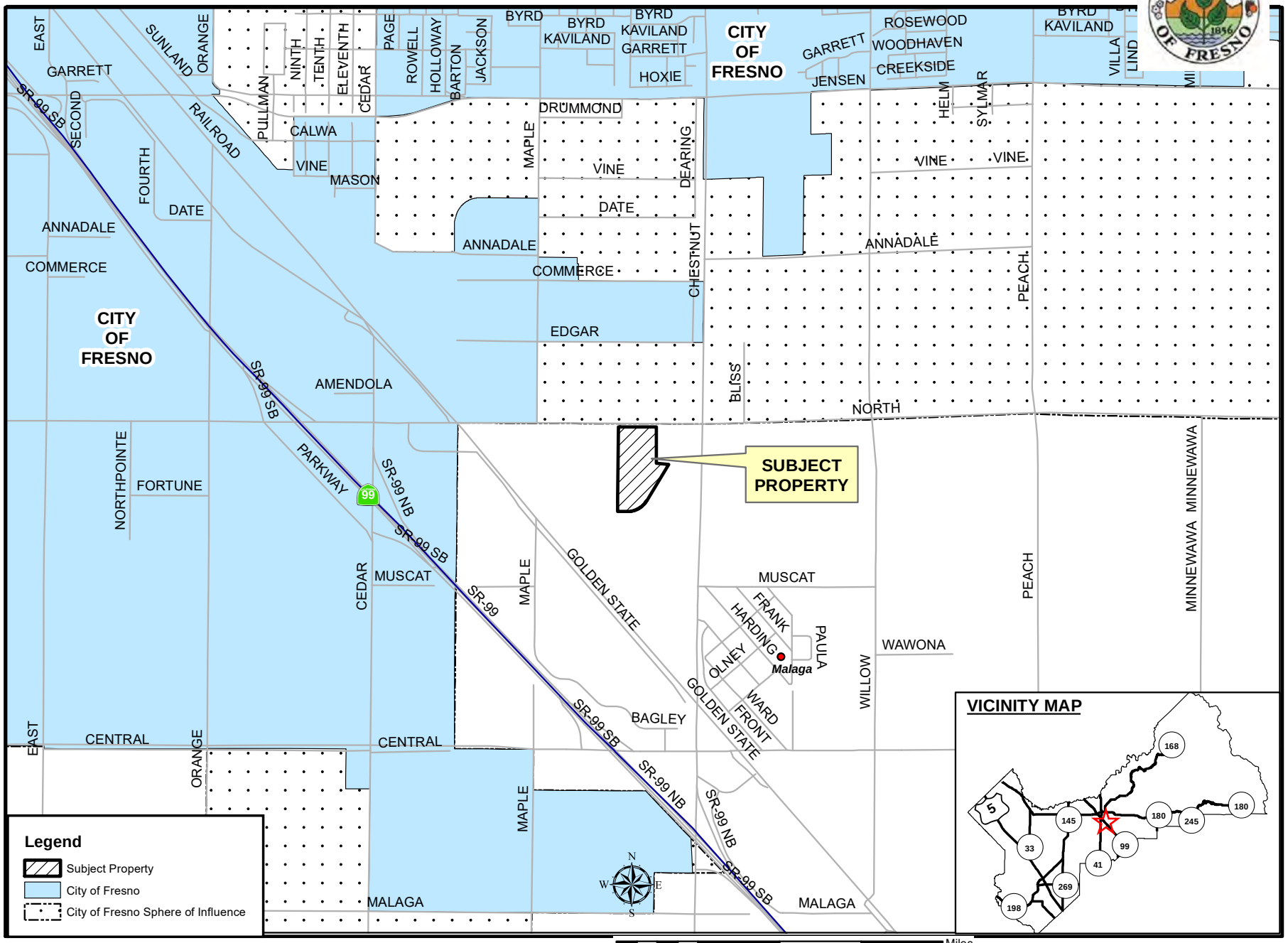
EXHIBIT 2

LOCATION MAP

CUP 3748



Prepared by: County of Fresno Department of Public Works and Planning

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EXHIBIT 2

CUP 3748
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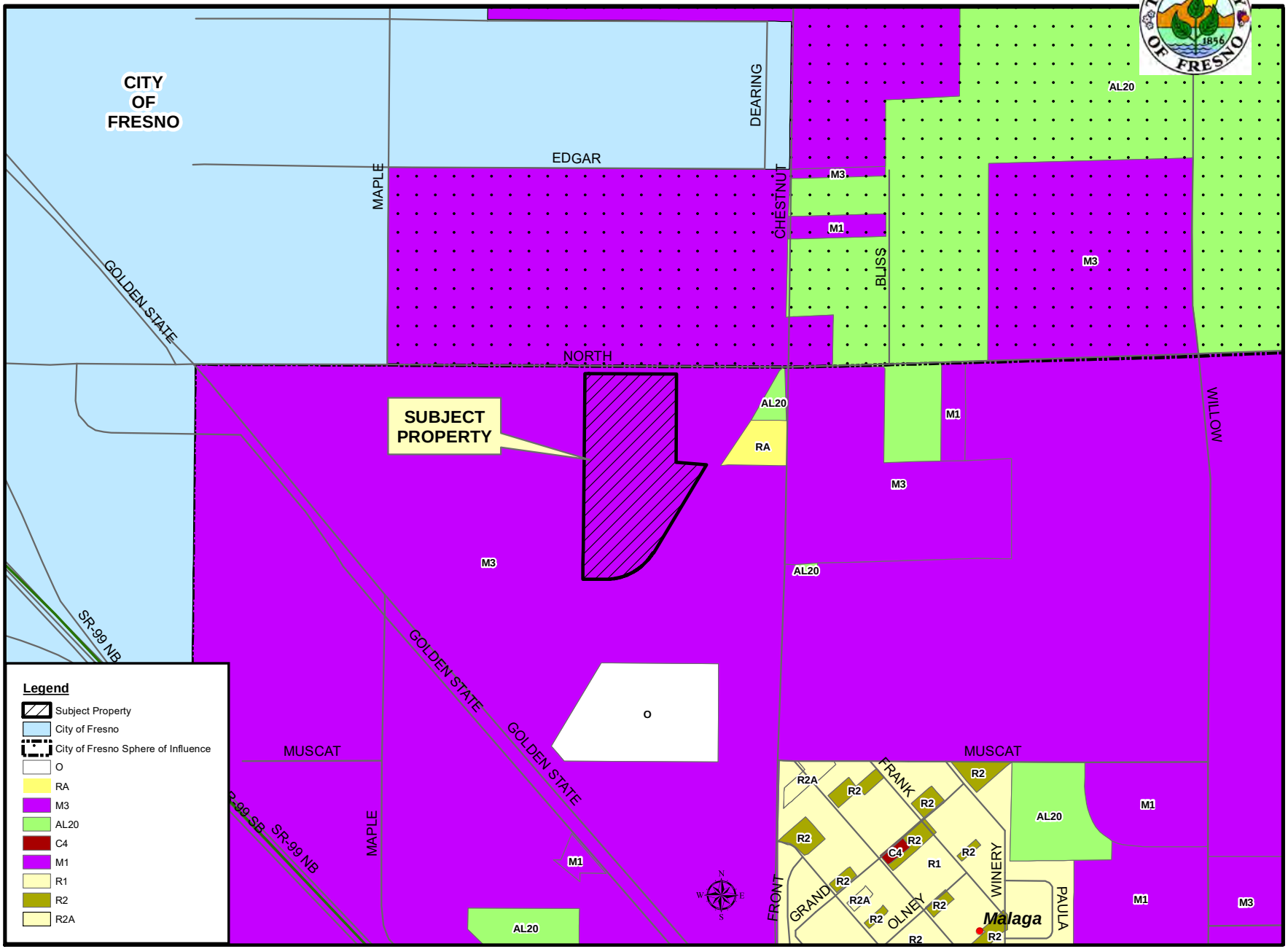
EXISTING ZONING MAP



Prepared by: County of Fresno Department of Public Works and Planning, Development Services Division

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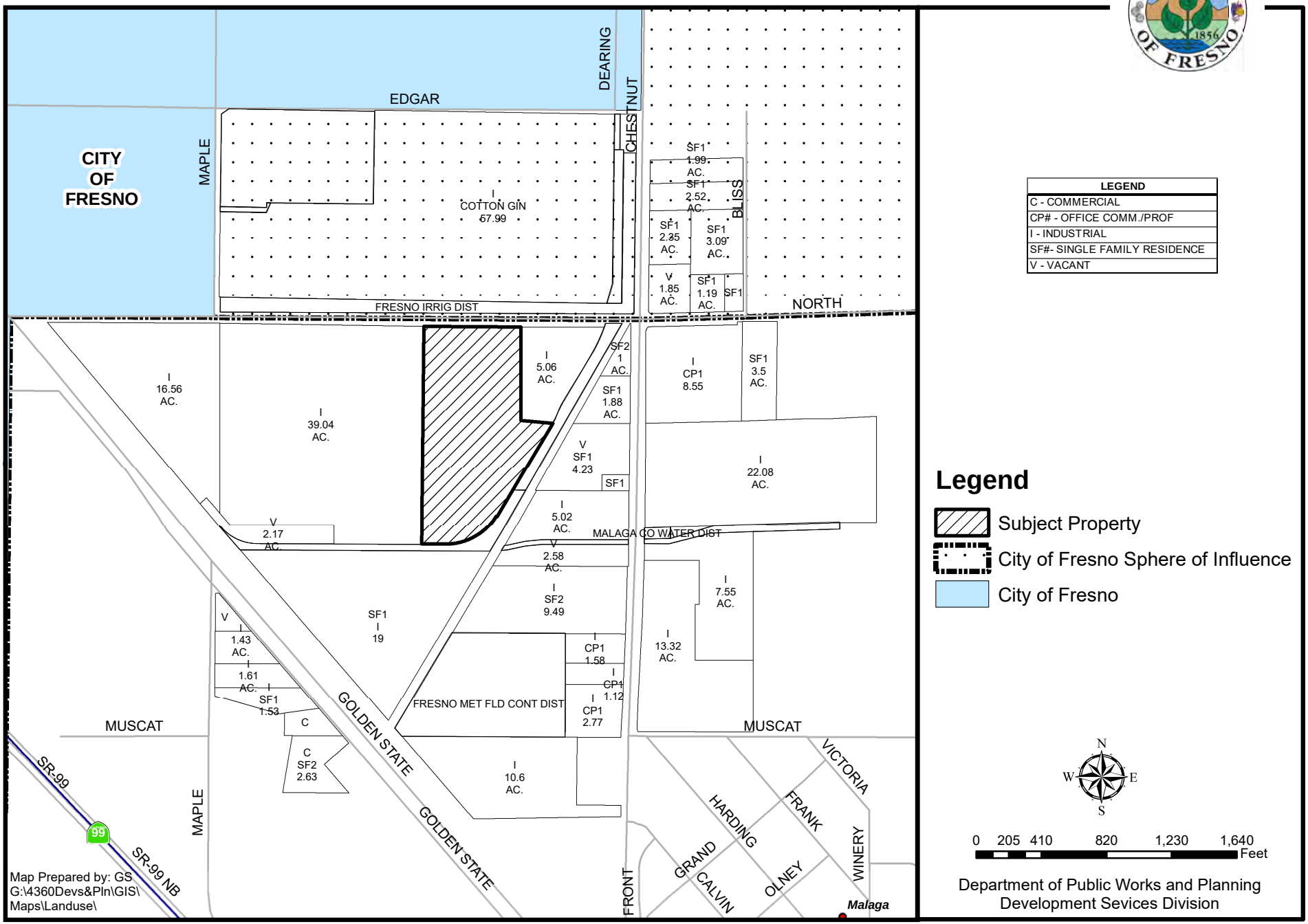
EXHIBIT 3

EXHIBIT 4

EXISTING LAND USE MAP

CUP 3748



LEGEND
C - COMMERCIAL
CP# - OFFICE COMM./PROF
I - INDUSTRIAL
SF#- SINGLE FAMILY RESIDENCE
V - VACANT

Legend

- Subject Property
- City of Fresno Sphere of Influence
- City of Fresno

N
W E
S

0 205 410 820 1,230 1,640 Feet

Department of Public Works and Planning
Development Sevices Division

EXHIBIT 4

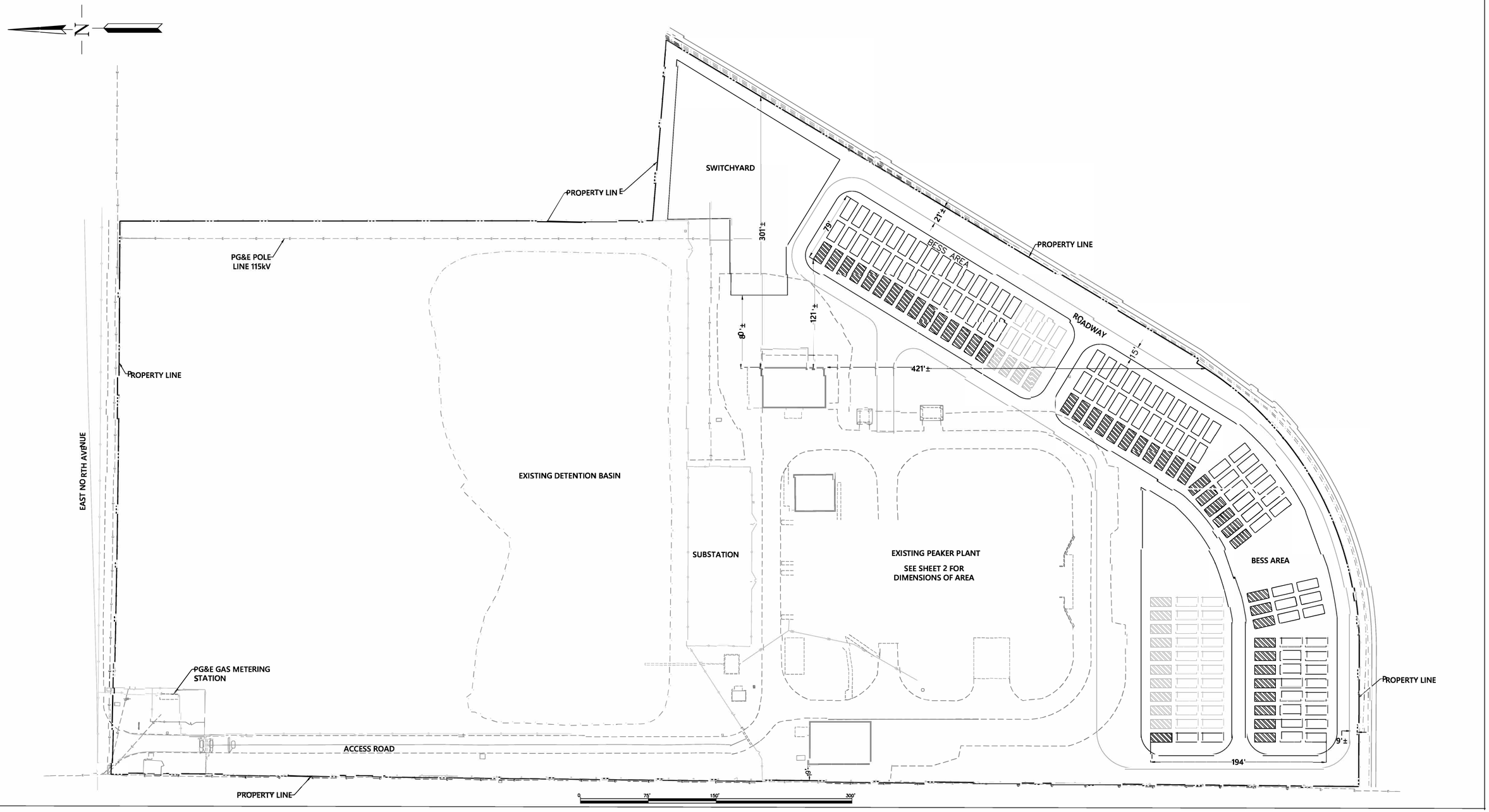


EXHIBIT 5

THIS DRAWING WAS PREPARED BY PATCH SERVICES FOR A SPECIFIC PROJECT, TAKING INTO CONSIDERATION THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING OR ANY INFORMATION CONTAINED IN THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH PATCH SERVICES AND PATCH'S CLIENT IS GRANTED.

REV	DATE	DESCRIPTION	DRWN BY	CHK BY	ENG'R	PROJECT ENG'R	APPR'D BY
A	9/23/22	REVISION TO SITE LAYOUT	DM	JP			

PATCH SERVICES

CALIFORNIA * ENGINEERING * TEXAS

333 SUNSET AVE.
SUITE: 210
SUISUN CITY, CA 94585
PHONE: 707-425-4949
FAX: 707-425-4553

21175 TOMBALL PARKWAY
SUITE: #308
HOUSTON, TX 77070
PHONE: 281-330-1466
FAX: 832-698-2835

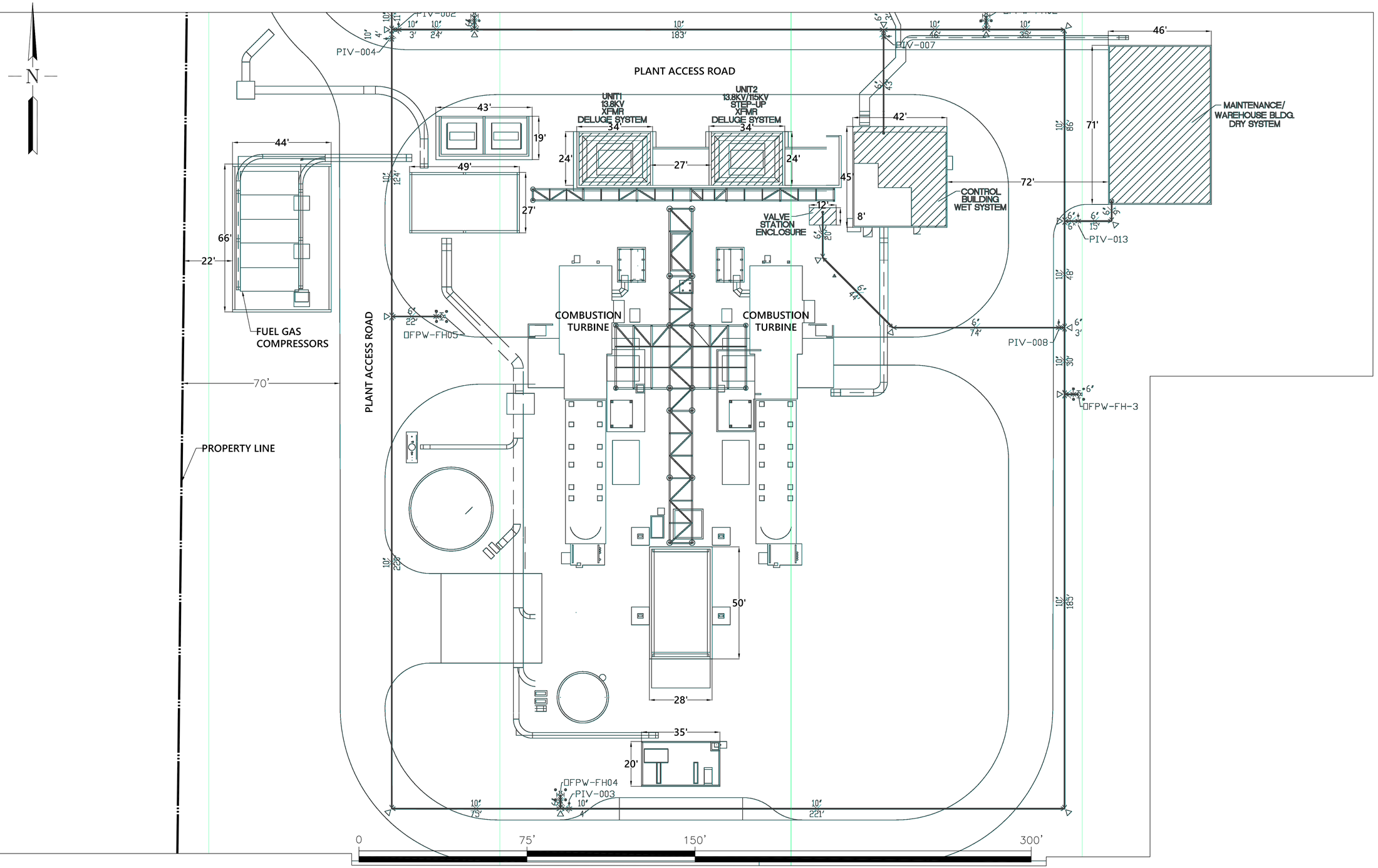
MALAGA BESS LLC

MALAGA BESS
SITE PLAN

SCALE: AS SHOWN
JOB NO: 3422
DATE: 09/23/2022
DRAWN BY: DM
CHECKED BY: JP

DRAWING NUMBER	SHEET NUMBER	REV
D-3422-2900	1	A

EXHIBIT 5 Page 2



A	9/23/22	REVISION TO SITE LAYOUT	DM	JP			
REV	DATE	DESCRIPTION	DRW'N BY	CH'K BY	ENG'R	PROJECT ENG'R	APPR'D BY

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PATCH SERVICES
CALIFORNIA * ENGINEERING * TEXAS
333 SUNSET AVE.
SUITE: 210
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PHONE: 707-425-4949
FAX: 707-425-4553
21175 TOMBALL PARKWAY
SUITE: #308
HOUSTON, TX 77070
PHONE: 281-330-1466
FAX: 832-698-2835

MALAGA BESS LLC

MALAGA PEAKER PLANT
GENERAL ARRANGEMENT

SCALE: AS SHOWN	
JOB NO: 3422	
DATE: 09/23/2022	
DRAWN BY: DM	
CHECKED BY: JP	
DRAWING NUMBER	SHEET NUMBER / REV
D-3422-2900	2 / A

EXHIBIT 5 Page 3

NOTE:

1. PRELIMINARY SPACING BETWEEN ADJACENT BATTERY AND INVERTER ENCLOSURES IS 5' SIDE TO SIDE AND 5' BACK TO BACK
2. LAYOUT INCLUDES INITIAL OVERBUILD @ 25% FOR 350,338KWH.

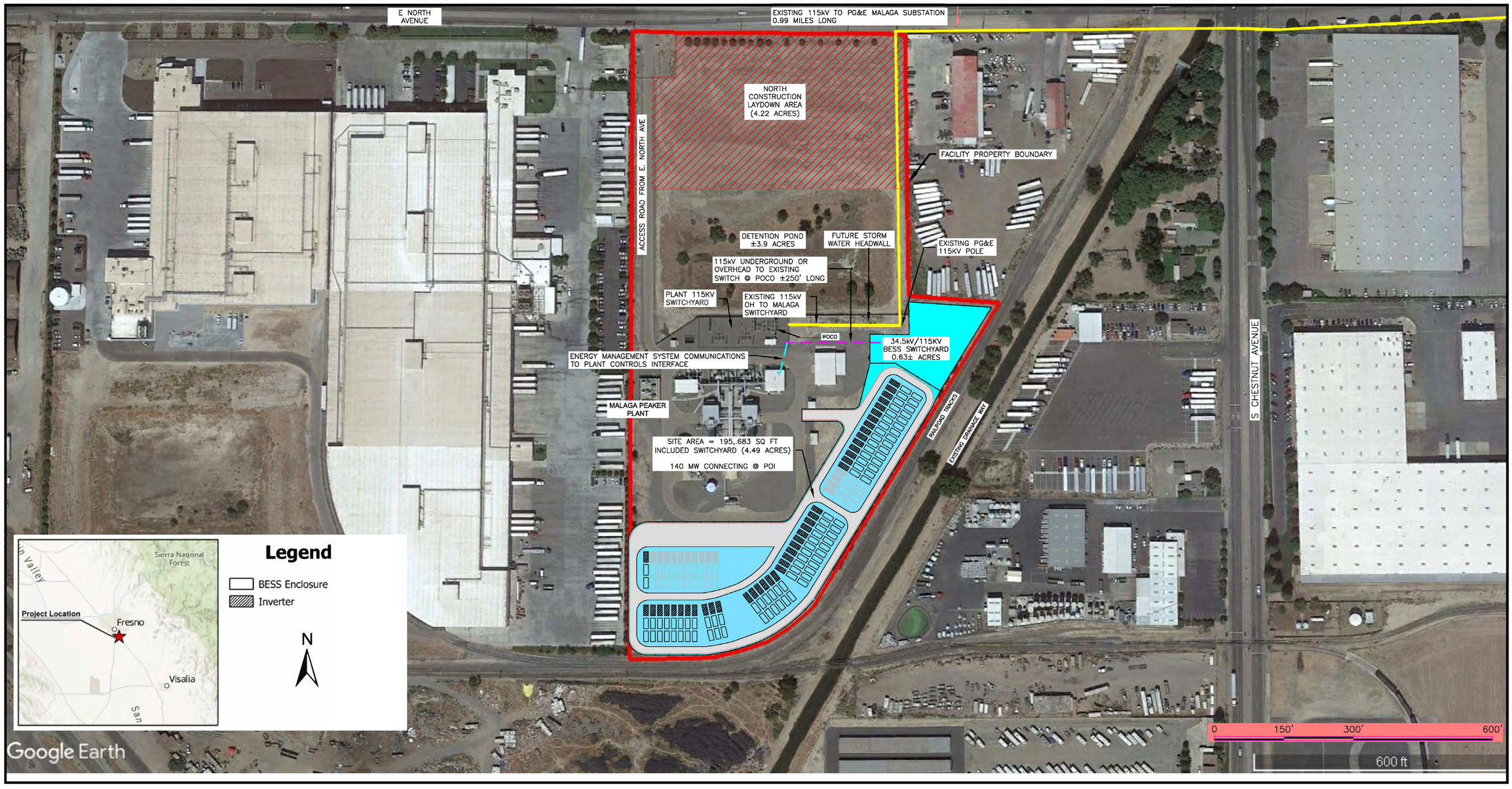

Figure 2

MALAGA POWER PLANT
2611 EAST NORTH AVENUE
FRESNO, CA 93725

THIS DRAWING WAS PREPARED BY PATCH SERVICES FOR A SPECIFIC PROJECT, TAKING INTO CONSIDERATION THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING OR ANY INFORMATION CONTAINED IN THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH PATCH SERVICES AND PATCH'S CLIENT IS GRANTED.

REV	DATE	DESCRIPTION	DRW'N BY	CH'K BY	ENG'R	PROJECT ENG'R	APPR'D BY
2	09-21-2022	REVISED SITE PLAN	DM	CJP			
1	06-17-2022	PRELIMINARY	CM	CJP			

PATCH SERVICES
CALIFORNIA * ENGINEERING * TEXAS
333 SUNSET AVE.
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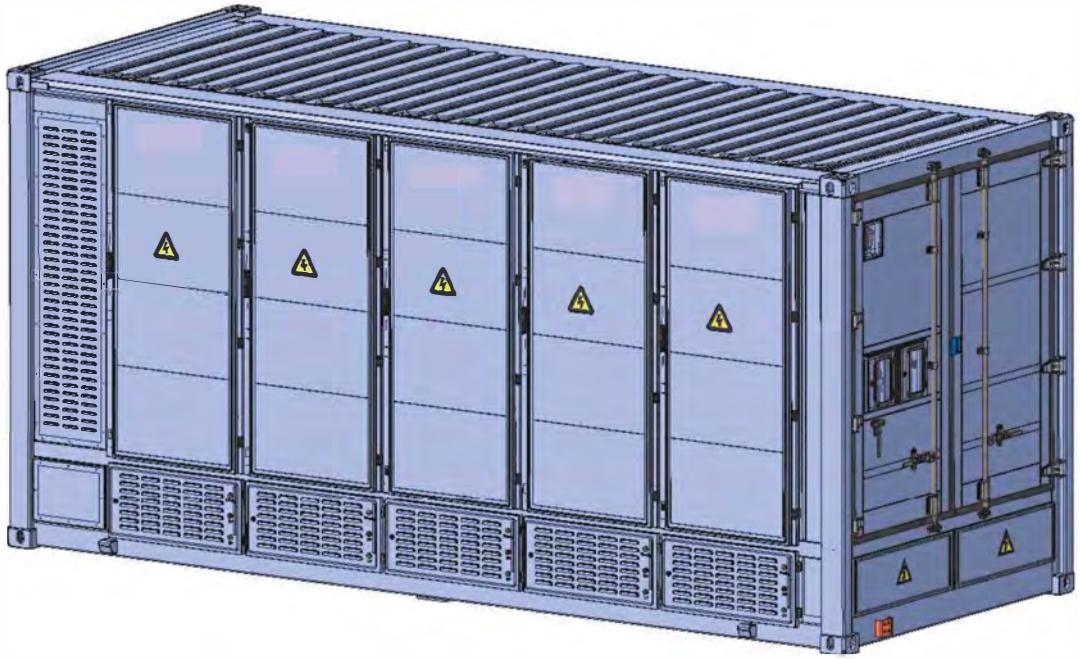
21175 TOMBALL PARKWAY
SUITE: #308
HOUSTON, TX 77070
PHONE: 281-330-1466
FAX: 832-698-2835

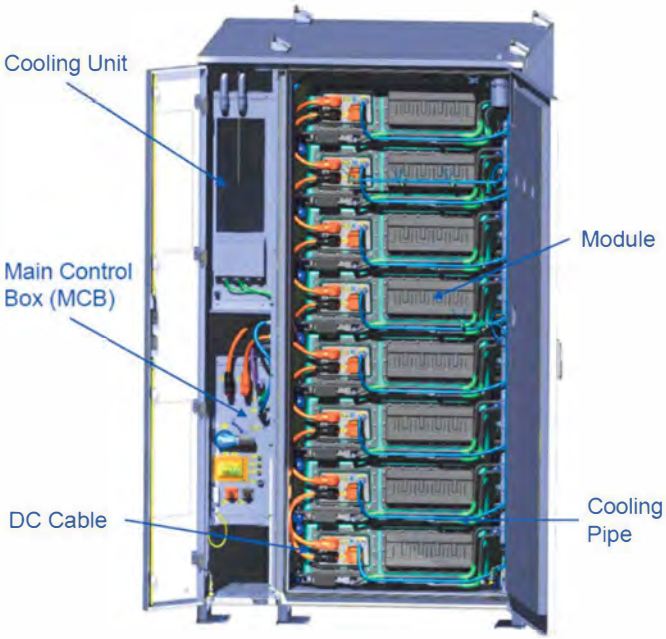
MALAGA BESS LLC

MALAGA BESS
NOMINAL 140MW
SITE PLAN

SCALE:	AS SHOWN
JOB NO:	2020
DATE:	09-21-2022
DRAWN BY:	DM
CHECKED BY:	CJP
DRAWING NUMBER	D-2020-2750
SHEET NUMBER	
REV	2

EXHIBIT 5 Page 4





Representative Dimensions: appproximately 20 feet long by 8 feet wide by 10 feet tall

MALAGA POWER PLANT
2611 EAST NORTH AVENUE
FRESNO, CA 93725

THIS DRAWING WAS PREPARED BY PATCH SERVICES FOR A SPECIFIC PROJECT, TAKING INTO CONSIDERATION THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING OR ANY INFORMATION CONTAINED IN THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH PATCH SERVICES AND PATCH'S CLIENT IS GRANTED.

REV	DATE	DESCRIPTION	DRAWN BY	CHK'K BY	ENG'R	PROJECT ENG'R	APPR'D BY
2	06-20-2022	REVISED	CM	CJP			
1	02-04-2021	PRELIMINARY	CM	CJP			

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HOUSTON, TX 77070
PHONE: 281-330-1466
FAX: 832-698-2835

MALAGA BESS LLC

FIGURE 3
MALAGA BESS
TYPICAL BATTERY ENERY STORAGE SYSTEM ENCLOSURE CUTAWAY

SCALE:	
JOB NO:	2620
DATE:	02-04-2021
DRAWN BY:	CM
CHECKED BY:	CJP
DRAWING NUMBER	D-2620-2011
SHEET NUMBER	
REV	2

EXHIBIT 6

PROJECT DESCRIPTION

Malaga Battery Energy Storage System Project

2611 E. North Avenue
Fresno, California 93725
APN: 330-050-27SU
CUP 3748 and IS 8274

Updated October 3, 2022

MIDDLE RIVER POWER

Malaga Power, LLC
Malaga BESS LLC

Table of Contents

Figures

Attachment

1.0 OVERVIEW

Malaga BESS LLC (applicant) proposes to construct a nominal 140-megawatt ("MW") battery energy storage system ("BESS") project at the existing Malaga Peaking Plant on Assessor Parcel No. 330-050-27SU at 2611 E North Avenue in unincorporated Fresno County (see Figures 1 and 2). The applicant submitted an Unclassified Conditional Use Permit ("UCUP") application to Fresno County on July 1, 2022 for the proposed Malaga BESS facilities. The current UCUP application in 2022 (Fresno County CUP 3748; Initial Study ["IS" 8274]) supersedes UCUP applications 3703 and 3704 for BESS facilities at the same site that were withdrawn by the applicant in 2021.

This project description is intended to support California Environmental Quality Act ("CEQA") compliance for the project whereby it is envisioned that a CEQA Initial Study and environmental review will be prepared by Fresno County to address the project.

Malaga Power, LLC purchased the peaker plant from Kings River Conservation District in 2015. Malaga Power, LLC became a wholly-owned subsidiary of MRP CalPeak Holdings, LLC in 2019. Malaga Power, LLC owns the peaker plant property where the existing peaker is located as well as the proposed Malaga BESS Project. The Malaga BESS Project will be owned and operated by Malaga BESS LLC.

The proposed BESS facilities include concrete pad foundations, modular battery storage and inverter enclosures, switchyard, and above ground and below ground onsite electrical interconnections. The applicant currently plans to begin construction of the BESS facilities in the second quarter of 2023. The BESS facilities are planned to be operational by mid-2024. The BESS facilities are expected to operate for 40 years or more with scheduled maintenance.

The BESS facilities are located on previously disturbed, vacant and relatively flat unvegetated areas within the eastern and southern portions of the existing 19-acre Malaga Peaking Plant property. Construction and operation of the proposed BESS facilities would be expected to have minimal impacts on the environment. Development of the proposed BESS facilities includes permanent use of up to approximately 4.5 acres for the BESS facilities (battery enclosures, inverters, foundations, internal access, etc.), including the 34.5 kilovolt ("kV")/115 kV switchyard. In addition, the Malaga BESS Project includes temporary use of an undeveloped approximately 4.2-acre portion of the Malaga Peaking Plant property for construction laydown in the northern portion of the property (see Figure 2).

The key components of the Malaga BESS Project as follows:

- 4.5-acre, nominal 140 MW BESS facilities area, including 34.5 kV/115 kV BESS switchyard
- Approximately 250-foot-long overhead or underground 115 kV connection from the BESS switchyard to the existing Malaga Peaker Plant switchyard (which is connected to the Pacific Gas & Electric Company ["PG&E"] Malaga substation approximately 1 mile to the northeast)

- 4.2-acre temporary laydown area (Northern Construction Laydown Area)
- Stormwater conveyance facilities (catch basins, buried pipelines, and discharge outlet in southeastern portion of detention basin) for conveyance of onsite stormwater flows to the existing stormwater detention basin on the site

The Malaga BESS Project would utilize the existing paved access road for the Malaga Peaker Plant that connects to E North Avenue at the northwest corner of the property. The existing 19-acre Malaga Peaker Plant property has been previously fenced, graded and developed and currently consists of power plant related facilities and undeveloped, open areas. The existing Malaga Power, LLC peaker plant consists of two (2) combustion gas turbines with a nominal combined output of 96 MW and associated electrical transmission interconnection to the Pacific Gas & Electric Company ("PG&E") Malaga Substation. The peaker plant was permitted by the California Energy Commission ("CEC") in 2004 via a Small Power Plant Exemption ("SPPE") and associated CEQA Initial Study and Mitigated Negative Declaration. The CEC determined in late-December 2020 that they do not have any discretionary permitting jurisdiction for the currently proposed BESS facilities. Consultation with Fresno County has determined that the County will require a UCUP for the Malaga BESS Project.

Given the critical need for additional electrical energy storage resources to support peak demand on the electrical grid in California, the applicant plans to initiate construction of the BESS facilities in the second quarter of 2023 assuming all necessary permits and approvals are received and that favorable market conditions exist at that time.

2.0 Project Objectives

The Malaga BESS Project offers the California Independent System Operator ("CAISO") dispatchable energy storage resources to the electrical grid to help meet critical peak electrical demand in California and to provide electrical transmission system stability. The batteries would be charged with mainly renewable power during the peak solar hours via the electrical grid and not from the existing gas-fired peaker plant.

The Malaga 140 MW BESS Project facility will interconnect to the electrical grid via the existing 115 kilovolt ("kV") transmission line that connects the MPP 115 kV switchyard to the existing Pacific Gas & Electric Company ("PG&E") 115 kV Malaga Substation approximately 1 mile to the northeast. The Malaga BESS Project is not expected to require any upgrades to the existing 115 kV transmission line between the MPP switchyard and the PG&E Malaga Substation. The Malaga BESS Project is not expected to require any discretionary approvals for the construction of the BESS facilities from the California Public Utilities Commission.

3.0 Project Location and Site History

3.1 Location

The Malaga BESS Project is located within the existing 19-acre Malaga Peaking Plant property on Assessor Parcel No. 330-050-027SU at 2611 E North Avenue in unincorporated Fresno County

(see Figures 1 and 2). The overall project site is located south and adjacent to E North Avenue in the unincorporated community of Malaga which is located near the southeast boundary of the City of Fresno. As shown on Figure 1, the property is located to the west of South Chestnut Avenue and northeast of S Golden State Boulevard and State Route 99 which is located further to the west-southwest.

The overall project site is located in Township 14 South, Range 20 East, Section 25. The approximate centroid of the overall Malaga Peaker Plant Property is located at latitude/longitude 36^{O}41'25.19"N/119^{O}44'23.84"W.

3.2 Site History and Previous Energy Facility Permitting at the Site

The 19-acre Malaga Peaker Plant property, including the locations for the proposed Malaga BESS Project components was reportedly used for agricultural purposes from at least 1937 until the early 2000s. In the 1940s, the site was operated by Producers Cotton Oil Company ("PCOC") for use associated with a cotton seed oil and cotton seed products plant. These operations appear to have ceased by the 1950s. Various small structures associated with agricultural operations appeared to be present on-site through the 1960s and 1970s; by the 1980s and 1990s, the proposed Project site did not appear to have on-site structures. In 2005, portions of the site were developed for use as a natural gas-fired peaking plant.

The peaker plant was licensed by the CEC SPPE process. The Kings River Conservation District ("KRCD") submitted its SPPE application for the KRCD Peaking Plant ("KRCDPP") project on November 26, 2003. CEC Staff filed the CEQA Initial Study ("IS"), Mitigated Negative Declaration ("MND") on March 10, 2004. The CEC Decision on May 19, 2004 acted to exempt the KRCDPP project from Application for Certification ("AFC") licensing and served as a Notice of Intent to adopt the MND pursuant to CEQA. The peaker plant was constructed and became operational in 2005. (Note: the KRCDPP is now known as the Malaga Peaker Plant, which is owned by Malaga Power, LLC.)

There is currently an onsite storm water detention pond to the north of the plant, and two undeveloped vegetated areas are located onsite: one south of the plant at the southern site boundary, and one north of the detention pond, at the northern site boundary. Drainage swales are on the eastern portion of the site. The Malaga BESS Project proposes to utilize the existing onsite detention basin for stormwater management. The property is located in a mixed industrial/agricultural land use area.

4.0 Project Site

4.1 General

Malaga Power, LLC owns the Malaga Peaker Plant and the 19-acre site on which the Malaga BESS Project is proposed. The 19-acre Malaga Peaker Plant property, including the locations of the proposed BESS project components, is located on Assessor Parcel Number 330-050-027SU.

The proposed BESS project components are located on previously disturbed and vacant land to the east and south of the existing Malaga Peaker Plant on the southern portion of the overall property as shown on Figure 2. The northern laydown area that is proposed for temporary use during the construction phase for the BESS project components is also located on previously disturbed and vacant land within the northern portion of the overall property as shown on Figure 2. No facilities require removal in the proposed BESS project footprints. The nominal 140 MW BESS project components include onsite electrical interconnections as shown on Figure 2.

An existing landscaped area along the eastern boundary of the overall site would be removed as part of the project.

5.0 Schedule

The applicant submitted the pre-application package for the proposed Malaga 140 MW BESS Project to Fresno County under cover letter dated April 8, 2022. The applicant submitted the CUP application package to Fresno County under cover letter dated July 1, 2022. The applicant currently plans to begin construction of the proposed BESS facilities in the second quarter of 2023 subject to market conditions and equipment availability. In order to help meet critical peak electrical demand in California by the summer of 2024, the BESS facilities are planned to be operational by mid-2024.

6.0 Surrounding Land Uses and Conditions

6.1 Regional Setting

The Malaga Peaker Plant property, including the proposed BESS project component sites are located in unincorporated Fresno County near the community of Malaga, which is located approximately 6 miles south-southeast of downtown Fresno, California. Fresno County is located in the center of the San Joaquin Valley which stretches approximately 100 miles from the Coast Range foothills to the eastern slope of the Sierra Nevada within the San Joaquin Valley Air Basin. Land uses in the area consist of a mixture of urban and rural, residential, commercial, and agricultural uses.

6.2 Local Setting

The proposed BESS project components are located on previously disturbed land within the Malaga Peaker Plant property as shown on Figure 2. The project site is zoned M-3, Heavy Industrial by Fresno County. Characteristic land uses (and Fresno County zoning designations) surrounding the Malaga Peaker Plant property include: heavy industrial (M-3), manufacturing (M-1), warehouse/commercial (C-6), and residential (R-1, R-2). The project site is located near the community of Malaga and is included in the Roosevelt Community planning area of Fresno County (KRCD 2003; CEC 2004a,b).

Based on a recent review of current uses of adjoining properties, the following general determination was developed (Ramboll 2019):

- North: East North Avenue and then an agricultural products storage facility on the north side of East North Avenue.
- East: Imperial Truck and Trailer Repair, a truck repair and parts facility to the northeast, and then a rail line right of way (apparently inactive), beyond which is a residential area. The rail line right of way is adjacent to the southeast of the property, beyond which is a chemical storage facility.
- South: A rail line is present to the south of the property. Beyond the rail line to the southeast is an apparent junkyard with outdoor material storage. Beyond the rail line to the southeast is a Derrel's Mini Storage Facility.
- West: United States Cold Storage, a refrigerated food storage facility which is adjacent to Green Valley Recycling, a landscaping supply store.

7.0 County Zoning

The Malaga Peaker Plant property where the proposed Malaga BESS Project is located is zoned Heavy Industrial (M-3). This zoning is intended to provide for the establishment of all industrial uses essential to the development of a balanced economic base. According to the Fresno County Zoning Ordinance, Sections 845.1-845.5, industrial zoned parcels have permitted uses of aluminum foundry, glass manufacturing, railroad repair shops, sawmills, automobile wrecking, etc. The zoning ordinance for M-3 zoned areas does not specifically outline the use of a natural gas fired peaking power plant or battery energy storage system projects; however, the development and operation of the KRCDPP was previously determined to be an acceptable use as part of the CEC permitting and approvals for the project.

8.0 Detailed Project Description

8.1 Facilities and Design

8.1.1 Overview of BESS Technology

The BESS facilities will consist primarily of the following:

- Battery energy storage technologies being considered are lithium iron phosphate (LFP) and lithium nickel manganese cobalt oxide (NMC) or other technologies that may become commercially available as the BESS project is being designed.
- Batteries would be installed in enclosures that are electrically connected together to reach the desired output of battery energy storage system. The capacity of the individual enclosures would be between 1.5 and 3.5 MW each or larger as technology advances. The medium voltage transformers and inverters would be located adjacent to the enclosures they serve. Approximate dimensions for the battery enclosures vary but can be in the range of 10 feet wide by 50 feet long by 10 feet high. These medium voltage transformers would

be either liquid-filled or dry-type transformers depending on final design and equipment availability.

- The BESS switchyard would include a liquid-filled transformer; for liquid filled transformers, EPA approved transformer fluids would be used. For liquid-filled transformers, the required containment and Spill Prevention, Control, and Countermeasure Plan(s) ("SPCC") would be developed.
- Battery output degrades over time requiring replacement and/or additional battery bank modules (augmentation). Allowance for this work, including placement of the foundations required for the physical enclosures, will occur during initial construction of the BESS. The proposed site layout includes areas for these future augmentation activities.
- The 115 kV interconnection for the BESS would be a 34.5 kV underground cable connection from the BESS inverters to the 34.5 kV switchgear located in the 115 kV BESS switchyard.
- The aboveground support structures (115 kV) in the Malaga BESS switchyard needed to connect equipment within the BESS switchyard, including the connection to the Malaga Peaking Plant switchyard would have a maximum height of 75 feet.

Figure 3 presents a schematic side view of a battery energy storage system enclosure and the major internal components for a typical BESS. Figure 4 presents a typical BESS switchyard arrangement associated with a 115 kV overhead connection to the Malaga Peaker Switchyard. A typical 115 kV single circuit tubular pole diagram is presented on Figure 5.

8.1.2 Site Access and Parking

Access to the site at 2611 E North Avenue in unincorporated Fresno County is via E North Avenue which is paved and runs along the northern peaker plant property boundary (see Figure 2). The proposed BESS facilities as well as the temporary construction laydown area are all located adjacent to existing internal access roads with the overall 19-acre peaker plant property (see Figure 2). The entrance road off of E North Avenue and the internal perimeter access roads around the peaker plant facilities are all paved.

The BESS facilities would be designed to be operated remotely and limited customers or visitors are expected. Periodic inspections and maintenance activities would occur. There is ample open space for parking adjacent to both of the proposed BESS facilities and no designated parking spaces are planned or needed. Temporary construction workforce parking will occur in the temporary construction laydown area.

8.1.3 Perimeter Fencing

The perimeter of the existing peaker plant property already includes security fencing. Each of the BESS facilities will be enclosed by chain link fencing.

8.1.4 Control Systems

The proposed Malaga BESS Project will include metering, protection relays and communications required for the electrical interconnections and the designs will be compliant with the specific requirements of PG&E and CAISO Appendix H, "Interconnection Requirements for an Asynchronous Generating Facility".

The BESS facilities will also include an integrated control system software platform necessary to monitor, protect, report, dispatch and control BESS plant operations. This integrated software platform will be functionally tested prior to field installation.

The BESS project will have the capability and capacity to respond to power market requirements for both load serving and ancillary services.

8.1.5 Signage and Lighting

No signage is planned for the proposed BESS project facilities with the exception of the gated front entrance to the overall 19-acre property on E North Avenue.

No outdoor lighting is required for the BESS facilities. Existing peaker plant lighting will provide adequate lighting for the BESS facilities. As needed to support a maintenance function, local lighting may be required.

8.1.6 Stormwater Facilities

According to the KRCDPP IS/MND (CEC 2004a, b), the project is located on an elevated alluvial plain situated between the San Joaquin River and Kings River systems. The San Joaquin River is located approximately 18 miles north of the project site, while the closest section of the Kings River is located about 15 miles south of the project site. No significant natural water features on or adjacent to the peaker plant project area were identified. There are man-made canals that deliver irrigation water originating from the Kings River and capture irrigation tail water. No natural surface waters were identified within a 2-mile radius of the project site, however, there are several canals and drainage ponds in the area. The only major surface waters in the project vicinity are the Central Canal and one of its diversions, the Fresno Colony Canal, which are owned and operated by the Fresno Irrigation District ("FID"). Portions of these canals are in close proximity to the Malaga Peaker Plant.

The Federal Emergency Management Agency ("FEMA") has mapped the project area as being located outside the 100-year flood hazard zone. Only two narrow areas along the Central Canal and west of State Route 99 are considered susceptible to a 100-year flood event. These areas are within the project vicinity but are not adjacent to the proposed project site.

The proposed Malaga BESS Project would be subject to the National Pollutant Discharge Elimination System (NPDES) Permit process and would be required to obtain coverage for storm water discharges. Storm water runoff will be controlled during construction and operations by adhering to the requirements of the General Construction Permit and General Industrial Permit

that will be obtained from the CVRWQCB. The Construction storm water pollution prevention plan (SWPPP) identifies specific measures and Best Management Practices ("BMPs") that will be implemented to control storm water runoff.

The proposed Malaga BESS Project will not result in any significant increase in storm water runoff. The existing site is a flat within an already developed industrial use area. The Malaga Peaker Plant power block area has a high point along the center of the site. This directs surface stormwater flows from the northern portion of the site to drain in a northerly direction to the existing retention basin. Surface stormwater flows from the southerly potion of the site where the proposed BESS equipment is located currently drains in a southeasterly direction across the railroad. The goal of the Site Grading and Drainage Plan is to control stormwater flows away for BESS equipment without damage to existing facilities in compliance with Fresno County General Plan requirements.

The existing detention basin has capacity for a 100-year, 10-day storm event. No improvements to the existing basin are necessary to provide flood control mitigation for the BESS site areas. Import of approximately 3,500 cubic yards of clean soil will be used to provide fill for elevating the BESS site areas. The BESS project site areas will use catch basins connected to an underground storm drain system to carry stormwater flows in a northerly direction to the existing detention basin. The foundations for BESS equipment will be elevated above the access roads, keeping them free from inundation during storm events. For the preliminary design, all equipment foundations are set to an elevation of 296.5 feet. This elevation places equipment foundations at an elevation of 297.5 feet. Overland releases to the detention basin will occur at an elevation of approximately 296 feet. By setting the equipment at an elevation of 297.5, the BESS site areas will be protected from inundation during a large storm event. If a storm event greater than the design event were to occur, the site would drain in a southerly direction, consistent with the existing flow direction. This would prevent BESS equipment from inundation.

Proposed project equipment areas that possess a potential for storm water contamination, will be designed with secondary containment basins to prevent contaminates from entering the storm water system. Site preparation and development in the BESS facility areas is expected to be performed in general accordance with the engineered grading and drainage plan presented in Attachment A. The final grading and drainage plan will be prepared during final design and with consideration of County comments. As currently planned, the BESS project will require minor modifications and disturbance in the southeastern portion of the existing stormwater retention basin located between the Northern Construction Laydown area and the peaker plant switchyard. The modifications will involve installation of an engineered stormwater discharge outlet into the existing detention basin for stormwater flows captured in 7 new catch basins to be installed on the eastern portion of the BESS site area (see Attachment A). Stormwater flows in the southern portion of the overall BESS site area will be captured in 10 new catch basins to be installed and connected to the existing catch basin that discharges to the southwest corner of the existing detention basin (see Attachment A). The stormwater drainage plan for the BESS areas will be integrated into the existing site stormwater drainage system and the stormwater management plan will be incorporated into the construction SWPPP. The Malaga BESS Project will also comply with Fresno Metropolitan Flood Control District requirements, as applicable.

8.1.7 Other Infrastructure

The proposed BESS facilities would have access to onsite electrical supply during the construction and operational phases of the project. Electrical service is provided in the project area by PG&E. In addition, the BESS facilities would store and dispatch energy obtained from the regional electrical grid.

Water service to the project site is provided by the Malaga County Water District ("MCWD") which gets its water supply from groundwater. All customers, whether residential, commercial, or industrial within the MCWD service territory and/or served by MCWD get their supply from the MCWD system. Water usage during the first two to three months of construction for the Malaga BESS Project is estimated to average about 2,000 to 3,000 gallons per day for fugitive dust control, earthwork, and other miscellaneous needs. The BESS facilities would not use water during normal operations. Existing fire hydrants at the peaker facility would be available for use in the unlikely event of a fire.

8.1.8 Applicant Proposed Best Management Practices

The proposed BESS project facilities will be designed, constructed, operated, and maintained in accordance with existing federal, state, and local regulations for health and safety, including the 2019 California Fire Code. The applicant will select batteries or BESS from experienced providers that comply with the application-specific codes, standards, and regulations for the siting, construction, and operation of lithium-ion (or similar) stationary BESS. The configuration of the safety system will be determined based on site-specific environmental factors and associated fire response strategy. The BESS facilities will contain a safety system that would be triggered automatically when the system senses imminent fire danger. The fire safety and suppression system inside each battery enclosure will shut down the unit if any hazard indicators are detected. If the safety system detects a potential issue as detected by the smoke and temperature sensors, the batteries will be automatically deenergized by opening the electrical contacts, the HVAC units and fans will automatically shut off, and an aerosol extinguishing agent will be released inside the enclosure. Depending on fire water availability, a sprinkler system within the container will be activated. The enclosure wall is designed to contain the fire. Fire responders are trained to monitor fire from a safe distance using infrared cameras until temperature of the affected enclosure cools to a safe temperature.

The Emergency Response Plan will be developed and used to train local emergency response personnel during development and operations of the BESS facilities. The plan will be completed in accordance with existing state regulations (Health and Safety Code [HSC] § 25504(b); 19 California Code of Regulations [CCR] §2731; 22 CCR §66262.34(a)(4)). The contents of the Emergency Response Plan would comply with existing state regulations and include the following components and involve training for the local fire responders:

- Developed in consultation with Fire Department and BESS Supplier(s)
- Defined roles and responsibilities
- Potential emergency scenarios, including fire

- On-site training of fire personnel and on-site Project staff
- Training for local first responders

The Malaga BESS Project will comply with Fresno County Fire Protection District requirements, as applicable.

In addition to compliance with applicable health and safety code requirements, the proposed BESS project will be designed, constructed, and operated to comply with applicable environmental regulations including those related to air quality emissions, noise, water quality, biological resources, cultural resources, and transportation, as identified.

8.2 Construction

Site grading would occur on the BESS site areas to achieve the required surface conditions. The BESS site areas, including the proposed battery storage enclosure areas, switchyard, electrical interconnection route, and laydown area are all previously graded and flat. In order to prepare the site to drain properly and protect the BESS facilities, approximately 3,500 cubic yards of clean fill material will be imported via trucks and placed in the BESS area to elevate the pad areas above the flood inundation level. Any excess cut material associated with site preparation will be used and balanced onsite. No export of materials would be necessary. Spill containment areas with appropriate liners may be installed in the Northern Construction Laydown area if onsite construction equipment fueling is planned.

It is currently anticipated that the BESS facilities would be placed on concrete mat foundations. Site preparation is anticipated to include soil stripping and scarifying to an average depth of 2 feet, soil moisture conditioning and recompaction in multiple layers. Up to 3,500 yards of imported soil material will be placed and compacted in multiple layers to support the BESS facility and switchyard foundations. Additional site-specific geotechnical investigations will be performed to confirm or modify the foundation requirements for the BESS project components. In addition, approximately stormwater catch basins and subsurface stormwater conveyance pipelines will be installed. The maximum cut and fill/earthwork quantity is estimated to be 18,340 cubic yards as follows:

- Site preparation/soil stripping, scarifying, replacement, and compaction for BESS area, including BESS Switchyard (4.5 acres), approximately 13,900 cubic yards
- Addition of imported soil to BESS equipment pad areas, approximately 3,500 cubic yards
- Stormwater catch basins and conveyance pipeline trenches, approximately 750 cubic yards
- 115 kV Line from BESS Switchyard to Peaker Switchyard (underground option), approximately 190 cubic yards
- Total cubic yards of cut and fill/earthwork, approximately 18,340 cubic yards

Construction vehicles would access the BESS project sites from the Malaga Peaker Plant entrance at 2611 E North Avenue at the northwest corner of the overall site boundary and then via the existing internal access roads with the Malaga Peaker Plant property (see Figure 2). It is expected that construction worker parking and temporary equipment and materials laydown will occur in

the onsite Northern Laydown Area (see Figure 2). E North Avenue can be readily accessed from Highways 99 and 41 to the west as well as from the east (e.g., via Chestnut Avenue).

Waste disposal would occur in a permitted off-site facility. Domestic water for use by construction employees would be provided by the construction contractor through deliveries to the site. The applicant anticipates that construction would occur during a period of approximately 9 months followed by an approximately 3-month long testing and commissioning period prior to commercial operation.

The onsite construction workforce would consist of laborers, craftspeople, supervisory personnel, and support personnel. The onsite assembly and construction workforce is expected to reach a peak of approximately 70-80 workers; the average number of workers onsite is anticipated to be approximately 50-55. It is anticipated that the majority of construction workers would commute to the site from nearby communities in the general Fresno area. Construction would occur primarily during daylight hours. Workers would reach the site using existing roads. Project construction would consist of two major stages. The first stage would include site preparation, grading, and preparing staging areas and on-site access routes, and the second stage would involve assembling and installing the battery enclosures, switchyard, and onsite electrical interconnection facilities.

During construction, a variety of equipment and vehicles would operate on the BESS project sites. Construction equipment to be utilized would be expected to include graders and excavators, backhoes, water trucks, sheep's foot compactors, front end loaders, concrete trucks, dump trucks, trash trucks, and flatbed trailers. Cranes, man-lifts, portable welding units, portable air compressors, line trucks, and mechanic trucks will also be required. All equipment and vehicles would comply with the noise requirements of the Fresno County Noise Control Ordinance (Fresno County Code 8.40). In addition, the project will utilize construction equipment with Tier 4, CARB certified off-road diesel engines. Construction hours would be limited to 6 a.m. to 9 p.m., Monday through Friday, and 7 a.m. to 5 p.m., Saturday and Sunday (consistent with the Fresno County Noise Ordinance).

Construction deliveries of material and equipment are estimated to peak at approximately 15 truck trips per day for 10 to 12 weeks and average about 5 truck trips per day for an additional 3 to 6 months. Deliveries during the startup and testing phase would be minimal.

Water for dust control and other construction needs is estimated at 2,000 - 3,000 gallons per day for the first 2 to 3 months and would be provided via the existing Malaga Peaker Plant supply from the Malaga County Water District or be trucked to the site.

8.3 Operations and Maintenance

Once constructed, the BESS project would operate seven days per week and 365 days per year. The BESS facilities would be designed to be operated remotely and limited customers or visitors are expected. Periodic inspections and maintenance activities would occur. No permanent onsite staff are anticipated. Security would be maintained through installation of chain-link fencing in

addition to the existing security fencing that surrounds the overall Malaga Peaking Plant property. The BESS project facilities would also be protected by the existing security measures at the Malaga Peaker Plant.

Operation and maintenance of the Project would generate minimal noise, primarily from fans used to cool electrical equipment and transformers. The BESS project facilities will be designed to comply with applicable County noise standards. Only occasional, on-site maintenance is expected to be required following commissioning. Operations and maintenance activities would require several workers performing visual inspections, monitoring BESS performance, executing minor repairs, and responding to needs for BESS adjustment.

It is anticipated that battery module augmentation via installation of additional battery enclosures will be required to make up for decreased battery performance over time. The frequency and extent of such augmentations over the life for the BESS project is currently estimated to occur every 4 to 5 years. The expected infrequent maintenance activities would generate little traffic during operations. The areas surrounding the inverters and switchgear would be graveled and would have adequate space for parking several vehicles. Operations and maintenance vehicles would include light duty trucks (e.g., pickup, flatbed) and other light equipment and hand tools for maintenance. Heavy equipment would not be utilized during normal operation. Large or heavy equipment may be brought to the facility infrequently for equipment repair or battery replacement.

Sanitary disposal needs for operations would be provided through the existing Malaga Peaker Plant's facilities which are connected to the Malaga County Water Agency sanitary system. Other wastes from equipment replacement or other work would be removed from the site at the end of the day, or as needed. As applicable, spent batteries removed during infrequent battery module augmentation events would be handled and transported as Universal Waste prior to offsite recycling. As applicable over time, combustible vegetation on and around the BESS project boundaries would be actively managed by the applicable BESS project owner or its affiliates to minimize fire risk. Additionally, the BESS project would comply with all applicable County fire standards.

8.4 Decommissioning

The proposed Malaga BESS Project is currently anticipated to be capable of operating for 40 years or more with required maintenance and periodic augmentation. If operations at any one of the BESS project components is terminated, the facility would be decommissioned. Many of the parts of the proposed BESS systems are recyclable including a substantial percentage of the battery and other electrical components. Metal, scrap equipment, and parts that do not have free-flowing oil can be sent for salvage. Equipment containing any free-flowing oil such as oil filled transformers, as applicable, would be managed as waste and would require evaluation. Oil and lubricants removed from equipment would be managed as used oil. Decommissioning would comply with federal, state, county and other local standards and all regulations that exist when the project is decommissioned in the future.

9.0 Permits

The proposed Malaga BESS Project is anticipated to require the following permits, approvals, and/or consultations prior to construction:

- Fresno County: Unclassified Conditional Use Permit, including CEQA compliance and Planning Commission approval
- Central Valley Regional Water Quality Control Board: General Permit for Discharges of Stormwater Associated with Construction Activity, Construction General Permit Order 2009-0009-DWQ
- San Joaquin Valley Air Pollution Control District: comply with regulations and consult during CEQA process
- California Department of Fish and Wildlife: comply with regulations and consult during the CEQA process
- Fresno County Fire Protection District: comply with regulations and consult during the UCUP and CEQA processes
- Fresno Metropolitan Flood Control District: comply with regulations and consult during the UCUP and CEQA processes

In addition, the proposed Malaga BESS Project will require ministerial building permits, grading permits, and oversize load permits prior to or during construction of the project.

10.0 References

California Energy Commission (CEC). 2004a. Initial Study, Kings River Conservation District Peaking Plant, Staff Report. March.

_____. 2004b. Kings River Conservation District Peaking Plant, 03-SPPE-2, Fresno County. Proposed Small Power Plant Exemption and Notice of Intent to Adopt a Mitigated Negative Declaration. April.

Kings River Conservation District Peaking Plant. 2003. Application for Small Power Plant Exemption. November.

Ramboll US Corporation. 2019. Phase I Environmental Site Assessment, Malaga Power, LLC, 2611 East North Avenue, Fresno, California. July.

Figures

The following figures are attached:

- Figure 1. Site Location Map
- Figure 2. Site Plan
- Figure 3. Example Battery Energy Storage System Enclosure Cutaway
- Figure 4. Typical Switchyard for 115 kV Connection
- Figure 5. Typical Single Circuit Tubular 115 kV Pole
- Figure 6. Battery Enclosure Foundation Floor Plan & Elevation

Attachment A

Preliminary Grading and Drainage Plan

The attached preliminary grading and drainage plan has been developed to support environmental permitting for the Malaga BESS Project and will be refined during final design prior to construction.

Malaga BESS LLC proposes to construct a Battery Energy Storage System (BESS) project at the existing Malaga Peaking Plant (MPP) on Assessor Parcel No. 330-050-27SU at 2611 E North Avenue in unincorporated Fresno County. The peaker plant is currently owned and operated by Malaga Power, LLC a wholly-owned subsidiary of MRP CalPeak Holdings, LLC. Malaga BESS LLC is the BESS project owner and applicant for the BESS project. Malaga Power, LLC is not proposing to subdivide the parcel and will maintain ownership of the land. The BESS facility and the peaker facility would not provide output to the electrical grid simultaneously.

The proposed Malaga BESS LLC Project components are as follows:

- Battery energy storage system facility, including battery enclosures, inverters, BESS switchyard, and electrical interconnection line on approximately 4.5 acres of land to be leased from the peaker plant
- Temporary construction laydown area on approximately 4.2 acres in the northern portion of the MPP site

The proposed BESS facility includes concrete pad foundations, modular battery storage enclosures, switchyards, and above ground and below ground onsite electrical interconnections and fiber optic communication line interface connections. With scheduled maintenance and battery augmentation, the BESS facility is expected to be capable of operating for 40 years or more.

The BESS facilities will be located on previously disturbed, vacant and relatively flat unvegetated areas within the eastern and southern portions of the existing 19-acre MPP property. The temporary construction laydown area on the northern portion of the 19-acre property has also been previously disturbed and the vegetation is maintained on an ongoing basis for fire prevention. The parcel where the existing peaker plant and the proposed BESS facilities are located, is within Fresno County's M-3 Zone District.

The Malaga BESS Project offers the California Independent System Operator (CAISO) dispatchable battery energy storage resources to the electrical grid to help meet electrical demand in California. The proposed BESS facility would be expected to help California meet its electrical demand requirements while potentially reducing reliance on fossil fuels for electrical generation. The batteries will be charged via the electrical grid and not from the existing gas-fired peaker plant. The Malaga BESS Project facility will interconnect to the electrical grid via the existing 115 kilovolt (kV) transmission line that connects the MPP 115 kV switchyard to the existing Pacific Gas & Electric Company (PG&E) 115 kV Malaga Substation approximately 1 mile to the northeast.

The MPP was licensed under the California Energy Commission (CEC) Small Power Plant Exemption (SPPE) process. The peaker plant was permitted in 2004 as the Kings River Conservation District Peaker Plant (KRCDPP).

Similar to the existing peaker plant, the BESS facility would normally be on standby until called upon to operate, 24 hours per day, 7 days per week. The BESS modular battery racks will be located in enclosures. The battery enclosures and electrical switchyard will be located outdoors and typically installed on piles or concrete pad foundations. The foundation type to be utilized will be determined during detailed engineering. Periodic maintenance and repair activities will occur on an as needed basis.

The BESS facility will be designed to be operated remotely. No onsite personnel are required to support daily operations. No service or delivery vehicles will be needed for normal operations. Periodic inspections and maintenance activities will occur and involve service and delivery vehicles during those limited events.

Access to the site at 2611 E North Avenue in unincorporated Fresno County is via E North Avenue which is paved and runs along the northern MPP property boundary. The proposed BESS facility and associated switchyard as well as the temporary construction laydown area~~s~~ are all located adjacent to existing internal access roads within the overall 19-acre peaker plant property. The entrance road off E North Avenue and the internal perimeter access roads around the peaker plant facilities are all paved.

The BESS facility will be designed to be operated remotely. There is ample open space for parking adjacent to the proposed BESS facilities and no designated parking spaces are planned or needed. Temporary construction workforce parking will occur in the temporary construction laydown area on the northern portion of the 19-acre parcel.

Battery technologies being considered are lithium iron phosphate (LFP) and lithium nickel manganese cobalt oxide (NMC) or other technologies that may be available as the BESS project enters the final design phase.

Once installed the BESS facility will store energy in batteries contained within modular enclosures. The BESS facility will dispatch stored electrical energy when needed to meet electrical demand and the batteries would be recharged from the electrical grid following discharge. No fuel, disposable supplies or process materials would be used or stored for normal BESS operation.

Once constructed, the BESS facilities will not result in glare, dust, or odors. The BESS facility will be designed to meet applicable County noise and visual standards. The BESS facility will not produce solid or liquid waste that cannot be repurposed or recycled. The BESS facility would not

use water during normal operations. Existing fire hydrants at MPP's facility will be available for use in the unlikely event of a fire. No outdoor lighting is required for the BESS facilities. Existing peaker plant lighting will provide adequate lighting for the BESS facilities. As needed to support a maintenance function, temporary local lighting may be required.

Given the industrial zoning and developed nature of the MPP and adjacent properties, the proposed BESS facilities do not include any landscaping. The perimeter of the existing peaker plant property already includes security fencing. The BESS facility and the associated BESS switchyard will be enclosed by chain link fencing.

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1. Nature of the Operation

Malaga BESS LLC proposes to construct a Battery Energy Storage System ("BESS") project (the "Malaga BESS Project" or "Project") at the existing Malaga Peaking Plant ("MPP") on Assessor Parcel No. 330-050-27SU at 2611 E North Avenue in unincorporated Fresno County (see Figure 1, Site Location Map and Exhibit 1, Plan View). The proposed Malaga BESS LLC Project components are as follows:

- Malaga BESS LLC, 140 megawatt ("MW") BESS (approximately 4.5 acres)
  - A nominal 140 MW facility, including battery enclosures, inverters, 34.5 kV/115 kV BESS switchyard, and 115 kV connection line to the existing peaker plant switchyard
- Temporary North Construction Laydown Area (approximately 4.2 acres)

The proposed BESS facility includes concrete pad foundations, modular battery storage enclosures, switchyards, and above ground and below ground onsite electrical interconnections and fiber optic communication line interface connections. The proposed 115 kV connection line from the 34.5 kV/115 kV switchyard to the existing peaker plant switchyard is approximately 250-feet long. The proposed 115 kV connection line would be installed in trenches or above ground pending final design. Malaga BESS LLC currently plans to begin construction of the BESS facilities in the second quarter of 2023. Construction would include grading of the entire 140 MW BESS facilities footprint as one operation at the initiation of construction activities. The BESS facility is planned to begin commercial operation in the first or second quarter of 2024. With scheduled maintenance and battery augmentation, the BESS facility is expected to be capable of operating for 40 years or more. Battery augmentation will include the addition and/or replacement of battery modules with less than contracted state of health to achieve the expected project life.

The BESS facilities will be located on previously disturbed, vacant and relatively flat unvegetated areas within the eastern and southern portions of the existing 19-acre MPP property. The temporary construction laydown area on the northern portion of the 19-acre property has also been previously disturbed and the vegetation is maintained on an ongoing basis for fire prevention. Construction and operation of the proposed BESS facilities would be expected to have minimal impacts on the environment.

The Malaga BESS Project offers the California Independent System Operator ("CAISO") dispatchable battery energy storage resources to the electrical grid to help meet electrical demand in California. The batteries will be charged via the electrical grid and not from the existing gas-fired peaker plant. The nominal Malaga 140 MW BESS Project facility will interconnect to the electrical grid via the existing 115 kV transmission line that connects the MPP 115 kV switchyard to the existing Pacific Gas & Electric Company ("PG&E") 115 kV Malaga Substation approximately 1 mile to the northeast. The Malaga BESS Project is not expected to require any upgrades to the existing 115 kV transmission line between the MPP switchyard and the PG&E Malaga Substation.

The MPP was licensed under the California Energy Commission's ("CEC") Small Power Plant Exemption ("SPPE") process. The peaker plant was permitted at 97 MW in 2004 as the Kings River Conservation District Peaker Plant ("KRCDPP"). The CEC performed a California Environmental Quality Act ("CEQA") Initial Study ("IS"), Mitigated Negative Declaration ("MND"), and an SPPE (Docket No. 03-SPPE-2). No local Fresno County land use related entitlements (i.e., Site Plan, Conditional Use Permit, et al.) were issued for the peaker plant project. The peaker plant is currently owned and operated by Malaga Power, LLC a wholly-owned subsidiary of MRP CalPeak Holdings, LLC. Based on consultation with CEC representatives in late-2020, the CEC determined that they have no permitting or approval jurisdiction for the Malaga BESS Project facilities.

The parcel where the existing peaker plant and the proposed BESS facilities are located, is within Fresno County's M-3 Zone District. A battery storage facility is not an explicitly permitted use. Therefore, this use falls under Zoning Ordinance Sec. 853.B-14, which requires a new Conditional Use Permit ("CUP") application. The applicant understands that the County has jurisdiction over the discretionary permitting for the Malaga BESS Project and that the County's Unclassified Conditional Use Permit ("UCUP") permitting process will apply to the project. Malaga Power, LLC owns the peaker facility and the 19-acre parcel where the Malaga BESS Project is located. Malaga BESS LLC is the BESS project owner and applicant for the BESS project and is requesting that the County process an UCUP for the purposes of the entitlement process. Malaga Power, LLC is not proposing to subdivide the parcel and will maintain ownership of the land.

Applicant representatives have previously coordinated with County representatives to discuss and assess BESS projects at the peaker parcel, including the appropriate permitting path and environmental issues to be addressed. Based on the previous coordination with the County, the Applicant currently anticipates that the County can base the UCUP/project approvals on a CEQA MND subject to the results of the forthcoming CEQA IS. Applicant representatives are available to assist in the permitting process, as appropriate, in order to help expedite the permitting timeframe.

2. Operational Time Limits

Similar to the existing peaker plant, the BESS facility would normally be on standby until called upon to operate, 24 hours per day, 7 days per week. The BESS modular battery racks will be located in enclosures. The battery enclosures and electrical switchyard will be located outdoors and typically installed on piles or concrete pad foundations. The foundation type to be utilized will be determined during detailed engineering. Periodic maintenance and repair activities will occur on an as needed basis.

3. Number of Customers or Visitors

The BESS facility will be designed to be operated remotely. No onsite personnel are required to support daily operations. Periodic inspections and maintenance activities would occur.

4. Number of Employees

No employees in addition to the existing peaker plant operations workforce will be required for the operation of the BESS facility.

5. Service and Delivery Vehicles

The BESS facility will be designed to be operated remotely. No service or delivery vehicles will be needed for normal operations. Periodic inspections and maintenance activities will occur and involve service and delivery vehicles during those limited events.

6. Access to the Site

Access to the site at 2611 E North Avenue in unincorporated Fresno County is via E North Avenue which is paved and runs along the northern MPP property boundary (see Exhibit 1). The proposed BESS facility and associated switchyard as well as the temporary construction laydown area~~s~~ are all located adjacent to existing internal access roads within the overall 19-acre peaker plant property (see Exhibit 1). The entrance road off E North Avenue and the internal perimeter access roads around the peaker plant facilities are all paved.

7. Number of Parking Spaces for Employees, Customers, and Service Delivery Vehicles

The BESS facility will be designed to be operated remotely. Periodic inspections and maintenance activities would occur and there may be occasional visitors. There is ample open space for parking adjacent to the proposed BESS facilities and no designated parking spaces are planned or needed. Temporary construction workforce parking will occur in the temporary construction laydown area on the northern portion of the 19-acre parcel.

8. Are any Goods to be Sold Onsite?

The proposed BESS facilities will store and discharge electrical energy to the electrical grid as per the dispatch commands from CAISO. No goods will be sold onsite.

9. What Equipment is Used?

The BESS facilities will consist primarily of the following:

- Battery technologies being considered are lithium iron phosphate ("LFP") and lithium nickel manganese cobalt oxide ("NMC") or other technologies that may be available as the BESS project enters the final design phase.
- Batteries will be installed in enclosures that are electrically connected together to reach the desired output of battery energy storage system. The capacity of the individual enclosures would be between 1.5 and 3.72 MW each or larger as technology advances. The medium voltage transformers and/or inverters would be located adjacent to the enclosures they

serve. Approximate dimensions for the battery enclosures vary but are typically in the range of 8-feet wide by 20 to 40-feet long by 9.5-feet high.

- The BESS switchyard would include liquid-filled or dry-type transformers; for the liquid filled transformers, EPA approved transformer fluids would be used. The anticipated design for the Malaga BESS Project switchyard includes transformer(s) with a combined oil storage capacity greater than 1,320 gallons. A Spill Prevention, Control, and Countermeasure Plan(s) ("SPCC") will be provided for the Project.
- Battery output degrades over time requiring replacement and/or additional battery bank modules (augmentation). Allowance for this work and the physical enclosures required will be made during construction of the BESS, including installation of foundations or pilings and conduits for future electrical cabling.
- The 115 kV interconnection for the Malaga BESS Project will either be an underground cable or overhead connection from the 115 kV main power transformer ("MPT") in the BESS switchyard to the point of connection in the peaker switchyard.

10. What Supplies or Materials are Used and How are They Stored?

Once installed the BESS facility will store energy in batteries contained within modular enclosures. The BESS facility will dispatch stored electrical energy when needed to meet electrical demand and the batteries would be recharged from the electrical grid following discharge. No fuel, disposable supplies or process materials would be used or stored for normal BESS operation.

11. Does the Use Cause an Unsightly Appearance? (Noise, Glare, Dust, or Odor) and, if so, Explain How This Will be Reduced or Eliminated

Once constructed, the BESS facilities will not result in glare, dust, or odors. The BESS facility will be designed to meet applicable County noise and visual standards.

12. List and Solid or Liquid Wastes to be Produced

The BESS facility will not produce solid or liquid waste that cannot be repurposed or recycled.

13. Estimated Volume of Water to be Used (gallons per day) and Source

The BESS facility would not use water during normal operations. Existing fire hydrants at MPP's facility will be available for use in the unlikely event of a fire.

14. Describe any Proposed Advertising

No advertising is proposed at the BESS facility.

15. Will Existing Buildings be Used or Will New Buildings Be Constructed?

The proposed BESS facilities will include integrating the BESS control/management system with the MPP Site Controller that is located in an existing building and will not involve construction of any new buildings. A small enclosure may be required to house protection, communications and controls equipment. The primary components of the BESS facilities consist of: i) the modular battery storage enclosures and inverter enclosures supported on concrete or pile foundations, ii) the outdoor electrical 34.5 kV/115 kV switchyard, and iii~~)~~ the above ground and below ground electrical interconnections as described previously under Item 9.

16. Explain Which Buildings or What Portion of Buildings will be Used in the Operation

The proposed BESS facilities do not include physical use of any buildings during operation.

17. Will an Outdoor Lighting or and Outdoor Sound Amplification System be Used?

No outdoor lighting is required for the BESS facilities. Existing peaker plant lighting will provide adequate lighting for the BESS facilities. As needed to support a maintenance function, temporary local lighting may be required.

18. Landscaping or Fencing Proposed?

Given the industrial zoning and developed nature of the MPP and adjacent properties, the proposed BESS facilities do not include any landscaping. The perimeter of the existing peaker plant property already includes security fencing. The BESS facility and the associated BESS switchyard will be enclosed by chain link fencing.

19. Any Other Information that Would Provide a Clear Understanding of the Project or Operation

The proposed BESS facility would be expected to help California meet its electrical demand requirements while potentially reducing reliance on fossil fuels for electrical generation.

20. Identify all Owners, Officers and/or Board Members for Each Application Submitted (<u>this may be accomplished by submitting a cover letter</u> in addition to the information provided on the signed application forms)

Please see the attached Cover Letter and signed application form.

County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Malaga BESS, LLC

APPLICATION NOS.: Initial Study No. 8274 and Unclassified Conditional Use Permit Application No. 3748

DESCRIPTION: Allow the construction and operation of an energy storage facility, with an estimated storage capacity of 140 Megawatts, along with appurtenant equipment on an approximately 4.5-acre portion of an 18.84-acre parcel in the M-3 (Heavy Industrial) Zone District.

LOCATION: The project site is located on the south side of E. North Avenue approximately 760 feet west of its intersection with S. Chestnut Avenue and is approximately 1,340 feet east of the city limits of the City of Fresno (APN 330-050-27ST) (2611 E. North Avenue, Fresno, CA) (SUP. DIST. 3).

I. AESTHETICS

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

A. Have a substantial adverse effect on a scenic vista; or

B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

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

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

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

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

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

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

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

FINDING: NO IMPACT:

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

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

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

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

FINDING: NO IMPACT:

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

E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

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

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

A. Conflict with or obstruct implementation of the applicable Air Quality Plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

As referenced in the subject study, recent air quality attainment plans including the “2020 Reasonably Available Control Technology (RACT) Demonstration for the 2015 8-Hour Ozone Standard” and the “2013 Plan for the Revoked 1-Hour Ozone Standard, 2007 PM1o Maintenance Plan and Request for Re-designation, 2012 PM2.5 Plan”, and 2015 Plan for the 1997 PM2.5 Standard” were assessed and considered for potential conflicts with the project. In addition to the referenced attainment plans, the “2015

Guidance for Assessing and Mitigating Air Quality Impacts" (GAMAQI) establishes thresholds of significance for certain pollutant emissions.
In addition to the attainment plans and guidance above, the SJVAPCD in their comments also requested consideration of the South-Central Fresno Community Emissions Reduction Program (CERP).

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

B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

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

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

C. Expose sensitive receptors to substantial pollutant concentrations?

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: NO IMPACT:

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

C. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

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

*** *Mitigation Measure(s)***

1. If any project related construction or other ground disturbing activity is to occur between February 1st and mid September, the project applicant shall provide that a biological assessment for nesting bird habitat is conducted, and that that pre-construction surveys for migratory birds, are completed by a qualified biologist, no more than 10-days prior to ground or vegetation disturbance, and also that if any active nests are found on the project site, a no disturbance buffer of 250 be maintained around active nests of non-listed species, and 500 feet around active nests of non-listed raptor species..

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

F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

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

V. CULTURAL RESOURCES

Would the project:

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

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

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

*** *Mitigation Measure(s)***

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

VI. ENERGY

Would the project:

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

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

FINDING: NO IMPACT:

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

VII. GEOLOGY AND SOILS

Would the project:

A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

FINDING: NO IMPACT:

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

2. Strong seismic ground shaking?

3. Seismic-related ground failure, including liquefaction?

FINDING: NO IMPACT:

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

4. Landslides?

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

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

C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: NO IMPACT:

Per Figure 7-1 of the FCGPBR, the project site is not located in areas of Fresno County identified as having expansive soils.

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

FINDING: NO IMPACT:

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

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

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

FINDING: NO IMPACT:

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

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

As discussed under Section 111.A (AIR QUALITY), a Greenhouse Gas Emissions Analysis was conducted to estimate project emissions of CO_2e (Carbon Dioxide Emissions) for construction and operation of the project. Estimated construction emissions over a two-year schedule indicates that emissions would total 371 metric tons of CO_2e (MT CO_2e). As construction emissions are short-term impacts, the increase in GHG emissions are considered less than significant. Operational emissions were estimated at approximately 4 MT CO_2e.

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

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

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

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

FINDING: NO IMPACT:

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

D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

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

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

FINDING: NO IMPACT:

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

F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or

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

FINDING: NO IMPACT:

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

X. HYDROLOGY AND WATER QUALITY

Would the project:

A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; or

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

FINDING: NO IMPACT:

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

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

C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?

1. Result in substantial erosion or siltation on- or off-site;

2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

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

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

4. Impede or redirect flood flows?

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

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

XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community?

FINDING: NO IMPACT:

The subject site is located in an industrial area and is improved with a power plant. The project would not physically divide an established community.

B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: NO IMPACT:

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

XII. MINERAL RESOURCES

Would the project:

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

B. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

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

XIII. NOISE

Would the project result in:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or

FINDING: NO IMPACT:

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

XIV. POPULATION AND HOUSING

Would the project:

A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?; or

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

FINDING: NO IMPACT:

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

XV. PUBLIC SERVICES

Would the project:

A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

1. Fire protection;

FINDING: NO IMPACT:

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

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

2. Police protection;

3. Schools;

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

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

XVI. RECREATION

Would the project:

A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or

B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

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

XVI. TRANSPORTATION

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

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

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

* ***Mitigation Measure(s)***

1. *Prior to issuance of any occupancy permit or beginning any operations, the Applicant shall construct, along the property's frontage, appropriate concrete improvements consistent with County Development Standards, including but not limited to curb and gutter to tie-into existing FMFCD facilities and widen the road surface to match adjacent improvements. The applicant may defer these improvements if an improvement deferral agreement is approved by the County during a subsequent Site Plan Review (SPR) application.*

2. *Construction traffic shall be limited to right-in, right-out movements only for the access point on North Avenue. A Traffic Management Plan must be prepared and approved showing how this will be handled.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Operation of the project will not result in substantial traffic circulation on the project site. The majority of trips associated with the project will occur from project construction and decommissioning of the site. Review of the submitted site plan indicates that access to the subject site will occur from E. North Avenue and utilize the existing access road to access the portions of the subject parcel that will be developed. A temporary construction lay-down yard is to be located at the northern portion of the subject site. No concerns related to the design of the site were noted during review to indicate a significant impact.
The Design Division did however recommend submittal of a Traffic Management Plan to address potential impacts during construction and decommissioning phases of the project to ensure safe ingress and egress of the site onto County right-of-way and safe travel within the site. The submittal of a Traffic Management Plan will be required as mitigation to ensure that a plan is in place for the safe circulation of the site and public right-of-way

*** *Mitigation Measure(s)***

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

D. Result in inadequate emergency access?

FINDING: NO IMPACT:

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

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

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

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

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

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

*** *Mitigation Measure(s)***

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

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: NO IMPACT:

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

C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: NO IMPACT:

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

D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or

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

FINDING: NO IMPACT:

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

XX. WILDFIRE

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

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

B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or

C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or

D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

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

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No cumulatively considerable impacts were identified in the analysis.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3748, staff has concluded that the project will not have a significant effect on the environment.

It has been determined that there would be no impacts to Aesthetics, Agriculture and Forestry Resources, Cultural Resources, Energy, Geology and Soils, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.

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

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

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

JS
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