NOTICE OF EXEMPTION

E202310000160

FROM: City of Fresno
Planning and Development Department
2600 Fresno Street, 3rd Floor
Fresno, California 93721-3604

FILED
OCT 19 2023 TIME 4:05pm
By FRESNO COUNTY CLERK DEPUTY

TO: X Fresno County Clerk
2220 Tulare Street
Fresno, California 93721

___Office of Planning & Research SCH NO.: N/A
P.O. Box 3044, Room 212
Sacramento, California 95812-3044

Project Title: Conditional Use Permit Application No. P22-03146

Project Location: 2287 West Bullard Avenue; Located on the south side of West Bullard Avenue, between North Van Ness Boulevard and North Forkner Avenue. (APN: 415-033-44)

Project Location – City: City of Fresno ***Project Location - County:*** County of Fresno

Description of Nature, Purpose and Beneficiaries of Project: Conditional Use Permit Application No. P22-03146 proposes the adaptive reuse of an existing single family residence located on ±1.5 acres to be used as a new residential respiratory care facility (Congregate Living Health Facility). The project is to be completed in two (2) phases. Phase I proposes to remodel and expand the existing ±3,310 square-foot residential structure to ±4,500 square feet. The remodel will include modifications and improvements to the existing building facade and interior space to accommodate a total of nine (9) bedrooms, nurse's stations, administrative office, and restrooms. On-site parking and landscaping will also be provided as part of Phase I. Future Phase II proposes to build two (2) new buildings with a combined area of ±9,011 square feet which will also be utilized as residential respiratory care facilities. The facility will provide acute care services, skilled nursing care, and complex respiratory care to on-site residents on a 24-hour a day basis. Supportive care, therapy services, social and recreational activities, medication management, and dietary management will also be provided. A future voluntary subdivision is identified to separate the subject property into three separate parcels, each comprised of one of the proposed buildings to be utilized as a CLHF.

Name of Public Agency Approving Project: City of Fresno
Planning and Development Department

Name of Person or Agency Carrying Out Project: Jason Andrade
Infinite Living
360 West Bedford #103
Fresno Ca, 93711

Exempt Status: *(check one)*

☐ Ministerial - PRC § 21080(b)(1); CEQA Guidelines §15268
☐ Declared Emergency - PRC § 21080(b)(3); CEQA Guidelines §15269(a)
☐ Emergency Project - PRC § 21080(b)(4); CEQA Guidelines §15269(b) and (c)
X **Categorical Exemptions - CEQA Guidelines 15332/Class 32**
☐ Statutory Exemption – PRC §_____

Reasons why project is exempt: The proposed project is characterized as in-fill development and is consistent with the conditions of Section 15332/Class 32 exemption, as demonstrated in the

E2023100000160

P22-03146
CEQA Notice of Exemption
October 19, 2023

attached Categorical Exemption Determination for Conditional Use Permit No. P22-03146.

Lead Agency Contact Person: Phillip Siegrist, Supervising Planner
City of Fresno Planning and Development Department

Telephone No.: *(559) 621-8061*

If filed/signed by applicant:

Attach certified document of exemption finding ☐ *(check if attached)*
Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: Phillip Siegrist **Date:** 10/19/2023

Printed Name and Title: Phillip Siegrist, Supervising Planner
City of Fresno Planning and Development Department

☒ **Signed by Lead Agency** ☐ **Signed by applicant**

Attachments: Exhibit A: Vicinity Map
Categorical Exemption Determination for P22-03146

E202310000160

CITY OF FRESNO CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT FOR
PLANNED DEVELOPMENT & DEVELOPMENT PERMIT
APPLICATION NO. P22-03146

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE CATEGORICALLY EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS PURSUANT TO ARTICLE 19 OF THE STATE CEQA GUIDELINES.

APPLICANT: Cesar Rodriguez
CR Consulting Group Inc.
2615 Tuolumne Street
Fresno, CA 93721

PROJECT LOCATION: 2287 West Bullard Avenue; Located on the south side of West Bullard Avenue, between North Van Ness Boulevard and North Forkner Avenue (APN: 415-033-44).

PROJECT DESCRIPTION: Conditional Use Permit Application No. P22-03146 proposes the adaptive reuse of an existing single family residence located on ±1.5 acres to be used as a new residential respiratory care facility (Congregate Living Health Facility). The project is to be completed in two (2) phases. Phase I proposes to remodel and expand the existing ±3,310 square-foot residential structure to ±4,500 square feet. The remodel will include modifications and improvements to the existing building facade and interior space to accommodate a total of nine (9) bedrooms, nurse's stations, administrative office, and restrooms. On-site parking and landscaping will also be provided as part of Phase I. Future Phase II proposes to build two (2) new buildings with a combined area of ±9,011 square feet which will also be utilized as residential respiratory care facilities. The facility will provide acute care services, skilled nursing care, and complex respiratory care to on-site residents on a 24-hour a day basis. Supportive care, therapy services, social and recreational activities, medication management, and dietary management will also be provided. A future voluntary subdivision is identified to separate the subject property into three separate parcels, each comprised of one of the proposed buildings to be utilized as a CLHF.

This project is exempt under Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines.

Section 15332/Class 32 (Class 32/In-Fill Development Projects) of the CEQA Guidelines exempts from the provisions of CEQA, projects characterized as in-fill development, which meet the following conditions:

a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*

The existing RS-2/EQ (*Residential Single Family, Very Low Density/Equine Overlay)* zone district is consistent with the Low Density Residential planned land use designation approved for this site by the Fresno General Plan, Bullard Community Plan, and the Fresno County Airport Land Use

Compatibility Plan.

The proposed Congregate Living Health Facility (CLHF), as defined by Cal. Health and Safety §1250(i), is consistent with the Use Classification of a Residential Care Facility, as defined by Fresno Municipal Code (FMC) §15-6702. Per §15-6702, a Residential Care Facility is defined as "facilities that are licensed by the State of California to provide permanent living accommodations and 24-hour primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, convalescent facilities, and group homes for minors, persons with disabilities, and people in recovery from alcohol or drug addictions."

While the Residential Care Facility classification may state that services provided are "primarily non-medical care," by definition, a CLHF can provide a range of other services such as "supportive care, pharmacy, dietary, social or recreational" needs; "services for persons who are mentally alert; persons with physical disabilities, who may be ventilator dependent;" "services for persons who have a diagnosis of terminal illness;" or "services for persons who are catastrophically and severely disabled." (FMC §15-6702; Cal. Health & Safety Code §1250(i)(1), (i)(2)(A) & (B) & (C).) Additionally, pursuant to Cal. Health & Safety Code §1250(i)(5) a CLHF is explicitly required to be located in "a non-institutional, homelike environment." While not applicable to the proposed project, if the facility served "six or fewer persons," it would be considered a "residential use of the property." (Cal. Health & Safety Code §1267.16(a).)

As demonstrated by FMC §15-902, Residential Single Family (RS) zone districts permit a range a uses beyond the exclusive use of single family homes. These uses include but are not limited to: small adult day cares, small domestic violence shelters, small family day cares, small group residential, community and religious assembly facilities less than 2,000 square feet, and parks and recreation facilities, schools and limited residential care facilities, which are permitted by right. (FMC §15-902.) Large adult family day cares, large family day cares, community and religious assembly larger than 2,000 square feet, public safety facilities, and general residential care facilities, are permitted subject to conditional use permit approval. (FMC §15-902). The proposed use here is a Residential Care Facility (General), and is thus permitted subject to approval of a conditional use permit.

The proposed development was reviewed for intensity, building form, massing, and location standards. No inconsistencies were found with the proposed setbacks, landscape standards, intensity, height, or lot coverage. Building design, window design, materials, and finishes all conform to the standards of the RS-2 (*Residential Single-family, low density residential*) zone district.

Given the Conditions of Approval issued for the project dated June 2, 2023, the proposed project will meet all the provisions of the FMC and all applicable design guidelines and development standards for Residential Singly Family Districts, including, but not limited to, FMC Secs. 15-903 (Density and Massing), 15-904 (Site Design Development Standards), and 15-905 (Façade Design). Additional applicable regulations include, but are not limited to: §15-2006 (Fences, Walls, and Hedges), §15-2007 (Walls for noise attenuation), §15-2008 (Screening between differing land uses), §15-2015 (Outdoor Lighting and Illumination), §15-2409 (Required Parking), and Ch. 15. Art. 25 (Performance Standards).

Therefore, it can be concluded that the development is consistent with the objectives and policies

of the base zone district and with the purpose of the regulations. Further, per FMC Section 15-104(A)(1), the development code applies "to the extent permitted by State and Federal law, to all private property" within the City. Cal. Health and Safety Code §1267.16(c) states that a "facility of more than six beds for persons who are terminally ill and any congregate living health facility of more than six beds for persons who are catastrophically and severely disabled shall be subject to the conditional use permit requirements of the city or county in which it is located." As discussed above, the proposed project has been evaluated to be consistent with FMC Ch. 15, Art. 53 (Conditional Use Permits) of the FMC.

b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*

The proposed project is located within the city limits, occurs on a vacant project site of approximately ±1.38 acres, which is less than the five-acre maximum, and is surrounded by residential and public institutional zoned uses. Existing single-family homes are located to the north and east, and an elementary school is located to the south and west.

c) *The project has no value as habitat for endangered, rare or threatened species.*

The project site contains previously disturbed land and is currently vacant. The Fresno Program Environmental Impact Report (PEIR) did not identify this site as habitat for rare or threatened species. Surrounding developments consists of existing commercial and residential development. Therefore, it has no value as habitat for endangered, rare, or threatened species.

d) *Approval of the project would not result in any significant effects relating to traffic, noise,air quality, or water quality.*

The proposed project was routed to the San Joaquin Air Pollution Control District, the city of Fresno Public Utilities Department-Water Division, City of Fresno Department of Public Works, and Fresno Metropolitan Flood Control District, and no significant effects were identified relating to traffic, noise, air quality, or water quality.

Traffic

Senate Bill (SB) 743 requires that relevant CEQA analysis of transportation impacts be conducted using a metric known as vehicle miles traveled (VMT) instead of Level of Service (LOS). VMT measures how much actual auto travel (additional miles driven) a proposed project would create on California roads. If the project adds excessive car travel onto our roads, the project may cause a significant transportation impact.

The State CEQA Guidelines were amended to implement SB 743, by adding Section 15064.3. Among its provisions, Section 15064.3 confirms that, except with respect to transportation projects, a project's effect on automobile delay shall not constitute a significant environmental impact. Therefore, LOS measures of impacts on traffic facilities is no longer a relevant CEQA criteria for transportation impacts.

CEQA Guidelines Section 15064.3(b)(4) states that "[a] lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate used to estimate vehicle miles traveled and any revision to model outputs should be

documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section."

On June 25, 2020, the City of Fresno adopted CEQA Guidelines for Vehicle Miles Traveled Thresholds, dated June 25, 2020, pursuant to Senate Bill 743 to be effective of July 1, 2020. The thresholds described therein are referred to herein as the City of Fresno VMT Thresholds. The City of Fresno VMT Thresholds document was prepared and adopted consistent with the requirements of CEQA Guidelines Sections 15064.3 and 15064.7. The December 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) published by the Governor's Office of Planning and Research (OPR), was utilized as a reference and guidance document in the preparation of the Fresno VMT Thresholds.

The City of Fresno VMT Thresholds adopted a screening standard and criteria that can be used to screen out qualified projects that meet the adopted criteria from needing to prepare a detailed VMT analysis.

The City of Fresno VMT Thresholds Section 3.0 regarding Project Screening discusses a variety of projects that may be screened out of a VMT analysis including specific development and transportation projects. For development projects, conditions may exist that would presume that a development project has a less than significant impact. These may be size, location, proximity to transit, or trip-making potential. For transportation projects, the primary attribute to consider with transportation projects is the potential to increase vehicle travel, sometimes referred to as "induced travel."

The projected Trip Generation Analysis for a congregate care facility based on operational data for the proposed project consists of 7 total daily passenger car trips, 0 AM peak hour trips and 1 PM peak hour trip. The ITE Trip Generation Manual calculates congregate care facility trips based on the number of dwelling units, which was based on each of the three buildings counted as an individual dwelling unit. The proposed project includes 18 beds per building, which are divided between shared rooms and not individual units. A more conservative estimate was provided by calculating trips for an assisted living facility which is calculated based on the number of beds the facility provides, which is 18 beds per building, 54 beds in total. This calculation estimated 140 total daily passenger car trips, 10 AM peak hour trips and 13 PM peak hour trips. Therefore, a Traffic Impact Study was not required by the City as no peak hour trips exceeded 200, and the project does not include a General Plan Amendment or Rezone.

The proposed project is eligible to screen out because the project meets the criteria described in the adopted guidelines of generating less than 500 Average Daily Trips (ADT). A trip generation report provided by JBL Traffic Engineering, Inc on March 6, 2023 states the project will include only 140 ADT. Therefore, as per the City's VMT Guidelines, the project will not have a significant VMT impact.

For informational purposes, per ITE Trip generation estimates, a congregate care facility would need to exceed 247 dwelling units, or an assisted living facility include more than 187 beds, to exceed 500 Average Daily Trips per VMT.

In conclusion, the Project will result in a less than significant VMT impact and is consistent with CEQA Guidelines Section 15064.3(b).

Noise

The project is a residential care facility. The project will occur on a vacant ±1.28 acre project site.

Existing single-family homes are located to the north and east of the project site. The property west of the project is vacant. Malloch Elementary School is located to the south on the opposite side of West Morris Avenue. The Fresno General Plan, Fresno Program Environmental Impact Report (PEIR) and Municipal Code were reviewed to determine if proposed projects could produce a significant increase in ambient noise levels. Section 15-2506 (Noise) of the FMC establishes a 65 dB Ldn criterion within outdoor activity areas of residential or medical care facility uses. Existing noise levels in the project vicinity are dominated by traffic noise along adjacent major street roadways. West Bullard Avenue is designated as a four-lane arterial. The Future (year 2035) Vehicle Noise Contours for West Bullard Avenue are represented in Figure NS-3 of the Fresno General Plan, and identify the expected noise levels in CNEL (Community Noise Equivalent Level - a weighted average of noise level over time.) at specific distances away from specific roadways. Per Appendix I of the PEIR, a 4 Lane arterial is assumed to generate traffic noise at 70 CNEL at 64.2 feet, 65 CNEL at 130.6 feet, 60 CNEL at 277.5 feet, and 55 CNEL at 596 feet from the centerline of the road. The edge of the proposed building is 85 feet from the centerline of the road. Generally, the outdoor areas of the project that fall within the 65-70 db CNEL area is limited to parking areas, which is reasonable to expect noise from transportation noise sources. The proposed project will not increase the volume or types of vehicle trips projected for Herndon beyond that which was analyzed in the General Plan and MEIR for future vehicle noise based upon General Plan buildout.

Therefore, given that the proposed project will not introduce traffic or vehicle trips not previously anticipated, staff has determined that the proposed project will not result in any significant mobile or transportation-related noise impacts. The proposed project will not involve activities which would be anticipated to result in major noise-generating stationary uses which would impinge on existing noise-sensitive uses within the project area in excess of ambient plus 5 dB.

Finally, there are no known state or federal standards that specifically address construction noise or vibration. As set forth by FMC Sec. 10-109 – Exceptions, the provisions of Article 1 (Noise Regulations) of the FMC "shall not apply to: (a) construction, repair, or remodeling work accomplished pursuant to a building, electrical, plumbing, mechanical, or other construction permit issued by the city or other governmental agency, or to site preparation and grading, provided such work takes place between the hours of 7:00 a.m. and 10:00 p.m. on any day except Sunday." Thus, although development activities associated with buildout of the subject area could potentially result in a temporary or periodic increase in ambient noise levels in the project vicinity, construction activity would be exempt from the City of Fresno noise regulations, as long as such activity is conducted pursuant to an applicable construction permit and occurs between 7:00 a.m. and 10:00 p.m., excluding Sunday. Therefore, the short-term construction impacts associated with the exposure of persons to the generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies would not result in any significant effects.

Air Quality

The project is conditioned to comply with any applicable regulations and conditions from the San Joaquin Valley Air Pollution Control District and the project is subject to review by the agency in regards to air quality during construction and operation. The SJVAPCD provided formal comments stating the project is not expected to exceed any significance thresholds identified in the Districts Guidance for Assessing and Mitigating Air Quality Impacts guidelines. The project is required to comply with any applicable Air District regulation or policy in regard to construction and operation of the project. The project will be required to submit an Authority To Construct application with the air district, and may be required to submit a construction notification from and/or dust control plan prior to commencing any earthmoving activities. Therefore, analysis of this project shows it will not

E20231000016O

have a significant effect on air quality.

Water Quality

Fresno Metropolitan Flood Control District (FMFCD) provided comments on December 12, 2022, which stated that drainage should be directed to Bullard or Morris Avenues, construction of storm drainage or flood control master plan facilities are not required, permanent drainage service is available, and the project is not located in a flood prone area. On-site grading will be reviewed by the City of Fresno Building Division and FMCD for compliance with storm water conveyance and pollution prevention.

The applicant will be required to comply with all requirements of the City of Fresno Department of Public Utilities that will reduce the projects water impacts to less than significant. When Development Permits are issued the subject site will be required to pay drainage fees pursuant to the Drainage Fee Ordinance. established by FMC Chapter 12, Article 19.

Therefore, compliance with conditions of approval dated June 2, 2023 will ensure that the proposed project will not result in any significant effects related to traffic, noise, air, quality, and water quality.

e) *The site can be adequately served by all required utilities and public services.*

The project has been reviewed and conditioned by the Fresno Irrigation District, Fresno Metropolitan Flood Control District, City of Fresno Public Works, City of Fresno Public Utilities, and the City of Fresno FireDepartments, which were included in the Conditions of Approval for the project dated June 2, 2023. In addition, given the surrounding properties and neighborhoods have been substantially developed and utilities and public services already exist in the area, the site can be adequately served by all required utilities, including sewer, water, and solid waste, as well as public services.

None of the Exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to the project. Furthermore, the proposed project is not expected to have a significant effect on the environment. The proposed project is not located on a hazardous waste site, a historical resource, or adjacent to a scenic highway. A categorical exemption, as noted above, has been prepared for the project and the area is not environmentally sensitive.

Date: July 19, 2023

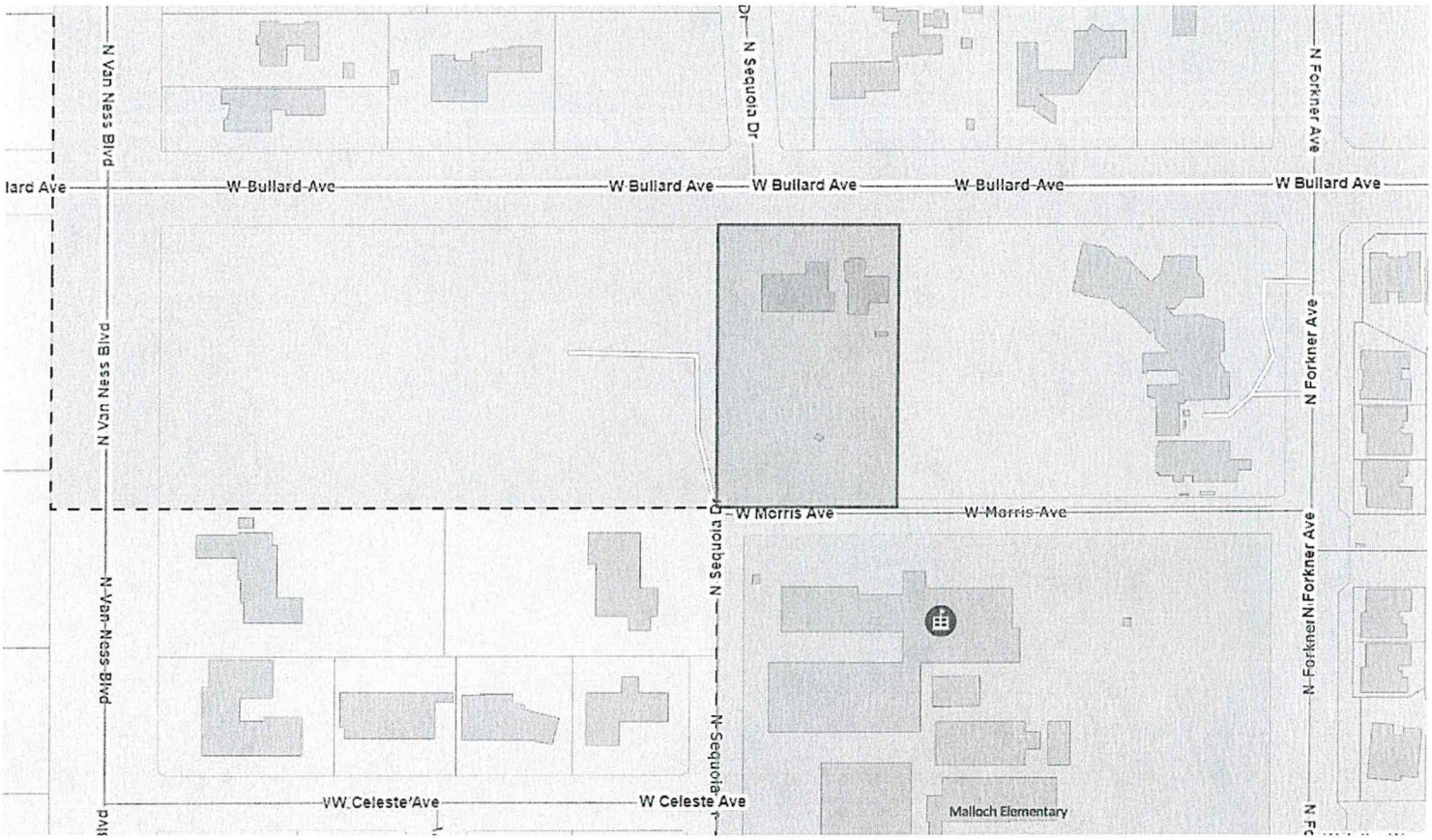
Prepared By: Thomas Veatch Planner

Submitted by: Thomas Veatch

Thomas Veatch
Planner
City of Fresno
Planning & Development Department
(559) 621-8076

E202310000160

Vicinity Map



LEGEND

Subject Property

Project Area to be developed
(±1.38 acres)

N
NW
NE
W
E
SW
SE
S
Not To Scale

PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONAL USE PERMIT APPLICATION NO. P22-03146 & RELATED ENVIRONMENTAL ASSESSMENT

PROPERTY ADDRESS

2287 West Bullard Avenue

Zone District: RS-2/EQ(*Residential Single Family, Very Low Density/Equine Overlay)*

By: T. Veatch
October 19, 2023

State of California - Department of Fish and Wildlife

2023 ENVIRONMENTAL DOCUMENT FILING FEE CASH RECEIPT

DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

RECEIPT NUMBER:
E202310000160
STATE CLEARINGHOUSE NUMBER *(if applicable)*

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY	LEAD AGENCY EMAIL	DATE
CITY OF FRESNO		**10/19/2023**
COUNTY/STATE AGENCY OF FILING		DOCUMENT NUMBER
FRESNO COUNTY		**E202310000160**

PROJECT TITLE

CONDITIONAL USE PERMIT APPLICATION NO. P22-03146

PROJECT APPLICANT NAME	PROJECT APPLICANT EMAIL		PHONE NUMBER
CITY OF FRESNO			**(559) 621-8061**
PROJECT APPLICANT ADDRESS	CITY	STATE	ZIP CODE
2600 FRESNO STREET, 3RD FLOOR	**FRESNO**	**CA**	**93721**

PROJECT APPLICANT *(Check appropriate box)*

[X] Local Public Agency [ ] School District [ ] Other Special District [ ] State Agency [ ] Private Entity

CHECK APPLICABLE FEES:

[ ] Environmental Impact Report (EIR)	$3,839.25	$	0.00
[ ] Mitigated/Negative Declaration (MND)(ND)	$2,764.00	$	0.00
[ ] Certified Regulatory Program (CRP) document - payment due directly to CDFW	$1,305.25	$	0.00

[ ] Exempt from fee

- [ ] Notice of Exemption (attach)
- [ ] CDFW No Effect Determination (attach)

[ ] Fee previously paid (attach previously issued cash receipt copy)

[ ] Water Right Application or Petition Fee (State Water Resources Control Board only)	$850.00	$	0.00
[X] County documentary handling fee	$50.00	$	50.00
[X] Other **CATEGORICAL EXEMPTION**		$	0.00

PAYMENT METHOD:

[ ] Cash [X] Credit [ ] Check [ ] Other **TOTAL RECEIVED** $ **50.00**

SIGNATURE	AGENCY OF FILING PRINTED NAME AND TITLE
X	**Pricilla Gonzalez Deputy Clerk**