

E202310000295

NOTICE OF EXEMPTION

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

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

FILED
OCT 24 2023
TIME 3:26pm
By _____
FRESNO COUNTY CLERK
DEPUTY

Project Title: Conditional Use Permit Application No. P23-02136 & P19-04757

Project Location: 3977 and 3722 North Golden State Boulevard; Located south of West Ashlan Avenue, between State Route 99 and North Golden State Boulevard. APN's: 433-040-54, 511-240-26

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. P23-02136 proposes construction of a ±9,580 square-foot commercial retail building comprised of a food court (±4,538 square-feet) with a drive-through and a general market (±4,468 square-feet); a ±3,696 square-foot service station/fuel canopy; and a ±3,600 square-foot car wash building. New on- and off-site improvements are proposed including but not limited to; drive approaches, 91 parking stalls, car wash vacuum stalls, sidewalks, and landscaping. The project includes the vacation of portions of West Buckingham Way and North Brawley Avenue as well as dedications of right of way along Golden State Boulevard. A future lot line adjustment will also be included with the project. The property is zoned IL (*Industrial Light*).

Conditional Use Permit Application No. P19-04757 requests authorization to obtain a State of California Alcoholic Beverage Control Type 21 (Off-Sale General - beer, wine, and distilled spirits for consumption off the premises where sold) License for the proposed general market and service station use. The property is zoned IL (*Industrial Light*).

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

Name of Person or Agency Carrying Out Project: Surjit Singh
Optimum Properties LLC
4011 W Ashlan
Fresno, CA 93722

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)
- 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 attached Categorical Exemption Determination for Conditional Use Permit No. P23-02136 & P19-

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P23-02136 & P19-04757
CEQA Notice of Exemption
October 20, 2023

04757.

Lead Agency Contact Person: Jose Valenzuela, Supervising Planner
City of Fresno Planning and Development Department

Telephone No.: (559) 621-8277

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: _____



Date: 10/23/2023

Printed Name and Title: Jose Valenzuela, 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 P23-02136 & P19-04757

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**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT FOR
CONDITIONAL USE PERMIT APPLICATION NO. P23-02136
& P19-04757**

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: Dale G Mell
Dale G. Mell & Associates
2090 N Winery Ave
Fresno, Ca 93703

PROJECT LOCATION: 3977 and 3722 North Golden State Boulevard; located south of West Ashlan Avenue, between State Route 99 and North Golden State Boulevard
APN's: 433-040-54, 511-240-26

PROJECT DESCRIPTION: Conditional Use Permit Application No. P23-02136 proposes construction of a ±9,580 square-foot commercial retail building comprised of a food court (±4,538 square-feet) with a drive-through and a general market (±4,468 square-feet); a ±3,696 square-foot service station/fuel canopy; and a ±3,600 square-foot car wash building. New on- and off-site improvements are proposed including but not limited to; drive approaches, 91 parking stalls, car wash vacuum stalls, sidewalks, and landscaping. The project includes the vacation of portions of West Buckingham Way and North Brawley Avenue as well as dedications of right of way along Golden State Boulevard. A future lot line adjustment will also be included with the project. The property is zoned IL (*Industrial Light*).

Conditional Use Permit Application No. P19-04757 requests authorization to obtain a State of California Alcoholic Beverage Control Type 21 (Off-Sale General - beer, wine, and distilled spirits for consumption off the premises where sold) License for the proposed general market and service station use.

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 designation and general plan policies as well as with applicable zoning designation and regulations.

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Given the conditions of approval, the proposed general market, service station, and car wash will meet all the provisions of the Fresno Municipal Code (FMC) including but not limited to Section 15-2706 (*Alcohol Sales-The Responsible Neighborhood Market Act*), Section 15-2728 (*Drive-In And Drive-Through Facilities*), Section 15-2744 (*Outdoor Dining and Patio Areas*), Section 15-2755 (*Service Stations*), and Section 15-2711 (*Automobile/Vehicle Washing*). The project is consistent with the Fresno General Plan designation, policies, and zoning. The existing IL (*Light Industrial*) zone district is consistent with the Commercial – General planned land use designation approved for this site by the Fresno General Plan. The proposed development was reviewed for intensity, building form, massing, and location standards and no inconsistencies were found with the proposed setbacks, landscape standards, intensity, height, or lot coverage. The project proposes a Floor Area Ratio (FAR) of 0.13 where the maximum allowable FAR is 2.0. Setbacks are a minimum of 15 feet for front yards. Building design, window design, materials and finishes all conform to the standards of the IL zone district. It can be concluded that the proposed Buildings to be used for the proposed use conform to the development standards of the Employment – Light Industrial planned land use and IL zone district.

- 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 City limits, and occurs on a vacant project site of approximately 3.68 acres on a portion of two legal parcels totaling ± 5.42 acres, which is less than the five-acre project site maximum, and is surrounded by other urban uses. The properties are accessed by North Golden State Boulevard which is located along the northeast border of the property. A northbound off-ramp to State Route 99 is located to the west, and a southbound onramp to SR-99 is located to the east and southeast of the property. The northern border of the properties are adjacent to West Ashlan Avenue but has no access due to the grade separation of West Ashlan Avenue over North Golden State Boulevard, the Union Pacific railroad, and the California High Speed Rail line. The project is in an area planned and zoned for primarily light industrial uses and existing services and facilities are available to serve the project.

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

The project site is currently occupied by an existing building and partially vacant which is previously disturbed land. The Fresno Program Environmental Impact Report (PEIR) did not identify this site as habitat for rare or threatened species. Therefore, the site 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, 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

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(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 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 criteria allows for local serving retail projects less than 50,000 square feet to be considered to not result in a significant traffic impact. The proposed project includes a $\pm 9,580$ square-foot commercial retail building comprised of a food court ($\pm 4,538$ square-foot) with a drive-through and a general market ($\pm 4,468$ square-foot); a $\pm 3,696$ square-foot service station/fuel canopy; and a $\pm 3,600$ square-foot car wash building., which is less than the maximum allowable 50,00 square feet requirement. Therefore, the proposed project would not result in any significant traffic impacts based upon the City of Fresno's adopted thresholds and guidelines for VMT analyses.

Noise

The project is a general market, service station, and car wash use. Typical noise from the project would be transportation related noise from vehicles entering and exiting the site, utilizing the fuel station, and the operation of the car wash. The site is adjacent to State Route 99, an on-ramp, off-ramp, Golden State Boulevard, and the Union Pacific (UP) / Bullington Northern Santa Fe (BNSF) / San Joaquin Valley Rail (SJV) rail lines. Therefore, the project would not result in a significant amount of noise compared to the other adjacent uses and would be conditioned to comply with any applicable noise standards of the Citywide Development Code.

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Air Quality

The project is conditioned to comply with any applicable regulations and conditions from the San Joaquin Valley Air Pollution Control District (SJVAPCD) and the project is subject to review by the agency regarding air quality during construction and operation. The project as described will not occur at a scale or scope with potential to contribute substantially or cumulatively to existing or projected air quality violations or impacts. The project was reviewed by the SJVAPCD and determined that project specific annual criteria pollutant emissions from construction and operation are not expected to exceed any significance thresholds as identified in the Districts Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI). Additionally, an Air Quality and Greenhouse Gas Analysis and Health Risk Assessment were completed on November 19th, 2021, and no significant impacts were identified.

Water Quality

Fresno Metropolitan Flood Control (FMFCD) provided comments on August 8, 2023, which directed that drainage from the site shall be directed per FMFCD requirements; that permanent drainage service will be constructed per Storm Drainage and Flood Control Master Plan requirements; and that the site does not appear to be located in a flood prone area. The district also stated that in an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm drain system.

The District encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.

Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be treated before discharging it off-site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas shall not be connected to the District's system. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to these requirements. The District's policy governing said industrial site NPDES program requirements is available on the District's website at: www.fresnofloodcontrol.org or contact the District's Environmental Department for further information regarding these policies related to industrial site requirements

The applicant will be required to comply with all requirements of the City of Fresno Department of Public Utilities that will reduce the project's water impacts to less than significant. When Conditional Use Permits are issued, the subject site will be required to pay drainage fees pursuant to the Drainage Fee Ordinance.

Therefore, compliance with conditions of approval dated October 23, 2023, will ensure that the proposed project will not result in any significant effects relating to traffic, noise, air quality, and water quality.

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

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The site has been reviewed and conditioned by the Fresno Metropolitan Flood Control District, Fresno County Public Health, City of Fresno Public Works, City of Fresno Police, City of Fresno Public Utilities, and the City of Fresno Fire Departments. 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. The project is in an area planned and zoned for industrial uses, therefore the exception for cumulative impacts is not applicable. A categorical exemption, as noted above, has been prepared for the project and the area is not environmentally sensitive.

Date: October 23, 2023

Prepared By: Thomas Veatch
Planner

Submitted by:



Jose Valenzuela
Supervising Planner
City of Fresno
Planning & Development Department
(559) 621-8277

& E202310000295

Vicinity Map

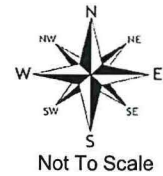


LEGEND

Subject Properties



Project site to be developed:
3.68 acre portion of property to be developed on part of ±5.42 total acres of property.



PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONAL USE PERMIT APPLICATION
NO. P23-02136 & P19-04757 AND RELATED
ENVIRONMENTAL ASSESSMENT

PROPERTY ADDRESS
3977 & 3722 North Golden
State Boulevard

Zone District:
IL (*Light Industrial*)

By: T. Veatch
October 20, 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: E202310000295
STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF FRESNO	LEAD AGENCY EMAIL	DATE 10/24/2023
COUNTY/STATE AGENCY OF FILING FRESNO COUNTY	DOCUMENT NUMBER E202310000295	

PROJECT TITLE
CONDITIONAL USE PERMIT APP. NO.P23-02136 & P19-04757

PROJECT APPLICANT NAME CITY OF FRESNO	PROJECT APPLICANT EMAIL	PHONE NUMBER (559) 621-8277
PROJECT APPLICANT ADDRESS 2600 FRESNO STREET, 3RD FLOOR	CITY FRESNO	STATE CA
		ZIP CODE 93721

PROJECT APPLICANT (Check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

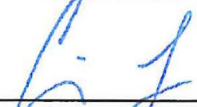
CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,839.25	\$	<u>0.00</u>
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,764.00	\$	<u>0.00</u>
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,305.25	\$	<u>0.00</u>
<input type="checkbox"/> Exempt from fee			
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<hr/>			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	<u>0.00</u>
<input checked="" type="checkbox"/> County documentary handling fee	\$50.00	\$	<u>50.00</u>
<input checked="" type="checkbox"/> Other CATEGORICAL EXEMPTION		\$	<u>0.00</u>

PAYMENT METHOD:

Cash
 Credit
 Check
 Other

TOTAL RECEIVED \$ 50.00

SIGNATURE X 	AGENCY OF FILING PRINTED NAME AND TITLE Cierra Loera Deputy Clerk
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