



State of California - Department of Fish and Wildlife
**2025 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT**
DFW 753.5a (REV. 01/01/25) Previously DFG 753.5a

RECEIPT NUMBER:
E202510000035
STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY	LEAD AGENCY EMAIL	DATE
CITY OF FRESNO		02/13/2025
COUNTY/STATE AGENCY OF FILING	DOCUMENT NUMBER	
FRESNO COUNTY	E202510000035	
PROJECT TITLE		
ENVIRONMENTAL ASSESSMENT APPLICATION NO. P23-04210		

PROJECT APPLICANT NAME	PROJECT APPLICANT EMAIL	PHONE NUMBER
CITY OF FRESNO		(559) 621-8056
PROJECT APPLICANT ADDRESS	CITY	STATE
2600 FRESNO STREET	FRESNO	CA
		ZIP CODE
		93721

PROJECT APPLICANT (Check appropriate box)


<input checked="" type="checkbox"/> Local Public Agency	<input type="checkbox"/> School District	<input type="checkbox"/> Other Special District	<input type="checkbox"/> State Agency	<input type="checkbox"/> Private Entity
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CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$4,123.50	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,968.75	\$	0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,401.75	\$	0.00
<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)			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee	\$50.00	\$	50.00
<input checked="" type="checkbox"/> Other CATEGORICAL EXEMPTION		\$	0.00

PAYMENT METHOD:

<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Credit	<input type="checkbox"/> Check	<input type="checkbox"/> Other	TOTAL RECEIVED	\$	50.00
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SIGNATURE	AGENCY OF FILING PRINTED NAME AND TITLE
X 	Cierra Loera Deputy Clerk

County of Fresno
Clerk's Office
James A. Kus

Elections Department
(559) 600-8683

Clerk Services Department
(559) 600-2575

Finalization 2025003104
2/13/2025 03:54 PM
CCR572887 Cloera

Description	Fee
EIR Administrative Fee	
Time Recorded: 3:54 PM	
Recording Fee:	\$50.00
Total Amount Due	\$50.00
Total Paid	
Credit Card #301197191	\$50.00
Amount Due	\$0.00

E20251000035

THANK YOU
PLEASE KEEP FOR REFERENCE

PLEASE POST FOR 30 DAYS

NOTICE OF EXEMPTION

E2025/0000035

FROM: City of Fresno Planning and Development Dept.
2600 Fresno Street
Fresno, California 93721-3604

TO: X Fresno County Clerk
2220 Tulare Street – First Floor Lobby
Fresno, California 93721

Office of Planning & Research
P.O. Box 3044, Room 212
Sacramento, California 95812-3044

FILED
FEB 13 2025
TIME 3:56pm
FRESNO COUNTY CLERK
By [Signature] DEPUTY

Project Title: Environmental Assessment Application No. P23-04210

Project Location: 920 South Topeka Avenue; Located on the west side of South Topeka Avenue, between Ventura Street and South Parallel Avenue (APN: 468-020-78)

Project Location – city: City of Fresno

Project Location- county: County of Fresno

Description of Nature, Purpose and Beneficiaries of Project: Cannabis Conditional Use Permit Application No. P23-04210 was filed by Central Valley Herbery and pertains to approximately 1.26 acres of property located at 920 South Topeka Avenue. The applicant requests authorization to allow for the establishment of a commercial cannabis microbusiness (cultivation, distribution, and manufacturing) in conjunction with the construction of an approximately 15,093 square-foot metal building using an existing concrete slab and new concrete footers. The property is zoned IH (*Heavy Industrial*).

Name of Public Agency Approving Project: City of Fresno

Name of Person or Agency Carrying Out Project: Kevin Lu
Central Valley Herbery
(415) 999-2138
kevin_1226@yahoo.com

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 Exemption – CEQA Guidelines §15301/Class 1 (Existing Facilities)**
☐ Statutory Exemption – PRC § _____ **32 (In-fill Development Projects)**

Reasons why project is exempt:

Section 15332/Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section:

- 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 subject property is located within the Fresno General Plan and Downtown Neighborhoods Community Plan, which designate the subject property for Employment – Heavy Industrial planned land uses.

The Fresno General Plan designates the subject site for Employment – Heavy Industrial planned land uses and provides objectives to guide in the development of these projects. Cannabis Conditional Use Permit Application No. P23-04210 meets all policies and objectives of the Fresno General Plan. The following are excerpts of such objectives.

- *Goal 1: Increase opportunity, economic development, business and job creation.*
- *Goal 7: Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the city.*
- *Objective ED-1: Support economic development by maintaining a strong working relationship with the business community and improving the business climate for current and future businesses.*
- *Objective LU-7: Plan and support industrial development to promote job growth.*

The project will utilize existing land where the necessary infrastructure and facilities are available to serve the property. The proposed project is consistent with many of the goals and policies of the Fresno General Plan. The proposed project promotes diverse land uses and preserves and protects resources by developing within the City limits.

Development Code

Establishment of a commercial cannabis microbusiness is permitted in the Employment – Heavy Industrial zone district, subject to approval of a Conditional Use Permit, in accordance with Fresno Municipal Code (FMC) Sections 15-2739.C and N (Location and Design of Commercial Cannabis Businesses; Cannabis Conditional Use Permit).

The applicant proposes to establish a commercial cannabis microbusiness (cultivation, distribution, and manufacturing) in an approximately 15,093 square-foot reconstruction of a burned-down building. The site area will also include a parking lot, solid waste enclosure, landscaping, and all other applicable general development standards.

Therefore, it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies, and the applicable zoning designation and regulations

of the Development Code and will not conflict with any applicable land use plan, policy, or regulation of the City of Fresno.

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

The State of California Governor's Office of Planning and Research states that infill development refers to "building within unused and underutilized lands within existing development patterns, typically but not exclusively in urban areas. The proposed project is located within city limits and is proposed on a site of approximately 1.26 acres (less than the five-acre maximum). Pursuant to CEQA Section 21159.25, "Substantially surrounded" means at least 75 percent of the perimeter of the project site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses. The remainder of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that have been designated for qualified urban uses in a zoning, community plan, or general plan for which an environmental impact report was certified.

Adjacent to the north is a vacant disturbed property, adjacent to the west is a railroad which is an improved public right-of-way, adjacent to the east is South Topeka Avenue which is an improved public right-of-way, and adjacent to the south is a developed property with a warehouse storage building. Thus, the subject property is substantially surrounded by urban uses.

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

The subject property is currently disturbed with a previously burned-down building and paved lot. Immediately surrounding the subject property are a local street and railroad which generate high levels of noise, which are generally prohibited corridors for species migration, and the site habitat has no trees that would attract birds or other species. As previously stated in Finding b, the site is substantially surrounded by other development. 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 Valley 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, as provided in detail below.

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 automotive 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 VMT, 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 VMT and may revise those estimates to reflect professional judgement based on substantial evidence. Any assumptions used to estimate VMT 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 VMT Thresholds, pursuant to SB 743 to be effective as 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 City of 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 is the potential to increase vehicle travel, sometimes referred to as "induced travel."

The proposed project is eligible to screen out because pursuant to the City of Fresno VMT Thresholds Section 3.0 (Project Screening), the project is within a 0.5-mile radius of a High-Quality Transit Corridor. Thus, the project would screen out.

Noise

The project is the establishment of a commercial cannabis microbusiness in a rebuild of a previously burned-down industrial building. The project site is adjacent to existing industrial development to the south, west and east.

Low noise may be generated by the proposed commercial cannabis microbusiness, however, traffic volumes on the adjacent street and adjacent railroad generate higher noise near the subject property.

In any case, the project is conditioned to comply with all applicable noise standards of the Citywide Development Code.

Air Quality

The project is conditioned to comply with any applicable regulations and conditions from the San Joaquin Valley Air Pollution Control District memorandum dated March 29, 2024 and the project is subject to review by the agency in regard to 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.

Water Quality

The Fresno Metropolitan Flood Control District (FMFCD) memorandum dated May 21, 2024 states that conveyance of storm water should be directed towards South Topeka Avenue. On-site grading will be reviewed by the City of Fresno Building and Safety Services Division and FMFCD for compliance with storm water conveyance and pollution prevention.

The applicant is required to comply with all requirements of the City of Fresno Department of Public Utilities memorandum dated April 7, 2024 which will reduce the project's water impacts to less than significant. When Development Permits are issued, the applicant will be required to pay drainage fees pursuant to the Drainage Fee Ordinance.

Therefore, compliance with the conditions of approval dated February 11, 2025 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.

The project has been routed to various utilities and public service providers which have provided project conditions for development of the project. The site has been reviewed and conditioned by the Fresno Metropolitan Flood Control District, Fresno County Environmental Health Division, City of Fresno Public Works Department, City of Fresno Public Utilities Department, and the City of Fresno Fire Department.

E202510000035

Notice of Exemption
Date: February 13, 2025
Page 2

In addition, given the surrounding properties and neighborhood 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 this project. Furthermore, as the subject site is a developed property in an urbanized commercial area, the proposed project is not expected to have a significant effect on the environment. Accordingly, a categorical exemption, as noted above, has been prepared for the project.

Lead Agency Contact Person: Rob Holt, Supervising Planner
City of Fresno Planning and Development Department
(559) 621-8056
Robert.Holt@fresno.gov

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: Robert Holt **Date:** 02/13/2025

Printed Name and Title: Rob Holt, Supervising Planner

☒ Signed by Lead Agency

☐ Signed by applicant

Enclosed: Categorical Exemption

**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. P23-04210**

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: Kevin Lu
Central Valley Herbery
69 South Linden Avenue
South San Francisco, CA 94080

PROJECT LOCATION: 920 South Topeka Avenue; Located on the west side of South Topeka Avenue, between East Cesar Chavez Boulevard and South Parallel Avenue (APN: portion of 468-020-78)

PROJECT DESCRIPTION:

Cannabis Conditional Use Permit Application No. P23-04210 was filed by Central Valley Herbery and pertains to approximately 1.23 acres of the subject property located at 920 South Topeka Avenue (Parcel A of Tentative Parcel Map No. 2023-06). The applicant requests authorization to allow for the establishment of a commercial cannabis microbusiness (cultivation, distribution, and manufacturing) in conjunction with the construction of an approximately 15,093 square-foot metal building using an existing concrete slab and new concrete footers. The property is zoned IH (*Heavy Industrial*).

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Date: February 11, 2025

Submitted by:



Robert Holt
Supervising Planner
City of Fresno
Planning and Development
Department
(559) 621-8056