NOTICE OF EXEMPTION

E20251000221

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

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

FILED
SEP 03 2025 TIME 3:43 pm
FRESNO COUNTY CLERK
By DEPUTY

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

Project Title: Environmental Assessment No. P24-04067

Project Location: 2133 East McKinley Avenue; located on the north side of East McKinley Avenue between North Clark and North Thesta Street in Fresno, California. (APN: 446-243-16)

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

Description of Nature, Purpose, and Beneficiaries of Project: Development Permit Application No. P24-04067 was filed by Jeff Bretz and pertains to the ±0.17 acres located at 2133 E McKinley Ave. The applicant proposes a Development Permit to add a new ±2400 square-foot retail building, with a parking lot. The proposal includes the addition of 5 parking spaces, a trash enclosure, landscaping, a 6-foot-high chain link perimeter fence with a rolling gate, and a new drive approach on the vacant lot. The parcel is zoned CG (*Commercial General*).

Name of Public Agency Approving Project: City of Fresno

Name of Person or Agency Carrying Out Project: Jeff Bretz
(559) 284-3127
jeffbretz@reagan.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 §15332/Class 32 (In-Fill Development Projects)**
☐ Statutory Exemption – PRC §_____

Reasons why project is exempt:
Section 15332/Class 32 (In-Fill Development Projects) of the CEQA Guidelines exempts projects characterized as in-fill development from the provisions of CEQA. The proposed project is consistent with the conditions of Section 15332/Class 32, as demonstrated in the attached Categorical Exemption Determination for Development Permit Application No. P24-04067.

Lead Agency Contact Person: Erik Young, Supervising Planner
City of Fresno Planning and Development Department

Full telephone no.: (559) 621-8009

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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: Erik Young **Date:** 8/14/2025

Printed Name and Title: Erik Young, Supervising Planner
City of Fresno Planning and Development Department

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

Attachments: Vicinity Map
Categorical Exemption Determination for Development Permit Application No. P24-04067

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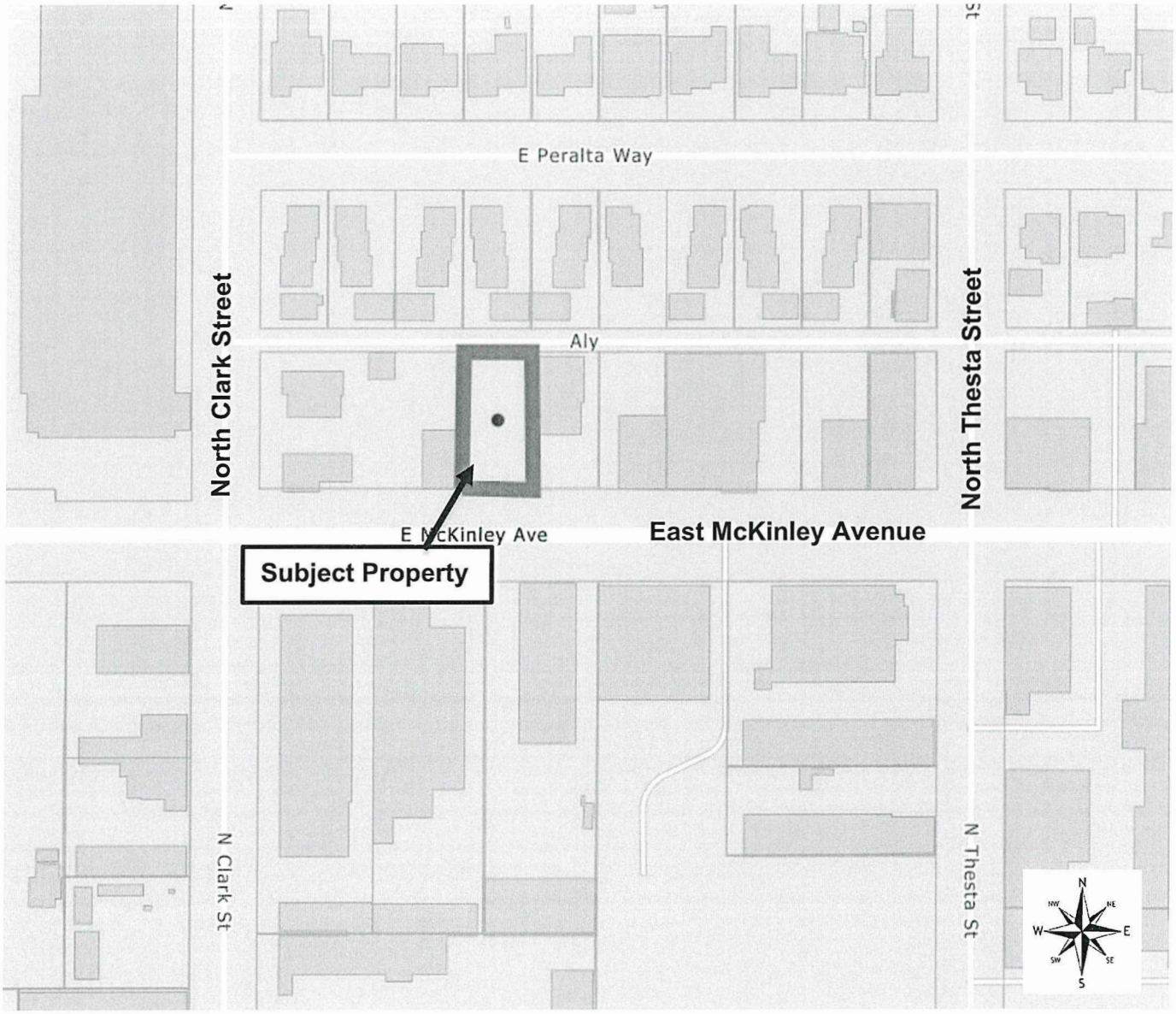
VICINITY MAP/SITE LOCATION

2133 East McKinley Avenue



Legend

Subject Property

Planning and Development Department
2600 Fresno Street, Room 3043 · Fresno, CA 93721 · Phone (559) 621-8277

E20251000221

CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT FOR
DEVELOPMENT PERMIT APPLICATION NO. P24-04067

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE CATEGORICALLYEXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS ACCORDING TO ARTICLE 19 OF THE STATE CEQA GUIDELINES.

APPLICANT: Jeff Bretz
(559) 284-3127
jeffbretz@reagan.com

PROJECT LOCATION: 2133 East McKinley Avenue; located on the north side of East McKinley Avenue between North Clark and North Thesta Street in Fresno, California.
APN: 446-243-16 (Council District 7)

PROJECT DESCRIPTION: Development Permit Application No. P24-04067 was filed by Jeff Bretz and pertains to the ±0.17 acres located at 2133 E McKinley Ave. The applicant proposes a Development Permit to add a new ±2400 square-foot retail building with a parking lot. The proposal includes the addition of 5 parking spaces, a trash enclosure, landscaping, a 6-foot-high chain link perimeter fence with a rolling gate, and a new drive approach on the vacant lot. The parcel is zoned CG (*Commercial General*).

This project is exempt under Sections 15332/Class 32 (In-fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines as follows:

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 proposed project (Retail Building) will meet all the provisions of the Fresno Municipal Code. The project is consistent with the Fresno General Plan designation, policies, and zoning. The existing CG (Commercial General) zone district is consistent with the Commercial - General planned land use designation approved for this site by the Fresno General Plan, McLane Community Plan, and the Fresno County Airport Land Use Compatibility Plan.

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 (Retail Building) is located within the city limits, occurs on a vacant site of approximately 0.17 acres, which is less than the five-acre maximum, and is bordered by commercial developments to the east and west, residential development to the north, and light

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industrial development to the south.

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

The project site comprises land that has been previously disturbed and lacks habitat value for endangered, rare, or threatened species. Although currently vacant, the site was formerly developed with a commercial building, which has since been demolished. The surrounding area is characterized by existing urban developments, further confirming that the site does not serve 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 as provided in detail below.

Traffic

Senate Bill (SB) 743, signed in 2013, changes how transportation studies are conducted in California Environmental Quality Act (CEQA) documents. Vehicle miles traveled (VMT) replaces motorist delay and level of service (LOS) as the metric for impact determination. 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 are 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 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)

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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."

Staff utilized the Fresno Council of Governments (COG) Vehicle Miles Traveled (VMT) Screening Tool to determine the VMT for the proposed project. The adopted threshold of significance is 13%, which means that projects that generate VMT in excess of 13% than the existing regional VMT per capita or per employee would have a significant environmental impact; projects that meet the 13% threshold are determined to have a less than significant effect on regional VMT. According to the VMT screening tool, the proposed retail building project is located within a medium-VMT zone and is estimated to generate 23.36 VMT, lower than the 25.60 VMT (13%) threshold.

Small projects that generate or attract fewer than 100 trips per day or less than 500 Active Daily Trips (ADT) generally may be assumed to cause a less-than significant transportation impact, which is lower than the 13% VMT threshold. Additionally, projects meeting one of the six screening criteria detailed in the Fresno (COG) SB 743 Regional Guidelines is considered less than significant to countywide VMT. The retail building project consists of local serving retail less than 50,000 square feet, it is a low trip generator, and it is located within a high-quality transit area. The project qualifies to screen out as it satisfies at least three of the six screening criteria required. The results of this analysis demonstrate that the project's VMT remains below the established thresholds.

In summary, the project will not adversely affect VMT and is projected to result in less-than-significant traffic impacts.

Noise

The project is a new retail building development. The project site is located in a developed neighborhood adjacent to existing commercial, residential, and light industrial uses; 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.

Air Quality

The project is conditioned to comply with any applicable regulations and conditions from the San

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Joaquin Valley Air Pollution Control District and the project is subject to review by the agency in regard to air quality during construction and operation. No significant air quality impacts were identified the air district.

Water Quality

The site has been reviewed and conditioned by the Fresno Metropolitan Flood Control District, Fresno County Public Health, and the City of Fresno Public Utilities in regard to water quality. The surrounding properties have been substantially developed and therefore utilities and public services infrastructure exists in the area. Therefore, no significant water quality impacts were identified.

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. 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 outlined in the CEQA Guidelines, Section 15300.2 apply to the project. Furthermore, the proposed project is not expected to affect the environment significantly. A categorical exemption, as noted above, has been prepared for the project, and the area is not environmentally sensitive.

Date: August 14, 2025

Prepared By: Brittany Martin

Submitted by: Erik Young

Erik Young
Supervising Planner
Planning & Development Department
(559) 621-8009