

NOTICE OF EXEMPTION

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

FILED

JAN 29 2026 ^{TIME} 8:19am

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

FRESNO COUNTY CLERK
 BY Cyan Edmisten
 DEPUTY
 Cyan Edmisten

Project Title: Development Permit Application No. P22-01141
 Planned Development Permit No. P23-01229

Project Location: 5070 North First Avenue, on the east side of North First Street between East Shaw and East San Jose Avenues. (APN: 41809118)

Project Location – City: City of Fresno

Project Location - County: County of Fresno

Description of Nature, Purpose and Beneficiaries of Project:

Development Permit Application No. P22-01141 proposes the construction of a ± 90,121 square-foot four-story hotel (Residence Inn by Marriott), which includes 124 guest rooms and 105 onsite parking stalls. Related Planned Development Permit Application No P23-01229 requests to modify the required development standards for minimum residential density, allowing hotel use on ground floor, and to reduce minimum frontage standards. The project may also require dedications, vacations, and/or acquisitions for public street rights-of-way and utility easements as well as the construction of public facilities and infrastructure in accordance with the standards, specifications and policies of the City of Fresno in order to facilitate the future proposed development of the subject property. The property is zoned CMX (Corridor – Center Mixed Use).

Agency Approving Project: City of Fresno, Planning and Development Department

Name of Person or Agency Carrying Out Project: Randeep Dhillon, Axis Hotel Group

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 Categorical Exemption Determination as follows:

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.*

Given the conditions of approval, the proposed project will meet all the provisions of the FMC and all applicable design guidelines and development standards for Mixed-Use Districts, including but not limited to Fresno Municipal Code Sections 15-1103 (Density, Intensity, and Massing Standards), 15-1104 (Site Design Development Standards), and 15-1105 (Façade Design Development Standards).

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The project is consistent with the Fresno General Plan designation, policies, and zoning. The existing CMX (*Corridor – Center Mixed Use*) zone district is consistent with the Corridor – Center Mixed Use 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.

Therefore, the proposed project is consistent with the objectives and policies of the base zone districts and with the purpose of the regulations.

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, on a vacant site of approximately ± 2.65 acres, less than the five-acre maximum, and is surrounded by other urban uses. Existing commercial developments are located to the west and south. There is an existing elementary school to the north and a ponding basin the east.

c) The project has no value as a 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 a habitat for rare or threatened species. Surrounding developments consist of existing commercial and residential development; therefore, it has no value as a habitat for endangered, rare, or threatened species.

d) Approval of the project would not result in any significant effects relating to traffic, noise, air, 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, and the Fresno Metropolitan Flood Control District. No significant effects were identified concerning traffic, noise, air, 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 for 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 relevant to CEQA criteria for transportation impacts.

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CEQA Guidelines Section 15064.3(b)(4) states that "[a] lead agency has the 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 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 adequacy standard 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, effective July 1, 2020. The thresholds described therein are referred to 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 various projects that may be screened out of a VMT analysis, including specific development and transportation projects. For development projects, conditions may exist that presume a development project has a less than significant impact. These may be size, location, proximity to transit, or trip-making potential. The primary attribute to considering 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 Hotel project is located within a low-VMT zone and is estimated to generate 18.08 VMT, lower than the 25.60 VMT (13%) threshold.

Therefore, the proposed project would not result in any significant traffic impacts based on the City of Fresno's adopted thresholds and guidelines for VMT analyses.

Noise

The project is a new hotel development. The project will occur on a vacant $\pm$ 2.65-acre project site. Surrounding properties are described as follows, north of the site is an elementary school; south is a market; west of the property is a commercial office building; and east of the project site is a ponding basin. Therefore, the proposed 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

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the Citywide Development Code.

The proposed project will not increase the volume or types of vehicle trips projected for East Shaw Avenue beyond that analyzed in the General Plan and PEIR for future vehicle noise based upon the 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 anticipated to result in major noise-generating stationary uses, which would impinge on existing noise-sensitive uses within the project area above ambient plus 5 dB.

Finally, no known state or federal standards specifically address construction noise or vibration. As set forth by FMC Section 10-109 (*Exemptions*), the provisions of Article 1 – (*Noise Regulations*) of the FMC shall not apply to the 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 AM. and 10:00 PM. on any day except Sunday.

Thus, although development activities associated with the 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 according to an applicable construction permit and occurs between 7:00 AM and 10:00 PM, excluding Sunday.

Therefore, the short-term construction impacts associated with the exposure of persons to the generation of noise levels over 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 applicable regulations and conditions from the San Joaquin Valley Air Pollution Control District from the memo dated November 8, 2022. The project is subject to review by the agency regarding air quality during construction and operation. 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. The project, as described, will not occur at a scale or scope with the potential to contribute substantially or cumulatively to existing or projected air quality violations or impacts.

Water Quality

Fresno Metropolitan Flood Control District (FMFCD) provided comments on December 7, 2022, which stated:

The cost of construction of Master Plan facilities (mowstrip), excluding dedication of storm drainage easements, is eligible for credit against the drainage fee of the drainage area served by the facilities.

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A Development Agreement shall be executed with the District to effect such credit. Reimbursement provisions, in accordance with the Drainage Fee Ordinance, will be included to the extent that the developer's Master Plan costs for an individual drainage area exceed the fee of said area. Should the facilities cost for such individual area total less than the fee of said area, the difference shall be paid upon demand to the City/County or District.

The minimum finish floor elevation shall be 327.38 (U.S.G.S. Datum).

No surface runoff shall be directed towards the District basin. The District requests that the grading Engineer contact the District as early as possible to review the proposed site grading for verification and acceptance of grades at our mutual property line prior to preparing a grading plan.

FR DPA 2022-01141 shall provide a drainage covenant to APN 418-091-21 to allow surface runoff to reach the Master Plan facilities, as shown on Exhibit 1.

The District recommends a single fence between the site and the District's basin. The developer should contact the District so that alternatives to a dual fence can be reviewed. If a fence other than the existing chain link fence is proposed, District review and approval of the proposed fence is required.

There is an existing ten-foot (10') wide storm drain easement located within the FR DPA 2022-01141 property, as shown on Exhibit No. 1. No encroachments into the easement shall be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

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, products, 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 are 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 Building Permits are issued, the subject site will be required to pay drainage fees according to the Drainage Fee Ordinance.

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

e) *All required utilities and public services can adequately serve the site.*

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 Fire Departments. In addition, given that 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 outlined in the CEQA Guidelines, Section 15300.2 apply to the project. Furthermore, the proposed project is not expected to affect the environment significantly. The proposed project is not located on a hazardous waste site, a historic resource, or adjacent to a scenic highway, and the area is not environmentally sensitive.

Lead Agency Contact Person: Ralph Kachadourian, Supervising Planner
City of Fresno Planning and Development Department

Telephone No.: (559) 621-8172



Signature:

Date: January 28, 2025

Printed Name and Title: Ralph Kachadourian, Supervising Planner

City of Fresno Planning and Development Department

☒ **Signed by Lead Agency**

☐ **Signed by applicant**

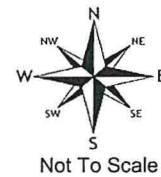
Attachments: Exhibit A: Vicinity Map
Categorical Exemption Determination for P22-01141 and P23-01229

Vicinity Map



LEGEND

Subject Property  ± 2.65 acres total



PLANNING AND DEVELOPMENT DEPARTMENT

PROPERTY ADDRESS

5070 North First Avenue

DEVELOPMENT PERMIT APPLICATION NO.
P22-01141 AND PLANNED DEVELOPMENT
NO. P23-01129 AND RELATED
ENVIRONMENTAL ASSESSMENT

Zone District:

CMX (*Corridor – Center Mixed Use*)

By: T. Veatch

January 28, 2026



State of California - Department of Fish and Wildlife

2026 ENVIRONMENTAL DOCUMENT FILING FEE CASH RECEIPT

DFW 753.5a (REV. 01/01/26) Previously DFG 753.5a

RECEIPT NUMBER:

E202610000017

STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY	LEAD AGENCY EMAIL	DATE
CITY OF FRESNO		01/29/2026
COUNTY/STATE AGENCY OF FILING		DOCUMENT NUMBER
FRESNO COUNTY		E202610000017
PROJECT TITLE		

DEVELOPMENT PERMIT APPLICATION NO. P22-01141 PLANNED DEVELOPMENT PERMIT APPLICATION NO. P23-01229

PROJECT APPLICANT NAME	PROJECT APPLICANT EMAIL	PHONE NUMBER
CITY OF FRESNO		(559) 621-8172
PROJECT APPLICANT ADDRESS	CITY	STATE
2600 FRESNO STREET, 3RD FLOOR	FRESNO	CA
		ZIP CODE
		93721

PROJECT APPLICANT (Check appropriate box)

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

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)	\$4,227.50	\$	0.00
☐ Mitigated/Negative Declaration (MND)(ND)	\$3,043.75	\$	0.00
☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,437.25	\$	0.00

☐ Exempt from fee

☐ Notice of Exemption (attach)

☐ CDFW No Effect Determination (attach)

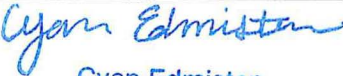
☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
☒ County documentary handling fee	\$50.00	\$	50.00
☒ Other CATEGORICAL EXEMPTION		\$	0.00

PAYMENT METHOD:

☐ Cash ☒ Credit ☐ Check ☐ Other

TOTAL RECEIVED \$ 50.00

SIGNATURE 
X Cyan Edmisten

AGENCY OF FILING PRINTED NAME AND TITLE
Cyan Edmisten Deputy Clerk