



State of California - Department of Fish and Wildlife

**2022 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT**

DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

RECEIPT NUMBER:

E202210000239

STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY	LEAD AGENCY EMAIL	DATE
CITY OF FRESNO		08/23/2022
COUNTY/STATE AGENCY OF FILING	DOCUMENT NUMBER	
FRESNO COUNTY	E202210000239	
PROJECT TITLE		
EA NO. P22-00623		


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	

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,539.25	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,548.00	\$	0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,203.25	\$	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)			
<hr/>			
<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:

☐ Cash ☒ Credit ☐ Check ☐ OtherTOTAL RECEIVED \$ **50.00**

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



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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 2022017285
8/23/2022 08:25 AM
CCR572887 Cloera

Description	Fee
EIR Administrative Fee	
Time Recorded: 8:25 AM	
Recording Fee:	\$50.00
Total Amount Due	\$50.00
Total Paid	
Credit Card	\$50.00
#198023279	
Amount Due	\$0.00

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THANK YOU
PLEASE KEEP FOR REFERENCE

PLEASE POST FOR 30 DAYS

NOTICE OF EXEMPTION

E202210006239

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

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

FILED
AUG 23 2022
TIME 8:27am
FRESNO COUNTY CLERK
By [Signature] DEPUTY

Project Title: Environmental Assessment No. P22-00623

Project Location: 3849 East Ventura Street, Located on the north side of East Ventura Street, west of South Ninth Street. (APN: 461-265-10)

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. P22-00623 requests to establish a cannabis retail business in conjunction with the construction of an approximately 1,714 sq. ft. commercial building, including an approximately 1,130 sq. ft. public plaza, parking lot, landscaping, and solid waste enclosure at 3849 East Ventura Street. The proposed hours of operation are seven days per week: 8:00 a.m. - 10:00 p.m. The parcel is zoned NMX (Neighborhood Mixed Use).

Name of Public Agency Approving Project: City of Fresno

Name of Person or Agency Carrying Out Project: Jessica Reuven
Yuma Way CA
(720) 275-8956
jessica.reuven@gmail.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 §15303/Class 3 (New Construction or Conversion of Small Structures) and §15332/Class 32 (Infill Development)**
☐ Statutory Exemption – PRC § _____

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Reasons why project is exempt:

Section 15303/Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

- c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

The proposed construction of the commercial building (store) is approximately 1,714 square feet, which is less than the maximum requirement of 2,500 square feet. The proposed cannabis retail use does not involve the use of significant amounts of hazardous substances.

The Department of Public Utilities memorandum dated March 22, 2022 states the subject property is currently served with one 2-inch water meter, and if the proposed development requires a larger meter, then the applicant shall comply with the required water meter size and pay a Water Capacity Fee Charge. The memorandum also states that the nearest sanitary sewer main to serve the proposed project is a 12-inch sewer main located in the adjacent alley opposite of East Ventura Street, and installation of sewer house branch(es) shall be required, and that on-site sanitary sewer facilities be private. The proposed development includes a solid waste enclosure that is designed to contain two 4-cubic yard bins; one for trash and one for recycling, to be constructed to current Solid Waste standards and serviced weekly. Thus, the proposed development and requirements from the Department of Public Utilities result in all necessary public services and facilities being available.

The surrounding area includes single-family residences to the north, and various developed commercial properties to the west, south, and east along a major street (arterial, East Ventura Street). The surrounding area is not environmentally sensitive.

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 the Downtown Neighborhoods Community Plan, which designate the subject property for Neighborhood Mixed Use planned land uses.

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The project is consistent with the following Fresno General Plan goals, objectives, and policies related to retail land use and the urban form:

Goals

Goal 1: Increase opportunity, economic development, business and job creation.

Goal 2: Support a successful and competitive Downtown.

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.

Goal 8: Develop Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance.

The proposed development would provide a cannabis retail business that would result in the creation of jobs, job growth, and opportunity for those living outside of the development.

The proposed development includes an approximately 1,130 sq. ft. public plaza area that can be used by anyone from the public, but also to provide the future employees a break area outside of the proposed commercial building.

These goals contribute to the establishment of a comprehensive citywide land use planning strategy to meet economic development objectives, and achieve efficient and equitable use of resources and infrastructure in accordance with Objective LU-1 of the Fresno General Plan.

Objectives

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 ED-4: Cultivate a skilled, educated, and well-trained workforce by increasing educational attainment and the relevant job skill levels in order to appeal to local and non-local businesses.

Objective UF-3: Revitalize the Downtown to be the economic and cultural heart of Fresno and the region.

Objective LU-1: Establish a comprehensive citywide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment.

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Objective LU-6: Retain and enhance existing commercial areas to strengthen Fresno's economic base and site new office, retail, and lodging use districts to serve neighborhoods and regional visitors.

Objective LU-9: Plan land uses, design, and development intensities to supplement and support, and not compete with, the Downtown.

Objective D-1: Provide and maintain an urban image that creates a "sense of place" throughout Fresno.

Policies

Policy ED-4-f: Support the use of private-public partnerships that bring together academic programs and employers through internships, mentoring, and outreach initiatives.

Policy UF-12-b: Mixed-use designated areas along BRT and/or transit corridors are appropriate for more intensive concentrations of urban uses. Typical uses could include commercial areas; employment centers; schools; compact residential development; religious institutions; parks; and other gathering points where residents may interact, work, and obtain goods and services in the same place.

Policy LU-1-a: Promote new development, infill, and rehabilitation of existing building stock in the Downtown Planning Area, along BRT corridors, in established neighborhoods generally south of Herndon Avenue, and on other infill sites and vacant land within the City.

Policy LU-6-a: Foster high quality design, diversity, and a mix of amenities in new development with uses through the consideration of guidelines, regulations and design review procedures.

Policy LU-6-d: Plan for neighborhood mixed use and community commercial uses to implement the Urban Form concepts of this Plan, promote the stability and identity of neighborhoods and community shopping areas, and allow efficient access without compromising the operational effectiveness of the street system.

Policy D-1-b: Encourage all new development located within Activity Centers and/or along BRT corridors to incorporate active ground floor frontages that engage pedestrians to the maximum extent feasible. Establish pedestrian-oriented design standards in the Development Code for building frontages, transparency, fenestration, and entries to create active streetscapes.

Development Code

Cannabis retail businesses are permitted uses, subject to approval of a Conditional Use Permit, in accordance with Fresno Municipal Code (FMC) Sections 15-2739.B and N (Location and Design of Cannabis Retail Businesses; Cannabis Conditional Use Permit).

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The applicant proposes the construction of an approximately 1,714 sq. ft. commercial building for the proposed cannabis retail business. The existing vacant site will also include a parking lot, solid waste enclosure, frontage improvements, and an approximately 1,130 sq. ft. public plaza area consistent with the Mixed Use development standards and all other applicable general development standards. The business proposes to operate between the hours of 8:00 a.m. and 10:00 p.m., seven days per week. The business anticipates approximately 300-350 customers per day and 50 home deliveries with up to 25 jobs at full capacity. The business will generate minimal amounts of cannabis waste consisting of returned or defective products. All cannabis waste will be securely stored within the premises in a locked container in a limited access area. Cannabis waste will be destroyed and rendered unusable and unrecognizable before disposal pursuant to 16 § CCR 5054.

The project will also be required to comply with the mitigation measures of the Cannabis Final Environmental Impact Report (EIR) SCH No. 201907023.

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, occurs on a vacant site of approximately 0.17 acres (less than the five-acre maximum), and is substantially surrounded by other urban uses.

Across the alley to the north are single-family residential uses, adjacent to the east is a used appliance store on a fully-developed property, and across East Ventura Street to the south is a drive-thru fast food restaurant.

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

Although the project site is currently vacant, immediately surrounding the subject property is a major street and high volumes of traffic, 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 residential and commercial 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.

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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

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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 0.5 miles of a Transit Priority Area or a High-Quality Transit Area, has a floor area ratio (FAR) less than 0.75 (proposed FAR at 0.23), and provides an excessive amount of parking (proposes 5 parking spaces when 4 is the minimum requirement).

Noise

The project is a new commercial building that will be used for a cannabis retail business. The project site is adjacent to single-family residences, separated by an alleyway, to the north, vacant land to the west, an existing commercial building to the east, and an arterial street with various commercial development to the south.

Noise generated by the project would be minimal because the business is fully operational and contained within the confines of the building. Low noise may be generated by civilians utilizing the public plaza at the front of the project site.

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 April 5, 2022 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 April 4, 2022 states that conveyance of storm water should be directed away from the alleyway. 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 March 22, 2022 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.

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Therefore, compliance with the conditions of approval dated August 8, 2022 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.

In addition, given the surrounding properties and neighborhood have been substantially developed and utilities and public services already exist in the area, and as stated in the Findings for CEQA Section 15303 above, 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 site is a developed property in an urbanized commercial area and is not expected to have a significant effect on the environment. Accordingly, a categorical exemption, as noted above, has been prepared for the project and the area is not environmentally sensitive.

Lead Agency Contact Person: Rob Holt, Planner III
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:  **Date:** 08/23/2022

Printed Name and Title: Rob Holt, Planner III
City of Fresno Planning and Development Department

☒ **Signed by Lead Agency**

☐ **Signed by applicant**

Attachments: Vicinity Map/Site Location

E202210006239

VICINITY MAP/SITE LOCATION

3849 East Ventura Street



Subject Property



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