

## NOTICE OF EXEMPTION

E202210000236

**FROM:** City of Fresno  
Planning and Development Department  
2600 Fresno Street, 3<sup>rd</sup> 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 28 2022  
TIME 10:34am  
FRESNO COUNTY CLERK  
By Debra Toera DEPUTY

**Project Title:** Planned Development/Development Permit Application No. P21-05557

**Project Location:** 1433, 1445, 1427 Broadway; Located on the west side of Broadway, between Stanislaus and Tuolumne Streets in downtown Fresno. (APN: 466-205-28)

**Project Location – City:** City of Fresno

**Project Location - County:** County of Fresno

**Description of Nature, Purpose and Beneficiaries of Project:** Planned Development and Development Permit Application No. P21-05557 propose the construction of two apartment buildings (Building 1 and Building 2) consisting of 37 total units on a vacant ±0.45 acre parcel. Building 1 (front) will comprise of ten (10) units in a ±9,399 square-foot three story building. Building 2 (rear) will comprise of 27 units in a ±15,388 square-foot two story building. In addition, the project proposes on and off-site improvements including but not limited to: seven (7) new on-site parking stalls, a shared courtyard, and landscaping. The project is located in the DTC (Downtown Core) zone district. A Planned Development is requested to allow greater design flexibility of an infill site by modifying development standards of the FMC related to minimum parking and façade design guidelines.

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

**Name of Person or Agency Carrying Out Project:** Stephanie Say, Paul Halajian Architects  
389 Clovis Avenue, Suite 100  
Clovis CA, 93612

**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 Planned Development/Development Permit No. P21-05557.

**Lead Agency Contact Person:** Phillip Siegrist, Supervising Planner  
City of Fresno Planning and Development Department

**Telephone No.:** (559) 621-8061

P21-05557  
CEQA Notice of Exemption  
August 16, 2022

E202210000236

**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:** Phillip Siegrist **Date:** 8/16/2022

**Printed Name and Title:** Phillip Siegrist, 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 P21-05557

E202210000236  
**CITY OF FRESNO CATEGORICAL EXEMPTION  
ENVIRONMENTAL ASSESSMENT NO. P21-05557 FOR  
PLANNED DEVELOPMENT & DEVELOPMENT PERMIT  
APPLICATION NO. P21-05557**

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:** Stephanie Say, Paul Halajian Architects  
389 Clovis Avenue, Suite 100  
Clovis CA, 93612

**PROJECT LOCATION:** 1433, 1445, 1427 Broadway; Located on the west side of Broadway,  
between Stanislaus and Tuolumne Streets in downtown Fresno.  
(APN: 466-205-28)

**PROJECT DESCRIPTION:** Planned Development and Development Permit Application No.  
P21-05557 propose the construction of two apartment buildings  
(Building 1 and Building 2) consisting of 37 total units on a vacant  
±0.45 acre parcel. Building 1 (front) will comprise of ten (10) units  
in a ±9,399 square-foot three story building. Building 2 (rear) will  
comprise of 27 units in a ±15,388 square-foot two story building.  
In addition, the project proposes on and off-site improvements  
including but not limited to: seven (7) new on-site parking stalls,  
a shared courtyard, and landscaping. The project is located in the  
DTC (*Downtown Core*) zone district. A Planned Development is  
requested to allow greater design flexibility of an infill site by  
modifying development standards of the FMC related to minimum  
parking and façade design guidelines.

**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  
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 Downtown Districts including but not  
limited to Fresno Municipal Code Sections 15-1503 (Density, Intensity, and Massing Standards), 15-  
1504 (Site Design Development Standards), and 15-1504 (Façade Design Development Standards)  
except as modified by the Planned Development request.

The existing DTC (*Downtown Core*) zone district is consistent with the Downtown Neighborhood  
planned land use designation approved for this site by the Fresno General Plan, Fulton Corridor  
Specific Plan, Downtown Neighborhoods Community Plan, and the Fresno County Airport Land Use  
Compatibility Plan.

Pursuant to Table 15-1502 of the FMC, a multi-family residential use is permitted "by-right" with  
approval of a development permit.



E202210000236

The proposed development was reviewed for intensity, building form, massing, and location standards. No inconsistencies were found with the proposed setbacks, landscape standards, intensity, height, or lot coverage., building design, window design, materials, and finishes all conform to the standards of the DTC (*Downtown Core*) zone district, except as modified by the Planned Development request.

Therefore, it can be concluded that the development is consistent with objectives and policies of the DTC (*Downtown Core*) zone district and with the purpose of the regulations which will foster the enhancement of Fresno's business, shopping, and cultural heart by guiding the development of the densest, most active, and most interesting mixed-use urban center in the region.

- 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 (multi-family residential) is located within the city limits, occurs on a vacant site of approximately 0.45 acres, which is less than the five-acre maximum, and is surrounded by residential, public institutional, and commercial uses. Existing multi-unit development is located to the south. Existing commercial located to the west. A school play yard is located to the north.

- c) *The project has no value as 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 habitat for rare or threatened species. Surrounding developments consists of existing commercial, public institutional , and multi-family residential development; therefore, it 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 (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."



E202210000236

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 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."

The proposed project is eligible to screen out because the project is located within 0.5 mile of a High Quality Transit Area, due to 4 Bus Rapid Transit stops being within vicinity to the project; is consistent with the Fresno Active Transportation Plan because it's located in an area with high pedestrian activity and a planned Class 1 bike trail is nearby along Tuolumne Ave; has a floor area ratio of greater than 0.75, as it demonstrates a proposed FAR of 1.26; does not propose an excess of parking considering it's actually requesting a reduction in minimum stalls; and does not reduce the number of affordable residential units, as the project site is currently vacant.

In conclusion, the Project will result in a less than significant VMT impact and is consistent with CEQA Guidelines Section 15064.3(b).

#### Noise

The project is a new residential multifamily development. The project will occur on a vacant  $\pm 0.45$  acre parcel. North of the parcel is a play yard that is utilized by the Kepler Elementary School which is located east of the subject property on the opposite side of Broadway. An apartment building is located to the south, and commercial/industrial buildings are located to the west, opposite of a shared alley. The Fresno General Plan, Fresno Program Environmental Impact Report (PEIR) and Municipal Code were reviewed to determine if the proposed project produces a significant increase in ambient noise levels. The City of Fresno Noise Element of the General Plan establishes a 65 dB Ldn criterion within outdoor activity areas of residential uses. Existing noise levels in the project vicinity are dominated by traffic noise along adjacent major street roadways. Broadway is designated as a two lane collector roadway. The Future (year 2035) Vehicle Noise Contours for Broadway, as represented in Figure NS-3 of the Fresno General Plan, generally depict the project area being located outside any noise contour (less than 60 dB) with the rear portion of the property being located at the edge of the the 60-65 dB noise contour. The proposed project will not increase the volume or types of vehicle trips projected for Broadway beyond that which was analyzed in the General Plan and MEIR for future vehicle noise based upon General Plan buildout.

Therefore, given that the proposed project will not introduce traffic or vehicle trips not previously anticipated and 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 which would be anticipated to result in major noise-generating stationary uses which would impinge on existing noise-sensitive uses within the project area, including but not limited to the adjacent play yard that serves the



E2022100062-36

school located across the street; in excess of ambient plus 5 dB.

Finally, there are no known state or federal standards that specifically address construction noise or vibration. As set forth by Chapter 10, Article 1, Section 10-109 – Exemptions, the provisions of Article 1 – Noise Regulations of the Fresno Municipal Code shall not apply to: 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 a.m. and 10:00 p.m. on any day except Sunday. Thus, although development activities associated with 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 pursuant to an applicable construction permit and occurs between 7:00 a.m. and 10:00 p.m., excluding Sunday. Therefore, the short-term construction impacts associated with the exposure of persons to the generation of noise levels in excess of 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 any applicable regulations and conditions from the San Joaquin Valley Air Pollution Control District and the project is subject to review by the agency in regards to air quality during construction and operation. Per the SJVAPCD review, the specific annual criteria pollutant missions from construction and operation are not expected to exceed any of the significance thresholds as identified in the Districts Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI). 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 form and/or dust control plan prior to commencing any earthmoving activities.

#### Water Quality

Fresno Metropolitan Flood Control District (FMFCD) provided comments on May 20, 2022, which stated that drainage should be directed to Broadway, construction of storm drainage or flood control master plan facilities are not required, permanent drainage service is available, and the project is not located in a flood prone area. On-site grading will be reviewed by the City of Fresno Building Division and FMCD for compliance with storm water conveyance and pollution prevention.

The applicant will be required to comply with all requirements of the City of Fresno Department of Public Utilities that will reduce the projects water impacts to less than significant. When Development 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 June XX, 2021 will ensure that the proposed project will not result in any significant effects related 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 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 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

E2022-10000236

the environment. The proposed project is not located on a hazardous waste site, a historical resource, or adjacent to a scenic highway. A categorical exemption, as noted above, has been prepared for the project and the area is not environmentally sensitive.

Date: August 16, 2022

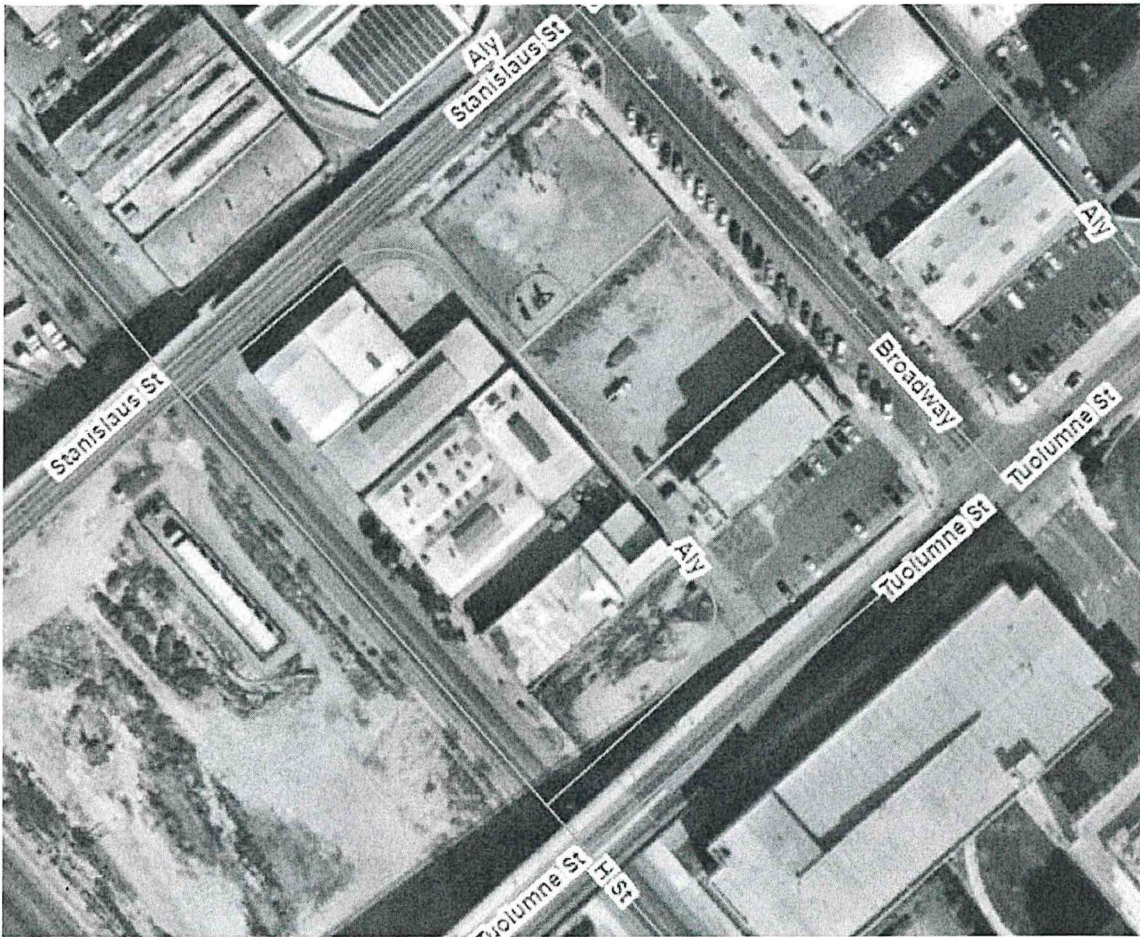
Prepared By: Thomas Veatch Planner

Submitted by: Phillip Siegrist  
Phillip Siegrist  
Supervising Planner  
City of Fresno  
Planning & Development Department  
(559) 621-8076



E202210000236

## Vicinity Map



### LEGEND

Subject Property



Project Area to be developed  
(±0.45 acres)



## PLANNING AND DEVELOPMENT DEPARTMENT

PLANNED DEVELOPMENT & DEVELOPMENT  
PERMIT APPLICATION NO. P21-05557 &  
RELATED ENVIRONMENTAL ASSESSMENT

### PROPERTY ADDRESS

1433, 1445, 1427 Broadway

**Zone District:** DTC (Downtown  
Core)

**By:** T. Veatch  
August 16, 2022