



State of California - Department of Fish and Wildlife  
**2023 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

RECEIPT NUMBER:

E202310000138

STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY	LEAD AGENCY EMAIL	DATE
CITY OF FRESNO		05/12/2023
COUNTY/STATE AGENCY OF FILING	DOCUMENT NUMBER	
FRESNO COUNTY	E202310000138	

PROJECT TITLE

DEV PERMIT APP NO. P22-03913

PROJECT APPLICANT NAME	PROJECT APPLICANT EMAIL	PHONE NUMBER
CITY OF FRESNO		
PROJECT APPLICANT ADDRESS	CITY	STATE
2600 FRESNO ST	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:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,839.25	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,764.00	\$	0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,305.25	\$	0.00

☐ Exempt from fee

☐ Notice of Exemption (attach)

☐ CDFW No Effect Determination (attach)

☐ 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:

☐ Cash ☒ Credit ☐ Check ☐ Other

TOTAL RECEIVED \$ 50.00

SIGNATURE

AGENCY OF FILING PRINTED NAME AND TITLE

X

*Thang Yang*

Thang Yang Deputy Clerk

County of Fresno  
Clerk's Office  
James A. Kus

Elections Department  
(559) 600-8683

Clerk Services Department  
(559) 600-2575

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Finalization 2023009767  
5/12/2023 02:12 PM  
CCR572822 jmunoz

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Description	Fee
EIR Administrative Fee	

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Time Recorded: 2:12 PM  
Recording Fee: \$50.00

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Total Amount Due \$50.00

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Total Paid

Credit Card \$50.00  
#224969616

Amount Due \$0.00

THANK YOU  
PLEASE KEEP FOR REFERENCE

E202310000138

## NOTICE OF EXEMPTION

PLEASE POST FOR 30 DAYS

**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**  
MAY 12 2023 TIME 2:13pm  
FRESNO COUNTY CLERK  
By [Signature] DEPUTY

**Project Title:** Development Permit Application No. P22-03913

**Project Location:** 2586 South Maple Avenue, Fresno, CA 93725 (Assessor's Parcel Number: 480-433-22 & a portion of 480-433-21); Located on the west side of South Maple Avenue, north of East Jensen Avenue.

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

**Project Location – County:** County of Fresno

**Description of Nature, Purpose, and Beneficiaries of Project:**

JK Cavalier, Inc. proposes construction of a construction of a ± 4,890 square foot commercial shell building, including the development of the subject property to include a parking lot, landscaping and solid waste enclosure.

**Beneficiaries of The Project Would Be:** Jas Khalon of JK Cavalier, Incorporated.  
8551 N Paula Ave, Fresno, CA, 93720

**Name of Public Agency Approving Project:** City of Fresno

**Name of Person or Agency Carrying Out Project:** JK Cavalier, Inc.

**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 and CEQA Guidelines 15332/Class 32**  
☐ Statutory Exemption – PRC § \_\_\_\_\_  
☐ Other \_\_\_\_\_

**Reason(s) Why Project Is Exempt:**

This project is categorically exempt under Section 15303/Class 3 and Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines as follows:



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**Under Section 15303/Class 3, the proposed project is exempt from CEQA requirements when the project is characterized as new construction or conversion of small structures meeting the following condition:**

**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.**

CEQA Guidelines Section 15387 defines "urbanized area" as a central city or a group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile. According to the 2010 Census – Urbanized Area Reference Map: Fresno, CA provided by the United States Census Bureau (reference link), the subject property is located within the boundary of an urbanized area.

The proposed construction of the commercial building (store) is approximately 4,890 square feet, which is less than the maximum requirement of 10,000 square feet in urbanized areas. The proposed commercial use does not involve the use of significant amounts of hazardous substances.

The Department of public Utilities memorandum dated January 10, 2023 states the nearest water mains to serve the proposed project are a 6-inch water main located in East Jensen Avenue and an 8-inch water main located in South Maple Avenue. The subject property is currently served with one 4-inch water service and 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 are an 8-inch sewer main located in South Maple Avenue and a 30-inch oversize sewer main located in East Jensen Avenue, 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 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, mobile homes to the west, a vacant property to the east and light industrial uses to the south. The subject property is adjacent to two major streets that include East Jensen Avenue (super arterial) and North Maple Avenue (collector). The surrounding area is substantially developed and is not environmentally sensitive.

**Under Section 15303/Class 32, the proposed project is exempt from CEQA requirements when the project is characterized as in-fill development meeting 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 subject property is located within the Fresno General Plan and Roosevelt Community Plan, which designate the subject property for Commercial - General planned land uses.

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 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.

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

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-6 of the Fresno General Plan.

### Objectives

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.

### Policies

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.

### Development Code

Development of a new commercial building is permitted in Commercial zone districts, subject to approval of a Development Permit, in accordance with Fresno Municipal Code (FMC) Sections 15-52 and 15-1204 (Development Permit; Site Design and Development Standards for Commercial Districts).

The applicant proposes the construction of an approximately 4,890 sq. ft. commercial shell building. The existing vacant site will also include a parking lot, solid waste enclosure, frontage improvements, 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, occurs on a vacant site of approximately 0.61-acre (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 developed property with a single-family residential building, adjacent to the west is a developed mobile home park, adjacent to the east is South Maple Avenue which is an existing improved public right-of-way, and adjacent to the south is East Jensen Avenue which is an existing improved public right-of-way.

**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 are two major streets which generate high volumes of traffic, and a partially developed adjacent commercial center, 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.**

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 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 0.11), and provides an excessive amount of parking (proposes 24 parking spaces when 10 is the minimum requirement).

#### Noise



The project is a new commercial shell building. The project site is adjacent to single-family residences, to the north, a collector street with vacant land to the east, a mobile home park to the west, and a super arterial street with various industrial development to the south.

Noise generated by the project would be minimal because the business will be contained within the confines of the building. Low noise may be generated by the already existing gas station and car wash on the property. High traffic volumes on the two adjacent streets also generate 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 January 6, 2023 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 January 3, 2023 states that conveyance of storm water should be directed towards South Maple and East Jensen Avenues. 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 January 10, 2023 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 May 8, 2023 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.



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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.

The project has met the described conditions to be characterized as in-fill development and is therefore categorically exempt pursuant to Section 15303/Class 3 and Section 15332/Class 32.

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 the environment. A categorical exemption, as noted above, has been prepared for the project and the area is not environmentally sensitive.

**Lead Agency Contact Person:** Luke Risner

**Telephone No.** (559) 621-8045

**Signature:** *Luke Risner*

**Date:** May 11, 2023

**Printed Name and Title:**

Luke Risner, Planner I

City of Fresno Planning and Development Department

☒ Signed by Lead Agency

☐ Signed by Applicant

**Enclosed:**

- ❖ Site Location Vicinity Map
- ❖ Categorical Exemption Memo

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VICINITY MAP

