

PLEASE POST FOR 30 DAYS

NOTICE OF EXEMPTION *E202310000231*

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 18 2023
TIME 4:11pm
By _____
FRESNO COUNTY CLERK
DEPUTY

Project Title: Environmental Assessment No. P23-04759/P23-01108

Project Location: 5674 East Kings Canyon Road; located generally on the southeast corner of East Kings Canyon Road and South Clovis Avenue in Fresno, California. (Sunnyside Village Shopping Center), (APN: 474-030-54)

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

Description of Nature, Purpose, and Beneficiaries of Project: Development Permit Application No. P22-04759 was filed by Ken Vang of VICE and pertains to a ±2.83-acre project site within a commercial shopping center located at 5674 East Kings Canyon Road. The applicant proposes to build a new ±23,729 square foot Tractor Supply store on an undeveloped portion of the shopping center. A portion of the site is developed with an existing parking lot and circulation areas. In addition, the project will include a ±18,736 square foot fenced Outdoor/Garden Display area with a Forage Shed and Greenhouse. All offsite improvements are existing. The parcel is zoned CMX (*Corridor/Center Mixed-Use*). Related Variance Application No. P23-01108 was filed in conjunction with Development Permit Application No. P22-04759, which proposes to waive the required minimum residential density.

Name of Public Agency Approving Project: City of Fresno

Name of Person or Agency Carrying Out Project: Ken Vang
VICE
(559) 775-0023
kenvang@vice-engr.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

E202310000231

Determination for Development Permit Application No. P23-04759 and related Variance Application No. P23-01108.

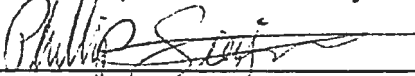
Lead Agency Contact Person: Phillip Siegrist Planning Manager
City of Fresno Planning and Development Department

Full telephone no.: (559) 621-8061

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:** 8/18/2023

Printed Name and Title: Phillip Siegrist, Planning Manager
City of Fresno Planning and Development Department

Signed by Lead Agency **Signed by applicant.**

Attachments: Exhibit A: Vicinity Map

Categorical Exemption Determination for Development Permit Application No. P23-04759 and related Variance Application No. P23-01108

E202310000231

**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT FOR
DEVELOPMENT PERMIT APPLICATION NO. P22-04759 AND
RELATED VARIANCE APPLICATION NO. P23-01108**

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

APPLICANT: Ken Vang
VICE
2491 Alluvial Ave Suite #15
Clovis, CA 93619

PROJECT LOCATION: 5674 East Kings Canyon Road, located generally on the southeast corner of East Kings Canyon Road and South Clovis Avenue in Fresno, California.
APN: 474-030-54 (Council District 5)

PROJECT DESCRIPTION: Development Permit Application No. P22-04759 was filed by Ken Vang of VICE and pertains to a ±2.83-acre project site within a commercial shopping center located at 5674 East Kings Canyon Road. The applicant proposes to build a new ±23,729 square foot Tractor Supply store on an undeveloped portion of the shopping center. A portion of the site is developed with an existing parking lot and circulation areas. In addition, the project will include a ±18,736 square foot fenced Outdoor/Garden Display area with a Forage Shed and Greenhouse. All offsite improvements are existing. The parcel is zoned CMX (Corridor/Center Mixed-Use). Related Variance Application No. P23-01108 was filed in conjunction with Development Permit Application No. P22-04759, which proposes to waive the required minimum residential density.

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 (General Retail) 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 CMX (*Corridor/Center Mixed-Use*) zone district is consistent with the Mixed Use-Corridor/Center planned land use designation approved for this site by the Fresno General Plan, Roosevelt 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*

E202310000231

EA for Development Permit Application No. P22-04759 and Variance Application No. P23-01108

August 18, 2023

Page 2 of 4

substantially surrounded by urban uses.

The proposed project (General Retail) is located within the city limits, occurs on a vacant site of approximately 2.83 acres, which is less than the five-acre maximum, and is surrounded by a commercial retail shopping center.

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

The site 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 commercial retail shopping center with existing restaurants, tenant spaces, and retail stores; 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, 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 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."

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

E202310000231

EA for Development Permit Application No. P22-04759 and Variance Application No. P23-01108

August 18, 2023

Page 3 of 4

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."

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 Tractor Supply project is located within a medium-VMT zone and is estimated to generate 24.42 VMT, lower than the 25.60 VMT (13%) threshold.

The proposed project was eligible to screen out because the project meets the criteria described in the adopted guidelines of including less than 500 Active Daily Trips (ADT). A trip generation study, provided by KD Anderson & Associates, Inc, dated August 29, 2022, (KDA Report) was prepared for a Tractor Supply Store in Visalia, CA. The KDA Report, states the Tractor Supply project would generate approximately 119 to 192 new average daily trips net new weekday, 0 new AM peak hour, and 33 new PM peak hour trips. Small projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact, which is lower than 13% VMT 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 retail store development. The project site is located in a developed shopping center adjacent to existing residential uses and vacant lots; 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 Joaquin Valley Air Pollution Control District and the project is subject to review by the agency in

E2023/0000231

EA for Development Permit Application No. P22-04759 and Variance Application No. P23-01108

August 18, 2023

Page 4 of 4

regard to air quality during construction and operation. No significant air quality impacts were identified the air district.

Water Quality

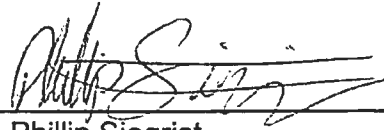
The site has been reviewed and conditioned by the Fresno Metropolitan Flood Control District, Fresno County Public Health, and the City of Fresno Public Utilities in regard to water quality. The surrounding properties have been substantially developed and therefore utilities and public services infrastructure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

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 18, 2023

Prepared By: Brittany Martin

Submitted by:



Phillip Siegrist

Planning Manager

City of Fresno

Planning & Development Department

(559) 621-8061