

# NOTICE OF EXEMPTION

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**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

**Project Title:** Conditional Use Permit Application No. P21-06063

**Project Location:** 4390 West Ashlan Avenue; located on the northeast corner of West Ashlan and North Blythe Avenues. APN: 510-100-50.

**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. P21-06063 requests authorization to construct a ±5,550 square-foot commercial building comprising of a ±3,800 square-foot convenience retail store and a ±1,750 square-foot quick-serve restaurant. Further, the proposed application includes an ancillary 50-foot-long car wash tunnel attached to the referenced commercial building and the project will include a 16 fuel-station canopy. The property is zoned CG/UGM (Commercial General/Urban Growth Management).

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

**Name of Person or Agency Carrying Out Project:** Samer Sabbah  
Omni Development, LLC.  
2348 Whitendale Avenue, Suite D  
Visalia, CA 93277

**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 Conditional Use Permit No. P21-06063.

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


**Telephone No.:** (559) 621-8070

**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

CUP No. P21-06063  
CEQA Notice of Exemption  
December 28, 2023

**Signature:**  \_\_\_\_\_ **Date:** 12/28/2023

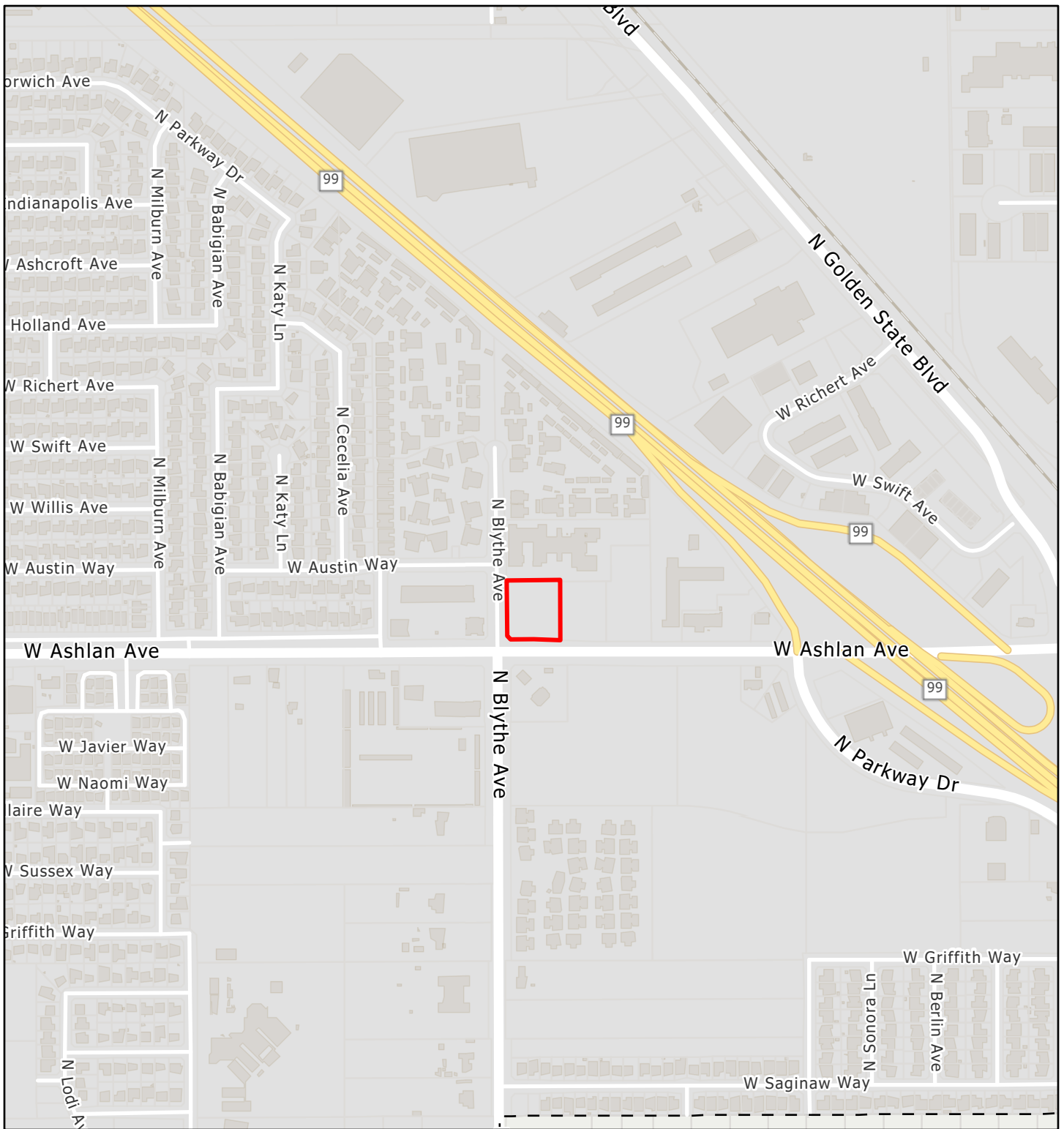
**Printed Name and Title:** Jose Valenzuela, Supervising Planner  
City of Fresno Planning and Development Department

**Signed by Lead Agency**

**Signed by applicant**

**Attachments:** Exhibit A: Vicinity Map  
Categorical Exemption Determination for P21-06063

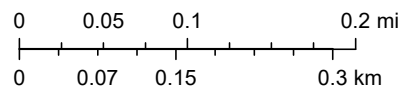
# EX. A - Vicinity Map



12/28/2023, 11:45:50 AM

1:9,028

 Subject Property



**CITY OF FRESNO  
CATEGORICAL EXEMPTION  
ENVIRONMENTAL ASSESSMENT FOR  
CONDITIONAL USE PERMIT APPLICATION NO. P21-06063**

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:** Samer Sabbah  
Omni Land Development, LLC.  
2348 Whitendale Avenue, Suite D  
Visalia, CA 93277

**PROJECT LOCATION:** 4390 West Ashlan Avenue; located on the northeast corner of West Ashlan and North Blythe Avenues.  
APN: 510-100-50

**PROJECT DESCRIPTION:** Conditional Use Permit Application No. P21-06063 requests authorization to construct a ±5,550 square-foot commercial building comprising of a ±3,800 square-foot convenience retail store and a ±1,750 square-foot quick-serve restaurant. Further, the proposed application includes an ancillary 50-foot-long car wash tunnel attached to the referenced commercial building and the project will include a 16 fuel-station canopy. The property is zoned CG/UGM (*Commercial General/Urban Growth Management*).

**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 designation and general plan policies as well as with applicable zoning designation and regulations.

Given the conditions of approval, the proposed convenience retail, service station, and car wash will meet all the provisions of the Fresno Municipal Code (FMC) including but not limited to Section 15-2728 (*Drive-In And Drive-Through Facilities*), Section 15-2744 (*Outdoor Dining and Patio Areas*), Section 15-2755 (*Service Stations*), and Section 15-2711 (*Automobile/Vehicle Washing*). The project is consistent with the Fresno General Plan designation, policies, and zoning. The existing CG (*Commercial General*) zone district is consistent with the Commercial General 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. The project proposes a Floor Area Ratio (FAR) of 0.19 where the maximum allowable FAR is 2.0. Setbacks are a minimum of 15 feet for front yards. Building design, window design, materials and finishes all conform to the standards of the CG zone district. It can be concluded that the proposed building to be used for the proposed use conform to the development standards of the Commercial General planned land use and CG zone district.

- 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 City limits, and occurs on a vacant project site of approximately 1.33 acres, which is less than the five-acre project site maximum, and is surrounded by other urban uses. The property is accessed on West Ashlan and North Blythe Avenues. The project is in an area planned and zoned for primarily commercial uses and existing services and facilities are available to serve the project.

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

The project site is currently occupied by an existing building and partially vacant which is previously disturbed land. The Fresno Program Environmental Impact Report (PEIR) did not identify this site as habitat for rare or threatened species. 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 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."

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 criteria allows for local-serving retail projects less than 50,000 square feet to be considered to not result in a significant traffic impact. The Arco AM-PM convenience retail store proposes to occupy  $\pm 3,800$  square feet of the proposed shell building, the quick-serve restaurant will occupy  $\pm 1,750$  square feet, and the car wash tunnel ( $\pm 1,141$  square feet) would be attached to the west side of the proposed building, the proposed fuel canopy will be detached and consists of  $\pm 4,627$  square feet, which is less than the maximum allowable 50,00 square feet requirement. Therefore, the proposed local-serving retail project would not result in any significant traffic impacts based upon the City of Fresno's adopted thresholds and guidelines for VMT analyses.

### Noise

The project is a convenience store, restaurant, service station, and car wash use. Typical noise from the project would be transportation related noise from vehicles entering and exiting the site, utilizing the fuel station, and the operation of the car wash. 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 (SJVAPCD) and the project is subject to review by the agency regarding 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. The project was reviewed by the SJVAPCD and determined that project specific annual criteria pollutant emissions from construction and operation are not expected to exceed any significance thresholds as identified in the Districts Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI). Additionally, an Air Quality and Greenhouse Gas Analysis and Health Risk Assessment were completed on September 19, 2022, and no significant impacts were identified.

### Water Quality

Fresno Metropolitan Flood Control (FMFCD) provided comments on September 27, 2022, which directed that drainage from the site shall be directed per FMFCD requirements; and that the site does not appear to be located in a flood prone area. The district also stated that 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, product, 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 is available on the District's website at: [www.fresnofloodcontrol.org](http://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 Conditional Use 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 December 11, 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 site has been reviewed and conditioned by the Fresno Metropolitan Flood Control District, Fresno County Public Health, City of Fresno Public Works, City of Fresno Police, 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 the environment. The proposed project is not located on a hazardous waste site, a historical resource, or adjacent to a scenic highway. The project is in an area planned and zoned for industrial uses, therefore the exception for cumulative impacts is not applicable. A categorical exemption, as noted above, has been prepared for the project and the area is not environmentally sensitive.

Date: December 11, 2023

Prepared By: Jose Valenzuela

Submitted by:   
\_\_\_\_\_  
Jose Valenzuela  
Supervising Planner  
City of Fresno  
Planning & Development Department  
(559) 621-8277