

Notice of Exemption**Appendix E**

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Fresno

2220 Tulare St.

Fresno, CA 93721

From: (Public Agency): City of Fresno - DPU
1626 E Street Ave
Fresno, CA 93706

(Address)

Project Title: Approval of Service Agreement with Central California Food Bank for edible food recover services.

Project Applicant: City of Fresno, Department of Public Utilities

Project Location - Specific:

4010 E Amendola Drive, Fresno, CA 93725, Central CA Food Bank (APN 48714072)

Project Location - City: Fresno Project Location - County: Fresno

Description of Nature, Purpose and Beneficiaries of Project:

The agreement between the City of Fresno and the Central California Food Bank (CCFB), is for edible food recovery services performed from March 1, 2024, through April 30, 2026, that will assist the City in meeting the requirements of SB 1383 by improving organic waste recycling by reducing the landfill disposal of organics.

Name of Public Agency Approving Project: City of Fresno

Name of Person or Agency Carrying Out Project: City of Fresno

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Section 15061 (b)(3) "Common Sense" Exemption
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The proposed project is categorically exempt from the provisions of CEQA specifically by the State CEQA Guidelines. The agreement would result in the use of an existing facility and would not result in alteration of the existing building footprint or result in a significant increase in capacity of use. No additional direct or indirect physical environmental impacts are anticipated. The project would not result in impacts to scenic highways, hazardous waste sites, historic resources, or other sensitive natural environments, or have a cumulative effect to the environment. Therefore the City is seeking a categorical exemption under Section 15061 (b)(3) - "Common Sense" Exemption.

Lead Agency

Contact Person: Jillian Gaytan Area Code/Telephone/Extension: 559-621-8618

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes ☐ No ☒

Signature: _____ Date: _____ Title: Business Manager

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

City of Fresno, Department of Public Utilities
Solid Waste Division
1325 E El Dorado Street, Bldg S
Fresno, CA 93706

FOR COUNTY CLERK USE ONLY

NOTICE OF EXEMPTION

August 29, 2025

Project Name: Approval of Service Agreement with Central California Food Bank for edible food recover services.

Project Number: 4 1 2 0 0 0 3 5

Project Location: 4010 E Amendola Drive, Fresno, CA 93725, Central California Food Bank Parcel Number (APN): 48714072

Description of Project: In September 2016, Governor Brown signed into law SB 1383 establishing methane emissions reduction targets in a state-wide effort to reduce short-lived climate pollutant emissions in various sectors of California’s economy. SB 1383 directs the Department of Resources Recycling & Recovery (CalRecycle) to adopt regulations and requirements to achieve statewide goals. On February 22, 2022, City Council adopted Resolution 2022-057 authorizing staff to submit applications to CalRecycle SB 1383 Local Assistance Grant Program for Organic Waste Recycling. On February 26, 2024, the City was awarded SB 1383 Local Assistance Grant Fiscal Year 2022-23 for Organic Waste Recycling (OWR: 2022–23) funds in the amount of \$1,415,099 to assist with the implementation of regulation requirements associated with SB 1383 to reduce methane pollution and other short-lived climate pollutants by improving organic waste recycling by reducing the landfill disposal of organics. The Service Agreement (Agreement) with Central California Food Bank (CCFB) for edible food recovery services performed March 1, 2024, through April 30, 2026, will meet the compliance requirements of SB 1383 by improving organic waste recycling by reducing the landfill disposal of organics.

The Agreement with Central California Food Bank is identified as the proposed project under the California Environmental Quality Act (CEQA). The Agreement would result in the use of an existing facility and would not result in alteration of the existing building footprint or result in a significant increase in capacity of use. No additional direct or indirect physical environmental impacts are anticipated.

Name of Public Agency Approving Project: City of Fresno, Department of Public Utilities

Name of Person or Agency Carrying Out Project: Central California Food Bank

Exempt Status: State CEQA Guidelines Section 15061(b) (3), “Common Sense” Exemption. Codified under California Code of Regulations Title 14, Article 5, Section 15061.

Reasons Why Project is Exempt: The proposed project is categorically exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The project will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA Guidelines Section 15300.2. The project will not cause an impact to an environmental resource of hazardous or critical concern, nor would the project involve unusual circumstances that could potentially have a significant effect on the environment. The project would not result in impacts to scenic highways, hazardous waste sites, historic resources, or other sensitive natural environments, or have a cumulative effect to the environment. No significant environmental impacts are anticipated to occur with the Agreement, permitting continued use of an existing terminal.

- **Section 15061 (b) (3) – “Common Sense” Exemption:** In accordance with CEQA, the use of the Common Sense Exemption is based on the “general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.” State CEQA Guidelines, Section 15061(b) (3). The use of this exemption is appropriate if “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” *Ibid*. This determination is an issue of fact and if sufficient evidence exists in the record that the activity cannot have a significant effect on the environment, then the exemption applies and no further evaluation under CEQA is required. See *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68. The ruling in this case stated that if a project falls within a category exempt by administrative regulation or 'it can be seen with certainty that the activity in question will not have a significant effect on the environment', no further agency evaluation is required. With certainty, there is no possibility that the project may have a significant effect on the environment. The proposed Agreement is limited to a contractual transaction to continue use of an existing facility. The indirect effects would be limited to existing common use system and use of an existing facility at CCFB. The Agreement will not result in any direct or indirect physical environmental impacts. The use and operation of the facility will not differ from the existing use and will not create any new environmental impacts to the surrounding area. No impacts beyond the minor maintenance and continued use of the facility would occur. Therefore, in no way, would the project as proposed have the potential to cause a significant environmental impact and the project is exempt from further CEQA analysis.

Therefore, the City of Fresno, Department of Public Utilities hereby concludes that no physical environmental impacts are anticipated to occur and the project as proposed is exempt under CEQA. No further environmental analysis is warranted.

Paul Amico, PE, Interim Director
City of Fresno, Department of Public Utilities

08/29/2025