

**CITY OF FRESNO  
RESIDENTIAL INFILL EXEMPTION  
ENVIRONMENTAL ASSESSMENT APPLICATION NO. P23-04237**

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE EXEMPT FROM THE  
PREPARATION OF ENVIRONMENTAL DOCUMENTS PURSUANT TO ARTICLE 12.5 OF  
THE STATE CEQA GUIDELINES.

**APPLICANT:** Danny Thome  
City of Fresno  
2600 Fresno Street  
Fresno, CA 93721

**PROJECT LOCATION:** A Portion of State Route 180 right-of-way which is bounded by East Madison Avenue, North Fulton Street, State Route 180, and along North Van Ness Avenue. (See Attached Exhibit A)

**PROJECT DESCRIPTION:** The scope of work for the proposed project includes:

Creation of a new parcel by vacation of approximately 9672.11 square feet of former portion of State Route 180 to the City of Fresno. (CalTrans has no concerns with the vacation with the exception that any proposed access be placed as far east as possible. Also, Caltrans would like to be included in the review process should this parcel be subject to development.)

Assignment of Zoning for a newly created parcel, by Planning & Development Department.

Creating affordable housing on the parcel. Project Units will be affordable to households with average incomes of no more than 60% AMI with a minimum of 30% of the units supporting Extremely Low-Income households during the Affordability Period.

\*CEQA to be reassessed, if necessary, if substantial changes are made to the scope above.

**This project is exempt under Section 15194 of the California Environmental Quality Act (CEQA) Guidelines as follows:**

Under Section 15194, the proposed project is exempt from CEQA requirements when the project is characterized as a residential infill development meeting the following conditions:

- a) The project meets the threshold criteria set forth in section 15192; provided that with respect to the requirement in section 15192(b) regarding community-level environmental review, such review must be certified or adopted within five years of the date that the lead

agency deems the application for the project to be complete pursuant to Section 65943 of the Government Code.

i. Pursuant to Section 15192(a), the project must be consistent with:

1. Any applicable general plan, specific plan, or local coastal program, including any mitigation measures required by such plan or program, as that plan or program existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete; and,

*The project is consistent with the City of Fresno's General Plan and the Tower District specific Plan.*

2. Any applicable zoning ordinance, as that zoning ordinance existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete, unless the zoning of project property is inconsistent with the general plan because the project property has not been rezoned to conform to the general plan.

*Per the guidelines of the City of Fresno's General Plan and development code, the Planning Director has discretion to apply the zoning of adjacent zoning to the project site. The zoning would be consistent with adjacent properties once the parcel is created and would therefore conform with the general plan and zoning ordinance.*

ii. Pursuant to Section 15192(b), community-level environmental review has been adopted or certified.

*The city of Fresno's PEIR (SCH#2019050005), which provides community-level environmental review, has been certified and was adopted within the past five years.*

iii. Pursuant to Section 15192(c), the project and other projects approved prior to the approval of the project can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees.

*The project is in an infill site and can be adequately served by existing utilities, and the project applicant will be required to pay all applicable in-lieu or development fees prior to commencement of land use.*

iv. Pursuant to Section 15192(d), the site of the project:

1. Does not contain wetlands, as defined in Section 328.3 of Title 33 of the Code of Federal Regulations.

2. Does not have any value as an ecological community upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection.
3. Does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or by the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code).
4. Does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete.

*The site does not contain wetlands as defined in Section 328.3 of Title 33 of the Code of Federal Regulations. Therefore, the land does not have any value as an ecological community upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection.*

*Because no species are present on the site, the proposed project does not cause the destruction or removal of any species protected by a local ordinance, the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code, or any other law or ordinance in effect at the time the application for the project was deemed complete.*

- v. Pursuant to Section 15192(e), the site of the project is not included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code.

*The project site is not on any applicable list such as Cortese List, Calsites, Envirostar databases, or any other applicable database pursuant to Hazardous Waste and Substances site "Cortese" list.*

- vi. Pursuant to Section 15192(f), the site of the project is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. In addition, the following steps have been taken in response to the results of this assessment:
  1. If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements.

2. If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.

*The only known release of hazardous waste near the project site is from the adjacent Hwy 180 Freeway. Pursuant to SCH#2019050005, new sensitive uses within the recommended buffer distances listed in the CARB Handbook shall provide enhanced filtration units or submit a Health Risk Assessment (HRA) to the City.*

- vii. Pursuant to Section 15192(g), the project does not have a significant effect on historical resources pursuant to Section 21084.1 of the Public Resources Code.

*Although the project site is within the proposed boundaries of the proposed Lower Fulton-Van Ness Historic District, the project site is vacant and will not have a significant adverse impact on historical resources pursuant to Section 21084.1 of the Public Resources Code.*

- viii. Pursuant to Section 15192(h), the project site is not subject to wildland fire hazard, as determined by the Department of Forestry and Fire Protection, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard.

*The project site is not subject to wildland fire hazard because it is not located in CAL FIRE's fire hazard severity zones. The City of Fresno's General Plan only identifies the San Joaquin River bluffs area as prone to wildfire, and the subject property is located approximately 6.8 miles from the nearest river bluff.*

- ix. Pursuant to Section 15192(i), the project site does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties.

*The project site will be an infill parcel surrounded by urban uses that are primarily commercial and residential in nature, and does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties.*

- x. Pursuant to Section 15192(j), the project site does not present a risk of public health exposure at a level that would exceed the standards established by any state or federal agency.

*Pursuant to SCH#2019050005, new sensitive uses within the recommended buffer distances listed in the CARB Handbook shall provide enhanced filtration units or submit a Health Risk Assessment (HRA) to the City.*

- xi. Pursuant to Section 15192(k), either the project site is not within a delineated earthquake fault zone or a seismic hazard zone, as determined pursuant to Section 2622 and 2696 of the Public Resources Code respectively, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake or seismic hazard.

*No known seismic hazards or fault zones were identified in the Alquist Priolo Fault hazard zones map.*

- xii. Pursuant to Section 15192(l), either the project site does not present a landslide hazard, flood plain, flood way, or restriction zone, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.

*The project site is located in Zone X of the FEMA floodplain maps, identifying a 0.2% chance of annual flood. Therefore, it is not identified as a special flood hazard area. The project site does not present a landslide hazard, flood plain, flood way, or restriction zone.*

- xiii. Pursuant to Section 15192(m), the project site is not located on developed open space.

*The project site is currently vacant and therefore not developed on land planned as open space according to the Fresno General Plan Land Use and Circulation Map.*

- xiv. Pursuant to Section 15192(n), the project site is not located within the boundaries of a state conservancy.

*The project site is not located within the boundaries of a state conservancy. The nearest one is the San Joaquin River Conservancy, located approximately 7 miles to the north of the project site.*

- xv. Pursuant to Section 15192(o), the project has not been divided into smaller projects to qualify for one or more of the exemptions set forth in sections 15193 to 15195.

*Project proposes vacation of Caltrans right of way. No project has been previously proposed on this site. It is not part of a larger subdivided project.*

- b) The project meets the following size criteria: the project site is not more than five acres in area

*The project site based on the applicant's proposed boundaries is approximately 9,672 square feet, or approximately 0.22 acres.*

- c) The project meets both of the following requirements regarding location:

i. The project meets one of the following location requirements relating to population density:

1. The project site is located within an urbanized area or within a census-defined place with a population density of at least 5,000 persons per square mile.
2. If the project consists of 50 or fewer units, the project site is located within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.
3. The project is located within either an incorporated city or a census defined place with a population density of at least 1,000 persons per square mile and there is no reasonable possibility that the project would have a significant effect on the environment or the residents of the project due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable projects in the vicinity of the project.

*The project proposes fewer than 50 units. The city of Fresno has a population of over 540,000 persons and a population density of approximately 4,707 persons per square mile.*

ii. The project meets one of the following site-specific location requirements:

1. The project site has been previously developed for qualified urban uses.
2. The parcels immediately adjacent to the project site are developed with qualified urban uses.
3. The project site has not been developed for urban uses and all of the following conditions are met:
  - No parcel within the site has been created within 10 years prior to the proposed development of the site.
  - At least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses.
  - The Existing remaining 25 percent of the perimeter of the site adjoins parcels that have been previously developed for qualified urban uses.
4. The project site is immediately surrounded by qualifying urban uses, service station, general commercial, and a church.

*The parcel is an infill site, located immediately adjacent to the site are developed with qualified urban uses such as housing, service station/market, church, and urban transportation facilities.*

- d) The project meets both of the following requirements regarding provision of affordable housing.
- i. The project consists of the construction, conversion, or use of residential housing consisting of 100 or fewer units that are affordable to low-income households.
  - ii. The developer of the project provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and land use of the housing units for lower income households for a period of at least 30 years, at monthly housing costs deemed to be “affordable rent” for lower income, very low income, and extremely low-income households, as determined pursuant to Section 50053 of the Health and Safety Code.

*The project proposes the construction of less than 100 units of affordable housing on a parcel of 9672.11 square feet. The units will be deed restricted to provide 100 percent affordable housing for at least 30 years pursuant to Section 50053 of the Health and Safety Code.*

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Submitted by:

  
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