

Exhibit K

NOTICE OF EXEMPTION

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
SEP 03 2024
TIME 10:30am
FRESNO COUNTY CLERK
By [Signature] DEPUTY

Project Title: Environmental Assessment No. P23-03784/P23-03785

Project Location: 741 and 705 West Belmont Avenue; located on the south side of West Belmont Avenue between North Pacific Avenue and North Delno Avenue in Fresno, California. (APNs:458-121-17 and 458-121-19)

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

Description of Nature, Purpose, and Beneficiaries of Project: Development Permit Application No. P23-03784 was filed by Dan Zack of Zack Urban Solutions and pertains to the ±2.35 acres located at 741 W Belmont Ave (APN: 458-121-17) and 705 W Belmont Ave (APN: 458-121-19). The applicant proposes to construct a K-8 charter school consisting of 4 buildings with an overall building square footage of ±26,914, and ±12,735 square feet of overhang/patio area for the Golden Charter Academy. Additional improvements include new paving, a trash enclosure, landscaping, a children’s play area, a student drop-off/pick up zone, bike rack, a water feature, sidewalks, new drive approaches, gates, perimeter fencing, new utilities, and 33 parking spaces. The new campus in the Parkside neighborhood will have 480 students and 60 employees at maximum enrollment. There will be 21 classrooms which will be oriented along linear courtyards which facilitate ample outdoor play and learning. Both parcels are zoned NMX (*Neighborhood Mixed-Use*). Related Planned Development Application No. P23-03785 was filed in conjunction with this application, which proposes to modify multiple development standards of the Fresno Municipal Code to create an enhanced and innovative design for the school campus.

Name of Public Agency Approving Project: City of Fresno

Name of Person or Agency Carrying Out Project: Dan Zack
Zack Urban Solutions
(650) 743-5960
dan@zackurban.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 Determination for Development Permit Application No. P23-03784 and related Planned Development Application No. P23-03785.

Lead Agency Contact Person: Erik Young, Supervising Planner
City of Fresno Planning and Development Department

Full telephone no.: (559) 621-8009

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: Erik Young **Date:** 08/13/2024

Printed Name and Title: Erik Young, Supervising Planner
City of Fresno Planning and Development Department

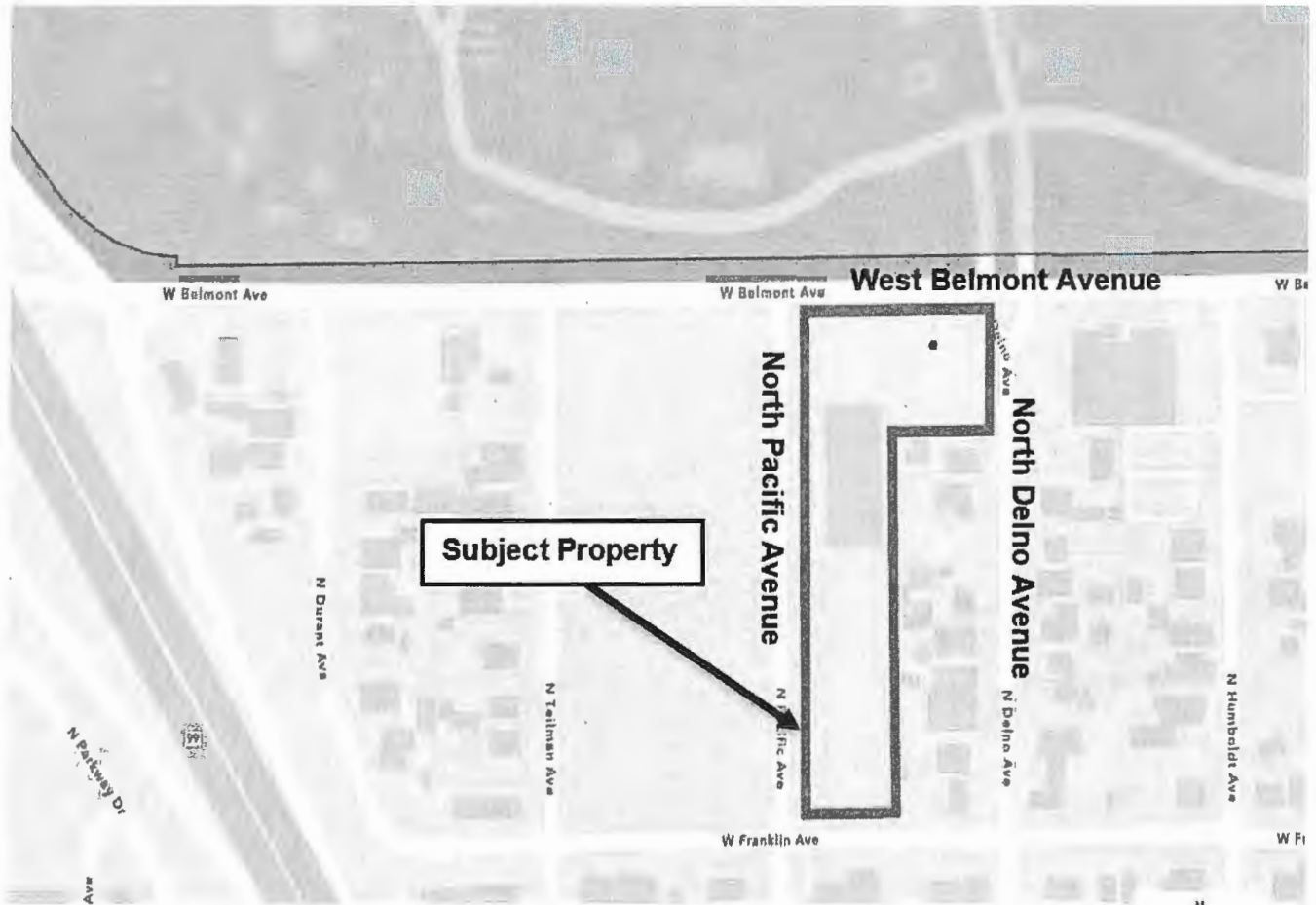
Signed by Lead Agency

Signed by applicant

Attachments: Vicinity Map

Categorical Exemption Determination for Development Permit Application No. P23-03784 and related Planned Development Application No. P23-03785

VICINITY MAP/SITE LOCATION
741 and 705 West Belmont Avenue



Legend

Subject Property 



Planning and Development Department
2600 Fresno Street, Room 3043 · Fresno, CA 93721 · Phone (559) 621-8277

**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT FOR
DEVELOPMENT PERMIT APPLICATION NO. P23-03784 AND
RELATED PLANNED DEVELOPMENT APPLICATION NO. P23-03785**

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: Dan Zack
Zack Urban Solutions
(650) 743-5960
dan@zackurban.com

PROJECT LOCATION: 741 and 705 West Belmont Avenue; located on the south side of West Belmont Avenue between North Pacific Avenue and North Delno Avenue in Fresno, California.
APNS:458-121-17 and 458-121-19 (Council District 3)

PROJECT DESCRIPTION: Development Permit Application No. P23-03784 was filed by Dan Zack of Zack Urban Solutions and pertains to the ±2.35 acres located at 741 W Belmont Ave (APN: 458-121-17) and 705 W Belmont Ave (APN: 458-121-19). The applicant proposes to construct a K-8 charter school consisting of 4 buildings with an overall building square footage of ±26,914, and ±12,735 square feet of overhang/patio area for the Golden Charter Academy. Additional improvements include new paving, a trash enclosure, landscaping, a children's play area, a student drop-off/pick up zone, bike rack, a water feature, sidewalks, new drive approaches, gates, perimeter fencing, new utilities, and 33 parking spaces. The new campus in the Parkside neighborhood will have 480 students and 60 employees at maximum enrollment. There will be 21 classrooms which will be oriented along linear courtyards which facilitate ample outdoor play and learning. Both parcels are zoned NMX (*Neighborhood Mixed-Use*). Related Planned Development Application No. P23-03785 was filed in conjunction with this application, which proposes to modify multiple development standards of the Fresno Municipal Code to create an enhanced and innovative design for the school campus.

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

The proposed project (K to 8 Charter School) 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 NMX (Neighborhood Mixed-Use) zone district is consistent with the Neighborhood Mixed Use- planned land use designation approved for this site by the Fresno General Plan, Downtown Neighborhoods 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 substantially surrounded by urban uses.*

The proposed project (K to 8 Charter School) is located within the city limits, occurs on a vacant site of approximately 2.35 acres, which is less than the five-acre maximum, and is bordered by residential and commercial developments to the east and south, a vacant lot to the west, and the Fresno Chaffee Zoo to the north.

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

The project site comprises land that has been previously disturbed and lacks habitat value for endangered, rare, or threatened species. Although currently vacant, the site was formerly developed with a hall, which has since been demolished. The surrounding area is characterized by existing urban developments, further confirming that the site does not serve 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 as provided in detail below.

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 are 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 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 Charter School project is located within a low-VMT zone and is estimated to generate 19.41 VMT, lower than the 25.60 VMT (13%) threshold.

A traffic impact study, including a trip generation study, provided by Ruettggers and Schuler Civil Engineers, dated May 30, 2024, (R&S Report) was prepared for the K to 8 Charter School in Fresno, CA. The R&S Report states the Charter School project would generate approximately 888 average daily trips, 502 new AM peak hour, and 77 new PM peak hour trips. Small projects that generate or attract fewer than 110 trips per day or less than 500 Active Daily Trips (ADT) generally may be assumed to cause a less-than significant transportation impact, which is lower than the 13% VMT threshold. While the trip generation figures exceed typical thresholds for small

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projects, the project qualifies for screening out due to its classification as an institutional use benefiting the local community. Considering the project's location within a low VMT zone, the Fresno COG VMT Calculation Tool (Excel) was also utilized with the project parameters. The results of this analysis demonstrate that the project's VMT remains below the established thresholds.

The R&S Report also includes an analysis of intersection and roadway LOS, demonstrating that the project does not worsen current conditions. The relationship of travel demand compared to the roadway capacity determines the level of service (LOS) of a roadway. Six levels of service identify the range of possible conditions. Designations range from LOS A, which represents the best operating conditions, to LOS F, which represents the worst operating conditions. Design requirements for roadways vary according to the desired capacity and level of service.

The project's impact was assessed to determine whether it would reduce the Level of Service (LOS) to LOS E or LOS F at any street or intersection within the project vicinity. Additionally, the analysis evaluated whether the project would substantially worsen existing conditions at locations already operating at LOS F. The findings indicate that intersections at Belmont Avenue and Hughes Avenue, and Belmont Avenue and Delno Avenue, maintain LOS B and LOS C, respectively, both with and without the project. Furthermore, roadway segments on Belmont Avenue continue to exhibit a two-way LOS C during both AM and PM peak hours. The traffic impact study also concludes that the project is not expected to influence accident rates based on the data reviewed.

In summary, the traffic impact study demonstrates that the project will not adversely affect LOS or VMT and is projected to result in less-than-significant traffic impacts.

Noise

Staff reviewed the policies of the Fresno General Plan and Fresno Municipal Code to determine if the proposed project produces a significant increase in ambient noise levels.

The City of Fresno Noise Element of the General Plan establishes a Noise Exposure from Stationary Noise Sources standard of 50 dBA Hourly Equivalent Sound Level (Leq) and a Maximum Sound Level (Lmax) of 70 dBA during the daytime (7 a.m.-10 p.m.) and 45 dBA and 60 dBA for nighttime (10 p.m.-7 a.m.) respectively. The noise exposure standard is applied to the property line of the receiving land use.

Knowledge of the following relationships clarifies how changes in noise and noise exposure are perceived:

- Except under special conditions, a change in sound level of 1 dB cannot be perceived.
- A 3 dB change is considered a just noticeable difference.
- A 5 dB change is required before any noticeable change in community response would be expected. A 5 dB increase is often considered a significant impact; and

- A 10 dB increase is subjectively heard as an approximate doubling in loudness and almost always causes an adverse community response.

Outdoor ambient noise levels are permitted to be higher for urban areas and commercial sites, and higher still for industrial areas. Longstanding City policy for stationary sources has been to require enclosure, muffling, and/or greater setbacks so that adjacent properties are not exposed to excessive noise levels. Nuisance noise abatement has been accomplished through the City's Noise Ordinance. Noise from transportation facilities has been controlled primarily by State and federal standards but also by distancing sensitive uses from these facilities, and by use of sound-proofing construction measures, such as masonry walls and sealed buildings.

The subject property is located within an existing vehicle noise contour of 60 to 65 db. The General Plan is consistent with noise control practice in urban areas, employing 60 dB as being a desirable level, but accepting 65 dB as being in the "normally acceptable" range for noise due to the number of transportation sources located in proximity to urban residential areas. This policy supports the development of infill residential projects, as well as nonresidential infill projects by setting a realistic, achievable threshold of impact for new development.

Krazan & Associates, Inc. (Krazan) prepared a Health Risk Assessment (HRA) for acoustical analysis and noise study dated October 18, 2023, for the subject site and proposed use. The Acoustical Analysis, performed by WJV Acoustics, Inc. (WJVA) and dated October 14, 2023, was based upon a project site plan prepared by Dyson Janzen Architects, Inc., traffic data provided by the Fresno Council of Governments (Fresno COG) and the findings of on-site noise level measurements collected on September 28, 2023. The report reviewed noise from Belmont Avenue and its impact on the proposed charter school.

Pursuant to the Fresno Municipal Code, Table 15-2506-B, the maximum allowable exterior noise level for a school is not explicitly defined, but the interior standard is 45 dB Leq. The peak traffic noise exposure at the closest building (63 dB Leq) necessitates an outdoor-to-indoor noise level reduction of approximately 18 dB to meet the 45 dB Leq interior standard. The proposed construction is expected to provide at least a 25 dB reduction in exterior noise levels if windows and doors are closed, which is sufficient to comply with the 45 dB Leq interior noise standard.

Pursuant to FMC Table 15-2506-C, if the Day/Night Average Sound Level (Ldn) exceeds 65 dB, an acoustic study and noise attenuation measures are required. The peak noise exposure calculated (63 dB Leq) falls within the acceptable range of less than 65 dB, thus meeting the "A: Satisfactory" category.

The project is required to implement noise attenuation measures if stationary noise levels are exceeded. The study indicates that additional noise attenuation (e.g., louvers) will help maintain compliance with these standards. The project plans include noise-reducing features, such as louvers, and assumes mechanical ventilation or air conditioning to ensure noise levels meet interior standards. The project includes noise attenuation measures consistent with the study recommendations, ensuring compliance with applicable noise standards.

The project adheres to the Fresno Municipal Code requirements for noise attenuation. Additionally, the landscaping plan incorporates a 6-foot masonry wall and a 10-foot hedge to reduce noise impacts on adjacent residential properties. Overall, the project will not introduce significant noise impacts and meets the necessary noise control measures to protect sensitive uses.

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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 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.

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. In addition, given the surrounding properties and neighborhood 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 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 13, 2024

Prepared By: Brittany Martin

Submitted by: Erik Young
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