

Exhibit J

**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT FOR
DEVELOPMENT PERMIT APPLICATION NO. P21-00989**

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: Jamie Huelskamp
Park 7, LLC
155 West Shaw Avenue, Suite 307
Fresno, California 93710

PROJECT LOCATION: 7056 North Prospect Avenue; Located on the northeast corner of
West Herndon and North Prospect Avenues in Fresno

APNs: 500-200-28S, -27S, -29S
(Council District 2)

PROJECT DESCRIPTION: **Development Permit Application No. P21-00989** requests authorization to construct an 82-unit private gated multi-family development. The project proposes on-site and off-site improvements including, but not limited to, three (3) three-story multifamily residential buildings and one (1) four-story building multifamily residential building consisting of 74 two-bedroom/two bathroom dwelling units and eight (8) two-bedroom/one-bathroom dwelling units, one (1) approximately 1,907 square-foot one-story community center building, one (1) swimming pool area, one (1) dog park area, 154 parking spaces (27 single-car garages, 72 covered carport parking spaces, and 55 uncovered parking spaces), and 6 long-term bicycle parking spaces. A Class 1 Trail for bicycle and pedestrian pathway will be constructed along the Herndon Avenue property frontage. Direct access to the development will only be provided from North Prospect Avenue via a private gated entrance. One (1) emergency vehicle access approach is proposed along West Fir Avenue. Three (3) private pedestrian gates will be provided along West Fir Avenue and two (2) private pedestrian gates will be provided along North Prospect Avenue.

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 policies as well as with applicable zoning designation and regulations.

Given the conditions of approval, the proposed multi-unit residential project will meet all the provisions of the Fresno Municipal Code (FMC). The project is consistent with the Fresno General Plan designation, policies, and zoning. The existing RM-2/EA/UGM/cz (*Multi-*

Family Residential, Urban Neighborhood/Expressway Overlay/Urban Growth Management/conditions of zoning) zoning designation is consistent with the Urban Neighborhood Residential planned land use designation approved for this site by the Fresno General Plan, Bullard Community Plan, and the Fresno County Airport Land Use Compatibility Plan. The proposed development was reviewed for density and massing standards and no inconsistencies were found with the proposed setbacks, landscape standards, density or lot coverage. The project proposes a density of 22.16 dwelling units per acre where the allowable density range is between 16 and 30 dwelling units per acre. The project complies with all applicable development standards for properties located in the RM-2 zone district and Expressway Area Overlay zone district. It can be concluded that the proposed multi-family residential project conforms to the development standards of the Urban Neighborhood planned land use designation and RM-2/EA 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, occurs on a vacant site of approximately 3.7 acres, which is less than the five-acre maximum, and is surrounded by other urban uses. An existing single-family residential neighborhood is located east of the project site. The property to the west is currently vacant and planned and zoned for Employment – Offices uses. The property to the north has been developed with a neighborhood park (Orchid Park). Properties further to the northwest and northeast have been developed with an elementary school (Forkner Elementary School) and single-family residential neighborhoods.

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

The subject property is substantially surrounded by urban uses, including a park to the north, and single-family residential neighborhoods to the east and south. The subject property is relatively small flatland and no trees. Due to the noted circumstances of the subject property, it is staff's finding that the subject 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, the City of Fresno Public Works Department – Traffic Planning Section, and the Fresno Metropolitan Flood Control District, and no significant effects were identified relating to traffic, noise, air quality, or water quality.

Traffic

The Fresno General Plan designates West Herndon Avenue as an expressway and North Prospect and West Fir Avenues as local streets. The project will take direct vehicular access from one access point on North Prospect Avenue via a private gated entrance.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the proposed application and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements stipulated within the memoranda from the Traffic Engineering Division memorandum dated June 23, 2021. These requirements include: (1) Right-of-way dedications and improvements; and, (2) Payment of applicable impact fees (including, but not limited to, the

Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and the Regional Transportation Mitigation Fee.

Vehicle Miles Traveled (VMT)

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 automotive 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 choose the most appropriate methodology to evaluate a project’s [VMT], 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 [VMT] and may revise those estimates to reflect professional judgement based on substantial evidence. Any assumptions used to estimate [VMT] and any revisions 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 VMT Thresholds, pursuant to SB 743 to be effective as 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 City of 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 is the potential to increase vehicle travel, sometimes referred to as “induced travel.”

The proposed project is eligible to screen out because pursuant to the City of Fresno VMT Thresholds Section 3.0 (Project Screening), the project proposes an average daily trip (ADT) generation of 461 based on the 11th edition of the ITE Trip Generation Manual, which is lower than an ADT of 500 which is considered as a measurement to screen out of VMT.

Noise

The project is a new multi-unit residential development. The project will occur on a site that is currently vacant which is planned and zoned for multi-unit residential uses and is one of the last few remaining vacant properties within the vicinity to be developed. Furthermore, the project site is located in a developed neighborhood. Immediate properties to the north have been developed with a park; properties to the east have been developed with single family residences; property to the west is currently vacant; and Forkner Elementary school is currently located to the northwest. Furthermore, the site is located adjacent to Herndon Avenue which is designated as an Expressway.

Short-term Noise Impacts

The construction of a project involves both short-term, construction related noise, and long-term noise potentially generated by increases in area traffic, nearby stationary sources, or other transportation sources. The Fresno Municipal Code (FMC) allows for construction noise in excess of standards if it complies with the section below (Chapter 10, Article 1, Section 10-109 – Exceptions). It states that the provisions of Article 1 – Noise Regulations of the FMC shall not apply to:

Construction, repair or remodeling work accomplished pursuant to a building, electrical, plumbing, mechanical, or other construction permit issued by the city or other governmental agency, or to site preparation and grading, provided such work takes place between the hours of 7:00 a.m. and 10:00 p.m. on any day except Sunday.

Thus, construction activity would be exempt from City of Fresno noise regulations, as long as such activity is conducted pursuant to an applicable construction permit and occurs between 7:00 a.m. and 10:00 p.m., excluding Sunday. Therefore, short-term construction impacts associated with the exposure of persons to or the generation of noise levels in excess of standards established in the general plan or noise ordinance or applicable standards of other agencies would be less than significant.

Long Term Noise Impacts

The proposed project includes development of multi-family units. FMC Section 10-102(b) states residential zoned properties shall not exceed 50 dB from 10:00 p.m. to 7:00 a.m., 55 dB from 7:00 p.m. to 10:00 p.m. and 60 dB from 7 a.m. to 7 p.m. In addition, the Noise Ordinance states commercial zoned properties shall not exceed 60 dB from 10:00 p.m. to 7:00 a.m., 65 dB from 7:00 a.m. to 10:00 p.m. As previously mentioned, the immediate vicinity consists of existing single family residential, park, and public institutional uses which will produce noise levels similar to noise levels produced by the proposed project. Although the project will create additional activity in the area, the project will be required to comply with all noise policies from the Fresno General Plan and noise ordinance from the FMC.

Noise Exposure from Transportation Noise Sources

The FMC's Noise Ordinance states that the maximum noise exposure for residential land uses from transportation related sources should be 65 dB for exterior exposure and 45 dB for interior exposure.

An Acoustical Study was completed for the project dated January 14, 2021, and the recommendations that are included as conditions of approval are as follows:

- A sound wall constructed along the project site property line with West Herndon Avenue, constructed to a minimum height of six feet (6') above project grade elevation would reduce exterior noise levels within first-floor patios below the City's

maximum exterior noise level standard.

The south-facing individual units with balconies on the 2nd through 4th floors in the building closest to West Herndon Avenue can be exempted from the exterior noise requirements of Fresno Municipal Code (FMC) Table 15-2506-B (Noise Exposure from Transportation Noise Sources). The exemption is allowed if balconies are not included in on-site open space calculations. Only balconies on the 2nd through 4th floors of the south-facing side of the building closest to West Herndon Avenue were excluded from the on-site open space calculations, thus also being exempted from the exterior noise requirements of the FMC.

The acoustical study recommended a minimum six-foot (6') tall sound wall be required. Pursuant to FMC Section 15-1604(C)(1)(c), the Expressway Area (EA) Overlay District development standards for residential districts requires, "Any barrier necessary to achieve acceptable noise levels shall not be less than eight feet in height and may be a wall, an earth berm, or any combination of wall and earth berm." Considering the acoustical study recommended a minimum 6' tall sound wall, the EA Overlay District development standards require a minimum eight-foot (8') sound wall, earth berm, or combination of both. The project is conditioned to require the EA Overlay District development standard requirement, specifically, an 8' sound wall.

All proposed multi-family residential unit will comply with the City of Fresno interior noise level standard of 45 dB Ldn without the need for mitigation measures, given that mechanical ventilation or air conditioning is provided for all units so that windows and doors can remain closed for sound insulation purposes.

Air Quality

The San Joaquin Valley Air Pollution Control District (District) has published guidance on determining potential significant impacts and potential mitigation of significant impacts in its Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI).

The District has established thresholds of significance for criteria pollutant emissions which are based on the District's New Source Review (NSR) offset requirements for stationary sources. Using the project type, size, and number of vehicle trips, the District has pre-quantified emissions and determined values below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants.

In the interest of streamlining CEQA requirements, projects that fit the below descriptions up to the project sizes indicated and are below both of the corresponding non-Heavy-Heavy Duty Trucks (HHDT) and HHDT trip lengths, are deemed to have a less than significant impact on air quality and as such are excluded from quantifying criteria pollutant emissions for CEQA purposes.

According to the Small Project Analysis Level (SPAL) Table 1 Residential, Apartment, Mid-Rise with a size of 225 dwelling units and 800 or less average daily one-way trips for all fleet types of 800 or less are deemed to be less than significant.

Using the ITE Trip Generation Rates 11th Edition, the subject project (82-unit apartments) would generate 461 average daily trips (two-way trips). Thus, it is less than the SPAL 800 average daily one-way trip threshold.

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.

Water Quality

Fresno Metropolitan Flood Control (FMFCD) provided comments on June 23, 2021, which stated that conveyance should be directed towards the southeast area of the property onto private drainage facilities and further connect to existing facilities. On-site grading will be reviewed by the City of Fresno Building Division and FMFCD for compliance with storm water conveyance and pollution prevention.

The project site is mostly flat and the project would not substantially alter the existing drainage pattern of the site or area. The project site does not have a stream or river. The project would not result in substantial erosion or siltation on- or off-site, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. The project would not impede or redirect flood flows and the project site is not in a location that is prone to flood hazard, tsunami, or seiche zones, and is not at risk of release of pollutants due to project inundation.

The final storm drainage design will be developed at the improvement plan stage of the project. The storm drainage plan will be supported by engineering calculations to ensure that the project does not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

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 development 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 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 Irrigation District, 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. A categorical exemption, as noted above, has been prepared for the project and the area is not environmentally sensitive.

Date: February 9, 2024

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City of Fresno

