

Exhibit N

**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT FOR
CONDITIONAL USE PERMIT APPLICATION NO. P21-06063 AND CONDITIONAL USE
PERMIT APPLICATION NO. P21-06064**

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 Nos. P21-06063 and P21-06064 pertain to a 1.33-acre underdeveloped lot located at the address noted above. The property is zoned CG/UGM (*Commercial General/Urban Growth Management*) which is consistent with the underlying planned land use designation of Commercial – General.

Conditional Use Permit Application No. P21-06063 proposes to construct a ±6,690 square-foot commercial shell building on a 1.33-acre underdeveloped lot located at the address noted above. The proposed commercial building is to be utilized by a combination automobile service station and convenience store (±3,800 square feet), a quick-serve restaurant (±1,750 square feet), and an attached automated car wash tunnel (± 1,140 square feet). The combination service station and convenience store will be operated by Arco AM/PM and will also include a ±4,620 square-foot detached fuel canopy with eight (8) fuel islands with 16 fuel pumps. Additional on-site improvements to be provided include but are not limited to parking, landscaping, 3-cell trash enclosure, and utilities. Off-site improvements primarily exist; however, the project will be required to provide sidewalk drains, street tree wells, and accessibility improvements.

Approximately ±2,171 square feet of the proposed AM/PM store will be dedicated to sales and display area (mercantile area); approximately ten percent of which (approximately ±225 square feet) will be dedicated to the display and sale of fresh produce and grocery products, while the remaining area will be dedicated to general convenience items including but not limited to bagged chips, packaged dry meats and jerky, nuts & seeds, packaged baked goods, candy, novelty retail items, granola/nutritional bars, ice cream, etc. In addition, the mercantile floor area will include self-serve beverage (soda and coffee) and hot food areas. The store will also include: two (2), seven-door refrigerated coolers for general beverages (e.g. soda, juice, dairy, water, beer, and wine) and various cold food items; one (1), two-door freezer for ice and ice cream; and a ±180 square-foot beer cave. Approximately 4.3 percent of overall floor area (±93 square feet) of refrigerator and general mercantile floor area will be dedicated to the display and sale of alcoholic

beverages.

The proposed hours of operation for the combination service station and convenience store will be 24 hours a day, seven (7) days a week.

Related Conditional Use Permit Application No. P21-06064 proposes to sell alcohol (for off-site consumption) from the AM/PM convenience store component under a State of California Alcoholic Beverage Control (ABC) Type 20 (off-sale general: beer and wine for consumption off the premises where sold) alcohol license.

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 combination automobile service station and convenience store with off-site alcohol sales & attached car wash, and restaurant will meet all the provisions of the Fresno Municipal Code (FMC) including but not limited to Section 15-2755 (Service Stations), Section 15-2711 (Automobile/Vehicle Washing), and Section 15-2706 (Alcohol Sales – The Responsible Neighborhood Market Act). The project is consistent with the Fresno General Plan and West Area Community 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 an underdeveloped and 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 subject site is substantially surrounded by urban uses where existing services and facilities are available to serve the project and is located in an area primarily planned and zoned for commercial uses. Properties to the north,

east, southwest, and west are planned and zoned for General Commercial uses and properties to the south and southeast are planned and zoned for Community Commercial Uses. Surrounding the property is an assisted living facility (north), an automobile service station and convenience store (south), and neighborhood shopping centers (southwest and west).

- 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 ±3,800 square feet of the proposed shell building, the quick-serve restaurant will occupy ±1,750 square feet, and the car wash tunnel (±1,141 square feet) would be attached to the west side of the proposed building, the proposed fuel canopy will be detached and consist of ±4,627 square feet, which is less than the maximum allowable 50,00 square feet requirement. Therefore, the project screens out from further VMT analysis and 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 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: March 6, 2023

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Submitted by:

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