

**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT FOR
DEVELOPMENT PERMIT APPLICATION NO. P24-03404**

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: Jon Frame
R. L. Davidson
405 Park Creek Drive
Clovis, CA 93611

PROJECT LOCATION: 555 West Audubon Drive; Located on the northeast corner of
West Nees Avenue and West Audubon Drive.
APN: 402-570-08 & 402-570-09
(Council District 2)

PROJECT DESCRIPTION: Development Permit Application No. P19-04137 and Planned
Development Permit Application No. P19-04139 were filed by Jon
Frame of R.L. Davidson, on behalf of Fresno Supreme, Inc., and
pertains to approximately 2.64 acres of property located at 555
West Audubon Drive. The applicant is requesting authorization
to construct a new 63-unit multi-family residential complex that
will connect to an existing 262-unit multi-family residential
complex (Audubon Courts Apartments) to the north and east.
The new 63-unit multi-family residential complex will include
proposed on- and off-site improvements including, but not limited
to, an at-grade parking lot, an underground parking garage,
outdoor swimming pool, barbeque area, sidewalk, curb and
gutter, and an egress-only gate providing tenant egress on West
Nees Avenue. The planned development is required pursuant to
FMC Section 15-310.C. to allow for a density transfer between
the existing multi-family residential complex to the north and east
and the proposed multi-family residential complex. Additionally,
the project includes a vacation of street right-of-way of
approximately 960 square feet adjacent to the southern property
line of the subject property (West Nees Avenue). The subject
property is in the RM-3/UGM (*Multi-Family Residential, High
Density/Urban Growth Management*) zone district.

**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.**

The subject property is located within the Fresno General Plan and the Bullard Community Plan, which designate the subject property for High Density Residential planned land uses.

The project, as described in Finding A, is consistent with the following Fresno General Plan goals, objectives and policies related to residential land use and the urban form:

Goals

Goal 7: Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the City.

Goal 8: Develop Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance.

Goal 10: Emphasize increased land use intensity and mixed-use development at densities supportive of greater use of transit in Fresno.

The proposed multi-family residential development includes housing units and open space. The private open space for the development includes an outdoor swimming pool and barbeque area. Additionally, the proposed development will have access to amenities of the existing adjacent development including two outdoor swimming pools, a tennis court, barbeque area, club room and fitness center.

The proposed multi-family residential development provides for additional housing options along the major street corridor of West Nees Avenue. The West Nees Avenue corridor in this location does provide for a nearby bus stop located along the west side of North Ingram Avenue, approximately 220 feet south of the subject property. Furthermore, there are two existing commercial shopping centers immediately south and southwest of the subject property, with other accessible commercial and office centers along Palm Avenue southwest of the subject property.

Objectives

Objective UF-1 emphasizes the opportunity for a diversity of districts, neighborhoods, and housing types.

Objective UF-12 emphasizes to locate roughly one-half of future residential development in infill areas – defined as being within the City on December 31, 2012 – including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land.

Objective LU-1 establishes a comprehensive citywide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment.

Objective LU-2 plans for infill development that includes a range of housing types, building forms, and land uses to meet the needs of both current and future residents.

Objective LU-5 calls for a diverse housing stock that will support balanced urban growth and make efficient use of resources and public facilities.

Policies

Policy UF-1-a supports development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities.

Policy UF-1-d emphasizes provisions for a diverse and variation of building types, densities, and scale of development in order to reinforce the identity of individual neighborhoods, foster a variety of market-based options for living and working to suit a large range of income levels, and further affordable housing opportunities throughout the City.

Policy UF-1-f promotes to use Complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan.

Policy LU-1-a promotes new development, infill, and rehabilitation of existing building stock in the Downtown Planning Area, along BRT corridors, in established neighborhoods generally south of Herndon Avenue, and on other infill sites and vacant land within the City.

Policy LU-2-a promotes development of vacant, underdeveloped, and re-developable land within the City Limits where urban services are available by considering the establishment and implementation of supportive regulations and programs.

Policy LU-5-f promotes high-density residential uses to support Activity Centers and BRT Corridors, and walkable access to transit stops.

Policy LU-5-h supports housing that offers residents a range of amenities, including public and private open space, landscaping, and recreation facilities with direct access to commercial services, public transit, and community gathering spaces.

Development Code

Pursuant to Table 15-1002 of the Fresno Municipal Code (FMC), "Multi-Unit Residential" uses are permitted in the RM-3 (Multi-Family Residential, High Density) zone district.

The proposed project will be conditioned to comply with the development standards pursuant to FMC Sections 15-1003, 15-1004 and 15-1005 subject to the conditions of approval dated February 12, 2020.

Therefore, it is staff's opinion that the proposed project is consistent with respective general

objectives and policies, and the applicable zoning designation and regulations of the Development Code, and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno.

b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The State of California Governor's Office of Planning and Research states that infill development "refers to building within unused and underutilized lands within existing development patterns, typically but not exclusively in urban areas." Although not defined within the CEQA Class 32 Categorical Exemption, Public Resources Code Section 21159.25 (Special Review of Housing Projects) defines "substantially surrounded" as, "At least 75 percent of the perimeter of the project site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses..."

The proposed project is located within City limits, occurs on a vacant site of approximately 2.64 acres, which is less than the five-acre maximum, and is substantially surrounded by other qualified urban uses (existing multi-family residential to the north and east, arterial street to the south (W Nees Ave) and scenic collector street to the west (W Audubon Dr).

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

The project site is currently vacant. Immediately surrounding the subject property are streets and high volumes of traffic to the west and south, which are generally prohibited corridors for species migration, and the site habitat has no trees which would attract birds or other species. As previously stated in Finding b, the site is substantially surrounded by multi-family development to the north and east with other substantially developed commercial shopping centers to the south and southwest, an office complex immediately west, and other existing single-family neighborhoods and multi-family residential complexes to the east along West Nees Avenue; 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, 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.”

The proposed project is eligible to screen out because pursuant to the City of Fresno VMT Thresholds Section 3.0 (Project Screening), the following attributes presume that the project creates a less than significant impact:

- The project generates a low volume of daily traffic (less than 500 ADT). The multi-family residential development proposes a total of 63 new multi-family residential units encompassed within two (2) two-story buildings. Based on the 11th Edition of the ITE Trip Generation Manual, the proposed use is defined as “Multifamily Housing (Low-Rise) – containing one or two floors.” The average daily trip (ADT) rate per unit for Multifamily Housing (Low-Rise) pursuant to the 11th Edition of the ITE Trip Generation Manual is 6.74. With 63 proposed units, this results in an ADT of 431.36. Because this is less than the maximum threshold of 500 ADT, the project would result in a low volume of daily traffic and a less than significant VMT impact.*

Noise

The project is a new multifamily residential complex connecting to an existing multi-family residential complex building. The site is also adjacent to an arterial street (W Nees Ave) and a scenic collector street (W Audubon Dr).

Noise generated by the project would be minimal towards West Nees Avenue and West Audubon Drive because the entirety of private communal areas are proposed in the interior of the project site where a required six-foot masonry block wall along those street frontages would baffle exterior noise from the proposed project.

In any case, the project is conditioned to comply with all 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 provided on October 8, 2019 and the project is subject to review by the agency in regard to 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.

Water Quality

Fresno Metropolitan Flood Control (FMFCD) provided comments on October 29, 2019, which stated that conveyance should be directed towards West Nees and West Audubon Drive. 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 applicant will be required to comply with all requirements of the City of Fresno Department of Public Utilities within the conditions of approval dated February 12, 2020 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 dated February 12, 2020 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 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 Irrigation District, 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 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.

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Prepared By: Rob Holt, Supervising Planner

Submitted by: 

Rob Holt
Supervising Planner
City of Fresno
Planning & Development Department
(559) 621-8056
Robert.Holt@fresno.gov