

NOTICE OF EXEMPTION

FROM: City of Fresno
Planning and Development Department
2600 Fresno Street, 3rd Floor
Fresno, California 93721-3604

TO: X Fresno County Clerk
2220 Tulare Street
Fresno, California 93721

Project Title: Environmental Assessment No. P21-04762

Project Location: 5240 North State Street, located on the southeast side of North State Street between West Mission Avenue and North Golden State Boulevard (See attached Feasibility Study Exhibit and Vicinity Map).

APN: 508-110-35S

Project Location – City: City of Fresno

Project Location - County: County of Fresno

Description of Nature, Purpose and Beneficiaries of Project: Vacation of a portion of the excess street right-of-way in front of property located at 5240 North State Street. The total area to be vacated is approximately 2,300 square feet. The area is currently vacant in front of a property that will be developed as part of recently approved Conditional Use Permit Application No. P19-02037. Based on a review of the proposed project by other City of Fresno Departments and outside reviewing agencies, the vacation is approved with conditions as noted in the letter from the City of Fresno Public Works Department, dated January 8, 2021.

Name of Public Agency Approving Project: City of Fresno
Planning and Development Department

Name of Person or Agency Carrying Out Project: Suellen Olson,
on behalf of Star Project Housing Inc.
Harbour & Associates
389 Clovis Avenue, Suite 300
Clovis, CA 93612

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 Exemptions - CEQA Guidelines 15332/Class 32, 15301/ Class 1 and 15303/Class 3**
☐ Statutory Exemption – PRC § _____

Reasons why project is exempt:

Section 15301/ Class 1 (Existing Facilities) of the CEQA Guidelines exempts from the provisions of CEQA, projects consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination; including but not limited to, alteration of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities.

P21-04762
CEQA Notice of Exemption
January 11, 2021

Section 15303/Class 3 (New Construction or Conversion of Small Structures) consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to: (d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction. Additional examples of this include but are not limited to (a) one single family residence, or a second dwelling unit in a residential zone; in urbanized areas up to three single family residences may be constructed or converted under this exemption, and (b) a duplex or similar multifamily residential structure totaling no more than four dwelling units; in urbanized areas this exemption applies to apartments duplexes and similar structures designed for not more than six dwelling units, and (e) accessory structures including garages, carports, patios, swimming pools and fences.

This project and falls within the Categorical Exemption set forth in CEQA Guidelines Section 15332/Class 32 which exempts infill development. Staff found that those conditions are met with the vacation conditions set forth by Public Works. 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 proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects related to traffic, noise, air quality or water quality. The site can be adequately served by all required utilities and public services.

Furthermore, Staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project. Therefore, 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.

Lead Agency Contact Person: Phillip Siegrist, Supervising Planner
City of Fresno Planning and Development Department

Telephone No.: (559) 621-8061

Signature: Phillip Siegrist **Date:** 1/11/2022

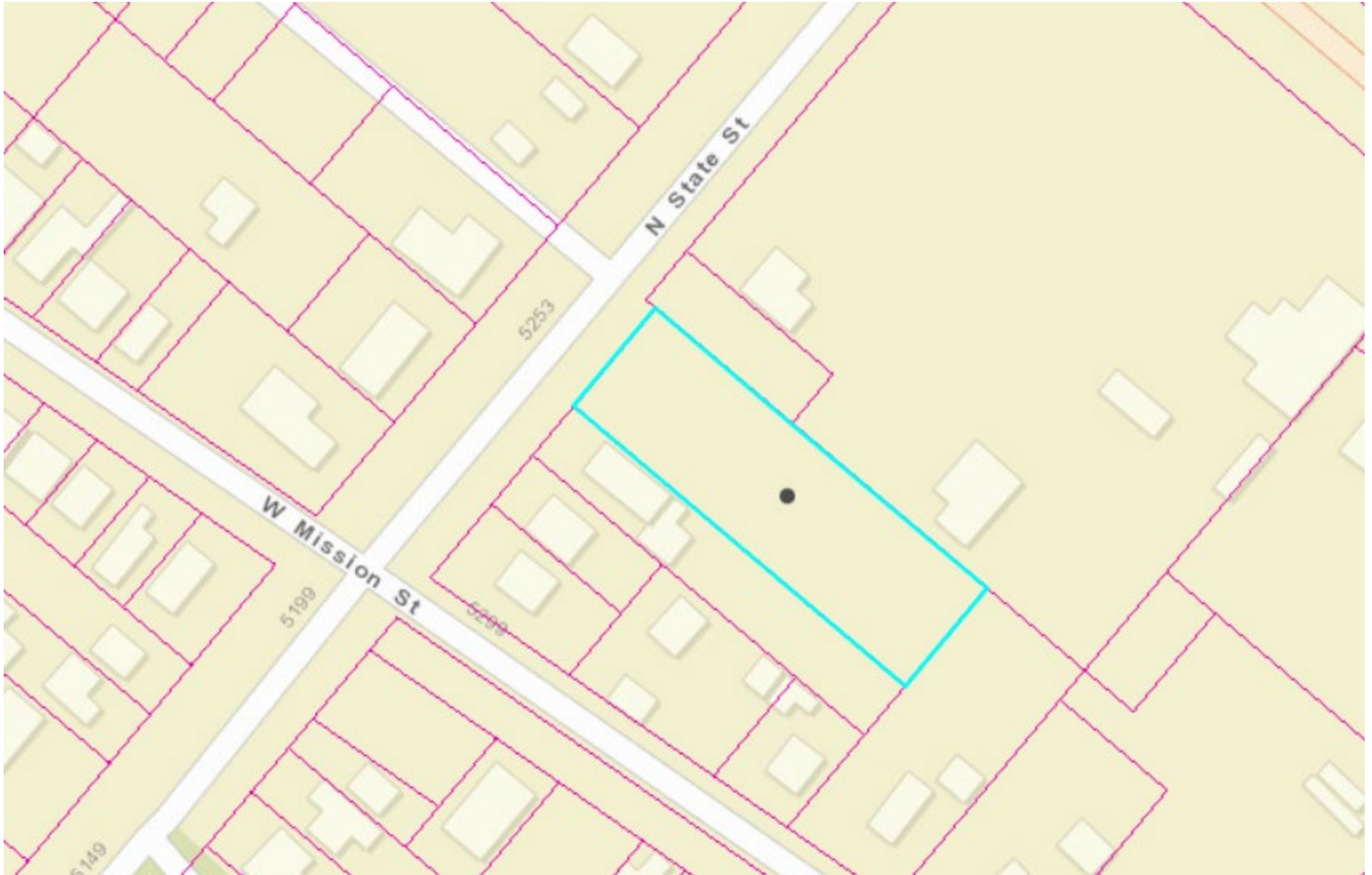
Printed Name and Title: Phillip Siegrist, Supervising Planner
City of Fresno Planning and Development Department

☒ **Signed by Lead Agency**

☐ **Signed by applicant**

Attachments: Exhibit A: Vicinity Map
Categorical Exemption Determination for P21-04762
Feasibility Study

Vicinity Map



Project Area to be developed
(±0.78 acres)



PLANNING AND DEVELOPMENT DEPARTMENT

Environmental Assessment No.
P21-04762 prepared for
Conditional Use Permit Application
No. P19-02037

PROPERTY ADDRESS

5240 North State Street

Zone District: RS-5 (*Residential
Single-Family, Medium Density*)

By: E. Aponte
January 11, 2021

**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. P21-04762**

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: Suellen Olson, on behalf of Star Project Housing Inc.
Harbour & Associates
389 Clovis Avenue, Suite 300
Clovis, CA 93612

PROJECT LOCATION: 5240 North State Street, located on the southeast side of North
State Street between West Mission Avenue and North Golden
State Boulevard

APN: 508-110-35S

PROJECT DESCRIPTION: Vacation of a portion of the excess street right-of-way in front of
property located at 5240 North State Street. The total area to be
vacated is approximately 2,300 square feet. The area is currently
vacant in front of a property that will be developed as part of
recently approved Conditional Use Permit Application No. P19-
02037. Based on a review of the proposed project by other City
of Fresno Departments and outside reviewing agencies, the
vacation is approved with conditions as noted in the letter from
the City of Fresno Public Works Department, dated January 8,
2021.

This project is exempt under Sections 15301/Class, 15303/Class 3 and Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines as follows:

The City of Fresno, Public Works Department, is proposing to vacate approximately 2,300 square-feet of the excess street right-of-way in front of the property noted above. The area proposed to be vacated would be used as street frontage for a future multi-unit residential development (6 units) as approved under Conditional Use Permit Application No. P19-02037, which is consistent with the existing, surrounding area. The properties to the east, south and west are single family residential and zoned Residential Single-Family, Medium Density (RS-5).

A vacation feasibility study conducted by Public Works listed the following conditions of vacation:

1. The City of Fresno Utilities Planning and Engineering Division has requested the developer shall be financially responsible for fees associated with relocation of water meter boxes. If you have any questions, please contact Robert Diaz at (559) 621-1623.

2. CVIN, LLC has several remarks that will need to be fully addressed before the vacation proceeds. CVIN, LLC a Broadband Fiber Optic Company has a fiber optic cable running transversely across North State Street on North Golden State Boulevard directionally north bound and south bound-north bound from West Barstow Avenue continuing south bound on North Golden State Boulevard to North Cornelia Avenue at which point the fiber cable transversely crosses West Shaw Avenue to the south side of West Shaw Avenue where said path ends in a 48x84x48 shared City of Fresno vault. On North State Street fiber optic conduit and fiber cable are between 47 feet to 49 feet off edge of pavement and within area of concern fiber optic and conduit are buried between 94 inches (approximately 7.5 feet in depth) to 112 inches (approximately 9.5 feet in depth). This installation was completed within the time frame of November 2017 and serves our customer-T-Mobile. Please see attached As-Built pertaining to North State Street and North Golden State Boulevard. Additionally, please see attached Engineering Staking Cutsheets. If you have any questions, please contact Barbara Nelson at (559) 554-9119.
3. The Fresno Irrigation District (FID) has the following conditions:
 - a. FID does not own, operate, or maintain any facilities located in the Vacation area, as shown on the attached FID exhibit map.
 - b. For informational purposes, FID's Herndon No.39 runs westerly, crosses Golden State Boulevard approximately 1,500 feet northwest of the subject property, and crosses SR 99 approximately 1,800 feet west of the subject property, as shown on the attached FID exhibit map. Should this project include any street and or utility improvements along Gates Avenue, Golden State Boulevard, SR99 or in the vicinity of this canal, FID requires it review approve all plans. If you have any questions, please contact Jeremy Landrith at (559) 233-7161 extension 7407 or jlandrith@fresnoirrigation.com.
4. Lumen has indicated assets are located in proximity of the proposed right away. An existing CenturyLink structure, owned by Lumen is located in proximity and is within the railroad right of way in proximity to North Golden State Boulevard. In addition, one of Lumen's cable providing service is within 3rd party AT&T structure in which AT&T is required to manage with notice to Lumen for any future maintenance requirement. If you have any questions, please contact Brandon Stout at (916) 591-8050.
5. The Fresno Metropolitan Flood Control District has comments regarding the proposed vacation. The proposed vacation area lies within the District area "AH". There are no existing or proposed Master Plan facilities within the proposed vacation area as detailed on the Exhibit provided to the District. The District requires that the Master Plan drainage patterns remain as designed for the proposed vacation area. If you have any questions, please contact Rick Lyons at (559) 456-3292.
6. The City of Fresno Traffic Planning Division has requested has indicated the subject vacation proposal is approved subject to the following conditions:
 - a) Provide a reference to the permit number on the vacation document and in the summary. Verify that this is being submitted according to P19-02037.
 - b) Provide a dimension for the length of the proposed vacation.

- c) Reserve 3' of street right away at the proposed approach to accommodate a 4' clear path at 2%. Identify on the exhibit.
 - d) Dimension the approach to allow for a cross reference of the vacation to the site plan.
 - e) Provide a dimension from the face of curb to the proposed r/w. If you have any questions, please contact Louise Gilio at (559) 621-8678.
7. PG&E has indicated the subject vacation proposal is approved subject to the following conditions. An investigation indicates that PG&E is presently operating and maintaining utility facilities within the proposed street vacation area. If the street vacation is approved by the City Council/Board of Supervisors, PG&E respectfully requests that the following reservation be inserted in the Resolution of Vacation or Street Vacation Ordinance for the proposed street vacated area: Reserving pursuant to the provisions of Section 8340 of the Streets and Highways Code and for the benefit of Pacific Gas and Electric Company, the permanent easement and the right at any time, and from time to time, to excavate for, construct, reconstruct, replace (of initial or any other size), maintain, remove, inspect and use public utility facilities, including, but not limited to electric, gas and communication facilities, including ingress to and egress from the public utility facilities, and also the right to trim and cut down trees and other vegetation that may be a hazard to the public utility facilities and the area shall be kept open and free of buildings, structures, wells or other obstructions. This reservation will allow PG&E to continue to operate and maintain its facilities installed pursuant to our franchise agreement. Upon approval of the street vacation by the City Council/Board of Supervisors, please send a certified copy of the Resolution of Vacation or Street Vacation Ordinance to the referenced address. If you have any questions, please contact Alison Mele at (559) 800-1243.

Staff has performed an Environmental Assessment of this project and determined that it falls within the following Categorical Exemptions set forth in the CEQA Guideline Sections:

Section 15301/ Class 1 (Existing Facilities) of the CEQA Guidelines exempts from the provisions of CEQA, projects consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination; including but not limited to, alteration of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities.

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urbanized areas up to three single family residences may be constructed or converted under this exemption, and (b) a duplex or similar multifamily residential structure totaling no more than four dwelling units; in urbanized areas this exemption applies to apartments duplexes and similar structures designed for not more than six dwelling units, and (e) accessory structures including garages, carports, patios, swimming pools and fences.

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Furthermore, Staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project. Therefore, 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: January 11, 2021

Prepared By: Enrique Aponte, Planner 1

Submitted By:

Phillip Siegrist

Phillip Siegrist
City of Fresno
Planning and Development
(559) 621-8061

January 8, 2021

Lorren Smith
Harbour & Associates
389 Clovis Ave, Ste. 300
Clovis, CA 93612

**SUBJECT: SOUTHEAST SIDE OF NORTH STATE STREET BETWEEN WEST MISSION
AVENUE AND NORTH GOLDEN STATE BOULEVARD**

The vacation feasibility study you requested has been completed. Findings indicate the vacation proposal is feasible subject to the following conditions:

1. The City of Fresno Utilities Planning and Engineering Division has requested the developer shall be financially responsible for fees associated with relocation of water meter boxes. If you have any questions, please contact Robert Diaz at (559) 621-1623.
2. CVIN, LLC has several remarks that will need to be fully addressed before the vacation proceeds. CVIN, LLC a Broadband Fiber Optic Company has a fiber optic cable running transversely across North State Street on North Golden State Boulevard directionally north bound and south bound-north bound from West Barstow Avenue continuing south bound on North Golden State Boulevard to North Cornelia Avenue at which point the fiber cable transversely crosses West Shaw Avenue to the south side of West Shaw Avenue where said path ends in a 48x84x48 shared City of Fresno vault. On North State Street fiber optic conduit and fiber cable are between 47 feet to 49 feet off edge of pavement and within area of concern fiber optic and conduit are buried between 94 inches (approximately 7.5 feet in depth) to 112 inches (approximately 9.5 feet in depth). This installation was completed within the time frame of November 2017 and serves our customer-T-Mobile. Please see attached As-Built pertaining to North State Street and North Golden State Boulevard. Additionally, please see attached Engineering Staking Cutsheets. If you have any questions, please contact Barbara Nelson at (559) 554-9119.
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questions, please contact Jeremy Landrith at (559) 233-7161 extension 7407 or jlandrith@fresnoirrigation.com.

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A processing fee in the amount of \$1,555.00 is required to cover the cost of administration and legal notices prior to continuing this process for City Council action. An Environmental Assessment (EA) for the entire project that accurately addresses the vacation is required to proceed with the vacation. If you do not have one, the EA application and fee should be submitted to the City of Fresno's Planning and Development Department. The planner for the can provide you with further information about the environmental assessment. Once the EA has been completed, please provide a copy to us.

For your information, the City of Fresno has only an easement interest in the subject area and the City has no legal authority to make a determination as to what portion of the underlying fee title to the vacated area may be added to adjacent properties.

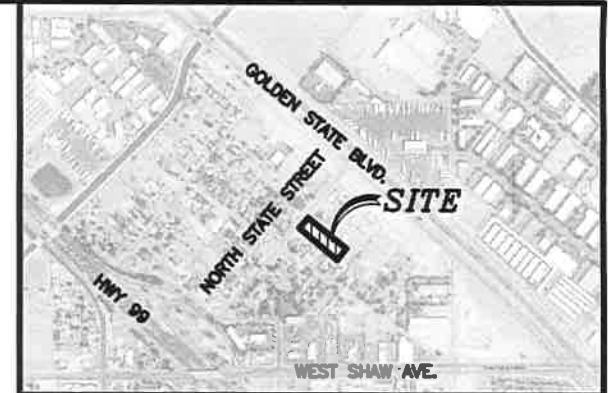
The study done for this proposed vacation will expire in one year. Therefore, please notify this office by August 5, 2021, of your intention regarding the pursuit of this vacation.

Please contact me at 621-8681 or by email at Jason.Camit@fresno.gov if you have any questions.

Sincerely

Jason A. Camit, PLS
Chief Surveyor

P.W. File No. 12696



VICINITY MAP
NOT TO SCALE


A.P.N.

508-110-35

SITE ADDRESS:

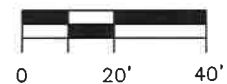
5240 NORTH STATE STREET
VFRESNO, CA. 93722

LEGEND:

 LIMITS OF VACATION



SCALE: 1" = 20'



VACATION EXHIBIT



Harbour & Associates

Civil Engineers

389 Clovis Avenue, Suite 300 • Clovis, California 93612

(559) 325-7676 • Fax (559) 325-7699 • e-mail: lorrens@harbour-engineering.com

SCALE:

NTS

DATE:

7-16-20

W.O. #18-047

NORTH STATE STREET

PROPOSED
PROPERTY LINE

27'

50'

EXISTING PROPERTY
LINE TO BE VACATED

6" CHAIN LINK

4" IRC