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# Notice of Exemption Supporting Documentation

# **Affordable Student Housing Project**

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**MARCH 2023**

## 1. Project Location and Setting

The California State University, Fresno (Fresno State) Affordable Student Housing Project (Project) would be located in the southwestern corner of the campus on the southern portion of the site of the existing Parking Lot 27, a paved surface parking lot designated for student/public parking, and an adjacent lawn. The Project site is less than 1 acre and is located in an area adjacent to other campus dorms and related student housing buildings including Homan, Graves, Baker, Aspen/Ponderosa, Sycamore, Birch, and Sequoia/Cedar Halls, and the Residence Halls Atrium. The Fresno State campus lies in the eastern portion of the City of Fresno, near the intersection of State Route 168 (SR-168) and Shaw Avenue.

## 2. Project Description

The Project would provide a new residential housing building in the southwestern corner of the campus to serve Fresno State students. The new, 90,000-GSF residential housing building, proposed for up to 6 stories in height, would provide 175 new student beds, which would partially meet the campus's unmet demand for on-campus housing. The building would provide a range of apartment units, along with Residential Advisor suites. Residential common spaces including public toilets, lounges, classrooms, study rooms, game rooms, multipurpose rooms, and laundry facility would also be incorporated. A courtyard/lawn would be included to create opportunities for independent and recreational activities. The Project would also include development of picnic areas, a volleyball court, covered/secured bike storage, drought-tolerant landscape areas around the perimeter of the project site, fire access lanes and trash enclosures. No new parking would be installed with the Project. Project implementation would result in a net decrease of 250 parking stalls within Parking Lot 27, from 1,055 existing stalls to 805 remaining stalls. The Project would support existing student enrollment and would not result in an increase in student enrollment or the hiring of new faculty or staff.

The Project would be designed to meet the equivalent of Leadership in Energy and Environmental Design (LEED) Platinum certification and would, at a minimum, comply with Title 24 Building, Energy and Green Buildings Standards. The new building would include new dedicated HVAC systems. Exterior lighting would be limited to security lighting near doorways and pathways. Exterior lighting would adhere to LEED–New Construction (NC) guidelines for light pollution reduction and energy efficiency. Interior Project lighting would be all light-emitting diodes. The Project would include rooftop solar panels to offset 50% of the Project's energy consumption. A minor Master Plan revision would be required for the proposed new building location and footprint of the Project.

Project construction would span a 15-month period and is expected to be completed by fall 2026. The Project is subject to and incorporates applicable mitigation measures adopted at the time of certification of the Campus Master Plan Revision Environmental Impact Report (State Clearinghouse Number 94032022) and adoption of the Mitigation Monitoring and Reporting Program (MMRP) by the CSU Board of Trustees in 1994 (CSU Fresno 1994). Applicable adopted mitigation measures would be implemented during construction. No new mitigation measures are required or proposed as part of the Project.

### 3. CEQA Compliance

As described below, Fresno State has determined that the Project is exempt from the provisions of the California Environmental Quality Act (CEQA) under Class 32 (In-Fill Development Projects) (CEQA Guidelines §15332). The basis for this determination is provided below.

#### 3.1. In-Fill Development Projects (Class 32 Categorical Exemption)

The Project is characterized as in-fill development and is categorically exempt under Class 32 (In-Fill Development Projects), having met the conditions set forth in CEQA Guidelines §15332. The Class 32 conditions are listed below, followed by a brief analysis of the Project's adherence to these 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.**

Fresno State is a California State University campus and is located on state property that is not subject to local general plans or policies. Due to the project's location on state property, no city and county general plan land use designation, zoning designation, or municipal regulations would apply to the Project. The applicable plan for the campus is the 1994 Master Plan. While a minor Master Plan revision is required for the Project to identify the proposed new building location and footprint within the residential housing district already established on the campus, nonetheless, the Project is a University-related use on the main Fresno State campus that is consistent with other surrounding uses on campus and as shown on the campus Master Plan. Specifically, the Master Plan identifies the vicinity of the Project site as the planned site of student residences. Therefore, the Project meets the condition set forth in CEQA Guidelines §15332(a).

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

The Project would be located on a site comprising less than 1 acre on the Fresno State campus, which is in the City of Fresno in a predominantly urban area. On-campus residential student housing is located immediately east of the Project site, and the remaining portion of Parking Lot 27 is located to the north.

Commercial uses, consisting of restaurants and retail, in the City of Fresno are located to the west along North Cedar Avenue and to the south along Shaw Avenue. In addition to the commercial uses, other City of Fresno uses adjacent to the campus in the vicinity of the Project site consist of apartment-type residential uses, and institutional uses such as churches and other religious institutions. The areas along North Cedar Avenue and Shaw Avenue adjacent to the Project site are designated and zoned as "Corridor/Center Mixed Use (CMX)." The CMX zone district is intended to

allow for either horizontal or vertical mixed-use development along key circulation corridors in the City of Fresno where height and density can be easily accommodated. Ground-floor retail and upper-floor residential or offices are the primary uses, with residential uses, personal and business services, and public and institutional space as supportive uses. The intent of this zone district is to facilitate the transformation of existing transportation corridors into vibrant, highly walkable areas. Therefore, the Project meets the condition set forth in CEQA Guidelines §15332(b).

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

The Project site contains an existing fenced parking lot with surrounding landscaping including grass lawn and ornamental trees. No native vegetation or habitats exist on the Project site. Up to 10 trees would be removed to accommodate the new building and new trees would be replanted at a ratio of 2:1. Trees on the Project site could provide habitat for nesting birds protected under the federal Migratory Bird Treaty Act (MBTA). Compliance with the MBTA requires that Fresno State either conduct pre-construction nesting surveys to confirm that no nesting birds protected under the MBTA are present, or conduct tree removal outside of the nesting season (February 1–September 30). Nesting birds would be protected with compliance with required regulations.

The Project site is located within an urbanized environment on the Fresno State campus and is surrounded by other campus facilities or City of Fresno development in all directions. Accordingly, the Project site has already been disturbed and developed and would not undergo a significant change in use with the implementation of the Project. The site contains no value for endangered, rare, or threatened species. Therefore, the Project meets the condition set forth in CEQA Guidelines §15332(c).

**d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

**Traffic/Transportation.** Senate Bill 743 and related 2018 updates to the CEQA Guidelines in Section 15064.3 specify that vehicle miles travelled (VMT), the amount and distance of automobile travel generated by a project, is the most appropriate measure of transportation impacts. The CEQA Guidelines changes also indicate that a project's effect on automobile delay shall not constitute a significant environmental impact. An assessment of VMT for the Project was conducted in accordance with the CSU Transportation Impact Study Manual (TISM), which provides procedures for screening out projects from detailed VMT analysis and for conducting detailed analysis if a project is not screened out. Based on the TISM, on-campus housing serving students, faculty, and staff is one of the project types that is screened out from having to conducted detailed VMT analysis, as such uses would result in a less than significant impact related to VMT (CSU 2020), and in fact would decrease VMT by reducing student commuting to and from the campus.

**Noise.** The Project would involve construction of a new residential building in an already developed urban environment. While construction activities over the 15-month construction period would increase ambient noise levels intermittently depending on the type of construction activities, such noise increases would be temporary. Once construction is completed, operational noise levels would be similar to existing conditions, given that the Project vicinity is already occupied by existing residential buildings, roadways, and commercial corridors. Therefore, the Project would not result in significant temporary or permanent noise impacts.

**Air Quality.** The Project would result in a new on-campus residential building to serve existing student enrollment levels. In terms of construction air pollutant emissions, all Fresno State construction contracts include standard practices to control particulate emissions during construction, as specified in the 1994 MMRP, Mitigation Measure J,1. Additionally, air quality modeling conducted for the New Student Union Project in 2019, a campus building similar in

size to the proposed new residential building, indicated that the San Joaquin Valley Air Pollution Control District air quality thresholds of significance for construction and operation would not be exceeded and would be substantially under the thresholds (Dudek 2019). Therefore, the Project would be expected to result in less than significant air quality impacts.

**Water Quality.** Construction of the Project would result in short-term soil-disturbing activities that could lead to increased erosion and sedimentation. As the Project site is less than 1 acre, the Project would not require compliance with the NPDES General Permit for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ and would not have to prepare and implement a Stormwater Pollution Prevention Plan. However, all Fresno State construction contracts include standard practices to control erosion during construction.

The campus is required to comply with the campus's existing Phase 1 Municipal Separate Storm Sewer Systems (MS4) permit (Order No. R5-2016-0040, NPDES No. CAS0085324) issued by the Central Valley Regional Water Quality Control Board (RWQCB) in 2016, and the Storm Water Quality Management Program (SWQMP), adopted in 2013. The SWQMP requires incorporation of Low Impact Development (LID) treatment control measures into the Project design to control the discharge of pollutants in stormwater from the Project site. Given the above, operation of the Project would not violate any water quality standards or result in significant water quality impacts. Therefore, the Project meets the condition set forth in CEQA Guidelines §15332(d).

**e. The site can be adequately served by all required utilities and public services.**

The Project would be served by the existing water and wastewater infrastructure near the Project site with new service connections provided for the new building. Fresno State has its own water supply and distribution system. Excess pumping capacity exists in the Fresno State groundwater system (Dudek 2019). Wastewater from the campus is directed to the City of Fresno's wastewater collection and treatment system, which conveys wastewater to the Fresno/Clovis Regional Wastewater Reclamation Facility (RWRF), located southwest of the City; this system has remaining permitted treatment capacity (Dudek 2019). Therefore, the Project would not require the construction of new or expansion of existing water supply or wastewater treatment infrastructure. The new building will be served from new dedicated HVAC systems. As the Project would not increase student enrollment, it would not increase demand for public services. Therefore, the Project meets the condition set forth in CEQA Guidelines §15332(e).

Given the above, the Project meets the definition of an in-fill development project under CEQA Guidelines §15332. Additionally, the Project does not meet any of the exceptions for the applicable categorical exemption, as described below.

## 3.2. Categorical Exemption Exceptions

The Project would not meet any of the exceptions for using categorical exemptions listed in CEQA Guidelines §15300.2, which prohibits the use of categorical exemptions if a project would:

- Be located in a sensitive environment (Classes 3, 4, 5, 6, and 11 only)
- Have significant cumulative impacts
- Have a significant effect on the environment due to unusual circumstances
- Result in damage to scenic resources within an officially designated scenic highway
- Be located on a site included on a list compiled pursuant to §65962.5 of the Government Code
- Cause a substantial adverse change in the significance of a historical resource

Additional discussion about each of these exceptions is provided below.

### **“Sensitive Environment” Exception (CEQA Guidelines §15300.2[a])**

Under CEQA Guidelines §15300.2(a), a Class 3, 4, 5, 6, or 11 categorical exemption shall not be used when the Project would be located on a site with a sensitive environmental resource of hazardous or critical concern. This exception does not apply to Class 32 categorical exemptions and therefore is not applicable to the Project. Nevertheless, the Project site is not located within a sensitive environment. The site is located within an urbanized environment on the Fresno State campus and is surrounded by other campus facilities on all sides. Accordingly, the Project site has already been disturbed and developed, and does not contain sensitive environmental resources of hazardous or critical concern.

### **“Cumulative Impacts” Exception (CEQA Guidelines §15300.2[b])**

Under CEQA Guidelines §15300.2(b), a categorical exemption shall not be used when the cumulative impact of successive projects of the same type in the same place, over time is significant. The only other project under construction on the campus is the Central Plant Modernization Project, which will be completed by the time construction of this Project is initiated. Therefore, cumulative construction impacts would not result. Additionally, the Project would not result in an increase in VMT, as parking and full-time equivalent (FTE) students would not increase with the Project. Given the above, the Project would not contribute to potentially significant cumulative impacts and this exception does not apply to the Project.

### **“Unusual Circumstances” Exception (CEQA Guidelines §15300.2[c])**

Under CEQA Guidelines §15300.2(c), a categorical exemption shall not be used where there is a reasonable possibility that the activity will have a significant effect on the environment due to “unusual circumstances.” Unusual circumstances may be established by showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location, and that there is a reasonable possibility of a significant effect due to that unusual feature or circumstance, or by showing that the project would have a significant environmental effect. For the unusual circumstances exception to apply, it is not enough for there to merely be a reasonable possibility the project would have a significant environmental effect; instead, there must be a reasonable possibility that the activity would have a significant effect on the environment *due to unusual circumstances* that do not exist in other similar sites or settings.

The nature of a project may be “unusual,” particularly if its scope and size differ from conditions in the surrounding vicinity. This includes whether the project is or is not consistent with the surrounding zoning and land uses, including consistency with the underlying general plan and zoning designations and development standards. Conversely, the scope and size may be “unusual” if the use, height, or density vastly differ from surrounding uses. Therefore, “the presence of comparable facilities in the immediate area adequately supports [a]n implied finding that there [are] no ‘unusual circumstances’ precluding a categorical exemption.” (*Walters v. City of Redondo Beach* (2016) 1 Cal. App.5th 809, 821, quoting *Bloom v. McGurk* (1994) 26 Cal.App.4th 1307, 1316.)

There are no unusual circumstances that differentiate the Project or Project site from similarly situated projects or properties. The Project site is located on a currently developed site on the Fresno State campus and possesses no unusual features or characteristics that distinguish it from other properties on the campus; the site is relatively level, is surrounded by development within the Fresno State campus, would not generate new vehicle trips or VMT, would not

disturb native habitats, and would not involve unusual construction activities. Additionally, the Project would not cause a substantial adverse change in the significance of a historical resource, as indicated below under the “Historical Resources” Exception. Therefore, there are no unusual circumstances surrounding the Project that would suggest a reasonable possibility of a significant effect on the environment and this exception does not apply to the Project.

#### **“Scenic Highways” Exception (CEQA Guidelines §15300.2[d])**

Under CEQA Guidelines §15300.2(d), a categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. The Project site is not located within or near a highway officially designated as a state scenic highway. The nearest eligible state scenic highway is the segment of Route 168 that passes through northern Fresno, located approximately 0.5 miles east of the Project site (Caltrans 2018). The Project site is not visible from the highway due to the distance, relatively flat topography, and intervening urban development. Therefore, the Project would not result in damage to scenic resources within a state scenic highway and this exception does not apply to the Project.

#### **“Hazardous Waste Sites” Exception (CEQA Guidelines §15300.2[e])**

Under CEQA Guidelines §15300.2(e), a categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to §65962.5 of the Government Code (i.e., the Cortese List). The following Cortese List online data resources were reviewed during the preparation of this document: (1) the list of hazardous waste and substances sites from the Department of Toxic Substances Control’s (DTSC’s) EnviroStor database (DTSC 2020); (2) the list of leaking underground storage tank (LUST) sites from the State Water Resources Control Board’s (SWRCB’s) GeoTracker database (SWRCB 2020); (3) the list of solid waste disposal sites identified by the SWRCB; (4) the list of active Cease and Desist Orders and Cleanup and Abatement Orders from the SWRCB; (5) the list of hazardous waste facilities subject to corrective action pursuant to §25187.5 of the Health and Safety Code identified by the DTSC; and (6) the database of environmentally regulated sites and facilities combined in the CalEPA Regulated Site Portal (CalEPA 2020). The Project site is not on the Cortese List.

The only Cortese List site on the Fresno State campus is a LUST cleanup site located in the vicinity of the Central Plant, which is located near the center of the campus, approximately 0.5 miles northeast of the Project site. Specifically, the LUST was located between the current Public Safety building and Facilities Planning Annex, north of Plant Operations and south of Barstow Avenue, within the Central Utility Plant complex. Fresno County Department of Public Health, Environmental Health Division is the Certified Unified Program Agency (CUPA) for the LUST site and provided oversight for the LUST case. Documents obtained online through the CUPA (FCEH 2020) indicate the underground storage tank (UST) release was identified during UST removal activities in June and August 1995. Soil samples collected below one UST contained 9,200 mg/kg total petroleum hydrocarbons. Drinking water samples from campus wells did not reveal detected petroleum hydrocarbons. The detected hydrocarbons were limited to a depth of 11.5 feet to 21.5 feet below ground surface. As the UST and fuel island were removed, contaminated soils were limited, and drinking water was not affected, the CUPA granted site closure in November 1995 (FCEH 1995). The former UST site is not located on or near the Project site. Additionally, this site was closed in 1995 by the CUPA and paved over.

Another Cortese List site, a LUST cleanup site located at 2019 East Shaw Avenue south of the Project site, is located within the City of Fresno, approximately 150 feet south of the Project site. The site was a former gasoline station. Fresno County Department of Public Health, Environmental Health Division is the CUPA for the LUST site and

provided oversight for the LUST case. Documents obtained online through the CUPA (FCEH 2022) indicate the UST release was identified during UST removal activities in July 1989. Soil samples collected below a waste oil UST contained 7,500 ppm oil and grease, and soil samples collected near one of the gasoline dispenser islands contained 31 ppm total petroleum hydrocarbons. Subsequent site investigation and soil sampling found trace concentrations of petroleum constituents including benzene, toluene, ethylbenzene, and total xylenes in the location of the former UST extending laterally to a radius of approximately 15 feet, primarily at depths of 30 to 50 feet below grade, and attenuated to non-detectable levels by 70 feet below grade. Groundwater depth was determined to be at 90 feet below grade and the study found no evidence that groundwater was impacted by the release for the waste oil UST or the fuel dispenser island (Krazan & Associates 1990). The site investigation and/or remediation was completed and the facility received closure from the CUPA in July 1990. The site has since been redeveloped as a commercial shopping center.

Based on the above, the Project site is not located on a site which is included on any list compiled pursuant to §65962.5 of the Government Code, and this exception does not apply to the Project.

#### “Historical Resources” Exception (CEQA Guidelines §15300.2[f])

Under CEQA Guidelines §15300.2(f), a categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The Project would not cause a substantial adverse change in the significance of a historical resource as the Project site is a portion of a parking lot and does not contain any buildings or structures. Therefore, this exception does not apply to the Project.

## 4. Conclusion

The Project has been reviewed for compliance with CEQA. Given the foregoing analyses and findings, the Project would not have a significant effect on the environment. Pursuant to CEQA Guidelines §15332, the Project is categorically exempt from CEQA under Class 32 (In-Fill Development Projects).

## 5. References

CalEPA (California Environmental Protection Agency). 2020. “Regulated Site Portal.” Accessed September 30, 2020. <https://siteportal.calepa.ca.gov/nSite/about>

Caltrans (California Department of Transportation). 2018. “California State Scenic Highway System Map.” Accessed September 28, 2020. <https://www.arcgis.com/apps/webappviewer/index.html?id=2e921695c43643b1aaf7000dfcc19983>

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