

NOTICE OF EXEMPTION

PLEASE POST FOR 30 DAYS

FROM: City of Fresno Planning and Development Dept.
2600 Fresno Street
Fresno, California 93721-3604

TO: X Fresno County Clerk
2220 Tulare Street – First Floor Lobby
Fresno, California 93721

____ Office of Planning & Research
P.O. Box 3044, Room 212
Sacramento, California 95812-3044

FILED
JUN 26 2024 TIME 2:32pm
FRESNO COUNTY CLERK
By Cyan Edmisten DEPUTY
Cyan Edmisten

Project Title:

Conditional Use Permit Application No. P23-03701 & Planned Development Permit Application No. P23-03702

Project Location:

5698 E Kings Canyon Rd, Fresno, CA 93727 (APNs: 474-030-75); Located in the Sunnyside Plaza Shops, SE of Kings Canyon & Clovis Ave on the southwest corner of South Phillip Avenue and East Kings Canyon Road.

Project Location – City: City of Fresno

Project Location – County: County of Fresno

Description of Nature, Purpose and Beneficiaries of Project:

Arisian Group on behalf of Yamabe & Horn Engineering, Dutch Brothers, and Wilson Land Investments LLC propose the following:

Conditional Use Permit Application No. P23-03701 requests authorization to construct a ± 1,190 square foot Dutch Brothers coffee shop with associated drive-through, parking lot, trash enclosure, and other on- and off-site improvements.

Planned Development Permit Application No. P23-03702 requests authorization to deviate from FMC Sections 15-2728, 15-1103, and 15-1104. These include deviations to drive-through location and placement; proximity to another drive-through; and deviations from setback and frontage requirements.

Beneficiaries of The Project Would Be:

Arisian Group on behalf of Yamabe & Horn Engineering, Dutch Brothers, and Wilson Land Investments LLC
531 Fulton Street, Fresno, CA 93721

Name of Public Agency Approving Project:

City of Fresno Planning & Development Department

Name of Person or Agency Carrying Out Project:

Arisian Group on behalf of Yamabe & Horn Engineering, Dutch Brothers, and Wilson Land Investments LLC

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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 Exemption – CEQA Guidelines 15305/Class 5 & 15332/Class 32**
☐ Statutory Exemption – PRC § _____
☐ Other _____

Reason(s) Why Project Is Exempt:

This project is exempt under Section 15305/Class 5 and Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines as follows:

Under Section 15305/Class 5, the proposed project is exempt from CEQA requirements when the project consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

The proposed project is on a site with an average slope of less than 20% and proposes minor alterations in land use limitations, specifically Fresno Municipal Code Sections 15-2728, 15-1103, and 15-1104. These include deviations to drive-through location and placement; proximity to another drive-through; and deviations from setback and frontage requirements. These alterations do not include or will result in changes to land use or density.

Therefore, the project is categorically exempt pursuant to Section 15305/Class 5.

Under Section 15332/Class 32, the proposed project is exempt from CEQA requirements when the project is characterized as in-fill development meeting 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 proposed project is consistent with the Corridor/Center Mixed-Use zone district, Corridor/Center Mixed-Use land use designation, the Roosevelt Community Plan, and the Fresno General Plan.

- 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 is located within city limits and the project site is ± 0.33 acres. The parcel is surrounded by other urban (commercial and public) uses.

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

The surrounding area is developed, and the project 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 project will not result in any significant effects to traffic whereas:

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- The project produced a Traffic Impact Study to determine potential traffic impacts and the Department of Public Works Traffic Division implemented measures to eliminate the impacts.
- A Vehicle Miles Travelled (VMT) analysis concluded the project will have a net zero (0) increase in Regional VMT therefore having no impact.
- ❖ The project will not result in any significant effects to noise whereas the project will be in compliance with City of Fresno noise standards outline in Fresno Municipal Code Section 15-2506.
- ❖ The project will not result in any significant effects to air quality whereas the San Joaquin Valley Air Pollution Control District had no concerns on the project. Furthermore, the project falls within the thresholds listed on the SJVAPCD's Small Project Analysis Levels (SPAL) document. In the interest of streamlining CEQA requirements, projects that fit the descriptions up to the project sizes indicated and are below both of the corresponding non-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.
- ❖ The project will not result in any significant effects to water quality whereas the project will comply with all laws which dictate café operations and waste management. Additionally, the refuse enclosure will have a roof cover which will prevent precipitation from coming into contact with the waste.

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

The proposed project has been reviewed by City Departments and Agencies with jurisdiction over the property. As conditioned, the proposed project will comply with all applicable requirements and will be adequately served by all required utilities and public services.

Therefore, the project is categorically exempt pursuant to Section 15332/Class 32.

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.

Lead Agency Contact Person: Ralph Kachadourian **Telephone No.** (559) 621-8277

Signature: *Ralph Kachadourian*

Date: June 26, 2024

Printed Name and Title:

Ralph Kachadourian, Supervising Planner
 City of Fresno Planning and Development Department

☒ Signed by Lead Agency

☐ Signed by applicant

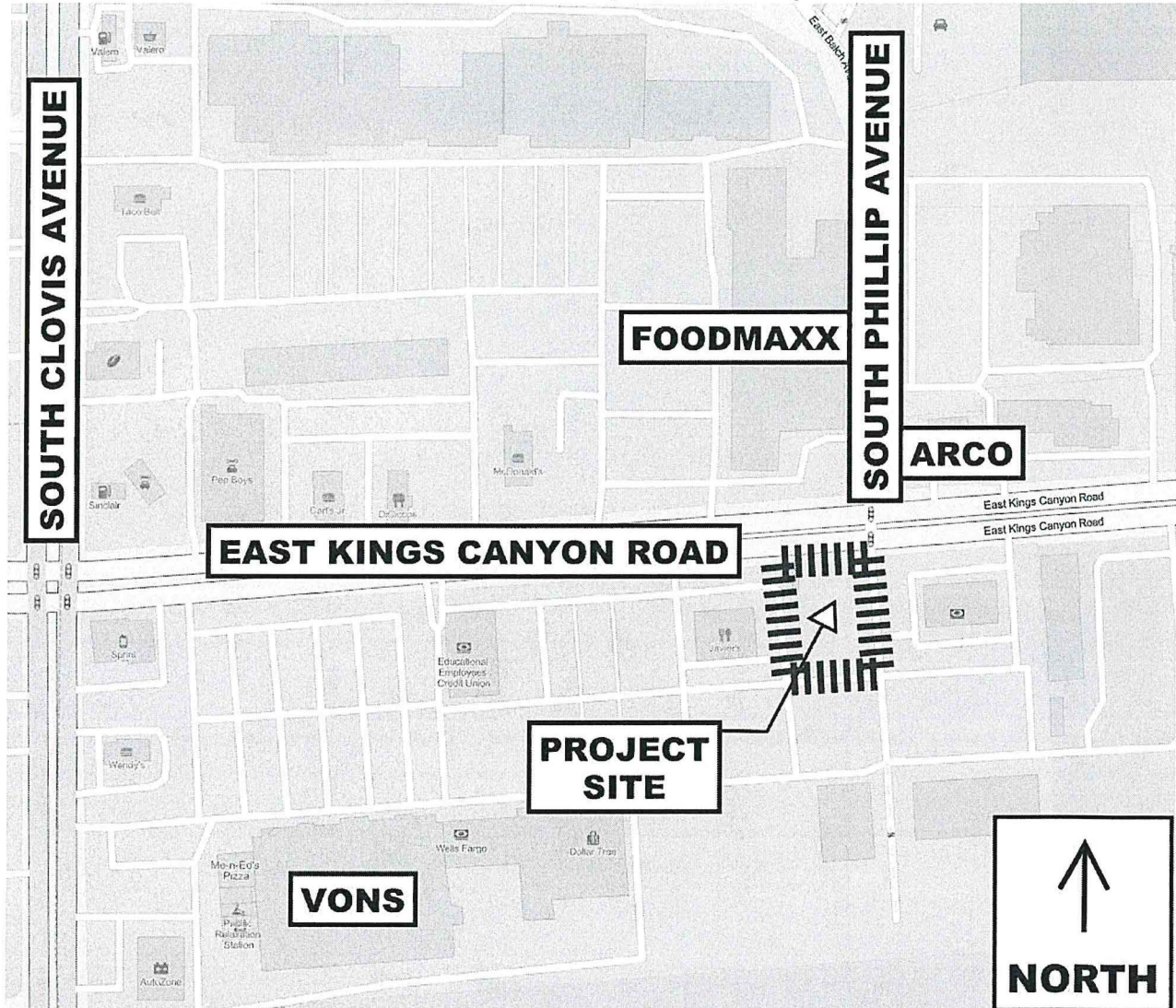
Enclosed:

Site Location Vicinity Map
 Categorical Exemption Memo

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SITE LOCATION VICINITY MAP

5698 E Kings Canyon Rd, Fresno, CA 93727 (APNs: 474-030-75)



**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT APPLICATION NO. P23-03701 & P23-03702**

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: Arisian Group on behalf of Yamabe & Horn Engineering, Dutch Brothers, and Wilson Land Investments LLC
531 Fulton Street, Fresno, CA 93721

PROJECT LOCATION: 5698 E Kings Canyon Rd, Fresno, CA 93727 (APNs: 474-030-75); Located in the Sunnyside Plaza Shops, SE of Kings Canyon & Clovis Ave on the southwest corner of South Phillip Avenue and East Kings Canyon Road.

PROJECT DESCRIPTION: Conditional Use Permit Application No. P23-03701 requests authorization to construct a \pm 1,190 square foot Dutch Brothers coffee shop with associated drive-through, parking lot, trash enclosure, and other on- and off-site improvements.
Planned Development Permit Application No. P23-03702 requests authorization to deviate from FMC Sections 15-2728, 15-1103, and 15-1104. These include deviations to drive-through location and placement; proximity to another drive-through; and deviations from setback and frontage requirements.

This project is exempt under Section 15305/Class 5 and Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines as follows:

Under Section 15305/Class 5, the proposed project is exempt from CEQA requirements when the project consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

The proposed project is on a site with an average slope of less than 20% and proposes minor alterations in land use limitations, specifically Fresno Municipal Code Sections 15-2728, 15-1103, and 15-1104. These include deviations to drive-through location and placement; proximity to another drive-through; and deviations from setback and frontage requirements. These alterations do not include or will result in changes to land use or density.

Therefore, the project is categorically exempt pursuant to Section 15305/Class 5.

Under Section 15332/Class 32, the proposed project is exempt from CEQA requirements when the project is characterized as in-fill development meeting 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 proposed project is consistent with the Corridor/Center Mixed-Use zone district, Corridor/Center Mixed-Use land use designation, the Roosevelt Community Plan, and the Fresno General Plan.

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 is located within city limits and the project site is \pm 0.33 acres. The parcel is surrounded by other urban (commercial and public) uses.

- c) The project has no value as habitat for endangered, rare or threatened species.
The surrounding area is developed, and the project 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 project will not result in any significant effects to traffic whereas:
 - The project produced a Traffic Impact Study to determine potential traffic impacts and the Department of Public Works Traffic Division implemented measures to eliminate the impacts.
 - A Vehicle Miles Travelled (VMT) analysis concluded the project will have a net zero (0) increase in Regional VMT therefore having no impact.
 - ❖ The project will not result in any significant effects to noise whereas the project will be in compliance with City of Fresno noise standards outline in Fresno Municipal Code Section 15-2506.
 - ❖ The project will not result in any significant effects to air quality whereas the San Joaquin Valley Air Pollution Control District had no concerns on the project. Furthermore, the project falls within the thresholds listed on the SJVAPCD's Small Project Analysis Levels (SPAL) document. In the interest of streamlining CEQA requirements, projects that fit the descriptions up to the project sizes indicated and are below both of the corresponding non-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.
 - ❖ The project will not result in any significant effects to water quality whereas the project will comply with all laws which dictate café operations and waste management. Additionally, the refuse enclosure will have a roof cover which will prevent precipitation from coming into contact with the waste.
- e) The site can be adequately served by all required utilities and public services.
The proposed project has been reviewed by City Departments and Agencies with jurisdiction over the property. As conditioned, the proposed project will comply with all applicable requirements and will be adequately served by all required utilities and public services.

Therefore, the project is categorically exempt pursuant to Section 15332/Class 32.

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: June 26, 2024
 Prepared By: Steven Martinez | Planner
 Submitted by: Ralph Kachadourian
 Ralph Kachadourian
 Supervising Planner
 City of Fresno
 Planning & Development Department
 (559) 621-8277