NOTICE OF EXEMPTION

FROM: City of Fresno Planning and Development Department
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

***Project Title*:** Environmental Assessment No. P26-00294 & P26-00556

***Project Location*:** 2211 North Blackstone Avenue; Located on the west side of North Blackstone Avenue, between East Yale and East Vassar Avenues in Fresno, CA. (APN: 444-094-33)

Project Location – city: City of Fresno ***Project Location- county:*** County of Fresno

***Description of Nature, Purpose and Beneficiaries of Project*:** The project proposes to construct a new ±1,190 sq. ft. Dutch Bros Coffee Shop with drive-thru and a ±450 sq. ft. patio area. The project also proposes to make the necessary on and off-site improvements such as associated screening walls; parking areas; trash enclosure; drive-approaches; landscaping; and other on- and off-site improvements necessary for operation and to comply with the development code. Planned Development Permit Application No. P26-00556 requests authorization to modify various Fresno Municipal Code (FMC) development standards contained in Table 15-1103, Section 15-1104, Section 15-1105, and Section 15-2728. The parcel is zoned CMX (Corridor/Center Mixed-Use).

Name of Public Agency Approving Project: City of Fresno

Name of Person or Agency Carrying Out Project: Erik Nobel of Core States Group
409 Pine Street Suite No. 200
Klamath Falls, OR, 97601

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 §15303/Class 3 & §15332/Class 32**
☐ Statutory Exemption – PRC §_____

Reasons why project is exempt:

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

Under Section 15303/Class 3, the Project is exempt from CEQA requirements. Section 15303/Class 3 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 number of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption 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.
b) A duplex or similar multi-family 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.
c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 sq. ft. in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 sq. ft. in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.
d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.
e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
f) An accessory steam sterilization unit for the treatment of medical waste at a facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.

The Project proposes a ±1,190 sq. ft. Dutch Bros with a ±450 sq. ft. outdoor patio dining area. Both buildings and structures will be used as Eating & Drinking Establishments, similar to restaurants, which are listed under CEQA Section 15303.c. The two (2) new structures total ±1,640 sq. ft. in an urbanized area and do not involve the use of significant amounts of hazardous substances. Furthermore, as stated previously, all necessary public services and facilities are available and the surrounding area is not environmentally sensitive, thus, demonstrating compliance with subsection “c” under Section 15303.

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.

By current standards, the subject site is identified as “in-fill” and substantially surrounded by urban uses. This project is located on a site within the City limits and is consistent with the Fresno General Plan designation, policies, and zoning. The existing CMX (Corridor/Center Mixed-Use) zone district is consistent with the Corridor/Center Mixed-Use planned land use designations approved for this site by 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 subject property is located on a site of approximately ±0.54 acres, which is less than the five-acre maximum, and is substantially surrounded by other urban developments and uses.

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

The project site contains previously disturbed land and surrounding developments consist of a commercial building, automobile service center, and multi-unit residential uses. 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.*

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 are 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 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 effective on 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 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 Project is defined as local serving retail of less than 50,000 sq. ft.. The proposed Dutch Bros is ±1,190 sq. ft. with a ±450 sq. ft. outdoor patio area.

Staff conducted research using the Fresno Council of Governments (COG) VMT Screening Tool to determine the VMT for the Project. To meet its required VMT goals, the City of Fresno must reduce its VMT by 13%, which means that projects that generate VMT in excess of 13% or more than the existing

regional VMT per capita would have significant environmental impacts. Projects that meet the threshold of a reduction in VMT are determined to have a less than significant effect on regional VMT. Using the COG Tool, the proposed Project is located within a low VMT zone and is estimated to generate 17.09 VMT per employee, which is lower than the County VMT per employee which is 33.25 using the 13% threshold. Thus, the Project's VMT would screen out.

Noise

The project site is located on a vacant parcel adjacent to a commercial building and multi-tenant residential uses. As such, there are existing ambient noise levels that are typical of these types of developments including traffic. Development of the project site for a commercial use would not generate a new, noise-generating source that would not otherwise occur in the Project vicinity (i.e. 0.50-mile radius). While the Project would require construction, construction-related noise impacts would be temporary, short-term, and subject to compliance with FMC Section 10-109, which limits construction hours.

Air Quality

The project is conditioned to comply with any applicable regulations from the San Joaquin Valley Air Pollution Control District, 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.

Water Quality

The project is further conditioned to comply with any applicable conditions from Public Works or Utilities Department to ensure the project will not have a negative effect on water quality.

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

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 or cumulative effect on the environment. The project is not located on a hazardous waste site, a historical resource, or adjacent to a scenic highway. A categorical exemption, as noted above, has been prepared for the project and the area is not environmentally sensitive.

Lead Agency Contact Person: Oscar Salvatierra, Planner II
City of Fresno Planning and Development Department

Full telephone no. (559) 621-8490

If filed/signed by applicant:

Attach certified document of exemption finding ☐ *(check if attached)*
Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: Erik Young Date**: July 2, 2026**

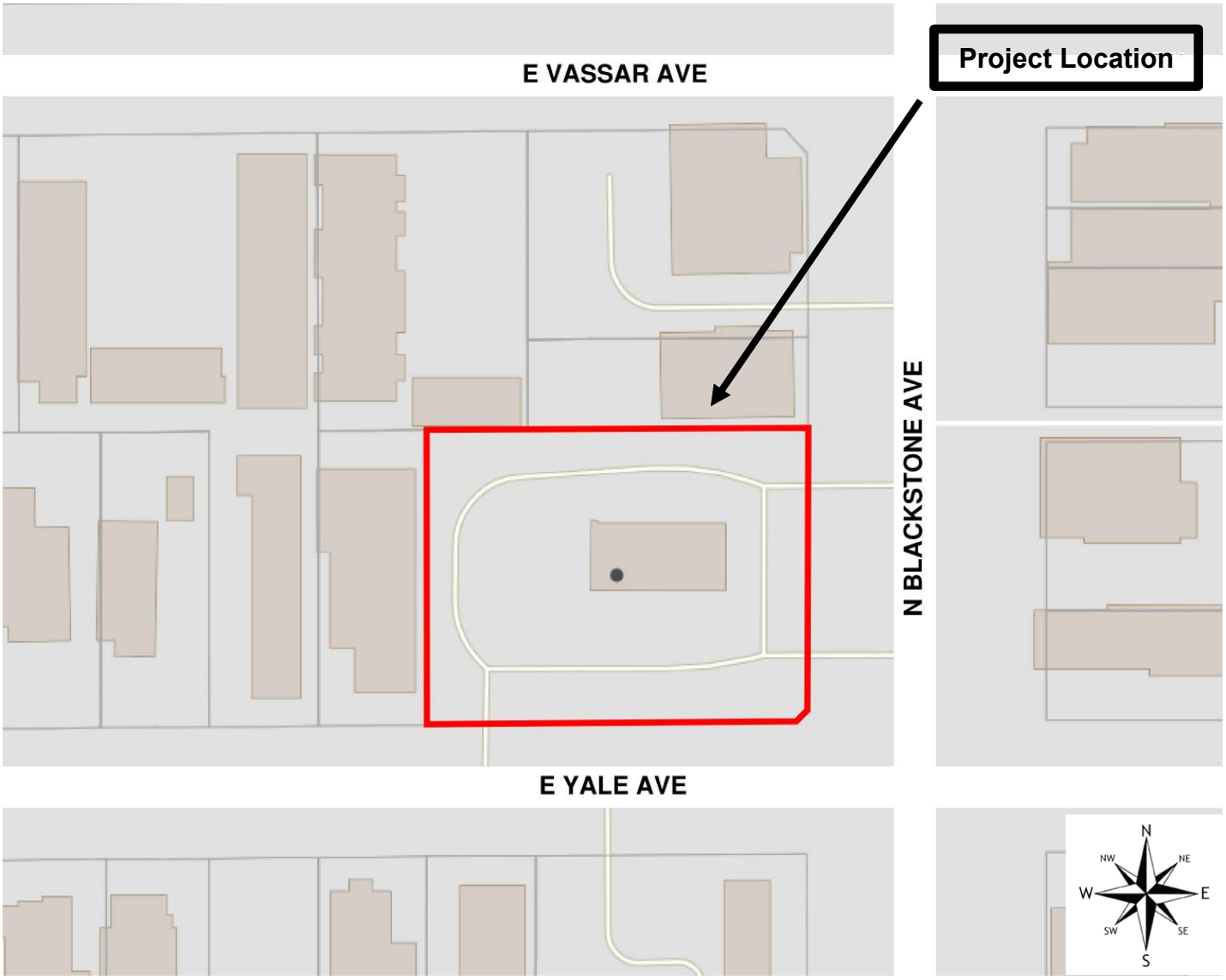
Printed Name and Title: Erik Young, Supervising Planner
City of Fresno Planning and Development Department

☒ **Signed by Lead Agency** ☐ **Signed by applicant**

Attachments: Vicinity Map & Categorical Exemption

VICINITY MAP/SITE LOCATION

2211 North Blackstone Avenue



LEGEND

Subject Property

Planning and Development Department
2600 Fresno Street, Room 3043 · Fresno, CA 93721 · Phone (559) 621-8277