

NOTICE OF EXEMPTION

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

Project Title: Conditional Use Permit Application Nos. P24-00334 & P24-00528

Project Location: 7045 North Marks Avenue; located on the northwest corner of West Herndon and North Marks Avenues (APN: 500-200-07S)

Project Location – City: City of Fresno

Project Location – County: County of Fresno

Description of Nature, Purpose, and Beneficiaries of Project:

Conditional Use Permit Application No. P24-00334 requests authorization to utilize an existing building to establish a new ±5,997 square-foot restaurant (Bulle). The proposed restaurant will also have a ±1,397 square-foot enclosed patio and a new ±747 square-foot porte cochere. Additionally, proposed with the project is a new valet area, trash enclosure, planters, “No Parking” zone, curb, and exterior enclosed storage. Conditional Use Permit Application No. P24-00528 requests authorization to establish a State of California Alcoholic Beverage Control (ABC) Type 47 alcohol license (Restaurant – sale of beer, wine, and distilled spirits for consumption on the premises where sold).

Beneficiaries of The Project Would Be: Thomas Miller of Bulle
7827 North Janzer Avenue
Fresno, CA 93722

Name of Public Agency Approving Project: City of Fresno

Name of Person or Agency Carrying Out Project: Samuel Gonzalez – Drafter/Applicant

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 15332/Class 32
 Statutory Exemption – PRC § _____
 Other _____

Reason(s) Why Project Is Exempt:

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

Under Section 15332/Class 32, the proposed project is exempt from CEQA requirements when projects consists of characterized as in-fill development meeting the conditions described in this section:

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 gen policies as well as with applicable zoning designation and regulations.

The proposed project (Restaurant with Alcohol Sales) will meet all the provisions of the Fresno Municipal Code. The project is consistent with the Fresno General Plan designation, policies, and zoning. The existing CC/EA/UGM/cz (Commercial-Community/Expressway Area/Urban Growth Management/conditions of zoning) zone district is consistent with the Commercial-Community planned land use designation approved for this site by the Fresno General Plan, Bullard Community Plan, the Fresno County Airport Land Use Compatibility Plan, and the Sierra Sky Park Land Use Compatibility 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 proposed project (Restaurant with Alcohol Sales) is located within the city limits, occurs on a developed site of approximately 0.78 acres, which is less than the five-acre maximum, and is surrounded by urban uses.

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

The site and surrounding areas are currently developed. Surrounding developments consist of existing commercial/retail uses and single-family residential; therefore, 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 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 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 with transportation projects is the potential to increase vehicle travel, sometimes referred to as “induced travel.”

Based upon the City of Fresno's adopted VMT thresholds and guidelines, screening of projects is permitted if a project qualifies as a low trip generator (less than 500 daily trips generated). The proposed restaurant with alcohol sales project will generate 499 daily trips, which is less than the established threshold. Given the adopted significance threshold criteria of the City of Fresno, staff determined that

the proposed project can be screened out from further VMT impact analysis and therefore would not result in any significant traffic impacts based upon the City of Fresno's adopted thresholds and guidelines for VMT analyses.

Noise

The project is a restaurant with alcohol sales use with outdoor dining. Typical noise from the project would be transportation related noise from vehicles entering and exiting the commercial center as well as people dining in the outdoor dining area. Therefore, the project would not result in a significant amount of noise compared to the other adjacent uses and would be conditioned to comply with any 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 and the project is subject to review by the agency in regard to air quality during construction and operation. The air district had no comments regarding the proposed project.

Water Quality

The site has been reviewed and conditioned by the Fresno Metropolitan Flood Control District, Fresno County Public Health, and the City of Fresno Public Utilities in regard to water quality. The surrounding properties have been substantially developed and therefore utilities and public services infrastructure exists in the area. Therefore, no significant water quality impacts were identified.

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 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 neighborhood have been substantially developed and utilities and public services already exist in the area, and as stated in the Findings for CEQA Section 15332 above, 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.

Lead Agency Contact Person: Erik Young

Telephone No. (559) 621-8009

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Date: May 30, 2024
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Signature:  **Date:** May 30, 2024

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

Signed by Applicant

Enclosed:

- ❖ Site Location Vicinity Map
- ❖ Categorical Exemption Memo

VICINITY MAP



**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT FOR
CONDITIONAL USE PERMIT APPLICATION NOs. P24-00334 & P24-00528**

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE
CATEGORICALLY EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL
DOCUMENTS ACCORDING TO ARTICLE 19 OF THE STATE CEQA
GUIDELINES.

APPLICANT: Samuel Gonzalez
5224 North Valentine Avenue, #201
Fresno, CA 93711

PROJECT LOCATION: 7045 North Marks Avenue; located on the northwest corner of
West Herndon and North Marks Avenues
APN: 500-200-07S

PROJECT DESCRIPTION: Conditional Use Permit Application No. P24-00334 requests authorization to utilize an existing building to establish a new ±5,997 square-foot restaurant (Bulle). The proposed restaurant will also have a ±1,397 square-foot enclosed patio and a new ±747 square-foot porte cochere. Additionally, proposed with the project is a new valet area, trash enclosure, planters, “No Parking” zone, curb, and exterior enclosed storage. Conditional Use Permit Application No. P24-00528 requests authorization to establish a State of California Alcoholic Beverage Control (ABC) Type 47 alcohol license (Restaurant – sale of beer, wine, and distilled spirits for consumption on the premises where sold).

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Bullard Community Plan, the Fresno County Airport Land Use Compatibility Plan, and the Sierra Sky Park Land Use Compatibility Plan.

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Date: May 30, 2024

Submitted by: 

Erik Young
Supervising Planner
Planning & Development
Department
(559) 621-8009