

**NOTICE OF EXEMPTION**

E202510000023

**FROM:** City of Fresno  
Planning and Development Department  
2600 Fresno Street, 3<sup>rd</sup> Floor  
Fresno, California 93721-3604

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

Office of Planning & Research      SCH NO.: N/A  
P.O. Box 3044, Room 212  
Sacramento, California 95812-3044

**FILED**  
JAN 30 2025  
TIME 3:42pm  
By \_\_\_\_\_ FRESNO COUNTY CLERK  
DEPUTY

**Project Title:** Conditional Use Permit Application No. P23-02877 and Planned Development No. P24-03288

**Project Location:** 3152 North Millbrook Avenue; located on the southeast corner of East Shields and North Millbrook Avenues. APN: 445-081-18

**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. P23-02877 proposes to construct a 10,000 square-foot 1-story shell building with a drive through lane to be utilized by a 2,200 square-foot tenant space for an unnamed eating & drinking establishment. In addition, on and off-site improvements are proposed including but not limited to 55 parking stalls, sidewalks, and landscaping. The subject property is zoned CC (Community Commercial). Planned Development Permit Application No. P24-03288 requests to modify certain development standards of the Fresno Municipal Code (FMC) through approval of a Planned Development Permit, to allow a drive-through ordering intercom to be located 35 feet from a residential zoned property/district, instead of 100 feet as required by the FMC, Section 15-2728-B-1.

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

**Name of Person or Agency Carrying Out Project:** Jay Virk  
Bottom Line Development  
Po Box 1095  
Clovis, CA, 93613

**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 15303/Class 3**
- Statutory Exemption – PRC § \_\_\_\_\_

**Reasons why project is exempt:** The proposed project is characterized as new construction or conversion of small structures and is consistent with the conditions of Section 15303/Class 3 exemption, as demonstrated in the attached Categorical Exemption Determination for Conditional Use Permit No. P23-02877.

P23-02877  
CEQA Notice of Exemption  
January 30, 2025

E2025/0000023

**Lead Agency Contact Person:** Ralph Kachadourian, Supervising Planner  
City of Fresno Planning and Development Department

**Telephone No.:** (559) 621-8277

**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:** *Ralph Kachadourian* **Date:** January 30, 2025

**Printed Name and Title:** Ralph Kachadourian, 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 P23-02877 and Planned Development No. P24-03288

E2025/0000023

**CITY OF FRESNO  
CATEGORICAL EXEMPTION  
ENVIRONMENTAL ASSESSMENT FOR  
CONDITIONAL USE PERMIT APPLICATION NO. P23-02877**

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:** Jay Virk  
Bottom Line Development  
Po Box 1095  
Clovis, CA, 93613

**PROJECT LOCATION:** 3152 North Millbrook Avenue; located on the southeast corner of  
East Shields and North Millbrook Avenues.  
APN: 445-081-18

**PROJECT DESCRIPTION:** Conditional Use Permit Application No. P23-02877 proposes to  
construct a 10,000 square-foot 1-story shell building with a drive  
through lane to be utilized by a 2,200 square-foot tenant space  
for an unnamed eating & drinking establishment. In addition, on  
and off-site improvements are proposed including but not limited  
to 55 parking stalls, sidewalks, and landscaping. The subject  
property is zoned CC (*Community Commercial*).

Planned Development Permit Application No. P24-03288  
requests to modify certain development standards of the Fresno  
Municipal Code (FMC) through approval of a Planned  
Development Permit, to allow a drive-through ordering intercom  
to be located 35 feet from a residential zoned property/district,  
instead of 100 feet as required by the FMC, Section 15-2728-B-  
1.

This project is exempt under Section 15303/Class 3 (New construction or conversion of small structures) of the California Environmental Quality Act (CEQA) Guidelines. Section 15303/Class 3 of the CEQA Guidelines exempts projects from the provisions of CEQA, which meet the following conditions:

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 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:

(c) A store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet 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.

E202510000023

The project proposes a new 10,000 square-foot one-story shell building which includes a drive through lane. It is less than 10,000 square feet and does not involve the use of a significant amount of hazardous substances. The project site is a vacant tenant pad at an existing office center, and the area is urbanized and surrounded by existing development. The site has been reviewed and conditioned by the Fresno Metropolitan Flood Control District, Fresno County Public Health, City of Fresno Public Works, City of Fresno Police, City of Fresno Public Utilities, and the City of Fresno Fire Departments. In addition, 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 effect on the environment. The proposed project is not located on a hazardous waste site, a historical resource, or adjacent to a scenic highway. The project is in an area planned and zoned for industrial uses, therefore the exception for cumulative impacts is not applicable. A categorical exemption, as noted above, has been prepared for the project and the area is not environmentally sensitive.

Date: January 30, 2025

Prepared By: Thomas Veatch  
Planner

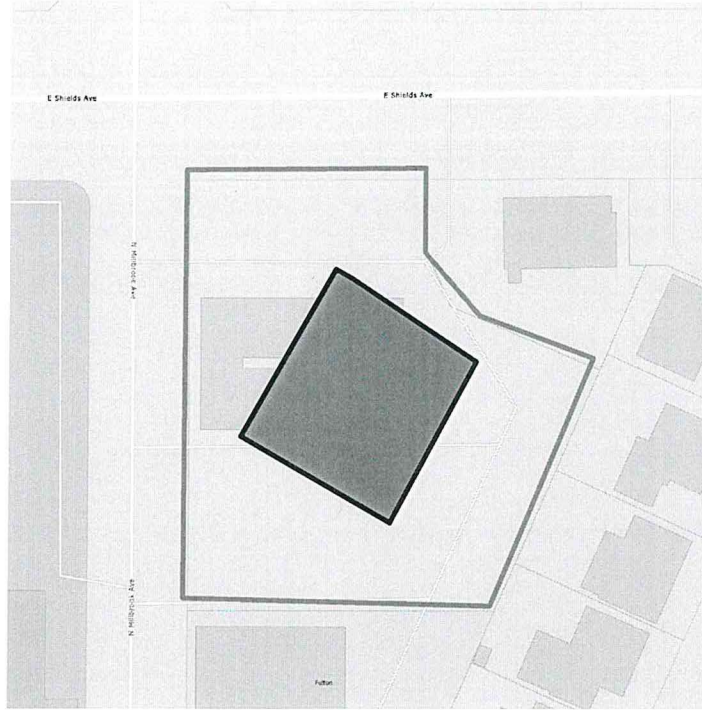
*Ralph Kachadourian*

Submitted by:

\_\_\_\_\_  
Ralph Kachadourian  
Supervising Planner  
City of Fresno  
Planning & Development Department  
(559) 621-8277

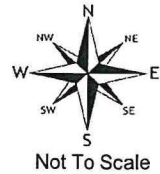
# Vicinity Map

E2025/0000023



## LEGEND

Subject Property  
Proposed Building



## PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONAL USE PERMIT APPLICATION  
NO. P23-0277, PLANNED DEVELOPMENT NO.  
P24-03288, AND RELATED ENVIRONMENTAL  
ASSESSMENT

PROPERTY ADDRESS  
3152 North Millbrook Avenue

**Zone District:**  
O (Office)

**By:** T. Veatch  
January 30, 2025



State of California - Department of Fish and Wildlife  
**2025 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
 DFW 753.5a (REV. 01/01/25) Previously DFG 753.5a

RECEIPT NUMBER: <b>E202510000023</b>
STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY <b>CITY OF FRESNO</b>	LEAD AGENCY EMAIL	DATE <b>01/30/2025</b>
COUNTY/STATE AGENCY OF FILING <b>FRESNO COUNTY</b>	DOCUMENT NUMBER <b>E202510000023</b>	

PROJECT TITLE  
 CONDITIONAL USE PERMIT APP. NO. P23-02877 & PLANNED DEVELOPMENT NO.P24-03288

PROJECT APPLICANT NAME <b>CITY OF FRESNO</b>	PROJECT APPLICANT EMAIL	PHONE NUMBER <b>(559) 621-8277</b>
PROJECT APPLICANT ADDRESS <b>2600 FRESNO STREET, 3RD FLOOR</b>	CITY <b>FRESNO</b>	STATE <b>CA</b>
		ZIP CODE <b>93721</b>

PROJECT APPLICANT (Check appropriate box)

Local Public Agency    
  School District    
  Other Special District    
  State Agency    
  Private Entity


CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$4,123.50	\$	<u>0.00</u>
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,968.75	\$	<u>0.00</u>
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,401.75	\$	<u>0.00</u>
<input type="checkbox"/> Exempt from fee			
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<hr/>			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	<u>0.00</u>
<input checked="" type="checkbox"/> County documentary handling fee	\$50.00	\$	<u>50.00</u>
<input checked="" type="checkbox"/> Other CATEGORICAL EXEMPTION		\$	<u>0.00</u>

PAYMENT METHOD:

Cash    
  Credit    
  Check    
  Other

TOTAL RECEIVED \$ 50.00

SIGNATURE  <b>X</b> 	AGENCY OF FILING PRINTED NAME AND TITLE  <b>Cierra Loera Deputy Clerk</b>
---	---