

**CITY OF FRESNO
STATUTORY EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. D-17-109/P18-03876**

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE STATUTORILY
EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS
PURSUANT TO ARTICLE 18 OF THE STATE CEQA GUIDELINES

APPLICANT: Ian Robertson
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PROJECT LOCATION: 702, 704, 710, 728, 740, 752 H Street S/A
(APN: 468-286-07, 08, 09, 10, & 12)

PROJECT EXEMPTION: This project is statutorily exempt under Section 15268, Ministerial Projects, of the California Environmental (CEQA) Guidelines [Public Resources Code 21080(b)(1)].

PROJECT DESCRIPTION:

Development Permit Application No. D-17-109 pertains to ±1.37 acres of property in Downtown Fresno. The subject application is a request to develop the entire block of H Street between Mono and Inyo Streets in four phases. Phase I will consist of developing the vacant parcel located at 702 H Street for purposes of providing an integrated retail & entertainment center by utilizing shipping containers, shade structures, and creative use of materials and design. The proposed facility will feature two initial restaurants (one future for a total of three), two bars, a stage for music and live performances, outdoor seating area, restrooms, and an office. Phase II will include the demolition of existing buildings and parking lot located at 740-762 H Street for purposes of constructing a 4-story mixed use apartment building consisting of ground floor retail and 48 one and two bedroom residential units located on the second, third, and fourth floors. Phase III will include the partial demolition of existing buildings located at 710-714 H Street and construction of a new single story metal building for a restaurant, bar and entertainment venue. Specific plans for Phase IV are not known at this time. However, for master plan purposes, Phase IV calls for the future demolition and/or adaptive reuse of the existing building located at 704 H Street. Related Planned Development Permit Application No. P18-03876 was filed for purposes of modifying certain property development standards including but not limited to required commercial sidewalk connections, required public frontage types, and applicable façade design development standards. The subject properties are zoned DTN (Downtown Neighborhood).

EXPLANATION:

Pursuant to Article 18, Statutory Exemptions, Section 15268 of the State CEQA Guidelines [Public Resources Code 21080(b)(1)], ministerial projects are exempt from the requirements of CEQA. The determination of what is “ministerial” can most appropriately be made by a particular public agency involved based upon its analysis of its own laws, and each public agency should make such determination either as a part of its implementing regulations or on a case-by-case basis. Per Article 49, Planning Authorities, Section 15-4907, Summary of Primary Planning Permits and Actions, of the Fresno Municipal Code (FMC), development of one-single family home, duplex, or qualifying Downtown housing which complies with all provisions of the Fresno Development Code requires a Zone Clearance, which is considered a ministerial permit in the City of Fresno. Article 51, Zone Clearance, Section 15-5102(D), Downtown Housing, of the FMC establishes criteria for qualifying Downtown housing which

shall require a Zone Clearance. Section 15-5102(D) states that:

1. *Downtown projects which meet all of the following criteria shall require a Zone Clearance to confirm that their construction is permitted as a matter of right and that such a project is being proposed in a manner which is compliant with, and without any deviations from, all applicable development standards prior to securing a Building Permit:*
 - a. *Located within a DT District;*
 - b. *A minimum of 16 total dwelling units in the project;*
 - c. *A residential density of no less than 20 du/ac;*
 - d. *Residential uses must occupy 50% or more of the total floor area; and*
 - e. *No historic resources or potential historic resources are located on the site.*
2. *Downtown projects which do not meet the threshold for a Zone Clearance shall be required to secure a Development Permit.*

As described below, the proposed project meets the criteria set forth in in Section 15-5102(D) of the FMC as a qualified Downtown housing requiring a Zone Clearance, which is a ministerial action by the City of Fresno, and therefore exempt from CEQA.

1. *Is the project located within a DT (Downtown) District?*

The proposed project is located on five parcels (two vacant, three developed) zoned DTN (*Downtown Neighborhood*). Therefore, the project meets this criterion.
2. *Would the project include a minimum of 16 total dwelling units?*

The project proposes 48 dwelling units as part of the overall project. Therefore, the project meets this criterion.
3. *Does the project have a residential density of no less than 20 dwelling units per acre (du/ac)?*

The project proposes 48 units on a total of 1.37 acres which equates to 35 du/ac. Therefore, the project meets this criterion
4. *Do residential uses occupy 50% or more of the total floor area?*

The total floor area of the proposed project is approximately 85,512 square-feet, of which 50,364 square-feet (approximately 58%) will be residential (excludes parking and courtyard) floor area. Therefore, the project meets this criterion.
5. *Does the project contain historic or potentially historic resources on the site?*

A portion he proposed project site consists of one vacant lot and a surface parking lot (702 & 762 H Street). In addition, The City of Fresno Historic Preservation specialist has determined that at this time, the project area does not include historic properties or potentially historic properties. Therefore, the project site does not contain historic or potentially historic resources on the site and no historic properties will be affected by the project. As a result, the project meets this criterion.

Date: May 3, 2019

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