

## 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:** Development Permit Application No. P23-01843

**Project Location:** 729 East Divisadero Street; Located on the north side of East Divisadero Street, between Broadway Street and North Yosemite Avenue. (APN: 459-304-01)

**Project Location – City:** City of Fresno

**Project Location – County:** County of Fresno

**Description of Nature, Purpose, and Beneficiaries of Project:**

Scarab Creative Arts proposes construction of a 6-foot wrought iron perimeter fence around an existing site and elimination of the southern drive approach on East Divisadero Street.

**Beneficiaries of The Project Would Be:** James Margaret Courtis of Scarab Creative Arts  
P.O. Box 573  
Fowler, CA. 93625

**Name of Public Agency Approving Project:** City of Fresno

**Name of Person or Agency Carrying Out Project:** Scarab Creative Arts

**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**  
 Statutory Exemption – PRC § \_\_\_\_\_  
 Other \_\_\_\_\_

**Reason(s) Why Project Is Exempt:**

This project is categorically 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 proposed project is exempt from CEQA requirements when the project is characterized as new construction or conversion of small structures meeting the following condition:**

**e.) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.**

The proposed construction of the 6-foot wrought iron perimeter fence is classified as an accessory structure Under Section 15303/Class 3 and is, therefore, exempt from CEQA requirements.

The project has met the described conditions to be characterized as new construction and is therefore categorically exempt pursuant to Section 15303/Class 3.

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:** Valeria Ramirez      **Telephone No.** (559) 621-8046

**Signature:** 

**Date:** June 13, 2024

**Printed Name and Title:**

Valeria Ramirez, Planner II  
City of Fresno Planning and Development Department

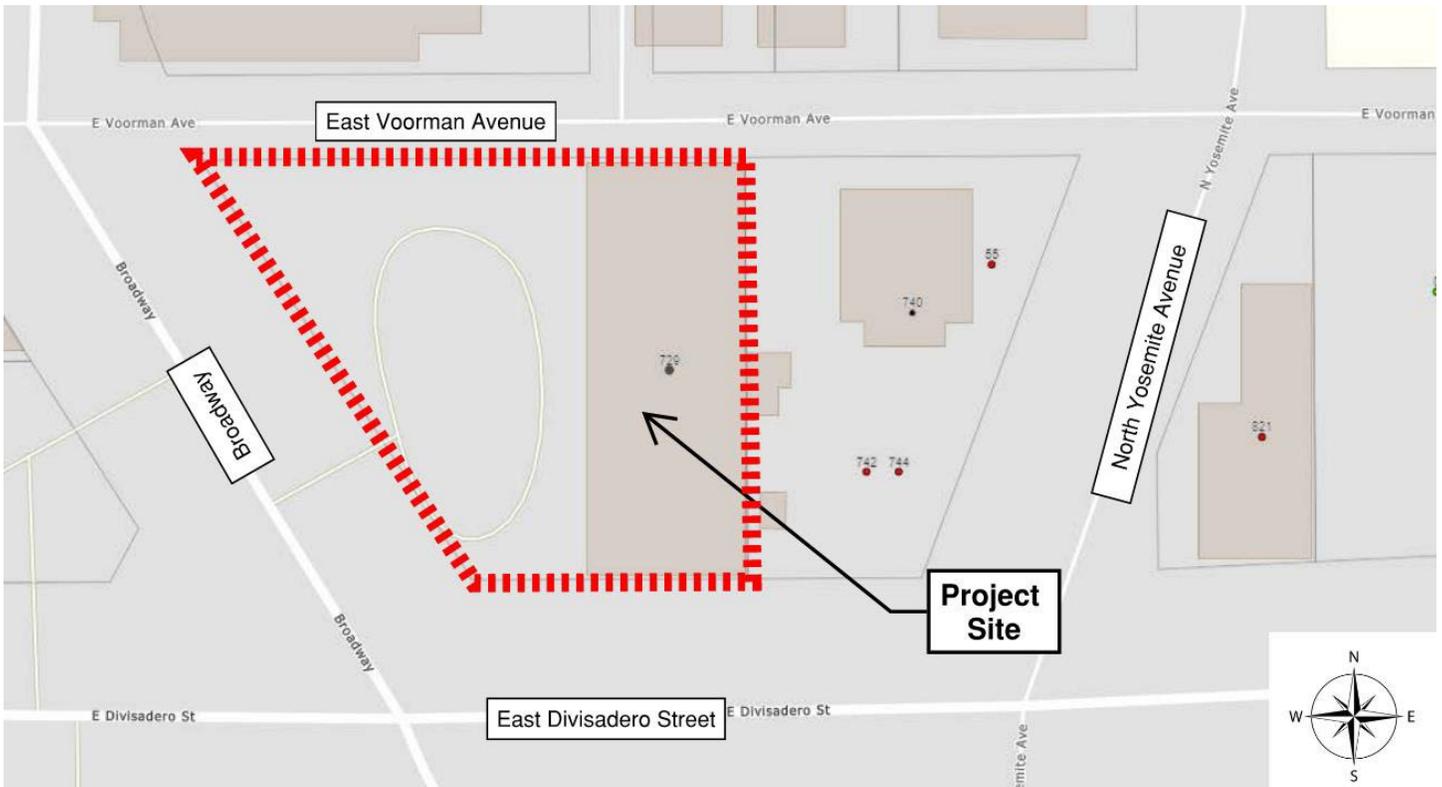
Signed by Lead Agency

Signed by Applicant

**Enclosed:**

- ❖ Site Location Vicinity Map
- ❖ Categorical Exemption Memo

## VICINITY MAP



**CITY OF FRESNO  
CATEGORICAL EXEMPTION  
ENVIRONMENTAL ASSESSMENT NO. P23-01843**

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:** James Courtis  
Scarab Creative Arts  
PO Box 573  
Fowler, CA 93625

**PROJECT LOCATION:** 729 East Divisadero Street; Located on the northeast corner of  
Broadway and East Divisadero Street (APN: 459-304-01)

**PROJECT DESCRIPTION:**

Development Permit Application No. P23-01843 was filed by James Courtis and pertains to approximately 0.39 acres of property located at 729 East Divisadero Street. The applicant proposes a new 6-foot wrought-iron fence along the north, east, and southern property lines. The proposed location of the fence requires a vacation of approximately 858 square feet of right-of-way along Broadway. The subject property is zoned NMX (*Neighborhood Mixed-Use*).

**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** 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:

- e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

*This project proposes construction of a 6-foot-tall wrought iron fence around the perimeter of an existing developed site. The proposed location of the 6-foot wrought iron fence requires approximately 858 square feet of right-of-way vacation along Broadway. The proposed construction of the wrought iron fence is permitted in the Neighborhood Mixed-Use district. Therefore, it is staff's determination that this falls within the limits of the Class 3 Categorical Exemption.*

None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project. Furthermore, as the subject site is a developed property in an urbanized commercial area, the proposed project is not expected to have a significant effect on the environment. Accordingly, a categorical exemption, as noted above, has been prepared for the project.

Date: June 13, 2024

Submitted by: 

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Robert Holt  
Supervising Planner  
City of Fresno  
Planning and Development  
Department  
(559) 621-8056

City Hall  
2600 Fresno Street, 4th Floor  
Fresno, California 93721  
Ph. (559) 621-8650 FAX (559) 488-1045  
[www.fresno.gov](http://www.fresno.gov)

Scott L. Mozier  
Public Works Director

February 7, 2024

James Courtis  
**Scarab Creative Arts**  
873 E. Aretha Ave.  
Fowler, CA

SUBJECT: PROPOSED VACATION OF THE NORTHEASTERLY 3.00 FEET OF NORTH BROADWAY AVENUE ADJACENT TO 729 EAST DIVISADERO STREET, ASSOCIATED WITH SITE PLAN NUMBER P23-01843.

The vacation feasibility study you requested has been completed. Findings indicate the vacation proposal is feasible subject to the following conditions:

1. FMFCD has the following comment "The proposed vacation area lies within the District's Drainage Area "RR". There are no existing or proposed Master Plan facilities within the proposed vacation area as shown on the map that was provided with this request. The District requires that the Master Plan drainage patterns remain as designed for the proposed vacation area. Please contact Mark Will at (559) 456-3292.

A processing fee in the amount of \$1,555.00 is required to cover the cost of administration and legal notices prior to continuing this process for City Council action. An Environmental Assessment (EA) for the entire project that accurately addresses the vacation is required to proceed with the vacation. If you do not have one, the EA application and fee should be submitted to the City of Fresno's Planning and Development Department. The planner for the project can provide you with further information about the environmental assessment. Once the EA has been completed, please provide a copy to us.

For your information, the City of Fresno has only an easement interest in the subject area and the City has no legal authority to make a determination as to what portion of the underlying fee title to the vacated area may be added to adjacent properties.

The study done for this proposed vacation will expire in one year. Therefore, please notify this office by February 8, 2025, of your intention regarding the pursuit of this vacation.

Please contact me at 621-8681 or by email at [Jason.Camit@fresno.gov](mailto:Jason.Camit@fresno.gov) if you have any questions.

Sincerely

Jason A. Camit, PLS  
**Chief Surveyor**

P.W. File No. 13357

EXHIBIT "A"

STREET VACATION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF FRESNO, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF LOTS 3, 4, 5 AND 6 IN BLOCK 2 OF CENTRAL ADDITION TO FRESNO CITY, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 1, PAGE 30 OF PLATS, RECORDS OF SAID COUNTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHEASTERLY 3.00 FEET OF THE NORTHEASTERLY RIGHT OF WAY OF BROADWAY (FORMERLY "I" STREET) AS ESTABLISHED OF RECORD ON OCTOBER 28, 1913, RECORDED IN VOLUME 537 OF DEEDS, AT PAGE 226, AND VOLUME 543 OF DEEDS, AT PAGE 101, OFFICIAL RECORDS OF FRESNO COUNTY,

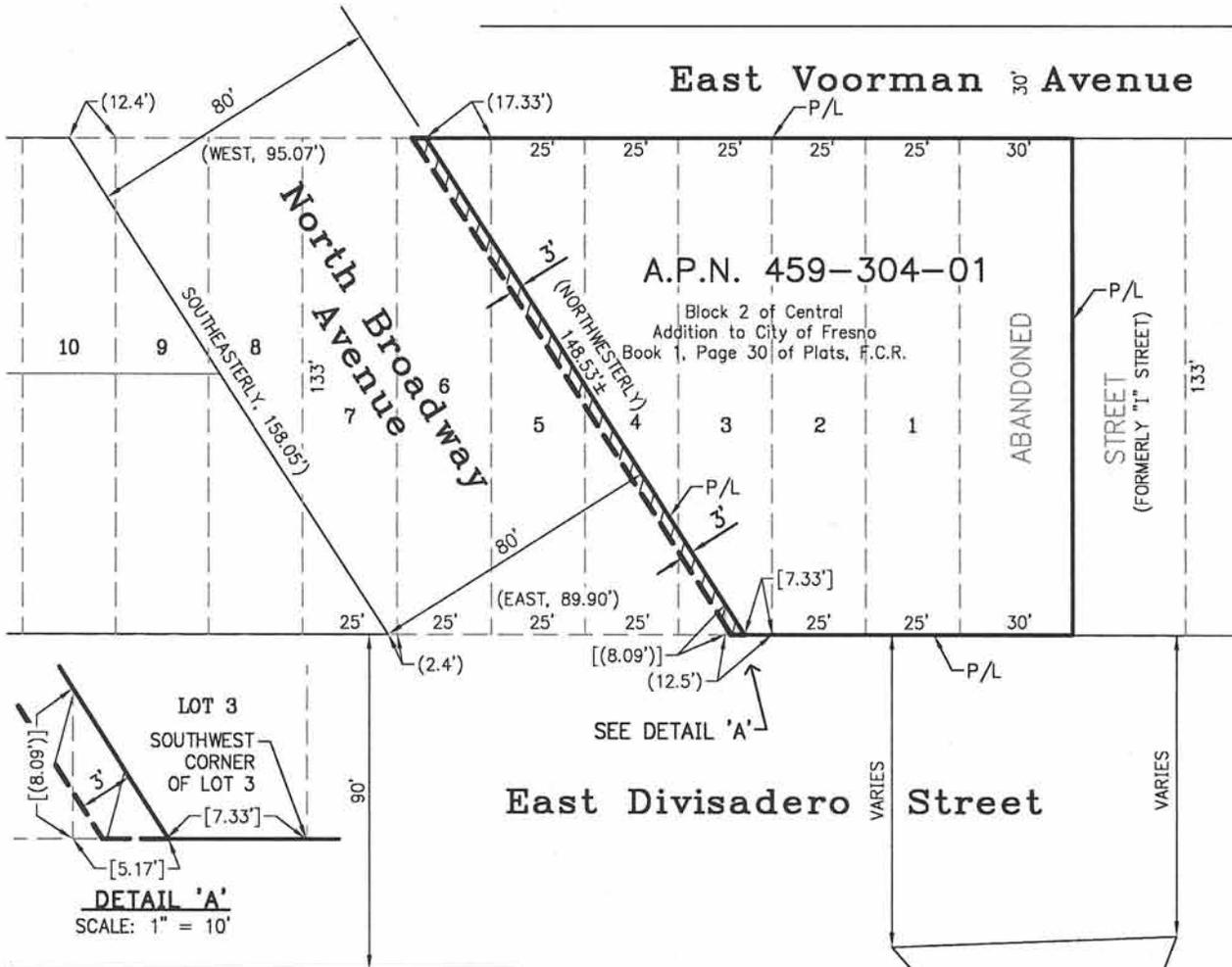
CONTAINS 475.3 SQUARE FEET, MORE OR LESS.

PWF#13357  
PLAT: 2554  
P23-01843

MG/pwl  
22075 Vacation Exhibit A.doc



# EXHIBIT "B"

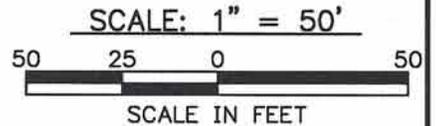


**SOURCE OF DATA**

CENTRAL ADDITION TO FRESNO CITY ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 1, PAGE 30 OF PLATS, FRESNO COUNTY RECORDERS.

**LEGEND**

- INDICATES AREA OF RIGHT-OF-WAY TO BE VACATED. CONTAINS 475.3± SQUARE FEET
- ( ... ) INDICATES RECORD DATA AS SHOWN IN THE DEED RECORDED OCTOBER 28, 1913, IN BOOK 537 OF DEEDS AT PAGE 226, FRESNO COUNTY RECORDS.
- [ ... ] INDICATES RECORD DATA AS SHOWN IN THE DEED RECORDED OCTOBER 28, 1913, IN BOOK 543 OF DEEDS AT PAGE 101, FRESNO COUNTY RECORDS.



PLOT VIEW: VAC 1  
AUTOCAD ID: 22075.DWG

**OWNER/APPLICANT:**

JAMES COURTIS  
873 EAST ARETHA AVENUE  
FOWLER, CA 93625  
PH: (559) 318-4335

**R.W.GREENWOOD ASSOCIATES, INC.**

CIVIL ENGINEERING — LAND SURVEYING  
2558 E. OLIVE AVE. — FRESNO, CALIFORNIA 93701 — Tel. (559) 268-7831

W.O. No. E-22075 SEPTEMBER 6, 2023

REF. & REV.  
PW FILE No. 13357  
PLAT No. 2554  
P23-01843

**CITY OF FRESNO**  
DEPARTMENT OF PUBLIC WORKS

**STREET VACATION**

A PORTION OF LOTS 3, 4, 5 AND 6 IN BLOCK 2 OF CENTRAL ADDITION TO FRESNO CITY ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 1, PAGE 30 OF PLATS, F.C.R.

PROJ. ID. \_\_\_\_\_  
FUND NO. \_\_\_\_\_  
ORG. NO. \_\_\_\_\_

DR. BY MGG  
CH. BY \_\_\_\_\_  
DATE \_\_\_\_\_  
SCALE AS SHOWN

SHEET NO. 1  
OF 1 SHEETS  
**15-A-**