

Exhibit D

**CITY OF FRESNO
CEQA EXEMPTION
ENVIRONMENTAL DETERMINATION FOR
TEXT AMENDMENT APPLICATION NO. P25-00974**

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE
EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS
PURSUANT TO ARTICLE 5 OF THE STATE CEQA GUIDELINES.

APPLICANT: City of Fresno
Planning & Development Department
2600 Fresno Street
Fresno, CA. 93721

PROJECT LOCATION: All areas within the corporate boundaries and jurisdiction of the City of Fresno.

PROJECT DESCRIPTION: Text Amendment Application No. P25-00974 proposes to amend Table 15-1102 (Use Regulations - Mixed Use Districts) and Section 15-2728 (Drive-In and Drive-Through Facilities) of the Fresno Municipal Code (FMC). The Text Amendment will provide flexibility for existing drive-through facilities required to relocate as a result of a taking by eminent domain.

Currently, under Table 15-1102 (Use Regulations - Mixed Use Districts) of the FMC, Drive-In and Drive-Through Facilities are permitted in Mixed-Use districts subject to an approved Conditional Use Permit but also subject to Specific Limitation No. 15, which 1.) prohibits drive-throughs within 100 feet of a planned or existing Bus Rapid Transit station and 2.) prohibits drive-through related facilities from being located between a building and a sidewalk. Additionally, under Section 15-2728-B(2) (Space Between Drive-Throughs) of the FMC, a building with a drive-through lane shall not be located within 400 feet of another structure containing a drive-through facility.

This proposed Text Amendment would add an exception to the 100-foot BRT separation requirement (Specific Limitation No. 15 of Table 15-1102 of the FMC) and an exception to the 400-foot drive-through separation requirement for projects involving existing establishments with drive-through facilities that are required to relocate as a result of a taking by eminent domain.

A qualifying project's/establishment's new location may be located within 100 feet of a planned or existing BRT stop and/or within 400 feet of another structure containing a drive-through facility provided the new site is within one (1) mile of the original location. All other drive-through design guidelines shall apply.

This project is exempt under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines as follows:

Staff has determined that the proposed Text Amendment is exempt from CEQA pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) under the common sense

exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

This Text Amendment proposes only minor changes to the language of the text in the Development Code to modify established use limitations related to drive-through facilities when located in Mixed-Use zone districts and near planned or existing Bus Rapid Transit stations. Specifically, the Text Amendment would provide flexibility for existing drive-through establishments that are required to relocate as a result of eminent domain where the new location may be within 100 feet of a BRT station and/or within 400 feet from another drive-through facility, and within 1 mile of the original location. There will be no physical change to the environment as a result of the adoption of this Text Amendment as it is an amendment to Chapter 15 of Fresno Municipal Code, Table 15-1102 (Use Regulations – Mixed Use Districts) and Section 15-2728 (Drive-In and Drive-Through Facilities). The proposed Text Amendment does not relate to any physical project and does not commit the city to any specific development on any particular site. Approval of this Text Amendment does not automatically permit the relocation of an existing drive-through facility that is required to relocate as a result of eminent domain. Rather it provides exceptions to the existing limitations established in the development code. In this way, the actual Conditional Use Permit for individual projects are not yet approved and will be subject to future discretionary approval. Because this Text Amendment does not effectuate any approvals, and does not result in any intensification in use, it can be seen with certainty that there is no possibility that the approval of this Text Amendment will have a significant effect on the environment or a reasonably foreseeable indirect effect on the environment.

Therefore, Text Amendment P25-00974 is exempt from CEQA pursuant to the common sense exemption set forth in Section 15061(b)(3) of the CEQA Guidelines.

Date: June 9, 2025

Prepared and Submitted by



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