

## Exhibit J

E202510000262

## 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

**FILED**  
OCT 16 2025  
TIME 4:10pm  
FRESNO COUNTY CLERK  
By Cyan Edmisten DEPUTY

**Project Title:** Conditional Use Permit Application No. P25-01134

**Project Location:** 280 West Shaw Avenue; Located on the northeast corner of North College and West Shaw Avenues. (APN: 417-333-04)

**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. P24-02284 requests authorization to establish a ±6,450 square-foot event center within an existing building with a ±3,500 square-foot outdoor courtyard with an outdoor pizza oven, a ±9,000 square-foot outdoor patio, two (2) designated food truck parking spaces with utility hookups, and a State of California Type 47 ABC license (On-Sale General – Eating Place), which authorizes the sale of beer, wine, and distilled spirits for on- and off-site consumption.

**Beneficiaries of The Project Would Be:** Dirk Poeschel of Dirk Poeschel Land Development Services  
923 Van Ness Avenue, Suite 200  
Fresno, CA 93721

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

**Name of Person or Agency Carrying Out Project:** Dirk Poeschel

### **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 15301/Class 1 & 16303/Class 3**  
☐ Statutory Exemption – PRC § \_\_\_\_\_  
☐ Other \_\_\_\_\_

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

This project is exempt under Sections 15301/Class 1 (Existing Facilities) & 15303/Class 3 (New Construction) of the California Environmental Quality Act (CEQA) Guidelines as follows:

Section 15301/Class 1 (Class 1/Existing Facilities) of the CEQA Guidelines exempts from the provisions of CEQA, projects consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The key consideration is whether the project involves negligible or no expansion of use. Examples of this exemption include, but are not limited to:

- a) Additions to existing structures provided that the addition will not result in an increase of more than: (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less;

*The proposed project is consistent with the Fresno General Plan designation, policies, and zoning. The project is located within an existing commercial building with multiple tenant spaces that is located on a property developed with landscaping, utilities, and parking. The project is the addition of an alcohol sales license for a proposed banquet hall, which involves negligible expansion of existing commercial uses, and a ±9,000 square-foot outdoor patio that will not result in an increase of more than 50 percent of the structures before the addition. Therefore, it is staff's determination that this falls within the limits of the Class 1 categorical exemption.*

Section 15303/Class 3 (Class 3/New Construction) of the CEQA Guidelines exempts from the provisions of CEQA, projects consisting 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.

*The project consists of the installation of a 5'-6" perimeter fence around the perimeter of an existing developed site and a 9,000 square-foot outdoor patio. The proposed construction of the fence and outdoor patio is permitted in the Corridor/Center 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 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.

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Notice of Exemption  
Date: October 16, 2025  
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**Signature:** 

**Date:** October 16, 2025

**Printed Name and Title:**

Robert Holt, Supervising Planner  
City of Fresno Planning and Development Department

☒ Signed by Lead Agency

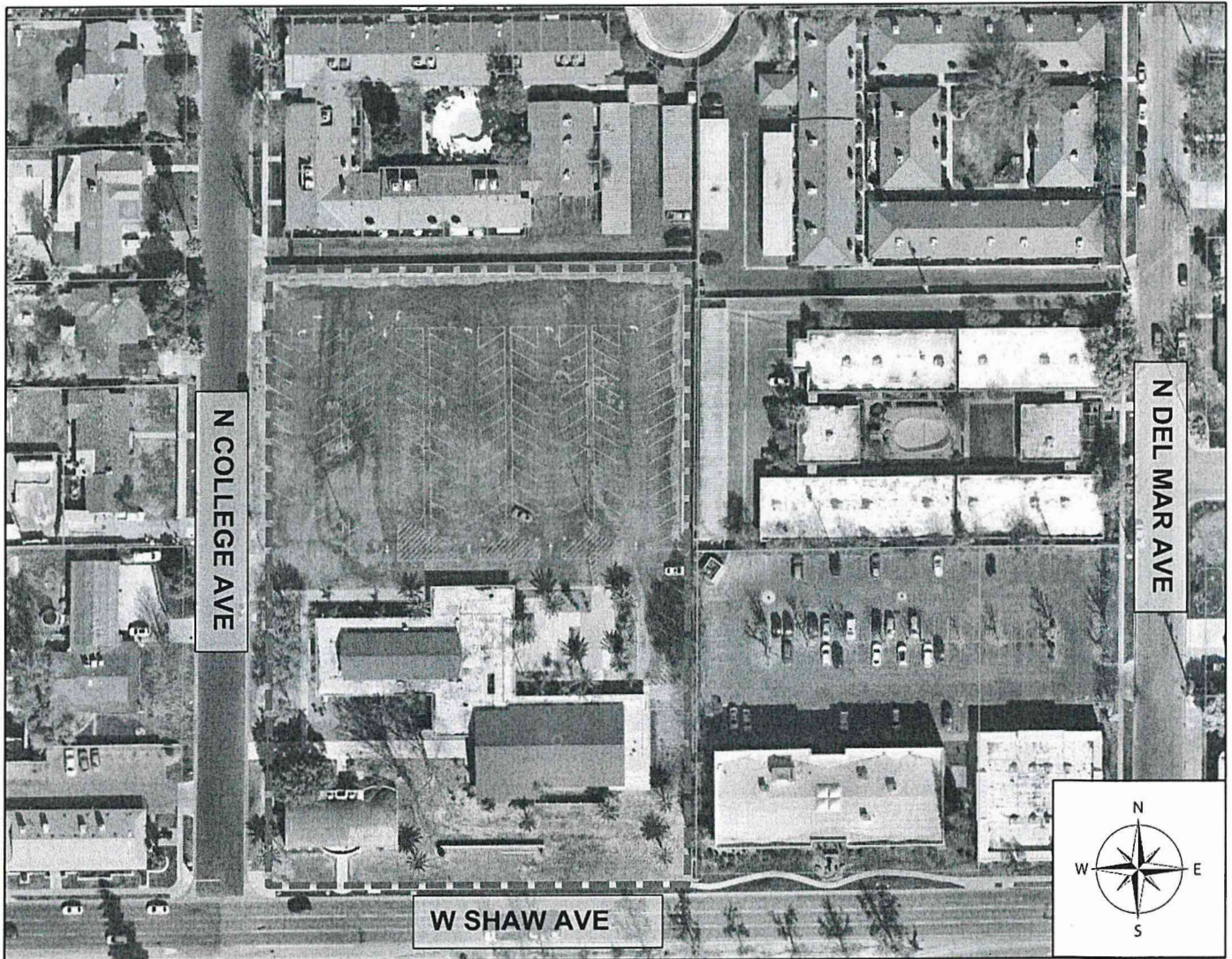
☐ Signed by Applicant

Enclosed:

- ❖ Site Location Vicinity Map
- ❖ Categorical Exemption Memo



## VICINITY MAP



Subject Property

**CITY OF FRESNO  
CATEGORICAL EXEMPTION  
ENVIRONMENTAL ASSESSMENT FOR  
CONDITIONAL USE PERMIT APPLICATION NO. P25-01134**

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:** Dirk Poeschel  
923 Van Ness Avenue, Suite 200  
Fresno, CA 93721

**PROJECT LOCATION:** 280 West Shaw Avenue; Located on the northeast corner of  
North College and West Shaw Avenues.  
APN: 417-333-04

**PROJECT DESCRIPTION:** **Conditional Use Permit Application No. P24-02284** requests authorization to establish a ±6,450 square-foot event center within an existing building with a ±3,500 square-foot outdoor courtyard with an outdoor pizza oven, a ±9,000 square-foot outdoor patio, two (2) designated food truck parking spaces with utility hookups, and a State of California Type 47 ABC license (On-Sale General – Eating Place), which authorizes the sale of beer, wine, and distilled spirits for on- and off-site consumption. The subject property is zoned CMX (*Corridor/Center Mixed Use*).

**This project is exempt under Sections 15301/Class 1 (Existing Facilities) & 15303/Class 3 (New Construction) of the California Environmental Quality Act (CEQA) Guidelines as follows:**

Section 15301/Class 1 (Class 1/Existing Facilities) of the CEQA Guidelines exempts from the provisions of CEQA, projects consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The key consideration is whether the project involves negligible or no expansion of use. Examples of this exemption include, but are not limited to:

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*tenant spaces that is located on a property developed with landscaping, utilities, and parking. The project is the addition of an alcohol sales license for a proposed banquet hall, which involves negligible expansion of existing commercial uses, and a ±9,000 square-foot outdoor patio that will not result in an increase of more than 50 percent of the structures before the addition. Therefore, it is staff's determination that this falls within the limits of the Class 1 categorical exemption.*

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

*The project consists of the installation of a 5'-6" perimeter fence around the perimeter of an existing developed site and a 9,000 square-foot outdoor patio. The proposed construction of the fence and outdoor patio is permitted in the Corridor/Center 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 outlined in the CEQA Guidelines, Section 15300.2 apply to the project. Furthermore, the proposed project is not expected to affect the environment significantly. A categorical exemption, as noted above, has been prepared for the project, and the area is not environmentally sensitive.

Date: August 18, 2025

Submitted by:



Robert Holt  
Supervising Planner  
Planning & Development  
Department  
(559) 621-8056