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# MEMORANDUM

**DATE:** November 3, 2025

**TO:** Dalton Bennett, Projects Administrator
City of Fresno, Capital Projects Department

**FROM:** Kyle Simpson, Principal

**SUBJECT:** Common Sense/No Possibility of Effects Exemption for the H Street Parcel Acquisition

## INTRODUCTION

The City of Fresno (City) proposes to acquire two parcels on H Street in downtown Fresno. This memorandum has been prepared to support the City's determination that the acquisition of the two parcels is exempt from the California Environmental Quality Act (CEQA).

Section 15061(b)(3) of the CEQA Guidelines states that, if there is no possibility that a proposed activity would result in a significant effect on the environment, the activity is not subject to CEQA. This memorandum provides a description of the proposed acquisition and describes the basis for this activity to be exempt from CEQA.

## PROJECT DESCRIPTION

The City proposes to acquire portions of two parcels on H Street in downtown Fresno (Assessor's Parcel Numbers [APNs]: 467-040-20S and 467-040-22S), totaling approximately 104,030 square feet. The parcels are located northwest of the intersection of H Street and Mono Street, directly adjacent to a City-owned parcel (APN 467-040-23ST) located along the H Street frontage. The proposed project is limited to acquisition of portions of the two parcels, and no physical changes to the two parcels are proposed at this time.

Following acquisition of the parcels, the City may contemplate the construction and operation of a parking garage on the acquired parcels. While an initial design for a potential parking garage has been explored, that design is not considered feasible. As such, physical components of the potential parking garage, including overall size, including height and scale, as well as aesthetic treatments, are uncertain at this time. Therefore, the potential development of a parking garage is speculative and lacks sufficient detail or certainty necessary for an analysis. Following continued internal deliberations regarding feasibility of the potential parking garage and selection of a final design, the City will conduct a subsequent analysis of the parking garage consistent with the requirements of CEQA.


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## EXEMPTION FROM CEQA

Section 15061 of the CEQA Guidelines states the following:

*15061. Review For Exemption*

*(a) Once a lead agency has determined that an activity is a project subject to CEQA, a lead agency shall determine whether the project is exempt from CEQA.*

*(b) A project is exempt from CEQA if:*

*(1) The project is exempt by statute (see, e.g. Article 18, commencing with Section 15260).*

*(2) The project is exempt pursuant to a categorical exemption (see Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.*

*(3) The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.*

*(4) The project will be rejected or disapproved by a public agency. (See Section 15270(b)).*

*(5) The project is exempt pursuant to the provisions of Article 12.5 of this Chapter.*

*[…]*

As stated in Section 15061(b)(3), an activity is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question would result in a significant effect on the environment. This is referred to as the Common Sense Exemption or the No Possibility of Effects Exemption, as it can be stated with certainty that the proposed activity does not affect the environment.

CEQA Guidelines Section 15382 defines a “significant effect on the environment” as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.”

The activity proposed by the City is limited to acquiring the two parcels and would not include any physical changes to the parcels. Any future changes to the two parcels, including construction and operation of a potential parking garage will be evaluated to meet the requirements of CEQA once the full scope of the future project is known.

As a result, the proposed activity would not result in a significant effect on the environment, as described in Section 15382, and identified in Section 15061(b)(3) as a limiting factor for exemption under CEQA.

## SUMMARY

On the basis of the explanation provided above, the proposed acquisition of portions of APNs 467-040-20S and 467-040-22S is exempt from CEQA because it can be seen with certainty that there is no possibility that the proposed acquisition would result in a significant effect on the environment. As a result, a Notice of Exemption may be prepared for the proposed acquisition.

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