

EXHIBIT H
Notice of Action

CITY OF FRESNO
 PLANNING AND DEVELOPMENT DEPARTMENT
NOTICE OF ACTION GRANTING SPECIAL PERMIT
CONDITIONAL USE PERMIT APPLICATION NO. P22-02534

NOTICE IS HEREBY GIVEN that the Director of the Planning and Development Department, in accordance with Special Permit Procedure of the Fresno Municipal Code Section 15-5009, has approved Conditional Use Permit Application No. P22-02534. Conditional Use Permit Application No. P22-02534 was filed by Ian Robertson of iT Architecture on Behalf of Starbucks and pertains to the one acre located at 2840 Tulare Street, Fresno, CA 93721 (Assessor's Parcel Number: 468-071-31). The applicant proposes the construction of a ± 2,406 square foot Starbucks shell building with a ± 840 square foot patio, a drive-through with capacity for seventeen (17) vehicles, and full improvements to the site with a new parking lot and landscaping. The project also includes a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 32 Categorical Exemption dated January 18, 2023.

The property is zoned DTN (*Downtown Neighborhood*). The special permit has been granted subject to compliance with the Conditions of Approval, dated January 18, 2023. This document is available for review at the Planning and Development Department, located at 2600 Fresno Street, 3rd Floor, Fresno, California 93721.

Conditional Use Permit Application No. P22-02534 was granted subject to the following findings:

Findings per Fresno Municipal Code Section 15-5306
<p>A.) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Code and all other chapters of the Municipal Code.</p>
<p>Finding A: Drive-throughs are a conditionally permitted use within the DTN (Downtown Neighborhood / Activity Class B) zone district. Given the conditions of approval, the project will comply with all applicable standards and requirements of the Fresno Municipal Code.</p>
<p>B.) The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted.</p>
<p>Finding B: As conditioned, the proposed facility has been found to be consistent with the Downtown Neighborhoods Community Plan and the applicable Goals and Policies of the Fresno General Plan as follows:</p> <p>Downtown Neighborhoods Community Plan Goal 2.12.4: Allow drive-thru businesses along certain corridors, but ensure the drive-through facilities do not conflict with or degrade the pedestrian environment.</p> <ul style="list-style-type: none"> • <i>As conditioned, the project will not conflict with or degrade the pedestrian environment.</i> <p>General Plan Policy LU-2-a: Infill Development and Redevelopment. Promote development of vacant, underdeveloped, and re-developable land within the City Limits where urban services are available by considering the establishment and implementation of supportive regulations and programs.</p> <ul style="list-style-type: none"> • <i>The project promotes development of vacant, underdeveloped, and re-developable land within the City Limits where urban services are available.</i>
<p>C.) The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements.</p>
<p>Finding C: As conditioned, the proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements in that:</p> <ul style="list-style-type: none"> ❖ The project will not result in any significant effects to traffic whereas the project was not required by the Department of Public Works Traffic Division to produce a Traffic Impact Study to determine potential impacts. Furthermore, a VMT analysis concluded the project will have a net zero (0) increase in Regional VMT therefore having no impact. ❖ The project will not result in any significant effects to noise whereas the project will be in compliance with City of Fresno noise standards outline in Fresno Municipal Code Section 15-2506. ❖ The project will not result in any significant effects to air quality whereas the San Joaquin Valley Air Pollution Control District conducted an Indirect Source Review/Air Impact Assessment of the project and concluded the baseline emissions for construction and operation will be less than two tons NOx per year and two tons PM10 per year. Pursuant to

District Rule 9510 Section 4.3, this project is exempt from the requirements of Section 6.0 (General Mitigation Requirements) and Section 7.0 (Off-site Emission Reduction Fee Calculations and Fee Schedules) of the rule. Therefore, the project will not have a significant effect on air quality.

- ❖ The project will not result in any significant effects to water quality whereas the project is a café that will serve food and beverages and contain negligible amount of hazardous materials and waste. Furthermore, the café will comply with all laws which dictate restaurant operations and waste management. Additionally, the refuse enclosure will have a roof cover which will prevent precipitation from coming into contact with the waste. Therefore, the project will not have a significant effect on water quality.

D.) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity.

Finding D:

As conditioned, the design, location, size, and operating characteristic of the proposed café with drive-through are compatible with the existing land uses in the area and reasonably foreseeable future land uses in the vicinity which are: high-density residential and general heavy commercial.

E.) The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.

Finding E:

The type, density, and intensity of the proposal are suitable for the site. The project was reviewed by the City of Fresno Fire Department, Department of Public Works, and Department of Public Utilities. Given the conditions of approval, the site has the appropriate access, emergency access, utilities, and services required.

F.) The proposed use is consistent with the Fresno County Airport Land Use Compatibility Plan (as may be amended) adopted by the Fresno County Airport Land Use Commission pursuant to California Public Utilities Code Sections 21670 - 21679.5.

Finding F:

The project is not located within any safety zone as described in the Fresno County Airport Land Use Compatibility Plan.

Conditional Use Permit P22-02534 will not become effective until 15 days from the date the permit is granted in order to allow time for any interested parties to file an appeal.

NOTE: A Notice of Intent to Take Action (Neighborhood Notification) was sent to surrounding property owners pursuant to the requirements of Section 15-5007 of the Fresno Municipal Code on November 30, 2022.

In the event you wish to appeal the Director's decision, you may do so by filing a written appeal with the Director. The appeal must include the appellant's interest in, or relationship to, the subject property, the decision or action appealed, specific reason(s) why the appellant believes the decision or action should not be upheld.

ANY WRITTEN appeal must be submitted to this office prior to close of business on:

February 2, 2023.

Protest letters shall be sent by email to PublicCommentsPlanning@fresno.gov, (cc Steven.Martinez@fresno.gov), or mailed to the address noted below.

For additional information regarding this project, contact Steven Martinez, Planner, Planning and Development Department, 2600 Fresno Street, Fresno, California 93721-3604, by phone at **(559) 621 - 8047** or via e-mail at Steven.Martinez@fresno.gov. ***Si necesita información en Español, comuníquese con Juan Lara al teléfono (559) 621 - 8075.***

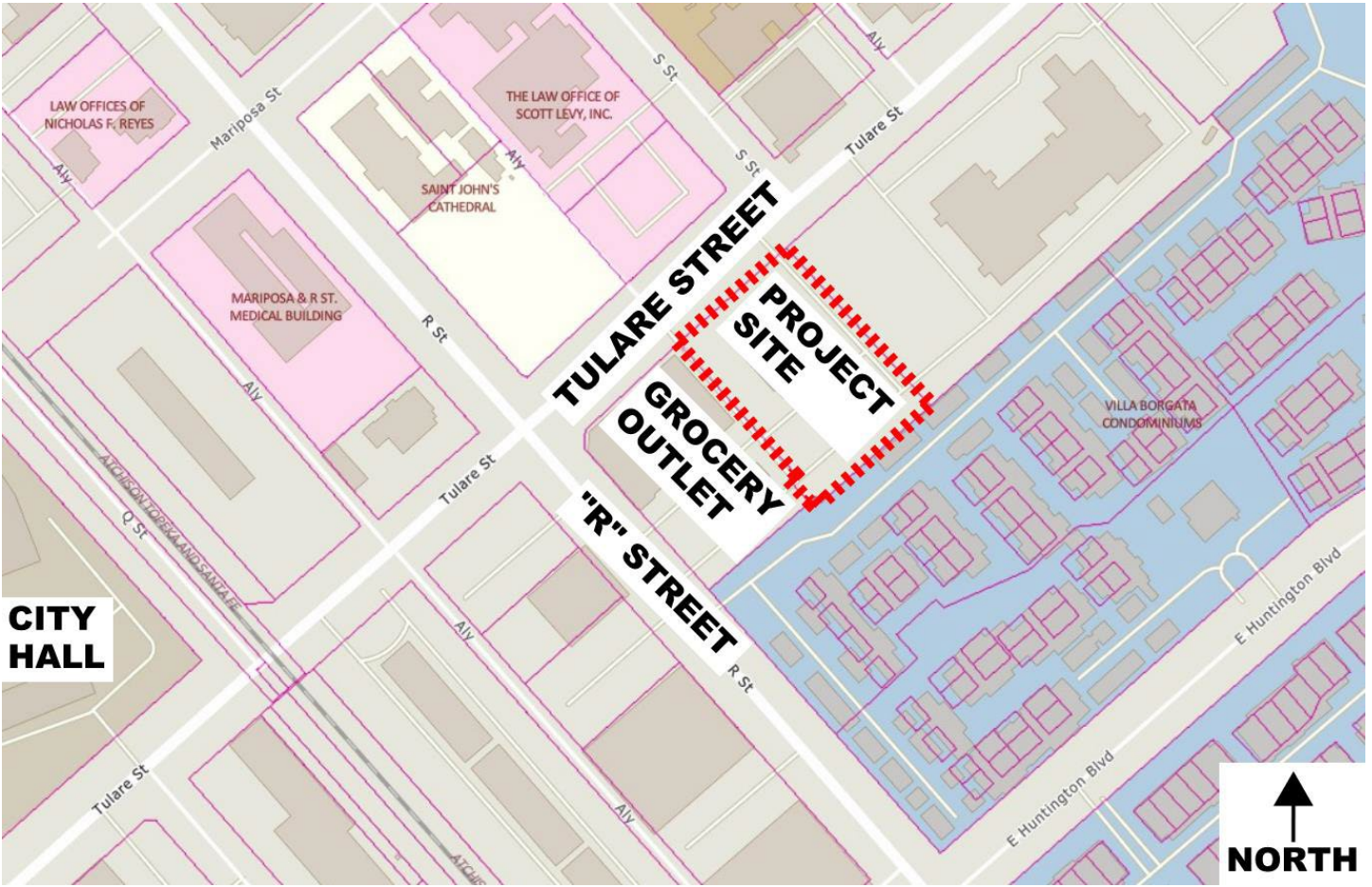
PLANNING AND DEVELOPMENT DEPARTMENT
Jennifer K. Clark, AICP, Director

Dated: January 18, 2023

Assessor's Parcel No: 468-071-31

SEE MAP ON FOLLOWING PAGE

PROJECT VICINITY MAP



Planning and Development Department
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