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CITY of CLOVIS

PLANNING & DEVELOPMENT
1033 FIFTH STREET • CLOVIS, CA 93612

FILED
DEC 15 2023
TIME 9:33am

NOTICE OF EXEMPTION Conditional Use Permit 2023-009

By [Signature] FRESNO COUNTY CLERK
DEPUTY

The City of Clovis has determined that the project described below will not have a significant effect on the environment and shall be exempt from the provisions of CEQA. The project listed is exempt pursuant to CEQA Guidelines, Section 15302 (Class 2, Replacement or Reconstruction).

Exemption Filed With: Fresno County Clerk, 2221 Kern Street, Fresno, California.
Office of Planning & Research, 1400 10th Street #100, Sacramento, CA

Lead Agency: City of Clovis, 1033 5th Street, Clovis, California.

Project Title: Conditional Use Permit CUP2023-009

Project Location: 125 Shaw Avenue, Clovis, CA 93612, Fresno County

Project Description: A request to adopting a Class 2 Categorical Exemption from further environmental review under CEQA, and a request to approve a conditional use permit to allow for a three-bay, instant oil change service station use at 125 Shaw Avenue. Durban Development, LLC., owner and applicant; Sandra Fox, representative.

Project Applicant: . Durban Development, LLC.

Exempt Status: Categorical Exemption, Class 2 (Section 15302), Replacement or Reconstruction

Reasons Why Project Is Exempt: The project listed is exempt pursuant to CEQA Guidelines, Section 15302 (Class 2) because the project consists of an existing facility which will be reconstructed. None of the exceptions identified in CEQA Guidelines Section 15300.2 apply to the project.

Lead Agency Contact Person: Marissa Jensen, Assistant Planner

Telephone Number: (559) 324-2338

Signature: _____
Marissa Jensen
Assistant Planner

Date: December 15, 2023

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CITY OF CLOVIS
Categorical Exemption
Conditional Use Permit 2023-009

Pursuant to Article 19 of the State CEQA Guidelines, the City of Clovis has determined that the project described below will not have a significant effect on the environment and shall be categorically exempt from the provisions of CEQA.

Lead Agency: City of Clovis
Planning and Development Services

Lead Agency Contact: Marissa Jensen, Assistant Planner
(559) 324-2338
MarissaJ@cityofclovis.com

Applicant: Durban Development, LLC.,
106 Foster Avenue
Charlotte, NC 28203

Project Location: 125 Shaw Avenue, Clovis CA 93612, Fresno County

Exemption: Section 15302 (Class 2, Replacement or Reconstruction)

Project Description:

Consider Conditional Use Permit CUP2023-009, Adopting a Class 2 Categorical Exemption from further environmental review under CEQA, and a request to approve a conditional use permit to allow for a three-bay, instant oil change service station use at 125 Shaw Avenue. Durban Development, LLC., owner and applicant; Sandra Fox, representative.

Determination:

Pursuant to Article 19 of the California Environmental Quality (CEQA) Guidelines, the Project is categorically exempt under Section 15302 (Class 2, Replacement or Reconstruction). None of the exceptions identified in CEQA Guidelines Section 15300.2 apply to the project, as described below.

Section 15302 (Class 2, Replacement or Reconstruction) consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

Exceptions:

CEQA Guidelines Section 15300.2 set forth exceptions to categorical exemptions which must be assessed as part of the determination to use a Categorical Exemption. If any of the exceptions apply, a Categorical Exemption cannot be used.

(a) ***Location.*** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of

hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

This exception does not apply to Class 1 exemptions. Therefore, this exception would not apply to the project.

- (b) **Cumulative Impact.** *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

The proposed use is allowed in the land use designation and zone district with approval of the requested entitlement(s); therefore, the use and operation would be compatible with the area and would not result in cumulative impacts with the operation of the use. Thus, this exception would not apply to the Project.

- (c) **Significant Effect.** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

There are no unusual circumstances of the proposed Project as an instant oil change service station. The use is allowed under the Clovis Development Code, thus, the use is not unusual within the C-2 Zone District. Therefore, this exception would not apply to the Project.

- (d) **Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

The Project site is not located near a scenic highway as it is located within an urban area. Therefore, this exception would not apply to the Project.

- (e) **Hazardous Waste Sites.** *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

The Project site is not located on a site on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, this exception would not apply to the project.

- (f) **Historical Resources.** *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

There are no historical resources on the Project site or within its immediate vicinity. Therefore, this exception would not apply to the project.

Date: December 15, 2023
Prepared By: Marissa Jensen
Assistant Planner

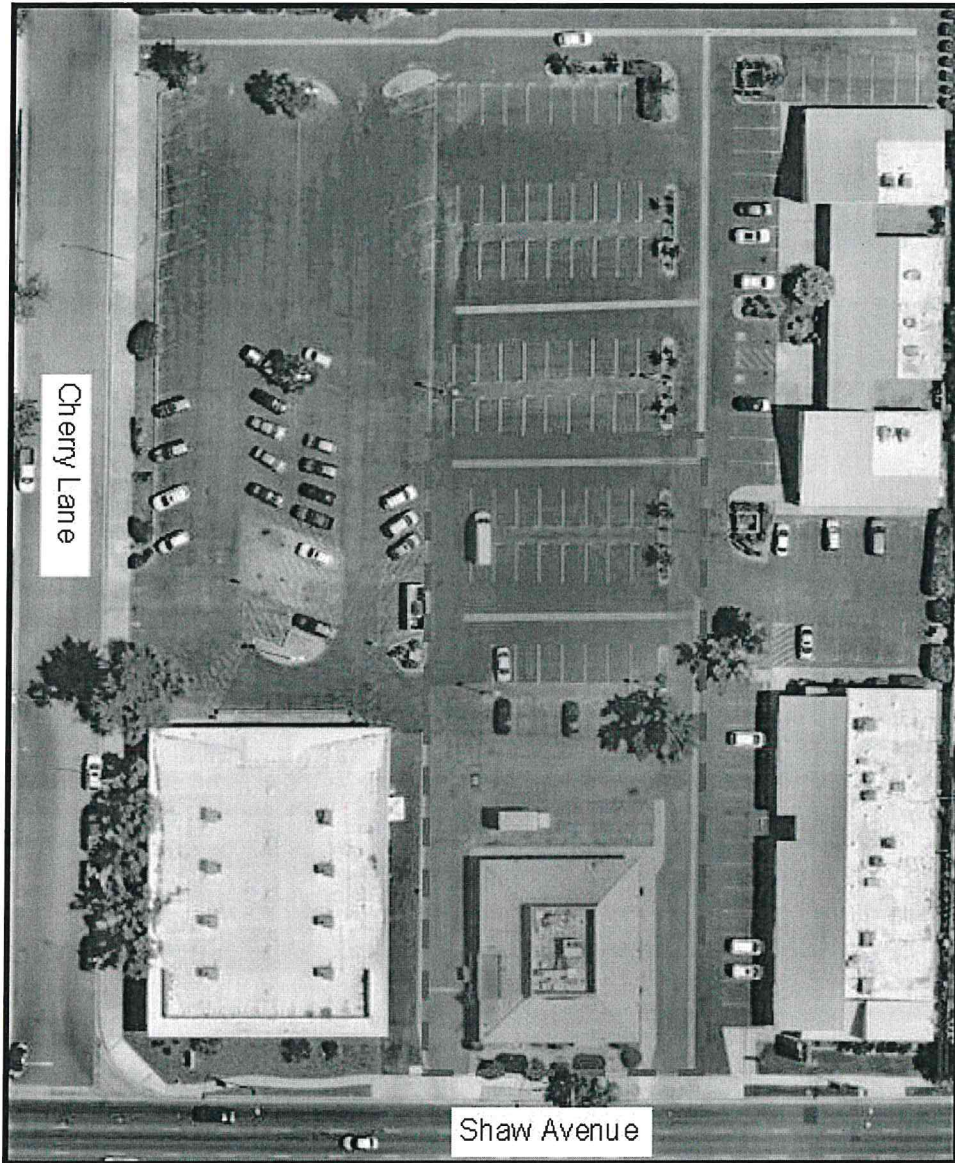



Submitted By: _____

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City of Clovis
Planning & Development Services
(559) 324-2338

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Project Location



 = Project Site

