



# CITY *of* CLOVIS

## PLANNING & DEVELOPMENT

1033 FIFTH STREET • CLOVIS, CA 93612

### NOTICE OF EXEMPTION

#### Conditional Use Permit 2023-010

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 California Environmental Quality Act (CEQA). The Project listed is exempt pursuant to CEQA Guidelines Sections 15302 (Class 2 – Replacement or Reconstruction) and 15332 (Class 32 – In-Fill Development Projects).

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**Exemption Filed With:** Fresno County Clerk, 2221 Kern Street, Fresno, CA  
Office of Planning & Research, 1400 10<sup>th</sup> Street #100, Sacramento, CA

**Lead Agency:** City of Clovis, 1033 5<sup>th</sup> Street, Clovis, California.

**Project Title:** Conditional Use Permit 2023-010

**Project Location:** 10 W. Bullard Avenue, Clovis, CA 93612, Fresno County

**Project Description:** Consider CUP2023-010, Adopting Class 2 and Class 32 Categorical Exemptions from further environmental review under CEQA and a request to approve a conditional use permit to allow a drive-through restaurant in conjunction with an office/retail building located at 10 W. Bullard Avenue. Kavaso Investments LLC & Berzerker LLC, owner; Vermelftoort Architects, Inc, applicant.

**Project Applicant:** Vermelftoort Architects, Inc

**Exempt Status:** Categorical Exemptions, Class 2 and Class 32

**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 to substantially the same purpose and capacity as the structure replaced. Additionally, The Project listed is exempt pursuant to CEQA Guidelines, Section 15332 (Class 32) because the Project would be consistent with applicable land use and zoning designations, occurs within city limits on no more than 5-acres, and does not have the potential for a significant impact on endangered or threatened species, traffic, noise, air, and water quality. Further, the site can be adequately served by all required utilities and public services.

**Lead Agency Contact Person:** Liz Salazar, Assistant Planner

**Telephone Number:** (559) 324-2305

**Signature:**   
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Liz Salazar  
Assistant Planner

**Date:** February 22, 2024

**CITY OF CLOVIS**  
**Categorical Exemption**  
**Conditional Use Permit (CUP) 2023-010**

Pursuant to Article 19 of the State California Environmental Quality (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:** Liz Salazar, Assistant Planner  
(559) 324-2305  
[lizs@cityofclovis.com](mailto:lizs@cityofclovis.com)

**Applicant:** Vermeltfoort Architects, Inc  
8525 N. Cedar Avenue Suite 106  
Fresno, CA 93720

**Project Location:** 10 W. Bullard Avenue, Clovis, CA 93612, Fresno County

**Exemption:** CEQA Guidelines Sections 15302 (Class 2 – Replacement or Reconstruction) and 15332 (Class 32 – In-Fill Development Projects)

**Project Description:**

Consider CUP2023-010, Adopting Class 2 and Class 32 Categorical Exemptions from further environmental review under CEQA and a request to approve a conditional use permit to allow a drive-through restaurant in conjunction with an office/retail building located at 10 W. Bullard Avenue. Kavaso Investments LLC & Berzerker LLC, owner; Vermeltfoort Architects, Inc, applicant.

**Determination:**

Pursuant to Article 19 of the CEQA Guidelines, the Project is categorically exempt under Sections 15302 (Class 2 – Replacement or Reconstruction) and 15332 (Class 32 – In-Fill Development Projects).

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.

Section 15332 (Class 32, Infill Development Projects) consists of projects characterized by infill development meeting the conditions as analyzed below.

*(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*

The proposed Project is consistent with the Project site's General Plan Land Use designation and the C-2 Zone District. There are several General Plan policies encouraging in-fill development; furthermore, the General Plan supports revitalization and redevelopment of areas within the identified Improvement Focus Areas to provide a quality of buildings within the older parts of Clovis in the same class and quality of those in recently developed areas. Additionally, the Project provides job opportunities.

*(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*

The Project site is within City limits and would occupy approximately 0.70-acres of property. The Project site is surrounded by existing residential uses to the north, south, and west, and commercial to the east of the Project; thus, is substantially surrounded by urban uses.

*(c) The project site has no value as habitat for endangered, rare, or threatened species.*

The Project is an urbanized area and surrounded by sites that have either been previously developed or heavily disturbed; therefore, the site is highly unlikely to support or provide value as habitat for endangered, rare, or threatened species.

*(d) Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.*

The Project site was previously developed and is surrounded by existing development. The proposed use is consistent with the land use and zoning designation, therefore, was previously analyzed during the 2014 General Plan Update EIR.

*(e) The site can be adequately served by all required utilities and public services.*

The site is surrounded by existing development to the north, east, south, and west, the site can adequately be served by all required utilities and public services. The Project site is intended to provide commercial uses, and the Project would not be of the type or intensity to result in significant effects to air, water, noise, or traffic.

### **Exceptions:**

None of the exceptions identified in CEQA Guidelines Section 15300.2 apply to the Project, as described below.

CEQA Guidelines Section 15300.2 set forth exceptions to categorical exemptions which must be assessed as part of the determination to use a Categorical Exception. 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 2 or Class 32 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 operating as a commercial building with a drive through. The use is allowed with a Conditional Use Permit under the Clovis Municipal Code, thus, the use is not unusual in 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:** February 22, 2024  
**Prepared By:** Liz Salazar - Assistant Planner



**Submitted By:** \_\_\_\_\_  
Liz Salazar  
Assistant Planner  
City of Clovis  
Planning & Development Services  
(559) 324-2305

# Project Location

