

## **RESOLUTION 17-35**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING A MITIGATED NEGATIVE DECLARATION FOR PREZONE R2017-01, CONDITIONAL USE PERMIT CUP2017-01, VESTING TENTATIVE TRACT MAP TM6174, AND REORGANIZATION RO293, PURSUANT TO CEQA GUIDELINES**

**WHEREAS**, the project proponent, Wilson Premier Homes, Inc., 7550 North Palm Avenue, Suite 102, Fresno, CA 93711, has submitted various files including a Prezone R2017-01, Conditional Use Permit CUP2017-01, Vesting Tentative Tract Map TM6174, and Reorganization RO293 for property located on the south side of Ashlan Avenue, between Leonard and Highland Avenues, in the County of Fresno; and

**WHEREAS**, the City of Clovis ("City") caused to be prepared an Initial Study (hereinafter incorporated by reference) in March 2017, for the Project to evaluate potentially significant adverse environmental impacts and on the basis of that study it was determined that no significant environmental impacts would result from this Project with mitigation measures included; and

**WHEREAS**, on the basis of this Initial Study, a Mitigated Negative Declaration has been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code, section 21000, et seq., and Guidelines for implementation of CEQA, 14 California Code of Regulations, sections 15000, et seq.; and

**WHEREAS**, the City Council has independently reviewed, evaluated, and considered the Initial Study, Mitigated Negative Declaration and all comments, written and oral, received from persons who reviewed the Mitigated Negative Declaration, or otherwise commented on the Project.

**NOW, THEREFORE, the City Council of the City of Clovis resolves as follows:**

1. Adopts the foregoing recitals as true and correct.
2. Finds that the Initial Study and Mitigated Negative Declaration for the Project are adequate and have been completed in compliance with CEQA and the CEQA Guidelines.
3. Finds and declares that the Initial Study and Mitigated Negative Declaration were presented to the City Council and that the City Council has independently reviewed, evaluated, and considered the Initial Study, Mitigated Negative Declaration and all comments, written and oral, received from persons who reviewed the Initial Study and Mitigated Negative Declaration, or otherwise commented on the Project prior to approving the Project and adopts the Mitigated Negative Declaration for this project.
4. Approves and adopts the Mitigation Monitoring Program set forth in Exhibit "B," including the mitigation measures identified therein and as described in the Mitigated Negative Declaration.

5. Directs that the record of these proceedings be contained in the Department of Planning and Development Services located at 1033 Fifth Street, Clovis, California 93612, and that the custodian of the record be the City Planner or other person designated by the Planning and Development Services Director.
6. The Planning and Development Services Director, or his/her designee, is authorized to file a Notice of Determination for the Project in accordance with CEQA and to pay any fees required for such filing.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on April 17, 2017, by the following vote, to wit:


AYES: Councilmembers Bessinger, Flores, Mouanoutoua, Mayor Whalen

NOES: None

ABSENT: Councilmember Ashbeck

ABSTAIN: None

Date: April 17, 2017

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk



**TABLE 6.0-1 (EXHIBIT "B")**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

<b>Proposed Mitigation</b>	<b>Summary of Measure</b>	<b>Monitoring Responsibility</b>	<b>Timing</b>	<b>Verification (Date and Initials)</b>
<b>3.3 Air Quality</b>				
<b>3.1-d</b>	The developer shall direct all lighting downward and provide physical shields to prevent direct view of the light source from adjacent residential properties.	City of Clovis Planning Division	<i>Prior to Permit and During construction</i>	
<b>3.4 Biological</b>				
<b>3.4-a</b>	Avoid removing the owl nesting box during the nesting period of (Feb. 1 – August 31). If this cannot be avoided then the box should be inspected for occupation by eggs or young. Removal should not occur until after any young have fledged.	City of Clovis Planning Division	<i>Prior to Permit and During construction</i>	
<b>3.4-b</b>	If any trees or shrubs are to be removed during the nesting season then a preconstruction survey should be conducted within 15-30 days of commencement of construction.	City of Clovis Planning Division	<i>Prior to Permit and During construction</i>	

STATE OF CALIFORNIA - THE RESOURCES AGENCY  
DEPARTMENT OF FISH AND GAME  
**ENVIRONMENTAL FILING FEE CASH RECEIPT**

**Receipt # E201710000054**

Lead Agency: CITY OF CLOVIS Date: 03/03/2017

County Agency of Filing: FRESNO COUNTY Document No: E201710000054

Project Title: PREZONE R2017-01, CUP2017-01, TM6174, & REORGANIZATION RO293

Project Applicant Name: CITY OF CLOVIS Phone Number: (559) 324-2383

Project Applicant Address: 1033 FIFTH STREET, CLOVIS, CA 93612

Project Applicant: LOCAL PUBLIC AGENCY

ADMINISTRATION FEE	\$	50.00
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DRAFT MITIGATED NEGATIVE DECLARATION	\$	0.00
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<b>Total Received</b>	<b>\$</b>	<b>50.00</b>
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Signature and title of person receiving payment: *Cynthia S. Babcock*

Notes: 03/03/17 4:06 PM CB

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ADMINISTRATION FEE	\$	50.00
DRAFT MITIGATED NEGATIVE DECLARATION	\$	0.00
Total Received	\$	50.00

Signature and title of person receiving payment: *Christine A. Babcock*

Notes: 03/03/17 4:06 PM CB



**City of Clovis  
Planning and Development  
Services  
1033 Fifth Street  
Clovis CA 93612**

E201710000054

**FILED**

MAR 03 2017

TIME  
4:00pm

FRESNO COUNTY CLERK  
By Christopher Balcock  
DEPUTY

For County Clerk Stamp

**DRAFT MITIGATED NEGATIVE DECLARATION**

**Proposed:** March 3, 2017

**Agency File No:** R2017-01, CUP2017-01, TM6174, & RO293

**Finding:** The City of Clovis has determined that the project described below will not have a significant effect on the environment and therefore the preparation of an Environmental Impact Report is not required.

**Lead Agency:** City of Clovis is the Lead Agency for this project.

**Project Title:** Prezone R2017-01, Conditional Use Permit CUP2017-01, Vesting Tentative Tract Map TM6174, and Reorganization RO293.

**Project Location:** South side of Ashlan Avenue, between Leonard and Highland Avenues in the County of Fresno.

**Project Description:** Consider items associated with approximately 19.39 acres of land located on the south side of Ashlan Avenue, between Leonard and Highland Avenues. George W. Ogden Jr. Trustee, owner; Wilson Premier Homes, applicant; Harbour & Associates, representative.

- a. R2017-01, A request to approve a prezone from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential - 6,000 Sq. Ft.) Zone District.
- b. CUP2017-01, A request to approve a conditional use permit for a 73-lot single-family planned residential development with public streets, reduced setbacks and increased lot coverage.
- c. TM6174, A request to approve a vesting tentative tract map for a 73-lot single-family planned residential development.
- d. RO293, A resolution of Application for the Annexation of the Territory known as the Ashlan-Leonard SE Reorganization.

**Environmental Assessment:** The Initial Study for this project is available for review at the City of Clovis, Planning and Development Services Department, 1033 Fifth Street, Clovis, CA.

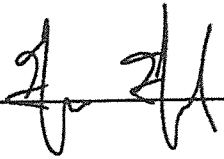
**Justification for Mitigated Negative Declaration:** The City of Clovis has completed the preparation of an Initial Study for the project described above. The Initial Study did not identify any potentially significant environmental effects that would result from the proposed activity. Accordingly, approval of a Mitigated Negative Declaration for the project is recommended. The City finds that the proposed activity can be adequately served by City public services. It will not have a negative aesthetic effect, will not affect any rare or endangered species of plant or animal or the habitat of such species, nor interfere with the movement of any resident or migratory fish or wildlife species. It will not adversely affect water quality, contaminate public water supplies, or cause substantial flooding, erosion, or siltation. It will not have a significant effect on air quality, climate change, transportation or circulation systems, noise, light and glare, and land use. No significant cumulative impacts will occur from this project.

E201710000054

Contact Person: George González, Associate Planner

Phone: (559) 324-2383

Signature: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'G. González', written over a horizontal line.

Date: March 3, 2017

E201710000054



**City of Clovis  
Planning and Development  
Services  
1033 Fifth Street  
Clovis CA 93612**

**FILED**

MAR 03 2017

TIME

3:55pm

FRESNO COUNTY CLERK  
By *Cheryl A. Balrock*  
DEPUTY

For County Clerk Stamp

**NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION  
NOTICE OF PUBLIC HEARING  
NOTICE OF PUBLIC REVIEW OF A PROPOSED MITIGATED NEGATIVE DECLARATION**

**NOTICE IS HEREBY GIVEN** that on **Thursday, March 23, 2017, at 6:00 p.m.**, a public hearing will be conducted in the Council Chamber of the Clovis Civic Center, 1033 Fifth Street, Clovis, CA 93612. The Clovis Planning Commission will consider the following item:

Consider items associated with approximately 19.39 acres of land located on the south side of Ashlan Avenue, between Leonard and Highland Avenues. George W. Ogden Jr. Trustee, owner; Wilson Premier Homes, applicant; Harbour & Associates, representative.

- a. R2017-01, A request to approve a prezone from the County AE-20 Zone District to the Clovis R-1 (Single Family Residential - 6,000 Sq. Ft.) Zone District.
- b. CUP2017-01, A request to approve a conditional use permit for a 73-lot single-family planned residential development with public streets, reduced setbacks and increased lot coverage.
- c. TM6174, A request to approve a vesting tentative tract map for a 73-lot single-family planned residential development.

A Mitigated Negative Declaration has been completed for this project, pursuant to Section 15070 of CEQA. Recommendation of a proposed Mitigated Negative Declaration does not necessarily mean these projects will be approved. Hard copies and electronic copies of the proposed Mitigated Negative Declaration for this project may be reviewed and/or obtained at the City of Clovis Planning Division, 1033 Fifth Street, Clovis, California, Monday through Friday, between 8:00 a.m. and 3:00 p.m.

All interested parties are invited to comment in writing to the Planning Division by no later than 3:00 p.m. on March 23, 2017, and/or to appear at the hearing described above to present testimony in regard to the above listed requests. Questions regarding these items should be directed to Bryan Araki, City Planner at (559) 324-2346 or email at [bryana@cityofclovis.com](mailto:bryana@cityofclovis.com).

If you would like to view the Planning Commission Agenda and Staff Reports, please visit the City of Clovis Website at [www.cityofclovis.com](http://www.cityofclovis.com). Select "Planning Commission Agendas" from right side of the main page under "Frequently Visited." Reports will be available approximately 72 hours prior to the meeting time.



If you challenge a project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing.

Dwight D. Kroll, AICP, Planning and Development Services Director  
PUBLISH: Wednesday, March 1, 2017, *The Business Journal*

E201710000053

FRESNO COUNTY CLERK ELECTIONS  
2221 KERN ST  
FRESNO CA 93721  
559-600-2575

Terminal ID: 01350781 9415

3/3/17 4:21 PM

CAPITAL ONE VISA - INSERT

AID: A0000000031010

ACCT #: \*\*\*\*\*1370

CREDIT SALE

UID: 706233959850 REF #: 3337

BATCH #: 485 AUTH #: 032690

AMOUNT \$50.00

APPROVED

TC - A078A863B058E0A3

CUSTOMER COPY

FRESNO COUNTY  
CLERK'S OFFICE  
BRANDI L. ORTH

2221 KERN STREET  
FRESNO, CA 93721

Finalization 2017030307  
03/03/2017 04:06pm  
78 cbaabocb

Item Title	Amount
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1 EIRA	
EIR Administrative Fee	

Document ID	Amount
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DOC# E201710000037	\$0.00
Time Recorded 04:04	

Total	\$50.00
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Payment Type	Amount
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Credit Card	\$50.00
# 032690	
Amount Due	\$50.00

Thank You  
Please Retain This Receipt  
For Your Records