

CITY OF FRESNO

**NOTICE OF INTENT TO ADOPT A
FINDING OF CONFORMITY**

Filed with:

FILED

JUL 17 2009

FRESNO COUNTY CLERK
By  DEPUTY

PROJECT TITLE AND ENVIRONMENTAL ASSESSMENT NO.:
R-07-002/TPM-2007-01

APPLICANT:

Don Pickett & Associates, Inc.
7395 North Palm Bluffs Avenue, Suite 101
Fresno, CA 93711

FRESNO COUNTY CLERK
2221 Kern Street, Fresno, CA 93721

PROJECT LOCATION:

[3223 East Church Avenue, Fresno County]
North side of East Church Avenue between South East and South
Orange Avenues.
Site Latitude: 36° 42' 55.00" N Longitude and 119° 46' 13.36" W
Mount Diablo Base & Meridian, Township 14 S Range 20 E, Section 14

PROJECT DESCRIPTION:

Rezone Application No. R-07-002 and Vesting Tentative Parcel Map No. 2007-01 pertain to approximately 24.34 net acres of property located on the north side of East Church Avenue between South East and South Orange Avenues. Rezone Application No. R-07-002 proposes to rezone the subject property from the M-3 (*Heavy Industrial, Fresno County*) zone district to the M-3 (*Heavy Industrial*) zone district. If approved Rezone Application No. R-07-002 will facilitate a 29-lot industrial subdivision of the subject property in accordance with Vesting Tentative Parcel Map No. 2007-01. The project site is proposed to be detached from the Fresno County Fire Protection District and the Kings River Conservation District and annexed to the City of Fresno; these actions are under the jurisdiction of the Fresno Local Agency Formation Commission. The subject property is located within the boundaries of the 2025 Fresno General Plan and the Roosevelt Community Plan, which designate the subject property for Heavy Industrial planned land uses.

The 2025 Fresno General Plan and the Roosevelt Community Plan designate the subject site for Heavy Industrial planned land uses. According to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan, the proposed M-3 (*Heavy Industrial*) zone district for the subject property is consistent with the Heavy Industrial planned land use designation.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is fully within the scope of the Master Environmental Impact Report No. 10130 ("MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097). Therefore, the Planning and Development Department proposes to adopt a Finding of Conformity for this project.

The subject property is proposed to be developed at an intensity and scale that is permitted by the planned land use designation and proposed zone district classification for the site. Thus, neither the rezone application

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nor parcel map will facilitate an additional intensification of uses beyond that which already exists or would be allowed by the above-noted planned land use designation. Moreover, it is not expected that the future development will adversely impact existing city service systems or the traffic circulation system that serves the subject property. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. It has been further determined, in accordance with CEQA Section 15177(b)(3), that with the mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative adverse effects on the environment that are significant and that were not identified and analyzed in the MEIR. After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available.

Based upon the initial study, the following findings are made: (1) The proposed project was identified as a Subsequent Project in MEIR No. 10130 because its land use designation and permissible densities and intensities are set forth in Figure I-1 of MEIR No. 10130; (2) The proposed project will not generate additional significant effects not previously identified and analyzed by the MEIR (as indicated on the attached Environmental Assessment Checklist) for the reasons discussed below.

The City's investigation of the site and the project have revealed that there are no unique topographic, soil, or geologic conditions at the site that will be impacted by this project, that there are no aspects of this project that will result in impacts to air quality, water supply or quality, plant life or animal life beyond those analyzed in the MEIR. The site is an approximately 24.34 acre parcel located on the north side of East Church Avenue between South East and South Orange Avenues, which is within an industrialized area. There is no evidence that the site contains any habitats for wildlife, unique, rare, or endangered plants or animals, or historic buildings, or historic resources. The project is consistent with the 2025 Fresno General Plan planned land use designation for this site. As such, the MEIR's mitigation measures related to air quality, water, noise, light and glare, transportation and circulation, and urban services have been applied to this project. Furthermore, there is no evidence that the project will have any visual impacts on any scenic vistas or views.

The Public Works Department, Traffic Engineering Division staff has reviewed the proposed traffic yield from the proposed use for the subject property and the expected traffic generation will not adversely impact the existing and projected (year 2025) level of service (LOS) for East Church or South East Avenues based on the circulation system analysis contained in MEIR No. 10130 as long as the conditions for dedications and street improvements required by the Public Works Department, Traffic Engineering Division are complied with.

Therefore, the Planning and Development Department proposes to adopt a Finding of Conformity for this project.

Additional information on the proposed project, including the proposed environmental finding and the initial study may be obtained from the Planning and Development Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604. Please contact Will Tackett at (559) 621-8063 or via email at Will.Tackett@fresno.gov for more information.

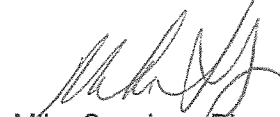
ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on August 17, 2009, Please direct comments to Will Tackett, Planner III, City of Fresno Planning and Development Department, City Hall, 2600 Fresno Street, Room 3043, Fresno, California, 93721-3604; or by email to Will.Tackett@fresno.gov; or they can be sent by facsimile to (559) 498-1026

The rezone application and this proposed environmental finding have been tentatively scheduled to be heard by the Planning Commission on August 19, 2009 at 6:00pm or thereafter, and a public hearing has tentatively been scheduled before the Fresno City Council on September 17, 2009 at 9:00 a.m. or thereafter. These hearings will be held in the Fresno City Council Chambers located at Fresno City Hall, 2nd Floor, 2600 Fresno Street, Fresno, California, 93721. Your written and oral comments are welcomed at the hearing and will be considered in the final decision.

INITIAL STUDY PREPARED BY:

Will Tackett, Planner III

SUBMITTED BY:



Mike Sanchez, Planning Manager

CITY OF FRESNO PLANNING AND
DEVELOPMENT DEPARTMENT

DATE: July 17, 2009

E200910000226

**CITY OF FRESNO – ENVIRONMENTAL ASSESSMENT
INITIAL STUDY AND FINDING OF CONFORMITY / MEIR NO. 10130**

Pursuant to Section 21157.1 of the California Public Resource Code (California Environmental Quality Act) the project described below is determined to be within the scope of the Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan.

Notice of Intent was filed with:

☒ **FRESNO COUNTY CLERK**
2221 Kern Street
Fresno, California 93721

☐ **STATE CLEARINGHOUSE**
Office of Planning & Research
1400 Tenth Street, Suite 212
Sacramento, California 95814

Applicant:

Don Pickett & Associates, Inc.
7395 North Palm Bluffs Avenue, Suite 101
Fresno, CA 93711

Initial Study Prepared By:

Will Tackett, Planner
July 17, 2009

Environmental Assessment Number:

R-07-002/TPM-2007-01

Project Location (including APN):

[3223 East Church Avenue, Fresno County]
[APN: 480-090-12]

North side of East Church Avenue between South East and South Orange Avenues.

Site Latitude: 36° 42' 55.00" N Longitude and 119° 46' 13.36" W

Mount Diablo Base & Meridian, Township 14 S Range 20 E, Section 14

Project Description:

Rezone Application No. R-07-002 and Vesting Tentative Parcel Map No. 2007-01 pertain to approximately 24.34 net acres of property located on the north side of East Church Avenue between South East and South Orange Avenues. Rezone Application No. R-07-002 proposes to rezone the subject property from the M-3 (Heavy Industrial, Fresno County) zone district to the M-3 (Heavy Industrial) zone district. If approved Rezone Application No. R-07-002 will facilitate a 29-lot industrial subdivision of the subject property in accordance with Vesting Tentative Parcel Map No. 2007-01. The project also proposes two new public streets with at-grade rail crossings on an existing rail spur. The project site is a portion of the South Fresno Regional Groundwater Plume Site, which is listed on the Hazardous Waste and Substances Sites (Cortese) List. The project site is proposed to be detached from the Fresno County Fire Protection District and the Kings River Conservation District and annexed to the City of Fresno; these actions are under the jurisdiction of the Fresno Local Agency Formation Commission. The subject property is located within the boundaries of the 2025 Fresno General Plan and the Roosevelt Community Plan, which designate the subject property for Heavy Industrial planned land uses.

The property is within the jurisdiction of the Civic Center Master Development Plan, the Mariposa Redevelopment Project Area, the Central Area Community Plan and the 2025 Fresno General Plan, all of which designate the subject site for Commercial Mixed Use Level II planned land uses. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix of the 2025 Fresno General Plan, which references Exhibit No. 8 of the Central Area Community Plan), the planned land use designation of Commercial Mixed Use Level II is consistent with the existing C-M/CCO (Commercial and Light Manufacturing/Civic Center Area Modifying) zone district.

Conformance to Master Environmental Impact Report (MEIR) NO. 10130:

The 2025 Fresno General Plan and the Roosevelt Community Plan designate the subject site for Heavy Industrial planned land uses. According to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan, the proposed M-3 (*Heavy Industrial*) zone district for the subject property is consistent with the Heavy Industrial planned land use designation.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is fully within the scope of the Master Environmental Impact Report No. 10130 ("MEIR") prepared for the 2025 Fresno General Plan (SCH # 2001071097). Therefore, the Planning and Development Department proposes to adopt a Finding of Conformity for this project.

The subject property is proposed to be developed at an intensity and scale that is permitted by the planned land use designation and proposed zone district classification for the site. Thus, neither the rezone application nor parcel map will facilitate an additional intensification of uses beyond that which already exists or would be allowed by the above-noted planned land use designation. Moreover, it is not expected that the future development will adversely impact existing city service systems, the traffic circulation system, or *existing railroad facilities* that serve the subject property. These infrastructure findings have been verified by the Public Works and Public Utilities Departments, as well as the State of California Public Utilities Commission. It has been further determined, in accordance with CEQA Section 15177(b)(3), that with the mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative adverse effects on the environment that are significant and that were not identified and analyzed in the MEIR. After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available.

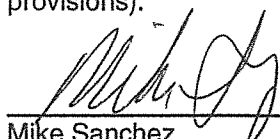
Based upon the initial study, the following findings are made: (1) The proposed project was identified as a Subsequent Project in MEIR No. 10130 because its land use designation and permissible densities and intensities are set forth in Figure I-1 of MEIR No. 10130; (2) The proposed project will not generate additional significant effects not previously identified and analyzed by the MEIR (as indicated on the attached Environmental Assessment Checklist) for the reasons discussed below.

The City's investigation of the site and the project have revealed that there are no unique topographic, soil, or geologic conditions at the site that will be impacted by this project, that there are no aspects of this project that will result in impacts to air quality, water supply or quality, plant life or animal life beyond those analyzed in the MEIR. The site is an approximately 24.34 acre parcel located on the north side of East Church Avenue between South East and South Orange Avenues, which is within an industrialized area. There is no evidence that the site contains any habitats for wildlife, unique, rare, or endangered plants or animals, or historic buildings, or historic resources. The project is consistent with the 2025 Fresno General Plan planned land use designation for this site. As such, the MEIR's mitigation measures related to air quality, water, noise, light and glare, transportation and circulation, and urban services have been applied to this project. Furthermore, there is no evidence that the project will have any visual impacts on any scenic vistas or views.

The Public Works Department, Traffic Engineering Division staff has reviewed the proposed traffic yield from the proposed use for the subject property and the expected traffic generation will not adversely impact the existing and projected (year 2025) level of service (LOS) for East Church or South East Avenues based on the circulation system analysis contained in MEIR No. 10130 as long as the conditions for dedications and street improvements required by the Public Works Department, Traffic Engineering Division are complied with.

In addition, after conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified; and that no new relevant information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. A review summary to the 2025 Fresno General Plan is attached to this Initial Study as reference.

Moreover, as lead agency for this project, the Planning and Development Department, per Section 15177(d) of the CEQA Guidelines, has determined that all feasible mitigation measures from MEIR No. 10130 shall apply to the project proposal as noted in the **attached mitigation monitoring checklist**. Public notice has been provided regarding staff's finding in a manner prescribed by this section of the Guidelines and by Section 21092 of the California Public Resources Code (CEQA provisions).



Mike Sanchez
Planning Manager, City of Fresno

7/17/2009
Date

Attachments: Mitigation Monitoring Checklist (MEIR) No. 10130 for Environmental Assessment No. R-07-002/TPM-2007-01
A Review Summary to the 2025 Fresno General Plan

CITY OF FRESNO

**NOTICE OF INTENT TO ADOPT A
FINDING OF CONFORMITY
(Addendum Project Description)**

*Amended in accordance with Section 15073.5(c) of the California
Environmental Quality Act (CEQA) Guidelines:*

*The revisions contained herein have been determined to not be
"substantial revisions" as defined within Section 15073.5(b) of the
California Environmental Quality Act (CEQA) Guidelines as
demonstrated by the following findings:*

- 1) No new, avoidable significant effects have been identified
and no mitigation measures or project revisions must be
added in order to reduce an effect to insignificance.*
- 2) No new measures or revisions are required for the
purpose of reducing potential environmental effects to
less than significance.*

Original Notice of Intent to Adopt a Finding
of Conformity filed with:

FRESNO COUNTY CLERK
2221 Kern Street, Fresno, CA 93721

On July 17, 2009 (See attached)

**PROJECT TITLE AND ENVIRONMENTAL ASSESSMENT NO.:
R-07-002/TPM-2007-01**

APPLICANT:

Don Pickett & Associates, Inc.
7395 North Palm Bluffs Avenue, Suite 101
Fresno, CA 93711

PROJECT LOCATION:

[3223 East Church Avenue, Fresno County]
North side of East Church Avenue between South East and South
Orange Avenues.
Site Latitude: 36° 42' 55.00" N Longitude and 119° 46' 13.36" W
Mount Diablo Base & Meridian, Township 14 S Range 20 E, Section 14

PROJECT DESCRIPTION:

Rezone Application No. R-07-002 and Vesting Tentative Parcel Map No. 2007-01 pertain to approximately 24.34 net acres of property located on the north side of East Church Avenue between South East and South Orange Avenues. Rezone Application No. R-07-002 proposes to rezone the subject property from the M-3 (*Heavy Industrial, Fresno County*) zone district to the M-3 (*Heavy Industrial*) zone district. If approved Rezone Application No. R-07-002 will facilitate a 29-lot industrial subdivision of the subject property in accordance with Vesting Tentative Parcel Map No. 2007-01. *The project also proposes two new public streets with at-grade rail crossings on an existing rail spur. The project site is a portion of the South Fresno Regional Groundwater Plume Site, which is listed on the Hazardous Waste and Substances Sites (Cortese) List.* The project site is proposed to be detached from the Fresno County Fire Protection District and the Kings River Conservation District and annexed to the City of Fresno; these actions are under the jurisdiction of the Fresno Local Agency Formation Commission. The subject property is located within the boundaries of the 2025 Fresno General Plan and the Roosevelt Community Plan, which designate the subject property for Heavy Industrial planned land uses.

The 2025 Fresno General Plan and the Roosevelt Community Plan designate the subject site for Heavy Industrial planned land uses. According to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan, the proposed M-3 (*Heavy Industrial*) zone district for the subject property is consistent with the Heavy Industrial planned land use designation.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is fully within the scope of the Master Environmental Impact Report No. 10130 ("MEIR") prepared for the 2025 Fresno General Plan (SCH # 2001071097). Therefore, the Planning and Development Department proposes to adopt a Finding of Conformity for this project.

The subject property is proposed to be developed at an intensity and scale that is permitted by the planned land use designation and proposed zone district classification for the site. Thus, neither the rezone application nor parcel map will facilitate an additional intensification of uses beyond that which already exists or would be allowed by the above-noted planned land use designation. Moreover, it is not expected that the future development will adversely impact existing city service systems, the traffic circulation system, or *existing railroad facilities* that serve the subject property. These infrastructure findings have been verified by the Public Works and Public Utilities Departments, as well as the State of California Public Utilities Commission. It has been further determined, in accordance with CEQA Section 15177(b)(3), that with the mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative adverse effects on the environment that are significant and that were not identified and analyzed in the MEIR. After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available.

Based upon the initial study, the following findings are made: (1) The proposed project was identified as a Subsequent Project in MEIR No. 10130 because its land use designation and permissible densities and intensities are set forth in Figure I-1 of MEIR No. 10130; (2) The proposed project will not generate additional significant effects not previously identified and analyzed by the MEIR (as indicated on the attached Environmental Assessment Checklist) for the reasons discussed below.

The City's investigation of the site and the project have revealed that there are no unique topographic, soil, or geologic conditions at the site that will be impacted by this project, that there are no aspects of this project that will result in impacts to air quality, water supply or quality, plant life or animal life beyond those analyzed in the MEIR. The site is an approximately 24.34 acre parcel located on the north side of East Church Avenue between South East and South Orange Avenues, which is within an industrialized area. There is no evidence that the site contains any habitats for wildlife, unique, rare, or endangered plants or animals, or historic buildings, or historic resources. The project is consistent with the 2025 Fresno General Plan planned land use designation for this site. As such, the MEIR's mitigation measures related to air quality, water, noise, light and glare, transportation and circulation, and urban services have been applied to this project. Furthermore, there is no evidence that the project will have any visual impacts on any scenic vistas or views.

The Public Works Department, Traffic Engineering Division staff has reviewed the proposed traffic yield from the proposed use for the subject property and the expected traffic generation will not adversely impact the existing and projected (year 2025) level of service (LOS) for East Church or South East Avenues based on the circulation system analysis contained in MEIR No. 10130 as long as the conditions for dedications and street improvements required by the Public Works Department, Traffic Engineering Division are complied with.

Therefore, the Planning and Development Department proposes to adopt a Finding of Conformity for this project.

Additional information on the proposed project, including the proposed environmental finding and the initial

study may be obtained from the Planning and Development Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604. Please contact Will Tackett at (559) 621-8063 or via email at Will.Tackett@fresno.gov for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on August 17, 2009. Please direct comments to Will Tackett, Planner III, City of Fresno Planning and Development Department, City Hall, 2600 Fresno Street, Room 3043, Fresno, California, 93721-3604; or by email to Will.Tackett@fresno.gov; or they can be sent by facsimile to (559) 498-1026

The rezone application and this proposed environmental finding have been tentatively scheduled to be heard by the Planning Commission on *September 02, 2009* at 6:00pm or thereafter, and a public hearing has tentatively been scheduled before the Fresno City Council on September 24, 2009 at 9:00 a.m. or thereafter. These hearings will be held in the Fresno City Council Chambers located at Fresno City Hall, 2nd Floor, 2600 Fresno Street, Fresno, California, 93721. Your written and oral comments are welcomed at the hearing and will be considered in the final decision.

INITIAL STUDY PREPARED BY:
Will Tackett, Planner III

DATE: August 28, 2009

SUBMITTED BY:



Mike Sanchez, Planning Manager
CITY OF FRESNO PLANNING AND
DEVELOPMENT DEPARTMENT

CITY OF FRESNO
ADDENDUM TO THE FINDING OF CONFORMITY FOR
ENVIRONMENTAL ASSESSMENT (EA) NO. R-07-002/TPM-2007-01

(As filed with the Fresno County Clerk on July 17, 2009)

*Addendum prepared in accordance with Sections 15162 and 15164 of the
California Environmental Quality Act (CEQA) Guidelines*

This addendum was not circulated for public review pursuant to Section 15164(c) of the CEQA Guidelines.

ENVIRONMENTAL ASSESSMENT NO. R-07-002/TPM-2007-01

The full Initial Studies and the Master Environmental Impact Report, No. 10130, prepared for the 2025 Fresno General Plan (SCH # 2001071097) are on file in the Development and Resource Management Department, Development Services Division, Fresno City Hall, 3rd Floor, 2600 Fresno Street, Fresno, California 93721 (559) 621-8277

APPLICANT:

Doug Hensen
Don Pickett & Associates, Inc.
7395 North Palm Bluffs Avenue, Suite 101
Fresno, CA 93711

PROJECT LOCATION:

3223 East Church Avenue
(APN: 480-090-12)

North side of East Church Avenue between
South East Avenue and South Orange Avenue.

Site Latitude: 36° 42' 55.00" N Longitude and
119° 46' 13.36" W
Mount Diablo Base & Meridian, Township 14 S
Range 20 E, Section 14

PROJECT DESCRIPTION:

Environmental Assessment (EA) No. R-07-002/TPM-2007-01 was filed by Doug Hensen, Don Pickett & Associates, Inc., on behalf of Church Avenue Investors, LLC and pertains to approximately 24.34 net acres of property located on the north side of East Church Avenue between South East and South Orange Avenues.

Rezone Application No. R 07-002 was approved by the Fresno City Council on September 24, 2009, through Ordinance No. 2009-35, to rezone the subject property from the M-3 (Heavy Industrial, Fresno County) zone district to the M-3 (Heavy Industrial, City of Fresno) zone district. The rezone approval will facilitate a subdivision for development of an industrial use business park in accordance with the proposed Vesting Tentative Parcel Map No. 2007-01. The project site is proposed to be detached from the Fresno County Fire Protection District and the Kings River Conservation District and annexed to the City of Fresno; these actions are under the jurisdiction of the Fresno Local Agency Formation Commission.

Since the initial study analysis and approval of Rezone Application No. R-07-002, the proposed subdivision project was placed on hold by the developer during the State's economic downturn and more recently, by the California High Speed Rail Authority with needed ROW acquisition resulting in the planned construction of an overcrossing for Church Avenue which is impacting the southern portion of

the subject property and its planned access to the subdivision. A revision is proposed by the applicant to the South Second Street and South Third Street roadways connecting Church Avenue as originally proposed by Vesting Tentative Parcel Map No. 2007-01, with the redesigned Sunland Avenue roadway connection proposed by High Speed Rail will provide access to the proposed industrial business park subdivision with the new Church Avenue overcrossing.

The City of Fresno determined that the above-described project is a subsequent project that is fully within the scope of the Master Environmental Impact Report No. 10130 ("MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097) and a Finding of Conformity prepared for Environmental Assessment (EA) No. R-07-002/TPM-2007-01 and filed on July 17, 2009. Therefore, the City of Fresno has determined that an addendum to Environmental Assessment (EA) No. R-07-002/TPM-2007-01 is appropriate given that none of the conditions described in Section 15162 of the CEQA Guidelines have occurred and new information added is only for the purposes of providing minor changes or additions, in accordance with Section 15164 of the CEQA Guidelines.

Section 15162 provides that when a EIR has been adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

Findings Pursuant to Section 15162 of the CEQA Guidelines.

- (1) Substantial changes are proposed in the project which would require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

Finding (1): The revisions proposed will not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The proposed project will result in establishing roadway connections and access to the industrial business park subdivision with the new Church Avenue overcrossing for the High Speed Rail project.

- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or,*

Finding (2): Substantial changes have not occurred with respect to the circumstances under which the project is undertaken.

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was adopted, shows any of the following: (A) The project will have one or more significant effects not discussed in the previous EIR; (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project; and, (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR, would substantially reduce one or more significant effects on the environment.*

Finding (3): No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental determination was adopted, has become available. The total impacted area for proposed project will not be enlarged and thus the proposed project changes will not result in new significant environmental effects, or increase the severity of previously identified significant effects.

ADDENDUM PREPARED BY:

Ralph Kachadourian, Supervising Planner

SUBMITTED BY:



Bonique Emerson, AICP, Planning Manager
CITY OF FRESNO DEVELOPMENT AND
RESOURCE MANAGEMENT DEPARTMENT

DATE: January 15, 2016