

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, ADOPTING FINDINGS
PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY
ACT (CEQA) GUIDELINES SECTIONS 15091 AND 15093
AS REQUIRED BY CEQA GUIDELINES SECTION 15096
FOR THE RIVER WEST EATON TRAIL EXTENSION
PROJECT

WHEREAS, on November 15, 2017, the San Joaquin River Conservancy
(Conservancy), as Lead Agency, certified an Environmental Impact Report (EIR) for the
San Joaquin River Conservancy, River West Fresno Eaton Trail Extension Project
(Project), identified by SCH No. 2014061017 (River West Fresno Eaton Trail Extension
Project), through the adoption of Resolution 17.01; and

WHEREAS, the project description for the River West Fresno Eaton Trail
Extension Project EIR includes construction of approximately 2.4 miles of a multipurpose
trail from the Perrin Avenue alignment near State Route (SR) 41 on the east to Spano
Park on the west with pedestrian and bicycle access at three locations: Perrin Avenue,
Spano Park, and West Riverview Drive, including installation of traffic safety infrastructure
as the intersection of Audubon Drive and Del Mar Avenue, identified as Mitigation
Measure Alt. 1 – Traffic-1 in the EIR; and

WHEREAS, through the adoption of Resolution 17.02(Alt. 5B), Conservancy, as
lead agency, adopted Findings of Fact and Statement of Overriding Considerations, and
a Mitigation Monitoring and Reporting Program for the Project; and _____

WHEREAS, California Environmental Quality Act (CEQA) Guidelines Section
15096 allows a Responsible Agency to consider an EIR prepared by a Lead Agency for

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Date Approved:

Effective Date:

City Attorney Approval: H9

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a project when the approval relates to a portion of the project assessed by the Lead Agency's EIR; and

WHEREAS, pursuant to CEQA Guidelines Section 15096(f), prior to reaching a decision on a project, the Responsible Agency must consider the environmental effects of the project as shown in the Lead Agency's EIR, and shall also complete an analysis regarding the necessity of a subsequent EIR pursuant to CEQA Guidelines Section 15162; and

WHEREAS, a Responsible Agency that relies on an EIR prepared by a Lead Agency, shall also make the findings required by Section 15091 for each significant effect of the project and shall make findings pursuant to Section 15093 if necessary.

WHEREAS, the City of Fresno is a Responsible Agency within the meaning of CEQA Guidelines Section 15381 for the River West Fresno Eaton Trail Extension Project; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, as follows:

1. Council finds in accordance with its own independent judgement that:
 - a. Approval of any subsequent project within the limits of the River West Eaton Trail Extension Project footprint that has been contemplated as part of that overall project is a further discretionary approval of the San Joaquin River Conservancy, River West Eaton Trail Extension Project EIR, pursuant to CEQA Guidelines 15162;

b. None of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR or Mitigated Negative Declaration have occurred;

c. The Audubon/Del Mar Traffic Signal Project does not propose changes to the River West Fresno Eaton Trail Extension Project, and is instead an approval that implements a portion of that project, specifically Mitigation Measure Alt. 1 – Traffic-1 to install traffic safety infrastructure at the intersection of Audubon Drive and Del Mar Avenue, including a traffic signal, which is a required component of the project;

d. There is no substantial evidence in the record that the Audubon/Del mar Traffic Signal Project may have additional significant effects on the environment that were not identified in the EIR, and all applicable mitigation measures of the River West Eaton Trail Extension Project EIR have been applied to the Project; and

e. Pursuant to Public Resources Code, Section 21157.6(b)(1), Council finds that no substantial changes have occurred with respect to the circumstances under which the prior EIR was adopted; and, that no new information, which was not known and could not have been known at the time that the prior EIR was certified, has become available. Accordingly, a subsequent EIR is not required.

2. The Council hereby adopts Findings pursuant to CEQA Guidelines 15091 and 15093 as required by CEQA Guidelines 15096, attached hereto as Exhibit A.

3. This resolution shall be effective upon adoption.

Attachment: Exhibit A - Findings of Fact and Statement of Overriding Considerations for
the River West Fresno Eaton Trail Extension Project

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2023.

AYES :
NOES :
ABSENT :
ABSTAIN :

TODD STERMER
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Heather Thomas Date
Deputy City Attorney