

## **Exhibit A**

### **Resolution Rescinding Resolution No. 2024-072, setting aside project approvals, and Rescinding Resolution No. 2024-073**

**Costco Commercial Center Project**  
7120 N Riverside Dr, Fresno, CA 93722  
APN: 50302012

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, RESCINDING RESOLUTION NO. 2024-072 TO DECERTIFY ENVIRONMENTAL IMPACT REPORT, SET ASIDE PROJECT APPROVALS, AND RESCIND RESOLUTION NO. 2024-073 AMENDING THE FRESNO GENERAL PLAN

WHEREAS, on April 18, 2024, City Council of the City of Fresno ("City") conducted a public hearing and took the following actions in connection with approving a proposed Costco retail warehouse building to be located at the northeast corner of West Herndon Avenue and North Riverside Drive, with a car wash and 32 fuel pumps ("Project"):

(1) adopted Resolution No. 2024-072 certifying Environmental Impact Report SCH No. 2021100444 (the "EIR") for Plan Amendment and Rezone Application No. P21-01960, Conditional Use Permit Application No. P21-01959, Conditional Use Permit Application No. P21-03251, and Planned Development Permit Application No. P21-03252; adopting findings of fact and statement of overriding considerations; and adopting a Mitigation Monitoring and Reporting Program;

(2) approved Conditional Use Permit Application No. P21-01959, Conditional Use Permit Application No. P21-03251, and Planned Development Permit Application No. P21-03252;

(3) adopted Resolution No. 2024-073 amending the Fresno General Plan (Plan Amendment Application No. P21-01960); and

(4) adopted Ordinance No. 2024-011 amending the Official Zoning Map; and

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:

578970v2



Resolution No.

WHEREAS, on May 23, 2024, a Petition for Writ of Mandate ("Petition") was filed challenging the Project and associated environmental approvals under the California Environmental Quality Act in Fresno County Superior Court ("Court") Case No. 24CECG02208, *Herndon-Riverside Coalition for Responsible Planning and Development v. City of Fresno et al.* (the "Lawsuit"); and

WHEREAS, on July 17, 2025, the Court issued an Order After Hearing in the Lawsuit granting the First and Second causes of action of the Petition and denying the Third cause of action of the Petition, and subsequently on September 15, 2025, judgment was entered; and

WHEREAS, on September 15, 2025, the Court issued a Peremptory Writ of Mandate ordering that within 60 days (i.e. no later than November 14, 2025), the City set aside its certification of its EIR for the Project as well as all related approvals for the Project, including General Plan Amendment and Rezone No. P21-01960, Conditional Use Permit No. P21-01959, Conditional Use Permit No. P21-03251, and Planned Development Permit No. P21-03252; and

WHEREAS, by adopting this resolution, the City intends to fully comply with the Court's September 15, 2025, Peremptory Writ of Mandate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The City Council hereby rescinds Resolution No. 2024-072, decertifying the EIR for the Project and setting aside approval of the Mitigation Monitoring and Reporting Program associated with the EIR.

2. The City Council hereby sets aside the following approvals associated with the Project: Conditional Use Permit Application No. P21-01959, Conditional Use Permit Application No. P21-03251, and Planned Development Permit Application No. P21-03252.

3. The City Council hereby rescinds Resolution No. 2024-072 amending the Fresno General Plan (Plan Amendment Application No. P21-01960).

4. The City shall refrain from issuing any further approvals related to the Project unless and until the City has certified a revised EIR that, consistent with the Court's July 17, 2025, Order, includes a legally adequate analysis of the Project's Greenhouse Gas impacts that complies with CEQA and does not rely on the City's 2021 Greenhouse Gas Reduction Plan.

5. The City shall further refrain from further approvals of the Project unless and until, concurrent with such approvals, the City adopts findings addressing consistency between the City's zoning provisions and the market delivery operations component of the Project as a permitted and/or accessory use.

6. This resolution shall be effective upon final approval.

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 \_\_\_\_\_ 2025.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

**TODD STERMER, MMC**  
**City Clerk**

By: \_\_\_\_\_ Date \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
ANDREW JANZ  
City Attorney

By: \_\_\_\_\_  
Talia Kolluri  
Assistant City Attorney