

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, CONSIDERING MITIGATED NEGATIVE DECLARATION SCH NO. 2018101040 AND ADOPTING FINDINGS PURSUANT TO CEQA GUIDELINES SECTION 15162


WHEREAS, on October 2, 2019, Fresno Unified School District, as lead agency, adopted a Mitigated Negative Declaration for the Alternative Education Campus and Administrative Office Project, SCH No. 2018101040 (Ventura Alternative Campus MND); and

WHEREAS, the MND includes the construction of a 12-inch replacement water main in East Ventura Boulevard from South Tenth Street west across the project frontage; construction of an 8-inch replacement water main in South Tenth Street between East Ventura Boulevard and East Lane Avenue; and construction of a 12-inch replacement water main in Ventura Boulevard between South Cedar Avenue and South Tenth Street; as a mitigation measure to address the potential impacts of the Ventura Alternative Campus related to water supply infrastructure; and

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

Date Adopted:
Date Approved:
Effective Date:

City Attorney Approval: 

Resolution No. _____

of the project as shown in the Lead Agency's Mitigated Negative Declaration, and shall also complete an analysis regarding the necessity of a subsequent EIR pursuant to CEQA Guidelines Section 15162; and

WHEREAS, the City of Fresno is a Responsible Agency within the meaning of CEQA Guidelines Section 15381 for the Alternative Education Campus and Administrative Office Project; and

WHEREAS, following the Lead Agency's approval of the Ventura Alternative Campus MND, the City modified its requirements to require construction of a 16-inch replacement water main in East Ventura Avenue from South Tenth Street west across the project frontage; a 16-inch replacement water main in East Ventura Boulevard between South Cedar Avenue and South Tenth Street; and an 8-inch replacement water main in South Tenth Street between East Ventura Boulevard and East Lane Avenue.

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. The Council finds in accordance with its own independent judgment that:
 - a. Approval of the Infrastructure Reimbursement Agreement between Fresno Unified School District and the City of Fresno is a further discretionary approval of the Alternative Education Campus and Administrative Office Project; and
 - b. While the Ventura Alternative Campus Mitigated Negative Declaration (MND) assessed construction of a 12-inch replacement water main in East Ventura Boulevard from South Tenth Street west across the

project frontage; construction of an 8-inch replacement water main in South Tenth Street between East Ventura Boulevard and East Lane Avenue; and construction of a 12-inch replacement water main in Ventura Boulevard between South Cedar Avenue and South Tenth Street and not two 16 inch mains in place of the 12-inch mains, none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR or MND have occurred;

c. The Infrastructure Reimbursement Agreement between Fresno Unified School District and the City of Fresno does not propose changes to the Alternative Education Campus and Administrative Office Project, and is instead an approval that implements a portion of that project;

d. There is no substantial evidence in the record that the Infrastructure Reimbursement Agreement between Fresno Unified School District and the City of Fresno may have additional significant effects on the environment that were not identified in the Ventura Alternative Campus MND, and that all applicable mitigation measures of the prior MND have been applied to the project. The increase in main size from 12 to 16-inches is negligible from a construction perspective and allows for enhanced performance of the mains;

e. In addition, 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 MND was adopted; and, that no new information, which was not known and could not have been

known at the time that the prior MND, has become available. Accordingly,
a subsequent EIR or MND is not required.

2. This resolution shall be effective upon final approval.

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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 _____, 2022.

AYES :
NOES :
ABSENT :
ABSTAIN :

TODD STERMER, CMC
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Jennifer M. Quintanilla Date
Senior Deputy City Attorney