

Exhibit B
Ordinance Repealing Ordinance No. 2024-0011

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

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, REPEALING ORDINANCE NO.
2024-0011 AMENDING THE OFFICIAL ZONING MAP

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

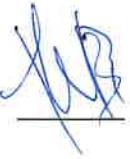
WHEREAS, on May 23, 2024, a Petition for Writ of Mandate ("Petition") was filed challenging the Project and associated environmental approvals under the California

1 of 3

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

578971v2

Resolution No.

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 ordinance, the City intends to fully comply with the Court's September 15, 2025, Peremptory Writ of Mandate.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby repeals Ordinance No. 2024-011 amending the Official Zoning Map.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing ordinance 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: _____
Deputy
Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Talia Kolluri Date
Assistant City Attorney