

RESOLUTION NO. _____

RESOLUTION DIRECTING STAFF TO PREPARE AN AGREEMENT BETWEEN THE CITY OF FRESNO AND SAN JOAQUIN AIR POLLUTION CONTROL DISTRICT REGARDING NOTIFICATION AND PROCESSING PROCEDURES FOR APPLICATIONS WITHIN THE SOUTH CENTRAL FRESNO COMMUNITY AS DEFINED IN THE CENTRAL SOUTH FRESNO CERP PURSUANT TO AB 617

WHEREAS, Assembly Bill AB 617 which was signed into law in July 2017 initiated a state-wide effort to monitor and reduce air pollution, and improve public health, in communities that experience disproportionate burdens from exposure to air pollutants through new community-focused and community-driven actions; and


WHEREAS, The community of South Central Fresno was prioritized by the Air District and subsequently selected by the California Air Resources Board (CARB) as one of two first-year communities in the San Joaquin Valley to receive clean air resources newly available under AB 617, based on a technical analysis of several pollution and poverty-related criteria; and

WHEREAS, AB 617 provides mechanisms and resources to implement community-specific air quality monitoring networks; to develop, implement, and track emission reduction programs; to improve availability of data and other technical information; and to invest substantial funding in the community through voluntary incentive funding measures; and

WHEREAS, these measures are guided by advice and knowledge of local community members, through their input and involvement on Steering Committees for each AB 617 selected community; and

1 of 6

Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval:



Resolution No. _____

WHEREAS, a Steering Committee for the South Central Fresno Community was established through a charter in February 2019 to develop a Community Emissions Reduction Program (CERP) and a Monitoring Program; and

WHEREAS, pursuant to the provisions of AB 617 the San Joaquin Valley Air Pollution Control District (SJVAPCD) adopted the CERP which defines the boundaries of the South Central Fresno Community for purposes of AB 617 implementation; and

WHEREAS, pursuant to the Steering Committee's Charter they have continued to meet after adoption of the CERP on a monthly basis to support and provide guidance on implementation, and develop progress reports; and

WHEREAS, the SJVAPCD is the public agency that oversees the development of plans and the implementation of control measures related to air quality in eight counties in the Central Valley, including Fresno County; and

WHEREAS, the City of Fresno is committed to continuing to work in cooperation with the SJVAPCD to ensure that projects within the City are in compliance with applicable SJVAPCD Regulations, are properly monitored, and projects are appropriately routed to the SJVAPCD for review prior to approval; and

WHEREAS, the Council desires to memorialize the City's commitment in an agreement with SJVAPCD.

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

1. The Council hereby directs staff to prepare an agreement between the City of Fresno and the SJVAPCD containing terms substantially similar to the following:

a. City and SJVAPCD staff will meet monthly to discuss projects in the South Central Fresno Community and larger projects within the City, which may include the area's respective council district representatives. These meetings will include discussion of pre-applications and general routing procedures for projects within the South Central Fresno Community and throughout the City.

b. All minor applications, including Tenant Improvements, Zone Clearances, Minor Deviations, Minor Revised Exhibits, Industrial Development Permits, and Environmental Assessments (Negative Declaration or Exemptions) within the South Central Fresno Community will be evaluated for coordination with SJVAPCD.

i. Email correspondence will be sent to the SJVAPCD to determine if the project will be routed for comments based on the operational statement.

A. The Agreement shall specify a timeline for the City's initial correspondence to SJVAPCD, and for SJVAPCD's response in order to ensure application processing timelines are in compliance with the Permit Streamlining Act or any other applicable laws.

B. If SJVAPCD responds in the negative, the application is not routed to SJVAPCD, but a notice of the pending application is sent to AB 617 Steering Committee members by email.

C. If SJVAPCD responds in the affirmative, the application is routed to SJVAPCD for comments and an email notification of the pending application is sent to AB 617 Steering Committee members simultaneously.

ii. All major applications will be routed to the SJVAPCD regardless of location. These include amendments to existing projects, new Development Permits, new Conditional Use Permits, new Tentative or Tract Maps, Environmental Assessments requiring mitigation (Mitigated Negative Declaration or EIR), Rezones, General Plan Amendments, Annexations, or Amendments to Development Code Text. For major applications within the South Central Fresno Community, a notice of the pending application will be sent by email to AB 617 Steering Committee members.

c. After a project is routed to the SJVAPCD, the review period shall include the following:

i. The review period shall be thirty calendar days to allow for submission of comments.

ii. If an Initial Study is prepared, any SJVAPCD comments received prior to completion of an Initial Study shall be considered during the preparation of the resulting environmental assessment.

iii. Once an Initial Study and resulting environmental assessment are prepared, they shall also be routed to the SJVAPCD for review and comment consistent with the requirements of CEQA.

d. Following completion of SJVAPCD's review of a project and/or an environmental assessment requiring an Initial Study, the City will prepare a response to SJVAPCD's comments, or if no comments are provided, document that no comments have been received. The Planning Director will not make a determination to approve, deny, or recommend approval or denial of a project until the SJVAPCD has had an opportunity to provide comments, unless superseding federal, state, or local law requires approval prior to the close of the thirty day comment period.

e. After approval of a project routed to the SJVAPCD, City Staff may reach out to the Air District if needed to verify compliance or ask for clarification on certain rules. Compliance documentation will be requested from the applicant and then verified with the Air District.

f. For projects that are determined to be exempt from CEQA, compliance review with SJVAPCD is not required, but will be implemented if requested by SJVAPCD.

2. Once the agreement has been prepared, staff is directed to return with the agreement for Council consideration, consistent with applicable City procedures regarding agreements.

3. 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 _____ 2022.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022
Mayor Veto: _____, 2022
Council Override Vote: _____, 2022

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Talía Kolluri Date
Assistant City Attorney