

**CITY OF FRESNO
ADDENDUM TO EIR NO. 10144 (SCH NO. 2008011003)
THE EL PASEO MARKETPLACE PROJECT**

*Addendum prepared in accordance with Section 15164 of the California
Environmental Quality Act (CEQA) Guidelines*

The full Initial Studies and the Master Environmental Impact Report SCH No. 2012111015 are on file in the Development and Resource Management Department, Fresno City Hall, 3rd Floor
2600 Fresno Street
Fresno, California 93721
(559) 621-8277

**ENVIRONMENTAL
ASSESSMENT NUMBER:**

EIR No. 10144

This addendum was not circulated for public review pursuant to Section 15164(c) of the CEQA Guidelines.

APPLICANT:

**Gryphon Capital, LLC and
Rich Development**
500 S. Sepulveda Boulevard, Ste. 304
Manhattan Beach, CA 90266

PROJECT LOCATION:

Generally located on the southwest corner of West Herndon Avenue and North Riverside Drive pertaining to approximately 74.4 acres of property, in the City and County of Fresno, California

APN: 504-091-52, 50, 49, 55, 59, 78, 69, 91

36°49'58.59" N Latitude 119°54'28.03" W Longitude;
Township 13 S, Range 19 E, Section 4, Mount Diablo
Base & Meridian

PROJECT DESCRIPTION:

Gryphon Capital, on behalf of John Allen Company, has requested a Fifth Amendment to the Development Agreement for the El Paseo Project generally located on the southwest corner of West Herndon Avenue and North Riverside Drive encompassing approximately 74.4 acres. On December 16, 2010, through Resolution No. 2010-306, the City Council certified EIR No. 10144, which covered 906,877 square feet of commercial retail space and the Development Agreement between the City of Fresno and John Allen Company.

Additionally, Brandt Leitze of Rich Development has filed Conditional Use Permit Application No. C-17-057 requesting authorization to construct ±162,000 square feet of retail, restaurant and entertainment facilities, including a ±49,965 square foot movie theatre on an approximately 18.4 acre portion of the subject property comprising a subsequent phase of development for the Marketplace at El Paseo shopping center project. C-17-057 includes amendments to the Marketplace CUP (C-08-172), the CUP Conditions of Approval, and the Second Modified CUP Site Plan necessary to ensure consistency between the proposed Fifth Amendment and the Marketplace CUP.

The project, inclusive of the proposed Fifth Amendment to the Development Agreement and C-17-057, seeks an extension of time of 10 years to February 14, 2028 for the Development Agreement, and proposes to clarify some minor modifications with respect to development requirements for the El Paseo Project. Minor modifications include adjustments to the locations of contemplated drive-throughs,

a minor reduction in the maximum total square footage of the project, and a threshold for application of the water capacity fee.

The City of Fresno, as the Lead Agency, has prepared an Addendum to EIR No. 10144 (SCH NO. 2008011003), for the Fifth Amendment to the Development Agreement for the El Paseo Project and Conditional Use Permit Application No. C-17-057. This Addendum considered and evaluated the potential effects associated with the proposed project pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.

Neither the proposed amendment to the Development Agreement or the scope of development proposed with Conditional Use Permit Application No. C-17-057 will have a significant impact. It may be determined that: (1) The project does not significantly exceed the scope of EIR NO. 10144 (SCH NO. 2008011003); (2) No substantial changes are proposed in the project which require major revisions to the previous environmental finding due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (3) No substantial changes have occurred or will occur with respect to the circumstances under which the project is undertaken; and, (4) There is no new information, which was not known and could not have been known, at the time the environmental finding for EIR NO. 10144 (SCH NO. 2008011003) was adopted showing that the project will have one or more significant effects not discussed in the previous EIR, significant effects will be substantially more severe than shown in the previous EIR, mitigation measures previously found to be infeasible are now feasible, or that mitigation measures or alternatives significantly different from those in the previous EIR would reduce one or more significant effects on the environment.

Furthermore, the above noted proposed changes are considered to only be minor technical changes, clarifications, and additions. As such, the City of Fresno has determined that an addendum to EIR No. 10144 (SCH NO. 2008011003) is appropriate given that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR have occurred; and, new information added is only for the purposes of providing minor changes or additions, in accordance with Section 15164 of the CEQA Guidelines.

Section 15162 provides that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

FINDINGS PURSUANT TO SECTION 15162 OF THE CEQA GUIDELINES.

(1) Substantial changes are proposed in the project which would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

**Finding
(1):**

Neither the approval of an amendment to a Development Agreement or the modifications to the development plan requested with Conditional Use Permit Application No. C-17-057, as proposed above, involves new significant environmental effects or a substantial increase in the severity of previously identified significant effects. This approval does not change the nature of the project or increase its scope. Instead, it involves a minor reduction in overall square footage, minor adjustments to the location of project features and structures, as well as an extension to the length of the terms of the Development Agreement and imposition of a new fee.

For purposes of development of the Marketplace at El Paseo Project Area, EIR No. 10144 analyzed potential environmental impacts associated with up to 906,788 square feet of retail space on approximately 74.38 acres of land. To date, approximately 400,000 square feet of improvements have been developed in the Marketplace Project Area. Conditional Use Permit Application No. C-17-057 requests authorization to construct an additional ±162,000 square feet of retail space, which when constructed would comprise a total of approximately 562,000 square feet of retail space developed in the Marketplace Project Area. No uses or operations currently proposed with the subsequent phase of development (or which may be permitted within the respective zone district in conjunction with the subsequent phase of development) have been identified which would create or involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects from those which were analyzed with the previously certified EIR.

- (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or,*

**Finding
(2):**

Substantial changes have not occurred with respect to the circumstances under which the project is undertaken.

As described within this Addendum and based upon the information included under Finding (1) herein above the proposed project, involving amendments to a previously adopted Development Agreement and previously approved development plan for the Marketplace at El Paseo Project, is a subsequent project and phase of development, for which the scale and intensity of development and use was previously contemplated. The area to which the proposed project pertains is no different in size or location from that which was previously considered and approved. Furthermore, no changes with respect to the circumstances under which public facilities or services will be provided have been identified with consideration to: new development which has occurred within proximity to the subject property; adjacent public street classifications and volumes; or, based upon the capacity or availability of public services with the amendments proposed.

- (3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following: (A) The project will have one or more significant effects not discussed in the previous EIR; (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project; and, (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR, would substantially reduce one or more significant effects on the environment.*

**Finding
(3):**

No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental determination was adopted, has become available.

As described within this Addendum and based upon the information included under

Findings (1) and (2) herein above, the proposed project, involving an amendment to the previously adopted Development Agreement and previously approved development plan for the Marketplace at El Paseo Project, is a subsequent project and phase of development that is fully within the scope of EIR No. 10144 and will not create an increase in the severity of previously identified significant effects.

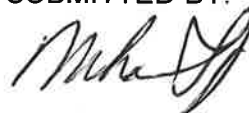
The proposed project changes will not result in new significant environmental effects, will not increase the severity of previously identified significant effects, there are no infeasible alternatives or mitigation measures that are now feasible, and mitigation measures considerably different from those in the previous EIR would not substantially reduce one or more significant effects on the environment. The proposed changes are merely minor technical changes, clarifications and additions to project features that were contemplated in the previous EIR.

ADDENDUM PREPARED BY:

Mike Sanchez, Assistant Director

DATE: June 06, 2018

SUBMITTED BY:



Mike Sanchez, Assistant Director
CITY OF FRESNO DEVELOPMENT AND
RESOURCE MANAGEMENT DEPARTMENT