

**CONSIDERATION OF
ENVIRONMENTAL ASSESSMENT APPLICATION
NO. P21-00989, DEVELOPMENT PERMIT
APPLICATION NO. P21-00989,
AND
CONDITIONS OF APPROVAL**

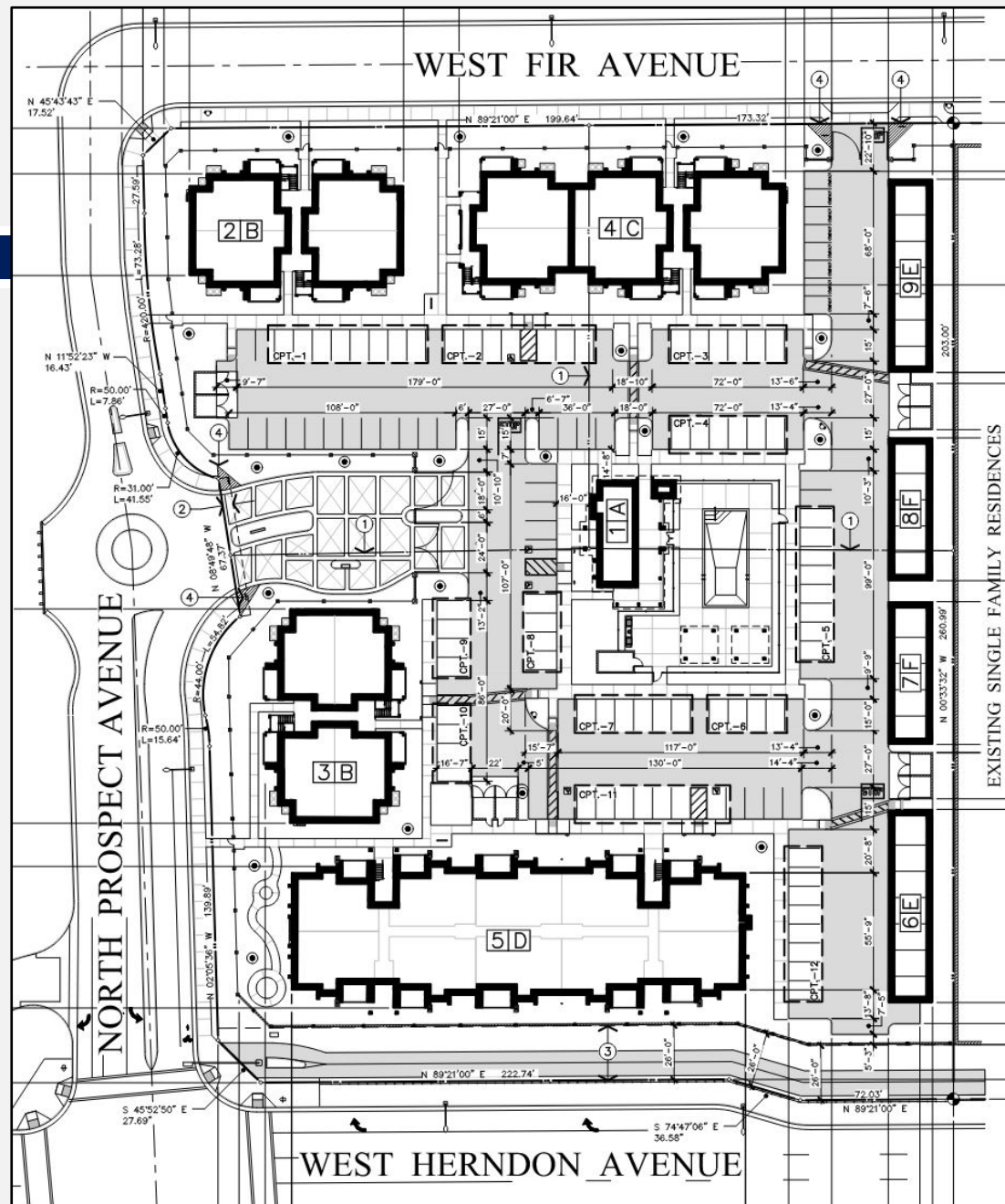


PRESENTATION BY: ISRAEL TREJO, PLANNING MANAGER

ID 25-1318

CITY COUNCIL HEARING | OCTOBER 16, 2025

SITE PLAN



HISTORY

- Appeal to Planning Commission (May 15, 2024)
 - Action: Uphold appeal and deny project. (5 votes to 0)

- Appeal to City Council (July 25, 2024)
 - Action: Uphold appeal and deny project. (4 votes to 3)

COURT RULING

□ Appeal of City Council's Decision

▣ July 14, 2025: Judge's Ruling

- 1. The Petitioner's housing development submitted May 26, 2021, is "deemed consistent, compliant and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision" of the City of Fresno and no minor deviation from the Expressway Area Overlay District is required.
- 2. Within the next 60 days, the City Council is to determine whether a categorical exemption from CEQA applies for this project. This court is expressing no opinion on whether the recent South Fresno Community Alliance v. City of Fresno decision or the recent enactment of AB 130 is relevant. Nor is it precluding the Council from considering them, should they find them to be relevant.
- 3. Should the Council find the project meets the requirements for a categorical exemption from CEQA, the City Council is to decide what Conditions of Approval should attach to the project. This last directive is also to be determined within the next 60 days.

COURT RULING (CONT'D)

- Appeal of City Council's Decision
 - ▣ August 22, 2025: Update to Judge's Ruling
 - 1. The deadlines in the July 14, 2025, ruling for the City Council to conduct a final hearing concerning the Project are extended until November 12, 2025, for the City to complete the tribal consultation process under AB 130.

ENVIROMENTAL FINDING

- Subject to Assembly Bill (AB) 130
- Public Resources Code (PRC) Section 21080.66 permits a public agency to determine whether a particular project is not subject to the California Environmental Quality Act (CEQA).
 - Based on proposed project, it is consistent within AB 130 criteria, therefore the proposed project is not subject to CEQA.

CONDITIONS OF APPROVAL

- Conditions of approval are prepared for the project, similar to previous conditions of approval, excepting the removal of the Minor Deviation and addition of Phase I Environmental Assessment (pursuant to requirements of AB 130).

STAFF RECOMMENDATIONS

1. ADOPT – Environmental Assessment No. P21-00989 dated October 16, 2025, affirming that the proposed project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.66 (Assembly Bill (AB) 130).
2. APPROVE – Development Permit Application No. P21-00989, including the conditions of approval for the development permit application dated October 16, 2025.