



FRESNO COUNTY ZOO AUTHORITY MEETING

Fresno County Employees' Retirement Association

1111 H Street, Fresno, CA 93721

(559) 457-0681

Wednesday

May 29, 2013

9:00 AM

ADDENDUM TO THE AGENDA

Adopt findings of Roeding Park Master Plan Environmental Impact Report (EIR) previously approved by the City of Fresno, June 30, 2011, and approve Resolution adopting the EIR findings in the matter of the storm drain piping, sanitary sewer piping, electrical conduits for power and communication, and domestic water piping for the Fresno Chaffee Zoo.

Placement on Agenda: To follow Item 5

Resolution No. 2013-01

**BEFORE THE FRESNO COUNTY ZOO AUTHORITY
STATE OF CALIFORNIA**

**RESOLUTION ADOPTING
CEQA FINDINGS AND
STATEMENT OF OVERRIDING
CONSIDERATIONS FOR THE
FRESNO CHAFFEE ZOO
EXPANSION (SCH No.
2008031002)**

**IN THE MATTER OF THE
MEASURE Z FUNDING
REQUEST FOR FRESNO
CHAFFEE ZOO'S UTILITY PROJECT**

WHEREAS, On July 13, 2004, the Fresno County Board of Supervisors created the Fresno County Zoo Authority pursuant to Revenue and Taxation Code section 7286.43, and

WHEREAS, At the November 4, 2004 general election, Fresno County voters approved "Save Our Zoo" Measure Z by 73.4% of the vote, and

WHEREAS, Measure Z is a one-tenth of one percent sales tax for ten years with all net proceeds dedicated exclusively to the Fresno Chaffee Zoo, and

WHEREAS, The stated purpose of Measure Z is to help ensure the survival of the Fresno Chaffee Zoo by providing necessary funding to repair and restore the zoo, bring back large animal exhibits, further revitalize the zoo, and preserve the zoo's Species Survival Plan and ongoing Education Program, and

WHEREAS, the Zoo Authority duties include the general administration of Measure Z funds and implementation of Measure Z, and

WHEREAS, Fresno Chaffee Zoo submitted a request for \$1,330,000 for construction of storm drain piping, sanitary sewer piping, electrical conduits for power and communication, and domestic water piping for the Zoo, which facility is hereinafter referred to as the "Utility Project", and

WHEREAS, the Zoo Authority may approve the request for capital project funds pursuant to Measure Z, the Agreement Regarding Procedures for Distribution of Tax Revenue to the Chaffee Zoo dated December 21, 2005, and the Zoo Authority Procedures for Approving and Administering Measure Z Funds, and

WHEREAS, the City of Fresno certified an Environmental Impact Report (EIR), State Clearinghouse No. 2008031002, for the Roeding Regional Park and Fresno Chaffee Zoo Facility Master Plans on June 30, 2011 (See Exhibit A, Fresno City Council Resolution 2011-145), and

WHEREAS, the City of Fresno approved Conditional Use Permit Application No. C-08-186, Authorizing the Implementation of the Fresno Chaffee Zoo Facility Master Plan on July 20, 2011, and

WHEREAS, the Fresno Chaffee Zoo Facility Master Plan includes the construction of the Utility Project, and

WHEREAS, the Zoo Authority is listed as a Responsible Agency in the EIR for purposes of the California Environmental Quality Act (CEQA), and

WHEREAS, the EIR is adequate for use by the Zoo Authority, as such term is used by CEQA Guideline section 15096(e).

NOW, THEREFORE BE IT RESOLVED that:

- a) The Zoo Authority has considered the environmental effects of the Master Plans Project, including the Utility Project, as shown in the EIR.
- b) Based on its consideration of the EIR, the Zoo Authority finds that there are no feasible alternatives or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the construction of the Utility Project would have on the environment.
- c) The Zoo Authority adopts the Findings of Fact and Statement of Overriding Considerations attached hereto as Exhibit B.
- d) Neither a Subsequent EIR nor Supplemental EIR is warranted under CEQA Guidelines sections 15162 or 15163 before approval of the Utility Project.

THE FOREGOING was PASSED and ADOPTED by the following vote of the Fresno County Zoo Authority this ___th day of May, 2013, to-wit:

AYES:
NOES:
ABSENT:

Chairman, Fresno County Zoo Authority



RESOLUTION NO. 2011-145

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRESNO, MAKING FINDINGS AND CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE ROEDING REGIONAL PARK AND FRESNO CHAFFEE ZOO FACILITY MASTER PLANS (SCH NO. 2008031002), AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the Fresno Chaffee Zoo Corporation, the City of Fresno Parks, After School, Recreation and Community Services Department ("PARCS"), and Roeding Park Playland and Fresno Storyland (collectively, "Project Proponents") have proposed to redevelop the 148-acre Roeding Regional Park ("Project Site"), including expansion of the Fresno Chaffee Zoo from 18 to 39 acres, expansion of Playland and Storyland, and improvement of existing facilities and circulation throughout Roeding Regional Park, as further set forth in the applications and proposed approvals for the Roeding Regional Park and Fresno Chaffee Zoo Facility Master Plans ("Master Plans Project" or "Project"); and

WHEREAS, the Project Proponents seek approval of two conditional use permits and potential subsequent approvals, including improvement plans, grading permits, building permits, and landscapes plans, in order to implement the Master Plans Project; and

WHEREAS, in accordance with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq. ("CEQA")) the City of Fresno ("City") determined that an Environmental Impact Report ("EIR") was required to evaluate the impacts of the proposed Master Plans Project; and

WHEREAS, the City issued a Notice of Preparation on February 25, 2008, and subsequently issued a revised, second Notice of Preparation on July 1, 2009; prior to circulating a draft environmental impact report and issuing a final environmental impact report, on January 21, 2011 which included written responses to all comments received on the draft environmental impact report; and

WHEREAS, rather than certify the January 21, 2011 final environmental impact report, the City elected to revise the original draft environmental impact report, and circulate a revised report ("Recirculated Draft EIR" or RDEIR); and

WHEREAS, the City issued a revised Notice of Preparation ("Revised NOP") on March 4, 2011, and circulated the RDEIR for a 45-day public/agency review beginning on April 22, 2011; and

Adopted _____
Approved 2011
Effective 10

2011-145



WHEREAS, the City prepared written responses to comments received on the RDEIR and prepared a Final EIR, which consists of the RDEIR (incorporated by reference), all comments received on the RDEIR, written responses to comments received on the RDEIR, and revisions to the RDEIR (collectively, "EIR"); and

WHEREAS, the City Council reviewed and carefully considered the information in the Record, as defined in Section III of the CEQA Findings, attached as Exhibit A, including the EIR, at a duly noticed public hearing held on June 23, 2011, and, by this Resolution, based on the CEQA Findings contained in Exhibit A, certifies the EIR attached as Exhibit B, as an objective and accurate document that reflects the independent judgment of the City Council in the identification, discussion and mitigation of the Project's environmental impacts, as well as adopts the Statement of Overriding Considerations for those impacts that cannot be mitigated to less-than-significant levels and the Mitigation Monitoring and Reporting Program, attached as Exhibit C.

NOW THEREFORE BE IT RESOLVED, that based on the entirety of the Record before it, as defined in Section III of Exhibit A to this Resolution, the City Council of the City of Fresno does hereby find as follows:

1. The foregoing Recitals are true and correct and made a part of this Resolution.
2. The exhibits and attachments, including the CEQA Findings and Statement of Overriding Consideration (attached as Exhibit A), the Environmental Impact Report including the RDEIR and Final EIR (attached as Exhibit B), and the Mitigation Monitoring and Reporting Program (attached as Exhibit C), the Minor Modifications (attached as Exhibit D), are each incorporated by reference and made a part of this Resolution, as if set forth fully herein.
3. The documents and other material constituting the record for these proceedings are located at the Development and Resource Management Department for the City of Fresno, 2600 Fresno Street—Third Floor, Fresno, CA 93721, and in the custody of Planning Manager, Kevin Fabino.
4. Based on the City Council's independent judgment and analysis, the City Council makes the findings regarding the Master Plans Project's significant and unavoidable impacts, potentially significant impacts, and less than significant impacts; makes the findings regarding the proposed mitigation measures, and the Project alternatives; and adopts the Statement of Overriding Considerations, finding that the benefits of the Project outweigh the Project's significant and unavoidable environmental impacts, for the reasons, and as further set forth in Exhibit A ("CEQA Findings"), attached hereto and incorporated by reference.

BE IT FURTHER RESOLVED, that based on the entirety of the Record, the City Council does hereby make the CEQA Findings included in Exhibit A, including adopting the Statement of Overriding Considerations as set forth in Section X of the CEQA Findings; certify the Final Environmental Impact Report for the Roeding Regional Park

and Fresno Chaffee Zoo Facility Master Plans (SCH No. 2008031002) including the Minor Modifications (attached as Exhibit D); attached as Exhibit B; and adopt the Mitigation Monitoring and Reporting Program, attached as Exhibit C.



BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its passage and adoption.



City Council Resolution No. 2011-145
Roeding Regional Park and Fresno Chaffee Zoo Facility Master Plans EIR

CLERK'S CERTIFICATION

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

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the forgoing Resolution was adopted by the Planning Commission of the City of Fresno, at a regular meeting held on the 30th day of June, 2011.

AYES : Baines, Borgeas, Quintero, Westerland, Olivier
NOES : None
ABSENT : Xiong, Brand
ABSTAIN : None

REBECCA E. KLISCH
City Clerk

By: Rebecca E. Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

By: [Signature]
1645797.3

Findings and Statement of Overriding Considerations

I. Introduction

An Environmental Impact Report (“EIR”) (State Clearinghouse No. 2008031002) for the Roeding Regional Park and Fresno Chaffee Zoo Facility Master Plans (the “Master Plans Project”) was certified by the City of Fresno on June 30, 2011. The Fresno County Zoo Authority (the “Zoo Authority”) is listed as a responsible agency in the EIR. The Zoo Authority has considered the environmental effects of the project as shown in the EIR, and makes the following findings:

II. Project

The Fresno Chaffee Zoo (“Zoo”) is located in the South-Central portion of the City of Fresno’s Roeding Regional Park (“Roeding Park”). The Zoo is operated by the private nonprofit Fresno Chaffee Zoo Corporation. Zoo lands are owned by the City of Fresno, and leased for use by the Zoo. The Master Plans Project involves the expansion of the Zoo from 18 acres to 39 acres. The expansion area is within Roeding Park, and is presently developed for park use by the City of Fresno. The expansion area currently provides recreational opportunities for the Public. The Master Plans Project also involves improvements within the existing 18 acre footprint of the Zoo. One such improvement is the construction of storm drain piping, sanitary sewer piping, electrical conduits for power and communication, and domestic water piping for the Fresno Chaffee Zoo (hereinafter, the “Utility Project”).

III. Discretionary Action

In order to construct the Utility Project, the Zoo will need to request Measure Z tax revenues from the Zoo Authority. The Zoo Authority appropriates Measure Z tax revenue to the Zoo pursuant to Measure Z, the Agreement Regarding Procedures for Distribution of Tax Revenue to the Chaffee Zoo dated December 21, 2005, and the Zoo Authority Procedures for Approving and Administering Measure Z Funds. Determination by the Zoo Authority of specific requests are discretionary actions of the Zoo Authority. It is anticipated that, in addition to the Utility Project, future requests for Measure Z funding for individual capital improvement projects will be submitted by the Zoo to the Zoo Authority. The EIR evaluated the environmental effects of the entire

expansion approved by the Master Plans Project approved by the City of Fresno. As individual requests for Measure Z funds are submitted by the Zoo to the Zoo Authority for projects approved by the Master Plans Project, the Zoo Authority will rely on the EIR for its approval, subject to CEQA Guideline sections 15162 and 15163.

IV. Significant Effects

The EIR found that the Master Plans Project, which includes the Utility Project, has potentially significant impacts in the following areas:

- a. Cultural Resources
- b. Aesthetics
- c. Biological Resources
- d. Land Use and Public Land Use Policy
- e. Transportation and Traffic
- f. Air Quality
- g. Noise
- h. Hydrology and Water Quality
- i. Hazards and Hazardous Materials
- j. Land Use and Planning

V. Findings Regarding Significant Effects

The Zoo Authority finds that changes or alterations to the project which avoid or substantially lessen the potentially significant effects listed in Section IV(a) through (j), above, are within the responsibility and jurisdiction of the City of Fresno and not the Zoo Authority. Pursuant to the City of Fresno's adoption of Resolution 2011-145, the Zoo Authority finds that such changes or alterations have been adopted by the City of Fresno.

VI. Significant and Unavoidable Impacts

The EIR found that significant environmental impacts that cannot be mitigated to a less-than-significant level exist in the following areas:

- a. Transportation and traffic impacts to intersections in 2030.
- b. Cumulative transportation and traffic impacts.
- c. Cultural resources, due to unknowns regarding the High Speed Rail's encroachment of Roeding Park.

- d. Cumulative noise impact, due to uncertainties regarding design elements of the proposed High Speed Rail.

VII. Statement of Overriding Considerations

Pursuant to Public Resources Code section 21080 and CEQA Guidelines section 15093, the Zoo Authority has balanced the economic, legal, social, technological and other benefits of the Utility Project against the significant and unavoidable impacts of the project. The Zoo Authority finds that the City of Fresno adopted all feasible mitigation measures. The Zoo Authority hereby adopts and makes the following Statement of Overriding Considerations.

a. Benefits of the Project

i. Realization of Measure Z

The Project effectuates the mandate expressed by the voters of Fresno County in approving Measure Z on November 4, 2004. Measure Z passed with 73.4% of the voters, and stated:

To help ensure the survival of the Fresno Chaffee Zoo by providing necessary funding to repair and restore the zoo, bring back large animal exhibits, further revitalize the zoo, and preserve the zoo's Species Survival Plan and ongoing Education Program, shall Fresno County voters approve a one-tenth of one percent sales tax for ten years with all net proceeds dedicated exclusively to the Fresno Chaffee Zoo.

One-third of Measure Z funding may be used for Zoo Maintenance and Operations, and the remaining two-thirds are dedicated to capital projects. The Utility Project provides the opportunity for construction of one such envisioned capital project.

ii. Expansion of the Zoo

The Utility Project is a component of the Master Plans Project. The Master Plans Project, among other things, allows for the renovation and improvement of the Zoo, and the expansion of the Zoo to include features and exhibits that could not otherwise be achieved. This includes: remodel and expansion of the education building by approximately 8,000 square feet and the development of an outside garden and lawn area of approximately 30,000 square feet at the Main Event Hub; the Grassland Waterhole panorama and Waterhole Café and Event Center, which will provide approximately

28,000 square feet of waterhole habitat and 65,340 square feet of the grassland habitat, as well as 10,000 square feet café, an approximately 1,500 square foot classroom, and will provide indoor seating for 250-300 people; the Sea Lion Cove Project; approximately 100,000 square feet of flexible habitat for large, modern and naturalistic exhibits to display the types of large animals referred to in Measure Z; a Children's Zone to allow younger children to play and interact with animals; an education center approximately 14,000 square feet in size; Asian Panorama Exhibit and Asian Archipelago Expansion, resulting in an expansion of the habitat areas for the types of animals referred to in Measure Z; and Rainforest Aviaries.

b. Determination and Adoption of Statement of Overriding Considerations

The Zoo Authority has weighed the economic, legal, social, technological and other benefits of the Utility Project, as described in Section VII(a), above, against the significant and unavoidable impacts of the project discussed in the EIR and described in section VI(a) through (d), above.

The Zoo Authority hereby determines that those benefits outweigh the risks and adverse environmental impacts of the Utility Project, and further determines that the Utility Project's significant and unavoidable impacts are acceptable. Accordingly, the Zoo Authority adopts the Statement of Overriding Considerations, recognizing that significant unavoidable impacts will result from the Utility Project.