

Notice of Exemption

To: x County Clerk, County of Fresno
2220 Tulare Street, 6th floor
Fresno, CA 93721

Fresno County Employees' Retirement Association
1111 H Street
Fresno, CA 93721

Project Title: Boardwalk at Palm Bluffs Office Relocation

Project Location: The project consists of three office buildings and accompanying real property located in the Pinedale Industrial Area in the City of Fresno, County of Fresno, State of California. The Fresno County Assessor's Parcel Numbers for the property are: 405-530-91, 405-530-92, and 405-530-93.

Description of Nature, Purpose, and Beneficiaries of Project: The purpose of the project is for the Fresno Employees' Retirement Association ("FCERA") to purchase title to property consisting of approximately 103,236 square feet of land and approximately 27,848 square feet of building improvements. The property is located within the Pinedale Industrial Area and is suitable for the intended purpose of constructing and operating business offices. The project is limited to the acquisition of the property and building improvements by FCERA. FCERA plans to use the property for its business offices. Project beneficiaries are FCERA, members of FCERA, and those who rely upon FCERA, such as retirement beneficiaries and others.

Name of Public Agency Approving Project: Fresno County Employees' Retirement Association

Name of Person or Agency Carrying Out Project: Fresno County Employees' Retirement Association

Exempt Status:

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number:
- Statutory Exemptions. State code or regulation number: Pub. Res. Code § 21166; Guidelines § 15162(a)
- The "common sense" exemption, CEQA Guidelines Section 15061(b)(3)

Reasons why project is exempt: The project is exempt under the "common sense" exemption because it does not involve the construction or alteration of facilities that will have a significant effect on the environment. The project property will include office buildings consistent with property uses within the Pinedale Industrial Area. Furthermore, the proposed property use is consistent with the Palm Bluffs Corporate Center plan, the commercial development plan in which the project property is located.

The project is also exempt under the "once around rule." (Pub. Res. Code § 21166; Guidelines § 15162(a).) The City of Fresno prepared a Mitigated Negative Declaration (City of Fresno Environmental Assessment Numbers A-95-07 and R-95-10) and a List of Mitigation Measures that apply to the project property. FCERA is unaware of any substantial changes having been made to the project or the project's circumstances in the time since that original Mitigated Negative Declaration was prepared. FCERA has no new information that could not have been known when the original Mitigated Negative Declaration was prepared.

In addition, the project property has been subjected to lengthy, detailed, and comprehensive environmental analysis. Specifically, the Seller of the property has represented the following:

- The project property is subject to a Post Closure Land Use Plan because it is located within three-hundred (300) feet of a former landfill area;
- The project property is subject to compliance with a Landfill Gas Mitigation Plan approved by Fresno County Environmental Health System on October 4, 2007;

- The project property has been subject to an environmental remedial investigation, undertaken pursuant to applicable environmental laws, including but not limited to, the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") and the California Hazardous Waste Management Act ("CHWMA");
- The California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") issued a formal letter of clearance for the project property;
- DTSC determined that all appropriate response actions have been completed, that all acceptable engineering practices were implemented, and that no further removal/remedial action is necessary; and
- DTSC determined, based upon a remedial investigation or site characterization, that the site poses no significant threat to public health, welfare, or the environment and therefore implementation of removal/remedial measures is not necessary.

Accordingly, FCERA has determined that acquisition of the property is exempt from CEQA review pursuant to one or more of the above-referenced CEQA exemptions. Moreover, in light of the foregoing, FCERA has determined that it can be said with certainty that the project will not have a significant effect on the environment. As such, the proposed project is exempt from CEQA, or not subject to CEQA, pursuant to CEQA Guidelines section 15061(b)(3). The proposed project is also exempt, or not subject to CEQA, pursuant to Public Resources Code section 21166 and CEQA Guidelines section 15162(a), as the project consists entirely of land that has already been subject to a Mitigated Negative Declaration and other extensive environmental review, and no extenuating circumstances exist that require subsequent environmental review.

Lead Agency

Contact Person: Donald Kendig, Retirement Administrator **Area Code/Telephone/Extension:** (559) 457-0681

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: Retirement Administrator

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant