



RESOLUTION NO. 2011-243

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA,  
AMENDING THE 2025 FRESNO GENERAL PLAN AND THE WEST AREA  
COMMUNITY PLAN (PLAN AMENDMENT APPLICATION NO. A-11-009)

WHEREAS, on November 19, 2002, by Resolution No. 2002-379, the City Council adopted the 2025 Fresno General Plan which correspondingly adopted the West Area Community Plan and by Resolution No. 2002-378 certified Master Environmental Impact Report No. 10130 which evaluated the potentially significant adverse environmental impacts of urban development within the City of Fresno's designated urban boundary line and extended sphere of influence; and,

WHEREAS, Dan Diebert of Mercey Properties LP, has filed an application to amend the land use designation of the aforementioned plans by changing the planned land use designation of APN 511-171-24 and 511-171-25 (4.78 acres), located on the west side of North Blythe Avenue between West Dakota and West Ashlan Avenues, from the Medium-Low Density Residential planned land use designation to the Medium-High Density Residential planned land use designation; and,

WHEREAS, the environmental assessment conducted for the proposed plan amendment resulted in the filing of a Mitigated Negative Declaration on October 14, 2011; and,

WHEREAS, on November 16, 2011, the Fresno City Planning Commission held a public hearing to consider Plan Amendment Application No. A-11-009 and the associated Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-009/R-11-012; and,

WHEREAS, the Fresno City Planning Commission took action, as evidenced in Planning Commission Resolution No. 13131, to recommend approval of Plan Amendment Application No. A-11-009, which proposes to amend the planned land use designation for the subject site from the Medium-Low Density Residential planned land use designation to the Medium-High Density Residential planned land use designation, and to recommend approval of the associated Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-009/R-11-012 as revised;

Adopted \_\_\_\_\_  
Approved \_\_\_\_\_  
Effective 10-8-11

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and,

WHEREAS, on December 8, 2011, the Fresno City Council held a public hearing to consider Plan Amendment Application No. A-11-009 and received both oral testimony and written information presented at the hearing regarding Plan Amendment Application No. A-11-009.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno, based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, as follows:

1. The Council approves the revisions to the Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-009/R-11-012, and finds the revisions are not "substantial" as provided by CEQA Guidelines Section 15073.5 such that it would require recirculation as the mitigation measures are replaced with equal or more effective measures pursuant to CEQA Guidelines Section 15074.1 and the new information added merely clarifies, amplifies, or makes insignificant modifications to the Mitigated Negative Declaration. The Council further adopts this written finding that the substitute mitigation measures are equivalent or more effective in mitigating or avoiding potential significant effects and will not in themselves cause any potentially significant effect on the environment pursuant to CEQA Guidelines Section 15074.1.
2. The Council finds in accordance with its own independent judgment that with the project specific mitigation imposed in the Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-009/R-11-012 as revised, there is no substantial evidence in the record that Plan Amendment Application No. A-11-009 may have additional significant effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR") and



Mitigated Negative Declaration No. A-09-02/SCH No. 2009051016; and, that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 or MND No. A-09-02 as provided by CEQA Guidelines Section 15178(a). In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), Council finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and Mitigated Negative Declaration No. A-09-02/SCH No. 2009051016 was adopted; and, that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, and Mitigated Negative Declaration No. A-09-02/SCH No. 2009051016 was adopted, has become available. Accordingly, the Council adopts the Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-009/R-11-012 dated October 14, 2011 as revised.

3. The Council finds the adoption of the proposed plan amendment as recommended by the Planning Commission is in the best interest of the City of Fresno.
4. The Council of the City of Fresno hereby adopts Plan Amendment Application No. A-11-009 amending the 2025 Fresno General Plan and West Area Community Plan planned land use designation from Medium-Low Density Residential to Medium-High Density Residential, as depicted by Exhibit "A" attached hereto and incorporated herein by reference.

CLERK'S CERTIFICATION



STATE OF CALIFORNIA )  
COUNTY OF FRESNO )  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 8<sup>th</sup> day of December, 2011, by the following vote:

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

REBECCA E. KLISCH  
City Clerk

By *Rebecca Klisch*

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
City Attorney

By *[Signature]*  
Shannon L. Chaffin  
Senior Deputy City Attorney

Date: 11/22/11

Plan Amendment Application No. A-11-009  
Filed by Dan Diebert of Mercey Properties LP  
APN: 511-171-24 and 511-171-25

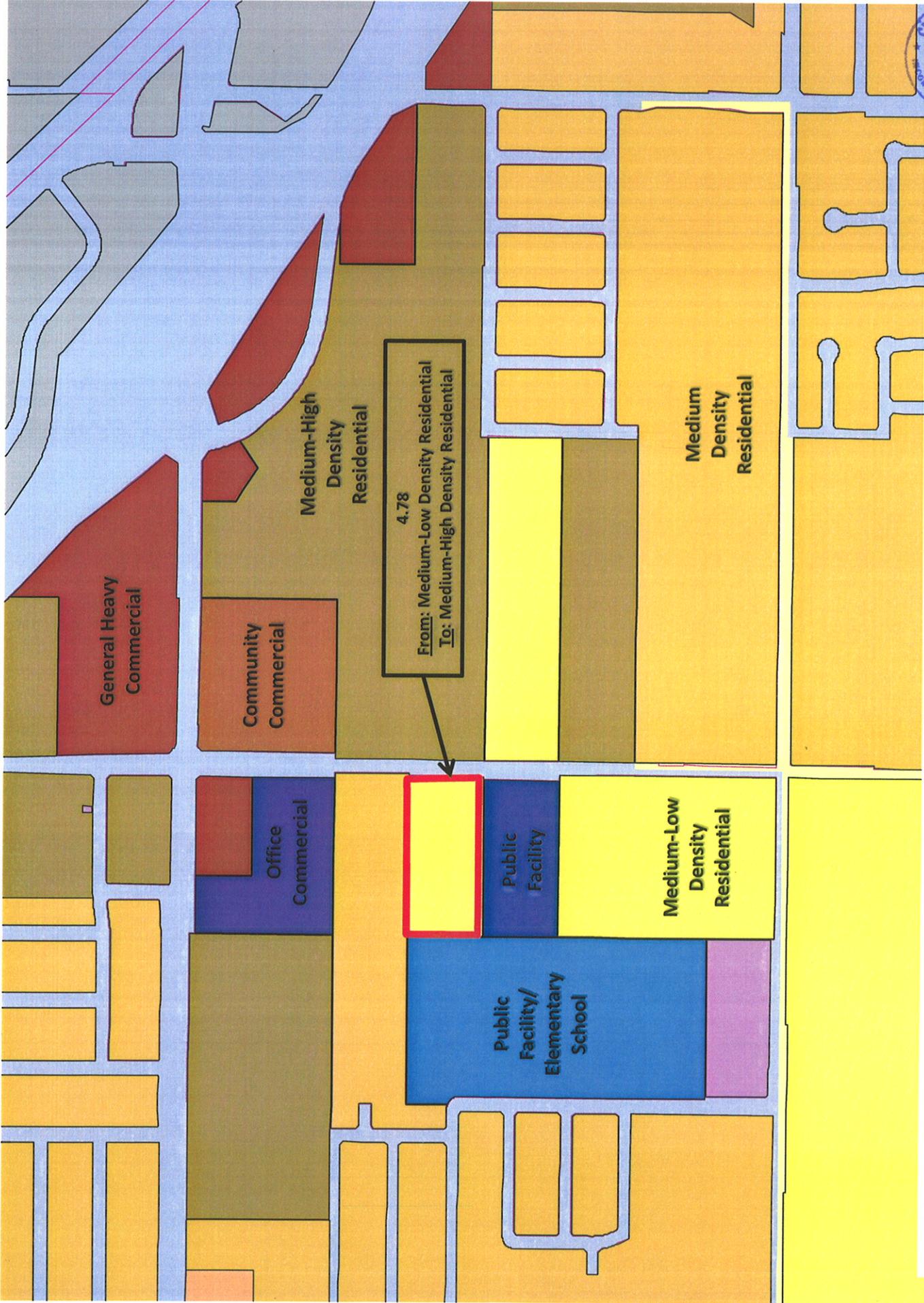
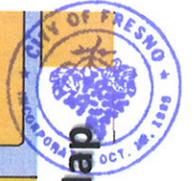


Exhibit "A" - Plan Amendment to the 2025 Fresno General Plan Planned Land Use Map