



RESOLUTION NO. 2010-297

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA,  
AMENDING THE 2025 FRESNO GENERAL PLAN AND THE ROOSEVELT  
COMMUNITY PLAN (PLAN AMENDMENT APPLICATION NO. A-09-003)

WHEREAS, on November 19, 2002, by Resolution No. 2007-379, the City Council adopted the 2025 Fresno General 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, Bill Robinson of Sol Development Associates on behalf of Mercey Properties, LP filed an application to amend the land use designation of the aforementioned plans relating to approximately 3.75 acres of property located on the southwest corner of East Kings Canyon Road and South Temperance Avenue, to redesignate the subject site from the medium-low density residential planned land use designation to the neighborhood commercial 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 15, 2010; and,

WHEREAS, on July 13, 2009, the Council District 5 Plan Implementation Committee reviewed Plan Amendment Application No. A-09-03 and recommended approval of the proposed change in the land use designation; and,

WHEREAS, on November 17, 2010, the Fresno City Planning Commission held a public hearing to consider Plan Amendment Application No. A-09-003 and associated mitigated negative declaration for Environmental Assessment No. A-09-03/R-09-03/C-10-171; and,

WHEREAS, one member of the public spoke in support of the proposed plan amendment; and,

WHEREAS, the Planning Commission took action, as evidenced in Planning Commission Resolution No. 13049, to recommend approval of the mitigated negative declaration for Environmental

Adopted 12.16.10  
Approved 12.16.10  
Effective 12.16.10

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Assessment No. A-09-03/R-09-03/C-10-171 dated October 15, 2010; and,

WHEREAS, the Fresno City Planning Commission took action, as evidenced in Planning Commission Resolution No. 13049 to recommend approval of Plan Amendment Application No. A-09-03, which proposes to amend the planned land use designation of the subject site from the medium-low density residential planned land use designation to the neighborhood commercial planned land use designation; and,

WHEREAS, on December 16, 2010, the Fresno City Council held a public hearing to consider Plan Amendment Application No. A-09-003 and received both oral testimony and written information presented at the hearing regarding Plan Amendment Application No. A-09-003.

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 finds in accordance with its own independent judgment that there is no substantial evidence in the record that, with the project specific mitigation imposed, the plan amendment may have additional significant, direct, indirect or cumulative effects 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 prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND) and that no new or additional mitigation measures or alternatives may be required. 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 the Air Quality MND 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 the Air Quality MND was adopted, has become available.



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Accordingly, the Council approves the mitigated negative declaration for Environmental Assessment No. A-09-03/R-09-03/C-10-171 dated October 15, 2010.

2. 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.
3. The Council of the City of Fresno hereby adopts Plan Amendment Application No. A-09-03 amending the 2025 Fresno General Plan and the Roosevelt Community Plan for approximately 3.75 acres of property planned A-09-03/R-09-03/C-10-171, as depicted by Exhibit A, attached hereto and incorporated herein by reference.

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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 Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 16th day of December, 2010.

AYES: Borgeas, Brand, Dages, Olivier, Sterling, Westerlund  
NOES: None  
ABSENT: Xiong  
ABSTAIN: None

REBECCA E. KLISCH  
City Clerk

By Rebecca Klisch

APPROVED AS TO FORM

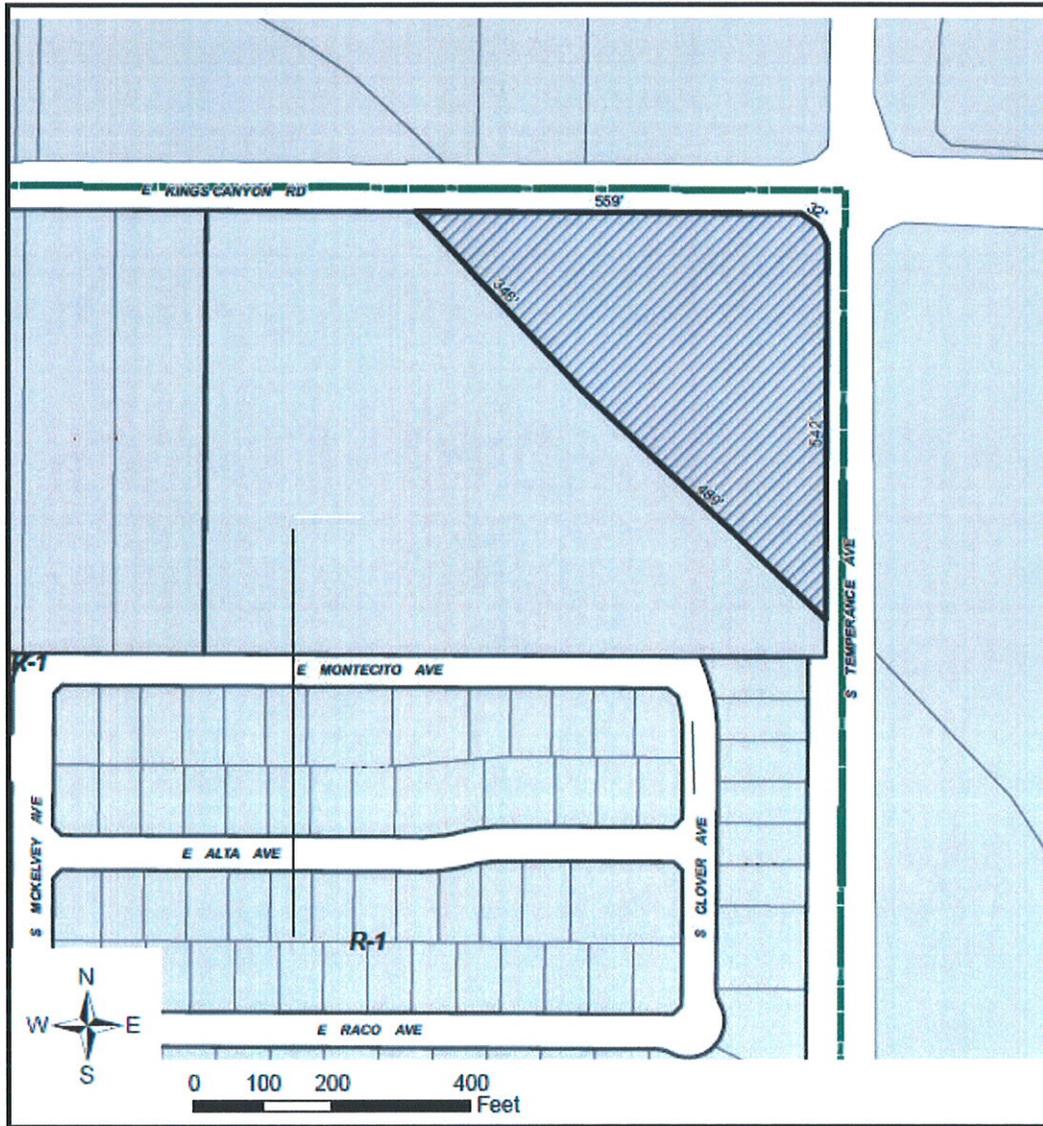
JAMES C. SANCHEZ  
City Attorney

By [Signature]  
Shannon Chaffin, Deputy City Attorney

Date 12/31/10

Plan Amendment Application No. A-09-003  
Filed by Sol Development Associates

# Exhibit A



**Medium-Low Density  
Residential to  
Neighborhood Commercial**

**A-09-03**

APN: 313-040-54

6949 East Kings Canyon Road