Revised Council Resolution

RESOLUTION NO. 2008-118

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-07-08)

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, Dirk Poeschel Land Development Services, Inc., on behalf of the McCaffrey Group, property owner, filed an application to amend the land use designation of the aforementioned plans by: relocating a neighborhood commercial planned portion of the approximately 126.89 gross acres (122.93 net acres) subject property, located between West Ashlan Avenue and the West Gettysburg Avenue Alignment; and, between North Byran and North Hayes Avenues, from the southwest corner of the intersection of the West Gettysburg Avenue Alignment and North Hayes Avenue to the north side of West Ashlan Avenue between North Bryan and North Hayes Avenues; redesignating the respective portions of the subject property from the neighborhood commercial planned land use designation to the medium density residential planned land use designation (approximately 10 acres) and from the medium (4.99-10.37 dwelling units/acre) and medium-high (10.38-18.15 dwelling units/acre) density residential planned land use designations to the neighborhood commercial planned land use designation (approximately 5 acres); and,

WHEREAS, the application also proposes to amend the 2025 Fresno General Plan Multi-Purpose Trail Plan by relocating the bicycle/pedestrian trail alignment from the northwest corner of the subject property to along the West Gettysburg Avenue and North Bryan Avenue alignments; and,

WHEREAS, the environmental assessment conducted for the proposed plan amendment resulted in the filing of a mitigated negative declaration on March 13, 2008; and,

Adopted _____
Approved 5/20/08
Effective _____

2008-118

WHEREAS, on April 30, 2008, the Fresno City Planning Commission held a public hearing to consider Plan Amendment Application No. A-07-08 and associated mitigated negative declaration for Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891; and,

WHEREAS, the Fresno City Planning Commission took action, as evidenced in Planning Commission Resolution No. 12848, to recommend approval of Plan Amendment Application No. A-07-08, which proposes to amend the planned land use designation for the subject site from the neighborhood commercial planned land use designation to the medium density residential planned land use designation (approximately 10 acres) and from the medium and medium-high density residential planned land use designations to the neighborhood commercial planned land use designation (approximately 5 acres) as well as amend the City multi-purpose trail plan by deleting the bike/pedestrian trail alignment through the northwest area of the site and relocating same along the West Gettysburg and North Bryan Avenue alignments; and,

WHEREAS, on May 13, 2008, the Fresno City Council held a public hearing to consider Plan Amendment Application No. A-07-08 and received both oral testimony and written information presented at the hearing regarding Plan Amendment Application No. A-07-08.

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, Plan Amendment Application No. A-07-08 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 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 that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Accordingly, the Council adopts the mitigated negative declaration for Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891 dated March 13, 2008.

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-07-08 amending the 2025 Fresno General Plan and West Area Community Plan from the neighborhood commercial planned land use designation to the medium density residential planned land use designation (approximately 10 acres) and from the medium and medium-high density residential planned land use designations to the neighborhood commercial planned land use designation (approximately 5 acres) as well as amend the City multi-purpose trail plan by deleting the bike/pedestrian trail alignment through the northwest area of the site and relocating same along the West Gettysburg and North Bryan Avenue alignments, as depicted by Exhibits "A" & "B", 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 20th day of May, 2008.

AYES: Calhoun, Caprioglio, Dages, Duncan, Perea, Xiong
NOES: None
ABSENT: Sterling
ABSTAIN: None

REBECCA E. KLISCH
City Clerk

By Rebecca E. Klisch

APPROVED AS TO FORM

JAMES C. SANCHEZ
City Attorney

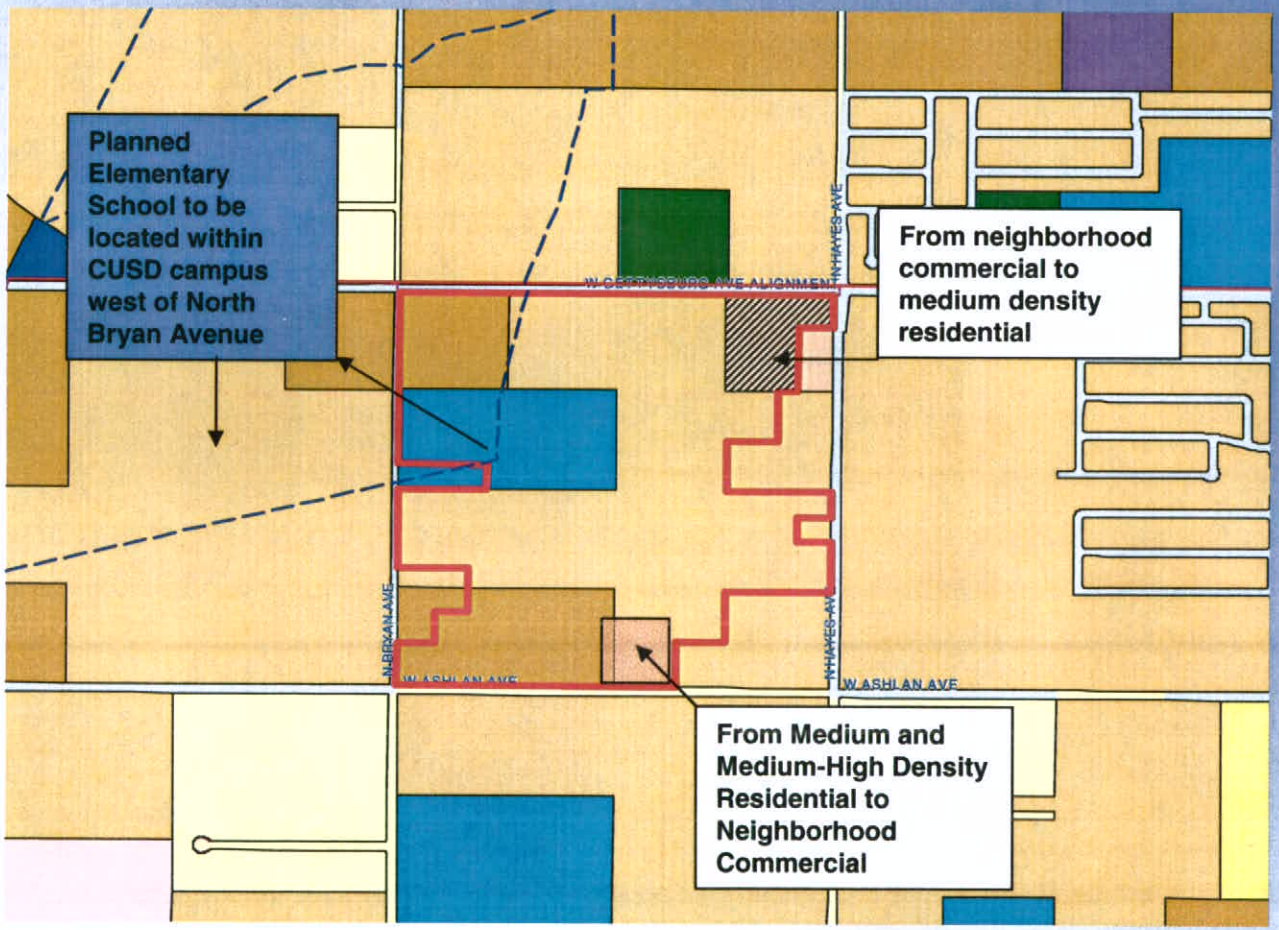
By John W. Fox
John W. Fox,
Deputy City Attorney

Date 5/14/2008

Plan Amendment Application No. A-07-08
Filed by Dirk Poeschel Land Development Services, Inc., on behalf of the McCaffrey Group
APN No(s). 512-070-01, 07, 17, 19, 29, 32, 39, 48, 50 & 54

General Plan Amendment Application No. A-07-08

Proposes to relocate approximately 5 acres, and remove approximately 3 acres, of the Neighborhood Commercial planned portion of the subject property (approximately 10 acres in total area). Approximately five acres will be relocated from the southwest corner of the intersection of the West Gettysburg Avenue Alignment and North Hayes Avenue to the north side of West Ashlan Avenue between North Bryan and North Hayes Avenues (approximately 5 acres in area).



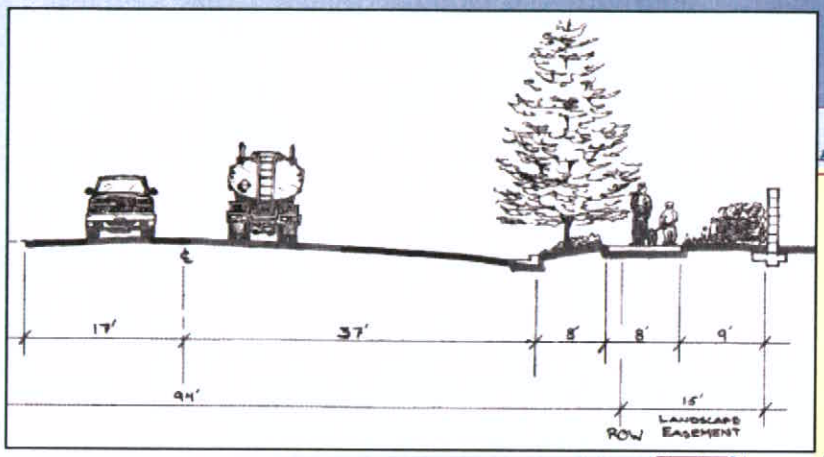
City of FRESNO

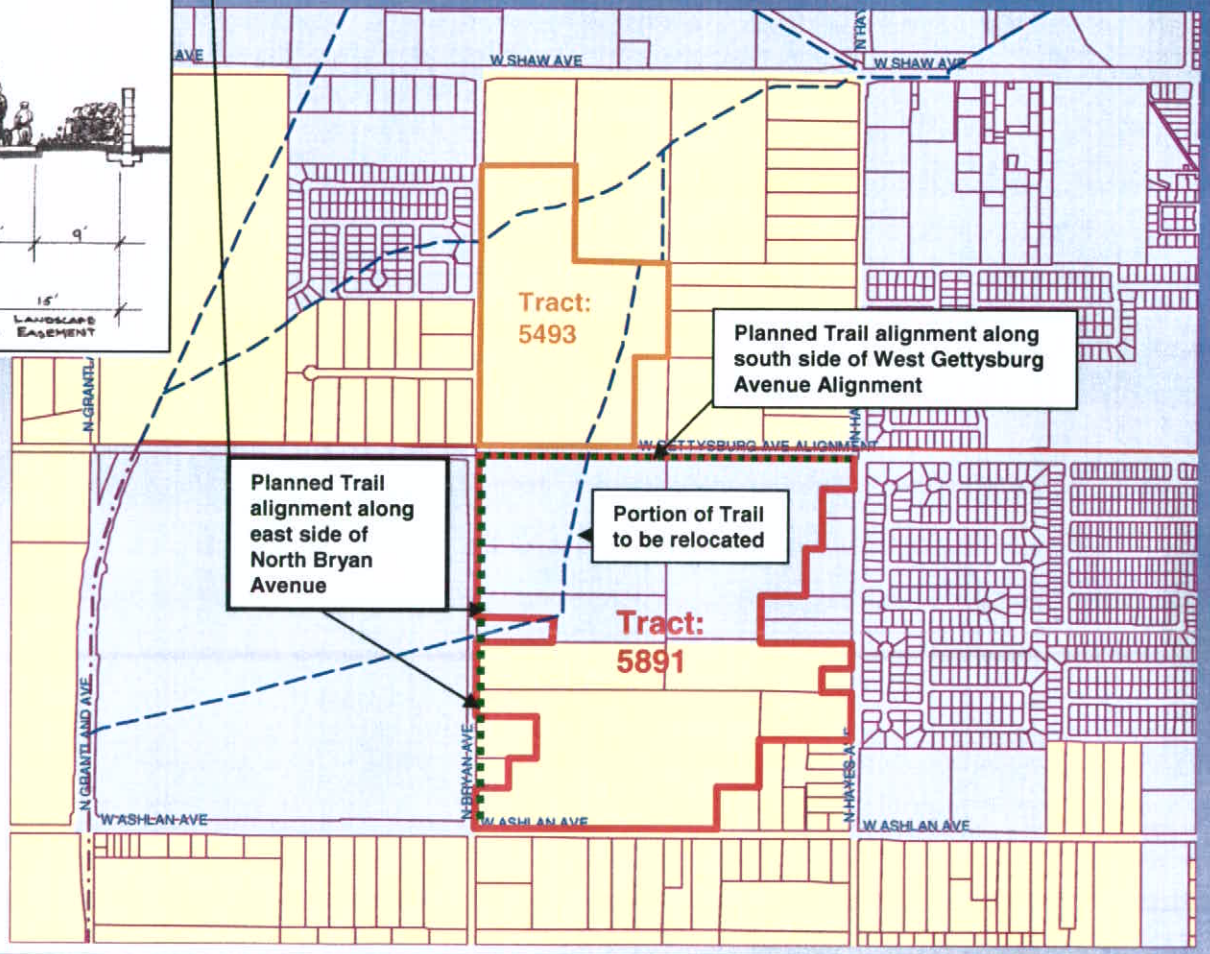
Exhibit "A"

CITY OF FRESNO INCORPORATED OCT. 12, 1885

General Plan Amendment Application No. A-07-08

Proposes to relocate the planned bicycle/pedestrian trail alignment from the northeast corner of the subject property to along the east side of the North Bryan Avenue alignment.





Proposed Trail Alignments

Planned Trail to be Relocated

City of FRESNO

Exhibit "B"