

Recording Requested by:
City Clerk, Fresno, California
No Fee-Govt. Code 6103

Return to City Clerk, Fresno

Space above this line reserved for Fresno County Recorder's Office



ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Dages SECONDED BY Brand

BILL NO. B-36

ORDINANCE NO. 2009-37

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING
THE HOOVER COMMUNITY PLAN AND THE 2025 FRESNO GENERAL
PLAN BY INCORPORATION OF THE EL DORADO PARK
NEIGHBORHOOD PLAN INTO THE HOOVER COMMUNITY PLAN

WHEREAS, the Hoover Community Plan was first adopted in 1976 and amended on November 19, 2002 by the adoption of the 2025 Fresno General Plan, and contains objectives and policies to maintain and enhance facilities and services necessary to support critical community assets including a state university campus and a well-maintained and moderately priced housing supply; and

WHEREAS, the Fresno Housing Element was adopted on January 27, 2009, and includes the following policies:

1. The City Planning and Development Department and the Redevelopment Agency (RDA) shall implement and support the 2025 General Plan affordable housing policies and policies for compact and mixed use development. The Implementation and Regional Cooperation Elements of the 2025 General Plan are supported by the Fresno County Blueprint, which includes the following goals related to housing:

- Adopted 10/22/09
Approved 10/30/09
Effective 11/30/09
- a. Create a range of housing opportunities and choices;
 - b. Create walkable neighborhoods

2009-37



Ordinance Amending the 2025 Fresno General Plan and the Hoover Community Plan
Plan Amendment A-09-001
Page 2

- c. Mix land uses
 - d. Take advantage of compact building design
2. The City of Fresno, The RDA and the City of Fresno Housing Authority, in conjunction with private businesses and developers and community-based non-profit organizations, shall collectively increase neighborhood revitalization activities and pledge to allocate funds to preserve existing neighborhoods;
 3. 20% of all future City-sponsored affordable housing units shall meet the Fresno Green or compatible standard;
 4. The City Housing and Community Development Division and the RDA shall be legally responsible for the relocation of individuals and families displaced due to redevelopment activities. The City shall provide relocation assistance as prescribed by law.

WHEREAS Plan Amendment A-09-01 is an amendment to the Hoover Community Plan to add what is known as the El Dorado Park Neighborhood Plan which was prepared pursuant to the Local Planning and Procedures Ordinance (LPPO) and was prepared under the direction of the El Dorado Park Working Group, Citizens Advisory Committee and staff, with substantial public input, including two design charrettes in 5 languages, a community meeting and over 50 meetings with residents, property owners and concerned stakeholders, and was initiated by the Director of the Planning and Development Department on March 4, 2009, all in conformance with State Planning Law, and LPPO and guidelines promulgated under it; and

WHEREAS, the El Dorado Park Neighborhood Plan designates approximately 2.1 acres of land currently planned for high density residential use to open space use for eventual acquisition and development by the city as a park; and,

WHEREAS, the District 4 Plan Implementation Committee considered this application at its regularly scheduled meeting of April 13, 2009, and recommended approval; and,

WHEREAS, the El Dorado Park Neighborhood Plan Citizens Advisory Committee considered this application at its noticed public meetings held on May 30, June 19, and July 14, 2009, and recommended approval at its June 19, 2009 meeting; and

WHEREAS, pursuant to the provisions of Chapter 12, Article 6 of the Fresno Municipal Code, the Fresno City Planning Commission, at its regular meeting of September 2, adopted Resolution No. 12976



recommending adoption of the El Dorado Park Neighborhood Plan and related Environmental Assessment A-09-001; and

WHEREAS, pursuant to the requirements of Public Utilities Code Section 21676, the Airport Land Use Commission (ALUC) held a public hearing on the 5th day of October, 2009 to consider Plan Amendment Application No. A-09-001 for the proposed El Dorado Park Neighborhood Plan and related Mitigated Negative Declaration for Environmental Assessment A-09-001; and

WHEREAS the Airport Land Use Commission determined Plan Amendment Application No. A-09-001 to be consistent with the ALUC's adopted Fresno Air Terminal Land Use Policy Plan (ALUPP) and adopted a finding of Consistency with the Fresno Air Terminal Land Use Policy Plan for the plan amendment application subject to a condition on new development requiring a general nuisance aviation easement ; and

WHEREAS, the Council of the City of Fresno, on October 15, 2009, held a duly noticed public hearing to consider the El Dorado Park Neighborhood Plan and Environmental Assessment No. A-09-001 and at the public hearing considered all information contained in the El Dorado Park Neighborhood Plan Environmental Assessment No. A-09-001, and all written and oral evidence and testimony related thereto; and

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 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 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 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 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 approves the mitigated negative declaration for Environmental Assessment No. A-09-001.

SECTION 2. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the adoption of the proposed plan amendment is in the best interest of the City of Fresno and adoption of the El Dorado Park Neighborhood Plan and corresponding amendment to the Hoover Community Plan and 2025 Fresno General Plan is necessary to insure full implementation of the city's goals related to housing and neighborhood preservation as noted above.

SECTION 3. The Council of the City of Fresno hereby adopts Plan Amendment Application No. A-09-01 amending the 2025 Fresno General Plan and the Hoover Community Plan, which applies to the area as described hereinbelow, located in the City of Fresno, and adding the Eldorado Park Neighborhood Plan into the Hoover Community Plan under Chapter IV: Summary of Plan Proposals:

The land referred to herein is situated in the State of California, County of Fresno, City of Fresno, and is described as follows:

Approximately 29.4 acres of property located in the Hoover Community Plan Area, bounded on the north by East Barstow Avenue; bounded on the south by the southern property lines of the properties along the south side of East Bulldog Lane between North Fourth and North Sixth Streets; bounded on the east by the eastern property lines of the properties along the east side of North Sixth Street between East Bulldog Lane and East Barstow Avenues; and bounded on the west by North Fourth Avenue.

SECTION 5. Any provision in Chapter 12 of the Fresno Municipal Code, or in the other sections of the Hoover Community Plan, which would render implementation of this ordinance infeasible shall yield to the provisions of this ordinance.

SECTION 6. Pursuant to the action of the Airport Land Use Commission at its regularly scheduled meeting held on the 5th of October, 2009, a general nuisance abatement easement shall be required on all new development projects within the Eldorado Park Neighborhood Plan Area to ensure the following:



1. New construction or development should be undertaken only after a detailed analysis of noise reduction requirements is made and needed noise insulation features included in the design.
2. Airspace above the plan area shall be protected as follows:
 - a. Limit all buildings to the 60-foot maximum height requirement of the proposed Zone District.
 - b. Limit all structures and trees to comply with the FAR Part 77 regulations for any exceptions to the 75-foot height limitation considered by the City Planning Commission.
 - c. Allow ongoing ingress and egress for the purpose of removing, marking or lighting objects, including trees, which may penetrate any surface as described under FAR Part 77.
3. That structures and uses shall not create dust, smoke, steam, distracting sources of light, electrical interference or attract birds.

SECTION 7. Table 4 of the 2025 Fresno General Plan, Underlying / Alternative Land Uses for Designated City Park Sites, is hereby amended to include the proposed 2.1 acre park site as depicted on page 18 of the El Dorado Park Neighborhood Plan (Blocks 4, 8 and 12, comprised of the following parcels: 418-151-32S, 418-161-05S, 418-161-06S, 418-161-21S, 418-161-15S, 418-162-05S, 418-162-23S, 418-162-16S, 418-162-27S).

SECTION 8. Pursuant to 2025 Fresno General Plan Policy F-1-j, for designated park sites not yet acquired by the city, the following underlying land uses shall be shown on Table 4 of the 2025 Fresno General Plan for the 2.1 acre El Dorado Park park site:

1. Proposed 2025 General Plan Alternative Land Use: Open Space
2. Current General Plan ("No Project") Alternative Land Use: High Density Residential

SECTION 9. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

///

///

///



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 22 day of October, 2009, by the following vote:

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

Mayor Approval: October 30, 2009
Mayor Approval/No Return: N/A
Mayor Veto: N/A
Council Override Veto: N/A

REBECCA E. KLISCH
City Clerk

By Rebecca Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

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

Date: 10/16/2009

Plan Amendment Application No. A-09-001
Filed by City of Fresno Planning and Development Department Director



October 23, 2009

Council Adoption: 10/22/09
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ASHLEY SWEARENGIN
FROM: REBECCA E. KLISCH, CMC
City Clerk

REK

RECEIVED
2009 OCT 30 AM 10:50
CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 10/22/09, Council adopted the attached Ordinance No. 2009-37 entitled **Amending Hoover Com. Plan, 2025 Gen. Plan, and table 4 of 2025 General Plan, Item No. 1M**, by the following vote:

Ayes : Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling
Noes : None
Absent : None
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before November 2, 2009. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED:

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Ashley Swearengin
Ashley Swearengin, Mayor

Date: 10.30.09

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes :
Noes :
Absent :
Abstain :