



RESOLUTION NO. 2009-135

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-08-06)

WHEREAS, on November 19, 2002, by Resolution No. 2007-379, the City Council adopted the 2025 Fresno General Plan and the Roosevelt 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, Sol Development, applicant, on behalf of Horizon Enterprises, filed an application to amend the land use designation of the aforementioned plans, relating to approximately 0.77 acres of property located on the northwest corner of East Braly Avenue and South Sarah Street, from the heavy industrial planned land use designation to the light industrial 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 April 17, 2009; and,

WHEREAS, on September 15, 2008, the Council District 3 Plan Implementation Committee reviewed Plan Amendment Application No. A-08-06 and related Environmental Assessment No. A-08-006/R-08-012/S-08-036/C-08-179 and recommended approval of the proposed change in the land use designation; and,

WHEREAS, on May 20, 2009, the Fresno City Planning Commission held a public hearing to consider Plan Amendment Application No. A-08-06 and associated Mitigated Negative Declaration for Environmental Assessment No. A-08-006/R-08-012/S-08-036/C-08-179; and,

WHEREAS, four members of the public provided testimony regarding the proposed plan amendment. Two of these individuals were in strong opposition to the plan amendment request, while two expressed concerns regarding the proposed project.

WHEREAS, the Fresno City Planning Commission took action, as evidenced in Planning

Adopted \_\_\_\_\_  
Approved 6/11/09  
Effective \_\_\_\_\_

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Commission Resolution No. 12954, to recommend approval of Plan Amendment Application No. A-08-06, which proposes to amend the planned land use designation for the subject site from the heavy industrial planned land use designation to the light industrial planned land use designation; and,

WHEREAS, on June 11, 2009, the Fresno City Council held a public hearing to consider Plan Amendment Application No. A-08-06, at which time the City Council reviewed a staff report, environmental documents, and related information, and considered public testimony related to the requested change in land use designation.

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 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 approves the Mitigated Negative Declaration for Environmental Assessment No. A-08-006/R-08-012/S-08-036/C-08-179 dated April 17, 2009.
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-08-06



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amending the 2025 Fresno General Plan and Roosevelt Community Plan from the heavy industrial planned land use designation to the light industrial planned land use designation, 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 11th day of June, 2009, by the following vote:

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

REBECCA E. KLISCH CMC  
City Clerk

By Rebecca E. Klisch

APPROVED AS TO FORM

JAMES C. SANCHEZ  
City Attorney

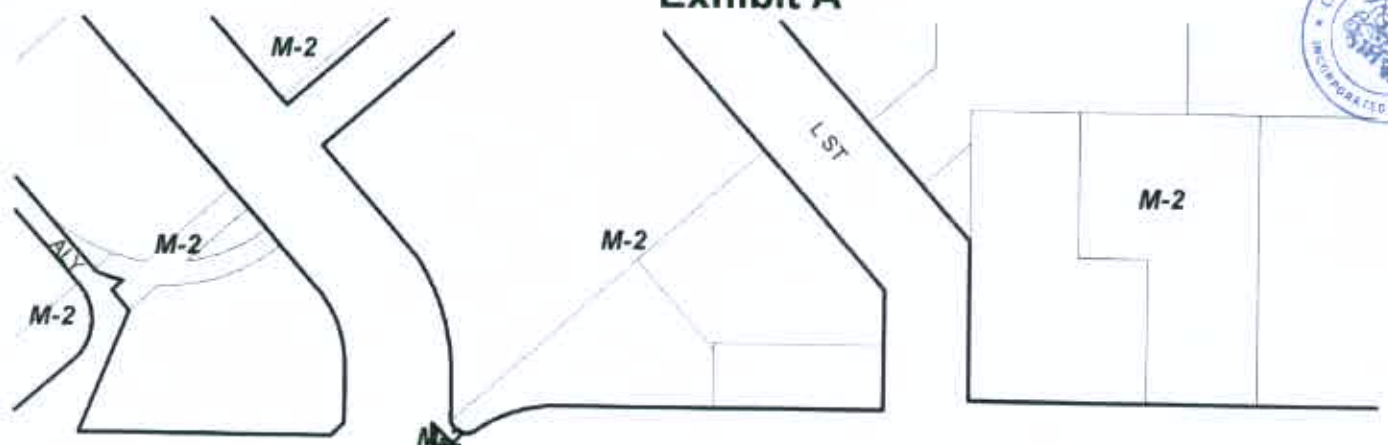
By John W. Fox  
John Fox, Deputy City Attorney

Date 6/1/2009

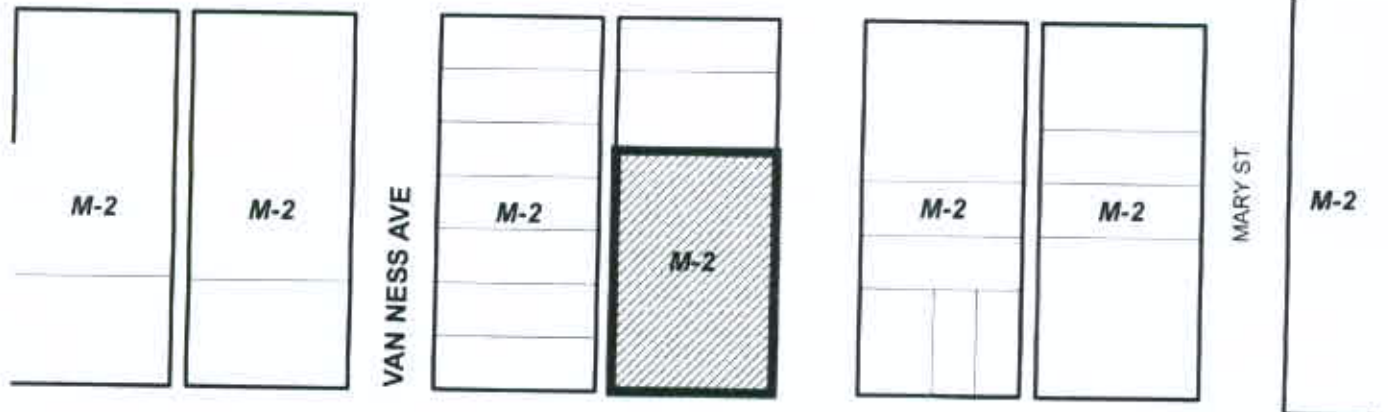
Plan Amendment Application No. A-08-06  
Filed by Sol Development Associates on behalf of Horizon Enterprises  
Assessor's Parcel No. 468-313-15



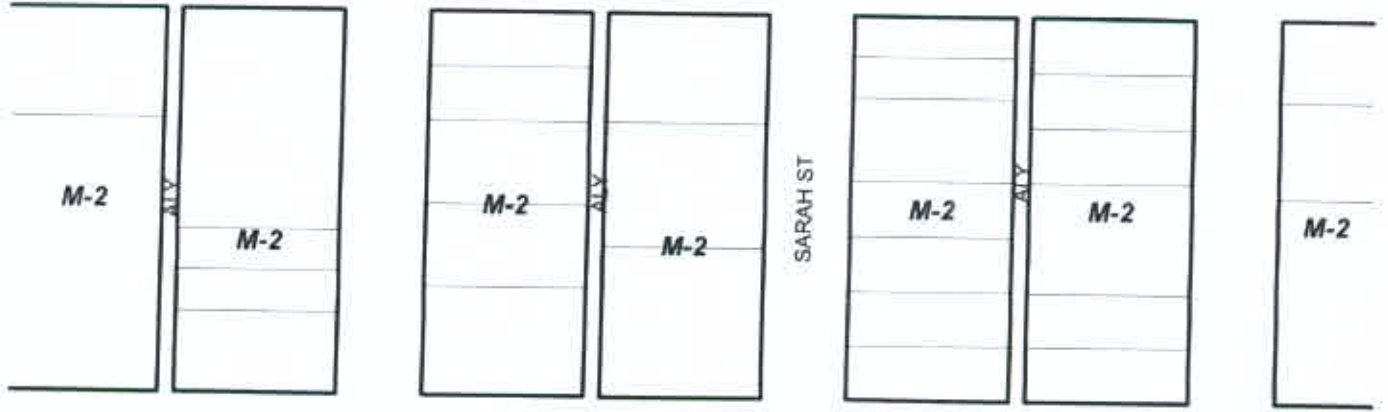
# Exhibit A



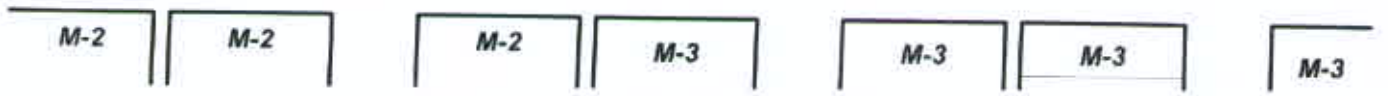
HAMILTON AVE




BRALY AVE



WOODWARD AVE



## LEGEND

 Subject Property

### VICINITY MAP

PLAN AMENDMENT NO. A-08-006  
From Heavy Industrial to Light Industrial  
REZONE APPLICATION NO. R-08-012  
From M-2 to C-M  
SITE PLAN REVIEW NO. S-08-039

Northwest corner, E. Braly Ave. and S. Sarah Street

### PLANNING & DEVELOPMENT DEPARTMENT



NOT TO SCALE

A.P.N.: 468-313-15  
ZONE MAP: 2551  
BY/DATE: D.N. / 9-17-08