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City Clerk, Fresno, California  
No Fee-Govt. Code 6103

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

BILL NO. B-2

ORDINANCE NO. 2009-2

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING THE FRESNO YOSEMITE INTERNATIONAL AIRPORT AND ENVIRONS SPECIFIC PLAN TO CHANGE THE PLANNED LAND USE DESIGNATION OF PROPERTY LOCATED THEREIN FROM THE MEDIUM-LOW DENSITY RESIDENTIAL PLANNED LAND USE DESIGNATION TO THE LIGHT INDUSTRIAL LAND USE DESIGNATION (PLAN AMENDMENT APPLICATION NO. A-08-17)

WHEREAS, on June 24, 1997, by Ordinance No. 97-30, the Council of the City of Fresno adopted the Fresno Yosemite International Airport and Environs Specific Plan; and,

WHEREAS, Dan Jelladian, on behalf of Sunara Corporation, has filed an application to amend the land use designation of the Fresno Yosemite International Airport and Environs Specific Plan from the medium-low density residential planned land use designation to the light industrial land use designation for approximately 1.18 acres of property located on the southwest corner of East Shields and North Winery Avenues (4898 East Shields Avenue) approximately 980 feet west of runway 11R-29L of the Fresno Yosemite International Airport; and,

WHEREAS, pursuant to the requirements of the Public Utilities Code, Section 21676, the Airport Land Use Commission (ALUC) of the County of Fresno held a public hearing on the 1st day of December 2008 to consider Plan Amendment Application No. A-08-17 and the related Mitigated Negative Declaration for Environmental Assessment No. A-08-17/R-08-27; and,

Adopted 1/13/09  
Approved 1/13/09  
Effective 2/13/09

2009-2



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WHEREAS, the Airport Land Use Commission (ALUC) determined that Plan Amendment Application No. A-08-17 to be consistent with the adopted Fresno Air Terminal Land Use Policy Plan and recommended approval of the environmental assessment and plan amendment subject to conditions to ensure compliance with the plan standards; and,

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public hearing on the 17th day of December 2008 to consider Plan Amendment Application No. A-08-17 and related Environmental Assessment No. A-08-17/R-08-27; and,

WHEREAS, during the Planning Commission hearing, the Commission took action through Planning Commission Resolution No. 12917 to recommend approval to the City Council of the Mitigated Negative Declaration for Environmental Assessment No. A-08-17/R-08-27 and Plan Amendment Application No. A-08-17, which would amend the plan designation for the subject site from the medium-low density residential planned land use designation to the light industrial land use designation; and,

WHEREAS, the Council of the City of Fresno, on the 13th day of January 2009 held a public hearing to consider Plan Amendment Application No. A-08-17 and related environmental assessment and received both oral and written information presented at the hearing and received the recommendation of the Fresno City Planning Commission and the Airport Land Use Commission of the County of Fresno.

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

SECTION 1. 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. The Council finds in accordance with its own



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independent judgment that, with the project specific mitigation measures imposed, there is no substantial evidence in the record that Plan Amendment Application No. A-08-17 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-08-17/R-08-27 dated November 25, 2008.

SECTION 2. The Council of the City of Fresno hereby adopts Plan Amendment Application No. A-08-17 amending the Fresno Yosemite International Airport and Environs Specific Plan as shown on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 3. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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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 ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 13th day of January, 2009, by the following vote:

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

REBECCA E. KLISCH CMC  
City Clerk

By Rebecca Klisch

APPROVED AS TO FORM

JAMES C. SANCHEZ  
City Attorney

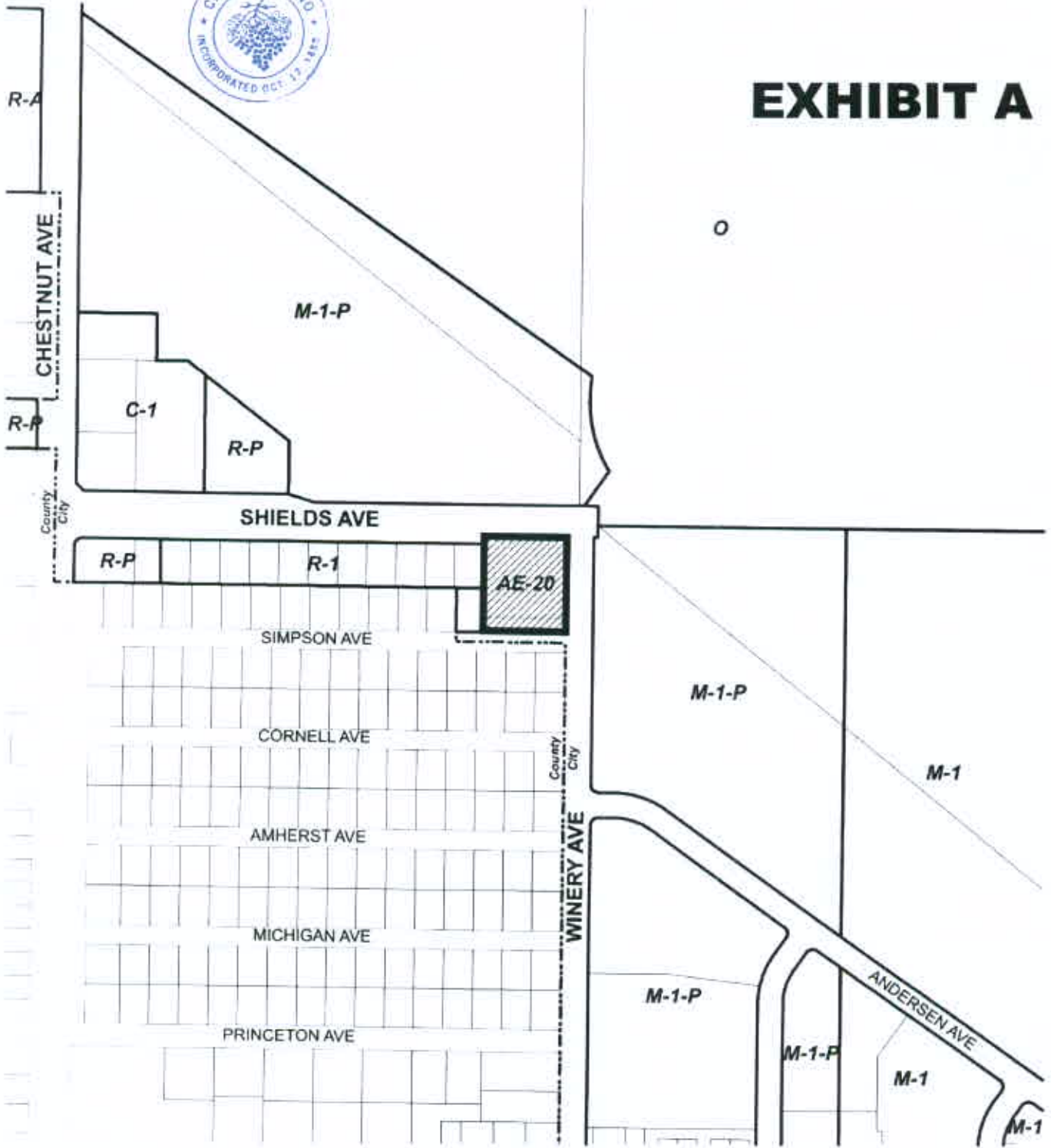
By John W. Fox  
John W. Fox, Deputy City Attorney

Date 1/7/2009

Plan Amendment Application No. A-08-17  
Filed by Dan Jelladian on behalf of the Sunara Corporation  
Assessor's Parcel Nos. 494-081-13 and 14



# EXHIBIT A



## LEGEND



Subject Property

## VICINITY MAP

PLAN AMENDMENT NO. A-08-017  
 From Med. Low Density Res. to Light Industrial  
 REZONE APPLICATION NO. R-08-027  
 From AE-20 to M-1-P/CZ

4898 E. SHIELDS AVE.

## PLANNING & DEVELOPMENT DEPARTMENT



NOT TO SCALE

A.P.N.: 494-081-13,14

ZONE MAP: 2153

BY/DATE: D.N. / 11-7-08