



RESOLUTION NO. 2009-15

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING THE 2025 FRESNO GENERAL PLAN AND THE MCLANE
COMMUNITY PLAN (PLAN AMENDMENT APPLICATION NO. A-08-17)

WHEREAS, on November 19, 2002, by Resolution No. 2007-379, the City Council adopted the 2025 Fresno General Plan and the McLane 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, Dan Jelladian, applicant, on behalf of the Sunara Corporation, filed an application to amend the land use designation of the aforementioned plans, relating to approximately 1.18 acres of property located on the southwest corner of East Shields and North Winery Avenues, from the medium-low density residential planned land use designation to the light industrial land use designation; and,

WHEREAS, the environmental assessment conducted for the proposed plan amendment resulted in the filing of a mitigated negative declaration on November 25, 2008; and,

WHEREAS, on December 1, 2008, the Fresno County Airport Land Use Commission held a public hearing to consider Plan Amendment Application No. A-08-17 and associated Mitigated Negative Declaration for Environmental Assessment No. A-08-17/R-08-27; and,

WHEREAS, the Airport Land Use Commission of the County of Fresno determined Plan Amendment Application No. A-08-17 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 conditions of zoning to ensure compliance with the plan standards; and,

Adopted _____
Approved 1/13/09
Effective _____

2009-15



WHEREAS, on December 9, 2008, the Council District 4 Plan Implementation Committee reviewed Plan Amendment Application No. A-08-17 and related Environmental Assessment No. A-08-17/ R-08-27 and recommended approval of the proposed change in the land use designation; and,

WHEREAS, on December 17, 2008, the Fresno City Planning Commission held a public hearing to consider Plan Amendment Application No. A-08-17 and associated Mitigated Negative Declaration for Environmental Assessment No. A-08-17/R-08-27; and,

WHEREAS, the Fresno City Planning Commission took action, as evidenced in Planning Commission Resolution No. 12917, to recommend approval of Plan Amendment Application No. A-08-17, which proposes to amend the planned land use designation for the subject site from the medium-low density residential planned land use designation to the light industrial land use designation; and,

WHEREAS, on January 13, 2009, the Fresno City Council held a public hearing to consider Plan Amendment Application No. A-08-17, 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-08-17/R-08-27 dated November 25, 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-08-17 amending the 2025 Fresno General Plan and McLane Community Plan from the medium-low density residential planned land use designation to the light industrial land use designation, as depicted by Exhibit A, attached hereto and incorporated herein by reference.

///

///

///



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 _____ 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 E. Klisch

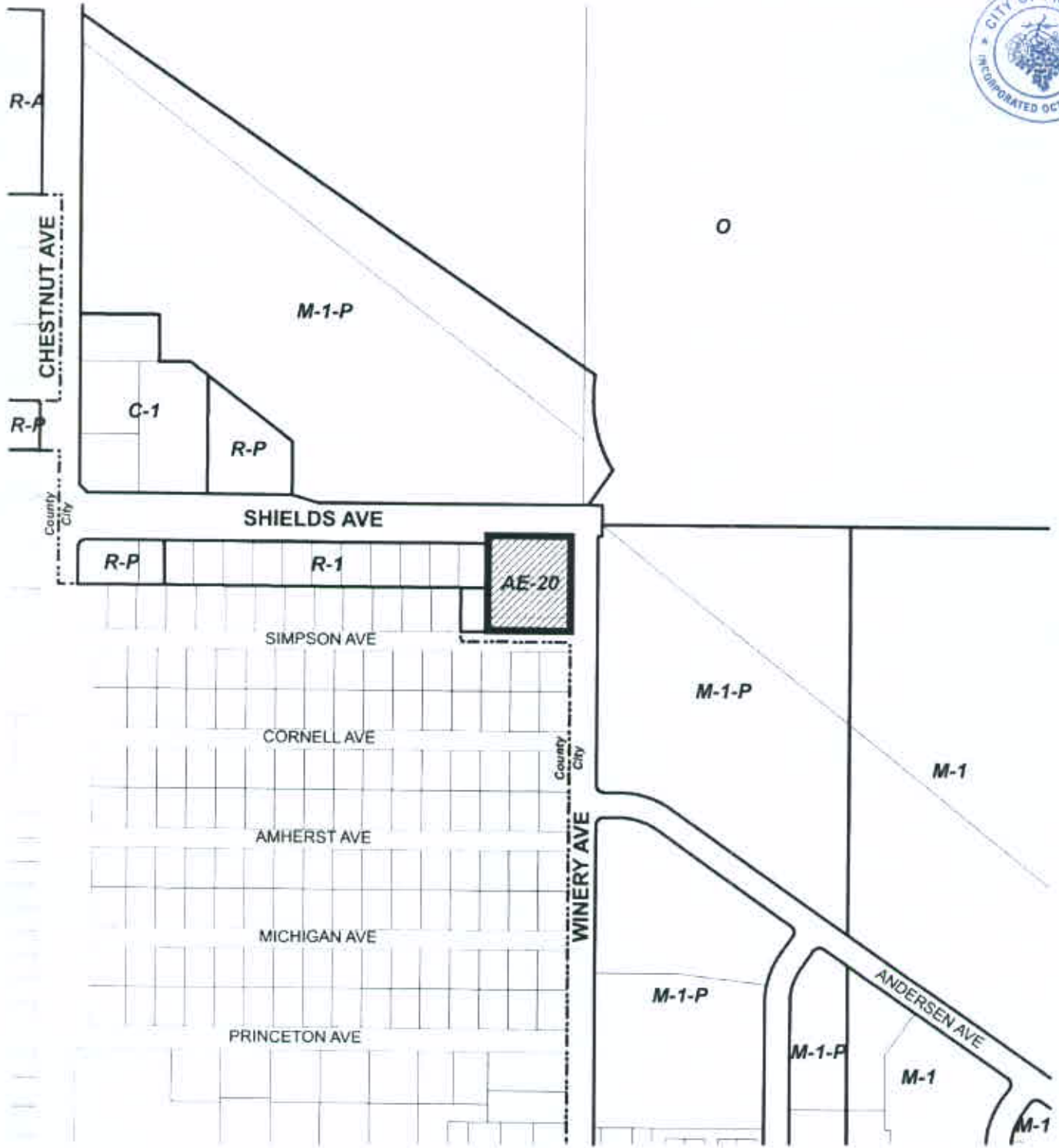
APPROVED AS TO FORM

JAMES C. SANCHEZ
City Attorney

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

Date 1/7/2009

Rezoning Application No. R-08-27
Filed by Dan Jelladian on behalf of Sunara Corporation
Assessor's Parcel Nos. 494-081-13 and 14



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