

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13385**

The Fresno City Planning Commission, at its regular meeting on July 20, 2016, adopted the following resolution relating to Plan Amendment Application No. A-16-005.

WHEREAS, Plan Amendment Application No. A-16-005 has been filed by Nick Yovino Jr., on behalf of Marcil Awad of Drew Court LLC, with the City of Fresno to pertaining to ±2.27 acres of property located on the south side of East Shepherd Avenue between North Millbrook and North Cedar Avenues; and

WHEREAS, Plan Amendment Application No. A-16-005 proposed to amend the Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject property from Medium Low Density Residential planned land use to the Medium High Density Residential planned land use designation; and

WHEREAS, the District 6 Plan Implementation Committee recommended approval of the plan amendment application at their meeting on April 18, 2016; and,

WHEREAS, the Fresno City Planning Commission on July 20, 2016, reviewed the subject plan amendment application and related environmental assessment in accordance with the policies of the Fresno General Plan and the Woodward Park Community Plan; and,

WHEREAS, during the July 20, 2016, hearing, the Commission received a staff report and related information, environmental documents and considered testimony from the applicant and the public, with four opposing statements presented, and considered the Development and Resource Management Department's report recommending approval of the requested plan amendment and environmental assessment; and,

WHEREAS, the Fresno City Planning Commission has reviewed the environmental assessment prepared for the proposed project, Environmental Assessment No. A-16-005/R-16-006/D-16-031 dated June 3, 2016, and is satisfied that the appropriate measures of development will adequately reduce or alleviate any potential adverse impacts either generated from the proposal, or impacting the proposal from an off-site source, and hereby concurs with the issuance of a Mitigated Negative Declaration; and,

WHEREAS, the Planning Commission reviewed the subject plan amendment application in accordance with the land use policies of the Fresno General Plan and Woodward Park Community Plan.

NOW, THEREFORE, BE IT RESOLVED that the Fresno City Planning Commission, upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, as follows:

1. The Commission finds in accordance with its own independent judgment that although Plan Amendment Application No. A-16-005 could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. It has been further determined that all applicable project specific mitigation measures have been

incorporated to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects. Therefore, it has been determined based upon the evidence in the record that the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2). Accordingly, the Commission recommends the Council adopt the Mitigated Negative Declaration for Environmental Assessment No. A-16-005/R-16-006/D-16-031 dated June 3, 2016.

2. BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby recommends to the City Council that Plan Amendment Application No. A-16-005, which proposes to amend the Fresno General Plan and Woodward Park Community Plan as depicted by the attached Exhibit "A" and described within staff report to the Planning Commission dated July 20, 2016, be approved.

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The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Holt, seconded by Commissioner Catalano.

VOTING: Ayes - Holt, Catalano, Garcia, Medina, Reed, Vasquez
 Noes - None
 Not Voting - None
 Absent - Torossian

DATED: July 20, 2016

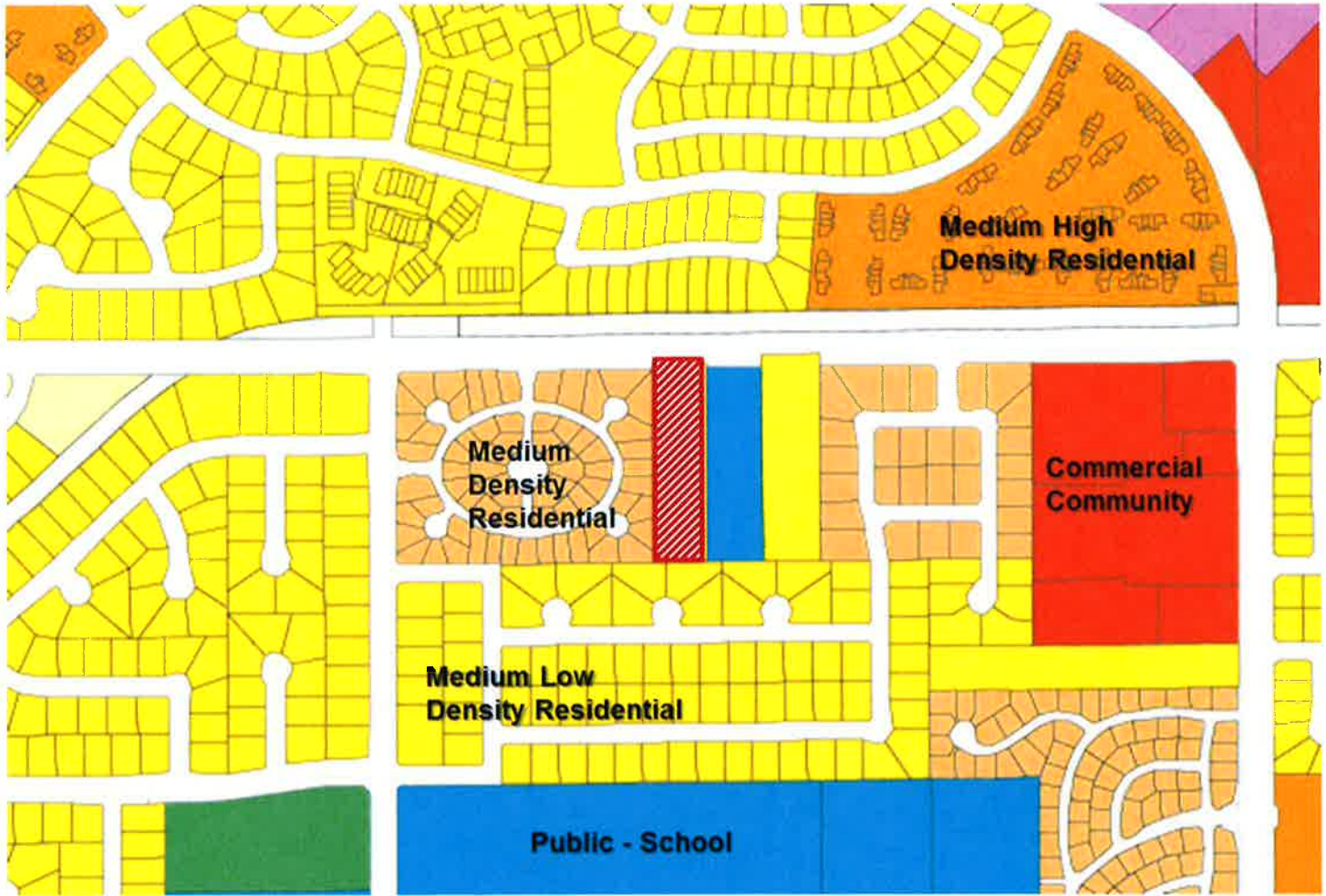


Jennifer K. Clark, Secretary
Fresno City Planning Commission

Resolution No. 13385
Plan Amendment Application No. A-16-005
Filed by Nick Yovino Jr.
Action: Approve

Attachment: Exhibit A

Exhibit A



Plan Amendment Application No. A-16-005

APN: 403-021-03



Project Site  **+2.27 ac.**

From: Medium Low Density Residential

To: Medium High Density Residential

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13386**

The Fresno City Planning Commission, at its regular meeting on July 20, 2016, adopted the following resolution relating to Rezone Application No. R-16-006.

WHEREAS, Rezone Application No. R-16-006 has been filed with the City of Fresno to rezone the subject property as described below:

REQUESTED ZONING: RM-1/UGM (*Residential Multiple-Family, Medium High Density/Urban Growth Management*)

EXISTING ZONING: RS-4/UGM (*Residential Single Family, Medium Low Density/Urban Growth Management*)

APPLICANT: Nick Yovino jr., of California Land Consulting

LOCATION: South side of East Shepherd Avenue between North Millbrook and North Cedar Avenues

APN: 403-021-03

DESCRIPTION
OF PROPERTY
TO BE REZONED: As described and depicted on the attached Exhibit "A".

WHEREAS, Rezone Application No. R-16-006 has been filed by Nick Yovino Jr., on behalf of Marcil Awad of Drew Court LLC, with the City of Fresno to rezone property as depicted in the attached Exhibit "A"; and,

WHEREAS, the proposed Rezone Application No. R-16-006 requests to amend the Official Zone Map to reclassify the subject property from the RS-4/UGM (*Residential Single Family, Medium Low Density/Urban Growth Management*) zone district to the RM-1/UGM (*Residential Multiple-Family, Medium High Density/Urban Growth Management*) zone district; and

WHEREAS, the proposed rezone will maintain consistency with the Fresno General Plan and the Woodward Park Community Plan (subject to council approval of the related plan amendment request); and,

WHEREAS, the District 6 Plan Implementation Committee recommended approval of the rezone application at their meeting on April 18, 2016; and,

WHEREAS, the Fresno City Planning Commission on July 20, 2016, reviewed the subject rezone application in accordance with the policies of the Fresno General Plan and the Woodward Park Community Plan; and,

WHEREAS, during the July 20, 2016, hearing, the Commission received a staff report and related information, environmental documents and considered testimony from the applicant and the public, with four opposing statements presented, and considered the Development and Resource Management Department's report recommending approval of the requested zoning change.

NOW, THEREFORE, BE IT RESOLVED that the Fresno City Planning Commission hereby finds and determines that there is no substantial evidence in the record to indicate that the rezone application may have a significant effect on the environment as identified by, and evaluated within, the Mitigated Negative Declaration prepared for Environmental Assessment No. A-16-005/R-16-006/D-16-031 dated June 3, 2016.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby recommends to the City Council that the zone district of the real property described in Exhibit "A", located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, is modified from the RS-4/UGM (*Residential Single Family, Medium Low Density/Urban Growth Management*) zone district to the RM-1/UGM (*Residential Multiple-Family, Medium High Density/Urban Growth Management*) zone district for the subject property be approved.

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The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Holt, seconded by Commissioner Catalano.

VOTING: Ayes - Holt, Catalano, Garcia, Medina, Reed, Vasquez
 Noes - None
 Not Voting - None
 Absent - Torossian

DATED: July 20, 2016

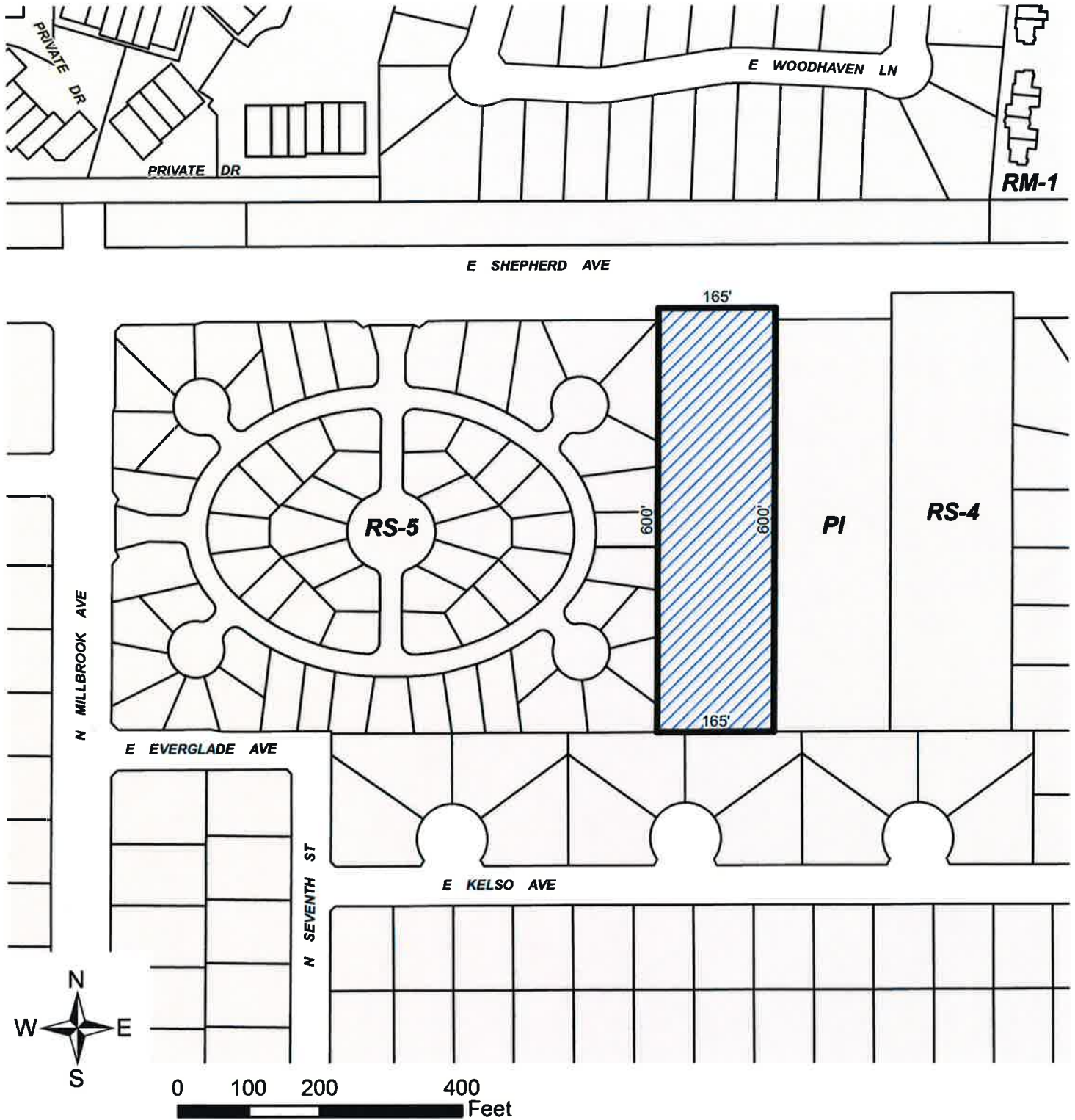


Jennifer K. Clark, Secretary
Fresno City Planning Commission

Resolution No. 13386
Rezone Application No. R-16-006
Filed by Nick Yovino Jr.
Action: Approve

Attachment: Exhibit A

EXHIBIT A



R-16-006
APN: 403-021-03
1161 East Shepherd Avenue



RS-4/UGM to RM-1/UGM, 2.27 Acres

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13387**

The Fresno City Planning Commission, at its regular meeting on July 20, 2016, adopted the following resolution relating to Development Permit Application No. D-16-031.

CONDITIONAL USE REQUESTED: Allow for the construction of gated, 34-unit multiple family residential development in three buildings with enhanced architectural features, including concrete roof tiles, stucco and stone veneers, decorative railings and window treatments, and courtyards central to each building.

PROPERTY LOCATION: 1161 East Shepherd Avenue, approximately 2.27 acres of property located on the south side of East Shepherd Avenue between North Millbrook and North Cedar Avenues

ASSESSORS PARCEL NUMBER: 403-021-03

EXISTING ZONING: RS-4, Residential Single-family, Medium-Low Density

PROPOSED ZONING: RM-1, Residential Multi-Family, Medium Density

WHEREAS, Development Permit Application No. D-16-031 has been filed with the City of Fresno by Nick Yovino Jr. of California Land Consulting for approximately 2.27 acres of property located on the south side of East Shepherd Avenue between North Millbrook and North Cedar Avenues; and,

WHEREAS, Development Permit Application No. DP-16-031 seeks authorization construct a gated, 34-unit multiple family residential development in three buildings with enhanced architectural features, including concrete roof tiles, stucco and stone veneers, decorative railings and window treatments, and courtyards central to each building; and,

WHEREAS, on April 18, 2016 the District 6 Plan Implementation Committee unanimously (3 absent) recommended approval of the proposed application at its regularly scheduled meeting. There were no comments from the committee and the project was approved as proposed; and,

WHEREAS, on July 20, 2016, the Fresno City Planning Commission held a public hearing to consider Development Permit Application No. D-16-031 and the associated plan amendment, rezone, and Mitigated Negative Declaration prepared for Environmental Assessment No. No. A-16-005/R-16-006/D-16-031; and,

WHEREAS, the Commission conducted a public hearing to review the proposed development permit application and considered the Development and Resource Management Department's report recommending approval of the proposed development permit application subject to conditions; and,

WHEREAS, the staff from the Development and Resource Management Department recommended the modification of one condition of approval contained in the staff report; and,

WHEREAS, the Fresno City Planning Commission considered the proposed development permit application relative to the staff report and environmental assessment issued for the project; and,

WHEREAS, the Fresno City Planning Commission invited testimony with respect to the proposed development permit application and four members of the public spoke in opposition to the proposed project; and,

WHEREAS, the Fresno City Planning Commission recommended that an additional condition be added to the project conditions of approval (#b-4 below).

NOW, THEREFORE, BE IT RESOLVED, the Fresno City Planning Commission finds in accordance with its own independent judgment that with all applicable project specific mitigation measures imposed, there is no substantial evidence in the record that Development Permit Application D-16-031 may have additional significant effects on the environment that were not identified in the Fresno General Plan Master Environmental Impact Report SCH No. 2012111015 ("MEIR"); and, that all applicable mitigation measures of the MEIR have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by the MEIR as provided by CEQA Section 15178(a). Therefore, it has been determined based upon the evidence in the record that the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

BE IT FURTHER RESOLVED, that the Fresno City Planning Commission, as a result of its inspections, investigations and studies made by itself and in its behalf, and of testimonies offered at said hearing, has established that approval of the special permit would be in accordance with applicable provisions of the Fresno Municipal Code, including the determination that all findings have been made relative to the issuance of a development permit for the proposed project.

BE IT FURTHER RESOLVED that Development Permit Application No. D-16-031 is approved, subject to the following conditions, incorporated in said development permit file:

- a. Development shall comply with the conditions of approval for the project dated July 6, 2016 with the following additions:
 1. Install a 6-foot, 7 inch wall as allowed through the minor deviation process (10% increase allowed).
 2. Comply with Section 15-1001-A-4 of the Development Code which requires special screening measures when a multi-story building is proposed and is located within 50-feet of the side or rear property lines of a single family lot. One way to meet this requirement is by installing 48-inch box oak trees, planted as a staggered double row.

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Holt, seconded by Commissioner Catalano.

VOTING: Ayes - Holt, Catalano, Garcia, Medina, Reed, Vasquez
 Noes - None
 Not Voting - None
 Absent - Torossian

DATED: July 20, 2016


JENNIFER CLARK, AICP, Secretary
Fresno City Planning Commission

Resolution No. 13387
Development Permit No. DP-16-031
Filed by Nick Yovino Jr.
Action: Approve