

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, DENYING APPEAL AND
APPROVING CONDITIONAL USE PERMIT NO. C-13-092

WHEREAS, Jeffrey T. Roberts, on behalf of Granville Homes, Inc. filed Conditional Use Permit Application No. C-13-092, relating to approximately 31.87 acres on the northeast corner of North Fowler and East Clinton Avenues;

WHEREAS, the conditional use permit proposes modified property development standards on all lots and public streets within a 169-lot single family residential subdivision;

WHEREAS, the above-named party concurrently applied for Vesting Tentative Tract Map No. 6033/UGM to subdivide the subject property for the purpose noted above;

WHEREAS, the Council District 4 Plan Implementation Committee held a meeting on April 14, 2014 to consider this conditional use permit application and its related vesting tentative tract map, and recommended approval of these applications;

WHEREAS, the environmental assessment prepared for the project resulted in the issuance of a Mitigated Negative Declaration dated March 21, 2014;

WHEREAS, on April 16, 2014, the Fresno City Planning Commission held a noticed public hearing to consider Conditional Use Permit No. C-13-092, its related vesting tentative tract map application, and the proposed environmental assessment prepared for these applications; and during said hearing, took action to approve the

requested conditional use permit and vesting tentative tract map as evidenced in Planning Commission Resolution Nos. 13280 and 13281 respectively;

WHEREAS, on June 20, 2014, Councilmember Paul Caprioglio filed an appeal of the Planning Commission's decision regarding Conditional Use Permit No. C-13-092 to the City Council, pursuant to Sections 12-1019 and 12-406.J of Fresno Municipal Code; and,

WHEREAS, on September 25, 2014, the Fresno City Council held a public hearing to consider the appeal of Conditional Use Permit No. C-13-092 and related Vesting Tentative Tract Map No. T-6033 and received both oral testimony and written information presented at the hearing.

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 the vesting tentative tract map and conditional use permit 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"), Mitigated Negative Declaration No. A-09-02 prepared for the Air Quality Update to the 2025 Fresno General Plan, and that no new or additional mitigation measure 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, Environmental Assessment No. A-11-003/R-11-003/C-13-092/T-6033 dated March 21, 2014, is hereby approved.

2. The Council finds that, with the conditions imposed as set forth in the Conditions of Approval dated April 16, 2014, approval of the conditional use permit is consistent with the adopted 2025 Fresno General Plan and the McLane Community Plan and with the findings set forth in Fresno Municipal Code 12-405-A-2 for approval of Conditional Use Permits.

3. The Council of the City of Fresno hereby denies the appeal and approves Conditional Use Permit No. C-13-092 subject to the Conditions of Approval contained in the report to the Planning Commission dated April 16, 2014.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2014.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2014
Mayor Approval/No Return: _____, 2014
Mayor Veto: _____, 2014
Council Override Vote: _____, 2014

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Mary Raterman-Doidge Date
Deputy City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, DENYING APPEAL AND
APPROVING VESTING TENTATIVE TRACT MAP NO.
6033/UGM

WHEREAS, Jeffrey T. Roberts, on behalf of Granville Homes, Inc. filed Vesting Tentative Tract Map No. 6033/UGM, relating to approximately 31.87 acres on the northeast corner of North Fowler and East Clinton Avenues;

WHEREAS, the tract map proposes a 169-lot, single family residential subdivision at a density of 5.3 dwelling units per acre;

WHEREAS, the above-named party concurrently applied for Conditional Use Permit No. C-13-092 which proposes modified property development standards on all lots and public streets within the 169-lot single family residential subdivision noted above;

WHEREAS, the Council District 4 Plan Implementation Committee held a meeting on April 14, 2014 to consider this vesting tentative tract map application and its related conditional use permit, and recommended approval of these applications;

WHEREAS, the environmental assessment prepared for the project resulted in the issuance of a Mitigated Negative Declaration dated March 21, 2014;

WHEREAS, on April 16, 2014, the Fresno City Planning Commission held a noticed public hearing to consider Vesting Tentative Tract Map No. 6033/UGM and its related conditional use permit application, and the proposed environmental assessment prepared for these applications; and during said hearing, took action to approve the

Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval: MED

requested vesting tentative tract map and conditional use permit as evidenced in Planning Commission Resolution Nos. 13280 and 13281 respectively;

WHEREAS, on June 20, 2014, Councilmember Paul Caprioglio filed an appeal of the Planning Commission's decision regarding Vesting Tentative Tract Map No. 6033/UGM to the City Council, pursuant to Section 12-1019 of Fresno Municipal Code; and,

WHEREAS, on September 25, 2014, the Fresno City Council held a public hearing to consider Vesting Tentative Tract Map No. T-6033 and related Conditional Use Permit No. C-13-092 and received both oral testimony and written information presented at the hearing.

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 the vesting tentative tract map and conditional use permit 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"), Mitigated Negative Declaration No. A-09-02 prepared for the Air Quality Update to the 2025 Fresno General Plan, and that no new or additional mitigation measure 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, Environmental Assessment No. A-11-003/R-11-003/C-13-092/T-6033 dated March 21, 2014, is hereby approved.

2. The Council finds that, with the conditions imposed as set forth in the Conditions of Approval dated April 16, 2014, approval of the Vesting Tentative Tract Map is consistent with the adopted 2025 Fresno General Plan and the McLane Community Plan and with the findings set forth in Section 66410 et. seq. of the Government Code.

3. The Council of the City of Fresno hereby denies the appeal and approves Vesting Tentative Tract Map No. 6033/UGM subject to the Conditions of Approval contained in the report to the Planning Commission dated April 16, 2014.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2014.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2014
Mayor Approval/No Return: _____, 2014
Mayor Veto: _____, 2014
Council Override Vote: _____, 2014

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Mary Raterman-Doidge Date
Deputy City Attorney