

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AMENDING THE NOISE AND SAFETY ELEMENT OF THE FRESNO GENERAL PLAN REGARDING THE COUNTY MULTI JURISDICTIONAL HAZARD MITIGATION PLAN AND CITY OF FRESNO LOCAL HAZARD MITIGATION PLAN ANNEX

WHEREAS, on December 18, 2014, by Resolution No. 2014-226, the City Council adopted the Fresno General Plan, and by Resolution No. 2014-225, certified Master Environmental Impact Report SCH No. 2012111015 ("MEIR") which evaluated the potentially significant adverse environmental impacts of urban development within the City of Fresno's designated urban boundary line and sphere of influence; and

WHEREAS, the Fresno General Plan includes a Noise and Safety Element which contains references to the Fresno County Multi-Jurisdictional Hazard Mitigation Plan and City of Fresno Local Annex in sections 9.9 and Policy NS-6-a; and

WHEREAS, the Fresno General Plan references to the Fresno County Multi-Jurisdictional Hazard Mitigation Plan and City of Fresno Local Hazard Mitigation Plan Annex include reference to an adoption date of December 1, 2009; and

WHEREAS, in 2018 the County of Fresno, in coordination with the City of Fresno and with the City's full participation, prepared a new Fresno County Multi-Jurisdictional Hazard Mitigation Plan, including a City of Fresno Local Hazard Mitigation Plan Annex (2018 Hazard Mitigation Plan); and

WHEREAS, the 2018 Hazard Mitigation Plan was prepared consistent with the requirements of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as amended in 2016, the Disaster Mitigation Act of 2000, and California Government Code Sections 8685.9 and 65302.6; and

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No.

WHEREAS, references to the December 1, 2009 adoption date are inaccurate and out of date; and

WHEREAS, Plan Amendment Application No. P20-01529 was initiated by Director action pursuant to Fresno Municipal Code section 15-5803-C to amend the Fresno General Plan to remove the inaccurate date reference; and

WHEREAS, Plan Amendment Application No. P20-01529 proposes to delete any reference to the December 1, 2009 adoption date in order to accurately reflect that the County maintains a current Multi-Jurisdictional Hazard Mitigation Plan and City of Fresno Local Hazard Mitigation Plan Annex; and

WHEREAS, the City adopted the 2018 Mitigation Plan and City of Fresno Local Hazard Mitigation Plan Annex on December 19, 2019, consistent with the requirements of Federal and State law, and General Plan Policy NS-6-a; and

WHEREAS, the environmental assessment conducted for the proposed plan amendment resulted in the preparation of a finding that it is exempt from the requirements of CEQA pursuant to the "common sense" exemption set forth in CEQA Guidelines Section 15061(b)(3) that there is no possibility that Plan Amendment No. P20-01529 will have a significant effect on the environment; and

WHEREAS, the Plan Amendment Application No. P20-01529 only proposes a minor revision to a paragraph in the narrative portion of the Noise and Safety Element, does not propose development of any kind, and therefore is not an application to develop property that must be reviewed by the District Project Review Committees pursuant to Fresno Municipal Code Section 15-4906-D; and

WHEREAS, on May 20, 2020, pursuant to the provisions of section 15-5809, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public

hearing to consider Plan Amendment Application No. P20-01529, along with the related environmental finding, during which the Commission considered the environmental assessment and recommended approval of Plan Amendment Application No. P20-01529, to the Council of the City of Fresno, as evidenced by Planning Commission Resolution No.\_\_\_\_\_; and

WHEREAS, on May 21, 2020, the Fresno City Council held a duly noticed public hearing to consider Plan Amendment Application No. P20-01529 and received both oral testimony and written information presented at the hearing regarding the application.

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 a finding that it can be seen with certainty that there is no possibility the proposed plan amendment will have a significant effect on the environment pursuant to the “common sense” exemption set forth in CEQA Guidelines Section 15061(b)(3) is appropriate. The proposed plan amendment merely removes a reference to the date of adoption of the previous Fresno County Multi-Jurisdictional Hazard Mitigation Plan and revises the language to refer to the Hazard Mitigation Plan without a date. Because Fresno County revises and adopts updates to their Multi-Jurisdictional Hazard Mitigation Plan consistent with the Disaster Mitigation Act, and because the City of Fresno adopts the County’s Plan and City of Fresno Local Annex, also in compliance with the Disaster Mitigation Act and Fresno General Plan Policy NS-6-a, reference to a specific date of County adoption in the narrative portion of the Fresno General Plan is unnecessary. Deletion of the previous County adoption date will have no impact on the environment. In addition, adoption of the

Fresno County Hazard Mitigation Plan and City of Fresno Local Annex by the City on December 19, 2019 was an action taken consistent with Federal and State law and does not commit the City to a particular project that has a direct or reasonably foreseeable indirect impact on the environment. As such, a finding pursuant to CEQA Guidelines 15061(b)(3) that it can be seen with certainty that there is no possibility that adoption of Plan Amendment Application No. P20-01529 will have a significant effect on the environment is appropriate.

2. The Council finds the adoption of the Plan Amendment Application No. P20-01529 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. P20-01529 amending the first paragraph under the Local Hazard Mitigation Planning heading on page 9-37 of the Fresno General Plan Noise and Safety Element to read as follows:

“The purpose of a Local Hazard Mitigation Plan is to reduce or eliminate long term risk to human life and property resulting from hazards, by identifying risks before they occur and putting together resources, information, and strategies for emergency response. Fresno County is the lead agency on the Multi-Jurisdictional Local Hazard Mitigation Plan (MHMP) for the county. ~~On December 1, 2009, the [The]~~ Fresno County Board of Supervisors [has] adopted the Fresno County MHMP. It includes a City of Fresno annex which lists information most relevant to Fresno in the areas of health, infrastructure, housing, government, environment, and land use.”

\* \* \* \* \*

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 \_\_\_\_\_ 2020.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

YVONNE SPENCE, MMC CRM  
City Clerk

By: \_\_\_\_\_  
Deputy Date

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_  
Talía Kolluri [date]  
Supervising Deputy City Attorney