

Exhibit "J"

Planning Commission Resolution No. 13372 for Plan  
Amendment Application No. A-15-004; and the related  
Environmental Assessment

**FRESNO CITY PLANNING COMMISSION  
RESOLUTION NO. 13372**

The Fresno City Planning Commission, at its regular meeting on April 20, 2016, adopted the following resolution relating to Plan Amendment Application No. A-15-004.

WHEREAS, Plan Amendment Application No. A-15-004 has been filed with the City of Fresno by S.I.M. Architects, pertaining to approximately 18.5 acres of property located on the north site of East Herndon Avenue between North Chestnut and North Willow Avenues; and,

WHEREAS, Plan Amendment Application No. A-15-004 proposes to amend the Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject property from Community Commercial to the Medium-High Density Residential land use designation. The amendment will also repeal Official Plan Line No. 148 for North Winery Avenue between East Herndon Avenue and North Willow Avenue; and,

WHEREAS, on April 20, 2016, the Fresno City Planning Commission conducted a public hearing to review the proposed Plan Amendment, consider the associated Mitigated Negative Declaration prepared for Environmental Assessment No. A-15-004/R-15-013/S-15-115/V-15-006, dated April 15, 2016, received public testimony and considered the Development and Resource Management Department's report recommending approval of the proposed 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-15-004/R-15-013/S-15-115/V-15-006, dated April 15, 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 McLane Community Plan.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission 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 Commission finds in accordance with its own independent judgment that although Plan Amendment Application No. A-15-004 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-15-004/R-15-013/S-15-115/V-15-006, dated April 15, 2016.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby recommends to the City Council that Plan Amendment Application No. A-15-004, 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 April 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 Garcia.

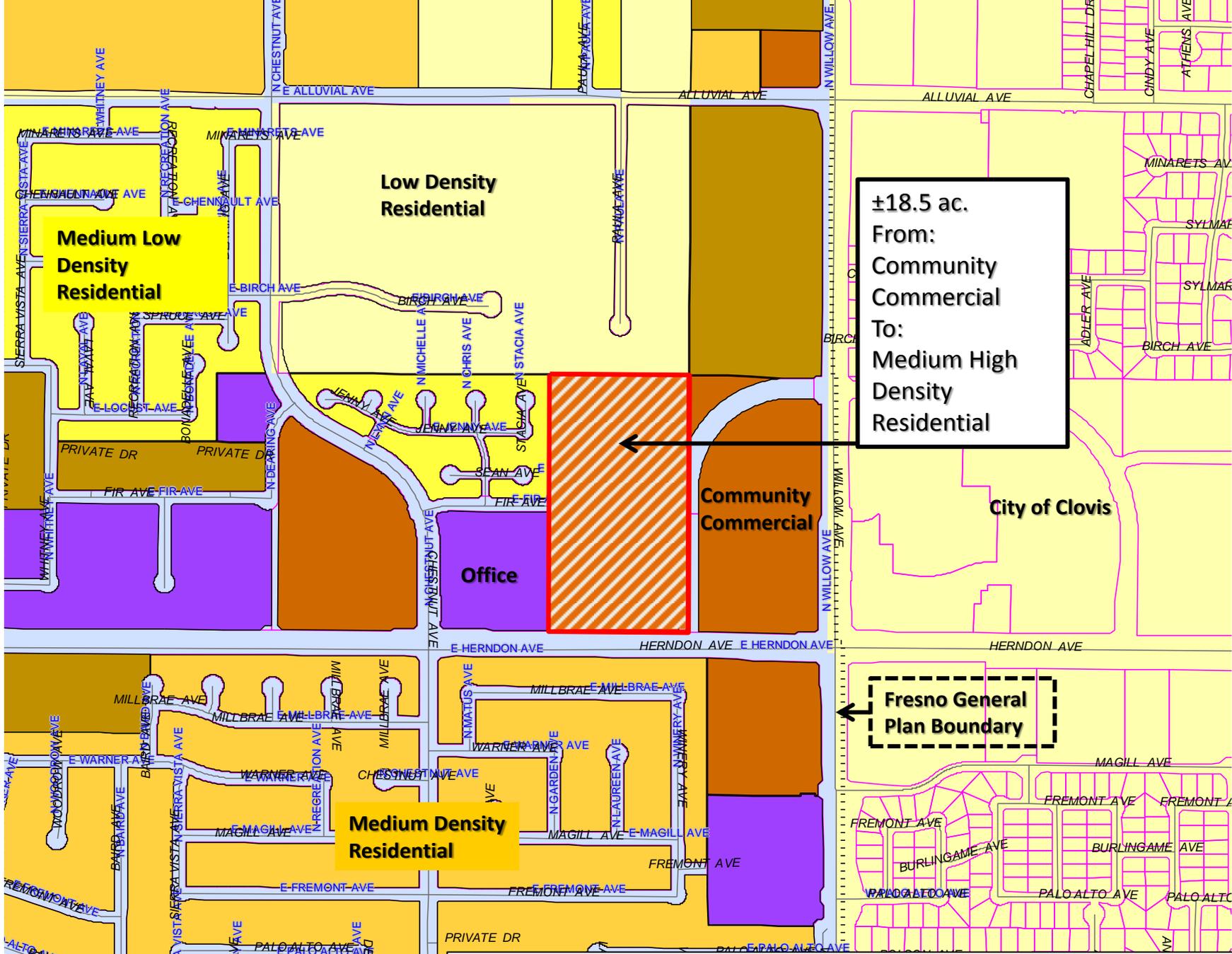
VOTING:           Ayes - Catalano, Garcia, Holt, Medina, Torossian, Vasquez  
                      Noes - None  
                      Not Voting - None  
                      Absent - Reed

DATED: April 20, 2016

  
\_\_\_\_\_  
Mike Sanchez, Secretary  
Fresno City Planning Commission

Resolution No. 13372  
Plan Amendment Application No. A-15-004  
Filed by S.I.M. Architects  
Action: Recommend Approval

Attachment: Exhibit A



±18.5 ac.  
 From:  
 Community  
 Commercial  
 To:  
 Medium High  
 Density  
 Residential

Fresno General  
 Plan Boundary

**Exhibit "A": Plan Amendment Application No. A-15-004**

Exhibit "K"  
Planning Commission Resolution No. 13373 for Rezone  
Application No. R-15-013

**FRESNO CITY PLANNING COMMISSION  
RESOLUTION NO. 13373**

The Fresno City Planning Commission, at its regular meeting on April 20, 2016, adopted the following resolution relating to Rezone Application No. R-15-013.

WHEREAS, Rezone Application No. R-15-013 has been filed with the City of Fresno to rezone the subject property as described below:

REQUESTED ZONING: RM-1/EA/UGM (*Residential Multi Family, Medium High Density/Expressway Area Overlay/Urban Growth Management*)

EXISTING ZONING: CC/EA/UGM (*Community Commercial/Expressway Area Overlay/Urban Growth Management*);

APPLICANT: S.I.M. Architects

LOCATION: 3206 and 3138 East Herndon Avenue  
Approximately 18.5 acres of property on the north side of East Herndon Avenue between North Chestnut and North Willow Avenues

APN(s): 404-083-33 & 34

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

WHEREAS, the above-named applicant is requesting to rezone the approximately 18.5 acre subject property from the CC/EA/UGM (*Community Commercial/Expressway Area Overlay/Urban Growth Management*) zone district to the RM-1/EA/UGM (*Residential Multi Family, Medium High Density/ Expressway Area Overlay/Urban Growth Management*) zone district; and,

WHEREAS, the Fresno City Planning Commission on April 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 April 20, 2016 hearing, the Commission received a staff report and related information, environmental documents and considered testimony regarding the requested zoning change; and,

WHEREAS, during the April 20, 2016 hearing, no members of the public spoke in opposition of the proposed project.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission 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 Commission finds in accordance with its own independent judgment that although Rezone Application No. R-15-013 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-15-004/R-15-013/S-15-115/V-15-006 dated April 15, 2016.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby recommends to the City Council that the requested RM-1/EA/UGM (*Residential Multi-Family, Medium High Density/Expressway Area Overlay/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 Garcia.

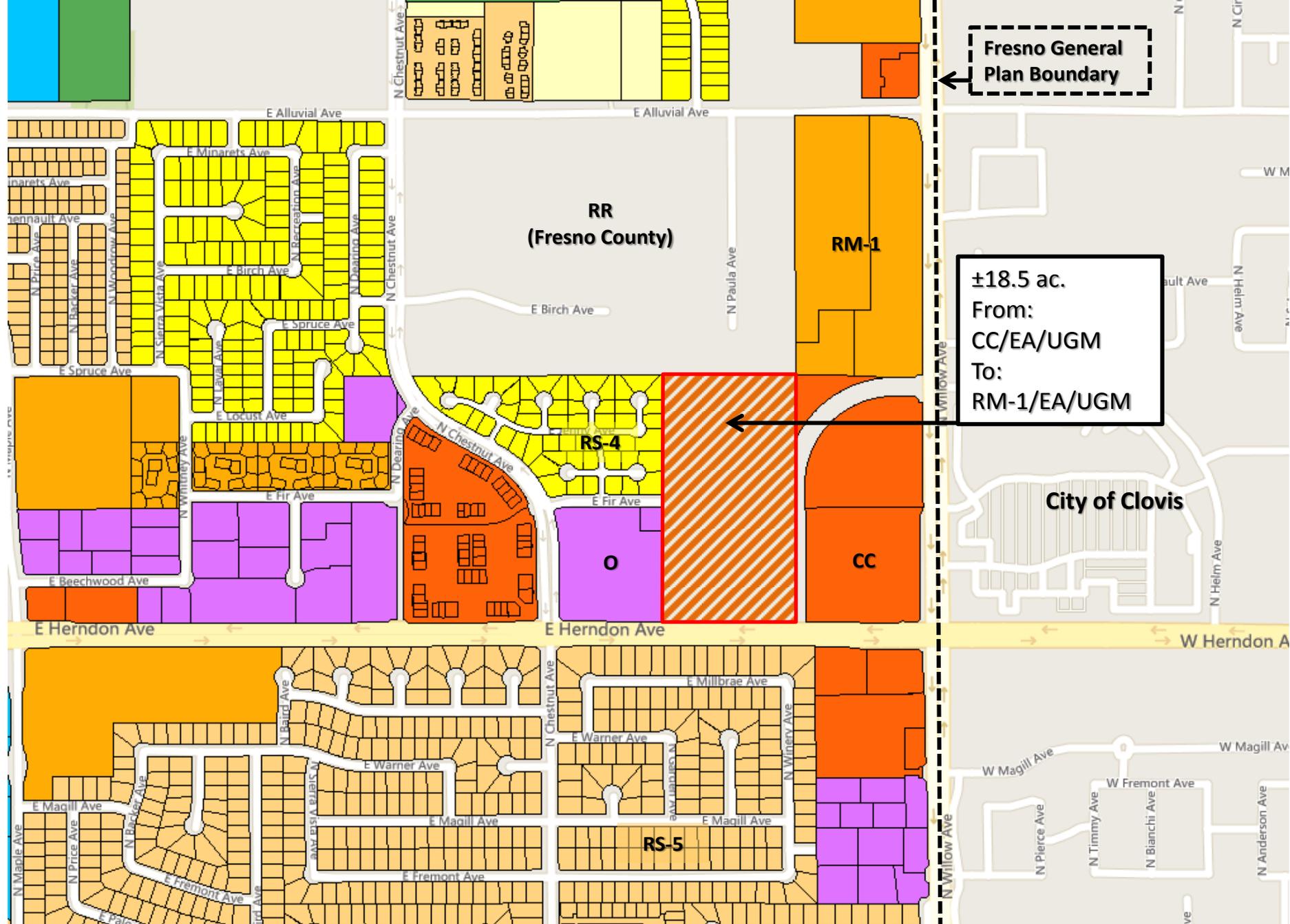
VOTING:           Ayes - Catalano, Garcia, Holt, Medina, Torossian, Vasquez  
                      Noes - None  
                      Not Voting - None  
                      Absent - Reed

DATED: April 20, 2016

  
\_\_\_\_\_  
Mike Sanchez, Secretary  
Fresno City Planning Commission

Resolution No. 13373  
Rezone Application No. R-15-013  
Filed by S.I.M. Architects  
Action: Recommend Approval

Attachment: Exhibit A



**Exhibit "A": Rezone Application No. R-15-013**

Exhibit "L"  
City Council Resolution for Plan Amendment Application No.  
A-15-004

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, AMENDING THE FRESNO  
GENERAL PLAN AND THE WOODWARD PARK  
COMMUNITY PLAN (PLAN AMENDMENT APPLICATION  
NO. A-15-004)

WHEREAS, on December 18, 2014, by Resolution No. 2014-226, the City Council adopted the Fresno General Plan which correspondingly adopted the Woodward Park Community 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;

WHEREAS, S.I.M. Architects has filed an application to amend the Fresno General Plan and the Woodward Park Community Plan to change the planned land use for approximately 18.5 acres of property on the north side of East Herndon Avenue between North Chestnut and North Willow Avenues from Community Commercial to Medium-High Density Residential;

WHEREAS, the environmental assessment conducted for the proposed plan amendment resulted in the filing of a Mitigated Negative Declaration on April 15, 2016;

WHEREAS, on April 20, 2016, the Fresno City Planning Commission held a public hearing to consider Plan Amendment Application No. A-15-004 and the associated Mitigated Negative Declaration prepared for Environmental Assessment No. No. A-15-004/R-15-013/S-15-115/V-15-006;

1 of 4

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

Resolution No.

WHEREAS, the Fresno City Planning Commission took action, as evidenced in Planning Commission Resolution No. 13372, to recommend approval of Plan Amendment Application No. A-15-004 which proposes to amend the Fresno General Plan and the Woodward Park Community Plan to change the planned land use for approximately 18.5 acres of property on the north side of East Herndon Avenue between North Chestnut and North Willow Avenues from Community Commercial to Medium High Density Residential; and,

WHEREAS, on May 12, 2016, the Fresno City Council held a public hearing to consider Plan Amendment Application No. A-15-004 and received both oral testimony and written information presented at the hearing regarding Plan Amendment Application No. A-15-004.

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 with all applicable project specific mitigation measures imposed, there is no substantial evidence in the record that Plan Amendment Application A-15-004 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). Accordingly, the Council adopts the Mitigated Negative Declaration prepared for Environmental Assessment No. No. A-15-004/R-15-013/S-15-115/V-15-006 dated April 15, 2016.

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-15-004 amending the Fresno General Plan and Woodward Park Community Plan planned land use designation for approximately 18.5 acres of property on the north side of East Herndon Avenue between North Chestnut and North Willow Avenues from Community Commercial to Medium High Density Residential, as depicted by Exhibit "A" attached hereto and incorporated herein by reference.

\* \* \* \* \*

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 \_\_\_\_\_, 2016.

AYES       :  
NOES       :  
ABSENT     :  
ABSTAIN    :

Mayor Approval: \_\_\_\_\_, 2016  
Mayor Approval/No Return: \_\_\_\_\_, 2016  
Mayor Veto: \_\_\_\_\_, 2016  
Council Override Vote: \_\_\_\_\_, 2016

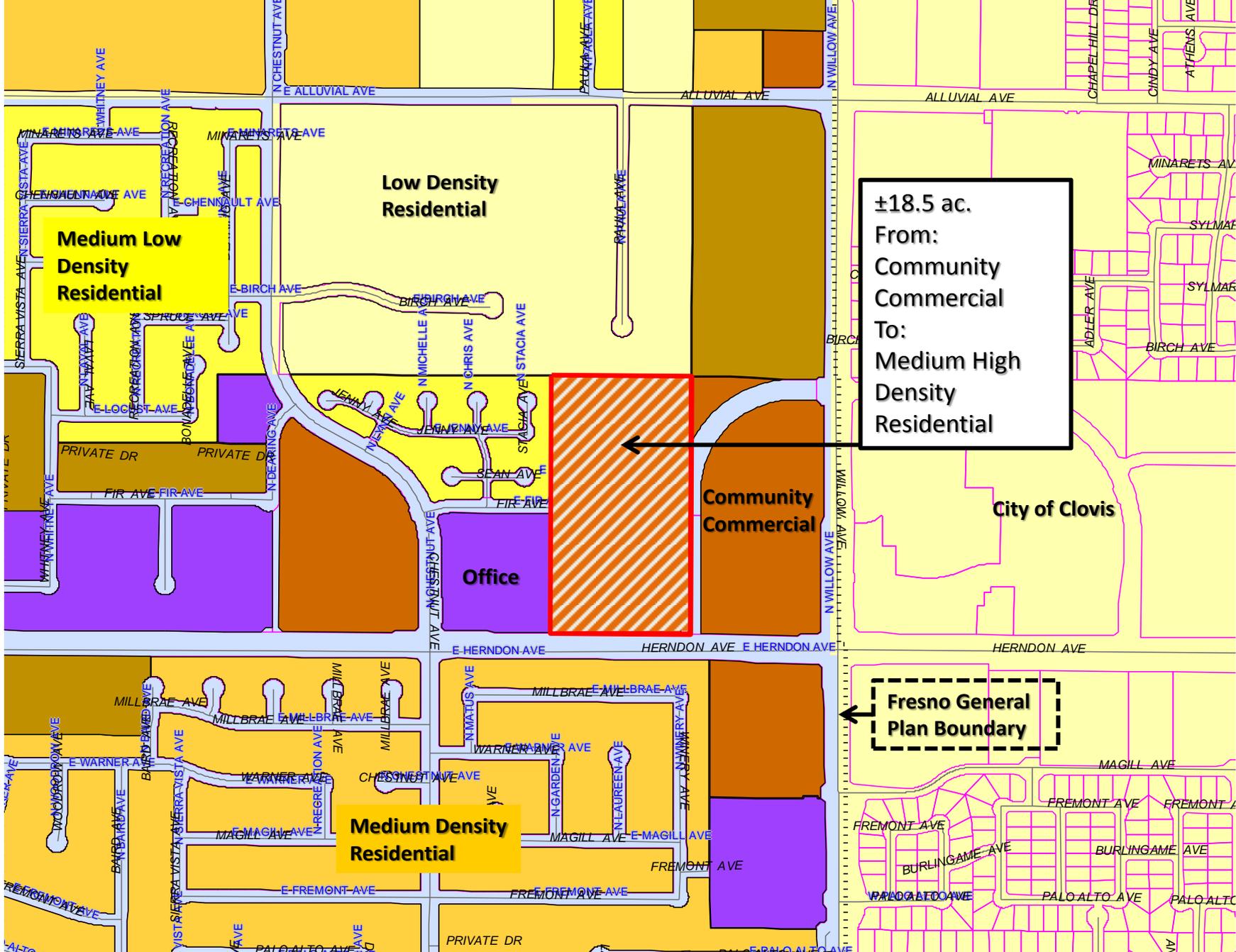
YVONNE SPENCE, CMC  
City Clerk

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

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_  
Mary Raterman-Doidge     Date  
Deputy

Attachment: Exhibit A



±18.5 ac.  
 From:  
 Community  
 Commercial  
 To:  
 Medium High  
 Density  
 Residential

Fresno General  
 Plan Boundary

**Exhibit "A": Plan Amendment Application No. A-15-004**

Exhibit "M"  
City Council Ordinance Bill for Repealing Official Plan Line  
No. 148

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,  
REPEALING THE OFFICIAL PLAN LINES FOR NORTH  
WINERY AVENUE FROM EAST HERNDON AVENUE TO  
NORTH WILLOW AVENUE. (OPL NO. 148)

WHEREAS, by Ordinance No. 13-005, the Council of the City of Fresno adopted Official Plan Lines (OPL) for the major street segment of North Winery Avenue from East Herndon Avenue to North Willow Avenue (OPL No. 148); and,

WHEREAS, the City of Fresno Development and Resource Management and Public Works Departments now desire to repeal that OPL; and,

WHEREAS, the Directors of the Development and Resource Management and Public Works Departments initiated the repeal of the OPL; and,

WHEREAS, a mitigated negative declaration for Environmental Assessment No. A-15-004/R-15-013/S-15-115/V-15-006 was issued on April 15, 2016 and approved by the City Council on May 12, 2016 for a proposed multi-family development project on adjacent property; and,

WHEREAS, the Initial Study conducted for the environmental assessment adequately considered any potential impacts associated with any deviations from adopted Official Plan Lines for the purposes of the proposed multi-family project and resulted in the finding that the repeal of this OPL would not have a significant adverse impact; and,

WHEREAS, Environmental Assessment No. A-15-004/R-15-013/S-15-115/V-15-006 has been prepared in accordance with the California Environmental Quality Act (CEQA) for the purpose of the proposed repeal of the OPL; and,

1 of 4

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: MED

Ordinance No.

WHEREAS, the Fresno City Planning Commission, at its regular meeting of April 20, 2016, conducted a noticed public hearing on this OPL repeal and considered all oral and written testimony submitted; and,

WHEREAS, the Fresno City Planning Commission then deliberated and adopted Resolution No. 13372 recommending that the City Council adopt the environmental assessment prepared and repeal OPL No. 148 for North Winery Avenue from East Herndon Avenue to North Willow Avenue; and,

WHEREAS, the Fresno City Council, at its regular meeting on the 12th day of May, 2016, received the recommendation of the Planning Commission, conducted a noticed public hearing on this OPL repeal, and considered all oral and written testimony submitted. 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 repeal of the current OPL for North Winery Avenue from East Herndon Avenue to North Willow Avenue is in the best interest of the City of Fresno. The Council 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 repeal of this OPL 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). Accordingly, the Council adopts the Mitigated Negative Declaration prepared for Environmental Assessment No. A 15 004/R-15-013/S-15-115/V-15-006 dated April 15, 2016.

SECTION 2. The Council of the City of Fresno hereby repeals the current OPL for North Winery Avenue from East Herndon Avenue to North Willow Avenue by the repeal of Ordinance No. 148.

SECTION 3. If this action, or any part thereof, is held to be unconstitutional or in violation of the law, it will not affect prior actions to approve Ordinance No. 2013-5 for North Winery Avenue from East Herndon Avenue to North Willow Avenue, so long as those actions are not found unconstitutional or in violation of the law.

SECTION 4. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

\* \* \* \* \*

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

I, YVONNE SPENCE, CMC, 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 12<sup>th</sup> day of May, 2016, by the following vote:

AYES :  
NOES :  
ABSENT :  
ABSTAIN:

Mayor Approval: \_\_\_\_\_, 2016  
Mayor Approval/No Return: \_\_\_\_\_, 2016  
Mayor Veto: \_\_\_\_\_, 2016  
Council Override Vote: \_\_\_\_\_, 2016

YVONNE M. SPENCE, CMC  
City Clerk

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

APPROVED AS TO FORM:  
DOUGLAS SLOAN  
City Attorney

By: \_\_\_\_\_  
Mary Raterman-Doidge Date  
Deputy City Attorney

Exhibit "N"  
City Council Ordinance Bill for Rezone Application No. R-15-  
013

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING THE OFFICIAL ZONE MAP AS DESCRIBED BY SECTION 15-108 OF THE FRESNO MUNICIPAL CODE, AND PURSUANT TO THE PROCEDURE SET FORTH IN ARTICLE 58, CHAPTER 15 OF THE FRESNO MUNICIPAL CODE

WHEREAS, Rezone Application No. R-15-013 has been filed by S.I.M. Architects with the City of Fresno to rezone property as described herein below; and,

WHEREAS, on January 11, 2016, the District 6 Plan Implementation Committee recommended approval of the rezone application; and,

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, and Article 58, Chapter 15 of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public hearing on the 20th day of April, 2016, to consider Rezone Application No. R-15-013 and related Environmental Assessment No. No. A-15-004/R-15-013/S-15-115/V-15-006, during which the Commission considered the environmental assessment and recommended to the Council of the City of Fresno approval, as evidenced in Planning Commission Resolution No. 13373 of the rezone application to amend the Official Zone Map to rezone the approximately 18.5 acres of property on the north side of East Herndon Avenue between North Chestnut and North Willow Avenues from the CC/EA/UGM (Community Commercial/Expressway Area Overlay/Urban Growth Management) zone district to the RM-1/EA/UGM (Residential Multi-Family, Medium High Density/Expressway Area Overlay/Urban Growth Management) zone district; and,

1 of 4

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: MED

Ordinance No.

WHEREAS, the Council of the City of Fresno, on the 12th day of May, 2016, received the recommendation of the Planning Commission.

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 rezoning is in the best interest of the City of Fresno. The Council 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 Rezone Application R-15-013 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). Accordingly, the Council adopts the Mitigated Negative Declaration prepared for Environmental Assessment No. A-15-004/R-15-013/S-15-115/V-15-006 dated April 15, 2016.

SECTION 2. The Council finds the requested RM-1/EA/UGM (Residential Multi-Family, Medium High Density/Expressway Area Overlay/Urban Growth Management)

zone district is consistent with the proposed Medium Density Residential planned land use designation of the Fresno General Plan and the Woodward Park Community Plan as specified in the Fresno General Plan and Municipal Code.

SECTION 3. The Council finds that the zone district of the real property described hereinbelow, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, is reclassified from the CC/EA/UGM (Community Commercial/Expressway Area Overlay/Urban Growth Management) zone district to the RM-1/EA/UGM (Residential Multi-Family, Medium High Density/Expressway Area Overlay/Urban Growth Management) zone district, as depicted in the attached Exhibit "A".

SECTION 4. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

\* \* \* \* \*

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

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2016  
Mayor Approval/No Return: \_\_\_\_\_, 2016  
Mayor Veto: \_\_\_\_\_, 2016  
Council Override Vote: \_\_\_\_\_, 2016

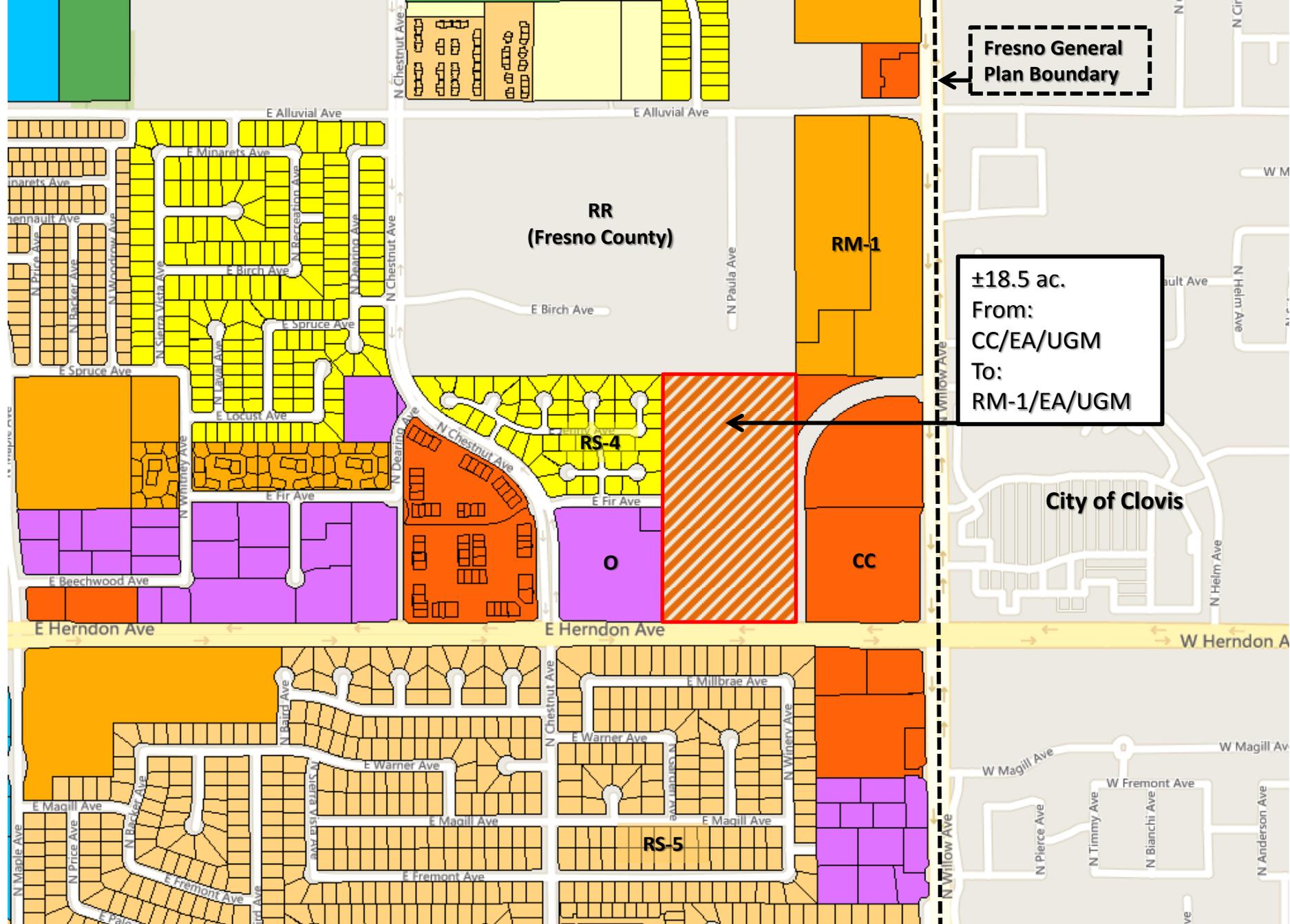
YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN,  
City Attorney

BY: \_\_\_\_\_  
Mary Raterman-Doidge Date  
Deputy

Attachment: Exhibit AA



**Exhibit "A": Rezone Application No. R-15-013**