

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, REGARDING THE
DEVELOPMENT OF AN ANIMAL CONTROL AND
RELATED SERVICES FACILITY AND FINDINGS OF
CONSISTENCY WITH THE MASTER ENVIRONMENTAL
IMPACT REPORT AND THE CITY'S GENERAL PLAN

WHEREAS, in 2014, the City of Fresno ("City") adopted a comprehensive General Plan ("General Plan"); and

WHEREAS, as part of the General Plan adoption, the City of Fresno certified a Master Environmental Impact Report (SCH No. 2012111015), which included certain mitigations measures ("MEIR"); and

WHEREAS, the MEIR analyzed impacts of development anticipated under the General Plan; and

WHEREAS, the City proposes to develop an animal control and related services facility located at the intersection of North Cargo Lane and East Airways Boulevard ("Project"); and

WHEREAS, the MEIR discussed and analyzed impacts of the Project; and

WHEREAS, these impacts included those associated with types of development being proposed by the Project, including those relating to the Project's zoning and land use designations, development density, and location, all of which were previously analyzed in the MEIR; and

WHEREAS, the City has conducted an environmental analysis, which analysis has determined that the Project would be consistent with the General Plan and MEIR and which is entitled "Environmental Checklist in Support of CEQA Guidelines Section

1 of 7

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:



Resolution No.

15183 Statutory Exemption” and which is incorporated herein by this reference (“Analysis”); and

WHEREAS, at the noticed public hearing held on February 13, 2020, the City Council received testimony and documents from staff (including City consultants), provided an opportunity for public comment, and considered all documents and testimony before it; and

WHEREAS, after due consideration of all materials and testimony, and using its independent judgment, the City Council desires to adopt Findings of Consistency that the development of the Project is consistent with the MEIR and the General plan and no additional environmental review is required by CEQA pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

NOW, THEREFORE, BE IT RESOLVED by the City of Fresno City Council, exercising its independent judgment as follows:

1. The above recitals are true and correct and incorporated herein by reference.

2. Based upon all evidence and testimony presented to it at the public hearing on February 13, 2020, including, but not limited to the environmental “Analysis” cited herein above and incorporated by reference, the City Council adopts a Finding of Consistency for the development of the Project as follows:

On December 18, 2014, the City adopted the Fresno General Plan and certified the associated Master Environmental Impact Report (MEIR) (State Clearinghouse [SCH] #2012111015). The MEIR assumed full development and buildout of the Project site, consistent with the uses and development standards proposed by the Project. The Mitigation Monitoring and Reporting Program adopted for purposes of the General Plan

and Development Code update included mitigation measures for purposes of significant effects identified in the MEIR respective to categories of: (1) Aesthetics; (2) Air Quality; (3) Biological Resources; (4) Cultural Resources; (5) Hazards and Hazardous Materials; (6) Hydrology and Water Quality; (7) Public Services; and, (8) Utility and Service Systems.

Significant and unavoidable adverse impacts were identified in the Final MEIR and Statements of Overriding Considerations adopted respective to categories of: (1) Aesthetics; (2) Agricultural Resources; (3) Air Quality; (4) Cultural Resources; (5) Greenhouse Gases; (6) Noise; (7) Transportation and Traffic; and, (8) Utility and Service Systems.

a. The Project is consistent with the MEIR, Fresno General Plan, McLane Community Plan and Fresno County Airport Land Use Compatibility Plan (ALUCP). The Project site is zoned IL (Light Industrial) in accordance and consistent with the Light Industrial planned land use designation identified in the Fresno General Plan and applicable operative plans. Animal Care, Sales, and Services commercial use classifications, which include kennels and animal shelters, are uses permitted by-right in the IL zone district. These uses include commercial, non-profit, or governmental facility for keeping, boarding, training, breeding, or maintaining animals not owned by the owner or operator. The Project is proposed at a density and intensity that is the same or less than the standard expressed for the parcel in the General Plan. The Project's 0.18 Floor Area Ratio (FAR) is less than the 1.5 Maximum FAR permitted in the IL zone district. The proposed site is located within Safety Zone 6 and within the 65-70 CNEL Noise contour of the ALUCP for which animal shelters are identified as

conditionally compatible. The MEIR and General Plan contemplated the Project would be subject to streamlining under CEQA based on consistency with these documents. As demonstrated within the City conducted environmental "Analysis" as referenced herein above and included by reference for purposes of the proposed Project, the impacts associated with the type of development proposed in the Project, zoning and land use designations, development density and intensity, and the location where Project development would occur, were previously analyzed in the MEIR and General Plan. Mitigation in the MEIR applicable to the Project has been incorporated into the Project.

b. There is no substantial new evidence of additional significant adverse environmental effects that are peculiar to the Project or the parcel on which the Project would be located.

The City conducted environmental "Analysis" as referenced herein above and incorporated by reference considered potential for additional significant adverse environmental effects that are peculiar to the Project or the parcel on which the Project is located respective to all categories of environmental concern. The Analysis demonstrates that no such substantial new evidence exists and that no additional potentially significant adverse impacts were identified that had not been previously and adequately addressed in the MEIR.

c. There is no substantial new evidence in the record that this Project may have additional significant impacts that were not analyzed as significant adverse effects in the MEIR or General Plan.

The City conducted environmental "Analysis" as referenced herein above and incorporated by reference determined whether the threshold of significant impacts was

met for respective categories of environmental concern. The Analysis concluded that no new potentially significant impacts were identified that had not been previously and adequately addressed in the MEIR. This Analysis demonstrates that there is no substantial new evidence in the record that this Project may have additional significant impacts that were not analyzed as significant adverse effects in the MEIR or General Plan.

d. There is no substantial new evidence of potentially significant off-site impacts and cumulative impacts that were not discussed and analyzed in the MEIR and General Plan, and no potentially significant adverse effects peculiar to the Project.

There is no substantial new evidence of potentially significant off-site impacts and cumulative impacts that were not discussed and analyzed in the MEIR and General Plan, and no potentially significant adverse effects peculiar to the Project. The City conducted environmental "Analysis" as referenced herein above and incorporated by reference determined potential for whether off-site and/or cumulative impacts exist. The Analysis concluded that no off-site or cumulative impacts were identified that had not been previously and adequately addressed in the MEIR. The Analysis also did not identify any potentially significant adverse effects peculiar to the Project.

e. There are no previously identified significant effects, as a result of substantial new information or changes which was not known at the time the MEIR was certified, determined to have a more severe adverse impact than discussed in the MEIR for the General Plan.

The City conducted environmental "Analysis" as referenced herein above and included by reference for purposes of the proposed Project, has determined that the

Project is consistent with the land use designations and development intensities assigned to the Project site by the City of Fresno General Plan and applicable operative plans. Both potential Project specific and cumulative impacts associated with development and buildout of the Project site, as proposed, were fully addressed in the City of Fresno MEIR. Since the proposed Project is consistent with the land use designation and development intensity for the site identified in the General Plan and analyzed in the Master EIR, implementation of the proposed Project would not result in any new or altered potential Project specific or cumulative impacts, or the severity of those impacts beyond those addressed in the Master EIR

3. Pursuant to Public Resources Code §21157.6(b)(1) the City of Fresno, as lead agency, 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.

The City Council makes a further finding that all feasible mitigation measures in the MEIR for the General Plan applicable to the Project will be undertaken.

4. This Resolution is effective immediately upon adoption.

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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 _____ 2020.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, CRM MMC
City Clerk

By: _____ Date _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____ Date _____
Katie Doerr
Chief Assistant City Attorney