

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

The Fresno City Planning Commission, at its regular meeting on June 5, 2019, adopted the following resolution relating to Modification of Conditions of Zoning Application No. P18-03659 regarding 5260 N. Palm Avenue (APN 417-140-26).

WHEREAS, Modification of Conditions of Zoning Application No. P18-03659 has been filed with the City of Fresno to rezone the subject property as described below:

REQUESTED ZONING: RMX/cz (*Regional Mixed-Use/conditions of zoning*) with modifications to conditions of zoning;

EXISTING ZONING: RMX/cz (*Regional Mixed-Use/conditions of zoning*);

APPLICANT: Jeff Roberts of The Assemi Group

LOCATION: 5260 N. Palm Avenue

Approximately 3.8 acres of property located on the northwest corner of North Colonial and West San Jose Avenues

APN(s): 417-140-26

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

WHEREAS, the above-named applicant is requesting to modify the conditions of zoning on approximately 3.8 acres of property; and,

WHEREAS, the Fresno City Planning Commission on June 5, 2019, reviewed the subject modification of conditions of zoning application in accordance with the policies of the Fresno General Plan and the Bullard Community Plan; and,

WHEREAS, during the June 5, 2019 hearing, the Commission received a staff report and related information, environmental documents and considered testimony regarding the requested change to conditions of zoning; and,

WHEREAS, during the June 5, 2019 hearing, members of the public had the opportunity to speak in support or 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 Modification to Conditions of Zoning Application No. P18-03659 for 5260 N. Palm Avenue 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. P18-03659 dated May 22, 2019.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby recommends to the City Council that Modification of Conditions of Zoning Application No. P18-03659 for the subject property be approved, subject to the attached conditions to be implemented through the execution of a new covenant by the record owner of the subject property and release of covenant for previous conditions of zoning.

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

VOTING: Ayes -
 Noes -
 Not Voting -
 Absent -

DATED: June 5, 2019

Mike Sanchez, Secretary
Fresno City Planning Commission

Resolution No. _____
Modification of Zoning Conditions Application No.
P18-03659
Filed by Jeff Roberts of The Assemi Group
Action: Recommend Approval

Attachment: Exhibit "A"

Exhibit "A"

(Modification of Conditions of Zoning Application No. P18-03659)

The conditions of zoning for the following described real property shall be modified:

Parcel "B" of Parcel Map No. 83-55, in the City of Fresno, County of Fresno, State of California, according to the Map thereof recorded in Book 42 Pages 27 and 28 of Parcel Maps, Fresno County Records.

APN: 417-140-26

CONDITIONS OF ZONING

1. Required landscaped setback or buffer areas shall be extensively planted with ground covers and shrubs and shall have an undulating earth berm that will range between 1 ½ feet and 3 feet in height. Eighty-five percent (85%) of the trees planted shall be of at least 24-inch box size. The planting of evergreen trees shall be emphasized such that no more than 15% of the trees planted are deciduous. This is to insure that the screening effect of the trees is maintained year-round. The landscaping shall be continuously maintained by the developer.
2. Drive-up window facilities shall not be permitted within 100 feet of the northern property line.