



Legislation Details (With Text)

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On agenda: 2/4/2016 **Final action:**

Title: HEARING to consider Plan Amendment Application No. A-15-002, Rezone Application No. R-15-009, and related Environmental Assessment No. A-15-002/R-15-009/C-15-167/T-6108, pertaining to approximately 6.56 acres of property located at the northeast corner of the intersection of North Fowler and East Clinton Avenues and approximately 14.37 acres of property located at the southeast corner of the intersection of East Shields and North Bliss Avenues (Council District 4)

1. Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. A-15-002/R-15-009/C-15-167/T-6108, dated November 25, 2015.
2. RESOLUTION - Approving Plan Amendment Application No. A-15-002 to amend the Fresno General Plan and the McLane Community Plan to change the planned land use designation for an approximately 6.56 acre portion of the subject property from Community Commercial (2.09 ac.) and Medium-Low Density Residential (4.47 ac.) to Medium Density Residential; and, to change the planned land use designation for an approximately 14.37 acre portion of the subject property from Urban Neighborhood to Medium Density Residential.
3. BILL (For introduction and adoption) - Approving Rezone Application No. R-15-009 proposing to amend the Official Zone Map to rezone the approximately 2.09 acre portion of the subject property from the C-1/UGM/cz (Neighborhood Shopping Center/Urban Growth Management/with conditions of zoning) zone district to the RS-5/UGM (Single Family Residential/Urban Growth Management) zone district; and, to rezone the approximately 14.37 acre portion of the subject property from the C-M/UGM/cz (Commercial and Light Manufacturing/Urban Growth Management/with conditions of zoning) zone district to the RS-5/UGM (Single Family Residential/Urban Growth Management) zone district.

(CONTINUE TO 2:00 P.M.)

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. A-15-002, R-15-009 - CC Report - Attachments.pdf, 2. (ID16-114) - A-15-002 R-15-009 - CC Presentation.pdf

Date	Ver.	Action By	Action	Result
2/4/2016	1	City Council	continued as noted	

REPORT TO THE CITY COUNCIL

February 04, 2016

FROM: JENNIFER K. CLARK, Director
Development and Resource Management Department

THROUGH: MIKE SANCHEZ, Assistant Director
Development Services Division

BONIQUE EMERSON, Planning Manager
Development Services Division

BY: WILL TACKETT, Supervising Planner
Development Services Division

SUBJECT

HEARING to consider Plan Amendment Application No. A-15-002, Rezone Application No. R-15-009, and related Environmental Assessment No. A-15-002/R-15-009/C-15-167/T-6108, pertaining to approximately 6.56 acres of property located at the northeast corner of the intersection of North Fowler and East Clinton Avenues and approximately 14.37 acres of property located at the southeast corner of the intersection of East Shields and North Bliss Avenues (Council District 4)

1. Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. A-15-002/R-15-009/C-15-167/T-6108, dated November 25, 2015.
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3. BILL (For introduction and adoption) - Approving Rezone Application No. R-15-009 proposing to amend the Official Zone Map to rezone the approximately 2.09 acre portion of the subject property from the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/with conditions of zoning*) zone district to the RS-5/UGM (*Single Family Residential/Urban Growth Management*) zone district; and, to rezone the approximately 14.37 acre portion of the subject property from the C-M/UGM/cz (*Commercial and Light Manufacturing/Urban Growth Management/with conditions of zoning*) zone district to the RS-5/UGM (*Single Family Residential/Urban Growth Management*) zone district.
(CONTINUE TO 2:00 P.M.)

RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

1. Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. A-15-002/R-15-009/C-15-167/T-6108, dated November 25, 2015.
2. ADOPT RESOLUTION approving Plan Amendment Application No. A-15-002 to amend the Fresno General Plan and the McLane Community Plan to change the planned land use designation for an approximately 6.56 acre portion of the subject property from Community Commercial (2.09 ac.) and Medium-Low Density Residential (4.47 ac.) to Medium Density Residential; and, to change the planned land use designation for an approximately 14.37 acre portion of the subject property from Urban Neighborhood to Medium Density Residential.
3. ADOPT BILL approving Rezone Application No. R-15-009 proposing to amend the Official Zone Map to rezone the approximately 2.09 acre portion of the subject property from the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/with conditions of*

zoning) zone district to the RS-5/UGM (*Single Family Residential/Urban Growth Management*) zone district; and, to rezone the approximately 14.37 acre portion of the subject property from the C-M/UGM/cz (*Commercial and Light Manufacturing/Urban Growth Management/with conditions of zoning*) zone district to the RS-5/UGM (*Single Family Residential/Urban Growth Management*) zone district.

EXECUTIVE SUMMARY

Fowler Development Company, Inc. has filed Plan Amendment Application No. A-15-002, Rezone Application No. R-15-009, Conditional Use Permit Application No. C-15-167, and Vesting Tentative Tract Map No. 6108/UGM pertaining to approximately 6.56 acres of property located at the northeast corner of the intersection of North Fowler and East Clinton Avenues and approximately 14.37 acres of property located at the southeast corner of the intersection of East Shields and North Bliss Avenues.

Plan Amendment Application No. A-15-002 proposes to amend the Fresno General Plan and McLane Community Plan to change the planned land use designation for the approximately 6.56 acre portion of the subject property from Community Commercial (2.09 ac.) and Medium-Low Density Residential (4.47 ac.) to Medium Density Residential; and to change the planned land use designation for the approximately 14.37 acre portion of the subject property from Urban Neighborhood to Medium Density Residential.

Rezone Application No. R-15-009 proposes to rezone the approximately 2.09 acre portion of the subject property from the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/with conditions of zoning*) zone district to the R-1/RS-5/UGM (*Single Family Residential/Urban Growth Management*) zone district; and, to rezone the approximately 14.37 acre portion of the subject property from the C-M/UGM/cz (*Commercial and Light Manufacturing/Urban Growth Management/with conditions of zoning*) zone district to the R-1/RS-5/UGM (*Single Family Residential/Urban Growth Management*) zone district.

The plan amendment and rezone applications have been filed in order to facilitate approval of a proposed 55-lot single family residential public street planned development subdivision of the approximately 6.56 acres of property located at the northeast corner of the intersection of North Fowler and East Clinton Avenue in accordance with Conditional Use Permit Application No. C-15-167 and Vesting Tentative Tract Map No. 61083/UGM.

BACKGROUND

Fowler Development Company, Inc. has filed Plan Amendment Application No. A-15-002, Rezone Application No. R-15-009 pertaining to approximately 6.56 acres of property located at the northeast corner of the intersection of North Fowler and East Clinton Avenues and approximately 14.37 acres of property located at the southeast corner of the intersection of East Shields and North Bliss Avenues.

These applications have been filed in order to facilitate approval of Conditional Use Permit Application No. C-15-167 and Vesting Tentative Tract Map No. 6108/UGM, which propose to subdivide the approximately 6.56 acre portion of the subject property for purposes of creating a 55-lot single family residential public street planned development at a density of approximately 8.38 dwelling units per acre, as well as a future single family residential subdivision on the approximately

14.37 acre portion of the subject property. Conditional Use Permit Application No. C-15-167 and Vesting Tentative Tract Map No. 6108/UGM were approved by the Fresno City Planning Commission on December 16, 2015 subject to City Council approval of the subject plan amendment and rezone applications.

The approximately 6.56 acre portion of the subject property was previously associated with Plan Amendment Application No. A-11-003, Rezone Application No. R-11-003, Conditional Use Permit Application No. C-13-092 and Vesting Tentative Tract Map No. 6033/UGM (approved in 2014), which encompassed approximately 34 acres of property located at the northeast corner of the intersection of North Fowler and East Clinton Avenues.

These previous applications approved the conversion of approximately 31.87 acres of land from the Light Industrial to Medium Density Residential planned land use designation; and rezoned the same area to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district, accordingly. Conditional Use Permit No. C-13-092 and Tract Map No. 6033 were subsequently approved for the approximately 31.87 acres of property for purposes of a 169-lot single family residential public street planned development subdivision.

The balance of property subject to the applications (an approximately 2.09 acre portion of property at the immediate corner of the intersection) was converted from the Light Industrial to Neighborhood Commercial planned land use designation; and, the same area was rezoned to the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/with conditions of zoning*) zone district, accordingly. Conditions of zoning were adopted by the Fresno City Council in conjunction with the rezone to establish appropriate interface standards between the newly established commercially and residentially zoned areas to minimize potential issues occurring between adjacent residential and non-residential uses.

The above described 6.56 acre portion of the subject property is comprised of the approximately 2.09 acres of commercially zoned property at the immediate northeast corner of the intersection and an additional surrounding area of approximately 4.47 acres of land which was previously approved for subdivision and development as Phase II of Tract 6033/UGM. Plan Amendment Application No. A-15-002 proposes to convert the entirety of this approximately 6.56 acres of land to the Medium Density Residential (5.0-12 du/acre) planned land use designation and Rezone Application No. R-15-002 proposes to rezone the 2.09 acre portion to the R-1/RS-5/UGM (*Single Family Residential/Urban Growth Management*) zone district. Previously established conditions of zoning pertaining to interface between residential and non-residential uses are of no further interest and are proposed to be removed with the rezoning of the subject property.

The approximately 14.37 acre portion of the subject property located at the southeast corner of the intersection of East Shields and North Bliss Avenues was previously associated with an earlier plan amendment (A-06-002) and subdivision (Tract Map No. 5717/UGM) request submitted in 2006 (and approved in 2007) that included 140 acres: nearly the entire quarter section bounded by Fowler, Armstrong, Shields and Clinton Avenues.

The proposal was controversial at the time because it proposed converting 20 acres of planned light industrial land to medium low density residential use in an area that was considered optimal vacant land for industrial development. Although the land was not served by infrastructure, it was well-served by all modes of transportation. In exchange for allowing the conversion of industrial lands and approving the original plan amendment application, conditions of zoning were required and adopted

by the Fresno City Council because the subject property was expected to remain as light industrial property and be made “shovel ready” by the installation of infrastructure. Most of these conditions of zoning were tied to the development of those controversial 20 acres (a portion of T-5717, located to the east of the approximately 14.37 portion of the subject property). However, the conditions of zoning also affect the approximately 14.37 acre portion of the subject property as the resultant industrial zoning and related conditions of zoning remain in effect.

More recent studies conducted in preparation for the current Fresno General Plan refined the location of significant clusters of vacant land designated for industrial and business park use and identified these clusters (over 3,000 acres) in the General Plan as sufficient to accommodate projected growth and economic development goals. The subject property was not among those properties identified as being critical to the city’s supply of vacant industrial property and the planned land use for the approximately 14.37 acre portion of the subject property was converted to Urban Neighborhood for future residential use at 16-30 dwelling units/acre. Given the existing residential land use designation for the subject property designated by the General Plan, dated conditions of zoning pertaining to future industrial use of the subject property are of no further interest and are proposed to be removed with the rezoning of the subject property.

Land Use Plans and Policies

As proposed, the project would also be consistent with the Fresno General Plan goals and objectives related to residential land use and the urban form:

Goal No. 7 of the Fresno General Plan encourages the City to provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the City.

Goal No. 8 of the Fresno General Plan encourages the development of Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance. Healthy communities demonstrate efficient development patterns providing for: Sufficient affordable housing development in appropriate locations; A mix of land uses and a built environment that supports walking and biking; Multimodal, affordable transportation choices; and, Safe public spaces for social interaction.

These Goals contribute to the establishment of a comprehensive city-wide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment in accordance with Objective LU-1 of the Fresno General Plan.

Similarly, supporting Objective LU-2 of the General Plan calls for infill development that includes a range of housing types, building forms, and land uses to meet the needs of both current and future residents.

Likewise, Objective LU-5 of the General Plan calls for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities; and, Implementing Policy LU-5-c promotes medium density residential use to maximize efficient use of residential

property through a wide range of densities.

Furthermore, the goals of the McLane Community Plan are directed toward: (1) The provision of a diversity of housing types and housing opportunities to meet the needs of all ages and income levels; (2) Providing for efficient use of land while protecting the integrity of established neighborhoods; (3) Encouraging a mix of uses along major transportation corridors; (4) Providing for safe, clean and aesthetically pleasing neighborhoods; and, (5) Providing for compatible relationships between differing housing types and densities.

The proposed project introduces and integrates elements of a compact community that includes community facilities, walkable access to parkland and commercial services and transit stops to a previously approved residential project in manner which affords a diversity of housing types and a wider range of affordability in a compatible relationship.

The proposed project effectively increases density within an area which has been predominantly developed or approved for residential development and provides a land use and product which will afford diversity while remaining compatible and complementary to adjacent development within the area.

The proposed project will provide additional connectivity through both vehicular and pedestrian integration with the adjacent residential development (T-6033) currently under development. A common major street access point will be shared from North Fowler Avenue. Local street connection is also provided, in addition to a pedestrian connection to the previously dedicated pocket park which will be centrally located between the two adjacent subdivisions.

A planned bicycle/pedestrian has been required along the western boundary of the project, North Fowler Avenue, and the project will be conditioned to construct the portion of the trail along the project frontage. The proposed subdivision will also dedicate a common area to serve as a pedestrian paseo/connection from the interior of the subdivision to the corner of North Fowler and East Clinton Avenues where the project will be served by the trail as well as public transit FAX Route 45, which affords additional connectivity to Route 30 at Blackstone and Ashlan, with connections both north and south. Dedication of a bus bay will be required to be constructed at the northeast corner of North Fowler and East Clinton Avenues to facilitate this future bus service.

Furthermore, the project is within two miles of the planned regional Fancher Creek shopping center, to the southwest (Tulare and Clovis Avenues), within ¼ mile of a neighborhood park, and within a mile of several planned elementary schools.

Finally, Objective UF-12 of the Fresno General Plan directs the City to locate roughly one-half of future residential development in infill areas - defined as being within the City on December 31, 2012 - including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land. The subject property was annexed to the City of Fresno as part of Annexation No. 1316 in 2007.

Therefore it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno. Furthermore, the proposed project, including the design and improvement of the subject property, is found; (1) To be consistent with the goals, objectives and policies of the applicable Fresno General Plan and McLane Community Plan; (2) To be Suitable for

the type and density of development; (3) To be safe from potential cause or introduction of serious public health problems; and, (4) To not conflict with any public interests in the subject property or adjacent lands.

Public Resources

The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services are available to serve the project site subject to implementation of the Fresno General Plan policies and the mitigation measures of the related Master Environmental Impact Report; the construction and installation of public facilities and infrastructure in accordance with Department of Public Works standards, specifications and policies.

Circulation Element Plan Policies and Major Street System Traffic Capacity

Plan Amendment Application No. A-15-002 proposes to amend the Fresno General Plan and McLane Community Plan to change the planned land use designation for an approximately 2.09 acre portion of the subject property from Community Commercial, an approximately 4.47 acre portion from Medium-Low Density Residential (3.5-6 dwelling units/acre), and an approximately 14.37 acre portion from Urban Neighborhood (16-30 dwelling units/acre) to Medium Density Residential (5.0-12 dwelling units/acre).

The above described area of approximately 4.47 acres of land was previously approved for subdivision and development as Phase II of Tract 6033/UGM. The approximately 2.09 acres of land proposed to be converted from Community Commercial to Medium Density Residential Use has been evaluated as affording an additional 18 single family residential dwelling units beyond that which was previously evaluated through processing of Tract 6033/UGM.

Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the addition of 18 single family residential dwelling units (on the approximately 2.09 acre portion of the subject property) would generate 171 average daily trips (ADT), with 14 vehicle trips occurring during the morning peak hour travel period (7 to 9 a.m.) and 18 vehicle trips occurring during the evening peak hour travel period (4 to 6 p.m.).

If developed with a commercial shopping center consistent with the existing Community Commercial planned land use designation, the same 2.09 acre portion of the subject property would generate 982 ADT, with 22 a.m. peak hour trips and 85 p.m. peak hour trips. Therefore, the proposed project would result in 811 fewer ADT, 8 fewer a.m. peak hour trips and 67 fewer p.m. peak hour trips.

The Public Works Department has reviewed the peak intersection turning movements and traffic count data at the intersections of East Shields with Fowler, Bliss and Armstrong Avenues to determine if an updated Traffic Impact Study (TIS) would be required to be completed by the project. A TIS was completed in 2007 as part of the planning for Tract 5717. Based on the traffic count data provided by JLB Traffic Engineering, Inc. dated October 10, 2015, an update to the existing 2007 TIS will not be required. Any conditions identified as part of the previous TIS will be applicable for this project.

A trip generation analysis dated July 22, 2015 has also been prepared by Quad Knopf for the approximately 14.37 acre portion of the proposed project and has been supplemented with further information provided by the Public Works Department. This analysis evaluated the trip generation characteristics attributed to the future development of 134 single family residential dwelling units at a

density of approximately 9.32 dwelling units/acre; consistent with the proposed Medium Density Residential (5.0-12 dwelling units/acre) planned land use designation for the respective portion of the subject property. Development with detached single family housing at this density would result in the generation of 1,276 ADT, with 101 a.m. peak hour trips and 134 p.m. peak hour trips.

If developed with 322 apartment type dwelling units at a density of 22.40 dwelling units per acre consistent with the existing Urban Neighborhood (16-30 dwelling units/acre) planned land use designation, the same 14.37 acre portion of the subject property would generate 2,141 ADT, with 164 a.m. peak hour trips and 200 p.m. peak hour trips. Therefore, the proposed project would result in 865 fewer ADT, 63 fewer a.m. peak hour trips and 66 fewer p.m. peak hour trips.

Due to the substantial reduction in the number of vehicle trips generated from the proposed land use change, the project will not result in further impacts to the planned transportation network, which were not previously evaluated in the MEIR.

The Public Works Department, Traffic Engineering Division has reviewed the proposed plan amendment, rezone, conditional use permit and tentative tract map applications and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic generated upon implementation of the traffic related mitigation measures of the MEIR and completion of the adjacent street segments and intersections in accordance with the transportation element of the Fresno General Plan.

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. Based upon the project requirements for street dedications, improvements, and contributions to the City wide impact fee system, the adjacent and interior streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system.

Public Notice and Input

In accordance with Section 12-608 of the FMC, a notice of public hearing was published in the Fresno Bee, mailed to surrounding property owners within 500 feet of the subject site (see attached Exhibit C: Noticing Map) and posting on-site.

The District 4 Plan Implementation Committee recommended approval of the proposed applications at its regularly scheduled meeting held on November 23, 2015 through a unanimous vote.

Fresno City Planning Commission Action

Plan Amendment Application No. A-15-002 and Rezone Application No. R-15-009 were considered by the Fresno City Planning Commission at its meeting on December 16, 2015. No one from the public spoke in opposition of the proposed project. After a complete hearing, the Commission voted and recommended the City Council approve the proposed plan amendment and rezone applications.

Staff is recommending the City Council approve the proposed plan amendment and rezoning of the subject property in accordance with the recommendations included within this report herein above.

ENVIRONMENTAL FINDINGS

An environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the Roosevelt Community Plan area, including the Fresno General Plan Master Environmental Impact Report (MEIR SCH No. 2012111015). These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and, student generation projections and school facility site location identification.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is not fully within the scope of the Master Environmental Impact Report (MEIR) prepared for the Fresno General Plan (SCH # 2012111015) as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). Therefore, the Development and Resource Management Department proposes to adopt a Mitigated Negative Declaration for this project.

It has been further determined that all applicable mitigation measures identified within the Fresno General Plan 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 MEIR as provided by CEQA Section 15178(a). In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), staff has determined 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. 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).

Based upon the attached environmental assessment and with the project specific mitigation imposed, staff has determined that there is no substantial evidence in the record that the project may have a significant direct, indirect or cumulative effects on the environment and has prepared a draft mitigated negative declaration for this project. A public notice of the attached mitigated negative declaration finding for Environmental Assessment Application No. A-15-002/R-15-009/C-15-167/T-6108 was published on November 25, 2015 with no comments or appeals received to date.

LOCAL PREFERENCE

Local preference was not considered because this ordinance does not include a bid or award of a construction or service contract.

FISCAL IMPACT

Affirmative action by the Council will result in timely deliverance of the review and processing of the applications as is reasonably expected by the applicant. Prudent financial management is demonstrated by the expeditious completion of this land use application inasmuch as the applicant has paid to the city a fee for the processing of this application and that fee is, in turn, funding the respective operations of the Development and Resource Management Department.

Attachments:

Exhibit A: Vicinity Map

Exhibit B: 2015 Aerial Photograph

Exhibit C: Public Hearing Notice Vicinity Map

Exhibit D: Proposed Planned Land Use Map pursuant to Plan Amendment Application No. A-15-002

Exhibit E: Proposed Rezone exhibit pursuant to Rezone Application No. R-15-009

Exhibit F: Environmental Assessment No. A-15-002/R-15-009/C-15-167/T-6108, finding of a Mitigated Negative Declaration dated November 25, 2015

Exhibit G: Planning Commission Resolution No. 13352 for Plan Amendment Application No. A-15-002; and, the related Environmental Assessment.

Exhibit H: Planning Commission Resolution No. 13353 for Rezone Application No. R-15-009

Exhibit I: City Council Resolution for Plan Amendment Application No. A-15-002

Exhibit J: City Council Ordinance Bill for Rezone Application No. R-15-009