



BILL NO. B-16

ORDINANCE NO. 2016-14

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,

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Date Adopted: 05/12/2016  
Date Approved 05/12/2016  
Effective Date: 06/12/2016

Ordinance No. 2016-14



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.

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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 : Brand, Brandau, Olivier, Quintero, Soria, Caprioglio  
NOES : None  
ABSENT : Baines  
ABSTAIN: None

YVONNE M. SPENCE, CMC  
City Clerk

By: Yvonne Spence  
Deputy

APPROVED AS TO FORM:  
DOUGLAS SLOAN  
City Attorney

By: Mary Raterman-Doidge Date 6/19/16  
Deputy City Attorney