BILL NO. B-30

ORDINANCE NO. 2016-28

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, REPEALING THE OFFICIAL PLAN LINES FOR G STREET FROM EAST DIVISADERO STREET TO WEST BELMONT AVENUE (OPL NO. 80)

WHEREAS, by Ordinance No. 380-A-80, the Board of Supervisors of Fresno County adopted Official Plan Lines (OPL) for the major street segment of G Street from East Divisadero Street to West Belmont Avenue (OPL No. 80); and,

WHEREAS, by Resolution No. 80-150, the Council of the City of Fresno adopted Annexation No. 890 to allocate land containing OPL No. 80 to the City of Fresno; and,

WHEREAS the Fresno General Plan, Edison Community Plan and Chandler-Fresno Downtown Airport Master Plan were amended to include OPL No. 80; and,

WHEREAS, Michael Boone of Teter Architects & Engineers, on behalf of PG&E, has filed an application to amend the Fresno General Plan, the Edison Community Plan, and the Fresno-Chandler Downtown Airport Master Plan by repealing OPL No. 80 for G Street between East Divisadero Street and West Belmont Avenue; and,

WHEREAS, on December 18, 2014, by Resolution No. 2014-226, the City Council adopted the Fresno General Plan which correspondingly adopted the Edison Community Plan, and the Fresno-Chandler Downtown Airport Master Plan and, by Resolution No. 2014-225, certified Master Environmental Impact Report SCH No. 2012111015 ("MEIR") which evaluated the potentially significant adverse

Date Adopted: 08/25/2016
Date Approved: 08/25/2016
Effective Date: 09/25/2016

impacts of urban development within the City of Fresno's designated urban boundary line and sphere of influence; 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 project and resulted in the finding that the repeal of this OPL would not have a significant adverse impact;

WHEREAS, Environmental Assessment No. A-16-007/D-16-045/V-16-006 has been prepared in accordance with the California Environmental Quality Act (CEQA) for the purpose of the proposed repeal of the OPL and resulted in the filing of a Negative Declaration on June 17, 2016; and,

WHEREAS, on July 20, 2016, the Fresno City Planning Commission held a public hearing to consider Plan Amendment Application No. A-16-007 and the associated Negative Declaration prepared for Environmental Assessment No. A-16-007/D-16-045/V-16-006; and,

WHEREAS, the Fresno City Planning Commission heard all oral and written testimony submitted on this OPL repeal then deliberated and adopted Resolution No. 13388 recommending that the City Council adopt the environmental assessment prepared and repeal OPL No. 80 for G Street from East Divisadero Street to West Belmont Avenue; and,

WHEREAS, the Fresno City Council, at its regular meeting on the 25th day of August, 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 G Street between East Divisadero Street and West Belmont 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 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 Negative Declaration prepared for Environmental Assessment No. A-16-007/D-16-045/V-16-006 dated June 17, 2016.

SECTION 2. The Council of the City of Fresno hereby adopts Plan Amendment Application No. A-16-007 amending the Fresno General Plan, the Edison Community Plan, and the Fresno-Chandler Downtown Airport Master Plan by repealing Official Plan

Line No. 80 for G Street between East Divisadero Street and West Belmont Avenue in the City of Fresno.

SECTION 3. 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, California, at a regular meeting held on the 25th day of August, 2016 by the following vote:

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

YVONNE SPENCE, CMC
City Clerk

By Yvonne Spence
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By 9/8/16
Mary Raterman-Doidge Date
Deputy City Attorney