

**Recording Requested by:**  
City Clerk, Fresno, California  
No Fee-Govt. Code 6103

**Return to City Clerk, Fresno**

Space above this line reserved for Fresno County Recorder's Office

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO  
PROPOSED AND INITIATED BY \_\_\_\_\_  
MOVED BY Brand SECONDED BY Olivier

BILL NO. B-6

ORDINANCE NO. 2013-5

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADOPTING  
THE OFFICIAL PLAN LINE FOR NORTH WINERY AVENUE FROM  
EAST HERNDON AVENUE TO NORTH WILLOW AVENUE.

WHEREAS, Trident Realty Partners, LLC., Sol Development Associates, LLC., and the Director of the City of Fresno Department of Public Works have initiated a recommendation for the adoption of an Official Plan Line (OPL), on behalf of the Leslie and Marjorie Sassano Family Trust, Sarkisian Family Trust and D & M Farms, Inc., property owners, for the major street segment of North Winery Avenue from East Herndon Avenue to North Willow Avenue; and,

WHEREAS, the Initial Study prepared for Environmental Assessment No. A-11-007/R-11-009/OPL/TPM-2007-28, which was conducted pursuant to the requirements of the California Environmental Quality Act (CEQA) Guidelines, resulted in the filing of a Mitigated Negative Declaration on January 06, 2012; and,

WHEREAS, pursuant to the provisions of Article 7, Chapter 12, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public hearing on the 1<sup>st</sup> day of February, 2012, to consider the adoption of the proposed OPL for North Winery Avenue from East Herndon Avenue to North Willow Avenue, during which the Commission considered the environmental assessment and recommended approval to the Council of the City of Fresno, as evidenced in Planning Commission Resolution No. 13143, of the adoption of the proposed OPL for North Winery Avenue from East

Date Adopted: 02/28/2013  
Date Approved: 02/28/2013  
Effective Date: 03/31/2013



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Herndon Avenue to North Willow Avenue ; and,

WHEREAS, the Council of the City of Fresno, on the 28<sup>th</sup> day of February 28, 2013, received the recommendation of the Planning Commission.

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 OPL is in the best interest of the City of Fresno. The Council finds in accordance with its own independent judgment that with the project specific mitigation imposed, there is no substantial evidence in the record that adoption of the proposed OPL may have additional significant effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR") and Mitigated Negative Declaration No. A-09-02/SCH No. 2009051016; and, that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 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 No. 10130 or MND No. A-09-02 as provided by CEQA Section 15178(a). In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), Council 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. Accordingly, the Council adopts the Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-007/R-11-009/OPL/TPM-2007-28 dated January 06, 2012.

SECTION 2. The Council finds the map presented to the Council concurrently with this ordinance and on file in the City's Public Works Department, entitled "Official Plan Lines for North Winery Avenue from East Herndon Avenue to North Willow Avenue", containing 2 sheets, being a



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precise section of the Major Street and Highway Plan of the City of Fresno and setting forth the Official Plan Line for North Winery Avenue from East Herndon Avenue to North Willow Avenue, is hereby adopted and made part of the Official Plan Line of Streets and Highways for street use .

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. ///



CLERK'S CERTIFICATION

STATE OF CALIFORNIA     )  
COUNTY OF FRESNO     )  
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 28<sup>th</sup> day of February, 2013, by the following vote:

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

YVONNE SPENCE  
City Clerk

By *Saula Salazar*  
*asst.*

APPROVED AS TO FORM:

FRANCINE M. KANNE  
Interim City Attorney

By *[Signature]*  
Talía Kolluri-~~BARBICK~~  
Deputy City Attorney

Date: 3/12/13



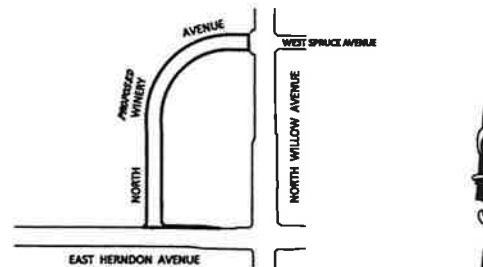
# OFFICIAL PLAN LINES

## NORTH WINERY AVENUE

BETWEEN

EAST HERNDON AVENUE AND NORTH WILLOW AVENUE

THIS MAP CONSTITUTES PART OF THE GENERAL PLAN LINES OF THE CITY OF FRESNO, CALIFORNIA AND IS FILED IN THE VOLUME ENTITLED "OFFICIAL PLAN LINES - CITY OF FRESNO" IN THE DEVELOPMENT DEPARTMENT.



LOCATION MAP  
(NOT TO SCALE)

WE HEREBY CERTIFY THAT THIS MAP CONSTITUTES A PART OF THE OFFICIAL PLAN LINE OF STREETS AND HIGHWAYS BEING A PART OF THE MASTER PLAN OF THE CITY OF FRESNO, CALIFORNIA, ADOPTED BY THE PLANNING COMMISSION OF SAID CITY BY RESOLUTION NO. \_\_\_\_\_ AT A MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AND CARRIED BY THE AFFIRMATIVE VOTE OF THE MAJORITY OF THE TOTAL MEMBERSHIP OF SAID COMMISSION.

\_\_\_\_\_  
SECRETARY

WE HEREBY CERTIFY THAT THIS MAP OF OFFICIAL PLAN LINES WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRESNO ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_ ADOPTED PURSUANT TO ARTICLE 7 OF CHAPTER 12 OF THE FRESNO MUNICIPAL CODE.

ATTEST:  
YVONNE SPENCE, CMC  
CITY CLERK OF THE CITY OF FRESNO

BY: \_\_\_\_\_  
DEPUTY



I, THE UNDERSIGNED, DEPUTY CITY ENGINEER OF THE PUBLIC WORKS DEPARTMENT OF THE CITY OF FRESNO, CALIFORNIA HEREBY CERTIFY THAT I HAVE EXAMINED THE OFFICIAL PLAN LINES DELINEATED ON THIS MAP AND I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

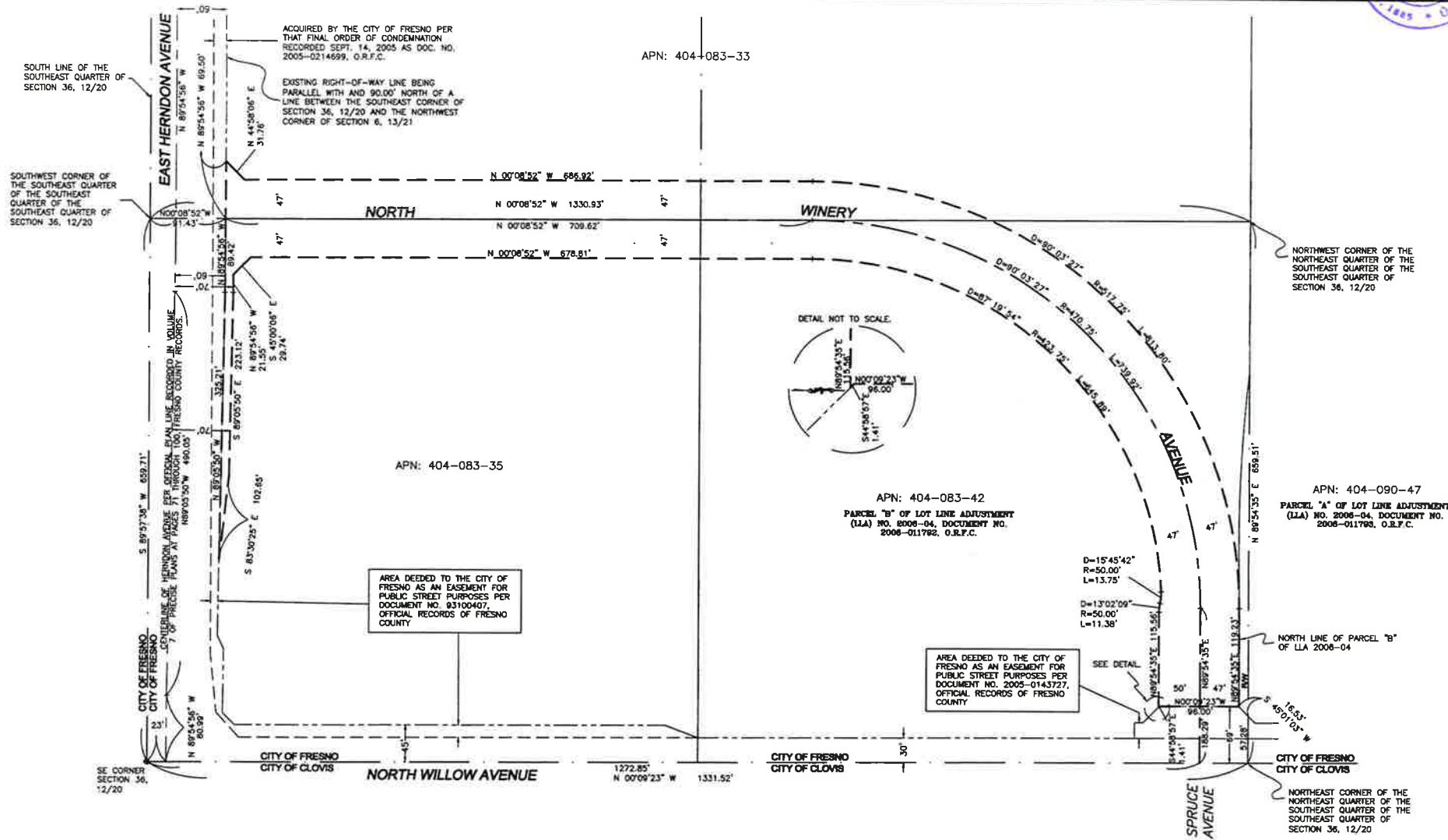
\_\_\_\_\_  
DEPUTY CITY ENGINEER

\_\_\_\_\_  
DATE

INSTRUMENT NO. \_\_\_\_\_ FILED AND RECORDED AT THE REQUEST OF THE CITY OF FRESNO THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_ MINUTES PAST \_\_\_\_\_ M. AND RECORDED IN VOLUME \_\_\_\_\_ OF PRECISE PLANS AT PAGE \_\_\_\_\_ FRESNO COUNTY RECORDS.

PAUL DICTOS, C.P.A.  
COUNTY RECORDER OF THE COUNTY OF FRESNO

BY: \_\_\_\_\_



# OFFICIAL PLAN LINES

## NORTH WINERY AVENUE

BETWEEN

EAST HERNDON AVENUE AND NORTH WILLOW AVENUE

### LEGEND

- OFFICIAL PLAN LINE
- SECTION LINE
- PROPOSED CENTER LINE
- EXISTING RIGHT OF WAY LINE
- EXISTING PROPERTY LINE
- EXISTING CENTER LINE



SCALE: 1" = 80'

NOTE: ALL SETBACKS SHALL BE MEASURED FROM THE "OFFICIAL PLAN LINES".