



BILL NO. B-2

ORDINANCE NO. 2016-2

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, UPDATING THE OFFICIAL ZONING MAP AS DESCRIBED BY SECTION 15-108 OF THE FRESNO MUNICIPAL CODE, AND PURSUANT TO THE PROCEDURES SET FORTH IN ARTICLE 58, CHAPTER 15 OF THE FRESNO MUNICIPAL CODE

WHEREAS, Rezone Application No. R-15-009 has been filed by Fowler Development Company, Inc., with the City of Fresno to rezone property as described herein below; and,

WHEREAS, on November 23, 2015, the District 4 Plan Implementation Committee recommended approval of the rezone application; and,

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, and Article 58, Chapter 15, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public hearing on the 16th day of December, 2015, to consider Rezone Application No. R-15-009 and related Environmental Assessment No. A-15-002/R-15-009/C-15-167/T-6108, during which the Commission considered the environmental assessment and recommended to the Council of the City of Fresno approval, as evidenced in Planning Commission Resolution No. 13353 of the rezone application 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; and,

WHEREAS, the Council of the City of Fresno, on the 4th day of February, 2016, 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 rezoning 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 Rezone Application R-15-009 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-15-002/R-15-009/C-15-167/T-6108 dated November 25, 2015.



SECTION 2. The Council finds the requested RS-5/UGM (*Single Family Residential/Urban Growth Management*) zone district is consistent with the proposed Medium Density Residential planned land use designation of the Fresno General Plan and the McLane Community Plan as specified in the Fresno General Plan and Municipal Code.

SECTION 3. The Council finds that the zone district of the real property described hereinbelow, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, is reclassified from the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/with conditions of zoning*) and C-M/UGM/cz (*Commercial and Light Manufacturing/Urban Growth Management/with conditions of zoning*) zone districts to the RS-5/UGM (*Single Family Residential/Urban Growth Management*) zone district, as depicted in the attached Exhibit "A"

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, 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 4th day of February 2016, by the following vote:

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

YVONNE SPENCE, CMC
City Clerk

By: Marco Martinez-Velasquez
Marco Martinez-Velasquez

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: Mary Raterman-Doidge 2/10/16
Mary Raterman-Doidge Date
Deputy

Attachment: Exhibit A

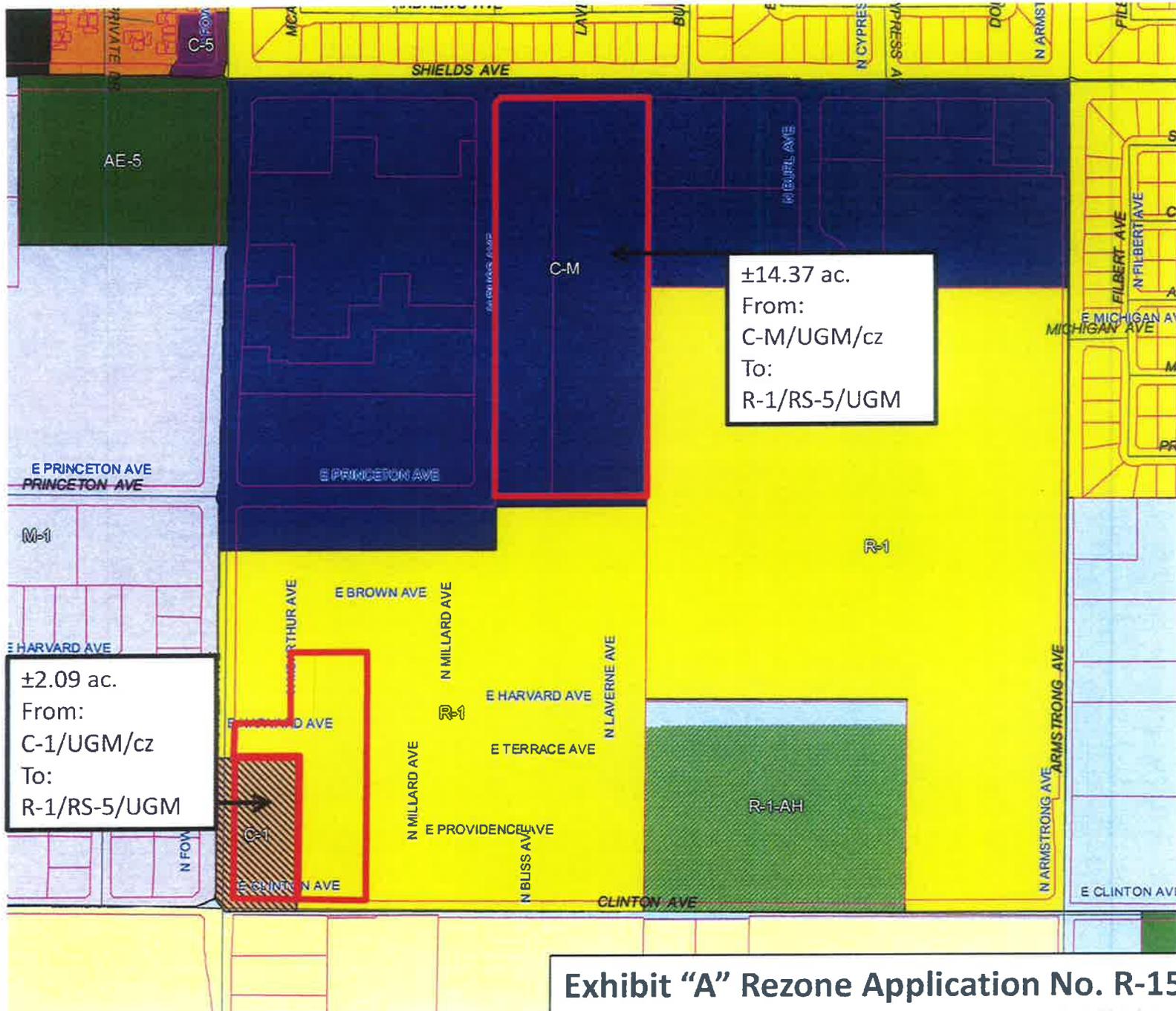


Exhibit "A" Rezone Application No. R-15-009