



BILL NO. B-32

ORDINANCE NO. 2016-29

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

WHEREAS, Rezone Application No. R-16-005 has been filed by Dirk Poeschel Land Development with the City of Fresno to rezone property as described herein below; and,

WHEREAS, on April 11, 2016, the District 4 Plan Implementation Committee recommended approval of the rezone application; and,

WHEREAS, pursuant to the provisions of Article 58, Chapter 15 of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public hearing on the 3th day of August, 2016, to consider Rezone Application No. R-16-005 and related Environmental Assessment No. No. A-16-004/16-005, 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. 13393 of the rezone application to amend the Official Zone Map to rezone the approximately 4.7 acre subject property from the RM-1 (*Residential Multi Family, Medium High Density*) zone district to the RM-2 (*Residential Multiple Family, Urban Neighborhood*) zone district; and,

WHEREAS, the Council of the City of Fresno, on the 1st day of September 2016, received the recommendation of the Planning Commission.

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Date Adopted: 09/01/2016
Date Approved 09/01/2016
Effective Date: 10/02/2016

Ordinance No. 2016-29



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-16-005 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-16-004/R-16-005 dated June 24, 2016.

SECTION 2. The Council finds the requested RM-2 (*Residential Multiple Family, Urban Neighborhood*) zone district zone district is consistent with the proposed Urban Neighborhood planned land use designation of the Fresno General Plan and the Hoover 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 RM-1 (*Residential Multi Family, Medium High Density*) zone district to the RM-2 (*Residential Multiple Family, Urban Neighborhood*) 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.

* * * * *



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, at a regular meeting held on the 1st day of September, 2016.

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

YVONNE SPENCE, CMC
City Clerk

BY: Yvonne Spence
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: [Signature] 9/13/16
Mary Raterman-Doidge Date
Deputy

Attachment: Exhibit A

