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City Clerk, Fresno, California  
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ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO  
PROPOSED AND INITIATED BY \_\_\_\_\_  
MOVED BY Brand SECONDED BY Xiong

BILL NO. B-3

ORDINANCE NO. 2009-3

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF FRESNO HERETOFORE ADOPTED BY ARTICLES 1 TO 4.5 INCLUSIVE, CHAPTER 12, OF THE FRESNO MUNICIPAL CODE, BEING THE ZONING ORDINANCE OF THE CITY OF FRESNO

WHEREAS, Rezone Application No. R-08-028 has been filed by , Marlette Associates, on behalf of the Schindler Lawrence, LLC., to rezone property as described herein below; and,

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public hearing on the 17<sup>th</sup> day of December, 2008, to consider Rezone Application No. R-08-028 and related Environmental Assessment No. A-08-018/R-08-028/S-08-103, 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. 12920, of the rezone application to amend the City's Zoning Ordinance on real property described herein below from the R-1/UGM (*Single family Residential/Urban Growth Management*) zone district to the C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/condition of zoning*) zone district; and,

Adopted 1/27/09  
Approved 1/27/09  
Effective 2/27/09

2009-3



WHEREAS, the Council of the City of Fresno, on the 13<sup>th</sup> day of January, 2009, 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 there is no substantial evidence in the record that, with the project specific mitigation imposed, the rezoning 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 that no new or additional mitigation measures or alternatives may be required. 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 approves the mitigated negative declaration for Environmental Assessment No. A-08-018/R-08-028/S-08-103.

SECTION 2. The Council finds the recommended C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/condition of zoning*) zone district is consistent with the proposed office commercial planned land use designation of the Woodward Park Community Plan and 2025 Fresno General Plan as specified in Section 12-403-B of the Fresno Municipal Code.

SECTION 3. The Council finds that the zone district of the real property described herein below, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, is reclassified from the R-1/UGM (*Single family Residential/Urban Growth Management*) zone district to the C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/condition of zoning*) zone district:

LEGAL DESCRIPTION: From R-1/UGM to C-P/UGM/cz:

Parcel 1 pf Parcel Map No. 7600, in the County of Fresno, State of California, as per plat recorded in Book 56, Page 59 and 60 of Parcel Maps, records of said County.



SECTION 4. The development of the property described in Section 3 shall be conditioned upon the following condition of zoning, which shall be recorded and be on file in the Fresno County Recorder's Office: 1. Development of the Subject Property shall take place in substantial compliance with the attached Exhibit A, as determined by the Director of the Planning and Development Department.

SECTION 5. 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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CLERK'S CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF FRESNO )  
CITY OF FRESNO )

I, REBECCA E. KLISCH, 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 27<sup>th</sup> day of January, 2009, by the following vote:

Ayes: Borgeas, Brand, Caprioglio, Perea, Xiong, Sterling  
Noes: Dages  
Absent: None  
Abstain: None

REBECCA E. KLISCH  
City Clerk

By Rebecca E. Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
City Attorney

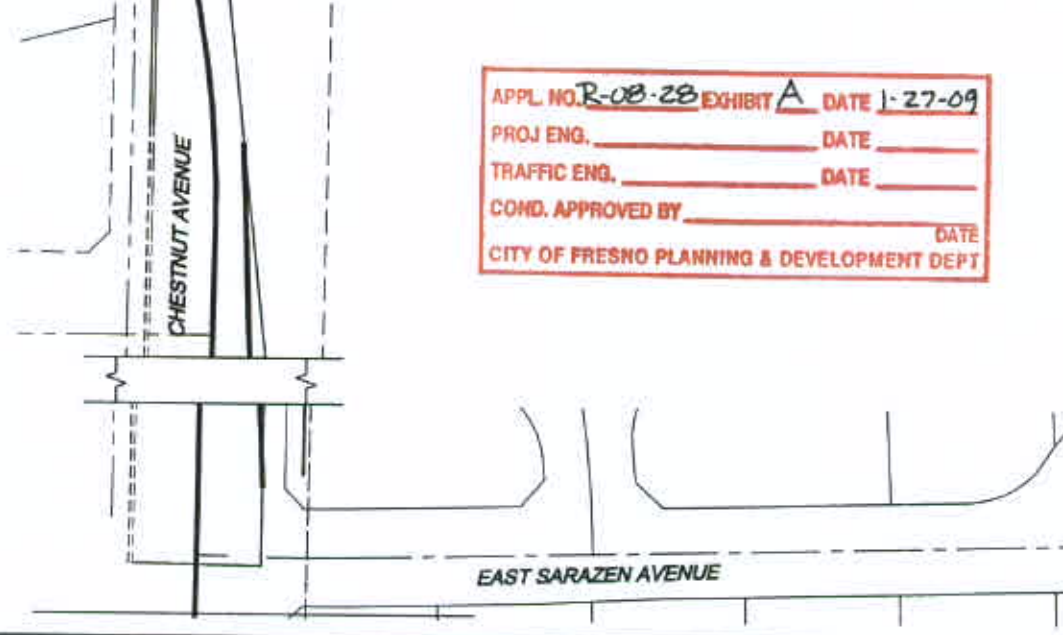
By John W. Fox  
John W. Fox  
Deputy City Attorney

Date 1/22/2009

Rezone Application No. R-08-028  
Filed by Marlette Associates, on behalf of Schindler  
Lawrence, LLC.  
APN No. 578-010-11



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|---|
| APPL. NO. <u>R-08-28</u> EXHIBIT <u>A</u> DATE <u>1-27-09</u> |
| PROJ. ENG. _____ DATE _____                                   |
| TRAFFIC ENG. _____ DATE _____                                 |
| COND. APPROVED BY _____ DATE _____                            |
| CITY OF FRESNO PLANNING & DEVELOPMENT DEPT                    |



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REF. & REV.

### CITY OF FRESNO

IMPROVEMENTS TO BE CONSTRUCTED WITH OFFICE BAY

|                 |                    |
|-----------------|--------------------|
| PROJ. NO. _____ | KRA _____          |
| FUND. NO. _____ | RES. TYPE _____    |
| ORG. NO. _____  |                    |
| DR. BY _____    | DSY _____          |
| CH. BY _____    |                    |
| DATE _____      | 1-14-09 _____      |
| SCALE _____     | AS NOTED _____     |
| JOB NO. _____   | 08-142 _____       |
|                 | SHEET NO. <u>1</u> |
|                 | OF <u>1</u> SHEETS |