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ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Westerlund SECONDED BY Borgeas

BILL NO. B-34

ORDINANCE NO. 2009-34

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-09-09 has been filed by the City of Fresno, applicant, to rezone property as described hereinbelow; and,

WHEREAS, the District 1 Plan Implementation Committee reviewed the project on August 11, 2009 and two members recommended approval of the project and two members abstained; 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 5th day of August 2009, to consider Rezone Application No. R-09-09 and related Environmental Assessment No. R-09-09, during which the Commission recommended to the Council of the City of Fresno approval of the subject environmental assessment and rezone application amending the City's Zoning Ordinance on real property described hereinbelow from the RR (*County*) zone district to the R-1/UGM/ANX (*Single Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) and R-A/UGM/ANX (*Single Family Residential-Agricultural/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone districts; and,

Adopted 9/17/09
Approved 9/17/09
Effective See Sec 5

2009-34



WHEREAS, the Council of the City of Fresno, on the 17th day of September 2009, received the recommendation of the Fresno City Planning Commission; and,

WHEREAS, at the hearing the developer of Vesting Tentative Tract No. 5538 (located at the northwest corner of West Dakota and North Polk Avenues), stated that as part of his off-site improvements he would install a City water main in North Polk Avenue between West Dakota and West Ashlan Avenues and provide lateral water mains to the property lines of the thirteen subject parcels.

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 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. Pursuant to Public Resources Code, Section 21157.6(b)(1), Council further 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, Environmental Assessment No. R-09-09 which is a Finding of Conformity with the MEIR, is hereby approved.

SECTION 2. The Council finds the requested R-1/UGM/ANX (*Single Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone district and the R-A/UGM/ANX (*Single Family Residential-Agricultural/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone district are consistent with the existing medium low density residential and low density residential planned land use designations, respectively, of the West Area Community Plan and the 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 hereinbelow, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, is reclassified from the RR (*County*) zone district to the R-1/UGM/ANX (*Single Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone district.

The South 1170 feet of the East Half of the East Half of the Northeast Quarter of the Northwest Quarter of Section 22, Township 13 South, Range 19 East, Mount Diablo Base and Meridian.

SECTION 4. 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 RR (*County*) zone district to the R-A/UGM/ANX (*Single Family Residential-Agricultural/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone district.

Parcel 1

Parcels A and B of Parcel Map No. 1392, recorded in Book 12, Page 90 of Parcel Maps, Fresno County Records

Parcel 2

The South 161.5 feet of the North 837.5 feet of the West 621.73 feet of the Northwest Quarter of the Northeast Quarter of Section 22, Township 13 South, Range 19 East, Mount Diablo Base and Meridian.

Parcel 3

Parcel 1 of Parcel Map No. 1674, recorded in Book 10, Page 70 of Parcel Maps, Fresno County Records.

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 and upon annexation of the subject property to the City of Fresno.

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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 17th day of September, 2009, by the following vote:

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

REBECCA E. KLISCH
City Clerk

By Rebecca E. Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

By: John Fox
John Fox, Deputy
9/24/2009

Rezone Application No. R-09-09
Filed by the City of Fresno
Assessor Parcel No. 511-011-09 thru 17 and
511-012-6 thru 9