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

BILL NO. B-35

ORDINANCE NO. 2009-35

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-07-002 has been filed by Church Avenue Investors, LLC., property owners, with the City of Fresno 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 2nd day of September, 2009, to consider Rezone Application No. R-07-002 and related Environmental Assessment No. R-07-002/TPM-2007-01, 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. 12975, of the rezone application to amend the City's Zoning Ordinance on real property described herein below from the M-3 (*Heavy Industrial, Fresno County*) zone district to the M-3 (*Heavy Industrial, City of Fresno*) zone district; and,

WHEREAS, the Council of the City of Fresno, on the 24th day of September, 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

Adopted 9/24/09
Approved 9/24/09
Effective See Sec. 4

2009-35



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 Rezone Application No. R-07-002 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 adopts the Finding of Conformity prepared for Environmental Assessment No. R-07-002/TPM-2007-01 dated July 17, 2009.

SECTION 2. The Council finds the recommended M-3 (*Heavy Industrial*) zone district is consistent with the Heavy Industrial planned land use designations of the 2025 Fresno General Plan and the Roosevelt Community 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 M-3 (*Heavy Industrial, Fresno County*) zone district to the M-3 (*Heavy Industrial, City of Fresno*) zone district:

From M-3 (Fresno County) to M-3 (City of Fresno):

All that portion of the Northwest quarter of Section 14, Township 14 South, Range 20 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, described as follows:

Commencing at the Southwest corner of said Northwest quarter of Section 14; thence North 90°00'00" East along the South line of said Northwest quarter, a distance of 220.50 feet; thence North 00°00'21" West, a distance of 39.93 feet to the true point of beginning of this description; thence continuing North 00°00'21" West, a distance of 861.36 feet; thence South 89°59'59" East, along a line described as 901.29 feet North of and parallel with the South line of said Northwest quarter, a distance of 1213.55 feet to the Northwest corner of Parcel 1 of Parcel Map No. 7110, according to the map thereof recorded in Book 47 Pages 13, 14, and 15 of Parcel Maps, Fresno County Records; thence along the West line of Parcels 1 and 2 of said Parcel Map No. 7110, as follows: South 00°04'04" West, a distance of 476.36 feet, South 89°57'16" East, a distance of 12.83 feet, South 00°04'04" West, a distance of 360.62 feet,



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Rezone Application No. R-07-002
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North $89^{\circ}55'56''$ West, a distance of 29.07 feet, and South $00^{\circ}04'04''$ West, a distance of 34.33 feet to a point 30.00 feet North of the South boundary of said Northwest quarter of Section 14; thence leaving said West line, South $90^{\circ}00'00''$ West, parallel with and 30.00 feet North of the South line of said Northwest quarter of Section 14, a distance of 1091.88 feet; thence North $84^{\circ}33'44''$ West, a distance of 104.79 feet to the true point of beginning.

APN: 480-090-12

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 and upon annexation of the subject property to the City of Fresno and upon payment of the required Fire District "Transition Fee". ///



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 24th day of September, 2009, by the following vote:

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

REBECCA E. KLISCH
City Clerk

By Rebecca Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

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

Date 9/24/2009

Rezone Application No. R-07-002
Filed by: Church Avenue Investors, LLC., property
owners.
APN No(s): 480-090-12