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

BILL NO. B-15

ORDINANCE NO. 2009-14

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-08-05 has been filed by the City of Fresno, applicant, to rezone property as described hereinbelow; and,

WHEREAS, the District 5 Plan Implementation Committee recommended approval of the proposed project on March 9, 2009; 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 15th day of October 2008, to consider Rezone Application No. R-08-05 and related Environmental Assessment No. R-08-05, 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 AL-20 (*Limited Twenty Acre Agricultural-County*) zone district to the R-1/UGM/ANX (*Single Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone district; and,

Adopted 3/31/09

Approved 3/31/09

Effective 5/1/09 / See Sec 4

2009-14



WHEREAS, the Council of the City of Fresno, on the 31st day of March 2009, received the recommendation of the Fresno City 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 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-08-05 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 is consistent with the existing medium and medium low density residential planned land use designations of the Roosevelt 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 AL-20 (*Limited Twenty Acre Agricultural-County*) zone district to the R-1/UGM/ANX (*Single Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone district.



That portion of the West half of Section 15, Township 14 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, being more particularly described as follows:

BEGINNING at the West quarter corner of said Section 15;

Thence North 00°00'00" West, along the West Line of said Section 15, a distance of 510.02 feet to a point on the Westerly prolongation of the North line of Parcel 3 of Parcel Map No. 3106, recorded in Book 21 of Parcel Maps at Page 52, Fresno County Records;

Thence South 89°52'53" East, along said Westerly prolongation and along the North line of said Parcel 3, a distance of 655.00 feet to the Northeast corner of said Parcel 3, said point being on the West line of Parcel 1 of Parcel Map No. 7652, recorded in Book 57 of Parcel Maps at Page 93, Fresno County Records;

Thence North 00°00'00" West, along the West line of said Parcel 1, a distance of 160.01 feet to the Northwest corner of said Parcel 1;

Thence South 89°52'53" East, along the North line of said Parcel Map No. 7652, a distance of 667.78 feet to the Northeast corner of Parcel 4 of said Parcel Map No. 7652;

Thence South 00°03'17" West, along the East line of said Parcel 4, a distance of 668.80 feet to a point on the North line of the Southwest quarter of said Section 15;

Thence South 89°56'04" West, along the North line of the Northwest quarter of the Southwest quarter of said Section 15, a distance of 0.14 feet to the Northeast corner of the Northwest quarter of the Southwest quarter of said Section 15;

Thence South 00°02'37" West, along the East line of the Northwest quarter of the Southwest quarter of said Section 15, a distance of 571.42 feet;

Thence North 89°57'49" West, a distance of 1079.43 feet;

Thence South 00°00'47" East, a distance of 104.00 feet;

Thence North 89°57'49" West, a distance of 90 feet;

Thence North 00°00'47" West, a distance of 104.00 feet;

Thence North 89°57'49" West, a distance of 152.00 feet to a point on the West line of the West half of said Section 15;



Thence North 00°00'47" West, along the West line of the West half of said Section 15, a distance of 572.09 feet to the **POINT OF BEGINNING**.

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 required fire district "transitional fees".

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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 31st day of March, 2009, by the following vote:

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

REBECCA E. KLISCH
City Clerk

By Rebecca Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

By: John Fox
John Fox, Deputy
3/25/2009

Rezone Application No. R-08-05
Filed by the City of Fresno
Assessor Parcel No. 316-160-52, 53, 66, 67,
68, 69 and 316-022-26,
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