

Recording Requested by:
City Clerk, Fresno, California
No Fee-Govt. Code 6103

Return to City Clerk, Fresno

Space above this line reserved for Fresno County Recorder=s Office

BILL NO. B-28

ORDINANCE NO. 2009-27

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-09-005 has been filed by the Craig Smith of AMCAL Multi-Housing Inc., applicant, to rezone property as described hereinbelow; 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 1st day of July 2009, to consider Rezone Application No. R-09-005 and related Environmental Assessment No. R-09-005/S-09-042, 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 R-2 (*Low Density Multiple Family Residential*) and R-P/BA (*Residential and Professional Office/Boulevard Area Overlay*) zone districts to the R-2/BA (*Low Density Multiple Family Residential/ Boulevard Area Overlay*) zone district; and,

WHEREAS, the Council of the City of Fresno, on the 16th day of July 2009, received the recommendation of the Fresno City Planning Commission and after close of the hearing on the matter voted to include as a condition of zoning that any site plans for the subject property be considered by the Planning Commission at a noticed public hearing.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

Adopted 7/16/09
Approved 7/16/09
Effective 8/16/09

2009-27



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 Rezone Application No. R-09-005 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 Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130) dated May 15, 2009, prepared for Environmental Assessment No. R-09-005/S-09-042.

SECTION 2. The Council finds the requested R-2/BA (*Low Density Multiple Family Residential/Boulevard Area Overlay*) zone district is consistent with the existing medium-high density residential planned land use designation of the Southwest Fresno G.N.R.A. Redevelopment Plan, the Edison 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 R-2 (*Low Density Multiple Family Residential*) and the R-P/BA (*Residential and Professional Office/Boulevard Area Overlay*) zone districts to the R-2/BA/cz (*Low Density Multiple Family Residential/Boulevard Area Overlay/conditions of zoning*) zone district.

From R-2 and R-P/BA to R-2/BA/cz:

Lots 24 and 25 in Block 235, as shown on the Map entitled, "Town of Fresno", filed for record in



Book 1, Page 7 of Plats, Fresno County Records.

APN: 467-173-12

And

Lots 11 to 23, inclusive in Block 235 of the Town of (now City) of Fresno, County of Fresno, State of California, according to the map recorded in Book 1 Page 7 of Plats, Fresno County Records.

Together with those portions of vacated San Benito Avenue and the vacated Alley, as ordered vacated in that certain Resolution No. 79-383 of the Council of the City of Fresno, ordering the vacation, as recorded December 4, 1979 in Book 7424 Page 344, of the Official Records, as Instrument No. 140680, Fresno County Records, which would pass by a conveyance of said land under section 1112 and 831 of the civil code.

Also together with that portion of the vacated Alley, as ordered vacated in that certain Resolution No. 79-383 of the Council of the City of Fresno, ordering the vacation, as recorded December 4, 1979 in Book 7424 Page 344, of the Official Records, as Instrument No. 140680, Fresno County Records, which would pass by a conveyance of said land under section 1112 and 831 of the civil code.

APN: 467-173-15

SECTION 4. The development of the property described in Section 3 shall be conditioned upon the following condition of zoning:

1. The site plan review shall be considered by the Planning Commission at a noticed public hearing, pursuant to the requirements of Chapter 12, Article 4 of the Fresno Municipal Code.

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.

///

///

///



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 16th day of July, 2009, by the following vote:

Ayes: Brand, Dages, Westerlund, Xiong, Sterling
Noes: None
Absent: Borgeas, Perea
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 7/22/2009

Rezone Application No. R-09-005
Filed by Craig Smith of AMCAL Multi-
Housing Inc.
Assessor Parcel Nos. 467-173-12 & 15