



REPORT TO THE CITY COUNCIL

AGENDA ITEM NO.
COUNCIL MEETING 1-8-08

January 8, 2008

FROM: NICK P. YOVINO, Director
Planning and Development Department

APPROVED BY

DEPARTMENT DIRECTOR

BY: GILBERT J. HARO, Planning Manager
Planning Division

CITY MANAGER

SUBJECT: CONSIDER INITIATING REZONING ON 11 PARCELS TOTALING APPROXIMATELY 70.58 ACRES GENERALLY LOCATED ON THE SOUTHEAST CORNER OF WEST SHAW AND NORTH BRYAN AVENUES WITHIN THE CITY OF FRESNO'S SPHERE OF INFLUENCE (SHAW-BRYAN NO. 2 REORGANIZATION)

BACKGROUND

The Planning and Development Department is requesting that the Council consider initiation of rezoning on 11 parcels totaling approximately 70.58 acres as required for the annexation of a ten acre subdivision map (Tentative Tract No. 5493) into the City of Fresno. In a continuing effort to create logical City boundaries and avoid the creation of islands and peninsulas, parcels that are not part of the entitled properties must be included in the annexations.

Recently, the Local Agency Formation Commission's (LAFCo's) policy was changed to require all parcels within annexation areas to be rezoned consistent with the 2025 Fresno General Plan and corresponding community plan prior to annexation. Previously, LAFCo had permitted properties that were determined to be fully developed to be exempt from rezoning. The requested rezoning is required on 11 properties to facilitate the annexation of Phase 1 of approved Tentative Tract Map No. 5493 (243-lots/56 acres), as identified in attached Exhibit A and the corresponding vicinity map. The area to be rezoned is generally located on the southeast corner of West Shaw and North Bryan Avenues. The rezoning of the 11 parcels is a condition to the completion and ultimate recording of this annexation.

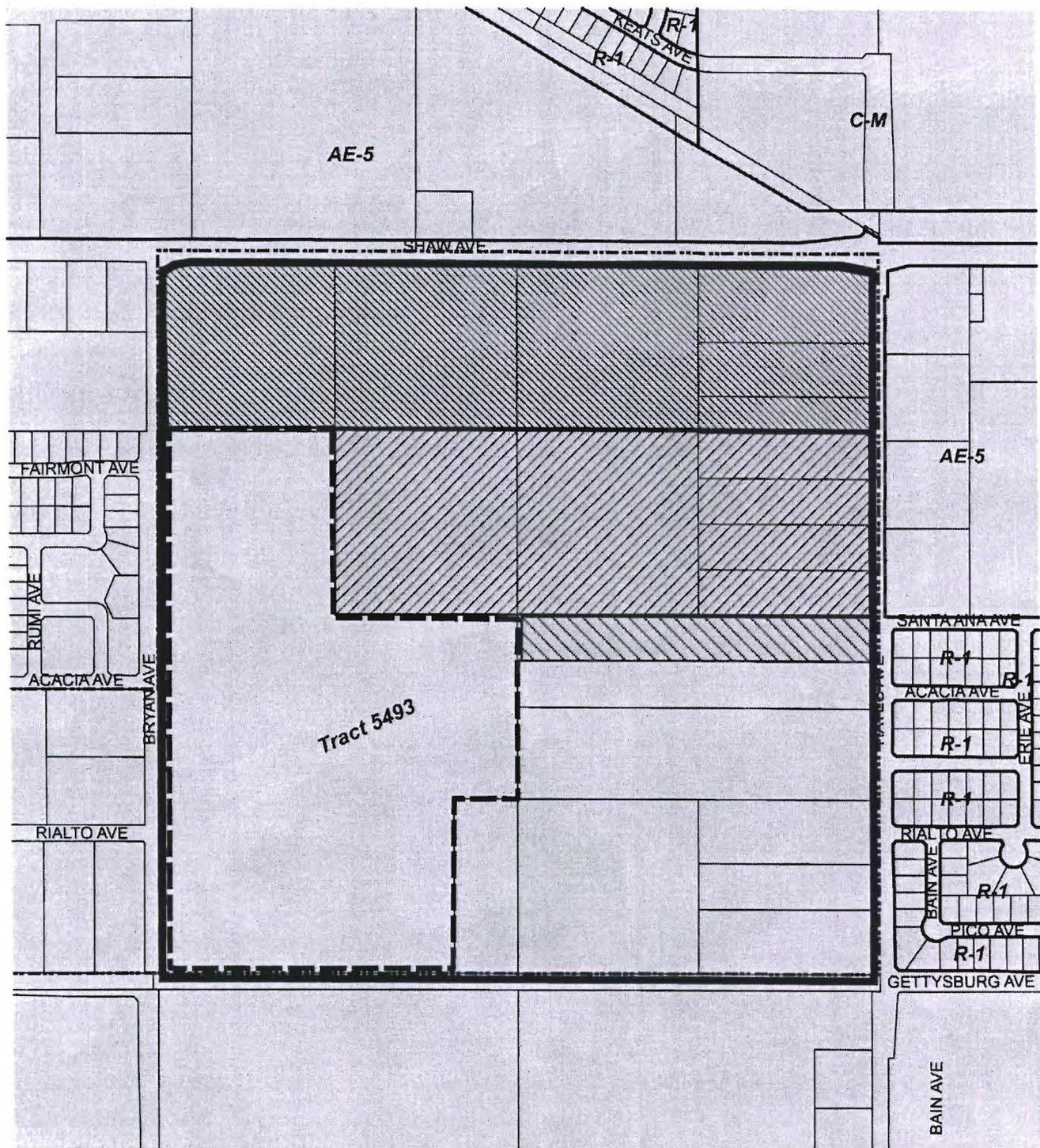
Section 12-401-A-1 of the Fresno Municipal Code allows the City Council to initiate, by resolution, a rezone application to propose a change in the zoning on the subject properties thus making them consistent with the general plan and their respective community plans. Council initiation of a rezone request does not constitute support or denial of the rezoning request, but allows the process to begin an evaluation of the appropriateness of the proposed rezoning of the various parcels, prior to any public hearings before the Planning Commission and City Council. The proposed rezone application will be subject to CEQA review.

RECOMMENDATION

Staff recommends the City Council take the following action:

- 1. APPROVE the attached Council Resolution initiating a rezoning application on the parcels identified in Exhibit A and the corresponding vicinity map.

Attachments: Vicinity Map
Exhibit A- List of Rezone Parcels
Aerial photograph of site
General Plan Land Uses
Council Resolution



LEGEND

-  From R-1-A (county) To C-P/UGM
-  From R-1-A (county) To R-2/UGM
-  From R-1-A (county) To R-1/UGM
-  U.G.M. Area

VICINITY MAP

SHAW - BRYAN NO. 2
REORGANIZATION

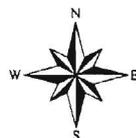
South of W. Shaw Ave. Betwn. N. Hayes and N. Bryan Aves.

**PLANNING & DEVELOPMENT
DEPARTMENT**

311-060-27, 30, 39, 40,
A.P.N.: 43, 45, 46, 54, 55, 56, 87

ZONE MAP: 1944

BY/DATE: D.N. / 1-02-08



NOT TO SCALE

EXHIBIT A

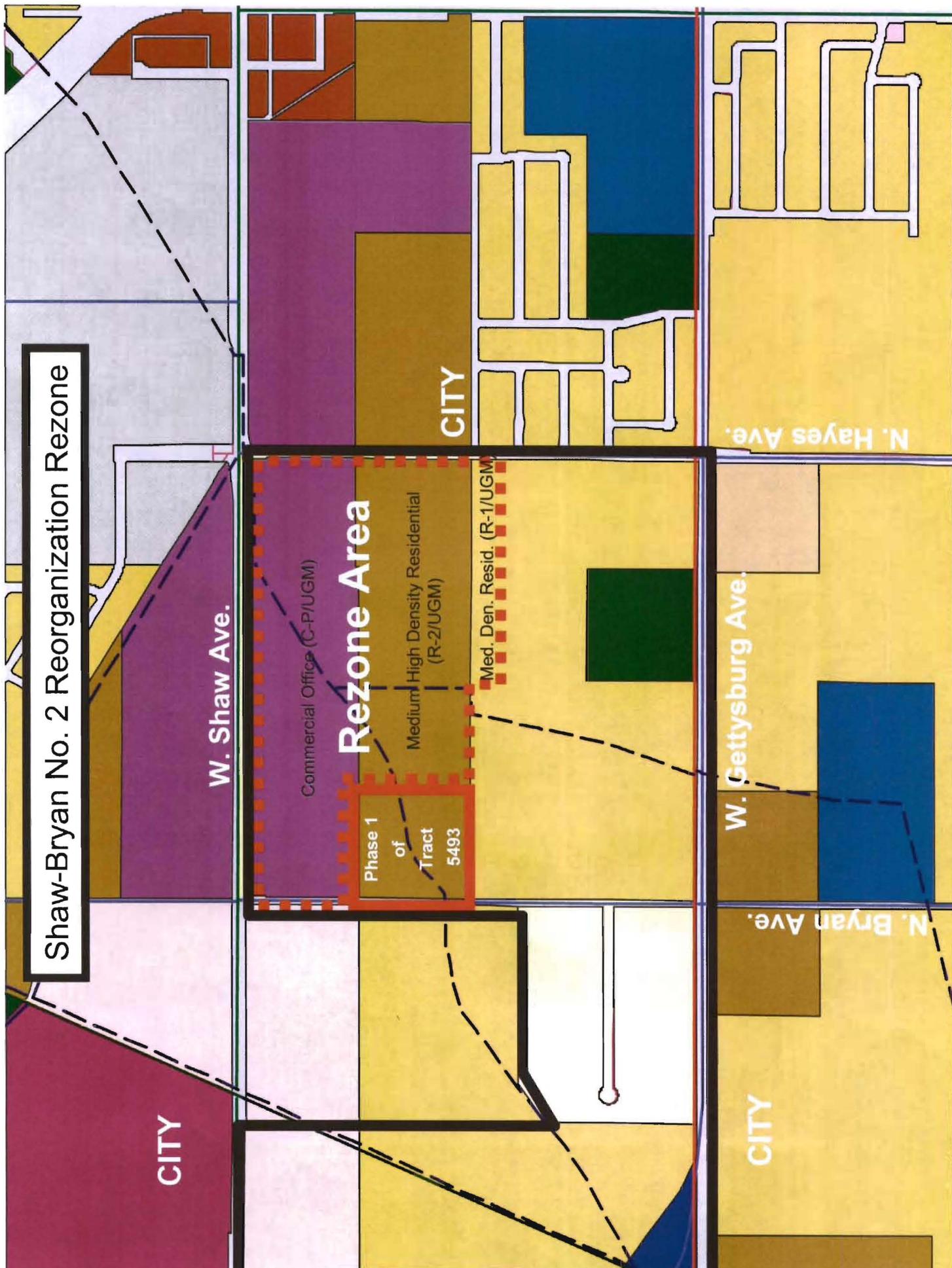
<u>APN</u>	<u>PROPERTY ADDRESS</u>	<u>OWNER</u>	<u>ACRES</u>	<u>FROM</u>	<u>ZONING</u>	<u>TO</u>
31106043	4935 N HAYES AVE 93723	SAGHDEJIAN ABRAHAM O TRUSTEE	4.04	R-R (County)		C-P/UGM
31106027	6135 W SHAW AVE 93723	REPUBLIC PARTNERS	19.23	R-R (County)		C-P/UGM & R-2/UGM
31106030	6277 W SHAW AVE 93723	DE LUCA RODNEY J & MARCELLA L TRUSTEES	19.23	R-R (County)		C-P/UGM & R-2/UGM
31106087	NONE ASSIGNED	CIANO BETTY JEAN TRUSTEE ETAL	8.91	R-R (County)		C-P/UGM
31106046	4799 N HAYES AVE 93723	HER TONG XAO	2.4	R-R (County)		R-2/UGM
31106045	4813 N HAYES AVE 93723	REDMOND JUDITH WHITE TRUSTEE	2.4	R-R (County)		R-2/UGM
31106040	4861 N HAYES AVE 93723	GONZALEZ FELIPE & MARIA CAROLINA	1.92	R-R (County)		C-P/UGM
31106039	4909 N HAYES AVE 93723	GARCIA AMBROSO G & ALICE R GARICA	2.89	R-R (County)		C-P/UGM
31106054	4705 N HAYES AVE 93723	GARCIA LUIS V & ELVIRA V	4.76	R-R (County)		R-1/UGM
31106056	4755 N HAYES AVE 93723	BLANCO ELISA E	2.4	R-R (County)		R-2/UGM
31106055	4767 N HAYES AVE 93723	RAMIREZ RICHARD C SR	2.4	R-R (County)		R-2/UGM

TOTAL ACRES = 70.58

Shaw-Bryan No. 2 Reorganization Rezone



Shaw-Bryan No. 2 Reorganization Rezone



CITY

W. Shaw Ave.

Rezone Area

Commercial Office (C-P/UGM)

Medium High Density Residential (R-2/JUGM)

Med. Den. Resid. (R-1/UGM)

Phase 1 of Tract 5493

CITY

W. Gettysburg Ave.

N. Bryan Ave.

CITY

N. Hayes Ave.

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA,
INITIATING REZONING ON 11 PARCELS, TOTALING APPROXIMATELY 70.58
ACRES, WITHIN THE CITY OF FRESNO SPHERE OF INFLUENCE.

WHEREAS, on November 19, 2002, by Resolution No. 2002-379, the City Council adopted the 2025 Fresno General Plan, which correspondingly updated adopted the Community Plans, and by Resolution No. 2002-378 certified Master Environmental Impact Report No. 10130, which evaluated the potentially significant adverse environmental impacts of urban development within the City of Fresno's designated urban boundary line and extended sphere of influence; and,

WHEREAS, Section 12-401-A-1 of the Fresno Municipal Code allows the City Council to initiate, by resolution, a rezone application to consider a change of zoning on properties thus making them consistent with the general plan and the respective community plan; and

WHEREAS, the Local Agency Formation Commission (LAFCo) requires all affected properties to be rezoned as a condition of annexation; and

WHEREAS, on January 8, 2008, the City of Fresno Planning and Development Department requested the City Council to initiate, by resolution, a rezone application on 11 parcels totaling 70.58 acres (see attached Exhibit A and corresponding vicinity map), located on the southeast corner of West Shaw and North Bryan Avenues, to rezone the parcels consistent with the 2025 Fresno General Plan and West Area Community Plan land use designations; and,

WHEREAS, the proposed rezoning of properties is consistent with various objectives and policies of the 2025 Fresno General Plan.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Fresno does ordain as follows:

1. The Council hereby initiates a rezoning application on 11 parcels, encompassing 70.58 acres within the City of Fresno Sphere of Influence, as identified on attached Exhibit A and the corresponding vicinity map.
2. The Council hereby directs the Planning and Development Department to take all necessary steps, follow all necessary procedures and prepare all necessary documents, including CEQA documentation, reports and findings to rezone the parcels.

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 Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the _____ day of _____, 2008.

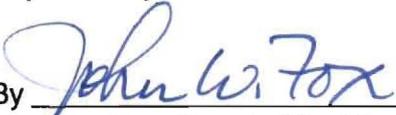
AYES:
NOES:
ABSENT:
ABSTAIN:

REBECCA E. KLISCH
City Clerk

By _____

APPROVED AS TO FORM

JAMES C. SANCHEZ
City Attorney

By 
John Fox, Deputy City Attorney
11/2/2008
Date

Initiation of Rezoning
Filed by City of Fresno
APN Nos. (see attached Exhibit A)

EXHIBIT A

<u>APN</u>	<u>PROPERTY ADDRESS</u>	<u>OWNER</u>	<u>ACRES</u>	<u>FROM</u>	<u>ZONING</u>	<u>TO</u>
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