

Exhibit N

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING THE OFFICIAL ZONING MAP AS DESCRIBED
BY SECTION 15-108 OF THE FRESNO MUNICIPAL CODE,
AND PURSUANT TO THE PROCEDURES SET FORTH IN
ARTICLE 58, CHAPTER 15 OF THE FRESNO MUNICIPAL
CODE

WHEREAS, Pre-zone Application No. P22-04069 has been filed by Harbour & Associates, with the City of Fresno to pre-zone the property as depicted in the attached Exhibit "A"; and

WHEREAS, pursuant to the provisions of Article 58, Chapter 15, of the Fresno Municipal Code, the Planning Commission ("Commission") of the City of Fresno held a public hearing on the 19th day of June 2024, to consider Pre-zone Application No. P22-04069 and related Environmental Assessment No. P22-03846/P22-04069 dated May 3, 2024 and Addendum dated June 13, 2024, during which the Commission considered the environmental assessment and pre-zone application, and recommended to the Council of the City of Fresno, as evidenced in Planning Commission Resolution No.13850, approval of the subject environmental assessment and pre-zone application to amend the City's Zoning Ordinance on real property described herein below; 9.54 acres of the subject property from the County of Fresno RR/NB (*Rural Residential/Neighborhood Beautification*) zone district to the City of Fresno RS-5/ANX (*Single-Family Residential*,

1 of 6

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval:

273003v1

HY

Ordinance No.

Medium Density/Annexed Rural Residential Transitional Overlay) zone district; and approximately 9.78 acres of the subject property from the RR/NB (*Rural Residential/Neighborhood Beautification*) zone district to the City of Fresno RS-5/cz (*Single-Family Residential, Medium Density/conditions of zoning*) zone district; and

WHEREAS, the Council of the City of Fresno, on the 15th day of August 2024, received the recommendation of the Planning Commission.

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 pre-zoning is in the best interest of the City of Fresno. The Council finds in accordance with its own independent judgement that there is no substantial evidence in the record that Pre-zone Application No. P22-04069 will cause significant adverse cumulative impacts. 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 Fresno General Plan Program Environmental Impact Report SCH No. 2019050005 ("PEIR") was certified; and, that no new information, which was not known and could not have been known at that time that the PEIR was certified as complete, has become available. Accordingly, the Council adopts Environmental Assessment No. P22-03846/P22-04069 dated May 3, 2024, and Addendum dated June 13, 2024.

SECTION 2. The Council finds the requested pre-zone of approximately 9.78 acres of property from the RR/NB (*Rural Residential/Neighborhood Beautification*) to the RS-5/cz (*Single-Family Residential, Medium Density/conditions of zoning*) and approximately 9.54 acres of property from the RR/NB (*Rural Residential/Neighborhood Beautification*) to the RS-5/ANX (*Single-Family Residential, Medium Density/Annexed Rural Residential Transitional Overlay*) zone districts is consistent with the planned land use designation of the Fresno General Plan and West Area Community Plan.

SECTION 3. The Council finds that the zone district of the real property described herein below, located in the County of Fresno, is pre-zoned for approximately 9.54 acres of the subject property from the County of Fresno RR/NB (*Rural Residential/Neighborhood Beautification*) zone district to the City of Fresno RS-5/ANX (*Single-Family Residential, Medium Density/Annexed Rural Residential Transitional Overlay*) zone district; and for approximately 9.78 acres of the subject property from the RR/NB (*Rural Residential/Neighborhood Beautification*) zone district to the City of Fresno RS-5/cz (*Single-Family Residential, Medium Density/conditions of zoning*) zone district in accordance with and as depicted in the attached Exhibit "A".

SECTION 4. This Ordinance shall be conditioned upon the record owner of the 9.78 acres described in section 3 executing and causing to be recorded a covenant running with the land that will affect land development to guarantee that:

1. The southern-most property of the annexation area (APN: 511-011-06) along the south side of West Ashlan Avenue shall require annexation into Community Facilities District (CFD) No. 18 upon approval of the Final Map, and comply with the City of Fresno, Department of Public Works, Memorandum dated June 13, 2024. A true and correct copy of the Department of Public Works Memorandum dated June 13, 2024, is attached hereto as Exhibit "B".

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 final passage and upon annexation to the City of Fresno.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2024.

AYES :
NOES :
ABSENT :
ABSTAIN :

TODD STERMER, CMC
City Clerk

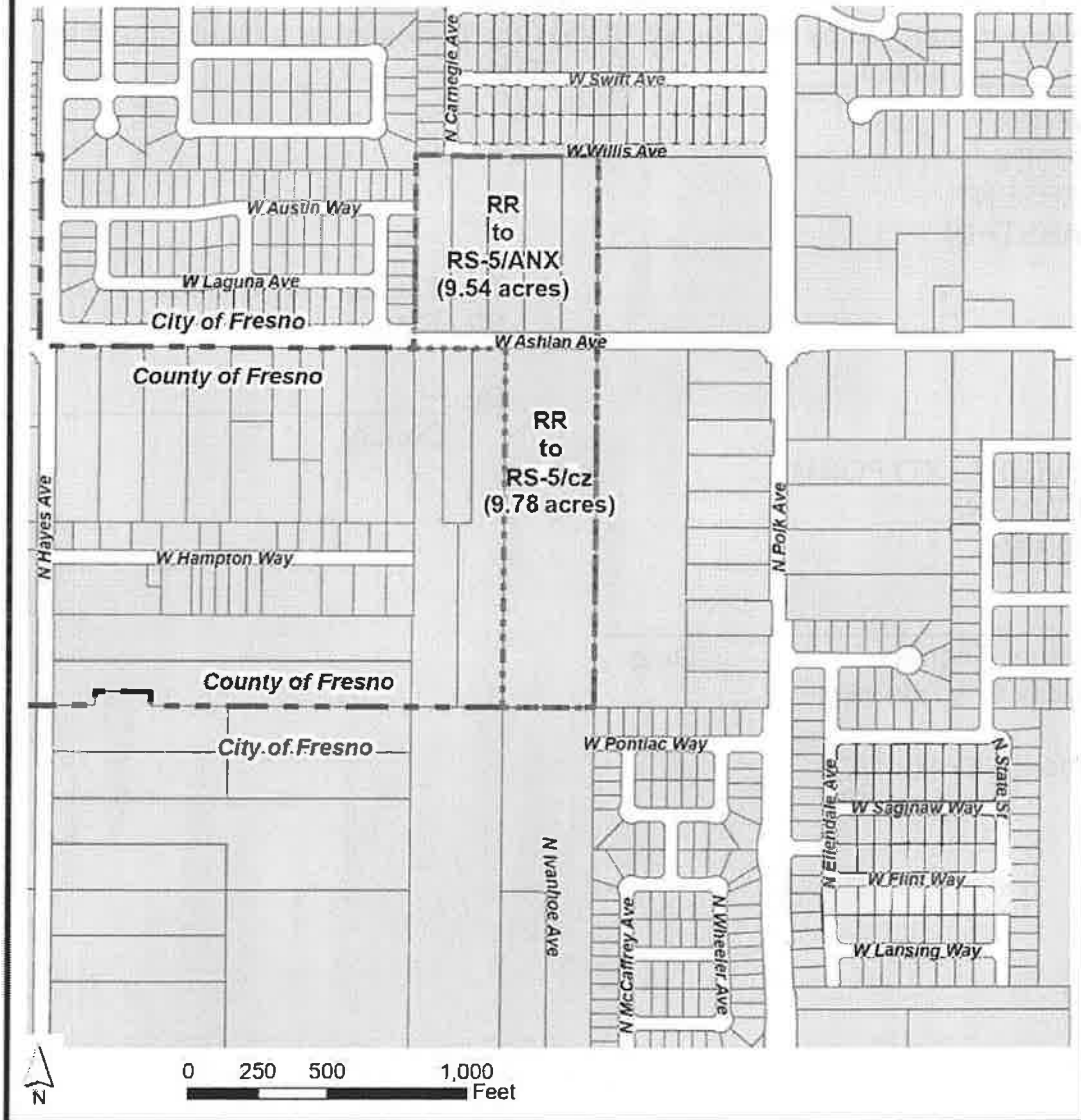
By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Heather Thomas Date
Deputy City Attorney

Attachment: Exhibit "A"
Exhibit "B"

Prezone Exhibit A



P22-04069

APN: 511-01-106, 510-21-001, 510-21-002, 510-21-003, 510-21-006, 510-21-007

West of the Intersection of Polk Avenue and Ashlan Avenue



City Limits

Proposes to pre-zone approximately 9.78 acres from RR (Rural Residential) to RS-5/cz (Residential Single-Family, Medium Density/conditions of zoning), and approximately 9.54 acres from RR (Rural Residential) to RS-5/ANX (Residential Single-Family, Medium Density/Annexed Rural Residential Transitional Overlay).

"Exhibit B"



DATE: June 13, 2024

TO: Juan Lara, Planner III
Planning and Development Department

FROM: Adrian Gonzalez, Supervising Engineering Technician
Public Works Department, Traffic Operations and Planning Division

SUBJECT: PUBLIC WORKS CONDITIONS OF APPROVAL FOR TENTATIVE TRACT MAP NO. 5756
REGARDING SERVICE REQUIREMENTS (P22-04069)

LOCATION: 5613 West Ashlan Avenue
APN: 511-011-06

The Public Works Department, Traffic Operations and Planning Division, has completed its review and the following requirements are to be placed on this tentative map as a condition of approval. These requirements are based on City of Fresno code, policy, standards and the public improvements depicted on the exhibits submitted for this development.

ATTENTION:			
The item below requires a separate process with additional costs and timelines. In order to avoid delays with the final map approval, the following item shall be submitted for separate processing to the Public Works Department, Traffic Operations and Planning Division prior to final map approval.			
X	CFD Annexation Request Packages (CFD 18)	Adrian Gonzalez	(559) 621-8693 Luis.Gonzalez@fresno.gov

The Community Facilities District annexation process takes from three to four months and SHALL be completed prior to final map approval. INCOMPLETE Community Facilities District ("CFD") Annexation Request submittals may cause delays to the annexation process and final map approval.

All applicable construction plans for this development shall be submitted to the appropriate City Department for review and approval **prior** to the CFD process.

- Landscape and Irrigation Plans are required to be approved prior to the finalization of the CFD process and the approval of the final map.
- Proposed park amenities shall be reviewed and approved by the Building & Safety Services Division or as approved in writing by the City Engineer at time of submittal for the CFD process and prior to final map approval.**

Requirements not addressed due to omission or misrepresentation of information, on which this review process is dependent, will be imposed whenever such conditions are disclosed and shall require a revision of this letter.

Any change affecting the items in these conditions shall require a revision of this letter.

The Property Owner's Services Requirements

The recurring expenditures related to Public Safety Services, police and fire safety/protection/suppression ("Services"), provided by the City that are associated with all new Single-Family developments are the ultimate responsibility of the Developer. The Developer shall provide these Services either by a mechanism approved

by the Public Works Department or by annexing to the City of Fresno's Community Facilities District No. 18 ("CFD No. 18").

The following public safety services will be furnished by CFD No. 18 as associated with this development:

- The services to be funded, in whole or in part, by the District include all direct and incidental costs related to providing for the funding of public safety services within the area of the District.
- The services shall include, but not be limited to, police and fire safety/protection/suppression services.
- The District may fund any of the following related to the services described in the preceding sentence: obtaining, constructing, furnishing, operating and maintaining equipment, apparatus or facilities related to providing the services and/ or equipment, apparatus, facilities or fixtures in areas to be maintained, paying the salaries and benefits of personnel necessary or convenient to provide the services, payment of insurance costs and other related expenses and the provision of reserves for repairs and replacements and for the future provision of services.
- The administrative expenses to be funded by the District include the direct and indirect expenses incurred by the City in carrying out its duties with respect to the District (including, but not limited to, the levy and collection of the special taxes) including the fees and expenses of attorneys, any fees of the City related to the District or the collection of special taxes, an allocable share of the salaries of the City staff directly related thereto and a proportionate amount of the City's general administrative overhead related thereto, any amounts paid by the City from its general fund with respect to the District or the services authorized to be financed by the District, and expenses incurred by the City in undertaking action to foreclose on properties for which the payment of special taxes is delinquent, and all other costs and expenses of the City in any way related to the District.
- The incidental expenses that may be funded by the District include, in addition to the administrative expenses identified above, the payment or reimbursement to the City of all costs associated with the establishment and administration of the District.

The Property Owner shall do the following:

- a. The Property Owner may petition the City of Fresno to request annexation to CFD No. 18 by completing and submitting an Annexation Request Package to the Public Works Department, Traffic Operations and Planning Division for review and approval. The Annexation Request Form is available, along with current costs, on-line at the City's website at <http://www.fresno.gov>, under the Public Works Department, Land Development.
 - **Proceedings to annex the final map to CFD No. 18 SHALL NOT commence** unless the final map is within the City limits and all construction plans (this includes Street, Street Light, Signal, Landscape and Irrigation plans, and any other plans needed to complete the process) and the final map are considered technically correct.
 - The annexation process will be put on **HOLD** and the developer notified if all of the requirements for processing are not in compliance. **Technically Correct shall mean that the facilities and quantities to be maintained by CFD No. 18 are not subject to change and after acceptance for processing.**

For questions regarding these conditions please contact Adrian Gonzalez at (559) 621-8693 or Luis.Gonzalez@fresno.gov