

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
UPDATING 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, Rezone Application No. P19-02030 has been filed by Bryan Sassano on behalf of Spencer Enterprises, Inc. with the City of Fresno to rezone 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 of the City of Fresno held a public hearing on the 20th day of November 2019, to consider Plan Amendment Application No. P19-02030, Rezone Application No. P19-02030, Development Permit Application No. P19-02033, and related Environmental Assessment No. P19-02033, dated November 13, 2019, during which the Commission considered the environmental assessment and rezone application and recommended to the Council of the City of Fresno approval, as evidenced in Planning Commission Resolution No. 13617 of the subject environmental assessment and rezone application to amend the Official Zone Map to rezone the approximately ±11.8 acre subject property from the CC/UGM/cz (*Commerical - Community/Urban Growth Management/conditions of zoning*) zone district to the RM-2/UGM (*Residential Multi Family, Urban Neighborhood/Urban Growth Management*) zone district in accordance with Plan Amendment Application No. P19-02030; and,

1 of 4

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval:



Ordinance No.

WHEREAS, the Council of the City of Fresno, on the 12th day of December 2019, 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 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 with all applicable project specific mitigation measures imposed, there is no substantial evidence in the record that Rezone Application No. P19-02030 may have additional significant effects on the environment that were not identified in the Fresno General Plan Master Environmental Impact Report SCH No. 2012111015 ("MEIR"); and, that all applicable mitigation measures of the MEIR have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by the MEIR as provided by CEQA Section 15178(a). Therefore, it has been determined based upon the evidence in the record that the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2). Accordingly, the Council adopts the Mitigated Negative Declaration prepared for Environmental Assessment No. P19-02033 dated November 13, 2019. 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 not have been known at the time of the MEIR was certified as complete, has become available.

SECTION 2. The Council finds the requested RM-2/UGM (*Residential Multi Family, Urban Neighborhood/Urban Growth Management*) zone district is consistent with the proposed Medium High Density Residential (16-30 dwelling units per acre) planned land use designation of the Fresno General Plan and the Bullard Community Plan as specified in the Fresno General Plan and 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 CC/UGM/cz (*Commercial - Community/Urban Growth Management/conditions of zoning*) zone district to the RM-2/UGM (*Residential Multi Family, Urban Neighborhood/Urban Growth Management*) zone district, as depicted in the attached Exhibit "A."

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.

* * * * *

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

I, YVONNE SPENCE, 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 12th day of December 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

YVONNE SPENCE, CMC
City Clerk

By: _____

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Rina Gonzales Date
Deputy City Attorney

Attachment: Exhibit A