

Exhibit N
Ordinance Bill Approving Rezone Application
No. R-16-011

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, APPROVING REZONE APPLICATION No. R-16-011, TO REZONE ALL OF THE PROPERTY WITHIN THE DOWNTOWN NEIGHBORHOODS COMMUNITY PLAN AND THE FULTON CORRIDOR SPECIFIC PLAN AREAS TO BE CONSISTENT WITH THE PLANNED LAND USE

WHEREAS, on December 18, 2014, by Resolution No. 2014-226, the City Council adopted the Fresno General Plan, and;

WHEREAS, on December 3, 2015, by Ordinance 2015-39, the City Council adopted the Citywide Development Code to implement the Fresno General Plan, reserving Article 15 for future inclusion of Downtown Districts; and,

WHEREAS on February 4, 2016, by Ordinance 2016-4, the City Council updated the Official Zoning Map of the City of Fresno, excepting the Downtown Planning Area, which was to be rezoned concurrently with adoption of the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, and the Downtown Development Code; and

WHEREAS, the City of Fresno Development and Resource Management Department Director has filed Plan Amendment Application No. A-16-011 to adopt the Downtown Neighborhoods Community Plan, Plan Amendment Application No. A-16-012 to adopt the Fulton Corridor Specific Plan, and Text Amendment Application No. TA-16-002 to incorporate the Downtown Development Code into the existing Citywide Development Code; and,

WHEREAS, the City of Fresno Development and Resource Management Department Director has also concurrently filed Rezone Application No. R-16-011 to rezone all property within the Downtown Planning Area, consistent with Plan Amendment Application No. A-16-

Date Adopted:
Date Approved
Effective Date:
City Attorney Approval:



Ordinance No.

011 to adopt the Downtown Neighborhoods Community Plan, Plan Amendment Application No. A-16-012 to adopt the Fulton Corridor Specific Plan, and Text Amendment Application No. TA-16-002 to incorporate the Downtown Development Code into the existing Citywide Development Code; and

WHEREAS, on August 22, 2016, the Historic Preservation Commission recommended approval of the Rezone application; and,

WHEREAS, on September 26, 2016, the Fulton/Lowell Specific Plan Design Review Committee recommended approval of the Rezone application; and,

WHEREAS, on September 26, 2016, the Council District 5 Plan Implementation Committee recommended approval of the Rezone application; and,

WHEREAS, on October 3, 2016, the Council District 3 Plan Implementation Committee had a scheduled meeting to review the Rezone but was unable to act due to lack of a quorum; and,

WHEREAS, on October 3, 2016, the Airport Land Use Commission reviewed the Rezone and failed to find consistency between the Chandler Executive Airport Land Use Compatibility Plan and the Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan and the Downtown Development Code; and,

WHEREAS, the Fresno City Planning Commission took action, as evidenced in Planning Commission Resolution No.13419 to recommend approval of Rezone Application No. R-16-011; and,

WHEREAS, on October 20, 2016, the Fresno City Council held a public hearing to consider Rezone Application No. R-16-011 and received both oral testimony and written information presented at the hearing regarding Rezone Application No. R-16-011; and,

WHEREAS, prior to taking action on this project, Council certified the Final Program

EIR (SCH No. 2012041009) for the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, the Downtown Development Code, and Rezone Application No. R-16-011, adopting a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations, and determining that it was prepared in compliance with the California Environmental Quality Act.

WHEREAS, the Council of the City of Fresno, on October 20, 2016, received the recommendation of the Planning Commission.

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

SECTION 1. The Council finds in accordance with its own independent judgment that Final Program EIR (SCH No. 2012041009) for the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, the Downtown Development Code, and Rezone Application No. R-16-011, along with the Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations, was prepared in compliance with the California Environmental Quality Act.

SECTION 2. The Council finds the requested Rezone application is consistent with the planned land use designation of the Fresno General Plan as expressed in Figure LU-1 as amended by Plan Amendment Application No. A-16-008.

SECTION 3. The Council finds the adoption of the proposed Rezone is consistent with the purpose of the Airport Land Use Commission statute of protecting public health, safety and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports.

SECTION 4. The Council hereby rezones all property within the Downtown Planning

Area as shown on the City of Fresno Downtown Development Code Zoning Map in Exhibit A,
All conditions of zoning shall remain in full force and effect.

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.

* * * * *

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 ____ day of _____, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor Approval: _____, 2016
Mayor Approval/No Return: _____, 2016
Mayor Veto: _____, 2016
Council Override Vote: _____, 2016

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

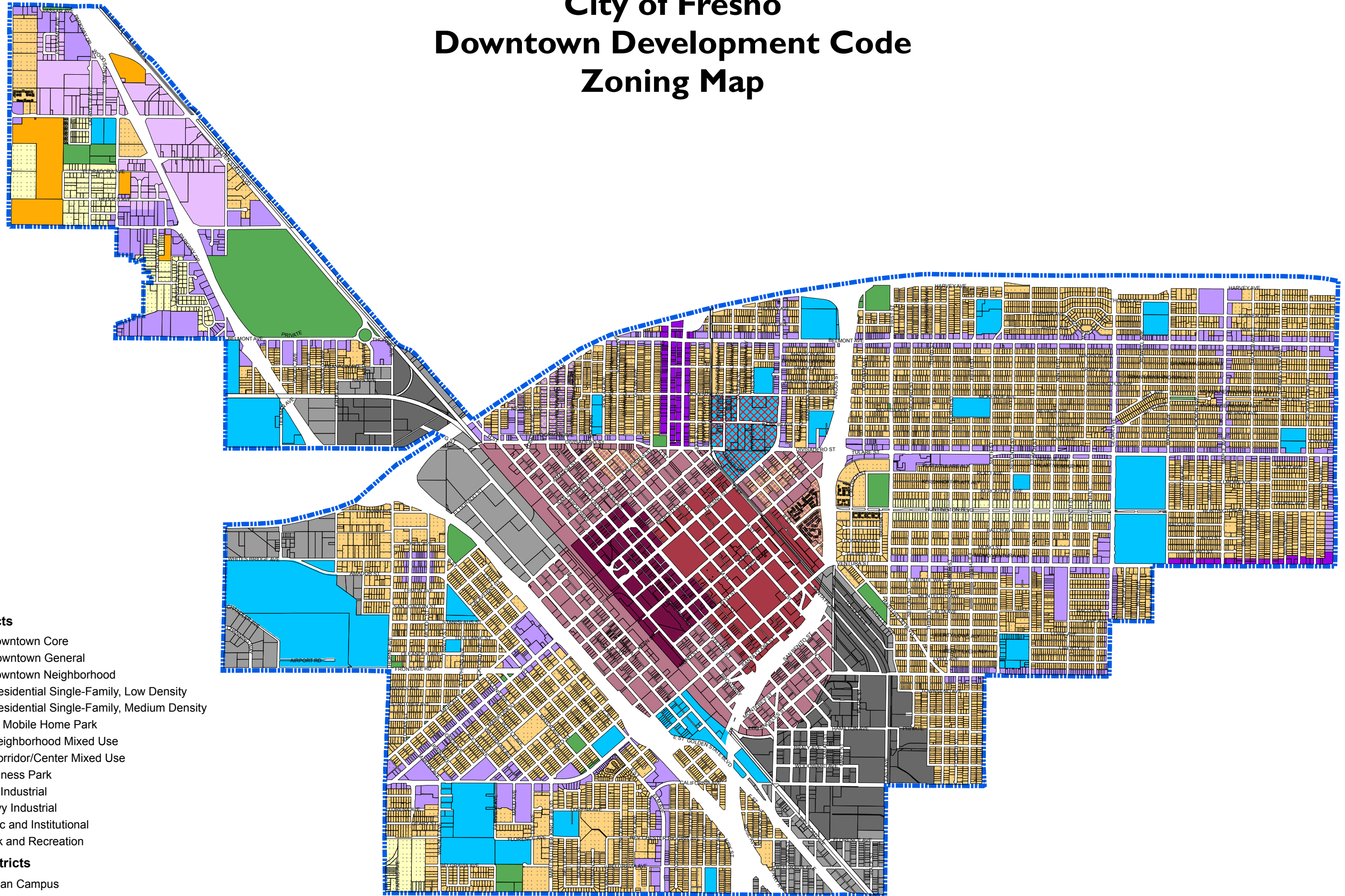
APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
TALIA KOLLURI-BARBICK
Supervising Deputy City Attorney

TKB/dy [72721dy/tkb] 10/14/16

Attachment - Exhibit A

City of Fresno Downtown Development Code Zoning Map



Base Districts

- DTC - Downtown Core
- DTG - Downtown General
- DTN - Downtown Neighborhood
- RS-3 - Residential Single-Family, Low Density
- RS-5 - Residential Single-Family, Medium Density
- RM-MH - Mobile Home Park
- NMX - Neighborhood Mixed Use
- CMX - Corridor/Center Mixed Use
- BP - Business Park
- IL - Light Industrial
- IH - Heavy Industrial
- PI - Public and Institutional
- PR - Park and Recreation

Overlay Districts

- UC - Urban Campus
- AH - Apartment House
- NR - Neighborhood Revitalization

