

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, Prezone Application No. P18-03443 has been filed by Lennar Homes of California, Inc., with the City of Fresno to prezone property as described herein below; and,

WHEREAS, on February 25, 2019, the District 4 Plan Implementation Committee recommended approval of the prezone application; 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 4<sup>th</sup> day of September, 2019, to consider Prezone Application No. P18-03343; Annexation Application No. P18-03263; Planned Development Permit Application No. P18-03739; Vesting Tentative Tract map No. 6224 (P18-03724); and related Environmental Assessment No. P18-03724, during which the Commission considered the environmental assessment and prezone application, and recommended to the Council of the City of Fresno approval, as evidenced in Planning Commission Resolution No. 13-603 of the subject environmental assessment and prezone application to amend the Official Zone Map to rezone the approximately 69.15 acres of the subject property from the Fresno County AE-20 (*Exclusive Agriculture*)(±69.15 acres) to the RS-3/ANX/EA/UGM (*Residential Single Family, Low Density/Annexed Rural Residential*

1 of 5

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval:



Ordinance No.

*Transitional/Expressway Area/Urban Growth Management*)(±11.85 acres), RS-4/EA/UGM (*Residential Single Family, Medium Low Density/Expressway Area/Urban Growth Management*)(±23 acres) and RS-5/EA/UGM (*Residential Single Family, Medium Density/Expressway Area/Urban Growth Management*)(±34.3 acres) zone districts as described in Exhibit “A”; and,

WHEREAS, Pursuant to the provision of Section 15-5803-B, Article 58, Chapter 15, of the Fresno Municipal Code, the Director of Planning and Development Department initiated a rezone to rezone property described in Exhibit “B” from the RS-3/UGM (*Residential Single Family, Low Density/Urban Growth Management*) (±20.8 acres) to the RS-3/ANX/UGM (*Residential Single Family, Low Density/Annexed Rural Residential Transitional/Urban Growth Management*) (±20.8 acres); and,

WHEREAS, the Council of the City of Fresno, on the 5<sup>th</sup> 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 Prezone Application P18-03443 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). 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 adopts the Mitigated Negative Declaration prepared for Environmental Assessment No. P18-03724 dated August 16, 2019.

SECTION 2. The Council finds the requested RS-3/ANX/UGM (*Residential Single Family, Low Density/Annexed Rural Residential Transitional/Urban Growth Management*)(±20.8 acres), RS-3/ANX/EA/UGM (*Residential Single Family, Low Density/Annexed Rural Residential Transitional/Expressway Area/Urban Growth Management*)(±11.85 acres), RS-4/EA/UGM (*Residential Single Family, Medium Low Density/Expressway Area/Urban Growth Management*)(±23 acres) and RS-5/EA/UGM (*Residential Single Family, Medium Density/Expressway Area/Urban Growth Management*)(±34.3 acres) zone districts are consistent with the planned land use of Low Density Residential, Medium Low Density Residential and Medium Density Residential planned land use designations of the Fresno General Plan and the McLane 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 Fresno County AE-20 (*Exclusive Agriculture*)(±69.15 acres) to the RS-3/ANX/EA/UGM (*Residential Single Family, Low Density/Annexed Rural Residential Transitional/Expressway Area/Urban Growth Management*)(±11.85 acres), RS-4/EA/UGM (*Residential Single Family, Medium Low Density/Expressway Area/Urban Growth Management*)(±23 acres) and RS-5/EA/UGM (*Residential Single Family, Medium Density/Expressway Area/Urban Growth Management*)(±34.3 acres) zone districts, as depicted in the attached Exhibit "A".

SECTION 4. 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 RS-3/UGM (*Residential Single Family, Low Density/Urban Growth Management*) (±20.8 acres) to the RS-3/ANX/UGM (*Residential Single Family, Low Density/Annexed Rural Residential Transitional/Urban Growth Management*) (±20.8 acres) zone district, as depicted in the attached 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 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 5th day of December 2019, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

YVONNE SPENCE, MMC CRM  
City Clerk

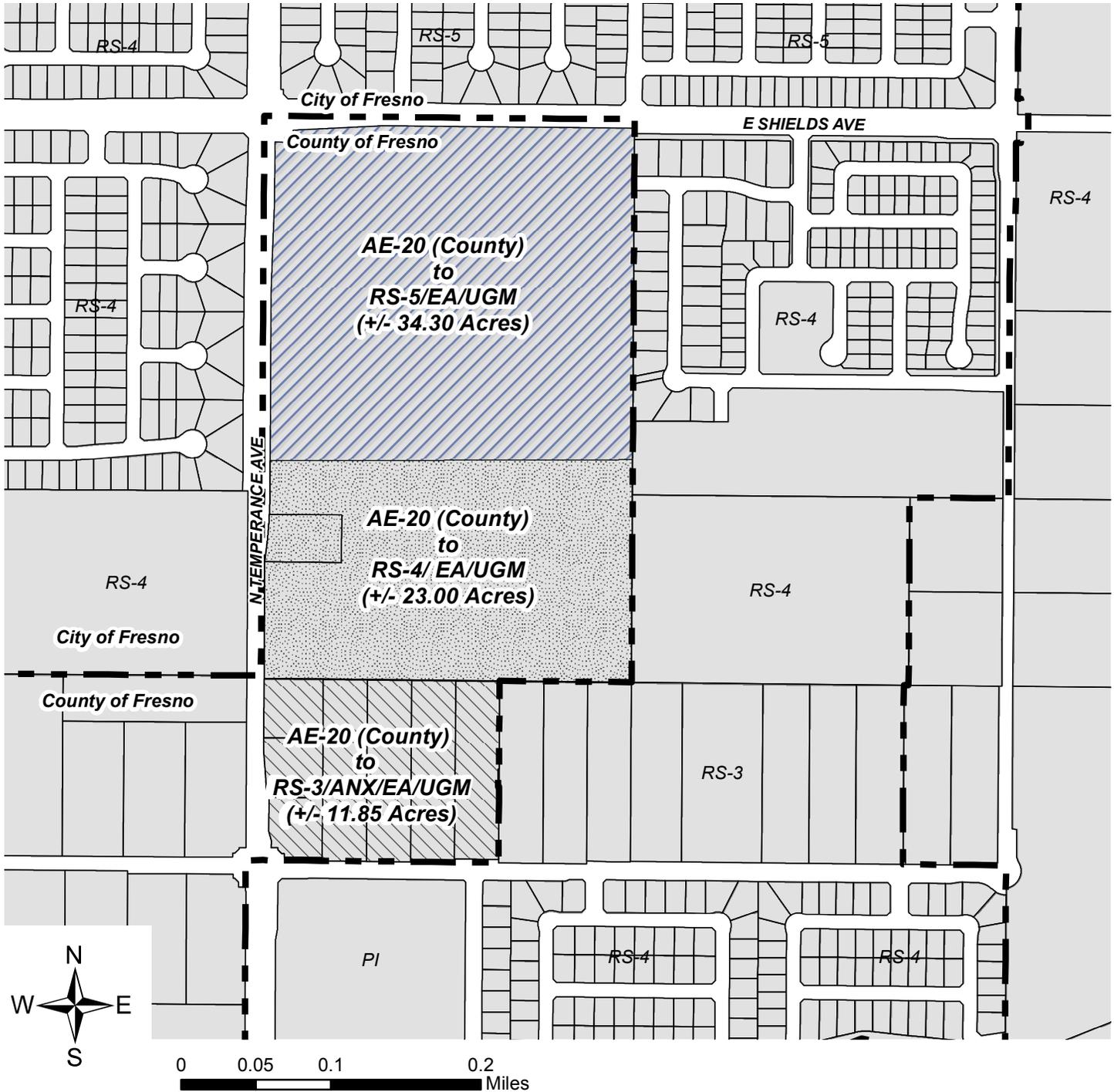
By: \_\_\_\_\_

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_  
Rina Gonzales      Date  
Deputy City Attorney

Attachment: Exhibit A and Exhibit B

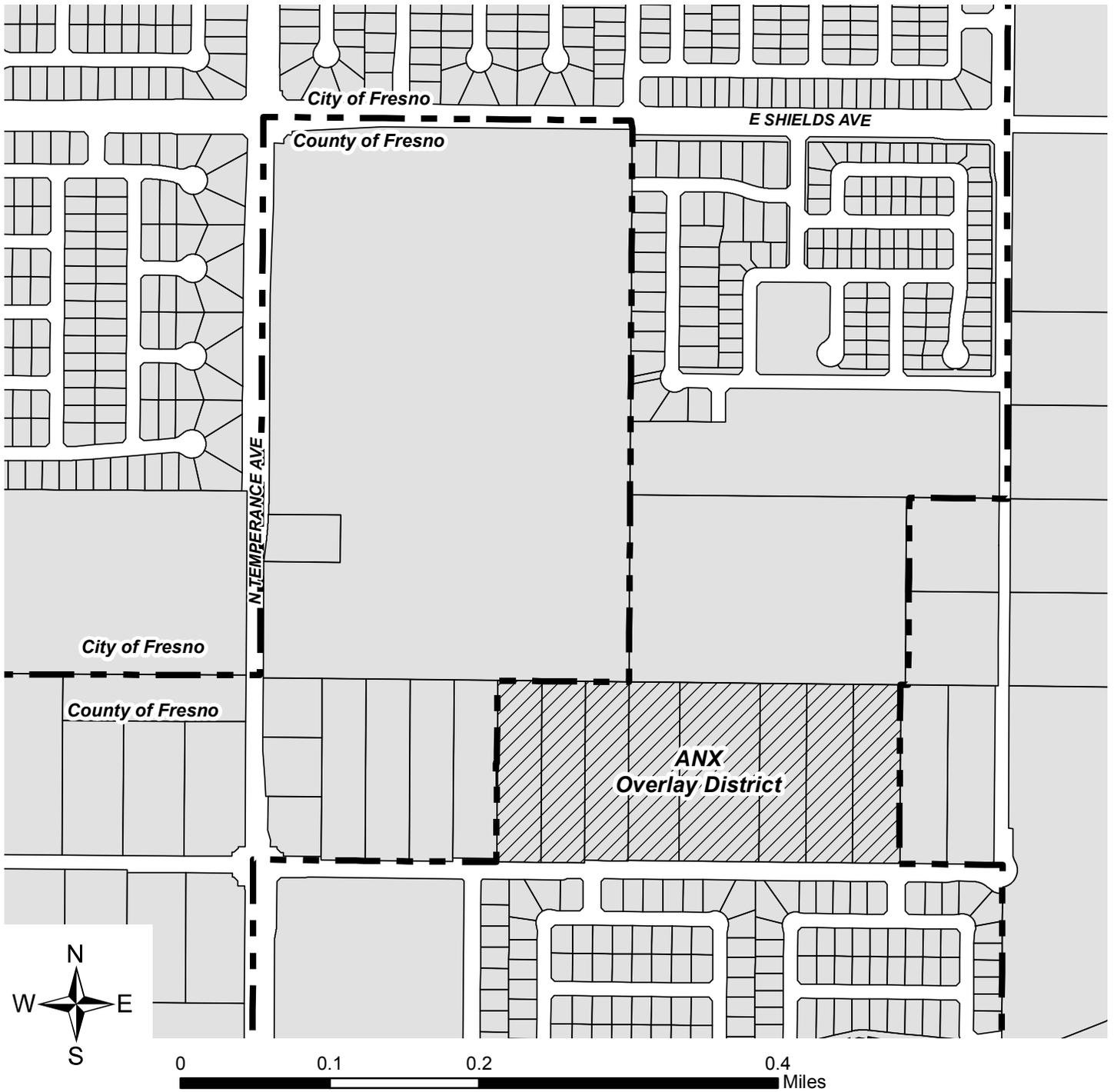
# EXHIBIT A - Proposed Pre-Zone



## Prezone P18-03443

-  To RS-5/EA /UGM (Residential Single-Family, Medium Density/Expressway Area/Urban Growth Management)
-  To RS-4/EA /UGM (Residential Single-Family, Medium Low Density/Expressway Area/Urban Growth Management)
-  To RS-3/ANX/EA/UGM (Residential Single-Family, Medium Low Density/Annexed Rural Residential Transitional/Expressway Area/Urban Growth Management)
-  City Limits

# EXHIBIT B - Director Initiated Zoning Overlay District



 Proposed to be designated with the Annexed Rural Residential Transitional (ANX) Overlay District.

 City Limits