

Exhibit M:
Ordinance Bill

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF FRESNO HERETOFORE ADOPTED BY ARTICLES 1 TO 4.5 INCLUSIVE, CHAPTER 12, OF THE FRESNO MUNICIPAL CODE, BEING THE ZONING ORDINANCE OF THE CITY OF FRESNO

WHEREAS, Rezone Application No. R-14-009 has been filed by Gary Giannetta on behalf of Russ Nakata, within the City and County of Fresno to rezone property as described herein below; and

WHEREAS, on October 8, 2014, the District 6 Plan Implementation Committee recommended approval of the rezone application; and

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public hearing on April 1, 2015, to consider Rezone Application No. R-14-009 and related Environmental Assessment No. A-14-005/R-14-009/C-14-080, during which the Commission considered the environmental assessment and recommended approval to the Council of the City of Fresno, as evidenced in Planning Commission Resolution No. 13322, of the rezone application to amend the Official Zone Map for approximately 5.0 net acres of property located on the northwest corner of East Nees and North Bond Avenues from the C-R/UGM/cz (*Commercial Recreation/Urban Growth Management/conditions of zoning*) and the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone districts to C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*) zone district with additional conditions of zoning; and

WHEREAS, the Council of the City of Fresno, on April 30, 2015, received the recommendation of the Planning Commission.

Page 1 of 4

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: MED

Ordinance for Rezone No. R-14-009

Ordinance No. _____

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 the project specific mitigation imposed, there is no substantial evidence in the record that Rezone Application No. R-14-009 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). 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. A-14-005/R-14-009/C-14-080 dated February 27, 2015.

SECTION 2. The Council finds the requested C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*) is consistent with

the proposed Community Commercial planned land use designation of the Fresno General Plan and the Woodward Community Plan as specified in Section 12-403-B of the Fresno Municipal Code, respectively.

SECTION 3. The Council finds that the zone districts of the real property described hereinbelow, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, are reclassified from the C-R/UGM/cz (*Commercial Recreation/Urban Growth Management/conditions of zoning*) and the C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*) zone districts to the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*) zone district with additional conditions of zoning for 5.0 acres, as depicted in the attached Exhibit "A," subject to the original conditions adopted in Ordinance No. 98-2 and the following:

1. Pedestrian walkways shall be provided within the site to connect the community commercial portion of the site with the planned office and existing residential neighborhood to the north in future phases of the project. The pedestrian pathways should connect E. Niles Avenue to E. Nees Avenue; and
2. Any future special permit that includes the construction of the North First Street drive access shall be noticed to all property owners within 500 feet of the subject property pursuant to Fresno Municipal Code Section 12-401-F-2.

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.

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
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 30th day of April 2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor Approval: _____, 2015
Mayor Approval/No Return: _____, 2015
Mayor Veto: _____, 2015
Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

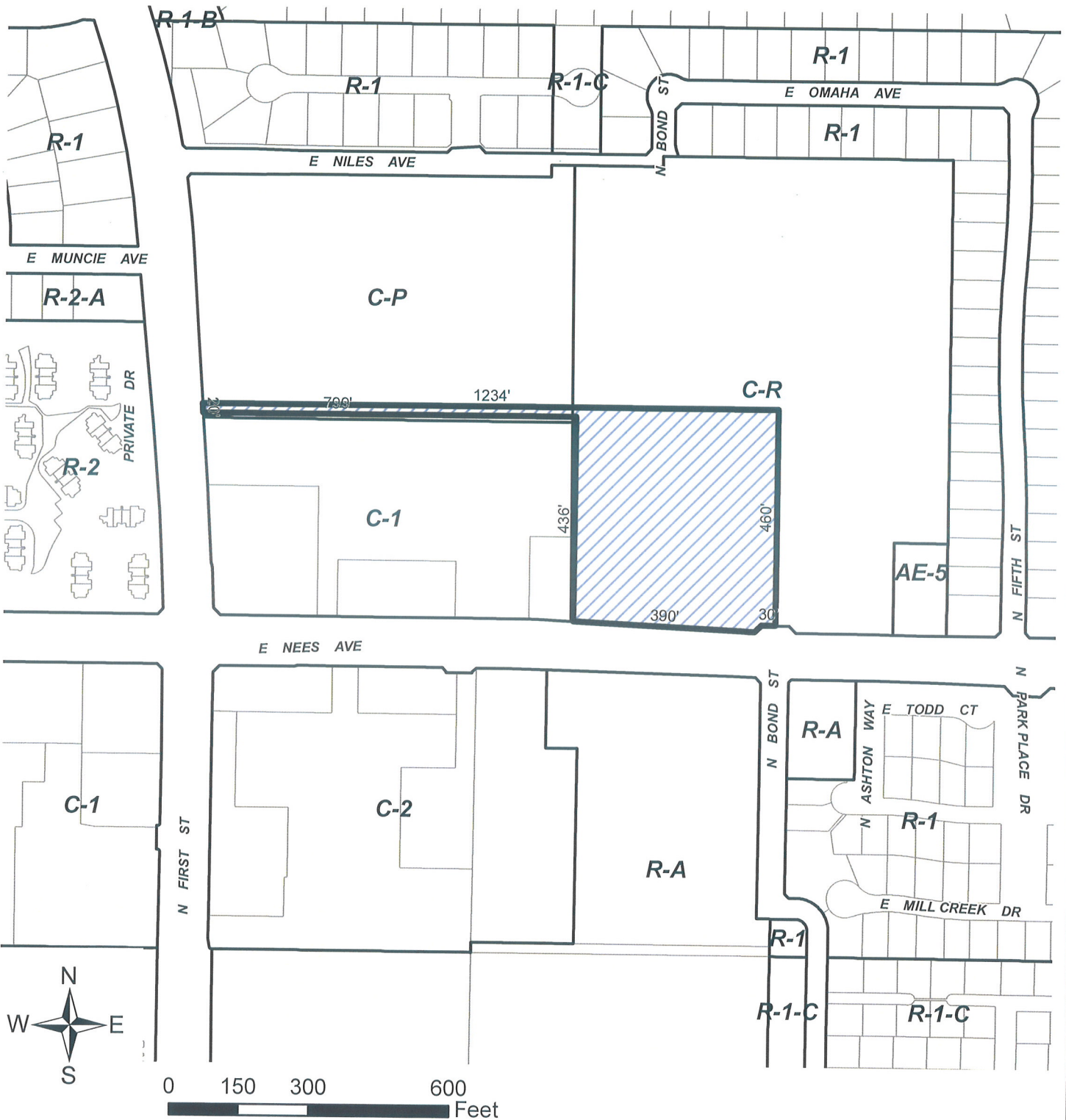
By _____
DEPUTY

APPROVED AS TO FORM
DOUGLAS T. SLOAN
City Attorney

By _____ Date _____
Mary Raterman-Doidge
Deputy City Attorney II

Attachment: Exhibit A

EXHIBIT A



R-14-009
APN: 402-220-67 (portion)
780 East Nees Avenue



C-R/UGM/cz and C-P/UGM to C-1/UGM/cz, 5.00 Acres