

BILL NO. _____

ORDINANCE NO. _____

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

WHEREAS, Rezone for Modification of Conditions of Zoning Application No. P18-03659 has been filed by Jeff Roberts of The Assemi Group with the City of Fresno to rezone property as described herein below; and,

WHEREAS, on January 14, 2019, the District 2 Plan Implementation Committee recommended approval of the modification of conditions of zoning 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 5th day of June, 2019, to consider Plan Amendment No. P18-03659, Rezone Application No. P18-03659, Modification of Conditions of Zoning Application No. P18-03659, and related Environmental Assessment No. P18-03659, during which the Commission considered the environmental assessment and recommended to the Council of the City of Fresno approval, as evidenced in Planning Commission Resolution No. _____ of the rezone application to amend the conditions of zoning for an approximately 3.8 acre subject property as described in Exhibit "A"; and,

WHEREAS, the Council of the City of Fresno, on the 13th day of June, 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 modification of conditions of zoning 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 Modification of Conditions of Zoning Application No. P18-03659 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. P18-03659 dated May 22, 2019.

SECTION 2. The Council finds the requested modification of conditions of zoning is consistent with the existing Regional Mixed-Use 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 conditions of zoning on the real property described hereinbelow, located in the City of Fresno are modified 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, at a regular meeting held on the _____ day of _____, 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

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

YVONNE SPENCE, MMC
City Clerk

BY: _____
Deputy

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

BY: _____
Mary Raterman-Doidge Date
Deputy

Attachment: Exhibit "A"

Exhibit "A"

(Modification of Conditions of Zoning Application No. P18-03659)

The conditions of zoning for the following described real property shall be modified:

Parcel "B" of Parcel Map No. 83-55, in the City of Fresno, County of Fresno, State of California, according to the Map thereof recorded in Book 42 Pages 27 and 28 of Parcel Maps, Fresno County Records.

APN: 417-140-26

CONDITIONS OF ZONING

1. Required landscaped setback or buffer areas shall be extensively planted with ground covers and shrubs and shall have an undulating earth berm that will range between 1 ½ feet and 3 feet in height. Eighty-five percent (85%) of the trees planted shall be of at least 24-inch box size. The planting of evergreen trees shall be emphasized such that no more than 15% of the trees planted are deciduous. This is to insure that the screening effect of the trees is maintained year-round. The landscaping shall be continuously maintained by the developer.

2. Drive-up window facilities shall not be permitted within 100 feet of the northern property line.