

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. R-17-019 has been filed by Jeffrey Roberts, on behalf of the Assemi and Sons, 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 17th day of October, 2018, to consider Rezone Application No. R-17-019 and related Environmental Assessment No. R-17-019 dated September 28, 2018; and

WHEREAS, Rezone Application R-17-019 proposes to amend the City's Zoning Ordinance on real property described herein below from the Fresno County RR(*Rural Residential*) zone district to the City of Fresno RS-5/UGM (*Single Family Residential, Medium Density/Urban Growth Management*) and RS-4 (*Single Family Residential, Medium Low Density/Urban Growth Management*) zone districts; and,

WHEREAS, at this hearing the Commission considered the environmental assessment and rezone application, and recommended to the Council of the City of Fresno approval conditioned upon the Applicant providing a "Water Supply Assessment" for the 4.66 site located south of West Clinton Avenue, as evidenced in Planning Commission Resolution No. 13551, of the subject environmental assessment and rezone application; and,

1 of 5

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Ordinance No. _____

WHEREAS, the Council of the City of Fresno, on the 6th day of December, 2018, received the recommendation of the Planning Commission; and,

WHEREAS, the applicant provided a "Water Demand Analysis Data" worksheet for the existing single-family home rather than the full extent of development that could occur on the 4.66 acre site which could be as many as 55 single family homes; and

WHEREAS, following a subsequent request from the City the applicant provided further correspondence that estimated the water usage for up to 24 dwelling units on the 4.66 acre site but did not include substantial evidence to support this conclusion; and

WHEREAS, failure to provide this data prevents the staff from providing an adequate environmental analysis with respect to the 4.66 acre portion located south of West Clinton Avenue,

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 of that territory north of West Clinton Avenue 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-17-019 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 the project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts. 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. R-17-019 dated September 28, 2018.

SECTION 2. The Council finds the requested RS-5/UGM (*Single Family Residential, Medium Density/Urban Growth Management*) and RS-4 (*Single Family Residential, Medium Low Density/Urban Growth Management*) zone districts for the territory north of West Clinton Avenue are consistent with the Medium and Medium Low Density Residential planned land use designation of the Fresno General Plan and the West Community Plan. The Council further finds that the requested RS-5/UGM/cz (*Single Family Residential, Medium Density/Urban Growth Management/conditions of zoning*) proposed for the territory located south of West Clinton Avenue can be supported subject to a condition of zoning and covenant to prevent any development of that portion in a manner inconsistent with the uses and densities in existence at the time the approval becomes effective.

SECTION 3. The Council finds that the zone district of the real property described herein below, specifically for the territory north of West Clinton, located in the City of Fresno, is pre-zoned from the Fresno County RR(Rural Residential) zone district to the City of Fresno RS-5/UGM (*Single Family Residential, Medium Density/Urban Growth Management*) and RS-4 (*Single Family Residential, Medium Low Density/Urban Growth Management*) zone districts, as depicted in the attached Exhibit "B".

SECTION 4. The Council further finds that the zone district of the real property described herein below, specifically for the territory south of West Clinton, located in the City of Fresno, is pre-zoned from the Fresno County RR (Rural Residential) zone district to the

City of Fresno RS-5/UGM/cz (*Single Family Residential, Medium Density/Urban Growth Management/conditions of zoning*) zone districts, as depicted in the attached Exhibit "C".

SECTION 5. The development of the property described in Section 4 shall be conditioned upon the following:

Development of that portion of R-17-019 which is located south of Clinton Ave., as more particularly depicted on Exhibit C (Subject Property), shall not develop in a manner inconsistent with the uses and densities in existence at the time the Council of the City of Fresno approval for R-17-019 becomes effective. The subject property is currently developed with a large single family residence, fully landscaped with a swimming pool that covers approximately .75 acres of the 4.66 acre site. The balance of the property is vacant and is scraped clean of any debris. Notwithstanding, the parcel may be maintained to the extent necessary to preserve public health and safety. Development of the Subject Property inconsistent with the uses and densities noted above shall require Council approval of a rezone to remove this condition of zoning as well as any applicable review and analysis pursuant to the California Environmental Quality Act (CEQA). Any party with an interest in Subject Property shall execute a covenant running with Subject Property agreeing to this condition of zoning. Such covenant shall not be removed unless and until a rezone is approved by the Council as noted above

SECTION 6. This ordinance shall not become effective until the subject property south of Clinton is annexed by LAFCo to the City of Fresno and the covenant as required by this ordinance is executed by any party with an interest in Subject Property.

* * * * *

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 special meeting held on the 6th day of December, 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

YVONNE SPENCE, CMC
City Clerk

By _____
Deputy

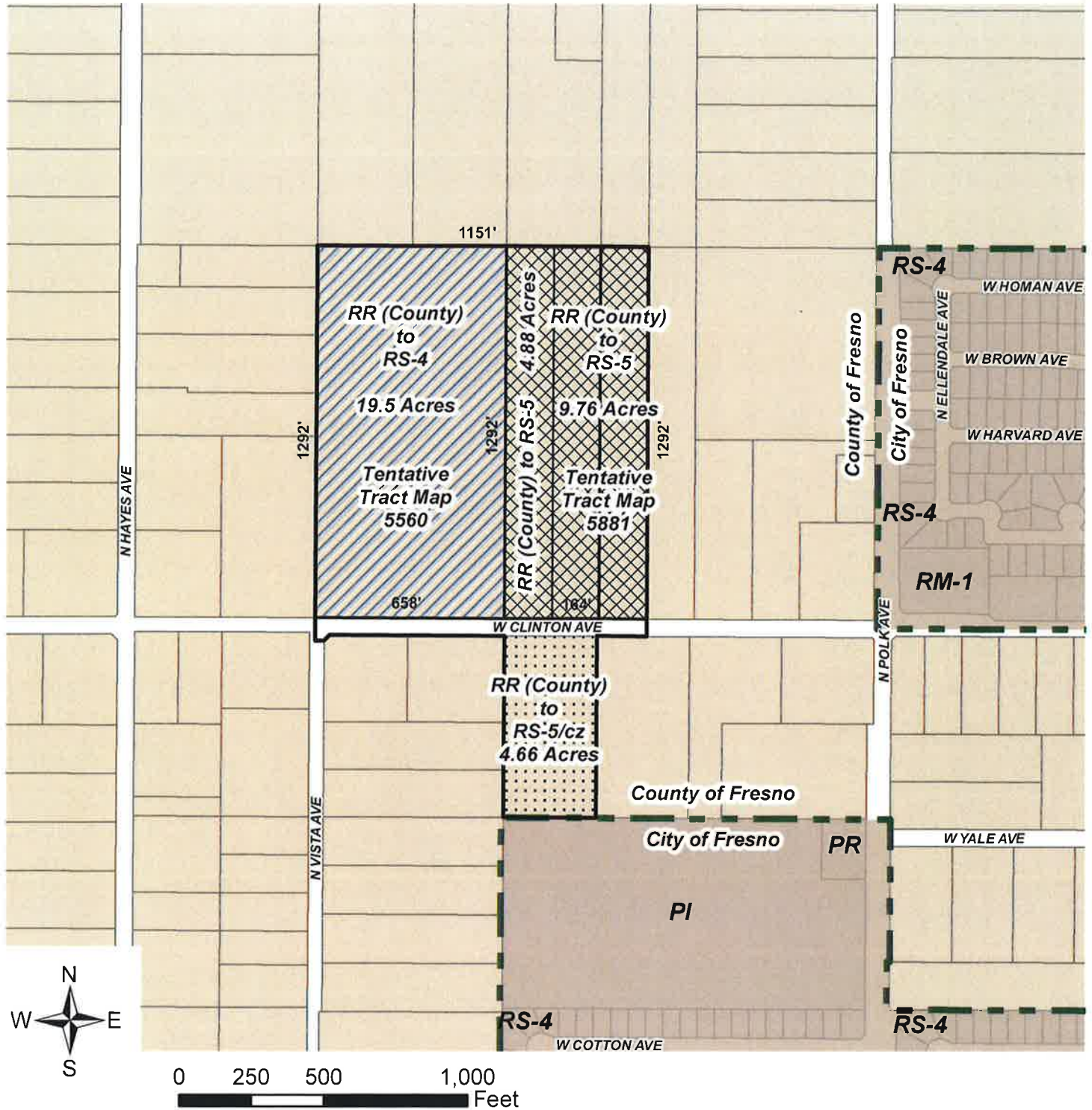
APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By _____
Mary Raterman-Doidge Date
Senior Deputy City Attorney

Attachment: Exhibit A
Exhibit B
Exhibit C

EXHIBIT A - PRE-ZONING

Detachment from North Central Fire Protection District and King River Conservation District.



R-17-019
 APN: 312-061-15, 16, 18 Address 5675, 5704 W Clinton Ave






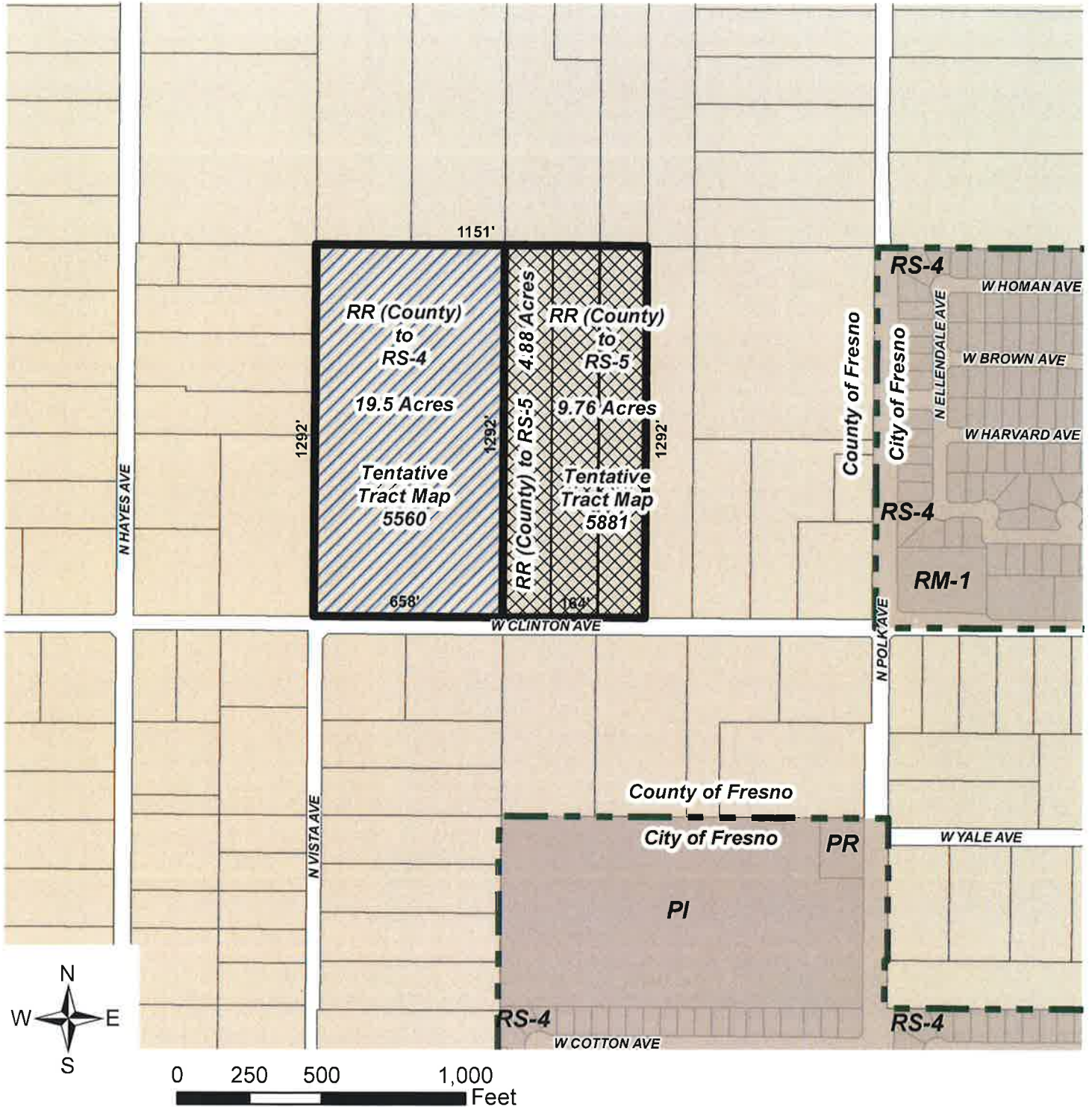
-  City Limits
-  Requested area to be Annexed to the City of Fresno (by Applicant) 39.3 Acres
-  From RR (Rural Residential) County of Fresno zone district to the City of Fresno RS-5 (Residential Single-Family, Medium Density) zone district.
-  From RR (Rural Residential) County of Fresno zone district to the City of Fresno RS-4 (Residential Single-Family, Medium Low Density) zone district.
-  From RR (Rural Residential) County of Fresno zone district to the City of Fresno RS-5/cz (Residential Single-Family, Medium Density/conditions of zonina) zone district.

EXHIBIT B - PRE-ZONING

Detachment from North Central Fire Protection District and King River Conservation District.



R-17-019

APN: 312-061-15, 16, 18 Address 5675, 5704 W Clinton Ave

--- City Limits

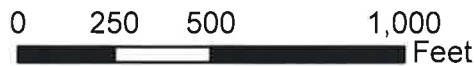
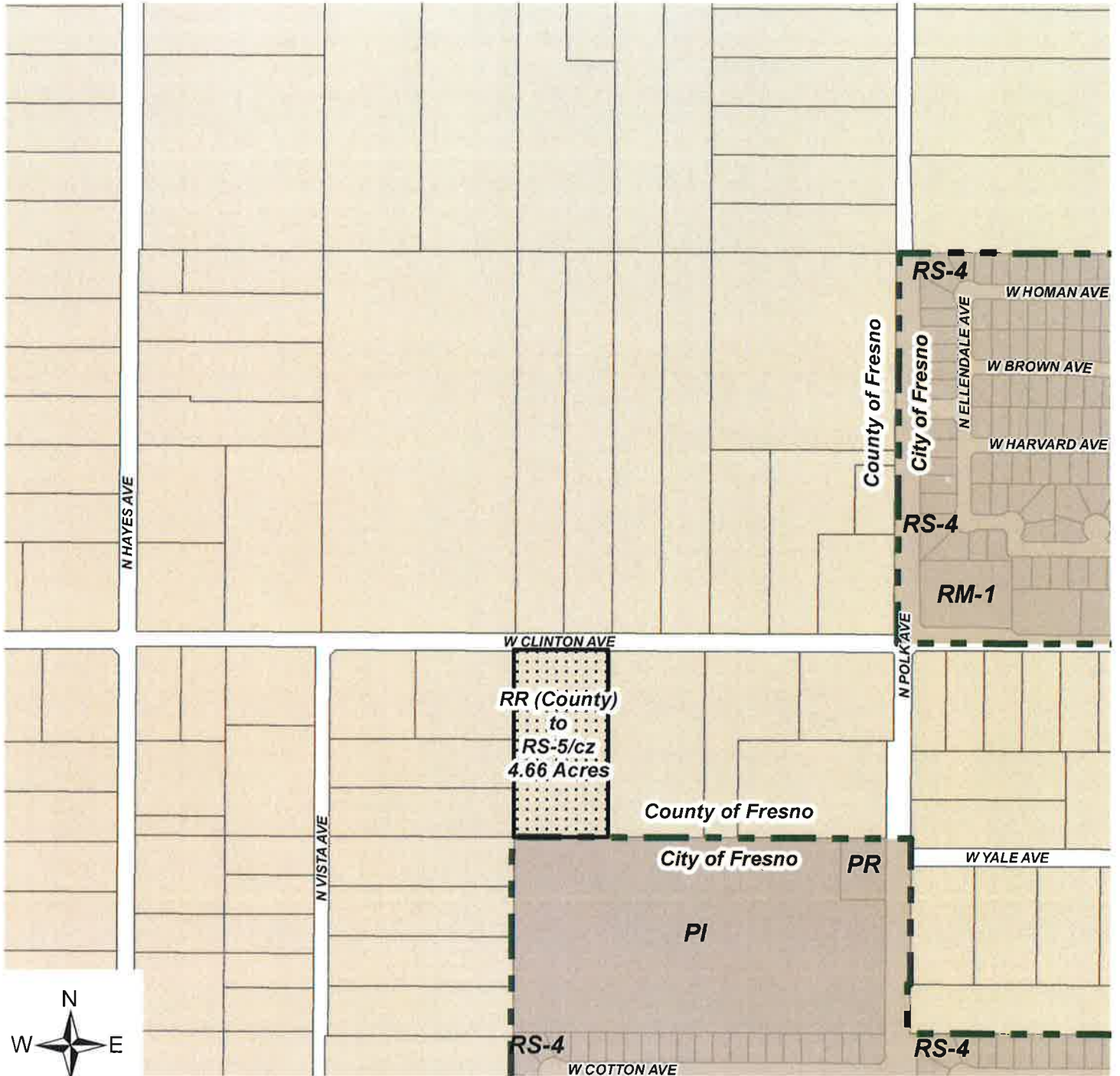
Requested area to be Annexed to the City of Fresno (by Applicant) 29.26 Acres

From RR (Rural Residential) County of Fresno zone district to the City of Fresno RS-5 (Residential Single-Family, Medium Density) zone district.

From RR (Rural Residential) County of Fresno zone district to the City of Fresno RS-4 (Residential Single-Family, Medium Low Density) zone district.

EXHIBIT C - PRE-ZONING


Detachment from North Central Fire Protection District and King River Conservation District.




R-17-019

APN: 312-061-15, 16, 18 Address 5675, 5704 W Clinton Ave

 City Limits

 Requested area to be Annexed to the City of Fresno (by Applicant) 4.66 Acres

 From RR (Rural Residential) County of Fresno zone district to the City of Fresno RS-5/cz (Residential Single-Family, Medium Density/conditions of zoning) zone district.