

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-14-002 has been filed by Giorgio Russo, on behalf of Ginder Development Corporation, with the City of Fresno to rezone property as described herein below;

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 the 20th day of August, 2014, to consider Rezone Application No. R-14-002 and related Environmental Assessment No. A-14-002/R-14-002/C-14-012, during which the Commission solicited testimony, considered the environmental assessment, and recommended to the Council of the City of Fresno approval, of the rezone application to amend the City's Zoning Ordinance on real property described herein below from the C-2/BA-20/UGM/cz (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district to the R-2/BA-20/UGM (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management*) zone district, as evidenced in Planning Commission Resolution No. 13300; and,

Date Adopted:
Date Approved
Effective Date:

City Attorney Approval: MED

Ordinance No.

WHEREAS the Council of the City of Fresno, on the 25th day of September, 2014, held a public hearing and received the recommendation of the Planning Commission.

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-14-002 may have additional significant effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR") and Mitigated Negative Declaration ("MND") No. A-09-02/SCH No. 2009051016 prepared for the Air Quality Update to the 2025 Fresno General Plan; and, that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project, together with project specific mitigation measures as necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 or MND No. A-09-02 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 MND No. A-09-02/SCH No. 2009051016 was adopted; and, that no new information has become available, which was not known and could not have been known at the time that the MEIR was certified

as complete, and Mitigated Negative Declaration No. A-09-02/SCH No. 2009051016 was adopted, has become available. Accordingly, the Council adopts the Mitigated Negative Declaration prepared for Environmental Assessment No. A-14-002/R-14-002/C-14-012 dated July 25, 2014.

SECTION 2. As specified in Section 12-403-B-2 of the Fresno Municipal Code, the Council finds that the R-2/BA-20/UGM (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management*) zone district is consistent with the proposed Medium High Density Residential planned land use designation of the 2025 Fresno General Plan and the Bullard Community Plan, respectively.

SECTION 3. The Council finds that the zone district of the real property described herein below, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, is reclassified from the C-2/BA-20/UGM/cz (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district to the R-2/BA-20/UGM (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management*) zone district, as described 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 final 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 25th day of September, 2014.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2014
Mayor Approval/No Return: _____, 2014
Mayor Veto: _____, 2014
Council Override Vote: _____, 2014

YVONNE SPENCE, CMC
City Clerk

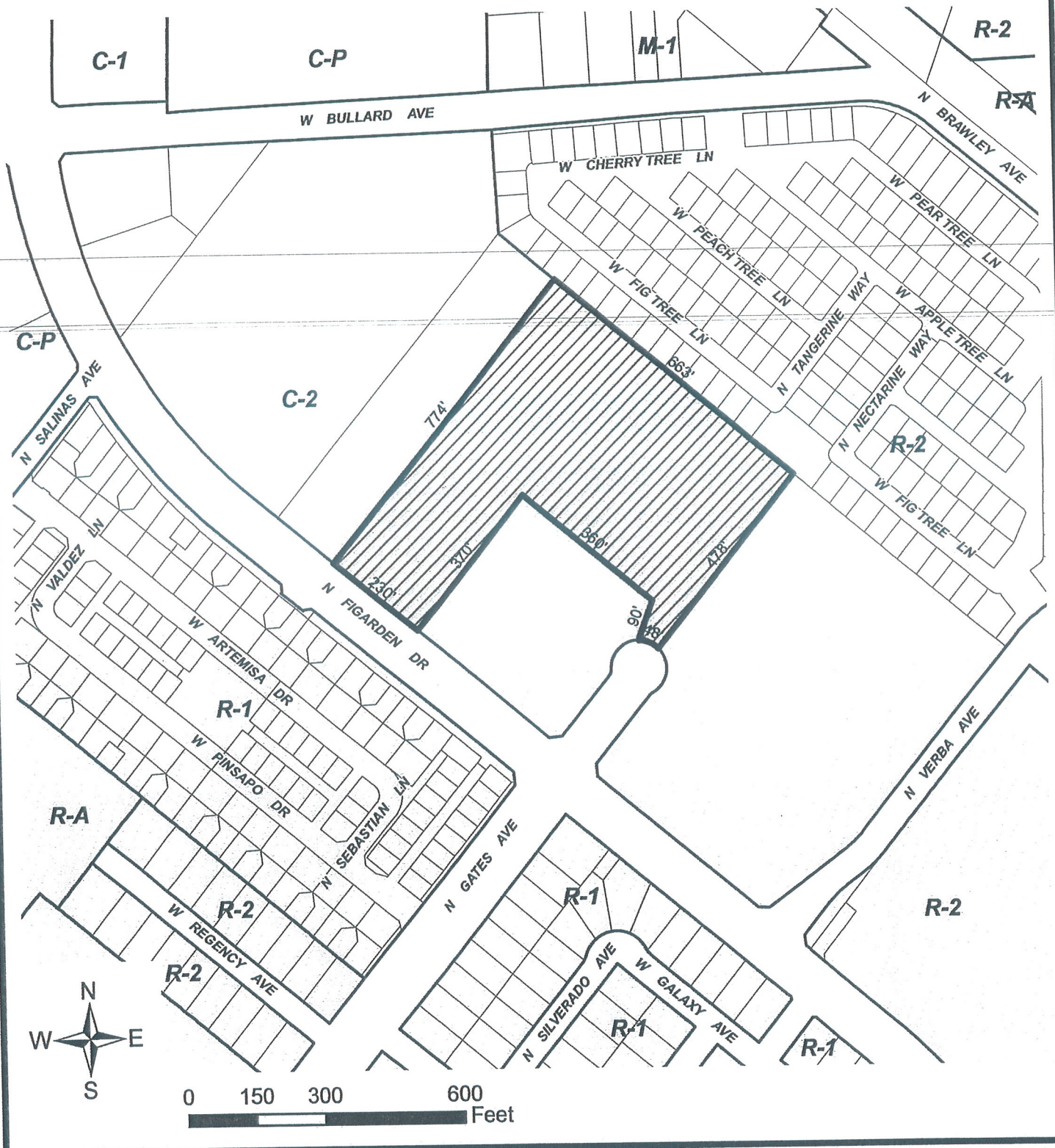
BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Mary Raterman-Doidge Date
Deputy City Attorney II

Attachment: Exhibit A

EXHIBIT A



R-14-002
APN: 509-030-70 (portion)
5550 North Figarden Drive



C-2/BA-20/UGM/cz to R-2/BA-20/UGM, 8.22 Acres

Community Commercial to Medium High Residential
 Conditional Use Permit No. C-14-012