

## Exhibit J

**Recording Requested by:**  
City Clerk, Fresno, California  
No Fee-Govt. Code 6103

**Return to City Clerk, Fresno**

Space above this line reserved for Fresno County Recorder's Office



ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO  
PROPOSED AND INITIATED BY \_\_\_\_\_  
MOVED BY Westerlund SECONDED BY Sterling

BILL NO. B-8

ORDINANCE NO. 2007-8

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-06-028 has been filed with the City of Fresno to rezone property, owned by Locans Investments, LLC as described hereinbelow; and,

WHEREAS, the Central Eastern Implementation Committee considered this application at its meeting of August 21, 2006, and recommended approval; 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 the 6th day of December 2006, to consider Rezone Application No. R-06-028 and related Environmental Assessment No. A-06-002/R-06-028/T-5717/C-06-088 during which the Commission recommended to the Council of the City of Fresno approval of the subject rezone application amending the City's Zoning Ordinance on real property described hereinbelow from the AE-20 (County) zone district to the C-M (*Commercial and Light Manufacturing/Urban Growth Management*) zone district for 80 acres, to the R-1/UGM (*Single Family*

Adopted 1/23/07  
Approved 1/23/07  
Effective 2/23/07

2007-8

*Residential/Urban Growth Management*) zone district for 47 acres, and R-1-AH (*Single Family Residential District – Horses*) for 13 acres.subject to conditions of zoning; and



WHEREAS, the Council of the City of Fresno, on the 23<sup>rd</sup> of January, 2007 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 there is no substantial evidence in the record that the rezoning may have a significant effect on the environment as identified by the Mitigated Negative Declaration to the 2025 Fresno General Master Environmental Impact Report (MEIR No. 10130) dated November 16, 2006, prepared for Environmental Assessment No. A-06-002/R-06-028/T-5717/C-06-088. Accordingly, Environmental Assessment No. A-06-002/R-06-028/T-5717/C-06-088 is hereby approved.

SECTION 2. The Council finds, pursuant to Section 12-403-B.2 of the Fresno Municipal Code, that the requested C-M/cz (*Commercial and Light Manufacturing/conditions of zoning*), R-1/UGM (*Single Family Residential/Urban Growth Management*) and R-1-AH (*Single Family Residential – Horses*) zone districts are consistent with the proposed light industrial, medium low density residential and low density residential planned land use designations of the 2025 Fresno General Plan and McLane Community Plan pertaining to this property through Plan Amendment No. A-06-002 for 80 acres as described below in Section 3 of this Ordinance, for 47 acres as described below in Section 4 of this Ordinance, and for 13 acres as described below in Section 5 of this Ordinance.

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 AE-20 (*Exclusive Twenty Acre Agricultural*) zone district to the C-M/cz (*Commercial and Light Manufacturing/conditions of zoning*) zone district:

**AE-20 to C-M**

The land referred to herein is situated in the State of California, County of Fresno, City of Fresno, and is described as follows:

Lots 4 and 5 of the Subdivision of Section 27, Township 13 South, Range 21 East, Mount Diablo Base and Meridian, according to the Map thereof recorded in Book 5, page 14 of Plats, Fresno County Records.

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 AE-20 (*Exclusive Twenty Acre Agricultural*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district subject to the following conditions of zoning

1. The applicant shall participate with the City Planning and Development and Economic Development Departments in the preparation and submittal of applications for a 40-acre plan amendment and rezoning (to either the C-M or M-1 zone district) to accommodate a future industrial user. The applicant shall pay all (100%) of the costs of the application submittal. Said costs shall include City processing fees, engineering fees incurred in application submittal, graphics, and other incidental costs. The City of Fresno Planning and Development and Economic Development Departments shall be responsible for selecting the property that will be the subject of the applications. The application shall be submitted and paid in full prior to the issuance of the first building permit for the northerly 20 acres of the residential portion of the project proposed by Plan Amendment A-06-02 and Rezone Application No. R-06-028.
2. Prior to the issuance of the first building permit on the northerly 20 acres proposed for medium low density residential uses by Plan Amendment A-06-02 and Rezone Application No. R-06-028, all infrastructure for the northern 40 acres planned light industrial and proposed for C-M zoning shall be installed.
3. Prior to issuance of certificate of occupancy for the last home on the northerly 20 acres proposed for medium low density residential uses by Plan Amendment A-06-02 and Rezone Application No. R-06-028, the infrastructure for the southerly 40 acres planned for light industrial and proposed for C-M zoning shall be installed.
4. The applicant shall submit a site plan review application for the light industrial development that is designed for uses that create a minimum of 15 jobs per acre
5. Prior to the recordation of the first final map, the applicant shall actively participate in the development of a "Vacant Industrial Land Inventory" document that will be distributed by the Economic Development Department of the City of Fresno. This document will provide the updated basis for those involved with Economic Development to attract new and growing businesses to the City of Fresno.





6. The applicant shall, in coordination with the City of Fresno, support and promote the addition of light industrial land within the Southeast Growth Area, as appropriate, and shall, upon the request of the Economic Development Department of the City of Fresno, participate with the EDC and/or the City of Fresno at out of town conferences, seminars, trade shows (for a two-year period) in an effort to attract industrial users to the City of Fresno.
7. The trip generation based on ITE Trip Generation Manual is acceptable. The proposed project is projected to generate 6,029 daily trips, 744 trips during the AM peak hour and 777 trips during the PM peak hour. The trip generation for the light industrial was based on acreage and could change when a proposed project on these lots is proposed based on floor area ratios and specific land uses such as industrial, gas stations, grocery stores, and restaurants.
8. The Tract project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of \$414.69 per single family dwelling unit at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Trip Generation Manual. The TSMI fee based on 205 single family dwelling units is \$85,011.45.
9. The light industrial project shall pay its TSMI Fee of \$41.47 per Average Daily Trip at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Trip Generation Manual. The TSMI fee based on 4,067 ADT is \$168,658.49. The trip generation for the light industrial was based on acreage and could change when a proposed project on these lots is proposed based on floor area ratios and specific land uses such as industrial, gas stations, grocery stores, and restaurants.
10. The project shall signalize the intersection of Fowler Avenue/Shields Avenue. The intersection is included in the TSMI fee. The cost of the engineering design and construction is reimbursable and can be credited against the TSMI fee. This signal is also conditioned on another project, however it will need to be operating prior to occupancy. This signal should be designed consistent with the P69 Standard.
11. The project shall signalize the intersection of Armstrong Avenue/Clinton Avenue. The intersection is included in the TSMI fee. The cost of the engineering design and construction is reimbursable and can be credited against the TSMI fee. This signal should be designed consistent with the P69 Standard.
12. The project shall signalize the intersection of Fowler Avenue/Clinton Avenue. The intersection is included in the TSMI fee. The cost of the engineering design and construction is reimbursable and can be credited against the TSMI fee. This signal should be designed consistent with the P69 Standard.
13. The project shall signalize the intersection of Armstrong Avenue/Shields Avenue. The intersection is included in the TSMI fee. The cost of the engineering design and construction is reimbursable and can be credited against the TSMI fee. This signal should be designed consistent with the P69 Standard.
14. The proposed project shall make necessary improvements and right-of-way dedications along adjacent public streets as per City of Fresno requirements and the recommended queue lengthens from the TIS.



15. The interface between residential and adjacent non residential development shall include property development standards that adequately mitigate potential conflicts between light industrial and residential uses.

**AE-20 to R-1/UGM**

The land referred to herein is situated in the State of California, County of Fresno, City of Fresno, and is described as follows:

**Parcel 1**

Lots 3 and 6 of the Subdivision of Section 27, Township 13 South, Range 21 East, Mount Diablo Base and Meridian, according to the Map thereof recorded in Book 5, page 14 of Plats, Fresno County Records.

EXCEPTING THEREFROM the North 661.00 feet of the Northeast Quarter of the Northwest Quarter of said Section 27.

ALSO EXCEPTING THEREFROM the South Half of the Southeast Quarter of the Northwest Quarter of said Section 27.

**Parcel 2**

The East 502.33 feet of the South Half of the Southeast Quarter of the Northwest Quarter of Section 27, Township 13 South, Range 21 East, Mount Diablo Base and Meridian.

SECTION 5. 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 AE-20 (*Exclusive Twenty Acre Agricultural*) zone district to the R-1-AH (*Single Family Residential – Horses*) zone district:

**AE-20 to R-1-AH**

The land referred to herein is situated in the State of California, County of Fresno, City of Fresno, and is described as follows:

The South Half of the Southeast Quarter of the Northwest Quarter of Section 27, Township 13 South, Range 21 East, Mount Diablo Base and Meridian.

EXCEPTING THEREFROM the East 502.33 feet thereof.



SECTION 6. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA     )  
COUNTY OF FRESNO     )  
CITY OF FRESNO         )

I, REBECCA E. KLISCH, 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 23rd day of January, 2007, by the following vote:

AYES:           Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong  
NOES:           None  
ABSENT:         Perea  
ABSTAIN:        None

REBECCA E. KLISCH  
City Clerk

By Rebecca E. Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
City Attorney

By [Signature]  
Deputy

Rezone Application No. R-06-028  
Filed by Jeffrey T. Roberts of Granville Management on behalf of Locans Investments, LLC  
Assessor's Parcel Nos. 310-040-01, -10, -11, -93, -84, -83

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2007 JAN 23 10:00 AM

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