

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 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 rezone 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. 13506 of the rezone application to amend the Official Zone Map to rezone an approximately 1.0 acre subject property from the RS-5/EQ (*Residential Single-Family/Equine Overlay*) zone district to the RMX (*Regional Mixed-Use*) zone district; 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 rezoning 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 Rezone Application 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 RMX (*Regional Mixed-Use*) zone district is consistent with the proposed 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 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 RS-5/EQ (Residential Single-Family/Equine Overlay) zone district to the RMX (*Regional Mixed Use*) zone district, 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

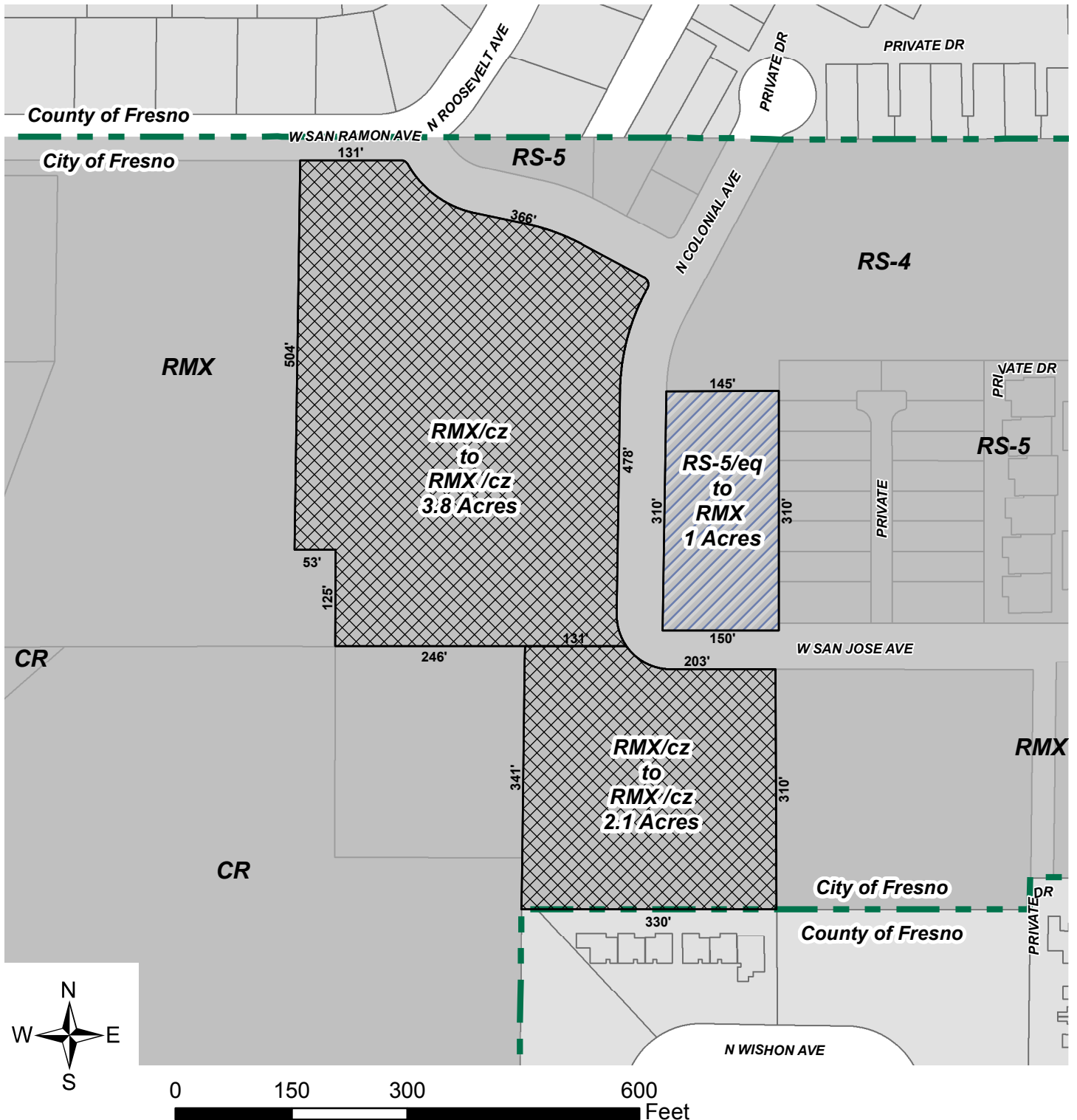
BY: _____
Deputy

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

BY: _____
Mary Raterman-Doidge Date
Deputy

Attachment: Exhibit A

EXHIBIT "A" -PROPOSED REZONE



P18-03659

APN: 417-231-19, 417-140-21 and 26



From RS-5/eq (Residential Single-Family, Medium Density/ equine) to RMX (Regional Mixed Use).



From RMX/cz (Regional Mixed Use/ conditions of zoning) to RMX/cz (Regional Mixed Use/ with modified conditions of zoning).