

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-13-014 has been filed by Mike Hamzy, on behalf of Niko Real Estate Fund, LLC, 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 21<sup>st</sup> day of May, 2014, to consider Rezone Application No. R-13-014 and related Environmental Assessment No. R-13-014/TPM 2013-003, 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 R-A (*Single Family Residential-Agricultural*) zone district to the R-1 (*Single Family Residential*) zone district, as evidenced in Planning Commission Resolution No. 13284; and,

WHEREAS the Council of the City of Fresno, on the 26<sup>th</sup> day of June 2014, held a public hearing and received the recommendation of the Planning Commission.

Date Adopted:  
Date Approved:  
Effective Date:

City Attorney Approval: \_\_\_\_\_



Page 1 of 4

Ordinance No.

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-13-014 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 Finding of

Conformity prepared for Environmental Assessment No. R-13-014/TPM-2013-003 dated April 4, 2014.

SECTION 2. As specified in Section 12-403-B-2 of the Fresno Municipal Code, the Council finds that the R-1 (*Single Family Residential*) zone district is consistent with the existing Medium Density Residential planned land use designation of the 2025 Fresno General Plan and the Roosevelt 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 R-A (*Single Family Residential-Agricultural*) zone district to the R-1 (*Single Family Residential*) 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 26<sup>th</sup> day of June, 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

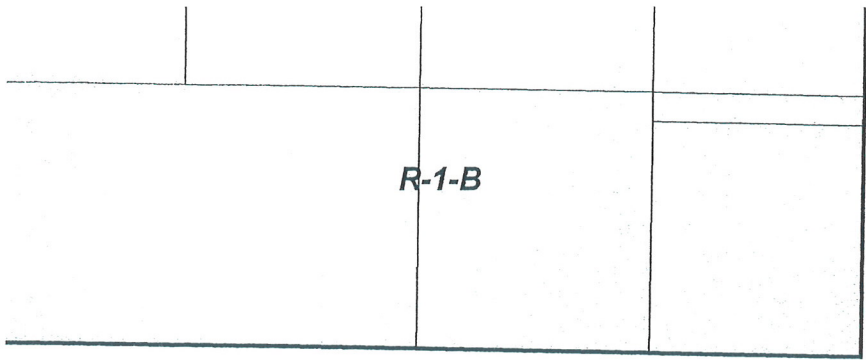
APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: \_\_\_\_\_  
Mary Raterman-Doidge Date  
Deputy

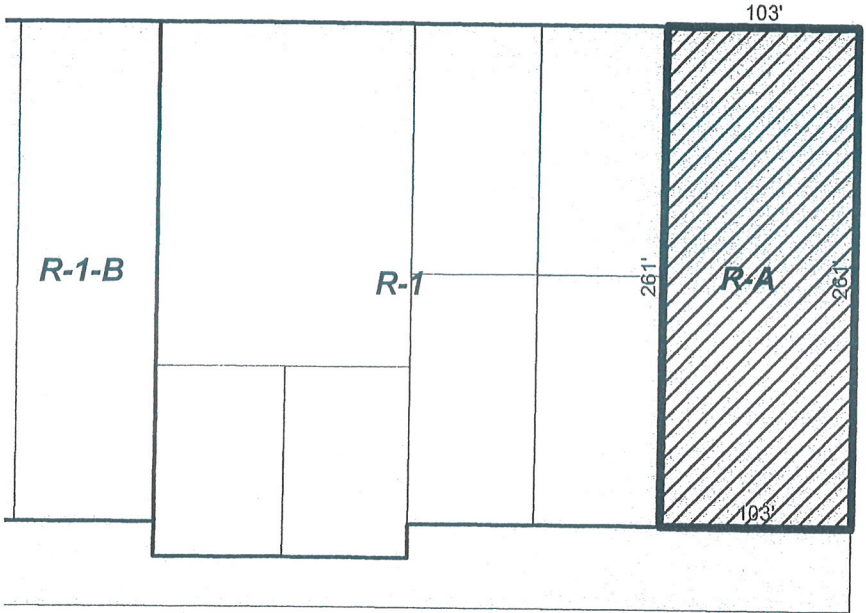
Attachment: Exhibit A



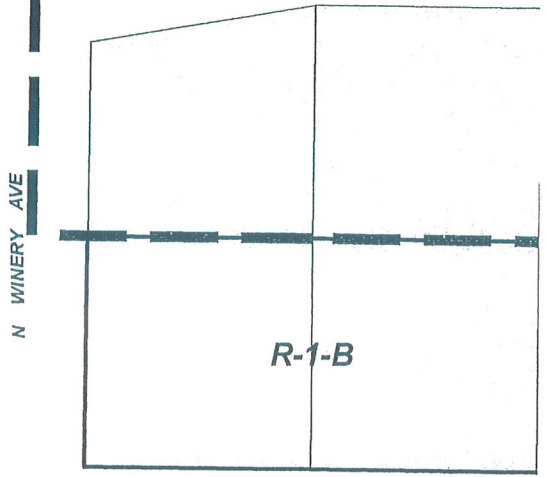
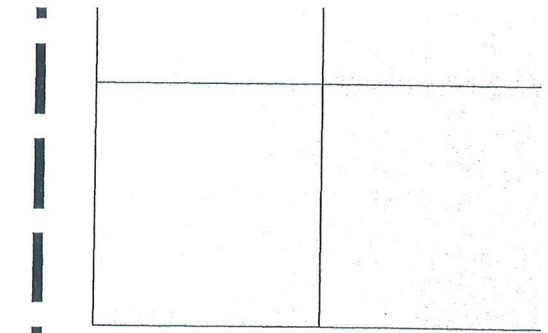
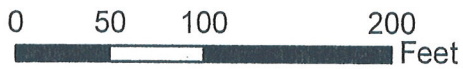
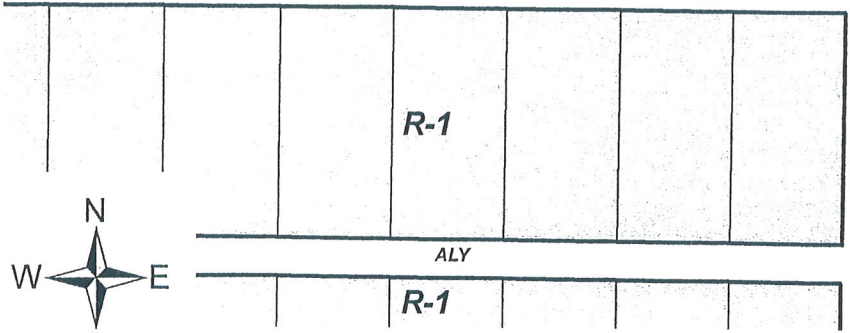
# EXHIBIT A



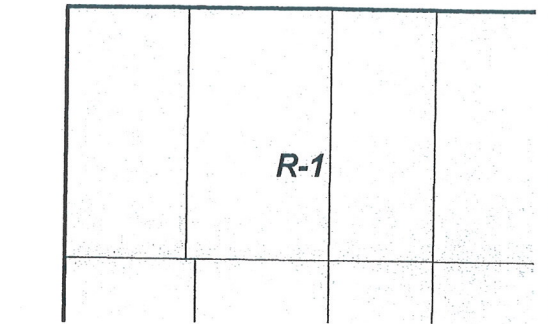
E WASHINGTON AVE



E MCKENZIE AVE



E MCKENZIE AVE



R-13-014  
 APN: 462-123-16  
 4896 East Washington Avenue

 R-A to R-1. 26,773 Square Feet

 City Limits