

# EXHIBIT N

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-17-021 has been filed by Jeff Cazaly, on behalf of Producers Dairy, with the City of Fresno to rezone property as described herein below; 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 3rd day of January, 2018, to consider Rezone Application No. R-17-021 and related Supplemental Environmental Impact Report No. 10151 (SCH No. 2017031030), during which the Commission considered the environmental document, related mitigation measures, Findings of Fact and Statement of Overriding Consideration and recommended to the Council of the City of Fresno approval, as evidenced in Planning Commission Resolution No. 135204 of the rezone application to amend the Official Zone Map to rezone the approximately 1.83 acre subject property from the IL (Industrial Light/conditions of zoning) zone district to the IL (Industrial Light/conditions of zoning) zone district; and,

WHEREAS, the Council of the City of Fresno, on the 11th day of January 2018, received the recommendation of the Planning Commission.

1 of 4

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: MED

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. In accordance with its own independent judgment, the Council certified Supplemental EIR No. 10151 (SCH 2017031030) by resolution dated January 11, 2018, and the proposed rezoning is part of the project that was assessed by the Supplemental EIR.

SECTION 2. The Council finds the requested IL (Industrial Light/conditions of zoning) zone district is consistent with the proposed Industrial Light planned land use designation of the Fresno General Plan and the Tower District Specific 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 IL (Industrial Light/conditions of zoning) zone district to the IL (Industrial Light/conditions of zoning) 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, California, at a regular meeting held on the 11th day of January 2018, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Mayor Approval: \_\_\_\_\_, 2018  
Mayor Approval/No Return: \_\_\_\_\_, 2018  
Mayor Veto: \_\_\_\_\_, 2018  
Council Override Vote: \_\_\_\_\_, 2018

YVONNE SPENCE, MMC  
City Clerk

By: \_\_\_\_\_

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_  
Mary Raterman-Doidge      Date  
Deputy City Attorney

Attachment: Exhibit A

## EXHIBIT A

### Rezone Application No. R-17-021 (Revised Conditions of Zoning)

- ~~A. The project shall retain the existing building at the southwest corner of East Belmont and North Roosevelt Avenues as depicted on attached Exhibit "L-1".~~
- ~~B. Retention and renovation of the facade of the existing building immediately south of the building at the southwest corner, as shown on Exhibit "L-1", as is physically possible and economically practical. If the facade fails, due to structural distress, it should be rebuilt to resemble the existing historical structure as closely as possible using the remnant bricks from the fallen facade. All precautions in concert with common practices standard to the industry shall be taken to save the facade intact. However, no implicit guarantee can be given that the facade will not fail during the demolition and renovation process.~~
- ~~C. The new construction in the infill areas on the east side of the property shall be compatible with the existing structure as shown on Exhibit "L-2".~~
- ~~D. The new construction contemplated immediately west of the facade described above shall be no higher than the height of the facade for a minimum of twenty feet west of the facade.~~
- ~~E. The new building to be constructed immediately west of the 30' existing building at the northwest corner of the site as shown on Exhibit "L-1" shall be of a height equal to or slightly greater than the westerly portion of said building, but in no case higher than forty feet and shall be compatible with the existing structure to the east as shown on Exhibit "L-2".~~
- F. The owner shall provide and maintain street trees in tree wells in the sidewalk on the west side of the property south to the entry driveway. These trees and major trees planted along the remainder of the west and south sides of the property shall be a species that attain a minimum height of thirty feet (30'0") at maturity.
- ~~G. The future high density frozen storage building proposed for phase three shall be set back a minimum of fifty feet (50' 0") east of Ferger Avenue to the height of sixty feet (60' 0"), or sixty-six feet with a minor deviation as provided by the Fresno Municipal Code.~~
- H. All noise producing equipment on the building shall meet the standards of the City of Fresno. Truck noise shall not exceed the level of forty-five decibels (45db) inside adjacent residences between the hours of 10:00 p.m. and 6:00 a.m. If noise levels exceed that criteria mediation measures shall be imposed by the City of Fresno which could include restrictions on hours of operation.
- I. All truck maneuvering and parking shall take place on site and shall be subject to the requirements of the City of Fresno.