

EXHIBIT Q

City Council Ordinance Bill for Rezone Application No. R-17-013

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-17-013 has been filed by Gary Giannetta, on behalf of Russ Nakata, with the City of Fresno to rezone property as depicted in the attached Exhibit "A"; and,

WHEREAS, on March 19, 2018, the District 6 Project Review 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 3rd day of October 2018, to consider Rezone Application No. R-17-013 and related Environmental Assessment No. A-17-009/R-17-013/C-17-101 dated June 19, 2018, during which the Commission considered the environmental assessment and rezone application, and recommended to the Council of the City of Fresno approval, as evidenced in Planning Commission Resolution No. 13547, of the subject environmental assessment and rezone application to amend the City's Zoning Ordinance on real property described herein below from the CRC/UGM/cz (*Commercial Recreation /Urban Growth Management/conditions of zoning*) to the CC/UGM/cz (*Commercial-Community/Urban Growth Management/conditions of zoning*) zone district in accordance with Plan Amendment Application No. A-17-009; and,

1 of 4

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: MVCD

Ordinance No. _____

WHEREAS, the Council of the City of Fresno, on the 8th day of November 2018, 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 the mitigation imposed, there is no substantial evidence in the record that Rezone Application No. R-17-013 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, to assure that the project will not cause significant adverse cumulative impacts. 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, that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Accordingly, the Council adopts the Negative Declaration prepared for Environmental Assessment No. A-17-009/R-17-013/C-17-101 dated June 19, 2018.

SECTION 2. The Council finds the requested CC/UGM/cz (*Commercial-Community/Urban Growth Management/conditions of zoning*) zone district is consistent with the proposed Community Commercial planned land use designation of the Fresno General Plan and Woodward Park Community Plan pursuant to Plan Amendment Application No. A-17-009.

SECTION 3. The Council finds that the zone district of the real property described hereinbelow, located in the City of Fresno, is rezoned from the CRC/UGM/cz (*Commercial Recreation /Urban Growth Management/conditions of zoning*) to the CC/UGM/cz (*Commercial-Community/Urban Growth Management/conditions of zoning*) zone district in accordance with Plan Amendment Application No. A-17-009 and 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 and upon annexation to the City of Fresno.

* * * * *

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
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 8th day of November 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

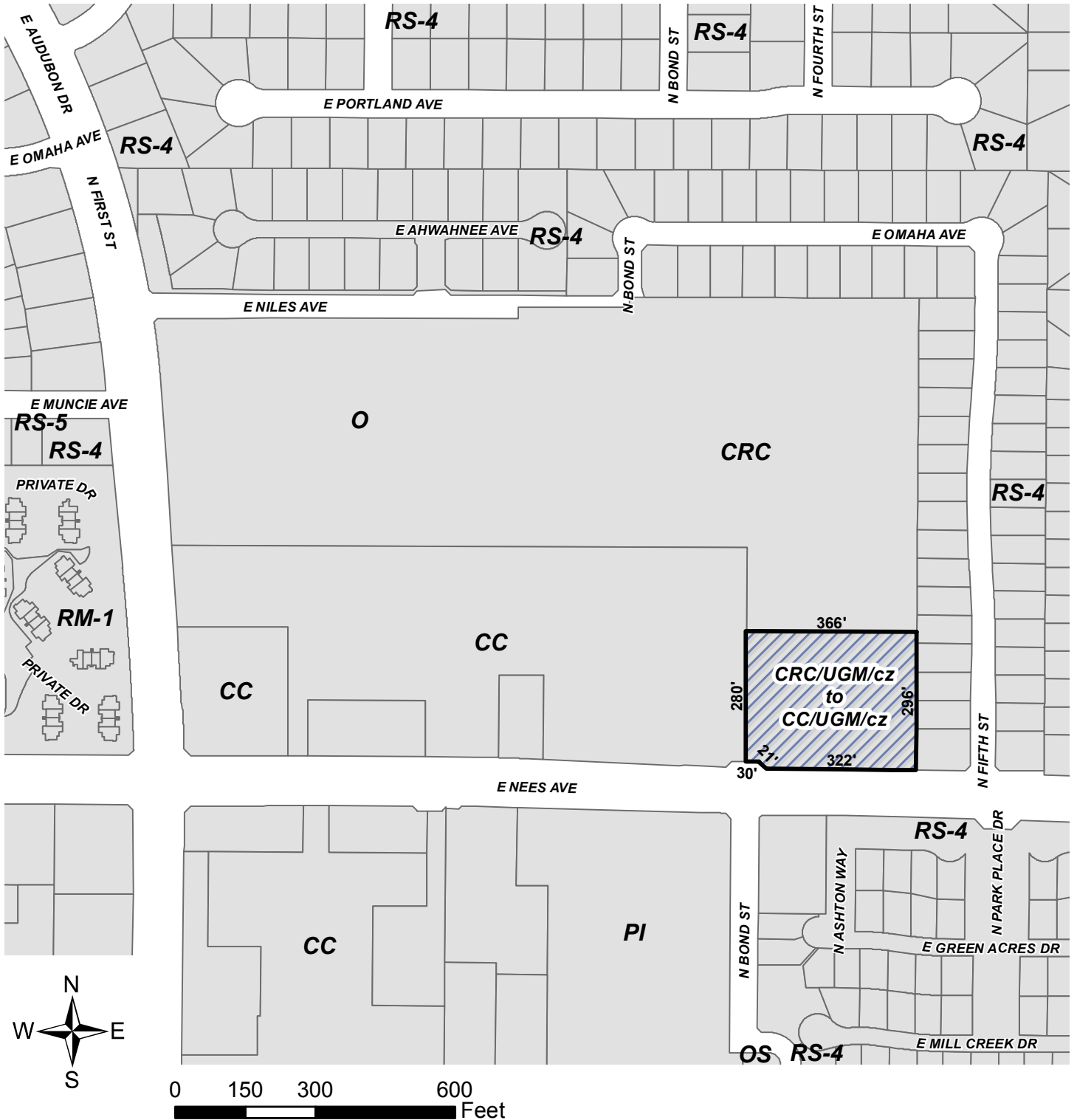
By _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By _____
Mary Raterman-Doidge Date
Senior Deputy City Attorney

Attachments: Exhibit A

EXHIBIT A



R-17-013

APN: 402-220-66

836 E Nees Avenue

City Limits



To reclassify a portion of the property from CRC to CC/UGM/cz 2.49