

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 SET FORTH 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 depicted in the attached Exhibit "A"; 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 19th 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 rezone application, and recommended to the Council of the City of Fresno approval, as evidenced in Planning Commission Resolution No. 13587 of the subject environmental assessment and rezone application to amend the Official Zone Map to rezone an approximately 1.0 acre of subject property from the RS-5/EQ (*Residential Single-Family/Equine Overlay*) zone district to the RMX (*Regional Mixed-Use*) zone district; the 3.8 acre portion of subject property from RMX/cz (*Regional Mixed Use/Conditions of Zoning*) to RMX/cz (*Regional*

1 of 9

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: MVP

Ordinance No.

Mixed Use/Conditions of Zoning); and the 2.1 acre portion of subject property from RMX/cz (Regional Mixed Use/Conditions of Zoning) to RMX/cz (Regional Mixed Use/Conditions of Zoning); and,

WHEREAS, the Council of the City of Fresno, on the 25th day of July, 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 and amendments to conditions of zoning are 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 and pursuant to Plan Amendment Application No. P18-03659.

SECTION 3. The Council finds that the zone district of the real property described hereinbelow, pertaining to 1.0 acres of subject property, 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 "B".

SECTION 4. The Council finds that the zone district of the real property described hereinbelow, pertaining to 3.8 acres of subject property, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, is reclassified from the RMX/cz (Regional Mixed Use/Conditions of Zoning) zone district to RMX/cz (Regional Mixed Use/Conditions of Zoning) zone district, as described in the attached Exhibit "C".

SECTION 5. The Council finds that the zone district of the real property described hereinbelow, pertaining to 2.1 acres of subject property, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, is reclassified from the RMX/cz (Regional Mixed Use/Conditions of Zoning) zone district to RMX/cz (Regional Mixed Use/Conditions of Zoning) zone district, as described in the attached Exhibit "D".

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.

* * * * *

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 :

YVONNE SPENCE, MMC CRM
City Clerk

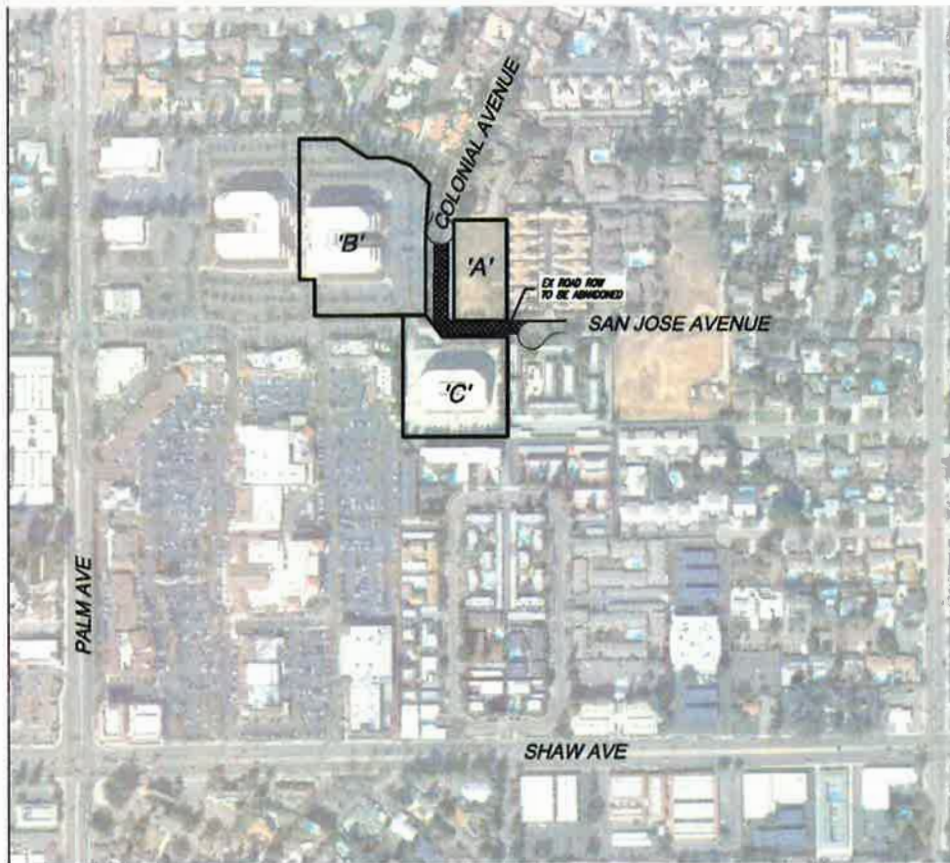
BY: _____
Deputy

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

BY: _____
Mary Raterman-Doidge Date
Senior Deputy City Attorney

Attachments: Exhibit A - subject property
Exhibit B – rezone
Exhibit C – amendment to conditions of zoning
Exhibit D – amendment to conditions of zoning

Exhibit "A"



LEGEND

'A' - APN 417-140-21, ±1.0 ACRES - CHANGE OF PLANNED LAND USE FROM RM (RESIDENTIAL MEDIUM DENSITY) TO RMX (REGIONAL MIXED USE) AND ZONE DISTRICT RS-5/EQ BEING CHANGED TO RMX

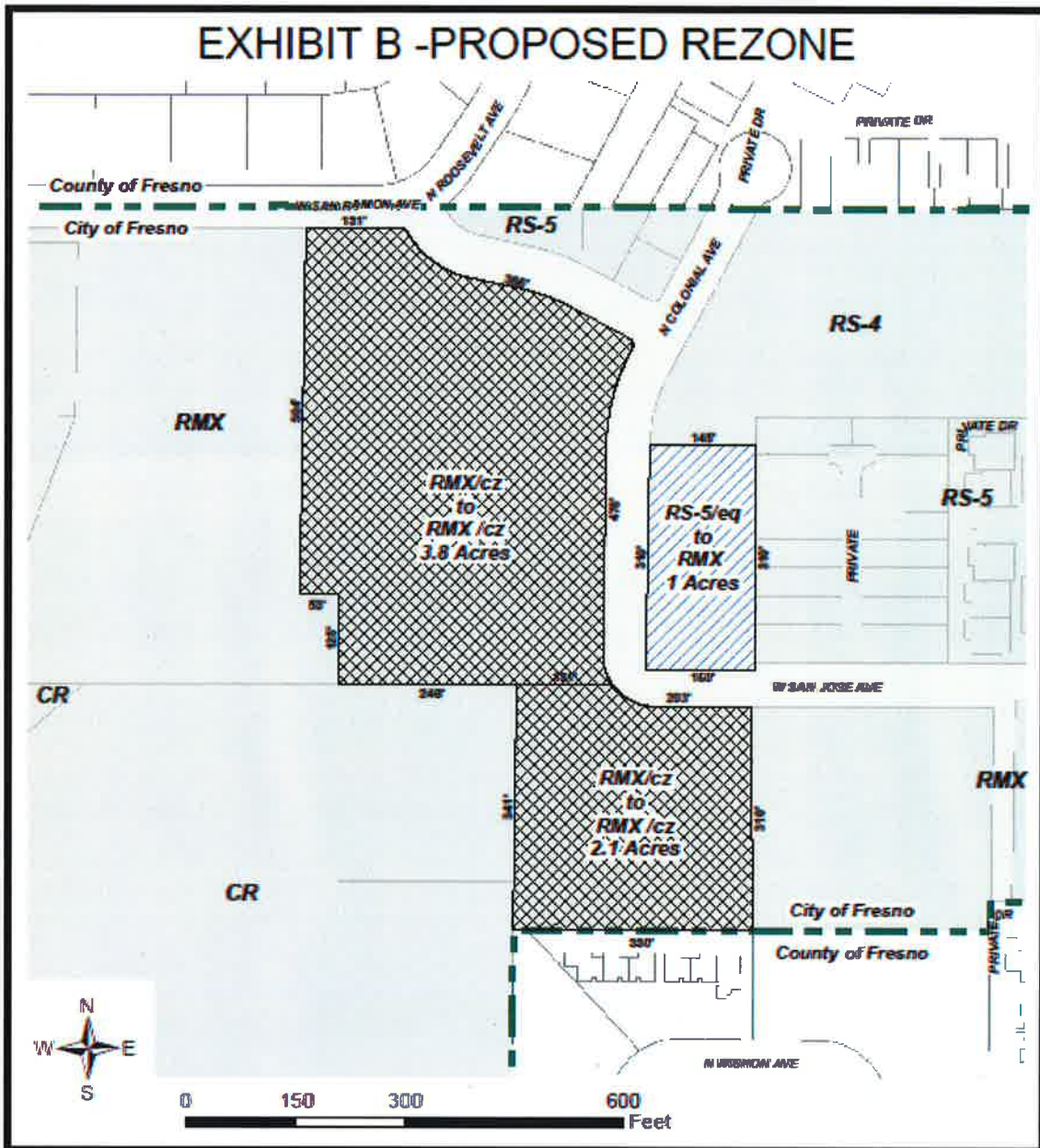
'B' - APN 417-140-26, ±3.8 ACRES - PLANNED LAND USE OF RMX (NO CHANGE) AND ZONE DISTRICT RMX/CZ BEING CHANGED TO RMX (WITH REMOVAL OF ZONING CONDITIONS)

'C' - APN 417-231-19, ±2.1 ACRES - PLANNED LAND USE OF RMX (NO CHANGE) AND ZONE DISTRICT RMX/CZ BEING CHANGED TO RMX (WITH REMOVAL OF ZONING CONDITIONS)



1" = 500'

Exhibit "B" – 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).

Exhibit "C" – Amendment to Conditions of Zoning

1. ~~The developer shall install a traffic signal at the intersection of San Jose Avenue and Palm Avenue and improve the intersection and the drive aisle to the east substantially in accordance with the attached site plan labeled Exhibit "A." The improvements shall include three lanes exiting the project site onto Palm Avenue (two left turn and one right turn) and two entrance lanes from Palm Avenue.~~
2. ~~The developer shall restripe the southbound lanes on Palm Avenue north of Shaw Avenue to provide for two left turn lanes, one through lane and one combination through/right turn lane substantially in accordance with attached Exhibit "B."~~
3. ~~The developer will install a westbound right turn lane on Shaw Avenue east of Palm Avenue substantially in accordance with attached Exhibit "B."~~
4. ~~Vehicular and pedestrian access to the property from W. San Ramon Avenue and N. Colonial Avenue shall be prohibited.~~
5. ~~Condition No. 4 above shall be implemented through the installation and maintenance by the developer of a 30-foot wide landscaped buffer along the entire length or portion of the subject property abutting W. San Ramon Avenue and W. Colonial Avenue. A 6-foot high concrete block wall shall be constructed parallel to the northern and eastern property lines such that the 30-foot wide landscaped area is provided between the local streets (W. San Ramon Avenue, N. Colonial Avenue) and the wall. The landscaped area Required landscaped setback or buffer areas shall be extensively planted with ground covers and shrubs and shall have an undulating earth berm that will range between 1 ½ feet and 3 feet in height. The landscaped area shall be extensively planted with fast-growing tree varieties that, at maturity, the proposed four-story office building will be completely screened from the view of residential properties fronting W. San Ramon and N. Colonial Avenues. Eighty-five percent (85%) of the trees planted shall be of at least 24-inch box size. The planting of evergreen trees shall be emphasized such that no more than 15% of the trees planted are deciduous. This is to insure that the screening effect of the trees is maintained year-round. The landscaping, as described above, shall be completely installed within 8 months of the date on which the City Council approves the rezoning of the subject property. The landscaping shall be continuously maintained by the developer.~~
6. ~~Drive-up window facilities shall not be permitted within 100 feet of the northern property line.~~

Exhibit "D" – Amendment to Conditions of Zoning

1. There shall be no pedestrian or vehicular access to North Colonial Avenue and West San Jose Avenue east of Colonial with the exception of gates for emergency vehicle access.

2. ~~The developer shall install and maintain a 30-foot landscaped buffer along the entire length of the subject property abutting West San Jose Avenue and North Colonial Avenue. A 6-foot high concrete block wall shall be constructed parallel to the northern and western property lines such that the 30-foot wide landscaped area is provided between the local streets (West San Jose Avenue, North Colonial Avenue) and the wall. The Required landscaped setback or buffer areas shall be extensively planted with ground covers and shrubs and shall have an undulating earth berm that will range between 1 ½ feet and 3 feet in height. The landscaped area shall be extensively planted with fast-growing tree varieties that, at maturity, the proposed four-story office building will be completely screened from the view of residential properties fronting West San Jose and North Colonial Avenues. Eighty-five percent (85%) of the trees planted shall be of at least 24-inch box size. The planting of evergreen trees shall be emphasized such that no more than 15% of the trees planted are deciduous. This is to insure that the screening effect of the trees is maintained year-round. The landscaping, as described above, shall be completely installed within 8 months from the effective date of approval of Conditional Use Permit No. C-89-109 with the provision for a four month extension to be granted by the Director of the Development Department. The landscaping shall be continuously maintained by Covenantor, its successors and assigns.~~