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ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Sterling SECONDED BY Brand

BILL NO. B-21

ORDINANCE NO. 2009-21

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-07-75 has been filed by Marwan Youssef, property owner, with the City of Fresno to rezone property as described hereinbelow; and,

WHEREAS, on December 15, 2008, the District 3 Plan Implementation Committee recommended approval of the rezone and related tentative tract map and conditional use permit applications; and,

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 8th day of April, 2009, to consider Rezone Application No. R-07-75 and related Environmental Assessment No. R-07-75/S-07-194/T-5833, during which the Commission recommended to the Council of the City of Fresno approval of the subject environmental assessment and rezone application amending the City's Zoning Ordinance on real property described hereinbelow from the R-A *(Single Family Residential-Agricultural District)* zone district to the R-1 (*Single Family Residential District*) zone district; and,

Adopted 5/14/09
Approved 5/14/09
Effective 6/14/09

2009-21

WHEREAS, the Council of the City of Fresno, on the 14th day of May, 2009, 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 there is no substantial evidence in the record that the rezoning 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 that no new or additional mitigation measures or alternatives may be required. Pursuant to Public Resources Code, Section 21157.6(b)(1), Council further 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, Environmental Assessment No. R-07-75/S-07-194/T-5833 dated November 4, 2008, which is a Finding of Conformity with the MEIR is hereby approved.

SECTION 2. The Council finds the requested R-1 (*Single Family Residential District)* zone district is consistent with the existing medium density residential planned land use designation of the 2025 Fresno General Plan and the Edison Community Plan, as specified in Section 12-403 of the Fresno 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 R-A *(Single Family Residential-Agricultural District)* zone district to the R-1 (*Single Family Residential District*) zone district:

> The land referred to herein is situated in the State of California, County of Fresno and is described as follows:

From R-A to R-1:

APN: 479-040-32

That portion of Lot 77 of Fresno Colony, according to the map recorded in Book 2, Page 8 of Plats, Records of said County, described as follows:

Beginning at the northwest corner of said lot; thence east along the north line thereof, 199.08 feet, more or less, to the northwest corner of the land conveyed to the Trustees of the Fresno Colony School District of deed recorded September 14, 1914, in Book 558, Page 371 of deeds; thence south along the west line of the land conveyed by said deed, 260 feet; thence west and parallel with the north line of said lot 199.08 feet, more or less, to the west line of said lot; thence north along said west line 260 feet to the point of beginning.

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.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, 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 14th day of May, 2009, by the following vote:

Ayes: Borgeas, Brand, Perea, Westerlund, Xiong, Sterling
Noes: None
Absent: Dages
Abstain: None

REBECCA E. KLISCH
City Clerk

By Rebecca E. Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

By John W. Fox
John Fox
Deputy City Attorney

Date 5/4/2009

Rezone Application No. R-07-75
Filed by Marwan Youssef
Assessor's Parcel Nos. 479-040-32