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

BILL NO. B-32

ORDINANCE NO. 2010-34

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-10-004 has been filed by P.A.R.C.S. on behalf of the City of Fresno, as authorized by the property owner, to rezone property as described hereinbelow; 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 7th day of July, 2010, to consider Rezone Application No. R-10-004 and related Environmental Assessment No. R-10-004/C-08-235, during which the Commission considered the environmental assessment and recommended to the Council of the City of Fresno approval of the rezone application which proposes to amend the City's Zoning Ordinance on real property described in Exhibit A from the AE-5 (*Exclusive Five Acre Agricultural*) zone district to the R-1 (*Single Family Residential*) zone district; and,

WHEREAS, the Council of the City of Fresno, on the 29th day of July, 2010, received

Adopted 7/29/10
Approved 7/29/10
Effective 8/29/10

2010-34



the recommendation of the Planning Commission.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. The Council finds in accordance with its own independent judgment that there is no substantial evidence in the record that the rezone 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 No. A-09-02/SCH No. 2009051016 and that no new or additional mitigation measures or alternatives may be required. 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 Mitigated Negative Declaration No. A-09-02/SCH No. 2009051016 was adopted, 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 and Mitigated Negative Declaration No. A-09-02/SCH No. 2009051016 was adopted, has become available. Accordingly, the Council approves the Finding of Conformity to the Master Environmental Impact Report No. 10130 ("MEIR") and Mitigated Negative Declaration No. A-09-02/SCH No. 2009051016 for Environmental Assessment No. R-10-004/C-08-235.

SECTION 2. The Council finds that the proposed R-1 (*Single Family Residential*) zone district is consistent with the existing public facility/elementary school planned land use designation of the 2025 Fresno General Plan, the West Area Community Plan, and the Highway City Neighborhood Specific Plan as specified in Section 12-403-B of the Fresno Municipal Code.

SECTION 3. The Council finds that the zone district of the real property described in Exhibit A, as shown on the Official Zone Map of the City, is reclassified from the AE-5 (*Exclusive Five Acre Agricultural*) zone district to the R-1 (*Single Family Residential*) zone district; and,

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 City Council final approval of the transfer of land from the Central Unified School District to the City of Fresno.

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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 29th day of July, 2010, by the following vote:

AYES: Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
NOES: None
ABSENT: None
ABSTAIN: None

REBECCA E. KLISCH
City Clerk

By Rebecca E. Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

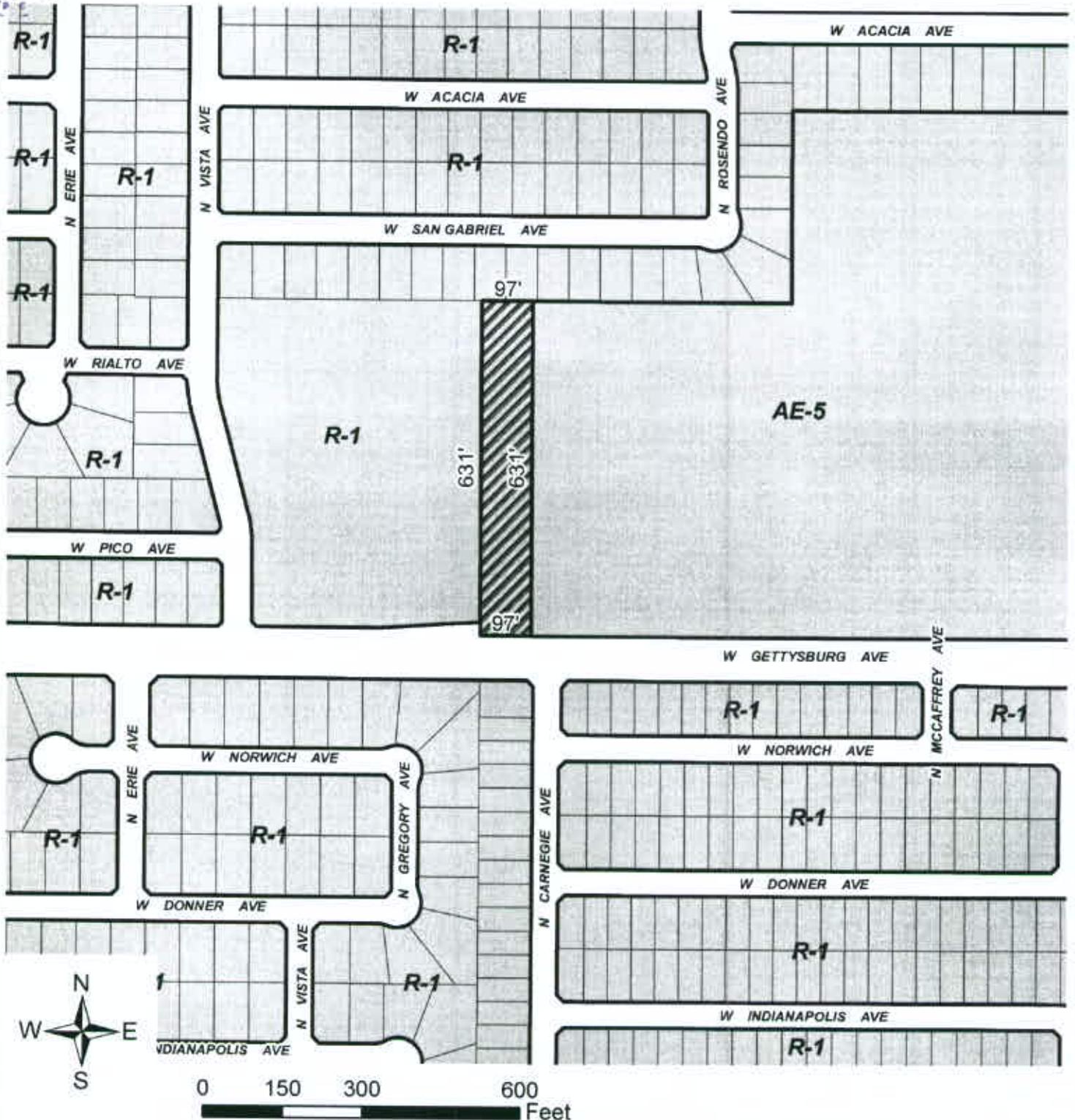
By [Signature]
Shannon L. Chaffin
Deputy City Attorney

Date: 7/16/10

Rezone Application No. R-10-004
Filed by P.A.R.C.S. on behalf of the City of Fresno



EXHIBIT A



R-10-04
 APN: 510-030-03T (portion)
 4725 North Polk Avenue

AE-5 to R-1 
 1.40 Acres, 61,163 Square feet