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ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Dages SECONDED BY Duncan

BILL NO. B-24

ORDINANCE NO. 2008-24

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-08-04 has been filed by the City of Fresno, applicant, 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 19th day of March 2008, to consider Rezone Application No. R-08-04 and related Environmental Assessment No. R-08-04, 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 AE-20 *(Exclusive Twenty Acre Agriculture, county)* zone district to the R-1/UGM *(Single Family Residential/Urban Growth Management)* zone district; and,

WHEREAS, the Council of the City of Fresno, on the 1st day of April 2008, received the recommendation of the Fresno City Planning Commission.

Adopted 4/1/08
Approved 4/1/08
Effective See Sec. 4

2008-24

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-08-04, which is a Finding of Conformity with the MEIR, is hereby approved.

SECTION 2. The Council finds the requested R-1/UGM *(Single Family Residential/Urban Growth Management)* zone district is consistent with the existing medium density residential planned land use designation of the Roosevelt Community Plan and the 2025 Fresno General 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 AE-20 *(Exclusive Twenty Acre Agriculture, county)* zone district to the R-1/UGM *(Single Family Residential/Urban Growth Management)* zone district.

<u>From AE-20 (county) to R-1/UGM</u>:

That portion of Henrietta Rancho, lying within the southeast quarter of Section 17, Township 14 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the map thereof recorded in Book 2, Page 20 of Plats, Fresno County Records, described as follows:

Beginning at the east quarter corner of said section 17, thence south 0°00' east, along the east line of said Section 17, a distance of 1,017 feet; thence north 89° 38' west, a distance of 49.78 feet to the true point of beginning; thence north 89°38' west, a distance of 325.00 feet; thence south 0°00' east, a distance of 180.00 feet; thence south 89°38' east, a distance of 321.52 feet; thence north 1°06'30" east, along the westerly boundary of that portion of land conveyed to the County of Fresno by deed dated November 19, 1969, recorded February 10, 1970, in Book 5758, Page 396, as Document No. 9582, Fresno County Records, a distance of 180.01 feet to the true 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, upon annexation of the subject property to the City of Fresno and upon payment of required fire district "transitional fee".

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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 1st day of April, 2008, by the following vote:

Ayes: Calhoun, Dages, Duncan, Perea, Sterling, Westerlund, Xiong
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: _____
Kathryn Phelan, Deputy
3/26/08

Rezone Application No. R-08-04
Filed by the City of Fresno
Assessor Parcel No. 481-100-07