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

BILL NO. B-8

ORDINANCE NO. 2009-7

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-08-21 has been filed by the City of Fresno, applicant, to rezone property as described hereinbelow; and,

WHEREAS, the District 6 Plan Implementation Committee recommended approval of the proposed project on August 11, 2008; 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 21st day of January 2009, to consider Rezone Application No. R-08-21 and related Environmental Assessment No. R-08-21, 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*) and AL-20 (*Limited Twenty Acre Agriculture-county*) zone districts to the R-1/UGM (*Single Family Residential/Urban Growth Management*), R-1/UGM/ANX (*Single Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) and C-P/UGM/ANX (*Administrative and Professional Office/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone districts; and,

Adopted 2/24/09
Approved 2/24/09
Effective See Sec. 6

2009-7



WHEREAS, the Council of the City of Fresno, on the 24th day of February 2009, received the recommendation of the Fresno City 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-08-21 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*) and R-1/UGM/ANX (*Single Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone districts are consistent with the existing medium low and medium density residential planned land use designation and the requested C-P/UGM/ANX (*Administrative and Professional Office/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone district is consistent with the existing commercial business park planned land use designation of the Woodward Park 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.

Parcel 1

That certain real property situated in Section 12, Township 12 South, Range 20 East, Mount Diablo Base and Meridian, County of Fresno, State of California, according to the official plat thereof, being more particularly described as follows:

Beginning at a point on the west line of Parcel 3 as shown on Parcel Map No. 7473, recorded in Book 57 of Parcel Maps, at Page 15, Fresno County Records, said point bearing South 01° 52' 40" West, a distance of 390.31 feet, from the northwest corner of said Parcel 3; thence

- 1) South 64° 29' 30" East, along the westerly boundary of that parcel described in Document No. 96049452, Official Records Fresno County, a distance of 332.23 feet; thence continuing along said westerly boundary following the subsequent courses and distances:
- 2) South 59° 22' 07" East, a distance of 340.32 feet; thence
- 3) South 55° 43' 04" West, a distance of 249.10 feet; thence
- 4) South 71° 07' 18" West, a distance of 145.41 feet, to the beginning of a non-tangent curve, concave southwesterly and having a radius of 176.05 feet, a radial to said point bears North 55° 49' 07" East; thence
- 5) northwesterly, along the arc of said non-tangent curve, through a central angle of 60° 26' 49", an arc distance of 185.73 feet; thence
- 6) South 27° 34' 07" West, to the west line of said Parcel 3, a distance of 238.45 feet; thence leaving said westerly boundary
- 7) North 01° 52' 40" East, along west line of said Parcel 3, a distance of 638.99 feet, to the Point of Beginning

Parcel 2

That certain real property situated in Section 12, Township 12 South, Range 20 East, Mount Diablo Base and Meridian, County of Fresno, State of California, according to the official plat thereof, being more particularly described as follows:

Beginning at the southeast corner of Parcel 4 as shown on Parcel Map No. 7473, recorded in Book 57 of Parcel Maps, at Page 15, Fresno County Records, said point being South 88° 39' 16" West, a distance of 538.27 feet from the east quarter corner of said Section 12; thence



- 1) South $88^{\circ} 39' 16''$ West, along the south line of said Parcel 4, a distance of 1060.26 feet, to the easterly boundary of that parcel described in Document No. 96049452, Official Records Fresno County; thence along said easterly boundary following the subsequent courses and distances:
- 2) North $29^{\circ} 19' 44''$ West, a distance of 1.89 feet; thence
- 3) North $29^{\circ} 05' 05''$ West, a distance of 86.89 feet; thence
- 4) North $26^{\circ} 28' 41''$ East, a distance of 118.73 feet; thence
- 5) South $60^{\circ} 03' 00''$ East, a distance of 107.65 feet to the beginning of a non-tangent curve, concave northwesterly and having a radius of 150.00 feet, a radial to said point bears South $15^{\circ} 12' 09''$ West; thence
- 6) northeasterly, along the arc of said non-tangent curve, through a central angle of $142^{\circ} 57' 38''$, an arc distance of 374.27 feet; thence
- 7) North $41^{\circ} 35' 26''$ West, a distance of 88.98 feet; thence
- 8) North $16^{\circ} 12' 03''$ West, a distance of 627.61 feet; thence
- 9) North $09^{\circ} 07' 55''$ East, a distance of 687.42 feet; thence
- 10) North $68^{\circ} 08' 43''$ East, a distance of 172.39 feet; thence
- 11) North $55^{\circ} 37' 50''$ East, a distance of 248.83 feet to the beginning of a non-tangent curve, concave northwesterly and having a radius of 151.60 feet, a radial to said point bears South $41^{\circ} 49' 44''$ West; thence
- 12) northeasterly, along the arc of said non-tangent curve, through a central angle of $181^{\circ} 01' 50''$, an arc distance of 478.99 feet; thence
- 13) North $53^{\circ} 46' 17''$ West, a distance of 502.90 feet; thence
- 14) North $67^{\circ} 34' 33''$ West, a distance of 123.20 feet; thence
- 15) North $26^{\circ} 50' 34''$ West, a distance of 111.99 feet; thence
- 16) North $02^{\circ} 44' 55''$ East, to the north line of Parcel 3 of said Parcel Map No. 7473, a distance of 59.28 feet; thence leaving said easterly boundary
- 17) North $88^{\circ} 22' 16''$ East, along said north line, a distance of 281.77 feet; thence continuing along said north line following the subsequent courses and distances:
- 18) South $00^{\circ} 57' 54''$ West, a distance of 60.70 feet; thence
- 19) North $88^{\circ} 25' 29''$ East, a distance of 1187.68 feet; thence



- 20) South $87^{\circ} 32' 38''$ East, a distance of 387.18 feet to the beginning of a non-tangent curve, concave northwesterly and having a radius of 1470.00 feet, a radial to said point bears South $73^{\circ} 08' 04''$ East, said point also being on the east boundary of said Parcel 3; thence along said east boundary following the subsequent courses and distances:
- 21) southwesterly, along the arc of said non-tangent curve, through a central angle of $21^{\circ} 11' 39''$, an arc distance of 543.76 feet; thence
- 22) South $38^{\circ} 03' 35''$ West, a distance of 925.42 feet to the beginning of a tangent curve, concave easterly and having a radius of 1253.00 feet; thence
- 23) Southwesterly, along said tangent curve, through a central angle of $67^{\circ} 05' 17''$, an arc distance of 1467.15 feet, to the Point of Beginning.

Parcel 3

That certain real property situated in Section 12, Township 12 South, Range 20 East, Mount Diablo Base and Meridian, County of Fresno, State of California, according to the official plat thereof, being more particularly described as follows:

Beginning at the southwest corner of Parcel 1 as shown on Parcel Map No. 7473, Recorded in Book 57 of Parcel Maps, at Page 15, Fresno County Records, said point being the center quarter corner of said Section 12; thence

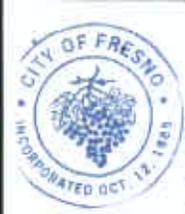
- 1) North $01^{\circ} 52' 22''$ East, along the west line of said Parcel 1, a distance of 1323.41 feet, to the north line of said Parcel 1; thence
- 2) North $88^{\circ} 32' 44''$ East, along said north line, a distance of 567.67 feet, to the westerly boundary of that parcel described in Document No. 96049452, Official Records Fresno County; thence
- 3) South $58^{\circ} 08' 51''$ West, along said westerly boundary a distance of 62.42 feet; thence along said west boundary following the subsequent courses and distances:
- 4) South $84^{\circ} 22' 08''$ West, a distance of 191.08 feet to the beginning of a non-tangent curve, concave southeasterly and having a radius of 230.84 feet, a radial to said point bears, North $51^{\circ} 41' 23''$ West; thence
- 5) southwesterly, along the arc of said non-tangent curve, through a central angle of $28^{\circ} 41' 58''$, an arc distance of 115.63 feet; thence
- 6) South $15^{\circ} 12' 09''$ East, a distance of 302.06 feet; thence
- 7) South $66^{\circ} 32' 07''$ East, a distance of 212.37 feet; thence
- 8) South $18^{\circ} 12' 10''$ East, a distance of 261.20 feet, to the east line of said Parcel 1; thence
- 9) South $18^{\circ} 12' 10''$ East, a distance of 204.50 feet; thence



- 10) South 39° 39' 30" East, a distance of 164.11 feet; thence
- 11) South 24° 09' 37" West, a distance of 123.67 feet; thence
- 12) South 66° 03' 13" West, a distance of 58.20 feet; thence
- 13) South 15° 06' 52" West, a distance of 85.67 feet, to the south line of the north east quarter of said Section 12; thence
- 14) South 15° 06' 52" West, a distance of 107.70 feet, to the east line of Parcel 3 as shown on Parcel Map No. 3989, recorded in Book 27 of Parcel Maps, at Pages 95-96, Fresno County Records; thence
- 15) South 22° 54' 26" West, a distance of 69.91 feet; thence
- 16) South 15° 17' 41" West, a distance of 138.17 feet; thence
- 17) South 13° 03' 59" West, a distance of 400.78 feet; thence
- 18) South 26° 58' 52" West, a distance of 13.42 feet; thence
- 19) South 63° 51' 03" West, a distance of 35.79 feet; thence
- 20) South 83° 06' 21" West, a distance of 157.60 feet; thence
- 21) North 84° 59' 17" West, a distance of 57.39 feet; thence
- 22) North 64° 27' 23" West, a distance of 90.81 feet, to the beginning of a tangent curve, concave southeasterly and having a radius of 118.00 feet; thence
- 23) westerly, along the arc of said tangent curve, through a central angle of 69° 51' 33", an arc distance of 143.87 feet; thence
- 24) South 45° 41' 04" West, a distance of 21.33 feet; thence
- 25) South 69° 26' 24" West, a distance of 46.62 feet, to the west line of Parcel 3 of Parcel Map No. 3989; thence leaving said westerly boundary
- 26) North 01° 53' 09" East, along said west line, a distance of 732.17 feet, to the south line of Parcel 1 of said Parcel Map No. 7473; thence
- 27) South 88° 39' 16" West, along south line, a distance of 34.91 feet, to the Point of Beginning.

Parcel 4

That certain real property situated in Section 12, Township 12 South, Range 20 East, Mount Diablo Base and Meridian, County of Fresno, State of California, according to the official plat thereof, being more particularly described as follows:



Beginning at the southeast corner of Parcel 3 as shown on Parcel Map No. 3989, recorded in Book 27 of Parcel Maps, at Pages 95-96, Fresno County Records; thence

- 1) South 88° 46' 19" West, along the south line of said Parcel 3, a distance of 156.05 feet to the easterly boundary of that parcel described in Document No. 96049452, Official Records Fresno County; thence
- 2) North 74° 09' 25" West, along said easterly boundary, a distance of 304.19 feet; thence continuing along said easterly boundary following the subsequent courses and distances:
- 3) North 05° 54' 27" East, a distance of 83.00 feet; thence
- 4) North 12° 24' 29" East, a distance of 145.55 feet; thence
- 5) North 43° 21' 16" East, a distance of 20.38 feet, to the beginning of a tangent curve, concave southeasterly and having a radius of 70.00 feet; thence
- 6) easterly, along the arc of said tangent curve, through a central angle of 59° 24' 05", an arc distance of 72.57 feet; thence
- 7) South 77° 14' 39" East, a distance of 54.94 feet to the beginning of a tangent curve, concave northeasterly having a radius of 55.00 feet; thence
- 8) easterly, along the arc of said tangent curve, through a central angle of 51° 08' 28", an arc distance of 49.09 feet; thence
- 9) North 51° 36' 53" East, a distance of 245.46 feet; thence
- 10) South 41° 59' 19" East, a distance of 74.84 feet, to the east line of said Parcel 3; thence leaving said easterly boundary
- 11) South 01° 49' 36" West, along said east line, a distance of 434.86 feet to the Point of Beginning.

SECTION 4. 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 AL-20 (*Limited Twenty Acre Agriculture-county*) zone district to the R-1/UGM/ANX (*Single Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone district.

That certain real property situated in Section 13, Township 12 South, Range 20 East, Mount Diablo Base and Meridian, County of Fresno, State of California, according to the official plat thereof, being more particularly described as follows:



Beginning at the northeast corner of that parcel described in Document No. 96146790, Official Records Fresno County, said point being North 88° 49' 43" East, a distance of 1087.43 feet, from the north quarter corner of said Section 13; thence

- 1) South 00° 14' 36" West, along the east line of said parcel, a distance of 515.00 feet, to the southeast corner of said parcel; thence
- 2) South 88° 49' 40" West, along the south line of said parcel, a distance of 314.69 feet, to the southeast corner of that parcel described in Document No. 20080038058; thence
- 3) South 88° 49' 40" West, along the south line of said parcel, a distance of 220.37 feet, to the southwest corner of said parcel; thence
- 4) North 00° 13' 53" East, along the west line of said parcel, a distance of 114.99 feet, to the southeast corner of that parcel described in Document No. 92099016; thence
- 5) South 88° 51' 00" West, along south line of said parcel, a distance of 271.00 feet, to the southwest corner of said parcel; thence
- 6) North 00° 13' 54" East, along the west line of said parcel, a distance of 399.91 feet, to the south line of the southeast quarter of Section 12; thence
- 7) North 88° 49' 43" East, along said south line, a distance of 806.17 feet, to the Point of Beginning.

SECTION 5. 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 AL-20 (*Limited Twenty Acre Agriculture-county*) zone district to the C-P/UGM/ANX (*Administrative and Professional Office/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone district.

That certain real property situated in Section 13, Township 12 South, Range 20 East, Mount Diablo Base and Meridian, County of Fresno, State of California, according to the official plat thereof, being more particularly described as follows:

Beginning at the northwest corner of that parcel described in Document No. 96167619, Official Records Fresno County, said point being North 88° 49' 43" East, a distance of 1087.43 feet, from the north quarter corner of said Section 13; thence

- 1) North 88° 49' 43" East, along the south line of southeast quarter of Section 12, a distance of 1419.99 feet, to the west right-of-way of Willow Avenue; thence
- 2) South 00° 14' 37" West, along said right-of-way, a distance of 665.61 feet, to the intersection of said right-of-way and the prolongation of the south line of that parcel described in Document No. 90013545, Official Records Fresno County; thence



- 3) South 88° 53' 38" West, along said prolongation, a distance of 100.03 feet, to the southeast corner of said parcel; thence
- 4) South 88° 53' 38" West, along the south line of said parcel, a distance of 1105.53 feet, to the southeast corner of that parcel described in Document No. 96167619, Official Records Fresno County; thence
- 5) South 88° 53' 38" West, along the south line of said parcel, a distance of 214.39 feet, to the southwest corner of said parcel; thence
- 6) North 00° 14' 36" East, along the west line of said parcel, a distance of 664.00 feet, to the Point of Beginning.

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 and upon annexation of the subject property to the City of Fresno and upon payment of required fire district "transitional fee".



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 24th day of February, 2009, by the following vote:

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

REBECCA E. KLISCH
City Clerk

By Rebecca Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

By: John W. Fox
John W. Fox, Deputy
2/18/2009
Date

Rezone Application No. R-08-21
Filed by the City of Fresno
Assessor Parcel Nos. APN's 579-073-25, 30,
31, 35, 54; 578-010-16, 21, 23, 24, 35,
47, 49