

Recording Requested by:
City Clerk, Fresno, California
No Fee-Govt. Code 6103

Return to City Clerk, Fresno

Space above this line reserved for Fresno County Recorder's Office

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

BILL NO. B-30

ORDINANCE NO. 2009-30

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-08-031 has been filed by Sukhminder S. and Mansukhjith Malhi, property owners, with the City of Fresno to rezone property as described herein below; 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 1st day of July, 2009, to consider Rezone Application No. R-08-031 and related Environmental Assessment No. R-08-031/TPM-2008-23, during which the Commission considered the environmental assessment and recommended to the Council of the City of Fresno approval, as evidenced in Planning Commission Resolution No. 12959, of the rezone application to amend the City's Zoning Ordinance on real property described herein below from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) 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 23rd day of July, 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

Adopted 7/23/09
Approved 7/23/09
Effective 8/23/09

2009-30





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 Rezone Application No. R-08-031 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. 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 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, the Council adopts the Finding of Conformity prepared for Environmental Assessment No. R-08-031/TPM-2008-23 dated May 01, 2009.

SECTION 2. The Council finds the recommended R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district is consistent with the Medium Density Residential planned land use designations of the 2025 Fresno General Plan and the West Area Community 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 hereinbelow, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, is reclassified from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district:

From R-3 to R-2:

The North $\frac{1}{2}$ of the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 23, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, according to the United States Government Township Plats thereof, Fresno County Records.

APN: 511-171-19

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. ///



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 23rd day of July, 2009, by the following vote:

Ayes: Borgeas, Brand, Dages, Xiong, Sterling
Noes: None
Absent: Perea, Westerlund
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
Senior Deputy City Attorney

Date 7/13/2009

Rezone Application No. R-08-31
Filed by: Sukhminder S. and Mansukhjit Malhi, property
owners.
APN No(s): 511-171-19