

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 Duncan SECONDED BY Caprioqlio

BILL NO. B-77

ORDINANCE NO. 2008-75

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-08-30 has been filed by the City of Fresno, applicant, to rezone property as described hereinbelow; and,

WHEREAS, the District 5 Plan Implementation Committee recommended approval of the proposed project on October 27, 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 3<sup>rd</sup> day of December 2008, to consider Rezone Application No. R-08-30 and related Environmental Assessment No. R-08-30, 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-1 (*Single Family Residential, 6,000 square foot minimum lot size, county*), R-1-AH (*Single Family Residential, 20,000 square foot minimum lot size, county*), R-2 (*Low Density Multiple Family Residential, county*) and R-3 (*Medium Density Multiple Family Residential, county*) zone districts to the R-1 (*Single Family Residential, 6,000 square foot minimum lot size*), R-1-B (*Single Family Residential, 12,500 square foot minimum lot size*) and R-2 (*Low Density Multiple Family Residential*) zone districts; and,

Adopted 12/16/08  
Approved 12/16/08  
Effective See Sec. 6

2008-75



Ordinance Amending Official Zone Map  
Rezone Application No. R-08-30  
December 16, 2008  
Page 2 of 5

WHEREAS, the Council of the City of Fresno, on the 16<sup>th</sup> day of December, 2008, received the recommendation of the Fresno City 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 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. In addition, 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-08-30, which is a Finding of Conformity with the MEIR, is hereby approved.

SECTION 2. 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-1 (*Single Family Residential, 6,000 square foot minimum lot size, county*) zone district to the R-1 (*Single Family Residential, 6,000 square foot minimum lot size*) zone district:

R-1 (county) to R-1 (city)

Lots 1 through 26 of Tract No. 2651, Fancher Creek Estates, Plat Book 29, Page 65, Fresno County Records.

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-1-AH (*Single Family Residential, 20,000 square foot minimum lot size, county*) zone district to the R-1-B (*Single Family Residential, 12,500 square foot minimum lot size*) zone district:

R-1-AH (county) to R-1-B (city)

Lots 1 through 73 of Tract No. 1589, Fancher Creek Ranchos No. 1, Plat Book 19, Pages 23 and 24, Fresno County Records; and,



That portion of the NW 1/4 of Section 4, Township 14 South, Range 21 East, M.D.M., in the County of Fresno, State of California, according to the United States Government Township Plats, described as follows:

Beginning at the Southwest corner of Lot 28 in Tract No. 1589, Fancher Creek Ranchos No. 1, according to the Map recorded in Book 19, Pages 23 and 24 of Plats, records of said County; thence along the South property line of said Lot 28 South 67°45' East 200.34 feet to the Southeast corner of said Lot 28 and the center line of Fancher Creek; thence along said center line South 45°53' West 64.64 feet; thence South 10°56'36" West 143.85 feet to a point on the North boundary line of a parcel of land 30 feet in width deeded to the Sunnyside Winery by deed dated February 21, 1946 recorded in Book 256, Page 244, of Official Records; thence along said North boundary line North 57°45' West 238.33 feet; thence North 22°15' East 159.76 feet; thence South 67°45' East 30 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 R-2 (*Low Density Multiple Family Residential, county*) zone district to the R-2 (*Low Density Multiple Family Residential*) zone district:

R-2 (county) to R-2 (city)

Lots 74 through 85 and Outlot "U" of Tract No. 1681, Fancher Creek Ranchos No. 2, Plat Book 19, Page 25, Fresno County Records; and,

Lots 1 through 32 and Outlots "B" and "C" of Tract No. 2492, Orchard Lane No. 2, Plat Book 28, Pages 20 and 21, Fresno County Records; and

Lots 1 through 32 and Outlots "A" and "B" of Tract No. 2440, Orchard Lane, Plat Book 28, Pages 20 and 21, Fresno County Records; and,

Parcel "A" of Parcel Map No. 2136, Parcel Map Book 13, Page 62, Fresno County Records.

Parcel 2 of Parcel Map 3264, Parcel Map Book 24, Page 28, Fresno County Records.

Parcels 33 and 34 of Track No. 2440, Orchard Lane, Plat Book 28, Pages 20 and 21, Fresno County Records.

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 R-3 (*Medium Density Multiple Family Residential, county*) zone district to the R-2 (*Low Density Multiple Family Residential*) zone district:

R-3 (county) to R-2 (city)

Ordinance Amending Official Zone Map  
Rezone Application No. R-08-30  
December 16, 2008  
Page 4 of 5



Parcel 1 of Parcel Map No. 3564, Parcel Map Book 24, Page 28, Fresno County Records.

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, upon annexation of the subject property to the City of Fresno.

///

///

///



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 16th day of December, 2008, by the following vote:

Ayes: Caprioglio, Duncan, Sterling, Xiong  
Noes: Calhoun, Dages  
Absent: Perea  
Abstain: None

REBECCA E. KLISCH  
City Clerk

By Rebecca E. Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
City Attorney

By: Kathryn Phelan for 12/9/2008  
Kathryn Phelan, Deputy

Rezone Application No. R-08-30  
Filed by the City of Fresno  
Assessor Parcel Nos. 313-021-11, 13, 15, 16; 313-101-04, 22; 313-240-57, 58; 313-291-03 thru 09; 313-292-01 thru 24; 313-301-01 thru 06; 313-302-01 thru 10; 313-303-01 thru 12; 313-311-01 thru 09; 313-312-01 thru 08; 313-321-01 thru 32; 313-322-01 thru 05; 313-330-01 thru 11; 313-340-01 thru 11; 313-350-01 thru 10; 313-360-01 thru 04; 313-370-01 thru 28)