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

BILL NO. B-1

ORDINANCE NO. 2010-3

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-09-10 has been filed with the City of Fresno by Robert Sepulveda, property owner, to rezone property as described hereinbelow; and,

WHEREAS, on October 12, 2009, the Council District 5 Plan Implementation Committee reviewed and recommended approval of the C-P *(Administrative and Professional Office)* zoning; 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 13th day of January, 2010 to consider Rezone Application No. R-09-10 and related Environmental Assessment No. R-09-10, 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)* zone district to the C-P *(Administrative and Professional Office)* zone district; and,

Adopted 01-28-10
Approved 01-28-10
Effective 02-28-10

WHEREAS, the Council of the City of Fresno, on the 28th day of January 2010 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 (MEIR) No. 10130 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 approves the Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 dated August 14, 2009, prepared for Environmental Assessment No. R-09-10.

SECTION 2. The Council finds the requested C-P *(Administrative and Professional Office)* zone district to be consistent with the office commercial planned land use designation of the 2025 Fresno General Plan and the Roosevelt Community Plan according to the land use consistency table pursuant to 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 R-1 *(Single Family Residential)* zone district to the C-P *(Administrative and Professional Office)* zone district.

> From R-1 to C-P:
> Lots 27, 28, and 29 in Block 58 of East Fresno, according to the Amended Map of Blocks 53, 54, 57, and 58 of East Fresno, recorded July 7, 1913, in Book 9, Page 34 of Record of Surveys, in the office of the County Recorder of said County.
>
> **APNs: 461-246-13**

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.

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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 28th day of January, 2010, by the following vote:

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

REBECCA E. KLISCH CMC
City Clerk

By Rebecca E Klisch

APPROVED AS TO FORM:

James C. Sanchez
City Attorney

By
Shannon Chaffin, Deputy City Attorney

Date 1/19/10

Rezone Application No. R-09-10
Filed by Robert Sepulveda
Assessor's Parcel No. 461-246-13