

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

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ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO  
PROPOSED AND INITIATED BY \_\_\_\_\_  
MOVED BY Quintero SECONDED BY Brand

BILL NO. B-1

ORDINANCE NO. 2012-1

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-11-014 has been filed by Craig Smith, on behalf of AMCAL Multi-Housing, Inc, 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 21st day of December, 2011, to consider Rezone Application No. R-11-014 and related Environmental Assessment No. A-11-010/R-11-014/C-11-128, during which the Commission recommended to the Council of the City of Fresno approval, as evidenced in Planning Commission Resolution No. 13139, of the rezone application to amend the City's Zoning Ordinance on real property described herein below from the R-1 (*Single Family Residential*) zone district to the R-2 (*Low Density Multiple Family Residential*) zone district and approval of the associated Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-010/R-11-014/C-11-128 dated November 18, 2011 as revised; and,

WHEREAS, the Council of the City of Fresno, on the 12<sup>th</sup> day of January 2012, received and considered the recommendation of the Planning Commission regarding Rezone Application No. R-11-014 and the associated Mitigated Negative Declaration prepared for

Adopted 1-12-12  
Approved 1-12-12  
Effective 2-12-12

2012-1



Environmental Assessment No. A-11-010/R-11-014/C-11-128, including new information added to clarify, amplify or make insignificant modifications to that Mitigated Negative Declaration.

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 with the project specific mitigation imposed in Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-010/R-11-014/C-11-128 as revised, there is no substantial evidence in the record that Rezone Application No. R-11-014 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 Mitigated Negative Declaration No. A-09-02/SCH No. 2009051016; and, that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 or MND No. A-09-02 as provided by CEQA Guidelines Section 15178(a). 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 Mitigated Negative Declaration No. A-09-02/SCH No. 2009051016 was adopted; 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 Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-010/R-11-014/C-11-128 dated November 18, 2011 as revised.

SECTION 2. The Council finds the recommended R-2 (*Low Density Multiple Family*



Ordinance Amending Official Zone Map  
Rezone Application No. R-11-014  
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*Residential*) zone district is consistent with the proposed Medium-High Density Residential planned land use designations of the 2025 Fresno General Plan and the Roosevelt Community Plan as specified in Section 12-403-B of the Fresno Municipal Code, respectively.

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 R-2 (*Low Density Multiple Family Residential*) zone district:

**From R-1 to R-2:**

As described in the attached Exhibit "A"

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 12<sup>th</sup> day of January, 2012, by the following vote:

AYES: Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier  
NOES: None  
ABSENT: None  
ABSTAIN: None

REBECCA E. KLISCH  
City Clerk

By Rebecca Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
City Attorney

By [Signature]  
Shannon L. Chaffin  
Senior Deputy City Attorney

Date: 1/12/12

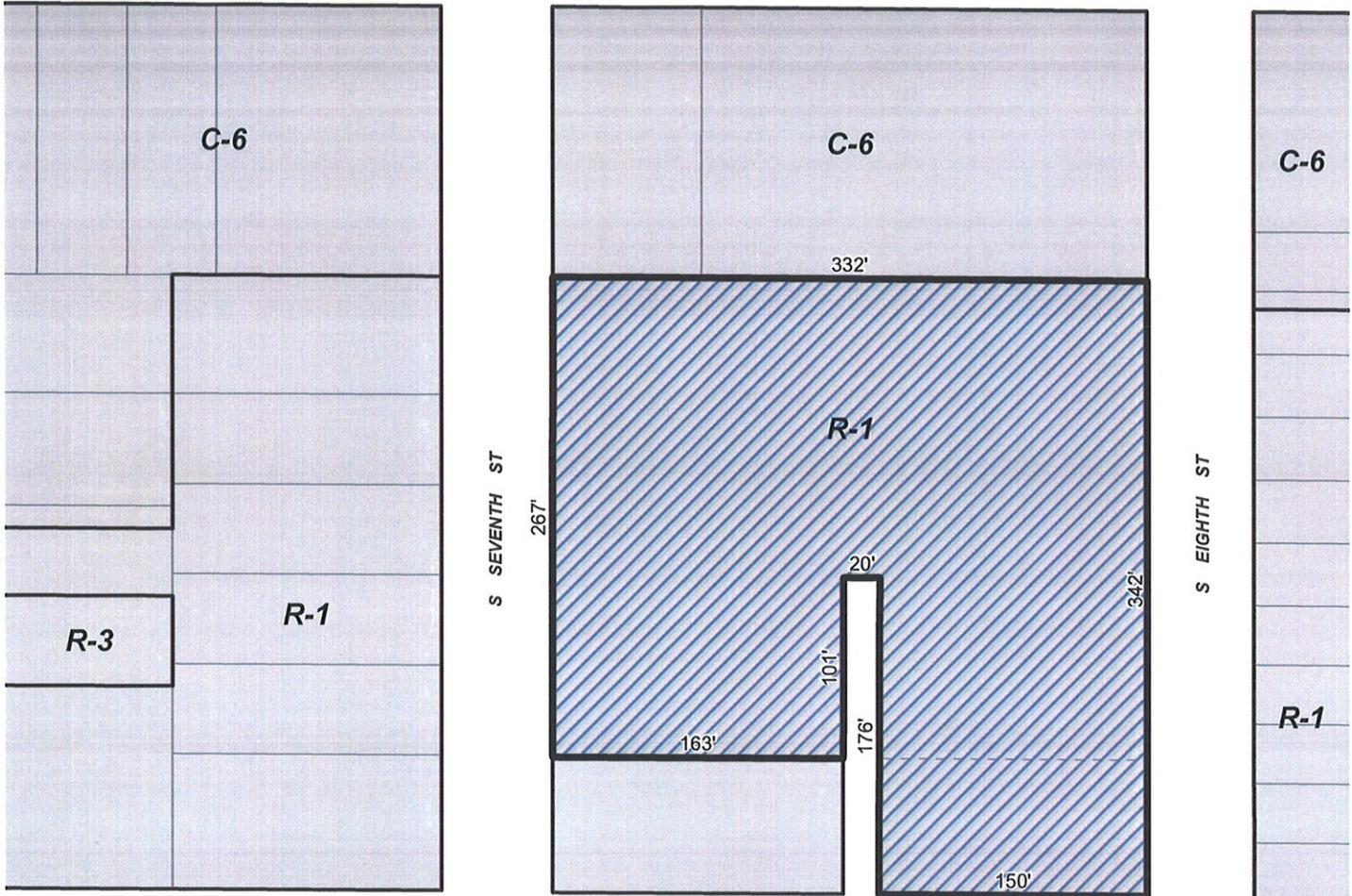
Rezone Application No. R-11-014  
Filed by Craig Smith, on behalf of AMCAL Multi-Housing, Inc  
APN(s): 470-052-02, -03

# EXHIBIT A

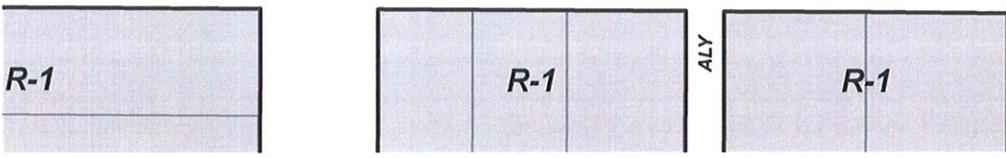


C-6 C-6 C-M

E VENTURA ST



E EL MONTE WAY



0 50 100 200 Feet

**R-11-014**  
**APN: 470-052-02 (portion) and 03**  
**3740 East Ventura Street**  
**3745 East El Monte Way**



R-1 to R-2, 2.25 Acres