

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



BILL NO. B-33

ORDINANCE NO. 2009-33

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-09-002 has been filed by Ali Moghaddam of Concord Construction, to rezone property as described hereinbelow; 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 19th day of August 2009, to consider Rezone Application No. R-09-002 and related Environmental Assessment No. R-09-002/C-09-048, 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/UGM (*Exclusive Twenty Acre Agricultural District/Urban Growth Management*) zone district to the R-1/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district; and,

WHEREAS, the Council of the City of Fresno, on the 17th day of September 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

Adopted 9/17/09
Approved 9/17/09
Effective 10/18/09

2009-33



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 Rezone Application No. R-09-002 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 approves the Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 dated May 15, 2009, prepared for Environmental Assessment No. R-09-002/C-09-048.

SECTION 2. The Council finds the requested R-1/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district is consistent with the existing medium-low density residential planned land use designation of the Woodward Park Community Plan and the 2025 Fresno General 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-20/UGM (*Exclusive Twenty Acre Agricultural District/Urban Growth Management*) zone district to the R-1/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district.

From AE-20/UGM to R-1/UGM:

The portion of the northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ Section 36, Township 12 south, Range 20 east, Mount Diablo Base and Meridian, described as follows:

Beginning at the northeast corner thereof, thence southerly along the east line of said northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$, a distance of 836.95 feet to a point, thence westerly a distance of 260.5 feet to a point 836.75 feet south of the north line of the said northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$, thence northerly and parallel to the east line of the said northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$, a distance of



Ordinance Amending Official Zone Map
Rezone Application No. R-09-002
September 17, 2009
Page 3

836.5 feet to a point on the north line of said northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$, thence easterly along said north line, a distance of 260.5 feet to the point of beginning.

Excepting therefrom the west $\frac{1}{2}$ thereof.

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 17th day of September, 2009, by the following vote:

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

REBECCA E. KLISCH
City Clerk

By Rebecca E. Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

By: John W. Fox
John W. Fox, Senior Deputy City Attorney

Date: 9/3/2009

Rezone Application No. R-09-002
Filed by Ali Moghaddam of Concord
Construction
Assessor Parcel Nos. 404-510-57