



BILL NO. 5

ORDINANCE NO. 2020-005

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
APPROVING REZONE APPLICATION NO. P18-03290,
UPDATING THE OFFICIAL ZONING MAP AS DESCRIBED
BY SECTION 15-108 OF THE FRESNO MUNICIPAL CODE,
AND PURSUANT TO THE PROCEDURES SET FORTH IN
ARTICLE 58, CHAPTER 15 OF THE FRESNO MUNICIPAL
CODE

WHEREAS, Rezone Application No. P18-03290 was filed by Daniel J. Zoldak on behalf of Sylvesta Hall of 2500 MLK LLC, with the City and County of Fresno to amend the Official Zoning Map of the City of Fresno with respect to approximately 89.68 acres of real property on the northwest corner of East Church Avenue and South Martin Luther King Jr. Boulevard (the Subject Property); and

WHEREAS, Rezone Application No. P18-03290 proposes to amend the City's Official Zoning Map with respect to the Subject Property from 50.18-acres of RS-5 (Residential Single-Family), 21.08-acres of CR (Commercial Regional), 6.48-acres of PI (Public & Institutional), 2.43-acres of CC (Community Commercial), and 9.51-acres of PR (Park and Recreation) to 26.58-acres to RS-5 (Residential Single-Family), 21.32-acres to RM-1 (Residential Multi-Family), 3.08-acres to CC (Community Commercial), 11.74-acres to PR (Park and Recreation), and 26.96-acres to CR (Commercial Regional); and

WHEREAS, the environmental assessment conducted for the proposed rezone resulted in the preparation of an Addendum to Environmental Assessment No. A-17-007/R-17-010/TPM-17-06/ANX-17-005 (a Mitigated Negative Declaration); and



WHEREAS, on November 4, 2019 the Airport Land Use Commission (ALUC) approved a Finding of Consistency with their adopted Fresno County Airport Land Use Compatibility Plan; and

WHEREAS, on November 26, 2019, the District 3 Project Review Committee recommended approval of the proposed Rezone Application through a vote of 3-0-1; and

WHEREAS, on February 5, 2020, pursuant to the provisions of section 15-5809 of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public hearing to consider Rezone Application No. P18-03290, along with related Plan Amendment Application No. P18-03290, and an addendum to Environmental Assessment No. A-17-007/R-17-010/TPM-17-06/ANX-17-005 (a Mitigated Negative Declaration), during which the Commission considered the environmental assessment and recommended approval of Rezone Application No. P18-03290, to the Council of the City of Fresno as set forth in Exhibit A, as evidenced by Planning Commission Resolution No. 13631; and

WHEREAS, the Council of the City of Fresno, on the 13th day of February 2020, 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 consideration of the environmental documentation provided, the approval of Rezone Application No. P18-03290 is in the best interest of the City of Fresno. The Council finds in accordance with its own independent judgment that an



Negative Declaration) is appropriate given that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR or Mitigated Negative Declaration have occurred; and new information added is only for the purposes of providing minor changes or additions, in accordance with Section 15164 of the CEQA Guidelines. There is no substantial evidence in the record that Rezone Application No. P18-03290 may have additional significant effects on the environment that were not identified in Environmental Assessment No. A-17-007/R-17-010/TPM-17-06/ANX-17-005 (a Mitigated Negative Declaration), and that all applicable mitigation measures of the prior MND have been applied to the project. 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 prior MND was adopted; and, that no new information, which was not known and could not have been known at the time that the prior MND was adopted, has become available. Accordingly, the Council adopts the January 13, 2020 Addendum to the Mitigated Negative Declaration prepared for Environmental Assessment No. A-17-007/R-17-010/ANX-17-005/TPM-17-06.

SECTION 2. The Council finds the requested RS-5 (*Residential Single-Family*), RM-1 (*Residential Multi-Family*), CC (*Community Commercial*), CR (*Commercial-Regional*), PR (*Parks and Recreation*) and PI (*Public and Institutional*) zone districts zone districts are consistent with the proposed Medium Density Residential, Community Commercial, Commercial Regional, and Medium High, planned land use designations of the Fresno General Plan.

SECTION 3. The Council finds that the zone district of the real property described herein below, is reclassified from 50.18-acres of RS-5 (*Residential Single-Family*), 21.08-



acres of CR (Commercial Regional), 6.48-acres of PI (Public & Institutional), 2.43-acres of CC (Community Commercial), and 9.51-acres of PR (Park and Recreation) to 26.58-acres to RS-5 (Residential Single-Family), 21.32-acres to RM-1 (Residential Multi-Family), 3.08-acres to CC (Community Commercial), 11.74-acres to PR (Park and Recreation), and 26.96-acres to CR (Commercial Regional); as depicted in 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 final passage.

* * * * *



STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the 13th day of February 2020.

AYES : Bredefeld, Caprioglio, Chavez, Esparza, Karbassi, Soria, Arias
NOES : None
ABSENT : None
ABSTAIN : None

YVONNE SPENCE, MMC CRM
City Clerk

BY: Brian P. Pomeroy 3/6/2020
Deputy Date

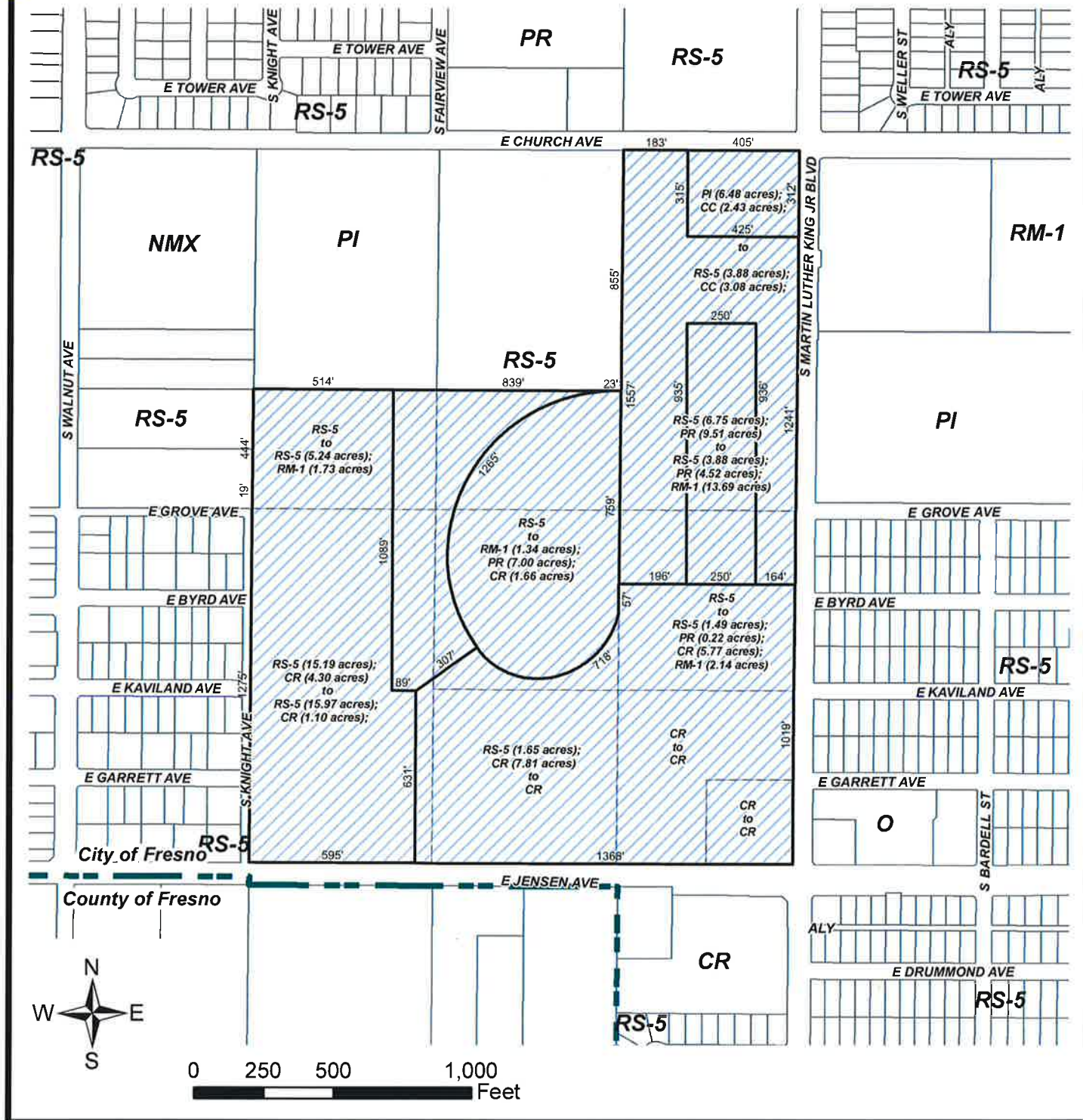
APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: [Signature] 2/26/2020
Talía Kolluri Date
Supervising Deputy City Attorney

Attachment: Exhibit A



EXHIBIT A



P18-03290

APN:479-050-10, 479-050-12, 479-060-02, 4790-60-03, 479-060-08, 479-060-09, 479-060-10, 479-060-11

Northwest corner of East Jensen and South Martin Luther King Jr. Blvd.



City Limits



Propose to amend the Official Zone Map to Medium Density Residential (26.58 acres), Medium High Density Residential (21.32 acres), Open Space (11.74 acres), Community Commercial (3.08 acres), and Regional Commercial (26.96 acres)



DOUGLAS T. SLOAN
City Attorney

March 5, 2020

MEMORANDUM

TO: YVONNE SPENCE, CRM MMC CITY CLERK *BP*

RE: Technical Correction to Ordinance Bill No. 2020-005 and Resolution No. 2020-028, as approved as the 10:00 a.m. Item (File ID No. 20-00184) of the February 13, 2020, Regular Meeting of the Council of the City of Fresno

Typographical errors have been identified with respect to the naming order for a land use designation and zone district in an ordinance bill and resolution as follows:

A. Ordinance Bill No. 2020-005 pertaining to Rezone Application No. P18-03290 incorrectly refers to CR zoning as "Regional Commercial" when it should be written as "Commercial Regional." The phrase "Regional Commercial" should be corrected to read "Commercial Regional" in the following places:

1. Page 1 in the second recital
2. Page 2 in section 2
3. Page 4 in section 3

Corrected pages are attached.

B. Resolution No. 2020-028 pertaining to Plan Amendment Application No. P18-03290 incorrectly describes the "Commercial Regional" land use designation as "Regional Commercial." The phrase "Regional Commercial" should be corrected to read "Commercial Regional" in the following places:

1. Page 2 in the fifth recital
2. Page 4 in resolving item #3.

Corrected pages are attached.

Respectfully submitted

Talia Kolluri
TALIA KOLLURI
Supervising Deputy City Attorney

Attachments

c: Douglas T. Sloan, City Attorney
Katie Doerr, Chief Assistant City Attorney



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1 of 5

Date Adopted: 02/13/2020
Date Approved: 02/13/2020
Effective Date: 03/15/2020

Ordinance No. 2020-005



Addendum to Environmental Assessment No. A-17-007/R-17-010/TPM-17-06/ANX-17-005 (a Mitigated Negative Declaration) is appropriate given that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR or Mitigated Negative Declaration have occurred; and new information added is only for the purposes of providing minor changes or additions, in accordance with Section 15164 of the CEQA Guidelines. There is no substantial evidence in the record that Rezone Application No. P18-03290 may have additional significant effects on the environment that were not identified in Environmental Assessment No. A-17-007/R-17-010/TPM-17-06/ANX-17-005 (a Mitigated Negative Declaration), and that all applicable mitigation measures of the prior MND have been applied to the project. 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 prior MND was adopted; and, that no new information, which was not known and could not have been known at the time that the prior MND was adopted, has become available. Accordingly, the Council adopts the January 13, 2020 Addendum to the Mitigated Negative Declaration prepared for Environmental Assessment No. A-17-007/R-17-010/ANX-17-005/TPM-17-06.

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