

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, INITIATING A REZONE TO REMOVE A CONDITION OF ZONING REQUIRING A RECORDED COVENANT FOR REAL PROPERTY LOCATED AT 6051 NORTH THESTA STREET, APN 409-20-043 PURSUANT TO FRESNO MUNICIPAL CODE SECTION 15-5803-B

WHEREAS, real property located at 6051 North Thesta Street, APN 409-20-043 (Property), is restricted to motel uses only by way of a condition of zoning resulting in a covenant recorded May 6, 1993, in Official Records under Recorder's Serial Number 93067694; and

WHEREAS, the Statement of Covenants Affecting Land Development (Statement of Covenants) provides that the condition of zoning shall remain in full force and effect until such time as the City of Fresno, pursuant to the district amendment procedure of the Fresno Municipal Code, finds that the enforcement of such condition is no longer equitable; and

WHEREAS, on December 3, 2015, the Council of the City of Fresno (Council) adopted Ordinance Bill No. B-43, adding Chapter 15 to the Fresno Municipal Code, which is a comprehensive update to the City's Zoning Ordinance and is referred to as the "Citywide Development Code"; and

WHEREAS, Article 58 of Chapter 15 of the Fresno Municipal Code – Amendments to Development Code Text, Rezones, and Plan Amendments - superseded the prior district amendment procedure; and

WHEREAS, Fresno Municipal Code section 15-5803-B of the Citywide Development Code authorizes the Council to initiate a Rezone to remove the condition of zoning adopting a Resolution of Initiation; and

WHEREAS, the City desires to allow the Property to be developed as low-income housing; and

WHEREAS, the Council desires to initiate a rezone to remove the condition of zoning as stated in the Statement of Covenants recorded May 6, 1993 in Official Records under Recorder's Serial Number 93067694 which limits the Property to motel uses only to allow the development of low-income housing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. Pursuant to Fresno Municipal Code section 15-5803-B, the Council initiates the rezone process to remove the Statement of Covenants recorded May 6, 1993, in Official Records under Recorder's Serial Number 93067694 which limits the Property to motel uses only.
2. The Council further requests staff to prepare any necessary environmental assessments pursuant to the requirements of the California Environmental Quality Act (CEQA), and then bring the rezone before the Planning Commission for consideration and recommendation upon completion of the environmental review, and back before the Council for consideration within thirty days of the Planning Commission's review.
3. This resolution shall be effective upon final approval.

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

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2023.

AYES :
NOES :
ABSENT :
ABSTAIN :

TODD STERMER, CMC
City Clerk

By: _____ Date
Deputy

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____ Date
Kristi Costa
Senior Deputy City Attorney