

Exhibit N

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
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. P23-03006 has been filed by Bonique Emerson of Precision Civil Engineering, Inc., on behalf of Ryan Lancer of Buzz Oates Management Services, with the City of Fresno to rezone property as depicted in the attached Exhibit "A"; and

WHEREAS, pursuant to the provisions of Article 58, Chapter 15, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public hearing on the 16th day of April 2025, to consider Rezone Application No. P23-03006 and related Addendum to Project Environmental Impact Report ("PEIR") SCH No. 2017031012, dated April 16, 2025, during which the Commission considered the environmental assessment and rezone application, and recommended to the Council of the City of Fresno denial, of the subject environmental assessment and rezone application to amend the City's Zoning Ordinance on real property described herein below from the NMX (*Neighborhood Mixed Use*) zone district to the IL (*Light Industrial*) zone district with conditions of zoning; and

1 of 8

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: *ve*

454603v1

Ordinance No.

WHEREAS, the Council of the City of Fresno, on the 24th day of April 2025, received the recommendation of the Commission.

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 Rezone Application No. P23-03006 will have significant effects that on the environment that were not identified in the Southwest Fresno Specific Plan Program-Level Environmental Impact Report SCH No. 2017031012 ("SWFSP PEIR") and that all applicable mitigation measures of the SWFSP PEIR have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by the SWFSP PEIR. The project consists of limited revisions to the Southwest Fresno Specific Plan, and none of the conditions set forth in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred. Therefore, it has been determined based upon the evidence in the record that the project will not have a significant impact on the environment and that the adoption of an addendum to the SWFSP PEIR is appropriate in accordance with the provisions of CEQA Guidelines Sections 21166 and 15164. Accordingly, the Council adopts the addendum to the Program Environmental Impact Report ("PEIR") SCH No. 2017031012, dated April 16, 2025.

SECTION 2. The Council finds the requested IL (Light Industrial) zone district is consistent with the Employment – Light Industrial planned land use designation of the Fresno General Plan and Southwest Fresno Specific Plan.

SECTION 3. The Council finds that the zone district of the real property described hereinbelow, located in the City of Fresno, is rezoned from the NMX (Neighborhood Mixed Use) zone district to the IL (Light Industrial) zone district for the area bounded by Annadale Avenue on the north, State Route 41 on the east, Elm Avenue on the west, and the East Chester/East Samson Avenue alignment on the south in accordance with and as depicted in the attached Exhibit “A”.

SECTION 4. The Council finds that the following Conditions of Zoning shall be applied to all parcels within the area depicted in the attached Exhibit “A”:

A. Notwithstanding any contrary provisions in the City Code, the following uses shall be subject to a Conditional Use Permit regardless of any future changes in the City Code:

1. Research and development, chemical
2. Chemical and Mineral Storage, other than incidental storage that comprises less than five percent of the premises, subject to demonstration to the City that the use fully complies with the California Accidental Release Prevention (CalARP) program.
3. Any new industrial use in the IL zone district that is permitted or permitted conditionally, and that would (i) result in the construction of a new structure more than 1,000 square feet; (ii) result in the expansion of any existing structure by more than five percent compared to the gross floor area existing as of the date upon which the underlying property was rezoned to the Base District; or (iii) require permitting under Title V of the Clean Air Act.

B. Notwithstanding any contrary provisions in the City Code, the following land uses SHALL NOT be permitted:

1. Emergency Shelter
2. Hospital
3. Parking, Public or Private
4. Adult-Oriented Businesses
5. Kennels
6. Large Vehicle and Equipment Sales, Services and Rental
7. Motorcycle/Riding Club
8. Airports and Heliports
9. Utilities, Major
10. Crop Cultivation
11. Concrete Batch Plants
12. Shooting/Archery Range
13. Swap Meet/Flea Market
14. Towing and Impound
15. Rubber products manufacturing
16. Nonmetallic mineral product manufacturing
17. Primary metal manufacturing
18. Fabricated metal product manufacturing
19. Automotive and heavy equipment manufacturing
20. CRV Recycling Center
21. Recycling Processing Facility
22. Waste Transfer Facility

C. Pursuant to Section 15-1302 of the City Code, the following uses are currently not permitted in the IL zone district. The prohibition of any such land uses shall continue to apply even if the City adopts less restrictive citywide use limitations for the IL zone district.

1. Animal Raising
2. Dairy
3. Intensive Industrial
4. Mining and Quarrying
5. Rendering
6. Salvage and Wrecking
7. Sales Lot, Feed Lot, Stockyard
8. Slaughterhouse

D. The interior footprint of any existing structure shall not be expanded by an area greater than ten percent of the existing exterior footprint as depicted in

the most recent site plan for any structure on file with the City as of October 13, 2022.

E. Any truck trips to or from the property shall only follow truck routes designated by the City of Fresno. All truck routes shall avoid pathways adjacent to schools or that traverse through residential neighborhoods.

F. All properties must be landscaped in accordance with Section 15-2305(B)(4) of the City Ordinance.

G. No new use shall generate odors that are detectable offsite.

H. No new use shall generate noise at a level that exceeds the limitations provided in the Fresno Municipal Code.

I. Any new industrial use must tie-in to the City's municipal water system. The use of groundwater from private wells is not permitted.

J. All new industrial uses must acquire and maintain at all times (i) any permits required for any stationary sources, and (ii) certificates from the California Air Resources Control Board showing compliance with all applicable regulations governing trucks, including yard trucks, that enter onto the Project site, including but not limited to the Truck and Bus Regulation, the Advanced Clean Trucks Regulation, and the Advanced Clean Fleets Regulation.

K. Any tenant improvements or other construction activities performed for any new industrial use shall comply with California Green Building Standards.

L. All industrial uses shall fully comply with the California Accidental Release Prevention (CalARP) program. No industrial use shall allow any

substance regulated under the CalARP program or other hazardous substance to migrate offsite.

M. In the event that any contamination is discovered on the property, the landowner shall cooperate in good faith and with reasonable diligence with the investigation and remediation of the property by the governmental entity or entities overseeing such investigation and remediation. Nothing herein shall be construed as limiting the right of any landowner to seek indemnification or contribution from any person or entity.

SECTION 5. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

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

I, TODD STERMER, 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 _____ day of _____ 2025.

AYES :
NOES :
ABSENT :
ABSTAIN :

TODD STERMER, MMC
City Clerk

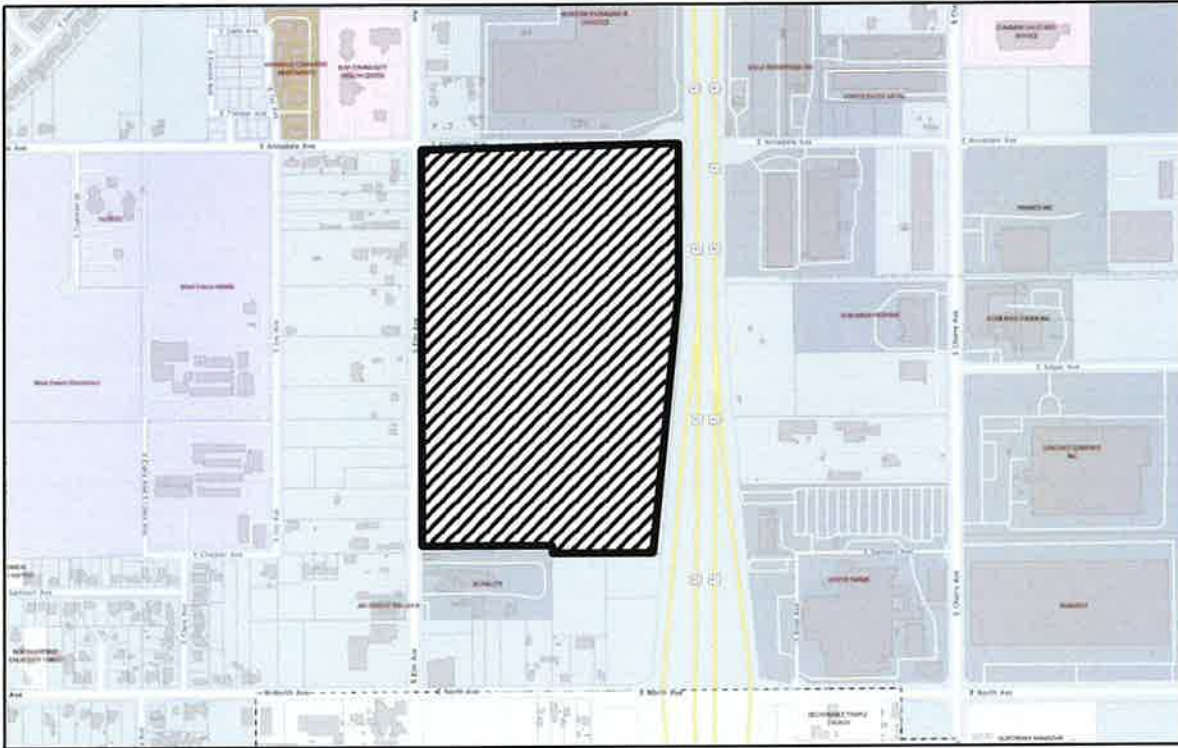
By: _____ Date
Deputy

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____ Date
Talía Kolluri-Barbick
Assistant City Attorney

Attachments: Exhibit "A"

Exhibit "A"

**Rezone Application No. P23-03006**

APNs: Multiple APNs



Proposes to rezone ±55.31 acres of property from the NMX (*Neighborhood Mixed Use*) zone district to the IL/cz (*Light Industrial/conditions of zoning*) zone district.