

## Exhibit F

# FRESNO MUNICIPAL CODE FINDINGS

## PLAN AMENDMENT-REZONE APPLICATION NO. P23-03006

### REZONE AND PLAN AMENDMENT APPLICATION FINDINGS

Section 15-5812 of the Fresno Municipal Code provides that the Planning Commission shall not recommend and the City Council shall not approve an application unless the proposed Plan Amendment meets the following criteria:

Findings per Fresno Municipal Code Section 15-5812	
<i>A. The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy;</i>	
Finding A:	<p>The change in the planned land use from Neighborhood Mixed Use to Light Industrial provides consistency with the General Plan's following objectives and policies:</p> <ul style="list-style-type: none"> <li>• Objective ED-1 supports economic development by maintaining a strong working relationship with the business community and improving the business climate for current and future businesses.</li> <li>• Objective LU-1 promotes the establishment of a comprehensive citywide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment.</li> <li>• Objective LU-7 plans and supports industrial development to promote job growth. <ul style="list-style-type: none"> <li>○ Policy LU-7-b promotes business and industrial park sites that are of sufficient size, unified in design, and diversified in activity to attract a fullrange of business types needed for economic growth.</li> <li>○ Policy LU-7-c promotes industrial land use clusters to maximize the operational efficiency of similar activities.</li> </ul> </li> </ul> <p>The change in the planned land use from Neighborhood Mixed Use to Light Industrial would allow for the continuous operations of existing residential businesses and operations for new industrial businesses in the developed subject area.</p> <p>Although currently the Southwest Fresno Specific Plan (SWFSP) has specific policiesthat prohibit industrial uses, the proposed addendum to the SWFSP to allow for existing industrial uses to continue operating and for prospective industrial businesses to locate in this area may comply with the intent of the Vision for the SWFSP. Chapter 2 (Vision), Subsection B (Guiding Principles) of the SWFSP states the following:</p> <p>Monitor and mitigate <u>negative impacts of industrial uses</u> from becoming a nuisance and hazard to residents.</p>

- Prohibit new industrial development in the Specific Plan Area through the adoption of proposed Specific Plan land use and zoning provisions and restrict the proximity of truck routes near residential areas to the maximum extent feasible.
- Locate new industrial development away from Southwest Fresno residential neighborhoods.
- Increase transparency and communication between government staff, government and elected officials, residents, and stakeholders regarding proposed industrial uses and/or improvements.

The subject area is developed with primarily industrial uses and buildings. The prohibition of industrial uses in the SWFSP area was clearly intended for new construction of industrial buildings and uses on vacant land.

Objective UF-1 emphasizes the opportunity for a diversity of districts, neighborhoods, and housing types, further implemented by Policy UF-1-d which provides for diversity and variation of building types, densities, and scales of development in order to reinforce the identity of individual neighborhoods, foster a variety of market-based options for living and working to suit a large range of income levels, and further affordable housing opportunities throughout the city.

Objective LU-5 plans for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities, further implemented by Policy LU-5-d which promotes medium-high density residential uses to optimize the use of available or planned public facilities and services and to provide housing opportunities with convenient access to employment, shopping, services, and transportation.

The proposal of a Plan Amendment and Rezone to change approximately 55.31 acres of property from Neighborhood Mixed-Use to Employment – Light Industrial requires a separate application for another Plan Amendment and Rezone to offset the net loss of housing capacity of the subject area, as required by Senate Bill (SB) 330. Without a separate Plan Amendment and Rezone application to replace the net loss of 3,540 dwelling units within the City of Fresno, staff is unable to determine whether there would be an opportunity for the same diversity of districts, neighborhoods, and housing types, or housing stock available that would support balanced urban growth, as identified in Objectives UF-1 and LU-5.

SB 330 dictates policy to the extent that it requires consideration of a concurrent application to increase or replace a proposed reduction in residential density in order to balance any potential net loss in residential capacity. If a separate application for plan amendment and rezone is approved, or another Council action that increases residential density within the City is taken concurrent with this project that allows for the replacement of the net loss of 3,540 dwelling units in the City of Fresno, then **Finding A can be made.**

*B. The change is consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner and to promote and protect the public health, safety, peace, comfort, and general welfare; and*

Finding B:	<p>The subject properties are located within the City of Fresno’s General Plan Boundary and Sphere of Influence. Furthermore, the project site meets the General Plan goals and strategies for sequencing of development and growth. Therefore, for the reasons contained within the attached Addendum to PEIR (SCH No. 201731012) for the Southwest Fresno Specific Plan dated January 12, 2021 for the associated environmental assessment as well as within the Background/Project Analysis section contained within the Staff Report to the Planning Commission, the project site is a logical expansion for purposes of orderly development within the General Plan boundary; and, will promote orderly land use development in pace with public facilities and services needed to serve development. Therefore, the project site is a location which would be considered an appropriate location for future development or growth. However, no new development is proposed as part of this project. As represented multiple times within the Staff Report, the subject plan amendment and rezone applications have been proposed and filed for purposes of removing represented encumbrances to financial investment resultant from existing zoning; are not for purposes of facilitating new industrial development or expansion of new non-existent uses; and, are therefore for purpose of promoting and supporting economic growth.</p> <p>Section 15-102.D of the Fresno Municipal Code (Development Code) states, “The purpose of this Development Code is to implement the General Plan and, if applicable, operative plans, to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the City of Fresno. More specifically, the Development Code is adopted to achieve the following, consistent with the goals, objectives, and policies of the General Plan and any other operative plan... To provide for the housing needs of all economic segments of the community.”</p> <p>As previously stated in Finding A, if a separate application for plan amendment and rezone are approved, or another Council action to increase residential density is taken concurrent with this project that allows for the replacement of the net loss of 3,540 dwelling units in the City of Fresno, then <b>Finding B can be made.</b></p>
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*C. The change is necessary to achieve the balance of land uses desired by the City and to provide sites for needed housing or employment-generating uses, consistent with the General Plan, any applicable operative plan, or adopted policy; and to increase the inventory of land within a given zoning district to meet market demand.*

Finding C:	<p>The proposed change in land use from Neighborhood Mixed Use to Light Industrial will help the City comply with goals and policies of the General Plan, including Objectives ED-1, LU-1, and LU-7, and Policies LU-7-b and LU-7-c as mentioned in Finding A.</p> <p>However, as also previously described in Findings A and B, a separate application submission for a Plan Amendment and Rezone is required to offset the net loss of housing capacity for the subject area in accordance with SB 330. Such an application would need to be considered concurrently in order to reach a</p>
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	determination and appropriate finding relative to the provision of sites for needed housing. If a separate application for plan amendment and rezone are approved, or another Council action to increase residential density is taken concurrent with this project that allows for the replacement of the net loss of 3,540 dwelling units in the City of Fresno, then <b>Finding B can be made.</b>
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Based upon the plans and information submitted by the applicant, staff has determined that all of the findings above can be made.