

Exhibit O – Fresno Municipal Code Findings

**FRESNO MUNICIPAL CODE FINDINGS
PLAN AMENDMENT AND
REZONE APPLICATION NO. P20-04209
DEVELOPMENT PERMIT APPLICATION NO. P20-04211**

PLAN AMENDMENT AND REZONE APPLICATION FINDINGS

Section 15-5812 of the Fresno Municipal Code provides that the City Council shall not approve an application unless the following findings can be made for the proposed Plan Amendment and Rezone:

| Findings per Fresno Municipal Code Section 15-5812 | |
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| Finding a: | <i>The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy;</i> |
| <p>Finding (a) can be made for the following reasons:</p> <p>The change in planned land use and zoning from Medium Density Residential to Light Industrial provides consistency with the following General Plan goals:</p> <ul style="list-style-type: none">• Increase opportunity, economic development, business, and job creation;• Support agriculture and food production as an integral industry;• Emphasize and plan for all modes of travel on local and Major Streets in Fresno;• Make full use of existing infrastructure, and investment in improvements to increase competitiveness and promote economic growth; and• Promote orderly land use development in pace with public facilities and services needed to serve development. <p>These goals contribute to the establishment of a comprehensive city-wide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment.</p> <p>The following are applicable objectives and policies from the Urban Form, Land Use & Design, and Economic Development elements of the Fresno General Plan that the project is consistent with:</p> <ul style="list-style-type: none">• 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.• 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.<ul style="list-style-type: none">○ Policy LU-1-a: Promote Development within the Existing City Limits as of December 31, 2012. Promote new development, infill, and rehabilitation of existing building stock in the Downtown Planning Area, along BRT corridors, in established neighborhoods generally south of Herndon Avenue, and on other infill sites and vacant land within the City. | |

- LU-1-c: **Provision of Public Facilities and Services.** Promote orderly land use development in pace with public facilities and services needed to serve development.
- Objective LU-2: Plan for infill development that includes a range of housing types, building forms, and land uses to meet the needs of both current and future residents.
 - Policy LU-2-a: **Infill Development and Redevelopment.** Promote development of vacant, underdeveloped, and re-developable land within the City Limits where urban services are available by considering the establishment and implementation of supportive regulations and programs.
- Objective LU-7: Plans and support industrial development to promote job growth.
 - 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 full range of business types needed for economic growth.
 - Policy LU-7-c promotes industrial land use clusters to maximize the operational efficiency of similar activities.

The change in the planned land use zoning designation from Residential – Medium Density to Employment – Light Industrial would allow for the establishment of a new Food and Beverage Processing Facility at the subject site.

The proposed plan amendment and rezone will facilitate a project that meets the intent of the goals, objectives, and policies of the Fresno General Plan referenced herein above. Busseto Foods is a manufacturer and marketer of Italian-style specialty meats with four (4) existing Fresno based facilities and operations; all of which are located in Southwest Fresno. The change would allow Busseto Foods to consolidate all four (4) of its existing Fresno based facilities and operations into one (1) combined state of the art facility. The change would help facilitate and achieve the above-mentioned goals, objectives, and policies of the General Plan.

The subject property is currently undeveloped and located in an area experiencing growth in development and that can be generally characterized by a mix of existing land uses including industrial and vacant (north), ponding basin (south), ag and open space (east), and junk yards (west). Furthermore, surrounding properties are planned and zoned for a mix of land uses which include Employment – Office (north), Open Space – Ponding Basin (south), Residential – Medium Density (east), and Employment – Business Park (west). The property is an appropriate infill site as it has existing infrastructure and is near built-out urban uses.

The project also proposes a building of high-quality design and at a scale compatible with the surrounding area. The proposed facility will be designed and built with state of the art technological and energy efficient products, materials, and methods including Building Energy Modeling and Leadership in Energy and Environmental Design (LEED) certification. 100 percent of the kitchen equipment, conveyor systems, and operational support equipment (i.e. forklifts, etc.) will be electric and powered by solar energy to the maximum extent possible. Therefore, the project fosters a high quality design and would contribute to the mix of amenities in the surrounding area.

Lastly, the project supports economic development by retaining and existing Food and Beverage Processing facility, which will provide 180 permanent, full-time, good paying jobs, in Southwest Fresno.

The Southwest Fresno Specific Plan (SWFSP) currently has principles and policies that prohibit new industrial development in the Specific Plan Area. Specifically, Policy LU-8.1 of the SWFSP requires employment areas in Southwest Fresno to be planned and zoned for non-industrial businesses and that all previously designated Light Industrial, Heavy Industrial, Business Park, and Regional Business Park land uses should be planned and zoned for Office. While this one specific policy may prohibit new industrial development in Southwest Fresno, the project (as proposed) is not introducing a new industrial use in Southwest Fresno; but rather consolidating four (4) existing uses into one combined campus of high-quality design and at a scale compatible with the surrounding area. In doing so, the Project (proposed rezone/plan amendment and related development permit) may be found consistent with the intent and Vision of SWFSP. Specifically, Chapter 2 (Vision), Subsection B (Guiding Principles) of the SWFSP states the following:

- Monitor and mitigate negative impacts of industrial uses from becoming a nuisance and hazard to residents.

Busseto Food's current Fresno based operations comprise four (4) separate facilities; all of which are located west of State Route (SR) 99 in Southwest Fresno. The existing main operating facility is currently located approximately ±70 feet north of the project site at 1090 West Church Avenue; the main office, refrigerated storage, and distribution facility is currently located approximately ±3.3 miles northwest of the project site at 1351 North Crystal Ave; the freezer facility is located approximately ±0.45 miles east of the project site at 2413 South East Avenue; and the dry storage facility is currently located approximately ±3.0 miles southeast of the project site at 2929 South Angus Avenue.

Current operations generate approximately eight (8) truck trips per day (40 per week) between the four (4) separate facilities.

Consolidating all four (4) of Busseto Food's existing Fresno based facilities and operations under one roof will permanently eliminate at least 40 truck trips per week and reduce surface vehicular traffic in Southwest Fresno. Therefore, the proposed project will reduce and/or eliminate nuisances and hazards to residents living nearby three (3) of the existing facilities and along existing truck routes which currently pass through neighborhoods.

- 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.

Busseto Food's current Fresno based operations comprise four (4) separate facilities; all of which are located west of State Route (SR) 99 in Southwest Fresno. The existing main operating facility is currently located approximately ±70 feet north of the project site at 1090 West Church Avenue; the main office, refrigerated storage, and distribution facility is currently located approximately ±3.3 miles northwest of the project site at 1351 North Crystal Ave; the freezer facility is located approximately ±0.45 miles east of the project site at 2413 South East Avenue; and the dry storage facility is currently located approximately ±3.0 miles southeast of the project site at 2929 South Angus Avenue.

Current operations generate approximately eight (8) truck trips per day (40 per week) between the four (4) separate facilities.

This proposed project would allow Busseto Foods, Inc. to consolidate all four (4) of its Fresno based facilities and operations into one (1) combined facility. Truck trips associated with the

proposed new facility will consist of shipping, receiving, and freezer activities during weekdays, Monday through Friday, from either 8:00 am to 12:30 pm or 1:00 to 5:00 pm. In total, the project anticipates between 10 and 13 truck trips per day.

Consolidating all four (4) of the facilities and operations under one (1) roof will permanently eliminate at least 40 truck trips per week and reduce surface vehicular traffic in Southwest Fresno neighborhoods.

Therefore, while the proposed project (consolidating four (4) facilities into one (1)) allows for a new industrial development in the Southwest Fresno Specific Plan Area, it will also result in four (4) existing facilities being abandoned. In doing so, the project will reduce and consolidate the number existing truck routes which currently pass through neighborhoods thus reducing the proximity of truck routes near residential areas.

- *Locate new industrial development away from Southwest Fresno residential neighborhoods.*

Busseto Food's current Fresno based operations comprise four (4) separate facilities; all of which are located west of State Route (SR) 99 in Southwest Fresno. The existing main operating facility is currently located approximately ± 70 feet north of the project site at 1090 West Church Avenue; the main office, refrigerated storage, and distribution facility is currently located approximately ± 3.3 miles northwest of the project site at 1351 North Crystal Ave; the freezer facility is located approximately ± 0.45 miles east of the project site at 2413 South East Avenue; and the dry storage facility is currently located approximately ± 3.0 miles southeast of the project site at 2929 South Angus Avenue.

The project site is in an area generally characterized by a mix of existing land uses including industrial and vacant (north), ponding basin (south), ag and open space (east), and junk yards (west). Furthermore, surrounding properties are planned and zoned for a mix of land uses which include Employment – Office (north), Open Space – Ponding Basin (south), Residential – Medium Density (east), and Employment – Business Park (west). Properties located further to the south and south east are planned for Residential (Urban Neighborhood and Medium Density), Open Space – Neighborhood Park, and Public Facility – Elementary School.

Much of the surrounding properties are either undeveloped or already developed with other existing commercial uses. To the north, across West Church Avenue, properties comprise a combination of vacant agricultural land and a Food Production & Distribution Facility (Busseto Foods current main operating facility). Even further north are other existing industrial uses including the Foster Farms Belgravia plant. The property immediately to the south has been developed with a ponding basin which is maintained by FMFCD. The property to the east is an agricultural orchard. The properties to the west, across South West Avenue, have been developed with a combination of uses including Auto Dismantling, Outdoor Storage (Pallets), & a Truck Parking & Distribution Facility. Therefore, there are no existing residential neighborhoods within the immediate vicinity.

Furthermore, consolidating all four (4) of Busseto Food's existing Fresno based facilities and operations currently within Southwest Fresno under one roof will help move/relocate existing industrial facilities away from already established neighborhoods and residents within Southwest Fresno. Therefore, the project will locate new and existing industrial development away from residential neighborhoods in Southwest Fresno.

- *Increase transparency and communication between government staff, government and*

elected officials, residents, and stakeholders regarding proposed industrial uses and/or improvements.

As a good faith effort at being more transparent and to share the project, receive feedback, and address concerns from neighboring property owners, community members, and key stakeholders of the Southwest Fresno community, the applicant went beyond the development code requirements by conducted two neighborhood meetings. Furthermore, the applicant mailed notices to property owners within 1,000 and 1,500 feet of the subject site as well as provided meeting notices to key stakeholders within the Southwest Community.

In addition, the proposed project can be found consistent with the following SWFSP goals and policies:

- Goal LU-8: Address and mitigate West Fresno's top ranking as most burdened by multiple sources of pollution by protecting the health and wellness of Southwest Fresno residents through regulating and reducing the negative impacts of industrial businesses and other sources of pollution.
- Goal LU-11: Promote sustainable, or "green", building standards for new development to help improve the overall air quality within the Plan Area. Green building standards reduce greenhouse gas emissions and energy and water consumption from buildings, promoting environmentally responsible, cost-effective, and healthier places to live and work.
 - Policy LU-11.1: Encourage compliance with voluntary residential and non-residential California Green Building Code (CALGreen) standards through CALGreen incentive programs.

The proposed facility will be designed and built with state of the art technological and energy efficient products, materials, and methods including Building Energy Modeling and Leadership in Energy and Environmental Design (LEED) certification. By utilizing Building Energy Modeling, the overall facility design will implement bottom-up engineering models that describe the physical and thermal interactions between various components of the building, including the envelope, lighting, equipment and appliances, and heating, ventilating and air conditioning systems. LEED certification, which is the most widely used green building rating system, provides a framework for healthy, livable, highly efficient. By following best practices and obtaining LEED certification, the proposed facility will be at the forefront of green building movement in Southwest Fresno. Therefore, the project promotes sustainable, or "green", building standards for new development and contributes to improving the overall air quality within the Plan Area.

Finding 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) can be made for the following reasons:

The proposed change is necessary for the development of a Food and Beverage Processing Facility. The subject property is currently zoned for Medium Density Residential uses. The proposed rezoning of the property would allow Busseto Foods to consolidate all four (4) of its existing Fresno based facilities and operations (all currently within Southwest Fresno) under one roof. Pursuant to Table 15-1302 (Land Use Regulations – Employment Districts) of the FMC, General Industrial uses,

which includes Food and Beverage Processing, are permitted “by right” in the IL zone district with an approved Development Permit and not subject to specific limitations or additional regulations for special uses pursuant to Article 27 of the FMC.

The Development Code implements setbacks, height, density, landscaping, parking and all applicable development standards for the use listed above. In addition, all responsible departments and agencies have been contacted and provided opportunity to respond with requirements to ensure the proposed development will protect the health, safety, peace, comfort, and general welfare of the community. Specific requirements are identified in the project Conditions of Approval listed in **Exhibit K** of the staff report.

The proposed project will provide employment opportunities in the City of Fresno. In addition, by allowing Busseto Foods, Inc. to consolidate all four (4) of its Fresno based facilities and operations into one combined facility, the project will permanently eliminate at least 40 truck trips per week and reduce surface vehicular traffic in Southwest Fresno. Furthermore, the proposed facility will be designed and built with state of the art technological and energy efficient products, materials, and methods including Building Energy Modeling and Leadership in Energy and Environmental Design (LEED) certification. By utilizing Building Energy Modeling, the overall facility design will implement bottom-up engineering models that describe the physical and thermal interactions between various components of the building, including the envelope, lighting, equipment and appliances, and heating, ventilating and air conditioning systems. LEED certification, which is the most widely used green building rating system, provides a framework for healthy, livable, highly efficient. By following best practices and obtaining LEED certification, the proposed facility will be at the forefront of green building movement in Southwest Fresno.

The project has been designed and conditioned in a manner which will promote and protect the public health, safety, peace, comfort and general welfare as provided and further analyzed within the staff report, to which these findings are attached, as well as within the associated Environmental Assessment (**Exhibit M**) attached to the staff report.

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| Finding c: | <i>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.</i> |
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Finding (c) can be made for the following reasons:

The proposed change in land use from Medium Density Residential to Light Industrial will help the City comply with goals and policies of the General Plan, including Objectives ED-1, LU-1, LU-2, and LU-7, and Policies LU-1-a, LU-1-c, LU-2-a, LU-7-b, and LU-7-c as mentioned in Finding A above.

Furthermore, the proposed change in land use from Medium Density Residential to Light Industrial will help the City be meet the intent and vision of the Southwest Fresno Specific Plan as well as comply with the goals and policies of the SWFSP, including Goals LU-8 and LU-11, and Policy LU-11.1 as mentioned in Finding A above.

DEVELOPMENT PERMIT APPLICATION FINDINGS

Section 15-5206 of the Fresno Municipal Code provides the Director or Planning Commission may only approve a Development Permit application if it finds that the application is consistent with the purposes of this article and with the following:

| FINDINGS PER FRESNO MUNICIPAL CODE SECTION 15-5206 | |
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| Finding a: | <i>The applicable standards and requirements of this Code.</i> |
| Finding (a) can be made for the following reasons: Development and use of the subject site as proposed is contingent upon approval of the related Plan Amendment and Rezone Application (P20-04209) components. The rezone application component proposes to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RS-5/UGM (<i>Residential Single Family, Medium Density/Urban Growth Management</i>) zone district to the IL (<i>Light Industrial/Urban Growth Management</i>) zone district in accordance with the Plan Amendment Application. The proposed use, General Industrial (which includes Food and Beverage Processing) is permitted by right, subject to an approved Development Permit, in the IL (<i>Light Industrial</i>) zone district. Given the conditions of approval, Development Permit Application No. P20-04211 will comply with all applicable development standards of IL zone district and the Citywide Development Code including but not limited to Article 11 (Employment Districts), Section 15-2008 (Screening Between Differing Land Uses), Article 23 (Landscaping), and Article 24 (Parking and Loading). | |
| Finding b: | <i>The General Plan and any operative plan or policies the City has adopted.</i> |
| Finding (b) can be made for the following reasons: Given the conditions of approval, Development Permit Application No. P20-04211 has been found to be consistent with the goals, objectives, and policies contained in the Fresno General Plan and the Southwest Fresno Specific Plan as well as the planned land use designation of Employment – Light Industrial. | |
| Finding c: | <i>Any applicable design guidelines adopted by the City Council.</i> |
| Finding (c) can be made for the following reasons: Given the conditions of approval, Development Permit Application No. P20-04211 will comply with all applicable site design and façade design development standards of the IL (<i>Light Industrial</i>) zone district. | |
| Finding d: | <i>Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required.</i> |
| Finding (d) can be made for the following reasons: Aside from the related Plan Amendment and Rezone Application No. P20-04209, the proposed project does not require a Tentative Map, Conditional Use Permit, Variance or other planning or zoning approval. Development Permit Application No. P20-04211 is consistent with the proposed Plan Amendment and Rezone Application No. P20-04209 in that the land use and | |

zoning change approval will allow for the development of a Food and Beverage Processing Facility. All special conditions required for the proposed project have been incorporated into the Conditions of Approval which shall be met prior to issuance of building permits/occupancy. Furthermore, the applicant is required to submit corrected exhibits, inclusive of all conditions of approval which will ensure that all requirements are met.

Finding e.

Fresno County Airport Land Use Compatibility Plan (as may be amended) adopted by the Fresno County Airport Land Use Commission pursuant to California Public Utilities Code Sections 21670-21679.5.

Finding (e) can be made for the following reasons:

The proposed project is located within the Airport Influence Area under the Fresno County Airport Land Use Compatibility Plan. The project site is located within the Fresno-Chandler Executive Airport's (FCE) Safety Zone 6 – Traffic Pattern Zone and is not located within a Noise Contour. Listed uses prohibited in Traffic Pattern Zone 6 include hazards to flight and outdoor stadiums and similar uses. While the project site is not designated as Urban on Exhibit C1 of the Fresno-Chandler Executive Airport, the project will not result in an intensity of more than 300 persons per acre.

The Airport Land Use Commission reviewed the project as submitted at their October 4, 2021, regular meeting and approved a Finding of Consistency with the ALUCP with the condition that a Part 77, Form 7460 shall be filed with the Federal Aviation Administration (FAA). The Part 77, Form 7460 was submitted to the FAA on September 21, 2021. Therefore, the proposed project is compatible and in compliance with the Airport Land Use Compatibility Plan.

Based upon the plans and information submitted by the applicant and the recommended conditions of project approval, staff has determined that all of the findings above can be made.