



## Legislation Details (With Text)

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**File created:** 10/7/2022    **In control:** City Council

**On agenda:** 10/13/2022    **Final action:** 10/13/2022

**Title:** HEARING to Consider Plan Amendment and Rezone Application No. P20-04209, Development Permit Application No. P20-04211, and related Environmental Assessment No. P20-04209/P20-04211 pertaining to ±18.9 acres of property located on the southeast corner of South West and West Church Avenues (Council District 3) - Planning & Development Department.

1. ADOPT the Negative Declaration as prepared for Environmental Assessment No. P20-04211/P20-04209, dated March 4, 2022, for the proposed project pursuant to the State of California Environmental Quality Act (CEQA); and,
2. RESOLUTION - Approving Plan Amendment Application No. P20-04209, requesting authorization to amend the Fresno General Plan and Southwest Fresno Specific Plan to change the planned land use designation for the subject property from Residential - Medium Density (±18.9 acres) to Employment - Light Industrial (±18.9 acres); and,
3. BILL - (For introduction and adoption) - Approving Rezone Application No. P20-04209, requesting authorization to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RS-5/UGM (Residential Single Family, Medium Density/Urban Growth Management) (±18.9 acres) zone district to the IL (Light Industrial/Urban Growth Management) (±18.9 acres) zone district in accordance with the Plan Amendment Application; and
4. APPROVE - Development Permit Application No. P20-04211, requesting authorization to construct a state of the art ±477,470 square-foot two (2) story food production, warehousing, and distribution facility, subject to compliance with Conditions of Approval dated May 18, 2022.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Vicinity Map, 2. Exhibit B - Aerial Photograph, 3. Exhibit C - Planned Land Use, 4. Exhibit D - Zoning Map, 5. Exhibit F - Noticing Map, 6. Exhibit G - Master Application and Owner's Authorization, 7. Exhibit H - Operational Statement, 8. Exhibit I - Exhibits (Site Plan, Elevations, Floor Plans, and Landscape Plan), 9. Exhibit J - Neighborhood Meeting Information, 10. Exhibit K - Conditions of Approval dated May 18, 2022, 11. Exhibit L - Public Hearing Notices and Noticing Map, 12. Exhibit M - Environmental Assessment (Including Studies), 13. Exhibit N - Comment Letters and Responses to Environmental Assessment Notice, 14. Exhibit O - Fresno Municipal Code Findings, 15. Exhibit P - Planning Commission Resolutions 13743, 13744, and 13745, 16. Exhibit Q - City Council Resolution for Plan Amendment No. P20-04209, 17. Exhibit R - City Council Ordinance Bill for Rezone Application No. P20-04209, 18. Exhibit S - PowerPoint Presentation, 19. Public Comment Supplement 1000#2 (ID 22-1598) 10-13-2022, 20. Supplement 1000#2 22-1598 Powerpoint Presentation, 21. Supplement - 1000AM 2 (ID 22-1598) Comments Matrix

| Date       | Ver. | Action By    | Action  | Result |
|------------|------|--------------|---------|--------|
| 10/13/2022 | 1    | City Council | ADOPTED | Pass   |

## REPORT TO THE CITY COUNCIL

**FROM:** JENNIFER K. CLARK, Director  
Planning and Development Department

**THROUGH:** ISRAEL TREJO, Planning Manager  
Development Services Division

**BY:** PHILLIP SIEGRIST, Supervising Planner  
Development Services Division

## **SUBJECT**

HEARING to Consider Plan Amendment and Rezone Application No. P20-04209, Development Permit Application No. P20-04211, and related Environmental Assessment No. P20-04209/P20-04211 pertaining to ±18.9 acres of property located on the southeast corner of South West and West Church Avenues (Council District 3) - Planning & Development Department.

1. ADOPT the Negative Declaration as prepared for Environmental Assessment No. P20-04211/P20-04209, dated March 4, 2022, for the proposed project pursuant to the State of California Environmental Quality Act (CEQA); and,
2. RESOLUTION - Approving Plan Amendment Application No. P20-04209, requesting authorization to amend the Fresno General Plan and Southwest Fresno Specific Plan to change the planned land use designation for the subject property from Residential - Medium Density (±18.9 acres) to Employment - Light Industrial (±18.9 acres); and,
3. BILL - (For introduction and adoption) - Approving Rezone Application No. P20-04209, requesting authorization to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RS-5/UGM (*Residential Single Family, Medium Density/Urban Growth Management*) (±18.9 acres) zone district to the IL (*Light Industrial/Urban Growth Management*) (±18.9 acres) zone district in accordance with the Plan Amendment Application; and
4. APPROVE - Development Permit Application No. P20-04211, requesting authorization to construct a state of the art ±477,470 square-foot two (2) story food production, warehousing, and distribution facility, subject to compliance with Conditions of Approval dated May 18, 2022.

## **RECOMMENDATION**

Staff recommends that the City Council take the following actions:

1. ADOPT the Negative Declaration as prepared for Environmental Assessment No. P20-04211/P20-04209, dated March 4, 2022, for the proposed project pursuant to the State of California Environmental Quality Act (CEQA); and,
2. ADOPT RESOLUTION - Approving Plan Amendment Application No. P20-04209, requesting authorization to amend the Fresno General Plan to change the planned land use designation for the subject property from Residential - Medium Density (±18.9 acres) to Employment - Light Industrial (±18.9 acres); and,
3. INTRODUCE AND ADOPT BILL - Approving Rezone Application No. P20-04209, requesting authorization to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RS-5/UGM (*Residential Single Family, Medium Density/Urban Growth Management*) (±18.9 acres) zone district to the IL (*Light Industrial/Urban Growth Management*) (±18.9 acres) zone district in accordance with the Plan Amendment Application; and,
4. APPROVE - Development Permit Application No. P20-04211, requesting authorization to construct a state of the art ±477,470 square-foot two (2) story food production, warehousing, and distribution facility, subject to compliance with Conditions of Approval dated May 18, 2022.

## **EXECUTIVE SUMMARY**

Armen Devejian of Associated Design & Engineering, Inc., on behalf of Busseto Foods, Inc., has filed Plan Amendment/Rezone Application No. P20-04209 and related Development Permit Application No. P20-04211 pertaining to two (2) vacant parcels totaling approximately  $\pm 18.9$  acres located on southeast corner of South West and West Church Avenues.

Plan Amendment Application No. P20-04209 proposes to amend the Fresno General Plan and the Southwest Fresno Specific Plan to change the planned land use designations for the subject property from Residential - Medium Density ( $\pm 18.9$  acres) to Employment - Light Industrial ( $\pm 18.9$  acres).

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 (*Residential Single Family, Medium Density/Urban Growth Management*) ( $\pm 18.9$  acres) zone district to the IL (*Light Industrial/Urban Growth Management*) zone district in accordance with the Plan Amendment Application.

Related Development Permit Application No. P20-04211 requests to construct a state of the art  $\pm 477,470$  square-foot two (2) story food production, warehousing, and distribution facility that will allow Busseto Foods to consolidate all Fresno based facilities and operations under one roof. Under the current planned land use and zone district of Residential - Medium Density, the proposed use as a food production, warehousing, and distribution facility would be prohibited. Under the proposed Light Industrial planned land use and zone district, the proposed use would be permitted by right.

On May 18, 2022, the Planning Commission considered the item as presented by staff in accordance with Fresno Municipal Code (FMC) Section 15-5808. Four (4) members of the public spoke on the project during the hearing. After a complete hearing, the Planning Commission voted and recommended the City Council approve the plan amendment & rezone and development permit applications 4 votes to 1.

The City Council is considering this project pursuant to FMC Section 15-5810, which requires a City Council Hearing and Action for plan amendment and rezone applications.

## BACKGROUND

Plan Amendment and Rezone Application No. P20-04209 and related Development Permit Application No. P20-04211 were filed by Armen Devejian of Associated Design & Engineering, Inc., on behalf of Busseto Foods and pertain to two (2) vacant parcels totaling approximately  $\pm 18.9$  acres located on southeast corner of South West and West Church Avenues.

## Surrounding Property Information

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. Additional surrounding property information such as the existing and planned land use designations, as well as the existing zoning districts surrounding the subject property can be found in **Exhibits B, C, D, & E**.

## Project Description

The project proposes to develop a new state of the art  $\pm 477,470$  square-foot two (2) story food production, warehousing, and distribution facility for Busseto Foods, Inc.; a manufacturer and marketer of Italian-style specialty meats which include salami, prosciutto, and other dried meats. The project will also include on and off-site improvements including but not limited to: four (4) points of ingress and egress (two (2) along South West Avenue and two (2) along West Church Avenue); curbs, gutters, and sidewalks; landscaping; and guest, employee, and truck parking. All trucks will enter and exit the site only from the two (2) drive approaches along South West Avenue. All vehicular (i.e., employee and guests) will enter and exit the site only from the two (2) drive approaches along West Church Avenue.

## Existing Facilities and Operations

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  $\pm 70$  feet north of the project site at 1090 West Church Avenue; the main office, refrigerated storage, and distribution facility is currently located approximately  $\pm 3.3$  miles northwest of the project site at 1351 North Crystal Ave; the freezer facility is located approximately  $\pm 0.45$  miles east of the project site at 2413 South East Avenue; and the dry storage facility is currently located approximately  $\pm 3.0$  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 under one roof which will permanently eliminate at least 40 truck trips per week and reduce surface vehicular traffic in Southwest Fresno.

## Proposed Building Design and Operations

The proposed facility is anticipated to produce approximately 500,000 to 600,000 pounds of dried salami, pancetta, coppa, and prosciutto per week. No slaughtering or butchering of meat will take place in the facility and production of these items involves a non-odor emitting process consisting of fermentation and drying in atmosphere-controlled rooms. Nearly all meat will arrive frozen from other locations.

A majority of operations including processing, warehousing, and distribution activities will occur on the ground floor (470,730 square feet) with administrative activities occurring on the second floor (6,740 square feet). The facility will include a large kitchen, refrigeration and freezing cold boxes; rooms for seasoning, storage, washing, cleaning, and unpacking and packing, as well as loading and unloading docks. Nearly one half of the building will be a giant drying room for the prosciutto.

The new campus will provide indoor and outdoor break areas, including a covered pavilion with seating for employees, lactation room for nursing mothers, and medical facilities.

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. In addition, EV charging stations will be provided, and incentives will be available to staff who choose to carpool or utilize electric vehicles.

The Facility will operate five (5) days per week, Monday through Friday, from 5:00 am to 10:30 pm. Shifts will comprise one (1) production shift (5:00 am to 2:00 pm) and two (2) slicing and packaging shifts (5:00 am to 1:30 pm and 2:30 pm to 10:30 pm).

Approximately 160 employees are projected to work at the Facility, including 20-50 temporary/part-time seasonal employees that are projected to work from September to December.

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. Truck unloading and loading is proposed adjacent to the facility; truck loading is to be located on the western portion of the site and truck unloading is to be located on the eastern portion of the site, accessible by drive aisles located to the south of the site. Tractor trailers on site during loading and unloading will not be permitted to idle their engines. All trucks must be equipped with electrical refrigeration units that will “plug in” at the loading bays.

## Existing Land Use and Zoning

The subject property is located within the boundaries of the Fresno General Plan, Southwest Fresno Specific Plan, and the Fresno County Airport Land Use Compatibility Plan (ALUCP). These plans designate the subject ±18.9-acre property for Residential - Medium Density planned land uses. The existing underlying RS-5/UGM (*Residential Single Family, Medium Density/Urban Growth Management*) zone district is consistent with the Residential - Medium Density planned land use designation.

Based upon the existing residentially planned land use density and acreage allocations currently designated by the Fresno General Plan, the subject property is currently expected to yield approximately 94 - 227 dwelling units.

According to the Fresno General Plan, Medium Density Residential is intended for areas with predominantly single-family residential development, but can also accommodate a mix of housing types, including small-lot starter homes, zero-lot line developments, duplexes, and townhomes. Under the current planned land use designation and zone district of Residential - Medium Density, the proposed food production, warehousing, and distribution facility would be prohibited. Therefore, the related Plan Amendment and Rezone Application (P20-04209) is required to change the existing zoning and land use to a district in which this use is permissible to facilitate the proposed development.

## Proposed Land Use and Zoning

Plan Amendment Application No. P20-04209 proposes to amend the Fresno General Plan and Southwest Fresno Specific Plan to change the planned land use designations for the subject property from Residential - Medium Density (±18.9 acres) to Employment - Light Industrial. 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 (*Residential Single Family, Medium Density/Urban Growth Management*) (±18.9 acres) zone district to the IL (*Light Industrial/Urban Growth Management*) zone

district in accordance with the Plan Amendment Application. The proposed underlying IL zone district is consistent with the proposed Light Industrial planned land use designation.

The Light Industrial planned land use designation and zoning classification accommodates a diverse range of light industrial uses, including limited manufacturing and processing, research and development, fabrication, utility equipment and service yards, wholesaling, warehousing, and distribution activities. Small-scale retail and ancillary office uses are also permitted. Light Industrial areas may serve as buffers between Heavy Industrial and other land uses and otherwise are generally located in areas with good transportation access, such as along railroads and State Routes.

Article 67 of the Fresno Municipal Code (FMC) provides use classifications which describe one or more uses of land having similar characteristics (e.g. residential uses, commercial uses, industrial uses, etc.), but does not list every use or activity that may appropriately be within the classification. Pursuant to FMC Section 15-6705 (Industrial Use Classifications), the proposed use would be classified as Food and Beverage Processing, which is a subcategory of the General Industrial use classification. Food and Beverage Processing can be defined as a facility combining raw food ingredients to produce packaged food products that can be easily prepared and served by the consumer. Examples include: parboiling, cooking, canning, bottling, freezing, or other methods to provide shelf-stable or freezer commodities for sale for human consumption. Additionally, this classification does not include the processing of animals.

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 and not subject to specific limitations or additional regulations for special uses pursuant to Article 27 of the FMC. Therefore, if approved, the project (Development Permit Application No. P20-04211) would be considered consistent with the proposed planned land use and zoning classification of Light Industrial.

### **Housing Crisis Act of 2019 (SB 330)**

On October 9, 2019, Governor Newsom signed Senate Bill (“SB”) 330 enacting the “Housing Crisis Act of 2019.” This housing bill was effective starting January 1, 2020 and later amended through the adoption of Senate Bill 8 (SB 8), effective January 1, 2022 and will therefore remain in effect through January 1, 2030. One of the applicable provisions of this legislation, as it relates to Plan Amendments and Rezoning, includes limitations wherein an affected City (which includes the City of Fresno) cannot change the general plan land use designation, specific plan designation, or zoning to a less intensive use, or reduce the intensity of an existing land use designation or zone district, below the density/intensity that was in effect on January 1, 2018; unless, the City concurrently increases density within its plans elsewhere within the City (i.e. corresponding up-zone) to ensure the total number of available residential units remain the same, resulting in no net loss of residential development capacity. Pursuant to SB 8, “concurrently,” was amended to be defined as follows: the action is approved at the same meeting of the legislative body; the action is approved at the same meeting of the legislative body or, if the action that would result in a net less or residential capacity is requested by an applicant for a housing development project, within 180 days; and the action is included in the initiative in a manner that ensures the added residential capacity is effective at the same time as the reduction in residential capacity.

In this case, the subject area of ±18.9 acres is proposing a land use change from Residential -

Medium Density to Light Industrial. The maximum density allowed in the Residential - Medium Density planned land use designation is 12 dwelling units per acre. Therefore, the proposed plan amendment and rezone application would result in a reduction of residential development capacity of 227 dwelling units; unless, a separate Plan Amendment/Rezone application that will increase the total number of residential units elsewhere in the City is concurrently approved by the City Council on the same day as the subject application (resulting in no net loss in residential capacity).

In accordance with SB 330 and SB 8, an affected city (including Fresno) cannot enact a change in the General Plan or Specific Plan designation or zoning to a less intensive use or reduce residential density below January 2018 levels without a concurrent up-zone. These are matters subject to Council Resolution and Ordinance. Therefore, it must be demonstrated that the proposed project will not result in a net loss prior to Council action.

The applicant has not submitted an application for a separate Plan Amendment and Rezone that would offset the loss of potential dwelling units for the subject area, consistent with SB 330. For purposes of this project complying with the provisions of SB 330 and SB 8, the City Council must “concurrently” approve a separate proposal or initiative that would offset the loss of potential dwelling units for the subject site in order to be consistent with SB330 & SB 8.

## **ANALYSIS**

### **Traffic & Circulation**

The Project site has two existing street frontages; West Church Avenue to the north and South West Avenue to west. In addition, the eastern property line is the approximate location of the South Teilman Avenue which runs north and south. The Fresno General Plan Circulation Element designates these roadways (West Church Avenue and South West Avenue) as two-lane collector streets. Traffic volumes on these roadways were collected by Fehr and Peers, spanning a three (3)-year period between June 2014 and May 2017. According to this data, West Church Avenue has an average daily roadway volume of 2,600 and South West Avenue has an average daily roadway volume of 900. At present, no fixed-route transit service, bicycle facilities, or pedestrian facilities serve the project site.

As mentioned in the Existing Facilities and Operations section above, Busseto Food’s current Fresno based operations comprise of four (4) separate facilities; all of which are located west of Highway 99 in Southwest Fresno. Current operations contribute to 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 of the facilities and operations under one roof will permanently eliminate at least 40 truck trips per week and reduce surface vehicular traffic in Southwest Fresno.

All trucks will enter and exit the site only from the two (2) drive approaches along South West Avenue. All other vehicular traffic (i.e. employee and guests) will enter and exit the site only from the two (2) drive approaches along West Church Avenue. All new arriving truck traffic (from SR 41 and

SR 99) will be required to travel on East Jensen Avenue towards South West Avenue, then turn northbound onto South West Avenue and into the project site. All new departing truck traffic will be required to exit the site onto South West Avenue, turn southbound and travel to Jensen Avenue.

The project will include frontage improvements (i.e. curb, gutter, and sidewalk) along both roadways and will be served by two proposed driveways along West Church Avenue and two proposed driveways along South West Avenue. Per Section 15-4107 of the FMC, Connector Streets connecting Major Streets shall be provided within quarter sections, linking the northern and southern Major Streets. Therefore, dedications and acquisitions for public street rights-of-way will be required for designated half-mile major street adjacent to the subject property (i.e., South Teilman Avenue Alignment) to provide future connectivity to West Jensen Avenue as well as future residential, open space, and commercial developments to the south and southeast of the project site.

The project will be required to install a signal pole with a 150-watt equivalent LED safety light and an oversize street sign to Public Works Standards at the southeast corner of East Church Avenue and South West Avenue.

The proposed project is located within Traffic Impact Zone III pursuant to Figure MT-4 of the Fresno General Plan, which generally represents areas near or outside the City Limits but within the Sphere of Influence (SOI) as of December 31, 2012. The threshold established by the Fresno General Plan in TIZ III is Level of Service "D" representing a high-density, but stable flow.

In accordance with Fresno General Plan Policy MT-2-I, a Traffic Impact Analysis was performed by JLB Traffic Engineering, Inc. dated June 10, 2021 (**Exhibit M**) to assess the impacts of the new development on existing and planned streets. This assessment evaluated the impacts of the project by analyzing seven intersections in the vicinity of the project during the AM and PM peak hours.

Vehicle trips projected to be generated by the proposed project were calculated using the Institute of Traffic Engineers (ITE) Trip Generation Manual, 10th Edition.

Based upon the existing residentially planned land use density and acreage allocations currently designated by the Fresno General Plan, the subject property (if it were to be developed with single family residences) is anticipated to generate approximately 895 - 2,161 Average Daily Trips (ADT) with 71 - 170 vehicle trips occurring during the morning (7 to 9 a.m.) peak hour travel period and 94 - 227 vehicle trips occurring during the evening (4 to 6 p.m.) peak hour travel period.

Based upon the proposed change in land use from Residential - Medium Density to Employment - Light Industrial, at full buildout the proposed project is projected to generate 2,368 Average Daily Trips (ADT) with 334 vehicle trips occurring during the morning (7 to 9 a.m.) peak hour travel period and 301 vehicle trips occurring during the evening (4 to 6 p.m.) peak hour travel period.

The Public Works Department/Traffic Engineering Division staff has reviewed the proposed traffic yield from the proposed project and the expected traffic generation will not adversely impact the existing and projected circulation system as analyzed in MEIR.

The project TIS assessed the impacts of the new development on existing and planned streets (including 7 study intersections in the project vicinity) combined with future projects for cumulative considerations. Based upon the analyses included in the TIS, all intersections would operate at an acceptable Level of Service (D or better) under Existing, Existing plus Project, and Near-Term plus



Project scenarios. Under Cumulative (2035) Conditions, the Walnut Avenue and Jensen Avenue intersection is projected to exceed its LOS threshold during the PM peak period and under the Cumulative (2035) plus Project Conditions, the intersections of West and Church Avenues, Fruit and Jensen Avenues, and Walnut and Jensen Avenues are projected to exceed their LOS threshold during both peak periods.

The Public Works Department, Traffic Engineering Division has reviewed the potential traffic related impacts for the proposed project and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the standard city requirements for street improvements and subject to the project specific mitigation measures determined applicable by the City of Fresno Traffic Engineer. These requirements generally include: (1) Major and local street dedications; (2) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems; and, (3) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and the Regional Transportation Mitigation Fee (RTMF) Fee. These requirements are outlined within the memorandum from the City Traffic Engineer dated November 4, 2021 which are included in the Conditions of Approval dated March 20, 2019 (**Exhibit K**).

#### Vehicle Miles Traveled (VMT) Analysis

Senate Bill (SB) 743 requires that relevant California Environmental Quality Act (CEQA) analysis of transportation impacts be conducted using a metric known as vehicle miles traveled (VMT) instead of Level of Service (LOS). VMT measures how much actual auto travel (additional miles driven) a proposed project would create on California roads. If the project adds excessive car travel onto our roads, the project may cause a significant transportation impact.

On June 25, 2020, the City of Fresno adopted CEQA Guidelines for Vehicle Miles Traveled Thresholds, dated June 25, 2020, pursuant to Senate Bill 743 to be effective of July 1, 2020. The Fresno VMT Thresholds document includes thresholds of significance for development projects, transportation projects, and land use plans. These thresholds of significance were developed using the County of Fresno as the applicable region, and the required reduction of VMT (as adopted in the Fresno VMT Thresholds) corresponds to Fresno County's contribution to the statewide GHG emission reduction target. In order to reach the statewide GHG reduction target of 15%, Fresno County must reduce its GHG emissions by 13%. The method of reducing GHG by 13% is to reduce VMT by 13% as well.

For residential and non-residential (except retail) development projects, the adopted threshold of significance is a 13% reduction, which means that projects that generate VMT in excess of a 13% reduction from the existing regional VMT per capita or per employee would have a significant environmental impact. Projects that reduce VMT by more than 13% are less than significant. For retail projects, the adopted threshold is any net increase in VMT per employee compared to existing VMT per employee.

A quantitative analysis was prepared by JLB Traffic Engineering (**Exhibit M**) utilizing the Fresno Council of Governments (COG) Activity Based Model (ABM). The results of the analysis indicated the proposed project has an average VMT per employee of 17.60, which is within the City of Fresno's threshold for commercial non-retail uses of 22.30 VMT per employee. The analysis concluded there are no impacts to VMT associated with this Project.

## Air Quality and Greenhouse Gas Emissions

The California Emissions Estimator Model (CalEEMod) is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions (i.e. reactive organic gases, oxides of nitrogen, small particulate matter, etc.) associated with both construction and operations from a variety of land use projects.

CalEEMod version 2020.4.0 was used to quantify direct emissions from construction and operation activities (including vehicle use), as well as indirect emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. Overall, the project will not result in criterion pollutants and greenhouse gas emissions beyond adopted thresholds of significance. A more detailed analysis and evaluation of the project's air quality and greenhouse gas emissions impacts is included in Sections 4.3 and 4.8 of the attached Environmental Assessment dated March 4, 2022 that was prepared for the project (**Exhibit M**).

## Public Services

### Sewer

The nearest sanitary sewer main to serve the proposed project is a 10-inch sewer main located in South West Avenue. The applicant will be required to install sewer house branches to the property, abandon any existing on-site private septic systems, and pay applicable sewer connection charges and fees. The requirements listed above and additional requirements have been listed in the Department of Public Utilities memo dated January 27, 2021.

### Water

The nearest water mains to serve the proposed project is a 12-inch water main located in South West and West Church Avenues. Water facilities are available to provide service to the site subject to the conditions listed in the Department of Public Utilities memo dated January 27, 2021.

### FMFCD

The subject property is located in the Fresno Metropolitan Flood Control District's (FMFCD) Drainage Area "TT." The FMFCD has indicated that the proposed development is not located within a flood prone area. The developer shall construct Storm Drainage and Flood Control Master Plan facilities located within the development. Certain Master Plan facilities will be eligible for fee credit against the drainage fee for the drainage area served by the facilities. These as well as additional requirements are listed in the memorandum from FMFCD dated January 22 and January 28, 2021.

### Fire

The City of Fresno Fire Department reviewed the proposed project and has determined that adequate Fire service will be available subject to future requirements for development which will include installation of public fire hydrants and the provision of adequate fire flows per Public Works Standards, with two sources water; and, installation of fire sprinklers within future residential dwellings.

Review for compliance with fire and life safety requirements for the interior of proposed buildings and the intended use are reviewed by both the Fire Department and the Building and Safety Services Section of the Planning and Development Department when a submittal for building plan review is made as required by the California Building Code.

### Police

The City of Fresno Police Department reviewed the proposed development and recommended that the applicant and its operators combat crime with the implementation of Crime Prevention through Environmental Design (CPTED) concepts. Examples that should be incorporated into the development's design include sufficient lighting, video surveillance systems and signage to deter crime.

### **Other Agencies**

All comments received from the applicable agencies have been incorporated into the conditions of approval for Plan Amendment and Rezone Application No. P20-04209 and Development Permit Application No. P20-04211. The project will comply with all department comments and conditions and all zoning requirements as incorporated into the conditions of approval dated May 18, 2022.

### **Fresno Municipal Code**

Given the conditions of approval dated May 18, 2022 (**Exhibit K**), Plan Amendment and Rezone Application No. P20-04209 and related Development Permit Application No. P20-04211 will meet all of the provisions of the FMC, including but not limited to setbacks, transition standards, parking, landscaping, and connectivity, and will comply with all applicable design guidelines and development standards for General Industrial uses (specifically Food and Beverage Processing) in the IL (*Light Industrial/Urban Growth Management*) zone district.

## **LAND USE PLANS AND POLICIES**

### **Fresno General Plan**

The project proposes to amend the Fresno General Plan to change the planned land use designations for the subject property from Residential - Medium Density (±18.9 acres) to Employment - Light Industrial (±18.9 acres). According to the Fresno General Plan, the Employment - Light Industrial planned land use designation is intended to provide areas for a diverse range of light industrial uses, including limited manufacturing and processing, research and development, fabrication, utility equipment and service yards, for wholesaling, warehousing, and distribution activities. Light Industrial areas may serve as buffers between Heavy Industrial Districts and other land uses and otherwise are generally located in areas with good transportation access, such as along railroads and freeways.

The Fresno General Plan provides goals, objectives, and policies to guide development. As proposed, the project will be consistent with the following Fresno General Plan goals:

- 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.
- Promote orderly land use development in pace with public facilities and services needed to serve development.

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.

The following are applicable objectives and policies from the Urban Form, Land Use & Design, and Economic Development elements of the Fresno General Plan:

- Objective ED-1: Support 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: Establish 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.
  - 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.
  - Policy 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: Plan and support industrial development to promote job growth.
  - Policy LU-7-c: **Efficiency of Industrial Uses.** Promote industrial land use clusters to maximize the operational efficiency of similar activity.

The proposed plan amendment meets the intent of the goals, objectives, and policies of the Fresno

General Plan referenced herein above. The proposed plan amendment would allow and existing industrial use (Busseto Foods) to consolidate all four (4) of its Fresno based facilities and operations (all located in Southwest Fresno) into one combined state of the art facility. Approval of the plan amendment and rezone 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; 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 jobs in Southwest Fresno.

### **Southwest Fresno Specific Plan**

With appropriate limitations to future industrial use intensification and prohibition of future expanded polluting operations, the proposed project can be found to protect the intent of the Guiding Principles of the SWFSP to: (1) Monitor and mitigate negative impacts of industrial uses from becoming a nuisance and hazard to residents (consolidating four (4) existing facilities within Southwest Fresno under one roof will reduce and/or eliminate nuisances and hazards to residents living nearby existing facilities or along existing truck routes); (2) Restrict proximity of industrial development and truck routes near residential area (consolidating all of the facilities and operations under one roof will permanently eliminate at least 40 truck trips per week and reduce surface vehicular traffic in Southwest Fresno); (3) Locate new industrial development away from Southwest Fresno residential neighborhoods (consolidating all of the facilities and operations under one roof will help move existing industrial facilities away from already established neighborhoods); and, (4) Increase transparency and communication between government staff, government and elected officials, residents, and stakeholders regarding proposed industrial uses and/or improvements (in 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).

### **Fresno County Airport Land Use Compatibility Plan**

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.

## **Public Notice and Input**

### Neighborhood Meeting 1

Prior to submittal of the proposed project, the applicant held a neighborhood meeting on October 15, 2020, in accordance with FMC Sections 15-5805 and 15-5006. The applicant mailed notices to property owners within 1,000 feet (FMC requires minimum of 500 feet) of the subject property. In addition, the applicant posted a notice at the subject property. While the applicant prepared and presented an overview of the project, including exhibits of the proposed development, no residents or property owners from within the neighborhood attended the meeting. A summary of the meeting is available and attached with the Master Application in **Exhibit G**.

### Neighborhood Meeting 2

Although not required, the applicant held an additional neighborhood meeting on January 26, 2022, in an effort to share the project with more members of the community, receive feedback, and address concerns. In addition to mailing notices to property owners within 1,500 feet of the subject property (FMC requires minimum of 500 feet) and posting a notice at the subject property and on the Busseto Foods website, the applicant provided notice to several other community members and key stakeholders of the southwest Fresno community.

The applicant provided an overview of the project, including exhibits of the proposed development. Approximately eight individuals from within the neighborhood attended the meeting. A summary of the neighborhood meeting (**Exhibit J**) was prepared and submitted by the applicant.

### Fresno County Airport Land Use Commission

As mentioned in the Land Use and Policies section above, the Fresno County 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 following requirements:

- 1) A Part 77, Form 7460 shall be filed with the Federal Aviation Administration (FAA).

Staff has filed a Part 77, Form 7460 with the FAA and this condition has been satisfied.

### Council District Project Committee Review

On February 22, 2022, the Council District 3 Project Review Committee reviewed this project and unanimously voted (4-0-0) to recommend approval of the project with no additional comments and/or recommendations.

### Notice of Planning Commission Hearing

On May 9, 2022, the Planning and Development Department mailed notices of the May 18, 2022 Planning Commission hearing to surrounding property owners within 1,000 feet of the subject property in accordance with Section 15-5007 of the FMC (**Exhibit L**). No comments about the project were received.

### Fresno City Planning Commission Action/Recommendation

On May 18, 2022, the Planning Commission considered the item as presented by staff, followed by a brief presentation by the applicant. One (1) member of the public spoke in support of the project while three (3) members of the public spoke in opposition of the project during the hearing. No letters and/or e-mails were received in opposition or support of the project. After a complete hearing, the Planning Commission voted and recommended the City Council approve the rezone and development permit applications 4 votes to 0, with 2 Commissioners absent. The Planning Commission resolutions (**Exhibit P**) are attached for more information.

### Notice of City Council Hearing

On September 30, 2022, the Planning and Development Department mailed notices of the City Council Hearing to surrounding property owners within 1,000 feet of the subject site in accordance with Section 15-5007 of the FMC. See **Exhibit L** for Notice of City Council Hearing.

## **ENVIRONMENTAL FINDINGS**

An environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

This Project is within the boundaries of the Southwest Fresno Specific Plan and was evaluated using the Southwest Fresno Specific Plan Program Environmental Impact Report (PEIR), certified by the City of Fresno on October 26, 2017. The Southwest Fresno Specific Plan Program Environmental Impact Report (SWFSP PEIR) was tiered from the Master Environmental Impact Report (MEIR) SCH No. [2012111015] (MEIR) prepared for the Fresno General Plan and certified in December 2014. The SWFSP PEIR incorporated certain mitigation measures originally contained within the MEIR, and through certification of the SFWSP PEIR, those measures were adopted as part of the SWFSP PEIR. On September 30, 2021, the Council certified a Program Environmental Impact Report SCH no. 2019050005 for the Fresno General Plan (GP PEIR) and adopted certain revisions to the Mobility and Transportation Element. Through certification of the GP PEIR, the prior MEIR was superseded as the environmental document for the Fresno General Plan. However, mitigation measures included in the prior MEIR, which were then incorporated into the SWFSP PEIR and adopted as part of the document, remain in effect for the SWFSP area.

The environmental analysis contained in the Initial Study is tiered from Environmental Impact Report (EIR) SCH No. 201731012 prepared for the Southwest Fresno Specific Plan. Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the Southwest Fresno Specific Plan area, including the SWFSP PEIR. These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and student generation projections and school facility site location identification.

The proposed Plan Amendment, Rezone, and Development Permit have been determined to be a

subsequent project that is not fully within the scope of the EIR SCH No. 201731012 prepared for the Southwest Fresno Specific Plan. There is no substantial evidence in the record that this project may have additional significant, direct, indirect, or cumulative effects on the environment that are significant and that were not identified and analyzed in the Southwest Fresno Specific Plan PEIR.

After conducting a review of the adequacy of the Southwest Fresno Specific Plan PEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the Southwest Fresno Specific Plan PEIR was certified and that no new information, which was not known and could not have been known at the time that the Southwest Fresno Specific Plan PEIR was certified as complete has become available. The project is not located on a site which is included on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section.

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 filing of a Negative Declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

A public notice of the attached Negative Declaration for Environmental Assessment Application No. P20-04209/P20-04211 (**Exhibit M**) was published and filed on March 4, 2022. To date, three (3) comment letters have been received (**Exhibit N**). Staff prepared responses to comments which are also included as part of **Exhibit N**.

## **FRESNO MUNICIPAL CODE FINDINGS**

Based upon analysis of the applications, staff concludes that the required findings of Sections 15-5206 (Development Permit Findings) and 15-5812 (Plan Amendment and Rezone Findings) of the Fresno Municipal Code can be made. These findings are attached as **Exhibit O**.

## **LOCAL PREFERENCE**

Local preference was not considered because the project does not include a bid or award of a construction or service contract.

## **FISCAL IMPACT**

Affirmative action by the City Council will result in timely deliverance of the review and processing of the applications as is reasonably expected by the applicant. Prudent financial management is demonstrated by the expeditious completion of this land use application in as much as the applicant has paid to the City a fee for the processing of this application and that fee is, in turn, funding the respective operations of the Planning and Development Department.

## **CONCLUSION**

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan, Southwest Fresno Specific Plan, and the Fresno



County Airport Land Use Compatibility Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment and concludes that the required findings contained within Sections 15-5812 and 15-5306 et seq. of the FMC can be made. Upon consideration of this evaluation, it can be concluded that the proposed Plan Amendment and Rezone Application No. P20-04209 and related Development Permit Application No. P20-04211 are appropriate for the subject property.

**Attachments:**

- Exhibit A - Vicinity Map
- Exhibit B - Aerial Photograph
- Exhibit C - Planned Land Use Map
- Exhibit D - Zoning Map
- Exhibit E - Project Information Tables
- Exhibit F - Noticing Map
- Exhibit G - Master Application and Owner's Authorization
- Exhibit H - Operational Statement
- Exhibit I - Exhibits (Site Plan, Elevations, Floor Plans, and Landscape Plan)
- Exhibit J - Neighborhood Meeting Information
- Exhibit K - Conditions of Approval dated May 18, 2022
- Exhibit L - Public Hearing Notices & Noticing Maps
- Exhibit M - Environmental Assessment (Including Studies)
- Exhibit N - Comment Letters and Responses to Environmental Assessment Notice
- Exhibit O - Fresno Municipal Code Findings
- Exhibit P - Planning Commission Resolutions 13743, 13744, and 13745
- Exhibit Q - City Council Resolution for Plan Amendment No. P20-04209
- Exhibit R - City Council Ordinance Bill for Rezone Application No. P20-04209
- Exhibit S - PowerPoint Presentation