

**Planning and Development Department**

2600 Fresno Street, Third Floor, Room 3065  
Fresno, California 93721-3604  
(559) 621-8003, FAX (559) 498-1012

**Keith Bergthold, Interim Director**

October 2, 2008

Mr. Dennis L. Simonian  
2629 S. Clovis Ave.  
Fresno, CA 93725

Dirk Poeschel Land Development Services, Inc.  
923 Van Ness Ave., Suite 200  
Fresno, CA 93721

**Subject: Southeast Growth Area Landowner Plan Modification**

Dear Mr. Simonian and Mr. Poeschel:

We received your SEGA Preferred Alternative 2 - Landowner Plan Modification ("Plan Modification") application by the deadline of September 4, 2008.

Your Plan Modifications has been formally accepted for processing and has been given the application processing identification code A-08-14. To allow the Council to formally consider and potentially approve your proposed Plan Modification, your Plan Modification, as well as all others properly submitted, will be:

- (1) Assessed in the Environmental Impact Report (EIR) for the SEGA Specific Plan; and
- (2) Evaluated by City Planning Staff in a staff report to accompany presentation of the Draft SEGA Specific Plan.

The Project Description in the EIR will describe each proposed Plan Modification. The landowner suggested modifications will be characterized as options to the implementation of the SEGA Preferred Plan (Alternative 2). The Council will be presented with all Plan Modifications when considering certification of the EIR and approval of the SEGA Specific Plan. At that time, Council may or may not approve the SEGA Specific Plan with or without your Plan Modification.

The City will provide you with a notice by mail for all future proceedings or events where the City provides public notice for review and approval of the Draft SEGA Specific Plan and the EIR. Although the following dates may be subject to change, the City has established the following tentative timelines for the review and approval of the SEGA Specific Plan and EIR:

- June 2009** Draft SEGA Specific Plan EIR released to the public for a 45-day public review period. The Draft Specific Plan released.
- July 2009** Public presentation of the Draft SEGA Specific Plan to the Fresno Planning Commission.
- City to conduct separate public meeting to receive comments on the Draft SEGA Specific Plan EIR.
- November 2009** Planning Commission and Council hearings to consider Draft SEGA Specific Plan for approval and certification of EIR.

If you have any questions, please contact Keith Bergthold, at (559) 621-8049 or [keith.bergthold@fresno.gov](mailto:keith.bergthold@fresno.gov) and/or Mike Sanchez at (559) 621-8040 or [mike.sanchez@fresno.gov](mailto:mike.sanchez@fresno.gov).

Sincerely,



Keith Bergthold

Cc: Andy Souza  
Kathy Phelan  
Mike Sanchez

51b

E Jensen Ave

Wheat

Clovis Ave

S Clovis Ave



**Planning and Development Department**

2600 Fresno Street, Third Floor, Room 3065  
Fresno, California 93721-3604  
(559) 621-8003, FAX (559) 498-1012

**Keith Bergthold, Interim Director**

October 2, 2008

Ralph and Frances Reitz  
1080 S. Temperance Avenue  
Fresno, CA 93727

**Subject:** Southeast Growth Area Landowner Plan Modification

Dear Mr. and Ms Reitz:

We received your SEGA Preferred Alternative 2 - Landowner Plan Modification ("Plan Modification") application by the deadline of September 4, 2008.

Your Plan Modifications has been formally accepted for processing and has been given the application processing identification code A-08-20. To allow the Council to formally consider and potentially approve your proposed Plan Modification, your Plan Modification, as well as all others properly submitted, will be:

- (1) Assessed in the Environmental Impact Report (EIR) for the SEGA Specific Plan; and
- (2) Evaluated by City Planning Staff in a staff report to accompany presentation of the Draft SEGA Specific Plan.

The Project Description in the EIR will describe each proposed Plan Modification. The landowner suggested modifications will be characterized as options to the implementation of the SEGA Preferred Plan (Alternative 2). The Council will be presented with all Plan Modifications when considering certification of the EIR and approval of the SEGA Specific Plan. At that time, Council may or may not approve the SEGA Specific Plan with or without your Plan Modification.

The City will provide you with a notice by mail for all future proceedings or events where the City provides public notice for review and approval of the Draft SEGA Specific Plan and the EIR. Although the following dates may be subject to change, the City has established the following tentative timelines for the review and approval of the SEGA Specific Plan and EIR:

- June 2009** Draft SEGA Specific Plan EIR released to the public for a 45-day public review period. The Draft Specific Plan released.
- July 2009** Public presentation of the Draft SEGA Specific Plan to the Fresno Planning Commission.
- City to conduct separate public meeting to receive comments on the Draft SEGA Specific Plan EIR.
- November 2009** Planning Commission and Council hearings to consider Draft SEGA Specific Plan for approval and certification of EIR.

If you have any questions, please contact Keith Bergthold, at (559) 621-8049 or [keith.bergthold@fresno.gov](mailto:keith.bergthold@fresno.gov) and/or Mike Sanchez at (559) 621-8040 or [mike.sanchez@fresno.gov](mailto:mike.sanchez@fresno.gov).

Sincerely,

  
Keith Bergthold

Cc: Andy Souza  
Kathy Phelan  
Mike Sanchez

52b



**From:** markreitz1@aol.com [mailto:markreitz1@aol.com]  
**Sent:** Monday, October 06, 2014 1:59 PM  
**To:** Arnoldo Rodriguez  
**Subject:** Re: SEGA Plan - Temperance Between Church and California

Did you receive this email from me back in August? Would it be appropriate for my father and possibly the other people who followed this process back in 2008 when the SEQA plan was being adopted and paid the \$4,200 fee, write a letter to the Planning Department requesting the fee be returned since this Plan Modification process was not followed? Thanks

-----Original Message-----

From: Mark Reitz <markreitz1@aol.com>  
To: arnoldo.rodriquez <arnoldo.rodriquez@fresno.gov>  
Sent: Mon, Aug 25, 2014 12:01 am  
Subject: Fwd: SEGA Plan - Temperance Between Church and California  
I sent this email with attached letters, correspondence, and figures back on May 1, 2014. I have reviewed the draft general plan and draft EIR for the general plan and didn't ready see any of the proposed five different specific alternative land use changes addressed under the application process we each paid \$4,200 to have considered. As it appears this process was not followed or was not considered relevant or necessary, we would like you to consider returning our fee paid for these applications for the SEGA land use plan changes. Thanks for your consideration of this request.

Mark Reitz  
559-905-4523  
Sent from my iPad

Begin forwarded message:

**From:** [markreitz1@aol.com](mailto:markreitz1@aol.com)  
**Date:** August 8, 2014 at 2:45:24 PM PDT  
**To:** [mark.reitz@aecom.com](mailto:mark.reitz@aecom.com)  
**Subject:** Fwd: SEGA Plan - Temperance Between Church and California

-----Original Message-----

From: markreitz1 <[markreitz1@aol.com](mailto:markreitz1@aol.com)>  
To: arnoldo.rodriquez <[arnoldo.rodriquez@fresno.gov](mailto:arnoldo.rodriquez@fresno.gov)>  
Sent: Thu, May 1, 2014 8:15 am  
Subject: Fwd: SEGA Plan - Temperance Between Church and California  
Please confirm that you got this. Thanks

As we discussed last night enclosed are three documents I have sent over the last 5 years to the city regarding our input to the proposed plan for this area under the new proposed general plans. Also enclosed are the documents related to the Plan Modifications we submitted back in 2008 with the fee of \$4,200 for the city to consider our proposal. There is a color map in these documents that shows the 5 Plan Modification received by the city. Please review and pass this on to whomever needs to review and comment on our requests. Please call or email me with any questions or to provide me with updates to the schedule for review of the proposed General Plan and Environmental documents. Thanks

Mark Reitz PE  
559-905-4523  
[markreitz1@aol.com](mailto:markreitz1@aol.com)



CITY OF FRESNO  
PLANNING AND DEVELOPMENT

FILE NO. \_\_\_\_\_

52d

**PLAN AMENDMENT AND  
ENVIRONMENTAL ASSESSMENT APPLICATION**

1. Applicant: \_\_\_\_\_ 2. Consultant: \_\_\_\_\_  
 Name: Ralph and Frances Reitz \_\_\_\_\_  
 Address: 1080 S. Temperance Avenue \_\_\_\_\_  
 City & Zip: Fresno, CA 93727 \_\_\_\_\_  
 Telephone: 559-255-2039 \_\_\_\_\_

If applicant is not the property owner, list owner information.

2. Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

Description of Proposed Project: (Attach a vicinity map showing adjacent land uses within 300 feet of the amendment site)

3. Plan(s) to be amended: Preferred SEGA Plan proposed by City Council on July 22, 2008

4. Land use designation to be changed from: See attached letters and revisions recommended on map showing area bounded by Temperance Ave (west), railroad (north), Briggs Canal (east), and Church Ave (south).

5. Amendment location: \_\_\_\_\_ (corner) (side of) \_\_\_\_\_ (Avenue/Street) and between \_\_\_\_\_ Avenue/Street.  
see attached map

6. Assessor's Parcel Number(s): See attached list of parcel numbers

7. Acreage of Amendment: See attached list (approximately 196.6 acres).

8. Existing zoning: Not zoned yet. Currently Industrial/Flex R&D is being studied as preferred alternative.

9. If proposed Residential use, number of units: N/A

10. Non-residential use, floor area: N/A

11. Identify other current applications that have been or are proposed to be filed on this project.  
 Site Plan Review No. N/A  
 Conditional Use Permit No. \_\_\_\_\_  
 Rezone Application No. \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_

For Department Use Only

G Consultant Technical Services  
(Includes Plan Amendment Report)

G Staff Technical Services

Fee: \$ \_\_\_\_\_

Cashier's Memorandum No. \_\_\_\_\_

Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Application verified complete by: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature

12. State briefly how the proposed land uses will implement the policies and achieve the goals of the City's General Plan better than the existing land use designation.

See attached letter dated August 18, 2008 describing the reasons the recommended land uses are a better choice than the proposed Industrial/Flex R&D. See supporting property owners list and signatures.

13. By signing below, I/we declare, under penalty of perjury, that the information provided on, and attached to, this application is true and correct to the best of my/our knowledge and belief. All signatures below are required.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Owner(s): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

Signature of Consultant: \_\_\_\_\_ Date: \_\_\_\_\_

See attached list of property owners within the proposed plan area who have signed this application.

14. **MANDATORY ATTACHMENTS:**
- A. Copy of recorded grant deed showing current ownership of the subject parcel(s).  
Deed for Ralph and Frances Reitz attached.
  - B. If a consultant is utilized, a letter of authorization from the property owner(s).
  - C. If a consultant is utilized, a list of property owners within 300 feet of the amendment site is required 30 days prior to the Planning Commission Public Hearing date. This list is to include every owner of every parcel, the Assessor's Parcel Number of each parcel, and the mailing address of each owner.
-

97086669

3

RECORDED IN OFFICIAL RECORDS OF  
FRESNO COUNTY, CALIFORNIA  
AT 42 MIN PAST 4 M

Recording Requested By and  
When Recorded Return To:

JUL 6 1997

Kenneth J. Fransen  
Bolen, Fransen & Boostrom LLP  
414 Pollasky Avenue  
Clovis, CA 93612

FRESNO COUNTY, CALIFORNIA  
WILLIAM C. GREENWOOD, County Recorder

BY DEPUTY RECORDER

FEE \$ 13

(SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY)

**GRANT DEED**

THE UNDERSIGNED GRANTORS DECLARE:

DOCUMENTARY TRANSFER TAX IS \$ -0-

Assessor's Parcel Nos. 316-150-01 and 316-150-02

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
RALPH PHILIP REITZ and FRANCES SULLIVAN REITZ, husband and wife, as joint tenants,  
hereby GRANT to RALPH P. REITZ and FRANCES S. REITZ, husband and wife, as  
community property, the following described real property in the County of Fresno, State of  
California:

See Exhibit A attached hereto and incorporated herein by this reference.

THIS GRANT IS MADE EXPRESSLY SUBJECT TO ALL ENCUMBRANCES DONE, MADE OR  
SUFFERED BY THE GRANTOR(S), OR ANY PERSON CLAIMING UNDER THE GRANTOR(S).

Dated: May 29, 1997

Ralph Philip Reitz  
RALPH PHILIP REITZ

Frances Sullivan Reitz  
FRANCES SULLIVAN REITZ

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE.

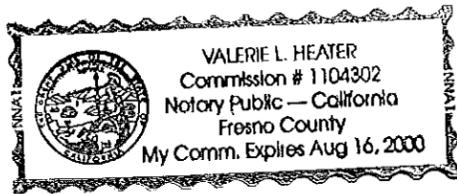
Ralph P. Reitz and Frances S. Reitz, 1080 South Temperance, Fresno, CA 93727

STATE OF CALIFORNIA )

COUNTY OF Fresno }

On May 29, 1997, before me, Valerie L. Heater, notary public, personally appeared RALPH PHILIP REITZ and FRANCES SULLIVAN REITZ, personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.



Valerie L. Heater

Exhibit A

The North half of the Northwest quarter of the Northwest quarter of Section 14, Township 14 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the United States Government Township Plats approved by the Surveyor General on July 15, 1854.

EXCEPTING THEREFROM the North 30 feet thereof.

TOGETHER WITH the North 32 feet of the South half of the Northwest quarter of the Northwest quarter of said Section 14.

APNs 316-150-01 and 316-150-02

August 18, 2008

City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

**SEGA Preferred Alternative Modification Process**  
**Property Address 1080 S. Temperance, APN 316-150-01 and 02 (19 acres)**

The following is a discussion and a description of a requested change in land use designation for the preferred SEGA Growth Alternative selected at the July 22, 2008 City Council hearing. This requested change is a continuation of the previous request made in our letter dated July 7, 2008 presented to the SEGA Advisory Committee. The Committee recommended this change be adopted at the July 8, 2008 hearing, but it was dismissed by the Planning Commission and City Council at subsequent hearings. The majority of our neighbors also disagree with the proposed Industrial/R&D zoning in this area (bounded by Temperance Avenue on the west, the railroad on the north, the Briggs Canal on the east, and Church Avenue on the south).

During the review of our proposed land use change by the City's consultant (Calthorpe & Associates), they gave the following strong reasons for changing the proposed zoning to "Community Center" at the corners of the new California Avenue alignment and Temperance Avenue:

- Better and more direct access to related employment (north and east of the Community Center) and the Community Center designated east of Briggs Canal.
- California Avenue is on the 1-mile city grid and between Kings Canyon and Jensen, providing good access from both directions.
- If the planned community rail line along the existing railroad tracks just north comes to fruition and the area becomes more urban over time, there could be a potential stop at the California Avenue Community Center.
- A California Avenue Community Center also serves planned residential development to the west and does not conflict with other planned commercial developments in the area.

This plan was illustrated in a modification to Alternative 2, prepared by Calthorpe for consideration by the Planning Commission and City Council. This land use plan is shown enlarged for the area we are requesting to be changed (see Exhibit 1).

In addition, the following advantages of this plan are presented as follows:

- This area will be ideal for a mixture of uses including a medium-sized commercial center, office/R&D centers, residential, mixed residential, and similar job-creating and residential uses as shown in Exhibit 1.
- There will be significant pressure on areas such as this to develop with these land uses soon as SR 180 will be completed to Temperance Avenue within a year and Temperance will become a major connector between SR 180 and small communities to the east and south such as Sanger, Del Rey, Parlier, Reedley, and Selma.
- There are currently no commercial/business (jobs) for a distance of over 3 miles (Kings Canyon and Clovis Avenue). This would cause the new residences and future schools between Temperance and Clovis (4 square miles of residential) to drive long distances to shop and work. A Community Center with businesses/R&D in the California/Temperance area would provide this and reduce miles driven, air pollution, and time wasted. The Community Center shown on the current plan at the Fowler and Annadale is many years away, and there is no residential planned in this area in the near future.
- There are already existing water and sewer utilities extended to the California and Temperance area which would allow economical connections and would be a further impetus for needed commercial/businesses (jobs) growth in this area.

In addition, following are reasons we feel that zoning this area Industrial/R&D would be an impediment to orderly growth:

- Industrial to the north of the railroad at Temperance is primarily an agricultural/wet industry (La Destria, formerly Bonner Packing). This is a significant development which has existed for over 100 years at this site. Zoning of R&D may not be consistent with this existing use due to odors, noise, rail traffic, and similar impacts.
- Industrial/R&D is typically the last of areas to develop in a new, large growth area. By making this area Industrial/R&D, it will essentially stop or severely slow development of this area and cause the areas east of the Briggs Canal to leapfrog over it. This would cause an expensive and undesirable situation for City services such as roads, water, sewer, and storm drainage, to be extended far to the east without development west of the Briggs Canal. This would cause unnecessary environmental impacts to the area.
- The areas west of the Temperance and California intersection are entirely residential and would be incompatible with various types of industrial uses that may develop here and bring few jobs.
- If it is necessary to have a certain number of Industrial/R&D areas in the plan, we suggest moving this zoning to the areas adjacent to Jensen Avenue between the Briggs Canal and

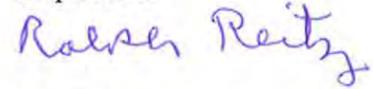
Highland Avenue. The present plan shows residential in these areas, which would be a poor choice due to the heavy traffic, noise, and air quality impacts of a future six-lane roadway such as Jensen Avenue. Another option that would better support Industrial/R&D would be in the vicinity of nearby SR 180 or the new Kings Canyon alignment.

In summary, the property owners in this area do not support the Industrial/R&D zoning, as exhibited by the attached letters representing the majority of owners in this area. We sincerely appreciate your consideration in modifying the currently proposed SEGA plan in this area to a plan similar to that shown in Exhibit 1.

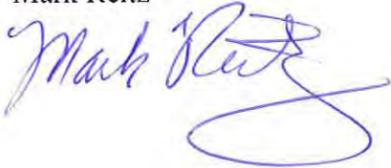
Sincerely,

Ralph Reitz Family

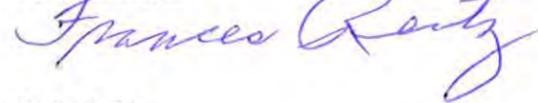
Ralph Reitz



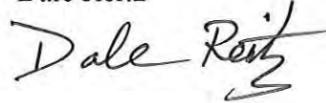
Mark Reitz

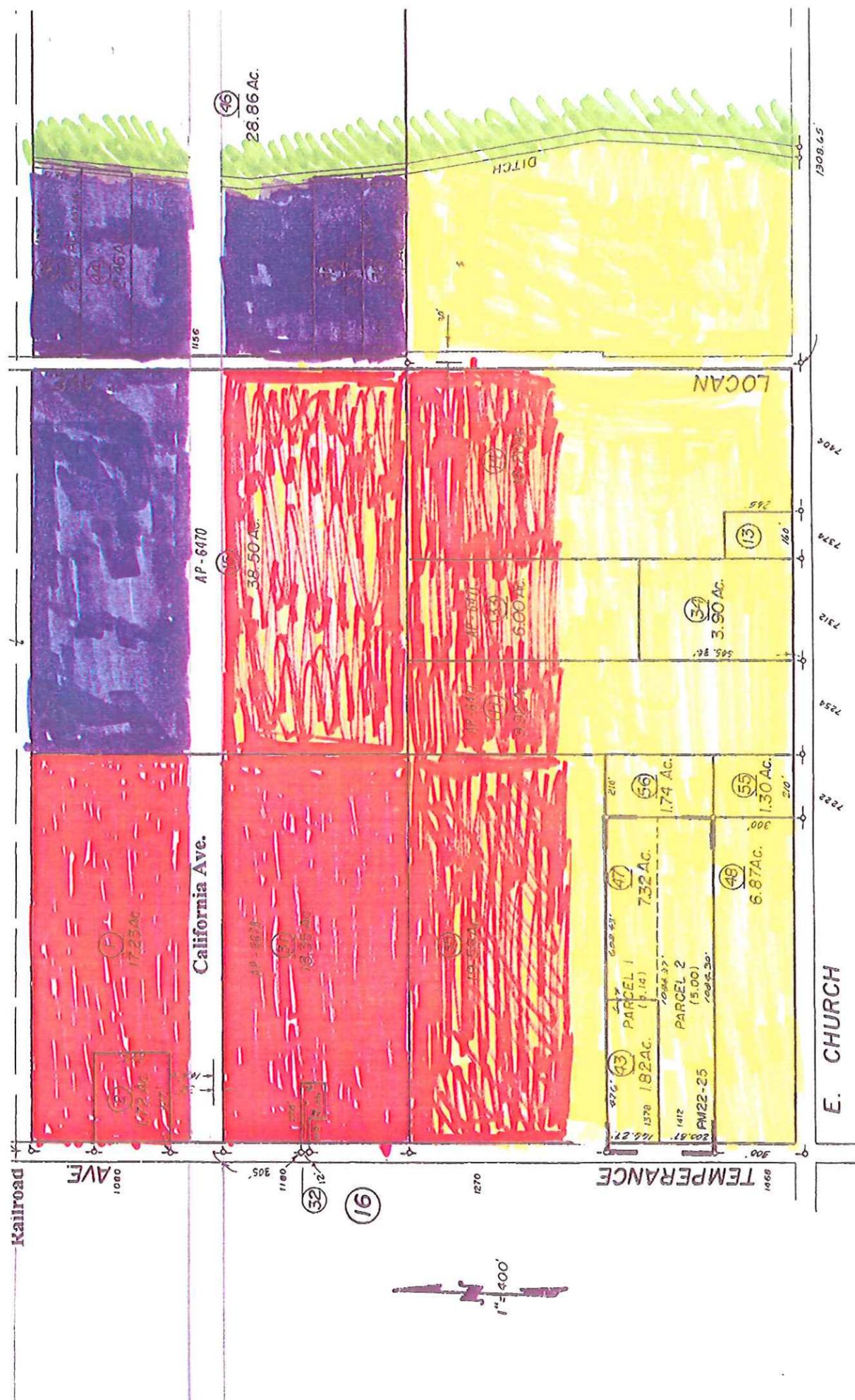


Frances Reitz



Dale Reitz





# Exhibit 1

Agricultural Preserve  
 Parcel Map No. 3204 - Bk. 22, Pg. 25  
 Parcel Map No. 6367 - Bk. 41, Pg. 18



- Community Center
- Office / R&D Center
- Mixed Residential
- Waterway
- Neighborhood Residential

NOTE - Assessor's Block Numbers Show Assessor's Parcel Numbers Show

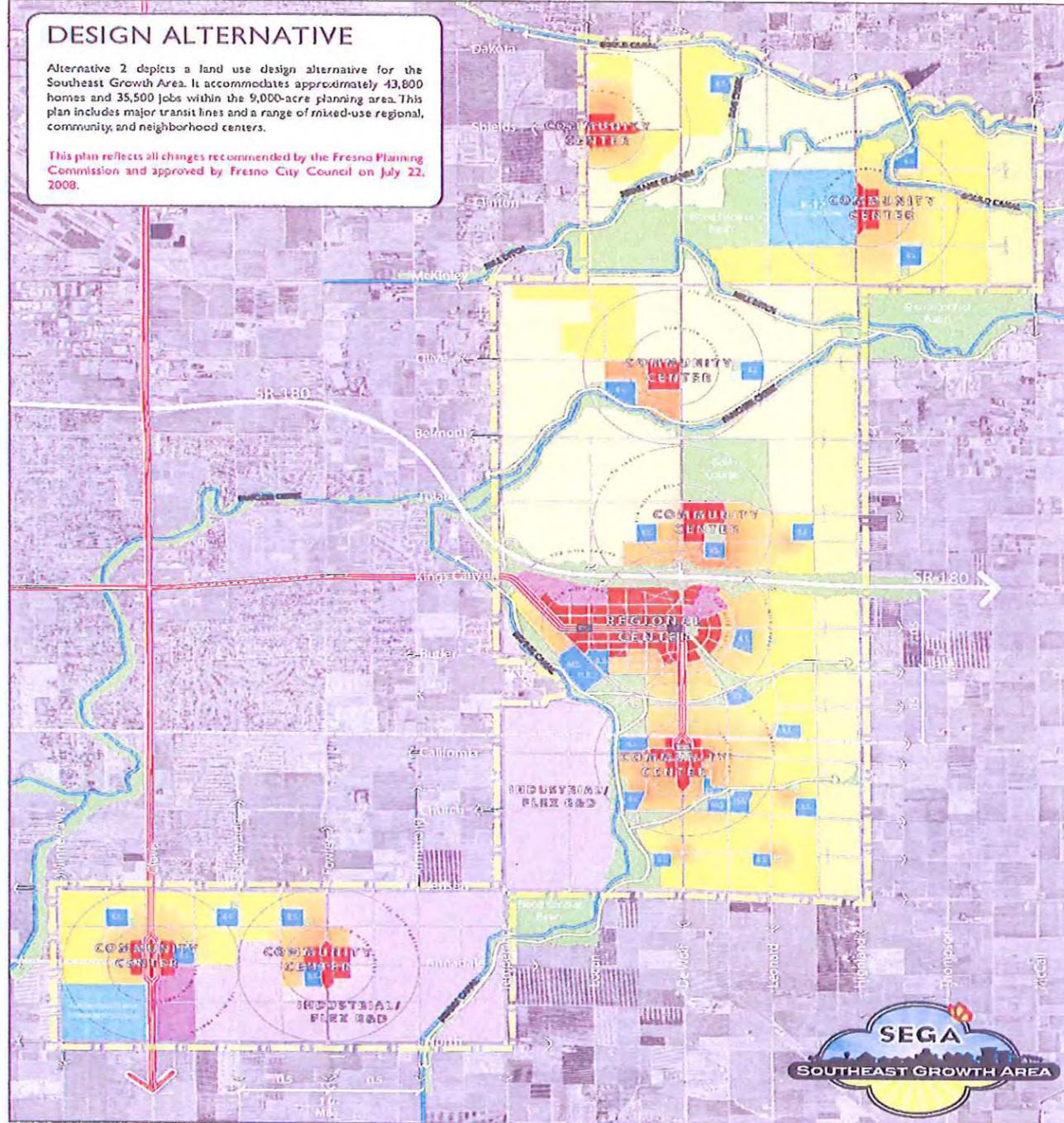
1" = 400'

# ALTERNATIVE 2 (updated July 24, 2008)

## DESIGN ALTERNATIVE

Alternative 2 depicts a land use design alternative for the Southeast Growth Area. It accommodates approximately 43,800 homes and 35,500 jobs within the 9,000-acre planning area. This plan includes major transit lines and a range of mixed-use regional, community, and neighborhood centers.

This plan reflects all changes recommended by the Fresno Planning Commission and approved by Fresno City Council on July 22, 2008.



CALTHORPE ASSOCIATES City of FRESNO  
 SEPA/DIR/PERMITS PLANNED SERVICES

- |                                       |                               |
|---------------------------------------|-------------------------------|
| Regional Center                       | Mixed Residential             |
| Community Center                      | Neighborhood Residential      |
| Office/R&D Center                     | Rural Residential             |
| Industrial/Flex R&D                   | Rural Cluster Residential     |
| Schools                               | Park/Open Space/Flood Control |
| Education Facilities (except schools) | Waterway                      |

- LAND USE**
- INFRASTRUCTURE**
- |                       |                 |
|-----------------------|-----------------|
| Highway               | Walking Path    |
| Transit Boulevard     | Transit Station |
| Commuter Rail         |                 |
| Bike/Pedestrian Trail |                 |

### SPECIFIC PLAN ALTERNATIVE SCENARIOS WORKSHOP JUNE 10, 2008

	Total Homes	Total Jobs	Additional Area Outside SEGA*
Alternative 1	17,900	29,600	930 Acres
Alternative 2	43,800	35,500	0 Acres
Alternative 3	42,900	36,000	0 Acres

\*Alternative 1 requires approximately 9,200 acres outside the SEGA to meet the housing and job totals of Alternatives 2 and 3.

TO BE MODIFIED

**List of Property Owners Signing Application**

No.	Name	Address	APN	Acres
5	Ralph and Frances Reitz	1080 S. Temperance	316-150-01	17.23
5	Ralph and Frances Reitz	1080 S. Temperance	316-150-02	1.72
6	Dennis Simonian	7254 E. Church	316-150-11	9.92
7	Peter Toomajian	7374 E. Church	316-150-13	0.97
8	Peter Toomajian	7404 E. Church	316-150-14	18.20
10	Dennis Simonian	2629 S. Clovis Ave., 93725	316-150-31	18.35
11	Simonian Family Trust	1180 S. Temperance	316-150-32	0.25
12	Dennis Simonian	2629 S. Clovis Ave., 93725	316-150-33	6.00
14	Donna Elliott	1270 S. Temperance	316-150-35	19.59
16	Ron and Judy Rostykus	1236 S. Locan	316-150-38	2.41
18	Garrett and Jane Wimer	4860 E. Normal Ave., 93703	316-150-44	2.46
19	Emil and Janice Sereda	1202 S. Locan	316-150-45	2.37
20	Jane Wimer	1156 S. Locan	316-150-46	12.50
21	Willie and Betty Martin	1412 S. Temperance	316-150-47	7.32
27	Michael Garcia	7222 E. Church	316-150-57	3.04
17	John and Loretta Showalter	1318 S. Locan	316-170-17	5.33
16	John and Loretta Showalter	1318 S. Locan	316-170-16	5.50
			Total	133.16

**Additional Neighbors Adjacent to Proposed Area Also in Favor of Change**

	Miriam Kaprielian	1291 S. DeWolf Ave.	313-410-02 & 316-170-15	50.00
	Lyle and Nancy Nelson	1419 S. De Wolf Ave.	316-170-04	1.08
	William Magnuson	7088 E. Jensen Ave.	316-030-54	9.12
	Johnny Niizawa	8467 E. Church		0.75
			Total	60.95

August 18, 2008

City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

**SEGA Preferred Alternative Modification Process**

Property Owner: Ralph P. + Frances S. Reitz Trustees  
Property Address: 1080 S. TEMPERANCE, FRESNO, CA 93727  
Assessor's Parcel No.: 316-150-01 + 316-150-02 [19 acres]

This letter is being submitted in support of a change in the proposed zoning for the SEGA Growth Plan selected by the City Council on July 22, 2008, as the overall plan to be evaluated under the EIR process during the next year.

This proposed change relates to the general area bounded by Temperance Avenue on the west, the railroad on the north, Briggs Canal on the east, and Church Avenue on the south. The change we are requesting consists of mixed land uses containing a medium-sized commercial center at Temperance and California, office/R&D centers, residential, mixed residential, and similar job-creating uses. These uses are generally shown on Exhibit 1 (attached).

We support this or a similar plan but do not support the Industrial/R&D zoning shown in the plan described as Alternative 2 selected for study by the City Council.

If you have any questions, please feel free to contact me.

Sincerely,

Ralph P. Reitz  
Frances S. Reitz



August 18, 2008

City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

SEGA Preferred Alternative Modification Process

Property Owner: Peter Loomajian

Property Address: 7374 & 7404 E Church

Assessor's Parcel No.: 316-150-13, 316-150-14 20 acres

This letter is being submitted in support of a change in the proposed zoning for the SEGA Growth Plan selected by the City Council on July 22, 2008, as the overall plan to be evaluated under the EIR process during the next year.

This proposed change relates to the general area bounded by Temperance Avenue on the west, the railroad on the north, Briggs Canal on the east, and Church Avenue on the south. The change we are requesting consists of mixed land uses containing a medium-sized commercial center at Temperance and California, office/R&D centers, residential, mixed residential, and similar job-creating uses. These uses are generally shown on Exhibit 1 (attached).

We support this or a similar plan but do not support the Industrial/R&D zoning shown in the plan described as Alternative 2 selected for study by the City Council.

If you have any questions, please feel free to contact me.

Sincerely,

*Peter Loomajian*

August 18, 2008

City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

**SEGA Preferred Alternative Modification Process**

Property Owner: Donna Elliott

Property Address: 1270 S. Temperance Ave. Fresno 93727

Assessor's Parcel No.: 316-150-35 19.59 acres

This letter is being submitted in support of a change in the proposed zoning for the SEGA Growth Plan selected by the City Council on July 22, 2008, as the overall plan to be evaluated under the EIR process during the next year.

This proposed change relates to the general area bounded by Temperance Avenue on the west, the railroad on the north, Briggs Canal on the east, and Church Avenue on the south. The change we are requesting consists of mixed land uses containing a medium-sized commercial center at Temperance and California, office/R&D centers, residential, mixed residential, and similar job-creating uses. These uses are generally shown on Exhibit 1 (attached).

We support this or a similar plan but do not support the Industrial/R&D zoning shown in the plan described as Alternative 2 selected for study by the City Council.

If you have any questions, please feel free to contact me.

Sincerely,

*Elliott Investments Inc.*

*Donna R. Elliott*  
*President*

August 18, 2008

City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

SEGA Preferred Alternative Modification Process

Property Owner: Ron + Judy Rostykus

Property Address: 1236 S. Locan

Assessor's Parcel No.: 316-150-38 2.46 acres

This letter is being submitted in support of a change in the proposed zoning for the SEGA Growth Plan selected by the City Council on July 22, 2008, as the overall plan to be evaluated under the EIR process during the next year.

This proposed change relates to the general area bounded by Temperance Avenue on the west, the railroad on the north, Briggs Canal on the east, and Church Avenue on the south. The change we are requesting consists of mixed land uses containing a medium-sized commercial center at Temperance and California, office/R&D centers, residential, mixed residential, and similar job-creating uses. These uses are generally shown on Exhibit 1 (attached).

\* We support this or a similar plan but do not support the Industrial/R&D zoning shown in the plan described as Alternative 2 selected for study by the City Council.

If you have any questions, please feel free to contact me.

Sincerely,

Judy Rostykus 8/12/08  
Ron L. Rostykus 8/12/08

August 18, 2008

City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

**SEGA Preferred Alternative Modification Process**

Property Owner: Garrett A. & Jane L. Wimer (4860 E. Normal  
Fresno, CA  
93703)

Property Address: S. Locan

Assessor's Parcel No.: 316-150-44 Acres 2.46

This letter is being submitted in support of a change in the proposed zoning for the SEGA Growth Plan selected by the City Council on July 22, 2008, as the overall plan to be evaluated under the EIR process during the next year.

This proposed change relates to the general area bounded by Temperance Avenue on the west, the railroad on the north, Briggs Canal on the east, and Church Avenue on the south. The change we are requesting consists of mixed land uses containing a medium-sized commercial center at Temperance and California, office/R&D centers, residential, mixed residential, and similar job-creating uses. These uses are generally shown on Exhibit 1 (attached).

We support this or a similar plan but do not support the Industrial R&D zoning shown in the plan described Alternative 2 selected by the City Council.

If you have any questions, please feel free to contact me.

Sincerely,

Jane L. Wimer  
Garrett Wimer

August 18, 2008

City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

**SEGA Preferred Alternative Modification Process**

Property Owner: Emil J. and Janice L. Sereda, trustees

Property Address: 1202 S. Locan Fresno, CA 93727

Assessor's Parcel No.: 316-150-45 2.37 acres

This letter is being submitted in support of a change in the proposed zoning for the SEGA Growth Plan selected by the City Council on July 22, 2008, as the overall plan to be evaluated under the EIR process during the next year.

This proposed change relates to the general area bounded by Temperance Avenue on the west, the railroad on the north, Briggs Canal on the east, and Church Avenue on the south. The change we are requesting consists of mixed land uses containing a medium-sized commercial center at Temperance and California, office/R&D centers, residential, mixed residential, and similar job-creating uses. These uses are generally shown on Exhibit 1 (attached).

We support this or a similar plan but do not support the Industrial/R&D zoning shown in the plan described as Alternative 2 selected for study by the City Council.

If you have any questions, please feel free to contact me.

Sincerely,

  
Emil J. Sereda

August 18, 2008

City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

**SEGA Preferred Alternative Modification Process**

Property Owner: Jane L. Wimer  
Janice L. Sereda  
Judith L. Rostykus

Property Address: 1156 S. Locan, Fresno, CA 93727

Assessor's Parcel No.: 316-150-46 Acres 28.86

This letter is being submitted in support of a change in the proposed zoning for the SEGA Growth Plan selected by the City Council on July 22, 2008, as the overall plan to be evaluated under the EIR process during the next year.

This proposed change relates to the general area bounded by Temperance Avenue on the west, the railroad on the north, Briggs Canal on the east, and Church Avenue on the south. The change we are requesting consists of mixed land uses containing a medium-sized commercial center at Temperance and California, office/R&D centers, residential, mixed residential, and similar job-creating uses. These uses are generally shown on Exhibit 1 (attached).

We support this or a similar plan but do not support the Industrial R&D zoning shown in the plan described Alternative 2 selected by the City Council.

If you have any questions, please feel free to contact me.

Sincerely,

*Jane L. Wimer*  
*Janice L. Sereda*  
*Judith L. Rostykus*

August 18, 2008

City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

**SEGA Preferred Alternative Modification Process**

Property Owner: Willie R. & Betty Jane Martin  
Property Address: 1412 So. Temperance 93727  
Assessor's Parcel No.: 316-150-47 7.22 acres

This letter is being submitted in support of a change in the proposed zoning for the SEGA Growth Plan selected by the City Council on July 22, 2008, as the overall plan to be evaluated under the EIR process during the next year.

This proposed change relates to the general area bounded by Temperance Avenue on the west, the railroad on the north, Briggs Canal on the east, and Church Avenue on the south. The change we are requesting consists of mixed land uses containing a medium-sized commercial center at Temperance and California, office/R&D centers, residential, mixed residential, and similar job-creating uses. These uses are generally shown on Exhibit 1 (attached).

We support this or a similar plan but do not support the Industrial/R&D zoning shown in the plan described as Alternative 2 selected for study by the City Council.

If you have any questions, please feel free to contact me.

Sincerely,

August 18, 2008

City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

SEGA Preferred Alternative Modification Process

Property Owner: Michael Elizabeth Garcia

Property Address: 7222 E. Church Ave Fresno 93727

Assessor's Parcel No.: 55, 56 3.04 acres

316-150-57

This letter is being submitted in support of a change in the proposed zoning for the SEGA Growth Plan selected by the City Council on July 22, 2008, as the overall plan to be evaluated under the EIR process during the next year.

This proposed change relates to the general area bounded by Temperance Avenue on the west, the railroad on the north, Briggs Canal on the east, and Church Avenue on the south. The change we are requesting consists of mixed land uses containing a medium-sized commercial center at Temperance and California, office/R&D centers, residential, mixed residential, and similar job-creating uses. These uses are generally shown on Exhibit 1 (attached).

We support this or a similar plan but do not support the Industrial/R&D zoning shown in the plan described as Alternative 2 selected for study by the City Council.

If you have any questions, please feel free to contact me.

Sincerely,

*Michael Garcia*

August 18, 2008

City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

SEGA Preferred Alternative Modification Process

Property Owner: JOHN & LORETTA SHOWALTER  
Property Address: 1318 S. LOGAN 93727  
Assessor's Parcel No.: 316-170-16 ~~5~~ acres  
316-170-17 5 ACRES

This letter is being submitted in support of a change in the proposed zoning for the SEGA Growth Plan selected by the City Council on July 22, 2008, as the overall plan to be evaluated under the EIR process during the next year.

This proposed change relates to the general area bounded by Temperance Avenue on the west, the railroad on the north, Briggs Canal on the east, and Church Avenue on the south. The change we are requesting consists of mixed land uses containing a medium-sized commercial center at Temperance and California, office/R&D centers, residential, mixed residential, and similar job-creating uses. These uses are generally shown on Exhibit 1 (attached).

① We support this or a similar plan but do not support the Industrial/R&D zoning shown in the plan described as Alternative 2 selected for study by the City Council.

If you have any questions, please feel free to contact me.

Sincerely,

Loretta Showalter

John E Showalter

August 18, 2008

City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

**SEGA Preferred Alternative Modification Process**

Property Owner: Miriam Kaprielian

Property Address: 1345 S. Dewolf and NE Corner Calif and Dewolf

Assessor's Parcel No.: 316-170-15/313-410-02 50 acres

This letter is being submitted in support of a change in the proposed zoning for the SEGA Growth Plan selected by the City Council on July 22, 2008, as the overall plan to be evaluated under the EIR process during the next year.

This proposed change relates to the general area bounded by Temperance Avenue on the west, the railroad on the north, Briggs Canal on the east, and Church Avenue on the south. The change we are requesting consists of mixed land uses containing a medium-sized commercial center at Temperance and California, office/R&D centers, residential, mixed residential, and similar job-creating uses. These uses are generally shown on Exhibit 1 (attached).

We support this or a similar plan but do not support the Industrial/R&D zoning shown in the plan described as Alternative 2 selected for study by the City Council.

If you have any questions, please feel free to contact me.

Sincerely, Miriam Kaprielian, Owner

August 18, 2008

City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

**SEGA Preferred Alternative Modification Process**

Property Owner: LYLE R. NELSON & NANCY L. NELSON

Property Address: 1419 S. DELWOLF 93727

Assessor's Parcel No.: 316-170-04 1.08 acres

This letter is being submitted in support of a change in the proposed zoning for the SEGA Growth Plan selected by the City Council on July 22, 2008, as the overall plan to be evaluated under the EIR process during the next year.

This proposed change relates to the general area bounded by Temperance Avenue on the west, the railroad on the north, Briggs Canal on the east, and Church Avenue on the south. The change we are requesting consists of mixed land uses containing a medium-sized commercial center at Temperance and California, office/R&D centers, residential, mixed residential, and similar job-creating uses. These uses are generally shown on Exhibit 1 (attached).

We support this or a similar plan but do not support the Industrial/R&D zoning shown in the plan described as Alternative 2 selected for study by the City Council.

If you have any questions, please feel free to contact me.

Sincerely,

*Lyle R. Nelson*  
*Nancy L. Nelson*

August 18, 2008

City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

**SEGA Preferred Alternative Modification Process**

Property Owner: WILLIAM D. MAGNUSON,  
Property Address: 7088 E. JENSEN AVE.  
Assessor's Parcel No.: 316-030-54 9.12 acres

This letter is being submitted in support of a change in the proposed zoning for the SEGA Growth Plan selected by the City Council on July 22, 2008, as the overall plan to be evaluated under the EIR process during the next year.

This proposed change relates to the general area bounded by Temperance Avenue on the west, the railroad on the north, Briggs Canal on the east, and Church Avenue on the south. The change we are requesting consists of mixed land uses containing a medium-sized commercial center at Temperance and California, office/R&D centers, residential, mixed residential, and similar job-creating uses. These uses are generally shown on Exhibit 1 (attached).

We support this or a similar plan but do not support the Industrial/R&D zoning shown in the plan described as Alternative 2 selected for study by the City Council.

If you have any questions, please feel free to contact me.

Sincerely,

*William D. Magnuson*

August 18, 2008

City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

**SEGA Preferred Alternative Modification Process**

Property Owner: JOHNNY C. NIIZAWA

Property Address: 8447 E. CHURCH SAN JOSE CA 95157

Assessor's Parcel No.: 071-048 3/4 acres

This letter is being submitted in support of a change in the proposed zoning for the SEGA Growth Plan selected by the City Council on July 22, 2008, as the overall plan to be evaluated under the EIR process during the next year.

This proposed change relates to the general area bounded by Temperance Avenue on the west, the railroad on the north, Briggs Canal on the east, and Church Avenue on the south. The change we are requesting consists of mixed land uses containing a medium-sized commercial center at Temperance and California, office/R&D centers, residential, mixed residential, and similar job-creating uses. These uses are generally shown on Exhibit 1 (attached).

ⓧ We support this or a similar plan but do not support the Industrial/R&D zoning shown in the plan described as Alternative 2 selected for study by the City Council.

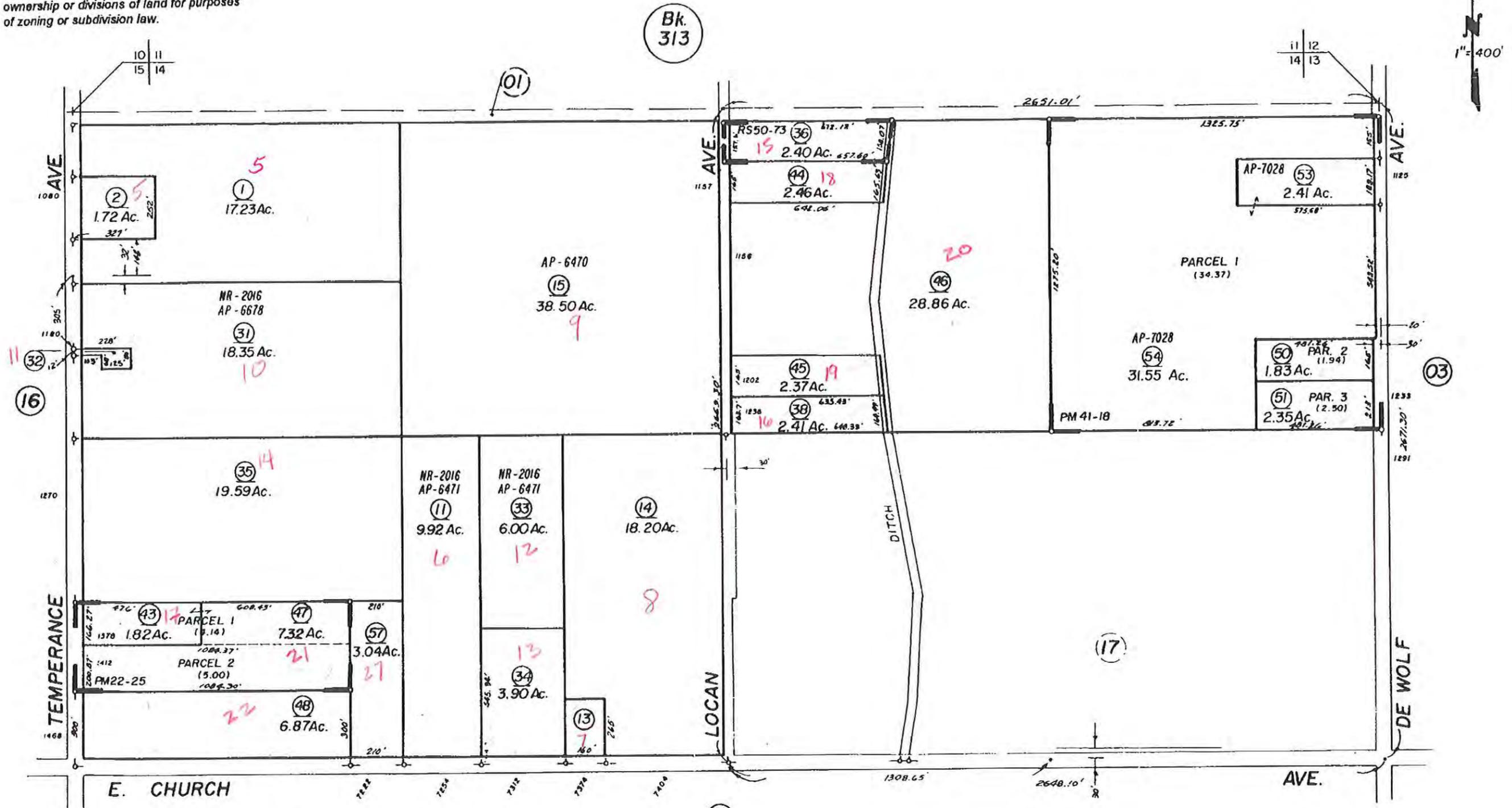
If you have any questions, please feel free to contact me.

Sincerely,

*Johnny C. Niizawa*

K

— NOTE —  
This map is for Assessment purposes only.  
It is not to be construed as portraying legal  
ownership or divisions of land for purposes  
of zoning or subdivision law.



Agricultural Preserve  
Parcel Map No. 3204 - Bk. 22, Pg. 25  
Parcel Map No. 6367 - Bk. 41, Pg. 18  
Record of Survey - Bk. 50, Pg. 73

Assessor's Map Bk. 316 - Pg. 15  
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

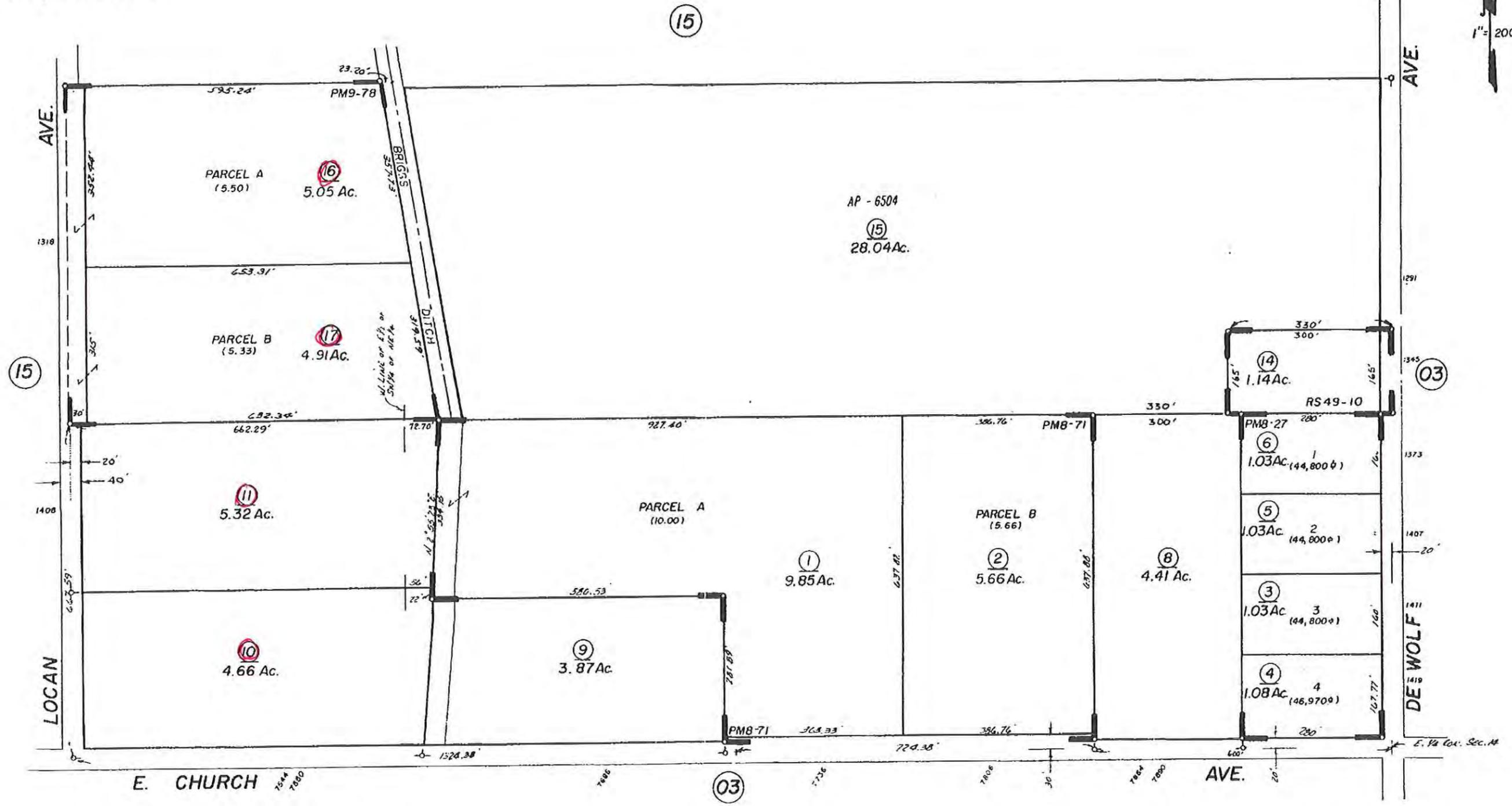
SUBDIVIDED LAND & POR. SEC. 14, T.14S., R. 21E. M. D. B. & M.

Tax Rate Area  
71-046

316-17

— NOTE —  
This map is for Assessment purposes only.  
It is not to be construed as portraying legal  
ownership or divisions of land for purposes  
of zoning or subdivision law.

1" = 200'

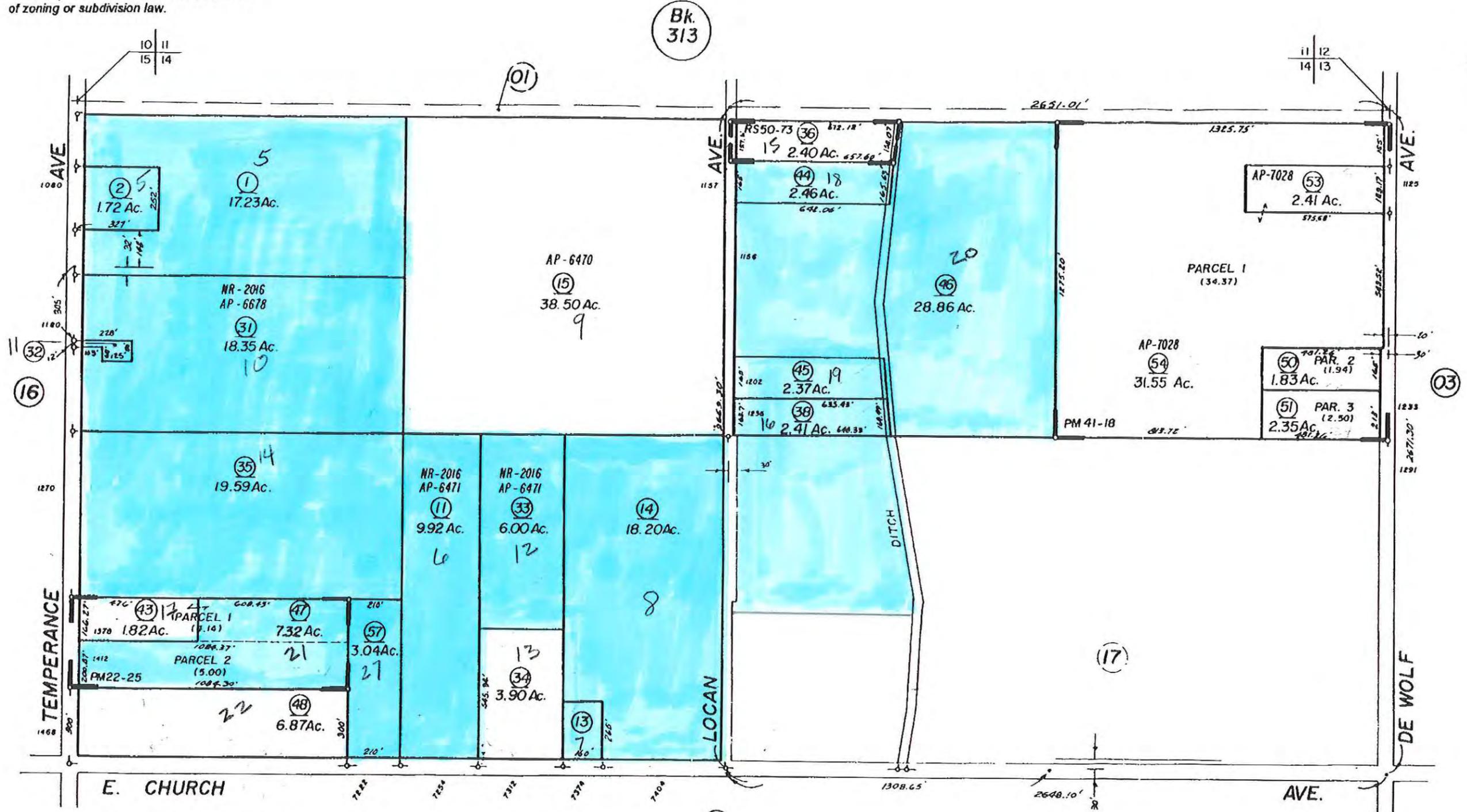
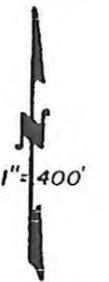


Agricultural Preserve  
Parcel Map No. 1544 - Bk. 8, Pg. 71  
Parcel Map No. 1614 - Bk. 8, Pg. 27  
Parcel Map No. 1643 - Bk. 9, Pg. 78  
Record of Survey - Bk. 49, Pg. 10

Assessor's Map Bk. 316 - Pg. 17  
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

— NOTE —  
This map is for Assessment purposes only.  
It is not to be construed as portraying legal  
ownership or divisions of land for purposes  
of zoning or subdivision law.



Agricultural Preserve  
Parcel Map No. 3204 - Bk. 22, Pg. 25  
Parcel Map No. 6367 - Bk. 41, Pg. 18  
Record of Survey - Bk. 50, Pg. 73

Assessor's Map Bk. 316 - Pg. 15  
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.



*Mark Reitz, PE*  
246 E. Denise Avenue  
Fresno, CA 93720  
(559) 905-4523

December 4, 2012

Jamie Holt  
City of Fresno Planning Commission  
2600 Fresno Street  
Fresno, CA 93721

**Initial Study – General Plan and Development Code Update**

Enclosed are copies of correspondence sent to the City of Fresno Planning Department related to an approximately 200-acre area within the SEGA bounded by Temperance Avenue on the west, the railroad on the north, the Briggs Canal on the east, and Church Avenue on the south. The correspondence dates back to August 18, 2008 and November 20, 2008.

Modifications were requested from the land use designation of Industrial/Flex R&D as proposed under the SEGA plan. This was requested in an application with a fee paid to the City Planning Department, which was acknowledged in the enclosed letter dated October 2, 2008.

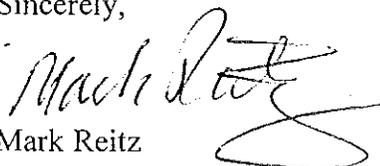
Based on our attendance at many planning meetings since then, we understand that this area is now proposed as a Regional Business Park (RBP) and no longer the Industrial/Flex R&D per SEGA.

The landowners within this 200-acre area are also not in favor of the RBP land use designation for this area and would prefer the alternatives proposed in our correspondence for the environmental and planning reasons stated.

We would appreciate your consideration in incorporating our proposed land uses or something similar and more flexible for this area in the new General Plan.

Please call if you have any questions.

Sincerely,

  
Mark Reitz

*Mark Reitz, PE*  
*246 E. Denise Avenue*  
*Fresno, CA 93720*  
*(559) 905-4523*

December 4, 2012

Michael E. Houlihan  
Michael Brandman Associates  
220 Commerce, Suite 200  
Irvine, CA 92602

**Initial Study – General Plan and Development Code Update**

Enclosed are copies of correspondence sent to the City of Fresno Planning Department related to an approximately 200-acre area within the SEGA bounded by Temperance Avenue on the west, the railroad on the north, the Briggs Canal on the east, and Church Avenue on the south. The correspondence dates back to August 18, 2008 and November 20, 2008.

Modifications were requested from the land use designation of Industrial/Flex R&D as proposed under the SEGA plan. This was requested in an application with a fee paid to the City Planning Department, which was acknowledged in the enclosed letter dated October 2, 2008.

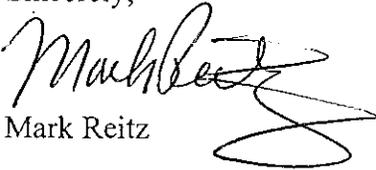
Based on our attendance at many planning meetings since then, we understand that this area is now proposed as a Regional Business Park (RBP) and no longer the Industrial/Flex R&D per SEGA.

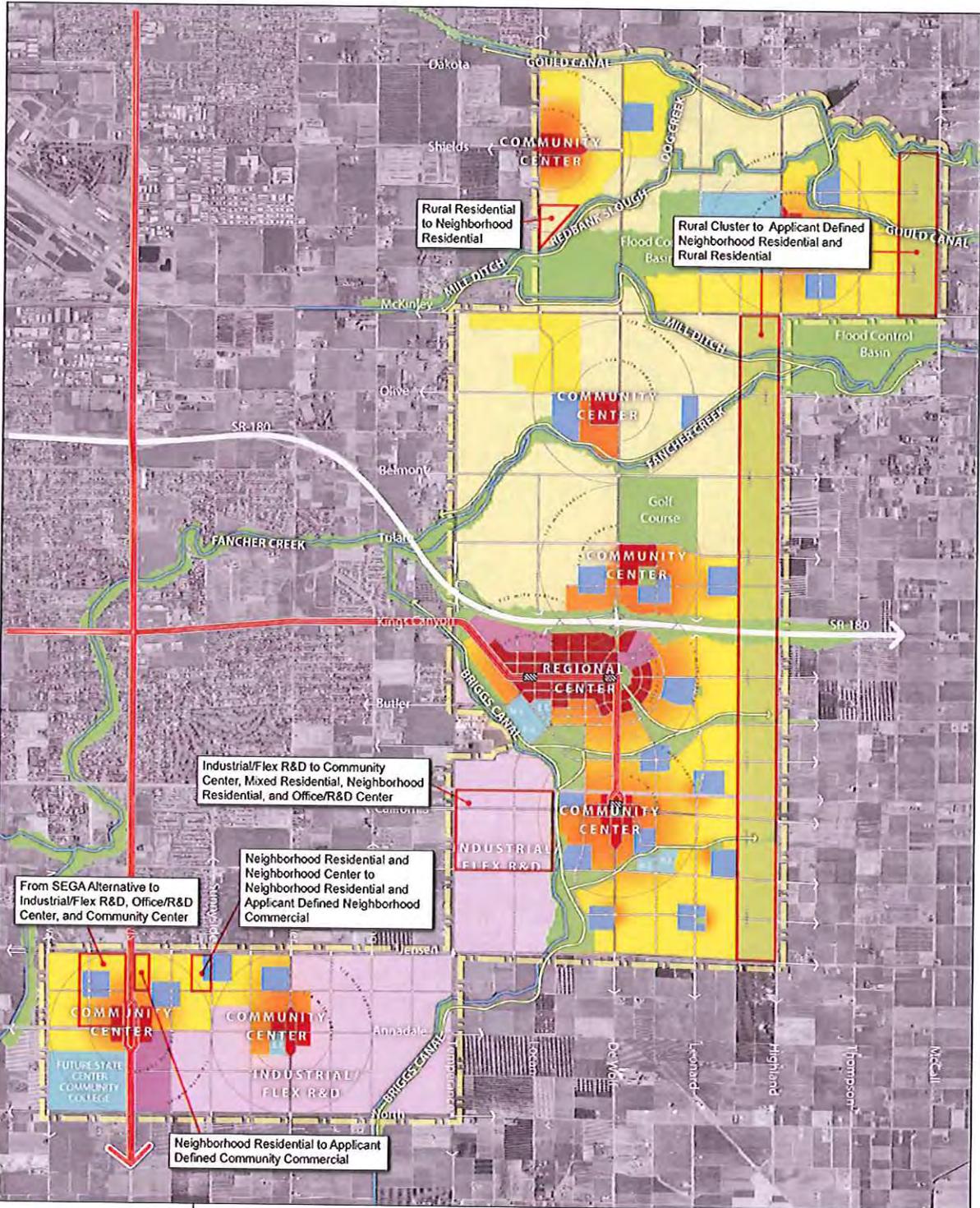
The landowners within this 200-acre area are also not in favor of the RBP land use designation for this area and would prefer the alternatives proposed in our correspondence for the environmental and planning reasons stated.

We would appreciate your consideration in incorporating our proposed land uses or something similar and more flexible for this area in the new General Plan.

Please call if you have any questions.

Sincerely,

  
Mark Reitz



From SEGA Alternative to Industrial/Flex R&D, Office/R&D Center, and Community Center

Industrial/Flex R&D to Community Center, Mixed Residential, Neighborhood Residential, and Office/R&D Center

Neighborhood Residential and Neighborhood Center to Neighborhood Residential and Applicant Defined Neighborhood Commercial

Neighborhood Residential to Applicant Defined Community Commercial

Exhibit 3  
Proposed Landowner Modifications

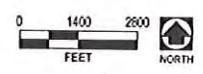
**LAND USE**

- Regional Center
- Community Center
- Neighborhood Center
- Office/R&D Center
- Industrial/Flex R&D
- Institutional\*
- Mixed Residential
- Neighborhood Residential
- Rural Residential
- Rural Cluster Residential
- Park/Open Space/Flood Control
- Waterway

**INFRASTRUCTURE**

- Highway
- Transit Boulevard
- Commuter Rail
- Bike/Pedestrian Trail
- Walking Radii
- Transit Station
- Planning Area Boundary

\* Institutional includes the planned State Center Community College, the planned Clovis USD Education Center, the Singer USD Lone Star Elementary School, and new high and middle schools. It does not include the elementary schools and other civic uses in the SEGA Plan, which are integrated into other Districts.



November 20, 2008

City of Fresno  
Attn: Mr. Keith Bergthold  
Planning and Development Department  
2600 Fresno Street, Room 3065  
Fresno, CA 93721-3604

**SEGA Plan**  
**Response to Notice of Preparation and Initial Study EIR**

This letter is in follow-up to our letter of August 18, 2008 submitted with the Alternative Modification Process application and comments made at the City of Fresno presentation on November 13, 2008.

Following are environmentally-related reasons that we believe favor zoning the approximately 200-acre area (bounded by Temperance Avenue on the west, the railroad on the north, the Briggs Canal on the east, and Church Avenue on the south) as Community Center, Mixed Residential, Neighborhood Residential and Office/R&D Center instead of Industrial/Flex R&D, which is tentatively proposed.

1. A community center and the office/R&D center and similar job-creating uses at this site will serve the proposed residential and mixed residential areas as well as the very large residential areas (4 square miles) to the west of Temperance between Kings Canyon Road and Jensen Avenue. Currently there are no shopping/commercial areas for over 3 driving miles to the Kings Canyon/Clovis Avenue center. Adding a community center/office/R&D center would greatly reduce trip miles, air pollution, and noise. These uses would not conflict with the community center proposed at DeWolf and California Avenue and would complement it by reducing trip miles between shopping/office space needed in both of these areas. The proposed four-lane California Avenue would support both of these developments and conveniently connect the Temperance and DeWolf arterial streets for both bicycle and foot traffic with the Briggs Canal green space as the centerpiece.
2. There will be significant pressure/demand on this area to develop with these land uses soon as SR 180 will be completed to Temperance Avenue within a year, and Temperance will be a major connector between SR 180 and Jensen Avenue for communities to the south and east such as Sanger, Del Rey, Reedley, Parlier, and Selma. There are no services, such as gas stations, grocery stores, drug stores, restaurants, etc., to serve this traffic volume. The streets and community centers proposed over a mile to the east will not develop for 15 to 20 years or more and will not be able to serve the immediate needs. This will create more trip miles, air pollution, and noise.

3. More jobs would be created by the uses we propose than industrial land uses. If industries ever develop in this area, it would be primarily warehouses, storage areas, or agricultural-related processing industries. There are already many large industrial areas in the Fresno area along Jensen Avenue to the west, at the Fresno airport only 5 miles away, and in Clovis. There is no demand in this area for this land use, and it would cause this area to develop last, if ever. By making this area Industrial/R&D, it will essentially stop or severely slow development of this area and cause the areas east of the Briggs Canal to leapfrog over it. This would cause an expensive and undesirable situation for City services, such as roads, water, sewer, storm drainage, gas, and electrical, to be extended far to the east without development west of the Briggs Canal. This would cause unnecessary environmental impacts to the area.
4. The areas west of the Temperance/California intersection are entirely residential and would be incompatible with the various types of industrial uses that will develop here (noise from large trucks, traffic safety issues, air pollution, visual impacts, etc.). When the residential areas to the west were approved for development, the current General Plan showed the area to the east to be residential, commercial, or businesses – not industrial. Property owners to the west may feel this land use would negatively impact their property values and quality of life.
5. The industrial area to the north of the railroad at Temperance up to Butler Avenue is primarily an agricultural/wet industry (La Destria, formerly Bonner Packing). This is a significant industrial development that has existed for over 100 years at this large site. Zoning of Flex R&D may not be consistent with this existing use due to significant odors, noise, rail (double rail spur), truck traffic, and similar environmental impacts. We suggest that this entire area north of the railroad up to Butler Avenue be kept as industrial only. The railroad would provide a good buffer transition to the community center/office/R&D uses we are proposing.
6. If it is necessary to have a certain number of Industrial/Flex R&D acres in the plan, we suggest moving this zoning to a buffer strip north of Jensen Avenue between the Briggs Canal and Highland Avenue. The present plan shows residential in these areas, which would be an environmental unsound choice due to the heavy traffic noise, and air quality impacts created by a future six-lane roadway such as Jensen Avenue. An example of this undesirable situation can now be found on the north side of Jensen between Clovis and Fowler Avenues, where homes are being built adjacent to this busy highway. Another option that would better support Industrial/Flex R&D would be in the vicinity of nearby SR 180 or the new proposed Kings Canyon alignment.
7. As evidenced by the proposed application for this modification, over 70 percent of the property owners (17 parcels) in this area do not want the Industrial/Flex R&D zoning in this area. These property owners have owned and paid taxes on these properties for many years, in some cases over 75 years. Many of the parcels are small (less than 10 acres) and are not conducive to developing the larger parcels necessary for Industrial/Flex R&D,

which would further hamper the sales and development of the area for these uses. This would cause further leapfrogging over this area.

Thank you for your consideration of these environmental reasons to support our proposed alternative land use.

Sincerely,

*Ralph P. Reitz*  
Ralph Reitz

*Frances Reitz*  
Frances Reitz

August 18, 2008

City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

**SEGA Preferred Alternative Modification Process**  
**Property Address 1080 S. Temperance, APN 316-150-01 and 02 (19 acres)**

The following is a discussion and a description of a requested change in land use designation for the preferred SEGA Growth Alternative selected at the July 22, 2008 City Council hearing. This requested change is a continuation of the previous request made in our letter dated July 7, 2008 presented to the SEGA Advisory Committee. The Committee recommended this change be adopted at the July 8, 2008 hearing, but it was dismissed by the Planning Commission and City Council at subsequent hearings. The majority of our neighbors also disagree with the proposed Industrial/R&D zoning in this area (bounded by Temperance Avenue on the west, the railroad on the north, the Briggs Canal on the east, and Church Avenue on the south).

During the review of our proposed land use change by the City's consultant (Calthorpe & Associates), they gave the following strong reasons for changing the proposed zoning to "Community Center" at the corners of the new California Avenue alignment and Temperance Avenue:

- Better and more direct access to related employment (north and east of the Community Center) and the Community Center designated east of Briggs Canal.
- California Avenue is on the 1-mile city grid and between Kings Canyon and Jensen, providing good access from both directions.
- If the planned community rail line along the existing railroad tracks just north comes to fruition and the area becomes more urban over time, there could be a potential stop at the California Avenue Community Center.
- A California Avenue Community Center also serves planned residential development to the west and does not conflict with other planned commercial developments in the area.

This plan was illustrated in a modification to Alternative 2, prepared by Calthorpe for consideration by the Planning Commission and City Council. This land use plan is shown enlarged for the area we are requesting to be changed (see Exhibit 1).

In addition, the following advantages of this plan are presented as follows:

- This area will be ideal for a mixture of uses including a medium-sized commercial center, office/R&D centers, residential, mixed residential, and similar job-creating and residential uses as shown in Exhibit 1.
- There will be significant pressure on areas such as this to develop with these land uses soon as SR 180 will be completed to Temperance Avenue within a year and Temperance will become a major connector between SR 180 and small communities to the east and south such as Sanger, Del Rey, Parlier, Reedley, and Selma.
- There are currently no commercial/business (jobs) for a distance of over 3 miles (Kings Canyon and Clovis Avenue). This would cause the new residences and future schools between Temperance and Clovis (4 square miles of residential) to drive long distances to shop and work. A Community Center with businesses/R&D in the California/Temperance area would provide this and reduce miles driven, air pollution, and time wasted. The Community Center shown on the current plan at the Fowler and Annadale is many years away, and there is no residential planned in this area in the near future.
- There are already existing water and sewer utilities extended to the California and Temperance area which would allow economical connections and would be a further impetus for needed commercial/businesses (jobs) growth in this area.

In addition, following are reasons we feel that zoning this area Industrial/R&D would be an impediment to orderly growth:

- Industrial to the north of the railroad at Temperance is primarily an agricultural/wet industry (La Destria, formerly Bonner Packing). This is a significant development which has existed for over 100 years at this site. Zoning of R&D may not be consistent with this existing use due to odors, noise, rail traffic, and similar impacts.
- Industrial/R&D is typically the last of areas to develop in a new, large growth area. By making this area Industrial/R&D, it will essentially stop or severely slow development of this area and cause the areas east of the Briggs Canal to leapfrog over it. This would cause an expensive and undesirable situation for City services such as roads, water, sewer, and storm drainage, to be extended far to the east without development west of the Briggs Canal. This would cause unnecessary environmental impacts to the area.
- The areas west of the Temperance and California intersection are entirely residential and would be incompatible with various types of industrial uses that may develop here and bring few jobs.
- If it is necessary to have a certain number of Industrial/R&D areas in the plan, we suggest moving this zoning to the areas adjacent to Jensen Avenue between the Briggs Canal and

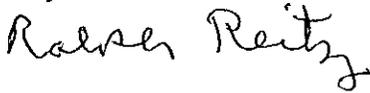
Highland Avenue. The present plan shows residential in these areas, which would be a poor choice due to the heavy traffic, noise, and air quality impacts of a future six-lane roadway such as Jensen Avenue. Another option that would better support Industrial/R&D would be in the vicinity of nearby SR 180 or the new Kings Canyon alignment.

In summary, the property owners in this area do not support the Industrial/R&D zoning, as exhibited by the attached letters representing the majority of owners in this area. We sincerely appreciate your consideration in modifying the currently proposed SEGA plan in this area to a plan similar to that shown in Exhibit 1.

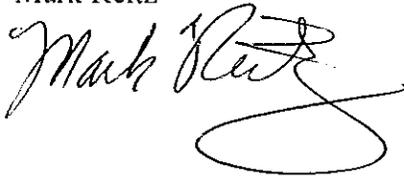
Sincerely,

Ralph Reitz Family

Ralph Reitz



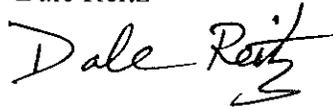
Mark Reitz



Frances Reitz



Dale Reitz



*Mark P. Reitz, PE*  
*246 E. Denise*  
*Fresno, CA 93720*  
*(559) 905-4523*

July 7, 2008

Trai Her  
City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

Re: SEGA Specific Plan

This letter is in response to the proposed land use and zoning alternative presented at the June 10, 2008 public meeting held at the Fresno Exhibit Hall. The presentations and discussions appeared to focus heavily on the one proposed plan shown in the enclosed color handout entitled "Building neighborhoods that thrive," also shown as Alternative 2.

We own a 20-acre farm at 1080 S. Temperance Avenue at the southeast corner of Temperance and the east/west California railroad tracks. We have lived at this family farm continuously for over 100 years. My parents, who are in their mid-80s, still reside there. We have anticipated the growth of Fresno in this area for over 50 years. The previous General Plan and Spheres of Influence have always shown this area to be future residential or commercial zoning. We are very disappointed now to see the proposed plan showing this area and the land on the east side of Temperance Avenue south to Jensen Avenue to be designated as Industrial. This does not seem to be consistent with the land use to the west, the northwest, and the southwest, which is all developed as residential/commercial all the way west to Clovis Avenue. The areas south of Jensen have always been planned as Industrial, which is consistent going west all the way to Freeway 99. We and our neighbors feel that zoning this area as Industrial is wrong, inconsistent with past plans, will severely slow the development of this area, and will severely decrease its property value as compared to the original General Plan.

If there are any important reasons that this particular area be designed Industrial other than "well we had to show so many acres of Industrial somewhere because we changed some of the area around the proposed Community College at Clovis and North Avenues to residential/commercial," I would like to know them. This was the reason stated to me at the meeting.

I am enclosing three other alternatives for your review that are very similar to your proposed plan but locate the Industrial area (which I assume you are including to balance the land use types) along the north side of Jensen east of Locan Avenue (Attachment 1) or the Briggs canal (Attachment 2). There is also an alternative showing the Industrial area east of Temperance, south of Jensen Avenue, and south of the proposed flood control basin (Attachment 3). I realize this third alternative includes land outside your study area, but this area should be considered as well just as the drainage basin that was selected for this area. These alternatives are superior because they have more frontage along Jensen, which is a four-lane divided highway and more

Trai Her, City of Fresno  
July 7, 2008

Page 2

appropriate for Industrial, and they also provide jobs closer to the residential areas to the north aligned with the future arterial (DeWolf Avenue).

We see no reason not to change this proposed Industrial zoning designation in this area. In fact, these changes would help to tie in the residential/commercial areas west of Temperance/south of the railroad tracks with those east of the Briggs canal. As California Avenue is shown as a four-lane arterial, this would provide good traffic flow between these similar land uses.

Our family and our neighbors request that this change or something similar (could also move some of the Industrial area to the north end of the SEGA area) be adopted as the Specific Plan for which the EIR will be prepared. As you know, once a plan such as this is adopted, it is very expensive and nearly impossible to change it. If you have any questions or wish to meet to discuss these recommendations, please call me at 559-905-4523.

Sincerely,



Mark Reitz, PE

Copies to: Fresno SE Growth Area Advisory Committee  
Fresno City Council Members  
Fresno City Planning Commission Members  
Fresno County Board of Supervisors

The 9,000-acre SEGA sits at the eastern edge of the current Fresno City limits, generally located east of Temperance Avenue, south of the City of Clovis, and west of the City of Sanger.



### A model for smart and sustainable growth

The SEGA planning process is based on listening to the community—that's you and your neighbors. This bold approach is different from standard planning projects as it compares the growth pattern of the past decades to alternative urban designs and brings the costs, benefits, and consequences of these options into the public forum. The process shows us if alternative designs will help us meet air quality goals, housing needs, and reduce water and energy demand. We get to see if new designs support our economy's growth within the limits of our fiscal and environmental resources. Only through this combination of advanced planning and defensible analysis can we make an informed choice about our future. This model has the potential to solve many urban growth challenges, air pollution, sustainability issues, and more. With input from you and your neighbors, the process will be more accurate and thorough.

### Be the change

More than 800 people have attended public listening sessions and forums about the SEGA with City of Fresno staff, the locally appointed SEGA Advisory Committee, and internationally recognized Calhorne Associates. On June 10, 2008 plan alternatives for SEGA will be unveiled for discussion and evaluation by the public.

It's up to us to make an informed decision about the future direction of our city.

**Dedicated Trail Systems**  
Trail systems and bicycle paths make traveling without a car safe and convenient. Schools and major centers can be reached safely with or without a car.

**Open Space and Recreation**  
A variety of natural open spaces and parks provide for recreation in all areas of the SEGA.

**Walkable Neighborhoods**  
Nearly all homes are within walking distance of a neighborhood center, with an elementary school, recreation areas, community gardens, and small shops.

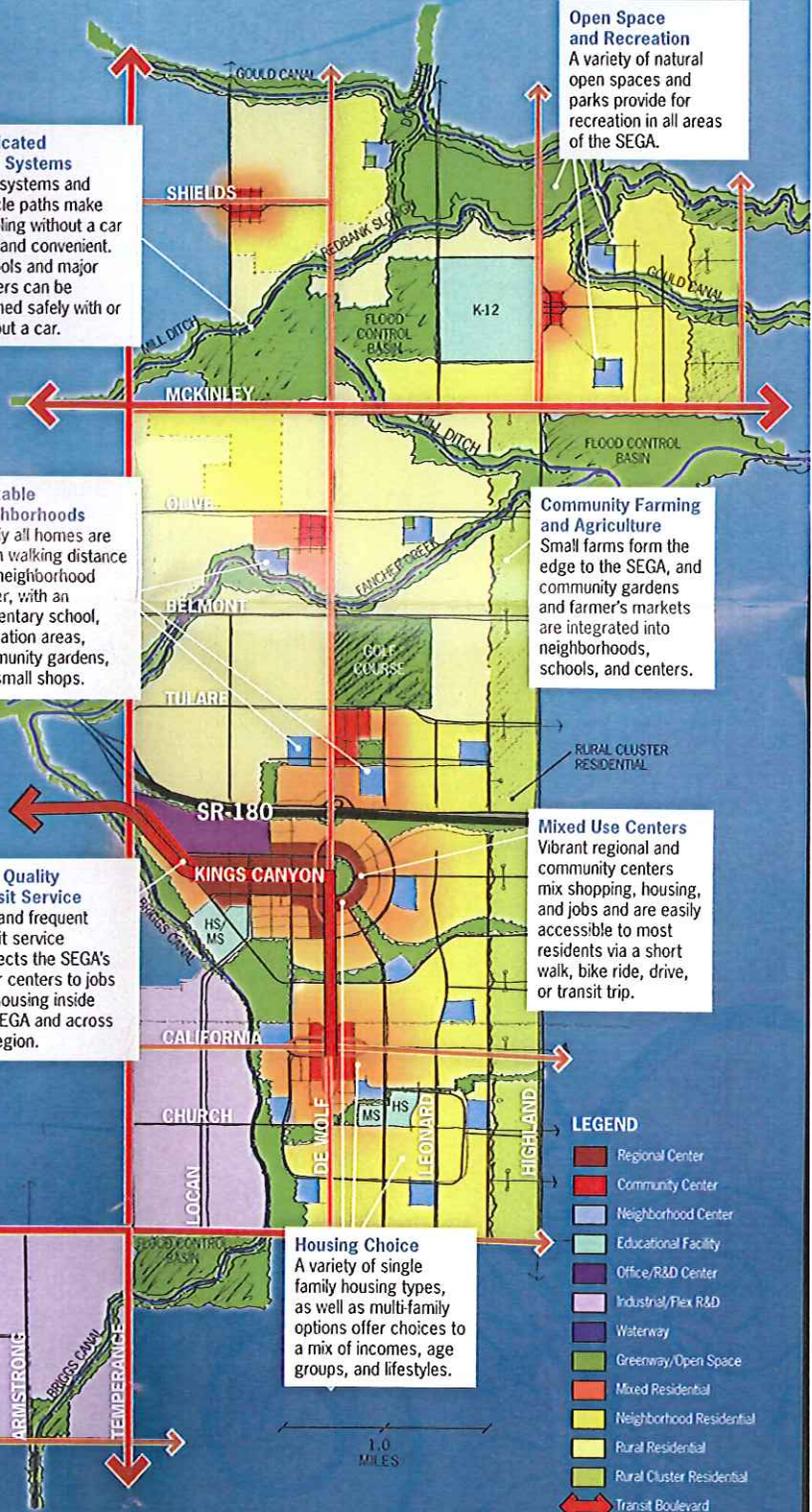
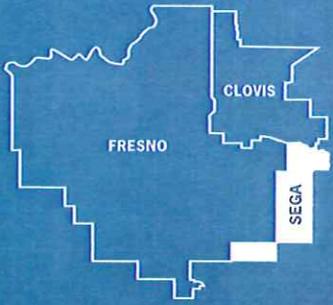
**Community Farming and Agriculture**  
Small farms form the edge to the SEGA, and community gardens and farmer's markets are integrated into neighborhoods, schools, and centers.

**High Quality Transit Service**  
Fast and frequent transit service connects the SEGA's major centers to jobs and housing inside the SEGA and across the region.

**Mixed Use Centers**  
Vibrant regional and community centers mix shopping, housing, and jobs and are easily accessible to most residents via a short walk, bike ride, drive, or transit trip.

**Innovative Employment Areas**  
The SEGA could attract opportunities in green technology and energy systems, ag-related industries, and other emerging fields.

**Housing Choice**  
A variety of single family housing types, as well as multi-family options offer choices to a mix of incomes, age groups, and lifestyles.



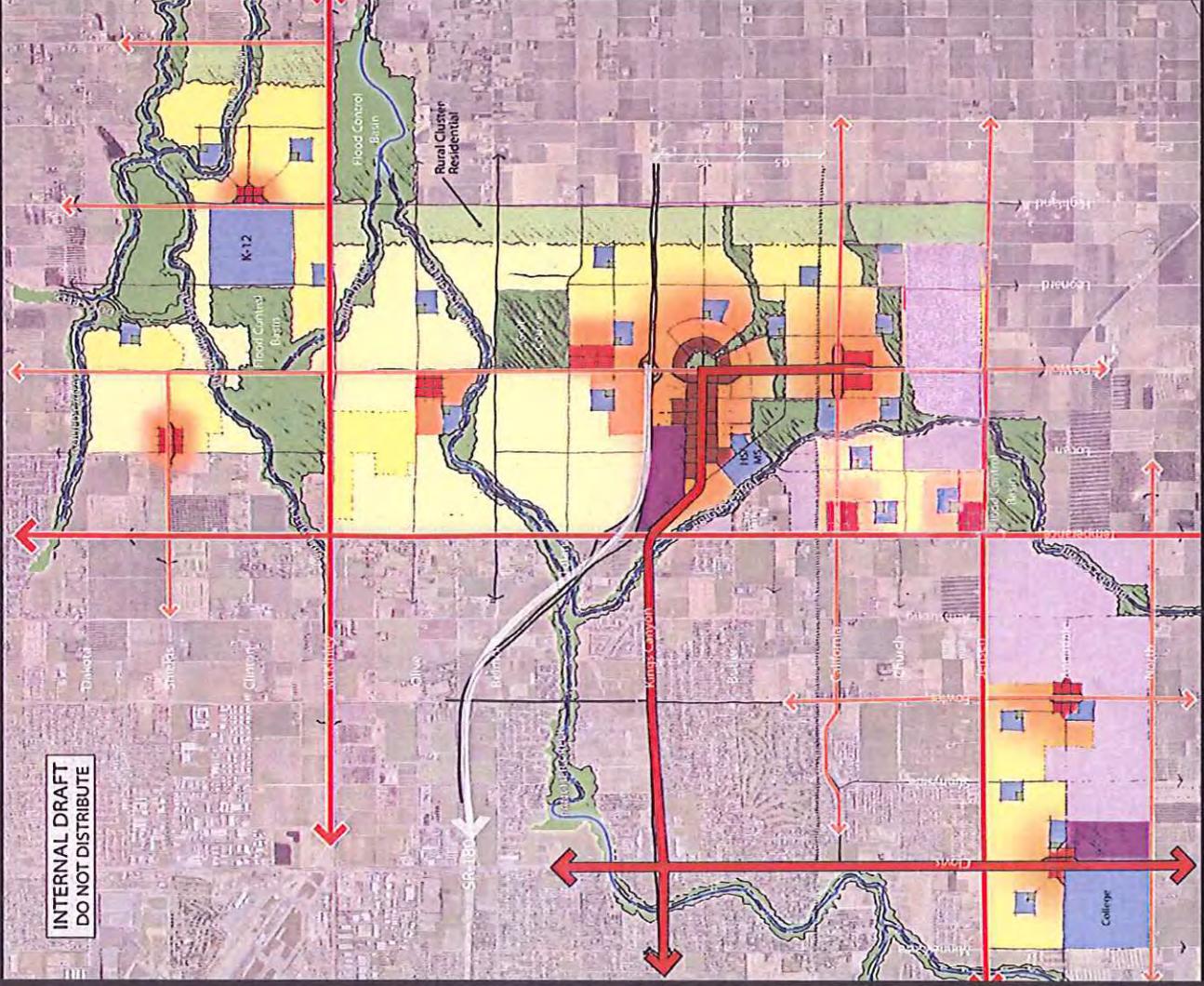
- LEGEND**
- Regional Center
  - Community Center
  - Neighborhood Center
  - Educational Facility
  - Office/R&D Center
  - Industrial/Flex R&D
  - Waterway
  - Greenway/Open Space
  - Mixed Residential
  - Neighborhood Residential
  - Rural Residential
  - Rural Cluster Residential
  - Transit Boulevard
  - Boulevard/Expressway
  - Avenue
  - Connector

This map depicts one of a series of conceptual draft plan alternatives developed for the SEGA. This alternative expresses many of the key opportunities and goals of the planning process, as described in the map captions. Each plan alternative is being analyzed and compared for its consequences on a broad array of issues, from environmental impacts like air pollution and water use, to fiscal impacts like infrastructure cost and utility rates, to community impacts like walkability and neighborhood qualities.

# Alternative 2

## Transit-Supportive Land Use

Dispersed Office &  
Industrial

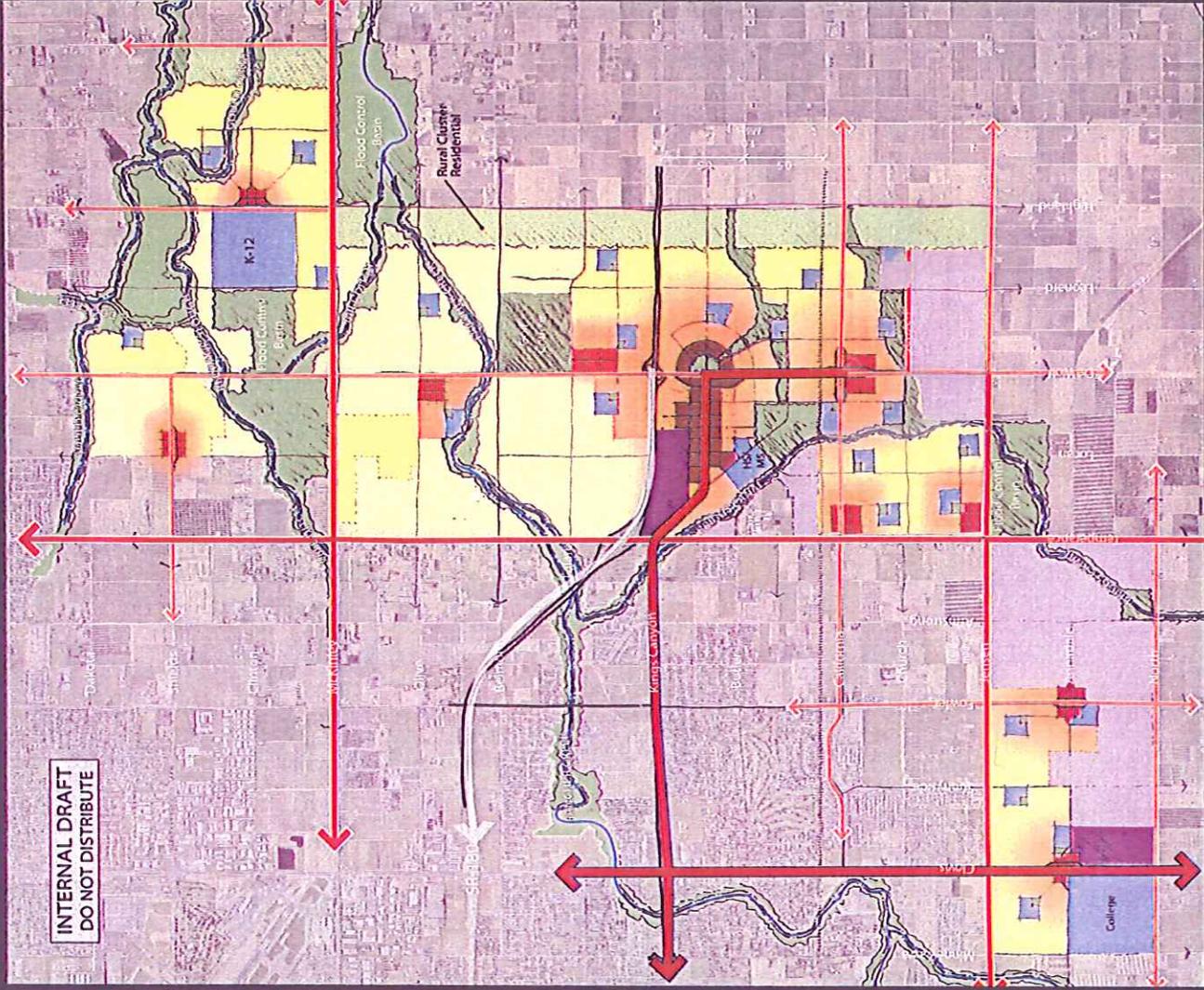


DRAFT

# Alternative 2

## Transit-Supportive Land Use

Dispersed Office &  
Industrial



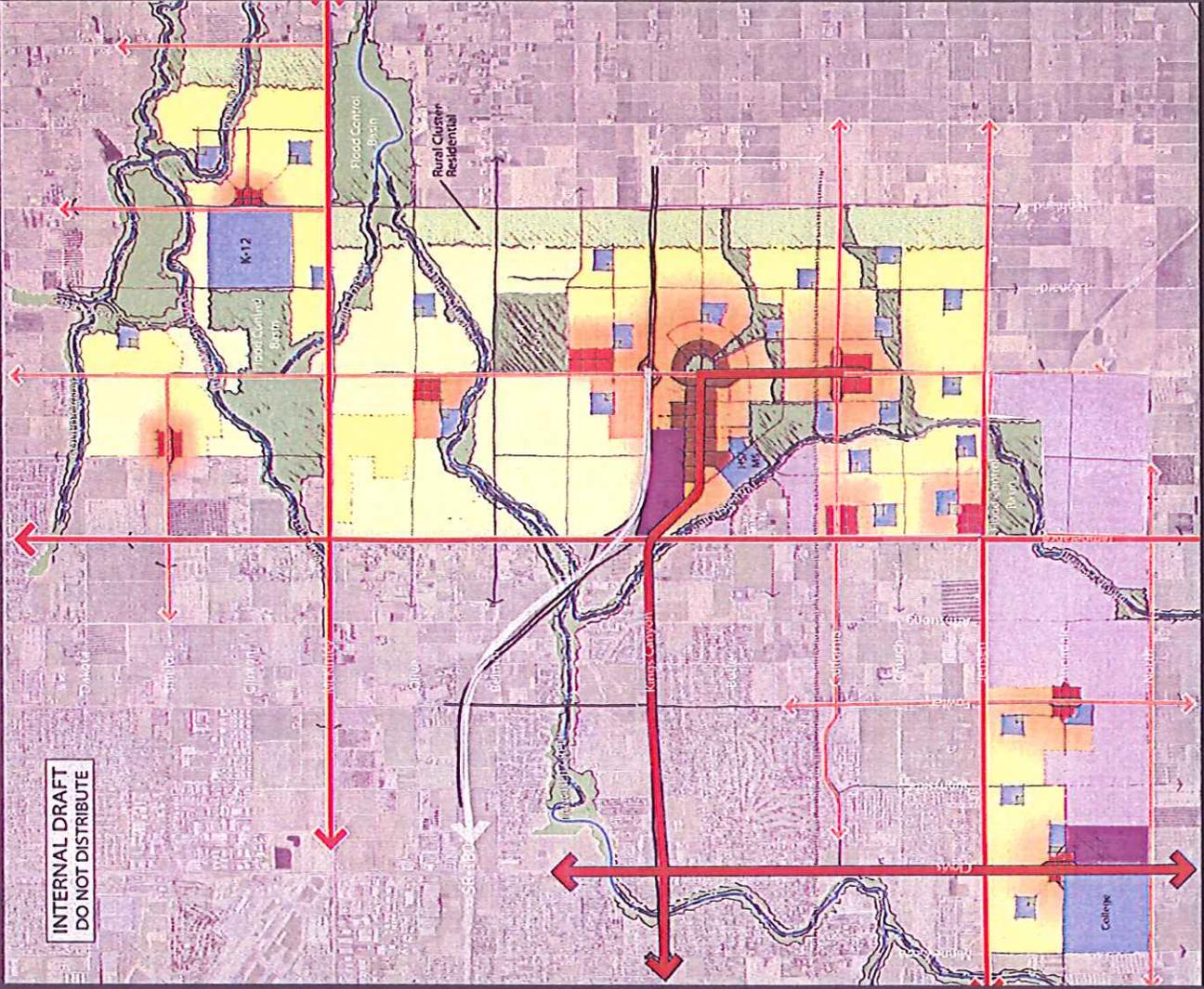
DRAFT

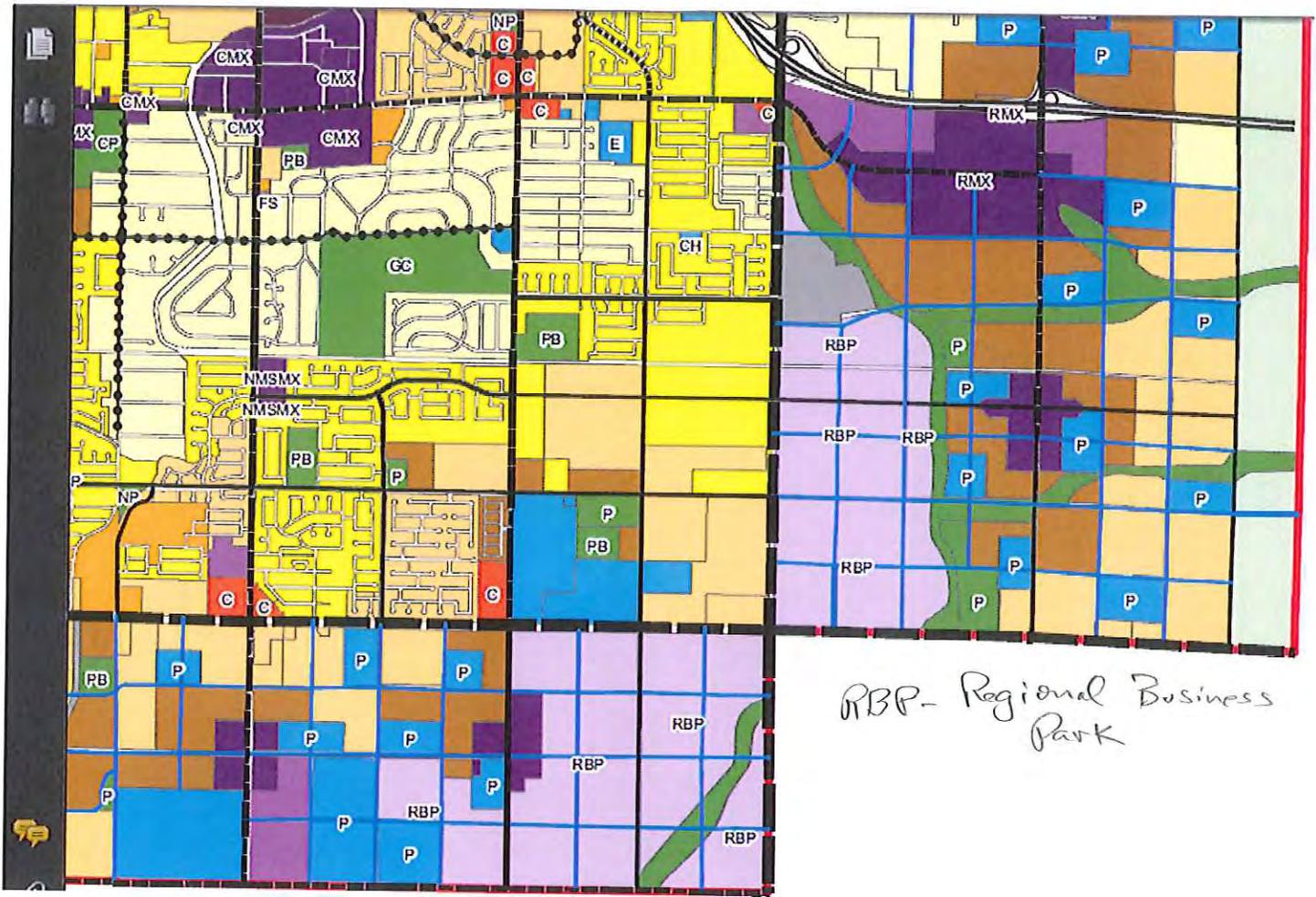
Alt. 2

# Alternative 2

## Transit-Supportive Land Use

Dispersed Office &  
Industrial





RBP - Regional Business Park

*Introduction*

**Recreation**

The commercial recreation designation is intended for areas of private commercial recreation uses such as bowling alleys, family entertainment centers, and golf driving ranges. The maximum FAR is 0.5.

**General**

This designation is intended for a range of retail and service uses that are not appropriate in other areas because of higher volumes of vehicle traffic and potential adverse impacts on other uses. Development such as strip malls would fall into this designation. Examples of allowable uses include: building materials, storage facilities with active storefronts, equipment rental, wholesale businesses, and specialized retail not normally found in shopping centers. The maximum FAR is 2.0.

**Highway & Auto**

The Highway & Auto land use designation is intended for limited areas near the freeway to accommodate uses that depend on or are supported by freeway access but do not generate a large volume of traffic. Hotels, restaurants, and auto malls are typical land uses. The maximum FAR is 0.75.

**Regional**

This land use designation is intended to meet local and regional retail demand, such as large-scale retail, office, civic and entertainment uses, shopping malls, with large format or “big-box” retail, are allowed, as are supporting uses such as gas stations, and hotels. Buildings are typically larger-footprint and urban-scaled. Development and design standards will create a pedestrian orientation within centers and along major corridors, with parking generally on the side or rear of major buildings, but automobile-oriented uses also will be accommodated on identified streets and frontages. The maximum FAR is 1.0.

~~Employment~~

**Office**

The Office land use designation is intended for administrative, financial, business, professional, medical, and public offices. This designation is mainly intended to apply to existing office uses on smaller lots, generally located on arterial roadways. This designation is also considered compatible with existing residential neighborhoods given the smaller level of noise and traffic generation than commercial uses. Retail uses would be limited to business services and food service and convenience goods for those who work in the area. The maximum FAR is 2.0.

**Business Park**

The Business Park designation provides for office/business parks in campus-like setting that is well suited for large offices or multi-tenant buildings. This designation is intended to accommodate and allow for the expansion of small businesses with limited outdoor storage proximate to residential

uses, thus adequate landscaping is imperative. Typical land uses include research and development, laboratories, administrative and general offices, medical offices and clinics, professional offices, prototype manufacturing, testing, repairing, packaging, and printing. No freestanding retail is permitted, except for small uses serving businesses and employees. The maximum FAR is 1.0.

### Regional Business Park

The Regional Business Park land use designation is intended for large or campus-like office and technology development that includes office, research and development, manufacturing, and other large-scale, professional uses, with limited and properly screened outdoor storage. Permitted uses include incubator-research facilities prototype manufacturing, testing, repairing, packaging, and printing as well as offices and research facilities. Small-scale retail and service uses serving local employees and visitors are permitted as secondary uses. The maximum FAR is 1.0.

### Light Industrial

The Light Industrial designation 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 freeways. The maximum FAR is 1.5.

### Heavy Industrial

The Heavy Industrial designation accommodates the broadest range of industrial uses including manufacturing, assembly, wholesaling, distribution, and storage activities that are essential to the development of a balanced economic base. Small-scale commercial services and ancillary office uses are also permitted. The maximum FAR is 1.5.

### Mixed Use

Mixed-use land use designations are based on commercial uses and require a residential component.

### Corridor/Center Mixed Use

The Corridor/Center Mixed Use designation is higher intensity than Neighborhood Mixed Use, and is intended to allow for either horizontal or vertical mixed-use development in multiple story buildings along key circulation corridors in the city where height and density can be easily accommodated. Ground-floor retail and upper-floor residential or offices are the primary uses, with personal and business services and public and institutional space as supportive uses. Development will facilitate the transformation of existing transportation corridors into vibrant, highly walkable areas with broad, pedestrian-friendly sidewalks, trees, landscaping, and local-serving uses with new buildings that step down in relationship to the scale and character of adjacent neighborhoods. This designation will largely apply along arterial streets, at targeted locations between regional activity centers. Residential

52f



I OBJECT to the Fresno  
City Planning Commission plan /  
also Fresno City General Plan  
2035. Reason Housing Elements /  
Census / not Equal By population /  
77 overlapping Boundary Lines  
as stated by County of Fresno  
County Clerk / Registrar of  
Voters. Brandi L. Orth  
also this has been spoken  
May at time by Barbara H.  
Hunt at hot meeting  
By the City of Fresno and  
the Fresno Council Meets.  
I live and I was born in  
the South West Fresno area.  
But all the the Streets sign  
say south east. But the  
General Plan states the  
south east / south west is  
the Edison County plan  
Over

The planning Commission gave  
me a letter stating that 1900  
we were south west Fresno, <sup>53</sup>  
But the planning Commission also  
states that the County of Fresno  
turn the quadrum and make  
SW. / SW East to south East  
Fresno and it would take  
Millions of dollars to change  
all of the signs and addresses  
in the city of Fresno. I want  
to know if the sphere of influence  
Legal with the profit sharing  
agreement that we have with the  
County of Fresno Legal.  
Please answer me.

Barbara Ann Hunt  
2475 S. Walnut Ave  
Fresno Ca 93706  
(555) 477-8320 ?





COUNTY OF FRESNO

COUNTY CLERK / REGISTRAR OF VOTERS

BRANDI L. ORTH

# VOTING PRECINCTS 101:

An update for the November 2014 election

## The "Why" and "How" of Establishing Voting Precincts

### When:

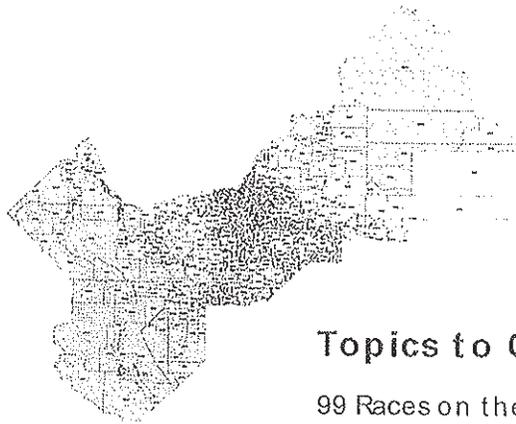
Thursday, September 18, 2014

### Time:

5:30 PM –7:00 PM

### Where

Fresno County Election Training Room  
4525 E. Hamilton Ave., Fresno, CA, 93702



### Topics to Cover

- 99 Races on the Ballot
- 77 Overlapping Boundary Lines
- Process of Precinct Consolidation
- Applicable Laws
- How a Polling Place is Established
- Advantages of Being a Mail Ballot Precinct
- Effects of Provisional Ballots after Election

Bring a Friend!

Please Contact Robert G. Bergstrom at [rbergstrom@co.fresno.ca.us](mailto:rbergstrom@co.fresno.ca.us) to RSVP



**Planning and Development Department**

2600 Fresno Street, Third Floor, Room 3065  
Fresno, California 93721-3604  
(559) 621-8003, FAX (559) 498-1012

**Keith Bergthold, Interim Director**

October 2, 2008

Greg T. Gaddie Et. Al.  
1125 S. DeWolf Ave.  
Fresno, CA 93727

**Subject:** Southeast Growth Area Landowner Plan Modification

Dear Mr. Gaddie:

We received your SEGA Preferred Alternative 2 - Landowner Plan Modification ("Plan Modification") application by the deadline of September 4, 2008.

Your Plan Modifications has been formally accepted for processing and has been given the application processing identification code A-08-24. To allow the Council to formally consider and potentially approve your proposed Plan Modification, your Plan Modification, as well as all others properly submitted, will be:

- (1) Assessed in the Environmental Impact Report (EIR) for the SEGA Specific Plan; and
- (2) Evaluated by City Planning Staff in a staff report to accompany presentation of the Draft SEGA Specific Plan.

The Project Description in the EIR will describe each proposed Plan Modification. The landowner suggested modifications will be characterized as options to the implementation of the SEGA Preferred Plan (Alternative 2). The Council will be presented with all Plan Modifications when considering certification of the EIR and approval of the SEGA Specific Plan. At that time, Council may or may not approve the SEGA Specific Plan with or without your Plan Modification.

The City will provide you with a notice by mail for all future proceedings or events where the City provides public notice for review and approval of the Draft SEGA Specific Plan and the EIR. Although the following dates may be subject to change, the City has established the following tentative timelines for the review and approval of the SEGA Specific Plan and EIR:

- June 2009** Draft SEGA Specific Plan EIR released to the public for a 45-day public review period. The Draft Specific Plan released.
- July 2009** Public presentation of the Draft SEGA Specific Plan to the Fresno Planning Commission.
- City to conduct separate public meeting to receive comments on the Draft SEGA Specific Plan EIR.
- November 2009** Planning Commission and Council hearings to consider Draft SEGA Specific Plan for approval and certification of EIR.

If you have any questions, please contact Keith Bergthold, at (559) 621-8049 or [keith.bergthold@fresno.gov](mailto:keith.bergthold@fresno.gov) and/or Mike Sanchez at (559) 621-8040 or [mike.sanchez@fresno.gov](mailto:mike.sanchez@fresno.gov).

Sincerely,



Keith Bergthold

Cc: Andy Souza  
Kathy Phelan  
Mike Sanchez

**Planning and Development Department**

2600 Fresno Street, Third Floor, Room 3065  
Fresno, California 93721-3604  
(559) 621-8003, FAX (559) 498-1012

**Keith Bergthold, Interim Director**

October 2, 2008

BN Childers 115 LP  
7030 N. Fruit Ave, Suite 101  
Fresno CA 93711

Bonadelle Homes, Inc.  
7030 N Fruit Ave, Suite 101  
Fresno, CA 93711

**Subject:** Southeast Growth Area Landowner Plan Modification

**Dear Applicant:**

We received your SEGA Preferred Alternative 2 - Landowner Plan Modification ("Plan Modification") application by the deadline of September 4, 2008.

Your Plan Modifications has been formally accepted for processing and has been given the application processing identification code A-08-25. To allow the Council to formally consider and potentially approve your proposed Plan Modification, your Plan Modification, as well as all others properly submitted, will be:

- (1) Assessed in the Environmental Impact Report (EIR) for the SEGA Specific Plan; and
- (2) Evaluated by City Planning Staff in a staff report to accompany presentation of the Draft SEGA Specific Plan.

The Project Description in the EIR will describe each proposed Plan Modification. The landowner suggested modifications will be characterized as options to the implementation of the SEGA Preferred Plan (Alternative 2). The Council will be presented with all Plan Modifications when considering certification of the EIR and approval of the SEGA Specific Plan. At that time, Council may or may not approve the SEGA Specific Plan with or without your Plan Modification.

The City will provide you with a notice by mail for all future proceedings or events where the City provides public notice for review and approval of the Draft SEGA Specific Plan and the EIR. Although the following dates may be subject to change, the City has established the following tentative timelines for the review and approval of the SEGA Specific Plan and EIR:

- June 2009** Draft SEGA Specific Plan EIR released to the public for a 45-day public review period. The Draft Specific Plan released.
- July 2009** Public presentation of the Draft SEGA Specific Plan to the Fresno Planning Commission.
- City to conduct separate public meeting to receive comments on the Draft SEGA Specific Plan EIR.
- November 2009** Planning Commission and Council hearings to consider Draft SEGA Specific Plan for approval and certification of EIR.

If you have any questions, please contact Keith Bergthold, at (559) 621-8049 or [keith.bergthold@fresno.gov](mailto:keith.bergthold@fresno.gov) and/or Mike Sanchez at (559) 621-8040 or [mike.sanchez@fresno.gov](mailto:mike.sanchez@fresno.gov).

Sincerely,



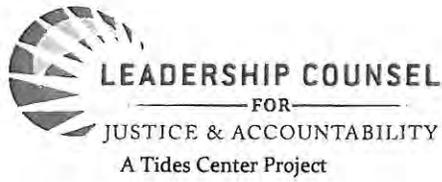
Keith Bergthold

Cc: Andy Souza  
Kathy Phelan  
Mike Sanchez



E Clinton Ave

55b



**Comments Submitted by Leadership Counsel for Justice and Accountability  
in Response to the City of Fresno's General Plan Public Review Draft  
Released July 2, 2014**

Date: August 18, 2014

TABLE OF CONTENTS

	<u>Page</u>
I. The 2035 General Plan is an Opportunity that We Must Not Pass By .....	2
II. Clarify Provisions Governing Interpretation .....	3
III. Establish an Infill Opportunity Working Group to Ensure that City Policies and Practices Advance the Health and Vitality of the City’s Low-Income, Disadvantaged Residents and Neighborhoods .....	3
IV. Vague and Unenforceable Infill Policies Deviate From the City’s Commitment to Residents Under Alternative A Modified and Render the Plan Internally Inconsistent .....	6
1. Objective UF-12 is Vague and Unenforceable and Lacks Effective Implementing Policies and Actions.....	7
i. <i>UF-12 is Vague and Unenforceable</i> .....	7
ii. <i>Ambiguity in Definition of “Infill”</i> .....	9
iii. <i>The Draft Plan Lacks Criteria for Monitoring Relative Proportions of Development in Infill and Growth Areas To Ensure the Achievement of Infill Targets</i> .....	10
2. Adopt Revisions and Additions to Resolve Ambiguities, Achieve Internal Consistency, and Support Plan Goals and Objections Dependent on Restricting Outward Growth .....	11
3. Support the Achievement of Transportation, Green House Gas Reduction, and Agricultural Preservation Goals by Appropriately Limiting Greenfield Development.....	13
V. Ensure Access to High-Quality Affordable Housing Throughout the City and New Development in Growth Areas .....	15
1. Include Policies Explicitly Aimed at Enhancing the Affordable Housing Stock Throughout the Planning Area .....	16
2. Ensure Affordable Housing Options in All Residential Development	

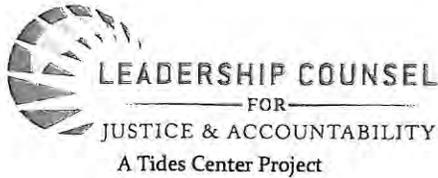
	Page
In Growth Areas through High Density Land Use Designations, Policies, and Implementation Actions .....	20
3. Prevent Overconcentration of Low-Income Housing in Disadvantaged Neighborhoods .....	21
4. The City Must Complete Rezoning Requiring by Housing Element Program 2.1.6A.....	22
5. Prevent Resident Displacement Due to Rising Housing Costs Under Plan Implementation .....	23
6. Promote High-Quality Housing through Quality Design and Responsive And Effective Code Enforcement .....	25
7. Enhance Opportunities For Stakeholder Engagement in the Formation and Implementation of City Housing Policy .....	26
VI. Prioritize the Resolution of Infrastructure Deficiencies in Disadvantaged Neighborhoods .....	26
VII. Prioritize the Provision of Public Facilities in Existing Underserved Neighborhoods .....	28
VIII. Address the Over-Concentration of Liquor Stores and Associated Health and Safety Impacts in Certain South Fresno Neighborhoods .....	28
IX. Plan for Sufficient High-Quality Parks and Open Space in Underserved Neighborhoods .....	29
1. Strengthen Draft Plan Prioritization of Meeting the Park Space Needs of Park Deficient Neighborhoods .....	30
2. Modify Draft Plan Policies and Narrative to Support Achievement of Park Space Goals .....	31
3. Select New Park Spaces that will Safeguard Health.....	31
4. Provide For Effective Resident Input in Park Planning.....	32
5. Ensure that Support for Community Facilities Districts Does Not Impair Achievement of Parks and Open Space Standards in Underserved Neighborhoods.....	32
6. Allow Vehicle Access to San Joaquin River Parkway through the River View Drive Area/Neighborhoods .....	32

	Page
X. Ensure the Provision of Efficient and Affordable Transportation Amenities for All City Residents and Create Transit Ready Neighborhoods .....	33
1. Prioritize the Transit Needs of Low-Income Neighborhoods and Populations.....	33
2. Effectively Link Land Use and Transit to Support Achievement of Infill and Complete Neighborhoods Objectives .....	33
3. Prioritize the Provision of Street Lighting in Underserved Areas with Higher Levels of Crime .....	34
XI. Prioritize Investment in Water and Wastewater Infrastructure in Existing Neighborhoods and Plan for the Efficient and Sustainable Use of Water Resources .....	34
XII. Minimize Resident Exposure to Hazardous Pollutants in Pollution-Burdened Neighborhoods .....	37
1. Prioritize Equal Protection Against Polluting and Toxic Land Uses.....	37
2. Modify Land Use Designations to Address Over-Concentration of Business Park and Industrial Land Uses in and around South Fresno and Calwa.....	38
3. Ensure Compatibility of New and Expanded Industrial Development Existing and Planned Land Uses.....	41
4. Prevent Further Concentration of Waste Facilities in Disadvantaged Neighborhoods.....	43
5. Prevent Further Concentration of and Mitigate Environmental Health Hazards of Harzardous Waste Facilities in Disadvantaged Neighborhoods.....	44
6. Prevent Truck Traffic Interference with Public Health and Use and Enjoyment of Property .....	45
7. Mitigate Resident Exposure to Negative Health Impacts from Agriculture within City Limits.....	46
8. Examine, Mitigate , and Prevent Exacerbatation of Disproportionately Poor Air Quality in Certain Areas of the City .....	47
9. Ensure Community Engagement in Remediation of Contaminated Sites .....	49
10. Prioritize Enforcement and Create a Green Zone Fund for Improvement	

	Page
in Disadvantaged, Pollution-Burdened Neighborhoods .....	49
XIII. Prevent Exposure by Resident and Other Sensitive Populations to Noise Exceeding Proposed Noise Thresholds .....	50
1. Policies to Intensify Industrial Land Uses Conflict with the Draft Plan’s Noise Thresholds .....	50
2. Clarify and Strengthen Policies to Prevent Resident Exposure to Excessive Noise .....	51
3. Modify Policy NS-1-I to Comply with CEQA’s Cumulative Impact Requirements .....	52
XIV. Ensure that Economic Development Policies Create Opportunity for Low-Income Residents and Facilitate Economic Vitality in High-Property Neighborhoods .....	52
1. Provide Opportunities for Resident and Stakeholder Engagement in the Formation and Assessment of Economic Development Policies.....	52
2. Target Investment and Job-Readiness Efforts in Existing, High-Property Neighborhoods.....	53
3. Ensure that Low-Income Residents and Residents High-Poverty Neighborhoods Benefit from New Job Opportunities .....	54
4. Provide Support for Small, Local, and Minority-Owned Business .....	55
5. Enhance Access to Traditional Banking Services and Ensure Adequate Regulation of Predatory Lending Operations.....	55
6. Address the Jobs/Housing Imbalance through Land Use and Transportation Policies .....	56
7. Investigate and Adopt a Living Wage Ordinance.....	56
XV. Enhance Educational Attainment Among Low-Income Residents through Targeted Investment in Disadvantaged Neighborhoods and the Creation of Affordable Housing Opportunities Near High-Performing Schools.....	56
XVI. Engage Residents, Advocacy Groups, and other Stakeholders in Regional Planning and Development Efforts .....	58
XVII. Failure to Address Government Code §§56375 and 65302.10’s Requirements Relating to Disadvantaged Unincorporated Communities.....	58

	Page
1. Conflict Between LU-1-e, "Annexation Requirements," Government Code § 56375 .....	58
2. Failure to Plan for Disadvantaged Unincorporated Communities in Accordance with Address Government Code §65302.10.....	59
XVIII. Reporting and Monitoring .....	59





August 18, 2014

Jennifer Clark,  
AICP, Director, Development and Resource Management Department  
2600 Fresno Street, Room 3065  
Fresno, CA 93721

*SENT VIA E-MAIL AND HAND DELIVERY*

**Re: Comments on Fresno General Plan Public Review Draft**

Dear Ms. Clark:

We are writing to provide comments on the Fresno General Plan Public Review Draft released on July 2, 2014 ("Draft General Plan" or "Draft Plan"). Thank you for the opportunity to provide comments.

Leadership Counsel for Justice and Accountability ("Leadership Counsel") is a project of the Tides Foundation, a 501(c)(3) non-profit, and has as its mission to work alongside the most impacted communities in California's Central and Coachella Valleys to advocate for sound policy and eradicate injustice to secure equal access to opportunity regardless of wealth, race, income, and place. In preparing these comments, we draw from our knowledge and experience gained through collaboration with The California Endowment's Fresno Building Healthy Communities initiative, Central, Southeast, and Southwest Fresno residents, grassroots organizations, Fresno's elected officials and City staff, and other residents and partner organizations.

These comments aim to assist the City in creating a final General Plan ("Final General Plan" or "Final Plan") that will meet the needs of the City's current and future low-income, disadvantaged residents and communities, with a focus on Central, Southeast, and Southwest Fresno. The comments thereby aim to support the formation of a Final Plan that will achieve the stated goals of creating healthy, thriving, and economically vital neighborhoods with opportunity for all Fresno residents.

Likewise, these comments seek to assist the City in developing a Final Plan that complies with applicable state and federal legal requirements. As explained in detail in the body of this letter, several components of the Draft Plan fail to comply with state planning laws and state and federal fair housing and civil rights laws, including but not limited to 42 U.S.C. §§ 2000d, 3601, et seq., 5304(b)(2), 5306(s)(7B), and 12705 and Cal. Gov. Code §§ 11135, 12955, et seq., 65008(a), and 65300. We are optimistic that - working together - we can ensure that these deficiencies are resolved in the Final Plan.

These comments build off of written comments submitted by Leadership Counsel on the General Plan Update Preliminary Workshop Discussion Draft chapters in our letter dated September 23,

Jennifer Clark, Director, DARM

August 18, 2014

Page 2

2013 (“September 2013 Letter”) and oral comments offered at planning commission workshops and in meetings with Development and Resource Management Department (“DARM”) staff. We thank staff for incorporating certain recommendations provided in our comments on the General Plan Preliminary Draft Chapters into the Draft Plan. This letter contains comments that address new issues raised by the Draft Plan, reflects our continued analysis and investigation of matters raised in our comments on initial plan drafts, and reiterates comments and recommendations set forth in our September 2013 Letter which the Draft Plan fails to address.

Though the comments contained herein are relevant to the Draft Master Environmental Impact Report (“Draft MEIR”) for the Draft Plan and Development Code Update, the comments do not directly address the Draft MEIR. We will follow this letter with a separate letter directly addressing the MEIR prior to the deadline for such comments. Leadership Counsel also reserves the right to comment further on the Draft General Plan on its own behalf and on behalf of clients represented by Leadership Counsel throughout the General Plan review and adoption process.

We thank you for your consideration of our comments and look forward to working with you on their incorporation into the Final Plan.

#### **I. The 2035 General Plan is an Opportunity that We Must Not Pass By**

Almost a decade has passed since the Brookings Institution highlighted Fresno as the United States city with the highest levels of concentrated poverty. In the years since, we have learned that the congressional district that includes Fresno (prior to redistricting earlier this decade) exhibits the lowest levels of human development as measured by educational, economic and health indicators<sup>1</sup>, concentrated poverty continues to prevail<sup>2</sup> and now, with the introduction of the California EPA and the Office of Environmental Health Hazard Assessment’s CalEnviroScreen, we see clearly in reds and oranges that certain areas of Fresno – primarily those with the highest rates of poverty and proportions of people of color – bear the highest levels of vulnerability based on demographic indicators and their exposure to environmental stressors.

We now have the opportunity to rethink the models, patterns and decisions that created these stark inequalities and to set ourselves on a new trajectory to create one healthy Fresno and one

---

<sup>1</sup> See Sarah Burd-Sharps & Kristen Lewis, A Portrait of California: California Human Development Report 2011, America Human Development Project, 2011, available at <http://www.measureofamerica.org/docs/APortraitOfCA.pdf>

<sup>2</sup> See e.g., Elizabeth Kneebone, The Growth and Spread of Concentrated Poverty, 2000 to 2008-2012, the Brookings Institute, July 31, 2014 (finding that more than three-quarters of Fresno’s suburban poor live in high poverty or distressed census tracts), available at <http://www.brookings.edu/research/interactives/2014/concentrated-poverty#/M10420>; Elizabeth Kneebone, Carey Nadeau, and Alan Berube, The Re-Emergence of Concentrated Poverty: Metropolitan Trends in the 2000s, The Brookings Institution, November 2011, pp. 1, 8, 21 (Placing Fresno’s concentrated poverty rate at 25.1% between 2005 to 2009, the fifth highest among U.S. metro areas; Fresno experienced some of the steepest increases in concentrated poverty levels with the recession in the late 2000s), available at [http://www.brookings.edu/~media/research/files/papers/2011/11/03%20poverty%20kneebone%20nadeau%20berube/1103\\_poverty\\_kneebone\\_nadeau\\_berube.pdf](http://www.brookings.edu/~media/research/files/papers/2011/11/03%20poverty%20kneebone%20nadeau%20berube/1103_poverty_kneebone_nadeau_berube.pdf)

vibrant community for all Fresno residents. With the 2035 General Plan, we have the opportunity to reverse the reality that one's census tract determines his health, her education, his access. We cannot let this opportunity pass us by.

## **II. Clarify Provisions Governing Interpretation of the Plan**

The Draft Plan's introductory chapter provides guidance for understanding the Plan and directs the reader to distinguish between "Mandatory" and "Flexible" directives as follows:

"Terms in goals, objectives, policies and implementation measures such as 'shall' and 'must' signify an unequivocal directive, which should be narrowly construed. *Any other language* such as 'may' or 'should' signifies a less rigid directive, to be honored in the absence of compelling or contravening considerations. Unless clearly identified as an unequivocal directive, terms should be interpreted to be a flexible directive." (1:29)  
(italics added)

Several goals, objectives, policies and implementation measures in the Draft Plan do not use the words "shall" or "must" but a plain reading of these measures renders unequivocal directives. For example, ED-5-e states, "Require fiscal impact analyses for development proposals requiring a General Plan amendment..." Since ED-5-e does not include the terms "shall" or "must" but rather uses "other language", it is merely a "flexible" directive according to the guidance provided in the Draft Plan Introduction.

The discussion of "Mandatory and Flexible Directives" should clarify that directives that do not use the words "shall" or "must" are still mandatory directives where a plain reading of the language so indicates, such as for Policy ED-5-e.

## **III. Establish an Infill Opportunity Working Group to Ensure that City Policies and Practices Advance the Health and Vitality of the City's Low-Income, Disadvantaged Residents and Neighborhoods**

The Final Plan should include policies and implementation actions necessary to create an Infill Opportunity Working Group ("Working Group"). The Working Group will provide for ongoing engagement by diverse stakeholders to ensure that City policies and practices and General Plan implementation meet the needs of low-income and disadvantaged residents and advance the environmental quality, health and economic vitality of the City's existing, and in particular distressed, neighborhoods.<sup>3</sup>

The Infill Opportunity Working Group should consist of residents, City staff, local advocates, experts, and other sectoral and institutional representatives as follows:

---

<sup>3</sup> The concept of the Infill Opportunity Working Group developed over the course of multiple meetings and communication with DARM staff and members of the Mayor's administration.

- residents of the City's low-income, economically depressed, and pollution-burdened neighborhoods;
- staff of local non-profits and community-based organizations;
- City staff from several City departments, including DARM, Public Works, and Parks and Recreation;
- at least one Fresno County Board of Education member;
- infill developers and other representatives of the development community
- representatives of industrial facilities operating in Fresno;
- owners of small and minority-owned businesses located in low-income Fresno neighborhoods;
- one air quality expert; and
- one water quality expert

As envisioned in this letter, the Working Group's geographical focus will comprise (1) neighborhoods in Fresno at or below 60% Medium Household Income (MHI) for Fresno County and (2) neighborhoods which rank within the top 10% of pollution-burdened census tracts under the Communities Environmental Health Screening Tool ("CalEnviroScreen") created by the California Communities Health California Environmental Protection Agency ("CalEPA") and the California Office of Environmental Health Hazard ("OEHHA").<sup>4</sup>

In particular, the Working Group will assist the City in the development and implementation of policies relating to infill development, economic development, community revitalization, and industrial siting and expansion, provide input on the City's investment strategies and capital improvement priorities, and participate in the City's long-range planning endeavors, including the development and revision of specific and community plans. The Working Group will play a critical role in connecting the City and residents of low-income, disadvantaged neighborhoods in order to the foster collaboration and understanding necessary to build healthy communities.

This letter provides specific recommendations relating to the Infill Opportunity Working Group's purview through the proposed revisions and additions to the Draft Plan's goals, objectives, and policies contained in this letter. A few examples of specific functions and responsibilities that may be assigned to the Working Group include:

- Assisting the City in identifying and prioritizing infill opportunities in neighborhoods within the Working Group's geographical focus.
- Participating in the formation, review, and oversight of the implementation of the City's economic development policies to ensure that those policies provide opportunities for the City's low-income, disadvantaged residents, facilitate the revitalization of distressed neighborhoods, and lead to improved environmental quality.

---

<sup>4</sup> CalEPA and OEHHA released draft and final CalEnviroScreen Version 2.0 ("CalEnviroScreen 2.0") respectively in April 2014 and on August 14, 2014. The agencies may release additional CalEnviroScreen versions with modified or supplemental indicators and data sets as they further refine the tool. We recommend that the City identify and adjust the neighborhoods that fall within the area of focus of the Working Group based on MHI percentiles from the most recent census data and census tract rankings under the most current version of CalEnviroScreen.

Jennifer Clark, Director, DARM

August 18, 2014

Page 5

- Investigate and advise the City regarding the compatibility of both Employment Land Use Designations and individual industrial siting and expansion projects with existing and planned land uses.
- Advise the City on the planning, location, and development of park facilities and on the creation of social, cultural, and recreational activities in the community pursuant to POSS-1-c and assist with the development of the park improvement prioritization system called for by HC-7-a.
- Participate in the development and review of the City's Capital Improvement Plan ("CIP") to ensure that the CIP adequately addresses the capital improvement needs of low-income and environmentally burdened neighborhoods.
- Support the City in the pursuit of funding opportunities to support revitalization and neighborhood greening in neighborhoods within the Working Group's geographical focus.
- Help to facilitate outreach to the community as appropriate.

A multi-stakeholder working group dedicated to ensuring that City policy and practice meets the needs and lays the foundation for the success of the City's low-income and disadvantaged residents and neighborhoods will address a critical gap in the City's civic engagement infrastructure. No City-sponsored committee, commission, task force, or other group exists with such a structure and with a mandate specifically dedicated to this purpose. In fact, the composition and focus of existing committees, commissions, and task forces only highlight the need for an Infill Opportunity Working Group as outlined in this letter.

For instance, General Plan Implementation Committees are composed only of residents, are limited in their function primarily to zoning and planning matters, and have no specific equity focus. Fresno Municipal Code § 12-611. The Ad Hoc Council Subcommittee on Infill Development is constituted by three council members and was formed to develop recommendations to support the achievement of the infill targets set by General Plan Alternative A Modified. The Mayor's Business Friendly Fresno Task Force, convened for the purpose of making Fresno "one of the most business friendly cities in the nation", is composed of City staff and private sector representatives. Business Friendly Fresno (BFF) Initiative Final Report, p. 1. The Mayor's Industrial Council includes members of the industrial broker community, the City of Fresno and the EDC and was formed to facilitate the expansion and location of industry in Fresno. None of these committees, task forces, or councils include resident, stakeholder, or expert representation or a guiding focus or mission to ensure that City policy and practice advance the health and revitalization of Fresno's low-income, disadvantaged neighborhoods.

We look forward to continuing to work with the City to lay the foundation for the Infill Opportunity Working Group through the inclusion of policies and implementation measures in the Plan.

**IV. Vague and Unenforceable Infill Policies Deviate From the City's Commitment to Residents Under Alternative A Modified and Render the Plan Internally Inconsistent**

Balanced growth split between infill development and development in Growth Areas is both a central theme of the Draft Plan and the lynchpin to the success of various Draft Plan goals and objectives relating to fiscal stability, resource conservation, environmental quality, and farmland preservation, among other issues. See e.g., 1:3; 1:5-8 (especially, Goals 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 15 and 16).

The Draft Plan emphasizes on numerous occasions the harmful effects of the unrestricted outward growth, primarily in the form of low-density residential subdivision development, that have characterized Fresno's development over the last 60 to 70 years. These effects include the neglect and decay of existing neighborhoods and the existence of underutilized and abandoned properties in the City's inner core, concentrated poverty in older neighborhoods, inefficient use of infrastructure and public services, excessive water demand, fiscal instability, heightened cost of doing business, reliance on the personal automobile as the single mode of transportation and the inability of public transit to effectively serve new development, increased air pollution, urban/agriculture land use conflicts and the premature loss of farmland to development. See e.g., 1:8, 1:13, 2:20, 3:6, 7:7, 14, 35, 44, 10:12.

In addition to the effects noted by the Draft Plan, research indicates that low-density development on the urban fringe and leap frog development (collectively, "sprawl") disproportionately negatively impact racial and ethnic minorities concentrated in the urban core. In fact, "the racial and spatial dynamics of sprawl have been referred to as the most significant civil rights challenge for the 21st century."<sup>5</sup> People of color have disproportionately low-incomes compared to whites (both nationally and in Fresno) and therefore, less financial ability to move to relatively costly, larger-lot fringe development. These populations therefore suffer from decreased property values – and accordingly, wealth - due to the neighborhood decline associated with sprawl.<sup>6</sup> Populations trapped in declining communities as opportunity and investment moves outward with new growth face both declining employment opportunities in urban core neighborhoods and inaccessible employment in newly developed neighborhoods (a phenomenon known as "job sprawl").<sup>7</sup> Residential sprawl has therefore been found to

---

<sup>5</sup> Jason Reece, Land Use Policies, Sprawl and Equity in Lower Richland, Technical Memorandum Prepared for the Center for Social Inclusion, Kirwan Institute for the Study of Race & Ethnicity, The Ohio State University, January 2005, p. 4, available at [http://www.kirwaninstitute.osu.edu/reports/2005/01\\_2005\\_RichlandSCEquityPlanning.pdf](http://www.kirwaninstitute.osu.edu/reports/2005/01_2005_RichlandSCEquityPlanning.pdf)

<sup>6</sup> *Id.*; David Rusk, "Social Framework: Sprawl, Race, and Concentrated Poverty – Changing the 'Rules of the Game'", *Urban Sprawl: A Comprehensive Reference Guide*, Ed. David C. Soule, Greenwood Press, Westport, 2005, p. 96.

<sup>7</sup> Michael A. Stoll, Jobs Sprawl and the Spatial Mismatch between Blacks and Jobs, The Brookings Institution, Metropolitan Policy Program, available at [http://www.brookings.edu/~media/research/files/reports/2005/2/metropolitanpolicy%20stoll/20050214\\_jobssprawl.pdf](http://www.brookings.edu/~media/research/files/reports/2005/2/metropolitanpolicy%20stoll/20050214_jobssprawl.pdf); David Russ, Building Sustainable *Inclusive* Communities: How America Can Pursue Smart Growth and Reunite Our Metropolitan Communities, Poverty and Race Research Action Council, May 2010, pp. 4, 38, available at <http://www.prrac.org/pdf/SustainableInclusiveCommunities.pdf>.

exacerbate and entrench racial and economic inequities and impair intergenerational economic mobility.

Therefore, as stated by the Draft Plan:

*“Land use and public policy priorities in the General Plan have broad implications for Fresno’s economic and fiscal well-being...[T]he major question is whether future land use planning will continue historical expansionist patterns or whether a focus on distinct urban boundaries, infill development, and revitalization of existing urban areas is adopted.”* (2:20) (Italics added)

The Draft Plan’s themes of balanced growth, infill development, and neighborhood revitalization grew out of extensive community engagement over a multi-year planning process that resulted in the adoption of General Plan Alternative A-Modified in Spring 2012. Adoption of Alternative A-Modified was considered historic since it set a new trajectory for growth in Fresno anticipating an infill development accounting for an unprecedented share of new development – 57% – as compared to development in growth areas.<sup>8</sup>

Despite the Draft Plan’s apparent preference for balanced land use instead of continued sprawl and the City’s, selection of Alternative A-Modified based on extensive community input, the answer to “the major question” of “whether future land use planning will continue historical expansionist patterns or whether a focus on distinct urban boundaries...is adopted” is the former of the two options. As explained below, the Draft Plan does not limit future development in growth areas and the Draft Plan’s objectives and policies regulating growth are vague, are not supported by effective implementation measures, and provide no means for enforcement. As a result, the Draft Plan is internally inconsistent in violation of Government Code § 65300.5 and must be revised to include clear limits on development in growth areas and effective measures to monitor and enforce these limits.

1. Objective UF-12 is Vague and Unenforceable and Lacks Effective Implementing Policies and Actions

i. *UF-12 is Vague and Unenforceable*

Objective UF-12, the cornerstone objective regulating growth under the Draft Plan, is vague and unenforceable and at odds with the infill targets set by the General Plan Initiation Review Draft. Objective UF-12 reads:

“Locate roughly one-half of future residential development in infill areas – defined as being within the City on December 21, 2012 – including the Downtown core area and surrounding neighborhoods, mixed-use centers and

---

<sup>8</sup> See Fresno 2035 General Plan Initiation Review Draft, Aug. 2012, “In total, General Plan buildout will result in approximately 247,000 housing units in the Planning Area. Around 43,500 of these new units or 57 percent, would be located in the existing City limits...”, p. 7; City of Fresno Infill Development Act, Nov. 1, 2012, p. 5.

transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land.”

To the casual reader, Objective UF-12 indicates that about half of future development under the Draft Plan must occur in infill areas, in keeping with the commitment made by the City with the adoption of Alternative A-Modified and the General Plan Initiation Review Draft. However, as defined in the Draft Plan, the term “roughly” allows for broad deviation from a given figure by up to 30% or more.

The Draft Plan’s introductory chapter, which Introduction provides guidance for understanding the Plan, states:

“Language of Approximation: Terms such as ‘about,’ ‘approximately’ or ‘roughly’ are intended to be utilized flexibly, and should not be read to either represent a specific amount or to mandate rigid ratios. For example, depending on the context a reference to ‘approximately one-half’ could reasonably vary at least 10 to 15 percent more or less, and the use of an even more general term such as ‘roughly’ could reasonably include twice that amount or more.” (1:30)

Thus, infill levels under UF-12 may permissibly range from less than 20% of future residential development to over 80% of such development. Such a broad range of permissible infill levels does not provide useful or enforceable guidance for future Plan implementation and conflicts with the Draft Plan’s professed commitment to balanced growth.<sup>9</sup>

The wording of the objective and the Draft Plan’s guidance for the interpretation of mandatory and flexible directives only exacerbates the ambiguity. As explained in Section II of this letter, the Draft Plan indicates that any language other than “shall” or “must” as used in a directive “signifies a less rigid directive, to be honored in the absence of compelling or contravening considerations.” 1:29. As UF-12 does not use the word “shall” or “must”, but rather begins with the word “Locate”, UF-12 is merely a flexible directive according to the Draft Plan’s guidance for interpretation. Accordingly, based upon the Draft Plan’s distinction between mandatory and flexible directives, the City may choose not even to implement UF-12’s loosely-framed infill directive based upon unnamed “compelling or contravening considerations” that arise at some future date. Draft Plan, 1:29.<sup>10</sup>

---

<sup>9</sup> For example, Draft Plan Objective UF-12 contrasts with UF-12 as set forth in the General Plan Land Use, Urban Form, and Design Chapter Preliminary Workshop Discussion Draft, which reads, “Locate 45% or more of future residential development in infill areas – defined as being within the boundary of the Fresno City Limits as of December 31, 2012...”. The phrase “45% or more” is clear and unequivocal as compared to the phrase “roughly half” contained in Draft Plan Objective UF-12.

<sup>10</sup> This highlights the need for the Final Plan to both clarify the language of Objective UF-12 as indicated herein and also to confirm that directives which read unequivocally by their plain reading but which do not use the terms “shall” or “must” are to be treated as mandatory directives (as explained above in Section II).

Jennifer Clark, Director, DARM  
August 18, 2014  
Page 9

Indeed, at the General Plan Workshop held for the City Council at its July 31, 2014 meeting, DARM Director, Jennifer Clark confirmed that Objective UF-12 is unenforceable and the Draft Plan lacks implementing policies and actions to ensure the achievement of any infill targets. Referring to UF-12, Acting City Council President Steve Brandau asked for confirmation that “there is nothing [in the Draft Plan] to stop meeting one part of the goal (development in growth areas) if the other part (infill development) is not met”. Clark replied, “Correct”.

For the reasons above, UF-12 conflicts with the California Office of Planning and Research’s (“OPR’s”) 2003 General Plan Guidelines (“2003 OPR General Plan Guidelines”) which state, “An objective is a specified end, condition, or state that is an intermediate step toward attaining a goal. It should be achievable and, when possible, measurable and time-specific.” p. 15. As written, UF-12 does not identify any clear “specified end, condition, or state” and, as further discussed below, the Draft Plan does not demonstrate how the objective may be achieved or measured.

*ii. Ambiguity in Definition of “Infill”*

Objective UF-12 defines “infill areas” simply as being “within the City on December 21, 2012”. The Draft Plan Land Use, Urban Form, and Design Chapter and Glossary, however, provide a separate, lengthier definition for “Infill” and “Infill site” based upon Public Resource Code Section 21061.3. Meanwhile, the Implementation Chapter states that, “Substantial rehabilitation and new construction within the city limits that is consistent with the state’s definition [of infill] qualifies as infill development. Development outside the city limits or in areas of the city that are less than 10 years old will be considered ‘new development’.” 12:25.

The Draft Plan does not clearly explain why it employs multiple definitions of infill, the distinction between these definitions, and whether and how the inclusion of multiple definitions will effect implementation. In addition, the Draft Plan does not provide guidance as to what constitutes “substantial rehabilitation” so as to qualify as infill. The Draft Plan is not clear whether “new development,” as used on page 25 of the Implementation Chapter, is “not infill” development and from what point in time the age of the an area of the city will be counted to determine whether it will be considered “new development”.

Likewise, the Public Resource Code definition of infill adopted by the Code includes certain phrases and terms of art which are vague without further explanation or definition. For instance, the meaning of “qualified urban uses” used in sections (a)(1) and (b) of the definition is unclear. The Public Resource Code definition also refers both to “parcels that are developed with qualified urban uses” and sites that have “been previously developed for qualified urban uses”, though it is unclear from the Draft Plan whether the former involves sites where qualified urban uses are ongoing and whether the latter involves sites that no longer have uses functioning on those sites as one may assume. The Final Plan must clarify the meaning of the terms included in Public Resource Code § 21061.3. If the Plan would rely on further explanations or definitions

provided in the Public Resource Code, the Plan should so state and incorporate those definitions into the Land Use, Urban Form, and Design Chapter, the Glossary, or both.

The Draft Plan's lack of clarity about the meaning of "infill" renders the provisions relating to infill vague and ambiguous and undermines the City's ability to monitor and ensure the achievement of infill targets. The Plan must clarify the ambiguities as described herein and provide one complete definition of infill upon which readers can rely.

*iii. The Draft Plan Lacks Criteria for Monitoring Relative Proportions of Development in Infill and Growth Areas to Ensure the Achievement of Infill Targets*

The commentary associated with Objective UF-12 states that the Planning Director will provide an annual report to City Council on the implementation of this objective. However, the Draft Plan does not specify how the proportionate share of infill development and development that occurs in growth areas will be measured and monitored, thus adding to the Objective's ambiguity and unenforceability.

The Draft Plan does not explain how the relative proportion of development that occurs in infill and growth areas will be calculated. For instance, the Draft Plan does not state whether quantities of new development will be calculated in terms of number of units, floor area or total acreage developed and how density and occupant capacity of units produced will factor into the analysis

The Draft Plan's Implementation Chapter only adds to the uncertainty and inefficacy of UF-12's directive that "roughly half" of future residential growth be located in infill areas. The Implementation Chapter states:

"Following adoption of the Fresno General Plan, the City will focus on infill development and new development within the city limits, as well as new development within Growth Area 1 based on planned infrastructure expansion, public service capacity, and fiscal considerations. Growth Area 2 needs critical infrastructure improvements, and the City does not anticipate that funding for Growth Area 2 can be committed in the near-term. To this end, the City will need to establish a way to monitor investment within the city limits and Growth Area 1 before approving the opening of Growth Area 2. The Administration will prepare options for the Council to consider for such a program.

"...Whatever form is ultimately adopted, the City should implement an easy-to-track, objective, transparent measurement that can be used to determine the appropriate timing for opening Growth Area 2 for new growth. The City will use "strategic phasing" to achieve the overall goals of the plan, as opposed to annual limits of some sort that place unrealistic controls on the local market" (12:27)

Jennifer Clark, Director, DARM

August 18, 2014

Page 11

The discussion does not provide for any form of monitoring to track relative proportions of infill and growth area development as Growth Area 1 is developed. In fact, the discussion indicates that *any* development in Growth Area 1 is permissible regardless of the level of development that has occurred within infill areas, thus minimizing the relevancy of ongoing monitoring. Thus, the Implementation Chapter does not even make clear that the City will ensure that certain minimum levels of infill are achieved as a condition to permitting new development in Growth Area 1.

Similarly, in failing to specify how the City will measure when Growth Area 2 may be opened for new growth or even establish a public process for the creation of such a measurement, the Draft Plan further undermines the apparent intent of UF-12, its ability to accomplish the Draft Plan's numerous goals and objectives that hinge upon the restriction of outward growth, and the City's adherence to its commitment to developing and enacting such restrictions due to its selection of Alternative A Modified.

Accordingly, the Final Plan must include implementing policies and actions that (1) clarify how levels of infill development and development in growth areas will be measured, (2) provide for ongoing monitoring and reporting as called for by the non-binding commentary following UF-12's, and (3) establish mechanisms to ensure the achievement of clear infill targets which prohibit greenfield development and development in Growth Area 2 where it would result in or contribute to existing failure to achieve such targets.

2. Adopt Revisions and Additions to Resolve Ambiguities, Achieve Internal Consistency, and Support Plan Goals and Objectives Dependent on Restricting Outward Growth

The Final Plan should include the following revised and additional objectives, policies, and implementation actions to resolve the ambiguities described in Section IV(1) above, achieve internal consistency, adhere to the commitments made by the City with the Council's selection of Alternative A Modified, and support the Draft Plan's Goals and Objectives which are dependent on the restriction of outward growth.

The Final Plan should adopt the following revised version of Objective UF-12:

"57% or more of future residential development shall be located in infill areas – defined as being within the City on December 21, 2012 – including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land."

The Final Plan should adopt one clear definition of "infill" as explained in Section IV(2).

The Final Plan should either include a policy and associated implementation action that describes how relative proportions of residential development in infill and growth areas will be measured and explain how those measures were arrived at. In the alternative, the Final Plan should include

a policy and associated implementation action establishing a public process and clear timeline for developing such a measurement tool.

Similarly, the Final Plan should adopt the commentary associated with Objective UF-12, which states that the Planning Director will provide an annual report to the City Council and prepare an update plan for achieving Objective UF-12 every five years, as a binding policy which specifies the contents of the required reports. The annual report should include, at a minimum, a list of the residential development projects approved by the City by year since the Plan's adoption, the location of those projects and whether they qualify as "infill" and why, the number of housing units provided by each project, and the infill-to-growth area residential development ratio by year and as an average for all projects approved since General Plan adoption.

Plan policies should include clear enforcement measures to ensure that the infill target is achieved and to prohibit further growth area development and annexation of undeveloped land when they are not.

The Final Plan should include similar policy and implementation measures to monitor investment within city limits and Growth Area 1 to determine when Growth Area 2 may opened. Plan policy should prohibit the opening of Growth Area 2 absent the achievement of the 57% infill target specified in revised Objective UF-12.

The Final Plan should limit public service provision and infrastructure development in growth areas in order to control growth and ensure the efficient use of public resources and taxpayer dollars. The Final Plan should therefore include a revised version of Policy LU-1-c ("Provision of public facilities and services needed to serve development") that requires the City to demonstrate that City investment in water, sewer and other public services and infrastructure in growth areas does not support development that will result in or contribute to the City's failure to achieve revised Objective UF-12's 57% infill target.<sup>11</sup>

The Final Plan should also include measures to define permanent boundaries for the City's growth and permanently protect agricultural and rural land outside of the City's existing Sphere of Influence from development through the creation of "buffer" districts or "greenbelts" on all sides of the City (not only along the eastern boundary of the South East Development Area) and by prohibiting the extension of water, sewer, and other city infrastructure and services to those areas.

Draft Plan Policy LU-1-e, "Annexation Requirements", should be revised as follows:

---

<sup>11</sup> Boulder, Colorado serves as a useful example of an innovative approach to growth management through controlled public service and infrastructure provision. Through a citizen-initiated amendment to its City Charter, Boulder adopted a "blue line" which restricted the extension of water service beyond certain defined boundaries. This restriction was later extended by ordinance to sewer service. Subsequently, the City and County adopted a joint plan that defined the intended geographic boundaries of city expansion, set corresponding water and sewer service limits to prevent extension beyond those boundaries, and prohibited county approval of new subdivisions that would require "urban" levels of services and facilities.

~~“Consider implementing~~ *implement* policies and requirements that achieve annexations to the City that conform to the General Plan Land Use Designations and open space and park system, *provide affordable housing opportunities for all income brackets*, and are revenue neutral and cover all costs for public infrastructure, public facilities, and public services on an ongoing basis. *These policies and requirements shall not apply to annexations of disadvantaged communities<sup>12</sup> within or adjacent to the SOI.*

The Final Plan should incorporate the non-binding commentary following Draft Plan Policy LU-1-e as an independent policy as follows:

- Except in the case of annexations of disadvantaged communities within or adjacent to the SOI, actively oppose annexation proposals that do not conform to the General Plan Land Use Designations and open space and park system, would impair the City’s ability to provide an efficient and effective public transit system, or would result in or contribute to a failure to achieve Objective UF-12’s 57% infill target.”
3. Support the Achievement of Transportation, Green House Gas Reduction, and Agricultural Preservation Goals by Appropriately Limiting Greenfield Development

The achievement of various Draft Plan goals, objectives, and policies relating to agricultural preservation, transportation, and Green House Gas (GHG) reduction and other matters is tied to the Final Plan’s ability to successfully promote infill and limit greenfield development. The Final Plan can support the achievement of these goals, objectives, and policies through the adoption of the revised and additional policies below.

The Draft Plan recognizes that “leapfrog” development that occurs in the midst of agricultural uses negatively impacts agricultural production and residents alike through the premature disinvestment of farmland, disruptions and economic loss to surrounding farmland, and interference with residential uses by farm-generated environmental impacts. 7:44. Yet, the Draft Plan includes no policies to prevent such premature conversion of farmland within the SOI.

We recommend the adoption of the following revised versions of Objective RC-9 and Policy RC-9-b to support the Draft Plan Goal 5, “Support agriculture and food production as an integral industry”, to protect farmland from premature development both within and beyond the SOI:

- RC-9 “Preserve agricultural land outside of the ~~area planned for urbanization~~ *existing SOI* under this General Plan *and prohibit premature conversion of agricultural land within the SOI.*”
- RC-9-b Land in Growth Areas and Outside SOI. Express opposition to residential and commercial development proposals in unincorporated areas (excluding County Islands)

---

<sup>12</sup> This letter addresses annexation policies with respect to disadvantaged communities in Section XVII below.

within or adjacent to the Planning Area when these proposals would do any of the following...

Objective MT-2 calls for the efficient use of the City's existing and proposed transportation system. We recommend the revision of Implementing Policies MT-1-d and MT-2-I as follows to support the achievement of Objective MT-2:

- MT-1-d. Integrated Land Use and Transportation Planning. Plan for and maintain a coordinated and well integrated land use pattern, local circulation network and transportation system that ~~accommodates planned growth~~ *support and prioritize compact and infill development, public transportation and active transportation options, does not facilitate premature greenfield development or leapfrog development*, reduces impacts on adjacent land uses, and preserves the integrity of established neighborhoods.
- MT-2-I Transportation Impact Studies. Require a Transportation Impact Study...to assess the impacts of new development projects on existing and planned streets for projects meeting one more of the following criteria.....
  - ...
    - *When a project would be "leap frog development", defined as development that is not contiguous to the existing urbanized area.*

We recommend the addition of the following policies:

- Do not pursue funding for or invest in roadway improvements to support new development that would result in or exacerbate the City's failure to achieve the General Plan's infill ratio targets, would constitute leapfrog development, or would not support efficient public transit provision.

The Draft Plan recognizes that restricting continued fringe development is vital to reducing air pollution and greenhouse gas emissions. 7:8, 14. Therefore, we recommend that adoption of the following revised policies to support the achievement of GHG reductions through the promotion of infill development and restrictions on sprawl:

- RC-5....prepare and adopt a Greenhouse Gas Reduction Plan as part of the Master Environmental Impact Report to be concurrently approved with the Fresno General Plan in order to achieve compliance with State mandates, assist development by streamlining the approval process, and focus on feasible actions the City can take to minimize the adverse impacts of growth and development on global climate change. The Greenhouse Gas Reduction Plan shall include, but not be limited to:
  - A list of feasible GHG reduction measures to meet the reduction target, including *incentives for infill development and higher density and TOD development, restrictions on development in growth areas, and other land use strategies,*

energy conservation and “green building” requirements in municipal buildings and private development.

- RC-5-c GHG Reduction through Design and Operations. ~~Increase efforts to incorporate~~ requirements for GHG emission reductions in land use entitlement decisions, facility design, and operational measures subject to City regulation through the following measures and strategies:

...

- *Establish required findings that the project would not result in an unnecessary increase in vehicle miles travelled or an inability of public transit to efficiently serve the project due to its location in a growth area, status as leapfrog development, or lack of sufficient density.*

#### **V. Ensure Access to High-Quality Affordable Housing Throughout the City and New Development in Growth Areas**

The City is required by law to affirmatively further fair housing by taking affirmative steps to eliminate discrimination in the provision of housing, such as by eradicating disparate housing and neighborhood conditions in areas that are disproportionately low-income and compromised disproportionately by people of color and by eliminating patterns of segregation. See 42 U.S.C. § 3601, *et seq*; 42 U.S.C. § 5304(b)(2); 42 U.S.C. § 5306(s)(7)B); 42 U.S.C. § 12705. An abundance of data, studies, and reports released over the years have identified Fresno for its uniquely high rates of ethnically and racially concentrated poverty and relative lack of affordable housing opportunities in high opportunity neighborhoods.<sup>1314</sup> In fact, as recently as April 2014, the Smart Valley Places Consortium released the San Joaquin Valley Fair Housing and Equity Assessment (“FHEA”) which finds that these trends persist in Fresno, with Fresno standing out in the region for its high rates of segregation across racial and ethnic groups, high proportion of residents living in racially and ethnically concentrated poverty, and high percentage of low opportunity neighborhoods.<sup>15</sup> pp. 20-23, 29, 37.

---

<sup>13</sup> See e.g., Elizabeth Kneebone, *The Growth and Spread of Concentrated Poverty, 2000 to 2008-2012*, the Brookings Institute, *supra*; The Federal Reserve Bank of San Francisco, *The Enduring Challenge of Concentrated Poverty in America, Case Study of Fresno, California, 2009*, available at [http://www.frbsf.org/community-development/files/fresno\\_case\\_study.pdf](http://www.frbsf.org/community-development/files/fresno_case_study.pdf); Elizabeth Kneebone, *et al*, *The Re-Emergence of Concentrated Poverty: Metropolitan Trends in the 2000s*, *supra*; Elizabeth Kneebone and Alan Berube, *Reversal of Fortune: A New Look at Concentrated Poverty in the 2000s*, The Brookings Institution, August 2008, pp. 10-11 (Finding that Fresno had the highest rate among U.S. metros of concentrated working poverty in 2005, with 30% of EITC filers living in areas of concentrated poverty), available at [http://www.brookings.edu/~media/research/files/papers/2008/8/08%20concentrated%20poverty%20kneebone/concentrated\\_poverty.pdf](http://www.brookings.edu/~media/research/files/papers/2008/8/08%20concentrated%20poverty%20kneebone/concentrated_poverty.pdf)

<sup>14</sup> As used in this letter and unless otherwise noted, the term “high opportunity neighborhood” means neighborhoods with more access to jobs, lower levels of unemployment, high-performing schools, and lower concentrations of poverty, while the term “low opportunity neighborhood” has the opposite meaning.

<sup>15</sup> The Smart Valley Places Consortium consists of the 14 cities of the Central Valley, including Fresno, and four regional non-profit organizations. The FHEA was prepared in satisfaction of Department of Housing and Urban Development (“HUD”) grant requirements and is based upon data supplied by HUD and an extensive stakeholder engagement process in which Leadership Counsel, other Fresno-based non-profits, and local residents participated.

The Draft Plan recognizes the need for increased affordable housing opportunities for low and medium-income residents throughout the City and in Growth Areas and emphasizes the provision of a diversity of housing types, including affordable housing, through several goals and objectives. (1:7, Goals 7, 8, 9). However, the Final Plan can and must do more to address Fresno's historic and ongoing racially concentrated poverty through the enactment of clear and achievable policies and implementation actions to ensure that the City meets the housing needs of all of its residents and complies with state and federal fair housing laws.

1. Include Policies Explicitly Aimed at Enhancing the Affordable Housing Stock Throughout the Planning Area

The Draft Plan itself recognizes Fresno's extreme and unabatedly high levels of concentrated poverty and its link to Fresno's growth patterns and lack of affordable housing options throughout the City:

"The 2006 Brookings Institution Study listed Fresno as the largest city in the United States with the most concentrated poverty, meaning the degree to which its poor are clustered in high-poverty neighborhoods. High poverty neighborhoods, generally defined as areas where more than 40 percent of people live below the poverty line, are in the central and southwestern part of the city, including the Edison, Roosevelt, and Lowell communities...Neighborhood poverty increased dramatically on the south and west sides of Fresno between 1980 and 2000, and this disparity has not changed in the past decade. ...Growth patterns have also exacerbated the concentrated poverty. Housing in the northern part of the city caters to upper-income families, while affordable housing investment has occurred in more distressed neighborhoods." (10:10-11)

In addition to the City's concentration of affordable housing stock in low-income neighborhoods, the City has an absolute deficit of affordable housing. According to 2012 American Community Survey data, for instance, *81% of renters in Fresno with an annual income under \$35,000 and 57% of all Fresno renters are housing cost burdened.*<sup>16</sup>

Despite the Draft Plan's recognition of Fresno's severe concentrated poverty and affordable housing stock in South Fresno neighborhoods, the Draft Plan contains few policies or programs aimed at increasing the affordable housing stock and affirmatively furthering housing opportunity for all income segments and racial and ethnic populations throughout the Planning Area.

We note that the Draft Plan's Housing Element Consistency Chapter incorrectly concludes that the Draft Plan is consistent with the City's adopted Housing Element simply because the Draft Plan identifies a dwelling unit capacity within the Planning Area at full buildout - based on the

---

<sup>16</sup> Laura Choi, Housing and Labor Market Trends: San Joaquin Valley, Presentation made in August 2014, Community Development Research, Federal Reserve Bank of San Francisco.

number of allowable dwelling units under the Draft Plan Land Use Diagram - that exceeds the City's Regional Housing Needs Allocation (RHNA). 11:4. This conclusion is unsupported, since the timeframe for full buildout is expected to extend "well beyond 2035" (1:20) whereas the planning period for the City's RHNA under the current housing element ended in 2013. More importantly, total residential buildout capacity under the Draft Plan provides no information with respect to the extent to which those units are likely to meet the City's RHNA for distinct income groups.

Accordingly, we advise the revision of the Draft Plan's objectives and policies as follows to ensure that the Final Plan complies with state and federal housing and civil rights law and is comprehensive and internally consistent as required by Government Code §§ 65300 and 65300.5:

- LU-2-b Infill Development for Affordable Housing. ~~Consider~~ *Design and implement a priority infill incentive program for residential infill development of existing vacant lots and underutilized sites within the City that maximizes densities wherever possible and creates affordable housing opportunities for extremely low-, very low-, low- and moderate-income residents, as a strategy to help meet the affordable housing needs of the community.*<sup>17</sup>
- LU-5 Plan for a diverse housing stock that will support balanced urban growth, *achieve the City's fair share affordable housing targets* and make efficient use of resources and public facilities.
- HC-2-a Healthy Neighborhoods. Promote the design of Complete Neighborhoods whose physical layout and land use mix...*provide sufficient densities for affordable housing options for all economic segments of the population;* and address the needs of residents of all ages, *incomes* and abilities.

We support the intention of Policy C-4-a and propose the following revisions to assist its effective implementation:

D-4-a Design Review for Large Buildings. ~~Consider adopting and implementing~~ *Adopt and implement* a streamlined design review process of new construction and visible exterior alterations of ~~large and significant~~ multi-family, mixed-use, *affordable* and non-residential buildings and developments.

We advise the following revisions to Draft Plan implementation actions:

- Continue to implement housing programs that support a diversity of neighborhoods, activities, and housing types *and meet the City's affordable housing needs* in the Fresno Planning Area, while accommodating market/cost constraints.

---

<sup>17</sup> City of Fresno Housing Element Program 2.1.7A – Maximum Density reads, "Wherever possible, density shall be increased, conserving land, services, and costs."

- Implement a comprehensive citywide land use planning strategy to facilitate infill development and provide for a diversity of housing types, *including affordable housing to meet the City's current and projected affordable housing needs*, building forms, and land uses.
- Adopt regulations and programs and support *and spearhead* efforts to create safe, healthy, and affordable housing *in all established neighborhoods and in new residential development in Growth Areas*, and to improve property maintenance.

We advise that the Final Plan include the following additional policies to increase the affordable housing stock throughout the Planning Area<sup>18</sup>:

- Require all new residential development to include a minimum of 20% housing affordable<sup>19</sup> to extremely low, very-low, and low income populations<sup>20</sup>, with at least 5% of units dedicated to extremely low-income populations and an additional 5% of units dedicated to extremely low or very-low income populations.
- Provide incentives for and assist developers in the pursuit of financing to support the inclusion of minimum percentages of housing affordable to low income populations in residential development projects.<sup>21</sup>
- Affirmatively further fair housing opportunities for low and moderate income populations throughout the Planning Area, including in high-opportunity neighborhoods.
- Identify vacant, underutilized, or other parcels in existing higher-income, higher-opportunity neighborhoods that lack affordable housing opportunities for land use designation and rezoning to allow higher density, multi-family housing development.
- Create an Affordable Housing Trust Fund to support the preservation of affordable housing and acquisition and improvement of property in growth areas, high-opportunity neighborhoods, and in and around transit oriented development (TOD) projects. Assess options for and implement a fee on new development for a dedicated source of funding.
- Assess and monitor the location and condition of housing affordable to low-income populations in the City, including an assessment of neighborhood conditions.
- Work with the County to ensure access by low-income families in all areas of the City to necessary supportive social services.<sup>22</sup>

---

<sup>18</sup> A number of these proposed policies draw directly from recommendations contained in the Final Report of the Mayor's 10x10 Blue Ribbon Committee on Affordable Housing and which the City has not implemented.

<sup>19</sup> Housing costs that make up less than 30% of annual household income may be deemed affordable.

<sup>20</sup> The Department of Housing and Urban Development and California State income definitions define moderate, low, very low and extremely low income households respectively as follows: 81-120% of Fresno County Area Median Income (AMI), 51-80% of AMI, and 30% of AMI.

<sup>21</sup> This supports implementation of Housing Element Program 2.1.18 – Inclusionary and Alternative Housing Policy Program, which states, "The City's 10x10 Affordable Housing Strategy shall investigate alternative housing policies and comparable programs to help increase the supply of affordable housing..."

<sup>22</sup> Access to supportive social services has been found to be a critical component to successful housing mobility programs which seek to provide new housing opportunities in higher opportunity neighborhoods for low-income populations. Patrick Sharkey, Stuck in Place: Urban Neighborhoods and the End of Progress Towards Racial Equality, The University of Chicago Press, Chicago & London, 2013.

- Identify infrastructure deficiencies and barriers that prevent or prohibit affordable housing development. Develop, release for public review, and adopt an implementation plan to address such deficiencies and barriers, with a clear timeline and identified funding sources. Prioritize the alleviation of such infrastructure deficits in the City's Capital Improvement Plan.
- Apply for all available funds in all available state and federal funding cycles for housing, community development and infrastructure in furtherance of City compliance with fair housing requirements.

Along the same lines, while the Draft Plan adopts strategies for job creation in proximity to existing low-income neighborhoods, such strategies in and of themselves are insufficient to address the jobs/housing imbalance that exists throughout Fresno and may impermissibly reinforce the concentration of poverty in existing low-income neighborhoods. The Final Plan must address Fresno's jobs/housing imbalance which disproportionately impacts residents of color living in neighborhoods with highly concentrated poverty and high rates of unemployment.<sup>23</sup> The Final Plan must include both data and analysis to quantify and qualify the jobs/housing imbalance in Fresno and policies and implementation measures to address the imbalance.

Specifically, we recommend that the Final Plan include data and analysis relating to the jobs/housing fit, including the ratio of low-wage jobs to affordable housing, in the City's different neighborhoods. We also recommend the addition of the following policies to the Final Plan, along with other policy additions recommended in this section:

- Develop and adopt commercial linkage fees for new commercial developments and major employers based on the need for workforce housing generated by new and expanding businesses. Use revenues generated by the fee to help fund the development of affordable housing opportunities within accessible commuting distance to employment centers.
- Eliminate the jobs/housing imbalance through the creation of opportunities for housing affordable to low-wage workers near low-wage jobs in existing neighborhoods and in all new development in the growth areas.

We advise the elimination of Policy LU-5-b, since it could serve to reinforce geographically restricted affordable housing opportunity and therefore, existing concentrations of racially and ethnically concentrated poverty as well, in conflict with the City's duty to affirmatively further fair housing.

If LU-5-b is maintained however, we advise its modification as follows:

---

<sup>23</sup> "Solid policy is based on solid information. The analysis of data collected during the planning process provides local officials with knowledge about trends, existing conditions, and projects that they need to formulate policy. If projected community conditions are no in line with a general plan's objectives, local legislative bodies may adopt policies that will help bring about a more desirable future." 2003 OPR General Plan Guidelines.

- LU-5-b Medium-Low Density Residential Uses. Promote medium-low density residential uses to preserve existing uses of that nature *where appropriate and not in conflict with applicable fair housing and civil rights laws* or provide a transition between low and medium density residential areas.

Footnote 1 to Table 3-2, Downtown Planning Area Standards for Density and Development Intensity, provides that “additional density may be allowed for affordable housing or provision of community benefits.” Table 3-1, Citywide Standards for Density and Development Intensity, which provides minimum and maximum residential densities does not include such a provision. The Final Plan should clarify through the addition of a policy that additional density may be allowed for affordable housing or provision of community benefits *throughout* the City.

The Final Plan recognizes that denser, multi-family development in Fresno is far more resource efficient and cost effective than low-density, single-family development. 7:35, 42. The Final Plan can further encourage the production of affordable housing throughout the Planning Area by incorporating this recognition into objectives and policies to promote affordable housing development as a means to achieve energy savings.

Therefore, we recommend adoption of the following implementing policy in support of Objective RC-8 (“Reduce the consumption of non-renewable energy resources by requiring and encouraging conservation measures and the use of alternative energy resources”):

- Support the production of compact, higher density residential and mixed use development over large, single family residences.
2. Ensure Affordable Housing Options in All Residential Development in Growth Areas through High Density Land Use Designations, Policies, and Implementation Actions

The Draft Plan contains certain goals and objectives in support of the development of a “diverse” housing stock and the creation of “Complete Neighborhoods” with affordable housing options in Growth Areas, yet it lacks the land use designations for higher density housing and effective implementing policies to bring these concepts to fruition. In addition to the revisions and additions to the Draft Plan’s policies and objectives set forth in Section V(1) of this correspondence above, the Plan must modify the Fresno General Plan Land Use Diagram (Figure LU-1) (“Land Use Diagram”) and include additional policies and implementation actions to ensure that development in Growth Areas does not reinforce and perpetuate the concentration of low-income housing in existing South Fresno neighborhoods, but rather creates new affordable housing opportunities for residents of all income segments.

Large segments of Growth Areas 1 and 2 lack high and urban density designations on the Land Use Diagram. In particular, significant portions of DA-1 North, DA-2 North, DA-4 West, and Central SEDA lack any higher density or urban land use designations. In contrast, DA-1 South,

which includes part of the existing West Fresno area, designates relatively large amounts of land for high and urban residential density development. The Land Use Diagram therefore threatens to violate civil rights and fair housing laws by continuing to plan for and perpetuate the concentration of low-income housing in existing low-income neighborhoods populated by disproportionately high proportions of people of color in South Fresno. The Final Plan must include a revised Land Use Diagram that designates medium-high, high, and urban density residential development in all growth area neighborhoods.

We also recommend the inclusion of the following policies in the Final Plan:

- Designate and maintain high and urban density residential land use designations for at least 20% of all residential land use designations in all quarter sections in all Growth Areas.
- Prohibit General Plan Amendments that would decrease housing densities in existing areas of the City lacking in affordable housing options and in growth areas, even where the total average density for the project would remain the same.
- Establish incentives for development projects that would increase planned residential densities in Growth Areas or that would provide affordable housing options.
- Ensure sufficient residential densities in all Growth Areas to support the provision of an efficient and cost effective comprehensive public transit system.

3. Prevent Overconcentration of Low-Income Housing in Disadvantaged Neighborhoods

The City must avoid actions that would contribute to further concentration of low-income housing in disadvantaged neighborhoods already saturated with such housing. Rather, the City should provide for a variety of housing opportunities in such communities, including high-quality mixed-income, mixed-use, and single-family residential opportunities. It bears repeating that further concentration of low-income housing in disadvantaged neighborhoods would violate state and federal fair housing laws and mandates to affirmatively further fair housing.

To achieve this, we recommend the addition of the following policies to the Draft Plan:

- Prohibit land use designations that would result in disproportionate residential density in low-income neighborhoods compared to other neighborhoods.
- Identify and mitigate impediments the development of mixed-income housing in low-income neighborhoods to increase affordable housing options.
- Develop and implement a suite of incentives for the development of mixed-income and mixed-use housing in low-income neighborhoods to increase affordable housing options.

4. The City Must Complete Rezoning Required by Housing Element Program 2.1.6A

Program 2.1.6A, "Facilitate that Development of Multifamily Housing Affordable to Lower Income Households", of the 2008-2013 Fresno Housing Element (Amended 03/20/09) provides:

"The City will identify and rezone approximately 500 acres of vacant land to the R-2 or R-3 zoning district, allowing exclusively residential uses by right without a CUP or other discretionary action and a minimum of 20 units per acre. Rezoned sites will be selected from sites identified in the parcel listing (Rezone 20 upa), will be suitable, and will be available for development in the planning period where water and sewer can be provided."

"Additionally, the City will identify and rezone approximately 200 acres of vacant land to the R-3 or R-4 zoning district, allowing exclusively residential uses by right without a conditional use permit or other discretionary action and a minimum of 38 units per acre. Rezoned sites will be selected from sites identified in the attached parcel listing (Rezone 38 upa), will be suitable, and will be available for development in the planning period where water and sewer can be provided.

"It should be noted that a portion of the properties to be rezoned will also require plan land use amendments, however since the specific properties to be rezoned from the attached listings have not yet been determined, it is not possible to identify the specific sites requiring plan amendments at this time." (6:9)

The Housing Element provides a completion deadline of June 30, 2010 for this program. To our knowledge, the City has not undertaken the rezoning required by Program 2.1.6A. The City is therefore in violation of its own housing element and state housing element law. As a result, the City may not disapprove a housing development project, require a discretionary permit, or impose a condition that would render such a project infeasible on a site required to be rezoned. Gov. Code § 65883(g). The rezoning required by Program 2.1.6A may also be enforced through a court action. Gov. Code § 65883(h).

Despite the City's failure to complete Program 2.1.6A, the Draft Plan includes no mention of the program and does not explain how the City will comply through the General Plan Update. To bring the City into compliance with State Housing Element law, the Final Plan must identify at least 500 acres of suitable vacant land that will be rezoned for residential land use at densities of at least 20 upa and an additional 200 acres of suitable vacant land that will be rezoned for residential land use at densities of at least 38 upa and the City must immediately complete the rezoning.

The Land Use Diagram must accommodate these sites through appropriate land use designations. Draft Plan Table 3-1, "Citywide Standards for Density and Development Intensity", establishes 16 units per acre (upa) and 30 upa as the respective minimum and maximum residential densities

Jennifer Clark, Director, DARM

August 18, 2014

Page 23

for Urban Neighborhood Residential Land Use Designations and 30 and 45 upa as the minimum and maximum residential densities for High Density Land Use Designations under the Draft Plan. 3:36. Therefore, the Land Use Diagram should designate at least 500 acres of suitable vacant land for Urban Neighborhood Residential Land Use and 200 acres of suitable vacant land for High Density Land Use. To satisfy Program 2.1.6A, the land so-designated must have been zoned and designated for lower density residential or non-residential uses prior to any rezoning or re-designation completed pursuant to the program.

The sites selected for this rezoning should be consistent with the recommendations included in this correspondence. In particular, the Final Plan should identify suitable sites for rezoning in neighborhoods lacking affordable housing options and higher opportunity/low-poverty neighborhoods in Fresno. The City must not allocate rezone sites in a manner that would exacerbate existing concentrations of affordable housing in low-income and economically distressed neighborhoods. To do so would result in a disparate negative impact on persons of color and would violate state and federal fair housing and civil rights laws. 42 U.S.C. §§ 2000d, 3601, *et seq.*, 5304(b)(2), 5306(s)(7B), and 12705 and Cal. Gov. Code §§ 11135, 12955, *et seq.*

As discussed in Section XII(7) of this correspondence, an amendment to the Fresno Municipal Code approved in Fall 2013 allows for agricultural land uses to occur on residentially zoned land and the Draft Plan Policy HC-5-g calls for the development of policies supportive of this amendment. Yet Program 2.1.6A provides that the City must rezone land “allowing exclusively residential uses by right without a conditional use permit or other discretionary action”. (underline added). The City must either prohibit agricultural activities on residentially zoned land in the Fresno Municipal Code and in the Final Plan or it must demonstrate how it will comply with its commitment through Program 2.1.6A’s to rezone land allowing “exclusively” residential uses without such a prohibition.

##### 5. Prevent Resident Displacement Due to Rising Housing Costs Under Plan Implementation

The Draft Plan’s goals, objectives, and policies designed to increase investment in the Downtown and surrounding neighborhoods, attract a professional class to Fresno, and implement Bus Rapid Transit corridors, along with anticipated population expansion and the potential development of a High Speed Rail system with a station downtown, will likely lead to a significant rise in housing costs over the life of the General Plan with the greatest increases in older neighborhoods that currently have high concentrations of low-income residents. The Draft Plan however contains no discussion of potential changes in housing prices and does not include any policies to specifically address potential displacement of low-income residents from existing neighborhoods.<sup>24</sup>

---

<sup>24</sup> The 2035 General Plan Draft MEIR’s discussion of displacement is limited to displacement that occurs due to the removal of existing units. The MEIR does not address displacement due to increased housing costs. Draft MEIR, 5.12:13-15. Likewise, the adopted Housing Element, upon which the MEIR relies for mitigation of displacement

To address this gap, we recommend the inclusion of the following analysis in the Final Plan:

- Analyze the impact of relevant General Plan policies, including policies for infill development, investment in existing neighborhoods, transit oriented development and BRT corridors, HSR implementation, and population increases, on the supply of housing affordable to extremely-low, very-low, low and moderate income populations over the life of the Plan and possible economic and physical displacement of these populations.

We recommend the addition of the following policies to the Draft Plan:

- Prepare an annual report for presentation to City Council examining the impact of General Plan implementation on the supply of housing affordability for extremely low-, very low-, low- and moderate-income populations, displacement statistics, and options for the preservation and enhancement of affordable housing options.<sup>25</sup>
- Provide incentives, including through fee waivers, permit streamlining, and development review fast tracking, for equitable transit-oriented development projects that provide affordable housing opportunities for or access to critical goods and services by low-income families.
- Maintain existing homes that are affordable to low-income households by preserving deed restricted housing, increasing the stock of permanently affordable housing through acquisition and rehabilitation of market rate units, enforcing health and building codes that ensure long term building habitability, and limiting the conversion of rental apartments into condominiums.
- Safeguard the rights of tenants to remain in their homes through enacting and enforcing just cause/fair rent laws, relocation assistance requirements, enforcement of tenant protections in foreclosed properties, and right of first refusal policies that provide current tenants an opportunity to buy a property before it is sold to a third party.

Protect tenants and homeowners from direct displacement caused by construction of infrastructure, transportation, or other demolition of existing homes. In exceptional instances where temporary relocation is unavoidable, fully protect tenants through safeguards including adequate notice, the right to return, sufficient financial compensation to meet 100% of all out-of-pocket and intangible expenses, and an affordable temporary unit within the same neighborhood.

---

impacts, provides for relocation assistance only for displacement due to redevelopment activities. Program 4.2.1, 6:18-19.

<sup>25</sup> This report may be provided as a stand-alone report or as part of the Equity Chapter of the General Plan Annual Report (proposed by this letter in Section XVIII) or the Annual Progress Report on the City's implementation of its Housing Element.

6. Promote High-Quality Housing through Quality Design and Responsive and Effective Code Enforcement

We appreciate the elimination of the term “formal” from Policy HC-4-d as recommended by our September 2013 Letter. We note however that the Draft Plan does not incorporate other recommendations contained in that Letter aimed at ensuring that the General Plan provides effective code enforcement responsive to residents’ most pressing concerns. We therefore reiterate the need for the revisions and additions to the Draft Plan’s policies relating to the City’s code enforcement program:

- HC-4-d Cooperative Compliance Monitoring. Work with “neighborhood resident associations”, *the Infill Opportunity Working Group*, and other residents to identify residents’ code enforcement priorities and monitor and enforce basic property maintenance standards to ensure neighborhood cleanliness and safety, and prevent blight-causing conditions.
- HC-4-c Residential Maintenance Standards. ~~Consider the development of~~ *Develop and implement* a residential housing inspection program to provide a structured review, evaluation and correction process to prevent *and mitigate* substandard housing.
- Incorporate the non-binding commentary following Policy HC-4-c as a stand-alone and mandatory policy that reads as follows:

“Initiate an improvement program in targeted neighborhood areas with high-concentrations of substandard and poorly maintained single- and multi-family rental properties. Ensure access to programs and funding in the form of both grants and forgivable loans that will allow low-income residents and landlords to improve their homes and rental units.”

We also recommend the adoption of the following policies in the Final General Plan:

- Prioritize code compliance through structural repairs rather than demolition consistent with the Health and Safety Code.
- Provide assistance for temporary housing and to help secure permanent housing to residents displaced as a result of habitability violations.
- Prohibit utilization of code enforcement with the purpose or effect of displacing low-income residents in gentrifying or gentrified neighborhoods.
- Intensify and streamline code enforcement in neighborhoods with the highest concentration of vacant properties.
- In collaboration with the Infill Opportunity Working Group, design, release for public review, and implement a program to target abandoned and blighted properties for code enforcement action, implement and pursue fines (i.e., a “blight tax”), and convert abandoned properties to affordable housing and other beneficial uses, such as parks, public facilities, medical facilities, and grocery stores, prioritizing program

implementation in low-income neighborhoods and neighborhoods with the highest concentration of abandoned properties.<sup>26</sup>

- Provide homebuyer incentives for the purchase of vacant properties.
- Conduct resident outreach to assess the accessibility and adequacy of the City's Code Enforcement and Complaint and Response procedures, including to immigrant, non-English speaking, disabled, and other vulnerable populations, and modify these procedures as needed.
- Design and implement procedures to address ongoing and chronic code violations at single properties.

7. Enhance Opportunities For Stakeholder Engagement in the Formation and Implementation of City Housing Policy

In order to effectively serve the needs of residents, the City's housing policies must be informed by the City's low-income residents themselves and local affordable housing advocates. To this end, we recommend revision of policy LU-4-c as follows:

*LU-4-c Housing Task Force. Establish an interagency housing task force with participation by residents and local housing and community development advocates to coordinate the housing programs of the City with similar programs of other local jurisdictions and the Fresno Housing Authority to develop a coordinated affordable housing implementation plan.*

We recommend the inclusion of the following policy in the Final General Plan:

- Collaborate with the Infill Opportunity Working Group on the development and revision of city policies relating to affordable housing development.

**VI. Prioritize the Resolution of Infrastructure Deficiencies in Disadvantaged Neighborhoods**

The Plan commendably includes certain goals, policies, and implementation actions that support the equitable provision of infrastructure and the elimination of infrastructure deficits in existing neighborhoods. See Goal 12, LU-1. In particular, we support the implementation action that states, "Support Fresno's established residential neighborhoods, with priority investments in community infrastructure and services in areas with the greatest need." 12:32. Yet the Implementation Chapter elsewhere identifies priority investment areas, encompassing the entirety of "Established Neighborhoods Generally South of Herndon", BRT Corridors, the Downtown Planning Area and the South Industrial Area. 12:26. Rather than spread investments thinly across such a large area, the Draft Plan should follow its own advice to target investments

---

<sup>26</sup> Various jurisdictions have implemented similar programs to clean up and redevelop vacant properties in order to raise property values, create community amenities, increase local tax revenue, and attract new residents and businesses. See Baltimore's Vacants to Values Program, [http://www.baltimorehousing.org/vacants\\_to\\_value.aspx](http://www.baltimorehousing.org/vacants_to_value.aspx)

in circumscribed areas<sup>27</sup> and assign clear priority to high poverty neighborhoods with the greatest infrastructure deficiencies.

The Final Plan should clarify that City support for infrastructure investment in employment areas as established in Draft Plan objectives and policies and in the Implementation Chapter will not detract from City achieve Plan goals of eliminating infrastructure deficiencies in existing neighborhoods. LU-7-a, 3:58; LU-7-c, 3:59. The Final Plan should clarify how these competing priorities, including those established by Policy HC-7-b, "Performance-Based Capital Improvements" (discussed further below), will be harmonized with Plan implementation.

We therefore recommend the inclusion of the following policy into the Final Plan:

- Pursue all sources of funding for and prioritize investment and basic infrastructure improvements in established neighborhoods with MHI at or below 60% of Fresno County MHI or with a CalEnviroScreen score in the top 10%.

We recommend revision of Draft Plan policies as follows:

- LU-2-d Infrastructure Upgrades. Facilitate urban infill *and neighborhood revitalization* by building and upgrading community and neighborhood public infrastructure and services to enhance public health and convenience, *eliminate infrastructure deficiencies in low-income neighborhoods*, and improve the overall experience and quality of city living.
- RC-1-c Prioritize Revenues. Give priority for *public infrastructure investments that the purpose of increasing* increase property tax and sales tax revenues and *eliminate infrastructure deficiencies and catalyze revitalization and infill development in existing underserved neighborhoods* by supporting, streamlining, and providing incentives for projects that create the largest impacts on property values and the city's retail base and ~~also, to the extent feasible,~~ support Downtown and older neighborhoods...

*Commentary: These incentives could include giving priority to supporting redevelopment of vacant and underutilized land, particularly in mixed use and higher density corridors, and Downtown, and existing distressed neighborhoods over the conversion of active farmland to urban uses.*

- RC-2-b Provide Infrastructure for Mixed-Use and Infill. Promote investment in the public infrastructure needed to allow mixed-use and denser infill development to occur in targeted locations, *prioritizing investments in existing neighborhoods with the greatest deficiencies*, such as expanded water and wastewater conveyance systems, *stormwater drainage*, complete streetscapes, parks, and open space amenities, and trails. Discourage investment in infrastructure that would not meet these criteria.
- NS-3-b Curb and Gutter Installation. Coordinate with Fresno Metropolitan Flood Control District (FMFCD) to install curbing, gutters, and other drainage facilities *with priority to*

---

<sup>27</sup> "Lastly, the Task Force cautioned against spreading energy and resources too thinly across the City and instead called for focusing on smaller geographic areas in order to leverage private investment." 12:13.

*existing neighborhoods with the greatest deficiencies and* consistent with the Storm Drainage and Flood Control Master Plan. (9:29)

We support Policy HC-7-b, “Performance-Based Capital Improvements”, which calls for the establishment of a performance-based priority system for capital improvements, based upon the health and recreation goals ranking system (cited in Policy HC-7-a), as one of the items the City must consider prior to constructing capital improvements. HC-7-b should establish a public process for the development of the priority system that includes collaboration with the Infill Opportunity Working Group.

With respect to Policy RC-1-b, “Capital Improvement Program”, we recommend the Policy provide for input on the development of the CIP by the Infill Opportunity Working Group to ensure that investments address the needs of existing, underserved neighborhoods. We also recommend the inclusion of the associated commentary – particularly commentary relating to the inclusion in the CIP of an analysis of how improvements implement the General Plan and how they reflect the City’s commitment to environmental justice and fair share issues relative to individual neighborhood needs - into the policy itself or as a stand-alone policy. The Policy as revised should specifically require that the analysis demonstrate how the CIP addresses deficits in established low-income neighborhoods in South Fresno.

#### **VII. Prioritize the Provision of Public Facilities in Existing Underserved Neighborhoods**

We support the implementation action that reads, “adopt priority improvement programs [for public infrastructure] for neighborhoods with the greatest need.” 12:36. We recommend the revision of Policy LU-1-c to incorporate the intention of that implementation action as follows:

- 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. *Prioritize the provision of public facilities and services in existing underserved neighborhoods.*

#### **VIII. Address the Over-Concentration of Liquor Stores and Associated Health and Safety Impacts in Certain South Fresno Neighborhoods**

The Draft Plan notes that “the location and prevalence of liquor stores can have a negative effect on neighborhood health” and states that residents have raised concerns of market saturation in neighborhoods in South Fresno and along the Blackstone and Shaw Avenue corridors, fear of crime associated with liquor licenses, and alcohol sales contributing to teenage drinking due to the close proximity of some liquor stores to schools. 6:7. The Draft Plan also mentions that, “The City has not developed an independent mechanisms for assessing appropriate concentrations of alcohol sales establishments...and relies on information from the Fresno Police Department and the ABC in their consideration of permit applications.”

Draft Plan Policies PU 1-h and PU-1-I provide a limited basis for the City to begin to address the negative health impacts associated with the over-concentration of liquor stores in certain South

Fresno neighborhoods. We recommend the following revised versions of these policies to enhance their ability to achieve their intent:

- PU-1-h. Retail Conversion. Assist community groups seeking information on *and provide financial incentives for* conversion of establishments with off-site or on-site liquor licenses to other retail products that better meet community needs.
- PU-1-I Crime and Nuisances. Assist community and neighborhood groups seeking to reduce crime and nuisances they associate with high concentrations of establishments with off-sale or on-sale liquor licenses through Police Department consultations, *targeted enforcement efforts at crime and nuisance hot spots or other areas where problems exist*, other available services, and programs such as Neighborhood Watch.

We also recommend that the Final Plan include the following additional policies:

- Implement a Liquor Permit Moratorium Zone effective in areas that meet a threshold liquor store density established in coordination with the Infill Opportunity Working Group and other residents, advocates, and local stakeholders.
- Develop community and specific plans and economic development strategies to reduce and avoid overconcentration of liquor stores.
- Impose a public health and community safety tax on liquor stores to provide funds for neighborhood improvements that would address public health and safety impacts associated with liquor stores.
- Establish public health and safety standards that address community concerns that must be met as requirements for Conditional Use Permit issuance for a liquor store. Enforce those standards and pursue permit revocation against non-compliant stores.
- Establish special standards for the revocation of liquor stores' Conditional Use Permits according to community-based concerns for health and safety associated with liquor store operation.
- Require liquor stores to provide on-site security.

#### **IX. Plan for Sufficient High-Quality Parks and Open Space in Underserved Neighborhoods**

We appreciate the Draft Plan's incorporation of several recommendations contained in our September 2013 Letter relating to the enhancement of parks, open space, and tree investments in existing neighborhoods with the greatest need. See e.g., POSS-1-a, MT-6-c, D-3-a. In this section, we propose modifications to Draft Plan policies to expressly prioritize addressing the needs of underserved neighborhoods which have disproportionately lower parks and open space acreage per capita compared to other Fresno neighborhoods and deficient public facilities, infrastructure, and programming to make these spaces safe and healthy places to exercise, play, and congregate.

1. Strengthen Draft Plan Prioritization of Meeting the Park Space Needs of Park Deficient Neighborhoods

We recommend the inclusion of the following revised Draft Plan policies in the Final Plan:

- POSS-2-b, “Park and Recreation Priorities” “Use the following priorities and guidelines in acquiring and developing parks and recreation facilities:

....

- Provide accessible recreation facilities in established neighborhoods with ~~emphasis on priority to~~ those neighborhoods ~~currently underserved by~~ *with the greatest deficiencies in recreation facilities.*

...

- Improve established neighborhood parks ~~with emphasis on prioritizing~~ those neighborhoods with the greatest need.

...

- Acquire and develop park and open space established neighborhoods and Development Areas, *prioritizing existing neighborhoods with the greatest deficiencies*, so that all residents have access to park or open space within one-half mile of their residence...

- POSS-1-b Park Implementation Planning. Conduct ongoing planning to implement park policies established in this General Plan and continue to strive for well-maintained and fully accessible playgrounds with accessible amenities, throughout the city.

...

- Plan for acquiring new parkland designated in the General Plan, as shown in Figure POSS-1, *prioritizing areas of the City with lower parkland acreage per capita.*
- *In coordination with youth and other stakeholders, develop park supervision programming and identify infrastructure and design improvements (e.g., lighting) to improve public safety.*
- *In coordination with community stakeholders, develop and implement a plan to increase community awareness of and participation in park programming.*

HC-7-a, “Prioritization System for Parks Improvements”, calls for the linkage of park facility improvement priorities to a ranking system keyed to public health and safety and recreational goals. The Policy should specify that the system will be developed in coordination with the Infill Opportunity Working Group, and other residents, local advocates, and stakeholders. HC-7-a should also state that the ranking system will prioritize the elimination of gaps in local park service areas, especially in the areas west of State Route 99, and in south central and southeast Fresno. HC-7-a establishes that park facility improvements should be linked to the elimination of such gaps, but does not clearly establish that the ranking system must incorporate such gaps as a factor.

Jennifer Clark, Director, DARM

August 18, 2014

Page 31

The Final Plan should adopt the following revised version of the implementation actions listed on page 12-34:

- “Provide an expanded, safe, high quality, and diversified park system throughout the city, including infill and Growth Areas and *prioritizing the elimination of park system deficiencies in underserved existing neighborhoods...*”
- “Pursue sufficient and dedicated funding for acquisition, operation and maintenance of Fresno parks, including pocket parks created by residential subdivisions, *prioritizing acquisition, operation and maintenance of parks in existing underserved neighborhoods.*”
- “Adopt regulations and programs to improve park facilities to support public health and *remedy deficiencies in existing underserved neighborhoods.*”

## 2. Modify Draft Plan Policies and Narrative to Support Achievement of Park Space Goals

The Draft Plan states that on the Land Use Diagram, “All new parks, open space, and public facilities (such as school sites), carry dual land use designations, so that if that facility is not needed, private and public development consistent with zoning and development standards may be approved.” 5:24. As stated in our September 2013 Letter, the Draft Plan does not but should state criteria by which determination will be made that a designated public facility is a not needed.

POSS-1-f provides that “Locations for future park sites as shown on Figure POSS-1 are schematic to the extent that park sites may be relocated as necessity and opportunity dictate, and a General Plan amendment is not required if the park continues to serve the target areas as determined by the Planning Director.” 5:24. The Final Plan should qualify this Policy to require that relocated park sizes are of equal or greater scale than that provided in Figure POSS-1.

We recommend the revision of POSS-2-e, e Open Space Dedication for Residential Development, as follows:

- Ensure new residential developments provide adequate land for parks, open space, landscaping, and trails *to allow the City to meet the Plan’s 3.0 acre of parkland per 1,000 residents standard (POSS-1-a)* through the dedication of land.

We advise the inclusion of the following additional policy:

- Do not grant impact fee credits for park space developed in excess of the established parkland per capita ratio.

## 3. Select New Park Spaces that will Safeguard Health

Policy POSS-2-d calls for the City to seek opportunities to develop remnant parcels along freeway corridors for appropriate recreational uses. 5:26. Locating outdoor recreational facilities near freeways creates risks of adverse health effects among users of those facilities and children in particular due to exposure to heightened levels of air pollution. The Plan therefore should either eliminate this policy or incorporate express safeguards for the consideration of and

protection against adverse public health impacts from new recreational opportunities near freeway corridors.

4. Provide for Effective Resident Input in Park Planning

We appreciate the intention of POSS-1-c, "Public Input in Park Planning". The Policy can be strengthened as follows:

- POSS-1-c Public Input in Park Planning. ~~Continue to provide opportunities for~~ *Collaborate with the Infill Opportunity Working Group and conduct proactive community outreach to encourage public participation, including in particular youth participation and participation by residents of low-income park deficient neighborhoods, in the planning and development of park facilities and in creation of social, cultural, and recreational activities in the community from concept initiation phase through implementation.*

5. Ensure that Support for Community Facilities Districts Does Not Impair Achievement of Parks and Open Space Standards in Underserved Neighborhoods

Policy POSS-4-c, "Improvements in Established Neighborhoods", directs the City to, "Seek agreements with formal neighborhood associations and institutions for improvements and ongoing maintenance of parks in established neighborhoods." Policy HC-7-c similarly supports the establishment of community facilities districts (CFDs) as well as the pursuit of other citywide financing mechanisms to generate funds for the financing of maintenance of new parks and open space and the improvement of existing facilities.

Low-income communities often lack the resources to fund essential public amenities and services through CFDs, neighborhood associations or other community financing mechanisms. The Plan should clarify that CFDs will not be pursued at the expense of ensuring the achievement of the Draft Plan's goals, objectives, and policies for the elimination of deficiencies in access to parks, open space, and public facilities in existing low-income lacking such amenities.

6. Allow Vehicle Access to San Joaquin River Parkway through the River View Drive Area/Neighborhoods

POSS-7-g would limit access to the San Joaquin River Parkway, especially by lower income residents and communities of color, by prohibiting vehicular access to the Parkway at Riverview Drive. Lower income residents and residents of color, who disproportionately do not typically live along the Parkway compared to higher income and white residents<sup>28</sup>, will need to drive to access the Parkway. Without sufficient parking, they will not have adequate access to the Parkway and its unique resources. Existing easement rights that restrict public access at Palm and Nees will exacerbate the effects of limiting access at Riverview Drive. Limiting vehicular access at Riverview Drive therefore disproportionately impacts low income residents and communities of color in violation of Title VI of the Civil Rights Act and Government Code

<sup>28</sup> See Draft Plan Figures I-4, I-7, I-10, & I-11.

Jennifer Clark, Director, DARM

August 18, 2014

Page 33

Sections 65008(a), 11135. The General Plan Update and Parkway have received significant federal and state funds and thus must comply with these provisions.

The City must revise POSS-7-g therefore to allow vehicular access to the Parkway at Riverview Drive.

**X. Ensure the Provision of Efficient and Affordable Transportation Amenities for All City Residents and Create Transit Ready Neighborhoods**

As discussed in other sections of this letter, many high-poverty neighborhoods and neighborhoods of color in Southeast, Southwest, and Central Fresno lack access to essential goods and services, such as grocery stores, medical facilities, financial institutions, parks and recreation centers and public facilities, and employment opportunities. The provision and maintenance of an affordable, efficient and comprehensive multi-modal transportation system – together with the implementation of strong affordable housing policies – is therefore essential to ensuring access by low-income residents to these resources.

The Plan includes several objectives and policies supportive of such a transportation system. See e.g., Policies MT-4-d and MT-8-j; Objective HC-2. The recommendations that follow would strengthen the Plan’s ability to effectively address the transportation needs of Fresno’s low-income, disadvantaged residents and neighborhoods.

1. Prioritize the Transit Needs of Low-Income Neighborhoods and Populations

Thank you for including Policy MT-8-j, “Transit Services”, in the Draft Plan. To assure its effective implementation, we recommend the following revision:

- ~~Emphasize~~*Prioritize* expansion of transit service in low-income neighborhoods that lack appropriate service levels.

We also recommend modification of Policies MT-1-g and HC-2-d as follows:

- MT-1-g. Complete Streets Concept Implementation. Provide transportation facilities based upon a Complete Streets concept that facilitates the balanced use of all viable travel modes (pedestrians, bicyclists, motorists *vehicle*, and transit users), meeting the transportation needs of all ages, *income groups*, and abilities.
- HC-2-d Mobility for Carless Population. Improve multi-modal mobility for populations that do not have access to a car by connecting all neighborhoods to major destinations, including parks; civic facilities; California State University, Fresno; other educational institutions; *medical facilities*, employment centers; shopping destinations; and recreation areas, *with efficient and affordable transit options*.

2. Effectively Link Land Use and Transit to Support Achievement of Infill and Complete Neighborhoods Objectives

We recommend revision of Policies MT-1-j and RC-2-a as follows:

- MT-1-j. Transportation Improvements Consistent with Community Character. Prioritize transportation improvements that are consistent with the character of surrounding neighborhoods and supportive of safe, functional and Complete Neighborhoods; *support achievement of the City's infill objectives*, minimize negative impacts upon sensitive land uses such as residences, hospitals, schools, natural habitats, open space areas, and historic and cultural resources; *and enhance public health*.
- RC-2-a Link Land Use to Transportation. Promote mixed-use higher density infill development in multi-modal corridors. Support land use patterns that make more efficient use of the transportation system and plan future transportation investments in areas of higher-intensity development *and existing underserved neighborhoods*. Discourage investment in infrastructure that would not meet these criteria. *Ensure sufficient density of residential development in growth areas to provide affordable housing options for low-income residents and to support extension of transit service*.

Add the following policies to the Final Plan:

- Allocate 30% of all Federal, State, and local transportation funds to transit for capital investment, operations and maintenance.
- Impose impact fees on all new development to pay for the cost of transit services to the new development.

### 3. Prioritize the Provision of Street Lighting in Underserved Areas with Higher Levels of Crime

The Healthy Communities Chapter notes that, “A viable local approach to crime reduction and increasing perceptions of safety in Fresno communities requires attention to the physical and social environments that either support or deter crime.” The Draft Plan also notes that calls for police service are largely concentrated in central, southwest, and southeast areas of the City.

Adequate street lighting can deter crime and heighten residents’ perception of safety. The Final Plan should include the following policies to improve perceived and actual safety in Fresno’s neighborhoods with comparatively high crime rates:

- Prioritize the provision of lighting in streets, parks, and recreation facilities and along sidewalks and bike paths in lighting-deficient and high-crime areas.
- Seek and apply for funding for street light provision and maintenance in underserved areas.

### XI. Prioritize Investment in Water and Wastewater Infrastructure in Existing Neighborhoods and Plan for the Efficient and Sustainable Use of Water Resources

The Public Utilities and Services Chapter begins with an acknowledgment that the chapter can further the Draft Plan’s objective of promoting a city of healthy communities and improving

quality of life in established neighborhoods. As noted in the Draft Plan, strategic investment in public utilities is critical to supporting economic development and protecting public health.

The Final Plan can do more to promote economic development and public health through support for strategic public utilities investments. To that end, we recommend adoption by the Final Plan of the following objectives and implementing policies:

- Objective: Provide adequate waste water infrastructure to support investment and economic development in established neighborhoods
  - Policy: As part of a comprehensive assessment of impediments to development in established neighborhoods, assess the sufficiency and adequacy of capacity in the City's wastewater system and identify deficiencies in wastewater infrastructure.
  - Policy: Prioritize investment in wastewater infrastructure repairs, maintenance and expansion in established neighborhoods over new developments, especially new developments in growth areas.
  - Policy: Provide adequate drinking water infrastructure to support investment and economic development in established neighborhoods.
  - Policy: Prioritize investment in drinking water infrastructure repairs, maintenance and expansion in established neighborhoods over new developments, especially new developments in growth areas.
  - Policy: For all new development, analyze the extent to which it will impact capacity for growth and investment in established neighborhoods and require appropriate mitigation.

Additionally, we recommend the addition of the following policies to further Objective PU-5:

- Provide financial support to low-income residents to assist in efforts to abandon septic systems on their property and connect to the City's wastewater system.
- Work with Fresno County and unincorporated communities to extend the City's wastewater infrastructure into unincorporated communities that currently rely on septic systems.

We recommend the revisions to Draft Plan policies as follows:

- PU-4-a. Plan for Regional Needs. Coordinate and consult with the City of Clovis, pursuant to the Fresno-Clovis Sewerage System Joint Powers Agreement, *Fresno County and unincorporated communities near the City of Fresno* so that planning and construction of sewer facilities will continue to meet the regional needs of the Metropolitan Area.

While the Public Utilities and Services Chapter notes that a significant amount of the City's groundwater resources are compromised by contamination, the Draft Plan does not identify the sources of the contamination or discuss available measures to remediate existing contamination

or prevent further contamination. The Draft Plan also does not explain why some wells located in areas with contaminated groundwater (identified in Figure PU-3 (6:27)) do not have well-head treatment systems. Finally, the Chapter notes that some communities do not receive City of Fresno water but includes no analysis as to water quality or reliability in those areas.

Accordingly we recommend the addition of the following policies to the Public Utilities and Services Chapter:

- Identify sources of groundwater contamination and implement a strategy to prevent further contamination from current and anticipated uses and, where feasible, implement a strategy to remediate groundwater contamination.
- Prioritize well-head treatment or blending to ensure high quality drinking water throughout the City.
- Assess drinking water quality and reliability in communities within City limits and within or adjacent to the City's SOI and implement a program to extend City water if necessary to ensure safe and reliable drinking water to those communities.

The Resources Conservation and Resilience Chapter notes that the City must improve groundwater management and increase conservation efforts to avoid continued and serious groundwater depletion which in turn leads to increased infrastructure and energy costs as the City must dig deeper wells to reach the water table. Groundwater depletion has other serious and deleterious effects on the economy as well and the Draft Plan makes the commendable statement that the City has significant influence over aquifer health and is well positioned to lead conservation and recharge efforts.

The Chapter confirms that compact and infill development generally requires significantly less pipe and lower water per capita demand as compared to low density developments and notes that over 50% of water use in Fresno is for landscaping. Despite this, the Draft Plan does not incorporate sufficient policies to further the stated objectives of ensuring a long range source of drinkable water and promoting water conservation. The Chapter should include a policy encouraging compact and infill development to promote the efficient and sustainable use of water. Additionally, we offer the following revisions to existing policies to further the stated objectives of ensuring a long range source of drinkable water and promoting water conservation:

- RC-6-a. Regional Efforts. Support cooperative, multi-agency regional water resource planning efforts and activities on developing and implementing the Upper Kings Basin Integrated Regional Water Management Plan. *Support cooperative, multi-agency efforts to protect surface water flows in the San Joaquin River. Engage in cooperative, multi-agency efforts to prevent further depletion of groundwater.*
- RC-6-f. Regulate Sewage Disposal Facilities. Oppose development of new sewage disposal facilities either within the Planning Area or upgradient (north and east) of the Planning Area, unless the treatment facilities produce effluent that:
  - Will not degrade the aquifer ~~in the long term.~~
  - Will not introduce contaminants into surface water that would negatively affect its ~~potential economic~~ use for drinking water or other beneficial uses

- RC-6-h. Conditions of Approval. Include in the Development Code standards for imposing conditions of approval for development projects to ensure long-term maintenance of adequate clean water resources. Require findings that adequate water supply must exist prior to any discretionary project approval for residential and commercial development requiring annexation (excluding *County Islands and disadvantaged communities with the City's SOI pursuant to Cal. Gov. Code § 56425 and 56430*), as required by law. *Require findings that development in growth areas will not impact water supply for potential development within City limits. Require findings that development projects in growth areas will not result in further depletion of the aquifer which in turn will lead to increased capital and energy costs for all City water users as a result of from the need to dig deeper wells.*

## **XII. Minimize Resident Exposure to Hazardous Pollutants in Pollution-Burdened Neighborhoods**

We were disappointed to see that the Draft Plan fails to incorporate nearly all of the recommendations aimed at reducing the pollution exposure of residents of Fresno's high poverty and pollution-burdened neighborhoods. See September 2013 Letter. As we advised the City in that letter, failure of the General Plan to address these burdens, and imposition by the Plan of additional pollution-burdens on neighborhoods with disproportionately high proportions of residents of color will render the Plan incomprehensive under California Government Code § 65300 and in violation state and federal civil rights and fair housing law, including but not limited to 42 U.S.C. §§ 2000d, 3601, *et seq.*, 5304(b)(2), 5306 (s)(7B), and 12705 and Cal. Gov. Code § 11135.

### **1. Prioritize Equal Protection Against Polluting and Toxic Land Uses**

The Draft Plan contains no express policies to ensure equal protection of all Fresno residents against polluting and toxic land uses. Given the existing disproportionate pollution burdens born by certain South Fresno neighborhoods, the Final Plan must incorporate and prioritize the equal protection of all residents from polluting, toxic, and other unhealthy land uses in all of City's policies and practices.

To this end, we recommend that the Final Plan adopt this letter's proposal for the creation of an Infill Opportunities Working Group that will serve as a liaison between the City and highly-impacted neighborhoods to assist the City in the review, revision, and development of its policies and practices to ensure that City action mitigates and does not further exacerbate existing disproportionate pollution burdens.

We also recommend the inclusion of the following policies in into the Plan:

- Perform an analysis of the sources of pollution exposure to residents in neighborhoods that rank in the top 10% of census tracts under CalEnviroScreen.

- Analyze the distribution of pollution burdens by source throughout the City.
- In collaboration with the Infill Opportunity Working Group, residents, and local non-profits, develop a plan and timeline for reducing exposure in neighborhoods that rank in the top 10% of census tracts under CalEnviroScreen.
- Seek funding for and commission a comprehensive review in collaboration with the Infill Opportunity Working Group, residents, and other stakeholders of the impact of historic and current City policies and practices on the distribution of environmental impacts in Fresno, focusing on neighborhoods that rank in the top 10% of census tracts under CalEnviroScreen.
- In collaboration with the Infill Opportunity Working Group, residents, and other stakeholders, assess deficiencies in and develop and adopt measures to increase opportunities for resident participation in City land use decision-making processes that may impact pollution exposure in Fresno neighborhoods at or below 60% MHI or falling within the top 10% of census tracts under CalEnviroScreen.
- Create a staff position responsible for monitoring and supporting the advancement of protection against disproportionate pollution exposure in Fresno neighborhoods at or below 60% MHI or falling within the top 10% of census tracts under CalEnviroScreen in coordination with the Infill Opportunity Working Group, residents, and other stakeholders.

2. Modify Land Use Designations to Address Over-Concentration of Business Park and Industrial Land Uses in and around South Fresno and Calwa

The 2003 General Plan Guidelines state that, “Cities and counties should develop policies that provide for the location of industrial facilities and other uses that, even with the best available technology, will contain or produce materials that, because of their quantity, concentration, or physical or chemical characteristics, pose a significant hazard to human health and safety in a manner that seeks to avoid over-concentrating these uses in proximity to schools or residential dwellings.” p. 26. As evidenced by the CalEnviroScreen findings among other data and studies, current land-use patterns in South Fresno, and West Fresno in particular, “pose a significant hazard to human health and safety.” These land uses include disproportionate siting of heavy and light industrial facilities, agricultural uses, solid waste facilities, hazardous waste sites and other polluting land uses in and next to South Fresno residential neighborhoods and Calwa as compared to other neighborhoods in the City. South Fresno residents, and West Fresno residents in particular, have told the City for decades that their neighborhoods are over-saturated with and over-zoned for industrial and other polluting and unhealthy land uses.<sup>29</sup>

Despite the over-concentration of polluting land-uses in South Fresno and Calwa, the Fresno General Plan Land Use Diagram designates large tracts of land for industrial and business park uses in these areas. Parcels designated for industrial and business park development border West

---

<sup>29</sup>See e.g., Minutes from 5/21/2014 and 6/18/2014 Fresno Planning Commission Meetings for Brenntag Chemical Warehouse Project; 1977 Edison Community Plan, pp. 9, 42-43, *Concerned Citizens of West Fresno v. City of Fresno & Darling International*, filed in 2012 and pending resolution.

Jennifer Clark, Director, DARM

August 18, 2014

Page 39

Fresno to the North and East, adjoin Calwa on three sides, and abut various other existing and planned residential neighborhoods. The heavy industrial land use designations in South Fresno comprise all of the heavy industrial land use designations on the Land Use Diagram, with the exception of a relatively small area in central east Fresno south of the Fresno Yosemite International Airport and bordered by light industrial, mixed use, and open space designations. The Land Use Diagram includes all three industrial land use categories - heavy industrial, light industrial, and business park - in the midst of only one Fresno neighborhood – West Fresno.

The designation of industrial land uses on the Land Use Diagram corresponds to the Draft Plan's principle economic development strategy to intensify industrial activity in shovel-ready industrial land-use "clusters" served by adequate infrastructure and services. See e.g., 2:12, 14; ED-1-e, 2:22. The strategy (already undergoing implementation) expedites the development review and entitlement process through the establishment of reduced review timelines, new review fast-tracking procedures and the elimination of discretionary permit requirements (and the corresponding increase in by-right uses). Strategies to fast track and reduce discretionary permit requirements for new and expanded industrial developments will reduce opportunities for environmental review for and public input on these projects.

While the Draft Plan attempts to use Regional Business Park and Business Park designations as buffers between industrial and residential land uses, these business park designations would allow a variety of land uses associated with environmental impacts that negatively affect nearby residences and sensitive receptors. Examples of uses permitted in Regional Business Park under draft Development Code Update articles<sup>30</sup> include Limited Industrial, Research and Development, Indoor Warehousing and Storage, Outdoor Storage, Wholesaling and Distribution, Freight/Truck Terminals, Light Fleet-Based Services and Warehouses, and Minor Utilities by right and Airports and Heliports and Major Utilities by conditional use permit.

The Light Industrial land use designation 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. 3:41. Light Fleet-Based Services include businesses that rely on fleets of vehicles for their operations. Development Code Update Revised Module 3, p. 51. Minor utilities include structures such as electrical distribution lines and underground water and sewer lines. Major Utilities include "Generating plants, electric substations, solid waste collection, including transfer stations and material recovery facilities, solid waste treatment and disposal, water and wastewater treatment plants, and similar facilities of public agencies or public utilities". *Id.*

Together these uses will generate unknown volumes of additional truck and vehicle traffic travelling to and from industrial land use "clusters" bordering South Fresno neighborhoods,

---

<sup>30</sup> Revised Module 3 District Purpose Statements and Use Regulations ("Development Code Update Revised Module 3"), provided to the Development Code Update Technical Advisory Committee on August 12, 2013.

creating new air quality, noise, aesthetic and other impacts.<sup>31</sup> Many of the uses permitted on land designated for business park uses may be unaesthetic in a neighborhood environment, utilize potentially hazardous chemicals and processes, and generate significant and ongoing vehicle traffic, odors, noise and other environmental impacts.

Taken together, the Draft Plan Land Use Designations and Economic Development strategy stand to impose on some of the neighborhoods with the highest pollution burdens in the state unknown and significant levels of additional pollution associated with intensified industrial and business park land uses while reducing opportunities for public input and environmental review. The Draft Plan's Economic Development strategy therefore may impair neighborhood revitalization, the development of mixed-income housing, and the attraction of neighborhood-serving amenities such as retail and grocery outlets so sought after by residents.

The Final Plan must address the over-concentration of existing and planned industrial and business park land use designations and zoning in and around neighborhoods with high pollution burdens in South Fresno. The Plan should include a policy requiring the City to develop and implement a plan for a community-based process implemented in collaboration with the Infill Opportunity Working Group, residents, community-based organizations, and other stakeholders to assess and determine appropriate land use designations in West Fresno, Calwa, and other South Fresno neighborhoods to ensure that land use designations contribute to environmental quality, public health and revitalization and are compatible with existing and planned land uses.

This process must also seek to identify developed parcels with land uses which are incompatible with the residential character of these communities for re-designation and develop an amortization process consistent with the property and constitutional rights of property owners.<sup>32</sup>

As General Plan adoption will occur prior to the enactment of such a process, the Plan should directly address the over-concentration of industrial land use designations on undeveloped or abandoned parcels in these neighborhoods as follows:

- Replace Industrial and Business Park Land Use Designations in the area bounded approximately by Whites Bridge, Blythe, Belmont and the Downtown Planning Area with a mix of medium and high density residential, office, commercial, mixed use, open space, and public facilities land use designations.

---

<sup>31</sup> Distribution centers or warehouses, permitted in business park and industrial districts under the draft development code articles, serve as a distribution point for the transfer of goods. Their operations involve trucks, trailers, shipping containers, and other equipment with diesel engines. Activities associated with delivering, storing, and loading freight produces diesel PM emissions, which is a known toxic air contaminant and carcinogen. Transport Refrigeration Units (TRUs), used by trucks transporting perishable goods, generate emissions which can pose a significant health risk to those exposed. California Air Resource Board, Air Quality and Land Use Handbook: A Community Health Perspective, April 2005, pp. 11-12.

<sup>32</sup> Other communities have undertaken rezoning of industrial and other land uses deemed incompatible with surrounding residential uses. See e.g., National City's Westside Specific Plan, <http://www.ci.national-city.ca.us/index.aspx?page=498>.

- Replace Industrial and Business Park Designations in West Fresno in the vicinity of West & Church and Fruit & Church with a mix of medium and high density residential, commercial, mixed use, open space, and public facilities land use designations.
- Replace Regional Business Park designations adjoining the residential designations near Fig and Muscat with Business Park designations.
- Replace Highway & Auto and Industrial Use designations between Jensen and North and Elm and Highway 180 with a mix of Residential, Office, Business Park, Commercial, Open Space and Public Facilities Designations.<sup>33</sup>
- Replace Industrial designations within the Industrial Triangle between Highways 99 and 41 with Business Park designations.
- Replace Industrial designations within 1/2 mile of Downtown, Calwa and Southeast Fresno residential neighborhoods with a mix of medium and high density residential, office, commercial, mixed use, open space, and public facilities land use designations.

The City should avoid designating sensitive land uses within ¼ mile of highways (as they are negatively impacted by noise and pollution associated with highways).

Given the particular vulnerability of children to environmental health hazards, the Plan should include policies to protect children from prolonged and ongoing exposure to hazardous pollutants in and around their schools. We therefore advise addition of the following bullet point to POSS-8-b, "Appropriate School Locations," as follows (additions italicized):

- *Work with school districts operating in Fresno and private and charter schools to locate and design new school sites so they are located and accessed at least one mile from existing and planned industrial and business park land uses or other sites that pose a hazard to human health.*

3. Ensure Compatibility of New and Expanded Industrial Development with Existing and Planned Land Uses

Prior to taking any steps to promote specific projects to locate or expand industrial development in pollution-burdened Fresno census tracts, the City must vet such projects with residents, local advocates and other stakeholders to ensure that the Project is compatible with existing and planned land uses and neighborhood health and vitality and provide early opportunities for stakeholder input to ensure that any project that proceeds benefits the neighborhood.

We recommend the inclusion of the additional and revised objectives and policies:

---

<sup>33</sup> West Fresno Elementary School is located nearby. We have heard reports from teachers at the school of students experiencing bloody noses with excessive frequency, disproportionately high rates of asthma, and limited cardiovascular capacity to participate in athletic activities, as well as bad odors in the air causing teachers to cover their noses with scarves to avoid the smell. The expansion of industrial use nearby is not appropriate or acceptable.

- ED-1-d. Strategic Land Regulation. Explore increasing the amount of land properly zoned, consistent with the General Plan *and that would be compatible with surrounding land uses*, and ready to be expeditiously developed, redeveloped, and/or revitalized for economic development and job creation purposes. *Vet proposed rezonings with the Infill Opportunity Working Group, residents, and stakeholders to ensure that zoning would be compatible with surrounding neighborhoods.* Establish a priority infill development program for sites and districts.
- ED-3-a Business Expansion and Attract Program. Create, adopt, and implement programs to expand existing and attract new businesses.

*Commentary: This program will focus on desirable businesses and industries that:*

- *Create less than significant impacts on the environment and are compatible with established neighborhoods. Assess compatibility in coordination with the Infill Opportunity Working Group and other residents and stakeholders.*
- ED-3-b Marketing to Desired Businesses and Industries. Expand the City's marketing efforts, focusing on desired industries and businesses *compatible with existing and planned land uses.*

*Commentary: Actions may include, but are not limited to:*

- *In collaboration with the Infill Opportunity Working Group, identify existing industrial businesses that are appropriate for expansion due to their location and/or the nature of their operations. Regularly contact ~~existing City of Fresno industrial~~ those businesses and seek their input on how the City can support their expansion.*
- MT-11 Achieve necessary capacity increasing and inter-modal connectivity enhancing improvements to the goods movement transportation system to support the growth in critical farm product and value added industries *compatible with existing and planned land-uses.*
- LU-7 Plan and support industrial development *that is compatible with other existing and planned land uses* to promote job growth.
- LU-7-c Efficiency of Industrial Uses. Promote industrial land use clusters to maximize the operational efficiency of similar activities.
  - *Vet the location and boundaries of industrial land use clusters with the Infill Opportunity Working Group, residents, local non-profits, and other stakeholders for compatibility with existing and planned land uses.*

We also advise the inclusion of the following additional policies in the Final Plan:

- Establish mechanisms and procedures to significantly increase the role and influence in land use and environmental decisions of residents from neighborhoods that experience disproportionate pollution burdens.
- Prohibit the concentration of industrial, hazardous, and polluting land-uses in neighborhoods at or below 60% of Medium Household Income (MHI) or fall within the top 10% of pollution burdened neighborhoods identified by CalEnviroScreen.
- For proposals or efforts to expand or locate new industrial, hazardous, or polluting land uses or land uses which may otherwise impair quality of life, aesthetic well-being, and/or property values in an area at or below 60% of Medium Household Income (MHI) or within the top 10% of pollution burdened census tracts identified by CalEnviroScreen:
  - Notify the Infill Opportunity Working Group and residents and other stakeholders who have requested notice of such projects of the proposal for a preliminary assessment of the appropriateness of the proposal based on the project's location in relation to existing and planned land uses and potential environmental impacts prior to the initiation of efforts by the City to advance the proposal.
  - Require the project proponent to file a Public Participation Plan with Infill Opportunity Working Group and DARM prior filing any other project-related applications. The Public Participation Plan shall include providing project-related information to the Infill Opportunities Working Group and incorporating recommendations made by the group to avoid the imposition of negative project related impacts on surrounding sensitive uses and to ensure the project benefits the community.
  - Require a Conditional Use Permit with permit conditions sufficient to protect resident health, safety and property values in light of existing neighborhood environmental conditions.
- Assess the adequacy of and enhance existing regulations relating to the use of buffering techniques, such as landscaping, setbacks, and screening, to protect sensitive receptors from air pollution.

4. Prevent Further Concentration of Waste Facilities in Disadvantaged Neighborhoods

We appreciate the inclusion in Policy PU-9-d, "Facility Siting," of language requiring the location of private and public waste and recycling facilities such that they are "not detrimental to the public health, safety, welfare, and aesthetic well-being of the surrounding community." We also appreciate the intention of the commentary that follows the policy that provides that "facility siting provisions in the Development Code will take into account proximity to residential development, access to transportation, density and separation

requirements.” 6:31. However, PU-9-d can do more to mitigate and prevent the further concentration of industrial waste facilities in overburdened neighborhoods.

We advise the adoption of the following revised version of PU-9-d:

- Locate private or public waste facilities and recycling facilities in conformance with City zoning and state and federal regulations, so that the transportation, processing, and disposal of these materials are not detrimental to the public health, safety, welfare, and aesthetic well-being of the surrounding community. *Prohibit the location of new waste facilities or the expansion of existing waste facilities in or near neighborhoods already bearing a disproportionate portion of the City’s waste facilities or in census tracts that fall within the top 10% of pollution burdened neighborhoods identified by CalEnviroScreen.*

We recommend inclusion of the phrase, “so that no neighborhood hosts a disproportionate portion of the City’s waste facilities”, at the end of the commentary associated with PU-9-d. We also advise that incorporation of the commentary into PU-9-d itself.

5. Prevent Further Concentration of and Mitigate Environmental Health Hazards of Hazardous Waste Facilities in Disadvantaged Neighborhoods

The Draft Plan Noise and Safety Element states that sites previously contaminated by hazardous materials requiring cleanup are predominately clustered south of Downtown in addition to several other areas of the City. 9:32. The Draft Plan however does not include any data on or discussion of the proximity of hazardous waste sites to residences and other sensitive land uses and the human health impacts of those sites or policies to prevent the further concentration of hazardous materials facilities in the neighborhoods south of Downtown.

To address these deficiencies, we advise the revision of policies NS-4-d, NS-4-f, and NS-4-I as follows:

- NS-4-b Coordination. Maintain a close liaison with the Fresno County Environmental Health Department, Cal-EPA Division of Toxics and the State Office of Emergency Services to assist in developing and maintain hazardous material business plans, inventory statements, risk management prevention plans, and contingency/emergency response action plans *and to identify compliance issues and coordinate enforcement action.*
- NS-4-d. Site Identification. Continue to aid federal, state, and County agencies in the identification and mapping of waste disposal sites (including abandoned waste sites), and to assist in the survey of the kinds, amount, and locations of hazardous waste sites. *Make this information available to the public in an easy-to-understand format.*
- NS-4-f. Hazardous Materials Facilities. Require facilities that handle hazardous materials or hazardous wastes to be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations. *Prohibit*

*siting of new hazardous materials facilities or the expansion of existing hazardous materials facilities in neighborhoods that fall below 60% MHI or within the top 10% of pollution-burdened neighborhoods identified by CalEnviroScreen.*

- NS-4-i. Public Information. Continue to assist in providing information to the public on hazardous materials *and the location of hazardous materials facilities and hazardous waste sites in the community.*

We recommend the following revised version of the implementation action listed on page 12-39:

*“Adopt regulations and programs as appropriate to minimize the risk of loss of life, injury, and property, from the use, transport, treatment, and disposal of hazardous waste and materials *and prevent concentration of such uses and activities in certain residential neighborhoods.*”*

6. Prevent Truck Traffic Interference with Public Health and Use and Enjoyment of Property

The Mobility and Transportation Chapter states that, “Fresno does not have any particular issue with parking and goods movement, but faces similar concerns of many other cities, which is ensuring adequate infrastructure and logistics to keep the costs of economic development low, while simultaneously aiming to improve visual appearance, the safety of walking and biking, and reduce the costs of road maintenance.” 4:6. This statement ignores the real impact experienced by certain Fresno residents, including West Fresno residents and residents of other South Fresno neighborhoods, of goods movements due to truck traffic near and through residential areas and residential proximity to State Highways 99, 180, and 41. The results of goods movement activities on impacted residents include exposure to toxic air emissions, excess noise, pedestrian safety hazards, and in some cases, exposure to foul odors and roadway spillage associated with trucks en route to and from industrial facilities.

Population increases over the life of the General Plan and Plan policies calling for the intensification of industrial land uses will increase the impacts of good movements on sensitive land uses in the City. The Plan must take proactive measures to address existing and projected impacts.

To protect residents and other sensitive populations from exposure to negative impacts of good movement, we propose the following revised version of the Draft Plan policies:

- MT-11-c Truck Route Designations. Continue to plan and designate truck routes within the Metropolitan Area to facilitate access to and from goods production and processing areas while minimizing conflicts with other transportation priorities *and sensitive land uses such as residences, schools, parks and open space, and medical facilities.*
- MT-11-d Appropriate Truck Route Roadway Design. Incorporate provisions for trucks in design of routes designated for truck movement. Ensure that truck routes meet federal

standards for intersections, pavement, and turning movements *and prevent and eliminate pedestrian safety hazards and conflicts with existing and planned sensitive land uses.*

We also recommend inclusion of the following additional policies:

- Evaluate pedestrian safety hazards from existing and future truck traffic and design and implement route requirements and seek funding sources to mitigate and eliminate the hazards.<sup>34</sup>
- Enforce state laws against truck idling.

With respect to Policy MT-5-e, “Traffic Management in Established Neighborhoods,” we note that residents living near land designated for industrial and business park sites should not be required to contribute financially for traffic management and calming methods addressing traffic associated with those sites. 4:39.

Adopting the modifications outlined in Section XII(3) of this correspondence to reduce the overconcentration of industrial and business park land use designations in South Fresno will mitigate impacts of increased truck and personal vehicle traffic on highways and local roadways near and in South Fresno neighborhoods.

#### 7. Mitigate Resident Exposure to Negative Health Impacts from Agriculture within City Limits

The Draft Plan recognizes that “food, air, soil, and water are being contaminated from chemicals and pathogens related to agriculture”. 10:17. Many neighborhoods in Fresno are surrounded by agricultural uses involving the application of chemicals harmful to human health. While we support the inclusions of policies in the Plan to prevent premature conversion of farmland, the Draft Plan should but does not include policies to protect residents from the uses of such chemicals in proximity to homes, schools, parks, or other sensitive land uses.

The Final Plan should also ensure that traditional separations between agricultural land and sensitive uses as created by the use of distinct zone districts for such uses are observed. Policy HC-5-g would do just the opposite by directing the City to allow large scale agriculture on land designated for residential development. As we have previously commented in other communications to the City, policies allowing for by-right agricultural production on land planned for residential development undermine the health of residents who live near those parcels,<sup>35</sup> violate state housing element law by reducing the availability of land for residential

---

<sup>34</sup> This proposal could also be incorporated into Plan Policy MT-4-d. As an example, we are aware of several accidents involving children and truck traffic using the North Avenue to travel to and from Cargill meat rendering plant, which is located less than a mile from West Fresno Elementary School. We have been told that trucks do not use another nearby exit because that exit does not provide sufficient turn space for truck traffic.

<sup>35</sup> See e.g., Draft CalEnviroScreen 2.0, Guidance and Screening Tool, “High use of pesticides, however, has been correlated with exposure and with acute pesticide-related illness, and there is evidence of association with chronic disease outcomes. Pregnant, low-income Latinas residing in an agricultural area of California had pesticide metabolite level in their urine up to 2.5 times higher than a representative sample of U.S. women (Bradman *et al.*, 2005). Some research indicates that proximity to agricultural fields is correlated with measured concentrations in homes (Bradman *et al.*, 2007; Harnly *et al.*, 2009)....A large cohort study of male pesticide applicators found a significant association between the use of four specific insecticides and aggressive prostate cancer (Koutros *et al.*,

development, and result in a negative disparate impact on low-income neighborhoods of color in West and Southwest areas of the City with the greatest amount of vacant residentially zoned land<sup>36</sup> and highest levels of existing pollution burden. Inclusion of HC-5-g in the Plan is also inconsistent with the Plan's recognition of the harmful effects of chemicals and pathogens related to agriculture. Gov. Code § 65300.5.

Therefore, we advise that the Plan omit Policy HC-5-g and add the following policies to protect resident health and achieve internal consistency:

- Allow agricultural operations over three acres in size that use mechanized equipment and/or involve application of hazardous pesticides or fertilizers only on land designated for agricultural land use and subject to a Conditional Use Permit.
- Implement a quarter mile buffer between commercial agricultural uses that use mechanized equipment and/or involve application of hazardous pesticides or fertilizers and sensitive uses such as schools, residences, day cares, medical facilities and senior facilities.
- Assess and require mitigation for agricultural uses that contribute to groundwater contamination

We also recommend the revision of Policy HC-7-d as follows:

- *Integrated Pest Management.* Formulate and implement an Integrated Pest Management Program to reduce the use of pesticides at City-owned parks and landscape areas. *Offer incentives and training to private parties to use Integrated Pest Management techniques on farmland within City limits.*

8. Examine, Mitigate, and Prevent Exacerbation of Disproportionately Poor Air Quality in Certain Areas of the City

Draft Plan Chapter 7, Resource Conservation and Resilience, includes a general discussion of the poor air quality within the San Joaquin Valley Air Basin but does not discuss or include data or analysis regarding disparities in air quality across the City or the heightened impacts of poor air quality on neighborhoods with highly sensitive populations due to factors such as age, poverty, and educational attainment. Yet, CalEnviroScreen and other studies have documented the high levels of air pollution and resident vulnerability to pollution exposure in South Fresno neighborhoods as compared to other Fresno neighborhoods.<sup>37</sup>

---

2012). Prenatal exposure to the organophosphate chlorpyrifos has been associated with abnormalities in brain structure in children (Rauh *et al.*, 2012). An examination of national pesticide illness data concluded that agricultural workers and residents near agriculture had the highest rates of pesticide poisoning from drift incidents..." pp. 38-39.

<sup>36</sup> See Staff Report.

<sup>37</sup> See CalEnviroScreen Microsoft Excel Spreadsheet, *infra*.

Jennifer Clark, Director, DARM

August 18, 2014

Page 48

In a report released in April 2014<sup>38</sup>, the American Lung Association found that the Fresno-Madera metropolitan area has the worst particle pollution in the nation. As noted above, air quality in Fresno is likely to further deteriorate during the General Plan implementation period as population increases and vehicle miles travelled increases as development in growth areas proceeds without restraints, unless recommendations included in this correspondence are incorporated into the Final Plan. South Fresno neighborhoods bordered by Highways 99, 180, and 41 and adjacent to planned industrial land use clusters will experience acute air quality impacts from increased truck and car traffic and the operation of polluting facilities.

To address these shortcomings and to ensure compliance with state and federal civil rights laws, the Final Plan should modify policies RC-4-b and RC-4-d as follows:

- RC-4-b Conditions of Approval. Develop and incorporate air quality maintenance requirements, compatible with Air Quality Attainment and Maintenance Plans, as conditions of approval for General Plan amendments, community plans, Specific Plans, neighborhood plans, Concept Plans, and development proposals *with emphasis on the improvement of air quality in neighborhoods falling within the top 10% of census tracts under CalEnviroScreen.*
- RC-4-d Forward Information. Forward information regarding proposed General Plan amendments, community plans, Specific Plans, neighborhood plans, Concept Plans, and development proposals to the SJVAPCD *and the Infill Opportunity Working Group* for their review of potential air quality and health impacts.

As noted various times in the Draft Plan, the City can most effectively improve air quality by reducing vehicle miles travelled in the City, primarily by promoting compact land use and the use of public transit and active transportation. Given the serious and nationally-ranking levels of air pollution in Fresno, it is critical that the Plan adopt policies and implementation measures outlined in Section IV of this correspondence require compliance with infill targets. In addition, the Land Use Diagram should be revised as discussed in Section V to include residential densities sufficient to support efficient public transit service to all new neighborhoods in Growth Area, while the Plan should include a policy to prohibit reductions in residential densities in growth areas and existing neighborhoods lacking in affordable housing options.

Incorporating the revisions to the Land Use Diagram proposed in Section XII(3) of this letter will mitigate air quality impacts on South and West Fresno neighborhoods highly burdened by poor air quality.

We advise that the Plan also include the following policies:

---

<sup>38</sup> Available at <http://www.lung.org/associations/states/california/advocacy/fight-for-air-quality/sota-2014/state-of-the-air-2014.html>.

- Inventory sources, quantity, and nature of air-borne pollution in census tracts in Fresno ranking in the top 10% of census tracts under CalEnviroScreen and develop and implement a plan to improve air quality in these neighborhoods.
- Require industry to reduce emissions that negatively impact public health and the natural environment. Revise and strengthen ordinance that define penalties and mitigation measures for toxic releases and incidents.

#### 9. Ensure Community Engagement in Remediation of Contaminated Sites

Aside from one policy relating to Hammer Field, the Plan does not include policies for resident engagement in ongoing environmental remediation efforts of contaminated sites. The Final Plan should include the following policies to adequately address the matter:

- Ensure that contaminated sites are adequately remediated before allowing new development.
- In collaboration with residents, community advocates, and other stakeholders, develop a list of priority sites for environmental remediation focusing on neighborhoods falling within the top 10% of census tracts under CalEnviroScreen.
- Engage community members in overseeing remediation of toxic sites.

#### 10. Prioritize Enforcement and Create a Green Zone Fund for Improvements in Disadvantaged, Pollution-Burdened Neighborhoods

Fresno's policies and practices have resulted in the existence of neighborhoods disproportionately impacted by industrial and toxic land uses. As already stated, the Final Plan must proactively remediate past harms and prevent future harms that exacerbate disproportionate impacts. In addition to other policy recommendations outlined above with respect to industrial siting and resident involvement in land use decision-making, we propose the following additions to the Plan to address the disproportionate impacts borne by certain Fresno neighborhoods:

- Prioritize the enforcement of the Fresno Municipal Code and other applicable legal requirements for polluting or hazardous land uses in neighborhoods at or below 60% MHI or falling within the top 10% of census tracts under CalEnviroScreen.
- Create a Green Zone Fund with fines collected for violations by polluting or hazardous land uses in neighborhoods at or below 60% MHI or falling within the top 10% of census tracts under CalEnviroScreen to use for neighborhood greening and improvement projects based off factors and priorities developed by the Infill Opportunity Working Group, residents, and other stakeholders.

**XIII. Prevent Exposure by Resident and Other Sensitive Populations to Noise Exceeding Proposed Noise Thresholds**

**1. Policies to Intensify Industrial Land Uses Conflict with the Draft Plan's Noise Thresholds**

Table 9-1, "Measured Existing Noise Levels", shows noise levels at sites throughout the City all of which meet or exceed the 60 to 65 dB "Generally Acceptable" and 65 to 70 dB "Conditionally Acceptable" noise thresholds established by Policies NS-1-a and NS-1-b. The Draft Plan recognizes that noise levels will generally increase over the life of the Plan as the population grows, new development proceeds and traffic volume increases. 9:8.

The Draft Plan specifically describes noise that can result from industrial processes:

"Noise can result from many industrial processes, even when the best available noise control technology is applied. Noise exposures within industrial facilities are controlled by federal and State employee health and safety regulations..., but exterior noise levels may exceed locally acceptable standards." (9:11)

According to the Draft Plan, noise generated by industrial and other uses "can be continuous and may contain tonal components that may be annoying to individuals who live nearby."

The Plan states that "Industrial uses in Fresno are typically located in industrial districts near freeways and commercial uses, away from residences and other sensitive noise receptors". While this may be true for most of the City's residential areas, various residential neighborhoods in South and West Fresno are located in close proximity to existing industrial land uses and land designated for industrial use on the Land Use Diagram as discussed earlier in this letter.

Noise levels at residences close to industrial land use designations, and industrial land use "clusters" in particular, will rise and further exceed the noise thresholds set by NS-1-a and NS-1-b as the City pursues economic development strategies identified in the Plan to intensify industrial activity and as other sources of noise increase, including noise along highway corridors and on residentially-zoned sites used for agriculture in accordance with Policy HC-5-g<sup>39</sup>.

The Plan must address the internal inconsistency between its economic development and noise control policies by reducing industrial land use designations in proximity to South Fresno neighborhoods as described in Section XII(2) of this letter to ensure that noise levels do not exceed acceptable thresholds.

---

<sup>39</sup> The Draft Plan recognizes noise from agriculture, including noise generated by crop dusters, tractors, and other mechanized equipment, as a major source of noise in Fresno. 9:11.

2. Clarify and Strengthen Policies to Prevent Resident Exposure to Excessive Noise

To ensure that new and enhanced sources of noise under General Plan implementation do not result in noise levels exceeding the 65 dB “Normally Acceptable” threshold established in the Plan’s Noise and Safety Chapter, we recommend revisions of Draft Plan policies as set forth below.

Policy NS-1-a, Desirable and Generally Acceptable Exterior Noise Environment, reads:

“Establish 60 dB LDN or CNEL as the standard for the desirable maximum average exterior noise levels for defined usable exterior areas of residential and noise-sensitive uses for noise, but accept 65 dB LDN or CNEL for noise generated by transportation sources.”

Policy NS-1-b, Conditional Acceptable Exterior Noise Exposure Range, states:

“Establish the conditionally acceptable noise exposure level range for residential and other noise sensitive uses to be 65 to 70 dB LDN or CNEL for noise generated by sources noted in Policy NS-1-a....”

Though NS-1-a’s 60 dB threshold for exterior noise levels of residential and noise-sensitive uses seems to apply to noise generated by *any* source and the 65 dB threshold applies to noise generated by transportation sources, the sources encompassed by NS-1-b’s reference to the “sources noted in Policy NS-1-a” is unclear. NS-1-b should be revised to clarify that the noise thresholds apply to noise generated by *any source* (with the exception of the 65 dB threshold for transportation sources), not only residential or sensitive uses.

As written, Policy NS-1-m, Transportation Projects, seems to apply to any project regardless of type that generate “new transportation and transportation-related stationary noise sources”. The title of the Policy however indicates that the projects addressed by NS-1-m are limited to certain types of transportation-related projects. The Plan should eliminate this ambiguity by changing the title of NS-1-m to “Transportation-Related Noise Impacts”.

We also advise the following version of Policy NS-1-k to account for vehicle traffic generated by projects:

- NS-1-k Proposal Review...Require developers to reduce the noise impacts of new development on ~~adjacent~~-properties *adjacent to the project or roadways that will receive vehicle traffic associated with the project* through appropriate means.

3. Modify Policy NS-1-j to Comply with CEQA's Cumulative Impact Requirements

The California Environmental Quality Act requires consideration of environmental impacts where the incremental effects of a project are cumulatively significant when considered with other project with related impacts. C.C.R. § 15130. An agency must find that a project may have a significant effect on the environment if the possible effects of a project are individually limited but cumulatively considerable. Gov. Code § 21083(b).

As discussed in our September 2013 Letter, Policy NS-1-j seeks to establish a 5 dB significance threshold for increases in ambient noise levels that would preclude assessment and mitigation of cumulative noise impacts under CEQA. Policy NS-1-j should be revised as follows:

NS-1-j Significance Threshold. Establish, as a threshold of significance for the City's environmental review process, that a significant increase in ambient noise levels is assumed if the project would increase noise levels in the immediate vicinity by 5 dB LDN or CNEL, *provided that a cumulatively significant impact may be found for increases less than 5 dB LDN or CNEL where noise levels would exceed those established in Tables 9-2 and 9-3.*

**XIV. Ensure that Economic Development Policies Create Opportunity for Low-Income Residents and Facilitate Economic Vitality in High-Poverty Neighborhoods**

The City must ensure that General Plan Economic Development policies directly benefit low-income residents and neighborhoods by: supporting neighborhood conditions essential for business development and a healthy and productive workforce, providing job training and development opportunities for low-skilled workers in areas of high unemployment, facilitating affordable housing development to address the jobs/housing imbalance, providing low-income residents access to high performing schools, and linking residents to jobs through an effective transit system.<sup>40</sup> While the Draft Plan includes several policies to this effect, the Plan should be supplemented to include the recommendations provided below.

1. Provide Opportunities for Resident and Stakeholder Engagement in the Formation and Assessment of Economic Development Policies

The Plan should ensure that the City's economic development policies are informed by a broad spectrum of residents, advocates, and other stakeholders that represent the economic development interests of low-income and disadvantaged residents and neighborhoods in Fresno. We propose that the Draft Plan establish the Infill Opportunity Working Group (as described in Section III) that will participate in the development and assessment of the City's economic

---

<sup>40</sup> See Sharkey, *supra*.

development policies so that they facilitate the revitalization of disadvantaged neighborhoods and create opportunities for the City's low-income residents.<sup>41</sup>

In a similar vein, we recommend that the Final Plan adopt the following revised version of Policy ED-1-h, Regional Coordination:

- ED-1-h Regional Coordination. Work with regional economic development organizations, *residents, community-based organizations* and surrounding cities on job creation programs of mutual interest.

We recommend revision of the implementation action provided on page 12-32 as follows:

“Build relationships with the Fresno business community, *residents, community-based organizations and other stakeholders* and improve the business climate through *the creation of an Infill Opportunity Working Group*, development of a comprehensive economic development strategy, expanded marketing, a “buy local campaign,” an annual economic development progress report, and a possible economic development web portal.”

2. Target Investment and Job-Readiness Efforts in Existing, High-Poverty Neighborhoods

To support investment, business development (particularly neighborhood-serving retail, service, and commercial retail business development), and job readiness in disadvantaged neighborhoods, we recommend the inclusion of the following policies into the Final Plan, in addition to policies recommended in other parts of this letter:

- Pursue state, federal, and private grant opportunities to support community development and revitalization efforts in existing neighborhoods.
- Focus job development and training services in neighborhoods with concentrated poverty and high unemployment and under-employment.
- Analyze impediments to business development in economically depressed areas of the City and create and implement a strategy to overcome impediments.

We recommend revision of ED-3, Strategic Catalysts, as follows:

- ED-3-c Strategic Catalysts. Undertake Strategic initiatives to attract new retail and commercial development in key locations:
  - Promote catalyst projects at key locations to stimulate private investment *and revitalize existing neighborhoods in need of such projects.*
  - Encourage quality retail and restaurant uses to locate near existing successes *and in neighborhoods deficient in such uses.*

...

---

<sup>41</sup> We note that ED-1-a, Economic Development Strategy, appears only to encourage the City's coordination with stakeholders in the implementation of economic development strategies and does not necessarily create an intentional structure for assessment and development of those strategies by multiple stakeholders.

Jennifer Clark, Director, DARM

August 18, 2014

Page 54

The Commentary associated with Policy ED-3-c states, "Initially the catalyst projects are likely to be in the Downtown, the Fulton Corridor and the Mixed-use Centers shown on the Land Use Diagram (Figure LU-1). This will help spur infill development, which is one of the goals of the General Plan." We agree with the principle behind this approach, but the commentary should also include reference to distressed and historic Southeast and Southwest Fresno neighborhoods surrounding the Downtown.

We recommend the following revised version of D-4-b, Incentives for Pedestrian-Oriented Anchor Retail:

~~Consider adopting and implementing~~ *Develop, adopt and implement* incentives for new pedestrian-friendly anchor retail at intersections within Activity Centers, *in existing retail-deficient neighborhoods with lower vehicle ownership per capita rates*, and along corridors to attract retail clientele and maximize foot traffic. (3:66)

We recommend following revision of the implementation action listed on page 12-31:

*In cooperation with the Infill Opportunity Working Group and community stakeholders, Identify sties that would be suitable for new business development and expansion prioritizing infill sites and districts, with emphasis on projects that catalyze investment in and revitalization of existing disadvantaged neighborhoods.*

As depicted in Figure I-9, Fresno has clusters of linguistically-isolated households which lack members with strong English language skills. Lack of English language abilities impedes residents' ability to obtain jobs requiring such abilities. In our experience, many residents who lack English language skills wish to learn but are not aware of opportunities near their residences. The Plan should include an Economic Development initiative to support the development and extension of ESL classes provided in proximity to neighborhoods with high-concentrations of Linguistically-Isolated Households.

3. Ensure that Low-Income Residents and Residents. High-Poverty Neighborhoods Benefit from New Job Opportunities

The City must take steps economic development initiatives actually result in job opportunities for low-income residents and residents of neighborhoods with highly concentrated poverty and high unemployment rates.

To this end, we recommend the following revisions Policies ED-1-I and ED-4-b as follows:

- "ED-1-I. Economic Progress Report. Submit an economic development progress report to City Council, as part of the annual General Plan Report. *Include a breakdown of the number of employees hired by area of residence for each new or expanded business and employee salaries.*" (2:23)
- ED-4-b Connect Residents to Jobs. *In collaboration with the Infill Opportunity Working Group and other residents and stakeholders, design and pilot a "Jobs in*

Your Neighborhood” initiative to ensure residents are aware of job opportunities in their immediate neighborhood.

We recommend the addition of the following policies to stimulate job development in areas of high unemployment and concentrated poverty:

- Provide incentives for businesses to train and hire qualified employees in neighborhoods with high concentrations of poverty.
- Adopt a local hire ordinance that requires the successful bidder in any public works construction projects undertaken by the City in excess of \$100,000 to employ, residents of Fresno for at least 50% of the work force, at least 50% of which must be disadvantaged residents defined as a local resident who resides in a census tract with unemployment in excess of 120% of the City unemployment rate, who has a household income less than 80% of the AMI or who faces one of the following barriers to employment: homelessness, being a custodial single parent, receiving public assistance, lacking a FED or high school diploma, participation in a vocational ESL program, having a criminal record, or being female or a person of color.

#### 4. Provide Support for Small, Local, and Minority-Owned Business

The Draft Plan states that, “The City’s economic development plan includes a focus on supporting small, local and minority owned businesses.” The Draft Plan goes on to state that such efforts include providing City Hall procurement briefings to ensure local, small and minority owned firms know about opportunities to bid on City projects, a certification program for small and minority owned businesses, and steps to track and report City progress in diversifying its supply chain. While the Draft Plan policies include general references to implementation of the City’s economic development strategy, the Plan does not specifically incorporate any of the measures described in narrative or any other measures to support small, local, and minority owned businesses. The Plan should incorporate such measures into policies to ensure continued support for these enterprises as administrations change and economic development strategies shift.

#### 5. Enhance Access to Traditional Banking Services and Ensure Adequate Regulation of Predatory Lending Operations

The Draft Plan does not include discussion of resident or small-business access to financial services and variations in access between demographic groups and across neighborhoods within the City. A 2013 report by the California Reinvestment Coalition found that major banks are failing to meet the financial services and credit needs of residents and small-business (particularly minority-owned business) in the Central Valley compared to other locations in California.<sup>42</sup> The Valley has a relatively high-proportion of “unbanked” households for whom banking services are not accessible and which are targets for predatory check cashing and payday

---

<sup>42</sup> Down in the Valley: Financial Neglect in Rural California, available at <http://calreinvest.org/publications/crc-reports>.

loan outlets. A disproportionate number of check cashing and payday loan operations are located in the Southern portion of the City.

The Plan should include policies to identify and implement strategies to improve access to traditional banking services and credit services among Fresno households and small and minority-owned businesses. The Plan should also include a policy to monitor the effectiveness of recent payday lending conditional use permit and spacing requirements adopted by the City in addressing predatory lending practices and assess the need for further regulation.

6. Address the Jobs/Housing Imbalance through Land Use and Transportation Policies

Addressing the jobs/housing imbalance in Fresno through investment in affordable housing options near low-income jobs and transit options between those jobs and affordable housing is a direct way to connect existing residents to existing jobs and spur economic development. We appreciate the intention of Policy MT-2-c, "Reduce VMT and Reduce Jobs Housing Imbalance through Infill Development." The Plan should also address Fresno's jobs/housing imbalance, characterized by the concentration of housing affordable to low-income residents in the southern portion of the City and the existing of low-skill service sector jobs located in the North, through the following policies:

- Invest in public transportation options to address the jobs/housing imbalance.
- Include high density residential land use designations and pursue the development of affordable housing throughout the Growth Areas and existing areas of the City lacking affordable housing options to ensure the availability of affordable housing close to new and existing employment opportunities.

The adoption of the additional and revised policies set forth in Section V will also support the Plan's achievement of a jobs/housing balance.

7. Investigate and Adopt a Living Wage Ordinance

The Plan recognizes the importance of creating living wage jobs to Fresno's economic development. 2:8, 10:4. Accordingly, we advise inclusion of the following policy:

- Investigate options for and consider adopting a Living Wage Ordinance applicable to certain qualifying industries, such as big box retailers, fast food restaurants or large-scale agricultural operations.

**XV. Enhance Educational Attainment Among Low-Income Residents through Targeted Investment in Disadvantaged Neighborhoods and the Creation of Affordable Housing Opportunities Near High-Performing Schools**

The Healthy Communities Chapter remarks that, "In the U.S., the poorest communities are usually also those with the highest proportions of people without a high school diploma. This is because low-income communities often have poorer quality educational systems and lack access

Jennifer Clark, Director, DARM

August 18, 2014

Page 57

to basic resources that would improve student performance.” 10:14. Maps provided in the Draft Plan show that indeed in Fresno areas characterized by concentrated poverty and low-educational attainment overlap.

The San Joaquin Valley Fair Housing and Equity Analysis Supports this analysis. It finds that Fresno has high rates of extremely low performing schools (46%). It states that, “This suggests significant disparity in access to education, with some neighborhoods attending schools that are among the best in the region, and others attending schools that are among the worst. These disparities likely perpetuate economic and racial segregation, since wealthier residents will choose to live near higher performing schools.” p. 36.

Academic research affirms the crucial link between access to educational opportunity and educational success and access to housing opportunity and local governmental land use practices. In a 2010 Report, David Russ, with the Poverty and Race Research Action Council, concluded that “Where a child lives largely determines the quality of the child’s educational opportunities” and thus, “Housing Policy *is* School Policy”.<sup>43</sup> A 2012 Brookings Institute Report identified the lack of high density zoning around high performing schools that results in higher housing prices in those areas as one explanation for economic segregation between higher and low performing schools. The Report concludes that, “Research shows that low-income students are more likely to succeed in higher-scoring schools, so reducing the financial and regulatory barriers to residential and school integration should be a priority.”

To support the achievement of equal educational opportunity for all Fresno residents, the Plan should include and implement the policy modification and additions for the prioritized investment of resources in the City’s low-income, disadvantaged neighborhoods, and the creation of opportunities for affordable housing in resource-rich neighborhoods provided in other sections of this letter. In fact, to do otherwise, could threaten the City’s compliance with state and federal fair housing law.

We advise the modification of the fifth implementation action listed on Draft Plan page 12-39 as follows:

“Support Fresno’s youth with programs and leadership opportunities, *developed in collaboration with youth.*”

The Plan should also include the following policies:

- Work with the school districts to examine and adopt measures to reduce and eliminate the financial and regulatory barriers to residential and school integration by income.

---

<sup>43</sup> *Infra* Building Sustainable *Inclusive* Communities.

- Create affordable housing opportunities in existing neighborhoods served by high-performing schools by identifying opportunities to rezone low-density residential zoning to higher density residential zoning on vacant and underutilized properties.
- Ensure that all new neighborhoods in growth areas provide for high-density housing opportunities around sites planned for schools.

**XVI. Engage Residents, Advocacy Groups, and Other Stakeholders in Regional Planning and Development Efforts**

Plan policies supportive of regional planning and development efforts should provide for the inclusion of residents, advocacy groups, and other stakeholders in those efforts.

To this end, we recommend the following revisions to Draft Plan policies:

- LU-10-c Memorandum of Understanding (MOU). Comply with the most recent Master Settlement Agreement and Amended and Restated MOU between the City of Fresno and County of Fresno. Update the existing MOU and Agreement as necessary to implement the goals of this Plan. *Convene a resident-stakeholder committee to participate in the MOU update process.*
- LU-11-a Regional Programs. Promote cooperative efforts with the County of Fresno, County of Madera, the City of Clovis and other cities or special districts *together with residents and community-based organizations to....*
- LU-11-b Regional Economic Development. Promote cooperative efforts with the County of Fresno, the County of Madera, the City of Clovis, other cities or special districts *together with residents and community-based organizations that...*

We recommend revision of implementation action listed on page 12-32 as follows:

“Promote regional cooperation and coordination among local jurisdictions *and community-based stakeholders* on land use and planning issues and the provision of public services, infrastructure, and economic development.”

**XVII. Failure to Address Government Code §§ 56375 and 65302.10’s Requirements Relating to Disadvantaged Unincorporated Communities**

1. Conflict Between LU-1-e, “Annexation Requirements”, and Government Code § 56375

As written, Draft Plan Policy LU-1-e and related commentary could prevent the City from seeking to annex - or even allowing the annexation of - areas subject to annexation pursuant to Government Code § 56375(a)(8)(A) which requires that an application for annexation of a

disadvantaged community be made under certain circumstances. Furthermore, the Policy is unfair and quite possibly violative of civil rights and fair housing laws to the extent that it would deny a disadvantaged unincorporated community (“DUC”) annexation in circumstances where the City’s historic and inequitable growth and investment decisions is the very cause of inadequate infrastructure. That unfairness is multiplied in situations, such as in Calwa, where the City’s industrial and other undesirable land uses negatively impact a community.

To prevent conflict with state law and to ensure that the Plan upholds fundamental fairness, we recommend the following revised version of Policy LU-1-e and the following additional policies:

- LU-1-e Annexation Requirements. *Except in the case of annexations of disadvantaged communities within or adjacent to the City’s Sphere of Influence, “~~Consider~~ implementing implement* policies and requirements that achieve annexations to the City that conform to the General Plan Land Use Designations and open space and park system, *provide affordable housing opportunities for all income brackets, and are revenue neutral and cover all costs for public infrastructure, public facilities, and public services on an ongoing basis.*
- Prioritize annexation of existing disadvantaged communities that are within or adjacent to the SOI over annexation of undeveloped greenfield areas.
- Work collaboratively with governmental and non-governmental entities to develop annex disadvantaged communities that are within or adjacent to the City’s sphere of influence when such annexation is desired by the subject community.

2. Failure to Plan for Disadvantaged Unincorporated Communities in Accordance with Address Government Code § 65302.10

Government Code § 65302.10 requires that, before the due date for the adoption of the next housing element after January 1, 2012, cities update their general plan land use element to: identify disadvantaged unincorporated communities within a City’s sphere of influence; analyze for each identified community the water, wastewater, stormwater drainage, and structural fire protection needs; and identify financial funding alternatives for the extension of services to identified communities.

The General Plan Update provides an appropriate opportunity for the City to satisfy § 65302.10. If the Plan does not include this analysis, the City must amend the Plan’s Land Use Element by December 2015, the due date for the adoption of its next housing element update, to include such analysis.

**XVIII. Reporting and Monitoring**

The Draft Plan indicates that the City will comply with Government Code requirements that jurisdictions provide annual progress reports on general plan implementation. 1:31. The Final Plan should specify in a policy and corresponding implementation action that the report will

Jennifer Clark, Director, DARM

August 18, 2014

Page 60

incorporate quantifiable indicators that will allow the City Administration, the City Council, and the public to judge the success, or lack thereof, of the implementation of each of the Final Plan policies in achieving the Final Plan's goals. The indicators incorporated may include, for example, transit ridership rates, infill and growth statistics, water and energy usage, incidents of hospital and clinic visits for respiratory problems and heart attacks, and employment statistics by census tract

OPR's General Plan Progress Report Guidance (2007) advises that jurisdictions include in their General Plan Annual Progress Reports (APRs) review of equity planning considerations, such as Plan implementation impacts on certain demographic subsets, environmental justice issues, and redevelopment efforts. In light of the serious equity issues discussed in this letter and which jeopardize Fresno's compliance with state and federal civil rights and fair housing laws, we recommend that the Plan incorporate this guidance by way of a policy requiring inclusion of a chapter in the APR dedicated to measuring and analyzing the impact of Plan implementation on the revitalization and health of existing disadvantaged neighborhoods and low-income residents' access to opportunity.

Examples of indicators that an "equity" chapter may use include: poverty rate by neighborhood; level of economic and racial segregation, as measured by a dissimilarity or isolation index; tax base indicators neighborhood; quantity of affordable housing production; distribution of affordable housing production throughout the jurisdiction as measured by the percentage of affordable housing developed in moderate and high opportunity neighborhoods; employment indicators (share of jobs or job growth by neighborhood); infill development consisting of mixed-use, retail, commercial, or services in underserved neighborhoods; municipal service and infrastructure investments by neighborhoods; and safety as measured by overall crimes and violent crimes per capita.

\*

\*

\*

\*

Thank you for your consideration of our comments. We look forward to working with you on the creation of a Final General Plan that lays the foundation for the economic vitality and health of Fresno's most disadvantaged neighborhoods and complies with all applicable legal requirements. Please feel free to contact me via email at [awerner@leadershipcounsel.org](mailto:awerner@leadershipcounsel.org) or by phone at (559) 369-2786 with any questions or comments relating to this letter.

Sincerely,



Ashley Werner  
Attorney  
Leadership Counsel for Justice and Accountability

Baker Manock  
& Jensen PC  
ATTORNEYS AT LAW

August 18, 2014

Robert D. Wilkinson  
Attorney at Law  
rwilkinson@bakermanock.com

Fig Garden Financial Center  
5260 North Palm Avenue  
Fourth Floor  
Fresno, California 93704  
Tel: 559.432.5400  
Fax 559.432.5620  
www.bakermanock.com

VIA HAND DELIVERY & ELECTRONIC MAIL

Jennifer K. Clark, AICP  
Director  
City of Fresno - Development and Resource  
Management Department  
2600 Fresno Street, Room 3065  
Fresno, CA 93722  
E-Mail: [tra.her@fresno.gov](mailto:tra.her@fresno.gov)

RECEIVED  
AUG 18 2014  
DEVELOPMENT DEPARTMENT  
CITY OF FRESNO

Re: City of Fresno - General Plan Update

Dear Ms. Clark:

Please accept the following comments on behalf of our client Vie-Del Company. Thank you for your consideration.

The City of Fresno ("City") is required to evaluate the totality of actions one could reasonably expect to occur as a result of adopting its General Plan. One of those actions, in fact, one of the goals of the City's General Plan, is to support the development of the high speed rail ("HSR"). However, the City's evaluation of the HSR project in its draft General Plan is currently nothing more than stating what the HSR is and, if the project is developed, what benefits there may be to the community. This analysis is vague and does not adequately inform the public of the impacts the HSR will have on the City's General Plan.

Additionally, the City's General Plan does not adequately analyze how the HSR, and its impacts to the City, will affect the City's General Plan. Specifically, the impacts to Vie-Del Company's Assessor Parcel Number ("APN") 508-020-04S (the "Property"), are not mentioned or even considered. Furthermore, the pictures in the City's draft General Plan are at such a large scale that it is difficult to identify where on my client's Property the realignment of North Golden State Boulevard is proposed. A few inches could drastically change the impacts such realignment would have on my client's Property.

For your reference, attached and incorporated herein is the comment letter that we submitted to Mr. Bergthold on December 6, 2012, as part of the Notice of Preparation of an Environmental Impact Report for the City of Fresno General Plan and Development Code Update. As we stated in that comment letter, City staff should be fully aware that the exercise of relocating the route of North Golden State Boulevard should only occur if the HSR is built. Furthermore, the alignment of North Golden State Boulevard identified in the HSR's

Jennifer K. Clark, AICP

August 18, 2014

Page 2

Environmental Impact Report ("EIR") is not the same as that identified in the City's General Plan or draft master EIR. This should be clarified in both the City's draft General Plan and the City's draft master EIR for the General Plan Update.

Again, we strongly request that the City include in its analysis and General Plan Update that if the HSR is not constructed, then the current North Golden State Boulevard orientation would not change. We also urge the City to analyze the impacts the HSR will have on the changes to its General Plan and the City as a whole.

Thank you for your consideration.

Very truly yours,



Robert D. Wilkinson

BAKER MANOCK & JENSEN, PC

LDL:LDL

Attachment

cc: Ms. Dianne S. Nury, Vie-Del Company

Mr. Dirk Poeschel

RECEIVED

AUG 18 2014

DEVELOPMENT  
CITY OF ...

RECEIVED

AUG 18 2014

DEVELOPMENT DEPARTMENT  
CITY OF FRESNO

ATTACHMENT

Baker Manock  
& Jensen <sup>PC</sup>  
ATTORNEYS AT LAW

RECEIVED

AUG 18 2014

DEVELOPMENT DEPARTMENT  
CITY OF FRESNO

Robert D. Wilkinson  
*Attorney at Law*  
rwilkinson@bakermanock.com

December 6, 2012

**VIA ELECTRONIC MAIL AND U.S. MAIL**

Mr. Keith Bergthold  
Assistant Director  
City of Fresno  
2600 Fresno Street, Room 365  
Fresno, CA 93721  
E-Mail: Keith.Bergthold@fresno.gov

Fig Garden Financial Center  
5260 North Palm Avenue  
Fourth Floor  
Fresno, California 93704  
Tel 559.432.5400  
Fax: 559.432.5620  
www.bakermanock.com

Re: Notice of Preparation of an Environmental Impact  
Report for the City of Fresno General Plan and  
Development Code Update

Dear Mr. Bergthold:

Please accept the following comments on behalf of our client Vie-Del Company.  
Thank you for your consideration.

**I.  
INTRODUCTION**

Vie-Del Company ("Vie-Del") owns Assessor Parcel Number ("APN") 508-020-04S (the "Property"), which is located southwest of the existing North Golden State Boulevard between Veterans Boulevard and the Herndon Canal in north Fresno. Vie-Del is a family owned business established in 1946. It is a majority woman-owned manufacturing and food processing business.

On the Property, Vie-Del maintains the largest industrial site and largest industrial building north of downtown Fresno. The property is unique in terms of its size, location and fixtures, which include cranes and high capacity electrical outlets that make it particularly well suited for manufacturing. Currently the Property is occupied by three tenants, two of whom are also majority woman-owned businesses. One of the businesses manufactures agricultural harvesters and is one of the few domestic manufacturers of this type competing in an international market. A second tenant manufactures road repair equipment. These two tenants take advantage of the facility's unique properties. The third tenant stores agricultural products at the site.

RECEIVED

AUG 18 2014

DEVELOPMENT DEPARTMENT  
CITY OF FRESNO

Mr. Keith Bergthold  
December 6, 2012  
Page 2

## II. BACKGROUND

### A. California High Speed Train

Earlier this year, the California High Speed Rail Authority ("CHSRA") certified the Merced to Fresno Final Environmental Impact Report/ Environmental Impact Statement (Final EIR/EIS) and approved the Hybrid Route as the Preferred Alternative. An aerial map with engineering designs dated February 24, 2012, is attached hereto as Exhibit "A" and was included in the Final EIR/EIS. Exhibit "A" shows the proposed California High Speed Train ("HST") route, the existing right of ways for North Golden State Boulevard, the proposed right of ways for the HST, and the property that would be affected by a realignment of North Golden State Boulevard. This map covers an area along the existing North Golden State Boulevard from southwest of Veterans Boulevard (not identified on the map) to just past the Herndon Canal, at North Market Street.

The right of way shown as "proposed" in Exhibit "A" was approved by the CHSRA based on the certification of the Final EIR/EIS for the HST. As shown in Exhibit "A," this right of way to the southwest of the railway does have impacts on parcels that are currently located adjacent to the southwest side of North Golden State Boulevard. However, in the HST Final EIR/EIS the CHSRA determined that such impacts were less than significant.

Exhibit "A" also shows the planned new alignment of North Golden State Boulevard, which would generally run adjacent and parallel to the HST, on the southwest side. The proposed new alignment of North Golden State Boulevard as shown in Exhibit "A," and as approved by the CHSRA, will impact those same parcels as the right of way. Of course, the new North Golden State Boulevard alignment will impact those parcels to a greater degree than the right of way for the HST, but the impact is still less than significant.

Among the parcels impacted by the approved HST right of way and new North Golden State Boulevard alignment (as identified in the Final EIR/EIS), is property owned by Vie-Del. Specifically, Assessor's Parcel Number ("APN") 508-020-04S is impacted. The area of the Property impacted by the HST and new alignment of North Golden State Boulevard is currently used as a temporary drainage basin by the Fresno Metropolitan Flood Control District. There are no existing structures on this area of the Property.

The CHSRA, in the HST Final EIR/EIS has already evaluated and made a determination about the impacts to all the properties along the HST right of way and within the area of the proposed new North Golden State Boulevard. The CHSRA concluded that the alignment of North Golden State Boulevard adjacent and parallel to the HST is the preferred route. Therefore, no party can make further comments on the impacts and findings of the CHSRA concerning the HST and the associated relocation of Golden State Boulevard.

Mr. Keith Bergthold  
December 6, 2012  
Page 3

RECEIVED

AUG 18 2012

DEVELOPMENT DEPARTMENT  
CITY OF FRESNO

### III. ISSUES

#### A. City of Fresno General Plan Update

On October 26, 2012, we obtained a copy of the City of Fresno's ("City") proposed Golden State and West Barstow Businesses and Owners site plan dated September 25, 2012 ("Golden State Site Plan"), which is attached hereto as Exhibit "B." Unlike the HST Final EIR/EIS, the Golden State Site Plan shows two different alignments for North Golden State Boulevard. Shown on Exhibit "B" with a solid black line and teal outline, is the path of the North Golden State Boulevard alignment as identified in the Final EIR/EIS and as adopted by the CHSRA. Shown on Exhibit "B" with two red lines, is the City's new proposed alignment for North Golden State Boulevard ("Proposed Alignment"). This Proposed Alignment is to be evaluated in the City of Fresno 2035 General Plan Master Environmental Impact Report ("Master EIR"). Vie-Del was very disappointed to learn that the Proposed Alignment was the product of meetings with its neighbors, meetings to which Vie-Del was not invited. Vie-Del only learned of the Proposed Alignment indirectly from City staff after it was already decided the Proposed Alignment would be included in the 2035 General Plan Update.

Notably, the Proposed Alignment no longer runs adjacent to the HST, but instead creates a new route from north of Veterans Boulevard to Herndon Canal. This new Proposed Alignment cuts through the middle of larger APNs, including property owned by Vie-Del. If this Proposed Alignment is adopted, it would cut through the biggest industrial site north of downtown Fresno and severely restrict the job generating activities that could utilize this site at its current size and state of development. These impacts negatively affect the economic development in and fiscal sustainability of the City. In particular, the current facility is very unique as it is one of the few manufacturing facilities left in Fresno. Most other large commercial facilities in the City are dedicated to storage and warehousing. With the turnaround of the economy, Vie-Del intends to further develop and expand the facility and market it to additional outside manufacturing businesses.

The Proposed Alignment would dramatically adversely impact current and future activities on the Property. In particular, the impacts of the Proposed Alignment are much greater than those illustrated in Exhibit "A." In addition to the roadway, there would be landscaping and zoning setbacks which would further destroy the site and its current use as a manufacturing facility. Among other concerns Vie-Del has are that in response to the Proposed Alignment, Vie-Del would have to create new traffic access, circulation and parking on the site, all of which would diminish the site's utility. The Proposed Alignment also completely wipes out a 50,000 square-foot building. All of this would adversely impact current manufacturing at the site and the site's potential for additional manufacturing and commercial activity.

City staff should be fully aware that the exercise of relocating the route of North Golden State Boulevard should only occur if and when the HST is built. We strongly request

RECEIVED

AUG 18 2014

DEVELOPMENT DEPARTMENT  
CITY OF FRESNO

Mr. Keith Bergthold  
December 6, 2012  
Page 4

that the City include in its analysis that if the HST is not constructed, then the currently North Golden State Boulevard orientation would not change.

Furthermore, the Proposed Alignment should not be implemented and included in the 2035 General Plan Update. As noted above, it has a significant potential to cause harm to the area. Moreover, drainage in the area is already an issue and will become a greater concern. The Proposed Alignment indisputably causes a greater public impact than the North Golden State Boulevard alignment adopted by the CHSRA in the Final EIR/EIS. In addition, although not necessarily an environmental issue, the CHSRA is supposed to cover the costs of realigning North Golden State Boulevard. If the City changes that realignment, the costs for construction will have to come out of the City's budget and the local taxpayer's pockets. In this regard, the overall costs of cutting through Vie-Del's unique, large industrial parcel are significantly higher than pursuing the adopted HST plan.

**B. Evaluation of the Proposed Alignment in the Master EIR**

We request that the City of Fresno adopt the findings of the CHSRA and the HST Final EIR/EIS and incorporate the new North Golden State Boulevard alignment as it is shown in Exhibit "A" into the City's 2035 General Plan. However, if the City still plans to evaluate the Proposed Alignment, at least the following must be adequately addressed in the Master EIR: (1) a comparison between the North Golden State Boulevard alignment as proposed and adopted by the CHSRA, and the Proposed Alignment, especially as to which alignment has the greatest public impact; (2) an analysis of the effect of reducing the size of the largest industrial site in north Fresno and its affect on the economic development and fiscal sustainability of the City; (3) an analysis of the impacts the Proposed Alignment will have on drainage in the area described above; (4) public safety; (5) costs associated with the project; (6) traffic impacts; (7) the setback and zoning impacts that will affect the use of the facility; and (8) all other analyses required by the California Environmental Quality Act ("CEQA").

Although it is appropriate to evaluate alternatives as part of the CEQA analysis, we believe that on a basic analysis of the two alternatives, the City should reject the Proposed Alternative and not include it in the draft Master EIR that is released for public comment. We also strongly request the City analyze the comparative impacts and costs of these two routes. The costs should include the contribution, or lack thereof, from the CHSRA for construction of the new North Golden State Boulevard. Of course, the CHSRA cannot provide funding for a road that it did not authorize and did not analyze as part of its own CEQA/NEPA analysis.

**IV.  
CONCLUSION**

Vie-Del strongly urges the City of Fresno to use the North Golden State Boulevard alignment, between Veterans Boulevard and the Herndon Canal, as it was adopted by the CHSRA and as identified in Exhibit "A," attached hereto. As evaluated in the CHSRA Final

RECEIVED

AUG 18 2014

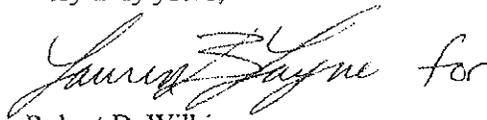
DEVELOPMENT DEPARTMENT  
CITY OF HOUMA

Mr. Keith Bergthold  
December 6, 2012  
Page 5

EIR/EIS, this alignment causes the least public impact. However, if the City decides to proceed with evaluating the Proposed Alignment in the 2035 General Plan Update Master EIR, we strongly request that the City fully analyze all the impacts the Proposed Alignment will have on the Property and the dramatically adverse affect it will have on the City by destroying such a unique parcel. We also expect the City to fully address the increased cost this Proposed Alignment will have on the City and its residents.

Thank you for your consideration.

Very truly yours,



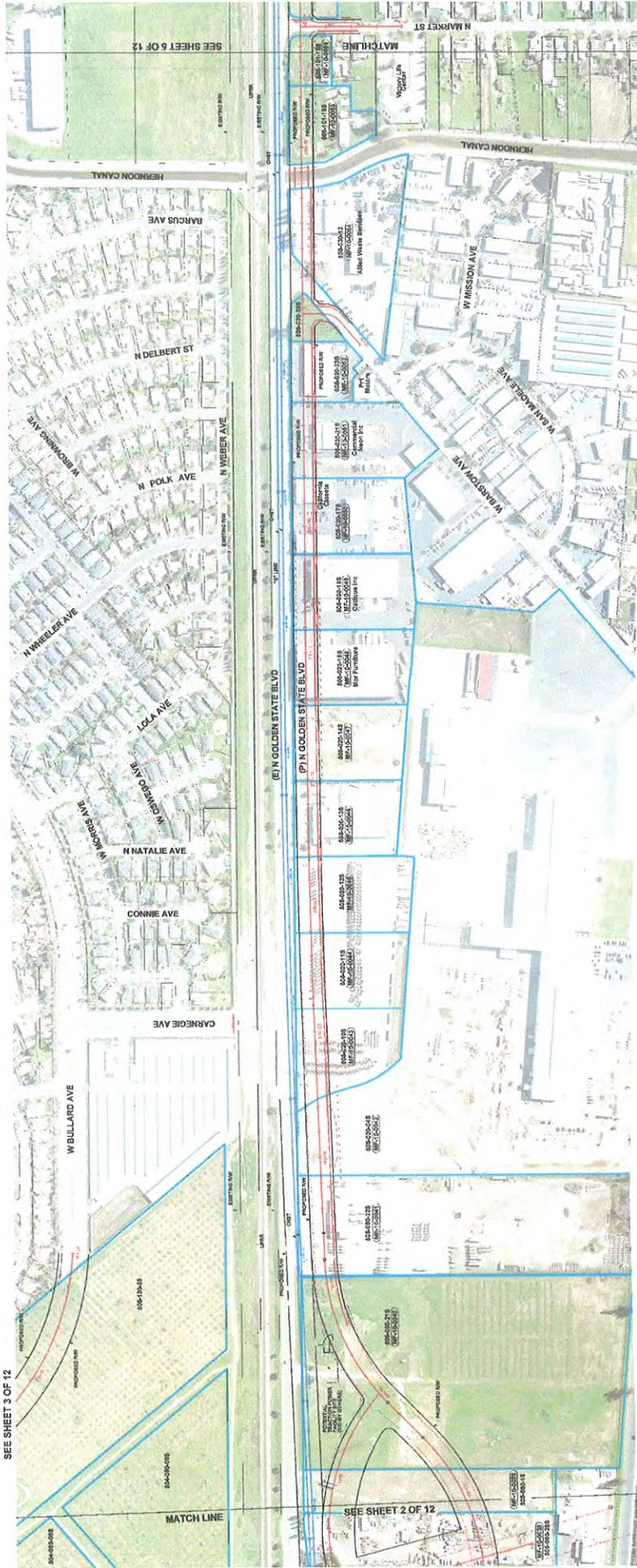
Robert D. Wilkinson  
BAKER MANOCK & JENSEN, PC

LDL:LDL

Attachments

cc: Ms. Dianne S. Nury, Vie-Del Company  
Mr. Dirk Poeschel

EXHIBIT A



RECEIVED

AUG 18 2014

DEVELOPMENT DEPARTMENT  
CITY OF FRESNO

- Legend**
- Impacted Parcel
  - Proposed Drainage Basin
  - Caltrans RW (Access Prohibited)
  - Caltrans RW (Relinquished)
  - Proposed RW
  - Existing RW

2-24-12  
30% DESIGN  
SUBJECT TO CHANGE



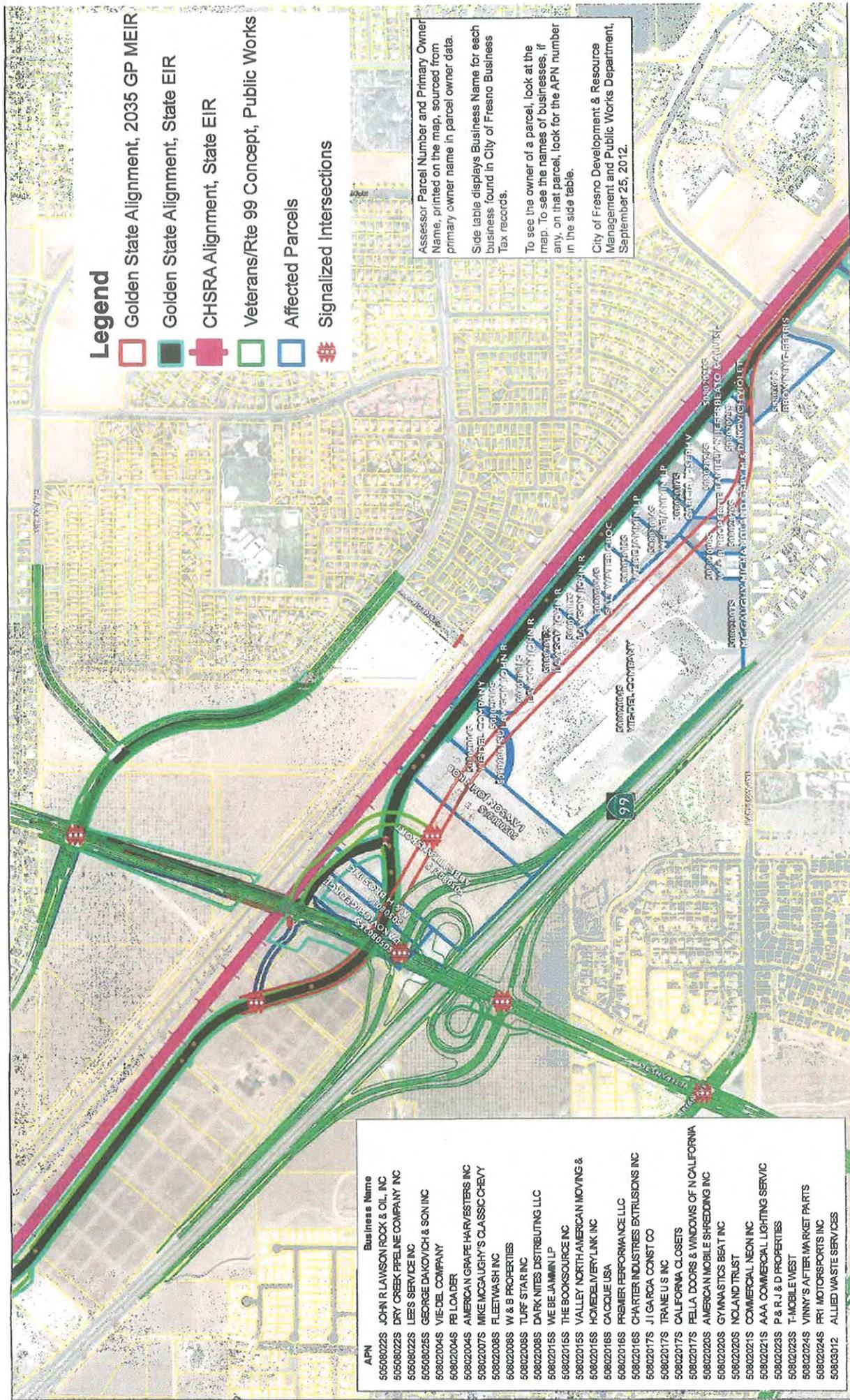
CALIFORNIA HIGH-SPEED TRAIN PROJECT  
SIERRA SUBDIVISION - PACKAGE 1A & 1B  
RIGHT-OF-WAY EXHIBIT  
4 OF 12  
FEBRUARY 2012

SEE SHEET 3 OF 12

SEE SHEET 2 OF 12

SEE SHEET 6 OF 12

# EXHIBIT B GOLDEN STATE AND WEST BARSTOW BUSINESSES AND OWNERS



- Legend**
- Golden State Alignment, 2035 GP MEIR
  - Golden State Alignment, State EIR
  - CHSRA Alignment, State EIR
  - Veterans/Rte 99 Concept, Public Works
  - Affected Parcels
  - ⊕ Signalized Intersections

Assessor, Parcel Number and Primary Owner Name, printed on the map, sourced from primary owner name in parcel owner data.

Side table displays Business Name for each business found in City of Fresno Business Tax records.

To see the owner of a parcel, look at the map. To see the names of businesses, if any, on that parcel, look for the APN number in the side table.

City of Fresno Development & Resource Management and Public Works Department, September 25, 2012.

APN	Business Name
50508022S	JOHN R LAWSON ROCK & OIL, INC
50508022S	DRY CREEK PIPELINE COMPANY INC
50508022S	LEES SERVICE INC
50508022S	GEORGE DAKOVICH & SON INC
50802004S	VIE-DEL COMPANY
50802004S	FB LOADER
50802004S	AMERICAN GRAPE HARVESTERS INC
50802007S	MIKE MCALUGHY'S CLASSIC CHEVY
50802008S	FLEETVA SH INC
50802008S	W & B PROPERTIES
50802008S	TURF STAR INC
50802008S	DARK NITE'S DISTRIBUTING LLC
50802015S	WE BE JAMMIN LP
50802015S	THE BOOKSOURCE INC
50802015S	VALLEY NORTH AMERICAN MOVING &
50802015S	HOMELIVERY LINK INC
50802016S	CA CICLE USA
50802016S	PREMIER PERFORMANCE LLC
50802016S	CHARTER INDUSTRIES EXTRUSIONS INC
50802017S	J I GARCIA CONST CO
50802017S	TRANE U S INC
50802017S	CALIFORNIA CLOSETS
50802017S	FELLA DOORS & WINDOWS OF N CALIFORNIA
50802020S	AMERICAN MOBILE SHREDDING INC
50802020S	GYMNASIOS BEAT INC
50802020S	NOLAND TRUST
50802021S	COMMERCIAL NEON INC
50802023S	AAA COMMERCIAL LIGHTING SERVIC
50802023S	P & R J & D PROPERTIES
50802023S	T-MOBILE WEST
50802024S	VINNY'S AFTER MARKET PARTS
50802024S	FRI MOTORSPORTS INC
50803012	ALLIED WASTE SERVICES



August 17, 2014

Jennifer Clark,  
AICP, Director, Development and Resource Management Department  
2600 Fresno Street, Room 3065  
Fresno, CA 93721

Dear Ms. Clark,

We are writing to provide comments to the City of Fresno Draft General Plan (Draft Plan). We thank you for the opportunity to provide comments and to work closely with you to make sure we have a strong plan in place that prioritizes the future of our City's younger generation. We submit this comments as a coalition of youth focused on identifying and advocating for improved youth services and programs in our city.

Our work up to date has focused on investigating the fact that youth feel that there aren't many youth opportunities for employment, enrichment programs and safety in their neighborhoods and at their parks. We have conducted a survey of 406 young people of South Fresno that we would like to share with you that identifies priorities. We have also launched the Youth Power'd campaign as grassroots led effort to make healthy youth development a priority in the city of Fresno.

We are in support of a Final General Plan that focuses on existing neighborhoods, our neighborhoods. We live in South Fresno and would like to see more investment and improved partnership with City officials in ways that result in real action. We don't want to see our neighborhoods continue to deteriorate or feel like we can't have pride of the place we call home. We don't want our young peers, friends and family members to leave Fresno. We want to work towards creating One Healthy Fresno so that those of us can have a stable and bright future in this City.

#### Job Training Programs for Youth

We would like to see our City work towards creating opportunities for youth to have access to workforce development, job training and to help us connect to jobs. While we are in support of implementing policy ED-4-c of "Job Training Program Incentives. Strive to create a program to provide incentive for local businesses to offer internship, mentoring, and apprenticeship programs to high school and college students in partnership with California State University, Fresno and other educational institutions and major employers" we ask that this policy be further strengthened to actually create a program and provide incentives to businesses, public institutions and community organizations to offer paid internship opportunities. In authorizing the creation of such a program, we also ask the City ensure that youth voices have an equal seat at the table to ensure success of this program. We would like to be equally engaged in this process because we are intimately aware of barriers and challenges that limit our ability to have access to appropriate job training programs.



### Improve our Communities

Our work has also focused on improving access to parks and open space. We would like to see more opportunities to enjoy park space that has all of the basic amenities. All too often we experience parks with damaged or poorly maintained bathrooms, damaged or no sports equipment and broken water fountains. Improving access to park and prioritizing the operation and maintenance of existing parks in South Fresno would go a long way in the City's quest to revitalize established neighborhoods. We hope that the Final General Plan includes policies that explicitly prioritize our neighborhoods for parks and open space investments and proper operation and maintenance.

There are also some canals in our neighborhoods around Belmont and Fulton Streets that would benefit from beautification efforts, trails and/or installation of barriers to protect children and youth from falling into the water. We also feel we can use investments along our canals to be used as trails and to provide for walking opportunities.

### Address Abandoned Homes in our Neighborhoods

We have noticed that our neighborhoods have many abandoned homes and we would like the City to address this issue. Abandoned homes invite crime, drug deals and become dumping grounds. The City should require the home owners to adequately maintain their properties so that they don't continue to impact our community in negative ways. We also think that the City should help our community renovate abandoned homes and use them for positive purposes. Improvements such as bike lanes in South Fresno, more street lights, better green space opportunities for young people and their families to play since sometimes parks are too far some community members to walk to would be of benefit to areas where abandoned homes are of plenty.

Thank you for considering our comments. We would like to have a key role in shaping the future of our City. We want to take pride in where we live, go to school, work and play. If you have any questions, please contact Fresno Building Healthy Communities organizer Cesar E. Casamayor at 559-244-5170.

Sincerely

Cesar e. Casamayor

## Casey Lauderdale

---

**From:** Steven Weil <sweilhorizon@gmail.com>  
**Sent:** Monday, August 18, 2014 8:12 AM  
**To:** Trai Her  
**Subject:** Draft City of Fresno 2035 General Plan -- Comment

To City Staff:

As the City of Fresno embarks on a General Plan to line many arterial streets with dense housing, it should, at the same time, follow the lead of cities such as San Francisco and adopt specific regulations and procedures in the form of an ordinance to protect the residents of those dense corridors, especially children, from harmful air quality and noise impacts. A specific example, from San Francisco, is summarized below:

### Background

## San Francisco Health Code Article 38 Guidance for Project Sponsors

March 2014 Guidance

**(Supersedes the July 2013 Guidance)**



Scientific studies have found an association between exposure to particulate matter and significant human health problems, including: aggravated asthma; chronic bronchitis; reduced lung function; irregular heartbeat; heart attack; and premature death in people with heart or lung disease. Exposure to air pollutants that are carcinogens can also have significant human health consequences. For example, exposure to diesel exhaust is an established cause of lung cancer.

Heart disease and stroke are the first and fourth leading causes of death in the U.S, respectively. Air pollution affects heart health and can trigger heart attacks and strokes that cause disability and death. One in three Americans has heart or blood vessel disease and is at higher risk of heart attacks or strokes from air pollution. Impacts on the lungs may take several forms. Short-term effects include deficits in lung function that can limit breathing, especially during exercise. Irritants may cause airway constriction or chest tightening that is uncomfortable or limiting to normal activity. These changes in lung function sometimes have underlying lung tissue inflammation which over the long term may lead to chronic lung disease. Exposure to air pollutants may be a contributing factor to leading causes of death recorded for San Francisco's population (ischemic heart disease; lung, bronchus and tracheal cancers; cerebrovascular disease; chronic obstructive pulmonary disease; hypertensive heart disease and lower respiratory infection).

Persons living in close proximity to air pollution sources, such as freeways or busy roadways, have poorer lung functions and are more susceptible to develop asthma and other respiratory problems, compared with persons living at a greater distance from air pollution sources. The California Air Resources Board's 2005 Land Use Guidance document, *Air Quality And Land Use Handbook: A Community Health Perspective*, reviewed traffic-related air pollution studies and found that particulate matter pollution levels decrease by about 70 percent at 500 feet from freeways and high-traffic roadways, defined as urban roads with 100,000 vehicles/day or rural roads with 50,000 vehicles/day.

Currently, technologies exist to protect sensitive uses from air pollution health effects. Available and accepted air pollution modeling technology allows for the estimation of certain air pollutant concentrations for individual land parcels. Furthermore, available building ventilation and engineering systems provide mechanisms to protect indoor environments from the infiltration of ambient air pollutants.

In 2008, San Francisco Health Code (“Health Code”) Article 38 was adopted to protect the public health and welfare by requiring new residential construction projects within a defined Potential Roadway Exposure Zone to estimate concentrations of roadway particulate matter air pollution. If warranted by this assessment, Article 38 requires an enhanced ventilation system. This requirement has helped the City maintain and increase the stock of infill housing while reducing the risk of human health impacts from air pollutants among occupants of, and visitors to, buildings in high air pollution areas.

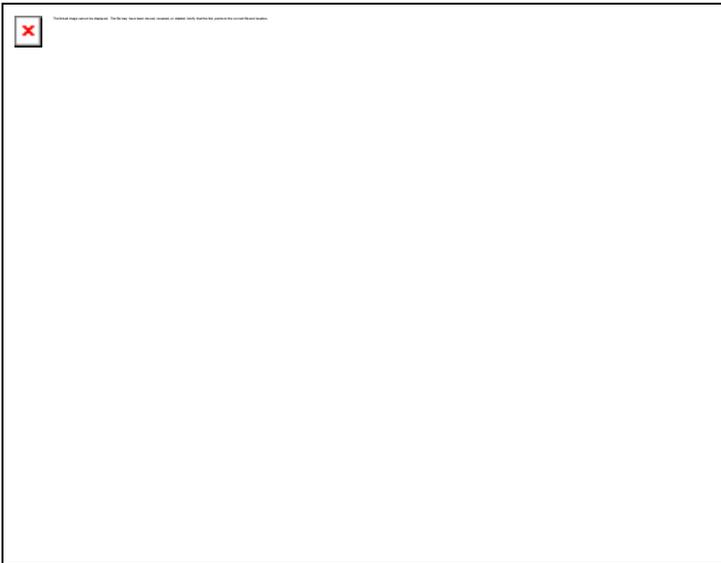
One of the key elements of such a program is the formulation and adoption of a Potential Roadway Exposure Zone Map (Screening Map) such as that shown below for San Francisco:

**OPTIONS FOR COMPLYING WITH HEALTH CODE ARTICLE 38**

The Potential Roadway Exposure Zone Map (Screening Map) illustrates shaded parcels that are located within the boundaries of the Screening Map. Parcels within the Screening Map boundaries must be further assessed for compliance with the Enhanced Ventilation Requirement of Health Code Article 38.

Project Sponsors may assess the need for enhanced ventilation using any of these three options: **Option 1** (Voluntary adherence with enhanced ventilation performance standards); or **Option 2** (Site-specific modeling approach); or **Option 3** (Air Pollutant Exposure Zone Map).

**Potential Roadway Exposure Zone Map (Screening Map)**



This concludes my comments.

Thank you.

Steve Weil

Resident within the City of Fresno 2035 General Plan boundary

Sent from my iPad

**Law Offices of  
Richard L. Harriman  
1078 Via Verona Drive  
Chico, CA 95973-1031  
Telephone: (530) 343-1386  
Facsimile: (530) 343-1155  
Email: harrimanlaw1@sbcglobal.net**

August 18, 2014

**VIA FACSIMILE TRANSMISSION**

**[Fax No. (559) 488-1005]**

Jennifer Clark  
Department of Planning and Community Development  
c/o City Clerk  
City of Fresno  
2600 Fresno Street  
Fresno, California 93721

Re: City of Fresno General Plan Update  
Draft Environmental Impact Report (DEIR)  
Comments re General Plan Update DEIR  
Request for Special Written Notice of the Availability of the Final EIR

Gentlepersons:

Because of my long-term interest in land use planning and protection of environmental resources in the City of Fresno and the San Joaquin Valley, I have reviewed the proposed General Plan Update (GPU) and the Draft Environmental Impact Report (DEIR) dated July 22, 2014 for the proposed GPU, and other public documents for this Project.

The analysis of the Energy Alternatives and Mitigation Measures set forth in Section 15.6 of the DEIR, pp. 15.6-1 through 15.6-14 is inadequate, because of the lack of an adequate alternatives analysis of the renewable energy alternatives and because the following Policies are which are too vague and non-specific to be adequate.

Policy RC-8-g. Revolving Energy Fund. Create a City Energy Fund which uses first year savings and rebates from completed City-owned energy efficiency projects to provide resources for additional energy projects. Dedicate this revolving fund to the sole use of energy efficiency projects that will pay back into the fund.

Policy RC-8-h. Solar Assistance. Identify and publicize information about financial mechanisms for private solar installations and provide over-the-counter permitting for solar installations

meeting specified standards, which may include maximum size (in kV) of units that can be so approved.

Policy RC-8-i. Renewable Target. Adopt and implement a program to increase the use of renewable energy to meet a given percentage of the City's peak electrical load within a given time frame

Policy RC-8-j. Alternative Fuel Network. Support the development of a network of integrated charging and alternate fuel station for both public and private vehicles, and if feasible, open up municipal stations to the public as part of network development.

The foregoing policies are too vague as to the time frame within which they will be developed and achieved. There is no quantification of the energy conservation or reduction that will result from the foregoing Policies. Finally, since there are no mitigation measures or mitigation monitoring program identified in Section 15.6, the foregoing Policies inadequately address the cumulative impacts from the reliance on fossil fuel energy sources.

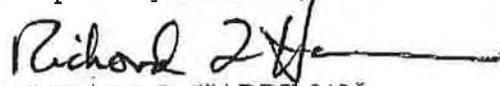
Therefore, the GPU DEIR should be revised and amended to include the following mitigation measure to conserve and reduce the use of fossil fuel energy during the build-out of the General Plan:

:All new industrial development, business parks, retail-commercial development, multi-family and single-family development and public buildings, including without limitation, public and private schools and administrative buildings, and other government buildings shall be required to include photo-voltaic and/or solar-thermal energy on all buildings and occupied structures sufficient to provide enough electric energy to serve these buildings during the months of March through October of each year."

For the foregoing reasons, this commentator submits that the proposed GPU and DEIR for the Fresno General Plan Update should be revised, amended, and re-circulated before final adoption and certification and submission to the Fresno County Local Agency Formation Commission for final approval. Please provide special written notice of the availability to the public of the Responses to Comments and the Final EIR at the address on the letterhead above.

Thank you for the opportunity to provide comments on these documents.

Respectfully submitted,

  
RICHARD L. HARRIMAN

cc: City Councilmembers  
Clients

Jennifer Clark, Director

July 27, 2014

City of Fresno Development and Resource Management Department

Dear Jennifer

Congratulations on completing the draft Fresno General Plan and thank you for sending me a copy to review. I have the following three comments:

1. I recommend that the Local Planning and Procedures Ordinance (LPPO) not be repealed. It was adopted in 1987 to mandate consistency between zoning and planned land use, and establish much needed rules and procedures to formulate, update, amend, rank, and coordinate plans. While the LPPO does need to be updated, it should be retained because our community needs set and reliable planning rules and procedures to have consistency and confidence in its local planning program. If adopted as proposed, the draft General Plan (policy D-7-a) would leave Fresno without any planning rules and procedures.

The LPPO should be updated concurrent with the General Plan and I believe there is adequate time to accomplish this. I also believe that existing plans needing repeal or amendment should be repealed or amended concurrent with the General Plan adoption so that all plans will be internally consistent. In repealing plans, careful consideration should be given for the retention of site, area, or theme specific policies, when these policies are consistent with the new General Plan; these policies can be listed in the new plan.

If all the above actions are not done concurrently, I am concerned there may be some confusion and misunderstanding about city planning policies, their effect and control, interpretation, and implementation. These concurrent actions will allow for the most immediate and effective implementation of the new General Plan.

2. It is not clear if the City's Mid-Rise/High-Rise policy is being retained, repealed, or in some manner incorporated into the new General Plan.
3. We know that the new General Plan will require effective regional planning and cooperation to be properly implemented. To assist this effort, I recommend policy additions advocating that the Fresno County Local Agency Formation Commission (LAFCO) update all city spheres of influence together/ concurrently at set time intervals (for example ...every ten years), and that the cities and county meet jointly on a regular basis to discuss common regional issues and planning policies for adoption in their respective General Plans. I also recommend a policy advocating that all local jurisdictions in the San Joaquin Valley jointly pursue the formulation, adoption, and implementation of a model/common Regional Planning and Cooperation General Plan Element.

Thank you again for the opportunity to comment on the draft General Plan.

Sincerely

Nick Yovino.



**Casey Lauderdale**

---

**From:** M Kolstad <marthak@atoz-insurance.com>  
**Sent:** Friday, August 15, 2014 11:20 AM  
**To:** Trai Her  
**Subject:** City of Fresno General Plan 2035

Hi Tra,

I want to comment on the City of Fresno General Plan for 2035 which is scheduled to be voted on Monday, August 18<sup>th</sup>. It is obvious that the vote should not take place as it has been confirmed that it is still being revised as I write this e/m. There are many parts of the plan that will affect most of the citizens of Fresno in multiple ways—most of them invasive and unnecessary.

The public comment period needs to be extended and the Council must not vote until they have read the Plan. When they assume that it is written in the best interests of the city instead of the citizens, we waste time, money and resources all at the same time. From what I have read, the Plan places way too many restrictions on the citizens by micromanaging every aspect of our lives from transportation, to real estate, to suggesting what the farmer should plant, to our health—obesity. I heard on the news this morning that almost 60% of those who responded to a survey said they wanted government out of their lives! I am not comfortable with bureaucrats and citizen members at large who have taken on the task of planning our future based on Federal Government guidelines that line their own pockets and restrict my freedom. This plan should be thrown out and common sense planning should be implemented to help make Fresno flourish.

Martha Kolstad  
**A to Z Insurance**  
1209 E Shaw Ave  
Fresno, Ca 93710  
559-226-1561

[2014 Small Business of the Year, CA District 23](#)





# RESOURCE MANAGEMENT AGENCY

Community and Economic Development  
Department of Planning and Building

Norman L. Allinder, AICP  
Director

- 2037 W. Cleveland Avenue
- Mail Stop G
- Madera, CA 93637
- (559) 675-7821
- FAX (559) 675-6573
- TDD (559) 675-8970
- mc\_planning@madera-county.com

63

August 18, 2014

Ms. Jennifer Clark  
Development & Resource Management Director  
2600 Fresno Street, Room 3065  
Fresno CA 93722

Re: Fresno General Plan Update

Dear Ms. Clark,

Madera County has reviewed the City of Fresno's General Plan Update and is writing to provide comments on the draft. It is noted throughout the draft update, that a regional effort is underway to coordinate support and formulate implementation policies from surrounding jurisdictions and public agencies to ensure a successful update. Although this is in good faith and aspiration, the draft mentions no implementation effort to achieve such policies with regard to cross jurisdictional impact. Without an action plan to implement a regional joint effort between public agencies, the likelihood of achieving the Plan's goals is doubtful. We recommend that the City revise its draft to include such implementation measures that would achieve the goals highlighted in the update.

The General Plan Update also, continues to intensify development on the fringes of the city limits adjacent to the Madera County line. The continuation of such development, such as the further phases of the El Paseo project, creates an internal inconsistency within the draft document, which prides itself on focusing on inward development. For example, Phases 2-5 of El Paseo project were recently down zoned and are now being intensified by assigning a land use of Highway & Auto Commercial. This land use currently has no companion zone district to determine how it will be implemented. Perhaps if the implementing document, the pending development code update, were available we would have certainty as to these additional commercial uses at our border.

In closing, Madera County is interested in continuing the productive dialogue we have cultivated recently. We believe that if the momentum in our relationship between the communities is applied to the Fresno General Plan Update, a successful and regionally supported document will be the outcome. We thank you for the opportunity to participate in the process.

Sincerely,

Norman L. Allinder  
Planning Director

**Casey Lauderdale**

---

**From:** Jeff Reid <Jeff.Reid@mccormickbarstow.com>  
**Sent:** Monday, August 18, 2014 5:27 PM  
**To:** Trai Her  
**Subject:** General Plan

The following comments is submitted with respect General Plan.

I recommend that all references in the General Plan to Voluntary Emission Reduction Agreements (VERAs) be deleted as they do not constitute feasible CEQA mitigation measures.

**Jeff Reid**

Attorney

McCormick Barstow et al LLP

7647 North Fresno Street

Fresno, CA 93720

T (559) 433-2310 |

[www.mccormickbarstow.com](http://www.mccormickbarstow.com)[Jeff.Reid@mccormickbarstow.com](mailto:Jeff.Reid@mccormickbarstow.com)

## Casey Lauderdale

---

**From:** Jared Gordon <Jared.Gordon@mccormickbarstow.com>  
**Sent:** Monday, August 18, 2014 5:11 PM  
**To:** Trai Her  
**Subject:** Comment on the City of Fresno General Plan Update 2035

To the City of Fresno:

In regards to the 2035 General Plan Update, I write with two comments.

First, it is unclear why written comments must be submitted on or before today, or even if the City of Fresno is legally permitted to so limit written comments. Further public hearings are anticipated to take place, as I understand it, and those hearings may uncover new issues or concerns that warrant further written submission. Given the importance of the 2035 General Plan Update, I strongly urge the City of Fresno to extend the comment period until a reasonable time following the last public hearing on the 2035 General Plan Update.

Second, I urge the 2035 General Plan Update and its implementing resolutions to include a provision permitting property owners to elect to rezone their property to the new zoning, where the zoning of their property has changed as a result of the new General Plan. Such rezoning should be ministerial in nature and not require the approval of the City Council, so long as it was requested within three years of the adoption of the 2035 General Plan Update.

Providing for a ministerial zoning revision where a General Plan Update changed zoning was one of the recommendations of the City of Fresno Charter Review Committee, of which I was a member. I recommend that it be incorporated into this General Plan Update, regardless of whether comments are further extended.



**M c C O R M I C K  
B A R S T O W L L P**  
ATTORNEYS AT LAW

**JARED GORDON**  
Attorney

McCormick Barstow, LLP  
 7647 North Fresno Street  
 P.O. Box 28912  
 Fresno, CA 93729-8912  
 (559) 433-1300 main  
 (559) 433-2300 fax

[Jared.Gordon@mccormickbarstow.com](mailto:Jared.Gordon@mccormickbarstow.com)

[www.mccormickbarstow.com](http://www.mccormickbarstow.com)

FRESNO • CINCINNATI • DENVER • LAS VEGAS • MODESTO • SEATTLE

**CONFIDENTIALITY NOTICE:** E-mail may contain confidential information that is legally privileged. Do not read this e-mail if you are not the intended recipient. This e-mail transmission, and any documents, files or previous e-mail messages attached to it may contain confidential and proprietary information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is **STRICTLY PROHIBITED**. If you have received this transmission in error, please immediately notify us by forwarding this to [info@mccormickbarstow.com](mailto:info@mccormickbarstow.com) or by telephone at (559) 433-1300, and destroy the original transmission and its attachments without reading or saving it in any manner. Thank you.



## Casey Lauderdale

---

**From:** Arnolando Rodriguez  
**Sent:** Wednesday, August 13, 2014 1:56 PM  
**To:** Trai Her; Michelle Zumwalt  
**Subject:** General Plan comments

---

**From:** Israel Trejo  
**Sent:** Wednesday, August 13, 2014 1:14 PM  
**To:** Arnolando Rodriguez  
**Subject:** FW: General Plan Powerpoint

FYI.

---

**From:** Gary Nachtigall [mailto:Gary.Nachtigall@fresno.edu]  
**Sent:** Wednesday, August 13, 2014 12:53 PM  
**To:** Israel Trejo; baroni.kiran@gmail.com; laisne2u@comcast.net; joseleonbarraza@sefceda.org; gigpatta@aol.com; michael\_rabara@yahoo.com  
**Subject:** RE: General Plan Powerpoint

Israel,  
 Thank you for the GP Powerpoint.

I would like to reiterate a comment I made at the end of the meeting.

With the advent of High Speed Rail depot downtown, every effort should be made to:

- 1) create a transit line to the Yosemite International Airport, to accommodate national and international visitors whose destination is the National Parks. Fresno could be the destination place for visits to the parks and connections to L.A. and S.F. Food and lodging costs are more reasonable in Fresno.
- 2) focus attention on valley agriculture. Tulare already accommodates the largest world agricultural expo in the nation. The downtown mall/depot should be designed to accommodate a world class expo for what is already world class agriculture that resides here in the Central Valley. Agricultural displays from all aspects of valley agriculture could be a magnet for both L.A. and S.F. citizens.
- 3) highlight our cultural diversity. Our diversity which is sometimes seen as our problem should become our strength. Perhaps zone for "Little China towns" of all groups with restaurant's and accompanying space for these groups to meet as well.

Planning is central in order to get buy-in from all parties involved. Best wishes.  
 Gary

---

**From:** Israel Trejo <[Israel.Trejo@fresno.gov](mailto:Israel.Trejo@fresno.gov)>  
**Sent:** Wednesday, August 13, 2014 8:23 AM  
**To:** [baroni.kiran@gmail.com](mailto:baroni.kiran@gmail.com); [laisne2u@comcast.net](mailto:laisne2u@comcast.net); [joseleonbarraza@sefceda.org](mailto:joseleonbarraza@sefceda.org); [gigpatta@aol.com](mailto:gigpatta@aol.com); [michael\\_rabara@yahoo.com](mailto:michael_rabara@yahoo.com); Gary Nachtigall  
**Subject:** General Plan Powerpoint

Attached, please see the Powerpoint presentation given by Arnolando at our last meeting.





August 18, 2014

Jennifer Clark, AICP, Director  
Development and Resource Management Department 2600  
Fresno Street, Room 3065  
Fresno, CA 93721

**Re: Comments to City of Fresno General Plan Draft 2035**

Dear Ms. Clark,

Friends of Calwa, Inc. is a non-profit, community based organization founded in 2009 by community residents with the goal to ensure that all people in Calwa will have viable opportunities and access to healthy food, transportation, housing, recreation, retail and employment that will enable them to live a quality and productive life. Over the last two years we have engaged and met with hundreds of community residents to discuss the current status of our community and deliberate about the investments required in order to ensure that our community is no longer left behind.

As you may know, Calwa is considered a disadvantaged unincorporated community, located minutes away from the downtown City of Fresno area. Calwa consists of a county island, an incorporated portion, a county service area, and a special park district. This complexity of jurisdictional issues has negatively impacted the community in the following ways:

1. **Infrastructure Deficits and Service Disparities** – Calwa has faced and continues to face uphill struggles to attain basic features of safe and healthy neighborhoods.
  - a. **Lack of Sidewalks, Curbs, Drainage and Gutters** – the unincorporated area of Calwa and portions of the incorporated area lack sidewalks, curbs and gutters which contribute to stagnant pools of water, flooding when it rains, and limits the mobility of residents due to these physical barriers and disconnect between one side of our community and the other.
  - b. **Lack of Street Lighting** - lack of street lighting in the unincorporated area of Calwa is a built environment barrier to health as it decreases the likelihood that residents will be able to walk and engage in other forms of physical activity in the evening hours. This also impacts the overall safety of the community.
  - c. **Road Safety & Maintenance** – roads in Calwa are unsafe and inadequate due to number of heavy vehicle traffic that results from being surrounded by industrial development. Traffic levels exceed what the roads were built to handle and cause

neighborhood roads to be riddled with potholes. The combination of vehicle traffic and lack of pedestrian sidewalks expose children and families to traffic accidents since people are forced to walk on the street in order to get to school and/or work.

- d. **Garbage Collection & Illegal Dumping** – illegal dumping in Calwa is and has been very problematic. But the problem is rooted in the services provided or absent. In Calwa, half of our community is served by the City of Fresno while the other half is served via the County of Fresno and left without large garbage pickup. Residents are left with the difficulty of disposing of bulky items and face substantial challenges with illegal dumping. This further exposes our community to health hazards and foul smelling matter.
  - e. **Fire & Police** – due to the artificially created disconnect between the east and west parts of our community, emergency response services are often delayed and difficult to access. The incorporated east side of Calwa receives policing and fire services from the City of Fresno but the west unincorporated area receives services from the County of Fresno. This creates confusion when residents call on emergency services and response times takes much longer in the unincorporated area. This poses a significant safety risk for the entire community.
2. **Disproportionate Overburden of Pollution and Industrial Siting** – residents in Calwa are disproportionately burdened by multiple sources of pollution and are subjected to an unequitable number of industrial developments that physically surround our community. According to the Communities Environmental Health Screening Tool (“CalEnviroScreen”) created by the California Communities Health California Environmental Protection Agency (“CalEPA”)<sup>1</sup>, Calwa ranks in the top 5% of environmentally impacted communities statewide. This means that residents in Calwa are sicker and die younger due to ozone concentrations, particulate matter (PM) 2.5 concentrations, diesel PM emissions, toxic releases from surrounding facilities, traffic density and other pollution burdens. Many of which have resulted and are exacerbated by land use decisions without public input. Because of our jurisdictional barriers, residents in Calwa are often left without a say about what our community looks like but suffer the health consequences.
  3. **Historical Disadvantageous Annexation Practices** – the community of Calwa developed in the 1890’s around the California Wine Association then located on S. Orange Ave. The community is considered a historical neighborhood in the County of Fresno. Beginning in the late 1950’s and well into the early 2,000’s the external portions of Calwa were annexed to the City of Fresno. This included all of the industrial developments to the north, east, south and west. Portions of the residential areas in Calwa were annexed in the late 1990’s, leaving a vast majority of residents in an intentionally created county island. This annexation pattern resulted in the absorption of almost all businesses in Calwa and the exclusion of the majority of residents. This type of annexation practice adds to the disenfranchisement of community residents and further complicates jurisdictional issues, thus making it much more difficult to address the lack of infrastructure and service disparities discussed above.

\*\*\*

---

<sup>1</sup> Rodriguez, M. and Alexeeff, PhD., G. (2014). California Communities Environmental Health Screening Tool, Version 2.0. Retrieved August 16, 2014 from <http://oehha.ca.gov/ej/ces2.html>.

Based on the feedback from the community and the challenges Calwa has been subjected to over the years, we respectfully submit the following comments on the City of Fresno's General Plan Draft:

1. Conflict Between LU-1-e, "Annexation Requirements", and Government Code § 56375

As written, Draft Plan Policy LU-1-e and related commentary could prevent the City from seeking to annex - or even allowing the annexation of - areas subject to annexation pursuant to Government Code § 56375(a)(8)(A) which requires that an application for annexation of a disadvantaged community be made under certain circumstances. Furthermore the policy is unfair and quite possibly violates civil rights and fair housing laws to the extent that it would deny a disadvantaged unincorporated community ("DUC") annexation in circumstances where the City's historic and unequitable growth and investment decisions is the very cause of inadequate infrastructure. That unfairness is multiplied in situations, such as in Calwa where the City's industrial and other undesirable land uses negatively impact a community.

We believe that the inclusion of these policies will facilitate future annexation of Calwa should the community desire to be annexed. As drafted, LU-1-e would possibly not allow a future potential annexation to move forward. To prevent conflict with state law and to ensure that the Plan upholds fundamental fairness, we recommend the following revised version of Policy LU-1-e and the following additional Policy:

- LU-1-e Annexation Requirements. Except in the case of annexations of disadvantaged communities within or adjacent to the City's Sphere of Influence, "Consider implementing implement policies and requirements that achieve annexations to the City that conform to the General Plan Land Use Designations and open space and park system, provide affordable housing opportunities for all income brackets, and are revenue neutral and cover all costs for public infrastructure, public facilities, and public services on an ongoing basis.
- Prioritize annexation of existing disadvantaged communities that are within or adjacent to the city's sphere of influence over annexation of greenfield areas for new communities.
- Work collaboratively with governmental and non-governmental entities to develop annex disadvantaged communities that are within or adjacent to the City's sphere of influence when such annexation is desired by the subject community.

2. Failure to Plan for Disadvantaged Unincorporated Communities in Accordance with Address Government Code § 65302.10

Government Code § 65302.10 requires that, before the due date for the adoption of the next housing element after January 1, 2012, cities update their general plan land use element to: identify disadvantaged unincorporated communities within a City's sphere of influence; analyze for each identified community the water, wastewater, stormwater drainage, and structural fire protection needs; and identify financial funding alternatives for the extension of services to identified communities.

The General Plan Update provides an appropriate opportunity for the City to satisfy § 65302.10. If the Plan does not include this analysis, the City must amend the Plan's Land Use Element by December 2015, the due date for the adoption of its next housing element update, to include such analysis.

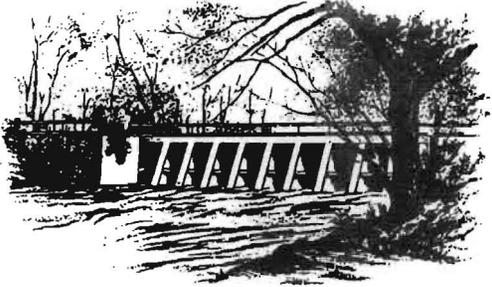
\*\*\*

We thank you for the opportunity to provide input to the City of Fresno General Plan 2035 Draft and look forward to working with you to adopt a Final General Plan that contributes to the overall health and success of everyone in the City of Fresno and the community of Calwa. Please feel free to contact me directly at (559) 477-9327 or [lmoreno@friendsofcalwa.org](mailto:lmoreno@friendsofcalwa.org).

Sincerely,

A handwritten signature in black ink that reads "Laura Moreno". The signature is written in a cursive, flowing style.

Laura Katie Moreno  
Executive Director



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF  
**FRESNO**  
**IRRIGATION DISTRICT**

TELEPHONE (559) 233-7161  
 FAX (559) 233-8227  
 2907 S. MAPLE AVENUE  
 FRESNO, CALIFORNIA 93725-2208

August 18, 2014

Jennifer K Clark, Director  
 City of Fresno  
 2600 Fresno Street, Room 3065  
 Fresno, CA 93721

RE: City of Fresno Draft General Plan  
 FID Facilities: Various

Dear Ms. Clark:

The Fresno Irrigation District (FID) has reviewed the Draft General Plan for the City of Fresno (Project). The Planning Area includes the City of Fresno, its sphere of influence (SOI), and land to the north adjacent to the SOI that serves as a logical boundary along Willow Avenue and east of the San Joaquin River, as well as land to the southwest of the SOI dedicated to the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRF). The Project is an update to the City of Fresno General Plan since the last comprehensive update in 2002. The Fresno General Plan Update is intended to shape development within the Planning Area through 2035 and beyond. We appreciate the opportunity to review and comment on the subject documents for the proposed project. Your proposed project is a significant development and requires thorough and careful consideration of all of the potential impacts. Our comments are as follows:

#### **Impacted Facilities**

1. FID has many canals within the Project Area as shown on the attached FID exhibit map. The major facilities include: Briggs No. 7, Fancher No. 6, Mill No. 36, Herndon No. 39, and Dry Creek No. 75. FID's canals range from smaller diameter pipelines to large open canals. In many cases, the existing facilities will need to be relocated to accommodate new urban developments which will require new pipelines and new exclusive easements. FID anticipates it will impose the same conditions on future projects as it would with any other project located within the common boundary of the City of Fresno and FID. FID will require that it review and approve all maps and plans which impact FID canals and easements.
2. FID's facilities that are within the Planning Area carry irrigation water for FID users, water to the City's surface water treatment facility, recharge water for the City, and flood waters during the winter months. In addition to FID's facilities, private facilities also traverse the Planning Area.

### **Water Supply Impact**

3. The northern parts of the Planning Area are located within a portion of the County of Fresno that is outside of the FID service area. See the attached FID water service area map as reference. Surface water was not allocated by FID to those areas outside of the FID service area for the City's use. The City's Urban Water Management Plan was updated in 2010 and calls for the City to balance its water usage by 2025. It was not known whether the Urban Water Management Plan corresponds with the water consumption by development projects like the ones proposed within the Planning Area.
4. The potential for increase in water consumption by the project will result in additional groundwater overdraft. There is a significant cone of depression beneath the City of Fresno. The Urban Water Management Plan (UWMP) states that the City will have a balanced water supply by 2025, and the goal includes reducing the consumption of gallons per capita per day from 300 to 243. It is assumed that the water users within the City will be willing to use less water. Will that truly be the case? If not, FID is concerned that the increased water demand due to a change in land use will have a significant impact to the groundwater quantity and/or quality underneath the City of Fresno, FID and the Kings Groundwater Sub-basin.
5. According to the City's Urban Water Management Plan, the City of Fresno is currently in the process of planning projects which will enable increased use of available surface water supplies and recycled water, and eliminate groundwater overdraft. It is projected that total water supplies and demands will be balanced by the year 2025. FID would like to see the City keep progressing towards this goal, but FID is concerned with the City's progress in balancing the water usage if the necessary offsets for the increased water demands are not accomplished or development occurs at a rate greater than water conservation goals.
6. In the City's efforts to create a viable water supply system, new considerations are being proposed including changing the practice of lining canals with concrete or piping canals through residential neighborhood development to allow for additional natural recharge. FID's policy requires our facilities to be piped or concrete lined in order to mitigate for the effects of new development and increased population. The City should pursue constructing more recharge basins rather than impacting FID's ability to maintain and operate its conveyance system.

### **Agricultural Land Conversion Impact**

7. The proposed General Plan would convert Farmland to other land use designations. FID assumes the water allocated to the agricultural land within FID boundary would be converted onto City water rates, assuming the current agreement between the City and FID remains intact.
8. Conversion of agricultural land for urban use should be done in a manner to limit the area impacted and minimize the impacts to the agricultural industry and agricultural resources caused by urbanization.

### Trail Impact

9. According to the City of Fresno General Plan, the City is proposing trail projects that will impact FID's canals. As noted in the general plan, significant issues remain before FID's canal system can be used for trail purposes.

### Road Improvement Impact

10. History and Prior Rights – FID was formed in 1920 as a successor to the privately owned Fresno Canal and Irrigation Company. The assets of the company consisted of over 600 miles of canals and distribution works, which were constructed between the years 1860 and 1900, as well as extensive water rights on the Kings River. In most cases, FID canals pre-date all roads, highways, and railroads.
11. There will be many FID canals impacted by future road improvements to meet the 2035 traffic demands. Significant effort will be required to allow for such growth and expansion in a manner that allows FID to maintain and operate its facilities in an efficient and effective manner.
12. Small/Medium Canal Crossing Requirements – The majority of the proposed crossings will impact existing pipelines and small open channel canals. Transition from an agricultural setting to an urban setting typically requires FID's existing conveyance system to be converted to Rubber Gasket Reinforced Concrete Pipe (RGRCP) installed to FID's specifications.
13. Large Canal Crossing Requirements – There are several large canal crossings, such as the Enterprise, Gould, and Big Dry Creek canals, that will not be able to be contained within a pipeline. The design shall protect the canal's integrity and FID's ability to maintain and operate the conveyance system in an urban setting. The proposed canal crossing must be designed to convey the water in a safe and efficient manner without altering the existing conditions in a negative manner. FID has requirements for minimum freeboard, span and type of bridge or culvert, trash and debris, and equipment and vehicle access. Each crossing is unique, and specific requirements will be provided at the time of improvement.
14. Water Routings and Construction Window – The FID construction window will vary from year-to-year based on the length of the irrigation season, flood routings, recharge deliveries, maintenance projects and projects funded by others. FID's typical irrigation season begins on March 1. An average irrigation season lasts 6 months; therefore the season will typically end around August 31. In very wet years, the irrigation season may go through mid-November.
15. Discharges into FID Canals – FID will not allow any discharges into the canals for numerous reasons, including but not limited to: Federal/ State/Local regulations, FID's Rules and Regulations, and the potential negative impact to water quality. All new and existing discharges and runoff must be routed to FMFCD storm drain facilities.

Ms. Jennifer K Clark  
Re: Fresno General Plan Update  
August 18, 2014  
Page 4 of 4

Thank you for making available to us the City of Fresno's General Plan Update for our review and allowing us the opportunity to provide comments. We appreciate the opportunity to review and comment on the subject documents for this project. While it is difficult to envision all of the potential impacts without all of the improvement details, we attempted to provide you as much information as possible. More detailed comments will be provided after reviewing the Draft Environmental Impact Report. We reserve the right to provide additional comments when more detailed information becomes available. If you have any questions please feel free to contact me at (559) 233-7161 extension 7103 or LKimura@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.  
Chief Engineer – Special Projects

Attachments

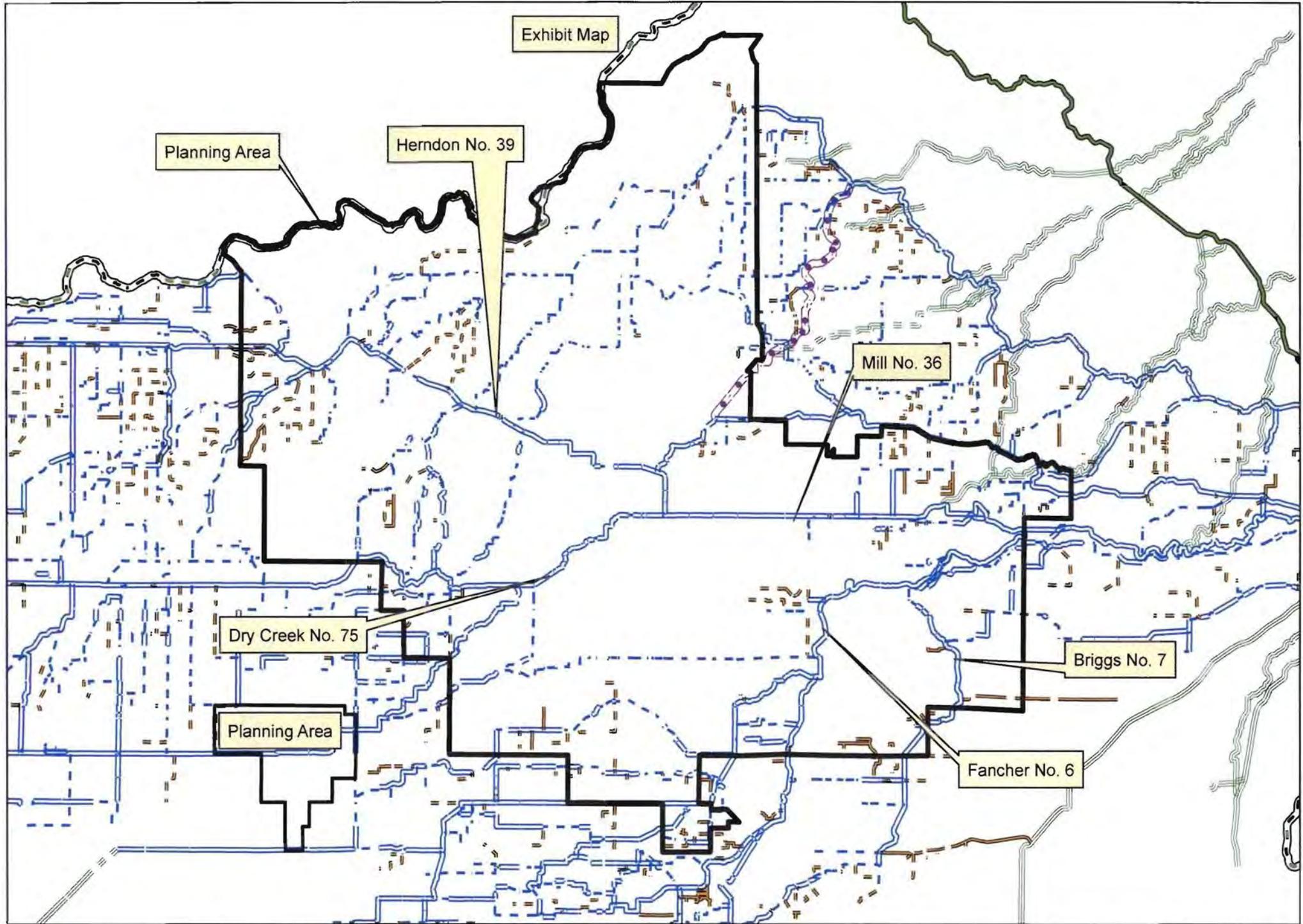


Exhibit Map

Planning Area

Herndon No. 39

Mill No. 36

Dry Creek No. 75

Briggs No. 7

Planning Area

Fancher No. 6



This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown are in their approximate location. Please contact the FID Engineering Dept. at (559) 233-7161 for further information on FID facilities.

**Legend**

- |                 |                    |                   |                |                       |
|-----------------|--------------------|-------------------|----------------|-----------------------|
| FID Canal       | FID Pipeline       | Stream Group      | FID Boundary   | Parcel                |
| Private Canal   | Private Pipeline   | Other-Creek/River | Railroad       | FMFCD Acquired Basins |
| Abandoned Canal | Abandoned Pipeline | Other-Pipeline    | Streets & Hwys | FMFCD Proposed Basins |

0 6,500 13,000 Feet

1 inch = 13,498.17 feet

6/30/2014  
G:\Fidgis\mstr\_ag10.mxd

# FID Water Service Area Map

No Water Service Area

Planning Area

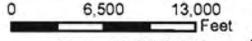
Planning Area



This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown are in their approximate location. Please contact the FID Engineering Dept. at (559) 233-7161 for further information on FID facilities.

### Legend

- |                 |                    |                   |                |                       |
|-----------------|--------------------|-------------------|----------------|-----------------------|
| FID Canal       | FID Pipeline       | Stream Group      | FID Boundary   | Parcel                |
| Private Canal   | Private Pipeline   | Other-Creek/River | Railroad       | FMFCD Acquired Basins |
| Abandoned Canal | Abandoned Pipeline | Other-Pipeline    | Streets & Hwys | FMFCD Proposed Basins |



1 inch = 13,498.17 feet



6/30/2014  
G:\fidgis\master\_ag10.mxd



Entitlements • Planning • Processing • Consulting • Representation • Public Relations

August 8, 2014

Jennifer Clark, Director  
Development and Resource Management Department  
City Hall, 3<sup>rd</sup> Floor  
2600 Fresno Street  
Fresno, CA 93721

**RE: SWC West Barstow Avenue and Future North Veteran's Boulevard  
2035 General Plan Update Public Comments  
APN 505-060-08**

Dear Ms. Clark:

Sol Development Associates, LLC represents Horizon Enterprises, property owner/developer of a 42-acre parcel located east of N. Grantland, south of West Barstow, north of the Herndon canal and "bisected" on the west by the Veterans Boulevard alignment and plan line ("Subject Property"). The Subject Property is currently zoned R-2, consistent with the current land use designation in the existing 2025 General Plan, and the western portion (approximately 40 percent) of the Subject Property is the site of a pending Site Plan Review/CUP application, now under DRC review by City staff, for a 175-unit multifamily, multi-phased residential development under the current R-2 zone district (site plan attached).

The Draft 2035 General Plan designates the Subject Property CMX, Corridor Mixed Use, as specifically indicated in Figure UF-1: West Development Area Land Use Diagram (attached). The portion of the Subject Property east of the Veterans Boulevard Alignment is designated as part of a community park with an underlying CMX designation to apply if the park use doesn't occur.

The property owner is generally supportive of the CMX designation of the Subject Property, subject to some questions and possible reservations relating to the designation's effect on the land use status of the pending project entitlement application, as outlined in more detail later in this letter. This general support for CMX designation is, in fact, reflected in my previous correspondence to the City relating to this property, specifically my letter to Keith Bergthold dated August 29, 2012, (copy enclosed) in which I requested that the City clear up an ambiguity as to whether the Subject Property was slated for CMX or RMX designation, and in which we requested that the designation be CMX and not RMX.

Other than the specific questions relating to the City's interpretation of CMX outlined toward the end of this letter, given the property owner's general support of CMX for the Subject Property and the clear CMX designation it receives in Figure UF-1, the purpose of this letter is to bring to your attention some discrepancies in several Draft 2035 General Plan maps affecting the Subject Property and to request that they be corrected.

Specifically, while Figure UF-1 clearly depicts the CMX land use designation for the Subject Property (which is north of the diagonally located Herndon Canal), the City-wide land use map, Figure LU-1, continues to incorrectly show a RMX designation at this location, or at best is very ambiguous. That should be corrected so that Figure LU-1 is consistent with Figure UF-1, with both showing CMX for the area north of the Herndon Canal.

There is a similar discrepancy among General Plan maps relating to a detail of the circulation plan, namely the alignment of West Barstow between N. Grantland and Veterans Boulevard. Communications over several years involving City Planning, Public Works, the consultant for the Veterans Boulevard and freeway interchange project and the property owner/developer of the Subject Property have resulted in consensus and agreement that this segment of the West Barstow collector street should align north of, parallel to and abutting the Herndon Canal. This is the alignment depicted in EVERY relevant map in the Draft 2035 General Plan (i.e Figure LU-1, Figure LU-2 and Figure MT-1 -- all attached) EXCEPT in Figure UF-1 (attached), which shows the West Barstow alignment curving in an unacceptable way through, and unacceptably bisecting, the Subject Property, and then intersecting Veterans Boulevard at a location inconsistent with the design of the Veterans Boulevard Project. We are sure this is merely a map "drafting error" which we hereby bring to your attention and hereby request be corrected so that Figure UF-1 is consistent with the other maps and this segment of West Barstow is correctly shown throughout the 2035 General Plan.

The property owner/developer has recently submitted to the Planning Department a Site Plan Review/CUP Application for a 175-unit, multi-phased multifamily development consistent with the current R-2 zoning and 2025 General Plan land-use designation. This submittal is now at the DRC stage with City staff.

The developer and architect did everything possible to maximize the project's density, including the inclusion of some 3-story buildings, short of compromising the target product type and quality, which in this case includes garages for each of the units. The architect concluded that the only way to achieve higher density on this triangular portion of the Subject Property would be to use structured parking, which is inconsistent with the product type and quality identified for this project.

The density of this project now at DRC review was calculated based on the density formula included as a note in Figure Table 3.1 of the Draft 2035 General Plan, which excludes only "major streets" from the site acreage. Thus, the site acreage includes local streets, which resulted in a project density of 13.21 dwelling units per acre. If all public streets were excluded from the site acreage, the density number would be higher.

One of the purposes of this letter is to request, on behalf of the property owner/developer, land use designations in the 2035 General Plan for all parts of the Subject Property that are consistent with the development intentions of the property owner/developer. In that regard, the CMX designation in the Draft 2035 General Plan of portions of the property fronting both sides of future Veterans Boulevard on the eastern portion of the Subject Property is consistent with the property owner/developer's intentions.

CMX designation on the western portion of the Subject Property, which is the site of the project entitlement application submitted to the Planning Department and now at DRC review, may or may not be consistent with the property owner/developer's intentions depending upon the degree of flexibility the City applies to the interpretation of the CMX land use designation. Specifically, if CMX is interpreted to allow "horizontal mixed-use" and "blended densities", where a purely residential component with a density below the 16 du/acre minimum (called for under CMX) such as the above-referenced Site Plan Review/CUP Application is allowed on a portion of the property, with development in future phases providing for the increased density and additional uses for the property as a whole called for in the CMX designation, then we are satisfied with CMX designation for the entire Subject Property.

On the other hand, if the density minimum called for in CMX, 16 du/ac (base on the above-referenced interpretation from the Draft 2035 General Plan of how site acreage is to be calculated -- i.e. excluding only major streets and not local streets) is going to be applied by the City to each project on any given portion of a larger site -- in this case a project with a density of 13.21 du/ac on a 13.22-acre portion of the overall property, then the CMX designation on the western portion of the Subject Property would not be acceptable to the property owner/developer. This is because the project currently undergoing DRC review would not have the long-term protection of being consistent with the 2035 General Plan land use designation for this portion of the Subject Property.

Based on the above, if it is the City's position at this time that the second approach to interpreting the CMX designation is the one that could apply, we hereby request that the western portion of the Subject Property, specifically the site of the Site Plan Review/CUP already applied for and depicted in the attached site plan, receive a land use designation of Medium High Density Residential (12-16 D.U./acre) in the 2035 General Plan.

If you have any questions or require additional information, please contact me at your convenience. If a meeting is desired, I will make every effort to accommodate your schedule. I look forward to fulfillment of this request for a revised land use designation for the Subject Properties in the 2035 General Plan.

Respectfully submitted,



William V. Robinson, Principal



**City of Fresno Notes**

- APPROVAL OF THIS SPECIAL PERMIT THAT OCCUR AND VOID IN THE EVENT THAT DEVELOPMENT IS NOT COMPLETED IN ACCORDANCE WITH ALL THE CONDITIONS AND REQUIREMENTS IMPOSED ON THIS SPECIAL PERMIT. THE ZONING ORDINANCE AND ALL PUBLIC WORKS STANDARDS AND SPECIFICATIONS, THE DEVELOPMENT AND RESOURCE MANAGEMENT PLAN, SHALL NOT ASSUME RESPONSIBILITY FOR ANY DELAYS OR OMISSIONS RESULTING FROM THE SPECIAL PERMIT REVIEW PROCESS OR FOR ADDITIONS OR ALTERATIONS TO CONSTRUCTION PLANS NOT SPECIFICALLY SUBMITTED OR REVIEWED AND APPROVED PURSUANT TO THIS SPECIAL PERMIT OR SUBSEQUENT AMENDMENTS OR REVISIONS.
- NO USES OF LAND, BUILDINGS OR LANDSCAPES OTHER THAN THOSE SPECIFICALLY APPROVED PURSUANT TO THIS SITE PLAN SHALL BE PERMITTED.
- NO STRUCTURES OF ANY KIND INCLUDING FENCE SIGNS (BEFORE OR AFTER) SHALL BE INSTALLED OR MAINTAINED WITHIN THE REQUIRED LANDSCAPED AREAS. NO EXPOSED UTILITY BONES, TRANSFORMERS, METERS, PILING (INCLUDING THE BARRIERS PREVENTION DEVICE) ETC. ARE ALLOWED TO BE LOCATED IN THE LANDSCAPED AREAS OR STRIPS OR ON THE STREET FRONTAGES OF THE BUILDINGS. ALL TRANSFORMERS, ETC. SHALL BE SHOWN ON THE SITE PLAN. THE BACKFLOW DEVICE SHALL BE SCREENED BY LANDSCAPING OR SUCH OTHER MEANS AS MAY BE APPROVED.
- TREES SHALL BE MAINTAINED IN GOOD HEALTH. HOWEVER, TREES MAY NOT BE TRIMMED OR PRUNED TO REDUCE THE NATURAL HEIGHT OR OVERALL CROWN OF THE TREE EXCEPT AS NECESSARY FOR THE HEALTH OF THE TREE AND PUBLIC SAFETY OR AS MAY OTHERWISE BE APPROVED BY THE DEVELOPMENT AND RESOURCE MANAGEMENT DEPT.
- LANDSCAPING MUST BE IN PLACE BEFORE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY. A HOLD OR OCCUPANCY SHALL BE PLACED ON THE PROPOSED DEVELOPMENT UNTIL SUCH TIME THAT LANDSCAPING HAS BEEN APPROVED AND VERIFIED FOR THE PROPER INSTALLATION BY THE DEVELOPMENT SERVICES DIVISION.
- PROVIDE TO THE FINAL INSPECTION A WRITTEN CERTIFICATION SIGNED BY THE LANDSCAPE PROFESSIONAL APPROVED BY THE DIRECTOR SHALL BE SUBMITTED STATING THAT THE REQUIRED LANDSCAPING AND IRRIGATION SYSTEMS ARE IN ACCORDANCE WITH THE LANDSCAPING AND IRRIGATION PLANS APPROVED BY THE PLANNING DIVISION DEVELOPMENT DEPT.
- TURF FENCES SHALL BE REVERSED AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPT. PRIOR TO INSTALLATION.
- ALL ACCESSIBLE STAIRS SHALL BE MARKED WITH THE INTERNATIONAL SYMBOL OF ACCESS. MARKING THAT VIOLATES SECTION 10-1017 OF THE MUNICIPAL CODE SHALL BE TONED WHITE. THE INTERNATIONAL SYMBOL AND TOW ARMY MARKING SHALL BE POSTED CONSPICUOUSLY ON SEVEN FOOT POLES.
- ALL ACCESSIBLE PARKING STALLS SHALL BE PLACED ADJACENT TO TRAILER ACCESSWAYS OR IN STRATEGIC AREAS WHERE THE MARKING SHALL NOT HAVE TO BE WALKED BY OR TRAVELED BY VEHICLES WHILE TRAVELING TO OR FROM ACCESSIBLE PARKING STALLS OR RAMP.
- PURSUANT TO SECTION 10-1024 OF THE FIRE CODE LEVELS FOR INDUSTRIAL ZONED PROPERTIES SHALL NOT EXCEED TO ANY EXTENT THE HEIGHTS OF THE NEAREST SUBJECT PROPERTY LINE. TURF USES AND/OR DEVELOPMENT SHALL BE REQUIRED TO COMPLY WITH THIS PROVISION.
- SIGNS, OTHER THAN ORIGINALLY SIGNS IF APPLICABLE, ARE NOT APPROVED FOR INSTALLATION AS PART OF THIS SPECIAL PERMIT.
- IF ARCHAEOLOGICAL AND/OR ANIMAL FOSSA MATERIAL IS ENCOUNTERED DURING PROJECT SURVEYING, GRADING, EXCAVATING OR CONSTRUCTION WORK SHALL STOP IMMEDIATELY.
- IF THERE ARE SUSPECTED HUMAN REMAINS, THE FRESNO COUNTY CORONER SHALL BE IMMEDIATELY CONTACTED. IF THE REMAINS OF OTHER ARCHAEOLOGICAL MATERIAL IS POSSIBLY NATIVE AMERICAN ORIGIN, THE NATIVE AMERICAN HERITAGE COMMISSION (PHONE: 559-425-1000) SHALL BE IMMEDIATELY CONTACTED AND THE CALIFORNIA ARCHAEOLOGICAL INVENTORY/SOUTHERN SAN JOAQUIN VALLEY INFORMATION CENTER (PHONE: 909-844-2109) SHALL BE CONTACTED TO OBTAIN A REFERENCE LIST OF RECORDED ARCHAEOLOGICAL AND HISTORICAL ASSESSMENT SHALL BE CONDUCTED FOR THE PROJECT. THE SITE SHALL BE FORMALLY RECORDED AND RECOMMENDATIONS MADE TO THE CITY AS TO ANY FURTHER SITE INVESTIGATION OR SITE PROTECTION/PRESERVATION.
- IF ANIMAL FOSSA ARE ENCOUNTERED, THE MUSEUM OF PALEONTOLOGY, I.C. GILBERTSON SHALL BE CONTACTED TO OBTAIN A REFERENCE LIST OF RECORDED PALEONTOLOGICAL AND PALEONTOLOGIST SHALL CONDUCT AN ASSESSMENT AND IF THE PALEONTOLOGIST DETERMINES THE MATERIAL TO BE SIGNIFICANT, IT SHALL BE PRESERVED.
- VERIFY LOCATION OF UTILITY AND WATER/WASTE LINES WITH UTILITY DEPARTMENT.
- GRADE DIFFERENTIALS GREATER THAN 12" SHALL BE SUPPORTED BY AN APPROVED ENGINEERED RETAINING WALL.
- LIGHTING WHERE PROVIDED TO ILLUMINATE PARKING, SALES OR DISPLAY AREAS SHALL BE HOODED AND SO ARRANGED AND CONTROLLED SO AS NOT TO CAUSE A HAZARD, EITHER TO HIGHWAY TRAFFIC OR TO THE LAND. PHOTOGRAPHY. THE PRESENT OF LIGHT SHALL BE PROVIDED ACCORDING TO THE CALIFORNIA ENERGY CODE AND 2010 CAL GREEN BUILDING STANDARDS CODE SECTION 5.10.6.4.

- NOTE 1:**
- SEE INSECT UNIT AND ELEVATION PLAN FOR ALL ALTERNATE UNITS AND ELEVATION OPTIONS.
  - ALLOW FOR FENCE OPTIONS ON ALL INSECT PLANS.
  - FORCE & SHOW OFF PROPERTY LINE FOR CLARITY ON DRAWINGS.
  - STORM WATER TO DRAIN AWAY FROM THE BUILDINGS FOR AT LEAST THE FIRST 10' AT A MIN. GRADE OF 2%. WHERE THIS REQUIREMENT CANNOT BE MET IN ALL AREAS, REQUIRED PROVIDE SIZE HARD DRAIN THAT WILL PROVIDE ADEQUATE DRAINAGE.

**Project Site Area Breakdown**

DESCRIPTION	AREA
GENERAL PLAN LAND USE/ZONING (R-1-D TO R-2)	
SITE	11.19 Ac. or 487,899.2 S.F.
BUILDING	125,649 S.F. or 25.3%
LANDSCAPE ON-SITE	172,100 S.F. or 35.2%
LANDSCAPE OFF-SITE	31,326 S.F. or 6.4%
AC PAVING ON-SITE	117,800 S.F. or 24.1%
HARDSCAPE (WALKS & S.D.C.) ON-SITE	39,925 S.F. or 8.1%
UNITS	172
GARAGE PARKING	208
OPEN PARKING	100

NOTE: MAJOR ROAD EXCLUDED FROM AREA CALCULATION

**SITE PLAN**

**City of Fresno Fire Dept. Notes**

- HYDRANTS ARE NOTED ON PLANS. PROVIDE FIRE HYDRANT FLOW OF 1500 GPM WITH A MIN. 4" WATER MAIN.
- TWO YEARS OF BUSINESS/ACCESS MUST BE PROVIDED. THIS ACCESS MUST BE MAINTAINED DURING ALL PHASES OF DEVELOPMENT. ALL CONSTRUCTION WORK ON THIS PROJECT IS SUBJECT TO INTERFERENCE IF THE ROAD SYSTEM BECOMES UNSAFE FOR THE APPROVED USE TO RUN OR OTHER OBSTACLES. ALL REQUIRED FIRE ACCESS LINES SHALL BE PROVIDED AND MAINTAINED WITH AN APPROVED ALL WEATHER SURFACE CAPABLE OF SUPPORTING 8000 LB. VEHICLES UNL. 4" BASE ROCK OVER COMPACTED OR UNCOMPACTED SAND OR FINE APPROVED ENGINEERED PLANT YEAR ROAD AND WITH 24 FOOT TURN WIDTH OR OTHER APPROVED METHOD THAT WOULD PREVENT SHOULDER DEGRADATION.
- STREETS DESIGNATED ON THE PLAN SHALL BE IDENTIFIED AS FIRE LINES AS PROVIDED IN THE CALIFORNIA VEHICLE CODE SECTION 21500.1. DISPLAY PROSPECTED MARKING CARDS AS FIRE LINES (USED LARG WITH THE LINE "F" LETTERS EVERY 50 FEET).
- PROVIDE SIGNS (E7-02) MARKED AT ALL PUBLIC ACCESS DRIVES TO THE PROPERTY. MARKING-VEHICLES STOPPED PARKED OR LEFT STANDING IN FIRE LINES WILL BE IMMEDIATELY REMOVED AT OWNER'S EXPENSE-22658 CALIFORNIA VEHICLE CODE-FRESNO POLICE DEPARTMENT 867-2200.
- PROVIDE A EQUIPMENT FOR SHARED FIRE FIGHTING ACCESS AND WATER SUPPLY.
- FIRE LINES ARE REPRESENTED AS \_\_\_\_\_ ON THE PLANS.

**Site Plan Notes**

- ANY SURVEY MONUMENTS WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR RESET BY A PERSON LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF CALIFORNIA.
- REPAIR ALL DAMAGED AND/OR OFF-GRADE CONCRETE STREET IMPROVEMENTS AS DETERMINED BY THE CONTRACTOR ON MONUMENT LOCATIONS PRIOR TO OCCUPANCY.
- TWO (2) WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT OF WAY AND/OR UTILITY CORRIDORS, ALL EXISTING UNDERGROUND UTILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA) CALL 1-800-642-2444.
- THE REQUIRED 4' MINIMUM PATH OF TRAVEL SHALL BE PROVIDED ALONG THE PUBLIC SIDEWALK IMMEDIATELY IN FRONT OF PROPERTY, AS REQUIRED BY THE CALIFORNIA ADMINISTRATION CODE TITLE 24. A PROVISION EASIMENT MAY BE REQUIRED IF REQUIREMENTS ARE NOT MET.
- ALL GATES OR COMMON ACCESS DRIVES SHALL BE EQUIPPED WITH APPROVED POLICE/FIRE BYPASS SYSTEMS THAT LOCATE POLICE/STREETWORKERS OR OTHER LOCAL OFFICERS.
- PROVIDE DESIGNATED PARKING FOR ANY CONSTRUCTION EQUIPMENT, FUEL EFFICIENT AND CAR POOLING FOR VEHICLES AS REQUIRED BY 2010 CAL GREEN BUILDING STANDARDS CODE TABLE 3.10.6.2.
- PROVIDE HOURLY PARKING AS REQUIRED BY 2010 CAL GREEN BUILDING STANDARDS CODE SECTION 5.10.6.4.

Bldg. TYPE	Bldg's PER SITE	TOTAL UNITS	TOTAL STORY	TOTAL BLDG FOOTPRINT SQ. FT.	UNIT TOTAL
"A"	2	8	2	4,744	16
"B"	4	8	2	4,829	32
"C"	2	8	2	4,782	16
"D"	4	12	2	7,091	48
"E"	2	8	2	4,905	16
"F"	3	12/16	2/3	6,725	44
"G-1"	4	12	1	3,033	48
"G-2"	2	10	1	2,530	20
"G-3"	17	8	1	2,022	136
"G-4"	1	4	1	1,011	4
"H"	1	N/A	6	4,750	

**Density Ratio**

DESCRIPTION	AREA
OVERALL SUBJECT AREA	3.22 AC. or 575,095.8 S.F.
NUMBER OF BUILDING UNITS	172
DWELLING UNITS PER ACRE	53.23

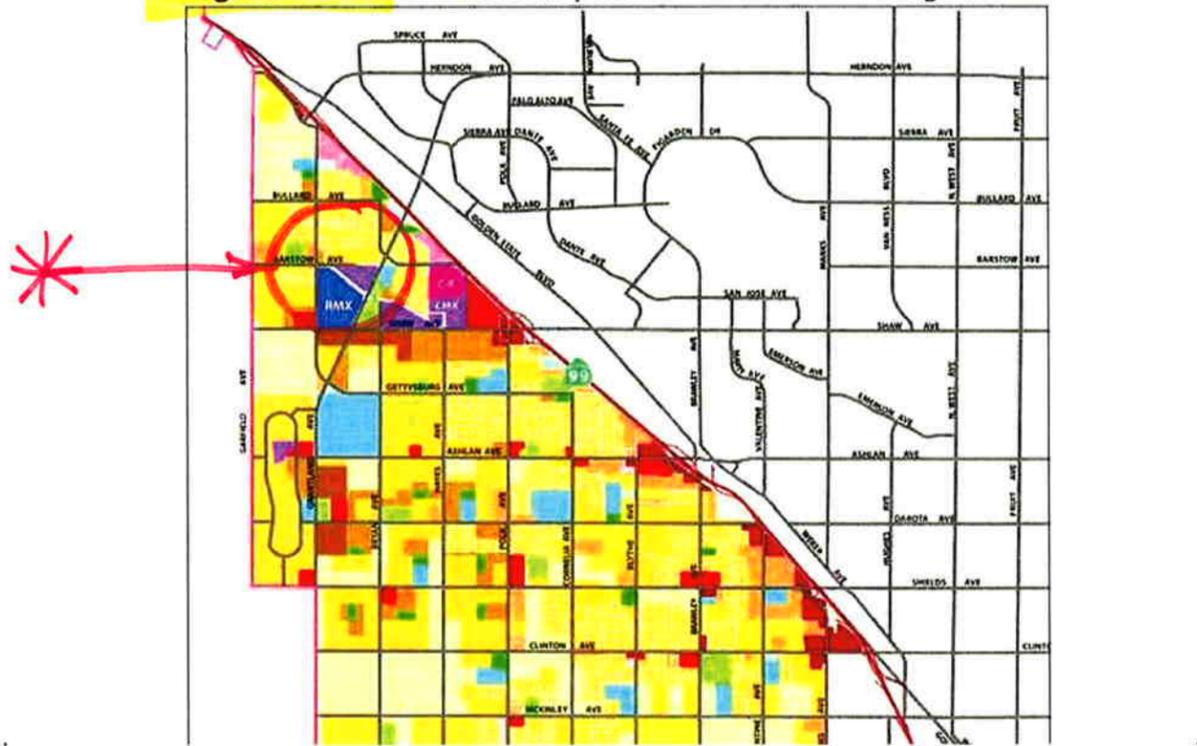
**Building Information** (BUILDINGS 1-49)

**Residential Density**



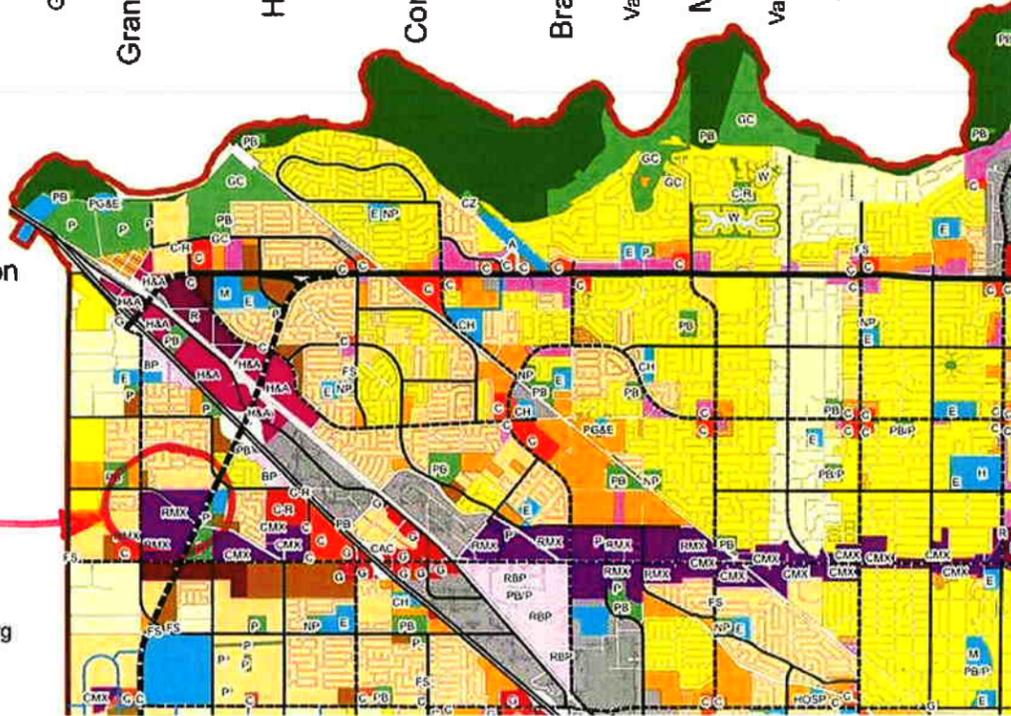
**VICINITY MAP**

**Figure UF-1: West Development Area Land Use Diagram**



Garfield  
Grantland  
Bryan  
Hayes  
Polk  
Cornelia  
Blythe  
Brawley  
Valentine  
Marks  
Van Ness  
West  
Fruit  
Palm

Nees  
Alluvial  
Herndon  
Sierra  
Bullard  
Barstow  
Shaw  
Gettysburg  
Ashlan



**FIGURE LU-1**



Entitlements • Planning • Processing • Consulting • Representation • Public Relations

August 29, 2012

Keith Bergthold  
Assistant Director  
Development & Resource Management Department  
Fresno City Hall  
2600 Fresno Street  
Fresno, CA 93721

Subject: SWC West Barstow Avenue and North Veterans Boulevard  
APN: 505-060-08  
Owner-Horizon Enterprises

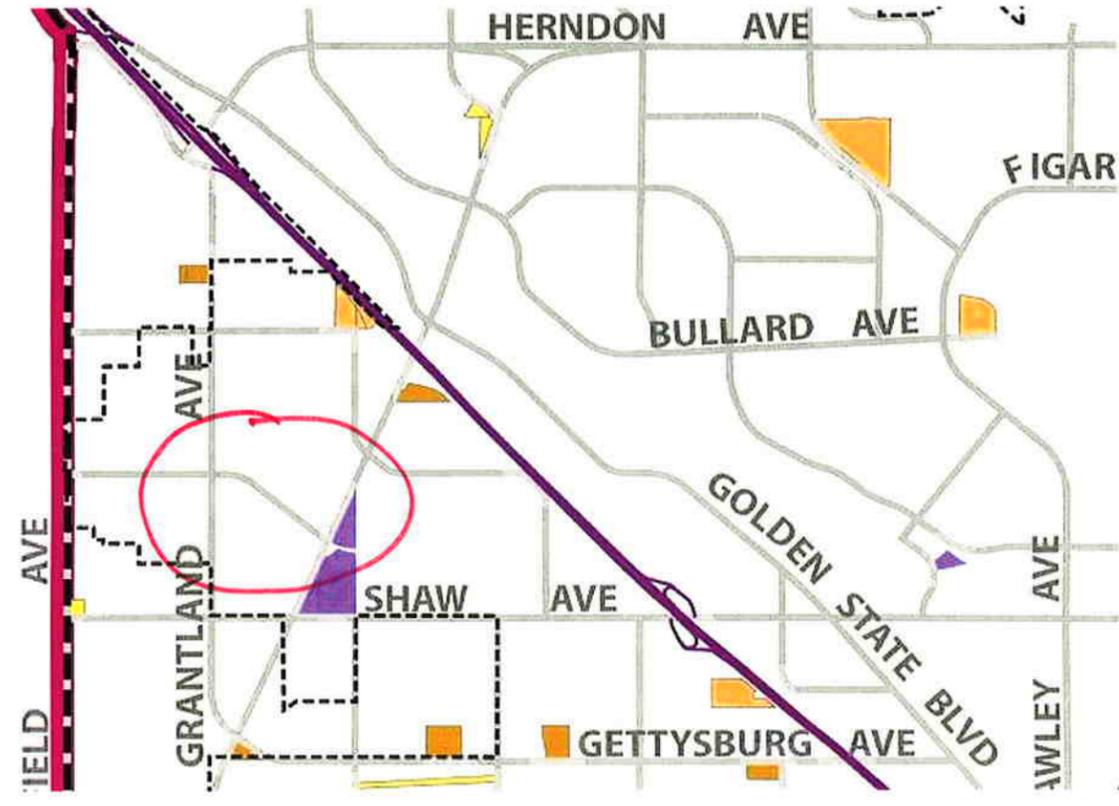
Dear Keith:

On behalf of the owner of the parcel referenced above, we are hereby submitting the enclosed exhibits to request a clarification of the proposed land use designation of CMX-Corridor Mixed Use and consideration of the land uses depicted on the exhibits.

Since the new land use designations are yet to be refined for the 2035 General Plan Update it is unclear how the CMX land use designation may be executed with the various types of projects that may be allowed. It is anticipated the location of the parcel adjacent to the Veterans Boulevard alignment will limit the location of successful residential components of a project on the parcel.

Fearing the CMX land use designation will require the entire parcel west of the Veterans alignment to be developed with integrated residential and commercial uses, we propose the land uses as shown on the enclosed exhibits. If the goal of the mixed use designation is to bring residential and commercial uses closer together we offer an "Urban Neighborhood" project on the western portion of the parcel and the "Corridor Mixed Use" on the eastern portion of the parcel. This would place the heaviest commercial use along the frontage of Veterans, elevated housing near the commercial and a more traditional multi-family housing on the west side of the parcel, all within close proximity of each other.

FIGURE LU-2



**Figure MT-1:  
Circulation Diagram**



1. See Policies MT-3-a and MT-3-b for Scenic Corridors.

Note: The Fresno Air National Guard Base, a military airport, and the Fresno Yosemite International Airport are located in the area represented as Fresno Yosemite International Airport.



Source: City of Fresno, 2014.

Mailing Address  
PO Box 27571  
Fresno, CA 93729

Web Site:  
[www.fresnocycling.com](http://www.fresnocycling.com)

August 8, 2014

Jennifer K. Clark, AICP, Director  
Development and Resource Management Department  
2600 Fresno Street, Room 3065  
Fresno, CA 93722

RE: Draft General Plan Comments

Dear Ms. Clark,

I have finally reviewed the Mobility and Transportation Element of the draft General Plan update. I was pleased to note General Plan Goals 11 (Emphasize and plan for all modes of travel on local and major streets) and 14 (Provide a network of . . . walking and biking trails . . .). The discussion of Complete Streets is good. In particular I fully concur with the following sentence on page 4-4: "However, major thoroughfares such as Fresno's Arterials are among those roadways that should be Complete Streets along their entire length." This thought should be incorporated into an implementing policy.

The bicycle portion of section 4.4, Bikes and Pedestrians, is also quite good. I fully concur with following sentence on page 4-21: "Bike lanes (Class II facilities) are the heart of the bicycle network and will be accommodated along all roadways in new growth areas." This thought should also be incorporated into an implementing policy. The sentence specifying the minimum width of a bike lane must be modified by deleting the words "whenever possible." If the five feet is measured from the face of the curb, it includes the two foot gutter, thus leaving only three feet of bikeable roadway surface. Anything less than three feet of roadway surface is not satisfactory and does not provide sufficient clearance from motor vehicle traffic.

I have two comments concerning Figure MT-2, Paths and Trails. First eliminate the several short, isolated paths/trails unless they already exist or actually connect to something not shown on the Figure. I consider anything a half mile or less in length to be short. Second bicycle paths/trails should not be constructed adjacent to collector and arterial streets due to likely conflicts at driveways and intersecting local streets.

I do, however, have a major concern. There is no implementing policy that explicitly designates which major streets will have bike lanes. The sentence on page 4-4 referred to above states arterials are among roadways that should be Complete Streets. Bike lanes are a prime method of making a busy street a Complete Street for bicycles. The sentence on page 4-21 referred to above states bike lanes will be accommodated along all roadways in new growth areas, but this idea is not expressed as a requirement in an implementing policy. Implementing policy MT-4-b refers to "designated bikeways" and "the planned bikeway system shown on Figure MT-2." However, that Figure only shows planned paths and trails with a very few bike lanes, not the entire planned bikeway system. Implementing policy MT-4-e also refers to



Mailing Address  
PO Box 27571  
Fresno, CA 93729

Web Site:  
[www.fresnocycling.com](http://www.fresnocycling.com)

“bike lanes for designated Class II bikeways along roadways.” It appears to me that the draft General Plan does not provide guidance on where the complete network of designated Class II bikeways may be found. I recommend that a new policy be written that the Bicycle, Pedestrian, and Trails Master Plan designate those major streets that will have bicycle lanes. Then those bicycle lanes will be implemented in accordance with policy MT-4-a.

Sincerely,

A handwritten signature in black ink that reads "Nicholas Don Paladino". The signature is written in a cursive style.

Nicholas Don Paladino  
Advocacy Director  
559-432-8830



**County of Fresno**  
**DEPARTMENT OF PUBLIC HEALTH**  
**DAVID POMAVILLE, DIRECTOR**

August 14, 2014

LU0017749  
 2600  
 CX

Jennifer K. Clark, Director  
 Reg: Draft General Plan  
 Development and Resource Management Department  
 2600 Fresno Street, Room 3065  
 Fresno, CA 93721

Dear Ms. Clark:

**SUBJECT:** Notice of Availability, Draft General Plan for City of Fresno

The Fresno County Department of Public Health, Environmental Health Division has reviewed the Notice of Availability of the Draft General Plan for the City of Fresno and concurs with the analysis and concept of future growth and development of the City of Fresno. The following comment is offered for your consideration:

As city boundaries expand and grow there is the potential for incorporating old closed, illegal and abandoned disposal sites (old landfills and/or illegal, unknown landfills) into the city limits. Consideration should be given to applying Zoning restrictions in areas of known disposal sites and as illegal/unknown sites are discovered, remediation and/or clean closure of the smaller illegal/unknown sites is highly recommended.

If I can be of further assistance, please contact me at (559) 600-3271.

Sincerely,

**Janet Gardner**

Digitally signed by Janet Gardner  
 DN: cn=Janet Gardner, o=Fresno County Department of  
 Public Health, ou=Environmental Health Division,  
 email=jgardner@co.fresno.ca.us, c=US  
 Date: 2014.08.14 08:40:58 -0700

R.E.H.S., M.P.H.  
 Environmental Health Specialist III  
 Environmental Health Division

jg

Fresno NOA Draft General Plan.docx

***Promotion, preservation and protection of the community's health***

1221 Fulton Mall / P.O. Box 11867 / Fresno, California 93775 / Phone (559) 600-3271 / FAX (559) 455-4646

Email: [EnvironmentalHealth@co.fresno.ca.us](mailto:EnvironmentalHealth@co.fresno.ca.us) ❖ [www.co.fresno.ca.us](http://www.co.fresno.ca.us) ❖ [www.fcdph.org](http://www.fcdph.org)

Equal Employment Opportunity ❖ Affirmative Action ❖ Disabled Employer

## Casey Lauderdale

---

**From:** Jennifer Clark  
**Sent:** Monday, August 18, 2014 5:30 PM  
**To:** Arakel Arisian  
**Cc:** Trai Her; Leland Parnagian (leland@fowlerpacking.com)  
**Subject:** RE: Fresno GP Update Comments - Parga Partners

Thank you.  
 Jennifer

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** Arakel Arisian  
**Date:** 08/18/2014 5:24 PM (GMT-08:00)  
**To:** Jennifer Clark  
**Cc:** Trai Her , "Leland Parnagian (leland@fowlerpacking.com)"  
**Subject:** Fresno GP Update Comments - Parga Partners

Hi Jennifer,

As a follow up to our August 1, 2014 meeting, I wanted to share with you some proposed GP policies regarding Parga Partners properties. As you know, Parga Partners intends to develop the area around the SCCCD south campus (in SEDA) as a master planned community. These are policies were presented in our June 14, 2012 comment letter to Keith Bergthold (see attached).

### **WP 1: Economic Development**

*ED-#. Improve access to education and skills training by locating housing and employment opportunities near academic and vocational training facilities and programs.*

*ED-#. Support the use of public-private partnerships that bring together academic programs and employers through internships, mentoring, and outreach initiatives.*

### **WP 2: Urban Form and Land Use**

*UF-#. Encourage development of campus-centered communities by focusing growth around existing and planned academic facilities and by directing infrastructure to those areas.*

### **WP 5: Resource Conservation**

*ED-#. Foster opportunities for public-private partnerships that leverage infrastructure, encourage pooling of resources, and promote shared-use activities.*

Thank you for your time and consideration.

Arakel

Arakel A. Arisian  
AICP, LEED AP  
Arisian Group  
389 Clovis Avenue, Ste. 200  
Clovis CA 93612  
Office: 559-797-4359  
Mobile: 559-260-2070

<http://www.arisiangroup.com>

## Casey Lauderdale

---

**From:** Betty Van Valkenburg <golferbetty@comcast.net>  
**Sent:** Monday, August 18, 2014 11:34 PM  
**To:** Trai Her  
**Subject:** Comments on the General Plan

My comments are based on many hours of studying the proposed General Plan and its related documents, and I've only scratched the surface. My interest was generated by a cursory look at the original draft Plan and the general plans of cities around the country - which are all basically the same and based on Smart Growth and Sustainable Development. The principles governing my opinions and comments are: maximizing individual liberty (freedom of choice), limiting governmental control to that which is absolutely necessary, free enterprise and fiscal responsibility.

Unfortunately what I see in this plan is: overreaching government control based on flawed assumptions, central planning run amok, pie-in-the-sky social engineering ideas, and millions of wasted taxpayer dollars. The totality of The Plan's central planning overshadows any of the provisions that might by themselves be desirable.

**The legitimacy of the 45-day comment process is suspect. The plan is too long to study in just 45 days, integral parts of it are missing, and only two hard copies are available for the public to read.**

The Plan (approved for public comment on July 2) is 542 pages long, minus two appendices that are integral parts of the plan. Appendix A is not yet available. The Appendix B page in The Plan refers readers to the wrong city webpage. When readers do find Appendix B on the correct webpage, they are confronted with another 820 pages.

That's 1,362 pages minus Appendix A to read, digest and prepare comments on - over 30-plus pages per day for 45 days. And that does not include the Development Code which implements The Plan and is not yet complete.

The only available hard copies are at City Hall and at the downtown library. Or a book can be purchased for over \$60. Downloading The Plan takes 10 to 20 minutes, and printing it would take hours on a home printer or \$130.66 and 1 ½ hours to be printed at Kinko's.

**How can average citizens comment in such a limited time, and how valid are comments based on an incomplete document?** Perhaps the Fresno Bee editorial writer read every word before enthusiastically endorsing the General Plan, but I doubt it.

### **The plan limits choices.**

The Plan states that it increases housing/development choices, but it does just the opposite.

The Plan is based on Transit-Oriented Development in which government decides where transit will be placed (BRT, FAX, HSR and Amtrak) and then development is planned around it, rather than traditional Development-Oriented Transit zoning where transportation plans are built around where free people want to live.

The Plan calls for much higher density (smaller units) and mixed-use development along “transit corridors” and other areas, thus limiting choices. Higher density and smaller lots are called for throughout the city, again limiting choices. The city’s Sphere of Influence is decreased, limiting potential buildable land area overall.

**The Plan is top-down, not bottom up.** It is obvious that this is not a locally generated plan “by Fresno for Fresno”.

It’s the same plan that is being proposed or is already adopted by almost every city in the country, as stated before. Much of it is mandated by state and federal laws and regulations. However, some of the major details are gratuitously left to the city. The city is then “guided” to adopt pre-determined Smart Growth “principles” through a variety of means: grant money offered for the specific purpose of implementing Smart Growth, HUD and EPA funding of the General Plan to insure inclusion of Smart Growth, the White House SC2 program sending bureaucrats to City Hall to “help” with the General Plan for Smart Growth, and “generally accepted planning principles” that have been promulgated and pushed by non-governmental agencies that rely on government funding...for Smart Growth. “Urban planners”, steeped in Smart Growth, are then paid millions by the City to prepare a General Plan, an MEIR, a Development Code and Specific Area Plans that include....Smart Growth.

**The Plan is based on flawed assumptions.**

Assumption: Greenhouse gases, CO2 and man-made climate change (previously global warming) must be curtailed by getting people out of their cars and decreasing vehicle miles traveled and the use of fossil fuels. Rebuttal: Climate change is not settled science. Dramatic climate changes have occurred throughout time, without human intervention. The last ice age formed Yosemite Valley, and the planet warmed without industrialization and fossil-fueled autos. And the last time I checked, carbon dioxide is naturally occurring and beneficial to all life.

Assumption: Fresno residents are docile lab rats subject to experimentation by federal, state and regional governments and professional planning “experts” who know best. Rebuttal: If some people want to live in a “compact, compact neighborhood” as envisioned in The Plan, then a developer will be glad to build it. However, most people want the mobility offered by their cars. When free to live where they want, they will vote with their moving vans and live somewhere more hospitable to family life. The City of Fresno will lose sales tax and property tax money.

Assumption: City land-use planning should be used for top-down social engineering, “social justice”, keeping residents healthy through walking and biking and community gardens. Rebuttal: Land-use planning should be used for, well, planning the best use of land in keeping with the desires of the public.

Assumption: “Urban sprawl” increases costs of city services because of the increased travel distances. Granted, stacking and packing people in small areas would be easier to “service”. But the city has the responsibility to provide minimum services to all residents. Developers pay hefty fees for any new developments, no matter where they are, and homeowners pay property taxes. The city wastes millions and millions of taxpayer dollars, for instance millions paid to consultants for preparing this General Plan, the MEIR, the Development Code, and more millions on failed projects. Over \$36

million has been spent on bike lanes that few people use. All that money and more might be better spent to fund police and firefighters and small substations for *all* the city including the suburbs.

**The “Primacy of Downtown” requirement protects and promotes downtown at the expense of the rest of the city.**

It requires (1) that Downtown be “The Activity Center” of the city, (2) that no future development will compete with downtown businesses, (3) that even the downtown skyline is prime, (4) that future development will “preserve existing sightlines to Downtown”, and (5) that the city will pay for signage throughout the city that point to Downtown. My question is, why does the General Plan promote a love affair with Downtown and promote and protect Downtown businesses?

The plan states that recent residential development in the Downtown Planning Area “required a subsidy to cover development costs”. Subsidies will no doubt be needed for the proposed mixed-use, high-density, high-rise apartments over dry cleaners and donut shops along busy transit corridors. The developers will still make money, at the taxpayers’ expense, instead of profit made from building what people want and where they want to live.

Page 3-57 states: “Avoid over concentrating office uses in any one part of Fresno when new office developments would create excessive vacancy rates in other established office areas.” Is it the city’s job to favor businesses in one area over another or to force business decisions based on what the City thinks may happen in the future?

**Smart Growth may sound “nice” at first blush, but it will undoubtedly be another failed Fresno government experiment - because it is top-down, cookie-cutter meddling in people’s lives and choices.** The bigger problem may occur when every city and county becomes exactly the same and there’s no reason for the moving van.

“Compact, complete neighborhoods” envision high-density, high-rise, small residential units over first-floor businesses on transit corridors within half a mile of public transportation, with bike lanes, and within walking or biking distance to work, school, a park and amenities. The street is to be the place for socializing and mingling with your neighbors, and a canopy of trees shades the street. At the Planning Commission meeting on July 30<sup>th</sup>, the paid consultant, Mr. Steele, described his ideal “life in the day”. He imagined getting up and walking down the street for a donut, then walking to work, then walking with his wife to lunch, and more walking and biking. That’s great if it works out. But there is no guarantee that businesses will locate in the “neighborhood”, that a school will be built (and is that elementary, middle school, high school, junior college, or a university that you will walk to?) or that the City can afford another park. And what are the chances that your job will actually be within walking distance of your small apartment? More likely, residents will drive to their jobs at Kaiser Hospital or Riverpark.

**Thank you for your consideration,**

Betty Van Valkenburg  
Cell 246-3956  
Home 322-7247

Betty Van Valkenburg  
333 W. Escalon  
Fresno, CA  
(559) 322-7247  
golferbetty@comcast.net

General Plan Workshop  
Edison High School, Fresno, CA  
September 6, 2014

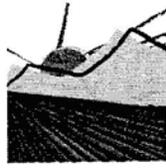
I'm concerned that we are paying high-priced out-of-town consultants to prepare our local General Plan, and also that federal agencies fund the development of our local plan. Questions:

1. How much total will all consultants have been paid for work on the Plan in the end?
2. How much total will the federal government have funded?

Betty Van Valkenburg  
333 W. Escalon  
Fresno, CA  
(559) 322-7247  
golferbetty@comcast.net

General Plan Workshop  
Edison High School, Fresno, CA  
September 6, 2014

The Plan states that new development will not compete with Downtown businesses. Is that even remotely legal?



*Central California*  
**REGIONAL OBESITY  
 PREVENTION PROGRAM**

Healthy Environments • Healthy Choices • Healthy People

August 19, 2014

Arnoldo Rodriguez, AICP  
 Planning Manager  
 Long Range Planning Division  
 Development and Resource Management Department  
 2600 Fresno Street, Room 3043, Fresno, CA 93721

Re: Recommendations to the 2014 General Plan Update, Regional Transportation Plan and Sustainable Communities Strategy

Dear Mr. Rodriguez:

The Central California Regional Obesity Prevention Program (CCROPP) is a program of the Public Health Institute, an independent, non-profit organization dedicated to promoting health, well-being and quality of life for people throughout California, across the nation and around the world. CCROPP has several years of experience working to create healthier communities in the San Joaquin Valley. CCROPP's approach to obesity prevention is through advocating for policies, systems and environmental changes that promote healthy eating and active living; focused on low-income communities of color whose infrastructure does not often support the healthy lifestyles. One of our objectives is to increase walkability and bikeability, particularly for non-traditional bike riders such as minorities, women, youth, elders and the farmworking populations. The collateral benefit of these efforts would be to reduce green house gases, improve health, improve air quality, and enhance the opportunities to travel to and from work, school, or to engage in leisure activities.

According to the Street Design Standards section, (Update, Page 4-12), the City of Fresno has been developing its multi-modal transportation network for 35 years. The City of Fresno has concentrated more investments on bicycle facilities since the adoption of Measure C. In 2011, the City of Fresno received national recognition by the League of American Bicyclists for having the fifth best bicycle network in the country.

And yet only 1% of the city's population uses the existing bicycle network. The demographic characteristics of the typical rider is male, white, middle income and between the ages of 40 to 60 years old. A recent article by Savannah Locke states that the United States is deadlier for bicycle riders than other countries. Her article goes on to list the ten deadliest cities in the U.S. and naming Phoenix, Arizona and Fresno, California as the worst for bicyclists. This helps to explain the hesitance to ride bicycles in Fresno. Clearly, the City of Fresno needs to increase ridership by working to improve safety for riders. We ask the following:

1. What can the City of Fresno and us as citizenry do to increase the percentage of persons, and in particular women, minorities, youth and the elderly, to ride bicycles as a main form of travel?

## 2. What can the City of Fresno do to make bicycling safer?

In general we recommend that the City of Fresno consider equity in all its policies. We want to make sure that every neighborhood in Fresno has an equal opportunity to practice healthy lifestyles. This can be supported through ensuring a fair distribution of resources throughout our community. Bike lanes, trails, segregated bike lines, sidewalks, street lights etc... should be available in all neighborhoods. In addition, here are some specific recommendations for the City of Fresno:

- Adopt Performance Measures that clearly indicate whether an increase in bicycle ridership within the City is taking place.
- Look at prioritizing facilities that will increase bicycle ridership, i.e., increasing the investment in Class I facilities from fourteen (Table 4-3: Bicycle Network, Page 4-22) or seventeen (Bicycle Facilities, Page 4-19), to a defined number of miles by given dates. It is also important to note the concentration of Class I facilities are in the north part of the city and investment for central, southeast and southwest Fresno needs consideration for this prioritization.
- The percentages for walking and bicycle ridership need to be separated to give better indications of the increases or decreases and the performance of these two modes of travel. Targets for both increasing walking and bicycling need to be defined. (Chapter 4, Page 4-7)
- There is a need for the adoption of performance measures for bicycle ridership as a mode of travel. (Chapter 4, First Paragraph, Page 4-13)
- Update the City of Fresno Bicycle, Pedestrian, and Trails Master Plan (BMP 2010) to address the issues of performance measures for bicycle ridership and pedestrian travel. (4.4 Bikes and Pedestrians, Page 4-16)
- The work to update the BMP should consider the development of a bicycle subsidy program to address the need to increase ridership among environmental justice communities. A subsidy program would assist low-income community members to purchase bicycles as a main way to travel within the City of Fresno. Some locations in Europe are offering subsidies to travel by bicycle to the general population not just specifically to low-income communities.
- Chapter 10 Healthy Communities in the general plan, this chapter clearly makes the connection between transportation and health but offers no substantial solutions as to how to increase bicycle ridership / walking and how potential increases can be measured. The adoption of Performance Measures for the purpose of issues brought up for Chapter 4 Mobility and Transportation can address these concerns.

We urge you to please adopt these recommendations that are crucial for improved ridership, health and well-being amongst some of the most vulnerable and disproportionately impacted populations as minorities, women, youth, elderly and farmworkers. If you should need to reach me for further comment my telephone number is (559) 498-0870 ext 101 or by email at [genoveva@ccropp.org](mailto:genoveva@ccropp.org).

Sincerely,



Genoveva Istas, MPH  
Program Director



August 17, 2014

Jennifer Clark,  
AICP, Director, Development and Resource Management Department  
2600 Fresno Street, Room 3065  
Fresno, CA 93721

RE: Comments to Draft 2035 City of Fresno General Plan

Dear Ms. Clark,

Thank you for the opportunity to provide input to the Draft 2035 Fresno General Plan (“Draft Plan”). Fresno Building Healthy Communities (Fresno BHC) submits these comments and recommendations as a collaborative of community based organizations representing over 90,000 residents living in southeast, central and southwest Fresno. Fresno BHC intends to transform our neighborhoods into healthier communities. Where we live, work, learn and play has a profound impact on our health and we are taking action to create one safe and healthy community, one safe and healthy Fresno.

As you may know, Fresno BHC partners and residents have participated in the general plan update process over the last three years. We have participated in a number of community workshops hosted by community partners and City officials, planning commission meetings and City Council workshops and hearings. We look forward to continuing to work with the City to adopt a plan that truly addresses the needs and leverages the opportunities of existing neighborhoods.

We commend City of Fresno staff and officials for the tremendous amount of work to date. We recognize the importance of creating a vision for the future that invests in existing communities and plans for future population growth. While the Draft Plan contains goals aimed at creating a healthier, more equitable Fresno it does not go far enough to meaningfully address historic disparities and inequitable practices impacting existing neighborhoods.

We submit the following comments and recommendations to assist the City in adopting a final general plan that meets the needs of all City residents with a focus on Central, Southeast and Southwest Fresno. Our recommendations ensure that the City’s own stated goals of creating healthy, thriving and economically vital neighborhoods become reality.



Though the comments and recommendations in this letter are relevant to the Draft Master Environmental Impact Report (Draft MEIR) for the Draft Plan and Development Code Update, the comments do not directly address the Draft MEIR. We will follow this letter with separate letter directly addressing the MEIR and related issues prior to the September 8<sup>th</sup> deadline.

### **The City Must Support Its Commitment to Investing in Existing Communities through Clear and Enforceable Policies and Implementation Measures**

#### *The Current Infill Policy is Vague and Unenforceable*

The Draft Plan's themes of balanced growth and investment and revitalization of existing communities were embodied in General Plan Alternative A Modified that was adopted by the City Council in Spring of 2012. That alternative resulted from broad and informed community input including participation by Fresno BHC in workshops and hearings over the course of many, many months. The adoption of General Plan Alternative A Modified was heralded by many as a historic vote and a historic moment representing a commitment by the City of Fresno to prioritize infill over new growth. However, despite that vote, and despite the Draft Plan's stated intentions to achieve balanced growth it falls short of making this any more than an aspiration.

Objective UF-12, the cornerstone objective regulating growth under the Draft Plan, is vague and unenforceable and lacks real commitment from the city to truly invest in existing neighborhoods and in particular those neighborhoods that represent the focus of this correspondence. UF-12 reads:

“Locate roughly one-half of future residential development in infill areas – defined as being within the City on December 21, 2012 – including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land.”

At first view, Objective UF-12 indicates that about half of future development must occur in infill areas, keeping with the commitment made by the City with the adoption of Alternative A-Modified. However, as defined in the Draft Plan, the term “roughly” allows for broad deviation from a given figure by up to 30% or more.

Thus, infill levels under UF-12 could range from less than 20% of future residential development to over 80% of such development. Such range of permissible infill levels does not provide for



enforcement of future implementation and conflicts with the Draft Plan’s stated commitment to balanced growth.<sup>1</sup>

The City’s General Plan initiation draft called for 57% of residential units to be built within city limits<sup>2</sup>. To maintain the City’s commitment to residents and key stakeholders and to allow for internal consistency of the Draft Plan, we recommend Objective UF-12 be revised to read:

“57% or more of future residential development shall be located in infill areas – defined as being within the City on December 21, 2012 – including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land.”

#### The Draft Plan Fails to Specify Monitoring Programs and Requirements with Respect to New Growth

The Draft Plan’s Implementation Chapter adds to the inefficacy of UF-12’s directive that “roughly half” of future residential growth be located in infill areas. The Implementation Chapter states:

“Following adoption of the Fresno General Plan, the City will focus on infill development and new development within the city limits, as well as new development within Growth Area 1 based on planned infrastructure expansion, public service capacity, and fiscal considerations. Growth Area 2 needs critical infrastructure improvements, and the City does not anticipate that funding for Growth Area 2 can be committed in the near-term. To this end, the City will need to establish a way to monitor investment within the city limits and Growth Area 1 before approving the

---

<sup>1</sup> Notably, Draft Plan Objective UF-12 contrasts with UF-12 as set forth in the General Plan Land Use, Urban Form, and Design Chapter Preliminary Workshop Discussion Draft, which reads, “Locate 45% or more of future residential development in infill areas – defined as being within the boundary of the Fresno City Limits as of December 31, 2012...”. The phrase “45% or more” is clear and unequivocal as compared to the phrase “roughly half” contained in Draft Plan Objective UF-12.

<sup>2</sup> City of Fresno General Plan Initiation Draft, pg. 7. Table 1 tracks the existing and additional housing units expected under the General Plan buildout. As shown, approximately 171,000 units currently exist in the Planning Area. The General Plan is intended to accommodate an additional 76,000 units, through both infill development and growth area development. In total, General Plan buildout will result in approximately 247,000 housing units in the Planning Area. Around 43,500 of these new units, or 57 percent, would be located in the existing City limits, including the Downtown as defined on the Land Use Diagram inset.



opening of Growth Area 2. The Administration will prepare options for the Council to consider for such a program.

“...Whatever form is ultimately adopted, the City should implement an easy-to-track, objective, transparent measurement that can be used to determine the appropriate timing for opening Growth Area 2 for new growth. The City will use “strategic phasing” to achieve the overall goals of the plan, as opposed to annual limits of some sort that place unrealistic controls on the local market” (12:27)

This discussion does not provide for any form of monitoring to track relative proportions of infill and growth area development as Growth Area 1 is developed. In fact, the discussion indicates that any development in Growth Area 1 is permissible regardless of the level of development that has occurred within infill areas. The Final Plan must contain policies to limit development in growth area 1 to fulfill stated goals of prioritizing infill development.

The Draft Plan must include implementing policies and actions that (1) clarify how levels of infill development and development in growth areas will be measured, (2) provide for ongoing monitoring and reporting as called for by UF-12’s commentary<sup>3</sup>, and (3) establish mechanisms to ensure the achievement of clear infill targets which prohibit greenfield development and development in Growth Areas 1 and 2 where it would result in or contribute to existing failures to achieve infill goals and, (3) Establish a public process by which residents and interested stakeholders can monitor progress.

*Establish an Infill Opportunity Working Group to Ensure Equitable Implementation of the Final General Plan*

The Final Plan should include policies and implementation necessary to create an Infill Opportunity Working Group (“Working Group”). Our work with community partners has demonstrated strong interest for new and meaningful opportunities to inform and monitor General Plan implementation. We believe that a Working Group composed of a broad range of constituents such as residents, City officials and representatives from other sectors will be critical to creating prosperous, healthy communities.

---

<sup>3</sup> The Planning Director will provide an annual report to City Council, and prepare, every five years, an updated plan for achieving this goal, with recommended appropriate policy amendments and also new implementation strategies necessary to meet this goal by 2035.



## **The General Plan Should Promote Affordable Housing Opportunities in Neighborhoods throughout the City**

### **Provide Access to High-Quality Affordable Housing throughout the City including in Growth Areas**

The Draft Plan recognizes the need for increased affordable housing opportunities for low and medium-income residents throughout the City and in Growth Areas. However, the Plan must do more to address Fresno's historic and ongoing racially concentrated poverty through clear policies and implementation actions to ensure that the City meets the housing needs of all of its residents.

We recommend that the final plan include the following policies to increase access to affordable housing throughout the city:

- Adopt an inclusionary zoning ordinance that requires that at least 20% of housing units in new growth areas are affordable to low, very low and extremely low income residents.
- Provide incentives for and assist developers in the pursuit of financing to support the inclusion of housing affordable to low income populations in all residential development projects.
- Undertake a nexus study to determine an affordable housing impact fee appropriate to mitigate new market-rate housing development.
- Develop and implement a housing impact fee program to support an affordable housing trust fund that can assist in the financing of affordable housing units in high opportunity neighborhoods

### **The General Plan Should Prevent Overconcentration of Low-Income Housing in Low-Income Neighborhoods**

For many years, community partners and residents have voiced concern over the concentration of low income housing in Southeast and Southwest Fresno. Throughout various city workshops and hearings, residents from these neighborhoods expressed strong desire for increased mixed income housing opportunities. The City must ensure that the Final General Plan contains policies to both address and eliminate conditions hindering development of mixed income housing in target neighborhoods as well as proactively promote and incentivize development of mixed income housing in the same.

To achieve this, we recommend the addition of the following policies to the Draft Plan:



- Prohibit land use designations that would result in disproportionate residential density in low-income neighborhoods compared to other neighborhoods.
- Identify and mitigate impediments for the development of mixed income housing in low income neighborhoods.
- Provide incentives for the development of mixed-income housing in low-income neighborhoods.
  - *The City can draw on programs such as the Measure C Transit Oriented Development fund to create similar incentives for development of mixed income housing in low income neighborhoods.*

#### Protect Existing Residents from Displacement

The City will experience significant population growth over the life of the General Plan. The Draft Plan calls for increased investment in the Downtown area and surrounding neighborhoods, implementation of Bus Rapid Transit and the potential development of High Speed Rail and a High Speed Rail station in the Downtown area. These actions will likely increase housing costs that may displace existing residents in the surrounding area, particularly low income residents. The Draft Plan fails to analyze, discuss or otherwise address potential housing cost increases and resulting displacement. The final plan must include specific, measurable policies and implementation actions that will prevent physical and economic displacement of existing low income residents.

#### The Plan Must Promote High-Quality Parks and Open Space in Underserved Neighborhoods

Fresno BHC places great importance on access to parks and open space to improve the overall health of our communities. Established neighborhoods south of Shaw are areas with the least access to parks and open space when compared to neighborhoods north of Shaw. In cases where parks and recreational opportunities are available, community residents experience malfunctioning or non-existent sports equipment, closed and/or poorly maintained public restrooms and poorly maintained field or grass areas.

The Draft Plan fails to prioritize and identify concrete implementation actions that address such deficiencies. In fact, policy POSS-2 calls for recreation opportunities near freeway corridors. Such a policy must be eliminated or significantly modified as it threatens the health and well-being of city residents and unnecessarily increases exposure to poor air quality and particulate matter.

While the Draft Plan includes policies aimed at improving park access in established neighborhoods, it falls short of prioritizing efforts for neighborhoods with least access to parks and open space.



The City must prioritize improving access to parks and open space in established communities, particularly for low income neighborhoods. The final plan must call for permanent funding sources and financing mechanism to properly plan for, design, construct and maintain park land. The City must also seek to address deficiencies in neighborhoods with the greatest need in the next 5-10 years as opposed to the proposed 10-20 year timeline proposed in the implementation chapter. Addressing deficiencies in the near term will assist the City's efforts to create complete and healthy neighborhoods in historically neglected areas.

#### Mitigate and Prevent Over-Concentration of Business Park and Industrial Land Uses in and Disproportionately Burdened Communities

For decades, community residents have expressed to city officials that Southeast and Southwest neighborhoods are disproportionately burdened by industrial uses and continue to be disproportionately zoned for industrial facilities, agricultural uses, solid waste facilities, hazardous waste sites and other polluting land uses as compared to other neighborhoods. In fact, the recently released Communities Environmental Health Screening Tool ("CalEnviroScreen") created by the California Communities Health California Environmental Protection Agency ("CalEPA") and the California Office of Environmental Health Hazard identifies California communities that are disproportionately burdened by multiple sources of pollutions. South Fresno neighborhoods are among the top 5% of most impacted communities in the entire state. As evidenced by the CalEnviroScreen findings among other data and studies, current land-use patterns in South Fresno, and West Fresno in particular, pose a significant hazard to human health and safety.

Despite decades of numerous requests by community residents to the City to mitigate unhealthy land uses and rezone their neighborhoods to promote healthier land uses, the Draft Plan proposes to continue to disproportionately site industrial uses in and around Southeast and Southwest Fresno. The heavy industrial land use designations in South Fresno comprise all of the heavy industrial land use designations on the General Plan's Land Use Diagram, with the exception of a relatively small area in central east Fresno south of the Fresno Yosemite International Airport (which is bordered by light industrial, mixed use, and open space designations). The Land Use Diagram includes all three industrial land use categories - heavy industrial, light industrial, and business park - in the midst of only one Fresno neighborhood – West Fresno.

While the Draft Plan attempts to use Regional Business Park and Business Park land use designations as buffers between industrial and residential land uses, such designation allows for a variety of uses



associated with environmental impacts that negatively affect nearby residences and sensitive receptors. Examples of uses permitted in Regional Business Park under draft Development Code Update articles<sup>4</sup> include Limited Industrial, Research and Development, Indoor Warehousing and Storage, Outdoor Storage, Wholesaling and Distribution, Freight/Truck Terminals, Light Fleet-Based Services and Warehouses, and Minor Utilities *by right* and Airports and Heliports and Major Utilities by conditional use permit.

The Light Industrial land use designation 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. 3:41. Light Fleet-Based Services include businesses that rely on fleets of vehicles for their operations. Development Code Update Revised Module 3, p. 51. Minor utilities include structures such as electrical distribution lines and underground water and sewer lines. Major Utilities include “Generating plants, electric substations, solid waste collection, including transfer stations and material recovery facilities, solid waste treatment and disposal, water and wastewater treatment plants, and similar facilities of public agencies or public utilities”. *Id.*

Taken together these designations continue the practice of placing undesirable land uses in low income communities. Community residents and partners have repeatedly expressed to the City that these practices will further degrade the quality of life and overall health of Southeast and Southwest Fresno neighborhoods.

The Final Plan must address and mitigate the current concentration of undesirable land uses and adopt policies and implementation actions that will lead to community based processes to determine appropriate land use designations in the most impacted neighborhoods. The Final Plan must also conduct an analysis of impediments to revitalization and create an action plan to address such findings. The City must also identify funding sources and other incentives such as capital infrastructure financing and reduced impact fees to support true revitalization efforts. The Final Plan must also call for a rezone of the Draft Plan’s current land use designation to eliminate any and all land uses that result in negative cumulative effects or negatively impact residents’ health and well-being.

Fresno BHC hopes to enter into a collaborative partnership with the City, as described in the Draft Plan’s Healthy Communities chapter, to engage residents in a community based process that we

---

<sup>4</sup> Revised Module 3 District Purpose Statements and Use Regulations (“Development Code Update Revised Module 3”), provided to the Development Code Update Technical Advisory Committee on August 12, 2013.



believe will respond to multiple requests to invest to promote health and vibrancy in these neighborhoods.

### Provide Affordable and Equitable Multi-Modal Transportation Service to all Fresnoans

A safe, efficient and affordable transit system is critical to connecting neighborhoods to critical destinations such as employment centers, recreation centers, civic centers, medical care, shopping centers and educational institution. Community residents have also expressed great interest in improved transportation service and pedestrian and biking infrastructure to access essential services such as those mentioned above. The Final Plan must ensure that the City operates an efficient transportation system that not only connects residents to critical services but one that also seamlessly connects bus service to Bus Rapid Transit corridors and potentially High Speed Rail. The Final Plan must also contain policies and implementation actions geared towards regional collaboration to provide for well-coordinated transportation programs throughout the region. The Final Plan must also incorporate measurable performance indicators to determine quality of service and effectiveness of policies. Such indicators may include: annual performance reports to the city council, updated maps of transit service and amenities, track standard service enhancement such as changes in routes, increase/decrease in service frequency, placement of bus stops, shelters, sidewalks and bike lanes, cost effectiveness, ridership projections and annual performance standards to assess policy effectiveness.

We recommend the following policy revisions and additions to assist the City in its efforts to provide a safe, efficient and equitable transportation system that meets the needs of all Fresnoans:

- The City shall allocate **30%** of all Federal, State, and local transportation funds to transit for capital investment, operations and maintenance.
- The City shall impose impact fees on all new development to pay for the cost of transit services to the new development.
- Revise MT-8-d to Facilitate Use of Multiple Transportation Modes. Plan, design and construct improvements that promote single and serial use of multiple transportation modes.
- Ensure that traditional transit service will connect to Bus Rapid Transit in ways that enhance traditional service.
- Revise MT-9-a to Provide Equitable Transit. Provide transit service that all riders are able to use regardless of age or disability.
- Revise MT-8-j to Expand transit service in low income neighborhoods that lack adequate service. Connect these neighborhoods with destinations referred to in Objective MT-8.
- Provide bus stop amenities on all routes, particularly in low income neighborhoods that lack bus shelters and benches.



### Prioritize Investments and Revitalization Efforts in Low Income Neighborhoods

The Draft Plan calls for priority investment in established neighborhoods generally South of Herndon. While we recognize that there are needs and infrastructure deficiencies throughout our City we must focus investment and revitalization efforts in those neighborhoods that have been historically neglected. The Final Plan must contain policies that improve and expand basic infrastructure and revitalize those neighborhoods through infill strategies. The Final Plan must also contain specific implementation programs that create financial incentives for private and public sector investments to achieve revitalization goals. As previously mentioned, the City can draw upon the success of the Measure C TOD funding program to incentivize investment and work with community partners to apply for and advocate for planning and infrastructure grants from state and federal funding sources. As is recognized by city officials, low income neighborhoods lack the basic features of a complete, healthy community –grocery stores that offer fresh fruits and vegetables, health and medical services, employment opportunities that provide for upward financial mobility, sidewalks and streetlights, quality housing,

To meaningfully address such disparities, we recommend that the Final Plan include the following policy:

- Pursue all sources of funding for and prioritize basic infrastructure improvements in established neighborhoods within (1) neighborhoods in Fresno at or below 60% Medium Household Income (MHI) for Fresno County and (2) neighborhoods which rank within the top 10% of pollution-burdened census tracts under the Communities Environmental Health Screening Tool (“CalEnviroScreen”) created by the California Communities Health California Environmental Protection Agency (“CalEPA”) and the California Office of Environmental Health Hazard (“OEHHA”).

The inclusion of this policy will allow for targeted investment and revitalization to the neighborhoods that can best leverage targeted investment.

### Prioritize Farmland Conservation and Prevent Premature Conversion

Key to fulfilling stated goals of revitalization in established neighborhoods will be strong and enforceable farmland conservation policies. While the Draft Plan makes numerous mention of the importance of protecting this the foundation of our economy, it fails to meaningfully protect and mitigate for possible loss of land due to greenfield development. The Final Plan must contain enforceable policies to protect agricultural lands and prevent premature conversion for new communities. Adopting strong conservation policies will assist the City in meeting its goal to prioritize and revitalize established neighborhoods.



Reporting and Monitoring on the General Plan’s Effectiveness

The City Planning staff shall provide City administrators and the City Council with an annual status report on the General Plan which incorporates quantifiable indicators such as transit ridership, infrastructure investments, infill and new growth statistics, water and energy conservation, number of incidents of hospital and clinic visits for respiratory problems and heart attacks, housing statistics and employment statistics in industrial clusters so that the City Council and City Administration can judge the success, or lack thereof, of the implementation of each of the City’s General Plan policies to reach the City’s goals as specified in the Fresno City General Plan.

\* \* \* \* \*

We thank you for your consideration of our comments. We look forward to working with you to adopt a Final General Plan that creates One Healthy Fresno. Please feel free to contact me via email to [sceledon@fresnobhc.org](mailto:sceledon@fresnobhc.org) or by phone at (559) 392-6012 with any questions or comments relating to this letter.

Sincerely,

Sandra Celedon-Castro  
Fresno BHC Hub Manager

Ashley Werner  
Staff Attorney

/s/

Sabina Gonzalez  
Regional Director



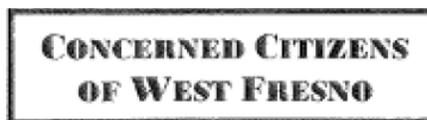
/s/

Amparo Cid  
Director

Mary Curry  
Chair

/s/

Nyla Zender  
President





*Margarita A. Rocha*

Margarita Rocha  
Executive Director



*Cesar Campos*

Cesar Campos  
Coordinator



*Andy Levine*

Andy Levine  
Executive Director



/s/  
Daniel O'Connell, PhD  
San Joaquin Valley Program Manager

*Artie Padilla*

Artie Padilla  
Executive Director

*Ben Wong*

Ben Wong  
Executive Director



*Yammilette S. Rodriguez*

Yammilette Rodriguez  
Senior Director

*Laura Moreno*

Laura Katie Moreno  
Executive Director

*Socorro Santillan*

Socorro Santillan  
Executive Director

