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Agenda Item: ID#14-653 (5:00 P.M.)

Date: 12/11/14

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CITY CLERK, FRESNO CA

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Items – ID#14-653 (5:00 P.M.)

Contents of Supplement: Letter from Granville Homes

Item(s)

HEARING to consider approvals related to the Proposed General Plan Update
(Citywide)

1. Consideration of General Plan Update and certification of the related Environmental Impact Report (EIR) SCH No. 2012111015 filed by Jennifer K. Clark, Development and Resource Management Director, on behalf of the City of Fresno, citywide application

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

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December 17, 2014

CITY CLERK, FRESNO CA
Jennifer K. Clark, Director
City of Fresno
Dept. of Development and Resource Management
2600 Fresno Street, Room 3065
Fresno, CA 93721

Re: Proposed General Plan Update; Degraded Land Use Designations for 59
Properties of Granville Homes and Affiliated Companies

Dear Ms. Clark:

Granville Homes and its affiliated companies have numerous serious concerns regarding the haphazard and somewhat random manner in which the City has brought forth the General Plan Update for "final" action during this busy Christmas season. Although our companies have no desire to become embroiled in unnecessary litigation with the City, we will not hesitate to take all actions to protect our interests and the interests of the community at large from any arbitrary and hasty legislative action.

Our concerns include all of the following items:

- The "Project" as described in the public notice was originally identified as a "two part" project with the General Plan as part one and the Development Code as part two. The City later re-noticed the public hearing and removed the reference to the Development Code.
- The Development Code has not been completed or released in a "draft" form for public viewing.
- The City proposes to re-designate all of the parcels in the City with new land use designations, including new density ranges and, we presume, new permitted use and development standards.
- We assume that every parcel covered by the Plan may be rezoned although that is a question nobody in the administration at the City appears to be willing to answer. The correct way to proceed is to adopt the new Plan and the new Development Code at the same time.
- Because of the piecemeal approach noted above, the City is allowing environmental considerations to be submerged or minimized by "chopping" a single significant Project into two smaller ones. As repeatedly endorsed by our state courts, CEQA forbids the piecemeal review of the significant environmental aspects of a Project.

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- The agenda for Thursday's Council meeting and the draft resolution certifying the EIR states that the Council will take action to certify an EIR for a new General Plan and a new Development Code. How can this occur when this significant element of the Project does not even exist? This error alone requires correction of the agenda and the proposed resolution and the delay and re-noticing of the hearing.
- We also note that the draft resolution provided to the public this afternoon further erroneously states that the public hearing conducted on December 11, 2014, included consideration of "the rezone ordinance bill" which is patently false.
- Our staff, in good faith, has provided the Planning Commission and the Council suggested wording for an "Interim Zoning Consistency Matrix" that would allow development within the "new" land use designation areas to proceed forward with entitlement activity pending finalization of a Development Code. For whatever reason, this reasonable approach has been ignored.
- In numerous cases, the new Plan contemplates materially diminishing the existing land use designations (permitted uses) of our projects and holdings relative to the uses permitted by the current Plan. In certain instances where entitlement or development work has commenced or otherwise vested our rights, we believe that such action amounts to the inverse condemnation of these properties potentially resulting in enormous monetary damages.
- You have attempted to justify the diminishing of our existing land use designations by offering "free" plan amendment applications. This does not adequately compensate for our loss of rights as there is absolutely no guaranty (nor can there be) of future favorable action on these applications.

We urge you to seriously consider all of these matters to avoid unfortunate and unnecessary legal entanglements and expense. Our desire, as always, is to work with the City to find solutions based on mutual fairness and respect for the rule of law. However, where necessary, we must always be prepared to avail ourselves of legal redress.

Sincerely,



Steven G. Rau,
General Counsel

Cc: Bruce Rudd, City Manager
Yvonne Spence, City Clerk
Douglas Sloan, City Attorney
Arnoldo Rodriguez, AICP, Planning Manager
Dan Zack, AICP, Planning Dept.