

Agenda Item: ID# 18-1567 (1-S)

Date: 12/13/18

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Supplemental Information Packet

Agenda Related Item(s) – ID#18-1567 (1-S)

Contents of Supplement: Letter From Leadership Counsel for Justice and Accountability

Item(s)

Consider of Plan Amendment and Rezone Application No. P18-03514, Development Code Text Amendment Application No. P18-03517 , and related Environmental Finding filed by the Development and Resource Management Department Director pertaining to 207 acres within the City of Fresno:

1.**BILL NO. B-65 - (Intro. 12/6/2018) (For adoption) - Approving Text Amendment Application No. P18-03517 for minor changes to the Development Code in order to improve functionality, clarity, internal consistency, and consistency with State law.**

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.



December 13, 2018

Sent via Electronic Mail

Fresno City Council
2600 Fresno St.
Fresno, CA 93721

RE: Council Agenda Items 1-S, ID18-1567, Consider of Plan Amendment and Rezone Application, Development Text Code Amendment Application, and related Environmental Finding

Dear Council President Soria and Council Members,

The undersigned organizations submit the following comments in response to agenda item 1-S: ID 18-1567 pertaining to the plan and text amendment, rezone application, and environmental finding filed. For the reasons discussed below, the City Council must not approve these changes at this time.

Before the Fresno City Council considers City Staff's recommended approval for the aforementioned item, the council members must carefully consider the impact the proposed changes will have on the health, well-being, and quality of life of residents living near the proposed changes. Specifically, we direct Council to view *Table 15-1502: Use Regulations—Downtown Districts*. There are proposed changes allowing the development of Limited and General Industrial, and Warehouse, Storage, and Distribution in the Downtown Neighborhoods District east of Highway 41. It is our understanding that none of these critical modifications went through a public process to solicit input from those whom these changes would most negatively affect.

The City of Fresno continues to expand the footprint of where industrial and industrial-type facilities may develop adjacent and nearby existing residential communities, and furthermore, continues to do so without meaningfully engaging the public. In the area at issue proposed to expand polluting facilities, there currently exist several homes and hundreds more in the surrounding neighborhoods just east of the railroad tracks. The individual and cumulative impacts of these proposed changes will worsen these communities' health, environment, and economic opportunities.



To move forward with said recommendations could result in violations of state and federal fair housing and civil rights laws. See e.g., Gov. Code Sec. 12955(l); 11135; 65008 as it will deny individuals the enjoyment of residency within their own neighborhood. Furthermore, land use and zoning changes such as those proposed here are directly at odds with Fresno's duty to affirmatively further fair housing pursuant to federal law as well as recently signed state legislation (AB 686). Accordingly, the City Council must not approve the proposed changes unless and until it seeks input from the surrounding neighborhood and fully considers - and ensure mitigation of - negative impacts upon nearby neighborhoods and residents.

Lastly, as the City of Fresno moves towards future plans and processes, Staff and the Council must (1) meaningfully engage the public in these processes to where the final product reflects community priorities and concerns; (2) ensure all Fresno City residents have equitable access to similar opportunities and resources so no one community is over-burdened by polluting entities; and (3) comply with federal and state fair housing and civil rights laws.

If any questions shall arise, do not hesitate to contact me at gelenes@leadershipcounsel.org or (559)369-2790.

Sincerely,

Grecia Elenes

Leadership Counsel for Justice and Accountability