

Exhibit R

April 16, 2025

BY EMAIL

Fresno Planning Commission (PublicCommentsPlanning@fresno.gov)

Re: Agenda Item ID 25-372

Dear Mr. Peter Vang and the Fresno Planning Commission:

I write in support of Concerned Citizens of West Fresno to urge you to deny the proposed plan amendment No. P23-03006 and rezone application No. P23-03006 (collectively, the rezone project). The City's approval of these applications to rezone over 55 acres of neighborhood mixed use property governed by the Southwest Fresno Specific Plan (the Specific Plan) would violate California land use requirements including but not limited to CEQA, Government Code section 8899.50, and SB 330, among other legal requirements. Approval of the rezone project would also constitute racially discriminatory land use planning under Government Code section 11135 because the project proposes to expand polluting industrial uses in a manner that selectively targets an overburdened community of color without any rational basis.

The cursory "addendum" to the Specific Plan's Environmental Impact Report does not comply with CEQA for at least three reasons. First, the addendum was not circulated for public review with sufficient time to allow for meaningful public review and comment. This violates CEQA's central purpose of allowing the public and decisionmakers to engage in the environmental review process. Second, the addendum completely fails to address the increased pollution and other environmental impacts from allowing the expansion of industrial uses in a neighborhood mixed use zone. Third, the City cannot rely on an addendum to the Specific Plan's EIR. Rather, a subsequent or supplemental EIR is required because the rezone project expressly contemplates expanding industrial uses, which constitute new significant impacts that were not contemplated in the EIR.

Furthermore, as the City admits, the rezone project would violate SB 330 unless the City submits "a separate application . . . to offset the net loss of housing capacity of the subject area." Ex. F (Fresno Municipal Code Findings). No such application has been circulated for public review. Given the City's apparent intention to approve the rezone project at the next City Council meeting, it is far too late for the City to submit this separate application with sufficient time to allow for meaningful public review and comment. Unless the City approves thousands of new housing units in Southwest Fresno in compliance with SB 330, the rezone project cannot be approved.

In addition, the rezone project runs afoul of the City's duty to affirmatively further fair housing under Government Code section 8899.60. The City has a duty to take "meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics [and to] address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and

balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.” Gov. Code § 8899.60. Here, the rezone project would exacerbate the City’s long and sordid history of discriminatory land use practices in Southwest Fresno that favor industrial uses over residential mixed-use zones in communities of color. Thus, the rezone project should be denied for failure to comply with Government Code § 8899.60.

Finally, the rezone project constitutes racially discriminatory land use planning in violation of Government Code section 11350. The City accepts state funds and is therefore prohibited from subjecting any person to discrimination based on race. Gov. Code § 111350. Here, the City has targeted an overburdened community of color for expanding industrial uses in a zone that was previously protected from such uses under the Specific Plan. The City has not provided any rational basis for approving the expansion of polluting land uses. Indeed, the existing industrial uses within the Specific Plan area have been grandfathered under the Specific Plan. They can continue to operate as they have been for many years. Accordingly, there is no need to eviscerate the Specific Plan other than to allow for expansion of industrial uses, which is flatly prohibited under the Specific Plan and is inconsistent with Fresno’s General Plan. Thus, approval of the rezone project would violate Government Code section 11350.

Sincerely,

/s/

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