

Exhibit X
Additional Public Comments

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December 29, 2023

Via Email and Overnight Mail

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Re: 2740 West Nielsen Avenue Office/Warehouse Project
(Development Permit Application No. P21-02699 and Tentative
Parcel Map No. P21-05930) (SCH 2022050265): City of Fresno
Workforce Development Policies

Dear President Maxwell, City Council Members, and Mr. Martinez:

We are writing on behalf of Fresno Residents for Responsible Development (“Residents”) regarding Residents’ appeal of the 2740 West Nielsen Avenue Office/Warehouse Project (Development Permit Application No. P21-02699 and Tentative Parcel Map No. P21-05930; and certification of the Final Environmental Impact Report (“FEIR”)¹ (SCH 2022050265) (“Project”), proposed by Scannell Properties (“Applicant”).² The Project proposes construction of four office/warehouse buildings that would be configured for heavy industrial uses. The

¹ City of Fresno, Final Environmental Impact Report, 2740 West Nielsen Avenue Office/Warehouse Project (Development Permit Application No. P21-02699 and Tentative Parcel Map No. P21-05930) (hereinafter “FEIR”) available at <https://ceqanet.opr.ca.gov/Project/2022050265>

² City of Fresno, City Council Agenda (December 14, 2023) available at <https://fresno.legistar.com/View.ashx?M=A&ID=1061521&GUID=6BAFA27A-466C-4DAF-989E-CC24E58B487F>.
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proposed buildings would result in a total gross floor area of approximately 901,438 square feet. The appeal is scheduled for a continued hearing before the City Council on January 11, 2023.

Residents' appeal addresses the Project's ongoing failure to comply with the California Environmental Quality Act ("CEQA") and the City's General Plan. This letter addresses the Project's failure to comply with the workforce policies of the General Plan's Economic Development and Fiscal Sustainability Element of the City's 2014 General Plan ("ED Element"). The ED Element applies to new land use development proposals and includes local hire and apprenticeship goals for land use development projects that are intended to provide direct and immediate public benefits to the City and its residents by expanding job and career opportunities for disadvantaged workers.³ The Project fails to comply with the ED Element because it lacks these critical community benefits, such as a commitment to hire a local skilled and trained construction workforce. Absent demonstrated compliance with the ED Element's workforce policies, the Project remains inconsistent with the General Plan and therefore detrimental to the City's land use and economic goals, particularly to its highly qualified construction workforce.

The City Council must consider the objectives and policies of the ED Element when considering whether a land use proposal complies with the City's General Plan, and cannot approve the Project's entitlements unless and until the Council finds that the Project is consistent with applicable General Plan policies.⁴ As discussed herein, the Project is inconsistent with the ED Element and should not be approved until it complies with the ED Element's workforce policies. We urge the Council to require the Applicant to demonstrate compliance with the ED Element's workforce policies as part of the Council's consideration of Residents' appeal, and prior to Project approval.⁵

³ City of Fresno, General Plan, Economic Development and Fiscal Sustainability Element ("Economic Development Element") (December 2014) available at <https://www.fresno.gov/wp-content/uploads/2023/03/General-Plan-2-Economic-Development-7-19.pdf>

⁴ Fresno Municipal Code § 15-5206 (B) (The Director or Planning Commission may only approve a Development Permit application if it finds that the application is consistent with the purposes of this article and with the General Plan and any operative plan or policies the City has adopted.)

⁵ For example, a voluntary commitment by the Applicant to use local workers and apprentices engaged in the building trades for Project construction could be an avenue for compliance.

I. The Project Fails to Comply with City of Fresno General Plan Workforce Policies

The General Plan ED Element focuses on improving the business climate, retaining local businesses, developing a high skilled labor force, attracting new industries, supporting the tax base, and sustaining the City's ability to provide public services for current and future residents.⁶ According to the ED Element, the City should continually treat its land use, economic, and fiscal performance as fundamental and integrally linked components that over the long run will rise and/or fall together.⁷ To that end, the City must consider the objectives and policies contained in the ED Element when considering whether a land use proposal complies with the City's General Plan.

The ED Element includes various goals, objectives and policies which are intended to support the City's fiscal health and the long-term viability of employment, housing, education, civic and cultural programs in Fresno.

Goal ED-1 is "Increase opportunity, economic development, business, and job creation."⁸ Goal ED-1's advisory language explains that the purpose of the goal is to:

Use urban form, land use, and Development Code policies to streamline permit approval, promote local educational excellence and workforce relevance, significantly increase business development and expansion, retain, and attract talented people, create jobs and sustained economic growth, strategically locate employment lands and facilities, and avoid the over-saturation of a single type of housing, retail or employment.⁹

The objectives and policies are tools the City uses to implement its economic development plan including **Objective ED-4** which states that the City should:

Cultivate a skilled, educated, and well-trained workforce by increasing educational attainment and the relevant job skill levels in order to appeal to local and nonlocal businesses.¹⁰

⁶ Economic Development Element, p. 2-1.

⁷ Economic Development Element, p. 2-20.

⁸ Economic Development Element, p. 2-3.

⁹ Economic Development Element, p. 2-3 (emphasis added).

¹⁰ Economic Development Element, p. 2-25.

Objective ED-4 includes the following implementing policies to achieve the objective:

ED-4-a: Industry Education Partnerships. Facilitate partnerships between area businesses and training and education partners. Support the continuation of the Fresno Regional Workforce Investment Board’s biannual employment study to provide accurate information to the training community about job trends. Support expansion of Career Technical Education in area schools. Promote adult education for residents who require basic education and training.

ED-4-b: Connect Residents to Jobs. Pilot a “Jobs in Your Neighborhood” initiative to ensure residents are aware of job opportunities in their immediate neighborhood.

ED-4-c: Job Training Program Incentives. Strive to create a program to provide incentives 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.

As evidence of the need for workforce development, the ED Element cites to a declining labor force, with contributing factors such as the “the mismatch between available jobs and the skills of the available labor force” (a.k.a. the “skills gap”) and the recent economic downturn.¹¹ The ED Element further explains what implementation of the City’s General Plan workforce policies will require increasing the education and skill level of the local workforce:

Fresno’s challenge will be to continue to attract high-skilled workers—and to improve training of workers already here to be able to meet the demands of these jobs. Fresno still must seek to diversify its economic base into other sectors to meet job creation goals, keep revenue local, and fully serve the population. **One of the primary factors for doing this, and a critical contingency in expanding existing industries and developing new ones, is the education and skill level of the local workforce.** The

¹¹ Economic Development Element, p. 2-5 to 2-6.
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General Plan includes policies and implementation strategies that support expanding economic activity, but the quality and wage levels of the jobs will be related to the capacities and competencies of the workforce to meet the demands of business and industry.¹²

General Plan **Objective ED-3** is to “Attract and recruit businesses and offer incentives for economic development.”¹³ Objective ED-3’s Implementing Policy ED-3-a “Business Expansion and Attraction Program,” is to create, adopt, and implement programs to expand existing businesses and attract new businesses, including those that:

- Possess a high growth potential, such as food- and medical related businesses, water and renewable resource technologies, regional and local-serving retail, hotel and conference facilities;
- Generate net fiscal benefits to the City through increased tax revenues;
- **Provide a range of jobs that match the local workforce and provide opportunities for skill training;**
- **Create higher-paying and/or higher-quality jobs for local residents;**
- Complement or augment existing goods and services in Fresno;
- **Create less than significant impacts on the environment;** and
- Don’t require public investment beyond infrastructure and public safety services already available through the City of Fresno.¹⁴

A project fails to demonstrate consistency with the ED Element when it 1) does not include local hire or apprenticeship requirements that would employ a skilled and trained workforce to construct the Project (ED Goal 1, Objective ED-4, Objective ED-3), and 2) does not “create less than significant impacts on the environment” (Objective ED-3). When a project does not include local hire or apprenticeship requirements and results in significant impacts, the project is also inconsistent with the objectives and policies designed to implement Goal ED-1 and does not further the City’s stated need to develop and expand a skilled local workforce in all sectors.

Local hire and apprenticeship requirements provide direct and immediate public benefits by expanding job and career opportunities for disadvantaged workers in the City. Registered apprenticeship programs help to diversify the construction industry by bringing more underrepresented minorities and women

¹² Economic Development Element, p. 2-8.

¹³ Economic Development Element, p. 2-23.

¹⁴ Economic Development Element, p. 2-23 to 2-24.

into the trades.¹⁵ Each apprentice is a full-time worker who is receiving on-the-job training as an employee of a contractor on a jobsite. In addition, apprenticeship programs have been found to “reduce wage differentials and occupational segregation in the workplace itself, as well as help offset the negative career effects of unequal access to good schools and job-hiring networks.”¹⁶

Fresno has several union apprenticeship programs providing a local pipeline of construction workers, such as:

- Fresno Area Electrical Training Center: a jointly sponsored apprenticeship program of the International Brotherhood of Electrical Workers (IBEW) and the National Electrical Contractors Association (NECA).¹⁷
- Ironworkers Training Center.¹⁸
- Fresno Sheet Metal Apprenticeship Training.¹⁹
- Fresno Area Plumbers, Pipe and Refrigeration Fitters Joint Apprenticeship and Training Committee.²⁰

In order to comply with the City of Fresno’s General Plan workforce policies, every project should commit to local hire, participation in apprenticeship programs and hiring a skilled and trained workforce to enable more of the City’s disadvantaged workers to enter the pathway to a long-term, family-supporting career in construction.

II. Conclusion

As a result of the deficiencies and errors identified above, and in Residents’ prior comments on the EIR and in our appeal, the Planning Commission’s approval of the Project’s Development Permit and Tentative Parcel Map violated CEQA and

¹⁵ United States Department of Labor, Apprenticeship USA, Registered Apprentice Program Factsheet (August 2022) available at <https://www.apprenticeship.gov/sites/default/files/dol-industry-factsheet-apprenticeship101-v10.pdf>.

¹⁶ Thomason & Bernhardt, UC Berkeley Center for Labor Research and Education, *The Union Effect in California #2: Gains for Women, Workers of Color, and Immigrants* (June 2018) at p. 1. available at <https://laborcenter.berkeley.edu/union-effect-in-california-2/>

¹⁷ <https://www.fresnojtc.org/>.

¹⁸ <https://www.universityofiron.org/>.

¹⁹ <https://fresnosheetmetal.com/>.


²⁰ <https://www.ualocal246.com/about.shtml>

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the General Plan and must be reversed. Additionally, the Project must provide workforce development policies consistent with the City's ED Element for the Project to be consistent with the General Plan.

Residents urge the City Council to uphold its appeal and remand the Project to City Staff to prepare a legally adequate revised EIR for the Project. Residents also urge the City Council to work with the Applicant to ensure that the Project complies with the workforce policies of the General Plan's ED Element, including the establishment of local hire and apprenticeship hire goals.

Sincerely,



Kevin Carmichael

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