

## **Consolidated Plan – Comments made at the public hearing for the Consolidated Plan of 13<sup>th</sup>**

### **Luisa Medina**

1. Commend the Commission and the City of Fresno on a much more robust citizen participation process. I think it is a major first step in moving forward and can become a model for a good participation.
2. Leadership Counsel has identified some glitches within the process, but as I said I think it is a good first step process. Believes you can take a look at how you might continue and move forward and truly continue to engage the community throughout this entire process. This preference was expressed and encourages continuing the involvement engagement of communities throughout.
3. These funds are made available to improve conditions for low and moderate income individuals and your quantitative data is very clear about the need for affordable housing in this community and you heard 47% of individuals have a cost burden and 1 out of 5 renters in this community is experiencing some sort of housing overcrowding, and overcrowded housing is one step away from homelessness.
4. I was here before you a couple of weeks ago or a month ago to talk about performance and I want to come in, come back and focus in on that
  - You will see in a couple of weeks where the senior paint program is almost going to double but they did not meet their performance goal of 18 they only did 7 home.
  - Are we going to double the allocation? I raise the question about what kinds of assurances do you all have in place that performance is going to truly meet with what you are allocating.
5. I do take issue with the prioritization and how it's listed out because if you take a look at the total pages on your form you'll see that affordable housing also scored a 52 and its very much in line with street improvements as well so I raised that question and I will conclude by saying that in your market analysis you talk about various constraints that are barriers to affordable housing you have the housing element coming up we've adopted a general plan there are opportunities I believe for you the City to move forward and making affordable housing a reality in this community.
6. You have significant resources from prior year in home dollars last time I pointed out where they were not spent they have not been programed the 1.5 million and

the 1 million again what is this Commission going to do? What is the City of Fresno going to do to improve performance and how does that get monitored?

### **Venise Curry**

1. Severe language barriers at community meetings, the information initially was not presented in any other language but English. Residents couldn't review the information until it was translated at the third meeting. That was a significant barrier.
2. The outreach was not adequate and I know personally my team was responsible for sixty four of the surveys. If there are areas that are not eligible to receive the funding why are they included in the outreach? Why are you outreaching to them if the outcome has no impact on them at all?
3. At the last meeting there was a fair amount of discussion regarding documentation, or really the lack of documentation, over how the funds have been spent in the past. The community is extremely distrustful of an agency, organization or the City of Fresno that continues to say we would like to have your input however we will not share with you how the money has been spent. We will not share with you where the project that consumed all of this money is actually physically and visibly available for people to see.
4. If you have a document that simply tracks the amount you've spent on the project and all of the particulars and details if you have that available and present that to the community, that would lessen the distrust that currently exists. The distrust is very high because of the people's experience why would you not present that information.
5. If you really believe the recommendations that you are putting together, if you're actually going out to the community and saying to the community please come and sit with us. Please take your time and share with us what your priorities are, if those priorities and those comments are not reflected in those documents that again says to the community that we are just talking we are not acting. Federal dollars are designated to go to particular places and to serve particular people if you are committed to doing that and are truly doing that authentically, documenting the projects providing the adequate information and respecting the community by including their priorities and then acting on them.
6. I would like to know if you truly support the document how you will show that support to the City Council. What will you be doing that says this is what we would like to see happen we are standing with the community that we have engaged in.

### **Ashley Werner – Leadership Counsel for Justice & Accountability**

1. Recommends to HCDC the comments from the ConPlan letter submitted to the City are incorporated, as appropriate, into the plan and addressed. City staff can choose to modify the draft that was released on April 14 to account for those comments which is really the purpose of that public process otherwise, what's the point of the citizen comments.
  
2. The purpose as described in the code federal regulations for this process is to provide a forum so that these funds can be use and the City can engage in a planning process that will allow them to develop viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities. The code of federal regulation also has really specific requirements about what has to go into the process of developing the document. It is supposed to be a collaborative process where a community establishes a unified plan of Housing and Community Development actions. A jurisdiction is also expected to take quote unquote whatever actions are appropriate to encourage participation of all citizens including minorities and non-English speaking persons as well as people with disabilities.
  - High threshold this is a great opportunity and a great responsibility. We know we have a severe housing crisis in this City. if you have read through the document, we have upwards of 80% of low income households that are renters paying unaffordable rates.
  - Those in moderate income ranges it might be invisible to us we might think that we have affordable housing in this City. But if you're in the lower brackets, especially if you're a person of color, if you live in low income neighborhoods, if you have a disability most of our residents are being hit really hard in their sufferings
  
3. We have a responsibility to make sure this document is as strong as we can so one component of our letter really addresses how there was much more that could have been done to reach these populations that are most intended to be reached through this process including translation of surveys that weren't translated into Asian languages we know the data in the con plan shows that it is actually Asian residents that have some of the most severe housing problems in the City in fact from the workshops that I went to which were several of them I didn't see any members of the refugee population.

### **Brunette Harris – HEAT**

1. I do not understand what's going on tonight period, because I heard the young lady say there were some forums in southwest Fresno.
  - Minutes weren't taken so you can't know who were or were not present

2. As far as the HUD rules and regulations, they have not been followed. Not sure why the HCDC Commission had those requirements from HUD and none of them has been followed.
3. Before you even come up with a plan you're supposed to meet with the community, they didn't do that. Mr. Farrar the point was no one took minutes.
4. Staff brought a little board. They did not meet with the community to find out what it is that we wanted.
  - The Commission is passing different things. This is not a community meeting for you to sit behind closed doors and not go out into the community.
  - You have the paperwork and there is no excuse for the Commission to continue to do things the way that they are being done.
5. It's very upsetting and we've been here a number of years telling you the same thing. You are passing stuff just because Jennifer wants it passed. It shouldn't be passed because the rules and regulations the guidelines have not been followed.
6. Because once you pass it then we going to leave it open that's crazy, that's the craziest thing I ever heard in my life. Once you pass it there is not point for people to come out and comment on anything. Somebody should stand in between the City and the community and make sure that things are done right and that they are fair and you guys haven't done it,
7. Why when City staff speaks people get up and talk. Why is the public limited to three minutes?
  - I want to know where do our rights begin and end.
  - If we have three minutes they should have three minutes and it's not fair.

**Chris Schneider – Central California Legal Services**

1. Resident of District 1. Appreciates that staff is recommending further hearings.
2. He wants to urge all the members to read in full the comments that the Leadership Council for Justice and Accountability submitted.
  - Bullet points really doesn't get to everything they said. It's a well written analysis of where the shortcomings are in this document that is before the Commission and has good recommendations.
3. The Plan fails to really reflect many of the concerns or devote resources to many of the concerns that were elicited and expressed at the public hearings.

4. Unfortunately this has been an ongoing issue in the City of Fresno, where there are public hearings, there are comments, and those comments seem to be ignored.
5. We'll see it in another situation coming up soon, how the City is going to be spending their CDBG monies, and it's clearly not reflective of what was requested at the hearing.
6. He commends the City for having a more robust process this time, but he'd like to see that robust process be translated into actually acting on what the community said.

### **Consolidated Plan – Comments made at the public hearing for the Consolidated Plan of 27<sup>th</sup>**

#### **Ms. Lucianna Ventresca – Marjaree Mason Center**

1. Wanted to share their great interest in having some funding provided to the community-based organizations that are serving the homeless people in the community. Submitted an application for CDBG funding, and they want to be able to provide quality services and a good facility to the clients that are residing in the Marjaree Mason Center Safe House.

#### **Ms. Lynn Pimentel – Westcare**

1. CDBG request to renovate and upgrade the large residential facility they have in West Fresno, on Jensen and Martin Luther King Boulevard. A majority of their participants are in need of services, and they provide a residential treatment program. The building is old and is not energy efficient. They need upgrades so that the residents are safe and healthy and protected.

#### **Ashley Werner – Leadership Counsel for Justice and Accountability**

1. Submitted an 18-page letter on the Consolidated Plan document. They know this is a critical process, it's not just a check in the box activity, but it's really about making sure they're expanding economic development opportunities and affordable housing for all residents in the City.
2. Have a concern that the process that was done and the results that were obtained in the document do not meet the standards set forth in the Code of Federal Regulations
3. Doesn't do justice to the great needs in the City.

4. Disappointed in the essential rebuttal to nearly every comment made, as well as comments in Council Member Baines' letter, which were great comments.
5. Instead of incorporating any of recommended changes into the document, all of their comments were either rebutted or it was stated they would be addressed in the Annual Action Plan process or an implementation. The purpose of their comments was to make the document a strong document, and make sure it can be used as a tool to guide how their resources are going to be used.
6. A chief concern in the letter was that the goals for how the funds are going to be used are framed so broadly that it provides essentially no accountability on how the City is going to use those funds.
7. Will establish how it plays out in the Annual Action Plan, and how the funding that the City is proposing to use in this next funding cycle doesn't match what residents really said were their priorities during this process.
8. She asked that the Commission not feel rushed that they have to recommend approval of the document at this time. HUD has the ability to grant the City an extension to give them time to make this a strong document.
9. It's important that it's addressed now, because they know the City does not have 100 percent track record with the funds. As the document states, the City did not meet numerous goals for almost all of the categories for use of these funds, and the document doesn't state why. So the public has a right to understand that, and in going forward it's addressed and the residents of the City are served.

**Brunette Harris – HEAT**

1. In agreement with Ms. Werner, and stated this is something that they have come before the Commissioners for years. This board received procedures from HUD that must be followed, and the procedures have not been followed because the community did not have a say-so in the things that are being planned.
2. The substantial amendments, rules and regulations have not been followed. This Commission has been told time and time again what the community wants, but they continue to vote on what Ms. Clark wants. She stated she is trying to get an understanding of how it is that Ms. Smith becomes a tool to tell this board to have public input on different projects when the members have never been to the community while projects are in process.

3. All of those projects are supposed to go before the community before they become a project, as part of the rules and regulations of HUD. That has never happened, and the Commission has the paperwork.
4. The Commission is going to be accountable for that, because they have the HUD rules and regulations on these projects, and they're still okaying it.
5. No one voted Jennifer or Crystal to be a council member, a mayor, or anything else, so she wants to understand how it is that if this is given over to the Commission to have public communications on all of these projects, and she asked why they haven't done that.
6. HEAT does not agree to any of the funding that comes from HUD, period, because the guidelines haven't been followed.

**Commissioner Falke – HCDC Commissioner**

1. Advised that he is seeing some growing concerns, and he doesn't think this is the first time these issues have come up, and he thinks they'll be addressed more in the next item.
2. He was not at the last meeting where the hearing was started, and he will be abstaining from voting on this item. He said he will participate in the next item because he was part of the process of looking at the CDBG funding.

**Public Comment Letters Received**

1. Oliver Baines III, Council President, Fresno City Council
2. Ashley Werner, Leadership Counsel for Justice & Accountability
3. Action and Change Committee, BNCP

**PUBLIC COMMENT LETTERS SUBMITTED FOR THE CONSOLIDATED PLAN**





**OLIVER L. BAINES, III**  
President of the City Council

March 20, 2015 (*with revisions on May 27, 2015*)

Jennifer Clark  
Director  
Development and Resource Management  
City of Fresno  
2600 Fresno Street  
Fresno, California 93721

Dear Ms. Clark,

Please accept these **comments and concerns to the Draft 2016-2020 City of Fresno Consolidated Plan Process** in addition to my previous comments you received on March 20, 2015, I have made a few revisions and clarifications to my comments which are italicized.

The challenges of the City of Fresno's current fiscal management oversight and program management with current U.S. Housing and Urban Development (HUD)-funded programming continues to concern me as I write this to you, as it seems we are having difficulty funneling funds and having successful programming that benefits those most in need, while increasing our performance standards far beyond those listed in the Program Year 2013, according to the Consolidated Annual Performance and Education Report (CAPER).

Please allow me to rank my district's priority needs for the Community Development Block Grant Program (CDGB):

**Housing**

- A need for a strong rehabilitation program that provides grants—not loans—to low-income persons who are home owners.
- A strong rehabilitation program for single and multi-family affordable rental housing.
- A strong City Code Enforcement Division focused on the correct skill sets to aggressively focus on the enforcement of current local, state, and federal laws to ensure that everyone is provided safe, decent, and affordable housing. Needed skills sets would include, but are not limited to the following:
  - Building and safety inspectors
  - Building rehabilitation specialist
  - Clerical support to answer calls from community, as well as generate proper notification to property owners

## **Public Facilities**

- Increased services to children and seniors through our Parks and Recreational Services at all City-owned community centers, including those operated by not-for profits, such as the Mary Ella Brown Center, which has no current City PARCS staffing on site for senior programming, nor youth programming.

## **Infrastructure and Neighborhood Improvements**

- Additional funding needed for neighborhood street improvements, which could include water/sewer, storm water and drainage, or Americans with Disability Act (ADA) required access. Use of such funds should require input from the council office(s).
- *This should be in addition to regular transportation/local Measure C funds that are available and not by only using the Community Development Block Grant (CDGB) to supplant those funds, as which appears to be done in this current fiscal year.*

## **Public Services**

- Decrease moving zero funding for crime prevention programs, but focus on increasing youth, veterans, and senior services.
- Direct funding of the Fresno Madera Continuum of Care (FMCoC) to ensure point-in-time survey and NOFA are written (\$50,000)

## **Economic Development: Job Creation in Low Income Neighborhoods**

- Employment training for all working-age people 14-62 that includes soft skills, remedial skills, resume writing, interview skills, job placement, and purchasing of any needed supplies for participants during the training, as deemed appropriate.

### **The following comments speak to the Emergency Solutions Grant (ESG) funding:**

- Ensure funds are programmed and spent within the timelines provided by HUD and to provide internal oversight of progress for data-driven results.
- Continued and enhanced focus on Street Outreach Services supported by the FMCoC that would provide around-the-clock support by trained Police staff who can assist with those persons experiencing homelessness who may have drug and alcohol addictions, and mental health issues, etc.
- Continued assistance to those experiencing homelessness to move to permanent housing.

### **The following comments are for HOME Funds:**

- Ensure funds are programmed and spent within the timelines provided by HUD and to provide internal oversight of progress for data-driven results.
- Provide funds to projects that are more shovel-ready, with strong development timelines and a strong mix of incomes—including market rate within the proposed community.
- My district can no longer be filled with only affordable housing units, but the entire community should have access to affordable housing in all areas of our city.

### **The following comments are for Housing Opportunities for persons with AIDS (HOPWA):**

- Ensure funds are programmed and spent within the timelines provided by HUD and to provide internal oversight of progress for data-driven results.
- Please seek to leverage programming by the County of Fresno and community-based agencies who are working with people with AIDS to ensure they are housed in safe, decent, and affordable housing at all times.

I request that the City Council and administration be provided with *a quarterly report detailing the appropriated staff by program* and the percentage of time allotted to carrying out federally funded programs or community-based agencies carrying out all federal programs.

A quarterly written report, both financial and narrative, of progress towards our stated goals, objections, and spending plans, as well as units and persons assisted from both internally funded departments and community-based partners. *Provide copies to all Councilmembers and the Mayor of any and all original comments received regarding this draft plan and any responses provided.*

*Finally, after reviewing the 2016-2019 Consolidated Draft Plan, I expected to see detailed information our current fiscal year performance or failures as it had been listed in previous Annual Action Plans, as CFR 91.200(c) states the plan shall contain a concise executive summery that includes the objectives and outcomes identified in the plan, as well as an evaluation of past performance.*

Should you have any questions, please contact my Chief of Staff Gregory Barfield at (559) 621-7834, or by email at [gregory.barfield@fresno.gov](mailto:gregory.barfield@fresno.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "O. Baines, III", is written over a circular stamp or seal.

Oliver L. Baines, III  
President of the City Council,  
Representing District Three

Cc: Maria Cremer, HUD Region 9, San Francisco  
Ashley Swearengin, Mayor  
Bruce Rudd, City Manager  
Renena Smith, Assistant City Manager



**OLIVER L. BAINES, III**  
**President of the City Council**

March 20, 2015

Jennifer Clark  
Director  
Development and Resource Management  
City of Fresno  
2600 Fresno Street  
Fresno, California 93721

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Finally, I request that the City Council and administration be provided with appropriate staff and the percentage of time allotted to carrying out federally funded programs or community-based agencies carrying out all federal programs.

A quarterly written report, both financial and narrative, of progress towards our stated goals, objections, and spending plans, as well as units and persons assisted from both internally funded departments and community-based partners.

Should you have any questions, please contact my Chief of Staff Gregory Barfield at (559) 621-7834, or by email at [gregory.barfield@fresno.gov](mailto:gregory.barfield@fresno.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Oliver L. Baines, III". The signature is written in a cursive style with a large, sweeping initial "O" and several vertical strokes for the last name.

Oliver L. Baines, III  
President of the City Council,  
Representing District Three



A Tides Center Project

May 12, 2015

City of Fresno  
Housing and Community Development Division  
Attn: Crystal Smith  
2600 Fresno St., Room 3065  
Fresno, CA 93721  
crystal.smith@fresno.gov

Maria Cremer  
Director, Community Planning and Development Division  
U.S. Department of Housing & Urban Development  
San Francisco Regional Office, Region IX  
One Sansome Street, Suite 1200  
San Francisco, CA 94104-4430

*Sent via email*

**Re: Comments on the City of Fresno's 2015-2019 Draft Consolidated Plan**

Dear Ms. Smith:

Thank you for this opportunity to submit our comments to you on the City of Fresno's 2015-2019 Draft Consolidated Plan (Draft Plan). These comments aim to assist the City in developing a Final Consolidated Plan (Final Plan) that will allow the City to achieve the goal of the Department of Housing and Urban Development's (HUD's) Community Planning and Development Program (CPD) "*to develop viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities,*" principally for low- and moderate-income persons in accordance with applicable laws and regulations. See 24 CFR 91.1; HUD, The eCon Planning Suite: Citizen Participation Consultation Toolkit (Citizen Participation Toolkit), p. 3.<sup>1</sup> The 2015-2019 Consolidated Plan is a critical opportunity for the City to address the severe affordable housing need in Fresno and the environmental and neighborhood conditions that impact resident health and well-being that the City must not pass by.

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<sup>1</sup> Version: July 2014, Available at <https://www.hudexchange.info/onecpd/assets/File/eCon-Planning-Suite-Citizen-Participation-Toolkit.pdf>

Ms. Crystal Smith

May 12, 2015

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**I. The City's Public Outreach Efforts Do Not Satisfy the Requirements of the Code of Federal Regulations**

The Code of Federal Regulations (CFR) establishes the consolidated plan as a "*collaborative process whereby a community establishes a unified plan of housing and community development actions.*" Fed. Reg., Vol. 71, No. 27, p. 6950. (italics added)

As such, the regulations place great emphasis on and set forth in clear terms the responsibility of jurisdictions to welcome the engagement of all residents in the consolidated planning process. CFR, Title 24, Section 91.105 (24 CFR § 91.105) provides as follows:

"These requirements are designed especially to encourage participation by low- and moderate-income persons, particularly those living in slum and blighted areas and in areas where CDBG funds are proposed to be used, and by residents of predominantly low- and moderate-income neighborhoods, as defined by the jurisdiction. *A jurisdiction also is expected to take whatever actions are appropriate* to encourage the participation of all its citizens, including minorities and non-English speaking persons, as well as persons with disabilities." (italics added)

Nevertheless, the outreach efforts described in the Draft Plan fail to demonstrate that the City took effective action necessary to encourage the participation of significant components of the City's richly diverse resident population, including some of the City's residents most impacted by the jurisdiction's lack of affordable housing.

**a. The City of Fresno Did Not Allow Sufficient Time or Resources for Community Outreach and Participation**

The entire public outreach and engagement component of the Draft Plan lasted approximately one month – from the beginning of outreach to the close of community engagement through focus groups, surveys and workshops. While the Draft Plan emphasizes the City's activities to engage, update, and encourage participation by stakeholders, an assessment of the City's outreach efforts as described in the Draft Plan indicates that insufficient time and resources were dedicated to conduct the outreach to target populations, including low-income populations in CDBG-eligible census tracts, non-English speakers, persons with disabilities, and public housing tenants, to name only a few, required by the CFR and HUD Regulations. See Draft Plan, pp. 7-8; 24 CFR § 91.105; Citizen Participation Toolkit, p. 6 ("The Citizen Participation Plan is a pathway for *all* citizens to exercise their voices and influence decisions that affect their communities, neighborhoods, and way of life.") (italics added).

The Draft Plan includes no mention of involvement of public housing tenants in the consolidated planning process, even though the City is required to make special efforts to encourage the participation of this population. 24 CFR § 91.105(a)(2)(iii).



Ms. Crystal Smith

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HUD's Citizen Participation Toolkit provides many questions for jurisdictions to consider and public process options to assist jurisdictions in conducting an outreach process that engages a broad spectrum of residents, especially those targeted by HUD regulations. We recommend that the City fully utilize this toolkit going forward to conduct a public participation process that meets and exceeds the minimum standard set by the CFR.

**b. Community Forums Lacked Diverse Racial, Ethnic, and Linguistic Representation**

The community forums that occurred as part of the consolidated planning process included residents from the City's white, black, and Latino populations but appeared to draw little -- if any -- representation from the City's other significant racial and ethnic groups, which include diverse Asian, Native American, Pacific Islander populations among others.

Notably, the forum held in Southeast Fresno had no representation from the City's Southeast Asian immigrant and refugee community, which is predominately domiciled in Southeast Fresno. The complete or near complete absence of this group from the community forums raises particular concern with respect to the efficacy of the City's public outreach process, given the significant share of the population that they constitute<sup>2</sup> and the fact that Asian households bare a disproportionately greater share of severe housing problems as compared to the jurisdiction as a whole. Draft Plan, pp. 34, 52.

**c. Expand Outreach to a Broader Segment of Local Schools**

The Draft Plan states that the City distributed flyers at personal residences in El Dorado Park Community, two elementary schools in Downtown (Lowell and Yokomi<sup>3</sup>), and at only one school in Southwest Fresno. The City should improve its outreach efforts by providing flyers to additional schools in Southwest Fresno -- a significantly-sized geographic area with numerous schools. The City should also have provided flyers to schools in Southeast Fresno and the Jane Addams neighborhood West of Highway 99, both CDBG-eligible areas home to people of color, non-English speakers, and public housing residents who the City must make an effort to reach.

24 CFR § 91.105

**d. Failure to Translate Community Surveys and Adequately Encourage Responses by Non-English Speakers**

According to the U.S. Census, 43.7% of residents in Fresno County speak a language other than English at home. First Five Association of California for Fresno County reports that more than

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<sup>2</sup> Approximately 48,700 Hmong, Lao, Cambodian, and Vietnamese refugees lived in Fresno County as of 2010. Yan & Xiong, *Serving Southeast Asian Families: Current Needs and Trends*, California State University Fresno. p. 11, available at <https://www.fresnostate.edu/chhs/ccassc/documents/Bees-CASSE-Serving-SEA-FAMILIES-Current-needs-Trends.pdf>

<sup>3</sup> The Draft Plan inaccurately indicates that these schools as located in Southwest Fresno. p. 11.

Ms. Crystal Smith

May 12, 2015

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50 languages are spoken within Fresno Unified School District.<sup>4</sup> In addition to English and Spanish, Hmong, Khmer, Cambodian, and Lao are a few of the primary languages spoken by many Fresno residents.

Draft Plan Appendix A states that 417 residents responded to the Community Needs Survey distributed for the consolidated planning process, including with 345 responses in English and 72 responses in Spanish. p. 1. This outcome does not reflect Fresno's linguistic diversity and appears to indicate that no speakers of various languages spoken by significant shares of the population are represented in the completed surveys.

During the citizen engagement process, we asked that City staff provide the survey in languages other than Spanish and English – in particular, in one or more Asian languages – in order to allow participation by a broader segment of Fresno's non-English speaking population – but the City failed to do so. Draft Plan, p. 28.

The City's failure to provide the Community Needs Survey in languages other than Spanish and English is particularly detrimental to its consolidated planning process given the lack of participation by residents who speak a primary language other than Spanish or English in the community forums.

By failing to translate the community surveys and make other efforts to achieve participation in the survey by a representative spectrum of Fresno residents, the City failed to comply with the standard set by 24 CFR § 91.105 to "take whatever actions are appropriate to encourage the participation of all its citizens, including minorities and non-English speaking persons".

## **II. The Draft Plan Omits Information Essential to Informed Public Review and Comment**

### **a. The Draft Plan Fails to Contain Interview Transcripts or Summaries**

The Draft Plan does not contain the transcripts, summaries, or any information relating to the content of the twenty stakeholder interviews undertaken during the consolidated planning process. Failure to include such information bars the public from obtaining a thorough understanding of the issues, barriers, and solutions identified by local experts during the development of the Draft Plan and from making fully informed comments on the Draft Plan.

We therefore recommend that the City republish the Draft Plan for a new 30 day public comment period with the stakeholder comments included therein.

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<sup>4</sup> <http://first5association.org/county-commissions/fresno-county/>

**b. The Draft Plan Fails to Provide Accurate and Complete Information Regarding Public Comments Not Accepted**

The consolidated plan must provide a summary of citizen comments or views on the plan and a written explanation of comments not accepted and the reasons why the comments were not accepted. The eCon Planning Suite: A Desk Guide for Using IDIS to Prepare the Consolidated Plan, Annual Action Plan, and CAPER/PER (Desk Guide), p. 75.<sup>5</sup>

The Draft Plan responds to this requirement by stating that a public review period for the Draft Plan began on April 13, 2015 and a summary of comments or views not accepted and reasons for not accepting them will be included in the Final Plan. Draft Plan, p. 8. In contrast, Draft Plan Table 4 – Citizen Participation Outreach -- states that “All comments were accepted” for each of the different means of resident input for Plan. pp. 28-30.

The Draft Plan clearly does not accept all public comments made during the public participation process, as it is inevitable that comments by the hundreds of participants will in some way conflict.<sup>6</sup> Failure to explain the views provided during the public participation process but not accepted and the City’s reasons for not accepting them impedes informed review of and comment on the Draft Plan by the public. It further undermines the transparency in the consolidated planning process which would be achieved through compliance with the Federal Regulations and HUD Guidelines.

We therefore recommend that the City re-release the Draft Plan with an accurate and complete summary of views not accepted and the City’s reasons for not accepting those views for a new 30-day public comment period.

**III. The Draft Plan Fails to Evaluate Past Performance**

Among its several functions established in the CFR, the consolidated plan serves as a “management tool for assessing performance and tracking results.” 24 CFR § 91.1.

24 CFR § 91.200(c) requires that consolidated plans include an evaluation of past performance, in order to facilitate citizen review and comment on the plan each year. “Evaluation of past performance provides a context for the current plan and serves as a basis for current objectives and outcomes.” Desk Guide, p. 62.

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<sup>5</sup> U.S. Department of Housing and Urban Development (HUD), March 2015. Available at <https://www.hudexchange.info/resources/documents/eCon-Planning-Suite-Desk-Guide-IDIS-Conplan-Action-Plan-Caper-Per.pdf>.

<sup>6</sup> For instance, some residents at the West Fresno community forum stated that all block grant funds should be used for projects in West Fresno, given the long history of neglect of this community by the City. Participants in workshops in other areas of the City however pointed to specific needs and uses for block grant funding in their own neighborhoods.

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The Draft Plan's evaluation of past performance is woefully inadequate and cannot rightly be deemed an "evaluation", which indicates the use of some measure of critical assessment, judgment, or balancing to make a determination regarding something's quality or worth.<sup>7</sup> The Draft Plan provides no quantitative data, no sufficient qualitative descriptions, and no explanations to allow a reader to understand by how much and why the City failed to achieve the prior year's goals. Likewise, for the funding categories where the City claims to have made progress in achieving its goals, the City provides no supporting evidence to allow the reader to assess the City's judgment regarding its success. pp. 6-7.

The following excerpts from the Draft Plan illustrate its failure to meaningfully evaluate the City's past performance or to in fact evaluate such performance at all:

"Increase the Availability of Decent Housing – ... While the City of Fresno did not meet the goals established in the 2010-2014 Consolidated Plan, it will continue to use HOME funds to increase the affordability of decent housing."

"Increase the Affordability of Decent Housing – ... While the City of Fresno did not meet the goals established in the 2010-2014 Consolidated Plan, it will continue to use HOME funds to increase the affordability of decent housing."

"Increase the Accessibility to Decent Housing – ... While the City of Fresno did not meet its goals in the 2010-2014 Consolidated Plan, all entitlements will be used in a manner to increase the accessibility to decent housing."

"Increase Accessibility to a Suitable Living Environment – ... Through the CDBG-funded Community Revitalization efforts, the City of Fresno funds code enforcement inspections which have had a substantial impact on blight conditions. The City of Fresno will continue to use CDBG funds in a manner that increases the accessibility to a suitable living environment."

"Sustainability of a Suitable Living Environment – The City continues its effort to work with [sic] to suppress crime in low income areas with district crime suppression teams..."

"Sustainability of Decent Housing – The City of Fresno used HOME and CDBG funds to maintain its affordable housing stock to sustain decent housing. The City will continue using funds in this manner."

The Draft Plan's "evaluation" of past performance does nothing to facilitate citizen review of and comment on the Draft Plan. 24 CFR § 91.200(c). Nor does it provide any context for the current plan or provide any basis for current objectives and outcomes. Desk Guide, p. 62.

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<sup>7</sup> See <http://dictionary.reference.com/browse/evaluate>

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The Draft Plan's "evaluation" of past performance reveals to the public only that the City failed to achieve its goals through the use of block grants funds without explanation as to why or how while asserting without basis that it will continue to use funds in the same way.

The City of Fresno's Proposed FY 2015-2016 Budget allocates \$1.1 million in carryover CDBG funds from FY 2014-2015. Neither the Budget nor, more importantly, the Draft Plan explain why the \$1.1 million in funding was not used in the fiscal year for which they were granted. The Final Plan must provide such an explanation.

Significantly, the Draft Plan's evaluation of past performance also includes no mention of the HUD investigation initiated with respect to the City of Fresno's use of entitlement funds during the 2010-2014 consolidated plan cycle. Information about a HUD investigation into misuse of formula grant funds is essential information for the City and the public's understanding and assessment of the City's past performance with respect to this program.

The City must revise the Draft Plan to include a true evaluation of its past performance which satisfies the minimum standard set by CFR § 91.200(c) and re-circulate this revised version for public review and comment.

#### **IV. The Draft Plan's Strategic Plan Fails to Comply with 24 CFR § 91.215**

##### **a. The Draft Plan's Proposed Geographic Priorities Do Not Flow From the Draft Plan's Analysis or Overlap with the Areas of Greatest Need**

A consolidated plan must indicate general priorities for allocating investment geographically within the jurisdiction and among different activities. 24 CFR § 91.215(a). The rationale for establishing the priorities for the allocation of formula funds should flow logically from the analysis in the consolidated plan. Federal Register, Vol. 71, No. 27, p. 6958.

The Draft Plan, Section SP-10 Geographic Priorities – 91.215(a)(1), states that on the one hand, that the City has not established specific target areas to focus the investment of entitlement funds, but on the other hand, that the City gives priority to NOFA-funded projects that are located in Downtown Fresno. p. 125.

The Section SP-10 of the Draft Plan more generally fails to include analysis that supports the Draft Plan's election to prioritize Downtown for NOFA-funded projects. Neither do stakeholder comments and views provided during the consolidated planning process and identified in the Draft Plan support this geographical prioritization.

We believe that the Draft Plan should allow for equal prioritization of entitlement funds across CDBG-eligible neighborhoods to ensure that all neighborhoods have a chance to benefit from entitlement dollars or should prioritize neighborhoods with the greatest need.

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Since the adoption of the 2010-2014 Consolidated Plan, the Downtown and immediately surrounding neighborhoods have benefited from the Mayor's Administration's initiative of sustained targeted investment in the area, such that property values are rising rapidly in the area and evidence indicates that "gentrification" and displacement of low-income residents of color may even be taking place.<sup>8</sup>

The City of Fresno's 2010-2014 Consolidated Plan states that the Downtown is the focus of the City's revitalization efforts and that Phase II of its concentrated revitalization efforts will include other areas of concentrated poverty, such as West Fresno. p. 11.

West Fresno continues to suffer from severe disinvestment in its neighborhoods, many of which lack basic amenities and services such as sidewalks, street lights, curb and gutter as well as grocery stores, retail outlets, and mixed and middle-income housing; and exhibit high rates of racially and ethnically concentrated poverty.<sup>9</sup>

Thus, West Fresno has a long-outstanding need for and stands to benefit greatly from targeted investment of block granting funding and other resources available to the City of Fresno in the community.

**b. The Draft Plan Does Not Establish Specific Objectives and Proposed Accomplishments in Accordance with 24 CFR § 91.215(4)**

Jurisdictions preparing a consolidated plan must summarize the priorities and specific objectives the jurisdictions intends to initiate and/or complete during the consolidated plan cycle and how funds that are reasonably expected to be available will be used to address identified needs. 24 CFR § 91.215(4).

"The consolidated plan should be explicit about what the jurisdiction intends to do with formula grant funds in the context of their larger strategy. For example, jurisdictions may wish to indicate that they intend to allocate formula grant fund for gap financing, while using tenant-based rental assistance or vouchers for low-income households that require a deeper subsidy." Federal Register, Vol. 71, No. 27, p. 6953.

The Draft Plan fails to explicitly define how the City intends to allocate formula grant funds in the context of the Draft Plan's larger strategy. Rather, several goal outcomes proposed by the Draft Plan are so broad as to encompass a diverse spread of potential uses. With respect to Goal 2, "Homelessness and the Prevention of Homeless, the Draft Plan proposes to expend \$213,000 in CDBG funds, \$1,733,400 in HOPWA funds, and \$2,532,900 in ESG funds for "Public service

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<sup>8</sup>Maciag, Mike. Gentrification in America Report, Governing, February 2015, Available at <http://www.governing.com/gov-data/census/gentrification-in-cities-governing-report.html>; Fresno Gentrification Maps and Data, <http://www.governing.com/gov-data/fresno-gentrification-maps-demographic-data.html>

<sup>9</sup> CalEnviroScreen 2.0 results. Access the interactive map that shows poverty rankings by census tract for the State of California and census tract racial demographics through <http://oehha.ca.gov/ej/ces2.html>.

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activities other than for low/mod income housing”. p. 151. With respect to Goal 3, Community services, the Draft Plan proposed to use \$4,261,846 in CDBG funds also for “Public service activities other than for low/mod income housing”. p. 152. With respect to Goal 4, Public Facilities and Public Improvements, the Draft Plan proposes to expend \$11,900,000 in CDBG funds for “public facility or infrastructure activities other than for low/mod income housing”.

The Draft Plan’s broad and vague outcomes provide little guidance for formula grant fund expenditure. Nor do they track or incorporate the specific priorities that arose from the consolidated plan citizen engagement process as identified in Appendix A, “Citywide Results of Community Engagement” (p. 1), which include by category:

- Job training, financial support for small business expansion (Economic Development)
- Parks, educational centers, and youth centers (Public Facilities)
- Transportation and crime prevention (Public Services)
- Street improvements, lighting, and playgrounds (Infrastructure)
- Affordable rental housing, code enforcement, energy efficiency, and permanent housing for the homeless (Affordable Housing)

The Final Plan should specify “explicitly” how the City intends to use formula funds in a manner that reflects the priorities expressed by residents and stakeholders during the consolidated planning process. Without such explicit delineation of the City’s intended use of formula funds, the consolidated plan cannot serve as “a management tool for assessing performance and tracking results” as intended by the CFR. 24 CFR § 91.1(4).

**c. The Draft Plan Proposes to Allocate Unspecified Funds to Code Enforcement without Justification**

The Draft Plan states that:

“Through the CDBG-funded Community Revitalization efforts, the City of Fresno funds code enforcement inspections which have had a substantial impact on blighted conditions. The City of Fresno will continue to use CDBG funds in a manner that increases the accessibility to a suitable living environment.” p. 7.

The Draft Plan’s description of stakeholder views and comments during the consolidated planning process indicates that code enforcement is indeed a priority of the community among other priorities. However, the Draft Plan also reveals that participants in the planning process “questioned how the code enforcement program was currently financed and recommended the City move to a fee-based structure in order to deter slumlords and increase services.” p. 26. In another location, the Draft Plan states that, “Participants said that if code enforcement became more cost-neutral for the city, the block grant funds could be utilized to build more affordable housing and housing for the homeless.” Appendix A, p. 6 (Priorities for Central Fresno).

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The Draft Plan does not justify why it specifically elects to continue to fund code enforcement among the many competing priorities expressed by residents during the citizen engagement process. The Draft Plan is also silent as to the amount of funds that will be dedicated to code enforcement and does not respond to or incorporate public comments questioning the City's current fee structure for code enforcement and requesting that the City implement a cost neutral program.

Indeed, Visalia and Corcoran, two other Central Valley jurisdictions, implement cost-neutral code enforcement programs, thus freeing up block grant funds for other uses important to the community. The Final Plan should provide that the City will develop and adopt a cost neutral code enforcement program, looking to models provided by jurisdictions such as Visalia and Corcoran, and direct its scarce block grant funds to priorities identified by residents that lack adequate alternative funding sources.

**V. The Draft Plan Does Not Adequately Identify Actions it Will Take to Remove or Ameliorate Public Policy Barriers to Affordable Housing**

Under the Code of Federal Regulations, the City must describe its strategy to remove or ameliorate negative effects of public policies that serve as barriers to affordable housing. 24 CFR § 91.215(h).

Although the Draft Plan demonstrates a severe shortfall of affordable housing in the City of Fresno needed to meet the needs of its low-income residents, and in particular, residents at or below 30% AMI; residents of color; and special needs populations, including large families with five or more people, the Draft Plan fails to identify specific actions it will take sufficient to remove or ameliorate the negative effects of those public policy barriers. The City must prepare a Final Plan that includes a thorough and robust strategy to meet the affordable housing needs of its residents.

**a. Clarify Whether Policies Identified in Table 72 Have Been Adopted**

Table 72 – Existing Ordinances / Resolutions Addressing Affordable Housing Barriers identifies several policies identified in the City's FY 2014-2015 Annual Action Plan for adoption. Several of these policies – such as the “Second Unit” policy and the “Mixed Use Ordinance” – are proposed for inclusion in the City's currently pending and not yet adopted Development Code Update.

The Final Plan must specify which of the policies identified in Table 72 have been adopted and those policies with respect to which the City will continue to pursue adoption.



**b. Actions Identified to Remove or Ameliorate Barriers to Affordable Housing Pertain to the City's FY 2014-2015 Annual Action Plan and Lack Specificity and Measurability**

The Draft Plan lists a series of actions that the City will take to address barriers to affordable housing. The footnote to the table indicates that the actions are drawn from the City's FY 2014-2015 Annual Action Plan. Thus, the actions must be completed by the end of FY 2015 – June 30, 2015 – and not identified as actions to be taken in the 2015-2019 Consolidated Plan implementation cycle. At a minimum, the City must assess progress made in and effectiveness of implementing those actions under its current consolidated plan before adopting those same actions yet again.

Further, the actions identified are described in general terms without any explanation of how the City will measure success or progress in implementing those actions and thereby remove or ameliorate the “negative effects” of public policy barriers to affordable housing. 24 CFR § 91.215(h).

The following is an example of the general actions with unmeasurable outcomes listed in the Draft Plan:

“Increase new construction production and rehabilitation of existing affordable housing by increasing the expertise and capacity of the nonprofit community.” p. 157.

The Draft Plan does not explain what the City will do to “increase the expertise and capacity of the nonprofit community”, the scale of the increase in expertise and capacity needed or desired, how that increase in expertise and capacity may be measured, why such actions will result in an “[i]ncrease [in] new construction production and rehabilitation”, or the extent of the increase expected or desired to result from the City's actions. The action statement therefore provides no information about what the City will do or what it seeks to achieve that is measurable or enforceable.

Each of the other actions listed under the Draft Plan's “Strategy to Remove or Ameliorate the Barriers to Affordable Housing” similarly lacks detail about the action the City will take and / or the specific results desired. The actions therefore cannot accurately be labeled as part of a “strategy” to remove or ameliorate the negative effects of public policy barriers to affordable housing that satisfies 24 CFR § 91.215(h).

The City must revise the Draft Plan to include specific and measurable actions and outcomes that constitute a strategy to address the negative effects of public policy barriers to affordable housing and re-circulate the revised draft for public review and comment.

**c. The Draft Plan Fails to Adopt Critical Strategies to Address the Need for Affordable Housing in Fresno**

As mentioned above, given the City's severe shortfall of affordable housing which disproportionately impacts LMI residents and particularly, extremely low-income residents, residents of color, and large families, the City is obligated to identify and adopt actions necessary to address barriers to affordable housing in its consolidated plan. The actions adopted by the City must include actions that promote and expand housing choice throughout the jurisdiction, including in higher income neighborhoods and neighborhoods with a lower proportion of residents of color, rather than continuing to allow the concentration of housing affordable to low-income residents in low-income neighborhoods of color.

We have recommended various policies to the City of Fresno in previous comment letters<sup>10</sup> that the City can adopt to address residents' need for affordable housing. With the exception of certain recommendations relating to how the City conducts its code enforcement activities, the City has not yet addressed or adopted our recommendations. For your reference, we include with this letter as Exhibit A, "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" (General Plan Comment Letter), which contains analysis and recommendations relating to affordable housing in Fresno which are relevant to this consolidated planning process.

We believe that all of the policy recommendations relating to affordable housing contained in the attached comment letter will, if adopted, help the City to meet the need for affordable housing in Fresno. However, we highlight the following policies which we deem especially critical<sup>11</sup> to the City's ability to remove or ameliorate the negative effects of public policy barriers to and to address the need for affordable housing in Fresno but which are not identified in the Draft Plan:

- **Re-designate and rezone residential land to higher densities in growth areas.** The City of Fresno's General Plan Land Use Map designates large segments of growth areas slated for development in the coming years under the low, medium low, and medium density residential land use designations. All new growth areas should include a range of residential densities, including high and urban density residential land use designations, in order to promote housing affordability. The Final Plan should include a program to

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<sup>10</sup> See 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 (General Plan Comment Letter), Section V, Ensure Access to High-Quality Affordable Housing Throughout the City and New Development in Growth Areas, pp. 15-26, submitted August 18, 2014.

<sup>11</sup> Some of these recommendations are contained in the attached comment letter on the General Plan while others are not. A number of these recommendations are included in the San Joaquin Valley Fair Housing and Equity Assessment (FHEA), prepared for HUD in April 2014 on behalf of the City of Fresno and the 13 other cities in the Central valley. Several of the recommendations are recommendations contained in the City of Fresno Former Mayor Alan Autry's 10\*10 Blue Ribbon Commission's Final Report. The FHEA is available at <http://www.frbsf.org/community-development/files/SJV-Fair-Housing-and-Equity-Assessment.pdf>.

assess opportunities to and re-designate low and medium density residential land to high and urban density residential land uses throughout the General Plan Land Use Map's growth areas. This assessment and re-designation should be harmonized with the creation of the River West Specific Plan, a plan that would cover significant growth areas in the City's Sphere of Influence and which is under consideration for funding in the City's FY 2015-2016 budget.

- **Require Developers to Achieve Minimum Residential Densities for Individual Parcels.** The Final Plan should include a program to require developers to achieve minimum residential densities in accordance with land use designations of specific parcels rather than allow developers to achieve the average minimum density over a set of parcels by reducing density on certain higher density parcels and increasing density on certain lower density parcels. Failure to require developers to achieve minimum residential densities of higher designated parcels will add to the shortfall of parcels at sufficient residential densities, including multi-family apartment housing, necessary for the creation of units affordable to LMI populations.
- **Adopt an Inclusionary Housing Policy.** The Final Plan should include an action item that calls on the City to develop and adopt an inclusionary housing policy requiring new residential development to provide at least 20% of the units at rates affordable to low-income residents. At least 10% of these units should be reserved for residents at or below 30% AMI in order to help address the severe shortfall of affordable units for this population.
- **Adopt a Commercial Linkage Fee.** The Final Plan should include an action for the City to undertake a nexus study for a commercial linkage fee based on the impact of new commercial development on the need for affordable housing (including for low-wage workers who may be employed at new commercial establishments). The City is currently undertaking an impact fee nexus study and should investigate the addition of a commercial linkage fee for affordable housing to that study. Funds generated through the fee should be provided to an Affordable Housing Trust Fund to support the development of affordable housing projects in new growth areas and other areas affected by new commercial development.
- **Reduce Fees for Residential Development that Addresses Affordable Housing Needs.** The Final Plan should include an action item to assess and adopt remaining opportunities to reduce or waive fees, expedite processing, and provide incentives for new residential development to include an affordable housing set-aside or includes units that meet the needs of any of Fresno's special needs populations under the Plan, including for example large families with five or more persons at or below 80% AMI.
- **Apply for Available Funding to Support Affordable Housing Development.** The Final Plan's Strategic Plan should state that the City will work collaboratively with community partners and stakeholders to identify projects and apply for all available funding sources to support projects that help meet the City's need for affordable housing.

The Final Plan should provide that the City will monitor the City's success with these applications in order to continuously improve its applications. Available funding sources include the Affordable Housing and Sustainable Communities (AHSC) Program through which millions of dollars are available to the City to support affordable housing, mixed-use, and other beneficial projects (The AHSC is not mentioned anywhere in the Draft Plan).

The City should also seek funding for projects that address public infrastructure, services, and facilities needs in CDBG-eligible neighborhoods and are thus supportive of housing in those locations. Such funds include for example the California Active Transportation Program (ATP) which funds projects that enhance the safety and attractiveness of walking and bicycling as opposed to driving and includes funding for sidewalk improvements, gutters, drainage, street lights, speed bumps, bicycle lanes, signage and other similar improvements -- expenditures which might otherwise be made with formula grant dollars.<sup>12</sup>

- **Implement the City's 2008-2013 Housing Element.** The City has failed to implement certain programs contained in its 2008-2013 Housing Element which the City adopted as part of its commitment to meeting the need for affordable housing in the jurisdiction. The Final Plan should include a policy requiring the City to immediately implement programs in the 2008-2013 Housing Element which it has not yet adopted, including Program 2.1.6A which required the City to rezone approximately 700 acres of vacant land to certain established higher residential densities by June 30, 2010. 6:9.

**VI. The Draft Plan's Non-housing Community Development Plan Does Not Conform with the CDBG Program's Objectives and Does Not Include Key Community Development Policies**

**a. Support for Industrial Development without Regard for the Impact on or Benefit to Low-Income Communities of Color Conflicts with Fair Housing and Civil Rights Laws and Consolidated Planning Requirements**

24 CFR § 91.215(f) requires jurisdictions that seek assistance under the Community Development Block Grant (CDBG) program to state the jurisdiction's specific long-term and short-term community development objectives. The objectives "must be developed in accordance with the primary objective of the CDBG program to develop viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for low-income and moderate income persons." *Id.*

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<sup>12</sup> Leadership Counsel worked with residents in Southeast and Southwest Fresno neighborhoods to identify and communicate to the City residents' priorities for ATP projects for the 2015 funding cycle. Unfortunately, City staff have indicated that the City will not be applying for ATP funding this year.

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According to the California Communities Environmental Health Screening Tool, Version 2.0 (CalEnviroScreen) – a rigorous scientific screening methodology developed by the California EPA and Office of Environmental Health Hazard Assessment (OEHHA) to determine the relative pollution burden born by California residents by census tract, South Fresno neighborhoods include 15 of the top 20 worst census tracts to live in California.<sup>13</sup>

CalEnviroScreen ranks neighborhoods by pollution burden -- including but not limited to indicators for air quality (ozone, PM 2.5, and diesel emissions), pesticide exposure, drinking water contaminants, toxic releases from facilities, and hazardous waste sites – and resident vulnerability to pollution, as determined by indicators for asthma, poverty, linguistic isolation, children and elderly as percentages of the population, unemployment, and low weight births.<sup>14</sup>

The Draft Plan's Non-housing community development plan repeatedly emphasizes the City's priority of creating "clusters" of new and expanded industrial businesses in Fresno, utilizing the thousands of acres of vacant industrial land available in the City. See e.g., pp. 108, 114, 116. Though the Draft Plan does not mention it, many of the City's vacant and occupied industrial sites are located immediately adjacent to and interspersed among residential housing and other sensitive land uses in South Fresno census tracts.<sup>15</sup> New and expanded industries stand to generate significant new pollution, including but not limited to toxic air emissions from facilities and diesel emissions generated by trucks and employee vehicles that travel to and from facility sites, in neighborhoods that are already among the most pollution burdened in the state.

As we have mentioned in other comment letters, including our attached General Plan Comment Letter, the City's efforts to promote the expansion of industrial development in and around low-income neighborhoods of color in South Fresno is a potential violation of state and federal fair housing and civil rights laws. 42 U.S.C. §§ 2000d, 3601, *et seq.*, 5304(b)(2), 5206(s)(7B), 12705; Cal. Gov. Code § 11135.

Such a strategy also runs counter to the CFR's requirement that the community development strategy identified by a jurisdiction in its consolidated plan "be developed in accordance with the primary objective of the CDBG program to develop *viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities*, principally for low-income and moderate income persons. 24 CFR § 91.215(f).

The saturation of low-income neighborhoods with industrial development in Fresno has resulted in the *decay* of those neighborhoods which can no longer sustain a diverse socio-economic base

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<sup>13</sup> Microsoft Excel Spreadsheet, available at <http://oehha.ca.gov/ej/ces2.html>.

<sup>14</sup> Rodriguez & Alexeef, California Communities Environmental Health Screening Tool, Version 2.0 (CalEnviroScreen 2.0) Guidance and Screening Tool, October 2014, p. 12. Available at <http://oehha.ca.gov/ej/pdf/CES20FinalReportUpdateOct2014.pdf>

<sup>15</sup> For a sense of the proximity of industrial clusters and scattered land uses to South Fresno residential neighborhoods, see the City of Fresno General Plan Land Use and Circulation Map included in the City of Fresno General Plan at page 3-31. Available at <http://www.fresno.gov/NR/rdonlyres/34DF414A-15FB-4C92-9CE7-3CD69A7A5451/0/GPFinalEntireDocumentJan202015.pdf>

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with the presence of such operations. They also undermine the goal of providing a “suitable living environment” by contributing to increased levels of pollution, generating truck traffic that creates hazards for pedestrians and bicyclists, and sometimes resulting in foul odors or other nuisances that interfere with residents’ use and enjoyment of their residence as well as outdoor community spaces.

Furthermore, the City has not demonstrated that industrial operations in low-income neighborhoods in Fresno create economic opportunities principally or even significantly for low-income and moderate income residents. Nor does the City provide any particular incentive for industrial operations to do so.

The Final Plan must modify the City’s non-housing community development strategy to provide that the City will allow and promote the expansion of industrial development in Fresno only where it will not negatively impact existing low-income residents and neighborhoods of color.

We further recommend that the Final Plan state that the City actively partner with Leadership Counsel, South Fresno residents, and other stakeholders to implement General Plan Policy HC-3- by seeking funding for and developing a program to address the compatibility of industrial and heavy commercial uses and zoning with established neighborhoods.

In addition, the Final Plan should call for the modification of the City’s “iDIFER” program that provides fee waivers to industrial businesses seeking to expand or locate in Fresno to authorize the issuance of a fee reduction of 50% or greater only if the business commits to train and hire low-income residents who live in proximity (i.e., within one mile) of the project site.

**b. The Final Plan Should Include Policies Supportive of Parks in the Non-Housing Community Development Plan**

Low-income South Fresno neighborhoods disproportionately lack park acreage and functioning and well-maintained park facilities compared to other Fresno neighborhoods. Access to safe and healthy green and recreational space in which to play is essential for community health and therefore to the consolidated plan’s Non-Housing Community Development Plan. Park improvements arose as a top priority for residents during the consolidated plan citizen participation process, as it did for South Fresno youth who participated in the City’s General Plan Update processes last year. See Appendix A, p. 1.

The Draft Plan’s Non-Housing Community Development Plan can be strengthened through a commitment to the implementation of certain policies contained in the City of Fresno General Plan that support the achievement of improved parks and park facilities in South Fresno. In particular, the Final Plan should commit to implementing General Plan Policy POSS-1-b to “Update the Parks Master Plan” by funding the update in the City’s FY 2015-2016 budget. Updating the Parks Master Plan is necessary to identifying potential locations for new park acreage in South Fresno and identifying sustainable financing mechanisms for park construction

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and operation and maintenance that will allow the City to reduce the disparity in park space and amenities between North and South Fresno.

**VII. The City Should Supplement Its Description of City-Owned Land Available to Meet the Needs Identified in the Draft Plan**

The Draft Plan identifies sixteen city-owned properties which “may be used” to meet the needs identified in the Draft Plan. pp. 142-143. This section does not state whether or how the parcels identified will in fact be used to meet the needs identified in the Draft Plan or if the list provided is comprehensive.

All but one of the parcels identified in this section are less than one acre in size. Nine of the parcels are less than .2 acres in size. While the Draft Plan does not attempt to explain how such small parcels might be used to meet the needs identified in the Draft Plan, their size indicates that they would be of minimal or no utility.

In addition, of the sixteen parcels identified, fourteen are located in West Fresno and two are located in the Lowell Neighborhood immediately North of Downtown.<sup>16</sup> The City’s identification of properties in low-income neighborhoods of color to the exclusion of other neighborhoods potentially conflicts with the City’s duty to affirmatively further fair housing under fair housing and civil rights laws. 42 U.S.C. §§ 2000d, 3601, *et seq.*, 5304(b)(2), 5206(s)(7B), 12705; Cal. Gov. Code § 11135.

As written, this section of the Draft Plan is uninformative at best and misleading and in conflict with civil rights laws at worst, by providing the impression that the City has identified parcels which may be used in a meaningful way to address needs identified in the Plan and by identifying parcels located exclusively in low-income neighborhoods of color.

The City should revise this section of the Draft Plan to provide a comprehensive listing of parcels that may be used to meet the City’s severe housing and non-housing needs and include a commitment in the Draft Plan’s Strategic Plan to dedicate and use specific parcels to address those needs. Alternatively, and at a minimum, the City should explain how the sixteen parcels identified in the Draft Plan may be used to meet the needs identified therein taking into account their respective size and location and include a commitment in the Strategic Plan to use those parcels accordingly.

**VIII. The Draft Plan’s Assessment of the Institutional Structure for Plan Implementation Omits Consideration of Non-Profits, Grassroots Groups, and Residents**

The CFR requires the consolidated plan to assess its institutional structure, including private industry, nonprofit organizations, and public institutions, through which the jurisdiction will

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<sup>16</sup> The Draft Plan states that these two parcels are located along Highway 99 and Golden State Boulevard. However, a search for the parcels’ address shows that they are located in the Lowell Neighborhood.

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carry out its housing, homeless, and community development strategies and address gaps in that structure. 24 CFR § 91.215(k).

The Draft Plan's assessment fails to identify the rich network of non-profit organizations, grassroots groups, and residents that exists in Fresno which represents enormous expertise and experience relating to housing, homelessness, and community development. The Final Plan should identify these groups and individuals specifically and the contribution they do and can bring to implementation of the consolidated plan.

In addition, the Final Plan should address a gap in the institutional infrastructure arising out of silo decision-making which occurs in Fresno with only certain stakeholders at the table and other key stakeholders left out. In our comments on the General Plan Update in 2014, we recommended that the City establish a permanent multi-stakeholder working group representing diverse interests and perspectives in order to implement General Plan policies relating to infill development, neighborhood revitalization, growth management, and affordable housing. See General Plan Comment Letter, pp. 3-5. The Mayor has indicated that she is interested in adopting such a working group, but to our knowledge, no action has been taken to date to do so.

We recommend that the Final Plan commit the City to pursuing the formation of the multi-stakeholder working group charged with oversight of matters relating to infill development, neighborhood revitalization, growth management, and affordable housing in order to address the gap in institutional infrastructure in consolidated plan implementation represented by silo decision-making. This will support the creation of the ongoing dialogue and partnership that the CFR promotes. Citizen Participation Toolkit, pp. 9-10.

\* \* \* \* \*

Thank you for your consideration of our comments. We look forward to working together to create a consolidated plan that complies with applicable legal standards and sets the City on a path towards addressing the housing and community development needs of its low-income neighborhoods. Please feel free to contact me at [awerner@leadershipcounsel.org](mailto:awerner@leadershipcounsel.org) or at my office at (415) 686-1368 to find a time to discuss these comments over the phone or in person.

Sincerely,



Ashley E. Werner  
Attorney



## Crystal Smith

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**From:** eduardo.cis87@gmail.com on behalf of Eduardo Rodriguez  
<erodriguez.BNCP@gmail.com>  
**Sent:** Tuesday, May 12, 2015 11:39 AM  
**To:** Crystal Smith  
**Cc:** Elaine Robles-McGraw; Heather Aceves; cherella nicholson; Michaelynn Lewis  
**Subject:** Action and Change nuisances list in the neighborhood  
**Attachments:** List of Neighborhood Nuisances.xlsx

Hello Ms. Smith

Thank you again for your attendance at the Action and Change meeting this last Saturday. The information you provided answered a lot of the questions that our residents had in regard to Community Development Block Grants and the Consolidated Plan.

As requested, I went a head and put Kirk properties into an excel sheet. Theses are intended to be included as comments for the Con Plan. And, are properties that could benefit in the future from the CDBG Programs described at the meeting.

Thank You,

--

Eduardo Rodriguez  
Site Director  
Building Neighborhood Capacity Program  
PH: 559.824.6084  
[erodriguez.BNCP@gmail.com](mailto:erodriguez.BNCP@gmail.com)

Action and Change for Southwest  
 Blight List in the Kirk Neighborhood  
 As of Tuesday, May 12 2015

Address Name	Address Number	Address Direction	Address Suffix	APT/ Suite	Zip	Resident Issue	# Resident Issues
Holly	2115	S			93706	deteriorating paint, deteriorating roofing	2
Holly	2196	S			93706	Needs Windows, deteriorating paint, porch in poor condition, damaged roofing	4
Holly	2204	S			93706	old paint, deteriorating stucco	2
Holly	2258	S			93706	old paint, no landscaping	2
Holly	2266	S			93706	damaged roof, no landscaping	2
Holly	2280	S			93706	old Paint, damaged roofing	2
Holly	2362	S			93706	Old Paint, tree obstructing the house	2
Lotus	2223	S			93706	trash/ garbage	2
Lotus	2267	S			93706	Neighbors report that people trespass on the property,	1
Lotus	2285	S			93706	Vacant JD Property: People trespass and go in and out the property	1
Lily	2275	S			93706	Need paint, vacant house	2
Lily	2266	S			93706	needs yard work	1
Lily	2272	S			93706	trash and garbage, boarded windows	2
Lily	2307	S			93706	deteriorating paint	1
Lily	2315	S			93706	Need a ramp to enter the house, appears senior citizens live in the house, landscaping needed	1
Lily	2324	S			93706	Boared windows, clean the yard, vacant house	3
Lily	2326	S			93706	Needs a ramp for elderly	1
Lily	2332	S			93706	needs lawn/ landscaping	1
Lily	2342	S			93706	needs ramp for elderly residents, needs meal on wheels (Gina: (559) 498-3881	2
Lily	2371	S			93706	Needs a ramp for elderly	1
Lily	2250	S			93706	garbage in the front yard	1
Lily	2378	S			93706	empty house, garbage in the front yard	2
Lily	2348	S			93706	JD properties, vacant house, boarded windows	3
Lily	2322	S			93706	Needs landscaping, garbage,	2
Lily	2304	S			93706	boarded windows, vacant house	2
Lily	2378	S			93706	over grown trees, empty house, garbage in the yard	3
Ivy	2316	S			93706	needs paint	1
Ivy	2338	S			93706	needs paint	1
Ivy	2342	S			93706	needs paint	1
Ivy	2378	S			93706	needs paint, needs windows, deteriorating porch	3
Ivy	2384	S			93706	Vacant house, boarded windows	2
Geneva	2390	S			93706	Needs a roof, deteriorating paint	2
Ivy	2276	S			93706	needs Paint	1
Ivy	2223	S			93706	needs paint, overgrown trees	2
Ivy	2217	S			93706	JD house, boarded windows, vacant	2
Ivy	2205	S			93706	JD house, boarded windows, vacant	2
Ivy	2260	S			93706	needs paint, garbage/trash	2
Lotus	2103	S			93706	needs paint	1
Lily	2151	S			93706	needs paint	1
Lily	2120	S			93706	Needs a ramp for elderly	1

Action and Change for Southwest  
 Blight List in the Kirk Neighborhood  
 As of Tuesday, May 12 2015

# Resident  
 Issues

Address Name	Address Number	Address Direction	Address Suffix	APT/ Suite	Zip	Resident Issue	# Resident Issues
Lily	2208	S	St	93706	possible ramp for elderly	1	
Lily	2204	S	St	93706	Broken windows	1	
Lily	2332	S	St	93706	possible ramp for elderly	1	
Lily	2267	S	St	93706	board up house	1	
Lily	2248	S	St	93706	wrought iron fence needs paint	1	
Lily	2308	S	St	93706	no lawn	1	
Lily	2380	S	St	93706	over grown trees	1	
Lily	23	S	St	93706	over grown trees, no lawn	1	
Lily	2340	S	St	93706	possible paint for trim	1	
Lily	2346	S	St	93706	no lawn	1	
Lily	2314	S	St	93706	needs painting on trim	1	
Lily	2307	S	St	93706	house for sale	1	
Lotus	2295	S	St	93706	needs a new roof	0	
Lily	2330	S	St	93706	Boarded up house	1	
Poppy	2126	S	St	93706	peeling paint - exterior	1	
Poppy	2138	S	St	93706	porch is sagging; exterior paint; no lawn	1	
Poppy	2172	S	St	93706	front porch; ceiling; broken over door; overgrown lawn	1	
Poppy	2202	S	St	93706	security bars need painting; need lawn (n) side of house	1	
Poppy	2204	S	St	93706	plywood (n) side of house; attic need repair	1	
Poppy	2232	S	St	93706	vacant house; plywood on windows; no lawn; pillars need painting;	1	
Poppy	2243	S	St	93706	sagging porch	1	
Poppy	2226	S	St	93706	no lawn; overgrown trees	1	
Poppy	2308	S	St	93706	cars parked on lawn; house trim peeling; cracked foundation	1	
Poppy	2310	S	St	93706	mattresses on front porch	1	
Poppy	2330	S	St	93706	house trim needs painting	1	
Poppy	2334	S	St	93706	apartment windows need repair; no lawn; trim peeling	1	
Poppy	2346	S	St	93706	no lawn; windows need repair; no security door	1	
Poppy	2354	S	St	93706	stucco on front of house needs repair	1	
Poppy	2358	S	St	93706	window trim needs paint; no lawn; prun bushes	1	
Poppy	2376	S	St	93706	house in need of fresh paint	1	
Poppy	2369	S	St	93706	trim; needs painting	1	
Poppy	2367	S	St	93706	roofing not safe; possible chop shop?	1	
Poppy	2337	S	St	93706	sagging front porch; roof	1	
Poppy	2333	S	St	93706	overgrown tree; no lawn; maybe rental home	1	
Poppy	2319	S	St	93706	house trim peeling; no landscaping	1	
Poppy	2315	S	St	93706	no lawn;	1	
Poppy	2270	S	St	93706	no lawn; big tree splitting fence; trash can on front lawn	1	
Poppy	2273	S	St	93706	trees in yard splitting two many trees	1	
Poppy	2265	S	St	93706	needs paint	1	
Holly	2224	Ave	St	93706	concrete fence is cracked, falling apart; rod iron needs fresh paint;	1	
Holly	2243	Ave	St	93706	vacant house; no lawn;	1	
Holly	2239	Ave	St	93706	front bushes need trimming; need new safer ramp in front of door	1	
Holly	2239	Ave	St	93706	tree overgrown splitting fence; no lawn	1	

Action and Change for Southwest  
 Blight List in the Kirk Neighborhood  
 As of Tuesday, May 12 2015

# Resident  
 Issues

Address Name	Address Number	Address Direction	Address Suffix	APT/ Suite	Zip	Resident Issue	# Resident Issues
Holly	2229		Ave		93706	no landscaping; trees need pruning; old vines stuck to fence	
Holly	2221		Ave		93706	no lawn	
Holly	2209		Ave		93706	house trim; need fresh paint	
Holly	2207		Ave		93706	overgrown trees; no lawn	
Holly	2159		Ave		93706	house trim; needs paint	
Holly	2127		Ave		93706	overgrown bushes; no lawn	
Holly	2119		Ave		93706	molded windows; paint house trim	
Holly	2146		Ave		93706	need exterior paint	
Holly	2178		Ave		93706	no landscape; overgrown shrubb; porch needs repair; abandoned vehicles	
Holly	2186		Ave		93706	plywood windows boarded up	
Holly	2175		Ave		93706	plywood windows boarded up; fornt door; hole in roofing	
Holly	2185		Ave		93706	needs paint; metal trim	
Holly	2112		Ave		93706	unsafe ADA ramp; house needs paint	
Holly	2228		Ave		93706	pool table on porch; rain gutter need replacing	
Holly	2250		Ave		93706	roof need repair; most siding need replacement; front porch flooring need fixing	
Holly	2258		Ave		93706	house need fresh paint	
Holly	2266		Ave		93706	side walk cracked; no lawn; overgrown weeds; plywood windows;	
Holly	2288		Ave		93706	need fence repair	
Holly	2292		Ave		93706	house paint chipped	
Holly	2308		Ave		93706	no lawn	
Holly	2330		Ave		93706	fence repair; front tree roots	
Holly	2334		Ave		93706	house trim needs paint; porch peeling; garden overgrown	
Holly	2342		Ave		93706	house trim needs paint; porch sagging; roof; cars on lawn	
Holly	2346		Ave		93706	pillars need paint; no lawn	
Holly	2370		Ave		93706	no lawn; windows trim needs painl	
Holly	2394		Ave		93706	corner house - no postal address; no lawn	
Holly	2361		Ave		93706	no lawn; need fresh paint	
Holly	2347		Ave		93706	no landscape	
Holly	2341		Ave		93706	too many vehicles parked on lawn	
Holly	2285		Ave		93706	no lawn;	
Holly	2211		Ave		93706	no lawn	
Holly	2169		Ave		93706	no lawn	
Holly	2169		Ave		93706	needs paint	
Holly	2169		Ave		93706	needs paint	