

Exhibit K – Appeal Letter dated February 27, 2023

February 27, 2023

Jennifer Clark, AICP
Director, Planning and Development at City of Fresno
Fresno City Hall
2600 Fresno Street
Fresno, CA 93721-3604

Sent via Email

RE: Appeal Director's Approval of Conditional Use Permit Application No. P21-06275

Dear Ms. Clark,

The undersigned individuals and organizations appeal the decision of the Department of Planning and Director, Jennifer Clark, to approve Conditional Use Permit Application No. P21-06275.

The undersigned individuals and organizations have an interest in ensuring that this project's environmental and human impacts are fully mitigated in compliance with the California Environmental Quality Act ("CEQA"), the Fresno Municipal Code, and other relevant laws and regulations, and that the project benefits and does not harm the residents of the City and County of Fresno, in particular, residents who live, work, worship, recreate, and attend school in the vicinity of the project site.

The Director's decision to approve the Conditional Permit Use Application No. P21-06275 should not be upheld. Though the City of Fresno Planning Department labels this Chemical Storage project as in compliance with its IH zone district, it disregards the following information:

- The placement of the proposed project falls within the AB617 boundary which classifies the surrounding areas as high priority in reducing emissions from industrial sources within the State of California.
- CalEnviroScreen 4.0 confirms that the location of the proposed project is in the top 1% of the most pollution burdened communities.
- The decision to approve this applicaiton will perpetuate the City's and County's historical cycle of concentrating heavy industrial uses near communities of color.
- The project area is prone to fires and places the safety and health of residents at risk by releasing harmful vapors if a fire occurs.

- The South Central Specific Plan (SCSCP) is currently incomplete and is undergoing review of Environmental Impact Reports (EIRs) for each of the three proposed versions of the SCSP. Upon completion and final review of EIRs, current zoning may change, rendering the proposed project an incompatible use.
- This proposed project will generate significant environmental and health impacts for the residents of the City and County of Fresno due to the increase of heavy industrial uses and heavy-duty truck traffic.

Once the City identifies a hearing date for the appeal, please notify via email Natalie Delgado of Leadership Counsel at Justice and Accountability at ndelgado@leadershipcounsel.org. Please utilize the email specified above for any questions as well.

Sincerely,

Natalie Delgado
Leadership Counsel for Justice and Accountability

Rosa DePew
South Fresno Community Alliance

Panfilo Cerrillo
South Fresno Community Alliance

Mary Gutierrez
South Central Fresno Resident

Cc: Scott Lichtig, Deputy Attorney General, Office of the Attorney General of California