

Exhibit D
Correspondence

Sophia Pagoulatos

From: Jeffrey Roberts <JRoberts@gvhomes.com>
Sent: Friday, June 12, 2015 11:30 AM
To: Sophia Pagoulatos
Cc: Jennifer Clark; Mike Sanchez
Subject: EA No. 15-001

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Sophia,

I left you a voicemail message this morning regarding this same topic. I noticed page 6C of the June 11, 2015 Fresno Bee identifies 41 changes to the General Plan that staff is going to move forward through the hearing process at the Planning Commission and City Council in the month of July, 2015. I have spoken with Director Clark and Mike Sanchez regarding an additional change in the "Mission Ranch" area that we would like to see considered with the other 41 items. I will be present at both the Planning Commission and City Council hearings to discuss this item.

Specifically, there is a 40 acre "Park" designation that appears on our "Mission Ranch" project area at the south of California Avenue and west of Hughes Avenue. While our company has been and remains very supportive of trails and parks being incorporated into Master Planned Residential projects, we believe that the large park illustrated on the plan should have been removed during the Plan Update process in December, 2014 when the City Council made a decision to lower the land use designation for the Mission Ranch project area.

On an earlier version of the Draft General Plan, the area was once planned for very high and mixed densities by City Staff and the large park area may have "made sense". Now that the General Plan has been adopted and the surrounding area is planned for a much lower overall density, the very large park is no longer necessary. It is our intention to plan for a series of smaller parks throughout the "Mission Ranch" area that will be utilized by the future residents and other members of the public and maintained by a CFD. (Community Facilities District)

I am not aware of any plans that the City of Fresno has to purchase the 40 acre property and develop a park at this location. We would appreciate it if the City could remove the park designation from our property so that we may plan for future development utilizing the Medium Low Density Residential designation that will apply to all of our other land in "Mission Ranch". Additionally, we would like this request incorporated into the Environmental Document (MND / EA 2015-001) so that the Council may act on the requested action.

Thank you very much and feel free to contact me if you have any questions about this topic.

Jeffrey T. Roberts

Granville Homes

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1396 W. Herndon Suite 101, Fresno, CA 93711

559.436.0900 / fax 559.436.1659 / cell 559.288.0688

FANCHER CREEK PROPERTIES
Lance-Kashian & Company
265 E. River Park Circle, Suite 150
Fresno, California 93720
Phone (559) 438-4800 Facsimile (559) 438-4802

June 15, 2015

Ms. Jennifer Clark
2600 Fresno Street
Room 3065
Fresno, CA 93721

**RE: EA No. A-15-001: Land Use Change ID #4 - Fancher Creek
Town Center**

Ms. Clark,

This letter is to formally request and confirm our understanding that

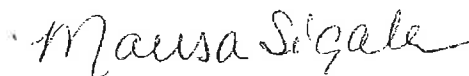
ID #4, Land Use Request from Regional Commercial to Ponding
Basin for two acres of Fancher Creek Town Center: portion of APN
313-021-01 and 313-101-24 on Clovis Ave and Tulare Ave

will be removed from EA No. A-15-001 (see attached).

We also appreciate your prompt response last week to our request to
remove the ponding basin from the list of land use changes and to leave
the land use for the aforementioned parcels as regional commercial.

Again, thank you for your assistance with this matter. If you have any
questions, please feel free to contact me at (559) 999-2484.

Respectfully,



Marisa Sigala
Consultant to Fancher Creek Properties

CITY OF FRESNO NOTICE OF ENVIRONMENTAL FINDING

MITIGATED NEGATIVE DECLARATION:

NOTICE IS HEREBY GIVEN THAT a mitigated negative declaration has been prepared by the City of Fresno Development & Resource Management Department resulting from an Initial Study and Environmental Assessment (EA) of the projects described below:

EA No. A-15-001: The following application was filed by the City of Fresno, and pertains to property located in various locations within the current City of Fresno Sphere of Influence as detailed in the table below.

Plan Amendment Application No. A-15-001 proposes to amend the Fresno General Plan, the Bullard, Edison, McLane, Roosevelt, West Area, and Woodward Park Community Plans, the Highway City Neighborhood Specific Plan, the Sierra Sky Park Land Use Policy Plan, and the Fresno Chandler Executive Airport Land Use Compatibility Plan, as noted in the table below. The Plan Amendment application was filed pursuant to City Council action on December 18, 2014 for consideration of various general plan modifications and clean-up items.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commenter's name and address; (2) the commenter's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on July 1, 2015. Please direct comments to Sophia Pagoulatos, Supervising Planner, City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721-3604; or by email to Sophia.Pagoulatos@fresno.gov; or comments can be sent by facsimile to (559) 498 1026.

Plan Amendment A-15-001 and the proposed environmental finding have been scheduled to be heard by the Planning Commission on July 1, 2015 and by the City Council on July 16th, 2015. The hearing will be held in the Fresno City Council Chambers located at Fresno City Hall, 2nd Floor, 2600 Fresno Street, Fresno, California, 93721. Your written and oral comments are welcomed at the hearing and will be considered in the final decision.

Additional information on the proposed project, including copies of the proposed environmental finding, may be obtained from the City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721, or contact Sophia Pagoulatos at (559) 621-8062, via email at Sophia.Pagoulatos@fresno.gov, the County Public Libraries located within the City of Fresno, or at the City's website at www.fresno.gov/newplan.

Para información en español, comuníquese con Sophia Pagoulatos (al número de teléfono 559-621-8062).

ID. #	Location	Acres	Land Use Change Request "From"	Land Use Request Change "To"
1	APN 487-180-03, 04, 05, 06, 10, and 11 at NW corner of Cedar and North Avenues	3.76	Heavy Industrial	Light Industrial
2	APN 313-280-72 at NE corner of Fowler Ave and Fancher Creek Dr	3.64	Residential Medium	Community Commercial
3	Fancher Creek Trail east of Clovis Ave, west of Fowler Ave, north of Kings Canyon Rd, and south of Belmont Ave	14.71	Undesignated	Open Space
4	Fancher Creek Town Center: portion of APN 313-021-01 and 313-101-24 on Clovis Ave at Tulare Ave	2	Regional Commercial	Ponding Basin
5	Copper River Ranch (north of Copper Ave, east of Friant Rd and west of Willow Ave): portion of APN 579-074-01S at 1352 E. Copper River Dr	3	Residential Medium High	Residential Urban Neighborhood

General 2035 Plan

Dear Sophia Pagoulatos

Our family currently resides on 2 parcels outside the city jurisdiction but within the future growth zone. The 2035 plan zones our properties as High / Medium Density, while it was zoned Medium Density. After consulting with various people we have become concerned over the change of zoning for 3888 N Grantland Ave. and our adjacent parcel 3832 N Grantland Ave. (both of which are owned by the William H Carter trust et al.) These properties have been worked as a ranch over the years but recently we have been holding this land with the intention of selling with a zoning of Medium Density. This zoning makes the most logical sense because of the remoteness of the property, even with the schools and Proposed Granville Westlake development. To expect this zoning to take off on the periphery of the city with no commercial centers we feel is not well founded. The best zoning for these parcels remains Medium Density which still encourages dense growth over sprawl but allows developers to continue to use their time tested models. Finding developers to develop parcels such as these is difficult and will negatively impact our ability to sell these parcels and contribute to Fresno's responsible growth in this area. We need to sell our properties in the next couple of years because of my Mothers declining health and her needs are increasing. At this time in our lives a rezoning to High Density would not be helpful to my family as far as marketing our properties. There are a number of head winds facing us already; Granville has no plans for building in this area for extended amount of time, they have lease the Westlake property and have planted Almond trees. Recently Central Unified was turned down by the State for matching funds to build the High School (hopefully that will change). I contacted several Professionals in the Realty Industry, they told me there are possible buyers for these properties with a Medium Density zoning and absolutely no interest in High density especially in our area. With all these head winds facing us now a High Density rezoning will make it impossible to sell and get a reasonable return on our investment of 34 years. I'm asking you and the City of Fresno to weigh all of this and for some flexibility in making your decision to grant our request to keep our existing Medium Density zoning. It's just not a reasonable fit for us.

Thank you for time and service.

Allen E Carter

3888 N Grantland Ave.

Fresno Ca 93723 (559) 277-1489



July 1, 2015

City of Fresno Planning Commission
attn.: Sophia Pagoulatos, DARM
2600 Fresno Street, Room 3065
Fresno, CA 93721

Sent Via Email

Re: General Plan Amendment No. A-15-001

Dear Planning Commissioners:

We are writing with respect to the 41 proposed land use changes before you today pursuant to General Plan Amendment No. A-15-001. The proposed land use changes would respectively re-designate 73.84 acres of land designated "Residential High" and 22.13 acres of land designated for "Residential Medium" to lower residential or non-residential land uses. If approved, these land use changes would exacerbate the City's failure to comply with and result in new violations of its commitments in its 2008-2013 Housing Element to rezone land for and maintain higher residential densities to meet the needs of Fresno residents for affordable housing. The proposed re-designations also threaten to violate fair housing and civil rights laws by imposing a disparate impact on low-income residents of color who are disproportionately impacted by the City's failure to further fair housing opportunities.

We ask that you decline to vote on General Plan Amendment No. A-15-001 today and direct staff to return with an amended plan amendment proposal which does not result in a net reduction of residential densities and which initiates the residential rezoning required by Housing Element Program 2.1.6A.

1. The Proposed Land Use Changes Threaten to Exacerbate the City's Failure to Comply with Housing Element Program 2.1.6A

In September 2014, we notified the City via written correspondence of its failure to implement Housing Element Program 2.1.6A, "Facilitate the Development of Multifamily Housing Affordable to Lower Income Households," by its June 2010 deadline. As noted in our letter (attached hereto for reference), Program 2.1.6A requires the City to rezone approximately 500 acres of vacant land to the R-2 or R-3 zone district and approximately 200 acres of vacant land to R-3 or R-4 zoning district, allowing exclusively residential units by right on these parcels. The City's failure to rezone land as called for by Housing Element Program 2.1.6A means that 700 acres of land which the City committed to making available for the development of multi-family housing to satisfy Fresno residents' need for affordable housing under the current housing element was not. The City's failure to implement Housing Element Program 2.1.6A renders the City non-compliant with its Housing Element and State Housing Element Law and may subject

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the City to a court order compelling the City to immediately complete the rezone. Gov. Code §§ 65583(c)(1)(A), 65687(d).¹ The City must not now exacerbate the effect of its failure to plan for higher density residential by approving the significant density reductions proposed by General Plan Amendment No. A-15-001.

2. Proposed Residential Density Reductions Conflict With City of Fresno Housing Element Programs and Policies

In addition to exacerbating the City's failure to comply with Housing Element Program 2.1.6A conflict with Housing Element Programs 2.1.A and 2.1.7A and Housing Element Policy 2.1.7.

Housing Element Program 2.1.A states:

"The City shall annually monitor the supply of vacant zoned and residential planned land. The City shall also ensure that there is at least a continual 10-year supply of planned residential land and at least a 5-year supply of zoned land to meet the needs of all economic sectors of the community. Where supplies drop below the adopted thresholds, the City shall immediately initiate a General Plan amendment, proactive annexations, rezonings, or zoning actions to ensure an adequate supply and shall explore the possibility of 'prezoning' to reduce processing times and costs to potential housing projects..." (italics added)

The City has not demonstrated that the proposed residential density reductions would not interfere with the City's commitment under Program 2.1.A to "ensure that there is at least a continual 10-year supply of planned residential land and at least a 5-year supply of zoned land to meet the needs of all economic sectors of the community."²

Housing Element Policy 2.1.7, "Increase Housing Yields", states, "Whenever possible, housing yield per acre shall be increased, conserving land, services, and costs." Housing Element Program 2.1.7A, "Maximum Density", states, "Whenever possible, density shall be increased, conserving land, services, and costs." Clearly, the reduction in residential densities proposed by General Plan Amendment No. A-15-01 directly conflicts with and constitutes a potential violation of Policy 2.1.7 and Program 2.1.7A.

¹ The City's contention that it intends to complete the rezoning through the General Plan Update and Development Code Update do not excuse the City's ongoing failure to implement this program by the June 2010 deadline established in the Housing Element. In addition, the City will still need to complete the rezone if and when a Development Code Update is adopted, as the rezone will not be accomplished by mere passage of the Code.

² With respect to this program, the City's 2014 Annual Housing Element Progress Report simply states, "Incorporated as a task of the Fresno Green [sic] Development Code, General Plan Update, and Master Environmental Impact Report Program (see status in 1.1.1 above)". Attachment 1, p. 5. Section 1.1.1. states, "The updated Development Code provisions will establish prezoned areas with Master Environmental Impact Report clearance to accommodate the development of 25,112 multiple family dwelling units..." *Id.* at p. 6. The language of Program 2.1.A however makes clear that the zoned land which must be available to meet the needs of all economic sectors for housing is limited to land in existing city limits. The City cannot escape its responsibility to monitor the sufficiency of its available land for the development of affordable housing by quantifying the development potential of residential land in its Sphere of Influence which may not be developed for decades.

3. The Proposed Residential Density Reductions Threaten to Violate Fair Housing and Civil Rights Laws

The proposed residential density reductions threaten to result in a disparate negative impact to low-income residents of color who are most impacted by the City's shortage of affordable housing and accordingly, to violate fair housing and civil rights laws.

The City's 2015-2019 Consolidated Plan (pending approval by HUD) includes abundant and alarming data that reveals that Fresno has a severe shortage of affordable housing which disproportionately impacts low-income residents of color. 47% of households in Fresno are deemed housing cost burdened, paying more than 30% of their income towards housing, and 24% of households in Fresno are severely housing cost burdened, paying more than 50% of their income towards housing. p. 4. African Americans and Pacific Islanders are disproportionately housing cost burdened, with 37% of African American households and 34% of Pacific Islander households qualifying as severely housing cost burdened. p. 34. Likewise, 46% of Asian households experience severe housing problems compared to 36% of the jurisdiction as a whole. p. 49. The Consolidated Plan identifies increasing the affordable multi-family rental housing inventory as an extremely high priority need among residents. p. 26.

The City's failure to conduct required rezoning to make the construction of multi-family housing possible thus impacts all Fresno residents effected by the City's lack of affordable housing but most acutely impacts low-income residents of color who are already disproportionately impacted by Fresno's lack of affordable housing. This Commission must not approve residential density reductions which would further compound this situation. To do so would contribute to the City's ongoing pattern and practice of failure to affirmatively further fair housing opportunities for all Fresno residents through its land use, planning, and resource investment decisions.³

* * * * *

For the reasons stated above, we ask that you decline to vote on General Plan Amendment No. A-15-001 and direct staff to return with an amended plan amendment proposal which does not result in a net reduction of residential densities and which initiates the residential rezoning required by Housing Element Program 2.1.6A.

³ We have raised this matter in other correspondence that we have submitted to the City of Fresno, including, among other, Leadership Counsel for Justice and Accountability's correspondence to City Council entitled "Supplemental Comments on the City of Fresno's Draft 2015-2019 Consolidated Plan and Draft FY 2015-2016 Action Plan" dated June 11, 2015.

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We thank you for your attention to this letter. We believe that, working together, we can ensure that Fresno satisfies the requirements of state and federal housing laws and moves forward in effectively addressing the critical and growing need for affordable housing in Fresno.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ashley Werner".

Ashley Werner
Attorney

Sophia Pagoulatos

From: Dick Ellsworth <dellsworth@pearsonrealty.com>
Sent: Thursday, July 02, 2015 7:49 AM
To: Sophia Pagoulatos
Subject: APNs 504-081-39, 40

Sophia,

You can pull the 2 parcels totaling 11.28 acres at the southeast corner of Veterans and the Bullard extension from urban neighborhood residential designation; leave them as light industrial.

Please confirm that you got this message.

Dick

Dick Ellsworth
Senior Vice President – Land Division
BRE License #00330607

Newmark Grubb Pearson Commercial
7480 N. Palm Avenue, Suite 101
Fresno, CA 93711



T 559.447.6247
F 559.256.7347
dellsworth@pearsonrealty.com
www.pearsonrealty.com
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