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Council Meeting

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CITY OF FRESNO  
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# FRESNO CITY COUNCIL



## Information Packet

### ITEM(S)

#### **File ID 21-315 (10:15 A.M.)**

Consideration of Plan Amendment/Rezone Application Nos. P20-00635, Conditional Use Permit Application No. P20-00636 and related Environmental Assessment No. P20-00635/P20-00636 for approximately 12.18 acres of property located on the northeast corner of East Jensen and South Maple Avenues. (Council District 5) - Planning and Development Department.

### **Contents of Supplement: Comment Letter.**

### **Item(s)**

#### **Supplemental Information:**

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

#### **Americans with Disabilities Act (ADA):**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.



March 4th, 2021  
Fresno City Council  
2600 Fresno St.  
Fresno, CA 93721

<sent via email>

### **Comment Letter RE: ID 21-315**

Dear Council President Chavez and fellow Councilmembers,

Thank you for the opportunity to submit comments on the Consideration of the Plan Amendment being made on the northeast corner of East Jensen and South Maple. Leadership Counsel for Justice and Accountability, Fresno Building Healthy Communities ("Fresno BHC"), and Friends of Calwa works alongside some of the most impacted communities, which includes community leaders in Southeast Fresno and Calwa, to advocate for healthy land-use patterns, affordable housing and eradicate injustice to secure equal access to opportunity regardless of wealth, race, income, and place. Collectively, we work with community leaders throughout Fresno City on various issues such as affordable housing, essential services, and the right to live free from industrial pollution with infrastructure that supports healthy lifestyles.

**We respectfully request this Council postpone adopting agenda item 21-315** proposing a rezone, plan amendment, and conditional use permit applications for the northeast corner of East Jensen and South Maple. This item should not be approved and reconsidered **until a proper outreach process, with community-driven needs at the forefront, is established and implemented.**

In November of 2019, the applicant held the only community meeting we know of. During this public meeting, the applicant presented the scope of the project to community residents. Community members provided feedback generally supporting the addition of a daycare center, medical offices, restaurants, and retail. They found these amenities would be a great addition to the community who will be able to enjoy these amenities in close proximity. There were some concerns relating to ensuring smooth traffic flow and pedestrian safety of the area; however, the applicant assured the community there would be more meetings to discuss these concerns and their proposed solutions on Page 7 of Exhibit G: Neighborhood Meeting Minutes [Appendix A]. To our knowledge, additional meetings were not hosted, and an email following up on this commitment and general issues from Fresno BHC was left ignored.

While residents expressed general support for the residential and commercial portions of this plan, the community expressed clear opposition to the addition of a gas station and a liquor license. The project proponents have failed to adjust the project to eliminate the gas station and



have expressed that they may pursue a liquor license in the future as the current agreement does not prohibit it. There are already 18 active liquor licenses in this zip code, and there shouldn't be anymore. The proliferation of liquor stores throughout south Fresno has finally been brought before this Council in its passage of the Responsible Neighborhood Market Act. To ensure we don't go backward after passing this ordinance, we urge the Council to, at a minimum, **prohibit the sale of alcohol from any liquor or convenience store that could be placed there.**

Adding another gas station would set Calwa and adjacent neighborhoods further behind California's goal to adopt cleaner transportation in communities most impacted by air pollution, including the 93725 zip code. **The convenience store with an eight dispenser/sixteen station fuel canopy is not something community residents need, want, or would benefit from.** There is a Shell gas station on the northwest corner of East Jensen and South Maple Avenue, a Valero gas station a half-mile down from the Shell, another Shell and Valero gas station only a mile and half-away from the proposed site, and another proposed Chevron on Jensen and Chestnut [Appendix B]. There is no shortage of gas stations around this neighborhood, but rather an influx of them in a census tract that is disproportionately burdened by multiple sources of pollution such as the 99 freeway, multiple food packing facilities, a grain refinery company, and various trucking companies nearby.

We will be moving backward if we place housing and medical offices near a gas station, making air quality worse in a city that is heavily burdened with poor health outcomes. According to CalEnviroScreen<sup>1</sup>, a statewide tool evaluating socio-economic, public health, and pollution burden, **the census tract for the proposed project ranks in the 100th percentile for pollution burden.** Meaning, exposure to PM 2.5, ozone, hazardous waste, groundwater threats, and other pollution characteristics are in the 95th or higher percentile across the state. That means that this community breathes and is exposed to significantly higher rates of harmful contaminants that stem from cars, trucks, factories, and freeways. This particulate matter contributes to the aforementioned health issues such as asthma, lung diseases, and heart diseases.

A contribution to some of these health concerns also stems from benzene, a carcinogen that is released from gasoline vapor. According to a study done by the Columbia and Baltimore's School of Public Health, people living near or working in retail at gas stations and children in schools and on playgrounds can also be exposed, with distance to the gas stations significantly affecting exposure levels.<sup>2</sup> If a daycare and medical offices are placed near a gas station, regardless of the size, it would create significant health impacts to the existing and new

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<sup>1</sup> <https://oehha.ca.gov/calenviroscreen/maps-data>

<sup>2</sup> Hilpert, Rule, Mora, Tiberi. Vent Pipe Emissions from Storage Tanks at Gas Stations: Implications for Setback Distances.



residents who decide to occupy the new housing, to the children who will attend the daycare center, or residents who decide to visit the medical offices.

Furthermore, based on cancer risk estimations, the California Air Resources Board (CARB) recommends that schools, day cares, and other sensitive land uses should not be located within 300 ft (91 m) of a large gas station.<sup>3</sup> While this study points out that this is for a large gas station, that does not negate the health issues that will still come out of placing a gas station nearby. The cumulative impact of placing a gas station in the same vicinity as several more gas stations, will expose children and residents to benzene and increase their risk of contracting cancer.

While the project proponents positioned themselves as willing to be good neighbors and were receptive to the community's feedback, the proposed project fails to reflect a shared vision and common desire for an improved community. The residents nearby do not want to see another gas station placed near their homes. Residents nearby want to have cleaner, healthier, and safer neighborhoods and a gas station would not deliver those results. Instead residents ask and recommend that light industrial zoning be removed entirely and instead of a gas station, place something that will benefit the community:

1. **A park or green space.** A park in that parcel of land would provide better connectivity to the neighborhood and create a healthier environment for residents by providing a place to walk, bike, and interact with each other. This community significantly lacks access to greenspace and is considered a Park Desert according to the Fresno Parks Master Plan. A park would significantly improve and mitigate the health issues of children and residents who live nearby and create a vibrant community. Funding can come from programs such as Measure P, which is aimed at developing and maintaining parks in Fresno in communities such as Calwa.
2. **Larger Grocery Store or Pharmacy.** The parcel can serve to add a grocery store big enough to serve the community. There is currently only one grocery store in the area. With the addition of multi-family housing, increased access to grocery stores will be much needed and was strongly supported by community members present at the 2019 community meeting

### **Conclusion:**

**We ask the City Council to postpone this project until a proper outreach process, with community-driven needs at the forefront, is established and implemented.** The light

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<sup>3</sup> CalEPA/CARB. Air Quality and Land Use Handbook: A Community Health Perspective: California Environmental Protection Agency & California Air Resources Board; 2005.



industrial zoning needs to be removed entirely from this Plan Amendment as it does not cater to the well-being of the residents who live in this community. We ask that the applicant take a step back and have further discussion with community residents. We ask that community be heard and given notice of the development as Calwaians have experienced failed developer promises in the past. Members of the Council have an opportunity to put community needs above everything else. If any questions shall arise do not hesitate to contact the us at the email or phone numbers below.

Sincerely,

Karla Martinez  
Policy Advocate  
Leadership Counsel for Justice and Accountability  
[kmartinez@leadershipcounsel.org](mailto:kmartinez@leadershipcounsel.org)  
(213) 944-4935

Sandra Celedon  
President and CEO  
Fresno Building Healthy Communities  
[sceledon@fresnobhc.org](mailto:sceledon@fresnobhc.org)  
(559) 256-8723

Laura Moreno  
Executive Director  
Friends of Calwa, Inc.  
[lmoreno@friendsofcalwa.org](mailto:lmoreno@friendsofcalwa.org)  
(559) 374-6922



## Appendix A:

Convenient store - off side where you buy alcohol and drink out  
Incidental- i.e. restaurant. Eat and dine and drink  
Liquor store is purposeful

Basically, any store under 10k sq. feet is being moved to incidental

Nicole- Calwa alum and has been here for 5 years. Wanted to make sure that you knew that SE Fresno is already over saturated. District 1, 3 and 5 have most violations regarding sales with alcohol licenses. Every liquor store had at least 1 violation. What is going to put you aside from those other ones?

Harry- I think those are some key things to bring up

**Sandra- Consistently told that job opportunities are coming but are being given to people not in the community.**

Harry - As a developer what we can do is partner with local partners who will be able to tie up local companies who will hire local., As a developer the best we can do is tie up with local folks who can build an ecosystem.

**Joe - Expected completion of the project**

Harry - To us we are hoping summer of next year we should have all approvals. We are looking at a start date of summer or late fall next year. Completion date is being split into phase 1, phase 2 and phase 3

Community Member- Feels like you are ignoring this community by not hiring them.

Harry - We are partnering with local companies who we expect to hire local.

**Do you know how many tenants there will be?**  
10-15

Before we submit the application, this is why we are having this meeting.

**Will there be another meeting?**

Only this one is required, but the developers will have others.

Anyone can go to the other meeting and speak their feelings.  
Nick- you can call me if you have any procedural questions.

**Question regarding housing- Do you have price range of housing?**



## Appendix B:

