

Exhibit M



February 3, 2021

Planning Commission
2600 Fresno St.
Fresno, Ca 93721

<sent via email>

**Comment Letter RE: Agenda Item ID-21-206 — Request Denial of Plan Amendment
Application No. P20-01665**

Dear Planning Commissioners,

We respectfully request that the Planning Commission deny the Plan Amendment Application No. P20-01665. This plan amendment does not comply with the intent and vision of the Southwest Fresno Specific Plan. It is also not consistent with the General Plan goals and policies, and the addendum to the Program Environmental Impact Report is inadequate.

Leadership Counsel for Justice and Accountability works alongside some of the most impacted communities in the City of Fresno to advocate for sound policy and eradicate injustice to secure equal access to opportunity regardless of wealth, race, income, and place. We work in partnership with community leaders on various issues such as affordable housing, essential services, and the right to live free from industrial pollution with infrastructure that supports healthy lifestyles.

Historically, the City of Fresno has used its city's southern region as its dumping grounds for any type of land use that is not appropriate for its segregated northern Fresno communities, where affluent Caucasian citizens are the primary demographic. This City's segregation is no accident as this country's history of redlining, as well as discriminatory investment and development practices, have created the tale of two cities we have today. As the city tries to right its racially divided and historical wrongs of the past, the Southwest Fresno Specific Plan emerged. It created a twenty-one member steering committee and engaged hundreds of community members. Throughout the two-year process, the committee and the community specifically stated that the heavy and light industrial land uses must stop being placed next to and within their African-American, Latino, and Hmong communities.

According to the CalEnviroScreen¹, a statewide tool evaluating socio-economic, public health, and pollution burden, Southwest Fresno ranks in the top 1% of city census tracts of the most polluted, heavily burdened areas with poor health outcomes in the state. Yet, this city's only

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



priority continues to focus on the economic goals by way of industrial growth rather than a comprehensive approach balancing quality jobs with upward mobility and creating healthy, complete communities. The argument of more jobs regardless of the source as the only solution is not and has not been the answer for improving the Southwest Fresno community. Jobs without living wages and benefits, upwards mobility, community benefits agreements, and without proven mitigation measures will only continue to increase the equity gaps in communities of color. The City of Fresno should plan economic growth that will uplift Southwest Fresno and not continue to propose or approve land-use decisions that sacrifice the lives of communities of color.

The proposed amendment's findings of the Fresno Municipal Code wrongfully states the changes "seems to comply with the intent of the Vision for the SWFSP." Changing the zoning to Light industrial from Neighborhood Mixed Use does not comply with the vision nor the guiding principles of the SWFSP, Chapter 2 (Vision), Subsection B (Guiding Principles) of reducing, monitoring, and mitigating negative impacts of industrial uses; nor does it comply with prohibiting new industrial development; nor relocating new industrial development away from residential neighborhoods.

This plan amendment does the exact opposite of the stated purposes within the SWFSP. Chapter 2 (Vision), Subsection B (Guiding Principles) of the SWFSP states a guiding principle of increasing transparency and communication between government agencies, residents, and stakeholders. Upon reviewing the Public Hearing Notice Radius map, the planning department did the bare minimum of giving public notice to those within 1,000 feet of the planned zoning change. At 1,100 feet west of the project area lies the West Fresno Elementary and Middle schools and the beginning of two residential neighborhoods. Yet, these communities were not notified that the SWFSP they engaged in is at risk of reverting to its former unwanted zoning.

The stakeholders and community members of the SWFSP fully understand the importance of a sound and vibrant economy for the city of Fresno and southwest Fresno. However, a generalized rezone of all 92 acres of these parcels will forgo the Southwest Fresno Specific plan's ability to continue to hold industrial development accountable. These businesses must work towards creating fewer to no impacts on the citizens that call Southwest Fresno home. The businesses within this area that were initially classified as light industrial zoning before the Southwest Fresno Specific Plan update can still do their business as usual.

The purpose of Neighborhood Mixed-use in the SWFSP not only limits the future unhealthy environmental impacts on the community 1,100 feet away, but it also allows for the planning and investment in businesses that serve this community, like a grocery store in a food desert. To change zoning to Light and future Heavy Industrial zoning opens this area of Southwest Fresno back up to the perpetual racist 'dumping' of high polluting industry on a community that is predominantly made up of citizens of color.



Additionally, this proposed amendment did not go before the District 3 Implementation Committee as required by the Municipal Code. **Section 15-5807 states that** “council district committees shall review and provide comments on text amendment applications, rezones, or plan amendments.”² At no time was this district’s committee informed of such a significant change that would negatively alter their community’s makeup. Moving forward with this agenda item is in direct violation of the Fresno Municipal Code.

Moreover, an addendum for this project is inappropriate because the changes of a rezone from Neighborhood Mixed-Use to Light Industrial are more than technical and minor and have consequential health impacts on the neighborhoods and schools near it. The addendum to the final PEIR confirms that the San Joaquin Valley Air Pollution Control District (SJVAPCD) finds that the air quality is out of extreme nonattainment based on the Federal standards. Yet this PEIR also counter-intuitively states that no significant impact will result from rezoning an area to Light Industrial, which will by definition cause more allowable polluting factors than Neighborhood Mixed Use zoning.

The City’s approval of the proposed Project—which will cause significant adverse impacts on the already overburdened neighborhoods surrounding the Project—does not comply with CEQA. CEQA’s central purpose is to inform “the public and government officials of the environmental consequences of decisions before they are made.” *Laurel Heights Improvement Assn. v. Regents of University of California*, 47 Cal.3d 376, 392 (1988). The Addendum does not adequately analyze or attempt to mitigate the proposed Project’s significant impacts on the environment and health of the surrounding community, including sensitive receptors such as the West Fresno Elementary and Middle Schools and residential homes across the street from the Project site. Nor was the Addendum even circulated for public review. Thus, the City’s approval of the proposed Project falls far short of CEQA’s informational mandates.

For the Planning Commission to adopt the addendum to the Final Program Environmental Impact Report for the Southwest Fresno Specific Plan would be an egregious and blatant racist decision and an insult to the work that the residents and stakeholders of this city have put into the Southwest Fresno Specific Plan.

It is inaccurate to state that this proposed addendum to the program EIR and rezone would not result in new or substantially more severe significant effects, or that no new mitigation measures are required for the proposed project because there would be no new impacts to the current environmental issues. It is inaccurate because some of these impacts include:

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https://www.google.com/url?q=https://library.municode.com/ca/fresno/codes/code_of_ordinances&sa=D&source=editors&ust=1612387851162000&usg=AOvVaw0m3QQWJdeZxadl7OaAwbyB



- The amount of substantial light or glare adversely increases and there will be a decrease in a true visual nighttime level of darkness in the area.
- The amount of heavy duty trucks vibrates the streets and the homes to the point that our public works department can not maintain and prevent severe pot holes and broken water main lines that run under the streets
- The amount of heavy duty trucks and influx of employee cars will cause increased congestion and safety issues for residents.
- There will be an increase in the amount of PM2.5 and NOx air pollution due to increased heavy duty trucks and diesel emissions.
- There will be an increase in detrimental health impacts on: the students at two schools, the residents served at the health center who ride and wait for the bus along Elm Ave and the communities that are 1200 feet away.

It has already been proven that if you live in south Fresno, your life expectancy is 20 years less than the citizens that live in north Fresno³. By approving the addendum to the SWFSP and the rezoning application, you are continuing to be a part of why that statistic perpetuates. We urge this Planning Commission to not approve these changes that are before you. If any questions shall arise do not hesitate to contact me at my email or phone below.

Sincerely,

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³ <https://www.naphsis.org/usaleep>