Exhibit L
Plan Comments Received
After Public Review Period

List of Commenters on the Plan after the Public Review Period Ended

On October 7, 2024, the City of Fresno sent a letter to all 300 property owners within the Plan Area whose property is proposed to change land use classifications. Property owners were encouraged to contact City staff by November 14, 2024, with any questions or to express opposition to the proposed land use change to their property. On November 8, 2024, the City also sent a letter to all 714 property owners within the Plan Area to notify them that the Plan may change development standards on their property. Table 2 presents the list of commenters, including the numerical designation for each comment letter received on the Plan, the author of the comment letter, the date of the comment letter, and the page number the comment begins on for the comment letters and emails received after the Public Review Period ended on July 30, 2024, and after the October 7th letter was sent.

Table 2 List of Commenters

Letter No.	Commenter	Date	Page
	COMPANIES, BUSINESS ASSOCIATIONS, LABOR, OTHER ORGANIZATIONS		
33	D & I Farms, Daniel Barandalla Dirk Poeschel	10/22/2024	1
34	Agro Plantae , Mr. Angeloe Paolussi & Mrs Rosanna DiLallo Dirk Poeschel	10/28/2024	8
35	Jaspreet Singh and Gurinder Panaych	10/30/2024	12
36	Wolfson Bolton Kochis Thomas J Howlett	11/06/2024	13
37	Wanger Jones Helsley John P. Kinsey	11/11/2024	15
38	Wanger Jones Helsley John P. Kinsey	11/12/2024	18
39	Diversified Development Group	11/13/2024	20
40	Robert V. Jensen, Inc. William V. Jensen	ND	22
41	Avina Ralph J Trustee De Avina Maria Cervantes Ralph Avina	11/13/2024	25
42	Western Terminals LLC Perman Sihota	11/13/2024	26
43	Valley Iron, Inc Noel Briscoe	ND	27
44	Tri Valley Investments, LLC Kenea Bains	11/13/2024	29
45	Heather Mooney	11/13/2024	30
46	Jonathan Thomas	11/13/2024	31
47	Fowler Packing Susan Galdding	11/13/2024	32
48	Formax LLC Mark Ford	11/13/2024	33
49	Grace Truck Parking Manreet Ladham	11/13/2024	35
50	Tarlton and Sons	11/13/2024	36

List of Commenters on the Plan after the Public Review Period Ended

Letter No.	Commenter	Date	Page
	Clifton Wahlberg		
51	Wanger Jones Helsley John P. Kinsey	11/8/2024	39
52	Affinity Trucking Kim Mesfin	11/14/2024	41
53	Jason and Jamie Thomas	11/14/2024	43
54	Span Development Company Timothy Mitchell	11/14/2024	44
55	Fortune Associates Commercial Real Estate Amir Dehlan	11/14/2024	46
56	Valley Wide Beverage John Amendola	11/14/2024	48
57	Valley Wide Beverage John Amendola	11/14/2024	50
58	TRICOZ LLC Bryan Cossette	11/14/2024	52
59	Fowler Packing Leland Parnagian	11/14/2024	53
60	Tavares Family Trust Elisabeth Balcom	11/14/2024	55
61	3 G Containers Daniel Mosto	11/14/2024	57
62	Jason Thomas	11/18/2024	59
63	Heather Mooney	11/18/2024	61
64	Invest Fresno et al. Ben Granhom	11/19/2024	63
65	Center for Biological Diversity Frances Tinney	11/19/2024	70

DIRK POESCHEL
Land Development Services, Inc.
923 Van Ness Avenue, Suite 200 • Fresno, California 93721
559/445-0374 • Fax: 559/445-0551 • email: dirk@dplds.com

October 22, 2024

Ms. Michelle Zumwalt, Architect
City of Freno Planning & Development Department
2600 Fresno Street, Room 3034
Fresno, CA 93721-3604

SUBJECT: Proposed South Central Specific Plan Land Use Change Re: APN 329-14-029

Dear Ms. Zumwalt:

Reference is made to your October 7, 2024, letter to my client Mr. Daniel Barandalla proposing to change the land use designation and zoning of APN 329-14-029 owned by Mr. Barandalla. Your letter states that the City of Fresno South Central Specific Plan proposes changing the subject parcel's current land use from *Light Industrial* to *Low Density Residential* and *Business Park*. Reluctantly, Mr. Barandalla does not oppose the property being designated as a *Business Park*. However, the *Business Park* designation is not his preference as he purchased the property for light industrial purposes based on the site's land use designation.

Aerial photos of the subject property illustrate a single-family home on the property. However, Mr. Barandalla converted this home to an office with permits. Therefore, no residential use exists on the site. Please remove the *Low Density Residential* designation and replace the designation with *Business Park* making the entire site designated for *Business Park* to avoid split zoning on the subject parcel. Numerous and continual conflicts will occur if a residential use is allowed in the middle of a business park.

John Kinsey, Esq. of the law firm Wanger Jones Helsey in Fresno has submitted a comprehensive analysis of the issues associated with the proposed South Central Specific Plan, associated Community Truck Reroute Study: Truck Routing and Implementation Strategies Report and related DEIR. But for my client's reluctant concurrence with the proposed recommended *Business Park* designation, he agrees with Mr. Kinsey's conclusions and recommendations regarding the proposed onerous and impractical development standards such as setbacks and sees no reason to recite them and incorporates Mr. Kinsey's comments herein by reference.

The effort to reduce impacts of industrial land use in the subject area should be placed in context. Much of the area within the South Central Specific Plan was designated for industrial uses for decades due to the proximity to rail, state highways, a work force and raw products.

My letter of June 30, 2024, to City of Fresno Planning Manager Ms. Sophia Pagoulatos regarding the South Central Specific Plan details the facts justifying the adequacy of the current citywide development code and is attached for your reference.

Thank you for informing my client of the proposed land use change to his property. If you have any questions, please feel free to contact me.

Sincerely,

Dirk Poeschel

Dirk Poeschel, AICP

cc: Mr. Daniel Barandalla
Mr. Amir Dehlan
Ms. Jennifer Clark
John Kinsey, Esq.

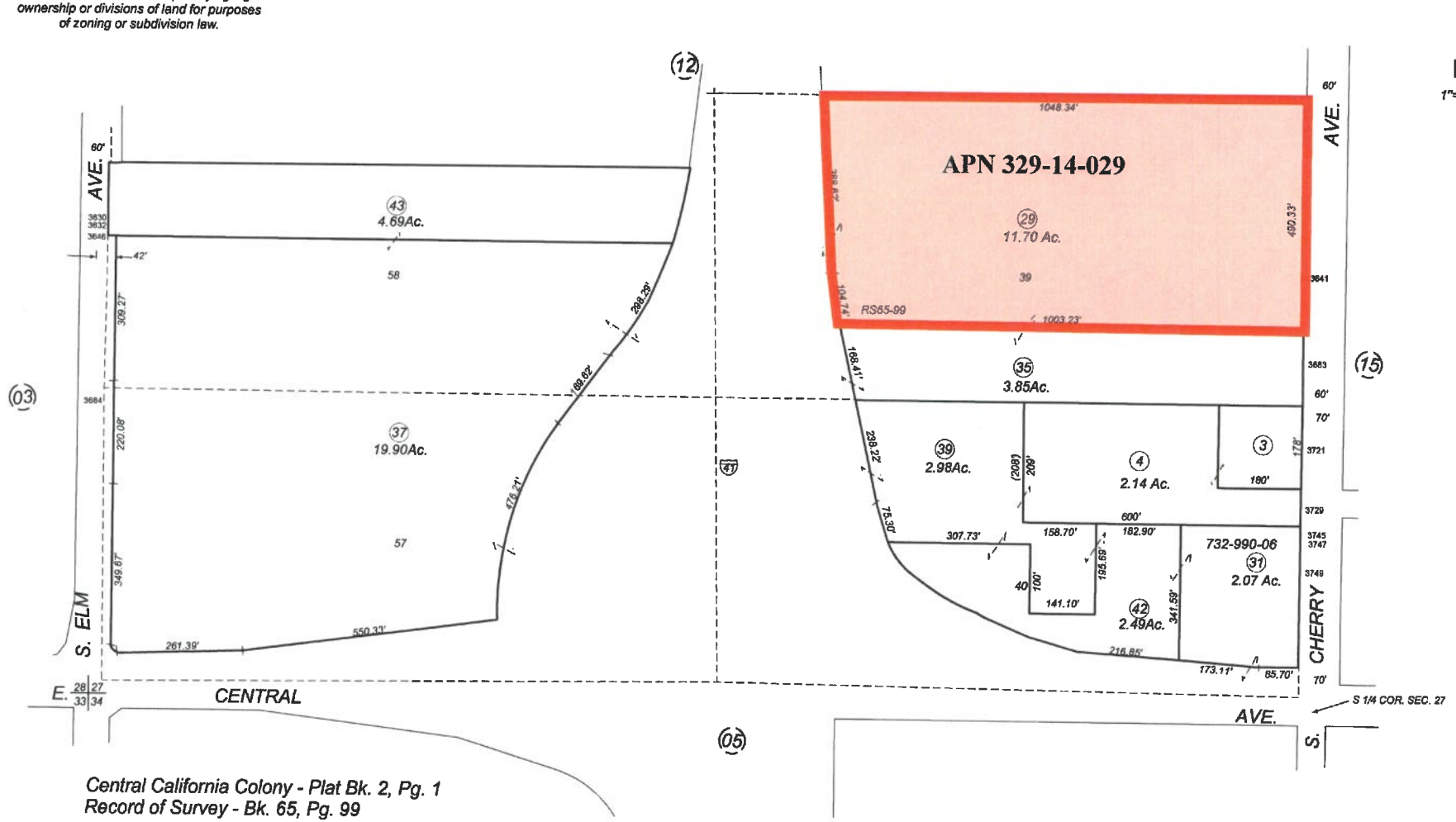
Attachments

-NOTE-
This map is for Assessment purposes only. It is not to be construed as portraying legal ownership or divisions of land for purposes of zoning or subdivision law.

SUBDIVIDED LAND IN POR. SEC. 27, T. 14S., R. 20E., M.D.B. & M.

Tax Rate Area 152-001

329-14



Central California Colony - Plat Bk. 2, Pg. 1
Record of Survey - Bk. 65, Pg. 99

6/8/2021

Note - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk.329 - Pg.14
County of Fresno, Calif.

DIRK POESCHEL
Land Development Services, Inc.
923 Van Ness Avenue, Suite 200 • Fresno, California 93721
559/445-0374 • Fax: 559/445-0551 • email: dirk@dplds.com

July 30, 2024

Ms. Sophia Pagoulatos, Planning Manager
City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721

SUBJECT: South Central Specific Plan - 3641 S. Cherry Ave. Fresno

Dear Ms. Pagoulatos:

I am writing on behalf of my client Mr. Daniel Barandalla dba D & I Farms. Mr. Barandalla owns the subject 11.50 +/- acre property (property) on the west side of S. Cherry Ave. in the unincorporated portion of Fresno County. The property is within the City of Fresno Sphere of Influence and is within the South Central Specific Plan (Plan).

Mr. Barandalla purchased the property designated and zoned for *industrial* uses in the adopted City of Fresno General Plan. The purchase price Mr. Barandalla paid for the property reflected the extra value of the industrial zoning and opportunity for development consistent with that zone.

The following are my comments on the Plan, Draft Environmental Impact Report (DEIR, SCH. No. 2019079022) and proposed Community Truck Reroute Study: Truck Routing and Implementation Strategies Report. Plan is used interchangeably in this correspondence to describe the three aforementioned documents.

1. Figure 4-5 entitled Specific Plan Proposed Planned Land Use designates the property for *Business Park* but designates a small portion of the property for *Low Density Residential* uses. A small residential building existed on the site that Mr. Barandalla converted with permits to an office. Therefore, no residential uses exist on the site.

   Please remove the *Low Density Residential* designation and replace the designation with *Business Park* making the entre site designated for *Business Park* and make the corresponding changes to the project EIR. Numerous and continual conflicts will occur if a residential use is allowed in the middle of a business park.

2. Mr. Barandalla reluctantly does not oppose the property being designated as a *Business Park*. However, the *Business Park* designation is not his preference.

3. John Kinsey, Esq. of the law firm Wanger Jones Helsey in Fresno has submitted a comprehensive analysis of the issues associated with the proposed Plan, associated Community Truck Reroute Study: Truck Routing and Implementation Strategies Report and related DEIR. But for my client's reluctant concurrence with the proposed recommended *Business Park* designation, he agrees with Mr. Kinsey's conclusions and recommendations regarding the proposed onerous and impractical development standards such as setbacks and sees no reason to recite them and incorporates Mr. Kinsey's comments herein by reference.

4. The effort to reduce impacts of industrial land use in the subject area should be placed in context. Much of the area within the Plan was designated for industrial uses for decades due to the proximity to rail, state highways, a work force and raw products.

   Most of the objections to industrial uses cite projects that were approved prior to the adoption of stringent environmental regulations that protect communities and the environment. Some of the uses being cited as objectionable existed prior to the adoption of a zoning ordinance by the City or County of Fresno. As you are aware, zoning ordinances provide substantial regulatory authority to protect public health, safety and welfare.

   The Plan's proposed adoption of special zoning standards is unnecessary in light of the comprehensive review that all projects must undergo as mandated by the California Environmental Quality Act (CEQA). Further, modern industrial uses are subject to various land use permits that provide another level of regulatory scrutiny to assure, among other things, compatibility with surrounding properties.

   Modern industrial parks are operated by employees who rightfully expect to work in a safe, clean and healthy environment. In fact, specific state and federal agencies are charged with assuring that a safe, clean and healthy environment is maintained at the workplace.

   The transportation of goods and materials from a modern industrial park shares few similarities with industrial development of even 30 years ago. Federal, state and local regulations protect the drivers of the transport vehicles and the communities in which the transport vehicles travel. Regular and unannounced inspections by law enforcement also play a key role in assuring the safe transportation of goods. Said monitoring and enforcement includes driver training, special driver and vehicle licensing, materials packaging and handling standards, mandatory fire and prevention measures and materials identification for environmental and fire protection purposes.

   Leakage of harmful gaseous and liquid materials is also highly regulated by agencies prepared to address spillage and ruptures and other similar hazardous events in a responsible manner. Liabilities for environmental degradation are severe.

Modern industrial buildings must adhere to strict building and fire code regulations to assure public and worker safety. Hazardous material must be segregated, rated for toxicity and stored and handled according to various federal and state health and safety protocols.

Obnoxious odors, fugitive dust and other air born emissions are also strictly monitored in a modern industrial park as is storm water with collection and filtration prior to being allowed to enter a drainage basin. These characteristics of a modern industrial park are applicable in any location in California.

Creating unnecessary barriers to economic competition with other parts of the city or region directs the valuable industrial business base out of or away from the city thwarting a decades long effort to expand the area's economy so it is not solely reliant on agriculture. Many urban economists have long argued that residential uses underpay their share of municipal services costs. In fact, the revenue from industrial commercial uses allows municipalities to fund adequate police, fire, parks and other services citizens demand.

An unintended and secondary consequence of this Plan and its unnecessary regulation of industrial uses is the reduced demand of industrial users to operate in the City of Frenso. This reduced industrial demand will generate lower tax revenues from industrial users creating a larger gap between the city's needs and its ability to fund the services citizens demand. The city's jobs housing balance is also adversely affected as industrial jobs simply go elsewhere.

No attempt was made in the Plan or its EIR to quantify these adverse impacts to the city's economic base from an environmental or cost benefit perspective. The proposed Plan is contrary to the principle goal of the City of Fresno General Plan ECONOMIC DEVELOPMENT AND FISCAL SUSTAINABLITY section which begins with this statement:

> *Fresno's economy plays a crucial role in the physical development of the Planning Area and the City's ability to support implementation of General Plan policies and programs. The City is committed to economic development and fiscal sustainability. In fact, the outcome of many other General Plan initiatives is tied to the city's economic success. More specifically, to further this commitment, this element focuses on improving the business climate, retaining local businesses, developing a high skilled labor force, attracting new industries, supporting the tax base, and sustaining the City's ability to provide public services for current and future residents*

Please consider allowing a more reasoned solution to protecting Fresno neighborhoods and its economic base. Thank you for the opportunity to comment on the Plan, associated Community Truck Reroute Study: Truck Routing and Implementation

Strategies Report, and related environmental impact report. If you have any questions, please feel free to contact me.

Sincerely,

Dirk Poeschel

Dirk Poeschel, AICP

cc: Mr. Daniel Barandalla
Mr. Amir Dehlan
Ms. Jennifer Clark
John Kinsey, Esq.

https://dplds.sharepoint.com/shared documents/current clients/d & i farms- s cherry ave -23-43/correspondence/deir comments.docx

DIRK POESCHEL
Land Development Services, Inc.
923 Van Ness Avenue, Suite 200 • Fresno, California 93721
559/445-0374 • Fax: 559/445-0551 • email: dirk@dplds.com

October 28, 2024

Ms. Michelle Zumwalt, Architect
City of Freno Planning & Development Department
2600 Fresno Street, Room 3034
Fresno, CA 93721-3604

SUBJECT: AgroPlantae Property Proposed South Central Specific Plan Land Use Change
Re: APNs 316-071-36, 37, 38 & 75

Dear Ms. Zumwalt:

Reference is made to the two letters dated October 7, 2024, to my clients Mr. Angelo Paolucci & Ms. Rosanna DiLallo. One letter proposes to change the land use designation and zoning of APN 316-071-36 from a single land use designation of *Business Park* on the entire 3.46-acre parcel to *Business Park* on 2.46 acres and *Low Density Residential* on 1.0 acre resulting in split zoning on the parcel. The map attached to the letter incorrectly identifies the parcel as entirely *Low Density Residential* which does not match the proposed change described in the letter.

The second letter proposes to change the land use designation of the 19.65+/- acre APN 316-071-75 from *Light Industrial* which is incorrect as that parcel is currently designated *Business Park* on the City of Fresno Official General Plan Land Use and Circulation Map. My clients also own APN 316-071-38 which was not mentioned in either letter but is presumed to remain designated *Business Park* by the city. Please see the attached assessor's map depicting the aforementioned parcels.

Angelo and Rosanna own and operate AgroPlantae, a fertilizer manufacturing company that has been in business at the present location since 2012 without incident. AgroPlantae produces specialty fertilizers sold to wholesalers as far east as Texas.

The company has been actively planning for project expansion for some time. AgroPlantae has acquired APN 319-171-75 totaling 19.65+/- for the express purpose of expanding project operations and improving project production efficiency. This expansion would allow a valuable niche product that serves the agricultural industry, formulated at a local facility, by a local workforce.

Expansion of the AgroPlantae facility represents opportunities for additional job creation in the short-term during project construction and long-term associated with increased production. The city and county will also benefit from increased tax revenues and the multiplier effect from the facility on the local and regional economy.

To place the contribution in perspective, 20% of all Fresno County jobs are related to agriculture while contributing 8.6 billion dollars to the local economy. Simply, the project is

consistent with decades long city and county economic development strategies and should be supported.

None of the proposed city land designations zones would be compatible with the existing fertilizer manufacturing operation or the proposed project expansion. The area has been contemplated for industrial development for over 59 years. Fresno County rezoned APN 36-071-37 adjacent to the aforementioned parcels from R-A (Rural Agricultural) to M-3 (Heavy Industrial) on August 17, 1965, establishing heavy industrial uses in this immediate vicinity for decades.

Reference is made to the attached aerial photos of the subject AgroPlantae parcels. A cursory review of the aerial photo may suggest that three homes exist on the AgroPlantae properties. In fact, there are no residences on the AgroPlantae properties nor are any contemplated.

The western-most home on APN 316-071-36 was very old and dilapidated and was demolished. The other home on APN 316-071-36 has been converted to an office. The home on APN 316-071-75 has been converted to a laboratory. Simply, there are no residential uses on the property. Introducing residential uses on or adjacent to this parcel would put the existing industrial operations in conflict with the proposed presidential uses.

According to the Fresno Citywide Development Code neither the proposed *Business Park* nor the *Light Industrial* land use designations would allow fertilizer manufacturing. Imposing the proposed land use designations on the subject parcels would place the existing and contemplated fertilizer facility expansion under the Citywide Development Code *grandfathering* provisions. Said *grandfathering* provisions hinder the ability for expansion and thwart the owner's business plans which they have pursued at this location for years including the assemblage of land and pursuing land use approvals for expansion. Further, imposing the *Business Park* and *Low Density Residential* designations on the site will cause conflicts due to different land uses characteristics, divergent zoning and development standards.

The proposed land use changes are inconsistent with the City of Fresno General Plan Economic Development and Fiscal Sustainability Element which includes objectives and policies to boost the strength and range of *existing* businesses and promote economic opportunities for current and future residents. Of specific relevance to AgroPlantae are Economic Development Objective ED-1 and Policy ED-3-provded below:

> **Objective ED-1** Support economic development by maintaining a strong working relationship with the business community and *improving the business climate for current and future businesses.*
>
> **Policy ED-3-a Business Expansion and Attraction Program.** Create, adopt, and implement programs *to expand existing businesses a*nd attract new businesses.

Fresno County has also established policies to encourage economic growth and business retention. Goal 1 of the Fresno County Comprehensive Economic Development Strategy is Increased Job Creation with an associated objective to *increase civilian employment by an average of over 1.77 percent per year through the expansion, attraction, and development of businesses over the next 20 years.*

A related concern is raised by the onerous development standards that the city is contemplating adopting as well as industrial truck routing that could also adversely affect the AgroPlantae project and other industrial projects nearby. Therefore, for the reasons described above, the city should not change the existing land use designation of the AgroPlantae parcels.

If you have any questions, please feel free to contact me.

Sincerely,

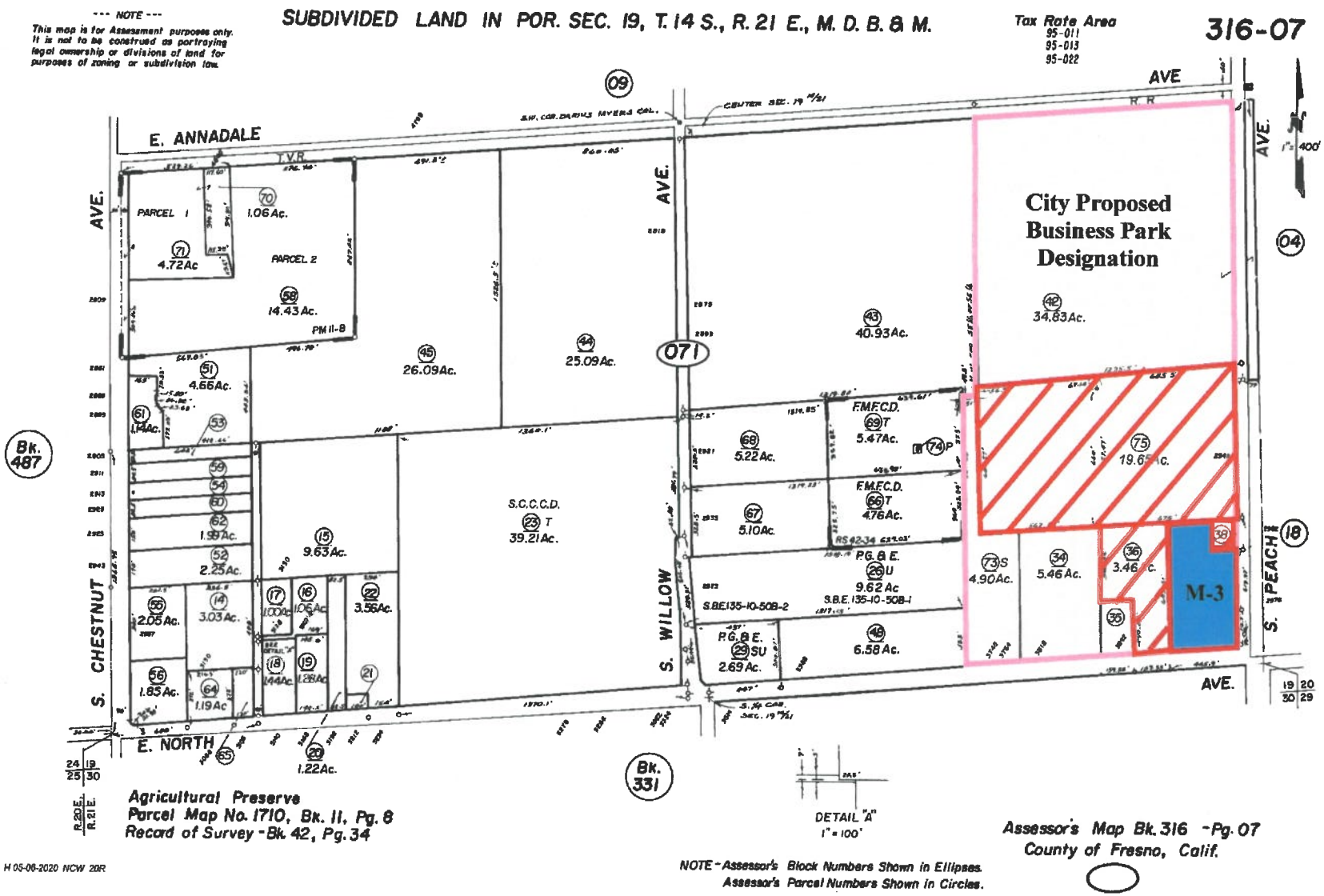
Dirk Poeschel

Dirk Poeschel, AICP

cc: Mr. Angelo Paolucci
Ms. Beatrice Paolucci

Attachment

Proposed City of Fresno Land Use Designation Change



Current General Plan Designation BP – Business Park

Current County Zoning M-3 - Heavy Industrial

Parcels owned by Angelo Paolucci & Rosanna DiLallo

Email sent 10/30/2024

Dear Ms. Zumwalt,

Subject: Objection to Proposed Zoning Change to “Business Park” for Property [33021118]

I am writing in response to the notification dated October 7, 2024, regarding the proposed change of zoning for my property located at 4531 S Maple Ave 330-211-18 to “Business Park” under the Draft South Central Specific Plan (SCSP). While I respect the city’s efforts to plan and develop Fresno’s growth, I must respectfully oppose this zoning change due to significant ongoing investments and plans that have been in place since 2021.

Since 2021, I have been actively pursuing a rezoning of this property to “Light Industrial” to support our intended use and business objectives. This effort has already involved a substantial financial investment of approximately $100,000, covering planning, consultations, and necessary adjustments to align with “Light Industrial” standards. A sudden shift to a “Business Park” designation is inconsistent with our current and planned land use and would undermine the resources and time we have committed to this project.

I urge the Planning and Development Department to reconsider this rezoning proposal, taking into account the investments and the specific land use needs for my business.

Thank you for your attention to this matter.

Sincerely,

Jaspreet Singh & Gurinder Panaych

Stltinc@hotmail.com

WOLFSON BOLTON KOCHIS

Wolfson Bolton Kochis PLLC
3150 Livernois, Suite 275
Troy, Michigan 48083
www.wolfsonbolton.com

Thomas J. Howlett
(248) 247-7107
thowlett@wolfsonbolton.com

November 6, 2024

Via Email

City of Fresno
Attn: Michelle Zumwalt, Architect
Planning and Development Department
Michelle.Zumwalt@fresno.gov

Re: Crown Enterprises, LLC Property (32910001) and Proposed Draft South Central Specific Plan

Dear Ms. Zumwalt:

This firm represents Crown Enterprises, LLC. I am writing in response to your October 7, 2024, letter concerning the potential land use changes to Crown's property (Property ID 3291001) within the proposed Draft South Central Specific Plan (SCSP) area. Crown would like to schedule a meeting with you, as suggested in your letter, as soon as possible.

Since 2021, Crown has actively developed this Property, fully cooperating with the City and working closely with Fresno's Planning Commission. Crown has pursued its truck terminal development under the permitted uses of the Property's original Industrial zoning and the proposed SCSP "Business Park" zoning. Any modifications under the SCSP that would impede or obstruct Crown's development plans, which have been known to the City for over three years, would significantly and irreparably impact Crown's investment. Therefore, Crown respectfully requests that the City of Fresno refrain from altering the Property's existing zoning designation or imposing the SCSP's requirements on the Property. The SCSP's application to Crown's Property would constitute a considerable attack on Crown's property rights.

Crown acquired the Property specifically to build a terminal facility—a permitted use under both the existing and proposed zoning guidelines. In fact, the Property was acquired because Crown's previous facility was condemned to make way for the CAHSR project. As part of that taking, Crown was assured that the City would expedite Crown's terminal development of its new site. That did not happen, and now the development itself may be at risk. Further, delays related to the City's

proposed annexation of the property have created additional hurdles for Crown – and more delays outside of Crown's control. All of these delays are why Crown now faces potential issues related to the SCSP.

The Property's immediate area contains similar truck terminal and industrial facilities, including a truck and trailer repair business on the adjacent northern lot, which is neither subject to rezoning nor incorporated into the SCSP. Crown has committed substantial resources toward developing its state-of-the-art facility and seeks to continue this effort. Throughout this process, Crown has collaborated closely with the City and the Planning Commission, despite facing notable delays on the City's part. Crown simply wishes to complete the development it has consistently advanced in partnership with the City since 2021.

Crown is committed to working with the City of Fresno and continuing its long term investment there, hoping to reach a solution that benefits both parties. We propose a meeting to discuss your October 7 letter, this response, the City imposed delays, and the SCSP's impact on Crown's Property at your earliest convenience. Once again, Crown requests that the SCSP not apply its land use restrictions to its current and ongoing development.

Thank you for your attention to this matter. We look forward to your prompt response and to completing construction under the existing plans.

Sincerely,

Thomas J. Howlett

WANGER JONES HELSLEY PC
ATTORNEYS

OLIVER W. WANGER
TIMOTHY JONES*
MICHAEL S. HELSLEY
RILEY C. WALTER
PATRICK D. TOOLE
SCOTT D. LAIRD
JOHN P. KINSEY
KURT F. VOTE
TROY T. EWELL
JAY A. CHRISTOFFERSON
MARISA L. BALCH†
AMANDA G. HEBESHA**
PETER M. JONES†
JEFFREY B. PAPE†
DEBORAH K. BOYETT
STEVEN K. VOTE
NICOLAS R. CARDELLA
GIULIO A. SANCHEZ
KATHLEEN D. DEVANEY
ETHAN E. MORA†
BENJAMIN C. WEST
HUNTER C. CASTRO
STEPHANIE M. HOSMAN
IAN J. QUINN††
RACHEL L. POMBO
NATHAN J. MARTIN
COLTEN D. BALLINGER
COLLEEN E. LITTLE
DANIKA E. JONES
DANIEL J. FREA
JESSICA L. VIVED

* Also admitted in Washington
** Also admitted in Idaho
† Of Counsel
†† Also admitted in Texas

265 E. RIVER PARK CIRCLE, SUITE 310
FRESNO, CALIFORNIA 93720

MAILING ADDRESS
POST OFFICE BOX 28340
FRESNO, CALIFORNIA 93729

TELEPHONE
(559) 233-4800

FAX
(559) 233-9330

CLOVIS OFFICE:
642 Pollasky Avenue
Suite 100
Clovis, California 93612

OFFICE ADMINISTRATOR
LYNN M. HOFFMAN

Writer's E-Mail Address:
jkinsey@wjhattorneys.com

Website:
www.wjhattorneys.com

November 11, 2024

VIA US MAIL and EMAIL [Michelle.Zumwalt@fresno.gov]

Michelle Zumwalt
City of Fresno
Planning & Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Re: **Proposed Land Use Change**

Dear Ms. Zumwalt:

My law firm represents Orange Avenue Disposal Company, Inc. ("OAD") and Frank S. Caglia Family Limited Partnership (the "Caglia Partnership"). OAD and the Caglia Partnership received several letters dated October 7, 2024, from the City of Fresno (the "City") concerning several of its properties in South Central Fresno, including Fresno County Assessor's Parcel No. ("APN") 330-021-02, 330-021-09, 330-021-16, 330-021-30, 330-021-55, and 330-021-57 (collectively, the "Properties").

The October 7, 2024, letter advises that the City, through its South Central Specific Plan (the "SCSP"), is contemplating the downzoning of those properties to other zone districts, as follows:

APN	Existing Zoning	Proposed SCSP Zoning
330-021-02	Heavy Industrial	Light Industrial
330-021-09	Heavy Industrial	Business Park
330-021-16	Heavy Industrial	Light Industrial
330-021-30	Heavy Industrial	Business Park
330-021-55	Heavy Industrial	Light Industrial
330-021-57	Heavy Industrial	Business Park

OAD and the Caglia Partnership oppose any efforts to change the zoning of real property against the wishes of any landowner, and they strongly object to the downzoning of the above Properties in the SCSP.

OAD and the Caglia Partnership have owned the Properties many decades and have long intended to develop the Properties consistent with the Heavy Industrial zoning. OAD and the Caglia Partnership have previously sought entitlements for the Properties, and have recently submitted applications to the City of Fresno for land uses consistent with the current zoning. OAD and Caglia are also under a lease agreement with a Fortune 100 company, with the existing zoning being one of the core underlying assumptions for both parties under the agreement.

Downzoning the Properties would make little sense in light of the fact that the City has contemplated since the 1940s or earlier that South Central Fresno would remain an industrial reserve. Industrial development is also consistent with the surrounding land uses. The Properties enjoy convenient access to both State Route 41 and State Route 99, and trips traveling to and from the Properties would not need to pass through or adjacent to established residential neighborhoods. The Properties are adjacent to other Heavy Industrial uses to the north and east, the Amazon distribution facility to the west, and a mix of truck parking facilities, salvage yards, and a small number of rural residential land uses across Central Canal to the south.

In light of this setting, there has been nothing to suggest to the landowners or the community at large that the Properties would be zoned something other than Heavy Industrial. The proposed downzoning completely would undermine those investment-backed expectations, as well as job creation and economic development.

///

///

///

Based on the foregoing, OAD and the Caglia Partnership oppose the proposed downzoning of the Properties, and respectfully request that the City decline to change the zoning of the Properties.

Respectfully submitted,

John P. Kinsey

WANGER JONES HELSLEY PC
ATTORNEYS

OLIVER W. WANGER
TIMOTHY JONES*
MICHAEL S. HELSLEY
RILEY C. WALTER
PATRICK D. TOOLE
SCOTT D. LAIRD
JOHN P. KINSEY
KURT F. VOTE
TROY T. EWELL
JAY A. CHRISTOFFERSON
MARISA L. BALCH†
AMANDA G. HEBESHA**
PETER M. JONES†
JEFFREY B. PAPE†
DEBORAH K. BOYETT
STEVEN K. VOTE
NICOLAS R. CARDELLA
GIULIO A. SANCHEZ
KATHLEEN D. DEVANEY
ETHAN E. MORA†
BENJAMIN C. WEST
HUNTER C. CASTRO
STEPHANIE M. HOSMAN
IAN J. QUINN††
RACHEL L. POMBO
NATHAN J. MARTIN
COLTEN D. BALLINGER
COLLEEN E. LITTLE
DANIKA E. JONES
DANIEL J. FREA
JESSICA L. VIVED

* Also admitted in Washington
** Also admitted in Idaho
† Of Counsel
†† Also admitted in Texas

265 E. RIVER PARK CIRCLE, SUITE 310
FRESNO, CALIFORNIA 93720

MAILING ADDRESS
POST OFFICE BOX 28340
FRESNO, CALIFORNIA 93729

TELEPHONE
(559) 233-4800

FAX
(559) 233-9330

CLOVIS OFFICE:
642 Pollasky Avenue
Suite 100
Clovis, California 93612

OFFICE ADMINISTRATOR
LYNN M. HOFFMAN

Writer's E-Mail Address:
jkinsey@wjhattorneys.com

Website:
www.wjhattorneys.com

November 12, 2024

Via Email [Michelle.Zumwalt@fresno.gov] and United States Mail

Michelle Zumwalt, Architect
Planning & Development Department
CITY OF FRESNO
2600 Fresno Street, Room 3043
Fresno, CA 93721

Re: Notice to Affected Landowners

Dear Ms. Zumwalt:

As you are aware, my law firm represents numerous businesses and landowners located within the boundaries of the proposed South Central Specific Plan (the "SCSP"). In letters dated October 7, 2024, I understand the City of Fresno (the "City") has endeavored to contact landowners whose properties are the subject of potential zoning and land use designation changes under the SCSP. I understand the City has issued these letters to, *inter alia*, notify landowners whose rights may be affected by the SCSP, and whose existing land uses may become legal non-conforming uses.

This effort, while appreciated, is not sufficient to alert landowners within the SCSP area to the significant constraints on their properties and businesses that the SCSP would create. As a result, to protect the constitutional rights of landowners and business owners within the SCSP area, the City should engage in significant additional outreach to affected members of the public.

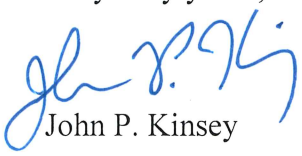
Specifically, it is not just zoning changes that will create legal non-conformities. Rather, the SCSP seeks to impose land use restrictions on landowners and businesses operating within 1,000 feet of a "sensitive use." For instance, the SCSP seeks to altogether prohibit numerous land uses within these buffer areas. These prohibited land uses include Service Stations; Freight/Truck Terminals and Warehouses; and warehousing, storage, and distribution uses that include "Chemical and Mineral Storage." (SCSP at 71.) Because these uses are relatively common within the SCSP, and the buffers will encompasses as much as half the SCSP area, (*id.* at 70),[1] the SCSP will result in numerous businesses being rendered legal non-conforming upon its adoption.

The SCSP would also require a Conditional Use Permit ("CUP") for certain use classifications within the buffer area. These uses include Construction and Material Yards, Limited Industrial, and most Warehousing, Storage, and Distribution uses. Many of these uses were never before required to obtain a CUP. (SCSP at 71.) Because these land uses are common within the SCSP, and the buffer areas include over half the SCSP area, a large number of these businesses may likewise be rendered legal non-conforming due to their lack of a CUP.

The SCSP will have far-reaching and significant impacts on landowners and businesses throughout SCSP. It is critical that these stakeholders understand how the SCSP will affect their ongoing and future operations. As a result, the City should not limit its targeted outreach to those landowners and businesses that would be the subject of zoning changes. Instead, the City at the very least should expand this targeted outreach to include all landowners within the buffer areas that would be affected by the above provisions.

Thank you for your attention to these important issues.

Very truly yours,



John P. Kinsey

cc: Sophia Pagoulatos, Planning Manager (*via email*)

[1] The zoning maps included with the SCSP do not show all of the areas that might be subject to a buffer, since the map did not include sensitive land uses outside the SCSP plan area. Because these maps are under-inclusive, it is critically important that the City reach out to affected landowners who might otherwise not be aware that their businesses will be rendered legal non-conforming uses.

Diversified Development Group

Via Email [Michelle.Zumwalt@fresno.gov] and United States Mail

November 12, 2024

Michelle Zumwalt
City of Fresno
Planning & Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Re: Objection to Proposed Land Use Change

Dear Ms. Zumwalt:

On behalf of Cast N Blast, LP, Diversified Development Group, Inc., is writing in response to the October 7, 2024, letter we received from the City of Fresno's Planning and Development Department advising that Cast N Blast, LP's property, identified as APN 329-110-07 would be downzoned under the City's Draft South Central Specific Plan (SCSP). **I am writing to urge the City to decline the downzoning of properties against the wishes of the underlying landowners.**

Diversified Development Group, Inc has been developing industrial warehouse projects in the City of Fresno for over 45 years. Some of our tenants include Kraft Foods, Pepsi, Mission Foods, Electronic Recyclers and Lyons Magnus just to name a few. These companies and many others employee thousands of Fresno residents.

It is vital for a prosperous City to have readily available industrial buildings to attract both new companies and existing companies that are expanding. These companies bring jobs to the City of Fresno which increases the tax base and benefits everyone.

Cast N Blast, LP objects to the proposed downzoning of the Property. Cast N Blast, LP purchased the Property with the understanding and expectation that South Central Fresno had long been set-aside by the City as an industrial preserve. The City of Fresno urged us to buy the property and was 100% in support of the annexation into the City and rezone to M3. It is an outrage that the City would seek to downzone the Property in the future. The proposed downzoning completely undermines those expectations in a manner that destabilizes future development potential, job creation, and land value.

7519 N. Ingram, Suite 104, Fresno, California 93711 • (559) 225-6363 • www.ddginc.net

Diversified Development Group

Cast N Blast, LP strongly opposes the proposed rezoning of the Property, and requests that the City declines changing the zoning of the Property.

Respectfully submitted,

Diversified Development Group, Inc.

John Brelsford, President

CC: Mayor Jerry Dyer
Georgeanne White, City Manager
President Annalisa Perea
Vice-President Mike Karbassi
Councilmember Miguel Arias District 3
Councilmember Tyler Maxwell District 4
Councilmember Luis Chavez District 5
Councilmember Garry Bredefeld District 6
Councilmember Nelson Esparza District 7

ROBERT V. JENSEN, INC.
PETROLEUM DISTRIBUTOR SINCE 1952
P.O BOX 12907 • FRESNO, CA 93779-2907
PHONE: (559) 485-8210 • FAX: (559) 485-8503
TOLL FREE: (800) 366-8210

Via Email [Michelle.Zumwalkt@fresno.gov] and United States Mail

Michelle Zumwalt, Architect
Planning & Development Department
CITY OF FRESNO
2600 Fresno Street, Room 3043
Fresno, CA 93721

Re: Objection to Proposed Land Use Change Under SCSP

Dear Ms. Zumwalt:

I am writing on behalf of RVJ Equipment Leasing LLC ("RVJ") and Robert V. Jensen Inc. (collectively, "RV Jensen") in response to your October 7, 2024, letter advising that RVJ's real property identified as Fresno County Assessor's Parcel No. 330-031-11 (the "Property") may be changed under the City of Fresno's proposed South Central Specific Plan (the "SCSP") from its current land use and zoning designation of Heavy Industrial to Medium Density Residential. For the reasons detailed below, **RV Jensen strongly objects to the proposed rezoning of the Property.**

A. Background on RV Jensen

RV Jensen is a family-owned and -operated business serving wholesale and retail clients with high quality bulk lubricants, bulk fuel delivery, fleet fueling, and emission solutions for nearly 75 years. RV Jensen's founder, Robert V. Jensen, began operations in 1952 as a Chevron Terminal Agent serving Fresno wholesale commercial business and farm owners. However, when Chevron converted its highest yielding agents to independent petroleum jobbers in 1979, the business expanded to offer multiple brands of oil products and emission solutions for customers across California. Today, RV Jensen is an industry leader that provides innovative and environmentally friendly products from national brands like Chevron, Shell, Pennzoil, Quaker State, 76, and Valero to customers in counties across California, including Fresno, Madera, Kings, Tulare, Kern, Stanislaus, Monterey, Merced, Mariposa, and Santa Barbara.

In recent years, we have leveraged our success with traditional petroleum fuel to become among the first in Fresno to offer a wide range of high quality, low- and zero-emission products and services. For instance, we offer renewable diesel fuel and biodiesel, which are derived solely from agricultural waste and completely eliminate dependency on petroleum diesel fuel while improving operational efficiency and reducing impacts to air quality. Further, in association with Advanced Emission Control Solutions (AECS), we offer California Air Resources Board compliant emissions solutions, including regulatory consultation, diesel particulate filter cleaning, maintenance, and diagnostics, and emergency generator service, among other things. But this is

DISTRIBUTORS OF: CHEVRON FUELS AND LUBRICANTS • PENNZOIL-QUAKER STATE LUBRICANTS • SHELL LUBRICANTS • 76 FUELS • VALERO FUELS
SERVING THE SAN JOAQUIN VALLEY AND CENTRAL COAST

just the beginning. We also have plans to provide electric charging stations, renewable natural gas, hydrogen, and more. RV Jensen will continue to research additional fuel alternatives to help California to a net-zero carbon emission standard and to provide its customers with cost effective and efficient solutions to meet all their fueling needs.

Our main office and headquarters is located at 4029 South Maple Ave. We own property at 4021 and 4029 South Maple Ave., which we use for RJV's Truck Stop, a warehouse, shop, and office. Most recently, we purchased 4335 South Maple Ave. to support our expansion of low- and zero-emission fuel product offerings and services. These parcels, which are all within the South Central Specific Plan (SCSP) area, were an ideal location for our business due to their Heavy Industrial zoning, close proximity to key Central California transportation corridors, and adjacent to the Kinder Morgan Fresno Line Terminal—part of a 3,300 mile-long refined products pipeline system transporting gasoline, diesel, and turbine fuel to California, Arizona, Nevada, Oregon, and Washington.

RV Jensen has 87 employees consisting primarily of Fresno residents, including residents of South Fresno. In 2023 the company generated approximately $9 million in sales tax, consisting of $2 million in local taxes and $7 million in state taxes. Our company also has a history of supporting charitable organizations throughout the San Joaquin Valley, including organizations focused on enhancing public safety in South Fresno.

B. The Property Should Not Be Rezoned

The Property is a largely vacant lot with a small farmhouse at its center. RV Jensen purchased the property to use the farmhouse as an auxiliary office—**not** a residence. RVJ purchased the Property with the understanding and expectation that South Central Fresno had long been set-aside by the City as an industrial preserve. There was simply nothing that would have signaled to RV Jensen that the City would at some point seek to convert the Property from Heavy Industrial to a residential land use. The proposed downzoning completely undermines RV Jensen's expectations in a manner that undermines future development potential, job creation, and land value.

The Property is not economically viable for medium density commercial because of the existing Kinder Morgan Fresno Terminal (the "Terminal") to the immediate north of the Property. This Terminal receives transport millions of barrels of gasoline, jet fuel, diesel, natural gas liquids and condensate annually from two pipelines: (i) the "Bakersfield Line," an 8-inch diameter pipeline serving industrial landowners in Fresno from Bakersfield, and (ii) the "North Line," which is an 864-mile trunk line that delivers product directly from refineries in the San Francisco Bay Area.[1] All of these products conveniently serve businesses throughout the City of Fresno.

The location of the Terminal makes South Central Fresno—and in particularly those businesses located adjacent to the pipelines—ideal for industrial development, displacing vehicle trips and transport of petroleum and other similar products by rail. However, it would make little

[1] https://www.kindermorgan.com/WWWKM/media/Documents/2019-March-Pacific-Ops-brochure.pdf

practical sense to locate a medium-density residential development adjacent to the Terminal; no reasonable developer would ever seek to build residential units in this location. As a result, the rezoning of the Property to a residential land use would render the Property valueless.

C. Any Legal Non-Conforming Status Does Not Resolve RV Jensen's Concerns

The October 7, 2024, letter states that "[b]usinesses that were legally established under older regulations may continue indefinitely, even if the SCSP is adopted" as "legal non-conforming" uses. This statement is not accurate and, in any event, does little to preserve RV Jensen's rights. Although RV Jensen legally owns the farmhouse on the Property and purchased it for its business, the legal non-conforming protections would not allow RV Jensen to use the Property for anything other than an office, thereby frustrating RV Jensen's business plans and investment backed expectations for the Property. RV Jensen could not expand its operations the Property or use the Property for anything other than an office located in a farmhouse.

Moreover, if the Property is vacant for even a short period of time, RV Jensen would lose any legal non-conforming status. Because the Property cannot practically be used for residential development due to its location, the City's actions would render the Property unusable for any lawful purpose and therefore unsellable. For the same reasons, the Property could not be used as collateral for financing, further eliminating RV Jensen's ability to productively use the Property.

D. Conclusion

For each of the reasons mentioned above, RV Jensen opposes the proposed rezoning of the Property, and respectfully requests that the City decline to change the zoning of the Property.

Respectfully submitted,

William V. Jensen
Chief Executive Officer
Robert V. Jensen, Inc.

41

Email sent November 13, 2024

Hello Michelle, this is Ralph Avina and I oppose this new planned rezoning of my property. I would like to remain on my current zoning. APN numbers for my two parcels are as follows:

APN: 31607167 & 31607168

Emailed 11/8/2024

Good Afternoon Michelle,

I am just trying to follow up on this request from last year. I've called your office and left a voicemail also. I had sent the letter to your office last year regarding the rezoning because there was a certain portion of our property that was still being zoned for residential.

We recently got the attached letter in the mail, so I just want to make sure that our concern of zoning the WHOLE property as Business Park.

I look forward to hearing back from you.

Thanks

Perman Sihota
559-977-8993

Emailed 6/29/2023

Good Afternoon Michelle,

My name is Perman Sihota and I am with Western Terminals LLC. I also called and left you a voicemail. We have a property located at 3451 S Cherry Ave, Fresno CA 93725 that is part of the South Central Specific Plan. On the property itself, there is a small portion of the property that has an abandoned home on it that is designated to be "Residential". We'd like to see if we can have that residential portion to be included with the rest of the property as a "Business Park" designation, as we will be demolishing the house.

I've marked the subject property with a red line in the attached map.

Please let me know if this can be done and if there's any other info you'll need from me.

Thank You,

Perman Sihota
559-977-8993

VALLEY IRON INC.
SINCE 1958

Valley Iron Inc.
3114 S. Cherry Ave
Fresno, CA 93706

Via Email [Michelle.Zumwalt@fresno.gov] and United States Mail

Michelle Zumwalt
City of Fresno
Planning & Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Re: Objection to Proposed Land Use Change

Dear Ms. Zumwalt:

On behalf of Valley Iron Inc.(the family business that operates on the Cherry Ave properties), VI Properties & Briscoe Land Development Group LP, I am writing in response to the October 7th, 2024, letter VI Properties & Briscoe Land Development Group LP received from the City of Fresno's Planning and Development Department advising that VI Properties & Briscoe Land Development Group LP property—identified as APN #'s 329090001 & 32919017 & 32908030 & 32918032 & 32908010, 11 & 32918009,12,16,30 (Property)—would be downzoned under the City's Draft South Central Specific Plan (SCSP). I am writing to urge the City to decline to downzone properties against the wishes of the underlying landowners.

Valley Iron Inc. is a metal distribution company that has been in business in the City of Fresno since 1958. We operated at 2717 S. Cherry Ave from 1958-2005 and have been operating at 3114 S. Cherry Ave. from 2005 to the present day. We sell metal products – steel, stainless steel & aluminum to many industries, including OEM manufacturers, construction companies (commercial & residential), food processing plants and the general public. Many of our customers operate in the City of Fresno. Valley Iron Inc. employees approximately 130 people at the Fresno location and approximately 70% of our employees reside in the City of Fresno, including many in the vicinity of the SCSP and surrounding areas. Valley Iron has contributed millions in tax dollars to the City of Fresno over the last 65 years and grown from a small company of less than 10 employees to 130 employees in 2024. Valley Iron Inc. has consistently supported/donated to community organizations over the 65 years operating in Fresno, including:

Fresno State University, State Center Community College District, Fresno Pacific University, Many of the High Schools Robotics Programs, Boys & Girls Club, Big Brother/Big Sisters, Hinds Hospice, Children's Hospital, Terry's House @ Community Regional Medical Center, Fresno Mission/City Center, Catholic Charities, Fresno art Museum, Habitat for Humanity, People's Church, San Joaquin Valley Town Hall, Valley PBS, Youth for Christ, Lighthouse Recovery Center, Poverello House, Building Better Communities and the Fresno Business Council.

Valley Iron Inc. & VI Properties & Briscoe Land Development Group LP object to the proposed downzoning of the Property. Valley Iron Inc. & VI Properties & Briscoe Land Development Group LP purchased the Property with the understanding and expectation that South Central Fresno had long been set-aside by the City as an industrial preserve. There was simply nothing that would have signaled to the Company that the City would at some point seek to downzone the Property in the future. The proposed downzoning completely undermines those expectations in a manner that undermines future development potential, job creation, and land value.

The letter states that businesses that "were legally established under older regulations may continue indefinitely, even if the SCSP is adopted" as "legal non-conforming" uses. These "protections," however, do little to resolve Valley Iron Inc. & VI Properties & Briscoe Land Development Group LP significant concerns. The City's Development Code does not allow the transition from one legal non-conforming use to another. Legal non-conforming status does not apply to new or expanded uses. And the Development Code provides that a Property can lose its legal non-conforming status if a property is vacant for even a short period of time. All of these restrictions limit the ability of a business to grow or adapt to changes in the marketplace.

Legal non-conforming status also has significant practical effects. A property with a land use that is converted from "permitted" to "legal non-conforming" loses most of its value the moment the land use changes; it essentially becomes unsellable.

Because zoning effects the value of real property, and the underlying real property serves as the collateral for any loan, conformity with a property's zoning is usually a condition of real estate financing. In practice, this means that the downzoning a property will trigger an event of default in existing loan documents. It will also cause a lender to decline to issue a new loan. In addition to limiting the ability of a buyer to obtain a loan to purchase the property, the lack of access to capital also frustrates the ability to obtain financing to upgrade to electric/green infrastructure.

For each of these reasons, Valley Iron Inc. & VI Properties & Briscoe Land Development Group LP oppose the proposed rezoning of the Property, and requests that the City decline to change the zoning of the Property.

Respectfully submitted,

Noel Briscoe – President & Chief Executive Officer

VALLEY IRON INC.

Phone: 559-485-3900 | Email: noel@valleyiron.com | www.ValleyIron.com

Email subject: Tri Valley Investments, LLC - Malaga Ranch; County APN 330-150-36

Hi Michelle,

I am in receipt of your correspondence regarding a proposed zoning change to our parcel by the City from heavy industrial to business park. We oppose such change to the zoning and desire to retain the heavy industrial zoning. Thank you.

Kenea Bains, Manager

Tri Valley Investments, LLC

November 13, 2024

Michelle Zumwalt

Architect

City of Fresno

Planning and Development Department

Dear Michelle Zumwalt,

I am writing this letter regarding the Draft South Central Specific Plan.

I currently own 4 properties that are within the area of this proposed plan.

The APN's are the following:

33013007

33013008

33013009

33013018S

I strongly oppose the proposed land use change.

My grandfather purchased these properties in the 1960's and it was always his desire that these properties would one day be used to the full extent of their zoning capacity. My family has paid the much higher Heavy industrial use property taxes on these properties for decades waiting for the city sewer and water to be completed to our properties. One property alone costs us $6875.20 per year. Now that we are finally getting great interest in our Heavy Industrial land, the city is trying to change our zoning.

Again I say, I want the zoning to remain as is.

Sincerely,

Heather Mooney

559-999-1400

heatherofeather@outlook.com

8510 E. Alluvial, Clovis, CA 93619

46

November 13, 2024

Michelle Zumwalt

Architect

City of Fresno

Planning and Development Department

Dear Michelle Zumwalt,

I am writing this letter regarding the Draft South Central Specific Plan.

I currently own 4 properties that are within the area of this proposed plan.

The APN's are the following:

33013007

33013008

33013009

33013018S

I strongly oppose the proposed land use change.

My grandfather purchased these properties in the 1960's and it was always his desire that these properties would one day be used to the full extent of their zoning capacity. My family has paid the much higher Heavy industrial use property taxes on these properties for decades waiting for the city sewer and water to be completed to our properties. One property alone costs us $6875.20 per year. Now that we are finally getting great interest in our Heavy Industrial land, the city is trying to change our zoning.

Again I say, I want the zoning to remain as is.

Sincerely,

Jonathan Thomas

559-351-1257

jbtmailmail1@gmail.com

8510 E. Alluvial, Clovis, CA 93619

Email received 11/13/2024

Hi Michelle,

I am responding to your letters dated October 7, 2024, regarding the Draft SCSP planned land use changes to the following Properties:

APN: 316-090-53S

APN: 316-071-42

APN: 330-031-20

APN: 330-031-45S

APN: 330-031-40S

APN: 330-031-46S

APN: 329-100-44

We are in opposition to the planned land use change to each of the properties and want to retain the exiting General Plan land use. I will be following up tomorrow with a letter that more specifically addresses our concerns.

Best Regards,

Susan Gladding
Director, Development

559-834-5911 Direct
559-349-4058 Cell
FowlerPacking.com

FORMAX LLC

Physical address
4586 E. Commerce Ave.
Fresno, CA 93725

Phone number
(559) 269 - 5935

48

Via Email [Michelle.Zumwalt@fresno.gov] and United States Mail

Michelle Zumwalt
City of Fresno
Planning & Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Re: Objection to Proposed Land Use Change

Dear Ms. Zumwalt:

On behalf of Formax LLC, I am writing in response to the November 2024, letter Formax LLC received from the City of Fresno's Planning and Development Department advising that our properties — identified as APN 48704213S, 48704104S, and 48715033S - would be downzoned under the City's Draft South Central Specific Plan (SCSP). I am writing to urge the City to decline to downzone properties against the wishes of the underlying landowners.

Formax LLC currently leases its properties to JD Food and Certified Meat Products. This family of companies has over 50 years of history of doing business in the city of Fresno. They are both essential elements of food production and distribution in Central California and beyond. Together they employ 300 people who live near and around these properties. In addition, these companies are significant contributors to the many agencies and nonprofits that help solve many of the social issues that our community faces. In 2024 they partnered with over 70 different nonprofits in our community to help make the City of Fresno a better place to live.

Formax LLC objects to the proposed downzoning of the Property. Formax purchased the Property and leased it to our clients with the understanding and expectation that South Central Fresno had long been set-aside by the City as an industrial preserve. There was simply nothing that would have signaled to the Company that the City would at some point seek to downzone the Property in the future. The proposed downzoning completely undermines those expectations in a manner that undermines future development potential, job creation, and land value.

The letter states that businesses that "were legally established under older regulations may continue indefinitely, even if the SCSP is adopted" as "legal non-conforming" uses. These "protections," however, do little to resolve Formax's significant concerns. The City's Development Code does not allow the transition from one legal non-conforming use to another. Legal non-conforming status does not apply to new or expanded uses. And the Development Code provides that a property can lose its legal non-conforming status if a property is vacant for even a short period of time. All these restrictions limit the ability of a business to grow. They likewise restrict the ability of a landowner to obtain new tenants at the end of a lease.

Legal non-conforming status also has significant practical effects. A property with a land use that is converted from "permitted" to "legal non-conforming" loses most of its value the moment the land use changes; it essentially becomes unsellable. Legal non-conforming status also creates significant

FORMAX LLC

Physical address
4586 E. Commerce Ave.
Fresno, CA 93725

Phone number
(559) 269 - 5935

risk and uncertainty for our existing tenants and any potential tenants, undermining the ability of landowners in South Central Fresno to attract high-value reputable tenants.

Because zoning affects the value of real property, and the underlying real property serves as the collateral for any loan, conformity with a property's zoning is usually a condition of real estate financing. In practice, this means that the downzoning of a property will trigger an event of default in existing loan documents. It will also cause a lender to decline to issue a new loan. In 2024, Formax committed to a financial loan based on our need to expand our properties. This proposal undermines our commitment and puts our loan at risk.

For each of these reasons, Formax LLC opposes the proposed rezoning of the Property, and requests that the City decline to change the zoning of the Property.

Respectfully submitted,

Mark Ford
Managing Member
Formax LLC

Via Email [Michelle.Zumwalt@fresno.gov] and United States Mail **49**

Michelle Zumwalt
City of Fresno
Planning & Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Re: Objection to Proposed Land Use Change

Dear Ms. Zumwalt:

On behalf of Grace Truck Parking, I am writing in response to the October 7, 2024, letter Grace Truck Parking received from the City of Fresno's Planning and Development Department advising that Grace Truck Parking's property—identified as 329-100-40 (Property)—would be downzoned under the City's Draft South Central Specific Plan (SCSP). I am writing to urge the City to decline downzone properties against the wishes of the underlying landowners.

Grace Truck Parking acquired the Property specifically to build a truck terminal facility with incidental repair – a permitted use under the existing general plan land use designation (Heavy Industrial). The City now proposes to change the land use designation of the property to Low Density Residential, which would be detrimental to Grace Truck Parking's planned operations of the property. The company has already spent thousands of dollars to prepare plans and hire consultants to start the entitlement process, and adoption of this Plan would render this money useless. The company is committed to working with the City of Fresno and continuing its investment there, hoping to reach a solution that benefits both parties.

Grace Truck Parking objects to the proposed downzoning of the Property. The owners of Grace Truck Parking purchased the Property with the understanding and expectation that South Central Fresno had long been set aside by the City as an industrial preserve. There was simply nothing that would have signaled to the Company that the City would at some point seek to downzone the Property in the future. The proposed downzoning completely undermines those expectations in a manner that undermines future development potential, job creation, and land value.

Because zoning affects the value of real property, and the underlying real property serves as the collateral for any loan, conformity with a property's zoning is usually a condition of real estate financing. In practice, this means that the downzoning of a property will trigger an event of default in existing loan documents. It will also cause a lender to decline to issue a new loan. In addition to limiting the ability of a buyer to obtain a loan to purchase the property, the lack of access to capital also frustrates the ability to obtain financing to upgrade to electric/green infrastructure.

For each of these reasons, Grace Truck Parking opposes the proposed rezoning of the Property, and requests that the City declines to change the zoning and land use designation of the Property.

Respectfully submitted,

Manreet Ladhar

11/13/2024

50

Via Email [Michelle.Zumwalt@fresno.gov] and United States Mail

Michelle Zumwalt
City of Fresno
Planning & Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Re: Objection to Proposed Land Use Change

Dear Ms. Zumwalt:

On behalf of Tarlton and Son, Inc. (Tarlton), I am writing in response to the October 8, 2024, letter Tarlton received from the City of Fresno's Planning and Development Department advising that Tarlton's property—identified as Fresno County Assessor's Parcel No. 329-120-04 (Property)—would be downzoned under the City's Draft South Central Specific Plan (SCSP). I am writing to urge the City to decline to downzone Tarlton's Property.

Tarlton has been proudly serving Fresno, CA, and surrounding areas since 1977. We grew from a contractor operating out of our founder's home to a business with over 250 employees, most of them living here in the Central Valley. We have worked on many of the largest and most complicated construction projects in Fresno and Clovis, including the Sanger High Education Complex, Valley Children's Hospital, and the Fresno Yosemite International Airport expansion. As a large business in South Fresno, we pride ourselves on offering high-paying jobs to an underserved area of the City. Additionally, as a multi-trade construction specialist in educational, correctional and medical buildings, we not only provide the local economy with the skills and craftsmanship to construct cutting edge facilities, we offer local workmen—many of whom live in South Fresno and the surrounding communities—the ability to grow their technical skills and future prospects.

Tarlton objects to the proposed downzoning of the Property, and does not believe the City should downzone properties against the wishes of an underlying landowner. Tarlton moved its headquarters to its current location at 3562 S Elm Ave, Fresno, CA 93706 in 2007. The location was chosen for its existing Fresno County zoning designation, M1C (Light Manufacturing Commercial). The Property was purchased as part of this move. We purchased the Property with the understanding and expectation that South Central Fresno had long been set-aside by the City as an industrial preserve and that the County parcel, if ever annexed, would retain its light manufacturing zoning.

Unbeknownst to us, the City of Fresno changed the M1C zoning to RBP (Regional Business Park) in 2014; we never received any correspondence or pre-notification of the change. Nor were we ever provided an opportunity to provide feedback on the zone change. In fact, we were first alerted to the 2014 change after receiving the aforementioned letter, which seeks to down-zone our property even further.

At the time of our site selection, there was simply nothing that would have signaled to the Company that the City would at some point seek to downzone the Property in the future or that the City, upon

annexation, would not implement zoning in line with its existing zoning and use. The proposed downzoning completely undermines those expectations in a manner that undermines future development potential, job creation, and land value.

The letter states that businesses that "were legally established under older regulations may continue indefinitely, even if the SCSP is adopted" as "legal non-conforming" uses. These "protections," however, do little to resolve Tarlton's significant concerns. The City's Development Code does not allow the transition from one legal non-conforming use to another. Legal non-conforming status does not apply to new or expanded uses. And the Development Code provides that a Property can lose its legal non-conforming status if a property is vacant for even a short period of time. All of these restrictions limit the ability of a business to grow. They likewise restrict the ability of a landowner to obtain new tenants at the end of a lease.

Legal non-conforming status also has significant practical effects. A property with a land use that is converted from "permitted" to "legal non-conforming" loses most of its value the moment the land use changes; it essentially becomes unsellable. Legal non-conforming status also creates significant risk and uncertainty for potential tenants, undermining the ability of landowners in South Central Fresno to attract high-value reputable tenants.

Because zoning effects the value of real property, and the underlying real property usually serves as the collateral for any loan, conformity with a property's zoning is usually a condition of real estate financing. In practice, this can cause a lender to decline to issue a new loan. The lack of access to capital also frustrates the ability of a landowner to obtain financing to upgrade to electric/green infrastructure.

I understand that the City seeks to rezone the Property to a residential zoning district because there is a residential structure located on it. I also understand this is the product of the City's desire to avoid residential structures being a legal non-conforming use to, *inter alia*, to avoid burden to homeowners in the event they need permits in the future.

This Property, however, has been owned by Tarlton since 2012, and was purchased with the express desire to incorporate into Tarlton's existing operations. Because South Central Fresno had long been set-aside by the City as an industrial preserve, Tarlton acquired the Property with the reasonable expectation that it would retain its industrial land use designation and zoning, and that its conversion by Tarlton would be a simple matter and a permitted use.

The downzoning of the Property would also result in significant economic harm to Tarlton. In addition to the fact that land use change would frustrate Tarlton's reason for purchasing the Property and the Property's incorporation into Tarlton's business operations, the rezoning would also significantly diminish the value of the Property. Specifically, developable properties in the area that are zoned industrial command over $500,000/acre. In contrast, residentially zoned properties in the area that contain an isolated farmhouse only command between $100,000 and $250,000. Rezoning the Property to medium density residential also makes very little practical sense, as the South Central Fresno area has been dedicated as an industrial preserve for over a century, there is very little demand for housing in the vicinity of the Property, and there is substantial demand for parcels zoned industrial.

The residential zoning of the Property will also have negative consequences to Tarlton's existing business, especially if the SCSP is adopted. This is because the SCSP proposes 1,000-foot buffers between sensitive receptors—including residentially zoned property—and certain industrial uses. These buffer zones prohibit numerous categories of land uses, and require additional permitting (conditional use permits) for others. The buffer zones also impose significant additional building requirements and mitigation, studies (such as Health Risk Assessments), and restrictions on the siting of buildings. Given that Tarlton specifically intended that the Property would be integrated into its business operations at some point in the future, it is highly troubling that the Property could now cause future permitting difficulties and interfere with Tarlton's longstanding business plans.

For each of these reasons, Tarlton opposes the proposed rezoning of the Property, and requests that the City decline to change the zoning of the Property.

Respectfully submitted,

Clifton Wahlberg

CFO

Tarlton and Son, Inc.

WANGER JONES HELSLEY PC
ATTORNEYS

51

OLIVER W. WANGER
TIMOTHY JONES*
MICHAEL S. HELSLEY
RILEY C. WALTER
PATRICK D. TOOLE
SCOTT D. LAIRD
JOHN P. KINSEY
KURT F. VOTE
TROY T. EWELL
JAY A. CHRISTOFFERSON
MARISA L. BALCH†
AMANDA G. HEBESHA**
PETER M. JONES†
JEFFREY B. PAPE†
DEBORAH K. BOYETT
STEVEN K. VOTE
NICOLAS R. CARDELLA
GIULIO A. SANCHEZ
KATHLEEN D. DEVANEY
ETHAN E. MORA†
BENJAMIN C. WEST
HUNTER C. CASTRO
STEPHANIE M. HOSMAN
IAN J. QUINN††
RACHEL L. POMBO
NATHAN J. MARTIN
COLTEN D. BALLINGER
COLLEEN E. LITTLE
DANIKA E. JONES
DANIEL J. FREA
JESSICA L. VIVED

* Also admitted in Washington
** Also admitted in Idaho
† Of Counsel
†† Also admitted in Texas

265 E. RIVER PARK CIRCLE, SUITE 310
FRESNO, CALIFORNIA 93720

MAILING ADDRESS
POST OFFICE BOX 28340
FRESNO, CALIFORNIA 93729

TELEPHONE
(559) 233-4800

FAX
(559) 233-9330

CLOVIS OFFICE:
642 Pollasky Avenue
Suite 100
Clovis, California 93612

OFFICE ADMINISTRATOR
LYNN M. HOFFMAN

Writer's E-Mail Address:
jkinsey@wjhattorneys.com

Website:
www.wjhattorneys.com

November 8, 2024

VIA EMAIL & UNITED STATES MAIL

Michelle Zumwalt
Planning & Development Department
CITY OF FRESNO
2600 Fresno Street, Room 3043
Fresno, CA 93721

Re: Objection to Proposed Land Use Change in SCSP

Dear Ms. Zumwalt:

I am writing on behalf of Penny Newman Grain ("Penny Newman") in response to the October 7, 2024, letter from the City of Fresno (the "City") concerning land uses changes under the City's proposed South Central Specific Plan (the "SCSP"). Specifically, the October 7, 2024, letter advises that Penny Newman's property identified as Fresno County Assessors Parcel No. 487-150-41S (the "Property")—the location of existing Penny Newman facilities—would be rezoned from Heavy Industrial to Light Industrial is the SCSP is approved. Penny Newman strongly objects to the proposed rezone.

Penny Newman is the second oldest business in the County of Fresno (established January 2, 1878), and has maintained its primary operations at the Property since 2003. Penny Newman has contributed to the local economy and tax base for well over a century, employs numerous residents of the City of Fresno and the unincorporated community of Calwa, and regularly participates in

and sponsors community and charitable events benefitting the local community. Penny Newman prides itself on being a good neighbor, and is unaware of any complaints or concerns raised by any of the residential properties near its facility. With this backdrop in mind, there is simply no practical benefit to downzoning the Property.

At the same time, the downzoning of the Property would negatively affect Penny Newman. Penny Newman stores, manufactures, and transports feed and other farm-related products from its facility located on the Property. These ongoing business activities are not static; to the contrary, Penny Newman's operations constantly evolve to meet the demands of the San Joaquin Valley's dynamic agricultural industry. Penny Newman is therefore highly concerned that any downzoning will result in the presence of legal non-conformities on the Property, and the inability to change operations to meet the needs of agriculture.

The October 7, 2024, letter asserts that "[b]usinesses that "were legally established under older regulations may continue indefinitely, even if the SCSP is adopted" as "legal non-conforming" uses. This does not resolve the issue. As explained by the City's Planning Director at various meetings concerning the SCSP, the City's Development Code does not allow the transition from one legal non-conforming use to another. Legal non-conforming status does not protect or allow new or expanded uses. Moreover, the Development Code provides that a Property can lose its legal non-conforming status if a property is vacant for even a short period of time. These restrictions have the likelihood of frustrating Penny Newman's ability to modify its operations to meet the demands of local agriculture.

As a result of these issues, Penny Newman strongly opposes rezoning the Property to Light Industrial. The City should instead direct staff to zone the entirety of the Property to Heavy Industrial, consistent with the Property's current M1 zoning and land use designation with the County of Fresno.

Thank you for your consideration of these important issues.

Respectfully submitted,

John P. Kinsey

Via Email [Michelle.Zumwalt@fresno.gov] and United States Mail

Michelle Zumwalt
City of Fresno
Planning & Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Re: Objection to Proposed Land Use Change

Dear Ms. Zumwalt:

On behalf of Affinity Truck Center and Affinity Properties, LLC, (the "Property"), I am writing in response to the November 2024 letter Affinity Truck Center received from the City of Fresno's Planning and Development Department advising that Affinity Properties, LLC's property—identified as APN 48705051S and 78S and 48708005S and 37S (Property)—would be downzoned under the City's Draft South Central Specific Plan (SCSP). I am writing to urge the City to decline to downzone properties against the wishes of the underlying landowners.

Affinity Truck Center has proudly served the Fresno community for 44 years, creating stable job opportunities for Fresnans and residents in nearby areas. As a major contributor to the local economy, Affinity Truck Center not only supports local employment, but also drives growth through partnerships with Fresno-area businesses and initiatives. Over the past 15 years, Affinity Truck Center has actively supported community programs like the Boys and Girls Club, Career Technical Education at both the high school and junior college levels, and the Center for Advancing Research Technology. These efforts reflect Affinity Truck Center's commitment to fostering education, skill development, and economic progress in Fresno, making a lasting impact on the community it calls home. We employ 90 staff members, many residing in local neighborhoods. We take on many interns from Duncan Poly Tech and Fresno City College each semester and run an in-house Technician Apprentice Program. We hire many interns and apprentices into high paying careers permitting many to lift themselves and their families out of poverty. I am a member of the Fresno Business Council and CEO Roundtable.

I am a founding member of Heartland Compass; an organization formed to support and serve our employees as they navigate common challenges in life and barriers to employment. My days are spent identifying new opportunities to grow our business, strengthen our team, and uplift the communities we serve.

I am investing $250,000 in commercial level electric vehicle chargers meant to serve our heavy truck industry's transformation to greener goods movement. In 2024, I have taken on representing Bollinger Motors medium duty electric vehicles and Autocar electric yard tractors to develop our areas cleaner, greener EV offerings. This zoning change threatens my future investment in our ongoing growth and any future resale of our thriving operation.

Affinity Truck Center and Affinity Properties, LLC object to the proposed downzoning of the Property. Affinity Properties, LLC purchased the Property with the understanding and expectation that South Central Fresno had long been set aside by the City as an industrial preserve. There was simply nothing that would have signaled to the Company that the City would at some point seek to downzone the Property in the future. The proposed downzoning completely undermines those expectations in a manner that undermines future development potential, job creation, and land value.

The letter states that businesses that "were legally established under older regulations may continue indefinitely, even if the SCSP is adopted" as "legal non-conforming" uses. These "protections," however, do little to resolve Affinity Properties, LLC's significant concerns. The City's Development Code does not allow the transition from one legal non-conforming use to another. Legal non-conforming status does not apply to new or expanded uses; and the Development Code provides that a property can lose its legal non-conforming status if a property is vacant for even a short period of time. All of these restrictions limit the ability of a business to grow. They likewise restrict the ability of a landowner to obtain new tenants at the end of a lease.

Legal non-conforming status also has significant practical effects. A property with a land use that is converted from "permitted" to "legal non-conforming" loses most of its value the moment the land use changes; it essentially becomes unsellable. Legal non-conforming status also creates significant risk and uncertainty for potential tenants, undermining the ability of landowners in South Central Fresno to attract high-value reputable tenants.

Because zoning affects the value of real property, and the underlying real property serves as the collateral for any loan, conformity with a property's zoning is usually a condition of real estate financing. In practice, this means that the downzoning of a property will trigger an event of default in existing loan documents. It will also cause a lender to decline to issue a new loan. In addition to limiting the ability of a buyer to obtain a loan to purchase a downzoned property, the lack of access to capital also frustrates the ability to obtain financing to upgrade to electric/green infrastructure.

For each of these reasons, Affinity Truck Center and Affinity Properties, LLC opposes the proposed rezoning of the Property, and requests that the City decline to change the zoning of the Property.

Respectfully submitted,

Kim Mesfin
President Affinity Truck Center

Manager
Affinity Properties, LLC

November 14, 2024

Via E-Mail Only: Michelle.Zumwalt@fresno.gov
Ms. Michelle Zumwalt
City of Fresno Planning and Development Department
2600 Fresno Street, Room 3043
Fresno, California 93721

Re: Land Use Change / South Central Specific Plan ("Specific Plan") / City of Fresno ("City")

Dear Ms. Zumwalt:

The undersigned are two owners of properties located at (i) 1647 E. Central Avenue, Fresno, California 93725; (ii) 1515 E. Central Avenue, Fresno, California 93725; (iii) 1625 E. Central Avenue, Fresno, California 93725; and (iv) 4082 S. Orange Avenue, Fresno, California 93725 (the "Thomas Properties"). The APNs for the four Thomas Properties are:

1. APN 330-130-07 (1515 E. Central Avenue, Fresno, California 93725)
2. APN 330-130-08 (1625 E. Central Avenue, Fresno, California 93725)
3. APN 330-130-09 (1647 E. Central Avenue, Fresno, California 93725)
4. APN 330-130-18s (4082 S. Orange Avenue, Fresno, California 93725)

The City proposes to amend the Specific Plan to provide a zoning change as follows:

APN 330-130-07; APN 330-130-08; and APN 330-130-18s ("Three Properties") from 'Heavy Industrial' to 'Business Park.'

Our family has owned the Thomas Properties for decades, with the intended use for 'Heavy Industrial.' Our position is that the Three Properties mentioned above should remain 'Heavy Industrial.'

In regard to APN 330-130-09 ("1647 E. Central"), the proposed change is from 'Heavy Industrial' to 'Low Density Residential'. 1647 E. Central is adjacent to our other Three Properties and the intended use/zoning should remain the same, 'Heavy Industrial.'

Sincerely,

JASON THOMAS, Trustee of the Jason Thomas Living Trust, u/d/t dated April 8, 2021

JAMIE THOMAS, Trustee of the Jamie Thomas Living Trust, u/d/t dated April 8, 2021

Via Email [Michelle.Zumwalt@fresno.gov] and United States Mail

Michelle Zumwalt
City of Fresno
Planning & Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Re: Objection to Proposed Land Use Change

Dear Ms. Zumwalt:

On behalf of SPAN Development Company LLC, a California limited liability company, I am writing in response to the October 7, 2024, letter SPAN Development received from the City of Fresno's Planning and Development Department advising that SPAN Development Company's property—identified as Assessor Parcel Number 329-130-05 consisting of approximately 19.54 acres of vacant land (Property)—would be downzoned from Light Industrial ("IL") to Business Park ("BP") under the City's Draft South Central Specific Plan (SCSP). I am writing to insist the the property not be downzoned against our wishes.

SPAN purchased the property in 2017 specifically to develop light industrial buildings as the property was designated under the City of Fresno General Plan (legally passed by council). Furthermore, representatives of SPAN and its marketing team met with top officials of the City of Fresno in person, at City Hall, to make sure its planned development was consistent with the City's desire for the area. Included in the meeting from the city were the Director of Planning, Jennifer Clark (who still holds that position) and the Economic Development Director, Larry Westerlund (no longer working for the City). Not only were we told by the City that our plans were consist with the City's desire for the area, but that the City had plans to annex the property into the city (currently in the county but in the City sphere), ratify the Light Industrial zoning and were using taxpayer money to install the backbone infrastructure (sewer and water) to service future development. All of this to support the employment district in the plan area.

This outrageous action being considered by the city is intolerable. Why would the City tell us one thing, we rely on the information make investments only to have the same bureaucracy completely pull the rug out from under us seven years later? Who would want to do business in a place like this?

SPAN Development based out of Madera, CA. has been in business for 10 years, but its principals King Hussein and I have developed all types of properties (industrial, retail, office and multifamily) primarily in the United State but across the globe for over 50 years. To be honest Fresno has become the toughest place to do business compared to other markets we operate in. I'm sure you are aware of the nightmare that was done to us on Elm Avenue as part of another poorly conceived specific plan (SWSP). Yet here we are again.

There was simply nothing that would have signaled to SPAN that the City would at some point seek to downzone the Property in the future. The proposed downzoning completely undermines

the City of Fresno's promises to us in a manner that makes our development plans impossible, eliminates potential job creation, and crushes the underlying land value.

As such SPAN Development is strongly opposed to the downzoning of its property.

Respectfully submitted,

Timothy Mitchell

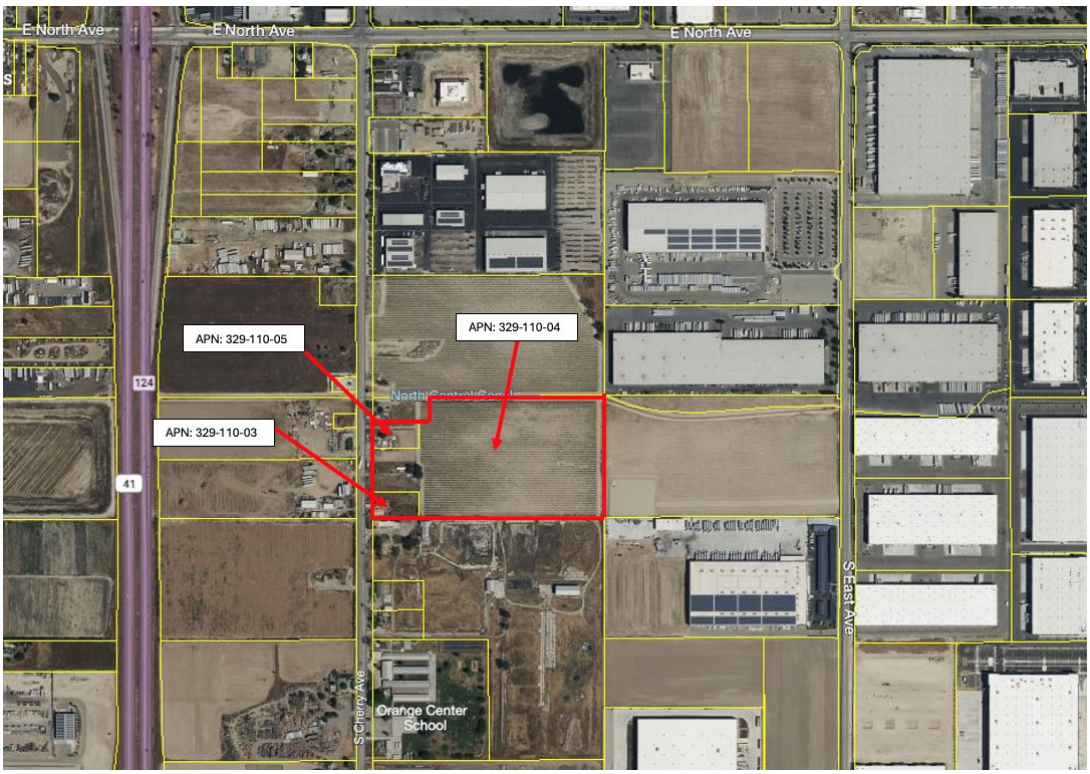
Tim Mitchell

Hello Michelle,

My name is Amir Dehlan and I am a broker with Fortune Associates Commercial Real Estate. I had the opportunity to speak with you over the phone and via Zoom as well as meet in person at the public hearing that was held at the Orange Center School. At that time I was working on another parcel (APN 329-140-29), but now I have been in communication with another property owner that is within the South Central Plan. I have identified the subject property below:

APNs

- 329-110-04
- 329-110-05
- 329-110-03



Per the map on the City's website, it appears that the site will be designated as an IL (Light Industrial) zoned property. The owner is looking forward to the zoning change to this new designation as it would conform to much of the improvements in the immediate proximity of the subject property. I wanted to also confirm whether this plan would also include annexation of the

subject properties into the city and therefore incorporating it within the city limits? Previous discussions showed that the subject properties were included, but if we can get a confirmation on that, we would greatly appreciate it.

I had called and left a message with Michelle regarding these APN's earlier today as well as late last week.

I hope you have a great afternoon and I look forward to hearing from you today.

--

Amir Dehlan

Fortune Associates

Office: (559) 490-2500

Cell: (559) 217-2120

Email: amir@dehlan.com

470 E Herndon Ave, Fresno, CA 93720

CalDRE #01851777

fortuneassociates.com

Via Email [Michelle.Zumwalkt@fresno.gov] and United States Mail

Michelle Zumwalt
City of Fresno
Planning & Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Re: Objection to Proposed Land Use Change

Dear Ms. Zumwalt:

On behalf of Fresno Beverage Company Inc dba Valley Wide Beverage, I am writing in response to the November 2024 letter Valley Wide Beverage received from the City of Fresno's Planning and Development Department advising that Valley Wide Beverage's property—identified as APN 32911012 and 13 (Property)—would be downzoned under the City's Draft South Central Specific Plan (SCSP). I am writing to urge the City to decline to downzone properties against the wishes of the underlying landowners.

Valley Wide Beverage objects to the proposed downzoning of the Property. Valley Wide Beverage purchased the Property with the understanding and expectation that South Central Fresno had long been set-aside by the City as an industrial preserve. There was simply nothing that would have signaled to the Company that the City would at some point seek to downzone the Property in the future. The proposed downzoning completely undermines those expectations in a manner that undermines future development potential, job creation, and land value.

Valley Wide Beverage has proudly served Fresno and the Central Valley for over 40 years, employing over 400 people. The company is a strong advocate and supporter of numerous charitable organizations, making a significant positive impact on the community and strengthening our presence in the Fresno area.

The letter states that businesses that "were legally established under older regulations may continue indefinitely, even if the SCSP is adopted" as "legal non-conforming" uses. These "protections," however, do little to resolve Valley Wide Beverage's significant concerns. The City's Development Code does not allow the transition from one legal non-conforming use to another. Legal non-conforming status does not apply to new or expanded uses. And the Development Code

3525 S. EAST AVENUE, FRESNO, CA 93725 | (559) 650-1500 | VALLEYWIDEBEVERAGE.COM

provides that a Property can lose its legal non-conforming status if a property is vacant for even a short period of time. All of these restrictions limit the ability of a business to grow. They likewise restrict the ability of a landowner to obtain new tenants at the end of a lease.

Legal non-conforming status also has significant practical effects. A property with a land use that is converted from "permitted" to "legal non-conforming" loses most of its value the moment the land use changes; it essentially becomes unsellable. Legal non-conforming status also creates significant risk and uncertainty for potential tenants, undermining the ability of landowners in South Central Fresno to attract high-value reputable tenants.

Because zoning effects the value of real property, and the underlying real property serves as the collateral for any loan, conformity with a property's zoning is usually a condition of real estate financing. In practice, this means that the downzoning a property will trigger an event of default in existing loan documents. It will also cause a lender to decline to issue a new loan. In addition to limiting the ability of a buyer to obtain a loan to purchase the property, the lack of access to capital also frustrates the ability to obtain financing to upgrade to electric/green infrastructure.

For each of these reasons, Valley Wide Beverage opposes the proposed rezoning of the Property, and requests that the City decline to change the zoning of the Property.

Respectfully submitted,

John Amendola
CEO
Fresno Beverage Company Inc dba
Valley Wide Beverage

Via Email [Michelle.Zumwalkt@fresno.gov] and United States Mail

Michelle Zumwalt
City of Fresno
Planning & Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Re: Objection to Proposed Land Use Change

Dear Ms. Zumwalt:

On behalf of Amendola Investments II LLC, I am writing in response to the November 2024 letter Amendola Investments II LLC received from the City of Fresno's Planning and Development Department advising that Amendola Investments II LLC's property—identified as APN 32913001 (Property)—would be downzoned under the City's Draft South Central Specific Plan (SCSP). I am writing to urge the City to decline to downzone properties against the wishes of the underlying landowners.

Amendola Investments II LLC objects to the proposed downzoning of the Property. Amendola Investments II LLC purchased the Property with the understanding and expectation that South Central Fresno had long been set-aside by the City as an industrial preserve. There was simply nothing that would have signaled to the Company that the City would at some point seek to downzone the Property in the future. The proposed downzoning completely undermines those expectations in a manner that undermines future development potential, job creation, and land value.

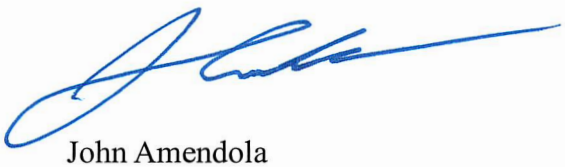
The letter states that businesses that "were legally established under older regulations may continue indefinitely, even if the SCSP is adopted" as "legal non-conforming" uses. These "protections," however, do little to resolve Amendola Investments II LLC's significant concerns. The City's Development Code does not allow the transition from one legal non-conforming use to another. Legal non-conforming status does not apply to new or expanded uses. And the Development Code provides that a Property can lose its legal non-conforming status if a property is vacant for even a short period of time. All of these restrictions limit the ability of a business to grow. They likewise restrict the ability of a landowner to obtain new tenants at the end of a lease.

Legal non-conforming status also has significant practical effects. A property with a land use that is converted from "permitted" to "legal non-conforming" loses most of its value the moment the land use changes; it essentially becomes unsellable. Legal non-conforming status also creates significant risk and uncertainty for potential tenants, undermining the ability of landowners in South Central Fresno to attract high-value reputable tenants.

Because zoning effects the value of real property, and the underlying real property serves as the collateral for any loan, conformity with a property's zoning is usually a condition of real estate financing. In practice, this means that the downzoning a property will trigger an event of default in existing loan documents. It will also cause a lender to decline to issue a new loan. In addition to limiting the ability of a buyer to obtain a loan to purchase the property, the lack of access to capital also frustrates the ability to obtain financing to upgrade to electric/green infrastructure.

For each of these reasons, Amendola Investments II LLC opposes the proposed rezoning of the Property, and requests that the City decline to change the zoning of the Property.

Respectfully submitted,



John Amendola
Amendola Investments II LLC

Michelle Zumwalt
City of Fresno
Planning & Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

58

Re: Objection to Proposed Zoning Change

Dear Ms. Zumwalt:

On behalf of TRICOZ, LLC, I am writing in response to the letters received from the City of Fresno's Planning and Development Department advising that TRICOZ, LLC properties—identified as APN 32830015, APN 32830016, APN 32830017 and APN 32830018 (Properties)—would be affected by downzones proposed under the City's Draft South Central Specific Plan (SCSP) for neighboring APN 32830006 and APN 32830007. I am writing to urge the City to decline to downzone these properties against the wishes of the surrounding landowners.

TRICOZ, LLC has been locally owned and operated since 1998 and has strong ties to the Central Valley, where 100% of the company's investments have been made. Our company's longstanding involvement in the Central Valley and particularly in South Central Fresno is why we feel the need to comment on this proposal.

TRICOZ, LLC strongly objects to the proposed downzoning of APN 32830006 and APN 32830007 from Heavy Industrial to Medium Low Density Residential. These parcels and their neighboring areas have been zoned industrially since they were annexed by the City in the 1970s, thus the entire surrounding landscape has been developed with this use in mind for decades. To rezone these two parcels to Medium Low Density Residential and consequently establish a buffer zone would disrupt business in every direction. A proposed 1,000 ft buffer radius, the most aggressive our company has ever encountered, set around these two parcels would adversely affect 23 other industrially zoned properties including 4 of our own. The City's proposal would disproportionately affect industrial businesses as rezoning these two parcels containing just 0.50 acres of land in total to Medium Low Density Residential and adding such a buffer would negatively impact approximately 100 acres of Heavy Industrial zoned land.

TRICOZ, LLC purchased and developed the Properties with the understanding and expectation that South Central Fresno had been designated as an industrial area by the City. There were no indications made by the City to TRICOZ, LLC that the City would ever seek to downzone any parcels in the region at any point. These proposed downzones and resulting buffer will not only undermine those expectations but will also have significant reverberations on future job creation, investment and land value in the area.

For these reasons, TRICOZ, LLC opposes the proposed rezoning of APN 32830006 and APN 32830007, and requests that the City decline to change the zoning of these parcels.

Respectfully,

Bryan Cossette

President of TRICOZ, LLC

FowlerPacking
8570 S. Cedar Ave., Fresno CA 93725

Via Email [Michelle.Zumwalt@fresno.gov] and United States Mail

Michelle Zumwalt
City of Fresno
Planning & Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Re: Objection to Proposed Land Use Change

Dear Ms. Zumwalt:

I am writing on behalf of Parnagian Enterprises, G3 Development Co., and G4 Enterprises Ltd. (collectively, "Fowler Packing") in response to the October 7, 2024, letters received from the City of Fresno concerning potential changes to zoning and land use designation under the South Central Specific Plan (the "SCSP"). Fowler Packing received letters for the following "Properties":

Proposed Land Use/Zoning Changes Under the SCSP			
Owner	**Property (APN)**	**Current Zoning**	**SCSP Proposed Zoning**
G4 Enterprises Ltd.	316-090-53S	Light Industrial	Business Park
G4 Enterprises Ltd.	316-071-42	Light Industrial	Business Park
Parnagian Enterprises	330-031-20	Heavy Industrial	Light Industrial
Parnagian Enterprises	330-031-45S	Heavy Industrial	Light Industrial
Parnagian Enterprises	330-031-40S	Heavy Industrial	Light Industrial
Parnagian Enterprises	330-031-46S	Heavy Industrial	Light Industrial
G3 Development Co.	329-100-44	Heavy Industrial	Low Density Residential

We object to the proposed zoning and land use changes listed above. Fowler Packing has held the Properties for many years—in some instances decades—with the express intention of developing those Properties into clean, state of the art, industrial facilities, similar to the nearby North Pointe Business Park. Fowler Packing has long understood and had a reasonable expectation that South Central Fresno would maintain its industrial zoning, consistent with the City's past vision and planning documents. The proposed downzoning undermines future development potential, job creation, and land value.

Fowler Packing has specific concerns regarding the downzoning of property within the plan area to residential use. The residential zoning will have negative consequences to existing nearby businesses in the area as well as future development if the SCSP is adopted. We also have concerns with the 1,000-foot buffers contemplated within the SCSP, between sensitive receptors and certain industrial uses. These buffer zones prohibit numerous categories of land uses and require additional permitting (conditional use permits) for others. The buffer zones also impose significant additional building requirements and mitigation measures, studies (such as Health Risk Assessments), and restrictions on the siting of buildings.

Fowler Packing supports the continued and future economic vitality of South Fresno and opposes these proposed changes that would cause adverse economic consequences.

Respectfully submitted,

Leland Parnagian
President, Fowler Packing

****For Properties Being Downzoned****

Via Email [Michelle.Zumwalt@fresno.gov] and United States Mail

Michelle Zumwalt
City of Fresno
Planning & Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Re: Objection to Proposed Land Use Change

Dear Ms. Zumwalt:

On behalf of 3 G Containers, I am writing in response to the October 2024, letter 3 G Containers received from the City of Fresno's Planning and Development Department advising that 3 G Containers property—identified as 487-070-46 and 487-070-45 (Property)—would be downzoned under the City's Draft South Central Specific Plan (SCSP). I am writing to urge the City to decline to downzone properties against the wishes of the underlying landowners.

Our family has had property near the above location for over 65 years. The property is located at 3428 S. Cherry and has been scheduled as part of the Business Park with zoning allowing new businesses due to its central location. This location is near both Highway 41 and Highway 99 in central California.

This property is perfectly allocated as a future site for employing many people or possibly housing utility trucks or trailers for the distribution of goods. An increase in revenue for the City of Fresno is guaranteed if this property becomes a useful industrial part of the Business park.

3 G containers has been in Fresno for almost 10 years and currently employs 4 full time positions with employees that reside in Fresno. Our company is instrumental in the necessary steps to reuse "mini-bulk" containers preventing them from going to landfills. Our current location is centrally located not only for us, but also for our clients ultimately reducing the amount of miles traveled for pickup and deliveries.

3 G Containers objects to the proposed downzoning of the Property. 3 G Containers purchased the Property with the understanding and expectation that South Central Fresno had long been set-aside by the City as an industrial preserve. There was simply nothing that would have signaled to the Company that the City would at some point seek to downzone the Property in the future. The proposed downzoning completely undermines those expectations in a manner that undermines future development potential, job creation, and land value.

The letter states that businesses that "were legally established under older regulations may continue indefinitely, even if the SCSP is adopted" as "legal non-conforming" uses. These "protections," however, do little to resolve 3 G Containers' significant concerns. The City's Development Code does not allow the transition from one legal non-conforming use to another. Legal non-conforming status does not apply to new or expanded uses. And the Development

Code provides that a Property can lose its legal non-conforming status if a property is vacant for even a short period of time. All of these restrictions limit the ability of a business to grow. They likewise restrict the ability of a landowner to obtain new tenants at the end of a lease.

Legal non-conforming status also has significant practical effects. A property with a land use that is converted from "permitted" to "legal non-conforming" loses most of its value the moment the land use changes; it essentially becomes unsellable. Legal non-conforming status also creates significant risk and uncertainty for potential tenants, undermining the ability of landowners in South Central Fresno to attract high-value reputable tenants.

Because zoning effects the value of real property, and the underlying real property serves as the collateral for any loan, conformity with a property's zoning is usually a condition of real estate financing. In practice, this means that the downzoning a property will trigger an event of default in existing loan documents. It will also cause a lender to decline to issue a new loan. In addition to limiting the ability of a buyer to obtain a loan to purchase the property, the lack of access to capital also frustrates the ability to obtain financing to upgrade to electric/green infrastructure.

For each of these reasons, 3 G Containers and our family opposes the proposed rezoning of the Property, and requests that the City decline to change the zoning of the Property.

Respectfully submitted,

Elisabeth Balcom
Respentative of the Tavares Family Trust

Michelle Zumwalt
City of Fresno
Planning & Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Objection to Proposed Land Use Change

Dear Ms. Zumwalt:

On behalf of 3G Container Exchange LLC/ The Mostos LLC, I am writing in response to the October 2024, letter The Mostos LLC received from the City of Fresno's Planning and Development Department advising that 3G Container Exchange LLC/The Mostos LLC property —identified as 487-070-46 and 487-070-45 (Property)—would be downzoned under the City's Draft South Central Specific Plan (SCSP). I am writing to urge the City to decline to downzone properties against the wishes of the underlying landowners.

Our property located at 4646 E. Jensen Ave. has been scheduled as part of the Business Park with zoning allowing new businesses due to it's central location. This location is near both Highway 41 and Highway 99 in central California.

This property is perfectly allocated as a future site for employing many people

3G Container Exchange LLC. has been in Fresno for almost 10 years and currently employs 8 full time positions with employees that reside in Fresno. Our company is instrumental in the necessary steps to reuse "mini-bulk" containers preventing them from going to landfills. Our current location is centrally located not only for us, but also for our clients ultimately reducing the amount of miles traveled for pickup and deliveries.

3G Container Exchange LLC/ The Mostos LLC. objects to the proposed downzoning of the Property. The Mostos LLC purchased the Property with the understanding and expectation that South Central Fresno had long been set-aside by the City as an industrial preserve. There was simply nothing that would have signaled to the Company that the City would at some point seek to downzone the Property in the future. The proposed downzoning completely undermines those expectations in a manner that undermines future development potential, job creation, and land value.

The letter states that businesses that "were legally established under older regulations may continue indefinitely, even if the SCSP is adopted" as "legal non-conforming" uses. These "protections," however, do little to resolve 3G Container Exchange LLC. significant concerns. The City's Development Code does not allow the transition from one legal non-conforming use to another. Legal non-conforming status does not apply to new or expanded uses. And the

Development Code provides that a Property can lose its legal non-conforming status if a property is vacant for even a short period of time. All of these restrictions limit the ability of a business to grow. They likewise restrict the ability of a landowner to obtain new tenants at the end of a lease.

Legal non-conforming status also has significant practical effects. A property with a land use that is converted from "permitted" to "legal non-conforming" loses most of its value the moment the land use changes; it essentially becomes unsellable. Legal non-conforming status also creates significant risk and uncertainty for potential tenants, undermining the ability of landowners in South Central Fresno to attract high-value reputable tenants.

Because zoning effects the value of real property, and the underlying real property serves as the collateral for any loan, conformity with a property's zoning is usually a condition of real estate financing. In practice, this means that the downzoning a property will trigger an event of default in existing loan documents. It will also cause a lender to decline to issue a new loan. In addition to limiting the ability of a buyer to obtain a loan to purchase the property, the lack of access to capital also frustrates the ability to obtain financing to upgrade to electric/green infrastructure.

For each of these reasons, 3G Container Exchange LLC./The Mostos LLC opposes the proposed rezoning of the Property, and requests that the City decline to change the zoning of the Property.

Respectfully submitted,

Daniel Mosto
3G Container Exchange LLC/ The Mostos LLC.
President/CEO

62

November 18, 2024

JASON THOMAS, Trustee of the Jason Thomas
Living Trust, u/d/t dated April 8, 2021
1783 West Celeste Avenue
Fresno, California 93711-2333

Via E-Mail Only: Michelle.Zumwalt@fresno.gov
Ms. Michelle Zumwalt
City of Fresno Planning and Development Department
2600 Fresno Street, Room 3043
Fresno, California 93721

Re: Land Use Change / South Central Specific Plan ("Specific Plan") / City of Fresno ("City")

Dear Ms. Zumwalt:

My parents, Patrick and Judy Thomas, own APN 330-150-34 which is located within the Specific Plan area. They recently received a letter from the City regarding possible land use changes. This letter differs from the letters I received regarding my properties in the area. This letter includes the statement, "If an individual challenges the above applications in court, they may be limited to raising only those issues that were raised at the public hearings described in this notice, or in written correspondence…". This is concerning to me. I therefore would like to bring to attention a few more issues that were not included in my prior letter dated 11/14/2024. I own four properties in the area possibly being rezoned out of Heavy Industrial. These property APNs are the following:

1. APN 330-130-07 (1515 E. Central Avenue, Fresno, California 93725)
2. APN 330-130-08 (1625 E. Central Avenue, Fresno, California 93725)
3. APN 330-130-09 (1647 E. Central Avenue, Fresno, California 93725)
4. APN 330-130-18s (4082 S. Orange Avenue, Fresno, California 93725)

Three of these properties were purchased by my grandfather many decades ago as an investment due to their "Heavy Industrial" zoning. Approximately a decade ago the location at 1647 E. Central Avenue, Fresno, California 93725 (APN 330-130-09) was purchased by my family as an investment due to its location and zoning. All four of these properties are adjacent to each other. I, and my family, have been waiting for the city to build infrastructure in the area to develop these properties as one large property using the current zoning of Heavy Industrial. One of these properties, 1515 E. Central Avenue, Fresno, California 93725 (APN 330-130-07) is currently zoned and in use as Heavy Industrial.

Also, my parents own APN 330-140-19S which consists of approximately 19.5 acres and is located within 1,000 feet of my properties being addressed in this letter. It is zoned and in use as Light Industrial. My parents recently received a substantial offer for purchase of this property. Industrial zoning in this area is highly sought after. Low Density Residential and Business Park are not.

Please understand the detrimental effects to our long-term plans and the severity of financial loss I and my family will suffer if these properties are rezoned out of the existent plan of Heavy Industrial.

Sincerely,

JASON THOMAS, Trustee of the Jason Thomas Living Trust, u/d/t dated April 8, 2021

63

November 18, 2024
Michelle Zumwalt
Architect
City of Fresno
Planning and Development Department

Dear Michelle Zumwalt,

I am writing a second letter regarding the Draft South Central Specific Plan with a few additional points that I would like to make for the record.

I currently own 4 properties that are within the area of this proposed plan.

The APN's are the following:

33013007

33013008

33013009

33013018S

I strongly oppose the proposed land use change. My heavy industrial property at Central and Orange is 700 yards from the 78 acre amazon fulfillment center and 800 yards from the Orange avenue Disposal company. My property is at the epicenter of this industrial region and yet it is proposed to have its zone reduced from heavy industrial to low density residential and business park. Myself and my family have owned our land for over 60 years.

In January of 2021 we tried to start the process of developing the parcels, only to be told that the city was not issuing any new building permits until the environmental impact study was completed. Meanwhile, just 2 months later, in March of 2021, fresno city council member Miguel Arias confirmed to channel 30 news that Amazon was expanding by 420,000 sq ft. right across the street from my property.

And now the proposed zoning change will not allow us to develop our property to its full potential, we will be losing substantial value on the land, and we also paid premium property tax rates to maintain our heavy industrial zoning.

According to Table 4-2 in the South Central Specific plan: There are1674 acres of vacant/agricultural land affected by this proposed rezone.

I am in this category.

Currently, under the adopted general plan, the majority of people own vacant land with heavy industrial zoning , 65% of them.

The specific plan would change what the people own.

The group of 65% of people with heavy industrial would be reduced from 65% to just 26% people. So 39% of people owning vacant land will lose substantial value on their land.

The remaining 35% vacant land owners with less permissive zoning, will receive upgraded zoning or maintain current zoning. So none will lose any value on their land.

From our perspective, It is not acceptable to take away value from landowners by reducing their zoning, especially when our property is so incredibly close to major existing Heavy Industrial uses . Therefore we are firmly against any change to the existing land use zoning for our properties.

Sincerely,

Heather Mooney
559-999-1400
heatherofeather@outlook.com
8510 E. Alluvial, Clovis, CA 93619

November 19, 2024

Submitted Electronically

Jennifer K. Clark, AICP
Director, Planning & Development Department
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93721

ATTN: Sophia Pagoulatos, Planning Manager
PublicCommentsPlanning@fresno.gov

RE: South Central Specific Plan and Draft Environmental Impact Report – as proposed November 2024

Dear Director Clark and members of the Planning Commission:

I write today on behalf of INVEST Fresno and the undersigned organizations and businesses to express our strong concern with and opposition to the South Central Specific Plan (SCSP) and the related Draft Environmental Impact Report (DEIR), as

released for public comment in November 2024 and noticed for public hearing on November 8, 2024.

INVEST Fresno is aligned in our position with the letter and recommendations submitted by John Kinsey, with Wanger Jones Helsley PC.

As currently proposed, the SCSP contains several provisions that are highly concerning to the continued operation and future expansion of existing businesses in South Central Fresno, including, but not limited to, the downzoning of various properties, the inclusion of 1,000-foot buffer zones, and onerous mitigation requirements. The consequences of these changes could destroy living wage jobs and significantly reduce vital tax revenue in Fresno.

DOWNZONING

The SCSP proposes downzoning numerous properties from Heavy Industrial to Light Industrial and other properties from Light Industrial to Business Park, Regional Business Park, or even residential. The proposed downzoning will have wide-ranging impacts on the current and future operations of existing businesses as well as the ability of Fresno to attract new businesses.

Downzoning severely affects landowners and employers by making their properties inconsistent with the new zoning regulations. This change reduces Fresno's attractiveness to reputable and well-capitalized businesses who want to invest in Fresno. Rezoning that creates non-conformities makes obtaining conventional financing nearly impossible — impacting capital improvements necessary for maintenance, beautification, and clean energy upgrades.

Legal non-conforming uses make it incredibly difficult for landowners to change tenants even in favorable conditions, and during an economic downturn, it almost guarantees the loss of legal non-conforming status. Additionally, landowners cannot switch from one legal non-conforming use to another. Any enlargement of a legal non-conforming use requires a conditional use permit (CUP), which hampers the ability to attract reputable, national industrial tenants, and further reduces the potential to re-let industrial properties.

Additionally, the proposed downzoning throughout the plan would be devastating to Fresno's manufacturing sector. The Central Valley has long prided itself in being an epicenter for career-technical and vocational education and workforce development.

The State Center Community College District has invested hundreds of millions to ensure thousands of students each year receive the hands-on education and skill training local employers need. Limiting the growth of these businesses not only reduces the opportunities for these graduates but directly affects the future of Fresno's workforce and the city's economy.

BUFFER ZONES

The inclusion of 1,000-foot buffer zones in the SCSP is quite alarming. The proposed downzoning of numerous properties, combined with the proposed buffer zones, results in nearly 50% of the SCSP area being impacted by and subject to the proposed onerous requirements.

The buffers would prohibit certain warehousing and distribution activities, such as chemical and mineral storage and freight/truck terminals, and reclassify other activities, including "Limited Industrial" and most warehousing and distribution uses, as conditional uses. Additionally, Health Risk Assessments would be required for all industrial processes, construction, and operations of businesses, regardless of the land use intensity or the probability of adverse health impacts. This will substantially increase costs and, as a result, drive businesses out of Fresno or drive up prices for consumers.

A 1,000-foot buffer zone is far outside the norm and three times greater than the standard endorsed by California Attorney General Rob Bonta. In 2022, the California Department of Justice reached a settlement agreement with the City of Fontana relative to their approval of warehouse developments, requiring warehouses that are 400,000 square feet or larger to establish a setback of 300 feet from the property line of the nearest sensitive receptor. In a statement announcing the agreement, Attorney General Bonta stated, "… the City of Fontana has adopted the most stringent environmental standards in California for new warehouse projects. This ordinance should serve as a model for other local governments across the state to build upon."

Additionally, the 2022 agreement with the City of Stockton required that logistics uses and their associated loading docks are no closer than 300 feet from sensitive receptors. In response to the agreement, California Attorney General Rob Bonta stated, "I hope this serves as a model for future warehouse projects across the state."

Finally, the California State Legislature has repeatedly rejected recent efforts (AB 1000, Reyes, 2023, and AB 2840, Reyes, 2022), which would have prohibited public agencies in San Bernardino and Riverside Counties from approving the development or expansion of a warehouse of 100,000 square feet or more within 1,000 feet of a sensitive receptor. Furthermore, the State Legislature recently adopted and the Governor signed AB 98, which, among other things, establishes a 300-foot buffer zone for warehouses of 250,000 square feet or larger. Once again proving that a 1,000-foot buffer zone is far and above the scientifically accepted or reasonable distance from sensitive receptors.

We are currently unaware of any city or county near Fresno that has implemented 1,000-foot buffers. Given the significant demand for industrial development within the city and the limited available locations for such projects, adopting these buffers would likely push new industrial developments—and the jobs and tax revenue they bring—to neighboring municipalities. We cannot support any policy that would jeopardize Fresno's success as an industrial hub or encourage our workforce to relocate.

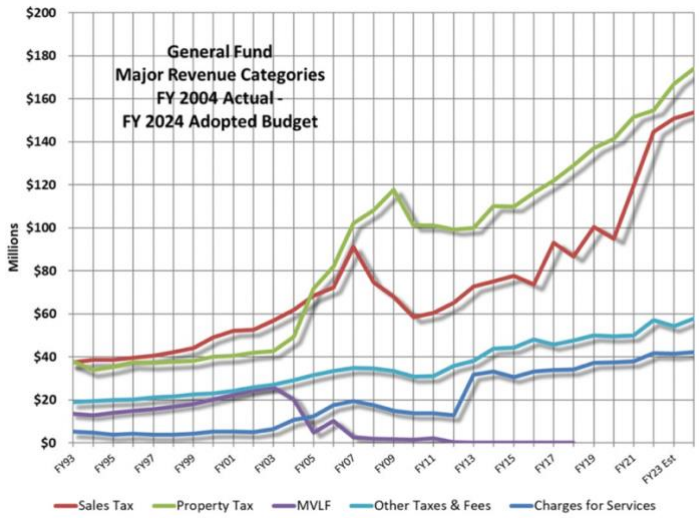
SCSP ECONOMIC & COMMUNTIY BENEFITS

South Central Fresno is the city's economic engine and delivers an outsize impact for the entire city, while fewer than a quarter of one percent of residents live within the 5,629-acre planning area. In 2022, this area, which represents 7.5% of the city's land, generated approximately $13 billion in economic activity (35% of the city's total economic output) and more than $102 million in tax revenue (21% of

the city's general fund). A full breakdown of the SCSP's economic benefit to the entire city can be found at: INVESTFresnoCA.com/EconomicImpact.

Home to more than 440 businesses, the SCSP directly provides approximately 22,070 full-time equivalent (FTE) jobs and creates nearly 48,000 FTE jobs citywide (25% of the City's FTE employment). Additionally, the average annual wage for the provided FTE jobs is slightly higher than the rest of the city at $68,000.

In the past six years, Fresno's new retail distribution economy has taken flight — increasing the city's sales tax revenue at unprecedented levels. It took the preceding 20 years for Fresno to experience a similar amount of growth in sales tax revenue. Unlike traditional sales tax revenue that is only generated from purchases within the city, Fresno receives sales tax revenue from items that are shipped from local retail distribution centers regardless of whether the shopper lives in Fresno, Los Angeles, or another state.



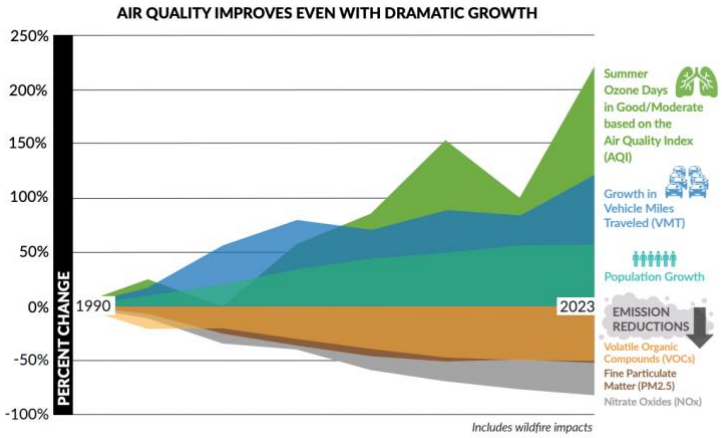
Source: City of Fresno, FY 2025 Mayors Proposed Budget

Bolstering the city's General Fund provides benefits for all Fresno residents – all of which support essential city and community services like public safety, parks, infrastructure improvements, and numerous other critical programs that residents rely on every day.

AIR QUALITY IMPROVEMENTS

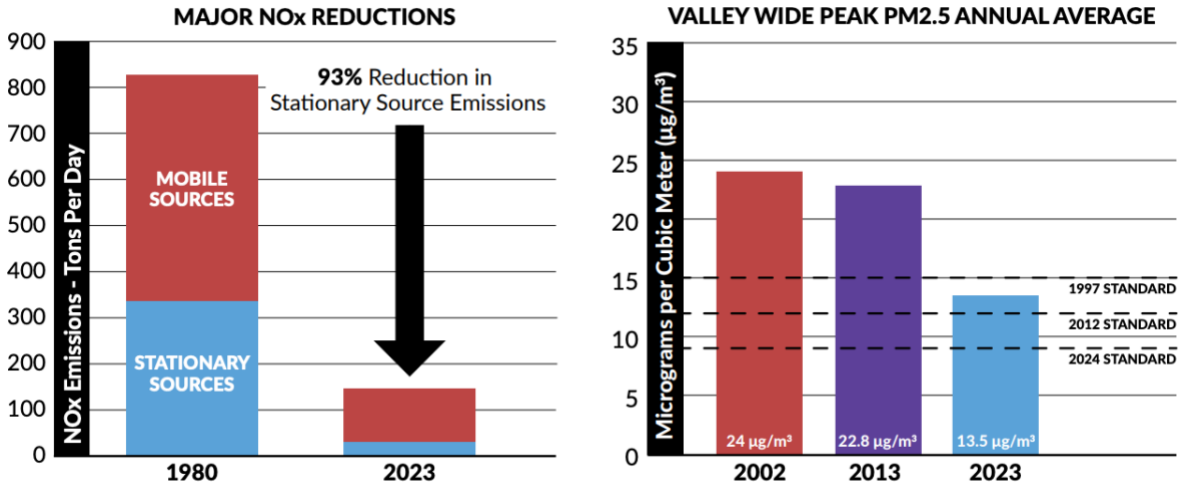
Due to the Valley's topography and meteorology, surrounded by mountains and subject to frequent temperature inversions, pollutants become trapped, and, as a result, cities like Fresno, Visalia, and Bakersfield wind up at the top of the state's most polluted cities. While ominous, this is not the end of the story.

The primary pollutants of concern in the Central Valley are ground-level ozone, and fine particulate matter (PM2.5), including diesel particulate matter (DPM). Since 1980, the Central Valley has reduced emissions of these pollutants from stationary sources (i.e., oil production and refining, boilers, and other stationary equipment) by 85%. According to the EPA, regulations on mobile sources such as cars and light trucks have reduced emissions by 99 percent since 1970. Heavy-duty trucks are roughly 99 percent cleaner than 1970 models.



Source: [San Joaquin Valley Air Pollution Control District, 2023 Annual Report]

Whereas, Valley residents' exposure to elevated ozone and fine particulate matter (PM2.5), often cited as one of the most harmful to the lungs, has also fallen by 90% and 85% respectively. In total, this has led to a 95% reduction in cancer risk for Valley residents from exposure to air pollutants according to the San Joaquin Valley Air Pollution Control District.



Source: [San Joaquin Valley Air Pollution Control District, 2023 Annual Report]

These historic reductions in air pollution over the past 40 years were accomplished at the same time Fresno's population grew 2.5 times larger and our local economy more than doubled in size.

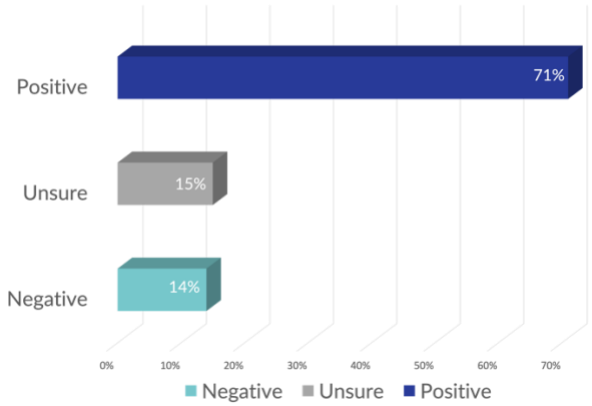
Since 1992, the San Joaquin Valley Air Pollution Control District has implemented roughly 650 rules and regulations that, along with California's nation-leading regulations on cars and trucks, are helping to steadily improve the air quality in the Valley.

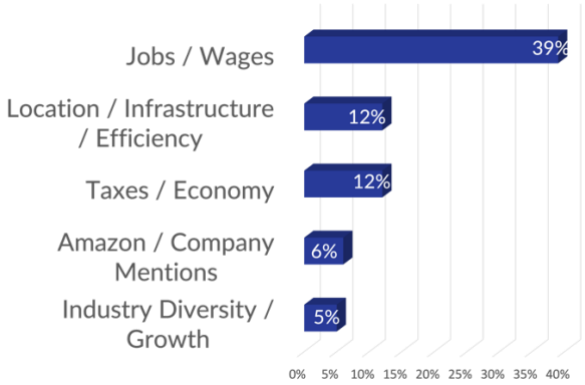
All this illustrates that the key to clean air and a healthy community is a strong and growing economy.

CONCLUSION

The proposed downzoning, buffer zones, mitigation requirements, and limited protection from legal non-conforming use provisions will result in existing businesses abandoning the city and repel new businesses from entering – along with the countless jobs and significant tax revenue they generate.

A recent public opinion survey commissioned by INVEST Fresno, representative of the voting electorate across all seven council districts, showed overwhelming support for the city's retail distribution and warehousing business sector. **71% of respondents stated they believe retail distribution and warehousing to be a net positive for the local community**, with 39% identifying jobs and wages as their top reason for supporting the industry.





Additional findings from the survey can be found at: INVESTFresnoCA.com/Survey.

As the community of Fresno, if we are going to continue the progress we are making and redouble our commitment to raising the standard of living for low-income families, then we must do all that we can to support a diverse and growing economy. A pivot away from a growth-oriented economy here in Fresno would reverse the incredible success our community has seen and risk more families falling into poverty.

A growing economy and sensible air quality regulations have to work in tandem. The transition to zero-emission heavy-duty trucks cannot be achieved if policies are enacted that discourage and limit Fresno's economic growth, which is necessary to afford this new technology.

We appreciate your time and consideration and respectfully urge the Commission to reject the SCSP as currently proposed and implement policies that support and encourage investment in Fresno's infrastructure that result in community improvement, encourage economic development, and ensure that Fresno can continue to thrive for generations to come.

If you would like to discuss this matter further, please do not hesitate to contact Ben Granholm at info@INVESTFresnoCA.com. We look forward to working with you and staff to help keep Fresno's economy moving.

Sincerely,

Ben Granholm
INVEST Fresno

Advanced Emission Control Solutions, LP
Betts Company
Buzz Oates
Cedar Avenue Recycling & Transfer Station
Central Valley Business Federation
Certified Meat Products
Cossette Investment Company, Inc.
Cushman & Wakefield
Don Pickett & Associates
Diversified Development Group
Fowler Packing
Fresno Business Council
Fresno Chamber of Commerce
Fresno County Farm Bureau
JD Food
La Tapatia Tortilleria, Inc.
Legacy Construction
Newmark Pearson Commercial
North Pointe Business Park
Pickett Solar
Precision Civil Engineering, Inc.
Robert V. Jensen, Inc.
San Joaquin Valley Manufacturing Alliance
Strategic Freight Network
Sunnyland Mills
Tank Specialties of California
Valley Iron, Inc.
Valley Wide Beverage

cc: Jerry Dyer, Mayor
Georgeanne White, City Manager
Councilmembers, City of Fresno
Planning Commission, City of Fresno

CENTER for BIOLOGICAL DIVERSITY Because life is good.

November 19, 2024

Sent via email

Jennifer K. Clark, AICP
Director, Planning & Development Department
Fresno City Hall
2600 Fresno Street, Rm. 3065
Fresno, CA 93721

Re: Comments for the November 20, 2024 Fresno City Planning Commission Meeting on the Fresno South Central Specific Plan Environmental Impact Report SCH #2019079022

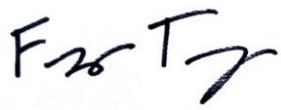
Good evening,

I'm Frances Tinney, an attorney with the Center for Biological Diversity. The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and the United States.

The City of Fresno's plan to further industrialize a community that faces some of the worst environmental burdens in the state is a serious environmental injustice. Doing so without disclosing or mitigating the attendant harms is a violation of CEQA. After circulating the Draft EIR for the South Central Specific Plan, the City received numerous substantive comments pointing out serious flaws in the DEIR's analysis and mitigation of impacts to air pollution, traffic safety, greenhouse gas emissions, and biological resources, among other impacts, and its unsupported dismissal of the Community Plan alternative. Despite those comments, the City made minimal changes to the EIR and now proposes to approve the project based on a Final EIR that remains inadequate. We urge the Planning Commission not to recommend approval until the EIR is revised and recirculated.

I appreciate the opportunity to submit written comments and to watch the meeting remotely. Unfortunately, even though the meeting is streamed via zoom, there was no opportunity to give this comment over zoom. Since the pandemic, more and more public meetings, administrative processes, and court hearings allow people to call in via video or phone. This increased accessibility facilitates public participation—an "essential part of the CEQA process." (Cal. Code Regs., tit. 14, § 15201.) I urge the City to create a way for members of the public to appear at public meetings remotely.

Thank you,



Frances Tinney
Attorney
1212 Broadway, Suite #800 Oakland, CA 94612
Tel: (509) 432-9256
ftinney@biologicaldiversity.org