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October 16, 2023

Jennifer K. Clark, Director
Rob Holt, Supervising Planner
Philip Siegrist, Planner
Planning and Development Department
City of Fresno
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Fresno, CA 93721
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Re: Appeal of the City of Fresno Planning Commission’s Approval of the Development Permit Application No. P22-04122 and Related Environmental Assessment No. P22-04122, and the City of Fresno’s Approval of the Mitigated Negative Declaration for the Living Spaces Retail Project

Dear Director Clark, Mr. Holt, and Mr. Siegrist:

I am writing on behalf of the Laborers International Union of North America, Local Union No. 294 (“LIUNA”) and its members living and/or working in or around the City of Fresno (“City”). On August 8, 2023, LIUNA appealed the Planning and Development Department Director’s Decision to approve the Development Permit Application No. P22-04122 and Related Environmental Assessment No. P22-04122 on July 24, 2023, and the City’s approval of the Mitigated Negative Declaration (“MND”) (Document No. E202310000130) on July 25, 2023 for the project known as the Living Spaces Retail Project located on the east side of North Abby Street between East Alluvial and East Spruce Avenues (APN: 303-201-27) in the City and County of Fresno, California by applicant Living Spaces (“Project”). On October 4, 2023, the Planning Commission heard both of the appeals and upheld the Development Permit and recommended that the City Council approve the MND. LIUNA now files this further appeal of the Planning Commission’s decision on the Development Permit for the Project and reiterates its pending appeal of the MND prepared for the Project. These appeals are filed pursuant to the City of Fresno Municipal Code section 15-5005, establishing procedures for appealing California Environmental Quality Act (“CEQA”) determinations to the City Council, and Municipal Code section 15-5017, establishing the procedures for appealing Planning Commission decisions by filing a written appeal with the Director. Members of LIUNA live and/or work in the vicinity of the proposed Project. They breathe the air, enjoy observing wildlife, want to ensure maximum energy efficiency, and will suffer other environmental impacts of the Project unless it is properly

Living Spaces Retail Project
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mitigated.

LIUNA is concerned that the MND prepared for the Project fails to comply with CEQA and that the Planning and Development Department and the Planning Commission did not adequately address LIUNA's May 26, 2023 comments, which are included at Attachment 1 to this letter and incorporated by reference in this appeal, as well as LIUNA's October 3, 2023 supplemental comments, which are included at Attachment 2 to this letter and incorporated by reference in this appeal. Specifically, the MND fails to adequately analyze the potential significant environmental impacts of the Project, including impacts to biological resources, including impacts on burrowing owls and nesting birds, air quality, health risks, and energy impacts. The City adopted the MND and approved a Development Permit Application for the Project despite evidence in the record establishing substantial evidence of a fair argument that the Project will have significant environmental impacts. Given the fact that the record contains a fair argument that the Project will have significant environmental impacts, the Planning and Development Department should have prepared an EIR for the Project rather than an MND and refrained from approval of the Development Permit Application until the proper CEQA review was performed.

Sincerely,

A handwritten signature in cursive script that reads "Victoria Yundt".

Victoria Yundt
LOZEAU DRURY LLP