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**DARM - DEVELOPMENT SERVICES
CITY OF FRESNO**

June 4, 2019

TO:

Planning Commission

Commissioners: Serop Torossian, Lawrence Garcia, Kathy Bray, Raj K. Sodhi-Layn, Debra McKenzie, Peter Vang, Brad Hardie

Fresno City Hall

2600 Fresno Street

Fresno, CA 93721

RE:

PUBLIC HEARING JUNE 5, 2019: Environmental Assessment No. P18-03659, Plan Amendment No. P-18-03659, Rezone Application No. P18-03659, Modifications of Conditions of Zoning Application No. P18-03659, Modifications of Conditions of Zoning Application No. P18-03659

Dear Commissioners,

I own two properties in the neighborhood affected by these proposals. My primary residence of 12 years at 5326 N. Roosevelt Avenue and an investment property at 5331 N. Roosevelt Avenue.

My company, Pax Domus, Inc., owns investment properties in Fresno and San Luis Obispo counties, and develops and builds solar-powered homes on infill lots in Fresno and Clovis (www.paxdomus.com). I understand how much time, money and energy it took to get these proposals to the point they are.

I'm writing to express my enthusiasm for project in general. With some modifications, it could be a harmonious addition to the existing center and neighborhood. The Assemi Group, Inc. has done a respectable job concerning outreach to the community.

However, I believe the applications need to be returned to DARM for more consideration and planning. My concerns are:

1. **The Mitigated Negative Declaration (Environmental Assessment) is not sufficient for this project to move forward. A full Environmental Impact Report should be ordered.**

- a. In 2008 another project on this site (known colloquially as Gunner/Andros) underwent an EIR, which resulted in a negative finding for the project.
 - b. Per the CEQA guidelines, Article 6, Section 15070 regarding whether to employ a Negative Mitigation or an EIR: "Under subsection (a) or (b), if there is any substantial evidence before the Lead Agency that the project as proposed or revised may have a significant effect, an EIR must be prepared.
 - c. **The existence of this previous negative EIR should be evidence and precedent for DARM to perform due diligence and require one for this project.**
 - i. 11 years have passed. Traffic has steadily increased and previously approved residential projects added 60 units to the area that will burden the already-stressed situation.
2. **Emergency Vehicle Access is not sufficient and creates a dangerous situation.**
- a. On the east side of the neighborhood, **a minimum of 96 residential units or more will have only one single lane inlet/outlet at Maroa and San Jose. (See attachment). The adjacent neighborhood of has five.**
 - b. On the west side of the neighborhood, **a minimum of 70 residential until will have only one single lane inlet/outlet on San Ramon and Palm (See attachment). The adjacent neighborhood has five.**
 - c. **Current City of Fresno zoning requires at least two inlets/outlets per almost any sized enclosed community.**
 - d. The "crash gate" at the proposed cul-de-sac is not a safe solution as a second method of ingress/egress. *This plan routes emergency vehicles through the Financial Center parking lot before they reach San Jose Avenue. This is dangerous to both people in crisis and the pedestrians of the center.*
3. **Both the Negative Declaration and the Traffic Study require that the project provide "pedestrian connectivity to the adjacent commercial shopping center and the existing residential developments to the north and west." The project doesn't adequately provide this.**
- a. The pedestrian connectivity to the shopping center entails access through a coded gate and **walking through a parking lot.** Fresno already has one of worst pedestrian fatality rates in the country. This situation is unpleasant, unsafe and ripe for accidents.
4. **Traffic Improvements initially required by DARM have been removed from the proposed applications.**
- a. The Existing Conditions of Zoning for Parcels 417-140-26 (NW Corner of North Colonial and West San Jose) and 417-231-19 ((South of Intersection of North Colonial and West San Jose) **require the developer to make traffic improvements at Palm and Shaw and Palm and San Jose to ease traffic. The Modifications of Conditions of Zoning Applications (Items 4 & 5) remove this requirement.**
 - b. **The Existing Conditions of Zoning for these parcels also require the developer to maintain a 30-foot landscaped buffer between the rezoned properties and the existing residential neighborhood. The Modifications of Conditions of Zoning Applications (Items 4 & 5) remove this requirement.**
 - c. **Both the traffic improvements and landscape buffer are reasonable requests considering the potential value of the rezoned land. In a future application the developer will be requesting the "vacating" of North Colonial and West San Jose**

Avenues. The developer will be receiving, as a gift, over a half acre of land that belongs to the city of Fresno and this neighborhood. It's only fair that the developer is reciprocal in its contributions to the community in service of this project.

5. **Not enough time has been allowed for our legal counsel to review the applications.**
 - a. Application detail sets were released late Friday afternoon on May 31, 2019, with subsequent information on Monday, June 3. Per the assigned City of Fresno planner, Margo Lerwill, the information packages for the members of the Planning Commission were delivered to you all this Monday morning. There was not sufficient time for our legal counsel to review them, prepare a statement and be insured it would be included in the package sent for review. Having a document available for review at the dais directly before the hearing does not allow sufficient time to assimilate the information.

I believe these concerns are not petty. They don't involve the aesthetics of the building or its density. They involve safety and lives and right of our neighborhood to have adequate legal review of the process. Therefore I'm suggesting and requesting the following vote from the Planning Commission:

1. **Return all applications to DARM for the purposes of ordering a full Environmental Impact Report, to subsequently work with the neighborhood to arrive at a plan that adequately addresses life and safety issues, and to allow enough time within the process for legal review.**

Thank you for your consideration of these issues and for your service to the community.

Respectfully,



Jodi Fitzpatrick
President, Pax Domus, Inc.

Attachments:

Project Aerial View locating traffic inlets/outlets for neighborhood and adjacent.

Exhibit G: *Existing* Conditions of Zoning for 5260 N Palm (APN 417-140-26) Northwest Corner of North Colonial and West San Jose Avenues.

Exhibit G: *Proposed* (of same).

Exhibit G: *Existing* Conditions of Zoning for 5200 N Palm (APN 417-231-19) South of Intersection of North Colonial and West San Jose Avenues.

Exhibit G: *Proposed* (of same).

AFFECTED
NEIGHBORHOODS
1 OUTLET
= EACH.

PROJECT
EMER
ACCESS

ADJACENT
NEIGHBORHOOD
SOUTHERLY



Exhibit G

Existing Conditions of Zoning for 5260 N Palm (APN 417-140-26) Northwest Corner of North Colonial and West San Jose Avenues

1. The developer shall install a traffic signal at the intersection of San Jose Avenue and Palm Avenue and improve the intersection and the drive aisle to the east substantially in accordance with the attached site plan labeled Exhibit "A." The improvements shall include three lanes exiting the project site onto Palm Avenue (two left turn and one right turn) and two entrance lanes from Palm Avenue.
2. The developer shall restripe the southbound lanes on Palm Avenue north of Shaw Avenue to provide for two left-turn lanes, one through lane and one combination through/right-turn lane substantially in accordance with attached Exhibit "B."
3. The developer will install a westbound right-turn lane on Shaw Avenue east of Palm Avenue substantially in accordance with attached Exhibit "B."
4. Vehicular and pedestrian access to the property from W. San Ramon Avenue and N. Colonial Avenue shall be prohibited.
5. Condition No. 4 above shall be implemented through the installation and maintenance by the developer of a 30-foot wide landscaped buffer along the entire length or portion of the subject property abutting W. San Ramon Avenue and W. Colonial Avenue. A 6-foot high concrete block wall shall be constructed parallel to the northern and eastern property lines such that the 30-foot wide landscaped area is provided between the local streets (W. San Ramon Avenue, N. Colonial Avenue) and the wall. The landscaped area shall be extensively planted with ground covers and shrubs and shall have an undulating earth berm that will range between 1 ½ feet and 3 feet in height. The landscaped area shall be extensively planted with fast-growing tree varieties that, at maturity, the proposed four-story office building will be completely screened from the view of residential properties fronting W. San Ramon and N. Colonial Avenues. Eighty-five percent (85%) of the trees planted shall be of at least 24-inch box size. The planting of evergreen trees shall be emphasized such that no more than 15% of the trees planted are deciduous. This is to insure that the screening effect of the trees is maintained year-round. The landscaping, as described above, shall be completely installed within 8 months of the date on which the City Council approves the rezoning of the subject property. The landscaping shall be continuously maintained by the developer.
6. Drive-up window facilities shall not be permitted within 100 feet of the northern property line.

Exhibit G

Proposed Conditions of Zoning for 5260 N Palm (APN 417-140-26) Northwest Corner of North Colonial and West San Jose Avenues

~~1. The developer shall install a traffic signal at the intersection of San Jose Avenue and Palm Avenue and improve the intersection and the drive aisle to the east substantially in accordance with the attached site plan labeled Exhibit "A." The improvements shall include three lanes exiting the project site onto Palm Avenue (two left turn and one right turn) and two entrance lanes from Palm Avenue.~~

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6. Drive-up window facilities shall not be permitted within 100 feet of the northern property line.

Exhibit G

Existing Conditions of Zoning for 5200 N Palm (APN 417-231-19) South of Intersection of North Colonial and West San Jose Avenues

1. There shall be no pedestrian or vehicular access to North Colonial Avenue and West San Jose Avenue east of Colonial.
2. The developer shall install and maintain a 30-foot landscaped buffer along the entire length of the subject property abutting West San Jose Avenue and North Colonial Avenue. A 6-foot high concrete block wall shall be constructed parallel to the northern and western property lines such that the 30-foot wide landscaped area is provided between the local streets (West San Jose Avenue, North Colonial Avenue) and the wall. The landscaped area shall be extensively planted with ground covers and shrubs and shall have an undulating earth berm that will range between 1 ½ feet and 3 feet in height. The landscaped area shall be extensively planted with fast-growing tree varieties that, at maturity, the proposed four-story office building will be completely screened from the view of residential properties fronting West San Jose and North Colonial Avenues. Eighty-five percent (85%) of the trees planted shall be of at least 24-inch box size. The planting of evergreen trees shall be emphasized such that no more than 15% of the trees planted are deciduous. This is to insure that the screening effect of the trees is maintained year-round. The landscaping, as described above, shall be completely installed within 8 months from the effective date of approval of Conditional Use Permit No. C-89-109 with the provision for a four month extension to be granted by the Director of the Development Department. The landscaping shall be continuously maintained by Covenantor, its successors and assigns.

Exhibit G

Proposed Conditions of Zoning for 5200 N Palm (APN 417-231-19) South of Intersection of North Colonial and West San Jose Avenues

1. There shall be no pedestrian or vehicular access to North Colonial Avenue and West San Jose Avenue east of Colonial with the exception of gates for emergency vehicle access.

2. The developer shall install and maintain a 30-foot landscaped buffer along the entire length of the subject property abutting West San Jose Avenue and North Colonial Avenue. A 6-foot high concrete block wall shall be constructed parallel to the northern and western property lines such that the 30-foot wide landscaped area is provided between the local streets (West San Jose Avenue, North Colonial Avenue) and the wall. The Required landscaped setback or buffer areas shall be extensively planted with ground covers and shrubs and shall have an undulating earth berm that will range between 1 ½ feet and 3 feet in height. The landscaped area shall be extensively planted with fast-growing tree varieties that, at maturity, the proposed four-story office building will be completely screened from the view of residential properties fronting West San Jose and North Colonial Avenues. Eighty-five percent (85%) of the trees planted shall be of at least 24-inch box size. The planting of evergreen trees shall be emphasized such that no more than 15% of the trees planted are deciduous. This is to insure that the screening effect of the trees is maintained year-round. The landscaping, as described above, shall be completely installed within 8 months from the effective date of approval of Conditional Use Permit No. C-89-109 with the provision for a four-month extension to be granted by the Director of the Development Department. The landscaping shall be continuously maintained by Covenantor, its successors and assigns.