

Agenda Item: File ID 19-1940 (2:00 P.M.)

Date: 07/25/2019

RECEIVED

## FRESNO CITY COUNCIL

2019 JUL 24 A 9:10 City of  
**FRESNO**

CITY OF FRESNO  
CITY CLERK'S OFFICE

### Late Submission Information Packet

Agenda Related Item(s) – File ID 19-1940 (2:00 P.M.)

#### ITEM(S)

**File ID 19-1940 (2:00 P.M.)** – Hearing to consider Plan Amendment Application No. P18-03569, Rezone Application No. P18-03569, Modification of Zoning Conditions Application No. P18-03569 and related Environmental Assessment No. P18-03569 filed by Jeff Roberts of Assemi Group, Inc. These Application pertain to approximately 6.9 acres of property located on the corner of North Colonial and West San Jose Avenues.

**Contents of Supplement: Letters of Support and Opposition from the community.**

#### Item(s)

##### **Supplemental Information:**

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

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

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



July 23, 2019

TO: City Council Members: Esmeralda Soria, Steve Brandau, Luis Chavez, Miguel Arias, Paul Caprioglio, Gary Bredefeld, Nelson Esparza  
Fresno City Hall  
2600 Fresno Street  
Fresno, CA 93721

RE: PUBLIC HEARING July 25, 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 Councilmembers,

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.

This is in general a good project that fits harmoniously within the neighborhood. I believe almost everyone in the community supports its being built—eventually. However, the project as it is now designed contains some serious and possibly deadly flaws.

In a letter to the Planning Commission, dated June 18, 2019, I requested that the commissioners return the above-listed applications to the Development and Resource Management Department for the purpose of undergoing a full Environmental Impact Report. DARM issued a four-page response stating that the project had undergone an Environmental Assessment with a Mitigated Negative Declaration and that was sufficient.

This was the same position DARM took on the Darling Ingredients plant, when it chose to ignore CEQA guidelines and adopted a Mitigated Negative Declaration instead of insisting on a full EIR. This choice resulted in the suit *Quist Dairy vs. City of Fresno*, Case 17CECG04096.

In the past three years, 74 new residences either have been built, or approved to be built, in the project area, that includes Fig Garden Village Shopping Center and the adjacent Bullard High School and Gibson Elementary School. Much of the neighborhood is a county island. This

overlapping county/city jurisdiction has the effect of obscuring the defects in the project. It needs the big picture view of an EIR.

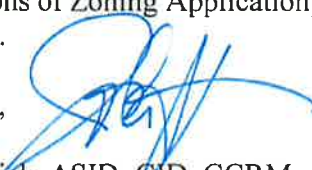
The project as currently designed necessitates the vacation of two city streets: North Colonial Avenue and West San Jose. **This leads to the biggest concern of the project as it is now designed; emergency vehicle access and pedestrian safety.** The two roads slated to be vacated are heavily used by the neighborhood. Where there is now a throughway, two cul-de-sacs would be created, with the new office tower in between them. It's hard to describe, even with an aerial photograph, but this creates two, almost-landlocked neighborhoods, each with only one point of access. **That's 52 residences with only one access point on Palm, and a whopping 82 residences with only one access point on Maroa. That's a shocking 134 units that collectively have only one way out of their neighborhoods.** It doesn't take a degree in urban planning to see a disaster in the making, as any fire, chemical spill, or even a stalled car, could trap hundreds of people, Paradise-style.

DARM has insisted that this is an acceptable situation as there is technically another access point shown on the project's planning documents, one for emergency vehicles only that's commonly known as a "crash gate." That might allow emergency vehicles in, but since it's locked and keyed, it still doesn't address how residents would get out in a disaster. The other problem with the location of this gate is that firetrucks and ambulances can't reach it from an actual road. They are routed deep through the financial center parking lots. The potential of being trapped in your neighborhood is frightening. Fire trucks barreling through packed parking lots also seems like a truly terrible idea.

My company, Pax Domus, Inc., builds solar-powered homes on infill lots in Fresno and Clovis. I understand how much time, money and energy it took, on behalf of the applicant, the planners at DARM, and the city government, to get these proposals to the point they are. I also understand that it's an usual move to criticize DARM when my own projects will occasionally pass under its scrutiny. But it's DARM's job to thoroughly review applications, to insist on safety modifications to overly-ambitious projects, and to guide lawmakers accordingly. Now these applications go before you, the City Council, for yes or no votes. They will be on the agenda without the legal due diligence of an EIR, and even though the project they support poses very real life and safety issues.

Starting over on a project this size is expensive and inconvenient. But so is losing lives to a poorly planned one. I'd ask for a YES vote on Items 2 (Plan Amendment Application) and 3 (Rezone Application) and a NO vote on Items 1 (Environmental Assessment), 4 (Modification and Conditions of Zoning Application), and 5 (Modification of Conditions of Zoning Application).

Respectfully,



Jodi Fitzpatrick, ASID, CID, CCRM,  
Principal, Pax Domus, Inc.

Pax Domus Inc. 5130 N. Palm Avenue #343 Fresno, California 93704  
jodi@paxdomus.com www.paxdomus.com

MY NAME IS JOHN GOMES (G-O-M-E-S) 562 West San Jose AVE I AM A 15-YEAR RESIDENT OF A GATED PUD KNOWN AS THE SEVILLE THAT BORDERS THE EAST SIDE OF ONE OF THE PARCELS THAT IS SUBJECT OF THIS REZONE APPLICATION, BEING THE NORTH EAST CORNER OF COLONIAL & WEST SAN JOSE AVENUE-ARGUEABLY A PART OF THE NEIGHBORHOOD MOST EFFECTED BY THE PROPOSED ZONE CHANGE. I ENTHUSIASTICALLY SUPPORT THESE ZONE CHANGES.

IF THESE PROPERTIES REMAIN UNDEVELOPED THERE WILL CONTINUE TO BE UNSIGHTLY WEEDED DUSTY LOTS SURROUNDING US THAT HAVE EXISTED FOR A NUMBER OF YEARS & COULD REMAIN SO INDEFINITELY. THE CURRENT ZONING ON THE NORTHEAST CORNER LOT (RESIDENTIAL MEDIUM DENSITY) NOW ALLOWS FOR A multi-family DEVELOPMENT WITH ITS POTENTIAL FOR ADDED NOISE & TRAFFIC. TO REZONE TO RMX (REGIONAL MIXED USE) WOULD ALLOW FOR THE EXTENSION OF THE FIG GARDEN BUSINESS CENTER EAST TO THE WEST SIDE OF THE SEVILLE. PREFERABLE OVER OTHER POSSIBILITIES. BEYOND THAT IT IS RECOGNIZING WHAT IS BEST FOR THE GREATER GOOD-THE ADVANTAGES OF INFILL DEVELOPMENT TO ACCOMMODATE GROWTH WITHIN EXISTING CITY BOUNDARIES.

THE DEVELOPERS HAVE ALREADY IMPROVED OUR NEIGHBORHOOD BY THE DEMOLITION AN UNSIGHTLY 50-YEAR OLD, 44 UNIT APARTMENT COMPLEX THAT HAD BEEN ABANDONED FOR 10 YEARS THAT WAS LOCATED DIRECTLY ACROSS THE STREET FROM THE SEVILLE ON THE SOUTHSIDE OF WEST SAN JOSE AVE.

I HAVE REVIEWED THE ISSUES BROUGHT BY THOSE WHO DESIRE TO HAVE A FULL EIR DONE I DO NOT SHARE ALL OF THOSE CONCERNS. I MAY NOT UNDERSTAND CEQA. BUT I UNDERSTAND THE NEIGHBORHOOD. I DO NOT SEE PEDESTRIAN SAFETY BEING JEOPARDIZED WHEN THEY SAY "PEDESTRIAN CONNECTIVITY ENTAILS ACCESS THROUGH A CODED GATE & WALKING THROUGH A PARKING LOT IS UNPLEASANT UNSAFE, AND RIPE FOR ACCIDENTS". WALKERS IN THE NEIGHBORHOOD NOW HAVE TO SHARE ASPHALT SPACE WITH CARS BECAUSE THERE ARE NOT SIDEWALKS THAT BORDER THOSE EMPTY LOTS. FAR TOO OFTEN THOSE VEHICLES ARE TRAVELING AT AN UNSAFE SPEED BESIDES THAT PEDESTRIAN ACCESS TO FIG GARDEN VILLAGE CURRENTLY REQUIRES US IN THE NEIGHBORHOOD TO WALK IN FRONT OF VEHICLES ENTERING OR EXITING DRIVeways ON PALM OR SHAW I SUBMIT THAT ALLOWS FOR MORE POTENTIAL TO INCREASE THE PEDESTRIAN FATALITY STATS THAN WALKING THROUGH A CODED GATE THROUGH THE BACK PARKING LOT OF THE VILLAGE. I COMMON SENSE TELLS ME THAT CUL-DA-SACS AS PROPOSED BY THE DEVELOPERS SLOWS VEHICLES DOWN A CUL-DA-SAC AT COLONIAL & SAN RAMON ALSO ALLEVIATES THE VERY DANGEROUS, OVERBURDENED, UNCONTROLLED I/S THAT CURRENTLY EXISTS AT PALM AVE/SAN RAMON AS WELL AS SAN JOSE/MAROA.

I DO NOT AGREE THAT BY THIS DEVELOPMENT PROCEEDING FORWARD ACCESS TO THESE NEIGHBORHOODS BY EMERGENCY VEHICLES IS INSUFFICIENT & CREATES A DANGEROUS SITUATION. MY PERSPECTIVE AS A RETIRED LAW ENFORCEMENT OFFICER, LEADS ME TO BELIEVE THE BIGGEST FACTOR IN THE RESPONSE TIMES OF EMG. VEHICLES TO THE SCENE IS THE LOCATION OF FIRST RESPONDERS AT THE TIME THEY RECEIVE THE CALL BE THEY IN POLICE SQUAD CARS, AMBULANCES, OR FIRE TRUCKS IT IS NOT THE CONFIGURATION OF THE STREETS. THERE ARE MANY CUL-DA-SACS THROUGHOUT THIS CITY & EVERY OTHER CITY THAT I KNOW OF.....WITH EQUAL NUMBERS OF OUTLETS/INLETS. MOST DO NOT HAVE CRASH GATES TO ENTER OR EXIT THROUGH SHOPPING CENTER

PARKING LOTS. THEY SIMPLY PLAN THERE RESPONSE ACCORDINGLY. IF THEY GET SENT TO THE SAN RAMON/ ROOSEVELT/COLONIAL END OF THIS DEVELOPMENT, THERE GOING TO PLAN ON ACCESSING FROM PALM. IF THE CALL IS ON THE WEST SAN JOSE SIDE OF THIS DEVLOPMENT, THERE GOING TO PLAN ON GETTING ACCESS FROM MAROA. .

I DO AGREE WITH THE INITIAL REQUIREMENT OF (30) FOOT LANDSAPED BUFFER AND 6 FOOT CONCRETE WALL AS A BARRIER BETWEEN THE PROPOSED DEVELOPMENT & EXISTING RESIDENTIAL NEIGHBORHOODS. THAT SHOULD BE REINSTATED AS A REQUIREMENT.

i CAN ONLY SPEAK FOR MYSELF BUT I KNOW OF NO OTHER RESIDENT OF THE SEVILLE PUD WHERE I RESIDE THAT STANDS IN OPPOSITION OF THESE ZONE CHANGES (EVEN THOSE THAT ADVOCATE FOR A FULL EIR DO NOT OPPOSE THE ZONE CHANGES) & I SENSE STRONG COMMUNITY SUPPORT FOR THOSE FROM NEIGHBORS THAT RESIDE AROUND US.

I APPRECIATE ANY CONSIDERATION THE CITY PLANNING COMMISSION CAN DO TO ARROVE THIS APPLICATION. THANK YOU

RESPECTFULLY SUBMITTED,

JOHN GOMES

**From:** [Joyce Kauder](#)  
**To:** [Margo Lerwill](#)  
**Subject:** Traffic Count  
**Date:** Wednesday, July 24, 2019 8:28:13 AM

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Hello Margo,

Here are three more accurate counts of vehicles using the intersection of W. San Jose and N. Colonial Avenue. This is where Asseni Group wants to construct an office building by vacating the right of way.

*Friday, July 12, 2019, 5 pm to 6 pm*  
*Eastbound--21 vehicles; Westbound--12 vehicles = 31*

*Thursday, July 18, 2019, 3:10 pm to 4:15 pm*  
*Eastbound--23 vehicles; Westbound--20 vehicles = 43*

*Wednesday, July 24, 2019 6:30 am to 7:30 am*  
*Eastbound--11 vehicles; Westbound--10 vehicles = 21*

Referring to the (Fresno) "Traffic Planning General Notes": A feasibility study for all proposed vacations of existing public rights of way is required to be completed **prior** to building permits."

When one considers how many vehicles, cars and trucks, use the intersection above in the six one-hour periods I have counted, it is clear that many thousands of drivers will be inconvenienced over many, many years if Asseni Group is permitted to erect an office building across the intersection of W. San Jose and N. Colonial Avenue.

I will forward this email along with the previous one to the appropriate Fresno City Council person.

*Sending good wishes, Joyce Kauder*

Commenter: John Gomes ; 562 West San Jose Avenue, Fresno, California 93704-2316 (phone # 559-449-1586)

Ms. Lerwill: I have interest in listed Rezone application as a 14-year resident of the Seville PUD (562-592 West San Jose Avenue) that borders the East side of the vacant lot at the Northeast corner of San Jose Avenue/Colonial Avenue. The Seville is also located directly across the street from the South East corner of West San Jose Avenue/Colonial Avenue listed as second parcel alluded to in this application. Mr. Roberts and the Assemi Group have been diligent in advising those of us residing in adjoining neighborhoods of their plans to develop these parcels of which this application is apparently an initial step. I fully support their efforts to rezone the parcel to RMX (Regional Mixed-use) because it seems compatible to the Fig Garden Business complex to the West. That zoning change is much more attractive to me when compared to the unsightly vacant lot that has existed for years or the prospect of multi-story residential buildings that would be allowed under current zoning. As for the parcel on the Southeast corner, the Assemi Group has already made an improvement to the neighborhood by the demolition of an unsightly, abandoned 50-year old 44-unit apartment complex. I can only speak for myself but I sense substantial Neighborhood support of the Assemi development plans for these properties with some caveats such as pedestrian access to Fig Garden Village. Be that as it may, put me down for the record in enthusiastic support of this rezone application.

Public Comment on P18-03659  
From Joyce Kauder, Resident of Village Gardens  
01/25/19 at 4:00PM

Ms. Kauder contacted the Supervising Planner for the project to ask that the planner attend the Monday January 28, 2019 Board meeting for Village Gardens. She felt it would be very inconvenient for residents to have North Colonial and West San Jose Avenues vacated when they are so often used as a way to travel between North Palm and North Maroa Avenues. She also felt it was inappropriate for a developer to be able to take the public road right-of-way for use in their own for-profit project. Ms. Kauder had concerns about the increased traffic and fossil fuel use encouraged by the project and whether an adequate air quality study and recent Traffic Impact Study had been performed. Ms. Kauder wished to have her daughter, who has worked in air quality, review the environmental assessment when available. The Supervising Planner indicated the assessment was currently in review and would be made available for review in approximately one week.



\* Provided at meeting of Village Garden HOA Board

Village Garden Concern  
About Local Streets

1/28/2019

As many of you know, the Assemi Group plans to add a four-story office building to the present Financial Plaza, just to the south of us. Assemi purchased the old, abandoned apartment buildings on San Jose near Colonial and plans to use part of that land for their proposed building. Assemi wants to construct the rest of the new building in the middle of San Jose Road, cutting it off completely

This company plans to install two new cul-de-sacs to do this. One will cut off traffic on San Jose heading west and the other will cut off traffic on San Ramon heading roughly east.

This proposal, if approved by Fresno City Planning and then by the Fresno City Council, will encourage drivers to use our VG private streets as a short-cut to drive to San Jose Road via Nantucket. Since we, as homeowners, must maintain our streets and don't need the additional traffic, I strongly oppose the construction of this proposed new building.

There are alternates available for Assemi to construct additional office sites on the land they presently own in area above. Why make it so inconvenient for so many drivers who use the streets named above to drive from Palm and Maroa and avoid the traffic and stoplights on Palm and Shaw?

A few maps of the proposed changes are available here.

Joyce Kauder  
5332 Colonial #102  
559-449-1044

Plan Amendment/Rezone Application No. P18-03659  
January 28, 2019 – Village Garden HOA Board Meeting

Supervising Planner attended meeting to listen to presentation by HOA's Safety Committee on the Fig Garden Financial Center Expansion Project (Plan Amendment/Rezone Application No. P18-03659) and the related application with Public Works to abandon portions of North Colonial and West San Jose Avenues.

Approximately 10 residents gathered with the Supervising Planner outside the meeting to ask questions about the project. Approximately one-third of those present were generally in favor or neutral regarding the project provided they could secure amenities with the project, including gates at the Village Garden condominium complex to prevent pass-through traffic and a trail or other enhanced pedestrian access through the Fig Garden Financial Center for easier pedestrian access to Fig Garden Village Shopping Center south of the financial center.

Approximately one-third of those present expressed concern for potential negative traffic and home value impacts on the wider neighborhood.

Approximately one-third completely opposed the abandonment of the roadway for the siting of the new office building, in part because of the concern that less neighborhood connectivity would result in less police patrols in the area and longer emergency vehicle response times. One wanted the building to be placed just south of West San Jose Avenue where future parking was envisioned. Another wanted parking to be placed on the northeast corner of North Colonial and West San Jose Avenues with a pedestrian bridge over the roadway or a public park to be built on that parcel.

The residents of Village Garden will be holding an information meeting on Monday February 4. However, they are not sure yet if they want it to be a private meeting or would be willing to invite the applicant and the Supervising Planner to attend to discuss concerns and respond to questions. If they make the February 4 meeting a private meeting, they said they would likely then hold another meeting to speak with the applicant and the Supervising Planner.

Some residents were opposed to putting off the meeting with the applicant and the Supervising Planner as they are aware the Planning Commission Hearing (February 20, 2019) and the City Council Meeting (February 28, 2019) are occurring in the near future.

The Supervising Planner will remain in contact with the meeting organizers during the week to determine their decision regarding whether the meeting will be residents-only or not.

From: Debra White  
To: Margo Lerwill  
Subject: Environmental Assessment P18 03653  
Date: Thursday, January 31, 2019 1:43:41 PM

Ms. Lerwill:

A little over 2 years ago I moved into my home at 588 West San Jose Avenue and was immediately anxious for development to "in-fill" the empty lot at the intersection of San Jose Avenue and Colonial Avenues. I am directly effected, as my back yard borders that empty lot. I attended 2 informational meetings held by the Assemi Group/ARC Properties to inform the residents from the area of their plans to rezone and expand the Fig Garden Financial Center, along with possible changes to the current traffic patterns in the area. Recently, they also removed a vacant apartment complex that was an eyesore and quite possibly a health hazard in the same area, to the delight of most of the neighborhood.

This area is full of tradition and has a character style of the "Old Fig Garden" neighborhood. The plans as presented will keep this area as it should be, make good use of those pockets of vacant land, and restrict unnecessary vehicle traffic.

Based on the preliminary site plans they displayed and complete transparency to many of the resident concerns, I and the majority of my neighbors support their request to rezone and move forward with the planned development.

Thank you for your consideration.

Debra Ann White

588 West San Jose Avenue Fresno, CA 93704 debraa.white19 3@gmail.com  
(559)349-9257

Joycelyn H. Kauder  
5332 N. Colonial Ave., Apt. 102  
Fresno, Ca 93704

RECEIVED

APR 10 2019

DAPM DEVELOPMENT SERVICES  
CITY OF FRESNO  
April 9 2019

Fresno City Council  
Fresno City Planning Department  
Fresno County Board of Supervisors

Greetings to all:

As you know, the Assemi Group is planning to construct an additional four-story building in the Financial Plaza on Palm Avenue near Shaw..

So far as I know, most of my neighbors have little objection to this additional building except to the location of the building in question. The objection, shared by many of us, is is that the proposed new building is scheduled to be built across the middle of San Jose Avenue between Maroa and Colonial Avenue, cutting off a vital route.

Assemi plans to cut off San Jose with a cul-de-sac and Colonial with a cul-de-sac.. If this plan is approved by Fresno Planning Department and Fresno City Council, the proposed new building will cut off the route between Maroa and Palm , used by approximately 360 drivers daily.

The modest number above, I calculated this by observing one car per minute driving the route between the hours of 7 am and 7 pm daily. Usually more than one car per minute can be observed. Using this as a shortcut, means less traffic at the intersections of both Maroa and Palm with Shaw. PLEASE ensure that the cut off of this thoroughfare does not inconvenience thousands of drivers for untold years to come.

Thank you so much. Joycelyn Kauder

*Joyce Lynn Kauder*

May 31, 2019

Village Gardens Home Owners  
c/o C Nolan 482 W San Ramon Ave Unit 102  
Fresno, CA 93704

City of Fresno Development and Resource Management Dept  
Development Services Division  
2600 Fresno St, Room 3043  
Fresno, CA 93721  
Attn: Margo Lerwill

Via email: Margo.Lerwill@fresno.gov

RE: Project No. P18-03659 Assemi Group

We are residents in Village Gardens and would like to state our support for the Assemi Group proposal to the City of Fresno for the construction of a 4-story office building in the Fig Garden Financial Center. The project includes a General Plan Amendment, Rezone, Site Plan Review and Street Abandonment.

The Assemi Group has been understanding of our concerns to keep the integrity and lifestyle of living in the Fig Garden Village area. Many residents in our Village Gardens complex enjoy walking the neighborhood with our pets and would like to continue to have access to Fig Garden Village shopping center. The Assemi Group is providing access with pedestrian gates and providing amenities such as two small parks within the boundaries of the project to ensure that we can maintain the lifestyle we enjoy here.

Sincerely,

Joyce Lendaur 531071 Colonial #101  
Dorothy Leonard 5306 N. Colonial 102  
John Edwards 5304 N. Colonial #101  
Brenda January 5304 N. Colonial #101  
Aileen Olin 5302 N. Colonial 101  
John [Signature] 5300 N. Colonial #102  
Gene Woodard 5306 N. Colonial #102

May 31, 2019

Village Gardens Home Owners  
c/o C Nolan 482 W San Ramon Ave Unit 102  
Fresno, CA 93704

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Development Services Division  
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Attn: Margo Lerwill

Via email: Margo.Lerwill@fresno.gov

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Sincerely,

Carla Nolan 482 W San Ramon #102

Linda Tuttle 5310 N. Colonial #102

Erin H Tuttle 5310 N. Colonial #102

Kim Hemlock 5336 N. Colonial #101

Margaret Brown 5342 N. Colonial #101

Holland Wright 5308 N. Colonial #101

Kenneth Wright 5308 N. Colonial #101

Debra Haerwick 5304 N. Colonial #102

May 31, 2019

Village Gardens Home Owners  
c/o C Nolan 482 W San Ramon Ave Unit 102  
Fresno, CA 93704

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Via email: Margo.Lerwill@fresno.gov

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Sincerely,

*J. Beckenry* 5342 N. Colonial #102

*Karen Walker* 5338 N. Colonial #102

*Tyler Walker* 5338 W. Colonial #102

*Kelley* 5344 N. Colonial #102

*Helen Kelley* 5344 N. Colonial #102

*Sharon* 5308 N. Colonial #102

*Caraca Hudson* 478 W. San Ramon #102

May 31, 2019

Village Gardens Home Owners  
c/o C Nolan 482 W San Ramon Ave Unit 102  
Fresno, CA 93704

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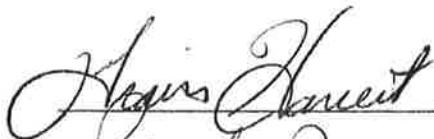
Via email: Margo.Lerwill@fresno.gov

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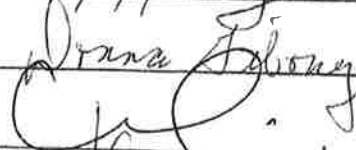
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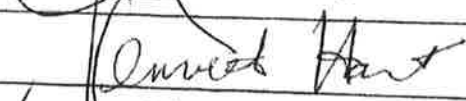
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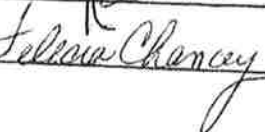














May 31, 2019

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c/o C Nolan 482 W San Ramon Ave Unit 102  
Fresno, CA 93704

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2600 Fresno St, Room 3043  
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Attn: Margo Lerwill

Via email: [Margo.Lerwill@fresno.gov](mailto:Margo.Lerwill@fresno.gov)

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Sincerely,

*John L. Gabriel*  
5346 N. Colonial 101

June 2, 2019

**Jack & Brenda Fennacy**  
**5304 N. Colonial Ave., #101**  
**Fresno, CA 93704**

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2600 Fresno St, Room 3043  
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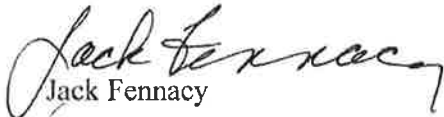
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Sincerely,

  
Jack Fennacy

  
Brenda Fennacy

May 31, 2019

Village Gardens Home Owners  
c/o C Nolan 482 W San Ramon Ave Unit 102  
Fresno, CA 93704

City of Fresno Development and Resource Management Dept  
Development Services Division  
2600 Fresno St, Room 3043  
Fresno, CA 93721  
Attn: Margo Lerwill


Via email: [Margo.Lerwill@fresno.gov](mailto:Margo.Lerwill@fresno.gov)

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Sincerely,

DAVID STORIE  
5334 M. COLONIAL AVE  
CONDO 101  
FRESNO CA 93704  


May 31, 2019

Village Gardens Home Owners  
c/o C Nolan 482 W San Ramon Ave Unit 102  
Fresno, CA 93704

City of Fresno Development and Resource Management Dept  
Development Services Division  
2600 Fresno St, Room 3043  
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Attn: Margo Lerwill

Via email: Margo.Lerwill@fresno.gov

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Sincerely,

GLEN SORENSEN



5334 N. COLONIAL AVE  
CONDO 101  
FRESNO CA 93704.

May 31, 2019

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c/o C Nolan 482 W San Ramon Ave Unit 102  
Fresno, CA 93704

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Sincerely,

*Judy McReynolds*  
5346 N - Colonial Ave #102  
Fresno, Ca 93704

May 31, 2019

Village Gardens Home Owners  
c/o C Nolan 482 W San Ramon Ave Unit 102  
Fresno, CA 93704

City of Fresno Development and Resource Management Dept  
Development Services Division  
2600 Fresno St, Room 3043  
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Sincerely,

*Oliver F. Westfall*  
5306 W. Concord Ave #101

May 31, 2019

Village Gardens Home Owners  
c/o C Nolan 482 W San Ramon Ave Unit 102  
Fresno, CA 93704

City of Fresno Development and Resource Management Dept  
Development Services Division  
2600 Fresno St, Room 3043  
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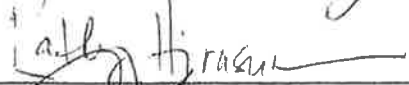



Via email: Margo.Lerwill@fresno.gov

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Sincerely,

	(Scott Piper)
	(Kathy Hirasuna)
	(Tony Mendes)
	(Lesley Payne)
	(Ron Oliver)

May 31, 2019

Village Gardens Home Owners  
c/o C Nolan 482 W San Ramon Ave Unit 102  
Fresno, CA 93704

City of Fresno Development and Resource Management Dept  
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May 31, 2019

Village Gardens Home Owners  
c/o C Nolan 482 W San Ramon Ave Unit 102  
Fresno, CA 93704

City of Fresno Development and Resource Management Dept  
Development Services Division  
2600 Fresno St, Room 3043  
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Sincerely,

Mary B. Keckorian

Elinor M. Ritchie

Charlotte L. Moore

Sophie Ware

~~Devo L.~~

May 28, 2019

Mary Driscoll  
5320 N. Colonial Ave., #102  
Fresno, CA 93704

City of Fresno Development and Resource Management Dept  
Development Services Division  
2600 Fresno St, Room 3043  
Fresno, CA 93721  
Attn: Margo Lerwill

Via email: [Margo.Lerwill@fresno.gov](mailto:Margo.Lerwill@fresno.gov)

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Sincerely,

  
Mary Driscoll

May 31, 2019

Bill and Bette Head  
482 W San Ramon #101  
Fresno, CA 93704

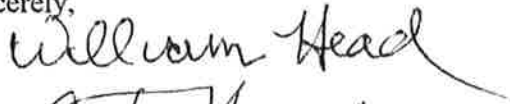

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c/o C Nolan 482 W San Ramon Ave Unit 102  
Fresno, CA 93704

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Sincerely,

*Shelie Hassrud*  
462 W. San Ramon Ave. #102  
Fresno, Ca 93704

May 31, 2019

Village Gardens Home Owners  
c/o C Nolan 482 W San Ramon Ave Unit 102  
Fresno, CA 93704

City of Fresno Development and Resource Management Dept  
Development Services Division  
2600 Fresno St, Room 3043  
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Sincerely,

*Valerie Johnson and Stephen Jacks*

*458 W San Ramon #102  
Fresno, CA 93704*

May 31, 2019

Village Gardens Home Owners  
c/o C Nolan 482 W San Ramon Ave Unit 102  
Fresno, CA 93704

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Sincerely,

A handwritten signature in cursive script that reads "Linda A. Litas". The signature is written in dark ink and is positioned below the "Sincerely," text.

May 31, 2019

Village Gardens Home Owners  
c/o C Nolan 482 W San Ramon Ave Unit 102  
Fresno, CA 93704

City of Fresno Development and Resource Management Dept  
Development Services Division  
2600 Fresno St, Room 3043  
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Sincerely,

A handwritten signature in cursive script, appearing to read "Linda Nuts".



May 31, 2019

Village Gardens Home Owners  
c/o C Nolan 482 W San Ramon Ave Unit 102  
Fresno, CA 93704

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Sincerely,

*Jennie E Temple*  
*Jeanita L Temple*

Fresno Planning Commission  
Development and Resource Management Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

Re: Public Hearing June 5, 2019  
Plan Amendment Application No. P18-03659  
Rezone Application No. P18-03659  
Modification of Conditions of Zoning Application No. P18-03659  
Environmental Assessment No. P18-03659

To Whom it May Concern:

We are homeowners who believe we would be adversely affected by the development proposed by the above applications for rezoning and plan amendments. We strongly opposed the rezoning of our residential area to regional mixed-use for several reasons.

First, having lived in our neighborhood for many years, we have experienced the influx of traffic problems that occur during the holidays due to our close proximity to Fig Garden Village and Christmas Tree Lane. There is also an increase in traffic and congestion when Bullard High and Gibson Elementary are in session. As part of the proposed development our neighborhood would be redesigned as a cul-de-sac and our alternative means of exiting the neighborhood would be removed. This would be detrimental to entering or exiting our neighborhood in a timely manner.

Second, we believe that adding more office buildings and parking into our residential area is not necessary as there are several vacant offices already present in the Fig Garden Financial area. Our experience has been that there are always vacant parking spaces in Fig Garden Village and in the Fig Garden Financial area. We request that the Planning Commission investigate if more parking and more office buildings are actually needed.

Third, we believe that adding more office buildings and parking into our residential area will increase vagrant traffic and the potential for more criminal activity. Logic dictates that an increase in possible food sources (i.e. dumpsters) and the lack of 24-hour occupancy may increase the vagrant and criminal activity.

We feel our concerns are valid and wish for our opinion to be heard. We do not oppose development and the forward progress of our city. Thank you for your time.

Sincerely,

Nick and Kelly Puma  
697 W. San Madele  
Fresno, CA 93704



**RECEIVED**

JUN - 5 2019

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](http://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 Wes 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  
NEIGHBORHOOD

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

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~~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 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 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

### **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.~~

Fresno Planning Commission  
Development and Resource Management Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

Re: Public Hearing June 5, 2019  
Plan Amendment Application No. P18-03659  
Rezone Application No. P18-03659  
Modification of Conditions of Zoning Application No. P18-03659  
Environmental Assessment No. P18-03659

To Whom it May Concern:

We are homeowners who believe we would be adversely affected by the development proposed by the above applications for rezoning and plan amendments. We strongly opposed the rezoning of our residential area to regional mixed-use for several reasons.

First, having lived in our neighborhood for many years, we have experienced the influx of traffic problems that occur during the holidays due to our close proximity to Fig Garden Village and Christmas Tree Lane. There is also an increase in traffic and congestion when Bullard High and Gibson Elementary are in session. As part of the proposed development our neighborhood would be redesigned as a cul-de-sac and our alternative means of exiting the neighborhood would be removed. This would be detrimental to entering or exiting our neighborhood in a timely manner.

Second, we believe that adding more office buildings and parking into our residential area is not necessary as there are several vacant offices already present in the Fig Garden Financial area. Our experience has been that there are always vacant parking spaces in Fig Garden Village and in the Fig Garden Financial area. We request that the Planning Commission investigate if more parking and more office buildings are actually needed.

Third, we believe that adding more office buildings and parking into our residential area will increase vagrant traffic and the potential for more criminal activity. Logic dictates that an increase in possible food sources (i.e. dumpsters) and the lack of 24-hour occupancy may increase the vagrant and criminal activity.

We feel our concerns are valid and wish for our opinion to be heard. We do not oppose development and the forward progress of our city. Thank you for your time.

Sincerely,

Nick and Kelly Puma  
697 W. San Madele  
Fresno, CA 93704

Re: Public Hearing  
Assembly  
June 5, 2019

Jennifer Clark  
Director and Secretary  
Fresno City Planning Commission

RECEIVED

JUN - 5 2019

DARM - DEVELOPMENT SERVICES  
CITY OF FRESNO

As a resident and property owner in subject area, I am deeply concerned of the zoning changes and modifications.

One of my biggest concerns is the current landscaping that surrounds the Fig Garden Financial Center. This is a fine example of what landscaping around buildings should be. It is a wonderful area to drive and walk around, and should remain the same, and not be destroyed. Frankly, I fail to see the need for any additional office space in this area. What we need is more trees and green space, and not office and parking space.

Another major concern is the closure of Colonial on San Jose Avenue. This would deny public access and freedom of choice from Palm to Nuba and vice versa.

Public Hearing  
Cassini Group  
June 5, 2014

2.

The creation of a Cul de Sac on San Jose Avenue would create a traffic nightmare. Currently a 19 unit condominium complex is under construction on San Jose. Directly across the street, is a proposed 44 unit apartment complex. There would be no other exit from San Jose to Merced.

In summation, it is hard for me to comprehend any of these changes. I ask why is it necessary for so many to sacrifice for so few!

I respectfully request that you do the right thing and reject all changes for the neighborhood, Community, and City of Merced. I thank you for your time.