Supplemental Exhibit S
Letters of Opposition [3/10 to 3/14/2023]

Esteemed Planning Commissioners:

Airport Village was planned and developed as an integrated commercial/office complex with shared parking, access and egress. Developing this car wash completely negates that premise. Our major concern is how the car wash both immediately and in the long term impacts our building and its tenants. Removing parking spaces, changing the location of the handicap access ramp, relocating the entrance driveway closer to the existing building, automobile stacking areas immediately in front of existing offices tenants, blocking through traffic due to stacking in relocated driveway, constructing an S-curb in the main driveway, not being able to actively, or passively, for that matter, be involved in the planning process, by either the City of Fresno or the developer are all major concerns.

What is most disturbing is why the developer is allowed to change, remove and rearrange parking and access to our building in such a manner that it drastically impacts current tenants as well as future prospective tenants. By removing parking spaces to the point that we no longer meet City of Fresno parking standards for our building makes us an illegal, nonconforming land use. Furthermore, Development of this car wash conflicts with **Sec. 15-1301 PURPOSE (Employment Districts)** of the Fresno Municipal Code as follows:

Part B. Provide for the appropriate location of businesses that may have the potential to generate off-site impacts, while providing to ensure compatibility in use and form with existing and planned uses.

List of major concerns that follows illustrates the incompatibility of the car wash to our existing commercial/office use :

-Removed 43 spaces from their parcel plus 17 from ours leaving only 38 spaces for our building, which is less than the required 41 spaces for our commercial/office use (one space per 400 sq. ft.)

-They have not provided any on site parking for employees and/or service vehicles,

-They have removed the handicap spaces from directly in the front and center of the building to the Westernmost part of the parking lot. The access ramp to the building is also moved to the westernmost Part of the site. Not only to handicap persons have to cross the street to get to the ramp but it is approximately 350 feet to get to the easternmost part of the building. Furthermore, this directly impacts the existing adult day care center since the handicap spaces and ramp are now directly in front of their entryway.

-If the stacking area for the car wash is full, cars waiting to use the facility will have to wait in the driveway, thus blocking access to the parking area for our building. Furthermore, if the car wash is very busy, cars could be backed up all the way to Fine thus impeding traffic turning from McKinley on to Fine. The idling of the cars 10 feet from the building and tenants would be disruptive and create a noise and air quality problem. Cars entering from the southwest entrance to the property going to the car wash facility would have to turn right into the car wash, and if cars queued up there to get in the car wash both sides of the drive would be blocked totally restricting traffic flow. It appears that the S curb extends directly into the west-bound traffic lane.

-Neither the City of Fresno nor the developer of the car wash notified us of the proposed car wash. We had absolutely no input into how the car wash layout would affect us. We certainly would have voiced concerns regarding removal of our parking spaces as well as the other concerns indicated above. Plus,

by not advising us we had no opportunity to appeal the project.

-Giving this project a categorical exemption under CEQA because it is an infill project does not adequately address the negative impacts of the project. A noise study needs to be conducted to determine the impact on the building tenants from 16 vacuum machines, the noise generated by the machinery of the car wash and cars idling in front of the offices. The impact on the relocation of the handicap spaces and ramp needs to be addressed pursuant to ADA requirements as well as its impact on the existing adult day care use. The project may have air quality issues as well with cars idling in front of tenant spaces.

-This project was built in 1981 as an integrated commercial center. The main building of 16,400 sq. ft. and a 6,400 future building site were approved with shared parking and access. This is totally contrary to that proposal. It not only restricts access but rearranges access and removes parking to the detriment of the main building.

-In 2016 the property was zoned M-1-P. It is was rezoned at that time to **IL (light industrial**) as part of a city-wide rezoning initiative. Under the M-1-P zone a conditional Use Permit would have been required for a car wash and we would have been properly notified of the proposed use and we would have been able to formerly object and make our concerns known in a public forum. We were not notified of that rezoning, and, therefore, did not have a chance to determine how that zone change would affect us nor publicly object top our parcel being rezoned. Thus, we were not able to voice our opinion on the rezoning. The rezoning to **IL** creates a situation which limits commercial uses to a maximum 6,000 sq, ft and allows only ancillary office uses. Thus, we are currently a nonconforming use since our building is 16,400 sq. ft. and we have existing office uses that are not ancillary to other uses.

Airport Village was a thriving commercial center in the 1980's and into the 1990's. The tenants back then were directly related to the also thriving office area to the east. Tenants included a business machine concern, office supply, in-line restaurant and offices. As computer age and big box retailers began to take hold and the office area began to decline these uses were no longer viable. Upon their departure, Fresno Airport began to grow and we took on a car rental agency. When the car rental agency found a location closer to the airport, we found that the area began to change and was no longer a viable commercial area. Thus, we began to lease to uses catering to the changing area. Besides office uses we leased to a church and then as the Asian population began to grow we provided space to our major tenant now, the adult day care center. We are adapting our uses to the area as it evolves and we will continue to do so. Approval of the car wash would, without a doubt, severely impair our building now and for the future.

I appreciate the opportunity to comment and voice my concerns regarding the proposed car wash and thank you in advance for your consideration of this matter. I want to reiterate our strong objection to the car wash as it would severely impact our center to the point that it would render it unviable for future uses.

Sincerely,

Gerry Mirassou
Co-Owner Airport Village

From: paulette kalebjian
To: Jose Valenzuela
Subject: OPPOSITION TO DEVELOPMENT PERMIT APPLICATION NUMBER P22-01346
Date: Tuesday, March 14, 2023 1:03:57 AM

External Email: Use caution with links and attachments

Mr Valenzuela—
Single email as requested

My APN 49427010 —

OPPOSITION TO DEVELOPMENTPERMITAPPLICATION NUMBER P22-01346
Opponents Dennis and Paulette Kalebjian TRS
These Opponents were first noticed of the Environmental Assessment Number P22-01346 and
the Development Permit Application of the same number, on Wednesday, March 8, 2023. We had no prior notice of a request to allow a car wash on the cornerof McKinley and Fine Avenues.
For the first time, on today's date, March 13, 2023, these opponents observed a sign on the northwest corner of the intersection of McKinley and Fine Avenues, indicating that there would be a car wash coming to this location. The physical sign was first noticed on this date.
With the short notice, the following objections, set forth herein, are only a preliminary list of the items of concern.
First: There is a car wash that has been present for many years at the northeast corner of Chestnut and McKinley Avenues to the west of the proposed subject property. This car wash is ballpark .2 miles west of the subject property. It has seven washing bays, a car lube facility, and several vacuum stalls.
Second: In 1993, your Opponents purchased the APN numbered property at the top of this opposition in a complex of 10 offices, consisting of professional and other office buildings. Al are occupied. . It is immediately north of the offices on the northwest corner of the intersection of Fine and McKinley.
Within this 10 office complex is a Dental Office notably a I would also like to add, it is a children’s pediatric dentistry group. There are a number of children who, after appointments are in the area I do want to express a concern with the increase in vehicular traffic, that that

would create. And, I see that car wash and the accompanying huge number of vacuum stalls as an attractive nuisance. Also present are

CPA offices, Agricultural Entity Representation Organizations, a second Law Office, and two separate buildings owned and occupied by The Fresno Center. Offices are also located to the north of our complex.

On the northeast corner of McKinley and Fine is more office space. There is a two-story office building on the immediate corner. To the northeast of said two-story building are more offices.

On the immediate northeast corner of Winery and McKinley Avenues, a bit to the west of the property in question, is a Kentucky Fried Chicken and a Triangle Drive In.

There is a Carl's Jr. eatery on the northwest corner of Gateway and McKinley Avenues. Again, this is east of the intersection in question. The McKinley/Gateway intersection is controlled by electrical traffic signals. There are no electrical control signals at the corner of McKinley and Fine Avenues. There is a stop sign for southbound traffic on Fine as it T's into McKinley from the north.

There are no stop signs on McKinley at its intersection with Fine. There is a left-hand turn lane for eastbound McKinley traffic at Fine. It is a busy turn lane during the morning work arrival hours for the offices in the area. The noon hour traffic at this location is problematic for additional traffic and also at the work day end, 4:00 p.m. to 5:00 p.m.

Third: There is a Charter High School on the west side of Fine Avenue within 1/4 mile north of the intersection of Fine and McKinley. The school generates an abundance of foot traffic for students in the morning hours and throughout the day, finishing at about 2:00 p.m.Students walk along Fine Avenue, primarily on the west side.

Fourth: The passenger vehicles and trucks in the area is abundant and there is also airport related traffic to the east of the proposed property that makes it dangerous with its congestion.

Fifth: There is also noise that would be generated by the proposed use, which is inconsistent with the area and would be a nuisance.

Sixth: The intersection of Fine and McKinley is often flooded as the drainage is inadequate to eliminate/discharge the surfacewater during any rain event inexcess of 1/2 inch in an hour, which is often the case, in spite of the drought we have experienced in the last several years.

This drainage issue has been an ongoing problem for many many years that area used to be considered in a floodplain and some drainage work was done over 30 years ago but for whatever reason it

has been getting worse and worse and has become an ongoing problem in the wet years that we have had and quite a nuisance to drivers

Please register these comments opposing the project

Thank you
Paulette Kalebjian

Sent from my iPhone

NISEI FARMERS LEAGUE
1775 N. Fine Avenue
Fresno, CA 93727
(559) 251-8468

Manuel Cunha, Jr.
President

Board of Directors

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Maurice DiBuduo, Paul LanFranco

League Area 2

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Blake Carlson

League Area 6

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Doug Benik-2nd Vice President

Scott Peters, Secretary

Paul LanFranco-Treasurer

March 14, 2023

Mr. Joe Valenzuela
City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Re: Development Permit Application Number P22-01348

Dear Mr. Valenzuela,

The Nisei Farmers League is the owner of three parcels (three offices) located at 1745, 1755 and 1775 N. Fine Avenue. Our offices are just north of the proposed Car Wash being planned at the intersection of McKinley and Fine Avenues, Fresno, California.

One of our major concerns is the amount of traffic that already exists on our street of Fine Avenue and the intersection of Fine and McKinley Avenues. Our 3 offices are located at North Fine Plaza, which consists of 10 office buildings. The businesses established at these 10 offices include law offices, a dental office, CPA offices, agricultural organizations and other professional services. To the north of us, there is a Charter High School. The Fresno Airport is just north of us, on Clinton Avenue. There are fast food restaurants at the corner of Winery and McKinley Avenues and the northwest corner of Gateway and McKinley Avenues. All of these establishments cause additional traffic.

There is already a car wash located on the northeast corner of Chestnut and McKinley Avenue, to the west of the proposed subject property.

The amount of passenger vehicles and trucks in the area are abundant and there is the airport related traffic as well. In addition, there is a huge amount of flooding that occurs whenever we have rain. The drainage is inadequate to handle the development now existing. Adding a car wash at this location would create more need for additional drainage.

These are just a few of the reasons that the proposed car wash is not a good idea in this area.

We would like to be on record as opposed to the project identified as APN 494-270-01.

Sincerely,

Manuel Cunha, Jr.
President

KRIKORIAN & COMPANY
ACCOUNTANCY CORPORATION

1715 N. Fine Avenue, Fresno, California 93727 | 559.252.1800 T | 559.252.7257 F | kkcpafirm.com

Ben Krikorian, CPA
Aaron Krikorian, CPA
Kelly Blocker, CPA

March 14, 2023

City of Fresno
Planning and Development Department
2600 Fresno Street
Fresno, CA 93721

Re: Opposition to Development Permit Application #P22-01346

Ladies and Gentlemen:

We just became aware of the March 15 hearing for the development permit #P22-01346, which is for the development on a car wash on the Northwest corner of McKinley and Fine Avenues. Herein, we would like to provide our objection and concerns regarding the development on this corner.

We are owner-occupants of APN 494-270-09, also known as 1715 N Fine Ave. Our building is located just north of the planned development. Having owned this property since first developed in 1981, we would like to share some perspective on the current conditions in this area.

Traffic Congestion

This corner is a T intersection without a traffic light, which adheres to right of way rules. Accessing Fine Avenue is accomplished most simply by making a right-hand turn onto Fine when traveling West on McKinley.

The more problematic way of accessing Fine is from Eastbound McKinley, making a left onto Fine. In heavier traffic times, this turn gets congested. More people access Fine by coming Eastbound on McKinley, due to Highway 41 and Highway 168 feeding into McKinley from the West.

Exiting Fine Avenue onto McKinley is also problematic during heavier traffic times. We are only able to make a right-hand turn onto Westbound McKinley from Fine, which results in traffic backing up on Fine Avenue.

Foot Traffic

In the last several years, there have been changes in this area that has resulted in undesired foot traffic. If you are aware of the conditions along the canal that runs just South of McKinley, we have frequent pop ups of homeless camps along the canal. Although we empathize with what these folks are enduring, we do not welcome some of the foot traffic we receive as a result. Our complex has been the recipient of folks rummaging through our dumpsters, solicitations, and in one instance, someone taking a bath in our flower bed. We are concerned that this development will attract added foot traffic of this kind to our complex, which is detrimental to our professional businesses.

Drainage

The corner of McKinley and Fine has one of the worst drainage problems we have encountered. Any consistent rainfall results in the corner flooding. Heavy, concentrated rainfall has resulted in not only the corner flooding, but a portion of Fine, as well as the parking lot of our complex, flooding. The concern here is that the drainage may not support the water usage by this business, exacerbating the drainage problems.

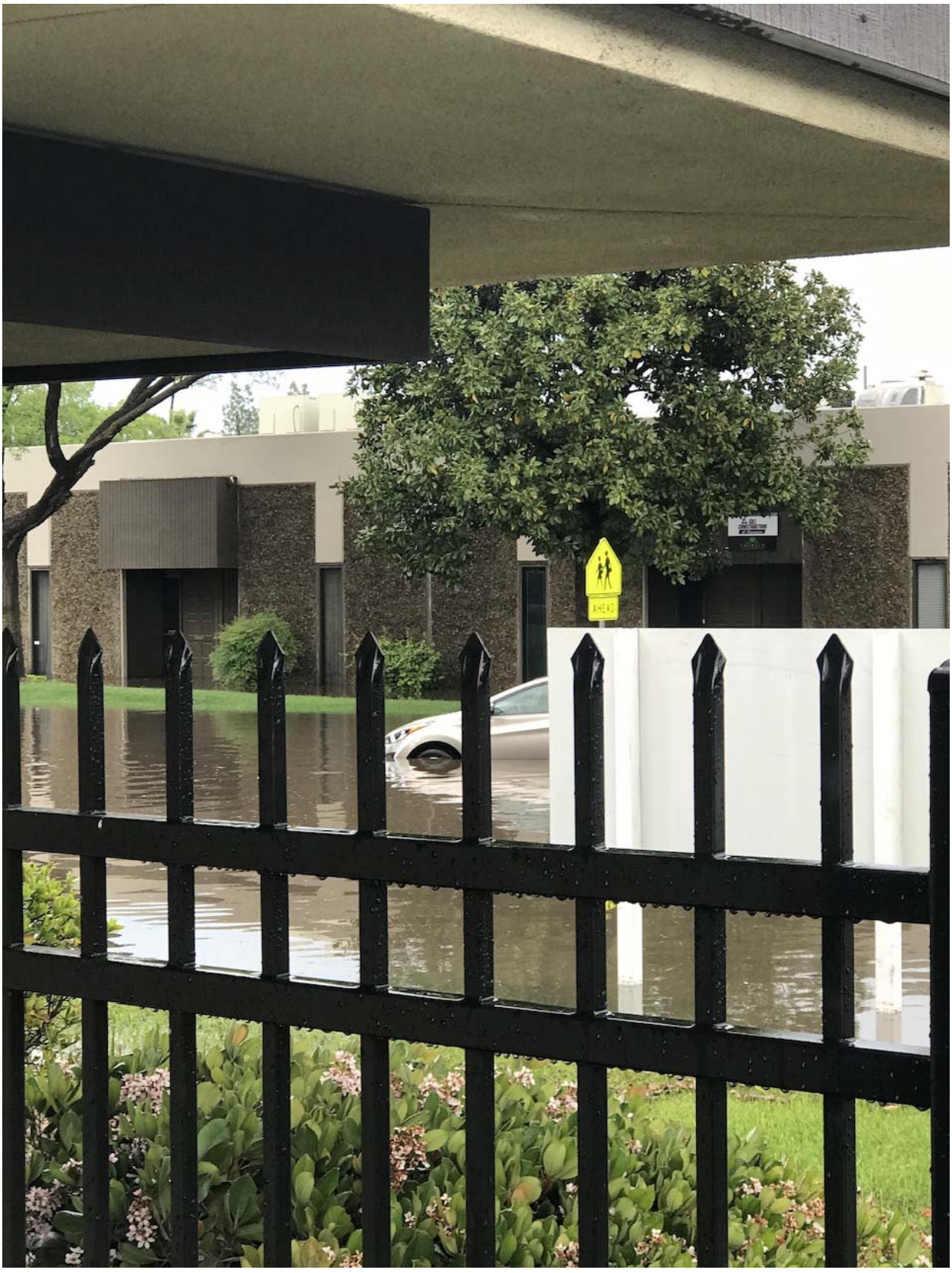
Attached to the end of letter are a couple of pictures of a flooding issue we had a couple of years ago after a significant rainstorm hit. The pictures were taken from our complex, pointing out to Fine Avenue. Again, we are immediately North of this proposed development. On that day, vehicles were trying to make their way out of the area, but were stalling due to the high water levels. We were trapped in our complex until approximately 8:30pm that evening, when the water drained enough to leave.

We kindly ask that you take our objection and concerns into consideration. If you approve the development, we can only hope that you address some of these issues with this corner. Thank you for your consideration. We are happy to provide any further information if you require it.

Regards,

Krikorian & Company Accountancy Corporation

Krikorian & Company Accountancy Corporation
Enclosures of Flooding Pictures


AHEAD

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March 14, 2023

Jose Valenzuela
City of Fresno
Supervising Planner Development Services Division
Via email: Jose.Valenzuela@fresno.gov
PublicCommentsPlanning@fresno.gov

Re: Development Permit Application No. P22-01346
4941 E. McKinley Ave. Project (APN 494-291-05)

Dear Mr. Valenzuela and Commission Members:

This letter is submitted in opposition to Development Permit Application No. P22-01346, for Property at 4941 East McKinley Avenue (APN 494-291-05) (the "Project"). The undersigned, and the law firm of McCormick Barstow, LLP, has been retained to represent Xiamy Ly-Yang ("Sammy") and Gerry Mirassou. Sammy is a tenant at the adjacent parcel (4927 East McKinley Avenue, Fresno, CA 93727) and the operator of Rivendell Community Inc., an Adult Development Center. Mr. Mirassou is Co-Trustee of the Mirassou Survivor's Trust created April 30, 2005, the owner of Airport Village. Please include this correspondence in the Planning Commission's information packet for consideration.

My clients oppose the Project on the grounds that the Project is inconsistent with the uses of the adjacent properties and violates the terms of the Cross Access & Parking Agreement (Exhibit "P" to the Staff Report). They also object to the Applicants improperly attempting to make use of a categorical exemption to avoid examination of the significant environmental impacts that will be created if the Project is approved. My clients ask that the Planning Commission deny the Application in its entirety for the following reasons. Alternatively, the Planning Commission must require that the Applicant prepare an Environmental Impact Report ("EIR") to examine the significant environmental impacts caused by the Project and analyze and adopt feasible mitigation measures to eliminate or reduce those impacts.

It is our understanding that there is progress on a planned development located on 4941 East McKinley Avenue in Fresno. Specifically, we understand that the intended development of this parcel is an automated carwash, which is of great concern as set forth herein. There are serious concerns about the detrimental and damaging impacts of the proposed project, with respect to both the existing use of the neighboring property owned by Gerry Mirassou and the impact of the project upon the current tenants of the neighboring property, who provide tremendous community services to a vulnerable population in Fresno.

The larger area, commonly known as Airport Village, was planned and developed as an integrated commercial/office complex with shared access and shared parking. (See, Exhibit "P" to the Staff Report.) Generally, the Project involves removing parking spaces, changing the location of the handicap access ramp, relocating the entrance driveway, automobile stacking areas immediately in front of existing offices tenants, and blocking traffic due to stacking in relocated driveway. What is greatly distressing is that this project will drastically impact the current tenants as well as future prospective tenants on the neighboring property—yet, the neighboring landowner, Mr. Mirassou was never consulted about these potential issues or permitted to engage in dialogue with the developer and/or the City, nor given notice of the proposed Project. Nor was Mr. Mirassou given notice when his property was rezoned to light industrial as part of city-wide rezoning effort. Had notice been provided, Mr. Mirassou would have expressed his concern with the rezoning of his property, given its existing use. Even so, the regulations governing Employment Districts require consideration existing uses so as to provide for the proper location of businesses that may have the potential to generate off-site impacts. (14 CC&R § 15-1301.) The operation of a carwash next to the existing use of Parcel "A" as an adult care facility is fundamental inconsistent.

One critical concern is the parking associated with the Project. Based upon a review of plans and blueprints, it appears that Surf Thru Car Wash plans to remove the handicap spaces directly in the front and center of the building on Mr. Mirassou's property, and move such spaces to the westernmost part of the parking lot. It further appears that the handicap access ramp to the building is also intended to be moved to the westernmost part of the site. Not only will handicap persons have to cross the street to get to the ramp, but it is a significant distance—about 350 feet to get to the easternmost part of the building. In addition to the handicap spaces, it appears that the Project proposes to remove 43 parking spaces from Parcel B, as well as 17 spaces from the property owned by Mr. Mirassou, leaving only 38 spaces for said property. The 38 remaining spaces are less than the required 41 spaces for the property's commercial/office use (one space per 400 sq. ft.), resulting in Mr. Mirassou's property no longer meeting City of Fresno parking regulations, potentially creating a nonconforming land use.

Not only does the proposed Project impede existing property use and compliance, but it also uniquely threatens a group of vulnerable, underprivileged adults. Since 2018, Airport Village has been home to Rivendell Community Inc. ("Rivendell"), an agency serving underprivileged and vulnerable adults with disabilities. Rivendell is owned by Xiamy Ly-Yang. Rivendell offers services five (5) days per week, and its clientele range from severely to mild developmentally disabled adults. Rivendell provides a safe haven to low-income disabled adults who are often socially isolated from the mainstream community due to their disabilities, language barriers, societal and cultural stigmatization, and inadequate services. Rivendell is one of a handful of agencies that serves disabled adults in the Central Valley and has become an integral part of the Fresno community. Many local families, and their

disabled children, depend on Rivendell to provide assistance and care for these vulnerable adults.

Critically, Rivendell also provides a unique service in on-site job and work training. These jobs at Rivendell are specifically tailored to the needs of the clients. For example, at Rivendell's bakery kitchen, the adults can work a few hours per day under the proper supervision of Rivendell staff to so that they can develop job skills, job training, and gain further independence.

Sadly, the proposed Project jeopardizes the services that Rivendell will be able to offer the Fresno community, and may jeopardize Rivendell in its entirety. The cumulative impact of the proposed Project on this vulnerable population was not considered in approving a categorical exemption. Nor was the correct baseline established to evaluate potentially significant environmental impacts. Specifically, the construction of the car wash will result in loud noises from the car washing machines and the large vacuums and the music from the customers' cars. With the vulnerable adult population just steps away, these constant, high-volume noises will cause very likely substantial harm to many of Rivendell's clients who experience sensory integration challenges, which include visual and auditory triggers. The Applicant's own noise study shows that the Project will generate operational noise levels that exceed 65. It also shows that levels will reach as high at 60 in certain spots of Rivendell. Tragically, these sensory integration challenges often present through a physical manifestation of stress and anxiety, such as self-abusive behavior, including clients hitting themselves on the head repeatedly, scratching their own faces, and hitting themselves on the temples. Should the Project be approved, Rivendell's families and clients will likely be unable to continue to participate in the Rivendell program, resulting in this vulnerable group of underprivileged adults and families lacking necessary support and forcing Rivendell to close its doors and lay off all of its employees.

Additionally, the establishment of a car wash in this location presents other safety concerns for this disadvantaged group. As discussed above, Surf Thru Car Wash is proposing to demolish the existing handicap parking stalls right in front of the main entrance to Rivendell. Therefore, Rivendell's clients with wheelchairs and walkers will no longer have direct and unimpeded access to the main entry door. The distance from the existing handicap parking stalls to the facility's main door is about 5 feet away, whereas the new location of the handicap stalls under Surf Thru Car Wash's proposal places these handicap spaces at hundreds of feet away from the main door. These new handicap parking stalls would also be located on the far west side of the parking lot, which, in addition to the physical distance, will be challenging for Rivendell's clients and the public to navigate to the building. The path to Rivendell from across the parking lot has a multitude of support structures that will impede client wheelchairs and walkers along the side of the Rivendell building. The support structures would likely have to be removed and rearranged to allow for a clear path for Rivendell's disabled clients to access the main entrance, which poses an issue for Rivendell and the property owner, Mr. Mirassou.

Along the same lines, the car wash appears to threaten the existing busing and family transportation to and from Rivendell. Many of the adults are brought to the facility by large EOC buses. Given the disabilities of Rivendell's clients, including those clients in wheelchairs, these buses require a significant amount of space and time to load/unload the adults into and out of the bus. As we understand, the existing project proposes to modify the existing entrance from Fine Avenue for its customers, which would result in Rivendell's buses being unable to use such entrance. This would also preclude Rivendell families and parents from having a safe space to enter the facility and drop off their children.

At its core, the Project proposal as planned, threatens the existence of Rivendell and drastically interferes with and obstructs Mr. Mirassou's use of his own property. We respectfully urge the City to consider these detrimental impacts of Surf Thru Car Wash and take necessary and appropriate actions to address these such detrimental impacts and to protect the vulnerable and underserved adults in the Fresno community.

I. CEQA

The Application improperly make use of Categorical Exemption Class 32 (In-Fill Development). A Class 32 exemption from the mandates of CEQA is only available if certain criteria is met. On such criteria is that it must be demonstrated that the project would not result in any significant effects relating to traffic, noise, air quality and water quality. (14 CCR § 15332(d).) A categorical exemption is unavailable when there is a reasonable probability that an activity will have a significant effect on the environment due to unusual circumstances. (14 CCR § 15300.2(c).)

An unusual circumstance exists due to the unusual yet vital use made on the adjacent property. As set forth above, Rivendell provides a necessary service to some of the City's most underserved and sensitive residents. These individuals are unusually susceptible to noise and traffic impacts. Adequate disabled parking is crucial to servicing this community. Yet, nowhere in the Environmental Assessment for the proposed Project is this community recognized, much less protected.

A. Noise

The Noise Study prepared by MD Acoustics, LLC establishes that the Project will generate operational noise levels in excess of 65 dB(A). (Exhibit "O" to Staff Report.) Levels within the Airport Village facility, where Rivendell is located, will range between 65 and 45 dB(A). Table 15-2506-B of the Fresno Municipal Code establishes that the maximum allowable dB(A) for schools and office buildings is 45. It also establishes that the maximum allowed for other noise sensitive uses is to be established by the Review Authority. Despite the study and the limits established by the Fresno Municipal Code, the Environmental Assessment for the Project concludes

that the proposed Project will not impinge on existing noise-sensitive uses in the area of the Project.

The proposed Project ***will*** have a significant effect on the adjoining property. The Noise Study conducted for the Project at the request of Fresno County Environmental Health demonstrates that the noise generated by the operation of the Project will exceed allowable standards for neighboring property owners and users. No effort in the study was made to evaluate the unusual circumstance created by the presence of Rivendell and its sensitive clients. Because it has been demonstrated that the proposed Project will have a significant noise impact, and the report fails to evaluate the unusual circumstance of the noise sensitive clients of Rivendell, the Class 32 exemption is unavailable.

B. Traffic and Circulation

The proposed Project will also have a significant impact on traffic and circulation. The Site Plan for the proposed Project shows that it is anticipated that the carwash customers will make exclusive use of the entry on Fine Street. This is the same entrance that the buses and vans that transport the clients of Rivendell utilize to enter the premises. Without this access, those buses and vans must make a U-turn on McKinley at Fine to enter the premises to the west on McKinley. The analysis of traffic effects in the Environmental Assessment omit any consideration of the loss of an entrance and the resulting impacts created by numerous buses and vans being forced to make a U-turn to enter the Rivendell premises.

Also, the Site Plan shows that the cars from the carwash will be able to enter the parking lot on Parcel "A" at the "cross-access location". This will create a situation where the disabled clients of Rivendell are forced to navigate a congested parking lot full of carwash customers in a hurry to get back to work. This obviously creates a circulation safety issue to this unique community. The Environmental Assessment omits any discussion or analysis of the impacts on circulation created by this situation, instead focusing exclusively on the trips per day generated by the new business. Because of the unusual circumstances of the Project location, a Class 32 exemption is unavailable and an EIR is required to evaluate the potentially significant environmental impacts created by the Project.

C. Parking

The proposed Project will also create significant impacts to existing parking, including disabled parking. Construction according to the Site Plan will cause the loss of sixty (60) parking stalls, including 17 on the property owned by Mr. Mirassou and utilized by the tenants of Airport Village. It includes the loss of crucial disabled spaces and forces people in wheelchairs to navigate the onslaught of carwash patrons existing through Parcel "A". No evaluation of this impact is performed. Nor is it explained how Applicant can cause the loss of parking spaces on property not owned by the

Applicant or force Mr. Mirassou to accept construction on his property to accommodate the Applicant.

If the Applicant believes that the Declaration of Restrictions Regarding Non-Exclusive Common Parking and Access ("Parking and Access Agreement") authorizes modification of Parcel "A" to accommodate the carwash, the Applicant is mistaken. (Exhibit "P" to Staff Report.) This document, created at a time that it was anticipated that Parcel "B" would be put to the same use as Parcel "A", simply allowed for reciprocal parking. It does not give the owner of Parcel "B" the right to make modifications to the existing improvements to Parcel "A" and certainly does not authorize the removal of parking stalls to accommodate a carwash. Simply put, the Applicant cannot build out the Project as reflected on the Site Plan because the Applicant does not own the rights to alter Parcel "A".

In fact, the Parking and Access Agreement mandates that the Project not be approved as designed. Under the Agreement, the tenants of Parcel "A" have a right to ingress and egress for persons and vehicles through Parcel "B", presumably through the Fine Street entrance. The design of the proposed Project effectively eliminates this recorded right and would be a violation of the restrictions and covenants if built.

II. Conclusion

Sammy and Mr. Mirassou respectfully request that the members of the Planning Commission deny the Application to protect the existing tenants of Airport Village and their clients. The clients of Rivendell are vulnerable, unique, and made of an important and underserved community. There are plenty of places to build a carwash, but immediately adjacent to an Adult Care Facility for autistic peoples is not one of them.

If the members are not willing to deny the Project outright, an Environmental Impact Report is required to analyze the significant environmental impacts cause by the proposed Project and require the adoption of all feasible mitigation measures. Failure to require an EIR will constitute an abuse of discretion and render the approvals subject to reversal.

Very truly yours,

Christopher S. Hall

CSH

041235-000000 8905262.1

OPPOSITION TO DEVELOPMENT PERMIT APPLICATION NUMBER P22-01346

Opponents, Leon E. and Barbara C. Tirapelle, are the owners of a parcel identified as APN 494–270–01 (hereinafter Opponents).

These Opponents were first noticed of the Environmental Assessment Number P22–01346 and the Development Permit Application of the same number, on Wednesday, March 8, 2023. We had no prior notice of a request to allow a car wash on the corner of McKinley and Fine Avenues.

For the first time, on today's date, March 13, 2023, these opponents observed a sign on the northwest corner of the intersection of McKinley and Fine Avenues, indicating that there would be a car wash coming to this location. The physical sign was first noticed on this date.

With the short notice, the following objections, set forth herein, are only a preliminary list of the items of concern.

First: There is a car wash that has been present for many years at the northeast corner of Chestnut and McKinley Avenues to the west of the proposed subject property. This car wash is ballpark .2 miles west of the subject property. It has seven washing bays, a car lube facility, and several vacuum stalls.

Second: In 1988, your Opponents purchased the APN numbered property at the top of this opposition in a complex of 10 offices, consisting of professional and other office buildings. All are occupied. Your Opponent has utilized this space as a Law Office since that time. It is immediately north of the offices on the northwest corner of the intersection of Fine and McKinley.

Within this 10 office complex is a Dental Office, CPA offices, Agricultural Entity Representation Organizations, a second Law Office, and two separate buildings owned and occupied by The Fresno Center. Offices are also located to the north of our complex.

On the northeast corner of McKinley and Fine is more office space. There is a two-story office building on the immediate corner. To the northeast of said two-story building are more offices.

On the immediate northeast corner of Winery and McKinley Avenues, a bit to the west of the property in question, is a Kentucky Fried Chicken and a Triangle Drive In.

There is a Carl's Jr. eatery on the northwest corner of Gateway and McKinley Avenues. Again, this is east of the intersection in question. The McKinley/Gateway intersection is controlled by electrical traffic signals. There are no electrical control signals at the corner of McKinley and Fine Avenues. There is a stop sign for southbound traffic on Fine as it T's into McKinley from the north. There are no stop signs on McKinley at its intersection with Fine.

There is a left-hand turn lane for eastbound McKinley traffic at Fine. It is a busy turn lane during the morning work arrival hours for the offices in the area. The noon hour traffic at this location is problematic for additional traffic and also at the work day end, 4:00 p.m. to 5:00 p.m.

Third: There is a Charter High School on the west side of Fine Avenue within 1/4 mile north of the intersection of Fine and McKinley. The school generates an abundance of foot traffic for students in the morning hours and throughout the day, finishing at about 2:00 p.m. Students walk along Fine Avenue, primarily on the west side.

Fourth: The passenger vehicles and trucks in the area is abundant and there is also airport related traffic to the east of the proposed property that makes it dangerous with its congestion.

Fifth: There is also noise that would be generated by the proposed use, which is inconsistent with the area and would be a nuisance.

Sixth: The intersection of Fine and McKinley is often flooded as the drainage is inadequate to eliminate/discharge the surface water during any rain event in excess of 1/2 inch in an hour, which is often the case, in spite of the drought we have experienced in the last several years.

These opponents may be reached at P.O. Box 66, Sanger, CA 93657. The telephone number for Leon Tirapelle is 559/240–8242.

Respectfully submitted,

Leon E Tirapelle.