

Exhibit B



LYLES DIVERSIFIED INC.

P.O. BOX 26085, FRESNO, CALIFORNIA 93729
TELEPHONE: (559) 441-1900

February 14, 2024

Jennifer K. Clark, Director
Planning and Development Department
City of Fresno
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

**RE: Conditions of Approval Appeal for Tentative Parcel Map No. 2023-13
(Record No. P23-01940)**

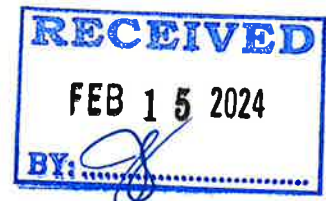
Dear Ms. Clark,

On behalf of the Lyles Family and the entire Lyles organization, we are writing to express our profound disappointment with the Conditions of Approval (COAs) issued February 6, 2024, by the City of Fresno Planning and Development Department regarding the above referenced project.

The primary objective behind reinstating the lot line at its original 1968 location is to facilitate the transfer of ownership of the western office to the Fresno Chaffee Zoo through a donation. Clearly, the lot line, with no other improvement, is not an active development project as interpreted by City staff. The Zoo has occupied the office as a tenant for more than three years, during which efforts have been made to reinstate the premises to its original state of over 40 years ago, thereby enabling the Zoo to rightfully assume ownership of its administrative offices.

The COAs appear to completely disregard that the existing parcel(s) are fully developed with absolutely no further improvements. The Parcel Map is simply the re-establishment of a previous property line that was eliminated about twelve years ago as our organization occupied the entire campus prior to relocating our corporate office and occupying the main office by its original owner; W.M. Lyles Co.

While we acknowledge Municipal Code Sec. 15-3804. – INSTALLATION OF IMPROVEMENTS as applicable to a bare ground future improvement parcel, this parcel is fully improved with no nexus for the city to require these COA's currently per section 66411.1 of the Subdivision Map Act.



The COAs we are not in agreement with are as follows:

- General Conditions No. 4 – Compliance with the approved address plan dated December 15, 2023.
- General Conditions No. 7 – Dedication and construction of public easements.
- General Conditions No. 8 – Providing plans for on-site and off-site improvements.
- General Condition No. 11 – Compliance with the Department of Public Works, Traffic Operations and Planning Division memorandum dated December 29, 2023.
- General Condition No. 12 – Compliance with the Department of Public Utilities, Water, Sewer, and Solid Waste Divisions memorandum dated November 21, 2023.
- From the Public Works Department, Land Planning Section memorandum dated 12/29/2023:
 - General Conditions:
 - Right of way acquisition.
 - Submission of plans.
 - Offsite improvements.
 - Curb ramps with “Detectable Warning Devices”.
 - Repair of all damaged and/or off grade off-site concrete street improvements.
 - Removal of unused driveway approaches.
 - Providing visibility triangles.
 - Undergrounding of existing offsite overhead utilities.
 - Correction of sidewalks exceeding 5% longitudinal and 2% cross slopes.
 - Street Dedications and/or Vacations.
 - Frontage Improvement Requirements.
 - Olive Avenue improvements.
 - West Avenue improvements.
 - Hedges Avenue improvements.
 - Traffic Signal Mitigation Impact Fees.
 - Fresno Major Street Impact Fees.
 - Regional Transportation Mitigation Fee.
- From the Public Works Department, Land Planning & Subdivision Inspection Section memorandum dated December 29, 2023 – Street tree requirements.
- From the Public Works Department, Land Planning & Subdivision Inspection Section memorandum dated December 29, 2023:
 - CFD annexation.
 - The Property Owner’s Maintenance Requirements.
- From the Public Works Department red line comments on the Tentative Parcel Map 2023-13:

- Requirement of street trees.
- Requirement of 12' sidewalk pattern on West Olive Avenue.
- Undergrounding of street lighting along West Olive Avenue.
- Compliance of street lights meeting Public Works Standards.
- Corner cut street dedications.
- 4' clear path of travel behind driveway approach on West Hedges Avenue.
- 4' clear path of travel along entire street frontages of this map.
- Undergrounding of all existing overhead utilities.
- From the Department of Public Utilities – Utilities Planning & Engineering memorandum dated November 21, 2023:
 - General Requirements.
 - Water Service Requirements.
 - Water Supply Requirements,
 - Sewer Requirements.
 - Sanitary Sewer Fees.

We respectfully request that the City of Fresno Planning and Development Department reconsider the COAs for the Project. We acknowledge that should future onsite improvements be contemplated, improvement conditions, like the ones outlined in these COAs may be required.

We believe that with careful reconsideration, it will become apparent that these COAs are not in the best interest of the community it serves.

Sincerely,



Gerald Lyles
Senior Vice President
Lyles Diversified, Inc.



Civil Engineering
 Land Surveying
 Land Planning
 Landscape Architecture
 Traffic Engineering

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Project Number: **21-0036-00**
 Project Name: **Lyles Campus (PM No. 2023-13)**
 Date: **February 15, 2024**

To: **City of Fresno**
Planning and Development Dept.
2600 Fresno Street, Third Floor
Fresno, CA 93721-1026

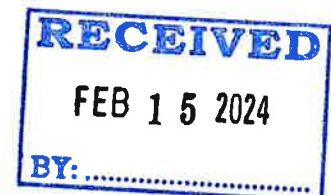
Attention: **Jennifer K. Clark**
(559) 621-8277

LETTER OF TRANSMITTAL

We are sending you:	<input checked="" type="checkbox"/> Attached	<input type="checkbox"/> Under Separate Cover	
Delivered Via:	<input checked="" type="checkbox"/> Courier	<input type="checkbox"/> Mail	<input type="checkbox"/> Overnight
	<input type="checkbox"/> Fax	<input type="checkbox"/> Pick-Up	
<input type="checkbox"/> As Requested	<input type="checkbox"/> Prints	<input type="checkbox"/> Specifications	<input type="checkbox"/> Staking Plan
<input type="checkbox"/> For Your Use	<input type="checkbox"/> Tentative Map	<input type="checkbox"/> Original Tracings	<input type="checkbox"/> Hard Copy
<input type="checkbox"/> For Your Comments	<input type="checkbox"/> Grading Plans	<input type="checkbox"/> Boundary Survey	<input type="checkbox"/> Reproduces
<input checked="" type="checkbox"/> COA Appeal Letter	<input checked="" type="checkbox"/> Original	<input type="checkbox"/> Topographic Survey	<input type="checkbox"/> SWPPP
<input type="checkbox"/> Return To Our Office	<input type="checkbox"/> Cost Estimates	<input type="checkbox"/> ALTA Survey	<input type="checkbox"/> Exhibits
<input type="checkbox"/> Let's Discuss	<input type="checkbox"/> Quantity List	<input type="checkbox"/> FHA Survey	<input type="checkbox"/>
<input type="checkbox"/> For Signatures	<input type="checkbox"/> Preliminary Map	<input type="checkbox"/> Cut Sheets	<input type="checkbox"/>
<input type="checkbox"/> Invoices	<input type="checkbox"/> Parcel Map	<input type="checkbox"/> Legal Descriptions	<input type="checkbox"/>
<input type="checkbox"/> Other:			

RE: Lyles Campus – Parcel Map No. 2023-13

- ✓ 1 Copy – Condition of Approval Appeal Letter



CC: **Tesoro Viejo**

BY: **Keith Jolly, PE**



LYLES DIVERSIFIED INC.

P.O. BOX 26085, FRESNO, CALIFORNIA 93729
TELEPHONE: (559) 441-1900

June 21, 2024

Jennifer K. Clark, Director
Planning and Development Department
City of Fresno
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

**RE: Conditions of Approval Appeal for Tentative Parcel Map No. 2023-13
(Record No. P23-01940)**

Dear Ms. Clark,

In addition to the February 14th correspondence, and attempting to work with City Staff on options related to the Conditions of Approval (COAs) issued February 6, 2024, as may be revised; the entire Lyles Family organization is stunned that the City has had this much difficulty in approving a previously existing lot line on a fully developed parcel with no further improvements.

As a reminder for record, our primary objective behind reinstating the lot line at its original 1968 location is to facilitate the transfer of ownership of the western office to the Fresno Chaffee Zoo through a donation. Clearly, the lot line, with no other improvement, is not an active development project as interpreted by City staff. The Zoo has occupied the office as a tenant for more than three years, during which efforts have been made to reinstate the premises to its original state of over 40 years ago, thereby enabling the Zoo to rightfully assume ownership of its administrative offices.

With our complete understanding of the Map Act and corresponding sections of the City Municipal Code, it is our assertion that City Staff is unwilling to address a fundamental aspect of this lot line vs. every other condition that may apply toward a Parcel Map. By way of summary below, the following Sections conflict with our specific request and should be addressed with the Director's right to approve the Map as allowed. As a reminder, the proposed Parcel Map is simply the reinstatement of a previous property line that was eliminated about twelve years ago as our organization occupied the entire campus prior to relocating our corporate office and occupying the main office by its original owner; W.M. Lyles Co.

Maps required for development need to align with the California Map Act and in turn, the Fresno Municipal Code Articles 32 and 35. With that introduction, I would like to address a fallacy that provides no clear direction or procedure on a waiver process and discounts the

applicability of the Director to, in limited circumstances, address Maps that may not align with a more formal Map Act requirement.

- Sec 15-3202 identifies requirements tied to four or fewer parcels.
 - This applies to our single parcel but does not apply to any reinstatement of a lot line. Simply a division of land to create another parcel with improvements.
- Sec 15-3202 further identifies requirements for a **Waived Parcel Map** that must meet requirements in compliance with Section 15-3503.
- Sec 15-3503 specifically states that a **waiver may be granted** in compliance with the Map Act (Section 66428), *provided that the Director shall first find that the proposed subdivision complies with all applicable requirements of this Development Code and the Map Act as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and all other applicable requirements of this Development Code and the Map Act*
- Map Act Section 66428(b) specifically states that a **“local agency shall, by ordinance, provide a procedure for waiving the requirement for a parcel map, imposed by this division, including the requirements for a parcel map imposed by Section 66426.”**
 - Section 66426 only applies to creating five or more parcels and thus, does not apply to our situation.
- Referring back to Map Act Section 66428(b), in compliance with Municipal Code Section 15-3503, the Section continues with the exact wording in Sec. 15-3503 whereby the ordinance shall require a finding by the legislative body [“Director” above] that the proposed division of land complies with the requirements of improvement...etc. etc. etc.
 - Thus, the City’s requirement to provide a procedure for waiving the requirement for a parcel map is a closed-loop circle of absolutely no formal completion or action item. It’s a continuous reference between the Map Act and exact wording in Section 15-3503.
 - Therefore, using both Section 66428(b) of the Map Act and the corresponding Section 15-3503 of the Municipal Code, we need to note the importance of our specific request for a lot line reinstatement that has absolutely no improvements tied to it. It is imperative to note that a waiver may be granted based upon the Director’s review that our lot line, in this specific case, **does not fit into the broad Map Act or Municipal Code sections.**
 - Every matter of improvement is in its existing state with absolutely no adjustments in *“area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and all other applicable requirements of this Development Code and the Map Act.”*

- Our parcel and lot line reinstatement fundamentally complies with both the Map Act and Municipal Code because they do not adequately address this specific situation by definition, waiver or required City procedures.
- There is no legal provision in either the Map Act or the Municipal Code to address a simple “lot line reinstatement” with “no improvements.” It is imperative then, with our request, that a waiver procedure allowing the Director’s review and applicant’s certification that the parcel is in its existing state with absolutely no improvement.

As identified previously, the original February 6th COA’s noted several inconsistent requirements that do not provide a logical connection to the revised May 21, 2024 COA’s for a lot line reinstatement such as:

- ROW Acquisition
- Street Dedications and/or Vacations.
- Frontage Improvement Requirements.
- Olive Avenue improvements.
- West Avenue improvements.
- Hedges Avenue improvements.
- Traffic Signal Mitigation Impact Fees.
- Fresno Major Street Impact Fees.
- Regional Transportation Mitigation Fee.
- Requirement of street trees
- Compliance with street lighting
- Water and Sanitary Sewer Fees

The City’s revised requirements further stipulate that *“existing driveway approaches which no longer provide access to approved vehicle parking areas shall be removed unless otherwise approved by the City Engineering. The work shall be complete and accepted before a Permit of Occupancy is issued or the building is occupied per Fresno Municipal Code 13-211.*

As must be restated and clarified; the buildings are occupied. These are existing offices. The lot line was previously in place. There are no improvements.

Fundamentally, beyond the inconsistencies of City staff use of Map Act, the City has focused attention on Article 38 of the Municipal Code – Improvements and Security.

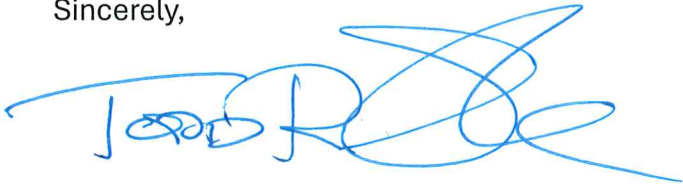
- As stated in Section 15-3801 – Purpose.
 - “This Division provides standard for the preparation and review of the improvement plans, the installation of improvements, and for security to guarantee installation of the improvements.”

- While I don't disagree that this Section should certainly be used for improvement projects, we have "no" improvement plans or proposed installation of improvements" because we are simply asking to reinstate a previous lot line for existing office buildings. Thus, by definition, all the proposed City requirements for **improvement** should be disregarded and not apply to our lot line reinstatement.

Based upon the ambiguity in sourcing the Map Act and Municipal Code for our specific lot line reinstatement request while not having an effective procedure for waivers and inability to assert that we are improving the property by simply adding back a lot line, we respectfully request that the City of Fresno Planning and Development Department Director reconsider and decline the COAs for the Project. There is absolutely no nexus to the City's requirements in the COA's and corresponding codes or other requirements.

This process should not have been indicative of a bureaucratic stalemate when two well-known and valued organizations are trying to reestablish what was previously existing with no improvement or impacts on existing infrastructure.

Sincerely,



Todd R. Sheller, Vice President

On behalf of Gerald V. Lyles, Senior Vice President
Lyles Diversified, Inc.

cc Fresno City Council Member Miguel Arias
Jon Dohlin, CEO and Zoo Director, Fresno Chaffe Zoo