Casey Lauderdale

From: Arnoldo Rodriguez
Sent: Friday, July 18, 2014 12:04 PM
To: Tony Terzian; Trai Her
Cc: Bruce Barnes; Jennifer Clark
Subject: RE: Master Plan 2035

Good morning Tony,

We are in receipt of your request. We will look into it and follow up with you.

Arnoldo

_____

From: Tony Terzian [tt_0553@yahoo.com]
Sent: Friday, July 18, 2014 7:44 AM
To: Trai Her
Cc: Arnoldo Rodriguez; Bruce Barnes; Jennifer Clark
Subject: Master Plan 2035

To whom it may concern,

I am anxiously waiting to see the new 2035 city-wide master plan. I own a 5 acre property at 3282 N. Marks Avenue (APN 433-080-01 & 433-080-02). At the moment is it zoned Residential/Farm (RF). I disagree with the current zoning for the 2035 master plan. Land on all three sides adjacent to the property are currently zoned M1 and M3. For example, there is M1 zoning on the south end of the property and on the west side it is zoned M3. On the north side it is M1 and R3, and finally on the east side it is zoned R3. It is not feasible to build a single family house with the current zoning in the surrounding area. I would like to kindly submit for my property to be zoned M1 to correspond to the adjacent area. In the future, it is my plan to put a nursery on the property to grow trees and shrubs. Therefore, M1 zoning would be a ideal buffer zone between M1 and R3 for this purpose. I would like to see my property be zoned M1 so that I may operate freely. Enclosed is a map outing the property. Thank you for your consideration.

Thank you,
Art Terzian

TROY A. McKENNEY
7480 N. Palm Avenue, Suite 101, Fresno, CA 93711
(559) 432.6200 (office)
(559) 447.6277 (direct)
(559) 432.2938 (fax)

April 30, 2014

Ms. Jennifer Clark, Director
Development and Resource Management
City of Fresno
2600 Fresno Street, Third Floor
Fresno, CA 93721

RE: Properties to be included in the 2035 General Plan Update
1) 2309 N. Marks Avenue, Fresno, CA
2) 2325 N. Marks Avenue, Fresno, CA

Ms. Clark,

I am one of the owners of three parcels of land at the southwest corner of Clinton Avenue and Marks Avenue. The corner parcel, which is over 7 acres is zoned C-6. The two smaller parcels are currently designated for office use. They are about 1 acre each and are on the southeast corner of the larger parcel.

We are interested in developing the three parcels together as a shopping center. In order to do this we would need the two smaller parcels to be zoned (or for now at least designated for) commercial retail as they square off the property. We are interested in moving forward to develop this property as soon as possible.

We would like to request that these two small parcels be included as commercial retail in the 2035 General Plan update the City of Fresno is working on now.

Please let me know if this is possible and what we need to do to accomplish this.

Sincerely,

Troy A. McKenney
Property Owner
P: 559.447.6277
F: 559.432.2938
E: tmckenney@pearsonrealty.com

cc: Mike Sanchez
Michelle Zumwalt

Consulting Engineers

7545 N Del Mar Ave, Suite 201
Fresno, CA 93711
Phone 559.288.9172
Fax 559.513.8449

August 14, 2014

Jennifer K. Clark, AICP
Director Development and Resource Management Department
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93722

Re: 2035 General Plan - Request for revise land use classification for APN 428-340-09

Dear Jennifer,

This letter is in regards to Assessor's Parcel Number (APN) 428-340-09 located at 4114 E Gettysburg Ave (hereinafter referred to as Property). The Property consists of a vacant lot on the southeast corner of E Gettysburg and N Sharon Avenues. The Property is legally described as Lot 14 of Tract No. 2140 Colburn Colony (see attached). Lots 1 through 13 of Tract No. 2140 Colburn Colony are currently occupied with multi-family residential developments (fourplexes).

According to the current records the zoning for the Property is R-3. However, in the 2035 General Plan Update, the Property's land use is shown as Office (see attached). I recently acquired the Property with the intent of building a multi-family residential development. More specifically I would like to build two (2) more fourplexes on the Property to be consistent with the adjacent development. Office use would not be consistent with adjacent land uses and it would not be the highest and best use for the Property. Thus, I would like to request that the intended land use for the Property be revised from Office to Urban Neighborhood to match the land use of the adjacent development.

Lots 1 through 13 are shown in the 2035 General Plan as Medium High Density Residential. Lots 1 through 13 range in size between 7,130 sq ft and 7,440 sq ft. Currently, Lots 1 through 13 contain four dwelling units per Lot or an equivalent of 23.4 to 24.4 DU/acre. It appears that the 2035 General Plan misclassifies Lots 1 through 13 as Medium High Density Residential (12-16 DU/ac). The land use for Lots 1 through 13 should be shown as Urban Neighborhood which allows 16 to 30 DU/ac.

I appreciate your time and consideration of my requests and look forward to seeing the 2035 General Plan finalized accordingly. If you would like to discuss this matter further or need any additional information supporting our request please contact me at (559) 288-9172 or e-mail me at alfonso.manrique@am-ce.com.

Sincerely,

Alfonso Manrique, PE
Principal

7 U

MAP OF

TRACT NO. 2140

COLBURN COLONY

FRESNO COUNTY, CALIFORNIA

CONSISTING OF ONE SHEET — IN THE CITY OF FRESNO

SURVEYED AND PLATTED IN NOVEMBER 1966 BY HANNA & PREBLE

BEING THE SUBDIVISION OF THE WEST 150.0 FEET OF THE NORTH THREE-QUARTERS OF THE EAST ONE-HALF OF THE NORTH ONE-HALF OF LOT 1, BLOCK "A" OF WOLTERS COLONY AS PER MAP RECORDED IN BOOK 2, PAGE 10 OF PLATS, FRESNO COUNTY RECORDS, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 14, T.13S., R.20E., MOUNT DIABLO BASE & MERIDIAN, FRESNO COUNTY, CALIFORNIA, EXCEPTING THE WEST 28.3 FEET AND THE NORTH 10.3 FEET THEREOF.

LEGEND

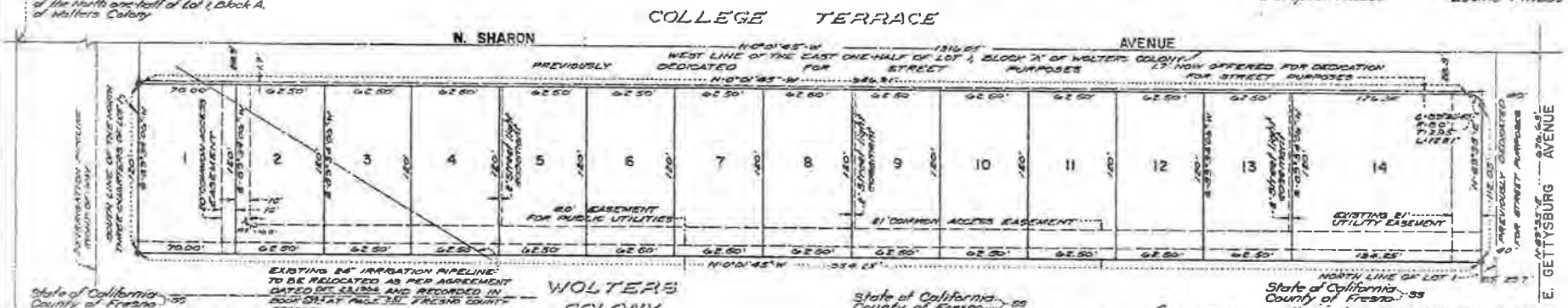
- Existing monument found
- 3/4-inch pipe semi-durable monument according to E-9 of Standard Specifications
- 3/4-inch pipe durable monument according to E-9 of Standard Specifications.

All lot corners are 3/4-inch pipe.

Scale: 1" = 50'

BASIS OF BEARING

The North line of the Southeast one-quarter of Section 14-13/20 (center line of Gettysburg Avenue) taken as N89°55'E as shown on the map of College Terrace, Tract No. 1451, Fresno County, California.



State of California } SS
County of Fresno

The undersigned being all parties having any record title interest in the land within this subdivision hereby consent to the preparation and recordation of this map, and offer for dedication for public use the parcels and easements specified on said map as intended for public use for the purpose specified thereon.

Scott C. Ellis — Georgeena L. Ellis

Colburn R. Thomason — Valdene R. Thomason

Title Insurance and Trust Company, a Corporation

Vice President

Fresno Irrigation District

Raymond W. Lombardi, President — Florence Carter, Secretary

State of California } SS
County of Fresno

On the 16 day of DECEMBER 1966, before me JIMMY Y. TSURUOKA, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Scott C. Ellis and Georgeena L. Ellis, his wife, and Colburn R. Thomason and Valdene R. Thomason, his wife, known to me to be the persons who executed the within instrument and acknowledged to me that said persons executed the same.

In Witness Whereof I have hereunto set my hand and affixed my official seal at my office in said County the day and year first above written.

Jimmy Y. Tsuruoka — JIMMY Y. TSURUOKA

Notary Public in and for said County and State
My Commission Expires 3-2-69

JIMMY Y. TSURUOKA — NOTARY PUBLIC - CALIFORNIA — PRINCIPAL OFFICE IN FRESNO COUNTY

State of California } SS
County of Fresno

On the 23 day of December 1966, before me Elizer Vartian, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Andrew E. Nordgren, Vice President of Title Insurance and Trust Company, a corporation, and the corporation that executed the within instrument on behalf of the corporation therein named and acknowledged to me that said corporation executed the same as trustee.

In Witness Whereof I have hereunto set my hand and affixed my official seal at my office in said County the day and year first above written.

Elizer Vartian

Notary Public in and for said County and State
My Commission Expires June 16, 1968

ELIZER VARTIAN — NOTARY PUBLIC - CALIFORNIA — PRINCIPAL OFFICE IN FRESNO COUNTY

State of California } SS
County of Fresno

I, James B. Preble, hereby certify that I am a Registered Civil Engineer of the State of California, and that this map consisting of one sheet, correctly represents a true and complete survey made by me or under my direction and that the monuments found or set are of the character and occupy the positions indicated and that said monuments are sufficient to enable the survey to be retraced.

James B. Preble — RE-10792

State of California } SS
County of Fresno

On the 20 day of January 1967, before me Paul H. Wilkins, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Raymond W. Lombardi, President and Florence Carter, Secretary of the Fresno Irrigation District, the district that executed the within instrument and known to me to be the persons who executed the within instrument on behalf of the District therein named and acknowledged to me that said District executed the same.

In Witness Whereof I have hereunto set my hand and affixed my official seal, at my office in said County the day and year first above written.

Paul H. Wilkins

Notary Public in and for said County and State
My Commission Expires 7-2-69

PAUL H. WILKINS — NOTARY PUBLIC - CALIFORNIA — PRINCIPAL OFFICE IN FRESNO COUNTY

State of California } SS
County of Fresno

I, Donald E. Baird, Fresno City Engineer, do hereby certify that I have examined this map, that the subdivision shown is substantially the same as it appeared on the tentative map, that all the provisions of the Subdivision Map Act, and local ordinances applicable have been complied with and that I am satisfied that the map is technically correct.

Dated Jan. 20, 1967 — Donald E. Baird, City Engineer

State of California } SS
County of Fresno

I, George A. Kerber, Secretary of the Planning Commission of the City of Fresno, do hereby certify that I have examined this map, that the subdivision shown conforms to and is in compliance with the approved tentative map and requirements imposed by the Fresno City Planning Commission as a condition to the acceptance of the Final Map.

Dated 1-20-67 — George A. Kerber, Secretary of the Planning Commission

State of California } SS
County of Fresno

On the __ day of January 196__, before me _____, a Notary Public in and for said County and State residing therein, duly commissioned and sworn, personally appeared Y. Stephen Pilibos and Lucille Pilibos, his wife, known to me to be the persons who executed the within instrument and acknowledged to me that said persons executed the same.

In Witness Whereof I have hereunto set my hand and affixed my official seal of my office in said County the day and year first above written.

Notary Public in and for said County and State
My Commission expires _____

AGNES L. CECI — NOTARY PUBLIC - CALIFORNIA — PRINCIPAL OFFICE IN FRESNO COUNTY

State of California } SS
County of Fresno

I hereby certify that the Council of the City of Fresno by Resolution adopted January 24, 1967, approved the within map and accepted on behalf of the public all parcels of land and easements offered for dedication for public use in conformity with the terms of the offer of dedication, except those parcels indicated as common access easement.

Dated Jan. 24, 1967 — D. E. Roughton, City Clerk

No. 6768

Filed and recorded at the request of the Title Insurance and Trust Company this 30 day of January 1967, at 30 minutes past 2 o'clock P.M. and recorded in Volume 23 of Plats at page 44, Fresno County Records.

Fee $5.00

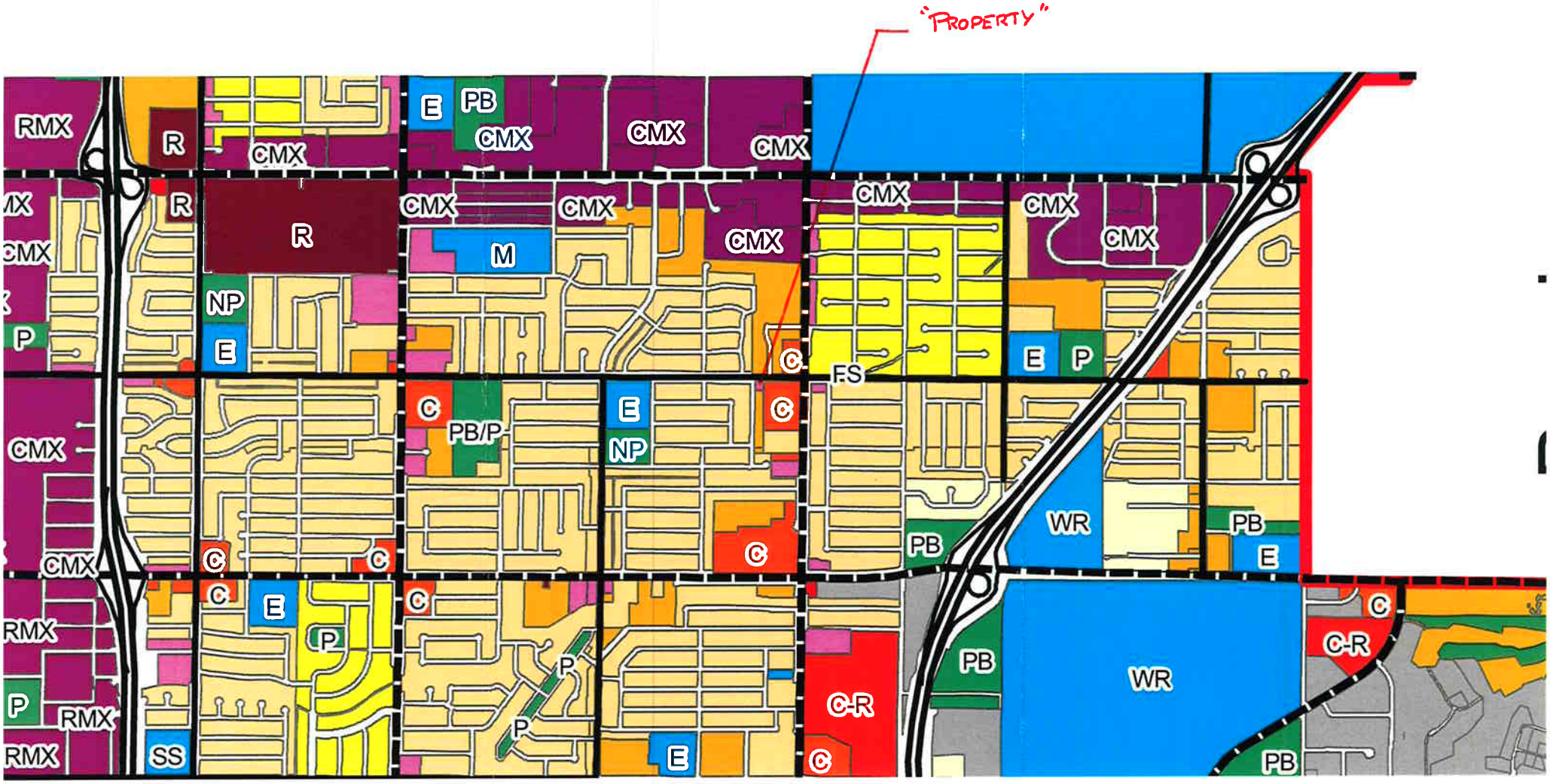
J. L. Brown, County Recorder

Jean Mitchell, Deputy

East one-quarter corner Section 14-13/20

CM-7866
1-12-68

NORTH 1316.64'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Please add to the list.

From: Will Tackett
Sent: Thursday, August 28, 2014 12:16 PM
To: Arnoldo Rodriguez
Subject: RE: Request for Rezone

Arnoldo,

This reminded me to follow-up with you on a General Plan request if we can still incorporate…

At the intersection of Aircorp Way and Westover Ave (Hammer Field west of Clovis where the new Pickett industrial park is being proposed) is a patch of blue/public facility designated property for the Fire Station.

If possible, I would like to color the portion of public facility planned property which lies outside of the boundary of the Fire Station as light industrial; consistent with the rest of the area. I can provide dimensions of the area if needed but basically, if you pull up the aerial on IView, it is the bare patch on the NW side of the fire station, between the station and Westover Ave.

Please just let me know… not too big of a deal either way.

Thanks!

Will

Casey Lauderdale

From: Arakel Arisian <arakel@arisiangroup.com>
Sent: Monday, August 18, 2014 5:40 PM
To: Jennifer Clark
Cc: Trai Her; Ricchiuti, Vincent (vincent@prfarms.com)
Subject: Fresno GP Update Comments - Ricchiuti Family Farms

Hello Jennifer,

On behalf of Ricchiuti Family Farms, please accept our comments regarding the City of Fresno General Plan (GP) Update. As I mentioned to you during our August 1, 2014 meeting, we suggest revising and/or clarifying the descriptions and requirements related to the mixed-use land designations.

First, we ask you consider allowing some automobile-oriented uses, subject to approval of the Development Director, in the neighborhood mixed-use designation. This would allow flexibility for some important uses, such as coffee shops and financial institutions. The overall project would still be required to have a neighborhood-orientated, pedestrian-friendly design.

Second, we ask you consider incorporating flexibility regarding the minimum requirement for area developed as residential uses in the mixed-use land use designations.

We also will be requesting a land use changes on the Northwest corner of Shepherd and Willow. We discussed a Corridor/Center Mixed-Use designation, as that will allow for the mix of commercial and residential uses we are proposing. Alternatively, it may be possible to retain the eastern half (10 acres) of the property as Community Commercial and change the western half to residential (perhaps 5 acres medium-high and 5 acres urban density). We also previously requested the corner of Shields and Temperance to be designated with 5-acres of Community Commercial. We will follow up with you on these two land use items in the next few weeks.

Thanks for your time and consideration.

Arakel

Arakel A. Arisian
AICP, LEED AP
Arisian Group
389 Clovis Avenue, Ste. 200
Clovis CA 93612
Office: 559-797-4359
Mobile: 559-260-2070

http://www.arisiangroup.com

To Jennifer Clark,

I've been informed that the zoning for the Nursery on the corner of Chestnut & Alluvial will be changed to Medium High density. I live at 2081 E. Cromwell, Fresno and would not want more traffic since there is a lot already. I would appreciate homes be built there and not appartments

Thanks for your time and consideration in this matter.

Beth Brown

September 20, 2014

31b

Jennifer K. Clark
Director
Development and Resource Management Department
2600 Fresno Street
Room 3065
Fresno, CA 93721

RECEIVED
CITY OF FRESNO
SEP 26 2014
DEVELOPMENT & RESOURCE MANAGEMENT DEPARTMENT
DEVELOPMENT SERVICES
PLANNING DIVISION

Dear Jennifer,

It has come to our attention that the City of Fresno is considering a change to the current zoning of property on the northwest corner of Chestnut and Alluvial from Medium Low Density residential to Medium High Density residential.

News of this potential change is disappointing and my wife and I would like to go on record in opposition to it.

We live in Mountain View Estates which is south of the proposed area. At present the large apartment complexes on Maple between Herndon and Alluvial with section eight renters bring many problems into our neighborhood. On my early morning runs it is common to see addicts rummaging through our cans on trash pick-up days. They also forage through the dumpster in the park that is west of the area in question. At sun-up we see the culprits slip back into one of the apartment complexes on Maple. Graffiti has become more prevalent up and down Maple across from these complexes. Three neighbors across the street from us have been burglarized. The neighbor to our immediate south has had their car broken into.

A parcel south of our development was rezoned a few years ago and an apartment complex built. Renters from that complex use our neighborhood as a short cut to Alluvial and zip through our streets at excessive speeds. We are concerned that more rental units in close proximity to our home will increase these problems.

For our first ten years in this house, we loved this neighborhood. During these last five years like our neighbors we have become concerned and even worried. One neighbor has been moved by these problems to take steps to move to Clovis. Sure, the housing market is slow and rental occupancies are high. This is cyclical. Patience and a long-term commitment to quality are always rewarded over a rezone for short term gain.

Thank you for your consideration.

Dan Taylor
7381 N. Recreation Avenue
Fresno, CA 93720
(559) 824-3016

31c

RECEIVED
OCT 03 2014
By

9.30.14

Dear Mrs. Clark,

Neighbors of mine Bill and Linda Hicks pointed out that the city is proposing a change on the nursery property on the corner of Chestnut and Alluvial. In the letter it states that the new proposed zoning change would make our residential area medium high density. As a homeowner, this concerns me because I feel like traffic is already very heavy at certain times of the day, especially due to the nearby elementary school. I would kindly like to share my opinion, that for our community this property be used for single family homes and not developed into apartments if it needs to be changed from a nursery.

Thank you,

Erica Ayala

7474 N. Woodrow Ave

Fresno, CA 93720

RECEIVED
CITY OF FRESNO

9/28/14

31d

OCT - 3 2014

RECEIVED
SEP 30 2014
By

Greetings Jennifer,

I am writing this letter as a concerned resident currently living very close to the "nursery lot" located on the northwest corner of Chestnut and Alluvial Avenues in Fresno. My wife and I moved to the area two years ago partly because of the fact that it is a peaceful community with only medium low density zoning. We are concerned that the proposed change to medium high density so near to our residence could ultimately result in the building of apartments, and ultimately lower our property value, and raise the probability of crime. Therefore, I am simply voicing ~~my~~ our opinion that it is our hope ~~that~~ such a change in zoning will not occur. I will plan on attending future meetings to voice my opinion in person.

To Jennifer K. Clark, Director
Development and Resource Management Department
2600 Fresno Street, Room 3065
Fresno, CA 93721

CITY OF FRESNO
SEP 25 2014
DEVELOPMENT & RESOURCE MANAGEMENT DEPARTMENT
DEVELOPMENT SERVICES
PLANNING DIVISION

31e

My name is Kassandra Booth and I live in the neighborhood behind the 'nursery' and empty lot property at the NW corner of Chestnut and Alluvial. I was recently informed that the City of Fresno plans to rezone this property to allow for apartments.

This concerns me greatly for numerous reasons. One main concern for me is having another apartment complex so close to a very safe, child friendly neighborhood. Apartment complexes typically bring with it petty theft, crime, graffiti, and additional noise. Another major concern is the amount of increased traffic so close to a park and Clovis Unified school. The traffic is already bad during the morning and evening commute hours.

I would love to see the NW corner of Chestnut and Alluvial rezoned for single family comes, or even condos. Another apartment complex is not the best way to use this property, especially with a new complex currently being built just down the street (at Nees and Chestnut). Traffic is bad enough without the new complex, adding another one is going to be bad for the area as a whole.

Please feel free to contact me anytime. I appreciate you taking the time to consider the best options for my community.

Sincerely,

KBooth

Kassandra Booth
2340 E. Cromwell Ave
Fresno, CA 93720
(209) 872-3419

31f

RECEIVED
SEP 30 2014
By

Jennifer K. Clark, Director
Development and Resource management Department
2600 Fresno Street, Room 3065
Fresno, CA 93721

OCT - 3 2014

Dear Ms. Clark,

It has come to my attention that a zoning change is under review for the northwest corner of Alluvial and Chestnut. As a resident of that area, I strongly disagree with the decision to rezone this area to a higher density residential classification. My neighbors and I live in private homes. The area surrounding Alluvial and Chestnut is all currently private homes. Changing the zoning to medium high density would radically change the complexion of the neighborhood. Not only would it increase traffic in the area, it would also lower property values for all of us who own private homes. In addition, changing the zoning of this particular property would open the door for future changes in the lots surrounding our private homes. Once this domino effect begins, the value of our home - as well as the quality of life as long as we are in our homes - is significantly diminished.

I urge you to vote against the change in zoning for this area. Help keep the area of Chestnut and Alluvial a low density zone. Maintain the traditional American family atmosphere that we currently have. Clovis has a reputation for being a "home" environment. We strongly wish to keep it that way and appreciate your assistance in protecting our quality of life.

Thank you, in advance, for voting against this zoning change.

Mary G Bell

Mary Gant Bell

31g

MGA

MICHAEL GARRISON ASSOCIATES

October 1, 2014

Jennifer K. Clark, Director
Development & Resource Management Department
2600 Fresno Street, Room 3065
Fresno, CA 93721

RE: Proposed Rezoning of Property on NW Corner of Chestnut & Alluvial

Dear Ms. Clark:

I have been a business owner in Fresno for over 29 years, and have been a resident of the Fresno-Clovis area, along with my wife and children, for that same period of time. We purchased our current residence at 2571 E. Alluvial Avenue in January 1999.

We have witnessed a substantial amount of development in the surrounding area over the past 15+ years; and accompanying this seemingly unchecked growth:

- Significant increase in traffic
- Steadily declining ground water level

Regarding traffic, I want to state for the record that City of Fresno representatives (presumably from your department) have told us in the past, on multiple occasions, that then-proposed developments on the north side of Alluvial between Chestnut and Willow would not materially affect traffic on Alluvial. This has proven to be far from accurate; we now have long delays to get out of our driveway during morning and evening rush hour. We cannot imagine how the above-referenced rezoning could possibly avoid contributing to a worsening of this condition.

Regarding ground water level, we have had to have a new well drilled once so far in our tenure at this property. Where will the water come from for the proposed new "Medium High Density" development? And how do you propose to protect those of us in the neighborhood who still depend on wells from the predictable resultant decrease in ground water level?

Based on our past experience with the actual outcome of your department's "planning" and the patently unreliable "official" assurances that we should not worry, we strongly object to The City of Fresno's plan to rezone the above-referenced property, and we strongly urge you to keep the existing zoning in place – which, by the way, will cause enough trouble as it is, if/when the subject property is ever developed.

Respectfully,

Michael R & Barbara E. Garrison

Michael R. & Barbara E. Garrison

255 W. FALLBROOK AVE., SUITE 101 | FRESNO, CA. 93711 | P: 559.434.7000 | F: 559.434.7001 | WWW.MGA.US.COM

31h

October 3, 2014

Dear Ms. Clark,

With due respect, we ask that you convey our deep concerns about the proposed zoning change to Medium High Density at Alluvial and Chestnut. We live on Birch Ave east of Chestnut and find it more and more difficult to leave our street due to increase in traffic the last few years. Negotiating a left turn south is an accident waiting to happen due to the curve in the road and the speed of oncoming north bound traffic. The line of cars backed up during the 5:00 P. M. rush hour makes it impossible to turn north off our street if not for the kindness of the OCCASIONAL driver. Surely, adding additional high density housing cannot be in the best interest of the current residents. While we understand that development must happen we ask for the zoning to remain the same.

Respectfully,

Dr. and Mrs. James Fletcher

2673 E. Birch

Clovis, California 93611

SEP 25 2014

DEVELOPMENT & RESOURCE MANAGEMENT DEPARTMENT DEVELOPMENT SERVICES PLANNING DIVISION

31i

To: Jennifer K. Clark,

We want to go on record that we are against changing the current zoning for the "nursery" land at the corner of Chestnut & Allivial from medium low density to allow apartment bldgs.

We already have enough traffic & noise. We are a fairly quiet neighborhood & want to stay that way. With the water shortage we think it would be an easy decission to make as apts. will use 10 X as much water as single familys. We believe all new construction should be stopped or reduced until the drought is over.

Sincerely,
Ray Sodin & Ruth Olson
(Home owners.)

September 23, 2014

RECEIVED
CITY OF FRESNO
SEP 25 2014
DEVELOPMENT & RESOURCE MANAGEMENT DEPARTMENT
DEVELOPMENT SERVICES
PLANNING DIVISION

31j

Shalea and Mark Pitman
7439 N. Sierra Vista Ave
Fresno, CA 93720

Dear Jennifer Clark,

We live across from the "nursery" property at the corner of Chestnut and Alluvial. We recently learned that as part of the City of fresno General Plan update that the City of Fresno plans to rezone the property to Medium High Density, which to our understanding would allow for apartment buildings.

We are concerned about the additional traffic at this corner and on Alluvial. We are also concerned about the increase in young children coming into Mountain View elementary school where classes are already large.

Please keep the current zoning of Medium Low Density residential and keep it the same as the neighborhoods surrounding this corner. We would also love to see another nursery nearby.

Thank you.

Sincerely,

Mark and Shalea Pitman

31k

RECEIVED
SEP 30 2014
By

September 26, 2014

Ms. Jennifer K. Clark, Director
Development and Resource Management Department
2600 Fresno St, Room 3065
Fresno, CA 93721

OCT - 3 2014

Re: Opposition to the proposed zoning change for the property at the NW corner of Chestnut and Alluvial

Dear Ms. Clark,

We have been advised about the zoning change to the afore-mentioned corner in our neighborhood, from Medium Low Density to Medium High Density. As residents of this neighborhood since 1998, we oppose this change. And would prefer the zoning stay Medium Low as with the rest of the neighborhoods surrounding us.

There are already two multi-family dwellings on the NE corner of the intersection. And a new multi-family dwelling is in construction at the NE corner of Chestnut and Nees, a half mile away. This area has enough of this type of dwelling. We dread the traffic impact at the completion of this Chestnut and Nees site. We already see people cutting through our neighborhood trying to get around the traffic light backups.

Secondly, congestion through the Alluvial and Chestnut intersection is compounded by Maple Creek Elementary school traffic. The high school bus picks up students there, too. And at the same time, Chestnut Avenue is a major commute route for staff and students to Fresno State University. We cannot safely exit our development as it is now, in morning and evening commute times. The additional traffic of a Medium High Density zoning would be hazardous to children going to school and neighborhood residents.

If this was settled by a vote, we would vote 'NO'. Please don't change the zoning of Alluvial and Chestnut avenues.

Thank you for your consideration,

Steve and Lorie Collins

Steve and Lorie Collins
2430 E. Cromwell Ave., Fresno, CA 93720

189
31I

Oct. 9, 2014

Tiffany and Josh Madsen
2562 E. Birch
Clovis, CA 93611

Jennifer K. Clark, Director
Development and Resource Management Department
2600 Fresno Street, Room 3065
Fresno, CA 93721

Re: Rezoning of "Nursery" property at Chestnut and Alluvial

Dear Ms. Clark,

We are writing to express our deep concern over the possible rezoning of the "Nursery" property at the corner of Chestnut and Alluvial from Medium Low Density to Medium High Density. We oppose the rezoning for many reasons, but mostly for the safety of children.

- We have children who attend Mountain View Elementary School who would love to walk to school but because of the current traffic and lack of sidewalks, we will not let them. Rezoning the "Nursery" property to allow for apartments will significantly increase the amount of traffic on both Alluvial and Chestnut and is unsafe for children who walk/ride bikes to and from school.
- Traffic on Chestnut is already incredibly high. We already receive the overflow traffic from Willow Ave. of students driving between FSU and Willow International. They drive so fast around the curve towards the intersection that pulling out of our street (Birch Ave.) is sometimes dangerous. Adding to this traffic will only increase the danger for cars and pedestrians.
- Mountain View Elementary already has a significant amount of apartments within it's boundaries. This creates a transient student body with many socio-economic challenges.
- We share the fear with numerous neighbors that apartments can also bring more noise, possible graffiti and increased petty theft and crime to a very quiet neighborhood.

Please consider these concerns and keep the zoning consistent with the rest of the neighborhood that is both north and south of the "Nursery" property. Please leave it at Medium Low Density residential.

Sincerely,

Tiffany Stoker Madsen

31m

William & Linda Hicks
2308 E. Bedford Ave.
Fresno, CA 93720
(559) 994-7601

October 2, 2014

Jennifer K. Clark, AICP, Director
Development and Resource Management Department
2600 Fresno Street, Room 3065
Fresno, Ca 93721

RE: General Plan Rezoning of the NW corner of Chestnut and Alluvial Avenues

Ms. Clark,

First off, we would like to thank you and other City of Fresno staff for your time and effort in working on our new general plan. We've attended a couple of meetings and can see the large amount of work that goes in to such an endeavor.

We've taken some time to seriously consider how the general plan update could affect our neighborhood.

Primarily, we don't agree with the proposed zoning change to the NW corner of Chestnut and Alluvial Avenues. Here are our key issues:

- Our neighborhood enjoys a nice, small park called "Maple Alluvial Park." It is only about 2.5 acres and could be very easily overwhelmed and much less enjoyable if the density of the adjacent "nursery property" were increased and many more people could utilize the park

- The SW corner of Chestnut and Alluvial (kitty-corner) has been developed into 2-2.5 acre home sites and are still considered a "county island." Because of the way this was developed, traffic is congested to only one lane travelling north on Chestnut and east on Alluvial. Adding significantly more residential dwellings would only compound the traffic and congestion at the intersection. Because this corner is developed in to individual, large, valuable home sites, we don't foresee this corner being redeveloped in the foreseeable future.

- Our house lies directly across Bedford Ave from the subject property. Rather than erecting a block wall to separate our neighborhood from any potential "medium-high density" use, it makes more sense to us that the property be developed to low-medium density detached single family homes that will naturally flow from our neighborhood onto this property.

Thank you for considering our letter and opinion.

L. Hicks

William & Linda Hicks

9/19 - FWD to MS

31n

William Gong
2320 E. Chennault Avenue
Fresno, CA 93720
(559) 298-1355

September 17, 2014

Jennifer K. Clark, Director
Development and Resource Management Department
2600 Fresno Street, Room 3065
Fresno, CA 93721

Re: rezoning "nursery property" at Chestnut and Alluvial from Medium Low Density to Medium High Density.

Dear Ms. Clark:

I am writing you this letter to voice my concern on the possibility of your department increasing the density zoning on property the near my residence. I have lived here for over 20 years and have seen the traffic flow increase to (at certain times of the day) unsafe levels. Contributing factors include the nearby elementary school and the proximity of the Chestnut and Alluvial intersection. The street exiting north of our tract is Whitney Avenue. It is not uncommon for vehicles to be blocking our ability to make a left turn on Alluvial due to the vehicles backed up from the Chestnut and Alluvial intersection. Other factors to consider are the possible decrease in our home values and the effect it may have on overcrowding Mountain View Elementary School.

I moved my family to this neighborhood (December 1993), because of its location and peaceful surrounding environment. Over the past 20 years, I have seen the area change, but the area is still very nice. Please do not increase the density of the area. This is my home and I plan to live here the rest of my life.

I need to ask you, would you increase the density of your own neighborhood?

Sincerely,

William Gong

William Gong

October 5, 2014

The Perez Family
7756 N. Dearing Ave.
Fresno, CA 93720
559-903-4799

Dear Jennifer Clark,

As a 15 year resident to the neighborhood adjacent to the site of Chestnut/Alluvial Aves. I would like to voice my concern over the proposal to change the zoning from Medium Low Density, to Medium High Density. I realize that this type of change would allow for a developer to build an apartment complex on that site.

I value our neighborhood for its peace and safety. I fear that a future apartment complex might disrupt the balance that our neighborhood provides. In addition to that, traffic congestion will worsen. May I remind you that there is a park next door. It's a nice little park. Quiet, safe, clean. Will it stay that way if a large apartment complex is built next door? Mt. View Elementary school is next to that. Both of my boys went there. We volunteered there, a lot. Will heavier traffic pose a safety concern to the children and parents if a large apartment complex is built at Chestnut/Alluvial Aves.?

I'd like to share some info that you may not be aware of.

Did you know that the original 2025 plan included plans for a fire station at the area of Maple/Alluvial Aves.? That, once empty lot, now occupies an office complex. Chestnut/Alluvial could be a good alternative. The reason I bring this up is because I value the safety that our city can provide. Our Fire Chief would like to have a fire engine respond to an emergency within 4 minutes of notification. At current abilities, our city cannot provide this to that neighborhood. In fact, the City of Clovis can provide emergency support to that location faster than the City of Fresno.

Considering the value of homes in the N/E part of town, I hope that the city will find value in protecting its own, and continue to develop this land as originally planned. If any change is in order, hopefully it will be with a progressive approach, and adding fire protection.

Feel free to contact me with any follow up questions you may have.

Thank you,

RJ Perez

October 3, 2014

Dear Ms. Clark,

With due respect, we ask that you convey our deep concerns about the proposed zoning change to Medium High Density at Alluvial and Chestnut. We live on Birch Ave east of Chestnut and find it more and more difficult to leave our street due to increase in traffic the last few years. Negotiating a left turn south is an accident waiting to happen due to the curve in the road and the speed of oncoming north bound traffic. The line of cars backed up during the 5:00 P. M. rush hour makes it impossible to turn north off our street if not for the kindness of the OCCASIONAL driver. Surely, adding additional high density housing cannot be in the best interest of the current residents. While we understand that development must happen we ask for the zoning to remain the same.

Respectfully,

Dr. and Mrs. James Fletcher

2673 E. Birch

Clovis, California 93611

9/19 FWd to MS

31q

Kerry McGuire
2213 E Minarets
Fresno, CA 93720

September 18, 2014

Jennifer K. Clark, Director
Development and Resource Management Department
2600 Fresno Street, Room 3065
Fresno, CA 93721

Dear Ms. Clark,

It has come to my attention that the property located on the northwest corner of Chestnut and Alluvial is being considered for rezoning from Medium Low Density to Medium High Density to allow for the building of apartments.

I am writing this letter as a concerned citizen as well as a property owner in this area. I reside in the subdivision located on the southeast corner of Maple and Alluvial directly across from Sierra Vista Elementary School. Alluvial has a busy traffic pattern. Many people use Alluvial as an alternate route to and from work instead of Herndon. Between commuters and parents dropping off and picking up their children there are often periods of congestion. Having multiple dwellings next to the school will increase the traffic, significantly add to the population of this area as well as interfere with the original general design of this area as being single home residential.

Most of the homeowners take pride in their homes and encourage the rural atmosphere of this area. It would be a shame to change the plan by adding additional apartments. This parcel should remain Medium Low Density.

There are several large apartment complexes near Maple and Herndon but they are not in the middle of single family homes. Building apartments in the middle of single family homes is changing the environment and a great concern to all of us who live in this area. I would like to encourage the City of Fresno to readdress this concern.

Thank you for your time and attention.

Sincerely

Kerry McGuire

Kerry McGuire

31r

September 30, 2014

City of Fresno
Development and Resource Management Center
2600 Fresno Street, Room 3065
Fresno, CA 93721
Attention: Jennifer K. Clark, Director

Dear Ms. Clark,

I am a homeowner, living at 7446 N. Chestnut Avenue. Our home is on the SE corner of Chestnut and Alluvial Avenue, right across the intersection from the old nursery property located on the NW corner of that intersection. I understand that property is going to be developed and that the developers want to build apartments. In order to do that they need a zoning change from the current Medium Low Density status which only allows 3.5 to 6.0 dwellings per acre. They want Medium High Density zoning, to allow 12-16 dwellings per acre. I want to inform you that I **OPPOSE** this change and hope to convince you to prevent it from taking place.

My first objection to the zoning change is the traffic increase it would cause. The only access to my property is from the northbound side of Chestnut Avenue. During high-traffic times I usually need to wait for one or more traffic light cycles just to leave my driveway since northbound cars stack up behind the traffic light at Chestnut and Alluvial. Adding another 12-16 families per acre just across the street from my house will significantly increase traffic in the area and further degrade my ability to enter and exit my property.

A second point is that our nearby residences are single-family, owner-occupied homes. Homeowners tend to take care of their property and their neighborhood. The more transient residents who rent apartments are unfortunately less concerned about their residences and their neighbors. With an apartment complex across the street I would be concerned about a host of potential new problems like littering, noise, graffiti, trespassing, vandalism, and theft.

A third issue is the negative impact on property values. If I want to sell my home in the future there is no way having an apartment building across the street will enhance my property. It would be a major negative in the view of any potential buyer.

We have a quiet neighborhood right now and I would prefer to keep it that way. The current property zoning is there for a good reason and I want it to be preserved. A developer is welcome to build single-family homes on the nursery property since that would be consistent with the existing neighborhood. Approving a zoning change to accommodate an apartment complex would be very shortsighted and extremely unfair to the people who currently live nearby.

I hope you will seriously consider my objections and reject the zoning change accordingly.

James Obler

James Obler
7446 N. Chestnut Ave.
Clovis CA 93611
Telephone: (559) 696-3012

31s

2504 E. Birch Ave.
Clovis, CA 93611
Oct. 3, 2014

Jennifer K. Clark, Director
Development and Resource Management Department
2600 Fresno St., Rm. 3065
Fresno, CA 93721

Dear Ms. Clark,

We live at the corner of Chestnut and Birch, bordering on the City of Fresno (across the street and properties south of us), even though we have a Clovis address. As we understand, the City of Fresno is planning to rezone the "nursery" property at the corner of Chestnut and Alluvial from **Low Medium density** to **Medium High Density.** I am the neighborhood watch "captain" for our street.

We have a number of concerns:

1. Chestnut is already like a freeway. Periodically, we have to call the police and highway patrol to set up a radar trap to slow down the traffic. If you doubt this at all, come by to see the traffic pattern between 6:45 and 8:30 a.m. and/or 5 to 6 p.m. Apartments or dense residential may add significantly to the traffic pattern. Not only is the pattern heavy for employees, but the **student** traffic to Willow International and Fresno State is very dangerous (going in both directions-north and south). There are many students trying to make their classes on time. I try to avoid the time right before the hour, because the students are cutting into and out of lanes, not caring about other drivers.

2. There are children walking and biking to and from Mountain View Elementary School on the corner of Maple and Alluvial. Additional traffic may be a problem. During the drop-off times and pick-up times, there has to be extra caution not only to slow down through the school zones; but, there has to also be watchful drivers for the children who are not

well versed in navigating the unconventional intersection at Chestnut and Alluvial. Most of the children are unaccompanied after the first few days of the school year.

3. There are also many ambulances passing my house, going to Horizon Health and Subacute Center (Nursing Home) at the corner of Alluvial and Herndon. I think the point of origin is north of us on Chestnut or east of us on Alluvial. At any time of the day, ambulances are at Horizon. We become immune to the ambulance sirens.

4. We are also concerned about our seniors in the neighborhood. I believe there are some "senior only" apartments...I can count 5 within a 2-block radius. They have not been walking, but many of them still drive to their doctor appointments and to the markets.

We used to be a very rural area before developers lured property owners to sell their land for hundreds of thousands (to millions) of dollars. We realize that our area will never be the same. We shall never see stars at night with the street lights and traffic signals shining all around us, but we can try to point out the dangers of the increasing traffic outside of our doors. It is of great concern for the safety of our young children in our neighborhood. We try to be as cautious as we can, admonishing drivers and even standing in front of any car on our street which is endangering our children.

Thank you for your time,

Dennis and Winifred Nishimine

New
Generation Group, LP
New Generation Group, LLC

Director Jennifer Clark:

On behalf of New Generation Group LP, we are requesting a land use change in the General Plan for Assessor Parcel Number 402-030-70. The subject property is located on the northwest corner of Palm and Nees Avenues and is 4.4 acres in size and is currently shown as "O" (OPEN AREA). We are contemplating a multiuse building on this site which would enhance the existing neighbor developments. The project would incorporate multifamily living units and several retail spaces. We would propose the land use element be adjusted to "CP" (ADMINISTRATIVE AND PROFESSIONAL OFFICE DISTRICT), use to complement the neighboring uses.

Thank you for your attention on this request.

Sincerely,

Steven Spano, Partner

New Generation Group LP

7545 N. Del Mar #206
Fresno, CA 93711
Office: (559) 435-5100
Fax: (559) 435-7547

New
Generation Group, LP
New Generation Group, LLC

Director Jennifer Clark:

On behalf of New Generation Group LP, I am requesting a zoning change in the General Plan for Parcel #402-030-70. This property at 8075 N Palm Ave is located at the corner of Palm and Nees Avenues. It is (4.4 acres) and is currently zoned O (OPEN). We are interested in building a multiuse building on this site. It would incorporate multifamily living units and several retail spaces. For this reason, we would like you to consider changing the zoning to CP which would satisfy our building needs.

Thank you for your attention on this request.

Sincerely,

Steven Spano

New Generation Group, LP

7545 N. Del Mar #206
Fresno, CA 93711
Office: (559) 435-5100
Fax: (559) 435-7547

From: Steve Brandau
Sent: Monday, October 06, 2014 3:02 PM
To: Jennifer Clark; Mike Sanchez
Subject: Official General Plan Comment

Dear Jennifer Clark:

Concerning the 2035 General Plan Draft in circulation (10/6/14) I am requesting a zone change consideration for a property along the San Joaquin River at Palm and Nees.

The property is parcel #402-030-70 and currently it is zoned as Open Space (O). I know that there is a project planned for that property by the New Horizons Group that will be mixed use with Residential and Commercial. I am requesting a change to the General Plan to reflect the correct zoning for this project. There are still some on site environmental cleanup issues that would have to be taken care of within a Conditional Use Permit but I am hoping for the zoning change within the framework of the General Plan update.

Thank you,
Steve Brandau

August 22, 2014

Arnoldo Rodriguez
City of Fresno
Development and Resource Management Administration
2600 Fresno St
Room 3065
Fresno, CA 93721

Re : Request to change zoning for APN 480-213-13 , 14 and 15

Dear Sir:

My name is Kathy Van, I am the owner of the above mentioned property . It is located in the northwest corner of Church Ave. and Chestnut Ave. I understand you are currently updating the General Plan.
I would like to request rezone of my property to Commercial use. In the future, I plan to build a strip mall for laundrymat, restaurant, office etc.

Hoping for your kind consideration on this matter.

If you have any questions, Please call Ken Nguyen at (559) 217-1436.

Sincerely,
Kathy Van
(559) 916-2098

DIRK POESCHEL
Land Development Services, Inc.
923 Van Ness Avenue, Suite 200 • Fresno, California 93721
559/445-0374 • Fax: 559/445-0551 • e-mail: dpoeschel@dplds.com

August 18, 2014

Ms. Jennifer K. Clark, AICP, Director
Development and Resource Management Department
2600 Fresno Street, Room 3065
Fresno, Ca 93722.

RECEIVED
AUG 18 2014
DEVELOPMENT DEPARTMENT
CITY OF FRESNO

SUBJECT: City of Fresno General Plan Zoning Ordinance Update

Dear Ms. Clark,

My firm represents Fresno Pacific University hereinafter University who owns 42+/- acres that compose the main college campus generally located at the southwest corner of Chestnut and Butler Avenues within the City of Fresno. In addition to the aforementioned campus, the University owns other properties in proximity to the main campus that the University intends to convert to office, student housing and classrooms in the future.

The University also owns the property located at the north east corner of Winery and Butler Avenues. As you may know, the University has shared its intent with your staff to develop the Winery and Butler Avenues property for a mixed office, student housing and parking facility operated by the University.

The University seeks affirmation by the City of Fresno that the subject general plan and corresponding zoning ordinance update would continue to allow the conversion of proximate existing urban uses into the University campus. The University also seeks affirmation that the aforementioned Winery and Butler Avenues property can be developed to the mix of uses described above.

The ability of the University to expand in a logical and responsible manner as described above is critical to its continued success. The University respectfully expects the City of Fresno to accommodate the aforementioned development efforts.

Thank you for the opportunity to comment on the subject plan draft and zoning ordinance update. If you have any questions, please feel free to contact me.

I trust this overview has been of assistance. If you have any questions, please feel free to contact me.

Sincerely,

Dirk Poeschel

Dirk Poeschel, AICP

cc: Mr. Gary Metcalf

g:\wpdocs\fpu-butler empty lot 14-16\correspondence\8-18-14 draft city of fresno general plan update letter.docx

83 B
34b

DIRK POESCHEL
Land Development Services, Inc.
923 Van Ness Avenue, Suite 200 • Fresno, California 93721
559/445-0374 • Fax: 559/445-0551 • e-mail: dpoeschel@dplds.com

July 1, 2014

Jennifer

Ms. Jennifer Clark, Director
City of Fresno
Development & Resources Management Department
2600 Fresno St., Room 3065
Fresno, CA 93721

SUBJECT: Fresno Pacific University Winery Butler property Northeast corner of Butler and Winery avenues

Dear: Ms. Clark,

Reference is made to the subject parcel generally located at the northeast corner of E. Butler and N. Winery Avenues within the City of Fresno. The subject site is approximately 2.56 acres and is designated in the adopted City of Fresno general plan for medium-high density residential you uses.

My client, Fresno Pacific University (University) owns the subject site and desires to develop a multistory, mixed office, residential project on said property to house University students and provide offices for faculty and university staff. On May 21, 2014 Gary Metcalf the Facilities Director for the University and myself met with Mike Sanchez to discuss the subject property and the University's plans for its development.

At the aforementioned meeting, Mr. Sanchez suggested that the University request that you determine if city zoning ordinance section 12–212.3 would be interpreted to allow the University to submit a Conditional Use Permit to allow the proposed project. On behalf of the University, please make the aforementioned determination.

If you have any questions, please feel free to contact me.

Sincerely,

Dirk Poeschel

Dirk Poeschel, AICP

I am sure this was misplaced. Thank you for your response.

DP

Mr. Gary Metcalf
Mr. Alan Ours
Mr. Mike Sanchez

35a

GARY GIANNETTA
CONSULTING CIVIL ENGINEER
1119 "S" STREET
FRESNO, CA 93721
(559) 264-3590
(559) 264-0696 FAX

RECEIVED
AUG 14 2014
By

August 14, 2014

VIA HAND DELIVERED
Ms. Jennifer K. Clark, AICP
Director of Development and Resource Management Department
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93721

Re: 2035 Draft General Plan

Dear Ms. Clark:

On behalf of the owner of APN 312-081-12, located on the East side of North Cornelia Avenue between West McKinley Avenue and West Normal Avenue, we are requesting that the proposed land use designation shown of the Draft Plan to be consistent with Vesting Tentative Tract Map No. 6090 which is being processed with the City.

Vesting Tentative Tract No. 6090 has eight lots on a parcel with a gross area of 2.47 acres and current net area of 2.25 acres.

Please consider having the Draft Plan conform to the proposed project so that the subdivision will be consistent with the approved 2035 General Plan.

Sincerely,

Gary Giannetta

Gary Giannetta
Project Engineer

Cc: Gary McDonald

* Hand written notes provided by Planning staff (I. Trejo) *

35b

GARY GIANNETTA
CONSULTING CIVIL ENGINEER
1119 "S" STREET
FRESNO, CA 93721
(559) 264-3590
(559) 264-0696 FAX

RECEIVED
AUG 14 2014
By

August 14, 2014

VIA HAND DELIVERED
Ms. Jennifer K. Clark, AICP
Director of Development and Resource Management Department
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93721

Re: 2035 Draft General Plan

Dear Ms. Clark:

(we should also include parcel abutting to the north APN 312-081-11)

On behalf of the owner of APN 312-081-12, located on the East side of North Cornelia Avenue between West McKinley Avenue and West Normal Avenue, we are requesting that the proposed land use designation shown of the Draft Plan to be consistent with Vesting Tentative Tract Map No. ~~6090~~ 6091 which is being processed with the City.

Vesting Tentative Tract No. ~~6090~~ 6091 has eight lots on a parcel with a gross area of 2.47 acres and current net area of 2.25 acres.

Please consider having the Draft Plan conform to the proposed project so that the subdivision will be consistent with the approved 2035 General Plan.

Sincerely,

Gary Giannetta
Project Engineer

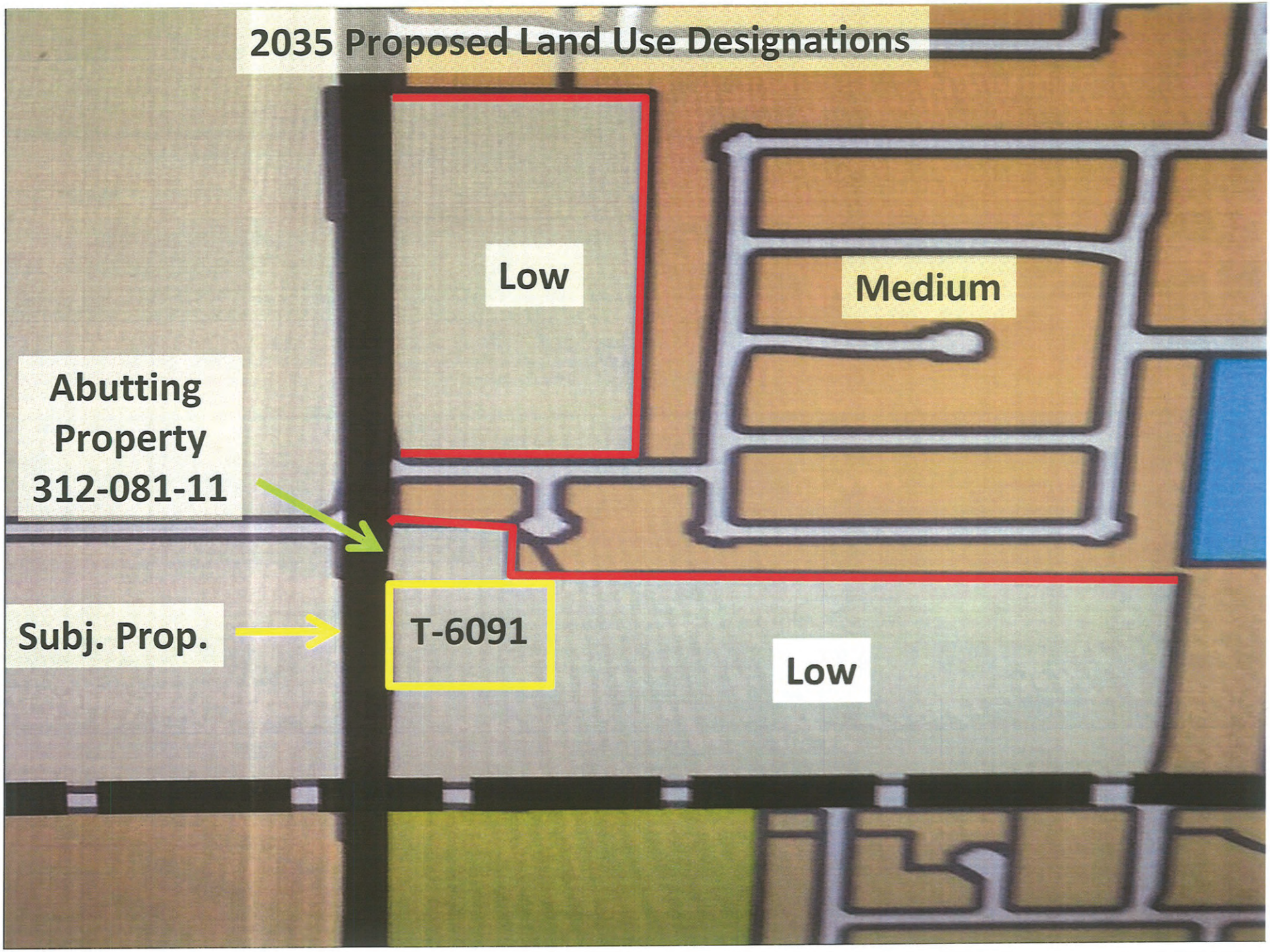
Cc: Gary McDonald

The 2035 GP proposes Low Density (1-3 d.u./ac) for the subject property. Allowing a land use of medium low (3.5-6 du/ac) would allow the Developer to proceed with project as proposed; a density of 3.55 du/ac.

Current planning staff is in support of the proposed medium low designation. To not cause spot zoning, staff recommends that the abutting parcel (312-081-12) be included with the request for medium low density.

I. Trejo
10-24-14

* see attached graph for further info


2035 Proposed Land Use Designations
Low
Medium
Abutting Property 312-081-11
Subj. Prop.
T-6091
Low

GARY GIANNETTA
CONSULTING CIVIL ENGINEER
1119 "S" STREET
FRESNO, CA 93721
(559) 264-3590
(559) 264-0696 FAX

RECEIVED
AUG 14 2014
By

August 13, 2014

VIA HAND DELIVERED
Ms. Jennifer K. Clark, AICP
Director of Development and Resource Management Department
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93721

Re: 2035 Draft General Plan

Dear Ms. Clark:

On behalf of the owner of APN 422-022-13, located on the West side of South Minnewawa Avenue between East Lane Avenue and East Montecito Avenue, we are requesting a change of the proposed land use designation shown of the Draft Plan to be consistent with the approved entitlements for the property.

The final tract map and improvement plans are being processed with the City for the development of the property per Vesting Tentative Tract Map No. 5387 and the grading has been completed. The tentative map was approved on July 20, 2005 and has a current expiration date of July 20, 2016.

The proposed Draft Plan land use designation is Community Park with a dual designation of Corridor/Center Mixed Use. The Vesting Tentative Tract Map density is 2.9 D.U./acre. Prior to processing the Tentative Tract Map the City had the opportunity to purchase the property for a park and chose not to, which resulted in the processing and approval of the Vesting entitlements.

Please consider having the Draft Plan conform to the approved project so that the subdivision will be consistent with the proposed land use.

Sincerely,

Gary Giannetta
Project Engineer

Cc: Paul Atmajian

GARY GIANNETTA
CONSULTING CIVIL ENGINEER
1119 "S" STREET
FRESNO, CA 93721
(559) 264-3590
(559) 264-0696 FAX

RECEIVED
AUG 14 2014
By

August 13, 2014

VIA HAND DELIVERED
Ms. Jennifer K. Clark, AICP
Director of Development and Resource Management Department
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93721

Re: 2035 Draft General Plan

Dear Ms. Clark:

On behalf of the owner of APN 511-011-18, located at the Northwest corner of North Polk Avenue and West Dakota Avenue, we are requesting a change of the proposed land use designation shown of the Draft Plan to be consistent with the approved entitlements for the property.

The final tract map and improvement plans are being processed with the City for the development of the property per Vesting Tentative Tract Map No. 5538. The tentative map was approved on May 17, 2006 and has a current expiration date of May 17, 2017.

The proposed Draft Plan land use designation is Medium High Density Residential (12-16 D.U./acre). The Vesting Tentative Tract Map density is 4.7 D.U./acre.

Please consider having the Draft Plan conform to the approved project so that the subdivision will be consistent with the proposed land use.

Sincerely,

Gary Giannetta
Project Engineer

Cc: Paul Laughton

DIRK POESCHEL
Land Development Services, Inc.
923 Van Ness Avenue, Suite 200 • Fresno, California 93721
559/445-0374 • Fax: 559/445-0551 • e-mail: dpoeschel@dplds.com

September 10, 2014

Mr. Mike Sanchez
City of Fresno
Development & Resources Management Department
2600 Fresno St., Room 3065
Fresno, CA 93721

SUBJECT: Purchase C-M Property at 210 H Street Fresno, CA

Dear Mr. Sanchez

Reference is made to the request for information by my client Mr. John Valentino regarding his intent to purchase the C-M zoned property located at 210 "H" Street within the City of Fresno. Mr. Valentino appreciates the summary of various matters associated with his request dated February 20, 2014, but seeks a more in depth response to his request. To assist staff may I provide a brief summary of Mr. Valentino's project proposal.

The existing industrial building which is in very poor condition would be used for Mr. Valentino's commercial landscaping and organic soil supplement company, general office staff, storage of materials. Formulation of material would occur on the site. In addition, Mr.Valentino desires to allow his employees to live on site in separate living quarters.

The justifications for such work force housing are many. Safe, clean affordable workforce housing is in short supply and when available is typically not affordable. Providing housing on site would reduce work related automobile trips and increase on site security.

Mr. Valentino also desires to discuss removing the general plan open space designation from the site. Mr. Valentino is in escrow to purchase the subject site so he would appreciate the opportunity to discuss the method in which his proposed project could be approved.

I trust this overview has been of assistance. If you have any questions, please feel free to contact me.

Sincerely,

Dirk Poeschel

Dirk Poeschel, AICP

cc: Mr. John Valentino

g:\wpdocs\prejob\john valentino\9-9-14 draft mike sanchez letter.docx

Mark Knox
561 E. Chesapeake Circle
Fresno, CA 93730
559-706-4790
markspecialtybodyworks@yahoo.com
October 9, 2014

Jennifer Clark
Director
Development and Resource Management Department
2600 Fresno Street
City Hall, 3rd Floor
Fresno, CA 93721

Dear Jennifer Clark:

My name is Mark Knox and I am the owner of Specialty Paint and Body Works. I am a resident of Fresno and a very active community contributor. I am self-employed and have not depended on an employer since I was 22 years old. I was raised in the Valley (Madera) since the age of two and am also very active in the community in Madera. I currently have a location in Madera, CA and one in Fresno, CA at 4609 N. Bendel Avenue. Specialty Paint and Body Works was established in 1995.

I purchased a parcel of property zoned M-1 about 8 years ago located at 6899 N. Milburn Avenue, Fresno, CA, I am currently under construction and hope to move from my current Fresno location by December 1, 2014. The M-1 zoning is very important to my business and because of the design of the building, the building is suited for only automotive use. I specifically chose this property because of the zoning. By the end of construction, I will have invested $2.5 million on this new location.

My concern, as I'm sure you've figured out by now, is the new Fresno General Plan and the negative effect it will have on my Family's future. I have experienced this exact fight in Madera on a property there, where my Industrial zoning was to be changed to high residential, making my operation a non-conforming use, so I am fully aware of 1) the diminished value of my property, 2) my inability to market and resale the property (and subsequently my business with the property), 3) and what will happen to the use of this property and how it will diminish its use ability if ever unoccupied.

As you know, the layout, visibility and access of this industrial park makes it a ridiculous choice for any retail business allowed by the "Community Commercial" zoning proposed. This alone will destroy my property value. As you can only imagine, I will never be able to sale or lease my 15,000 square foot steel building with automotive roll up doors to the list of uses allowed by this new proposed zoning. I find it impossible to envision a clothing store, a restaurant, a hair or nail salon, or any other non-automotive use in this building, at that location, with that access. I believe the City of Fresno, in good conscious, should be responsible for maintaining the standard they set when allowing this property to be designated M-1 and especially after

allowing and permitting the building of My Building, not to mention the GB3 building or the other vacant properties that will be rendered absolutely useless if the proposed change is allowed to take place.

As an Employer, I will employ more local residents than most of my retail neighbors. As a tax payer, I will pay my fair share of property taxes, sales taxes, city business license taxes, city, state and federal taxes. As a Community contributor, I will contribute more to the local youth activities, sports and school charities than most of my neighbors, as evident by my presence in Madera. As a neighborhood business, I will provide a service that will spare the local residents from driving unreasonable distances to drop off and pick up their vehicles miles away and taking valuable time out of their busy schedules. Allowing this use designation not allowing automotive body repair does a great disservice on so many levels and punishes My Family and I for investing everything I own and every bit of time that I have in this "Dream".

noun: **American dream**

1. the ideal that every US citizen should have an equal opportunity to achieve success and prosperity through hard work, determination, and initiative.

"he could achieve **the American dream** only by hard work"

I also have plans for a second phase and am very worried that this will also not be allowed when I am ready for expansion.

When you are self-employed, you give up any chance of retirement being paid by former employers or government employers. You must plan for your own retirement. These plans include and are limited to your savings, sale of business, sale of properties or leasing of these properties. This proposed zoning change, for the reasons listed, will unfairly take my retirement from me. This will be done using a broad brush approach in dealing with the City's future planning. Every community needs services and to deny those services to this neighborhood is doing it a great disservice and is a lazy attempt of reorganization. The owners of the parcels in question will be the biggest losers. My Family and I will feel this deeply for the remainder of my lifetime for sure. I cannot stress to you the importance in retaining the zoning of the property which I paid very good money.

I can be reached at anytime for anything else you may require from me. I had to learn about the New General plan from an outside source. Is it customary that property owners are not notified of such a major change as this? I ask to be informed of what may come as a result.

Sincerely,

Mark Knox

RECEIVED

2014 OCT -9 AM 11:30

PURCHASING DIVISION
CITY OF FRESNO

October 8, 2014

City of Fresno
Development and Resource Management Dept.
Attn: Jennifer Clark, AICP, Director
2600 Fresno St., Room 3043
Fresno, CA 93721

Subject: General Plan Update, APN 481-020-01

Dear Ms./Mrs. Clark,

We are writing you to request that the planned land use designation, as proposed in the Draft General Plan, be reclassified from the Park Planned Land Use designation to the Medium Density Residential Planned Land Use designation. While only approximately 16 acres of our overall 38 acre site are planned for park space, we believe that there is other land, proximate to our property, that is better suited for park space. For example, one-quarter of a mile directly to the east of our site is an approximately 50 acre site, currently owned by the City, that is also planned, and is partially being used as a community garden, as a park by the draft General Plan. Moreover, there is an existing Middle School across the street from our site that can serve as park, subject to approval by Fresno Unified School District. There is a second school one-half mile to the southeast that can also serve as a dual-use site. There is also a multi-tiered ponding/recharge basin slightly more than one-quarter of a mile to the north that can also serve as dual-use park site.

While we are extremely supportive of the City's efforts to develop additional park space in an economically depressed area, it appears as though there are parcels near our site that are better suited to meet the needs of residents. While we also understand that the site has a "dual" land use designation per Figure LU-2 (Dual Designation Diagram) in the Draft General Plan, many realtors, developers, etc., are unaware of how this map relates to the land use diagram and we are concerned that once we attempt to develop the site or market it to suitable developers, there may be confusion and it may minimize our return on investment. Thus, in order to avoid potential confusion, our request is that the 16 acre park site be converted to the medium density residential planned land use designation, consistent with the rest of the property. Furthermore, we are willing to pay our fair share for park space in the area and will comply with any city regulations that require on-site open space.

Should you wish to discuss this letter, please do not hesitate to contact me at 559-977-6495. Thank you for your consideration.

Respectfully submitted,

Steve Ohanesian

Attachments: Exhibit A, Aerial photo
Exhibit B, Planned Land Use Diagram

Exhibit A, Aerial Photo of the site

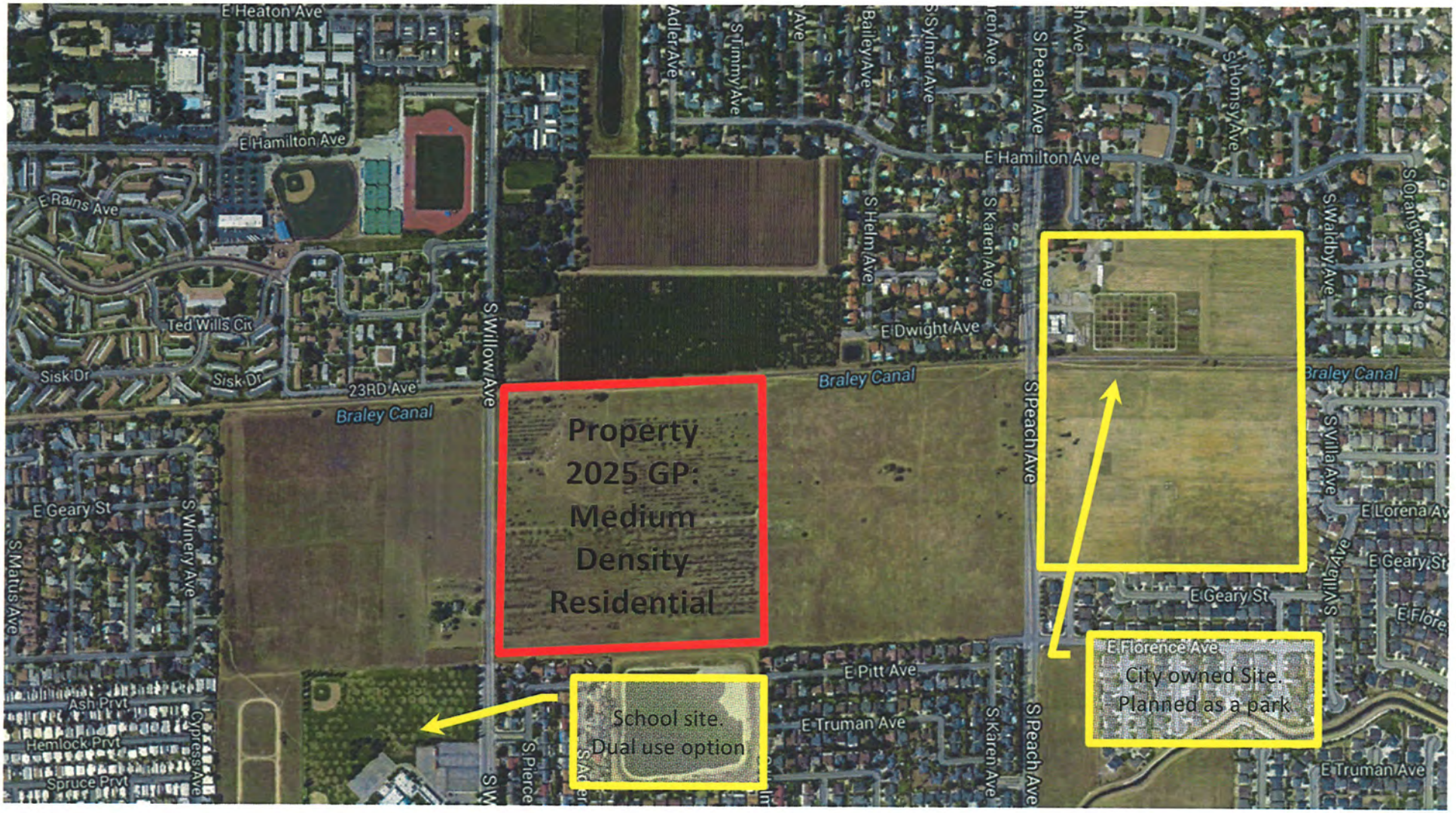
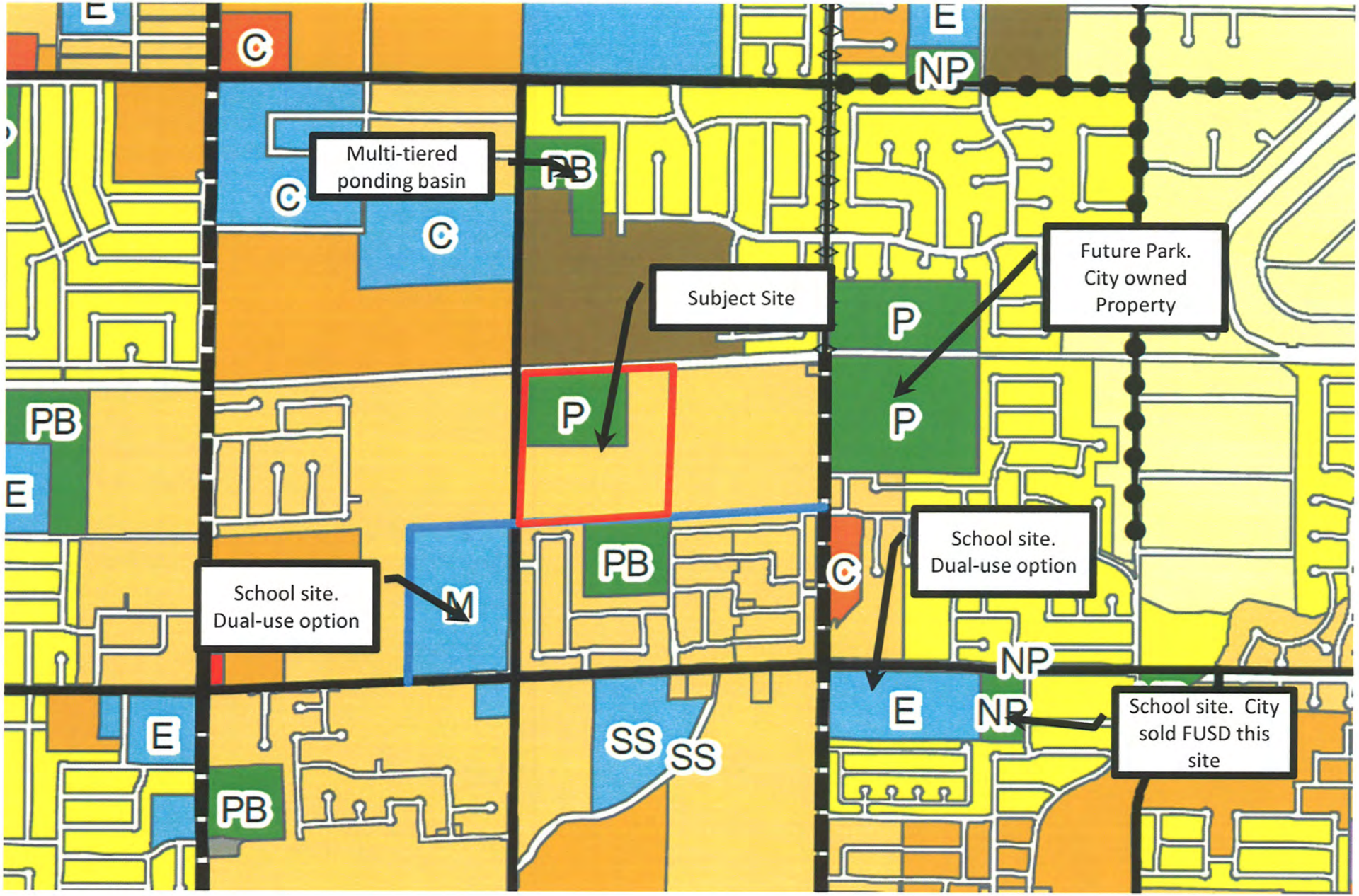


Exhibit B, Planned Land Use Diagram



PARGA PARTNERS
8570 S CEDAR AVENUE
FRESNO, CA 93725
TEL (559) 834-5911
FAX (559) 834-5272

June 14, 2012

Keith Bergthold
City of Fresno
2600 Fresno Street
Fresno, CA 93721

Re: College Park - Academic Village Concept in Southeast Fresno

Dear Mr. Bergthold:

We would like to share a unique opportunity to create an academic village in southeast Fresno called "College Park." Anchored by the planned State Center Community College District (SCCCD) Southeast Campus, this master-planned community will incorporate student/teacher housing, a mix of housing types and densities, commercial opportunities, research and development facilities, office complexes, parks, and public spaces.

The Academic Village Opportunity

There is significant precedent of communities working with educational institutions, particularly community colleges, to leverage common resources and create complete neighborhoods. Through public-private partnerships it will be possible to coordinate infrastructure needs, foster joint-use opportunities, encourage the shared-use of facilities, and implement programmatic elements that connect community residents to the academic institutions and programs.

Current plans by SCCCD call for a 120-acre campus on the northwest corner of Clovis and North Avenues, with construction of the first phase of development beginning in 2016. The campus will include a career technology center, police and fire academy, classrooms and administrative buildings, a child care center, fitness center, and recreational facilities. Our desire is to work with SCCCD to develop compatible uses adjacent to the campus that will enhance the benefit of these facilities and create a neighborhood where people can live, work, be educated, and play.

Using the work prepared by City staff and Calthrope Associates as the foundation for planning in the Southeast Growth Area (SEGA), we feel it will be possible to develop this area as a model for implementing General Plan Alternative A in a sustainable, diverse, economically viable way. To accomplish this goal, we request allocation of sufficient residential units in the GP to this area, support of the policies outlined below, and additional refinement to the land use diagram in this area.

College Park Guiding Principles

- **Community Center of Complete Neighborhoods** – quarter-sections will be planned with an appropriate mix of land uses at the "alternative A" gross density.

- **Gateway to Southeast Fresno** – with great access from Highway 99, the Clovis and North intersection should be designed as a primary gateway into Fresno.

- **Sustainability** – focus on **s**haring infrastructure and conserving resources through green building and sustainable neighborhood design.

- **Open Space and Park Systems** – plan for a desirable balance of regional and local park spaces, including both active and passive opportunities for recreation.

- **Focus on Education and Economic Development** – designed as an academic village anchored by a new community college, this area will be developed with complementary office, commercial and light industrial uses.

Allocation of Residential Units

In order to accomplish the complete vision for the academic village, a sufficient number of residential units will need to be allocated to this area, south of Jensen. It is our understanding that as a part of the 2035 General Plan Update process, the 11,500 units planned for SEGA will be allocated to specific parcels across the 9,000 acre area. We are requesting that approximately 50% of these planned units be allocated to the planning area in and around SCCCD's Southeast Campus.

Not only does this allow for the opportunity to develop the area as an Academic Village, but it also maximizes the positive impact of the City's Metro Plan Update and water supply plan. Based on information contained in the Metro Plan and from discussions with the City of Fresno Public Utilities Department, the proposed Southeast Surface Water Treatment Plant and the transmission grid main along North Ave that will service this area are both expected to be online by 2017. Working with the college and area property owners, we believe it will be possible to provide the needed infrastructure in a planned and economically supportable way.

Supported and Proposed Policies

There are number of policies outlined in the existing 2025 General Plan and GP Update Working Papers that specifically would be supported by the development of this area as an academic village:

From the existing 2025 General Plan
C-9-l. High density residential uses shall be designated for those areas supportive of the city's university, college, activity centers and intensity corridors.

E-29. Plan for the location and design of schools to ensure their physical and functional compatibility with surrounding urban development and improvements, and to promote their role as the focal point of neighborhood and community activity.

E-29-d. Community and specific plans shall consider the needs of public and private colleges and other post-secondary educational facilities and address the feasibility and appropriateness of off-campus facilities, particularly along designated major transportation corridors.

From the General Plan Update Working Papers (proposed by City of Fresno)
ED-15. Encourage local businesses to offer internship, mentoring and apprenticeship programs to high school and college students in partnership with Fresno State and employers.

ED-14. Target and recruit educational-related businesses that teach academic and vocational skills and organizations that offer workforce training courses to locate in Fresno.

We not only fully support these policies and ask that they be included in the updated General Plan, we would also like to propose the inclusion of the following policies:

WP 1: Economic Development

ED-#. Improve access to education and skills training by locating housing and employment opportunities near academic and vocational training facilities and programs.

ED-#. Support the use of public-private partnerships that bring together academic programs and employers through internships, mentoring, and outreach initiatives.

WP 2: Urban Form and Land Use

UF-#. Encourage development of campus-centered communities by focusing growth around existing and planned academic facilities and by directing infrastructure to those areas.

WP 5: Resource Conservation

ED-#. Foster opportunities for public-private partnerships that leverage infrastructure, encourage pooling of resources, and promote shared-use activities.

Refinement of Land Use Designations

Since the SEGA plan did not identify land uses using current GP designations, the diagram below attempts to translate those proposed districts into more traditional land uses. Some modifications to the proposed land uses were made to reflect our desire to create a more balanced community.

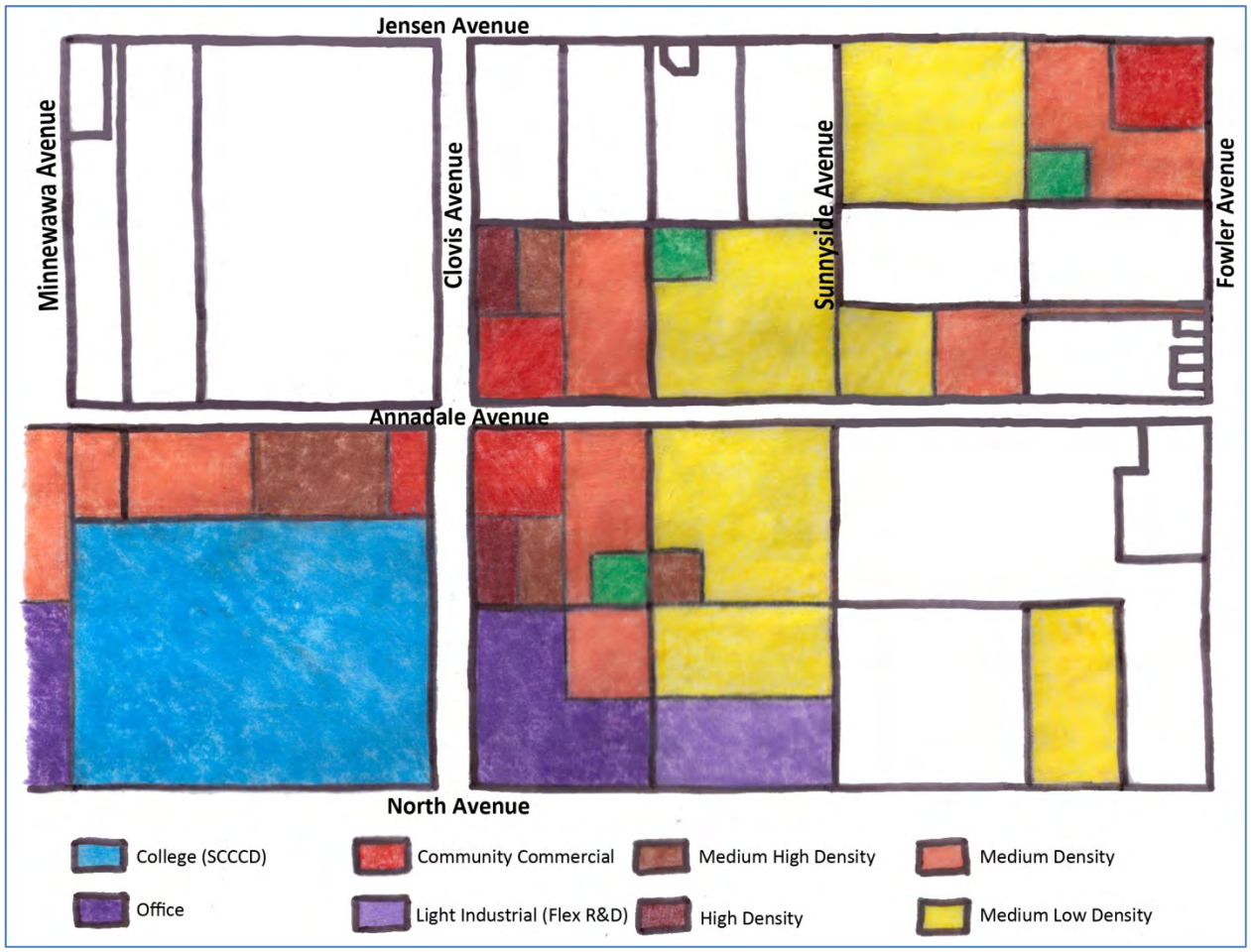


Figure 1 - Proposed Land Use Diagram

Next Steps

We would like to continue to work with City to refine the proposed land uses in this area and incorporate the concept of an academic village into the General Plan. Specifically, we would like to make the following requests:

1. Allocate sufficient residential units to the community centers south of Jensen Avenue within the SEGA plan.

2. Inclusion of the existing and proposed policies described above into the updated General Plan.

3. Refine the specific land uses outlined in the SEGA plan as identified in Figure 1 above.

We have a tremendous opportunity to work together with SCCCD and the property owners in this area to create a community focused on education and economic development. We have the ability to find a successful balance of land uses in this area, which can serve as a model of how to implement the guiding principles of the General Plan update.

Sincerely,

Leland D Parnagian

PARGA PARTNERS
8570 S CEDAR AVENUE
FRESNO, CA 93725
TEL (559) 834-5911
FAX (559) 834-5272

October 9, 2014

Jennifer Clark
City of Fresno
2600 Fresno Street
Fresno, CA 93721

Re: Fresno General Plan Update and Master Environmental Impact Report Comments

Dear Ms. Clark:

As a follow up to our previous correspondence regarding the Fresno General Plan Update and Master Environmental Impact Report (EIR), we are submitting this additional comment letter. As we have shared with City staff, we intend to develop the area around the planned State Center Community College District (SCCCD) Southeast Fresno campus as a master planned community called College Park. The proposed campus site is within the southern portion of the Southeast Development Area, referred to as South SEDA in the general plan. We believe the City has a unique opportunity in the south SEDA area to support development around this major educational facility.

Sequencing of Development for South SEDA

In reviewing the sequencing of development (Figure IM-2), the south SEDA area is identified as part of growth area 2. The general plan states that "strategic phasing" will be used to achieve the goals of the plan. It is unclear as to what thresholds need to be reached in growth area 1 before development is allowed in growth area 2. Given that development of the SCCCD Southeast campus could begin as soon as 2017, all efforts should be made to take full advantage of this opportunity by allowing development to occur concurrently with the new community college campus.

It is critical that the build out of the Southeast campus be coordinated with private sector development, which will create infrastructure efficiencies, attract business investment, and establish true public-private partnerships. It is our understanding that major infrastructure facilities are planned for in North Avenue as part of the City's master plans, which will also help facilitate development in this area. Given these resources, the south SEDA area can become an important growth area for the City in the near future.

We strongly urge you to consider the opportunity associated with this new community college campus and therefore request that the south SEDA area be moved into growth area 1. We also request that the general plan implementation element (page 12-27) should be revised to include text that reads *"development in the south SEDA growth area will be allowed to proceed when the SCCCD southeast campus begins construction, provided the availability of infrastructure."*

Alternative Land Uses in South SEDA

We previously requested the some of the land uses in the South SEDA area be revised to reflect our desire to develop the area as a master planned community anchored by an academic village. Additionally, there are a few parcels that would believe area better suited for industrial and business park uses. We would like to reiterate those requests with this letter and focus on two areas:

1. *Peach-Jensen Avenues Neighborhood* – this area is identified as an opportunity for "complete neighborhood" concept. It is our opinion that the area is better suited for industrial development given that the land uses to the west are predominately industrial. In fact there is interest today by industrial users due to the availability of rail. Additionally, the planned SCCCD Southeast campus phase 1 calls for the relocation of the Career Technology Center, as well as police and fire training facilities on the western end of the campus. Those educational programs are industrial in nature and would be more complementary of industrial land uses. The east side of the campus includes more traditional education programs, which are more compatible with our plan for a mix of uses along the Clovis corridor between Jensen and North Avenues.

2. *Land uses east of Clovis* – this area is predominately identified with regional business park uses. We would like to move some of the residential land uses discussed above to properties in the area. This would provide for additional buffering between uses and allow this area t develop as a "complete neighborhood." This area could accommodate any demand for residential uses near the campus, as well as Lone Star elementary school.

To summarize, we request that you consider the following land use changes to the designations for the following Parga Partners properties:

Assessor Parcel Number	Alternative Land Use
316-071-42	Heavy Industrial
316-040-77	Light Industrial
316-040-66	Regional Business Park
316-040-63	Regional Business Park
316-040-17S	Regional Business Park
316-180-09	Regional Business Park
316-051-18	Urban Neighborhood / Medium Density (30 ac)
316-051-20	Medium Density Residential
316-051-21	Medium Density Residential
316 -051-09	Medium Density Residential
316-051-07	Corridor/Center Mixed Use (20 ac) & Medium Density Residential

We would like to sit down with you in the near future and discuss the proposed land uses for these properties. Our belief is that we can work together to create a land use plan for this area that helps implement the goals and objectives of the Fresno general plan.

Recommended Policy Additions

In relation to our efforts in the south SEDA area, we would also like to propose the inclusion of the following policies (this information was provided in previous comment letters)

WP 1: Economic Development

ED-#. Improve access to education and skills training by locating housing and employment opportunities near academic and vocational training facilities and programs.

ED-#. Support the use of public-private partnerships that bring together academic programs and employers through internships, mentoring, and outreach initiatives.

WP 2: Urban Form and Land Use

UF-#. Encourage development of campus-centered communities by focusing growth around existing and planned academic facilities and by directing infrastructure to those areas.

WP 5: Resource Conservation

ED-#. Foster opportunities for public-private partnerships that leverage infrastructure, encourage pooling of resources, and promote shared-use activities.

We appreciate the opportunity to provide comments on the general plan update and master EIR. We are available to meet with you to discuss our request and to explore further the opportunities that exist in the south SEDA area. Thanks you for your consideration.

Sincerely,

Leland D Parnagian

DIRK POESCHEL
Land Development Services, Inc.
923 Van Ness Avenue, Suite 200 • Fresno, California 93721
559/445-0374 • Fax: 559/445-0551 • e-mail: dpoeschel@dplds.com

August 18, 2014

RECEIVED
AUG 1 8 2014
DEVELOPMENT DEPARTMENT
CITY OF FRESNO

Ms. Jennifer K. Clark, AICP, Director
Development and Resource Management Department
2600 Fresno Street, Room 3065
Fresno, Ca 93722

SUBJECT: City of Fresno General Plan Update-SPRADLING PROPERTY SWC of E. Shepherd and N. Chance Avenues (APN 403-030-07)

Dear Ms. Clark,

My firm represents Mr. Sherman Spradling who owns 2.80+/- acres generally located at the southwest corner of E. Shepherd and N. Chance Avenues within the City of Fresno. As you may know, on behalf of Mr. Spradling, I wrote city staff of his interest in having the aforementioned Spradling property develop to medium high density residential uses.

Based on my review of the proposed City of Fresno General Plan Update and the corresponding Land Use Map, it appears that the Spradling property is designated for medium high multifamily residential uses in the aforementioned proposed plan. Please be so kind as to confirm my interpretation of the aforementioned plan is correct.

The ability of the city to reach its density goals and experience other advantages anticipated with the adoption of the plan require properties such as Mr. Spradling's to be developed to medium high multifamily residential uses. For those reasons Mr. Spradling supports the adoption of the City of Fresno General Plan Update.

Thank you for the opportunity to comment on the subject plan. If you have any questions, please feel free to contact me.

Sincerely,

Dirk Poeschel

Dirk Poeschel, AICP

cc Mr. Sherman Spradling
cc Mr. Geordie Jones

g:\wpdocs\spradling -shepherd 12-26\correspondence\8-18-14 draft spradling maple letter.docx

DIRK POESCHEL
Land Development Services, Inc.
923 Van Ness Avenue, Suite 200 • Fresno, California 93721
559/445-0374 • Fax: 559/445-0551 • e-mail: dpoeschel@dplds.com

August 18, 2014

RECEIVED
AUG 1 8 2014
DEVELOPMENT DEPARTMENT
CITY OF FRESNO

Ms. Jennifer K. Clark, AICP, Director
Development and Resource Management Department
2600 Fresno Street, Room 3065
Fresno, Ca 93722.

SUBJECT: City of Fresno General Plan Update-SPRADLING PROPERTY located at 5351 N. Salinas Avenue, Fresno (APN 509-020-355)

Dear Ms. Clark

My firm represents Mr. Sherman Spradling who owns 12.28+/- acres generally located at the southwest corner of W. San Jose and N. Salinas Avenues within the City of Fresno. Said property is more particularly defined as APN 509-020-355

As you may know, on behalf of Mr. Spradling, I wrote city staff of his interest in having the aforementioned Spradling property develop to medium high density residential uses. Based on my review of the proposed City of Fresno General Plan Update and the corresponding Land Use Map, it appears that the Spradling property is designated for medium high multifamily residential uses in the aforementioned proposed plan. Please be so kind as to confirm my interpretation of the aforementioned plan is correct.

The ability of the city to reach its density goals and experience other advantages anticipated with the adoption of the plan require properties such as Mr. Spradling's to be developed to medium high multifamily residential uses. For those reasons Mr. Spradling supports the adoption of the City of Fresno General Plan Update.

Thank you for the opportunity to comment on the subject plan. If you have any questions, please feel free to contact me.

Sincerely,

Dirk Poeschel

Dirk Poeschel, AICP

Enclosure

cc: Mr. Sherman Spradling
cc: Mr. Geordie Jones

g:\wpdocs\spradling-san jose 14-03\correspondence\8-18-14 draft spradling san jose letter.docx

Please add to the list. Arnoldo

From: Dirk Poeschel [mailto:dirk@dplds.com]
Sent: Friday, May 16, 2014 11:46 AM
To: Jennifer Clark
Cc: Mike Sanchez; Arnoldo Rodriguez; Ron Nelson; Juli Hernandez
Subject: FW: River Park Tower 10 Floor

Dear Jennifer

Thank you for the opportunity yesterday to discuss my client Ron Nelson's proposed River Park Tower. I know the discussion was very preliminary due to a mix up in the meeting time. Please find the attached documents regarding Mr. Nelson's proposal.

Ron and I would very much appreciate another opportunity to meet with you and your staff to discuss this matter. As you can see, Ron has spent considerable effort in developing a well thought out, very high quality project. Ron can best describe financing that is also available for this project. Again, thank you for the opportunity to meet with you and your staff. Please provide dates and times that work for you.

If I may be of further assistance, please feel free to contact me.

Dirk Poeschel, AICP
Dirk Poeschel Land Development Services, Inc.
923 Van Ness Ave., Suite 200
Fresno, CA 93721
Phone: (559) 445-0374
Fax: (559) 445-0551
Cal. Bureau of Real Estate
Broker Lic. 01882606

From: Ron Nelson [mailto:4RonNelson@comcast.net]
Sent: Friday, May 16, 2014 10:32 AM
To: Dirk Poeschel
Cc: 4ronnelson@comcast.net
Subject: River Park Tower 10 Floor

May 16, 2014 10:20 AM
Dirk good morning
We just spoke. You are to reschedule a meeting with Jennifer Clark and Renaldo (SP), for myself and Ron Wathen from Quad Knopf. If we need the Managing Agent Con Am there, I can also arrange that to demonstrate the marketability.
Attached:
Item (1) Vesting Tentative Parcel Map No. 2010-06 prepared and processed by Ron Wathen at Quad Knopf. (Not recorded), for De Young Properties in 2009. (Not Completed)
Item (2) Victoria Investors LLC Ron Nelson Sole Member preliminary building Plan, 10 floor on a 54,450 Site prepared by Humphreys & Partners Urban
Architecture.
Thanks
Ron Nelson
West Moraga Road
Fresno, Ca. 93711
Cell (559) 285-2266
4ronnelson@comcast.net

44b

VESTING TENTATIVE PARCEL MAP NO. 2010-06

PREPARED: JULY 13, 2010

BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 20 EAST, MOUNT DIABLO BASE AND MERIDIAN, CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA

VICINITY MAP

NOT TO SCALE

NOTES:

1. ASSESSOR'S PARCEL NUMBER: 303-201-29
2. SITE ADDRESS: 7345 NORTH FRESNO STREET
3. EXISTING AREA: 84,303 SF (1.94 ACRES)
4. PROPOSED AREAS: PARCEL A = 51,104 SF (1.17 ACRES), PARCEL B = 33,199 SF (0.76 ACRES)
5. EXISTING LAND USE: VACANT
6. EXISTING AND PROPOSED ZONE DISTRICT: C-P/UGM/CZ (ADMINISTRATION AND PROFESSIONAL OFFICE/ URBAN GROWTH MANAGEMENT / WITH CONDITIONS OF ZONING)
7. PROPOSED USE: OFFICE COMMERCIAL
8. THE PROPERTY IS LOCATED IN FLOOD ZONE "X" PER FLOOD RATE MAP NUMBER 06019C1560H, REVISED FEBRUARY 18, 2009.
9. ALL STREETS, UTILITIES, STRUCTURES AND EASEMENTS SHOWN ARE TO REMAIN.
10. THERE ARE CURRENTLY NO TREES ON THE PROPERTY. ALL ADJACENT TREES WILL REMAIN.
11. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO WELLS, CESSPOOLS, SEWERS, CULVERTS, STORM DRAINS, DUMP SITES, OR OTHER UNDERGROUND STRUCTURES ON THIS PROPERTY.
12. AT THE TIME OF DEVELOPMENT, ACCESS EASEMENTS WILL BE GRANTED AS REQUIRED BY THE CITY OF FRESNO.
13. AT THE TIME OF DEVELOPMENT, A BIKE TRAIL AND 12' LANDSCAPE SETBACK WILL BE CONSTRUCTED ALONG NORTH FRESNO STREET CONSISTENT WITH CITY STANDARDS AND ADJACENT EXISTING TRAILS.
14. SEWER AND WATER SERVICES SHALL BE OBTAINED FROM THE CITY OF FRESNO REQUIREMENTS.
15. AT THE TIME OF DEVELOPMENT, THE SITE WILL BE GRADED TO DRAIN PER FMFCD REQUIREMENTS.
16. THE MAP IS BASED ON TOPOGRAPHIC SURVEY DATA, RECORD DRAWINGS AND RECORD OF SURVEY 06-32 (BOOK 49, PAGE 78), FRESNO COUNTY RECORDS.

OWNER:

APN: 303-201-29
DE YOUNG PLAZA, LLC
2109 W. BULLARD AVE., STE. 101
FRESNO, CA 93711
(559) 435-0900

ENGINEER & APPLICANT:

Quad Knopf
6051 N. FRESNO ST., STE. 200
FRESNO, CA 93710
TEL: (559) 449-2400
FAX: (559) 435-2905
WEBSITE: www.quadknopf.com

LEGAL DESCRIPTION:

PARCEL D OF LOT LINE ADJUSTMENT NO. 20-91, RECORDED AS DOCUMENT NO. 91136472 OF FRESNO COUNTY OFFICIAL RECORDS.

LEGEND:

B/PT	BICYCLE / PEDESTRIAN TRAIL
COR.	CORNER
E	EAST
FH	FIRE HYDRANT
FMFCD	FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
PCWD	PINEDALE COUNTY WATER DISTRICT
R/W	RIGHT-OF-WAY
SDI	STORM DRAIN INLET
SDMH	STORM DRAIN MANHOLE
SE	SOUTHEAST
SEC.	SECTION
SF	SQUARE FOOT
SS	SANITARY SEWER
SSMH	SANITARY SEWER MANHOLE
TMH	TELEPHONE MANHOLE
W	WATER
WV	WATER VALVE
	TREE
	EXISTING CITY STREET LIGHT
	EXISTING PRIVATE LIGHT
	EXISTING LIGHT AND TRAFFIC SIGNAL WITH SIGNAL DIRECTION
	EXISTING TRAFFIC SIGNAL WITH SIGNAL DIRECTION

UTILITY INFORMATION:

SEWER AND WATER:
CITY OF FRESNO
2600 FRESNO STREET
FRESNO, CA 93721
PHONE: (559)498-1401

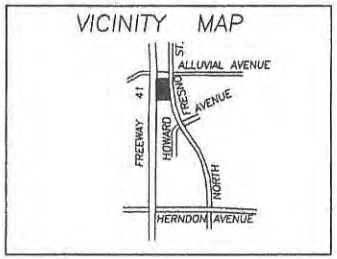
GAS AND ELECTRIC:
PACIFIC GAS AND ELECTRIC COMPANY
705 "P" STREET
FRESNO, CA 93760-0001
PHONE: (559)263-5552
JESSICA HENDRICKSON

STORM DRAIN:
FMFCD
5469 EAST OLIVE AVENUE
FRESNO, CA 93725
PHONE: (559)456-3292

TELEPHONE:
AT&T
5555 EAST OLIVE AVENUE,
FRESNO, CA 93762
PHONE: (559)454-3713
DAVE SCOTT

CABLE TELEVISION:
COMCAST
2441 NORTH GROVE INDUSTRIAL DRIVE
FRESNO, CA 93727
PHONE: (559)445-4202
RICH STOVEN

DE YOUNG PROPERTIES
FRESNO STREET PROPERTY
APN: 303-201-29
CONCEPTUAL LAYOUT 1



SCALE: 1"= 60'

60' 0' 60'

NOTE:
THIS IS A CONCEPTUAL LAYOUT ONLY. ACTUAL SIZE AND LAYOUT OF BUILDINGS AND PARKING LOTS WILL REQUIRE APPROVAL FROM THE CITY OF FRESNO THROUGH SITE PLAN REVIEW.

NOTES:
1. PARCEL 1 = 0.78 ACRES, PARCEL 2 = 1.17 ACRES
2. STALLS ARE 9'X20' UNLESS NOTED OTHERWISE.
3. AISLE WIDTH IS 27' PER CITY OF FRESNO PARKING MANUAL.
4. AISLES REQUIRE MUTUAL ACCESS EASEMENT.
5. BUILDING SETBACKS ARE 10' ALONG SIDE AND REAR, 12' AT THE FRONT (DUE TO BIKE TRAIL).
6. BUILDING AREAS LISTED ARE BASED ON THE BUILDING TO PARKING AREA PROVIDED RATION OF 1:1 PER THE MUNICIPAL CODE. VARIOUS OCCUPANCIES REQUIRE ALTERNATIVE PARKING REQUIREMENT CALCULATION METHODS.

BY:
Quad Knopf
6601 N. FRESNO ST.
SUITE 200
FRESNO, CA 93710
TEL: (559) 449-2400
FAX: (559) 435-2905
www.quadknopf.com
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N

SCALE: 1" = 60'-0"

0' 60' 120' 240'

ARCHITECTURE SITE PLAN

River Park Tower - Fresno, California, USA
Victoria Investors - Fresno LLC (Site 1.25 Acre) Nelson

1/17/2014
HPA #13645

TABULATIONS

SITE AREA:	Apn:303-201-29	1.25 ACRES	54,450 SF	Victoria Investors - Fresno LLC		
		0.85 ACRES	37,023 SF	De Young Plaza, LLC		
			91,473 SF			
					Density	
BUILDING FOOTPRINT:			29,513 SF	Ground floor	54.2%	
			45,642 SF	Subterranean Garage	83.8%	
FAR:			2.50			
TOTAL VEHICLE PARKING PROVIDED:			222 SPACES			
TOTAL BUILDING AREA:						
TOTAL RESIDENTIAL GROSS AREA:			116,492 SF	**NRSF:** 104,058	**EFF:**	**89.3%**
Residential Lobby			1,134 SF			
Leasing			1,351 SF			
Retail			6,187 SF			
Office			7,558 SF			
Amnenities			2,754 SF			
Business Center			663 SF			
TOTAL BUILDING AREA:			**136,139 SF**			
TOTAL PARKING AND SERVICES:			84,447 SF	380.4 SF PER SPACE		

UNIT BREAKDOWN

AVERAGE UNIT NET RENTABLE: **748.6 SF**

UNIT TYPE:		**UNIT COUNT:**	**%**	**BED COUNT:**	**AVE SF:**
S	STUDIO JR. 1 BEDROOM	18	12.95%	18	578.2
A	1 BEDROOM	94	67.63%	94	702.6
B	2 BEDROOM	27	19.42%	54	975.4
	TOTAL:	139	100.0%	166	

* BUILDING AREA is calculated to the exterior face of the curtainwall including balconies
* MVP stands for major vertical penetrations
* GROSS RESIDENTIAL AREA is calculated to the exterior face of the curtainwall including balconies, less vertical slab penetrations (elev shafts, chases, etc.) and less common spaces (lobby/ amenities, etc.)
* NRSF (net rentable square footage) is calculated to the exterior face of the curtain wall, centerline of demising walls between units, and corridor side of corridor walls (similar at stairs, mech/elec. rooms, elevator shafts, chases, etc.)
* FLOOR EFFICIENCY is The NRSF divided by the GROSS AREA
* DENSITY is the building footprint divided by site area
* FAR is the total gross building area divided by the site area

RIVER PARK TOWER FRESNO, CALIFORNIA, USA

01.17.2014

NELSON
HPA#13645

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River Park Tower - Fresno, California, USA
Victoria Investors - Fresno LLC (Site 1.25 Acre) Nelson

1/17/2014
HPA #13645

TABULATIONS

Level (s)	Gross Building Area	Residential Lobby	Leasing	Retail	Office	Amnenities	Business Center	Parking Count	MVP	GRSF	NRSF	Circulation	Efficiency
B1	45,642 sf	- sf	- sf	- sf	- sf	- sf	- sf	119	- sf	- sf	- sf	- sf	
1	29,513 sf	1,134 sf	1,351 sf	6,187 sf	- sf	- sf	- sf	59	600 sf	- sf	- sf	- sf	
2	29,513 sf	- sf	- sf	- sf	7,558 sf	- sf	- sf	44	600 sf	- sf	- sf	- sf	
3	16,339 sf	- sf	- sf	- sf	- sf	2,754 sf	663 sf	-	600 sf	12,332 sf	10,668 sf	1,664 sf	86.5%
4	18,739 sf	- sf	- sf	- sf	- sf	- sf	- sf	-	600 sf	18,139 sf	16,344 sf	1,795 sf	90.1%
5	18,739 sf	- sf	- sf	- sf	- sf	- sf	- sf	-	600 sf	18,139 sf	16,344 sf	1,795 sf	90.1%
6	18,739 sf	- sf	- sf	- sf	- sf	- sf	- sf	-	600 sf	18,139 sf	16,344 sf	1,795 sf	90.1%
7	18,739 sf	- sf	- sf	- sf	- sf	- sf	- sf	-	600 sf	18,139 sf	16,344 sf	1,795 sf	90.1%
8	16,790 sf	- sf	- sf	- sf	- sf	- sf	- sf	-	600 sf	16,190 sf	14,395 sf	1,795 sf	88.9%
9	16,014 sf	- sf	- sf	- sf	- sf	- sf	- sf	-	600 sf	15,414 sf	13,619 sf	1,795 sf	88.4%
	228,767 sf	1,134 sf	1,351 sf	6,187 sf	7,558 sf	2,754 sf	663 sf	222	5,400 sf	116,492 sf	104,058 sf	12,434 sf	89.3%

* BUILDING AREA is calculated to the exterior face of the curtainwall including balconies
* MVP stands for major vertical penetrations
* GROSS RESIDENTIAL AREA is calculated to the exterior face of the curtainwall including balconies, less vertical slab penetrations (elev shafts, chases. etc.) and less common spaces (lobby/ amenities. etc.)
* NRSF (net rentable square footage) is calculated to the exterior face of the curtain wall, centerline of demising walls between units, and corridor side of corridor walls (similar at stairs. mech/elec. rooms. elevator shafts.
* FLOOR EFFICIENCY is The NRSF divided by the GROSS AREA

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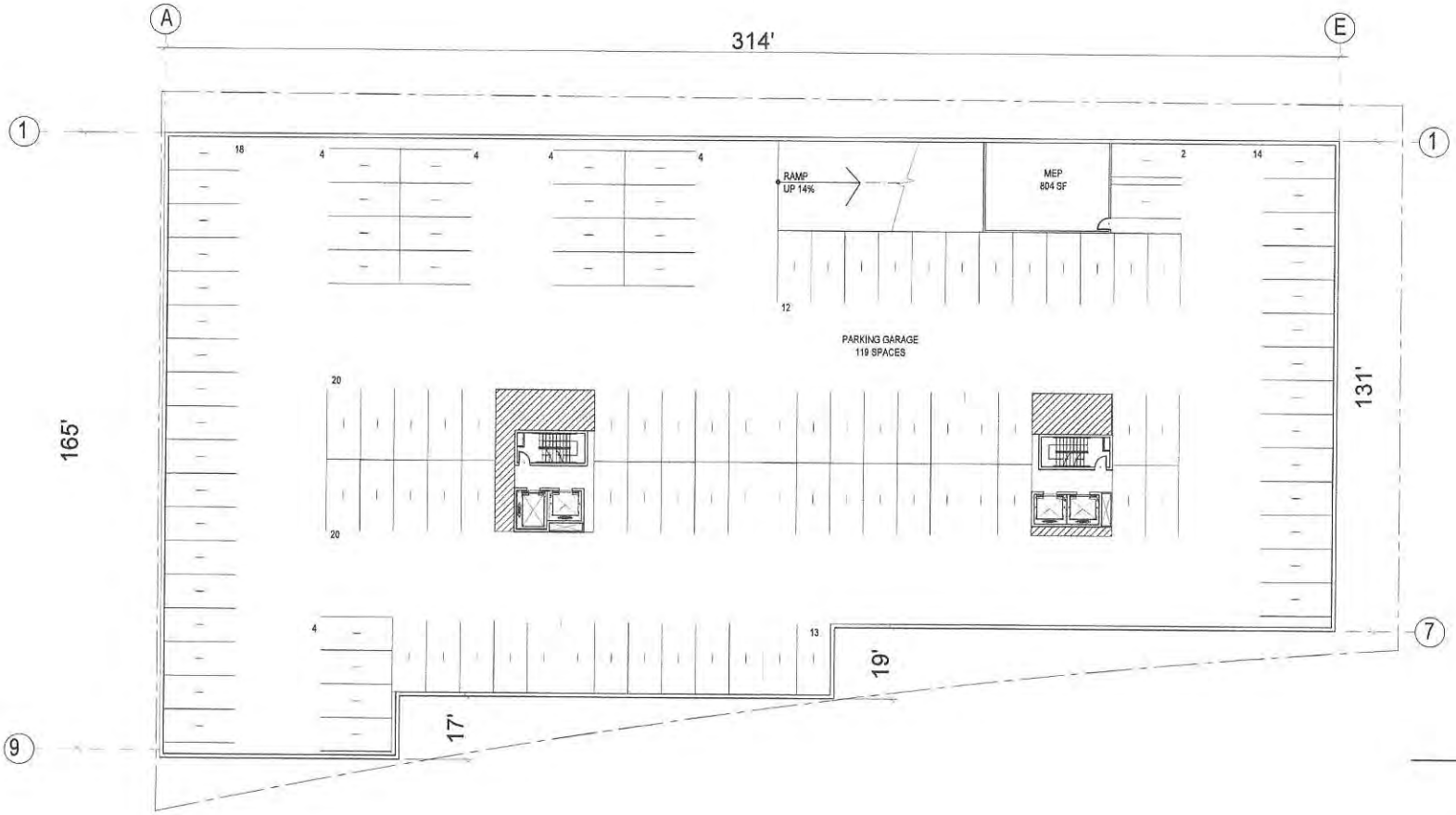

BASEMENT B1 FLOOR PLAN

BUILDING AREA:	45,642 SF
MEP:	804 SF
PARKING:	119 SPACES

N

SCALE: 1" = 30'-0"

0' 15' 30' 60'

RIVER PARK TOWER FRESNO, CALIFORNIA, USA

01.17.2014

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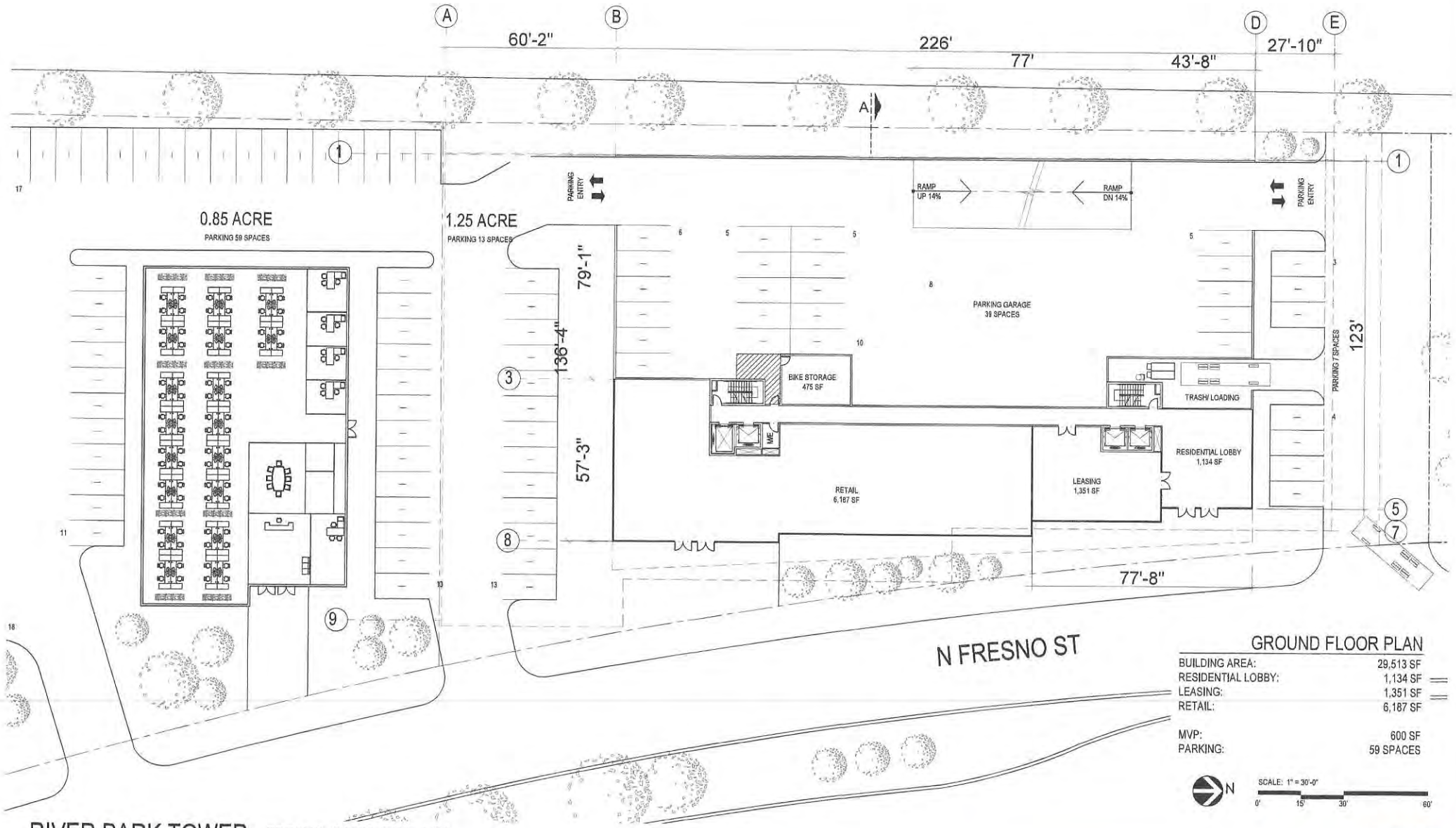

GROUND FLOOR PLAN

BUILDING AREA:	29,513 SF
RESIDENTIAL LOBBY:	1,134 SF
LEASING:	1,351 SF
RETAIL:	6,187 SF
MVP:	600 SF
PARKING:	59 SPACES

N

SCALE: 1" = 30'-0"

0' 15' 30' 60'

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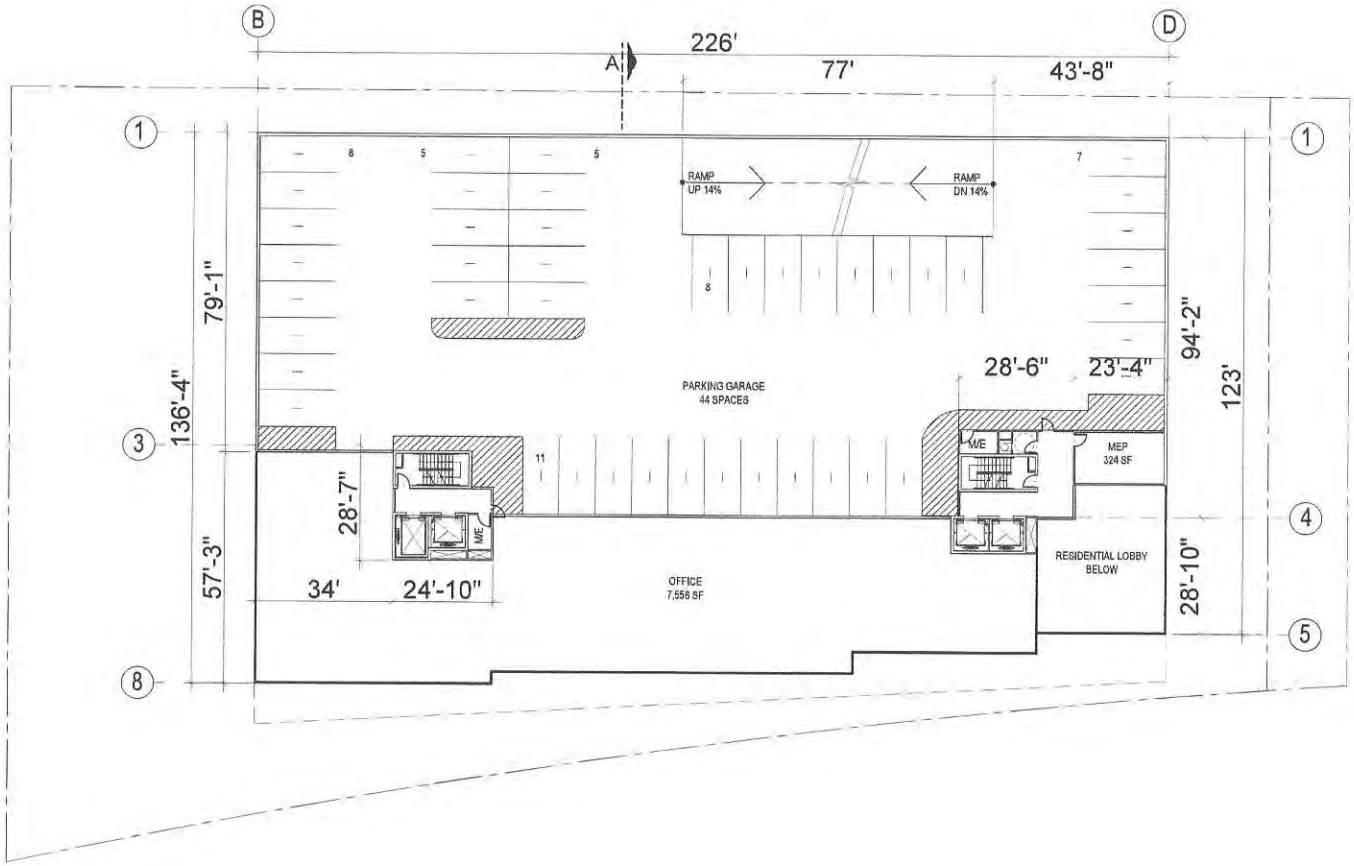

LEVEL 2

BUILDING AREA:	29,513 SF
MVP:	600 SF
MEP:	324 SF
OFFICE:	7,558 SF
PARKING:	44 SPACES

N

SCALE: 1" = 30'-0"

0' 15' 30' 60'

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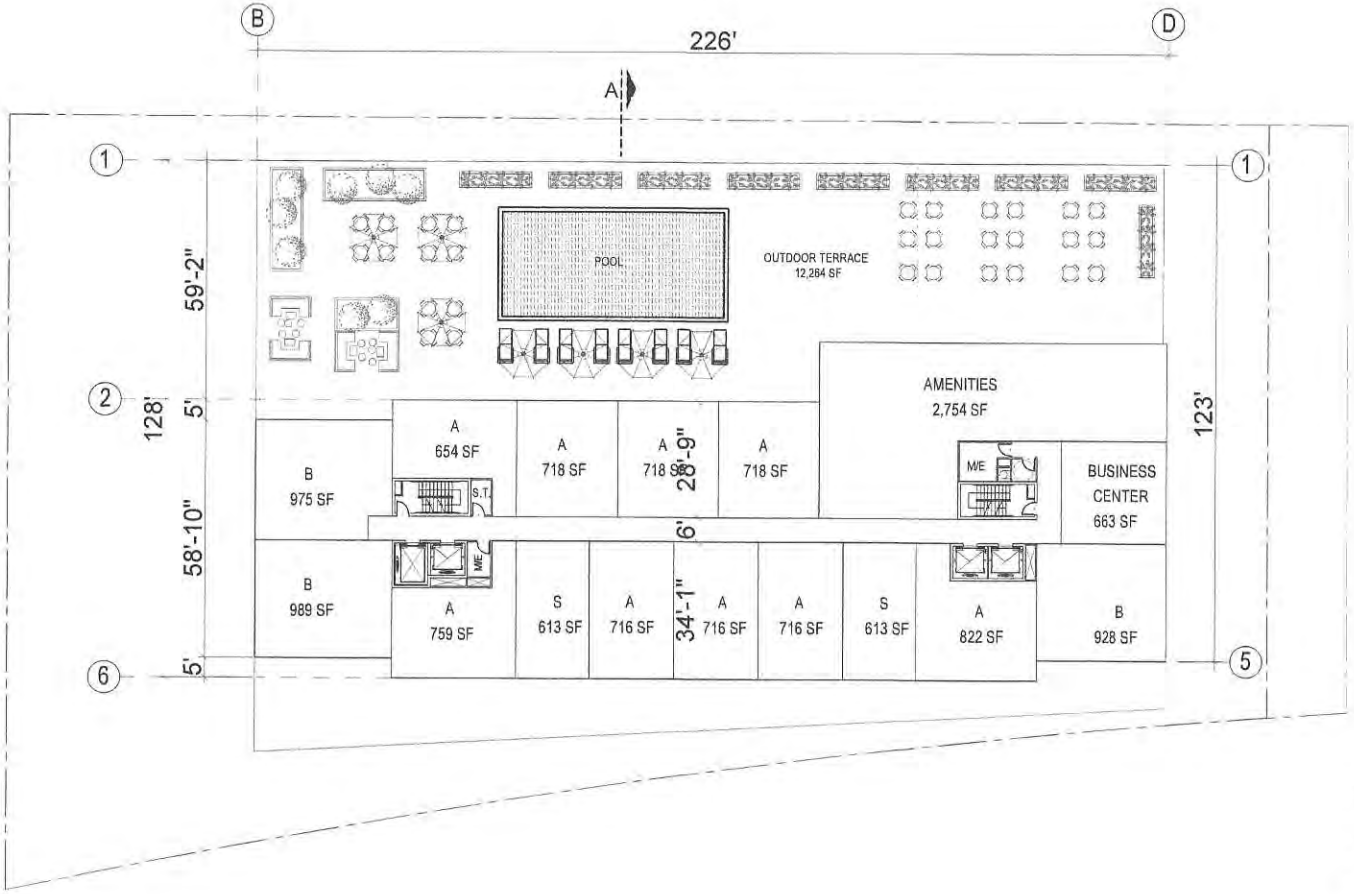

LEVEL 3

RESIDENTIAL:	16,339 SF
MVP:	- 600 SF
AMENITIES:	2,754 SF
BUSINESS CENTER:	663 SF
GROSS AREA:	12,332 SF
CIRCULATION:	- 1,654 SF
NET RESIDENTIAL AREA:	10,668 SF
EFFICIENCY:	86.5%
14 UNITS PER FLOOR	(762 AVG UNIT SIZE)
OUTDOOR TERRACE:	12,264 SF

N

SCALE: 1" = 30'-0"

0' 15' 30' 60'

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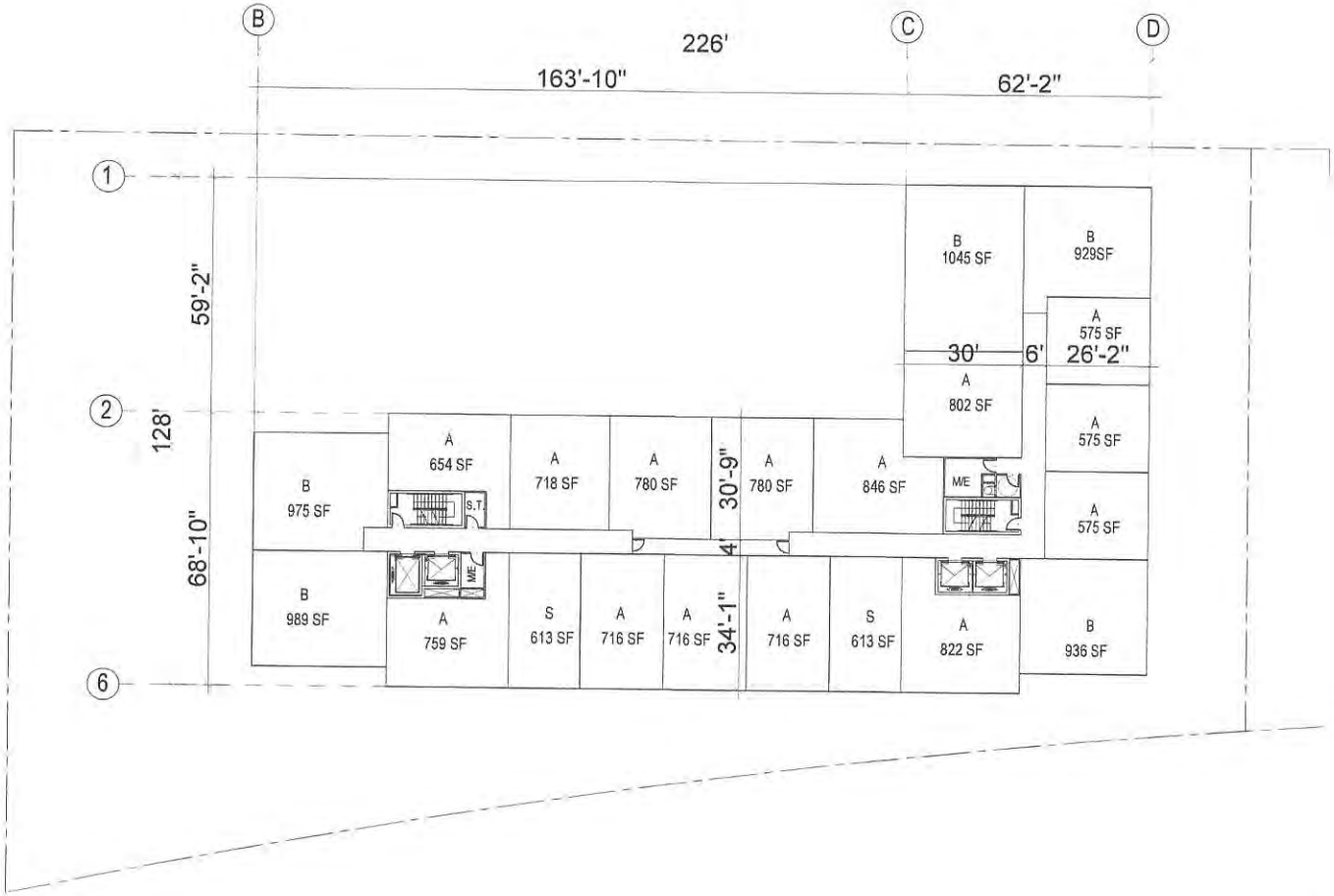

LEVEL 4-7 (4 FLOORS)

RESIDENTIAL:	18,739 SF
MVP:	- 600 SF
GROSS AREA:	18,139 SF
CIRCULATION:	- 1,795 SF
NET RESIDENTIAL AREA:	16,344 SF
EFFICIENCY:	90.1%
21 UNITS PER FLOOR	(777 AVG UNIT SIZE)

N

SCALE: 1" = 30'-0"

0' 15' 30' 60'

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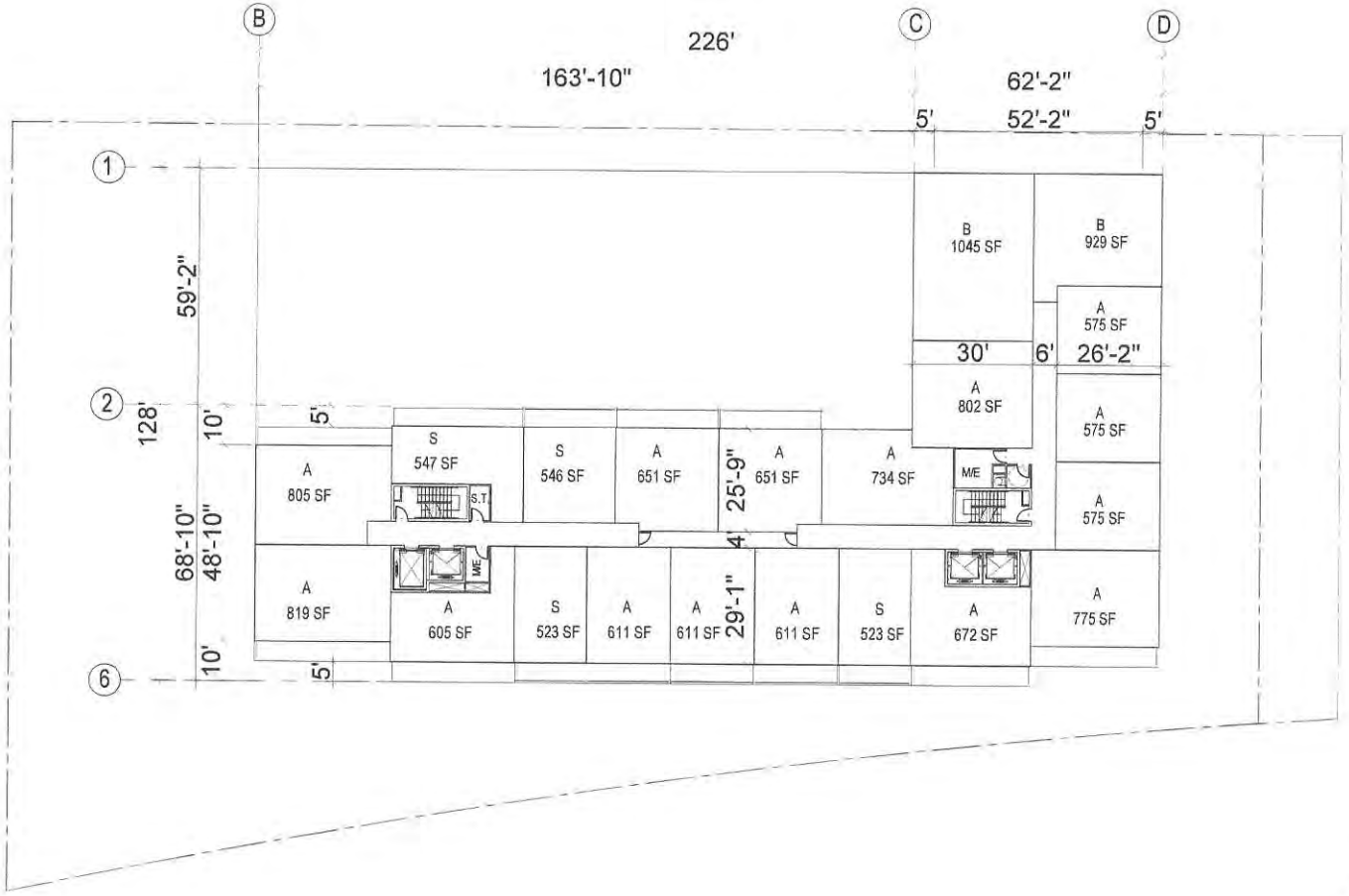

LEVEL 8	
RESIDENTIAL:	16,790 SF
MVP:	- 600 SF
GROSS AREA:	16,190 SF
CIRCULATION:	- 1,795 SF
NET RESIDENTIAL AREA:	14,395 SF
EFFICIENCY:	88.9%
21 UNITS PER FLOOR	(685 AVG UNIT SIZE)

N

SCALE: 1" = 30'-0"

0' 15' 30' 60'

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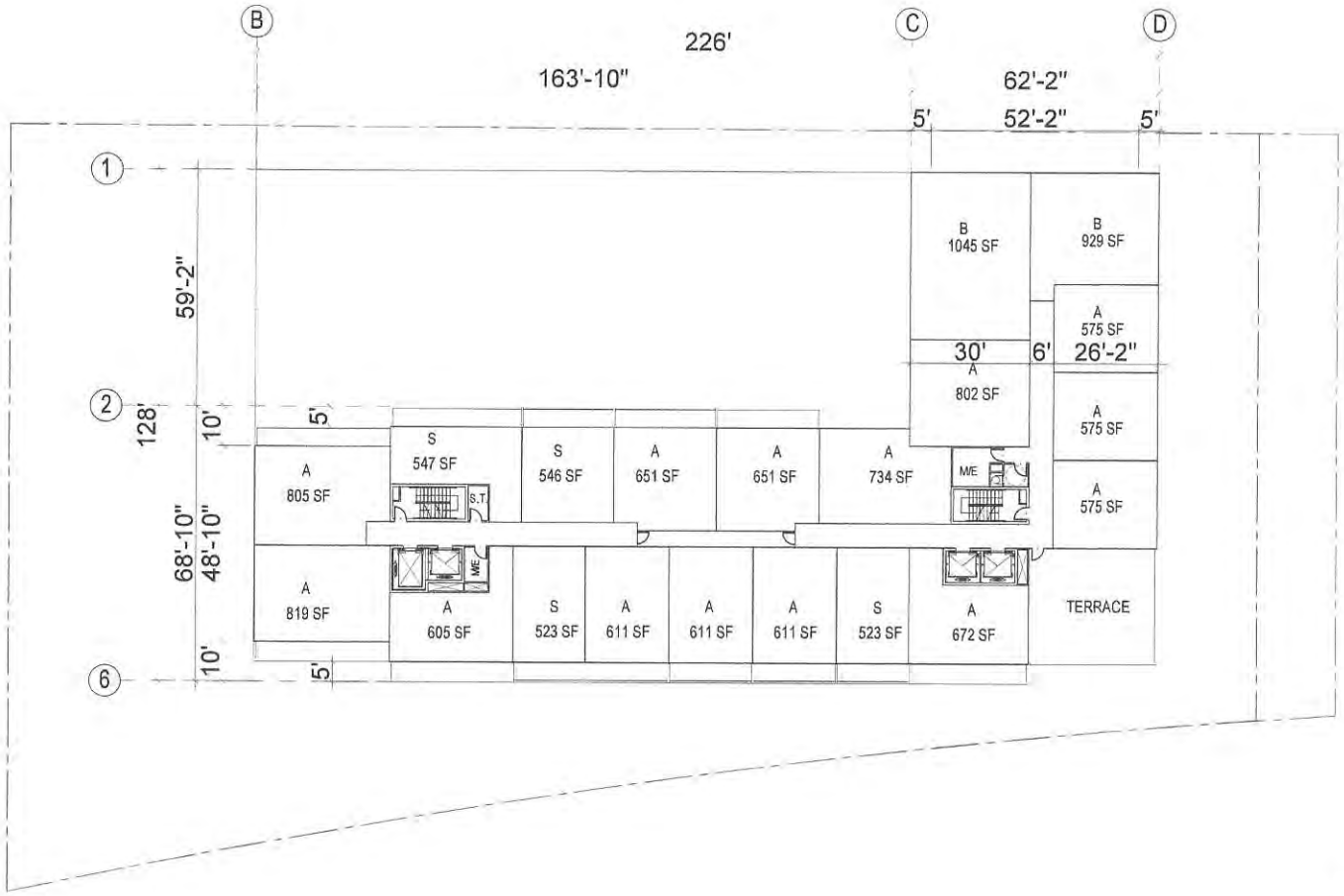

LEVEL 9	
RESIDENTIAL:	16,014 SF
MVP:	- 600 SF
GROSS AREA:	15,414 SF
CIRCULATION:	- 1,795 SF
NET RESIDENTIAL AREA:	13,619 SF
EFFICIENCY:	88.3%
20 UNITS PER FLOOR	(680 AVG UNIT SIZE)

N

SCALE: 1" = 30'-0"

0' 15' 30' 60'

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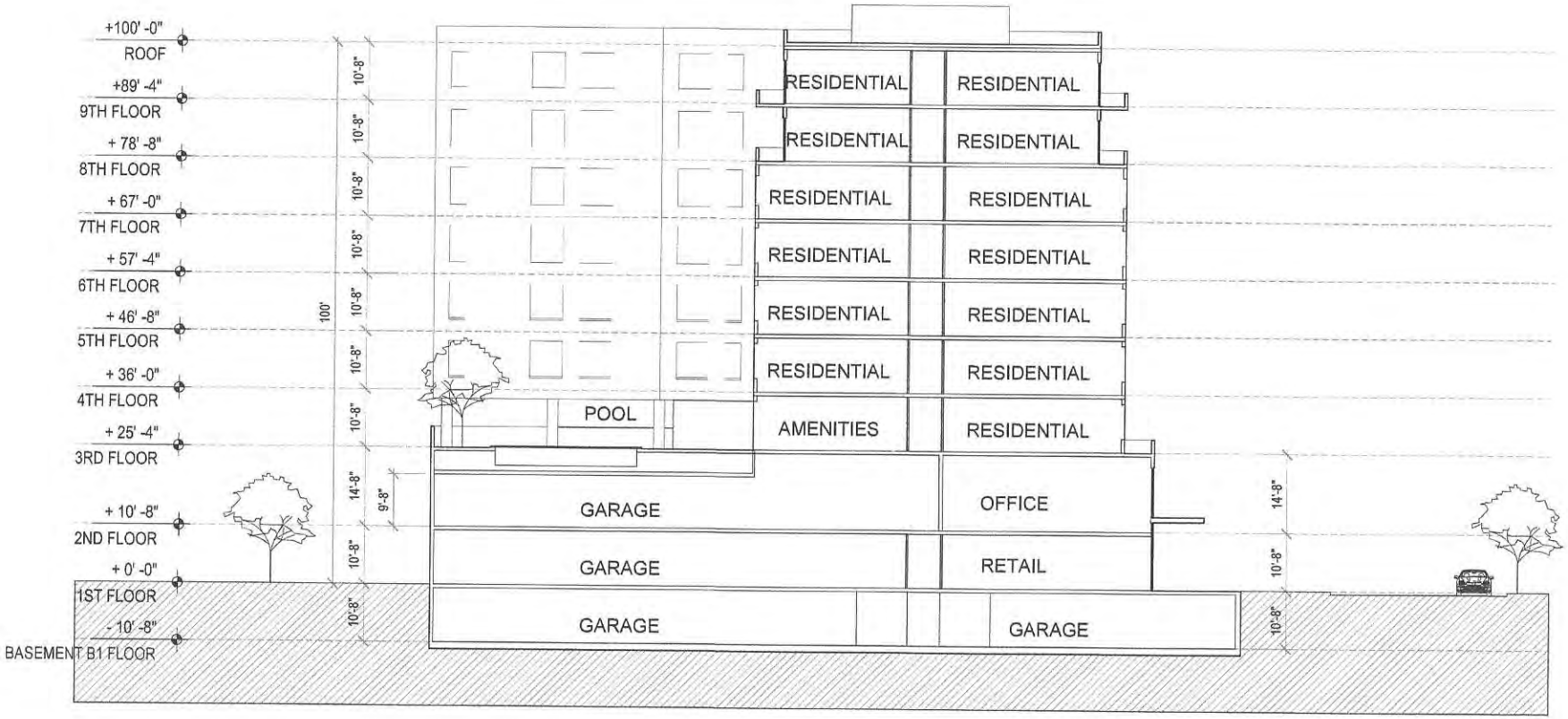

SECTION

SCALE: 1" = 20'-0"

0' 20' 40' 80'

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PERSPECTIVE

RIVER PARK TOWER FRESNO, CALIFORNIA, USA

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Sequoia Fresno Joint Venture, a California General Partnership
4747 N. First Street, Suite #128
Fresno, CA 93726
Tel: (559) 227-0701 Email: SequoiaFJV@aol.com

August 12, 2014

VIA HAND CARRIED LETTER
Jennifer K. Clark, AICP
Director of Development and Resource Management Department
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93722

Re: Property Owner Comments
City of Fresno 2035 Draft General Plan
Subject Property: NEC First Street and Nees Avenue, Fresno CA

Dear Ms. Clark:

This letter shall serve to register the property owner's concerns and objection to the portion of the Draft City of Fresno 2035 General Plan that affects property located at the Northeast corner of Nees and First, comprised of approximately 35 to 38 +/- acres which are currently zoned **C-1**, **C-R**, and **C-P** and owned by Sequoia Fresno Joint Venture and Sequoia II, LLC. By submitting this letter, the property owner hereby reserves the right to further object to the proposed 2035 General Plan and any future zoning regulations once they are made known to the public.

Our specific concerns are related to the proposed new zoning districts: "**Corridor/ Center Mixed Use (CMX)**" and "**Open Space Park**". Both of these new zone districts may ultimately alter the zoning regulations, which are at this point not yet known, and therefore may harm the economic value of the above referenced property, and they may also violate our previously binding zoning contracts with the City of Fresno. We have not received any proposed new Code or Regulations advising us on what exact uses are allowed in the new CMX zoning. However, we have performed actions that were previously mutually agreed to by the City of Fresno and the property owner. We feel that we must now object in order to protect our economic interests that were granted by the City of Fresno under a contract dated July 23, 1993.

(1). **Corridor/ Center Mixed Use (CMX)**: The portion of the property that would be designated CMX is currently zoned C-1, C-P, and C-R (Commercial

Recreation). We have both existing and proposed uses that are under contract to be sold and/or developed as C-1, C-P, and C-R. The total value of these contracts is in the range of $30,000,000 to $ 40,000,000. We seek assurance that whatever the new proposed and future zoning code ends up allowing by right, that these future regulations allow the current uses now designated in said current zoning districts.

(2). **Open Space Park:** The portion of the property that is designated Open Space Park is currently zoned C-P. The property is being developed as an office development, and was approved as part of a master plan by the City of Fresno, and a contract was executed between the City of Fresno and myself on July 23, 1993. This contract specified the use as an office development, provided that among other conditions, the property owner agrees to develop residential R-1 and R-2 subdivisions to act as a "buffer" to serve the neighboring residential uses to the North and to the East of the master planned property.

We agreed to, and have subsequently developed said subdivision "buffer" properties. The 2035 General Plan would re-designate this property from Office to a City Park, or by default, a dual designation as "Residential". We feel that this is in direct violation of the agreements made between the City of Fresno and the property owner.

Furthermore, the contract dated July 1993 specifies other obligations on behalf of the property owner:

(1). Build and deed to the City of Fresno a water well lot;

(2). Complete three (3) 4-way traffic signals at Nees and First, Nees and Bond, and Nees and Millbrook;

(3). Complete construction of Nees Avenue improvements to widen Nees from 2 traffic lanes to 4 with bicycle lanes;

(5). As a result of #3 above, property owner was caused to cover an FID canal with a 56" concrete pipe;

(6). Install street lights along Nees Avenue;

(7). Complete construction of First Street improvements to widen First Street from 2 traffic lanes to 4 traffic lanes;

(8). Improve storm drains as required by the Fresno Metropolitan Flood Control District (FMFCD);

(9). Agree to implement 30-foot landscape setbacks along Nees Avenue and First Street.

There is no expiration date to the mutual covenants made in the 1993 Agreement. All of the agreed actions have been completed by the property owner.

All of the above conditions of zoning were specified in addition to the requirement to build two residential subdivisions on the property. All of the above conditions were met by the property owner prior to a single commercial building permit being issued, as specified in the contract agreement. The contract agreement conditions, and the zoning contract of 1993, and again re-zoned in 1997, were inducements made from the City of Fresno to the property owner that

caused us to perform our obligations under this contract. We feel that for this reason, the contract is in force and should be honored. At minimum, the specified uses should be retained and not altered by the proposed 2035 City of Fresno General Plan.

Thank you for your consideration of these issues. Please advise me of the status of our zoning designations and also the defined zoning regulations as they relate to the upcoming proposed General Plan. I sincerely appreciate and look forward to any communication on these matters.

Very truly yours,

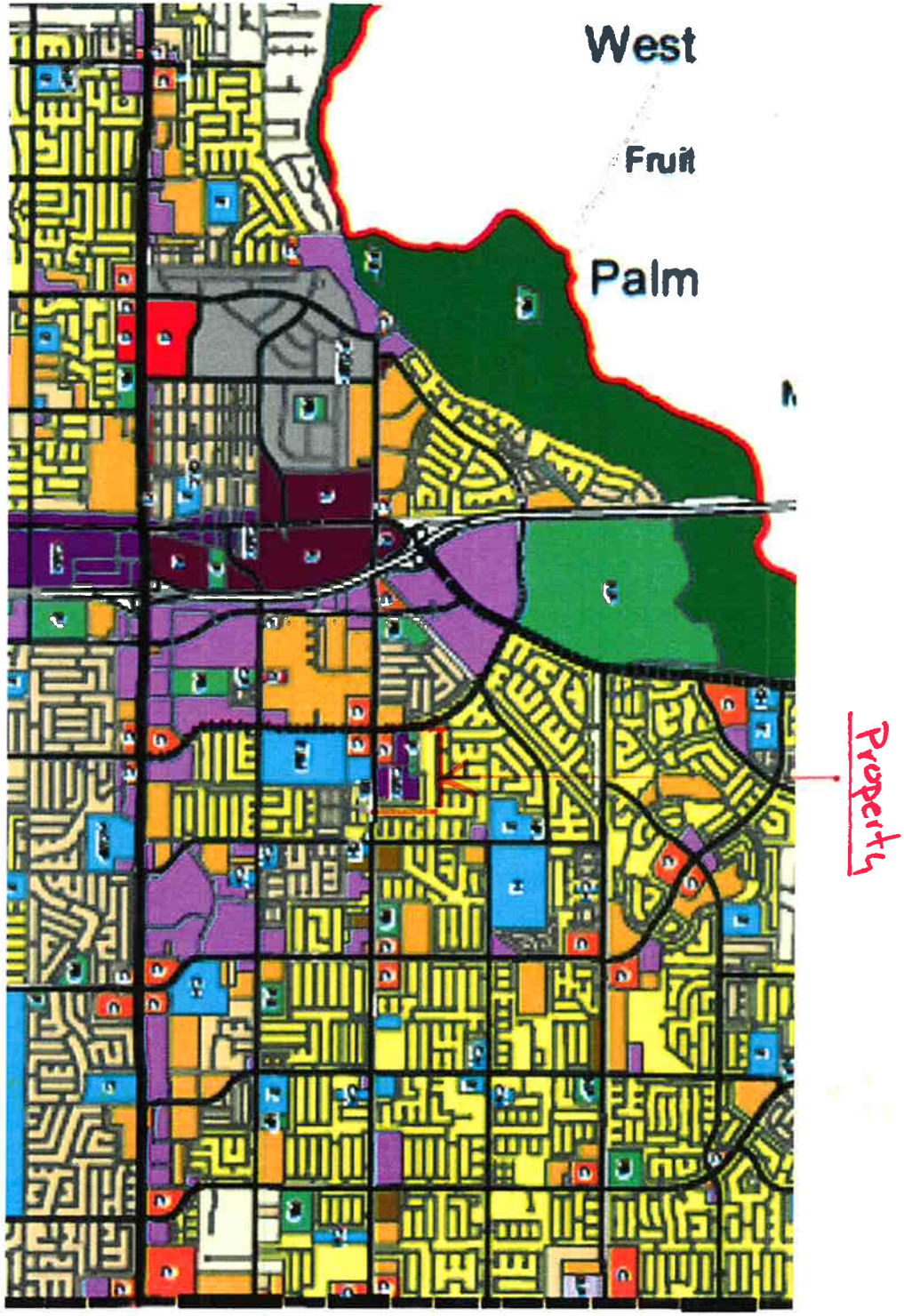
Ted M. Nakata,
Managing General Partner,
Sequoia Fresno Joint Venture
Managing Member, Sequoia II LLC

Enclosures:

1. Statement of Covenants dated July 23, 1994 Doc # 93110432
2. Zoning Contract dated June 29, 1998
3. Letter from City of Fresno Development Director dated 1-14-98
4. Letter fom Gary G. Giannetta to City of Fresno dated 8-5-14

Cc: Jeff Reid, Mc Cormick, Barstow, Shephard, et. al.
Gary G. Giannetta, Consulting Civil Engineer

E Portland Ave
E Ahwahnee Ave
N Bond St
E Omaha Ave
Niles Ave
N Raisina Ave
(City Well lot)
Residential
C-R
CR
C-1
N Sherman Ave
N 5th St
6th St
E Nees Ave
e, Fresno, CA 93720, USA
N 1st St
© 2014 Google
N Park Pl Dr
Hillsdale Dr
Millcreek Dr


West
Fruit
Palm
Property

City of
FRESNO
2600 Fresno Street • Third Floor
Fresno, California 93721-3604
(209) 498-1591 FAX (209) 498-1012

Development Department
Alvin P. Solis, AICP
Director

January 14, 1998

Please reply to:
David Braun
(209) 498-2696

Russ Nakata
Sequoia-Fresno Joint Venture
4747 North First Street, #130
Fresno, California 93726

Dear Mr. Nakata:

SUBJECT: FINAL ACTION BY THE FRESNO CITY COUNCIL REGARDING REZONING APPLICATION NO. R-97-27 FOR PROPERTY LOCATED ON THE NORTHEAST CORNER OF NORTH FIRST STREET AND EAST NEES AVENUE

The City Council, at its regular meeting of January 6, 1998, adopted Ordinance Bill No. 98-2 (enclosed) which will rezone the above described property from the AE-5/UGM to the C-1/UGM/cz and C-R/UGM/cz zone district subject to satisfying the requirements of Section 12-403-K and L of the Fresno Municipal Code (FMC) as listed below.

In order for the zoning to become effective, you must complete the following requirements within the time allotted:

> Section No. 4 of Ordinance No. 98-2 (enclosed) states that a zoning contract be prepared and recorded to run with the land that identifies the listed conditions of zoning approval. Please provide City staff with the payment of the $520.00 preparation and recordation fee (or most current fee in effect) in order that staff can prepare this contract.
>
> The signed contract must be returned within 120 days after Council approved the rezoning application.

IF THE ZONING CONTRACT IS NOT RECEIVED WITHIN 120 DAYS OF COUNCIL APPROVAL OF THIS REZONING APPLICATION, THE ZONING GRANTED BY COUNCIL WILL EXPIRE.

Please record this information for your future use. You will receive no further notice. If you have any questions relating to this matter, please feel free to contact this office.

Sincerely,

DEVELOPMENT DEPARTMENT

Alvin P. Solis
Director

WP61|DEB:frg|K:\Common\ltr\R9727.ltr

Enclosure: Ordinance Bill No. 98-2

c: Fresno County Assessor
Gary Giannetta
Jim Logan

JUN 1998
RECEIVED
ADMINISTRATIVE
OFFICER

Recording Requested by
City Clerk, Fresno, California
No Fee-Govt. Code 6103
Return to City Clerk, Fresno

----------SPACE ABOVE FOR RECORDER'S USE----------
APN 402-220-16, 18, 43

ZONING CONTRACT NO. R-97-27

This Zoning Contract is made by and between the CITY OF FRESNO, hereafter "City" and SEQUOIA-FRESNO JOINT VENTURE, A California General Partnership hereafter "Owner".

RECITALS

A. The Owner owns real property situated in the City of Fresno, County of Fresno, State of California, hereafter referred to as the "Subject Property" and more particularly described in Ordinance No. 98-2, hereafter referred to as the "Ordinance", attached and incorporated by reference as EXHIBIT "A"; and,

B. The Owner, pursuant to Rezoning Application No. R-97-27, has applied to the City for a district amendment changing the zone district classification for the Subject Property; and,

C. The Fresno City Council on January 6, 1998, adopted said Ordinance reclassifying the zone district of the Subject Property subject to the execution of a Zoning Contract within the time period, form and manner provided in Section 12-403-K and L of the Fresno Municipal Code; and,

D. The Owner hereby warrants that any and all parties having record title interest in the Subject Property which may ripen into a fee have subordinated to this instrument and that all such instruments of subordination, if any, are attached hereto and made a part of this instrument; and,

E. The Owner desires to enter into a Zoning Contract to obtain effective zoning pursuant to said Section 12-403-K.

2

In consideration of the foregoing:

1. The Owner agrees that the Subject Property shall be held, conveyed, encumbered, used, occupied, developed, maintained and improved in accordance with the conditions provided in EXHIBIT "A".

2. The conditions of this zoning contract are intended to benefit the public and public properties. Accordingly, the City shall have the right to enforce this contract by any legal or equitable means against the Owner and such person or persons in actual possession of the Subject Property who directly or who through any agent violate the terms hereof. All obligations of the Owner under this contract shall inure solely to the benefit of the City. There are no third party beneficiaries of such obligations nor shall the right of the City be transferrable in any manner to any person other than to a successor municipal corporation whose geographic boundaries include the Subject Property.

3. Owner agrees that, in the event of failure to comply with the conditions set forth in this contract, Owner will not object to the redesignation of the Subject Property to a land use zone district which the Council of the City determines is proper without compliance with such conditions. In such event, Owner waives any right to have any uses or improvements installed subsequent to the change of land use zone district herein requested considered, or treated as non-conforming uses or improvements after such redistricting.

4. The provisions of this contract shall be deemed independent and severable and the invalidity or partial invalidity or unenforceablility of any one provision or portion thereof shall not affect the validity or enforceability of any other provision hereof. Whenever the context so requires, any gender includes the other genders, the singular includes the plural, and the plural includes the singular.

5. The foregoing conditions shall remain in full force and effect until such time as the City, pursuant to the district amendment procedure of the Fresno Municipal code, finds the enforcement of such conditions is no longer equitable.

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6. The foregoing shall burden the Subject Property and constitute a covenant running with the land in favor of and for the benefit of the City and its property; be enforceable by the City by any legal or equitable means; and shall be binding upon the successors, assigns, transferees, and heirs of the Owner.

CITY OF FRESNO,
a Municipal Corporation

By _____
Alvin P. Solis, Director

Development Department

APPROVED AS TO FORM:

HILDA CANTÚ-MONTOY
City Attorney

By _____
Deputy

(Attach Notary Acknowledgement)

OWNER

SEQUOIA-FRESNO JOINT VENTURE, a General Partnership

By: FIRST NEES PARTNERS, a California Corporation, its General Partner

By: _____
G. Barton Heuler,
General Partner

By: _____
Ted M. Nakata,
General Partner

By: FOUNTAIN VALLEY BOWL, a California Limited Partnership, its General Partner

By: _____
G. Barton Heuler,
General Partner

By: WEST VALLEY RANCHES, a California General Partnership, its General Partner

By: _____
G. Barton Heuler, General Partner and Member of Executive Committee

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State of California
County of Orange

On 5-29-95 (DATE) before me, Ramona K. Soares (NAME/TITLE OF OFFICER-i.e."JANE DOE, NOTARY PUBLIC")

personally appeared G. Barton Heuler & Ted M. Nakata (NAME(S) OF SIGNER(S))

☒ personally known to me -OR- ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

RAMONA K. SOARES
Comm. # 1154442
NOTARY PUBLIC - CALIFORNIA
Orange County
My Comm. Expires Sept. 5, 2001

(SEAL)

Witness my hand and official seal.

Ramona K. Soares
(SIGNATURE OF NOTARY)

RIGHT THUMBPRINT (Optional)

TOP OF THUMB HERE

CAPACITY CLAIMED BY SIGNER(S)
☐INDIVIDUAL(S)
☐CORPORATE _____
OFFICER(S) _____ (TITLES)
☐PARTNER(S) ☐LIMITED ☐GENERAL
☐ATTORNEY IN FACT
☐TRUSTEE(S)
☐GUARDIAN/CONSERVATOR
☐OTHER: _____

SIGNER IS REPRESENTING:
(Name of Person(s) or Entity(ies))

RIGHT THUMBPRINT (Optional)

TOP OF THUMB HERE

CAPACITY CLAIMED BY SIGNER(S)
☐INDIVIDUAL(S)
☐CORPORATE _____
OFFICER(S) _____ (TITLES)
☐PARTNER(S) ☐LIMITED ☐GENERAL
☐ATTORNEY IN FACT
☐TRUSTEE(S)
☐GUARDIAN/CONSERVATOR
☐OTHER: _____

SIGNER IS REPRESENTING:
(Name of Person(s) or Entity(ies))

ATTENTION NOTARY

The information requested below and in the column to the right is OPTIONAL. Recording of this document is not required by law and is also optional. It could, however, prevent fraudulent attachment of this certificate to any unauthorized document.

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Title or Type of Document Zoning Contract
Number of Pages 3 Date of Document _____
Signer(s) Other Than Named Above _____

WOLCOTTS FORM 63237 Rev. 3-94 (price class 8-2A) ©1994 WOLCOTTS FORMS, INC.
ALL PURPOSE ACKNOWLEDGMENT FOR CALIFORNIA WITH SIGNER CAPACITY/REPRESENTATION/TWO FINGERPRINTS

EXHIBIT A

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Bredefeld SECONDED BY Mathys

BILL NO. B-2

ORDINANCE NO. 98-2

AN ORDINANCE AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF FRESNO HERETOFORE ADOPTED BY ARTICLES 1 TO 4.5 INCLUSIVE, CHAPTER 12, OF THE FRESNO MUNICIPAL CODE, BEING THE ZONING ORDINANCE OF THE CITY OF FRESNO

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, of the Fresno Municipal Code, the Director of the Development Department of the City of Fresno found the proposed rezoning in conformance with adopted plans and policies of the City and recommended to the Council of the City of Fresno an amendment to the Zoning Ordinance which changes the real property described hereinbelow from one zone to another.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Based upon the testimony and information presented at the hearing and based upon the Council's own independent review and consideration of the environmental documentation provided, the adoption of the proposed rezoning is in the best interests of the City of Fresno. The Council finds that with the implementation of the mitigation measures defined within the Initial Study for Environmental Assessment No. R-97-27, there is no substantial evidence in the record that the rezoning may have a significant effect on the environment, and the mitigated negative declaration prepared for this project is hereby approved. The above mitigation measures shall be incorporated in the project, implemented and monitored as specified in the monitoring checklist for Environmental Assessment No. R-97-27. The Initial Study for Environmental Assessment No. R-97-27 and monitoring checklist are incorporated into this ordinance and compliance therewith is made a condition of this rezoning.

Adopted 1/6/98
Approved 1/6/98
Effective See Sect 5

98-2

SECTION 2. The zone district of the real property described hereinbelow, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno is reclassified from the AE-5/UGM to the C-1/UGM/cz zone district:

> That portion of Lot 124 of the Amended Plat of Perrin Colony No. 2, recorded in Volume 4, Page 68 of Plats, Fresno County Records, lying South of a line parallel with and 830 feet South of the North line of Lot 213 of said Perrin Colony No. 2.
>
> EXCEPTING THEREFROM the East 434 feet of said Lot 124.
>
> ALSO EXCEPTING THEREFROM that portion thereof deeded to the City of Fresno for Public Street purposes by deed recorded April 5, 1989 as Document No. 89036079, Fresno County Records.
>
> ALSO EXCEPTING THEREFROM that portion thereof deeded to the City of Fresno for Public Street purposes by deed recorded February 13, 1992 as Document 92017661, Fresno County Records.

SECTION 3. The zone district of the real property described hereinbelow, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno is reclassified from the AE-5/UGM to the C-R/UGM/cz zone district:

> The West One Half of Lots 85 and 86 and the East 434 feet of Lots 123 and 124 of the Amended Plat of Perrin Colony No. 2, recorded in Volume 4, Page 68 of Plats, Fresno County Records.
>
> EXCEPTING THEREFROM the North 269 feet of said Lots 85 and 123, the East 170 feet of the West One Half of said Lots 85 and 86 and that portion of the West 219.26 feet of the East 389.26 feet of the West One Half of said Lot 86 lying South of a line parallel with and 1,090 feet South of the North Line of said Lot 85.
>
> ALSO EXCEPTING THEREFROM that portion thereof deeded to the City of Fresno for Public Street purposes by deed recorded April 5, 1989 as Document No. 89036079, Fresno County Records.
>
> ALSO EXCEPTING THEREFROM that portion thereof deeded to the City of Fresno for Public Street purposes by deed recorded February 11, 1992 as Document No. 92016354, Fresno County Records.

ALSO EXCEPTING THEREFROM that portion thereof deeded to the City of Fresno for Public Street purposes by deed recorded February 13, 1992 as Document No. 92017661, Fresno County Records.

SECTION 4. This ordinance shall be conditioned upon the record owners of the property described in Sections 2 and 3 executing and causing to be recorded a covenant running with the land guaranteeing the following conditions on the subject property:

1. The developer shall make improvements as required by the Fresno Metropolitan Flood Control District (FMFCD) to provide adequate capacity to serve this project. The FMFCD will require mitigation of the impacts generated by an anticipated increase in runoff--in excess of that created by medium density residential development.

2. Prior to the submittal of a special permit on any portion of the subject property, the developer shall meet with members of the neighborhood to the north of the site (Tract Nos. 2976 and 3656) and shall submit a conceptual site plan for the entire 55 acre property (as shown on Exhibit A) to the City Council.

3. The improvement of East Niles Avenue along the north boundary of the C-R zoned property, shall be completed upon development of the C-R zoned property or upon development of the single-family subdivision proposed to the north of Niles Avenue, whichever occurs first.

4. All proposed uses on the C-R zoned portion of the site shall be subject to review by the Development Director for compatibility with surrounding properties.

5. An athletic club proposed on the C-R zoned property shall be limited to 4,000 single memberships, 3,500 family memberships; and, 800 executive memberships. Memberships shall be for no less than one month.

6. The hours of operation for the athletic club will be limited to 5:00 a.m. to midnight; excluding holidays.

7. All athletic club activities, with the exception of the banquet facility, will be open only to members and their authorized guests.

8. There will be no celebrity sporting events or exhibitions, invitational tournaments, or league participation open to non-members or the general public at the athletic club.

9. Use and lighting of outdoor tennis courts at the athletic club shall be limited to hours of 7:00 a.m. to 10:00 p.m.

10. The minimum building setback adjacent to the northerly property line of the C-R zoned property shall be 50 feet.

11. The City of Fresno, Development Department, reserves the right to review the need for additional parking after the first, second, and fifth year of operation of the athletic club; and if, at any time, it receives a complaint relative to an overflow of parking due to excess demand.

12. No car wash, cocktail lounge (if not subordinate to a restaurant), bar, or liquor store shall be allowed on the subject property.

13. There shall be a 30-foot landscaped setback along East Nees Avenue.

14. There shall be a 30-foot landscaped setback along North First Street starting at the intersection with Eaast Nees Avenue; with a gradual transition to a 50-foot landscaped setback north of Muncie Avenue.

SECTION 5. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage and upon compliance with the requirements of the Fresno Municipal Code Sections 12-403-K and L.

CLERK'S CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 6Th day of January, 1998~~1997~~, by the following vote:

Ayes: Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes: None
Absent: None
Abstain: None

Dated this 1/6/1998 ~~1997~~

REBECCA E. KLISCH
City Clerk

By Rebecca E. Klisch
~~Deputy~~

APPROVED AS TO FORM:

HILDA CANTÚ MONTOY
City Attorney

By

DEB:frg:lcl:K:\Common\CC\R9727.ORD

Application No. R-97-27
Filed by City of Fresno
Parcel No. 402-220-16, 18, 43

10

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

On June 26th, 1998, before me, Jocelyne Gueret, personally appeared Alvin P. Solis, Director of Development Department known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument(s) the person(s), or the entity upon behalf of the City of Fresno of which the person(s) acted, executed the instrument.

WITNESS my hand and official City Seal.

REBECCA E. KLISCH
CITY CLERK

BY: Jocelyne Guéret
DEPUTY

93110432

Recording Requested by
City Clerk, Fresno, California
No Fee-Govt. Code 6103
Return to City Clerk, Fresno

2 9A M
JUL 23 1993
WILLIAM C. GREENWOOD
County Recorder
FEE
S

----------ABOVE SPACE FOR RECORDER'S USE----------

STATEMENT OF COVENANTS
AFFECTING LAND DEVELOPMENT
(Rezoning Application No. R-90-04)

RECITALS

A. FIRST NEES PARTNERS, a California Limited Partnership; and TED M. NAKATA and ALICE M. NAKATA, husband and wife, as community property; BEN NAKAMURA and BETTY S. NAKAMURA, husband and wife, as community property; FIRST NEES PARTNERS, a California limited partnership; and FOUNTAIN VALLEY BOWL, a California limited partnership, as tenants in common; hereinafter referred to as "the Covenantor," is the owner of that certain real property in the City of Fresno, County of Fresno, State of California, hereinafter referred to as "the Subject Property" and more particularly described:

R-P/UGM/cz (No. 2):

That portion of the West 219.26 feet of the East 389.26 feet of the West one half of Lot 84 of the Amended Plan of Perrin Colony No. 2 according to the Map thereof recorded in Book 4 of Plats at Page 68, Fresno County Records, lying South of a line parallel with and 1,090 feet South of the North line of Lot 85 of said Perrin Colony No. 2.

C-1/UGM/cz:

That portion of Lot 124 of the Amended Plat of Perrin Colony No. 2 according to the Map thereof recorded in Book 4 of Plats at Page 68, Fresno County Records, lying South of a line parallel with and 830 feet South of the North line of said Lot 123 of said Perrin Colony No. 2, EXCEPTING therefrom the East 434 feet of said Lot 124.

R-P/UGM/cz (No. 1):

That portion of Lots 123 and 124 of the Amended Plat of Perrin Colony No. 2 according to the Map thereof recorded in Book 4 of Plats at Page 68, Fresno County Records, lying South of a line parallel with and 270 feet South of the North line of said Lot 123 and lying North of a line parallel with and 830 feet South of the North line of said Lot 123 together with that portion of the abandoned East one half (30 feet) of North First Street (Resolution No. 80-442, Recorded in Book 7560, Page 741, O.R.F.C.) lying South of a line parallel with and 270 feet South of the North line of said Lot 123, EXCEPTING therefrom the East 1087.40 feet of said Lots 123 and 124.

R-1-C/UGM/cz:

The North 270 feet of the West half of Lot 85 and the North 270 feet of Lot 123 of the Amended Plat of Perrin Colony No. 2 according to the Map thereof recorded in Book 4 of Plats at Page 68, Fresno County Records, together with that portion of the abandoned East one half (30 feet) of North First Street (Resolution No. 80-442, recorded in Book 7560, Page 741, O.R.F.C.) lying South of the Westerly prolongation of the North line of said Lot 123 and North of a line parallel with and 270 feet South of the North line of said Lot 123.

R-2/UGM/cz:

The East 170 feet of the West one half of Lots 85 and 86 of the Amended Plat of Perrin Colony No. 2 according to the Map thereof recorded in Book 4 of Plats at Page 68, Fresno County Records, EXCEPTING, therefrom the North 270 feet of said Lot 85.

C-R/UGM/cz:

The West one half of Lots 85 and 86 and the East 434 feet of Lots 123 and 124 of the Amended Plat of Perrin Colony No. 2 according to the Map thereof recorded in Book 4 of Plats at Page 68, Fresno County Records, EXCEPTING therefrom the North 270 feet of said Lots 85 and 123, the East 170 feet of the West one half of said Lots 85 and 86 and that portion of the West 219.26 feet of the East 389.26 feet of the West one half of said Lot 86 lying south of a line parallel with and 1090 feet South of the North line of said Lot 85.

C-P/UGM/cz:

The East 1087.40 feet of Lots 123 and 124 of the Amended Plat of Perrin Colony No. 2 according to the Map thereof recorded in Book 4 of Plats at Page 68, Fresno County Records, EXCEPTING therefrom, the North 270 feet of said Lot

123, the East 434 feet of said Lots 123 and 124 and that portion of said Lot 124 lying South of a line parallel with and 830 feet South of the North line of said Lot 123.

B. The Covenantor hereby warrants that any and all parties having record title interest in the Subject Property which may ripen into a fee have subordinated to this instrument.

C. All such instruments of Subordination, if any, are attached hereto and made a part of this instrument.

D. The Covenantor has applied to the City of Fresno for a district amendment changing the AE-5/UGM Zone District classification to the R-P/UGM/cz (No. 2), C-1/UGM/cz, R-P/UGM/cz (No. 1), R-1-C/UGM/cz, R-2/UGM/cz, C-R/UGM/cz and C-P/UGM/cz Zone District classification for the Subject Property.

E. The City of Fresno desires to obtain covenents from the Covenantor to insure that the Subject Property is not developed, used, or maintained in such a way as to adversely affect adjoining properties.

COVENANTS, CONDITIONS, AND RESTRICTIONS

For favorable action on, and approval of, the Covenantor's application for an amendment to the Zone District classification of the Subject Property as referred to hereinabove, the Covenantor hereby covenants that the Subject Property shall be held, conveyed, encumbered, used, occupied, developed, maintained, and improved subject to the following covenants, conditions, and restrictions, which are for the purpose of enhancing attractiveness, usefulness, value, and desirability of the Subject Property, the surrounding property, and the public at large and to minimize possible adverse

effects on the public health, safety, peace, and general welfare. Each of the covenants, conditions, and restrictions contained in this Statement will run with the Subject Property and shall be binding on each successive owner of the Subject Property and his heirs, administrators, successors, and assigns.

1. Covenantor hereby covenants as follows:

<u>C-R/UGM/cz, R-1-C/UGM/cz, R-P/UGM/cz (1 & 2), C-P/UGM/cz, C-1/UGM/cz, R-2/UGM/cz Zone Districts</u>:

"Building permits for this project shall not be issued unless one of the following conditions is met:

1. Water Wells 134, 140, 143, and 150 are completed. Well head treatment is completed at Water Well No. 85 and Water Well No. 89A remains on line or well head treatment is completed. Completed wells of equivalent capacity may be substituted for the above listed wells.

   If the request for building permits is significantly delayed beyond the date of this water finding and the Director determines that additional development has been approved which results in an Approved Demand which exceeds the future water supply, an additional well or wells may be required to be on the line, in addition to those listed above, before building permits may be issued.

2. A building permit may be issued in lieu of the above conditions if the developer elects to construct or secure with an agreement for construction, a standard City well at a location satisfactory to the Public Works Director. The well shall yield at least 1,000 gallons per minute or twice his peak demand, whichever is greater and the Director determines at the time the well is connected that an adequate supply of water will be available to serve the development.

   A secured agreement is defined as an agreement executed by the developer in which he/she agrees to construct a water well by a specified date corresponding to the time of occupancy and has posted a security to guarantee its completion.

3. A building permit may be issued prior to the completion of the facilities listed in Item 1 or 2 above provided: 1) the developer agrees in writing not to occupy the development before a certain occupancy date he selects; and 2) the Director

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determines with reasonable certainty, using the computer analysis, that on the selected occupancy date the water supply will be adequate for the subject development and for the estimated connected demand; and 3) the developer executes a covenant in which he acknowledges that occupancy will be withheld if the water supply is insufficient to provide minimum pressure or adequate fire flow on his occupancy date.

The Public Works Department has also responded that the developer shall be required to dedicate a standard City well site. Because of the current contamination of groundwater, which may require wellhead treatment, larger sites are now being required to be able to accommodate the wellhead treatment, should it be required. The Water Division has determined that a one hundred (100) by one hundred twenty (120) foot area represents the minimum preferred area needed to install the well, wellhead treatment facilities, and landscaping. The rectangular site shall enclose a minimum of twelve thousand (12,000) square feet and be a minimum of one hundred (100) feet wide. The proposed well site must also provide access as required by the Development Department in addition to the minimum enclosed area.

4. Complete 4-lane construction of First Street, north and south of Nees Avenue.

5. Complete 4-lane construction of Nees Avenue, from First Street to Cedar Avenue.

6. Install traffic signal at Millbrook and Nees Avenues.

7. Agreement to install a traffic signal at Bond and Nees Avenues if it is shown to be needed pending a study after the opening of the project.

8. The developer shall make improvements as required by the Fresno Metropolitan Flood Control District (FMFCD) to provide adequate capacity to serve this project. The FMFCD will require mitigation of impacts of the increased runoff expected to exceed that of medium density residential development.

9. The developer shall meet with the neighborhood prior to submitting a site plan of the entire project to the Council and shall submit a site plan for the entire project to the City Council prior to any phasing of the entire project.

10. The height limitation for all structures in this project area shall be limited to thirty-five feet, unless the respective zone districts are more restrictive, in which case that height limitation shall prevail.

11. The development of the street improvements and utilities for the single family residential development shall be constructed as Phase I of the project.

C-P/UGM/cz Zone District

12. The athletic club will be limited to 4,000 single, 3,500 family and 800 executive memberships. Membership shall be for no less than one month.

13. Operating hours of the athletic club will be limited to 5:00 a.m. to midnight, excluding holidays.

14. All athletic club activities, except the banquet facility will be open only to members and their authorized guests.

15. There will be no celebrity sport events or exhibitions, invitational tournaments or league participation open to non-members or the general public at the athletic club.

16. Use and lighting of outdoor tennis courts at the athletic club shall be limited to the hours of 7:00 a.m. to 10:00 p.m.

17. The minimum building setback of the athletic club from the zone liner demarking the change from commercial to residential uses to the north shall be 50 feet.

18. The City of Fresno Development Department reserves the right to review the need for additional parking after the first, second and fifth year of operation, and at any time it receives a complaint resulting from overflow parking due to excess demand.

R-P/UGM/cz (1 & 2), C-P/UGM/cz, C-1/UGM/cz, C-P/UGM/cz Zone Districts:

19. The office and neighborhood commercial portions and the commercial recreation shall be developed with architectural, functional and aesthetic compatibility.

20. The development of commercial uses shall be in substantial conformance with the architectural site plan submitted during the Planning Commission public hearing on December 19, 1990.

21. The rear and back of all commercial developments shall be consistent with the front elevations.

C-1/UGM/cz Zone District:

22. No car wash or cocktail lounge will be allowed on the C-1/UGM/cz site.

C-P/UGM/cz, C-1/UGM/cz, R-P/UGM/cz(2) Zone Districts:

23. There shall be a 30-foot landscaped setback for the commercial developments along Nees Avenue.

R-P/UGM/cz(1), R-1-C/UGM/cz Zone Districts:

24. There shall be a 30-foot landscaped setback along First Street starting at the intersection with Nees Avenue and with a gradual transition to a 50-foot landscaped setback north of Muncie Avenue to the north property line.

R-P (2) Zone District:

25. Development of the site shall be limited to a day care center.

R-1-C/UGM/cz Zone District:

26. The single family residential development shall conform to Scheme "B", as submitted during the Council hearing on July 16, 1991.

R-2/UGM/cz Zone District:

27. On the R-2/UGM/cz site, multiple-family buildings greater than one-story (20 feet) in height shall be prohibited within 75 feet of property zoned or planned for single-family residential use.

28. Development of the R-2/UGM/cz site shall be limited to a maximum density of fourteen units per acre.

2. The conditions of this Statement are intended to benefit the public and public properties. Accordingly, the City of Fresno shall have the right to enforce this Statement by any legal or equitable means against the Covenantor and such person or persons in actual possession of Subject Property who directly or who through any agent violate the terms hereof. All obligations of the Covenantor under this Statement shall inure solely to the benefit of the City of Fresno. There are no third party beneficiaries of such obligations nor shall the right of the City of Fresno be transferable in any

manner to any person other than to a successor municipal corporation whose geographic boundaries include the Subject Property.

3. Covenantor covenants that, in the event of failure to comply with the conditions set forth in this Statement, Covenantor will not object to the redistricting of the Subject Property to a land use zoning district which the Council of the City of Fresno determines is proper without compliance with such conditions. In such event, Covenantor waives any right to have any uses or improvements installed subsequently to the change of land use zoning district herein requested considered, or treated as non-conforming uses or improvements after such redistricting.

4. The foregoing conditions shall remain in full force and effect until such time as the City of Fresno, pursuant to the district amendment procedure of the Fresno Municipal Code, finds the enforcement of such condition is no longer equitable.

5. The provisions of this Statement shall be deemed independent and severable and the invalidity or partial invalidity or unenforceability of any one provision or portion thereof shall not affect the validity or enforceability of any other provision hereof. Whenever the context so requires, any gender includes the other genders, the singular includes the plural, and the plural includes the singular.

DATED: _____

CITY OF FRESNO,
a Municipal Corporation

By _____
Alvin P. Solis, Director
Development Department

COVENANTORS

FIRST BEES PARTNERS, a
California Limited Partnership

_____
Ted M. Nakata, General
Partner, First Bees Partners

From: **Gary Giannetta** garygce@sbcglobal.net
Subject:
Date: August 5, 2014 at 4:23 PM
To: Russ Nakata sequoiafjv@aol.com

The Nakata property at the Northeast corner of Nees Avenue and First Street has land use designations on the current plan of Neighborhood Commercial, Commercial Recreational and Office which the property is currently being marketed at and land use plans are being prepared for interested buyers.

The proposed General Plan designates the property as Commercial, Corridor/Center Mixed Use and Open Space Park.

What are the uses consistent with the new designation Corridor/Center Mixed Use (CMX)? Will the current uses being planned for the property be allowed under the new designation? The proposed plan states on pages 12-18 and 12-19:

> "The Plan calls for several new zoning districts. Regulations for these districts are being established as part of the comprehensive zoning update that has been undertaken concurrently with the Plan update."
>
> "The City will bring both the Code and the Zoning Map into conformance with the Plan within a reasonable period of time. If the Development Code and Zoning Map are not immediately amended, the City will take steps to ensure projects are consistent with the General Plan, which may include an interim zoning ordinance or other actions as appropriate."

How will the City determine if a proposed or existing land use is consistent with the General Plan once it is adopted.

Without the Code and Regulations for the new zoning districts, how can any property owner who has land in the new district support the plan?

Why would anyone consider buying and/or developing property within the new zone districts without knowing the allowable uses and regulations?

This is Business Friendly Fresno upside down.

Is the City prepared to purchase the portion designated Open Space Park? If the property owners want to develop the portion designated Open Space Park and the City is not prepared to purchase the property, the plan has a dual designation of low density residential.

To get the office use the City required the Nakata's to buffer the existing residential properties to the north with a street and to construct a residential development between the new street and the existing residential properties. The residential development also had to back onto the street with a landscape buffer. They constructed the street and residential lots and now the City is proposing to take away their office use.

Gary Giannetta
Civil Engineering & Land Surveying
1119 S Street
Fresno, CA 93721
(559) 264-3590 (Phone)
(559) 264-0696 (Fax)

DIRK POESCHEL
Land Development Services, Inc.
923 Van Ness Avenue, Suite 200 • Fresno, California 93721
559/445-0374 • Fax: 559/445-0551 • e-mail: dpoeschel@dplds.com

August 18, 2014

RECEIVED
AUG 18 2014
DEVELOPMENT DEPARTMENT
CITY OF FRESNO

Ms. Jennifer K. Clark, AICP, Director
Development and Resource Management Department
2600 Fresno Street, Room 3065
Fresno, Ca 93722.

SUBJECT: City of Fresno General Plan Update-SHAMLIAN PROPERTY SEC of W. Shaw and N. Hayes (APN 510-040-030)

Dear Ms. Clark,

My firm represents Dr. Dennis E. Shamlian who owns 2.2+/- acres generally located at the southeast corner of W. Shaw and N. Hayes Avenues within the County of Fresno. Based on my review of the proposed City of Fresno General Plan Update and the corresponding Land Use Map, it appears that the Shamlian property is proposed for Urban Neighborhood uses in said plan. Please be so kind as to confirm my interpretation of the aforementioned plan is correct.

Mr. Shamlian opposes any such a modification to the City of Fresno General Plan that would remove the potential for the subject property to develop to commercial purposes. Dr. Shamlian purchased the subject property to develop it for commercial purposes or with other proximate land also designated for commercial uses based on the land use designation of the current general plan. Dr. Shamlian has waited many years to have the opportunity to develop the subject site as currently planned and has no intention of developing the site to residential purposes. For these and other reasons, Dr. Shamlian opposes removing the ability to develop the subject property to commercial purposes.

Thank you for the opportunity to comment on the City of Fresno General Plan Update. If you have any questions, please feel free to contact me.

Sincerely,

Dirk Poeschel

Dirk Poeschel, AICP

cc Dr. Dennis E. Shamlian

g:\wpdocs\shamlian-shaw hayes 14-24\general plan responce.docx

DEVELOPMENT
ASSOCIATES, LLC

Entitlements • Planning • Processing • Consulting • Representation • Public Relations

August 14, 2014

Jennifer Clark, Director
Development and Resource Management Department
City Hall, 3rd Floor
2600 Fresno Street
Fresno, CA 93721

Re: SWC West Herndon and North Milburn Avenues
2035 General Plan Update Public Comments
APNs: 507-020-54, 77-85, 88, 90, 94-96; (exhibit map enclosed)

Dear Ms. Clark:

Our firm represents WG Enterprises the owner/developer of properties located southwest of the intersection referenced above. The property is bounded by West Herndon on the north, North Milburn on the east, the BNSF R/R on a portion of the west and a veterinary facility on the south. This is a request for a land use designation of two portions of the approximately 30 acre property at the above location to **General Commercial** instead of Community Commercial as depicted on the Figure LU-1: Fresno General Plan Land use Diagram in the FRESNO General Plan Public Review Draft dated July 2, 2014.

The combined properties contain +/- 30 acres with +/- 13 acres, with frontage on West Herndon and North Milburn having been completely developed as a shopping center anchored by a SaveMart grocery store. This portion of the property has a current zoning of C-2 Community Shopping Center District. The development of the shopping center left two triangular shaped portions of the property: One to the west (+/- 13 acres) and another to the south (+/- 4 acres) of the shopping center, both abutting the BNSF railroad tracks. These properties are currently zoned M-1 Light Manufacturing and C-M Commercial-Manufacturing respectively ("Subject Properties")

When this 30-acre site was first considered in the formulation of the current 2025 General Plan, staff recommended a Light Industrial land use designation (and subsequently supported the M-1 and C-M zone districts) for the Subject Properties west and south of the C-2 shopping center

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as a railroad buffer, to accommodate additional uses and services not generally provided for elsewhere along this part of the West Herndon corridor, and to "right-size" the retail center to meet anticipated demand. Following adoption of the current 2025 General Plan and subsequent rezoning to C-2, M-1 and C-M, all three components of the original +/- 30 acre site have received significant development: As previously stated, the corner C-2 shopping center is completely developed, approximately half of the west M-1 area is developed or currently under construction, and the south C-M area is fully approved for development of several structures, at least two of which are currently in plan check. In addition, all onsite infrastructure serving the entire +/- 30 acres is now installed or nearing completion, including a drive loop connecting all components of the development.

For the Subject Properties, buildings completed, under construction or in plan check include the completed GB3 fitness facility and an under-construction automotive service facility along West Herndon (C-13-037) in the M-1 zone district and a carwash facility (S-13-070), dialysis center and additional medical offices along North Milburn in the C-M zone district. Beyond this, the Subject Properties can accommodate approximately 75,000 square feet of additional development.
Since there are existing uses in buildings and approved entitlements, it is reasonable to expect the Subject Properties to be allowed to develop with the originally planned land use designations and zonings. If the land use designation is changed to Community Commercial under the new General Plan Update, some of the current uses would become non-conforming and continued operations and business expansions may not be allowed without additional discretionary land use and zoning entitlements.

Concern by the property owners about the land use designation of Community Commercial in the 2035 General Plan Update for the entire +/-30 acres has been expressed since mid-2012 when a draft Update Land Use Map was composed under the direction of former Assistant Director Keith Bergthold. Please see my enclosed letter to Mr. Bergthold dated September 12, 2012, which provided a detailed explanation of the same issues outlined herein and specifically requested that the Subject Properties be designated General Commercial instead of Community Commercial, with the existing corner shopping center remaining Community Commercial. Several discussions were held with Mr. Bergthold at that time and subsequently where indications were that the current 2025 General Plan land use designations for the Subject Properties would be accommodated in the General Plan Update process. No written confirmation of this was ever received.

Then, approximately one year ago, one of the WG Enterprises partners, Rick Ginder, sent the enclosed email letter dated September 04, 2013 to Mr. Bergthold regarding this matter. A conference call was held on that date with Mr. Bergthold while Mr. Ginder met with Councilmember Brandau where once again indications were that the current land use designations would remain in place in the 2035 General Plan. However, there was no subsequent contact from Mr. Berthold or other staff pursuant to that email and meeting, and thus no written confirmation by the City of the understandings the property owners believed were communicated in the meeting.

Now, upon release of the new 2035 FRESNO General Plan Public Review Draft the property owners again have become concerned because the above noted Figure LU-1: Fresno General Plan Land use Diagram still has the land use designation of Community Commercial for the entire +/- 30 acres. Thus, in spite of two previous written communications to the City specifically requesting that the Subject Properties, (which are the triangular areas abutting the railroad tracks west and south of the corner shopping center), receive a General Commercial land use designation, so as to protect existing and planned development, and statements by the City that there would be no change in the General Plan Update disallowing the uses allowed under the current General Plan land use designations and current zonings for the Subject Properties, this is not reflected in the Draft 2035 General Plan document.

The property owners are particularly concerned about preserving the uses allowed under current M-1 and C-M zoning and under the current Light Industrial General Plan land use designation for the remaining phases of the project that are yet to be built. These final phases are all located in the back of the project against the BNSF railroad tracks, with no visual exposure from West Herndon or North Milburn. Thus, they are not suitably located or sited for most of the uses contemplated under the new Community Commercial designation in the proposed 2035 General Plan. Our research indicates that the new General Commercial land use designation represents the best "fit" for the Subject Properties.

Therefore, to summarize, for all of the reasons cited in this letter, in our previous two written communications and in previous meetings and discussions with the City, we hereby repeat our request that the Subject Properties be designated General Commercial, with the existing corner shopping center to remain Community Commercial, in the 2035 General Plan.

If you have any questions or require additional information please contact me at your convenience. If a meeting is desired, I will make every effort to accommodate your schedule. I look forward to fulfillment of this request for a revised land use designation for the Subject Properties in the 2035 General Plan.

Respectfully submitted,

Bill Robinson

William V. Robinson, Principal

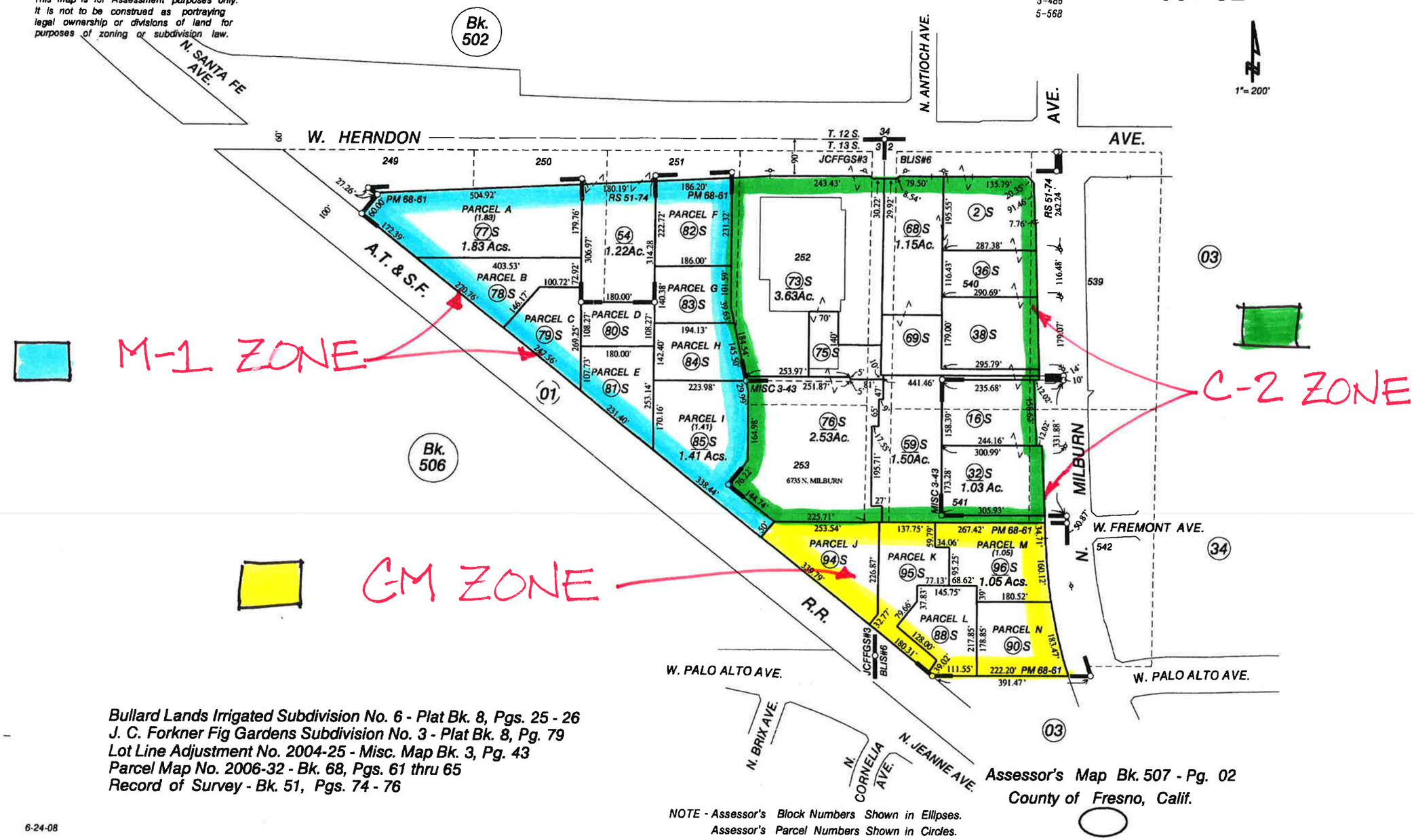
Enclosures:

--- NOTE ---
This map is for Assessment purposes only. It is not to be construed as portraying legal ownership or divisions of land for purposes of zoning or subdivision law.

SUBDIVIDED LAND IN POR. SEC.'S 2 & 3, T. 13 S., R. 19 E., M.D.B. & M.

Tax Rate Area
5-486
5-568

507-02



Bullard Lands Irrigated Subdivision No. 6 - Plat Bk. 8, Pgs. 25 - 26
J. C. Forkner Fig Gardens Subdivision No. 3 - Plat Bk. 8, Pg. 79
Lot Line Adjustment No. 2004-25 - Misc. Map Bk. 3, Pg. 43
Parcel Map No. 2006-32 - Bk. 68, Pgs. 61 thru 65
Record of Survey - Bk. 51, Pgs. 74 - 76

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 507 - Pg. 02
County of Fresno, Calif.

6-24-08

DEVELOPMENT
ASSOCIATES, LLC

Entitlements • Planning • Processing • Consulting • Representation • Public Relations

September 11, 2012

Keith Bergthold, Assistant Director
Development & Resource Management Department
Fresno City Hall
2600 Fresno Street
Fresno, CA 93721

Subject: 2035 General Plan Update land use designation
SWC West Herndon and North Milburn Avenues

Dear Keith:

The master-planned development at the southwest corner of West Herndon and North Milburn Avenues east of the BNSF rail lines consists of approximately 30 acres. Approximately 12 acres at the immediate corner is developed as a shopping center anchored by a Save Mart grocery store. The configuration of the shopping center is approximately a square leaving two triangular shaped pieces west and south of the shopping center. A George Brown Fitness Center ("GB3") is currently under construction west of the shopping center. A commercial development (CUP/Site Plan Review) has been previously approved for the triangular piece south of the shopping center, including a pad fronting on Milburn with a CUP approved drive-thru. Sol Development represents, and this letter is submitted on behalf of, the master-developers of the site, who currently continue to own property within the triangular sites referenced above.

The current General Plan designates the corner occupied by the existing shopping center as Community Commercial and the triangular properties to the south and west as Light Industrial. The Community Commercial property is currently zoned C-2, the Light Industrial property to the south is currently zoned CM and the Light Industrial property to the west is currently zoned M-1. As previously noted, all of the above properties have multiple approved Site Plan Review and CUP entitlements, and the entire site is subject to recorded reciprocal access and utility agreements.

The most recent draft of the 2035 General Plan Update map designates the entire area between Herndon, Milburn and the railroad tracks as Community Commercial. Please see the enclosed portion of the Draft 2035 General Plan Update land use map.

906 "N" Street, Suite 100 | Fresno CA 93721 | Phone 559.497.1900 | Fax 559.497.0301 | www.soldevelopment.com

Recognizing that the new land use designations are yet to be fully described for the 2035 General Plan Update, it is nevertheless of great concern to our client, particularly with respect to the westerly triangular site referenced above, that existing zoning (M-1) and other entitlements, including CUP/Site Plan Review approvals for a project currently under construction, may turn out to be inconsistent with the new Community Commercial land use designation in the 2035 General Plan Update. More specifically, our client's position is that while the new Community Commercial designation may very well be highly suitable for the southerly triangular site (currently zoned C-M), which has excellent frontage on, access to and visibility from North Milburn Avenue, the M-1 zoned westerly site, with no street-frontage access and limited visibility, should retain its M-1 zoning and be designated with a land-use category compatible with M-1 zoning and light industrial uses.

Our client is quite proud that, over several years in close collaboration with City staff, this challenging site is emerging as a well-designed master-planned commercial development with a vibrant mix of uses and effective site-wide pedestrian and vehicular circulation. Through this letter we respectfully request that City staff consider these comments and appropriately adjust the land-use designations in the 2035 General Plan Update to protect the careful planning that has gone into this project by the owners and the City over several years.

If you have any questions or require additional information regarding this matter please contact me at 497-1900.

Respectfully submitted,

Bill Robinson

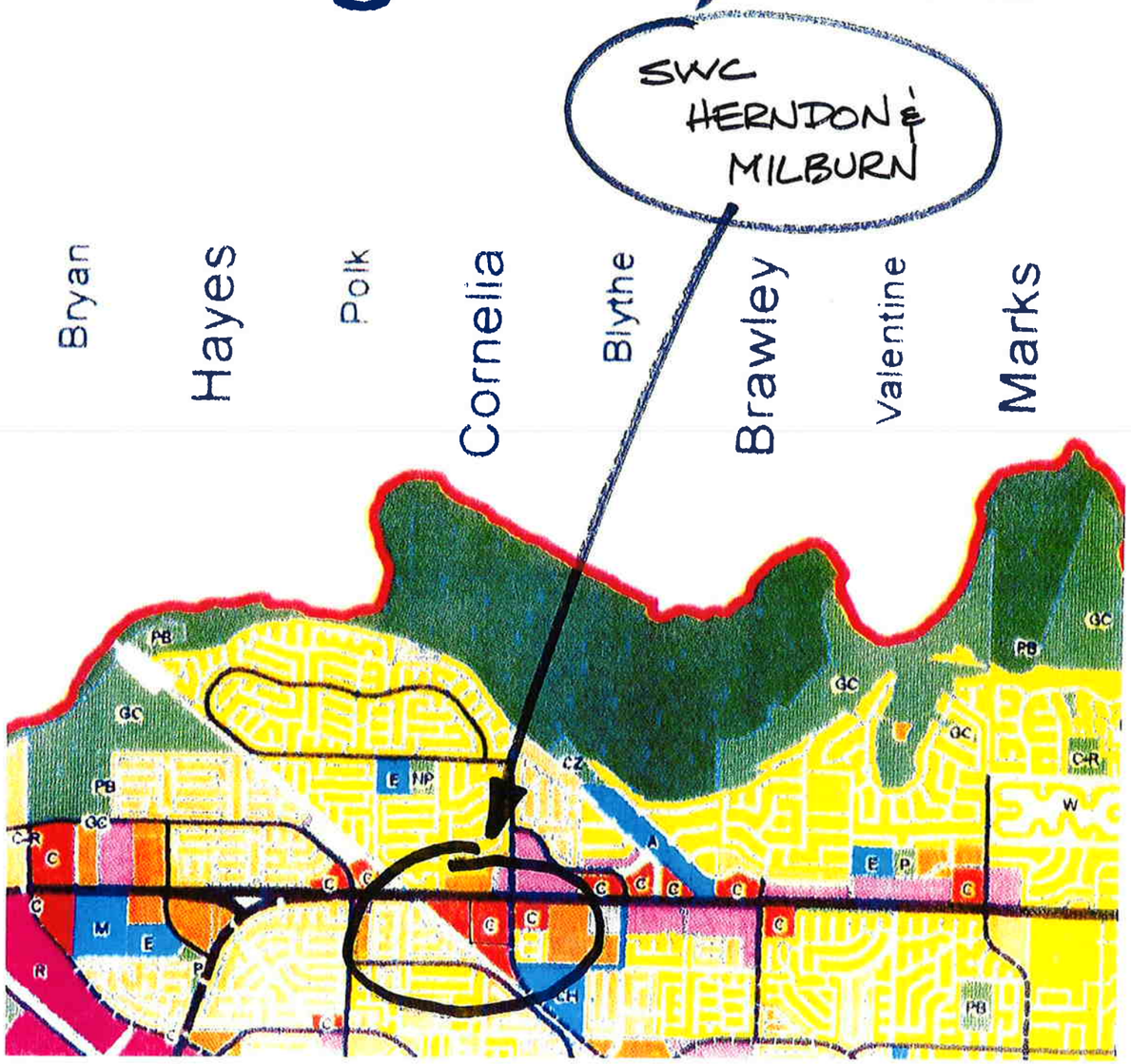
William V. Robinson, Principal

Enclosures

DRAFT FIGURE 2

Initiation Purposes

August 9, 2012



From: Rick Ginder
Sent: Wednesday, September 04, 2013 10:39 AM
To: 'Keith Bergthold (keith.bergthold@fresno.gov)'
Cc: 'Mark Knox'; 'mweil0777@aol.com'; 'Cazaly Jeff (jeff@jcazalyconsulting.com)'; 'Steve.Brandau@fresno.gov'
Subject: Re: Draft Fresno GP Update -- M-1/CM Property at Herndon/Milburn

Mr. Bergthold:

On behalf of WG Enterprises (of which I am a 50% owner) and other property owners of the M-1 and CM zoned land southwest of the intersection of West Herndon and North Milburn adjacent to the Burlington Northern railroad, this email is a request that this property be designated General Commercial, instead of Community Commercial, in the proposed 2035 General Plan update.

The subject property, depicted in the attached graphic, has been designated Light Industrial (in the current 2025 General Plan) and zoned M-1 and/or CM for over a decade, during which time our development team of owners, architects and engineers has worked closely and cooperatively with many members of City staff from multiple departments on various entitlements including multiple site plan reviews and CUPs.

The result is that this approximately 17-acre project, in conjunction with the adjacent Save Mart anchored community shopping center, is emerging as a dynamic master-planned commercial district encompassing a mix of uses and services ranging from those found in a retail shopping center to those found in a light industrial and service commercial district. Thus, within walking distance, one will be able to enjoy a cup of coffee, dine at a restaurant, do banking, shop for groceries, exercise at a gym and have a car washed and serviced. This is happening because City staff and the property owners recognized more than a decade ago that the property abutting the railroad, with limited access to major streets, should receive a different land use designation and zoning (M-1 and CM) than the corner property at the primary intersection (C-2).

Unfortunately, the land use designation in the 2035 General Plan update for the M-1 and CM property abutting the railroad as currently proposed, Community Commercial, prohibits a number of uses that have been attracted to this location and which reinforce the emerging mixed-use character of this development as complementary to the adjoining retail shopping center. Most notably, the Community Commercial designation prohibits automotive-service related uses, one of which already obtained CUP approval and several others of which are currently preparing entitlement applications for development within this project under the current M-1 and CM zoning. Even if entitled prior to adoption of the General Plan update, these projects could become unnecessarily hampered as eventual nonconforming uses. Just the prospect of this is putting a cloud over our pending transactions and entitlement efforts and hampering marketing of the project.

We believe the subject property may have been inadvertently "lumped together" with the corner shopping center under the Community Commercial designation because it was not immediately obvious to City staff and consultants that the 30-acre triangle bordered by the railroad and the Herndon-Milburn

intersection is not, in fact, being developed as one large retail shopping center but is, in fact, two separate but complementary and interrelated projects, each accommodating somewhat different uses. The entire property was master planned from the beginning with interrelated circulation such that the uses along the railroad complement and buffer the retail center, and that is exactly what is coming about under the current land use designation (in the 2025 General Plan) and the current zoning (M-1 and CM).

As the property owners, we propose to remedy the above by having the property currently zoned M-1 and CM designated General Commercial in the 2035 General Plan update. This is depicted in the graphic attached to this email.

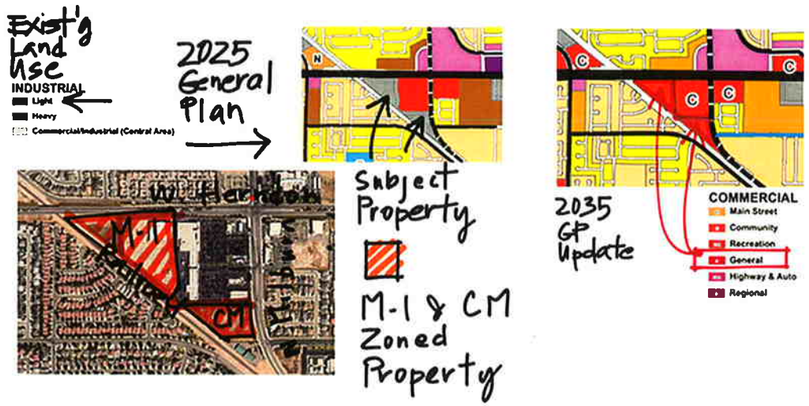
Please consider this email a formal request by the property owner/developer for the designation of our property as indicated herein.

Thank you for consideration of this communication, and please feel free to contact me with any questions or comments, or you may contact my partner Rick Ginder at Ginder Development.

At your convenience, a reply email acknowledging receipt of this email would be appreciated.

Richard C. Ginder, Jr., President
Ginder Development Corp.
759 W. Alluvial, Suite 102
Fresno, Ca 93711
phone 559-225-4500 fax 559-225-5739 cell 351-5101
rginder@ginderdevelopment.com

Property owner request for
GENERAL COMMERCIAL
land use designation (instead of
Community Commercial)
for existing CM and M-1
zoned property



Stone Soup
FRESNO
Bringing the folktale to life:
Sharing our gifts and talents to build a better community.

August 18, 2014

Jennifer K. Clark, AICP
Director Development and Resource Management Department
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93722

Re: 2025 General Plan Update

To Whom It May Concern:

Stone Soup is the owner of the property located at 1341, 1343, 1345, and 1347 E Bulldog Lane. Our current uses of this property include community meeting activities, offices/administration, and early childhood education programming. We have noted that the proposed new General Plan for the City of Fresno designates our property as CMX zoning. In an email from Arnoldo Rodriguez, at the City's planning department, dated August 11, 2014, he states that child care programming is being proposed as an eligible use under this proposed zoning.

It is important to Stone Soup, and to the furtherance of our mission, to continue to be allowed to operate these programs designed to serve children in both the El Dorado Park neighborhood and beyond. We have owned this property since 1997, and have operated such programs for most of that time period. As such, we request that the proposed zoning ensure the continued operation of these programs and any future expansion of the same.

Thank you for the opportunity to comment on the proposed General Plan update. Should you have any questions, please contact me at (559) 224-7613. Thank you.

Sincerely,

Lowell J. Ens
Executive Director
Stone Soup Fresno

1345 East Bulldog Lane, Suite 4 Fresno, CA 93710
Phone: 559.224.7613 Fax: 559.224.2981 Email: sharing@stonesoupfresno.org
www.stonesoupfresno.org

Arnoldo Rodriguez

From: Sarkis Atachian <firstclasstowinc@yahoo.com>
Sent: Monday, August 18, 2014 11:19 AM
To: Arnoldo Rodriguez
Subject: Re: zone change

Hello Arnoldo Rodriguez,

My name is Sarkis Atachian we met on 8/14/2014 in regards to my property on 3310 N Marks Ave, APN: 433-210-40 and the second APN: is 433-210-39 also one more 3312 n marks APN: 433-210-33 these are all attached properties . We discussed the changes that are in progress in this area , I would like to improve my property in to a light industrial zone. I would appreciate if you can include my properties into the rezoning plans for light industrial. If you have any questions feel free to contact me at 1(559)313-8226
The APN numbers are
APN: 433-210-39
APN: 433-210-40
APN: 433-210-33
PLEASE CONTACT ME WITH A VERIFICATION THAT YOU RECIEVED MY EMAIL THANKS

City of
FRESNO

Planning and Development Department

2600 Fresno Street, Third Floor, Room 3065
Fresno, California 93721-3604
(559) 621-8003, FAX (559) 498-1012

Keith Bergthold, Interim Director

October 2, 2008

Thuy Mansmann
5716 E. Jensen Ave.
Fresno, Ca. 93725

R.W. Greenwood Assoc., Inc.
2558 E. Olive Ave.
Fresno, Ca. 93701

Subject: Southeast Growth Area Landowner Plan Modification

Dear Ms. Mansmann and Mr. Greenwood:

We received your SEGA Preferred Alternative 2 - Landowner Plan Modification ("Plan Modification") application by the deadline of September 4, 2008.

Your Plan Modifications has been formally accepted for processing and has been given the application processing identification code A-08-12. To allow the Council to formally consider and potentially approve your proposed Plan Modification, your Plan Modification, as well as all others properly submitted, will be:

(1) Assessed in the Environmental Impact Report (EIR) for the SEGA Specific Plan; and

(2) Evaluated by City Planning Staff in a staff report to accompany presentation of the Draft SEGA Specific Plan.

The Project Description in the EIR will describe each proposed Plan Modification. The landowner suggested modifications will be characterized as options to the implementation of the SEGA Preferred Plan (Alternative 2). The Council will be presented with all Plan Modifications when considering certification of the EIR and approval of the SEGA Specific Plan. At that time, Council may or may not approve the SEGA Specific Plan with or without your Plan Modification.

The City will provide you with a notice by mail for all future proceedings or events where the City provides public notice for review and approval of the Draft SEGA Specific Plan and the EIR. Although the following dates may be subject to change, the City has established the following tentative timelines for the review and approval of the SEGA Specific Plan and EIR:

June 2009	Draft SEGA Specific Plan EIR released to the public for a 45-day public review period. The Draft Specific Plan released.
July 2009	Public presentation of the Draft SEGA Specific Plan to the Fresno Planning Commission.
	City to conduct separate public meeting to receive comments on the Draft SEGA Specific Plan EIR.
November 2009	Planning Commission and Council hearings to consider Draft SEGA Specific Plan for approval and certification of EIR.

If you have any questions, please contact Keith Bergthold, at (559) 621-8049 or keith.bergthold@fresno.gov and/or Mike Sanchez at (559) 621-8040 or mike.sanchez@fresno.gov.

Sincerely,

Keith Bergthold

Cc: Andy Souza
Kathy Phelan
Mike Sanchez

50b