



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## Planning Commission Staff Report Agenda Item No. 3 September 10, 2020

**SUBJECT:** Director Review and Approval Application No. 4616

Allow construction of a 1,396 square-foot conventional home as a permanent second residence with the existing 1,740 square-foot conventional home to remain as the primary residence on a 0.78-acre parcel in the R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District.

**LOCATION:** The subject parcel is located on the north side of East Fairmont Avenue, approximately 400 feet east of its nearest intersection with North Wishon Avenue, and is located within a County island within the city limits of the City of Fresno (777 East Fairmont Avenue, Fresno, CA) (Sup. Dist. 2) (APN 425-070-20).

**OWNER:** Reyna Reyes  
**APPLICANT:** Jeffrey T. Roberts

**STAFF CONTACT:** Thomas Kobayashi, Planner  
(559) 600-4224

David Randall, Senior Planner  
(559) 600-4052

### RECOMMENDATION:

- Approve Director Review and Approval Application No. 4616 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. DRA's Within a Half-Mile Radius Map
6. Site Plans, Floor Plans, and Elevations
7. Public Correspondence

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Fig Garden Neighborhood Plan  Low Density Residential	No change
Zoning	R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District	No change
Parcel Size	0.78 acre (approximately 33,977 square feet)	No change
Project Site	N/A	Proposed second residence is located approximately 17 feet north of the existing residence
Structural Improvements	Single-Family Residence and Garage	Second Dwelling Unit
Nearest Residence	Approximately 17 feet east	No change
Surrounding Development	Single-Family Residential and Office Commercial/Professional	No change
Operational Features	N/A	N/A
Employees	None	No change

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Customers	None	No change
Traffic Trips	Residential	Residential
Lighting	Residential	No change
Hours of Operation	N/A	N/A

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**

**ENVIRONMENTAL ANALYSIS:**

It has been determined pursuant to Section 15303 of the California Environmental Quality Act (CEQA) guidelines, that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

**PUBLIC NOTICE:**

Notices were sent to 72 property owners within 600 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

A Director Review and Approval Application may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 872-C are made by the Planning Commission.

The decision of the Planning Commission on a Director Review and Approval Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

**BACKGROUND INFORMATION:**

Section 855-N.29.a.2 of the Fresno County Zoning Ordinance requires that a dwelling unit exist on the site before a second dwelling unit may be authorized, unless detailed design data demonstrates that no adverse impacts to surrounding development will result from the waiver of this provision. The primary dwelling need not be the original structure on the site. Building permit records do not show a record of building permits being issued for the primary residence; however, prior to 1958, building permits were not required. Permits issued in 1967 for an addition and general remodel of the existing single-family residence provides record of the acknowledgement of an existing residential unit and therefore establishes the presence of a dwelling unit satisfying requirements for a site prior to authorizing a second dwelling unit.

***Finding 1:** That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	R-1-B(nb) Front: 35 feet Side: 10 feet Rear: 20 feet	Front: Approximately 120 feet Side: 23 feet Rear: Approximately 125 feet	Y
Parking	One parking space in a garage or carport per dwelling unit	No change; existing two-car garage	Y
Lot Coverage	35 percent	No change to maximum coverage; lot coverage including project approximately 10.9%	Y
Space Between Buildings	Accessory buildings shall be a minimum of six feet from the main building	17 feet between primary and secondary residence	Y
Wall Requirements	No requirement	N/A	Y
Septic Replacement Area	One Hundred Percent Replacement	No change (Served by City of Fresno System)	Y
Water Well Separation	Septic Tank: 100 feet Disposal Field: 100 feet Seepage Pit: 150 feet	No change (Served by City of Fresno System)	Y

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

No comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

**Analysis:**

Review of the submitted site plan indicates that the proposed second residence will be located outside of the minimum setback areas. Construction of the proposed second residence will not exceed the lot coverage maximum of 35 percent established by the underlying zone district. Staff finds that the proposed use is adequate in size and shape to accommodate the proposed use.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 1 can be made.

*Finding 2:* *That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	No change
Public Road Frontage	No	Primary Residence fronts onto Fairmont Avenue	Second Residence does not have public road frontage from Fairmont Avenue
Direct Access to Public Road	Yes	Driveway provides direct access to Fairmont Avenue	No change
Road ADT		200 ADT	No change
Road Classification		Local	No change
Road Width		60 feet	No change
Road Surface		Paved asphalt concrete	No change
Traffic Trips		Residential	Minimal increase related to second residence occupants
Traffic Impact Study (TIS) Prepared	No	N/A	N/A
Road Improvements Required		None	None

**Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:**

Development Engineering Section of the Fresno County Department of Public Works and Planning: Fairmont Avenue is classified as a Local road with an existing total right-of-way width of 60 feet per plat books. The minimum total right-of-way width for Local roads is 60 feet.

Fairmont Avenue is a County-maintained road. Records indicate this section of Fairmont Avenue from Wishon Avenue to Maroa Avenue has an ADT of 200, pavement width of 18 feet, structural section of 0.08 feet AC, and is in excellent condition.

Design Division of the Fresno County Department of Public Works and Planning: The project has the potential to block the only point of access for several other residences. A Traffic

Management Plan is required for the construction phase of this project. **This shall be included as a Project Note.**

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: An encroachment permit is needed from the Road Maintenance and Operations Division for any work done in the County of Fresno road right-of-way. **This shall be included as a Project Note.**

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

**Analysis:**

Fairmont Avenue is classified as a Local road with an existing total right-of-way of 60 feet. East Fairmont Avenue between North Wishon Avenue and North Maroa Avenue services single-family residential units; the proposal requesting the construction of an additional single-family residential unit will utilize Fairmont Avenue for public road access. Review from the Road Maintenance and Operations Division and the Design Division did not indicate that the increase in trips generated from the proposed second residence will have adverse impacts on Fairmont Avenue and surrounding roads. Based on the above information, staff believes that Fairmont Avenue is adequate to accommodate the proposed use.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 2 can be made.

*Finding 3:* *That the proposed use will not be detrimental to the character of the development in the immediate neighborhood or the public health, safety, and general welfare*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	1.45 acres	Commercial/Professional Office	R-P (Residential and Professional Office)	N/A
South	0.35 acre	Single-Family Residence	R-1-B	Approximately 210 feet
East	0.79 acre	Single-Family Residence	R-1-B	Approximately 80 feet
West	0.79 acre	Single-Family Residence	R-1-B	Approximately 70 feet

**Reviewing Agency/Department Comments:**

Fresno County Department of Public Health, Environmental Health Division: As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately-licensed contractor. **This shall be included as a Project Note.**

Fresno Metropolitan Flood Control District: No on-site retention of storm water runoff is required, provided the developer can verify to the County of Fresno that runoff can be safely conveyed to the Master Plan inlet(s). **This shall be included as a Project Note.**

Drainage from the site shall be directed to Fairmont Avenue. **This shall be included as a Project Note.**

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

**Analysis:**

The project site is located in a mainly single-family residential area with commercial/professional offices northerly adjacent to the subject parcel. The existing single-family residence has tan wooden sidings with white and grey trim and a grey composite shingle roof. The proposed second residence will be located north of the existing single-family residence toward the rear property line with the majority of the proposed development being screened by the existing single-family residence and mature landscaping. This in turn will screen the development from public views from Fairmont Avenue. Elevations of the proposed second residence indicate that the residence will be built with wooden siding and a composite shingle roof in similar design to the existing single-family residence. The Applicant has also indicated that the color of the second residence will be the same or in similar color scheme to the existing single-family residence. As the proposed second residence will be located toward the rear of the property and will be in similar design and color scheme to the existing residence, the project proposal will not have a detrimental aesthetic impact on the neighborhood. Staff believes that the proposal will not have be detrimental to the character of the development in the immediate neighborhood and will not have an adverse effect on public health, safety, and general welfare.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 3 can be made.

*Finding 4:* *That the proposed development is consistent with the General Plan*

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
General Plan Policy LU-H.4: The County shall allow second dwellings, not to be sold as a separate unit, subject to a discretionary permit in areas designated for low-, medium-, and medium-high-density residential use, rural residential use, and agricultural or rangeland	The proposed second residence is approximately 1,396 square feet in size, with the existing primary residence 1,740 square feet in size. The proposed second residence is subordinate in size to the existing primary residence,

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>use. The second dwelling shall be clearly subordinate in size to the primary dwelling.</p>	<p>therefore the project is consistent with General Plan Policy LU-H.4.</p>
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <ul style="list-style-type: none"> <li>a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in questions lie in an area of limited groundwater, a hydrogeologic investigation shall be required.</li> <li>b. A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.</li> <li>c. A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts,</li> </ul>	<p>The project site is located within a County island within the City of Fresno. The Applicant has indicated that the second residence will connect to water serviced by the City of Fresno and will not rely on a private domestic well for water. Therefore, the project does not need to undertake a water supply evaluation for surface or groundwater.</p>



<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
or significant economic hardship to surrounding water users.	
General Plan Policy PF-D.6: The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or passing any other health hazards and where community sewer service is not available and cannot be provided.	The project site is located within the City of Fresno, with the City of Fresno's community sewer service available to accommodate the second residence. The project does not propose a private on-site sewage disposal system for the proposed second residence.
Fig Garden Neighborhood Plan Policy 711-01:1.00.a: Low-Density residential shall mean land designated for residential development at a density not to exceed one dwelling unit per 12,500 square feet.	County records indicate that the subject parcel is 0.78 acre (33,977 square feet) in size. Per Policy 711-01:1.00.1, the proposal is consistent with the density requirement, as the density does not exceed one dwelling unit per 12,500 square feet.

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated as Low-Density Residential in the Fig Garden Neighborhood Plan.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

**Analysis:**

Based on the above analysis of relevant General Plan and Neighborhood Plan policies, there were no policies that were identified that conflict with the project proposal. Therefore, staff believes that the proposed development is consistent with the General Plan and Fig Garden Neighborhood Plan and can make Finding 4.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

Staff has received nineteen (19) pieces of correspondence from the public in opposition of the subject application and a letter of opposition from the Fig Garden Homeowners Association.

The pieces of correspondence state concerns related to the proposal not being consistent with the established characteristics of the neighborhood, increase in traffic, the potential for one or both residences to become rentals, and the proposal not consistent with the General Plan and Zoning Ordinance. Multiple pieces of correspondence also suggested that the project would be more acceptable if the second residence proposal changes to an accessory housing unit per the provisions of Section 855-N.1.e.

Review of past Director Review and Approval (DRA) applications for a second residence indicate that there is one property in the area bounded by Shaw Avenue to the north, Maroa Avenue to the east, Gettysburg Avenue to the south, and Palm Avenue to the west, that has been approved via a DRA application to authorize a second residence on a property. This property that has an approved DRA for a second residence is located approximately 510 feet south of the project site. Although second residences in the vicinity of the subject site are rare, there is an instance of a second residence that coexists with the neighborhood.

In regard to concerns about an increase in traffic, Fairmont Avenue is classified as a Local road with an existing total right-of-way of 60 feet and pavement width of 18 feet. A minor increase in traffic trips could occur from the project proposal. This increase will be residential in nature, with reviewing agencies and departments not expressing concern with Fairmont Avenue's ability to handle the potential increase. There was no request for a traffic impact study (TIS) or any request for right-of-way improvements from reviewing agencies and departments.

Per Section 855-N.29.a.1 of the Fresno County Zoning Ordinance, "a covenant running with the land between the County and the applicant shall be recorded with the Fresno County Recorder prior to the issuance of any building permits requiring that one of the dwelling units shall be occupied by an owner of record." This provision will be implemented with the project as a Condition of Approval to ensure compliance with the provision and to ensure that at least one of the residences is occupied by the property owner. The possibility of one of the residences becoming a rental exists, but there is no provision under the Zoning Ordinance that would prohibit a rental under the Zoning Ordinance.

In reviewing the opposing correspondence for the project, references were made that the project is being considered under the development standards listed under Section 855-N.1.e, which provides the property development standards for an Accessory Housing Unit. While the Applicant could have chosen to build a dwelling as an accessory housing unit without any discretionary permit requirements, it would only allow the residence to be 30% of the existing residence (522 sq. Ft.). The subject application is for a (1,396 sq. ft.) second residence and is subject to the property development standards listed under Section 855-N.29 which specifically call out development of second residences.

Correspondence also claims that the proposal is out of compliance with both the Fresno County Zoning Ordinance and the Fresno County General Plan and by extension, the Fig Garden Neighborhood Plan. Per Section 824.2.K, a second dwelling unit, not more than one per lot, subject to the provisions of Section 855-N, is allowed subject to a Director Review and Approval Application. The purpose of the subject DRA is to allow the second residence and is in compliance with the provisions of the Zoning Ordinance. If this DRA is approved, then the second residence will be allowed to be constructed. Relevant Fresno County General Plan Policies and Fig Garden Neighborhood Plan Policies were identified by the Policy Planning Section of the Department of Public Works and Planning. There were no conflicts of the proposal with the identified policies. Additionally, there were no policies of the Fresno County General Plan or Fig Garden Neighborhood Plan to suggest that properties within the

Neighborhood Plan area are restricted to different development standards related to secondary dwelling units and accessory housing units.

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Director Review and Approval Application can be made. Staff therefore recommends approval of Director Review and Approval Application No. 4616, subject to the recommended Conditions.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to determine the required Findings can be made and move to approve Director Review and Approval Application No. 4616, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Director Review and Approval Application No. 4616; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Mitigation Measures, Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

TK:ksn  
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**Director Review and Approval Application No. 4616  
Conditions of Approval and Project Notes**

<b>Conditions of Approval</b>	
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan, and Elevations approved by the Planning Commission to allow construction of the proposed second residence.

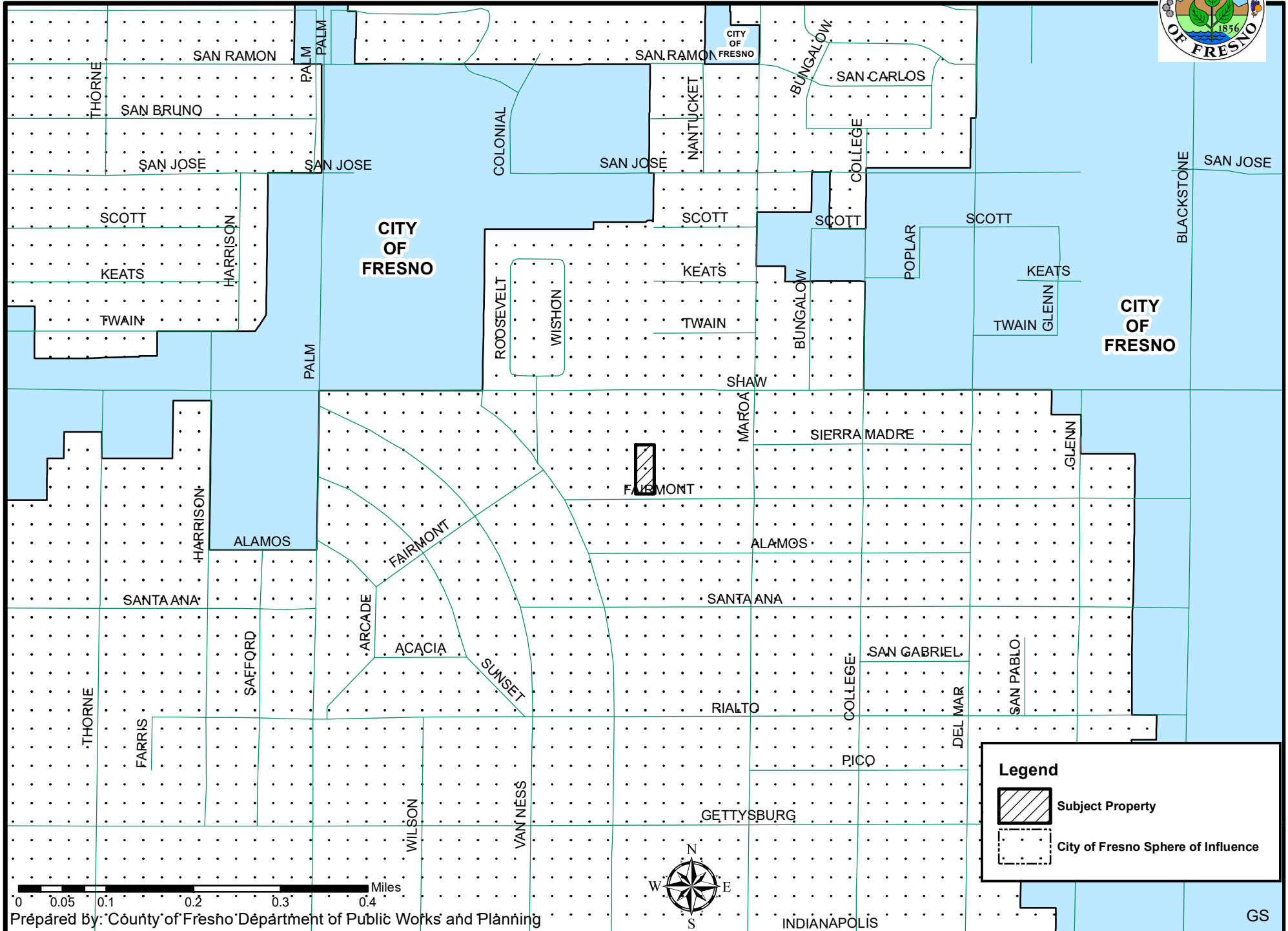
Conditions of Approval reference recommended Conditions for the project.

<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	The project has the potential to block the only point of access for several other residences. A Traffic Management Plan is required for the construction phase of this project.
2.	An encroachment permit is needed from the Road Maintenance and Operations Division for any work done in the County of Fresno road right-of-way.
3.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately-licensed contractor.
4.	No on-site retention of storm water runoff required, provided the developer can verify to the County of Fresno that runoff can be safely conveyed to the Master Plan inlet(s).
5.	Drainage from the site shall be directed to Fairmont Avenue.

TK:ksn

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# LOCATION MAP





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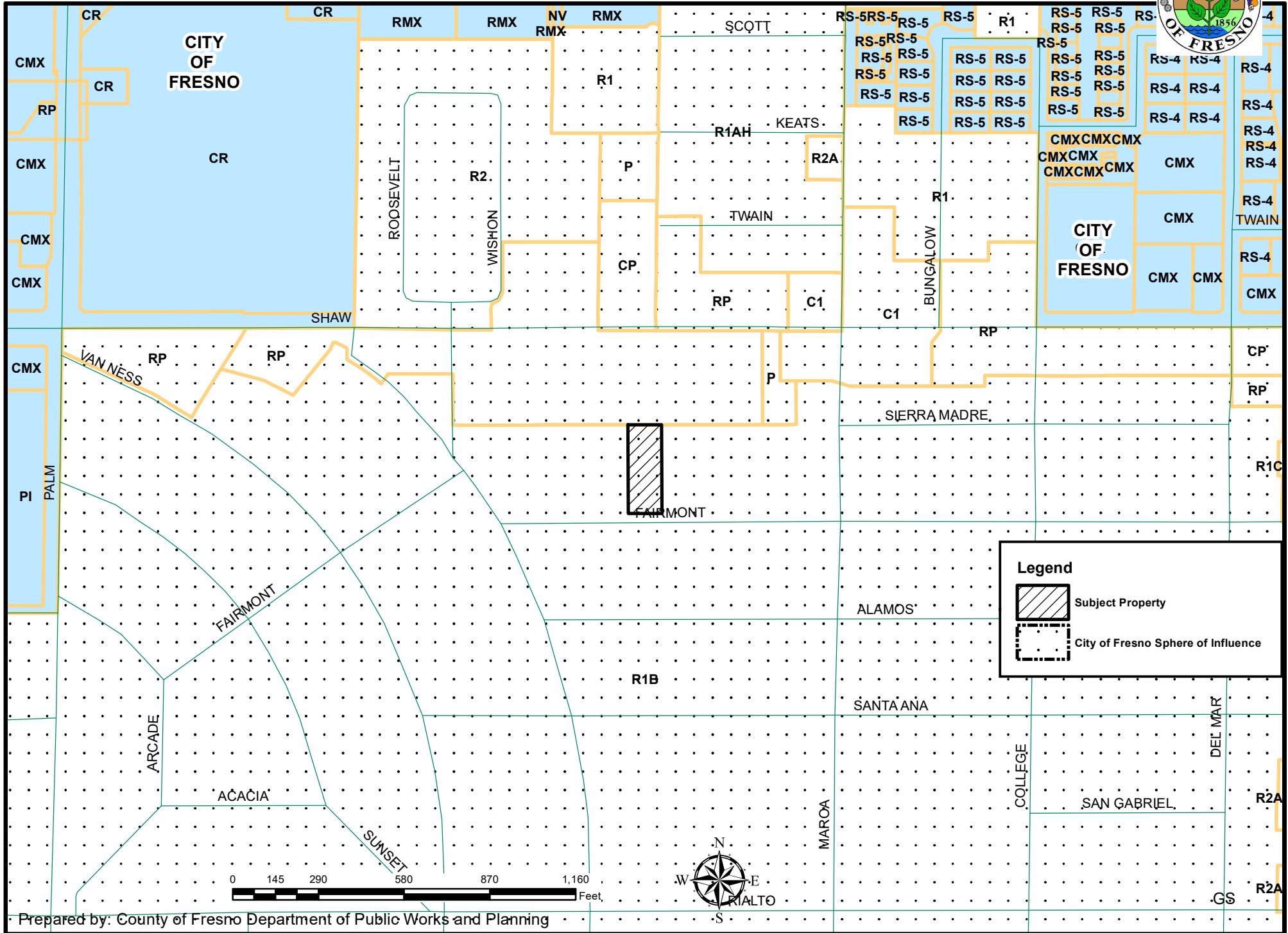
Prepared by: County of Fresno Department of Public Works and Planning





**Legend**

-  Subject Property
-  City of Fresno Sphere of Influence

# EXISTING ZONING MAP



**Legend**

-  Subject Property
-  City of Fresno Sphere of Influence

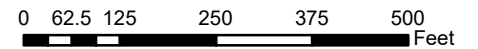
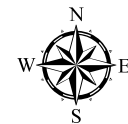
# EXISTING LAND USE MAP



LEGEND	
C# -	COMMERCIAL
CP# -	OFFICE COMM./PROF
SF# -	SINGLE FAMILY RESIDENCE
V -	VACANT

LEGEND:

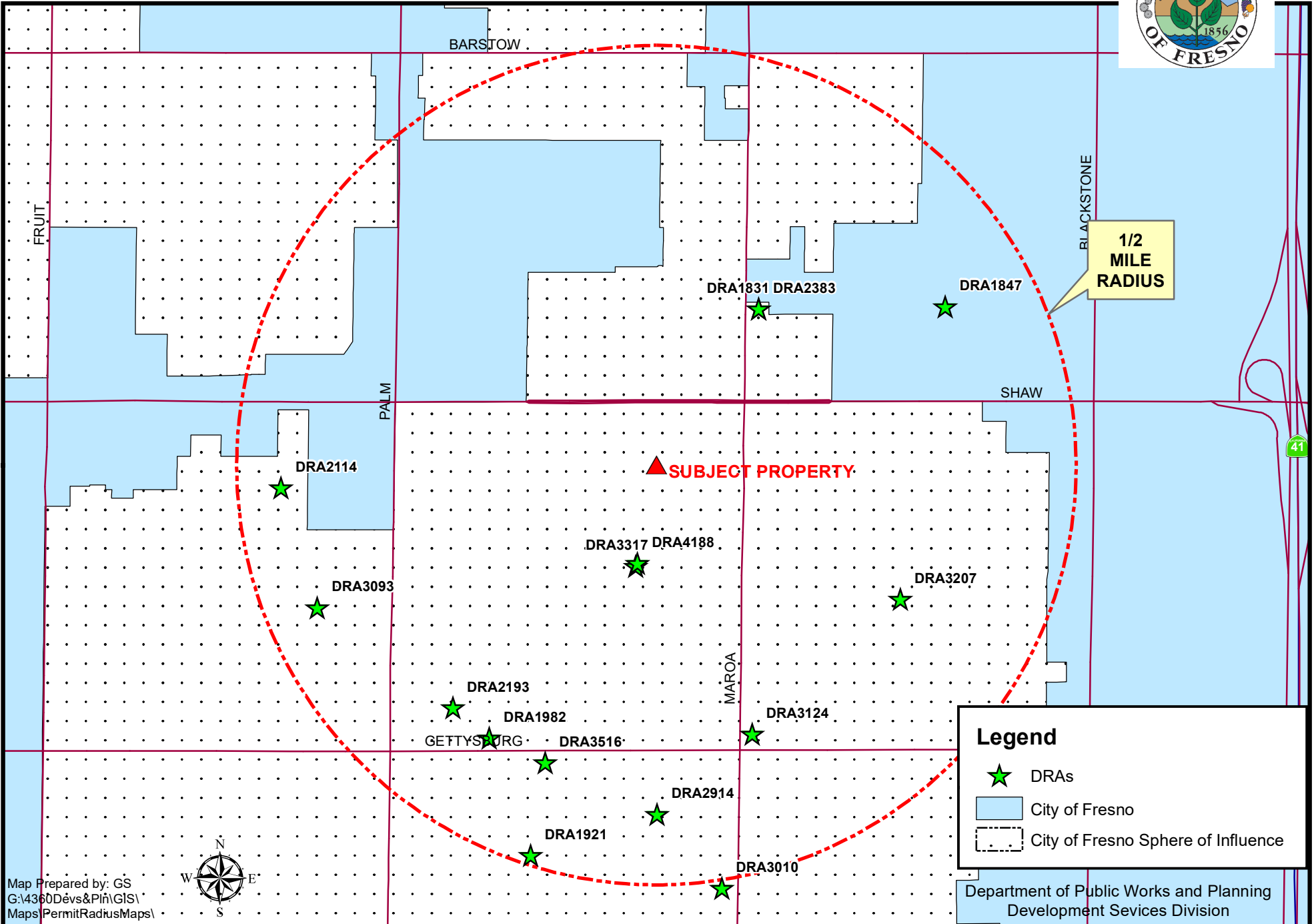
 Subject Property



Map Prepared by: GS  
 G:\4360Devs&Pin\GIS\Maps\Landuse\

Department of Public Works and Planning  
 Development Services Division

# DRA's WITHIN A HALF-MILE RADIUS



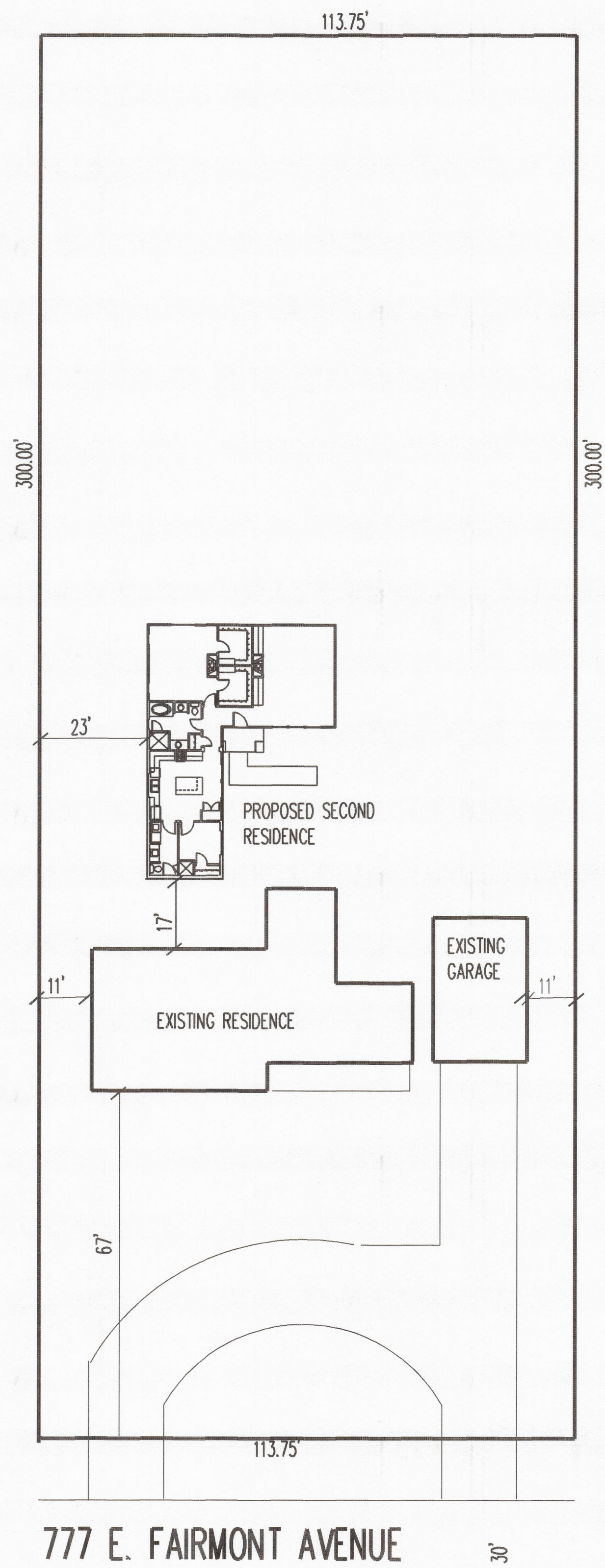
0 410 820 1,640 2,460 3,280 Feet

**EXHIBIT 5**

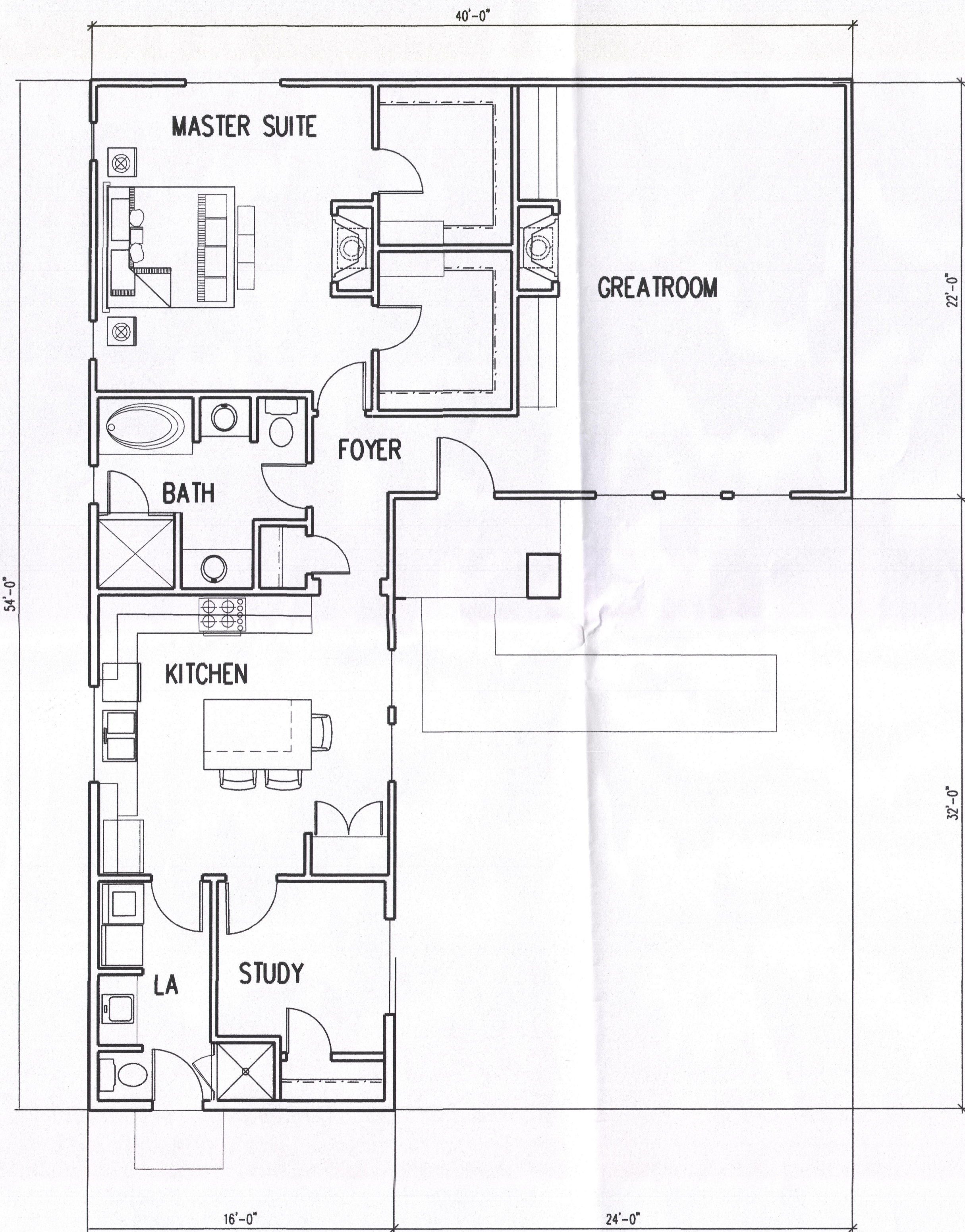
Map Prepared by: GS  
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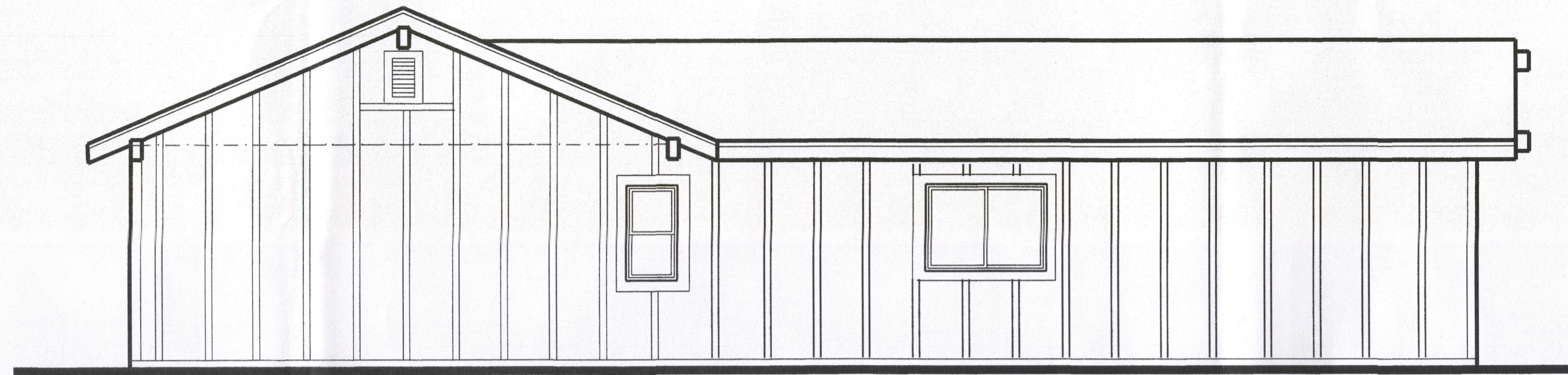




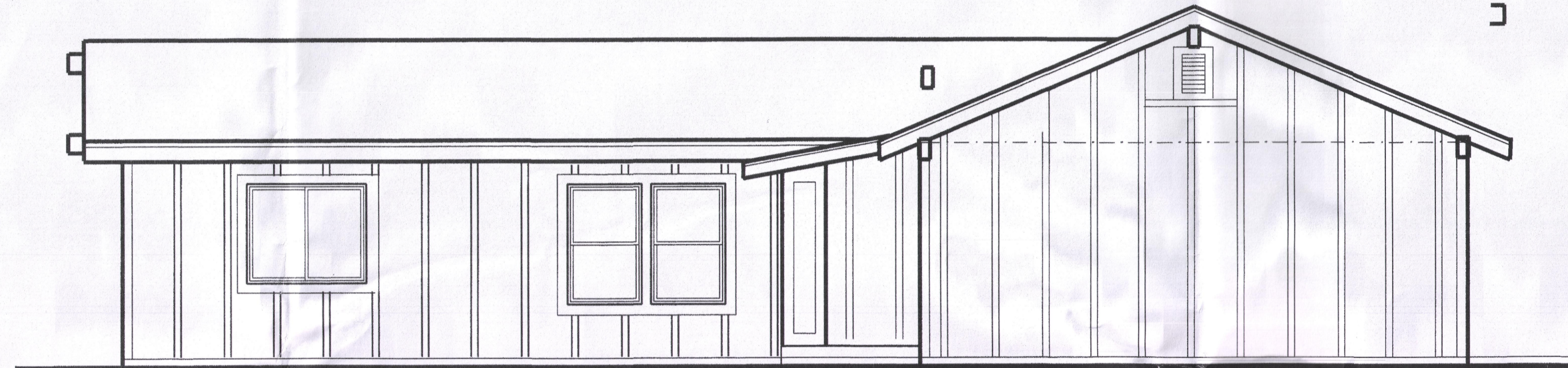
  
**SITE PLAN**  
 SCALE: 1"=30'-0"



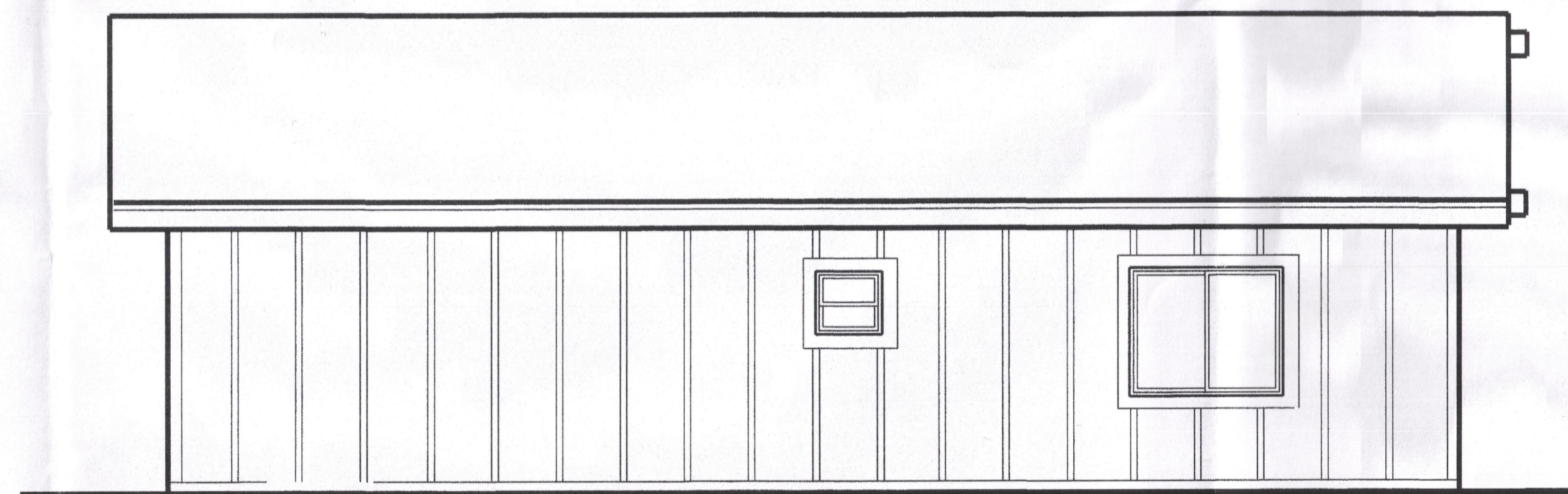
**PROPOSED FLOOR PLAN**  
 SCALE: 1/4"=1'-0"  
 RESIDENCE FOOTAGE = 1396 S.F.



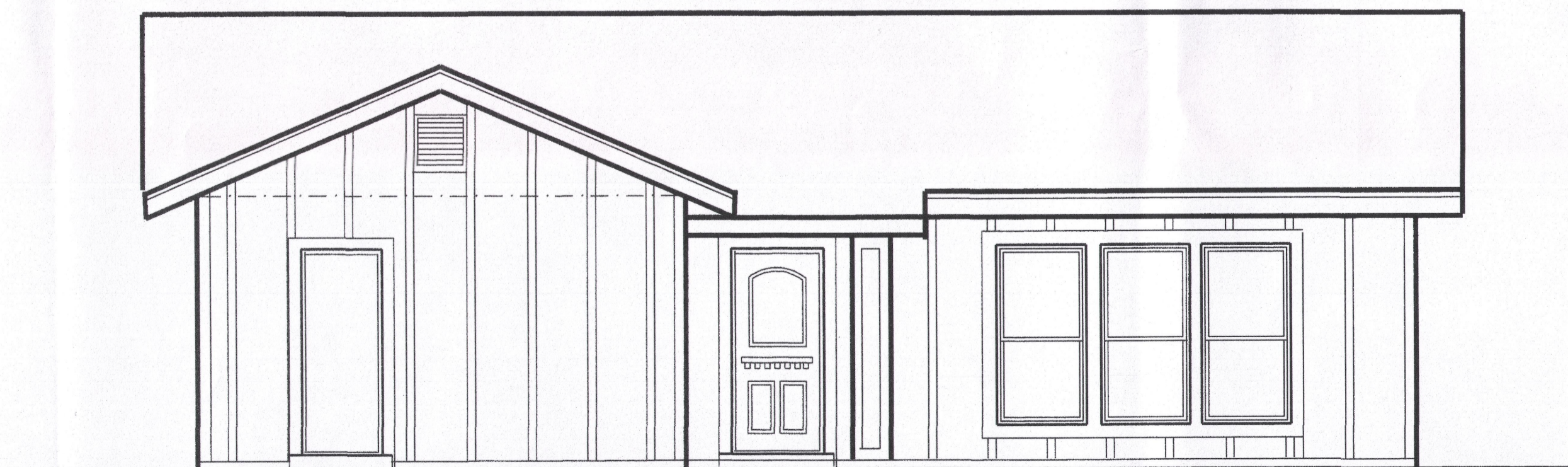
**WEST ELEVATION**  
 SCALE: 1/4"=1'-0"



**EAST ELEVATION**  
 SCALE: 1/4"=1'-0"



**NORTH ELEVATION**  
 SCALE: 1/4"=1'-0"



**SOUTH ELEVATION**  
 SCALE: 1/4"=1'-0"

REVISIONS	BY

A | MEMBER OF  
 B | D | AMERICAN INSTITUTE  
 OF BUILDING DESIGN  
 CA | MEMBER OF  
 B | D | AMERICAN INSTITUTE  
 OF BUILDING DESIGN

RESIDENTIAL DESIGN  
 CAD DRAFTING  
 TITLE 24 CALCULATIONS  
 REMODELS AND ADDITIONS  
 TENANT IMPROVEMENTS

PROJECT  
**BLACKBURN/ROBERTS RESIDENCE**

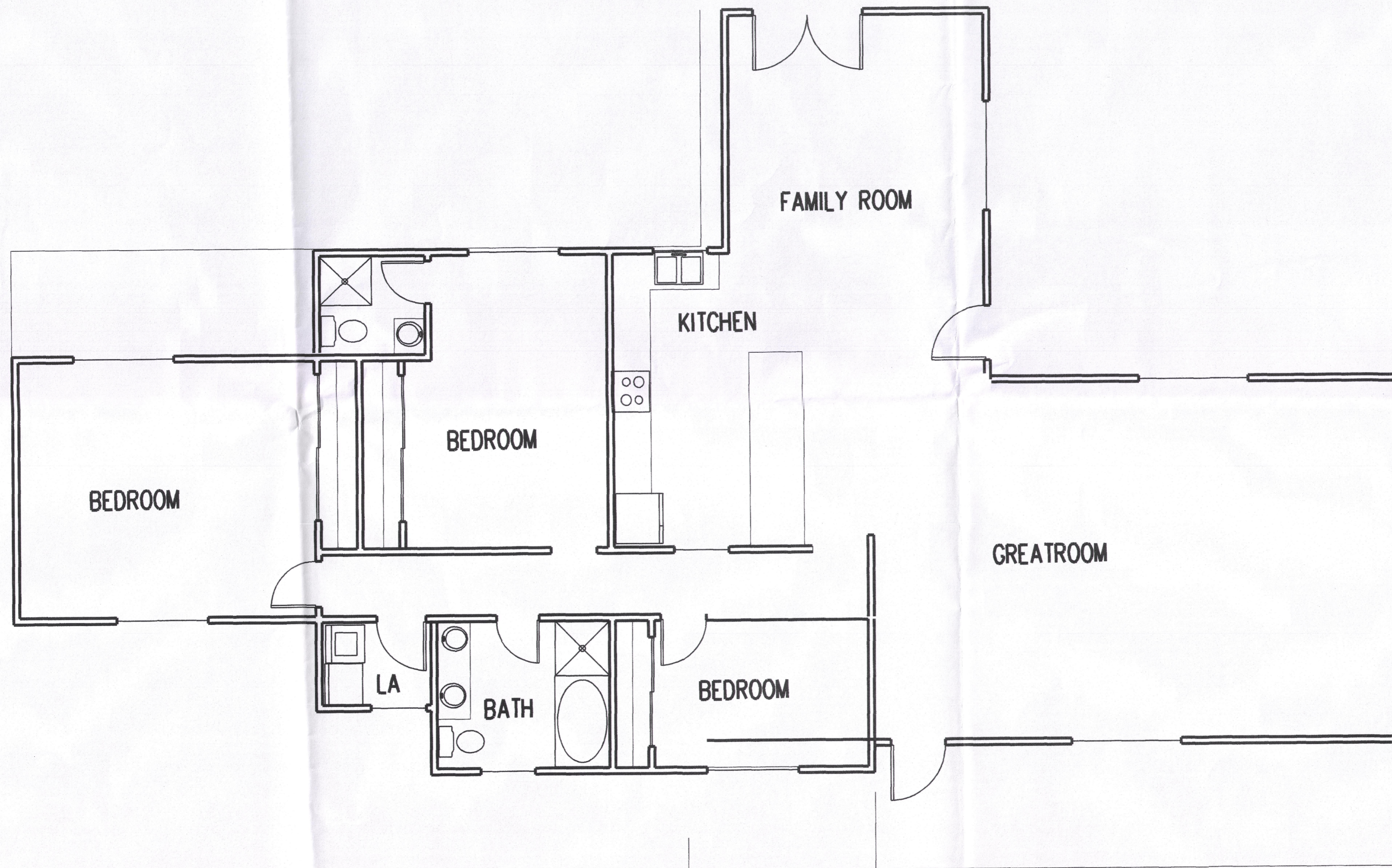
DESCRIPTION  
**STUDY PLAN**

**john ford drafting and design**  
 certified professional building designer american institute of building design  
 635 BARSTOW AVENUE, STE 20, CLOVIS, CA 93612  
 PHONE (559)323-4375 EMAIL JFDRAW@AOL.COM

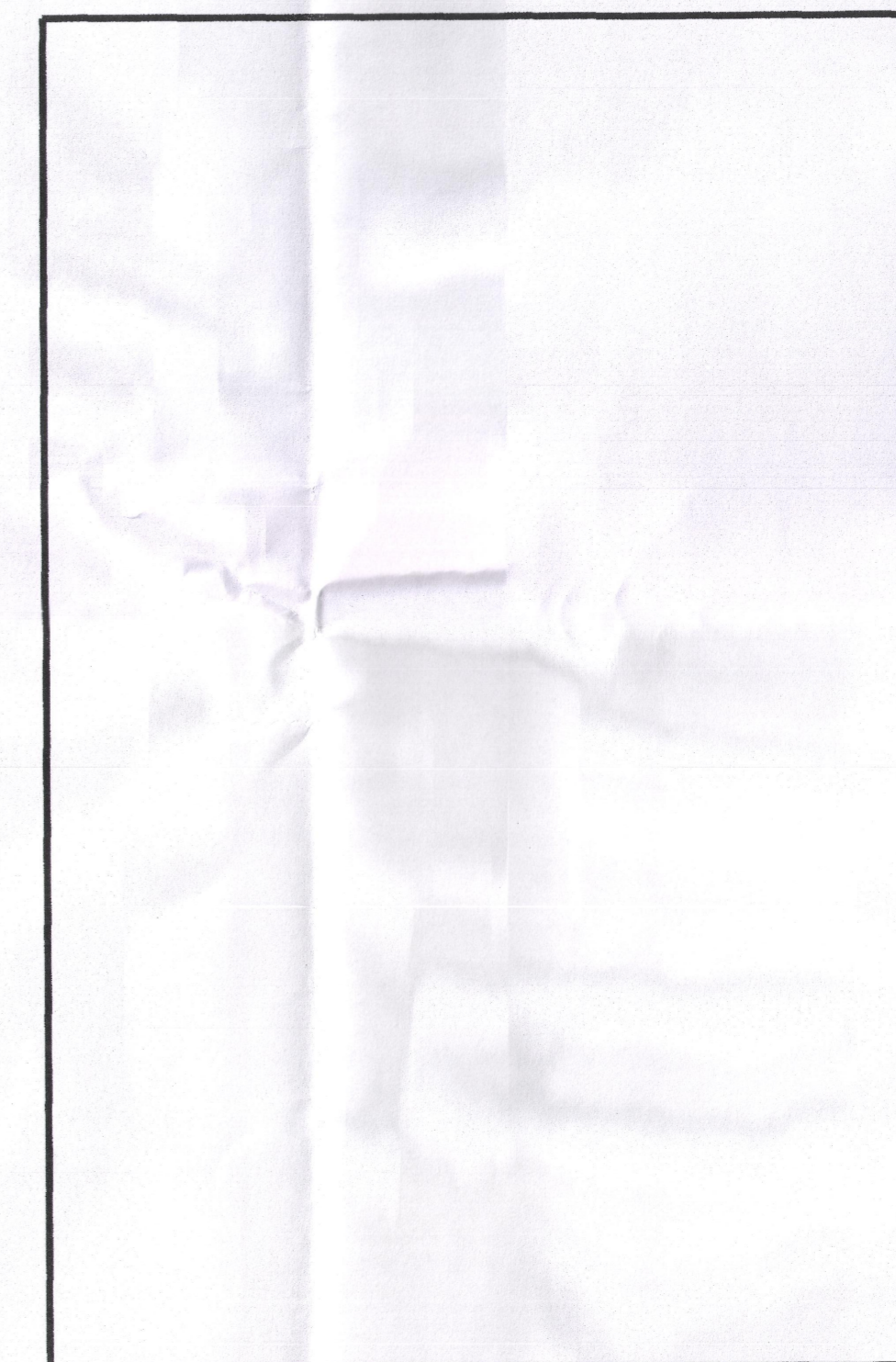
FILE
DRAWN JF
DATE
SCALE AS NOTED
SHEET NO.

**A1**

RECEIVED  
 COUNTY OF FRESNO  
 APR 15 2020  
 DEPARTMENT OF PUBLIC WORKS  
 AND PLANNING  
 DEVELOPMENT SERVICES DIVISION



**EXISTING FLOOR PLAN**  
 SCALE: 1/4"=1'-0"  
 RESIDENCE FOOTAGE = 1740 S.F.



REVISIONS	BY

A | MEMBER OF  
 B | AMERICAN INSTITUTE  
 OF BUILDING DESIGN  
 CA | MEMBER OF  
 B | AMERICAN INSTITUTE  
 OF BUILDING DESIGN

RESIDENTIAL DESIGN  
 CAD DRAFTING  
 TITLE 24 CALCULATIONS  
 REMODELS AND ADDITIONS  
 TENANT IMPROVEMENTS

PROJECT  
**BLACKBURN/ROBERTS RESIDENCE**  
 DESCRIPTION  
**EXISTING FLOOR PLAN**

**john ford drafting and design**  
 certified professional building designer american institute of building design  
**635 BARSTOW AVENUE, STE 20, CLOVIS, CA 93612**  
**PHONE (559)323-4375 EMAIL JFDRAW@AOL.COM**

RECEIVED  
 COUNTY OF FRESNO  
 15 2020  
 DEPT OF PUBLIC WORKS  
 AND PLANNING  
 -HEAVY SERVICES DIVISION

FILE
DRAWN JF
DATE
SCALE AS NOTED
SHEET NO.

**A3**

April 27, 2020

Thomas Kobayashi, Planner. Development Services and Capital Projects Division

Department of Public Works and Planning, County of Fresno

Regarding: Application No. 4616- Jeffrey Roberts Applicant- 777 E Fairmont avenue. Fresno, CA 93704

We received this notice on Friday, April 24<sup>th</sup>, and have reviewed the application and present residence.

My spouse and I live at 4897 N. Wishon - the corner of East Fairmont Street and N. Wishon are adjacent to our front yard.

There are several reasons why we are against this application:

Number one- allowing a separate lot split is totally against our natural and spacious neighborhood and does not benefit from a Neighborhood Beautification Overlay\*.

Number two- adding additional housing on Fairmont Street will create additional traffic on a street that is already has too much traffic. Both Fairmont and Wishon are presently used to access the very busy West Shaw Avenue making it very dangerous for our neighborhood's children.

\* It was my understanding the Neighborhood Beautification Overlay program was designed to build out the many empty vacant lots and urban blight homes in our county; which is not the case in this neighborhood

I would recommend the applicant follow the actions of many of our home owners and remodel their present home and perform additions to their existing structure. Having a separate residence at the back of a property does not fit with our present single family home neighborhood.

Please let us know how we may follow-up on this application and stop this decision.

Thank you,

Kenneth J. Boyajian

4897 N. Wishon Avenue

Fresno , CA 93704

Phone: 559.284.1835 Email: ken.boyajian@gmail.com

ccs: Steven White

Linda Boyajian

Steve Brandau

**EXHIBIT 7**

April 27, 2020

County of Fresno  
Department of Public Works and Planning  
Steven E. White, Director  
Thomas Kobayashi, Planner  
Development Services and Capital Projects Division

RE: Notice of Application number 4616

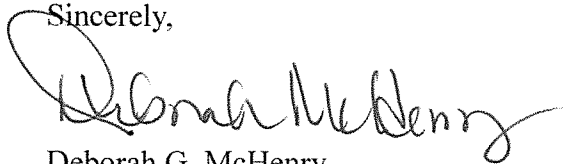
Dear Mr. Kobayashi,

I am writing in response to the request for construction at the property location: 777 E Fairmont Ave, Fresno, CA APN: 425-070-20.

I would like to register my objection that another residence be constructed on that property. This neighborhood was created for one residential home on each lot. Zero lot line building for small home projects is already allowed, but this one clearly has more square footage and is intended to be a full-size residence. While this applicant may intend to use it as family housing, it could easily be used as a rental, now or in the future. This is not in keeping with the original intent of our neighborhood and is an inappropriate use of the property. I have lived in this neighborhood for 24 years, and have enjoyed its character and charm. It is mostly occupied by homeowners; very few are rented. Allowing one property owner to add another residence would mean that any homeowner should be able to, which would negatively impact the density of the neighborhood, would create problems that are inherent with rental properties, and ultimately create property devaluation.

I strongly oppose this application.

Sincerely,



Deborah G. McHenry  
808 E. Alamos Ave.  
Fresno, CA 93704

559-281-7659

RECEIVED  
MAY 04 2020

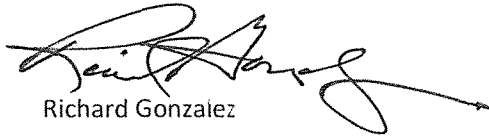
To: County of Fresno

Department of Public Works and Planning

FRESNO COUNTY  
DEPT. OF  
PUBLIC WORKS & PLANNING

Re: Protest of Application No. 4616

I am protesting the construction of a second residence at 777 E Fairmont. I have lived in my residence since 1984. I moved to Old Fig to be part of an area known for it's old style living with single family residences. A second residence could likely turn both into rental property.



Richard Gonzalez

4916 N. Wishon Ave, Fresno

559-222-0169

**From:** Liza Robinson  
**To:** [Kobayashi, Thomas](#)  
**Subject:** 425-070-20  
**Date:** Monday, May 04, 2020 3:28:55 PM

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Dear Mr. Kobayashi,

I received a Notice of Application, Director Review and Approval Application No. 4616 for

APN 425-070-20

at 777 E. Fairmont Ave, Fresno, CA.

My concern is the size of the proposed construction. I thought any new construction of additional living space could only be as big as 1/3 the size of the original residence. Unfortunately, I do not know the County ordinance/rule concerning this, I only know from past experience. If I am mistaken about this or this has changed since I had experience with this type of construction, can you please tell me where I can find the information that is being used to approve of the size of the new construction?

Sincerely,  
Liza Robinson-Benitez  
830 E Fairmont Ave.  
Fresno, CA 93704  
(559) 283-3126

**From:** Bryan Bird  
**To:** [Kobayashi, Thomas](#)  
**Subject:** Director Review and Approval application 4616  
**Date:** Monday, May 11, 2020 9:43:58 AM

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re: property address 777 E. Fairmont Ave, Fresno, CA

APN 425-070-20

Mr. Kobayashi:

I would like to express my concerns regarding the above cited application. I have read the pertinent code sections, 824.1.A, 824.2.K, 824.4, 855-N, and it certainly appears that Mr. Robert's proposal is clearly out of compliance.

I was present at a gathering at the listed property yesterday, 5-09-2020, along with maybe 15 to 20 others, most of whom were close neighbors. Mr. Roberts said he wanted to present his plans for the property to the group.

There are several reasons that his motives are suspect.

When asked why he didn't just apply for a remodel/extension of his existing structure, he said he was "afraid " it would trigger code-enforced upgrades to the structure. I find it hard to believe that someone with his experience would have any doubts as to what those requirements would be.

When asked by several people why he needed two complete residences, each with a kitchen, he had no real answer. It sounded like they planned on living in the new, energy efficient structure. When I asked them if they planned to raze the old structure, Reyna Reyes, the property owner and Mr. Robert's girlfriend said no, that she loves the "old, historic" house and it's single pane, crank windows. I was unconvinced.

While Mr. Roberts and Ms. Reyes tried to assure the group that their was no intent to turn either structure into a rental unit, many people raised their concerns about what would happen in the near or distant future, once the property changed ownership. I think I can speak for the group when I say that we all find the idea of multiple families living on this single lot objectionable.

Mr. Roberts was vague when describing the "garage" that would be built at the back of the property. He said it would house the solar panels required for the new residence, but was not included in the application. The vehicle access to the back of the property is via a narrow space at the western side of the existing building, and does not appear adequate for routine use. Neither Mr. Roberts nor Ms. Reyes had given any consideration as to the material to be used for this, i.e. gravel, paved., etc. It makes me suspicious that they may have a different plan for access to the garage:

When someone asked about rumors of establishing an "easement" through



the property at Shaw Ave., Mr. Roberts said it would require negotiations with the owners of said property, and claimed to not know who that is. A neighbor pointed out that it is owned by the Assemis, for whom both Mr. Roberts and Ms. Reyes work. For Mr. Roberts to feign ignorance on this matter is extremely unsettling.

Both Mr. Roberts and Ms. Reyes used the word "trust" frequently in their defense of their proposal, suggesting that we trust their motives. As all of us in attendance were aware, Mr. Roberts has proven himself to be someone NOT to be trusted. He specifically declined a request to address his incarceration (for extorting a city councilman) in 1995. Many of us recall his participation in the General Plan Update hearing in 2015.

When several people pointed out that his proposal was clearly in violation of the code(s), he repeatedly said that he "didn't see it that way", and that he had a different "interpretation" of the code(s).

Clearly, this proposal is opposed by their neighbors. Many of them voiced concerns that Mr. Roberts will use his influence to achieve whatever he wants, a pattern that they feel has been historically demonstrated. Although Mr. Roberts states that he is not currently requesting a variance, he did not elaborate on what his plans would be if the current application was denied.

This process will certainly be closely monitored. It is my hope that the integrity and spirit of Old Fig Garden, (including the building codes) and the reasons we choose to live here will prevail.

Thank you,

Bryan Bird

**From:** Anthony Ross  
**To:** [Kobayashi, Thomas](#)  
**Subject:** FW: Comments on DRA Application No. 4616  
**Date:** Monday, May 11, 2020 9:36:09 PM

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**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

Sent from [Mail](#) for Windows 10

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**From:**  
**Sent:** Monday, May 11, 2020 9:26 PM  
**To:** [tkobayashi@fresnocountyca.gov](mailto:tkobayashi@fresnocountyca.gov); [Debra Kratzer](#)  
**Subject:** RE: Comments on DRA Application No. 4616

Dear Sir, I am submitting a comment in regards to the proposal for the modification of the land use and application. I am a homeowner in old Fig Garden and reside at 4625 N Wishon Ave. I have lived in the area for 35 years.

I agree with the comments and recommendation by Mr. Pings on the proposed new structures. It seems like the proposal is such a major change and any additional detached structures will change materially the intent of the general plan to remain single family homes and not start a change to multi use dwellings including shadow rentals.

Thank you, Anthony Ross 559-222-7860  
Sent from [Mail](#) for Windows 10

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**From:** [Debra Kratzer](#)  
**Sent:** Tuesday, May 5, 2020 11:21 AM  
**To:** [tony.ross](#)  
**Subject:** Fwd: Comments on DRA Application No. 4616

**From:** Laurie  
**To:** [Kobayashi, Thomas](#)  
**Subject:** 777 E Fairmont Ave  
**Date:** Tuesday, May 12, 2020 9:26:11 PM

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Hello,

This email is to weigh in on the home owners request to build a second residence on the 777 E Fairmont property. Bottom line: Please do not allow the it.

Two houses on this property fundamentally changes the unique characteristics that exists in our Old Fig neighborhood. If they want a larger house, simply have them upgrade and expand the existing structure. A second house can lead to more rentals, which leads to individuals that are not vested, nor will they invest in this unique and treasured neighborhood. Please hold firm on the existing ordinances and do not give into this allowance.

Laurie Frye  
Fairmont/Maroa

**From:** Kevin  
**To:** [Kobayashi, Thomas](#)  
**Subject:** 777 e. Fairmont proposal, I'm sorry this is late, I wasn't informed of the deadline  
**Date:** Tuesday, May 12, 2020 9:37:21 PM

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Mr. Kobayashi,

I live 5 houses away from the proposed project at 777 E. Fairmont. I have lived at 908 E. Fairmont for the last 30 years (over 40 years in this neighborhood) and I have seen a lot of developers eat away at the integrity of the neighborhood as they flex their political and influential muscle. Always telling us not to worry and promising to make great things, like used car salesmen.

What we end up with are McMansions, torn down beautiful and sound homes, subdivided and empty lots waiting for their far off future actions in accord with their business needs, proliferation of rentals and multiple homes of the same floorplans lifted from clovis subdivisions which include front facing four-car garages in violation of the historical designation "codes", "guidelines", "laws", whatever the applicable nomenclature is.

These are just examples of how developers and business people see that Fig Garden is ripe for their musings. In this particular case, I have followed the ever-morphing rationale from Jeff Roberts regarding his intentions for using that 2nd house.

The 1st and probably truest form of why he (I mean his girlfriend) needs to build this was that he was going to build it for her so she could rent it and enjoy that secondary income stream. But like a game of hop-a-mole, as this plan wasn't gaining traction with her neighbors and Jeff was shown some of the restrictions, it has changed to a house that will store his belongings. This too doesn't seem like a plausible reason for building a home, so he moves onto the reason de jour until he finds something people will swallow.

He has been bragging to everyone that he has so many connections and wields so much power that this project is a slam dunk (paraphrased) and has mentioned that if this is fought he will change the access to his employer Assimi's office property at 555 Shaw that backs up to his girlfriend's home. It just keeps getting deeper and now he probably runs up against the degradation of the Historical Neighborhood clause that does not permit commercial encroachment into the residential area.

This guy just won't stop, his ego is on trial here and he doesn't want to lose. So he will pull out all the stops, dropping campaign donations on a frequent basis into the BOS funds and lubricating anybody's hands that he can until he finds backing, legally of course. Sometimes the legal avenues are just as bad as the illegal ones.

Sadly, This isn't the first fiasco I have witnessed. I see this whole thing like a slow motion train wreck. The girlfriend (home owner) has recently remodeled her front yard to be more open to the neighborhood, put in a horse shoe pitch, outdoor lights and sitting area. Now she has alienated most of the neighbors around her with this

over-reach of a project.

So say this does go Jeff's way, they build a 2nd house and he furnishes it with his stuff, they sit on it for a bit and then rent it when things die down....every day she enjoys her front yard with her burned neighbors casting gazes at her and this whole unnecessary, antagonistic mellow-drama further entrenching itself in her psyche. She becomes disenfranchised from the neighborhood and decides to move, like so many others that have made bone-head moves.

Now the next owner is saddled with this canard, wondering how they can make money off of it....maybe they could rent it back to Jeff "for his stuff", hah.

Given the sheer number of residences that could accommodate a 2nd homes on their long thin properties, this pattern of abuse, would ultimately yield a neighborhood much different than the one envisioned when the BOS approved it's Historical designation. Their intentions were clear "maintain existing lot lines" for single residences. Stop the progression of grabbing large plots and building apartments or businesses and certainly not allow for this "soft-style" subdivision.

Thanks for listening

Kevin Frye  
908 E Fairmont  
Fresno Ca 93704  
(55) 224-6329

**From:** Permaglas  
**To:** [Kobayashi, Thomas](#)  
**Subject:** 777E Fairmont Fresno Ca 93704  
**Date:** Wednesday, May 13, 2020 4:16:49 PM

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I didn't see this notice you sent out (Application No 4616) in time but I wanted to register my concerns. I live at 725 E Fairmont Ave, Fresno CA 93704 which is very close by. I feel that if this neighbor needs more room he should add on to the existing residence and not build a second residence on the property. If he is allowed another residence then this opens the door for everyone (me included) with our oversized lots should have the same prerogative. This will negatively alter the neighborhood.

Phil Franz  
559 259 9269

Sent from my iPad

**From:** Liza Robinson  
**To:** [Kobayashi, Thomas](#)  
**Subject:** 425-070-20  
**Date:** Monday, May 04, 2020 3:28:55 PM

---

Dear Mr. Kobayashi,

I received a Notice of Application, Director Review and Approval Application No. 4616 for

APN 425-070-20

at 777 E. Fairmont Ave, Fresno, CA.

My concern is the size of the proposed construction. I thought any new construction of additional living space could only be as big as 1/3 the size of the original residence. Unfortunately, I do not know the County ordinance/rule concerning this, I only know from past experience. If I am mistaken about this or this has changed since I had experience with this type of construction, can you please tell me where I can find the information that is being used to approve of the size of the new construction?

Sincerely,  
Liza Robinson-Benitez  
830 E Fairmont Ave.  
Fresno, CA 93704  
(559) 283-3126

**From:** David Lorey  
**To:** [Kobayashi, Thomas](#)  
**Subject:** Roberts DRA application 4616  
**Date:** Friday, May 15, 2020 8:33:31 AM  
**Attachments:** [L-DRA for 777 E Fairmont \(2020\).pdf](#)

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**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

Dear Mr. Kobayashi:

I attach a comment regarding the DRA application of Jeffrey Roberts, DRA 4616.

In brief, we view this as a stealth rezoning of our quiet, small-family Old Fig neighborhood. After initially supporting the project as described by the long-time homeowner at the address, we became very concerned as we read the actual application and plans, which do not correspond at all, in scope or impact on the neighborhood, to the stated intentions of Mr. Roberts.

We ask that the County enforce the code, not allow what amounts to a covert rezone of our neighborhood, and force the applicant to follow the correct protocol, procedure, and process for a variance or rezoning if that is what he intends. We would obviously fight that furiously, and we suspect the applicant understands this and has chosen this time of quarantine and private meetings instead of public process to submit this rezoning application.

We must argue strenuously against the findings in the DRA: both the huge second dwelling and the very large "garage" structure (the intended purposes for both of which are unclear) would significantly and permanently degrade the character of this area of Old Fig!

We have tried to not let our knowledge of the past of the applicant inform our comment—it is not explicitly part of the comment. But we must say that the applicant has not been forthcoming with neighbors about his intentions, we don't know what the relationship between the applicant and the homeowner is, and we fear that something illegal and unfortunate may be afoot.

We hope you will help us find a real solution to an issue that has our neighborhood up in arms!

Best regards, David

---

**David Lorey**  
(559) 301-4804



Date: May 14, 2020

To: Thomas Kobayashi, Planner  
Development Services and Capital Projects Division

**RE: Director Review and Approval Application No. 4616**

Applicant: Jeffrey Roberts

We are a near neighbor to 777 E. Fairmont and are opposed to the DRA submitted by Jeffrey Roberts for the major expansion of dwellings and outbuildings at the address.

We have known and been on good terms with the homeowner at 777 for almost 20 years; Mr. Roberts we only met recently when he moved in. When we first heard about the plans from the homeowner, we were supportive; new information about the applicant and careful review of the proposed construction plans have changed our view and we now oppose *the project as presented for approval in DRA 4616*.

In brief, the plans proposes a *de facto rezoning* of a property in this neighborhood, plans that if acted on as submitted will negatively affect both the quality of life and property values in Old Fig. It is the quiet, small-family feeling of Old Fig that made it attractive to us; *the proposed project would significantly and permanently degrade the character of this area of Old Fig*.

We want and expect that any work in our neighborhood will be done in strict compliance with Code Section 824.2, specifically in this case that, “per applicable Section 3, the maximum size of the accessory unit living area is limited to 30% of the living area of the primary dwelling, not to exceed 1200 sq.ft.”

We understand that in the case of the 777 E. Fairmont, the allowable size for an accessory dwelling would thus equal a maximum on an existing primary dwelling of 1740 sq.ft. x 30%—in other words 522 maximum square feet for the accessory dwelling. This application DRA 4616 is explicitly for 1,396 sq.ft, which, at almost three times the size, clearly exceeds the zoning-code expectations.

As submitted, the applicant is effectively constructing a second dwelling of near equal size to the existing structure. This is a direct violation of 824.4.A, which explicitly prohibits a second dwelling. The R-1-B zoning does not and cannot support this second dwelling—this is, in fact, exactly what this zoning is meant to exclude!—and we *ask the County to enforce this reasonable second-dwelling size limitation and the code!*

As proposed, this would be a multi-dwelling complex with two equal houses, a duplex arrangement. Building such a multi-dwelling area would require applying for a rezoning to multi-family, likely an R-2A, or a variance, which would be impossible to

grant on any merit of unique characteristics of the property. There is currently no other duplex or housing arrangement like this on our street between Maroa and Palm. Needless to say, a covert rezoning of the sort proposed in Robert's DRA 4616 would inevitably lead to the degradation of an established R-1-B neighborhood, contrary to the misleading "finding" included here, a finding that is just an assertion without substantiating evidence, comparison, or argument.

If the applicant seeks a variance or a rezoning, that is another thing entirely, and we request that the correct procedure and process for either of those undertakings be followed and that the applicant be honest and transparent in his intentions. If the County is to approve this construction, it should be on the up-and-up, not a stealth rezoning conducted under cover of a accessory-dwelling project! We in no way can support or agree with the finding submitted in DRA 4616 that the proposed stealth rezoning of our neighborhood will somehow improve quality of life or property value in the neighborhood. *This is a single-dwelling, family neighborhood, that's why we moved here, and we want it to stay that way!*

DRA 4616 also proposes building an extensive storage building in the back of the lot, which is designed as some sort of large garage, purposes unclear. We understand that there is a separate requirement for garage and off-street parking, yet the current application does not provide the information needed to determine how this requirement is to be met. We fear a traffic influx on this quiet block of E. Fairmont as cars/trucks access what looks like a six-car garage and/or very large storage facility at the back of the property, to be accessed from Fairmont. *Please don't let this additional "garage" structure sneak into the project and create a traffic and safety nightmare in a quiet neighborhood of small families!*

Regarding Director Review and Approval Application No. 4616

Dear Mr. Kobayashi,

As property owners and residents in the Fig Garden neighborhood and located near the property in question, we would like to voice our opposition to the project.

The codes are in place for a reason. Part of that reason is for continuity in the neighborhood and to protect the quality of life we all chose when we bought our homes in the area. Approving a second dwelling that is nearly the same square footage as the existing structure goes contrary both to the law but also the spirit of the neighborhood.

The applicant has shared the reason they are choosing a second dwelling rather than an addition to the existing residence is to get around building codes that may require modernization that would add significant costs. It doesn't seem just that the county would allow an applicant to thumb their nose at the current zoning laws as well as the building codes that the county has in place. The codes exist for a reason, and we should all have to follow them.

Additionally, the Fig Garden Homeowners Association has stated their opposition to the project based upon existing codes.

We wish that the applicant would either build a second dwelling that falls within the existing codes of the county, or if their motives are truly to add more living space for them to enjoy, just do an addition on to their current residence, which we would support.

Sincerely,

Kathryn Bilello and Jason Miller

# Peter G. Fashing and Lynette Gonzales

786 E. Fairmont Avenue • Fresno, California 93704 • (559) 225-1155

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May 14, 2020

Thomas Kobayashi, Planner  
Development Service and Capital Projects Division  
County of Fresno, Department of Public Works and Planning  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, CA 93721

Re: Director Review and Approval Application No. 4616  
Subject Property: 777 E. Fairmont Ave., Fresno, CA 93704

Dear Mr. Kobayashi:

We, along with many of our neighbors, oppose the above referenced application. We live at 786 E. Fairmont Ave., Fresno, CA – adjacent to the house immediately across the street from the Subject Property. We are opposed because the proposed development will drastically alter the character of the immediate neighborhood and does not comply with applicable regulations for development.

## **The Character of the Neighborhood Will Be Damaged**

Our neighborhood consists of large lots with single-family residences. The neighborhood is characterized by substantial open space with very little congestion in terms of occupants and traffic. Despite its proximity to Shaw Avenue, one can barely hear the traffic. One of the main characteristics of the neighborhood that led us to move here was the fact that it provides significant solitude to its inhabitants. To illustrate this, we have lived here for approximately nine years and, for better or worse, have had relatively minimal contact with our neighbors. It's nice when we see them, but it is not unusual for us to arrive home after the day's work and not see a single neighbor. This is what we love about the neighborhood. We believe our neighbors value this greatly, as well.

To our knowledge, there are no lots on our street with two dwelling units. Certainly there are none that have the equivalent of two separate, substantial residences of comparable size. To our knowledge, the homes in our neighborhood are all owner-occupied, single-family residences. This low-density characteristic is very important to the neighborhood. A second dwelling of this size (it is 80% of the size of the existing dwelling) has the inherent potential to lead to two substantial households on a single lot and will destroy much of what is special about our neighborhood.

We noticed that the application documents appeared to contain [proposed] findings for the Director's consideration. Please note, those [proposed] findings do not reflect the true character of the neighborhood. Nor do they reflect the true impact of the proposed development on the neighborhood.

For example, [proposed] finding no. 3 reads "there are several new homes being built on lots where the older home was removed." This is misleading. While on other streets there have been rare instances of an outdated home being torn down in order to replace it with a newer single-family residence, there are to our knowledge, no lots being razed in order to construct two separate, comparably sized dwelling units.

Similarly, the statement in [proposed] finding no. 3 that the "contemplated improvements will improve the area and help solidify the character of the area" is patently false. It will have the exact opposite effect on the character of the area.

Realistically, the applicant's proposal in size and design should be seen as an effort to create an additional income property. (By all appearances, the property is owned by a single individual with no children or others residing in the home with the possible, or likely, exception of Applicant.) When a dozen or so neighbors met with the homeowner and Applicant, it was stated that only the two of them would be living there. They said it "fit them better" or words to that effect. We are all for individuality, but hopefully we are not naïve. The neighbors all know that the homeowner has had renters before – which is her prerogative. But with only two people living on the lot (per their own words) and two substantial dwelling units on the lot, there is an extreme likelihood that eventually, and perhaps not far in the future, we will have two family households living on that single lot. And that would seriously impact the character of the immediate neighborhood.

It is also worth noting that this potential for increased density is heavily "weighted" toward Fairmont Avenue. That is, both structures are on the southern half of the lot that borders Fairmont Avenue. Increased residential density on that lot will have an undeniable and drastic impact on the character of the immediate neighborhood. This will necessarily make the area noisier, more congested, and will bring more traffic to the neighborhood. It will detrimentally impact the value of the neighboring homes. And, instead of owner-occupants with pride of ownership, we will have an odd lot located in the middle of the block, with greater residential density and, likely, renters instead of owner-occupants. Contrary to the proposed finding, this will not "improve the area" and will not "help solidify the character of the area." It will do the exact opposite.

***It is important to note that we would not object to the homeowner and Applicant adding the same amount of square footage to the already existing single-family residence.*** Such an improvement would be consistent with the character of the neighborhood and the R-1-B zoning ordinance. Similarly, we would have no objection to them building an accessory housing unit that complies with Section 855-N.1.e. We have made these suggestions to the Applicant and homeowner and have been met with resistance. This resistance is further evidence that the real goal of the homeowner and Applicant is to create an income property on the subject lot.

This proposed construction does not improve the area or “solidify the character of the area.” To the contrary, it completely and detrimentally undermines the character of what is known as “Old Fig.”

### **The Proposed Development Does Not Comply With Established Zoning Ordinances**

California Residential Code ("CRC") defines a "Dwelling Unit" as "A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation." (CRC sec. R202; Fresno County Municipal Code sec. 15.18.010.) As the Applicant states, they are seeking to add a second dwelling unit pursuant to Fresno County Zoning Ordinance sec. 824.2K.

Section 824.2K only permits a second dwelling unit subject to the confines of Section 855-N. Section 855-N.1.e. provides: “The living area within the accessory dwelling unit shall not exceed thirty (30) percent of the living area within the primary dwelling, with a maximum of twelve hundred (1,200) feet permitted. In no case shall this standard restrict the accessory housing unit to less than three hundred and fifty (350) square feet.” In this case, the proposed dwelling unit far exceeds these restrictions.

Here, the existing dwelling consists of 1,740 square feet. Per Section 855-N.1.e, the maximum allowable square footage for a second dwelling unit on this property is 522 square feet. The proposed second dwelling unit is 1,396 square feet. Not only is that several times greater than the allowable square footage based on the size of the existing dwelling, it is nearly 200 square feet greater than the stated maximum allowable square footage for *any* R-1-B lot.

It appears that the only way that the Applicant can obtain County approval for this departure from the applicable regulation *is* to obtain Director review and approval. However, in order to obtain that approval, the Director would have to find, among other things, that the proposed development will not be detrimental to the character of the immediate neighborhood. As discussed above, such a finding is not warranted by the facts.

### **Other Matters of Concern**

Whether the following matters are appropriate for consideration or not, they are matters of additional concern for us and we feel compelled to express them.

As mentioned, the Applicant and homeowner met with the residents of the neighborhood – the majority of whom are opposed to the proposed construction – in an effort to sway opinion. The things that we learned only served to heighten our concerns.

In our opinion, the Applicant and homeowner were less than forthcoming about their intentions. As mentioned, they indicated that they did not intend to rent either unit. However, it was left unclear (despite repeated inquiries) whether they intended to occupy both structures at the same time or intended to leave one of them vacant. Neither option is credible considering the Applicant advised the he currently owns a 4,000 square foot home that he is quite happy with. This revelation raises serious doubts as to whether Applicant and homeowner truly intend to reside on the property.

Regardless of whether the proposed development and use is an owner-occupied structure with an additional income property, or two income properties on the same lot, either situation will cause detriment to the neighborhood.

The justifications they provided their neighbors for wanting to construct a second dwelling unit (instead of adding square footage to the existing dwelling unit) were unconvincing. The Applicant and homeowner stated they wished to build a new dwelling to avoid having to bring the existing home “up to code” and being required to install fire sprinklers and solar panels. Should this be their true reason, which we find unlikely in light of the existing laws, the Application is simply an effort to circumvent the Code by using the DRA process. But, as noted above, this project is not appropriate for DRA approval as it serves to destroy the very character of the neighborhood.

We also find curious that the proposal seeks to erect a 1700 sq. ft. “storage” unit/garage with no established or proposed access from Fairmont Avenue. Applicant and homeowner claim they would simply drive up the side of the house (where no driveway exists and no driveway is proposed) between the trees and through the grass to access the structure. This is not only highly unusual but it is not, in our opinion, the likely use of that structure. After considerable prodding, we learned that both the homeowner and the Applicant are affiliated with the adjacent Shaw Avenue commercial property directly behind them. While we may not be able to object to the construction of a storage/garage unit that is nearly equal in size to the largest structure on the property, we are concerned that the homeowner and applicant will incorporate the use of the storage/garage structure for the Shaw Avenue business that abuts the rear of their property. Perhaps this is speculative. It is nonetheless a concern for us as well as our neighbors.

Finally, we have been told that the Applicant is quite influential with the Planning Commission, that our objections are futile, and that the application is a *fait accompli*. We sincerely hope that we were misinformed and that the application will be considered on its merits and not based on the favor the Applicant may enjoy, if any, with members of the Planning Commission and/or the Board of Supervisors.

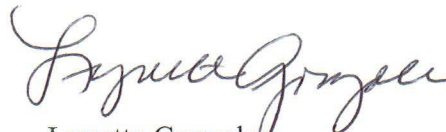
### Conclusion

The proposed project will seriously impact the neighborhood in adverse ways and will alter the wonderful character of this neighborhood that has existed for years – over seventy years if we are allowed to go by the age of our home. The proposed project violates every established regulation for a second dwelling unit and it is not appropriate for DRA approval. We respectfully request that the application be denied.

Sincerely,



Peter G. Fashing



Lynette Gonzales

cc: Fig Garden Home Owners Association

**From:** Debra Kratzer  
**To:** [Kobayashi, Thomas](#)  
**Subject:** Re: Comments on DRA Application No.4616 at 777 E. Fairmont  
**Date:** Friday, May 15, 2020 2:22:13 PM

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Mr. Kobayashi,

My comments are in regards to the proposal for the modification of the land use and application. I am a homeowner and have resided at 789 E Fairmont for approximately 40 years which is located next door to the property in question.

If the applicant wants to create a second living space or add on to the property owner's existing residence that conforms to R1B zoning laws and building codes then that's his business. If the applicant intends to create a second residence that violates those laws and sets a precedent for others to build similar structures that then opens the door for future possible commercial or rental use, thus degrading the beauty and uniqueness of Old Fig for generations to come, then that's our business.

I stand with the Fig Garden Homeowner's Association's rejection of this proposal but would welcome the applicant to modify and resubmit his proposal that would be in compliance with regulations and codes. Anything less looks suspect and I can't support or endorse any intent to be dishonest, deceptive, or unethical.

Sincerely,

Debra Kratzer

789 E. Fairmont

Fresno, Ca. 93704

Sent via the Samsung Galaxy A10e, an AT&T 4G LTE smartphone



**From:** Jim Kratzer  
**To:** [Kobayashi, Thomas](#)  
**Subject:** Re: DRA 4614; Comments Opposed to Approval  
**Date:** Friday, May 15, 2020 2:51:28 PM

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Dear Mr. Kobayashi:

My family and other families who reside on East Fairmont Avenue and in the broader old Fig neighborhood, support the position and comments submitted by Tony Pings on behalf of the Fig Garden Homeowners Association.

Please recommend to the Director of Development Services that the Application be denied and the Applicant directed to file a new or amended application which provides more complete and accurate information about the project description and a more detailed and specific Site Plan for the proposed project.

Thank you for extending the time within which to file our comments.

Please give us written notice of the Director's decision at our home address.

Jim and Debbie Kratzer  
789 East Fairmont Avenue, Fresno, CA 93704

**From:** Jim Kratzer  
**To:** [Kobayashi, Thomas](#)  
**Subject:** Re: DRA 4614; Comments Opposed to Approval  
**Date:** Friday, May 15, 2020 2:51:28 PM

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My family and other families who reside on East Fairmont Avenue and in the broader old Fig neighborhood, support the position and comments submitted by Tony Pings on behalf of the Fig Garden Homeowners Association.

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Jim and Debbie Kratzer  
789 East Fairmont Avenue, Fresno, CA 93704

**From:** Lisa Kao  
**To:** [Kobayashi, Thomas](#)  
**Cc:** [District 2](#)  
**Subject:** Comments on DRA Application No. 4616 - Applicant Jeff Roberts  
**Date:** Friday, May 15, 2020 3:14:45 PM  
**Attachments:** [824 R-1-B Single Family Residential District highlighted.pdf](#)  
[855 Property development standards highlighted.pdf](#)  
[FGHA Pings response to DRA application 4616.pdf](#)  
[Submitted DRA 4616.pdf](#)  
[1998 LA Times article Operation Rezone.docx](#)  
[Notice of extension for submitted comments to 5.15.2020.docx](#)

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**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

Dear Mr. Kobayashi,

**RE: Comments on DRA Application No. 4616 - Applicant Jeff Roberts**

Note: see attached email granting extension for comment submission to 5.15.2020. Due to current COVID-19 stay at home order, we are submitting our comments via email.

We live within the same block, and on the same side of the street as this proposed project. **We are writing to let it be known that we strongly believe that the DRA application should be rejected** for the following reasons:

- The proposed construction of a "second residence" or "second dwelling" of 1392 sq ft (representing approx. 80% <vs. the allowable 30%> of the existing dwelling) is expressly prohibited by Section 824 and Section 855 of the Fresno County zoning regulations (see attached). Section 824 "*R-1-B Single Family Residential District*" includes a preamble that states: "*All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents.*"
- The findings detailed on page 14 of DRA Application No. 4616 (see attached) provide an erroneously benign characterization of the effect this project would have on our neighborhood. Conversely, we believe this project would represent a precedent-establishing degradation of the intent of Section 824, and would be detrimental to the character of the development in our immediate neighborhood.
- The Fig Garden Homeowner's Association (FGHA) is an organization with a deep and rich knowledge of the history and character of the neighborhood, and would be best equipped to provide an honest, detailed analysis of the applicable zoning requirements in relationship to this DRA application. The FGHA, as you know, has submitted a strongly worded response against this project moving forward (see attached).
- We are aware that the immediate next door neighbors as well as street/block/nearby neighborhood homeowners are united in opposition, as this was apparent during a project site meeting with the applicants on Sat., May 9, 2020. Additionally, the applicant's history with compliance was brought up by one of the neighbors during the meeting after the applicant characterized the existing zoning regulations as up for interpretation. Please see the attached article we found from the LA Times circa

1995.

This project clearly does not comply, and there are a myriad of reasons why we hope you will ultimately support the nearby neighborhood homeowners and homeowners represented by the FGHA rather than wishes of the individual applicant. We hope that you will do the right thing, and reject this application.

Sincerely,

Elizabeth and Brian Kao  
841 E. Fairmont Ave.  
Fresno, CA 93704  
559.281.6906 (Elizabeth's cell #)  
559.304.4243 (Brian's cell #)

**From:** Lynn Baldwin  
**To:** [Kobayashi, Thomas; District 2](#)  
**Subject:** Fw: Fw:Opposition on DRA Application No. 4616 (see attached email granting extension for comment submission to 5.15.2020)  
**Date:** Friday, May 15, 2020 3:56:34 PM

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Good afternoon,

Our names are Lynn and Peter Baldwin, We are sending you our opposition letter by email due to the stay at home Covid-19 order. Attached you will find the clearly spelled out black and white building codes in our neighborhood and the proposed plans for a second residence (dwelling) which blatantly is in contradiction to our neighborhood building codes. We enjoyed meeting and discussing this neighbor's plans, however, it's not only our trust with the current resident, but future buyers of this property and how they will use the second residence (group home, duplex, commercial out to Shaw Ave. etc.). I know on very rare occasions there are variances given to an applicant for special circumstances, however, these are not special circumstances. It's only one person who wants what they want without doing the right thing by adding on to the existing home or following the neighborhood building codes for a guest house to be no bigger than 30% of the existing dwelling per the building codes. Some of us on the same street have added on to our homes and we all had to follow the neighborhood building codes. I do not see how the Fresno Planning Commission can move forward with these erroneous and out of compliance building plans. I hope you see the value in our neighborhood with its long lasting building codes for the betterment of each and every single family home. Thank you for your time in reviewing our voice of opposition regarding the DRA Application No. 4616.

Best regards,

Peter and Lynn Baldwin  
820 East Fairmont Ave.  
Fresno, Ca 93704

**From:** John McGregor  
**To:** [Kobayashi, Thomas](#)  
**Subject:** DRA 4616 for 777 E. Fairmont Avenue  
**Date:** Wednesday, May 13, 2020 9:50:34 AM  
**Attachments:** [image001.jpg](#)

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Mr. Kobayashi,

I attended a meeting last Saturday at 777 E. Fairmont where the owners of the property described their plans. My wife and I live two blocks away, at the intersection of Wishon and Santa Ana.

I join the Fig Garden Homeowners Association, and the neighbors who attended the meeting, in objecting to this project.

SMD-Email-Signature-v3-jm



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