
From: Kourtney Medlin <Kourtney@dplds.com>
Sent: Monday, April 13, 2020 3:53 PM
To: BOSComments; Dirk Poeschel; Jimenez, Bernard; Luis Bravo
Cc: Ahmad, Ejaz; Mollring, Marianne
Subject: FW: CUP 3632 Continuance Request

Good afternoon Clerk,

Please see the email below requesting that the proposed Flea Market in Coalinga, Item No. 4 for the Board of Supervisors Hearing scheduled for tomorrow, April 14th be continued to an undetermined date. Should you have any questions or concerns, please contact me.

Thank you!

Kourtney S. Medlin, Planner
Land Development Services, Inc.
923 Van Ness Avenue, Suite 200
Fresno, CA 93721
Office: 559-445-0374
Fax: 559-445-0551
Email: kourtney@dplds.com

I want to reassure our clients that we are still open and operational with full staff. Some of our team members are working remotely from home and others are at the office. We are actively working on our clients projects. Be well and stay safe.

-----Original Message-----

From: Dirk Poeschel <dirk@dplds.com>
Sent: Monday, April 13, 2020 3:49 PM
To: Kourtney Medlin <Kourtney@dplds.com>
Subject: FW: CUP 3632 Continuance Request

Bernard,

In light of concerns that have come to my attention this morning, I respectfully request a continuance to an undetermined date and time to allow the opportunity to resolve any outstanding issues associated with the project. Thank you in advance for your assistance in this request.

Dirk Poeschel, AICP
CalBRE Broker
License No. 01882606

From: Kourtney Medlin <Kourtney@dplds.com>
Sent: Monday, April 13, 2020 9:33 AM
To: BOSComments
Cc: Jimenez, Bernard; Dirk Poeschel; Rito Gutierrez; Luis Bravo; Ahmad, Ejaz; Mollring, Marianne
Subject: RE: Board Hearing: April 14th, 2020, Item No. 4 Submittal
Attachments: letters.pdf; Coalinga City Manager letter.pdf

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

Good morning everyone,

Please see the attached letters (4) pertaining to the proposed Flea Market in Coalinga, Item No. 4 for the Board of Supervisors Hearing scheduled for tomorrow, April 14th. Should you have any questions or concerns, please contact me.

Thank you everyone.

*Kourtney S. Medlin, Planner
Land Development Services, Inc.
923 Van Ness Avenue, Suite 200
Fresno, CA 93721
Office: 559-445-0374
Fax: 559-445-0551
Email: kourtney@dplds.com*

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From: Kourtney Medlin
Sent: Friday, April 10, 2020 3:21 PM
To: BOScomments@fresnocountyca.gov
Cc: Jimenez, Bernard <BJimenez@fresnocountyca.gov>; Dirk Poeschel <dirk@dplds.com>; Rito Gutierrez <ritogutierrez@yahoo.com>; Luis Bravo <calshineconstruction@yahoo.com>
Subject: Board Hearing: April 14th, 2020, Item No. 4 Submittal

Please see the attached Operational Statement and Testimony by Dirk Poeschel in regards to Item No. 4 on the agenda. Also, please see the two exhibit videos regarding the site distance and visibility.

If you have any questions or concerns, please do not hesitate to contact us! Thank you!

Kourtney S. Medlin, Planner

*Land Development Services, Inc.
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March 5, 2020

Flea market is 23436 W Jayne Ave

To whom it may concern,

The business plan that Rito came in to discussed regarding building a site that individual sellers could bring in an open flea market form and local residence could have the chance to purchase sounded like something that could do well.

I do believe that in this area with limited retail it would serve not only Coalinga but Huron and Avenal as well.



James Jacobs
Loan Officer
Cell 559-286-5003
195 Elm Street Suit 104
Coalinga Ca 93210
Office 559-934-1175 Fax 559-934-1195
Broker CA DRE # 01819505
NML# 255421/1850

Vice Chairman
City of Coalinga Planning Commission



Hanford Branch
MAC A0868-011
200 West 7th Street
Hanford, CA 93230

Tel: 559 582 4444
Fax: 559 582 1767

March 5, 2020

Re: Jose Rito Gutierrez Gomez
2016 Yale Ave
Coalinga CA, 93210

To Whom It May Concern:

This letter is verification that the Customer listed above has the following deposit account that was opened on 06/12/2002:

Consumer Checking account 556930147

Routing Number 121042882

If you have any questions, please call me at (559) 582-4444.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joanne Toledo", written in black ink.

Joanne Toledo

Service Manager

Together we'll go far



March 5, 2020

To whom it may concern,

I would like to take the time to express my thoughts regarding the proposed project at 23436 W. Jayne Ave. Coalinga, Ca. 93210, as a Flea Market location.

I am a Real Estate Broker in Coalinga Ca. Fernandez Real Estate has sold property to Mr. Gutierrez through out the past fifteen years. I am and continue to be surprised by Mr. Gutierrez, vision and commitment to The City of Coalinga and it's surrounding communities.

Mr. Gutierrez has always purchased properties with the community in mind. His thought process has always been how can he improve the property. How can he create jobs, how can purchasing a particular property benefit the community? How can he help keep those in need.

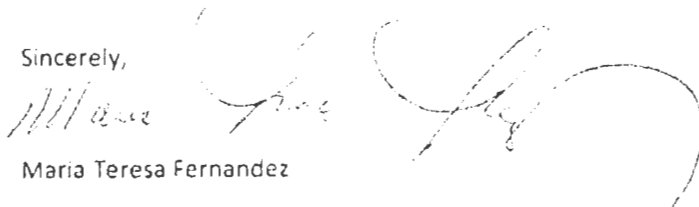
The City of Coalinga is currently lacking recreational locations for the community and commerce. A Flea Market location in Coalinga is a great idea. The surrounding communities Huron, Avenal, Greenfield and all living in the in between area would benefit from having a Flea Market nearby.

Having a place for local vendors to show case home made items other than the local annual carnival and Christmas boutique would be giving them a way to increase business for themselves.

The location is outside of city limits and centrally located from the communities mention above and would not create a disturbance to the City's residential zone. In fact the location is ideal for those traveling on I-5 that need to take a break from driving long distances.

In my opinion I would look forward to having the Flea Market here with in driving distance. Many like myself that prefer not to drive to the big City of Fresno and or Hanford if not necessary.

Sincerely,

A handwritten signature in dark ink, appearing to read "Maria Teresa Fernandez", with a long, sweeping flourish extending to the right.

Maria Teresa Fernandez

Fernandez Real Estate
390 Coalinga Plaza
Coalinga, Ca. 93210



CITY OF COALINGA
The Sunny Side of the Valley

April 13, 2020

To Whom It May Concern,

Please accept this letter of recommendation on behalf of Mr. Rito Gutierrez, a local business owner with several businesses located within the City of Coalinga.

During the last five years that I have known Mr. Gutierrez, he has always worked very hard to bring in new services to the City that add value to the community. He is very accessible, easy to work with, and he supports local community events and City efforts.

If you have any questions or concerns, I can be reached at (559) 935-1533 extension 111 or via email at mtrejo@coalinga.com.

Thank you.

Sincerely,

Marissa Trejo
City Manager

From: Kourtney Medlin <Kourtney@dplds.com>
Sent: Friday, April 10, 2020 3:21 PM
To: BOSComments
Cc: Jimenez, Bernard; Dirk Poeschel; Rito Gutierrez; Luis Bravo
Subject: Board Hearing: April 14th, 2020, Item No. 4 Submittal
Attachments: Revised Operational Statement.pdf; Dirk Poeschel's Testimony.pdf; Traffic video coming from Coalinga (West) .mp4; Traffic video coming from Freeway 5 (East) .mp4

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

Please see the attached Operational Statement and Testimony by Dirk Poeschel in regards to Item No. 4 on the agenda. Also, please see the two exhibit videos regarding the site distance and visibility.

If you have any questions or concerns, please do not hesitate to contact us! Thank you!

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**Coalinga Swap Meet
Conditional Use Permit No. 3632 Operational Statement**

Revised March 31, 2020

Applicant: Mr. Luis Bravo
3251 N. Marks Ave,
Fresno, CA 93703

**Property Owner/
Project Operator:** Mr. Rito Gutiérrez
Gutiérrez Properties, LLC
195 W. Elm Ave.
Coalinga, CA 93210

Representative: Dirk Poeschel Land Development Services, Inc.
923 Van Ness Ave., Suite 200
Fresno, CA 93721

APN: 073-090-20S

Zoning: AE-40 (Exclusive Agriculture)

Area: 78.18 +/- acres

Plan Area: Agriculture

Location: 23436 W. Jayne Ave.
Coalinga, CA 93210

REQUEST

Approve Conditional Use Permit No. 3632 to allow an agricultural commercial center consisting of an approximately 6 +/- acre flea market with related improvements on a 78.18 +/- acre parcel.

BACKGROUND

1. Nature of Operation –what do you propose to do? Describe in detail.

To provide a place for people who want to sell or barter merchandise such as used goods, collectibles, antiques, etc. in a family atmosphere. Merchandise will be sold in designated areas or under a tent provided by the specific vendor. Snacks, drinks, and beer will be sold in a custom food truck that will meet all county

codes and standards. Temporary canopies and shades will be provided by vendors.

2. Operational time limits:

The flea market will be open on the weekends only (Friday, Saturday and Sunday), from 5.00 AM to 10.00 PM. Vendors will arrive at 5AM or thereafter with customers arriving no earlier than 6AM. The site will close with all operations and people leaving the site by 10PM.

Alcohol can only be purchased from 11AM to 9:30PM. No off-site sale of liquor will occur.

3. Number of customers or visitors:

500 per day. The applicant will contract with the California Highway Patrol to provide an off-duty, uniformed officer to assist with traffic management as required.

4. Number of employees:

There will be a total of 5 employees that will work Friday, Saturday, and Sunday. Some incidental site maintenance may occur during the week.

5. Service and delivery vehicles:

An estimated 100 vendors with small cargo vans or light duty trucks with merchandise for sale.

6. Access to the site:

The site is adjacent to W. Jayne Avenue, a public road.

7. Number of parking spaces for employees, customers, and service/delivery vehicles.

There will be 200 parking spaces. The surface on the parking area is compacted dirt with overlay of grinded gravel to prevent dust.

8. Are any goods to be sold on-site? If so, are these good grown or produced on-site or at some other location?

Used goods, collectibles, antiques, etc. will be sold. Merchandise will be sold in designated areas or under a tent provided by the specific vendor. Snacks, drinks, and beer will be sold in a custom food truck that will meet all county codes and standards.

9. What equipment is used?

None.

10. What supplies or materials are used and how are they stored?

Restroom sanitation supplies will be stored in the restrooms.

11. Does the use cause an unsightly appearance?

No

12. List any solid or liquid wastes to be produced.

Refuse and recycling bins will be provided in a refuse enclosure.

13. Estimated volume of water to be used (gallons per day).

Water will be provided from existing well in good condition. 300 gallons are estimated to be used per day.

14. Describe any proposed advertising including size, appearance, and placement.

A 4' x 8' sign will be put in front of the entrance to the flea market.

15. Will existing buildings be used or will new buildings be constructed?

There are no existing buildings on the site. Both men and women ADA restrooms will be constructed. Future 100'x200' canopy is proposed to be built in the next 2 years

16. Explain which buildings or which portion of buildings will be used in operation.

None.

17. Will any outdoor lighting or an outdoor sound amplification system be used?

There will be a new 200 Amp 3 phase 120-240 breaker panel will be installed for outdoor lighting. There will be no amplified music.

18. Landscaping or fencing proposed?

A security fence surrounding the flea market and proposed green open area fronting W. Jayne Ave.

19. Any other information that will provide a clear understanding of the project or operation.

The facility will be operated by the property owner and his family. Security and safety are very important to create a family atmosphere. Professional security services will be hired as necessary.

20. Identify all Owners, Officers and/or Board Members for each application submitted.

Mr. Rito Gutiérrez
c/o Gutiérrez Properties, LLC
195 W. Elm Ave.
Coalinga, CA 93210

c:\users\kourtney medlin\datto workplace\current clients\coalinga swap meet 20-05\correspondence\operational statement.doc

**TESTIMONY of DIRK POESCHEL IN SUPPORT
of the
RITO GUTIÉRREZ FLEA MARKET CONDITIONAL USE PERMIT NO. 3632**

FRESNO COUNTY BOARD OF SUPERVISORS HEARING APRIL 14, 2020

AGENDA ITEM No. 4

My firm *Dirk Poeschel Land Development Services, Inc.* represents the project owner Mr. Rito Gutiérrez. Mr. Gutiérrez is a local businessman who successfully operates *Ricos Ribs* restaurant in Coalinga. He and his wife desire to build and operate a flea market that is located between his target population of Huron and Coalinga residents.

Mr. and Mrs. Gutiérrez are very entrepreneurial and excited about the business opportunity that the flea market presents to them. They have done everything the county has asked of them including preparing all the necessary studies that were requested for the project.

Required Findings

County staff concludes that all the required findings can be made to approve the project.

Mr. Gutiérrez hired JLB Traffic Engineers of Fresno who prepared a comprehensive traffic study that found no significant traffic issues are associated with the project. Subsequently, additional research was undertaken to assure that adequate site distance from the site entry is available in both directions. Video of that sight distance is available for viewing should you desire. Onsite parking and very long stacking lanes assure no impacts to county roads will occur.

Mr. Gutiérrez has also contacted the California Highway Patrol who will provide traffic control on Jayne Ave. should it be necessary. Such services will be at Mr. Gutiérrez' expense.

The site is in an isolated area so noise, light and glare should not be an issue. Mr. Gutiérrez will regulatory monitor Jayne Ave. to make a reasonable effort to keep the roadway clean and free of debris.

The period in which alcoholic beverages may be sold has been reduced since the planning commission to the hours of 11 AM to 9:30 PM. As required by state law, alcohol will only be consumed within an enclosed fenced and gated area defined as the *licensed premises* to prohibit unauthorized people from consuming alcohol.

Mr. Gutiérrez has contacted a local security firm who will be hired to assist him in making sure that the facility operates in a safe, pleasant and family friendly atmosphere.

There are no impacts to agriculture as the property has no agricultural value and has not been in production for decades. No proximate agricultural use exists that may be adversely affected by the project.

Upon retaining my firm, among other things, I reviewed the project operation statement and listened to the tapes of the county planning commission hearing. While your Board and your staff understand the special language of land-use, people like Mr. Gutiérrez do not. They are often at a distinct disadvantage in these types of hearings where English is not only their second language but the English being spoken is highly technical. I think those linguistic circumstances and highly improbable scenarios suggested by some commissioners contributed to the poor outcome at the planning commission.

What Mr. Gutiérrez lacks in technical language skills he more than makes up for in his entrepreneurial spirit and his desire to work hard and be proud of the product that he produces. This entrepreneurial drive is the essential quality of the small business that drives our economy.

Letters of Support

Please find the enclosed letters attesting to Mr. Gutiérrez' good character.

Project Support is Justified

As recommended by your staff, I respectfully ask you support this worthy request.

From: Carl Refuerzo <crefuerzo@wtjlaw.com>
Sent: Monday, April 13, 2020 8:06 AM
To: BOSComments
Cc: 'Jim Anderson'
Subject: April 14, 2020 Board of Supervisors Meeting - Board Agenda Item 4


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

Re: Board Agenda Item 4: Opposition to Appeal of Planning Commission's denial of Classified Conditional Use Permit, Application No. 3632
Date of Hearing before the Board of Supervisors: April 14, 2020.

This Opposition is submitted on behalf of James S. Anderson, a landowner/farmer near the proposed site. The denial of the CUP by the Planning Commission should be affirmed:

1. Potential use and value of neighboring properties would be diminished due to the aesthetics, traffic, alcohol sales and noise associated with the project.
2. Risk to both person and property will be impacted by the flea market.
 - A. Farm equipment will be vulnerable to theft and quick disposal at the flea market.
 - B. Increase in traffic poses a safety risk due to the frequent use of the roads by farm equipment.
 - C. This area is a habitat corridor for endangered species. The Staff Report does not adequately address the threat to endangered species.
 - D. Valley Fever has been reported in or near the location of the project. The Staff Report does not address risks posed by the project in an area where Valley Fever is prevalent. The parking lot will be dirt and gravel.
3. Services similar to those proposed for the flea market could be better accommodated in Coalinga, which is located near the site.
4. The proposal does not adequately address the safety concerns posed by the sale of alcohol. The proposal states that the sale of beer will be limited to one beer per customer, but is void of any explanation as to how this limitation will be enforced.
5. Other than the applicant, there was no testimony or other support of the application.

Regards-

 WHITNEY
THOMPSON &
JEFFCOACH

Carl R. Refuerzo
Attorney

559-753-2559 (Direct)
crefuerzo@wtjlaw.com

8050 N. Palm, Suite 110
Fresno, CA 93711
559-753-2550 (Phone)
559-753-2560 (Fax)
www.wtjlaw.com

This email has been scanned for spam and malware by The Email Laundry.

THE BUSINESS JOURNAL

FRESNO | KINGS | MADERA | TULARE

P.O. Box 126

Fresno, CA 93707

Telephone (559) 490-3400

(Space Below for use of County Clerk only)

IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

INITIAL STUDY APPLICATION NO. 7568 and CLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NO. 3632

DATE AND TIME OF HEARING:

APRIL 14, 2020 AT 9:00 AM

DECLARATION OF PUBLICATION (2015.5 C.C.P.)

MISC. NOTICE

STATE OF CALIFORNIA

COUNTY OF FRESNO

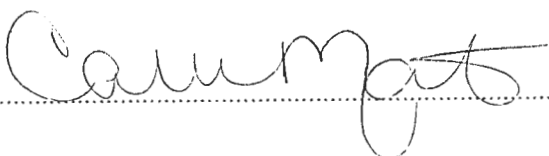
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of **THE BUSINESS JOURNAL** published in the city of Fresno, County of Fresno, State of California, Monday, Wednesday, Friday, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of March 4, 1911, in Action No.14315; that the notice of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

APRIL 1, 2020

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Fresno, California,

APRIL 1, 2020

ON



Notice of Public Hearing
Notice of hearing before the Board of Supervisors of the County of Fresno on **INITIAL STUDY APPLICATION NO. 7568 and CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3632** filed by **LUIS BRAVO** on behalf of **RITO GUTIERREZ**. Note: On February 13, 2020, the Fresno County Planning Commission denied this application, and on February 19, 2020, an appeal was filed by Luis Bravo to the Fresno County Board of Supervisors for consideration. Notice is hereby given that the Board of Supervisors of the County of Fresno has set this hearing for **Tuesday, the 14th day of April, 2020**, at the hour of **9:00 A.M. (or as soon thereafter as possible)**, in the **Board of Supervisors Chambers, Room 301, Hall of Records, 2281 Tulare St., Fresno, California**, as the time and place for holding a public hearing on the following matter:
Allow a flea market with related improvements on an approximately six-acre portion of a 78.18-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. The project is located on the north side of W. Jayne Avenue approximately 2.556 feet west of its intersection with El Dorado Avenue and 6.4 miles east of the nearest city limits of City of Coalinga (23436 W. Jayne Avenue, Coalinga) (Sup. Dist. 4) (APN 073-090-20S). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7568, and take action on Classified Conditional Use Permit Application No. 3632 with Findings and Conditions.

For more information contact **Ejaz Ahmad**, Department of Public Works and Planning, 2220 Tulare Street (Corner of Tulare & "M" Streets, Suite A), Fresno, CA 93721, telephone (559) 600-4204, email eahmad@co.fresno.ca.us. The full text of this Land Use Appeal will be available on the Fresno County website <https://fresnocounty.legistar.com/Calendar.aspx> under the April 14, 2020 meeting at the Meeting Details link by Wednesday, April 8, 2020. Ernest Buddy Mendes, Chairman Board of Supervisors
ATTEST:
BERNICE E. SEIDEL
Clerk, Board of Supervisors
04/01/2020