Exhibit M – Additional Information from Applicant

BRADLEY K. BOULDEN

Attorney at Law

355 E. Avante Avenue
Fresno, CA 93720
Ph: (559) 425-6330
Fax: (559) 553-6220

Writer's E-Mail: brad@bouldenlaw.com
File No. 9800.02

March 3, 2024

Via Email To Phillip Siegrist (3/3/24)
Planning Commission
2600 Fresno Street, 2nd Floor
Fresno, CA 93721

Re: Appeal Supplemental Letter To Planning Commission Appeal # P23-03471.

Dear Planning Commission:

This ***Appeal Supplemental Letter*** relates to Bauer's Planning Commission Continued Appeal hearing set for March 6, 2024.

Again, Bauer's respectfully requests that the Planning Commission modify the Confirmations issued by the City Planning Department provided in response to Zoning Inquiry No. P23-02357 (the "Confirmation"), to revise the last sentence of Paragraph 7 to provide as follows: ***"Based on the record of proceedings in this matter, the Planning Commission confirms that the Site is in conformance with the standards and requirements outlined under Policy and Procedure No. C-002 dated June 14, 2011."***

In further support of Bauer's prayer, and based on the discussion at the end of the Planning Commission Hearing on February 7, 2024, Bauer's respectfully submits the Declaration of Steven L. Severance, a State of California Licensed Contractor (please see attached declaration hereto). Mr. Severance testifies therein that well over 7,000 square feet of paving exists in the subject storage yard. The link for a YouTube drone video taken by Mr. Severance and identified in his declaration is as follows: https://www.youtube.com/watch?v=_b4gMGG8cDY.

Bauer's also offers the following additional information:

- Within the Agenda for this matter provided by the Planning Department to the Planning Commission for the Planning Commission appeal, the exhibit entitled: ***"Exhibit E - Zoning Inquiry P23-02357 Response Letter"***, please click on it and respectfully take note of the following:

  - ***Page 17***—Documents submitted in the 2011 Zoning Inquiry (Q-11-035) Application for the approval for C-002 from July 7, 2011, which is one month before the Zoning

Inquiry Approval Letter dated August 5, 2011—and two months before the 2011 TSA was signed by Bauer's and the other towing companies that passed C-002.

- ***Page 29***—These are images of the yard taken by the Planning Department prior to the Approval Letter dated August 5, 2011 in response to the Zoning Inquiry Q-11-035. These are clearly of the subject storage yard. Thus, the FPD and the Planning Department were aware of the paved area before the Approval Letter and signing of the 2011 TSA; and, all this information was available to the City prior to its Zoning Inquiry Decision. The pictures confirm that the City Planning Department knew Bauer's had paved area in its relevant storage yard as far back as 2011. Mike Sanchez, the signatory of C-002 and in-charge Planning Department Manager responsible for inspecting over 35 towing companies in 2011 inspected Bauer's storage yard and then authored the Approval Letter of August 5, 2011. Thus, Bauer's C-002 approval should have never been disturbed, disputed, and ultimately denied by the Planning Department giving rise to this Appeal.

- ***Pages 18 & 65***—Evidence that the $510 Zoning Inquiry Application Q-11-035 was filed and payment therefore was received on July 7, 2011.

- Bauer's, through its counsel at a meeting with the Planning Department, requested that Bauer's subject storage yard be visited, but the Planning Department informed Bauer's and its counsel that it had aerial photos and the inspection/representations by the Fresno Police Department.

- In the Appeal Hearing on February 7, 2024, the Planning Department represented to the Planning Commission that the Department recommended that Bauer's file a Zoning Inquiry in this matter. This is not entirely accurate. Bauer's was stuck in limbo with the Fresno City Attorneys claiming they thought Bauer's subject storage yard was not and/or might not be in compliance with C-002. The City Attorneys informed Bauer's and its counsel that Bauer's needed to deal with the Planning Department. The Planning Department then intimated that there was nothing in front of them to consider. Thus, Bauer's counsel worked with attorney Jeff Reid to plan to file the underlying zoning inquiry giving rise to this appeal.

- Mr. Phillip Siegrist presented on Wednesday, February 28, 2024, and examined and took photographs of Bauer's subject storage yard. Mr. Siegrist said the Planning Department will concede that the photographs previously uploaded on the Appeal Agenda that were in color and taken in 2023 were not of the subject storage yard, but of a separate piece of Bauer's property that comprises of the wrecking yard, which is wholly and separately apart from the subject storage yard that is the subject of C-002 approval.

- "Exhibit F – Appeal Letter" attached as an exhibit to the Agenda in this matter, on pages 38-40, demonstrate that the Planning Department conceded that Mr. Sanchez, as Planning Manager and in the same position in 2011 as Mr. Siegrist in currently, had the power to approve Bauer's in 2011 under C-002; and, that the alleged confusion giving rise to this Appeal was the alleged confusing language in the Approval Letter of August 5, 2011, which the Declaration of Mike Sanchez shortly thereafter squashed. Thus, C-002 approval for Bauer's should have never been disturbed, disputed, and ultimately denied by the

Planning Department—especially since the Planning Department found in its Zoning Inquiry Decision that Bauer's never operated in any way to lose its Legal, Non-Conforming zoning approval.

For the foregoing reasons, Bauer's respectfully requests that the Planning Commission Modify the Confirmations issued by the City Planning Department provided in response to Zoning Inquiry No. P23-02357 to revise the last sentence of Paragraph 7 to provide as follows:

"Based on the record of proceedings in this matter, the Planning Commission confirms that the Site is in conformance with the standards and requirements outlined under Policy and Procedure No. C-002 dated June 14, 2011."

Thank you for your time and consideration in this matter.

Sincerely,

Bradley K. Boulden

BKB:ivs

BRADLEY K. BOULDEN 229857
ATTORNEY AT LAW
355 E. Avante Avenue
Fresno, California 93720
Telephone Number: (559) 425-6330
Facsimile Number: (559) 553-6220
Email address: brad@bouldenlaw.com

Attorney for Appellant,
Bauer's Auto Wrecking And Towing

APPEAL TO CITY OF FRESNO PLANNING COMMISSION

In Re Consideration Of Bauer's Auto Wrecking And Towing (Located At 317 West Voorman Avenue (Assessor's Parcel No. 458-040-22)) Planning Commission Appeal From Zoning Inquiry No. P23-02357	**DECLARATION OF STEVEN L. SEVERANCE IN SUPPORT OF APPEAL OF BAUER'S TOWING TO PLANNING COMMISSION** **Hearing: March 6, 2024**

I, Steven L. Severance, declare as follows:

1. I am over the age of 18 and was first licensed as a contractor by the California State Contractor's Licensing Board in 1995, State License Number 701622. The facts set forth herein are personally known to me and, unless otherwise noted, are based on my firsthand knowledge and/or observation. If called as a witness, I could and would competently testify thereto under oath.

2. On or about Tuesday, February 20, 2024, I was hired by Mr. Edward Mason from Bauer's Auto Wrecking And Towing to physically examine and to capture aerial drone videos and photographs of Bauer's storage yard where towed vehicles are driven and stored. Specifically, I was tasked to physically take note of and capture, after walking and examining the property, aerial videos and photographs of the paved or asphalt areas of this subject storage yard.

3. After walking and inspecting the subject storage yard, and then drone filming and photographing the subject storage yard on February 20, 2024, it is my testimony that the subject storage yard contains a continuously paved surface from the gate on the Northwest portion of the storage yard South to the within feet of the Southernmost fence and West to all the fence lines in an area that is no less than 7,000 square feet based on measurements calculated.

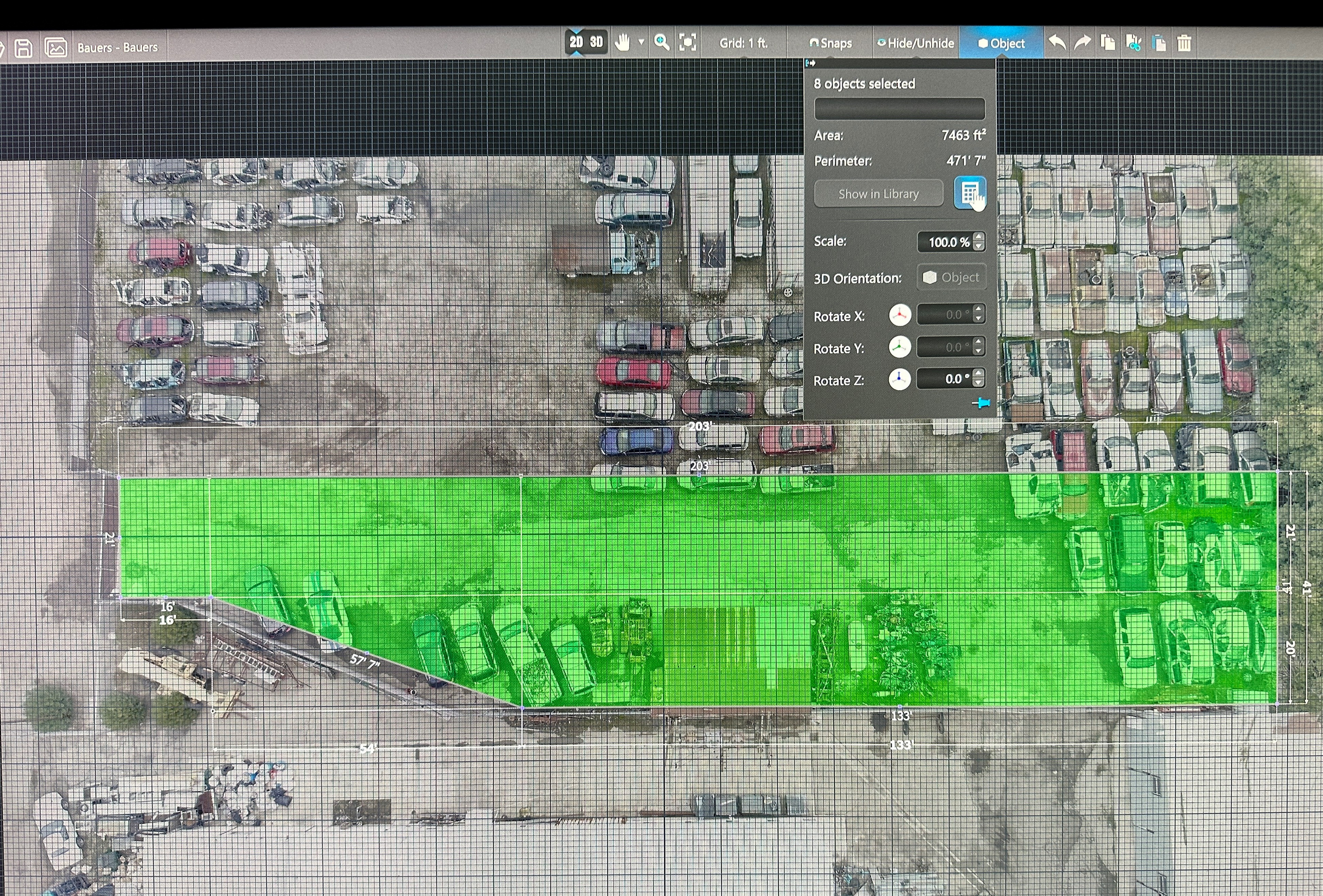
4. Attached hereto as Exhibit A are one (1) aerial photograph and one (1) aerial photograph containing green highlights that indicate the paved areas of the subject storage yard represent much greater than 7,000 square feet of paved surface thereon.

5. Attached hereto as Exhibit B is an illustration of the dimensions of the subject storage yard illustrating that much greater than 7,000 square feet of paved surface exists therein.

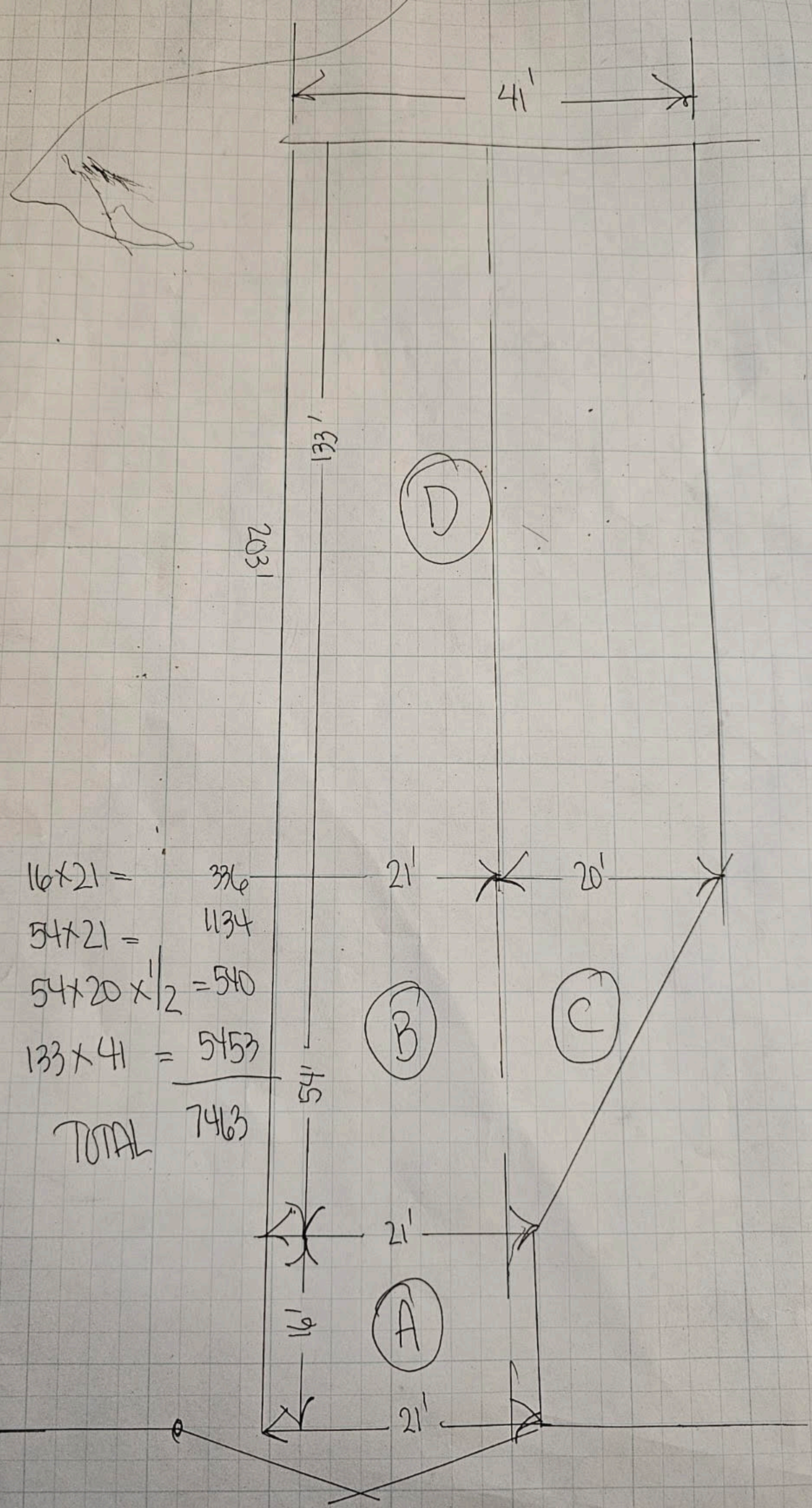
6. This is the YouTube address for the aerial drone video I captured on February 20, 2024. https://youtube.com/watch?v= b4gMGG8cDY&feature=shared. Please feel free to press "Control" + the mouse "click" button to view it. It was the bases for aerial pictures captured as well.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct, and that this declaration was executed in Fresno, California on February 29th, 2024.

STEVEN L. SEVERANCE



Bauers - Bauers
2D 3D
Grid: 1 ft.
Snaps
Hide/Unhide
Object
8 objects selected
Area: 7463 ft²
Perimeter: 471' 7"
Show in Library
Scale: 100.0 %
3D Orientation: Object
Rotate X: 0.0 °
Rotate Y: 0.0 °
Rotate Z: 0.0 °
203'
203'
21'
16'
16'
57' 7"
54'
133'
133'
21'
41'
20'



A	16×21 =	336
B	54×21 =	1134
C	54×20 × 1/2 =	540
D	133×41 =	5453
	TOTAL	7463