

Staff Findings per Fresno Municipal Code Chapter 15, Article 59, Section 15-5905

The Director or Planning Commission may only approve a Planned Development Permit application if it finds that the application is consistent with the purposes of this article and with the following:

Finding a:	<i>The proposed development is consistent with the General Plan, any applicable operative plan, and adopted policies, including the density and intensity limitations that apply; and,</i>
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Finding (a) cannot be made for the following reason: While the proposed project is consistent with the General Plan with respect to permitted uses and density and intensity limitations, the project is not consistent with several design principals and policies outlined in the Fulton Corridor Specific Plan, as described within the staff report to the Planning Commission; and, which specifically include but are not limited to:

- Design Principal No. 5. Interconnected Street Systems: Alleys provide access to parking and services at the back of building lots, reducing the number of conflicts between pedestrians and vehicles along sidewalks;
- Goal 6-10. Generate high quality pedestrian-oriented public space in Downtown.
 - i. Policy 6-10-5: In conformance with the Development Code require parking and services to be accessed from alleys.
- Goal 8-8. Generate a safe, inviting, interconnected walkable environment.
 - i. Policy 8-8-7: Reduce conflicts between automobiles and pedestrians by consolidating existing driveways and minimizing new curb cuts and driveways that cross sidewalks. Where alleys are present, retain them and require all new parking access to be taken from them.
- Goal 9-1. Provide a comprehensive transportation, circulation, and parking system that improves quality of life in Downtown.
 - i. Policy 9-1-9: In order to maximize on-street parking and pedestrian comfort and safety, and to provide a location for unsightly services such as trash pick-up, prohibit the closure or abandonment of existing streets and alleys, unless authorized by the City Manager.
- Goal 9-2. Carefully design streets to accommodate multiple transportation modes.
 - i. Policy 9-2-4: Require parking and services to be accessed from alleys where present in conformance with the Development Code.

Finding b:	<i>The subject site is physically suitable for the type and intensity of the land use being proposed; and,</i>
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Finding (b) can be made for the following reason: The subject property is surrounded by existing commercial, office, and mixed-use development. The subject property currently vacant, undeveloped, and underutilized. In addition, sidewalks and all required utilities and services either exist or will be provided. The project proposed is similar and complimentary to the existing buildings on the adjacent property and future development. Therefore, the subject site is physically suitable for the proposed mixed-use development and compatible with the surrounding uses.

Finding c:	<i>Adequate transportation facilities, utilities, and public services exist or will be provided, in accord with the conditions of PD approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of public services so as to be a detriment to public health, safety, or welfare; and,</i>
<p>Finding (c) cannot be made for the following reason: An important component of Downtown Fresno's street network is its alleys. Alleys provide access to surface parking behind buildings, as well as accommodate services such as deliveries and garbage. This street and block design ensures that street- and sidewalk-facing buildings are oriented towards people, and that buildings form a continuous, pedestrian-friendly frontage towards the street, while the backs of buildings are oriented towards cars and services. Therefore, vacating the existing alley and installing control gates each end of the proposed development thereby also necessitating an additional drive approach on L Street would disrupt the street network, negatively impact delivery of utilities and public services not only to the subject property, but also to the neighboring properties to the north and northwest.</p>	
Finding d:	<i>The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area; and</i>
<p>Finding (d) cannot be made for the following reason: The subject property is surrounded by existing commercial, office, and mixed-use development. The project proposed is similar and complimentary to design and massing of other existing buildings and similar developments within the vicinity. However, the request to vacate the existing alley would result in adverse effects on neighboring properties by disrupting the downtown street network and preventing reliable delivery of utilities and public services. Therefore, while the subject site is physically suitable for the proposed mixed-use development it is not compatible with the existing or future surrounding uses of the surrounding area.</p>	
Finding e:	<p><i>The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation, and/or substantial public benefit. In making this determination, the following factors should be considered:</i></p> <ol style="list-style-type: none"> <i>1. Appropriateness of the use(s) at the proposed location.</i> <i>2. The mix of uses, housing types, and housing price levels.</i> <i>3. Provision of infrastructure improvements.</i> <i>4. Provision of open space. For example, a greater amount of open space than would otherwise be provided under the strict application of this code.</i> <i>5. Connectivity to public trails, schools, etc.</i> <i>6. Compatibility of uses within the development area.</i> <i>7. Creativity in design and use of land.</i> <i>8. Quality of design, and adequacy of light and air to the interior spaces of the buildings.</i> <i>9. Overall contribution to the enhancement of neighborhood character and to the built and natural environment of Fresno in the long term.</i>

Finding (e) cannot be made for the following reason: The proposed mixed-use development will benefit the community by increasing the availability of residential units and commercial space that has the capacity to accommodate viable businesses in Downtown Fresno. In addition, the proposed mixed-use project will provide an overall improvement to the area through infill development of a vacant site and construction of new buildings resulting in a greater concentration of buildings and people in Downtown Fresno. Furthermore, the proposed project will provide pedestrian scale ground-level frontage that fosters an overall better pedestrian experience. However, while the project is aesthetically pleasing and compatible with surrounding uses, it is not considered to be demonstratively superior to the development that could otherwise occur under applicable development standards due to the proposed vacation of the alley in downtown and the need to facilitate vehicular access in a manner which would interrupt and create a conflict with the intended pedestrian environment prioritized by the Fulton Corridor Specific Plan and for which the Plan is focused. In addition, minimal open space is provided based upon the applicant proposal and the requested vacation is contrary to the City's objective infrastructure improvements.

If the Planning Commission decides to grant approval of the proposed project, then the Commission must find that there is substantial evidence in the administrative record that the project is consistent with the findings pursuant to FMC Section 15-5905.

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Finding to be made by Planning Commission

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