

Exhibit I

Notice of Opposition of CUP No. P23-02631- Rivendell Hall/Banquet/Venue Facility

Please be advised that the proposed Rivendell Event Center Use Permit should not be granted approval based on the same merits of denial assigned to the previously denied car wash proposal. The Council unanimously cited that the car wash proposed for 4927 E McKInely presented a public nuisance specific to noise and traffic. Therefore, those same principles apply to the proposed event center. First and foremost, the use has been operating without City approval for several years. During this period, the operator and its assignees have violated the City's requirements for a Conditional Use Permit, Building Occupancy requirements, and ADA Accessibility requirements. Subsequently, the proposed use also violates the recorded CC&R's (attached) assigned for the center. Please accept the following physical violations for the site that cannot be met:

1. Building has a Occupancy Type B (office) Type A required (assembly);
2. ADA interior- there has been no ADA accessibility upgrades meet to house the special needs use, much less an banquet/event center;
3. Overall center cannot support on-site parking based on a 650-700-person occupancy prescribed by the event center operational statement and Rivendell Marketing on social media (attached);
4. Interior has a newly constructed full bar without building permits that does not meet ADA requirements for disabled patrons;
5. Per the center's CC&R's, all parking is required to be maintained on-site, however the use entertains 650-700 persons per event (attached), yet the site provides approximately 100 stalls to be used not only by the venue, but also the other approximate 5 (five) tenants in the center;
6. Current parking does not include the future the future build-out of Parcel "A", which will eventually require center parking;
7. Parking overflow has been illegally spilling into off-site private parking fields of surrounding buildings without permission and/or authority;
8. Current use of the event center has been illegally utilizing Parcel "A"'s undeveloped site for overflow parking without permission from the property owner of Parcel "A";
9. The Venue operator has been permitting the parking of vehicles illegally along red-curbed Fire lanes within the center, which has detrimentally reduced required drive aisles below legal widths, making it impossible for an emergency service vehicle

to gain access in an emergency (please see active code enforcement case #E23-04774);

10. Events at the site allow event center guests to utilize neighboring businesses parking stalls without permission. This creates a liability should calls of service ever be received to these off-site parking uses.
11. Noise, traffic, reports of fights and illegal activity are common for this venue and should be considered a public nuisance to the Community and City;
12. There are current active Code enforcement case(s) filed against the use and its operation specific to the land use and parking violations;
13. The Traffic Study- a comprehensive traffic study shall be provided for review and consideration of a use permit.
14. A comprehensive parking analysis shall be provided and for consideration prior to review of the proposed non-conforming use. The proposed use shall conform to Table 15-2409 of the Fresno Municipal Code, which requires 1 parking stall per every 50 square feet. The venue advertises use of a 10,000 square foot facility which would require 200 conforming parking stalls. (off-site parking is not permitted and must be contained on-site).

Please see the following excerpts from the recorded CC&R's (attached):

Section 3. Use Restrictions.

- (a) Each unit is intended to be and shall be used for commercial sales or service commonly found in shopping centers and for no other purposes. (event center use is not a common use found in shopping centers).
- (i) He will not use, cause, or permit or permit the units to be used other than as provided in the condominium documents, nor will the use, cause or permit the unit to be subdivided, changes or altered without first having obtained the written approval of the Association. (Tenant Improvements have been made to the interior of the building without required building permits).
- (ii) He will not use, permit, or allow the unit or any part thereof to be used for an offensive or unlawful purpose, nor will he permit or allow any nuisance within the unit; (the use can be considered a public nuisance, i.e., noise, traffic, calls for service).

PROJECT APPLICATION NUMBER: P23-02631

In Response To:
NOITTA

When: Thursday, November 30, 2023

Comments:

"I received the notice neighborhood notification regarding this conditional use permit application by Rivendell community Inc. at 4927 E. McKinley Avenue I am a property owner directly behind that parcel and I would like to get additional information regarding this project and what documents you may be able to share with me regarding the extent of the development on this project specifically, I'd like to see the maps regarding parking and ingress and egress that may be changed and I find that the hours of operation are somewhat troubling as well. As you know Fine Street does not have street parking and McKinley does not have street parking and I have a lot of concerns regarding the numbers of people using this facility, parking, the length of time and the late hours."

"I will say that one of my colleagues has heard a lot of this kind of action going on at night in that building in the not too recent past, so it sounds like they have been using it as this banquet hall without the conditional use permit and I will tell you I have had three incidents of vandalism on my street facing building on fine, and it leads me to wonder what the issue is perhaps there is a lot more action and these people are parking street side. I will add that it is not legal on fine Avenue but nevertheless, I want to emphatically relay my objection to the increase in hours because as we know nothing good happens after 10 o'clock at night and the weeknight and weekend hours I think are excessive , especially when there's minimal to no policing in that area and I have had no communication with the police regarding my complaints. I've even called Tyler Maxwell who is the council person for that area and I got one call from him and nothing since then so I really feel this is an excessive, use of that facility in those hours permitted and I am against it. I would like to be notified with the action taken will be. And also register my resistance to this change and conditional use permit"

Action Notification:
Yes / No

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