

CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
NOTICE OF ACTION GRANTING SPECIAL PERMIT
DEVELOPMENT PERMIT APPLICATION NO. D-17-109 (ZONE CLEARANCE) AND
RELATED PLANNED DEVELOPMENT PERMIT APPLICATION NO. P18-03876

NOTICE IS HEREBY GIVEN that the Director of the Development and Resource Management Department, in accordance with Special Permit Procedure of the Fresno Municipal Code (FMC) Section 15-5009, has approved Development Permit Application D-17-109 (Zone Clearance) and Planned Development Permit Application No. P18-03876 filed by Ian Robertson, of iT Architecture, Inc., on behalf of Terrance Frazier of TFS Investments, LLC, for the entire ±1.37 acre easterly block of H Street, between Mono and Inyo Streets, in Downtown Fresno. The applicant requests authorization to redevelop the subject property in four phases. Phase I proposes an outdoor retail & entertainment center to be constructed from shipping containers. Phase II proposes the demolition of existing buildings and parking lot and construction of a 4-story mixed use apartment building consisting of approximately 7,000 square feet of ground floor retail, 48 one and two bedroom residential units with private balconies located on the second, third, and fourth floors, and 45 on-site parking spaces located behind the proposed retail/commercial space. Phase III proposes partial demolition of existing buildings and construction of a new single story restaurant, bar and entertainment venue. Specific plans for Phase IV are not known at this time.

Development Permit Application No. D-17-109 (Zone Clearance) was filed for purposes of facilitating physical development of the property and establishing certain permitted “by-right” uses. Planned Development Permit Application No. P18-03876 was filed for purposes of modifying certain development standards specific to Phase I which include but are not limited to minimum height requirements, commercial sidewalk connections, window and door opening designs, horizontal alignment, and required façade elements. The Zone Clearance (D-17-109) has been reviewed under the provisions of the Fresno Municipal Code (FMC) Zoning Ordinance, including Article 51. In addition, the Planned Development Permit has been reviewed under the provisions of the Fresno Municipal Code (FMC) Zoning Ordinance, including Article 59 of the FMC, which allows development standards and operative plans to be modified.

The subject property is zoned DTN (*Downtown Neighborhoods*).

The special permit has been granted subject to the following requirements:

- 1. Development shall take place in accordance with the Requirements of Approval for Development Permit Application No. D-17-109 (Zone Clearance) /Planned Development No. P18-03876 dated June 26, 2019.

*This document is available for review at the Development and Resource Management Department, located at 2600 Fresno Street, 3rd Floor, Fresno, California 93721 or by contacting the Department at the number listed below.

Planned Development Permit Application No. P18-03876 was granted subject to the following findings:

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 15-5905	
<i>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:</i>	
<i>a. 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>	
Finding a:	As proposed, Phase I will comply with the majority of applicable DTN (Downtown Neighborhood) zone district development standards. However, the integrated retail & entertainment center proposed under Phase I will incorporate shipping containers, shade structures, and a mix of alternative design and building materials not typically utilized and therefore requires greater flexibility than already provided for in the development code. Therefore, requested modifications have been proposed that will not compromise the intent of the development standards or General Plan and Downtown Neighborhoods Community Plan goals. The project supports a successful and competitive downtown by providing infill development that will revitalize a central core area of Downtown Fresno. Given the requested modifications, the proposed phased development (Phase I in particular) is consistent with the allowable land use and intensity requirements per the underlying zone district and with the goals, objectives, and policies contained in the Downtown Neighborhoods Community Plan and the Fresno General Plan.

<i>b. The subject site is physically suitable for the type and intensity of the land use being proposed; and,</i>	
Finding b:	The subject property is surrounded by existing commercial and light industrial uses. Portions of the subject property currently vacant, undeveloped, and underutilized. In addition, sidewalks and all required utilities and services either exist or will be provided. Phase I of the proposed is similar and complimentary to the existing buildings on the adjacent property and future phases of development (Phases II, III, & IV). Therefore, the subject site is physically suitable for the proposed integrated retail & entertainment center with outdoor dining and compatible with the surrounding uses.
<i>c. 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>	
Finding c:	Adequate access, parking, utilities and services shall be provided to serve the property and were reviewed for consistency with the requirements of the Downtown General planned land use and the DTN (<i>Downtown Neighborhood</i>) zone district. Approval of the special permit would be in accordance with applicable provisions of the FMC, including the determination that all findings have been made relative to the issuance of a development permit and planned development permit for the proposed project. Therefore, approval of the proposed integrated retail & entertainment center with outdoor dining (Phase I) will not be detrimental to public health, safety, or welfare.
<i>d. 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>	
Finding d:	The proposed integrated retail & entertainment center with outdoor dining (Phase I) is consistent with the Downtown Neighborhood planned land use designation for the project site. Furthermore, the proposed use is compatible with the surrounding commercial and employment properties and will not have a negative impact on either the subject site or neighboring properties. Approval of the special permit would be in accordance with applicable provisions of the FMC, including the determination that all findings have been made relative to the issuance of a development permit and planned development permit for the proposed project.
<i>e. 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> <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.	The proposed integrated retail & entertainment center with outdoor dining (Phase I) will benefit the community by providing new eating and drinking establishments, and entertainment venue, and a place for downtown residents and employees to congregate. The proposed project will provide an overall improvement to the area through infill development of a vacant site and construction of a new alternatively designed building that will result 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.

The Special Permit will not become effective until 15 days from the date the permit is granted in order to allow time for any interested parties to file an appeal.

NOTE: A Notice of Intent to Take Action was mailed to surrounding property owners pursuant to the requirements of Section 15-5007 of the FMC. This Notice of Action was sent to the property owner and any other person that requested notification pursuant to Section 15-5009 of the FMC.

In the event you wish to protest the Director's decision, you may do so by filing a written appeal with the Director. The appeal must include the appellant's interest in, or relationship to, the subject property, the decision or action appealed, and specific reason(s) why the appellant believes the decision or action should not be upheld, **and an appeal hearing fee of \$30.00. The fee is required prior to accepting the appeal, as required by Section 15-5017-A.1 and established by Master Fee Schedule.**

ANY WRITTEN appeal must be submitted to this office prior to close of business on:

July 12, 2019

For additional information regarding this project, contact Phillip Siegrist, Planner III, Development and Resource Management Department, 2600 Fresno Street, Fresno, California 93721-3604, by phone at **(559) 621-8061** or via e-mail at Phillip.Siegrist@fresno.gov. *Si necesita información en Español, comuníquese con McKencie Contreras al teléfono (559) 621-8066 or email Mckencie.Contreras@fresno.gov.*

DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
Jennifer K. Clark, Director

Dated: June 27, 2019

Assessor's Parcel No. 468-286-07, 08, 09, 10, 12

SEE MAP BELOW

VICINITY MAP



Project Area

