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July 9, 2019

Phillip Siegrist, Planner III Development and Resource Management Department 2600 Fresno Street Fresno, CA 93721-3604

Subject: Development Permit Application No. D-17-109 and Related Planned Development Permit

Application No. P18-03876

RE: Letter of Protest

Dear Mr. Siegrist:

Please accept this correspondence as Clark Bros. Inc.'s (CBI) formal protest of the development of the property as defined in the above subject permit applications. As described, the permit application proposes

to redevelop the subject property of the entire ±1.37 acre block of H street between Mono and Inyo Streets into 4 phases. Phase I is set to be an outdoor retail and entertainment center featuring restaurants, bars, a stage, and outdoor seating. This aligns to the proposer's (Terance Frazier) current entertainment model presently being ran through the <a href="Temporary Use Permit Application No. P19-00628">Temporary Use Permit Application No. P19-00628</a> for Property Located behind Buildings 704-762 H Street 721 Broadway (Permit Application) along with the <a href="Special Event">Special Event</a>, Facility, & Parks Application that closes the alley between H and Broadway and Inyo and Mono to traffic and opens it up to pedestrians.

The <u>Temporary Use Permit Application No. P19-00628 for Property Located behind Buildings 704-762 H Street 721 Broadway</u> is conditional upon several requirements. A few of those conditions have been violated. For example, the most egregious abuse of the conditions is the direct infringement upon *Part D – Miscellaneous*, *c) The Director, in approving the Temporary Use Permit has made the following determination:* 

- i. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City; and;
- ii. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas or a parking management plan.

According to an article in <u>GV Wire</u>, "20,000 People Can't Be Wrong. Downtown Fresno is the Place to Be," dated March 25, 2019 and authored by David Taub, it was estimated that 6,500 attended Alley Wave

Phillip Siegrist
Development & Resource Management Department
July 9, 2019
Page 2

on March 23, 2019. It is impractical for the City to believe that 6,500 people in the confines of the area described in the Permit Application are not going to create additional need for parking. The Permit Application does not include parking structures in Phase I for the "outdoor retail and entertainment center featuring restaurants, bars, a stage and outdoor seating." In fact, parking is not a consideration at all for this proposal; the only parking consideration provided in the Permit Application at all is only for the 4-story mixed use apartment building. As stated, Alley Wave generates an estimated 6,500 attendees. A more enhanced Alley Wave, because that is all Phase I clearly is, would certainly generate an even larger mass. Parking is clearly unsuitable Downtown for this large of a crowd.

The proposed planned development in the Permit Application would absolutely unreasonably affect adjacent properties. As you can see in the enclosed pictures, trash litters our property after recent events and we are left to do the clean-up. If you look closely at the cans under the fence in Picture 1, you will note that they are cut in half. This is a clear indication that these cans are being used to smoke cannabis and/or other drugs from them. Not only illegal, drug usage verifiably creates further crime, including violence and vandalism, the latter which is certainly a viable threat. Please note in Picture 2 and 3, and as witnessed by our photographer, the individuals smoking cannabis and passing a "joint" with the Staff Security not even a foot away. No action was taken against these individuals creating this crime.

In addition to illegal public smoking of cannabis, underage drinking has occurred at these events (see Picture 4), as well as a gang fight where at least 13 City of Fresno police officers were called out to the event (see Picture 5). All of these issues are clear violations of the conditions of the Temporary Use Permit for Alley Wave, and as defined is a clear nuisance and is detrimental to the safety, peace and comfort of our business.

Clark Bros. Inc. must also bring it to the City's attention that there are no time constraints on building out these phases. We do not believe that once Phase I is built out that any further development will occur. It is our belief that this Permit Application and its "Phases" is presented in whole to build an illusion of grandeur. The real intent is to create a party setting that not only caters to the underaged, gangs and the drug culture, but will scar the attempts of revitalizing downtown by making it nothing more than a place to party, further enhancing crime. Under the current Temporary Use Permit, six events were approved. The City has no codes that set limitations for this "block party" concept, and with the approval of the Permit Application, these parties can occur every week, or certainly even every day if the Owner so desires.

When reviewing the conditionally approved set of plans for the Permit Application, it is quite apparent that this "block party" mentality is the focus of this permit. As depicted in the Overall Site Plan, Page A-0.1, the patio designed in Phase 1 faces the alley, not the front of the street where those patronizing the business could enjoy the view. This obviously is in consideration of future alley events the Owner plans to establish. The location of the patio/bar venue is directly across the alleyway of our building and will certainly affect our company's ability to perform it business with the loud noise of the patrons and even louder noise of the music.

CBI understands the City's desire for downtown redevelopment and has played a crucial role in this venture. Not only have we beautified our building and its surroundings, but we have participated in the Downtown Fresno Foundation's "Create Here" competition in donating over \$20,000 worth of construction to assist one of the winners, "HoP PK," build out their new site on Van Ness. Make no mistake that Clark Bros. Inc. wants the City Downtown to grow, improve and revitalize; however, we need to do it right. The right way is not to encourage more crime and trash in our neighborhoods, but to bring in industry and businesses that can improved upon the landscape, not take away from it with more bad press and additional crime.

Phillip Siegrist
Development & Resource Management Department
July 9, 2019
Page 3

Clark Bros. Inc. will further protest the Temporary Use Permit as the permit holder is clearly in violation of its conditions. Of more importance, however, is the fact that we vehemently disapprove of magnifying this party venue by granting approval of the Permit Application and appeal to the City to head our concerns and deny this request.

Please contact me at any time with any of your comments, concerns or questions for further discussion.

Sincerely,

Lawrence Clark President









