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Jennifer K. Clark, AICP, HDFP
Director

October 4, 2021

Please reply to:
Jose Valenzuela
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Jose.Valenzuela@fresno.gov

Lyle Munsch
TETER A&E
lyle.munsch@teterae.com
(Sent via email only)

SUBJECT: PLANNED DEVELOPMENT PERMIT APPLICATION NO. P21-01805 FOR PROPERTY LOCATED AT 1510 VAN NESS AVENUE S/A (APNs: 466-142-03, -04, -07, -08, -09, -14, -15)

Dear Mr. Munsch:

On October 4, 2021, the Planning & Development Department Director **denied** Planned Development Permit Application No. P21-01805, requesting to waive development code requirement 15-1504-L-3 which prohibits the removal or vacation of existing alleys in the Downtown Plan Area. The subject application was file concurrently with related Development Permit Application No. P21-02255, which requests to construction of a 53-unit multifamily, mixed-used development at the location noted above. The project proposes to vacate the existing alley between Stanislaus and Calaveras Streets. The subject property is zoned DTN (*Downtown Neighborhood*).

The denial of this special permit application (P21-01805) upholds the citywide development code requirements and does not allow the vacation of alleys as part of the related Development Permit P21-02255.

In accordance with required findings specified for Planned Development Permits under Chapter 15, Article 59, §15-5905 of the FMC, the proposed modification, to allow the vacation of an alley, is denied based on the following:

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>

<p>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 which specifically include but are not limited to:</p> <ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> i. Policy 6-10-5: In conformance with the Development Code require parking and services to be accessed from alleys. • Goal 9-1. Provide a comprehensive transportation, circulation, and parking system that improves quality of life in Downtown. <ul style="list-style-type: none"> 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. <ul style="list-style-type: none"> i. Policy 9-2-4: Require parking and services to be accessed from alleys where present in conformance with the Development Code. 	
Finding b:	<p><i>The subject site is physically suitable for the type and intensity of the land use being proposed; and,</i></p>
<p>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.</p>	
Finding c:	<p><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>

<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 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>	
<p>Finding d:</p>	<p><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>
<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>	
<p>Finding e:</p>	<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</i></p>

APPEALS

The Directors decision may be appealed to the Planning Commission by filing a written appeal with the Director within 15 days of the date the action was taken. Appeals may be filed by any person aggrieved by the decision. The appeal shall include the appellant’s interest in or relationship to the subject property, the decision or action appealed and specific reasons why the applicant believes the decision or action appealed should not be upheld. The appeal shall be signed by the person making the appeal and accompanied by the required fee.

If you wish to appeal the decision, a written request must be received at the Planning and Development Department by **October 19, 2021**. The written request should be addressed to the Planning and Development Director and the project planner identified below, and include the application number referenced above.

Please submit the request in writing (mail or email to publiccommentsplanning@fresno.gov and CC the planner listed above and below) to the Planner by the date noted above.

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If you have any questions regarding this letter, feel free to contact me at (559) 621-8070.

Sincerely,



Jose Valenzuela, Planner III
Development Services Division