

## Exhibit K

**City of Fresno  
Planning and Development Department**

**Conditions of Approval  
February 7, 2024**

**Development Permit Application No. P23-00186**

Planner: Michael Tran 559-621-8041

**PROJECT DESCRIPTION**

**Development Permit Application No. P23-00186** were filed by Jared Brandt, of Centerline Design, on behalf of Brad Morris of DDYS Investments Granite Park LLC and pertain to approximately 1.96 acres located at 3147 East Gettysburg Avenue.

**Development Permit Application No. P23-00186** proposes development of two professional office complex of approximately 13,680 square feet of office space. The office complex will comprise of two (2) 4,800 square-foot office buildings and two (2) 2,040 square foot office buildings. Additional on and off-site improvements to be provided include parking, landscaping, curbs and gutters, and sidewalks. Vehicular access is proposed to be provided via two (2) new drive approaches; one onto North Fresno Street and the other onto East Browning Avenue. In addition, the project will require dedications, vacations, and/or acquisitions for public street rights-of-way as well as the construction of public facilities and infrastructure in accordance with the standards, specifications and policies of the City of Fresno in order to facilitate the proposed development of the subject property.

**APN:** 418-021-14

**ADDRESS:** 5612 North Fresno Street

**EXHIBITS:** A, E, F, L, and O dated 2/25/2020

**EXISTING ZONING:** O/cz (*Office/conditions of zoning*)

**PROPOSED ZONING:** O (*Office*)

**PART A - ITEMS TO BE COMPLETED**

**The following items are required prior to issuance of building permits:**

Planner to check when completed	
<input type="checkbox"/>	Development shall take place in accordance with Exhibits A, E, F, L, and O dated 2/25/2020. Transfer all comments and conditions on Exhibits to the corrected exhibit(s) and <b>submit to planner at least 15 days prior to issuance of building permits.</b>
<input type="checkbox"/>	<p><i>Lot Line Adjustment is required for the parcel merger.</i></p> <p><i>Note: Parcel information is subject to the Final Lot Line Adjustment recording. Once complete, please provide the following information:</i></p> <ul style="list-style-type: none"><li>• <i>Legal Description.</i></li><li>• <i>Property dimensions.</i></li><li>• <i>Depict easement(s).</i></li></ul>
<input type="checkbox"/>	Comply with Section 15-2016 of the FMC: Trash and Refuse Collection Areas and Public Works standards.
<input type="checkbox"/>	Comply with Section 15-2015 of the FMC:

	<p><i>All exterior doors, during hours of darkness shall be illuminated with a minimum of 0.5 foot-candle of light.</i></p> <p><i>All parking lots and garages shall be illuminated with a minimum of 0.5 foot-candle of light</i></p> <p><i>Maximum height of lighting fixtures shall not exceed 25 ft within 100 ft of any street frontage; 30 ft in any other location</i></p> <p><i>Verify compliance.</i></p>
<input type="checkbox"/>	<i>Identify the proposed medical office building as “Pad 1” and the future building as “Pad 2.”</i>
<input type="checkbox"/>	<i>Provide the vehicle overhang dimension for the parking stalls with wheel stops.</i>
<input type="checkbox"/>	<i>Revise ADA parking stalls vehicle overhang dimension to 3’.</i>
<input type="checkbox"/>	<i>At least two cladding materials (excluding roof and foundation) must be present. This requirement has not been met. Please revise site plan and/or elevation to represent this requirement pursuant to Section 15-1105-B.2 of the FMC.</i>
<input type="checkbox"/>	<i>At least three exterior colors must be present. This requirement has not been met. Please revise site plan and/or elevation to represent this requirement pursuant to Section 15-1105-B.2 of the FMC.</i>
<input type="checkbox"/>	<i>Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties.</i>
<input type="checkbox"/>	<i>All exterior mechanical and electrical equipment (including roof top HVAC equipment) shall be screened or incorporated into the design of buildings so as not to be visible from major streets, highways, passenger railways, or abutting Residential Districts. Please revise site plan and/or elevation to represent this requirement pursuant to Section 15-2011 of the FMC.</i>
<input type="checkbox"/>	<i>Should overall development of the site include phasing, temporary landscaping shall be provided on those portions temporarily undeveloped.</i>
<input type="checkbox"/>	<i>Provide a Type 2 Landscape Buffer in accordance with FMC Table 15-2305-C-2. This shall be reflected on the landscape plan.</i>
<input type="checkbox"/>	<p><i>The landscape design plans at a minimum shall:</i></p> <p><i>a. Delineate and label each hydrozone by number, letter, or other methods;</i></p> <p><i>b. Identify each hydrozone as low, moderate, high water, or mixed water use; and</i></p> <p><i>c. Identify recreational areas, areas solely dedicated to edible plants, areas irrigated with recycled water, type and surface of water features, impermeable and permeable hardscape, and any infiltration systems.</i></p>
<input type="checkbox"/>	<i>If you are using water features, recirculating water systems shall be used.</i>
<input type="checkbox"/>	<i>Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape. Verify on the plans.</i>
<input type="checkbox"/>	<i>A minimum 3-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except turf areas, creeping or rooting ground covers, or direct seeding applications where mulch is contraindicated.</i>

<input type="checkbox"/>	<i>For soils less than 6% organic matter in the top 6 inches of soil, compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil.</i>
<input type="checkbox"/>	<i>The following statement must be provided on the landscape exhibit "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plans."</i>
<input type="checkbox"/>	<i>A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes.</i>
<input type="checkbox"/>	<i>A Certificate of Completion shall be filled out and certified by either the designer of the landscape plans, irrigation plans, or the licensed landscape contractor for the project.</i>
<input type="checkbox"/>	<i>An irrigation audit report shall be completed at the time of final inspection.</i>
<input type="checkbox"/>	<i>Comply with section 15-2018, vegetation and structures may not exceed a height of three feet within the triangular sight-distance area formed by the intersecting curb lines (or edge of pavement when no curbs exist) and a line joining points on these curb lines at the locations and distances</i>

## **PART B - OTHER AGENCY COMMENTS AND CONDITIONS**

To be checked when completed where applicable

<input type="checkbox"/>	<p>1. <u>Airports:</u></p> <p><i>Airspace Protection &gt; Airspace review required for any objects (temporary or permanent) over 100 feet tall.</i></p>
<input type="checkbox"/>	<p>2. <u>Building and Safety Services:</u></p> <p><i>The following items require a separate process with additional fees and timelines, in addition to the Development Permit Application process.</i></p> <p>1. <i>Building, Grading and Utility plans are required to be submitted to Building and Safety Services Division for approval and permits for the proposed project.</i></p> <ul style="list-style-type: none"> <li><i>Verify permanent drainage facilities are provided by Fresno Metropolitan Flood Control District (FMFCD). Contact Jason Clark at (559) 456-3292 for additional information.</i></li> <li><i>All Construction Documents must be designed, stamped and signed by a licensed Architect/Engineer.</i></li> </ul>
<input type="checkbox"/>	<p>3. <u>Land Division Impact Fees:</u></p> <p><i>Comply with the requirements included within the attached Impact Fees memorandum dated April 17, 2023.</i></p>
<input type="checkbox"/>	<p>4. <u>Department of Public Utilities (Sanitary Sewer, Water, And Solid Waste Service):</u></p> <p><i>Comply with the requirements included within the attached Department of Public Utilities memorandum dated April 21, 2023.</i></p>
<input type="checkbox"/>	<p>7. <u>Fire Review:</u></p> <p><i>All revisions to plans shall be called out with a cloud or delta.</i></p> <p><i>If you have questions and would like more information regarding FFD Development Policies</i></p>

*please see the following: <https://www.fresno.gov/fire-training/manuals-and-forms/>*

*1. Buildings and exterior storage areas sites under 450 feet in depth or width may have a single point of access with approved turnarounds complying with FFD policy 403.002. (FFD Development Policy 403.002)*

*2. Note on plan: All types of vehicle access shall maintain a minimum of 13 feet, 6 inch vertical clearance over the entire width of the access. (FFD Development Policy 403.002) \*\*\*The trees in the parking lot area where the turn radius is provided for fire department access are shown to encroach upon the fire lane.*

*3. All types of access shall not exceed a 10 percent grade or contain any irregularity creating an angle of approach or departure in excess of 10 percent, except as approved by the Fire Marshal (or designee). (FFD Development Policy 403.002)*

*4. Provide a covenant for shared firefighting access and water supply.*

*5. Note on plan: Access shall be maintained with a minimum clear drive width of at least 20 feet. Additional clear widths may be required and shall be approved by the Fire Marshal (or designee). (FFD Development Policy 403.002)*

*6. Emergency vehicle access shall be designated by painting the curb red (top and side) and stenciling "FIRE LANE NO PARKING" in 3-inch white letters on the most vertical curb, at least every 50 feet. If no curb is present, a minimum 6-inch wide red stripe shall be painted along the edge of the roadway with "FIRE LANE" in 3-inch white letters at least every 50 feet. (FFD Development Policy 403.005) \*\*\*The main vehicle approach providing access to the complex is noted to be 30 feet wide on the site plan. To ensure the space is not utilized for parking, mark the curbs at the vehicle entrance access with fire lane markings.*

*7. Where roof eaves are more than 30 feet in height, measured from grade, 26-foot driveways shall be located directly adjacent to at least one long side of the building. The aerial fire apparatus access shall extend at least 45 feet beyond each end of the building. This allows for access to the corners of the building and to accommodate a set up area out of the collapse zone. Aerial fire apparatus access shall comply with all access and turnaround requirements. (FFD Development Policy 403.002) \*\*\*Show the actual building height on the site plan for building 2. The site plan shows the actual building height to be +30 feet but Page A-3.1, elevation, shows the building height to be +27 feet. If the building height is +30 feet, then notes 8 - 10 shall apply.*

*8. Aerial fire apparatus access (near edge) shall be located a minimum 15 feet and a maximum 30 feet away from the building. (FFD Development Policy 403.002)*

*9. Overhead utility, power lines, large trees, and other obstructions shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. (FFD Development Policy 403.002)*

*10. Aerial fire apparatus points shall be located on the long side of the building. (FFD Development Policy 403.002)*

*11. Note on plan: Fire hydrants and access roads shall be installed, tested and approved and*

	<p><i>shall be maintained serviceable prior to and during all phases of development. The 4½ inch outlet shall face the access lane.</i></p> <p><i>12. Show the proposed location of fire sprinkler riser and Fire Department Connection (FDC). Note on plan: Interior sprinkler risers not located within five feet of an exterior door require an exterior wall mounted indicating control valve. FFD Policy Nos. 405.003 and 405.025.</i></p> <p><i>13. Show the location of the fire department connection. Fire department connections shall not be installed within five (5) feet of any building opening, excluding a fire department riser access door. (FFD Development Policy 405.025) ***On Page A-0.1, show the location of the fire sprinkler riser and FDC for Building Two.</i></p> <p><i>14. Fire department connections shall be located within forty (40) feet of a fire apparatus access lane. (FFD Development Policy 405.025)</i></p> <p><i>15. The minimum size of all fire department connections shall be based upon the system type. No connection shall be less than 2½ inch in size. (FFD Development Policy 405.025)</i></p> <p><i>16. Fire department connections shall be located on the street side of buildings facing approved fire apparatus access roads, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the fire chief. 2022 CFC, Section 912.2.1.</i></p> <p><i>17. Address Identification. For new and existing buildings, the fire code official is authorized to require approved address or building area identification signage as needed to readily determine the building or area of a building protected by fire department connections. 2022 FMC, Section 10-50912.4.4</i></p> <p><i>18. Provide an exterior Knox box on the ground floor adjacent the main entrance at a height of 6 feet from grade. Knox boxes shall be provided for buildings where any of the following conditions exist: high-rise building, interior elevator (s), fire sprinkler system with interior riser(s), fire pump rooms, fire alarm system, unduly difficult access, and/or where required by the Fire Marshal (or designee). Keys placed in the Knox box shall be identified with a tag or label. Knox boxes may be ordered on line at <a href="https://www.knoxbox.com/store/departmentsSearch.cfm">https://www.knoxbox.com/store/departmentsSearch.cfm</a>.</i></p> <p><i>This project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of DARM when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.</i></p>
<input type="checkbox"/>	<p>8. <u>Fresno County Environmental Health:</u></p> <p><i>Recommended Conditions of Approval:</i></p> <ul style="list-style-type: none"><li><i>• The applicant will be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.</i></li></ul>

	<ul style="list-style-type: none"> <li>• <i>Prior to occupancy, the applicant must register any radiation diagnostic equipment with the California Department of Public Health, Radiologic Health Branch. Contact the registration staff at (916) 327-5106 for more information or visit the webpage at: <a href="https://www.cdph.ca.gov/Programs/CEH/DRSEM/Pages/RHB-X-ray/Registration.aspx">https://www.cdph.ca.gov/Programs/CEH/DRSEM/Pages/RHB-X-ray/Registration.aspx</a>.</i></li> <li>• <i>The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the City of Fresno Municipal Code.</i></li> <li>• <i>If the applicant(s) proposes to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<a href="http://cers.calepa.ca.gov/">http://cers.calepa.ca.gov/</a>). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.</i></li> <li>• <i>Should any underground storage tank(s) be found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.</i></li> <li>• <i>As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.</i></li> </ul>
<input type="checkbox"/>	10. <u>Planner Review:</u>  <i>Demonstrate compliance with all comments/conditions contained in the final conditions of approval including those from partner departments and agencies.</i>
<input type="checkbox"/>	11. <u>Fresno Unified School District:</u>  <i>Comply with the requirements included within the attached Fresno Unified School District memorandum dated March 31, 2023.</i>
<input type="checkbox"/>	12. <u>Pacific Gas &amp; Electric (PG&amp;E):</u>  <i>Comply with the requirements included within the attached PG&amp;E memorandum dated April 24, 2023.</i>
<input type="checkbox"/>	13. <u>Public Works Engineering (Median Island Maintenance/Street Trees):</u>  <i>Comply with the requirements included within the attached Street Trees memorandum dated April 17, 2023.</i>
<input type="checkbox"/>	14. <u>Public Works, Traffic Planning:</u>  <i>See Public Works, Land Planning Section conditions of approval dated May 17, 2023 and redline Exhibit CP1 dated March 30, 2023, in the record attachments. For questions, please contact Braulio Flores at <a href="mailto:Braulio.Flores@fresno.gov">Braulio.Flores@fresno.gov</a> or at (559) 621-8806.</i>
<input type="checkbox"/>	15. <u>San Joaquin Valley Air Pollution Control District (SJVACD):</u>  <i>Comply with the requirements included within the attached SJVAPCD memorandum dated April 24, 2023.</i>
<input type="checkbox"/>	16. <u>Fresno Metropolitan Flood Control District (FMFCD)</u>

		<u>Comply with the requirements included within the attached FMFCD memorandum dated April 25, 2023.</u>
<input type="checkbox"/>	17.	<u>Fresno Irrigation District</u>  <i>Comply with the requirements included within the attached FID memorandum dated April 26, 2023.</i>

PART C - PLANNING DEVELOPMENT CODE STANDARDS

**1. Density and Intensity Standards**

- A. Project complies with applicable density and intensity standards

**2. General Site Regulations**

- A. The project complies with the required lot & intensity and building form & location standards for employment districts pursuant to FMC Tables 15-1303-1 & 2.

**3. Site Design**

- A. Given the conditions of approval, the project presents an attractive appearance to public streets, is aesthetically and functionally compatible with nearby development, demonstrates a high level of quality design, and supports the growth in value of surrounding properties and therefore complies with the Site Design Development Standards pursuant to FMC Sections 15-1304.

**4. Parking and Loading**

- Provide short term bicycle parking as required by Section 15-2429 of the FMC.
- Long-Term Bicycle Parking shall be provided when required by the California Green Building Standards Code, as may be amended.

**5. Landscaping**

- A. Landscaping must be in place before issuance of the certificate of occupancy. A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Development Services Division. **(Include this note on the site and landscape plans.)**
- B. New landscaping shall have an automatic irrigation system designed to provide adequate and efficient coverage of all plant material. Irrigation systems shall comply with the requirements of the California Green Building Standards Code and/or the California Model Water Efficient Landscape Ordinance and/or the California Plumbing Code as may be amended.
- C. Additional landscaping requirements including landscape plan requirements, landscape design standards, and general landscaping standards can be found in Chapter 15, Article 23 of the Fresno Municipal Code.

**6. Façade**

In the O District, the following standards shall apply:

- a. Each side of a building that is visible from a Major Street shall be designed with a complementary level of detailing and quality of materials.
- b. There shall be a minimum of two exterior wall finish materials.
- c. Veneers should turn corners, avoiding exposed edges and continue down the side of a building to a logical break, such as a change in wall plane. Material changes at outside corners should be avoided.



- d. Building entrances and common areas shall be accentuated with enhanced finishes and materials that are durable and high quality and distinguish these spaces from other elements of the building.
- e. Metal buildings should employ a variety of building forms shapes, colors, materials, and other architectural treatments to add visual interest and variety to the building. Architectural treatments should emphasize the primary entrance to the building.
- f. Unless roofing materials are part of the design element (for example, tiles, concrete, or metal roofing elements), the ridge line elevation should not exceed the parapet elevation.
- g. Windows shall maintain a consistent design character throughout the development and shall be of the same material on all elevations facing a street.
- h. Parking areas and structures shall be designed to match and be compatible with the architectural character, materials, and colors of the overall development.

## 7. Fencing

### 1. Front Yard.

- a. **Wrought Iron or Tubular Steel.** A fence up to four feet in height may be installed within any required front yard setback. Fences must be open a minimum of 80 percent (e.g., no more than 20 percent opaque) to allow for the passage of light and air.
- b. **All Other Materials.** All other fences within any required front yard setback are permitted up to three feet in height and shall comply with the main building setback, minus five feet.

### 2. Street-Side Yard.

- a. **Wrought Iron or Tubular Steel.** A fence up to four feet in height may be installed within any required front yard setback. Fences must be open a minimum of 80 percent (e.g., no more than 20 percent opaque) to allow for the passage of light and air.
- b. **All Other Materials.** All other fences within any required street side yard setback are permitted up to three feet in height and shall comply with the main building setback, minus five feet.

3. **Other Yards.** Outside of the required front yard and street-side yards, the maximum height for fences is seven feet (regardless of location on the site) unless the fence is part of Outdoor Storage per Section 15-2013, Outdoor Service Yards and Storage.

4. **Setbacks.** Unless a greater setback is required in another section of this Code, fences shall be set back 12 inches from the back of adjacent sidewalks, or from the curb or shoulder if there is no sidewalk. Fences may be placed on interior side and rear property lines.

Fences, greater than 125 feet in length in Residential Districts and/or along Major Streets, shall incorporate decorative pilasters with decorative caps spaced no more than 30 feet apart. This shall not apply to industrial districts, unless the industrial district is located on the same side of the street as existing, planned, or zoned residences.

**Common Property Lines.** A six-foot-high screen wall shall be provided on the interior lot lines where any non-residential use abuts a residential district and where multi-family development of four or more units abuts a single-family residential district. Walls shall step down to three feet in height along interior property lines within front yards.

All other fencing (future or proposed) shall comply with FMC Section 15-2006-F.

**8. Special Use Requirements** This section is not applicable.

**Operational Requirements** This section is not applicable.

## PART D - PLANNING - OTHER REQUIREMENTS

1. Development shall take place in accordance with the policies of the Fresno General plan, Hoover Community Plan, FYI Specific Plan, Fresno County Airport Land Use Compatibility Plan, and with the Employment - Office planned land use designation.
2. Development shall take place in accordance with the O (*Office*) zone district and all other applicable sections of the Fresno Municipal Code
3. Comply with the operational statement submitted for the proposed project dated April 3, 2020.
4. Comply with all applicable mitigation measures detailed in the attached Project Specific Mitigation Monitoring Checklist contained in the environmental assessment adopted for the project.
5. Development shall comply with all prior special permits on the property and any applicable conditions of zoning except for those removed or modified per Rezone Application No. P23-03475.
6. Property development standards and operational conditions are contained in Articles 14, 20, 23, 24 and 25. Any project revisions, development and operation must comply with these property development standards and operational conditions.
7. Development shall take place in accordance with the "General Notes and Requirements for Entitlement Applications" listed below if applicable.

#### PART E - MISCELLANEOUS AND GENERAL NOTES AND REQUIREMENTS

**Not all notes and requirements listed below are applicable to all projects.**

1. Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. *This special permit is granted, and the conditions imposed, based upon the Operation Statement provided by the applicant. The Operation Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operation Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operation Statement.* Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the special permit or any other enforcement remedy available under the law. The Planning and Development Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.
2. Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:
  - a) All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
  - b) All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
  - c) Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.
3. No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished, or moved in any zoning district, except in accordance with the provisions of this Code. Specific uses

of land, buildings, and structures listed as prohibited in any zoning district are hereby declared to be detrimental to the public health, safety, and welfare.

4. Development shall take place in accordance with the Standards, Specifications, and Standard Drawings of the City of Fresno Public Works Department; [Click Here](#)
5. Development shall take place in accordance with all city, county, state and federal laws and regulations.
6. Owners and persons having ownership interest in businesses operating in the City of Fresno (including leasing out any commercial or industrial property, or renting out four or more dwelling units) are required by the Fresno Municipal Code to obtain a Business Tax Certificate. Contact the City of Fresno Finance Department's Business Tax Division at (559) 621-6880 for more information. Information and an application form is available at the following website: [Click Here](#)
7. All proposed building(s) or structure(s) constructed on the property must comply with the prevailing California Building Code Standards.
8. Any building modifications and/or additions not included with this application are not approved with this special permit and would be subject to a new special permit.
9. A permit granted under this Code shall automatically expire if it is not exercised or extended within three years of its issuance. Refer to section 15-5013, Expiration of Planning Entitlements, for more information about the exercise of rights.

#### **FENCES/WALLS, LANDSCAPING, PARKING**

10. Nothing in this Development Code shall be deemed to prohibit the erection of temporary fencing around construction sites in compliance with the Building Code and other applicable provisions of the Fresno Municipal Code.
11. Future fences shall be reviewed and approved by the Planning and Development Department prior to installation.
12. Fences, hedges, and walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the maximum allowed height. Fences shall be maintained and shall stand upright and shall not lean.
13. All planting and other landscape elements shall be permanently maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. Yards shall be maintained free of refuse, debris, rubbish, or other accumulated matter and/or materials, and shall be maintained clean. Grass shall not exceed six inches in height.
14. Trees shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, accidents, vandalism, insects, and disease. Any tree showing such damage shall be replaced with another tree.
15. No tree for which a Tree Removal Permit is required shall be removed until all conditions of the permit have been satisfied and the decision has become final. In addition, tree(s) approved for removal in conjunction with a development application shall not be removed before the issuance of a Building Permit or unless all of the conditions of approval of the development applications are satisfied.
16. The review authority shall issue a Tree Removal Permit if any of the following general criteria is met:
  - a) The tree(s) is irreparably diseased or presents a danger of falling that cannot be controlled or remedied through reasonable preservation and/or preventative procedures and practices so that the public health or safety requires its removal.

- b)** The tree(s) can potentially cause substantial damage to existing or proposed main structure(s) (e.g. dwellings, other main structures, or public infrastructure) or interfere with utility services and cannot be controlled or remedied through reasonable relocation or modification of the structure or utility services.
- c)** The retention of the tree(s) restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly zoned and situated properties, and the applicant has demonstrated to the satisfaction of the Review Authority that there are no reasonable alternatives to preserve the tree(s).
17. Future tenant improvements shall be reviewed and approved by the Planning and Development Department to ensure that adequate off-street parking is provided.
18. The number of trees required for parking lot shading are in addition to trees required elsewhere on the site as prescribed in other sections of this Code
19. Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.
20. A minimum number of accessible parking stalls are required for the proposed project per State of California Building Code, "Development Requirements for Handicapped Accessibility."
21. All accessible stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles. **(Include this note on the site plan.)**
22. Applicants are encouraged to provide shared vehicle and pedestrian access between adjacent properties for convenience, safety, and efficient circulation. A joint access covenant shall be required. **(Include this note on the site plan.)**
23. All general standards of Section 15-2015 of the FMC shall apply when lighting is provided to illuminate parking, sales or display areas. **Depict all proposed lights on the site plan.**
24. Bicycle parking spaces shall be supplied according to Table 15-2429-D: Required On-Site Bicycle Parking Spaces of the Fresno Municipal Code (FMC). Each bicycle parking space shall be a minimum of 30 inches in width and eight feet in length and shall be accessible without moving another bicycle. At least 30 inches of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces to allow for the maneuvering of bikes. Overhead clearance shall be a minimum of seven feet. A minimum five foot aisle between each row of bicycle parking shall be provided for bicycle maneuvering beside or between each row, when multiple rows are proposed. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures.
25. All general provisions of Section 15-2403 of the FMC shall apply to all parking areas.

### **SIGNAGE**

26. All future signs shall be architecturally compatible with the proposed building(s). Provide a set of drawings, with descriptive information, including, materials, design and colors to allow for a preliminary assessment of the future signage. It is recommended that you provide a copy of the signage early in the project process to allow for staff comment.
27. Signs, other than directional signs, if applicable, are not approved for installation as part of this special permit. **(Include this note on the site plan.)**

28. All proposed signs shall conform to the current sign ordinance. Applications for a sign permit and requirements for submittal are available at the Planning and Development Department's Public Front Counter or online at: [Click Here](#)
29. Window signs limited to the hours of operation, address, occupancy, and emergency information, subject to the following standards:
  - a) Operational windows signs shall not be mounted or placed on windows higher than the second story.
  - b) The maximum area of exempt window signage shall not exceed three square feet in area.
30. Banners, streamers, moving signs, and inflatables (including air dancers, balloons, and similar objects) are allowed subject to Temporary Use Permit approval for establishments within Non-Residential Districts. Signs of this type do not count toward total maximum sign area. No sign per this section shall be displayed for more than 30 days, and a period of 30 must lapse before displaying another sign. Signs shall not be displayed for more than 60 total days during a calendar year.
31. Every sign displayed within the city, including exempt signs, shall be maintained in good physical condition and shall comply with adopted regulations. All defective or broken parts shall be replaced. Exposed surfaces shall be kept clean, in good repair, and painted where paint is required.

### **MISCELLANEOUS**

32. Noise levels shall not exceed the decibel levels described in Section 15-2506 of the FMC at anytime, measured at the nearest subject property line.
33. No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.
34. Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties. Direct or sky-reflected glare from floodlights shall not be directed into any other property or street. Except for public street lights and stadium lights, no light, combination of lights, or activity shall cast light onto a residentially zoned property, or any property containing residential uses, exceeding one-half foot-candle.
35. No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located. Windows shall not cause glare that may disrupt adjoining properties, traffic on adjacent streets, etc. Glare or heat reflected from building materials shall be mitigated so as to not disrupt surrounding properties.
36. The address listed in the conditions of approval is the 'Official Address' given to the building. If you would like separate suite or unit numbers for a building, provide a floor plan and contact the City of Fresno Planning and Development Department for 'Official Addresses'. **Only those addresses assigned by the City of Fresno will be recognized as 'Official Addresses'**. The United States Post Office will only recognize addresses assigned by the City of Fresno. If a non-official address is given to a building and or/separate suites, the City of Fresno has the authority to charge a fee and have those addresses corrected. In addition, the United States Post Office will cease mail delivery to those addresses that are not 'Official Addresses'.
37. All projects, including projects that involve less than one acre of property, are required to comply with the City of Fresno's Urban Storm Water Quality Management and Discharge Control Ordinance, FMC Chapter 6, Article 7 (FMC Sections 6-701 *et seq.*)

When a project involves one acre or more of construction activity (including, but not limited to, grading) the developer is required to obtain a stormwater discharge permit for construction, with a

Notice of Intent (NOI) filed **prior to** commencement of any grading construction activity. Contact the Fresno office of the California Regional Water Quality Control Board at 559-445-6281 regarding the required NOI and stormwater discharge permit. Additional information on California's construction stormwater regulation may be obtained from the Water Board via the internet:

[www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml)

Helpful information for preparing and implementing stormwater pollution prevention plans may also be obtained from the California Stormwater Quality Association via its website, [www.casqa.org](http://www.casqa.org)

When a project involves specified nonresidential activities (certain commercial and industrial activities), an ongoing industrial stormwater discharge permit is also required. Contact the Fresno office of the California Regional Water Quality Control Board at 559-445-6281 to find out whether your project/business requires an industrial stormwater discharge permit, and to obtain details on securing this permit. Additional information on industrial stormwater regulations may be obtained from the following website:

[www.waterboards.ca.gov/water\\_issues/programs/stormwater/industrial.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml),

The California Stormwater Quality Association has additional information on preparing stormwater pollution prevention plans for industrial activities ([www.casqa.org](http://www.casqa.org)).

38. Screen all roof-mounted equipment from the view of public rights-of-way. **Depict all mechanical equipment on site plan and elevations.**
39. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately. **(Include this note on the site plan.)**
40. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation. **(Include this note on the site plan.)**
41. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist and, if the paleontologist determines the material to be significant, it shall be preserved. **(Include this note on the site plan.)**
42. Connection to a municipal water system is required unless approved measures are included in the project conditions of approval for an alternative water supply.
43. Connection to a municipal City of Fresno sewer system is required unless approved measures are included in the project conditions for alternative wastewater treatment facilities
44. City of Fresno water and sewer connection charge obligations applicable to this project will be computed during the building construction plan check process and shall be payable at time of issuance of building permit unless other arrangements have been approved to defer such payments to a later date. For information relating to water and sewer service requirements and connection charges, contact Frank Saburit at (559) 621-8277.
45. Open street cuts are not permitted; all utility connections must be bored.
46. **CROSS-CONNECTION CONTROL.** A backflow prevention device may be required on the water service. Contact the Department of Public Utilities, Water Division (559) 621-5300 for requirements

relating to approved devices, locations, testing and acceptance. This requirement must be satisfied prior to final occupancy.

47. This project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of the Planning and Development when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.
48. Open storage (outside an enclosed building) shall be limited to vehicles, boats, recreational vehicles, and trailers. Outdoor storage areas shall be screened from public view by building façades or solid fences. At the discretion of the Review Authority, the treatment of the ground surface of the open storage area may be gravel or other materials as prescribed by the San Joaquin Valley Air Pollution Control District, the Public Works Department, the Fire Department, and the Fresno Metropolitan Flood Control District. All open storage must be depicted on the site plan and described in operational statement. If it is not, it is not allowed on the site.
49. If video surveillance cameras are required or installed, provide signs under the surveillance cameras which notify the public that the subject property is monitored by video surveillance.

### **FEES**

(Not all fees will be applicable to all projects)

50. **NOTICE TO PROJECT APPLICANT:** In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.
51. **CITYWIDE DEVELOPMENT IMPACT FEES**
  - a) Traffic Signal Charge (FMC Section 12-4.1101 to 12-4.1103) This project shall pay its Traffic Signal Mitigation Impact Fee at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Refer to the adopted Master Fee Schedule for fee rate. This fee shall be paid at time of building permit.
  - b) Fire Facilities Fee (FMC Section 12-4.901 to 12-4.906) (based on building square footage, or residential units)
  - c) Police Facilities Fee (FMC Section 12-4.801 to 12-4.806) (based on building square footage, or residential units)
  - d) Parks Facilities Fee (FMC Section 12-4.701 to 12-4.706) (based on the number of residential units)
52. **CITYWIDE REGIONAL AND NEW GROWTH MAJOR STREET IMPACT FEES (FMC Section 12-4.1006)**
  - a) Street Impact Fees shall be due and payable at the time of building permit issuance unless otherwise required by State law.
  - b) Street Impact Fees will be a condition on all development entitlements granted.
  - c) New construction on vacant parcels shall be calculated on a net acreage (adjusted acre basis) of the entire property subject to the development entitlement based upon planned land use. Notwithstanding, fees shall be based upon actual land use for developments in the C-M zone district and for development projects developed inconsistent with the plan land use.



d) New construction on property that is partially developed, Street Impact Fees will be applied to the incremental increase proportionate to the respective floor to area ratios (25% for commercial and 40% for industrial). In no case shall anyone pay more than the amount of the total net acreage of the parcel multiplied by the applicable fee rate.

e) Reuse being more intensive than the original use, the developer shall be required to pay the difference between the current amount of the Street Impact Fee obligation for the old use and the current amount of the Street impact Fee obligation for the new use.

53. FRESNO COUNTY FACILITY IMPACT FEE

Fresno County adopted a Facilities Impact Fee, but the requirement to pay this fee was subsequently suspended by Fresno County. If the fee has been reinstated at the time of issuance of building permits for this project, or an alternative fee system has been adopted by Fresno County, proof of payment or payment of this fee will be required for issuance of building permits.

54. REGIONAL TRANSPORTATION MITIGATION FEE (RTMF)

Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; [www.fresnocog.org](http://www.fresnocog.org). Provide proof of payment or exemption prior to issuance of certificate of occupancy.

55. SCHOOL FEES

School fees must be paid, if required, prior to the issuance of building permits. Contact Central Unified School District. Provide proof of payment (or no fee required) prior to the issuance of building permits.

56. FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (FMFCD) FEES

57. SEWER CONNECTION CHARGES (FMC Section 6-304(a)). The following sewer connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New sewer connection charges adopted by the Council prior to the issuance of building permits may also be applied.

a) Lateral Sewer Charge (based on property frontage to a depth of 100')

b) Oversize Sewer Charge (based on property frontage to a depth of 100')

*Effective January 9, 1999, Ordinance No. 98-97 also amended certain sewer connection charges. Fresno Municipal Code Article 15, Section 12 provides property owners the incentives and deletes certain sewer connection charges pursuant to the Simple Tiered Equity Program (STEP) and the Employment Development Program (EDP). For additional information on the STEP and EDP, contact the Department of Public Utilities, Administration Division at (559) 621-8600.*

58. WATER CONNECTION CHARGES: (FMC Sections 6-507 to 6-513). The following water connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New water connection charges adopted by the Council **prior to** issuance of building permits may also be applied.

a) Frontage Charge (based on property frontage)

b) Transmission Grid Main Charge (based on acreage)

c) Transmission Grid Main Bond Debt Services Charge (based on acreage)

d) UGM Water Supply Fee (based on living units, living unit equivalents or acreage)

e) Wellhead Treatment Fee (based on living units or living unit equivalents)

f) Recharge Fee (based on living units or living unit equivalents)

g) 1994 Bond Debt Service Charge (based on living units or living unit equivalents)

h) Service Charges (based on service size required by applicant)

i) Meter Charges (based on service need)



59. Deferment of the payment of Citywide development impact fees for Fire, Police, Parks, Streets, and Traffic Signals is available for projects located within the Downtown Priority Areas in accordance with the provisions of City of Fresno Resolutions Nos. 2009-265 and 2010-19.