

## **EXHIBIT C**

### Conditions of Approval

# CITY OF FRESNO

## DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

### CONDITIONS OF APPROVAL

DECEMBER 5, 2018

**DEVELOPMENT PERMIT APPLICATION NO. P18-03316**

**VARIANCE APPLICATION NO. P18-03317**

**TREE REMOVAL PERMIT APPLICATION NO. P18-03371**

**8090 North Palm Avenue (APNs: 402-570-12T, 402-030-47ST, 402-030-52ST, 402-030-69ST, 402-030-50ST, 402-030-38ST, 402-030-48ST, and 402-030-63S)**

The Planning Commission will consider Development Permit Application No. P18-03316, Variance Application No. P18-03317, and Tree Removal Permit Application No. P18-03371 at a noticed public hearing on December 5, 2018 at 6:00 p.m. or thereafter. Staff recommends that these special permit applications be recommended for approval, subject to the conditions listed in this document.

**Project Description:** The City of Fresno Public Works Department has filed Development Permit Application No. P18-03316, Variance Application No. P18-03317, and Tree Removal Permit Application No. P18-03371 pertaining to approximately ±1.5-acres of area for construction of an access roadway, a surface parking lot for approximately 40 vehicle spaces, public restrooms, picnic areas and landscape as part of the greater Lewis S. Eaton Trail network (Eaton Trail). This project would provide public access to the San Joaquin River at North Palm Avenue through the existing Spano Park located at 8090 North Palm Avenue. Due to the steep terrain, the access roadway would span several parcels and require grading at the San Joaquin River bluff in order to safely provide access to the proposed surface parking lot below the bluff. Variance Application No. P18-03317 is required in order to allow construction and grading on the San Joaquin River bluff. Tree Removal Permit Application No. P18-03371 is required because bluff modifications will require the removal of up to twelve (12) trees to accommodate the project.

An Environmental Impact Report (EIR) (State Clearinghouse No. 2014061017) was prepared by the State of California San Joaquin River Conservancy (Conservancy) and was certified on November 15, 2017 under Resolution 17-01 by the Conservancy. The 45-day public review period for the Draft EIR occurred February 15, 2017 to April 15, 2017. Following public comments, the Conservancy revised and recirculated portions of the Draft EIR to include alternatives, including Alternative 5B – North Palm Access, which is the subject of the proposed project. The recirculated EIR was released for public review from August 17, 2017 to October 2, 2017.

**CONDITIONS OF APPROVAL**

**PART A – ITEMS TO BE COMPLETED**

Planner to check when completed		
<b>The following items are required prior to issuance of Building Permits:</b>		
<input type="checkbox"/>	1.	Development shall take place in accordance with Exhibit A dated November 21, 2018. Transfer all red line notes, comments, conditions, etc. to the corrected exhibit(s) and submit to planner <i>at least</i> 15 days prior to sign off of the site plan.
<input type="checkbox"/>	2.	The project shall include installation of replacement trees of a similar species as the ones removed at a ratio of five trees for every one tree removed as part of the project. <b>Submit a landscape and irrigation plan to the planner at least 15 days prior to sign off of the site plan depicting the trees for removal and the proposed trees.</b>
<input type="checkbox"/>	3.	Lighting shall comply with Sections 15-2015 and 15-1603 of the FMC. <b>Submit a lighting plan to the planner at least 15 days prior to sign off of the site plan.</b>
<input type="checkbox"/>	4.	A Cross-Access Covenant is required to allow access across the multiple parcels. Please submit an application, pay applicable fees, and <b>allow up to 45 days for preparation of the covenant.</b>
<input type="checkbox"/>	5.	Landscape plans shall comply with Article 23 of the FMC. <b>Submit landscape plans to the planner at least 15 days prior to sign off of the site plan.</b>
<input type="checkbox"/>	6.	A soils investigation report shall be prepared in compliance with Section 15-1603-b of the FMC to ensure the stability of construction and operation of the project along the bluff face. <b>The soils investigation report shall be provided to the planner at least 15 days prior to sign off of the site plan.</b>

**PART B – OTHER REQUIREMENTS**

1) Planning/Zoning/Environmental Compliance Requirements

- a) In accordance with Variance Application No. P18-03317, the project may perform necessary grading activities within the San Joaquin Bluff Protection Zone in order to provide public access to the proposed parking lot as part of the River West Fresno Eaton Trail Parking Lot project.
- b) Except as modified by Variance Application No. P18-03317, the project shall take place in accordance to FMC Section 15-1603, Bluff Protection Overlay.
- c) In accordance with Tree Removal Permit Application No. P18-03371, the project may remove up to twelve (12) trees to accommodate necessary modifications for construction of the proposed project. Trees removed will be replaced at a 5 to 1 ratio with the similar species of

tree, or as otherwise required by the California Department of Fish and Wildlife.

- d) The project shall comply with Mitigation Measures identified in the Alternative 5B Mitigation Monitoring and Reporting Program certified by the San Joaquin River Conservancy on November 15, 2017.
- e) Development and operation shall take place in accordance with the attached "Notes and Requirements for Entitlement Applications" as applicable.
- f) Development shall take place in accordance with the policies of the Fresno General Plan, and the Bullard Community Plan.
- g) Development shall take place in accordance with the OS/BP/UGM (*Open Space/Bluff Preservation Overlay/Urban Growth Management*) and PR/BP/UGM (*Parks and Recreation/Bluff Preservation Overlay/Urban Growth Management*) zone districts.

## 2) City and Other Services

- a) Development shall take place in accordance with the attached memoranda and letters from City of Fresno Departments and partner agencies:
  - (i) Fire Department dated November 13, 2018;
  - (ii) Public Utilities dated November 15, 2018; and
  - (iii) Fresno County Department of Public Health dated November 21, 2018

## 3) Miscellaneous Requirements

- a) 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:
  - (i) 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;
  - (ii) All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
  - (iii) Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.
- b) 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. The Development and Resource Management 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.

### **BACKCHECK PROCESS**

**Please Note:** To complete the back-check process for building permits relative to planning and zoning issues, submit four copies of this corrected, final site plan, together with three copies of the elevations, landscape, and irrigation plans, any fees and title reports for required covenants, and any required studies or analyses to Ricky Caperton in the Development Services Division for final review and approval, at least 15 days before applying for building permits.

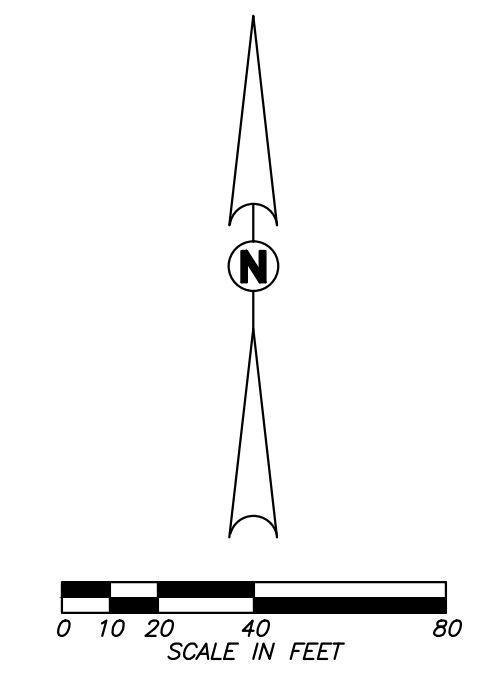
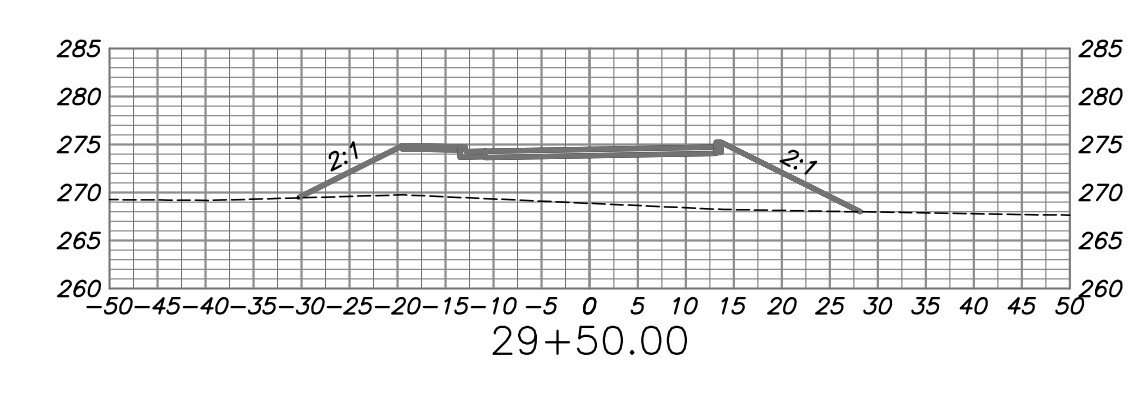
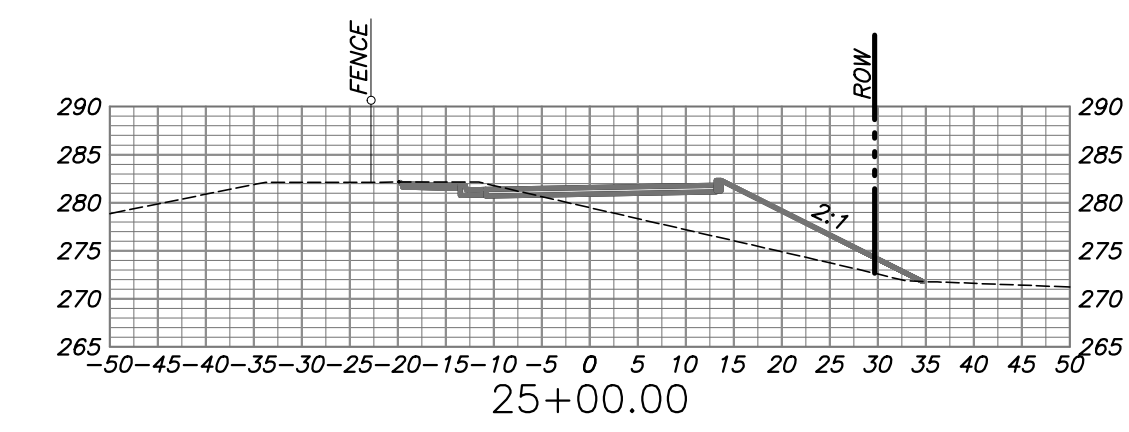
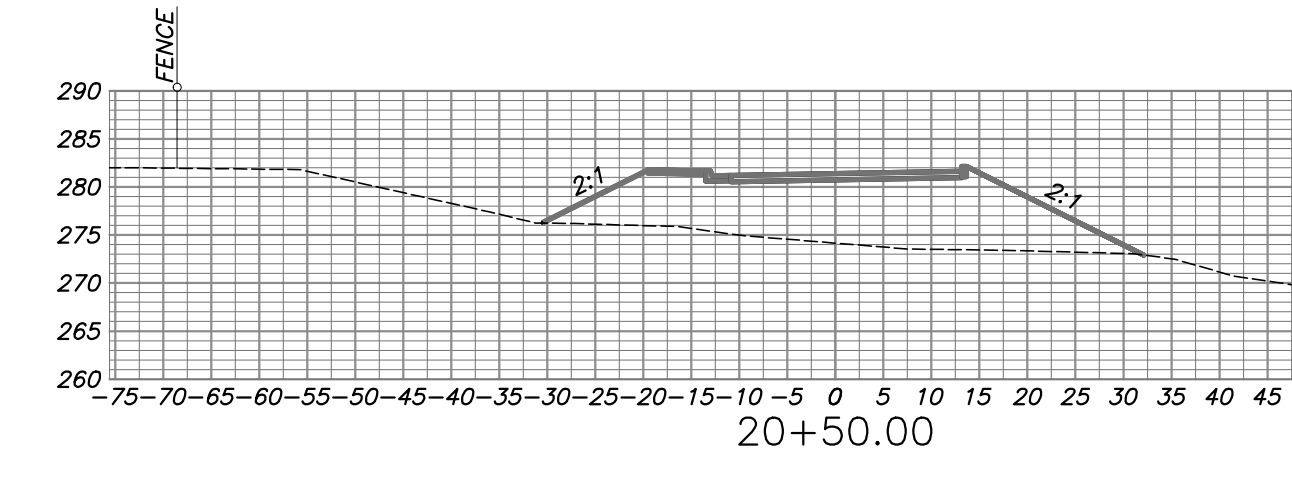
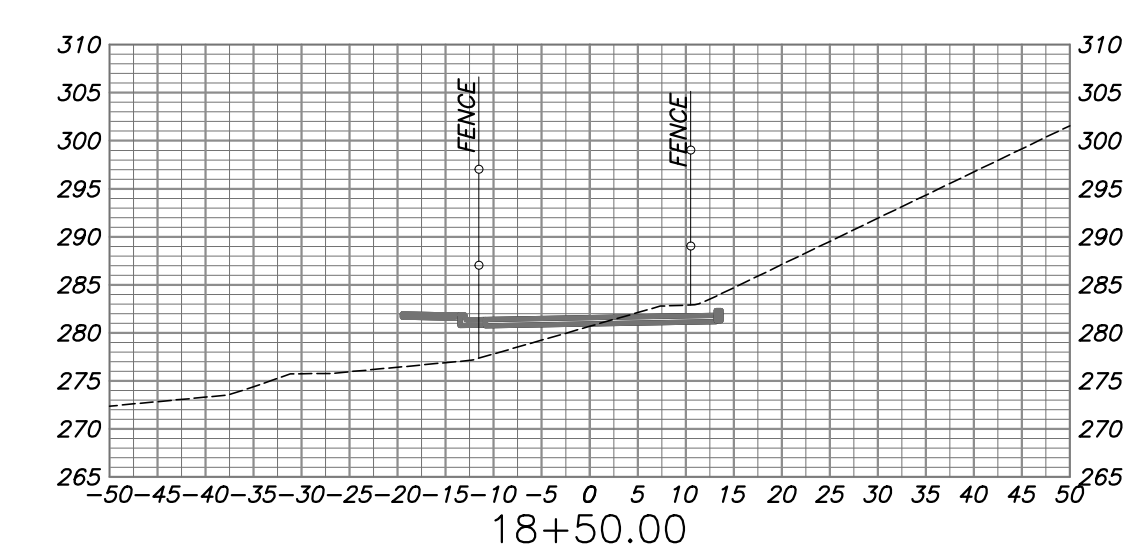
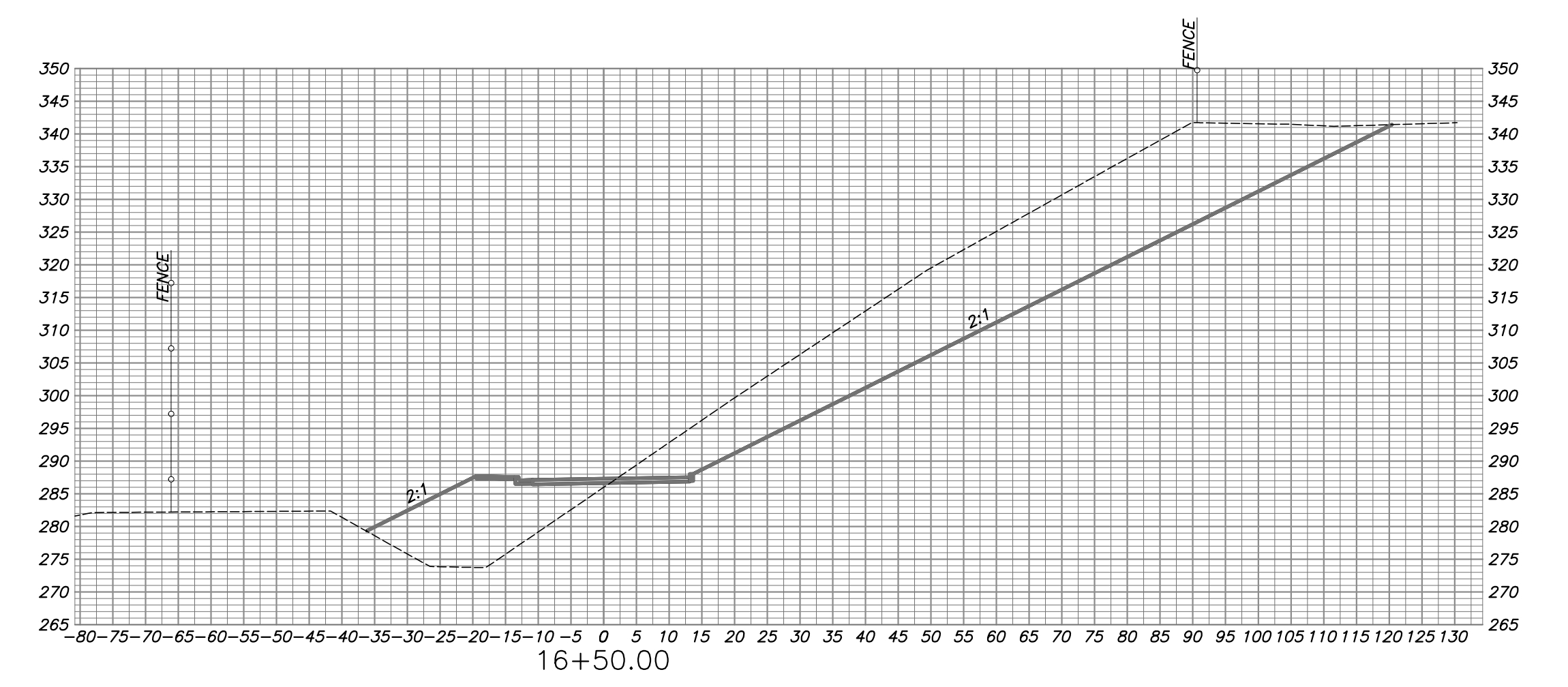
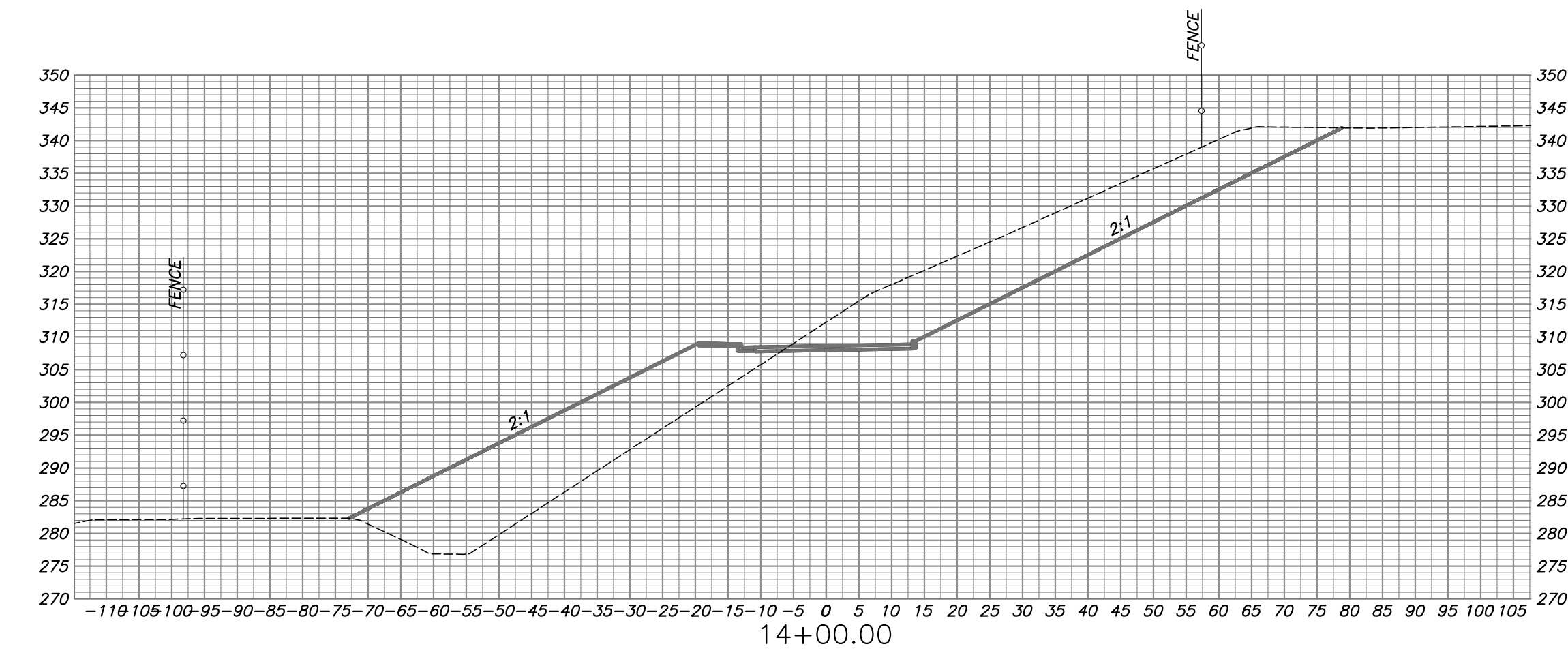
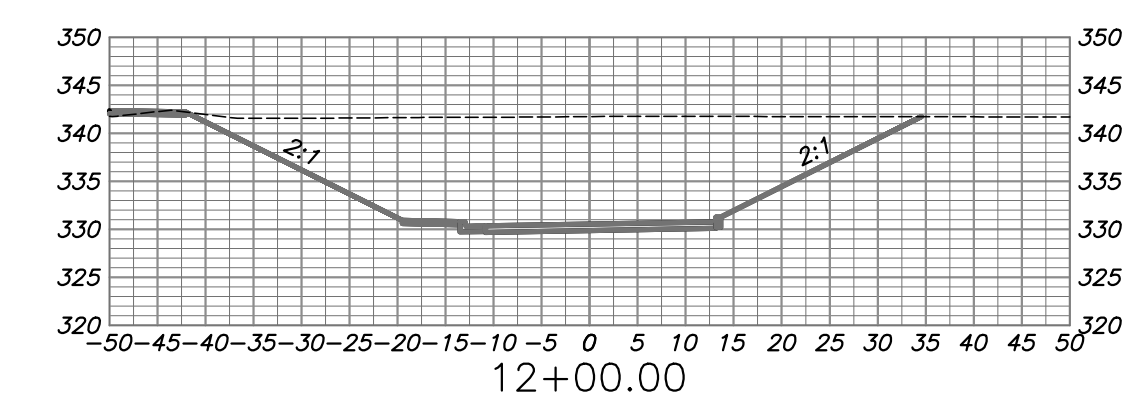
It may be necessary to resubmit these “corrected exhibits” a second time if not all the conditions have been complied with or are not shown on the exhibits. Once the “corrected exhibits” are approved by the Development Services Division, please place these exhibits in the plan check set and contact the Development Services Division, along with Traffic Planning, to set up an appointment to signoff and stamp these exhibits. Please bring one additional copy of the site plan exhibit(s) to this appointment so that the Development Services Division has a final signed-off copy of the site plan.

Copies of the final approved site plan, elevations, landscaping, and irrigation plans stamped by the Development Services Division must be submitted for unstamped copies of the same in each of the sets of construction plans submitted for plan check prior to the issuance of building permits.

### **EXPIRATION DATES**

The exercise of rights granted by this special permit must be commenced by within three years from the date of City Council approval, pursuant to FMC Sections 15-5013-A, C, D and E. An extension of up to one additional year may be granted, provided that the findings required under FMC Section 15-5013-A.1 are made by the Director. All required improvements must be installed prior to the operation of the proposed use.

Enclosures: Exhibits  
Comments from Partner Agencies & Departments  
Notes and Requirements for Entitlement Applications  
Landscape Certification Form



## Ricky Caperton

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**From:** Byron Beagles  
**Sent:** Tuesday, November 13, 2018 10:38 AM  
**To:** Ricky Caperton  
**Cc:** Kevin Gray; Theodore Semonious  
**Subject:** RE: River West Eaton Trail Parking Project - Comments

**Importance:** High

Ricky, here are the FFD conditions for this project:

- A single point of fire access is acceptable.
- The parking lot does not appear to comply with the normal fire department access standards for turning radius; two options that can be pursued are:  
Option #1: alter the parking lot design to accommodate a 44' centerline turning radius or provide a 90'X24' hammerhead turnaround at the parking lot entry point.  
Option #2: install a sign at the entrance on the cul-de-sac in 3" red letters on a white background "NO FIRE LADDER TRUCK ACCESS". The parking lot turning radius may be designed to a 34' centerline radius or a 20'X60' hammerhead tee provided at the parking lot entry point. If Solid Waste vehicles will provide service to the parking lot area, then the 20X60 hammerhead option should be used.
- Provide Fire X-1 access hardware on any proposed gates.
- The proposed road is approximately 25' in width. There is a potential issue with overflow parking along the access obstructing emergency access. Should this become an issue in the future, the Fire Department reserves the right to require fire lane/no parking signs every 50 feet along both side of the road for a distance from the parking that will be determined at that time.

*Byron H. Beagles*

Fire Prevention Engineer  
Community Risk Reduction Unit  
Fresno Fire Department  
911 "H" Street, Fresno California 93721-3083  
[Byron.Beagles@fresno.gov](mailto:Byron.Beagles@fresno.gov), 559-498-4323 (fax)

*Fire Sprinklers Save Lives*

*Proudly serving the North Central  
and Fig Garden Fire Protection Districts.*



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**From:** Ricky Caperton  
**Sent:** Tuesday, November 13, 2018 9:01 AM  
**To:** Byron Beagles; Laurie Sawhill; Kevin Gray; Fresno County Environmental Health 4 ([ktsuda@co.fresno.ca.us](mailto:ktsuda@co.fresno.ca.us))  
**Cc:** Andrew Benelli; Jennifer Clark; Mike Sanchez  
**Subject:** River West Eaton Trail Parking Project - Comments  
**Importance:** High

Hi All,

Attached is a brief project description and site plan of a project that will include a parking lot as part of the River West Eaton Trail. In general, the project includes the following:

- Development Permit to construct the parking lot.

- Variance to allow modification to the river bluff face.
- Tree removal permit for the removal of up to 12 trees. **Trees will be replaced at a 5:1 ratio.**

**This project is a very high priority, so if you can please have comments/conditions back by the end of the day tomorrow 11/14 at the latest, it would be appreciated.** The project is going to Planning Commission on November 21<sup>st</sup>. Although I am processing the entitlements, Andy Benelli in Public Works is most familiar with details. If you have any questions, please reach out to me and/or him.

For background, this project is part of the San Joaquin River Conservancy River West Eaton Trail network and was already analyzed in a previously certified EIR (Alternative 5B). Thus, in terms of potential environmental impacts and mitigation, the measures included in that EIR will apply.

For time savings, I am routing this way versus through accelera, given the quick turnaround.

Thank you,  
Ricky

**Ricky Caperton, AICP**

*Supervising Planner  
Development and Resource Management Department*

**City of Fresno**  
2600 Fresno Street  
Fresno, CA 93721  
(559) 621-8058  
[ricky.caperton@fresno.gov](mailto:ricky.caperton@fresno.gov)





**DEPARTMENT OF PUBLIC UTILITIES  
MEMORANDUM**

**DATE:** November 15, 2018

**TO:** Ricky Caperton, Planner III  
Development Service Division, County of Fresno

**FROM:** KEVIN GRAY, Supervising Engineering Technician  
Department of Public Utilities, Planning and Engineering

**SUBJECT:** SEWER REQUIREMENTS AND WATER CONDITIONS FOR RIVER  
WEST EATON TRAIL PARKING PROJECT

**General**

The City of Fresno Public Works Department has filed Development Permit Application No. P18-03316, and Variance Application No. P18-03317 pertaining to approximately ±1.5-acres of area for construction of an access roadway, a surface parking lot for approximately 40 vehicle spaces, public restrooms, picnic areas and landscape as part of the greater Eaton Trail network. This project would provide public access to the San Joaquin River at North Palm Avenue through the existing Spano Park located at 8090 North Palm Avenue. Due to the steep terrain, the access roadway would span several parcels and require grading at the San Joaquin River bluff in order to safely provide access to the proposed surface parking lot. Variance Application No. P18-03317 is required in order to allow construction and grading on the San Joaquin River bluff.

**Sewer Requirements**

The project location currently exceeds the distance from City Sewer facilities that would require a mandatory sewer connection.

Therefore, subject to State and County Health Standards and approvals, the Department of Public utilities will support installation of an approved private package treatment facility designed to eliminate groundwater contamination.

**Water Requirements**

The nearest water main to serve the proposed project is an 8-inch main located at the end of the cul-de-sac in North Palm Avenue. Water facilities are available to provide service to the site subject to the following requirements:

1. Water mains will not be extended to serve the proposed project.
2. On-site water facilities shall be private.



MEMORANDUM

Ricky Caperton, Planner III

Development Service Division, County of Fresno

November 15, 2018

SEWER REQUIREMENTS AND WATER CONDITIONS FOR RIVER WEST EATON  
TRAIL PARKING PROJECT

Page 2 of 2

3. Backflow preventer will be required for private service.
4. The water supply requirements for this project are as follows:
  - A. The project applicant shall be required to pay Water Capacity Fee charges for the installation of new water services and meters to serve the property.
    - I. The Water Capacity Fee charge assessed to the applicant shall be based on the number and size of service connections and water meters required to serve the property.
    - II. The Water Capacity Fee charges by meter size are defined in the City's Master Fee Schedule.
    - III. The City reserves the right to require an applicant to increase or decrease the size of a water meter for a project or a property to ensure that the meter is properly sized to accommodate fire protection requirements, and to allow for accurate volumetric flow measurements at low- and high-flow conditions.
    - IV. The Water Capacity Fee Charge for any new or expanded service connection shall be payable prior to the issuance of a building permit at the fee level in effect on the date such permit is issued.
  - B. The project applicant shall be required to pay all other water-related fees and charges in accordance with the City's Master Fee Schedule and Municipal Code.



**County of Fresno**  
**DEPARTMENT OF PUBLIC HEALTH**  
David Pomaville, Director  
Dr. Sara Goldgraben, Health Officer

November 21, 2018

City of Fresno  
Development & Resource Management  
2600 Fresno Street, Third Floor  
Fresno, CA 93721-3604

FA0270876  
LU0019744  
2602

Dear Mr. Caperton:

Project Number: **P18-03316, P18-3317**

The City of Fresno Public Works Department has filed Development Permit Application No. **P18-03316**, and Variance Application No. **P18-03317** pertaining to approximately  $\pm 1.5$ -acres of area for construction of an access roadway, a surface parking lot for approximately 40 vehicle spaces, public restrooms, picnic areas and landscape as part of the greater Eaton Trail network. This project would provide public access to the San Joaquin River at North Palm Avenue through the existing Spano Park located at 8090 North Palm Avenue. Due to the steep terrain, the access roadway would span several parcels and require grading at the San Joaquin River bluff in order to safely provide access to the proposed surface parking lot. Variance Application No. P18-03317 is required in order to allow construction and grading on the San Joaquin River bluff.

**APN: 402-030-63S**

**ZONING:**

**ADDRESS: 8090 N. Palm Avenue**

Recommended Conditions of Approval:

- Prior to the issuance of building permits, preliminary Post Closure Land Use (PCLU) plan approval shall be granted by both the Fresno County Environmental Health, Solid Waste Division acting as the Local Enforcement Agency (LEA) and the Central Valley Regional Water Quality Control Board (RWQCB). Once the project plans are finalized, a final PCLU plan shall be approved by both regulatory agencies. For more information contact the Fresno County Department of Public Health, Environmental Health Solid Waste Division at (559) 600-3271 and the Central Valley Regional Water Quality Control Board at (559) 445-5116.
- Location of permanent structures and/or restroom facilities on the approximately 11.61-acre closed inert landfill portion identified as (APN) 402-030-63S would put those structures within the flood plain and could potentially disturb the existing final cover placement.
- If during the construction project there is proposed usage and/or storage of hazardous materials and/or hazardous wastes, the contractor 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

***Promotion, preservation and protection of the community's health***

1221 Fulton Street / P. O. Box 11867, Fresno, CA 93775

(559) 600-3271 • FAX (559) 600-7629

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and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<http://cers.calepa.ca.gov/>) or Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

- The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.

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REVIEWED BY:

Kevin Tsuda, R.E.H.S.  
Environmental Health Specialist II

(559) 600-3271

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KT

cc: Fox, Rhodes & San Miguel- Environmental Health Division (CT. 44.08)  
Scott Hatton- RWQCB (via e-mail)

## **General Notes and Requirements for Entitlement Applications**

### **GENERAL**

*(Notice: Not all conditions will be 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 Development and Resource Management 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. No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted.
3. Development shall take place in accordance with the Standards, Specifications, and Standard Drawings of the City of Fresno Public Works Department; <http://www.fresno.gov/Government/DepartmentDirectory/PublicWorks/DeveloperDoorway/Technical+Library/StandardSpecificationsandDrawings.htm>
4. Development shall take place in accordance with all city, county, state and federal laws and regulations.
5. All proposed building(s) or structure(s) constructed on the property must comply with the prevailing California Building Code Standards.
6. 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.
7. For projects initiated in response to code enforcement action, the exercise of rights granted by this special permit must be commenced by six months. Completion of the project, including improvements, shall occur by 12 months.

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

8. Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.
9. Future fences shall be reviewed and approved by the Development and Resource Management Department prior to installation.
10. No structures of any kind (*including signs and/or fences*) may be installed or maintained within the required-landscaped areas. No exposed utility boxes, transformers, meters, piping (excepting the

backflow prevention device), etc., are allowed to be located in the landscape areas or setbacks or on the street frontages of the buildings. All transformers, etc., shall be shown on the site plan. The backflow device shall be screened by landscaping or such other means as may be approved.

11. Provide shade calculations on the landscape plan for parking lot shading in accordance with the attached *Development Department, Performance Standards for Parking Lot Shading*, including tree species and tree counts.
12. Disperse trees over the parking lot area to provide 50 percent shading of the parking area surface within 15 years. (This requirement may be reduced to 40 percent for existing development if it is demonstrated that the constraints of an existing site would make it impossible to meet the normal standards.) Trees shall also be planted in the required landscaped area along the periphery of the development in order to shade and enhance adjacent property and public rights-of-way. Refer to the attached "Performance Standards for Parking Lot Shading," for the tree list and further details.
13. Trees shall be maintained in good health. However, trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Development and Resource Management Department.
14. 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.)**
15. Prior to final inspection, a written certification, signed by a landscape professional approved by the Director, shall be submitted stating that the required landscaping and irrigation system was installed in accordance with the landscaping and irrigation plans approved by the Development Services Division, Development Department.
16. Future tenant improvements shall be reviewed and approved by the Development and Resource Management Department to ensure that adequate off-street parking is provided.
17. The parking lot design must accommodate the provision of trees in accordance with the attached Parking Lot Shading Policy.
18. A minimum number of accessible parking stalls are required for the proposed project per State of California Building Code, "Development Requirements for Handicapped Accessibility."
19. 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.)**
20. All accessible parking stalls shall be placed adjacent to facility access ramps or in strategic areas where the handicapped shall not have to wheel or walk behind parked vehicles while traveling to or from accessible parking stalls and ramps. **(Include this note on the site plan.)**
21. Lighting where provided to illuminate parking, sales or display areas shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works. **Depict all proposed lights on the site plan.**

22. Bicycle parking spaces shall be supplied at a rate of 10% of the automobile spaces provided pursuant to Section 12-306-I-2.1c of the Fresno Municipal Code (FMC). Bicycle parking spaces shall each consist of one slot in a bike rack. They shall be grouped in racks which allow four feet of clearance on all sides. There shall be adequate space between rack slots to park, lock, and remove bicycles. Bicycle parking spaces and the required four-foot clearance shall be protected from motor vehicle encroachment by means of fixed barriers not less than six inches or more than three in height. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures.
23. All general provisions of Section 12-306-I of the FMC shall apply to all parking areas. [http://library.municode.com/HTML/14478/level3/MUCOFR\\_CH12LAUSPLZO\\_ART3GECOAPZO.htm#MUCOFR\\_CH12LAUSPLZO\\_ART3GECOAPZO\\_S12-306PRDEST](http://library.municode.com/HTML/14478/level3/MUCOFR_CH12LAUSPLZO_ART3GECOAPZO.htm#MUCOFR_CH12LAUSPLZO_ART3GECOAPZO_S12-306PRDEST)

### **SIGNAGE**

24. 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.
25. 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.)**
26. All proposed signs shall conform to the current sign ordinance. Applications for a sign permit and requirements for submittal are available at the Development and Resource Management Department's Public Front Counter or online at <http://www.fresno.gov/Government/DepartmentDirectory/PlanningandDevelopment/Planning/SignsandBanners.htm>
27. Window signs are limited to four square feet in area, providing information about hours of operation and emergency, sale or rental information only. Exterior signage such as banners, flags and pennants are prohibited. However, special event banner signs are permitted for 30 days if approved by the Development and Resource Management Department, attached to the building, and not exceeding 32 square feet in area.
28. Permanent window signs over six square feet in area can be submitted for approval under a sign review application (for a current fee of \$150).

### **MISCELLANEOUS**

29. Noise levels shall not exceed the decibel levels described in Section 10-102.b of the FMC at anytime, measured at the nearest subject property line. [http://library.municode.com/HTML/14478/level3/MUCOFR\\_CH10REREPUNUREPRCOUS\\_ART1NORE.html#MUCOFR\\_CH10REREPUNUREPRCOUS\\_ART1NORE\\_S10-102DE](http://library.municode.com/HTML/14478/level3/MUCOFR_CH10REREPUNUREPRCOUS_ART1NORE.html#MUCOFR_CH10REREPUNUREPRCOUS_ART1NORE_S10-102DE)
30. There shall be adequate vehicular access from a dedicated and improved street or alley to off-street parking and loading facilities on the property requiring off-street parking and loading. Vehicular and/or pedestrian access shall be provided and shall remain clear at all times.
31. 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 Development and Resource Management 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'.

32. 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 discharge regulation may be obtained from this website: [www.waterboards.ca.gov/water\\_issues/programs/stormwater/industrial.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml), and the California Stormwater Quality Association has additional information on preparing stormwater pollution prevention plans for these activities ([www.casqa.org](http://www.casqa.org)).

33. Screen all roof-mounted equipment from the view of public rights-of-way. **Depict all mechanical equipment on site plan and elevations.**
34. 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.)**
35. 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.)**
36. 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.)**
37. Connection to a municipal water system is required.
38. Connection to a municipal City of Fresno sewer system is required.



39. 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.
40. Open street cuts are not permitted; all utility connections must be bored.
41. **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.
42. 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 Development and Resource Management 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.

### **FEES**

(Not all fees will be applicable to all projects)

43. **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.
44. **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)
45. **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.

#### 46. FRESNO COUNTY FACILITY IMPACT FEE

- a) Satisfy the Fresno County Facilities Impact Fee obligation. The requirement to pay this fee is currently suspended by Fresno County. However, payment of this fee will be required if the fee has been reinstated at the time of issuance of building permits for this project.

#### 47. REGIONAL TRANSPORTATION MITIGATION FEE (RTMF)

- a) 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 building permits.

#### 48. SCHOOL FEES

- a) 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.

#### 49. FLOOD CONTROL FEES

- a) Flood Control fees are due, if required, prior to issuance of building permits.

#### 50. 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.*

51. 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)

52. 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 Resolution Nos. 2009-265 and 2010-19.



## **CERTIFICATION OF THE INSTALLATION OF REQUIRED LANDSCAPING AND LANDSCAPE IRRIGATION SYSTEM**

City of Fresno Planning and Development Department  
2600 Fresno Street Room 3043  
Fresno, California 93721-3604

ATTN: \_\_\_\_\_  
[printed name of planner who processed the project listed below]

REGARDING: \_\_\_\_\_  
[Conditional Use Permit No. / Site Plan Review No./ Variance No. / Tract No.]

I, \_\_\_\_\_, hereby certify, under penalty of perjury, that all  
[printed name of landscape professional]

landscaping and related irrigation system improvements have been installed as required pursuant to the final corrected landscape plans/exhibits approved by the City of Fresno for the above development project. These landscape exhibits, numbered \_\_\_\_\_,  
[numbers from entitlement file]

were submitted on \_\_\_\_\_ and were approved on \_\_\_\_\_  
[date] [date]

by the above-named planner.

Certified by: **X** \_\_\_\_\_  
[signature of landscape professional]

Certified on: \_\_\_\_\_  
[date signed] [type of license, and license number of the signer]

Telephone (with area code): (\_\_\_\_\_) \_\_\_\_\_

Business Address: \_\_\_\_\_  
\_\_\_\_\_