EXHIBIT L

City of FRESNO

2600 Fresno Street, Third Floor
Fresno, California 93721-3604
(559) 621-8277 FAX (559) 498-1012

Development and Resource Management Department
Jennifer K. Clark, AICP, Director

October 4, 2017

Please reply to:
Andreina Aguilar
(559) 621-8075

Jeffrey A. Cazaly
Jeff Cazaly Consulting
Jeff@jcazalyconsulting.com
Sent via email only

SUBJECT: DEVELOPMENT PERMIT NO. D-16-088 AND VARIANCE APPLICATION NO. V-17-001 AT 450 EAST BELMONT AVENUE (APN: 459-032-05, 15, and 23)

Dear Mr. Cazaly:

The Planning Commission, on October 4, 2017, will consider Development Permit Application No. **D-16-088,** which proposes the demolition of two existing buildings to development a private trailer parking area for Producer's Dairy facility located west of the subject property. Variance Application No. **V-17-001** requests to construct an 8 foot decorative iron fence and a 12 foot wall on property line. The proposed project is subject to the Supplement Environmental Impact Report (SEIR) SCH No. 2017031030. The approval of this project is subject to compliance with the following Conditions of Approval:

CONDITIONS OF APPROVAL

PART A – ITEMS TO BE COMPLETED

The following items are required prior to issuance of building permits, prior to occupancy, and commencement of land use activity:

Planner to check when completed		
☐	1.	Development shall take place in accordance with Exhibits A, D, and E dated June 5, 2017 and to the Operational Statement dated December 5, 2016. Transfer all comments and conditions on Exhibits to the corrected exhibit(s) and **submit to planner *at least* 15 days prior to issuance of building permits**.
☐	2.	Submit three copies of detailed, final landscaping and irrigation plans prepared by a landscape professional, showing the number and types of trees, to the Development Services Division. **These plans must be reviewed and approved prior to issuance of building permits.**
☐	3.	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.
☐	4.	**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 and Resource Management Department (see form, attached).
☐	5.	Comply with Section 15-1304-A-2a Transitional Standards of the FMC. The 12 foot sound wall shall be setback 13 feet from the back of the sidewalk to match the required setback of the adjacent RS-5 *(Residential Single-Family, Medium Density)* zone district. This condition shall be removed if Variance Application No. V-17-001 is approved.
☐	6.	Comply with Section 15-2305 Areas to Landscape of the FMC. Provide a 15 foot landscape buffer on the south property line. All required setbacks shall be landscaped along street frontages.
☐	7.	Comply with Section 15-2006 Fences, Walls and Hedges of the FMC. The decorative iron fence shall be setback one foot from the sidewalk along the north, northeast, and northwest property line.
☐	8.	Comply with Section 15-2018 intersection Visibility of the FMC. Visibility of a driveway crossing a street lot line shall not be blocked above a height of three feet by vegetation or structures for a depth of 12 feet as viewed from the edge of the right-of-way on either side of the driveway at a distance of 12 feet.
☐	9.	Deeds of easements for the required dedications shall be prepared by the applicant and submitted to the City with verification of ownership **prior to issuance of building permits.**
☐	10.	A vacation of existing public right of way with a feasibility study is required **prior to issuance of building permits.**
☐	11.	Submit a Gate Operational Statement on the site plan for the gate(s) to Public Works for review and approval, **prior to issuance of building permits.**
☐	12.	Contact Leslie Barkley with the Department of Public Works regarding the "No Trucks" sign located on North Roosevelt Avenue.
☐	13.	Provide verification of the existing alley gates or submit an application to Public Works **prior to issuance of building permits.**

☐	14.	A Lot Merger or Cross Access Agreement is required **prior to issuance of building permits.**
☐	15.	A 20-foot water main easement shall be dedicated for to the City for the existing 8-inch water main within the proposed abandoned alley, as required by the Department of Public Utilities, Water Division memo dated October 3, 2017 **prior to issuance of building permits.**
☐	16.	Provide an approved police/fire bypass lock on the drive access gate(s), as required by the Fire Department memo dated October 14, 2016.
☐	17.	Provide street trees along street frontages as required in the Public Works, Median Island Maintenance memo dated October 4, 2016.
☐	18.	A Flood Control Fee of $7,894.00 and a Notice of Requirements (NOR) Fee of $84.00 is due **prior to issuance of building permits**. Please provide Planner with proof of payment.
☐	19.	The Indirect Source Review (ISR) shall be completed and all applicable fees must be paid to the San Joaquin Valley Air Pollution Control District prior **to issuance of building permits**. Submit verification that this process has been completed.
☐	20.	Add applicable notes from the attached document titled "Notes and Requirements for Entitlement Applications".

PART B – OTHER REQUIREMENTS

1) Planning/Zoning/Environmental Compliance Requirements

   a) Property development standards and the complete list of planning requirements/conditions for this project are contained in the "Property Development Standards Checklist" prepared for D-16-088, dated January 23, 2017 and attached to this document for reference.

   b) Development and operation shall take place in accordance with the attached "Notes and Requirements for Entitlement Applications" as applicable.

   c) Development shall take place in accordance with the policies of the Fresno General Plan, Fresno High- Roeding Community Plan, Tower District Specific Plan and with the Light Industrial planned land use designation.

   d) Development shall take place in accordance with the IL zone district and all other applicable sections of the Fresno Municipal Code.

   e) Comply with the operational statement submitted for the proposed project dated

December 5, 2016.

f) Comply with all applicable mitigation measures detailed in the attached Master Environmental Impact Report (MEIR) Mitigation Monitoring Checklist for the Fresno General Plan and any applicable project specific mitigation measures contained in the environmental assessment adopted for the project, SEIR SCH No. 2017031030.

g) Development shall comply with all prior special permits on the property and any applicable conditions of zoning.

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.
- Department of Public Works, Engineering Division dated October 10, 2017;
- Department of Public Works, Median Island Maintenance dated October 4, 2016;
- Department of Fire, dated October 14, 2016.
- Department of Public Utilities, Water and Sewer Divisions dated October 3, 2016 and September 5, 2016;
- Fresno Unified School District dated September 21, 2016;
- Fresno Municipal Flood Control District dated October 10, 2016;
- County of Fresno, Department of Public Health dated September 21, 2016.

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.

APPEALS

Please be advised that this project may be subject to a variety of discretionary conditions of approval. These conditions based on adopted City plans, ordinances and policies; those determined to be required through the interdepartmental/interagency review process; and those determined through the environmental assessment process as necessary to mitigate adverse effects on the health, safety and welfare of the community. The conditions of approval may also include requirements for development and use that would, on the whole, enhance the project and its relationship to the neighborhood and environment.

All conditions of approval based on adopted plans, codes, and regulations are mandatory. Conditions based on the Fresno Municipal Code (FMC) may only be modified by variance, provided the findings required by FMC Section 15-5506 can be made. Discretionary conditions of approval may be appealed, but will ultimately be deemed mandatory unless appealed in writing to the Director within 15 days. In the event you wish to appeal the Director's decision, you may do so by filing a written appeal with the Director. The appeal shall include the appellant's interest in or relationship to the subject property, the decision or action appealed and specific reasons why the applicant believes the decision or action appealed should not be upheld.

The Development Permit Application No. D-16-088, Variance Application No. V-17-001, and the related environmental assessment will be heard by the Planning Commission on **October 4, 2017.** A Public Hearing Notice was sent to property owners within 1,000 feet of the subject property 10 days prior the Public Hearing meeting, pursuant to Section 15-5007 of the FMC.

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 Andreina Aguilar 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.

The exercise of rights granted by this special permit must be commenced by October 4, 2020 (three years from the date of approval), pursuant to Fresno Municipal Code Sections 15-5013-A, B, 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.

If you have any questions regarding this letter, feel free to give me a call at the number listed above.

Sincerely,

Andreina Aguilar

Andreina Aguilar, Planner
Development Services Division

Enclosures: Exhibits
Comments from Partner Agencies & Departments
Property Development Standards Checklist prepared for D-16-088
Supplement Environmental Impact Report, (SEIR) SCH No. 2017031030
Landscape Certification Form

C: Property Owner
JAF