

Exhibit H
Conditions of Approval for C-14-080

**CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
CONDITIONS OF APPROVAL**

APRIL 1, 2015

**CONDITIONAL USE PERMIT APPLICATION NO. C-14-080
780 E. Nees Avenue**

The Planning Commission will consider approval of Conditional Use Permit Application No. C-14-080 at a noticed public hearing on April 1, 2015 at 6:00 p.m. Staff recommends that the special permit application be approved subject to the conditions listed in this document.

Project Description: C-14-080 was filed by Gary Giannetta, on behalf of Russ Nakata, and pertains to a 1.85 acre portion of a 10.66 acre property located on the northwest corner of East Nees and North Bond Avenues.

Conditional Use Permit Application No. C-14-080 proposes the construction of a gas station comprised of 8 fueling stations accommodating 16 vehicles, and a 3,028 square-foot ARCO AM/PM mini mart with the requested establishment of a State of California Alcoholic Beverage Control Type 20 alcohol license (package store – sale of beer and wine for consumption off the premises where sold); and the construction of an 840 square-foot office and 1,080 square-foot storage area.

CONDITIONS OF APPROVAL

PART A – ITEMS TO BE COMPLETED

The following items are required prior to issuance of building permits as noted below:

Planner to initial when completed		
<input style="width: 50px; height: 30px;" type="checkbox"/>	1.	Development shall take place in accordance with Exhibits A-1, A-2, A-3, F-1, E-1 and E-2 dated August 29, 2014 with modifications as requested on the plans and in the conditions listed below. Transfer all comments and conditions to the corrected exhibit(s) and submit to planner at least 15 days prior to issuance of building permits.

<input type="checkbox"/>	2.	Submit final elevations for fuel station canopy for review and approval prior to issuance of permits.
<input type="checkbox"/>	3.	Submit color and material samples for all proposed buildings, including canopy, for review and approval prior to issuance of building permits.
<input type="checkbox"/>	4.	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. The entire front setback and FID easement of the subject parcel (APN 402-220-67) along Nees Avenue must be landscaped. These plans must be reviewed and approved prior to issuance of building permits.
<input type="checkbox"/>	5.	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.
<input type="checkbox"/>	6.	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).
	7.	Development shall comply with the Fresno Green Building Incentive Program for non-residential construction prior to issuance of building permits.
<input type="checkbox"/>	8.	Submit a utility plan for approval prior to issuance of building permits.
<input type="checkbox"/>	9.	A mutual easements/shared parking covenant is required given that the subject site is located within an integrated shopping center and will share access and parking with adjacent parcels. Please remit \$1,094 and title reports for all property located within the shopping center for the preparation of this covenant. These documents are required prior to issuance of building permits and must be recorded prior to occupancy. If this agreement already exists, please provide a copy to the Development

		and Resource Management Department.
<input type="checkbox"/>	10.	Deeds of easements for the required dedications shall be prepared and submitted to the city with proof of ownership prior to issuance of building permits.
<input type="checkbox"/>	11.	Development shall comply with FAX comments for improved bus stop pursuant to email dated September 25, 2014.
<input type="checkbox"/>	12.	Development shall comply with the requirements of the Fresno Irrigation District letter dated October 2, 2014. FID signature on plans required prior to issuance of building permits.
<input type="checkbox"/>	13.	Development shall comply with the requirements of the Fresno Metropolitan Flood Control District (FMFCD) letter dated October 13, 2014. Pay review fee of \$336 and drainage fee of \$20,440 prior to issuance of building permits. Grading plan and drainage report shall be approved by the FMFCD prior to issuance of building permits. Indicate on plans the required new storm drainage facilities.
<input type="checkbox"/>	14.	Development shall comply with the City of Fresno Police Department letter dated September 22, 2014. Depict the 4 required exterior video cameras on the site plan.
<input type="checkbox"/>	15.	<p>Development shall comply with the Fresno County Department of Public Health letter dated September 23, 2014 as outlined below:</p> <p>Prior to building permits, provide proof of submittal of 3 sets of complete plans and spec's for the installation of underground storage tanks to the Environmental Health Division.</p> <ul style="list-style-type: none"> a. Prior to occupancy, provide Permit to Operate an Underground Storage Tank System. b. Prior to permits, provide proof of an approved Hazardous Materials Business Plan. c. Prior to permits, provide complete food facility plans and obtain permit to operate a food facility. d. Prior to occupancy, provide proof of ABC license to sell alcohol.
<input type="checkbox"/>	16.	At least six months prior to the first occupancy, contact the local United States Postal Service representative to complete a Mode of Delivery Agreement for New Construction.

<input type="checkbox"/>	17.	Provide a map (with address detail) to the local USPS representative. Procure, construct an install all mail receptacle facilities for each location as specified an approved by the USPS.
<input type="checkbox"/>	18.	Development shall comply with the Department of Public Utilities/Solid Waste letter dated September 17, 2014. Provide a minimum of three trash enclosures, constructed according to Public Works standards P-33, P-34.
<input type="checkbox"/>	19.	Comply with all mitigation measures contained in the Fresno General Plan SCH No. 2012111015 MEIR Mitigation Measure Monitoring Checklist and Project Specific Mitigation Measures for C-14-080.
<input type="checkbox"/>	20.	Pay development fees to Clovis Unified School District prior to issuance of building permits.
<input type="checkbox"/>	21.	Pay applicable Regional Transportation Mitigation Fees (RTMF), Traffic Signal Mitigation Impact Fees (TSMI), and Fresno Major Street Impact (FMSI) Fees prior to issuance of building permits.

PART B – OTHER REQUIREMENTS

1. Planning/Zoning/Environmental Compliance Requirements

- a) Property development standards and zoning requirements are contained in the attached “Project Comments from the Development Services Division” prepared for Conditional Use Permit Application No. C-14-080 and dated March 5, 2015. Any future revisions to the proposed project shall comply with these conditions.
- b) Development shall take place in accordance with the attached “General Notes and Requirements for Entitlement Applications” as applicable.
- c) Development shall take place in accordance with the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*), and all other applicable sections of the Fresno Municipal Code. Comply with all conditions of zoning.
- d) Development shall take place in accordance with the policies of the Fresno General Plan and the Woodward Park Community Plan.
- e) Comply with the operational statement submitted for the proposed project dated

August 29, 2014.

- f) Any changes to approved elevations are subject to review and approval by the Development and Resource Management Department.

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, the Department of Public Utilities (for sewer and water) dated September 30, 2014, the Department of Public Utilities (for solid waste) dated September 17, 2014, the Public Works Department, Engineering Division dated March 2, 2015, the Fresno Fire Department dated September 30, 2014, the Fresno Police Department dated September 22, 2014, Fresno Area Express (FAX) dated September 25, 2014, Caltrans dated September 30, 2014, the San Joaquin Valley Air Pollution Control District dated November 24, 2014, the Fresno Irrigation District dated October 2, 2014, the Fresno Metropolitan Flood Control District dated September 10 and October 13 respectively, the Fresno County Department of Public Health dated September 23, 2014, and the United States Postal Service.

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.

Please be advised that this project may be subject to a variety of discretionary conditions of approval. These conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the health, safety and welfare of the community, and recommend conditions for development that would on the whole enhance the project and its relationship to the neighborhood and environment.

APPEALS

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Section 12-405 can be made. Discretionary conditions of approval will ultimately be deemed mandatory unless appealed. In the event you wish to appeal any of these conditions, you must state your appeal (in writing or in testimony) at or prior to the Planning Commission hearing for this project scheduled on April 1, 2015 at 6:00 p.m. or thereafter.

EXPIRATION DATES

The exercise of rights granted by this special permit must be commenced within four years from the date of approval (April 1, 2019). There is no extension. All improvements must be installed prior to the operation of the proposed use, unless otherwise stated in the conditions of approval.

Enclosures: Exhibit 1: Exhibits A-1 (2- 1 from Fire and 1 from Traffic), F-1, F-2, F-3, E-1, and L-1 dated January 23, 2015
Exhibit 2: Planning Comments, dated March 5, 2015
Exhibit 3: Comments from Partner Agencies & Departments
Exhibit 4: Operational Statement dated August 29, 2014