

Exhibit E  
Conditions of Approval for C-13-092

CITY OF FRESNO  
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

CONDITIONS OF APPROVAL

APRIL 16, 2014

CONDITIONAL USE PERMIT APPLICATION NO. C-13-092  
"A PLANNED DEVELOPMENT"

NORTHEAST CORNER OF EAST CLINTON AND NORTH FOWLER AVENUES

**PART A - PROJECT INFORMATION**

1. Assessor's Parcel No(s): 310-041-38
2. Street Location: Northeast corner of the intersection of East Clinton and North Fowler Avenues.  
**(Council District 4, Councilmember Caprioglio)**
3. Existing Zoning "C-M/UGM/cz" (*Commercial and Light Manufacturing District/Urban Growth Management/with conditions of zoning*)
4. Proposed Zoning "R-1/UGM/cz" (*Single Family Residential District/Urban Growth Management/with conditions of zoning*)
5. Existing Planned Land Use: Light Industrial
6. Proposed Planned Land Use: Medium Density Residential (4.99-10.37 dwelling units/acre)
7. Plan Areas: McLane Community Plan
8. Project Description: Requests authorization for the establishment of a 169-lot single family residential, public street planned unit development with modified property development standards for lots proposed to be created by Vesting Tentative Tract Map No. 6033/UGM.

**PART B - GENERAL CONDITIONS AND REQUIREMENTS**

The City of Fresno Planning Commission, on April 16, 2014, approved the special permit application subject to the enclosed list of conditions and Exhibit(s) "A", "E", "F" & "L", inclusive of Conditional Use Permit Application No. C-13-092.

**IMPORTANT: PLEASE READ CAREFULLY**

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

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 Fresno Municipal Code (FMC) Section 12-405.A can be made.

**All discretionary conditions of approval will ultimately be deemed mandatory unless appealed either verbally or in writing to the City of Fresno Planning Commission at the scheduled public hearing regarding Conditional Use Permit Application No. C-13-092 and Vesting Tentative Tract Map No. T-6033/UGM.**

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:

1. 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;
2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

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 plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. **(Include this note on the site plan.)**

No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted. **(Include this note on the site plan.)**

Transfer all red line notes, etc., shown on the original site plan exhibit(s) to the final site plan(s).  
**CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED**

IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit must be commenced by July 25, 2016 (four years from the date of Director approval). The time limits for any special permit conditionally granted in conjunction with an approved tentative tract map shall be automatically extended upon the extension of such tentative tract map pursuant to Section 12-1005.1 of the FMC.

**To complete the back-check process for building permit relative to planning and zoning issues, submit copies of this corrected, final site plan, together with copies of the elevations, landscape, and irrigation plans, and any required covenants and/or studies or analyses to the Development Services (Planning) Division for final review and approval, a minimum of ten days before applying for building permits.**

Copies of this final approved site plan, elevations, landscape, and irrigation plans stamped by the Development Services (Planning) Division **must be substituted** for unstamped copies of the same in each of the sets of construction plans submitted for plan check prior to issuance of building permits. The final approved site plan must also include all corrections identified in the plan check process.

Be advised that on-site inspections will not be authorized unless the final stamped approved site plan, elevations, landscape, and irrigation plans are included in the plan check file copy.

**Please contact Will Tackett at (559) 621-8063 or via e-mail at [Will.Tackett@fresno.gov](mailto:Will.Tackett@fresno.gov) to schedule an appointment for final sign-off for building permits following your receipt and substitution of the four copies of the stamped, corrected, approved exhibits in the plan check sets.**

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 the imposition of the 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.

**PART C - PUBLIC IMPROVEMENT REQUIREMENTS**

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, for which this review process is dependent, will be imposed whenever such conditions are disclosed.

Questions relating to dedications, street improvements or off-street parking geometrics may be directed to Louise Gilio at (559) 621-8678 / [Louise.Gilio@fresno.gov](mailto:Louise.Gilio@fresno.gov) of the City of Fresno Public Works Department, Traffic and Engineering Services Division.

1. STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

- a) Exhibit(s) "A" is required to include all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc., within the existing and proposed public rights-of-way.
- b) ENCROACHMENT PERMITS. The construction of any overhead, surface or sub-surface private structures and appurtenances extending within the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Engineering Division, Special Districts/Projects and Right of Way Section, (559) 621-8693. Encroachment permits must be approved prior to issuance of building permits.
- c) DEDICATIONS. The following dedication requirements must be satisfied prior to the issuance of building permits:
  - i) Dedications shall take place in accordance with any applicable conditions included within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated April 10, 2014.
- d) VACATIONS. The following vacation requirements must be satisfied prior to issuance of building permits:
  - i) A feasibility study for any/all proposed vacations of existing public rights-of-way is required to be completed prior to either recordation of the Final Map or issuance of building permits. Contact Alan James, Supervising Engineering Technician at (559) 621-8693 for further information.

2. STREET IMPROVEMENTS

- a) All public improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department or street construction plans required and approved by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian, water and sewer utility easements) requires a Street Work Permit issued by the Public Works Department, Engineering Services Division at (559) 621-8693, prior to commencement of the work. Contact the Public Works Department, Engineering Services Section at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the City prior to occupancy.
- b) Existing off-site concrete improvements to remain in place shall be repaired if damaged and/or off grade as determined by the Public Works Department, Construction Management Division (559) 621-5500. Such repairs must be completed prior to final occupancy.
- c) Where required, design and construct curb, gutter, AC paving, and residential sidewalk patterns to Public Works standards, specifications, and policies. Plans shall be prepared by a registered Civil Engineer.

- d) Streetlights are required on all frontages to City Standards and/or as determined by the City Engineer. Street lighting plans are required and must be approved by the Public Works Department/Engineering Services prior to commencement of the work.
- e) Underground all existing off-site overhead utilities within the limits of this site as per FMC Section 12-1011, Section 8-801 and Resolution No. 78-522/88-229.
- f) Submit four copies of a Geometric Approval Drawing (GAD) to Traffic Engineering for review and approval, per the attached checklist, prior to submittal of street plans.
- g) Submit the following as a single package to the Public Works Department Engineering Division, Plan Check and GIS Mapping Section, (559) 621-8682, for review and approval, prior to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Landscape and Irrigation Plans.

### 3. SURVEY MONUMENTS AND PARCEL CONFIGURATION

- a) All survey monuments within the area of construction shall be preserved and if disturbed, shall be reset by a person licensed to practice Land Surveying in the State of California. **(Include this note on the site plan.)**

## PART D - PLANNING/ZONING REQUIREMENTS

### 1. PLANNING

- a) Development is subject to the following ordinances, plans and policies:
  - i) "R-1", *Single Family Residential District* (§12-211 of the FMC)
  - ii) "UGM", *Urban Growth Management* (§§12-4.500-12-4.510 of the FMC)
  - iii) "-cz's", *Conditions of Zoning (Rezone Application No. R-11-003)*
  - iv) 2025 Fresno General Plan
  - v) McLane Community Plan

### 2. MITIGATION MONITORING REQUIREMENTS

Development of the subject property shall be subject to implementation of all applicable mitigation measures, fees, and timelines included within the Initial Study and Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-003/R-11-003/C-13-092/T-6033 and dated March 21, 2014.

- a) The Mitigated Negative Declaration prepared for the proposed project is tiered off of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and Air Quality MND. Development of the subject property shall be subject to implementation of all applicable mitigation measures included within the MEIR and Air Quality MND for subsequent projects; included herein by reference.

### 3. ZONING

- a) Approval of Conditional Use Permit Application No. C-13-092 is contingent upon approval of Vesting Tentative Tract Map No. 6033/UGM; and City Council approval of Plan Amendment Application No. A-11-003 and Rezone Application No. R-11-003.
  - NOTE: Existing covenants or zoning contracts for the subject property related to existing conditions of zoning established through previous adoption of City Council Ordinances may be released upon Council Approval of Rezone Application No. R-11-003 if such existing conditions of zoning are removed or modified in a manner which renders previous covenants or contracts null or void.
- b) A subsequent entitlement will be required in order to revise the current development proposal or authorize an alternative development scheme for the subject property. Further environmental review may also be required if any proposed revisions have not been previously evaluated within the scope of Environmental Assessment No. A-11-003/R-11-003/C-13-092/T-6033 and dated March 21, 2014.
- c) The subject property is proposed to be zoned under the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district classification. Any development on the subject property or individual lots resulting from a subdivision thereof shall comply with the property development standards of the respective R-1 zone district except as may be modified herein pursuant to Conditional Use Permit Application No. C-13-092.

### 4. POPULATION DENSITY

- a) Pursuant to the proposed Medium Density Residential planned land use designation for the subject property; the subject property shall be developed in accordance with Vesting Tentative Tract Map No. 6033/UGM and Exhibit(s) "A" of Conditional Use Permit Application No. C-13-092
  - i) Based upon the number of dwelling units (du) allowed per acre, respective to the Medium-Density Residential planned land use designation, the subject property is required to be developed with between 4.99-10.37 du/acre to meet the density requirements of the 2025 Fresno General Plan and FMC.
    - NOTE: Pursuant to Vesting Tentative Tract Map No. 6033/UGM and Conditional Use Permit Application No. C-13-092, the subject property is proposed to be developed at an overall density of approximately 5.30 du/acre.

### 5. BUILDING HEIGHT

- a) No building or structure erected in the R-1 (*Single Family Residential*) zone district shall have a height greater 35 feet.

- NOTE: Exceptions. Over height structures may be approved by the City of Fresno Planning Commission or Director of the Development and Resource Management Department. However, no roof structure or any space above the height limit shall be allowed for the purpose of providing additional living or floor space.

- b) No accessory building erected on the subject property shall have a height greater than one story, not to exceed 12 feet in height. All accessory buildings on the subject property are subject to the provisions of Section 12-306-N-1 (Accessory Buildings) of the FMC.

#### 6. BUILDING AND YARD SETBACKS AND SPACES BETWEEN BUILDINGS

- a) Setbacks and spaces between buildings shall be provided in accordance with Exhibit(s) "A" of Conditional Use Permit Application No. C-13-092; and, the following:

- NOTE: Any proposed deviation from the building setback envelopes established by Exhibit "A" of Conditional Use Permit Application No. C-13-092 requires a revision to Conditional Use Permit Application No. C-13-092.

- b) All garages shall be setback a minimum of 18-feet from front property lines (coincident with back of sidewalk) subject to providing roll-up garage doors. Habitable space may be provided closer, subject to compliance with the condition above.
- c) Proposed structures are required to be found in compliance with the fire resistive standards of the Uniformed Building Code. In the event structures do not comply they must be modified so as to meet the requirement.

#### 7. LOT COVERAGE

- a) Maximum lot coverage by buildings and structures shall not exceed 50 percent of the total lot area; except as follows:
  - i) An additional 5 percent of the respective lot area may be improved with impervious area, which may include a front yard walkway, a side yard walkway and a rear yard patio.

#### 8. OPEN SPACES AND LANDSCAPING

The subdivider shall provide and maintain all landscaping (and irrigation systems) in accordance with the following:

- a) A landscape and irrigation plan, prepared by a landscape professional, shall be submitted to the Development Services (Planning) Division and approved for all open space and recreational areas within the development. These plans must be reviewed and approved prior to obtaining building permits.
- b) Proposed Outlot "A" of Vesting Tentative Tract Map No. 6033/UGM, which is proposed to be dedicated for open space purposes shall be landscaped by the developer in accordance with the approved landscape and irrigation plans and shall thereafter be maintained in a manner



which provides appropriate security and is deemed acceptable to both the City of Fresno Development and Resource Management and Public Works Departments.

- c) All yards (including private) and areas designated for open space purposes shall be landscaped and maintained in accordance with Sections 12-306-N-24 of the FMC.
- i) All yards and landscaped areas located adjacent to street frontage shall be provided automatic irrigation systems.
- ii) All yards (including private) and areas designated for open space purposes shall comply with the water efficient landscape standards in accordance with Section 12-306-N-23 of the FMC.
- d) All required Walls or fences, which are accessible to the public, shall incorporate an adjacent landscaped buffer area pursuant to the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards."
- e) Provide for the planting of trees on-site per FMC Section 12-306-N-24-g; except as may be modified herein below:
- i) Planting of on-site trees shall occur in accordance with the landscape plan which is required to be submitted to the Development Services (Planning) Division for review and approval prior to issuance of building permits.
- ii) Trees shall be planted in all landscaped areas required in the conditions of approval for Vesting Tentative Tract Map No. 6033/UGM in order to shade and enhance adjacent property and public rights-of-way.
- f) No building permit shall be issued for any development for which a special permit has been issued until the requirements for street trees as provided in Article 3 of Chapter 11 of the FMC have been met and street tree inspection fees paid pursuant to the Master Fee Schedule.
- NOTE: Street trees shall be planted by the property owner and shall be inspected by the City pursuant to the payment of street tree inspection fees.
  - NOTE: The Department of Public Works may approve a request for waiver of street tree requirements if the applicant agrees to plant the minimum number of streets trees required based upon the linear feet of street frontage on private property within ten feet of the back of the sidewalk. Based upon the proposed building setbacks of proposed structures to public rights-of-way, street trees may not be required to be planted within a 10-foot Public Planting and Utility Easement (to be determined by the City Engineer).
  - NOTE: The number and location of street trees for the proposed project shall be approved by the Department of Public Works, Parks Supervisor prior to approval of landscape plans and prior to issuance of a street tree planting permit. The approved landscape plan, properly scaled and dimensioned, shall serve as a street tree planting permit for on-site trees not in the public right of way. A copy of this plan shall be kept at

the job site at all times.

- i) Call (559) 621-5600 to notify the Public Works Department Construction Management Division 72 hours prior to tree hole drilling/tree planting in the public right-of-way, in order to verify tree locations, to obtain inspection of drilling operations, and to check backfilling procedures and safety barriers.
  - ii) All planting, irrigation and related work within the city right-of-way shall comply with the City of Fresno Public Works Department Standard Specifications, Section 25 and 26.
  - iii) All landscaping and related work to be performed within the city right-of-way shall be done by a qualified contractor and requires a street encroachment permit from the Public Works Department prior to commencement. Call (559) 621-8685 for information on encroachment permits and required insurance and bonding.
- g) All trees shall be maintained in good health. 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. **(Include this note on the site plan and landscape plan.)**
- h) All vegetation shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight, or disease, and any such vegetation which shows signs of such damage or injury at any time shall be replaced by the same, similar, or substitute vegetation of a size, form, and character, which will be comparable at full growth.
- i) Landscaping shall be kept free from weeds and undesirable grasses.
- j) Landscaping must be in place before issuance of the certificates of occupancy for proposed structures.
- i) 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 and Resource Management Department. **(Include this note on the site and landscape plans.)**
- NOTE: The hold on occupancy may be released at the discretion of the Development and Resource Management Department to subjectively accommodate inappropriate planting conditions, which are outside of the control of the developer/subdivider (e.g. weather conditions which may be prohibitive to planting in a timely and appropriate manner, etc.).
  - NOTE: The use of utilities for temporary occupancy may be allowed by the Building Official pursuant to FMC Section 13-100.110.1.2 et seq.
- ii) Prior to granting of final occupancy, a written certification, signed by a landscape professional approved by the Development and Resource Management Department Director, shall be submitted stating that the required landscaping and irrigation system have

been installed in accordance with the landscaping and irrigation plans approved by the Development and Resource Management Department. **(Include this note on the site and landscape plans.)**

#### 9. FENCES, HEDGES, AND WALLS

Fences, hedges and walls shall be provided in accordance with the following:

- a) All proposed fences, hedges and walls, etc. shall be reviewed and approved prior to installation by the City of Fresno, Development and Resource Management Department. **(Include this note on the site plan.)**
  - i) Clearly depict any proposed/existing fences, hedges and walls on Exhibit(s) "A" and/or "L" of Conditional Use Permit Application No. C-13-092. Note that all proposed/existing fences, hedges and walls must comply with all policies, ordinances, regulations, etc. of the City of Fresno, Development and Resource Management Department.
  - ii) Submit a rendering depicting the fence, hedge or wall height, material, location etc. for review and approval.
    - NOTE: Only those fences, hedges and walls as shown on the site or landscape plans shall be reviewed for approval.
- b) Fences within the interior of the planned development shall be located behind any required end-block landscape areas as required by the conditions of approval for Vesting Tentative Tract Map No. 6033/UGM.
- c) All fences, hedges and walls shall conform to the provisions of Section 12-306-H of the FMC..
- d) 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.

#### 8. ACCESS

- a) There shall be pedestrian access from a dedicated and improved street, alley or recorded private access to property used for residential purposes, the design of which shall be approved by the Director of Public Works.
- b) Vehicular and/or pedestrian access shall be maintained and remain clear at all times.
- c) Provide vehicular and/or pedestrian access as noted on Exhibit(s) "A" of Conditional Use Permit Application No. C-13-092.

#### 9. OUTDOOR ADVERTISING AND MARKETING

- a) Signs, *other than directional signs, if applicable*, are not approved for installation as part of this special permit. Submit for a separate Master Sign Program or Sign Review Application. Applications and requirements for submittal are available at the Development Services (Planning) Division's Public Front Counter. **(Include this note on the site plan).**

#### 10. BUILDING STANDARDS AND ELEVATIONS

Final building elevations for all structures proposed to be constructed on the subject property shall be submitted to the Development and Resource Management Department, Development Services Division for approval prior to issuance of building permits.

The design of the project should address the goal to create a pedestrian scale atmosphere with quality architecture in order to create and achieve a vibrant, livable, walkable, economically viable and sustainable community to enhance the urban form. Buildings should generally be designed to strengthen street scene, integrating private and common area spaces such as to maximize pedestrian use, enjoyment and amenity associated with the planned development. Building elevations shall comply with the following requirements:

- a) Pursuant to Policy numbers C-20-f, C-21-a, C-21-b and C-21-c of the 2025 Fresno General Plan, all proposed buildings shall include design features and decorative treatments. Visible sides of buildings shall not be developed with featureless "blank" walls. Design measures should be utilized to avoid large scale, massive, monolithic, and repetitive "institutional" visual appearances. Submit elevations inclusive of modifications for review and approval.
  - i) Buildings shall have an attractive appearance on all sides, not just on their front elevations. Side and rear elevations which are visible from the public rights-of-way or which are adjacent to common areas or paths of travel should incorporate aesthetic enhancements to reinforce the quality and character of the development. Design features such as the extension of roof treatments to the sides and backs of buildings; provision of overhangs, awnings and sunscreens; and, use of texture, relief, and/or color can be utilized to add interest to otherwise blank walls.
    - NOTE: Aesthetic enhancements may include a variety of elements including incorporation of architectural character defining features, details and materials, landscaping, decorative fencing, etc. Contact the Development and Resource Management for further information and/or recommendations. Development and Resource Management Department approval shall be obtained for respective elevations of the proposed structures prior to issuance of building permits.
  - ii) Elevations which are visible from the public streets rights-of-way shall incorporate aesthetic enhancements pursuant to the recommendations included herein above.
  - iii) Second-story windows should be directed, to the extent feasible, away from adjacent single-story residential uses; or, adequate setback and landscape screening shall be provided to protect the privacy of adjacent properties.

- iv) Roofing material shall consist of: architectural grade composition roofing guaranteed by the manufacturer for at least 20 years; cement or clay tile; treated wood shakes; and/or, architectural-grade metal and coated non-glare decorative metal roofing products.
  - v) Garage doors with decorative features (which may include windows) shall be provided for each dwelling on all lots within the planned development.
  - vi) Where proposed, attic vents shall be decorative, consistent with the style and character of each structure.
- b) In accordance with City of Fresno guidelines and recommendations from the Fresno Police Department for crime prevention through design, appropriate lighting shall be provided on-site to enhance the appearance of the neighborhood while simultaneously providing a sense of security and safety in order to make it possible to use outdoor living spaces after nightfall.
- i) Residential lighting fixtures should be scaled to be in keeping with the pedestrian nature of the planned development.
  - ii) Lighting should be designed to make yard and common areas more livable and to allow neighbors to gather and socialize in the evening hours.
  - iii) Lighting fixtures should complement the architectural style of the structures in terms of both color and style. Fixtures attached to structures and complementing their style are preferred.
  - iv) Eave-mounted spotlights should be limited to interior yards and used only to illuminate after-dark activities. The light from these spotlights should be shielded or aimed to eliminate glare escaping into neighbors' yards and windows.
- c) Clearly identify all condensing units, air conditioning and heating units on the site plans and elevations.
- i) Mechanical equipment placed on the ground within side yard areas shall not obstruct or impede access for emergency service personnel. Maintain minimum 3-foot wide clear paths around equipment; or, provide approval from the City of Fresno Fire Department respective to mechanical equipment locations.
  - ii) Roof mounted mechanical equipment shall be recessed and shall not be visible from the public right-of-way. When placed on the ground outside of required yards, condensing units and mechanical equipment shall be screened from view of the public right-of-way with structures, fencing and/or landscaping as may be appropriate.

## 12. DEVELOPMENT IMPACT FEES

City of Fresno Development Impact Fee obligations applicable to this project shall be satisfied in accordance with the fee schedule outlined within the conditions of approval for Vesting Tentative Tract Map No. 6033/UGM dated April 16, 2014. The specified fees will be payable at time of recordation of a Final Map, issuance of building permit, at time of issuance of certificate of

occupancy, or may be eligible to be deferred with a fee deferral covenant.

## **PART E - CITY AND OTHER SERVICES**

### **1. TRANSPORTATION/TRAFFIC PLANNING and FAX REQUIREMENTS**

- a) Comply with all of the requirements included within the attached Public Works Department, Traffic and Engineering Services Division memorandums dated March 21, 2014 and April 10, 2014.

### **2. PUBLIC UTILITIES REQUIREMENTS**

- a) Comply with all of the requirements included within the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated September 16, 2013.
- b) Comply with all of the requirements included within the attached Department of Public Utilities, Water Division memorandum dated September 20, 2013.

### **3. SOLID WASTE COLLECTION**

- a) Comply with all of the requirements included within the attached Department of Public Utilities, Solid Waste Division memorandum dated September 24, 2013.

### **5. FIRE PROTECTION REQUIREMENTS**

- a) Comply with all of the requirements included within the attached City of Fresno Fire Department memorandum dated January 09, 2012.

### **6. FLOOD CONTROL REQUIREMENTS**

- a) Comply with all of the requirements included within the attached Fresno Metropolitan Flood Control District memorandum dated September 19, 2013.

### **7. SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT**

- a) The subdivider/developer shall comply with all regulations and rules applicable to the development of the subject property in accordance with SJVAPCD requirements and the mitigation measure requirements included herein above.

- NOTE: These rules and regulations may include, but not be limited to, compliance with Regulation VIII for the control of particulate matter and fugitive dust during construction of this project and Rule 8060 for the control of fugitive dust from paved and unpaved roads.

### **8. FRESNO IRRIGATION DISTRICT**

- a) Comply with all of the requirements included within the attached Fresno Irrigation District

memorandum dated October 02, 2013 and all FID related requirements included within the Conditions of Approval for Vesting Tentative Tract Map No. 6033/UGM dated April 16, 2014.

9. COUNTY OF FRESNO, DEPARTMENT OF COMMUNITY HEALTH

- a) Comply with all of the requirements included within the attached County of Fresno Department of Public Health memorandum dated August 29, 2013.

**PART F - MISCELLANEOUS**

Approval of this site plan is contingent upon the submittal of corrected site plans showing all existing/proposed on-site conditions as reflected on all exhibits and the following:

1. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
2. 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 archaeological 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.
3. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. A paleontologist shall conduct an assessment and, if the paleontologist determines the material to be significant, it shall be preserved.

**Unless the Planning Commission decision is set for hearing to the Council in accordance with Section 12-406-J of the FMC, the decision of the Commission shall be final and effective at 12:01 a.m. on the sixteenth day after the date of the decision, subject to writ of administrative mandamus under 1094.6 of the Code of Civil Procedures.**