

Agenda Items: ID#19-1972 (7-A)

Date: 8/07/2019

FRESNO PLANNING COMMISSION



Late Submission Information Packet

Agenda Related Item(s) – ID#19-1972 (7-A)

Item(s)

Consideration of Plan Amendment and Rezone Application No. P18-03582, Conditional Use Permit Application No. P18-03583 and Environmental Impact Report (EIR) State Clearinghouse (SCH) No. 2018111043 as part of a City-initiated Plan Amendment and Rezone pursuant to Fresno Municipal Code (FMC) Section 15-5803. (Council District 3)

Contents:

- 1. Revised Conditions of Approval for Conditional Use Permit Application No. P18-03583 (Exhibit G).**

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the Planning Commission after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in Planning and Development Dept. , 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the Planning Commission meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the Planning and Development Department's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call Planning and Development Department at 621-8277. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

City of Fresno
Planning and Development Department

Conditions of Approval
July 17, 2019

Conditional Use Permit Application No. P18-03583

Planner: Chris Lang (559) 621-8023

PROJECT DESCRIPTION

Darling Rendering Plant Relocation CUP associated with Plan Amendment and Rezone for approximately 40 acres at 5449 West Jensen (APNs 327-03-41T and 327-030-38T). Project proposes the construction of a new rendering plant and associated site upgrades on a vacant portion of land. Application initiated by City of Fresno Planning and Development Department.

APN: 327-030-41T, 38T ADDRESS: 5449 W JENSEN AVE ZONING: IH Industrial - Heavy

PART A - ITEMS TO BE COMPLETED

The following items are required prior to **[issuance of building permits], [prior to occupancy], and/or [commencement of land activity]**:

Planner to check when completed

- | | |
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| ☐ | Resubmit detailed Site Plan, Floor Plan, Landscape Plan, and Elevations. Transfer all comments and conditions to the corrected exhibit(s) and submit to planner at least 30 days prior to issuance of building permits . Plans shall include ALL items found on the Content Requirements Checklist . |
| ☐ | All information required in the Traffic Submittal Checklist must be included on revised site plan. |
| ☐ | Provide two full size copies of all site plan exhibits to the project planner at time of site plan resubmittal. |

Comply with all Mitigation Measures identified in the Mitigation Monitoring and Reporting Program (MMRP) prepared for the Fresno Rendering Plant Relocation Project. Planning to verify compliance with the following:

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| ☐ | Provide a detailed lighting plan that demonstrates all exterior lighting is directed downward and includes full shielding to minimize light pollution and to minimize light spillage onto adjacent properties, pursuant to Mitigation Measure 4.2-2 of the MMRP, prior to issuance of building permits . |
| ☐ | Provide proof of the establishment of a farmland easement or similar mechanism that shall be implemented prior to issuance of grading permits . In-kind or similar resource value protection for land similar to the project site shall be provided at a ratio of 1:1, pursuant to Mitigation Measure 4.3-1 as identified in the MMRP. City is the implementing agent, and establishment of a farmland easement by City shall not delay issuance of grading permits. |
| ☐ | Prepare an Odor Control Plan (OCP), pursuant to Mitigation Measure 4.4-5, and submit a copy to the City of Fresno and the San Joaquin Air Pollution Control District. |
| ☐ | Provide documentation from a qualified archeologist that a field survey has been conducted, pursuant to Mitigation Measure 4.5-1a, prior to issuance of grading permits . If archeological resources are not found during the field survey, construction activities can commence. |
| ☐ | Provide documentation from a qualified paleontologist that a screening-level site survey and |

	worker awareness training for all construction personnel involved with earthmoving activities, pursuant to Mitigation Measure 4.5-4, has been conducted prior to issuance of grading permits.
☐	Provide documentation from the California Department of Fish and Wildlife that the project is in compliance with Mitigation Measures 4.6-1, 4.6-2 and 4.6-3 of the MMRP prior to issuance of grading permits. Subsequent documentation may be required to verify ongoing compliance.
☐	Provide documentation from a qualified environmental professional that a Phase I environmental site assessment has been conducted, pursuant to Mitigation Measure 4.8-2, and contamination is unlikely prior to issuance of grading permits.
☐	Provide documentation from the Department of Public Utilities indicating approval of an on-site drainage plan, pursuant to Mitigation Measure 4.9-3, prior to issuance of grading permits.
☐	Provide a noise minimization plan from a qualified acoustical specialist, pursuant to Mitigation Measure 4.11-3. All noise mitigation measures shall be incorporated into site plan prior to issuance of building permits.
☐	Pay fair share payment <u>or ad hoc in lieu fee in the amount of \$ [REDACTED] for</u> improvements at Jensen and Cornelia, and Jensen and Brawley, pursuant to Mitigation Measures 5-1a and 5-1b. Payment must be made prior to issuance of grading permits. <u>Improvements will be installed by City when warrants have been met.</u>
Compliance with Articles contained in Chapter 15 of the Fresno Municipal Code shall be verified by the project planner prior to issuance of building permits.	
☐	Project shall comply with Article 13 of the Citywide Development Code, Employment Districts.
☐	Project shall comply with Article 20 of the Citywide Development Code, General Site Regulations.
☐	Project shall comply with Article 23 of the Citywide Development Code, Landscaping.
☐	Project shall comply with Article 24 of the Citywide Development Code, Parking and Loading.
☐	Project shall comply with Article 25 of the Citywide Development Code, Performance Standards.
☐	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.
☐	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, Planning and Development Department (see form, attached).
☐	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.
☐	Add applicable notes from Part E of the Conditions of Approval, Miscellaneous and General Notes and Requirements.

PART B - OTHER AGENCY COMMENTS AND CONDITIONS

Development shall take place in accordance with the attached document titled "Review Comments for Conditional Use Permit application: P18-03583," dated July 17, 2019.

PART C - PLANNING DEVELOPMENT CODE STANDARDS

1. Density and Intensity Standards

	Standard Requirement	Proposal	Complies?
Maximum Height (ft.)	60 feet; 100 feet for uninhabited structures such as silos.	Submit Elevation Plans indicating maximum height. For height exceptions see §15-2012 and of the FMC	N/A
Minimum Setbacks (ft.)			
Front (Local Street)	-	Submit Site Plan with dimensions and measurements to property lines.	Yes
Side	-		Yes
Rear	-		Yes

2. Parking and Loading

- Parking is required as follows: 1 space per 1,500 sq. ft. plus 1 per 300 sq. ft. of office.
- Loading spaces are required when a building is to be occupied by a use requiring the receipt or distribution by vehicles or trucks of material or merchandise. Comply with Section 15-2430-A of the FMC.
- Short-Term Bicycle Parking shall be provided when required by the California Green Building Standards Code, as may be amended.
- Long-Term Bicycle Parking shall be provided when required by the California Green Building Standards Code, as may be amended.
- All parking areas shall comply with the Department of Public Works Parking Manual.
- The project shall utilize one of the two driveway locations identified in the property description and survey boundaries for construction related uses.

3. Landscaping

- Pursuant to Section 15-2305-C of the FMC, landscape buffers shall be installed and maintained alongside and rear lot lines between differing land uses
- Pursuant to Section 15-2305-D of the FMC, all areas between site perimeter walls/fencing and lot lines facing a street shall be landscaped.
- Pursuant to Section 15-2305-F of the FMC, all areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be minimally landscaped and maintained clear and free of refuse, debris, or other accumulated matter.

4. Fencing

1. Front Yard.

a. **Wrought Iron or Tubular Steel.** A fence up to four feet in height may be installed within any required front yard setback. Fences must be open a minimum of 80 percent (e.g., no more than 20 percent opaque) to allow for the passage of light and air.

b. **All Other Materials.** All other fences within any required front yard setback are permitted up to three feet in height and shall comply with the main building setback, minus five feet.

2. Street-Side Yard.

a. **Wrought Iron or Tubular Steel.** A fence up to four feet in height may be installed within any required front yard setback. Fences must be open a minimum of 80 percent (e.g., no more than 20 percent opaque) to allow for the passage of light and air.

b. **All Other Materials.** All other fences within any required street side yard setback are permitted up to three feet in height and shall comply with the main building setback, minus five feet.

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

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

5. **Construction Fencing.** Nothing in the Development Code shall be deemed to prohibit the erection of temporary fencing around construction sites in compliance with the Building Code and other applicable provisions of the Fresno Municipal Code.

5. Operational Requirements

- Project shall comply with the noise standards contained in Table 15-2506-B & 15-2506-C of the FMC.
- Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious conditions, chemical fires, explosive, blight, or other hazards that could adversely affect the surrounding area.
- Project operation must include proper utilization of liquids or solids to be discharged into water or sewers.

PART D - PLANNING - OTHER REQUIREMENTS

1. Development shall take place in accordance with the policies of the Fresno General Plan and with the Heavy Industrial planned land use designation.
2. Development shall take place in accordance with the IH (*Industrial – Heavy*) zone district and all other applicable sections of the Fresno Municipal Code
3. Comply with the operational statement submitted for the proposed project dated January 16, 2019.
4. 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.

PART E - MISCELLANEOUS AND GENERAL NOTES AND REQUIREMENTS

1. Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. *This special permit is granted, and the conditions imposed, based upon the Operation Statement provided by the applicant. The Operation Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operation Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operation Statement.* Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the special permit or any other enforcement remedy available under the law. The Planning and Development Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.

2. Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:
 - a) All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
 - b) All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
 - c) Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.
3. No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished, or moved in any zoning district, except in accordance with the provisions of this Code. Specific uses of land, buildings, and structures listed as prohibited in any zoning district are hereby declared to be detrimental to the public health, safety, and welfare.
4. Development shall take place in accordance with the Standards, Specifications, and Standard Drawings of the City of Fresno Public Works Department; [Click Here](#)
5. Development shall take place in accordance with all city, county, state and federal laws and regulations.
6. Owners and persons having ownership interest in businesses operating in the City of Fresno (including leasing out any commercial or industrial property, or renting out four or more dwelling units) are required by the Fresno Municipal Code to obtain a Business Tax Certificate. Contact the City of Fresno Finance Department's Business Tax Division at (559) 621-6880 for more information. Information and an application form is available at the following website: [Click Here](#)
7. All proposed building(s) or structure(s) constructed on the property must comply with the prevailing California Building Code Standards.
8. Any building modifications and/or additions not included with this application are not approved with this special permit and would be subject to a new special permit.
9. A permit granted under this Code shall automatically expire if it is not exercised or extended within three years of its issuance. Refer to section 15-5013, Expiration of Planning Entitlements, for more information about the exercise of rights.

FENCES/WALLS, LANDSCAPING, PARKING

10. Nothing in this Development Code shall be deemed to prohibit the erection of temporary fencing around construction sites in compliance with the Building Code and other applicable provisions of the Fresno Municipal Code.
11. Future fences shall be reviewed and approved by the Planning and Development Department prior to installation.
12. Fences, hedges, and walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the maximum allowed height. Fences shall be maintained and shall stand upright and shall not lean.
13. All planting and other landscape elements shall be permanently maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. Yards shall be

- maintained free of refuse, debris, rubbish, or other accumulated matter and/or materials, and shall be maintained clean. Grass shall not exceed six inches in height.
14. Trees shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, accidents, vandalism, insects, and disease. Any tree showing such damage shall be replaced with another tree.
 15. No tree for which a Tree Removal Permit is required shall be removed until all conditions of the permit have been satisfied and the decision has become final. In addition, tree(s) approved for removal in conjunction with a development application shall not be removed before the issuance of a Building Permit or unless all of the conditions of approval of the development applications are satisfied.
 16. The review authority shall issue a Tree Removal Permit if any of the following general criteria is met:
 - a) The tree(s) is irreparably diseased or presents a danger of falling that cannot be controlled or remedied through reasonable preservation and/or preventative procedures and practices so that the public health or safety requires its removal.
 - b) The tree(s) can potentially cause substantial damage to existing or proposed main structure(s) (e.g. dwellings, other main structures, or public infrastructure) or interfere with utility services and cannot be controlled or remedied through reasonable relocation or modification of the structure or utility services.
 - c) The retention of the tree(s) restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly zoned and situated properties, and the applicant has demonstrated to the satisfaction of the Review Authority that there are no reasonable alternatives to preserve the tree(s).
 17. Future tenant improvements shall be reviewed and approved by the Planning and Development Department to ensure that adequate off-street parking is provided.
 18. The number of trees required for parking lot shading are in addition to trees required elsewhere on the site as prescribed in other sections of this Code
 19. Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.
 20. A minimum number of accessible parking stalls are required for the proposed project per State of California Building Code, "Development Requirements for Handicapped Accessibility."
 21. All accessible stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles.
(Include this note on the site plan.)
 22. (Reserved)
 23. All general standards of Section 15-2015 of the FMC shall apply when lighting is provided to illuminate parking, sales or display areas. **Depict all proposed lights on the site plan.**
 24. Bicycle parking spaces shall be supplied according to Table 15-2429-D: Required On-Site Bicycle Parking Spaces of the Fresno Municipal Code (FMC). Each bicycle parking space shall be a minimum of 30 inches in width and eight feet in length and shall be accessible without moving another bicycle. At least 30 inches of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces to allow for the maneuvering of bikes. Overhead clearance shall be a minimum of seven feet. A minimum five foot aisle between each row of bicycle parking shall be provided for bicycle maneuvering beside or between each row, when multiple rows are proposed. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures.

25. All general provisions of Section 15-2403 of the FMC shall apply to all parking areas.

SIGNAGE

26. All future signs shall be architecturally compatible with the proposed building(s). Provide a set of drawings, with descriptive information, including, materials, design and colors to allow for a preliminary assessment of the future signage. It is recommended that you provide a copy of the signage early in the project process to allow for staff comment.
27. Signs, other than directional signs, if applicable, are not approved for installation as part of this special permit. **(Include this note on the site plan.)**
28. All proposed signs shall conform to the current sign ordinance. Applications for a sign permit and requirements for submittal are available at the Planning and Development Department's Public Front Counter or online at: [Click Here](#)
29. Window signs limited to the hours of operation, address, occupancy, and emergency information, subject to the following standards:
- a) Operational windows signs shall not be mounted or placed on windows higher than the second story.
 - b) The maximum area of exempt window signage shall not exceed three square feet in area.
30. Banners, streamers, moving signs, and inflatables (including air dancers, balloons, and similar objects) are allowed subject to Temporary Use Permit approval for establishments within Non-Residential Districts. Signs of this type do not count toward total maximum sign area. No sign per this section shall be displayed for more than 30 days, and a period of 30 must lapse before displaying another sign. Signs shall not be displayed for more than 60 total days during a calendar year.
31. Every sign displayed within the city, including exempt signs, shall be maintained in good physical condition and shall comply with adopted regulations. All defective or broken parts shall be replaced. Exposed surfaces shall be kept clean, in good repair, and painted where paint is required.

MISCELLANEOUS

32. Noise levels shall not exceed the decibel levels described in Section 15-2506 of the FMC at anytime, measured at the nearest subject property line.
33. No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.
34. Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties. Direct or sky-reflected glare from floodlights shall not be directed into any other property or street. Except for public street lights and stadium lights, no light, combination of lights, or activity shall cast light onto a residentially zoned property, or any property containing residential uses, exceeding one-half foot-candle.
35. No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located. Windows shall not cause glare that may disrupt adjoining properties, traffic on adjacent streets, etc. Glare or heat reflected from building materials shall be mitigated so as to not disrupt surrounding properties.
36. The address listed in the conditions of approval is the 'Official Address' given to the building. If you would like separate suite or unit numbers for a building, provide a floor plan and contact the City of Fresno Planning and Development Department for 'Official Addresses'. **Only those addresses**

assigned by the City of Fresno will be recognized as 'Official Addresses'. The United States Post Office will only recognize addresses assigned by the City of Fresno. If a non-official address is given to a building and or/separate suites, the City of Fresno has the authority to charge a fee and have those addresses corrected. In addition, the United States Post Office will cease mail delivery to those addresses that are not 'Official Addresses'.

37. All projects, including projects that involve less than one acre of property, are required to comply with the City of Fresno's Urban Storm Water Quality Management and Discharge Control Ordinance, FMC Chapter 6, Article 7 (FMC Sections 6-701 *et seq.*)

When a project involves one acre or more of construction activity (including, but not limited to, grading) the developer is required to obtain a stormwater discharge permit for construction, with a Notice of Intent (NOI) filed **prior to** commencement of any grading construction activity. Contact the Fresno office of the California Regional Water Quality Control Board at 559-445-6281 regarding the required NOI and stormwater discharge permit. Additional information on California's construction stormwater regulation may be obtained from the Water Board via the internet:

www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml

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

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

www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml,

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

38. Screen all roof-mounted equipment from the view of public rights-of-way. **Depict all mechanical equipment on site plan and elevations.**
39. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately. **(Include this note on the site plan.)**
40. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation. **(Include this note on the site plan.)**
41. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist and, if the paleontologist determines the material to be significant, it shall be preserved. **(Include this note on the site plan.)**
42. Connection to a municipal water system is required unless approved measures are included in the project conditions of approval for an alternative water supply.
43. Connection to a municipal City of Fresno sewer system is required unless approved measures are included in the project conditions for alternative wastewater treatment facilities

44. City of Fresno water and sewer connection charge obligations applicable to this project will be computed during the building construction plan check process and shall be payable at time of issuance of building permit unless other arrangements have been approved to defer such payments to a later date. For information relating to water and sewer service requirements and connection charges, contact Frank Saburit at (559) 621-8277.
45. Open street cuts are not permitted; all utility connections must be bored.
46. CROSS-CONNECTION CONTROL. A backflow prevention device may be required on the water service. Contact the Department of Public Utilities, Water Division (559) 621-5300 for requirements relating to approved devices, locations, testing and acceptance. This requirement must be satisfied prior to final occupancy.
47. This project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of the Planning and Development when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.
48. Open storage (outside an enclosed building) shall be limited to vehicles, boats, recreational vehicles, and trailers. Outdoor storage areas shall be screened from public view by building façades or solid fences. At the discretion of the Review Authority, the treatment of the ground surface of the open storage area may be gravel or other materials as prescribed by the San Joaquin Valley Air Pollution Control District, the Public Works Department, the Fire Department, and the Fresno Metropolitan Flood Control District. All open storage must be depicted on the site plan and described in operational statement. If it is not, it is not allowed on the site.
49. If video surveillance cameras are required or installed, provide signs under the surveillance cameras which notify the public that the subject property is monitored by video surveillance.

FEES

(Not all fees will be applicable to all projects)

50. NOTICE TO PROJECT APPLICANT: In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.
51. CITYWIDE DEVELOPMENT IMPACT FEES
 - a) Traffic Signal Charge (FMC Section 12-4.1101 to 12-4.1103) This project shall pay its Traffic Signal Mitigation Impact Fee at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Refer to the adopted Master Fee Schedule for fee rate. This fee shall be paid at time of building permit.
 - b) Fire Facilities Fee (FMC Section 12-4.901 to 12-4.906) (based on building square footage, or residential units)
 - c) Police Facilities Fee (FMC Section 12-4.801 to 12-4.806) (based on building square footage, or residential units)
 - d) Parks Facilities Fee (FMC Section 12-4.701 to 12-4.706) (based on the number of residential units)
52. CITYWIDE REGIONAL AND NEW GROWTH MAJOR STREET IMPACT FEES (FMC Section 12-

4.1006)

- a) Street Impact Fees shall be due and payable at the time of building permit issuance unless otherwise required by State law.
- b) Street Impact Fees will be a condition on all development entitlements granted.
- c) New construction on vacant parcels shall be calculated on a net acreage (adjusted acre basis) of the entire property subject to the development entitlement based upon planned land use. Notwithstanding, fees shall be based upon actual land use for developments in the C-M zone district and for development projects developed inconsistent with the plan land use.
- d) New construction on property that is partially developed, Street Impact Fees will be applied to the incremental increase proportionate to the respective floor to area ratios (25% for commercial and 40% for industrial). In no case shall anyone pay more than the amount of the total net acreage of the parcel multiplied by the applicable fee rate.
- e) Reuse being more intensive than the original use, the developer shall be required to pay the difference between the current amount of the Street Impact Fee obligation for the old use and the current amount of the Street impact Fee obligation for the new use.

53. FRESNO COUNTY FACILITY IMPACT FEE

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

54. REGIONAL TRANSPORTATION MITIGATION FEE (RTMF)

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

55. SCHOOL FEES

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

56. (Reserved)

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

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

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

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

- a) Frontage Charge (based on property frontage)
- b) Transmission Grid Main Charge (based on acreage)
- c) Transmission Grid Main Bond Debt Services Charge (based on acreage)

- d) UGM Water Supply Fee (based on living units, living unit equivalents or acreage)
 - e) Wellhead Treatment Fee (based on living units or living unit equivalents)
 - f) Recharge Fee (based on living units or living unit equivalents)
 - g) 1994 Bond Debt Service Charge (based on living units or living unit equivalents)
 - h) Service Charges (based on service size required by applicant)
 - i) Meter Charges (based on service need)
59. Deferment of the payment of Citywide development impact fees for Fire, Police, Parks, Streets, and Traffic Signals is available for projects located within the Downtown Priority Areas in accordance with the provisions of City of Fresno Resolutions Nos. 2009-265 and 2010-19.