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

November 2, 2015

Please reply to:
Sophia Pagoulatos
(559) 621-8062

Mehmet Noyan
Noyan Properties
Mehmet@noyanco.com
Sent via email only

**SUBJECT: SPECIAL PERMIT NO. C-15-035 AT 815, 829 AND 835 FULTON MALL APNs
468-282-22T, 05T, and 23T**

Dear Mr. Noyan:

The Development and Resource Management Director, on October 28, 2015, approved Special Permit Application No. **C-15-035** which proposes the construction of a four-story mixed use building that will include 50 multiple family residential units and up to 15,000 square feet of ground floor retail on three neighboring lots fronting on Fulton Mall, and the related environmental document. The proposed project was determined to be within the scope of the City of Fresno Master Environmental Impact Report (MEIR) SCH No. 2012111115. A Finding of Conformity to the Fresno General Plan MEIR was posted and published on September 18, 2015. The approval of this project is subject to compliance 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:

Planner to
check
when
completed

1. Development shall take place in accordance with Exhibits A, F-1, F-2, F-3 and F-4 dated March 16, 2015. 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. Elevations must comply with the Downtown Development Code and must be approved by the Director. Provide detailed drawings, door and window schedules, color and material finishes and any other details requested to planner for review and approval.

3. Any proposed exterior changes to potentially historical buildings shall comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Restoring and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer;
4. The project includes installation of high performance air filters on all residential dwelling units.
5. The project shall provide a minimum of 4 electric vehicle charging stations and preferential parking for 4 electric vehicles.
6. The project shall include 1 covered bicycle parking space for every 2 dwelling units (50 units = 25 covered bicycle parking spaces)
7. The project will include an employer-based Transportation Demand Management Plan to encourage staggered work hours and employee incentives to use carpools, public transit and other measures to reduce vehicular use and traffic congestion
8. Project shall include all low-flow fixtures and drought tolerant landscaping
9. The project will incorporate noise attenuating building design measures enumerated in General Plan Noise Element policy NS-1-g to achieve an interior noise level of 45dB, consistent with the City's residential interior noise standards

1. 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.**

1. 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.

- 1: **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).

- 1: The parcel configuration depicted for the proposed development does not conform to record information: Lot Merger for APNs **468-282-22T, 05T, and 23T** is required to establish this configuration **prior to issuance of building**

permits. Contact the Development and Resource Management Department for details or submit a revised exhibit confining the proposed development within existing parcel lines.

1. A flood control fee of \$1,760 (\$1,623 plus \$137 Grading Plan Review) is due **prior to issuance of building permits.** This fee is valid through February of 2016.

1. Add applicable notes from the attached document titled "General 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 Planning Comments prepared for C-15-035, attached.
- b) Development and operation 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 policies of the Fresno General Plan, and the Central Area Community Plan.
- d) Development shall take place in accordance with the C-4 zone district, the mixed use provisions contained in FMC Section 12-325, and all other applicable sections of the Fresno Municipal Code.
- e) Comply with the operational statement submitted for the project dated August 7, 2015

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:
 - a) Public Works Traffic Engineering, April 8, 2015
 - b) City of Fresno Fire Department, March 18, 2015
 - c) City of Fresno Department of Public Utilities Solid Waste Division, March 20, 2015
 - d) City of Fresno Police Department, March 17, 2015
 - e) City of Fresno, Department of Public Utilities, Sewer Division, April 3, 2015
 - f) Fresno Metropolitan Flood Control District, March 30, 2015
 - g) City of Fresno Downtown Revitalization, April 8, 2015
 - h) City of Fresno Department of Public Utilities, Water Division, March 17, 2015
San Joaquin Valley Air Pollution Control District, March 26, 2015, August 28, 2015

- i) Fresno County Department of Public Health, March 19, 2015
- j) Fresno Unified School District, March 24, 2015
- k) Council District 3 Plan Implementation Committee, _____
- l) Fresno Irrigation District, March 24, 2015 and August 24, 2015

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

A notice indicating the Development and Resource Management Department Director's approval of this project was mailed to nearby property owners on November 17, 2015, commencing a 15 day comment/appeal period. Should an appeal be received, it shall be scheduled to be heard before the Planning Commission.

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 conditional use permit 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.

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 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.

If you wish to appeal the decision, a written request must be received at the Development and Resource Management Department by **November 17, 2015**. The written request should be addressed to Jennifer Clark, Director, and include the application number referenced above.

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 Sophia Pagoulatos 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 28, 2019, (four years from the date of approval). There is no extension. All 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,

Sophia Pagoulatos, Planning Manager
Development Services Division

Enclosures: Exhibits
Planning Comments for C-15-035
Comments from Partner Agencies & Departments
General Notes and Requirements for Entitlement Applications
Landscape Certification Form

C: Mehmet Noyan, Applicant

JAF