

Exhibit K
Conditions of Approval



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Fresno, California 93721-3604
(559) 621-8277
www.fresno.gov

Jennifer K. Clark, AICP, HDFP
Director

February 24, 2022

Tricia Knight
TEK Consulting Inc.
On Behalf of Verizon Wireless
triciaknight@charter.net
(Sent via email only)

Please Reply to:
Steven Martinez
Steven.Martinez@fresno.gov




SUBJECT: CONDITIONAL USE PERMIT APPLICATION NO. P21-06304 FOR PROPERTY LOCATED AT 640 R STREET (C/T) (APN: 468-114-17)

The Planning and Development Director has approved Conditional Use Permit Application P21-06304 for TEK Consulting and Verizon Wireless to install a new 80-foot collocatable monopine cell tower with (9) panel antennas, (1) microwave antenna, (12) radio units, and other related equipment for operation with an associated 500 square foot ground lease area. The project was determined to be exempt under Section 15303/Class 3 and Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines. The approval of this project is subject to compliance with the following Conditions of Approval.

CONDITIONS OF APPROVAL

Planner to check box when completed:

<input type="checkbox"/>	1.	<p>Development shall take place in accordance with Plan Exhibits A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8; E-1, E-2, E-3; L-1, L-2, L-3 dated February 16, 2022. Transfer all red line notes, comments, conditions, etc. to the corrected plan exhibit(s) and submit to planner at least 15 days prior to submittal for building permits. All revisions to plans shall be called out with a cloud or delta.</p> <p><input type="checkbox"/> Exhibit A-5: Modify Note - "In the event of site abandonment, the City shall follow the procedures of FMC Section 15-5016."</p> <p><input type="checkbox"/> Exhibits A-5, E-1, & E-2: Add City of Fresno Planning Department Notes: Add Note: "The owner/applicant shall maintain the CMU wall and ensure the wall is kept free of graffiti and vandalism, and any visible structural damage."</p>
<input type="checkbox"/>	2.	<p>Noise Assessment: As outlined in Section 15-2006(Q)(1) and granted by Section 15-2506 of the Fresno Municipal Code, walls used to reduce noise may exceed the fence height standards.</p> <p>The third-party noise assessment completed by Waterford Consultants reviewed the proposed facility with the proposed 8'-8" walls. The noise assessment modeled the proposed generator running at full capacity and the air conditioning units running continuously. The study concluded the facility, as designed, complies with applicable noise standards. To ensure noise levels at the nearest residential property line (approximately 283 feet away) remain minimal, and not for the purpose of mitigating noise levels to an acceptable level, the walls will be permitted to remain 8'-8".</p>

	3.	Foliage & Socks Requirement: The proposed tree foliage and needle socks must be approved by the City of Fresno Planning Department. Applicant shall provide photo samples of proposed foliage and socks, and obtain City approval before final approval of the project.
	4.	Fresno Fire Department: Approved as submitted. No appointment or initial required. Approval of this plan does not authorize or approve any omission or deviation from applicable adopted codes and adopted standards. Final approval is subject to field inspection. 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 DARM 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.
	5.	Fresno County Environmental Health: <ul style="list-style-type: none"> • Facilities that use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (http://cers.calepa.ca.gov/). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information. • The proposed emergency generator may result in significant short-term localized noise impacts due to intermittent use/maintenance. Equipment shall be maintained according to manufacturers' specifications, and noise-generating equipment equipped with mufflers. Consideration should be given to your City's municipal code. • As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor. • Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
	6.	Building and Safety Division: The following items require a separate process with additional fees and timelines, in addition to the Conditional Use Permit Application process. 1. Building plans are required to be submitted to Building and Safety Services Division for approval and permits for the proposed project.
	7.	DPU Water Division: No Comment.
	8.	DPU Planning and Engineering: No Comment.
	9.	DPU Solid Waste Management: No Comment.
	10.	Fresno Police Department: No Comment.

11.	Long Range Planning: Property is located in an area with a recently adopted plan [Downtown Neighborhood Community Plan] Please see www.fresno.gov/downtownplan for more information.
12.	Council District Member: No Response Within Timeframe.
13.	Council District Committee: The Council District 3 Project Review Committee voted 3-1 for motion of approval, which results in a recommendation of an approval for the project.
14.	School District: No Comment.
15.	San Joaquin Valley Air Pollution Control District: No Response Within Timeframe.
16.	Fresno Irrigation District: FID does not own, operate or maintain any facilities located on the subject property.
17.	Fresno Metropolitan Flood Control District: See attached FMFCD Notice of Requirements (NOR). NOR Review fees are due.

PART B – OTHER REQUIREMENTS

1) Planning / Zoning / Environmental Compliance Requirements

- a. Development shall take place in accordance with the policies of the Fresno General Plan, the Downtown Community Plan, and in accordance with the DTN / AH (*Downtown Neighborhood / Apartment House*) zone district and all other applicable sections of the Fresno Municipal Code (FMC).
- b. Development shall comply with any applicable City of Fresno Wireless Telecommunications Facilities Policy and Procedure [Issue No. 33](#). If any applicable policy is in direct contrast of Federal law and requirements, the Federal law and requirements shall be followed.

2) Miscellaneous Requirements

- a) If not completed under previously approved conditional use permits, 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; and
 - 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.
- c) 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.

APPEALS

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

All conditions of approval based on adopted plans, codes, and regulations are mandatory. Conditions based on the FMC may only be modified by variance, provided the findings required by FMC Section [15-5506](#) can be made.

Per FMC Section [15-5017](#), this approval commences a 15-day appeal period. Discretionary conditions of approval may be appealed but will ultimately be deemed mandatory unless appealed in writing within 15 days. The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal and signed by the person making the appeal including the accompanied appeal applicable fee.

If you wish to appeal the decision on this project, a written request shall only be submitted directly to the following email address – publiccommentsplanning@fresno.gov by the end of business on **March 11, 2022**. **Note that the fee for an appeal is \$873.65.** Once the 15-day appeal period has ended and no appeals are received or filed, the approval will be final.

COMPLIANCE PROCESS

Please Note: To complete the compliance process, submit **an electronic copy** of the corrected site plan and corrected elevations to **Steven Martinez** in the Planning and Development Department for final review and approval at least 15 days prior to final sign off. These documents can be uploaded electronically to the citizen access portal at <https://lmsaca.fresno.gov/CitizenAccess/Default.aspx>.

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.

EXPIRATION DATES

1.) The exercise of rights granted by this special permit must be commenced by **February 24, 2025** (three years from the date of approval), pursuant to FMC Section [15-5013](#). An extension of up to one additional year may be granted, provided that the findings required under FMC Section 15-5013-A.1 are made by the Director. All required improvements must be installed prior to the operation of the proposed use.

2.) Pursuant to Fresno Municipal Code Section [15-5308](#), the Review Authority has determined this conditional use permit authorizes permanent physical property improvements. Therefore, this conditional use permit shall not have an expiration date of seven years from the date of approval.

If you have any questions regarding this letter, feel free to contact me at the email above.

Sincerely,



Steven Martinez - Planner

City of Fresno - Planning and Development Department

Enclosures:

- Plan Exhibits A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8; E-1, E-2, E-3; L-1, L-2, L-3 dated February 16, 2022.
- FMFCD Notice of Requirements (NOR) dated January 31, 2022