

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

**CONDITIONS OF APPROVAL
APRIL 19, 2017
CONDITIONAL USE PERMIT APPLICATION No. C-16-062
“A PLANNED DEVELOPMENT”**

Located Northeast Corner of West San Jose and North Colonial Avenues

PART A - PROJECT INFORMATION

1. Assessor's Parcel No: 417-140-21
2. Street Location: Northeast corner of West San Jose and North Colonial Avenues
3. Planned Land Use: Medium Density Residential
4. Plan Areas: Fresno General Plan and Bullard Community Plan
5. Project Description: Conditional Use Permit Application No. C-16-062 proposes a planned development with reduced property development standards for the construction of six two-unit buildings and one single-unit building with private open space area and a gated entrance at the shared driveway for Vesting Tentative Tract Map No. 6160. The planned development proposes reduced lot sizes ranging from 1,700 square feet to 4,200 square feet in size; a 17,400 square-foot Outlot A that will provide a private driveway/access; and a modification to the public street frontage requirement for four lots located within the subdivision, which will have a private street access. A total of 13 units are proposed.

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code §66020(d)(1), the imposition of fees, dedications, 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, reservations 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 B - GENERAL CONDITIONS AND REQUIREMENTS

The City of Fresno Planning Commission, on ~~March 15, 2017~~ April 13, 2017, recommended approval to the City Council of the special permit application subject to the enclosed list of conditions and Exhibit A, E, F, L dated April 13, 2017 and November 30, 2016 and Operational Statement dated ~~November 28, 2016~~ April 11, 2017, for Conditional Use Permit Application No. C-16-062.

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 the Fresno Municipal Code (FMC) can be made.

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. 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 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 exhibits (dated November 30, 2016 April 13, 2017) to the final site plan. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

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 copies of the elevations, landscape, and irrigation plans, and any required covenants and/or studies or analyses to the Development Services Division for final review and approval, 10 days before applying for building permits.

Copies of this final approved site plan, elevations, landscape, and irrigation plans stamped by the Development Services 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 Andreina Aguilar at (559) 621-8075 or via e-mail at Andreina.Aguilar@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.

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 of the City of Fresno Public Works Department, Engineering Division, Traffic Section.

STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

- a) Exhibit "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) Deed documents for the required property dedications shall be prepared by the applicant's engineer and submitted to the Public Works Department, Engineering Division, Special Districts/Projects and Right-of-Way Section with verification of ownership prior to issuance of building permits. Deed documents must conform to the format specified by the City. Document format specifications may be obtained from the Public Works Department, Engineering Division, Special Districts/Projects and Right-of-Way Section, or by calling (559) 621-8694.
- c) 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.

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) Repair damaged and/or off grade off-site concrete improvements as determined by the Public Works Department, Construction Management Division (559) 621-5500.
- c) Install streetlights along all street frontages in accordance with City standards. Plans must be prepared by a registered Civil Engineer and must be approved by the Public Works Department Engineering Division prior to installation.
- d) 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.

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.

PART D - PLANNING/ZONING REQUIREMENTS

1) PLANNING

- a) Development is subject to the following plans and policies:
 - i) Fresno General Plan
 - ii) Bullard Community Plan
 - iii) Planned Development
 - iv) Medium Density Residential Planned Land Uses

2) BUILDING HEIGHT

- a) The height of the proposed structures shall meet the requirements of the RS-5 zone district outlined in the FMC.

3) LOT COVERAGE

- a) The maximum lot coverage shall match that as shown on Exhibit A dated ~~November 30, 2016~~ April 13, 2017. Comply with Fresno Municipal Flood Control District lot coverage requirements.

4) MINIMUM LOT SIZE

- a) The lot size for each lot shall match that as shown on Exhibit A dated ~~November 30,~~

~~2016~~ April 13, 2017. Lot sizes range from 1,742 to 4,176 square feet and an Outlot A of 17,400 square feet.

5) BUILDING SETBACKS, OPEN SPACES AND LANDSCAPING

- a) Minimum building setbacks shall be in accordance with Exhibit A (site plan) for C-16-062 dated ~~November 30, 2017~~ April 13, 2017.

The standard front yard setback in the RS-5 zone district is 13 feet. The project proposes 10 foot front yard setbacks.

The standard side yard setback in the RS-5 zone district is a minimum 3 feet on one side, with a total of 10 feet for both sides. The standard rear yard setback in the RS-5 zone district is 10 feet. The project proposes 10 foot setbacks for parcels which abut property owners to the east and north.

- b) Pursuant to Section 15-2308 of the FMC, residential single-family district shall provide a minimum of two trees per lot.
- c) The applicant removed three Protected Trees: two Cedar Deodora Trees (one 30 inches and one 36 inches in diameter) and one 42 inches in diameter Camphor Tree. The trees were removed prior to obtaining a Tree Removal Permit, the applicant shall comply with Section 15-2308-I: Violations of the FMC, which requires that the violator do the following:
- 1) Apply for and obtain a Tree Removal Permit and pay a double application fee.
 - 2) Be responsible for property restoration which shall include:
 - i. Replacing the trees removed with a total of nine 36 inch box trees per Table 15-2308-E-4 of the FMC.
 - ii. The number, size, and location of replacement trees shall be determined by the Director after receipt of a report and recommendation by a licensed arborist.
 - iii. Paying the fees of the licensed arborist, including any fees for the valuation.
 - 3) Pay a civil penalty to the City, with the funds placed in the City's tree planting fund, in the amount of \$2,500 or the actual monetary value of the trees, as determined by a licensed arborist, whichever is less.

6) FENCES, HEDGES, WALLS

- a) A Shared Use Covenant and a Cross Drainage Covenant shall be recorded for units 3, 4, 5, and 6 for the proposed patios crossing over property line.
- b) One gate for vehicle entry and one gate for pedestrian access is allowed within the

private street. The applicant shall comply with the conditions of approval from the Fire Department memo dated December 14, 2016. Any change to the gate requirement shall be approved by the Fire Department and Development and Resource Management Department.

- c) Fences shall comply with Section 15-2006-C of the FMC, fences up to six feet in height may be installed within any required street-side yard setback. Fences outside of the required setbacks may be installed up to six feet in height.
- d) Comply with Section 15-2018: Intersection Visibility of the FMC. Corner cut-offs are established to provide an unobstructed view for vehicular and pedestrian traffic approaching an intersection. They are a triangular area formed by the property lines and a diagonal line adjoining points on the property lines, measured a specific distance from the point of their intersection.

PART E - CITY AND OTHER SERVICES

- a) Comply with the Conditions of Approval dated ~~March 15, 2017~~ April 19, 2017 for Vesting Tentative Tract Map No. 6160.

Please see Department and Agency Comments attached to
Conditions of Approval for
Vesting Tentative Tract Map No.6160 for comments related to
Conditional Use Permit Application No. C-16-062