

## Exhibit J

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

**CONDITIONS OF APPROVAL  
APRIL 17, 2019  
CONDITIONAL USE PERMIT APPLICATION NO. P18-01235  
"A PLANNED DEVELOPMENT"**

**PART A - PROJECT INFORMATION**

1. Job Address: Vesting Tentative Tract Map No. 6191/UGM
2. Planned Land Use: Medium Low and Medium Density Residential
3. Plan Areas: Fresno General Plan and Roosevelt Community Plan
4. Project Description: Conditional Use Permit Application P18-01235 proposes a gated development with private streets and modified property development standards including lot size, lot coverage and yard setback requirements for lots 1-111 of Vesting Tentative Tract Map No. 6191/UGM

**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 April 17, 2019, approved the special permit application subject to the enclosed list of conditions and Exhibits A-1, A-2 and A-3 dated January 4, 2019, for Conditional Use Permit Application No. P18-01235.

**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 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 January 4, 2019) 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 permit 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 Planning Division for final review and approval, ten days before applying for building permits.**

Copies of this final approved site plan, elevations, landscape, and irrigation plans stamped by the 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 Israel Trejo at (559) 621-8044 or via e-mail at [Israel.Trejo@fresno.gov](mailto:Israel.Trejo@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](mailto: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) Roosevelt Community Plan
  - iii) Planned Development
  - iv) Medium Low and Medium density residential planned land uses

#### 2) BUILDING HEIGHT

- a) 26. Two story houses are proposed. The maximum height proposed for the two story houses measure 26'-6" in height. The proposed maximum height is within the 35' maximum in the RS-5 zone district.

#### 3) LOT COVERAGE

- a) Lot coverage shall match that as shown on Exhibits A-1 and A-2 dated January 4, 2019. Additionally, lot coverage shall comply with the requirements of the Fresno Metropolitan Control District.

#### 4) BUILDING SETBACKS, OPEN SPACES AND LANDSCAPING

- a. For lots 1-111 of the subject application (Planned Development portion of the project), the following setbacks apply:

Minimum building setbacks shall be in accordance with "Exhibits A-1 and A-2" (site plan) for Conditional Use Permit No. P18-01235 dated January 4, 2019, said Exhibits must be updated to comply with the requirements below:

Rear yard: Rear yard setbacks shall be a minimum of 20' to living space for lots 1-23 (lots which abut the existing residential property to the west).

Side yard: The westerly side yard setback shall be a minimum of 20' to property line of the adjacent residential property to the west for lot 24.

Rear yard: Rear yard setbacks shall be a minimum of 10' to living space for lots 24-51 (lots which abut the industrial property to the east).

The garage setback at 5' from back of sidewalk is approved. Provide a section in the CC&R's for the Homeowners Association (HOA) prohibiting parking in driveways less than 18' from garage to back of sidewalk (to prohibit parking over the sidewalk). The CC&R's must also state that the HOA is responsible for enforcement of said requirement.

Lots on Public Streets (lots 112-125)

No modifications, including setbacks, lot size, etc. are proposed for the lots located on the south side of East Fancher Creek Drive (lots 112-125) and which are zoned RS-4 (Single-Family Residential, Medium Low Density). Lots 112-125 shall comply with the development standards of the RS-4 zone district.

5) WALLS, FENCES, LANDSCAPING

- a) The subdivider/owner shall construct a minimum 6 foot high solid wall along East Fancher Creek Drive. Depict the wall (and height) on Exhibit A-2 (site plan) for Conditional Use Permit No. P18-01235.
- b) The subdivider/owner shall construct a 7 foot high solid wall along the easterly property line (property line which abuts Light Industrial zoned property to the east) as shown on Exhibit A-2 (site plan) for Conditional Use Permit No. P18-01235.
- c) After the temporary EVA is removed, the subdivider/owner shall construct a minimum 6 foot high decorative wall in its place since it will be visible from the existing subdivision to the west. Include a note for the future wall on Exhibit A-2 (site plan) for Conditional Use Permit No. P18-01235.
- d) Provide 15' of landscaping along East Fancher Creek Drive as depicted on Vesting Tentative Tract Map No. 6191/UGM, a Planned Development dated January 4, 2019.
- e) Provide a landscaped walking path, at the west side of lot 24, to provide for connectivity to the existing development to the northwest of the project site (Tract No. 6130).
- f) Provide a corner cut-off area at all street intersections in accordance with the requirements of the Fresno Municipal Code. 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 for Vesting Tentative Tract Map No. 6191/UGM dated April 17, 2019.