

City of Fresno  
Development and Resource Management Department

Conditions of Approval  
September 19, 2019

Development Permit Application No. P19-02013

Planner: Cheryl Aanonson (559) 621-8038

**PROJECT DESCRIPTION**

Development Permit Application No. P19-02013 was filed by Brian Wright of Orchards II, LLC and pertains to 3.73 acres located at the northeast corner of N. Dante and W. Bullard Avenues. The applicant proposes the Orchards II consisting of the construction of 64 additional multi-family use dwelling units located in eight (8) two-story apartment buildings with private garages, covered parking, on-site guest parking, landscaping with use of the existing entry gates located in the adjacent existing gated multifamily residential development known as the Orchards. The property is zoned RM-2.

APN: 506-130-36S

ADDRESS: 6052 N. DANTE AVENUE

(5034 W. BULLARD AVENUE WITH EXACT APARTMENT NUMBERS TO BE ASSIGNED)

ZONING: RM-2/UGM/cz

EXHIBITS: Exhibits A1 and A2 dated May 23, 2019 with redline changes dated June 4, 2019; L dated May 23, 2019 with redline changes dated July 18, 2019, O dated 4-29-19

**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.

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | Development shall take place in accordance with Exhibits A1 and A2 dated May 23, 2019 with redline changes dated June 4, 2019; Exhibit L dated May 23, 2019 with redline changes dated July 18, 2019. Transfer all comments and conditions on Exhibits to the corrected exhibit(s) and <b>submit to planner at least 15 days prior to issuance of building permits.</b>  |
| <input type="checkbox"/> | Comply with Fire Department conditions and <b>submit to planner at least 15 days prior to issuance of building permits.</b>  |
| <input type="checkbox"/> | The address should match with existing apartments since the entrance will be shared. Exact unit numbers will be assigned by the Building Department upon issuance of Building Permits. Please revise all documents to reflect 5034 W. Bullard Avenue.  |
| <input type="checkbox"/> | A Cross Access Covenant shall be required: shared access, parking, and solid waste with adjacent parcels. Please remit a covenant fee, currently \$1,094.00, along with title report dated within 30 days of submittal for the preparation of this covenant. A <b>Hold on Occupancy</b> shall be placed on the Building Permit until recordation of the covenant.  |
| <input type="checkbox"/> | Per <a href="#">Section 15-2420</a> of the FMC the general standards of outdoor lighting and illumination; Pedestrian-Oriented Lighting - Exterior lighting with an intensity of at least 0.25 foot-candles at the ground level shall be provided for a secure nighttime pedestrian environment by reinforcing entrances, public sidewalks and open areas with a safe level of illumination. Please revise Landscape Plan to comply with this requirement. Landscaping must be in place <b>before issuance of the certificate of occupancy.</b> 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. <b>Demonstrate compliance by means of completion of Landscape Certification Form.</b>
<input type="checkbox"/>	Provide copy of the Air Impact Assessment (AIA) from the Air Board. Project shall comply will any and all conditions of the AIA.
<input type="checkbox"/>	Public Works requires CFD annexation and/or a private maintenance covenant. Please provide appropriate documentation prior to issuance of building permits.
<input type="checkbox"/>	Comply with Public Works Traffic Planning Conditions attached. Dedicate and depict an 80' Bus Stop on Dante Avenue as noted on the Site Plan. Dedication Requirements (up to 2 month processing time): Deeds are required to provide easements to the City for required public improvements. They shall be prepared by the owner / developer's engineer. Executed copies shall be submitted to the City with verification of ownership prior to the issuance of building final. A <b>Hold on Occupancy</b> shall be placed on the Building Permit until verification of Deed is provided. Contact Jeff Beck, Public Works, (559) 621-8560 <a href="mailto:jeff.beck@fresno.gov">jeff.beck@fresno.gov</a> .
<input type="checkbox"/>	Revise the Operational Statement to include the hours of operation for the entry gates.

## **PART B - OTHER AGENCY COMMENTS AND CONDITIONS**

To be checked when completed where applicable

<input type="checkbox"/>	1. <b>Air Pollution Control District:</b> <i>Please see attached District comment letter dated June 14, 2019.</i>
<input type="checkbox"/>	2. <b>Airports:</b> <i>No Comment</i>
<input type="checkbox"/>	3. <b>Building and Safety Services:</b> <i>The items below require a separate process with additional fees and timelines, in addition to the Development Permit process.</i> 1. <i>Building, Grading and Utility plans are required to be submitted to the Building and Safety Services Department for approval and permits.</i>
<input type="checkbox"/>	4. <b>DPU Solid Waste Management:</b> Multi-Family Service Requirements <span style="float: right;"><b>Start Time</b></span> For the purpose of establishing city solid waste service policies, multi-family complexes are defined as complexes composed of three (3) dwelling units or more per parcel. These service requirements apply to all multi-family complexes within the City of Fresno. 1. All trash bins provided to multi-family complexes must be serviced with a frequency of at least twice per week. This standard does not apply to frequency of service for recycling bins. Solid Waste bin service will be provided by the City of Fresno, per FMC 9-405. 2. All multi-family complexes are required to subscribe for recycling services, per FMC 9-405.1. Recycling services may be provided by the City of Fresno or any private recycling service provider. Recycling services must include at the minimum cardboard, newspaper, paper, glass, plastics, beverage containers, and metal recycling. 3. All trash and recyclable material must be placed in approved containers, per FMC 9-404. At no time may trash and recyclable material be placed on the ground or pavement. 4. Bin enclosures, if provided on site, must be used exclusively for the storage of trash and recycling bins, per public works standard specifications P-33 & P-34.

	<p>5. All Solid Waste and Recycling service collectively must equal or exceed a 2:1 ratio of 2 units per one cubic yard of service per week. This minimum service applies to all multi-family complexes. (i.e. 24 unit complex must have a minimum of 12 cubic yards of solid waste and recycling service per week.)</p> <p>6. Service Route Permits and Location Permits are required for all private trash company service within the City of Fresno, per FMC 9-408. All private company trash service arrangements must be pre-approved through Solid Waste Management Division.</p> <p>7. Developer will need to provide a 44' (centerline) turning radius at all corners and a T-turnaround (or hammerhead) area where the solid waste vehicle is to turn around.</p> <p>8. ADA requirement for multifamily residential</p> <p>9. Developer shall install (or construct) a trash enclosure for the project that complies with the City's ADA requirements as defined in the City's standard drawings, details and specifications. The certificate of occupancy for the project shall be withheld until developer installs (constructs) the trash enclosure in accordance with the City's ADA requirements.</p>
<input type="checkbox"/>	<p>5. <b>DPU Planning and Engineering: Sewer Requirements</b>  <i>The nearest sanitary sewer main to serve the proposed project is a 12-inch sewer main located in North Dante Avenue and an 18-inch sewer main located in West Bullard Avenue. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:</i></p> <ol style="list-style-type: none"> <li>1. <i>Installation of sewer house branch(s) shall be required.</i></li> <li>2. <i>Street work permit is required for any work in the Right-of-Way.</i></li> <li>3. <i>On-site sanitary sewer facilities shall be private.</i></li> <li>4. <i>A cross access agreement is required for sewer service(s) crossing parcels</i></li> <li>5. <i>Abandon any existing on-site private septic systems.</i></li> <li>6. <i>The Project Developer shall contact Wastewater Management Division/Environmental Services at (559) 621-5100 prior to pulling building permits regarding conditions of service for special users.</i></li> </ol>
<input type="checkbox"/>	<p>6. <b>DPU Water Division:</b></p> <ol style="list-style-type: none"> <li>1. <i>On-site water facilities shall be private.</i></li> <li>2. <i>Installation of water service &amp; meter box shall be required.</i></li> <li>3. <i>Destruct any existing on-site well in compliance with the State of California Well Standards, Bulletin 74-81 and 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.</i></li> </ol> <p><i>The water supply requirements for this project are as follows:</i></p> <ol style="list-style-type: none"> <li>1. <i>The project applicant shall be required to pay Water Capacity Fee charges for the installation of new water services and meters to serve the property.</i> <ol style="list-style-type: none"> <li>a. <i>The Water Capacity Fee charge assessed to the applicant shall be based on the number and size of service connections and water meters required to serve the property.</i></li> <li>b. <i>The Water Capacity Fee charges by meter size are defined in the City's Master Fee Schedule.</i></li> <li>c. <i>The City reserves the right to require an applicant to increase or decrease the size of a water meter for a project or a property to ensure that the meter is properly sized to accommodate fire protection requirements, and to allow for accurate volumetric flow measurements at low- and high-flow conditions.</i></li> <li>d. <i>The Water Capacity Fee Charge for any new or expanded service connection shall be</i></li> </ol> </li> </ol>

		<p><i>payable prior to the issuance of a building permit at the fee level in effect on the date such permit is issued.</i></p> <p><i>2. The project applicant shall be required to pay all other water-related fees and charges in accordance with the City's Master Fee Schedule and Municipal Code.</i></p>
<input type="checkbox"/>	7.	<p><b>Fire Review:</b></p> <p><i>All back checks will be performed between the hours of 1:30 p.m. and 3:00 p.m. Monday – Friday, at Fresno Fire Department located at 911 H Street. No appointment is necessary. Applicants must be at the front counter and sign the log before 3pm or you will be required to come back another day. All revisions to plans shall be called out with a cloud or delta. If you have questions and would like more information regarding FFD Development Policies please see the following: <a href="https://www.fresno.gov/fire/fire-prevention-investigation/development-policies/">https://www.fresno.gov/fire/fire-prevention-investigation/development-policies/</a> Fire Department back check items require a wet signature from Fire Department staff. Back check items signed by any person other than sworn Fire Department staff are invalid. 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. Per the original DRC Comments: Proposed fire sprinkler and FDC locations need to be shown on the site plan. Due to the building and carport layout, the FDC layouts will be problematic and likely will need to be clustered both to enhance fire ground access and reduce the number of connections required to be back flushed periodically as part of the fire sprinkler maintenance requirements. See FFD Markup #2 on the DRC Plan for recommended layout. The civil engineer for the project can contact Byron Beagles with any questions. Per the original DRC Comments: As there is no drive access proposed from N. Dante, this project needs to be addressed to W. Bullard Ave. The existing complex is addressed to 5034 W Bullard. There should be enough unit numbers available to retain the same primary address for the complex.</i></p>
<input type="checkbox"/>	8.	<p><b>Flood Control District:</b></p> <p><i>See attached FMFCD Notice of Requirements (NOR) dated June 7, 2019.  \$153.00 NOR &amp; \$778.00 Grading plan review fees due.  \$22,417.00 Drainage fee due at issuance of building permit.</i></p>
<input type="checkbox"/>	9.	<p><b>Fresno Area Express:</b> No Comment</p>
<input type="checkbox"/>	10.	<p><b>Fresno County Environmental Health:</b></p> <ul style="list-style-type: none"> <li><i>• Construction permits for the proposed project should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.</i></li> <li><i>• Construction permits for the proposed project should be subject to assurance that the City of Fresno community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.</i></li> <li><i>• The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the City's municipal code.</i></li> <li><i>• If the applicant proposes to 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</i></li> </ul>

		<p><i>a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<a href="http://cers.calepa.ca.gov/">http://cers.calepa.ca.gov/</a>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.</i></p> <ul style="list-style-type: none"> <li><i>• 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.</i></li> </ul> <p><i>Prior to destruction of agricultural wells, a sample of the upper most fluid in the water well column should be sampled for lubricating oil. The presence of oil staining around the water well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.</i></p> <ul style="list-style-type: none"> <li><i>• 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.</i></li> </ul>
<input type="checkbox"/>	11.	<p><b>Fresno Irrigation District:</b>  <i>(FID) does not own, operate or maintain any facilities located on the subject property. For informational purposes, FID's Bullard No. 124 runs southerly along the east side of Dante Avenue approximately 80 feet west of the subject property. Should this project include any street and or utility improvements along Bullard Avenue, Dante Avenue, or in the vicinity of this pipeline FID requires it review and approve all plans.</i></p>
<input type="checkbox"/>	12.	<p><b>Police Review:</b> No Comment</p>
<input type="checkbox"/>	13.	<p><b>Public Works Engineering:</b>  <i>The proposed landscape designs by Sierra Designs, Inc. dated April 29, 2019 are technically correct. The designated street tree to match existing on W. Bullard Ave. is:  Cinnamomum camphora Camphor Tree  The designated street tree to match the existing trees on N. Dante Ave. is:  Pistacia chinensis Chinese Pistache  The existing Olive trees on N. Dante were once part of a grove along W. Bullard but those have all been removed previously in the 1980's for the new developments and road changes.  Public Works requires landscape and irrigation designs for the rights-of-ways to be submitted to the scale of 1"=20' prior to the installation of any landscaping.  Please make site plan revisions per the attached redline site plan dated July 18, 2019.</i></p>
<input type="checkbox"/>	14.	<p><b>Traffic Planning:</b>  TRAFFIC PLANNING CONDITIONS OF APPROVAL AND RED-LINED EXHIBIT CP1 HAVE BEEN UPLOADED TO THE RECORD.</p> <p>IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT ANDREINA AGUILAR AT (559) 621-8674 OR AT ANDREINA.AGUILAR@FRESNO.GOV.</p>
<input type="checkbox"/>	15.	<p><b>Long Range Planning:</b>  <i>This project is located on a site listed in the Housing Sites Inventory (2013-2023 RHNA). Ordinance 2018-63 rezoned this site from RM-1 to RM-2, and the Housing Sites Inventory (2013-2023 RHNA) establishes the minimum capacity of this site to be 60 units with an affordability categorization of Low/ Very Low. The proposed project includes 64 units of market rate (Above Moderate) housing.</i></p> <p><i>State law requires that when a jurisdiction permits development on a Housing Element site with fewer units by income category than identified in the jurisdiction's housing element, the following</i></p>

	<p><i>findings (supported by substantial written evidence) must be made at the time of approval: the reduction is consistent with the adopted general plan, including the housing element and that the remaining sites identified in the Housing Element are adequate to accommodate the City of Fresno's share of the RHNA.</i></p> <p><i>As of the date of this analysis, the remaining sites identified in the Housing Element are adequate to meet the requirements of Section 65583.2 of the California Government Code and to accommodate the City's share of the regional housing need pursuant to Section 65584. Approval of this project will reduce the 2013-2023 RHNA capacity for Very Low/Low units by 60 units, which will reduce the excess capacity from 4,799 units to 4,739 units, and increase the capacity for Above Moderate by 64 units, which will increase the excess capacity for Above Moderate units from 4,464 units to 4,528 units. The 2013-2023 RHNA obligation for Very Low/Low is 8,834 units, and the total capacity remaining after the proposed decrease is 13,573 units, the 2013-2023 RHNA obligation for Above Moderate is 10,116 units, and the total capacity remaining after the proposed increase is 14,644.</i></p>
<input type="checkbox"/>	<p><b>16. Central Unified School District:</b>          Contact the Central Unified School District for any applicable fees due prior to issuance of building permits.</p>

### **PART C - PLANNING - OTHER REQUIREMENTS**

1. Development shall take place in accordance with the policies of the Fresno General plan, Bullard Community Plan, ALUC Specific Plan and with the planned land use designation.
2. Development shall take place in accordance with the RM-2/UGM/cz zone district and all other applicable sections of the Fresno Municipal Code
3. Comply with the operational statement submitted for the proposed project dated April 29, 2019, (attached).
4. Development shall comply with all previously approved applications including but not limited to R-02-57; LLA 2016-14, applicable conditions of zoning, including but not limited to Ordinance No. 2003-41.

### **PART D - 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 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.
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 Development and Resource Management 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 Development and Resource Management 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. Applicants are encouraged to provide shared vehicle and pedestrian access between adjacent properties for convenience, safety, and efficient circulation. A joint access covenant shall be required. **(Include this note on the site plan.)**
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 Development and Resource Management 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 Development and Resource Management 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](http://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](http://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](http://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](http://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 Development and Resource Management 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 storages 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](http://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. FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (FMFCD) FEES

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.