

EXHIBIT I

CONDITIONS OF APPROVAL DATED AUGUST 7, 2019

**City of Fresno
Planning Commission**

**Conditions of Approval
August 7, 2019**

**Development Permit Application No. P19-00359
Variance Application No. P19-02282**

Planner: Jarred Olsen 559-621-8068

PROJECT DESCRIPTION

Development Permit Application No. P19-00359 was filed by Mark A. Duran of Outfront Media, and pertains to 1.39 acres of property located at 7221 North Howard Street M/C adjacent to northbound State Route 41 and west of North Fresno Street. The applicant proposes to construct one back-to-back LED display digital billboard with 14-foot by 48-foot face. Proposed digital billboard will be located within a City of Fresno pump station site (APN: 303-201-33)

Variance Application No. P19-02282 requests to vary height standards to allow the proposed billboard to be 86 feet tall.

APN: 303-201-33T ADDRESS: 7221 N HOWARD ST M/C ZONING: O/UGM/cz

PART A - ITEMS TO BE COMPLETED

The following items are required prior to issuance of building permits:

Planner to check when completed

o	Development shall take place in accordance with Exhibit A dated . 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.
o	IF VARIANCE DENIED: Reduce height of billboard to no higher than 60 feet, pursuant to FMC Table 15-1303-2.
o	Relocate structure 10 feet away from side and rear property lines per Rezone Application No. R-7143 Conditions of Zoning. Structure shall continue to comply with the front setback of the base zone district.
o	At no cost to the City, Lessee shall remove ten (10) static billboard faces for each Premises location described in the Master Lease for Digital Boards dated August 25, 2016, as may be amended from time to time, within ninety (90) days from the Operational Date for this billboard. Provide documentation that at least one of these static billboard was legally constructed and established (e.g. building permit). A demolition permit for must be obtained and exercised (billboard demolished satisfactory to City of Fresno Building and Safety Division). (FMC Section 15-2605-B)
o	Copy display shall be limited to a minimum duration of eight (8) seconds and shall have an unlighted interval between copy displays of one (1) second or more. (FMC Section 15-2614-A)

o	The intensity of the sign lighting shall not exceed 100 foot Lamberts (FT-L) when adjacent to streets which have an average light intensity of less than 2.0 horizontal footcandles and shall not exceed 500 FT-L when adjacent to streets which have an average light intensity of 2.0 horizontal footcandles or greater. No change of lighting intensity may occur during a display or between displays except to respond to a change in ambient lighting conditions. Demonstrate compliance prior to final inspection. (FMC Section 15-2614-B)
o	Billboard shall be controlled by a rheostat or other acceptable method to reduce glare that will create a nuisance for residential buildings in a direct line of sight to the sign. (FMC Section 15-2607-G)

PART B - OTHER AGENCY COMMENTS AND CONDITIONS

To be checked when completed where applicable

o	<p>1. Building and Safety Services: <i>The items below require a separate process with additional fees and timelines, in addition to the Development Permit process.</i></p> <p><i>1. Plans are required to be submitted to the Building and Safety Services Department for approval permits.</i></p> <p><i>• Plans shall include all structural, electrical and energy compliance documentation for the new sign.</i></p>
o	2. Fire Review: <i>No Comment</i>
o	<p>3. Fresno County Environmental Health: <i>Recommended Conditions of Approval:</i></p> <p><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 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 Certified Unified Program Agency at (559) 600-3271 for more information.</i></p>

PART C - PLANNING - OTHER REQUIREMENTS

1. Development shall take place in accordance with all applicable policies of the Fresno General plan, Woodward Park Community Plan, and with the Office planned land use designation.
2. Development shall take place in accordance with the O/UGM/cz zone district and all other applicable sections of the Fresno Municipal Code.
3. Development shall comply with all other applicable conditions of zoning.

PART E - 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. 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 the sign and its uses and open land use areas on the subject leased 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 structure(s) constructed on the property must comply with the prevailing California Building Code Standards.
8. Any structure 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 tenant improvements shall be reviewed and approved by the Development and Resource Management Department.

MISCELLANEOUS

12. 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.
13. 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.
14. Glare or heat reflected from building materials shall be mitigated so as to not disrupt surrounding properties.
15. The address listed in the conditions of approval is the 'Official Address' given to the sign.
16. All projects, including projects that involve less than one acre of property, are required to comply with applicable requirements of 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.*)
17. 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.)**
18. 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.)**
19. 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.)**
20. Open street cuts are not permitted; all utility connections must be bored.
21. This project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the sign on site. Review for compliance with fire and life safety requirements for the sign 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 sign.

22. 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.

FEES

(Not all fees will be applicable to all projects)

23. **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.
24. **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)
25. **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.

26. 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.

27. 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. Provide proof of payment or exemption prior to issuance of certificate of occupancy.

28. 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.

29. FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (FMFCD) FEES

30. 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.

31. 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)
32. 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.