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Planning and Development Department

Jennifer K. Clark, AICP, HDFP
Director

November 20, 2019
Bryan Sassano
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(sent via email only)

Please reply to:
Kelsey George
559-621-8060
Kelsey.George@fresno.gov

**SUBJECT: PLAN AMENDMENT AND REZONE APPLICATION NO. P19-02030 AND
DEVELOPMENT PERMIT APPLICATION NO. P19-02033 FOR PROPERTY
LOCATED AT 4259 W BULLARD AVE (APN: 50903075S)**

Dear Bryan:

The Fresno City Council, on 12/12/2019, approved Plan Amendment and Rezone Application No. P19-02030 and Development Permit Application No. P19-02033, which pertains to approximately 11.8 acres located at 4259 W. Bullard in Fresno, CA. The applicant proposes a plan amendment and rezone from CC to RM-2 to support the construction of one hundred ninety two (192) multi-family dwelling units. Environmental Assessment No. P19-02030 determined the project would have a less than significant impact with mitigation and a Mitigated Negative Declaration was filed.

The approval of this project is subject to compliance with the following Conditions of Approval:

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"/>	<i>Development shall take place in accordance with Exhibits A1 TO A2, uploaded 6/6/2019, attached.</i> <i>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.</i>
<input type="checkbox"/>	<i>Comply with all conditions and pay all fees outlined in the attached review of the Traffic Impact Study dated June 6, 2019.</i>
<input type="checkbox"/>	<i>All Landscaping shall take place in accordance with Exhibit L, attached.</i> <i>Landscaping must be in place before the issuance of the certificate of occupancy. A Hold on Occupancy shall be placed on the proposed development until such a time that landscaping has been approved and verified for proper installation by the Planning and Development Division.</i>
<input type="checkbox"/>	<i>Prior to final inspection, a written certification, signed by a landscape professional approved by the Director, shall be submitted stating that the required landscaping and</i>

	<i>irrigation system was installed in accordance with the landscaping and irrigation plans approved by the Planning and Development Division (see form attached).</i>
<input type="checkbox"/>	<i>A visibility triangle per Subsection C shall be provided. Potential pedestrian conflict areas are identified and need to be revised as per Section 15-2018-D of the FMC.</i>
<input type="checkbox"/>	<i>Provide long term bicycle parking that conforms with Section 15-2429-B of the FMC, please depict on site plan.</i>
<input type="checkbox"/>	<i>Long-term bike parking does not conform to the requirements contained in Section 15-2429-B of the FMC. Please revise plans to comply. Provide a detail of proposed bicycle parking showing compliance with size and accessibility requirements in Section 15-2429-B-6.</i>
<input type="checkbox"/>	<i>Show frontage calculation on site plans and demonstrate compliance with FMC Section 15-317 and 15-1003 which requires a minimum of 50%.</i>
<input type="checkbox"/>	<i>Show the proposed location of fire sprinkler riser and FDC. Note: Interior sprinkler risers not located within five feet of an exterior door require an exterior wall mounted indicating control valve. FFD policy section 405.025 and 405.003. See recommended FDC layout in attached documents.</i>
<input type="checkbox"/>	<i>Include the following note on plans: Provide durable placard at all entry gates showing building addressing.</i>

PART B - OTHER AGENCY COMMENTS AND CONDITIONS

To be checked when completed where applicable	
<input type="checkbox"/>	1. Air Pollution Control District: <i>See District Comment Letter, attached.</i>
<input type="checkbox"/>	3. 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> <i>1. 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"/>	6. DPU Planning and Engineering: Conditions of Approval <i>Sewer Requirements</i> <i>The nearest sanitary sewer main to serve the proposed project is an 8-inch sewer main located in North Fig Garden Drive. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:</i> <i>1. Per Public Works Standards Specifications 17-6 "INSTALLATION OF SEWER HOUSE BRANCHES", House Branch Sewers 8" in diameter of greater connecting to Sewer mains shall require the construction of a manhole at the point of connection.</i> <i>2. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies.</i> <i>3. Installation of sewer house branch(s) shall be required.</i> <i>4. Street work permit is required for any work in the Right-of-Way.</i>

5. *On-site sanitary sewer facilities shall be private.*

6. *Abandon any existing on-site private septic systems.*

7. *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.*

Sanitary Sewer Fees

The following Sewer Connection Charges are due and shall be paid for the Project:

1. *Sewer Lateral Charge.*

2. *Sewer Oversize Area.*

3. *Sewer Facility Charge (Multi-Residential)*

4. *Upon connection of this Project to the City Sewer System the owner shall be subject to payment of Sewer Facility charges per Fresno Municipal Code Sections 6-304 and 6-305. Sewer Facility Charges consist of two components, a Wastewater Facilities Charge and Trunk Sewer Charge where applicable.*

5. *Sewer Facility Charges are collected after occupancy on a monthly basis over time based on metered (water or sewer effluent) usage. The developer may contact the Department of Public Utilities/Wastewater-Environmental Control at (559) 621-5153 to receive an estimated cost of the Sewer Facility Charges applicable to the project (based on a constant sewer discharge and loading (Biochemical Oxygen Demand [BOD] and Total Suspended Solids [TSS] levels anticipated) at the current rates in effect, at that time, per Fresno's Master Fee Resolution. The developer shall provide data regarding estimated sewer discharge rates [flow] and loading [BOD/TSS levels] required for calculating the estimated charges.*

- ☐ 7. DPU Water Division: Conditions of Approval
1. *On-site water facilities shall be private.*
2. *Installation of water service & meter box shall be required.*
3. *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.*
- The water supply requirements for this project are as follows:*
1. *The existing property is currently served with one 8-inch water service and one 2-inch water service.*
- a. *If the total domestic, commercial, industrial and irrigation water demands for the applicant's proposed project can be accommodated with the existing one 8-inch water*

	<p><i>service and one 2-inch water service, then the applicant shall not be required to pay a Water Capacity Fee Charge.</i></p> <p><i>b. If the total domestic, commercial, industrial and irrigation water demands for the applicant's proposed project cannot be accommodated with the one 8-inch water service and one 2-inch water service, and an additional water meter or a larger water meter is required, then the applicant shall be required to pay a Water Capacity Fee Charge.</i></p> <p><i>c. If a larger water meter or fire service is required to accommodate the new, larger water demands, then the Water Capacity Fee Charge shall be calculated by subtracting the Water Capacity Fee Charge associated with the existing water meter size from the Water Capacity Fee Charge associated with the larger water meter size required for the applicant's project. The Water Capacity Fee Charges for different meter sizes are published in the City's Master Fee Schedule.</i></p> <p><i>d. 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></p> <p><i>e. The Water Capacity Fee Charge for any new or expanded service connection shall be 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"/>	<p>9. Fire Review: Conditions of Approval</p> <ul style="list-style-type: none"> <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.</i> <i>All revisions to plans shall be called out with a cloud or delta.</i> <i>If you have questions and would like more information regarding FFD Development Policies please see the following: https://www.fresno.gov/fire/fire-prevention-investigation/development-policies/ 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.</i> <i>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.</i> <i>Show the proposed location of fire sprinkler riser and FDC. Note: Interior sprinkler risers not located within five feet of an exterior door require an exterior wall mounted indicating control valve. FFD policy section 405.025 and 405.003. See recommended FDC layout in attached documents.</i> <i>Show on plans: Provide durable placard at all entry gates showing building addressina.</i>

		<ul style="list-style-type: none"> • <i>Change note 22 in keyed notes to read: Provide approved police/fire bypass lock ("Best" padlock model 21B700 series or electric cylinder switch model 1W7B2) on drive access gate(s).</i> • <i>All electrified gates shall be equipped with the Best electric cylinder lock 1W7B2</i> • <i>A Knox padlock may not be used in place of the Best padlock model 21B700. These locks can be purchased only through Sierra Lock & Glass, 1560 N. Palm Avenue, Fresno, CA 93728.</i> • <i>Change note 15 in keyed notes to read: All gated residential developments require a "Click to Enter" system.</i> • <i>When required, provide an approved visual recognition/feature sign at the "click to Enter" gate locations.</i>
<input type="checkbox"/>	12.	<p>Flood Control District: Conditions of Approval</p> <p><i>See attached FMFCD Notice of Requirements (NOR). NOR & Grading Plan review fees due. Drainage Fees due ins Drainage Areas "AE" & "EF".</i></p>
<input type="checkbox"/>	14.	<p>Fresno County Environmental Health: Conditions of Approval:</p> <ul style="list-style-type: none"> • <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> • <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> • <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> • <i>Prior to the issuance of building permits, the applicant shall submit complete pool facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Recreational Health Program at (559) 600-3357 for information.</i> • <i>Prior to operation, the applicant shall apply for and obtain a permit to operate a public swimming pool from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Recreational Health Program at (559) 600-3357 for more information.</i> • <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</i>

		<p><i>(http://cers.calepa.ca.gov/). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.</i></p> <ul style="list-style-type: none"> <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> <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"> <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>
<input type="checkbox"/>	15.	Irrigation District: <i>FID facilities will be impacted by this project. Please refer to FID's formal review letter located in the Documents tab for conditions, also attached.</i>
<input type="checkbox"/>	18.	School District: <i>Please refer to Fresno Unified School District response uploaded to Documents, also attached.</i>

PART C – MICELLANEOUS REQUIREMENTS

1) Development shall take place in accordance with the Conditions of Approval prepared for P19-02030 and P19-02033 dated December 12, 2019.

2) Miscellaneous Requirements

a) Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:

- i) All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
- ii) All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
- iii) Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

b) Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. 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.

BACKCHECK PROCESS

Please Note: To complete the back-check process for building permits relative to planning and zoning issues, submit one copy of this corrected, final site plan, together with electronic copies of the elevations, landscape, and irrigation plans, any fees and title reports for required covenants, and any required studies or analyses to Kelsey George in the Development Services Division for final review and approval, **at least 15 days before applying for building permits.**

It may be necessary to resubmit these “corrected exhibits” a second time if not all the conditions have been complied with or are not shown on the exhibits. Once the “corrected exhibits” are approved by the Development Services Division, please place these exhibits in the plan check set and contact the Development Services Division, along with Traffic Planning, to set up an appointment to signoff and stamp these exhibits. Please bring one additional copy of the site plan exhibit(s) to this appointment so that the Development Services Division has a final signed-off copy of the site plan.

Copies of the final approved site plan, elevations, landscaping, and irrigation plans stamped by the Development Services Division must be submitted for unstamped copies of the same in each of the sets of construction plans submitted for plan check prior to the issuance of building permits.

EXPIRATION DATES

The exercise of rights granted by this special permit must be commenced by **December 12, 2022** (three years from the date of approval), pursuant to FMC Section 15 5013. An extension of up to one additional year may be granted, provided that the findings required under FMC Section 15-5013-A.1 are made by the Director. All required improvements must be installed prior to the operation of the proposed use.

Pursuant to Section 15-5308 of the FMC an expiration date of seven years from the date of approval has been established for Conditional Use Permits. Therefore, the approval for P19-02033 shall expire on **December 12, 2026** and a new conditional use permit must be obtained prior to that expiration date for the use only (not the physical structure(s)).

Our goal is to continuously improve our customer service. Please take a moment to complete a quick survey linked [here](#). If you have any questions regarding this letter, feel free to give me a call at the number listed above.

Sincerely,

Kelsey George, Planner
Development Services Division

