

Exhibit K



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Jennifer K. Clark, AICP, HDFP
Director

March 5, 2025

Please reply to:
John George
(559) 621-8073
John.George@fresno.gov

Jaspal Sidhu
nancy@aceconstructionlv.com
(Sent via email only)

SUBJECT: VARIANCE APPLICATION NO. P24-01598 FOR PROPERTY LOCATED AT 3028 SOUTH CHERRY AVENUE (APN: 329-190-21S)

On March 5, 2025, the Fresno City Planning Commission approved Variance Application No. P24-01598, authorizing the allowance of a 50-foot increase in maximum allowable height for a flagpole. This approval authorized a 75-foot-tall flagpole to be located at the Gurdwara Nanaksar Sahib religious assembly facility located at the address noted above.

The project was determined to be categorically exempt from the State of California Environmental Quality Act (CEQA) under Section 15311/Class 11 (Accessory Structures) of the CEQA Guidelines.

CONDITIONS OF APPROVAL

PART A – ITEMS TO BE COMPLETED

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

Planner to check when completed		
	1.	Development shall take place in accordance with Exhibits A, E and O dated July 23, 2024. Revise and 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.
	2.	Conditions approved through the original development and entitlement process for the project (C-13-088) remain in effect, except as modified by this special permit.

PART C – OTHER REQUIREMENTS

1) 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 Planning and Development 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.

APPEALS

Please be advised that this project may be subject to a variety of discretionary conditions of approval. These conditions based on adopted City plans, ordinances and policies; those determined to be required through the interdepartmental/interagency review process; and those determined through the environmental assessment process as necessary to mitigate adverse effects on the health, safety and welfare of the community. The conditions of approval may also include requirements for development and use that would, overall, enhance the project and its relationship to the neighborhood and environment.

All conditions of approval based on adopted plans, codes, and regulations are mandatory. Conditions based on the FMC may only be modified by variance, provided the findings required by FMC Section 15-5506 can be made. Discretionary conditions of approval may be appealed but will ultimately be deemed mandatory unless appealed in writing to the Director within 15 days. In the event you wish to appeal a discretionary condition, you may do so by filing a written appeal with the Director. The appeal shall include the appellant's interest in or relationship to the subject property, the condition being appealed and specific reasons why the applicant believes the condition appealed should not be upheld.

If you wish to appeal a discretionary condition, a written request must be received at the Planning and Development Department by **March 20, 2025**. The written request should be addressed to Jennifer K. Clark, Planning and Development Director, and include the application number

referenced above. Please submit the request in writing (mail or email to PublicCommentsPlanning@fresno.gov and CC the planner listed below) to the Planner by the date noted above. An \$1,002.32 fee applies to an appeal by an applicant (no fee applies if member of the public). **The fee is required prior to accepting the appeal, as required by Section 15-5017-A.1 of the FMC and established by the Master Fee Schedule.**

Appeals of Planning Commission Decisions

Pursuant to FMC Section 15-5017-2, decisions of the Planning Commission may be appealed to the City Council by the Councilmember of the district in which the project is located or by the Mayor, either on their own initiative or upon receiving a petition from any person. Appeals must be initiated by filing a letter with the Director. Such action shall require a statement of reasons for the appeal. All appeals shall be filed with the Director in writing within 15 days of the date of the action, decision, CEQA determination, motion, or resolution from which the action is taken.

EXPIRATION DATES

The exercise of rights granted by this special permit must be commenced by **March 5, 2028** (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.

1. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
2. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use

Sincerely,

John George, Planner III
Development Services Division
Planning and Development Department

Enclosures: Exhibits A and O dated July 23, 2024