

June 6, 2013

AGENDA ITEM NO. IE
COUNCIL MEETING 06/06/13
APPROVED BY _____


DEPARTMENT DIRECTOR _____

CITY MANAGER  _____

FROM: PATRICK N. WIEMILLER, Director
Public Works Department

BY: SCOTT L. MOZIER, PE, City Engineer/Assistant Director
Public Works Department, Traffic and Engineering Services Division 

JONATHAN BARTEL, Supervising Engineering Technician
Public Works Department, Traffic and Engineering Services Division 

SUBJECT: APPROVING THE FINAL MAP OF TRACT NO. 5993 (COUNCIL DISTRICT 3)

1. ADOPT A RESOLUTION APPROVING THE FINAL MAP OF TRACT NO. 5993
2. AUTHORIZE THE DEVELOPMENT AND RESOURCE MANAGEMENT DIRECTOR OR HIS DESIGNEE TO EXECUTE THE COVENANT TO DEFER THE FORMULATION OF THE CONDOMINIUM ON BEHALF OF THE CITY

RECOMMENDATION

Staff recommends the City Council take the following action:

Adopt a resolution approving the Final Map of Tract No. 5993; and to authorize the Development and Resource Management Director or his designee to execute the covenant to defer the formulation of the condominium on behalf of the City.

EXECUTIVE SUMMARY

The Subdivider, FFDA Properties, LLC., a California Limited Liability Company, (Darius Assemi, Vice President), has filed for approval, the Final Map of Tract No. 5993, for a 1-lot "airspace" subdivision for condominium purposes located on the easterly corner of Fulton Street and San Joaquin Street on 0.97 net acres.

The Final Map is technically correct and conforms to the approved Vesting Tentative Map No. 5993 dated October 5, 2011 and approved revisions thereto ("Tentative Map"), the Subdivision Map Act and the Fresno Municipal Code. The Subdivider has signed the covenant and has paid all fees now due to satisfy the conditions of approval of the Tentative Map. The City Attorney's Office has approved all documents as to form. The provisions of Section 66474.1 of the Subdivision Map Act require a final map that is in substantial compliance with the approved tentative map to be approved by the City Council.

However, the Subdivider has requested that the City defer the formulation of the Condominium Plan (Condo Plan), Declaration of Covenant, Conditions and Restrictions (DCC&R) and homeowners' association (HOA), which are essential to the establishment of the condominium, until 90-days prior to the time the Subdivider elects to file the public report for the condominium with the California Department of Real Estate in lieu of at the time of recording of the Final Map. Additionally, the Owner Participation Agreement (OPA) and the

REPORT TO THE CITY COUNCIL

Adopt Resolution Approving Final Map of Tract No. 5993

June 6, 2013

Page 2

Regulatory Agreement and Declaration of Covenants and Restrictions between the developer and the Redevelopment Agency of the City of Fresno (RDA), dated March 9, 2011 and March 16, 2011 respectively, stipulates that \$1.9 million in financial assistance towards the development of this site to provide 12-residential units to be rented and preserved as affordable rental housing for moderate income households (affordable units) for a period of 55-years. The \$1.9 million in financial assistance under the OPA is comprised of an \$500,000 loan and a \$1,400,000 grant. At the time of execution of the OPA, the project provided for 30-residential units. The RDA has confirmed that the changes to the project, as is now approved under the CUP and the Tentative Map, including deferring the condominium formation, will not require amendments to the OPA and that the requirement providing for 12 affordable units for the 55-years period will not be reduced.

BACKGROUND

The Fresno City Planning Commission on October 5, 2011 adopted Resolution No. 13126 approving Vesting Tentative Map No. 5993 (Tentative Map) for a 1-lot subdivision for condominium purposes on 0.97 net acres at an overall density of 29.90 units per acre. The Fresno City Planning Commission on October 5, 2011 adopted Resolution No. 13125 approving Conditional Use Permit Application No. C-11-023 for three story common interest mixed use development. Attached is the Fresno City Planning Commission report which provides the project details, staff analysis, environmental findings and consistency findings for Vesting Tentative Map No. 5993 with the 2025 General Plan and the Central Area Community Plan to comply with the provisions of the Subdivision Map Act. The approval of Vesting Tentative Map No. 5993 will expire on October 5, 2013.

The Subdivider has satisfied all other conditions of approval and has paid the miscellaneous and development impact fees due as a condition of approval for the Final Map in the amount of \$507.98. Covenants have been executed to defer the formulation of the condominium.

FISCAL IMPACT

There will be no impact to the City's General Fund. Approval by the Council will result in timely deliverance of the review and processing of the Final Map as is reasonably expected by the Subdivider. Prudent financial management is demonstrated by the expeditious completion of this Final Map inasmuch as the Subdivider has paid the city a fee for the processing of this Final Map and that fee is, in turn, funding the respective operations of the Public Works Department.

Attachments:

Resolution Approving the Final Map of Tract No. 5993

Final Map of Tract No. 5993

Report to the Planning Commission – Consideration of Vesting Tentative Map No. 5993 and Related Environmental Finding for Environmental Assessment No. T-5993

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,
CALIFORNIA, TO APPROVE THE FINAL MAP OF TRACT NO. 5993**

WHEREAS, FFDA PROPERTIES, LLC., a California Limited Liability Company, has offered for approval a Final Map designated as Tract No. 5993 (“map”), pursuant to approved Vesting Tentative Map No. 5993 (“tentative map”); and,

WHEREAS, all the certificates which appear on the map (except the approval certificate of the Council of the City of Fresno and the recording certificate of the Recorder of the County of Fresno) have been signed and acknowledged and said map has been filed for approval; and,

WHEREAS, the subdivision lies within the boundaries of the City of Fresno; and,

WHEREAS, the map conforms to all of the requirements of the Subdivision Map Act of the State of California, and City ordinances, resolutions and standards, except that Section 66492 and 66493 of the Subdivision Map Act may not be fully complied with at the time of passage of this resolution and owner having previously filed with the Clerk of the Board of Supervisors of Fresno County a Tax Compliance Certificate Request along with copies of the map considered herewith by the Council; and,

WHEREAS, the Council finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with all applicable general and specific plans of the City; and,

WHEREAS, the Planning Commission of the City of Fresno, by formal resolution, approved said tentative map.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Council finds that the map is in substantial compliance with said tentative map, any deviations therefrom being deemed to be approved by the Council.
2. That the map is hereby approved subject to complete compliance with Sections 66492 and 66493 of the Subdivision Map Act prior to release of the map for recordation.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2013.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2013
Mayor Approval/No Return: _____, 2013
Mayor Veto: _____, 2013
Council Override Vote: _____, 2013

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Talia Kolluri-Barbick
Deputy City Attorney

RECORD TITLE INTEREST STATEMENT:

THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND WITHIN THIS SUBDIVISION, HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND OFFER FOR DEDICATION FOR PUBLIC USE THE PARCELS AND EASEMENTS SPECIFIED ON SAID MAP AS INTENDED FOR PUBLIC USE FOR THE PURPOSES SPECIFIED THEREIN.

FFDA PROPERTIES, LLC., A CALIFORNIA LIMITED LIABILITY COMPANY

BY: _____
DARIUS ASSEMI, VICE PRESIDENT

FIRST AMERICAN TITLE COMPANY, A CALIFORNIA CORPORATION, AS TRUSTEE

BY: _____
JIM R. WEEKS, VICE PRESIDENT

TRACT NO. 5993

A PLANNED DEVELOPMENT FOR CONDOMINIUM PURPOSES
BEING A MERGER OF A PORTION OF LOT 21 AND LOTS 22 THROUGH 32, INCLUSIVE, IN BLOCK 337 OF DIXON, RECORDED IN VOLUME 1 OF PLATS AT PAGE 79, FRESNO COUNTY RECORDS.

THIS IS A MAP OF A CONDOMINIUM PROJECT, AS DEFINED IN SECTION 1351 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT.

IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA
SURVEYED AND PLATTED IN MAY 2012, BY GARY G. GIANNETTA
**CONSISTING OF TWO SHEETS
SHEET ONE OF TWO SHEETS**

ENGINEER'S STATEMENT:

THE SURVEY FOR THIS MAP WAS MADE BY ME OR UNDER MY DIRECTION AND IS TRUE AND COMPLETE AS SHOWN.

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF DARIUS ASSEMI ON APRIL 1, 2012. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE ONE YEAR OF THE DATE THIS MAP IS RECORDED, OR ANY TIME EXTENSION APPROVED BY THE CITY ENGINEER, THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

GARY GIANNETTA, R.C.E. 26998 LIC. EXP. 3-31-15 DATE _____

CITY ENGINEER'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE APPROVED TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

SCOTT L. MOZIER, PE 54417 CITY ENGINEER DATE _____
LICENSE EXPIRES 12-31-2013

CONSULTING LAND SURVEYOR'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

ACTING FOR THE CITY OF FRESNO:
BLAIR, CHURCH & FLYNN CONSULTING ENGINEERS
451 CLOVIS AVENUE, SUITE 200, CLOVIS, CA 93612

BY: _____
RANDELL SCOTT WEST, LS 8663 LICENSE EXPIRES 12-31-2013 DATE _____

PLANNING COMMISSION CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN CONFORMS TO AND IS IN COMPLIANCE WITH THE APPROVED TENTATIVE MAP AND THE REQUIREMENTS IMPOSED BY THE FRESNO CITY PLANNING COMMISSION AS A CONDITION TO THE ACCEPTANCE OF THE FINAL MAP.

KEITH BERGTHOLD SECRETARY OF THE FRESNO CITY PLANNING COMMISSION DATE _____

CITY CLERK'S CERTIFICATE:

I HEREBY CERTIFY THAT THE COUNCIL OF THE CITY OF FRESNO, BY RESOLUTION NO. _____ ADOPTED ON _____ 2013, APPROVED THE WITHIN MAP AND ACCEPTED ON BEHALF OF THE PUBLIC ALL PARCELS OF LAND AND EASEMENTS OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION, AND APPROVED THE ABANDONMENT OF THOSE PUBLIC STREETS AND/OR PUBLIC EASEMENTS NOT SHOWN ON THE MAP AND NOTED AS ABANDONED BY THE FILING OF THE MAP.

YVONNE SPENCE, CMC
CITY CLERK

BY: _____
DEPUTY DATE _____

RECORDER'S CERTIFICATE:

DOCUMENT NO. _____ FEE \$ _____
FILED THIS _____ DAY OF _____, 2012
AT _____, IN VOLUME _____ OF PLATS, AT PAGES _____
AND _____ AT THE REQUEST OF GARY G. GIANNETTA

FRESNO COUNTY RECORDS
PAUL DICTOS, C.P.A., RECORDER

BY: _____
DEPUTY

NOTARY ACKNOWLEDGMENT:

STATE OF CALIFORNIA
COUNTY OF FRESNO

ON _____, BEFORE ME, _____
PERSONALLY APPEARED _____ WHO
PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE
NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT
HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY
HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON
BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA
THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

SIGNATURE _____

NAME _____

COUNTY OF _____

MY COMMISSION EXPIRES _____

MY COMMISSION NUMBER _____

LEGAL DESCRIPTION:

LOTS 23 THROUGH 32, INCLUSIVE OF BLOCK 337 OF THE MAP OF DIXON BLOCK,
RECORDED IN VOLUME 1 OF PLATS AT PAGE 79, FRESNO COUNTY RECORDS.

ALSO PARCEL A OF LOT LINE ADJUSTMENT NO. 2011-04, AS DOCUMENT NO.
2011-0065818, OFFICIAL RECORDS OF FRESNO COUNTY AND MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

LOT 22 IN BLOCK 337 OF THE MAP OF DIXON BLOCK RECORDED IN VOLUME 1 OF PLATS,
PAGE 79, FRESNO COUNTY RECORDS.

TOGETHER WITH THE NORTHWESTERLY 8.70 FEET OF LOT 21 IN SAID BLOCK 337.

TOGETHER WITH UNDERLYING FEE INTEREST, IF ANY, ADJACENT TO THE ABOVE DESCRIBED
PROPERTY IN AND TO THE ADJOINING PUBLIC WAY.

ALSO THAT PORTION OF FULTON STREET AND SAN JOAQUIN STREET LYING ADJACENT TO
BLOCK 337 OF THE MAP OF DIXON BLOCK, RECORDED IN VOLUME 1 OF PLATS AT PAGE
79, FRESNO COUNTY RECORDS, VACATED BY RESOLUTION NO. 2012-11, BY THE CITY
COUNCIL OF FRESNO DATED JANUARY 28, 2012, RECORDED JANUARY 31, 2012 AS
DOCUMENT NO. 2012-0013289, OFFICIAL RECORDS OF FRESNO COUNTY.

THIS PROPERTY IS SUBJECT TO THE FOLLOWING:

1. SAID LAND LIES WITHIN THE BOUNDARIES OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT AND IS SUBJECT TO THE POTENTIAL OF THE PAYMENT OF DRAINAGE FEES AND/OR THE REQUIREMENT OF CONSTRUCTION OF DRAINAGE FACILITIES AS A CONDITION OF DEVELOPMENT, RECONSTRUCTION, ADDITIONS OR ALTERATIONS ASSOCIATED WITH SAID LAND, DOCUMENT NO. 95092128, FRESNO COUNTY RECORDS.
2. THE LAND LIES WITHIN THE BOUNDARIES OF THE FULTON REDEVELOPMENT PROJECT AREA, AS DISCLOSED BY THE DOCUMENT RECORDED SEPTEMBER 20, 2010 AS DOC. NO. 2010-0123140, FRESNO COUNTY RECORDS.
3. OWNER PARTICIPATION AGREEMENT EXECUTED BY AND BETWEEN REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND FFDA PROPERTIES, LLC, RECORDED JULY 11, 2011 AS DOC. NO. 2011-0090988, FRESNO COUNTY RECORDS.
4. REGULATORY AGREEMENT AND DECLARATION OF COVENANTS AND RESTRICTIONS RECORDED JULY 11, 2011 AS DOC. NO. 2011-0090990, FRESNO COUNTY RECORDS.
5. A STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR ACCESS FOR EMERGENCY SERVICES FOR THE FINAL MAP OF TRACT NO. 5993, RECORDED _____, 2013 AS DOCUMENT NO. 2013-_____, FRESNO COUNTY RECORDS.

NOTARY ACKNOWLEDGMENT:

STATE OF CALIFORNIA
COUNTY OF FRESNO

ON _____, BEFORE ME, _____
PERSONALLY APPEARED _____ WHO
PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE
NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT
HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY
HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON
BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA
THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

SIGNATURE _____

NAME _____

COUNTY OF _____

MY COMMISSION EXPIRES _____

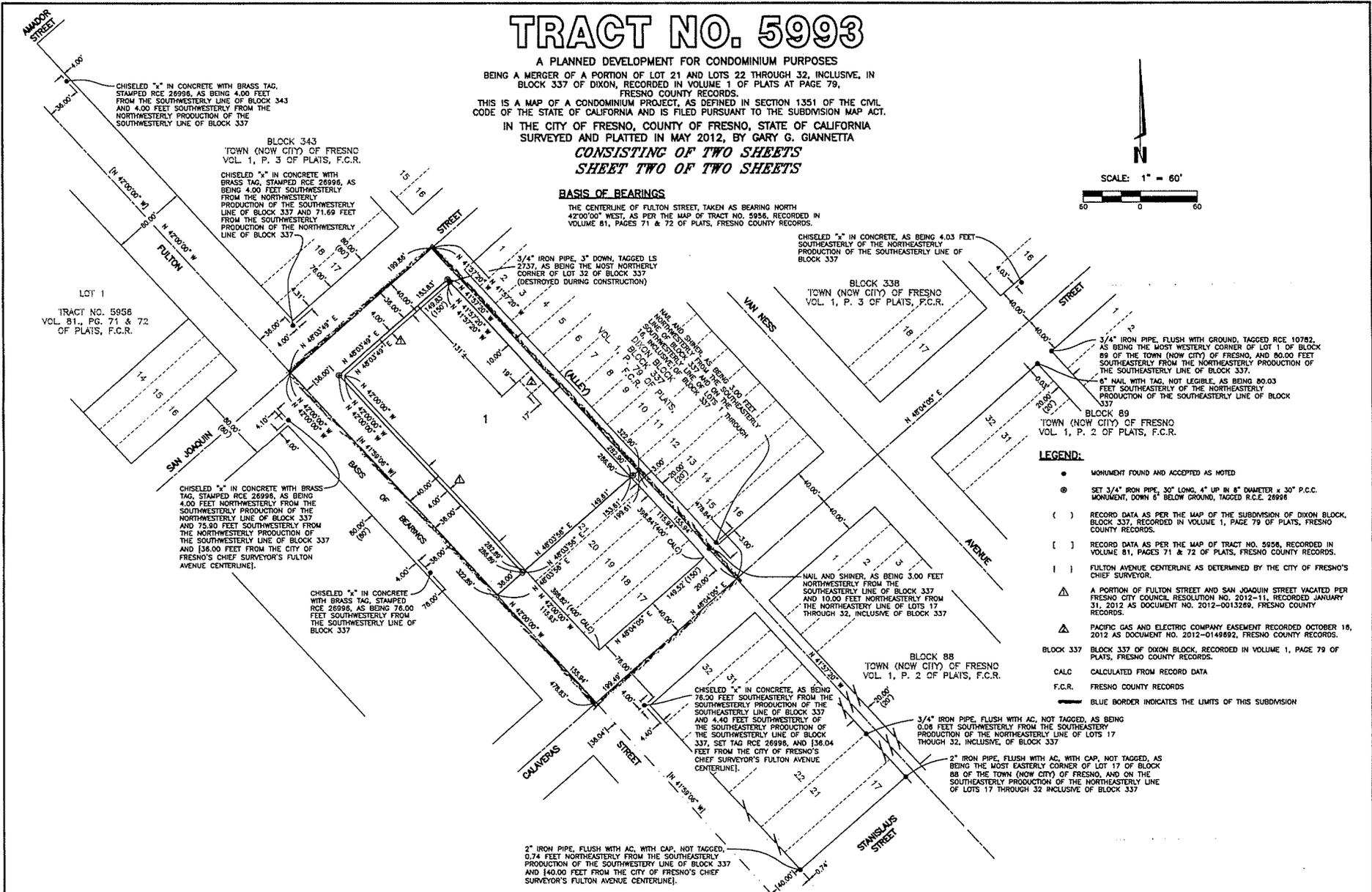
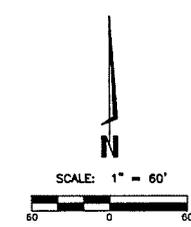
MY COMMISSION NUMBER _____

TRACT NO. 5993

A PLANNED DEVELOPMENT FOR CONDOMINIUM PURPOSES
 BEING A MERGER OF A PORTION OF LOT 21 AND LOTS 22 THROUGH 32, INCLUSIVE, IN
 BLOCK 337 OF DIXON, RECORDED IN VOLUME 1 OF PLATS AT PAGE 79,
 FRESNO COUNTY RECORDS.
 THIS IS A MAP OF A CONDOMINIUM PROJECT, AS DEFINED IN SECTION 1351 OF THE CIVIL
 CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT.
 IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA
 SURVEYED AND PLATTED IN MAY 2012, BY GARY G. GIANNETTA
CONSISTING OF TWO SHEETS
SHEET TWO OF TWO SHEETS

BASIS OF BEARINGS

THE CENTERLINE OF FULTON STREET, TAKEN AS BEARING NORTH
 42°00'00" WEST, AS PER THE MAP OF TRACT NO. 5956, RECORDED IN
 VOLUME 81, PAGES 71 & 72 OF PLATS, FRESNO COUNTY RECORDS.



LOT 1
 TRACT NO. 5956
 VOL. 81, PG. 71 & 72
 OF PLATS, F.C.R.

BLOCK 343
 TOWN (NOW CITY) OF FRESNO
 VOL. 1, P. 3 OF PLATS, F.C.R.

CHISELED "x" IN CONCRETE WITH BRASS TAG, STAMPED R.C.E. 26998, AS BEING 4.00 FEET SOUTHWESTERLY FROM THE NORTHWESTERLY PRODUCTION OF THE SOUTHWESTERLY LINE OF BLOCK 337 AND 71.69 FEET FROM THE SOUTHWESTERLY PRODUCTION OF THE NORTHWESTERLY LINE OF BLOCK 337.

CHISELED "x" IN CONCRETE WITH BRASS TAG, STAMPED R.C.E. 26998, AS BEING 4.00 FEET NORTHWESTERLY FROM THE SOUTHWESTERLY PRODUCTION OF THE NORTHWESTERLY LINE OF BLOCK 337 AND 75.90 FEET SOUTHWESTERLY FROM THE NORTHWESTERLY PRODUCTION OF THE SOUTHWESTERLY LINE OF BLOCK 337 AND 138.00 FEET FROM THE CITY OF FRESNO'S CHIEF SURVEYOR'S FULTON AVENUE CENTERLINE).

CHISELED "x" IN CONCRETE WITH BRASS TAG, STAMPED R.C.E. 26998, AS BEING 76.00 FEET SOUTHWESTERLY FROM THE SOUTHWESTERLY LINE OF BLOCK 337.

2" IRON PIPE, FLUSH WITH AC, WITH CAP, NOT TAGGED, 0.74 FEET NORTHEASTERLY FROM THE SOUTHWESTERLY PRODUCTION OF THE SOUTHWESTERLY LINE OF BLOCK 337 AND 140.00 FEET FROM THE CITY OF FRESNO'S CHIEF SURVEYOR'S FULTON AVENUE CENTERLINE).

CHISELED "x" IN CONCRETE, AS BEING 4.03 FEET SOUTHWESTERLY OF THE NORTHWESTERLY PRODUCTION OF THE SOUTHWESTERLY LINE OF BLOCK 337.

3/4" IRON PIPE, 3" DOWN, TAGGED LS 2137, AS BEING THE MOST NORTHERLY CORNER OF LOT 32 OF BLOCK 337 (DESTROYED DURING CONSTRUCTION)

BLOCK 338
 TOWN (NOW CITY) OF FRESNO
 VOL. 1, P. 3 OF PLATS, F.C.R.

3/4" IRON PIPE, FLUSH WITH GROUND, TAGGED R.C.E. 10782, AS BEING THE MOST WESTERLY CORNER OF LOT 1 OF BLOCK 89 OF THE TOWN (NOW CITY) OF FRESNO, AND 80.00 FEET SOUTHEASTERLY FROM THE NORTHEASTERLY PRODUCTION OF THE SOUTHWESTERLY LINE OF BLOCK 337.

BLOCK 89
 TOWN (NOW CITY) OF FRESNO
 VOL. 1, P. 2 OF PLATS, F.C.R.

LEGEND:

- MONUMENT FOUND AND ACCEPTED AS NOTED
- ⊙ SET 3/4" IRON PIPE, 30" LONG, 4" UP IN 8" DIAMETER x 30" P.C.C. MONUMENT, DOWN 6" BELOW GROUND, TAGGED R.C.E. 26998
- () RECORD DATA AS PER THE MAP OF THE SUBDIVISION OF DIXON BLOCK, BLOCK 337, RECORDED IN VOLUME 1, PAGE 79 OF PLATS, FRESNO COUNTY RECORDS.
- [] RECORD DATA AS PER THE MAP OF TRACT NO. 5956, RECORDED IN VOLUME 81, PAGES 71 & 72 OF PLATS, FRESNO COUNTY RECORDS.
- | | FULTON AVENUE CENTERLINE AS DETERMINED BY THE CITY OF FRESNO'S CHIEF SURVEYOR.
- △ A PORTION OF FULTON STREET AND SAN JOAQUIN STREET VACATED PER FRESNO CITY COUNCIL RESOLUTION NO. 2012-11, RECORDED JANUARY 31, 2012 AS DOCUMENT NO. 2012-0013289, FRESNO COUNTY RECORDS.
- △ PACIFIC GAS AND ELECTRIC COMPANY EASEMENT RECORDED OCTOBER 18, 2012 AS DOCUMENT NO. 2012-0148892, FRESNO COUNTY RECORDS.
- BLOCK 337 BLOCK 337 OF DIXON BLOCK, RECORDED IN VOLUME 1, PAGE 79 OF PLATS, FRESNO COUNTY RECORDS.
- CALC. CALCULATED FROM RECORD DATA
- F.C.R. FRESNO COUNTY RECORDS
- BLUE BORDER INDICATES THE LIMITS OF THIS SUBDIVISION

BLOCK 88
 TOWN (NOW CITY) OF FRESNO
 VOL. 1, P. 2 OF PLATS, F.C.R.

CHISELED "x" IN CONCRETE, AS BEING 76.00 FEET SOUTHEASTERLY FROM THE SOUTHWESTERLY PRODUCTION OF THE SOUTHWESTERLY LINE OF BLOCK 337 AND 4.40 FEET SOUTHWESTERLY OF THE SOUTHWESTERLY PRODUCTION OF THE SOUTHWESTERLY LINE OF BLOCK 337, SET TAG R.C.E. 26998, AND 136.04 FEET FROM THE CITY OF FRESNO'S CHIEF SURVEYOR'S FULTON AVENUE CENTERLINE).

3/4" IRON PIPE, FLUSH WITH AC, NOT TAGGED, AS BEING 0.08 FEET SOUTHWESTERLY FROM THE SOUTHWESTERLY PRODUCTION OF THE NORTHWESTERLY LINE OF LOTS 17 THROUGH 32, INCLUSIVE, OF BLOCK 337.

2" IRON PIPE, FLUSH WITH AC, WITH CAP, NOT TAGGED, AS BEING THE MOST EASTERLY CORNER OF LOT 17 OF BLOCK 88 OF THE TOWN (NOW CITY) OF FRESNO, AND ON THE SOUTHWESTERLY PRODUCTION OF THE NORTHWESTERLY LINE OF LOTS 17 THROUGH 32, INCLUSIVE, OF BLOCK 337.

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13126**

The Fresno City Planning Commission at its meeting on October 05, 2011, adopted the following resolution pursuant to the Subdivision Map Act of the Government Code of the State of California and the Municipal Code of the City of Fresno.

WHEREAS, Vesting Tentative Tract Map No. 5993 was filed with the City of Fresno and proposes to subdivide the approximately 0.97 acres of property located on the easterly corner of the intersection of Fulton and San Joaquin Streets as a one common-lot airspace subdivision for condominium purposes and vacate portions of adjacent public street rights-of-way; and,

WHEREAS, on September 12, 2011, the Fulton/Lowell Specific Plan Implementation Committee reviewed and unanimously recommended approval of the proposed project; and,

WHEREAS, the Development and Resource Management Department staff recommended approval of the proposed project subject to all conditions of approval contained in the staff report dated October 05, 2011; and,

WHEREAS, the Fresno City Planning Commission conducted a public hearing on October 05, 2011, to review the proposed subdivision and considered the staff report and invited testimony with respect to the proposed subdivision.

NOW, THEREFORE, BE IT RESOLVED that the Fresno City Planning Commission hereby finds and determines that there is no substantial evidence in the record to indicate that Vesting Tentative Tract Map No. 5993 or the proposed project may have a significant effect on the environment as identified by the Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and the Mitigated Negative Declaration for Plan Amendment No. A-09-02 (Air Quality MND), which was prepared for Environmental Assessment No. C-11-023/T-5993 dated August 19, 2011.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission finds that approval of the subject vesting tentative tract map is consistent with the adopted 2025 Fresno General Plan, the Central Area Community Plan, Fulton/Lowell Specific Plan, and the findings required pursuant to Section 66410 et. seq. of the Government Code.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby approves Vesting Tentative Tract Map No. 5993 subject to the Development and Resource Management Department Conditions of Approval dated October 05, 2011; and, the following:

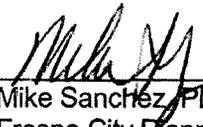
1. A minimum setback of 20 feet shall not be required for garages which are proposed to front onto San Joaquin Street as indicated within the Public Works Department, Traffic & Engineering Division memorandum dated August 16, 2011.
2. A 2-inch overlay of the existing alley adjacent to the subject property shall not be required as indicated within the Public Works Department, Traffic & Engineering Division memorandum dated August 16, 2011.
3. Condition No. 20 of the City of Fresno Redevelopment Agency memorandum dated July 25, 2011 shall be stricken from the conditions of approval.

Planning Commission Resolution No. 13126
Vesting Tentative Tract Map No. 5993
October 05, 2011
Page 2

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Hansen-Smith, seconded by Commissioner Caprioglio.

VOTING: Ayes - Caprioglio, Dawar, Hansen-Smith, Holt, Medina, Torossian, Vasquez
 Noes - None
 Not Voting - None
 Absent - None

DATED: October 05, 2011



Mike Sanchez, Planning Manager
Fresno City Planning Commission

Resolution No. 13126
Vesting Tentative Tract Map No. 5993
Filed by Gary G. Giannetta Civil Engineering
& Land Surveying, on behalf of FFDA
Properties, LLC.
Action: Approved



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII.A.

COMMISSION MEETING 10/05/11

October 05, 2011

FROM: KEVIN FABINO, Planning Manager
Development & Resource Management Department

DEPARTMENT DIRECTOR
John Dugan

THROUGH: MIKE SANCHEZ, Planning Manager
Development Services Division

BY: WILL TACKETT, Planner III
Development Services Division

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION NO. C-11-023; VESTING TENTATIVE TRACT MAP NO. 5993; AND, RELATED ENVIRONMENTAL ASSESSMENT NO. C-11-023/T-5993.

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. APPROVE Environmental Assessment No. C-11-023/T-5993; resulting in a Finding of Conformity to Master Environmental Impact Report (MEIR) No. 10130 for the 2025 Fresno General Plan (SCH#2001071097) and the Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH#2009051016) (Air Quality MND), dated August 19, 2011.
2. APPROVE Conditional Use Permit Application No. C-11-023, requesting authorization to construct a three-story mixed use project consisting of approximately 2,939 square feet of ground floor commercial retail space and 29 residential units in a gated development with modified property development standards. The proposed project will also involve installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno.
3. APPROVE Vesting Tentative Tract Map No. 5993, proposing to subdivide the subject property for the purposes of creating a one common-lot airspace subdivision of the subject property for condominium purposes at an overall density of approximately 29.90 dwelling units per acre. The tentative map also proposes the vacation of portions of adjacent public street rights-of-way.

EXECUTIVE SUMMARY

Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of FFDA Properties, LLC., property owner, has filed Conditional Use Permit (CUP) Application No. C-11-023 and Vesting Tentative Tract Map No. T-5993 pertaining to approximately 0.97 net acres of property located on the easterly corner of the intersection of Fulton and San Joaquin Streets.

Conditional Use Permit Application No. C-11-023 requests authorization to construct a three-story common interest mixed use development project consisting of approximately 2,939 square feet of ground floor commercial retail space and 29 residential units at a density of approximately 29.90 dwelling units per acre. The 29 residential units are comprised of two townhouse units situated above the proposed ground floor commercial retail space in one detached structure; and, a combination of nine live/work units, six studio units, and 12 townhouse units within a total of nine triplex structures with attached garages. The proposed project will also involve installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno.

Vesting Tentative Tract Map No. 5993 proposes a one common-lot airspace subdivision for condominium purposes and the vacation of portions of adjacent public street rights-of-way.

The subject property is currently zoned under the C-4 (*Central Trading District*) zone district classification. The subject property is located within the boundaries of the 2025 Fresno General Plan, Central Area Community Plan, Fulton/Lowell Specific Plan, and Fulton Redevelopment Plan, which designate the subject property for Central Area Commercial Mixed Use Level 2 planned land uses. Pursuant to Exhibit No. 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC), the existing C-4 zone district is consistent with the Central Area Commercial Mixed Use Level 2 planned land use designation.

The proposed subdivision and development of the subject property in accordance with Conditional Use Permit Application No. C-11-023 and Vesting Tentative Tract Map No. 5993 is considered to be in conformance with the 2025 Fresno General Plan, Central Area Community Plan, Fulton/Lowell Specific Plan, and Fulton Redevelopment Plan.

PROJECT INFORMATION

PROJECT	Conditional Use Permit Application No. C-11-023 requests authorization to construct a three-story common interest mixed use development project consisting of approximately 2,939 square feet of ground floor commercial retail space and a combination of 29 residential live/work, studio and townhouse units at an overall density of approximately 29.90 dwelling units per acre. Vesting Tentative Tract Map No. 5993 proposes a one common-lot airspace subdivision for condominium purposes and the vacation of portions of adjacent public street rights-of-way.
APPLICANT	FFDA Properties, LLC. (Granville Homes)
LOCATION	Easterly corner of the intersection of Fulton and San Joaquin Streets. (Council District 3, Councilmember Baines)
SITE SIZE	Approximately 0.97 net acres (1.50 gross acres).
PLANNED LAND USE	Existing & Proposed - Central Area Commercial Mixed Use Level 2
ZONING	Existing & Proposed - <u>C-4</u> (<i>Central Trading District</i>)
PLAN DESIGNATION AND CONSISTENCY	Pursuant to Exhibit No. 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC), the existing C-4 (<i>Central Trading</i>) zone district is consistent with the Central Area Commercial Mixed Use Level 2 planned land use designation.

ENVIRONMENTAL FINDING Finding of Conformity to Master Environmental Impact Report (MEIR) No. 10130 for the 2025 Fresno General Plan (SCH#2001071097) and the Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH#2009051016) (Air Quality MND), dated August 19, 2011.

STAFF RECOMMENDATION Recommend the Planning Commission: (1) Approve the Finding of Conformity prepared for Environmental Assessment No. C-11-023; (2) Approve Conditional Use Permit Application No. C-11-023; and, (3) Approve Vesting Tentative Tract Map No. 5993.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Commercial Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Office & Church (NW)
East	Commercial Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Office
South	Commercial Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Vacant / Commercial
West	Commercial Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Restaurant/Tavern & Retail/Office Space

ENVIRONMENTAL FINDING

Development and Resource Management Department staff have prepared an initial study and environmental checklist and evaluated the proposed development in accordance with the land use and environmental policies and provisions of the 2025 Fresno General Plan, the related Master Environmental Impact Report (MEIR) No. 10130 (SCH # 2001071097), and Mitigated Negative Declaration (MND) No. A-09-02 (SCH # 2009051016). The subject property has been proposed to be developed at an intensity and scale that is permitted by the Central Area Commercial Mixed Use Level 2 planned land use designation and existing C-4 (*Central Trading*) zone district classification for the subject site. Thus, the development and subdivision of the subject property in accordance with Conditional Use Permit Application No. C-11-023 and Vesting Tentative Tract Map No. 5993 will not facilitate an additional intensification of uses beyond that which already exists or would be allowed by the above-noted planned land use designation. Moreover, it is not expected that the future development will adversely impact existing city service systems or the traffic circulation system that serves the subject property. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. It has been further determined that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant

effects beyond those identified by MEIR No. 10130 and MND No. A-09-02 as provided by CEQA Section 15177(b)(3).

Pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act), it may be determined that a subsequent project, as identified in the MEIR pursuant to Section 21157(b)(2) of the Public Resources Code and CEQA Guidelines Section 15177, falls within the scope of a MEIR, provided that the project does not cause significant impacts on the environment that were not previously examined by the MEIR. Relative to the specific project proposal, the environmental impacts noted in the MEIR, pursuant to the 2025 Fresno General Plan land use designation, include impacts associated with the Central Area Commercial Mixed Use Level 2 planned land use designation specified for the subject property. Based on the initial study prepared, the following findings are made: (1) The proposed project was identified as a Subsequent Project in MEIR No. 10130 because its land use designation and permissible densities and intensities are set forth in Figure I-1 of MEIR No. 10130; (2) The proposed project will not generate additional significant effects not previously identified and analyzed by the MEIR or MND No. A-09-02 (as indicated on the attached Environmental Assessment Checklist) for the reasons discussed within the environmental assessment for the subject project; and, (3) No new additional mitigation measures are required because the proposed project will not generate additional significant effects not previously identified and analyzed by the MEIR or MND.

Therefore, the project proposal has been determined to be within the scope of the MEIR and MND as defined by Section 15177 of the CEQA Guidelines and staff has properly published a Finding of Conformity to MEIR No. 10130 dated August 19, 2011, with no comments received to date. In addition, after conducting a review of the adequacy of the MEIR pursuant to Public Resources Code Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the MND adopted; and, that no new information, which was not know and could not have been known at the time that the MEIR was certified as complete or the MND was adopted, has become available.

BACKGROUND / ANALYSIS

Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of FFDA Properties, LLC., property owner, has filed Conditional Use Permit (CUP) Application No. C-11-023 and Vesting Tentative Tract Map No. T-5993 pertaining to approximately 0.97 net acres of property located on the easterly corner of the intersection of Fulton and San Joaquin Streets.

Conditional Use Permit Application No. C-11-023 requests authorization to construct a three-story common interest mixed use development project consisting of approximately 2,939 square feet of ground floor commercial retail space and 29 residential units at a density of approximately 29.90 dwelling units per acre. The 29 residential units are comprised of two townhouse units situated above the proposed ground floor commercial retail space in one detached structure; and, a combination of nine live/work units, six studio units, and 12 townhouse units within a total of nine triplex structures with attached garages.

The three triplex buildings incorporating a total of nine live/work units incorporating approximately 200 square-feet of ground floor work space per unit are proposed to address the Fulton Street frontage. These structures are proposed to be setback from the Fulton Street property line a minimum of four feet in order to encourage and enhance the pedestrian scale environment with principal entryways into the units being accessible from the Fulton Street frontage. The proposed townhouse units are spread uniformly across the interior of the subject property with six units within two triplex buildings fronting onto the San Joaquin Street frontage at a setback of five to six feet. All residential units include second story

balconies and four of the townhouse triplexes will also incorporate third story balconies. Where respective structures address adjacent streets, balconies are oriented respectively to the public rights of way and will serve to further facilitate activation of the public street frontage.

Two aggregated open space areas totaling approximately 2,000 square feet in area are proposed to be located central to the interior of the development providing opportunities for both passive and active recreation purposes for prospective tenants. Additionally, an approximately 630 square-foot common open space area affords a principal entryway for pedestrian connectivity to the interior of the development from Fulton Street. Landscaped areas are also proposed to be allocated around the periphery of the development to buffer from adjacent street rights-of-way and adjacent property. The proposed project proposes a total of approximately 6,000 square feet of landscaped area comprising approximately 14 percent of the proposed development area.

The proposed project will also involve installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno.

Vesting Tentative Tract Map No. 5993 proposes a one common-lot airspace subdivision for condominium purposes. Therefore, the proposed project will provide and facilitate opportunities for separate interest resident ownership of individual units within the overall common interest development. The tentative map also proposes the vacation of portions of adjacent public street rights-of-way. These vacations consist of reductions to the overall adjacent 80-foot wide public street right-of-way widths by four feet on each frontage.

The subject property is currently zoned under the C-4 (*Central Trading District*) zone district classification. The subject property is located within the boundaries of the 2025 Fresno General Plan, Central Area Community Plan, Fulton/Lowell Specific Plan, and Fulton Redevelopment Plan, which designate the subject property for Central Area Commercial Mixed Use Level 2 planned land uses. Pursuant to Exhibit No. 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC), the existing C-4 zone district is consistent with the Central Area Commercial Mixed Use Level 2 planned land use designation.

The subject property is bounded on the north by San Joaquin Street. Office spaces exist to the north across San Joaquin Street and a church exists to the north/northwest on the opposite corner of the Fulton/San Joaquin Street intersection. The Fulton/Van Ness Alley abuts the eastern frontage of the subject property and commercial/office space exists east of the adjacent alley. The subject property is bounded on the west by Fulton Street. A restaurant/tavern exists on the south/southwest corner of the Fulton/San Joaquin Street intersection and primarily vacant retail/office spaces exists on the west side of Fulton Street across from the subject property. Property to the south of the subject property has been developed with a commercial building which is also currently vacant.

Land Use Plans and Policies

Objective C-8 of the 2025 Fresno General Plan encourages the facilitation of the development of mixed uses to blend residential, commercial and public land uses on one site. Supporting policies under this objective include creating an appropriate environment for the inclusion in mixed-use development of higher density single-family residential dwellings, creation of small open spaces, and community facilities and allowances for flexibility in parking requirements.

Objective C-9 of the 2025 Fresno General Plan directs planning for the diversity and quality of residential housing, at locations necessary to provide for adequate and affordable housing opportunities.

Housing patterns should support balanced urban growth, and should make efficient use of resources and public facilities. Supporting policy C-9-K & L recommends that Medium-High and High Density Residential uses shall be distributed to maximize utilization of available or planned public facilities and services and to provide housing opportunities with convenient access to employment, shopping, services, and transportation in a manner which is supportive of the City's activity centers.

Objective C-10 of the 2025 Fresno General Plan promotes the development of more compact friendly, single-family residential projects to aid in the conservation of resources such as land, energy, and materials. Supporting policy C-10-a recommends facilitating the construction of higher density single family residential development while maintaining a pleasant living environment. Policy C-10-d encourages the development of two-story homes as a means to conserve land, maintain open space on residential lots, and provide adequate living space.

Similarly, the goals, policies and implementation actions of the Fulton/Lowell Specific Plan are directed toward: (1) Providing a safe, positive, and attractive residential environment that encourages neighborhood pride, identity, and active involvement from both residents and property owners in the Fulton/Lowell area; (2) Encouraging home ownership; and, (3) Improving the building and urban landscape character of residential neighborhoods and business districts in the Fulton/Lowell area to provide a positive, secure, and harmonious design image that is representative of the individual neighborhoods and districts.

The proposed project meets the goals, objectives and policies of the 2025 Fresno General Plan and Fulton/Lowell Specific Plan by providing a project which introduces higher density residential development in a manner which will maintain a pleasant living environment through reservation of adequate living spaces in a compact, pedestrian friendly development located in the downtown activity center which will provide a full range of urban services, neighborhood commercial uses, community centers, public services and transit stops. Design of the proposed project provides minimal front yard setbacks in a manner which captures private spaces while activating the street and encouraging interaction. Such measures are critical to the downtown neighborhoods which have too long suffered from neglect, lack of investment, and blight. Many of the existing buildings within the immediate vicinity remain vacant which has resulted in a lack of eyes on the streets and the presence of invested property owners to take pride, revitalize and monitor the neighborhood. The proposed project introduces the potential for an elemental investment within the community that may foster identification, pride, and removal of blight while encouraging and incentivizing further investment.

The close proximity of downtown amenities provides for a unique and diverse context, which the proposed project will complement and embellish. The proposed project facilitates comprehensive infill development through revitalization, sustainable development, construction of new infrastructure and improvements; and, the introduction of a diversity of housing types, which will further meet the needs of balanced urban growth.

Therefore it is staff's opinion that the proposed project is consistent with respective general, community and specific plan objectives and policies. Furthermore, conditions of approval respective to the proposed project will assure compliance with the objectives and policies of the applicable plans.

Streets, Access Points, and Parking

The subject property is located on the easterly corner of the intersection of Fulton and San Joaquin Streets. Both of the adjacent segments of Fulton and San Joaquin Streets are designated as local streets by the 2025 Fresno General Plan and Central Area Community Plan.

The project proposes to vacate 4 feet of width from the adjacent public street rights-of-way for Fulton Street; and, 4 feet of width from San Joaquin Street. The adjacent local street right-of-way sections have been dedicated at a width of 80 feet. Therefore, existing right-of-way widths are more than sufficient to accommodate the proposed vacations and still provide a wider than normal local street cross section capable of serving the existing and projected traffic generation characteristics of the project and surrounding area. The proposed vacations will require transitions from the existing sidewalk and street patterns for adjacent rights-of-way. These transitions will include removal and reconstruction of portions of existing curb, gutter and sidewalk. The proposed project will be required to construct all frontage improvements to City Standards.

This subdivision proposes one gated vehicular access point from San Joaquin Street. The interior private streets/vehicular circulation aisles have been designed to provide a minimum 22-foot wide section immediately adjacent to the entryway gate with branch circulation aisles ranging between 25-30 feet in width. Private two-car garages will be provided for each live/work unit and single car garages are provided for all studio and townhouse units with the exception of the two townhouse units located above the commercial retail space. An additional 14 off-street visitor parking spaces will be provided within the common area.

Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the Department of Public Works, Traffic and Engineering Services Division has assessed that the proposed common interest mixed use development is projected to generate 25 vehicle trips during the morning (7 to 9 a.m.) peak hour travel period and 41 vehicle trips during the evening (4 to 6 p.m.) peak hour travel period.

The Public Works Department, Traffic and Engineering Services Division has reviewed the proposed project and potential traffic related impacts for the conditional use permit and vesting tentative tract map applications and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements stipulated within the memoranda from the Traffic and Engineering Services Division dated August 16, 2011. These requirements generally include: (1) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, and sidewalks, permanent pavement, and underground street lighting systems; and, (2) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and Regional Transportation Mitigation (RTMF) Fee.

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. These streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system.

Public Services

The Department of Public Utilities has determined that adequate sanitary sewer and water services are available to serve the project subject to connection to existing public sewer and water main facilities in the Fulton/Van Ness alley and payment of applicable facility fee charges. On-site utility services will be private.

Implementation of the 2025 Fresno General Plan policies, mitigation measures of Master Environmental Impact Report No. 10130 and the Water Resources Management Plan will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes. Furthermore, the proposed project is required to provide detailed water usage analyses

identifying water use efficiencies that will be incorporated into the project for conservation purposes to offset demand.

The City of Fresno Fire Department has conditioned the proposed project with requirements for accessibility and installation of sprinkler systems within all structures proposed to be constructed on the subject property. The provision of adequate fire flows will be required per Public Works Standards.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that permanent drainage service is available for the development subject to the developer demonstrating, upon completion of street improvements, that runoff can be safely conveyed to the adjacent roadways. District Fees are also due for the subject property. Amendments or modifications to the FMFCD requirements will be required to be approved by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code, prior to approval of the final map.

Fulton/Lowell Specific Plan Implementation Committee

The proposed project was considered by the Fulton/Lowell Specific Plan Implementation Committee at its meeting held on September 12, 2011. At the meeting the Committee recommended approval of the proposed project. Staff did request specific consideration by the Committee respective to the proposal that six single car garages associated with two triplex buildings within the project front onto San Joaquin Street. The project applicant provided an alternative drawing for comparative purposes at the request of the City, which provided for a further vacation of San Joaquin Street in order to accommodate a depth for driveways to the garages that would allow vehicles to park in the driveways without the potential to obstruct the sidewalk within the public right-of-way. Other options for accessibility to the property from the adjacent alley were also considered by staff but were determined to be infeasible for purposes of the project. The Committee ultimately resolved to approve the proposal as originally submitted with a minimum 5-6 foot setback from property line to the triplex buildings such that the buildings would better address the street. City staff concur with this determination and support the recommendation of the Committee.

Conditional Use Permit Findings

Based upon analysis of the conditional use permit application and subject to the applicant's compliance with all of the conditions of approval noted, staff concludes that the following required findings of Section 12-405-A-2 of the Fresno Municipal Code (FMC) can be made.

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 12-405-A-2.	
<i>a. All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i>	
Finding	The subject site is approximately 0.97 net acres in size. Given that the subject site has been proposed to be developed with approximately 2,939 square feet of commercial retail space and a total of 29 residential units within a total of 10 three-story buildings, in a manner which complies with all applicable development standards utilizing the allowances of the Fresno Municipal Code, it may be determined that there is adequate space to meet all requirements as established in the Special Permit conditions of approval dated October 05, 2011; including yards, spaces, walls and fences, parking, landscaping and open spaces and other required features.

	<p><i>b. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,</i></p>
<p><i>Finding 5</i></p>	<p>Staff from the Public Works Department, Transportation and Engineering Services Division has estimated that the proposed development will generate approximately 25 a.m./41 p.m. peak hour vehicle trips which can be accommodated by the adjacent streets subject to the improvement and respective dedications and vacations of adjacent portions of Fulton and San Joaquin Streets in accordance with the Department of Public Works and Public Utilities memorandums referenced above. These requirements are necessary and sufficient for the traffic generated by the project and to accommodate city services and meet the needs of the proposed subdivision.</p>
	<p><i>c. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of this Code.</i></p>
<p><i>Finding 6</i></p>	<p>The staff of the Development and Resource Management Department has determined that the proposed use will not be detrimental to the public welfare or be injurious to property or improvements in the area in which the property is located if developed in accordance with the various conditions/requirements established through the related vesting tentative tract map application review and conditional use permit application review processes.</p>

Tentative Tract Map Findings

The Subdivision Map Act (California Government Code Section 66400 et. seq.) requires that a proposed subdivision not be approved unless the map, together with its design and improvements, is found to be consistent with the General Plan and any applicable specific plan (Finding No. 1 below).

State law further provides that the proposed subdivision map be denied if any one of the Finding Nos. 2 - 5 below is made in the negative. In addition, State law requires that a subdivision be found to provide for future passive and natural heating or cooling opportunities in the subdivision development (Finding No. 6 below).

1. The proposed subdivision map, together with its design and improvements, is consistent with the City's 2025 Fresno General Plan, Central Area Community Plan, Fulton/Lowell Specific Plan, and Fulton Redevelopment Plan. Pursuant to Exhibit No. 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC), the existing C-4 (*Central Trading*) zone district is consistent with the Central Area Commercial Mixed Use Level 2 planned land use designation.
2. This site is physically suitable for the proposed type and density of development, because conditions of approval prepared will ensure adequate access and drainage on and off the site; and, that development shall occur in accordance with adopted standards, goals, objectives, and policies for development in the City of Fresno.
3. The proposed subdivision design and improvement is not likely to cause substantial and considerable damage to the natural environment, including fish, wildlife or their habitat, because the site is located within the downtown Fresno area, which has been substantially developed with urban uses. The subject property does not contain trees, vegetation, or irrigation to sustain and attract wildlife; or, provide a suitable habitat to species other than vermin.

4. The proposed subdivision design and improvements are not likely to cause serious public health and safety problems because the conditions of approval have shown and will ensure that the subdivision conforms to city health and safety standards, specifications, and policies.
5. The proposed subdivision design will not conflict with public easements within or through the site, because the project design and conditions of approval will assure noninterference with any existing or proposed easements on the subject property.
6. The design of the subdivision provides, to the extent feasible, for future passive and natural heating or cooling opportunities in the subdivision, because of the appropriate use and placement of landscaping plant materials and because of the orientation of the proposed units, which will maximize north-south facing buildings on the subject property. Furthermore, the design of the subdivision to provide for future passive and natural cooling opportunities will not result in reducing allowable densities or the percentages of lots, which may be occupied by building and/or structures.

The subdivision map, subject to the recommended conditions of approval, complies with the design and property development standards of the Zoning Ordinance and local Subdivision Ordinance. Based upon the plans and information submitted by the applicant and the recommended conditions of project approval, staff has determined that these findings can be made.

Conclusion

Action by the Planning Commission regarding Conditional Use Permit Application No. C-11-023 is final unless appealed in accordance with Section 12-406-J of the FMC. Vesting Tentative Tract Map No. 5993 is final unless appealed in accordance with Section 12-1019 of the FMC.

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan, Central Area Community Plan, Fulton/Lowell Specific Plan, Fulton Redevelopment Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Conditional Use Permit Application No. C-11-023 and Vesting Tentative Tract Map No. 5993 are appropriate for the project site.

Attachments:

Vicinity Map

2010 Aerial Photograph

Public Hearing Notice Mailing List Vicinity Map

2025 Fresno General Plan Planned Land Use Map

Vesting Tentative Tract Map No. T-5993 dated June 29, 2011

Conditional Use Permit Application No. C-11-023 Exhibits dated July 18, 2011

Conditions of Approval for T-5993, dated October 05, 2011

Conditions of Approval for Conditional Use Permit Application No. C-11-023 dated October 05, 2011

Associated memoranda from responsible or commenting agencies respective to Conditions of Approval for Vesting Tentative Tract Map No. 5993 and Conditional Use Permit Application No. C-11-023.

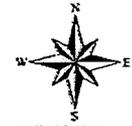
Environmental Assessment No. C-11-023/T-5993, Finding of Conformity dated August 19, 2011.

City of
FRESNO W. TACKETT
PLANNING & DEVELOPMENT DEPARTMENT
2600 FRESNO STREET
FRESNO, CA. 93721-3604

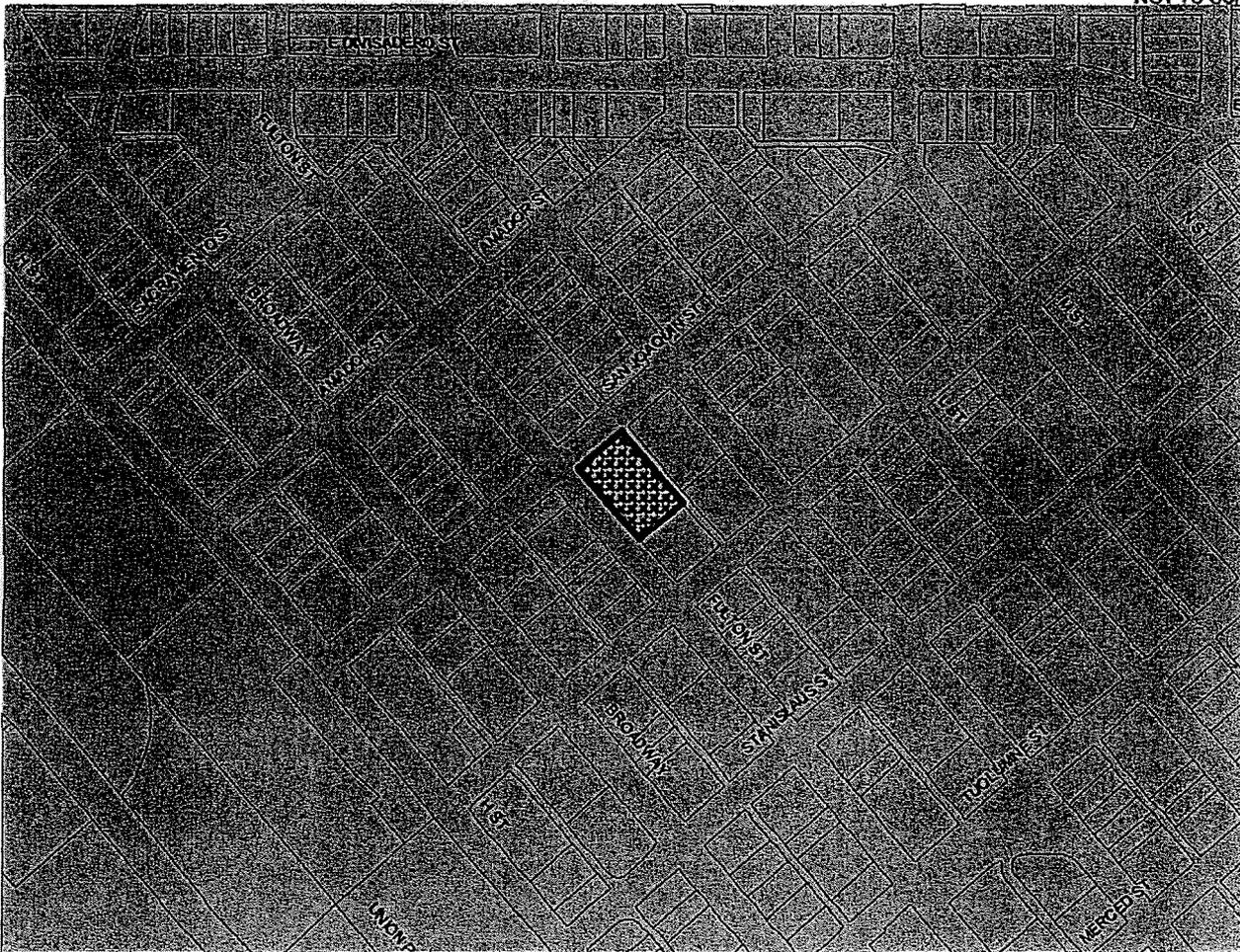
THIS IS A LEGAL NOTICE

Conditional Use Permit Application No. C-11-023
Vesting Tentative Tract Map No. 5993
Easterly corner of Fulton and San Joaquin Streets

VICINITY MAP

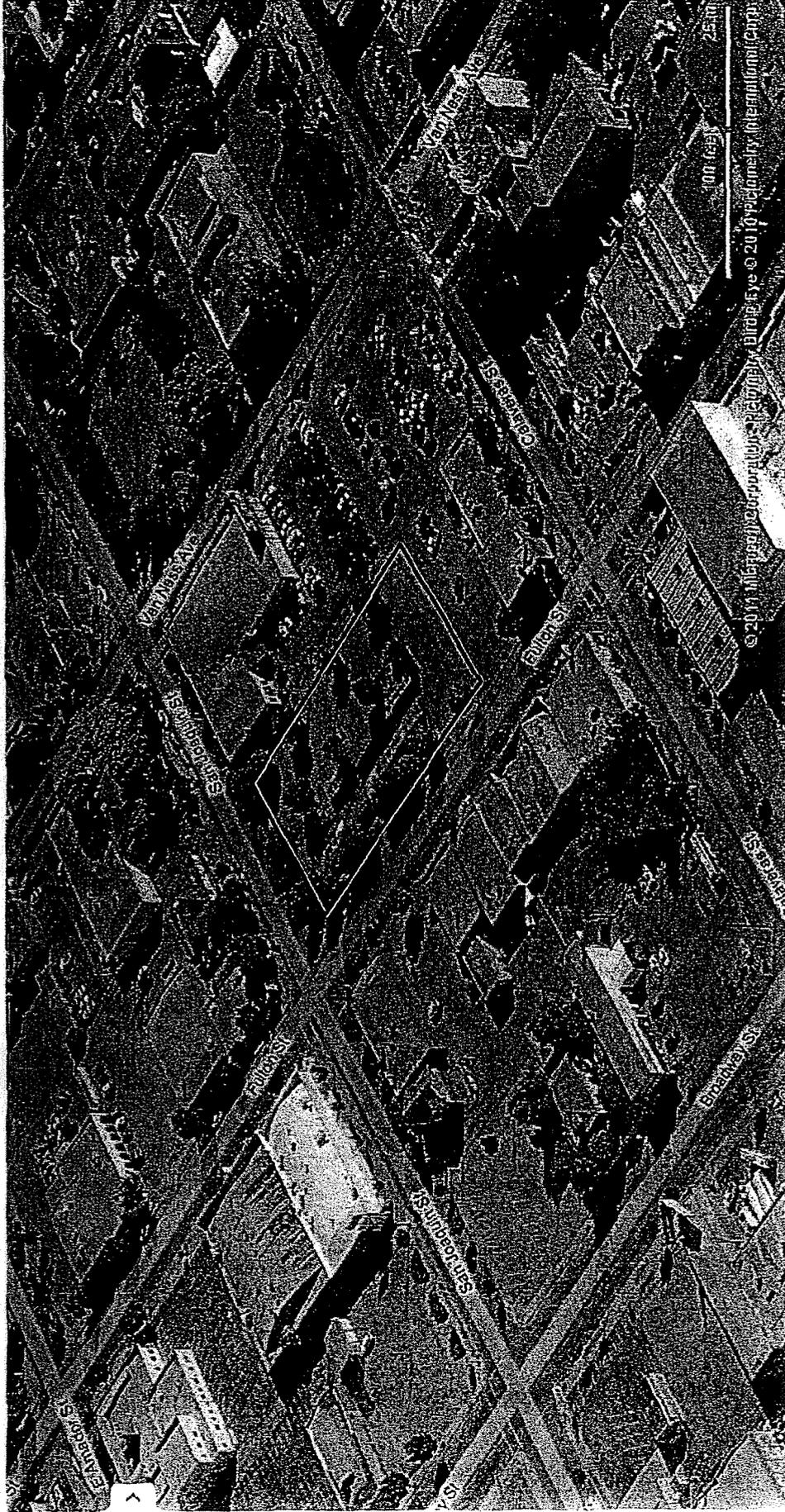


NOT TO SCALE

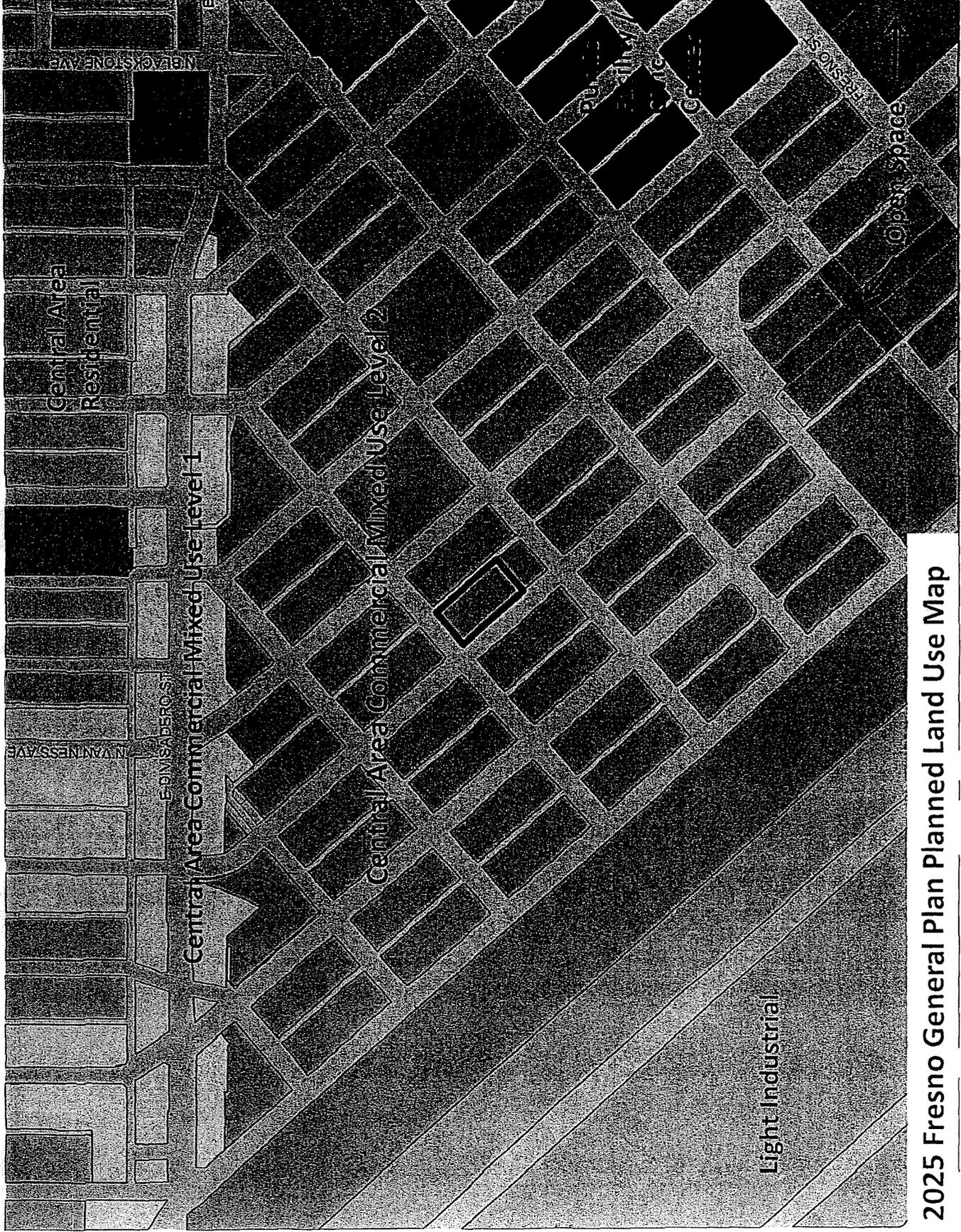


LEGEND

 Subject Property



2010 Aerial Photograph



2025 Fresno General Plan Planned Land Use Map

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

**CONDITIONS OF APPROVAL
OCTOBER 05, 2011**

**VESTING TENTATIVE TRACT MAP NO. 5993
“FOR CONDOMINIUM PURPOSES”**

EASTERLY CORNER OF THE INTERSECTION OF FULTON AND SAN JOAQUIN STREETS



All tentative maps are subject to the applicable provisions of the State Subdivision Map Act, Fresno Municipal Code (FMC), City policies, and City of Fresno Standard Specifications. The following specific conditions are applicable to this vesting tentative map:

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. Each local agency shall provide to the project applicant a notice in writing at the time of the approval of the project or at the time of the imposition of the fees, dedications, reservations, or other exactions, a statement of the amount of the fees or a description of the dedications, reservations, or other exactions, and notification that the 90-day approval period in which the applicant may protest has begun (please see section related to Development Fees and Charges included herein below for further information).

GENERAL CONDITIONS

1. Upon conditional approval of Vesting Tentative Tract Map No. 5993, the subdivider may prepare a Final Map in accordance with the approved tentative map, and Conditional Use Permit Application No. C-11-023.
2. The developer/owner shall pay the appropriate park facilities fee and/or dedicate lands for parks and recreation purposes pursuant to Ordinance Nos. 2005-112 and 2005-113 adopted by the Fresno City Council on September 27, 2005.
3. Submit grading plans and a soils report to the City of Fresno Development and Resource Management Department for verification prior to Final Map approval (Reference: Sections 12-1022 and 12-1023 of the Fresno Municipal Code). Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.
4. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Development and Resource Management Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.

5. Engineered construction plans shall be approved by the City prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans.
6. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.
7. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, Article 10, Chapter 12, "Subdivision of Real Property;" Resolution No. 68-187, "City Policy with Respect to Subdivisions;" and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.
8. The subdivider shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water and sewer service, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution No. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of State law as related to vesting tentative maps.
9. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code (FMC) and the State Subdivision Map Act. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the City. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the City, the subdivider may elect to enter into an agreement with the City to thereafter guarantee the completion of the improvements.
10. As a condition of Final Map approval, the subdivider shall furnish to the City a subdivision guarantee listing all parties having any right, title or interest and the nature of their interest per State law.

GENERAL INFORMATION

11. Contact the United States Postal Service for the location and type of mailboxes to be installed in this subdivision.
 - a) It is recommended that at least 6 months prior to the first occupancy, the Developer shall contact the local United States Postal Service representative to complete a Mode of Delivery Agreement for New Construction. The Mode of Delivery Agreement must have a District approval signature to be valid. In addition to completing the Agreement, the Developer shall provide a final map (with address details) to the local USPS representative. The Developer shall, at their own expense, procure, construct and install all mail receptacle facilities for each location as specified and approved by the USPS.

- i) Attached for the subdivider/developer's use is a copy of the Mode of Delivery Agreement – New Construction Form.
12. The developer/owner shall obtain any and all permits required for the removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement of tract grading work, in accordance with Chapter 13 of the Fresno Municipal Code.
13. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
14. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: (559) 268-0109; after hours the contact phone number is (559) 488-3111 for the Fresno County Sheriff's Department). If remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (phone number (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists.
15. If animal fossils are uncovered, the Museum of Paleontology at the University of California, Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.
16. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any State or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment or pay off such assessment in full.

If the subdivider elects to apportion the assessment, the application shall contain the following information:

- a) A full description of each assessed lot, parcel or interest to be divided and of how such lot, parcel or interest will be divided;
- b) A request that the Engineer apportion the amount remaining unpaid on the assessment in accordance with applicable law; and
- c) Written consent of the owner(s) of each such lot, parcel, or interest to the requested apportionment.
- d) The application shall be filed prior to the approval of the Final Map(s) by the City and shall be accompanied by a fee in an amount specified in the Master Fee Resolution for each separate lot, parcel, or interest into which the original assessed lot, parcel or interest is to be divided. The fee shall be in an amount sufficient to pay all costs of

the City and the Engineer of Work responsible for determining the initial assessment in making the requested apportionment.

MITIGATION MONITORING REQUIREMENTS

17. Development of the subject property shall be subject to implementation of all applicable mitigation measures, fees, and timelines included within the Initial Study and Finding of Conformity, to the Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan (SCH#2001071097) and the Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH#2009051016) (Air Quality MND), which was prepared for the proposed project and dated August 19, 2011.
 - a) The Finding of Conformity prepared for the proposed project is tiered off of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and Air Quality MND. Development of the subject property shall be subject to implementation of all applicable mitigation measures included within the MEIR and Air Quality MND for subsequent projects; included herein by reference.

ZONING & PROPERTY DEVELOPMENT STANDARDS

18. The subject property is zoned under the C-4 (Central Trading) zone district classification. Any development on the subject property or individual lots resulting from a subdivision thereof shall comply with the property development standards of the respective C-4 zone district except as may be modified herein pursuant to Conditional Use Permit Application No. C-11-023.
 - a) The mix of uses authorized by Conditional Use Permit Application No. C-11-023 shall be retained unless otherwise reviewed and approved by the City of Fresno Development and Resource Management Department through a formal revised or amended entitlement application.
19. The proposed map/subdivision boundary is based upon the deed transaction recorded on May 16, 2011, Document No. 2011-0065619 and the resulting parcels described in Lot Book Guarantee Order No. 1004-3719694, dated June 30, 2011, issued by First American Title Company. The parcel line adjustments approved for Lot Line Adjustment 2011-04 have been determined to be perfected and conform to the provisions of Section §§66412(d) of the State Subdivision Map Act and Section 12-1204(c) of the Fresno Municipal Code. The resulting parcels of said Lot Line Adjustment shall each be considered the lots of record for purposes of a Final Map.
20. Pursuant to Article 9 of Chapter 12, Condominium Conversions, of the Fresno Municipal Code, a Condominium Conversion Project is defined as, an occupied multiple dwelling development in which existing dwellings are converted to a condominium project, a community apartment project, a stock cooperative, or a planned development.
 - a) In the instance that existing multiple dwelling residential apartment units developed on the subject property are occupied, the owner/subdivider shall file an application for a tentative tract map for a condominium conversion project to the City of Fresno for review and approval unless appropriate noticing has been provided to prospective tenants in compliance with the rules and regulations of the State Subdivision Map Act.

- i) The information specified within Section 12-904 of the Fresno Municipal Code, in addition to the requirements of Article 10 of Chapter 12 of the Fresno Municipal Code, shall be required as a prerequisite to filing an application for a tentative tract map for a condominium conversion project.

- NOTE: The State Subdivision Map Act provides general and specific regulations and procedures that local governments and the applicant must follow in the review of condominium conversion projects. The applicant should become familiar with Sections 66427.1, 66452.8 and 66452.9 of the State Subdivision Map Act, as these sections contain very important requirements relating to the required notices to be given to the tenants by the applicant.

21. Whenever a subdivision, includes area under common ownership (such as is the case within a common interest development for condominium purposes), the use, maintenance, and operation thereof shall be administered by an owner's association regulated by covenants, conditions, and restrictions (CC&R's) pursuant to Section 12-1026 of the Fresno Municipal Code.

- a) Submit draft copies of Declarations of Covenants, Conditions and Restrictions/Owners Association documents (DCC&R's) for review and approval prior to recordation of a Final Map. Final, executed and notarized documents shall be recorded with the final map; or alternatively, the subdivider may enter into a covenant with the City of Fresno to defer the preparation of DCC&R's and formulation of the required Homeowners' Association (HOA) in accordance with the following term:

- i) A minimum of ninety days before submittal of documents to the Department of Real Estate to obtain the public report for the project or the recordation of a Condo Plan as defined in Section 1351(e) of the California Civil Code, whichever is earlier, the subdivider shall submit to the City for review the Condo Plan, DCC&R and HOA instruments that are compliant with the special permit (Conditional Use Permit Application No. C-11-023) and the tentative map and associated conditions of approval.

- b) CC&R's are intended to satisfy and secure the enforceability of properties' obligations for retention and maintenance of access, utilities, facilities, and improvements; and, shall, at a minimum, address the following:

- i) Cross Access for ingress/egress and emergency access to buildings
- ii) Cross Drainage (if applicable)
- iii) Shared Parking
- iv) Shared solid waste facilities
- v) Maintenance of sewer, water and all other utilities
- vi) Maintenance of private sidewalks, curbs, gutters, and improvements
- vii) Maintenance of all landscaping and irrigation systems within the limits of this map
- viii) Maintenance and retention of fire suppression systems and underground water supplies

- c) The subdivider shall establish a Home Owners' Association to perform the above listed maintenance responsibilities pursuant to a formal agreement with the City. The agreement with the City described herein, shall among other things, include assignment of responsibility to the homeowner's association for provisions as stated

in the Development and Resource Management Department Guidelines for preparation of CC&Rs dated September 01, 1994 and shall specify level of effort and frequency, insurance requirements, traffic control, and inspection and be subject to approval by the Director of Public Works and the City Attorney's Office.

- NOTE: The owner/developer may include such other items as are deemed appropriate and necessary for the sustainability of the subdivision and its amenities within the responsibilities of the association.
- NOTE: Any amendment by the association to the above provisions or any other provision specifying any right of the City shall require the prior written consent of the City.

Lot Area and Dimensions

22. The single "common" lot proposed by Vesting Tentative Tract Map No. 5993 is consistent with the existing C-4 (*Central Trading*) zone district.
 - a) Proposed lots shall be configured and dimensioned in accordance with Vesting Tentative Tract Map No. 5993.

Building Setbacks

23. Building setbacks shall be provided in accordance with the Conditions of Approval and the approved site plan (Exhibit[s] "A") for Conditional Use Permit Application No. C-11-023.

Fences, Hedges & Walls

24. Fences Hedges and Walls shall be provided in accordance with the Conditions of Approval and the approved site plan (Exhibit[s] "A") for Conditional Use Permit Application No. C-11-023.

LANDSCAPING AND OPEN SPACE

25. On-site landscaping and open space shall be provided and maintained in accordance with the Conditions of Approval and Exhibit(s) "A" & "L" for Conditional Use Permit Application No. C-11-023.

STREETS AND RIGHTS-OF-WAY

32. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the FMC and the State Subdivision Map Act.
33. Comply with all of the requirements included within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated August 16, 2011; with the following exceptions:
 - a) A minimum 18 to 20-foot garage setback is not required for garages fronting onto San Joaquin Street. A redesign of the site plan for Conditional Use Permit Application No. C-11-023 is not required

34. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and is responsible for the dedication of planting and buffer landscape easements as determined by the Development and Resource Management Department. Street trees shall be planted by the developer at the minimum rate of one tree for each 24 feet of street frontage. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 12-306-N-23, Water Efficient Landscape Standards and AB 1881 Model Water Efficient Landscape Ordinance.
- a) Comply with all of the Street Tree and Maintenance requirements included within the Department of Public Works, Streets Division memorandum from the Parks Supervisor dated July 24, 2011; except as may be modified herein below:
- i) Based upon the proposed building setbacks of proposed structures to public rights-of-way, street trees may not be required to be planted within a 10-foot Public Planting and Utility Easement subject to approval by the Public Works Department. The number and locations of street trees for the proposed project shall be approved by the Department of Public Works, Parks Supervisor prior to issuance of a street tree planting permit or prior to approval of landscape plans, which are required to be submitted to serve as a street tree planting permit for on-site trees, which may alternatively be planted outside of street rights-of-way and within ten feet of the back of the sidewalk.

SANITARY SEWER SERVICE

The nearest sanitary sewer main to serve the proposed project is an 8-inch main located in the Fulton/Van Ness alley. The following sewer conditions shall be required prior to providing City sewer service to the project:

35. Comply with all of the requirements included within the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated July 28, 2011.

WATER SERVICE

The nearest water main to serve the proposed project is an 10-inch main located in the Fulton/Van Ness alley. The following water improvements shall be required prior to providing City water service to the project:

36. Comply with all of the requirements included within the attached Department of Public Utilities, Water Division memorandum dated August 16, 2011.

SOLID WASTE SERVICE

This tract will be serviced as Multi-Family Residential bin service, subject to the following conditions:

37. Comply with all of the requirements included within the attached Department of Public Utilities, Solid Waste Division memorandum dated August 16, 2011.

FIRE SERVICE

Fire service is available to the proposed tract subject to the following requirements:

38. Comply with all of the requirements included within the attached Fresno Fire Department memorandum dated July 21, 2011.

- NOTE: A covenant is required for access from the adjacent parking lot located on the parcel directly to the south of the subject property (APN[s]: 466-104-06).

FLOOD CONTROL AND DRAINAGE

39. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (FMFCD) for the subdivision or any amendments or modifications to those requirements which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code. These requirements are identified in the District's letters to the Planning and Development Department dated August 16, 2011.

COUNTY OF FRESNO DEPARTMENT OF PUBLIC HEALTH

40. Comply with all of the requirements included within the attached County of Fresno Department of Public Health memorandum dated August 02, 2011.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

41. Comply with all of the requirements included within the attached San Joaquin Valley Air Pollution Control District (SJVAPCD) memorandum dated August 22, 2011.

a) The subdivider/developer shall comply with all regulations and rules applicable to the development of the subject property in accordance with SJVAPCD requirements.

- NOTE: These rules and regulations may include, but not be limited to, compliance with Regulation VIII for the control of particulate matter and fugitive dust during construction of this project and Rule 8060 for the control of fugitive dust from paved and unpaved roads.

REDEVELOPMENT AGENCY OF THE CITY OF FRESNO

42. Comply with all requirements included within the attached City of Fresno Redevelopment Agency memorandum dated July 25, 2011.

FRESNO UNIFIED SCHOOL DISTRICT

43. Attached for the subdivider's records and/or consideration is the memorandum from Fresno Unified School District dated July 20, 2011.

RIGHT-OF-WAY ACQUISITION

44. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.

45. Rights-of-way acquisition shall include any rights-of-way necessary for proper drainage, signing, pole relocation, and shoulder grading. In general, this will require right-of-way to be provided approximately 10 feet outside the travel lane. The exact requirement must

be determined at the project design stage based on the existing conditions and detailed design information.

46. In the event an acquisition of any easement or right-of-way is necessitated by the subject development, said acquisition will be accomplished prior to Final Map approval. The developer/owner should contact the Real Estate Section of the Public Works Department to receive procedural guidance in such acquisitions.
47. Should such acquisition not be accomplished by the subdivider prior to Final Map approval, the subdivider must request and grant to the City the full authority to attempt acquisition either through negotiation or through its power of eminent domain. The subdivider shall furnish to the City Public Works Department, Engineering Division/ Real Estate Section, an appraisal report or a request for an estimated appraisal amount (to be determined by the City of Fresno Real Estate Section) prior to preparation of a Subdivision Agreement.
48. The subdivider shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with the acquisition, including staff time, attorney's fees, appraisal fees, court costs, and all related expenditures and costs necessary to effect the acquisition of such easements or rights-of-way.

MAINTENANCE OBLIGATIONS

49. Comply with all the requirements included within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated August 16, 2011 subject to the requirements included herein above related to the formulation of a Homeowners' Association.

DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

<u>FLOOD CONTROL CHARGES</u>	<u>FEE RATE</u>
a. FMFCD Drainage Fee	\$9,419.00
<u>SEWER CONNECTION CHARGES</u>	<u>FEE RATE</u>
b. Lateral Sewer Charge [1]	\$0.10/sq. ft. (to 100' depth)
c. Oversize Charge [1]	\$0.05/sq. ft. (to 100' depth)
d. Trunk Sewer Charge Service Area:	N/A
e. Wastewater Facilities Charge	S.T.E.P. **
f. House Branch Sewer Charge [2]	N/A

<u>WATER CONNECTION CHARGES</u>	<u>FEE RATE</u>
g. Service Connection Charge	Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and Meter(s) established by the Master Fee Schedule.
h. Frontage Charge [1]	\$6.50/lineal foot
i. Transmission Grid Main Charge [1]	\$804/net acre (parcels under 5 gross acres)
j. Transmission Grid Main Bond Debt Service Charge [1]	\$304/net acre (parcels under 5 gross acres)
k. UGM Water Supply Fee [2] Service Area:	N/A
l. Well Head Treatment Fee [2] Service Area:	N/A
m. Recharge Fee [2] Service Area:	N/A
n. 1994 Bond Debt Service [1] Service Area:	N/A

<u>CITYWIDE DEVELOPMENT IMPACT FEES</u>	<u>FEE RATE</u>
o. Fire Facilities Impact Fee – Citywide [4] Residential, Multi Family Commercial	\$439.00/living unit \$236.00/1000 sq. ft. †
p. Park Facility Impact Fee – Citywide [4]	\$2764.00/living unit
q. Quimby Parkland Dedication Fee [2]	N/A
r. Citywide Regional Street Fee [3]	\$13,846.00/adj. acre
s. New Growth Area Major Street Fee [3]	N/A
t. Police Facilities Impact Fee – Citywide [4] Residential, Multi Family Commercial	\$508.00/living unit \$665.00/1000 sq. ft. †
u. Traffic Signal Charge [1] Residential, Multi Family Commercial	\$316.65/living unit \$47.12/ADT †

Notes:

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to approval of the final map at the rates in effect at the time of such approval. The fee indicated above is based on the tentative map. Please see the attached memorandum from the Fresno Metropolitan Flood Control District (FMFCD) for further information regarding considerations which may affect the fee obligation(s) or the timing or form of fee payment.

On July 22, 2008, the Fresno County Board of Supervisors passed Ordinance No. 2008 – 023 requiring the payment of County Public Impact Facilities Impact Fees. The effective date of this ordinance is September 20, 2008. Contact the County of Fresno, Public Works and Planning Department to determine payment of this fee obligation. Confirmation by the County of Fresno is required before the City of Fresno can issue building permits. (The requirement to pay this fee is currently suspended by Fresno County. However, payment of this fee may be required if the fee has been reinstated at the time of issuance of building permits on the subject property.)

The Board of Directors of the Fresno County Regional Transportation Mitigation Fee Agency approved Resolution No. 2009 – 01 requiring the payment of Regional Transportation Mitigation Fee. The effective date of this resolution is January 1, 2010. Contact the Council of Fresno County Governments (FCOG) to determine this fee obligation. Confirmation by the FCOG is required before the City of Fresno can issue building permits.

** Upon occupancy of the project, the subdivider shall pay the appropriate sewer facility charge pursuant to the Simple Tiered Equity Program (STEP) as determined by the Department of Public Utilities, Wastewater Division, Environmental Services Section (559-621-5153).

[1] Deferrable through Fee Deferral Covenant.

[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.

† Building areas to be calculated to the nearest square foot. Traffic Signal Fee is subject to review and conditions of approval from Transportation Planning through the entitlement review process based on Average Daily Trips of the proposed project. Average Daily Trips to be determined by Traffic Engineering.

This page intentionally left blank.

CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

CONDITIONS OF APPROVAL

OCTOBER 05, 2011

CONDITIONAL USE PERMIT APPLICATION No. C-11-023

EASTERLY CORNER OF THE INTERSECTION OF FULTON AND SAN JOAQUIN STREETS

PART A - PROJECT INFORMATION

1. Assessor's Parcel No(s): 466-144-07
2. Street Location: Located on the easterly corner of the intersection of Fulton and San Joaquin Streets.
(Council District 3, Councilmember Baines)
3. Existing & Proposed Zoning "C-4" (*Central Trading District*)
4. Existing & Proposed Planned Land Use: Central Area Commercial Mixed Use Level 2
5. Plan Areas: Central Area Community Plan, Fulton/Lowell Specific Plan, Fulton Redevelopment Plan
6. Project Description: Requests authorization to construct a three-story mixed use project consisting of approximately 2,939 square feet of ground floor commercial retail space and 29 residential live/work and townhouse units. The proposed project also includes the proposed vacation of portions of adjacent public street rights-of-way. Associated Vesting Tentative Tract Map No. 5993 has also been filed for condominium purposes.

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The City of Fresno Planning Commission, on October 05, 2011, approved the special permit application subject to the enclosed list of conditions and Exhibit(s) "A", "E", "F" & "L", inclusive of Conditional Use Permit Application No. C-11-023.

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 Fresno Municipal Code (FMC) Section 12-405.A can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed either verbally or in writing to the City of Fresno Planning Commission at the scheduled public hearing regarding Conditional Use Permit Application No. C-11-023 and Vesting Tentative Tract Map No. T-5993.

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. 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 exhibit(s) to the final site plan(s). CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit must be commenced by October 05, 2015 (four years from the date of Director approval). The time limits for any special permit conditionally granted in conjunction with an approved tentative tract map shall be automatically extended upon the extension of

such tentative tract map pursuant to Section 12-1005.1 of the FMC.

To complete the back-check process for building permit relative to planning and zoning issues, submit 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 Development Services (Planning) Division for final review and approval, a minimum of ten days before applying for building permits.

Copies of this final approved site plan, elevations, landscape, and irrigation plans stamped by the Development Services (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 Will Tackett at (559) 621-8063 or via e-mail at Will.Tackett@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.

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 the imposition of the 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.

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 of the City of Fresno Public Works Department, Traffic and Engineering Services Division.

1. STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

- a) Exhibit(s) "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) 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.
- c) DEDICATIONS. The following dedication requirements must be satisfied prior to the issuance of building permits:
 - i) Dedications shall take place in accordance with any applicable conditions included within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated August 16, 2011.
- d) VACATIONS. The following vacation requirements must be satisfied prior to issuance of building permits:
 - i) Exhibit "A" of Conditional Use Permit Application No. C-11-023 includes a note that public street rights-of-way are to be vacated by recordation of the Final Map for Vesting Tentative Tract Map No. 5993. In the circumstance that development of the subject property should be proposed to begin prior to recordation of a Final Map, then vacations shall take place in accordance with the attached Public Works Department, Traffic and Engineering Services Division memorandum dated August 16, 2011; referenced herein below.
 - ii) A feasibility study for all proposed vacations of existing public rights-of-way is required to be completed prior to either recordation of the Final Map or issuance of building permits. Contact Alan James, Supervising Engineering Technician at (559) 621-8693 for further information.

2. 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) Existing off-site concrete improvements to remain in place shall be repaired if damaged and/or off grade as determined by the Public Works Department, Construction Management Division (559) 621-5500. Such repairs must be completed prior to final occupancy.
- c) Where required design and construct curb, gutter, AC paving, and residential sidewalk patterns to Public Works standards, specifications, and policies. Plans shall be prepared by a

registered Civil Engineer.

- d) Streetlights are required on all frontages to City Standards and/or as determined by the City Engineer. Street lighting plans are required and must be approved by the Public Works Department/Engineering Services prior to commencement of the work.
- e) Underground all existing off-site overhead utilities within the limits of this site as per FMC Section 12-1011, Section 8-801 and Resolution No. 78-522/88-229.
- f) Submit four copies of a Geometric Approval Drawing (GAD) to Traffic Engineering for review and approval, per the attached checklist, prior to submittal of street plans.
- g) 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.

3. 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. **(Include this note on the site plan.)**

PART D - PLANNING/ZONING REQUIREMENTS

1. PLANNING

- a) Development is subject to the following plans and policies:
 - i) "C-4", *Low Density Multiple Family Residential District* (§12-220 of the FMC)
 - ii) 2025 Fresno General Plan
 - iii) Central Area Community Plan
 - iv) Fulton/Lowell Specific Plan
 - v) Fulton Redevelopment Plan

2. MITIGATION MONITORING REQUIREMENTS

Development of the subject property shall be subject to implementation of all applicable mitigation measures, fees, and timelines included within the Initial Study and Finding of Conformity, to the Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan (SCH#2001071097) and the Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH#2009051016) (Air Quality MND), which was prepared for the proposed project and dated August 19, 2011.

- a) The Finding of Conformity prepared for the proposed project is tiered off of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and Air Quality MND. Development of the subject property shall be subject to implementation of all applicable

mitigation measures included within the MEIR and Air Quality MND for subsequent projects; included herein by reference.

3. ZONING

- a) A subsequent entitlement will be required in order to revise the current development proposal or authorize an alternative development scheme for the subject property. Further environmental review may also be required for any future revisions dependent upon the level of intensification that may be proposed.
- b) The subject property is zoned under the C-4 (Central Trading) zone district classification. Any development on the subject property or individual lots resulting from a subdivision thereof shall comply with the property development standards of the respective C-4 zone district except as may be modified herein pursuant to Conditional Use Permit Application No. C-11-023.
- i) The mix of uses authorized by Conditional Use Permit Application No. C-11-023 shall be retained unless otherwise reviewed and approved by the City of Fresno Development and Resource Management Department through a formal revised or amended entitlement application.

4. BUILDING HEIGHT

- a) No building or structure erected on the subject property shall have a height greater than 60 feet.
 - NOTE: Future buildings or structures which may be proposed at a height, which is in excess of the maximum height development standard as provided herein above shall obtain a conditional use permit pursuant to the provisions of the Mid-Rise and High Rise Ordinance (FMC Section 12-321).
- i) Roof structures for the housing of moot elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, church steeples, flagpoles, chimneys, smokestacks, silos, water tanks or wireless masts or similar structures may be erected above the height limit prescribed when approved by the Director (or Planning Commission) upon finding that the structure may be safely erected and maintained at such height without damaging the surrounding properties taking into consideration the surrounding conditions and circumstances. No roof structures, or any space above the height limit shall be allowed for the purpose of providing additional living or floor space.
- b) New buildings or structures shall be a minimum of two stories or 24 feet in height, whichever is the greater height.
- c) No accessory building erected on the subject property shall have a height greater than one story, not to exceed 12 feet in height. All accessory buildings on the subject property are subject to the provisions of Section 12-306-N-1 (Accessory Buildings) of the FMC.

5. BUILDING AND YARD SETBACKS AND SPACES BETWEEN BUILDINGS

a) Setbacks and spaces between buildings shall be provided in accordance with Exhibit(s) "A" of Conditional Use Permit Application No. C-11-023; and, the following:

- NOTE: Any proposed deviation from the building setbacks established by Exhibit "A" of Conditional Use Permit Application No. C-11-023 requires a revision to Conditional Use Permit Application No. C-11-023.

b) Proposed structures are required to be found in compliance with the fire resistive standards of the Uniformed Building Code. In the event structures do not comply they must be modified so as to meet the requirement.

6. OPEN SPACES AND LANDSCAPING

The subdivider shall provide and maintain all landscaping (and irrigation systems) in accordance with the following:

- a) A landscape and irrigation plan, prepared by a landscape professional, shall be submitted to the Development Services (Planning) Division and approved for all open space and recreational areas within the development. These plans must be reviewed and approved prior to obtaining building permits.
- b) All yards (including private) and areas designated for open space purposes shall be landscaped and maintained in accordance with Sections 12-306-N-24 of the FMC.
- i) All yards and landscaped areas located adjacent to street frontage shall be provided automatic irrigation systems.
 - ii) All yards (including private) and areas designated for open space purposes shall comply with the water efficient landscape standards in accordance with Section 12-306-N-23 of the FMC.
- c) All required Walls or fences, which are accessible to the public, shall incorporate an adjacent landscaped buffer area pursuant to the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards."
- d) Provide for the planting of trees on-site per FMC Section 12-306-N-24-g; except as may be modified herein below:
- i) Planting of on-site trees shall occur in accordance with the landscape plan which is required to be submitted to the Development Services (Planning) Division for review and approval prior to issuance of building permits.
 - ii) Disperse trees over the parking lot area to provide 50 percent shading of the parking area surface within 15 years; or, provide substantiated data satisfactory to the Director demonstrating that existing conditions (tall buildings, etc.) meet the intention of parking lot

shading requirements.

- iii) Trees shall be planted in proposed landscaped areas along the periphery of the development in order to shade and enhance adjacent property and public rights-of-way.
- e) No building permit shall be issued for any development for which a special permit has been issued until the requirements for street trees as provided in Article 3 of Chapter 11 of the FMC have been met and street tree inspection fees paid pursuant to the Master Fee Schedule.
- NOTE: Street trees shall be planted by the property owner and shall be inspected by the City pursuant to the payment of street tree inspection fees.
- i) Comply with the Street Tree and Maintenance requirements included within the attached Department of Public Works, Streets Division memorandum from the Parks Supervisor dated July 24, 2011.
 - NOTE: The Department of Public Works may approve a request for waiver of street tree requirements if the applicant agrees to plant the minimum number of streets trees required based upon the linear feet of street frontage on private property within ten feet of the back of the sidewalk. Based upon the proposed building setbacks of proposed structures to public rights-of-way, street trees may not be required to be planted within a 10-foot Public Planting and Utility Easement (to be determined by the City Engineer).
 - NOTE: The number and location of street trees for the proposed project shall be approved by the Department of Public Works, Parks Supervisor prior to approval of landscape plans and prior to issuance of a street tree planting permit. The approved landscape plan, properly scaled and dimensioned, shall serve as a street tree planting permit for on-site trees not in the public right of way. A copy of this plan shall be kept at the job site at all times.
 - ii) Call (559) 621-5600 to notify the Public Works Department Construction Management Division 72 hours prior to tree hole drilling/tree planting in the public right-of-way, in order to verify tree locations, to obtain inspection of drilling operations, and to check backfilling procedures and safety barriers.
 - iii) All planting, irrigation and related work within the city right-of-way shall comply with the City of Fresno Public Works Department Standard Specifications, Section 25 and 26.
 - iv) All landscaping and related work to be performed within the city right-of-way shall be done by a qualified contractor and requires a street encroachment permit from the Public Works Department prior to commencement. Call (559) 621-8685 for information on encroachment permits and required insurance and bonding.
- f) All trees shall be maintained in good health. Trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Development and Resource Management Department. **(Include this note on the site plan and landscape plan.)**

- g) All vegetation shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight, or disease, and any such vegetation which shows signs of such damage or injury at any time shall be replaced by the same, similar, or substitute vegetation of a size, form, and character, which will be comparable at full growth.
- h) Landscaping shall be kept free from weeds and undesirable grasses.
- i) Landscaping must be in place before issuance of the certificates of occupancy for proposed structures.
 - i) 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 and Resource Management Department. **(Include this note on the site and landscape plans.)**
 - NOTE: The hold on occupancy may be released at the discretion of the Development and Resource Management Department to subjectively accommodate inappropriate planting conditions, which are outside of the control of the developer/subdivider (e.g. weather conditions which may be prohibitive to planting in a timely and appropriate manner, etc.).
 - NOTE: The use of utilities for temporary occupancy may be allowed by the Building Official pursuant to FMC Section 13-100.110.1.2 et seq.
 - ii) Prior to granting of final occupancy, a written certification, signed by a landscape professional approved by the Development and Resource Management Department Director, shall be submitted stating that the required landscaping and irrigation system have been installed in accordance with the landscaping and irrigation plans approved by the Development and Resource Management Department. **(Include this note on the site and landscape plans.)**

7. FENCES, HEDGES, AND WALLS

Fences, hedges and walls shall be provided in accordance with the following:

- a) All proposed fences, hedges and walls, etc. shall be reviewed and approved prior to installation by the City of Fresno, Development and Resource Management Department. **(Include this note on the site plan.)**
 - i) Clearly depict any proposed/existing fences, hedges and walls on Exhibit(s) "A" of Conditional Use Permit Application No. C-11-023. Note that all proposed/existing fences, hedges and walls must comply with all policies, ordinances, regulations, etc. of the City of Fresno, Development and Resource Management Department.
 - ii) Submit a rendering depicting the fence, hedge or wall height, material, location etc. for review and approval.

- NOTE: Only those fences, hedges and walls as shown on the site plan shall be reviewed for approval.
- b) All fences, hedges and walls shall conform to the provisions of Section 12-306-H of the FMC except as may be modified herein below.
- NOTE: Without exception, all present and future fences, hedges, and walls shall not exceed three feet in height within the corner cut-off area defined at Section 12-306-H-3-e of the FMC; and, shall conform to all aspects of the corner cut-off provisions of Section 13-227 (Obstruction to Visibility at Intersection) and 13-228 (Intersection Visibility, Investigation and Enforcement. Lien.) of the FMC.
- c) All fences, hedges and walls shall conform to the Fulton/Lowell Design Guidelines; specifically as follows:
- i) Fencing proposed along Fulton and San Joaquin Streets should be semi-transparent and set back from the back of the sidewalk at least 18" to allow a planting area. Fencing style should enhance the architectural style of the proposed structures.
 - NOTE: Chain link fences are unacceptable. Only wrought iron, wood, or masonry will be considered acceptable fencing materials.
 - ii) Gates shall be attractive and in keeping with the fence style.
 - iii) Overheight fences are prohibited pursuant to the Fresno Municipal Code.
- d) Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.

8. OFF-STREET PARKING

Off-street parking on the subject property shall be provided and maintained in accordance with Exhibit(s) "A" of Conditional Use Permit Application No. C-11-023; and, the following:

- a) Comply with any redlines notes on Exhibit "A" of Conditional Use Permit Application No. C-11-023 or other requirements specified within the Department of Public Works, Traffic and Engineering Services Division memorandum dated August 16, 2011; except as follows:
- b) A minimum 18 to 20-foot garage setback is not required for garages fronting onto San Joaquin Street. A redesign of the site plan for Conditional Use Permit Application No. C-11-023 is not required
 - i) No parking shall be allowed on driveways serving as access to garages which are proposed

to front onto San Joaquin Street.

- ii) The property owner shall provide a mechanism in a form approved by the City of Fresno Development and Resource Management and Public Works Department for enforcement of the "no parking" requirement respective to San Joaquin Street included herein above.

- NOTE: Acceptable measures may include, but not be limited to, the inclusion of stipulations within rental agreements or within covenants, conditions, and restrictions (CC&R's) prepared for the subject property acknowledging the applicable parking restrictions and assuming responsibility for enforcement of said parking restrictions by enforceable means (including towing of vehicles obstructing public rights-of-way, etc.). Any such agreements shall be subject to review and approval by the City of Fresno and may require that the City be made party to any such agreements prepared in accordance with these requirements.

9. ACCESS

- a) There shall be adequate vehicular access from a dedicated and improved street, service road or alley, the design of which shall be approved by the Director of Public Works.
 - i) Vehicular access shall be provided from any frontage other than the primary frontage (Fulton Street) where available.
- b) There shall be pedestrian access from a dedicated and improved street, alley or recorded private access to property used for residential purposes.
- c) Vehicular and/or pedestrian access shall be maintained and remain clear at all times.
- d) Provide vehicular and/or pedestrian access as noted on Exhibit(s) "A" of Conditional Use Permit Application No. C-11-023.

10. OUTDOOR ADVERTISING AND MARKETING

- a) Signs, other than directional signs, if applicable, are not approved for installation as part of this special permit. Submit for a separate Master Sign Program or Sign Review Application. Applications and requirements for submittal are available at the Planning Division's Public Front Counter. **(Include this note on the site plan).**

11. BUILDING STANDARDS AND ELEVATIONS

Final building elevations for all structures proposed to be constructed on the subject property shall be submitted to the Development and Resource Management Department, Development Services Division for approval prior to issuance of building permits.

The design of the project should address the goal to create a pedestrian scale atmosphere with quality architecture in order to create and achieve a vibrant, livable, walkable, economically viable and sustainable community within the downtown in order to enhance the urban core and form.

Buildings should generally be designed to strengthen street scene, integrating public and private spaces such as to maximize pedestrian use, enjoyment and amenity associated with the proposed structures and public streets. Building elevations shall comply with the following requirements:

- a) Pursuant to Policy numbers C-20-f, C-21-a, C-21-b and C-21-c of the 2025 Fresno General Plan, all proposed buildings shall include design features and decorative treatments. Visible sides of buildings shall not be developed with featureless "blank" walls. Design measures should be utilized to avoid large scale, massive, monolithic, and repetitive "institutional" visual appearances. Submit elevations inclusive of modifications for review and approval.
 - i) Buildings shall have an attractive appearance on all sides, not just on their front elevations. Side and rear elevations which are visible from the public rights-of-way or which are adjacent to common areas or paths of travel should incorporate aesthetic enhancements to reinforce the quality and character of the development. No monolithic walls shall be permitted. Design features such as the extension of roof treatments and mansards to the sides and backs of buildings; provision of pedestrian overhangs, awnings and sunscreens; and, use of texture, relief, and/or color can be utilized to add interest to otherwise blank walls.
 - ii) At minimum, aesthetic enhancements in combination with landscaped buffers shall be provided and utilized for the rear elevation of proposed Building 1 which is located adjacent to the primary entryway to the development; and, the exterior side elevations of proposed Buildings 2, 3, 4, 9 & 10 which are visible from the public rights of way or which side onto principal entryways (pedestrian or vehicular) into the development. These elevations shall be treated to address such areas as "people spaces".
 - NOTE: Aesthetic enhancements may include a variety of elements including incorporation of architectural character defining features, details and materials, landscaping, decorative fencing, etc. Contact the Development and Resource Management for further information and/or recommendations. Development and Resource Management Department approval shall be obtained for respective elevations of the proposed structures specifically mentioned herein above prior to issuance of building permits.
- b) In accordance with the Fulton/Lowell Design Guidelines and recommendations from the Fresno Police Department for crime prevention through design, appropriate lighting shall be provided on-site to enhance the appearance of the neighborhood while simultaneously providing a sense of security and safety in order to make it possible to use outdoor living spaces after nightfall.
 - i) Residential lighting fixtures should be scaled to be in keeping with the pedestrian nature of the mixed used development.
 - ii) Lighting should be designed to make yard and common areas more livable and to allow neighbors to gather and socialize in the evening hours.
 - iii) Lighting fixtures should complement the architectural style of the structures in terms of both color and style. Fixtures attached to structures and complementing their style are preferred.

- iv) Eave-mounted spotlights should be limited to interior yards and used only to illuminate after-dark activities. The light from these spotlights should be shielded or aimed to eliminate glare escaping into neighbors' yards and windows.
- c) Clearly identify all condensing units, air conditioning and heating units on the site plans and elevations.
 - i) Mechanical equipment placed on the ground within side yard areas shall not obstruct or impede access for emergency service personnel. Maintain minimum 3-foot wide clear paths around equipment; or, provide approval from the City of Fresno Fire Department respective to mechanical equipment locations.
 - ii) Roof mounted mechanical equipment shall be recessed and shall not be visible from the public right-of-way. When placed on the ground outside of required yards, condensing units and mechanical equipment shall be screened from view of the public right-of-way with structures, fencing and/or landscaping as may be appropriate.

12. DEVELOPMENT IMPACT FEES

City of Fresno Development Impact Fee obligations applicable to this project will be computed during the building construction plan check process. The specified fees will be payable at time of issuance of building permit, at time of issuance of certificate of occupancy, or deferred with a fee deferral covenant.

The time of payment for residential construction of all development impact fees has been deferred to the time of issuance of the Certificate of Occupancy in accordance with the provisions of Resolution No. 2008-348.

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 Resolution Nos. 2009-265 and 2010-19.

For information related to City of Fresno Development Impact Fees, contact Frank Saburit at (559) 621-8077

- a) Water Connection Charges
 - i) Frontage Charge (based on property frontage to existing water main)
 - ii) Transmission Grid Main Charge (based on parcel acreage)
 - iii) Transmission Grid Main Bond Debt Service Charge (based on parcel acreage)
 - iv) Service Charges (based on service size required by applicant)
 - v) Meter Charges (based on service need)

b) Sewer Connection Charges

- i) Lateral Sewer Charge (based on property frontage to existing sewer main, to a depth of 100')
- ii) Oversize Sewer Charge (based on property frontage to a depth of 100')
- iii) Upon occupancy of the project, the developer shall pay the appropriate sewer facility charge pursuant to the Simple Tiered Equity Program (STEP) as determined by the Department of Public Utilities, Wastewater Division, Environmental Services Section (559-621-5153).

c) Development Impact Fees

- i) Citywide Traffic Signal Mitigation Fee.
Commercial, Industrial (based on Average Daily Trips)
Single, Multi-Family Residential (based on the number of residential units)
- ii) Citywide Fire Facilities Charge.
Commercial, Industrial (based on building square footage)
Single, Multi-Family Residential (based on the number of residential units)
- iii) Citywide Park Facility Charge.
Single, Multi-Family Residential (based on the number of residential units)
- iv) Citywide Police Facilities Charge.
Commercial, Industrial (based on building square footage)
Single, Multi-Family Residential (based on the number of residential units)
- v) Citywide Regional Street Charge.
Planned Land Use (based on parcel acreage)

d) Other Agencies Impact Fees

- i) Satisfy the Fresno County Facilities Impact Fee obligation. Provide County Facilities Impact Fee receipt from the County Public Works and Planning Department (559-488-3496) as proof of payment or exemption prior to the issuance of building permits.
 - NOTE: The requirement to pay this fee is currently suspended. However, this fee will be required to be paid if the fee has been reinstated at the time of issuance of building permits for this project.
- ii) Satisfy the Fresno County Regional Transportation Mitigation Fee (RTMF), as required by the RTMF Joint Powers Agency (559-233-4148). Provided are the RTMF Informational Summary and the Record of Payment forms.
 - NOTE: The completed Record of Payment of the RTMF form must be submitted to the City prior to the issuance of building permits. Prior to issuance of the Certificate of Occupancy, the Record of Payment of the RTMF form must be signed indicating the Disposition of RTMF by the RTMF JPA.

e) Covenants and Agreements

- i) Deferral of the payment of the Citywide Development Impact Fees for Fire, Parks, Police, Major Streets, and Traffic Signals is available for projects located within the Downtown Priority Areas in accordance with the provisions of Resolution Nos. 2009-265 and 2010-19. A covenant is required for deferral in applicable circumstances and must be recorded prior to issuance of Building Permits.

PART E - CITY AND OTHER SERVICES

1. STREET TREES, BUFFER, PARKWAY AND MEDIAN ISLAND LANDSCAPING

- a) Comply with all of the requirements included within the attached Department of Public Works, Streets Division memorandum from the Parks Supervisor dated July 24, 2011; except as may be otherwise provided herein above.

2. TRANSPORTATION/TRAFFIC PLANNING REQUIREMENTS

- a) Comply with all of the requirements included within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated August 16, 2011; except as may be otherwise provided herein above.

3. PUBLIC UTILITIES REQUIREMENTS

- a) Comply with all of the requirements included within the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated July 28, 2011.
- b) Comply with all of the requirements included within the attached Department of Public Utilities, Water Division memorandum dated August 16, 2011.

4. SOLID WASTE COLLECTION

- a) Comply with all of the requirements included within the attached Department of Public Utilities, Solid Waste Division memorandum dated August 16, 2011.

5. FIRE PROTECTION REQUIREMENTS

- a) Comply with all of the requirements included within the attached City of Fresno Fire Department memorandum dated July 21, 2011.

6. FLOOD CONTROL REQUIREMENTS

- a) Comply with all of the requirements stipulated within the attached Fresno Metropolitan Flood Control District memorandum dated August 16, 2011.

7. COUNTY OF FRESNO, DEPARTMENT OF COMMUNITY HEALTH

- a) Comply with all of the requirements included within the attached County of Fresno Department of Public Health memorandum dated August 02, 2011.

8. SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

- a) Comply with all of the requirements included within the attached San Joaquin Valley Air Pollution Control District (SJVAPCD) memorandum dated August 22, 2011.

- i) The subdivider/developer shall comply with all regulations and rules applicable to the development of the subject property in accordance with SJVAPCD requirements.

- NOTE: These rules and regulations may include, but not be limited to, compliance with Regulation VIII for the control of particulate matter and fugitive dust during construction of this project and Rule 8060 for the control of fugitive dust from paved and unpaved roads.

9. REDEVELOPMENT AGENCY OF THE CITY OF FRESNO

- a) Comply with all requirements included within the attached City of Fresno Redevelopment Agency memorandum dated July 25, 2011.

10. FRESNO UNIFIED SCHOOL DISTRICT

- a) Attached for the subdivider's records and/or consideration is the memorandum from Fresno Unified School District dated July 20, 2011.

PART F - MISCELLANEOUS

Approval of this site plan is contingent upon the submittal of corrected site plans showing all existing/proposed on-site conditions as reflected on all exhibits and the following:

1. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
2. 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 archaeological 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.
3. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. A paleontologist shall conduct an assessment

Conditions of Approval
Conditional Use Permit Application No. C-11-023
October 05, 2011
Page 17 of 17

and, if the paleontologist determines the material to be significant, it shall be preserved.

Unless the Planning Commission decision is set for hearing to the Council in accordance with Section 12-406-J of the FMC, the decision of the Commission shall be final and effective at 12:01 a.m. on the sixteenth day after the date of the decision, subject to writ of administrative mandamus under 1094.6 of the Code of Civil Procedures.

This page intentionally left blank.

DEPARTMENT OF PUBLIC WORKS

TO: Will Tackett, Planner III
Planning Division

FROM: Hilary Kimber, Parks Supervisor II (559.621.1345)
Streets Division

DATE: July 24, 2011

SUBJECT: Tract 5993; C-11-023 (APN: 466-144-07) located on the southeasterly corner of Fulton and San Joaquin Streets. The Department of Public Works has reviewed the Tentative Subdivision Tract Map proposed by Gary G. Gianetta., on engineering plans dated June 23, 2011 for Granville Homes/FFDA Properties, LCC. The Department of Public Works offers the following comments regarding the requirements for landscaping and irrigation within the street right-of-way:

GENERAL REQUIREMENTS**STREET TREE REQUIREMENTS**

1. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code. Street trees shall be planted at the minimum rate of one tree for each 24' of street frontage as per the Downtown Plan, by the Developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC 12-306-23, Water Efficient Landscape Standards and AB 1881.

The Preliminary Landscape Plan by Lynn Hays Kyle, dated June 22, 2011 proposes keeping three (3) existing *Podocarpus gracilior* on Fulton St. and adding one more for a total of four (4) street trees. Ten (10) street trees are required.

The designated street tree for Fulton Street is:

Podocarpus gracilior

Fern Podocarpus

The plans also show three (3) of four (4) existing *Zelkova serrata* on San Joaquin St. to remain. Six (6) street trees are required.

The designated street tree for San Joaquin Street is:

Zelkova serrata 'Wireless'

Sawleaf Zelkova

2. Street Tree Planting by Developer: Tree planting shall be within a 10' Public Planting and Utility Easement.
 - a. Street tree inspection fees shall be collected for each 24' of public street frontage. There are approximately 250 lineal feet of street frontage along Fulton Street resulting in the requirement of ten (10) street trees. There are approximately 150 lineal feet of street frontage along San Joaquin Street resulting in the requirement of six (6) street trees.
 - b. Street trees shall be planted in accordance with the City of Fresno, Department of Public Works "Standard Specifications."
 - c. Landscape plans for all public use areas shall be reviewed and approved by the Department of Public Works, Engineering Services. A street tree planting permit shall be required for all street tree planting.

d. Performance and payment securities, paid with final map, will be released when all landscaping installed on public and/or city controlled property is in conformance with the Specifications of the City of Fresno.

e. Upon acceptance of the required work, warranty security shall be furnished to or retained by the city for guaranty and warranty of the work for a period of ninety days following acceptance.

MAINTENANCE REQUIREMENTS

1. The subdivider shall provide long term maintenance for all proposed landscaped areas by either petitioning for annexation in a Community Facilities District or by forming a Home Owner's Association.

2. Maintenance Service Through Annexation into the Community Facilities District. Landscape and Irrigation plans are required and shall be submitted to the Department of Public Works for review and approval prior to a Council approval of the final map. Plans shall be numbered to conform to and be included in the Department of Public Works street construction plan set for the final map. Fees are applicable when the subdivider elects to have landscaping maintained by annexing into the City's Community Facilities District.

A. Landscape and irrigation plans shall comply with Sections 12-306-23 & 24 and 14-121 of the Fresno Municipal Code and AB 1881 regarding Water Efficient Landscaping.

D. The water meter(s) serving tree wells shall be sized for the anticipated service flows.

E. No private flags, signs or identification of any kind shall be permitted in the right-of-way, within the City - controlled easement or on the fence or wall facing the street.

F. Landscaping in the right-of-way and landscape setback adjacent to water well sites shall be the responsibility of the City of Fresno Water Division and may not be included in the CFD.



DATE: August 16, 2011

TO: Will Tackett, Planner III
Development and Resource Management Department

THROUGH: M. Scott Tyler, PE, City Traffic Engineer
Public Works Department, Traffic & Engineering Services Division

FROM: Louise Gilio, Traffic Planning Supervisor
Public Works Department, Traffic & Engineering Services Division

SUBJECT: Public Works Conditions of Approval
TT 5993 / C-11-023, 1612 Fulton Street
FFDA Properties, LLC / Gary G. Giannetta

The Public Works Department, Traffic and Engineering Services Division, has completed its review and the following requirements are to be placed on this tentative map as a condition of approval by the Public Works Department.

Provide the following information on the tentative map and / or complete the following, prior to Planning Commission.

A. General Requirements

1. Easements: Identify and dimension all existing and proposed easements.
2. Scope of work: All items shall be listed as existing, proposed or future.
3. Property Lines: Correctly dimension all property lines.

B. Offsite Information:

1. Street Improvements: Identify existing alley approaches, street lights (specify type-wood, metal etc.).
2. Street furniture: Identify tree wells, etc.
3. ADA: Identify the required 4' minimum path of travel along the public sidewalk adjacent to property.

C. Onsite Information:

1. Parking Lots:
 - a. Stalls: Revise parking stalls to meet the standard stall size of 9' x 18'. No obstructions shall be within the 3' overhang. (groundcover is allowable.) Compact parking stalls shall be signed or marked.
 - b. Lighting: Identify the location (not to be within the 3' vehicular overhang)
 - c. Disability parking, ramps, signage: provide details
2. Garages fronting on San Joaquin: Resubmit a site plan with a minimum garage setback of 20'. 18' if there is a proposed roll up door. -or- Redesign garage access.

Survey Monuments

All survey monuments within the area of construction shall be preserved or reset by a person licensed to practice Land Surveying in the State of California.

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, on which this review process is dependent, will be imposed whenever such conditions are disclosed.

Repair all damaged and/or off grade off-site concrete street and/or alley improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600. Pedestrian paths of travel must also meet current ADA regulations. All existing sidewalks in excess of 2% maximum cross slope must be brought into compliance **prior** to acceptance by Public Works.

The construction of any overhead, surface or sub-surface structures and appurtenances in the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Traffic and Engineering Services Division, (559) 621-8693. Encroachment permits must be approved **prior** to issuance of building permits.

Underground all existing offsite overhead utilities with the limits of this map in accordance with Fresno Municipal Code Section 12-1011 and Resolution No. 78-522/88-229.

Street widening and transitions shall also include utility relocations and necessary dedications.

Submit the following, as applicable, in a single package to the City of Fresno Development and Resource Management Department for review and approval, **prior** to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Signal Plans.

When preparing Street Plans and/or Traffic Control Plans for projects in the City of Fresno contact the Traffic and Engineering Services Division, Randy Schrey in advance to make sure that sidewalks or an approved accessible path remain open during construction. (559) 621-8807

All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department. **Alley Construction Plans may be required and shall be approved by the City Engineer.** The performance of any work within the public street rights-of-way (including pedestrian and utility easements) requires a **STREET WORK PERMIT prior** to commencement of work. Contact the City of Fresno Public Works Department, Traffic and Engineering Services Division at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the city **prior** to occupancy.

Questions relative to dedications, street improvements or off-street parking geometrics may be directed to Louise Gilio at (559) 621-8678 / Louise.Gilio@fresno.gov, in the Public Works Department, Traffic and Engineering Services Division.

Fulton Street: Local

1. Vacate 4' of right-of-way adjacent to this application, **prior** to building permits. Contact the Public Works Department, Alan James (559) 621-8693 for additional information. A feasibility study for all proposed vacations of existing public rights of way is required to be completed **prior** to building permits.

2. Where missing, construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' pattern. **Identify on the map.** Construct **4' x 6'** tree wells per Public Works Standard P-8. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, **Section 26-2.11(C)**.
3. Construct a standard curb ramp per Public Works Standard **P-28** and **P-32**. Radius to be determined. **-OR-** Modify or replace the existing ramp to meet current Public Works Standards, as determined by the Construction Management engineer **PRIOR** to occupancy. "Detectable Warning Devices" are required, if not existing. Reference Public Works Standards **P-28** and **P-32**. The proposed "bulb-out" is dependent on an approved grading plan.
4. All existing driveway approaches which no longer provide access to approved vehicle parking areas shall be removed unless otherwise approved by the City Engineer. Such areas shall be reconstructed with curb, gutter, and sidewalk to match existing adjacent street improvements. This work shall be completed and accepted before a Permit of Occupancy is issued or the building is occupied per Fresno Municipal Code (FMC) 11-209.

San Joaquin Street: Local

1. Vacate 4' of right-of-way adjacent to this application, **prior** to building permits. Contact the Public Works Department, Alan James (559) 621-8693 for additional information. A feasibility study for all proposed vacations of existing public rights of way is required to be completed **prior** to building permits.
2. Where missing, construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' pattern. Construct **4' x 6'** tree wells per Public Works Standard P-8. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, **Section 26-2.11(C)**.
3. Construct driveway approaches to Public Works Standard(s) **P-1** and **P-6**.
4. All existing driveway approaches which no longer provide access to approved vehicle parking areas shall be removed unless otherwise approved by the City Engineer. Such areas shall be reconstructed with curb, gutter, and sidewalk to match existing adjacent street improvements. This work shall be completed and accepted before a Permit of Occupancy is issued or the building is occupied per Fresno Municipal Code (FMC) 11-209.

Alley:

- ~~1. If the existing alley is in poor shape, provide a 2" overlay to the existing alley adjacent to this application, as determined by the Construction Management Engineer?~~

*Per
Scott Moezler
10/05*

Off-Street Parking Facilities and Geometrics

1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-21, P-22, P-23**.
2. The proposed entry gate shall be 20' minimum from the proposed property line.

Specific Mitigation Requirements:

This development will generate a total of 25 a.m. / 41 p.m. peak hour trips and generate a count of 404 Average Daily Trips (A.D.T.), based upon the following:

Land Use	Size	Average Daily Trips (ADT)	AM Pk Hour	PM Pk Hour
Residential	29 units	278	22	30
Commercial	2,939 s. f.	126	3	11
Total		404	25	41

A Traffic Impact Study (TIS) is not required.

Traffic Signal Mitigation Impact (TSMI) Fee:

This project shall pay all applicable Traffic Signal Mitigation Impact Fees (TSMI Fees) 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 for residential and commercial use (fee rate as shown in the Master Fee Schedule).

This TSMI fee is credited against signal installation and Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) anticipated to build out the 2025 General Plan circulation element and included in the Nexus Study for the TSMI fee. Project specific impacts that are not consistent with the 2025 General Plan, Public Works P69 standards, and/or already incorporated into the TSMI fees infrastructure costs are not reimbursable unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next update and the applicant agrees to pay the new calculated TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence. If the applicant is conditioned with improvements that are credited/reimbursable with this fee they should work with the Department of Public Works and identify with a Professional Engineers estimate the costs associated with the improvements prior to paying the TSMI fee at time of building permit.

Fresno Major Street Impact (FMSI) Fee :

This Map is in the **Infill Area**; therefore pay all applicable City-wide regional street impact fees.

Regional Transportation Mitigation Fee (RTMF):

Pay all applicable **RTMF** fees 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 building permits.

Landscape and Feature Maintenance: Owner to maintain frontage.



DEPARTMENT OF PUBLIC UTILITIES

Date: July 28, 2011

To: WILL TACKETT
Planning and Development Department

From: DOUG HECKER, Supervising Engineering Technician 
Department of Public Utilities, Planning and Engineering

Subject: SANITARY SEWER REQUIREMENTS FOR VESTING TENTATIVE
TRACT 5993 AND CONDITIONAL USE PERMIT C-11-023



General

T-5993 and C-11-023 were filed by Bret Giannetta of Giannetta Civil Engineering, on behalf of Darius Assemi of FFDA Properties, LLC, and pertain to 1.5 acres of property located on the southeasterly corner of Fulton and San Joaquin Streets in downtown Fresno, 1612 Fulton Street, APN 466-144-07. T-5993 proposes a one common lot condominium airspace subdivision. C-11-023 proposes a mixed use three story residential and commercial development consisting of 2,939 square feet of ground floor retail and 29 multiple family residential units. The commercial building will be a three story building with two townhouse units. The residential buildings will be a mixture of 3 story-2 car garage live-work triplexes and 3 story-1 car garage townhouse triplexes. The property is zoned C-4, Central Trading.

Sewer Requirements

The nearest sewer main to serve the proposed project is an 8-inch main located in the Fulton/Van Ness alley. Sewer facilities are available to provide service to the site subject to the following requirements:

1. On-site sanitary sewer facilities shall be private.
2. 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.

Sewer Fees

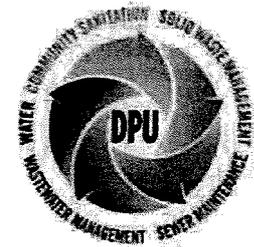
The following Sewer Connection Charges and fees shall be paid for the project.

1. Sewer Lateral Charge
2. Oversize Sewer Charge
3. Sewer Facility Charge (Non-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 Section 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 bi-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.



DEPARTMENT OF PUBLIC UTILITIES – WATER DIVISION



Providing Life's Essential Services

DATE: August 16, 2011

TO: WILL TACKETT, Planner III
Development and Resource Management Department – Current Planning Division

THROUGH: MICHAEL CARBAJAL, Chief Engineering Technician *MC*
Department of Public Utilities – Water Division

FROM: ROBERT A. DIAZ, Senior Engineering Technician *R.A.D.*
Department of Public Utilities – Water Division

SUBJECT: **WATER REQUIREMENTS FOR VESTING TENTATIVE TRACT 5993 AND
CONDITIONAL USE PERMIT APPLICATION NO. C-11-023**

General

T-5993 and C-11-023 were filed by Bret Giannetta of Giannetta Civil Engineering, on behalf of Darius Assemi of FFDA Properties, LLC, and pertain to 1.5 acres of property located on the southeasterly corner of Fulton and San Joaquin Streets in downtown Fresno, 1612 Fulton Street, APN 466-144-07. T-5993 proposes a one common lot condominium airspace subdivision. C-11-023 proposes a mixed use three story residential and commercial development consisting of 2,939 square feet of ground floor retail and 29 multiple family residential units. The commercial building will be a three story building with two townhouse units. The residential buildings will be a mixture of 3 story-2 car garage live-work triplexes and 3 story-1 car garage townhouse triplexes. The property is zoned C-4, Central Trading.

Water Service

The nearest water main to serve the proposed project is a 10-inch main located in the alley way between Fulton Street and Van Ness Avenue. The following water improvements shall be required prior to providing City water service to the project:

1. Separate water services with meters shall be provided to each lot created.
2. On-site water facilities shall be private
3. The developer shall provide a detailed water usage analysis identifying water fixture, landscape and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of Public Utilities.
4. The development shall incorporate water use efficiency for landscaping including the use of artificial turf and native plant materials, reducing turf areas and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features as appropriate and sanitary.

5. All public water facilities shall be constructed in accordance with City Standards, specifications, and policies.
6. Seal and abandon any existing on-site well in compliance with the State of California Well Standards, Bulletin 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.
7. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed addition and/or modification to the City Sewer System. Depict neighboring parcels and proposed plans for their continued service.
8. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

City of
FRESNO
DEPARTMENT OF PUBLIC UTILITIES

August 16, 2011

TO: Will Tackett, Planner III
Development Department, Planning Division

FROM:  Chris Weibert, Management Analyst II
Department of Public Utilities, Administration

SUBJECT: TT 5993 & C-11-023, Solid Waste Conditions of Approval
Location: Southeasterly corner of Fulton and San Joaquin Streets (APN 466-144-07)

The Department of Public Utilities, Solid Waste Division has completed a review of the Vesting Tentative Tract Map 5993 & C-11-023 that was submitted by Gary G. Giannetta Civil Engineering and Land Surveying, on behalf of Darius Assemi of FFDA Properties, LLC. The following requirements and conditions are to be placed on this vesting tentative tract map and conditional use permit as a condition of approval by the Department of Public Utilities.

General Requirements:

- Tract 5993 will be serviced as Multi-Family Residential bin service.
- Developer shall provide a minimum of one 2-cell trash enclosure constructed to current standards. The developer shall provide signage to clearly identify all recycling or solid waste collection and the materials accepted therein.
- Owner shall provide a minimum of 15 cubic yards of solid waste and recycling services per week.
- There will be no separate billing for Solid Waste services. The City of Fresno shall be provided with the name and address of a property management company or homeowners association for billing purposes.

This page intentionally left blank.

City of



FIRE DEPARTMENT

Date: July 21, 2011

To: WILL TACKETT, Planner II
Planning and Development Department , Advance Planning

From: RICHARD FULTZ, Senior Fire Prevention Inspector
Fire Department, Fire Prevention & Investigative Services

Subject: T-5993 and C-11-023 were filed by Bret Giannetta of Giannetta Civil Engineering, on behalf of Darius Assemi of FFDA Properties, LLC, and pertain to 1.5 acres of property located on the southeasterly corner of Fulton and San Joaquin Streets in downtown Fresno, 1612 Fulton Street, APN 466-144-07. T-5993 proposes a one common lot condominium airspace subdivision. C-11-023 proposes a mixed use three story residential and commercial development consisting of 2,939 square feet of ground floor retail and 29 multiple family residential units. The commercial building will be a three story building with two townhouse units. The residential buildings will be a mixture of 3 story-2 car garage live-work triplexes and 3 story-1 car garage townhouse triplexes. The property is zoned C-4, Central Trading.

General

Vertical access is required for aerial truck ladder set up where buildings or portions of buildings are more than 30 feet in height at the eaves, measured from natural grade. 26' (minimum) driveways shall be located adjacent to at least one (long) side of such building. 26' minimum lanes shall be provided adjacent to at least two sides of such buildings that exceed 150 feet in length or width. Due to the layout and location of the project, standard ariel truck/ladder access as mentioned above cannot be provided. In lieu of standard truck/ladder access, a covenant for access will be required from the adjacent parking lot. Additionally, all buildings on site are required to install an NFPA 13 sprinkler system, rather than a 13R system, due to mixed

live/work space. This will mitigate the requirement for on-site truck/ladder access.

Pedestrian Access

All pedestrian gates, where required for compliance of the "200' rule," shall remain unlocked or be provided with Police/Fire bypass locks. ("Best" padlock model 21B700 series) The man gate facing Fulton St.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

File No. 210.413

Page 1 of 4

PUBLIC AGENCY

WILL TACKETT
DEVELOPMENT SERVICES/PLANNING
CITY OF FRESNO
2600 FRESNO STREET, ROOM 3043
FRESNO, CA 93721-3604

DEVELOPER

DARIUS ASSEMI - FFDA PROPERTIES, LLC
1396 W. HERNDON AVE., SUITE 101
FRESNO, CA 93711

FR CUP No. 2011-023

PROJECT NO: 2011-023

ADDRESS: 1612 FULTON ST.

APN: 466-144-06, 07

SENT: 8/16/11

Drainage Area(s)	Preliminary Fee(s)
FF	\$9,419.00
TOTAL FEE: \$9,419.00	

The proposed development will generate storm runoff which produces potentially significant environmental impacts and which must be properly discharged and mitigated pursuant to the California Environmental Quality Act and the National Environmental Policy Act. The District in cooperation with the City and County has developed and adopted the Storm Drainage and Flood Control Master Plan. Compliance with and implementation of this Master Plan by this development project will satisfy the drainage related CEQA/NEPA impact of the project mitigation requirements.

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/12 based on the site plan submitted to the District on 7/19/11 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

Considerations which may affect the fee obligation(s) or the timing or form of fee payment:

- a.) Fees related to undeveloped or phased portions of the project may be deferrable.
- b.) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.
- c.) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d.) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.
- e.) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.
- f.) Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the General Manager of the District within 60 days from payment of the fee. A non refundable \$300 Administration fee or 5% of the refund whichever is less will be retained without fee credit.

Approval of this development shall be conditioned upon compliance with these District Requirements.

- 1. a. Drainage from the site shall BE DIRECTED TO FULTON AND/OR SAN JOAQUIN STREETS.
- _____ b. Grading and drainage patterns shall be as identified on Exhibit No.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 2 of 4

FR
CUP No. 2011-023

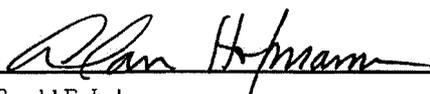
- c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:
Developer shall construct facilities as shown on Exhibit No. 1 as "MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER".
 X None required.
3. The following final improvement plans shall be submitted to the District for review prior to final development approval:
 X Grading Plan
 X Street Plan
 Storm Drain Plan
 Water & Sewer Plan
 X Final Map
 Other
 None Required
4. Availability of drainage facilities:
 X a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).
 b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
 c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available. TEMPORARY SERVICE IS AVAILABLE THROUGH
 X d. See Exhibit No. 2.
5. The proposed development:
 Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)
 X Does not appear to be located within a flood prone area.
6. The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 3 of 4

FR
CUP
No. 2011-023

7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
- a. State General Permit for Storm Water Discharges Associated with Construction Activities, approved August 1999, (modified December 2002) A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre) if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
 - b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 1997 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
 - c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.
10. X See Exhibit No. 2 for additional comments, recommendations and requirements.


Gerald E. Lakeman
District Engineer


Rick Lyons
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 4 of 4

CC:

BRET GIANNETTA

1119 'S' STREET

FRESNO, CA 93721

FR CUP No. 2011-023

OTHER REQUIREMENTS
EXHIBIT NO. 2

There are existing city cross drainage facilities in the south and east corners of the Fulton/San Joaquin intersection that convey storm drainage water to existing Master Plan facilities downstream of this project. The District requests that the grading engineer contact the District as early as possible to review the proposed site and drainage design and to discuss options for the conveyance of storm water that will adhere to the Master Plan design.

No surface runoff shall be directed towards the alley.

In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm drain system.

The District encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.

Development No. CUP 2011-023

This page intentionally left blank.



County of Fresno

Department of Public Health

Edward L. Moreno, M.D., M.P.H., Director-Health Officer

August 2, 2011

FA0274056
LU0016103
PE 2602

Will Tackett
City of Fresno
Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Tackett:

PROJECT NUMBER: T-5993, C-11-023

Vesting Tentative Map of Tract No. 5993 and Conditional Use Permit Application No. C-11-023 were filed by Bret Giannetta of Giannetta Civil Engineering, on behalf of Darius Assemi of FFDA Properties, LLC, and pertain to 1.5 acres of property located on the southeasterly corner of Fulton and San Joaquin Streets in downtown Fresno. **Vesting Tentative Map of Tract No. 5993** proposes a one common lot condominium "airspace" subdivision. **Conditional Use Permit Application No. C-11-023** proposes a mixed use three story residential and commercial development consisting of 2,939 square feet of ground floor retail and 29 multiple family residential units. The commercial building will be a three story building with two townhouse units. The residential buildings will be a mixture of 3 *story*/2 car garage live-work triplexes and 3 *story*/1 car garage townhouse triplexes. The property is zoned C-4 (*Central Trading*).

APN: 466-144-07

ZONING: C-4

ADDRESS: 1612 Fulton Street

Comments/Concerns:

Since all of the tenants have not been identified for this application, the full range of uses must be considered. The potential adverse impacts could include (but are not limited to) storage of hazardous materials and/or wastes, medical waste, excessive noise, and odors.

Recommended Conditions of Approval:

- Due to the proximity of the proposed project to residential uses, consideration should be given to conformance with the noise standards in the City of Fresno Municipal Code.
- Should a retail food establishment be proposed, prior to issuance of building permits, the tenant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 445-3334 for more information.
- Prior to operation, future tenants may be required to apply for and obtain a license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.

Will Tackett
T-5993, C-11-023
August 2, 2011
Page 2 of 2

- Certain uses allowed may utilize hazardous materials or create hazardous wastes. If a tenant with such uses is proposed, then prior to occupancy the tenant shall complete and submit a Hazardous Materials Business Plan form to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.
- All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.
- Future tenants may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.

REVIEWED BY:

Janet Gardner

Digitally signed by Janet Gardner
DN: cn=Janet Gardner, o=Environmental Health Division,
ou=Fresno County Public Health Department,
email=jgardner@ccfresno.ca.us, c=US
Date: 2011.08.02 14:23:31 -0700

R.E.H.S., M.P.H.
Environmental Health Specialist III

(559) 445-3271

ig

cc. Baruti/Casagrande/Tolzmann, Environmental Health Division

T-5993 C-11-023 Mixed Use C-4



San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT



HEALTHY AIR LIVING™

AUG 22 2011

Planning Department
City Of Fresno
2600 Fresno St., 3rd Floor
Fresno, CA 93721-3604

Re: **Air Impact Assessment (AIA) Application Approval**
ISR Project Number: C20110103
Land Use Agency: City of Fresno
Land Use Agency ID Number: Tract 5993

To Whom It May Concern:

The San Joaquin Air Pollution Control District (District) has approved the Air Impact Assessment (AIA) for Tract 5993 project, located at 1612 Fulton Street in Fresno, California. The District has determined that the mitigated baseline emissions for construction and operation will be less than two tons NOx and two tons PM10. Pursuant to District Rule 9510 Section 4.3, this project is exempt from the requirements of Section 6.0 (General Mitigation Requirements) and Section 7.0 (Off-site Emission Reduction Fee Calculations and Fee Schedules) of the rule. As such, the District has determined that this project complies with the emission reduction requirements of District Rule 9510 and is not subject to payment of off-site mitigation fees.

Pursuant to District Rule 9510, Section 8.4, The District is providing you with the following information:

- A notification of AIA approval (this letter)
- A statement of tentative rule compliance (this letter)
- An approved Monitoring and Reporting Schedule

Certain emission mitigation measures proposed by the applicant may be subject to approval or enforcement by the City of Fresno. No provision of District Rule 9510 requires action on the part of the City of Fresno, however, please review the enclosed list of mitigation measures and notify the District if the proposed mitigation measures are inconsistent with your agency's requirements for this project. The District can provide the detailed emissions analysis upon request.

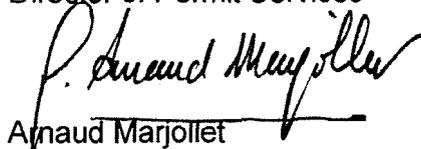
[Faint, illegible text, possibly a signature or stamp]

Page 2

If you have any questions, please contact Ms. Debbie Johnson at (559) 230-5817.

Sincerely,

David Warner
Director of Permit Services

A handwritten signature in black ink, appearing to read "Arnaud Marjollet", written over a horizontal line.

Arnaud Marjollet
Permit Services Manager

DW:dj

Enclosures

Indirect Source Review Complete Project Summary Sheet & Monitoring and Reporting Schedule

Project Name:	TRACT 5993
Applicant Name:	FFDA PROPERTIES
Project Location:	1612 FULTON STREET FULTON STREET & SAN JOAQUIN STREET APN(s): 466-144-07
Project Description:	LAND USE: Commercial/Retail - 2 Acres - Other Commercial/Retail - 2 Acres - Other Commercial/Retail - 29 Dwelling Unit - Other ACREAGE: 1.5
ISR Project ID Number:	C-20110103
Applicant ID Number:	C-301602
Permitting Public Agency:	CITY OF FRESNO
Public Agency Permit No.	TRACT 5993

Existing Emission Reduction Measures

Enforcing Agency	Measure	Quantification	Notes
There are no Existing Measures for this project.			

Non-District Enforced Emission Reduction Measures

Enforcing Agency	Measure	Specific Implementation	Source Of Requirements
CITY OF FRESNO	Wood Fireplaces	Zero Fireplaces	
CITY OF FRESNO	Electrical Outlets	3% Landscape Equipment electrically powered	
CITY OF FRESNO	Woodstoves	Zero Wood Stoves	
CITY OF FRESNO	Streets Design	426 Nodes/square mile	
CITY OF FRESNO	Sidewalk Coverage	100% sidewalks on both sides	
CITY OF FRESNO	Bus Service	216# Daily Weekday Busses within 1/4 mile of the site boundaries	
CITY OF FRESNO	Jobs to Housing Ratio	10695 Jobs to 1402 DU	
CITY OF FRESNO	Local Serving Retail	Selected	

Number of Non-District Enforced Measures: 8

District Enforced Emission Reduction Measures

Indirect Source Review Complete Project Summary Sheet & Monitoring and Reporting Schedule

(District Enforced Emission Reduction Measures Continued)

Enforcing Agency	Measure	Specific Implementation	Measure For Compliance	District Review
SJVAPCD	Construction and Operation - Recordkeeping	For each project phase, all records shall be maintained on site during construction and for a period of ten years following either the end of construction or the issuance of the first certificate of occupancy, whichever is later. Records shall be made available for District inspection upon request.	(Compliance Dept. Review)	Ongoing
SJVAPCD	Construction and Operational Dates	For each project phase, maintain records of (1) the construction start and end dates and (2) the date of issuance of the first certificate of occupancy, if applicable.	(Compliance Dept. Review)	Ongoing

Number of District Enforced Measures: 2

REDEVELOPMENT AGENCY OF THE CITY OF FRESNO
2344 Tulare Street, Suite 200, Fresno, CA 93721 (559) 621-7600

Application No.: VTM 5993, C-11-023 (Will Tackett)	Date: 7/25/2011
Assessor Parcel No.: 466-144-07	Reviewer: Jeff Findley, Senior Project Coordinator
Site address: 1612 Fulton Street	Telephone: 621-7609
Redevelopment Area: Fulton	

Agency Staff Recommendation:

APPROVE PROJECT WITH THE FOLLOWING CONDITIONS:

1. The property identified in Application Nos. VTM 5993 and C-11-023 is located within the adopted Fulton Redevelopment Project area and is subject to all requirements of the Redevelopment Plan.
2. The Redevelopment Agency does not object to the proposed Vesting Tentative Map and construction of a mixed-use three story development consisting of 2,939 square feet of retail and 29 multi-family units on 1.5 acres. Agency support of this project is conditioned on the ability of the development to be in conformance with all requirements of the Redevelopment Plan and the C-4 (Central Trading) zone district and Section 12-304 (including subsequent applicable Sections) of the Fresno Zoning Ordinance.
3. The project shall be developed in accordance with the Operation Statement, Landscape Plan, Vesting Tentative Map, Site Plan, Floor Plans and Exterior Elevations (or as revised by the City of Fresno) submitted for Applications No. C-11-023 and Vesting Tentative Map No. 5993.
4. Approval of this entitlement applies only to the development identified in Application Nos. VTM 5993 and C-11-023, and any modifications or additions shall not be allowed without the modification of this Conditional Use Permit Application with prior approval from the City of Fresno Development Department and the Redevelopment Agency.
5. The project shall also be subject to and be in conformance with the requirements of the Industrial Development Design Guidelines as applicable.
6. Agency recommends a Master Sign Plan with a signage pattern that will enhance the appearance of the building and its association with the frontages of Fulton and San Joaquin Streets.
7. All existing and future landscaped areas shall be properly maintained and any dead plants, trees or ground cover will be removed and immediately replaced with the appropriate landscaping. All landscaping irrigation systems on site shall be properly maintained or repaired to ensure the healthy growth of plants and trees.
8. All outdoor storage on-site shall be screened from view of public streets and in conformance with requirements of City code.

PLEASE MAKE APPLICANT AWARE OF AGENCY COMMENTS

9. Outside patios shall not be used for storage purposes.
10. Specific attention shall be given to the design, amount and availability of residential amenities, such as community open space and recreation areas, that will be provided on the site to ensure a usable and identifiable (residential) living environment.
11. Dense landscaping and specimen size street trees are recommended in the landscaped islands and tree wells on all the street frontages to enhance the visual character of the buildings and the streets.
12. All streets trees shall be in conformance with the City of Fresno recommended list of street trees.
13. The construction of sidewalk tree wells and street landscape islands on the frontages of Fulton and San Joaquin Streets shall be in conformance with adopted city standards.
14. The proposed redesign of the street frontages and alignments shall be in conformance with City of Fresno Street Standards and be compatible with existing street patterns.
15. All required landscaping setback, street trees and street improvements on and adjacent to the project site shall be completed to the satisfaction of the Public Works and the Planning and Development Departments of the City of Fresno before the final approval for occupancy of the buildings.
16. The use of complimentary building materials and colors are encouraged.
17. All on-site and off-site parking areas shall be developed in conformance with the requirements of the Fresno Zoning Ordinance, especially the requirement for 50% shading where applicable.
18. Any fence and related gates installed along the frontage of Fulton and San Joaquin Streets shall be constructed of wrought iron.
19. The City of Fresno and Redevelopment Agency shall be informed of any deviation from the conditions of this Entitlement or the Statement of Operations, especially any change in the established use of the property.
20. The Agency reserves the right to reconsider the issuance of VTM 5993 and C-11-023 should the City of Fresno or the Redevelopment Agency of the City of Fresno receives any complaints about the maintenance and operation of the mixed-use development inconsistent with the conditions and requirements of this Application; which can result in a recommendation to the City of Fresno to revoke the application.

PLEASE MAKE APPLICANT AWARE OF AGENCY COMMENTS



Preparing Career Ready Graduates

July 20, 2011

Will Tackett
Development and Resource Management
City of Fresno
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

Re: **VESTING TENTATIVE MAP OF TRACT NO. 5993**
CONDITIONAL USE PERMIT NO. C-11-023
1612 FULTON ST.

Dear Mr Tackett,

In response to your request for review and comment on Vesting Tentative Map of Tract No. 5993 and Conditional Use Permit C-11-023, Fresno Unified School District submits the following.

Any urban residential development occurring as a result of project approval will have an impact on the District's student housing capacity. The District, through local funding, is in a position to mitigate its shortage of classrooms to accommodate planned population growth for the foreseeable future. However, the District recognizes that the legislature, as a matter of law, has deemed, under Government Code Section 65996, that all school facilities impacts are mitigated as a consequence of SB 50's Level 1, 2 and 3 developer fee legislative provisions.

Any new development on the subject property or conversion of non-habitable to habitable/residential space is subject to development fees of \$2.97 per square foot. Any new retail/commercial space is subject to development fees of \$0.47 per square foot. Development will be subject to the development fee prior to issuance of a building permit. For mixed use projects the housing units and retail space will be charged the residential and commercial rates, respectively

The project is presently within the attendance areas of the schools identified below

Elementary School: Lowell
Intermediate School: Tehipite
High School: Edison

Thank you for the opportunity to comment. Please contact Deana Clayton at (559) 457-3066, if you have any questions or require additional information regarding our comments.

Sincerely,

Lisa LeBlanc, Executive Director
Facilities Management and Planning

LL:hh
c. Bret Giannetta, Applicant/Agent

BOARD OF EDUCATION

Michelle A. Asadoorian, President
Janet Ryan, Clerk
Valerie F. Davis
Lindsay Cal Johnson
Carol Mills, J.D.
Larry A. Moore
Tony Vang., Ed.D.

SUPERINTENDENT
Michael E. Hanson



Facilities Management & Planning

This page intentionally left blank.

DEPARTMENT OF TRANSPORTATION

DISTRICT 6
1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-7307
FAX (559) 488-4088
TTY (559) 488-4066

RECEIVED**SEP 06 2011**DEVELOPMENT DEPARTMENT
CITY OF FRESNO*Flex your power!
Be energy efficient!*

August 4, 2011

2131-IGR/CEQA
6-FRE-180-57.242+/-
CUP C-11-023 & VTTM 5993
GRANVILLE MIXED USE PROJECT

Mr. Will Tackett
City of Fresno Development Department
Planning Division
2600 Fresno Street
Fresno, CA. 93721

Dear Mr. Tackett:

We have completed our review of the site plan for the proposed development of 10 three-storied buildings on a 1 ½ acre lot that is situated on the eastern corner of Fulton and San Joaquin Streets. One of the ten buildings would consist of 2,939 ft² of ground floor retail space and two townhouse units. The remaining nine buildings would consist of 27 residential units. Based on the proposed project's centralized location, it is projected that trips generated by this site could impact the State Route (SR) 41 interchange at Tulare Avenue, the SR 99 interchange at Stanislaus Street, and the SR 180 interchange at Fulton Street. Preliminary estimates suggest that the site could generate approximately 23 trips during the morning peak travel periods and 38 trips during the evening peak travel periods (ITE Codes 221 & 814). Caltrans has the following comments:

In order to accommodate projected future demand, previous traffic studies have identified the need for improvements to the SR 99 interchange at Stanislaus Street. These improvements include signalizing the intersection of the SR 99 northbound entrance ramp from Stanislaus Street (Cost \$1,110,000; includes additional WB to NB turn lane). Another improvement would include signalizing the intersection of the SR 99 southbound exit ramp to Stanislaus Street (Cost \$750,000; includes some structure widening). Two other improvements associated with this interchange include signalizing the intersection of the SR 99 northbound frontage road with Tuolumne Street (Cost \$250,000), and signalizing the intersection of the SR 99 southbound frontage road with Tuolumne Street (Cost \$550,000; includes additional SB left turn lane).

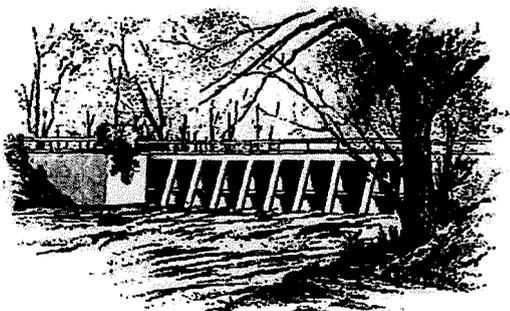
If you have any questions, please call me at (559) 488-7307.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Bryan Sanchez".

JENNIFER BRYAN SANCHEZ
Office of Transportation Planning
District 06

This page intentionally left blank.



OFFICE OF E-FILE
FRESNO
IRRIGATION DISTRICT

TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2218

YOUR MOST VALUABLE RESOURCE - WATER

August 4, 2011

Mr. Will Tackett
City of Fresno
Development Services/Planning
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

RE: Vesting Tentative Tract Map No. 5993, Conditional Use Permit No. C-11-023
S/W Divisadero Street & Van Ness Boulevard

Dear Mr. Tackett:

The Fresno Irrigation District (FID) has reviewed the Vesting Tentative Tract Map No. 5993 and Conditional Use Permit No. C-11-023 applications, being filed concurrently, to request authorization to create a one common lot condominium "airspace" subdivision consisting of mixed use three story residential and commercial development on 1.5 acres located southwest of Divisadero and Van Ness Avenues, APN: 466-144-07 and has the following comments:

1. FID does not own, operate or maintain any facilities located on the subject property as indicated on the attached FID exhibit map.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact James Shields at 233-7161 extension 319 or jshields@fresnoirrigation.com.

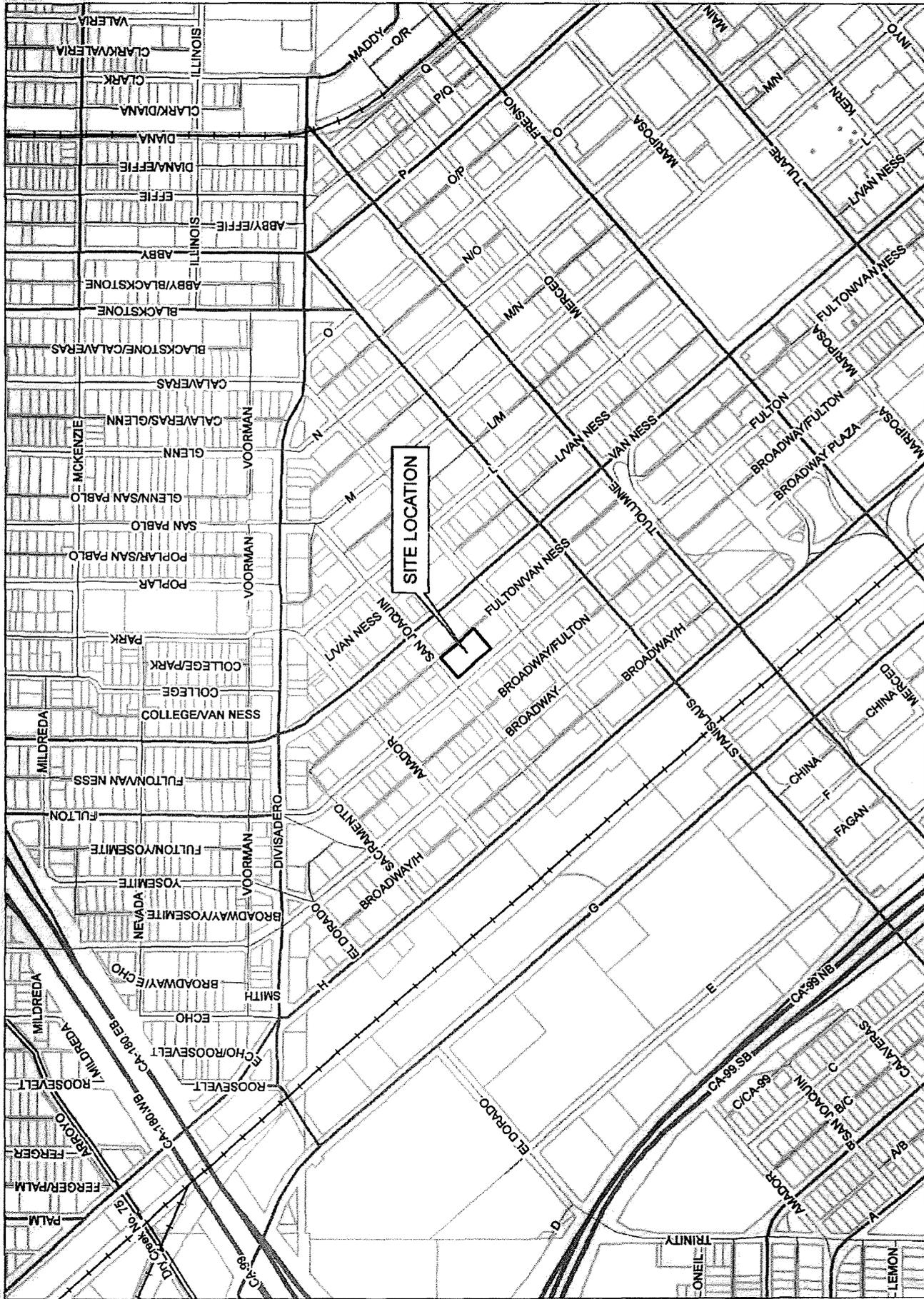
Sincerely,

William R. Stretch, P.E.
Chief Engineer

Attachment

G:\Agencies\City\Tract Map\5993.doc

BOARD OF DIRECTORS President: JEFF NEELY, Vice-President: RYAN JACOBSEN
JEFF BOSWELL, STEVE BALLS, GEORGE PORTER, General Manager GARY R. SERRATO



1800 Feet
 800 Feet
 0 Feet
 1 inch equals 700 feet
 7/15/2011
 C:\p\g\m\max\mz

Legend
FRESNO IRRIGATION DISTRICT

	FID Canal		FID Pipeline		Stream Group		Parcel
	Private Canal		Private Pipeline		Other-Creek/Stream		FIMCD Acquired Basins
	Abandoned Canal		Abandoned Pipeline		Other-Pipeline		FIMCD Proposed Basins
	FID Boundary		Retained		Streets & Highways		



Will Tackett

From: Gregory Garner
Sent: Tuesday, July 19, 2011 4:11 PM
To: Will Tackett
Cc: Fresno Development Services; Greg Noll; Jaime Campos; Raymond Eddy
Subject: FW: Request for Comment - Vesting Tentative Tract Map 5993 and CUP C-11-023, 1612 L Street Mixed Use Condo Project

No PD comment needed.

"A Leader is powerful to the degree he empowers others."

Captain Greg Garner
Commander, Southwest Policing District
Fresno Police Dept.
Office (559) 621-6100
FAX (559) 266-1876

From: Fresno Development Services
Sent: Tuesday, July 19, 2011 2:04 PM
To: 'Gardner, Janet'; 'glallen@co.fresno.ca.us'; 'skahl@co.fresno.ca.us'; mcarter@co.fresno.ca.us; 'cathy.s.gilles@usps.gov'; 'ajs4@pge.com'; 'Fleming, Gage'; rtw1@pge.com; 'DOWNER, LONNIE A (ATTPB)'; 'Michael Navarro'; 'Jennifer Bryan-Sanchez'; 'Tmiles@dtsc.ca.gov'; 'Vivian.bourbonnais@fresnounified.org'; Heidi Heltne; James Shields; 'developmentreview@fresnofloodcontrol.org'; Terry Cox; Colleen Beasley; Gregory Garner; Daniel Yrigollen; Wilma Quan; Christopher Preciado; Richard Fultz; Chris Weibert; Doug Hecker; Michael Carbajal
Cc: Will Tackett
Subject: Request for Comment - Vesting Tentative Tract Map 5993 and CUP C-11-023, 1612 L Street Mixed Use Condo Project

Routing Partners:

You have been identified as the best contact to provide your department/agency's review and comments for the subject project. Please click the following link and download an electronic copy of the project package for review.

Project Address: 1612 Fulton Street (site of farmer's market)
APN: 466-144-07

<http://m3.fresno.gov/upload/files/90523092/C-11-023,T-5993.pdf> (click on bookmarks to navigate).

Our preferred method of receiving your comments is via email directly to the planner assigned to this project. We look forward to receiving your responses electronically and hearing any comments/suggestions you may have. If you do not have any comments, please communicate a "no comment" response.

Thank you.

Joann Zuniga
City of Fresno Planning Division
559-621-8032

If you experience difficulty opening the document, please call or email Joann (Joann.Zuniga@fresno.gov) and a copy of the request for comments will be sent to your mailing address.

**CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT, FOR
VESTING TENTATIVE MAP OF TRACT NO. 5993 and
CONDITIONAL USE PERMIT APPLICATION NO. C-11-023**

TO: SUBDIVISION REVIEW COMMITTEE

Return Completed Form to:

Will Tackett

Email: Will.Tackett@fresno.gov

Telephone: 559-621-8277

Development and Resource Management

2600 Fresno Street, Third Floor

Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

Vesting Tentative Map of Tract No. 5993 and Conditional Use Permit Application No. C-11-023 were filed by Bret Giannetta of Giannetta Civil Engineering, on behalf of Darius Assemi of FFDA Properties, LLC, and pertain to 1.5 acres of property located on the southeasterly corner of Fulton and San Joaquin Streets in downtown Fresno. **Vesting Tentative Map of Tract No. 5993** proposes a one common lot condominium "airspace" subdivision. **Conditional Use Permit Application No. C-11-023** proposes a mixed use three story residential and commercial development consisting of 2,939 square feet of ground floor retail and 29 multiple family residential units. The commercial building will be a three story building with two townhouse units. The residential buildings will be a mixture of 3 story/2 car garage live-work triplexes and 3 story/1 car garage townhouse triplexes. The property is zoned C-4 (*Central Trading*).

APN: 466-144-07

ZONING: C-4

ADDRESS: 1612 FULTON STREET

DATE ROUTED: July 18, 2011

COMMENT DEADLINE: August 2, 2011

If no response is received by the comment deadline, it will be assumed you have no comments to submit.

Preliminary Meeting of the SUBDIVISION REVIEW COMMITTEE:

9 A.M. TUESDAY, AUGUST 2, 2011, CITY HALL-THIRD FLOOR, ROOM 3054

Meeting of the SUBDIVISION REVIEW COMMITTEE WITH SUBDIVIDER AND PROJECT ENGINEER:

2 P.M. TUESDAY, AUGUST 16, 2011, CITY HALL-THIRD FLOOR, ROOM 3054

Your attendance at the review meetings will be appreciated. If you are unable to attend and you have comments you wish to make, please forward your comments to Will.Tackett@fresno.gov prior to the meeting date of August 16, 2011; or you can mail your comments to the Development and Resource Management Department/Planning Division, 2600 Fresno Street, Room 3076, Fresno, California 93721-3604. Thank you.

*Plans/permits ready
Body issues addressed @ the
review*

CITY OF FRESNO

NOTICE OF INTENT TO ADOPT A FINDING OF CONFORMITY

EA No. C-11-023/T-5993

Conditional Use Permit Application No. C-11-023; and, Vesting Tentative Tract Map No. 5993/UGM

APPLICANT:

FFDA Properties, LLC.
1396 West Herndon Avenue, Suite 101
Fresno, CA 93711

PROJECT LOCATION:

1612 Fulton Street

Located on the easterly corner of the intersection of Fulton and San Joaquin Streets, in the City and County of Fresno, California

Assessor's Parcel Number(s): 466-144-07

Site Latitude: 36°44'27.00" N

Site Longitude: 119°47'50.00" W

Mount Diablo Base & Meridian, Township 14 S Range 20E, Section 4

Filed with:

FILED

AUG 19 2011

FRESNO COUNTY CLERK

By *[Signature]* DEPUTY

FRESNO COUNTY CLERK
2221 Kern Street, Fresno, CA 93721

PROJECT DESCRIPTION:

Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of FFDA Properties, LLC., property owner, has filed Conditional Use Permit (CUP) Application No. C-11-023 and Vesting Tentative Tract Map No. T-5993 pertaining to approximately 0.94 net acres of property located on the easterly corner of Fulton and San Joaquin Streets.

CUP Application No. C-11-023 requests authorization to construct a three-story mixed use project consisting of approximately 2,939 square feet of ground floor commercial retail space and 29 residential units. Vesting Tentative Tract Map No. 5993 proposes a one common-lot airspace subdivision for condominium purposes.

The proposed project also includes the proposed vacation of portions of adjacent public street rights-of-way.

The proposed project will also involve installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno.

The subject property is located within the boundaries of the 2025 Fresno General Plan, Central Area Community Plan, Fulton-Lowell Specific Plan, and Fulton Redevelopment Plan, which designate the subject property for Central Area Commercial Mixed Use Level 2 planned land uses. Pursuant to Exhibit 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan, the existing C-4 (Central Trading) zone district may be found to be consistent with the Commercial Mixed Use Level 2 (Central Area) planned land use designation for the subject property.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is fully within the scope of the Master Environmental Impact Report No. 10130 ("MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097) and the Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND). Therefore, the Development and Resource Management Department proposes to adopt a Finding of Conformity for this project.

With the mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR or Air Quality MND. After conducting a review of the adequacy of the MEIR and Air Quality MND pursuant to Public Resources Code, Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete and the Air Quality MND was adopted, has become available.

Additional information on the proposed project, including the proposed environmental finding and the initial study may be obtained from the Development and Resource Management Department, Development Services Division, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604. Please contact Will Tackett at (559) 621-8063 or via e-mail at Will.Tackett@fresno.gov for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on September 20, 2011, Please direct comments to Will Tackett, City of Fresno Development and Resource Management Department, Development Services Division, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721-3604; or by email to Will.Tackett@Fresno.gov. Comments may also be sent by facsimile to (559) 498-1026.

These development applications and this proposed environmental finding have been tentatively scheduled to be heard by the Planning Commission on September 21, 2011 at 6:00 p.m. or thereafter. The hearing will be held in the Fresno City Council Chambers located at Fresno City Hall, 2nd Floor, 2600 Fresno Street, Fresno, California, 93721. Your written and oral comments are welcomed at the hearing and will be considered in the final decision.

INITIAL STUDY PREPARED BY:
Will Tackett, Planner

SUBMITTED BY:



Mike Sanchez, Planning Manager
CITY OF FRESNO DEVELOPMENT AND
RESOURCE MANAGEMENT
DEPARTMENT

DATE: August 19, 2011