



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII.D.
COMMISSION MEETING 12/01/10

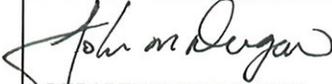
December 01, 2010

FROM: KEVIN FABINO, Planning Manager
Development Services Division

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-10-157;
VESTING TENTATIVE TRACT MAP NO. 5982; AND, ENVIRONMENTAL
ASSESSMENT NO. C-10-157/T-5982.

APPROVED BY

DEPARTMENT DIRECTOR

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. ADOPT the finding that the proposed project, as an infill low-income housing planned development, be found: (1) Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 21159.23 and 21159.24 of the Public Resources Code; and, (2) Categorically Exempt under Section 15332 of the CEQA Guidelines.
2. APPROVE Conditional Use Permit Application No. C-10-157 subject to compliance with the Conditions of Approval dated December 01, 2010.
3. APPROVE Vesting Tentative Tract Map No. 5982 subject to compliance with the Conditions of Approval dated December 01, 2010.

EXECUTIVE SUMMARY

Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of Granville Homes, property owner, has filed Conditional Use Permit Application No. C-10-157 and Vesting Tentative Tract Map No. 5982 pertaining to approximately 1.05 acres of property located on the northeast corner of the intersection of North Van Ness and East Mildreda Avenues.

Conditional Use Permit Application No. C-10-157 and Vesting Tentative Tract Map No. 5982 propose to develop and subdivide the subject property for the purposes of creating a 20-lot single family residential private street gated planned development subdivision on the subject property with modified lot area, lot dimension, lot coverage, and building setback requirements at an overall density of approximately 19.05 dwelling units/per acre. One "Outlot" is proposed to be dedicated for private street purposes.

The subject property is currently zoned under the R-3/cz (*Medium Density Multiple Family Residential/with conditions of zoning*) 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 Freeway 99-Goldenstate Corridor Redevelopment Plan, which designate the subject property for Commercial Mixed Use Level 1 (Central Area) planned land uses. Pursuant to Table 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan, the existing R-3 (*Single Family Residential*) zone district and the proposed project density of approximately 19.05 dwelling units per acre may be found to be consistent with the Commercial Mixed Use Level 1 planned land use designation.

The development and subdivision of the subject property in accordance with Conditional Use Permit Application No. C-10-157 and Vesting Tentative Tract Map No. 5982 will bring the subject property into conformance with the 2025 Fresno General Plan, Central Area Community Plan, Fulton/Lowell Specific Plan and Freeway 99-Goldenstate Corridor Redevelopment Plan.

PROJECT INFORMATION

PROJECT	Conditional Use Permit Application No. C-10-157 and Vesting Tentative Tract Map No. 5982 propose to create a 20-lot single family residential gated private street planned development with modified lot area, lot dimension, lot coverage, and building setback requirements at an overall density of approximately 19.05 dwelling units/per acre. One additional Outlot is proposed to be dedicated for private street purposes.
APPLICANT	Granville Homes.
LOCATION	Northeast corner of the intersection of North Van Ness and East Mildreda Avenues. (Council District 3, Councilmember Sterling)
SITE SIZE	Approximately 1.05 acres
LAND USE	Existing - Vacant Proposed - Single Family Residential
ZONING	Existing & Proposed - <u>R-3/cz</u> (<i>Medium Density Multiple Family Residential District/with conditions of zoning</i>)
PLAN DESIGNATION AND CONSISTENCY	Pursuant to Table 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan, the existing R-3 (<i>Single Family Residential</i>) zone district and the proposed project density of approximately 19.05 dwelling units per acre may be found to be consistent with the Commercial Mixed Use Level 1 planned land use designation.
ENVIRONMENTAL FINDING	Finding of Statutory and Categorical Exemption pursuant to Section 21159.23 and 21159.24 of the Public Resources Code, and Section 15332 of the California Environmental Quality Act Guidelines.
PLAN COMMITTEE RECOMMENDATION	The Fulton/Lowell Specific Plan Committee recommended approval of the proposed project at its regular scheduled meeting held on October 26, 2009.

STAFF RECOMMENDATION Recommend Commission adopt Environmental Assessment No. C-10-157/T-5982; and, approve Conditional Use Permit Application No. C-10-157 and Vesting Tentative Tract Map No. 5982 subject to compliance with the Conditions of Approval dated December 01, 2010.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Commercial Mixed Use Level 1 (Central Area)	C-5 <i>General Commercial</i>	Residential
South	Commercial Mixed Use Level 1 (Central Area)	C-5 <i>General Commercial</i>	Residential
East	Residential (Central Area)	R-1, R-2 & R-3 <i>Single Family Residential, Low Density Multiple Family Residential & Medium Density Multiple Family Residential</i>	Residential
West	Commercial Mixed Use Level 1 (Central Area)	C-5 <i>General Commercial</i>	Office & Residential

ENVIRONMENTAL FINDING

The City of Fresno Downtown and Community Revitalization Department previously conducted an initial study (commissioned with Krazan & Associates, Inc. / Environmental Assessment No. 14-10053) for the utilization of HUD HOME Investment Partnerships (HOME) Program funds from the City of Fresno, Downtown and Community Revitalization Department, Housing and Community Development Division, to undertake the proposed project comprised of the acquisition of approximately 1.05 acres of vacant land in an existing urban neighborhood and the development of 20 mixed-income residential housing units.

To the extent the planned development project proposed pursuant to Conditional Use Permit Application No. C-10-157 and Vesting Tentative Tract Map No. 5982 may not have been assessed, Development and Resource Management staff has performed an evaluation of the preliminary environmental assessment prepared for this project and have determined that it falls within: (1) The Statutory Exemptions set forth in Sections 21159.23 and 21159.24 of the Public Resources Code; and, (2) The Categorical Exemptions set forth in Section 15332 of the California Environmental Quality Act Guidelines, which exempt certain projects involving the development of residential housing that are affordable to low-income households on an infill site within an urbanized area, subject to the criteria detailed in said sections.

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 1 planned land use designation and existing R-3/cz (Medium Density Multiple Family Residential/with conditions of zoning) zone district classification for the subject site. Thus, the subdivision and development of the subject property in accordance with Conditional Use Permit Application No. C-10-157 and Vesting Tentative Tract Map No. 5982 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.

Therefore, the following findings can be made: (1) There is not a reasonable possibility that the proposed project will have a project-specific, significant effect on the environment due to unusual circumstances; (2) No substantial changes with respect to the circumstances under which the project is being undertaken that are related to the project have occurred since community-level environmental review was certified or adopted; and, (3) No new information has become available regarding the circumstances under which the project is being undertaken that is related to the project, that was not known, and could not have been known, at the time that community-level environmental review was certified or adopted.

BACKGROUND / ANALYSIS

Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of Granville Homes, property owner, has filed Conditional Use Permit Application No. C-10-157 and Vesting Tentative Tract Map No. 5982 pertaining to approximately 1.05 acres of property located on the northeast corner of the intersection of North Van Ness and East Mildreda Avenues.

Conditional Use Permit Application No. C-10-157 and Vesting Tentative Tract Map No. 5982 propose to develop and subdivide the subject property for the purposes of creating a 20-lot single family residential private street gated planned development subdivision on the subject property with modified lot area, lot dimension, lot coverage, and building setback requirements at an overall density of approximately 19.05 dwelling units/per acre. One "Outlot" is proposed to be dedicated for private street purposes.

The subject property is currently zoned under the R-3/cz (*Medium Density Multiple Family Residential/with conditions of zoning*) 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 Freeway 99-Goldenstate Corridor Redevelopment Plan, which designate the subject property for Commercial Mixed Use Level 1 (Central Area) planned land uses. Pursuant to Table 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan, the existing R-3 (*Single Family Residential*) zone district and the proposed project density of approximately 19.05 dwelling units per acre may be found to be consistent with the Commercial Mixed Use Level 1 planned land use designation.

The subject property is vacant. Properties located directly to the north of the subject property are zoned for general commercial uses and are being utilized for residential purposes. Properties to the east of the subject property, fronting North College Avenue are zoned for, and developed with, single and multiple family residential uses. Property located to the south (across East Mildreda Avenue) are zoned for general commercial use but has been utilized for residential purposes. Property located to the west (across North Van Ness Avenue) have been developed with and are being utilized for commercial office and residential purposes.

Public Resources

The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services are available to serve the project subject to the provision of private on-site sanitary sewer and water facilities; the construction and installation of public utility facilities and infrastructure in accordance with Department of Public Works standards, specifications and policies; and, the provision of two independent sources of water, meeting Federal and State Drinking Water Act Standards.

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.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that permanent drainage service will be available for the development subject to the developer verifying to the satisfaction of the City that runoff can be safely conveyed to the existing Master Plan Inlets via North Van Ness or East Mildreda Avenues. 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.

Streets and Access Points

The project is a gated private street planned development with frontage on North Van Ness and East Mildreda Avenues. The 2025 Fresno General Plan Circulation Element designates North Van Ness Avenue as "Scenic Drive" and East Mildreda Avenues as a "Local" street. This subdivision is proposed to have one gated private street entryway from East Mildreda Avenue.

Right-of-way dedications and/or vacations will also be required along adjacent public streets in accordance with City of Fresno requirements to provide for the necessary improvements.

Approximately five feet of the East Mildreda Avenue right-of-way has been proposed for abandon/vacation to facilitate the proposed design of the planned development project. The project will be required to construct all frontage improvements to City Standards.

Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the proposed 20-lot residential planned development on approximately 1.05 net acres of land, it is projected that 15 vehicle trips will occur during the morning peak hour travel period (7 to 9 a.m.) and 20 vehicle trips will occur during the evening peak hour travel period (4 to 6 p.m.). A traffic impact study is not required.

The Public Works Department, Traffic Engineering Division has reviewed the proposed 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 generated, subject to requirements for improvements and right-of-way dedications as listed within the City of Fresno Department of Public Works memorandum dated October 27, 2010. These improvements and requirements generally include the construction of public street improvements for adjacent portions of North Van Ness and East Mildreda Avenues and adjacent alley improvements.

The developer of this project will be required to pay the Traffic Signal Mitigation Impact (TSMI) Fee at the time of building permit, based on the trip generation rates set forth in the latest edition of the ITE Trip Generation Manual and the Master Fee Schedule. The project will also be required to pay City-wide regional street impact fees, and Regional Transportation Mitigation fees, as applicable to the project.

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.

Fulton/Lowell Specific Plan Implementation Committee

At its regular meeting held October 26, 2009, the Fulton/Lowell Specific Plan Implementation Committee considered the proposed project and recommended that the proposed project proceed subject to: (1) Each unit being provided doors and porches in the front; (2) Separate materials being used to break up the long driveway; and, (3) Windows being clear glass, single-hung, with no faux muttons. The proposed project meets these criteria.

Conditional Use Permit Findings

Conditional Use Permit Application No. C-10-157 provides for the development of a 20-lot, single family residential gated private street planned development with one Outlot proposed to be dedicated for private street/access purposes; and, modified lot area, lot dimension, lot coverage, and building setback requirements at an overall density of approximately 19.05 dwelling units/per acre. The 20-single family residential lots proposed range from approximately 1,500 to approximately 2,000 square feet in area. The conditional use permit will also provide for reduced yard setbacks as are typically provided in planned development subdivisions. Proposed typical building envelopes provide for front yard setbacks to be no less than 15 feet in width where lots front onto public streets and public street side yards to be no less than 10 feet in width. Spaces between buildings are proposed to be a minimum seven feet. Two-car garages are standard throughout the subdivision (excepting the manager unit). Both private and common landscaped open space are provided in association with the proposed dwelling units. 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>	
<i>Finding a:</i>	The subject site is approximately 1.05 net acres in size. Given that the subject site has been proposed to be subdivided into 20 residential lots, with lot sizes ranging from 1,500 to 2,000 square feet in area, there is adequate space to meet all applicable requirements of the Code as established in the Special Permit conditions of approval dated December 01, 2010; including yards, spaces, walls and fences, parking, landscaping and open spaces and other required features.
<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>	
<i>Finding b:</i>	Staff from the Public Works Department, Transportation Planning section has estimated that the proposed development will generate approximately 15 a.m./20 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 North Van Ness and East Mildreda Avenues in accordance with the Department of Public Works and Public Utilities memorandums referenced above. These requirements are necessary for the traffic generated by the project and to accommodate city services and meet the needs of the proposed subdivision.

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.

Finding c:	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.
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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 Freeway 99-Goldenstate Corridor Redevelopment Plan which designate the site for Commercial Mixed Use Level 1 (Central Area) planned land uses. Pursuant to Table 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan and the Fresno Municipal Code, the project design meets the density and zoning ordinance criteria for development in this plan designation.
2. This site is physically suitable for the proposed type and density of development, because conditions of approval will ensure adequate access and drainage on and off the site.
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 project occurs within a fully urbanized area. The subject property remains fallow without 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 lots.

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 except as modified in accordance with Planned Development allowances. 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.

Action by the Planning Commission regarding the conditional use permit and vesting tentative tract map are final unless appealed in accordance with the Fresno Municipal Code, Sections 12-406-I and 12-1019, respectively.

Attachments: Vicinity Map
2008 Aerial Photograph
Public Hearing Notice Mailing List Vicinity Map
Vesting Tentative Tract Map No. T-5982 dated September 09, 2010
Conditional Use Permit Application No. C-10-157 Exhibits dated September 09, 2010
Conditions of Approval for T-5982, dated December 01, 2010, including memoranda from responsible or commenting agencies.
Conditions of Approval for Conditional Use Permit Application No. C-10-157, dated December 01, 2010, including memoranda from responsible or commenting agencies.
Environmental Assessment No. C-10-157/T-5982, Finding of Statutory Exemptions as set forth in Sections 21159.23 and 21159.24 of the Public Resources Code and Categorical Exemption as set forth in Section 15332 of the California Environmental Quality Act Guidelines.

THIS IS A LEGAL NOTICE

Conditional Use Permit Application No. C-10-157

Vesting Tentative Tract Map No. 5982

Northeast corner of the intersection of North Van
Ness and East Mildreda Avenues

VICINITY MAP



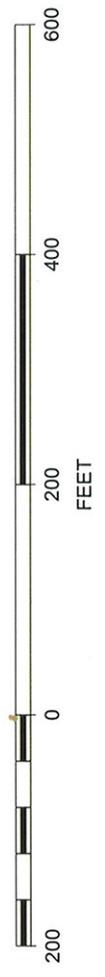
LEGEND



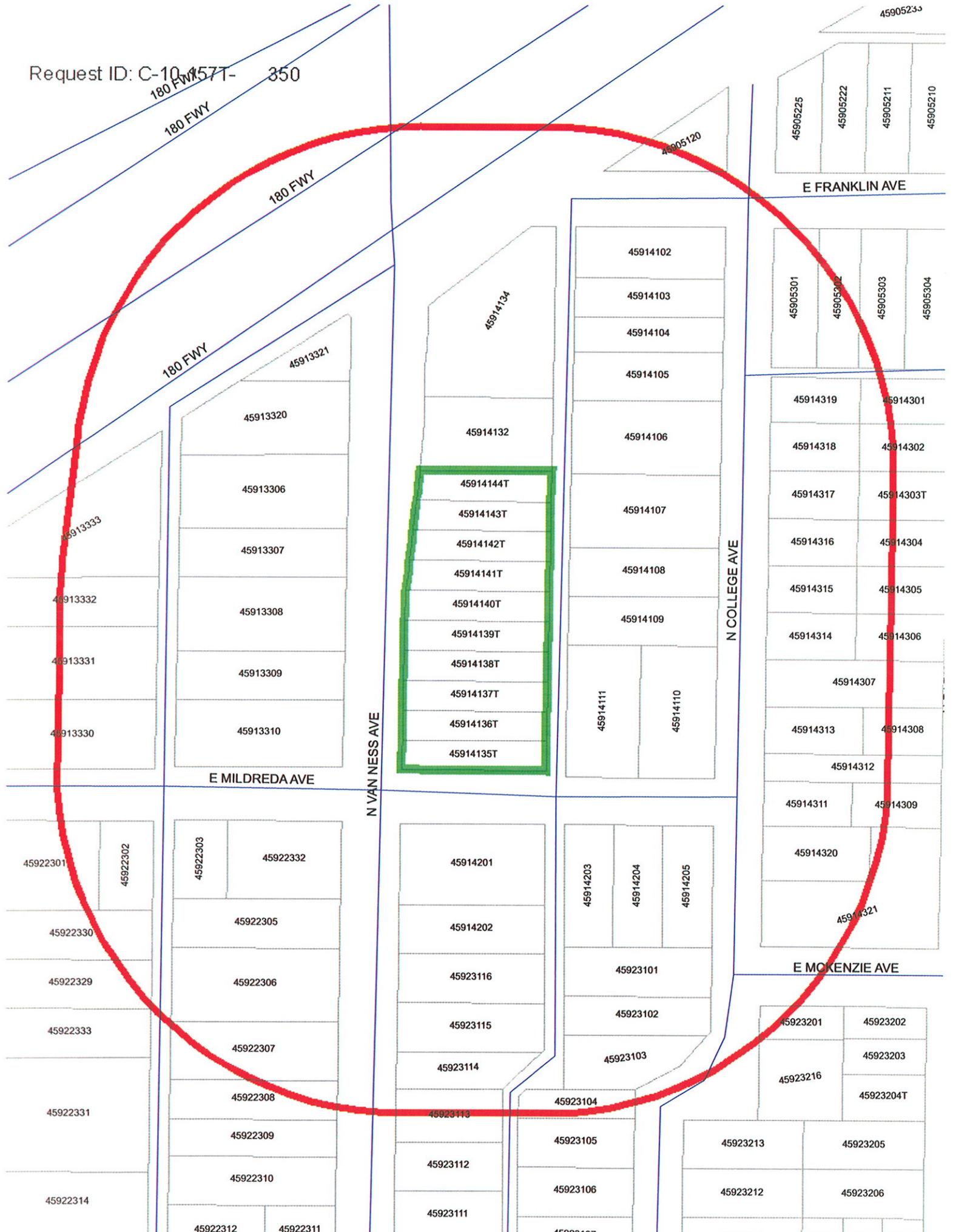
Subject Property



SCALE 1 : 1,992



Request ID: C-101577-350



TENTATIVE MAP TRACT No. 5982

A PLANNED UNIT DEVELOPMENT
A VESTING MAP
A PHASED MAP

APN 459-141-35T-44T
NET AREA = 1.05 ACRES
GROSS AREA = 1.47 ACRES

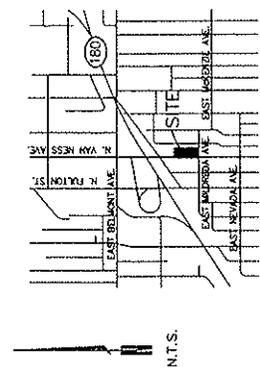
IMPROVEMENTS EXISTING OR TO BE INSTALLED:

- STREETS - PRIVATE
- SEWER - CITY OF FRESNO STANDARDS
- WATER - CITY OF FRESNO STANDARDS
- CURB & GUTTER - PRIVATE
- SIDEWALK - CITY OF FRESNO STANDARDS
- STREET LIGHTS - PRIVATE
- DRAINAGE - FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
- TELEPHONE - PRIVATE
- ELECTRICITY - PACIFIC GAS & ELECTRIC
- CABLE TELEVISION - COMCAST

NOTES:

- EXISTING & PROPOSED ZONING - R-3 (MED. DENSITY MULTI FAMILY). THERE ARE NO WELLS, SEWER, CULVERTS, DUMPSTERS OR OTHER UNDERGROUND STRUCTURES WITHIN THIS SUBDIVISION EXCEPT AS NOTED.
- THERE ARE NOT EXISTING AREAS WITHIN THIS SUBDIVISION THAT ARE SUBJECT TO INUNDATION OR STORM WATER OVERFLOW.
- THE ELEVATION DIFFERENCE BETWEEN THIS TRACT AND ADJACENT AREAS IS LESS THAN A 6' DIFFERENCE BETWEEN THIS TRACT AND ADJACENT AREAS.
- N. VAN NESS AVE., MILDREDA AVE. AND THE VAN NESS/MILDREDA ALLEY PREVIOUSLY DEDICATED FOR STREET PURPOSES.
- PUBLIC STREET TO BE VACATED WITH SUBDIVISION MAP.
- THE SUBDIVISION PROVIDES TO THE EXTENT FEASIBLE, FOR PASSIVE RECREATION, WALKING OR CYCLING OPPORTUNITIES BY MAXIMIZING NORTH-SOUTH FACING BUILDINGS.
- OUTLOT A IS FOR COMMON AREA, WALKWAYS, ROADWAYS, PARKING AREAS, TRASH ENCLOSURES, OPEN SPACES, PUBLIC UTILITIES, RELATED FACILITIES AND DRAINAGE PURPOSES.
- THERE ARE TWO PALM TREES WITHIN THIS SUBDIVISION TO REMAIN AND ONE PALM TREE TO BE REMOVED.
- THE EXISTING PROPERTY IS VACANT. THERE ARE NO EXISTING ABOVE GROUND USES OR STRUCTURES ON THE SUBJECT PROPERTY.

VICINITY MAP:



RECEIVED
SEP 09 2010
CITY OF FRESNO
DEPARTMENT OF PLANNING

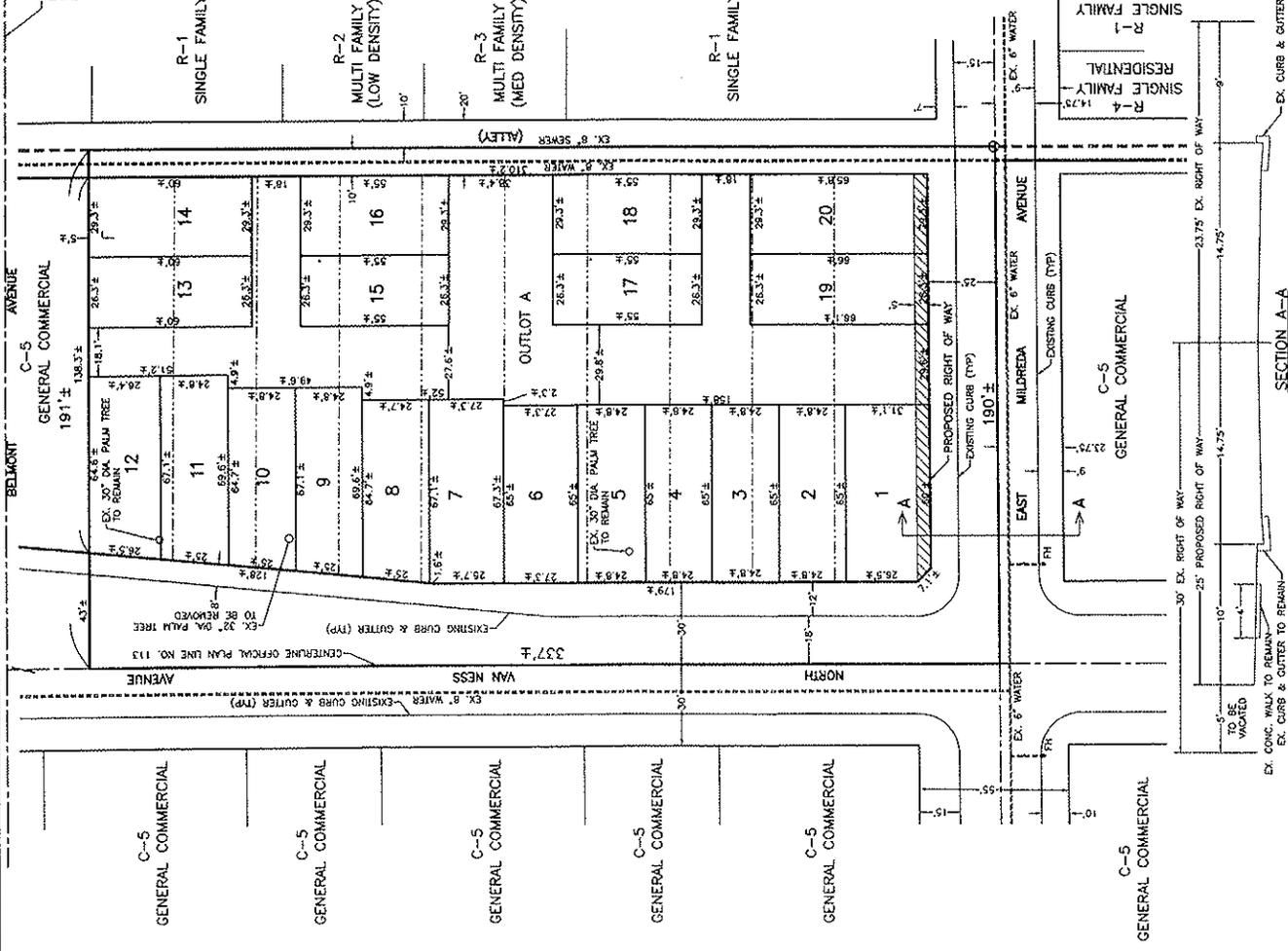
GARY G. GIANNETTA
CIVIL ENGINEERING & LAND SURVEYING
1115 S. GARDNER ST.
FRESNO, CA 93721
(559) 264-3886 FAX (559) 264-0086

SUBDIVIDER:
GRANVILLE HOMES
1396 W. HERNDON AVE.
SUITE 101
FRESNO, CA 93711
(559) 436-0800

OWNER:
CITY OF FRESNO

REVISED: 8/26/10
PREPARED: 7/29/10

THE NORTH LINE OF THE TRACT IS THE NORTH LINE OF SECTION 14, S. 4. R. 20. E. A.D.B. & M.



SCALE: 1" = 30'

EX. CURB & GUTTER TO REMAIN
EX. CONC. WALK TO REMAIN
TO BE VACATED
10' EX. RIGHT OF WAY
25' PROPOSED RIGHT OF WAY
14.75'
23.75' EX. RIGHT OF WAY
14.75'
EX. CURB & GUTTER TO REMAIN

SECTION A-A

Granville Homes is a registered contractor with the State of California, License No. 95000000. Granville Homes is not responsible for the accuracy of the information provided in this document. The information is provided for informational purposes only. The information is not intended to be used as a contract or as a basis for any legal action. The information is provided as a service to our customers and is subject to change without notice. The information is provided as a service to our customers and is subject to change without notice.

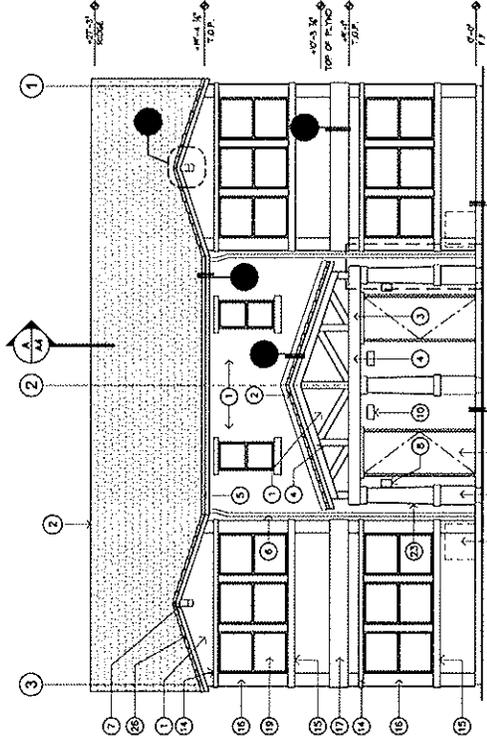
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Drawn:	None
Checked:	Checked By
Job #:	1001
Date:	10/21/10

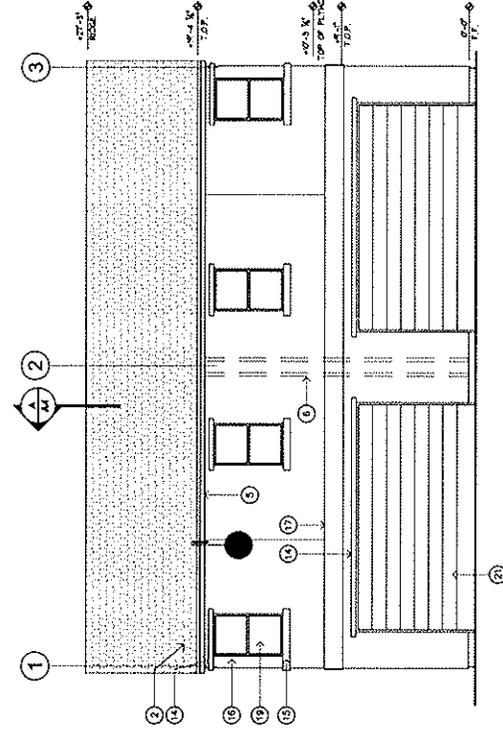
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ELEV KEY NOTES:

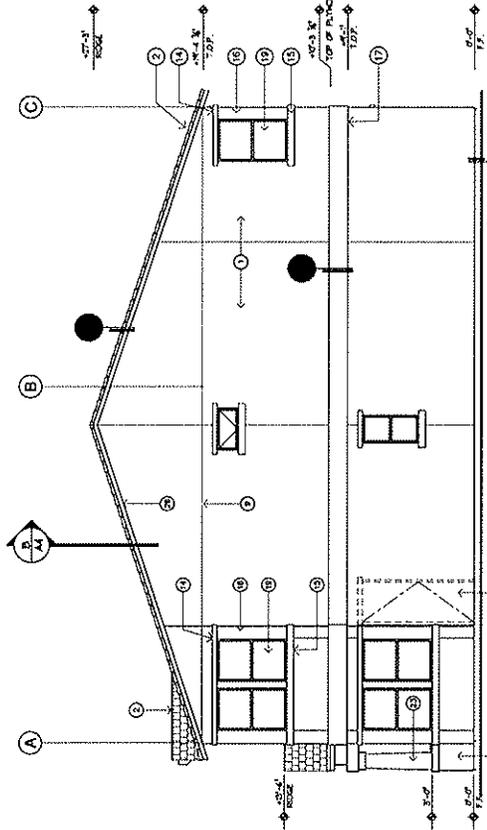
- 1 GYPSUM PLASTER w/ GORROUSE LAYERS OF REINFORCING FABRIC
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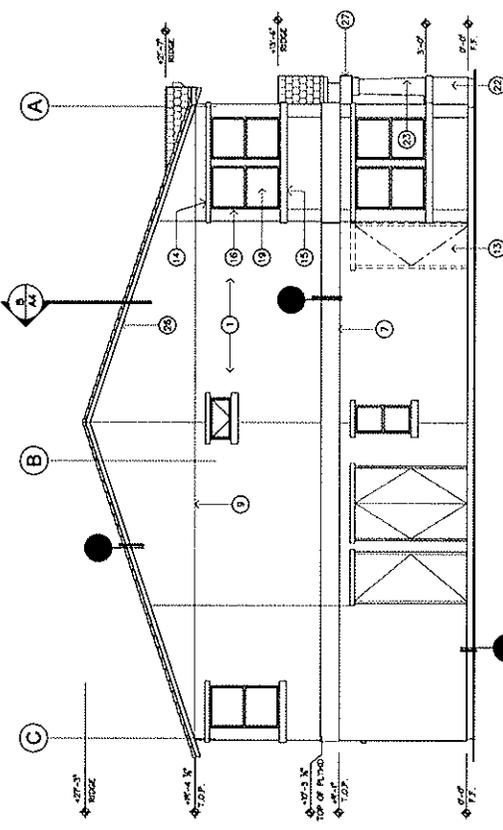
Front Elevation
 Typical Unit
 scale = 1/4"=1'-0"



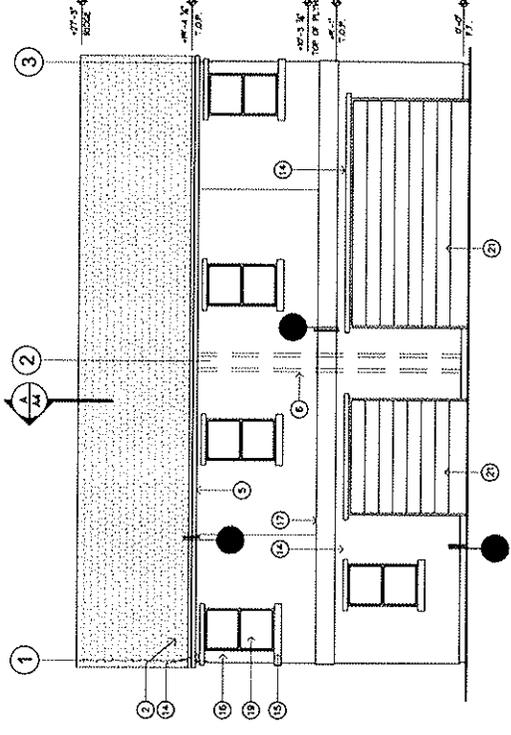
Rear Elevation
 Typical Unit
 scale = 1/4"=1'-0"



Side Elevation
 Typical Unit
 scale = 1/4"=1'-0"



Side Elevation
 Manager Unit
 scale = 1/4"=1'-0"



Rear Elevation
Manager Unit
Scale = 1/4" = 1'-0"

- ELEV. KEY NOTES:
- 1 GENERAL PLASTER w/ CORROSION RESISTANT FINISH. ALL EXTERIOR SURFACES TO BE FINISHED WITH 1/2" THICK POLYESTER CONCRETE. ALL EXTERIOR SURFACES TO BE FINISHED WITH 1/2" THICK POLYESTER CONCRETE.
 - 2 1/2" x 1/2" x 1/2" TRIM BAND AT SHIMPS AT ENTRY
 - 3 1/2" x 1/2" x 1/2" TRIM BAND AT SHIMPS AT ENTRY
 - 4 CORROSION RESISTANT GUTTER
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 - 28 CORROSION RESISTANT GUTTER



1000 N. Main Street, Suite 100
1100 N. Main Street, Suite 100
1100 N. Main Street, Suite 100

Project Name
Project Address 1
Project Address 2
Project Address 3

Revisions	Drawn	Checked	Date

A5.2

**CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT**

**CONDITIONS OF APPROVAL
DECEMBER 01, 2010**

**VESTING TENTATIVE TRACT MAP NO. 5982
“A PLANNED DEVELOPMENT”**

NORTHEAST CORNER OF THE INTERSECTION OF NORTH VAN NESS AND EAST MILDREDA AVENUE

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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.

GENERAL CONDITIONS

1. Upon conditional approval of Vesting Tentative Tract Map No. 5982, the subdivider may prepare a Final Map in accordance with the approved tentative map, and Conditional Use Permit Application No. C-10-157.
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 Planning and Development 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 Planning and Development 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. Pursuant to Section 66456.1 of the Subdivision Map Act, which states "The right of the subdivider to file multiple Final Maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple Final Maps," multiple final maps filed by the subdivider on this tract shall fully and independently conform to all

provisions of Fresno Municipal Code Chapter 12, Article 10, Subdivision of Real Property.

13. 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.
14. The subdivider shall comply with Regulation VIII of the San Joaquin Valley Air Pollution Control District for the control of particulate matter and fugitive dust during construction of this project.
15. The developer shall comply with Rule 8060 of the San Joaquin Valley Air Pollution Control District for the control of fugitive dust requirements from paved and unpaved roads.
16. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
17. 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.
18. 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 measures.
19. 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.
20. 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.

ZONING & PROPERTY DEVELOPMENT STANDARDS

- 21. As a proposed "Planned Development" subdivision, approval of Vesting Tentative Tract Map No. 5982 is contingent upon approval of Conditional Use Permit Application No. C-10-157; authorizing the planned development of the subject property.
- 22. The subject property is zoned R-3/cz (*Medium Density Multiple Family Residential District/with conditions of zoning*). Any development on the subject property or individual lots resulting from a subdivision thereof shall comply with the property development standards of the R-3 (*Medium Density Multiple Family Residential*) zone district except as may be modified herein pursuant to Conditional Use Permit Application No. C-10-157.
- 23. Outlot "A" of Vesting Tentative Tract Map No. 5982 shall be utilized for private street and common open space purposes in accordance with the Conditions of Approval for C-10-157.

Lot Area and Dimensions

- 24. Pursuant to Section 12-306-N-21 of the FMC the Director of the Planning and Development Department or the Planning Commission may modify the property development standards of the underlying zone district if determined that the proposed development conforms to the provisions of the abovementioned section. However, in no case shall proposed parcels be less than the following minimum standards:
 - a) Proposed lots shall be configured and dimensioned in accordance with Vesting Tentative Tract Map No. 5982.

Building Setbacks

- 25. Building setbacks shall be provided in accordance with the Conditions of Approval for Conditional Use Permit Application No. C-10-157 dated December 01, 2010 and Exhibit "A" of Conditional Use Permit Application No. C-10-157.

Fences, Hedges & Walls

- 26. All fences, hedges, and walls shall conform to the provisions of Section 12-306-H of the FMC except as may be modified pursuant to Conditional Use Permit Application No. C-10-157.

27. All fences, hedges, and walls shall be provided in accordance with the Conditions of Approval for Conditional Use Permit Application No. C-10-157.
28. All landscaping adjacent to solid walls or fences shall comply with the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards."

LANDSCAPING AND OPEN SPACE

29. Landscaping and open space shall be provided in accordance with the Conditions of Approval and Exhibit(s) "A" & "L" for Conditional Use Permit Application No. C-10-157.
30. All proposed landscaped open spaces, pedestrian connections, entryways, and pathways shall be improved in accordance with the approved landscape improvement plans, which are to be submitted to the Development and Resource Management Department for review and approval prior to Final Map approval.
 - NOTE: Lighting details shall be provided with the submittal of the landscape improvement plans.
31. Maintenance of all Outlots proposed within the boundary of Vesting Tentative Tract Map No. 5982 shall be provided pursuant to the Maintenance Obligations stipulated herein below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.
32. Landscaping, which is compliant with the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards," shall be required adjacent to all solid walls or fences that are accessible to the public and shall be maintained in accordance with the Maintenance Obligations stipulated herein below; or, in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.
33. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscape easements as determined by the Planning and Development Department. Street trees shall be planted at the minimum rate of one tree for each 60 feet of street frontage; or, one tree per home (whichever is greater) by the developer. 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.
34. Comply with all of the Street Tree requirements stipulated within the Department of Public Works, Streets/MIM Division memorandum dated October 09, 2010.

STREETS AND RIGHTS-OF-WAY

35. The following street names shall be corrected on the tentative tract map:

Street Name	Status	Required Change
Belmont Avenue	Change	East Belmont Avenue

36. 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.

37. Comply with all of the requirements of the Public Works Department, Engineering Division (Traffic Planning) memorandum dated October 27, 2010.

SANITARY SEWER SERVICE

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

38. Comply with all of the requirements stipulated within the attached Public Utilities Department, Planning and Engineering Division memorandum dated October 12, 2010.

WATER SERVICE

The nearest water mains to serve the proposed project are an 8-inch main located in North Van Ness Avenue and an 8-inch main located in the alley between North College and North Van Ness Avenues. The following water improvements shall be required prior to providing City water service to the project:

39. Comply with all of the requirements stipulated within the attached Department of Public Utilities, Water Division memorandum dated October 11, 2010.

SOLID WASTE SERVICE

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

40. Comply with all of the requirements stipulated within the attached Department of Public Utilities, Solid Waste Division memorandum dated October 27, 2010.

FIRE SERVICE

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

41. Comply with all of the requirements stipulated within the attached Fresno Fire Department memorandum dated November 09, 2010.

FLOOD CONTROL AND DRAINAGE

42. 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 October 26, 2010.

COUNTY OF FRESNO DEPARTMENT OF COMMUNITY HEALTH

43. Comply with all of the requirements stipulated within the attached County of Fresno Department of Community Health memorandum dated September 29, 2010.

REDEVELOPMENT AGENCY OF THE CITY OF FRESNO

44. Comply with all of the requirements stipulated within the attached City of Fresno Redevelopment Agency memorandum dated October 25, 2010.

FRESNO UNIFIED SCHOOL DISTRICT

45. The developer/subdivider shall comply with all of the requirements stipulated within the attached Fresno Unified School District memorandum dated September 30, 2010.

RIGHT-OF-WAY ACQUISITION

46. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.
47. 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.
48. 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.
49. 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.
50. 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

51. The long term maintenance of all the items listed below is the ultimate responsibility of the owner/developer.
 - a) Maintenance of all landscaping, hardscaping and other common features included within Outlot "A" of Vesting Tentative Tract Map No. 5982.
 - b) Maintenance of all landscaping, irrigation systems and hardscaping (i.e., curbs, gutters, valley gutters, sidewalks, off-street parking areas associated with the project (including medians, landscape easements, and outlots).
 - c) Maintenance of all decorative concrete, masonry walls, fences, pilasters and/or entry treatments to the tract.

52. The property owner/developer shall be responsible for establishing a Home Owners' Association (HOA) or other property based management mechanism which provides for the maintenance of these items in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Development and Resource Management and Public Works Departments.
- a) The subdivider shall establish a Home Owners' Association (or other approved mechanism) to perform the above listed maintenance responsibilities pursuant to a formal agreement with the City pursuant to Section 12-1026 of the Fresno Municipal Code. The agreement with the City described herein, shall among other things, 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: Should the owner/developer elect to establish a Home Owners' Association to perform maintenance obligations and assure that said obligations are met, then 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.
- b) The proposed Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and the proposed instruments for the homeowners association shall be submitted to the Development and Resource Management Department for review two weeks prior to final map approval. Said documents shall be recorded with the final map or alternatively submit recorded documents or documents for recording prior to final acceptance of subdivision improvements. Said documents shall include assignment of responsibility to the homeowners association for landscaping and other provisions as stated in the Development and Resource Management Department Guidelines for preparation of CC&Rs dated January 11, 1985.

DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

- Applicable Flood Fees as determined by the Fresno Metropolitan Flood Control District.

<i>SEWER CONNECTION CHARGES</i>	<i>FEE RATE</i>
a. Lateral Sewer Charge [1]	\$0.10/sq. ft. (to 100' depth)
b. Oversize Charge [1]	\$0.05/sq. ft. (to 100' depth)
c. Trunk Sewer Charge [2] Service Area:	N/A
d. Wastewater Facilities Charge [3]	\$2,119.00/living unit
e. Fowler Trunk Sewer Interim Fee Surety [1]	N/A
f. Copper Avenue Sewer Lift Station Charge [1]	N/A
g. House Branch Sewer Charge [2]	N/A

WATER CONNECTION CHARGES

FEE RATE

- | | |
|--|---|
| h. 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 |
| i. Frontage Charge [1] | \$6.50/lineal foot |
| j. Transmission Grid Main Charge [1] | \$804/net acre
(parcels under 5 gross acres) |
| k. Transmission Grid Main Bond Debt Service Charge [1] | \$304/net acre
(parcels under 5 gross acres) |
| l. UGM Water Supply Fee [2]
Service Area: | N/A |
| m. Well Head Treatment Fee [2]
Service Area: | N/A |
| n. Recharge Fee [2]
Service Area: | N/A |
| o. 1994 Bond Debt Service [1]
Service Area: | N/A |

CITYWIDE DEVELOPMENT IMPACT FEES

FEE RATE

- | | |
|--|-----------------------|
| p. Fire Facilities Impact Fee – Citywide [4] | \$439.00/living unit |
| q. Park Facility Impact Fee – Citywide [4] | \$2764.00/living unit |
| r. Quimby Parkland Dedication Fee [2] | N/A |
| s. Citywide Regional Street Impact Fee [3] | \$13,846.00/adj. acre |
| t. New Growth Area Major Street Fee [3] | N/A |
| u. Police Facilities Impact Fee – Citywide [4] | \$508.00/living unit |
| v. Traffic Signal Charge [1] | \$316.65/living unit |
| w. UGM Right of Way Acquisition Charge [2] | N/A |

Notes:

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 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.

[1] Deferrable through Fee Deferral Covenant.

[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONS OF APPROVAL

DECEMBER 01, 2010

CONDITIONAL USE PERMIT APPLICATION NO. C-10-157
"A PLANNED DEVELOPMENT"

**NORTHEAST CORNER OF THE INTERSECTION OF NORTH VAN NESS AND EAST MILDREDA
AVENUES**

PART A - PROJECT INFORMATION

1. Assessor's Parcel No(s): 459-141-35, 36-44
2. Street Location: Located on the northeast corner of the intersection of North Van Ness and East Mildreda Avenues.
(Council District 3, Councilmember Sterling)
3. Existing Zoning "R-3/cz" (*Medium Density Multiple Family Residential/with conditions of zoning*) zone district.
4. Proposed Zoning "R-3/cz" (*Medium Density Multiple Family Residential/with conditions of zoning*) zone district.
5. Planned Land Use: Commercial/Mixed Use Level 1 (Central Area)
6. Plan Areas: Central Area Community Plan Fulton/Lowell Specific Plan; and Freeway 99 – Goldenstate Corridor Redevelopment Plan
7. Project Description: Requests authorization to establish a gated single family residential planned development with modified property development standards for lots proposed to be created by Vesting Tentative Tract Map No. 5982. The project also includes a proposed vacation of a portion of the adjacent East Mildreda Avenue public street right-of-way

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The City of Fresno Planning Commission, on December 01, 2010, approved the special permit application subject to the enclosed list of conditions and Exhibit(s) "A," "E" & "L" dated September 09, 2010.

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 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-10-157 and Vesting Tentative Tract Map No. T-5982.

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 Planning and Development Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction 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 to the final site plan. 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 December 01, 2014 (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 Planning Division for final review and approval, ten days before applying for building permits.

Copies of this final approved site plan, elevations, landscape, and irrigation plans stamped by the 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, Engineering Division, Traffic Planning Section.

1. STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

- a) Exhibit "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) Provide and identify a minimum four (4) foot wide path of travel along the sidewalk directly in front of all properties created within the subdivision as required by Title 24 of the California Administration Code. An on-site pedestrian easement may be required if Title 24 requirements cannot be met within the existing public right-of-way.
- c) 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.
- d) DEDICATIONS. The following dedication requirements must be satisfied prior to the issuance of building permits:
 - Dedications shall take place in accordance with the attached Public Works Department, Engineering Division (Traffic Planning) memorandum dated October 27, 2010.
- e) VACATIONS. The following vacation requirements must be satisfied prior to issuance of building permits:
 - Vacations shall take place in accordance with the attached Public Works Department, Engineering Division (Traffic Planning) memorandum dated October 27, 2010 referenced herein below.
 - A vacation feasibility study has been requested and completed. Findings indicate the vacation proposal is feasible subject to the conditions and terms stipulated within the attached Public Works Department memorandum dated October 15, 2010.

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) 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.
 - NOTE: See the attached Public Works Department memorandum dated October 27, 2010, referenced herein below for requirements respective to major and interior local public streets.
- d) Provide curb ramps at all corners within the limits of this subdivision.
- e) Install streetlights on all frontages to City Standards as determined by the City Traffic Engineer. Street lighting plans are required and must be approved by the Public Works Department/Engineering Services prior to commencement of the work.
- f) 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.
- g) 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.
- h) 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) "R-3," *Single Family Residential District (Section 12-213 of the FMC)*
 - ii) "-cz," *with conditions of zoning (Section 12-202-E of the FMC)*
 - iii) 2025 Fresno General Plan
 - iv) Central Area Community Plan
 - v) Fulton/Lowell Specific Plan
 - vi) Freeway 99 – Goldenstate Corridor Redevelopment Plan

2) ZONING

- a) Approval of Conditional Use Permit Application No. C-10-157 is contingent upon approval of

Vesting Tentative Tract Map No. 5982.

3) CONDITIONS OF ZONING

The following conditions of zoning pertain to the development of the subject property:

- a) Development of the subject property shall be limited to no more than 26 dwelling units.
- b) Development of the subject property shall occur in substantial conformance with the specific site development plan dated August 07, 1985, on file in Rezoning Application No. 7383 and approved by City of Fresno Planning Commission Resolution No. 8591.
 - NOTE: The site development plan dated August 07, 1985 identifies a 26-unit apartment complex with multi-story residential units situated around the periphery of the subject property and off-street parking, access and circulation aisles, and common spaces situated to the interior. The proposed project is a 20-unit, single family residential planned development with multi-story residential units situated around the periphery of the subject property and off-street parking, access and circulation aisles, and common spaces situated to the interior. Furthermore, the Fulton/Lowell Specific Plan identifies the need to promote single family residential units and control and restrict the number of multiple family residential units in the Fulton/Lowell Area. Therefore, it is staff's determination that the proposed project is in substantial conformance with the form of the specific site development plan dated August 07, 1985; and provides for a development which better facilitates implementation of the goals, objectives, and policies of the Fulton/Lowell Specific Plan.

4) POPULATION DENSITY

- a) There shall be a minimum of 1,500 square feet of lot area for each dwelling unit.

5) BUILDING HEIGHT

- a) No building or structure erected in the R-3 (*Medium Density Multiple Family Residential*) zone district shall have a height greater 40 feet.
- b) No accessory buildings erected in the R-3 (*Medium Density Multiple Family Residential*) zone district shall have a height greater than one story, not to exceed twelve feet. Accessory buildings are subject to the provisions of subsection 12-306-N-1 of the FMC.
 - NOTE: Exceptions. Over height structures may be approved by the City of Fresno Planning Commission or Director of the Development and Resource Management Department. However, no roof structure or any space above the height limit shall be allowed for the purpose of providing additional living or floor space.

6) BUILDING AND YARD SETBACKS AND SPACES BETWEEN BUILDINGS

- a) Setbacks shall be provided in accordance with Exhibit "A" of Conditional Use Permit Application

No. C-10-157 and any respective Conditions of Approval for Vesting Tentative Tract Map No. 5982.

i) All required yards shall extend the full width or depth of the lot and shall be open from the ground to the sky, except as provided in Sections 12-105-L-4 (landscaping), 12-105-Y (yard) and 12-207.5-E-5 of the FMC.

- NOTE: Any proposed deviation from the building setbacks established by Exhibit "A" of Conditional Use Permit Application No. C-10-157 requires a revision to Conditional Use Permit Application No. C-10-157.

b) Spaces between buildings shall be provided in accordance with Exhibit "A" of Conditional Use Permit Application No. C-10-157 and any respective Conditions of Approval for Vesting Tentative Tract Map No. 5982.

c) 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.

7) LOT COVERAGE

a) Lot coverage shall be permitted in accordance with the approved building setbacks and building envelopes for individual properties respective to Exhibit "A" of Conditional Use Permit Application No. C-10-157 and any respective Conditions of Approval for Vesting Tentative Tract Map No. 5982.

8) OPEN SPACES AND LANDSCAPING

The subdivider shall provide and maintain all landscaping (and irrigation systems) in accordance with the Conditions of Approval of Vesting Tentative Tract Map No. 5982; and, the following:

a) A landscape plan shall be submitted and approved for all open space and recreational areas within the development.

i) Open space areas shall be landscaped by the developer in accordance with the Exhibit "L" of Conditional Use Permit Application No. C-10-157 and shall thereafter be maintained by the property owner/subdivider; or, in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Development and Resource Management and Public Works Departments.

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.

c) 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.

- d) Landscaping adjacent to walls or solid fences accessible to the public shall comply with the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards."
- e) Provide a minimum of 40 medium sized trees on-site per FMC Section 12-306-N-24-g and in accordance with the following:
 - i) Provide a minimum of one medium size tree for each required parking space, plus one medium sized tree for each residential unit.
 - NOTE: One medium size tree is defined as attaining a height of 30-60 feet at maturity. Two small size trees, up to 30 feet high at maturity may be substituted for one medium size tree.
- f) 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.
 - i) Fresno Municipal Code requires one (1) street tree per 60 linear feet of public street frontage.
 - ii) Comply with all of the requirements stipulated within the attached street tree memorandum from the Department of Public Works dated October 09, 2010.
- g) 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) Fresno Municipal Code requires one (1) street tree per 60 linear feet of public street frontage.
 - NOTE: The Department of Public Works may approve a request for waiver of street tree requirements if the applicant agrees to plant a minimum of one (1) tree (of similar type and size) for every 60 linear feet of street frontage on private property within ten feet of the back of the sidewalk.
 - NOTE: An 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.
- h) 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 Planning and Development Department. (Include this note on the site plan and landscape plan.)
- i) 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.
- j) Landscaping shall be kept free from weeds and undesirable grasses.
- k) Submit copies of landscaping and irrigation plans prepared by a landscape professional, showing the number and types of trees, to the Planning Division. These plans must be reviewed and approved prior to obtaining building permits.
- l) Landscaping must be in place before issuance of the certificate of occupancy for each individual dwelling.
 - 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 Planning Division. (Include this note on the site and landscape plans.)
 - NOTE: The hold on occupancy may be released at the discretion of the Planning and Development 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.
- m) Prior to granting of final occupancy, a written certification, signed by a landscape professional approved by the Planning and Development 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 Planning Division. (Include this note on the site and landscape plans.)

9) FENCES, HEDGES, AND WALLS

Fences, hedges and walls shall be provided in accordance with the Conditions of Approval of Vesting Tentative Tract Map No. 5982 and the following:

- a) All fences, hedges and walls shall conform to the provisions of Section 12-306-H of the FMC except as may be modified herein.
- b) All fences, hedges and walls shall conform to the Fulton/Lowell Design Guidelines; specifically as follows:
 - i) Front yard fencing along North Van Ness Avenue and East Mildreda Avenues is discouraged. Fencing shall be placed on or to the rear of the main building setbacks along said street frontages.
 - ii) Fencing should be semi-transparent and should enhance the architectural style of the project.
 - NOTE: Chain link fences are unacceptable. Only wrought iron, wood, or masonry will be considered acceptable fencing materials.
 - iii) Gates shall be attractive and in keeping with the fence style.
 - iv) Overheight fences are prohibited pursuant to the Fresno Municipal Code.
- c) Clearly depict any proposed/existing fences, hedges and walls on Exhibits "A" of Conditional Use Permit Application No. C-10-157. Note that all proposed/existing fences, hedges and walls must comply with all policies, ordinances, regulations, etc. of the City of Fresno, Planning and Development Department.
 - NOTE: The City of Fresno Fire Department requires the addition of minimum 4-foot wide pedestrian gates at specific alley locations and between buildings fronting on North Van Ness Avenue (see attached memo dated November 09, 2010 referenced herein below for further information). Required gates for emergency access purposes shall be depicted on the site plan.
- d) Only those fences, hedges and walls as shown on the site plan shall be reviewed for approval.
- e) Submit a rendering depicting the fence, hedge or wall height, material, location etc. for review and approval.
- f) All future proposed fences, hedges and walls, etc. shall be reviewed by the City of Fresno, Development and Resource Management Department and approved prior to installation. (Include this note on the site plan.)
- g) 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.

10) OFF-STREET PARKING

- a) Off-street parking shall be provided in accordance with the provisions of Section 12-306-I of the FMC.
- b) There shall be a minimum of one off-street covered parking space in a garage or carport for each single-family dwelling.

11) ACCESS

- a) There shall be vehicular access from a dedicated and improved street, alley or recorded private access to off-street parking facilities.
- 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 "A" of Conditional Use Permit Application No. C-10-157 and as indicated per Conditions of Approval for Vesting Tentative Tract Map No. T-5982.

- NOTE: Comply with all access requirements stipulated within the attached Department of Public Works, Engineering Division (Traffic Planning) dated October 27, 2010 and referenced herein below.

12) 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).

13) BUILDING ELEVATIONS AND DESIGN GUIDELINES

All residential dwellings in the subject planned development shall be subject to review and approval by the Development and Resource Management Department and the Fulton/Lowell Design Review Committee in accordance with the following:

- a) Development of the subject property shall comply with the residential design guidelines of the Fulton/Lowell Specific Plan. These guidelines recommend that new construction should respect the character of the neighborhood by maintaining the essence of the style of the

adjacent blocks of homes and incorporating architectural details that preserve and enhance this "essence of style"; including but not limited to the following:

- i) Design should make use of similar attributes such as massing, roofline, roof pitch, eaves, setbacks from property lines, window types, materials and finishes to ensure compatibility between older and newer development.
 - NOTE: Designs typically include front porches, columns on porch supports, no flat roofs, window and door trim, chimneys, balconies, bay windows, shutters, and other ornamentation.
 - ii) Front porches and balconies help break up building mass and are encouraged. Similarly, the use of awnings and sun screens are encouraged when they are in keeping with the feeling of the block and neighborhood.
 - iii) Colors should be compatible with colors on houses in the adjacent blocks. Avoid using colors that are disharmonious with colors used on adjacent buildings. Relate paint colors to the material color of the building. Contrasting colors, which accent architectural details and entrances are encouraged. Residential buildings should be painted or otherwise finished in a light body color. The use of dark and intense colors is reserved for trim and decorative elements. The use of dark paint or dark value finishes as the primary building body color is to be avoided.
- b) 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. This may be accomplished by varying the building footprint with indentations, projections, offsets, different building materials, or adding polyfoam with a stucco finish to add visual interest and to break up monotonous walls. Submit elevations inclusive of modifications for review and approval.
- i) Second-story windows should be directed, to the extent feasible, away from adjacent single-story residential uses; or, adequate setback and landscape screening shall be provided to protect the privacy of adjacent properties.
 - ii) Roofing material shall consist of: architectural grade composition roofing guaranteed by the manufacturer for at least 20 years; cement or clay tile; treated wood shakes; and/or, architectural-grade metal and coated non-glare decorative metal roofing products.
 - iii) Garage doors with decorative features (which may include windows) shall be provided for each dwelling on all lots within the subdivision which front onto, and gain access from a street.
 - iv) Where proposed, attic vents shall be decorative, consistent with the style and character of each home.

- c) Clearly identify all condensing units, air conditioning and heating units on the site and elevation plans. Roof mounted mechanical equipment shall be recessed and shall not be visible from the public right-of-way (or private street) or shall be placed on the ground outside of street side yards.
 - NOTE: Locations of HVAC units shall not restrict width of side yard access to less than 4 feet (for further information see the City of Fresno Fire Department memorandum dated November 09, 2010 referenced herein below).

PART E - CITY AND OTHER SERVICES

TRANSPORTATION/TRAFFIC PLANNING REQUIREMENTS

- a. Comply with all of the requirements stipulated within the attached Public Works Department, Engineering Division (Traffic Planning) memorandum dated October 27, 2010 and any requirements noted on Exhibits "A" of Conditional Use Permit Application No. C-10-157.

SOLID WASTE COLLECTION

- b. Comply with all of the requirements stipulated within the attached Department of Public Utilities, Solid Waste Division memorandum dated October 27, 2010.

FIRE PROTECTION REQUIREMENTS

- c. Comply with all of the requirements stipulated within the attached City of Fresno Fire Department memorandum dated November 09, 2010.

STREET TREES, BUFFER, PARKWAY AND MEDIAN ISLAND LANDSCAPING

- d. Comply with all of the requirements stipulated within the attached Department of Public Works, Streets/MIM Division memorandum dated October 09, 2010.

FLOOD CONTROL REQUIREMENTS

- e. Comply with all of the requirements of the attached Fresno Metropolitan Flood Control District memorandum dated October 26, 2010.

PUBLIC UTILITIES REQUIREMENTS

- f. Comply with all of the requirements stipulated within the attached Department of Public Utilities, Planning and Engineering Division (Sewer) memorandum dated October 12, 2010.
- g. Comply with all of the requirements stipulated within the attached Department of Public Utilities, Water Division memorandum dated October 11, 2010.

COUNTY OF FRESNO, DEPARTMENT OF COMMUNITY HEALTH

- h. Comply with all of the requirements stipulated within the attached County of Fresno Department of Public Health memorandum dated September 29, 2010.

REDEVELOPMENT AGENCY OF THE CITY OF FRESNO

- i. Comply with all of the requirements stipulated within the attached Redevelopment Agency memorandum dated October 25, 2010.

SCHOOL FEES

- j. Comply with all of the requirements stipulated within the attached Fresno Unified School District memorandum dated September 30, 2010.

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) The following conditions shall be incorporated into the project for the purposes of noise attenuation:
 - a) Mechanical ventilation or air conditioning must be provided for all residential units so that windows and doors may remain closed for the required acoustical insulation.
 - b) Exterior doors, excluding glass doors, should be solid-core wood or insulated steel with perimeter weather-stripping and threshold seals.
 - c) Acoustic baffles should be installed on the interior side of gable vents that face (or partially face) SR 180 or North Van Ness Avenue.
- 2) If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
- 3) 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.
- 4) 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 and, if the paleontologist determines the material to be significant, it shall be preserved.

Conditions of Approval
Conditional Use Permit Application No. C-10-157
December 01, 2010
Page 15 of 15

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.

DEPARTMENT OF PUBLIC WORKS

TO: Will Tackett, Planner III
Planning Division

FROM: Hilary Kimber, Parks Supervisor II (559.621.8794)
Streets/MIM Division

DATE: October 9, 2010

SUBJECT: Tract 5982 (APN: 459-141-35; 36-44) located on the northeast corner of North Van Ness and East Mildreda Avenues. The Department of Public Works has reviewed the Tentative Tract Subdivision Map proposed by Gary G. Gianetta Civil Engineering & Land Surveying, on behalf Granville Homes, on engineering plans dated August 26, 2010. The Department of Public Works offers the following comments regarding the requirements for landscaping and irrigation in the street right-of-ways, landscape easements, and outlots:

GENERAL REQUIREMENTS

STREET TREE REQUIREMENTS

1. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 60' of street frontage or one tree per home (whichever is greater) 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.
2. Street Tree Planting by Developer: For those lots having internal street tree frontage available for street tree planting, the developer shall plant one tree for each 60' of street frontage, or one tree per lot having street frontage, whichever is greater. Tree planting shall be within a 10' Public Planting and Utility Easement.
 - a. Street tree inspection fees shall be collected for each 60' of public street frontage or one tree per lot whichever is greater.
 - 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, such as parkways, shall be reviewed and approved by the Department of Public Works, Streets/MIM Services. A street tree planting permit shall be required for all residential street tree plantings.
 - 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 and Drawings 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.
3. The proposed landscape design indicates the retaining of the 1 ½' parkstrip along E. Mildreda. This parkstrip is not wide enough to support plant material and/or street trees. Appropriate onsite trees planted within 10' of the back of the sidewalk will count towards the

street tree requirements.

The proposed landscape plans show two (2) Arbutus x 'Marina' (onsite within ten feet of the back of the sidewalk to the east of the drive approach) that will count towards the street tree requirement. There are approximately 190 lineal feet of street frontage along E. Mildreda Ave. resulting in the requirement of three (3) street trees. One (1) Additional onsite tree planted in-lieu-of a street tree is required.

There are approximately 337 lineal feet of street frontage along N. Van Ness Ave. resulting in the requirement of six (6) street trees. The proposed landscape design indicates that the existing Holly Oak (*Quercus ilex*) is to be retained and enclosed by a 4' x 4' tree well and three (3) *Podocarpus gracilior* (Fern Pine) are to be planted in a parkstrip. The Holly Oak will not survive root pruning on 3-4 sides within 4' of the trunk. This is also an existing Bus Stop that is to remain. Public Works recommends the removal of the existing Holly Oak for the safety of the Bus Stop.

The proposed Fern Pines (*Podocarpus gracilior*) will also need to be removed since they are within the 180' zone of the Bus Stop.

Appropriate trees planted onsite within 10' of the back of the sidewalk will count towards the street tree requirements. One small-sized tree per lot/home is sufficient.

4. 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.

5. Landscaping shall comply with Landscape Buffer Development Standards approved by the City Council on October 2, 1990. Landscape and irrigation plans shall comply with Sections 12-306-23 & 24 and 14-121 of the Fresno Municipal Code regarding Water Efficient Landscaping and Buffer landscaping and AB 1881.



DATE: October 27, 2010

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

THROUGH: Bryan D. Jones, T.E., Traffic Engineering Manager
Public Works Department, Engineering Division

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

SUBJECT: Public Works Conditions of Approval
TT 5982 / C-10-157, 330 North Van Ness
Between Belmont and Divisadero
Granville Homes / Gary G. Giannetta

The Public Works Department, Traffic Planning Section, 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 tract map and / or complete the following, prior Planning Commission.

1. Reserve a 4' Pedestrian Easement behind the proposed driveway approach. Provide a dimension on the site plan to coordinate dimensions with the proposed Vacation.
2. Submit a gate operational statement.

General Conditions:

1. Curb Ramps: Provide curb ramps at all corners within the limits of this subdivision.
2. Pedestrian Easements: **Identify** all pedestrian easements on the map.
 - a. Local Streets: If constructed 42' or 50' a 1'pedestrian easement is required on streets with driveway approaches.
3. Overhead Utilities: 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.
4. Intelligent Transportation Systems (ITS): Street work on major streets shall be designed to include ITS in accordance with the Public Works ITS Specifications, where not existing.
5. Outlots: If the subdivider seeks to dedicate to the City, in fee, an outlot for open space purposes, subdivider shall prove to the City that the outlot is free of toxic or hazardous materials pursuant to the requirements of City Administrative Order 8-1, including, but not limited to, performing a Phase I Soils Investigation. The soils Investigation report shall be submitted to the Public Works Department for review and approval. The subdivider must obtain Public Works approval of the soils investigation report and complete any mitigation work identified by the soils investigation prior to subdivider's submittal of the Final Map to the Development Department. Any and all costs associated of the soils investigation and any required mitigation work shall be performed at the sole expense of the subdivider.

6. Plan Submittal: Submit the following plans, as applicable, in a single package, to the Planning and Development Department for review and approval: Street Construction, Signing, Striping, Traffic Signal and Streetlight and Trail Lighting, Signing and Striping.
7. Street widening and transitions shall also include utility relocations and necessary dedications.

Frontage Improvement Requirements:

Major Streets:

Van Ness Avenue: Scenic Drive

1. If not existing, construct an 80' bus bay **curb and gutter** at the northeast corner of Van Ness and Mildreda to Public Works Standard **P-73**, complete with a 10' monolithic sidewalk. .
2. Relinquish direct vehicular access rights to Van Ness Avenue from all lots within this subdivision.

Mildreda Avenue: Local

1. Vacate 5' of right-of-way adjacent to this application, **prior** to building permits. Contact 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. **Reserve a 4' Pedestrian Easement behind the proposed driveway approach. Provide a dimension on the site plan to coordinate dimensions with the proposed Vacation.**
2. If not existing, construct a standard curb ramp per Public Works Standard **P-28 -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**.
3. Construct concrete curb and gutter to Public Works Standard **P-5**. The curb shall be constructed to a +/- 10' pattern. Construct concrete sidewalk between the curb and the existing sidewalk. See Landscape conditions.
4. Construct a concrete pedestrian walkway behind all driveway approaches as identified on Exhibit "A". Asphalt concrete paving per City of Fresno Public Works Standard Drawing **P-21** may be substituted for concrete. (Refer to City of Fresno Public Works Standard Drawings **P-1** thru **P-4** for additional information.)
5. Construct a (12' minimum entrance and a 15' minimum exit) 30'-35' driveway approach to Public Works Standard(s) **P-1** and **P-6**.
6. Remove existing improvements and install required improvements to new street alignment and grade.
7. Construct an underground street lighting system to Public Works Standard **E-2** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-9** for Local Streets.

Alley:

1. Reconstruct alley paving with valley gutter per Public Works Standard **P-12, per Gary Witzel**

Specific Mitigation Requirements: This tract will generate **15 a.m. / 20 p.m.** peak hour trips; therefore, a Traffic Impact Study (TIS) **is not required**.

1. Provide a minimum of **20'** from the proposed gate to the back of walk, for vehicle stacking at both entrances and redesign to provide for an onsite turn around. Submit the redesign to Louise Gilio at least one week **prior** to the Planning Commission Hearing for review and approval.

2. Design the proposed wall off of the alley such that the footing is on **private** property.

Traffic Signal Mitigation Impact (TSMI) Fee:

This project shall pay the current Traffic Signal Mitigation Impact Fee (TSMI Fee) at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual for **20 single family units** (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.

State of California Department of Transportation (Caltrans) Fees:

Applicant shall pay fair share contribution as determined by the State of California Department of Transportation (Caltrans) to be collected by the City of Fresno Public Works Department Traffic Engineering **prior** to a Final Map.



DEPARTMENT OF PUBLIC UTILITIES

Date: October 12, 2010

To: WILL TACKETT, Planner III
Planning and Development

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

Subject: SEWER REQUIREMENTS FOR VESTING TENTATIVE TRACT 5982 &
CONDITIONAL USE PERMIT 10-157

General

T-5982 & C-10-157 have been filed by Gary G. Giannetta Civil Engineering and Land Surveying, on behalf of Granville Homes, property owner, pertaining to approximately 1.05 net acres of property located on the northeast corner of the intersection of North Van Ness and East Mildreda Avenues, 330 North Van Ness Avenue, APN 459-141-35, 36-44. T-5982 requests authorization to subdivide the subject property for the purposes of a 20-lot, gated, single family residential planned development on the subject property in accordance with C-10-157. The project also includes a proposed vacation of a portion of the East Mildreda Avenue public street right-of-way in order to facilitate the proposed development of the subject property.

Sanitary Sewer Service

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

1. On-site sanitary sewer facilities shall be private.
2. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies.
3. The Project Developer shall contact Wastewater Management Division/Environmental Services at (559) 621-5100 prior to pulling building permits regarding conditions of service for special users.

Sanitary Sewer Fees

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

1. Sewer Lateral Charge
2. Oversize Sewer Charge
3. Wastewater Facilities Charge (Residential Only)

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

DATE: October 11, 2010

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

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

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

SUBJECT: WATER REQUIREMENTS FOR VESTING TENTATIVE TRACT 5982 &
CONDITIONAL USE PERMIT C-10-157

General

T-5982 & C-10-157 have been filed by Gary G. Giannetta Civil Engineering and Land Surveying, on behalf of Granville Homes, property owner, pertaining to approximately 1.05 net acres of property located on the northeast corner of the intersection of North Van Ness and East Mildreda Avenues, 330 North Van Ness Avenue, APN 459-141-35, 36-44. T-5982 requests authorization to subdivide the subject property for the purposes of a 20-lot, gated, single family residential planned development on the subject property in accordance with C-10-157. The project also includes a proposed vacation of a portion of the East Mildreda Avenue public street right-of-way in order to facilitate the proposed development of the subject property.

Water Service

The nearest water mains to serve the proposed project are an 8-inch main locating in North Van Ness Boulevard and an 8-inch main located in the alley between North College and North Van Ness Boulevards. 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. 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.
4. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Assistant Public Utilities Director.
5. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

Water Fees

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

1. Wet-tie(s), water service(s) and/or meter(s) installation(s).

October 27, 2010

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

THROUGH: Robert Weakley, Chief of Operations 
Department of Public Utilities, Solid Waste Division

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

SUBJECT: TT 5982 & C-10-157, Solid Waste Conditions of Approval
Location: Northeast corner of North Van Ness Avenue and East Mildreda Avenue (APN 459-141-35, 36-44)

The Department of Public Utilities, Solid Waste Division has completed a review of the Vesting Tentative Tract Map 5982 & C-10-157 that was submitted by Gary G. Giannetta Civil Engineering and Land Surveying, on behalf of Granville Homes. 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 5982 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.
- Proposed sliding gates at the trash enclosure shall be made of sturdy material and shall open to the full extent (width) of the trash enclosure. The sliding gates shall be maintained by the owner and shall be easily opened without much physical exertion.
- Owner shall provide a minimum of 10 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.

City of



FIRE DEPARTMENT

Date: November 9, 2010 (updated)

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

From: MIKE SCHMIDT, Supervising Fire Prevention Inspector
Fire Department, Fire Prevention & Investigative Services

Subject: T-5982 & C-10-157 have been filed by Gary G. Giannetta Civil Engineering and Land Surveying, on behalf of Granville Homes, property owner, pertaining to approximately 1.05 net acres of property located on the northeast corner of the intersection of North Van Ness and East Mildreda Avenues, 330 North Van Ness Avenue, APN 459-141-35, 36-44. T-5982 requests authorization to subdivide the subject property for the purposes of a 20-lot, gated, single family residential planned development on the subject property in accordance with C-10-157. The project also includes a proposed vacation of a portion of the East Mildreda Avenue public street right-of-way in order to facilitate the proposed development of the subject property.

General

Locations of HVAC units shall not restrict width of side yard access to less than 4'.
Provide note in CC&Rs: No storage is allowed between buildings (to maintain fire access).
Required pedestrian access ways shall be designed to facilitate the carrying of ground ladders and the advancing of fire hose lines. Gates shall be a minimum 4 feet wide.

Provide approved covenants between all parcels for firefighting access.

Pedestrian Access

Pedestrian access shall be provided to all exterior areas of buildings where necessary to assure compliance with the "150 foot rule."

Add pedestrian gates at alley (see site plan) and between buildings fronting on Van Ness.

Provide approved address directory at drive access entrance.

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS**

File No. 210.413

Page 1 of 4

PUBLIC AGENCY

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

DEVELOPER

GRANVILLE HOMES
1396 W. HERNDON AVE.
FRESNO, CA 93711

PROJECT NO: **2010-157**

ADDRESS: **330 N. VAN NESS AVE.**

APN: **459-141-35T, 36T, 37T, 38T, 39T, 40T, 41T, 42T, 43T, 44T**

SENT:

10/26/10

Drainage Area(s)	Preliminary Fee(s)
RR	\$2,826.00
TOTAL FEE: \$2,826.00	

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 2/28/11 based on the site plan submitted to the District on 9/29/10 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. X a. Drainage from the site shall BE DIRECTED TO VAN NESS AVENUE AND/OR MILDREDA AVENUE

FR CUP No. 2010-157

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 2 of 4

FR
CUP No. 2010-157

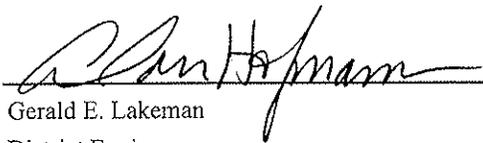
- b. Grading and drainage patterns shall be as identified on Exhibit No.
- c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master 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".
- None required.
3. The following final improvement plans shall be submitted to the District for review prior to final development approval:
- Grading Plan
- Street Plan
- Storm Drain Plan
- Water & Sewer Plan
- Final Map
- Other
- None Required
4. Availability of drainage facilities:
- 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
- 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.)
- 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.

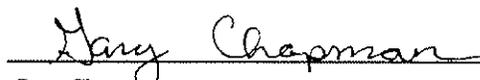
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 3 of 4

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.

FR
CUP
No. 2010-157


Gerald E. Lakeman
District Engineer


Gary Chapman
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 4 of 4

CC:

GARY G. GIANNETTA

1119 "S" STREET

FRESNO, CA 93721

FR CUP No. 2010-157

OTHER REQUIREMENTS
EXHIBIT NO. 2

The drainage fee identified on this notice reflects a reduction credit of fifty-five percent (55%) of the drainage fee amount otherwise payable by the proposed development of CUP 2010-157. This credit is applied to development entitlements within Drainage Areas "RR" and "II₁" which are obligated under ordinance to pay a "full cost" drainage fee, but which are also subject to an increased Benefit Assessment on their annual property tax bill for completion of the Drainage Area "RR" and "II₁" systems. As this increased levy will fund a portion of a project which will complete the storm drain facilities in Drainage Areas "RR" and "II₁", the "full cost" drainage fee rates for these drainage areas can be, and are by this fifty-five percent (55%) reduction, proportionately reduced.

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 2010-157



County of Fresno

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

September 29, 2010

999999999
LU0015803
PE 2602

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

Dear Mr. Tackett:

PROJECT NUMBER: T-5982, C-10-157

Vesting Tentative Tract Map No. 5982 and Conditional Use Permit Application No. C-10-157 have been filed by Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of Granville Homes, property owner, pertaining to approximately 1.05 net acres of property located on the northeast corner of the intersection of North Van Ness and East Mildreda Avenues.

Vesting Tentative Tract Map No. 5982 requests authorization to subdivide the subject property for the purposes of a 20-lot, gated, single family residential planned development on the subject property in accordance with **Conditional Use Permit Application No. C-10-157**. The project also includes a proposed vacation of a portion of the East Mildreda Avenue public street right-of-way in order to facilitate the proposed development of the subject property.

APN: 459-141-35, 36-44 ZONING: R-3/cz ADDRESS: 330 North Van Ness Avenue

Recommended Conditions of Approval:

- Due to the proximity of the proposed residential uses to Highway 180, consideration should be given to conformance with the Noise Element of the City of Fresno General Plan. A noise study should be conducted in order to identify the potential noise impacts and offer mitigation alternatives.
- Appropriate measures should be incorporated into the project to minimize potentially significant short-term localized noise impacts to noise sensitive receivers caused by the operation of construction equipment. Construction specifications for the project should require that all construction equipment be maintained according to the manufacturers' specifications, and that noise generating construction equipment be equipped with mufflers. In addition, consideration should be given to limiting noise-generating construction activities to daytime hours as specified in your municipal code.
- Construction permits for development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.

Will Tackett
T-5982, C-10-157
September 29, 2010
Page 2 of 2

- Construction permits for the development should be subject to assurance that the City of Fresno community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Department of Health Services, Division of Drinking Water and Environmental Management (DDWEM). For more information call (559) 447-3300.

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@fresno.ca.us, c=US
Date: 2010.09.29 15:45:50 -0700

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

(559) 445-3271

jg

T-5982 C-10-157 Granville

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

Application No.: C-10-157, T-5982 (Will Tackett)	Date: 10/25/2010
Assessor Parcel No.: 479-141-35, 36-44	Reviewer: Terry Cox,
Site address: 330 N. Van Ness Avenue	Project Manager/
Redevelopment Area: Freeway 99-Golden State Corridor	Management Analyst III
	Telephone: 621-7622

Agency Staff Recommendation:

APPROVE PROJECT WITH THE FOLLOWING CONDITIONS:

1. The property identified in Application Nos. C-10-157, T-5982 is located within the adopted Freeway 99-Golden State Boulevard Corridor Redevelopment Project and is subject to all requirements of the Redevelopment Plan.
2. The Redevelopment Agency does not object to the proposed Conditional Use Permit Application (C-10-157), and Vesting Tentative Tract Map Application (5982) for the creation of a 20-lot, gated, single family residential planned development and the proposed vacation of a portion of Mildreda Avenue. 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 R-3/cz (Medium Density Multiple Family Residential/Conditional Zoning) 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, Tract Map/CUP Site Plan, Floor Plans and Exterior Elevations (or as revised by the City of Fresno) submitted for Applications No. C-10-157 and Tract No. 5982.
4. The use of dense landscaping is encouraged along Van Ness and Mildreda Avenues to facilitate and soften its visual impact.

PLEASE MAKE APPLICANT AWARE OF AGENCY COMMENTS



Preparing Career Ready Graduates

BOARD OF EDUCATION

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

SUPERINTENDENT

Michael E. Hanson

September 30, 2010

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

**SUBJECT: VESTING TENTATIVE TRACT MAP NO. 5982
CONDITIONAL USE PERMIT APPLICATION NO. C-10-157
330 N. VAN NESS AVE.**

Dear Mr. Tackett,

Fresno Unified School District submits the following response to your request for review and comment on the above referenced Vesting Tentative Tract Map and Conditional Use Permit Application.

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 space is subject to development fees of \$2.97 per square foot.

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

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

The district appreciates the opportunity to comment on the proposed project. Please contact Deana Clayton at 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

October 15, 2010

Granville Homes
1396 West Herndon Avenue, Suite 101
Fresno, CA 93711

**SUBJECT: PROPOSED VACATION OF A PORTION OF THE NORTH SIDE OF EAST
MILDREDA AVENUE BETWEEN NORTH VAN NESS AVENUE AND THE VAN
NESS-COLLEGE ALLEY**

The vacation feasibility study you requested has been completed. Findings indicate the vacation proposal is feasible subject to the following conditions:

1. PG&E owns and operates an underground gas line within the area proposed to be vacated and requires that a public utility easement be reserved over the entire area. If you have any questions about this condition, please contact Mr. Daniel VanGroningen of PG&E at 263-7472. Public Works must receive written notification from PG&E if there is any change to this requirement.
2. The Fresno Metropolitan Flood Control District (FMFCD) requires that existing drainage patterns be maintained as per the District's Master Plan and that they review and approve any improvement plans related to the project. If you have any questions about these requirements please contact Rick Lyons of FMFCD at 456-3292.
3. Ms. Louise Gilio of the City's Traffic and Engineering Services Division requires that a pedestrian walkway easement be reserved at the proposed driveway approach location to comply with City Standards and that dimensions be provided on the site plan to match the dimensions on the vacation exhibits. If you have any questions about these requirements please contact Ms. Gilio at 621-8678.

If the vacation is proposed to occur with the final Map of Tract No. 5982 in accordance with the Subdivision Map Act and local ordinances, please coordinate the vacation process with the city staff that is processing the final map and the planning analyst who processed the tentative map approval and will be processing the Environmental Assessment for the vacation.

If the vacation is to be done by Council resolution and not with the map, a processing fee in the amount of \$1,555.00 is required by Public Works to cover the cost of administration and legal notices prior to continuing this process for City Council action. We will also require 1) a revised Exhibit "A" that shows bearings along with the distances to better define the area proposed to be vacated, 2) an 8.5" X 11" vicinity map for the City Council Staff Report showing the vacation area relative to the nearest main streets out to about a mile from the project area with the title of: Attachment 1 Vicinity Map, and 3) an Exhibit "B" showing the area to be reserved as a pedestrian walkway easement.

Both of the above vacation processes require an environmental assessment (EA) that addresses the vacation. The EA application and fee and should be submitted to the City of Fresno Planning and Development Department. Israel Trejo of the City's Development Department at 621-8044 can provide you with further information about the environmental assessment. Once the EA has been completed, please provide a copy to us if the vacation is to be by Council action or to the staff that is processing the map if the vacation is to be done with the map.

For your information, the City of Fresno has only an easement interest in the subject area and the City has no legal authority to make a determination as to what portion of the underlying fee title to the vacated area may be added to adjacent properties.

The study done for this proposed vacation will expire in one year. Therefore, please notify this office by October 16, 2011 of your intention regarding the pursuit of this vacation.

Please call Alan James at 621-8693 if you have any questions.

Sincerely,

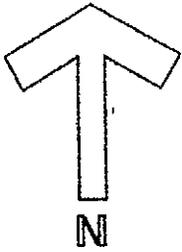
A handwritten signature in cursive script that reads "Alan James".

Alan James
Supervising Engineering Technician

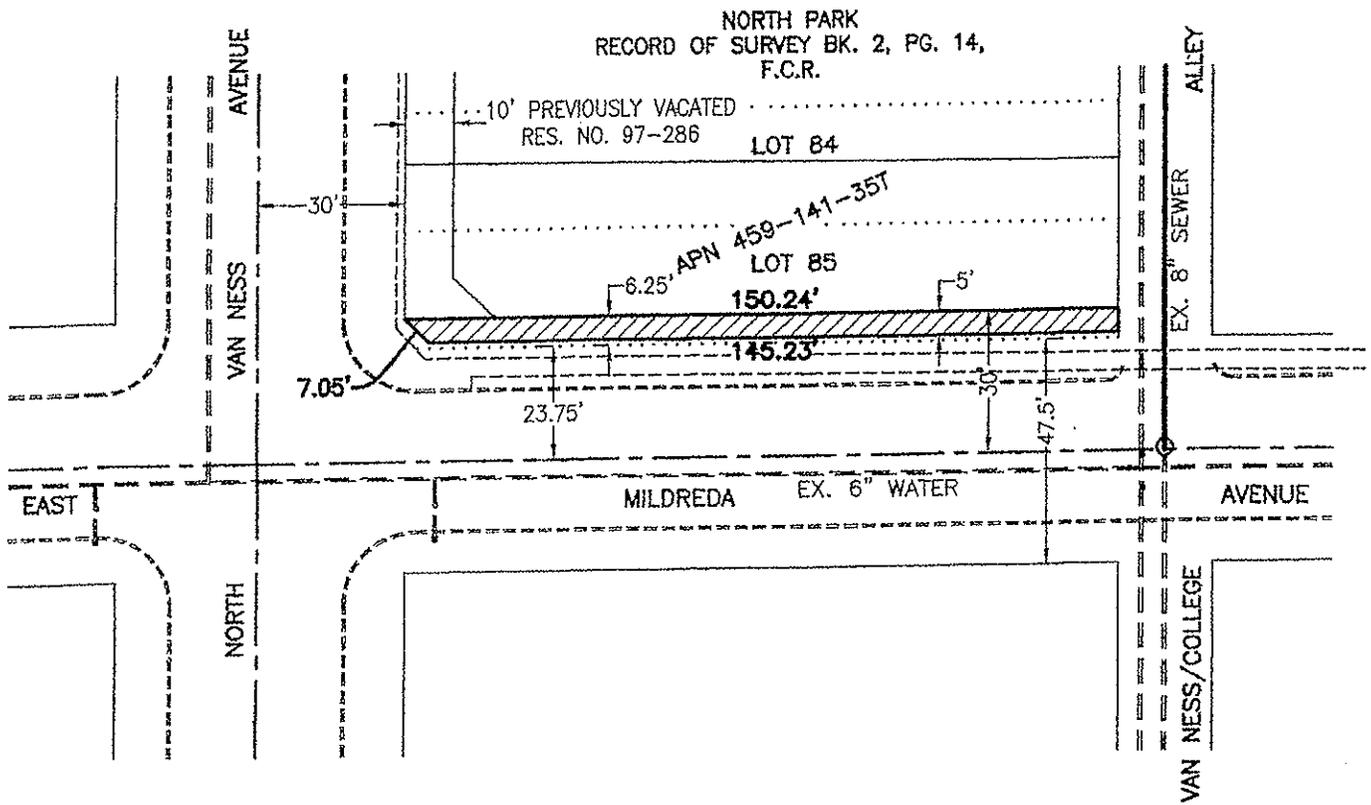
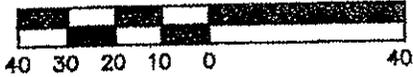
Attachment: Exhibit "A", easement proposed to be vacated

cc: P.W. File No. 11538
Gary Giannetta
Israel Trejo
Alan Kawakami

VACATION EXHIBIT



SCALE: 1" = 40'



INDICATES AREA TO BE VACATED
(738.7 S.F.)

PREPARED BY:

GARY GIANNETTA
1119 "S" STREET
FRESNO, CA. 93721
(559) 264-3590

9/02/10

EXHIBIT "A"

**CITY OF FRESNO
STATUTORY AND CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. C-10-157/T-5982**

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE STATUTORILY AND CATEGORICALLY EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS PURSUANT TO ARTICLES 6 & 19 OF THE STATE CEQA GUIDELINES.

APPLICANT: Granville Homes
1396 West Herndon Avenue, Suite 101
Fresno, CA 93711

PROJECT LOCATION: Located on the northeast corner of the intersection of North Van Ness and East Mildreda Avenues.
(APN[s]: 459-141-35, 36-44)

PROJECT DESCRIPTION: Conditional Use Permit Application No. C-10-157 and Vesting Tentative Tract Map No. 5982 request authorization to develop and subdivide the subject property for the purposes of a 20-lot mixed-income single family residential gated private street planned development, which will utilize HUD HOME Investment Partnership funds from the City of Fresno in order to provide affordable housing units for up to 55 years. The project also includes a proposed vacation of a portion of the existing East Mildreda Avenue public street right-of-way in order to facilitate the proposed development on the subject property. The proposed subdivision is consistent with the Mixed Use Level 1 (Central Area) planned land use designation of the 2025 Fresno General Plan, Central Area Community Plan, Fulton/Lowell Specific Plan, and Freeway 99-Goldenstate Corridor Redevelopment Plan.

This project is exempt under Sections 21159.23 (Low-Income Housing) and 21159.24 (Infill Housing) of the Public Resources Code and Section 15332 (Class 32/Infill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines.

EXPLANATION: Section 21159.23 (Low-Income Housing Exemption) of the Public Resources Code (PRC) exempts from the provisions of CEQA, projects consisting of the construction of residential housing that is classified as affordable to low-income where: (1) The developer of the project provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least 30 years, at monthly housing costs; (2) The project satisfies the criteria (as described in Section 21159.21 of PRC) to qualify for housing project exemptions; (3) The parcels immediately adjacent to the site are developed with qualified urban uses; (4) The project site is not more than five acres in area; and, (5) The project site is located within an urbanized area or incorporated city, which meets the minimum population density criteria of Section 21159.23 of the PRC.

Section 21159.24 (Infill Housing Exemption) of the Public Resources Code (PRC) exempts from the provisions of CEQA, residential infill projects, of less than 100 units located on sites not more than four acres in size within urbanized areas, which meet the criteria (as described in Section 21159.21 of PRC) to qualify for housing project exemptions. Additionally, qualifying projects are required to promote higher density affordable infill housing for

very low to moderate income families within one-half mile of a major transit stop.

Section 15332 (Class 32/Infill Development Projects) of the CEQA Guidelines exempts from the provisions of CEQA, projects which: (1) Are consistent with applicable general plan designations and policies as well as applicable zoning designations and regulations; (2) Occur within city limits on a project site of no more than five acres substantially surrounded by urban uses; (3) Occur on sites having no value as habitat for endangered, rare or threatened species; (4) Would not result in any significant effects relating to traffic, noise, air quality, or water quality; and, (5) Can be adequately served by all required utilities and public services.

The proposed project meets all of the criteria required to qualify under the aforementioned exemptions pursuant to the above referenced sections of the Public Resources Code and California Environmental Quality Act Guidelines.

Furthermore, the following findings can be made: (1) There is not a reasonable possibility that the proposed project will have a project-specific, significant effect on the environment due to unusual circumstances; (2) No substantial changes with respect to the circumstances under which the project is being undertaken that are related to the project have occurred since community-level environmental review was certified or adopted; and, (3) No new information has become available regarding the circumstances under which the project is being undertaken that is related to the project, that was not known, and could not have been known, at the time that community-level environmental review was certified or adopted.

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