



# REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII.A.  
COMMISSION MEETING 05/20/15

May 20, 2015

APPROVED BY

  
DEPARTMENT DIRECTOR

FROM: MIKE SANCHEZ, Assistant Director   
Development and Resource Management Department

THROUGH: BONIQUE EMERSON, AICP, Planning Manager   
Development Services Division

BY: WILL TACKETT, Supervising Planner   
Development Services Division

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION NO. C-15-037; VESTING TENTATIVE TRACT MAP NO. 6103/UGM; AND, RELATED ENVIRONMENTAL ASSESSMENT NO. C-15-037/T-6103

## RECOMMENDATION

Staff recommends the Planning Commission take the following actions:

1. ADOPT Environmental Assessment No. C-15-037/T-6103 resulting in a finding that the proposed project, as an infill development project and subdivision, is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332/Class 32 of the CEQA Guidelines.
2. APPROVE Conditional Use Permit Application No. C-15-037 requesting authorization for the development of a 30-unit single family residential planned unit development with modified property development standards pursuant to Vesting Tentative Tract Map No. 6103/UGM.
3. APPROVE Vesting Tentative Tract Map No. 6103/UGM proposing to re-subdivide the subject property for the purposes of creating 30 single family residential lots within the proposed planned unit development.

## EXECUTIVE SUMMARY

Gary G. Giannetta Civil Engineering and Land Surveying, on behalf of Wathen-Castanos Hybrid Homes, Inc., property owner, has filed Conditional Use Permit (CUP) Application No. C-15-037 and Vesting Tentative Tract Map No. 6103/UGM pertaining to approximately 4.45 net acres of property located on the south side of East Fancher Creek Drive between South Purdue and South Bundy Avenues.

CUP Application No. C-15-037 and Vesting Tentative Tract Map No. 6103/UGM request authorization to re-subdivide the subject property for purposes of creating a 30-lot single family residential planned unit development with modified property development standards on the subject property.

The subject property comprises 15 vacant single family residential lots, which were originally approved for development and subdivision by Conditional Use Permit No. C-04-079 and Vesting Tentative Tract Map No. 5232/UGM as a part of The Fancher Creek Planned Development Subdivision in 2005 (Planning Commission Resolution Nos. 12206 and 12207, respectively).

Rezone Application No. R-04-014 was approved by the City Council on May 17, 2005 (City Council Ordinance Bill No. 2005-51) resulting in an R-1/BA-15/UGM/cz (*Single Family Residential/Boulevard Area Overlay/Urban Growth Management/with conditions of zoning*) zone district classification for the subject property.

The subject property is located within the boundaries of the Roosevelt Community Plan and is designated for Medium-Low Density Residential (3.5-6.0 dwelling units/acre) planned land uses by the Fresno General Plan.

## PROJECT INFORMATION

PROJECT	A 30-lot, single family residential planned unit development subdivision with property development standards.
APPLICANT	Gary G. Giannetta Civil Engineering and Land Surveying; on behalf of, Wathen-Castanos Hybrid Homes, Inc.
LOCATION	South side of East Fancher Creek Drive, between South Purdue and South Bundy Avenues <b>(Council District 5, Councilmember Quintero)</b>
SITE SIZE	Approximately 4.45 net acres
LAND USE	Existing - Vacant Proposed - Single family residential
ZONING	Existing & Proposed- R-1/BA-15/UGM ( <i>Single Family Residential / Boulevard Area Overlay / Urban Growth Management</i> ) zone district
PLAN DESIGNATION AND CONSISTENCY	The existing R-1 zone district and proposed 30-lot single family residential subdivision and overall project density is consistent with the Fresno General Plan and Roosevelt Community Plan designation of the site for Medium-Low Density Residential planned land uses

**ENVIRONMENTAL FINDING**

Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332/Class 32 of the CEQA Guidelines

**PLAN COMMITTEE RECOMMENDATION**

The District 5 Advisory Committee unanimously recommended approval of the proposed project at its meeting on April 13, 2015.

**STAFF RECOMMENDATION**

Recommend that the Planning Commission: (1) Adopt Environmental Assessment No. C-15-037/T-6103; (2) Approve Conditional Use Permit Application No. C-15-037; and, Approve Vesting Tentative Tract Map No. 6103/UGM subject to compliance with the Conditions of Approval for Conditional Use Permit Application No. C-15-037 and Vesting Tentative Tract Map No. 6103/UGM dated May 20, 2015.

**BORDERING PROPERTY INFORMATION**

	<b>Planned Land Use</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Medium-Low Density Residential	<b>R-1/BA-15/UGM/cz</b> <i>Single Family Residential / Boulevard Area Overlay / Urban Growth Management / with conditions of zoning</i>	Single Family Residential
<b>South</b>	Medium-Low Density Residential	<b>R-1/BA-15/UGM/cz</b> <i>Single Family Residential / Boulevard Area Overlay / Urban Growth Management / with conditions of zoning</i>	Single Family Residential
<b>East</b>	Medium-Low Density Residential	<b>R-2/BA-15/UGM/cz</b> <i>Low Density Multiple Family Residential / Boulevard Area Overlay / Urban Growth Management / with conditions of zoning</i>	Single Family Residential
<b>West</b>	Medium-Low Density Residential	<b>R-1/BA-15/UGM/cz</b> <i>Single Family Residential / Boulevard Area Overlay / Urban Growth Management / with conditions of zoning</i>	Single Family Residential

## **ENVIRONMENTAL FINDING**

On May 17, 2005 the Fresno City Council adopted and certified Final Environmental Impact Report (EIR) No. 10133 (SCH No. 2004021071) for the Fancher Creek Development Project (City Council Resolution No. 2005-183), which evaluated environmental impacts associated with the proposed development of approximately 476 acres of land with a mix of residential, commercial, office, industrial, public facility and open space uses.

The environmental assessment afforded through EIR No. 10133 included analyses of environmental impacts associated with the subdivision and development of approximately 687 residential lots on approximately 173 net acres of the overall 476 acre Fancher Creek Development Project Site in accordance with Conditional Use Permit Application No. C-04-079 and Vesting Tentative Tract Map No. 5232/UGM. Additionally, EIR No. 10133 evaluated and assessed environmental impacts associated with the development of a maximum 1,543 single family residential units and 480 multiple family residential units (total 2,023 dwelling units) within the Fancher Creek Development Project site area.

EIR No. 10133 was prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) as codified in the California Public Resources Code, Division 13, and the implementing guidelines as codified in the California Code of Regulations, Title 14, Chapter 3. This process included the distribution of requests for comment to other responsible or affected agencies and interested organizations and persons.

Preparation of the EIR necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the metropolitan area and the Roosevelt Community Plan area including the Master Environmental Impact Report (MEIR No. 10130) for the 2025 Fresno General Plan. These previous environmental and technical studies examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and, student generation projections and school facility site location identification.

Unavoidable and significant adverse impacts were identified within EIR No. 10133 under the categories of loss of prime agricultural land, traffic, and air quality thus necessitating City Council review and adoption of statements of overriding technical, social, economic, fiscal, environmental, and land use considerations.

The subject property was originally subdivided into 15 single family residential lots pursuant to Conditional Use Permit No. C-04-079 and Vesting Tentative Tract Map No. 5232/UGM. All associated improvements and requirements identified as conditions of approval for the original project have been constructed or installed and satisfied with the original subdivision. Furthermore, all required mitigation identified within EIR No. 10133 as necessary to reduce impacts to a less than significant level are determined to have been satisfied or are considered

in-process as a result of a phased approach to development within the Fancher Creek Development Project Site area.

Development and Resource Management Department staff have evaluated the proposed subdivision and development of 15 additional single family residential lots on the subject property in accordance with the land use and environmental policies and provisions of the Fresno General Plan and Roosevelt Community Plan, as well as the previous Environmental Impact Report No. 10133 (SCH # 2004021071) prepared for the area at large.

The subject property has been proposed to be developed at an intensity and scale that is permitted by the Medium-Low Density Residential (3.5-6.0 Dwelling Units/Acre) planned land use designation and existing R-1/BA-15/UGM/cz (*Single Family Residential/Boulevard Area Ovelary/Urban Growth Management/with conditions of zoning*) zone district classification for the subject site. Thus, the proposed subdivision and planned development of the subject property in accordance with Conditional Use Permit Application No. C-15-037 and Vesting Tentative Tract Map No. 6103/UGM 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 future development will adversely impact existing city service systems or the traffic circulation system that serves the subject property and its surrounding area. These infrastructure findings have been verified by the Public Works and Public Utilities Departments.

To the extent the planned development project proposed pursuant to Conditional Use Permit Application No. C-15-037 and Vesting Tentative Tract Map No. 6103/UGM may not have been previously assessed, Development and Resource Management staff have performed an additional evaluation of the proposed project and have determined that it falls within the Categorical Exemptions set forth in Section 15332/Class 32 of the California Environmental Quality Act Guidelines, which exempt certain projects involving the development of residential housing that: (1) Are consistent with the applicable Fresno General Plan and Roosevelt Community Plan as well as with applicable zoning designations and regulations; (2) Located within City limits on a project site of not more than five acres substantially surrounded by urban uses; (3) Have 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.

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; (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; and, (4) None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines Section 15300.2 apply to this project.

## **BACKGROUND / ANALYSIS**

Gary G. Giannetta Civil Engineering and Land Surveying, on behalf of Wathen-Castanos Hybrid Homes, Inc., property owner, has filed Conditional Use Permit (CUP) Application No. C-15-037 and Vesting Tentative Tract Map No. 6103/UGM pertaining to approximately 4.45 net acres of property located on the south side of East Fancher Creek Drive between South Purdue and South Bundy Avenues.

The subject property comprises 15 vacant single family residential lots, which were originally approved for development and subdivision by Conditional Use Permit No. C-04-079 and Vesting Tentative Tract Map No. 5232/UGM as a part of The Fancher Creek Planned Development Subdivision in 2005 (Planning Commission Resolution Nos. 12206 and 12207, respectively).

Conditional Use Permit Application No. C-15-037 proposes to revise Conditional Use Permit No. C-04-079 and modify property development standards for purposes of authorizing the incorporation of 15 additional single family residential dwelling units within the existing planned development, resulting in a total 30 dwelling units being developed on the subject property.

Vesting Tentative Tract Map No. 6103/UGM requests authorization to re-subdivide the subject property for purposes of creating 30 single family residential lots on the subject property in order to facilitate the planned development of the subject property pursuant to Conditional Use Permit Application No. C-15-037.

The proposed subdivision, in accordance with Conditional Use Permit Application No. C-15-037 and Vesting Tentative Tract Map No. 6103/UGM, will therefore remain a planned development with reduced lot widths and side yard setback requirements in substantially the same form as was originally approved for the subject property through Conditional Use Permit No. C-04-079 and Vesting Tentative Tract Map No. 5232/UGM (see subsections herein below for further information related to property development standards, project design and form).

Rezone Application No. R-04-014 was approved by the City Council on May 17, 2005 (City Council Ordinance Bill No. 2005-51) resulting in an R-1/BA-15/UGM/cz (*Single Family Residential/Boulevard Area Overlay/Urban Growth Management/with conditions of zoning*) zone district classification for the subject property.

Conditions of Zoning attached to the subject property through adoption of City Council Ordinance Bill No. 2005-51 for purposes of Rezone Application No. R-04-014 are included within the attachments to this report.

Based upon an evaluation of the conditions of zoning, staff has determined that all conditions of zoning have either been met or satisfied at the time of recordation of Tract Map No. 5232; or, pertain specifically to separate property within the boundary of the Fancher Creed Development Project site area and are not directly applicable to the subject property or future development thereon.

The subject property is located within the boundaries of the Roosevelt Community Plan and is designated for Medium-Low Density Residential (3.5-6.0 dwelling units/acre) planned land uses by the Fresno General Plan.

The proposed development of the approximately 4.45 net acre subject property with 30 single family residential dwelling units will result in a density of approximately 6.74 dwelling units per acre, which exceeds the maximum 6.0 dwelling units per acre allowed by the Medium-Low Density Residential planned land use designation.

However, pursuant to Section 12-403-B-4 of the Fresno Municipal Code, the number of units per acre prescribed in an applicable plan for an existing or proposed zone district may be transferred to another existing or proposed zone district, if a transfer is approved through the processing of a planned development conditional use permit (Subsection 12-304-B-23) which includes all zone district involved in the proposed transfer. Therefore, it must be acknowledged that the subject property is included within the boundary of the Fancher Creek Planned Development Subdivision and was originally approved for subdivision and development in accordance with Conditional Use Permit Application No. C-04-079 and Vesting Tentative Tract Map No. 5232, which considered and evaluated residential density within the context of the larger Fancher Creek Development Project area.

In consideration of the proposed residential density for the subject property and consistency with the Fresno General Plan, staff focused evaluation on the entirety of the Medium-Low Density Residential planned area within the Fancher Creek Planned Development subdivision, which is located south of East Fancher Creek Drive (to East Kings Canyon Road) and west of North Fowler Avenue. This approximately 57.75 net acre area has been approved and subdivided for development with 239 single family residential dwelling units in accordance with Conditional Use Permit Application No. C-04-079 and Vesting Tentative Tract Map No. 5232/UGM. The addition of 15 single family residential dwelling units pursuant to Conditional Use Permit Application No. C-15-037 and Vesting Tentative Tract Map No. 6103/UGM would result in a total of 254 dwelling units within the same approximately 57.75 net acre area; resulting in an overall density of approximately 4.40 dwelling units per acre, which is consistent with the Fresno General Plan Medium-Low Density Residential planned land use designation for the area.

Therefore, pursuant to Section 12-403-B-1 and 12-403-B-4 of the Fresno Municipal Code, the existing R-1 (*Single Family Residential*) zone district and the proposed overall density of approximately 4.40 dwelling units per acre for this portion of the Fancher Creek Planned Development Subdivision is consistent with the Medium-Low Density Residential planned land use designation for the subject property as designated by the Fresno General Plan.

## **Landscaping/Common Open Space**

As previously stated herein above, the subject property was originally subdivided and approved for development as part of the Fancher Creek Planned Development Subdivision, which was authorized by Conditional Use Permit No. C-04-079 and Vesting Tentative Tract Map No. 5232/UGM. All communal open space requirements included within the Roosevelt Community, and the Conditions of Approval for Conditional Use Permit No. C-04-079 and Vesting Tentative Tract Map No. 5232/UGM, which would otherwise pertain to the subject property have already been developed, dedicated and secured for maintenance.

The proposed project is located within an existing annexation of City of Fresno Community Facilities District (CFD) No. 11. Conditions of project approval will require that each lot resultant from a subdivision of the subject property share in the costs of those public improvements already established.

Despite the request for modification to the minimum lot width requirements of the Fresno Municipal Code, all lots within the proposed subdivision will meet minimum lot area requirements of 5,000 square feet. The provision of lots meeting conventional lot area standards and front and rear yard setback requirements affords future residents ample yard area for private enjoyment.

## **Lot Area and Dimensions**

### *Planned Development*

All lots within the proposed subdivision meet the minimum 5,000 square-foot lot area requirements of the Fresno Municipal Code (FMC). Furthermore, all proposed lots meet the minimum lot depth requirement of 90 feet with lots ranging from 125-133 feet in depth. However, Conditional Use Permit Application No. C-15-037 requests authorization to reduce lots widths below the minimum required by the FMC.

The property development standards of the R-1 (Single Family Residential) zone district require all lots to have a minimum width of 50 feet. Proposed lot widths range from 42-45 feet in width with an average lot width of 44 feet.

## **Setbacks**

### *Planned Development*

All homes developed within the proposed subdivision will be afforded minimum 15-foot front yard setbacks in compliance with the FMC. Additionally, all homes meet the minimum 20-foot rear yard setback requirement of the FMC. However, Conditional Use Permit Application No. C-05-037 requests authorization to reduce the minimum 5-foot interior side yard setback requirement to 3 feet throughout the subdivision to accommodate the narrower lot widths.

All garages within the proposed subdivision will be located at the rear of the homes with alley access.

### **Streets and Access Points**

The subject property is bounded by East Fancher Creek Drive on the north, East Beck Avenue on the south, South Purdue Avenue on the west and South Bundy Avenue on the east. The adjacent segment of East Fancher Creek is designated and has been dedicated and improved as a Scenic Drive in accordance with the Fresno General Plan. All remaining sides of the subject property consist of local street frontages, which have been fully improved.

Outlot "O" of Tract Map No. 5232 was originally dedicated for private street purposes to serve as an alleyway providing access to the existing 15 lots originally subdivided. Vesting Tentative Tract Map No. 6103/UGM proposes to dedicate a public alley easement over the area of the Outlot and adjacent residential lots, which will be improved to City of Fresno standards and eligible for annexation to the City of Fresno Community Facilities District.

The Public Works Department/Traffic Engineering Division staff has reviewed the proposed traffic yield from the proposed single family residential planned development project and the expected traffic generation will not adversely impact the existing and projected street circulation system.

Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the proposed project is projected to generate 286 Average Daily Trips (ADT) with 23 vehicle trips occurring during the morning peak hour travel period (7 to 9 a.m.) and 30 vehicle trips occurring during the evening peak hour travel period (4 to 6 p.m.).

Therefore, the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated by the proposed development subject to the requirements of the Department of Public Works, Traffic and Engineering Services, which will be included as conditions of approval for the proposed project pursuant to adopted standards, policies and codified regulations.

### **Public Services**

The Department of Public Utilities and the Bakman Water District have determined that adequate sanitary sewer and water services are presently available to serve the proposed project and all sanitary sewer and water main infrastructure has been constructed and in place.

Therefore, sanitary sewer and water services are available to the project subject to the provision of additional house branch connections for each of the lots resultant from the proposed re-subdivision of the subject property.

The project site will be serviced by the Solid Waste Division with basic residential container service.

The proposed project has been reviewed and approved by the City of Fresno Fire Department for requirements related to water supply, fire hydrants, and fire apparatus access to the proposed buildings on the subject property.

## **Land Use Plans and Policies**

The newly adopted Fresno General Plan puts a strong emphasis on infill development, complete neighborhoods and mobility and multimodal connectivity.

Goals of the Fresno General Plan include providing for a diversity of districts, neighborhoods, housing types and residential densities through the development of Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance.

Likewise, supporting Objectives and Policies of the Fresno General Plan include emphasizing compatible infill development opportunities which provide for a diversity of districts, neighborhoods, and housing types in order to afford a range of housing stock within the City of Fresno that will support balanced urban growth and make efficient use of resources and public facilities.

Encouraging infill development which provides added density on vacant lands within predominantly urbanized areas is necessary in order to meet the Fresno General Plans objective to locate roughly one-half of future residential development in infill areas—defined as being within the City on December 31, 2012—including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land.

The proposed project meets the intent of all of the goals, objectives, and policies of the Fresno General Plan referenced herein above.

The subject property constitutes approximately 4.45 net acres of vacant land, which has been passed-over and substantially surrounded by urban development. The proposed project makes the most efficient use of land and existing public improvements, infrastructure and services by taking advantage of the opportunity to add density to a previously approved but not fully developed project.

The location of the subject property with frontage on East Fancher Creek Drive and within the Fancher Creek Development Project area also affords a unique opportunity to provide a sense of place centered in an area in close proximity and walking distance to commercial services, schools, parks, and an interconnected system of open space features including trails. Furthermore, the addition of doorways to a scenic drive (East Fancher Creek Drive) with enhanced pedestrian features, landscaping and bike lanes will only add more character and activate a segment of street to which all other residences either side or back-on.

In conclusion, the proposed project is consistent with many of the goals and policies of the newly adopted General Plan. The proposed project promotes reinvestment by proposing a quality development in an existing neighborhood, preserves neighborhood character by

proposing a design that is compatible with and complementary to the surrounding architecture, and protects property values by constructing a compatible infill development on currently vacant property.

**Conditional Use Permit Findings**

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

<b>FINDINGS PER FRESNO MUNICIPAL CODE SECTION 12-405-A-2.</b>	
<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>	Conditional Use Permit Application No. C-15-037 will comply with all applicable codes, including access, parking, landscaping, walls, etc., given that the special conditions of project approval will ensure that all conditions are met. While the proposed parcels will be slightly narrower in width when compared to conventional subdivisions, reduced side yard setback requirements will accommodate ample sized homes on narrower lots. Furthermore, all lots still meet the minimum lot area requirements of the Fresno Municipal Code through the provision of lot depths which exceed conventional standards.
<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>	Although the project will increase traffic in comparison to what exist today, vehicular traffic will be directed towards East Fancher Creek Drive and East Kings Canyon Road, both major streets, minimizing the impact on local streets. Furthermore, the Public Works, Traffic Engineering Division reviewed the proposed project and has assessed the adjacent streets and circulation network for the area at large to ensure that the proposal would not have significant impacts on traffic and the surrounding community.
<i>c. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of this Code.</i>	

<i>Finding c:</i>	<p>The proposed use, a residential development, will not have a negative impact on either the subject site, or neighboring properties given that the subject property has been previously subdivided with all public improvements installed. The conditions of approval for the present development proposal will ensure that the developer meet all minimum policies, standards and requirements of the City of Fresno.</p> <p>Therefore, 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 tentative tract map application review and conditional use permit application review processes.</p>
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### **Tentative Tract Map Findings**

The Subdivision Map Act (California Government Code §§ 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 Fresno General Plan and Roosevelt Community Plan (there is not an applicable specific plan), because the applicable plans designate the site for Medium-Low Density residential planned land use and the project design meets the density and zoning ordinance criteria for development in these plan designations.
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 area is not known to contain any unique or endangered species.
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 insure that the subdivision conforms to City health and safety standards.

5. The proposed subdivision design will not conflict with public easements within or through the site, because conditions of approval will assure noninterference with any existing or proposed public easements.
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. Based upon the plans and information submitted by the applicant and the recommended conditions of project approval, staff has determined that these findings can be made.

### **CONCLUSION / RECOMMENDATION**

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan and the Roosevelt Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Conditional Use Permit Application No. C-15-037 and Vesting Tentative Tract Map No. 6103/UGM are appropriate for the project site.

#### **Attachments:**

- Exhibit A: Vicinity Map
- Exhibit B: Aerial Photograph of Site (2015)
- Exhibit C: Public Hearing Notice Mailing List Vicinity Map
- Exhibit D: Fresno General Plan Planned Land Use Map
- Exhibit E: Vesting Tentative Tract Map No. 6103/UGM
- Exhibit F: Site Plan and Exhibits for Conditional Use Permit Application No. C-15-037
- Exhibit G: Conditions of Approval for T-6103/UGM and Conditional Use Permit Application No. C-15-037 dated May 20, 2015; including memoranda from responsible or commenting agencies.
- Exhibit H: Environmental Assessment No. C-15-037/T-6103 dated May 20, 2015.
- Exhibit I: Conditions of Zoning pursuant to Rezone Application No. R-04-014

# **Exhibit A:**

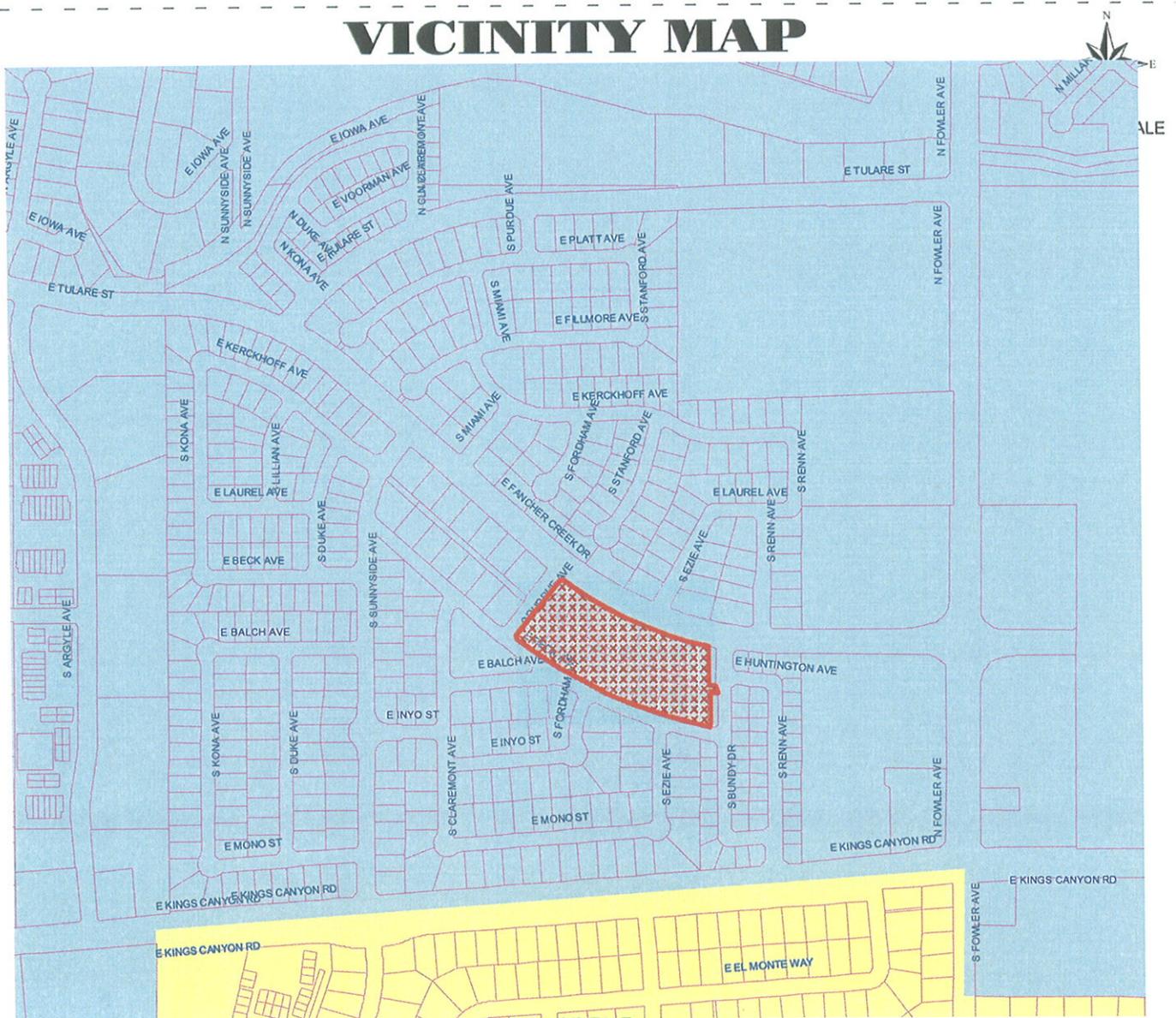
## **Vicinity Map**

# Exhibit "A": Vicinity Map

Conditional Use Permit Application No. C-15-037  
Vesting Tentative Tract Map No. 6103/UGM

South side of E. Fancher Creek Dr. btwn S.  
Purdue & S. Bundy Aves.; in the Fancher Creek  
Subdivision

## VICINITY MAP



### LEGEND

-  Subject Property
-  U.G.M. Area

**Exhibit B:**

**Aerial Photograph of Site  
(2015)**



Exhibit "B": Aerial Photograph (2015)

## **Exhibit C:**

**Public Hearing Notice  
Mailing List Vicinity Map**



**Exhibit D:**

**Fresno General Plan  
Planned Land Use Map**



**Exhibit E:**

**Vesting Tentative Tract  
Map No. 6103/UGM**

# TENTATIVE TRACT NO. 6103

A PLANNED UNIT DEVELOPMENT  
A VESTING MAP

### IMPROVEMENTS TO BE INSTALLED:

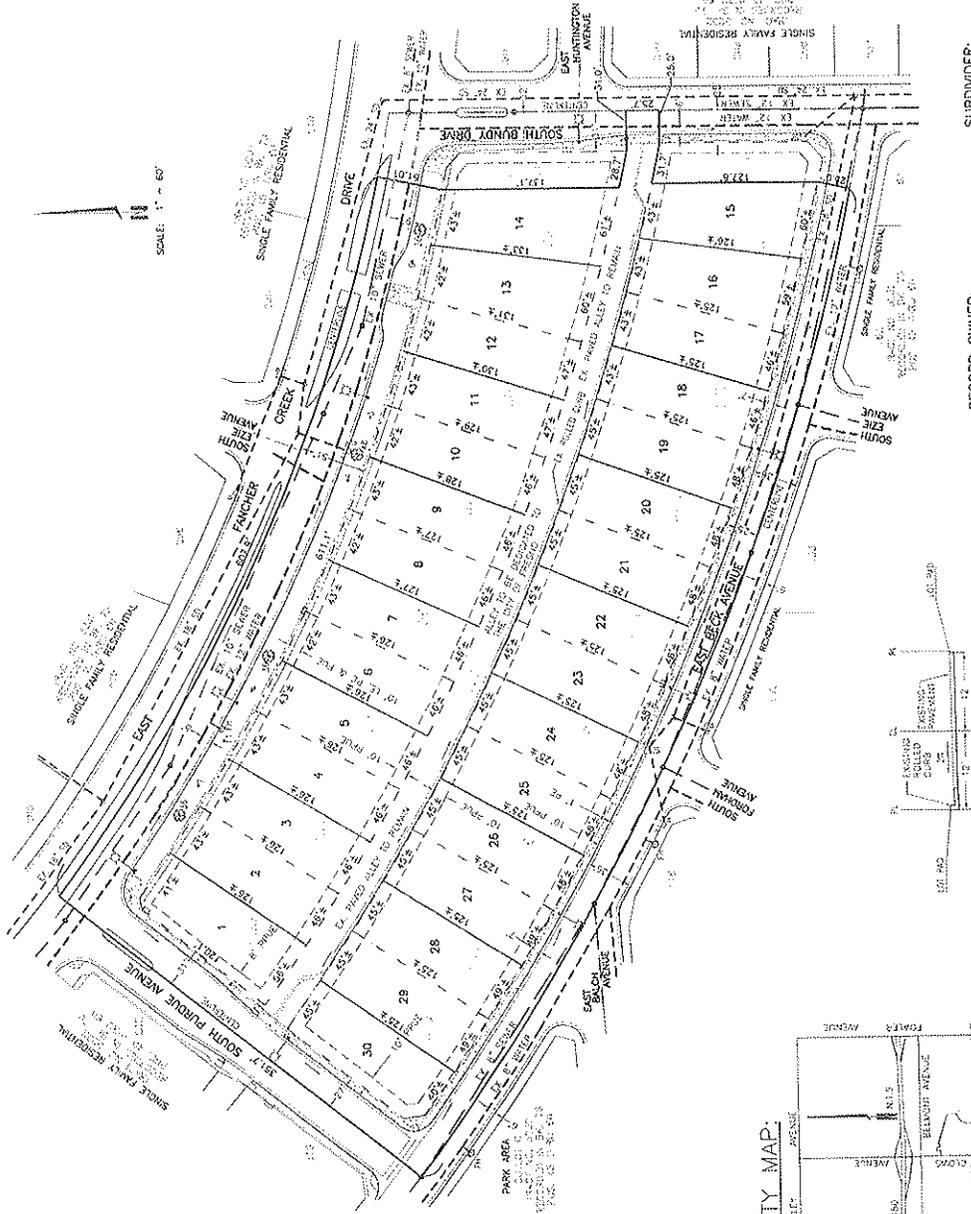
1. SEWER'S - CITY OF FRESNO STANDARDS
2. WATER - BAKWAK WATER DISTRICT STANDARDS
3. CURB & GUTTER - CITY OF FRESNO STANDARDS
4. SIDEWALK - CITY OF FRESNO STANDARDS
5. STREET LIGHTS - CITY OF FRESNO STANDARDS
6. STREET LIGHTS - METROPOLITAN FLOOD CONTROL DISTRICT STANDARDS
7. GAS & ELECTRICITY - CITY OF FRESNO STANDARDS
8. TELEPHONE - AT&T
9. CABLE TELEVISION - COMCAST

### LEGEND:

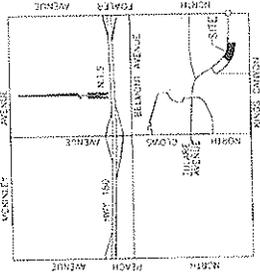
- GENERAL
- CURB
- CURB AND GUTTER
- EXISTING CURB AND GUTTER TO REMAIN (TYP)
- EXISTING CURB TO REMAIN (TYP)
- EXISTING PROPERTY LINE TO REMAIN
- PROPOSED PROPERTY LINE
- SEIL BOUNDARY LINE
- EXISTING SUBSTAIN TO REMAIN (TYP)
- EXISTING SLEAVE MAIN TO REMAIN
- EXISTING WATER MAIN TO REMAIN
- EXISTING SEWER MAIN TO REMAIN
- EXISTING FIRE MAIN TO REMAIN
- EXISTING DRAIN INLET TO REMAIN
- EXISTING STREET LIGHT TO REMAIN
- EXISTING TRANSFORMER TO REMAIN
- EXISTING TREE #/DIA IN INCHES TO REMAIN (TYP)
- EXISTING LOT NUMBER
- PROPOSED LOT NUMBER

### NOTE:

1. APN 313-786-01 THROUGH 03
2. APN 313-838-01 THROUGH 12
3. GROSS AREA = 5.85 ACRES  
NET AREA = 4.45 ACRES
4. EXISTING ZONING = R-1
5. THERE ARE NO WELLS, SEPTIC TANKS OR LEACH FIELDS
6. THE SUBDIVISION DESIGN PROVIDES TO THE EXTENT FEASIBLE, FOR PASSIVE NATURAL HEATING OR COOLING OPPORTUNITIES.
7. THERE ARE 10+ TREES WITHIN THE BOUNDARY OF THIS PROPERTY TO REMAIN (TYP)



### VICINITY MAP:



**RECORD OWNER:**  
WAHLEN-CASIANO HYBRID HOMES, INC.  
802 W. PANDALE, SUITE #104  
FRESNO, CA 93711  
(559) 432-8181

**SUBDIVIDER:**  
WAHLEN-CASIANO HYBRID HOMES, INC.  
802 W. PANDALE, SUITE #104  
FRESNO, CA 93711  
(559) 432-8181

**GARY C. GIANNETTA**  
CIVIL ENGINEERING & LAND SURVEYING  
1432 W. STREET  
FRESNO, CA 93723  
(559) 861-3500 FAX (559) 861-0296  
DATE 1/19/79  
BY 4/7/83

**Exhibit F:**

**Conditional Use Permit  
Application No. C-15-037  
Exhibits**





DATE DRAWN: 2-2015  
 REVISIONS:  
 DATE: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 DATE: \_\_\_\_\_



**GENERAL NOTES:**

1. ROOF COVERING SHALL COMPLY WITH THE REQUIREMENTS OF THE CURRENT DCE CODE.
2. PROVIDE MINIMUM 1" MINIMUM INSULATION ABOVE ALL ROOF JOINTS AND FLASHINGS.
3. PROVIDE FLASHING AND COUNTER FLASHING AT ALL ROOF JOINTS AND FLASHINGS. PROVIDE STYPED FLASHING WHERE THE FLASHING MEETS THE WALL.
4. FLASHING WITH A 36-INCH WIDE UNDERLAMENT BENEATH THE FLASHING AND THE UNDERLAMENT SHALL BE ABOVE ANY PAID JOINTS.
5. PROVIDE 1/2" MINIMUM INSULATION ABOVE ALL ROOF JOINTS AND FLASHINGS.
6. PROVIDE 1/2" MINIMUM INSULATION ABOVE ALL ROOF JOINTS AND FLASHINGS.
7. PROVIDE 1/2" MINIMUM INSULATION ABOVE ALL ROOF JOINTS AND FLASHINGS.
8. PROVIDE 1/2" MINIMUM INSULATION ABOVE ALL ROOF JOINTS AND FLASHINGS.
9. PROVIDE 1/2" MINIMUM INSULATION ABOVE ALL ROOF JOINTS AND FLASHINGS.
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19. PROVIDE 1/2" MINIMUM INSULATION ABOVE ALL ROOF JOINTS AND FLASHINGS.
20. PROVIDE 1/2" MINIMUM INSULATION ABOVE ALL ROOF JOINTS AND FLASHINGS.

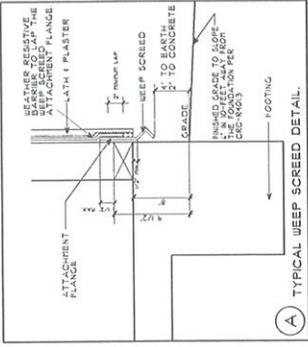
**EXTERIOR LATH MATERIALS:**  
 1. TYPE: 1/2" X 1/2" GALVANIZED STEEL LATH WITH 12" X 12" SQUARE OPENINGS.  
 2. MANUFACTURER APPROVAL: CH-1378, ETC.  
 3. PROVIDE 1/2" MINIMUM INSULATION ABOVE ALL ROOF JOINTS AND FLASHINGS.

**EPS ROOF INSULATION (PERMANENT BARRIER):**  
 1. TYPE: 1/2" X 1/2" GALVANIZED STEEL LATH WITH 12" X 12" SQUARE OPENINGS.  
 2. MANUFACTURER APPROVAL: CH-1378, ETC.  
 3. PROVIDE 1/2" MINIMUM INSULATION ABOVE ALL ROOF JOINTS AND FLASHINGS.

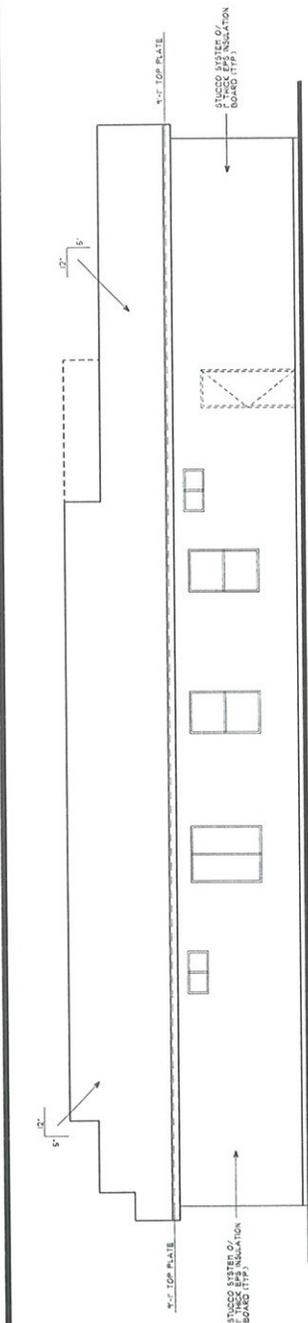
**MANUFACTURED VENER NOTES:**  
 1. TYPE: 1/2" X 1/2" GALVANIZED STEEL LATH WITH 12" X 12" SQUARE OPENINGS.  
 2. MANUFACTURER APPROVAL: CH-1378, ETC.  
 3. PROVIDE 1/2" MINIMUM INSULATION ABOVE ALL ROOF JOINTS AND FLASHINGS.

**RON POPE & ASSOCIATES**  
 444 W. COLTON AVENUE  
 FRESNO, CA 93706  
 (559) 292-2700  
 Email: ron.pope@ronpope.com

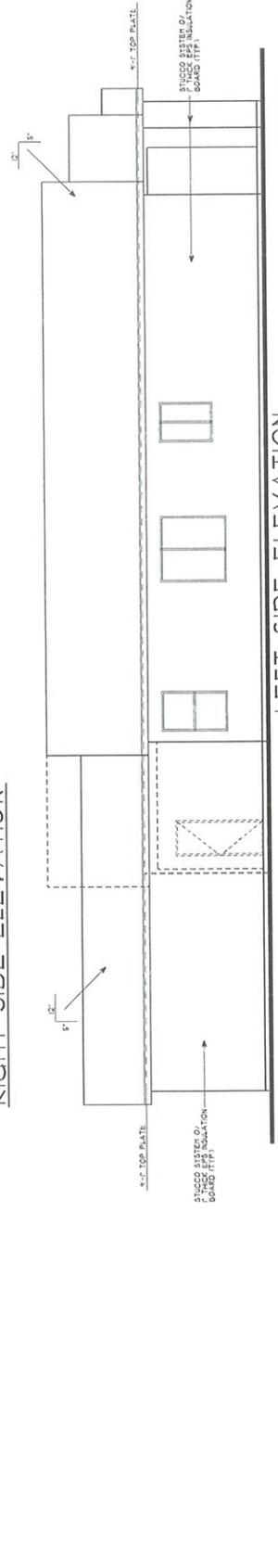
PLAN NO. 1562 JOB NO. 1542  
 DRAWN BY: RON POPE SHEET NO. A-3  
 CHECKED BY: JONATHAN ANDERSON  
 SCALE: 1/4" = 1'-0"



(A) TYPICAL WEEP SCREED DETAIL



RIGHT SIDE ELEVATION

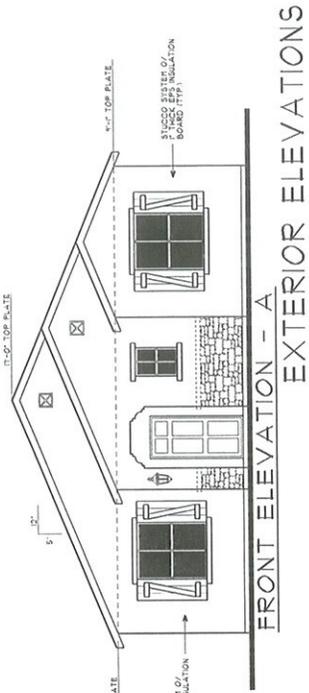


LEFT SIDE ELEVATION

**RADIANT BARRIER ROOF SHEATHING:**  
 1. MANUFACTURER APPROVAL: CH-1378, ETC.  
 2. PROVIDE 1/2" MINIMUM INSULATION ABOVE ALL ROOF JOINTS AND FLASHINGS.  
 3. PROVIDE 1/2" MINIMUM INSULATION ABOVE ALL ROOF JOINTS AND FLASHINGS.  
 4. PROVIDE 1/2" MINIMUM INSULATION ABOVE ALL ROOF JOINTS AND FLASHINGS.  
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 9. PROVIDE 1/2" MINIMUM INSULATION ABOVE ALL ROOF JOINTS AND FLASHINGS.  
 10. PROVIDE 1/2" MINIMUM INSULATION ABOVE ALL ROOF JOINTS AND FLASHINGS.



REAR ELEVATION



FRONT ELEVATION - A

**EXTERIOR ELEVATIONS**

**ROOFING PRODUCTS:**  
 1. TYPE: 1/2" X 1/2" GALVANIZED STEEL LATH WITH 12" X 12" SQUARE OPENINGS.  
 2. MANUFACTURER APPROVAL: CH-1378, ETC.  
 3. PROVIDE 1/2" MINIMUM INSULATION ABOVE ALL ROOF JOINTS AND FLASHINGS.

**RADIANT BARRIER AT GABLE ENDS:**  
 1. TYPE: 1/2" X 1/2" GALVANIZED STEEL LATH WITH 12" X 12" SQUARE OPENINGS.  
 2. MANUFACTURER APPROVAL: CH-1378, ETC.  
 3. PROVIDE 1/2" MINIMUM INSULATION ABOVE ALL ROOF JOINTS AND FLASHINGS.

APPL. NO. 205-32 EXHIBIT EL DATE 04/06/15  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT  
 DATE \_\_\_\_\_





DATE DRAIN: 2-2015  
 REVISIONS:  
 DATE:  
 DATE:  
 DATE:

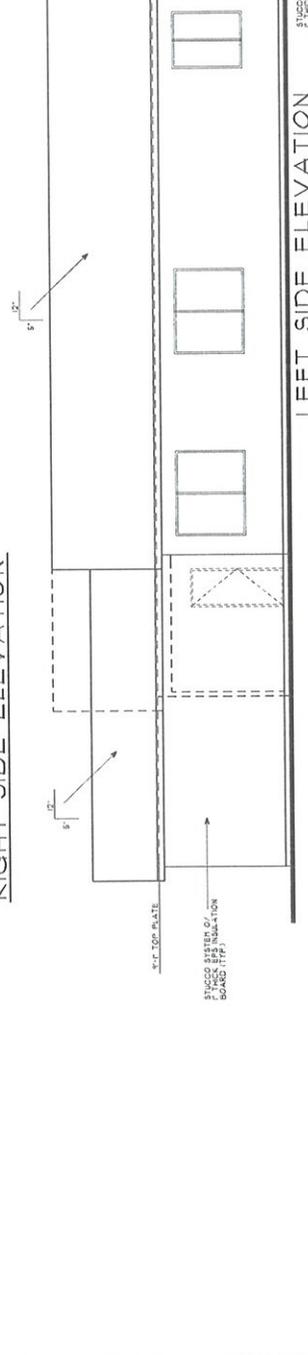
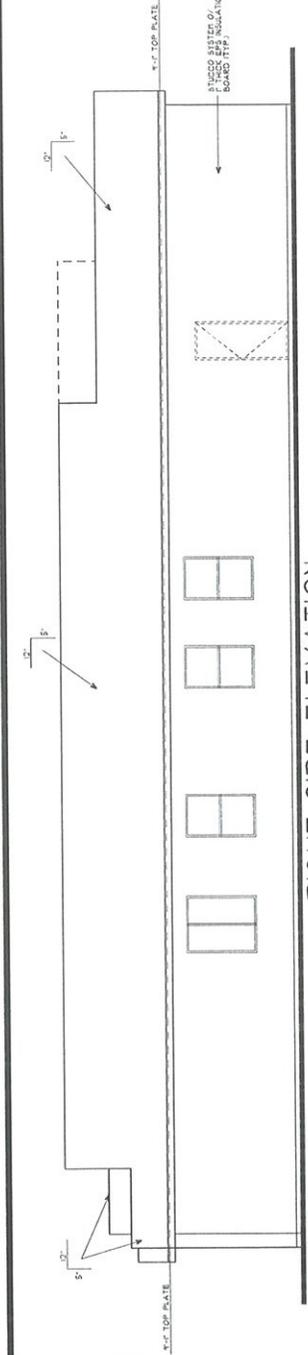
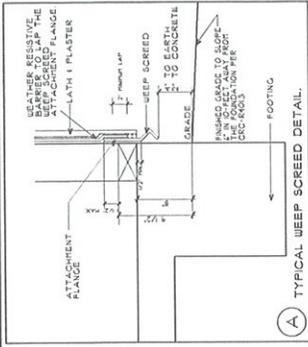


**GENERAL NOTES:**

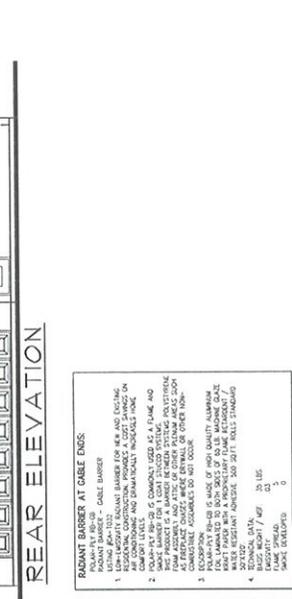
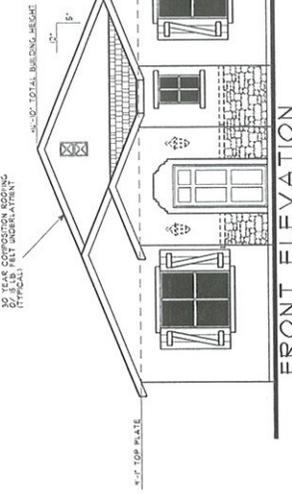
1. WORK CONTAINS SHALL COMPLY WITH THE REQUIREMENTS OF THE CURRENT CMC CODE.
2. PROVIDE TWO LAYERS OF TYPE "D" INSULATION AT ALL EXTERIOR WALLS UNLESS OTHERWISE NOTED.
3. NO LATH SHALL BE ALLOWED WHERE SHEAR TRANSFER IS REQUIRED.
4. PROVIDE FLASHING AND COUNTER FLASHING AT ALL ROOF TO WALL PENETRATIONS AND AT ALL ROOF TO FOOTING PENETRATIONS.
5. PROVIDE WEATHER STRIPPING AND FLASHING AT ALL ROOF TO WALL PENETRATIONS.
6. PROVIDE WEATHER STRIPPING AND FLASHING AT ALL ROOF TO FOOTING PENETRATIONS.
7. PROVIDE WEATHER STRIPPING AND FLASHING AT ALL ROOF TO WALL PENETRATIONS.
8. PROVIDE WEATHER STRIPPING AND FLASHING AT ALL ROOF TO FOOTING PENETRATIONS.
9. PROVIDE WEATHER STRIPPING AND FLASHING AT ALL ROOF TO WALL PENETRATIONS.
10. PROVIDE WEATHER STRIPPING AND FLASHING AT ALL ROOF TO FOOTING PENETRATIONS.

**EXTERIOR LATH MATERIALS:**  
 1. TYPE "D" LATH SHALL BE USED UNLESS OTHERWISE NOTED.  
 2. TYPE "D" LATH SHALL BE USED UNLESS OTHERWISE NOTED.  
 3. TYPE "D" LATH SHALL BE USED UNLESS OTHERWISE NOTED.  
 4. TYPE "D" LATH SHALL BE USED UNLESS OTHERWISE NOTED.

**RADIANT BARRIER ROOF SHEATHING:**  
 1. MANUFACTURER SHALL MEET ALL REQUIREMENTS OF THE CURRENT CMC CODE.  
 2. MANUFACTURER APPROVAL (CM-1319) REQUIRED.  
 3. THE RADIANT BARRIER SHALL BE INSTALLED TO SPACES IN THE ATTIC.  
 4. THE RADIANT BARRIER SHALL BE INSTALLED TO SPACES IN THE ATTIC.  
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**RADIANT BARRIER ROOF SHEATHING:**  
 1. MANUFACTURER SHALL MEET ALL REQUIREMENTS OF THE CURRENT CMC CODE.  
 2. MANUFACTURER APPROVAL (CM-1319) REQUIRED.  
 3. THE RADIANT BARRIER SHALL BE INSTALLED TO SPACES IN THE ATTIC.  
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 10. THE RADIANT BARRIER SHALL BE INSTALLED TO SPACES IN THE ATTIC.



**RADIANT BARRIER AT GABLE ENDS:**  
 1. MANUFACTURER SHALL MEET ALL REQUIREMENTS OF THE CURRENT CMC CODE.  
 2. MANUFACTURER APPROVAL (CM-1319) REQUIRED.  
 3. THE RADIANT BARRIER SHALL BE INSTALLED TO SPACES IN THE ATTIC.  
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 9. THE RADIANT BARRIER SHALL BE INSTALLED TO SPACES IN THE ATTIC.  
 10. THE RADIANT BARRIER SHALL BE INSTALLED TO SPACES IN THE ATTIC.

**ROOFING PRODUCTS:**  
 ALL ROOFING PRODUCTS SHALL MEET THE REQUIREMENTS OF THE CURRENT CMC CODE.  
 1. MANUFACTURER SHALL MEET ALL REQUIREMENTS OF THE CURRENT CMC CODE.  
 2. MANUFACTURER APPROVAL (CM-1319) REQUIRED.  
 3. THE ROOFING PRODUCTS SHALL BE INSTALLED TO SPACES IN THE ATTIC.  
 4. THE ROOFING PRODUCTS SHALL BE INSTALLED TO SPACES IN THE ATTIC.  
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 10. THE ROOFING PRODUCTS SHALL BE INSTALLED TO SPACES IN THE ATTIC.

**EXTERIOR ELEVATIONS**

PLAN NO. 1850  
 JOB NO. JB1850  
 SHEET NO. A-3  
 DATE 08/10/15  
 DATE 08/10/15  
 DATE 08/10/15  
 DATE 08/10/15

**RON POPE & ASSOCIATES**  
 466 W. KENNEDY AVENUE  
 SUITE 100  
 FRESNO, CA 93706  
 (559) 292-2706  
 Email: ron.pope@ronpope.com



DATE DRAWN: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 REVISIONS: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 DATE: \_\_\_\_\_

**RESIDENCES**  
SINCE 1989

**GENERAL NOTES:**

1. MAJOR EJECT COMPARTMENT MUST HAVE 1/2" WITH 1/8" GASKET IN FRONT OF THE WINDOW GLAZING.
2. THE WALL SURFACE BEHIND THE WINDOW FRAME SHALL BE FINISHED WITH A FINISH IDENTICAL TO THE FINISH OF THE ROOM IN WHICH THE WINDOW IS LOCATED.
3. ALL WINDOW FRAMES SHALL BE FINISHED WITH AT LEAST ONE COAT OF PAINT.
4. WINDOW FRAMES SHALL BE FINISHED WITH AT LEAST ONE COAT OF PAINT.
5. WINDOW FRAMES SHALL BE FINISHED WITH AT LEAST ONE COAT OF PAINT.
6. WINDOW FRAMES SHALL BE FINISHED WITH AT LEAST ONE COAT OF PAINT.
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19. WINDOW FRAMES SHALL BE FINISHED WITH AT LEAST ONE COAT OF PAINT.
20. WINDOW FRAMES SHALL BE FINISHED WITH AT LEAST ONE COAT OF PAINT.

**RON POPE & ASSOCIATES**  
 ARCHITECTS  
 1000 S. GARDEN ST. SUITE 200  
 ANAHEIM, CA 92815-4339  
 (714) 771-2700  
 Email: ron.pope@ronpope.com

PLAN NO. 2338  
 JOB NO. JB-2338  
 SHEET NO. A-3  
 SCALE 1/8" = 1'-0"

**WINDOW SILENCE / FULL PREVENTION**  
 WINDOW SILENCE / FULL PREVENTION SHALL BE PROVIDED FOR ALL WINDOWS LOCATED WITHIN 10 FEET OF THE EXTERIOR SURFACE OF THE ROOM IN WHICH THE WINDOW IS LOCATED. WINDOW SILENCE / FULL PREVENTION SHALL BE PROVIDED FOR ALL WINDOWS LOCATED WITHIN 10 FEET OF THE EXTERIOR SURFACE OF THE ROOM IN WHICH THE WINDOW IS LOCATED.

**WINDOW SILENCE / FULL PREVENTION**  
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**WINDOW SILENCE / FULL PREVENTION**  
 WINDOW SILENCE / FULL PREVENTION SHALL BE PROVIDED FOR ALL WINDOWS LOCATED WITHIN 10 FEET OF THE EXTERIOR SURFACE OF THE ROOM IN WHICH THE WINDOW IS LOCATED.

FLOOR AREA	
TOTAL FLOOR AREA	2338 SQ. FT.
FIRST FLOOR	1140 SQ. FT.
SECOND FLOOR	1198 SQ. FT.
GAZARIE	455 SQ. FT.
PORCH	87 SQ. FT.
OPTIONAL PATIO	185 SQ. FT.

**NOTE:** ALL ACCESSIBLE TOILETS SHALL BE LOCATED WITHIN 10 FEET OF THE EXTERIOR SURFACE OF THE ROOM IN WHICH THE TOILET IS LOCATED.

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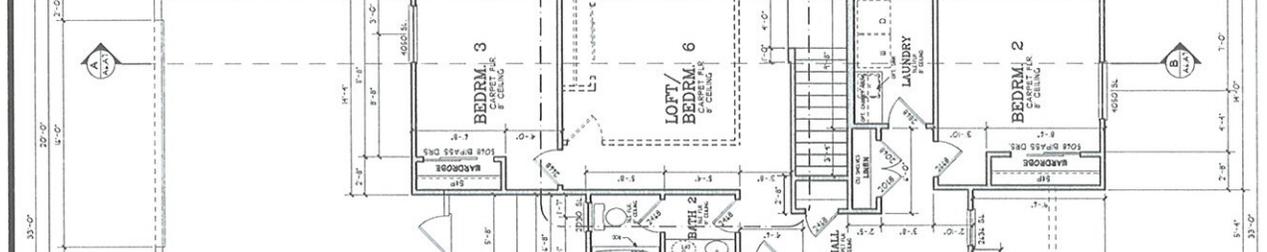
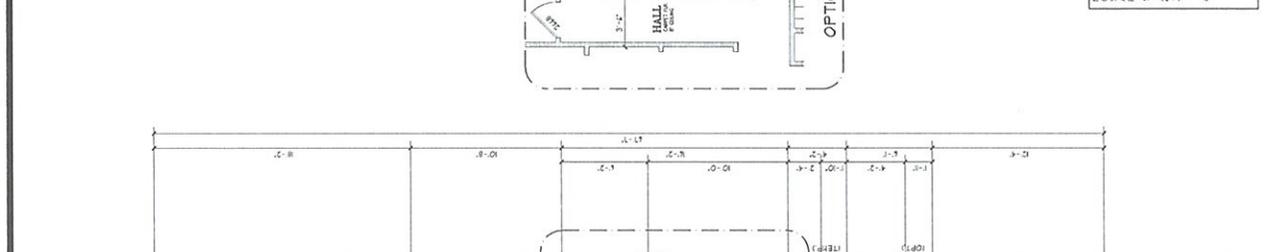
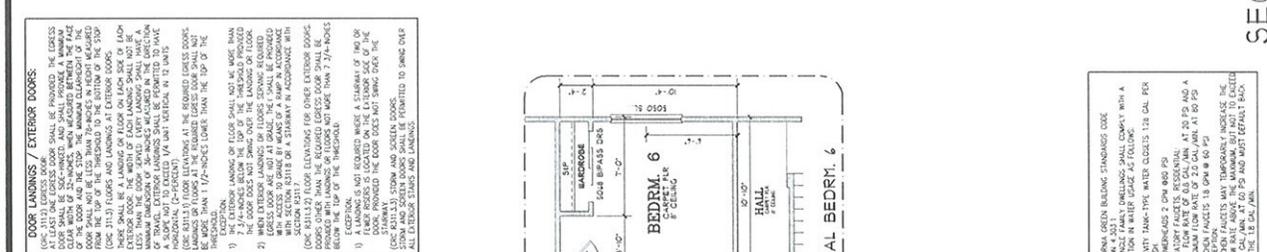
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**SECOND FLOOR PLAN**

APPL NO. 205-37 EXHIBIT F3 DATE 04/10/15  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF PESMO, PLANNING & DEVELOPMENT DEPT

DATE DRAWN 2-2005  
 DRAWN BY  
 DATE  
 DATE

DESIGNER  
 STATE 1985

**GENERAL NOTES:**

1. ROOF COVERING SHALL COMPLY WITH THE REQUIREMENTS OF THE CURRENT DDC CODE.
2. THE UNDERLAYMENT AT STUCCO SHALL BE STUCCO OR APPLIED OVER A 1/2" WOOD SHEATHING.
3. FLASHINGS WHERE SUCH FLASHING IS REQUIRED AT THE FACE BLOCK.
4. PROTECT FLASHING AND COVER FLASHING AT ALL ROOF PENETRATIONS.
5. PROVIDE STOPPING FLASHING WHERE THE STUCCO ROOF MEETS THE WALL.
6. FLASHING AT ALL TYPES OF ROOF SHEET METAL VALLEY JOINTS SHALL BE UNDERLAPMENT DIRECTLY UNDER THE FLASHING AND THE FLASHING SHALL BE UNDERLAPMENT UNDER THE FLASHING.
7. FLASHING AT ALL TYPES OF ROOF SHEET METAL VALLEY JOINTS SHALL BE UNDERLAPMENT UNDER THE FLASHING.
8. FLASHING AT ALL TYPES OF ROOF SHEET METAL VALLEY JOINTS SHALL BE UNDERLAPMENT UNDER THE FLASHING.
9. FLASHING AT ALL TYPES OF ROOF SHEET METAL VALLEY JOINTS SHALL BE UNDERLAPMENT UNDER THE FLASHING.

**CONCRETE SYSTEM MATERIALS:**

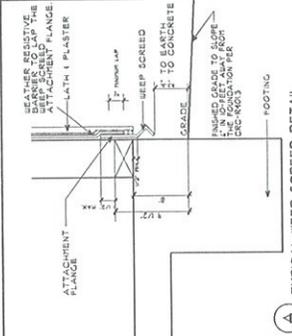
1. SECTION ONE (SEE SYSTEM EDP-100)
2. PROVIDE ONE LAYER OF GRADE "C" BUILDING PAPER AND THE INSULATION SHALL BE STUCCO SYSTEM OF BOARD STUCCO (TYPICAL).
3. INSULATION BOARD SHALL BE STUCCO SYSTEM OF BOARD STUCCO (TYPICAL).
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**MANUFACTURED VENER NOTES:**

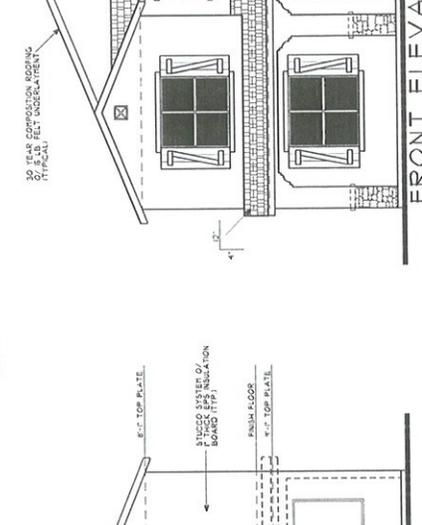
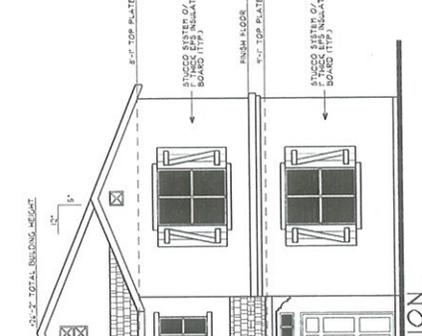
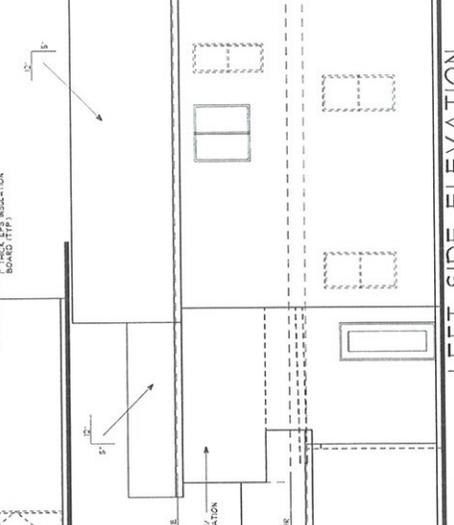
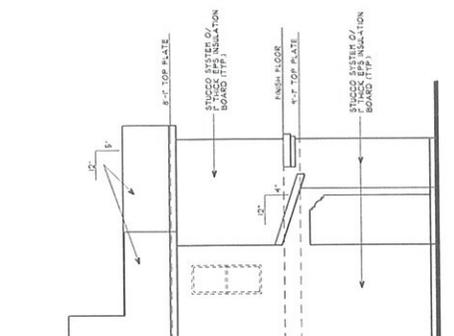
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**RON POPE & ASSOCIATES**  
 6481 BY SHERMAN AVE  
 CHINA, CA 95013-8339  
 (559) 392-2706  
 ron@ronpope.com

PLAN NO. 2338 JOB NO. JB-2338  
 SHEET NO. A-4

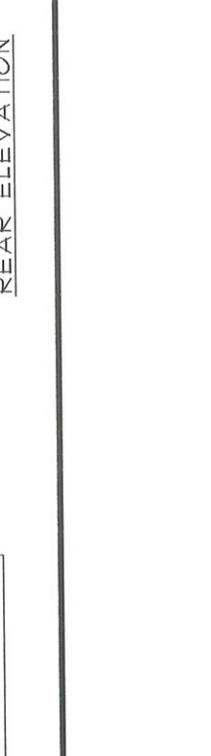
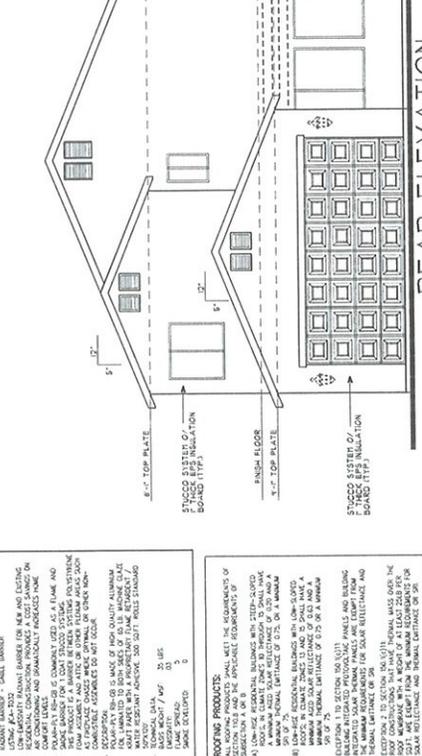
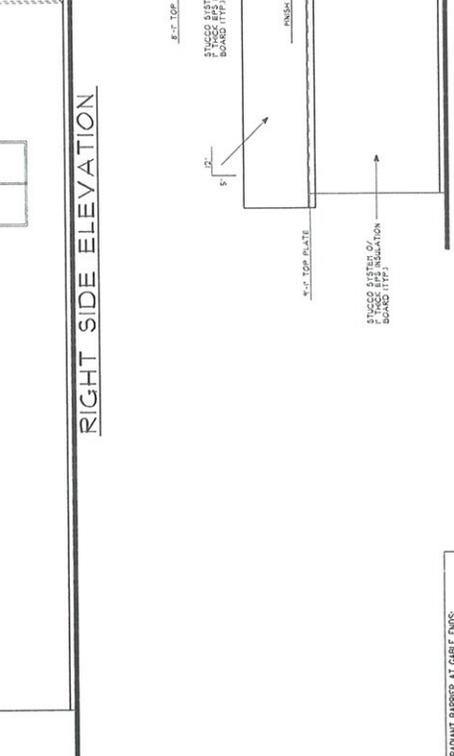
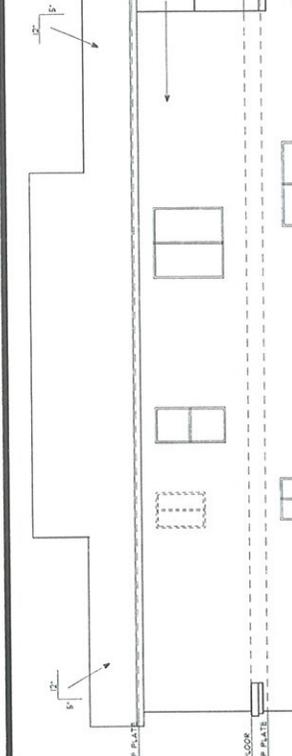


- RADIANT BARRIER AT CABLE TRAYING**
1. MANUFACTURER OF ROOF FLASHING SHALL BE STUCCO SYSTEM OF BOARD STUCCO (TYPICAL).
  2. MANUFACTURER APPROVAL (CA-110) REQUIRED.
  3. THE RADIANT BARRIER SHALL BE INSTALLED TO COVER THE ENTIRE AREA OF THE ROOF FLASHING.
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**EXTERIOR ELEVATIONS**

**EXTERIOR ELEVATIONS**



**RADIANT BARRIER AT CABLE TRAYING**

**ROOFING PRODUCTS:**

1. ALL ROOFING PRODUCTS SHALL MEET THE REQUIREMENTS OF THE CURRENT DDC CODE.
2. THE UNDERLAYMENT AT STUCCO SHALL BE STUCCO OR APPLIED OVER A 1/2" WOOD SHEATHING.
3. FLASHINGS WHERE SUCH FLASHING IS REQUIRED AT THE FACE BLOCK.
4. PROTECT FLASHING AND COVER FLASHING AT ALL ROOF PENETRATIONS.
5. PROVIDE STOPPING FLASHING WHERE THE STUCCO ROOF MEETS THE WALL.
6. FLASHING AT ALL TYPES OF ROOF SHEET METAL VALLEY JOINTS SHALL BE UNDERLAPMENT DIRECTLY UNDER THE FLASHING AND THE FLASHING SHALL BE UNDERLAPMENT UNDER THE FLASHING.
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APPL NO. 2338-37 EXHIBIT ES DATE 08/10/15  
 PROJ. ENG. DATE  
 TRAFFIC ENG. DATE  
 COND. APPROVED BY  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT  
 DATE



**Exhibit G:**

**Conditions of Approval for  
Conditional use Permit  
Application No.  
C-15-037 & Vesting  
Tentative Tract Map No.  
6103/UGM;  
including associated  
memoranda from  
responsible or  
commenting agencies.**

CITY OF FRESNO  
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

CONDITIONS OF APPROVAL  
MAY 20, 2015

CONDITIONAL USE PERMIT APPLICATION NO. C-15-037  
"A PLANNED DEVELOPMENT"

SOUTH SIDE OF EAST FANCHER CREEK DRIVE BETWEEN SOUTH PURDUE AND SOUTH  
BUNDY AVENUES

**PART A - PROJECT INFORMATION**

1. Assessor's Parcel No(s): 313-786-01 through 03 & 313-836-01 through 12
2. Street Location: South side of East Fancher Creek Drive between South Purdue and South Bundy Avenues.  
**(Council District 5, Councilmember Quintero)**
3. Existing Zoning & Proposed Zoning "R-1/BA-15/UGM/cz" (*Single Family Residential District/Boulevard Area Overlay/Urban Growth Management/with conditions of zoning*)
4. Existing & Proposed Planned Land Use: Medium-Low Density Residential (3.5-6.0 dwelling units/acre)
5. Plan Areas: Roosevelt Community Plan
6. Project Description: Requests authorization for the establishment of a 30-lot single family residential, planned unit development with modified development standards respective to lot width and side yard setback requirements for lots proposed to be created by Vesting Tentative Tract Map No. 6103/UGM. The proposed project is located within the boundaries of the Fancher Creek Planned Development Subdivision.

**PART B - GENERAL CONDITIONS AND REQUIREMENTS**

The City of Fresno Planning Commission, on May 20, 2015, approved the special permit application subject to the enclosed list of conditions and Exhibit(s) "A", "E" & "F," inclusive of Conditional Use Permit Application No. C-15-037.

**IMPORTANT: PLEASE READ CAREFULLY**

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Fresno Municipal Code (FMC) Section 12-405.A can be made.

**All discretionary conditions of approval will ultimately be deemed mandatory unless appealed either verbally or in writing to the City of Fresno Planning Commission at the scheduled public hearing regarding Conditional Use Permit Application No. C-15-037 and Vesting Tentative Tract Map No. T-6103/UGM.**

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

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

Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. **(Include this note on the site plan.)**

No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted. **(Include this note on the site plan.)**

Transfer all red line notes, etc., shown on the original site plan exhibit(s) to the final site plan(s).  
**CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED**

IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit must be commenced by May 20, 2019 (four years from the date of Director approval). The time limits for any special permit conditionally granted in conjunction with an approved tentative tract map shall be automatically extended upon the extension of such tentative tract map pursuant to Section 12-1005.1 of the FMC.

**To complete the back-check process for building permit relative to planning and zoning issues, submit copies of this corrected, final site plan, together with copies of the elevations, landscape, and irrigation plans, and any required covenants and/or studies or analyses to the Development Services (Planning) Division for final review and approval, a minimum of ten days before applying for building permits.**

Copies of this final approved site plan, elevations, landscape, and irrigation plans stamped by the Development Services (Planning) Division **must be substituted** for unstamped copies of the same in each of the sets of construction plans submitted for plan check prior to issuance of building permits. The final approved site plan must also include all corrections identified in the plan check process.

Be advised that on-site inspections will not be authorized unless the final stamped approved site plan, elevations, landscape, and irrigation plans are included in the plan check file copy.

**Please contact Will Tackett at (559) 621-8063 or via e-mail at [Will.Tackett@fresno.gov](mailto: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](mailto:Louise.Gilio@fresno.gov) of the City of Fresno Public Works Department, Traffic and Engineering Services Division.

1. STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

- a) Exhibit(s) "A" is required to include all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc., within the existing and proposed public rights-of-way.
- b) ENCROACHMENT PERMITS. The construction of any overhead, surface or sub-surface private structures and appurtenances extending within the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Engineering Division, Special Districts/Projects and Right of Way Section, (559) 621-8693. Encroachment permits must be approved prior to issuance of building permits.
- c) DEDICATIONS. The following dedication requirements must be satisfied prior to the issuance of building permits:
  - i) Dedications shall take place in accordance with any applicable conditions included within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated May 05, 2015.
- d) VACATIONS. The following vacation requirements must be satisfied prior to issuance of building permits:
  - i) A feasibility study for any/all proposed vacations of existing public rights-of-way is required to be completed prior to either recordation of the Final Map or issuance of building permits. Contact Alan James, Supervising Engineering Technician at (559) 621-8693 for further information.

2. STREET IMPROVEMENTS

- a) All public improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department or street construction plans required and approved by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian, water and sewer utility easements) requires a Street Work Permit issued by the Public Works Department, Engineering Services Division at (559) 621-8693, prior to commencement of the work. Contact the Public Works Department, Engineering Services Section at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the City prior to occupancy.
- b) Existing off-site concrete improvements to remain in place shall be repaired if damaged and/or off grade as determined by the Public Works Department, Construction Management Division (559) 621-5500. Such repairs must be completed prior to final occupancy.
- c) Where required, design and construct curb, gutter, AC paving, and residential sidewalk patterns to Public Works standards, specifications, and policies. Plans shall be prepared by a registered Civil Engineer.

- d) Streetlights are required on all frontages to City Standards and/or as determined by the City Engineer. Street lighting plans are required and must be approved by the Public Works Department/Engineering Services prior to commencement of the work.
- e) Underground all existing off-site overhead utilities within the limits of this site as per FMC Section 12-1011, Section 8-801 and Resolution No. 78-522/88-229.
- f) Submit four copies of a Geometric Approval Drawing (GAD) to Traffic Engineering for review and approval, per the attached checklist, prior to submittal of street plans.
- g) Submit the following as a single package to the Public Works Department Engineering Division, Plan Check and GIS Mapping Section, (559) 621-8682, for review and approval, prior to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Landscape and Irrigation Plans.

### 3. SURVEY MONUMENTS AND PARCEL CONFIGURATION

- a) All survey monuments within the area of construction shall be preserved and if disturbed, shall be reset by a person licensed to practice Land Surveying in the State of California. **(Include this note on the site plan.)**

## PART D - PLANNING/ZONING REQUIREMENTS

### 1. PLANNING

- a) Development is subject to the following ordinances, plans and policies:
  - i) "R-1", *Single Family Residential District* (§12-211 of the FMC)
  - ii) "BA-15", *Boulevard Area Overlay District* (§12-240 of the FMC)
  - iii) "UGM", *Urban Growth Management* (§§12-4.500-12-4.510 of the FMC)
  - iv) "-cz's", *Conditions of Zoning (Rezone Application No. R-04-079)*
  - v) Fresno General Plan
  - vi) Roosevelt Community Plan

### 2. ZONING

- a) Approval of Conditional Use Permit Application No. C-15-037 is contingent upon approval of Vesting Tentative Tract Map No. 6103/UGM.
- b) A subsequent entitlement will be required in order to revise the current development proposal or authorize an alternative development scheme for the subject property. Further environmental review may also be required if any proposed revisions have not been previously evaluated.
- c) The subject property is zoned under the R-1 (*Single Family Residential*) zone district classification. Any development on the subject property or individual lots resulting from a subdivision thereof shall comply with the property development standards of the respective R-1

zone district except as may be modified herein pursuant to Conditional Use Permit Application No. C-15-037.

### 3. BUILDING HEIGHT

- a) No building or structure erected in the R-1 (*Single Family Residential*) zone district shall have a height greater 35 feet.
  - 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.
- b) No accessory building erected on the subject property shall have a height greater than one story, not to exceed 12 feet in height. All accessory buildings on the subject property are subject to the provisions of Section 12-306-N-1 (Accessory Buildings) of the FMC.

### 4. BUILDING AND YARD SETBACKS AND SPACES BETWEEN BUILDINGS

- a) Setbacks and spaces between buildings shall be provided in accordance with Exhibit(s) "A" of Conditional Use Permit Application No. C-15-037; and, the following:
  - NOTE: Any proposed deviation from the building setback envelopes established by Exhibit "A" of Conditional Use Permit Application No. C-15-037 requires a revision to Conditional Use Permit Application No. C-15-037.
- b) Proposed structures are required to be found in compliance with the fire resistive standards of the Uniformed Building Code. In the event structures do not comply they must be modified so as to meet the requirement.

### 5. LOT COVERAGE

- a) Maximum lot coverage by buildings and structures shall not exceed 50 percent of the total lot area; except as follows:
  - i) Development of lots shall comply with any additional limitations imposed by the Fresno Metropolitan Flood Control District with respect to allowable area of hardscape or impervious improvements on property, in addition to the typical lot coverage allowances of the Fresno Municipal Code.

### 6. OPEN SPACES AND LANDSCAPING

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

- a) A landscape and irrigation plan, prepared by a landscape professional, shall be submitted to the Development Services (Planning) Division and approved for all open space and

recreational areas within the development. These plans must be reviewed and approved prior to obtaining building permits.

- b) All yards (including private) and areas designated for open space purposes shall be landscaped and maintained in accordance with Sections 12-306-N-24 of the FMC.
  - i) All yards and landscaped areas located adjacent to street frontage shall be provided automatic irrigation systems.
  - ii) All yards (including private) and areas designated for open space purposes shall comply with the water efficient landscape standards in accordance with Section 12-306-N-23 of the FMC.
- c) Provide a minimum 8-foot wide landscape strip (and irrigation system) at the end of all blocks with public street frontage. The landscape strip/buffer shall be located adjacent to the "sidewalk pattern" within the adjacent public street rights-of-way and shall incorporate street trees to shade the adjacent sidewalks in accordance with Public Works standards, specifications, and policies.
  - i) Obligations for retention and maintenance of end-block landscaped areas shall be the responsibility of the respective property owner(s) on which the landscaped area is located.
  - ii) Obligations and responsibilities for retention and maintenance of end-block landscaped areas shall be secured through the preparation and recordation of a covenant, which stipulates terms for the future retention and maintenance.
    - NOTE: It is the responsibility of the subdivider to disclose all responsibilities associated with these conditions of approval to prospective buyers when individual lots are sold.
- d) All walls or fences, which are adjacent to public rights-of-way and accessible to the public, shall incorporate an adjacent landscaped buffer area pursuant to the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards."
- e) Provide for the planting of trees on-site per FMC Section 12-306-N-24-g; except as may be modified herein below:
  - i) Planting of on-site trees shall occur in accordance with the landscape plan which is required to be submitted to the Development Services (Planning) Division for review and approval prior to issuance of building permits.
  - ii) Trees shall be planted in all landscaped areas required in the conditions of approval for Vesting Tentative Tract Map No. 6103/UGM in order to shade and enhance adjacent property and public rights-of-way.
- 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.

- 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.
  - NOTE: The Department of Public Works may approve a request for waiver of street tree requirements if the applicant agrees to plant the minimum number of streets trees required based upon the linear feet of street frontage on private property within ten feet of the back of the sidewalk. Based upon the proposed building setbacks of proposed structures to public rights-of-way, street trees may not be required to be planted within a 10-foot Public Planting and Utility Easement (to be determined by the City Engineer).
  - NOTE: The number and location of street trees for the proposed project shall be approved by the Department of Public Works, Parks Supervisor prior to approval of landscape plans and prior to issuance of a street tree planting permit. The approved landscape plan, properly scaled and dimensioned, shall serve as a street tree planting permit for on-site trees not in the public right of way. A copy of this plan shall be kept at the job site at all times.
- i) 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.
  - ii) 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.
  - iii) 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.
- g) All trees shall be maintained in good health. Trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Development and Resource Management Department. **(Include this note on the site plan and landscape plan.)**
  - h) 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.
  - i) Landscaping shall be kept free from weeds and undesirable grasses.
  - j) Landscaping must be in place before issuance of the certificates of occupancy for proposed structures.
  - i) A Hold on Occupancy shall be placed on the proposed development until such time that

landscaping has been approved and verified for proper installation by the Development and Resource Management Department. **(Include this note on the site and landscape plans.)**

- NOTE: The hold on occupancy may be released at the discretion of the Development and Resource Management Department to subjectively accommodate inappropriate planting conditions, which are outside of the control of the developer/subdivider (e.g. weather conditions which may be prohibitive to planting in a timely and appropriate manner, etc.).
  - NOTE: The use of utilities for temporary occupancy may be allowed by the Building Official pursuant to FMC Section 13-100.110.1.2 et seq.
- ii) Prior to granting of final occupancy, a written certification, signed by a landscape professional approved by the Development and Resource Management Department Director, shall be submitted stating that the required landscaping and irrigation system have been installed in accordance with the landscaping and irrigation plans approved by the Development and Resource Management Department. **(Include this note on the site and landscape plans.)**

## 7. FENCES, HEDGES, AND WALLS

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

- a) All proposed fences, hedges and walls, etc. shall be reviewed and approved prior to installation by the City of Fresno, Development and Resource Management Department. **(Include this note on the site plan.)**
- i) Clearly depict any proposed/existing fences, hedges and walls on Exhibit(s) "A" and/or "L" of Conditional Use Permit Application No. C-15-037. Note that all proposed/existing fences, hedges and walls must comply with all policies, ordinances, regulations, etc. of the City of Fresno, Development and Resource Management Department.
- ii) Submit a rendering depicting the fence, hedge or wall height, material, location etc. for review and approval.
- NOTE: Only those fences, hedges and walls as shown on the site or landscape plans shall be reviewed for approval.
- b) Fences within the interior of the planned development shall be located behind any required end-block landscape areas as required by the conditions of approval for Vesting Tentative Tract Map No. 6103/UGM.
- c) All fences, hedges and walls shall conform to the provisions of Section 12-306-H of the FMC.
- NOTE: Without exception, all present and future fences, hedges, and walls shall not exceed three feet in height within the corner cut-off area defined at Section

12-306-H-3-e of the FMC; and, shall conform to all aspects of the corner cut-off provisions of Section 13-227 (Obstruction to Visibility at Intersection) and 13-228 (Intersection Visibility, Investigation and Enforcement. Lien.) of the FMC.

- d) Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.

#### 8. ACCESS

- a) There shall be pedestrian access from a dedicated and improved street, alley or recorded private access to property used for residential purposes, the design of which shall be approved by the Director of Public Works.
- b) Vehicular and/or pedestrian access shall be maintained and remain clear at all times.
- c) Provide vehicular and/or pedestrian access as noted on Exhibit(s) "A" of Conditional Use Permit Application No. C-15-037.

#### 9. 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 Development Services (Planning) Division's Public Front Counter. **(Include this note on the site plan).**

#### 10. BUILDING STANDARDS AND ELEVATIONS

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

The design of the project should address the goal to create a pedestrian scale atmosphere with quality architecture in order to create and achieve a vibrant, livable, walkable, economically viable and sustainable community to enhance the urban form. Buildings should generally be designed to strengthen street scene, integrating private and common area spaces such as to maximize pedestrian use, enjoyment and amenity associated with the planned development. Building elevations shall comply with the following requirements:

- a) All proposed buildings shall include design features and decorative treatments. Visible sides of buildings shall not be developed with featureless "blank" walls. Design measures should be utilized to avoid large scale, massive, monolithic, and repetitive "institutional" visual appearances. Submit elevations inclusive of modifications for review and approval.
  - i) Buildings shall have an attractive appearance on all sides, not just on their front elevations.

Side and rear elevations which are visible from the public rights-of-way or which are adjacent to common areas or paths of travel should incorporate aesthetic enhancements to reinforce the quality and character of the development. Design features such as the extension of roof treatments to the sides and backs of buildings; provision of overhangs, awnings and sunscreens; and, use of texture, relief, and/or color can be utilized to add interest to otherwise blank walls.

- NOTE: Aesthetic enhancements may include a variety of elements including incorporation of architectural character defining features, details and materials, landscaping, decorative fencing, etc. Contact the Development and Resource Management for further information and/or recommendations. Development and Resource Management Department approval shall be obtained for respective elevations of the proposed structures prior to issuance of building permits.
  - ii) Elevations which are visible from the public streets rights-of-way shall incorporate aesthetic enhancements pursuant to the recommendations included herein above.
  - iii) 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.
  - iv) 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.
  - v) Where proposed, attic vents shall be decorative, consistent with the style and character of each structure.
- b) Clearly identify all condensing units, air conditioning and heating units on the site plans and elevations.
- i) Mechanical equipment placed on the ground within side yard areas shall not obstruct or impede access for emergency service personnel. Maintain minimum 3-foot wide clear paths around equipment; or, provide approval from the City of Fresno Fire Department respective to mechanical equipment locations.
  - ii) Roof mounted mechanical equipment shall be recessed and shall not be visible from the public right-of-way. When placed on the ground outside of required yards, condensing units and mechanical equipment shall be screened from view of the public right-of-way with structures, fencing and/or landscaping as may be appropriate.

#### 11. DEVELOPMENT IMPACT FEES

City of Fresno Development Impact Fee obligations applicable to this project shall be satisfied in accordance with the fee schedule outlined within the conditions of approval for Vesting Tentative Tract Map No. 6103/UGM dated May 20, 2015. The specified fees will be payable at time of recordation of a Final Map, issuance of building permit, at time of issuance of certificate of

occupancy, or may be eligible to be deferred with a fee deferral covenant.

## **PART E - CITY AND OTHER SERVICES**

### **1. PUBLIC WORKS REQUIREMENTS**

- a) Comply with all of the requirements included within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated May 06, 2015; and all redline corrections included on Exhibit "A" of Conditional Use Permit Application No. C-15-037 dated April 10, 2015.\
- b) Comply with all of the requirements included within the attached Public Works Department, Streets Division memorandum from the Parks Supervisor dated May 05, 2015

### **2. PUBLIC UTILITIES REQUIREMENTS**

- a) Comply with all of the requirements included within the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated April 24, 2015.
- b) Comply with all of the requirements included within the attached Department of Public Utilities, Water Division memorandum dated April 20, 2015.

### **3. SOLID WASTE COLLECTION**

- a) The proposed project will be serviced as Single Family Residential properties with Basic Container Service (3 container - solid waste, green waste & recyclable material).

### **4. FIRE PROTECTION REQUIREMENTS**

The proposed project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. The proposed project is approved as submitted.

- NOTE: Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Services Section of the Development and Resource Management Department when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.

### **5. FLOOD CONTROL REQUIREMENTS**

- a) Comply with all of the requirements included within the attached Fresno Metropolitan Flood Control District memorandum dated May 07, 2015.

6. COUNTY OF FRESNO, DEPARTMENT OF COMMUNITY HEALTH

- a) Comply with all of the requirements included within the attached County of Fresno Department of Public Health memorandum dated April 02, 2015.

**PART F - MISCELLANEOUS**

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

1. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
2. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: 916/653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: 805/644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation.
3. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. A paleontologist shall conduct an assessment and, if the paleontologist determines the material to be significant, it shall be preserved.

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

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

**CONDITIONS OF APPROVAL  
MAY 20, 2015**

**VESTING TENTATIVE TRACT MAP NO. 6103/UGM  
“A PLANNED DEVELOPMENT”**

**SOUTH SIDE OF EAST FANCHER CREEK DRIVE BETWEEN SOUTH PURDUE AND SOUTH BUNDY AVENUES**

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

**NOTICE TO PROJECT APPLICANT**

**In accordance with the provisions of Government Code §66020(d)(1), the imposition of fees, dedications, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations or exactions imposed on the development project.** Each local agency shall provide to the project applicant a notice in writing at the time of the approval of the project or at the time of the imposition of the fees, dedications, reservations, or other exactions, a statement of the amount of the fees or a description of the dedications, reservations, or other exactions, and notification that the 90-day approval period in which the applicant may protest has begun (please see section related to Development Fees and Charges included herein below for further information).

**GENERAL CONDITIONS**

1. Upon conditional approval of Vesting Tentative Tract Map No. 6103/UGM, the subdivider may prepare a Final Map in accordance with the approved tentative map, and Conditional Use Permit Application No. C-15-037.
2. The developer/owner shall pay the appropriate park facilities fee and/or dedicate lands for parks and recreation purposes pursuant to Ordinance Nos. 2005-112 and 2005-113 adopted by the Fresno City Council on September 27, 2005.
3. Submit grading plans and a soils report to the City of Fresno Development and Resource Management Department for verification prior to Final Map approval (Reference: Sections 12-1022 and 12-1023 of the Fresno Municipal Code). Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.
4. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Development and Resource Management Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.

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

#### GENERAL INFORMATION

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

- i) Attached for the subdivider/developer's use is a copy of the Mode of Delivery Agreement – New Construction Form.
12. 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," any multiple final maps filed by the subdivider on this tract shall fully and independently conform to all provisions of FMC 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. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
15. 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.
16. 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.
17. 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

18. As a "Planned Development" subdivision, approval of Vesting Tentative Tract Map No. 6103/UGM is contingent upon approval of Conditional Use Permit Application No. C-15-037; authorizing the planned development of the subject property.
19. The subject property is zoned under the R-1/BA-15/UGM/cz (Single Family Residential/Boulevard Area Overlay/Urban Growth Management/with conditions of zoning) zone district classification. Any development on the subject property or individual lots resulting from a subdivision thereof shall comply with the property development standards of the respective R-1 zone district and Boulevard Area Overlay except as may be modified herein pursuant to Conditional Use Permit Application No. C-15-037.
  - a) The uses authorized by Conditional Use Permit Application No. C-13-137 shall be retained unless otherwise reviewed and approved by the City of Fresno Development and Resource Management Department through a formal revised or amended entitlement application.

#### Lot Area and Dimensions

20. Pursuant to Section 12-306-N-21 of the FMC the Director of the Development and Resource Management 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. 6103/UGM.

#### Building Setbacks

21. Building setbacks shall be provided in accordance with the Conditions of Approval and the approved site plan(s) (Exhibit[s] "A") for Conditional Use Permit Application No. C-15-037.

#### Fences, Hedges & Walls

22. Fences Hedges and Walls shall be provided in accordance with the Conditions of Approval and the approved site plan(s) (Exhibit[s] "A") for Conditional Use Permit Application No. C-15-037.

#### LANDSCAPING AND OPEN SPACE

23. On-site landscaping and open space shall be provided and maintained in accordance with the Conditions of Approval and the approved site plan(s) (Exhibit[s] "A") for Conditional Use Permit Application No. C-15-037; and, the following:
- a) Provide a minimum 8-foot wide landscape strip (and irrigation system) at the end of all blocks with public street frontage. The landscape strip/buffer shall be located adjacent to the "sidewalk pattern" within the adjacent public street rights-of-way and shall incorporate street trees to shade the adjacent sidewalks in accordance with Public Works standards, specifications, and policies.
    - i) Obligations for retention and maintenance of end-block landscaped areas shall be the responsibility of the respective property owner(s) on which the landscaped area is located.
    - ii) Obligations and responsibilities for retention and maintenance of end-block landscaped areas shall be secured through the preparation and recordation of a covenant, which stipulates terms for the future retention and maintenance.
      - NOTE: It is the responsibility of the subdivider to disclose all responsibilities associated with these conditions of approval (and those associated with approval of Conditional Use Permit Application No. C-15-037) to prospective buyers when individual lots are sold.
  - b) Landscaping, which is compliant with the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards," shall be required at all end-blocks and adjacent to all required 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 Development and Resource Management and Public Works Departments.
  - c) All proposed/required landscaped easements/buffers, open space areas, pedestrian connections, entryways, pathways and/or private on-site landscaping for street tree purposes shall be improved in accordance with the 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 and fence/wall details for any proposed/required open spaces areas or pedestrian connections shall be provided with the submittal of the landscape improvement plans.

#### STREETS AND RIGHTS-OF-WAY

24. 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.
27. Comply with all of the requirements included within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated May 05, 2015; except, as may be modified by the Public Works Director prior to recordation of a Final Map.

28. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and is responsible for the dedication of planting and buffer landscape easements as determined by the Development and Resource Management Department. Street trees shall be planted by the developer at the minimum rate of one tree for each 24 feet of street frontage. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 12-306-N-23, Water Efficient Landscape Standards and AB 1881 Model Water Efficient Landscape Ordinance.
  - a) Comply with all of the Street Tree, Buffer Landscaping & Maintenance, Median Island Landscape and Outlot requirements included within the Department of Public Works, Streets Division memorandum from the Parks Supervisor dated May 05, 2015.

#### SANITARY SEWER SERVICE

The nearest sanitary sewer main to serve the proposed project is an 8-inch main located in East Beck Avenue and a 10-inch sewer main located in East Fancher Creek Drive. The following sewer conditions shall be required prior to providing City sewer service to the project:

29. Comply with all of the requirements included within the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated April 24, 2015.

#### WATER SERVICE

The nearest water mains to serve the proposed project are a 12-inch main located in East Fancher Creek Drive, a 12-inch main located in South Bundy Avenue and an 8-inch main located in East Beck Avenue. The following water improvements shall be required prior to providing City water service to the project:

30. The project site is located within the jurisdiction of another service provider. The applicant shall contact The Bakman Water District for service conditions and/or restrictions; and, shall comply with any requirements stipulated by the Bakman Water District as necessary to provide water connectivity and service to the subject property.

#### FIRE SERVICE

The proposed project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. The proposed project is approved as submitted.

- NOTE: Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Services Section of the Development and Resource Management Department when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.

#### FLOOD CONTROL AND DRAINAGE

31. 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 May 07, 2015.

#### SOLID WASTE SERVICE

32. This tract will be serviced as Single Family Residential properties with Basic Container Service (3 container - solid waste, green waste & recyclable material).

#### COUNTY OF FRESNO DEPARTMENT OF PUBLIC HEALTH

33. Comply with all requirements included within the attached memorandum from the County of Fresno, Department of Public Health dated April 02, 2015.

#### RIGHT-OF-WAY ACQUISITION

34. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.
35. 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.
36. 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.
37. 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.
38. 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

The long term maintenance of all the items listed below is ultimately the responsibility of the owner/developer:

39. Comply with all the requirements included within the attached Department of Public Works, Traffic and Engineering Services Division memorandum regarding Maintenance Requirements dated May 04, 2015; and, the following:
  40. If the owner/developer chooses to be annexed into the City's CFD for maintenance purposes, then an Annexation Request Package shall be submitted to the Public Works Department for review, processing, and approval.
    - NOTE: Packages must be complete with all required information in order to be accepted. The Annexation Request Form is available on-line on the City of Fresno website (<http://www.fresno.gov>) under the Public Works Department Developer Doorway.
  - a) Construction plans for all features to be maintained by a CFD for a final map shall be included in the final map submission to the Development Department for processing. Where applicable, this shall include a Street Tree Location and Street Tree Species (by street) map. Landscaping plans shall contain actual tree and plant counts by species and include the areas (in square feet) of turf, shrubs and trees, and sidewalks or other paved areas within all landscaped areas.
    - NOTE: The Department of Public Works will not be responsible for the maintenance of any outlots if they are not included into the Community Facilities District (CFD). If the outlots are to be included into the CFD, the Department of Public Works will require that landscape and irrigation plans be submitted with landscape buffer plans for approval prior to inclusion into the CFD.
  - b) Proceedings to place the Final Map into a CFD shall not commence until the Final Map, Landscape and Street Construction Plans are considered to be technically correct.
  - c) If the developer/subdivider elects to petition for annexation into the City's Community Facilities District, he/she shall be required to provide the City of Fresno, Department of Public Works, with copies of signed acknowledgments from each purchaser of a lot within the subdivision, attesting to the purchasers understanding that the lot will have an annual maintenance assessment and that he/she is aware of the estimated amount of the assessment. The developer/subdivider shall execute and record a covenant on each lot providing notice that the subject property is subject to annual payment of the Community Facilities District assessment.
41. Should the City Council or owner/developer choose not to include all of the maintenance items or certain items listed above in a CFD, then 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 Section 12-1026 of the Fresno Municipal Code. The Declaration of Covenants, Conditions, and Restrictions (CC&R's) described herein, shall among other things, specify level of effort, frequency, and inspection of maintenance responsibilities, name the City as a third party beneficiary for those provisions, and be subject to

approval by the Director of Public Works and the City Attorney's Office. Any amendment to the above provisions or any other provision specifying any right of the City shall require the prior written consent of the City.

- 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 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 September 01, 1994.

DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

<u>FLOOD CONTROL CHARGES</u>	<u>FEE RATE</u>
a. FMFCD Drainage Fee	\$4,976.00
<u>SEWER CONNECTION CHARGES</u>	<u>FEE RATE</u>
b. Lateral Sewer Charge [1]	\$0.10/sq. ft. (to 100' depth)
c. Oversize Charge [1]	\$0.05/sq. ft. (to 100' depth)
d. Trunk Sewer Charge [2] Service Area: Fowler	\$344/living unit
e. Wastewater Facilities Charge [3]	\$2,119/living unit
f. Fowler Trunk Sewer Interim Fee Surety [1]	N/A
g. Copper Avenue Sewer Lift Station Charge [1]	N/A
h. House Branch Sewer Charge [2]	N/A
<u>WATER CONNECTION CHARGES</u>	<u>FEE RATE</u>
i. Water provided by Bakman Water Company	
<u>CITYWIDE DEVELOPMENT IMPACT FEES</u>	<u>FEE RATE</u>
j. Fire Facilities Impact Fee – Citywide [4]	\$539/living unit
k. Park Facility Impact Fee – Citywide [4]	\$2278/living unit

l. Quimby Parkland Dedication Fee [2]	\$1120/living unit
m. Police Facilities Impact Fee – Citywide [4]	\$624/living unit
n. Citywide Regional Street Fee [3]	\$8,361/adj. acre
o. New Growth Area Major Street Fee [3]	\$18,790/adj. acre
p. Traffic Signal Charge [1]	\$450.94/living unit

**Notes:**

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

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

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

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

[1] Deferrable through Fee Deferral Covenant.

[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.

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



DATE: May 5, 2015

TO: Will Tackett  
Development and Resource Management Department

THROUGH: Jill Gormley, TE, Traffic and Engineering Manager, City Traffic Engineer  
Public Works Department, Traffic & Engineering Services Division

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

SUBJECT: Public Works Conditions of Approval  
TT 6103, 5882 East Fancher Creek Drive  
Wathen-Castanos Hybrid Homes, Inc./ Gary Giannetta

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

**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.
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. Design local streets with a minimum of 250' radius.
5. **Local street lengths** exceeding 800' and four way intersections require traffic calming measures. Construct permanent traffic circles per Public Works Standards P-83, P-84 and/or P-85. **Identify and provide cross sections on the map. No parking is allowed adjacent to the circles.**
6. **Outlots:** If the subdivider seeks to dedicate to the City, in fee, an outlet for open space purposes, subdivider shall prove to the City that the outlet 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.
7. **Plan Submittal:** Submit the following plans, as applicable, in a single package, to the **Public Works Department** for review and approval: Street: construction, signing, striping, traffic signal and streetlight.
8. The construction of any overhead, surface or sub-surface structures and appurtenances in the public right of way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Traffic and Engineering Services Division, (559) 621-8693. Encroachment permits must be approved prior to issuance of building permits.
9. Street widening and transitions shall also include utility relocations and necessary dedications.

## Frontage Improvement Requirements:

### **Public Streets:**

#### Fancher Creek Drive: Scenic Drive (not to current PW Standards, provide cross section on map)

1. Construction Requirements where not existing:
  - a. Construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The curb shall be constructed to a modified residential pattern. Construct a 6' residential sidewalk per Public Works Standard P-5.
  - b. Construct 20' of permanent paving within the limits of this subdivision.
  - c. Construct an underground street lighting system to Public Works Standard E-1 within the limits of this subdivision. Spacing and design shall conform to Public Works Standard E-7 for Arterial Streets.

#### Purdue Avenue: Modified Local (not to current PW Standards, provide cross sections on the map)

1. Construction Requirements where not existing:
  - a. Construct permanent paving per Public Works Standard P-50, within the limits of this application and transition paving as necessary.
  - b. Construct a standard curb ramp per Public Works Standard P-28 and P32, based on a 20' radius.
  - c. Construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The curb shall be constructed to a modified residential pattern. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, Section 26-2.11(C).
  - d. 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 Locals.

### **Alley:**

1. Dedicate a 24' easement for public alley purposes within the limits of this map.
2. Alley, as shown, is not constructed to Public Works Standards.
  - a. Remove and replace alley to Public Works Standard P-14 OR
  - b. Obtain approval for alley to remain from the City Engineer.
3. Construct street type alley approaches (where the alley intersects Purdue and Bundy) to Public Works Standard P-76 complete with ramps per P-29 and P-32.
4. Provide a 10' visibility triangle at all points of egress.

**Specific Mitigation Requirements:** This tract will generate 23 a.m. / 30 p.m. peak hour trips; therefore, a Traffic Impact Study (TIS) is not required.

1. Relinquish direct vehicular access rights to Fancher Creek Drive and Purdue within the limits of this map.
2. The first order of work shall include a minimum of two points of vehicular access to the major streets for any phase of this development.
3. No parking is allowed within the limits of the median within Purdue.

**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 single family units (fee rate as shown in the Master Fee Schedule).

Fresno Major Street Impact (FMSI) Fee : This Map is in the New Growth Area; therefore pay all applicable growth area fees and 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](http://www.fresnocog.org). Provide proof of payment or exemption prior to issuance of building permits.



**DATE:** May 6, 2015

**TO:** Will Tackett  
Development and Resource Management Department

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

**SUBJECT:** Conditions of Approval for C-15-037

**ADDRESS:** 5882 East Fancher Creek Drive

**APN:** 313-836-01 thru 12 and 313-786-01 thru 03

<b>ATTENTION:</b>			
The items below require a separate process with additional fees and timelines, in addition to the CUP/SPR permit process. In order to avoid delays in obtaining a building permit, the following items shall be submitted to the Public Works contacts shown below.			
<b>X</b>	<b>Maintenance Agreement / CFD</b>	Ann Lillie	(559) 621-8690 ann.lillie@fresno.gov
<b>X</b>	A <u>Tract Map</u> is required to establish this configuration <u>prior</u> to building permits or submit a revised exhibit confining the proposed development within existing parcel lines.	Will Tackett	(559) 621-8063 will.tackett@fresno.gov

**PUBLIC IMPROVEMENT REQUIREMENTS**

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, on which this review process is dependent, will be imposed whenever such conditions are disclosed.

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

Underground all existing off-site overhead utilities within the limits of this site/map as per FMC Section 12-1011 and Resolution No. 78-522/88-229.

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

Fancher Creek Drive: Scenic Drive (no Public Works Standard, provide x-section)

1. Construction Requirements: Where not existing,
  - a. Construct 20' of permanent paving per Public Works Standard P-50, within the limits of this application and transition paving as necessary.
  - b. Construct a standard curb ramp per Public Works Standard P-28, based on a 20' radius.
  - c. Construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The curb shall be constructed to a 10' pattern. (Construct a 6' minimum residential sidewalk. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, Section 26-2.11(C).
  - d. Construct an underground street lighting system to Public Works Standard E-1 within the limits of this application. Spacing and design shall conform to Public Works Standard E-7 for Arterials.

Purdue Avenue: Local

1. Construction Requirements: Where not existing,
  - a. Construct permanent paving per Public Works Standard P-50, within the limits of this application and transition paving as necessary.
  - b. Construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The curb shall be constructed to a residential pattern. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, Section 26-2.11(C).
  - c. 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 Locals.

Alley:

1. Dedicate a 24' easement for public alley purposes within the limits of this map.
2. Alley, as shown, is not constructed to Public Works Standards.
  - a. Remove and replace alley to Public Works Standard P-14 OR
  - b. Obtain approval for alley to remain from the City Engineer.
3. Construct street type alley approaches (where the alley intersects Purdue and Bundy) to Public Works Standard P-76 complete with ramps per P-29 and P-32.
4. Provide a 10' visibility triangle at all points of egress.

**Alley Construction Plans are required and shall be approved by the City Engineer.** All improvements shall be constructed in accordance with the City of Fresno, Public Works Department Standard Drawings and Specifications. The performance of any work within the public street right of way (including pedestrian and utility easements) requires a **STREET WORK PERMIT prior** to commencement of work. When preparing Street Plans and/or Traffic Control Plans, contact (Randy Schrey) at (559) 621-8807, **10 working days** in advance, to make sure that sidewalks or an approved accessible path remain open during construction. Submit construction plans for all required work, in a single package, to the City of Fresno's, Traffic and Engineering Services Division. All work shall be reviewed, approved, completed and accepted **prior** to obtaining a certificate of occupancy. Utility poles, street lights, signals, etc. shall be relocated as determined by the City Engineer.

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

**Trip Generation:** This development will generate the following Average Daily Trips (A.D.T.), based upon the code(s) of the Institute of Transportation Engineers' Trip Generation Manual shown below:

Description/ ITE code	Size	ADT	AM Peak Hour	PM Peak Hour
single family residential	30 lots	286	23	30

**Traffic Signal Mitigation Impact (TSMI) Fee:** This project shall pay all applicable TSMI Fees at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Contact the Public Works Department, Frank Saburit at (559)621-8797.

**Fresno Major Street Impact (FMSI) Fees:** This entitlement is in the New Growth Area; therefore pay all applicable growth area fees and City-wide regional street impact fees. / Contact the Public Works Department, Frank Saburit at (559) 621-8797. N/A for Well Sites

**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](http://www.fresnocog.org). Provide proof of payment or exemption prior to issuance of certificate of occupancy.

**Prior to resubmitting a corrected exhibit, provide the following information on the site plan:**

**A. General Requirements**

1. **Legend:** Provide line types and utility symbols
2. **Easements:** Identify and dimension.
3. **Scope of work:** All items shall be listed as existing or proposed.

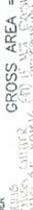
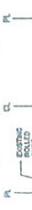
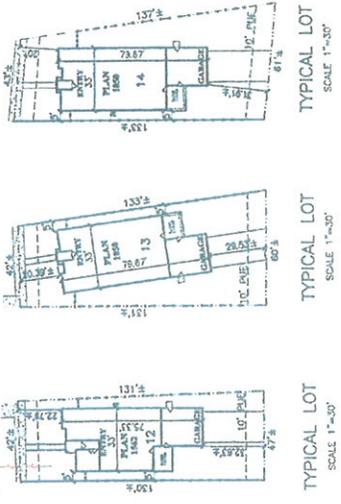
**B. Offsite Information:**

1. **Street Improvements and Furniture:** Identify existing and proposed curb, gutter, sidewalks (provide width), driveway approaches (provide width), ADA ramps (provide radius), street lights (specify if wood or metal pole), traffic signals, utility poles, boxes, guy wires, signs, fire hydrants, bus stop benches, trash receptacles, tree wells, etc.
2. **ADA:** Identify the required 4' minimum path of travel along the public sidewalk adjacent to property, as required by the California Administration Code (Title 24). A pedestrian easement may be required if Title 24 requirements cannot be met.

Questions relative to these conditions may be directed to Louise Gilio at 559 621-8678, in the Public Works Department, Traffic and Engineering Services Division.

APPROXIMATE VARIATION AT ALL INTERSECTIONS AT  
 INTERSECTION OF SOUTH PARK AVENUE AND ALLEY TO  
 PARKING LOT MEMORIAL AND ALLEY TO  
 STREET INTERSECTION

PLAN AREA 14  
 PLAN AREA 13  
 PLAN AREA 12



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## DEPARTMENT OF PUBLIC WORKS

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TO: Will Tackett, Planner III  
Planning Division

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

DATE: May 5, 2015

SUBJECT: Tract 6103 (APN 313-836-01 to 12 and 313-786-01, 02,03);  
5882 East Fancher Creek Drive located on the southwest side of East Fancher  
Creek Drive between South Purdue and South Bundy Avenues. The Department of Public  
Works offers the following comments regarding the requirements for landscaping and  
irrigation in the street right-of-ways, landscape easements, outlots and median islands for  
this Wathen-Castanos Hybrid Homes' Subdivision:

### 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 AB1881.
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' 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, buffers, medians and trails, shall be reviewed and approved by the Department of Public Works, Engineering Services. A street tree planting permit shall be required for all residential street tree planting.
  - d. Performance and payment securities, paid with final map, will be released when all landscaping installed on public and/or city controlled property is in conformance with the Specifications of the City of Fresno.
  - e. Upon acceptance of the required work, warranty security shall be furnished to or retained by the city for guaranty and warranty of the work for a period of ninety days following acceptance.

### BUFFER LANDSCAPING & MAINTENANCE REQUIREMENTS

1. The subdivider shall provide long term maintenance for all proposed landscaped areas by either petitioning for annexation in the Community Facilities District or by forming a Home Owner's Association.
2. The buffers along East Fancher Creek Drive and South Bundy Drive as well as the median islands at the entry points to South Purdue Avenue and South Bundy Drive; also including the median island on Fancher Creek Drive have already been included in the Community Facilities District for maintenance under Tract 5232 CFD 11 Annex 14.

### MEDIAN ISLAND LANDSCAPE REQUIREMENTS

1. When median islands front onto the proposed development project, applicants shall submit Plans to the Public Works/Engineering Services showing the location and configuration of all median islands fronting the proposed project.
2. The Public Works Department will review and evaluate existing median island(s) for a determination of all required improvements prior to approval of Final Map.

### OUTLOTS

1. The Department of Public Works will not be responsible for the maintenance of any outlots if they are not included into the Community Facilities District (CFD). If the outlots are to be included into the CFD, the Department of Public Works will require approved landscape and irrigation plans to be submitted with landscape buffer plans prior to inclusion into the CFD.
2. Outlots which are utilized for water well purposes will not be included in the CFD. The Water Division Department in Public Utilities will provide the maintenance of all plant material on the well site.



**DEPARTMENT OF PUBLIC UTILITIES  
ADMINISTRATION DIVISION  
MEMORANDUM**



*Providing Life's Essential Services*

**Date:** April 24, 2015

**To:** ROBERT BEREND, Project Manager  
Planning and Development

**From:** KEVIN GRAY, Supervising Engineering Technician  
Department of Public Utilities, Planning and Engineering Division

**Subject:** SEWER REQUIREMENTS FOR VESTING TENTATIVE MAP of TRACT No. 6103/UGM (formerly FROM Vesting Tentative Parcel Map No. 2015-02) & CONDITIONAL USE APPLICATION C-15-037

**General**

VESTING TENTATIVE PARCEL MAP NO. 2015-02, a 30-lot single family residential planned unit development on approximately 4.45 net acres of property located on the southwest side of East Fancher Creek Drive between South Purdue and South Bundy Avenues (a re-subdivision of Lots 211 through 239 of Tract 5232), 5882 East Fancher Creek Drive & APN: 313-836-01. (Conditional Use Permit Application No. C-15-037 has also been filed to authorize a planned unit development with modified property development standards pursuant to VTPM No. 2015-02)

**Sewer Requirements**

The nearest sanitary sewer main to serve the proposed project is an 8-inch sewer main located in East Beck Avenue and a 10-inch sewer main located in East Fancher Creek Drive. Sanitary Sewer facilities are available to provide service to the site subject to the following requirements:

1. Installation of sewer house branch(s) shall be required.
2. Separate sewer house branches are required for each lot
3. On-site sanitary sewer facilities shall be private.

**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 Area 37
3. Trunk Sewer Charge: Fowler
4. Wastewater Facility Charge (Residential Only)



*A Nationally Accredited Public Utility Agency*



DEPARTMENT OF PUBLIC UTILITIES – WATER DIVISION  
MEMORANDUM



*Providing Life's Essential Services*

DATE: April 20, 2015

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

THROUGH: MICHAEL CARBAJAL, Division Manager  
Department of Public Utilities – Water Division

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

**SUBJECT: WATER REQUIREMENTS FOR VESTING TENTATIVE TRACT T-6103  
AND CONDITIONAL USE PERMIT C-15-037.**

**General**

Vesting Tentative Tract Map No. 6103/UGM (formerly VTPM no. 2015-02) was converted from the previously routed parcel map to a tract map for purposes of compliance with the provisions of the Subdivision Map Act. All aspects of the proposed project remain the same. The tentative tract map and associated Conditional Use Permit Application No. C-15-037 (first routed for review on March 20, 2015) have been filed by Gary Giannetta, on behalf of Wathen-Castanos Hybrid Homes, Inc., and pertain to a 30-lot single family residential planned unit development on approximately 4.45 net acres of property located on the southwest side of East Fancher Creek Drive between south Purdue and South Bundy Avenues. The property is zoned R-1/UGM (Single-Family Residential/Urban Growth Management).

**Water Service**

Project site is located within the jurisdiction of another provider for sanitary sewer service. The applicant should contact Bakman Water District for service conditions and/or restrictions.



*A Nationally Accredited Public Utility Agency*



**FIRE DEPARTMENT**

**Date:** April 23, 2015

**To:** WILL TACKETT, Supervising Planner  
Development and Resource Management Department

**From:** DAVID POLANCO, Fire Prevention Inspector II   
Fire Department, Fire Prevention Division

**Subject:** **Vesting Tentative Map of Tract No. 6103/UGM (formerly VTPM No. 2015-02) (5882 E Fancher Creek Dr)** was converted from the previously routed parcel map to a tract map for purposes of compliance with the provision of the Subdivision Map Act. All Aspects of the proposed project remain the same. The tentative tract map and associated Conditional Use Permit Application No. C-15-037 (first routed for review on March 20, 2015) have been filed by Gary Giannetta, on behalf of Wathen-Castanos Hybrid Homes, Inc., and pertain to a 30-lot single family residential planned unit development on approximately 4.45 net acres of property located on the southwest side of East Fancher Creek Drive between South Purdue and South Bundy Avenues. The property is zoned R-1/UGM (*Single –Family Residential/Urban Growth Management*).

**General**

This project was reviewed by the fire department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of DARM when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.

Approved as submitted.

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

File No. 210.45

Page 1 of 4

**PUBLIC AGENCY**

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

**DEVELOPER**

JOSH PETERSON, WATHEN-CASTANOS HYBRID  
HOMES, INC.  
802 W. PINEDALE AVE., SUITE 104  
FRESNO, CA 93711

**FR TRACT No. 6103**

PROJECT NO: **6103**

ADDRESS: **5882 E. FANCHER CREEK DR.**

APN: 313-771-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 313-772-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 313-773-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 313-774-01, 02, 03,

SENT: **5/7/15**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
BM	\$4,976.00	NOR Review *	\$271.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review *	\$756.00	Amount to be submitted with first grading plan submittal.
<b>Total Drainage Fee: \$4,976.00</b>		<b>Total Service Charge: \$1,027.00</b>		

\* The Development Review Service Charge shown above is associated with FR CUP 2015-037, FR TPM 2015-002 and is currently proposed to develop in conjunction with this permit. Payment for this entitlement shall satisfy the amount due on the associated permits.

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.

Pursuant to the District's Development Review Fee Policy, the subject project shall pay review fees for issuance of this Notice of Requirements (NOR) and any plan submittals requiring the District's reviews. The NOR fee shall be paid to the District by Developer before the Notice of Requirement will be submitted to the City. The Grading Plan fee shall be paid upon first submittal. The Storm Drain Plan fee shall be paid prior to return/pick up of first submittal.

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 2/29/16 based on the site plan submitted to the District on 4/17/15 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.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 2 of 4

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

1.  a. Drainage from the site shall BE DIRECTED TO FANCHER CREEK DRIVE, PURDUE AVENUE, BUNDY DRIVE AND BECK AVENUE  
 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 and information 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  
 Drainage Report (to be submitted with tentative 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.  
 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.

FR TRACT No. 6103

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 3 of 4

FR  
TRACT No. 6103

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, effective July 1, 2010, as amended. 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 and Permit Registration Documents 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.

  
Debbie Campbell  
Design Engineer

  
Mark Will  
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 4 of 4

CC:

MIKE DE YOUNG, WATHEN-CASTANOS HYBRID HOMES, INC.

802 W. PINEDALE AVE., SUITE 104

FRESNO, CA 93711

GARY GIANNETTA

1119 S STREET

FRESNO, CA 93721

**FR TRACT No. 6103**

**OTHER REQUIREMENTS**  
**EXHIBIT NO. 2**

The District is currently reviewing the impacts of the development on the existing Master Plan system. Current system design is for R-1 zoning (R1-40), and based on lot size the proposed development appears to be at a higher density. The developer shall submit lot coverage densities to the District prior to submittal of improvement plans (lot coverage calculations shall include front yard walkway, a side yard walkway, and rear yard patio in addition to the City's typical lot coverage calculations). Should the existing Master Plan system not have adequate capacity to accommodate the proposed density the developer will be required to mitigate the increased runoff.

Development No. Tract 6103

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

File No. 210.413

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**PUBLIC AGENCY**

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

**DEVELOPER**

JOSH PETERSON, WATHEN-CASTANOS HYBRID  
HOMES, INC.  
802 W. PINEDALE AVE., SUITE 104  
FRESNO, CA 93711

PROJECT NO: **2015-037**

ADDRESS: **5882 E. FANCHER CREEK DR.**

APN: **313-786-01, 02, 03, 04, 313-836-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13T, 14T, 15** SENT: **5/7/15**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
BM	\$4,976.00	NOR Review *	\$271.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review *	\$756.00	Amount to be submitted with first grading plan submittal.
<b>Total Drainage Fee: \$4,976.00</b>		<b>Total Service Charge: \$1,027.00</b>		

\* The Development Review Service Charge shown above is associated with FR TRACT 6103, FR TPM 2015-002 and is currently proposed to develop in conjunction with this permit. Payment for this entitlement shall satisfy the amount due on the associated permits.

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.

Pursuant to the District's Development Review Fee Policy, the subject project shall pay review fees for issuance of this Notice of Requirements (NOR) and any plan submittals requiring the District's reviews. The NOR fee shall be paid to the District by Developer before the Notice of Requirement will be submitted to the City. The Grading Plan fee shall be paid upon first submittal. The Storm Drain Plan fee shall be paid prior to return/pick up of first submittal.

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 2/29/16 based on the site plan submitted to the District on 3/24/15 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.

**FR CUP No. 2015-037**

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 2 of 4

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

1.  a. Drainage from the site shall BE DIRECTED TO FANCHER CREEK DRIVE, PURDUE AVENUE, BUNDY DRIVE AND BECK AVENUE  
 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 and information 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  
 Drainage Report (to be submitted with tentative 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.  
 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.

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CUP No. 2015-037

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

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FR  
CUP No. 2015-037

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, effective July 1, 2010, as amended. 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 and Permit Registration Documents 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.

  
\_\_\_\_\_  
Debbie Campbell  
Design Engineer

  
\_\_\_\_\_  
Mark Will  
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

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CC:

MIKE DE YOUNG, WATHEN-CASTANOS HYBRID HOMES, INC.

802 W. PINEDALE AVE., SUITE 104

FRESNO, CA 93711

GARY GIANNETTA

1119 "S" STREET

FRESNO, CA 93721

**FR CUP No. 2015-037**

**OTHER REQUIREMENTS**  
**EXHIBIT NO. 2**

The District is currently reviewing the impacts of the development on the existing Master Plan system. Current system design is for R-1 zoning (R1-40), and based on lot size the proposed development appears to be at a higher density. The developer shall submit lot coverage densities to the District prior to submittal of improvement plans (lot coverage calculations shall include front yard walkway, a side yard walkway, and rear yard patio in addition to the City's typical lot coverage calculations). Should the existing Master Plan system not have adequate capacity to accommodate the proposed density the developer will be required to mitigate the increased runoff.

Development No. CUP 2015-037



# County of Fresno

DEPARTMENT OF PUBLIC HEALTH  
DAVID POMAVILLE, DIRECTOR

April 2, 2015

LU0017985  
2602

Will Tackett  
Development & Resource Management  
2600 Fresno Street, Third Floor  
Fresno, CA 93721-3604

Dear Mr. Tackett:

PROJECT NUMBER: TPM 2015-02, C-15-037

Conditional Use Permit Application No. C-15-037, filed by Josh Peterson of Wathen-Castanos Hybrid Homes, Inc., pertains to approximately 4.45 net acres of property located on the southwest side of East Fancher Creek Drive between South Purdue and South Bundy Avenues. The applicant requests authorization to establish a 30-lot single family residential planned unit development with modified property development standards pursuant to **Vesting Tentative Parcel Map No. 2015-02** (being a resubdivision of Lots 211 through 239 of Tract No. 5232). The property is zoned R-1 /UGM (*Single Family Residential/Urban Growth Management*).

APN: 313-836-01 through 12 and 313-7860-01, -02, 03  
SITE ADDRESS: 5882 East Fancher Creek Drive

ZONING: R-1/UGM

Recommended Conditions of Approval:

- 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.
- 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 Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.
- The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.

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REVIEWED BY:

Kevin Tsuda

Digitally signed by Kevin Tsuda  
DN: cn=Kevin Tsuda, o=Fresno County  
Department of Public Health,  
ou=Environmental Health Division,  
email=kevttsuda@co.fresno.ca.us, c=US  
Date: 2015.04.02 08:47:13 -0700

Kevin Tsuda, R.E.H.S.  
Environmental Health Specialist II

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Will Tackett  
April 2, 2015  
TPM 205-02, C-15-037  
Page 2 of 2

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(559) 600-3271

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kt

cc: Glenn Allen- Environmental Health Division (CT 14.03)  
Josh Peterson- Applicant ([joshp@wathen-castanos.com](mailto:joshp@wathen-castanos.com))  
Mike DeYoung- Applicant ([miked@wchomes.com](mailto:miked@wchomes.com))  
Gary Giannetta- Project Engineer ([garygce@sbcglobal.net](mailto:garygce@sbcglobal.net))



**DATE:** May 4, 2015

**TO:** Will Tackett, Supervising Planner  
Development and Resource Management Department

**FROM:** Ann Lillie, Senior Engineering Technician  
Public Works Department, Traffic and Engineering Services Division

**SUBJECT:** PUBLIC WORKS CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP NO. 6103 REGARDING MAINTENANCE REQUIREMENTS

**LOCATION:** 5882 East Fancher Creek Drive  
**APN:** 313-836-01 to 12, 313-786-01, 02, 03

**NOTE:** This subdivision is within an existing annexation of CFD No. 11 and will share in the costs of those public improvements already established. Special CFD processing will be necessary to add facilities and increase the lot number.

<b>ATTENTION:</b>			
The item below requires a separate process with additional costs and timelines. In order to avoid delays with the final map approval, the following item shall be submitted for processing to the Public Works Department, Traffic and Engineering Services Division <b>prior</b> to final map approval.			
X	<b>CFD Annexation Request Package</b>	Ann Lillie	(559) 621-8690 <a href="mailto:ann.lillie@fresno.gov">ann.lillie@fresno.gov</a>

The Public Works Department, Traffic and Engineering Services Division, has completed its review and the following requirements are to be placed on this tentative map as a condition of approval. These requirements are based on City of Fresno code, policy, standards and the public improvements depicted on the exhibits submitted for this development.

Requirements not addressed due to omission or misrepresentation of information, on which this review process is dependent, will be imposed whenever such conditions are disclosed and shall require a revision of this letter.

INCOMPLETE Community Facilities District (“CFD”) Annexation Request submittals may cause delays to the annexation process and final map approval. The annexation process takes from three to four months and SHALL be completed prior to final map approval.

All applicable construction plans for this development are to be submitted to the Traffic and Engineering Services Division for review and approval prior to the CFD process. The Landscape and Irrigation Plans are required to be approved prior to the finalization of the CFD process and the approval of the final map.

**1. The Property Owner’s Maintenance Requirements**

The long term maintenance and operating costs, including repair and replacement, of certain required public improvements (“Services”) associated with all new Single-Family developments are the ultimate responsibility

of the Developer. The Developer shall provide these Services either by a mechanism approved by the Public Works Department or by annexing to the City of Fresno's Community Facilities District No. 11 ("CFD No. 11").

The following public improvements are eligible for Services by CFD No. 11 as associated with this development:

- All landscaped areas, trees and irrigation systems, as approved by the Public Works Department, within the street rights-of-way and landscape easements; including without limitation, parkways, buffers, street entry medians and sides (10' minimum landscaped areas allowed).
- All landscaping, trees, irrigation systems, hardscaping and amenities within Outlots, open spaces and trails.
- Concrete curb and gutters, valley gutters, sidewalks, curb ramps, traffic calming structures, median island concrete maintenance band and cap, and street lights in **all Major Streets**.
- Concrete curb and gutters, valley gutters, sidewalks, curb ramps, traffic calming structures and street entry and interior median island curbing and hardscape, street paving, street name signage and street lights in **all Local Streets**.

2. The Property Owner may choose to do one or both of the following:

- a. The Property Owner may petition the City of Fresno to request annexation to CFD No. 11 by completing and submitting an Annexation Request Package to the Public Works Department, Traffic and Engineering Services Division for review and approval. The Annexation Request Form is available, along with current costs, on-line at the City's website at <http://www.fresno.gov>, under the Public Works Department, Developer Doorway.
  - **Proceedings to annex the final map to CFD No. 11 SHALL NOT commence** unless the final map is within the City limits and all construction plans (this includes Street, Street Light, Signal, Landscape and Irrigation plans, and any other plans needed to complete the process) and the final map are considered technically correct.
  - The annexation process will be put on **HOLD** and the developer notified if all of the requirements for processing are not in compliance. **Technically Correct shall mean that the facilities and quantities to be maintained by CFD No. 11 are not subject to change and after acceptance for processing.**
  - Public improvements not listed above will require written approval by the Public Works Department Director or his designee.
  - All areas not within the dedicated street rights-of-way approved for Services by CFD No. 11, including but not limited to outlots, trails and landscaped areas, shall be dedicated in fee to the City of Fresno, dedicated as a public easement for maintenance purposes or as approved by the Public Works Department City Engineer.
- b. The Property Owner may provide for Services privately for the above maintenance requirements. All City maintenance requirements not included for annexation to CFD No. 11 for Services **SHALL** be included in the DCC&Rs or some other City approved mechanism for the required Services associated with this development. Contact the Planner in the Development and Resource Management Department for more details.

For questions regarding these conditions please contact me at (559) 621-8690 or [ann.lillie@fresno.gov](mailto:ann.lillie@fresno.gov)

**Exhibit H:**

**Environmental  
Assessment No.  
C-15-037/T-6103 dated  
May 20, 2015**

**CITY OF FRESNO  
CATEGORICAL EXEMPTION  
ENVIRONMENTAL ASSESSMENT NO. C-15-037/T-6103**

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE CATEGORICALLY  
EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS  
PURSUANT TO ARTICLE 19 OF THE STATE CEQA GUIDELINES.

**APPLICANT:** Wathen-Castanos Hybrid Homes, Inc.  
802 West Pinedale Avenue, Suite 104  
Fresno, CA 93711

**PROJECT LOCATION:** South side of East Fancher Creek Drive  
between South Purdue and South Bunday Avenues.  
(APN: 313-786-01 through 03 & 313-836-01 through 12)

**PROJECT DESCRIPTION:** Conditional Use Permit Application No. C-15-037 and Vesting Tentative Tract Map No. 6103/UGM request authorization to subdivide approximately 4.45 net acres of vacant property for purposes of creating a 30-lot single family residential planned unit development with modified property development standards. The proposed subdivision is found to be consistent with the Medium-Low Density Residential planned land use designation of the Fresno General Plan and Roosevelt Community Plan.

**This project is exempt under Section 15332 (Class 32/In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines.**

**EXPLANATION:** Section 15332 (Class 32/In-Fill Development Projects) of the CEQA Guidelines exempts from the provisions of CEQA, projects characterized as in-fill development, which meet the following conditions: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value for habitat for endangered, rare, or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and, (e) The site can be adequately served by all required utilities and public services.

No adverse environmental impacts will occur as a result of the proposed project; and, none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.

Date: May 20, 2015

Prepared By: Will Tackett, Supervising Planner

Submitted by:

  
\_\_\_\_\_  
Will Tackett  
Supervising Planner  
City of Fresno  
Development & Resource Management  
Department  
(559) 621-8277

**Exhibit I:**

**Conditions of Zoning  
pursuant to Rezone  
Application No. R-04-014**

**Exhibit "I"**  
**Conditions of Zoning pursuant to Rezone Application No. R-04-014**  
**(Fresno City Council Ordinance No. 2005-51/Bill No. B-49)**

Development of the subject property shall be conditioned upon the following list of conditions, all of which are recorded and on file with the Fresno County Recorder's Office.

- a. The developer, or its successor in interest, of Assessor's Parcel Numbers 313-101-22 and 24, to be zoned C-3/UGM (Regional Commercial) by the approval of Rezone Application No. R-04-14, shall acquire, construct and dedicate to the City the necessary public street right-of-way for Fancher Creek Avenue and that portion of Fancher Creek Avenue between North Clovis Avenue and the segment of Tulare Street east of the Fancher Creek canal, as illustrated in Exhibit "E" (hereafter, "Fancher Creek Avenue"). As part of this condition, the developer, or its successor in interest, shall acquire the necessary public street right-of-way from the owners of the abutting property (Assessor's Parcel Number 313-021-01) for Fancher Creek Avenue. Acquisition, construction, and dedication of Fancher Drive/Boulevard shall be at the expense of the developer, less any applicable reimbursements, such as UGM reimbursements. This requirement shall be a condition of approval for any special permit, such as a site plan or conditional use permit, or other applicable development entitlement authorizing the development of this property in accordance with the C-3/UGM zone district.

Developer shall use reasonable steps to acquire the necessary property, including but not limited to presenting the property owner with an offer based upon an appraised value of the property. In the event that Developer is unable to acquire the necessary right-of-way within a reasonable period of time and after reasonable effort, Developer may request the City utilize its powers of eminent domain to acquire the necessary public right-of-way.

Before the City determines to pursue the acquisition of said public right-of-way by use of its powers of eminent domain, the City shall require that the Developer demonstrate its reasonable efforts to acquire the property. If the City is satisfied, the City will proceed with the Eminent Domain process. IN that event, the City shall comply with all applicable legal requirements, including a public hearing for the adoption of a Resolution of Necessity pursuant to the Eminent Domain Law of the State of California, pursuant to Code of Civil Procedure Section 1245.210 through 1245.270. The City Council shall exercise its sole discretion to adopt a Resolution of Necessity.

These conditions shall run with the land and bind any successor in interest developing parcels 313-101-22 and 24 pursuant to the approval of the C-3/UGM zoning. The conditions set forth herein will be satisfied upon the Developer's or City's acquisition of the property. If the City proceeds with

Eminent Domain, the Developer shall be obligated for all costs incurred by the City.

- b. Dedication of an aviation easement to the City of Fresno.
- c. Recordation of a covenant stating that it is understood by the owner's and owners' successors in interest that the real property in question lies close to Fresno Yosemite International Airport and that the operation of the Airport and the landing and take-off of aircraft may generate high noise levels which will effect the habitability and quite enjoyment of the property.

The owners shall also covenant to accept and acknowledge the operation of the Fresno Yosemite International Airport.

The above easement, covenants, conditions, and restrictions shall run with the land and shall be binding upon the present and subsequent owners of the property.

- d. The property zoned R-2/BA-15/UGM/cz shall be limited to the 239 single-family residential dwelling units as requested through Conditional Use Permit No. C-04-79 and Vesting Tentative Tract Map No. 5232.
- e. The developer shall agree to indemnify, hold harmless, release and defend the City of Fresno and the Fresno City Council from any action against the City of Fresno, the Fresno City Planning Commission, and the Fresno City Council.
- f. The applicant shall install either an upgraded or new traffic signal(s) at the following intersections during the construction of the first phase of Vesting Tentative Tract Map No. 5232.
  - i. Kings Canyon Road at Fowler Avenue (upgrade)
  - ii. Fowler Avenue at Tulare Street (upgrade)
  - iii. Fowler Avenue at Belmont Avenue (new signal)
  - iv. Belmont at Sunnyside Avenue (new signal)
- g. The applicant shall install either an upgraded or new traffic signal(s) at the following intersections at the time traffic warrants are met as determined by the City Engineer:
  - i. Minnewawa Avenue at Tulare Street (new signal)
  - ii. Minnewawa Avenue at Belmont Avenue (new signal)
  - iii. Belmont Avenue at Temperance Avenue (new signal)
  - iv. Belmont Avenue at Armstrong Avenue (new signal)
  - v. Clovis Avenue at Tulare (upgrade)
  - vi. Clovis Avenue at Belmont Avenue (upgrade)
  - vii. Temperance Avenue at Kings Canyon Road (new signal)

- h. The applicant shall widen Fowler Avenue to four lanes between Kings Canyon Road and Belmont Avenue as part of Phase 1 of Vesting Tentative Tract Map No. 5232.
- i. The applicant shall design and construct one additional westbound lane on East Belmont Avenue between North Fowler Avenue and North Clovis Avenue. Street plans for this segment shall be subject to review and approval by the City Engineer.
- j. The project applicant, together with appropriate representatives from the City of Fresno and the San Joaquin Valley Air Pollution Control District shall meet to discuss the feasibility of replacing a specified number of FAX buses and Solid Waste garbage trucks in lieu of Air District fees.
- k. The project applicant shall make an appropriate dedication of street right-of-way, acceptable to the City Engineer, along the project frontage of Clovis Avenue owned by Fancher Creek Properties for a six-lane arterial street.