



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII.D.
COMMISSION MEETING 09/05/12

September 05, 2012

APPROVED BY

FROM: MIKE SANCHEZ, Planning Manager
Development Services Division 

BY: WILL TACKETT, Planner III
Development Services Division 


DEPARTMENT DIRECTOR *M. Scott*

SUBJECT: CONSIDERATION OF AN APPEAL OF THE DIRECTOR'S ACTION ON AUGUST 10, 2012 TO APPROVE SITE PLAN REVIEW APPLICATION NO. S-12-027; AND, RELATED ENVIRONMENTAL ASSESSMENT NO. S-12-027/V-12-004.

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. APPROVE the finding that the proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15301/Class 1 and 15332/Class 32 of the CEQA Guidelines.
2. DENY the appeal and UPHOLD the Director's Action to approve Site Plan Review Application No. S-12-027 subject to the findings included within the Staff Report to the Planning Commission dated September 05, 2012; and, compliance with the Conditions of Approval dated August 10, 2012.

EXECUTIVE SUMMARY

Bill and Toni Woody, on behalf of Public Properties has filed Site Plan Review Application No. S-12-027 pertaining to approximately 0.26 acres of property located on the northeasterly side of Van Ness Avenue between Kern and Inyo Streets (830 Van Ness Avenue).

Site Plan Review Application No. S-12-027 requests authorization to remodel an existing 11,229 square-foot building for use as a multiple family residential complex consisting of 10 residential studio units comprising approximately 6,038 square feet in total area. A new exterior elevator and stairway are proposed to be installed for accessibility and the basement area is proposed to be converted into storage units for prospective residents.

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

Variance Application No. V-12-004 was also previously submitted and processed in conjunction with the proposed site plan review application. However, pursuant to the provisions of Section 12-220.5-I-1 of the Fresno Municipal Code, the reuse of existing buildings within the boundaries of the Central Trading District are exempt from providing additional on-site parking. However, if there is existing parking on-site, that parking shall be maintained. The existing off-street parking area includes nine total parking

stalls. Based upon the relocation of existing ancillary facilities located adjacent to the off-street parking area and the approval of an alternative design standard for a required solid waste enclosure, it has been determined that a total of nine parking stalls may be maintained for the reuse of the subject property in a manner which meets the City of Fresno, Public Works Standard Specifications. Therefore, Variance Application No. V-12-004 is no longer required to facilitate the proposed project and has been cancelled.

Based upon staff's analysis of the site plan review application staff concludes that: (1) The development and use of the subject property pursuant Site Plan Review Application No. S-12-027 conforms to the goals, objectives, and policies of the 2025 Fresno General Plan Central Area Community Plan; (2) The project complies with all applicable provisions of the Fresno Municipal Code (FMC); and, (3) The findings required pursuant to Section 12-405-3 of the FMC (included herein below) can be made.

PROJECT INFORMATION

PROJECT	Site Plan Review Application No. S-12-027 requests authorization to remodel an existing 11,229 square-foot building for use as a multiple family residential complex consisting of 10 residential studio units comprising approximately 6,038 square feet in total area. A new exterior elevator and stairway are proposed to be installed for accessibility and the basement area is proposed to be converted into storage units for prospective residents.
APPLICANT	Bill and Toni Woody on behalf of Public Properties
LOCATION	Northeasterly side of Van Ness Avenue between Kern and Inyo Streets. (Council District 3, Councilmember Baines)
SITE SIZE	Approximately 0.26 acres
PLANNED LAND USE	Existing & Proposed - Commercial Mixed Use Level 2 (Central Area)
ZONING	Existing & Proposed - <u>C-4/CCO</u> (<i>Central Trading District/Civic Center Area Modifying District</i>)
PLAN DESIGNATION AND CONSISTENCY	Pursuant to Exhibit No. 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan and Section 12-403-B-1 (Zone District Consistency Table) of the FMC, the existing C-4 zone district classification may be found consistent with the Central Area Commercial Mixed Use Level 2 planned land use designation for the subject property.
PLAN COMMITTEE RECOMMENDATION	The project was routed to the District 3 Advisory Committee on June 12, 2012 with no comments received to date.
ENVIRONMENTAL FINDING	Finding that the proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15301/Class 1 and 15332/Class 32 of the CEQA Guidelines.

STAFF RECOMMENDATION Recommend Approval (by the Planning Commission) of: (1) The findings of Categorical Exemption prepared for Environmental Assessment No. S-12-027/V-12-004 and dated August 02, 2012; and, (2) Site Plan Review Application No. S-12-027 subject to compliance with the Conditions of Approval dated August 10, 2012.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	(Central Area) Commercial Mixed Use Level 2	C-4/CCO <i>Central Trading Civic Center Area Modifying District</i>	Office
East	(Central Area) Commercial Mixed Use Level 2	C-4/CCO <i>Central Trading Civic Center Area Modifying District</i>	Hotel
South	(Central Area) Commercial Mixed Use Level 2	C-4/CCO <i>Central Trading Civic Center Area Modifying District</i>	Commercial / Restaurant & Bar
West	(Central Area) Commercial Mixed Use Level 2	C-4/CCO <i>Central Trading Civic Center Area Modifying District</i>	Parking Garage / Commercial Restaurant

ENVIRONMENTAL FINDING

The City of Fresno Development and Resource Management Department has evaluated the proposed project with consideration as to whether the project may have any potential to have a significant effect on the environment. Based upon this evaluation and commentary from responsible City of Fresno Departments and independent agencies, it has been determined that the proposed project will not have a significant effect on the environment and falls within the Categorical Exemptions set forth in Sections 15301/Class 1 and 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines.

Section 21084 of the Public Resources Code requires that the CEQA Guidelines to include a list of "classes" of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. In response to the mandate, the Secretary for Resources has found that the classes of projects listed in Article 19 of the CEQA Guidelines do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement for the preparation of environmental documents.

Section 15301 (Class 1/Existing Facilities) of the CEQA Guidelines exempts from the provisions of CEQA, projects consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Examples include but are not limited to: (1) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances; (2) Restoration or

rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety; and, (3) Addition of safety or health protection devices for use in conjunction with existing structures, facilities, or mechanical equipment.

Section 15332/Class 32 of the CEQA Guidelines exempts from the provision of CEQA projects characterized as in-fill development, wherein: (1) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (2) Proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses; (3) The project site has no value as habitat for endangered, rare or threatened species; (4) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and, (5) The site can be adequately served by all required utilities and public services.

The subject property has been proposed to be developed with facilities at an intensity and scale that is permitted by the existing Commercial Mixed Use Level 2 planned land use designation of the Central Area Community Plan and the existing C-4 (*Central Trading*) zone district classification for the subject site. Thus, the development of the subject property in accordance with Site Plan Review Application No. S-12-027 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, the development will not adversely impact existing city service systems or the traffic circulation system that serves the subject property. These infrastructure findings have been verified by the Public Works and Public Utilities Departments.

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

Furthermore, it has been found that none of the exceptions to categorical exemptions pursuant to Section 15300.2 of CEQA Guidelines apply to the proposed project. Cumulative impacts of successive projects in the vicinity over time are not significant and no activity will occur as a result of the proposed project, where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The project will not result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. There are no known existing hazardous material conditions related to the site and the subject property is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Finally, the project has no potential to cause a substantial adverse change in the significance of a historical resource.

A Categorical Exemption under Classes 1 and 32 of the CEQA Guidelines was prepared on August 02, 2012 for purposes of Site Plan Review Application No. S-12-027.

BACKGROUND / ANALYSIS

Project Description

Bill and Toni Woody, on behalf of Public Properties has filed Site Plan Review Application No. S-12-027 pertaining to approximately 0.26 acres of property located on the northeasterly side of Van Ness Avenue between Kern and Inyo Streets (830 Van Ness Avenue).

Site Plan Review Application No. S-12-027 requests authorization to remodel an existing 11,229 square-foot building for use as a multiple family residential complex consisting of 10 residential studio units comprising approximately 6,038 square feet in total area. A new exterior elevator and stairway are proposed to be installed for accessibility and the basement area is proposed to be converted into storage units for prospective residents.

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Variance Application No. V-12-004 was also previously submitted and processed in conjunction with the proposed site plan review application. However, pursuant to the provisions of Section 12-220.5-I-1 of the Fresno Municipal Code, the reuse of existing buildings within the boundaries of the Central Trading District are exempt from providing additional on-site parking. However, if there is existing parking on-site, that parking shall be maintained. The existing off-street parking area includes nine total parking stalls. Based upon the relocation of existing ancillary facilities located adjacent to the off-street parking area and the approval of an alternative design standard for a required solid waste enclosure, it has been determined that a total of nine parking stalls may be maintained for the reuse of the subject property in a manner which meets the City of Fresno, Public Works Standard Specifications. Therefore, Variance Application No. V-12-004 is no longer required to facilitate the proposed project and has been cancelled.

On August 10, 2012, City of Fresno Development and Resource Management Department staff mailed a Notice of Granting of Variance Application No. V-12-004 to property owners within 350 feet of the subject property in accordance with the requirements of Section 12-406 of the FMC; initiating a 15 day appeal period.

On August 23, 2012, the Development and Resource Management Department received the attached letter dated August 22, 2012 from members of H.E.A.T. for Southwest Fresno Community objecting to the approval of both Variance Application No. V-12-004 and Site Plan Review Application No. S-12-027 for the following reasons: (1) A reduction in the number of off-street parking spaces will require residents/visitors to park on the street resulting in the reduction of on-street parking; and, (2) The combining of the Site Plan Review application with the Variance application will allow the approving both applications.

As described herein above, a *reduction* of the off-street parking is no longer required. Additionally, a public parking structure is located directly across the street from the subject property. As both Site Plan Review Application No. S-12-027 and the originally submitted Variance Application No. V-12-004 were both submitted for purposes of obtaining necessary approvals for the same project and because respective environmental findings were prepared in consideration of the whole project, the noticing of

one special permit application without notice of the other would be insufficient to describe the project in its entirety and would be considered inappropriate.

Land Use Plans and Policies

The Goals of the 2025 Fresno General Plan include the preservation and revitalization of neighborhoods, the downtown, and historical resources. Furthermore, the Growth Alliance "Landscape of Choice – Principles and Strategies" provide that the primary goal of the land use element of a general plan should be to utilize urban land as efficiently as possible while providing an adequate supply of a broad range of housing types.

Objective C-10 of the 2025 Fresno General Plan promotes the development of more compact pedestrian friendly, residential projects to aid in the conservation of resources such as land, energy, and materials.

Policy C-7-n of the 2025 Fresno General Plan directs the encouragement and facilitation of residential and mixed use development in the Civic Center and Central Trading Zone Districts to support commercial activities.

Supporting policies within the Central Area Community Plan include: Residential Policy 4 which aims to strengthen the residential environment through preservation and rehabilitation of existing structures; and, Residential Policy 5, which aims to attract and generate new residential investment and development options in the Central Area.

The proposed project provides a unique opportunity to both preserve and revitalize the existing built environment of Fresno's downtown in a compact and pedestrian friendly manner with potential to attract further residential and commercial investment options in the Central Area. The adaptive reuse of existing buildings represents the most efficient use of land while also providing an increased supply of a range of housing types to support commercial activities and downtown revitalization.

Therefore it is staff's opinion that the proposed project is consistent with respective general, community and specific plan goals, objectives and policies.

Site Plan Review 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-3 of the Fresno Municipal Code (FMC) can be made.

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 12-405-A-2.
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<p><i>a. All applicable provisions of this Code are complied with and in addition, that: facilities and improvements; vehicular ingress, egress, and internal circulation; setbacks; height of buildings; location of services; walls; landscaping; lighting; signs; and, recycling areas are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and surrounding property is protected from adverse effect; and,</i></p>
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<i>Finding a:</i>	The proposed project involves the adaptive reuse of an existing building and related facilities for residential purposes. Multi-department/agency review of the proposed development plan (Site Plan Review Application No. S-12-027) has demonstrated that the existing property and the proposed improvements thereon meet all applicable requirements of the Code as established in the Special Permit conditions of approval dated August 10, 2012; including but not limited to required yards and spaces, walls, parking, landscaping and other required features such as public and right-of-way improvements.
<i>b. All special conditions required by the City as a condition in a covenant, agreement, or special permit are met.</i>	
<i>Finding b:</i>	Compliance with the Special Permit conditions of approval for Site Plan Review Application No. S-12-027 dated August 10, 2012 will assure that all special conditions required by the City have been met. No covenants or agreements have been recorded respective to subject property.

Conclusion

Action by the Planning Commission regarding the site plan review application is final unless appealed in accordance with Section 12-406 of the Fresno Municipal Code.

Unless the Planning Commission decision respective to the site plan review application 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.

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan and the Central Area 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 Site Plan Review Application No. S-12-027 is appropriate for the project site.

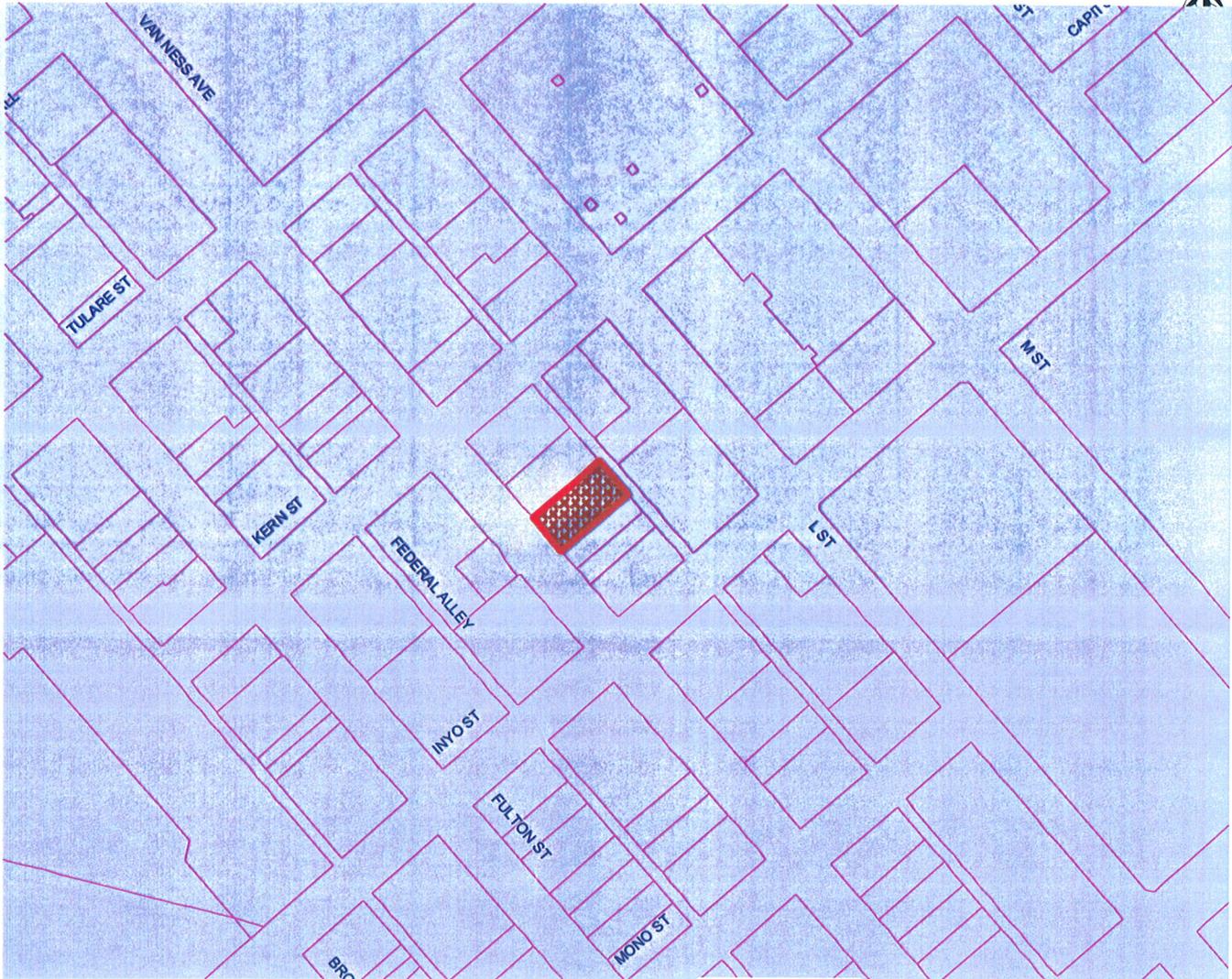
- Attachments:
- Vicinity Map
 - 2012 Aerial Photograph
 - 2011 Street Level Photograph
 - Public Hearing Notice Mailing List Vicinity Map
 - 2025 Fresno General Plan Planned Land Use Map
 - Exhibits for Site Plan Review Application No. S-12-027
 - Conditions of Approval for Site Plan Review Application No. S-12-027 dated August 10, 2012.
 - Associated memoranda from responsible or commenting agencies respective to Conditions of Approval for Site Plan Review Application No. S-12-027.
 - Environmental Assessment No. S-12-027/V-12-004 dated August 02, 2012.
 - Letter of Appeal from H.E.A.T. for Southwest Fresno Community dated August 22, 2012.

THIS IS A LEGAL NOTICE

Variance Application No. V-12-004

NE side of Van Ness Ave. btwn Kern St. & Inyo St.

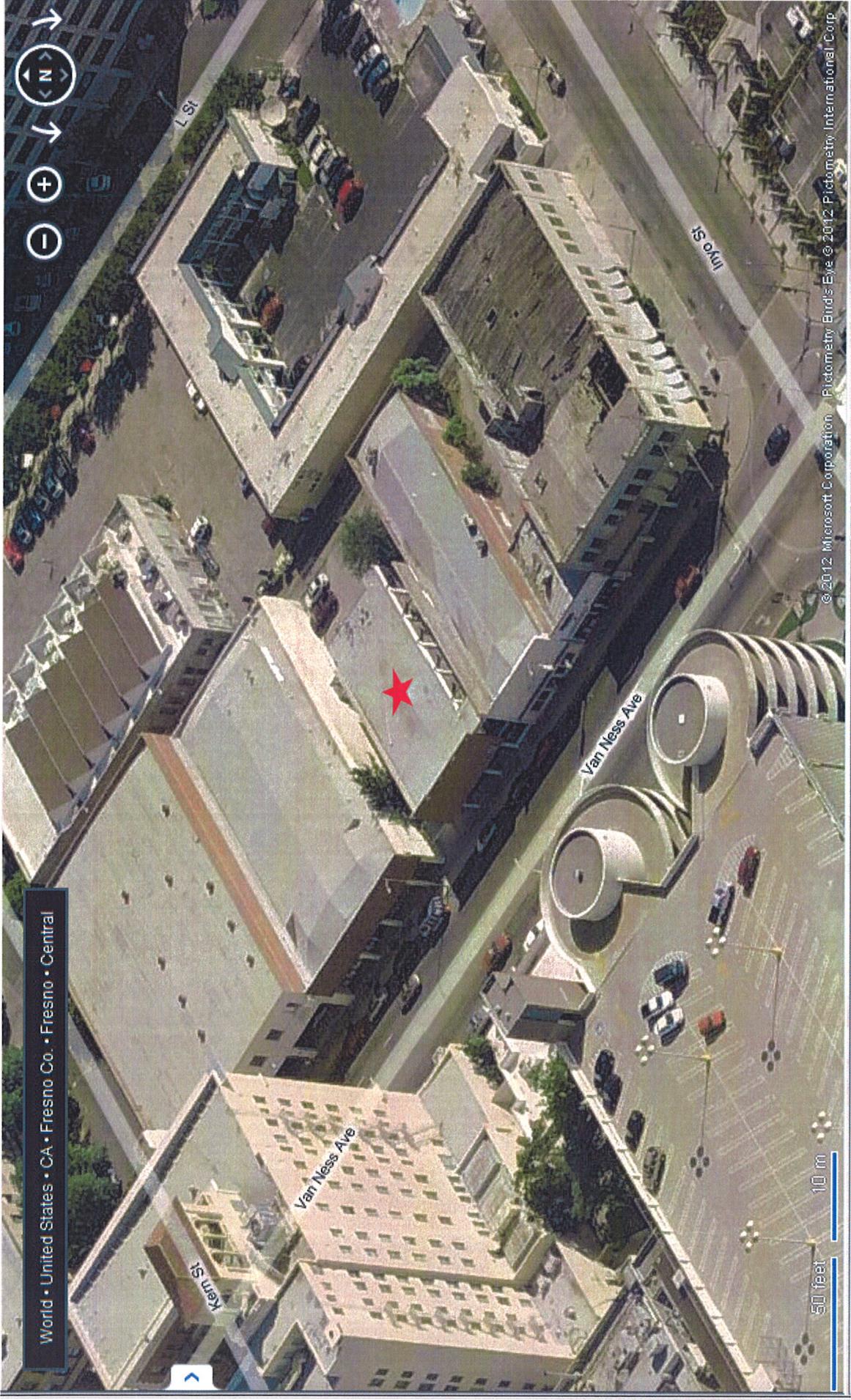
VICINITY MAP



LEGEND



World • United States • CA • Fresno Co. • Fresno • Central



© 2012 Microsoft Corporation / Pictometry Bird's Eye © 2012 Pictometry International Corp



« Photos



823 Van Ness Avenue, Fresno, California, United States
Address is approximate



831 Van Ness Avenue, Fresno, California, United States
Address is approximate

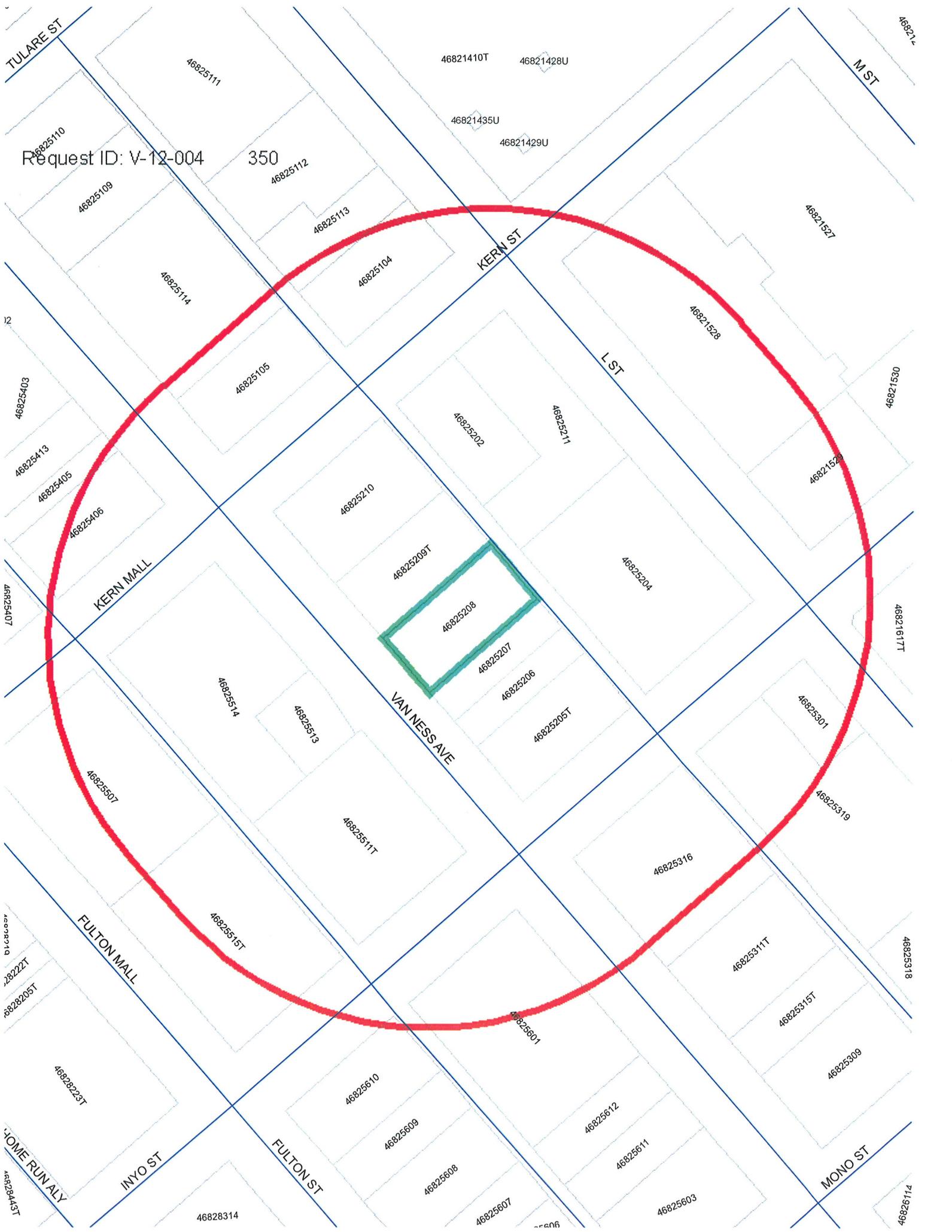
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Heroes Sports Lounge

Request ID: V-12-004

350



46821410T

46821428U

46821435U

46821429U

46825111

46825110

46825112

46825109

46825113

46825104

46825114

46825105

46825202

46825211

46821528

46825403

46825413

46825405

46825406

46825210

L ST

46821530

46825407

KERN MALL

46825209T

46825204

46825208

46821617T

46825514

46825513

46825207

46825206

VAN NESS AVE

46825205T

46825301

46825507

46825511T

46825316

46825319

46828210

FULTON MALL

46825515T

46825601

46825311T

46825318

46828205T

46828223T

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HOME RUN ALY

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FULTON ST

46825609

46825612

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MONO ST

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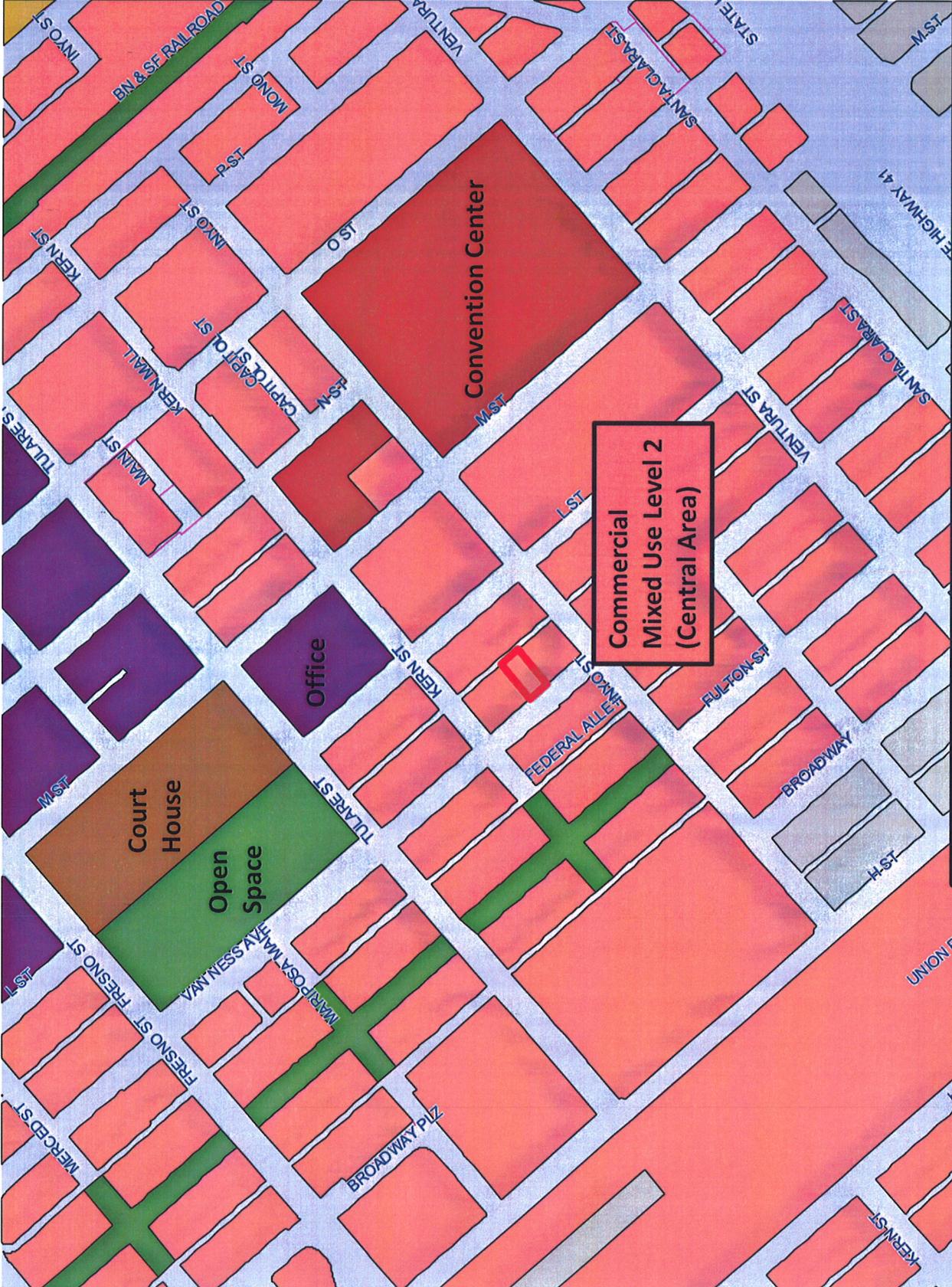
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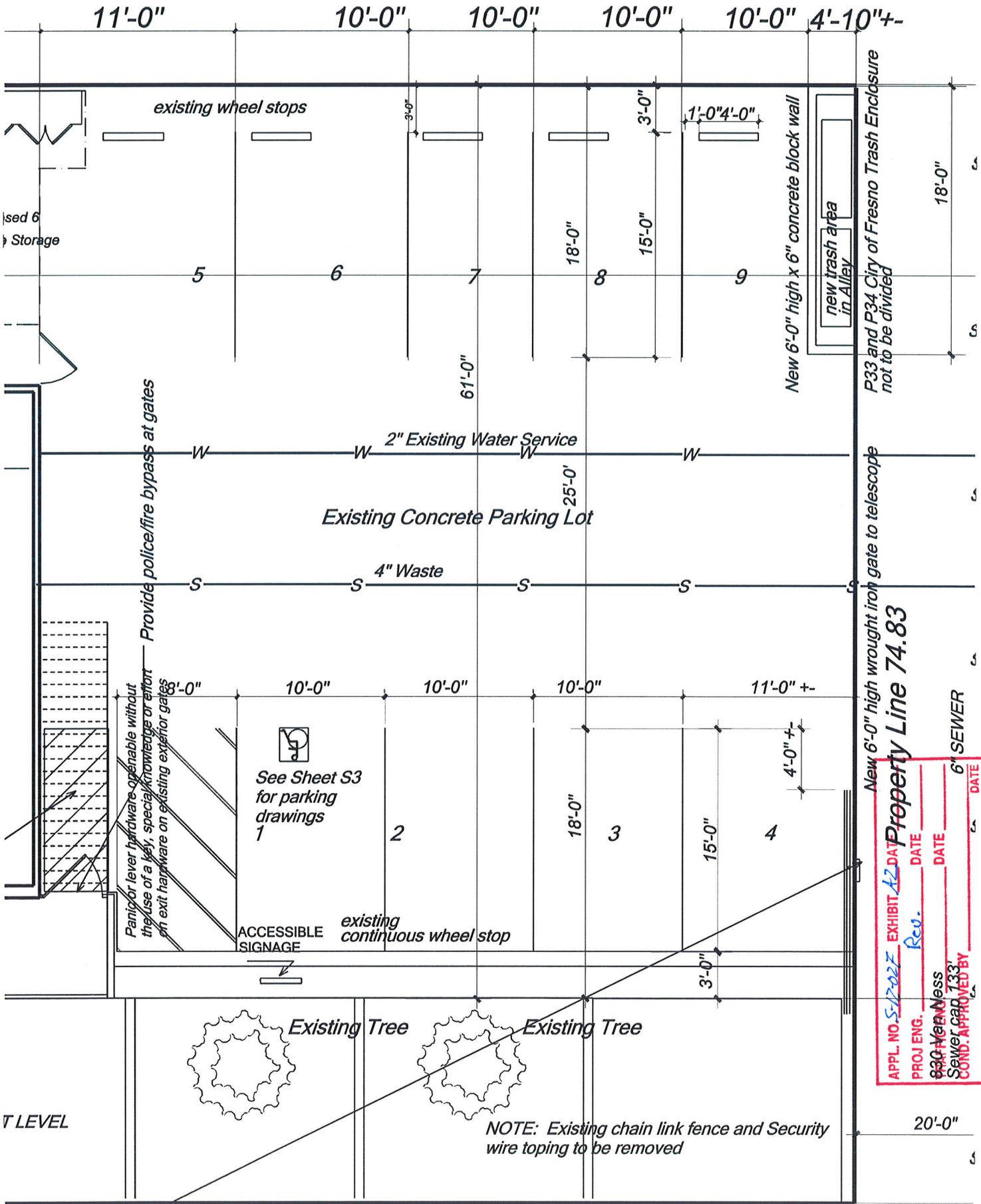
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46825606



2025 Fresno General Plan Planned Land Use Map

mitting the bid. 3



P33 and P34 City of Fresno Trash Enclosure not to be divided

New 6'-0" high wrought iron gate to telescope

Property Line 74.83

APPL. NO. S-17-027	EXHIBIT A2	DATE	DATE
PROJ. ENG. 830-Hennessy	Rev.	DATE	DATE
Sewer cap 7.33'		DATE	DATE
COND. APPROVED BY		DATE	DATE

6" SEWER

6" SEWER

T LEVEL

NOTE: Existing chain link fence and Security wire to be removed



Michael E. Woody
P.E., C.E. License 57752
Bill & Toni Woody
584 Montgomery Avenue
Fresno, CA 93721
509-709-5743 802-234-4746
Design - Engineering - Planning

Public Properties
955 N Street
Fresno, Ca. 93721
559-499-2000

Project

Description

No. Date

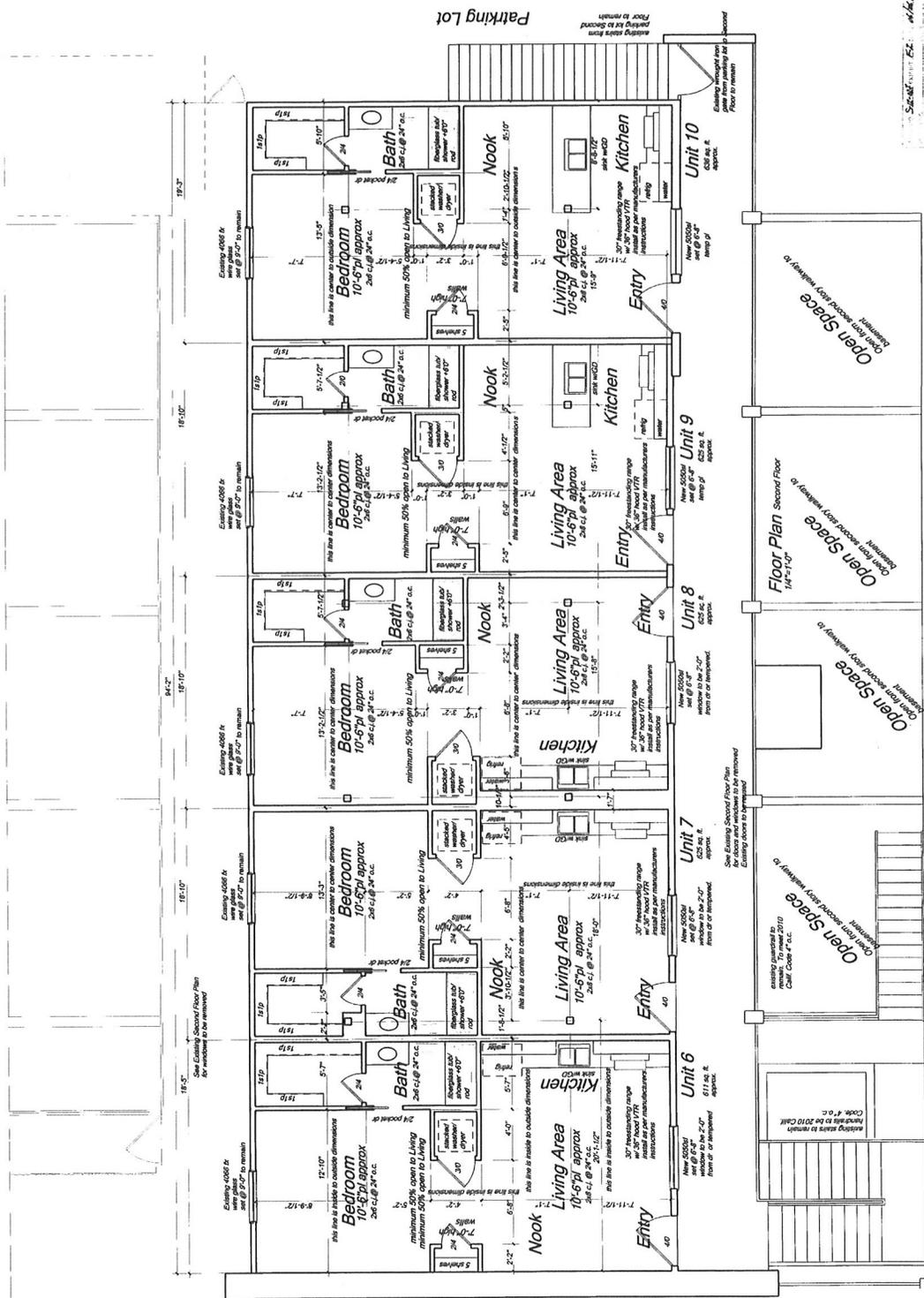
Page No. 4

Building Next Door

Building Next Door

Vann Ness

Scale: 1/8" = 1'-0"
Date: 11/11/10
Sheet: 101-101



CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

CONDITIONS OF APPROVAL
AUGUST 10, 2012

SITE PLAN REVIEW APPLICATION NO. S-12-027

NORTHEASTERLY SIDE OF VAN NESS AVENUE BETWEEN KERN AND INYO STREETS

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 imposition of 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 A - PROJECT INFORMATION

1. Assessor's
Parcel No(s): 468-252-08

2. Street Location: Located on the northeasterly side of Van Ness Avenue between Kern and Inyo Streets.
(Council District 3, Councilmember Baines)

3. Existing Zoning "C-4/CCO" (*Central Trading/Civic Center Area Modifying District*)

4. Planned Land Use: Commercial Mixed Use Level 2 (Central Area)

5. Plan Areas: 2025 Fresno General Plan & Central Area Community Plan

6. Project Description: Site Plan Review Application No. S-12-027 requests authorization to remodel an existing 11,229 square-foot building for use as a multiple family residential complex consisting of 10 residential studio units comprising approximately 6,038 square feet in total habitable living space. A new exterior elevator and stairway are proposed to be installed for accessibility and the basement area is proposed to be converted into storage units for prospective residents.

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The Development and Resource Management Department, on August 10, 2012, approved the special permit application subject to the enclosed list of conditions and Exhibit(s) "A", "E" & "F" inclusive, of Site Plan Review Application No. S-12-027.

The exercise of rights granted by this special permit must be commenced by August 10, 2016 (four years from the date of Director approval). There is no exception.

IMPORTANT: PLEASE READ CAREFULLY

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

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

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Development and Resource Management Department Director within 15 days.

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 any/all red line notes, corrections, etc., shown on original application exhibits (i.e., site plan, elevation, landscape and irrigation plans) to final exhibits for back-check. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

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

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

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

Please contact Will Tackett at (559) 621-8063 or via e-mail at Will.Tackett@fresno.gov to schedule an appointment for final sign-off for building permits following your receipt and substitution of the copies of the stamped, corrected, approved exhibits in the plan check sets.

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 lot geometrics may be directed to Louise Gilio, Traffic and Engineering Services Division, at (559) 621-8678 / Louise.Gilio@fresno.gov.

1. STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

The Director of the Development and Resource Management Department shall deny the final approval or occupancy of any phase of this project or building until it has been determined that required dedications have been made and all required street improvements have been completed or have been secured by an executed written agreement in such form as shall be approved by the City Attorney. The amount of security for such agreement shall be recommended by the Public Works Director and shall be posted in a form approved by the City Attorney, or by cash deposited with the city, pursuant to FMC Section 13-208(d)(6).

- a) Exhibit "A" is required to identify 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 public rights-of-way.
- b) Provide and identify a minimum four (4) foot wide path of travel along the sidewalk(s) adjacent to the subject property as required by Title 24 of the California Administration Code.
- c) ENCROACHMENT PERMITS. The construction of any overhead, surface or sub-surface structures and appurtenances in the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Engineering Division, Special Districts/Projects and Right of Way Section, (559) 621-8693. Encroachment permits must be approved prior to issuance of building permits.
- d) DEDICATIONS. The following dedication requirements must be satisfied prior to the issuance of building permits:
 - Provide dedications in accordance with any respective requirements specified within the attached Department of Public Works, Traffic & Engineering Services Division memorandum dated June 15, 2012.
 - A pedestrian easement may be required if Title 24 requirements cannot be met (reference California Administration Code requirements listed above).
- e) VACATIONS. The following vacation requirements must be satisfied prior to issuance of building permits:
 - When required, proposed vacations of adjacent public rights-of-way shall occur in compliance with any requirements associated with a vacation feasibility study for the proposed vacations, which is required to be submitted and approved by the Department of Public Works.

2. STREET IMPROVEMENTS

- a) The property shall be improved in accordance with the provisions of FMC Section 13-208. 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 prior to commencement of the work. Contact the Public Works Department, Traffic and Engineering Services Division at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the City prior to occupancy.
- b) Repair all damaged and/or off grade off-site, concrete street improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559)

621-5600.

- NOTE: 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.
- c) 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.
- d) Street construction plans, prepared by a registered Civil Engineer and approved by the City Engineer, are required. Plans must be submitted to the Public Works Department, Engineering Services Division, Design Section. Street work plans for this project will also require approval by Fresno County Public Works and Planning Department, because corporate boundaries of the City of Fresno are in abutting street rights-of-way. Any eminent domain action needed to acquire street right-of-way in the unincorporated area requires approval of the Fresno County Board of Supervisors. For more information, contact the Public Works Department Engineering Division (Jeff Beck) at 559-621-8560.
- NOTE: When preparing Street Plans and/or Traffic Control Plans for projects in the City of Fresno contact Traffic Engineering (Randy Schrey at [559] 621-8807; or, Randy.Schrey@fresno.gov) in advance to assure that sidewalks or an approved accessible path remain open during construction.

3. SURVEY MONUMENTS AND PARCEL CONFIGURATION

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

PART D - PLANNING/ZONING REQUIREMENTS

1) PLANNING

- a) Development is subject to the following plans and policies:
- i) "C-4" (*Central Trading District*) (FMC §12-220)
 - ii) "CCO" (*Civic Center Area Modifying District*) (FMC §12-241)
 - iii) 2025 Fresno General Plan
 - iv) Central Area Community Plan

2) ZONING

- a) Approval of Site Plan Review Application No. S-12-027 is contingent upon approval of Variance Application No. V-12-004.
- b) Any proposed deviations from the development plan approved for the subject property pursuant to Exhibit "A" of Site Plan Review Application No. S-12-027 will require a revised special permit application in accordance with Development and Resource Management Department policies.

- NOTE: Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the special permit or any other enforcement remedy available under law.
- c) This special permit is granted, and the conditions imposed, based upon the Operation Statement provided by the applicant attached hereto as Exhibit(s) "O" of Site Plan Review Application No. S-12-027 dated May 24, 2012.
- i) The Operation Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operation Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operation Statement.
- NOTE: Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the special permit or any other enforcement remedy available under law.

3) BUILDING AND YARD SETBACKS AND SPACES BETWEEN BUILDINGS

- a) Building and yard setbacks shall be provided in accordance with approved Exhibit(s) "A" of Site Plan Review Application No. S-12-027.

4) OPEN SPACES AND LANDSCAPING

The 25% livable open space requirement for residential or mixed use projects, subject to the provisions of FMC Section 12-325, shall not be required. However, the proposed project shall comply with the following requirements for open spaces and landscaping:

- a) Residential development projects shall locate activity areas and design amenities in new developments, such as open space, which incorporate aesthetic measures, creative use of furniture, signage, lighting and urban landscape features in order to promote attractive external appearances and support functionality through the provision of appealing outdoor living environments.
- i) The urban design policies of the Central Area Community Plan encourage front yard seating, sensitive lighting for evening use, removal of front yard fencing, use of signage, and planting and maintaining landscaping along the street frontage and within outdoor garden areas or private courtyards in a manner which will create a pedestrian scale atmosphere that contributes to a vibrant, livable, walkable, economically viable and sustainable community within the downtown in order to enhance the urban core and form.
- ii) The streetscape of properties fronting onto major streets should be improved with landscaped setbacks and design modifications that achieve, enhance and encourage pedestrian use and the creation of "people spaces" in visually interesting and defined useful open space areas along the street frontage/entry to the proposed project.

- iii) Improvements to the proposed project should generally be designed to strengthen street scene, integrating public and private spaces such as to maximize pedestrian use, enjoyment and amenity associated with the proposed structures and public streets.
- b) Trees shall be planted in designated landscaped areas either along the periphery of, or internal to, the development in order to shade and enhance the subject property, adjacent property, public rights-of-way, and/or off-street parking areas.
 - NOTE: Open parking areas shall be provided with appropriate perimeter and internal landscaping (see Off-street Parking requirements included herein below for further information).
- c) Landscaping provided in conjunction with any use requiring a site plan shall be generally designated on the site plan. Prior to the issuance of a building permit, a detailed landscape planting, irrigation, and grading (when a landscape mound is proposed) plan shall be submitted which shall show the location, size, and variety of all plantings, water supply, contours and similar designations as the Director may require for sufficient clarity to indicate the nature and extent of the work proposed.
 - i) Submit copies of landscaping and irrigation plans prepared by a landscape professional, showing the number and types of trees, to the Development and Resource Management Department, Development Services Division. These plans must be reviewed and approved prior to obtaining building permits.
- d) Areas designated for landscape and common open space purposes shall be landscaped and maintained in accordance with Section 12-306-N-24 of the FMC.
- e) All vegetation shall be provided with an adequate, permanent and nearby source of water by means of installed on-site irrigation systems.
 - i) All landscaped areas (including those designated for open space purposes) shall comply with the water efficient landscape standards in accordance with Section 12-306-N-23 of the FMC.
- f) No building permit shall be issued for any development for which a special permit has been issued until the requirements for street trees as provided in Article 3 of Chapter 11 of the FMC have been met and street tree inspection fees paid pursuant to the Master Fee Schedule.
 - i) Contact Hilary Kimber, Department of Public Works, Parks Supervisor at (559) 621-1345 for further information regarding any applicable street tree requirements.
 - ii) 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.
 - iii) Every property owner or occupant shall be responsible for the maintenance and care of all

trees, shrubs, plants, and vegetation in the street right-of-way abutting such property.

- g) 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; unless otherwise approved by the Development and Resource Management Department. **(Include this note on the 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. **(Include this note on the landscape plan.)**
- i) Landscaping shall be kept free from weeds and undesirable grasses. **(Include this note on the landscape plan.)**
- j) Landscaping must be in place before issuance of the certificate of occupancy.
 - 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 Services (Planning) Division. **(Include this note on the site and landscape plans.)**

5) FENCES, HEDGES, AND WALLS

All fences, hedges and walls shall conform to the provisions of Section 12-306-H of the FMC; and the following:

- a) Fencing materials shall be wrought iron or tubular steel. Chain link fencing shall not be permitted within the C-4 (*Central Trading*) zone district.

- i) The existing chain link fence and security wire topping located along the rear property line (alley) shall be removed.
 - NOTE: Alternate fencing materials may be submitted to the Director, Development and Resource Management Department for consideration and approval based upon its durability and appearance.
 - ii) The use of security gates which give the area a feeling of danger and detract from the attractiveness of the building and/or setting is discouraged.
- b) Whenever a fence, hedge or wall is installed, it shall, in its original form, be maintained in good repair and working order.
- c) All future 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". 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.
 - NOTE: Only those fences, hedges and walls as shown on the site plan shall be reviewed for approval.
 - 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.

6) OFF-STREET PARKING

Provide parking space needs on-site in accordance with Exhibit(s) "A" of Site Plan Review Application No. S-12-027; and, the following:

- a) Reuse of existing buildings within the boundaries of the C-4 (Central Trading) zone district shall be exempt from providing additional on-site parking.
 - i) Existing parking on-site shall be maintained to City of Fresno, Public Works Standards and Specifications.
 - NOTE: Variance Application No. V-12-004 authorizes a reduction in the number of off-street parking spaces required in association with the proposed adaptive reuse of the subject property for purposes of compliance with the requirements included herein.
- b) Parking spaces shall meet the size requirements of a compact stall.

- c) Parking lot shading shall be provided to the satisfaction of the Director for purposes of meeting the intention of the parking lot shading requirement.
 - i) Depict the location of existing/proposed trees and landscaping on the site plan or separate landscape and irrigation plans.
 - ii) Provide 50% parking lot shading or provide substantiated data satisfactory to the Director demonstrating that existing conditions (tall buildings, etc.) meet the intention of the parking lot shading requirement.
- d) Fixed physical barriers shall be installed to protect public and private property adjacent to the parking facility as well as buildings, landscaping and appurtenances within the development which could be damaged by vehicles using the parking facility.
 - iii) Fixed physical barriers shall be provided in the form of a 6-inch high concrete curb, wheel stop, or other approved fixed barriers (e.g., bollards, etc.) placed a minimum distance of 3 feet from the property line, or the building to be protected. This distance must be a minimum of five feet if the vehicles are permitted to back into the parking stalls.
 - NOTE: Landscaping shall also be adequately protected to avoid damage by vehicles.
- e) If gates are proposed to enclose and secure proposed off-street parking areas, then the location and operation of any such proposed gates shall be demonstrated on the site plan exhibit(s) and shall be approved by the Development and Resource Management Department prior to installation.
- f) Lighting where provided to illuminate parking areas shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works. **(Include this note on the site plan.)**
- g) No parking area or parking space which is provided for the purpose of complying with the provisions of the Zoning Ordinance shall hereafter be relinquished, reduced or altered in any manner below the requirement established herein, unless equivalent facilities are provided elsewhere, the location of which is approved by the Development and Resource Management Department.

7) ACCESS

Access to required off-street parking areas shall be provided in accordance with Exhibit(s) "A" of Site Plan Review Application No. S-12-027; and, the following:

- a) There shall be adequate vehicular access from a dedicated and improved street, service road, or alley, the design of which shall be approved by the Director of Public Works.
 - i) The Director shall specify the location and number of means of ingress and egress to the

property by conditions established at the time of review of the required site plan.

b) Vehicular and/or pedestrian access shall be maintained and remain clear at all times.

8) OUTDOOR ADVERTISING

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

9) BUILDING STANDARDS AND ELEVATIONS

The existing building located on the subject property was evaluated as part of the Downtown Fresno (Fulton Corridor) Historic Survey and was identified as being potentially eligible for designation on the National, State, and Local Registers of Historic Resources. Elevations submitted with the subject site plan review application do not identify any proposed exterior modifications to the existing building on the subject property. The project applicant shall demonstrate compliance with the following conditions prior to issuance of building permits for any respective phase of the proposed development.

a) Final building elevation exhibits, which are representative of any/all proposed modifications to the existing building on the subject property, shall be submitted to Karana Hattersley-Drayton, Historic Preservation Project Manager/Officer as well as planning staff with the Development and Resource Management Department for review and approval prior to issuance of building permits. Contact the Development and Resource Management for further information and/or recommendations.

i) The project developer shall provide a set of documents and drawings that will allow assessment of the final building product. Materials, texture, and colors shall be noted on the original special permit drawings and on construction plans.

ii) The integrity of the existing building on the subject property shall be maintained through the retention of existing character defining features which are distinctive to its period of significance.

- NOTE: In the event that the existing building located on the subject property is designated on either the National, State or Local Registers of Historic Resources, then any proposed modifications to the exterior shall be conducted in a manner which is consistent with the Secretary of the Interior's Standards for Treatment of Historic Properties; or, in a manner which has been approved by the City of Fresno Historic Preservation Commission.

10) In accordance with recommendations for crime prevention through design, appropriate lighting shall be provided on-site to enhance the appearance of the neighborhood while simultaneously providing a sense of security and safety in order to make it possible to use outdoor living spaces after nightfall.

- i) Residential lighting fixtures should be scaled to be in keeping with the pedestrian nature of the existing development.
 - ii) Lighting should be designed to make yard and common areas more livable and to allow neighbors to gather and socialize in the evening hours.
 - iii) Lighting fixtures should complement the architectural style of the existing structure in terms of both color and style. Fixtures attached to structures and complementing their style are preferred.
 - iv) Eave-mounted spotlights should be limited to interior yards and used only to illuminate after-dark activities. The light from these spotlights should be shielded or aimed to eliminate glare escaping into neighbors' yards and windows.
- 11) Clearly identify all condensing units, air conditioning and heating units on the site and elevation plans.
- i) Roof mounted mechanical equipment shall be recessed and shall not be visible from the public rights-of-way. When placed on the ground, 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.
 - NOTE: Mechanical equipment placed on the ground shall not obstruct or impede any required 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) Mechanical equipment shall be acoustically baffled to prevent the noise level rating for the equipment from exceeding the applicable city standard for ambient noise at residential property lines.
 - iii) Where applicable, placement, material, and color of equipment screens should be compatible with the building architecture.

12) DEVELOPMENT IMPACT FEES

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

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

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

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

a) Water Connection Charges

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

b) Sewer Connection Charges

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

c) Development Impact Fees

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

d) Other Agencies Impact Fees

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

PART E - CITY AND OTHER SERVICES

1) TRANSPORTATION/TRAFFIC PLANNING REQUIREMENTS

- a) Comply with all of the requirements included within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated June 15, 2012 and any requirements noted on Exhibit(s) "A" of Site Plan Review Application No. S-12-027.

2) PUBLIC UTILITIES REQUIREMENTS

- a) Comply with all of the requirements included within the attached Department of Public Utilities, Planning and Engineering Division (Sewer) memorandum dated June 15, 2012.
- b) Comply with all of the requirements included within the attached Department of Public Utilities, Water Division memorandum dated June 15, 2012.

4) SOLID WASTE REQUIREMENTS

- a) Comply with all of the requirements included within the attached Department of Public Utilities, Administration (Solid Waste) memorandum dated June 20, 2012; and, the following
 - i) The location, size and design of the proposed refuse enclosure shall be provided in accordance with Trash Enclosure Details which will be required to be approved as part of Exhibit "A" of Site Plan Review Application No. S-12-027 along with the ultimate off-street parking lot geometrics and design as required herein above.
 - NOTE: Due to the size constraints of the subject property, the Typical Refuse Container Enclosure (City of Fresno Std. P-33) may be modified such that two separate

single-cell enclosures are provided vs. one standard two-cell enclosure; the design and details of which shall otherwise comply with the standards as specified by the City of Fresno.

5) FLOOD CONTROL REQUIREMENTS

- a) Comply with all of the requirements included within the attached Fresno Metropolitan Flood Control District memorandum dated June 18, 2012.

6) CITY OF FRESNO FIRE DEPARTMENT

- a) Comply with all of the requirements included within the attached Fire Department, Fire Prevention and Investigative Services memorandum dated June 29, 2012.

- NOTE: 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 Services Division 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.

7) FRESNO UNIFIED SCHOOL DISTRICT

- a) Comply with all of the requirements included within the attached Fresno Unified School District memorandum dated June 13, 2012.

PART F - MISCELLANEOUS

- 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.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Planning and Development Department Director within 15 days.



DATE: June 15, 2012
TO: Will Tackett
Development and Resource Management Department
FROM: Louise Gilio, Supervising Engineering Technician
Public Works Department, Traffic and Engineering Services Division
SUBJECT: Conditions of Approval for **S-12-027**
APN: 468-252-08
ADDRESS: 830 Van Ness Avenue

SITE PLAN REQUIREMENTS: Please provide the following information prior to Building Permits

A. General Requirements

1. **Vicinity Map:** Provide 4 major streets (1/2 square mile), north arrow
2. **Scope of work:** All items shall be listed as existing or proposed.

B. Offsite Information:

1. **Dedications:** Identify all existing dedications. Provide a dimension from the center line to the existing right of way line.
2. **Street Improvements:** Identify existing and proposed curb, gutter, sidewalks (provide width),

C. Onsite Information:

1. **Parking Lot:**
 - a. **Wheel Stops:** 6" high
 - b. **Circulation Aisles:** provide widths
2. **Walls or Fencing:** Identify existing and proposed walls and fences complete with location height and type of material.

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.

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

Submit the following, as applicable, in a single package to the City of Fresno Public Works Department Traffic and Engineering Services Division (559-621-8650), for review and approval, **prior** to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Signal Plans.

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

Survey Monuments and Parcel Configuration

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.

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

Street Improvements

All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a 45 MPH design speed for Collectors and 55 MPH for Arterials. Utility poles, street lights, signals, etc. shall be relocated as determined by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian and utility easements) requires a **STREET WORK PERMIT prior** to commencement of work. Contact the City of Fresno Public Works Department, Traffic and Engineering Services Division at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the city **prior** to occupancy.

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.

Off-Street Parking Facilities and Geometrics

1. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit "A"**.

Traffic Signal Mitigation Impact (TSMI) Fee: N/A

Fresno Major Street Impact (FMSI) Fees: This entitlement is in the **Infill Area**; therefore pay all applicable City-wide regional street impact fees. Contact the Development and Resource Management Department, Frank Saburit at 559-621-8077.

Regional Transportation Mitigation Fee (RTMF): Pay all applicable RTMF fees to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148 ext. 200; www.fresnocog.org. Provide proof of payment or exemption **prior** to issuance of certificate of occupancy.



DEPARTMENT OF PUBLIC UTILITIES

Date: June 15, 2012

To: WILL TACKETT
Planning and Development

From: GREG CONTRERAS, Senior Engineering Technician
Department of Public Utilities, Planning and Engineering Division



Subject: SEWER REQUIREMENTS FOR SITE PLAN REVIEW S-12-027 AND
VARIANCE APPLICATION NO. V-12-004

General

S-12-027 and V-12-004 were filed by Bill and Toni Woody, on behalf of Public Properties, and pertains to property located on the northeasterly side of Van Ness Avenue between Kern and Inyo Streets in downtown Fresno, 830 Van Ness Avenue, APN 468-252-08. The applicant proposes to convert an existing 11,229 square foot building into 6,038 square feet of multiple family residential dwellings consisting of 10 studio units, installation of an exterior elevator and stairway, and conversion of the basement area into storage units for the residents. The variance request is for a reduction in the required parking spaces. The property is zoned C-4-CCO, Central Trading-Civic Center Area Modifying.

Sewer Requirements

Sewer facilities are available to provide service to the site subject to the following requirements:

- 1. The Project Developer shall contact Wastewater Management Division/Environmental Services at (559) 621-5100 prior to pulling building permits regarding conditions of service for special users.

Sewer Fees

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

- 1. Upon connection of this Project to the City Sewer System the owner shall be subject to payment of Sewer Facility charges per Fresno Municipal Code Section 6-304 and 6-305. Sewer Facility Charges consist of two components, a Wastewater Facilities Charge and Trunk Sewer Charge where applicable.
2. Sewer Facility Charges are collected after occupancy on a monthly basis over time based on metered (water or sewer effluent) usage. The developer may contact the Department of Public Utilities/Wastewater-Environmental Control at (559) 621-5153 to receive an estimated cost of the Sewer Facility Charges applicable to the project (based on a constant sewer discharge and loading (Biochemical Oxygen Demand [BOD] and Total Suspended Solids [TSS] levels anticipated) at the current rates in effect, at that time, per Fresno's Master Fee Resolution. The developer shall provide data regarding estimated sewer discharge rates [flow] and loading [BOD/TSS levels] required for calculating the estimated charges.



DEPARTMENT OF PUBLIC UTILITIES



Providing Life's Essential Services

Date: June 15, 2012

To: WILL TACKETT
Planning and Development

From: GREG CONTRERAS, Senior Engineering Technician *GC*
Department of Public Utilities, Planning and Engineering Division

Subject: WATER REQUIREMENTS SITE PLAN REVIEW S-12-027 AND
VARIANCE APPLICATION NO. V-12-004

General

S-12-027 and V-12-004 were filed by Bill and Toni Woody, on behalf of Public Properties, and pertains to property located on the northeasterly side of Van Ness Avenue between Kern and Inyo Streets in downtown Fresno, 830 Van Ness Avenue, APN 468-252-08. The applicant proposes to convert an existing 11,229 square foot building into 6,038 square feet of multiple family residential dwellings consisting of 10 studio units, installation of an exterior elevator and stairway, and conversion of the basement area into storage units for the residents. The variance request is for a reduction in the required parking spaces. The property is zoned C-4-CCO, Central Trading-Civic Center Area Modifying.

Water Requirements

Water facilities are available to provide service to the site subject to the following requirements:

1. ~~Water service with meter shall be required.~~



DEPARTMENT OF PUBLIC UTILITIES



Date: June 20, 2012

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

From: CHRIS WEIBERT, Management Analyst II
Public Utilities Department, Administration

Subject: S-12-027 and V-12-004 were filed by Bill and Toni Woody, on behalf of Public Properties, and pertains to property located on the northeasterly side of Van Ness Avenue between Kern and Inyo Streets in downtown Fresno, 830 Van Ness Avenue, APN 468-252-08. The applicant proposes to convert an existing 11,229 square foot building into 6,038 square feet of multiple family residential dwellings consisting of 10 studio units, installation of an exterior elevator and stairway, and conversion of the basement area into storage units for the residents. The variance request is for a reduction in the required parking spaces. The property is zoned C-4-CCO, Central Trading-Civic Center Area Modifying.

General

This location is serviced by a Commercial Solid Waste Franchisee. For service information, please contact Mid Valley Disposal at 559-237-9425 .

Does Project Affect Your Agency/Jurisdiction

Yes - Project has or will be required to provide a trash enclosure.

Suggestions to Reduce Impacts/Address Concerns

The design of any new, substantially remodeled, or expanded building or other facility shall provide for proper storage or handling which will accommodate the solid waste loading anticipated and which will allow for safe and efficient waste removal.

Plans do not show location of trash enclosure.

Enclosure shall be constructed on a level surface.

The enclosure shall be level with the adjoining roadway (with no ramps, slopes, etc.).

See site plan for suggested location of trash enclosure.

Recommended Conditions of Approval

Enclosure shall be built in accordance with current City of Fresno Standards P-33 and P-34.

2-cell trash enclosure required.

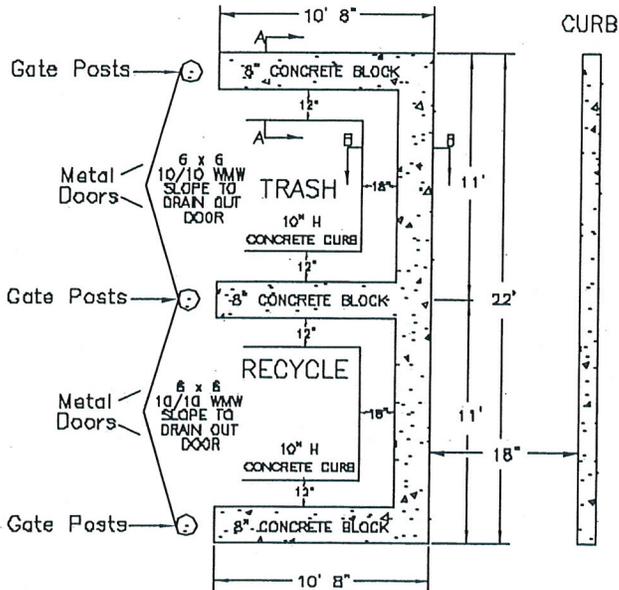
Current City of Fresno Standards P-33 and P-34 attached.

Additional Information

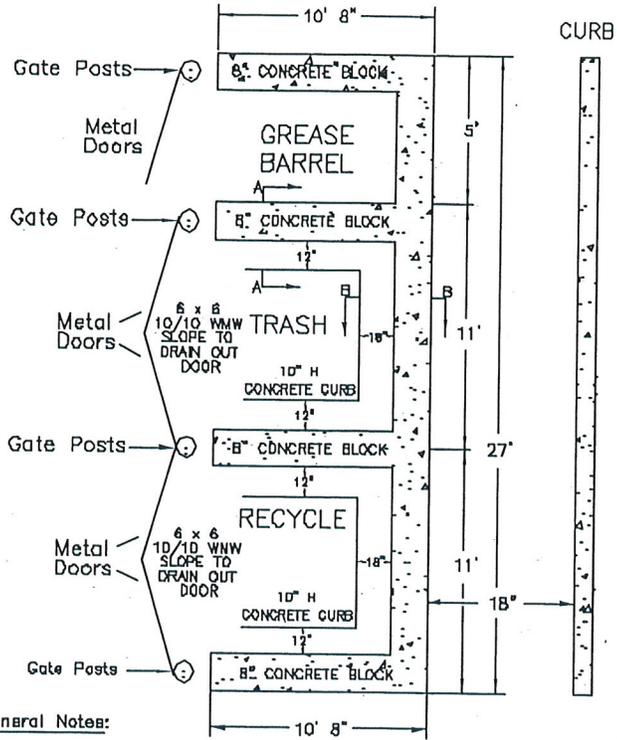
Revise plans to show location of trash enclosure and resubmit for approval.

Make sure developer/contractor receives copy of current City of Fresno Standards P-33 and P-34.

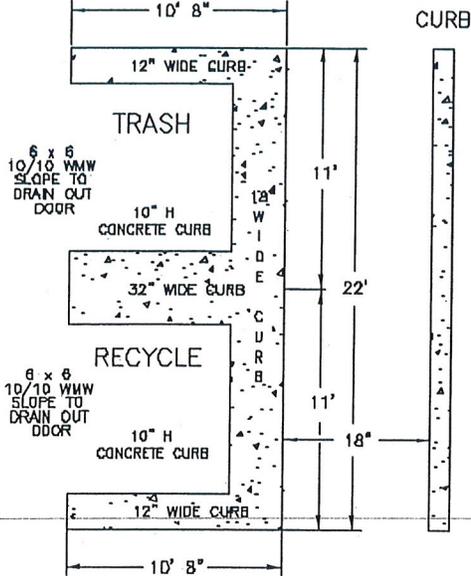
ENCLOSURE SCALE / STANDARD



ENCLOSURE SCALE / RESTAURANT

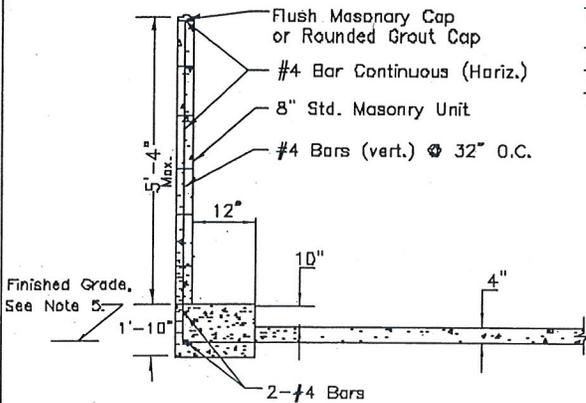


ENCLOSURE SCALE / CURB ONLY
ZONES—M1,M2,M3, & CM ONLY



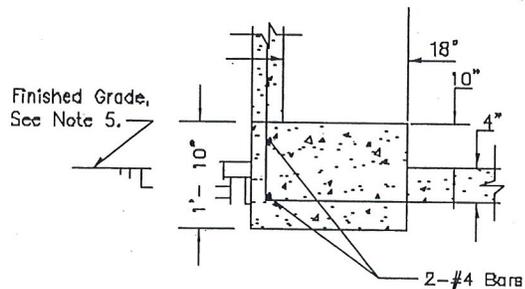
General Notes:

1. All construction shall comply with the Fresno Municipal Code.
2. Grout all cells.
3. All masonry units shall comply with the latest adopted California Building Code and U.B.C. standard 24-4 Grade N.
4. All masonry walls shall be inspected by the City of Fresno.
5. Depth of footings are into natural undisturbed soil or tested and approved compacted fill.
6. All masonry units shall be minimum f'm=1500 psi.
7. Reinforcing steel shall be deformed bar, min. Grade 40.
8. Footing concrete shall be a minimum 2000 psi at 28 days.
9. Mortar shall be type-S (minimum 1800 psi at 28 days).
One (1) part cement, Type-1
One-half (1/2) part lime putty or hydrated lime.
Four and one-half (4 1/2) parts sand (maximum).
10. Grout shall be a minimum 2000 psi at 28 days.
One (1) part cement.
Three (3) parts sand.
Two (2) parts pea gravel.
11. Finish pad elevation to be flush with grade at access pavement.
12. Any gate hinges should be located on the outside.
13. Metal doors are required on all enclosures, chain link is not acceptable.
14. 8" concrete block to be used for walls.
15. 2 cells are required for commercial/industrial buildings.
16. 3 cells are required for restaurants.



View "A-A"

Typical Section w/ Concrete Block Wall



View "B-B"

TYPICAL REFUSE CONTAINER
ENCLOSURE DETAILS

REF. & REV.
MAR 2006

CITY OF FRESNO

P-33

General Notes:

1. All site plans shall have the signature approval of a Solid Waste Management Division representative.
2. Containers used at all places shall be placed for collection at service locations approved by the Public Utilities Director, or his/her designee, but shall not be stored in the public right-of-way.
3. The design of any new, substantially remodeled, or expanded building or other facility shall provide for proper storage or handling which will accommodate the solid waste loading anticipated and which will allow for safe and efficient waste removal.
4. The Public Utilities Director, or his/her designee, shall plan with the property owner and/or their representative as to placement of storage containers to minimize traffic, aesthetic and other problems both on the property, and for the general public.
5. Below is a checklist of requirements reviewed for a site plan:
 - a. Refuse, recyclables, and grease barrels shall be stored for later removal from the premises in an area that is screened from view of the public streets by a City of Fresno, Public Utilities approved standard enclosure (refer to P-33, P-34, and P-95 for details). Approved standard enclosures are to be built using eight inch (8") concrete block at a height of six feet (6').
 - b. Enclosures built in (industrial zones) M-1, M-2, M-3, and CM zones requiring director approval, or his/her designee, may eliminate walls as long as it is not visible from a main street. For this design, the curbing will be twelve inches (12") wide on both sides, eighteen inches (18") deep along the rear with a thirty-two inch (32") wide curb separating the two cells. Curbing must be reinforced with rebar at a height of ten inches (10"). All enclosures shall be a minimum of eighteen inches (18") from the nearest curb. All other Public Works design requirements shall be met during review.
 - c. The approved standard enclosure has been designed to accommodate all sizes of containers to handle the accumulation of waste and recyclables generate between collections. A storage area with inner dimensions ten feet (10') by ten feet (10') is the minimum. There shall be curbing twelve inches (12") from side walls and wide curb separating the two cells. Curbing must be reinforced with rebar at a height of ten inches (10"), eighteen inches (18") from rear wall and at a height of ten inches (10"). These features are included in order to reduce the possibility of damage to the enclosure itself.
 - d. Service access to enclosure shall be a minimum unencumbered opening of eight feet (8'). The gate to be used shall be built of metal, chain link is not acceptable, so that bins cannot be seen when gates are closed and shall be mounted on the outer surface of enclosure as to not protrude into service access opening. Hardware latches should be a heavy gauge locking gate latch. Two gates are required on each cell with the exception of the grease barrel cell.
 - e. The floor or bottom surface of the collection area shall be made of concrete, (SLOPED) one percent (1%) to the front, and there shall not be any drainage gutter in front of entrance. The unencumbered opening of eight feet (8') referenced in d. above shall be a level surface. The floor shall not slope to the back or sides of the enclosure to allow drainage to the rear of the area or cause any standing water within the enclosure. It shall be constructed so the collection vehicle can drive directly into the pockets of the containers without any obstructions.
 - f. Ingress and egress shall have an unobstructed overhead clearance of sixteen feet (16') and shall not be less than eighteen feet (18') wide and capable of accommodating a truck with a two hundred fifty inch (250") wheelbase, a forty-four foot (44') (center line) turning radius and a support weight of thirty-five (35) tons. Area shall be unobstructed and so configured that a truck will be able to make a round trip from the public right-of-way to the collection area and return without excessive backing into a traffic lane or a public thoroughfare. Backing around a building IS NOT allowed. At no time shall a truck be required to back in excess of forty-five feet (45').
- g. Bin enclosure gates and service area shall not open into or be a part of a parking stall or loading zone.
- h. Gated entrance/exit service sites shall be at least forty feet (40') away from entrances and exits to prevent trucks from sticking out into the roadway while waiting to access enclosure and allow trucks enough space to clear gate on exiting while waiting to merge with traffic.
- i. The enclosure(s) shall accommodate refuse bins, recycle bins, and grease barrels when applicable. Neither the waste nor recycling container shall be required to be moved in order to service the other. Grease barrels shall not be placed in the same area of the enclosure with refuse or recyclables.
- j. Owner/occupants shall not use enclosures for storage or place any materials around the trash, recycle, or grease containers.
- k. Signage is required to clearly identify all recycling, solid waste collection, and loading areas and the materials accepted therein. This signage shall be placed at all points of direct access to recycling, solid waste, and loading areas on, or adjacent to, the recyclable and solid waste material containers.
- l. Sites utilizing compactors and/or roll-offs require sixty feet (60') of clearance in front of the unit, and a minimum of three feet (3') on each side, for loading and unloading.

TYPICAL REFUSE
ENCLOSURE DETAILS

REF. & REV.
NOV. 2007

CITY OF FRESNO
P-34

**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. S-12-027/V-12-004**

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: Public Properties
955 N Street
Fresno, CA 93721

PROJECT LOCATION: Northeasterly side of Van Ness Avenue between Kern and Inyo Streets in
downtown Fresno. (APN: 468-252-08).

PROJECT DESCRIPTION: Site Plan Review Application No. S-12-027 requests authorization to remodel an
existing 11,229 square-foot building for use as a multiple family residential complex
consisting of 10 residential studio units comprising approximately 6,038 square feet
in total area. A new exterior elevator and stairway are proposed to be installed for
accessibility and the basement area is proposed to be converted into storage units
for prospective residents. Variance Application No. V-12-004 requests a reduction
in the number of off-street parking spaces required for the proposed multiple family
residential use of the subject property.

**This project is exempt under 15301 (Class 1/Existing Facilities) and 15332 (Class 32/In-fill Development Projects) of
the California Environmental Quality Act (CEQA) Guidelines.**

EXPLANATION: Section 15301 (Class 1/Existing Facilities) of the CEQA Guidelines exempts from
the provisions of CEQA, projects consisting of the operation, repair, maintenance,
permitting, leasing, licensing, or minor alteration of existing public or private
structures, facilities, mechanical equipment, or topographical features, involving
negligible or no expansion of use beyond that existing at the time of the lead
agency's determination. Examples include but are not limited to: (1) Interior or
exterior alterations involving such things as interior partitions, plumbing, and
electrical conveyances; (2) Restoration or rehabilitation of deteriorated or damaged
structures, facilities, or mechanical equipment to meet current standards of public
health and safety; and, (3) Addition of safety or health protection devices for use in
conjunction with existing structures, facilities, or mechanical equipment..

Section 15332 (Class 32/In-Fill Development Projects) of the CEQA Guidelines
exempts from the provisions of CEQA, projects characterized as in-fill development
wherein: (1) The project is consistent with the applicable general plan designation
and all applicable general plan policies as well as with applicable zoning designation
and regulations; (2) The proposed development occurs within City limits on a
project site of no more than five acres substantially surrounded by urban uses; (3)
The project site has no value as habitat for endangered, rare or threatened species;
(4) Approval of the project would not result in any significant effects relating to
traffic, noise, air quality, or water quality; and, (5) The site can be adequately served
by all required utilities and public services.

None of the exceptions to Categorical Exemptions set forth in the CEQA
Guidelines, Section 15300.2 apply to this project.

Prepared By: Will Tackett, Planner III

Dated: August 02, 2012

Submitted by:


Will Tackett, Planner III
City of Fresno
Development & Resource Management Department
(559) 621-8277

H.E.A.T SouthWest Fresno Community
(Hope Effort Appropriately Thriving)
P O Box 12571
Fresno, CA 93778

RECEIVED

August 22, 2012

AUG 28 2012

Planning Division
Planning & Development Dept
CITY OF FRESNO

City of Fresno
Development & Resource Management Department
2600 Fresno St., Room 3076
Fresno, CA 93721

Attention: Will Tackett

Re: Special Permit Variance Application No. V-12-004

Dear Mr. Tackett,

Members of H.E.A.T. for SW Fresno Community are residents of District 3, the location of said project. The application for the variance also includes Site Plan Review application #S-12-027 to remodel said property as a multi-family residential complex.

Please be advised that the H.E.A.T. for SW Fresno Community is objecting to Special Permit Variance Application No. V-12-004, as well as Site Plan Review application #S-12-027 for the following reasons:

1. Reduction of the number of off-street parking will require residents/visitors to park on the street resulting in the reduction of on-street parking.
2. The combining of the Site Plan Review application #S-12-027 with the Variance Application #V-12-004 will allow the approving of both applications. If the concern is only the Variance Application # V-12-004, then address only that application and not include Site Plan Review Application #S-12-027.

Sincerely,



Brunette Harris for H.E.A.T.