

## Exhibit I



DATE: July 12, 2022

TO: Robert Holt, Planner III  
Planning and Development Department

THROUGH: Andrew Benelli, PE, Assistant Director, City Engineer  
Public Works Department, Traffic Operations and Planning Division

A handwritten signature in blue ink, appearing to read "agb", is written over the text for the "THROUGH" field.

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

SUBJECT: Public Works Conditions of Approval  
**T-6391 / P21-06457**, a **136-lot** single family subdivision  
2480 South Martin Luther King Jr. Boulevard  
DR Horton / Gateway

The Public Works Department, Traffic Operations and Planning 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.

**COMPLIANCE REQUIRED:** Provide the following information prior to the acceptance of the final map submittal. This can result in additional conditions of approval.

1. Sheets 1 and 2:

- Revise the border to include "Fee Title Interest."
- Either record the Lot Line Adjustment 2022-15 prior to submitting the parcel map or delete reference to it.
- Identify the current lot of record.
- Identify all easements on the map.
- Section D-D:
  - i. Identify the **10'** sidewalk pattern within the street easement.
  - ii. Provide **28'** from the centerline to the proposed right of way on the east side.
  - iii. Identify a **5.5'** monolithic sidewalk on the west side.
  - iv. The map and the cross-section D-D are in conflict. Verify the correct name of the street. West Creek Park Drive or West Creek Village Way?
- The legend is indicating proposed pavement along West Creek Village Way. Provide a separate hatch to indicate "by others, per the Development Agreement."
- Traffic Calming to be approved on the street plans.

2. Sheet 1:

- Revise the legal description to reflect PM 2019-02 and LLA 2022-15.

- Revise the APN numbers.
- Outlots: Specify if to be dedicated to the City of Fresno.
- Fill in missing information identifying previous dedications.
- Provide a cross section for Kaviland. Identify a 6" asphalt concrete dike on the south side.
- A FMFCD easement is not required within the street right of way.

### **General Conditions:**

1. Street Dedications: Provide corner cut dedications at all intersections for accessibility ramps.
2. Right of way: All right-of-way "outside" of the subdivision border shall either be acquired **prior** to recordation of Final Map, or a deposit equal to the value of the right-of-way and an estimate of the City staff time necessary to acquire the right-of-way shall be submitted **prior** to recordation of the Final Map.
3. Plan Submittal: Submit the following plans, as applicable, in a single package, to the Public Works Department for review and approval **prior** to recordation of the Final Map. Street: construction, signing, striping, traffic signal and streetlight.
4. Traffic Calming: Traffic calming shall be provided for local street lengths exceeding **800'** and four-way intersections. Design to be approved on the street plans.
5. 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 Public Works Department. Any and all costs associated of the soils investigation and any required mitigation work shall be performed at the sole expense of the subdivider.
6. Encroachment Covenants: The construction of any overhead, surface or sub-surface structures and appurtenances in the public right of way is prohibited unless an encroachment covenant is approved by the City of Fresno Public Works Department, Engineering Services Division, **(559) 621-8681**. Encroachment covenants must be approved prior to issuance of building permits.
7. Street widening and transitions shall also include utility relocations and necessary dedications.
8. Overhead Utilities: Underground all existing overhead utilities with the limits of this map in accordance with *Fresno Municipal Code Section 15-4114*.
9. When permanent facilities are not available from the Fresno Metropolitan Flood Control District, the applicant shall identify a temporary onsite storm water basin per *Public Works Standard P-97* for review and approval from Public Works.
10. Backing onto a major street: Backing onto a major street is prohibited.

11. 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.
12. Intersection Visibility: Maintain visibility at all intersections as described in the *Fresno Municipal Code Section 15-2018*.
13. Driveway Approaches: The throat of the driveway approaches shall be the same width as the driveway. Approach widths shall be built to *Public Works Standard P-6*.
14. FAX: When a bus shelter is required by the Transportation Department, FAX Division, a thicker sidewalk will be required. Contact Jeff Long at 559 621-1436. Coordinate all conditions of approval between Public Works and FAX.

### **Frontage Improvement Requirements:**

#### **Public Streets:**

##### Martin Luther King Junior Boulevard: 2- travel lane, Collector

1. Dedication Requirements:
  - a. Dedicate a corner cuts for public street purposes at all intersections.
  - b. Relinquish direct access rights to Martin Luther King Junior Boulevard from all residential lots within this subdivision.
2. Construction Requirements: **See Development Agreement.**

##### West Creek Village Way: Local (collector)

1. Dedication Requirements:
  - a. Dedicate a **3'** street easement from all lots, to accommodate a **10'** sidewalk pattern.
  - b. Dedicate a corner cuts for public street purposes at all intersections.
2. Construction Requirements: **See Development Agreement.**

#### **Interior Streets:**

1. Dedicate, design and construct all ramps, curb, gutter, sidewalk, permanent paving, easements and underground street lighting systems on all interior local streets to *Public Works Standards P-5, P-18, P-28, P-50, P-56A, P-56B, E-1 and E-9A, E-9B*. Pedestrian easements are required behind driveways with 6" high curbs and sidewalk patterns less than **10'**.
2. All streets and pedestrian ways shall connect to other streets and pedestrian ways to form a continuous vehicular and pedestrian network with connections within the subdivision and to adjacent development. Pedestrian paths of travel must meet current accessibility regulations. Sidewalks are recommended on both sides of the street. Identify ramps within the proposed subdivision wherever sidewalks are provided.
3. Garages: Garage or carport setbacks are recommended to be a minimum of **18'** from the back of walk or curb, whichever is greater.

4. Provide a **12'** visibility triangle at all driveways.
5. Dead-end Streets: West Creek Village Way
  - a. Any temporary dead-end streets created by this subdivision shall be properly barricaded in accordance with the *Public Works Standard P-100*.

#### **Specific Mitigation Requirements:**

##### **Within the subdivision border-**

1. Grove Avenue: Agreement required between FMFCD and the City.
2. Dedicate a 10' Public Utility Easement along all lot frontages.

**Traffic Signal Mitigation Impact (TSMI) Fee:** This project shall pay all applicable TSMI Fees **at the time of building permit**. Contact the Public Works Department, Frank Saburit at (559)621-8797. The fees are based on the Master Fee schedule. In some cases, traffic signals may be conditioned on multiple maps. If the signal is existing at the time of the final map, the applicant would not be required to construct the signal but would be required to pay the applicable fee.

**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. In some cases, center section improvements or bridges may be conditioned on multiple maps. If the improvements are existing at the time of the final map, the applicant would not be required to construct them, but would be required to pay the applicable fee.

#### **Fresno Major Street Impact (FMSI) Requirements:**

##### **Martin Luther King Junior Boulevard: 2-travel lane Collector (New Growth Area)**

1. If not existing, an additional **8'** dedication is required beyond the edge of pavement. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45 MPH** design speed.

**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 certificate of occupancy.

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## DEPARTMENT OF PUBLIC WORKS

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TO: Robert Holt, Planner III  
Planning & Development Department

FROM: Hilary Kimber, Parks Supervisor II  
Public Works, Traffic Division

DATE: May 5, 2022

SUBJECT: **P21-06457; Tract 6391**(APN: 479-050-15; 479-060-12 & 14) located on the southwest side of Martin Luther King Jr. Blvd and E. Church Avenue. The Department of Public Works has reviewed the Tentative Tract Map submitted by Gateway Engineering, Inc. and offers the following comments regarding the requirements for landscaping and irrigation in the street rights-of-way, landscape easements, outlots and median islands:

### 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 40' 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 AB 1881.
2. Street Tree Planting by Developer: For those lots having internal street tree frontage available for street tree planting, the developer shall plant one tree for each 40' of street frontage, or one tree per lot having street frontage, whichever is greater. Tree planting shall be within a 10' Public Planting and Utility Easement.
  - a. Street tree inspection fees shall be collected for each 40' 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.
  - f. There are no designated street trees for any of the streets on this project. Please choose appropriate trees from the list of Approved Street Trees found online at: [fresno.gov/departments/public-works/developer-doorway/landscape-plans](https://fresno.gov/departments/public-works/developer-doorway/landscape-plans).

## **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. Maintenance Service Through Annexation into the Community Facilities District. Landscape and Irrigation plans are required and shall be submitted to the Department of Public Works for review and approval prior to a Council approval of the final map. Plans shall be numbered to conform to and be included in the Department of Public Works street construction plan set for the final map. Fees are applicable when the subdivider elects to have landscaping maintained by annexing into the City's Community Facilities District.
  - A. Landscaping shall comply with Landscape Buffer Development Standards approved by the City Council on October 2, 1990. Landscape and irrigation plans shall comply with AB1881, water efficient landscaping.
  - B. Should the proposed landscape buffers and/or parkway strips be located next to an existing buffer and/or parkway strip, the planting concept shall simulate the adjacent landscape design to present a more uniform appearance on the street. Variances in the landscape concept will be acceptable, but the design of the new landscape buffer and/or parkway strip shall strive to mimic the existing as much as possible.
  - C. Landscape plans shall indicate grades on a cross-section detail to include fencing or wall details. All fencing shall be placed outside the landscape easement. Maximum slopes shall not exceed 4:1 with 1 foot of level ground between the slope and the back of the side walk and/or face of fence. Erosion control measures shall be implemented on all slopes of 4:1, including the use of synthetic erosion control netting in combination with ground cover species approved by the Department of Public Works/Engineering Services Division.
  - D. The water meter(s) serving the buffer landscaping shall be sized for the anticipated service flows.
  - E. No private flags, signs or identification of any kind shall be permitted in the right-of-way, within the City - controlled easement or on the fence or wall facing the street.
  - F. Landscaping in the right-of-way and landscape setback adjacent to water well sites shall be the responsibility of the City of Fresno Water Division and may not be included in the CFD.

## **MEDIAN ISLAND LANDSCAPE REQUIREMENTS—E. Church Ave.**

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.
3. Landscape and irrigation is required on all new construction of median islands and shall be applied in accordance with the City of Fresno, Public Works Department Standards & Specifications and AB 1881. The Public Works Department requires all proposed median islands to be constructed with a one foot wide colored concrete strips, flush along curb edge, in a 12 inch by 12 inch brick slate pattern.

4. Trees shall not be planted in sections which are less than eight (8) feet wide unless approved by the Public Works Department. Sections less than eight (8) feet shall be capped with concrete as an integral part of the offsite improvements, whether the median is landscaped or not.

#### **OUTLOTS**

1. 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.





**DATE:** April 21, 2022

**TO:** Planning Project Manager, Development Services/Planning  
Planning & Development Department

**FROM:** Randy Guill, Supervising Engineering Technician  
Public Works Department, Traffic Operations and Planning Division

**SUBJECT:** PUBLIC WORKS CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP NO.  
6381 REGARDING MAINTENANCE REQUIREMENTS

**LOCATION: 2840 Martin Luther King BLVD.**  
**APN: 47-050-15**

The Public Works Department, Traffic Operations and Planning 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.

<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 separate processing to the Public Works Department, Traffic Operations and Planning Division <b>prior</b> to final map approval.			
X	<b>CFD Annexation Request Package</b>	Randy Guill	(559) 621-8684 <a href="mailto:Randy.Guill@fresno.gov">Randy.Guill@fresno.gov</a>

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

All applicable construction plans for this development shall be submitted to the appropriate City Department for review and approval **prior** to the CFD process.

- a. Landscape and Irrigation Plans are required to be approved prior to the finalization of the CFD process and the approval of the final map.
- b. **Proposed park amenities shall be reviewed and approved by the Building & Safety Services Division or as approved in writing by the City Engineer at time of submittal for the CFD process and prior to final map approval.**

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.

Any change affecting the items in these conditions shall require a revision of this letter.

#### **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 (Existing and Proposed) 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, the median island (1/2, if fronting only one side of median), parkways, buffers, street entry medians and sides **(10' wide minimum landscaped areas allowed)** in **all Local and Major Streets**.
- 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 (1/2, if fronting only one side of median), 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) 621-8684 or [Randy.Guill@fresno.gov](mailto:Randy.Guill@fresno.gov)



**DEPARTMENT OF PUBLIC UTILITIES**

**MEMORANDUM**

**DATE:** April 18, 2022

**TO:** MINDI MARIBOHO – Development Services Coordinator  
Planning & Development Department – Current Planning

**FROM:** ROBERT A. DIAZ, Supervising Engineering Technician  
Department of Public Utilities – Utilities Planning & Engineering

KEVIN GRAY, Supervising Engineering Technician  
Department of Public Utilities – Utilities Planning & Engineering

**SUBJECT: DPU CONDITIONS OF APPROVAL P21-06457 TRACT 6391 APN 479-050-15**

**General Requirements**

1. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals.
2. All Department of Public Utilities facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.
3. Street easements and/or deeds shall be recorded prior to approval of improvement plans.
4. Street work permit is required for any work in the Right-of-Way.

**Water Service Requirements**

1. 8-inch Water mains (including installation of City fire hydrants) shall be extended within the proposed tract to provide service to each lot.
2. Installation of water services & meter boxes shall be required.
3. Destruct any existing on-site well in compliance with the State of California Well Standards, Bulletin 74-81 and 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.
4. Two independent sources of water, meeting Federal and State Drinking Water Act

## MEMORANDUM

MINDI MARIBOHO – Development Services Coordinator

Planning & Development Department – Current Planning

April 18, 2022

DPU CONDITIONS OF APPROVAL P21-06457 TRACT 6391 APN 479-050-15

Page 2 of 3

Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Department of Public Utilities Assistant Director.

### **Water Supply Requirements**

1. The project applicant shall be required to pay Water Capacity Fee charges for the installation of new water services and meters to serve the property.
  - a. The Water Capacity Fee charge assessed to the applicant shall be based on the number and size of service connections and water meters required to serve the property.
  - b. The Water Capacity Fee charges by meter size are defined in the City's Master Fee Schedule.
  - c. The City reserves the right to require an applicant to increase or decrease the size of a water meter for a project or a property to ensure that the meter is properly sized to accommodate fire protection requirements, and to allow for accurate volumetric flow measurements at low- and high-flow conditions.
  - d. The Water Capacity Fee Charge for any new or expanded service connection shall be payable prior to the issuance of a building permit at the fee level in effect on the date such permit is issued.
2. The project applicant shall be required to pay all other water-related fees and charges in accordance with the City's Master Fee Schedule and Municipal Code.

### **Sewer Requirements**

The nearest sanitary sewer main to serve the proposed project is (2) 30-inch sewer trunk lines located in East Church Avenue and a 48-inch sewer trunk line located in East Jensen Avenue. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:

1. A Lift station design will be required at East Jensen Avenue east of South Knight Avenue in order to service the entire West Creek Village development.
2. Construct an 8-inch sanitary sewer main (including sewer house branches to

MEMORANDUM

MINDI MARIBOHO – Development Services Coordinator

Planning & Development Department – Current Planning

April 18, 2022

DPU CONDITIONS OF APPROVAL P21-06457 TRACT 6391 APN 479-050-15

Page 3 of 3

adjacent properties) in the proposed road perpendicular to East Jensen Avenue from the proposed lift station by way of a 48-inch main located in East Jensen Avenue northerly towards to Each Church Avenue.

3. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.
4. A Preliminary sewer design layout shall be prepared by the Developer's Engineer and submitted to the Department of Public Utilities for review and conceptual approvals prior to submittal or acceptance of the developers final map and engineered plan & profile improvement drawing for City review.
5. Installation of sewer house branch(s) shall be required.
6. Separate sewer house branches are required for each lot.
7. Abandon any existing on-site private septic systems.

**Sanitary Sewer Fees**

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

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

**General Requirements**

Tract 6391 will be serviced as Single Family Residential properties with Basic Container Service. Property owners will receive 3 containers to be used as follows: 1 Gray container for solid waste, 1 Green container for green waste and 1 Blue container for recyclable material.



&  
2600 Fresno Street  
Fresno, California 93721-3604  
www.fresno.gov

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## **Fire Department**

April 15, 2022  
Byron Beagles

### **Comments**

1. This is a proposed 136 lot public street sub-division with 36-foot street widths as measured to curb flow lines per and there are no on street parking restrictions except for several areas indicated in the next comment.
2. The south side of E. Kaviland as well as the traffic calming curb bump outs must be designated no parking with red curb or Public Works Standard P-91 no parking signage.
3. This tract is in the primary response area of Fire Station #7 at E. Jensen and S. Cherry Aves. and there are no development restrictions related to fire service response.
4. Each lot is subject to the city-wide fire service delivery impact fee.
5. Provide 8-inch minimum public water mains within the sub-division per Public Utilities and Fire Dept. standards for single family home development.
6. Fire hydrants and all-weather fire access shall be in service prior to the delivery of combustible material to the job sites.



&  
2600 Fresno Street  
Fresno, California 93721-3604  
[www.fresno.gov](http://www.fresno.gov)

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## **Fresno Area Express (FAX)**

April 4, 2022

### **Comments**

1. FAX requires a reinforced curb and gutter along MLK, extending 60' south of the Grove.
2. There should be a minimum sidewalk width of 9' 6" in this space. Sidewalk thickness shall be 8" at the location of a future shelter and 6" for the additional station area.
3. The curb shall be painted red and have the words "BUS ZONE" written in 4" tall white letters spaced 16' on center beginning at the leading edge of the bus stop curb.

FAX will provide amenities at a later date.

Contact FAX staff for any additional information needed.





&  
2600 Fresno Street  
Fresno, California 93721-3604  
[www.fresno.gov](http://www.fresno.gov)

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## **Fresno County Environmental Health Division**

April 13, 2022

### **Comments**

1. Construction permits for the proposed 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.
2. Construction permits for the proposed 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.
3. The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal.
4. Should any underground storage tank(s) be found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
5. As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.

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

File No. 210.45

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**PUBLIC AGENCY**

ROBERT HOLT  
DEVELOPMENT SERVICES/PLANNING  
CITY OF FRESNO  
2600 FRESNO STREET, THIRD FLOOR  
FRESNO, CA 93721-3604

**DEVELOPER**

DANIEL BOND, GATEWAY ENGINEERING  
405 PARK CREEK DR.  
CLOVIS, CA 93611

PROJECT NO: **6391**

ADDRESS: **2540 S. MARTIN LUTHER KING JR. BLVD.**

APN: **479-060-12, 479-050-15, 479-060-14, 479-050-14**

SENT: **July 07, 2022**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
SS	\$87,732.00	NOR Review	\$1,014.00	To be paid prior to release of District comments to Public Agency and Developer.
TT	\$27,901.00	Grading Plan Review	\$2,831.00	Amount to be submitted with first grading plan submittal.
		Storm Drain Plan Review	For amount of fee, refer to <a href="http://www.fresnofloodcontrol.org">www.fresnofloodcontrol.org</a> for form to fill out and submit with first storm drain plan submittal (blank copy attached).	
<b>Total Drainage Fee: \$115,633.00</b>		<b>Total Service Charge:</b>	<b>\$3,845.00</b>	

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 2/28/23 based on the site plan submitted to the District on 3/29/22 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.) Creditable storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d.) The actual cost incurred in constructing Creditable drainage system facilities is credited against the drainage fee obligation.
- e.) When the actual costs incurred in constructing Creditable 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  
TRACT  
No. 6391**

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

Page 2 of 5

**FR  
TRACT No. 6391**

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

1. ☐ a. Drainage from the site shall  
☒ b. Grading and drainage patterns shall be as identified on Exhibit No. 1  
☐ 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 Non 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 NON-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.

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

Page 3 of 5

**FR  
TRACT No. 6391**

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, 2014 (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, RCE

Digitally signed by Debbie Campbell Date: 7/7/2022 12:33:23 PM



Rick Lyons  
Engineering Tech III

Digitally signed by Rick Lyons Date: 7/7/2022 12:01:31 PM

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

Page 4 of 5

CC:

GUY GNIADEK, D.R. HORTON

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419 W. MURRAY AVE.

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VISALIA, CA 93291

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2500 MLK LLC

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405 N. PALM

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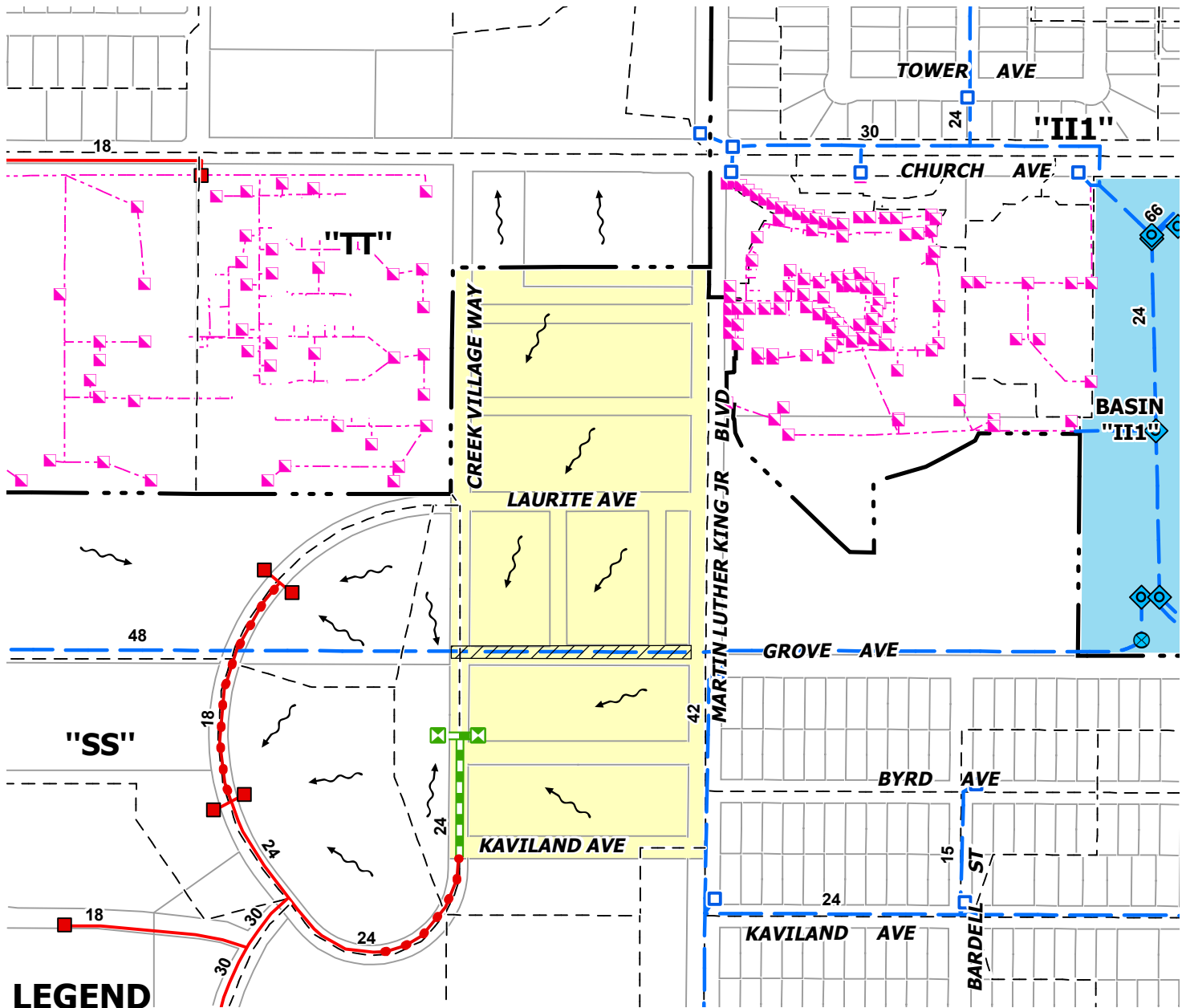
FRESNO, CA 93701

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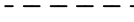


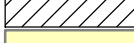

**FR TRACT No. 6391**



NOTE: THIS MAP IS SCHEMATIC.  
DISTANCES, AMOUNT OF CREDITABLE  
FACILITIES, AND LOCATION OF INLET  
BOUNDARIES ARE APPROXIMATE.



## LEGEND

-  Non-Master Plan Facilities To Be Constructed By Developer (Not Eligible For Fee Credit)
-  Existing Master Plan Facilities
-  Future Master Plan Facilities
-  Future Non-Master Plan Facilities
-  Private Facilities
-  Inlet Boundary
-  Drainage Area Boundary
-  Direction Of Drainage
-  Existing 30' Wide Storm Drain Easement
-  Limits Of Tract 6391



1" = 400'

**TRACT 6391**  
**DRAINAGE AREA "SS"**



## EXHIBIT NO. 1 FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

## **OTHER REQUIREMENTS**

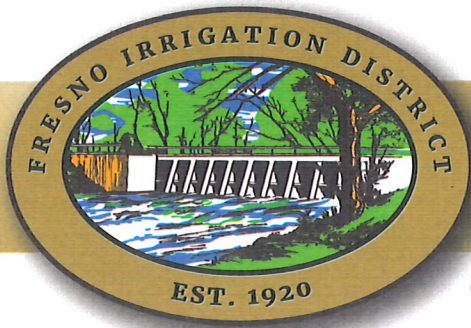
### **EXHIBIT NO. 2**

There is an existing thirty-foot (30') wide storm drain easement on the development as shown on Exhibit No. 1. The proposed street layout for Tract 6391 may not follow the existing Master Plan storm drainage pipeline alignment and either shall be realigned or the storm drainage pipeline reconstructed to match. Any costs to realign existing Master Plan facilities shall be borne entirely by the developer. Where the existing storm drainage pipeline and associated easement remain, no encroachments into the easement shall be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

The Master Plan system has been designed such that during a two-year event flow will not exceed the height of the 6-inch curb. Should wedge curb (4.5 inches height) be used the same criteria shall apply whereby flow remains below the top of curb. Any extensions or pipe size increases due to meeting the requirement listed above shall be at the developer's expense.

Lot coverage must be provided to the District prior to submittal of improvement plans. The final drainage fee will be calculated commensurate with the lot coverage provided by the developer. If the lot coverage indicates a density higher than Master Planned, mitigation may be required. The lot coverage calculated by the District includes the front yard walkway, sidewalk walkway and the rear yard patio equaling an additional 6% of impervious area in addition to the City's typical lot coverage calculation.





2907 S. Maple Avenue  
Fresno, California 93725-2208  
Telephone: (559) 233-7161  
Fax: (559) 233-8227

**CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.**

April 11, 2022

Robert Holt  
Development & Resource Management  
City of Fresno  
2600 Fresno Street, Third Floor  
Fresno, CA 93721

RE: Tentative Tract Map 6391 Application No. P21-06457  
S/W Church and Fig avenues

Dear Mr. Holt:

The Fresno Irrigation District (FID) has reviewed Tentative Tract Map 6391 Application No. P21-06457 for which the applicant proposes the development of a 136-lot single-family residential subdivision, APN: 479-050-15. FID has the following comments:

1. FID does not own, operate, or maintain any facilities located on the subject property, as shown on the attached FID exhibit map.
2. For informational purposes, FID's active Braly No. 14 runs westerly and crosses Martin Luther King Jr. Boulevard approximately 1,950 feet north of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/utility improvements along Martin Luther King Jr. Boulevard or in the vicinity of this facility, FID requires it review and approve all plans
3. For informational purposes, FID's active Fresno Colony No. 24 runs westerly along the north side of Annadale Avenue and crosses Martin Luther King Jr. Boulevard approximately 3,350 feet south of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Annadale Avenue, Martin Luther King Jr. Boulevard, or in the vicinity of this facility, FID requires it review and approve all plans.
4. FID is concerned that the proposed development may negatively impact local groundwater supplies. The area was historically open land little to no use of water. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. FID recommends the City of Fresno require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem.

G:\Agencies\FresnoCity\Tract Map\P21-06457\6391, P21-06457 FID Comments.doc

**BOARD OF DIRECTORS**

President RYAN JACOBSEN Vice-President JERRY PRIETO, JR. CHRISTOPHER WOOLF  
GEORGE PORTER GREGORY BEBERIAN General Manager BILL STRETCH

5. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Fresno are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City of Fresno should consider the impacts of the development on the City's ability to comply with requirements of SGMA.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Chris Lundeen at (559) 233-7161 extension 7410 or [clundeen@fresnoirrigation.com](mailto:clundeen@fresnoirrigation.com).

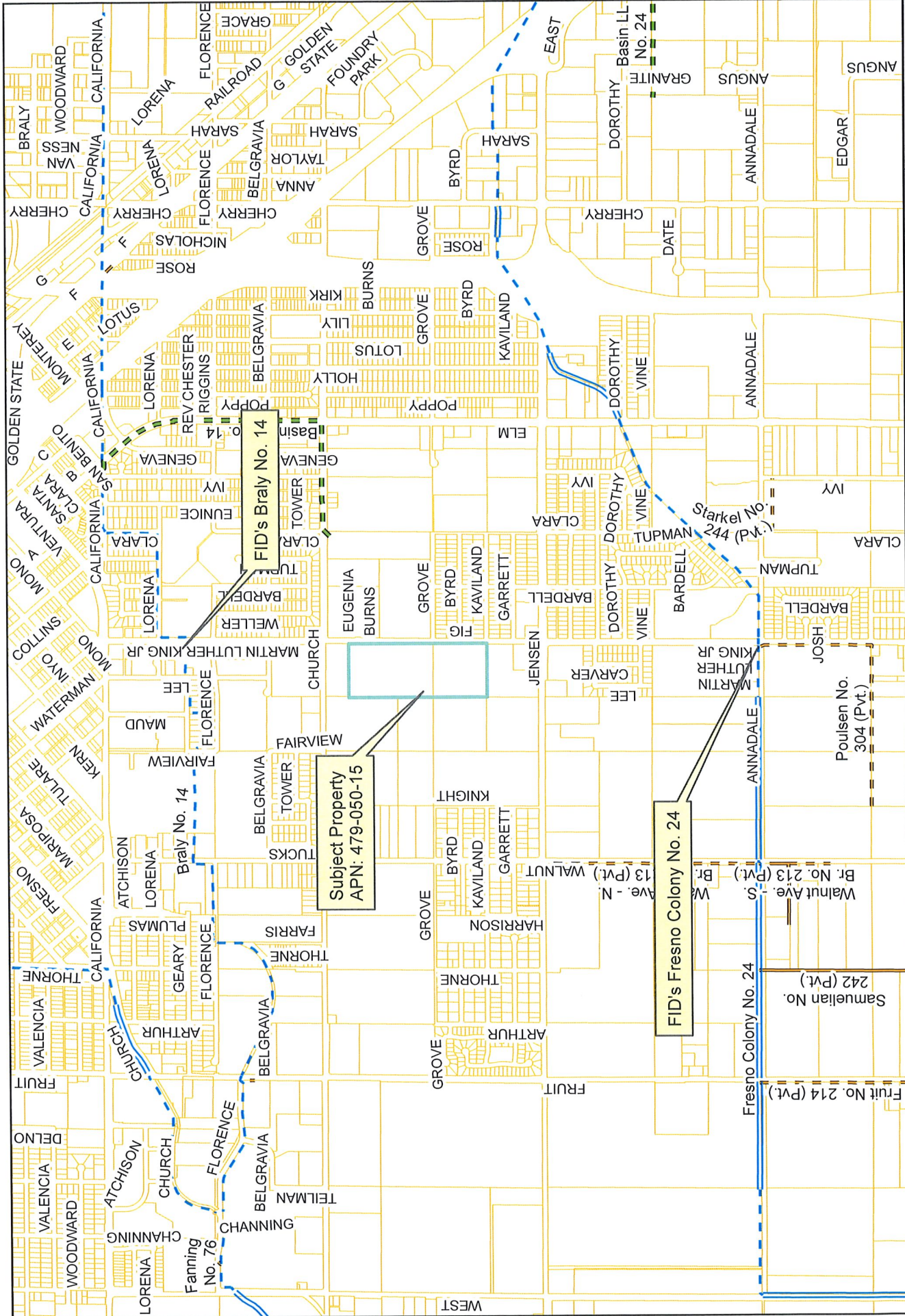
Sincerely,



Laurence Kimura, P.E.  
Chief Engineer

Attachment







FRESNO IRRIGATION DISTRICT

**Legend**

- FID Canal
- Private Canal
- Abandoned Canal
- FID Pipeline
- Private Pipeline
- Abandoned Pipeline
- Stream Group
- Other-Creek/River
- Other-Pipeline
- Parcel
- FID Boundary
- Railroad
- Streets & Hwys
- PMFCD Acquired Basins
- PMFCD Proposed Basins

This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown are in their approximate location. Please contact the FID Engineering Dept. at (559) 233-7161 for further information on FID facilities.

Scale: 1 inch = 1,531.57 feet

Path: G:\Fidgis\02020321 - FID Compact.mxd

Spatial Reference: NAD 1983 StatePlane California IV FIPS 0404

## **Pacific, Gas & Electric (PG&E)**

April 20, 2022

### **Comments**

Thank you for giving us the opportunity to review the subject plans. The proposed P21-06457 Tract 6391 Subdivision is within the same vicinity of PG&E's existing facilities that impact this property.

1. PG&E operates and maintains a 12.75" high-pressure gas transmission pipeline within the westerly portion of South Martin Luther King Jr Boulevard. A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe. Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector.
3. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work. Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools.
4. Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782 and PG&E's Service Planning department at [www.pge.com/cco](http://www.pge.com/cco) for any modification or relocation requests, or for any additional services you may require.
5. As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will

ensure that all existing underground utilities are identified and marked on-site.

6. If you have any questions regarding our response, please contact me at [alexa.gardea@pge.com](mailto:alexa.gardea@pge.com).



April 19, 2022

Robert Holt  
City of Fresno  
Planning and Development Department  
2600 Fresno Street  
Fresno, CA, 93721

**Project: Tentative Tract Map 6391, P21-06457-West Creek Village**

**District CEQA Reference No: 20220408**

Dear Mr. Holt:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the West Creek Village residential development from the City of Fresno (City). The Project consists of a 136-lot single-family residential subdivision (Project). The Project is located on the west side of South Martin Luther King Blvd, in between E. Church Avenue and E. Jensen Avenue. The Project lies within one of the communities in the state selected by the California Air Resources Board (CARB) for investment of additional air quality resources and attention under Assembly Bill (AB) 617 (Garcia) in an effort to reduce air pollution exposure in impacted disadvantaged communities.

The District offers the following comments regarding the Project:

**1) Assembly Bill 617**

AB 617 requires CARB and air districts to develop and implement Community Emission Reduction Programs (CERPs) in an effort to reduce air pollution exposure in impacted disadvantaged communities, like those in which the Project is located. The South Central Fresno AB 617 community is one of the statewide communities selected by CARB for development and implementation of a CERP.

Following extensive community engagement and collaboration with the Community Steering Committee, the CERP for the South Central Fresno Community was adopted by the District's Governing Board in September 2019 and by CARB in February 2020.

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1890 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: (661) 392-5500 FAX: (661) 392-5586

During the development of the CERP, the Community Steering Committee expressed concerns regarding the proximity of emission sources to nearby sensitive receptors like schools, homes, day care centers, and hospitals, and the potential future industrial development within the community that may exacerbate the cumulative exposure burden for community residents. The Community Steering Committee also expressed the desire for more meaningful avenues of engagement surrounding the land-use decisions in the area. As these issues can most effectively be addressed through strong partnerships between community members and local land-use agencies. Furthermore, the District recommends the City assess the emission reductions measures and strategies included in the CERP and address them in the environmental assessment, as appropriate, to align the City's work with the air pollution and exposure reduction strategies and measures outlined in the CERP.

For more information regarding the CERP approved for South Central Fresno, please visit the District's website at:  
<http://community.valleyair.org/selected-communities/south-central-fresno>

## **2) Project Related Emissions**

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM<sub>2.5</sub>) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM<sub>10</sub>, PM<sub>2.5</sub> standards.

Based on information provided to the District, Project specific annual criteria pollutant emissions from construction and operation are not expected to exceed any of the following District significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI):  
<https://www.valleyair.org/transportation/GAMAQI.pdf>.

### **2a) Construction Emissions**

The District recommends, to further lessen air quality impacts from construction-related diesel exhaust emissions, the City consider the feasibility of incorporating the below measure into the Project.

*Recommended Measure:* To reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment, including the latest tier equipment.

### **3) Health Risk Screening/Assessment**

The City should evaluate the risk associated with the Project for sensitive receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) in the area and mitigate any potentially significant risk to help limit exposure of sensitive receptors to emissions.

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a Health Risk Assessment (HRA) should be performed for the Project. These health risk determinations should quantify and characterize potential Toxic Air Contaminants (TACs) identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

#### Prioritization (Screening Health Risk Assessment):

A "Prioritization" is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association's (CAPCOA) methodology.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

To assist land use agencies and project proponents with Prioritization analyses, the District has created a prioritization calculator based on the aforementioned CAPCOA guidelines, which can be found here:

[http://www.valleyair.org/busind/pto/emission\\_factors/Criteria/Toxics/Utilities/PRIORITIZATION-CALCULATOR.xls](http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION-CALCULATOR.xls)

#### Health Risk Assessment:

Prior to performing an HRA, it is strongly recommended that land use agencies/project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA. This step will ensure all components are addressed when performing the HRA.



A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the project-related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk, or 1.0 for either the Acute or Chronic Hazard Indices.

A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org)
- Calling (559) 230-5900

*Recommended Measure:* Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at <https://ww3.arb.ca.gov/ch/handbook.pdf>.

#### **4) Ambient Air Quality Analysis**

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The District recommends an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website: [www.valleyair.org/ceqa](http://www.valleyair.org/ceqa).

## **5) Vegetative Barriers and Urban Greening**

The Project site is surrounded by single family residence, with two schools (Rutherford B. Gaston Middle School and Edison High School) located east and north of the Project. The District suggests the City consider the feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors.

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the uptake of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant, low-maintenance greenery.

## **6) Clean Lawn and Garden Equipment in the Community**

Since the Project consists of residential development, gas-powered residential lawn and garden equipment have the potential to result in an increase of NOx and PM2.5 emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program which provides incentive funding for replacement of existing gas powered lawn and garden equipment. More information on the District CGYM program and funding can be found at: <http://www.valleyair.org/grants/cgym.htm> and <http://valleyair.org/grants/cgym-commercial.htm>.

## **7) On-Site Solar Deployment**

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for the Project.

## **8) District Rules and Regulations**

The District issues permits for many types of air pollution sources, and regulates

some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm). To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

#### **8a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources**

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (559) 230-5888.

#### **8b) District Rule 9510 - Indirect Source Review**

The purpose of District Rule 9510 is to reduce the growth in both NO<sub>x</sub> and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The Rule requires developers to mitigate their NO<sub>x</sub> and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

The Project is subject to District Rule 9510 when it receives a project-level discretionary approval from a public agency and will equal or exceed 50 dwelling units of residential development, when the project-level approval received is not a discretionary approval.

When subject to the rule, an Air Impact Assessment (AIA) application is required no later than applying for project-level approval from a public agency. In this case, if not already done, please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510.

An AIA application is required and the District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit, be made a condition of Project approval.

Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

District staff is available to provide assistance with determining if future development projects will be subject to Rule 9510, and can be reached by phone at (559) 230-5900 or by email at [ISR@valleyair.org](mailto:ISR@valleyair.org).

#### **8c) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)**

The Project will be subject to District Rule 4002 since the Project will require an existing building to be renovated, partially demolished or removed. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated.

Information on how to comply with District Rule 4002 can be found online at: <http://www.valleyair.org/busind/comply/asbestosbultn.htm>.

#### **8d) District Regulation VIII (Fugitive PM10 Prohibitions)**

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at:

<https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx>

Information about District Regulation VIII can be found online at:

[http://www.valleyair.org/busind/comply/pm10/compliance\\_pm10.htm](http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm)

#### **8e) District Rule 4901 - Wood Burning Fireplaces and Heaters**

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below 3,000 feet in areas with natural gas service, no person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

Information about District Rule 4901 can be found online at:

<http://valleyair.org/rule4901/>

#### **8f) Other District Rules and Regulations**

The Project may also be subject to the following District rules: Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

**9) District Comment Letter**

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Matt Crow by e-mail at [Matt.Crow@valleyair.org](mailto:Matt.Crow@valleyair.org) or by phone at (559) 230-5931.

Sincerely,

Brian Clements  
Director of Permit Services



For: Mark Montelongo  
Program Manager