

**CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT**

**CONDITIONS OF APPROVAL
JANUARY 8, 2020**

VESTING TENTATIVE TRACT MAP NO. 6258/UGM

**LOCATED ON THE WEST SIDE OF NORTH HAYES AVENUE BETWEEN WEST GETTYSBURG
AND WEST ASHLAN AVENUES.**

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

NOTICE TO PROJECT APPLICANT

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

Improvements and payments shall not be required on or in front of any undeveloped portion of a net acreage of ten acres or more which exists after the division of land. All improvements and payments shall be completed with development.

URBAN GROWTH MANAGEMENT REQUIREMENTS (GENERAL)

The subdivider of property located within the UGM boundaries shall comply with all sewer, water and street requirements and pay all applicable UGM fees imposed under the Urban Growth Management process (with appropriate credit given for the installation of required UGM improvements) in accordance with the requirements of State Law as related to tentative tract maps.

GENERAL CONDITIONS

1. Upon conditional approval of Vesting Tentative Tract Map No. 6258/UGM, the subdivider may prepare a Final Map in accordance with the approved tentative map.

2. Prior to final map approval, the owner of the subject property shall execute a "Right to Farm" covenant with the City of Fresno. Said covenant is to run with the land and shall acknowledge and agree that the subject property is in or near agricultural districts located in the City and/or County of Fresno and that the residents of the subject property should be prepared to accept the inconveniences and discomfort associated with normal farm activities. The "Right to Farm" covenant shall be recorded prior to or concurrent with the recording of any Final Map of Vesting Tentative Tract No. 6258/UGM.
3. The subdivider shall comply with Regulation VIII and Rule 8060 of the San Joaquin Valley Air Quality Pollution Control District for the control of particulate matter and fugitive dust during construction of this project.
4. The developer/owner shall pay the appropriate park facilities fee and/or dedicate lands for parks and recreation purposes pursuant to Ordinance Nos. 2005-112 and 2005-113 adopted by the Fresno City Council on September 27, 2005; and, Ordinance No. 2016-57 adopted by the Fresno City Council on December 15, 2016.
5. Submit grading plans and a soils report to the City of Fresno Planning and Development Department, Development Services (Planning) Division for verification prior to Final Map approval. Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.
6. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Planning and Development Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.
7. Engineered construction plans shall be approved by the City prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans.
8. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.
9. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, Chapter 15, Part IV: "Land Divisions;" Resolution No. 68-187, "City Policy with Respect to Subdivisions;" and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.
10. The subdivider shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs,

water and sewer service, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution No. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of State law as related to tentative maps.

11. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code (FMC) and the State Subdivision Map Act. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the City. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the City, the subdivider may elect to enter into an agreement with the City to thereafter guarantee the completion of the improvements.
12. As a condition of Final Map approval, the subdivider shall furnish to the City a subdivision guarantee listing all parties having any right, title or interest and the nature of their interest per State law.

GENERAL INFORMATION

13. Prior to the issuance of building permits for the subdivision, school construction fees shall be paid to the respective school district, in which the subject property is located, in accordance with the school district's adopted schedule of fees.
14. Contact the United States Postal Service for the location and type of mailboxes to be installed in this subdivision.
 - a) It is recommended that at least 6 months prior to the first occupancy, the Developer shall contact the local United States Postal Service representative to complete a Mode of Delivery Agreement for New Construction. The Mode of Delivery Agreement must have a District approval signature to be valid. In addition to completing the Agreement, the Developer shall provide a final map (with address details) to the local USPS representative. The Developer shall, at their own expense, procure, construct and install all mail receptacle facilities for each location as specified and approved by the USPS.
15. Pursuant to Section 66456.1 of the Subdivision Map Act, which states "The right of the subdivider to file multiple Final Maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple Final Maps," any multiple final maps filed by the subdivider on this tract shall fully and independently conform to all provisions of FMC Chapter 15, Part IV: "Land Divisions," including but not limited to Article 36, "Final Maps."
16. The developer/owner shall obtain any and all permits required for the removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement of tract grading work, in accordance with Chapter 13 of the FMC.
17. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.

18. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: (559) 268-0109; after hours the contact phone number is (559) 488-3111 for the Fresno County Sheriff's Department). If remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (phone number (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists.
19. If animal fossils are uncovered, the Museum of Paleontology at the University of California, Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.
20. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any State or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment or pay off such assessment in full.

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

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

MITIGATION MONITORING REQUIREMENTS

21. Development of the subject property shall be subject to implementation of all applicable mitigation measures, fees, and timelines included within the Initial Study and Mitigated Negative Declaration prepared for Environmental Assessment No. T-6258 dated November 22, 2019.
 - a) The Mitigated Negative Declaration prepared for the proposed project is tiered off of the Fresno General Plan Master Environmental Impact Report (MEIR SCH No. 2012111015). Development of the subject property shall be subject to

implementation of all applicable mitigation measures included within the MEIR for subsequent projects; included herein by reference.

ZONING & PROPERTY DEVELOPMENT STANDARDS

22. Development of the subject property shall comply with all development standards of the RS-5 (Residential, Single-Family) zone district; Article 41 (Subdivision Design Standards); and, all applicable requirements of the Fresno Municipal Code.
23. Proposed Lots of the tentative map which do not meet the minimum 4,000 square-foot lot size requirements for the RS-5 zone district shall be modified to meet the minimum Lot Size requirements contained in Table 15-903-1 of the FMC prior to acceptance of a Final Map; or,
 - NOTE: Pursuant to FMC §15-904-B, when an Enhanced Streetscape is provided the minimum lot size and minimum front yard setback shall be reduced as shown on Tables 15-903-1 & 2.
- a) Provide evidence demonstrating that no fewer than five of the qualities contained in Section 15-904-B of the FMC will be present on the site or the adjacent public streets (respectively) prior to acceptance of a Final Map.
24. Each side of a building that is visible from a street or park shall be designed with a complementary level of detailing and quality of materials (i.e., if the rear or side yard of a lot abuts a public street, a two-story structure should provide design features on the second story which are consistent with the primary façade).
25. The subdivider shall comply with all provisions and requirements contained within Article 62, Chapter 15 of the Fresno Municipal Code related to Street Names and Addressing. The following street names shown on Vesting Tentative Tract Map No. 6258/UGM will be required to be modified and correct street names verified, respectively prior to recordation of a Final Map(s):

To be revised/modified:
West Norwich Avenue to West Swift Avenue
West Swift Avenue to West "A" Avenue
West Donner Avenue to West Willis Avenue
West Willis Avenue to West "B" Avenue
North Freemont Avenue to North Reed Avenue
North Bain Avenue to North Sandrini Avenue
North Sandrini Avenue to North "C" Avenue
North Roslia Avenue to North "D" Avenue

- NOTE: For purposes of these conditions of approval or mitigation measures for the proposed project, any reference to the former street name shall be applicable to the latter street name to which the street name shall be changed.
- NOTE: Street Names shall be assigned by the Planning and Development Department prior to acceptance of Final Map.

Landscaping, Open Space and Walls

26. Proposed Outlots “G” and “H” of Vested Tentative Tract Map No. 6258/UGM shall be dedicated for bicycle, pedestrian, and landscape (trail) purposes in accordance with the adopted Active Transportation Plan and Figure MT-2: Paths and Trails of the Fresno General Plan and shall be maintained in accordance with the Maintenance Obligations stipulated herein below; or, in a manner which provides appropriate security and deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.
 - a) If any portion of the subject property or underlying fee title is determined to be located below the ordinary low water mark of the San Joaquin River then such area will be required to be dedicated to an appropriate agency (City, State, or public trust) to be retained in its natural state and preserved as open space.
27. Outlot “I” shall be dedicated for public open space and future public right-of-way purposes and shall be maintained in accordance with the Maintenance Obligations stipulated herein below; or, in a manner which provides appropriate security and deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.
 - a) Construct a 6-foot high solid masonry sound wall (at finished grade of proposed site) pursuant to solid wall requirements of Section 15-2006 & 15-2018 of the FMC behind the landscape strip along the north portion of Outlot “I” for approximately 250 feet from North Hayes Avenue.
28. The extent to which dedication of a proposed Outlot(s) shall satisfy the subdivider/developer’s requirement to dedicate open space, or extent to which the subdivider/developer may be eligible to receive Park Impact fee credits (Quimby) for a portion of lands dedicated for public open space will be based upon a reasonable relationship to the use of the park and recreation facilities by the future inhabitants of the subdivision (Map Act Section 66477); and, will be required to be determined by the City of Fresno and subdivider in the form of a Reimbursement Agreement executed in accordance with the provisions of the Fresno Municipal Code. Trail rights-of-way and trail improvements are not eligible for Park Impact Fee credits or reimbursements.
29. Pursuant to Policy W-3-b of the West Area Community Plan, the subdivider shall provide a minimum 20-foot wide Outlot (and irrigation system) along the southerly property lines of all lots with frontage on West Ashlan Avenue (i.e., Phase 1, Lots 37-43 of Vesting Tentative Tract Map No. 6258/UGM).
 - a) Construct a 6-foot high solid masonry sound wall (at finished grade of proposed site) pursuant to solid wall requirements of Section 15-2006 & 15-2018 of the FMC behind the required 15-foot wide Outlot along the southerly property lines of all lots with frontage on West Ashlan Avenue (i.e., Phase 1, Lots 37-43 of Vesting Tentative Tract Map No. 6258/UGM).
30. Pursuant to Policy W-3-c of the West Area Community Plan, the subdivider shall provide a minimum 15-foot wide Outlot (and irrigation system) along the easterly property lines of all lots with frontage on North Hayes Avenue (i.e., Phase 3, Lots 1 & 11-16 of Vesting Tentative Tract Map No. 6258/UGM).

- a) Construct a 6-foot high solid masonry sound wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 15-2006 & 15-2018 of the FMC behind the required 15-foot wide Outlot along the easterly property lines of all lots with frontage on North Hayes Avenue (i.e., Lots 1 & 11-16 of Vesting Tentative Tract Map No. 6258/UGM)
31. Provide a landscape strip (and irrigation system) at the end of interior blocks (i.e., Phase 1 Lots 88, 92, 93 & 97 of Vesting Tentative Tract Map No. 6258/UGM), in accordance with Section 15-4105-G-2-b of the FMC; and the following:
 - a) A minimum landscape strip of five feet and irrigation system is required along the street side yard of the respective corner lots; unless a minimum four-foot wide park strip is provided between the curb and sidewalk.
 - i) The landscape strip/buffer shall be located adjacent to the “sidewalk pattern” within the adjacent public street rights-of-way and shall incorporate street trees to shade the adjacent sidewalks in accordance with Public Works standards, specifications, and policies.
 - b) A minimum 6-foot high masonry wall (at finished grade of proposed site) pursuant to the solid wall shall be placed at the rear of the required landscape strips in accordance with the requirements of Section 15-2006 & 15-2018 of the FMC; with the following exceptions:
 - i) An opening in the masonry wall may be permitted to provide a gate for access if approved by the Public Works Director.
32. Landscaping, which is compliant with the City of Fresno “Anti-Graffiti Landscaped Buffer Development and Planting Standards,” shall be required at all interior end-blocks and adjacent to all required walls or fences that are accessible to the public and shall be maintained in accordance with the Maintenance Obligations stipulated herein below; or, in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.
33. The subdivider is required to provide street trees on all street frontages per Fresno Municipal Code standards and is responsible for the dedication of public planting and buffer landscape easements as determined by the Planning and Development and Public Works Departments.
 - a) Street trees shall be planted at the minimum rate of one tree for each 40 feet of street frontage; or, one tree per home (whichever is greater) by the developer.
 - i) The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 15-2309.
 - NOTE: Irrigation systems shall comply with the requirements of the California Green Building Standards Code and/or the California Model Water Efficient Landscape Ordinance and/or California Plumbing Code as may be amended.

34. Provide a corner cut-off area at all intersections, driveways and alleys where walls or fences and/or landscaping are proposed and/or required, in accordance with Section 15-2018 of the FMC.
 - a) Street Intersections. Vegetation and/or structures, flagpoles, signs, fences or walls may not exceed a height of three feet within the triangular sight-distance area formed by the intersecting curb lines (or edge of pavement when no curb exists) and a line joining points on these curb lines at a distance of 30 feet along both lines from their intersection.
 - i) Trees that are located within the sight distance triangle shall have a clearance of eight feet high minimum between the lowest portion of the canopy and the sidewalk and street.
 - b) Driveways and Alleys. Visibility of a driveway crossing a street lot line shall not be blocked above a height of three feet by vegetation or structures for a depth of 12 feet as viewed from the edge of the right-of-way on either side of the driveway at a distance of 12 feet. Street trees shall be pruned at least seven feet above the established grade of the curb so as not to obstruct clear view by motor vehicle drivers.
35. When the grading plan establishes a top of slope beyond the required landscape strip/easement noted and the construction of the required wall(s) is to be established coincident with the top of slope then the required minimum easement width shall be expanded to include the full landscaped area up to the wall location.
36. All proposed/required landscaped easements/buffers, open space areas, pedestrian connections, entryways, pathways and/or private on-site landscaping for street tree purposes shall be improved in accordance with landscape improvement plans, which are to be submitted to the Planning and Development and Public Works Departments for review and approval prior to Final Map approval.
 - NOTE: Lighting and fence/wall details for any proposed/required open spaces areas or pedestrian connections shall be provided with the submittal of the landscape improvement plans.
 - a) Any proposed improvements within Pacific Gas & Electric (PG&E) or Fresno Irrigation District (FID) easement areas will require approval by the respective service provider/district agency prior to approval or acceptance by the City of Fresno.
 - i) Easement Encroachment Applications and/or Agreements will be required as dictated by the respective service provider/district agency and will be required to be executed prior to issuance of permits for improvements.
37. Maintenance of any/all required landscape easements, strips and/or proposed Outlots within the boundary of Vesting Tentative Tract Map No. 6258/UGM shall be provided pursuant to the Maintenance Obligations stipulated herein below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

38. Comply with all street tree, buffer landscaping, median island, outlot, and trail requirements included within the attached memorandum from the Department of Public Works, Street Maintenance Division dated September 30, 2019.

STREETS AND RIGHTS-OF-WAY

39. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the FMC and the State Subdivision Map Act.
42. The subdivider shall make provisions for disabled persons in accordance with the Department of Public Works standards and as required by State law. Handicap access ramps are required to be constructed in sidewalks at all corners within the limits of the tract. Where street furniture is located within the sidewalk area (fire hydrants, streetlights, etc.), a minimum of 48 inches of unobstructed path shall be maintained to satisfy the American Disabilities Act requirements. If necessary, dedicate a pedestrian easement to accommodate for the 4-foot minimum unobstructed path requirement.
43. Comply with all of the requirements included within the attached Public Works Department, Traffic Engineering Operations and Planning Services Division memorandum dated October 18, 2019.

SANITARY SEWER SERVICE

44. Comply with all of the requirements included within the attached Department of Public Utilities (DPU), Planning and Engineering Division (Sanitary Sewer) memorandum dated December 18, 2019.

WATER SERVICE

45. Comply with all of the requirements included within the attached Department of Public Utilities (DPU), Water Division memorandum dated December 18, 2019.

SOLID WASTE SERVICE

46. Comply with all of the requirements included within the attached Department of Public Utilities (DPU), Solid Waste Management Division memorandum dated December 18, 2019.

FIRE SERVICE

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

47. Comply with all of the requirements included within the attached Review Comments for Tentative Tract Map No. T-6258/UGM dated December 18, 2019; and, the attached Fire Station 18 Service Area requirements dated December 18, 2019.

FLOOD CONTROL AND DRAINAGE

48. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (FMFCD) for the subdivision or

any amendments or modifications to those requirements which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code. These requirements are identified in the District's memorandums to the Planning and Development Department dated November 12, 2019.

- a) Any temporary basin constructed for or used by this subdivision requires approval of FMFCD and the City of Fresno, and may only be implemented through a covenant between the City and the Developer prior to final map approval. Temporary basins shall be fenced within seven days of the time a basin becomes operational, and fencing shall conform to City of Fresno Public Works Standard No. P-98. The Fresno Mosquito and Abatement District shall be provided access rights and a means of entry for inspection and mosquito abatement activities for all on-site basins (refer to attached map of mosquito abatement districts in the Fresno-Clovis Metropolitan Area). Attached hereto, and incorporated by reference, is a copy of the updated Public Works Standard No. P-97 for temporary on-site ponding basins, and a copy of the City of Fresno's Guidelines for Ponding Basin / Pond Construction and Management, dated October 29, 2004. Maintenance of temporary ponding basins shall be by the Subdivider until permanent service for the entire subdivision is provided unless such facilities, if proposed, are required to be annexed into the Community Facilities District by the Public Works Department prior to Final Map recordation.

COUNTY OF FRESNO DEPARTMENT OF PUBLIC HEALTH

49. Comply with all of the requirements included within the attached County of Fresno, Department of Public Health comments dated December 18, 2019.

FRESNO IRRIGATION DISTRICT (FID)

50. Comply with all requirements included within the attached memorandum from the Fresno Irrigation District dated December 18, 2019.

PACIFIC GAS AND ELECTRIC COMPANY (PG&E)

51. Comply with all requirements included within the attached memorandum from the Pacific Gas and Electric Company dated December 18, 2019.
 - a) No building or other structures including the footprint and/or eave of any buildings, swimming pools, wells or similar structures will be permitted in Pacific Gas and Electric Company (PG&E) transmission line easement areas.

RIGHT-OF-WAY ACQUISITION

52. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.
53. Rights-of-way acquisition shall include any rights-of-way necessary for proper drainage, signing, pole relocation, and shoulder grading. In general, this will require right-of-way to be provided approximately 10 feet outside the travel lane. The exact requirement must be determined at the project design stage based on the existing conditions and detailed design information.

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

MAINTENANCE OBLIGATIONS

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

57. With the exception of those areas which may be eligible for inclusion within the Community Facilities District (CFD) as referenced herein below, obligations for retention and maintenance of required end-block landscaped areas or strips for all corner lots shall be the responsibility of the respective property owner(s) on which the landscaped area is located.
 - a) Execute a covenant for all properties for which retention and maintenance of an end-block landscaped area or strip on a corner lot, in accordance with Section 15-4105-G-2-b of the FMC, is the responsibility of the respective property owner prior to recordation of a Final Map.
 - NOTE: The covenant shall disclose and acknowledge all responsibilities associated with these conditions of approval to prospective buyers when individual lots are sold and identify terms, as appropriate, to assure compliance. The covenant shall be prepared in a form approved by the City of Fresno.
58. Comply with all the requirements included within the attached Department of Public Works, Traffic Operations and Planning Division memorandum regarding Conditions for Maintenance Requirements dated September 30, 2019; and, the following:
59. If the owner/developer chooses to be annexed into the City's CFD for maintenance purposes, then an Annexation Request Package shall be submitted to the Public Works Department for review, processing, and approval.
 - NOTE: Packages must be complete with all required information in order to be accepted. The Annexation Request Form is available on-line on the City of Fresno website (<http://www.fresno.gov>) under the Public Works Department Developer Doorway.

- a) Construction plans for all features to be maintained by a CFD for a final map shall be included in the final map submission to the Development Department for processing. Where applicable, this shall include a Street Tree Location and Street Tree Species (by street) map. Landscaping plans shall contain actual tree and plant counts by species and include the areas (in square feet) of turf, shrubs and trees, and sidewalks or other paved areas within all landscaped areas.
- NOTE: The Department of Public Works will not be responsible for the maintenance of any outlots if they are not included into the Community Facilities District (CFD). If the outlots are to be included into the CFD, the Department of Public Works will require that landscape and irrigation plans be submitted with landscape buffer plans for approval prior to inclusion into the CFD.
- b) Proceedings to place the Final Map into a CFD shall not commence until the Final Map, Landscape and Street Construction Plans are considered to be technically correct.
- c) If the developer/subdivider elects to petition for annexation into the City's Community Facilities District, he/she shall be required to provide the City of Fresno, Department of Public Works, with copies of signed acknowledgments from each purchaser of a lot within the subdivision, attesting to the purchasers understanding that the lot will have an annual maintenance assessment and that he/she is aware of the estimated amount of the assessment. The developer/subdivider shall execute and record a covenant on each lot providing notice that the subject property is subject to annual payment of the Community Facilities District assessment.
60. Should the City Council or owner/developer choose not to include all of the maintenance items or certain items listed above in a CFD, then the property owner/developer shall be responsible for establishing a Home Owners' Association (HOA) or other property based management mechanism which provides for the maintenance of these items in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.
- a) The subdivider shall establish a Home Owners' Association (or other approved mechanism) to perform the above listed maintenance responsibilities pursuant to Article 40 of Chapter 15 of the Fresno Municipal Code. The Declaration of Covenants, Conditions, and Restrictions (CC&R's) described herein, shall among other things, specify level of effort, frequency, and inspection of maintenance responsibilities, name the City as a third party beneficiary for those provisions, and be subject to approval by the Director of Public Works and the City Attorney's Office. Any amendment to the above provisions or any other provision specifying any right of the City shall require the prior written consent of the City.
- NOTE: Should the owner/developer elect to establish a Home Owners' Association to perform maintenance obligations and assure that said obligations are met, then the owner/developer may include such other items as are deemed appropriate and necessary for the sustainability of

the subdivision and its amenities within the responsibilities of the association.

- b) The proposed Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and the proposed instruments for the homeowners association shall be submitted to the Planning and Development Department for review prior to final map approval. Said documents shall be recorded with the final map or alternatively submit recorded documents or documents for recording prior to final acceptance of subdivision improvements. Said documents shall include assignment of responsibility to the homeowners association for landscaping and other provisions as stated in the Planning and Development Department Guidelines for preparation of CC&Rs dated September 01, 1994.

DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

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

(Reference Fresno Metropolitan Flood Control District requirements included herein above and notes below for further information)

<u>SEWER CONNECTION CHARGES</u>	<u>FEE RATE</u>
b. Lateral Sewer Charge [1]	\$0.10/sq. ft. (to 100' depth)
c. Oversize Charge [1]	\$0.05/sq. ft. (to 100' depth)
d. Trunk Sewer Charge [2] unit Service Area: Grantland	\$419/living
e. Wastewater Facilities Charge [3]	\$2,119/living unit
f. Fowler Trunk Sewer Interim Fee Surety [1]	N/A
g. House Branch Sewer Charge [2]	N/A

<u>WATER CONNECTION CHARGES</u>	<u>FEE RATE</u>
h. Service Connection Charge	Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and Meter(s) established by the Master Fee Schedule.
i. Frontage Charge [1]	\$6.50/lineal foot
j. Water Capacity Fee* [1]	

Single Family Residential
Irrigation

\$4481/ 1" Meter/living unit
\$4481/ 1" Meter
\$5602/ 1½" Meter
\$11201/ 2" Meter

* Fee based on meter(s) sizes specified by owner; fee for Water Capacity established by the Master Fee Schedule.

<u>CITYWIDE DEVELOPMENT IMPACT FEES</u>	<u>FEE RATE</u>
k. Fire Facilities Impact Fee – Citywide [4]	\$1893/living unit
l. Park Facility Impact Fee – Citywide [4]	\$2811/living unit
m. Quimby Parkland Dedication Fee [2]	\$1216/living unit
n. Police Facilities Impact Fee – Citywide [4]	\$618/living unit
o. Citywide Regional Street Fee [3]	\$8,038/adj. acre
p. New Growth Area Major Street Fee [3]	\$22,126/adj. acre
q. Traffic Signal Charge [1]	\$501.00/living unit

Notes:

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

On December 8, 2016, Fresno City Council adopted Resolution No. 2016-258, effective July 1, 2018, administratively updating the impact fees adjusted by this resolution annually to the percentage change in the 20-City Construction Cost Index as reported in the Engineering News Record (ENR) for the 12-month period ending of May of the year of adjustment.

[1] Deferrable through Fee Deferral Covenant.

[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.