

**City of Fresno  
Development and Resource Management Department**

**Conditions of Approval  
February 11, 2019**

**Development Permit Application No. P18-02232**

Planner: Ralph Kachadourian 559-621-8172

**PROJECT DESCRIPTION**

**Development of a gated 164-unit multi-family luxury apartment complex in 21 buildings to be established on the 10.25-acres located northeast from the corner of East Nees Avenue and North First Street. The project will consist of sixteen (16) two story buildings with four units per building (mix of 1, 2 & 3 bedrooms); a two story clubhouse that includes twenty (20) one bedroom units; four (4) separate single-story buildings (fourplex) with 2 bedroom units with garage space for each unit; and twenty (20) separate single-story garage buildings providing 184 parking spaces. Site improvements include; the roadway extension of North Bond Street (private roadway), landscaping, walkways, decorative masonry walls and iron fencing/gates, patio and pool, and 54 guest parking spaces.**

**APN: 402-220-66      ADDRESS: 810 E NEES AVE S/A  
ZONING: RM-1 (Residential Multi-Family, Medium High Density)**

**PART A - ITEMS TO BE COMPLETED**

**The following items are required prior to issuance of building permits and/or commencement of land use activity:**

Planner to check when completed

<input type="checkbox"/>	Development shall take place in accordance with Plan Exhibits A, F1, F2, F3, F4, F5, F6, F7, F8; E1, E2, E3, E4, E5, E6, E7C and ESL. Any modifications proposed to these Exhibits shall be submitted to the project planner at least 15 days prior to plan check review submittals.
<input type="checkbox"/>	<i>Surface parking must meet the setback as shown on Table 15-1003 and exceptions provided in Section 15-1104-D of the FMC. Please revise site plan and/or elevation to depict this requirement.</i>
<input type="checkbox"/>	<i>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. Please revise site plan and/or landscape plan to reflect this requirement.</i>
<input type="checkbox"/>	<i>All parking areas shall be graded, paved, and improved and all sites shall be properly drained and subject to the approval of the City Engineer. Please revise site plan to comply.</i>
<input type="checkbox"/>	<i>Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination. Please revise plans to comply with this requirement.</i>
<input type="checkbox"/>	<i>Plans proposed show light and glare is directed onto residential use areas or adjacent public rights-of-way. Please revise plans consistent with Article 25, Performance Standards.</i>

**PART B - OTHER AGENCY COMMENTS AND CONDITIONS**

To be checked when completed where applicable

<input type="checkbox"/>	<p>1. DPU Planning and Engineering: Sewer Requirements</p> <p><i>The nearest sanitary sewer main to serve the proposed project is an 8-inch sewer main located in East Niles Avenue. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:</i></p> <ol style="list-style-type: none"><li><i>1. Installation of sewer house branch(s) shall be required.</i></li><li><i>2. Sewer lateral shall be an 8-inch line connected at flow line of manhole #1058-55 at the corner of East Niles and North Bond.</i></li><li><i>3. Street work permit is required for any work in the Right-of-Way.</i></li><li><i>4. On-site sanitary sewer facilities shall be private.</i></li><li><i>5. Abandon any existing on-site private septic systems.</i></li><li><i>6. The Project Developer shall contact Wastewater Management Division/Environmental Services at (559) 621-5100 prior to pulling building permits regarding conditions of service for special users.</i></li></ol> <p><b><u>Sanitary Sewer Fees</u></b></p> <p><i>The following Sewer Connection Charges are due and shall be paid for the Project:</i></p> <ol style="list-style-type: none"><li><i>1. Sewer Lateral Charge.</i></li><li><i>2. Sewer Oversize Area #5.</i></li><li><i>3. Sewer Facility Charge (Multi-Family Residential)</i></li><li><i>4. Herndon Trunk Enhancement Fee.</i></li><li><i>5. Trunk Sewer Charge: Herndon</i></li><li><i>6. Upon connection of this Project to the City Sewer System the owner shall be subject to payment of Sewer Facility charges per Fresno Municipal Code Sections 6-304 and 6-305. Sewer Facility Charges consist of two components, a Wastewater Facilities Charge and Trunk Sewer Charge where applicable.</i></li><li><i>7. Sewer Facility Charges are collected after occupancy on a monthly basis over time based on metered (water or sewer effluent) usage. The developer may contact the Department of Public Utilities/Wastewater-Environmental Control at (559) 621-5153 to receive an estimated cost of the Sewer Facility Charges applicable to the project (based on a constant sewer discharge and loading (Biochemical Oxygen Demand [BOD] and Total Suspended Solids [TSS] levels anticipated) at the current rates in effect, at that time, per Fresno's Master Fee Resolution. The developer shall provide data regarding estimated sewer discharge rates [flow] and loading [BOD/TSS levels] required for calculating the estimated charges.</i></li></ol>
<input type="checkbox"/>	<p>2. DPU Water Division: 1. On-site water facilities shall be private.</p> <p>2. No public water facilities shall be accepted within the proposed private road.</p>

	<p>3. Installation of water service &amp; meter box shall be required.</p> <p>4. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Assistant Public Utilities Director.</p> <p>5. 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.</p> <p>6. Engineered improvement plans prepared by a Registered Civil Engineer are required for proposed additions to the City Water System.</p> <p>7. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.</p>
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*The water supply requirements for this project are as follows:*

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.*

<input type="checkbox"/>	<p>3. Fire Review: This project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of DARM when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.</p> <p><i>All back checks will be performed between the hours of 1:30 p.m. and 3:00 p.m. Monday – Friday, at Fresno Fire Department located at 911 H Street. No appointment is necessary. Applicants must be at the front counter and sign the log before 3pm or you will be required to come back another day.</i></p>
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*All revisions to plans shall be called out with a cloud or delta.*

*If you have questions and would like more information regarding FFD Development Policies please see the following: <https://www.fresno.gov/fire/fire-prevention-investigation/development-policies/>*

*Fire Department back check items require a wet signature from Fire Department staff. Back check items signed by any person other than sworn Fire Department staff are invalid.*

*Note on plan: All gated residential developments require a “Click to Enter” system. When required, provide an approved visual recognition/feature sign at the “click to Enter” gate locations.*

*Note on plan: Electric gates shall be provided with battery back-up.*

*Access shall be maintained with a minimum clear drive width of at least 20 feet. Additional clear widths may be required and shall be approved by the Fire Marshal (or designee). (FFD Development Policy 403.002).*

*Note on plan: Turns in private drives for fire apparatus access shall have minimum 44 foot centerline turn radius.*

*Be advised: Proposed hydrants are shown with minimum 1500 gpm. This is appropriate if NFPA 13 systems is going to be installed. A minimum of 2500 gpm hydrants will be required if a NFPA 13R system is installed.*

*The location of fire sprinkler system risers and fire department connections is required to be indicated on the approved site plan. For apartment building complexes, fire sprinkler supply laterals from the onsite 8 inch private water main loop need to be clustered into groups of 4-5 buildings to minimize the number of connection points for firefighting crews and to get the FDCs close to the fire access road as many buildings are screened by garages. This also reduces the number of connections that are required to have periodic maintenance done on them by a licensed contractor. Also, this provides more latitude in locating individual building fire sprinkler risers. Note that it's required that fire sprinkler bells be located on the fire access road side of the buildings. Please see attached document (labeled sprinkler recommendations) for recommended layout provided as a starting point for your civil engineer's design.*

*Provide two separate points of 8" connection to public water mains for private fire hydrant service; one in East Niles Avenue and the other in the North Bond Street alignment public water main in an easement.*

<input type="checkbox"/>	4. Flood Control District: See attached FMFCD Notice of Requirements (NOR). Provide verification of compliance prior to issuance of grading/building permits.
<input type="checkbox"/>	5. Fresno Area Express: No Comments/Conditions
<input type="checkbox"/>	6. Fresno County Environmental Health: Conditions of Approval: <ul style="list-style-type: none"><li>• Construction permits for development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.</li><li>• Construction permits for the development should be subject to assurance that the City of</li></ul>

*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.*

- Prior to the issuance of building permits, the applicant shall submit complete pool facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Recreational Health Program at (559) 600-3357 for more information.*
- Prior to operation, the applicant shall apply for and obtain a permit to operate a public swimming pool from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Recreational Health Program at (559) 600-3357 for more information.*
- The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.*
- If the applicant proposes to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<http://cers.calepa.ca.gov/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.*
- 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.*

*Prior to destruction of agricultural wells, a sample of the upper most fluid in the water well column should be sampled for lubricating oil. The presence of oil staining around the water well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.*

- Should any underground storage tank(s) be found during the project, 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 Certified Unified Program Agency at (559) 600-3271 for more information.*

<input type="checkbox"/>	7. Irrigation District: <i>Please see FID's Conditions of Approval and General Comments attached</i>
<input type="checkbox"/>	9. Public Works Traffic Engineering and Planning Services:  See attached "Review of Traffic Impact Study (TIS)" comments/conditions by the City Traffic Engineer, dated 12/18/18, required for the project.  Proposed project shall comply with comments/conditions and all site plan notations dated February ___, 2019.
<input type="checkbox"/>	10. School District: <i>Please see "CUSD Comments" comments attached.</i>
<input type="checkbox"/>	11. San Joaquin Air Pollution Control District: <i>Please see attached "SJVAPCD" comments with</i>

compliance requirements. Provide verification of compliance prior to issuance of grading/building permits.

## PART C - PLANNING DEVELOPMENT CODE STANDARDS

### **1. Density and Intensity Standards**

	Standard Requirement	Proposal	Complies?
Density	12 – 16 Dwelling Units per Acre	164 units (16 Units/Acre)	Yes
Height	Max. 40 feet	25 feet	Yes
Interior Side - R District Transition Setback	Min. 10 feet	100 feet	Yes
Rear Setback - R District Transition Setback	Min. 20 feet	100 feet	Yes (per Section 15-1004-2, Setback Reduction)
Parking Setback	Min. 30 feet	125 feet	Yes

### **4. Parking and Loading**

- 184 covered (garage) spaces provided for the 164 units.
- 54 open guest parking spaces provided. This is a 30% reduction in the number of spaces as provided under Section 15-2413-B for the proposed multi-family residential project located within ¼ mile of a FAX transit stop at East Nees Avenue and North Bond Street.

### **7. Fencing**

**1. Front Yards.** Where a lot is on the same block frontage with parcels that are zoned for Single-Family uses, fencing shall comply with fencing standards of the Single-Family District in Subsection 15-2006-C.

a. If the block does not contain Single-Family zoned lots:

- i. **Wrought Iron or Tubular Steel:** A fence up to four feet in height may be installed within any required front yard setback. Fences must be open a minimum of 80 percent (e.g., no more than 20 percent opaque) to allow for the passage of light and air.
- ii. **All Other Materials.** The fence may be placed within any required front yard setback if the fence does not exceed three feet in height.

**2. Street-Side Yards.**

a. Lots with a Street-Side Yard of 125 Feet or Less in Length. Fencing up to six feet in height may be placed within any street-side yard.

b. Lots with Street-Side Yards Greater than 125 Feet in Length. Fencing up to six feet in height may be placed per the main building setback of the underlying district minus five feet.

**3. Other Yards.** Fences up to six feet in height may be installed on property lines. Fences, regardless of location on the site, shall not exceed six feet in height.

**4. Setbacks.** Unless a greater setback is required in another section of this Code, fences shall be set back 12 inches from the back of adjacent sidewalks, or from the curb or shoulder if there is no sidewalk. Fences may be placed on interior side and rear property lines.

Fences, greater than 125 feet in length in Residential Districts and/or along Major Streets, shall incorporate decorative pilasters with decorative caps spaced no more than 30 feet apart. This shall not apply to industrial districts, unless the industrial district is located on the same side of the street as existing, planned, or zoned residences.

## Operational Requirements

### PART D - PLANNING - OTHER REQUIREMENTS

1. Development shall take place in accordance with the policies of the Fresno General plan, Community Plan, Specific Plan and with the planned land use designation.
2. Development shall take place in accordance with the RM-1 Residential Multi-Family, Medium High Density zone district and all other applicable sections of the Fresno Municipal Code
3. Comply with the operational statement submitted for the proposed project.
4. Comply with all applicable mitigation measures detailed in the attached Master Environmental Impact Report (MEIR) Mitigation Monitoring Checklist for the Fresno General Plan and any applicable project specific mitigation measures contained in the environmental assessment adopted for the project.

### PART E - MISCELLANEOUS AND GENERAL NOTES AND REQUIREMENTS

1. Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. *This special permit is granted, and the conditions imposed, based upon the Operation Statement provided by the applicant. The Operation Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operation Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operation Statement.* Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the special permit or any other enforcement remedy available under the law. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.
2. Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:
  - a) All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
  - b) All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
  - c) Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.
3. No land shall be used, and no structure shall be constructed, occupied, enlarged, altered,

demolished, or moved in any zoning district, except in accordance with the provisions of this Code. Specific uses of land, buildings, and structures listed as prohibited in any zoning district are hereby declared to be detrimental to the public health, safety, and welfare.

4. Development shall take place in accordance with the Standards, Specifications, and Standard Drawings of the City of Fresno Public Works Department; [Click Here](#)
5. Development shall take place in accordance with all city, county, state and federal laws and regulations.
6. Owners and persons having ownership interest in businesses operating in the City of Fresno (including leasing out any commercial or industrial property, or renting out four or more dwelling units) are required by the Fresno Municipal Code to obtain a Business Tax Certificate. Contact the City of Fresno Finance Department's Business Tax Division at (559) 621-6880 for more information. Information and an application form is available at the following website: [Click Here](#)
7. All proposed building(s) or structure(s) constructed on the property must comply with the prevailing California Building Code Standards.
8. Any building modifications and/or additions not included with this application are not approved with this special permit and would be subject to a new special permit.
9. A permit granted under this Code shall automatically expire if it is not exercised or extended within three years of its issuance. Refer to section 15-5013, Expiration of Planning Entitlements, for more information about the exercise of rights.

### **FENCES/WALLS, LANDSCAPING, PARKING**

10. Nothing in this Development Code shall be deemed to prohibit the erection of temporary fencing around construction sites in compliance with the Building Code and other applicable provisions of the Fresno Municipal Code.
11. Future fences shall be reviewed and approved by the Development and Resource Management Department prior to installation.
12. Fences, hedges, and walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the maximum allowed height. Fences shall be maintained and shall stand upright and shall not lean.
13. All planting and other landscape elements shall be permanently maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, and weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. Yards shall be maintained free of refuse, debris, rubbish, or other accumulated matter and/or materials, and shall be maintained clean. Grass shall not exceed six inches in height.
14. Trees shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, accidents, vandalism, insects, and disease. Any tree showing such damage shall be replaced with another tree.
15. No tree for which a Tree Removal Permit is required shall be removed until all conditions of the permit have been satisfied and the decision has become final. In addition, tree(s) approved for removal in conjunction with a development application shall not be removed before the issuance of a Building Permit or unless all of the conditions of approval of the development applications are satisfied.
16. The review authority shall issue a Tree Removal Permit if any of the following general criteria is met:
  - a) The tree(s) is irreparably diseased or presents a danger of falling that cannot be controlled or remedied through reasonable preservation and/or preventative procedures and practices so that the

public health or safety requires its removal.

- b)** The tree(s) can potentially cause substantial damage to existing or proposed main structure(s) (e.g. dwellings, other main structures, or public infrastructure) or interfere with utility services and cannot be controlled or remedied through reasonable relocation or modification of the structure or utility services.
- c)** The retention of the tree(s) restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly zoned and situated properties, and the applicant has demonstrated to the satisfaction of the Review Authority that there are no reasonable alternatives to preserve the tree(s).

17. Future tenant improvements shall be reviewed and approved by the Development and Resource Management Department to ensure that adequate off-street parking is provided.
18. The number of trees required for parking lot shading are in addition to trees required elsewhere on the site as prescribed in other sections of this Code
19. Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.
20. A minimum number of accessible parking stalls are required for the proposed project per State of California Building Code, "Development Requirements for Handicapped Accessibility."
21. All accessible stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles.  
**(Include this note on the site plan.)**
22. Applicants are encouraged to provide shared vehicle and pedestrian access between adjacent properties for convenience, safety, and efficient circulation. A joint access covenant shall be required. **(Include this note on the site plan.)**
23. All general standards of Section 15-2015 of the FMC shall apply when lighting is provided to illuminate parking, sales or display areas. **Depict all proposed lights on the site plan.**
24. Bicycle parking spaces shall be supplied according to Table 15-2429-D: Required On-Site Bicycle Parking Spaces of the Fresno Municipal Code (FMC). Each bicycle parking space shall be a minimum of 30 inches in width and eight feet in length and shall be accessible without moving another bicycle. At least 30 inches of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces to allow for the maneuvering of bikes. Overhead clearance shall be a minimum of seven feet. A minimum five foot aisle between each row of bicycle parking shall be provided for bicycle maneuvering beside or between each row, when multiple rows are proposed. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures.
25. All general provisions of Section 15-2403 of the FMC shall apply to all parking areas.

## **SIGNAGE**

26. All future signs shall be architecturally compatible with the proposed building(s). Provide a set of drawings, with descriptive information, including, materials, design and colors to allow for a preliminary assessment of the future signage. It is recommended that you provide a copy of the signage early in the project process to allow for staff review and comment.
27. Signs, other than directional signs, if applicable, are not approved for installation as part of this special permit. **(Include this note on the site plan.)**
28. All proposed signs shall conform to the current sign provisions under FMC Chapter 15 Article 26 of

the Development Code. Applications for a sign permit and requirements for submittal are available at the Development and Resource Management Department's Public Front Counter or online at: [Click Here](#)

29. Window signs limited to the hours of operation, address, occupancy, and emergency information, subject to the following standards:
  - a) Operational windows signs shall not be mounted or placed on windows higher than the second story.
  - b) The maximum area of exempt window signage shall not exceed three square feet in area.
30. Banners, streamers, moving signs, and inflatables (including air dancers, balloons, and similar objects) are allowed subject to Temporary Use Permit approval for establishments within Non-Residential Districts. Signs of this type do not count toward total maximum sign area. No sign per this section shall be displayed for more than 30 days, and a period of 30 must lapse before displaying another sign. Signs shall not be displayed for more than 60 total days during a calendar year.
31. Every sign displayed within the city, including exempt signs, shall be maintained in good physical condition and shall comply with adopted regulations. All defective or broken parts shall be replaced. Exposed surfaces shall be kept clean, in good repair, and painted where paint is required.

### **MISCELLANEOUS**

32. Noise levels shall not exceed the decibel levels described in Section 15-2506 of the FMC at any time, measured at the nearest subject property line.
33. No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.
34. Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties. Direct or sky-reflected glare from floodlights shall not be directed into any other property or street. Except for public street lights and stadium lights, no light, combination of lights, or activity shall cast light onto a residentially zoned property, or any property containing residential uses, exceeding one-half foot-candle.
35. No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located. Windows shall not cause glare that may disrupt adjoining properties, traffic on adjacent streets, etc. Glare or heat reflected from building materials shall be mitigated so as to not disrupt surrounding properties.
36. The address listed in the conditions of approval is the 'Official Address' given to the apartment complex. If you would like separate suite or unit numbers for a building, provide a floor plan and contact the City of Fresno Development and Resource Management Department for 'Official Addresses'. **Only those addresses assigned by the City of Fresno will be recognized as 'Official Addresses'.** The United States Post Office will only recognize addresses assigned by the City of Fresno. If a non-official address is given to a building and or/separate suites, the City of Fresno has the authority to charge a fee and have those addresses corrected. In addition, the United States Post Office will cease mail delivery to those addresses that are not 'Official Addresses'. The project shall meet the attached requirements specified under Policy No. G-002 (October 2010) "Requirements for Posting of Official Addresses."
37. All projects, including projects that involve less than one acre of property, are required to comply with the City of Fresno's Urban Storm Water Quality Management and Discharge Control Ordinance, FMC Chapter 6, Article 7 (FMC Sections 6-701 et seq.)

When a project involves one acre or more of construction activity (including, but not limited to, grading) the developer is required to obtain a storm water discharge permit for construction, with a Notice of Intent (NOI) filed **prior to** commencement of any grading construction activity. Contact the Fresno office of the California Regional Water Quality Control Board at 559-445-6281 regarding the required NOI and storm water discharge permit. Additional information on California's construction storm water regulation may be obtained from the Water Board via the internet:

[www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml)

Helpful information for preparing and implementing storm water pollution prevention plans may also be obtained from the California Storm water Quality Association via its website, [www.casqa.org](http://www.casqa.org)

When a project involves specified nonresidential activities (certain commercial and industrial activities), an ongoing industrial storm water discharge permit is also required. Contact the Fresno office of the California Regional Water Quality Control Board at 559-445-6281 to find out whether your project/business requires an industrial storm water discharge permit, and to obtain details on securing this permit. Additional information on industrial storm water regulations may be obtained from the following website:

[www.waterboards.ca.gov/water\\_issues/programs/stormwater/industrial.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml),

The California Storm water Quality Association has additional information on preparing storm water pollution prevention plans for industrial activities ([www.casqa.org](http://www.casqa.org)).

38. Screen all roof-mounted equipment from the view of public rights-of-way. **Depict all mechanical equipment on site plan and elevations.**
39. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately. **(Include this note on the site plan.)**
40. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation. **(Include this note on the site plan.)**
41. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist and, if the paleontologist determines the material to be significant, it shall be preserved. **(Include this note on the site plan.)**
42. Connection to a municipal water system is required unless approved measures are included in the project conditions of approval for an alternative water supply.
43. Connection to a municipal City of Fresno sewer system is required unless approved measures are included in the project conditions for alternative wastewater treatment facilities
44. City of Fresno water and sewer connection charge obligations applicable to this project will be computed during the building construction plan check process and shall be payable at time of issuance of building permit unless other arrangements have been approved to defer such payments to a later date. For information relating to water and sewer service requirements and connection charges, contact Frank Saburit at (559) 621-8277.
45. Open street cuts are not permitted; all utility connections must be bored.
46. **CROSS-CONNECTION CONTROL.** A backflow prevention device may be required on the water

service. Contact the Department of Public Utilities, Water Division (559) 621-5300 for requirements relating to approved devices, locations, testing and acceptance. This requirement must be satisfied prior to final occupancy.

47. This project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of the Development and Resource Management when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.
48. Open storage (outside an enclosed building) shall be limited to vehicles, boats, recreational vehicles, and trailers. Outdoor storage areas shall be screened from public view by building façades or solid fences. At the discretion of the Review Authority, the treatment of the ground surface of the open storage area may be gravel or other materials as prescribed by the San Joaquin Valley Air Pollution Control District, the Public Works Department, the Fire Department, and the Fresno Metropolitan Flood Control District. All open storage must be depicted on the site plan and described in operational statement. If it is not, it is not allowed on the site.
49. If video surveillance cameras are required or installed, provide signs under the surveillance cameras which notify the public that the subject property is monitored by video surveillance.

### **FEES**

(Not all fees will be applicable to all projects)

50. **NOTICE TO PROJECT APPLICANT:** In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

#### **51. CITYWIDE DEVELOPMENT IMPACT FEES**

- a) Traffic Signal Charge (FMC Section 12-4.1101 to 12-4.1103) This project shall pay its Traffic Signal Mitigation Impact Fee at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Refer to the adopted Master Fee Schedule for fee rate. This fee shall be paid at time of building permit.
- b) Fire Facilities Fee (FMC Section 12-4.901 to 12-4.906) (based on building square footage, or residential units)
- c) Police Facilities Fee (FMC Section 12-4.801 to 12-4.806) (based on building square footage, or residential units)
- d) Parks Facilities Fee (FMC Section 12-4.701 to 12-4.706) (based on the number of residential units)

#### **52. CITYWIDE REGIONAL AND NEW GROWTH MAJOR STREET IMPACT FEES (FMC Section 12-4.1006)**

- a) Street Impact Fees shall be due and payable at the time of building permit issuance unless otherwise required by State law.
- b) Street Impact Fees will be a condition on all development entitlements granted.
- c) New construction on vacant parcels shall be calculated on a net acreage (adjusted acre basis) of the entire property subject to the development entitlement based upon planned land use. Notwithstanding, fees shall be based upon actual land use for developments in the C-M zone district

and for development projects developed inconsistent with the plan land use.

d) New construction on property that is partially developed, Street Impact Fees will be applied to the incremental increase proportionate to the respective floor to area ratios (25% for commercial and 40% for industrial). In no case shall anyone pay more than the amount of the total net acreage of the parcel multiplied by the applicable fee rate.

e) Reuse being more intensive than the original use, the developer shall be required to pay the difference between the current amount of the Street Impact Fee obligation for the old use and the current amount of the Street impact Fee obligation for the new use.

#### 53. FRESNO COUNTY FACILITY IMPACT FEE

Fresno County adopted a Facilities Impact Fee, but the requirement to pay this fee was subsequently suspended by Fresno County. If the fee has been reinstated at the time of issuance of building permits for this project, or an alternative fee system has been adopted by Fresno County, proof of payment or payment of this fee will be required for issuance of building permits.

#### 54. REGIONAL TRANSPORTATION MITIGATION FEE (RTMF)

Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; [www.fresnocog.org](http://www.fresnocog.org). Provide proof of payment or exemption prior to issuance of certificate of occupancy.

#### 55. SCHOOL FEES

School fees must be paid, if required, prior to the issuance of building permits. Contact Central Unified School District. Provide proof of payment (or no fee required) prior to the issuance of building permits.

#### 56. FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (FMFCD) FEES

#### 57. SEWER CONNECTION CHARGES (FMC Section 6-304(a)). The following sewer connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New sewer connection charges adopted by the Council prior to the issuance of building permits may also be applied.

a) Lateral Sewer Charge (based on property frontage to a depth of 100')

b) Oversize Sewer Charge (based on property frontage to a depth of 100')

*Effective January 9, 1999, Ordinance No. 98-97 also amended certain sewer connection charges. Fresno Municipal Code Article 15, Section 12 provides property owners the incentives and deletes certain sewer connection charges pursuant to the Simple Tiered Equity Program (STEP) and the Employment Development Program (EDP). For additional information on the STEP and EDP, contact the Department of Public Utilities, Administration Division at (559) 621-8600.*

#### 58. WATER CONNECTION CHARGES: (FMC Sections 6-507 to 6-513). The following water connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New water connection charges adopted by the Council prior to issuance of building permits may also be applied.

a) Frontage Charge (based on property frontage)

b) Transmission Grid Main Charge (based on acreage)

c) Transmission Grid Main Bond Debt Services Charge (based on acreage)

d) UGM Water Supply Fee (based on living units, living unit equivalents or acreage)

e) Wellhead Treatment Fee (based on living units or living unit equivalents)

f) Recharge Fee (based on living units or living unit equivalents)

g) 1994 Bond Debt Service Charge (based on living units or living unit equivalents)

h) Service Charges (based on service size required by applicant)

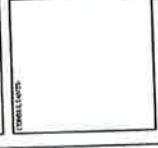
i) Meter Charges (based on service need)

59. Deferment of the payment of Citywide development impact fees for Fire, Police, Parks, Streets, and Traffic Signals is available for projects located within the Downtown Priority Areas in accordance with the provisions of City of Fresno Resolutions Nos. 2009-265 and 2010-19.

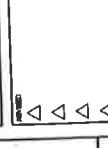
**Attachments: Comments/Conditions/Requirements from Outside Agencies and City Policy**



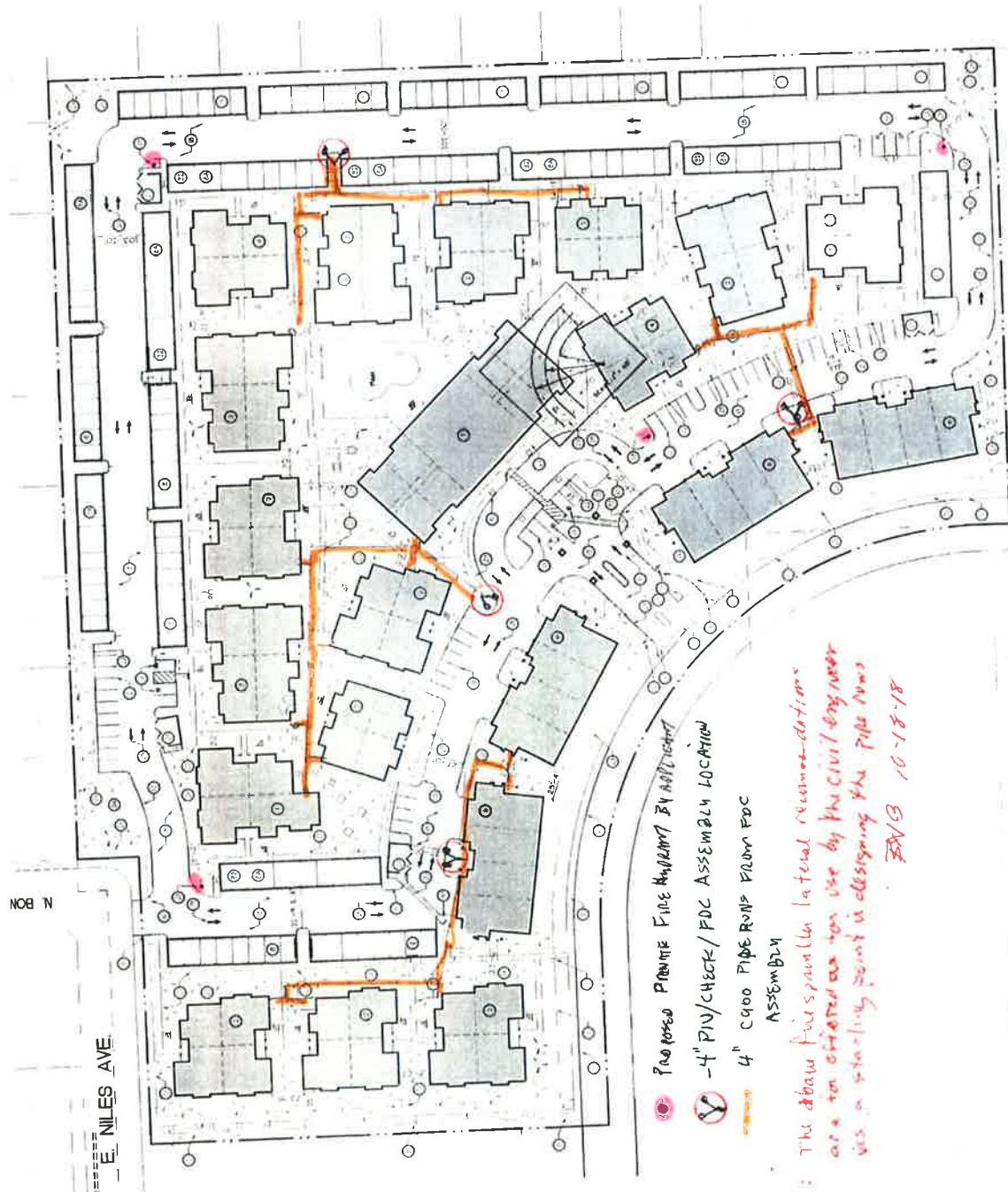
CITY OF FRESNO APN 402-02-51  
CALIFORNIA  
N. FIRST ST. & E. NELLES AVE  
GIRONA DO APARTMENTS  
NEW PROJECT FOR  
GUNDER DEVELOPMENT  
COMMISSIONED  
BY GUNDER DEVELOPMENT



ARCHITECTURAL  
SITE PLAN



860 BLACK E. NELLES AVE



SITE PLAN

– Motions BT Fire Department – conditions # 3

LEGEND:

— PROPERTY LINES  
- - - - - INDICATE EXISTING  
- - - - - INDICATE CENTER LINE

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

File No. 210,412

Page 1 of 4

**PUBLIC AGENCY**

RALPH KACHADOURIAN  
DEVELOPMENT AND RESOURCE MANAGEMENT  
CITY OF FRESNO  
2600 FRESNO STREET, THIRD FLOOR  
FRESNO, CA 93721-3604

**DEVELOPER**

GIORGIO RUSSO, GINDER DEVELOPMENT  
759 W. ALLUVIAL AVE., SUITE 102  
FRESNO, CA 93711

PROJECT NO: 2018-02232

ADDRESS: 810 E. NEES AVE.

APN: 402-220-66, 402-220-67

SENT: 10/11/18

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)
CW	\$25,403.00	NOR Review	\$363.00 To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$1,846.00 Amount to be submitted with first grading plan submittal
<b>Total Drainage Fee:</b> \$25,403.00		<b>Total Service Charge:</b> \$2,209.00	

The proposed development will generate storm runoff which produces potentially significant environmental impacts and which must be properly discharged and mitigated pursuant to the California Environmental Quality Act and the National Environmental Policy Act. The District in cooperation with the City and County has developed and adopted the Storm Drainage and Flood Control Master Plan. Compliance with and implementation of this Master Plan by this development project will satisfy the drainage related CEQA/NEPA impact of the project mitigation requirements.

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 2/28/19 based on the site plan submitted to the District on 9/13/18. 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.  
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.
- b.) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- c.) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.
- d.) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.
- e.) 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  
DPA  
No. 2018-02232

**FR**  
**DPA**

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

Page 2 of 4

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

1.  a. Drainage from the site shall  
 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 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  
 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.

**No. 2018-02232**

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 3 of 4

7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.

a. State General Permit for Storm Water Discharges Associated with Construction Activities, 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

  
Michael Maxwell  
Project Engineer

FR  
DPA  
No. 2018-02232

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 4 of 4

CC:

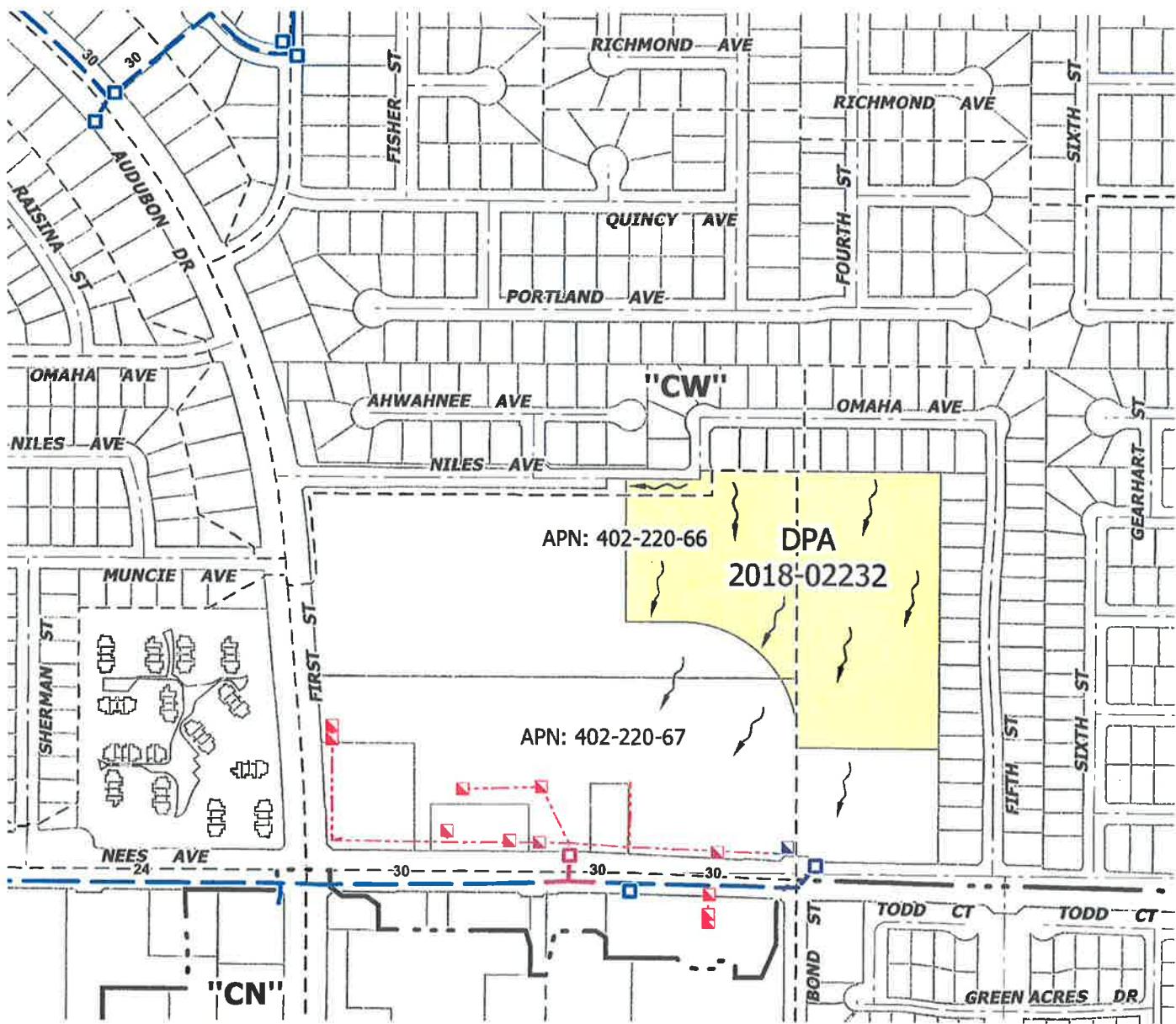
JEFF CAZALY, ARCHITECT

735 W. ALLUVIAL AVE., SUITE 104

FRESNO, CA 93711

FR DPA No. 2018-02232

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



## LEGEND

- — Existing Master Plan Facilities
- — Private Facilities
- Inlet Boundary
- Drainage Area Boundary
- ~~~~ Direction Of Drainage



1 " = 400 '

**DPA 2018-02232**  
**DRAINAGE AREA "CW"**



**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**

Prepared by: Keith  
Date: 9/26/2018  
Path: K:\Autocad\DWGS\0EXHIBIT\CITYDPA\2018-02232.mxd

**EXHIBIT NO. 1**

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

Permanent drainage service is available for the east half of DPA 2018-02232 by draining to Nees Avenue as shown on Exhibit No. 1.

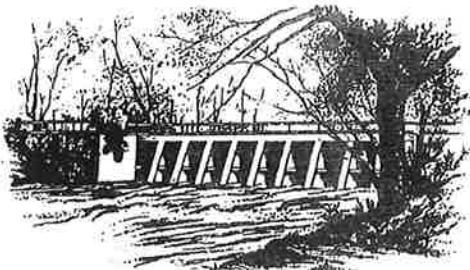
The City of Fresno shall verify that cross drainage covenants are in place for the west half of DPA 2018-02232 between Assessor's Parcel Number 402-220-66 and 402-220-67. If cross drainage covenants are not in place, the developer of DPA 2018-02232 shall obtain a drainage covenant from Assessor's Parcel Number 402-220-67 as required. The covenant is required to allow runoff from DPA 2018-02232 to reach existing Master Plan facilities in Nees Avenue. A cross drainage covenant will not be required if drainage from the west half of DPA 2018-02232 is directed to First Street. The developer shall verify to the satisfaction of the City that runoff from the west half of DPA 2018-02232 can be safely conveyed to the Master Plan inlet located in Nees Avenue.

Our records indicate that there may not be continuous existing curb and gutter to convey runoff from Niles Avenue to the Master Plan inlet located at First Street. The developer shall be required to provide documentation and/or improvements satisfactory to the City of Fresno to allow for conveyance of storm water to the inlet location.

In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm drain system.

The District encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.

Development No. DPA 2018-02232



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF

# FRESNO IRRIGATION DISTRICT

TELEPHONE (559) 233-7161  
FAX (559) 233-8227  
2907 S. MAPLE AVENUE  
FRESNO, CALIFORNIA 93726-2208

September 26, 2018

Ralph Kachadourian  
Development and Resource Management  
City of Fresno  
2600 Fresno Street, Third Floor  
Fresno, CA 93721

RE: Plan Amendment Application and Rezone, Planning Application No. P18-02232  
N/E Nees Avenue and First Street  
FID's Enterprise No. 109

Dear Mr. Kachadourian:

The Fresno Irrigation District (FID) has reviewed the Plan Amendment Application and Rezone, Planning Application No. P18-02232 for which the applicant proposes the construction of 164-unit multifamily apartment complex, APN: 402-220-66. This request is being processed concurrently with Planning Rezone Application P18-00826, FID has the following comments:

#### Summary of Requirements:

- Review and Approval of all Plans.
- Execute additional varying width Grant of Easement Agreement.
- Execute additional Agreement(s), if necessary.
- Project Fees.
- No Encroachments (i.e. trees, monuments, fences, PUE, etc.).

#### Area of Concern

1. FID's Enterprise No. 109 Pipeline runs westerly in a variable easement ranging from 20 feet to 38 feet wide, recorded August 12, 1980 as Doc. No. 75361, traverses the southern portion of the subject property, as shown on the attached FID exhibit map and may be impacted by future development. FID will require it review and approve all plans.
2. FID's records indicate this section of the pipeline was installed in 1980 (37 years old) as 60-inch diameter ASTM C76 Rubber Gasket Reinforced Concrete Pipe (RGRCP) and does not meet FID's standards for developed (residential,

industrial, commercial) parcels or urban areas. In addition, the Enterprise canal is a dedicated storm channel and also operates 11 to 12 months out of year.

3. FID will require the applicant grant FID an exclusive easement equal to the remaining portion that would add up to 38 feet or the widest part of the existing easement and an agreement be entered into with FID for that purpose. A copy of the existing easement agreement has been attached for your reference.
4. This section of pipeline is nearing the end of its lifespan. FID will not condition that the developer replace the existing RGRCP pipeline with ASTM C-361 RGRCP, which is FID's current requirements for developing urban areas, however, FID recommends this section of pipe be replaced to meet FID's current standards before the property is developed. If the applicant's plans change or proposes any improvements or development of any nature in the future, FID will require full replacement of its facilities to meet then-current urban standards and will require review and approve of all plans.
5. Insuring the pipeline will not be impacted by the development is critical to FID operations. In order to protect the integrity of the existing 60-inch diameter RGRCP pipeline, FID will require all proposed driveways that cross the pipeline be a structural concrete slab with reinforcing steel rebar that conforms to all applicable provisions of ACI 318 and that the concrete within FID's proposed 40 feet wide easement be a minimum of 6-1/2 sack (611 pounds of portland cement per cubic yard) with a minimum 28-day compressive strength of 3,500 PSI.
6. FID is concerned about the potential vibrations caused by construction efforts near existing District facilities as it may cause damage to FID's canals, pipelines and culverts. The developer and contractor(s) must keep all large equipment and stockpile outside of FID's easement and a minimum of 10 feet away from the existing pipeline. The developer and/or its contractor(s) will be responsible for all damages caused by construction activities.
7. FID will require its review and approval of all encroachments including, but not limited to: signs, lighting, curb & gutter, private sewer and water crossings, concrete sidewalks or driveways, paving, etc. If the encroachment is approved by FID, the applicant will need to enter into the appropriate agreement which will be determined by FID.
8. In recent years, FID has experienced numerous issues with its pipelines in landscaped areas, primarily due to tree root intrusion and other encroachments which may damage the pipe or hinder FID access and maintenance. FID requires all trees be located outside of its proposed 40 feet wide easement. Significant pipeline damage often occurs by the time this problem is identified by FID and can be very costly to make the necessary repairs.

### **General Comments**

1. FID requires the Applicant/Developer to submit for FID's approval a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the Canal, or result in drainage patterns that could adversely affect FID.
2. FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities.
3. FID requires the developer and/or the developer's engineer meet with FID at their earliest convenience to discuss specific requirements, e.g. easement width and alignment, right-of-way width and alignment, pipeline alignment, depth and size, fees, etc.
4. FID requires its easements be shown on all maps/plans with proper recording information, and that FID be made a party to signing all final maps/plans.
5. No work will be permitted within FID's right-of-way during the irrigation season.
6. Footings of retaining walls shall not encroach onto FID property/easement areas.
7. Trees will not be permitted within FID's property/easement areas.
8. Contractor/Developer shall apply for, obtain, and comply with all terms, conditions and requirements of the Permit to Work within an Easement and Right-of-Way from the Fresno Irrigation District for construction of the proposed project where utilities cross FID facilities. Contractor/Developer shall be responsible for all permit and inspection fees.
9. No large earthmoving equipment (paddle wheel scrapers, graders, excavators, etc.) will be allowed within FID's easement and the grading contractor will be responsible for the repair of all damage to the pipeline caused by contractors grading activities.
10. FID is concerned about the potential vibrations caused by construction efforts near existing District facilities as it may cause damage to FID's canals, pipelines and culverts. The developer and contractor(s) must keep all large equipment, construction material, and soil stockpile outside of FID's easement and a minimum of 30 feet away from existing cast-in-place concrete pipe. The developer and/or its contractor(s) will be responsible for all damages caused by construction activities

11. The proposed development may negatively impact local groundwater supplies. The area is currently mostly open land or limited agricultural production with little to no water demand. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. FID suggests 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.
12. 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 Clovis 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 Clovis should consider the impacts of the development on the City's ability to comply with requirements of SGMA.
13. As with most developer projects, there will be considerable time and effort required of FID's staff to plan, coordinate, engineer, review plans, prepare agreements, and inspect the project. FID's cost for associated plan review will vary and will be determined at the time of the plan review.
14. The above comments are not to be construed as the only requests FID will have regarding this project. FID will make additional comments and requests as necessary as the project progresses and more detail becomes available.

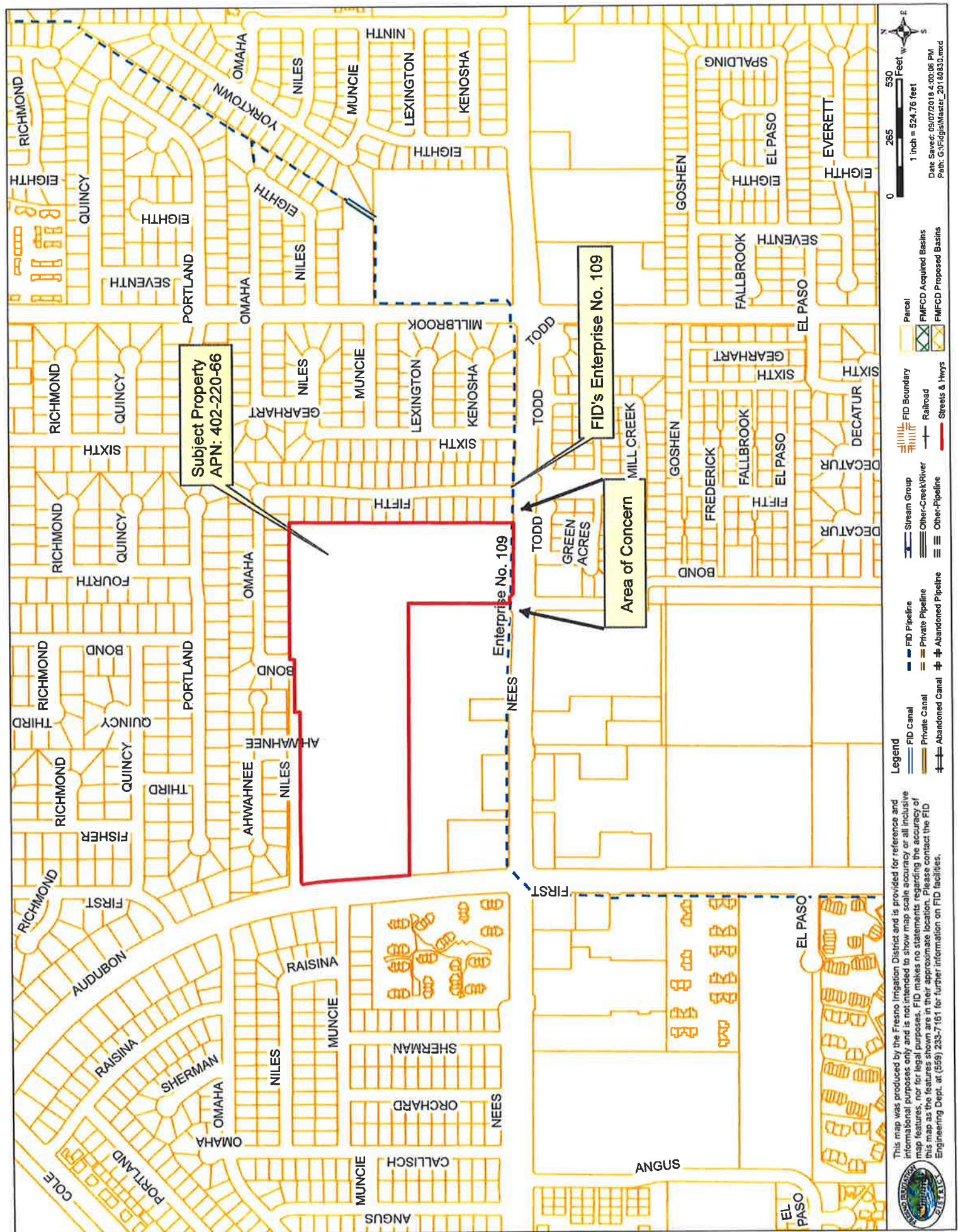
Thank you for submitting the proposed project for our review. We appreciate the opportunity to review and comment on the subject documents for this project. If you have any questions please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or [jlandrith@fresnoirrigation.com](mailto:jlandrith@fresnoirrigation.com).

Sincerely,



Laurence Kimura, P.E.  
Chief Engineer

Attachment



RECORDING  
REQUESTED BY  
Fresno Irr.  
Boy

75381

BOOK 7564 PAGE 788

AGREEMENT FOR SUBSTITUTION OF PIPELINE FOR  
OPEN CANAL OWNED BY FRESNO IRRIGATION DISTRICT

ENTERPRISE CANAL NO. 109

RECORDED IN OFFICIAL RECORDS OF  
FRESNO COUNTY, CALIFORNIA  
AT 10 MIN. PAST 4 P.M.  
AUG 12 1980  
CITY OF FRESNO  
County Recorder

THIS AGREEMENT, made and entered into this 6th day  
of August, 19 80, by and between GUARANTEE SAVINGS & LOAN ASSOC-  
IATION, a California corporation, hereinafter referred to as "FIRST PARTY,"  
and FRESNO IRRIGATION DISTRICT, a public corporation, hereinafter referred  
to as "SECOND PARTY;"

W I T N E S S E S T H:

WHEREAS, First Party is the owner of that certain real pro-  
perty in the County of Fresno, State of California, described as follows:

The West half of Lots 85 and 86 of Perrin  
Colony No. 2, Fresno County, California,  
according to the Amended Map, thereof,  
recorded in Volume 4 of Plats at Page 68,  
Fresno County Records, and

WHEREAS, Second Party owns a right-of-way sixty feet (60')  
wide over said real property for an irrigation canal, thereon known  
as the Enterprise Canal No. 109, the centerline of which is described  
as follows:

Commencing at a point on the centerline of the  
Fresno Irrigation District's Enterprise Canal No.  
109 located approximately 656 feet West and 41  
feet North of the Southeast corner of Section 27,  
Township 12 South, Range 20 East, M.D.B. & M.,  
running thence Westerly 656 feet, more or less to  
a point, on the centerline of said Enterprise  
Canal, located approximately 60 feet North and  
1312 feet West of Said Southeast corner of said  
Section 27, and

WHEREAS, First Party desires to substitute for a portion of  
said open canal, a sixty inch (60"), inside diameter, concrete irrigation  
pipeline upon a right-of-way as provided herein, and Second Party is  
willing to consent to the installation and substitution of such pipe-  
lines for said open canal subject to the conditions, herein specified:

NOW THEREFORE, it is agreed as follows:

I

First Party does, hereby, grant to Second Party the perpetual  
and exclusive right and easement to construct, install, maintain, alter  
repair, improve, reconstruct, enlarge and supplement pipes, and pipe-  
lines and conduits, and to flow and conduct water through said pipes,  
pipelines and conduits, across, over, through and under the above  
described real properties owned by First Party in a perpetual and

exclusive right-of-way and easement, therefore, consisting of a strip of land described as follows:

That portion of lot 86 of Perrin Colony No. 2, in the City of Fresno, Fresno County, California, according to the Amended map thereof recorded in Volume 4 of Plats at Page 68, Fresno County Records, described as follows:

Beginning at a point on the West line of said lot 86, said point being 31.30 feet North of the Southwest corner of said lot 86 (for the purpose of this description, the South line of said lot 86 is also the South line of the Southeast Quarter of Section 27, Township 12 South, Range 20 East, Mount Diablo Base and Meridian); thence North  $00^{\circ} 08' 14''$  West, along the West line of said lot 86, a distance of 38.00 feet; thence South  $45^{\circ} 13' 02''$  East a distance of 25.77 feet to a point on a curve, concave to the North, whose interior angle is  $00^{\circ} 28' 33''$  and radius is 2430.00 feet (the radial at said point bears North  $00^{\circ} 15' 31''$  East); thence Easterly, along said curve, an arc distance of 20.18 feet to the point of tangency; thence North  $89^{\circ} 46' 58''$  East, parallel with and 51.00 feet North of said South line of lot 86, a distance of 173.84 feet to the point of curvature of a curve, concave to the South, whose interior angle is  $01^{\circ} 29' 28''$  and radius is 5070.00 feet; thence Easterly, along said curve, an arc distance of 131.95 feet to the point of tangency; thence South  $88^{\circ} 43' 34''$  East a distance of 298.75 feet; thence North  $46^{\circ} 16' 26''$  East a distance of 18.38 feet to a point on the East line of the West Half of said lot 86, said point being 54.17 feet North of the Southeast corner of said West Half of lot 86; thence South  $00^{\circ} 07' 58''$  East, along said East line, a distance of 33.01 feet; thence North  $88^{\circ} 43' 34''$  West a distance of 312.56 feet to the point of curvature of a curve, concave to the South, whose interior angle is  $01^{\circ} 29' 28''$  and a radius is 5050.00 feet; thence Westerly, along said curve, an arc distance of 131.43 feet to the point of tangency; thence South  $89^{\circ} 46' 58''$  West, parallel with and 31.00 feet North of said South line of lot 86, a distance of 173.84 feet to the point of curvature of a curve, concave to the North, whose interior angle is  $00^{\circ} 53' 57''$  and radius is 2450.00 feet; thence Westerly, along said curve, an arc distance of 38.45 feet to the Point of Beginning (the radial at said point bears North  $00^{\circ} 40' 55''$  West).

together with all rights convenient or incidental, thereto, including the right of ingress to and egress from said right-of-way and easement, over and across said real property of First Party; and First Party for themselves, their heirs, executors, administrators, successors, and assigns, covenant and agree that no building, fence or other structure, shall be constructed, and no trees, vines or shrubs, shall be planted or maintained upon said right-of-way and easement without the consent of Second Party, which in any way interfere with the use of said right-of-way and easement, and that Second Party shall have the right, without notice, and at First Party's expense, to remove any such structures, fences, trees, vines, shrubs, or other encroachments from said right-of-way and easement.

## II

First Party agrees at thier expense, to lay, construct, and install in and along the said right-of-way and easement, herein above granted to Second Party, a sixty inch (60") inside diameter, reinforced rubber gasketed concrete irrigation pipeline, with sixty inch (60"), inside diameter concrete culvert pipe, at all proposed or existing roads, streets or alleys, and with inlets, outlets and such connections and other structures as may be specified by the engineer of Second Party. Said pipeline, structures and other appurtenances, shall be laid, constructed, installed and backfilled in accordance with plans and specifications approved by Second Party; and the top of said pipeline shall be not less than twenty-four inches (24") below the surface of the surrounding ground and any proposed or existing roads, streets or alleys crossed, thereby. All pipe shall be laid and installed in a good workmanlike manner.

## III

All precast concrete irrigation pipe, herein agreed to be installed, if any, shall meet the minimum requirements of the latest A.S.T.M C-76 Specifications. Any other type of irrigation pipe, herein agreed to be installed, shall be constructed and installed in accordance with the requirements of Second Party.

## IV

First Party agrees to commence the laying and installation of said pipeline, and structures within a reasonable time and to complete the installation and reconstruction, thereof, not later than November 25, 1980. First Party agrees that the construction and installation of said pipeline and structures, shall not interfere with the flow or distribution of water through the present facilities as required by Second Party.

## V

First Party agrees within thirty (30) days after the completion of the work, to pay the entire cost of laying, constructing and installing said pipeline, inlets, outlets and other structures, including the cost of all labor, materials, equipment, installation, trenching, backfilling, leveling and testing. In the event First Party neglects, fails or refuses to pay the entire cost, thereof, and complete said work in accordance herewith, Second Party may, but shall not be required to, pay

such cost and complete such work, and First Party does, hereby, agree to repay to Second Party any amounts so expended, with interest, thereon, at the rate of 8% per annum.

## VI

First Party agrees to keep and maintain said pipeline, inlets, outlets, and other structures appurtenant thereto, in good operating condition and repair for a period of two (2) years after the completion of construction and the acceptance, thereof, by Second Party, and to pay all costs of such repairs and maintenance and of any replacement of any part, thereof, required to maintain said pipeline and structures in good operating condition. In the event First Party fails, neglects or refuses to repair, maintain or replace any part of said pipelines or structures, during said period of two (2) years, Second Party shall have the right, but shall not be required to make any such repairs or replacements, and First Party does, hereby, agree to repay to Second Party the cost of any such repairs or replacements with interest at the rate of 8% per annum.

## VII

First Party agrees that upon construction and installation the said pipeline, inlets, outlets, and other structures shall become and remain the property of Second Party, and that First Party shall have no right, title or interest therein. First Party further agrees that said easement and said pipeline, and any other pipelines and conduits to be constructed therein, by or for Second Party, and the manner, method and time of conducting and discharging water through said pipeline, pipelines, or conduits, shall be in the sole and absolute control of Second Party, and the nature and extent of right-of-way and easement shall in no wise be diminished or restricted by the construction of said pipeline by First Party.

## VIII

First Party agrees, at their own expense, to procure a surety company bond in the sum of Fifty-eight Thousand and no/100 Dollars (\$58,000.00) from a responsible surety company, guaranteeing the performance of this agreement by First Party and the payment of all amounts herein agreed to be paid by First Party.. Said Bond or other type of assurance procured by First Party, may be reduced to \$8,000.00 after the completion and acceptance, thereof, by Second Party. Said \$8,000.00 Bond shall

be for guaranteeing the maintenance and repair of said pipeline and structures for a period of two (2) years.

IX

First Party agrees, at their own expense, to procure a policy of title insurance issued to Second Party, with liability limited to Fifty-eight Thousand and no/100 Dollars (\$58,000.00) showing title to the rights-of-way, herein, granted to Second Party to be free and clear of encumbrances.

X

First Party agrees to deposit with the District, deposit to accompany this agreement, the sum of Five Hundred Dollars (\$500.00) to cover the cost of inspection during the period of construction of said pipeline project. Second Party agrees to refund that portion of the deposit not so expended, for the purposes defined above, and First Party agrees to pay those costs for inspection that exceed the amount of deposit.

XI

Upon full performance of this agreement by First Party and the acceptance of said pipeline and structures by Second Party, Second Party agrees to abandon that portion of its present Enterprise Canal No. 109 and right-of-way which will be replaced by said pipeline and easement, which are not within the right-of-way and easement herein, granted to Second Party.

XII

This agreement shall apply to and bind the heirs, executors, administrators, successors, and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto, have executed this agreement as of the day and year first above mentioned.

GUARANTEE SAVINGS & LOAN ASSOCIATION

*By Richard G. Hunt  
President Vacaville.*

"FIRST PARTY"

FRESNO IRRIGATION DISTRICT

BY: *Roland Hale*  
President

ATTEST: *Robert H. Stimpson*  
Secretary

"SECOND PARTY"

STATE OF CALIFORNIA,  
COUNTY OF Fresno

{ ss.

BOOK 7564 PAGE 793

ON August 6, 1980

before me, the undersigned, a Notary Public in and for the said State, personally appeared  
Roland C. Nale, known to me to be the  
President, and Robert L. Simpson, known to me

to be the Secretary of Fresno Irrigation

District

the Corporation that executed the within instrument, known to me to be the persons who  
executed the within instrument, on behalf of the Corporation herein named, and acknowledged  
to me that such Corporation executed the within instrument pursuant to its by-laws or a  
resolution of its board of directors.

WITNESS my hand and official seal.

ACKNOWLEDGMENT—Corp.—Pres. & Sec.—Wolcott Form 228—Rev. 3-64

*Mava Nichols*

Notary Public in and for said State.

STATE OF CALIFORNIA,

COUNTY OF Fresno

{ ss.

ON August 1, 1980

before me, the undersigned, a Notary Public in and for said State personally appeared  
Richard M. Hunt

Assistant Vice President, known to me to be the  
of the Guarantee Savings & Loan Association

the Corporation that executed the within instrument, known to me to be the person who  
executed the within instrument, on behalf of the Corporation, therein named, and acknowledged  
to me that such Corporation executed the same.

WITNESS my hand and official seal.

ACKNOWLEDGMENT—Corporation—Wolcott Form 228—Rev. 3-64

*Barbara J. Stewart*

Notary Public in and for said State.

## STANDARD EASEMENT WIDTHS FOR OPEN CANALS AND PIPELINES

### SOURCE:

Board Policy No. 155

Rev. 5/29/02

Section 22438 of the California Water Code, attached as Exhibit "A" hereto, entitles the District to a secondary easement on each side of any open canal for which the District holds a prescriptive easement, with the width of the secondary easement to be whatever is reasonably required by the District for maintenance, repair, cleaning and operations of the secondary easement and open canal with equipment owned by or available to the District for that use at the time the rights are exercised. Exhibit "B" attached hereto, sets forth the dimensions of secondary easements for Fresno Irrigation District canals which are deemed to be reasonably required and which are claimed by the District under Section 22438.

Easements for pipelines or for open canals for which the District holds a written grant or judgement providing a legal description of the easement are not subject to the secondary easement provisions of Section 22438. District activities and the locations of canal facilities are therefore restricted to the limits established by the legal description of the easement.

For the purposes of acquiring easements for pipelines by grant or condemnation, the standard easement requirements are shown on Exhibit "C", attached hereto. Extraordinary conditions or circumstances may dictate modification of the standard easement, but such modification shall be subject to approval of the Board of Directors.



FRESNO IRRIGATION DISTRICT

"Your Most Valuable Resource – Water"

STANDARD EASEMENT WIDTHS FOR  
OPEN CANALS AND PIPELINES

SCALE: NOT TO SCALE

DATE: JANUARY 2018

STANDARD DETAIL

P-03

SHEET 1 OF 1

**STANDARD EASEMENT WIDTHS FOR  
OPEN CANALS AND PIPELINES**  
**EXHIBIT "A"**  
**SENATE BILL No. 891**

An act to add Section 22438 to the Water Code, relating to irrigation districts.

Approved by the Governor on July 5, 1989.

Filed with the Secretary of State July 5, 1989.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 891, Vuich. Irrigation Districts: canal easements.

Under existing law, an irrigation district may acquire by any means any property or interest in property to carry out its purposes.

This bill would declare that whenever any irrigation district is the owner of an easement for an open canal for the transportation of water across lands not owned by it, other than as specified, the district shall have a secondary easement on each side of the open canal for the maintenance, repair, cleaning, operation, and control of the open canal, as prescribed, and would specify related matters.

The people of the State of California do enact as follows:

**SECTION 1. Section 22438 is added to the Water Code, to read:**

22438. (a) Whenever any district is the owner of an easement for an open canal for the transportation of water across lands not owned by it, other than an easement evidenced by a written grant or judgement providing a legal description of the easement, the district shall have a secondary easement on each side of the open canal for the maintenance, repair, cleaning, operation, and control of the open canal and such other use thereof as may be reasonably be required by the district in exercising those rights and in the maintenance, repair, cleaning, and operation of that easement and open canal with equipment owned by or available to the district for that use at the time the rights are exercised. The duration of the secondary easement shall be for so long as the district, or its successors or assigns, continues to own the open canal easement regardless of what use has or has not been made of the secondary easement.

(b) The owner of the land upon which a secondary easement is located, or any lessee of the land, shall have the right to use the surface of the land upon which the secondary easement is located for his or her own purposes to the extent that the use does not unreasonably interfere with the district's ownership or use of the secondary easement, or upon the open canal easement. Any encroachment or obstruction placed or permitted upon the secondary easement by the owner of the land or any lessee of the land, which unreasonably interferes with the secondary easement or the open canal easement, may be removed by the district at the owner's or lessee's expense, or by legal action filed by the district.

This section shall not be construed to limit the right of a district or of any person to acquire any easement by prescriptive or condemnation or to enter into a written agreement concerning an easement or secondary easement upon such terms as are agreed upon the parties.



FRESNO IRRIGATION DISTRICT

"Your Most Valuable Resource — Water"

STANDARD EASEMENT WIDTHS FOR OPEN  
CANALS AND PIPELINES EXHIBIT A

SCALE: NOT TO SCALE  
DATE: JANUARY 2018

STANDARD DETAIL  
P-04  
SHEET 1 OF 1

**STANDARD EASEMENT WIDTHS FOR  
OPEN CANALS AND PIPELINES EXHIBIT "B"**  
(Page 1 of 2)

**GENERAL REQUIREMENTS**

The following requirements have been approved and adopted by the Board of Directors to provide a guideline for establishing adequate Right-of-Way widths for canals and ditches owned, operated, and maintained by the Fresno Irrigation District. Any extraordinary conditions, circumstances, misunderstandings, failure or refusal of a property owner to accept or comply with the general requirements described below should be brought to the immediate attention of the General Manager.

1. When establishing top of bank width required for operation and maintenance purposes, some existing top of bank widths may be more than required by the District, but in most cases, will be less. Therefore, the Right-of-Way line should be established in accordance with the requirements for future improvements, operations, and maintenance of the canal.
2. To determine the requirements for top of bank widths, canals and ditches shall be classified into two different categories. First, canals with banks which are not more than one foot (1.0') above the surrounding ground level will be classified in a "cut" category. Second, canals with banks which are more than one foot (1.0') above the adjacent ground level will be classified as "fill".
3. Required top of bank widths shall be measured on a level plane from the inside edge of the canal or ditch bank.
4. Canals with capacity of 50 C.F.S or more:
  - a). Canals which are in a "cut" or at grade shall require a top of bank width no less than twenty feet (20') wide.
  - b). Canals which are in a "fill" shall require a top of bank width of no less than fifteen feet (15') plus one and one-half feet (1.5') for each vertical foot outside of the bank slope plus an additional two feet (2') to establish the Right-of-Way line beyond the outside toe of the canal bank. Easement width will be as required or no less than twenty feet (20') from the top inside bank to Right-of-Way line.
5. Canals with a capacity of less than 50 C.F.S:
  - a). Canals which are in a "cut" shall require a top of bank width no less than fifteen feet (15') wide.
  - b). Canals which are in a "fill" shall require a top of bank width of no less than twelve feet (12') plus one and one-half feet (1.5') for each vertical foot outside of the bank slope. "Fill" canals also require an additional two feet (2.0') to establish the Right-of-Way line beyond the outside toe of the canal.



FRESNO IRRIGATION DISTRICT

"Your Most Valuable Resource – Water"

STANDARD EASEMENT WIDTHS FOR OPEN  
CANALS AND PIPELINES EXHIBIT B

SCALE: NOT TO SCALE

DATE: JANUARY 2018

STANDARD DETAIL

P-05

SHEET 1 OF 2

**STANDARD EASEMENT WIDTH FOR  
OPEN CANALS AND PIPELINES EXHIBIT "B"**  
**(Page 2 of 2)**

6. Canals with a capacity less than 50 C.F.S: (Alternate)

- a). Canals which are in a "cut" shall require a top of bank width no less than fifteen feet (15') wide.
- b). Canals which are in a "fill" shall require a top of bank width of no less than four feet (4') plus four feet (4.0') for each vertical foot outside of the bank slope.
- c). On smaller slope type ditches, it may be necessary to resort to access along and outside the ditch, but in all cases the requirements should be established to prevent encroachments on the Right-of-Way.
- d). The alternate section cannot be used if the overall width exceeds the standard width and is permitted only when the District operations and maintenance functions do not require a standard road Right-of-Way.



FRESNO IRRIGATION DISTRICT

"Your Most Valuable Resource – Water"

STANDARD EASEMENT WIDTHS FOR OPEN  
CANALS AND PIPELINES EXHIBIT B

SCALE: NOT TO SCALE

DATE: JANUARY 2018

STANDARD DETAIL

P-05

SHEET 2 OF 2

**STANDARD EASEMENT WIDTHS FOR  
OPEN CANALS AND PIPELINES EXHIBIT "C"  
PIPELINE EASEMENT WIDTHS**

The following shall be used by staff in the determination and acquisition of new pipeline easement widths:

Type of Pipe	Easement Width for Dia. $\leq$ 24" I.D.	Easement Width for 24" $>$ Dia. $\leq$ 36" I.D.	Easement Width for Dia. $>$ 36" I.D.
PVC (SDR41, PIP)	20 feet	N/A	N/A
RGRCP (C-361)	20 feet	30 feet	40 feet
CIP (ACI 346)	N/A	30 feet	40 feet
Min. Width Adjacent to Right-of-Way	15 feet	15 feet	20 feet

Where the pipeline easement will be contiguous and parallel to a Joint Use Right-of-Way such as a "local" public street Right-of-Way or a "rural" road with a Right-of-Way sixty feet (60') or less, the required easement may be reduced if the street maintaining agency allows the District to perform maintenance using a portion of the road Right-of-Way. On any street or rural road where curbside parking will be permitted by the street maintaining agency, the easement width may be reduced.

The easement width may not be reduced for controlled access streets designed as freeways, expressways, super arterials, arterials, collectors, or landscaped drives. No easement reduction will be permitted adjacent to turn lanes or bus stops or other locations posted to prohibit stopping or parking without special provision for maintenance access. Written evidence may be required from the street maintaining agency showing that the predetermined easement width reduction can be satisfied.

Where public utility easements or landscape easements will overlap the District's pipeline easement, regardless of pipeline diameter, the required pipeline easement width shall be increased as necessary so that fifty percent (50%) of the required easement width is free from overlapping utilities. The District may waive this easement requirement for landscape easements if the District can be assured the landscaping will not impact the pipeline.



FRESNO IRRIGATION DISTRICT

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STANDARD EASEMENT WIDTHS FOR OPEN  
CANALS AND PIPELINES EXHIBIT C

SCALE: NOT TO SCALE

DATE: JANUARY 2018

STANDARD DETAIL

P-06

SHEET 1 OF 1



September 17, 2018

Ralph Kachadourian  
DARM – Development Services Division  
2600 Fresno Street  
Fresno, CA 93721

SUBJECT: Record #P18-00826; Coronado – 164 Luxury Apartments  
East Nees Ave near First Street  
APN: 402-022-66

Dear Mr. Kachadourian:

The purpose of this letter is to provide school district information relative to the above-referenced subdivision and to comply with Business and Professions Code section 11010, subdivision (b)(11)(A) regarding the provision of school-related information to the subdivider/owner and the State Department of Real Estate.

1. Elementary School Information:

(a) The subject land is presently within the attendance area of the elementary school (grades K-6) listed below:

School Name: *Fort Washington Elementary*  
Address: *960 E Teague Ave Fresno CA 93720-1704*  
Telephone: *(559) 327-6600*  
Capacity: *760*  
Enrollment: *643 (CBEDS enrollment 2017-18 school year)*

(b) Because of projected growth in the District and the District's plans for construction of new school facilities, it is possible that (1) adjustment of school attendance areas could occur in the future such that students residing in the project area may be required to attend an elementary school other than the school listed above, and (2) students residing in the project area may attend more than one elementary school within the District during their elementary school years.

**Governing Board**

**Sandra A. Budd**

**Christopher Casado**

**Steven G. Fogg, M.D.**

**Brian D. Heryford**

**Ginny L. Hovsepian**

**Elizabeth J. Sandoval**

**Jim Van Volkinburg, D.D.S.**

**Administration**

**Elmear O'Farrell, Ed.D.**  
**Superintendent**

**Don Ulrich, Ed.D.**  
**Deputy Superintendent**

**Norm Anderson**  
**Associate Superintendent**

**Barry S. Jager, Jr.**  
**Associate Superintendent**

**Michael Johnston**  
**Associate Superintendent**

Ralph Kachadourian  
September 17, 2018  
Page 2

2. Intermediate School Information:

School Name: *Kastner Intermediate*  
Address: *7676 N 1St St Fresno CA 93720-0995*  
Telephone: *(559) 327-2500*  
Capacity: *1500*  
Enrollment: *1123 (CBEDS enrollment 2017-18 school year)*

3. High School Information:

School Name: *Clovis West High*  
Address: *1070 E Teague Ave Fresno CA 93720-1899*  
Telephone: *(559) 327-2000*  
Capacity: *3000*  
Enrollment: *2006 (CBEDS enrollment 2017-18 school year)*

4. Bus transportation is currently provided for grades K-6 students residing further than one mile from school and for grades 7-12 students residing further than two and one-half miles from school. Transportation will be available for students attending the above-identified elementary, intermediate and high schools in accordance with District standards in effect at the time of enrollment.
5. The District currently levies a school facilities fee of \$4.87 per square foot (as of July 1, 2018) for residential development. The fee is adjusted periodically in accordance with law. New development on the subject property will be subject to the fee in place at the time fee certificates are obtained.

The District hereby requests that the information in this letter be provided by the owner/subdivider to all prospective purchasers of property within the project.

Thank you for the opportunity to comment on the project. Please contact me if you have any questions regarding this letter.

Sincerely,



Michael Johnston  
Associate Superintendent  
Administrative Services

November 30, 2018

Ralph Kachadourian  
Planning & Development Department  
2600 Fresno St., 3<sup>rd</sup> Floor  
Fresno, CA 93721

**Project: Planning Application P18-00826**

**District CEQA Reference No: 20180988**

Dear Mr. Kachadourian:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of a site development for a gated 164-unit multi-family luxury apartment complex on 10.25-acre portion of an undeveloped 22.81-acre parcel (Project) located at the corner of East Nees Avenue and North First Street , in Fresno, CA. The District offers the following comments:

1. Significance Impact for Annual Criteria Pollutants Emissions – The Project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the Project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.
2. District Rule 9510 (Indirect Source Review) - District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site fees. The Project is subject to District Rule 9510 if it equals or exceeds 50 residential dwelling units and has or will receive a project-level discretionary approval from a public agency. If subject to the rule, an Air Impact Assessment (AIA) application is required prior to applying for project level approval from a public agency. In this case, if not already done, please immediately submit an AIA application to the District to comply with District Rule 9510.

**Seyed Sadredin**  
Executive Director/Air Pollution Control Officer

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

**Central Region (Main Office)**  
1990 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: 661-392-5585

In the case the Project is subject to 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>.

3. Regulation VIII (Fugitive PM10 Prohibitions) - The Project will be subject to Regulation VIII. The project proponent is 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 District Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*. Information on how to comply with 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)
4. Other District Rules and Regulations – The above list of rules is neither exhaustive nor exclusive. For example, the Project may be subject to the following District rules, including: Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). To identify other District rules or regulations that apply to this Project or to obtain information on the District's permit requirements, such as an Authority to Construct (ATC), the Project proponent is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888 or e-mail [SBA@valleyair.org](mailto:SBA@valleyair.org). Current District rules can be found online at the District's website at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).
5. Potential Air Quality Improvement Measures - The District encourages the following air quality improvement measures to further reduce Project related emissions from construction and operation. A complete list of potential air quality improvement measures can be found online at: <http://www.valleyair.org/ceqaconnected/aqimeasures.aspx>.
  - a. Cleaner Off-Road Construction Equipment – This measure is to utilize off-road construction fleets that can achieve fleet average emissions equal to or cleaner than the Tier II emission standards. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.
  - b. Improve Walkability Design – This measure is to improve design elements to enhance walkability and connectivity. Improved street network characteristics within a neighborhood include street accessibility, usually measured in terms

of average block size, proportion of four-way intersections, or number of intersections per square mile. Design is also measured in terms of sidewalk coverage, building setbacks, street widths, pedestrian crossings, presence of street trees, and a host of other physical variables that differentiate pedestrian-oriented environments from auto-oriented environments.

- c. Improve Destination Accessibility – This measure is to locate the project in an area with high accessibility to destinations. Destination accessibility is measured in terms of the number of jobs or other attractions reachable within a given travel time, which tends to be highest at central locations and lowest at peripheral ones. The location of the project also increases the potential for pedestrians to walk and bike to these destinations and therefore reduces the (vehicle miles traveled) VMT.
- d. Increase Transit Accessibility – This measure is to locate the project with high density near transit which will facilitate the use of transit by people traveling to or from the Project site. The use of transit results in a mode shift and therefore reduced VMT. A project with a residential/commercial center designed around a rail or bus station, is called a transit-oriented development (TOD). The project description should include, at a minimum, the following design features:
  - A transit station/stop with high-quality, high-frequency bus service located within a 5-10 minute walk (or roughly  $\frac{1}{4}$  mile from stop to edge of development), and/or
  - A rail station located within a 20 minute walk (or roughly  $\frac{1}{2}$  mile from station to edge of development)
  - Fast, frequent, and reliable transit service connecting to a high percentage of regional destinations
  - Neighborhood designed for walking and cycling

The District recommends that a copy of the District's comment letter be provided to the Project proponent. District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this Project. If you have any questions or require further information, please call Michael Corder at (559) 230-5818 or e-mail Michael.Corder@valleyair.org When calling or emailing the District, please reference District CEQA number 20180988.

Sincerely,

Arnaud Marjollet  
Director of Permit Services

 for:

Brian Clements  
Program Manager

AM: mc

	<h2>Requirements for the Posting of Official Addresses</h2> <p>Development and Resource Management Department 2600 Fresno Street, 3<sup>rd</sup> Floor, Rm 3076 Call (559) 621-8277 for an appointment or visit <a href="http://www.fresno.gov">www.fresno.gov</a> for information</p>	Policy and Procedure No. <b>G-002</b> Date: October 2010
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**Target Audience:**

Planning staff, Building and Safety staff, Fire Department staff, the general public

**Purpose:**

To establish uniform procedures for the posting of addresses for all buildings within the City of Fresno.

This policy is a minor amendment to Policy Number: 02-111 that went into effect on June 1, 2001. The purpose of these changes is to bring the current policy into conformance with Section 505.1 of the California Fire Code.

**Policy:**

All Buildings:

Approved premises identification and address numerals shall be provided for all new buildings and for all buildings being erected, converted, improved, reconstructed, or remodeled, relocated, added to, repaired, or otherwise altered under a required building permit. The correct address numerals shall also be provided on buildings that have undergone an official address change.

Address numerals and premises identification for all types of buildings shall conform to the following requirements:

1. Numerals shall be placed in such a position as to be plainly visible and legible from the street to which the numeral is assigned. Premise numerals facing a street other than that to which the numeral is assigned shall include the assigned street name.
2. Numerals shall be of a permanent material and shall have distinctive contrast with the background.
3. Numerals shall be continuously maintained.
4. Numerals shall not be obscured from the street by shrubs, trees, buildings, or any object at any time.
5. All premises (except detached single-family dwelling) having access from a public alley, easement, or driveway at the rear shall display the premise numeral visible from the alley, easement, or driveway. Rear numerals shall be at least 4 inches in height with a one-half (1/2) inch stroke.
6. Where buildings are located on premises so that address numerals on such buildings cannot be visible from the street, approved building graphic directories at each entrance location to premises shall be required. This graphic directory shall include a site plan of the overall site indicating the address of each building/tenant space.
7. When the development has a common name, it shall be prominently displayed and visible from all public entrances to the property.
8. Details of address numeral installation and premises identification shall be shown on the approved building plans.

### Residential Occupancies

Residential uses, in addition to the requirements above, shall comply with the following:

1. Premise numerals for single family detached housing shall be at least four inches in height with a minimum one-half (1/2) inch stroke and placed on the building so as to be visible from the street on which the numeral is assigned.
2. Premise numerals for townhomes, condominiums, apartments, and other multiple housing shall have numerals at least four inches in height and placed on or near the main entrance of each unit.
3. For multiple housing where the main street premise numeral is displayed on the individual building or along the street, the numerals shall be at least six in height with a minimum three-fourths (3/4) inch stroke and prominently displayed so as to be visible from the street or drive on which the numeral is assigned. Where the main street premise numeral is displayed on the individual building, unit numerals at least four inches in height shall be displayed at or near the main entrance of each unit.
4. Premise numerals may be displayed in an approved manner on curbs in addition to but not instead of any display required.
5. Residential planned developments having private driveways or private walkways shall display these premise numerals at least four inches in height to the driveway or walkway to which the numerals are assigned. Premise numerals shall not be displayed on a public street to which the number has not been assigned.

### Commercial Occupancies

Commercial, institutional, and industrial uses in addition to the above requirements shall comply with the following:

1. Individual units shall display the address or unit numeral near the main entrance of the unit to which the numeral is assigned.
2. For buildings less than 50 feet from the street or drive, the address numerals shall be at least six inches in height with a minimum of three-fourths (3/4) inch stroke. For buildings 50 feet or more from the street or drive, the address numerals shall be at least 12 inches in height with a minimum three-fourths (3/4) inch stroke.
3. Where a building contains multiple addresses or units, and where the building itself has a main or beginning and ending numeral displayed, the numerals identifying individual premises may be reduced in size provided the numerals are at least four inches in height with a minimum one-half (1/2) inch stroke.
4. When appropriate, because of unusual conditions, the Building Official reserves the right to modify the standards in individual cases so as to comply with the intent and spirit of these requirements.

### **Review and Responsibility:**

Development and Resource Management Department

Fire Department

Signature:



John M. Dugan, AICP, Director

Dated: 10/13/2010