

## Exhibit K

May 20, 2020

## Review Comments for Tentative Tract Map Application No. T-6234/UGM

### **Council District Committee**

This review was performed by: Jose Valenzuela  
Status: Review Complete

Please include comments in staff report per Committee's request.

District 1 Plan Implementation Review Committee recommends approval of the project subject to the following conditions:

Consider removing Lots 72 through 78 located adjacent to Outlot "B" of Vesting Tentative Tract Map No. 6234 to increase open space and promote active recreational uses.

If Lots 72 through 78 are allowed to remain, consider an 8-foot block wall at the rear property lines for noise and security purposes.

### **County PW and Planning**

This review was performed by: County Planning  
Status: Review Complete

County recommends TIS. Contact County staff to coordinate SOW.

### **DPU Planning and Engineering**

This review was performed by: Kevin Gray  
Status: Reviewed with Conditions

#### Sewer Requirements

The nearest sanitary sewer main to serve the proposed project is an 18-inch sewer main located in the 30-foot sewer exclusive easement in the West Gettysburg Alignment. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:

1. Construct a 12-inch sanitary sewer main (including sewer house branches to adjacent properties) in North Hayes Avenue from the existing 12-inch stub out and main located at the intersection of North Hayes and West Dakota Avenues to the north property line of said project.
2. Street easements and/or deeds shall be recorded prior to approval of improvement plans.
3. All underground utilities shall be installed prior to permanent street paving.
4. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.
5. A Preliminary sewer design layout shall be prepared by the Developer's Engineer and submitted to the Department of Public Utilities for review and conceptual approvals prior to submittal or acceptance of the developers final map and engineered plan & profile improvement drawing for City review.
6. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed additions to the City Sewer System.
7. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies.
8. Installation of sewer house branch(s) shall be required.

9. Separate sewer house branches are required for each lot.

10. All sewer main easements shall be clear and unobstructed by buildings or other structures. No fencing or wall shall either enclose or be located above the sewer main. The planting plan, for any proposed landscape within the easement, shall be approved by the Department of Public Utilities. No Trees shall be located within 8 feet of the sewer main.

11. Street work permit is required for any work in the Right-of-Way.

12. Abandon any existing on-site private septic systems

#### Sanitary Sewer Fees

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

1. Sewer Lateral Charge.

2. Sewer Oversize Area #39.

3. Wastewater Facilities Charge (Residential Only)

4. Trunk Sewer Charge: Grantland

#### **DPU Solid Waste Management**

This review was performed by: Kevin Gray

Status: Reviewed with Conditions

#### General Requirements:

- Tract of Map #6234 will be serviced as Single Family Residential properties with Basic Container Service. Property owners will receive 3 containers to be used as follows: 1 Gray container for solid waste, 1 Green container for green waste and 1 Blue container for recyclable material.

#### **DPU Water Division**

This review was performed by: Robert Diaz

Status: Review Complete

1. Install a 16-inch transmission water main (including installation of City fire hydrants) in North Bryan Avenue from West Dakota Avenue south to West Dayton Avenue.

2. Install a 16-inch transmission water main (including installation of City fire hydrants) in West Dakota Avenue from North Bryan Avenue east to North Hayes Avenue.

3. Install a 16-inch transmission water main (including installation of City fire hydrants) in North Hayes Avenue from West Dakota Avenue north across the project frontage.

4. Water mains (including installation of City fire hydrants) shall be extended within the proposed tract to provide service to each lot.

5. Separate water services with meter boxes shall be provided to each lot.

6. Installation(s) of public fire hydrant(s) is/are required in accordance with City Standards.

7. 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.

8. Engineered improvement plans prepared by a Registered Civil Engineer are required for proposed additions to the City Water System.

9. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

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

**Fire Review**

This review was performed by: Byron Beagles  
 Status: Reviewed with Conditions

1. This is a 486 lot public street sub-division and is entirely within the service area of existing permanent Fire Station 16.
2. Provide public hydrants residential standards with two or more points of connection points of connection as determined by Public Utilities.
3. Interior streets sections are standard 50 ROW with 36 foot wide streets and standard curbs.
4. Fire hydrants shall be installed and approved prior to the delivery of combustible material to the job site.
5. All weather access shall be provided and maintained during all phases of construction.
6. Phasing is not proposed. If phasing is proposed in the future each phase must be provided with two points of access and at least two points of connection to public water infrastructure. Any proposed temporary second point of access for emergency vehicles only must be approved by the Fire Department.

**Fresno County Environmental Health**

This review was performed by:  
 Status: Reviewed with Conditions

Recommended Conditions of Approval:

- Construction permits for the proposed project should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Construction permits for the proposed project should be subject to assurance that the City of Fresno community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.
- The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the City of Fresno Municipal Code and the Fresno County Noise Ordinance.
- 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 Fresno County Hazmat Compliance Program 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.
- 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 Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

**Long Range Planning**

This review was performed by: Amber Piona  
Status: Review Complete

Property is located in an area with a draft specific plan in process. Please see [www.fresno.gov/westareaplan](http://www.fresno.gov/westareaplan) for more information.

Property is located on a planned trail; please refer to the ATP and Figure MT-2 in the Fresno General Plan.

**Public Works Engineering**

This review was performed by: Hilary Kimber  
Status: Reviewed with Conditions

The vesting Tentative Subdivision Tract Map No. 6234 submitted by Precision Engineering, Inc. date October 2, 2018 has discrepancies between the map and the cross section designs. The map shows a 15' LE on the south side of W. Dakota but the cross section shows a 5.5' parkstrip/6' sidewalk and .5' adjacent to the CMU Wall which is only 12'. Please add additional landscape area between the CMU Wall and the sidewalk for buffer planting.

The north side of W. Dakota states a 26' Trail but the cross section illustrates 5.5'/6'/.5'/15' which equals 27' total. Please reconcile.

N. Hayes has a 15' LE and the cross section shows 5.5'/6'/15'. Please reconcile

Outlot A is directly underneath the PG&E transmission line. No plant material taller than 10' may be installed in the easement.

Any LE 10' or greater will be eligible to be included in the CFD11. Public Works requires one street tree per 40' of linear frontage be installed. Please submit landscape and irrigation designs to the scale of 1"=20' prior to the installation of any landscaping within the right-of-way.



DATE: ~~November 1, 2019~~ **March 18, 2020 revision**

TO: Chris Lang  
Planning and Development Department

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

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

SUBJECT: Public Works Conditions of Approval  
**TT 6234 / P19-02236**  
**3525 North Hayes Avenue**  
Edward Fanucchi / Precision

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

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

1. **County:** Coordinate and comply with City and County Conditions of Approval. Identify city and county boundaries.
2. Provide a temporary turn around at lots **39** and **40** and at lots **402** and **403**.
3. **Class I Trail:** Identify a Bike and Pedestrian Trail and provide a cross section for the required Class I Trail within the **138'** PG& E Easement. Engineer to include proposed street crossings.
4. **Dakota Avenue:** Revise cross sections to comply with the OPL. Example: Bus bay at the northwest corner of Dakota and Hayes.
5. **Remove** the trail area from the street easement and designate as an outlot for the trail for Bike, Pedestrian and Landscape purposes.
6. **Dakota Avenue:** Dedicate all of Dakota to the OPL from Bryan to Hayes. Include the returns at the ultimate locations.
7. **Traffic Calming** is required for all streets greater than **800'** in length. Provide detail on the map. Identify an approved method at all locations. (Stop signs may apply at some locations)
8. Identify all easements on the map. Pedestrian Easements: Where local streets are constructed to **50'** right of way and have a driveway approach, identify a **1'** pedestrian easement.
9. Revise map to correctly identify existing and proposed improvements. Example: Northwest corner of Dakota/Hayes (PG&E tower orientation, trail and ramps do not match OPL, etc).
10. **Center line radii:** Identify center line for Lola on the map.

11. **Relinquish** direct vehicular access rights to :
  - a. the north property line of lot **64** and **212**.
  - b. the south property line of lot **63** and **211**.
  - c. the east property line of lot **5** and **290**.
  - d. the west property line of lot **4, 16, 289, 297** and **429**.
12. **Bryan Avenue:** Identify proposed dedication.
13. **Dayton Avenue:** Provide a cross section on the map.
14. **Dakota** adjacent to FMFCD: Construct full offsite improvements. Identify on the map.
15. **Dakota: APN's 512-141-09 and 512-141-12:** Resubmit the tentative map identifying the existing buildings. Identify proposed ingress and egress for review.

### **General Conditions:**

1. Street Dedications: Provide corner cut dedications at all intersections for accessibility ramps.
2. Outlots: If the subdivider seeks to dedicate to the City, in fee, an outlot for open space purposes, subdivider shall prove to the City that the outlot is free of toxic or hazardous materials pursuant to the requirements of City Administrative Order 8-1, including, but not limited to, performing a Phase I Soils Investigation. The soils Investigation report shall be submitted to the Public Works Department for review and approval. The subdivider must obtain Public Works approval of the soils investigation report and complete any mitigation work identified by the soils investigation prior to subdivider's submittal of the Final Map to the Public Works Department. Any and all costs associated of the soils investigation and any required mitigation work shall be performed at the sole expense of the subdivider.
3. The construction of any overhead, surface or sub-surface structures and appurtenances in the public right of way is prohibited unless an encroachment covenant is approved by the City of Fresno Public Works Department, Traffic and Engineering Services Division, (559) 621-8681. Encroachment permits must be approved prior to issuance of building permits.
4. Street widening and transitions shall also include utility relocations and necessary dedications.
5. Overhead Utilities: Underground all existing offsite overhead utilities with the limits of this map and for the work to be done in front of FMFCD property, in accordance with Fresno Municipal Code Section 15-4114.
6. Plan Submittal: Submit the following plans, as applicable, in a single package, to the Public Works Department for review and approval: Street: construction, signing, striping, traffic signal and streetlight and Trail: construction, grading, lighting, striping, signing, landscape and irrigation.
7. The first order of work shall include a minimum of two points of vehicular access to the major streets for any phase of this development.

### **Frontage Improvement Requirements:**

#### **Public Streets:**

##### Hayes Avenue: Collector

1. Dedication Requirements:
  - a. Dedicate **36'- 44'** of property, from section, for public street purposes, within the limits of this application, per Public Works Standard **P-54** and **P-69**.
  - b. Corner cuts:
    - i. Collector to Collector: Dedicate corner cuts for public street purposes based on a **30'** radius.

- ii. Local to Collector: Dedicate corner cuts for public street purposes based on a **20'** radius.
  - c. Relinquish direct access rights to Hayes Avenue from all lots within this subdivision.
2. Construction Requirements:
- a. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **12'** residential pattern. **5.5'** from face of curb to walk- **6'** sidewalk-.**5'** from back of walk to right of way.
  - b. Construct an **80'** bus bay curb and gutter at the southwest corner of Hayes and Dakota to Public Works Standard **P-73**, complete with a **12'** monolithic sidewalk.
  - c. Construct **20'** of permanent paving (measured from face of curb) within the limits of this subdivision.
  - d. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets. Street lights installed on major streets shall be fed from a service pedestal with a master photo control as detailed in Section **3-3.17** of the City Specifications and Standard Drawings **E-15**, **E-18** or as approved by the City Engineer.

Dakota Avenue: 2-lane Collector (both sides)

1. Dedication Requirements:
- a. Dedicate street right of way, for public street purposes, in accordance with Public Works Standards **P-54**, **P-69** and **Official Plan Line No. 146**. **Remove the trail area from the street easement and create an outlot** for the Trail ( Bike, Pedestrian and Landscape purposes only. (Additional right of way may be required for grading and drainage purposes.
  - b. Dedicate corner cuts at all:
    - i. Local to Collector intersections based on a **20'** radius.
    - ii. Collector to Collector intersections based on a **30'** radius.
  - c. Dedicate a **2'** pedestrian easement where the OPL shows a **10'** sidewalk pattern.
  - d. Relinquish direct access rights to Dakota Avenue from all lots within this subdivision.
2. Construction Requirements:
- a. South Side: Construct concrete curb and gutter to Public Works Standard **P-5** from **Hayes to Bryan**. The curb shall be constructed to a **10'-12'** residential pattern per the OPL.
  - b. South Side: Construct concrete sidewalk to Public Works Standard **P-5** **within the limits of this subdivision**. The sidewalk shall be constructed to a **12'** residential pattern. **5 ½' – 6'** sidewalk – **½'** from back of walk to easement per Public Works Standard **P-54**. **A 2' P.E. is required where the sidewalk pattern is 10'**.
  - c. North Side: Construct a **12'** wide Bike and Pedestrian **Class I Trail**, complete with lighting, signing, striping and landscaping, per the Fresno General Plan, the Public Works Standards **P-58**, **P-59**, **P-60**, **P-61** and the *Caltrans Highway Design Manual from Hayes to Bryan*. Identify route on the map complete with a cross section. Depending on the design, the construction of an expressway barrier fence may be required per the *Highway Design Manual* and Public Works Standards **P-74** and **P-75**.
  - d. Construct an **80'** bus bay curb and gutter to Public Works Standard **P-73**:
    - i. at the northwest corner of Dakota and Hayes, complete with a **10'** monolithic sidewalk.
    - ii. At the southeast corner of Dakota and Bryan.
  - e. Construct permanent paving from curb to curb from Bryan to Hayes.



- f. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets. Street lights installed on major streets shall be fed from a service pedestal with a master photo control as detailed in Section **3-3.17** of the City Specifications and Standard Drawings **E-15, E-18** or as approved by the City Engineer.
- g. South Side adjacent to **APNs 512-141-09** and **512-141-12**: Backing onto a major street is prohibited. Construct driveway approaches to Public Works Standards **P-2** and **P-6**. Additional information is required for review and approval.
- h. Construct standard curb ramps per Public Works Standards **P-30** and **P-32**, based on a **30'** radius on the north and south sides of Dakota/Hayes and Dakota/Bryan.

Bryan Avenue: 2-lane Collector

- 1. Dedication Requirements:
  - a. Dedicate **36'** of property, from section line, for public street purposes, within the limits of this application, per Public Works Standard **P-54**.
  - b. Dedicate a corner cut for public street purposes at the intersection of Bryan and Dayton based on a **20'** radius.
  - c. Relinquish direct access rights to Bryan Avenue from all lots within this subdivision.
- 2. Construction Requirements:
  - a. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **12'** residential pattern. Construct a **6'** residential sidewalk per Public Works Standard **P-54**.
  - b. Construct **20'** of permanent paving (measured from face of curb) within the limits of this subdivision.
  - c. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets. Street lights installed on major streets shall be fed from a service pedestal with a master photo control as detailed in Section **3-3.17** of the City Specifications and Standard Drawings **E-15, E-18** or as approved by the City Engineer.

Carnegie Avenue: 60' Local Collector (connector) both sides

- 1. Dedication Requirements:
  - a. Dedicate **30'** of property from each side of center line, for public street purposes, within the limits of this application, per Public Works Standard **P-56**.
  - b. Dedicate corner cuts for public street purposes at all intersections.
- 2. Construction Requirements:
  - a. Construct **18'** of permanent paving (each side) per Public Works Standard **P-50**, within the limits of this application and transition paving as necessary.
  - b. Construct a standard curb ramps per Public Works Standard **P-28**, per Public Works Standards.
  - c. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **12'** residential pattern. (**7.5' – 4' sidewalk - 0.5'**) Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, Section **26-2.11(C)**.

- d. Construct an underground street lighting system to Public Works Standard **E-2** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-9** for Locals.
- e. Construct driveway approaches to Public Works Standards **P-1** and **P-6**.

Dayton Avenue: 56' Local Collector (connector)

1. Dedication Requirements:

a. North side:

- i. Dedicate **28'** of property, for public street purposes, within the limits of this application, per Public Works Standard **P-56**.
- ii. Dedicate corner cuts for public street purposes at all intersections.

b. South side:

- i. Dedicate **12'** of property, for public street purposes, within the limits of this application, per Public Works Standard **P-56**.

2. Construction Requirements:

a. North side:

- i. Construct **18'** of permanent paving per Public Works Standard **P-50**, within the limits of this application and transition paving as necessary.
- ii. Construct a standard curb ramps per Public Works Standard **P-28**, per Public Works Standards.
- iii. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **10'** residential pattern. (**5.5' – 4' sidewalk - 0.5'**) Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, Section **26-2.11(C)**.
- iv. Construct an underground street lighting system to Public Works Standard **E-2** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-9** for Locals.
- v. Construct driveway approaches to Public Works Standards **P-1** and **P-6**. Construct a concrete pedestrian walkway behind all driveway approaches.

b. South side:

- i. Construct **11.5'** of permanent paving with a **.5'** asphalt concrete dike, per Public Works Standard **P-50**, within the limits of this application and transition paving as necessary.

Class I Trail along the PG&E easement alignment:

- 1. Outlots A, B, C and D to be dedicated to the City "in fee" for Bike, Pedestrian and Landscape purposes.
- 2. Construct a **12'** wide Bike and Pedestrian Class I Trail, complete with lighting, signing, striping and landscaping, per the Fresno General Plan, the Public Works Standards **P-58**, **P-60**, **P-61** and the *Caltrans Highway Design Manual*. Identify route on the site plan complete with a cross section. Depending on the design, the construction of an expressway barrier fence may be required per the *Highway Design Manual* and Public Works Standards **P-74** and **P-75**.
- 3. Design and submit the proposed trail crossings for review. Construct as approved in accordance with City and State standards.

**Interior Streets:**

- 1. Dedicate, design and construct all curb, gutter, sidewalk, (both sides), permanent paving, cul-de-sacs, easements and underground street lighting systems on all interior local streets to Public

- Works Standard **P-56**. All driveways shall be constructed to Public Works Standards **P-4** and **P-6**. Pedestrian easements are required behind driveways with sidewalk patterns less than **10'**.
2. All streets and pedestrian ways shall connect to other streets and pedestrian ways to form a continuous vehicular and pedestrian network with connections within the subdivision and to adjacent development. Pedestrian paths of travel must meet current accessibility regulations. Identify ramps within the proposed subdivision wherever sidewalks are provided.
  3. Garages: Garage or carport setbacks shall be a minimum of 18' from the back of walk or curb, whichever is greater.
  4. Provide a **10'** visibility triangle at all driveways.
  5. Design local streets with a minimum of **250'** radius.
  6. Dead-end Streets: Any temporary dead-end streets created by this subdivision shall be properly barricaded in accordance with the Public Works Standard **P-100**.

**Specific Mitigation Requirements:** Comply with the mitigation measure requirements of the Traffic Engineering Manager in the attached letter dated **10-18-19**.

**Traffic Signal Mitigation Impact (TSMI) Fee:** This project shall pay the current Traffic Signal Mitigation Impact Fee (TSMI Fee) at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual for single family units (fee rate as shown in the Master Fee Schedule). In some cases, traffic signals may be conditioned on multiple maps. If the signal is existing at the time of the final map, the applicant would be not be required to construct the signal but would be required to pay the applicable fee.

TSMI fee is credited against traffic signal and Intelligent Transportation System (ITS) improvements, provided that the improvements are; constructed at ultimate locations, contained within the build out of the General Plan circulation element and are included in the latest Nexus Analysis for TSMI fee. Project specific impacts that are not consistent with the *General Plan, Public Works Standard Drawings* or not incorporated in the TSMI fee infrastructure costs, are not reimbursable Failure to pay this fee or construct improvements that are credited / reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence. If the applicant is conditioned with improvements that are credited / reimbursable with this fee, they should work with the Department of Public Works and identify, with a Professional Engineer's estimate, the costs associated with the improvements, prior to paying the TSMI fee at time of building permit.

1. Install a signal pole with a **150-watt** equivalent LED safety light and an oversize street sign to Public Works Standards at the following locations:
  - a. The southeast corner of Dakota Avenue and Hayes Avenue.
  - b. The northeast corner of Hayes Avenue and Dakota Avenue:
2. The following intersections shall be signalized to the City of Fresno Standards, complete with left turn phasing, actuation and signal pre-emption. This work is eligible for reimbursement and/or credit against Traffic Signal Mitigation Impact Fees. The applicant shall design the traffic signal and obtain City approval of the plans **prior** to occupancy of the first dwelling unit. The traffic signal installation shall be limited to the following equipment: poles, safety lights, oversize street name sign, conduits, detectors, service pedestal connected to a PG&E point of service, controller cabinet, ITS vault, ITS communication cabinet and all pull boxes, with the following equipment to be delivered to the City of Fresno's Traffic Signal shop for future installation when warrants are met: 2070L controller, mast arms, heads, Opticom discriminator and receivers:
  - a. Hayes and Ashlan
  - b. Hayes and Dakota
  - c. Hayes and Shields

- d. Bryan and Ashlan
- e. Polk and Dakota
- f. Polk and Shields

**Fresno Major Street Impact (FMSI) Fee:** This Map is in the **New Growth Area**; therefore pay all applicable growth area fees and City-wide regional street impact fees.

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

Hayes: Collector (Growth Area Street)

1. Dedicate and construct **(2) travel lanes, (2) 5' shoulders** and a **12'** center two-way left turn lane within the limits of this subdivision and continue to Ashlan. Stripe 200' left turn pockets at all major intersections. An additional 12' of paving shall be required to accommodate the **250'** left turn pockets. If not existing, an additional **8'** dedication is required beyond the edge of pavement. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45 MPH** design speed.

Dakota Avenue: Collector (Growth Area Street)

1. Dedicate and construct the paving from curb to curb from Hayes to Bryan. Stripe **200'** left turn pockets at all major intersections. If not existing, an additional 8' dedication is required beyond the edge of pavement. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45 MPH** design speed.

Bryan Avenue: Collector (Growth Area Street)

1. Dedicate and construct (2) travel lanes, (2) 5' shoulders and a 12' center two-way left turn lane within the limits of this subdivision. If not existing, an additional **8'** dedication is required beyond the edge of pavement. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45 MPH** design speed.

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

City Hall  
2600 Fresno Street, 4<sup>th</sup> Floor  
Fresno, California 93721  
Ph. (559) 621-8800  
www.fresno.gov

Scott L. Mozier, P.E.  
Public Works Director

June 3, 2020

Will Tackett, Supervising Planner  
Planning and Development Department  
2600 Fresno Street, 3<sup>rd</sup> Floor  
Fresno, CA 93721

SUBJECT: **REVISED CONDITIONS** - REVIEW OF THE TRAFFIC IMPACT ANALYSIS (TIA) AND TRAFFIC IMPACT ANALYSIS ADDENDUM DATED SEPTEMBER 9, 2019 AND THE ADDENDUM LETTER DATED OCTOBER 28, 2019 FOR THE PROPOSED SINGLE FAMILY RESIDENTIAL DEVELOPMENT LOCATED ALONG THE WEST SIDE OF HAYES AVENUE NORTH AND SOUTH OF DAKOTA AVENUE  
TIS 19-023, P19-02236, TRACT 6234

## **PROJECT OVERVIEW**

Traffic Operations and Planning staff has reviewed the Traffic Impact Analysis (TIA) prepared by JLB Traffic Engineering, Inc. for the proposed single family residential development, "project", which plans to develop 477 single-family dwelling units along the west side of Hayes Avenue, north and south of Dakota Avenue. The approximately 88.1 acres site is currently vacant. The project is proposing to amend the General Plan to allow the entire 88.1 acres sites to be developed with the Medium Density Residential (5.0-12.0 du/acre) land use. The following uses and acreage are currently designated on the project site:

- Low Density Residential (1.0-3.5 du/acre) - ±1.06 acres
- Medium Density Residential (5.0-12.0 du/acre) – ± 54.77 acres
- Medium-High Density Residential (12.0-16.0 du/acre) – ±9.76 acres
- Urban Neighborhood Residential (16.0-30.0 du/acre) - ±17.26
- Open Space (Neighborhood Park) – ±5.25 acres

The TIA evaluated the impacts of the project by analyzing 25 intersections and two (2) roadway segments in the vicinity of the project during the AM and PM peak hours. Vehicle trips projected to be generated by the project were calculated using the ITE Trip Generation Manual, 10<sup>th</sup> Edition. The table below includes the daily (ADT), AM and PM peak hour trips projected to be generated by the current General Plan use and the proposed project as shown in the TIA.

Based on the analyses included in the TIA, the intersection of Bryan Avenue at Ashlan Avenue is currently operating below the adopted TIZ III level of service (LOS) standard of LOS D in the AM peak hour. The remaining study intersections are currently operating at or above the adopted TIZ III LOS D standard during both the AM and PM peak hours.

Land Use	Size	ADT	Weekday					
			AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Existing General Plan Designations								
Single Family Detached Housing (ITE Code 210)	330 DU	3,115	61	183	244	206	121	327
Multifamily Housing (ITE Code 221)	496 DU	3,631	52	176	228	175	103	278
<b>Total</b>		<b>6,746</b>	<b>113</b>	<b>359</b>	<b>472</b>	<b>381</b>	<b>224</b>	<b>605</b>
Proposed General Plan Designations								
Single Family Detached Housing (ITE Code 210)	477 DU	4,502	89	265	353	297	175	472
<b>Difference</b>		<b>-2,244</b>	<b>-25</b>	<b>-94</b>	<b>-119</b>	<b>-84</b>	<b>-49</b>	<b>-133</b>

*DU = dwelling units*

With the addition of trips generated by the proposed project, the intersections of Bryan Avenue at Ashlan Avenue and Polk Avenue at Dakota Avenue and are projected to operate below the TIZ LOS D standard in the AM peak hour. The remaining study intersections are projected to operate at or above the TIZ III LOS D standard with the addition of the project.

The analyses included in the TIA showed the following intersections are projected to operate below the TIZ III LOS D standard in the Near Term Without Project scenario:

- Bryan Avenue at Shaw Avenue
- Hayes Avenue at Shaw Avenue
- Bryan Avenue at Ashlan Avenue
- Hayes Avenue at Ashlan Avenue
- Polk Avenue at Ashlan Avenue
- Polk Avenue at Dakota Avenue
- Polk Avenue at Shaw Avenue

With the addition of the project to the Near Term Without Project scenario volumes, in addition to the intersections shown above the TIA showed the intersections of Hayes Avenue at Dakota Avenue and Hayes Avenue at Shields Avenue are projected to operate below the TIZ III LOS D standard in the Near Term Plus Project scenario.

The analysis in the TIA showed the following study intersections are projected to operate below the TIZ III LOS D standard in the Cumulative Year 2035 No Project scenario:

- Bryan Avenue at Shaw Avenue
- Hayes Avenue at Shaw Avenue
- Bryan Avenue at Gettysburg Avenue
- Bryan Avenue at Ashlan Avenue
- Hayes Avenue at Ashlan Avenue
- Polk Avenue at Ashlan Avenue
- Hayes Avenue at Dakota Avenue
- Polk Avenue at Dakota Avenue

- Bryan Avenue at Shields Avenue
- Hayes Avenue at Shields Avenue
- Polk Avenue at Shields Avenue
- Hayes Avenue at Clinton Avenue
- Polk Avenue at Clinton Avenue
- Hayes Avenue at McKinley Avenue
- Hayes Avenue at Belmont Avenue
- Polk Avenue at Shaw Avenue
- State Route (SR) 99 southbound (SB) ramps at Shaw Avenue
- SR 99 northbound (NB )ramps at Shaw Avenue
- SR 99 NB off-ramp at Ashlan Avenue

With the addition of the project trips to the Cumulative Year 2035 No Project scenario volumes, in addition to the intersections shown above the TIA showed the intersection of Hayes Avenue at Gettysburg Avenue is projected to operate below the TIZ III LOS D standard in the Cumulative Year 2035 Plus Project scenario

In addition to operational analyses, the TIA also reviewed collisions and prepared traffic signal warrants at the study locations. Based on the TIA, the intersection of Hayes Avenue at Shaw Avenue currently satisfies both Traffic Signal Warrant 1 – Eight Hour Volumes and Traffic Signal Warrant 2 – Four Hour Vehicular Volumes as defined in the California Manual of Uniform Traffic Control Devices (MUTCD). The intersection of Polk Avenue at Ashlan Avenue currently satisfies Traffic Signal Warrant 2 – Four Hour Vehicular Volumes.

The following intersections are projected to satisfy Traffic Signal Warrant 3 – Peak Hour Vehicular Volumes beginning in the identified scenarios. The warrants would be met in all subsequent scenarios.

- Bryan Avenue at Shaw Avenue – Near Term Without Project
- Hayes Avenue at Shaw Avenue – Existing Plus Project
- Bryan Avenue at Gettysburg Avenue – Cumulative Year 2035 No Project
- Hayes Avenue at Gettysburg Avenue – Cumulative Year 2035 No Project
- Bryan Avenue at Ashlan Avenue – Existing Plus Project
- Hayes Avenue at Ashlan Avenue – Existing Plus Project
- Polk Avenue at Ashlan Avenue – Existing Plus Project
- Bryan Avenue at Dakota Avenue – Cumulative Year 2035 Plus Project
- Hayes Avenue at Dakota Avenue – Cumulative Year 2035 No Project
- Polk Avenue at Dakota Avenue – Existing Plus Project
- Bryan Avenue at Shields Avenue – Cumulative Year 2035 No Project
- Hayes Avenue at Shields Avenue – Near Term Plus Project
- Polk Avenue at Shields Avenue – Existing Plus Project
- Hayes Avenue at Clinton Avenue – Cumulative Year 2035 Plus Project
- Polk Avenue at Clinton Avenue – Cumulative Year 2035 No Project
- Hayes Avenue at McKinley Avenue – Cumulative Year 2035 No Project
- Hayes Avenue at Olive Avenue – Cumulative Year 2035 No Project
- Hayes Avenue at Belmont Avenue – Cumulative Year 2035 No Project

## GENERAL COMMENTS and CONDITIONS

1. Traffic counts used in the analysis were collected between April 2018 and May 2019. Count data collected in 2018 may not be reflective of the growth activity in the area. Therefore, conditions for this project were determined using the operational analysis prepared for the Existing and Near Term scenarios as well as considering the collision and traffic signal warrant analyses.
2. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee per the Master Fee Schedule at the time of building permit.

The TSMI fee facilitates project impact mitigation to the City of Fresno Traffic Signal infrastructure so that costs are applied to each new project/building based on the generated ADT. The TSMI fee is credited against traffic signal installation/modifications and/or Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) that plan to build out the General Plan circulation element and are included in the Nexus Study for the TSMI fee. If the project is conditioned with traffic signal improvements in excess of their TSMI fee amount, the applicant may apply for fee credits (security/bonding and/or developer agreement required) and/or reimbursement for work in excess of their fee as long as the infrastructure is in place at the ultimate location. The applicant should work with the Public Works Department and identify, with a Professional Engineers estimate, the costs associated with the improvements prior to paying the TSMI fee to determine any applicable fee credits and/or reimbursements.

For project specific impacts that are not consistent with the General Plan, Public Works Standards, and/or are not incorporated into the TSMI fees, the infrastructure costs will not be eligible. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence.

Improvements at the following study intersections are included in the TSMI fee program:

- Bryan Avenue at Shaw Avenue
- Hayes Avenue at Shaw Avenue
- Bryan Avenue at Gettysburg Avenue
- Hayes Avenue at Gettysburg Avenue
- Bryan Avenue at Ashlan Avenue
- Hayes Avenue at Ashlan Avenue
- Polk Avenue at Ashlan Avenue
- Bryan Avenue at Dakota Avenue
- Hayes Avenue at Dakota Avenue
- Polk Avenue at Dakota Avenue
- Bryan Avenue at Shields Avenue
- Hayes Avenue at Shields Avenue
- Polk Avenue at Shields Avenue
- Hayes Avenue at Clinton Avenue
- Polk Avenue at Clinton Avenue



- Hayes Avenue at McKinley Avenue
  - Hayes Avenue at Olive Avenue
  - Hayes Avenue at Belmont Avenue
  - Herndon Avenue at SR 99 NB off-ramp
  - Polk Avenue at Shaw Avenue
  - SR 99 SB ramps at Shaw Avenue
  - SR 99 NB ramps at Shaw Avenue
  - SR 99 SB off-ramp at Ashlan Avenue
3. This project shall pay its Fresno Major Street Impact (FMSI) Fee, which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee.
  4. The project shall pay the 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, based on vesting rights, prior to issuance of building permits.
  5. The proposed project shall pay the \$288 Traffic Impact Study review fee for review of the document. Proof of payment shall be provided to the Traffic Operations and Planning Division.
  6. The condition the project install a traffic signal with protected left-turn phasing per City of Fresno standards at the intersection of Bryan Avenue and Ashlan Avenue prior to the occupancy of 200 homes **has been removed**.
  7. The condition the project install a traffic signal with protected left-turn phasing per City of Fresno standards at the intersection of Hayes Avenue and Ashlan Avenue prior to the occupancy of 100 homes **has been removed**.
  8. The proposed project shall install a traffic signal with protected left-turn phasing per City of Fresno standards at the intersection of Hayes Avenue and Dakota Avenue prior to the occupancy of 300 homes. The traffic signal shall be installed at the ultimate and may require the acquisition of right-of-way.
  9. The proposed project shall install a traffic signal with protected left-turn phasing per City of Fresno standards at the intersection of Polk Avenue and Dakota Avenue prior to the occupancy of 200 homes. The traffic signal shall be installed at the ultimate and may require the acquisition of right-of-way.
  10. The proposed project shall install a traffic signal with protected left-turn phasing per City of Fresno standards at the intersection of Hayes Avenue and Shields Avenue prior to the occupancy of 100 homes. The traffic signal shall be installed at the ultimate and may require the acquisition of right-of-way.
  11. The proposed project shall install a traffic signal with protected left-turn phasing per City of Fresno standards at the intersection of Polk Avenue and Shields Avenue prior to the occupancy of 400 homes. The traffic signal shall be installed at the ultimate and may require the acquisition of right-of-way.

12. The proposed project shall pay its fair share for cumulative impacts at the intersection of SR 99 NB off-ramp at Ashlan Avenue. The identified mitigations are not included in current fee programs. Cost estimates for the proposed improvements shall be provided to the Traffic Operations and Planning Division for review and approval. The project's fair share shall be calculated using the following equation:

$$\text{Project Fair Share} = ((2035 \text{ Project Only Trips}) / (\text{Cumulative Year 2035} + \text{Project Traffic Volumes} - \text{Existing Traffic Volumes})) * 100$$

13. The proposed project shall construct a safe route to school asphalt path, four feet in width, along the west side of Hayes Avenue from the northern project boundary to Ashlan Avenue prior to occupancy of any dwelling unit.
14. The proposed project shall construct a safe route to school asphalt path, four feet in width, along the east side of Bryan Avenue from the **Dakota Avenue to Ashlan Avenue** prior to occupancy of any dwelling unit south of Dakota Avenue.
15. The proposed project shall construct a safe route to school asphalt path, four feet in width, along the east side of Bryan Avenue from the southern project boundary, **Dayton Avenue, to Dakota Avenue prior to occupancy of any dwelling unit south of Garland Avenue, west of Carnegie Avenue/the north-south roadway connecting Dakota Avenue at Dayton Avenue.**
16. The proposed project shall make necessary improvements and right-of-way and public easement dedications along adjacent public street(s) and within the site boundaries per City of Fresno standards/requirements.
17. The proposed site plan shall be reviewed and approved by the City of Fresno Traffic Operations and Planning Division, Traffic Planning Section.

If you have any further questions regarding this matter, please contact me at (559) 621-8792 or [jill.gormley@fresno.gov](mailto:jill.gormley@fresno.gov) .

Sincerely,

Jill Gormley, TE  
City Traffic Engineer / Traffic Operations & Planning Manager  
Public Works Department, Traffic Operations & Planning Services

C: Copy filed with Traffic Impact Study  
Louise Gilio, Traffic Planning Supervisor  
Harman Dhaliwal, PE  
Andrew Benelli, Assistant Director  
Francisco Magos, Engineering Services Manager  
Jason Camit, Chief Surveyor  
Brian Spaunhurst, Senior Planner , Fresno County



**DATE:** September 30, 2019

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

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

**SUBJECT:** PUBLIC WORKS CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT  
MAP NO. 6234 REGARDING MAINTENANCE REQUIREMENTS (P19-02236)

**LOCATION:** 3525 North Hayes Avenue  
**APN/ACREAGE:** 512-050-09

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

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

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

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

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

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

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

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

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

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

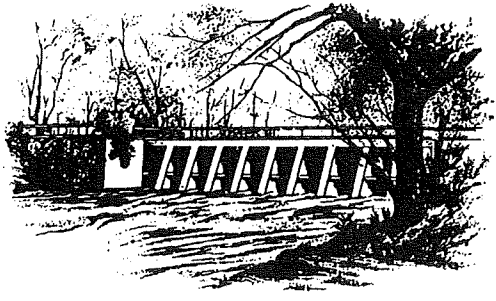
The following public improvements (Existing and Proposed) are eligible for Services by CFD No. 11 as associated with this development:

- All landscaped areas, trees and irrigation systems, as approved by the Public Works Department, within the street rights-of-way and landscape easements; including without limitation, the median island (1/2, if fronting only one side of median), parkways, buffers, street entry medians and sides (**10' wide minimum landscaped areas allowed**) in **all Local and Major Streets**.
- All landscaping, trees, irrigation systems, hardscaping and amenities within Outlots, open spaces and trails.
- Concrete curb and gutters, valley gutters, sidewalks, curb ramps, traffic calming structures, median island concrete maintenance band and cap (1/2, if fronting only one side of median), and street lights in **all Major Streets**.
- Concrete curb and gutters, valley gutters, sidewalks, curb ramps, traffic calming structures, and street entry and interior median island curbing and hardscape, street paving, street name signage and street lights in **all Local Streets**.

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

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

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



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF  
**FRESNO**  
**IRRIGATION DISTRICT**

TELEPHONE (559) 233-7161  
FAX (559) 233-8227  
2907 S. MAPLE AVENUE  
FRESNO, CALIFORNIA 93725-2208

October 15, 2019

Chris Lang  
Development & Resource Management  
City of Fresno  
2600 Fresno Street, Third Floor  
Fresno, CA 93721

RE: Tentative Tract Map No. 6234, Accela Planning Application No. P19-02236  
S/E Ashlan and Bryan Avenues  
FID's Teague School No. 46

Dear Mr. Lang:

The Fresno Irrigation District (FID) has reviewed Tentative Tract Map No. 6234, Accela Planning Application No. P19-02236 proposing to subdivide the property into 486 lot single family residential development, APN:512-050-08, 09, APN: 512-141-13, 15, 19, 44. FID has the following comments:

1. FID does not own, operate or maintain any facility located on the subject property as shown on the attached FID exhibit map.
2. For informational purposes, FID's Teague School No. 46 runs southerly, crosses Ashlan Avenue approximately 2,200 feet northeast of the subject property, crosses and crosses Dakota Avenue approximately 900 feet east of the subject property, as shown on the FID exhibit map. Should this project include any street and/or utility improvements along Ashlan Avenue, Dakota Avenue, or in the vicinity of this pipeline, FID requires it review and approve all plans.
3. For informational purposes, a privately owned pipeline known as Gopher Hole No. 481 runs southerly, crosses Ashlan Avenue approximately 700 feet north of the subject property, crosses Hayes Avenue approximately 100 feet northeast of the subject property, traverses the northern portion of the subject property, and crosses Bryan Avenue approximately 1,200 feet west of the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain

G:\Agencies\FresnoCity\Tract Map\TM 6234, P19-02236.doc

BOARD OF DIRECTORS President RYAN JACOBSEN, Vice-President JERRY PRIETO, JR.  
CHRISTOPHER WOLF, GEORGE PORTER, GREGORY BEBERIAN, General Manager BILL STRETCH

this private facility. FID's records indicate that this line is active and will need to be treated as such. FID can supply a list of known users to the City upon request.

4. For informational purposes, a privately owned pipeline known as Teague School No. 46 runs westerly along the south side of Dakota Avenue, crosses Hayes Avenue approximately 60 feet west of the subject property, and traverses the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain this private facility. FID's records indicate that this line is active and will need to be treated as such. FID can supply a list of known users to the City upon request.
5. For informational purposes, a privately owned pipeline known as Wheaton No. 518 crosses Bryan Avenue approximately 3,100 feet northwest of the subject property, crosses Grantland Avenue approximately 4,000 feet northwest of the subject property, and continues southerly along the west side of Grantland Avenue, as shown on the attached FID exhibit map. FID's records indicate that this line is active and will need to be treated as such. FID can supply a list of known users to the city upon request.

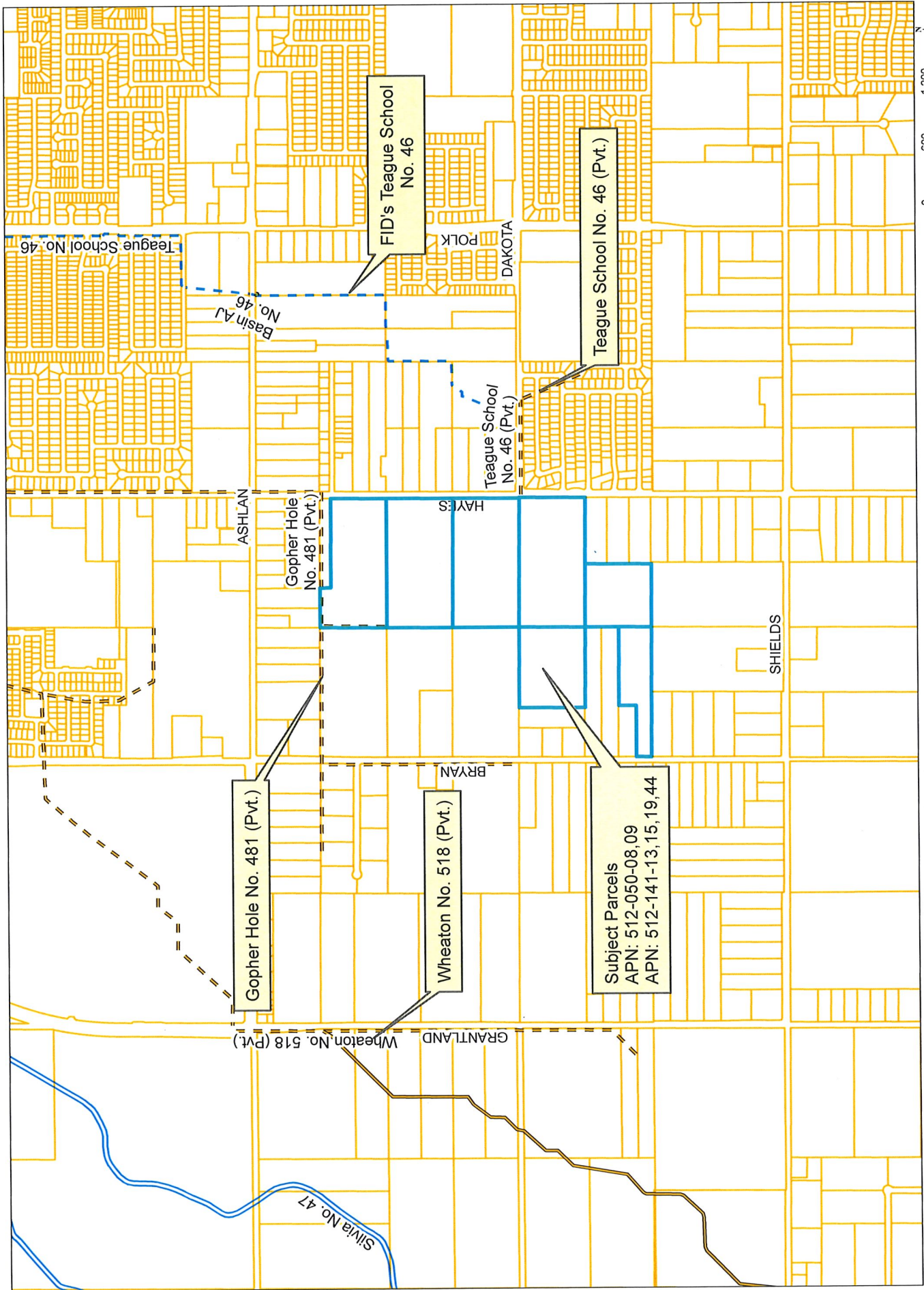
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or [jlandrith@fresnoirrigation.com](mailto:jlandrith@fresnoirrigation.com).

Sincerely,




Laurence Kimura, P.E.  
Chief Engineer

Attachment



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



**Legend**

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

0 600 1,200 Feet  
1 inch = 1,250 feet

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

File No. 210.45

Page 1 of 5

**PUBLIC AGENCY**

CHRIS LANG  
DEVELOPMENT SERVICES/PLANNING  
CITY OF FRESNO  
2600 FRESNO STREET, THIRD FLOOR  
FRESNO, CA 93721

**DEVELOPER**

EDWARD FANUCCHI  
7069 N. VAN NESS AVE.  
FRESNO, CA 93711

PROJECT NO: 6234

ADDRESS: 3665 N. HAYES AVE.

APN: 512-050-08, 512-141-19, 512-050-09, 512-141-15, 13, 512-141-44

SENT:

11/14/19

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)
CH	\$419,714.00	NOR Review	\$3,824.00 To be paid prior to release of District comments to Public Agency and Developer.
EO	\$564,990.00	Grading Plan Review	\$10,670.00 Amount to be submitted with first grading plan submittal.
		Storm Drain Plan Review	For amount of fee, refer to www.fresnofloodcontrol.org for form to fill out and submit with first storm drain plan submittal (blank copy attached).
<b>Total Drainage Fee: \$984,704.00</b>		<b>Total Service Charge: \$14,494.00</b>	

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/29/20 based on the site plan submitted to the District on 9/24/19 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

Considerations which may affect the fee obligation(s) or the timing or form of fee payment:

- a.) Fees related to undeveloped or phased portions of the project may be deferrable.
- b.) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.
- c.) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d.) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.
- e.) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.
- f.) Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the General Manager of the District within 60 days from payment of the fee. A non refundable \$300 Administration fee or 5% of the refund whichever is less will be retained without fee credit.

**FR TRACT No. 6234**



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 2 of 5

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 MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER.
  - None required.
  
3. The following final improvement plans and information shall be submitted to the District for review prior to final development approval:
  - Grading Plan
  - Street Plan
  - Storm Drain Plan
  - Water & Sewer Plan
  - Final Map
  - Drainage Report (to be submitted with tentative map)
  - Other
  - None Required
  
4. Availability of drainage facilities:
  - a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).
  - b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
  - c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.
  - d. See Exhibit No. 2.
  
5. The proposed development:
  - Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)
  - Does not appear to be located within a flood prone area.

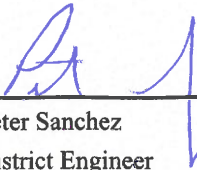
FR TRACT No. 6234


FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 3 of 5

FR  
TRACT  
No. 6234

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.
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.

  
Peter Sanchez  
District Engineer

  
Rick Lyons  
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 4 of 5

CC:

JARED LINNEY, PRECISION CIVIL ENGINEERING, INC.

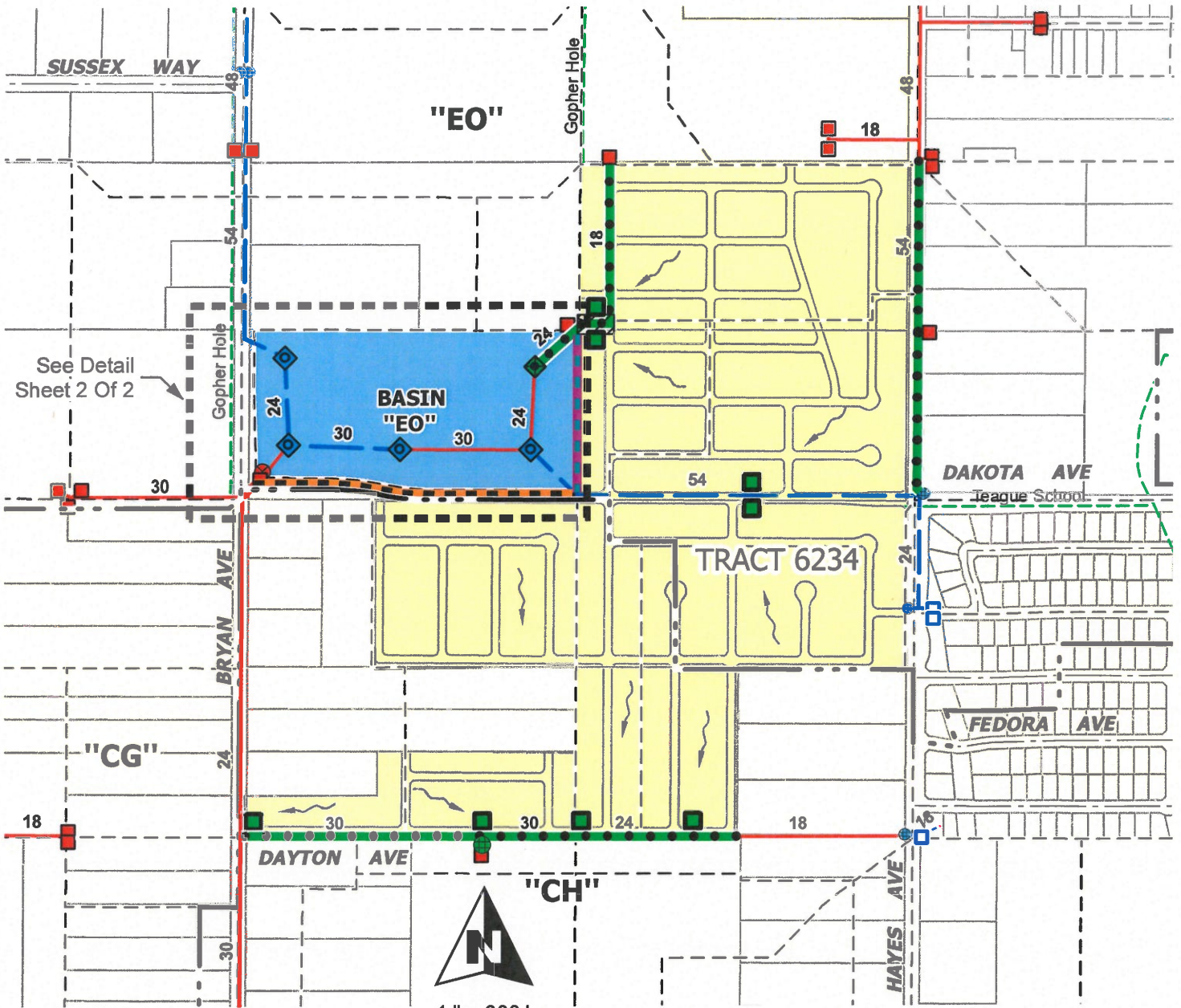
1234 O STREET

FRESNO, CA 93721

**FR TRACT No. 6234**



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



**LEGEND**

- Creditable Facilities (Master Plan Facilities To Be Constructed By Developer) - Pipeline (Size Shown), Outfall & Inlets
- Temporary Inlet To Be Constructed By Developer - Not Eligible For Fee Credit
- Existing Master Plan Facilities
- Future Master Plan Facilities
- Creditable Facilities (To Be Constructed By Developer) - Curb, Gutter, Sidewalk, Mowstrip, And 15' Wide Section Of Pavement
- Creditable Facilities (To Be Constructed By Developer) - Mowstrip
- Existing FID Facilities
- Inlet Boundary
- Drainage Area Boundary
- Direction Of Drainage
- Minimum 15' Wide Storm Drain Easement To Be Dedicated To District By Developer

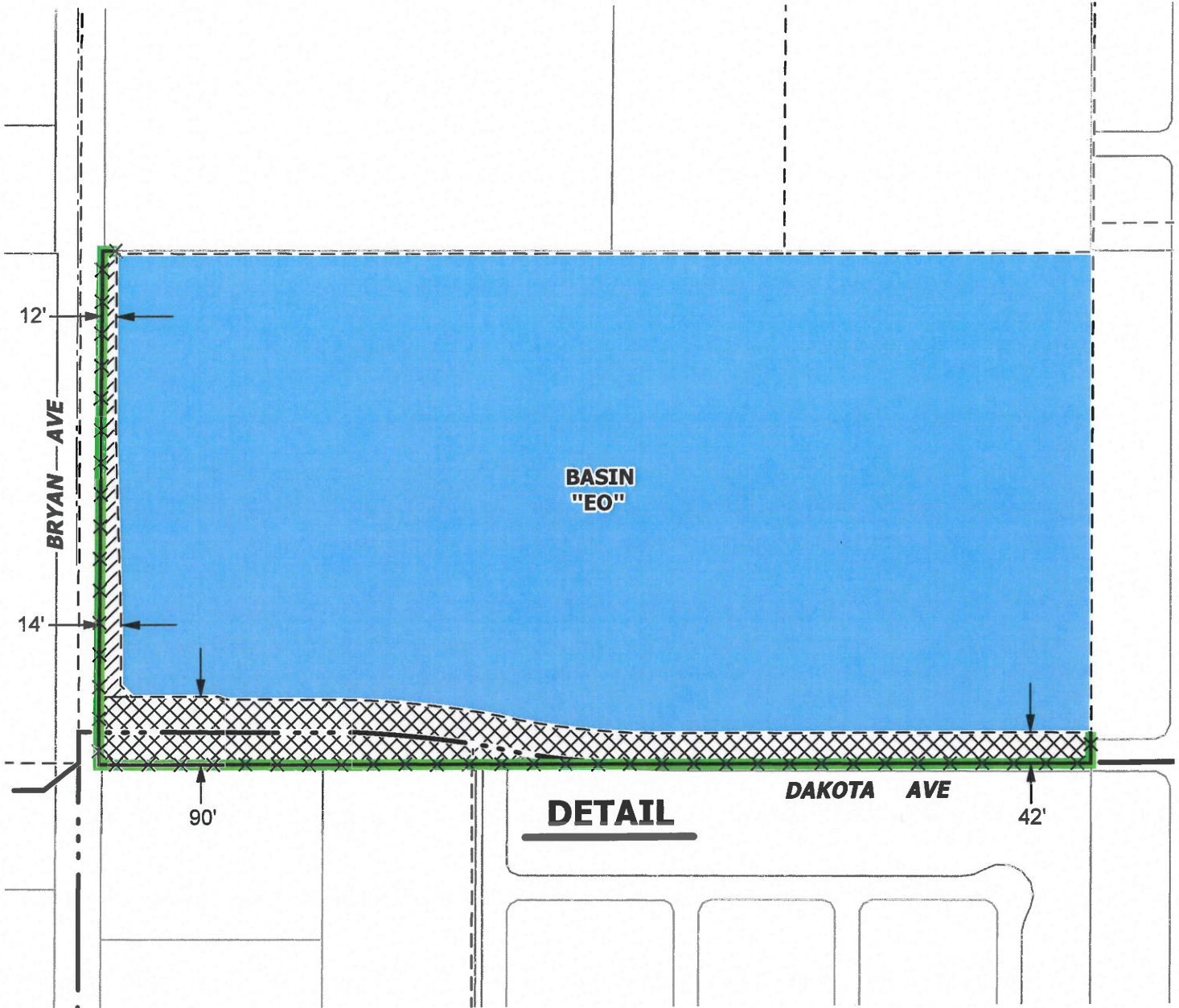
**TRACT 6234**  
**DRAINAGE AREAS "CH" & "EO"**

**EXHIBIT NO. 1**  
**Sheet 1 Of 2**




**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**



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



**LEGEND**

-  Portion Of Existing District Basin "EO" Fence To Be Relocated By The City Of Fresno Or Developer At City Of Fresno Or Developer Expense
-  Area Of Existing District Basin "EO" To Be Dedicated To The City Of Fresno Upon Completion Of Fence Relocation
-  Area Of Existing District Basin "EO" To Be Purchased By The City Of Fresno Or Developer And Dedicated For Street Purposes



1" = 200'

**TRACT 6234**

**DRAINAGE AREAS "CH" & "EO"**

**EXHIBIT NO. 1  
Sheet 2 Of 2**



**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**

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

The cost of construction of Master Plan facilities, excluding dedication of storm drainage easements, is eligible for credit against the drainage fee of the drainage area served by the facilities. A Development Agreement shall be executed with the District to effect such credit. Reimbursement provisions, in accordance with the Drainage Fee Ordinance, will be included to the extent that developer's Master Plan costs for an individual drainage area exceed the fee of said area. Should the facilities cost for such individual area total less than the fee of said area, the difference shall be paid upon demand to the City/County or District.

The construction of the Master Plan facilities identified on Exhibit No. 1 will provide permanent drainage service to the portion of Tract 6234 located in Drainage Area "EO". Permanent drainage service will not be available for the portion of Tract 6234 located in Drainage Area "CH". The District recommends temporary facilities until permanent service is available.

District has attempted to show Master Plan inlet boundaries to fit developer's proposed street layout. The developer shall provide calculations to identify any resulting storm drain pipe size revisions necessary. Any increases in storm drain pipe size resulting from the developer's modification of the inlet boundaries are not eligible for fee credit.

Tract 6234 is located in Drainage Areas "CH" and "EO". The site shall be graded so that the drainage boundary areas are consistent with the Master Plan drainage boundary areas as shown on Exhibit No. 1.

No surface run-off shall be directed towards the District basin. The District requests that the grading Engineer contact the District as early as possible to review the proposed site grading for verification and acceptance of grades at our mutual property line prior to preparing a grading plan.

The District recommends a single fence between the site and the District's basin. The developer should contact the District so that alternatives to a dual fence can be reviewed. If a fence other than the existing chain link fence is proposed, District review and approval of the proposed fence is required.

Development No. Tract 6234

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

A minimum fifteen-foot (15') wide storm drain easement will be required whenever storm drain facilities are located on private property. No encroachments into the easement will be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

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

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

As stated in the attached EIR letter, dated March 15, 2010 and as shown on Exhibit No.1, the City of Fresno or developer will be required to purchase, from the District, the area of District's Basin "EO" that will be required for the Dakota Avenue right of way. The City of Fresno or developer will also be responsible for the cost to relocate the existing basin fencing along Dakota and Bryan Avenues. Lastly, if the City of Fresno requires landscaping along the frontage of District's Basin "EO", District will require the City to enter into an agreement with the District to pay for, and maintain, all landscape adjacent to the basin.





**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**

File 210.419  
320.10 "EO"

March 15, 2010

Ms. Ann Lillie  
Senior Engineering Technician  
City of Fresno, Public Works Department/Traffic Engineering  
2600 Fresno Street, 4<sup>th</sup> Floor  
Fresno, CA 93721-3615

Dear Ms. Lillie,

**Proposed Official Plan Line for West Dakota Avenue  
between North Grantland and Hayes Avenues  
Bryan Avenue Right-of-Way north of Dakota**

The District owns the 19.6 acre parcel identified as Basin "EO", located at the northeast corner of Bryan and Dakota Avenues. The area of the subject official plan line for Bryan and Dakota Avenues is partially located within the property lines of Basin "EO". The latest plan line (March 15, 2010) is acceptable to the District provided the following:

- 1) The City (or developer) will purchase the portion of FMFCD property south of the northerly right-of-way line of Dakota Avenue for future improvement of Dakota Avenue (and a splinter of land severed by Dakota Avenue) and relocate the basin perimeter fence to the new property line.
- 2) The City (or developer) will relocate the perimeter chain link fence along Bryan Avenue to the proposed easterly right-of-way of Bryan Avenue.

These provisions will remedy the placement of Dakota Avenue onto District property and the change in the ultimate property line along Bryan Avenue.

Perhaps it is worth summarizing the history and rationale for the above provisions. The District purchased the land for Basin "EO" without Dakota Avenue existing or being proposed adjacent to Basin "EO". The District limits the use of its revenue source, namely drainage fees, for the purpose of providing drainage services, but not for the purpose of completing a traffic circulation plan. It is the District's practice to require the local jurisdictional agency (City) or developer to mitigate the impact of roads planned subsequently to the purchase of a basin. This includes relocating the perimeter basin fence located on the property line as it exists today.

K:\Environmental impact report letters\proposed opl Dakota(EO)(bn).doc

**Ms. Ann Lillie  
March 15, 2010  
Page 2 of 3**

In January of 2007 the District desired to fence its property with a typical six-foot chain link fence for security purposes. The fence was needed to avoid public access to areas soon to be inundated with stormwater. The District encloses the entire parcel to eliminate illegal dumping of trash on public property. The fence was installed initially at the District's expense and future relocations are required to be paid by the entity causing the need for the relocation.

An official plan line for Bryan and Dakota Avenues had not yet been developed. Therefore, District staff worked carefully with City of Fresno traffic engineers to determine the appropriate future street right-of-way for both Bryan and Dakota Avenues. The intent was to get the fence in the correct location along Bryan Avenue and to correctly locate a sewer line within an easement in Dakota Avenue. The right-of-way plan for Dakota and Bryan Avenues was approved by the City of Fresno in February 2007. This allowed the District to convey a sanitary sewer easement along the Dakota Avenue to the City of Fresno on behalf of Centex Homes. This easement was recorded in August of 2007 and a copy of the recorded sewer easement is attached for your reference. The sewer easement was configured to fit with the future right-of-way. The District completed its plan basin excavation in accordance with the right-of-way determination so that the basin could be excavated one time to the correct geometry and the District could rely upon a certain future storage capacity. The Proposed Official Plan Line dated March 15, 2010 has only a slight change in location for Dakota Avenue that can be accommodated by the District.

The Proposed Official Plan Line dated March 15, 2010 identifies a lesser right-of-way need along Bryan Avenue than was identified by the City in February 2007. Unfortunately, this creates a need to relocate the fence along Bryan, something we sought to avoid with the February 2007 coordination effort. But, as long as the City or a developer is responsible to bear the cost of the fence relocation, FMFCD does not object to the Proposed Official Plan Line dated March 15, 2010. The District acquired the basin with the knowledge that Bryan Avenue would be a major street requiring at least forty-two feet of street dedication. Thus basin excavation and storage is not adversely affected by the change in the Bryan Avenue right-of-way.

It is useful to identify the change in the Bryan Avenue right-of-way plan from February 2007 to the Proposed Official Plan Line dated March 15, 2010. Instead of the Bryan Avenue right-of-way dimensions tapering from 55 feet at Dakota Avenue to 47 feet at the northerly property line of the basin (measured as setback from centerline) as approved in 2007, it is now uniformly 42 feet. Approximately 557 feet of chain link fence, installed according to the 55 foot to 47 foot setbacks, must be relocated. A copy of the basin plan is attached for your reference.

Along Dakota Avenue the 2007 approved right-of-way setback varied from 42 feet and 46 feet from the District's property line. The Proposed Official Plan Line dated March 15, 2010 has the setbacks for Dakota Avenue at 40 feet to 44 feet, a two-foot lesser width. This will have no adverse impact to the basin.

**Ms. Ann Lillie**  
**March 15, 2010**  
**Page 3 of 3**

The District requests notification of any proposed change in the Proposed Official Plan Line dated March 15, 2010. Once the plan line is adopted, please forward the District a copy for its records. Thank you for the opportunity to comment. If you should have any questions or comments, please contact the District at (559) 456-3292.

Very Truly Yours,



**Jerry Lakeman**  
**District Engineer**

JL/BN/lrl



Attachment(s)

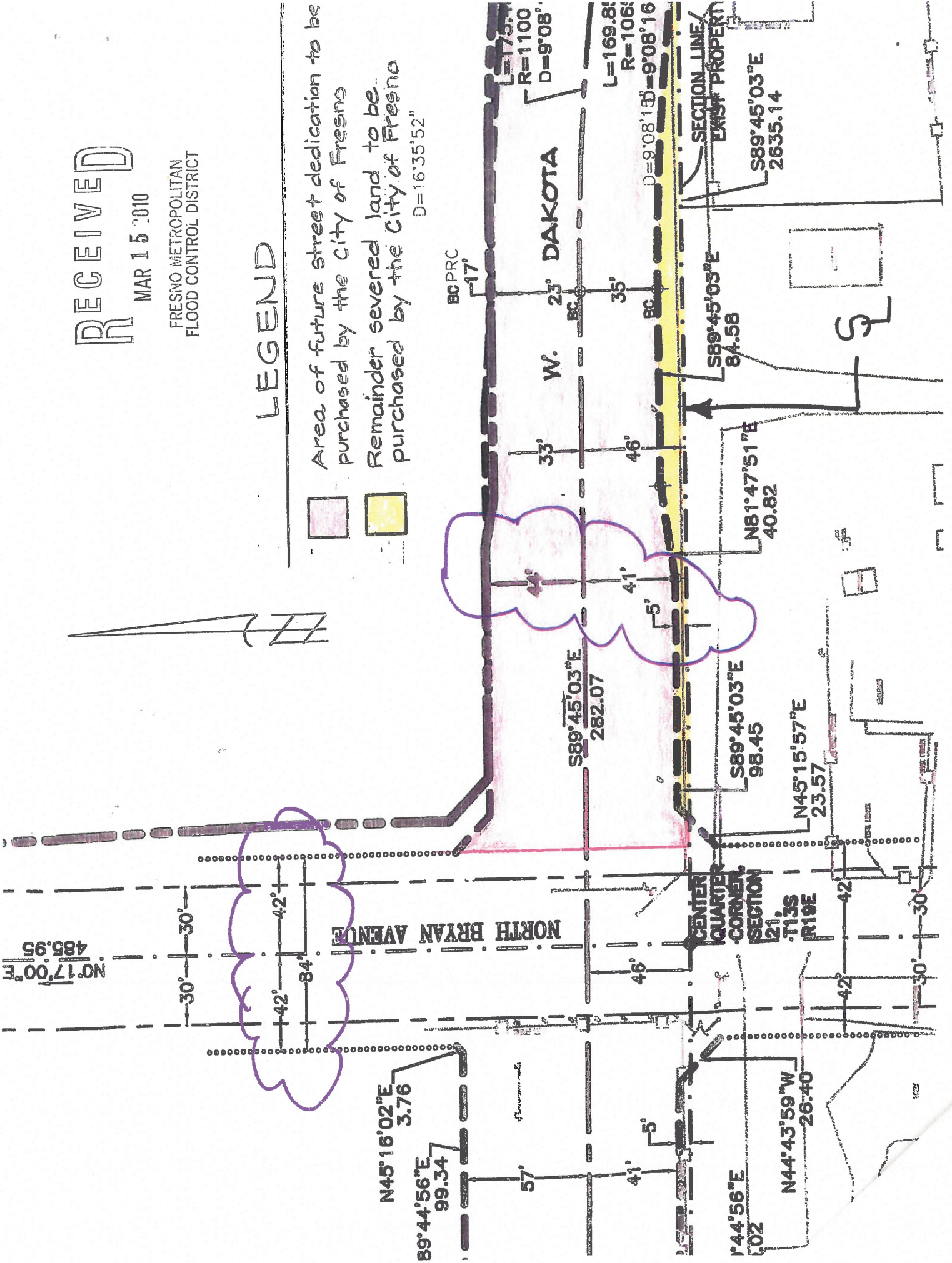
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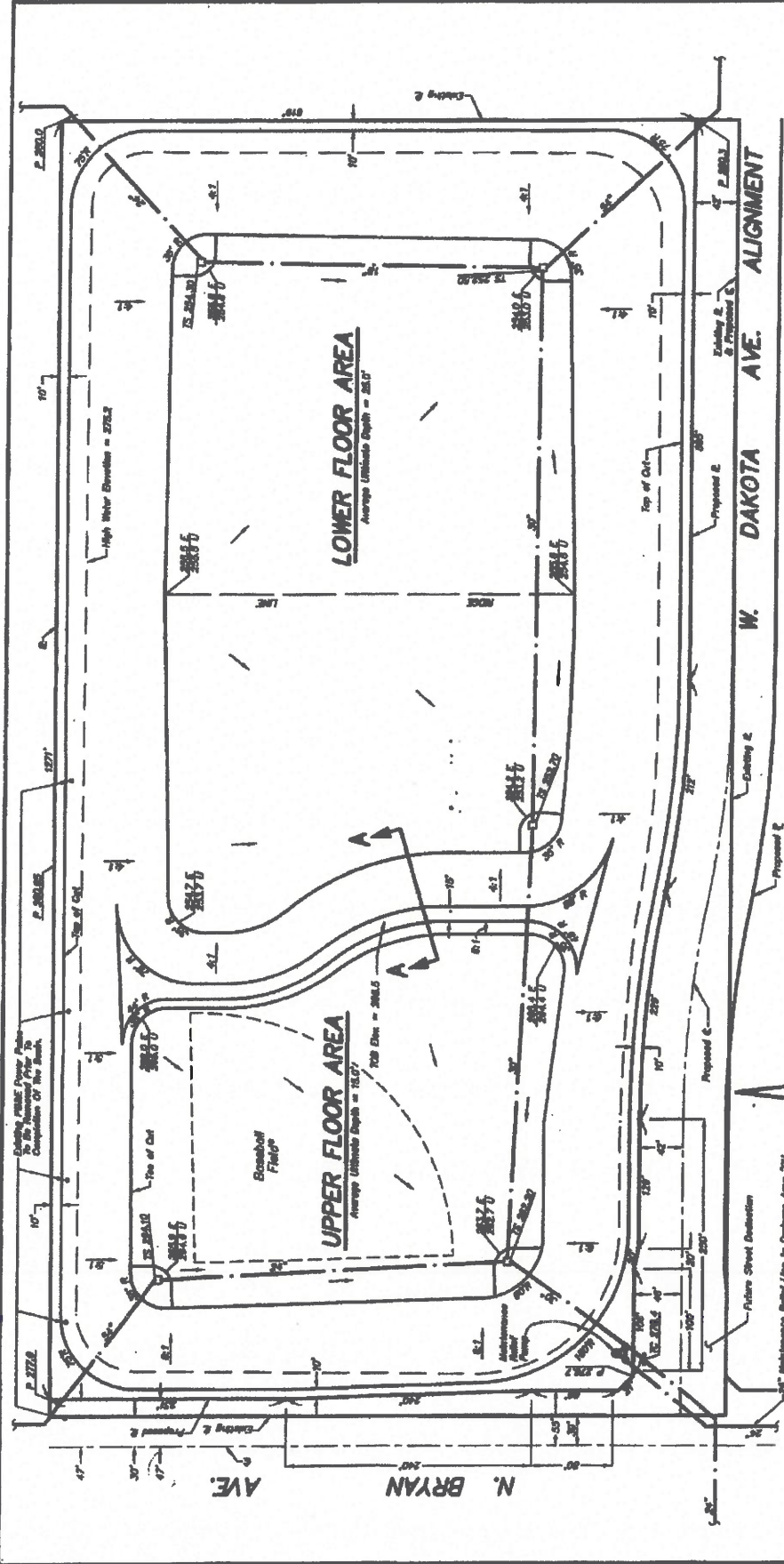
MAR 15 2010

FRESNO METROPOLITAN  
FLOOD CONTROL DISTRICT

LEGEND

-  Area of future street dedication to be purchased by the City of Fresno
-  Remainder severed land to be purchased by the City of Fresno





The applicant shall not alter the location of the proposed street layout to be the ultimate plan at the time of final reconstruction agreement.

- LEGEND**
- Property Line
  - Centerline of Street
  - Top of Curb Street
  - High Point Street
  - Ultimate Street
  - Centerline Street
  - Top of Structure Grade
  - Top of Storm

SCALE: 1" = 100'

SEE DETAIL A-A

APPROVALS

F.M.F.C.D. MANAGER  
 F.M.F.C.D. ENGINEER

3-24-09  
 3-24-09

**RESIDENTIAL DESIGN**

SHEET 1 OF 2 SHEETS  
 SEE SHEET 2 FOR DESIGN CALCULATIONS


REVISION	DATE: 11-29-08	DRN BY: [initials]	DES BY: [initials]
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT			BASIN "EO"

**COPY**

1/6

3-0.20  
"EO"

Recording Requested By:  
Public Works  
City of Fresno  
No. Fee-Govt. Code 6103  
and 27383

  
FRESNO County Recorder  
Robert C. Werner  
DOC- 2007-0168249  
Post 301-Fresno City Public Works  
Monday, SEP 10, 2007 10:52:53  
Ttl Pd \$0.00  
Nbr-000297497  
JZ6/R3/1-16

When Recorded Mail to:  
Public Works  
City of Fresno  
2600 Fresno Street  
Fresno, CA 93721-3623

ATTN: Bruce Abbott

APNT 311-050-82 (Portion)

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

PW-2007-14675

**GRANT OF UNDERGROUND SANITARY SEWER PIPELINE EASEMENT  
Basin "EO"**

THIS INDENTURE, made and entered into as of August 31, 2007, by  
and between **FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**, a public  
corporation, hereinafter referred to as Grantor, **CITY OF FRESNO**, a municipal corporation,  
hereinafter referred to as Grantee and **Centex Homes**, a Nevada general partnership ("Centex")  
Grantor, Grantee and Centex are being hereinafter referred to individually as "Party" and  
collectively as "Parties."

FOR VALUABLE CONSIDERATION as set forth herein, the receipt of which is  
hereby acknowledged, Grantor hereby conveys to Grantee a perpetual easement (the  
"Easement") under and through the land described in Exhibit "A" hereto and depicted on Exhibit  
"B" (the "Easement Area") for the purposes of installing, operating, maintaining, repairing,  
and/or replacing an underground sanitary sewer pipeline and related appurtenances ("Grantee's  
Facilities") for the purpose of flowing sewer and effluent waters therethrough, utilizing any other  
related fixtures or equipment that from time to time may be required.

**This Easement includes the right of ingress to and egress from the Easement Area, only for the purposes of access to the Easement Area by Grantee or its designated contractors, provided that such access shall not be undertaken except on the Easement Area and only upon five (5) days' prior written notice to the Grantor (and such lesser time as is reasonably feasible in an emergency situation). In exercising such right of access, Grantee, its agents, employees and independent contractors shall utilize due care to avoid interfering with Grantor's enjoyment of its property and/or causing any damage thereto, and shall repair any damage caused. Grantor does not grant any public access to, on, over or through the Easement Area or any other portion of the property.**

**The easement granted herein is a perpetual easement that is not subject to relocation within the Easement Area or on, under or through any other property of Grantor, without the prior written consent of the Grantor, in its sole and absolute discretion.**

**THE UNDERSIGNED FURTHER AGREE:**

- 1. Upon execution hereof, Centex shall pay to Grantor the cash sum of Sixty-Seven Thousand Five Hundred Dollars (\$67,500), which the Parties agree is equal to one-half (1/2) of the present appraised market value of Grantor's land within the Easement Area.**
- 2. The Grantee shall, upon completion of construction, maintenance, replacement, or repair of Grantee's Facilities within the Easement Area, repair any damage caused to the surface of the Easement Area and restore it to a neat and safe condition.**
- 3. The Grantee's construction, maintenance, repair, and/or replacement of its Facilities (i) shall not interrupt activities of or services provided by Grantor or otherwise preclude the Grantor's use of its property, and (ii) shall be coordinated/conducted in a manner to minimize (with the intention of eliminating) any interference with Grantor's operations. The**

Grantee shall give the Grantor five (5) days prior written notice before undertaking any work within the Easement Area, except in an emergency situation.

4. Centex shall, upon completion of the construction and installation of the Grantee's Facilities, and upon any modification or replacement thereof, furnish to Grantor a copy of the final construction drawings and specifications therefor as set forth in Paragraph 14 below.

5. Centex shall require that any contractor or other person performing construction for it within the Easement Area designate Grantor as an additional insured in a policy of liability insurance maintained by that contractor during the course of such construction on terms and in amounts as approved by Grantor.

6. In the event that Grantee's Facilities are removed and not replaced within three (3) years thereafter, Grantee's rights granted pursuant to this Agreement shall automatically terminate. If this Agreement shall be terminated as provided in this paragraph, Grantee agrees at its own risk and expense to remove said terminated facilities from the property of Grantor, or with the approval of Grantor (which approval shall not unreasonably be withheld), cause Grantee's Facilities to be structurally able to remain on Grantor's property (i.e. infilling the pipeline with structurally sound material approved by Grantor, or other methods approved by Grantor). Grantee shall also restore Grantor's premises to a neat and safe condition, and if Grantee shall fail to do so within a reasonable time, Grantor shall have the right, but not the duty, to so remove and restore the same, at the sole expense of Grantee.

7. Neither this easement or the use herein granted nor any right derived from this Agreement may be transferred, assigned, or sublet to any other person not signatory hereto without the prior written approval of the Parties hereto. Said approval by Grantor, subject to payment by Grantee and/or Centex of all costs, expenses or fees payable as a result of such transfer and in effect at that time, shall not be unreasonably withheld.



8. Grantee shall reimburse Grantor for reasonable and necessary expense(s) directly caused by Grantee and incurred by Grantor in protecting Grantor's facilities during the construction, use, and maintenance by Grantee of Grantee's Facilities covered by this Agreement. Grantor shall notify Grantee prior to incurring said expense(s).

9. All construction work on or under the Easement Area shall be performed by a contractor selected by Centex and approved by Grantee and Grantor.

10. As additional compensation for the grant of easement herein and within sixty (60) days after execution hereby by Grantor or as such time may be extended in writing by Grantor, Centex shall construct or cause to be constructed a chain link fence to Grantor's standards along the full length of the south property line of Grantor's property as approved by Grantor. In lieu of said construction Centex shall reimburse Grantor its actual construction cost of said fence.

11. Grantee's Facilities shall be installed at the sole risk, cost, and expense of Centex, in accordance with its Standard Specifications.

12. (a) Grantee shall indemnify, hold harmless and defend Grantor, and each of its officers, directors, employees, agents, and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by Grantor, Grantee or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly from the negligent or intentional acts or omissions or willful misconduct of Grantee or any of its officers, officials, employees, agents, volunteers, or contractors in the performance of this Agreement.

(b) Grantor shall indemnify, hold harmless and defend Grantee and each of its officers, officials, employees, agents, and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by Grantee, Grantor or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly from the negligent or intentional acts or omissions or willful misconduct of Grantor or any of its officers, directors, employees, agents, volunteers or contractors in the performance of this Agreement.

(c) In the event of concurrent negligence on the part of Grantor or any of its officers, directors, employees, agents, volunteers or contractors, and Grantee or any of its officers, officials, employees, agents, volunteers or contractors, the liability for any and all such claims, demands and actions in law or equity for such losses, fines, penalties, forfeitures, costs and damages shall be apportioned under the State of California's theory of comparative negligence as presently established or as may be modified hereafter.

(d) To the furthest extent allowed by law, Centex shall indemnify, hold harmless and defend Grantor, Grantee and each of their directors, officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by Grantor, Grantee, Centex or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen out of performance of this Agreement. Centex's obligations under the preceding sentence shall apply regardless of whether Grantor, Grantee or any of their directors, officers, officials, employees, agents are

passively negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused by the active or sole negligence, or the willful misconduct, of Grantor, Grantee or any of their directors, officers, officials, employees, agents or volunteers.

(e) If Centex should contract and/or subcontract all or any portion of the work to be performed under this Agreement, Centex shall require each contractor and/or subcontractor to indemnify, hold harmless and defend Grantor, Grantee and each of their directors, officers, officials, employees, agents and volunteers in accordance with the terms of the preceding paragraph.

(f) This section shall survive termination or expiration of this Agreement.

13. (a) It is understood and agreed that Grantee, and Grantor maintain insurance policies or self-insurance programs to fund their respective liabilities. The Grantor and Grantee agree that such respective programs or policy coverage for Workers' Compensation shall contain a waiver of subrogation as to the other party. Evidence of Insurance, i.e., Certificates of Insurance or other similar documentation shall not be required of either Grantor or Grantee under this Agreement.

(b) Centex shall file with the Grantor and Grantee before beginning work, certificates of insurance and policy endorsements satisfactory to the Grantor and Grantee evidencing general liability coverage, of not less than \$1,000,000 per occurrence (\$2,000,000 general and products completed operations aggregate (if used)) for bodily injury, personal injury and property damage, auto liability of at least \$1,000,000 for bodily injury and property damage each accident limit; workers compensation (statutory limits) and employer's liability (\$1,000,000((if applicable)); requiring 30 days (10 days for non-payment of premium) notice of cancellation to the Grantor and Grantee. Such insurance shall be primary and any insurance,

self-insurance or other coverage maintained by the Grantor and Grantee, their directors, officers, officials, employees, agents, or authorized volunteers shall not contribute to it. The general liability coverage shall give the Grantor and Grantee, their directors, officers, officials, employees, agents and authorized volunteers insured status using ISO endorsement CG2010, CG2033, or equivalent. Coverage is to be placed with a carrier with an A.M. Best rating of no less than A- VII, or equivalent or as otherwise approved by the Grantor and Grantee. In the event that Centex employs contractors or sub-contractors as part of the work covered by this agreement, it shall be Centex's responsibility to require and confirm that each contractor and sub-contractor meets the minimum insurance requirements specified above. Any Workers' Compensation Insurance policy shall contain a waiver of subrogation as to Grantor, Grantee and each of their directors, officers, officials, employees, agents and authorized volunteers.

14. If required by Grantor, Grantee at its sole cost and expense, shall, upon completion of the construction and installation of said Facilities, furnish Grantor with as-built drawing(s), showing the final exact location of said Facilities as constructed and indicating the position of the installation in relation to the boundaries of the Easement Area.

15. In the event Grantee shall at any time desire to make substantial changes in the physical or operational characteristics of said Facilities, it shall first secure in writing, the consent and approval of Grantor, which approval shall not be unreasonably withheld. Grantee agrees that such changes shall be made at its sole risk, cost, and expense and subject to all the terms, covenants, conditions, and limitation of this Easement Agreement.

16. All notices, requests, demands and other communications required under this Easement Agreement shall be in writing and shall be deemed to have been duly given (i) on the date of service, if served personally on the person to whom notice is to be given, (ii) on the date of receipt, if sent by telecopier on or before 4:00 p.m. on that date to the person to whom

notice is to be given at the telecopier number set forth below; (ii) or on the third (3rd) day after mailing, if mailed to the Party to whom notice is to be given by first class mail, registered or certified, postage-prepaid, and properly addressed as follows:

**Grantee:** City of Fresno  
Attn: Director of Public Works  
2600 Fresno Street  
Fresno, California 93721  
Telecopier Number (559) 488-1045

**Grantor:** Fresno Metropolitan Flood Control District  
Attn: General Manager/Secretary  
5469 East Olive Avenue  
Fresno, California 93727  
Telecopier Number: (559) 456-3194

**With copy to:** Douglas B. Jensen, Esq.  
Baker Manock & Jensen, PC  
5260 North Palm Avenue, Suite 421  
Fresno, California 93704  
Telecopier Number: (559) 432-5620

**Centex:** Centex Homes  
Central Valley Division  
Attn: Division President  
801 South Akers Street  
Visalia, California 93722  
Telecopier Number: (559) 733-5329

or at such other address as any Party may, by like notice, designate to the other Parties in writing.

17. This Agreement and the Encroachment Agreement of even date herewith and affecting the Easement Area: (a) is intended by the parties as the final expression and the complete and exclusive statement of their agreement with respect to the terms in this Agreement and any prior or contemporaneous agreements or understandings, oral or written, which may contradict, explain or supplement these terms shall not be effective or admissible; (b) is binding upon and inures to the benefit of the Parties and their successors and assigns; and (c) may not be amended or modified except by a writing signed by the Parties which expressly states that it amends this Agreement.

18. No party besides Grantor, Grantee, Centex, their permitted successors and assigns has any rights or remedies under this Agreement.

19. The provisions of this Agreement are severable. If any part of this Agreement is invalid or unenforceable, then the remainder of this Agreement shall remain valid and enforceable and in force and effect.

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20. No modification, alteration or amendment of this Easement Agreement shall be binding unless in writing and executed by the Parties hereto, their heirs, successors or assigns.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand and seals this 31<sup>st</sup> day of August, 2007.

GRANTOR  
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

By: Bob Van Wyk  
Its: General Manager, Secretary  
Signed: Bob Van Wyk see attached  
AKA: Robert VanWyk

APPROVED AS TO FORM:

[Signature]  
ATTORNEY FOR GRANTOR  
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

GRANTEE  
CITY OF FRESNO

By: Scott L. Mozier  
Its: Asst. Public Works Director  
Signed: Scott L. Mozier

TRACT-5728  
2006-161  
15-A-8123

APPROVED AS TO FORM:

[Signature] 9/6/2007  
ATTORNEY FOR GRANTEE CITY OF FRESNO

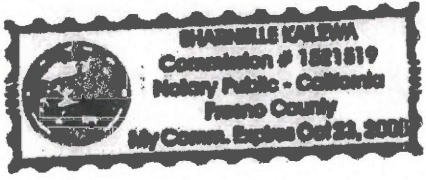
CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP  
BY: CENTEX REAL ESTATE CORPORATION, A NEVADA CORPORATION, ITS SOLE MANAGING PARTNER

By: Scott Travis  
Its: Division Controller, Central Valley Division,  
and Assistant Secretary  
Signed: [Signature]

STATE OF CALIFORNIA )  
 )  
COUNTY OF Fresno )

On 8-31, 2007, before me Sharnelle Kaikna, a Notary Public, personally appeared Robert VanWyk personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Sharnelle Kaikna  
Notary Public



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Fresno

On September 6, 2007 before me, Neil Hansen, Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Scott L. Nozier  
Name(s) of Signer(s)

personally known to me - OR -  ~~known~~ to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Neil Hansen  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Grant of Underground Sanitary sewer Pipeline Easement

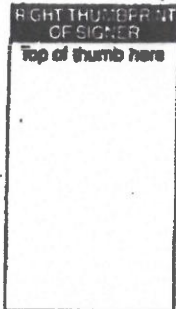
Document Date: August 31, 2007 Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: Bob Van Wyk, FMPCD, Scott Travis, Centex Homes

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Scott L. Nozier

- Individual
- Corporate Officer  
Title(s): Asst. Public Works Director
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

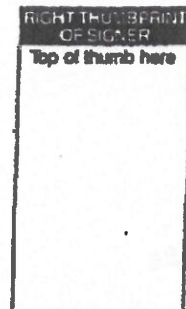


Signer Is Representing:

City of Fresno

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer  
Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

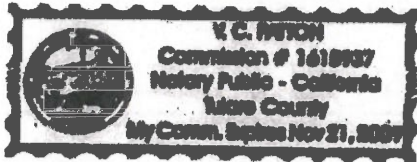


Signer Is Representing:

STATE OF CALIFORNIA )  
 )  
COUNTY OF TULARE )

On Sept 5, 2007, before me V.C. PATTON, a Notary Public, personally appeared SCOTT TRAVIS personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



V.C. Patton  
Notary Public

**CERTIFICATE OF ACCEPTANCE (Council)**

In accordance with Section 27281 of the Government Code, this is to certify that the interest in real property conveyed by this instrument to the City of Fresno, a municipal corporation, is hereby accepted by order of the Council of the City of Fresno made on the date hereafter set forth and the grantee consents to the recordation thereof by its duly authorized officer.

Item No./Reso. No. 1M

Date of Council Order: August 28, 2007

City Clerk

By: Olivia Somerville Date: 9/6/07  
DEPUTY



## EXHIBIT "A"

APN: 311-050-82T (Portion)  
Sewer Easement  
Basin "EO"

### DEED OF EASEMENT

That portion of Lot 13 of Duncan Tract, according to the map thereof recorded in Book 3 of Record of Surveys at Page 38, Fresno County Records, in the County of Fresno, State of California, described as follows:

**COMMENCING** at the center quarter corner of Section 21, Township 13 South, Range 19 East, Mount Diablo Base and Meridian; thence North 89°56'49" East, along the South line of the Northeast quarter of said Section 21 and along the South line of said Lot 13, a distance of 612.17 feet to the **TRUE POINT OF BEGINNING**;

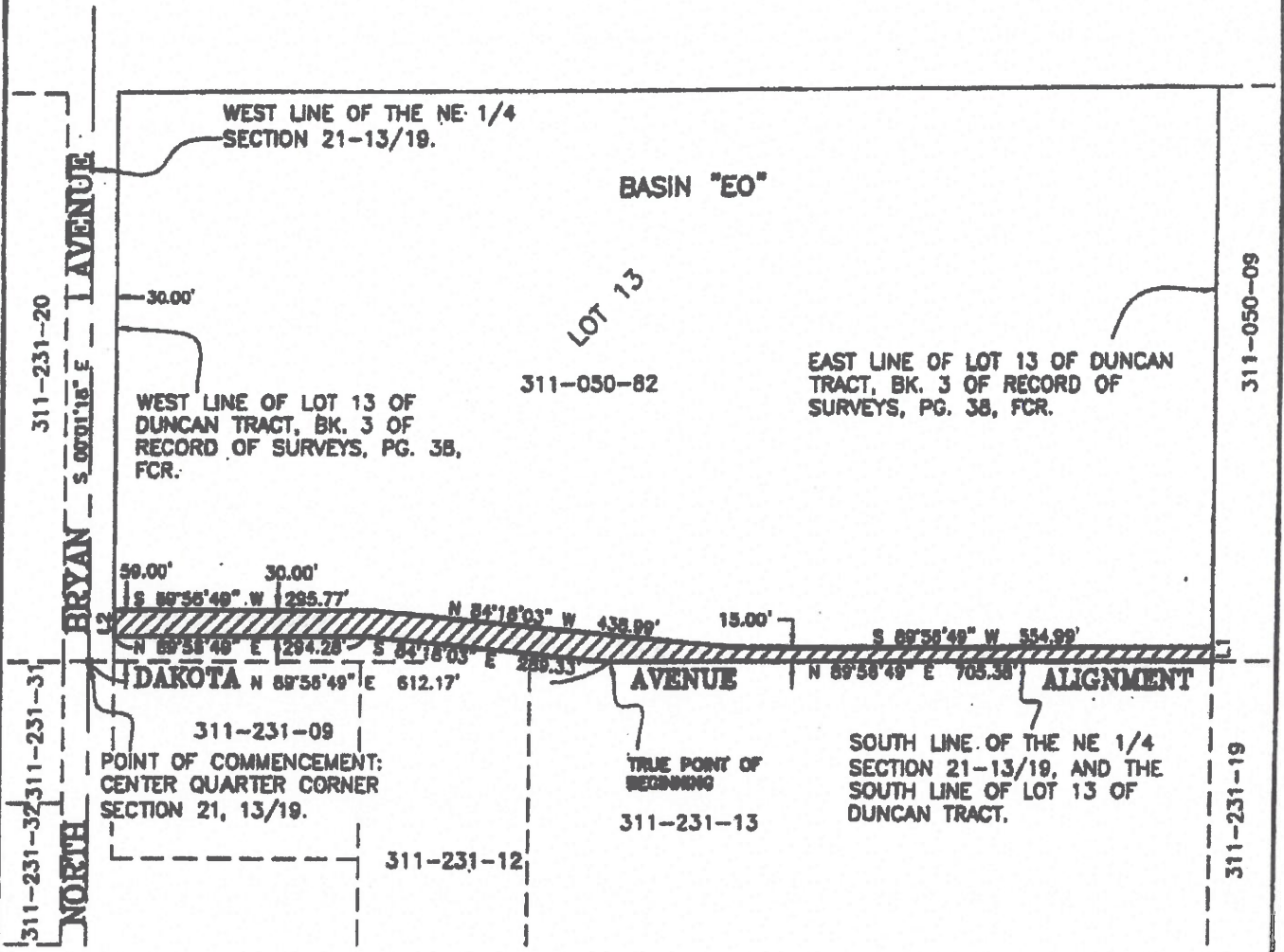
Thence continuing North 89°56'49" East, along the South line of the Northeast quarter of said Section 21 and along the South line of said Lot 13, a distance of 705.38 feet to the Southeast corner of said Lot 13; thence North 00°00'50" West, along the East line of said Lot 13, a distance of 15.00 feet; thence South 89°56'49" West, parallel with and 15.00 feet North of the South line of the Northeast quarter of said Section 21, and 15.00 feet North of the South line of said Lot 13, a distance of 554.99 feet; thence North 84°18'03" West, a distance of 438.99 feet to a point being 59.00 feet North of the South line of the Northeast quarter of said Section 21, and 59.00 feet North of the South line of said Lot 13; thence South 89°56'49" West, parallel with and 59.00 feet North of the South line of the Northeast quarter of said Section 21, and 59.00 feet North of the South line of said Lot 13, a distance of 295.77 feet to a point on the West line of said Lot 13; thence South 00°01'18" East, along the West line of said Lot 13, a distance of 30.00 feet to a point being 29.00 feet North of the South line of the Northeast quarter of said Section 21, and 29.00 North of the South line of said Lot 13; thence North 89°56'49" East, parallel with and 29.00 feet North of the South line of the Northeast quarter of said Section 21, and 29.00 North of the South line of said Lot 13, a distance of 294.28 feet; thence South 84°18'03" East, a distance of 289.33 feet to the **TRUE POINT OF BEGINNING**.

Containing 29,228 square feet more or less.



Tr. 5728  
2006-161  
15-A-8123

# EXHIBIT "B"



LINE	BEARING	DISTANCE
L1	N 00°00'50" W	15.00'
L2	S 00°01'18" E	30.00'

INDICATES AREA TO BE DEEDED TO THE CITY OF FRESNO FOR SEWER EASEMENT PURPOSES.

AREA = 29,228 +/- SQ FT

OWNER: FRESNO METROPOLITAN FLOOD CONTROL DISTRICT



SCALE: 1"=200'



TR 5728 W.O. 04-137 09-28-06

REF. & REV. PW FILE NO. 11067 PLAT NO. 1943 T - 5728 2008 - 181	<b>CITY OF FRESNO</b> <b>DEPARTMENT OF PUBLIC WORKS</b>	PRQJ. ID. _____ FUND NO. _____ ORG. NO. _____ DR. BY: GMR CK. BY: _____ DATE _____ SCALE 1" = 200'
PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 13 S., RANGE 19 E., TO BE DEEDED TO THE CITY OF FRESNO FOR SEWER EASEMENT PURPOSES.		SHEET NO. 1 OF 1 SHEETS 15-A-8123